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THE PRESERVATION AND CONSERVATION OF AGRICULTURAL
LANDS IN REGION III, SOUTHCENTRAL
MICHIGAN PLANNING COUNCIL

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UP 898
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February 27, 1979

THESIS

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During the past twenty years increasingly large amounts of farmland has been utilized for purposes other than agricultured production. "Our agriculture is under particular pressure. Land is leaving production at the rate of about 100,000 acres a year. Some is used for other things, some stands idle as the owner hopes for a sale to pay the taxes."¹ In order to better understand the implications of this transformation a specific area in Southcentral Michigan will be examined. This area encompasses the counties of Barry, Branch, Calhoun, Kalamazoo and St. Joseph. This group of counties comprises a planning and development region referred to as the Southcentral Regional Planning Council. In addition, the policies of the State of Michigan, as they apply to the preservation of agricultural land also will be investigated.

Barry County is predominantly rural with a substantial proportion of its land area utilized for agricultural and recreation. It is located in Southeastern Lower Michigan, near the populated centers of Grand Rapids, Battle Creek, Kalamazoo and Lansing. Many persons from these cities have relocated in Barry County due to its proximity to metropolitan areas as well as for its predominantly rural characteristics.

¹Lawrence W. Libby and Mark D. Newman, "Land Use Planning and Policy--Michigan in Perspective," Extension Bulletin E-1061, February 1977, p. 1.

The amount of agricultural land in Barry County in 1977 was 187,635 acres. The land in the county best suited for agricultural purposes is located in Woodland and Maple Grove Townships. In addition, small areas in Thornapple and Prarieville Townships are also suited for agricultural uses.

The following policies were stated in the Barry County Land Use Plan for agricultural land;

1. The county's prime agricultural land should be kept in production or held in reserve until actually needed for other purposes.
2. Non-farm development of agricultural land should be discouraged.
3. Farmland should receive preferential assessment for taxing purposes.

These policies have not been followed by the county, but this is changing.

The county is in the process of developing a new Land Use Plan as well as revising their zoning ordinances. At this point in time, the Barry County planning commissioners are concerned that agricultural lands do need to be preserved and therefore are attempting to do something about it, (i.e., the development of a new Land Use Plan and the revision of their zoning ordinances to protect prime, unique and essential agricultural lands).

Barry County is presently using zoning as a means of preserving and conserving agricultural lands. Zoning which pertains to agricultural use in the county is based upon

three zoning districts which are; Agricultural District, Agricultural Rural Residential and Recreational District, and Conservation Reserve District.

The goals of the Agricultural District (A) are to preserve and enhance the county's most suitable agricultural areas; avoid conflicts between farm and non-farm uses; and to maintain a large continuous area where land values can remain relatively stable and the pressures of speculative or potential land development can be avoided.

The Agricultural Rural Residential and Recreational District (AR) is geared toward areas suitable for low density, rural residential living. It is intended that normal farming operations conducted within this district will take precedence over other uses permitted. Under special conditions, areas within this district can have rural subdivisions and planned community clusters.

The third district (Conservation Reserve District) (CR) provides a means for preserving and protecting environmentally unique land areas as well as controlling the allowable types and density of development within such areas.

The permitted uses, special condition uses, and the area regulations are shown in the following chart.

Chart I

Barry County Land Uses and Area Regulations

	A	AR	CR
Airports and associated facilities		SU	
Cemeteries	SU	SU	
County Subdivision		SU	
Dog Kennels or Veterinary Hospitals	SU	SU	
Extraction or relocation including sand and gravel		SU	
Farming or agricultural	X	X	X
Golf courses and country clubs		SU	
Home occupation	X	X	
Housing, transient labor		SU	
Junk yard, building material salvage yard	SU	SU	
Mobile homes	SU	SU	SU
Outdoor or drive-in theaters		SU	
Public parks and recreational uses		SU	
Public and private camps, clubs and camp-grounds		SU	
Radio or television stations or transmitters		SU	
Religious institutions	SU	SU	
Residential, single family	X	X	X
Riding stables	SU	SU	
Roadside stands, farm product	SU	SU	
Schools, public and private	SU	SU	
Temporary and portable blacktop manufacturing plants		SU	
Temporary sawmill operations		SU	
Front yard (feet)	50	50	50
Side yard (feet)	20	20	20
Rear yard (feet)	20	20	20
Lot area (acres)	1	1	20
Width (feet)	220	220	660

(Barry County Zoning Ordinance, 1976) X - permitted uses
SU - special uses

The three zoning districts just discussed are primarily for agricultural land use. Barry County is the governmental agency responsible for zoning all but four of the county's townships and the cities of Hastings and Middleville. However, they have not been effective in preserving and conserving the agricultural lands in Barry County. Even though these zoning districts exist, agricultural lands can

still be divided into small lot sizes and be used for purposes other than farming. The Barry County Planning Commission has not yet determined what changes in the zoning ordinances are necessary as a needs assessment has not been completed.

The State of Michigan has passed an act which provides for farmland and open-space preservation (Act No. 116), which a local government can use to help preserve and conserve farmland. In this paper the act will be referred to as Act 116. Act 116 is a voluntary program of a regulatory nature which can be economically beneficial to participating landowners. The landowners can make an agreement with the State of Michigan to keep his/her land at its present use and not allow development for a period of ten years. In return, the landowner receives income tax benefits for maintaining his/her land in the agreed-upon use.

The local government can use Act 116 as a tool for preserving their agricultural lands. This is done by informing landowners about Act 116 and by having the County Extension Agent and other farmers promote the program. Barry County is not effectively promoting Act 116 because they do not want to compel their residents to participate in the program. At the present time there are 116 farmers and operators involved in the Act 116 program. The best farmers are not involved with Act 116 because of the limitations it puts on them, but many of the landowners involved are using it to preserve open space.

Barry County could make their zoning more restrictive so that the agricultural districts can have only agricultural uses. Another practice Barry County could use would be to inform and influence the use of Act 116, therefore increasing the number of landowners involved in the program.

Barry County has a policy in its Land Use Plan to preserve their agricultural lands also, yet it is not totally effective at this time either. The Land Use Plan and zoning ordinances are in the process of being revised in order to protect farmland which is a priority of the Barry County Planning Commission.

The Soil and Water Conservation Act of 1977 (Public Law 95-192) was enacted November 18, 1977. The Act, commonly known as the RCA, directs the Secretary of Agriculture to report on the status and condition of the nation's soil, water, and related resources and to prepare a soil and water conservation program based upon that appraisal. The Secretary of Agriculture is delegated the responsibility for administration of the RCA to the Soil Conservation Service. The Resources Conservation Act requires:

1. An appraisal of America's soil, water and related resources
2. A national five-year conservation program to protect and improve our resources
3. An annual evaluation of Congress on the progress and effectiveness of the program
4. Public participation and opinion in carrying out the requirements of the law

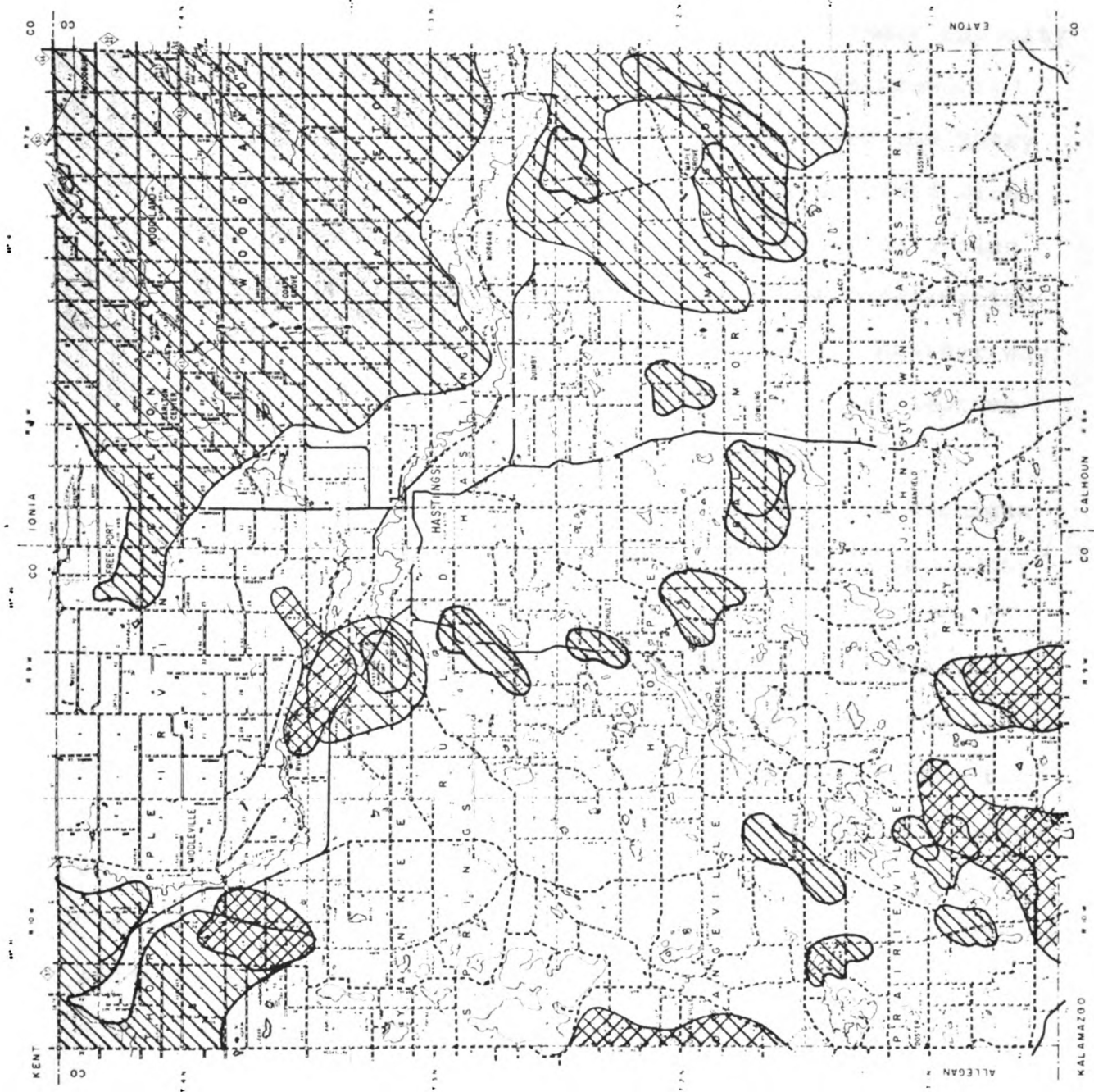
The Barry County Soil and Water Conservation District is comprised of some 62,997 acres (est.). It works with

farmers, community groups, local governments and any person who wants to obtain information about soils and how to conserve them. Basically, the district has one purpose--to get each acre of land put to its best use and treated according to its needs for protection and improvement to serve all of the residents of Barry County. The district has priorities which are set by the directors of the district. These priorities include; stopping or improving water erosion, informing the public about conservation problems and how to solve them, and stopping or improving wind erosion. The map on the following page shows the priority areas in Barry County where the Soil and Water Conservation District is working as well as areas of severe water and wind erosion.




The Barry Soil and Water Conservation District did a survey in 1978 to gain the information they needed for the RCA. The district is going to use the information to set priorities in the next five-year plan. Drawing from the survey, the main concerns of Barry County residents are:

(1) loss of agricultural land to non-farm uses, (2) forestry, (3) soil erosion, (4) water quality, (5) drainage, and (6) water management in irrigation. These concerns will help guide the conservation programs for Barry County.

The Barry County Planning Commission goes to the Barry Soil and Water Conservation District when they need information on soils. There is limited communication between the two agencies, but they both work with land use. Barry County Planning Commission and Barry Soil and Water



LOCATION IN MICHIGAN

-  High Priority Area
-  Area of Severe Water Erosion
-  Area of Severe Wind Erosion

Total acreage approximate 329,917

PRACTICES

	5-Year Goal
312 Ag. Waste System	7
378 Cons. Coop. Syst.	6,000
342 Critical Area Plant	50
344 Crop Res. Mgmt.	10,000
362 Diversions	6,000
606 Drain (Subsurf.)	250,000
392 Fld. Windbreak	12,000
410 Grd. Stab. Struct.	8
412 Grsd. Waterway	14
478 Min. Tillage	2,500
585 Stripcropping	1,600

Conservation District could work together on a soil survey which both could use.

The last soil survey done in Barry County was in 1924. There have been updates on individual areas in the county but not a total county soil survey. At present, there is no intention to do a county-wide soil survey.

The Barry Soil Conservation District in their capacity as a governmental agency has tried to conserve farmland by informing and helping individual farmers. However the Barry Soil and Water Conservation District are only involved with those farmers who ask for assistance. By developing a plan for an individual landowner is one way that the Conservation District helps to conserve and protect farmland. Another way is through the establishment of their priorities to improve and protect the soil conditions of those areas.

