

COUNTY ADMINISTRATOR

220 NORTH MAIN STREET, P.O. BOX 8645 ANN ARBOR, MICHIGAN 48107-8645 (734)222-6850 FAX (734)222-6715

TO: Jeff Irwin, Chair

Board of Commissioners

THROUGH: Robert E. Guenzel

County Administrator

FROM: Anthony VanDerworp

Planning and Environment Director

DATE: October 3, 2007

SUBJECT: Selection Round of the Washtenaw County Purchase of

Development Rights Program for Application to the Michigan

Agricultural Preservation Fund in 2007

BOARD ACTION REQUESTED:

It is requested that the Washtenaw County Board of Commissioners directs the County Clerk to give notice that the County is accepting applications from property owners of farmland and other eligible land, located in Freedom, Lima, Lodi and Northfield Townships to purchase development rights, as defined by the Washtenaw County Purchase of Development Rights Ordinance. According to the Washtenaw County Purchase of Development Rights Ordinance, the County Board of Commissioners announces this notice and this notice shall run for one consecutive week in a newspaper of general circulation in Washtenaw County. The notice shall describe the properties eligible for purchase in the Selection Round and shall invite the owners of such properties who are interested in selling their development rights to the County to send applications expressing such interest to County Administration. The County shall make application forms available to property owners and will inform property owners where such applications may be obtained. The purpose of holding this Selection Round is to seek applications from landowners for the purposes of a County application to the Michigan Agricultural Preservation Fund (MAPF) which is expected to be held in Autumn, 2007.

BACKGROUND:

On June 7, 2006, the Board of Commissioners amended the County Purchase of Development Rights (PDR) Ordinance to meet the *Policies and Procedures of the MAPF* so that it can become a qualified program and have the ability to apply to the MAPF in 2007 for townships in the County that do not have adopted PDR Ordinances and who choose to participate in the County PDR Program through a township resolution. On August 2, 2006, the Board of Commissioners amended *A Comprehensive Plan for Washtenaw County* to include the required Agricultural Preservation components according the *Policies and Procedures of the MAPF* so that townships without PDR ordinances could become eligible through the Washtenaw County PDR program. On August 2, 2006, the Board of Commissioners also appointed the Agricultural Lands Preservation Advisory Committee (ALPAC) to process PDR applications for the purposes of applying to the MAPF.

Washtenaw County Department of Planning and Environment staff contacted the townships in the County who do not have adopted PDR ordinances to solicit resolutions for their participation in the County PDR program. Three townships (Lima, Lodi, and Northfield townships) passed resolutions in 2006 to participate in the County PDR program. Freedom Township repealed their PDR Ordinance and passed a resolution to participate in the County PDR program on August 14, 2007.

Townships that have adopted PDR ordinances and have signed an Urban Cooperation Act Agreement (UCA) with Washtenaw County will hold application rounds on their own, and then submit their PDR applications to the Washtenaw County PDR Program for the County's consideration as part of the County's PDR application to the MAPF. This includes Bridgewater and Superior Townships. Townships which have adopted PDR ordinances and have chosen not to participate in the Washtenaw County PDR program and that want to apply to the MAPF program will apply to the MAPF on their own. The Washtenaw County PDR Ordinance will not preclude townships with adopted PDR ordinances from applying to the MAPF on their own, according to the Michigan Department of Agriculture.

DISCUSSION:

The application deadline of October 31, 2007 is necessary to meet the requirements and deadlines of the MAPF and the requirements of the Washtenaw County Purchase of Development Rights Ordinance. The MAPF deadline for local PDR programs to submit applications is sometime in early January, 2008. The Board of Commissioners will ratify the applications to the fund, based on the recommendations of ALPAC, at its February 10, 2008 meeting in order to meet the anticipated early January, 2008 deadline. Prior to ALPAC's review of the applications, the Washtenaw County PDR Ordinance as well as the MAPF require the participating township (Freedom, Lima, Lodi, and Northfield) approval for all applications submitted from the participating townships. This timeline requires township approval at their respective November 2007 Board of Trustees' meetings. Some of these meetings are held within the first two weeks of November 2007.

ALPAC will be scheduling a meeting in early December to recommend to the Board of Commissioners whether the County Board should purchase the development rights under review, and how much the County should pay for those rights (based on a estimated preliminary appraisal), as well as to rank the applications based on the criteria of the Washtenaw County PDR Ordinance and to determine which properties should have complete final appraisals for possible inclusion in the PDR program. The MAPF does not require complete and final appraisals for the application process. They only require an estimated value of the development rights for each parcel. This will comprise the preliminary appraisal for the County and State application processes.

