

***EAU CLAIRE COUNTY LAND
STEWARDSHIP FUND
POLICY AND PROCEDURES FOR
PROGRAM ADMINISTRATION***



Eau Claire County Land Conservation Commission (January 2011, revised January 2021)

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EAU CLAIRE COUNTY LAND STEWARDSHIP FUND POLICY AND PROCEDURES FOR PROGRAM ADMINISTRATION

INTENT AND PURPOSE

1.0 Introduction

In Wisconsin, counties have been given the authority and responsibility to plan and to administer local land use and resource conservation programs.

In recent years, Eau Claire County has experienced a steady rate of population growth.

As part of this growth, there has been widespread development of residential and commercial properties in unincorporated areas. This growth trend is expected to accelerate in response to expansion of the regional highway network, and ongoing efforts by Eau Claire County to encourage tourism and economic development.

The Congress and State legislature have recently reduced Federal and State allocations which have been applied to implement resource conservation and pollution control programs in the County. It is anticipated that in the future, public agencies will distribute grants to the County, based upon the County's capacity to generate local matching funds.

Eau Claire County has relied heavily on outside funding sources to develop and implement its local land use and resource conservation programs. Given current development trends and associated pressures on land resources, there is an inherent need to maintain and possibly expand the County's resource conservation efforts. This accelerated need comes at a time when traditional revenue sources are being reduced or eliminated.

To address this issue, it is in the County's interest to develop a fiscal strategy and alternative funding source, which will be used by the County to leverage local funds to meet local land use and conservation needs. As a result, the Eau Claire County Board adopted Resolution #09-10/003 (see Appendix) on May 19th, 2009, which directed the Land Conservation Commission to develop a Land Stewardship Program and corresponding ordinance.

1.1 Purpose

The Eau Claire County Land Stewardship Fund (“Fund”) will assist landowners, municipalities, and local units of government, and non-profit organizations to meet land conservation and resource management objectives in Eau Claire County.

This fund may be used to:

- a) Purchase or accept donation of land through fee title or other interest in land for future community needs. This may include acquisitions for public parks and open spaces; access corridors to lakes or rivers; recreational trail corridors; County or School Forests; or environmental / recreational land conservation related uses.
- b) Purchase conservation easements or accept donations of development rights in order to achieve land use policy objectives, as specified in an approved Town or County land use plan. This may include donations or purchases of easements to preserve prime farmland, woodlots, environmental corridors, shorelands, wetlands, municipal well recharge areas, or planned open space.
- c) Purchase or accept donations of land or easements in support of local fish and wildlife habitat development, improvement projects or restoration projects.
- d) Undertake other purposes and activities as deemed appropriate.

To expand the utility and efficiency of this concept, the County Land Stewardship Program will be administered to:

- a) Encourage tax-exempt community contributions from corporate or other businesses, local conservation organizations, community service organizations, estates, private individuals or foundations.
- b) Acquire matching grants available from public agencies or private non-profit foundations.
- c) Distribute matching grants to local municipalities, land trusts, and nonprofit organizations that meet grant criteria established by Eau Claire County Land Conservation Commission.

ADMINISTRATION

2.0 *Administrative Authority and Responsibility*

To administer the Eau Claire County Land Stewardship Program, it is the intent of the Eau Claire County Board to authorize the Land Conservation Commission to exercise statutory authority assigned to the Committee in WI Stats. 92.07

The Land Conservation Commission shall administer, in the name of the County, the Eau Claire County Land Stewardship Fund.

The Land Conservation Commission will establish a Land Stewardship Sub-Committee (“Sub-committee”) comprised of Land Conservation Commission member(s) and Parks and Forest Committee member(s) and members of the public. The Stewardship Sub-Committee shall establish priorities, evaluate the needs of the program and solicit contributions to the County Land Stewardship Fund. The Stewardship Sub-Committee shall also evaluate land preservation needs within the County and will provide recommendations back to the Land Conservation Commission.

The Sub-Committee shall meet on an as-needed basis or as directed by the Land Conservation Supervisor.

SOURCE AND MANAGEMENT OF FUNDS

3.0 *Fiscal Management and Accounting*

The Fund will be established as a non-lapsing fund with dedicated revenue and expenditure accounts, funded through a variety of sources including public grants, private contributions, service or development fees, and other sources of revenue deemed appropriate by the County.