Branch County is a rural county in Southern Michigan which borders, Calhoun County on the north, Hillsdale County on the east, St. Joseph County on the west and the State of Indiana on the south. The county has experienced moderate but consistent growth over the last three decades. The amount of farmland in Branch County is 250,00 acres from the total of 300,880 acres in the county. The agricultural lands which need to be protected are located throughout the county. The policy of Branch County toward preservation of agricultural lands is in the Branch County General Development Plan, the section on the Land Use Plan. "To preserve the many thousand

acres of prime agricultural lands in the county and to prevent the further indiscriminate absorption and fractionalization of one of Branch County's irreplaceable natural resources with non-agricultural related residential and other land uses." Branch County General Development Plan proposes that future development within agricultural areas be limited to bona fide agricultural uses.

At this time Branch County does not have a method to preserve agricultural land, they only have a model zoning ordinance that townships in the county can base their zoning ordinances on. At the present time three townships have zoning ordinances while two others are in the process of writing them. Six townships in the county have land use plans to show placement of agricultural lands and the goals pertaining to them.

The Model Zoning Ordinance was written by the county for the townships to use because the township governments are responsible for zoning. Most of the townships who have, or will have zoning ordinances will use the Model Zoning Ordinance with some changes to meet their needs. The model has two districts pertaining to agricultural lands.

The first district, Agricultural District (AG), intended for large tracts of land used for farming, animal husbandry, dairying, horticultural, or other agricultural activities.

The second district pertaining to agricultural lands is the Rural Estate District (R-1) which is intended for

large rural residential estates and farming. The permitted uses, special condition uses and the area regulations are shown in the following chart.

Chart II

Branch County Land Uses and Area Regulations

	AG	R-1
Earth removal, excavations-commercial	X	X
Farms and agricultural	X	X
Greenhouses, nurseries, orchards, poultry farms	X	X
Home occupation	SU	X
Kennels	X	X
Mobile homes, temporary		X
Public cemeteries	SU	X
Public parks and athletic grounds	X	X
Real estate sign	X	X
Residential-single family	SU	X
Riding stables	X	
Roadside stands		X
Front yard (feet)	50	50
Side yard (feet)	50	50
Total residential side yard	20-50	20-50
Other 2 sides	50	50
Rear yard (feet)	50	50
Lot area (acres)	20	10
Width (feet)	330	330
Residential if split before ordinance (acre)		1

(Branch County Model Zoning Ordinance) X - permitted uses
SU - special use

The primary problem in Branch County is that not enough townships are using zoning and the ones that are have only used it for a short period of time so therefore the use of zoning can not be determined. The Branch County Planning Commission does not impel the townships to have zoning ordinances and land use plans, but it strongly advises them to use these tools to regulate and protect the lands in their townships.

The farmland and open space preservation act (116) is a way landowners can get a tax benefit for agreeing to keep their lands in its present state for a time period (usually 10 years). Branch County does not feel, they should influence landowners into putting their land in the program. Most of the landowners who participate in Act 116 do so for tax purposes. Many of the landowners are not near populated areas but enter because their taxes decrease. The amount of land under agreement is 15,388 acres which means 98 operators have joined the program pertaining to Act 116.

In Branch County the townships have the power to protect and conserve the land in their own area, and therefore the county wants to help them in any way possible. Due to the fact that Branch County does not have a county planner the county can provide limited funding to the townships for planning. This is generally done by bringing in consultants. At this time, the county could become more involved in informing the townships that there is a Model Zoning Ordinance which they can use to make their own Township Zoning Ordinance.

Branch County Soil Conservation District is another government agency which is concerned with the conservation and preservation of agricultural lands. The district has two priorities, erosion controls and pollution abatement. The areas where the district are working on these priorities can be seen on Map II.

The district just completed a survey which it had to do for the Resource Conservation Act (RCA). This information



Project Office

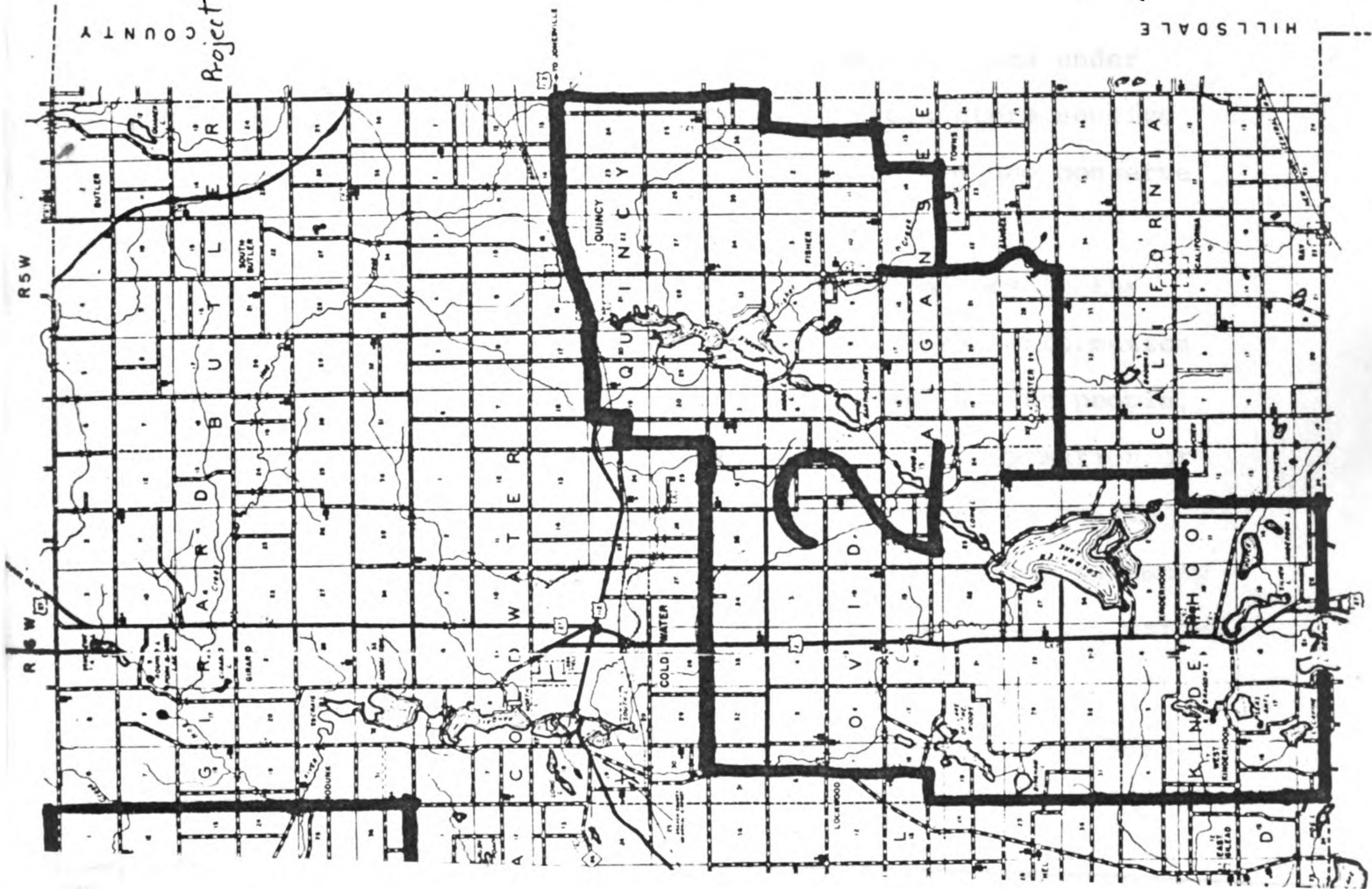
LOCATION IN MICHIGAN

Total acreage approximate 323,840

The District includes all of Branch County

BRANCH COUNTY
SOIL CONSERVATION
DISTRICT
MICHIGAN

Area 1 - Erosion
Area 2 - Pollution





LOCATION IN MICHIGAN

Total acreage approximate 323,840

The District includes all of Branch County

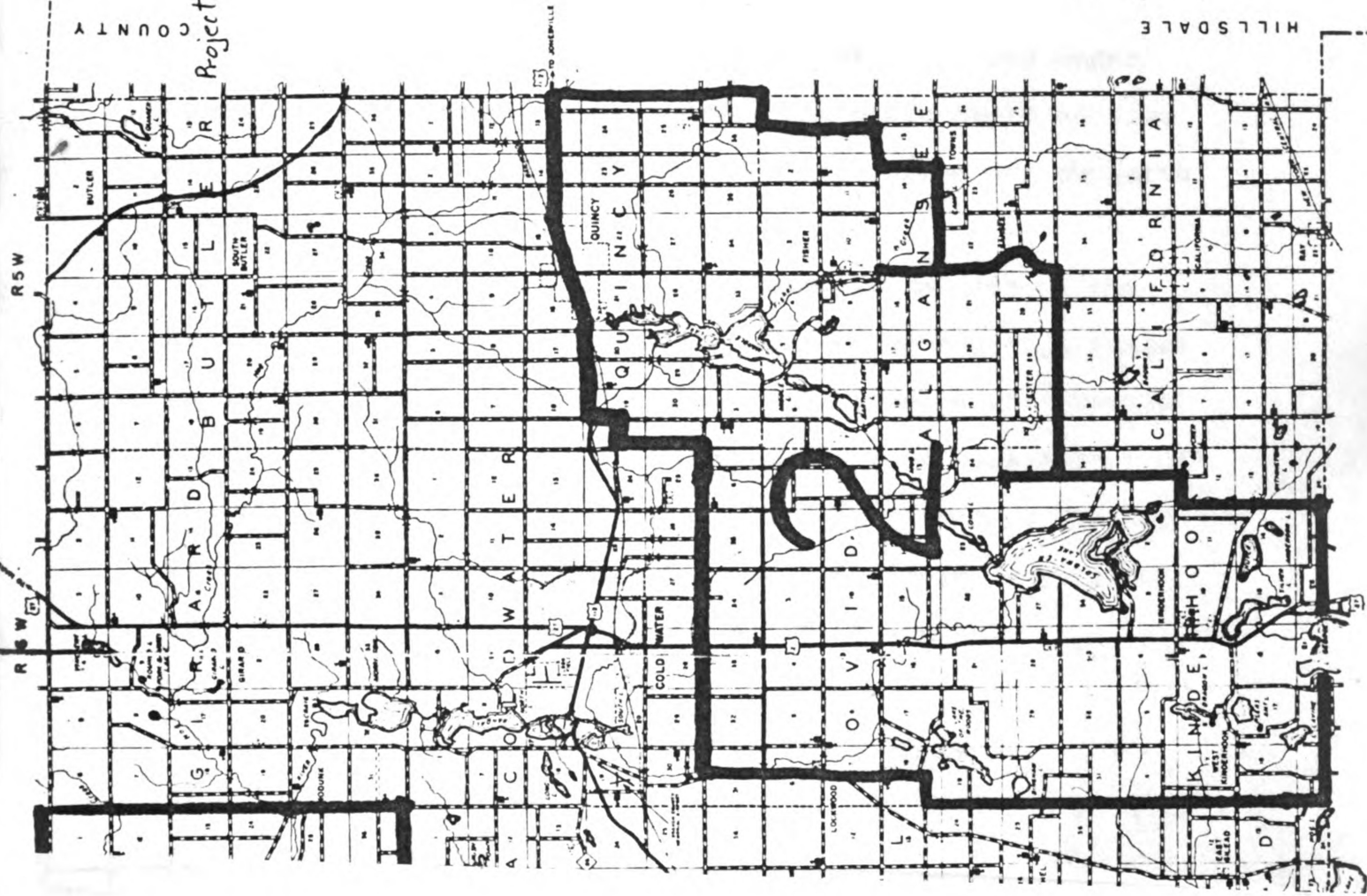
BRANCH COUNTY
SOIL CONSERVATION
DISTRICT
MICHIGAN

Area 1 - Erosion

Area 2 - Pollution



Project Office



will be used to establish priorities when they develop their five-year-plan. The five areas that most of the people in the survey felt to be important are: (1) maintain prime agricultural lands, (2) water management, (3) forestry, (4) erosion control, and (5) drainage.

The District consists of about 96,000 acres under agreement with some 577 operators. These operators receive assistance from the District on ways to improve and conserve their land.

The Branch County Planning Commission goes to the Branch Soil Conservation District when they need information on soils. The Soil Conservation District works with people, groups, governments, and individuals who want information or individual plan on his/her land, whereas the Branch County Planning Commission advise the county commission and township governments. The county and the district are working together on a soil survey.

Branch Soil Conservation District is in the process of doing a new soil survey. The survey is progressing slowly because the soil is mixed due to glacial movement. The soil survey should be completed in about three years.

