



DEXTER TOWNSHIP

PLANNING COMMISSION

6880 DEXTER-PINCKNEY ROAD
DEXTER, MI 48130

TELEPHONE: 734-426-3767
FAX: 734-426-3833

WWW.DEXTERTOWNSHIP.ORG

PLANNING COMMISSION MEETING AGENDA May 24, 2022

6:00 PM

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Conflict of Interest Review** (*Possible conflicts with agenda items*)
4. **Approval of Agenda**
5. **Public Comment** (*Comment on items that are not on the agenda. The Board will entertain public comments on agenda items as they come up for discussion.*)
6. **Action Items**
 1. Public Hearing for amendments to **Ordinance 37 - Purchase of Development Rights (PDR).**
7. **Approval of Planning Commission Minutes** – April 26, 2022.
8. **Township Board of Trustees Update**
9. **Concerns of Planning Commission Members, Director of Planning & Zoning, Township Supervisor, & Recording Secretary**
10. **Public Comment** (*non-agenda items*)
11. **Future Agenda Items**
12. **Adjournment**



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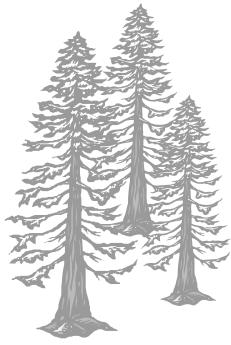
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Public Participation:

- 1) All public comment on non-agenda items or items not listed as “Action Items” on the agenda shall be presented at the beginning and end of the meeting, where provided in the agenda. All public comment on items listed as “Action Items” on the agenda shall be presented during consideration of that “Action Item.”
- 2) Speakers are requested to identify themselves prior to speaking.
- 3) The amount of time allowed for each public comments of a person speaking at a Planning Commission meeting on a particular agenda item or during public comment shall be limited to three (3) minutes. This time may be extended by the Chair, unless there is an objection by any Planning Commission member.
- 4) Members of the public may each speak one (1) time per public hearing or public comment section. At the discretion of the Chair, a member of the public may speak additional times after all members of the public who wish to speak have been able to speak, unless there is an objection from the majority of the Planning Commission.
- 5) Any person may appear or be represented by authorized agents, such as attorneys, engineers, architects, etc. Such agents shall present evidence of the extent of their authorization, if requested by any member.
- 6) Members of the public shall not cross examine each other. All questions shall be directed to the Chair, who may request answers.





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MARTY STRAUB
CHAIR
VACANT
VICE CHAIR & ZBA REP.
TOM LEWIS
SECRETARY
MARIS METZ
EX-OFFICIO TWP. BRD.
CHANDRA HURD
CHRISTINA MAIER
KIMBERLY MARINELLI
BOB NESTER
COMMISSIONERS

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING OF THE PLANNING COMMISSION

Tuesday, April 26, 2022

Present: Marty Straub, Chair; Tom Lewis, Secretary; Chandra Hurd, Bob Nester, Christina Maier, Kimberly Marinelli, and Maris Mets. Absent: None.

Also present: David Rohr, Director of Planning and Zoning; and Janis Miller, Recording Secretary.

1. **Call to Order:** Chair Straub called the meeting to order at 6:00 PM. He then introduced the new Township Board Rep. to the Planning Commission, Maris Metz, and thanked the previous rep Karen Sikkenga for her service to the Planning Commission.
2. **Pledge of Allegiance:** Recited by all.
3. **Conflict of Interest:** None.
4. **Approval of Agenda:**
With no additions or corrections, Chair Straub declared the agenda approved as presented.
5. **Public Comment:** (non-agenda items) Opened 6:03 pm. No public comments. Closed 6:03 pm.
6. **Action Items:**
 - 1) Public Hearing (22-PC-208) Rezone Dexter Pinckney Rd. (D-04-12-400-023) from Public Recreation (PR) to Rural Residential (RR).
Discussion: The parcel was Rural Residential until 2017 and with no records as to why the parcel was rezoned from (RR) to (PR), it is believed it was rezoned by mistake and needs to be changed back to (RR) to correct the mistake and conform with the Master Plan and historical use of the property. This will be a Zoning Map amendment as the property has been taxed as Rural Residential (RR). Public Recreation does not allow for single-family homes. Under the current Zoning Ordinance this is a non-conforming parcel needing variances to build on it.

Public Comment: Opened 6:08 PM
Marguerite Shearer, 8044 Dexter Pinckney Rd.
She questioned the (PR) Public Recreation zoning classification as she sees a real estate sign on the property. She asked how they could use that piece of land and get a septic field or well on the small property. She cannot see a use for the property if rezoned (RR) Rural Residential.

Joe Pomathy, 8025 Dexter Pinckney Rd.

He questioned what the zoning classification (PR) Public Recreation was and if that meant people could hunt and fish on the property. DPZ Rohr explained that it was private property and if the owner wanted to use it in that way he could, but the public would need the owner's permission. The limitation of the (PR) zoning is, they cannot build a house on the property.
Public Comment: Closed: 6:12 PM

***Moved by Nester, second by Marinelli, to approve Resolution (22-PC-208).
Chair Straub states complete motion: To grant approval of a FAVORABLE RECOMMENDATION of an application initiated by Dexter Township for property located at Dexter-Pinckney Rd., tax id. (D-04-12-400-023).***

Roll Call Vote: Yeas - Lewis, Hurd, Maier, Nester, Marinelli, Metz, Straub; Nays – None; Absent - None. Motion carried 7-0.

- 2) Public Hearing (22-PC-209) Rezone 7982 Dexter Pinckney Rd. (D-04-12-400-030) from Public Recreation (PR) to Rural Residential (RR).
Discussion: This parcel has a home (built in 1959) on it and the owner was unaware their zoning classification was Public Recreation (PR). Again, there are no records when the zoning was changed from (RR) Rural Residential to (PR) Public Recreation.

Public Comment: Opened 6:20 PM

Bethany Klinke, property owner 7982 Dexter Pinckney Road

She thanked the Planning Commission for correcting the zoning error and noted the name of the road in the posting (newspaper), and on the agenda is misspelled. The road is Pinckney, not Pickney. DPZ Rohr noted the address for the parcel number is correct. The address on Dexter-Pinckney Rd. is a Dexter mail address.

Bill Klinke, property owner 7982 Dexter Pinckney Road

He questioned if the property had been taxed properly and asked if there needs to be an adjustment. DPZ Rohr said the property has been taxed (RR) Rural Residential and there are no records as to when or why the zoning map was changed to (PR) Public Recreation.

Public Comment: Closed 6:25 PM

Moved by Maier, second by Lewis, [a resolution to grant approval of a FAVORABLE RECOMMENDATION of an application initiated by Dexter Township for property located at 7982 Dexter-Pinckney Rd. (D-04-12-400-030).]

Roll Call Vote: Yeas - Lewis, Hurd, Maier, Nester, Marinelli, Metz, Straub; Nays – None; Absent - None. Motion carried 7-0.

- 3) Set Public Hearing for amendments to Ordinance #37 Purchase of Development Rights (PDR)
Discussion: Why does this document have to come before the Planning Commission? DPZ Rohr stated that the (OSLP) Open Space and Land Preservation Committee Consultant Barry Lonik, as well as the OSLP Committee, had made amendments. The PDR is premised on the Township Zoning Enabling Act although there will not be changes to zoning on purchased development rights. This is a code ordinance that has been on the books for 17 years.

Moved by Nester, support by Maier, to establish the Public Hearing, for amendments to Ordinance #37 (PDR), at the regular Planning Commission meeting on May 24, 2022. All ayes. Motion carried.

7. Approval of Planning Commission Minutes:

Moved by Lewis, second by Hurd, to approve the meeting minutes of February 22, 2022, as amended. All ayes. Motion carried

8. Township Board of Trustees Update: None.

9. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary:

Marinelli: She noted that the Hartman Farms subdivision was closed out and was not left in the condition the site plan indicated. There appears to be no accountability of the builder as there are many things not left in good condition (drainage, trees & landscaping, construction debris piles, and wetland protections). The residents are left holding the bag and she was wondering if the Planning Commission could make it whole. Chair Straub stated that it was an administrative detail, a civil matter, asking DPZ Rohr to investigate what the parties (builder) agreed to.

