



Ottawa County
Purchase of Development Rights
Program

2023 Program Year
Application Deadline: March 31, 2023

PURCHASE OF DEVELOPMENT RIGHTS APPLICATION

The Ottawa County Farmland Development Rights Ordinance (13-1), as amended, authorizes Ottawa County to purchase development rights for farmland from landowners who voluntarily offer those rights for sale. The purpose of this ordinance is to protect farmland from future development. The Purchase of Development Rights (PDR) Scoring Criteria, posted at miOttawa.org/farmland, are designed to prioritize land for preservation based on specific characteristics identified by the local Agricultural Preservation Board. This application gathers information that will be used in the scoring process. Each year, applications will be prioritized based on score; however, the Agricultural Preservation Board will also evaluate each application individually and, if deemed necessary, reprioritize the applications in order to preserve the most critical parcels.

Signing this PDR Application indicates the landowner(s) interest to voluntarily sell the development rights (also known as creating an 'easement') to the property described herein to Ottawa County, as well as their understanding of and/or agreement with the following:

- The governing body of the township has adopted a Resolution of Support for the PDR Program, which enables landowners to apply to the PDR Program.
The proposed easement area is not planned for commercial or industrial uses under its township's Master Plan.
The township will be required to provide the County with written approval of the sale of the property's development rights to the County.
Agricultural activities on the proposed easement area are:
o a permitted use under all applicable zoning ordinances;
o conducted on at least 51% of the proposed easement area; and
o compliant with all applicable state and federal regulations.
A minimum donation by the landowner of 26% of the Fair Market Value (FMV) of the proposed easement is required.
At closing, a Grant Processing Fee will be collected from the landowner's proceeds. The fee is \$5,000 for easements with FMV of less than \$250,000, or 2% of the easement FMV if \$250,000 or more.
Completing the preservation process is contingent upon the County receiving grant funding from either the State or Federal government.

LANDOWNER INFORMATION

Table with 4 columns: Last Name, First Name, Middle Initial, Primary Phone Number; Street Address or PO Box Number, Email Address, Alternate Phone Number (if applicable); City, State, Zip Code, Business Name (if applicable).

PROPERTY INFORMATION

1. Define the proposed easement area (hereafter, "the Property"):

a) Township(s) where the Property is located: \_\_\_\_\_

b) Tax parcel number(s)\* included in the Property (you may use a separate sheet if necessary):

\_\_\_\_\_

\_\_\_\_\_

\*More than one parcel may be included as one application if the parcels are owned by the same person(s) and are LESS THAN 1/2 MILE APART. For parcels more than 1/2 mile apart, contact program staff.

## PROPERTY INFORMATION (continued)

c) Total number of acres proposed for preservation in this application: \_\_\_\_\_

Of those proposed acres, how many are actively being farmed: \_\_\_\_\_

### Please provide an aerial image of the Property.

If the parcel(s) as described in the deed or land contract will not be preserved in its entirety, please mark the area that will be preserved on the aerial image. Any areas of the parcel(s) that will be **EXCLUDED\*\***, such as a residence or non-prime land, from preservation should have its dimensions shown in feet. An aerial image of your property can be found and downloaded free of charge from <http://gis.miottawa.org/>. NOTE: A survey that accurately reflects the Property area is not required at this time, but will be required if the property is selected for preservation and the landowner will be responsible for the cost of the survey.

*\*\*Applicants who exclude non-prime farmland in order to meet federal/state 50% prime and/or 51% tillable/productive agriculture criteria will not be penalized. See County Ordinance for more detail.*

### 2. Type of agriculture production on the Property (please check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Livestock Type: _____   | <input type="checkbox"/> Cash Crops                     |
| <input type="checkbox"/> Aquaculture             | <input type="checkbox"/> Vegetables                     |
| <input type="checkbox"/> Christmas Trees         | <input type="checkbox"/> Fruit                          |
| <input type="checkbox"/> Other (describe): _____ | <input type="checkbox"/> Greenhouse and/or Nursery      |
|  | <input type="checkbox"/> CRP or Other Set Aside Program |

### 3. I own the Property by:

- |   |  |
|---|--|
| <input type="checkbox"/> Deed (please attach) | <input type="checkbox"/> Land Contract * (please attach) |
|---|--|

*\* Land Contract Seller's signature must appear on back page indicating agreement with this application.*

### 4. Ownership of mineral rights on the Property (check one box only):

- |   |   |
|---|---|
| <input type="checkbox"/> I own all mineral rights.                                    | <input type="checkbox"/> I own some mineral rights, but some are owned by:<br>_____ |
| <input type="checkbox"/> I do not own any mineral rights. They are owned by:<br>_____ | <input type="checkbox"/> I do not know who owns the mineral rights.                 |

### 5. Other existing land use restrictions:

- |   |  |
|---|--|
| <input type="checkbox"/> None   | <input type="checkbox"/> Federal Wetland Reserve Program (WRP).    |
| <input type="checkbox"/> Conservation easement, e.g., with a conservancy (list below):<br>_____ | <input type="checkbox"/> Other restrictions (list below):<br>_____ |

### 6. Other encumbrances:

- |  |   |
|--|---|
| <input type="checkbox"/> Solar power lease/agreement | <input type="checkbox"/> Wind power lease/agreement |
| <input type="checkbox"/> Hydro power lease/agreement | <input type="checkbox"/> Other _____                |

## CERTIFICATION

**PLEASE NOTE:** All individuals who own an interest in the Property, including the Land Contract Seller, must sign below in order for Ottawa County to consider this application.

I (we) certify that the statements made above are a **true and accurate** representation of the facts regarding the Property. It is understood that signature does not obligate sale of development rights but simply permits Ottawa County to consider purchasing the development rights. I (we) also understand this information will be subject to public record if the Property is selected.