The next county in Region III discussed in this paper is Calhoun County which is in Southwestern Lower Michigan. Calhoun County is the second largest county in Region III. "Agricultural production employs just slightly more than 2 percent of Calhoun County's work force, but it is still a

significant sector in the economy and an important factor in the County's land use plan."¹ Calhoun County Comprehensive Plan of 1972 does not deal with farmland, and/or the preservation of farmland. The Calhoun County Metropolitan Planning Commission has an unwritten policy to preserve the essential agricultural lands in the county. This can be seen in their helping the townships to write their master plan with a section on agricultural development. Some of the objectives in the agricultural development of the master plans are: (1) The township should preserve and enhance the most suitable agricultural areas. (2) The township should avoid conflicts between farm and nonfarm uses. (3) Large contiguous areas should be maintained so land values can remain relative stable in order to avoid pressures of speculative or potential development values. (4) Prime agricultural land that is not essential to meet the needs of urban growth during the planning period should be retained. (5) Those retained agricultural areas should be protected from the intrusion of small residential lot development and from other nonfarm related uses and activities. Most of the policies and regulations pertaining to land use in Calhoun County are at the township level of government so that the Calhoun County Metropolitan Planning Commission is working with them to

¹Calhoun County Metropolitan Planning Commission, Southcentral Michigan Planning Council Housing Analysis, Part 1, July, 1975, p. 30.

plan the total county. The townships' master plans are based on Calhoun County Comprehensive Plan with agricultural policies added.

Calhoun County is a urban county with the cities of Battle Creek, Albion and Marshall, with many townships around the city of Battle Creek being very heavy populated and not much agricultural lands. The county has 381,023 acres of agricultural land. The agricultural lands best suited for agricultural purposes are located in sections of Clarence, Lee, Homer Townships and smaller sections in Burlington and Tekonska Townships. The principle method used for the regulating and protection of agricultural lands is zoning. The township governments have the power to zone areas in Calhoun County. Most of the townships used the "Basic Zoning Ordinance For Townships" prepared by Calhoun County Metropolitan Planning Commission to write its zoning ordinance, with some modifications.

The three zoning districts pertaining to farmlands are Agricultural District "AA," Low Density Residential District "RA" and Open Space and Waterbody Conservation District. The purpose of Agricultural District "A" is to protect and stabilize the essential characteristics of agricultural areas within the township, and to insure proper maintenance of conditions for healthful and economically productive agricultural activities. This is accomplished by preserving those areas which are predominantly agricultural

in nature and those which are most appropriate for present and future agricultural developments.

Low Density Residential District "RA" is to provide area for outlying residential development on lots of sufficient size to accommodate the safe and healthful on-site water supply and liquid waste water disposal. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas, in order to promote and encourage suitable environments for low density family life.

The Open Space and Waterbody Conservation District "OC" is the principal use of certain open space areas within the townships is and ought to be the development, management and utilization of the natural resource base possessed by these areas. The permitted uses, special condition uses and the area regulations are shown in the following chart.

Chart III

Calhoun County Uses and Area Regulations

	AA	RA	OC
Airport	CU		
Commercial radio or television stations or transmitters	CU		
Community and government building	CU		
Country clubhouse			CU
Dairy products production and processing operation	CU		
Drives and parking area			X
Essential service structure	X	X	X
Farm and agricultural	X	X	X
Golf course		CU	
Home occupation	X	CU	
Hospital, nursing homes, sanitarium	CU		
medical and food-processing research laboratories			

	AA	RA	OC
Kennels, veterinarian, and animal clinic	CU		
Land fills			CU
Mobile home park		CU	
Planned unit residential development		CU	
Poultry, nurseries, and fur-bearing animals	X	X	X
Public and private conservation area	X		X
Public and private parks, campgrounds, golf course and driving range and clubs	CU		CU
Public and private recreation	CU		
Religious institutions	CU	CU	
Removal soil, sand, gravel and other mineral	CU		CU
Residential, single and two family dwelling	X	X	
Riding stables	CU	CU	
Roadside stands			
Sanitary landfill site	CU		
Schools and colleges--public and private	CU	CU	
Single family mobile homes on (40) or more acres, used on secondary resident	CU		
Signs	X	X	X
Temporary building or trailer office	CU	CU	
Front yard (feet)	60	50	60
Side yard (feet)			
one	30	30	30
two	60	60	60
Rear yard (feet)	50	50	50
Lot area (acres)	10	30,000	5
Width (feet)	330	150	300

(Calhoun County Model Zoning Ordinance) X - permitted uses
CU - conditional uses

While zoning can be beneficial there are problems associated with it for example people do not like strict zoning regulations on areas that might be utilized for recreational use. Also zoning does not work to protect the lands which are needed for food production. The large lot size (10 acres) still allows the land to be cut up into small units, where it would be hard to farm for a profit.

Act 116 is another way Calhoun County trys to preserve their agricultural lands. The amount of land in Calhoun County under Act 116 is 22,842 acres. The county does not

actively promote Act 116 because it does not want to tell farmers what to do. However the county does provide information about Act 116 and will assist landowners in filling out the necessary application for the program.

The Calhoun County Metropolitan Planning Commission is trying to preserve essential farmland by promoting Act 116. Also they have recommended to the township governments that this change their present zoning ordinance pertaining to a Agricultural District, to provide for a special district. This newly proposed district will allow extensive areas of the township to be retained in agricultural use. The uses for this district can be found in the Appendix. The major changes in the district pertain to the density regulations for nonfarm dwellings. (No more than one (1) nonfarm dwelling per quarter of a quarter section with some exception allowed with a conditional use permit. Look at the Appendix.) There are two townships in the county who are considering adopting the proposed Agricultural District. The rural townships are the ones who seem interested in the new definition of the Agricultural District. Mr. Slingman, County Planner, stated "Farmers are the key to preservation, when they realize the problem and want agricultural lands to be preserved."

Calhoun County could promote and inform landowners and township governments about the new definition of Agricultural District for their zoning ordinance and Public Act

116. In addition, the county could do a soil survey so that the soils would be classified in order to indicate what the best utilization of the soil would be.

Calhoun County has recognized that essential agricultural land in the county needs to be preserved. Recently, the county has taken a number of measures to preserve agricultural land such as promoting Act 116 to farmers. The present zoning in the townships has not been effective in controlling the nonfarming uses of agricultural lands therefore the county planning department has written a change to alter the Agricultural District regulations.

Calhoun County Soil Conservation District is another agency which is involved with land use and the conservation and preservation of agricultural lands. The District directors have formed three high priority goals which include: (1) Reduce soil erosion and sediment delivery to an acceptable level, (2) Reduce pollution from livestock wastes, and increase efficient use of livestock wastes, and (3) To preserve high quality agricultural land by improving this land so that there is an economic incentive to prevent conversion of these lands to other uses. Most of the priority problem areas are in the northeastern and eastern part of the county (Map on next page).

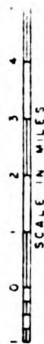
The soil conservation district did a survey in 1978 to determine what the people in the District felt the problems were pertaining to soil, water and land use. The information



LOCATION IN MICHIGAN

PRIORITY PROJECT
6195

CALHOUN COUNTY
SOIL CONSERVATION
DISTRICT
MICHIGAN

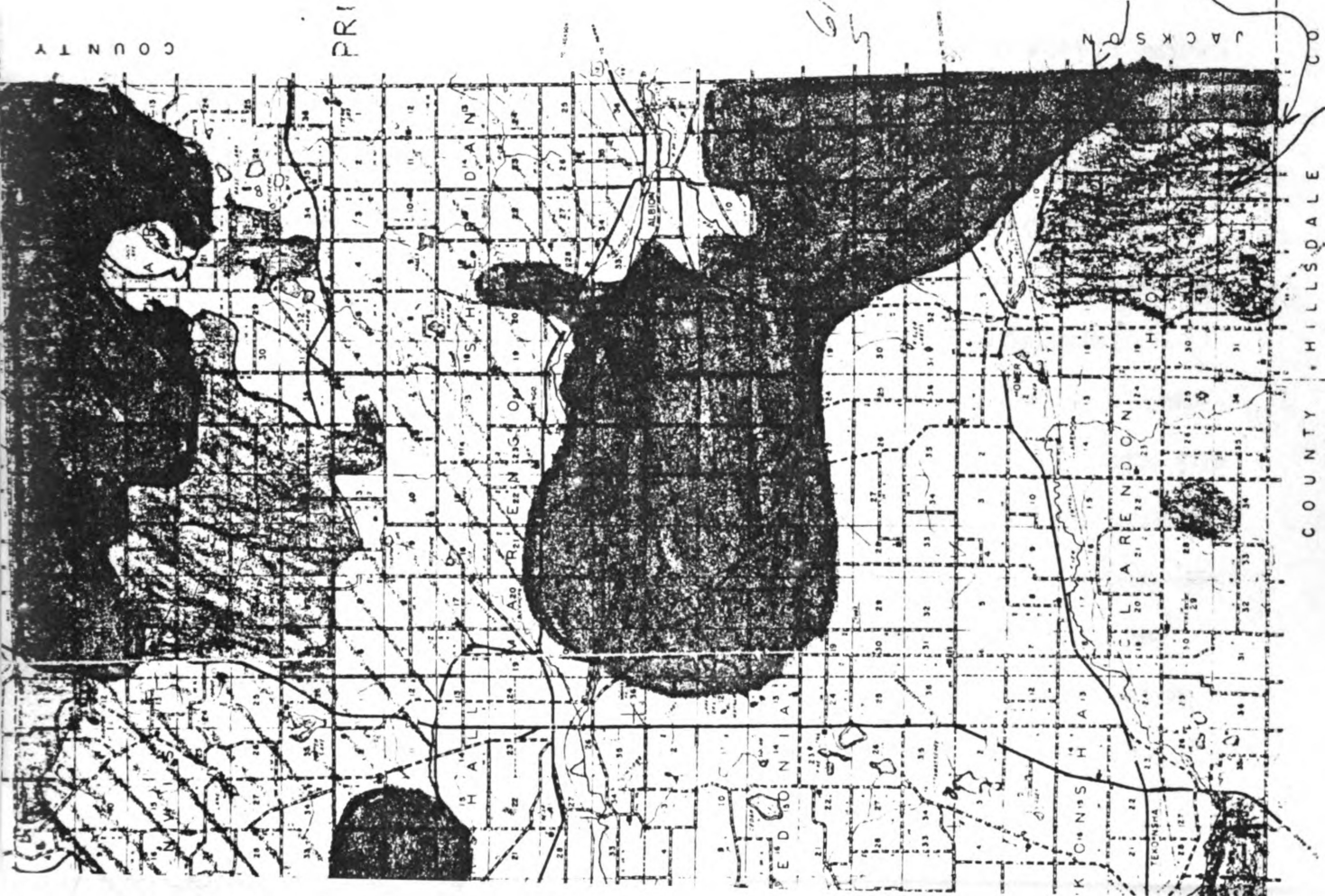


LEGEND

EROSION

Farm Roads

Prime Land



6195
NDA Project Area 6197

from the survey will be used to make the priorities for the new five year plan. The District has 182,678 acres of land under agreement for which it has made plans and given technical assistance to the owners.

The Calhoun County Soil Conservation District works with the county planning commission by providing a soil information on as well as technical assistance. When a township requests information on soil the Conservation District will provide it. The two agencies keep abreast of what each are doing regarding soil and land problems.

The last soil map done for Calhoun County was completed in 1916 and it is now out of print. Due to this the county does not really have a soil map, because the information is so old and out of date. Calhoun County has not been selected yet to have a soil survey-is not planned in the near future. A soil survey would be of benefit in making a land use decision however the need for a new soil survey has not been that great yet.

Kalamazoo County is the most populous county in Region III and although the county is urban, agriculture plays an important role in the county's economy and will continue to do so in the future. An estimated 90 percent of the total land area of Kalamazoo County is currently occupied by farms, wood lands; vacant tracts, marshes and bodies of water, including the Fort Custer area. The total amount of land in Kalamazoo County is 362,880 acres of which 185,000

acres are utilized for agriculture. The prime and semi-prime agricultural lands are located in Prairie Ronde, Schoolcraft, Wakeshma and Climax Townships, which are in the southern section of Kalamazoo County. The policies and goals on agricultural use for Kalamazoo County can be found in both the Land Use Plan, Kalamazoo County, Michigan and the Comprehensive Plan For Kalamazoo County, Michigan, 1970-1990. Both of these plans state that Kalamazoo County should protect the vital role of agriculture in the economy, and provide a reserve for further orderly urban, by protecting agricultural areas from the intrusion of small lot residential development, and from other non-farm related uses and activities.

Zoning is the primary method used in Kalamazoo County to protect and conserve agricultural lands. The townships in Kalamazoo County are responsible for zoning. Zoned agricultural land is located throughout the county as every township has a zoned agricultural district except one. The Kalamazoo County Planning Commission prepared a Model Zoning Ordinance for the use that has been used by cities, townships, and villages in Kalamazoo County. At the present time Wakeshma Township is the only township in the county which does not have a zoning ordinance.

In the Model Zoning Ordinance the district on agricultural land is referred to as the Agriculture District (A-1). This District is for agricultural use with the intent that agriculture use will be the principal land use within

the foreseeable future. Development is limited to low concentration and to those uses which would not be detrimental to future development. The following chart tells the permitted uses, special exception uses and lot, yard and area requirements for the Agriculture District.