The Fund will be managed by the Land Conservation Commission, working with the County Finance Department. The Fund will be managed and audited following standardized accounting procedures adopted and employed by the Eau Claire County Finance Department.

The Land Conservation Commission will evaluate ongoing project needs and will request an allocation as part of the annual County budget process. The County Board will make appropriations contingent on availability of funds.

3.1 *Use of Funds and Eligible Expenses*

The Fund may be used for expenses related to the Program as follows:

- a) Matching grants for land or easement acquisition as allocated to eligible individuals, municipalities, organizations or other units of government.
- b) Costs of land acquisitions incurred through direct purchase by the County, including but not limited to appraisals, surveys, signage and legal fees.
- c) Costs of conservation easement acquisitions incurred through direct purchase by the County, or through donation, including but not limited to appraisals, surveys, and legal fees.
- d) Limited management maintenance costs associated with property and easement management.

3.2 *Solicitation of Contributions to Stewardship Fund*

The Sub-Committee will solicit contributions to the Fund from individuals, businesses, corporations, public agencies, non-profit organizations and other sources.

3.3 *Gifts of Financial Instruments, Capital Assets, or Personal Property*

The Sub-Committee will evaluate all offers of contribution made by individuals, businesses, corporations, local units of government, or non-profit organizations. If an offer is deemed not to be in the best interest of the program, it may be declined.

Any accepted financial gifts, including cash, stock, or other financial instruments, shall be accepted and formally acknowledged. Proceeds from monetary gifts will be deposited directly in the Fund.

Gifts of personal property will be evaluated for acceptance on a case-by-case basis. In circumstances where a capital asset, other than land or a financial instrument, is offered and accepted, the asset will be sold and the proceeds will be placed in the Fund account.

USE OF FUND TO ACCEPT GIFTS OF LAND OR INTEREST IN LAND

4.0 *Gifts of Land or Interests in Land*

Offers of land will be evaluated in the interest of acquiring the property outright, obtaining future purchase options on the property, or acquiring other rights or interests in property.

4.1 *Procedures for Evaluating Land Donation Offers*

When approached with a proposed gift of land, the Sub-Committee will consult with the County's Corporation Counsel and evaluate the proposal. If the proposal is deemed acceptable, the Sub-Committee will implement the following procedure:

- a) Prepare a draft letter of intent to be considered and executed by the contributor. The letter of intent will be nonbinding and will document the contributor's interest in negotiating an agreement of land transfer.
- b) Conduct or commission a general title search to verify ownership or obtain a commitment to provide title insurance.
- c) Conduct or commission an environmental site assessment to document the history of land use and the potential risk of environmental contamination.
- d) Estimate the value or commission an appraisal of the property. If the parties agree that an appraisal is needed to determine the value, the County may incur the initial expense of the appraisal from funds provided by the Fund, with the condition that the landowner will repay the cost of the appraisal to the County if the transfer of land is not completed. In the event the landowner chooses to incur the appraisal expense, and the transfer is completed, reimbursement for the appraisal may be provided to the landowner through the Stewardship Fund.
- e) Evaluate and negotiate the terms of the offer. Take action to accept the offer, accept the offer with conditions, or decline the offer.
- f) Prepare a formal letter of response. The letter of response will inform the donor of the Land Conservation Commission's extent of interest and basis of decision.

4.2 *Criteria for Evaluating Offers of Land*

In circumstances where the Land Conservation Commission is approached with a donation of land, the Sub-Committee will evaluate and recommend to the Land Conservation Commission to accept or deny the offer after considering the following criteria:

- a) Conditions placed on the donation by the individual or group making the donation.
- b) Consistency with local land use goals, as defined in an approved local land use plan.
- c) Consistency with local environmental and land use objectives, as defined in a countywide land use or environment plan.
- d) Assessed or appraised fair market value.
- e) Extent and condition of improvements.
- f) Resource condition, potential liabilities and or environmental value.
- g) The capacity of the Land Conservation Commission to conduct ongoing management responsibilities or to transfer such responsibilities to a registered land trust, government agency, municipality, or private party.
- h) Commitment by the County Parks and Forest Committee and County Board to designate and manage the property as a component of the County Parks and Forest Department.
- i) Options for resale with agreement to assign proceeds toward other property acquisition or management of other stewardship properties.

4.3 *Offers of Conservation Easement or Interests in Property*

In circumstances where rights in a property are offered, the Sub-Committee will evaluate the easement or interest in the property and recommend to the Land Conservation Commission to accept or deny the easement acquisition, and may exercise its authority to negotiate and execute conservation easements on behalf of the County.

