

A RESOLUTION REVISING THE WASHTENAW COUNTY PURCHASE OF DEVELOPMENT RIGHTS (PDR) ORDINANCE, SECTION 2 (6) PERTAINING TO DEFINITIONS, SECTION 4 (1) PERTAINING TO THE COMPOSITION OF THE AGRICULTURAL LANDS PRESERVATION ADVISORY COMMITTEE, AND SECTION 5 PERTAINING TO CRITERIA FOR DECIDING WHETHER TO PURCHASE THE DEVELOPMENT RIGHTS FROM FARMLAND AND OTHER ELIGIBLE LAND.

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 5, 2007

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 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 (MAPF – 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, changes adopted on June 7, 2006 (06-0119) for the Washtenaw County's Purchase of Development Rights Ordinance aligned the ordinance with the MAPF Policies and Procedures; and

WHEREAS, changes adopted on August 2, 2006 (06-0160) for the Washtenaw County's Purchase of Development Rights Ordinance Section 4 (1) pertaining to the composition of the Agricultural Lands Preservation Advisory Committee; 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, on June 7, 2006, the Washtenaw County Board of Commissioners authorized and directed 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 (06-0119); and

WHEREAS, the Washtenaw County Department of Planning and Environment held a series of meetings with local units of government within Washtenaw County who have adopted PDR ordinances to gather input for the development of an UCA for the purposes of making applications from a cooperative effort between the Washtenaw County PDR program and those local units of government with PDR ordinances to the

MAPF, which included recommendations on amendments to the Washtenaw County PDR Ordinance; and

WHEREAS, on July 25, 2007 the Washtenaw County Agricultural Lands Preservation Advisory Committee (ALPAC) reviewed the recommendations developed from the series of meetings with local units of government with PDR ordinances on the UCA and made their recommendations to the Board of Commissioners regarding the UCA and the amendments to the Washtenaw County PDR Ordinance; and

WHEREAS, in preparation for an anticipated application round from the MAPF that may be held later in 2007, and in preparation for Townships and the County to approve and sign the UCAs, the recommended amendments to the Washtenaw County PDR Ordinance are presented for approval from the Board of Commissioners; and

WHEREAS, the revised Washtenaw County PDR Ordinance, 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 Section 2 (6) pertaining to Definitions, Section 4 (1) Pertaining to the composition of the Agricultural Lands Preservation Advisory Committee, and Section 5 pertaining to Criteria for Deciding Whether to Purchase the Development Rights from Farmland and Other Eligible Land (as depicted in Attachment B) and directs the County Clerk to publish a notice of its adoption in a newspaper of general circulation in the County.

## **ATTACHMENT B – Amendments to Washtenaw County Purchase of Development Rights Ordinance September 5, 2007**

### **SECTION 2: Definitions**

- 6. “Dedicated Funding Source” means a local unit of government has dedicating funding, through a voter approved millage or identified funding from their respective general fund, that provides a cash match to an application submitted to the Washtenaw County PDR Program located within the boundaries of the local unit of government.**

### **SECTION 4: Application Process**

Prior to accepting any applications to the County's PDR Program or providing application processing assistance to property owners in local units of government without an approved PDR Ordinance, the County shall submit this Ordinance to each local unit where it intends to purchase Development Rights or provide application processing assistance. The County shall not purchase Development Rights from, or process applications on behalf of, any property owner located in a local unit of government that has failed to take official action approving the County's Purchase Development Rights Program.

Applications submitted are subject to all parts of this ordinance and will be processed as follows.

1. The County Board shall create an Agricultural Lands Preservation Advisory Committee ("ALPAC"). ALPAC shall assist 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; Washtenaw County Department of Planning and Environment shall staff ALPAC.
  - 1.1. ALPAC members shall be County residents and be appointed from the following groups:
    - 1.1.1. Three (3) representatives who are engaged in agricultural production or operate agricultural businesses;
    - 1.1.2. One (1) representatives from the Planning Advisory Board;
    - 1.1.3. One (1) representative from real estate development interests;
    - 1.1.4. One (1) representative of environmental/conservation groups or natural resources professional;
    - 1.1.5. One (1) ~~County Board of Commissioner representative serving on the Planning Advisory Board~~ or a general public member appointed by the Board of Commissioners.
  - 1.2. The terms of ALPAC members and other conditions of the advisory group shall be set by the County Board at the time of creation.
  - 1.3. Individual ALPAC members shall disclose any potential conflict of interest and may not participate in discussion or vote when a conflict exists. Conflict of interests include, but are not confined to, situations where (1) the board member is the applicant; (2) the member is a relative of the applicant by blood or marriage; (3) the board member has a business association or ties with the applicant that would be affected by the application; (4) the board member, a

relative, or a business associate could receive financial gain or benefit from the acceptance of the application.

