

2008 - 2009
Kent County Farmland Preservation Program

**Purchase of Development Rights:
Ranking System for Landowner Applications**

P.A. 262 of 2000 created the state Agricultural Preservation Fund, whose purpose is to provide state matching funds for local farmland preservation programs. In order for a county to be eligible for state funding, counties must have a comprehensive plan or a regional plan not more than 10 years old and must have established a local purchase of development rights program (authorization given under the county zoning act).

The following ranking system is proposed for use by Kent County to evaluate and prioritize Purchase of Agricultural Conservation Easements (PACE) or Purchase of Development Rights (PDR) applications by landowners interested in voluntarily protecting farmland from development. The objective of this rating system is to prioritize farmland parcels, which should be preserved for agricultural use. When funding sources permit, the rating system will be the sole determining factor for ordering appraisals and offering options.

After all parcels have been scored, the Agricultural Preservation Board will then review and evaluate the highest scoring parcels and recommend to the County Board of Commissioners parcels for their approval to proceed with the purchase of the agricultural conservation easement.

This is a fluid document that will be evaluated annually.

PRELIMINARY INFORMATION

A. Has the application form been signed by the landowner of the property? If not, the property will not be considered further. (*Purpose: This is a voluntary program based on the landowner's desire to participate.*)

B. Is at least 51% of nominated property devoted to agricultural use (pasture, cropland, etc)? If no, the property will not be considered further under this farmland preservation program as it will not be eligible to receive state matching funds. Management of a woodlot is not considered an agricultural use under the state legislation, however, woodlots may be a part of the property in the PDR application. (*Purpose: This is a program to help create a long-term business environment for agriculture and to insure the resource base for agricultural production.*)

C. Has the local township provided written approval regarding the landowner's application to the county? If a township administers its own zoning and recommends denial of the application, the property will not be considered further. Approval of specific parcels by a township may take into account the desire of a township to participate in the county program and consistency with the local master plan. (*Purpose: Allows local input into the process.*)

D. Is the property slated for commercial or industrial use in the Township’s Comprehensive Land Use Plan? Is the property within the 2020 Urban Services District as designated by the Grand Valley Metro Council? Is the property within the boundaries of a city or village? If the answer is yes to any of the questions, the property will not be considered further. *(Purpose: The program is not to restrict planned development and insures that areas planned for economic development by the community will be available. Additional considerations taken into account in the scoring system.)*

E. Are agriculture activities a permitted use on the parcel under current zoning? If no, the property will not be considered further. *(Purpose: If the parcel is zoning strictly for residential or non-agricultural uses, then protection for agricultural purposes would not make sense.)*

F. Does the landowner control all rights associated with the property, such as minerals rights? (If no, are the owners of the mineral rights willing to sign a subordination agreement? If yes, are the mineral rights presently leased out? *(Purpose: It is important that the ownership and use of mineral rights be subordinate to the agricultural conservation easement. Mineral extraction is allowed provided that the use of the land for agriculture is not negatively impacted (e.g. surface mining would not be acceptable).)*

G. Does the landowner intend to reserve the right for future splits on the property in the PDR application? If so, each parcel or planned future split should have a separate PDR application. *If federal funds are used, the USDA NRCS will not allow any splits of the property in the PDR Program under one application.* Note that parcel size affects priority. See scoring criteria below.

USDA NRCS FEDERAL FARM AND RANCH LAND PROTECTION PROGRAM REQUIREMENTS

- A. 51% of the property currently used for productive agriculture.
- B. A minimum of 50% prime and unique soils according to USDA definition.
- C. Township approval of application.
- D. Landowner compliance with state and federal environmental regulations.
- E. 25% landowner donation with additional local government or private donation support or 50% local (local = landowner, local unit of government, private donations, state funds or a combination of) matching funding secured at the time of application to the federal program.
- F. Option agreement offered to or signed by landowner at the time of application to the federal program.
- G. After closing, the landowner must work with the USDA NRCS officer to develop a Resource Management System Level conservation plan and must sign the conservation easement restricting the use of the property in the PDR Program. The USDA prevents ANY splitting of the property in the PDR Program.

