

APPENDIX C - NATURAL AREAS PRESERVATION PROGRAM

- Natural Areas Ordinance No. 128
- ALPAC scoring form
- NATAC field review form

Natural Areas Ordinance No. 128

AN ORDINANCE providing procedures and standards for Washtenaw County's purchase of fee simple or easement interests in natural area land within Washtenaw County.

BE IT ORDAINED BY THE WASHTENAW COUNTY BOARD OF COMMISSIONERS:

SECTION 1: Declaration of Purpose

The Washtenaw County Board of Commissioners declares that Washtenaw County is a desirable place to live, work and visit in large part because of the existence of natural areas within the County. Natural areas have aesthetic as well as practical benefits for County citizens. In addition, the purchase of natural areas can be used to protect fragile lands and environmentally threatened lands. The purchase of natural areas within the County will further these public benefits. Passive recreation would be appropriate use of this land.

SECTION 2: Definitions

- 1) "County Board" means the Washtenaw County Board of Commissioners.
- 2) "Full Ownership" means fee simple ownership.
- 3) "Governmental Agency" means the United States or any agency of the United States, the State of Michigan or any agency of the State of Michigan, any Township, City or Municipal Corporation.
- 4) "Natural Areas Land" means any land, including that used for agricultural purposes, which provides the function of conserving natural resources, including the promotion of the conservation of soils, wetlands and waterways, habitat, and special plants, animals, and plant communities.
- 5) "Parks and Recreation Commission" means the Washtenaw County Parks and Recreation Commission.
- 6) "Passive Recreation" means walking, jogging, bird watching, nature studies, quiet picnicking and other quiet inactive pastimes.
- 7) "Property Owner" means the party or parties having the fee simple ownership interest in land.

SECTION 3: Authorization

Pursuant to MCLA 46.358, the Parks and Recreation Commission has the right to purchase and hold real estate in the name of the County.

SECTION 4: Advisory Committees

A. Natural Areas Technical Advisory Committee

- 1) The County Board shall create and appoint, upon recommendation of the Parks and Recreation Commission, a seven-member body under this Ordinance to be named the Natural Areas Technical Advisory Committee ("NATAC"). NATAC shall function as an advisory body to assist the Parks and Recreation Commission in determining whether it should purchase a particular natural areas parcel offered for sale to the County.

Policies and Operating Procedures of NATAC shall be established by the Parks and Recreation Commission.

- 2) NATAC members must be County residents. At least one member shall be appointed who has demonstrable level of expertise in each of the following professions: (a) fisheries biology/aquatic ecology; (b) botany/forestry; (c) wildlife management; (d) professional land use planning; (e) environmental education; (f) professional real estate or development practice; and (g) land trust/conservation. In addition, the County Board may appoint ex-officio members.
- 3) NATAC members shall serve two-year terms, except that the initial terms of four of the members shall be for a three-year period. The County Board may reappoint members to successive terms. The County Board shall have the discretion to remove NATAC members for good cause. NATAC members shall not be compensated for their services but shall be reimbursed for attending meetings and for mileage as provided under the Rules of the County Board.
- 4) The County Board may terminate NATAC upon approval of 2/3 of the County Board elected and serving.
- 5) Individual NATAC members shall disclose any potential conflict of interest and abstain from any discussion or voting on the matter in which he/she has a conflict.

B. Agricultural Lands Preservation Advisory Committee

- 1) The Agricultural Lands Preservation Advisory Committee (ALPAC), as established by the Washtenaw County Purchase of Development Rights Ordinance as adopted by the County Board on September 5, 2007, shall assist the Parks and Recreation Commission in determining whether it should purchase the Development Rights on a particular parcel as well as how much the County should pay for those rights.