Maier: Asked if the Bylaws sent to the PC recently meant that it was to be reviewed. She asked how often the Bylaws are reviewed. Chair Straub said they were sent for information only and would be reviewed on an ad-hoc basis. DPZ Rohr stated that the Bylaws section on annual review was removed at the revision last year.

Chair Straub: Noted the Township 2022-2023 Meeting Schedule was not on the township website.

DPZ Rohr: The Master Plan is moving forward and public engagement is next. There is discussion that the consultant will present the draft Master Plan to the Planning Commission in the near future.

Marinelli: Questioned the cars on the LaFontaine N. Territorial lot. DPZ Rohr said they had a spring sales event and used the lot for overflow.

Lewis: He asked about the timeframe of the Special Use Permit. DPZ Rohr said it could be transferred to a new owner but it may expire prior to the sale of the property.

10. Public Comment: Opened 6:54 pm. No public present to comment. Closed 6:54 pm.

11. Future Agenda Items: May 24, 2022

A) Public Hearing for Ordinance #37: (PDR) Purchase of Development Rights

12. Adjournment:

Motion by Marinelli, second by Nester, to adjourn the meeting. Meeting adjourned at 6:55 PM.

Respectfully submitted,

Tom Lewis, Secretary

Janis Miller, Recording Secretary

Documents regarding the agenda items can be obtained at the Township Hall during normal business hours, the Townships website: www.dextertownship.org and can be viewed on ew.livestream.com/dextertownship.org.

draft 05 03 2022

Dexter Township Purchase of Development Rights Ordinance

AN ORDINANCE authorizing Dexter Township to acquire voluntarily offered property development rights in real estate that is farmland and open space within the township and establishing the procedure for acquiring and financing the acquisition of the development rights.

THE DEXTER TOWNSHIP BOARD OF TRUSTEES ORDAINS:

SECTION 1: -Findings and Declaration of Purpose

The Board of Trustees finds that:

- ~~(1)~~
1. Dexter Township is a desirable place to live, work and visit in large part because of the availability of farmland, natural features and the relief that agricultural fields bring. ~~Scenic~~ open space. The Township Master Plan includes scenic views, agriculture, open spaces and wildlife habitat ~~are all considered~~ invaluable as valuable natural and aesthetic resources ~~and that~~ should be protected.
2. ~~(2)~~ The climate, variety of soils and terrain make the Township well suited to the production of a great number of row crops, specialty crops and livestock, including many foods available for direct human consumption. agricultural products. These resources include several thousand acres of land currently in agricultural production, and other woodland, wetland and open lands adjacent to these farmlands. Such lands provide unique, aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's natural and agricultural heritage.
3. ~~(3)~~ Dexter Township is experiencing substantial residential development, however, because of its location proximity to the highly urbanized areas of southeast Michigan Ann Arbor and other employment centers, its attractive landscapes and ~~its~~ excellent public schools. The same characteristics which have made this area so desirable for agricultural production and recreation also make it attractive for residential sites.
- ~~(4)~~ The agricultural industry in Dexter Township provides the opportunity to harvest locally grown foods to sell at roadside stands, farmer's markets, local retail food stores and other local outlets in the area. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other more developed uses which do not require those special characteristics, a critical community resource is permanently lost to the citizens of Dexter Township.
4. ~~(5)~~ It is the policy of the State of Michigan, Washtenaw County and Dexter Township to protect, preserve and enhance agricultural lands as evidenced by the Township General Development Master Plan, the Township

- Zoning Act, the Washtenaw County PDR Ordinance, MCLA 125.271 et seq. and other state and local statutes and policies. -Ordinances regulating land use by zoning and subdivision control enacted by the -Township also serve these purposes. These measures by themselves, however, have not ~~been effective in providingeffectively provided~~ long-term protection of ~~farmland under the agricultural areas and open space from the increasing~~ pressure of ~~increasing~~ residential and commercial development.
5. ~~_____ (6) Agriculture in Dexter The~~ Township produces a notable array of products, from corn and soybeans to vegetables and fruit to cattle. The Township's ~~recognizes the agricultural acreage contributes tens of thousands of dollars industry's significant contributions~~ to the local economy ~~in direct sales of agricultural products at the farm gate.~~
6. ~~_____ (7) Generally, farmlandfarmlands~~ which ~~is~~are close to urban centers ~~hashave~~ a greater market value for future residential development than ~~istheir~~ market value for farming or open space. Prime agricultural land often has the same features (such as ~~perkablewell-drained~~ soils) that are components of desirable residential areas. ~~This fact~~ encourages the speculative purchase of these lands at high prices for future residential development, regardless of the current zoning of such lands. Farmland which has a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from agricultural uses.
7. ~~_____ (8) The permanent acquisition of voluntarily offered interests in farmland and open space~~ within the Township, as provided in this Ordinance and as authorized by the United States Constitution and statutes of the State of Michigan, will permit these lands to remain in agricultural ~~use near developing urban areasand open space use~~ and provide long-term protection for the public interests which are served by ~~farmlandthose lands~~ in the Township.
8. ~~_____ (9) Properties on which the Township has purchased the development rights should remain substantially undeveloped in order to promote their natural and agricultural use.~~
9. ~~_____ (10) The acquisition of interests in farmland as provided in this Ordinanceand open space~~ is a public purpose of Dexter Township as provided in this Ordinance ~~and financing. Financing~~ such acquisition requires that the Township enter into purchases or installment purchases not to exceed statutory limits.
10. ~~(11) This ordinance is authorized by Sections 31 to 33 of the Township Zoning Act, MCL 125.301 B 125.303.~~

SECTION 2: -Definitions

- ~~_____ (1)~~
 "Agricultural Rights" means an interest in and the right to use and possess land for purposes and activities related to open space, natural habitat, horticultural and other agricultural uses.
- ~~_____ (2)~~
 "Agricultural Use" means ~~substantially undeveloped land~~farmland devoted to the production of plants and animals useful to humans, including ~~fruits, nuts, vegetables,~~

~~greenhouse plants, Christmas trees and lumber, forages and sod crops; grains and, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock (including breeding and grazing), poultry and of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program, a federal conservation reserve program, or a wetland reserve program. Agricultural use does not include the management and harvest of a woodlot where such a woodlot exceeds 49% of the land considered within an application.~~

~~(3)~~

~~“Application” means the documentation and information submitted to the Township by a landowner on an approved application form for offering to sell, donate or otherwise grant to the Township a conservation easement, development rights or title to lands in the Township.~~

~~“Board of Trustees” and “Township Board” means the Dexter Township Board of Trustees.~~

~~“Chairperson” means the member of the Farmland Preservation Board who is elected Chairperson by the Preservation Board.~~

~~(4) “Board of Trustees” means the Dexter Township Board of Trustees.~~

~~(5)~~

~~“Conservation easement” means a non-possessory interest in real property, which is acquired in accordance with MCL 324.2140 et seq., for the purpose of retaining and enhancing agriculture; preserving natural scenic or open space values of real property; restricting or preventing the development of land for purposes other than agricultural production; or other like or similar purposes.~~

~~“Development” means an activity which materially alters or affects the existing conditions or use of any land.~~

~~(6)~~

~~“Development Rights” means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.~~

~~(7)~~

~~“Development Rights Easement” means a grant by an instrument whereby the owner relinquishes to the public in perpetuity the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land not to develop, except as this right is expressly reserved in the instrument.~~

~~(8)~~

~~“Eligible Land” means farmland and/or open space for which the purchase of “development rights easements” with tax funds and other monetary sources are authorized pursuant to this Ordinance.~~

~~(9)~~

~~“Farmland” means those lands shown designated in the Township Master Plan as being zoned for agricultural uses, as adopted and amended from time to time by the Township Planning Commission.~~

~~(10)~~
"Farmland and Open Space Preservation Board" means the board formed pursuant to Section 6 of this Ordinance to advise the Board of Trustees in the selection of Eligible Lands for easement purchases.

~~(11)~~
"Full Ownership" means fee simple ownership.

~~(12)~~
"Governmental Agency" means the United States or any agency thereof, the State of Michigan or any agency thereof or any Township, City or municipal corporation.

~~(13)~~
"Open Space" means substantially undeveloped land that is not devoted to agricultural use, but possesses special qualities including natural areas, scenic views, wildlife habitat and threatened and endangered species.

"Owner" means the party or parties having the fee simple interest in land.

