

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 157

PURCHASE OF DEVELOPMENT RIGHTS

**AN ORDINANCE AUTHORIZING SUPERIOR CHARTER TOWNSHIP
TO ACQUIRE PROPERTY DEVELOPMENT RIGHTS IN REAL ESTATE
WITHIN THE TOWNSHIP AND ESTABLISHING THE PROCEDURE
FOR ACQUIRING AND FINANCING THE ACQUISITION OF THE
DEVELOPMENT RIGHTS.**

**THE SUPERIOR CHARTER TOWNSHIP BOARD OF TRUSTEES
ORDAINS:**

Section 157.01. Findings and Declaration of Purpose

The Board of Trustees finds that:

(1) Superior Charter Township is a desirable place to live, work and visit in large part because of the availability of farmland and open space and the relief that wetlands, woods and agricultural fields bring. Scenic views, agriculture, open spaces and wildlife habitat are all considered invaluable natural and aesthetic resources and should be protected.

(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. These resources include a significant amount 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. Superior Charter Township is experiencing substantial residential development, however, because of its location to the highly urbanized areas of southeast Michigan, 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 development.

(3) The agricultural industry in Superior Charter Township provides the opportunity to harvest locally grown foods to sell at roadside stands, farmers' 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 Superior Charter Township.

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(4) It is the policy of the State of Michigan and Superior Charter Township to protect, preserve and enhance agricultural and open space lands as evidenced by the Township Growth Management Plan, the Township Zoning Act, 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 providing long-term protection of farmland, natural areas and open space under the pressure of increasing development.

(5) Agriculture in Superior Charter Township produces a notable array of products, from corn and soybeans to vegetables, fruit and livestock. The Township's agricultural acreage contributes to the local economy in direct sales of agricultural products at the farm gate.

(6) Generally, farmland and open space lands which are close to urban centers have a greater market value for future development than their market value for farming or open space. Prime agricultural land often has the same features that are considered valuable components of developable 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) The permanent acquisition by the Township, State, or other qualified organization, of voluntarily offered interests in farmland and open space lands within the Township, as provided in this Ordinance and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain in farmland and open space near developing urban areas and provide long-term protection for the public interests which are served by farmland and open space lands in the Township.

(8) Properties on which the development rights have been purchased must remain substantially undeveloped in order to protect their agricultural use or open space character.

(9) Michigan Public Act 262 of 2000 created an agricultural preservation fund within the State Treasury. Money in this fund may be used to provide grants to local units of government to assist in the acquisition of agricultural conservation easements provided that the local unit has adopted an ordinance for the purchase of development rights and that the local unit has a comprehensive land use plan that includes a plan for agricultural preservation. Acceptable plans for agricultural preservation can include provisions for primary agricultural districts, rural uses that allow agriculture, and open space designations that allow agriculture.

(10) The acquisition of interests in farmland and open space lands as provided in this Ordinance is a public purpose of Superior Charter Township.

(11) This ordinance is authorized by Sections 31 to 33 of the Township Zoning Act, MCL 125.301 B 125.303.

Section 157.02. Definitions

"Supervisor" means the Superior Charter Township Supervisor.

"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 substantially undeveloped land devoted to the production of plants and animals useful to humans, including but not limited to fruits, nuts, vegetables, greenhouse plants, Christmas trees and lumber, forages and sod crops, herbs, grains and feed crops, dairy and dairy products, traditional and specialty livestock (including breeding and grazing), poultry and other similar uses and activities.

"Official Maps" Official large-scale maps describing such areas in detail are available through the Washtenaw County Metropolitan Planning Board, the Washtenaw County Conservation District, and other government agencies, and are incorporated herein by reference.

"Board of Trustees" means the Superior Charter Township Board of Trustees.

"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 incidental to agriculture and open space.

"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.

