



TO: Greenbelt Advisory Commission

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SUBJECT: Proposed Changes to Chapter 42 Open Space and Parkland Preservation Ordinance

DATE: December 26, 2023

Background

The City of Ann Arbor's Open Space & Parkland Preservation Program -- widely known as the Greenbelt -- is implemented by Chapter 42 of the City Code. Adopted May 3, 2004, Chapter 42 covers purposes, definitions, authority, acquisition standards, administration and more pertaining to the use of Open Space & Parkland Preservation millage funds.

The 30-year Open Space & Parkland Preservation millage just concluded its twentieth year. Originally projected to permanently conserve 7,000-10,000 acres of land surrounding the City by the year 2033, the Greenbelt program has already conserved 85 properties spanning 7,600+ acres in just twenty years and doing so with significant external funding leverage: over 56% of the program's acquisition funding coming from local, state and federal matching funds.

Private landowner interest in the Greenbelt program remains consistent, and often stretches the limits of the City's staffing capacity to advance projects expeditiously. Demand has also instigated innovations, such as the Greenbelt's Buy-Protect-Sell (BPS) acquisition framework that fulfills the program primary objective of permanent land conservation while also addressing ongoing land ownership challenges within the local farming community.

Many within the local, regional, and national conservation community view the City's Greenbelt program as a pioneering success story, and the program has gained a reputation as both successful stewards of public funds, and as innovators that

continually seek to advance strategic objectives. The Greenbelt's 2019 Strategic Plan identified several program priorities, many of which coalesce behind two Greenbelt program adaptations: land conservation frameworks that (1) address City source water protection, and (2) create affordable land access opportunities within the local agricultural community.

The following staff-recommended revisions to Chapter 42 will allow the City's Greenbelt program to address the needs of its growing portfolio of work, continue to innovate within our conservation community, and address the program's strategic priorities. The changes to Chapter 42 addressed below do not reflect the full scope of revisions being considered but represent the most notable staff-recommended changes that merit additional detail.

Greenbelt District Boundary Expansion

The Greenbelt District boundary has expanded twice since the program's inception in 2003, each time to accommodate new opportunities, adapt to community and/or program needs, or allow for expanded partnerships and financial leverage. The latest Greenbelt District expansion is driven by these same factors, but this iteration takes a multi-layered approach that addresses distinct program objectives:

(1) Amend existing Greenbelt District to include a portion of Ypsilanti Township.

The first proposed change is to "square-off" the Greenbelt to the southeast, which would expand the Greenbelt into a portion of Ypsilanti Township. When the Greenbelt was created, the City and Ypsilanti Township agreed the Township should be excluded due to its highly developed character. The Township is generally more interested in land preservation now, and Greenbelt staff hope that expanding into the Ypsilanti Township will open additional opportunities for Buy-Protect-Sell projects. Just as it excludes the City of Ann Arbor, the Greenbelt District will also exclude the City of Ypsilanti.

(2) Establish a Sourcewater Protection District overlay

The second proposed change would allow the Greenbelt program to work outside of the Greenbelt District described above and expand the City's opportunities for sourcewater protection projects within the Huron River Watershed upstream of the City and limited to Washtenaw County. The primary objective of this overlay district is to engage in permanent land conservation that directly protects the City's drinking water quality.

Drinking water quality was the top concern and priority voiced by the public across the Greenbelt's 2019 strategic planning process. Staff is cognizant of the challenges associated with utilizing City funding for projects farther from the City's boundaries. However, current sourcewater protection opportunities are limited within the Greenbelt District described above, and this Sourcewater Protection District overlay will

significantly expand the program's ability to deliver on its water quality priorities, with GAC adopting any additional evaluation criteria to reflect that function.

Expanding to the watershed would also precipitate additional partnership opportunities with our established partner Washtenaw County Parks and Recreation Commission's Natural Areas Preservation Program, as well as open new partnerships with township-level preservation programs with whose boundaries the Greenbelt would newly overlap, notably Dexter Township. A water quality focus can also be the gateway to new funding opportunities, most notably EPA Section 319 Nonpoint Source Pollution Control grant funds.

Administrative Cap

At the Open Space and Parkland Preservation millage's passage, the "greenbelt" concept was a newer idea on the national scale. As such, City leadership and voters both wanted to ensure that the outcomes they envisioned would actualize, and Chapter 42 reflects the exceptional detail, specificity, and regulation with which served as the initial scaffolding and guardrails for the City's Greenbelt.

One example of this specificity is the 6% administrative funding cap. This cap reflected a reasonable level of expenditures for early program administration and buildout, but current and future needs of a mature 20+ year program are increasingly difficult to navigate within that funding threshold.

Such an administrative cap does not exist within any other local land conservation programs in Washtenaw County and will continue to limit the Greenbelt capacity and potential to maintain existing levels of productivity, as well as advance our role as a regional innovator. Removing this cap would allow the program to adequately fund administration, monitoring, and enforcement of the Greenbelt program for the next ten years, as well as provide additional capacity for administering grants, partnerships and collaborations that fulfill the Greenbelt's strategic objectives.

Reserved Land Division and Building Rights

As noted above, at the Greenbelt's inception it was a relatively pioneering program and both City leadership and the community expressed concerns around vague administrative standards. Thus, an exceptionally detailed Chapter 42 ordinance was drafted and adopted to limit concerns around the program's scope and objectives. Again, while those early parameters served their purpose, 20+ years of practice have yielded several crucial lessons that are challenged by the dated Chapter 42 guidance.

Land conservation programs across the nation have learned many lessons at the nexus of permanent land protection, affordable land access and easement stewardship. In particular, the industry standards around conservation easement permission for

reserved land division and limited building rights continue to evolve to reflect growing demand for (1) conserved land that can accommodate a home or farm worker housing, and (2) smaller conserved and affordable parcels for more local, regenerative and/or diversified agricultural enterprises. Closely linked to these potential reserved rights are implications for the City's conservation easement impervious surface limitations.

The nuanced interconnectivity and site-specific needs of both landowner and Greenbelt program objectives presents significant challenges for adhering to Chapter 42 standards. As such, staff recommends discretionary approval of these reserved rights on an acquisition-by-acquisition basis to allow for greater flexibilities where appropriate. These added flexibilities will be crucial for successful implementation of the Greenbelt's Buy-Protect-Sell acquisition framework for affordable land access but will also have positive implications for the program's more traditional acquisition work.

Scoring Criteria

A critical success factor defined in the Greenbelt's 2019 strategic plan was the development of new scoring criteria. As noted above, Chapter 42 was designed to guide early programmatic development and priorities, thus scoring criteria was included in the ordinance. The criteria established in 2003 no longer reflect the new and emerging strategic, partner, and funding priorities that are key for the Greenbelt's success.

As the Greenbelt program moves into increasingly technical prioritization and greater A2Zero alignment, the program's scoring criteria must clarify the City's definition of quality to be used in its parcel-level prioritization. As well, the criteria must incorporate the multitude of strategic objectives that have emerged over the last twenty years, including social and/or economic factors, local food system impacts, climate action plan impacts, alignment with equity imperatives, etc. The proposed changes shift the development of scoring criteria fully to the Greenbelt Advisory Commission (which already has many years of experience developing supplementary criteria), consistent with purposes of the millage and Chapter 42.