~~(14)~~
"Parcel" means all property under a single ownership that is included in the application.

~~(15)~~
"Permitted Use" means any use contained within a development rights easement essential to ~~the~~ farming.

~~(16)~~
"Residential Development Rights" means the right to sell portions of a property, or to construct houses on a property, for residential uses not related to the agricultural use of the property.

"Substantially Undeveloped Land" means land on which there is no more than one residential dwelling unit (exclusive of housing units directly associated with the farming operation).

"Supervisor" means the Dexter Township Supervisor.

~~(17)~~
"Value of Development Rights" means the difference between the fair market value of full ownership of the land (excluding the buildings thereon) and the fair market value of the agricultural rights and/or the open space value plus any residential development rights to be retained by the owner.

SECTION 3: -Authorization

- ~~(1)~~
1. The Board of Trustees is hereby authorized to create a Development Rights Acquisition Fund to provide matching funds for Purchase of Development Rights applications. This fund may be financed by any of the following:
 - a. Millage, voted upon and approved by the residents of the Township, for Purchase of Development Rights
 - b. Allocation from the Township General Fund
 - c. Fees that are earmarked for Farmland Preservation

d. Contribution or bequests.

2. The Board of Trustees is hereby authorized to expend funds-tax revenues, specifically generated and set aside in the Development Rights Acquisition Fund as stipulated in 3.1 above, to acquire property interests in the farmland and open space land described and prioritized in Section 5 of this Ordinance. The property interest acquired may either be the development rights, or any lesser interest, easement, covenant or other contractual right.- Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Ordinance. -The fundsrevenues shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.
3. ~~_____ (2)~~ The Township is authorized to enter into cash purchase and/or installment purchase contracts, and agreements for the receipt of tax deductible donations of easements, consistent with applicable law. -When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract for the tax-exempt status of such interest.
4. ~~_____ (3)~~ The Board of Trustees is further authorized to contract with recognized and legally established nonprofit land trusts ~~(for example, American Farmland Trust and Washtenaw Land Trust) or other, other~~ experienced and qualified nonprofit groups or other units of government, to participate jointly in the acquisition of interests in eligible lands.
5. ~~_____ (4)~~ The Township may contract with recognized and legally established nonprofit land trusts ~~or, other~~ experienced and qualified nonprofit groups ~~or, other local units of government and~~ consultants that would ~~share~~ assist the Township in ~~the process of negotiating easements and program development and operation,~~ establishing ~~both the~~ baseline studies ~~and the,~~ procedures for monitoring and/or the management of any ~~conservation easements~~ Conservation Easements acquired under this Ordinance ~~and would be done in accordance with~~ ". Such studies and monitoring must conform to the "The Standards and Practices Guidebook" issued by the Land Trust Alliance.

SECTION 4: Retained Residential Development Rights

1. To promote agricultural use of properties on which the Township has purchased the Development Rights, it has been determined that such properties should remain substantially undeveloped.
2. It may be in the best interest of property owners and of the program that property owners retain some residential development rights so long as the land remains substantially undeveloped. When property owners retain some development rights their land value remains higher than it would be if they sold all their development rights and the value of the development rights to be purchased is correspondingly reduced.

3. Applications for the sale of development rights may include a provision to retain the right to build residential dwellings (residential development rights). This is not to preclude the sale of all existing dwelling units on the site at the time the development rights are purchased. Sale of these existing dwelling units shall be in accordance with the conservation easement on the property.
4. The building locations for retained residential development rights may be restricted in the negotiated conservation easement in order to protect other important features of the property. Building locations and lot sizes must also conform to the existing zoning regulations.

SECTION 5: Eligible Lands and Priority of Acquisition

~~_____ Funds~~

Revenues shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7.

Primary Criteria that all properties must meet:

Voluntary

- voluntary application by the property owner, and ~~those~~
- lands showndesignated in the Township Master Plan ~~as being zoned~~ for agricultural uses, ~~or as rural residential where agriculture is practiced on larger parcels, as adopted and amended from time to time by the Township Planning Commission~~natural features.

Criteria for Selection:

The following criteria shall be used in determining the order in which applications will be prioritized ~~in any Selection Round~~ to purchase development rights on ~~all~~ eligible lands for which complete applications have been received by the Township. This numerical ranking system has been developed to prioritize farm sites and open space for the purchase of conservation easements. After an initial screening, sites will be evaluated using this system. It is the intention of the users of this system to direct efforts toward high quality farmland and open space in areas of the Township where its preservation is most appropriate.

Appropriateness is determined by favorable natural conditions and location factors which make farming a viable undertaking both currently and in the future. Areas targeted for preservation are those lands showndesignated in the Township General Development Plans as being zonedMaster Plan for agricultural uses, as adopted and amended from time to time by the Township Planning Commissionspecial natural features.

~~DESCRIPTION OF THE SYSTEM. The farmland ranking system consists of four sections as follows. The maximum point value is 100, with some additional points possible in the event of a tie.~~

<u>PART</u>	<u>TOTAL POINTS</u>

~~_____ I Characteristics~~Initial Screening

1. Development Rights already purchased and/or Conservation Easement placed on the property.
If yes, then reject application.
2. Permitted use according to local zoning: Is agriculture a permitted use according to the zoning designation for the nominated parcel? Or if the nominated parcel is considered “open space” as defined in this ordinance, is the current or proposed use of the nominated parcel a permitted use according to the Township’s zoning ordinance?
If no, then recommend rejection of application.

Description of the System:

The screening and scoring system for review of potential easement acquisition consist of two land types: Agricultural Land—44 and Open Space Land. The system is intended to identify high quality agricultural and open space properties that are appropriate for protection.

<u>— H — Stewardship of the Land —</u>	<u>18</u>
<u>— III — Context —</u>	<u>12</u>
<u>— IV — Acquisition Considerations —</u>	<u>26</u>

PRIORITIES.—Priorities:

The point value arrived at through the use of this system will be used to prioritize farm sites for purchase of conservation easements. -Higher point values indicate higher priority for purchase. -All property in a single ownership may be included in one application. Contiguous properties under the same ownership will be treated as a single entity.

Note: An explanation of terms and parameters used in the system appears in Appendix A.

The Agricultural Land system consists of four sections and a maximum point value of 100.

The Open Space Land consists of three sections and a maximum point value of 100.

A. Agricultural Land

<u>PART</u>	<u>TOTAL POINTS</u>
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I - Characteristics of the Farmland	54
II - Stewardship of the Land	3
III - Pressure for Conversion to Non-farm Use	18
IV – Leveraging Funds	25

PART I - CHARACTERISTICS OF THE LANDFARMLAND
MAXIMUM POINTS = 44

A. Type of Agricultural Land

~~Multiply the percentage of the nominated parcel featuring prime, unique or locally important agricultural soils by 20.~~

~~**B.**~~

~~**Percentage of Prime and Locally Important Soils**~~

<u>Category</u>	<u>Score</u>
80% or more	15
50-79%	10
25-49%	6
Less than 25%	0

Size of Parcel Offered for Development Rights Purchase

<u>Acreage</u>	<u>Score</u>
_____	_____

≥80 acres _____ or more	_____
_____ 15	
20 to 79 acres _____	8
40-80 acres _____	5
<405 to 19 acres _____	3
Less than 5 acres _____	2 0

C. Farmland in Agricultural Use

<u>Percent of Property in Agricultural Use</u>	<u>Score</u>
90% & up	10

76% - 89%	8
61% - 75%	6
51% - 60%	4

Proximity to Protected Land

Distance _____
Score _____

Adjacent _____ 8
 _____ 10

One mile or less _____ 5

More than one mile _____ 2

D. Farm Buildings

Buildings — Within 1 mile _____ 6
 Greater than 1 mile _____ 3

Scenic, Historical or Architectural Features

Features _____ Score _____

Usable, functional farm buildings on Farm site _____ provides a
vista and unique historical
or architectural features, including
 _____ architecturally significant barn(s) _____ 4
 Farm site provides an accent _____ 2

PART II - STEWARDSHIP OF THE LAND

Commitment to Farming

Participation in Other Programs _____ Score _____
 Applicant property enrolled in P.A.116, MAEAP, WRE, CRP, etc. _____ 3