SECTION 5: Application Process

- 1) Either the Parks and Recreation Commission or a property owner may initiate discussion pertaining to the sale of natural areas property to the County. A property owner interested in selling natural areas land to the County shall complete an application on a form provided by the Parks and Recreation Commission. Completed applications shall be forwarded to the Parks and Recreation Commission.
- 2) The Parks and Recreation Commission shall forward all completed applications to the following groups for advisory opinions: (1) the local unit where the natural areas property is located; (2) NATAC or ALPAC as appropriate. NATAC and ALPAC shall co-operate with each other and the Parks and Recreation Commission as necessary to fulfill their respective duties under the Ordinance.
- 3) NATAC or ALPAC as appropriate shall give the Parks and Recreation Commission an advisory opinion on the following issues: (1) should the Parks and Recreation Commission purchase the natural areas under review; and (2) how much the Parks and Recreation Commission should pay for that property. NATAC or ALPAC shall evaluate the applications based on the criteria in this Ordinance and the Washtenaw County Purchase of Development Rights Ordinance to determine which properties the Parks and Recreation Commission should appraise for possible purchase.
- 4) State Certified Appraisers, selected by the Parks and Recreation Commission shall complete the appraisals. Any Parks and Recreation Commission selected Appraiser shall immediately disclose any conflict of interest he/she might have in appraising the property. The Parks and Recreation Commission shall choose an alternate Appraiser if a conflict of interest is discovered. Appraisals shall be in writing and will be furnished to the property owner for review. The Parks and Recreation Commission or property owner may point out errors of fact, provided however, that only the Appraiser may correct the appraisal.
- 5) The Parks and Recreation Commission shall review the recommendations from the local unit and NATAC or ALPAC on whether the natural areas property should be purchased and at what price.
- 6) The Parks and Recreation Commission at a regularly scheduled or special meeting shall make the final decision on whether to purchase

the natural areas property and at what price. Notwithstanding any advisory recommendations, the Parks and Recreation Commission has complete discretion to determine whether to purchase any proposed natural areas property and may decide not to buy any particular property if it finds that such action is in the County's best interest. The opportunity for donation and/or matching funds may be part of the decision to purchase the property. The Parks and Recreation Commission shall direct that a Phase I environmental audit be completed prior to the completion of the purchase.

7) After agreeing to purchase a natural areas property, the Parks and Recreation Commission shall direct the Office of Corporation Counsel to complete the documents necessary to complete the transaction.

SECTION 6: Criteria for Deciding Whether to Purchase Natural Areas Land.

The Parks and Recreation Commission and NATAC or ALPAC will use the criteria below to evaluate property and the Parks and Recreation Commission shall use such criteria when deciding whether to purchase a particular parcel.

A. Natural Areas

- Public Water Resources: property with water resources frontage; property located in a headwaters area important to protect water quality; property which overlies a groundwater recharge area that supports a public water supply; or, property which includes wetlands.
- Special Plants, Animals and Plant Communities: property which supports wildlife populations or habitat or adds to already protected property/ies which would protect wildlife populations or habitat; property which has plant species listed by the State of Michigan as "Endangered," "Threatened," or "Special Concern," and/or unique vegetative communities.
- Recreation and Scientific Values: property, which provides public access to public waters or trails or protects a trail corridor; or, property, which is a well-documented site of scientific study.
- Proximity to Protected Land: property, which abuts or is otherwise integral to a permanently protected tract of public or private land being held for conservation or recreation purposes.

B. Agricultural Lands

- Characteristics of the farmland: prime and unique soils, size, percentage of property in agricultural use, scenic historic or architectural features, scenic view.
- Potential for development pressure: adjacent land uses, adjacent land use designation, amount of road frontage, proximity to public sanitary sewer/water.
- Leverage: Percentage of funding from other sources, including willingness of landowner to accept a percentage of the appraised value of the development rights on the property.
- Open space value: Proximity to existing private and/or public protected land, regardless of use.

SECTION 7: 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 natural areas property within the County. The County Board authorizes such funds to be used to purchase natural areas properties within the County.

SECTION 8: Natural Areas Acquisition Fund

Available funding for the purchase of natural areas land shall be deposited in a special fund in the office of the Washtenaw County Treasurer ("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 County money.

The revenues from the deposit and/or investment of the Acquisition Fund along with the revenues from the sale of any natural areas property purchased pursuant to this Ordinance shall be applied and used solely for the purchase, stewardship and administration of natural areas land (75%) and agricultural development rights (25%) under this Ordinance.

SECTION 9: Condemnation

No funds generated from any source that are used to procure natural area lands under this Ordinance shall be used to condemn any public or private property.

SECTION 10: Severability

Any provision of this Ordinance which is found by a court of competent jurisdiction to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision contained in the Ordinance and such other provisions shall remain in full force and effect.

SECTION 11: Amendments

This Ordinance may only be amended by a majority vote of the County Board members elected and serving.

SECTION 12: Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies or conflicts.

