

PROTECTING AGRICULTURAL LANDS

Many parts of Southeast Michigan's rural areas contribute to both the state's and the region's agricultural economies. However, farming in the region has been diminishing over the years. A significant reason for this decline is the direct and indirect effects of urban development. A dilemma for many communities in the region that still have extensive farming operations is how best to sustain a continued strong agricultural production system while at the same time addressing the demand for development.

For a community seeking to protect agricultural lands, the focus must be twofold: limiting development in predominantly agricultural areas and providing for development away from prime agricultural lands. The degree of success in protecting agricultural land is largely dependent on creating the appropriate planning options that will result in a balanced development pattern.

KEEPING IT CONNECTED

Many communities feel that all development will result in a net increase in revenues generated for the community. However, recent studies indicate that farmland preservation can provide economic benefits to communities because farms and open land contribute more in tax revenues than they receive in public services (e.g., schools, fire and police protection, infrastructure and road maintenance).

A study of two Michigan communities by the American Farmland Trust found that for every \$1 in tax revenue generated by farms and open land in Marshall Township, only 27 cents was required for associated services. For every \$1 in tax revenue generated by residential development in that township, \$1.47 was required in public services.

Source: American Farmland Trust.

Specific benefits of implementing the suggested tools and techniques include:

- Maintains the most productive agricultural land for food production today and for future generations.
- Reduces development pressures on protected farmlands.
- Discourages fragmentation of farmland for other land uses.
- Provides an area for storm water infiltration and groundwater recharge.
- Generates more in tax revenue than they receive in public services.
- Protects rural character.



Agricultural land in Livingston County.

This section describes some tools and techniques that provide choices for communities who wish to preserve agriculture, including mapping of prime agricultural soils, use of various zoning techniques, and participation in the state's farmland preservation programs.

Planning and Regulatory Considerations

The State of Michigan's Farmland and Open Space Preservation Act (Part 361 of the Natural Resources and Environmental Protection Act (NREPA), but commonly known as P.A. 116) enables a landowner to enter into a development rights agreement with the state. The agreement is designed to ensure that the land remains in an agricultural use for a minimum of 10 years and ensures that the land is not developed in a nonagricultural use. In return for maintaining their land in an agricultural use, the landowner may be entitled to certain income tax benefits, and the land is not subject to special assessments for sanitary sewer, water, or non-farm drain projects.

Part 361 of NREPA also includes a provision for a state purchase of development rights (PDR) program. The PDR program is a voluntary program between the state and landowner and puts a permanent restriction on the land. This program ensures the land will remain in agriculture in exchange for a cash payment to the landowner.

The Michigan Agricultural Preservation Fund and Agricultural Preservation Fund Board was established in 2000 under Part 362 of the Natural Resources and Environmental Protection Act, Act 451 of 1994 as amended. This act provides for the establishment of the agricultural preservation fund, the creation of the board,

the development of an application procedure, and the adoption of various standards and guidelines for the awarding of grants by the Board.

The City and Village Zoning Act and the Township Rural Zoning Act give the statutory authority for local communities to implement various zoning techniques for farmland preservation, such as sliding scale, quarter/quarter zoning, and exclusive agricultural.

Tools for Protecting Agricultural Land

There are several tools communities can draw from to protect agricultural land. This section focuses on the following techniques:

- Incorporating farmland preservation into the master plan.
- Mapping prime agricultural lands.
- Implementing alternative agricultural zoning techniques.
- Participating in a Development Rights Agreement.

Incorporating farmland preservation into the master plan

If farmland protection is a high priority, it must be included as a part of the community's master plan. Public involvement is a vital component to successful protection programs. Farmers, residents, and realtors all need to be included in the master plan process.

The master plan should include:

- A map of all prime and unique farmland in need of protection and lands currently protected under a Farmland Preservation Program. Information is available from the Natural Resources Conservation Service, Michigan Department of Agriculture, or SEMCOG.
- Community goals for protecting farmland and prioritizing existing farmland for future protection efforts.
- A community's participation or support of state or local farmland preservation programs.

Mapping prime agricultural lands

Agricultural protection efforts are typically targeted toward prime and unique agricultural lands. Prime farmland, because of level topography and soil characteristics (fertility, moisture levels, depth, and texture), is the land most suitable for row crops. Unique farmlands are lands other than prime lands that have a special combination of characteristics (e.g., soil qualities, location, topography, and growing season) that make them ideally suited for specialty crops like vineyards, orchards, and vegetables. The Natural Resources Conservation Service identifies prime and unique agricultural lands by county.

Source: "Farmland Zoning." *Community Planning Handbook*. p. 24.

Prime soils are also usually erosion resistant, allowing intensive cultivation with minimal adverse environmental impacts, such as soil erosion and other agricultural runoff. The conversion of prime farmland to other land uses, such as commercial, industrial, or residential increases pressure to farm less productive, ecologically fragile lands, which when cultivated tend to degrade more rapidly, erode easily, and contribute excessively to water quality problems.