PART III

E. – PRESSURE FOR CONVERSION TO NON-FARM USE (OR SITE DEVELOPMENT CAPABILITIES AND LIMITATIONS)

Amount of Road Frontage

<u>Frontage</u>	<u>Score</u>
1,000 feet or more	4
500 to 999 feet	3
100 - 499 feet	1

PART II

STEWARDSHIP OF THE LAND
MAXIMUM POINTS = 18

A. Conservation Plans

<u>Extent of Conservation Plan</u>	<u>Score</u>
Conservation plan fully implemented or conservation practices used to the fullest extent necessary	8
Conservation plan partially implemented or some practices used	4

B. Commitment to Farming

<u>Enrollment in P.A. 116 or Duration of Ownership</u>	<u>Score</u>
Farm is enrolled in P.A. 116 and land has been in the same	10

~~_____ ownership for at least 50 years~~

~~Farm is enrolled in P.A. 116 or has been in the same _____ 6
_____ ownership for at least 50 years~~

~~PART III~~

~~CONTEXT
MAXIMUM POINTS = 12~~

~~A. Current Adjacent Zoning Classification Land Use~~

~~Percent of Perimeter in Agricultural Zoning _____ Score~~

~~90% or more _____ 4~~

~~50-89% _____ 2~~

~~<50% _____ 1~~

~~B. Current Adjacent Land Use~~

~~Percent of Perimeter in Agricultural Use _____ Score~~

~~90% or more _____ 4~~

~~50-89% _____ 2~~

~~<50% _____ 75-100%~~

~~_____ 5~~

~~50-74% _____ 3~~

~~25-49% _____ 1~~

~~C. Groundwater Recharge Area~~

<25% _____ 0

Adjacent Land Use Designation

Percent of Property Serving as Groundwater Recharge — Perimeter designated
Agricultural Zoning Score

>75% _____ 4

50-75% _____ 2

<50% — 75-100% _____ 5

50-74% _____ 3

25-49% _____ 1

<25% _____ 0

Master Plan Designation

Consistency with Master Plan _____ Score

Applicant property is planned for agricultural use _____ 3

Property is planned for non-agricultural use _____ 0

PART IV

ACQUISITION CONSIDERATIONS
MAXIMUM POINTS = 26

A. LEVERAGING FUNDS

Matching Funds

Percent of Appraised Value _____
Score

>50% _____ 16

>50% _____ 15

20-50% _____
10

<20% (but >0) _____
5

No matching funds _____ 0

B. Landowner Donation

Percent of Appraised Value _____ Contribution _____
Score

>20% _____
_____ 10

10-20% _____ 6

10-20% _____ 8

<10% (but >0) _____
_____ 2

No contribution _____ 0

B. Open Space Land

<u>PART</u>	<u>TOTAL POINTS</u>
I – Characteristics of the Land	40
II – Context	32
III – Leveraging Funds	28

I. Characteristics of the Land

<u>Mature Trees and/or Rare Species</u>	<u>Score</u>
Species and/or habitats of special concern	15
Mature native forest or grassland elements	10
Early successional plant communities	6

<u>Parcel Size</u>	<u>Score</u>
>40 acres	10
20 – 40 acres	6
<20 acres	2

Road Frontage _____ Score

>1000 feet	3
500 – 1000 feet	2
<500 feet	1
No frontage	0

Wetlands and/or Floodplain (% of property)	Score
>20%	6
10 – 20 %	4
<10%	2
No features	0

Groundwater Recharge (% of property)	Score
>75%	6
50 – 75%	4
<50%	2

II. Context

Adjacent Land Use (% of perimeter in open space and/or ag use)	Score
>90%	6
50 – 90%	4
<50%	2
None	0

Proximity to Water Resources Frontage (Amount of frontage on open water, a perennial stream, or county drain)	Score
>500 feet	10
100 – 500 feet	8
<100 feet	6
No frontage	0

Proximity to Protected Land	Score
Adjacent	10
1 mile or less	6
>1 mile	0

Scenic and/or historical value (Does the site provide a broad, sweeping view from publicly accessible sites, or does it have unique or historical features)	Score
2 or more attributes	6
1 attributes	4
0 attributes	0

III. Leveraging Funds

<u>Matching Funds</u>	<u>Score</u>
(% of the appraised value of development rights available from other sources)	
>50%	15
20 – 50%	10
<20 %	5
No funds	0

<u>Landowner Contribution</u>	<u>Score</u>
(% of the appraised value of development rights the landowner is willing to donate)	
>20%	13
10 – 20%	9
<10%	5
No discount	0

SECTION ~~5~~-6: Farmland and Open Space Preservation Board

(1)

1. ~~A fiveseven-member Farmland and Open Space Preservation Board (~~the "Preservation Board"~~)~~ shall be appointed by the Board of Trustees. - The Board of Trustees shall seek the names of nominees for the Preservation Board by the means usually employed for other boards and commissions. The Preservation Board shall determine the selection of eligible lands on which development rights are offered for acquisition by their owners. -Selection of eligible lands shall be made by a majority of Preservation Board members.
2. ~~_____ (2)~~ The Preservation Board shall consist of residents of the Township. The Preservation Board shall include a representative of the Township Board of Trustees, ~~a natural resources professional, a citizen~~five citizens at-large and ~~two representatives~~one representative who ~~owns~~owns agricultural land, ~~is employed in agriculture~~ or ~~operate~~operates an agricultural ~~businesses~~business. The Board of Trustees may appoint ex-officio members.
3. ~~_____ (3)~~ The Preservation Board may consult experts ~~as it may desire~~for program staffing and the Board of Trustees may appropriate funds for that purpose.
4. ~~_____ (4)~~ Members shall serve ~~three~~two-year terms, except that the initial term of ~~three members shall be one year and terms of~~ four members shall be ~~three years and terms of three members shall be~~ two years. ~~Members may be removed by the Board of Trustees for good cause as determined by the Board of Trustees.~~ Members shall not be compensated for their services but ~~shall~~may be reimbursed for expenses actually incurred in the performance of their duties. Members may be reappointed to successive terms ~~but the Preservation Board shall be terminated two years following the expenditure of all proceeds for farmland and open space development rights acquisition.~~
5. ~~_____ (5)~~ No member shall vote on the selection of individual parcels in which they have an interest or on individual parcels adjacent to property in which they have an interest.
6. The Preservation Board shall annually elect a chairperson and a secretary.

7. The Preservation shall meet at a minimum on a quarterly basis at a date and time to be determined by its members.
8. A majority of the members of the Preservation Board (that is, four) shall constitute a quorum.
9. Consistent with this Ordinance and subject to approval by the Township Board, the Preservation Board may develop bylaws and standing rules that further define the functional and procedural aspects of its duties.
10. The secretary shall be responsible for taking written minutes of the meetings of the Preservation Board. The records of the Preservation Board shall be kept by the Township Clerk.
11. Meetings shall be conducted in accordance with the Open Meetings Act, MCLA 15.261 et seq.
12. The Preservation Board shall publish an annual report which shall include a listing of all parcels of land donated or for which development rights or conservation easements or other easements were conveyed; a map showing the location of acquired lands; financial costs; and other pertinent information on program operation.

SECTION ~~6~~:7: Selection

The ~~Farmland~~ Preservation Board shall conduct a voluntary property selection process (~~herein called the "Selection Round"~~) generally as follows:

- ~~(1) In each selection round the~~
 1. The development rights on all eligible land properties shall be eligible for purchase. ~~In all selection rounds, properties~~ Properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:
 - a. ~~_____ a.~~ The Preservation Board may negotiate for a lower price and/or seek outside funding for the purchase of development rights on any parcel offered.
 - b. ~~_____ b.~~ In the interest of protecting a significant amount of agricultural land, the Preservation Board may determine not to buy all of any of the development rights on a particular parcel if the Preservation Board makes a finding that it is in the best interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued development rights.
 - c. ~~_____ e.~~ The Preservation Board may receive and act on appeals of any factual nature by affected property owners.
 2. ~~_____ (2) The Preservation Board shall begin each selection round by giving notice in one newspaper of general circulation in Dexter Township. The notice shall describe the properties eligible for purchase in the selection round; the general procedure to be followed in the selection process (including an estimated time schedule for the steps in the process); and shall invite the owners of such properties to make application for purchase of development rights by the Township and to describe the property interest which the owner is willing to~~

~~sell.~~ The Preservation Board shall provide notice that applications may be submitted by property owners in Dexter Township. Applications shall be submitted to a location to be specified by the Preservation Board and stamped with the date of receipt.