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

"Farmland and Open Space Land" means those lands shown in the Township Growth Management Plan, or the official Zoning Map, as being planned or zoned for agricultural or open space uses, as adopted and amended from time to time by the Township Planning Commission and Board.

"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 Character" means substantially undeveloped land devoted to the maintenance or enhancement of natural processes (e.g., water quality, plant and wildlife habitat, groundwater recharge) and/or the scenic enjoyment of the public.

"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 the farming operation or which does not alter the open space character of the land.

"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 or open space character 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) for each 40 acres of land.

"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 plus any residential development rights to be retained by the owner.

Section 157.03. Authorization

(1) The Board of Trustees is hereby authorized to expend revenues to acquire property interests in the farmland and open space lands 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.

(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.

(3) The Board of Trustees is further authorized to contract with recognized and legally established nonprofit land trusts or other experienced and qualified nonprofit groups or government agencies to participate jointly in the acquisition of interests in eligible lands.

(4) The Township may contract with recognized and legally established nonprofit land trusts or other experienced and qualified nonprofit groups or government agencies that would share in the process of negotiating easements and establishing both the baseline studies and the procedures for monitoring of any conservation easements acquired under this Ordinance and would be done in accordance with *The Standards and Practices Guidebook* issued in 1989 by the Land Trust Alliance.

Section 157.04. 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 to purchase development rights, 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), provided that no retained residential development rights would result in more than one dwelling unit per forty (40) acres of land (exclusive of housing units directly associated with the farming operation). This is not to preclude the sale of all the remaining dwelling units in excess of one dwelling unit per forty acres of land.

(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 existing zoning in the Township where the property is located.

Section 157.05. 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 157.07.

Primary Criteria that all properties must meet: Voluntary application by the property owner and those lands shown in the Township Growth Management Plan, or the official Zoning Map, as planned or zoned for agricultural, open space or rural uses.

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 and open space sites for the purchase of conservation easements. It is the intention of the users of this system to direct efforts toward high quality farmland and open space.

Appropriateness is determined by favorable natural conditions and location factors which make farming a viable undertaking both currently and in the future, or which can support viable natural habitat or scenic views. Areas targeted for preservation are those lands shown in the Township Growth Management Plan or official Zoning Map as planned or zoned for agricultural, open space, or rural uses.

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

PART	POINTS
I Characteristics of the Farmland	32
II Stewardship of the Land	24
III Pressure for Conversion to Nonfarm Use	12
IV Long-range Planning Considerations	32
Total	100

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. In the case of a tie using the 100 point scale, the tiebreaking categories may be used. 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 the Appendix.

PART I

CHARACTERISTICS OF THE FARMLAND

MAXIMUM POINTS = 32

A. Type of Agricultural Land (See Appendix for explanation of terms)

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Category	Score
Primary	14
Secondary	7
Reserve	3

B. Size of Parcel Offered for Development Rights Purchase (See Appendix)

Acreage	Score
80 acres or more	8
40 to 79.9 acres	5
20 to 39.9 acres	2

C. Proximity to Existing Protected Land (See Appendix)

Distance to Protected Land	Score
Adjacent or within 1 mile	4
Between 1.1 and 2 miles	2

D. Farm Buildings

Buildings	Score
Usable, functional farm buildings on site	4
Usable, functional farm buildings within two miles	2

PART II

STEWARDSHIP OF THE LAND

MAXIMUM POINTS = 24

A. Conservation Plans (See Appendix)

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

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B. Farming Activity

Owner Involvement	Score
Owner and employees generate all gross farming revenue from the site	4
Owner and employees generate at least 50% of gross farming revenue from the site	2
Less than 50% of gross farming revenue from the site is by owner and employees	1

C. Commitment to Farming (See Appendix)

Indicator	Score
Farm is enrolled in P.A. 116 and land has been in the same ownership for 50 years	10
Enrolled in P.A. 116 or in the same ownership for 50 years . Ownership Succession Plans (See Appendix)	6