Source: *Planning & Zoning for Farmland Protection*. p. 3.

Unfortunately, many of the same characteristics that make land ideal for farming also make it prime for urban development (good drainage, relatively flat topography). Often the motivation for protecting prime agricultural areas that are in the path of urban growth is preserving rural character as much as protecting the resource. Therefore, agricultural protection done in combination with other innovative growth management techniques to guide urban growth to other areas has a higher chance of success.

Implementing alternative agricultural zoning techniques

Various zoning techniques should be considered to protect farmland. These techniques include:

- sliding scale zoning,
- quarter/quarter zoning,
- exclusive agricultural zoning, and
- agricultural buffer zoning.

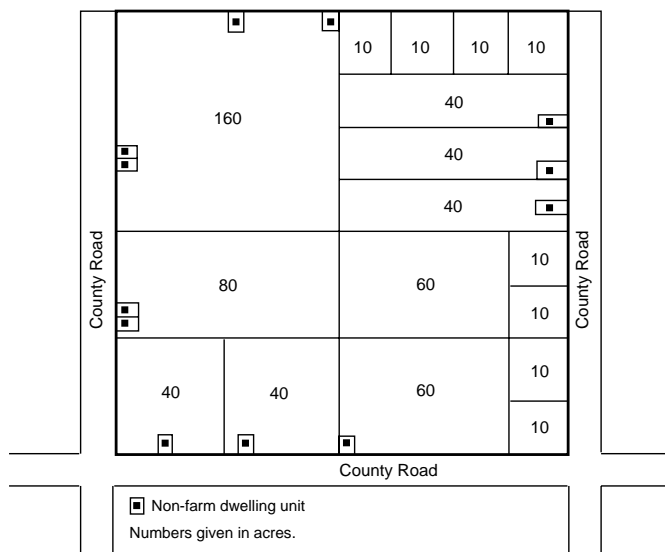
Sliding scale zoning limits the number of lot splits allowed in agricultural areas for other than agricultural uses. The number of divisions (or lot splits of land) allowed depends on the size of the parent parcel. The larger the original parcel, the higher the number of splits allowed, up to a cap (established by the community).

Quarter/quarter zoning allows one residential nonagricultural lot per 40 acres of farmland. (The area of one-fourth of a quarter section of one square mile survey section of land is 40 acres.) Once the lot has been created, the landowner is entitled to no further non-farm development. Parcel splits are recorded and monitored by the local unit of government. If the farmer owns multiple quarter/quarter sections, then all of the permitted lots can be concentrated on one section. The quarter/quarter system works best in areas where the average parcel sizes are 40 acres or more. To further protect present and future property owners, requirements can also be placed on new lot splits that prevent creating inefficient or undesirable parcels. Figure 4 illustrates quarter/quarter zoning.

Exclusive agricultural zoning prohibits all nonfarm dwellings. Agriculturally related activities such as grain elevators, farm equipment repair facilities, etc., need a special permit. If extensive areas are prime agricultural land, the best way to protect them is by prohibiting nonfarm uses, including residences. Communities usually permit residences for family or workers employed on a farm.

Agricultural buffer zoning is a transition zoning technique that can be used to help protect the long-term integrity of prime or unique agricultural lands. A residential/agricultural zone is created in appropriate areas of the community between more intensive development and large tracts of agricultural land. This transitional area, or buffer zone, allows for rural residential lifestyle opportunities and isolates agricultural operations from higher-intensity uses. The buffer district should be placed in areas not considered prime or unique for agriculture. The captured funds can be used within the specified district for various allowable uses, as outlined in the pertinent legislation.

Figure 4
Quarter/Quarter Agricultural Zoning



Note: Allows one non-farm dwelling unit per 40 acres (quarter section), which may not occupy more than 1-2 acres in order to protect farmland. Pre-existing larger land divisions, like the 10-acre provisions shown above, may not be divided further. Farmsteads may occupy the 10- to 160-acre parcels.

Source: Planning and Zoning Center, Inc.

Participating in a Development Rights Agreement

The state has numerous programs in place to preserve farmland by temporary and permanent restriction on development of farmland in return for various benefits such as tax benefits, exemptions from special assessments, and cash.

Table 2
Current Michigan P.A. 116 Agreements
(as of November 2002)

	Agreements	Acres
Livingston	256	21,580
Macomb	44	4,462
Monroe	1,068	69,745
Oakland	43	3,596
St. Clair	245	22,397
Washtenaw	565	52,029
Wayne	20	1,149
Total for Southeast Michigan	2,241	174,958

Source: Michigan Department of Agriculture.