3. ~~_____ (3) Upon closing of the application period, the~~ The Preservation Board shall review each application which has been received to determine the eligibility and priority classification of each property interest and to verify ownership by tax records.
4. ~~_____ (4) For those properties which meet the requirements of Section 45,~~ the Preservation Board shall cause an appraisal of the applicant's property interest to be made. A "before and after" appraisal shall be made to determine the value of development rights. ~~One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights~~ and/or open space value, plus any specifically retained residential development rights.
5. ~~_____ (5) Appraisals shall be made by State certified appraisers,~~ ARA Certified, selected by the Preservation Board. ~~The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands. The same appraiser shall conduct the before and after appraisals.~~
6. ~~_____ (6) Appraisals shall be in writing and shall be furnished to the respective owners for review.~~ ~~Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser.~~
7. ~~_____ (7) Terms and conditions of sale and information on the effect of the sale may be discussed by the entire Preservation Board with owners prior to the submission of written applications.~~
8. ~~_____ (8) Written applications by owners who desire to have their development rights purchased by the Township shall be submitted on forms provided by the Preservation Board. These written offers shall include any development options desired to be retained by the owners.~~

~~(9)9.~~ Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations.
~~Trustees shall take final action on such recommendations.~~

- ~~(10) Once action to select properties for the purchase of development rights has~~
10. been taken by the Board of Trustees, the Preservation Board shall draft a baseline documentation report describing through photographic, pictorial and narrative means the condition of the property at the time of the grant and of a development rights easement. ~~The baseline report shall contain a signature page where the~~ Ownerowner and the Supervisor sign to state that the report is an accurate description of the property at the time of grant. ~~The easement shall similarly feature a page where the signatures of the~~ Ownerowner and the Supervisor are notarized, following which the easement shall be recorded with the county register of deeds so that it is effective on all current and future owners.

~~(11) Upon the completion of a purchase of development rights transaction, the~~

11. Township assessor will be notified of the development rights purchase.

~~(12) Additional residential dwellings are not permitted on lands from which development rights have been purchased.~~

SECTION ~~7:~~8: Duration of Acquired Interests

~~(1)~~

1. Development ~~rights~~Rights acquired pursuant to this Ordinance shall run with the land and be held ~~in trust~~ by the Township, for the ~~benefit~~benefits of its citizens, in perpetuity. ~~After A property owner who has sold Development Rights to the Township may repurchase those rights upon the following conditions:~~

- ~~• Fifty (50) years have passed, however, the owner may make application to the Preservation Board that farmland described in this Ordinance has (a) become landlocked with non agricultural uses, (b) farming is no longer feasible and (c) the release is for since the public good. Development Rights were sold;~~
- ~~• The Preservation Board evaluate-determines that the feasibility of farming by determining whether the land is no longer and never will be suitable for any kind of agriculture, with wooded land left fallow not necessarily to be considered unsuitable. property may not be reasonably used for Agricultural Use or has lost its open space value. A recommendation will be based on the following factors:~~

~~(2) Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations. The Board of Trustees must support the request by an owner to repurchase development rights by a five-member majority of the total seven Trustees.~~

~~(3) For those properties for which the Board of Trustees approves the return of development rights as specified in Subsection (1), the Preservation Board shall cause an appraisal of the applicant's property interest to be made at the owner's expense. Payment for this appraisal shall be made by the owner in advance. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.~~

~~(4) Appraisals shall be made by State certified appraisers selected by the Preservation Board. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands.~~

~~(5) Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser.~~

~~(6) At any time in this process, the owner may choose to withdraw the request for~~

~~the return of development rights without penalty, while still being responsible for the Township's appraisal of the property as specified in Subsection (2).~~

~~(7) If the Board of Trustees approves the return of development rights, the Township shall have a right of first refusal to purchase the remaining rights at the fair market value of the agricultural rights plus any retained development rights, as determined by a State-certified appraiser. Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations. If the Board of Trustees chooses to exercise this right of first refusal, an offer to purchase the remaining rights at the appraised value shall be submitted. Acquisition of lands shall not be made with funds authorized for development rights acquisition pursuant to this Ordinance. The owner may at that time choose to not sell the remaining rights and instead retain ownership of the property.~~

~~(8) If (a) a request to re-purchase development rights is denied by the Board of Trustees, or (b) the landowner chooses not to sell the remaining rights the Township chooses to exercise its right of first refusal or (c) more than a year passes from the Board of Trustees' authorization for the re-purchase of development rights, the landowner must wait five years before re-applying to re-purchase development rights.~~

~~(9) The Township may convey development rights acquired pursuant to this Ordinance to a conservation, open space preservation, historic preservation or similar organization under terms ensuring that the public benefits for which the Township purchased the development rights will be maintained.~~

- ~~i. That, because of the quality of the farmland, agricultural production cannot be made economically viable with generally accepted agricultural and management practices~~
- ~~ii. That surrounding conditions impose physical obstacles to the agricultural operation or prohibit essential agricultural practices~~
- ~~iii. That significant natural physical changes in the farmland have occurred that are generally irreversible and permanently limit the productivity of the farmland~~
- ~~iv. That a court order restricts the use of the farmland so that agricultural production cannot be made economically viable~~
- ~~v. That significant natural physical changes occurred in the open space making it less desirable to protect.~~

- ~~• The repurchase of the development rights is consistent with the purpose of the Township's purchase of development rights program as determined by the Board of Trustees;~~
- ~~• Any and all other funding partners in the purchase consents to have the development rights repurchased; and~~
- ~~• The Township chooses not to exercise its 60-day option to purchase the remainder of the property interests in the parcel.~~

~~2. Once the Township Board determines that a property is eligible to have its Development Rights repurchased, the owner shall pay the fair market value of~~

those rights at the time of their return, as determined by a State Certified Appraiser. The property owner may not challenge this appraisal. If the Appraiser has a conflict of interest associated with a potential appraisal, he/she shall report the conflict to the Township and the Township shall select another Appraiser to complete the appraisal. The Township will deposit the proceeds from any repurchases into a separate fund that shall be used to purchase additional Development Rights or for other agriculture land preservation means available within the Township.

3. A repayment received shall be allocated to all original contributing fund partners in the same proportion as the proportion for the original purchase of the development rights of the parcel.

SECTION ~~8~~-9: Related Costs

The costs of appraisal, ~~easement development, baseline documentationsurveying,~~ staffing, environmental assessment, closing, legal review and other services lawfully incurred incident to the acquisition of interests in eligible lands by the Township shall~~may~~ be paid by the Township.- The Township shall not be responsible for expenses incurred by the owner incident to this transaction, including surveying and the owner's legal review.

SECTION ~~9~~-10: Supplemental Funds

Supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring development rights, or some lesser interest in eligible lands or to supplement or enlarge such acquisition. -The ~~Farmland Preservation~~Township Board is hereby authorized to utilize such funds to purchase interests in eligible lands or to otherwise supplement Township funds in the manner provided by this Ordinance and in accordance with the applicable laws or terms governing such grant.

SECTION ~~10~~-11: Purpose

The Board of Trustees finds and declares that the use of Township funds for the purpose of paying in whole or in part the cost of acquisition of interests in eligible lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of development rights easements, or to participation with any party for such purposes will promote the public health, safety and general welfare of the people of Dexter Township.

SECTION ~~11:~~12: Development Rights Funding Sources and Acquisition Fund
~~The funds~~

1. Funding for purchasing development rights may come from one or more of the following sources:
 - a. General appropriations by the township specifically set aside in the Development Rights Acquisition Fund (see Section 3).
 - b. Proceeds from the sale of development rights by the township subject to Section 8(2) of this Ordinance.
 - c. Grants.
 - d. Donations.
 - e. Contributions from land trusts, other non-profit entities or other units of government.
 - f. Other sources approved by the township board and permitted by law.
2. All revenues for purchasing development rights on farmland and open space land shall be placed in a designated Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Dexter Township (~~here and after "Acquisition Fund"~~). Money in such acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.
3. ~~_____~~ The funds revenues and any interest received from the deposit or investment of such funds revenues shall be applied and used solely for the purposes set forth in this Ordinance.

SECTION ~~12:~~13: Severability.