**SECTION 5: Criteria for Deciding Whether to Purchase the Development Rights from Farmland and Other Eligible Land**

CRITERIA FOR SELECTION: The following criteria shall be used to assist ALPAC in determining the order in which applications will be prioritized in any Selection Round.--

This numerical ranking system has been developed to prioritize farmland and other eligible land for purposes of the County's PDR Program. After an initial screening for eligibility through Part I of the ranking system, properties will be evaluated using this system. It is the intention of the users of this system to direct efforts toward high quality farmland and other eligible land in areas of the County.

Appropriateness is determined by favorable natural conditions and location factors that make agricultural uses a viable undertaking both currently and in the future. Areas targeted for preservation are those lands shown in local unit of government Master Plans as being zoned for agricultural use as adopted and amended from time to time by the respective local unit of government Planning Commissions.

DESCRIPTION OF THE SYSTEM: The farmland ranking system consists of six parts. Part I contains eligibility requirements that will be used in the checklist referenced in Section 4. Parts II, III, IV, V, and VI address topics that ALPAC will use to rank the properties. Points are only awarded for Parts II, III, IV, V and VI. The maximum point value is 100.

PART	TOTAL POINTS (100 PTS)
I – Eligibility	-----
II – Characteristics of Farmland	<del>35</del> <b>32</b>
III – Potential for Development Pressure	<del>25</del> <b>23</b>
IV – Leveraged Properties	25
V – Programs/Partnerships	<del>40</del> <b>15</b>
VI – Open Space Value	5
<b>VII – Decision Criteria for Awarded Grant Funds to Washtenaw County PDR Program</b>	-----

PRIORITIES: The point value arrived at will be used to prioritize farmland and other eligible land for purchase of Development Rights. Higher point values indicate higher priority for purchase. All property in a single ownership may be included in one application.

**PART I: ELIGIBILITY**

County Staff reviews the following screening factors to determine eligibility and forwards their findings to the Agricultural Lands Preservation Advisory Committee (ALPAC).

**A. Local Unit of Government’s Approval of the County Purchase of Development Rights Program and County’s PDR Ordinance Consistent with Local Plan**

*Has the Local Unit of Government taken official action to participate in the County’s PDR Program through adoption of a resolution authorizing the County PDR program to apply in the local unit of government and is the County’s PDR ordinance provisions consistent with the plan which the local unit of government’s zoning are based on?*

If the parcel is located within a local unit of government that administers a zoning ordinance, the local unit of government has also signed the application indicating the local unit of government’s approval of the application to the County. The County shall not purchase development rights under a development rights ordinance from land subject to a local unit of government’s zoning ordinance unless all of the following requirements are met:

- i. ~~The legislative body of the local unit of government adopts a resolution authorizing the PDR program to apply in the local unit of government.~~ **For local units of government without an adopted purchase of development rights ordinance, the legislative body of the local unit of government adopts a resolution authorizing the County PDR program to apply in the local unit of government. For local units of government with their own adopted purchase of development rights ordinance, they must approve and join the County’s Purchase of Development Rights Program by signing an Urban Cooperation Act Agreement with Washtenaw County, pursuant to M.C.L. 124.501 et. Seq. (Urban Cooperation Act).**
- ii. The development rights ordinance provisions for the PDR program are consistent with the plan upon which the local unit of government’s zoning are based on.

If yes, then proceed to Criteria B.

If no, then reject application.

**II. CHARACTERISTICS OF FARMLAND**

**A. Quality of Soils**

*Soils Classifications on Property (Maximum Points: 10)* *Score*

75% or more Class I, II _____	10
50 — 74% Class I, II _____	8
50% or more Class I, II, III _____	6
Less than 50% Class I, II, III _____	0

**Points will be determined by using the following formula:**

$$\frac{\text{Total Acres of Prime and Unique soils on the applicant property}}{\text{Total Acres of the applicant property}} \times 10 = \text{Score}$$

#### **D. Scenic, Historical or Architectural Features -**

<i>Features</i>	<i>Score</i>
Farm site provides a vista (a broadly sweeping view visible from a roadway, including but not limited to variety of vegetation types such as woodlands and farm fields and may have topographic variations), unique historical or architectural features, including architecturally significant barn(s) or has been designated as a centennial farm	5 2
Farm site provides an accent (attractive view but narrower in scope and weaker in impact than a vista)	3 1
No contribution or not significantly visible	0
<i>*Architecturally significant barns viewed during scoring may or may not be permanently protected within an Agricultural Conservation Easement</i>	

### **III. POTENTIAL FOR DEVELOPMENT PRESSURE**

#### **B. Adjacent Land Use Designation**

<i>Percent of Perimeter designated as Agricultural Land Use/ Zoning</i>	<i>Score</i>
75-100%	6 5
50-74%	4 3
25-49%	2 1
Less than 25%	0

#### **C. Amount of Road Frontage**

<i>Frontage</i>	<i>Score</i>
1,000 or more feet	6 5
500 to 999 feet	4 3
100 to 499 feet	2 1
0 to 100 feet	0

#### **D. Proximity to Existing and Proposed Public Sanitary Sewer/Water Service Area**

Proposed public service areas include areas depicted on the local government master plans for uses that will require central services (e.g. activity centers, mixed use districts and residential uses greater than two dwelling units per acre.) These areas do not include small systems designed to serve only one development such as manufactured housing developments, lake systems or other areas not capable of expansion.

