

A RESOLUTION TO ADOPT THE REVISED WASHTENAW COUNTY PURCHASE OF DEVELOPMENT RIGHTS (PDR) ORDINANCE, TO DIRECT THE COUNTY CLERK TO PUBLISH A NOTICE OF ITS ADOPTION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY, TO DIRECT THE COUNTY ADMINISTRATOR TO SOLICIT CANDIDATES FOR APPOINTMENT OF THE AGRICULTURAL LANDS PRESERVATION ADVISORY COMMITTEE, TO DIRECT THE COUNTY ADMINISTRATOR TO SOLICIT RESOLUTIONS FROM TOWNSHIPS WHICH DO NOT HAVE ADOPTED PDR ORDINANCES AUTHORIZING THE COUNTY'S PDR ORDINANCE TO APPLY IN THE TOWNSHIP AND TO DIRECT THE COUNTY ADMINISTRATOR TO BEGIN THE PROCESS OF NEGOTIATING AN URBAN COOPERATION AGREEMENT WITH TOWNSHIPS WITHIN THE COUNTY WHICH HAVE ADOPTED PDR ORDINANCES

WASHTENAW COUNTY BOARD OF COMMISSIONERS

June 7, 2006

WHEREAS, on June 17, 1998 the Washtenaw County Board of Commissioners adopted the Washtenaw County Purchase of Development Rights Ordinance; and

WHEREAS, the County's Purchase of Development Rights ("PDR") program was to be primarily funded through a County millage that was ultimately defeated in November 1998; and

WHEREAS, the County's Purchase of Development Rights Ordinance was revised by the Board of Commissioners on May 5, 2004 to be consistent with state and federal legislation; and

WHEREAS, the Michigan Agricultural Preservation Fund (State PDR Program) was established in 2000 by the State of Michigan to provide grants to eligible local units of government for the purchase of agricultural conservation easements through local Purchase of Development Rights programs (PDRs) to preserve farmland; and

WHEREAS, the Michigan Agricultural Preservation Fund Board originally adopted *Standards and Guidelines for the Michigan Agricultural Preservation Fund* (MAPF) in 2004 for applying local PDR programs to the Fund; and

WHEREAS, Washtenaw County's Purchase of Development Rights Ordinance did not meet the MAPF's Standards and Guidelines in 2005; and

WHEREAS, the MAPF Board has proposed to replace their adopted *Standards and Guidelines for the MAPF* with new *Policies and Procedures for the MAPF*; and

WHEREAS, the revised Washtenaw County Purchase of Development Rights Ordinance will meet the new *Policies and Procedures for the MAPF*; and

WHEREAS, Section 4 of this ordinance addresses the Agricultural Lands Preservation Advisory Committee ("ALPAC"); and

WHEREAS, Section 4 (1) of this ordinance indicates that the County Board shall create and appoint ALPAC consisting of seven members for the purposes of assisting the County Board in determining whether it should purchase the development rights on a particular parcel as well as how much the County should pay for those rights; and

WHEREAS, ALPAC members should be County residents and be appointed from the following groups: Three (3) representatives who are engaged in agricultural production or operate agricultural businesses, two (2) representatives from the Planning Advisory Board, one (1) representative from real estate development interests, and one (1) representative of

environmental/conservation groups or natural resource professional, and additionally, the County Board shall appoint one (1) County Commissioner who shall participate in ALPAC as a non-voting ex-officio member and if the Board of Commissioners is unable to fill a specifically designated slot on the Committee with an individual from the designated area, it may appoint a general public member to fill that slot; and

WHEREAS, the *MAPF Policies and Procedures* requires townships that have adopted PDR ordinances who wish to be a part of a County-wide program through a County PDR Ordinance to develop an Urban Cooperation Agreement (P.A. 7 of 1967: MCL 124.501 – 124.512) in order to address how both the township programs and the County program will interact and work together; and

WHEREAS, given the demonstrated nature of negotiating Urban Cooperation Agreements with multiple entities, developing an Urban Cooperation Agreement (UCA) with the townships who have adopted PDR ordinances will not be completed for a complete County-wide application to the MAPF in 2006; and

WHEREAS, once Washtenaw County becomes a qualified program of the MAPF for the 2006 application round of the program, Washtenaw County can make an application to the MAPF in 2006 for only those townships who do not have adopted PDR ordinances and which have passed a resolution authorizing the County PDR Program and Ordinance to apply in the township; and

WHEREAS, the revised Washtenaw County PDR Ordinance, the solicitation of candidates for appointment to ALPAC, the solicitation of non-PDR Ordinance Townships for Resolutions allowing the County PDR Program and Ordinance to apply in their Township, and the process to begin negotiating an UCA with townships within the County who have adopted PDR ordinances has been reviewed by Corporation Counsel, the Finance Department, Human Resources, the County Administrator's Office and the Ways & Means Committee;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby adopts the revised Purchase of Development Rights Ordinance and directs the County Clerk to publish a notice of its adoption in a newspaper of general circulation in the County.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes and directs the County Administrator to solicit candidates for appointment as members of the ALPAC.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes and directs the County Administrator to solicit resolutions only from townships which do not have adopted PDR ordinances authorizing the County PDR Program and Ordinance to apply in the township for the purposes of applying to the MAPF in 2006.

BE IT FURTHER RESOLVED that the number of applications that the County shall process on behalf of participating townships shall not exceed twenty (20) per year.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes and directs the County Administrator to begin the process of negotiating an UCA with townships within the County which have adopted PDR ordinances for the purposes of developing a complete County-wide program to apply to the MAPF for the 2007 application round and for future application rounds of that program.