In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

SECTION 14: Enforcement

The Township shall administer and enforce the terms specified in recorded conservation easements in which the Township serves as grantee. The Preservation Board will advise and make recommendations to the Township Board concerning monitoring and investigation of complaints of violation of rights acquired by the Township. The Preservation Board shall at least annually ascertain whether an owner is complying with all conditions of the easement or deed. Inspection findings shall be in writing and maintained in the Township records.

APPENDIX A

Accent. Attractive view but narrower in scope and weaker in impact than a vista.

Market Value. Refers to an owner's willingness to accept an offer for development rights at a percentage lower than the full market value.

Matching Funds. Matching funds are defined as other financial contributions from private or public sources that could be applied to a property's application and result in a lower local cost for development rights purchase.

P.A. 116. Michigan's Farmland and Open Space Preservation Act (P.A. 116 of 1974) enables a landowner to enter into a development rights agreement (for farmland) or a development rights easement (for open space) with the state. These agreements and easements are designed to ensure that the land remains in a particular use or uses for an agreed upon period.

In return for maintaining the land in a particular use, the landowner is entitled to certain income or property tax benefits.

Protected Land. Protected land is defined as that which is permanently protected through private or public means. Types of protected land include nature preserves, public park and recreation lands, lands restricted by conservation easement with land trusts and conservancies and other lands with development rights secured through purchase or donation.

Vista. A broadly sweeping view visible from a publicly accessible site, including but not limited to a variety of vegetation types and farm fields, and may have topographic variations.

Dexter Township Purchase of Development Rights Ordinance

AN ORDINANCE authorizing Dexter Township to acquire voluntarily offered property development rights in real estate that is farmland and open space within the township and establishing the procedure for acquiring and financing the acquisition of the development rights.

THE DEXTER TOWNSHIP BOARD OF TRUSTEES ORDAINS:

SECTION 1: Findings and Declaration of Purpose

The Board of Trustees finds that:

1. Dexter Township is a desirable place to live, work and visit in large part because of the availability of farmland, natural features and open space. The Township Master Plan includes scenic views, agriculture, open spaces and wildlife habitat as valuable natural and aesthetic resources that should be protected.
2. The climate, variety of soils and terrain make the Township well suited to the production of a great number of agricultural products. These resources include several thousand acres of land currently in agricultural production and other woodland, wetland and open lands adjacent to these farmlands. Such lands provide unique aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's natural and agricultural heritage.
3. Dexter Township is experiencing substantial residential development because of its proximity to Ann Arbor and other employment centers, its attractive landscapes and excellent public schools. The same characteristics which have made this area so desirable for agricultural production and recreation also make it attractive for residential sites.
4. It is the policy of the State of Michigan, Washtenaw County and Dexter Township to protect, preserve and enhance agricultural lands as evidenced by the Township Master Plan, the Township Zoning Act, the Washtenaw County PDR Ordinance, MCLA 125.271 et seq. and other state and local statutes and policies. Ordinances regulating land use by zoning and subdivision control enacted by the Township also serve these purposes. These measures by themselves, however, have not effectively provided long-term protection of agricultural areas and open space from the increasing pressure of residential and commercial development.
5. The Township recognizes the agricultural industry's significant contributions to the local economy.
6. Generally, farmlands which are close to urban centers have a greater market value for future residential development than their market value for farming or open space. Prime agricultural land often has the same features (such as well-drained soils) that are components of desirable residential areas. This encourages the speculative purchase of these lands at high prices for future residential development, regardless of the current zoning of such lands. Farmland which has

- a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from agricultural uses.
7. The permanent acquisition of voluntarily offered interests in farmland and open space within the Township, as provided in this Ordinance and as authorized by the United States Constitution and statutes of the State of Michigan, will permit these lands to remain in agricultural and open space use and provide long-term protection for the public interests which are served by those lands in the Township.
 8. Properties on which the Township has purchased the development rights should remain substantially undeveloped in order to promote their natural and agricultural use.
 9. The acquisition of interests in farmland and open space is a public purpose of Dexter Township as provided in this Ordinance. Financing such acquisition requires that the Township enter into purchases or installment purchases not to exceed statutory limits.
 10. This ordinance is authorized by Sections 31 to 33 of the Township Zoning Act. MCL 125.301 B 125.303.

SECTION 2: Definitions

"Agricultural Rights" means an interest in and the right to use and possess land for purposes and activities related to open space, natural habitat, horticultural and other agricultural uses.

"Agricultural Use" means farmland devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program, a federal conservation reserve program, or a wetland reserve program. Agricultural use does not include the management and harvest of a woodlot where such a woodlot exceeds 49% of the land considered within an application.

"Application" means the documentation and information submitted to the Township by a landowner on an approved application form for offering to sell, donate or otherwise grant to the Township a conservation easement, development rights or title to lands in the Township.

"Board of Trustees" and "Township Board" means the Dexter Township Board of Trustees.

"Chairperson" means the member of the Farmland Preservation Board who is elected Chairperson by the Preservation Board.

“Conservation easement” means a non-possessory interest in real property, which is acquired in accordance with MCL 324.2140 et seq., for the purpose of retaining and enhancing agriculture; preserving natural scenic or open space values of real property; restricting or preventing the development of land for purposes other than agricultural production; or other like or similar purposes.

"Development" means an activity which materially alters or affects the existing conditions or use of any land.

"Development Rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.

"Development Rights Easement" means a grant by an instrument whereby the owner relinquishes in perpetuity the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land not to develop, except as this right is expressly reserved in the instrument.

"Eligible Land" means farmland and/or open space for which the purchase of development rights easements with tax funds and other monetary sources are authorized pursuant to this Ordinance.

"Farmland" means those lands designated in the Township Master Plan for agricultural uses.

"Farmland and Open Space Preservation Board" means the board formed pursuant to Section 6 of this Ordinance to advise the Board of Trustees in the selection of Eligible Lands for easement purchases.

"Full Ownership" means fee simple ownership.

"Governmental Agency" means the United States or any agency thereof, the State of Michigan or any agency thereof or any Township, City or municipal corporation.

“Open Space” means substantially undeveloped land that is not devoted to agricultural use, but possesses special qualities including natural areas, scenic views, wildlife habitat and threatened and endangered species.

"Owner" means the party or parties having the fee simple interest in land.

"Parcel" means all property under a single ownership that is included in the application.

"Permitted Use" means any use contained within a development rights easement essential to farming.

"Residential Development Rights" means the right to sell portions of a property, or to construct houses on a property, for residential uses not related to the agricultural use of the property.

"Substantially Undeveloped Land" means land on which there is no more than one residential dwelling unit (exclusive of housing units directly associated with the farming operation).

"Supervisor" means the Dexter Township Supervisor.

"Value of Development Rights" means the difference between the fair market value of full ownership of the land (excluding the buildings thereon) and the fair market value of the agricultural rights and/or the open space value plus any residential development rights to be retained by the owner.

SECTION 3: Authorization

1. The Board of Trustees is hereby authorized to create a Development Rights Acquisition Fund to provide matching funds for Purchase of Development Rights applications. This fund may be financed by any of the following:
 - a. Millage, voted upon and approved by the residents of the Township, for Purchase of Development Rights
 - b. Allocation from the Township General Fund
 - c. Fees that are earmarked for Farmland Preservation
 - d. Contribution or bequests.
2. The Board of Trustees is hereby authorized to expend tax revenues, specifically generated and set aside in the Development Rights Acquisition Fund as stipulated in 3.1 above, to acquire property interests in the farmland and open space land described and prioritized in Section 5 of this Ordinance. The property interest acquired may either be the development rights or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Ordinance. The revenues shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.
3. The Township is authorized to enter into cash purchase and/or installment purchase contracts and agreements for the receipt of tax deductible donations of easements, consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract for the tax-exempt status of such interest.
4. The Board of Trustees is further authorized to contract with recognized and legally established nonprofit land trusts, other experienced and qualified nonprofit groups or other units of government, to participate jointly in the acquisition of interests in eligible lands.

5. The Township may contract with recognized and legally established nonprofit land trusts, other experienced and qualified nonprofit groups, other local units of government and consultants that would assist the Township in program development and operation, establishing baseline studies, procedures for monitoring and/or the management of any Conservation Easements acquired under this Ordinance. Such studies and monitoring must conform to the “The Standards and Practices Guidebook” issued by the Land Trust Alliance.