Chart IV

Kalamazoo County Land Use and Area Regulation

	A-1
Cemeteries	S.E.
Churches	S.E.
Farming or agriculture	X
Golf courses	S.E.
Home occupations	X
Institutions, charitable, eleemosynary, philanthropic	S.E.
Publicly owned and operated buildings and uses	X
Public utility buildings	S.E.
Residential, single family	X
Schools, parochial and private	S.E.
Front yard (feet)	50
Side yard (feet)	20
Rear yard (feet)	50
Lot area (acre)	40,000
Accessory building	
Side yard (feet)	5
Rear yard (feet)	5

(Kalamazoo County Mobile Zoning Ordinance) X - permitted uses
S.E. - special exception uses

One problem with the present township's zoning regulations is that the lot size varies from township to township therefore there is no uniformity in the zoning ordinances. While one township may be protecting its farmland the adjacent township may be allowing increased development which makes the value of the land in both townships increase.

Another problem with the township zoning ordinances in terms of the preservation and conservation of agricultural lands is that other uses beside agricultural use are allowed and that in most cases lot sizes are small which allows for scatter development.

For the most part the landowners in Kalamazoo County have not used Act 116 to a very large extent. At present there are only twelve landowners involved in the program, which represents a very small percentage of the farmers in the county. It should be noted however that it appears that the Act 116 program is becoming more popular.

In the future, the Kalamazoo County Planning Department hopes that the townships will revise their zoning ordinances to have five agricultural districts instead of one. The five agricultural districts are currently being drawn up by the Kalamazoo County Planning Department. The Kalamazoo County Planning Commission has formed a Land Use Committee to discuss the subject of planning within the rural areas of the county. The main point of discussion within this committee has been the issue of preserving prime agricultural land. The committee has agreed to meet on a regular basis each month to work out recommendations for planning within the rural areas of the county.

While Kalamazoo County and the townships have done very little to preserve and conserve agricultural lands it is apparent that they hope to change this situation in the

future. The county has written a Model Zoning Ordinance which some townships have utilized however the Agricultural District section is weak. The Planning Department is currently in the process of defining and writing what should be allowed in the new Agricultural Districts. After this has been completed the townships will have the opportunity, if they so choose, to revise their zoning ordinances to include the proposed agricultural districts. The County Planning Commission has formed a Land Use Committee to discuss and to recommend possible land use alternatives in the rural areas of the county. Kalamazoo County is beginning to work more closely with the townships to protect and save the important agricultural lands in the county.

The "Kalamazoo Soil Conservation District was organized to provide local guidance and involvement in the promotion of soil and water conservation programs to meet existing and future problem in Kalamazoo County."¹ The District's directors have set priorities and goals for the District in a five-year plan. The priorities are to have good waste management, to reduce pollution and to improve water quality. The priority areas of the plan are located in the southern part of the county. Much of the work is being done in the townships of Climax and Wakeshma (Map IV).

¹Kalamazoo Soil Conservation District, "Policies and Program of Work," Kalamazoo, Michigan, 1972, p. 1.

KALAMAZOO COUNTY MICHIGAN

February, 1972

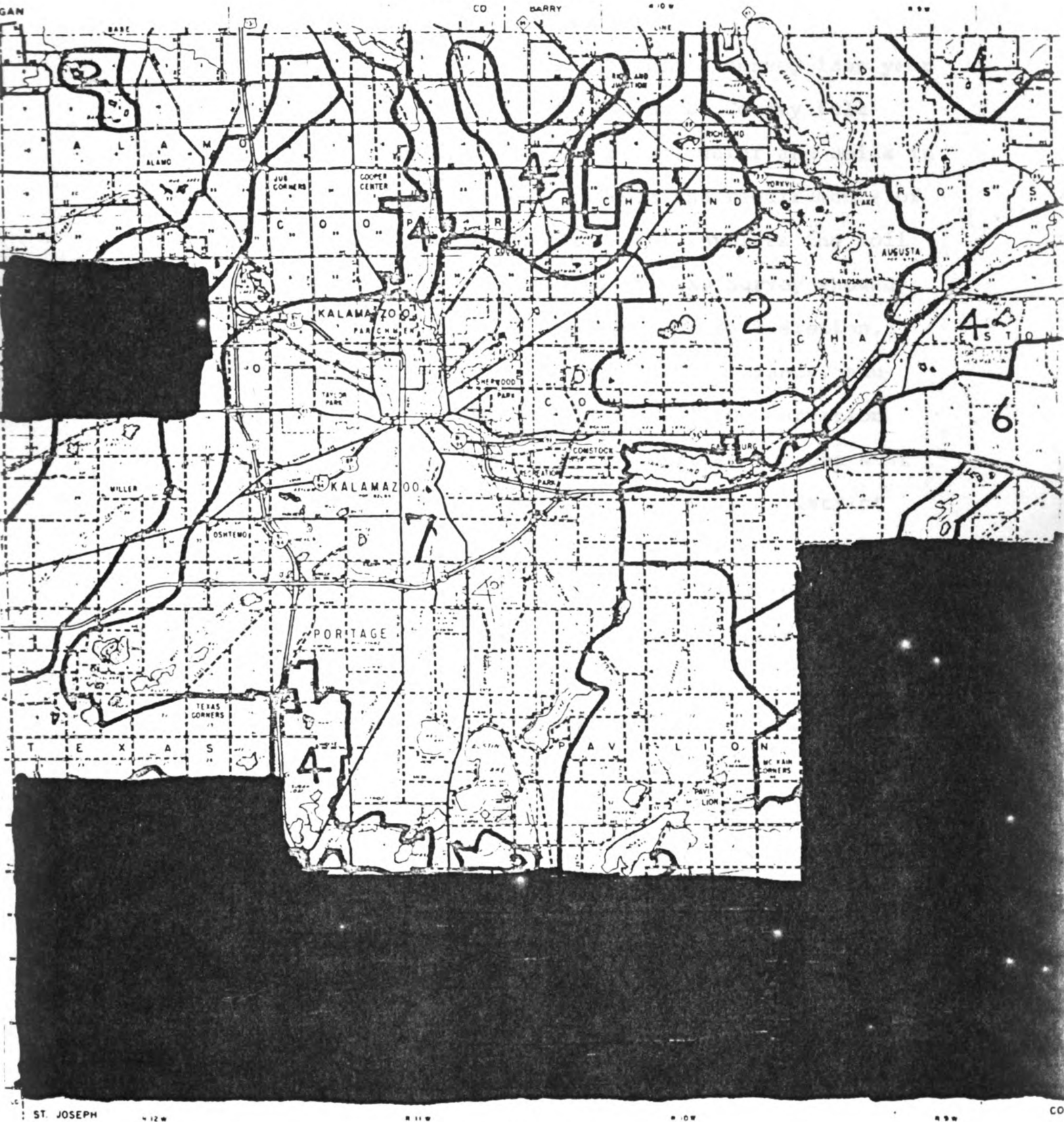


EXHIBIT #1

- 1 - Prime Agricultural Land
- 2 - Prime Recreation Area
- 3 - Prime Forest Area
- 4 - Green Span Areas

■ Priority Areas

- 6 - Government Land
- 7 - Projected Urban Area 1990
- 8 - Water
- 9 - Semi-Prime Agricultural Land

Subject to Review

The Soil Conservation District did a survey last year to find out what the landowners in Kalamazoo County felt were some problems pertaining to land use, water and soils in the county. The survey was done to meet the requirements of the Resource Conservation Act (RCA) which involves the soil conservation districts. The results of this survey showed the following to be in need of improvement: soil erosion, loss of prime agricultural lands, forestry, wetlands, education and organic waste disposal. The Soil Conservation District is using the survey to set priorities for the next five year plan. The Kalamazoo Soil Conservation District has agreements some one thousand-four hundred and seventy (1,470) operators in the county. The Soil Conservation District has done approximately 1,138 Conservation Plans for landowners in the district.

The Kalamazoo Soil Conservation District has just finished a soil survey for the county. It is in the process of putting together the data in a report. The soil survey can be used in a land use plan because it tells what activities the soil can best be used for.

The District wants to help any farmers and/or landowners which comes to them for help to conserve their lands and tries to educate the people on good soil conservation measures. The Soil Conservation District has defined the soil types in the county and has developed many conservation plans.

The Kalamazoo County Planning Commission and the Kalamazoo Soil Conservation District has had very little contact with each other. It is felt however that both agencies will work more closely together now that the soil survey has been completed and the proposed five agricultural districts will be used by the townships.

St. Joseph County is located in southwestern Michigan. The Indiana state line borders St. Joseph County on the south, Branch County lies to the east and Cass County is situated west of St. Joseph County. Both Branch and Cass Counties are primarily rural like St. Joseph. Kalamazoo County is located to the north and due to its increased urban expansion it has affected St. Joseph County in that it has increased the development of the northern part of the county. The county has 285,740 acres of land in agriculture or woodland use. The county wants to make sure that further development does not take place on the open land area which could result in expensive urban services. Due to the fact that this would make it uneconomical for farmers to farm. In addition it is likely that villages and small communities would stagnate and continue to lose business services and population. It is felt by the county that agricultural and open land areas should be adequately protected from unwise urbanization and needless expenditures for utility systems. Since St. Joseph County is primarily rural the preservation of agricultural land is not a high priority as of yet because it is thought that the county has an adequate amount of agricultural land.

St. Joseph County has a Model Zoning Ordinance which was prepared for the townships in the county. Zoning is the primary method that is used to protect agricultural lands. All of the townships in the county have a zoning ordinance except Florence Township which is currently writing up a zoning regulation. Most of the townships have utilized the Model Zoning Ordinance with revisions to meet their needs. The Model Zoning Ordinance has four districts pertaining to farmland which are Rural Residential and Agricultural District, Suburban Residential District, Single Family Residence District, and Greenbelt District.

The Rural Residential and Agricultural District (R-R) is primarily to conserve and protect appropriate lands for farming and agricultural uses. Low density single family residential use and institutional and public uses are also permitted.

The Suburban Residential District (R-1) is primarily for single family residential use on lands where urban utilities and service are planned in the future.

The Single Family Residence District (R-2) is intended primarily for lands where urbanization has occurred and sewer and water utility services are now available, or could be economically extended from present systems to serve development.

The Greenbelt District (G) is to preserve water quality in rivers and streams, all land within 300 feet of

the water's edge of all rivers in the county. The permitted uses, special conditions uses and the area regulations are shown in the following chart.

Chart V

St. Joseph County Uses

	R-R	R-1	R-2	G
Accessory uses	X	X	X	
Customary gardening		X	X	
Farms	X	X	X	X
Essential services	X			
Gravel pits and mineral extraction	X			
Greenhouses, nurseries and roadside stands	X			
Home occupation	X	X	X	X
Individual trailer on a farm	SC			
Institutional and public uses	X	X	X	X
Mobile home park and mobile home dwelling	X			
Off-street parking	X	X	X	
Parking				X
Public or private recreational parks				X
Residential, single dwelling	X	X	X	X
Signs	X	X	X	X
Temporary uses	X	X	X	
Transitional uses	X	X	X	
Front yard (feet)	30	30	30	30
Waters edge				50
Side yard (feet)	30 each	15 each	8 each	30 each
Total	60	35	20	
Rear yard (feet)	30	25	25	50
Lot area (acre)	60,000	18,000	12,500	60,000
Width	198	90	75	198

(St. Joseph County Model Zoning Ordinance)

X = permitted uses
SC = special conditions

The county in the past has advised the townships on zoning however they can only make recommendations. There have not been many problems with zoning in St. Joseph County because the townships are responsible for their own zoning and as yet there have been few conflicts pertaining to agricultural land use.

