



HONORING YESTERDAY. BUILDING TOMORROW.

## MEMORANDUM

**TO:** Township Board of Trustees  
**FROM:** Kristofer Enlow, Trustee  
**DATE:** October 30, 2019  
**RE:** Discussion on "Purchase of Development Rights" Ordinance

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### **Action Requested**

Board authorization to direct the Township Planning consultant to update the Purchase of Development Rights (PDR) Ordinance.

Board discussion on marketing the ordinance and allocating funding for the ordinance.

### **Definition**

A PDR Ordinance gives a property owner the option to sell their development rights to Lyon Township in exchange for putting their entire property within a conservation easement.

### **Background**

In 2008, Lyon Township produced the Green Infrastructure Vision (attached) in cooperation with Oakland County which was a plan to protect and link Oakland County's remaining ecologically valuable lands. These lands included large natural areas, important wildlife habitats, wetlands, and rivers. In 2012, the Township developed its Master Plan, which included Priority Natural Areas, some of which were taken from the 2008 Green Infrastructure Vision plan.

Over the past decade, Lyon Township has grown very quickly through numerous residential, commercial, and industrial developments. Unfortunately, some of these developments have significantly contributed to the loss of these contiguous natural open space areas. This is a repeated concern among many of our residents.

## **Purchase of Development Rights**

It is understood that a property owner has a right to sell or develop their land for profit. Our PDR Ordinance gives the property owner another avenue to make a profit by allowing the Township to purchase the property and place the property into a Conservation Easement.

A Conservation Easement is a non-possessory interest in real property which is acquired in accordance with MCL 324.2140 et seq., for the purpose of retaining and enhancing agriculture; preserving natural scenic or open space values of real property; restricting or preventing the development of land for purposes other than agricultural production or other like or similar purposes.

For example, a 20-acre parcel might be worth \$200,000 if sold as home sites, but only \$50,000 if sold and restricted to an agricultural use. This difference in property value, as determined by an independent appraiser, would be the cost the Township would pay to obtain the development rights and place the property within a conservation easement.

## **Funding**

There are several funding options for the Township to consider for this program. These likely include a combination of the following:

- Township budgeted funding (2020 Budget meetings are starting)
  - o General Fund
  - o Parks and Recreation Fund
- Land conservancies
  - o Highland Conservancy
  - o Highland Equestrian Conservancy
  - o Land Trust Alliance
  - o Michigan Nature Association
  - o North Oakland Headwaters Land Conservancy
  - o Oakland Land Conservancy
  - o Six Rivers Land Conservancy
  - o Southeast Michigan Land Conservancy
  - o The Nature Conservancy
- Private Donations
- Corporate Donations
- Conservation Millage (possibly as a ballot question in November 2020)

## Marketing

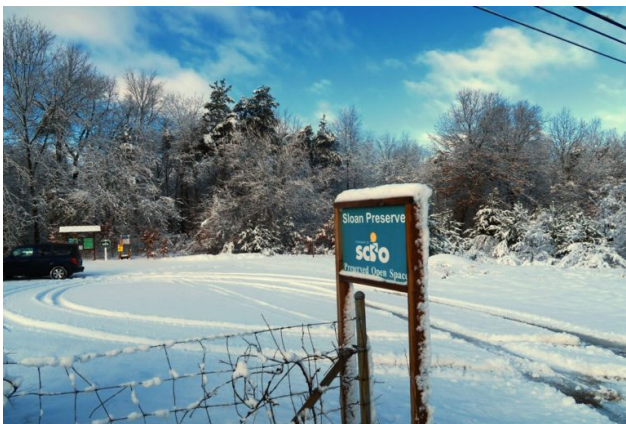
It is important to determine marketing goals with defined outcomes that can be achieved through the ordinance. These goals should also include a timeline and appropriate budgeting to achieve the goals. Examples could include:

- The Township will acquire up to XX parcels of/ acres of natural land that will be open to the public for recreation.
- The Township will permanently preserve XX acres of privately owned land by purchasing conservation easements within the next XX years.
- The Township will steward XX acres of natural lands and waterways annually in order to manage stormwater and preserve water quality.

## Benefits

There have been numerous studies citing the benefits of protecting natural areas. The most applicable benefits to Lyon Township include:

- Stormwater management and flood control.
- Protection of drinking water.
- Preservation of open space, forests, scenic views, and unique natural features.
- Keeping a semi-rural feel for the community.
- Increased property values.
- Provide habitats for wildlife.
- Acknowledgement of the property owner's contribution to preserving Township natural areas (i.e. a sign stating "The Enlow Family Preservation Area")



- Lower taxes (no need to raise taxes in the future to pay for services for a new development, as land within a conservation easement does not need additional police, fire, library, schools, roads, etc.)

## **Conclusion**

Given the research I have performed, input from the Huron River Watershed Council, and the past efforts of the Township in developing Green Infrastructure Vision and the Master Plan, I feel strongly that marketing and funding an updated "Purchase of Development Rights" would give property owners an option to make a profit, conserve their property and legacy in Lyon Township, and keep future taxes lower for the residents and businesses in Lyon Township.

I look forward to discussing a marketing and funding strategy as well as updating our PDR ordinance.