SECTION 4: Retained Residential Development Rights

1. To promote agricultural use of properties on which the Township has purchased the Development Rights, it has been determined that such properties should remain substantially undeveloped.
2. It may be in the best interest of property owners and of the program that property owners retain some residential development rights so long as the land remains substantially undeveloped. When property owners retain some development rights their land value remains higher than it would be if they sold all their development rights and the value of the development rights to be purchased is correspondingly reduced.
3. Applications for the sale of development rights may include a provision to retain the right to build residential dwellings (residential development rights). This is not to preclude the sale of all existing dwelling units on the site at the time the development rights are purchased. Sale of these existing dwelling units shall be in accordance with the conservation easement on the property.
4. The building locations for retained residential development rights may be restricted in the negotiated conservation easement in order to protect other important features of the property. Building locations and lot sizes must also conform to the existing zoning regulations.

SECTION 5: Eligible Lands and Priority of Acquisition

Revenues shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7.

Primary Criteria that all properties must meet:

- voluntary application by the property owner, and
- lands designated in the Township Master Plan for agricultural uses and natural features.

Criteria for Selection:

The following criteria shall be used in determining the order in which applications will be prioritized to purchase development rights on eligible lands for which complete applications have been received by the Township. This numerical ranking system has been developed to prioritize farm sites and open space for the purchase of conservation easements. After an initial screening, sites will be evaluated using this system. It is the intention of the users of this system to direct efforts toward high quality farmland and

open space in areas of the Township where its preservation is most appropriate. Appropriateness is determined by favorable natural conditions and location factors which make farming a viable undertaking both currently and in the future. Areas targeted for preservation are those lands designated in the Township Master Plan for agricultural uses and special natural features.

Initial Screening

1. Development Rights already purchased and/or Conservation Easement placed on the property.
If yes, then reject application.
2. Permitted use according to local zoning: Is agriculture a permitted use according to the zoning designation for the nominated parcel? Or if the nominated parcel is considered “open space” as defined in this ordinance, is the current or proposed use of the nominated parcel a permitted use according to the Township’s zoning ordinance?
If no, then recommend rejection of application.

Description of the System:

The screening and scoring system for review of potential easement acquisition consist of two land types: Agricultural Land and Open Space Land. The system is intended to identify high quality agricultural and open space properties that are appropriate for protection.

Priorities:

The point value arrived at through the use of this system will be used to prioritize farm sites for purchase of conservation easements. Higher point values indicate higher priority for purchase. All property in a single ownership may be included in one application. Contiguous properties under the same ownership will be treated as a single entity.

Note: An explanation of terms and parameters used in the system appears in Appendix A.

The Agricultural Land system consists of four sections and a maximum point value of 100.

The Open Space Land consists of three sections and a maximum point value of 100.

A. Agricultural Land

<u>PART</u>	<u>TOTAL POINTS</u>
I - Characteristics of the Farmland	54
II - Stewardship of the Land	3
III - Pressure for Conversion to Non-farm Use	18
IV – Leveraging Funds	25

PART I - CHARACTERISTICS OF THE FARMLAND

Percentage of Prime and Locally Important Soils

<u>Category</u>	<u>Score</u>
80% or more	15
50-79%	10
25-49%	6
Less than 25%	0

Size of Parcel Offered for Development Rights Purchase

<u>Acreage</u>	<u>Score</u>
80 acres or more	15
20 to 79 acres	8
5 to 19 acres	3
Less than 5 acres	0

Farmland in Agricultural Use

<u>Percent of Property in Agricultural Use</u>	<u>Score</u>
90% & up	10
76% - 89%	8
61% - 75%	6
51% - 60%	4

Proximity to Protected Land

<u>Distance</u>	<u>Score</u>
Adjacent	10
Within 1 mile	6
Greater than 1 mile	3

Scenic, Historical or Architectural Features

<u>Features</u>	<u>Score</u>
Farm site provides a vista and unique historical or architectural features, including architecturally significant barn(s)	4
Farm site provides an accent	2

PART II - STEWARDSHIP OF THE LAND

Commitment to Farming

<u>Participation in Other Programs</u>	<u>Score</u>
Applicant property enrolled in P.A.116, MAEAP, WRE, CRP, etc.	3

PART III – PRESSURE FOR CONVERSION TO NON-FARM USE (OR SITE DEVELOPMENT CAPABILITIES AND LIMITATIONS)

Amount of Road Frontage

<u>Frontage</u>	<u>Score</u>
1,000 feet or more	5
500 - 999 feet	3
100 - 499 feet	1

Adjacent Land Use

<u>Percent of Perimeter in Agricultural Use</u>	<u>Score</u>
75-100%	5
50-74%	3
25-49%	1
<25%	0

Adjacent Land Use Designation

<u>Percent of Perimeter designated Agricultural Zoning</u>	<u>Score</u>
75-100%	5
50-74%	3
25-49%	1
<25%	0

Master Plan Designation

<u>Consistency with Master Plan</u>	<u>Score</u>
Applicant property is planned for agricultural use	3
Property is planned for non-agricultural use	0

PART IV
LEVERAGING FUNDS

<u>Matching Funds</u>	<u>Score</u>
>50%	15
20 – 50%	10
<20%	5

No matching funds 0

<u>Landowner Contribution</u>	<u>Score</u>
>20%	10
10-20%	8
<10%	2
No contribution	0

B. Open Space Land

<u>PART</u>	<u>TOTAL POINTS</u>
I – Characteristics of the Land	40
II – Context	32
III – Leveraging Funds	28

I. Characteristics of the Land

<u>Mature Trees and/or Rare Species</u>	<u>Score</u>
Species and/or habitats of special concern	15
Mature native forest or grassland elements	10
Early successional plant communities	6

<u>Parcel Size</u>	<u>Score</u>
>40 acres	10
20 – 40 acres	6
<20 acres	2

<u>Road Frontage</u>	<u>Score</u>
>1000 feet	3
500 – 1000 feet	2
<500 feet	1
No frontage	0

<u>Wetlands and/or Floodplain</u> (% of property)	<u>Score</u>
>20%	6
10 – 20 %	4
<10%	2
No features	0

<u>Groundwater Recharge</u> (% of property)	<u>Score</u>
>75%	6
50 – 75%	4
<50%	2

II. Context

<u>Adjacent Land Use</u>	<u>Score</u>
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(% of perimeter in open space and/or ag use)	
>90%	6
50 – 90%	4
<50%	2
None	0

<u>Proximity to Water Resources Frontage</u>	<u>Score</u>
(Amount of frontage on open water, a perennial stream, or county drain)	
>500 feet	10
100 – 500 feet	8
<100 feet	6
No frontage	0

<u>Proximity to Protected Land</u>	<u>Score</u>
Adjacent	10
1 mile or less	6
>1 mile	0

<u>Scenic and/or historical value</u>	<u>Score</u>
(Does the site provide a broad, sweeping view from publicly accessible sites, or does it have unique or historical features)	
2 or more attributes	6
1 attributes	4
0 attributes	0

III. *Leveraging Funds*

<u>Matching Funds</u>	<u>Score</u>
(% of the appraised value of development rights available from other sources)	
>50%	15
20 – 50%	10
<20 %	5
No funds	0

<u>Landowner Contribution</u>	<u>Score</u>
(% of the appraised value of development rights the landowner is willing to donate)	
>20%	13
10 – 20%	9
<10%	5
No discount	0

SECTION 6: Farmland and Open Space Preservation Board

1. A seven-member Farmland and Open Space Preservation Board shall be appointed by the Board of Trustees. The Board of Trustees shall seek the names of nominees for the Preservation Board by the means usually employed for other

boards and commissions. The Preservation Board shall determine the selection of eligible lands on which development rights are offered for acquisition by their owners. Selection of eligible lands shall be made by a majority of Preservation Board members.