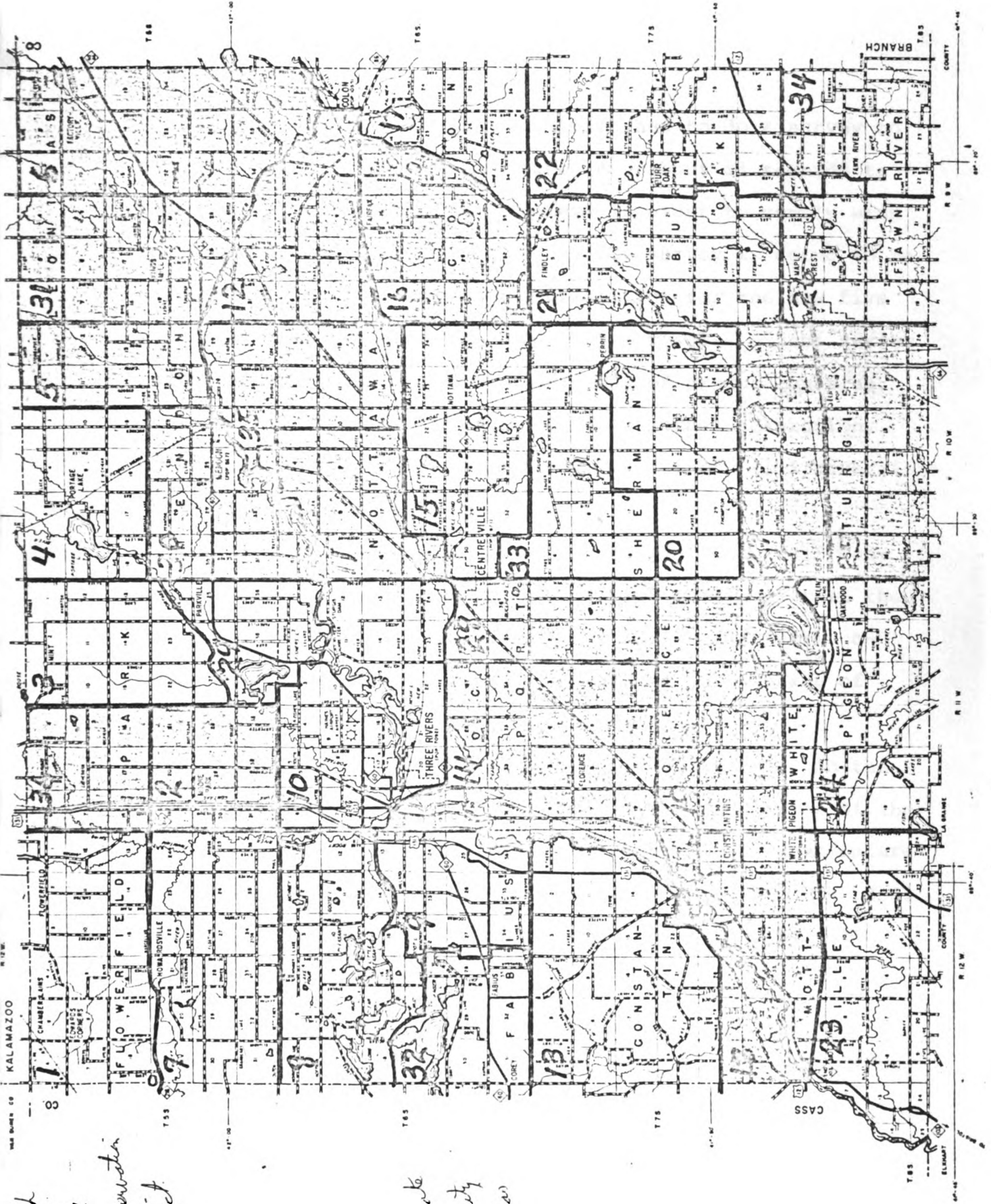
St. Joseph County at present has only 12,000 acres in the Farmland and Open Space Preservation Act 116 program. Act 116 did not take hold in the county because many landowners have been skeptical about the Act. Several landowners have indicated that they do not want someone dictating to them what they can do with their land. Most of the landowners who are involved in the program are participating to take advantage of the tax benefits.

St. Joseph County is hopeful that the suggested zoning map in the Master Plan will be taken under consideration by the townships. In addition, the county continues to inform the different townships about which areas are prime, unique and important agricultural lands.

The St. Joseph County Soil Conservation District is another agency that is involved with the conservation and preservation of agricultural land. The District directors have developed a five year plan with the following priorities; cropland management for production and protection, wind erosion control, and drainage and water erosion control. The priority areas are shown in Map V.

St. Joseph
County
Soil Conservation
District

Disturbed
Priority
Area



The Soil Conservation District had to do a survey to determine what landowners are concerned about in regards to land use and soil and water problems in order to comply with the Resource Conservation Act. The RCA survey is going to be used by the District to set the priorities for the new five year plan that is being developed. The results of the survey raised several concerns including: loss of production area, increase cost of food production, urban sprawl, migration, conversion of prime, unique and important lands to irreversible uses, wind erosion and water quality.

At the present time the St. Joseph County Soil Conservation District has an estimated 1,100 operators that they are working with. The Soil Conservation District will cooperate with private landowners as well as local units of government at their request.

The St. Joseph Soil Conservation District is in the process of doing a soil survey. "The many soil series of the 1928 Survey will be consolidated and the uniform nomenclature of the National Soil Survey Program will be used."¹ The Soil Survey will define the soils in the total county and tell what uses are permissible on the soil name.

The Soil Conservation District is trying to help individual landowners and government units in the management of their land to make sure the land is productive in the

¹ Bagby Scott and Association, "St. Joseph County Comprehensive Plan," 1977, p. 12.

years to come. Irrigation and extensive rotation are being utilized in St. Joseph County to make the land productive.

Both the St. Joseph County Planning Commission and the St. Joseph County Soil Conservation District are governmental units with an interest in land management. At the present time there is good relationship between the Planning Commission and the Soil Conservation District. Both groups are interested in the results of the soil survey that has been undertaken by the Soil Conservation District. They have worked together in the past on the USGS Watertable Study.

Region III, Southcentral Michigan Planning Council (SMPC) is comprised of the counties of Barry, Branch, Calhoun, Kalamazoo and St. Joseph. Although St. Joseph County is not a member, the City of Sturgis and some townships are providing members, so St. Joseph County is indirectly involved. The St. Joseph County Commissioners fear that Region III is a governmental agency rather than a planning agency and therefore they will not become a participating member. The amount of agricultural land in Region III is estimated at 1,289,398 acres.

The policies and goals for the Region on agricultural can be found in the Growth Policies Plan for Southcentral Michigan. Basically the goals focus on maintaining a diversity of living environments and accommodating future development while preserving and protecting unique, fragile, or limited resources. As a result of these goals, several policies were drawn up to address these concerns. One such

policy focuses on the Southcentral Michigan Planning Council's opposition to public actions which unnecessarily contribute to the dispersion of the population. It is the council's opinion that any new growth outside of existing urban centers should be based upon a "planned neighborhood" concept regardless of the rate of development. In addition, new development should be located in areas adjacent to existing urban centers where public services and facilities exist or can be economically provided. In general, this particular policy is aimed at not having growth sprawl throughout the region.

A second policy that the Southcentral Michigan Planning Council has focused on is to support those lands best suited for extensive agricultural activity in light of various environmental and economic constraints.

Another policy that the Southcentral Michigan Planning Council supports pertains to the preservation of those lands in the region, which are best suited for extensive agricultural activity in light of various environmental and economic constraints, for long-range agricultural use. This policy suggests the importance of knowing which land in the region is best suited for agricultural use. The Growth Policy Advisory Committee, which is comprised of members of the SMPC has recommended that the Planning Council should, within the next two years, undertake a region-wide farmland preservation study and plan.

Several persons involved in planning at the county level were questioned in regards to their perceptions of the role of the Southcentral Michigan Planning Council. The Planning Director of Barry County, Mr. Ed Solomon, indicated that the Southcentral Michigan Regional Planning Council has little, if any role, to play in the preservation of agricultural lands, for he sees this as the responsibility of each county government. He did state however, that the Regional Planning Council can be useful in that it serves as a means to pass information on from one area to another and also it can be of benefit to those areas that do not have the personnel available to do planning.

Mr. Fred Leiulue, of Branch County thinks that the SMPC should be used as consultants to the counties and the townships that comprise Region III. He maintains that while the Regional Planning Council can help with inter-county-type problems and to provide information, the responsibility for the preservation of agricultural lands should continue to remain with the townships.

Mr. Jeff Slingmen, from Calhoun County sees the role of the Regional Planning Council to be two-fold. First, the council can provide technical assistance to the counties and townships and second it can serve to locate the best agricultural lands in the various counties. Mr. Slingmen has indicated that the SMPC provides a means whereby information and the interchange of ideas between the various governmental and planning agencies can take place. According to

Mr. Slingmen the Regional Planning Council should publicly take a strong stand on the issue of preservation of agricultural lands and also that it should utilize "A-95 Review" to make sure the governmental units in Region III take steps to preserve agricultural lands.

Mr. Dean Holub of Kalamazoo County thinks the primary role of the Southcentral Michigan Regional Planning Council is to provide advisory service to the local governments. Mr. Holub has indicated that the Regional Planning Council could develop model regulations which could be utilized by the various local governments in their planning efforts. He also is of the opinion that the council can help with intergovernmental communication so that the different governmental units in the region has some idea of what other areas are doing.

Mr. Dost, associated with the Planning and Engineering Department in St. Joseph County maintains that the Regional Planning Council can be of benefit to the townships due to their expertise in zoning. Mr. Dost feels however that the Regional Council has no control over the protection of agricultural lands. He has stated that the county is fearful of the SMPC because they see it as a governmental agency rather than a planning agency. According to Mr. Dost the SMPC is useful as a means for information and technical assistance however it has no power.

The Region III Planning Council can play a role in the protection of agricultural lands by providing technical

assistance to local governments. Also, the regional council can do an agricultural preservation study to inform the local governments where the best agricultural lands are in the region.

The State of Michigan has a preservation of agricultural lands policy which states that agricultural lands should be preserved and should not be pushed out of production for development purposes. The land that can and will stay in agriculture should be identified. The amount of land in farms in Michigan is 12,300,000 acres (1975).

Some institutions in Michigan which are involved with the preservation and conservation of agricultural lands are:

State of Michigan

- Department of Natural Resources
 - Land Resource Program Division
- Department of Agricultural
 - State Soil Conservation Committee
 - Soil Conservation District

U.S. Soil Conservation Service for Michigan

Regional Planning Council
 Southcentral Michigan Planning Council

Counties

- Barry County
 - Barry County Planning Department
- Branch County
 - Branch County Planning Commission
- Calhoun County
 - Calhoun County Planning Department
- Kalamazoo County
 - Kalamazoo County Planning Department
- St. Joseph County
 - St. Joseph County Planning and Engineering Department

Soil Conservation Districts

Barry County
Branch County
Calhoun County
Kalamazoo County
St. Joseph County

The following state government departments are involved with the preservation and conservation of agricultural lands. The Department of Natural Resources, Land Resource Program Division which handle Act 116, program on the preservation of agricultural lands.

The Department of Agricultural, State Soil Conservation Committee which advises and controls the different County Soil Conservation Districts. This committee handles the concerns of soil and water conservation for the State of Michigan.

The Farmland and Open Space Preservation Act, P.A. 116 is an Act which allows landowners to get a tax benefit if they voluntarily join the program and keep their land in the present use-agriculture, for a time period of ten years or more. The total number of acres in the program state-wide is 605,870 acres.

In the future the State of Michigan can preserve and conserve agricultural lands by promoting and encouraging the use of Act 116. The State could also undertake a state-wide soil survey so that all the soils in Michigan would be classified and therefore use could be defined. The prime, unique and important lands could also be determined and

methods could be found to protect these lands if they are in agricultural production.

In summary, the following chart shows what has been explained in the paper.

This paper has described at some length the various approaches taken by (1) the five counties which comprise Region III, (2) The Southcentral Michigan Regional Planning Council, and (3) the State of Michigan in regards to the preservation and conservation of agricultural lands. During the course of the discussion concerning the policies of these governmental and planning bodies, it became clear that these policies on agricultural land preservation are not currently being fully carried out. In the future it is imperative that there be increased inter-government communication and cooperation if prime agricultural land is to be preserved.

Definitions

Agricultural Lands: The undeveloped land devoted to the production of plants and animals useful to man, including forages and sod crops, grains, and feed crops; dairy and dairy products, livestock, including breeding and grazing; fruits; vegetables; and other similar uses and activities. The words "agriculture land" and "farmland" shall be considered as synonymouse.

Conservation: To maintain and save the land, water and air so humans, plants and animals can exist.

County Planning Commission: Created pursuant to Act No. 282 of the Public Acts of 1945, as amended, being section 125.101 to 125.107 of the Michigan Compiled Laws.

Essential Farmland: Should be based on the judgment of local authorities.

Chart VI Summary

[illegible]

Primary Policy	State of Michigan	Barry Soil Conservation District		Branch Soil Conservation District		Calhoun Soil Conservation District		Kalamazoo Soil Conservation District		St. Joseph Soil Conservation District	
		Stopping and improving wind and water erosion	Erosion controls	Reduce solid erosion and sediment delivery to an acceptable level	To have good waste management, to reduce pollution and improve water quality	Cropland management for production and protection					
Amount of Land Underagreement (Acres)		62,997	96,000	182,678	144,838						
RCA Study Main Priority		Loss of agricultural land to non-farm uses	Maintain prime agricultural lands		Soil erosion	Lost of production area					
Soil Survey	In the process of doing a state-wide survey	None since 1924	Process of doing a survey	None 1916	Just completed 1973	Process of doing a survey					

Farmland and Open Space Preservation Act, Act No. 116 of Public Acts of 1974: Is a voluntary program of a regulatory nature which can be economically beneficial to participating landowners. The land remains in a particular use for a specified time, usually ten (10) years or more. The landowner receives income tax benefits for maintaining his land in the agreed-upon use. (Appendix Application to joint Act 116 Program)

Important Farmland: Natural soils with highest productivity based on national standards (sometimes referred to as prime). Unique crops of multi-state or national economic significance. Natural soils with productivity of statewide economic importance and unique crops of statewide economic importance. Natural soils with productivity of communitywide economic importance and improved land with productivity of communitywide economic importance.

