

**TOWNSHIP OF SCIO
BUY, PROTECT, SELL POLICY**

**I hereby certify that the BUY, PROTECT, SELL POLICY
was adopted by the Board of Scio Township at its regular
meeting held on January 11, 2022**



Jessica M. Flintoft, Township of Scio Clerk

*Will Hathaway, Supervisor
Jessica Flintoft, Clerk
Donna E. Palmer, Treasurer*

Township of Scio

*Trustees: Jacqueline Courteau
Alec Jerome
Kathleen Knol
Jane Vogel*

BUY/PROTECT/SELL POLICY

BACKGROUND AND KEY ISSUES IN PRESERVING LAND IN SCIO

The Scio Land Preservation Commission (LPC) is charged with reviewing and selecting properties for preservation under the Farmland and Open Space Preservation millage and ordinance. The LPC reviews applications submitted by landowners according to standardized criteria, scoring properties by different systems depending on whether the property is predominantly agricultural land or natural area.

The LPC has used two primary mechanisms to preserve open space:

1. **Fee-simple purchase.** This strategy is used to preserve land that scores highly for its natural-area characteristics (including for biological diversity and wildlife habitat, wetlands, legacy trees, scenic vistas, recreation potential, historic/cultural characteristics and other values). These properties are purchased for the Scio or other entities to own and manage as preserves and/or parks. To date, Scio has used millage funds to purchase 12 properties to become parks and preserves, for a total of 404 acres. In addition, Washtenaw County Parks owns two preserves purchased with support from the Scio millage (Scio Woods and Fox) and owns two other preserves (DeVine and Burns-Stokes).
2. **Purchase of development rights through conveyance of Conservation Easement.** This strategy has been used to protect natural and agricultural land from future development. In general, these properties are not changing hands to a public agency, but are offered for protection by owners who are willing to forgo future development by agreeing to terms outlined in a Conservation Easement (CE). To date, Scio has supported the conveyance of conservation easements on 25 properties, for a total of 1,181 acres conserved in the Township (including some for which the owners donated the conservation easements).

In a few cases, a CE purchase has happened simultaneously with the sale of the property to another buyer. The new buyer pays a price for the land that reflects the value AFTER the CE has been conveyed plus any buildings. The process of assembling partners and grant funding (through State and Federal agricultural land protection programs) and aligning an agricultural buyer to purchase the land with the CE in place can take 12–18 months.

While these two land protection mechanisms have generally been effective, the LPC occasionally receives applications for lands which have a very brief time window to act—for example, a property where there is already an offer from a developer but which the owner would prefer to conserve, or a property owned by an estate in which the executor/personal representative needs a quick and easy sale to satisfy the demands of beneficiaries. The 12–18 month process of lining up funding and partners plus an agricultural buyer can be too long or complicated for such sellers. In other cases, including two current applications, sellers have indicated that they prefer the simplicity of a fee-simple purchase, rather than

the complicated negotiations required to assemble partnerships and funding. Scio is in danger of missing opportunities to conserve some important farmlands.

This document outlines a proposed new policy for protection of agricultural land under the Scio Township Farmland and Open Space Preservation ordinance, an approach known as “Buy/Protect/Sell” (BPS). This novel strategy has been increasingly used in other states (for example, by farmland trusts in Maine and Vermont) and was first used in an ad hoc way by Scio in 2019-20 for the Aprill farm and subsequent sale to the Andres Trust. BPS involves the fee-simple purchase of an agricultural property, holding it while lining up partners, funding and an agricultural buyer(s), then selling the property to an concurrently with conveyance of a CE. In a BPS project, Scio would own the land for 3-24 months while identifying potential agricultural buyer(s) and funding partners. There is also the option of dividing the property into smaller parcels to meet the needs of several farmers for broader farmland access.

BUY-PROTECT-SELL PROCESS

1. **Review funding availability and options.** LPC will check on the Open Space Millage fund balance to ensure that there is enough funding to cover the purchase and land holding for 3–24 months, and/or consult with the BOT about a loan from the General Fund for the duration of the process. Additional funding may be pursued through conventional financing or conservation financing with national groups like The Conservation Fund or American Farmland Trust. It may also be necessary to engage a private buyer (land conservancy or individual) to hold title temporarily in order to be eligible for State and Federal funding programs.
2. **Determine if any part of a nominated property is suitable for a preserve and exclude that from the RFP process.**
3. **Conduct a full Request for Proposals (RFP) process for each relevant parcel.**
 - a. An RFP will include developing and posting a description of each parcel, and inviting potential buyers to respond with a proposal that outlines their interest in the particular property and their plan for farming and conserving it. Also included would be questions about specific conservation practices, as well as an open-ended description of proposed on-farm conservation practices.
 - b. Distribute specific RFPs widely through the Scio website and newsletter and local farming organizations (such as the Washtenaw Farm Bureau and the Washtenaw County Conservation District, and Washtenaw County office of the MSU Extension Service), regional farming organizations (such as the Land-Link-Up program operated by the Midwest Organic and Sustainable Education Service (<https://mosesorganic.org/farming/land-link-up/>)), as well as any other organizations recommended by our conservation partners.
 - c. Use the standard notification process and timetable used for RFPs in other Scio Township business and/or consider following the process used for other Planning matters.
4. **Develop clear criteria for evaluating proposals from potential buyers.**
 - a. LPC will develop clear criteria and a standard scoring process to assess proposals.
 - b. Possible conservation criteria could include the following:

- i. Use of buffer strips, vegetation restoration or other conservation techniques to mitigate surface-water runoff of fertilizer and pesticides or improve water quality downstream and to serve as stormwater buffers;
 - ii. Soil conservation and erosion protection practices; soil carbon farming;
 - iii. Tree-planting or maintenance efforts that could serve to sequester carbon, serve as a noise buffer and improve air quality;
 - iv. Efforts to improve on-farm wildlife habitat and corridors (including native plantings or protection of native plants for pollinators);
 - v. Other value-added practices to protect air and water quality, conserve soil, sequester carbon, benefit pollinators and other wildlife, etc.;
 - vi. Other restoration and management plans to restore native prairie and grassland habitat (e.g., cost-share under Landowner Incentive Program)
 - c. Standardized scoring will be developed once questions are finalized.
5. **The goal of this farmland protection policy is to preserve farmland, and it is not intended to generate any additional revenue for Scio Township.** Furthermore, Scio Township and the LPC reserves the right to charge an administrative fee not to exceed 10% of the after-value of the property to cover the costs of administering the RFP process. If a division of the nominated property is permitted so that there will be multiple future owners, Scio will earmark additional contributions to its conservation easement monitoring and enforcement fund accordingly. It is important to note, however, that because Federal and State agricultural land protection grant programs are designed to go to private rather than municipal entities, farmer buyers under this policy would be required to pay back to Scio Township the full amounts of any grants applied for and received under the Township-led applications.
6. **Sampling of ways a BPS project could work**
- a. Scio purchases land, finds buyer, sells subject to PSA to sell CE after fee simple sale, no other funding partners
 - b. Same but with local funding partners
 - c. For a larger property: Scio purchases, finds buyer, sells subject to PSA to sell CE, apply for State and Federal funds (Aprill-Andres example)
 - d. Private entity purchases land with PSA to sell CE when funding is assembled