Prior to approval by the respective Township Boards, County Administration will forward all applications received to County Planning and Environment staff which will complete a checklist containing the eligibility requirements listed in Section 5, Part I of the County PDR Ordinance, per Washtenaw County PDR Ordinance. The completed checklist will provide an initial determination of whether the property qualifies for the County's PDR program. Applications submitted to the Washtenaw County PDR Program from the Bridgewater and Superior Township PDR programs will also be reviewed for eligibility requirements in Section 5, Part I of the County PDR Ordinance, per the Washtenaw County PDR Ordinance. County Planning and Environment staff shall send the completed checklist for each property to the property owner and the local unit of government where the property is located. If a local unit of government refuses to approve a property owner's application to participate in the County's PDR program for any reason, the County shall reject the application and take no further action in the matter. For Bridgewater and Superior Townships, their selection of properties through their respective PDR programs for recommendation to the Washtenaw County PDR program shall constitute

their approval of the applications submitted to the County. Planning and Environment staff shall obtain preliminary appraisals for those properties, which comply with the checklist and have been approved by the local unit.

IMPACT ON HUMAN RESOURCES:

PDR administration activities are estimated at approximately .25 FTE per year (covered through current department staffing). The impact on human resources were reviewed at the June 7, 2006 Ways and Means Committee meeting.

IMPACT ON BUDGET:

For the 2006-07 budget there will be no direct impact due to the Department of Planning & Environment's commitment of dollars from their consulting and contracts line item to assist with the first and second year application rounds. The impact on the budget were reviewed at the June 7, 2006 Ways and Means Committee meeting. For 2008 and thereafter, Washtenaw County will be responsible for 75% of the administration costs, and each participating PDR Ordinance Township and each participating Non-PDR Ordinance Township will be responsible for 25% of these costs for those properties reviewed in their respective Townships jurisdictional boundaries. The total number of applications processed and submitted to the Michigan Agricultural Preservation Fund shall not exceed 20 for each application round.

IMPACT ON INDIRECT COSTS:

No impacts are indicated for this Resolution

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:

Adoption of this resolution results in expanded relationships and funding partnerships with other local units of government and non-profit organizations engaged in the acquisition of development rights and farmland protection.

CONFORMITY TO COUNTY POLICIES:

This action is in conformance with county policies.

ATTACHMENTS/APPENDICES:

Attachment A: Resolution

Attachment B: Washtenaw County Notice for Applications being Accepted for Purchase of

Development Rights from Farmland in Freedom, Lima, Lodi and Northfield

Townships

Attachment C: Washtenaw County Purchase of Development Rights Program Property Owner

Application Form

A RESOLUTION TO BEGIN THE SELECTION ROUND OF THE WASHTENAW COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM FOR THE PURPOSES OF MAKING A WASHTENAW COUNTY APPLICATION TO THE MICHIGAN AGRICULTURAL PRESERVATION FUND (MAPF) IN 2008 AND TO DIRECT THE COUNTY CLERK TO PUBLISH A NOTICE OF THE WASHTENAW COUNTY PURCHASE OF DEVELOPMENT RIGHTS 2007 SELECTION ROUND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY

WASHTENAW COUNTY BOARD OF COMMISSIONERS

October 3, 2007

WHEREAS, on June 7, 2006 the Washtenaw County Board of Commissioners amended the Washtenaw County Purchase of Development Rights Ordinance to become eligible to the MAPF; and

WHEREAS, the MAPF Board will be announcing an application round to the MAPF for qualified local programs in October 2007; and

WHEREAS, the MAPF, also known as the 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 revised Washtenaw County Purchase of Development Rights Ordinance is a qualified eligible program to the MAPF; and

WHEREAS, Washtenaw County can make an application to the MAPF 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 or have approved and signed UCAs with Washtenaw County; and

WHEREAS, Freedom, Lima Township, Lodi Township, and Northfield Township do not have adopted Purchase of Development Rights Ordinances and have all passed a resolution authorizing the County PDR Program and Ordinance to apply in their respective townships; and

WHERAS, Bridgewater and Superior Charter Townships have entered into an UCA with Washtenaw County to cooperate their respective Township's PDR programs with Washtenaw County in order to make applications to the MAPF, and will hold their own application rounds and recommend applications to Washtenaw County for the County's consideration for selection for submittal to the MAPF; and

