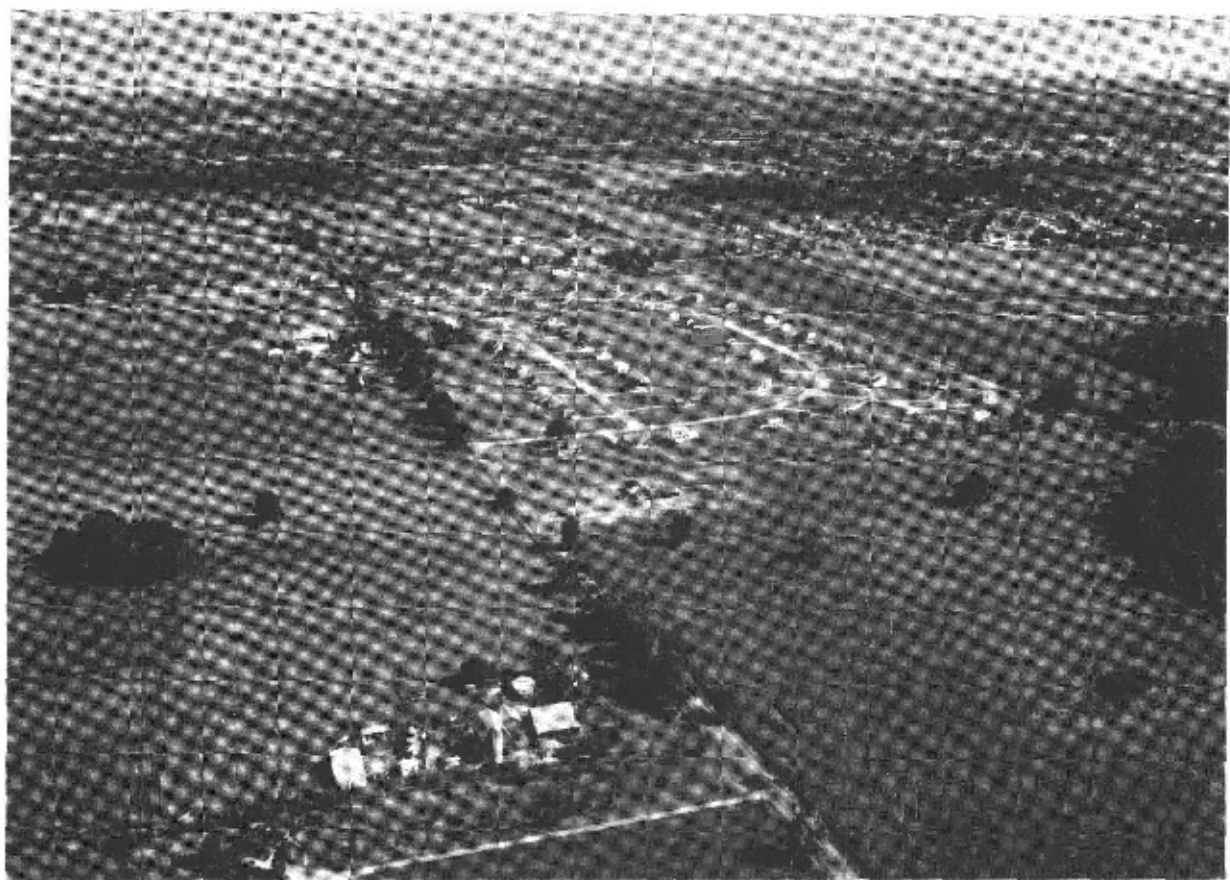


PLANNING AND ZONING FOR FARMLAND PROTECTION:

A Community Based Approach




American Farmland Trust

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PLANNING AND ZONING FOR FARMLAND PROTECTION:

A Community Based Approach

Prepared by
AMERICAN FARMLAND TRUST

January 1987

PREFACE

Michigan's agriculture industry is one of the most diversified in the country, second only to California in number of products grown. Michigan produces more than 50 food and fiber crops annually and leads the nation in the production of such commodities as red tart cherries, dry beans, pickling cucumbers, and navy beans. This abundant diversity is attributable to Michigan's unique soils, the climate moderating "Great Lakes effect" and an abundant supply of fresh water.

These same characteristics help to make agriculture a major stabilizing force in Michigan's overall economy. Despite these facts however, Michigan's farmland continues to be converted to nonfarm uses at a rapid pace.

The American Farmland Trust's (AFT) Michigan field office undertook this farmland protection project in recognition of the fact that there are numerous local governments facing land use decisions who would likely be interested in an "agricultural zoning process".

Although this report focuses on zoning techniques suitable to the particulars of the State of Michigan, it is valuable for reference in other jurisdictions as well.

We are grateful to the Charles Stewart Mott Foundation whose financial support has made possible the timely completion of this guidebook, and to the Joyce Foundation and the George Gund Foundation for providing support for our regional efforts. Carol Misseldine, Director of the AFT's Midwestern Field Office, deserves special credit for coordinating this project.

Comprehensive planning and zoning are two important tools for protecting high quality farmlands at the community level. However, using these tools fairly and in a manner that appreciates landowners' equity requires active involvement by local citizens, especially those who will be most affected. This guidebook provides a useful, easily understood process for preserving farmlands and open space in townships and counties. We hope it will stimulate many local farmland protection efforts.

Ralph Grossi, President
American Farmland Trust

ACKNOWLEDGEMENTS

This guidebook is the culmination of an intensive one year effort on the part of various individuals and organizations without whose contributions this publication would not have been possible.

At the outset, I wish to thank Jon Blyth and Maureen Smyth of the Charles Stewart Mott Foundation for their assistance in establishing an American Farmland Trust presence in Michigan. The Mott Foundation's generous provision of funds for our efforts here and in the Midwest have been invaluable. In addition, the American Farmland Trust gratefully acknowledges financial support from the Joyce Foundation in Chicago and the George Gund Foundation in Ohio. Their support has allowed us to expand our focus to include other midwestern and Great Lakes states.

This guidebook was originally envisioned as a brief technical document to provide township and county planning and zoning commissions with sample agricultural zoning ordinance language. It quickly became apparent however, that the wide variations in circumstances among jurisdictions demanded something more substantive and more flexible.

To fill that need, an Advisory Committee comprised of the following experts in planning and agriculture, was organized. All committee members gave generously of their expertise and reviewed numerous drafts of this document. Their contributions have been invaluable and were gratefully received.

- **Dennis Dunnigan**, Eaton County Planning Director

- **Dr. Lawrence Libby**, Professor, Department of Agricultural Economics, Michigan State University
- **Michael Manore**, AICP, Vice-President, Wade, Trim & Associates
- **Larry Merrill**, Deputy Executive Director, Michigan Townships Association
- **Ron Nelson**, Legislative Counsel, Michigan Farm Bureau
- **Tom Warstler**, Director/County Planner, Clinton County Dept. of Planning & Zoning
- **Helen Willis**, Executive Director, Michigan Society of Planning Officials
- **Mark Wyckoff**, AICP, Planning & Zoning Center, Inc., and Asst. Professor of Urban Planning at Michigan State University

Mark Wyckoff, who in addition to serving on the Advisory Committee, also served as coauthor and technical staff in the editing, design and production of the final report. Dennis Dunnigan, Tom Warstler and Mark Wyckoff are primarily responsible for the final contents of the sample zoning ordinance language.

Other individuals have played a key role in the lengthy process of moving this project from idea to reality, and to them is extended sincere appreciation and thanks. Lynn Harvey, MSU, and Ron Gaskill, Michigan Farm Bureau assisted in editing and Tim Perry, Farmers Home Administration, USDA provided examples of agricultural zoning techniques.

I am especially grateful to Jim Riggle, Director of State Projects and Field Operations for the American Farmland Trust (AFT), and to the rest of AFT's headquarters staff for their ongoing support, encouragement and commitment to this project.

Sincere appreciation is also extended to Carolyn Freebury, Gail Otten, Glyn Hill, and Kay Potter for providing secretarial support.

Carol Misseldine
Report Coauthor & Director
Midwest Regional Office
American Farmland Trust
January 1987

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Page 11	Graphic	by Mark A. Wyckoff, Planning & Zoning Center, Inc.
Page 12	Graphic	Pere Marquette Township Zoning Map, Mason County, Michigan
Page 14	Map	<i>The Nature of Recent Land Fragmentation in Shiawassee County</i> , Shiawassee County, Michigan, April 1980, p. 37
Page 14	Map	<i>Washtenaw County Agriculture Rural Series</i> , July 1981, Washtenaw County Metropolitan Planning Commission, p. 13
Page 15	Density Schedule	Sliding Scale Sample Ordinance, Chapter 7, p. 33
Page 16	Graphic	<i>Hoag Fundamentals of Land Measurements</i> , Chicago Title Insurance Co., Chicago 1971, p.10
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Page 38	Photo	USDA Soil Conservation Service, Michigan
Page 41	Photo	USDA Soil Conservation Service, Michigan
Page 43	Photo	USDA Soil Conservation Service, Michigan

TABLE OF CONTENTS

Preface

Acknowledgements

Photo/Illustration Credits

Table of Contents

Introduction.....1

Chapter One3
Why Save Farms and Farmland?

Chapter Two9
Protecting Farmlands: A Planning Process

Chapter Three13
Criteria to Consider Before Adopting Agricultural Zoning

Chapter Four15
Selecting a Zoning Technique to Protect Farmland

Chapter Five18
Supplementary Tools to Protect Farmland

Chapter Six21
Community Profile Worksheet

Chapter Seven25
Sample Zoning Regulations

Chapter Eight.....44
Getting Started - A Summary

Footnotes.....47

Appendices

A - Map 1 Status of Important Farmland Maps.....49

B - Map 2 Market Value of Agricultural Products Sold.....50
by County

C - Table of Townships with High Quality Farmland in.....51
High Agriculture Production Counties

D - Community Profile Worksheet.....54

E - Sample Goals and Objectives.....55

F - Bibliography of Reference Materials.....58

INTRODUCTION

In spite of the major economic importance of Michigan agriculture, close to the automobile industry in terms of value added to the state's economy, a variety of forces continue to deplete its most vital component; **high quality farmland**. In Michigan, 600,000 acres of prime and unique farmland were converted to nonfarm uses such as shopping centers, condominiums and single family homes between 1977 and 1982; an annual loss of 120,000 acres per year.¹ Although some conversion is essential for economic progress, too often it is the best land which is pulled or pushed out of production, with little thought to the consequent environmental, economic and social impacts.



To better direct this often haphazard and ill-conceived conversion of agricultural land, rural municipalities in various states, including Michigan, are modernizing zoning laws and developing flexible tools to protect farmland and agricultural values. Although policy to encourage retention of farmland has been evolving for many years, only in the past two decades has local zoning, previously used primarily for regulating and guiding urban development, been widely used as a specific means for protecting high

quality farmland and open space in suburban and rural areas.

A precipitating factor for protecting farmlands in the early 1970's was the growing awareness among elected officials and the general public of the crucial economic and environmental contributions that the agricultural industry makes to communities and to the nation as a whole.

In response to this growing awareness, several states implemented innovative right-to-farm laws, purchase of development rights programs, preferential tax assessment and tax credit programs, agricultural districting programs and broad state policies aimed at reducing state agency impacts on farmland loss. Taken together, these efforts have only partially stemmed the conversion of productive farmland to non-agricultural uses.

Now, communities across the nation are developing and implementing local programs to protect farming and farmlands. Programs are tailored to suit the unique goals and characteristics of an area. A variety of specialized zoning techniques are often used to achieve established goals. Some of these techniques work well in urbanizing areas where development pressure is high, while others are more effective in predominantly rural areas.

Zoning is regulation of the use of land. Agricultural zoning can help ensure that productive agricultural lands are not inappropriately converted to nonfarm uses. However, even the best written and administered agricultural zoning will not protect all local farmland from conversion to other uses. Nor is it the goal of this publication to suggest that all lands currently being farmed should be protected. The goal of this publication is to assist local governments in their efforts to both identify and protect farmlands considered either prime or unique as defined by the USDA Soil Conservation Service.

Local units of government can use zoning as an effective tool to designate those areas of a community that ought to be protected for their farmland values and curtail or exclude other uses. The development of a community plan that recognizes that farmland conversion will occur, and the implementation of a sound zoning ordinance that directs nonfarm development to areas least suited to agricultural production will help assure the protection of high quality farmlands. Planned development, compatible adjacent land uses and manageable public service costs will also result.

This publication can be used as a guide by local governments to:

- determine the factors that may be disrupting the local agricultural economic base,

- decide where agricultural zones should be located, and
- select the specific type of zoning technique which may be most suitable in a given locale.

Chapter One identifies why it is important to save farms and farmlands from unnecessary conversion. Chapter Two presents guidelines for planning, developing and implementing a successful farmland protection program. Chapter Three presents specific characteristics that a community can consider in determining the extent of the farmland conversion threats that they face. Chapter Four describes alternative zoning techniques that can be used to protect farmland. Chapter Five describes other non-zoning techniques that can be used to protect farmland. Chapter Six presents a worksheet designed to help each community specifically identify the factors threatening farmland in their jurisdiction and to choose between the four zoning techniques presented. Chapter Seven presents sample zoning language for each of the identified techniques. Chapter Eight presents a step by step process for starting a farmland protection program in your community.

Appendix A is a map which shows Michigan Counties with published Important Farmlands Maps (IFM's). Appendix B is a map which illustrates high market value farming counties in Michigan. Appendix C is a table which correlates high market value farming counties with townships with a high percentage of high quality farmland. Appendix D repeats the Community Profile Worksheet which is explained in Chapter Six. Appendix E presents sample goals and objectives for farmland protection. Appendix F is a bibliography of reference materials on planning, zoning and farmland protection.

[The purpose of this action is not only to] "Declare that it is Michigan's policy to protect prime and unique farmland from unnecessary, irreversible conversions, [but also to] make state agencies more sensitive to the need to protect prime and unique farmlands, and to assure that state government itself does not promote needless conversion of farmlands to other uses."

Honorable James J. Blanchard, Governor of Michigan in reference to his Executive Directive, 1986-2, Preservation of Michigan Farmland, signed October 3, 1986

Chapter One

WHY SAVE FARMS AND FARMLAND?

Local communities have a variety of reasons for implementing farmland protection programs that also serve broad regional, state and national objectives.² Following is a list of public purposes that communities have found helpful in demonstrating the public benefits of their farmland protection plans and ordinances.

- Protect the best farmland
- Protect the economic base
- Reduce premature disinvestment in agriculture
- Discourage urban sprawl
- Reduce neighbor conflicts
- Retain natural systems

Protect the Best Farmland for Agriculture Production

This publication is primarily concerned with the protection, through local zoning, of *prime* and *unique* farmlands. Each of these terms originates from studies by the United States Department of Agriculture and are described in the following two paragraphs.

Prime Farmland

Prime farmland is land most efficiently suited to the production of row, forage and fiber crops. This land, due to inherent natural characteristics such as level topography, good drainage, adequate moisture supply, favorable soil depth and favorable soil texture, consistently produces the most feed, food and fiber with the least fertilizer, labor and energy requirements.

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



Unique Farmland

Unique farmland is defined as land other than prime that has a special combination of soil quality, location, topography, growing season and moisture supply necessary to produce high yields of specialty crops such as fruits, vineyards, and vegetables. Since the characteristics that make land unique are geographically "fixed", they cannot be reproduced once this land is converted to other uses. Therefore, it is extremely important to afford these lands a high degree of protection. Although there are scattered areas of such land throughout the state, unique farmland in Michigan is concentrated along the west side of the state where winds from the Great Lakes help to keep spring temperatures cool enough to inhibit fruit bud development until danger from spring frost is past. Since high quality cropland cannot be relocated, agricultural use of prime and unique farmland should take precedence over other land uses when possible.

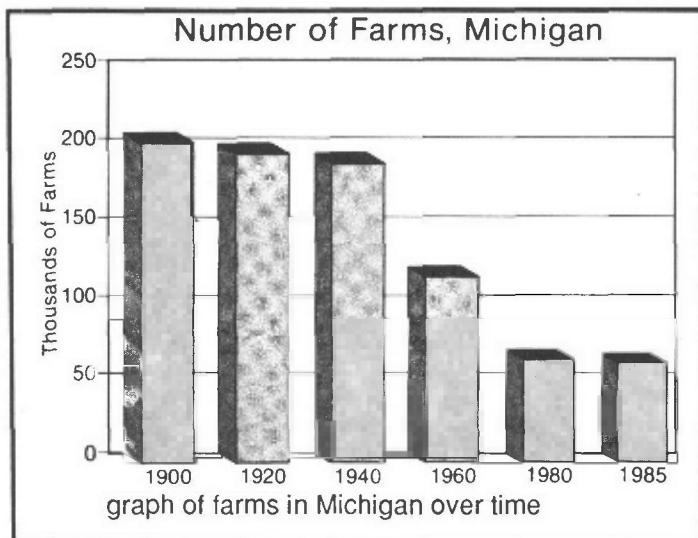


Protect the Agricultural Economy

The economic role that agriculture plays in Michigan cannot be overstated. Agriculturally, Michigan is the second most diversified state in the country, commercially producing more than 50 food and fiber crops each year. This degree of diversity is attributable to a wide variety of soil types, the "Great Lakes effect" and an abundance of fresh water. A clear advantage of a diverse agricultural industry, particularly in comparison with other states that have only one or two major crops, is its stabilizing effect on overall farm incomes.

Although about one-half of the food consumed in Michigan is imported, we also supply parts of the nation with a variety of produce. Michigan ranks number one in the nation in the production of several commodities including dry beans, pickling cucumbers, red tart cherries and navy beans. This state is also among the five top states in the production of such crops as apples, grapes, pears, carrots and celery. (See Table 1 on the following page.)

The value of farm products totaled approximately \$3 billion in cash receipts in 1986. When the value of processing, transporting and marketing is considered, Michigan's agriculture-agribusiness industry approached \$15 billion in 1986.³ In addition, it is estimated that the number of people employed directly by agriculture represents 12-15 percent of the total employment in the state.⁴ When food retailing and other agriculturally dependent services are added, officials estimate that figure increases to 25-30 percent.



The favorable statewide economic impacts of agriculture extend to local economies as well. Farming supports farm machinery dealers, feed stores, food processing plants, chemical manufacturers and other retail businesses such

as hardware stores and grocery stores. Thus, by protecting farms, communities also ensure the continued prosperity of businesses which depend on farming.⁵



Reduce Premature Disinvestment in Agriculture

The mere possibility of a high value return for converting farmland acreage into urban development often removes the incentives for farmers to make necessary agricultural and conservation investments. This in turn serves to idle farmland before any real demand for conversion exists. Unfortunately for the wishful farmer, a high return on the sale of farmland is rarely realized. Such a possibility exists for only a small percentage of cropland.

By shifting intensive nonfarm development away from farmlands and towards other areas in a community, zoning can effectively serve to reduce development uncertainty in agricultural zones, provide added assurance to those who wish to continue farming, and encourage reinvestments in agricultural operations. By concentrating urban development adjacent to existing public services and away from prime agricultural lands, public service costs will likewise be diminished, yet necessary growth will still be accommodated.