TOTAL MAXIMUM POINTS = 118

AGRICULTURAL CHARACTERISTICS (57 points)

1. Agricultural Productivity - Maximum Points: 25 (increased from 20 in 2007)

Priority is placed on productive farmland that has the highest capacity for agricultural production. The parcel will be scored according to the soils rating. The soils rating is based on a grouping of soil classifications established by the USDA-NRCS according to the potential yield capabilities for agricultural use (yield potentials established by USDA). The percentage of agriculturally productive soils will be calculated by local conservation district staff utilizing county USDA soil survey maps. This percentage will be multiplied by the maximum points allowed for each soil grouping and the total from each grouping will be added for a total score for agricultural productivity.

SOILS RATING

Soil Classification Groupings (see attached list)

Group 1 – Group 2 (relative potential of 90-100 bu corn yields)	25 pts
Group 3 – Group 4 (relative potential of 80-89 bu corn yields)	20 pts
Group 5 – Group 6 (relative potential of 65-79 bu corn yields)	15 pts
Group 7 – Group 8 (relative potential of 50-64 bu corn yields)	10 pts
Group 9 – Group 10 (relative potential of 0-49 bu corn yields)	0 pts

An additional 10 points may be awarded, not to exceed a total of 25 points for the category, for the percentage of land area that is under irrigation or where irrigation infrastructure is available (e.g. sandy soils used for potato production).

An additional 10 points may be awarded, not to exceed a total of 25 points for the category, for land that is under specialty crop production on muck soils.

*Example: 70% of parcel has Group 2 soils x 25 pts = 17.5 pts
30% of parcel has Group 3 soils x 20 pts = 6 pts
Total points = 23.5 pts*

FRUIT SITE RATING

(Rating Source: surf tex, drainage, slope l and slope h filed of soil survey)

Soil Factors

Texture – Maximum Points: 2

Sand and Fine Sand	1.0 pt
Sandy – Loamy Sands*	1.75 pts
Sandy Loam and Fine Sandy Loam	2.0 pts
Loam and Silt Loam	1.5 pts
Organic	0.0 pts
*(includes gravelly loamy sand, loam fine sand and loamy sand)	

Drainage – Maximum Points: 3

Well drained	3 pts
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Moderately well drained	2 pts
Somewhat poorly drained	1 pt
Poorly and very poorly drained	0 pts

Physiographic Factors

Slope – Maximum Points: 4

6 to 12%	4 pts
0 to 6%	3 pts
12 to 18%	2.5 pts
Over 18%	1 pt

Climate – Maximum Points: 1

Western Half of Kent County	1 pt
Eastern Half of Kent County	0 pts

Air Drainage – Maximum Points: 15

Uninterrupted air drainage to major air storage basin	15 pts
Minor obstruction to air drainage to major air storage basin	10 pts
Poor drainage of air	1 pt

2. Size of Parcel(s) – Maximum Points: 10

Emphasis is placed on larger parcels to help create a more economically viable unit for agricultural production. The number of points for parcel size is based on amount of acreage.

120 or More Acres in size	10 pts
75 to 119.9 Acres in size	8 pts
38 to 74.9 Acres in size	6 pts
20 to 37.9 Acres in size	0 pts
less than 20 acres in size	Subtract 10 points from total score

(Two parcels under the same ownership may be submitted as one application provided the parcels are not further apart than ½ mile. Agricultural Preservation Board may decide not to deduct points for parcels less than 20 acres in size if either: 1) the parcel is adjacent to or within a previously protected property or 2) if the parcel is deemed to provide a substantial amount of income or contributes significantly to the owner’s household income – e.g. greater than \$10,000 in gross farm sales from the property)

3. Proximity to Existing Livestock Farms – Maximum Points: 4

Points are awarded for parcels that are in closer proximity to existing livestock farms, creating an additional buffer between livestock and residential neighbors and protecting a land base that can also be used for feed production or manure disposal. A livestock operation for this purpose means a farm with more than 100 animal units (EPA definition).

Located 1 mile or less of an existing livestock operation	4 pts
Located 2 miles or less of an existing livestock operation	2 pts
Located further than 2 miles from existing livestock operation	0 pts

4. Enrollment in the Farmland and Open Space Preservation Act (P.A. 116) – Maximum Points: 2 (reduced from 4 points in 2007)

Emphasis is given to landowners which have already taken this step to temporarily protect their farmland by enrolling in the state Farmland and Open Space Preservation Act. If the entire parcel is enrolled, then the maximum score (6 pts) would apply. If only a percentage of the parcel is enrolled, then the percentage is multiplied by the maximum number of points (6) to result in a score.

