

MACOMB AGRICULTURAL
PURCHASE OF DEVELOPMENT RIGHTS COMMITTEE

APPLICATION CHECKLIST

FOR THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

This checklist is provided as a courtesy to assist in completion and submission of the PDR application.

- STEP 1 - Applicant completes all of Part 1 and completes the landowner and property information. The sections at the top of Parts 2 & 3.
- STEP 2 - Applicant contacts their Macomb Conservation District to schedule an appointment to complete Part 2 of the application packet. Applicant should take the full application to the agency to assist in the completion of part 2.
- STEP 3 - Applicant submits completed application to the Township Clerk. We cannot accept faxed applications. Be sure to complete all pages, including front and back sides. The landowner is responsible for making sure all parts of the application form are completed.

MINIMUM REQUIREMENTS (All applications must meet these minimum requirements in order to apply).

1. At least 51% of the land in the nominated parcel must be devoted to an agricultural use as defined in Part 362 of NREPA.
2. The owner of record must sign the application.
3. Mineral rights must be either owned by the landowner or must be subordinated when the development rights are acquired.
4. The nominated parcel must be at least 20 acres in size, unless the parcel is located adjacent to already preserved land or is a viable agricultural entity. (If the parcel is less than 20 acres in size the landowner must provide documentation, in writing, that the land is in active agriculture. The PDR committee will review requests for consideration of parcels less than 20 acres in size on a case by case basis to determine if the development rights should be considered for purchase based on proximity to other preserved lands or the viability of the parcel for agricultural use.)

Please submit all of the following information with your application form by _____ (deadline date). Missing information could jeopardize selection of your application.

_____ Part 1, Landowner information

_____ Part 2, Conservation District information

_____ Deeds and/or land contracts identifying the nominated property

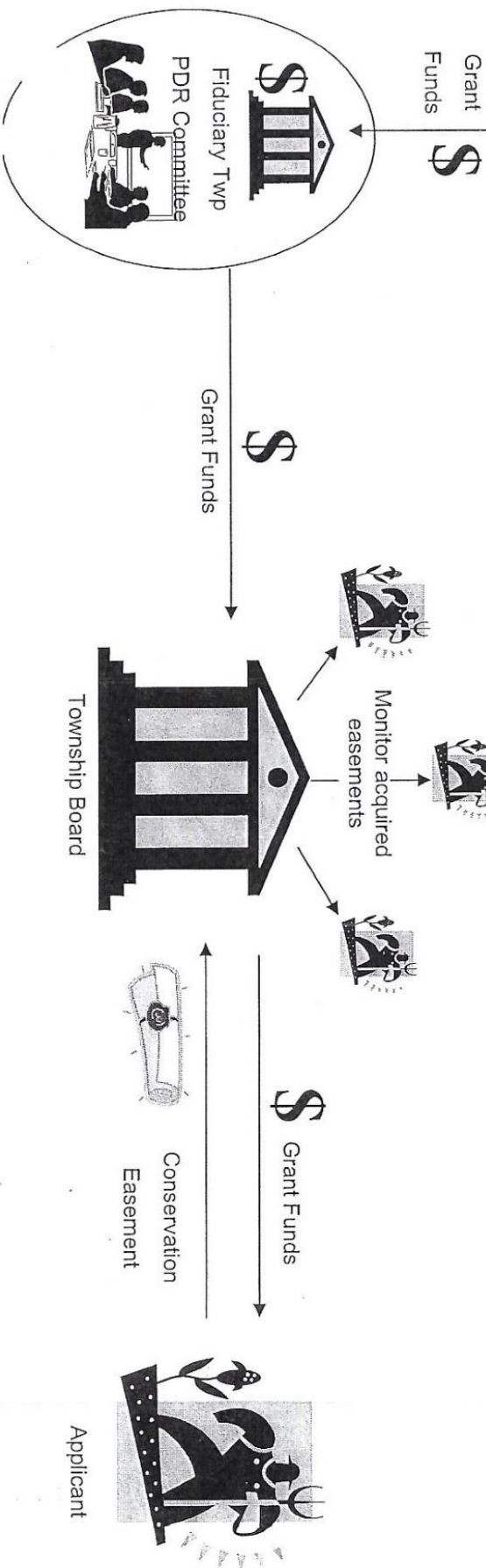
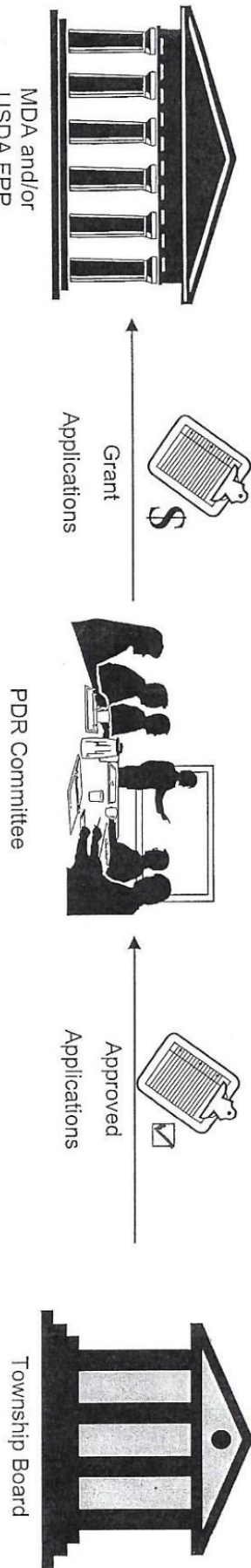
_____ A sketch of the nominated property and the property delineated on the county plat map or aerial photo from the Farm Service Agency.