Discourage Urban Sprawl

Land development is inevitable, but it should be anticipated and properly planned for. *Scattered unplanned development that is not functionally related to adjacent land uses is sprawl.* It is very costly to taxpayers because of the great distances over which expensive new public facilities must be provided, and because of the environmental damage it can create. This type of development often occurs on land that had previously been used for agricultural production. The relatively large parcel splits that accompany nonfarm residential construction (often 10+ acres per

TABLE 1

Michigan's Rank in the Nation's Agriculture, 1985

COMMODITY	Rank Among States	Production	Unit	Percent of U.S. Production	Leading State
		1,000			
Tart Cherries	1	220,000	Lbs.	76.9	Michigan
Cucumbers for Pickles	1	134.4	Tons	19.4	Michigan
All Dry Beans	1	5,412	Cwt.	24.3	Michigan
Navy Beans	1	4,355	Cwt.	68.6	Michigan
Cranberry Beans	1	261	Cwt.	100.0	Michigan
Black Turtle Beans	1	165	Cwt.	69.6	Michigan
Geraniums, Potted	1	11,035	Pots	14.5	Michigan
Easter Lilies, Potted	1	885	Pots	13.5	Michigan
Bedding Plants	1	7,060	Flats	14.1	Michigan
Sweet Cherries	2	31,000	Lbs.	23.3	Washington
Prunes and Plums	2	11	Tons	21.7	Oregon
Red Kidney Beans	2	398	Cwt.	26.7	California
Gladioli	2	20,160	Spikes	12.7	Florida
Apples	3	1,100,000	Lbs.	14.1	Washington
Asparagus	3	230	Cwt.	10.8	California
Celery	3	1,312	Cwt.	7.1	California
Mushrooms	3	19,501	Lbs.	3.3	Pennsylvania
Tomatoes, Processing	3	166.3	Tons	2.3	California
Small White Beans	3	125	Cwt.	23.4	Washington
African Violets, Potted	3	840	Pots	7.1	California
Carrots	4	1,664	Cwt.	7.3	California
Non-Fat Dry Milk	4	105,938	Lbs.	7.6	California
Snap Beans, Processing	4	48.6	Tons	6.9	Wisconsin
Other Lilies, Potted	4	40	Pots	4.5	California
Grapes	4	51	Tons	.9	California
Sugarbeets	5	2,325	Tons	10.3	Minnesota
Alfalfa Hay	5	5,040	Tons	5.9	Wisconsin
Peaches	5	55,000	Lbs.	4.7	California
Pears	5	8	Tons	1.1	California
Floriculture	5	74,793	Dollars	4.4	Florida
Poinsettias, Potted	5	2,545	Pots	2.6	California
Milk	6	5,568,000	Lbs.	3.9	Wisconsin
Butter	6	45,608	Lbs.	3.7	Wisconsin
Creamed Cottage Cheese	6	36,071	Lbs.	5.0	New York
Spearmint	6	92	Lbs.	4.0	Washington
Strawberries	6	163	Cwt.	1.6	California
Cauliflower	6	98	Cwt.	1.5	California
Oats	7	26,130	Bushels	5.0	S. Dakota
Onions	7	2,535	Cwt.	5.7	California
Corn, Sweet	7	780	Cwt.	5.0	Florida
Ice Milk	7	11,609	Gallons	3.9	California
Mink	7	166.5	Pelts	4.0	Wisconsin
Corn for Grain	8	286,650	Bushels	3.2	Iowa
Corn for Silage	8	4,590	Tons	4.5	Wisconsin
All Hay	9	5,705	Tons	3.8	Wisconsin
Ice Cream	9	35,334	Gallons	3.9	California
Rye	9	651	Bushels	3.2	S. Dakota
Pinto Beans	9	64	Cwt.	.8	Colorado
Lettuce	9	300	Cwt.	.5	California
Potatoes	10	15,136	Cwt.	3.7	Idaho
Milk Sherbet	11	1,524	Gallons	3.2	California
Tomatoes, Fresh Market	11	320	Cwt.	1.1	Florida
Hogs and Pigs ¹	12	1,190	Head	2.3	Iowa
Winter Wheat	12	45,000	Bushels	2.5	Kansas
Eggs	13	1,693,000	Eggs	2.5	California
Turkeys	16	2,300	Birds	1.2	N. Carolina
Soybeans	17	34,560	Bushels	1.6	Illinois
Cash Receipts from Marketings	19	2,966,529	Dollars	2.1	California

¹ December 1 inventory.

residence) have resulted in the unnecessary and premature retirement of thousands of acres of prime and other farmland from agricultural production. Over time, these splits make it difficult for farmers to continue farming, and result in land use patterns that are difficult to service.



Often the result is unnecessarily high public service costs and controversies over proposed incompatible adjacent land uses. New nonfarm residents often demand more services such as road improvements; trash pick-up; better ambulance, police and fire protection; public sewer and water; even street lighting in areas that previously had required a relatively low level of municipal services and expenditures. If these public services and facilities are provided, higher property taxes are likely to result.



Planned development, on the other hand, is potentially much less expensive, more efficient to provide with ser-

vices, and better able to protect valued community preferences than sprawl or unplanned growth.

A recent study completed by the American Farmland Trust entitled **Density-Related Public Costs**⁶ documents the magnitude of these costs. In the communities studied, for every \$1.00 in taxes collected from farmland and open space, \$0.11 was required for public services. This contrasts sharply with the revenue/expenditure pattern for low-density residential development: for every \$1.00 in taxes collected from residential development, \$1.28 was required for municipal services. Despite the commonly held view that residential development broadens the tax base, **sprawling residential development often does not pay its own way**. In contrast, compact subdivisions adjacent to existing public services are not likely to unfairly shift the tax burden to farmers if they have been planned for.

It is not uncommon for property taxes on farmland adjacent to nonfarm development to increase dramatically as the public costs to service nonfarm residential units rise and as agricultural fields begin to be viewed as development sites.

Reduce Conflicts Between Neighbors

People often move to rural areas in search of a quiet countryside atmosphere, only to discover that common agricultural practices involve large noisy machinery, odors and dust. Additionally, some farmers face increasing vandalism to their crops and equipment resulting from larger numbers of people in close proximity to their operations. Homeowners' pets may frighten livestock or tear up freshly planted crops. The conflicts and tension that result have caused lengthy and expensive legal battles between farmers and nonfarm rural dwellers.

A *Right to Farm* law was passed by the Michigan legislature in 1981 to clarify the legal rights of farmers in using *generally accepted farm practices*, even when those practices result in noise, dust and odors. Although this law has not reduced land use incompatibilities, it has reduced the number of lawsuits between farmers and nonfarmers.

The proliferation of nonfarm uses in farming areas and the resulting incompatibilities between them is partially a result of the failure of local officials to recognize that farming is a critical part of Michigan's **agriculture industry** and therefore, fundamental to the economic base of the region and the state. State and local efforts are needed to protect and enhance agricultural activities.

Like other **industries**, common farming operations often require irregular working hours, heavy machinery use and

the application of various chemicals. And like other industries, farming operations generate by-products. Just as it would not be appropriate to allow a residential subdivision to locate in or adjacent to an industrial park, neither should nonfarm residential development and scattered commercial businesses be indiscriminately allowed in an intensively farmed, agricultural **industrial** region.



Retaining Critical Natural Systems

Many communities view the protection of farmland as part of a larger program to protect natural environmental systems.⁷ For example, farmland protection results in the maintenance of rural lifestyles, woodlands, and open spaces and some local leaders recognize that large expanses of open land enhance the image of their community. These areas also serve as important wildlife habitat.

But the environmental importance of farmland and open space extends beyond image and aesthetics. For example, groundwater recharge and floodplain functions are also very important.

Groundwater Recharge Areas

Water which filters through and is stored below ground in geologic formations called **aquifers**, is groundwater. An aquifer may supply water to wells, lakes, streams and wetlands. Almost half of Michigan's residents depend on groundwater as their source of drinking water. Commercial, industrial and agricultural activities use enormous quantities of groundwater as well.

The quantity of water that an aquifer receives is largely dependent on the availability and characteristics of **groundwater recharge areas**: *land surfaces with specific soil types and geologic features which readily permit sig-*

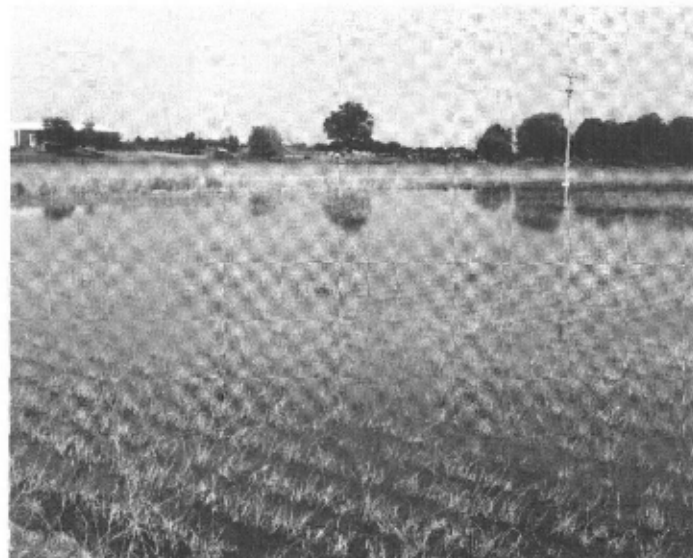
nificant amounts of surface water to move down (infiltrate) into the groundwater system.

Because of the sensitivity of these recharge areas to contamination and the valuable function they perform in maintaining the quantity and quality of groundwater, many structural land uses on or adjacent to these areas should not be permitted. For example, paving over these lands for residential or commercial purposes would obviously prohibit their recharge function. Other examples of inappropriate land uses in close proximity to groundwater recharge areas include petroleum storage, large animal feed lots and intensive agricultural operations with high fertilizer, pesticide and other chemical use. The delicate nature of recharge areas suggests that they be used for low intensity activities such as open space, recreation, forestry, livestock grazing, and the production of hay.

For assistance in locating the groundwater recharge areas in your community, consult your County Planning Department, your local Soil Conservation District and/or Cooperative Extension Service personnel.

Floodwater Retention

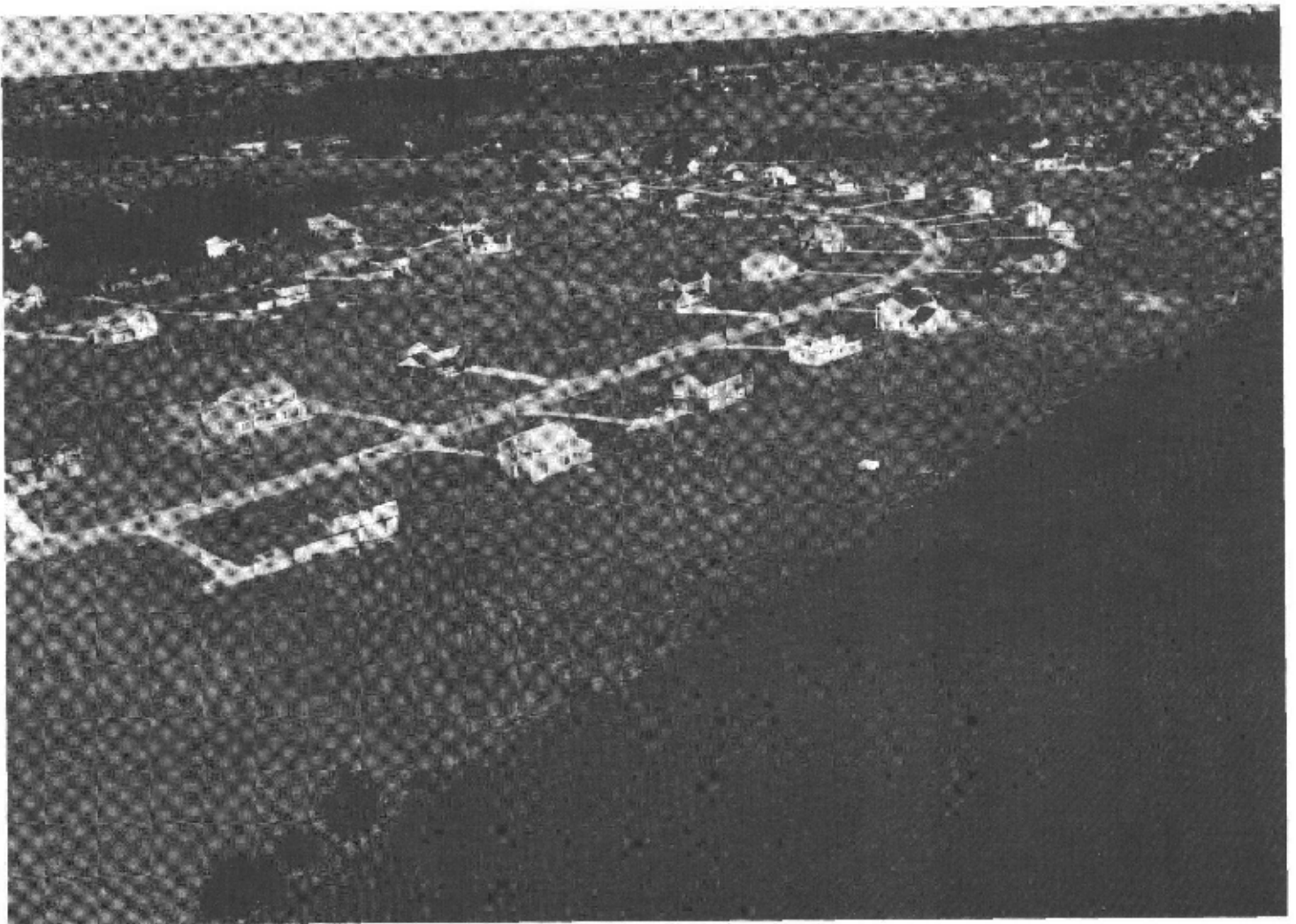
Farmland, wetland and other open space lands are capable of absorbing large amounts of water that may otherwise contribute to downstream flooding and high overland flows during and following periods of high water levels caused from rain or snow melt.



Paving these lands with residential, commercial and industrial development creates large areas of impervious, or hard surfaces. The likelihood of flood damage is increased, particularly if the development occurs in flood plains. By its very nature, agricultural land is free of hard

impermeable surfaces and functions well as a temporary floodwater storage area.

These examples demonstrate that protecting farmland and other open spaces not only protects the agricultural economy and promotes compatible adjacent land uses, but serves crucial environmental purposes as well.



Chapter Two

PROTECTING FARMLANDS: A PLANNING PROCESS

This Chapter emphasizes the importance of a systematic planning process designed to prepare the necessary foundation for a successful agricultural protection program. It focuses on the active involvement of the farm community, the need to build flexibility into the program, and the need to provide for conversion of some farmland for other uses in appropriate locations. The basic elements of a valid agricultural zoning ordinance are presented. The importance of monitoring after a program is established is also emphasized.

Ensuring the Success of Agricultural Zoning

Developing and implementing a successful local farmland protection program requires patience, effort, foresight and the involvement of diverse interests. Listed below are several important guidelines to be followed in developing and implementing a successful program.

Careful planning is the first step. A systematic process should be followed beginning with the establishment of concrete goals and objectives. This should be done with broad public input.

Involve the Community

Since farmers are one of the principal groups directly affected by agricultural zoning, their participation in the planning process is crucial. Experience shows that the most successful local farmland protection programs had the participation and cooperation of the farming community from the beginning.⁸ No one wants to be told what to do with his or her property by "the officials", but if farmers are made aware of the benefits of agricultural zoning (i.e. lower property assessments than might otherwise have occurred, compatible adjacent land uses, etc.) and are involved in the decision-making process, prospects for widespread acceptance and support of the program will increase dramatically. Popular support of farmland pro-

tection is likely to be highest in communities with large numbers of full-time farmers. This is because the perceived benefits and the commitment to farming are often greater in communities with large numbers of full-time farmers.

Involving the farming community extends beyond participation by farmers. Gaining the interest and expertise of Cooperative Extension Service personnel, soil conservationists, assessors, boards of review and farm organizations are also important to provide both common sense input and political support.



In order to gain further community awareness and to solicit public comment on lands proposed for protection, frequent public hearings on the progress of the farmland protection program should be held. All media coverage should be welcomed, as this public exposure may solicit new information and foster greater public awareness and support.⁹

Build Flexibility Into the Program

Most agricultural landowners will not respond enthusiastically to a plan or ordinance that does not allow for any development whatsoever. While most farmers are not interested in paving over their corn fields for condominiums, many do wish to be able to provide land for housing for relatives or farm workers. Some may even be interested in selling select parcels on poorer soils for development. Allowing for carefully designed and monitored development in agricultural zones makes for a more palatable program and does not, in and of itself, seriously impair the purpose of the zone. Examples of several zoning tech-

niques with specific language that allow for limited nonfarm development are provided in Chapter Seven.

Provide for Development

In order to meet the needs of growing communities, some land must be available for intensive nonfarm development. These lands will need public facilities such as roads, sewer, water and lighting. Most communities concerned with protection of agricultural lands allow development in areas that are already supplied with these services or in areas to which these services could be efficiently extended. Some communities regulate development to coincide with the availability of municipal services. In other words, development is not allowed in an area until sewer and water extensions have been made. A strong farmland protection program needs to identify lands not needed for agricultural production, as well as those that are especially well suited for it.

Adding Farmland Protection to the Master Plan

Identifying which lands are best suited for agricultural or nonagricultural use is not an easy job, but it is a critical step in developing a farmland protection program. Appendices A-C present information useful in the identification of prime and unique agricultural lands while Chapter Three presents information useful in identifying farmlands subject to threat of conversion.

Once the agricultural lands proposed for protection have been identified and mapped, they should be included in the text of the master/comprehensive/future land use plan. Statements as to the goals, objectives and policies of the community toward farmland protection also need to be included in the plan. These statements should be coordinated with related sections of the plan, including public works, land use, transportation, housing, and open space. In the next column is an example of goals and objectives that have been developed in one community to protect agricultural land.

Draft a Valid Zoning Ordinance

Once the lands to be protected have been included in the master plan, they need to also be carefully documented in both the text and map of the zoning ordinance.

In drafting the zoning ordinance language, it may be useful to review the texts of similar agricultural zones adopted by other communities. You may want to rely on the four different agricultural zoning techniques included in Chapter Seven. However, it is important to **avoid copying** any ordinance text without careful review, since each community will have unique characteristics to consider. Instead, use only that material which is relevant, while in-

corporating original wording and standards to address specific community concerns.

The statement of purpose should be carefully worded to identify **agricultural goals** and be related to the comprehensive plan. The list of permitted uses should be explicit and complete. For agricultural protection zones, the list of permitted uses should be limited to farming, agricultural uses and a few nonfarm dwellings. Churches, power stations, airports and other nonagricultural uses should be either excluded or listed as special exception or conditional uses which are allowed only when certain standards are met. Likewise, largescale livestock operations and feedlots should also be made conditional uses so that control over location and environmental impacts can be retained.

Goals Example (also see Appendix E)

LEELANAU COUNTY AGRICULTURAL GOALS

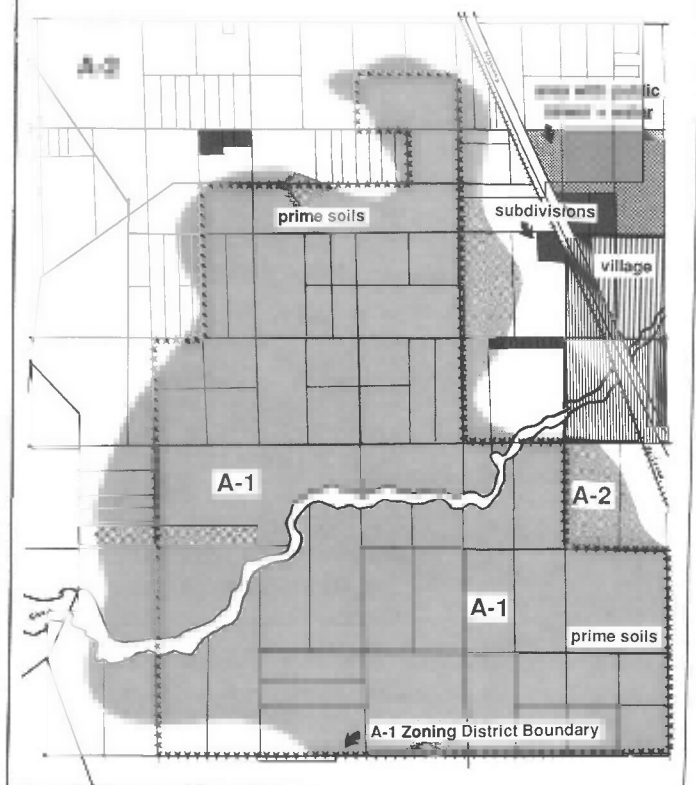
Goal Encourage the maintenance of a viable agriculture, where economically feasible, in existing agriculture areas.

Objectives Provide opportunities, methods or controls to assure:

- preservation of prime agricultural lands of economic importance of the county.
- development of marginal agricultural lands for other uses such as forestry, recreation or open space and conservation.
- appropriate and orderly residential development in agricultural areas by discouraging high density, premature, scattered or sprawling development of agricultural lands.
- quality of water and air resources

Boundary lines of the relevant agricultural zones must be meticulously drawn on the zoning map so that property owners can determine if their properties are in the farmland protection zone. Aerial photographs are often useful in assisting with this task. The exact number, location and type of structures in place on each parcel when the ordinance is adopted, must also be recorded for several of the techniques in Chapter Seven.

DELINEATING THE AGRICULTURAL ZONING DISTRICT



Avoid Legal Problems

The ultimate success of a zoning ordinance may be dependent on its legal validity. Once the text and map are prepared, they should be reviewed by a lawyer well versed in land use law. Following are some guidelines to minimize the likelihood that your ordinance will be overturned by a court.

Compliance With the State Zoning Enabling Act

The state of Michigan has delegated zoning authority to local units of government through the County Rural Zoning Enabling Act, P.A. 183 of 1943, and the Township Rural Zoning Act, P.A. 184 of 1943. These acts specifically authorize the adoption of zoning regulations "to meet the needs of the state's residents for food, fiber, energy and other natural resources..."

These enabling acts also set forth procedures that must be followed in granting special land use permits, enacting or amending a zoning ordinance and for other zoning activities. Lack of compliance with these procedures may result in a zoning action being declared invalid.

Presence of a Master Plan Which Identifies Prime and Unique Farmland

If an agricultural provision of a zoning ordinance is legally challenged, the court will be looking for documentation of a rational basis for the boundaries of the agricultural district and for technique employed. **The community's master or comprehensive plan is the single best place to find this support.** The portion of the plan focusing on agricultural protection should be based upon stated criteria which are technically and economically defensible. These would include **soils capabilities, existing land uses and the presence or lack of necessary public services and facilities.** The information gathered and mapped based on these criteria will show the lands most suitable for protection as well as those most suitable for nonfarm development.