Landowner's Signature	Date
Landowner's Signature	Date
Landowner's Signature	Date
Land Contract Seller's Signature (If Applicable)	Date

## SCORING INFORMATION

### 1. Agricultural productivity

PDR Staff will determine the percentage of the Property that qualifies as prime, unique, and/or locally significant using the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) web soil survey.  
<https://websoilsurvey.sc.egov.usda.gov>

### 2. Public access

Is any public access to the Property allowed or required, e.g. Commercial Forest Act, Hunter Access Program, trail easements, etc.?

Yes  No

If yes, please list: \_\_\_\_\_

### 3. Michigan Farmland Preservation Program

If applicable, list any parcel numbers and acreage amounts included in the Property that are currently enrolled in the Michigan Department of Agriculture and Rural Development (MDARD) Farmland Preservation Program (formerly P.A. 116).

Parcel number: \_\_\_\_\_ Acreage enrolled: \_\_\_\_\_

Parcel number: \_\_\_\_\_ Acreage enrolled: \_\_\_\_\_

Parcel number: \_\_\_\_\_ Acreage enrolled: \_\_\_\_\_

Please provide a copy of the Farmland Development Rights Agreement(s).

### 4. Succession planning

Is there a formal, documented succession plan currently in place for the Property?

Yes  No  Unknown

A copy of the plan may be requested.

### 5. Preserved land blocks

Is the Property proximal to other permanently preserved farmland, publicly owned land, or otherwise permanently conserved land?

Yes  No  Unknown

If yes, please indicate distance to nearest permanently preserved/conserved land:

- the Property is directly adjacent
- the Property is not adjacent but within ½ mile to preserved land
- the Property is not adjacent but between ½ to 2 miles to preserved land

Please list the addresses of the surrounding preserved parcels and the type of preservation that is in place for each parcel:

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### 6. Landowner donation

Ottawa County requires PDR applicants to commit to donating a minimum of 26% of the easement FMV. Donating a higher percentage of the FMV could increase your score on your application. Would you like to donate an amount greater than 26%?

Yes  No

If yes, please indicate the percentage \_\_\_\_\_

### 7. Local agricultural planning

Is the Property zoned as Agricultural under local ordinance?

Yes  No

Is the Property designated as Agricultural in the future local land use master plan?

Yes  No

## SCORING INFORMATION (continued)

### 8. Conservation planning

Does the Property have one or more of the following (*please check all that apply*):

- Conservation Plan (written by the local NRCS District Conservationist)
- Michigan Agriculture Environmental Assurance Program (MAEAP) Verification
- MAEAP Risk Assessment
- Comprehensive Nutrient Management Plan (CNMP)

*Please attach copies*

### 9. Conservation practices

Does the Property's agricultural operation utilize one or more of the following (*please check all that apply*):

- Conservation tillage
- Permanent hay or pasture
- Cover crops
- Buffer strips

### 10. Road frontage (*please check one*):

- No road frontage.
- Road frontage less than ¼ mile.
- Road frontage is ¼ mile or more but less than ½ mile.
- Road frontage is ½ mile or more but less ¾ mile.
- Road frontage is ¾ mile or more.

*Please list all roads where frontage exists and the estimated length of frontage on each road:*

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### 11. Municipal water access

Does the Property have access to municipal water service?

- Yes
- No

*If no, please provide the parcel address or crossroads of the closest known municipal water lines:*

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### 12. Adjacent agricultural land

Of the parcels that are directly adjacent to the Property, what percentage are currently in agricultural use?

- 100%
- 75-99%
- 50-74%
- <50%

## SCORING INFORMATION (continued)

**13. Crop type**

a) Is a specialty crop\* grown on the Property?

- Yes       No

If yes, please list type of specialty crop(s) grown, and the percentage of the Property on which they are grown:

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b) Is a commodity crop\*\* grown on the Property?

- Yes       No

If yes, please list type of commodity crop(s) grown and the percentage of the Property on which they are grown:

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c) Are these crops used to feed livestock on the Property, or sold directly to another farm for feed?

- Yes       No

\*specialty crops are defined by MDARD as fruits and vegetables, tree nuts, horticulture, and nursery crops (including floriculture).

\*\*commodity crops are defined as crops which produce feed, food, fiber or fuel, including hay crops and pastureland

FSA (Farm Services Agency) records listing the crops that were grown in the previous three years or personal crop records may be requested.

**14. Natural resources**

The Property includes (please check all that apply):

- Forests greater than 10 acres
- Wetland greater than 2 acres
- Lake or river frontage of more than .25 mile
- None of these

**15. Unique historical characteristics**

Is the Property a Centennial Farm, other registered historical designation, or the site of a documented archaeological investigation?

- Yes       No

If yes, please attach documentation.

**16. Federally recognized populations**

Do you consider yourself any of the following, as defined by the USDA (check all that apply)?

**Limited Resource Farmer or Rancher:** A person with direct or indirect gross farm sales not more than \$189,200 in each of the previous two years. A person with a total household income at or below the national poverty level for a family of four or less than 50 percent of county median household income in each of the previous two years.

**Veteran Farmer or Rancher:** A producer who served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve components thereof; was released from the service under conditions other than dishonorable; and has not operated a farm or ranch, or has operated a farm or ranch for not more than 10 years; or who first obtained status as a veteran during the most recent 10-year period.

- Socially Disadvantaged Farmer or Rancher:** includes African Americans, American Indians or Alaskan natives, Hispanics, and Asians or Pacific Islanders.

for more information visit <https://www.nrcs.usda.gov/getting-assistance>