_____ A letter confirming a monetary percent match if one is being offered.

PDR Application Directions and Checklist



Recommended Applications



**PART - 1
MACOMB AGRICULTURAL
PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE**

FOR OFFICIAL USE ONLY

Application Number

PURCHASE OF DEVELOPMENT RIGHT (PDR) APPLICATION

APPLICATION DEADLINE: _____

PART 1 – LANDOWNER INFORMATION

LANDOWNER: Please clearly print or type all information. Be sure to complete the front and back sides of all pages.

1. Landowner's Last Name	First Name	Middle Initial	Home Telephone Number
Street Address or PO Box Number			Business Name (if applicable)
City	State	Zip Code	Business Telephone Number: Fax:

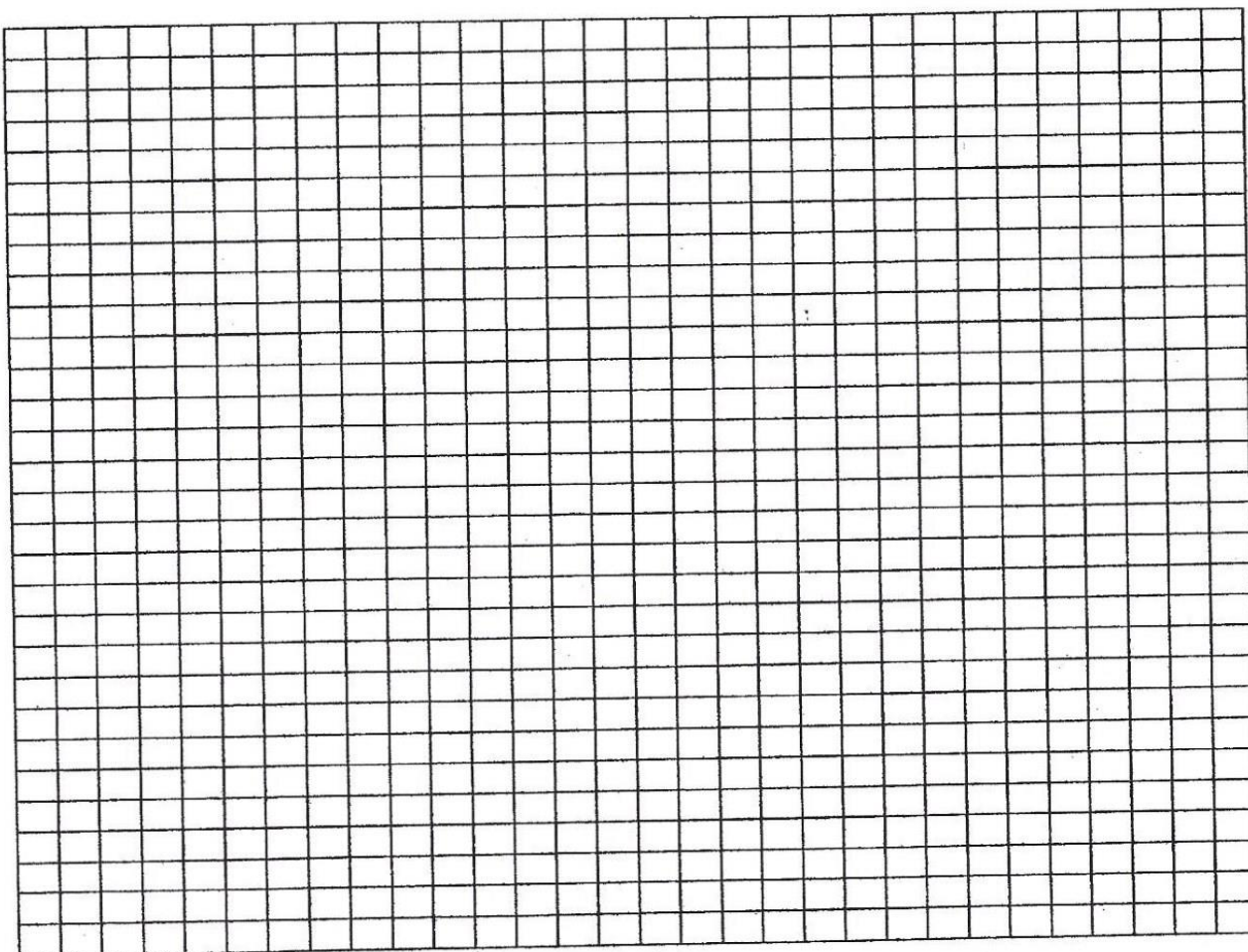
PROPERTY INFORMATION

2. County Where Nominated Property is Located	Township:
Town, Range and Section Number (s)	
Tax Parcel Number (s) of Nominated Property	
3. Total Number of Acres Nominated:	4. Total number of Nominated Acres Currently in Agriculture
5. Type of Agriculture Practices on Nominated Property <i>(Check all that apply)</i>	
<input type="checkbox"/> Livestock <input type="checkbox"/> Cash Crops <input type="checkbox"/> Greenhouses <input type="checkbox"/> Type: _____ <input type="checkbox"/> Vegetables <input type="checkbox"/> Christmas Trees <input type="checkbox"/> Aquaculture <input type="checkbox"/> Fruit <input type="checkbox"/> CRP or Other Set Aside Programs <input type="checkbox"/> Other: _____	
6. I own the nominated property by: _____ Deed _____ Land Contract*	
*The Land Contract seller's signature is required.	
7. Ownership of Mineral Rights on the Nominated Property: Your land is eligible for consideration even if you do not own the mineral rights. <i>(Check one only)</i>	
<input type="checkbox"/> I own all mineral rights. <input type="checkbox"/> I own some mineral rights. <input type="checkbox"/> I do not own any mineral rights. <input type="checkbox"/> I do not know who owns the mineral rights.	
8. Is the nominated property already restricted from being developed? Are there any restrictive covenants, leases or easements on the nominated property, such as land entered into the Federal Wetland Reserve Program (WRP), an existing conservation easement with a private conservancy, or a long-term lease that restricts the use of the land for agricultural purposes only?	
_____ No _____ Yes If yes, please explain:	