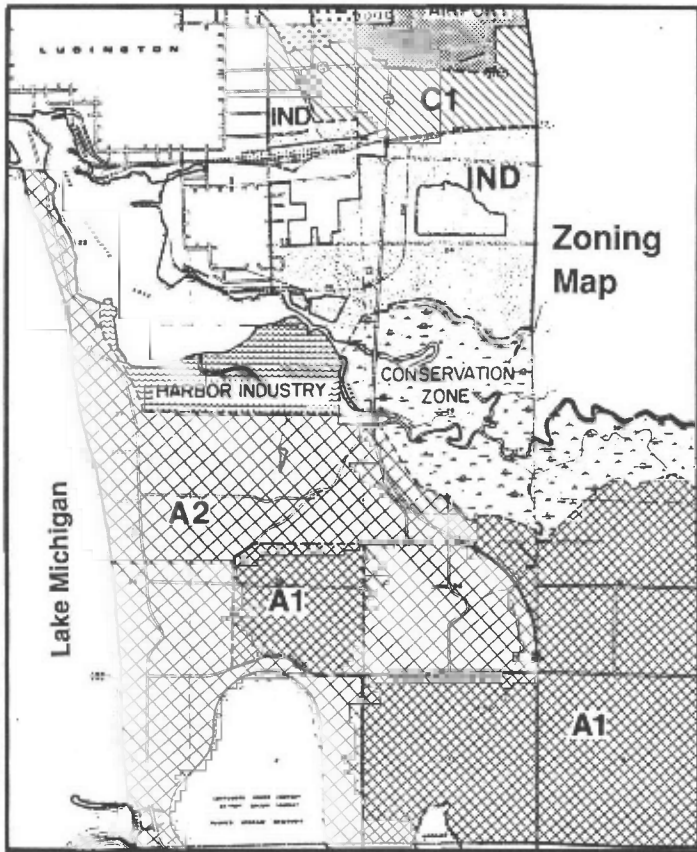
The presence of a plan with clearly documented and defensible technical criteria demonstrates that the governmental unit did not establish protective agricultural districts arbitrarily. A sound master plan represents concern for the full spectrum of agricultural, residential, commercial and industrial needs of the entire community. This is accomplished by retaining as farmland those lands most efficiently suited to agricultural production and encouraging nonfarm development in those areas most able to accommodate the corollary demands for public services such as road improvements; trash pick-up; sewer and water service; street lighting; and fire, police and ambulance service.

Ability to Withstand a "Taking" Challenge

Restricting land use often creates a disparity between the agricultural value of the land and its value for nonfarm development. If the public harm avoided by land use regulations is small in comparison to the loss of private profits, the ordinance may be declared unconstitutionally confiscatory.

However, local governmental units can constitutionally regulate land to promote the general welfare of the community as long as the zoning regulations do not preclude all economically viable uses of the land. Agricultural zoning should not present a confiscation problem as long as farming is economically viable in the areas designated for agricultural use.

In addition, an ordinance will have a greater chance of withstanding a taking challenge if other considerations, such as the protection of wetlands or groundwater, have also been adequately considered.



Ability to Withstand an "Exclusionary" Challenge

A municipality that seeks to prevent development of its agricultural lands without making adequate provision for all types of housing on nonfarm lands may face an exclusionary zoning challenge. Recent litigation on both coasts has resulted in courts declaring that municipalities must accommodate a *fair share* of the regional demand for low and moderate income housing. Chances of withstanding an exclusionary challenge will improve if the plan has specific documentation showing that a significant portion of the farmland in the agricultural districts is not suitable for other nonfarm uses. Reasons may include lack of available public services and facilities.

Monitoring

Implementing a legally sound zoning ordinance based on a carefully developed plan takes effort and time, but simply having the ordinance does not guarantee a successful program. In order for a farmland protection program to be effective, a mechanism for monitoring and enforcing the provisions of the program needs to be established.

Many communities that adopt agricultural zoning appoint a special commission whose sole responsibility is monitoring the agricultural preservation program. These commission members then become the local *experts* on maintaining farms and farmlands. Any activity that affects

land in the agricultural district is reviewed by this special commission which then forwards recommendations to the planning commission. This approach may avoid putting undue stress and responsibilities on already full schedules of planning commissions or staff.

Summary

In closing, let's quickly review the guidelines presented in this Chapter to contribute to the success of a local agricultural lands protection program:

1. Establish the goals and objectives of a farmland protection program.
2. Involve farmers, leaders of the agricultural community and the general public to build widespread community acceptance and political support.
3. Don't put farmers in a "straight jacket"; allow some development flexibility.
4. Provide adequate space for nonfarm land use such as residential, commercial and industrial development in areas where adequate public services are available.
5. Establish a separate section of the master or comprehensive plan where prime and unique farmlands are identified and policies for protection are established.
6. Draft and adopt a legally valid zoning ordinance.
7. Monitor and enforce the provisions of your agricultural zoning district.

Chapter Three

CRITERIA TO CONSIDER BEFORE ADOPTING AGRICULTURAL ZONING

This Chapter presents six important factors and sources of information that can be examined to help establish a farmland protection program. These factors include the quality of the agricultural land resource, the number of recent parcel splits, sprawling development trends, population increases, and the rising costs of public services.

Quality of Farmland and Economic Importance of Agriculture

As stated earlier, there are a variety of reasons townships and counties may have for developing and implementing agricultural protection programs. Two important ones are the quality of the agricultural resource base and the importance of agriculture to the local economy. Appendices A, B, and C include useful information on each of these factors for many counties and townships in Michigan.

Map 1 in Appendix A illustrates those counties for which Important Farmlands Maps (IFM's) have been prepared. IFM's show the geographic location of prime and unique farmland based on the application of uniform technical data. They are very useful for identifying important farmlands in individual counties and townships. IFMs are available from local Soil Conservation District field offices. Unfortunately, several of the high agricultural value counties do not yet have a published IFM.

While these important farmlands maps are extremely useful, there are other methods that can be used to determine the quality of the agricultural resource. One way to gather this information is to consult the experts in your county such as personnel from the Soil Conservation District, Cooperative Extension Service and Farm Bureau.

Map 2 in Appendix B shows the market value of agricultural products sold by Michigan counties, based on 1982 Agriculture Census data. It illustrates the wide range of value of agricultural products across the state.

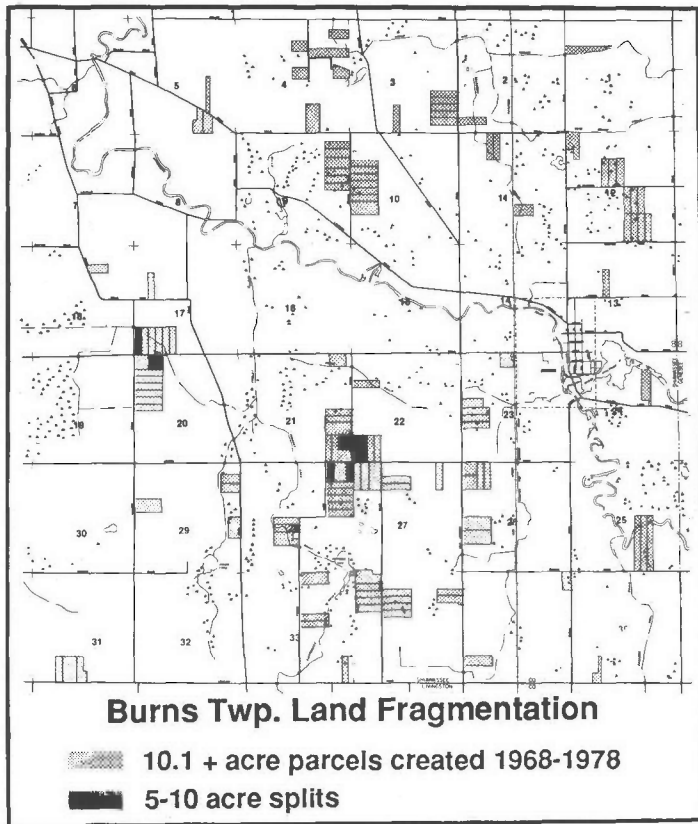
Appendix C is a table which lists two important factors. First, it identifies counties in which there was more than \$10 million in agriculture products sold in 1982. Second, it lists townships by county in which greater than 50% of the farmland is classified as prime and/or 10% or more is classified as unique by the Soil Conservation Service, USDA. The percent of prime and/or unique farmland was estimated based on the Important Farmlands Maps prepared by the USDA Soil Conservation Service (described above). Counties and townships without an IFM are also listed in Appendix C.

Counties in Appendix C are organized into groups based on the value of agricultural products sold. For example in Group 1, Royalton Township, Berrien County has greater than 50% of its farmland classified as prime and greater than 10% of its farmland classified as unique. Berrien County, by virtue of its listing in Group 1, had a gross agricultural product value of greater than \$60 million in 1982.

The data in Appendices A-C have been provided to draw attention to the high value of the agricultural resources in these areas and to encourage agricultural zoning as a means to protect this precious, finite resource. However, this information should be used only as a guide. Communities without a lot of prime farmland or whose agricultural yield is less than that represented by these data may still wish to pursue a farmland protection program in order to encourage planned development, discourage urban sprawl, retain a rural character, or protect a small area of important farmlands.

Parcel Splits

The number and location of parcel splits that have occurred within the past five years in the agricultural areas of your township or county gives a good indication of the extent of farmland conversion to other uses. This information is readily available from the Township Assessor. It should be collected and mapped. See example from Burns Township, Shiawassee County, on the next page. Some areas of the state have experienced a number of illegal land divisions under the Subdivision Control Act of 1967, PA 288. Only four divisions under 10 acres in size from a single parent parcel are currently permitted within a 10 year period. Divisions of greater than ten acres are exempt. The County Prosecutor's office should be contacted about illegal divisions in your community. As of January 1987, the Michigan Legislature is considering major changes to PA 288, which if enacted, would dramatically alter regulations concerning the number and size of land divisions. If enacted, these changes will also authorize communities to have much greater control over the form of parcel splits.



Sprawling Development

It is also important to know the geographic distribution of residential development in your area in order to determine the extent of sprawl. This can be determined by counting the number of new apartment buildings and new single and two-family dwelling units that have been constructed outside of platted subdivisions in the previous five years. Development in platted subdivisions should also be identified, but separately. Again, all new units should be documented and mapped.

A graphic representation of where new dwellings have been erected is easily accomplished. Just place a pin with a colored head, or a thumb tack, representing each new dwelling unit, on a map of the township or county. Use a different color for each year, or multi-year period illustrated, or for each type of dwelling unit.

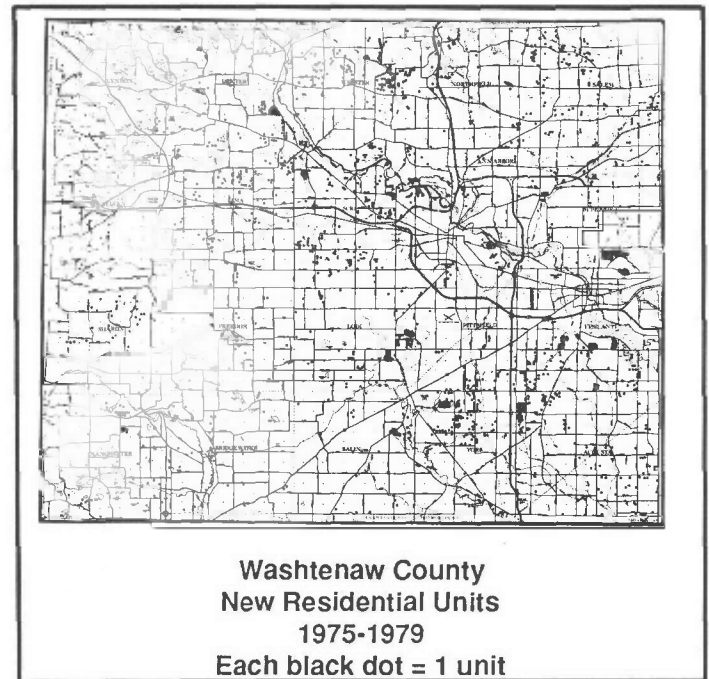
Other Development Pressure

Pressure to convert farmland is not restricted only to residential development. It is therefore important to inventory the size, number and location of new shopping centers, restaurants, airports and other commercial and industrial development in agricultural areas. The mapping of the geographic locations of these new businesses further assists in determining where pressure to convert farmland to other uses is greatest or imminent.

Population

Population growth also represents (in the aggregate) pressure to convert farmland to other uses. If there has been a large percentage change in population between 1970 and 1980 (and between 1980 and the current year), it is important to determine where that population growth is occurring. In particular, it is important to know if it is occurring primarily in high density subdivisions or if it is spread throughout the community.

If your community is experiencing high population growth and extreme development pressure, it is important to begin the agricultural protection planning and regulation process immediately. On the other hand, if there is minimal population and development pressure, an effective, defensible plan can be developed without rushing the passage of restrictive regulations.



Costs of Sprawl

The increased cost of providing desired or necessary public services to sprawling development, otherwise known as the *costs of sprawl*, may be a precipitating factor in the development of an agricultural zone.

Your community may already be feeling the financial strain of providing previously unneeded paved roads, sanitary sewer services, trash collection and other public services to outlying residences. Planning for growth and designating appropriate areas as primarily agricultural will help to control the unexpected growth of these costs.

Publications providing information on how to perform a fiscal impact analysis are listed in Appendix F.

than nondiscretionary as in the above example). It is also a *special land use* permit approach. Nonfarm uses may or may not be permitted by the zoning authority whose decision is typically based on whether the use meets the purposes of the zone; whether it is compatible with surrounding uses; whether it adversely affects environmental areas; and how much it would add to public service costs.¹⁰ The conditional use aspect of this technique sets it apart from techniques such as sliding scale and quarter/quarter where nonfarm dwellings are permitted uses as of right.¹¹

Chapter Four

SELECTING A ZONING TECHNIQUE TO PROTECT FARMLAND

The particular zoning technique that a community selects for protecting farmland should be based on a variety of factors including land development patterns, parcel sizes and unique local concerns. Following are descriptions of five different agricultural zoning techniques, and the circumstances under which they are most likely to succeed.

Point/Numerical Approach

The point system or numerical approach permits nonfarm uses on a case-by-case basis, relying on specific standards to gauge the impact of the proposed land use on farmland.

No especially noteworthy cases involving a state or federal supreme court decision on this type of approach have been identified. Nevertheless, this approach is statutorily authorized in Michigan under the name *special land uses*. Special land uses, also known as conditional uses, are permitted when the standards for review and approval listed in the ordinance have been met. These standards must be reasonable and necessary to achieve legitimate public objectives. No Michigan community has been identified which has adopted this approach, although Eaton County has given it consideration.

The Soil Conservation Service, USDA, has developed a decision-making tool which resembles this technique called the Land Evaluation and Site Assessment (LESA) system. For more information on this approach to making land use decisions, contact your local Soil Conservation Service District Conservationist.

Conditional Use

This more typical approach permits nonfarm uses on a conditional basis relying on discretionary standards (rather

The authors of this guidebook have chosen not to include an example of this technique because of the difficulty in ensuring that in the application of discretion, appropriate care would be given to a full consideration of all relevant factors, and to equal treatment of all applicants. Examples of this approach can be found in various townships in Allegan County and other jurisdictions in Michigan.

Sliding Scale

The number of buildable lots allowed under the sliding scale approach is set by a scale which considers the total size of the parcel owned. Smaller parcels are actually allowed more lot splits proportionate to total acreage than are larger parcels.

This approach works best in areas with a wide range of parcel sizes and when landowners participate in setting the dimensions of the scale.

Further refinement of this technique is achieved by establishing a minimum and maximum building lot size. Establishing a maximum lot size (usually one or two acres) and encouraging nonfarm development on less productive land helps to keep prime farmland in agricultural use.

SCHEDULE OF DENSITY TABLE

Max. # of Additional Lots Permitted

Area of Lot of Record	# Lots
1 to 10 acres	1
10.1 to 20 acres	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
160.1 to 320 acres	6
over 321 acres	7

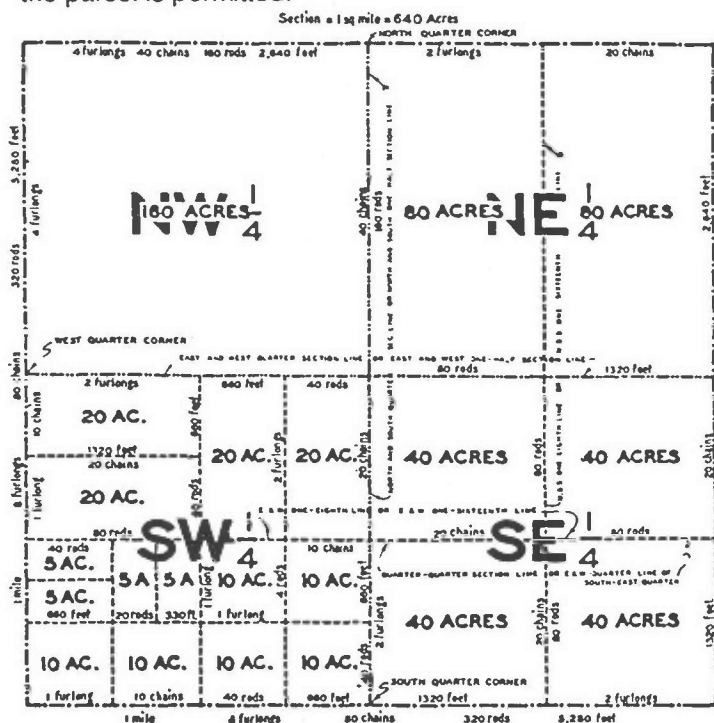
The sliding scale technique received a significant legal boost in April 1985 when the Pennsylvania Supreme Court upheld a sliding scale ordinance prohibiting more than 3 dwellings on a 43 acre farm parcel because of its *farmable size and the fertility of its soils*. The case is **Boundary Drive Association V. Shrewsbury Township**, 491 A.2d 86 (1985). Most important is the fact that this case came after an earlier case involving a slightly different sliding scale approach which the Pennsylvania Supreme Court had rejected.

In a related case in Pennsylvania, an appellate court reversed the trial court's decision which had concluded that "*a municipality cannot require minimum lot sizes greater than 10 acres*", in reference to a private landowner's challenge of a sliding scale ordinance. The case is **Codorus Township V. Rodgers**, 492 A.2d 73 (1985). The appeals court concluded that "*preservation of agricultural land is a legitimate zoning purpose and that the ordinance provisions are rationally related to that goal*."

At the time of this publication, Saline Township in Washtenaw County is apparently the only community using the sliding scale zoning technique in Michigan.

Quarter/Quarter

Under quarter/quarter zoning, each landowner is entitled to one lot per 40 acres of farmland. Once the farmer has converted the lot or lots he or she is entitled to, it becomes a matter of record and no further nonfarm development on the parcel is permitted.



This approach works best in rural areas with large farming operations and where the average parcel size exceeds 40 acres. Further refinement of this technique is achieved by the use of a set of standards which govern setbacks and lot size.

Quarter/quarter zoning is being used throughout Michigan due to the ease of development and administration. Administering this technique can be as easy as laying a quarter/quarter grid over a township map and marking the location of each nonfarm residential building permit. In addition, the farmer may house farm laborers on his land by special permit and still be within the zoning standards. Examples of quarter/quarter zoning in Michigan can be found in the counties of Branch, Ingham, Kent, Shiawassee and Wayne.

Exclusive Agricultural Zoning

This technique prohibits all nonfarm dwellings in the agricultural zone, and severely restricts other nonfarm uses. Cass, Manistee and Marquette Counties have some townships currently using exclusive agricultural zones.

The most significant exclusive agricultural district litigation involved the case of **Wilson V. County of McHenry**, 416 NE2d. (1981). In this case, the Illinois court upheld a 160 acre minimum lot size in an agricultural zone that was prepared pursuant to a comprehensive county plan that sought to protect important farmlands.

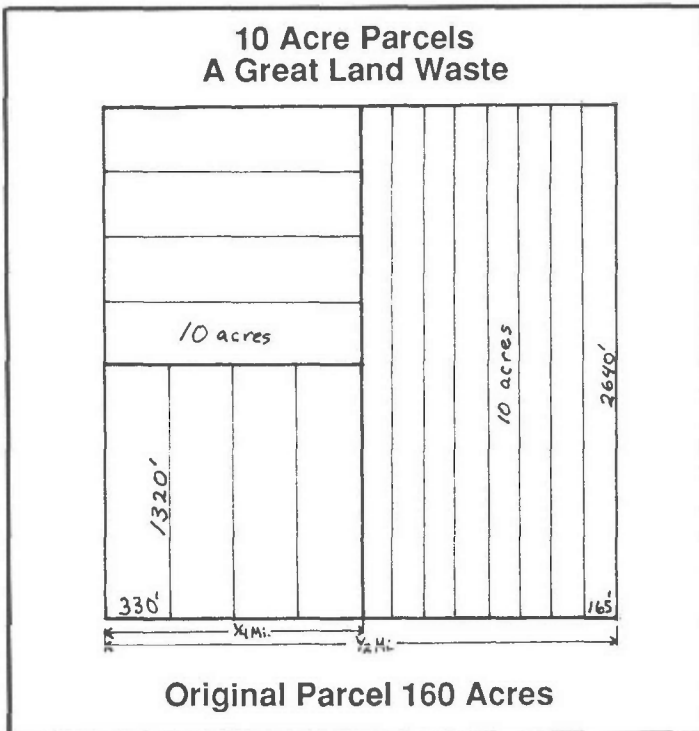
Large Lot Zoning - Some Drawbacks

So called *large lot zoning* is one of the oldest and is the most widely used technique to protect farmlands. It is supposed to work by establishing what is considered to be a large minimum acreage requirement (usually 10+ acres) for a nonfarm rural residence.