Preservation: To maintain and protect land that is needed for food production so that people will always have food.

Prime Farmlands: Is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. (In Appendix - Soil Index on Prime Lands)

Regional Planning District: The planning and development regions as established by executive directive 1968-1, as amended, whose organizational structure is approved by the regional council.

State of Michigan Soil Conservation Committee: Is in the Michigan Department of Agriculture, a seven-member body, develops recommendations and advises the Director of the Michigan Department of Agriculture on soil and water conservation concerns. Members of the committee include the directors of the Michigan Department of Agricultural and Department of Natural Resources, the Dean of Agricultural and Natural Resources at Michigan State University, and four members appointed by the Governor. Appointed members must be directors of local soil conservation districts and they serve four year terms.

Soil Conservation District: Is a legal entity of state government organized under provisions of Act 297 (Public Acts of 1937), as amended. Soil conservation districts are unique in that they cannot levy taxes, borrow money or issue bonds. Operating funds are provided by state appropriations, local government grants, and district fund raising activities.

Soil Survey: Describe important soil properties, such as flood hazard, natural drainage, depth to bedrock, depth to seasonal watertable, permeability, shrinking and swelling potential, bearing capacity and content of silt, sand, and clay. The Unified and AASHO engineering classifications of each soil layer are given.

Unique Farmlands: Is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods.

U.S. Soil Conservation Service: Is the technical arm of action for soil and water conservation in the U.S. Department of Agriculture. The Soil Conservation Service (SCS) gives technical assistance to individuals, groups, organizations, cities and towns, and county and state governments in reducing the costly waste of land and water resources. The SCS through a memorandum of understanding, assigns technical personnel to the district, who provide assistance to land users in accordance with the district's plan and establish priorities.

Zoning: Is probably the single most commonly used legal device to insured that the land uses of a community are properly situated in relation to one another, providing adequate space for each type of development. In the paper zoning will be only the zoning which has farms and/or agricultural lands are involved.



FARMLAND AGREEMENT

(Eligibility, Instructions and Worksheet)

Please read eligibility requirements and instructions before filling out application form R-2702.

Land Eligibility Requirements for P.A. 116 of 1974 for Farmland:

If your farm (including the residence and farm buildings) meets one of the following criteria, it is eligible for entrance into the program under Act No. 116 of the Public Acts of 1974, Farmland and Open Space Preservation Act.

- I. As defined by the Act, **agricultural use** means: "Substantially undeveloped land devoted to the production of plants and animals useful to man, including forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; vegetables; and other similar uses and activities."

As defined by the Act, **farmland** means:

1. "A farm of 40 or more acres, in one ownership which has been devoted primarily to an agricultural use."
 2. "A farm of 5 acres or more in one ownership, but less than 40 acres, devoted primarily to an agricultural use, which has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land."
 3. "A farm designated by the department of agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of \$2,000.00 or more."
 4. "Parcels of land in one ownership which are not contiguous but which constitute an integral part of farming operations being conducted on land otherwise qualifying as farmland may be included in an application."
- II. The administrative rules providing for the administration and implementation of the program further defines the following:

1. **Gross annual income** means "an average computed from two of the three tax years immediately preceding the year of application from the raising or harvesting of any agricultural commodities."
2. **Devoted primarily to an agricultural use** means "all land for which an application for a farmland development rights agreement has been filed shall have been under agricultural use for at least one year during the 36 month period immediately preceding filing the application. Land under the Agricultural Stabilization and Conservation Service, United States Department of Agriculture, are eligible for inclusion as part of the farm operation."
3. **Specialty farm** means "those enterprises of 15 or more acres in size which meet the income requirements, produce agricultural, horticultural or floricultural commodities or are engaged in the business of breeding or husbanding animals, rendering services or yielding products customarily associated with agricultural operations and designated by the Michigan Department of Agriculture."

- III. A **farmland development rights agreement** is a restrictive covenant where the owner and the state agree to jointly

hold the right to develop a parcel of farmland. The covenant is an agreement to not develop the property except as specifically stated within the agreement. The covenant runs with the land and is for a jointly agreed upon length of time (at least 10 years).

A farmland development rights agreement contains the following restrictions:

1. A structure shall not be constructed on the land except for a use consistent with farm operations or with the approval of the local governing body and the state land use agency.
2. Land improvements shall not be made except for a use consistent with farm operations or with the approval of the local governing body and the state land use agency.
3. Any interest in the property shall be sold only for a scenic, access, or utility easement which does not substantially hinder farm operations.
4. Public access shall not be permitted on the land except with the permission of the owner.
5. Any other conditions or restrictions, as agreed to by both parties, that are necessary to preserve the land, or portions thereof, as farmland.

Instructions for Filling Out Application form for Farmland Agreement:

(Please print or type in all spaces required on the application form.) The application form must be filed with the clerk of the local governing body having jurisdiction over the land cited in the application. Those local governing bodies having the right of approval or rejection of an application are defined by the Act as: (a) the legislative body of a city or village; (b) the township board of a township having a zoning ordinance in effect as provided by law; or (c) the county board of commissioners in all other areas.

SPECIAL SITUATIONS:

1. Owning more than one farm unit:

To make it less complicated for an owner wishing to place more than one farm unit into the program, it is recommended that the owner fill out separate applications for each farm unit over 40 acres. (In these cases, all applications will be merged together under one owner file when they reach the State.) If all of the forms will be submitted to one local governing body having approval power, it is suggested that the applications be filed together at the same time.

2. Owning more than one farm unit located in different local governing bodies having approval power:

If the farm units fall under different local governing bodies having approval power, it is suggested that the applicant attach a statement to each appli-

cation indicating that more than one application has been filed by the owner and a list of the local governing bodies involved.

3. One contiguous farm unit having more than one legal description:

For those owners having one contiguous farm unit with more than one legal description (deed) for portions of the farm, but wishing to place the entire farm into the program, may attach copies of all the descriptions and fill out the application as if the farm was under one deed.

4. Having one farm unit located in different local governing bodies having approval power:

In the case of an owner having one contiguous farm unit which crosses the boundaries of more than one local governing body having approval power, the applicant must file separate applications covering the land located in the respective local governing bodies' jurisdictions and attach a statement indicating that more than one application has been filed by the landowner and a list of the local governing bodies involved.

5. A landowner need not apply for all his property. However, the landowner is responsible for furnishing an accurate legal description of the land covered by the application. If the landowner wishes to exclude some portion of a description, he must provide a description which excludes the acreage he desires to withhold.

An approved application is forwarded by the local governing body to the state land use agency for approval or rejection by the state.

An applicant receiving a rejection from a local governing body can appeal within 30 days of the rejection notice to the state land use agency for a decision, or the applicant may wait one year and re-apply for entrance into the program.

I. Personal Information:

(1-5) Owner(s) of record is defined by the Act as a "person having a freehold estate in land coupled with possession and enjoyment." Person, as defined in the Act, includes "an individual, corporation, business trust, estate, trust, partnership, or association, or 2 or more persons having a joint or common interest in the land."

If more than one name is involved (excluding husband and spouse), please attach additional sheet listing necessary names and information required in blanks 1 through 5.

Only the owner(s) of land cited within the application may apply land into the program.

Husbands and spouses filing either a joint or separate Michigan state income tax return must indicate Social Security numbers.

The federal employee identification number is applicable only to those corporations, sub-chapter S corporations, partnerships or individuals who must withhold taxes for their employees.

The name(s) appearing on the application form will be those state income taxpayer(s) receiving tax benefits from the program and will be held responsible for all payback and penalty provisions of the Act.

II. Property Location:

(6-8) The applicant must indicate the county and township, city or village where the land cited in the application

is located. The section number, town number and range number can be found on the deed to the land.

III. Legal Information:

(9) The applicant must attach a copy of the deed from the county register of deed's office. (It may be a photo copy of the deed. Land contract purchasers should send a copy of the land contract.)

(10) The applicant must attach a copy of the most recent property tax assessment notice or tax bill. (It may be a photo copy of the notice or bill. Land contract purchasers who do not receive a property tax assessment notice or tax bill may obtain a copy from the assessor.)

(12) Mineral rights would include oil, gas, coal, iron ore, gravel, etc.

(13) Any land subject to a rental or lease agreement not directly associated or consistent with the farm operation is prohibited from being included in the program. Examples which might be excluded are: a second residence located on a farm being rented to someone not connected with the farm operation; land being used as parking or storage for materials not associated with that particular farm operation; a leased landing strip; etc.

(14) The Act states that "where land is subject to a land contract, it means the vendor (seller) in agreement with the vendee (purchaser)." Whether the applicant is the seller or the purchaser, the applicant must have the agreement from the other party to place land subject to a land contract into the program.

(15) This section of the application is only applicable to those owners who fall within the described categories for income tax information. If you are the sole owner not fitting any of the listed categories, please go on to the next section, leaving (15) blank.

IV. Land Eligibility Qualifications:

If the land cited in the application is: (a) a farm of 40 acres or more, complete only section (16); (b) a farm of 5 acres or more but less than 40 acres, complete only sections (16) and (17); or (c) a specialty farm, complete only sections (16) and (18). These sections provide information for determination that the land cited in the application is in agricultural production and the general types of uses on the farm.

(16) If your farm is 40 acres or more, please fill out section (16) and then go on to **V. Signature**.

(17) If your farm is 5 acres or more but less than 40 acres, please fill out both sections (16) and (17) and then go on to **V. Signature**. The information required in section (17) is mandatory by definition of the Act.

(18) If your farm is a specialty farm, please fill out sections (16) and (18) and then go on to **V. Signature**. The information required in section (18) is mandatory by definition of the Act.

Please diagram to the best of your ability the farm and acreage being applied for entrance into the program. Please indicate residence(s), farm buildings, roads, property boundaries, and natural or man-made features such as lakes, ponds, swamps, streams or rivers, woodlots and gravel pits. This is a map of your farm and can be drawn by yourself. It does not have to be professionally drawn, but we would ask that it be as legible as possible.

V. Signature:

(19) If more than one owner is involved, or the applicant is a corporation, either all owners' signatures or one signature representing all owners and his title must appear on the form. The date must be indicated at time the signature is affixed to the application form.

PLEASE NOTE

If the owner or successor in title of the land upon which a development rights agreement (for farmland) has been recorded pursuant to the Act shall change the use of the land to a prohibited use, or knowingly sell the land for a use other than those permitted in the development rights agreement without first pursuing the provisions of Sections 11(2), 12, of Act No. 116 of the Public Acts of 1974, being sections 554.701 to 554.719 of the Michigan Compiled Laws, or receiving permission of the state land use agency, he may be enjoined by the state, acting through the state Attorney General, or by the local governing body, acting through its attorney, and is subject to a civil penalty for actual damages, but in no case to exceed double the value of the land as established at the time the application for the development rights agreement was approved.

**WORK SHEET TO DETERMINE TAX BENEFITS FROM
THE FARMLAND AND OPEN SPACE PRESERVATION ACT, P.A. 116 OF 1974**

1. Total property taxes on
land being considered for
entrance into the program. _____ \$ _____
 2. Total household income* \$ _____
 3. 7% of household income X _____ .07
\$ _____ 3a. (-)\$ _____
(Enter figure in 3a and subtract.)
 4. Credit against State income tax liability** \$ _____
 5. State income tax liability \$ _____
(Multiply your taxable income by the present state income tax rate.)
 6. Possible refund \$ _____
(Subtract credit from the state tax liability on line 5.)***
-

*The Michigan Income Tax Act, as amended, defines household income to mean all spendable income received by the household (husband and spouse) whether the income is taxable or non-taxable by the State or Federal governments. Examples of non-taxable income which must be included in the calculation are: social security and railroad retirement benefits, veterans' pensions and disability payments, other pensions and annuities, interest on state and local obligations, unemployment insurance benefits, workman compensation benefits, cash public assistance, child support payments, gifts in cash or kind in excess of \$300.00, sick pay, unemployment benefits, strike pay, excluded dividends and capital gains.

(Corporations contemplating placing their land into the farmland section of the program would compute their credit by using 7% of the adjusted tax base computed through the Single Business Tax of 1976 in place of household income on line 1. Corporations must be legally incorporated in the State of Michigan to be eligible for the credit.)

**This figure will vary from year to year for each landowner due to changes in the landowners income and the changes in the property tax bill.

***If your State tax liability is zero (0), then the entire credit becomes a refund.



**DIVISION OF
LAND RESOURCE PROGRAMS
DEPARTMENT OF NATURAL RESOURCES**

APPLICATION FOR FARMLAND AGREEMENT

(Act No. 116 of the Public Acts of 1974, Section 5. Please read the Land Eligibility Requirements and Instructions before filling out this form. Please print or type. Attach additional sheets as needed.)