PART 1 – LANDOWNER INFORMATION (continued)

9. Please provide a legal description of the property to be nominated. You may either hand write the legal description or provide copies of tax bills, deeds or land contracts which contain the legal description of the property you wish to nominate. Please specify if you are not including the whole parcel described in the tax bill, deed or land contract. Existing building sites should be excluded from the legal description of the property offered in the application since the State will not pay for areas that have already been developed. You need not provide a survey of the excluded areas when you submit this application, but you may be asked to do so if your land is selected. New structures and/or improvements that are necessary to continue the farming operation are permitted on land entered into a PDR easement.

Please include a sketch of the nominated property in the area provided below. This sketch should include property boundaries, existing roads and buildings. In addition, please also identify the nominated property on a county plat map and/or aerial photograph from your Farm Service Agency and attach it to this application. Attach additional sheets if necessary.



10. How much public road frontage exists on the nominated property? This would not include seasonal roads or private farm lanes, but would include public paved, dirt, gravel, etc. roads. (Check only one.)

☐ None ☐ Less than ¼ mile ☐ ¼ mile or more, but less than ½ mile
☐ ½ mile or more, but less than ¾ of a mile ☐ ¾ mile or more

11. Is the nominated property enrolled in any of the following programs?

_____ Private Forestry Act (Part 513 of NREPA)

_____ Commercial Forest Act (Part 512 of NREPTA)

_____ Hunter Access Program (Part 435 of NREPTA)

12. Is the nominated property currently enrolled in a PA 116, Farmland Development Rights Agreement (FDRA)?

_____ No _____ Some of the property _____ Yes If yes, list the agreement number (s):

13. How close is the nominated property to a freeway interchange (exit or entrance), as Measured along a public road?

_____ Less than 1/2 mile _____ 1/2 mile or more, but less than 5 miles _____ 5 mile or more

14. Are there any matching funds available to assist toward the purchase of the development rights? A private conservancy or local government may provide money toward the PDR purchase. A Landowner, willing to take less than the appraised value, would also be a match. Landowners who accept less than the appraised value need to identify the percentage of the development rights value they are willing to donate. The donation may result in an income tax benefit. Discuss this with your CPA or tax attorney to confirm your eligibility. **Applicant's offering to take less than the appraised value will be scored higher, must honor that offer at time of closing.** A letter must be included with the application confirming the matching funds or individual donation.

Are there any matching funds available?

_____ No _____ Yes If yes, check the source below and list the percentage amount offered \$ _____

_____ Private Conservancy _____ Local Government _____ Landowner _____ Other

Would you like to donate your development rights? _____ Yes _____ No

15. Is the nominated property adjacent to or does it possess any of the following?

_____ river

_____ scenic views

_____ stream

_____ other feature that would attract development
please specify:

_____ lake

_____ significant wetlands

CERTIFICATION

PLEASE NOTE: *All individuals who own an interesting the nominated property, including the Land Contract Seller, must sign below or on an additional sheet, if necessary, for the Committee to Consider this application.*

I (we) certify that the statements made above are a true and accurate representation of the facts regarding the nominated parcel (s). It is understood that signature does not obligate sale of development rights but Simply permits the Committee to consider purchase of the development rights. I (we) also understand this information will be subject to public record if the nominated property is selected.