An example of a zoning ordinance that uses the large lot technique has not been provided in this publication, because the authors feel that this technique has actually encouraged the unnecessary and premature conversion of thousands of acres of Michigan farmland. The reason for this is that many Michigan townships which adopted large lot zoning in the 1970's established a minimum lot size for a nonfarm rural residence of **only** ten acres.

Planning and zoning officials theorized that such a high initial investment would discourage would-be rural dwellers from moving to agricultural areas. In fact, this theory often backfired and merely encouraged people to purchase more acreage than they would have preferred. A land use pattern based on ten acre lots results in the idling of a large amount of land. A home and large lawn

often occupy one acre and the balance of the lot is frequently left vacant and unused, since nine acres is not a viable agricultural unit in most areas.



Additionally, the application of this approach is rarely based on a thorough knowledge of which lands are prime or unique. Instead, the large lot technique often is used in conjunction with long "*permitted by right*" use lists that treat agricultural zones merely as **holding zones** rather than as important agriculture industry zones worthy of special protection from incompatible uses.

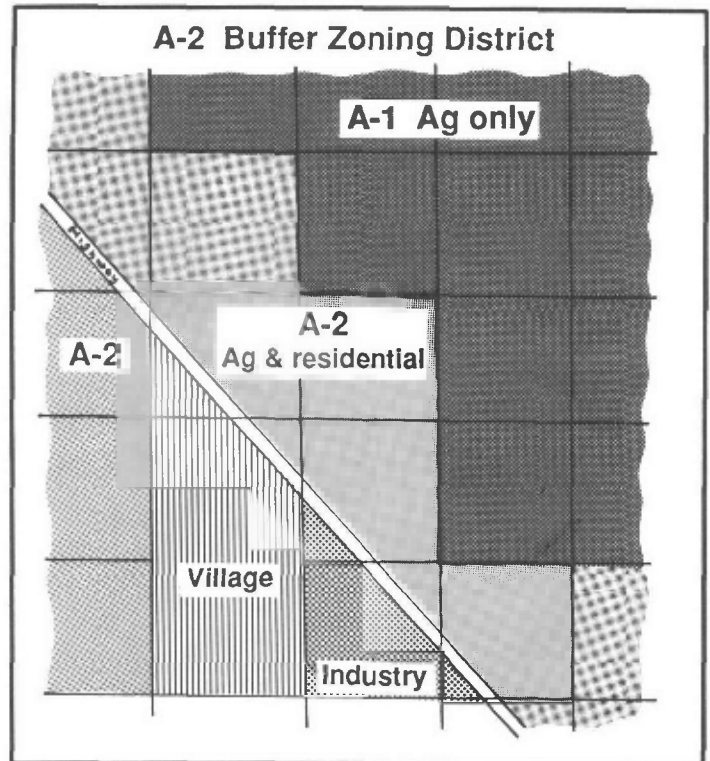
However, the large lot technique can be a successful farmland protection tool if it is used in conjunction with the conditional use approach and a sufficiently large minimum lot size is established. In fact, both the quarter/quarter and exclusive agricultural districts could be considered *large lot* approaches. The minimum lot size selected should be large enough to support a viable agricultural operation. For a cash crop operation in Michigan, the lot size should not be less than 40 acres. Truck farms and specialty crop operations may however, succeed with somewhat less acreage.

Buffer Zoning Districts

Including an additional *buffer zoning district* in the zoning ordinance may be beneficial in preserving the long-term integrity of the agricultural production district, particularly if the quarter/quarter or exclusive technique has been chosen. Buffer districts provide country living opportunities

while minimizing incompatibilities between commercial agricultural production and urban land uses.

The number and placement of buffer districts will vary according to the preferences and circumstances of individual communities. A simple buffer district could be situated adjacent to the exclusive agricultural district on farmlands that are productive, but not classified as prime, unique or essential. This buffer district could then allow single family homes on specified lot sizes while still permitting continued agricultural production. The A-2 Agricultural Zoning District in Chapter Seven is intended to be used as a buffer district.



Chapter Five

SUPPLEMENTARY TOOLS

Once agricultural zoning is in place, other farmland protection techniques often become attractive to landowners subject to the zoning restrictions. These techniques can be used effectively in conjunction with agricultural zoning and may even help to compensate for an apparent loss of development value.

Relationship Between State and Local Farmland Protection Programs

States can play a vital role in the success of local farmland protection initiatives by declaring their commitment to the protection of the state's high value and irreplaceable farmland. Such a public declaration at the state level not only demonstrates consistency between state and local objectives, but provides a hospitable policy environment for local programs. The positions of local governments against political and legal challenges may be strengthened by a state-wide policy as well.

Governor James J. Blanchard made Michigan the eleventh state in the country to adopt such a state-wide farmland protection policy by signing Executive Directive 1986-2, Preservation of Michigan Farmland. This policy directs state agencies to more carefully monitor their own impacts on farmland conversion. In Blanchard's words, this state policy demonstrates *"the state's commitment to farmland preservation, and... serve(s) to further encourage local units of government to take actions to identify and protect agricultural land through land use planning and zoning techniques."* The adoption of the state directive will serve local Michigan communities well in their efforts to develop and implement farmland protection programs.

Growth Management Systems

A community seriously dedicated to the protection of its farmland must find a way to direct development away from productive agricultural land to areas where urban growth is most appropriate. A comprehensive growth management system, developed through sound planning and

combined with one or more of the techniques detailed in this publication, offers the best chance for successful farmland protection.

For example, some municipalities establish growth boundaries around existing urban areas to ensure a contiguous, cost-effective pattern of nonfarm development. The boundaries may be extended in a concentric fashion as predetermined densities are reached. Others place a limit on the total number of building permits issued each year or key approval of subdivisions to the availability of sewers, schools and other necessary public services. Following is a brief review of several state and local techniques that would fit well into an established growth management system.

Purchase of Development Rights

Full ownership of land, also known as fee simple ownership, can be defined as a set of rights or interests in the property. Such property rights include, but are not limited to, the right to sell; the right to use the land for agriculture and forestry; and the right to build structures on or beneath the surface, otherwise known as development rights.

State and local governments can protect high quality farmland parcels through the use of Purchase of Development Rights (PDR) programs whereby the development rights are purchased and then retired. The landowner is paid a one-time amount for the value of his development rights, defined as the difference between the fair market value of the land and its value solely for agricultural purposes. The closer a parcel is to urban areas and development pressures, the greater the value of the development rights - both in absolute value and as a percent of market value.

Since development rights apply to each specific parcel, as do all less than fee interests, their removal must be accomplished parcel-by-parcel and recorded with each deed. This places a perpetual lien on the property and is binding in all subsequent purchases. The terms of the restriction are enforceable by the unit of government holding the development rights.

In order for a voluntary PDR program to be successful, there must be definite incentives both for landowners to sell their development rights and for the public to purchase them. For farmers who wish to continue farming, the incentives are quite clear. The severance of the development rights may serve to lower property tax assessments to reflect reduced farm value and the sale of such rights provides ready capital. There may be additional estate or inheritance tax benefits as well. Public

support for such programs is usually strongest in areas experiencing intense development pressure. In such jurisdictions, there is often a heightened awareness of the increased public service costs which accompany nonfarm development. There also tends to be a strong desire to preserve the community's cultural and aesthetic values, and to protect local sources of food production.

Currently, there are twelve PDR programs, either at the state or local level. The majority of these programs are in the northeastern states where intense nonfarm development pressure is competing for limited land resources.

In the late 1970s there was a major PDR initiative in Canton Township, Wayne County, Michigan. Although there was significant public support for this proposal, it was narrowly defeated at the polls, probably due to the additional millage proposed.

Communities are cautioned, however, that there is no explicit enabling legislation in Michigan which authorizes the purchase of development rights. Communities might justify such action on an "implied powers" argument, but are cautioned to proceed under advice of their own legal counsel.

The Michigan Legislature passed the *Farmland and Open Space Preservation Act*, Public Act 116 in 1974, providing tax benefits to landowners who sign a contractual agreement with the state to keep their land in agricultural use for a specific period of time, ranging from 10 to 99 years. In return for this development restriction, the owner is entitled to claim as a credit on the Michigan Income Tax form the amount by which the property taxes on the farmland under agreement exceed 7 percent of total household income. In a sense, this is a temporary purchase of development rights program. By the end of 1985, a total of 4.4 million acres had been enrolled in PA 116, and in 1985, the state paid \$75 million in tax credits and rebates to participating landowners. Enrollment in PA 116 often becomes a logical and valuable next step to landowners already subject to land use restrictions from agricultural zoning.

Transfer of Development Rights

Whereas development rights are purchased and retired under PDR programs, they are purchased and transferred for use in another location under Transfer of Development Rights (TDR) programs.

TDR programs are intended to maintain designated areas in agricultural or open space use while, at the same time, compensating the owners of the protected land for the loss of their right to develop it for nonfarm purposes.

A typical TDR system establishes both a preservation district and a development district. Landowners in the preservation district are assigned development rights, but are not allowed to develop their property. Instead, they may sell their development rights to landowners in the development district who may then use these rights to build at higher densities than allowed under current zoning guidelines.

Although this technique holds real promise, widespread adoption has not been achieved due to the complexity of administering such a program and the lack of enabling legislation in many areas.

Agricultural Districts

Agricultural districts are legally recognized geographic areas formed voluntarily by one or more landowners and approved by one or more government agencies. Districting programs are based on the premise that if farmers are given sufficient incentives to create districts in which farming is the only activity allowed, and if they are protected from many of the factors which make farming undesirable or unprofitable, they will keep their land in agricultural use.

In most programs, the districts are created for fixed but renewable periods of time ranging from four to ten years. In exchange for the landowners' agreement to place the property in an agricultural district, the owner is granted specific incentives and protection from various farmland conversion factors. Such incentives include differential assessment, protection from anti-nuisance ordinances, protection from adjacent non-agricultural development and protection from state agency regulations that interfere with farming.

Agricultural Districts in Cortland and Onondaga Counties, New York



During the 1986 legislative session, North Carolina became the most recent state to adopt an agricultural districting program. There are now fourteen such programs, either at the state or local level.

Conservation Easements--Private Action

Like any business, profitability and economic survival are critical concerns in farming. Yet one characteristic which sets farmers apart from other business people is their choice to work directly with the land. This choice reflects a commitment to a rural way of life that sustains important values such as the protection of the land and of the wildlife it supports. Donating an agricultural conservation easement over farmland to a qualified conservation organization such as the American Farmland Trust not only ensures that these features of the land will survive for generations to come, but often provides significant tax benefits as well.

A conservation easement is a documented agreement through which landowners may voluntarily restrict their land to a specific use such as recreation, forestry or farming in exchange for certain tax benefits. The American Farmland Trust (AFT) focuses on agricultural conservation easement transactions which restrict the land to farming and related uses.

Conservation easements are individually tailored to reflect each landowner's particular needs and situation. While agricultural easements generally restrict all nonfarm uses, limited development may be permitted to allow for the construction of an additional farm home or other farm related structure. The easement may apply to the entire parcel or to only a portion of the land.

A landowner who conveys an agricultural easement to AFT retains all rights essential to the continuation of the agricultural operation and all others which do not interfere with the ability to farm the land. The nonfarm development rights, however, are separated from the property and then retired. The landowner retains title to the property, the right to sell, the right to restrict public access, and the right to pass it on to heirs.

Rules governing tax benefits for donations of agricultural conservation easements are set forth in PA 197, the Conservation Easement law passed by the U.S. Congress in 1980.

The conveyance of an easement can reduce estate, inheritance, and federal income taxes if certain criteria established by the Internal Revenue Code are met. One such criterion states that "*the preservation of open space (including farmland and forestland)...must be pursuant to a*

clearly delineated federal, state or local governmental conservation policy." This criterion clearly demonstrates that the existence of local agricultural zoning can enhance private conservation opportunities by supporting the argument that an agricultural conservation easement donation qualifies for the federal tax deduction. Donations of conservation easements, whether during the landowner's life or by bequest, reduce the value of the farm upon which estate and inheritance taxes are computed, which may result in significant tax savings to heirs. The amount of the tax savings is based on the value of the easement which is based on the difference in the land's value before and after the easement restrictions are applied. These values must be determined by a qualified land appraiser.

In addition, under the Internal Revenue Code, conservation easement contributions are treated as charitable gifts. The value of this gift is deductible up to 30% of adjusted gross income in the year of the gift. If the value of the easement exceeds 30% adjusted gross income, the excess may be carried over and deducted in up to five succeeding tax years.

Contact the American Farmland Trust for more information on the benefits of contributing farmland easements (address on back cover).

Chapter Six

COMMUNITY PROFILE WORKSHEET

Following is a list of yes/no questions designed to assist communities in completing a unique community farmland profile. These questions **are designed to be answered by a planning commission** at a single meeting with participation by all present. These questions are reproduced on a single sheet in Appendix D for your convenience. Completion of this section will demonstrate:

- the value of your community's agricultural land base;
- if your community is experiencing intense, moderate or low development pressure;
- the geographic distribution of growth in your community; and
- current efforts to protect the farmland in your community.

The authors of this publication have chosen not to provide specific figures for the following criteria in order to provide flexibility in their application. Our goal is to encourage discussion among local officials and foster an increased community perception of the importance of agricultural land. Ultimately, this approach recognizes that, in the absence of federal and state benchmark criteria, it becomes the responsibility of local leaders to determine the importance of farmland in their jurisdictions and to set forth the appropriate level of farmland protection effort.

A) Value of the Agricultural Resource Base

- | | | |
|-----|----|--|
| Yes | No | 1. Does your community have a high percentage of total land area in prime and/or unique farmland? (See Appendices A and C) |
| Yes | No | 2. Are there a significant number of existing or proposed businesses that serve agriculture in or close to your community? |
| Yes | No | 3. Do local banks make a significant number of agriculture related loans? |

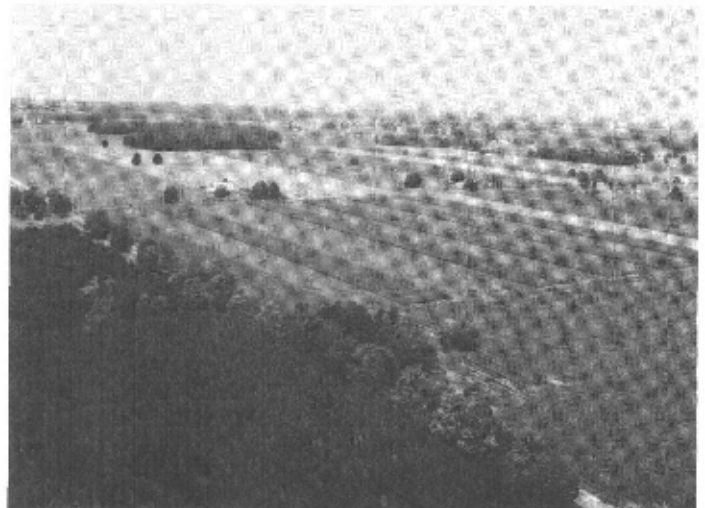
- | | | |
|-----|----|--|
| Yes | No | 4. Is there a significant contribution to your local economy from agricultural production? |
| Yes | No | 5. Is your township on Map 2, Appendix B or in Appendix C? |
| Yes | No | 6. Is 25 percent or more of total tax assessed valuation in your community classified as agricultural? |

Need to protect is low due to
to low value of farm resources

Need to protect is high due to
high value farm resources

0	1	2	3	4	5	6
# of Yes Answers						

Yes answers suggest that your community has an important agricultural economic base that needs protection if threats to convert this land to other uses exist. As the value of the agricultural resource base increases, the greater the rationale for restrictive zoning measures.



B) Extent and Magnitude of Development Pressure

- | | | |
|-----|----|---|
| Yes | No | 1. Has there been significant population growth in the past ten years in or adjacent to your community? |
| Yes | No | 2. Is there an established city or village within or adjacent to your community's political boundaries? |

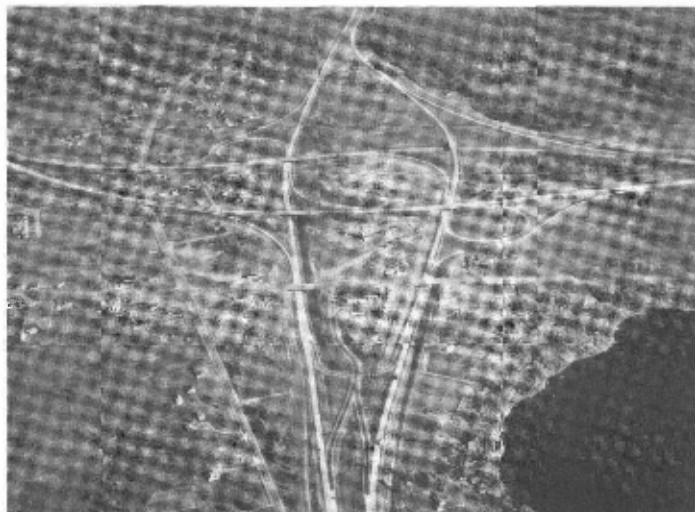
- Yes No 3. Is your community within one hour (travel time) of a major population center?
- Yes No 4. Is there a freeway or major state highway within or adjacent to your community?
- Yes No 5. Is there at least one major shopping center within or adjacent to your community?
- Yes No 6. Is there an existing or proposed employer in or adjacent to your community? (200 employees or more)
- Yes No 7. If yes to 6, is that major employer expanding its operation in or adjacent to your community?
- Yes No 8. Is there an Economic Development Corporation in your community working to attract economic growth?
- Yes No 9. Are municipal sewer and water services and facilities available anywhere in your community?
10. Has a significant amount of public money been spent in the previous five years to:
- Yes No a. Upgrade rural roads?
- Yes No b. Upgrade fire or police service?
- Yes No c. Upgrade utilities?
- Yes No 11. Have school enrollments been climbing in your community?
- Yes No 12. Are there significant natural features such as lakes, streams, etc., in your community that attract permanent or seasonal population growth and residential or resort development?

Need to protect is low due to
low development pressure

Need to protect is high due to
high development pressure

0 1 2 3 4 5 6 7 8 9 10 11 12 13
of Yes Answers

Yes answers suggest a likelihood that your community is either currently experiencing or may soon experience significant pressure to convert farmland to other uses. As development pressures increase, there are fewer opportunities for the most restrictive measures.



C) Geographic Distribution of NonFarm Development

- Yes No 1. Have there been a significant number of parcel splits in the agricultural areas of your community within the past five years?
- Yes No 2. Have the total number of residential parcels in your community increased significantly over the last five years?
- (For example, a 10 percent increase over 5 years translates into more than a 20 percent increase over a 10 year period - a rate which exerts considerable growth pressure.)*
- Yes No 3. Are the recent parcel splits predominantly eleven acres or less?
- Yes No 4. Are the parcel splits occurring primarily on prime or unique farmland?
- Yes No 5. Are the parcel splits primarily scattered in the less densely settled areas?

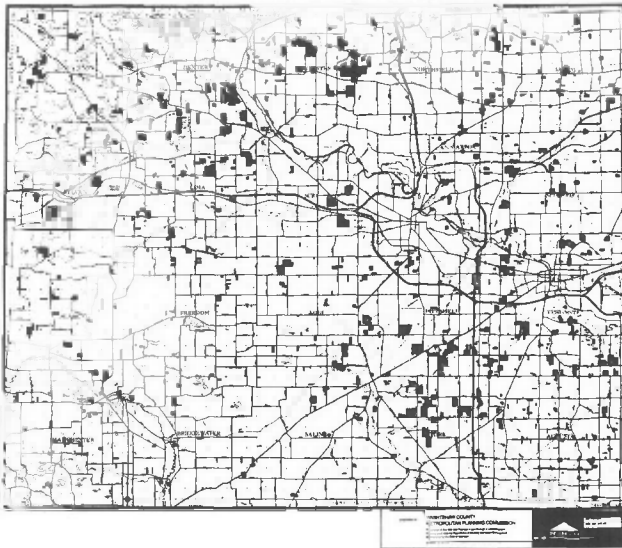
Yes answers suggest a likelihood that your community is currently experiencing significant conversion of high quality farmlands to non-agricultural uses. As property splits increase on prime farmland, the need is greater for more restrictive measures.

Need to protect is low due
to few parcel splits

Need to protect is high due
to many parcel splits

0 1 2 3 4 5
of Yes Answers

As nonfarm development scatters over a wide geographic area, there are fewer opportunities for restrictive measures.