Plans	Score
Projected change within 5 years	2
Projected change within 5-10 years	1

PART III

PRESSURE FOR CONVERSION
 TO NONFARM USE

MAXIMUM POINTS = 12

A. Amount of Road Frontage

Length	Score
1,000 feet or more	4
501 to 999 feet	2

B. Percentage of Site Containing Steep Slopes (See Appendix)

Percentage	Score
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0 to 9.9%	4
10 to 19.9%	2

C. Proportion of Wetlands and/or Floodplain

Wetlands/Floodplain	Score
0 to 9.9%	4
10 to 39.9%	2

PART IV
LONG-RANGE PLANNING CONSIDERATIONS
MAXIMUM POINTS = 32

A. Current Adjacent Zoning Classification

Percent of Perimeter in Agricultural Zoning	Score
90% or more	5
75-89%	3
50-74%	2
25-49%	1

B. Current Adjacent Land Use

Percent of Perimeter in Agricultural Use	Score
90% or more	5
75-89%	3
50-74%	2
25-49%	1

C. Current Adjacent Enrollment in P.A. 116 (See Appendix)

Percent of Perimeter in P.A. 116	Score
90% or more	5
75-89%	3
50-74%	2
25-49%	1

D. Proximity to Sewer and Water Lines

Distance	Score
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One-half mile or closer	5
Over 2 mile to one mile	2

E. Scenic, Historical or Architectural Features (See Appendix)

Features	Score
Farm site provides a vista and has unique historical or architectural structures	4
Farm site has a vista or unique historical or architectural structures	2

F. Natural Features

Features	Score
Stream corridors, woodlots or rare species present	4

G. Groundwater Recharge Area

Percent of Property Serving as Groundwater Recharge Score

50 to 100%	4
10 to 49%	2

PART V

TIEBREAKERS
 MAXIMUM POINTS = 10

A. Ability to Attract Matching Funds (See Appendix)

Funds Availability	Score
Matching funds are available	5

B. Owner Willingness to Accept Less Than Market Value (See Appendix)

Owner Willingness	Score
Owner willing to accept below-market offer	5

Section 157.06. Selection

The Superior Charter Township Board shall conduct a voluntary property selection process (herein called the "selection round") generally as follows:

(1) In each selection round the development rights on all eligible applicant properties shall be evaluated for purchase. In all selection rounds, properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:

a. The 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 Board may determine not to buy all of any of the development rights on a particular parcel if the 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 Board may receive and act on appeals of any factual nature by affected property owners.

(2) The Board shall begin each selection round by giving notice in one newspaper of general circulation in Superior Charter 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, including any residential development rights to be retained by the owner. Applications shall be submitted to a location to be specified by the Board and stamped with the date of receipt.

(3) Upon closing of the application period, the 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 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 plus any specifically retained residential development rights.

(5) Appraisals shall be made by State certified appraisers selected by the 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 Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser. If an owner of property believes it has not been adequately appraised, such owner may, within the time allowed on the selection schedule, have a review appraisal be made at the owner's expense by a State certified appraiser. The appraisal shall then be filed with the Board. The Board shall use both appraisals to reach an agreement as to the appropriate value of the development rights.

(7) Terms and conditions of sale and information on the effect of the sale may be discussed by the 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 Board. These written offers shall include any development options desired to be retained by the owners.

(9) Once selection of a property for the purchase of development rights has been completed by the Board of Trustees, the Board shall draft a baseline documentation report describing, through photos, graphics, and narrative, the condition of the property at the time of the purchase and recording of the development rights easement. The baseline report shall contain a signature page for the Owner and the Supervisor to sign attesting that the report is an accurate description of the property. The actual easement shall feature a similar page for the notarized signatures of the Owner and Supervisor, and shall be recorded with the County Register of Deeds.

(10) Upon the completion of a purchase of development rights transaction, the Township Assessor will be notified of the development rights purchase.