Signature

Date

Signature

Date

**PART - 2
MACOMB AGRICULTURAL
PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE**

FOR OFFICIAL USE ONLY
Application Number

**PART 2 – MACOMB CONSERVATION DISTRICT INFORMATION
FOR PURCHASE OF DEVELOPMENT RIGHTS (PDR) APPLICATION**

APPLICATION DEADLINE: _____

1. Landowner's Last Name	First Name	Middle Initial	Home Telephone Number
Street Address or PO Box Number			Business Name (if applicable)
City	State	Zip Code	Business Telephone Number
			Fax:

PROPERTY INFORMATION

2. County Where Nominated Property Is Located	Township:
Town, Range and Section Number (s)	
Tax Parcel Number (s) of Nominated Property	
Total Number of Acres Nominated	Total Number of Nominated Acres Currently in Agriculture

MACOMB CONSERVATION DISTRICT: *Please clearly print or type all information*

3. Total number of acres nominated in Number 3 of Part 1: Landowners Information:	_____
4. Total number of nominated acres devoted to agricultural use:	_____
Verify number of acres from Number 4 of Part 1: Landowner's Information, With the definition on the next page.	
5. Percent of nominated acres devoted to agricultural use: (Number 4 divided by Number 3 from above)	_____ %
6. Total number of nominated acres considered prime and / or unique: (Reference the definition on the next page)	_____
7. Percent of nominated acres considered prime and / or unique: (Number 6 divided by Number 3 from above)	_____ %

Continued on Next Page

CERTIFICATION

I hereby certify that the statements made above are a true and accurate representation of the facts regarding the nominated property.

Printed Name

Phone Number

Signature of Agent of Representative

Date

AGRICULTURAL USE DEFINITION

- (a) "Agricultural use" means substantially underdeveloped land 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. The management and harvesting of a woodlot is not an agricultural use under this act. NOTE: Land enrolled in a federal acreage set aside program or a federal conservation reserve program can be considered as an agricultural use for purposes under this act.

PRIME OR UNIQUE LAND DEFINITION

The definition of prime, unique, or other productive soil, as defined in Section 1540 © (1) (A) of the Farmland Protection Act of 1980, as amended, 7 U.S.C. 4201 et seq., is as follows:

- (a) Prime farmland is land that has the best combination of physical and chemical characteristics for Producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage;
- (b) Unique farmland is specific to each county and will be defined by the Soil Conservation District Agent.

**PART - 3
MACOMB AGRICULTURAL
PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE**

FOR OFFICIAL USE ONLY

Application Number

PART - 3: LOCAL GOVERNMENT INFORMATION
APPLICATION DEADLINE: _____

1. Landowner's Last Name	First Name	Middle Initial	Home Telephone Number
Street Address or PO Box Number			Business Name (if applicable)
City	State	Zip Code	Business Telephone Number
			Fax:

PROPERTY INFORMATION

2. County Where Nominated Property Is Locate	Township:
Town, Range and Section Number (s)	
Tax Parcel Number (s) of Nominated Property	
Total Number of Acres Nominated	Total Number of Nominated Acres Currently in Agriculture

The Township clerk must complete this part of the Application.

TOWNSHIP CLERK: *Please clearly print or type all information.*

<p>3. Master plan status (<i>Check only one box</i>)</p> <p><input type="checkbox"/> The nominated property is designated for agricultural use in the master plan and the master plan is 10 years old or less.</p> <p><input type="checkbox"/> The nominated property is designated for agricultural use in the master plan, but the master plan is more that 10 years old.</p> <p><input type="checkbox"/> The nominated property is not designated for agricultural use in the master plan.</p>
<p>4. Is the nominated property zoned for agricultural use? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5. Bases on the current zoning: What is the minimum lot size in township?</p> <p>_____</p>

Continued on next page

6. What is the linear distance of the nominated property from existing or proposed (to be served in 5 years or Less) public sanitary sewer and/or water lines?

☐ Less than 1/2 mile ☐ 1/2 mile or more, but less than 2 miles away
☐ 2 miles or more, but less than 5 miles away ☐ More than 5 miles away

7. Is the nominated property near other private land which has already been permanently protected? Examples: conservation easement with a private conservancy, property that had the development rights previously purchased by the State of Michigan, or property enrolled in the Federal Wetland Reserve Program (WRP). This does not include land enrolled in any temporary protection programs, such as a PA 116 Farmland Development Rights Agreement (FDRA), utility or power line easements, school or church property. (Check one box only)

☐ Directly adjacent Method of Protection: _____
☐ Not adjacent, but within 1/2 mile
☐ Not adjacent and not within 1/2 mile

8. Is the nominated property near land under public ownership that is specifically designated for long-term Natural resources use or conservation purposes and protected from development? Examples: State Park, State Game Areas, Federal Forest, township parks or any other public land protected from development. This does not include privately owned land enrolled in a FDRA or PDR easements, schools, institution, or administrative buildings. (Check one box only).