Washtenaw County
Property Splits of
10 acres or less through 1979

D) Current Conditions

- | | | |
|-----|----|---|
| Yes | No | 1. Does the zoning ordinance in your community allow a variety of nonfarming activities in agricultural areas? |
| Yes | No | 2. Has there been a significant conversion of lands from farming to nonfarm uses? |
| Yes | No | 3. Has your community approved requests to rezone agricultural lands? |
| Yes | No | 4. Is a significant amount of the land which is classified as prime or unique in your community not enrolled in Michigan's Farmland and Open Space Preservation Act (P.A. 116)? |

- Yes No 5. Is a significant amount of land being held for speculative development in your community?

Need to act is low because
the threat is low or the
community/farmers have acted

Need to act is high because
the threat is high or
community/farmers or both
have failed to act

0 1 2 3 4 5
of Yes Answers

Yes answers suggest that current public and private efforts are not sufficient to protect prime and unique farmlands from conversion to other uses in your community.

CRITICAL FACTORS TO CONSIDER

In choosing a farmland zoning technique that is most likely to succeed, there are a number of factors which can help make the decision easier. The most important factors are parcel size and location of prime lands relative to specific development *generators* such as shopping centers, main highways, new utility extensions, airports, industrial parks, hospitals, etc.

Parcel Size

Where average parcel sizes are larger than 40 acres, the likelihood of a successful farming operation is enhanced. While smaller acreages can be profitable for specialty crops such as strawberries, most crop farming requires a larger parcel size. Where there is a wide range of parcel sizes, sliding scale will probably be the most effective and appropriate agricultural zoning technique.

Location of Development Pressures Relative to Prime and Unique Lands

Where prime and unique farmlands are associated with large parcel sizes and these lands are away from significant development generators, a very restrictive protection scheme is most appropriate. The quarter/quarter or exclusive agricultural zoning technique should be considered.

Greater attention needs to be paid to farmland conversion when prime and unique agricultural lands are close to development generators. A conditional use permit

approach or point system approach may offer the greatest potential in these situations.

Contiguous Prime and Unique Farmland

Very restrictive land use techniques such as the quarter/quarter or exclusive agricultural zones would be appropriate in an area with large contiguous prime and unique farmland parcels in order to protect and enhance large scale, unfettered farming operations. Conversely, communities with small scattered parcels of farmland adjacent to nonfarm development may find a flexible approach such as the point system, conditional use, or sliding scale techniques more appropriate to their situation.

Other Local Factors

There are other factors of local significance to consider in

making a choice between techniques. These include any history of unsuccessful litigation concerning particular farmland protection techniques, the degree of support of the farm community, the degree of local political support and the amount of land already enrolled in PA 116, the Farmland and Open Space Preservation Program.

Choosing a Technique

Table 2 attempts to generally indicate how these factors could affect the choice of a specific technique in a particular community. The zoning techniques closest to the point of the arrow are more likely to be appropriate for the factors indicated. Implicit in the table is that the most protective techniques should be chosen wherever feasible.

TABLE 2
FACTORS TO CONSIDER
WHEN CHOOSING AN
AGRICULTURAL ZONING TECHNIQUE

FACTORS

ZONING TECHNIQUES*

Less protective *More protective*
P.S./Num. **Slid.Sc.** **Qtr./Qtr.** **Exclus.**

General Physical Factors

As ... increases
... average parcel size
... distance from development
... amount of contiguous prime
and unique land



As ... decreases
... average parcel size
... distance from development
... amount of contiguous prime
and unique land



Specific Physical Factors

Lg. # of varying parcel sizes
Scattered small acreages of
prime and unique farmlands
Scattered large acreages of
prime and unique farmlands

X	X		
X	X		
		X	X

Political/Legal Factors

Support from farm community is low
Political support is low
History of local court support
for farmland protection is low



* Zoning Techniques: P.S./Num. = Point System/Numerical Approach; Slid. Sc. = Sliding Scale
Qtr./Qtr. = Quarter/Quarter; Exclus. = Exclusive

Chapter Seven

SAMPLE ZONING REGULATIONS

This section contains 4 sample agricultural zoning provisions which are structured to fit into the Michigan Townships Association sample zoning ordinance (as revised thru May 1986). This ordinance is available from the Michigan Townships Association, 3121 W. Saginaw, Lansing, MI 48917. It has been chosen to serve as the basic structure for the sample agricultural zoning provisions which follow, because it is a simply structured ordinance suited for a rural township, and because it has been widely distributed throughout the state.

Revisions to section numbers and formats would be necessary to use these sample provisions in any other zoning ordinance. Words in *italics* are notes with information or instructions which should be followed. However, these notes should be removed from the final ordinance. Blank lines refer to places where the name of the township or county should be inserted, or where a local standard should be inserted. Words in **bold** print are defined words found in the DEFINITIONS Section (20.200). The definitions only appear once (below), but apply to all four sample ordinances. Earlier chapters of this report explain the differences between each of these four agricultural zoning approaches.

When adapting these provisions to a local ordinance, be sure to carefully review the lists of permitted uses and special exception uses to insure they are appropriate and consistent with the definitions and regulations in your ordinance.

While the actual numbers used in the "Development Standards" section (20.306) will establish the degree of protection offered, the numbers presented have no absolute "magic" that must be followed. The numbers represent an approach consistent with the technique and a degree of protection that is greater than that afforded under most typical agricultural districts (including so-called "large lot" districts). As a result, the **Points/Numerical** and **Sliding Scale** approaches are the most "liberal", that is, they allow

more nonfarm dwellings than the **Quarter/Quarter** or **Exclusive Agricultural** approaches. Yet, since the purpose of each is to retain essential agricultural lands, they all have significant limitations on any nonfarm use.

The **Exclusive Agricultural District** is the most restrictive. It only allows farm dwellings and farm operations. No nonfarm dwellings are permitted. As a result, many of the sections standard to the other three techniques are omitted in this section. A strong effort has been made to present each alternative with as much of the same language as the others, thereby making it easier to understand and to evaluate the differences. However, a few subtle differences exist, and great care should be taken when trying to graft provisions from one approach onto another.

Don't overlook the importance of the terms **farm**, **farm dwelling unit** and **nonfarm dwelling unit**. In order for a tract to be considered a farm, it must be engaged in commercial agriculture and be at least 40 acres in size, or meet one of the two exceptions in the definition (which come from PA 116). Thus, if a 40 acre tract was proposed for division and sale for other than commercial agriculture, it would not meet the ordinance requirements for a farm (even if it were for a nonfarm residence). Likewise, farm dwelling units are restricted to occupancy by persons with a farm related purpose. If these dwellings were to be sold as a nonfarm dwelling unit, then they would first have to be divided under the terms of Section 20.306.B.1 and meet all applicable requirements. All new nonfarm dwelling units are prohibited from occupying land greater than two acres in size, except under two circumstances. First, if the Public Health Dept. requires more land for a safe well and septic system or second, when an existing farm dwelling unit is split from a farm, then the new residence could occupy 3 acres. All lands for nonfarm dwelling units must meet driveway and access requirements, and not be located on the best quality agricultural soils of the parent parcel, unless due to practical problems of access or to meet spacing requirements, no other location is available.

Table 3 on the following page summarizes some of the key numerical standards used in the four sample ordinances. The most important standards are the ones related to the permitted density of nonfarm dwellings. The remaining standards have been kept as nearly identical as is feasible. Standards should be adapted to local needs.

Table 3

**DEVELOPMENT STANDARDS FOR EACH
AGRICULTURAL ZONING TECHNIQUE**

Development Standards	A-1 Districts				A-2 District
	Point/Numerical	Sliding Scale	Quarter/Quarter	Exclusive	Buffer District
Min. farm size (lot area) ¹	40 acres	40 acres	40 acres	40 acres	40 acres
Min. lot area nonfarm d.u.	N.S.	N.S.	N.S.	N.S.	12,000 sq. ft
Max. lot area nonfarm d.u. ²	2 acres	2 acres	2 acres	--- 4	--- 5
Max. # of nonfarm d.u.s permitted per acre	1 du/ea 17 pts.	1 du/10 ac 2/10.1-20 ac 3/20.1-40 ac 4/40.1-80 ac 5/80.1-160 ac 6/160.1-320 ac 7/321 ac	1 du/40 acres (can put allotment all on one parcel)	none	1/12,000 sq.ft.
Max. lot area for special exception uses	10 acres	10 acres	10 acres	10 acres	none, min. 2 acres
Min. lot width nonfarm	165'	165'	165'	--- 4	165'
Min. lot width farm d.u.	600'	600'	600'	600'	165'
Max. lot coverage	10%	10%	10%	10%	10%
Min. setbacks front	50'	50'	50'	50'	50'
Min. setbacks side	20'	20'	20'	20'	20'
Min. setbacks corner	50'	50'	50'	50'	50'
Min. setbacks rear	50'	50'	50'	50'	30'
Max. lot width/depth ratio	1/3	1/3	1/3	1/3	1/3
Max. height ³	35'	35'	35'	35'	35'

1. see two exceptions in definition of "farm", page 27

2. except where Public Health Department requires more for septic & well

3. except for farm buildings which can rise to 100 feet

4. no nonfarm dwelling units permitted

5. no maximum lot area

N.S. = not specified, must be large enough to meet access regulations & Public Health Dept. regulations for septic & well

ac = acres

d.u. = dwelling unit

DEFINITIONS

20.200 ARTICLE II

20.204.1 AGRICULTURAL LABOR HOUSING

A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for 5 or more migratory workers engaged in agricultural activities including related food processing, as licensed under the provisions of PA 289 of 1965, as amended.

20.204.2 AGRICULTURAL SERVICE ESTABLISHMENT

Agricultural service establishments engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of **farm products** to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; veterinary services; and facilities used in the research and testing of **farm products** and techniques.

20.208.1 COMMERCIAL AGRICULTURE

The use of land and/or structures for the growing and/or production of **farm products** for income.

20.208.2 CONFINED FEEDLOT

An operation having more than _ livestock regularly confined in _ square feet for more than _ hours in any day.

20.211.1 DWELLING UNIT, FARM

A dwelling unit located on a **farm** which is used or intended for use by the farm's owner, operator, or person employed thereon. Only one farm dwelling shall be permitted on each **farm**.

20.211.2 DWELLING UNIT, NONFARM

A dwelling unit located within the A-1 or A-2 District which is not a **farm dwelling unit** and which is designed for occupancy by a single family.

20.213.1 FARM

Except as provided below, a farm is real property used for **commercial agriculture** comprising at least forty (40) contiguous acres which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship,

partnership, or corporation and including all necessary **farm buildings**, structures and machinery.

a. A tract may be considered a **farm** if it is between 5 and 40 acres, provided it is devoted primarily to an agricultural use, and has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.

b. A smaller tract may be considered a **farm** if 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 \$2000.00 or more.

Note: Exceptions are from MCL 554.702 of PA 116 of 1974, the Farmland and Open Space Preservation Act.

20.213.2 FARM ANIMALS

Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

20.213.3 FARM BUILDING

Any building or accessory structure other than a **farm** or a **nonfarm dwelling unit**, which is used for **farm operations** such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and or milkhouse.

20.213.4 FARM OPERATION

A condition or activity which occurs on a farm in connection with the commercial production of **farm products**, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

NOTE: This definition is from the Right to Farm Act, PA 93 of 1981.

20.213.5 FARM PRODUCTS

Those plants and animals useful to man and includes but is not limited to: forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber or fur.

NOTE: This definition is from the Right to Farm Act, PA 93 of 1981.

POINT/NUMERICAL APPROACH

20.302 "A-1" AGRICULTURAL DISTRICT

20.303 STATEMENT OF PURPOSE

It is recognized that the public health and welfare of the citizens of _____ Township, _____ County, the state of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within _____ Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder **farm operations** and irretrievably deplete agricultural lands.

A. The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable **farm products** as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

B. Other specific purposes for which this district is established include:

1. To preserve woodlands and wetlands associated with **farms** which because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.

2. To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.

3. To prevent the conversion of agricultural land to scattered nonfarm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.

C. The agricultural district boundaries are based on an analysis of soils that identified those especially well suited for farming as classified by the U.S. Soil Conservation Service (based on the characteristics of soils,

drainage, topography, and the availability of water). Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to nonfarm development, the average parcel size of existing **farms**, and the minimum acreage needed for most **farm operations**. These factors are discussed in the _____ Township Master Plan.

20.304 PERMITTED USES

A. The following uses of land are permitted in this district:

1. **Commercial agriculture**
2. Conservation area for fauna, flora
3. Dairy farm
4. **Dwelling unit, farm**
5. **Dwelling unit, nonfarm**
6. **Farm**
7. **Farm buildings**
8. Farm drainage and irrigation systems
9. Forest preserve
10. Game refuge
11. Grazing and forage
12. Historic sites and structures
13. Home occupations
14. Nursery
15. Raising of **farm animals**, and production of **farm products**
16. Tree, sod farms
17. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way
18. Uses customarily accessory to **farm operations**
19. Uses and structures customarily accessory to **nonfarm dwellings**.

20.305 SPECIAL EXCEPTION USES: *(also known as special land uses, special uses, or conditional uses)*

A. The following uses of land and structures may be permitted upon the issuance of a special exception use permit in accordance with the procedures and standards contained in Section 20.400. *(Each use must have specific standards provided in the ordinance).*

1. **Agricultural service establishments**
2. Essential service structures including, but not limited to: any new rights of way across farmland, telephone exchange and/or repeater buildings and towers, electrical station and sub-

station buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.

3. **Agricultural labor housing**, provided the setbacks of Section 20.306 and the provisions of Public Act 289 of 1965, as amended, and the Administrative Rules promulgated thereunder are met.

4. **Confined feedlots.**

5. Roadside stands selling only products grown or produced on that **farm** and setback from the right-of-way at least 50 feet and with off-street parking for at least 5 cars for each 50 square feet of structure. Such spaces shall also be consistent with the requirements of Article VIII.

B. Standards applicable to all special exception use permits: (*These general standards would apply in addition to the specific standards above*).

1. The proposed use shall be sited upon lands which are less suitable for **commercial agriculture** than other agricultural lands within the district.

2. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.

3. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of **agricultural service establishments** into agricultural service centers shall be encouraged and accomplished by special exception use permit.

20.306 DEVELOPMENT STANDARDS

A. Site development standards applying to all uses, except as noted:

1. Max. Lot Area - for **nonfarm dwelling units** - 2 acres (see exception below).

Max. Lot Area for special exception uses - 10 acres

Min. Lot Area for **farm dwelling unit** - 40 acres (see exception in definition of **farm**)

2. Minimum Lot Width - 165 ft.

600 feet for **farm dwelling units**

3. Max. Lot Coverage - 10 %

4. Minimum Setbacks
 - Front 50 ft.
 - Side 20 ft.
 - Corner 50 ft.
 - Rear 50 ft.

5. Max. Height
 - 2 1/2 Stories
 - 35 Feet (see exception)

6. Maximum lot width to depth ratio - 1/3

B. The following qualifications and exceptions also apply:

1. Each lot for a dwelling unit shall be a separately conveyed parcel of no more than two acres in area and described by a recorded certificate of survey unless a larger parcel is required by the _____ County Health Department to accommodate a drain field for a septic system or adequate separation between septic wastes and well water. In addition, a lot on which an existing farmstead consisting of a residential dwelling and **farm buildings** is located, may be split off from the main **farm** acreage in the form of a separate surveyed and recorded lot, provided that said parcel shall not exceed three (3) acres in size, unless a larger area is necessary to meet required setbacks of this section.

2. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:

- a. Local secondary road: 100 feet
- b. County primary/state highway: 125 feet
- c. Minimum distance from an intersection of two or more of the above: 80 feet

3. After the effective date of this ordinance, all **nonfarm dwelling units**, **farm buildings**, and accessory structures on adjoining lots shall be sited a minimum of 300 feet from one another.

4. **Nonfarm dwelling units** are limited to a maximum of _____ **farm animals**.

5. The maximum height of **farm buildings** shall be one-hundred (100) feet. All **farm buildings** over 35 feet shall be set back from a lot line a distance at least equal to the height of the building.

6. Line and structures within existing public rights of way (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.

7. Prior to the issuance of a zoning permit, the zoning administrator shall certify that the location of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet spacing requirements from existing **farm buildings** or **nonfarm dwellings**, no other location is available.

8. Soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the County Health Department.

9. Access to a public road shall meet ordinance requirements.

10. Accessory buildings and structures to and uses of **nonfarm dwelling units** are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling provided they conform with setbacks. Rear setbacks may be reduced by the zoning administrator up to 20 feet from the lot line, unless it is a right of way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.

C. **Nonfarm dwelling units** shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the _____ County Register of Deeds upon or prior to the effective date of this Ordinance, or on a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution, provided they are able to meet all applicable standards and requirements of this Ordinance and all other applicable township and county ordinances.

D. A single **nonfarm dwelling unit** shall be permitted when it is determined by the Zoning Administrator that the application therefore has 17 or more points in accordance with the following criteria:

1. The distance from the proposed dwelling unit to the nearest major road (county primary, state or US highway or freeway as classified by the Michigan Department of Transportation) as measured from the centerline of public roads is:

- | | |
|-------------------------|----------|
| a. less than 1 mile | 2 points |
| b. between 1 & 2 miles | 1 point |
| c. greater than 2 miles | 0 points |

2. The number of occupied dwelling units currently located within a 660 foot radius of the proposed dwelling is:

- | | |
|---------------|----------|
| a. 7 or more | 6 points |
| b. 4, 5, or 6 | 4 points |
| c. 2 or 3 | 2 points |
| d. 1 or less | 0 points |

3. The percent to the nearest 5% of the proposed lot is classified as prime or unique farmland according to map _____ in the _____ Master Plan. *[Note: if your community does not yet have prime and unique farmlands mapped, then substitute the following language for this criteria. 3. The percent to the nearest 5% of the proposed lot is classified as prime or unique farmland according to the District Conservationist based on the best available soils information.]*

- | | |
|------------------|----------|
| a. less than 15% | 6 points |
| b. 16% to 49% | 4 points |
| c. 50% to 84% | 2 points |
| d. 85% to 100% | 0 points |

4. The distance from the proposed dwelling unit to the nearest fire station as measured along the centerline of public roads:

- | | |
|------------------------|----------|
| a. less than 3 miles | 2 points |
| b. between 3 & 5 miles | 1 point |
| c. more than 5 miles | 0 points |

5. The distance from the proposed dwelling unit to the nearest **confined feedlot** is:

- a. greater than 1/2 mile radius 4 points
- b. greater than 1/4 mile but less than 1/2 mile radius 2 points
- c. within a 1/4 mile radius 0 points

6. The land use or land cover of the proposed lot for the past five years has primarily been:

- a. other 4 points
- b. woodland 3 points
- c. pasture land 2 points
- d. cultivated cropland 0 points

[Note: this technique is designed for application on lot by lot development, not for multiple lot or subdivision development. This is because multiple lot divisions are contrary to the purpose of retention of prime agriculture lands. In order for this technique to be used in scoring subdivisions, the standards would need to be changed so that all evaluation was based on scoring of the original parcel rather than the single lot for a new dwelling unit. Another modification would be the addition of a requirement for clustering of all dwelling units on less significant agricultural soils. A better approach to modification of these standards in areas where subdivisions are appropriate, would be to rezone to an A-2 Buffer Zone, or a residential district. Be sure that public services are adequate to handle the higher density before rezoning.]



SLIDING SCALE

20.302 "A-1" AGRICULTURAL DISTRICT

20.303 STATEMENT OF PURPOSE

It is recognized that the public health and welfare of the citizens of _____ Township, _____ County, the state of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within _____ Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder **farm operations** and irretrievably deplete agricultural lands.

A. The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable **farm products** as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

B. Other specific purposes for which this district is established include:

1. To preserve woodlands and wetlands associated with **farms** which because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.

2. To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.

3. To prevent the conversion of agricultural land to scattered nonfarm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.

C. The agricultural district boundaries are based on an analysis of soils that identified those especially well suited for farming as classified by the U.S. Soil Conservation Service (based on the characteristics of soils,

drainage, topography, and the availability of water). Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to nonfarm development, the average parcel size of existing **farms**, and the minimum acreage needed for most **farm operations**. These factors are discussed in the _____ Township Master Plan.

20.304 PERMITTED USES

A. The following uses of land are permitted in this district:

1. **Commercial agriculture**
2. Conservation area for fauna, flora
3. Dairy farm
4. **Dwelling unit, farm**
5. **Dwelling unit, nonfarm**
6. **Farm**
7. **Farm buildings**
8. Farm drainage and irrigation systems
9. Forest preserve
10. Game refuge
11. Grazing and forage
12. Historic sites and structures
13. Home occupations
14. Nursery
15. Raising of **farm animals**, and production of **farm products**
16. Tree, sod farms
17. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way
18. Uses customarily accessory to **farm operations**
19. Uses and structures customarily accessory to **nonfarm dwellings**.

20.305 SPECIAL EXCEPTION USES: (also known as *special land uses, special uses or conditional uses*)

A. The following uses of land and structures may be permitted upon the issuance of a special exception use permit in accordance with the procedures and standards contained in Section 20.400. (*Each use must have specific standards provided in the ordinance*).