4.4 *Procedures for Evaluating Offers of Conservation Easement*

When approached with an offer of a conservation easement, the Sub-Committee will evaluate the offer and recommend to the Land Conservation Commission to accept or deny the offer. The Land Conservation Commission will follow the same procedures as those specified for an outright land donation or fee title purchase.

4.5 *Management Responsibility for Conservation Easements*

In circumstances where the County obtains a conservation easement through the Land Stewardship Program, the County may:

- a. Assume management responsibility of the conservation easement.
- b. Actively seek a land trust, public agency or other qualified organization to jointly enter the easement agreement in the interest of sharing management responsibility.
- c. Systematically monitor compliance with provisions of the easement.
- d. Assure compliance through an escalating sequence of enforcement actions.

4.6 *Criteria for Fee Title Acquisition*

In circumstances where a property is offered for sale and funds are requested through the County Stewardship Fund, the Sub-Committee will evaluate the offer and recommend to the Land Conservation Commission to accept or deny the fee title acquisition after considering the following criteria:

- a. The parcel's proximity to designated "acquisition area" as defined and mapped in a public land use, resource management, or recreational plan (i.e., County Forest Comprehensive Land Use 15 Year Plan, public recreational plan, or Town open space plan).
- b. The approximate value of the property in relation to the sale price.
- c. The availability of outside funds secured for the acquisition from other sources.
- d. Where applicable, the criteria in section 4.2, Criteria for Evaluating Offers of Land shall apply.

USE OF FUND BY COUNTY AS LOCAL MATCH TO ACQUIRE OUTSIDE GRANTS

5.0 *Authority for County to Use Fund to Secure Outside Grants*

The Land Conservation Commission shall have the authority to apply the funds from the County Stewardship Fund as a local match for State and Federal grants or to other organizations that may be available to acquire land or conservation easements.

5.1 *Use of Funds for Outside Appraisals*

In the circumstance where the Land Conservation Commission solicits grant funding from an outside source and the contributor requires an independent appraisal as a condition of property acquisition, the fund may be used for the front-end costs of the appraisal.

In circumstances where acquisition funding is secured and the property is acquired, the Land Conservation Commission will seek reimbursement for the appraisal, if available from the outside source.

USE OF FUND BY COUNTY TO DISTRIBUTE LOCAL MATCHING GRANTS

6.0 *Local County Stewardship Grant Awards*

The Land Conservation Commission may reserve and apply a portion of the Fund to establish and administer a County Land Stewardship Fund matching grant program.

6.1 *Public Notice and Solicitation of Projects*

The Land Conservation Commission shall, on an annual basis, establish objectives and set priorities for funding allocations. These annual objectives will be considered in addition to general standing criteria used to evaluate and fund project proposals.

The Land Conservation Commission shall actively solicit project proposals through an annual Stewardship Fund grant process.

The Land Conservation Commission shall develop minimum content requirements and a standardized format to solicit grant proposals.

6.2 *Time Cycle for Evaluating and Selecting Projects*

The Land Conservation Commission shall publish a Class II Notice before April 1 of each calendar year to inform the public of grant opportunities and to solicit project land proposals.

Application's for County Stewardship project funds will be compiled and systematically evaluated before October 1 of each calendar year.

6.3 *Criteria for Evaluating and Selecting Projects*

All project requests submitted through the Stewardship grant program will be evaluated based upon criteria listed in sections 4.2 through 4.6 where appropriate, as well as the following criteria:

- a) Annual grant criteria formally adopted by the Committee.
- b) Commitment by grant applicant to carry out perpetual management responsibilities.
- c) Cost efficiency of the grant request recognizing:
 - i. The proportion of funding provided by outside groups.
 - ii. The total cost per acre as determined in a land appraisal conducted by a State licensed certified appraiser or fair market value.
- d) Total cost of project in relation to funds available.

6.4 *Matching Grant Requirements and Eligible Expenses*

To be eligible for project funds, the applicant must provide at least a 50% match. Expenses that may be counted toward the 50% match are as follows:

- a. Property appraisals.
- b. Survey costs.
- c. Recording fees.
- d. Donations toward property management.
- e. Other expenses as included in the annual grant criteria formally adopted by the Land Conservation Commission.