☐ Directly adjacent Type of Public Ownership: _____
☐ Not adjacent, but with 1/2 mile
☐ Not adjacent and not within 1/2 mile

9. Is the majority of the land within a 1/2 mile area of the nominated property enrolled in a FDRA?

☐ Yes ☐ No

10. SEV of the nominated property: _____

This value includes existing building(s): ☐ Yes ☐ No

If the landowner has excluded existing structures and future home sites from the nominated property, The SEV should be reduces accordingly.

CERTIFICATION

I certify that the statements made above are a true and accurate representation of the facts regarding the nominated property.

Printed Name

Phone Number

Signature of Local Government Official

Date

3/16/04

**THE MACOMB AGRICULTURAL PDR COMMITTEE
PURCHASE OF DEVELOPMENT RIGHTS PROGRAM
SCORING SYSTEM**

Applications submitted for purchase of development rights using the system listed below. There are a total of 100 possible points for each application. Scored applications will be reviewed by the township purchase of development rights (PDR) review committee. Final selections will be made the PDR review committee for submission to the state for matching funds.

MINIMUM REQUIREMENTS (All applications must meet these minimum requirements in order to apply.)

1. At least 51% of the land in the nominated parcel must be devoted to an agricultural use as defined in Part 362 of NREPA.
2. The owner of record must sign the application.
3. Mineral rights must be either owned by the landowner or must be subordinated when the development rights are acquired.
4. The nominated parcel must be at least 20 acres in size, unless the parcel is located adjacent to already preserved land or is a viable agricultural entity. (If the parcel is less than 20 acres in size the landowner must provide documentation, in writing, that the land is in active agriculture. The PDR committee will review requests for consideration of parcels less than 20 acres in size on a case by case basis to determine if the development rights should be considered for purchase based on proximity to other preserved lands or the viability of the parcel for agricultural use.)

A) AGRICULTURAL CAPACITY – 30 possible points

1. Agricultural Productivity – 25 possible points

Priority is placed on prime productive farmland and/or farmland that has unique growing characteristics. The local Natural Resource Conservation District office in consultation with the USDA-NRCS staff determines the amount of prime or unique farmland in the application. Farmland can be considered prime or unique if it meets the USDA-NRCS definition and criteria for prime and unique farmland. The percentage of prime or unique farmland is the number of prime or unique acres divided by the total acres in the application.

- Points to be determined by multiplying the % of prime and unique acres verified by the Conservation District times 25 to receive a score between 0 and 25.

2. Size of Parcel – 5 points possible

Priority is placed on larger parcels to help promote more economically viable agriculture production units. The number of points possible for a range of parcel sizes is multiplied times the percentage of tillable land in the application.

- | | |
|---------------------|---------------|
| • 100 or more acres | multiply by 5 |
| • 75 to 99 acres | multiply by 4 |
| • 40 to 74 acres | multiply by 3 |
| • 20 to 39 acres | multiply by 2 |
| • under 20 acres | multiply by 1 |

Examples: Application parcel is 125 acre, 100 of which are tillable. ($100/125 = 80\% \times 5 = 4$)

Application parcel is 40 acres, 20 of which are tillable. ($20/40 = 50\% \times 3 = 1.5$)

B) COMPREHENSIVE PLANNING EFFORT - 30 possible points

1. Master plan map or text designates the nominated parcel for agricultural use. **10 points**
2. The nominated parcel is zoned in a zoning category that designates agriculture as a principal permitted use. **10 points**
3. The zoning ordinance has a Planned Unit Development, cluster option and/or open space/farmland planning option for development. **5 points**
4. The landowner has a conservation plan for the nominated parcel. **5 points**