WHEREAS, Washtenaw County Purchase of Development Rights Ordinance indicates that the County Board of Commissioners shall begin each Selection Round by giving notice that the County is accepting applications from property owners of farmland and other eligible land to purchase Development Rights; that this notice shall run for one consecutive week in a newspaper of general circulation in Washtenaw County; the notice shall describe the properties eligible for purchase in the Selection Round and shall invite the owners of such properties located in the participating townships of Freedom, Lima, Lodi and Northfield who are interested in selling their Development Rights to the County to send applications expressing such an interest to County Administration; and, that the County shall make application forms available to property owners and will inform property owners where such applications may be obtained;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby directs the County Clerk to publish a notice of the Washtenaw County Purchase of Development Rights 2007 Selection Round 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 receive applications from interested landowners who make an application to the Washtenaw County Purchase of Developments Program and to forward those applications to the Washtenaw County Department of Planning and Environment for review of eligibility requirements, for forwarding the applications to the respective Board of Trustees of the participating townships for those Boards' approval of the applications, and for preliminary appraisals.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes and directs the Washtenaw County Agricultural Lands Preservation Advisory Committee to provide an advisory opinion to the Board of Commissioners on the following issues: Should the County purchase the Development Rights under review and how much the County should pay for those Rights as well as rank the applications based on the criteria in the Washtenaw County PDR Ordinance and determine which properties should receive final appraisals for possible inclusion in the PDR program.

BE IT FURTHER RESOLVED that upon completing its review, ALPAC shall transmit all applications with its rankings and recommendations to County Administration and then County Administration will forward the ranked applications to the County Board of Commissioners for ratification of approval of submittal for funding from the MAPF.

WASHTENAW COUNTY NOTICE APPLICATIONS BEING ACCEPTED FOR PURCHASE OF DEVELOPMENT RIGHTS FROM FARMLAND IN FREEDOM, LIMA, LODI AND NORTHFIELD TOWNSHIPS

Washtenaw County announces that applications are now being accepted from landowners who own land in Freedom, Lima, Lodi and Northfield Townships under its Purchase of Development Rights Ordinance for voluntary sale of landowner's development rights and permanent protection of farmland for submittal to the 2006, Michigan Agricultural Preservation Fund (MAPF), otherwise known as the State PDR Program. Applications are available at Washtenaw County Administration, 220 N. Main Street, Ann Arbor, MI 48107-8645, or the Washtenaw County Department of Planning and Environment, 705 N. Zeeb Rd, 2nd Floor, Ann Arbor, MI 48107-8645, or at the Freedom Township Hall, 11508 Pleasant Lake Road, Manchester, MI 48158, or at the Lima Township Hall, 11452 Jackson Rd. Chelsea, MI 48118, or at the Lodi Township Hall, 3755 Pleasant Lake Road Ann Arbor, MI 48103, or at the Northfield Township Hall 75 Barker Road, Whitmore Lake, MI 48189 during regular business hours, or by visiting http://farmland.ewashtenaw.org . Applications must be received no later than 5:00 p.m. on Wednesday October 31, 2007. Applications will be accepted at Washtenaw County Administration, c/o Joanna Bidlack, P.O. Box 8645, 220 N. Main St., Ann Arbor, MI 48107-8645. An application may be withdrawn at any time