Farmland Development Rights Agreement (commonly known as the PA 116 program). This is a voluntary partnership between the state and the landowner putting a temporary restriction (minimum of 10 years) on development of the land. In return for preserving their land for agriculture, the landowner receives certain tax benefits and exemptions from special assessments. Table 2 lists the current number of these agreements in Southeast Michigan.

State Purchase of Development Rights (PDR) Program. This is a voluntary partnership between the landowner and the state putting a permanent restriction on development of the land. In return for preserving their land for agriculture, the landowner receives a cash payment. Table 3 lists the acres preserved from 1994-2001 in Southeast Michigan.

Agriculture Preservation Fund. This fund provides grants to local units of governments for the implementation of local purchase of development rights program. These local governments must have adopted a development rights ordinance providing for a PDR program in accordance with the applicable zoning act and adopted, within the last 10 years, a comprehensive land use plan that includes a plan for agricultural preservation.

Table 3
Michigan's Purchase
of Development Rights Program
Acres Conserved by County, 1994-2001

	Acres
Livingston	223
Macomb	78
Monroe	0
Oakland	0
St. Clair	0
Washtenaw	976
Wayne	51
Total Acres in Southeast Michigan	1,328

Source: Michigan Department of Agriculture.

CASE EXAMPLE

Comprehensive Master Plan, Urban-Rural Boundary

Community: Fort Gratiot Township

Contact: Jerry Dawson, (810) 385-4489

In 1999, Fort Gratiot Township updated their master plan to include an urban-rural boundary. This boundary divided the township into planned urban and rural areas. The location of this boundary was based on

the existing land uses, natural resources, and public services of the township.

The planned rural area contains most of the existing agricultural uses in the township, and the bulk of prime agricultural land will not be served by public water and sewer by the year 2020. The planned land use map arranged the planning classifications, in part, according to the urban-rural boundary.

Multi-Jurisdictional Agribusiness Preservation Program

Community: Macomb County

Contact: John Crumm, (586) 469-5285

The State of Michigan assisted Macomb County and six of its northern townships to create the first multi-jurisdictional agribusiness preservation program. The participating townships include Armada, Bruce, Lenox, Ray, Richmond, and Washington. The program helps the townships meet two primary objectives: 1) to be able to participate in Michigan's Purchase of Development Rights (PDR) program, and 2) to develop and implement tools beneficial to the long-term protection and enhancement of the rural character of the communities.

For farmland preservation to be successful, the practice had to be incorporated into the larger comprehensive plan that addressed how to support farming over the long term. Because state legislation requires that communities have an updated master plan and zoning ordinance reflecting areas targeted for preservation to participate in the PDR program, Macomb County and these communities are working collaboratively to develop a coordinated strategy for future development.

Additional Resources

American Farmland Trust. www.farmland.org.

American Farmland Trust. *Saving American Farmland: What Works*. American Farmland Trust. 1997.

Michigan Department of Agriculture. Farmland and Open Space Preservation Program. www.michigan.gov/mda/0,1607,7-125-1567_1599_2558---,00.html.

Michigan Senate Agricultural Preservation Task Force Report: Chaired by Senator George McManus. Senate Agricultural Preservation Task Force. September 1999.

Planning & Zoning Center, Inc. "Agricultural Buffer Zoning." *Community Planning Handbook: Tools and Techniques for Guiding Community Change*. Michigan Society of Planning Officials. 1991.

Planning & Zoning Center, Inc. "Exclusive Agricultural Zoning." *Community Planning Handbook: Tools and Techniques for Guiding Community Change*. Michigan Society of Planning Officials. 1991.

Planning & Zoning Center, Inc. "Farmland Zoning." *Community Planning Handbook: Tools and Techniques for Guiding Community Change*. Michigan Society of Planning Officials. 1991.

Planning & Zoning Center, Inc. "Large Lot Zoning." *Community Planning Handbook: Tools and Techniques for Guiding Community Change*. Michigan Society of Planning Officials. 1991.

Planning & Zoning Center, Inc. "Sliding Scale Zoning." *Community Planning Handbook: Tools and Techniques for Guiding Community Change*. Michigan Society of Planning Officials. 1991.

Planning & Zoning Center, Inc. "Quarter/Quarter Zoning." *Community Planning Handbook: Tools and Techniques for Guiding Community Change*. Michigan Society of Planning Officials. 1991.

Planning & Zoning Center, Inc. "Farmland/Forestland Protection." *Grand Traverse Bay Region Sample Regulations*. September 1992.

Rural Partners of Michigan. www.ruralmichigan.org.

Thiel, Craig. *Preserving Michigan Farmland Through Purchase of Development Rights*. Michigan Senate Fiscal Agency. Lansing, Michigan. August 2002.

Wyckoff, Mark A. and Warbach, John D. *Development Guidelines to Protect Community Character*. Training Workshop. 1993.