1. **Agricultural service establishments**
2. Essential service structures including, but not limited to: any new rights of way across farmland, telephone exchange and/or repeater buildings and towers, electrical station and sub-

station buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.

3. **Agricultural labor housing**, provided the setbacks of Section 20.306 and the provisions of Public Act 289 of 1965, as amended, and the Administrative Rules promulgated thereunder are met.

4. **Confined feedlots.**

5. Roadside stands selling only products grown or produced on that **farm** and setback from the right-of-way at least 50 feet and with off-street parking for at least 5 cars for each 50 square feet of structure. Such spaces shall also be consistent with the requirements of Article VIII.

B. Standards applicable to all special exception use permits: *(These general standards would apply in addition to the specific standards above).*

1. The proposed use shall be sited upon lands which are less suitable for **commercial agriculture** than other agricultural lands within the district.

2. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.

3. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of **agricultural service establishments** into agricultural service centers shall be encouraged and accomplished by special exception use permit.

20.306 DEVELOPMENT STANDARDS

A. Site development standards applying to all uses except as noted:

1. Max. Lot Area - for **nonfarm dwelling units** - 2 acres (see exception below).

Max. Lot Area for special exception uses - 10 acres

Min. Lot Area for **farm dwelling unit** - 40 acres (see exception in definition of **farm**)

2. Minimum Lot Width - 165 ft.

600 feet for **farm dwelling units**

3. Max. Lot Coverage - 10 %

4. Minimum Setbacks
 - Front 50 ft.
 - Side 20 ft.
 - Corner 50 ft.
 - Rear 50 ft.

5. Max. Height
 - 2 1/2 Stories
 - 35 Feet (see exception)

6. Maximum lot width to depth ratio - 1/3

B. The following qualifications and exceptions also apply:

1. Each lot for a dwelling unit shall be a separately conveyed parcel of no more than two acres in area and described by a recorded certificate of survey unless a larger parcel is required by the _____ County Health Department to accommodate a drain field for a septic system or adequate separation between septic wastes and well water. In addition, a lot on which an existing farmstead consisting of a residential dwelling and **farm buildings** is located, may be split off from the main **farm** acreage in the form of a separate surveyed and recorded lot, provided that said parcel shall not exceed three (3) acres in size, unless a larger area is necessary to meet required setbacks of this section.

2. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:

- a. Local secondary road: 100 feet
- b. County primary/state highway: 125 feet
- c. Minimum distance from an intersection of two or more of the above: 80 feet

3. After the effective date of this ordinance, all **nonfarm dwelling units**, **farm buildings**, and accessory structures on adjoining lots shall be sited a minimum of 300 feet from one another.

4. **Nonfarm dwelling units** are limited to a maximum of ____ **farm animals**.

5. The maximum height of **farm buildings** shall be one-hundred (100) feet. All **farm buildings** over 35 feet shall be set back from a lot line a distance at least equal to the height of the building.

6. Line and structures within existing public rights of way (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.

7. Prior to the issuance of a zoning permit, the zoning administrator shall certify that the location of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet spacing requirements from existing **farm buildings** or **nonfarm dwellings**, no other location is available.

8. Soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the County Health Department.

9. Access to a public road shall meet ordinance requirements.

10. Accessory buildings, structures and uses to **nonfarm dwelling units** are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling provided they conform with setbacks. Rear setbacks may be reduced by the zoning administrator up to 20 feet from the lot line, unless it is a right of way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.

C. **Nonfarm dwelling units** shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the _____ County Register of Deeds upon or prior to the effective date of this Ordinance, or on a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution, provided they are able to meet all applicable standards and

requirements of this Ordinance and all other applicable township and county ordinances.

1. The maximum number of lots, in addition to an existing principal dwelling that may be created, shall be based on the gross area of that tract which is to be subdivided, and which constitutes the lot of record existing on the effective date of this Ordinance, as follows:

SCHEDULE OF DENSITY TABLE

Max. # of Additional Lots Permitted

<u>Area of Lot of Record</u>	<u># Lots</u>
1 to 10 acres	1
10.1 to 20 acres	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
160.1 to 320 acres	6
over 321 acres	7

2. On parcels of record of greater than 80 acres as of the effective date of this ordinance, an additional lot may be established for each 40 additional acres of the original or a contiguous parcel, provided

a. all lots are contiguous and located on lands least suitable for agricultural production, and

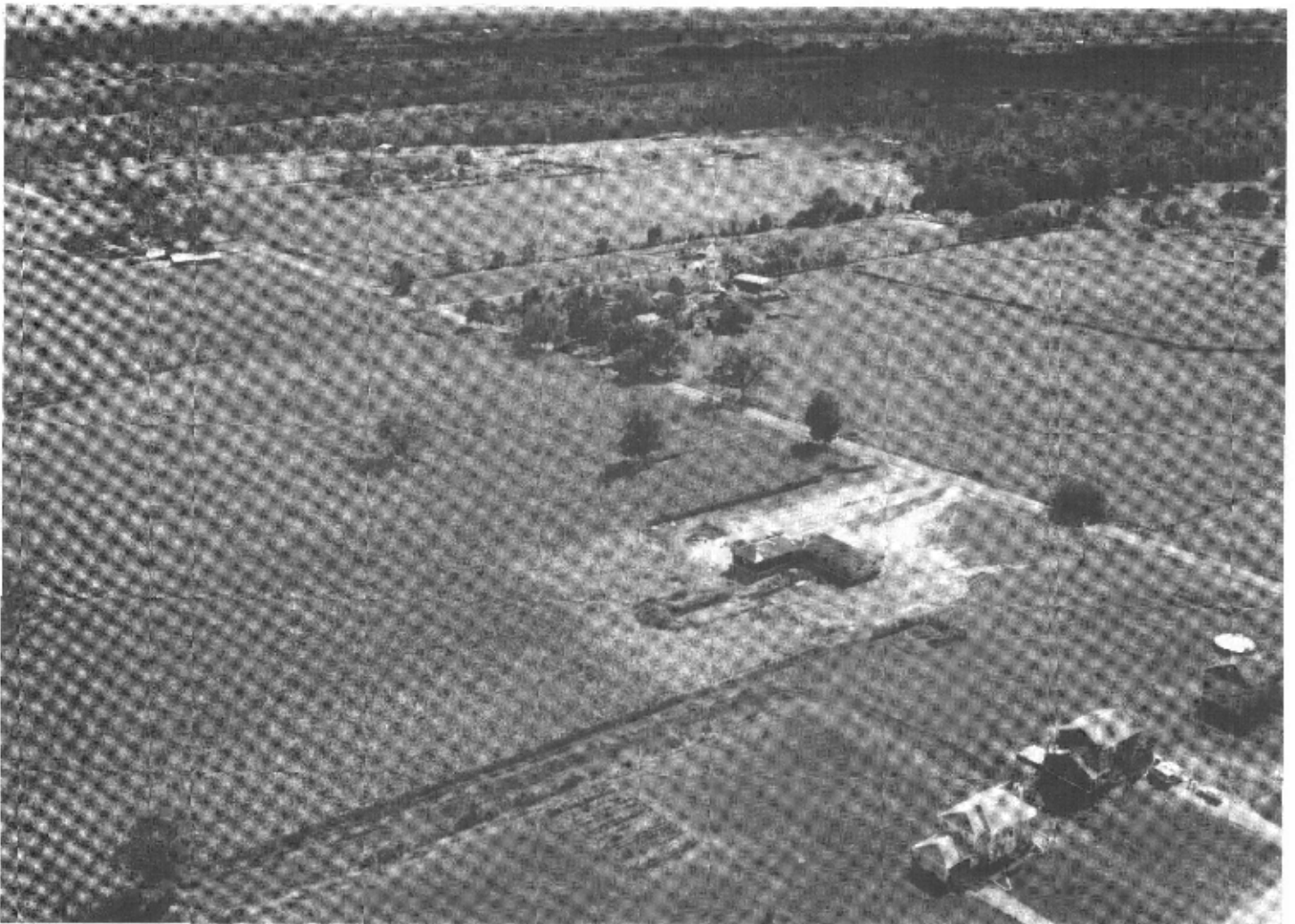
b. are clustered around and take their access from a single access drive instead of each lot fronting on a county road or state highway. Said access shall meet Township standards for private drives, or be constructed to County Road Commission standards in order to be dedicated to the public.

D. The Township recognizes that proper administration of the sliding scale concept is important in meeting the intent of this Ordinance. The Township will apply the following procedures in administering this district.

1. Concurrent with the adoption of this Ordinance an official map indicating existing lots and land ownership shall be established.

2. An allotment of **nonfarm dwelling units** possible under this Ordinance shall be made for each parcel in the district.

3. As allotments are used up, the official map shall be updated to reflect these changes.
 4. The official map shall be maintained by the Clerk and copies made available for inspection by the public.
 5. A review of this Ordinance shall be conducted by the Planning Commission every five (5) years to determine its effectiveness in preserving farmland and to consider any revisions which may be desirable.
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QUARTER/QUARTER ZONING DISTRICT

20.302 "A-1" AGRICULTURAL DISTRICT

20.303 STATEMENT OF PURPOSE

It is recognized that the public health and welfare of the citizens of _____ Township, _____ County, the state of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within _____ Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder **farm operations** and irretrievably deplete agricultural lands.

A. The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable **farm products** as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

B. Other specific purposes for which this district is established include:

1. To preserve woodlands and wetlands associated with **farms** which because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.

2. To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.

3. To prevent the conversion of agricultural land to scattered nonfarm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.

C. The agricultural district boundaries are based on an analysis of soils that identified those especially well suited for farming as classified by the U.S. Soil Conser-

vation Service (based on the characteristics of soils, drainage, topography, and the availability of water). Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to nonfarm development, the average parcel size of existing **farms**, and the minimum acreage needed for most **farm operations**. These factors are discussed in the _____ Township Master Plan.

20.304 PERMITTED USES

A. The following uses of land are permitted in this district:

1. **Commercial agriculture**
2. Conservation area for fauna, flora
3. Dairy farm
4. **Dwelling unit, farm**
5. **Dwelling unit, nonfarm**
6. **Farm**
7. **Farm buildings**
8. Farm drainage and irrigation systems
9. Forest preserve
10. Game refuge
11. Grazing and forage
12. Historic sites and structures
13. Home occupations
14. Nursery
15. Raising of **farm animals**, and production of **farm products**
16. Tree, sod farms
17. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way
18. Uses customarily accessory to **farm operations**
19. Uses and structures customarily accessory to **nonfarm dwellings**.

20.305 SPECIAL EXCEPTION USES: (also known as *special land uses, special uses or conditional uses*)

A. The following uses of land and structures may be permitted upon the issuance of a special exception use permit in accordance with the procedures and standards contained in Section 20.400. (*Each use must have specific standards provided in the ordinance*).

1. **Agricultural service establishments**
2. Essential service structures including, but not limited to: any new rights of way across farmland, telephone exchange and/or repeater

buildings and towers, electrical station and sub-station buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.

3. **Agricultural labor housing**, provided the setbacks of Section 20.306 and the provisions of Public Act 289 of 1965, as amended, and the Administrative Rules promulgated thereunder are met.

4. **Confined feedlots.**

5. Roadside stands selling only products grown or produced on that **farm** and setback from the right-of-way at least 50 feet and with off-street parking for at least 5 cars for each 50 square feet of structure. Such spaces shall also be consistent with the requirements of Article VIII.

B. Standards applicable to all special exception use permits: *(These general standards would apply in addition to the specific standards above).*

1. The proposed use shall be sited upon lands which are less suitable for **commercial agriculture** than other agricultural lands within the district.

2. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.

3. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of **agricultural service establishments** into agricultural service centers shall be encouraged and accomplished by special exception use permit.

20.306 DEVELOPMENT STANDARDS

A. Site development standards applying to all uses, except as noted:

1. Max. Lot Area - for **nonfarm dwelling units** - 2 acres (see exception below).

Max. Lot Area for special exception uses - 10 acres

Min. Lot Area for **farm dwelling unit** - 40 acres (see exception in definition of **farm**)

2. Minimum Lot Width - 165 ft. for **nonfarm dwelling units**

600 feet for **farm dwelling units**

3. Max. Lot Coverage - 10 %

4. Minimum Setbacks
 - Front 50 ft.
 - Side 20 ft.
 - Corner 50 ft.
 - Rear 50 ft.

5. Max. Height
 - 2 1/2 Stories
 - 35 Feet (see exception)

6. Maximum lot width to depth ratio - 1/3

7. All **nonfarm dwelling units** shall meet the following additional criteria:

a. One (1) **nonfarm dwelling unit** may be constructed for every forty (40) acres of contiguous land under one ownership. The permitted number of units may all be constructed within a single forty acre tract, or distributed in another manner, provided each lot meets the requirements of this ordinance.

b. A contiguous land parcel shall be any parcel(s) of land which has/have a common boundary or are separated only by a road right-of-way and which are under one ownership at the time of adoption of this Ordinance.

B. The following qualifications and exceptions also apply:

1. Each lot for a dwelling unit shall be a separately conveyed parcel of no more than two acres in area and described by a recorded certificate of survey unless a larger parcel is required by the _____ County Health Department to accommodate a drain field for a septic system or adequate separation between septic wastes and well water. In addition, a lot on which an existing farmstead consisting of a residential dwelling and **farm buildings** is located, may be split off from the main **farm** acreage in the form of a separate surveyed and recorded lot, provided that said parcel shall not exceed three (3) acres in

size, unless a larger area is necessary to meet required setbacks of this section.

2. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:

- a. Local secondary road: 100 feet
- b. County primary/state highway: 125 feet
- c. Minimum distance from an intersection of two or more of the above: 80 feet

3. After the effective date of this ordinance, all **nonfarm dwelling units, farm buildings,** and accessory structures on adjoining lots shall be sited a minimum of 300 feet from one another.

4. **Nonfarm dwelling units** are limited to a maximum of ____ **farm animals.**

5. The maximum height of **farm buildings** shall be one-hundred (100) feet. All **farm buildings** over 35 feet shall be set back from a lot line a distance at least equal to the height of the building.

6. Line and structures within existing public rights of way (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.

7. Prior to the issuance of a zoning permit, the zoning administrator shall certify that the location of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet spacing requirements from existing **farm buildings** or **nonfarm dwellings**, no other location is available.

8. Soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the County Health Department.

9. Access to a public road shall meet ordinance requirements.

10. Accessory buildings, structures and uses to **nonfarm dwelling units** are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear

of the dwelling provided they conform with setbacks. Rear setbacks may be reduced by the zoning administrator up to 20 feet from the lot line, unless it is a right of way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.

C. The Township recognizes that proper administration of the one-quarter of one-quarter section concept is important in meeting the intent of this Ordinance. The Township will apply the following procedures in administering this zoning district.

1. Concurrent with the adoption of this Ordinance, an official map indicating existing lots and land ownership shall be established.

2. An allotment of **nonfarm dwelling units** possible under this Ordinance shall be made for each parcel forty (40) acres or more in the district.

3. As allotments are used up, the official map shall be updated to reflect these changes.

4. The Township shall permit parcels under forty (40) acres in size to be consolidated and the allotment of **nonfarm dwelling units** to be amended to achieve one (1) **nonfarm dwelling unit** per forty (40) acres.

5. The official map shall be maintained by the Clerk and copies made available for inspection by the public.

6. A review of this Ordinance shall be conducted by the Planning Commission every five (5) years to determine its effectiveness in preserving farmland and to consider any revisions which may be desirable.



EXCLUSIVE AGRICULTURAL DISTRICT

20.302 "A-1" AGRICULTURAL DISTRICT

20.303 STATEMENT OF PURPOSE

It is recognized that the public health and welfare of the citizens of _____ Township, _____ County, the state of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within _____ Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder **farm operations** and irretrievably deplete agricultural lands.

A. The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable **farm products** as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

B. Other specific purposes for which this district is established include:

1. To preserve woodlands and wetlands associated with **farms** which because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.

2. To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.

3. To prevent the conversion of agricultural land to scattered nonfarm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.

C. The agricultural district boundaries are based on an analysis of soils that identified those especially well suited for farming as classified by the U.S. Soil Conser-

vation Service (based on the characteristics of soils, drainage, topography, and the availability of water). Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to nonfarm development, the average parcel size of existing **farms**, and the minimum acreage needed for most **farm operations**. These factors are discussed in the _____ Township Master Plan.

20.304 PERMITTED USES

A. The following uses of land are permitted in this district:

1. **Commercial agriculture**
2. Conservation area for fauna, flora
3. Dairy farm
4. **Dwelling unit, farm**
5. *(reserved for future use)*
6. **Farm**
7. **Farm buildings**
8. Farm drainage and irrigation systems
9. Forest preserve
10. Game refuge
11. Grazing and forage
12. Historic sites and structures
13. Home occupations
14. Nursery
15. Raising of **farm animals**, and production of **farm products**
16. Tree, sod farms
17. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way
18. Uses customarily accessory to **farm operations**

[Note: nonfarm dwelling units are not permitted in this district.]

20.305 SPECIAL EXCEPTION USES: (also known as *special land uses, special uses or conditional uses*)

A. The following uses of land and structures may be permitted upon the issuance of a special exception use permit in accordance with the procedures and standards contained in Section 20.400. *(Each use must have specific standards provided in the ordinance).*

1. **Agricultural service establishments**
2. Essential service structures including, but not limited to: any new rights of way across farmland, telephone exchange and/or repeater

buildings and towers, electrical station and sub-station buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.

3. **Agricultural labor housing**, provided the setbacks of Section 20.306 and the provisions of Public Act 289 of 1965, as amended, and the Administrative Rules promulgated thereunder are met.

4. **Confined feedlots.**

5. Roadside stands selling only products grown or produced on that **farm** and setback from the right-of-way at least 50 feet and with off-street parking for at least 5 cars for each 50 square feet of structure. Such spaces shall also be consistent with the requirements of Article VIII.

B. Standards applicable to all special exception use permits: (*These general standards would apply in addition to the specific standards above*).

1. The proposed use shall be sited upon lands which are less suitable for **commercial agriculture** than other agricultural lands within the district.

2. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.

3. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of **agricultural service establishments** into agricultural service centers shall be encouraged and accomplished by special exception use permit.

20.306 DEVELOPMENT STANDARDS

The use of land and structures within the exclusive agricultural district shall seek to maximize agricultural productivity and conform to the following standards:

A. Site development standards applying to all uses, except as noted:

1. Max. Lot Area for special exception uses
10 acres

Min. Lot Area for **farm dwelling unit** - 40 acres (see exception in definition of **farm**)

2. Minimum Lot Width - 600 ft.

3. Max. Lot Coverage - 10 %

4. Minimum Setbacks
- Front 50 ft.
- Side 20 ft.
- Corner 50 ft.
- Rear 50 ft.

5. Max. Height
- 2 1/2 Stories
- 35 Feet (see exception)

6. Maximum lot width to depth ratio - 1/3

B. The following qualifications and exceptions also apply:

1. A lot on which an existing farmstead consisting of a **farm dwelling unit** and/or **farm buildings** is located, may be split off from the main **farm** acreage in the form of a separate surveyed and recorded lot, provided that said parcel shall not exceed three (3) acres in size, unless a larger area is necessary to meet required setbacks of this section.

2. Soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the County Health Department.

3. Access to a public road shall meet ordinance requirements.

4. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:

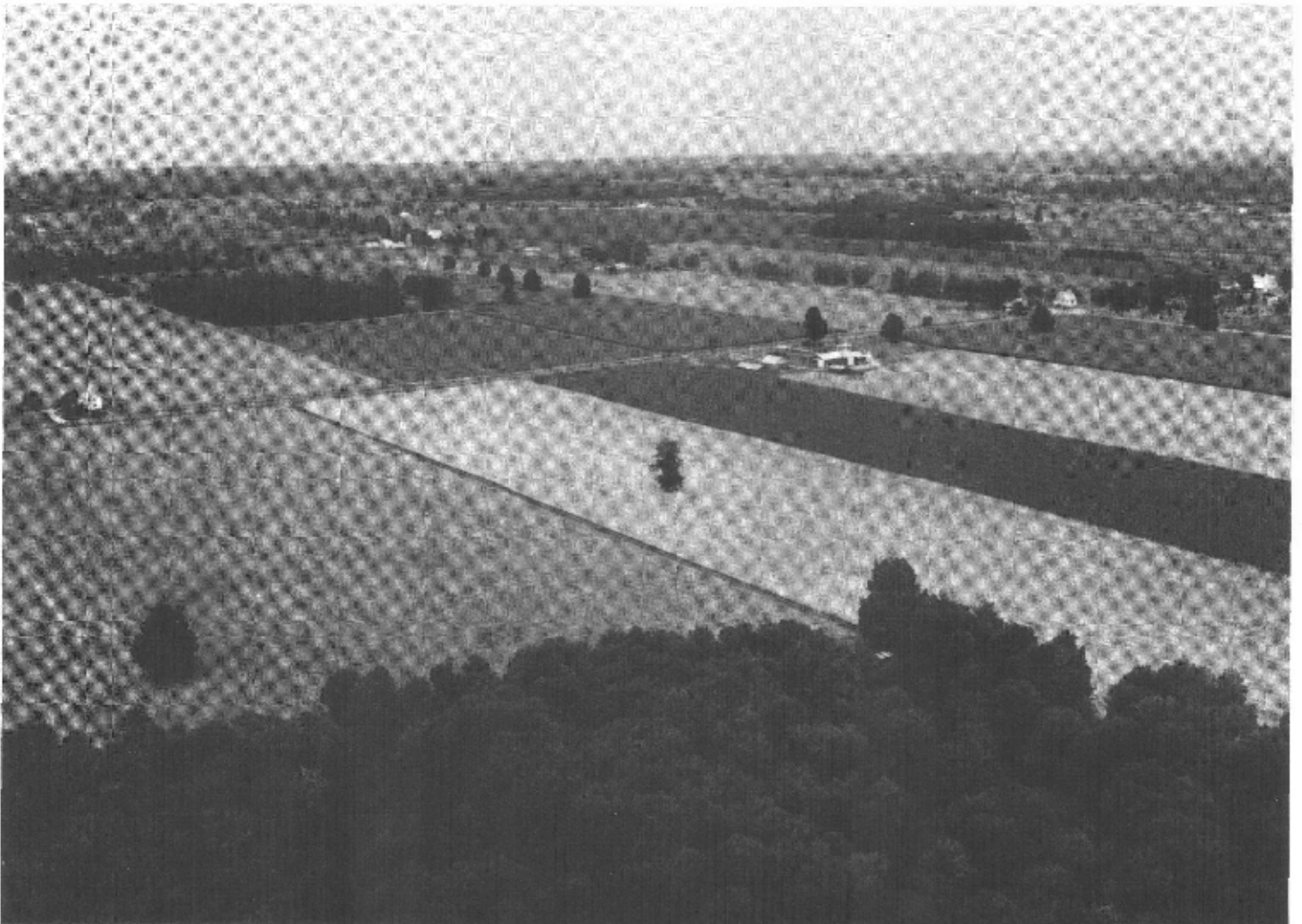
- a. Local secondary road: 100 feet
- b. County primary/state highway: 125 feet
- c. Minimum distance from an intersection of two or more of the above: 80 feet

5. The maximum height of **farm buildings** shall be one-hundred (100) feet. All **farm buildings** over 35 feet shall be set back from a lot line a distance at least equal to the height of the building.

6. Line and structures within existing public rights of way (not including buildings) of public

utility companies shall be exempt from the area, placement, and height regulations of this Section.

7. After the effective date of this ordinance, all **nonfarm dwelling units, farm buildings,** and accessory structures on adjoining lots shall be sited a minimum of 300 feet from one another. *(This will apply only at the edge of the Exclusive Agricultural District, since no **nonfarm** dwellings are permitted in the district.)*
-



BUFFER DISTRICT

20.A302 A-2 AGRICULTURAL DISTRICT

20.A303 STATEMENT OF PURPOSE

This district is established to preserve the integrity of the A-1 district by clearly indicating that, in the A-1 District, agriculture is the primary and permanent use for the planning period, and is not a land bank for fringe urban and semi-urban development. Agriculture, in the A-2 District, while important, is not regarded as a necessarily permanent land use. It is the intent of the Township that parcels of land in this district be rezoned to a more intensive use classification when the Township determines that more intensive structural development is appropriate and when the necessary public facilities are available.

20.A304 PERMITTED USES:

A. Same as the A-1 District.

20.A305 SPECIAL EXCEPTION USES (*also known as special land uses, special uses or conditional uses*):

A. Same as the A-1 District and the following uses:

1. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses
2. Public and private parks, camps, golf courses, clubs, and commercial stables
3. Airports and private landing fields
4. Commercial kennels
5. Public or private sanitary landfills
6. Junkyards
7. Schools and government buildings
8. Churches
9. Fuel storage facilities

(Each of these uses need to have standards developed prior to consideration as special exception uses.)

20.A306 DEVELOPMENT STANDARDS

A. Site development standards applying to all uses, except as noted:

1. Min. Lot Area - 12,000 sq.ft.

Min. Lot Area for special exception uses - 2 acres

Min. Lot Area for farm dwelling unit - 40 acres (see exception in definition of farm)
2. Minimum Lot Width - 165 ft.
3. Max. Lot Coverage - 10 %
4. Minimum Setbacks
 - Front 50 ft.
 - Side 20 ft.
 - Corner 50 ft.
 - Rear 30 ft.
5. Max. Height
 - 2 1/2 Stories
 - 35 Feet, except for spires, antennas and transmission towers
6. Maximum lot width to depth ratio - 1/3

B. The following qualifications and exceptions also apply:

1. Each lot for a dwelling unit shall be a separately conveyed parcel and described by a recorded certificate of survey unless a larger parcel is required by the _____ County Health Department to accommodate a drain field for a septic system or adequate separation between septic wastes and well water.
2. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:
 - a. Local secondary road: 100 feet
 - b. County primary/state highway: 125 feet
 - c) Minimum distance from an intersection of two or more of the above: 80 feet
3. After the effective date of this ordinance, all **nonfarm dwelling units, farm buildings, and**

accessory structures on adjoining lots shall be sited a minimum of 300 feet from one another.

4. **Nonfarm dwelling units** are limited to a maximum of ____ **farm animals**.

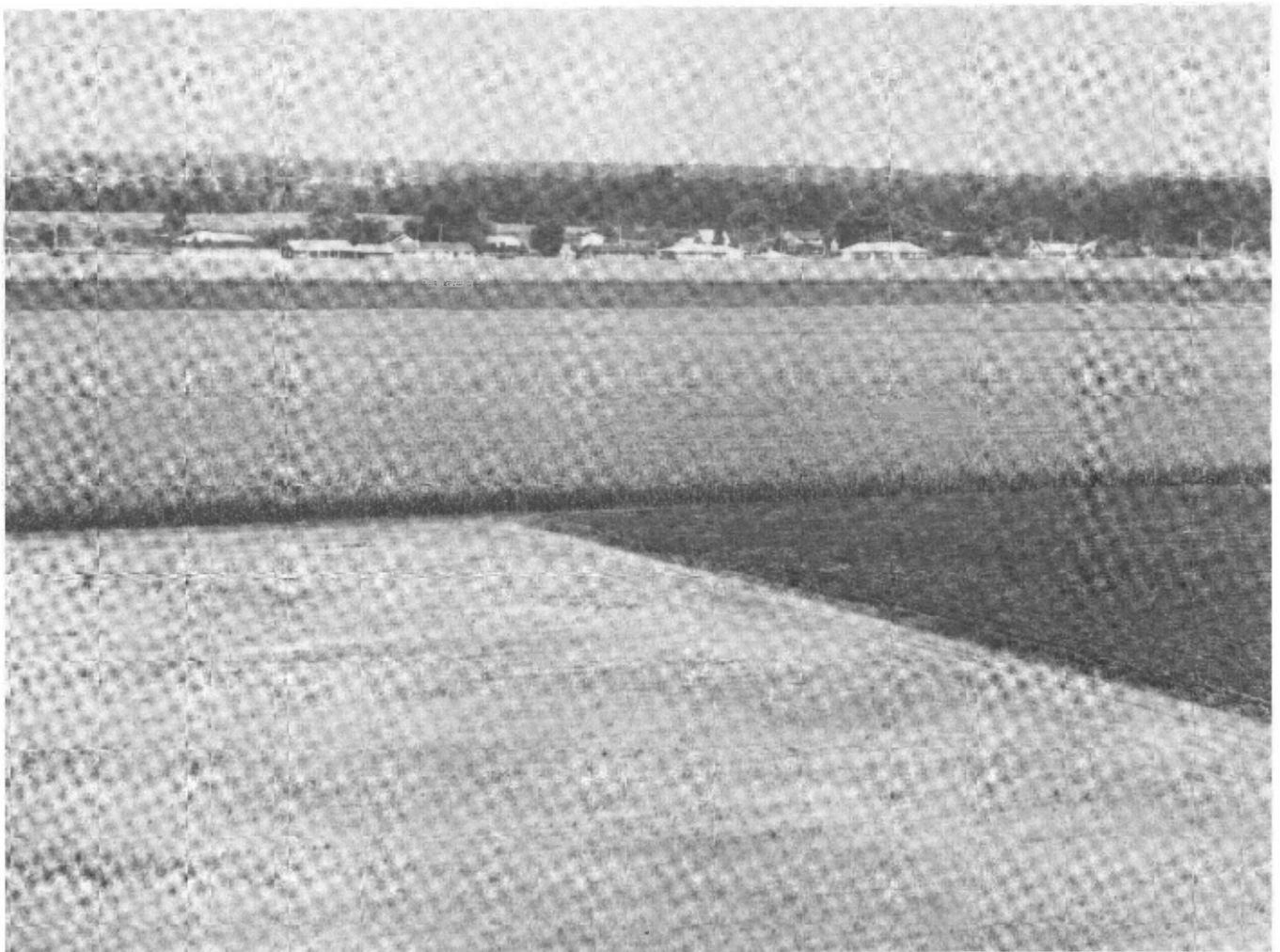
5. The maximum height of **farm buildings** shall be one-hundred (100) feet. All **farm buildings** over 35 feet shall be set back from a lot line a distance at least equal to the height of the building.

6. Line and structures within existing public right of way (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.

7. Soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the County Health Department.

8. Access to a public road shall meet ordinance requirements.

9. Accessory buildings, structures and uses are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling provided they conform with setbacks.



Chapter 8

GETTING STARTED - A SUMMARY

Following is a summary of the process outlined in this guidebook for identifying high value agricultural lands in your community and incorporating appropriate farmland protection language into your master plan and zoning ordinance. It is important to recognize that this process places a great deal of responsibility on county and township planning commissions. It is estimated that this process will take about six months to complete if there is a consensus on the need to act. The process will take longer if your community lacks support for farmland protection. If this is the case, much more work is necessary between steps 1 and 2 in order to prepare for a successful effort. Different steps could be followed in the development of an effective program. However, it is felt that the process which follows will be effective in many communities.

1. Schedule a meeting of the Planning Commission to complete the Community Profile Worksheet and establish farmland protection goals and objectives.

- a. Make copies of worksheet (*Appendix D*) for everyone.
- b. Review background and analysis material in Chapter Six.
- c. Have ready for meeting:
 1. Important Farmlands Map (IFM) for your county (available from local Soil Conservation District office). (See *Appendix A & C*).
 2. Information on the assessed value of agricultural land as a percentage of total land value in the community (*available from local assessor*).

3. Population counts for last ten years (available from the county or regional planning agency).

4. Number of parcel splits and residential building permits issued in the last five years (available from county register of deeds, township assessor, building inspector). Prepare a pin map of new residential dwellings in advance--see page 14.

5. Number and acreage of PA 116 enrollments and a map illustrating the location of enrolled parcels (*available from county or regional planning commissions*).

6. If available, bring aerial photo of all lands in the township. (*May be available from county USDA Agricultural Stabilization and Conservation Service office, county or regional planning commission*).

d. Decide on the extent of threat to farmland and the extent of protective measures required based on answers to the Community Profile Worksheet. (*Chapter Six*).

e. Establish draft goals, objectives and policies for farmlands protection coordinated with other community goals for public works, land use, transportation, housing and open space. (*See Appendix E for sample goals and objectives*).

f. Schedule the next meeting.

2. Hold a meeting with representatives from the farm community such as farmers, agricultural service establishments, farm bureau, and members of the township board of trustees or county board of commissioners. This meeting can be publicized through press releases and other media coverage.

- a. Review results of the Community Profile Worksheet completed at the initial meeting described above.
- b. Seek consensus on need to act.
- c. Review draft goals and objectives.
- d. Review sample zoning techniques in guidebook and choose two for further study (*See Table 2, page 24*).

e. Appoint and assign the task of preparing a report on the economic and environmental importance of farming/farmland in your community to a subcommittee.

f. Schedule a completion date for the above report.

g. Keep the media and public informed on the progress of this initiative.

3. The subcommittee's report needs to contain detailed information on the economic and environmental importance of agriculture in your community (See Chapters Two, Three, Five & Six)

a. Document economic data (*available from the Michigan Agriculture Census housed either at the local library or the Soil Conservation Service office*).

b. Map the prime and unique agriculture lands onto a parcel map showing the size and location of each parcel in the community.

c. Onto this same map, superimpose the existing location of farm and nonfarm dwellings and other land uses (*this information could be put on an acetate overlay*).

d. Draft a new chapter or update the existing section of the master plan dealing with the importance of farming and farmland. This section should document those areas most important to protect and the reasons for protection.

e. Also, identify and map those lands best suited for commercial, industrial and residential use. This can be accomplished by identifying those areas that are planned to receive public services such as sewer, water, lighting and roads.

4. The subcommittee also has the task of evaluating the two alternative zoning approaches selected by the planning commission in step 2d. (For further information see Chapters Three, Four & Seven).

a. Review the sample ordinance provisions in detail. Pay close attention to the information and definitions at the front of Chapter Seven. Compare the language to requirements in your existing ordinance.

b. Choose the most appropriate technique (*See Chapters Six, Seven and Table 2 on page 24*).

c. Make necessary modifications and supplements to reflect community concerns and characteristics.

d. Prepare a new zoning map showing boundaries of the new agricultural districts. Add a buffer district if necessary (*see page 17*).

e. Prepare a recommendation for the planning commission

5. The subcommittee reports back to the planning commission/township board/county board of commissioners and representatives of the farm community.

a. Present report on importance of agriculture and recommend that the report be adopted as a supplement to the Master Plan (*if accepted, be sure to schedule proper public hearings--same as for plan adoption*).

b. Have legal counsel review draft ordinance.

c. Present report on farmland protection zoning ordinance language. Recommend acceptance and further informal review by farm community.

d. Schedule public hearing to amend zoning ordinance.

e. If the sliding scale or quarter/quarter techniques are chosen, maps should be prepared showing the extent of existing development and the number of nonfarm dwellings that would be permitted on each parcel.

6. Planning Commission holds public hearings on amendment of master plan and zoning ordinance. Based on public input, any necessary changes to the plan or ordinance would be made.

7. Planning Commission adopts farmland protection amendments to the master plan and recommends adoption of agricultural zoning ordinance to township board or county board of commissioners.

8. Agricultural zoning ordinance amendments are adopted by the township board or county board of commissioners and zoning administrator/building inspector is instructed to implement new regulations. Be sure that a workable monitoring and enforcement provision is in place.

9. Implement other tools which may now be appropriate (*see Chapter Five*) in a comprehensive farmland protection program.

10. Review effectiveness of program at least every five years, making changes and modifications when appropriate.

Our best wishes are extended for your success in developing an effective agricultural protection program in your community. We hope this guidebook is useful as you undertake this important challenge.

FOOTNOTES

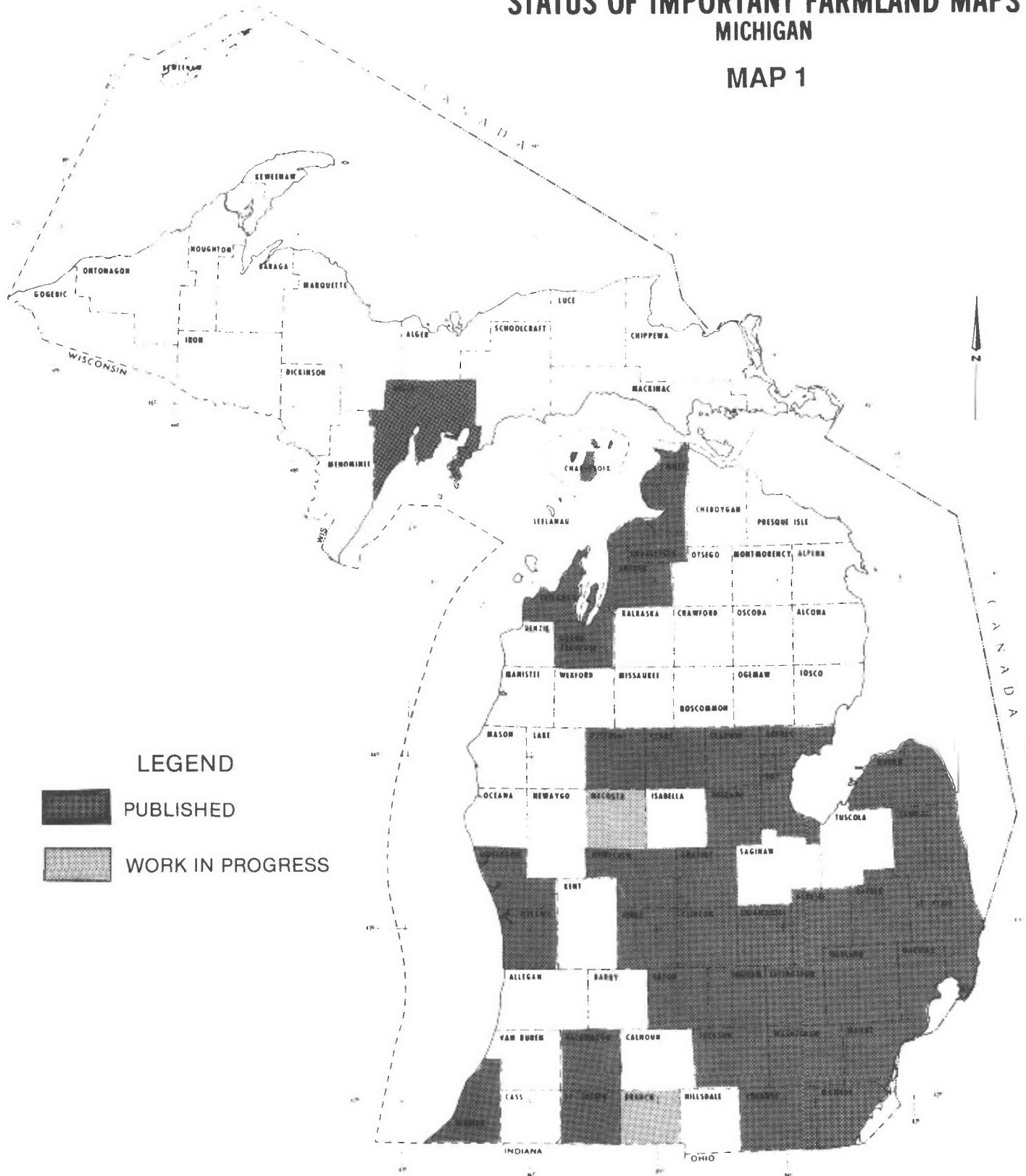
1. Comparison of total prime farmland data from the 1977 and 1982 National Resources Inventories: 1977 National Resources Inventory, USDA, Soil Conservation Service; cited in the **National Agricultural Lands Study, Interim Report No.2** (wall chart), **Agricultural Land Data Sheet--America Land Base in 1977**, Washington, D.C. June 1980, and **Michigan Data 1982**, National Resources Inventory, USDA, Soil Conservation Service, East Lansing, Michigan, p. 53, Table 34 B.
2. William Toner, **Saving Farms and Farmlands: A Community Guide**, Planning Advisory Service Report No. 333, American Planning Association, July 1978, p.3.
3. **Michigan Agricultural Statistics 1986**, Michigan Department of Agriculture, Lansing, MI., p.2.
4. Screening Committee, Governor's Conference on Agriculture, **Prospects For Michigan Agriculture and Agribusiness in the 1980's**, October 1983, p.13
5. William Toner, *Op Cit.*, p.4.
6. American Farmland Trust, **Density-Related Public Costs**, Washington, D.C., 1986, p.41A.
7. William Toner, *Op. Cit.*, p.3.
8. William Toner, *Op Cit.*, p.5.
9. William Toner, **Zoning to Protect Farming: A Citizen's Guidebook**, National Agricultural Lands Study, Washington, D.C., January 1981, p.23.
10. William Toner, *Op. Cit.*, **Zoning to Protect Farming**, p.14.
11. William Toner, **Protection of Farmland: A Reference Guidebook for State and Local Governments**, National Agricultural Lands Study, U.S. Government Printing Office, 1981, p.120.