without penalty. Values of development rights will be determined by an independent real estate appraisal. All property owners who own land in Agricultural Preservation Overlay Areas in Freedom, Lima, Lodi and Northfield Townships according to A Comprehensive Plan for Washtenaw County, as amended, and meet the minimum criteria for selection according to the Washtenaw County Purchase of Development Rights Ordinance are invited to make an application to the program. Generally speaking, land located in the following Sections (or portions, thereof) of the four townships are eligible for the program: Freedom Township: all sections except for portions Sections 15, 16, 21, and 22 that immediately surround Pleasant Lake; Lima Township: Western ½ of Sec. 1, Secs. 2-3, SW ¼ of Sec. 4, NE ¼ and SW ¼ of Sec. 5, NE ¼ Sec. 8, Eastern ½ and NW ¼ Sec. 9, Eastern ½ and SW ¼ Sec. 10, Secs. 11-12, Northern 1/2 and SW 1/4 Sec. 13, Secs. 14 and 15 North of I-94, NE 1/4 Sec. 16, Southern 1/2 Sec. 19 and 20, Southern ½ and NE ¼ Sec. 21, Secs. 22-23 south of Jackson Ave., Southern ½ of Sec. 24, Sec. 25, Eastern ½ and SW ¼ of Sec. 26, Secs. 27-36; Lodi Township: Southern ½ Sec. 4, SE ¼ Sec. 5, Western ½ and SE ¼ Sec. 6, Secs. 7-10, Western ½ and SE ¼ Sec. 11, NE ¼ and Western ½ of Sec. 14, Secs. 15-22, Western ½ Sec. 23, Western ¼ Sec. 26, Secs. 27-34, Western ¼ Sec. 35; Northfield Township: Secs. 1-4, SW 1/4 Sec. 6, Sec. 7 west of US 23, Central portions of Sec. 8, Secs. 9-15, Eastern 1/2 and NW 1/4 Sec. 16, Western 1/2 and NE 1/4 Sec. 18, Western 1/2 Sec. 19, Eastern 1/2 Sec. 21, Secs. 22-27, Eastern ½ and SW ¼ Sec. 28, Southern ½ Sec. 29, Western ½ and SE ¼ Sec. 30, and Secs. 31-36. Township maps depicting the exact eligible areas are available by visiting http://farmland.ewashtenaw.org or by visiting each of the three Township Halls. For more information contact Terry R. Brinkman, Washtenaw County Department of Planning and Environment at (734) 222-6882 or at brinkmat@ewashtenaw.org. Published 10/4/2007



WASHTENAW COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

PROPERTY OWNER APPLICATION FORM

Landowner:	Evening Phone:			
Address:	Daytime Phone:			
City & Zip:	Email:			
PROPERTY LOCATION: Property address (if different from above):				
Parcel ID Number(s):				
Township:				
Number of acres: Acres nominated:	In ag production:			
	D. 10.10.1			
I own the nominated property by	Deed Land Contract			
If a land contract, the seller's signature is required in the certification section.				
Are you aware of the existence of any environmental contaminants or concerns with the property?				
If so, please describe:				
Check one of the following: I own all mineral rights	I own some mineral rights □			
I do not own any mineral rights ☐ I do not know	www.www.www.www.www.www.www.www.www.ww			
Is the property certified by the Michigan Agricultural Envi	ronmental Assurance Program?			
Is there a conservation plan developed by the Natural Reso pertinent agency for the property? Yes	ources Conservation Service or other No Don't Know			
Please describe other conservation practices employed on the property:				

Is there a Comprehensive Nutrient Management Plan (U.S. Department of Agriculture, Natural Resources Conservation Service Program) written by a certified CNMP writer for the property?					
□ Yes □ No □ Don't Know					
Is the property enrolled in a P.A. 116 Farmland and Open Space Agreement (FDRA)? ☐ Yes ☐ No					
Are there unique historical or architectural features on the property, or is it a Centennial Farm? Yes No If so, please describe:					
Is the landowner willing to accept a price for development rights levalue?* Yes No	ower than the appraised				
Yes No If so, enter a percentage:					
*this willingness generates points on county, state and federal scoring systems and may result in a federal income tax deduction as a charitable contribution					
Please include a copy of a legal description for the property and a recent Farm Service Agency aerial photograph. If you are excluding some land from consideration, please indicate that area on the aerial photo. Feel free to attach photographs, maps, reports or other depictions of the property.					
I (we) hereby submit this application for the Washtenaw County Purchase of Development Rights Program. I (we) certify that the statements made above are a true and accurate representation of the facts regarding the nominated parcel(s). I (we) understand that this submission does not commit me to selling development rights and that the County may seek my (our) permission to access my (our) property to perform necessary evaluations as required by the program.					
Signature	Date				
Signature	Date				
Send to by 5:00 p.m. Wednesday October 31, 2007:					
Washtenaw County Administration c/o Joanna Bidlack 220 N. Main Street. P.O. Box 8645 Ann Arbor MI 48107-8645	(734) 222-6731 (734) 222-6850 (734) 222-6715 fax bidlackj@ewashtenaw.org				

Questions about the Washtenaw County Purchase of Development Rights Program, including eligibility requirements, or for assistance in completing the application form, contact Terry R. Brinkman, Washtenaw County Department of Planning and Environment, (734) 222-6882 or brinkmat@ewashtenaw.org or visit http://farmland.ewashtenaw.org .