Section 157.07. Duration of Acquired Interests

(1) Development rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity, provided that: If the Superior Charter Township Board of Trustees, shall find that, after 25 years having passed since the acquisition of Development Rights on a property, farmland and open space land described in this Ordinance can no longer reasonably be used for "agricultural use" or has lost its "open space character" as to any interest in land acquired, by virtue of a stringent procedure that shall be developed by the Board, those development rights may be returned to the owner, subject to conditions set forth in Subsection (2). The owner shall pay the fair market value of those rights at the time of their return, as determined by a State certified appraiser. Proceeds of such disposition shall only be used for the acquisition of interests in "eligible lands" as provided in this Ordinance. A "before and after" appraisal shall be made to determine the value of development rights, and the Board of Trustees shall not sell the development rights for an amount less than the appraised value of the development rights as follows. 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 retained development rights. Appraisals of the fair

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market value of full ownership or of a property interest other than development rights shall be made by State certified appraisers selected by the Board on a bid basis. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands. In the event that the low bidder has a conflict of interest associated with a potential easement, the second low bidder will conduct that appraisal. In any event, the same appraiser shall conduct the before and after appraisals. The Board of Trustees shall take final action on such recommendations.

(2) If the Board approves a request that farmland and open space land described in this Ordinance can no longer reasonably be used for "agricultural use" or has lost its "open space character," 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, for the purposes of a Township park or other publicly-accessible property. The Board of Trustees shall take final action on such recommendations. Acquisition of lands for public purposes shall be made with funds designated for such purchases and not with funds authorized for development rights acquisition pursuant to this Ordinance.

(3) 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.

Section 157.08. Related Costs

The costs of appraisal, engineering, surveying, planning, and financial, legal and other services lawfully incurred incident to the acquisition of interests in eligible lands by the Township shall be paid by the Township. The Township shall not be responsible for expenses incurred by the owner incident to this transaction.

Section 157.09. 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 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 157.10. 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 Superior Charter Township.

Section 157.11. Development Rights Acquisition Fund

The 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 Superior Charter 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.

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.

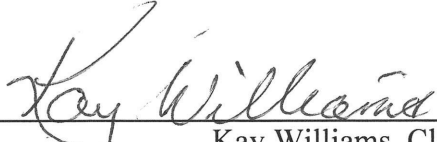
Section 157.12. Severability.

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.

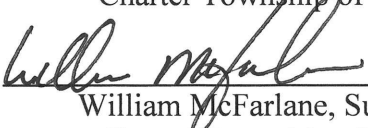
Section 157.13. Publication and Effective Date.

This Ordinance shall be published by posting the complete text, as it was introduced, at the Township Clerk's Office and at five other locations in the Township. A notice of the Posting shall be published once in the Ann Arbor News, a daily newspaper of general circulation qualified under State Law to publish legal notices in Superior Charter Township, within seven days after the posting is done. Within 30 days after adoption, this Ordinance shall be published by posting in the same manner as described above, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

This Ordinance shall take effect on the day following publication of final notice of publication by posting.



Kay Williams, Clerk
Charter Township of Superior



William McFarlane, Supervisor
Charter Township of Superior

APPENDIX

PART I CHARACTERISTICS OF THE FARMLAND

Type of Agricultural Land. In 1981, the Washtenaw County Metropolitan Planning Board developed a system of ranking agricultural land. The delineation utilized both physical and cultural factors to avoid having good soil characteristics become the sole criterion for determining the distribution of prime agricultural lands. In the study of Washtenaw County agriculture, land within the townships but outside the year 2000 sanitary sewer service area was divided into quarter sections (160 acres). This was deemed most appropriate for a study at a county-wide scale. Public lands and other major areas committed to present use (e.g., the Chrysler Proving Grounds) were deleted from consideration of potential agricultural land.