Enrolled in PA 116	2 pts
Not enrolled in PA 116	0 pts

Example: Two adjacent 50 acre parcels are submitted as part of the same application by the same landowner. Only one 50 acre parcel is currently enrolled (50%). Total points = 2 points

5. RMSL Soil Conservation Plan – Maximum Points: 4

Points are awarded for property that has an approved and implemented Resource Management System Level soil conservation plan adopted by the landowner and USDA-NRCS to help maintain the agricultural productivity and environmental health of the land.

Implemented RMSL Soil Conservation Plan	4 pts
No RMSL Soil Conservation Plan Adopted	0 pts

NOTE: 10 points will be deducted if the farm operation, in the last three years, has been found by the Michigan Department of Agriculture to be in violation (problem has not be resolved within the allotted time frame) of the Michigan Right to Farm Act or has been found to be in violation of state environmental statutes.

6. Amount of Public Road Frontage – Maximum Points: 10

Parcels that include lands along public roads will be given higher priority. Protected road frontage preserves scenic views, reduces development and traffic near productive agriculture and protects the agricultural integrity of the property and the surrounding area. Note: Land locked parcels will receive zero points for this criterion.

Road frontage is $\frac{3}{4}$ of a mile or more	10 points
Road frontage is $\frac{1}{2}$ mile or more but less than $\frac{3}{4}$ of a mile	8 points
Road frontage is a $\frac{1}{4}$ mile or more but less than $\frac{1}{2}$ mile	6 points
Road frontage is less than a $\frac{1}{4}$ mile	4 points
No road frontage	0 points

7. Amount of Land in the Surrounding Area in Agriculture Use – Maximum Points: 5

Parcels located in areas which are still predominantly in agriculture use will be given a higher priority rather than those parcels which have already become a more isolated “island” of agriculture. A one-mile radius from the center of the parcel (approximately 2,000 acres) will be used to calculate the percentage of land still in agriculture production.

75% or more of the surrounding land area is in agriculture production	5 pts
50% or more but less than 75% of the surrounding area is in agriculture production	3 pts
25% or more but less than 50% of the surrounding area is in agriculture production	2 pts
Less than 25% of the surrounding area is in agriculture production	0 pts

8. Reserved Future Building Sites – Subtraction of Points

The USDA NRCS Farm and Ranch Lands Protection Program allows one, two acre future building site for every farm that sells its development rights and places a permanent agricultural conservation easement on the property. This future building site is reserved for a home site for a person(s) or family vital to the farming operation and includes the construction of additional agricultural buildings.

In order to preserve large blocks of contiguous farmland, PDR applications that contain any additional future building sites beyond one, will result in a loss of 10 points for the second future building site and 5 points for each additional building site.

PDR applications that exclude non-prime farmland areas of the property in the application in order to meet the 50% prime farmland and/or 51% tillable/productive agriculture federal and state requirements will not result in a loss of points.

Two reserved future building sites	Subtract 10 points
Three reserved future building sites	Subtract 15 points
Four reserved future building sites	Subtract 20 points
One reserved future building site and/or exclusion of existing homestead	No loss of points
Removal of non-prime farmland to meet federal/state requirements	No loss of points

DEVELOPMENT PRESSURE (10 points)

9. Proximity to Existing Public Sanitary Sewer and/or Water – Maximum Points: 10

Additional priority is placed on parcels closer to existing community services with the exception that parcels adjacent to existing sewer and/or water lines should receive the lowest priority for preservation (the public has already made the investment and can be used for higher density development). Linear distance to existing, usable public sanitary sewer and/or water service (transmission lines not included) will result in the following scoring options:

Less Than ½ mile from sewer or water	0 points
½ Mile or more but less than 1 ½ miles	10 points
1 ½ Miles or more but less than 3 miles	8 points

3 Miles or more but less than 5 miles	6 points
5 Miles or more	4 points

ADDITIONAL AGRICULTURAL PROTECTION EFFORTS (19 points)

10. Location to other protected property – Maximum Points: 14

Priority is placed on parcels which are adjacent to other previously protected land to help create a block of preserved farmland, helping to create a long-term business environment conducive to agriculture and protecting the public’s investment by minimizing the potential for the parcel to be surrounded by development. The potential for future land use conflicts is also minimized when blocks of agricultural land can be protected or buffered from future development.