Adopted 8/23/11
 Administrative Revision 7/12
 Administrative Revision 9/14
 Administrative Revision 01/18
 Administrative Revision 03/19



SCORING AND EVALUATION SYSTEM

Natural Areas Preservation Program – Agricultural Land Preservation Advisory Committee

PART	ALPAC SCORE: TOTAL POINTS =
	110
I. Eligibility	Yes/No
II Characteristics of Farmland	35
III Potential for development pressure	33
IV Leveraged Properties	25
V Open space/Natural area value	20

I. Eligibility

Property must meeting all eligibility requirements

- A. Land not already protected.
- B. Agricultural a permitted use according to local zoning.
- C. Current land use of nominated property. (agriculture or 'other eligible land')
- D. Local Government Master Plan calls for agriculture.
- E. Site is free of contamination

II. Characteristics of Farmland

A. Quality of Soils

Scores will range 0-10

(Total acres of prime, unique and locally important soils on the nominated property)/(Total acreage of the nominated property) X 10 = Score

B. Size of parcel offered for development rights purchase

ACREAGE	ALPAC SCORE
200+ acres	10
101 acres - 199 acres	9
80 acres - 100 acres	8
16 acres - 79 acres	5
5 acres - 15 acres	3

C. Farmland in Agricultural Use¹

% OF PROPERTY IN AGRICULTURAL USE	ALPAC SCORE
90% +	10
76 - 90%	8
61 - 75%	6
51 - 60%	4

D. Irrigation

2 points if irrigated²

E. Scenic, historical or architectural features*

FEATURES	ALPAC SCORE
Farm site provides a scenic vista	2
Farm site provides an accent	1
Farm site contains historic element	1

Scenic = Property displaying³ open farm field along 1/4 mile or more of road frontage; or the property fronts on two roads; or a woods/wetland visible from the road according to aerial imagery

Accent = property displaying open farm field along less than 1/4 mile of road frontage

Parcels with very little road frontage get 0.

Historic = "historic site or structure" box on nomination form is checked; or a structure on the site is >50 years old⁴ and that structure is visible from the road

¹ Includes grazing land, forages (hay), and fence rows

² Permanent infrastructure only, such as wells, pivot systems, etc.

³ Farm field must actually be visible from a road, determined by Google Street View, aerial imagery, photos, or knowledge of the site. Assume visibility if unsure.

III. Potential for Development Pressure

A. Septic Suitability

Score will range 0-10.

Use the option that is the most limiting

(Total acres of soils with seasonal high water table at depth greater than 1 foot) / (Total acres of applicant property) X 10 = Score⁵

OR

(Total acres of soils with slight or moderate limitation on septic) / (Total acres of applicant property) x 10 = Score⁶

B. Adjacent Land Use⁷

% OF PERIMETER IN AG OR NATURAL AREA USE	ALPAC SCORE
75 - 100%	6
50 - 74%	4
25 - 49%	2
Less than 25%	0

C. Adjacent Land Use Designation⁸

PERCENT OF PERIMETER DESIGNATED AS AG. LAND USE/ZONING (include conservation zoning or its equivalent)	ALPAC SCORE
75 - 100%	5
50 - 74%	3
25 - 49%	1
Less than 25%	0

D. Amount of Road Frontage⁹

FRONTAGE	ALPAC SCORE
> 2640 feet	5

⁴ National Park Service, "National Register FAQ," U.S. Dept of the Interior, accessed 01/22/18, <https://www.nps.gov/nr/faq.htm#restrictions>.

⁵ Consistent with Washtenaw County Environmental Health guidance

⁶ Added 03/19 after 02/19 ALPAC motion

⁷ "Adjacent" includes land separated by roadway

⁸ Refer to zoning ordinance

⁹ If property bisected by roadway, score both sides of road

2000 - 2640 feet	4
1000-1999 feet	3
500 - 999 feet	2
200 - 499 feet	1
0 - 200 feet	0

E. Proximity to Existing Public Sanitary Sewer/Water Service Area¹⁰

PROXIMITY ¹¹	ALPAC SCORE
5 miles or more from existing sewer area (minimal development pressure)	0
2 to 5 miles from existing sewer area	2
1/2 mile to 2 miles from existing sewer area	4
Less than 1/2 mile from existing sewer area	7

IV. Leveraged Properties¹²

A. Farmland in which matching funds from other sources accompany application

% FUNDING FROM OTHER SOURCES	ALPAC SCORE
75%+	15
50 - 74%	12
25 - 49%	9
0 to 24%	6

B. Applicant's willingness to accept a % of appraised value of the development rights of the property

% APPRAISED VALUE ACCEPTED	ALPAC SCORE
< 40%	10
40 - 59%	8
60 - 75%	6
76 - 90%	4
>90%	0

¹⁰ Information available from Washtenaw County Environmental Health, in GIS.Enterprise; if in doubt, ask about community utility systems.