6.5 Use of Other Public Grant Sources

In circumstances where other public grant sources are applied in a project proposal, State and Federal grant funds will not be recognized toward the applicant(s) match.

6.6 Project Limitations

To be eligible for funding, projects must be located in an unincorporated area of Eau Claire County. No project shall receive more than \$100,000 from the County Stewardship Fund without County Board approval. Individual dispersal of funds shall follow Eau Claire County's Finance Department policies for payments.

6.7 Excluded Organizations

The following entities will not be considered eligible for matching funds under the Stewardship Grant Program:

- State or Federal agencies.
- Organizations not covered under Internal Revenue Code Section 501(c)(3).
- Religious organizations.
- Any organization which discriminates on any basis.

6.8 Project Tracking, Audits, Compliance, and Enforcement

The Land Conservation Commission shall require that a land use agreement be developed as a condition of any grant allocation. The land use agreement will clearly specify land use and development restrictions which will be applied in the interest of land conservation.

To verify compliance with terms of the agreement, the Land Conservation Commission shall conduct an annual project review before October 1 of each year for each project funded under the program. Results of all annual project reviews will be documented in an annual project compliance report.

The Land Conservation Commission will maintain the authority to require that the land use agreement be recorded with the property deed to limit future use and development of the property.

The Land Conservation Commission shall maintain the authority to review and inspect the financial records and reports of any grant recipient through a formal financial audit.

If, as a result of the annual project review or financial audit, the Land Conservation Commission determines that the land is not being managed in accordance with

the land use agreement, the Commission shall take graduated measures to seek compliance.

In circumstances where graduated measures are not adopted or compliance cannot be reached, the Land Conservation Commission shall enforce provisions of the agreement through citation authority, court action, or other mechanisms.

PROGRAM ACCOUNTABILITY

7.0 *Program Evaluation, Reporting, and Accountability*

The Land Conservation Commission shall evaluate the County Stewardship Program on an annual basis. The program evaluation shall assess the success of the program based upon the following criteria:

- a. Level of program participation as measured by the number of donators and amount of donations.
- b. Level of program participation as measured by the number of grant applicants.
- c. The number, size, and location of parcels conserved through the Stewardship Fund.
- d. The extent of progress made towards reaching the objectives made by the Land Conservation Commission as established in section 6.1, Public Notice and Solicitation of Projects.

PUBLIC INFORMATION AND OUTREACH

8.0 *Information and Education; Responsible Parties*

The Land Conservation Commission shall develop a public information and education component of the County Stewardship Program.

8.1 *Information and Education Program; Content*

The information and education component shall, at a minimum, inform the public of the program and its objectives, explain opportunities for making contributions to the Stewardship Fund, and the procedure for applying for grants through the Stewardship Program. The Land Conservation Commission may delegate the Information and Education Program to the Land Stewardship Sub-Committee.

APPENDIX

Enrolled No. R153-023

RESOLUTION

File No. 09-10/003

-DIRECTING THE ESTABLISHMENT OF THE EAU CLAIRE COUNTY STEWARDSHIP PROGRAM-

WHEREAS, due to the amount and pace of development, valuable larger tracts of natural areas are slowly being lost to urban growth; and

WHEREAS, larger tracts of natural areas are necessary to ensure healthy populations of fish and wildlife, protect water quality and provide outdoor recreational opportunities; and

WHEREAS, acquisition of large tracts of natural areas is difficult for any unit of government to finance; and

WHEREAS, partnerships with land trusts, lake associations, local governments and other organizations, for the acquisition of easements or the purchase of land or purchase of development rights, stretches dwindling public funds and leverages outside funding; and

WHEREAS, partnerships with land trusts and nonprofit organizations for the acquisition of easements or the purchase of land can conserve natural areas while preserving the tax base.

NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors directs the land conservation commission and the department of planning and development to develop, by ordinance, the Eau Claire County Stewardship Program to establish a mechanism for matching grants to land trusts, nonprofit organizations, lake associations and local units of government.

BE IT FURTHER RESOLVED that the land conservation commission be designated the lead commission to consider the acceptance of donations of money, land or other valuable consideration and the commission to oversee the administration of the Eau Claire County Stewardship Program.

BE IT FURTHER RESOLVED that the ordinance establishing the Eau Claire County Stewardship Program shall be developed in cooperation with the parks and forest department, the parks and forest committee and the general public to ensure a wide range of involvement in program development.

ADOPTED: May 19, 2009

Janet K. Loomis
County Clerk