- A. Parcel is near other private land which has already been *permanently* protected from development through a conservation easement or deed restriction (development rights may have been purchased, transferred or donated).

Parcel is adjacent to protected land	10 pts
Parcel is not adjacent but within 1/2 mile of protected land	7 pts
Parcel is not adjacent but between 1/2 and 1 mile	5 pts
Parcel is not adjacent but between 1 and 2 miles	2 pts
Parcel is not within 1 mile of protected land	0 pts

- B. More than 50% of the land within 1 mile (4 square miles area) of the perimeter of the parcel is enrolled in the Farmland and Open Space Preservation Act (PA 116) OR if the parcel is adjacent to land under public ownership that is specifically designated for long-term natural resource use or conservation purposes protected from development.

4 pts total, if not, 0 pts

*Example: Parcel is adjacent to a previously protected farmland parcel = 10 pts
75% of the surrounding land within 1 mile is in P.A. 116 = 4 pts*

11. Agricultural District Zoning Designation – Maximum Points: 5

Additional points are given to parcels that are within a designated agricultural district or area, in which the township has taken steps to help minimize the overall residential density in agricultural areas, helping to protect the public investment and the farming operation. An eligible agricultural area is considered where the maximum residential density of one dwelling per 20 acres AND the zoning also allows the houses to be built on 3 acre lots or smaller (rather than just requiring a large minimum lot size for a building site). For example, the maximum number of houses that could be built on a 80 acre parcel is 4 but the four houses can be built on 8 acres or less (3 – 2 acre lots) to minimize resource fragmentation.

Agricultural District or Area (Restricts and clusters residential development, 1:20)	5 pts
Non-Agricultural District or Area (greater than 1:20 dwelling density)	0 pts

OTHER CRITERIA (22 points)

12. Additional Points Based on Matching Funds – Maximum Points: 13

Emphasis will be placed on parcels that have additional matching funds other than county or state sources. The county may establish and require a minimum local match. Matching funds could be money contributed by townships, private or non-profit sources or could be a landowner willing to accept an offer for development rights less than the appraised value (up front commitment to accept a certain percent discount. However, due to the fact that an appraisal of the value of the development rights will be conducted after the scoring of applications, points will be awarded for contributions related to the State Equalized Value (SEV) of the property. (e.g. 10% of the SEV of the property).

A letter of commitment regarding matching funds must accompany application. As a result, priority consideration will be given to parcels which townships have agreed to provide additional funding, above and beyond a minimum match established by the county, if any.

25 Percent or more of the SEV	13 pts
15 to 24 Percent of the SEV	10 pts
10 to 14 Percent of the SEV	6 pts
5 to 9 Percent of the SEV	3 pts
1 to 4 Percent of SEV	1 pts

*Example: Parcel is located within a township which has agreed to provide additional funding which will cover 25% of the State Equalized Value above the minimum match required by the County, if the County has set a required match.
Total points = 13 pts.*

12. Unique Environmental or Historical Characteristics – Maximum Points: 4

Additional points will be given to parcels that have very unique physical (including significant scenic vista), historical (including centennial farm), archeological or environmental characteristics. Prime soils is not considered to be a unique feature as it is a requirement.

Parcel has unique features	4 pts
Parcel does not have unique features	0 pts

13. Enrolled under public access program – Maximum Points: 2

Additional points will be given to parcels that are enrolled in the Department of Natural Resources public hunter access program. This is a voluntary program for those landowners interested in providing access to the public for hunting purposes. The program matches public hunters with landowners of private land. Points will also be awarded if the property is part of a broader public access program, such as a public trail running through the property.

Parcel is enrolled	2 pts
Parcel is not enrolled	0 pts

*Example: Parcel is enrolled in the DNR public hunter access program. Total Points = 2 pts.
Contact: Mark Sargent, DNR (515) 373-1263*

**14. Applied in Prior Years to the Kent County PDR Program – Maximum Points: 10
(increased from 3 points in 2007)**

Two points will be awarded for each consecutive year the applicant applied to the Kent County PDR Program beginning in 2003. Points will not be awarded for nonconsecutive years.

Five or more years	10 points
Four years	8 points
Three years	6 points
Two years	4 points