¹¹ Proximity measured along roadways, not as the crow flies

¹² ALPAC reviews unleveraged property scores before leveraged scores

V. Open Space Value

A. Proximity to Existing Private and/or Public Protected Lands

PROXIMITY	ALPAC SCORE
Adjacent	5
Within 1 mile	3
Greater than one mile	0

B. Natural features supported by protection of agricultural land

NATURAL FEATURE	ALPAC SCORE
Contains Bioreserve site ¹³	5
Special Plants, animals and plant communities (SI-4) as described by the Michigan Natural Features Inventory (MNFI) ¹⁴	5
Recreation and Scientific value ¹⁵	5

¹³ HRWC/WCPARC Bioreserve Assessment

¹⁴ For initial scoring, use landowner provided information on wetlands, or MNFI defined special plants, communities or animals; update with greater experience with property.

¹⁵ Score if used by school groups of similar entities

NATAC NOMINATION - FIELD REVIEW WORKSHEET		
GENERAL DESCRIPTION		
Project Name:	Fee Simple or Easement (<i>circle one</i>)	
Location:	Size (acres):	
Current Use:	Date of Visit:	
NATURAL AREA MAPPED PRIORITY		
<input type="checkbox"/> Yes - Patch Expansion	<input type="checkbox"/> Yes - New Patch Establishment	<input type="checkbox"/> Yes - Lake Plain Ecoregion
<input type="checkbox"/> Yes - Corridor	<input type="checkbox"/> Yes - Stream Protection	<input type="checkbox"/> No
NOTES:		
PROXIMITY TO OTHER WCPARC LAND		
<input type="checkbox"/> not proximal	<input type="checkbox"/> in general vicinity	
<input type="checkbox"/> adjoins land that has the potential to be protected, and that property adjoins protected land	<input type="checkbox"/> would be expansion of existing preserve	
NOTES:		
PROXIMITY TO OTHER OWNED PRESERVED LAND		
<input type="checkbox"/> Yes - Township	<input type="checkbox"/> Yes - Greenbelt	<input type="checkbox"/> Yes - Other
<input type="checkbox"/> Yes - Legacy Land Conservancy	<input type="checkbox"/> Yes - SMLC	<input type="checkbox"/> No
NOTES:		
PROPERTY COMPLICATIONS		
<input type="checkbox"/> Access requires other private land; removing significant trees; paving wetlands; or other undesirable actions	<input type="checkbox"/> Trails require full boardwalk	<input type="checkbox"/> Building envelope or exclusion complications
<input type="checkbox"/> Site has debris too costly to remove		
NOTES:		
FIELD ASSESSMENT		
Names of Assessors:		
ECOSYSTEMS		
Please check all that apply:		How many veg communities are present? Include all, not just ones listed to the left.
<i>Palustrine</i>	<i>Terrestrial</i>	Do we already have a preserve with a similar set of ecosystems?
<input type="checkbox"/> Submergent marsh	<input type="checkbox"/> Dry prairie	
<input type="checkbox"/> Emergent marsh	<input type="checkbox"/> Oak savanna	List rare, threatened, or endangered species; evidence thereof; or critical habitat present:
<input type="checkbox"/> Wet meadow	<input type="checkbox"/> Mesic southern forest (beech-maple)	
<input type="checkbox"/> Wet/mesic prairie	<input type="checkbox"/> Dry southern forest (oak-hickory)	
<input type="checkbox"/> Lakeplain forest or prairie	<input type="checkbox"/> Other upland forest	
<input type="checkbox"/> Fen		
<input type="checkbox"/> Bog	<i>Other</i>	
<input type="checkbox"/> Inundated shrub swamp (buttonbush)	<input type="checkbox"/> River/Lake/Pond/Creek	
<input type="checkbox"/> Southern shrub-carr	<input type="checkbox"/> Old farm fields	
<input type="checkbox"/> Floodplain forest	<input type="checkbox"/> Active farm fields	
<input type="checkbox"/> Other forested wetland	<input type="checkbox"/> Evidence of restoration	
DEBRIS		
Describe debris found on the site:		

NATAC NOMINATION - FIELD REVIEW WORKSHEET

INVASIVE SPECIES

<i>Distribution</i>	<i>Associated Species</i>	NOTES
<input type="checkbox"/> pervasive		
<input type="checkbox"/> within interior		
<input type="checkbox"/> large monotypic stands		
<input type="checkbox"/> primarily along trails and edges		
<input type="checkbox"/> isolated pockets		

INVENTORY

<i>List all wildlife species seen</i>	<i>List plant species seen, to the best of your ability</i>

FIELD NOTES

According to your area of expertise, what is important about this site?