OFFICIAL USE ONLY

Local Governing Body:

Date Received: _____

Application No.: _____

State: _____

Date Received: _____

Application No.: _____

Approved _____

Rejected _____

I. Personal Information:

1.) Name(s) of Applicant: _____
(Owner of Record) (Last First Initial)

Spouse's Name: _____
(Last First Initial)

1(a) Marital Status ☐ Married ☐ Single ☐ Divorced ☐ Widowed

2.) Mailing address: _____
(Street City State Zip Code)

3.) Telephone Number: (Area Code) () _____

4.) _____
Social Security Number Spouse's Social Security Number

5.) Federal Employer Identification Number (if applicable): _____

II. Property Location: (Can be taken from the deed.)

6.) County: _____ (7.) Township, city or village: _____

8.) Section No.: _____; Town Number: _____; Range: _____

III. Legal Information:

9.) Attach a clear copy of the deed title, or land contract (may be a photo copy).

10.) Attach a clear copy of the most recent property tax assessment notice or tax bill (may be a photo copy).

11.) Is there a tax lien against the land described above: _____ Yes or _____ No.

If yes, please explain circumstances: _____

12.) Does the applicant own the mineral rights: _____ Yes or _____ No; if owned by the applicant, are the mineral rights leased _____ Yes or _____ No.

Indicate who owns or is leasing the mineral rights if other than applicant: _____

Name the types of mineral(s) involved: _____

13.) Is land cited in the application subject to a lease agreement (other than for mineral rights) permitting a use for something other than for agricultural purposes: _____ Yes _____ No.

If yes, indicate to whom, for what purposes and the number of acres involved: _____

14.) Is land being purchased under land contract: _____ Yes _____ No.

If yes, indicate the vendor (seller):

Name: _____

Mailing address: _____
(Street City State Zip Code)

Applicant:

Act No. 116 of the Public Acts of 1974 states that the vendor (seller) must agree to allow the land cited in the application into the program. Please have the vendor sign below.

Land Contract Seller:

I, the undersigned, understand and agree to permit the land cited in this application into the Farmland and Open Space Preservation Act of 1974.

(Date)

Signature of Land Contract Vendor (Seller(s))

15.) If the applicant is one of the following, please check the appropriate space and complete the following information (not applicable to an individual not meeting one of the categories - please leave blank):

☐ Corporation
 ☐ Business Trust
 ☐ Estate
☐ Trust
 ☐ Partnership
 ☐ Association
☐ 2 or more persons having a joint or common interest in the land

If the applicant fits into a category listed above, please list the following: President, Vice President, Secretary and Treasurer or present income beneficiaries:

Name: _____ Title _____
Mailing address: _____
(Street City State Zip Code)

Name: _____ Title _____
Mailing address: _____
(Street City State Zip Code)

Name: _____ Title _____
Mailing address: _____
(Street City State Zip Code)

Name: _____ Title _____
Mailing address: _____
(Street City State Zip Code)

(Additional names may be attached on a separate sheet.)

IV. Land Eligibility Qualifications: *(Check one and fill out correct section or sections)*

This application is for:

- _____ a. a farm of 40 acres or more, complete only section (16);
- _____ b. a farm of 5 acres or more but less than 40 acres, complete only sections (16) and (17); or
- _____ c. a specialty farm, complete only sections (16) and (18).

16.) (a). Type of agricultural enterprise (e.g., livestock, cash crops, etc.):

(b). Total number of acres of the farm: _____.

(c). Total number of acres in application (*if less than (b)*): _____.

(d). Acreage in cultivation: _____.

(e). Acreage in grassland: _____.

(f). Acreage in woodlot: _____.

(g). Indicate structures on the property. (*If more than one building, indicate the number of buildings.*):

No. buildings: _____ Residence: _____ Barn: _____ Tool Shed: _____

Silo: _____ Grain Storage facility: _____ Grain drying facility: _____

Poultry house: _____ Milking parlor: _____ Milk house: _____

Other: (indicate) _____

(h). Please draw a map (*sketch*) of the property, showing boundaries, structures and natural or man-made features such as lakes, ponds, swamps, streams and rivers, woodlots, roads or gravel pits, etc. (*Use space provided on page 4, or attach a separate drawing.*)

17.) To qualify as agricultural land of 5 acres or more but less than 40 acres, the land must meet certain minimum income requirements (*see definition on farmland II (2) and III (1-3) on the Land Eligibility Requirements information sheet*).

What is the average gross annual income per acre of cleared and tillable land during 2 of the last 3 years immediately preceding application from the sale of agricultural products:

$$\frac{\$ \text{ (total income)}}{\text{ (total acres of cleared and tillable land)}} = \$ \text{ (per acre).}$$

18.) To qualify as a specialty farm, the land must be designated by the Michigan Department of Agriculture and meet certain minimum income and land size requirements (*See definition of farmland II (3) and III (1-3) on the Land Eligibility Requirements Information sheet*). If a specialty farm, indicate average gross annual income during 2 of the last 3 years immediately preceding application from the sale of agricultural products:
\$ _____

V. 19.) 1) What is the number of years you wish the agreement to run? (Must be a minimum of 10 years)

VI. Signature:

20.) The undersigned declares that this application, including any accompanying informational material, has been examined by him and to the best of his knowledge and belief is true and correct.

(Signature of applicant(s))

(Corporation name if applicable)

(Signature of Corporation officer)

(Date)

(Title)

RESERVED FOR OFFICIAL USE ONLY

Action by Local Governing Body:

Jurisdiction: _____

(County, township, city or village)

Date received by clerk: _____

This application is _____ approved, _____ rejected.

(If rejected, see attached statement by Local Governing Body.)

Date of approval or rejection: _____ Clerk's signature and seal: _____

Property Appraisal: The current fair market value of the real property in this application has been determined to be \$ _____

DATE

_____ Upon filing an application, clerk issues receipt indicating date received.

_____ Clerk notifies reviewing agencies by forwarding a copy of the application (review agencies have 30 days to return comments).

_____ If approved, applicant is notified and the original application, letters of review or comment from reviewing agencies and all supportive material is sent to the Division of Land Resource Programs, Box 30028, Lansing, Michigan 48909.

_____ If rejected, clerk notifies applicant in writing within 10 days stating reason for rejection and returning the application, etc. to the applicant.

SENT REC'D

_____ County or Regional Planning Commission
_____ Soil Conservation District
_____ Township (if county has jurisdiction)
_____ City (if land is within 3 miles of city boundary)
_____ Village (if land is within 1 mile of village boundary)

_____ Clerk schedules application for presentation at next regular meeting of governing body (governing body has 45 days from meeting date to approve or reject application)

_____ Clerk notifies applicant 5 days before action is taken on the application by the local governing body.

_____ Approval or rejection by local governing body.

Final Application should include (✓)

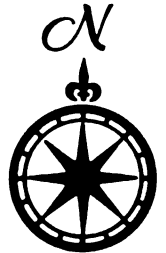
_____ copy of deed or land contract
_____ copy of tax bill or notice
_____ copy of recent appraisal record
_____ map of farm

review letters from:

_____ county planning commission and/or regional planning comm.
_____ soil conservation district
_____ township (if applicable)
_____ city (if applicable)
_____ village (if applicable)

Map of Farm with structures and natural features:

- A. Show boundaries of land cited on application.
- B. Show buildings as ☐ house, ☐ barn, etc. also sketch in roads and other avenues of travel.
- C. Outline and designate the current uses of the property if possible.
- D. Any residential structures which are rented to persons not directly associated with the farm operation must be excluded from the application. Please indicate which buildings fall in this category and the appropriate property description for its exclusion.



PRIME FARMLAND

D. L. Mokma, N. W. Stroesenreuther, and C. S. Fisher

March 31, 1978

Prime farmland is land that is best suited for crop production. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farm methods. It gives highest yields with minimum inputs of energy or money and results in the least damage to the environment.

The following list of soil series qualify for prime farmland. These soils must occur on A and B slopes (0-6%) and have slight or moderate erosion. Soils which have a high water table must be artificially drained. If some areas can not be drained, they do not qualify as prime farmland. These soils are not subject to flooding.

Alcona	Coventry (I)	Huntington
Amasa	Crosier	Huron (I)
Angelica	Del Rey	Ingersoll
Arkport	Dighton	Ionia
Aubbeenaubbee	Dixboro	Isabella
Bach	Dowagiac	Ithaca
Badaxe	Dresden	Jeddo
Barry	Dryburg	Kalamazoo
Belding	Dryden	Kawkawlin
Berville	Elmdale	Kendallville
Bixby	Emmet	Kent
Blount	Ensley	Keowns
Bohemian	Fence	Kibbie
Bowers	Fifield	Kidder
Breckenridge	Fox	Kilmanagh
Brimley	Froberg	Lacota
Brookston	Fulton	Lamson
Bruce	Gaastra	Lapeer
Cadmus	Gagetown	Latty
Capac	Genesee	Lenawee
Celina	Glynwood	Locke
Charity (I)	Goodman	Londo (London)
Charlevoix	Gorham	Mackinac
Chatham	Grindstone	Macomb
Colwood	Guelph	Marlette
Conover	Henrietta	Martinsville
Coral	Hessel	Matherton
Corunna	Hettinger	McBride
Corwin	Hillsdale	McGregor (I)
Coupee	Hoytville	Metamora

Miami
Milton
Minoa
Monico
Monitor

Morley
Munuscong
Nappanee
Nester
Newaygo

Nunica
Ockley
Odell
Omena
Onaway

Owosso
Padus
Parkhill
Pella
Perrinton

Pert (Perth)
Pewamo
Pickford
Pleine
Poseyville

Poy
Renselaer
Richter
Riddles
Rimer

Sanilac
Saylesville
Schoolcraft
Sebewa
Selkirk

Seward
Shebeon
Shinrock
Sims
Sisson

Sleeth
St. Clair
Stambaugh
Sunfield
Superior

Tallula
Tappan
Teasdale
Thomas
Toledo

Tonkey
Tracy
Traverse (I)
Trenary
Tula

Tuscola
Twining
Ubly
Volinia
Watton

Wauseon
Wautoma
Whalen
Whitaker
Wisner

Ypsi
Zurick

ARTICLE 11

A - Agricultural

SECTION 11.01 Purpose

The purpose of this article is to provide for a district which will allow extensive areas of the Township to be retained in agricultural use; prevent scattered non-farm growth; preserve woodlands and wildlife areas, and retain open space in its natural state. The requirements of this district are designed so as to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment and economy, including the tax base. It is essential that development in areas which are predominately agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the Township.

SECTION 11.02 Permitted Uses

The following buildings and structures and uses of parcels, lots and buildings and structures are permitted in this district:

- A. General and specialized agricultural and incidental agricultural related uses; including a riding academy or stable.
- B. One and two family farm dwellings, agricultural buildings or farmstead.
- C. Single family, non-farm dwelling, provided that only one (1) dwelling is permitted per quarter of a quarter section in area except as provided in Section 11.04 (H).
- D. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- E. A parcel may be used for the raising or growing of plants, trees, shrubs, and nursery stock and any building or structure may be located thereon and used for such raising or growing and for the storage or equipment and materials necessary for such raising or growing.
- F. A parcel may be used, and a building or structure located thereon for the raising or keeping of poultry, rabbits, and other similar fur-bearing animals whether for profit or pleasure.
- G. A parcel may be used for the growing, stripping and removal therefrom of sod provided that said lot or portion thereof shall be seeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion by water or wind.
- H. Home Occupations: Customary home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional office for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:
 1. The non-residential use shall be only incidental to the primary residential use of the property.

2. The home occupation shall be limited to the principal structure only and utilize no more than thirty (30) percent of the total floor area.
 3. There shall be no more than one (1) employee other than members of the immediate family residing on the premises.
 4. All activities shall be conducted indoors.
 5. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
 6. No home occupation shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.
 7. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
 8. No structural alterations or additions, either interior or exterior, shall be permitted in order to accommodate a home occupation.
- I. Storage of not more than two (2) non-residential type recreational vehicles provided that such units shall be completely within the side and rear yards. No outdoor storage or overnight parking of a commercial vehicle over one (1) ton rate capacity shall be permitted unless such vehicle be necessary to the function of the premises on which it is located or necessary to an occupation of an occupant of the premises provided that such vehicle be parked entirely within a side or rear yard or completely enclosed within a structure.
 - J. A sign, only in accordance with the regulations specified in ARTICLE 8
 - K. An accessory use, building or structure.
 - L. Essential service structures except as provided in Section 10.17.

SECTION 11.03 Conditional Uses

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE 10.

- A. Development of Natural Resources as prescribed in Section 10.12.
- B. Public and private park camping grounds, golf course, golf driving range, clubs, hunting lodge.
- C. Community and governmental buildings.
- D. Airport.
- E. Sanitary land fill site.
- F. Public and private nursery, primary and secondary schools, business school, and college and university.
- G. Agri-Business
- H. A church, synagogue, cathedral, mosque, temple or other building used for public worship, or a cemetery.