Three categories of agricultural lands were utilized: essential, secondary and reserve. Six factors were used to select these agricultural lands. Three physical factors are related to soil characteristics and were derived from the Natural Resources Conservation Service (NRCS) Soil Survey of Washtenaw County. The remaining three factors have a cultural origin, which can change rapidly.

The three physical criteria included soils capable of producing 100 bushels of corn or more per acre where farmers practice good management techniques, soils with a Class II agricultural capability as determined by the NRCS and prime agricultural areas depicted on the 1980 NRCS map of Washtenaw County.

The three cultural criteria included existing farms that are well operated and viable as determined by personnel of the Michigan State University Extension Service and later supplemented by input from the county Agricultural Lands Committee, parcels of land that exceed 80 acres in size and farmlands whose owners have applied to enroll in the Michigan Farmland and Open Space Preservation Act program (P.A. 116).

Essential Agricultural Lands include all those with one of three physical criteria and which contain an existing farm that is well operated and viable.

Secondary Agricultural Lands also must contain one of the three physical criteria or contain a well-operated farm plus have parcels of 80 acres or more or be enrolled in P.A. 116.

Reserve Agricultural Lands must also contain one of the three physical criteria or contain a well-operated farm.

Where more than 50 percent of a quarter section could be designated under one of these three agricultural land divisions, the entire 160 acres was given a particular classification. Before the final map was completed, quarter sections that were designated in one of the three categories, but in which more than 50 percent of the land was in parcels smaller than 10 acres, were deleted. This comprised only a few cases, but the decision was based on the premise that viability of farms is limited where land ownership is highly fragmented.

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Qualification for a particular type of agricultural land will be determined by having a majority of the parcel offered for development rights purchase in that designation.

Size of Parcel. According to the 1997 U.S. Census of Agriculture, the average size of all farms in Washtenaw County was 175 acres.

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 recorded by land trusts and conservancies, and other lands with development rights secured through purchase or donation.

PART II STEWARDSHIP OF THE LAND

Conservation Plans. In the absence of NRCS plans, the Superior Township Board will determine the extent of conservation practices by consulting with experts in the field and other appropriate means.

Enrollment in 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.

Succession Plans. Refers to whether the primary ownership of the property is scheduled to change hands.

PART III CONVERSION TO NONFARM USE

Percentage of Farm Containing Steep Slopes. Steep slopes are defined as those of greater than 12 percent.

PART IV LONG RANGE PLANNING CONSIDERATIONS

Scenic, Historical or Architectural Features.

a) Vista: a broadly sweeping view including a variety of vegetation types (woodland, farm fields) combined with topographical variations. This view is visible from a major highway and/or rural road.

b) Historical or Architectural: pre-Civil War houses and round barns are examples of this category.

PART V TIE BREAKERS

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.

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

CERTIFICATE

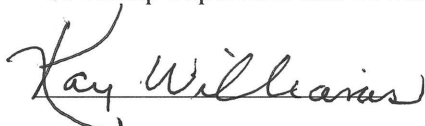
I, Kay Williams, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Superior Charter Township Ordinance No. #157 which was duly adopted by the Charter Township Board of Superior Charter Township at a regular meeting of said board, held on September 3, 2002, after said ordinance had previously been introduced at a regular meeting of the board held on August 19, 2002, and published by posting in the form in which introduced in accordance with P.A. #359 of 1947, as amended.

I further certify that Member Williams, moved adoption of said ordinance, and that Member Caviston, supported said motion.

I further certify that the following members voted for adoption of said Ordinance #157, Williams, McKinney, Caviston, Lewis, Phillips, and Schwartz, and that the following members voted against said Ordinance #157, None and the following member, McFarlane, was absent from voting on the adoption of said ordinance as indicated:

I further certify that after its passage the ordinance was published by posting on 2002, in accordance with P.A. #359 of 1947, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Township Supervisor and Township Clerk.



Kay Williams, Clerk
Superior Charter Township