2. The Preservation Board shall consist of residents of the Township. The Preservation Board shall include a representative of the Township Board of Trustees, five citizens at-large and one representative who owns agricultural land, is employed in agriculture or operates an agricultural business. The Board of Trustees may appoint ex-officio members.
3. The Preservation Board may consult experts for program staffing and the Board of Trustees may appropriate funds for that purpose.
4. Members shall serve two-year terms, except that the initial term of three members shall be one year and terms of four members shall be two years. Members shall not be compensated for their services but may be reimbursed for expenses actually incurred in the performance of their duties. Members may be reappointed to successive terms but the Preservation Board shall be terminated two years following the expenditure of all proceeds for farmland and open space development rights acquisition.
5. No member shall vote on the selection of individual parcels in which they have an interest or on individual parcels adjacent to property in which they have an interest.
6. The Preservation Board shall annually elect a chairperson and a secretary.
7. The Preservation shall meet at a minimum on a quarterly basis at a date and time to be determined by its members.
8. A majority of the members of the Preservation Board (that is, four) shall constitute a quorum.
9. Consistent with this Ordinance and subject to approval by the Township Board, the Preservation Board may develop bylaws and standing rules that further define the functional and procedural aspects of its duties.
10. The secretary shall be responsible for taking written minutes of the meetings of the Preservation Board. The records of the Preservation Board shall be kept by the Township Clerk.
11. Meetings shall be conducted in accordance with the Open Meetings Act, MCLA 15.261 et seq.
12. The Preservation Board shall publish an annual report which shall include a listing of all parcels of land donated or for which development rights or conservation easements or other easements were conveyed; a map showing the location of acquired lands; financial costs; and other pertinent information on program operation.

SECTION 7: Selection

The Preservation Board shall conduct a voluntary property selection process generally as follows:

1. The development rights on all eligible land properties shall be eligible for purchase. Properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:
 - a. The Preservation Board may negotiate for a lower price and/or seek outside funding for the purchase of development rights on any parcel offered.
 - b. In the interest of protecting a significant amount of agricultural land, the Preservation Board may determine not to buy all of any of the development rights on a particular parcel if the Preservation Board makes a finding that it is in the best interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued development rights.
 - c. The Preservation Board may receive and act on appeals of any factual nature by affected property owners.
2. The Preservation Board shall provide notice that applications may be submitted by property owners in Dexter Township. Applications shall be submitted to a location to be specified by the Preservation Board and stamped with the date of receipt.
3. The Preservation Board shall review each application which has been received to determine the eligibility and priority classification of each property interest and to verify ownership by tax records.
4. For those properties which meet the requirements of Section 5, the Preservation Board shall cause an appraisal of the applicant's property interest to be made. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights and/or open space value, plus any specifically retained residential development rights.
5. Appraisals shall be made by State certified appraisers, ARA Certified, selected by the Preservation Board. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands. The same appraiser shall conduct the before and after appraisals.
6. Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser.
7. Terms and conditions of sale and information on the effect of the sale may be discussed by the entire Preservation Board with owners prior to the submission of written applications.
8. Written applications by owners who desire to have their development rights purchased by the Township shall be submitted on forms provided by the Preservation Board. These written offers shall include any development options desired to be retained by the owners.
9. Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations.

10. Once action to select properties for the purchase of development rights has been taken by the Board of Trustees, the Preservation Board shall draft a baseline documentation report describing through photographic, pictorial and narrative means the condition of the property at the time of the grant of a development rights easement. The baseline report shall contain a signature page where the owner and the Supervisor sign to state that the report is an accurate description of the property at the time of grant. The easement shall similarly feature a page where the signatures of the owner and the Supervisor are notarized, following which the easement shall be recorded with the county register of deeds so that it is effective on all current and future owners.
11. Upon the completion of a purchase of development rights transaction, the Township assessor will be notified of the development rights purchase.

SECTION 8: Duration of Acquired Interests

1. Development Rights acquired pursuant to this Ordinance shall run with the land and be held by the Township, for the benefits of its citizens, in perpetuity. A property owner who has sold Development Rights to the Township may repurchase those rights upon the following conditions:
 - Fifty (50) years have passed since the Development Rights were sold;
 - The Preservation Board determines that the property may not be reasonably used for Agricultural Use or has lost its open space value. A recommendation will be based on the following factors:
 - i. That, because of the quality of the farmland, agricultural production cannot be made economically viable with generally accepted agricultural and management practices
 - ii. That surrounding conditions impose physical obstacles to the agricultural operation or prohibit essential agricultural practices
 - iii. That significant natural physical changes in the farmland have occurred that are generally irreversible and permanently limit the productivity of the farmland
 - iv. That a court order restricts the use of the farmland so that agricultural production cannot be made economically viable
 - v. That significant natural physical changes occurred in the open space making it less desirable to protect.
 - The repurchase of the development rights is consistent with the purpose of the Township's purchase of development rights program as determined by the Board of Trustees;
 - Any and all other funding partners in the purchase consents to have the development rights repurchased; and
 - The Township chooses not to exercise its 60-day option to purchase the remainder of the property interests in the parcel.
2. Once the Township Board determines that a property is eligible to have its Development Rights repurchased, the owner shall pay the fair market value of those rights at the time of their return, as determined by a State Certified

Appraiser. The property owner may not challenge this appraisal. If the Appraiser has a conflict of interest associated with a potential appraisal, he/she shall report the conflict to the Township and the Township shall select another Appraiser to complete the appraisal. The Township will deposit the proceeds from any repurchases into a separate fund that shall be used to purchase additional Development Rights or for other agriculture land preservation means available within the Township.

3. A repayment received shall be allocated to all original contributing fund partners in the same proportion as the proportion for the original purchase of the development rights of the parcel.

SECTION 9: Related Costs

The costs of appraisal, surveying, staffing, environmental assessment, closing, legal review and other services lawfully incurred incident to the acquisition of interests in eligible lands by the Township may be paid by the Township. The Township shall not be responsible for expenses incurred by the owner incident to this transaction, including surveying and the owner's legal review.

SECTION 10: Supplemental Funds

Supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring development rights, or some lesser interest in eligible lands or to supplement or enlarge such acquisition. The Township Board is hereby authorized to utilize such funds to purchase interests in eligible lands or to otherwise supplement Township funds in the manner provided by this Ordinance and in accordance with the applicable laws or terms governing such grant.

SECTION 11: Purpose

The Board of Trustees finds and declares that the use of Township funds for the purpose of paying in whole or in part the cost of acquisition of interests in eligible lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of development rights easements, or to participation with any party for such purposes will promote the public health, safety and general welfare of the people of Dexter Township.

SECTION 12: Development Rights Funding Sources and Acquisition Fund

1. Funding for purchasing development rights may come from one or more of the following sources:
 - a. General appropriations by the township specifically set aside in the Development Rights Acquisition Fund (see Section 3).

- b. Proceeds from the sale of development rights by the township subject to Section 8(2) of this Ordinance.
 - c. Grants.
 - d. Donations.
 - e. Contributions from land trusts, other non-profit entities or other units of government.
 - f. Other sources approved by the township board and permitted by law.
2. All revenues for purchasing development rights on farmland and open space land shall be placed in a designated Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Dexter Township. Money in such acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.
3. The revenues and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this Ordinance.

SECTION 13: Severability.

In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

SECTION 14: Enforcement

The Township shall administer and enforce the terms specified in recorded conservation easements in which the Township serves as grantee. The Preservation Board will advise and make recommendations to the Township Board concerning monitoring and investigation of complaints of violation of rights acquired by the Township. The Preservation Board shall at least annually ascertain whether an owner is complying with all conditions of the easement or deed. Inspection findings shall be in writing and maintained in the Township records.

APPENDIX A

Accent. Attractive view but narrower in scope and weaker in impact than a vista.

Market Value. Refers to an owner's willingness to accept an offer for development rights at a percentage lower than the full market value.

Matching Funds. Matching funds are defined as other financial contributions from private or public sources that could be applied to a property's application and result in a lower local cost for development rights purchase.

P.A. 116. Michigan's Farmland and Open Space Preservation Act (P.A. 116 of 1974) enables a landowner to enter into a development rights agreement (for farmland) or a development rights easement (for open space) with the state. These agreements and easements are designed to ensure that the land remains in a particular use or uses for an agreed upon period.

In return for maintaining the land in a particular use, the landowner is entitled to certain income or property tax benefits.

Protected Land. Protected land is defined as that which is permanently protected through private or public means. Types of protected land include nature preserves, public park and recreation lands, lands restricted by conservation easement with land trusts and conservancies and other lands with development rights secured through purchase or donation.

Vista. A broadly sweeping view visible from a publicly accessible site, including but not limited to a variety of vegetation types and farm fields, and may have topographic variations.