- I. Temporary building or trailer office.
- J. Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated or on the vicinity area of the same township.
- K. Veterinarian, animal clinic and the facilities for the care and/or boarding of animals including kennels.
- L. Commercial radio or television stations or transmitters occupying a site of no less than ten (10) acres.
- M. One and two family, non-farm dwelling as regulated in Section 11.04 (H).
- N. Public and private recreation areas such as: forest preserve; game refuge; recreation park and reservation; and similar public and private use of low intensity use.

SECTION 11.04 Regulations

- A. LOT AREA: No building or structure shall be established on any lot less than one (1) acre in area, except that for the raising or keeping of cattle, hogs, horses, ponies, goats and similar livestock whether for profit or pleasure, the minimum lot area requirement shall be five (5) acres and a width of not less than three hundred (300) feet.
- B. LOT WIDTH AND DEPTH: The minimum lot width shall be not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than one hundred seventy five (175) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed fifteen (15) percent.
- D. MINIMUM FIRST FLOOR AREA: The minimum first floor area for a one (1) story dwelling is seven hundred twenty (720) square feet.

The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.

E. YARD AND SETBACK REQUIREMENTS:

- 1. Front Yard: not less than fifty (50) feet from the right-of-way line.
- 2. Side Yards: least width of either yard shall not be less than fifty (50) feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than fifty (50) feet from the right-of-way line.
- 3. Rear Yard: not less than fifty (50) feet.
- 4. The above requirements shall apply to every lot, building or structure.

F. HEIGHT: The following height requirements shall apply in this district:

- 1. For Dwelling and Non-Farm Buildings and Structures: No dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.

G. REQUIRED OFF-STREET PARKING: As required in ARTICLE 9.

H. DENSITY REGULATIONS FOR NON-FARM DWELLINGS

1. Permitted Lots: Not more than one (1) non-farm dwelling per quarter of a quarter section area shall be permitted except that additional dwellings may be allowed subject to the provisions stated in this section. The density regulations shall apply only to those quarter of a quarter section areas.
2. Bonus Lots: Parcels or tracts of land which have not been farmed (tilled) within the past five (5) years prior to the date of the application for a building permit may be permitted one (1) additional bonus dwelling units upon granting of a Conditional Use Permit subject to the provisions of ARTICLE 10. The conditions under which the bonus building sites shall be approved are as follows:
 - a. Presentation of a plan illustrating the location of the dwelling on the site, location of the septic tank and drainfield, location of the well and access from a public road. Reasonable revisions to the site plan may be required as a condition of approval.
 - b. When the site is wooded or has other natural or historical features which, in the opinion of the Planning Commission, should be preserved or protected, restrictions on the alternation of the natural features may be required as a condition of approval.
 - c. When the proposed building site is characterized by steep topography (slopes in excess of twelve percent) or the predominant soils are of a type considered to be limited for septic tanks, a special engineering report may be required of the applicant as a condition of approval. The engineering report will be prepared by a qualified professional engineer selected by the Planning Commission and the expense of the report will be the responsibility of the applicant.
 - d. Such other reasonable conditions as may be necessary to maintain the intent of integrity of the A - Agricultural District.
3. Lots of Record: It is the intent of this section that the total non-farm dwellings per quarter of a quarter section area shall not exceed four (4), except that lots of record (as defined in ARTICLE 19, Section 47 (a)) on the date of adoption of this Ordinance, shall be considered buildable provided all other applicable ordinances are met.
4. Transfer of Development Rights to a Contiguous Quarter-Quarter Section Areas: Upon obtaining a Conditional Use Permit subject to the conditions of ARTICLE 10, contiguous quarter-quarter sections under single ownership may transfer development rights for the "permitted lots" (11.04 (H) 1) into one quarter-quarter section subject to the following conditions:
 - a. The number of lots on any one quarter-quarter section shall be limited to four (4) according to Section 11.04 (G) 3.
 - b. Transfer of lots shall meet the conditions of Section 11.04 (H) 2 a - d.

PRIMARY BIBLIOGRAPHY FOR ON LAND PRESERVATION

1. Allen, Richard Senator (R Alma), "Legislators Outline Agricultural Priorities," Michigan Farmer, Vol. 267, No. 5, March 5, 1977.

Agriculture is best served by some protection of agricultural land from non-farm development. This article is by a Michigan legislator who sees the basic conflict in the land use issue between the desire to maintain pure property rights and the need to save prime farmland for future agricultural. This conflict is what the Michigan legislation has to work with when dealing with preservation and land use issue.

2. Barlowe, Raleigh, "Who Owns Your Land?" Cooperative Extension Service, Michigan State University, Extension Bulletin E-1101, June 1977.

This pamphlet is on property rights, (private and public) and what conditions are necessary for existence of property. The evolution of private property rights is discussed and how our view of these rights are changing. The government has become more involved with property rights with the increase pressure on our land resource. This is a good pamphlet to get a basic understanding of property rights.

3. Gardner, B. Delworth, "The Economic Agricultural Land Preservation," American Journal of Agricultural Economic, 59, #5 (December 1977), 1027-1036.

This article is largely concerned with the economic implications of the policy shift to preserve highly productive lands for agricultural use. The market system would be taken out of agricultural land because the land would be preserve and that would be the only use for the land. Perhaps the most apt of sum up is that agricultural land retention legislation is the wrong thing at the wrong time and for the wrong reasons.

4. Libby, Lawrence W. and Newman, Mark D., "Land Use Planning and Policy Michigan in Perspective," Michigan State University Cooperative Extension Service, Extension Bulletin E-1061, February 1977.

This bulletin explains the rational why land use planning and policy in Michigan is important. The public planning process is explained. The focus of the bulletin is agricultural land and the protection of that land. The structure of land use planning for local, region, state, and federal is written about in the bulletin.

5. Phillips, Jim, "Can Zoning Save Farmland?" Michigan Farmer, Vol. 267, No. 6, March 19, 1977.

This article is about the use of zoning regulation, properly written and used as part of planning by rural government units, can help preserve that estimated 8 million acres of farmland Michigan will need in the year 2000. Public Act 116 on Farmland and Open Space Preservation was discussed in the article. The technique to preserve farmland was in the article with public commitment being an important technique.

6. Luedtke, Gerald and Associates Incorporated, Clinton County Agricultural Lands Preservation Plan, June 1978.

This report gets into different methods a local, region, and/or state can use to preserve agricultural lands. It shows how a county in Michigan is dealing with the preservation of their farmland. How a county designate what land is important to save because it is prime agricultural land.

7. Smyser, Steve, "How Is the Land to Be Used?" Organic Gardening and Farming, Vol. 24.68, August, 1977, p. 68.

This article is at the beginning of a series of articles on keeping farmland as farmland. The cost of owning a farm in 1960 \$42,000 has doubled 1969 \$85,000 in ten years and it is increasing. People would like to buy and run a farm for a single family. The reasons is the move of developers into the country which brings increase taxes, zoning regulations and reduced availability of land and water.

8. Stockman, Robert L., Agricultural Zoning Handbook, Western Michigan Regional Planning Commission, June 1978.

This report discussed ways to identify and preserve important agricultural land in the State of Michigan. The question Do we need to preserve prime farmland was discussed in the report. Tax incentive programs could be used to preserve farmland, this was looked at by the tax incentive program in different states in the United States.

9. Wunderlich, Gene, "Property and the Future of Agriculture," American Journal of Agricultural Economics, 59, #5 (December 1976), 946-952.

This article gets into what is property and the rights it involved. Property is a system through which owners communicate to others their interests in property objects. The need for this information is important. The main section of this article involves what the future of property and agriculture can be by looking at what different people and factors infer about property.

10. The Work Force For the Preservation of Howard County Farmland, Report 1976, October 1, 1976, Howard County, Maryland.

This report shows how a county work force group viewed the importance of farmland in their community. The methods of what can be done to preserve farmland in Howard County were listed. Different alternatives and their cost were discussed and a plan was developed to use the alternative which was less costly but met the objective of the people. This report shows one method a government can develop a plan for the preservation of farmland.

SECONDARY BIBLIOGRAPHY

1. Anderson, Terry L. and Hill, Peter J., "The Role of Private Property in the History of American Agricultural," American Journal Agricultural Economic (December 1976), 937, 944.
2. Barlowe, Raleigh and Alter, Theodore R., "Use Value Assessment of Farm and Open Space Land," 308 Development & Public Affairs from the Michigan State University Agricultural Experiment Station, East Lansing, September 1976.
3. Barlowe, Raleigh, Land Resource Economics The Economics of Real Property, second edition, Englewood Cliffs, N.J.: Prentice Hall, Inc., 1972.
4. Behnke, John A., "Development vs Preservation," BIO-SCIENCE, August 1977, Vol. 27, No. 8, p. 513.
5. Farmland and Open Space Preservation Act 116, 1974.
6. Flechner, Harvey L., "Land Banking in the Control of Urban Development," Chapter 2,4,7, New York: Praeger Publishers, 1974, pp. 10, 17, 30, 39, and 45, 55.
7. Lack, Larry, "Land Trust, A Practical Route Back to the Land," Organic Gardening and Farming, August 1977, pp. 72, 75.
8. Lehnert, Dick, "Land Development Another Kind of Soil Management Problem," Michigan Farmer, Dec. 1977, Vol. 268, No. 10, pp. 28, 29.
9. "P.A. 116 Applications Deluge DNR," Michigan Farmer, December 1977, Vol. 626, No. 10, p. 98.
10. Region II Planning Commission, "A Plan for Future Land Use, Jackson, Lenawee and Hillsdale Counties," March 1977.
11. Schmid, A. Allan, "The Role of Private Property in the History of American Agricultural 1776 1976. Comment," Amer. J. Agr. Econ (August 1977), 587, 589.
12. Schoop, E. Jack and Hirten, John E. "The San Francisco Bay Plan. Combining Policy With Police Power," AIP Journal (January 1971), 2, 10.

13. Smith and Riggs, "Land Use, Open Space and the Government Process," Chapter 5, New York: Praeger Publishers, 1974, pp. 78, 115.
14. Soil Conservation Service, "Our American Land," June 1973.
15. Southcentral Michigan Planning Council, "Growth Policies Plan for Southcentral Michigan," July 1978.
16. Tilmann, Stephen E. and Mokma, Delbert L., "Soil Management Groups and Soil Erosion Control," 310 Farm Science Research Report from the Michigan State University Agricultural Experiment Station, East Lansing, August 1976.

BIBLIOGRAPHY

- Barry County Planning Commission, "Barry County Zoning Ordinance No. 1," 1976.
- Barry Soil and Water Conservation District, "Policies and Procedures," 1978.
- Branch County Planning Commission, "Model Zoning Ordinance," July 1, 1974.
- Calhoun County Metropolitan Planning Commission, "Basic Zoning Ordinance for Townships."
- Calhoun County Metropolitan Planning Commission, "South-central Michigan Planning Council Housing Analysis," Part 1, July, 1975.
- Dost, Director Planning and Engineering, Department of St. Joseph County.
- Herceg, Alan G., District Conservationist, St. Joseph County Soil Conservation District.
- Holub, Dean, Director Kalamazoo County Planning Department.
- Howell, Roger, Technical Agency, Soil Conservation Service.
- Kalamazoo County Planning Commission, "Model Zoning Ordinance," December, 1962.
- Kalamazoo Soil Conservation District, Employee.
- Kalamazoo Soil Conservation District, "Policies and Program of Work," 1972.
- Laser, Bill, Employee Department of Agriculture.
- Leiulue, Fred, Branch County Planning Commission.
- Libby, Lawrence W. and Newman, Mark D., "Land Use Planning and Policy--Michigan in Perspective," February 1977, Extension Bulletin E-1061.
- Luedtke, Gerald, and Associated Incorporated, "Clinton County Agricultural Lands Preservation Study," May 1, 1978.

Michigan Department of Agriculture Soil and Water Conservation,
"Michigan's Soil Conservation Districts,"

Nanney, Roger D., District Conservationist, Calhoun County
Soil Conservation District.

Price, John, District Conservationist, Barry Soil and Water
Conservation District.

Schellie Associates, Inc., "A Comprehensive Plan for Kalamazoo
County," Michigan 1970-1990, June 1970.

Schellie, Associates, Inc., "Land Use Plan, Kalamazoo County,
Michigan," May, 1970.

Scott, Bagby and Associates, "Model Zoning Ordinance," St.
Joseph County Planning Commission, 1978.

Slingmen, Jeff, Senior Planner, Calhoun County Metropolitan
Planning Commission.

Soil Conservation Service, U.S. Department of Agriculture,
"Land Use Planners, Soil Surveys Can Help You,"
September 1974.

Soloman, Ed, Director, Barry County Planning Department.

Southcentral Michigan Planning Council, "Growth Policies
Plan for Southcentral Michigan," June, 1978.

Stockman, Robert L., "Agricultural Zoning Handbook," June,
1978.

St. Joseph County Planning Commission, "St. Joseph County
Comprehensive Plan," 1977.

Williams & Works, "Branch County General Development Plan,"
Branch County Planning Commission, 1971.

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