C) DEVELOPMENT PRESSURE – 20 possible points

1. Proximity to existing or proposed public sanitary sewer and/or water - 10 points

Priority will be given to those parcels located in close proximity to, but not adjacent to existing or proposed public or private sanitary sewer and water systems. Those parcels located immediately adjacent to existing or proposed sanitary sewer lines will receive no points since the public investment has been made allowing development in the area. Distance to existing or proposed water and sewer lines will be measured in a linear fashion (as the crow flies). Proposed sewer or water line are defined as those sewer and water lines designated for development in the township master plan and that are expected to be constructed within the next 5 years.

- Less than ½ mile to sewer and/or water 0 points
- More than ½ mile but less than 2 miles 8 points
- More than 2 miles but less than 5 miles 10 points
- More than 5 miles 5 points

2. New wells in the Township

- 5 points

New construction in rural areas is typically accompanied by the drilling of wells for residential water use. Consequently well permits issued is a relatively accurate measure of rural development pressure in a community. Priority is given to those communities having the most rural development pressure.

- Nominated parcel is in a township with the highest # of new wells. 5
- Nominated parcel is in a township with the second highest #. 5
- Nominated parcel is in a township with the third highest #. 4
- Nominated parcel is in a township with the fourth highest #. 3
- Nominated parcel is in a township with the fifth highest #. 2
- Nominated parcel is in a township with the sixth highest #. 1

3. Residential construction

- 5 points

Development pressure can also be determined simply by measuring the rate of residential growth in an area. Priority is given to those communities having the highest rate of residential increase. (The rate of residential growth for a particular Township is determined by dividing the number of residential building starts in the most recent year by the total number of residential units constructed in the past 10 years in the particular township.)

- Nominated parcel is in a township with the highest rate of growth 5
- Nominated parcel is in a township with the second highest rate. 5
- Nominated parcel is in a township with the third highest rate. 4
- Nominated parcel is in a township with the fourth highest rate. 3
- Nominated parcel is in a township with the fifth highest rate. 2
- Nominated parcel is in a township with the sixth highest rate. 1

D) CREATING BLOCKS OF PRESERVED LAND 13 possible points

It is important to protect blocks of agricultural land, thus protecting the public investment in farmland preservation as well as providing for an adequate economic base for continued agriculture in the area. Blocks of farmland also help to minimize land use conflicts and help to provide a buffer to interior farming operations. Emphasis is placed on farmland located in an area in which the potential for future development of surrounding farmland is already restricted.

1. Proximity to already preserved land. – 8 points

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 directly adjacent to protected land 8
- Parcel is not adjacent but within ½ mile of protected land 5
- Parcel is not adjacent but between ½ to 2 miles of protected land 3

2. Proximity to land enrolled in PA 116 - 3 points

A majority of the land is within ½ mile of a parcel is enrolled in the Farmland and Open Space Preservation Act (PA 116) 3

3. Proximity to existing publicly owned land. – 2 points

A majority of the land is within ½ mile of a parcel that is under public ownership.

E) MATCHING FUNDS

7 possible points

Emphasis will be placed on parcels that have matching funds. Matching funds may be money contributed by public, private or non-profit sources or can be via an offer by the landowner to accept an offer less than the purchase value of the development rights and donates the remaining portion of their development rights value. A letter of commitment regarding matching funds must accompany the application. The total number of points possible for this category is 7 for up to a 50% donation of matching funds.

Points awarded will be determined by multiplying the landowner's percent match by 7 which is then multiplied by 2.

Example: 50% match would be $.50 \times 7 = 3.5 \times 2 = 7$ points
25% match would be $.25 \times 7 = 1.75 \times 2 = 3.5$ points
10% match would be $.10 \times 7 = .7 \times 2 = 1.4$ points