<i>Proximity</i>	<i>Score</i>
2 miles or more away ( <i>Long-term agricultural use viable, Minimal development pressure</i> )	4
1/2 mile or more, but less than to 2 miles; <b>or located less than 1/2 mile, with the local township master plan specifically identifying the parcel as not having planned public sanitary sewer service in the future</b> ( <i>Long-term agricultural use viable, Most development pressure</i> )	7
Less than 1/2 mile away (Adjacent uses impact long-term viability of agricultural use)	0

**V. PROGRAMS/PARTNERSHIPS**

**A. Local Zoning Techniques and Other Preservation Programs**

<i>The local government uses zoning techniques and other preservation programs which are supportive of farmland preservation (local PDR program, local TDR program, cluster zoning, sliding scale zoning, voluntary agricultural security areas, Planned Unit Development, etc)</i>	<i>Score</i>
3 or more zoning techniques and preservation programs	4 3
2 zoning techniques and preservation programs	3 2
1 zoning technique and preservation programs	2 1
No zoning techniques or preservation programs that support farmland preservation	0

**B. P.A. 116 Participation**

<i>Property enrolled in PA 116</i>	<i>Score</i>
Applicant property enrolled in PA 116	3 2

**C. Conservation Plan or a Comprehensive Nutrient Management Plan (CNMP)**

<i>Extent of Conservation Plan/CNMP</i>	<i>Score</i>
USDA Natural Resource Conservation Service (NRCS)	

conservation plan implemented or a Comprehensive Nutrient Management Plan written by a certified CNMP writer.	3
Conservations practices used on property (documented)	2
Limited or no conservation practices used	0

**D. Intergovernmental Cooperation**

*Type of Intergovernmental Cooperation (points can be received from any of the following categories – maximum points possible: 7)*  
**Score**

Property is located in a local unit of government that has a joint planning commission according to P.A. 226 of 2003 with another (or other) local unit(s) of government.	2
Property is located in a local unit of government that has an intergovernmental cooperation agreement with the City of Ann Arbor regarding the City’s Greenbelt program	2
Property is located in a local unit of government which has endorsed a regional plan (defined as a regional plan with other local units of government).	1
Property is located in a local unit of government which has entered into an P.A. 425 of 1984 Intergovernmental Agreement with another (other) local unit(s) of government	1
Property is located in a local unit of government that has collaborated with another (other) local unit(s) of government regarding other local government services not identified in the above four categories.	1

**VI. OPEN SPACE VALUE**

**A. Proximity to Existing Private and/or Public Protected Land**

(e.g. agricultural conservation easements, federal/state/local parks, game areas, forests, recreational areas or any other public land protected from development in perpetuity)

<i>Proximity</i>	<i>Score</i>
Directly adjacent	5
Not adjacent, but within 1 mile	3
Not adjacent and not within 1 mile	0

**VII – DECISION CRITERIA FOR AWARDED GRANT FUNDS TO WASHTENAW COUNTY PDR PROGRAM**



**If the Washtenaw County Purchase of Development Rights Program is awarded grant funds to the program from a grant funding source, rather than the grant funding a specific property or specific properties, the following criteria would be used to decide which property(ies) would be funded to ensure the greatest likelihood of funding the purchase of an agricultural conservation easement(s) on a selected property(ies):**

- 1. Properties would be ranked from highest to lowest based on the total score, as determined by PARTS II, III, IV, V, and VI of Section 5, and/or the availability of matching funds from other sources than the grant funding source.**
- 2. Properties would be selected based on its rank, as determined by the above criterion, and the amount of funding necessary to complete a purchase of an agricultural conservation easement(s) until the grant funds awarded to the Washtenaw County PDR Program is exhausted.**
- 3. Properties submitted to a grant funding source as part of an application from the Washtenaw County PDR Program, but not funded according to the above two criteria would receive funding if the owner of the property(ies) originally selected from the above two criteria do not sell an agricultural conservation easement for their property. This (these) property(ies) would be contingent properties. These funds would be used for contingent property(ies) provided that the grant funding from the grant funding source is available after the initially selected property(ies) choose not to sell an agricultural conservation easement for their property.**