APPENDIX A

STATUS OF IMPORTANT FARMLAND MAPS

MICHIGAN

MAP 1

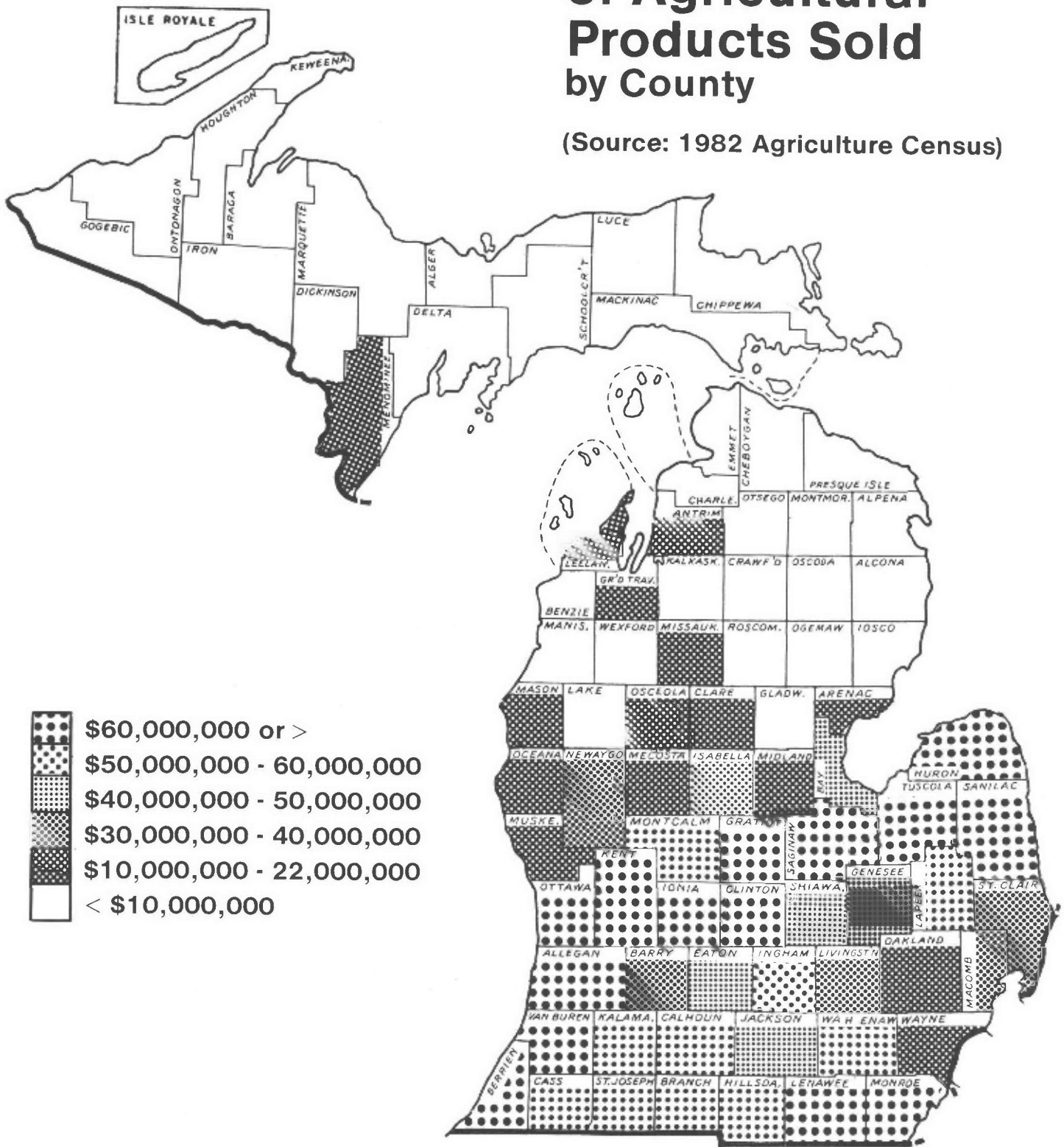


SOURCE:
FAMILY OF MAPS DRWG. NO. 5,S-32,577 (7-74)
AND INFORMATION FROM SCS FIELD PERSONNEL
ALBERS EQUAL AREA PROJECTION

SCALE 0 10 20 30 40 50 60 70 80 MILES
0 20 40 60 80 100 120 KILOMETERS

11-21-79
5,0-37,599

(Source: 1982 Agriculture Census)



APPENDIX C

**TOWNSHIPS WITH HIGH QUALITY FARMLAND
IN HIGH QUALITY AGRICULTURE PRODUCTION COUNTIES**
(Only townships in a county with an IFM are listed)

GROUP 1
> \$60,000,000 in Gross
Receipts From Agricultural Products (1982)

Allegan-no IFM
Berrien
Clinton
Gratiot
Huron
Ingham
Ionia
Kent-no IFM
Lenawee
Monroe
Ottawa
Saginaw-no IFM
Sanilac
Tuscola-no IFM
Van Buren-no IFM

BERRIEN COUNTY
(22 townships)
> 50% Prime

Baroda
Berrien
Bertrand
Chikaming
Galien
Niles
Oronoko
Pipestone
Royalton
Three Oaks
Weesaw
> 10% Unique
Bainbridge
Benton
Berrien
Coloma
Hagar
Oronoko
Royalton
St. Joseph

CLINTON COUNTY
(16 townships)
> 50% Prime
Bengal
Bingham
Dallas
Duplain
Eagle
Essex

(Clinton Co. con't)
Greenbush
Lebanon
Olive
Ovid
Riley
Watertown
Westphalia
> 10% Unique
Greenbush

GRATIOT COUNTY
(16 townships)
> 50% Prime

Arcada
Bethany
Elba
Emerson
Fulton
Lafayette
Newark
New Haven
North Shade
North Star
Pine River
Seville
Sumner
Washington
Wheeler

HURON COUNTY
(28 townships)
> 50% Prime

Bingham
Bloomfield
Brookfield
Chandler
Colfax
Fairhaven
Grant
Hume
Huron
Lake
Lincoln
McKinley
Meade
Oliver
Paris
Sand Beach

(Huron Co. con't)
Sebewaing
Sheridan
Sherman
Sigel
Winsor

INGHAM COUNTY
(16 townships)
> 50% Prime

Alaiedon
Aurelius
Ingham
Leroy
Leslie
Locke
Onondaga
Vevay
Wheatfield
White Oak
Williamston
> 10% Unique
Bunker Hill
Stockbridge

IONIA COUNTY
(16 townships)
> 50% Prime

Berlin
Campbell
Danby
Easton
Keene
Lyons
North Plains
Odessa
Orange
Orleans
Portland
Ronald
Sebewa

LENAWEE COUNTY
(22 townships)
> 50% Prime
Adrian
Blissfield
Clinton/Tecumseh
Deerfield

(Lenawee Co. con't)
Dover
Fairfield
Franklin
Hudson
Macon
Madison
Medina
Ogden
Palmyra
Raisin
Ridgeway
Riga
Rollin
Rome
Seneca

MONROE COUNTY
(15 townships)
> 50% Prime

Ash
Berlin
Dundee
Erie
Exeter
Frenchtown
Ida
Lasalle
Milan
Monroe
Raisinville
Whiteford

OTTAWA COUNTY
(17 townships)
> 50% Prime

Chester
Georgetown
Jamestown
Polkton
Tallmadge
Wright
Zeeland
> 10% Unique
Georgetown
Grand Haven
Park
Port Sheldon
Robinson

(Ottawa Co. con't)
Zeeland

SANILAC COUNTY
(26 townships)
> 50% Prime

Argyle
Austin
Bridgehampton
Buel
Custer
Delaware
Elk
Elmer
Evergreen
Flynn
Forester
Fremont
Greenleaf
Lamotte
Lexington
Maple Valley
Marion
Marlette
Moore
Sanilac
Speaker
Washington
Watertown
Wheatland
Worth
> 10% Unique
Minden

APPENDIX C (continued)

GROUP 2
\$50,000,000 to \$60,000,000 in Gross
Receipts From Agricultural Products (1982)

Branch-no IFM
 Calhoun-no IFM
 Cass-no IFM
 Hillsdale-no IFM
 Kalamazoo
 Lapeer
 Montcalm
 St. Joseph
 Washtenaw

KALAMAZOO
COUNTY
 (15 townships)
 > 50% Prime
 Brady
 Climax
 Pavilion
 Prairie Ronde

(Kalamazoo Co.
 con't)
 Schoolcraft
 Wakeshma

LAPEER COUNTY
 (18 townships)
 > 50% Prime
 Almont
 Burlington
 Burnside
 Goodland
 Imlay
 > 10% Unique
 Goodland
 Imlay

MONTCALM COUNTY
 (20 townships)
 > 50% Prime
 Bloomer
 > 10% Unique
 Day
 Douglass
 Eureka
 Fair Plain
 Home
 Maple Valley
 Montcalm
 Pine
 Winfield

ST. JOSEPH COUNTY
 (16 townships)
 > 50% Prime
 Colon
 Constantine
 Fawn River
 Flowerfield
 Leonidas
 Mendon
 Mottville
 Nottawa
 Park
 Sturgis
 White Pigeon

WASHTENAW
COUNTY
 (20 townships)
 > 50% Prime
 Augusta
 Bridgewater
 Freedom
 Lima
 Lodi
 Northfield
 Pittsfield
 Salem
 Saline
 Superior
 York
 > 10% Unique
 Freedom

GROUP 3
\$40,000,000 to \$50,000,000 in Gross
Receipts From Agricultural Products (1982)

Bay
 Eaton
 Isabella-no IFM
 Jackson
 Shiawassee

BAY COUNTY
 (14 townships)
 > 50% Prime
 Beaver
 Frankenlust
 Fraser
 Garfield
 Gibson
 Hampton
 Kawkawlin
 Merritt
 Monitor

(Bay Co. con't)
 Mt. Forest
 Pinconning
 Portsmouth
 Williams
 > 10% Unique
 Garfield
 Gibson
 Hampton
 Merritt
 Mt. Forest

EATON COUNTY
 (16 townships)
 > 50% Prime
 Benton
 Brookfield
 Chester
 Delta
 Hamlin
 Oneida
 Roxand
 Sunfield
 Windsor
 > 10% Unique
 Eaton Rapids

JACKSON COUNTY
 (19 townships)
 > 50% Prime
 Blackman
 Henrietta
 Pulaski
 Rives
 Sandstone
 Spring Arbor
 Springport
 > 10% Unique
 Henrietta

SHIAWASSEE
COUNTY
 (16 townships)
 > 50% Prime
 Antrim
 Burns
 Caledonia
 Fairfield
 Hazelton
 Middlebury
 New Haven
 Owosso
 Perry
 Rush
 Venice
 Vernon

APPENDIX C (continued)

GROUP 4
\$30,000,000 to \$40,000,000 in Gross
Receipts From Agricultural Products (1982)

Barry-no IFM	GENESEE COUNTY	LIVINGSTON	ST. CLAIR COUNTY	(St. Clair Co. con't)
Genesee	(17 townships)	COUNTY	(23 townships)	Riley
Livingston	> 50% Prime	(16 townships)	> 50% Prime	Wales
Macomb-no IFM	Argentine	> 50% Prime	Berlin	
Newaygo-no IFM	Clayton	Deerfield Handy	Brockway	
St. Clair	Gaines	Howell	Casco	
	MUndy	Oceola	Emmett	
		> 10% Unique	Grant	
		Iosco	Greenwood	
			Ira	
			Kenockee	
			Lynn	
			Mussey	

GROUP 5
\$10,000,000 to \$22,000,000 in Gross
Receipts From Agricultural Products (1982)

Antrim	(Antrim Co. con't)	GRAND TRAVERSE	MIDLAND COUNTY	OSCEOLA COUNTY
Arenac	Mancelona	COUNTY	(16 townships)	(16 townships)
Clare	Star	(13 townships)	> 50% Prime	> 50% Prime
Grand Traverse	Warner	> 50% Prime	Hope	Evart
Leelanu		Acme	Ingersoll	Marion
Mason-no IFM		Peninsula	Jasper	
Mecosta-no IFM	ARENAC COUNTY	> 10% Unique	Mount Haley	
Menominee- no IFM	(12 townships)	Acme		WAYNE COUNTY
Midland	> 50% Prime	Garfield		(10 townships)
Missaukee-no IFM	Clayton	Peninsula	MUSKEGON COUNTY	> 50% Prime
Muskegon	Lincoln	Whitewater (north part)	(16 townships)	Brownstown
Oakland	Sims		> 50% Prime	Canton
Oceana-no IFM	Standish	LEELANAU COUNTY	Casnovia	
Osceola	Turner	(11 townships)	Ravenna	
Wayne	Whitney	> 10% Unique	> 10% Unique	
	> 10% Unique	Bingham	Moorland	
	Au Gres	Centerville		
ANTRIM COUNTY	Whitney	Elmwood	OAKLAND COUNTY	
(15 townships)		Empire	(21 townships)	
> 50% Prime	CLARE COUNTY	Leelanau	> 50% Prime	
Banks	(16 townships)	Leland	Holly	
Milton	> 50% Prime	Suttons Bay	Lyon	
Torch Lake	Sheridan		Novi	
> 10% Unique			Oakland	
Chestonia				

APPENDIX D

Community Profile Worksheet

A) Value of the Agricultural Resource Base

- | | | |
|-----|----|--|
| Yes | No | 1. Does your community have a high percentage of total land area in prime and/or unique farmland? |
| Yes | No | 2. Are there a significant number of existing or proposed businesses that serve agriculture in or close to your community? |
| Yes | No | 3. Do local banks make a significant number of agriculture related loans? |
| Yes | No | 4. Is there a significant contribution to your local economy from agricultural production? |
| Yes | No | 5. Is your township listed on Map 1 or Table 1? |
| Yes | No | 6. Is 25 percent or more of total tax assessed valuation in your community classified as agricultural? |

B) Extent and Magnitude of Development Pressure

- | | | |
|-----|----|--|
| Yes | No | 1. Has there been significant population growth in the past ten years in or adjacent to your community? |
| Yes | No | 2. Is there an established city or village within or adjacent to your community's political boundaries? |
| Yes | No | 3. Is your community within one hour (travel time) of a major population center as shown on the map in Appendix C? |
| Yes | No | 4. Is there a freeway or major state highway within or adjacent to your community? |
| Yes | No | 5. Is there at least one major shopping center within or adjacent to your community? |
| Yes | No | 6. a. Is there an existing or proposed employer in or adjacent to your community? (200 employees or more) |
| Yes | No | b. If yes to 6a, is that major employer expanding its operation in or adjacent to your community? |
| Yes | No | c. Is there an Economic Development Corporation in your community working to attract economic growth? |
| Yes | No | 7. Are municipal sewer and water services and facilities available anywhere in your community? |
| Yes | No | 8. Has a significant amount of public money been spent in the previous five years to: |
| Yes | No | a. Upgrade rural roads? |
| Yes | No | b. Upgrade fire or police service? |
| Yes | No | c. Upgrade utilities? |
| Yes | No | 9. Have school enrollments been climbing in your community? |
| Yes | No | 10. Are there significant natural features such as lakes, streams, etc., in your community that attract permanent or seasonal population growth and residential or resort development? |

C) Geographic Distribution of NonFarm Development

- | | | |
|-----|----|---|
| Yes | No | 1. Has there been a significant number of parcel splits in the agricultural areas of your community within the past five years? |
| Yes | No | 2. Have the total number of residential parcels in your community increased significantly over the last five years? |
| Yes | No | 3. Are the recent parcel splits predominantly eleven acres or less? |
| Yes | No | 4. Are the parcel splits occurring primarily on prime or unique farmland? |
| Yes | No | 5. Are the parcel splits primarily scattered in the less densely settled areas? |

D) Current Conditions

- | | | |
|-----|----|---|
| Yes | No | 1. Does the zoning ordinance in your community allow a variety of nonfarming activities in agricultural areas? |
| Yes | No | 2. Has there been a significant conversion of lands from farming to nonfarm uses? |
| Yes | No | 3. Have you approved requests to rezone agricultural lands? |
| Yes | No | 4. Is a significant amount of the land which is classified as prime or unique in your community not enrolled in Michigan's Farmland and Open Space Preservation Act (P.A. 116)? |
| Yes | No | 5. Is a significant amount of land being held for speculative development in your community? |

APPENDIX E

Sample Goals & Objectives, Policies & Implementation Programs

Goals of farming communities center on:

- Protecting farmland: protect designated agricultural lands from being converted to non-agricultural uses.
- Protecting farming operations: protect farm operations from being curtailed or restricted.
- Protecting the agricultural economy: encourage the development of the agricultural economy.
- Protecting fragile areas and open space: preserve sensitive environmental areas and rural landscapes.
- Controlling public service costs: guide new urban development into established population centers in order to control the costs of public services.

Zoning to Protect Farming: A Citizen Guidebook, National Agricultural Lands Study, by William Toner, USDA, Washington, D.C., 1981, p.20.

Goal - The ultimate purpose of an effort stated in a way that is general in nature and immeasurable. Example: "To enhance the open-space amenities of the community." or "To accommodate future population increases while preserving productive agricultural soils."

Objective - A measurable goal. Example: "To reduce peak-hour traffic congestion to service level 'C' by 1984." or "To maintain prime and unique agricultural soils as illustrated in the USDA, Soil Conservation Service Important Farmland Map for _____ County, and all lands now being used or appropriate for producing food or fiber; provided, however, that agricultural lands severely limited by urban-rural conflicts or adjacent to public services necessary to support development at projected urban densities for the next 20 years, and as designated in the master plan, may be converted to nonfarm use."

Policy - A specific statement guiding action and implying clear commitment. Example: "Recreational uses in wildlife refuges and nature preserves shall be limited to those activities which are compatible with maintaining the environment with a minimum of disruption, such as hiking or horseback riding." or "Develop and enforce an exclusive agricultural zoning district."

Implementation Measure - An action procedure, program, ordinance or technique that carries out general plan policy. Example: "Develop a wetlands overlay zoning classification and apply it to all wetland areas identified in the general plan." or "Encourage enrollment in the Farmland & Open Space Preservation Act." or "Use agricultural buffers where new development is adjacent to farm land." or "Inform landowners of the benefits of deeding conservation easements to the jurisdiction or a local land trust."

Adapted from **California General Plan Guidelines**, Office of Planning & Research, 1400 Tenth St., Sacramento, CA 95814, Sept. 1980, p.10. and **Alternative Techniques for Controlling Land Use: A Guide for Small Cities and Rural Areas in California**, by Irving Schiffman, Institute of Governmental Affairs, University of California, Davis, CA, Jan. 1983, p.6-7.

AGRICULTURE GOAL

Promote and maintain a stable agricultural economy for the farmers and ranchers of Golden Valley County.

Objectives:

- A. Preserve the present importance of agricultural activity in the County.
- B. Protect productive agricultural land within the County as a resource for the use and benefit of current and future generations.
- C. Provide opportunities for increased and diversified agricultural productivity and processing.
- D. Ensure the importance and viability of the family farm concept.

Policies:

1. Investigate the possibility of diversified uses of agricultural by-products.
2. Encourage local processing of agricultural products.
3. Support the establishment and continuance of adequate farm programs.
4. Identify locations of prime and unique farmland.
5. Encourage the County's young people to remain in farming and ranching by providing financial and other incentives.
6. Maintain agricultural land values by controlling adjacent land uses.
7. Provide and maintain an equitable agricultural land taxing system.

Community Planning Handbook, North Dakota Office of State and Local Planning, Bismarck, ND, 1980, p.33.

AGRICULTURE AND LAND USE**Goal:**

Maintain and preserve the most productive agricultural soils of Clare County, and regulate future land uses to provide maximum benefits to citizens of the County.

Policies:

- To protect the prime agricultural lands of the County by preventing scattered rural housing. Such housing tends to increase the assessed value of adjacent land and results in higher taxes for the farmer. The withdrawal of farm land from cultivation because of increased value for urban use eliminates its agricultural productivity as effectively as if its topsoil were carried away by erosion.
- To help identify opportunities for private landowners and commercial enterprises to make profitable investments in various facilities and areas of the County.
- To encourage conversion of open land to intensive uses when all necessary urban services may be provided, and when sufficiently large tracts are planned, to insure future utility of the entire tract and all adjacent land, as well as all highways serving both.
- To discourage intensive development on steep, rugged areas as well as very poor drained bottom lands having poor permeability or soil stability.

Regional Comprehensive Plan for Clare County, Michigan for Association of Clare County Local Planning Commissions, by Parkins, Rogers & Associates, June 1978, p.81.

COUNTY DEVELOPMENT PATTERNS

The broad relationship of land usage within Lapeer County should be carefully considered. Agricultural interests do conflict with urban interests. THE LONG-RANGE GOAL OF COUNTY PLANNING SHOULD BE TO ESTABLISH POLICIES WHICH WILL ALLOW BOTH ECONOMIC SYSTEMS TO EXIST AND GROW WITHIN THE COUNTY. All future planning and development should be approached on the assumption that because Lapeer County is in close proximity to two large metropolitan areas, the County must expect expansion and change. However, the present rural character of the County must be protected so that it can also thrive.

Policies:

Concentrated Urban Development -- Concentrate urban development in distinct urbanized areas where community facilities can be provided economically. The scattering of population throughout the County means that services are provided at a high cost to the taxpayer or not provided at all. This not only creates inconveniences to residents (in the form of higher taxes or poor service) but can also be dangerous (a lack of health facilities or utility systems).

Protection of Agriculture -- Protect agricultural uses so that they may continue to thrive in the County. Agricultural areas of the County must be protected from the indiscriminate location of urban development. Agricultural land cannot compete with land values of housing, commerce or industry. These more intensive land uses will generally increase the value of land to the point where farming must cease. Lapeer County is an agriculturally rich area in the State. Good farm land should be identified and protected wherever possible. This is of vast importance not only to farmers in Lapeer County, but to all of Southeastern Michigan and other areas which rely on the farm products of the County.

Primary Urban Growth Center -- Promote a primary urban growth center and secondary urban centers in Lapeer County. A primary urban center will achieve a size which can support a wider variety of service, cultural and commercial activities. A primary urban center would be an area where future urban growth would be encouraged to expand. Public facilities and services should concentrate in and near the primary urban center to provide an enticement to private developers. Secondary

urban centers should be encouraged, but should be subordinate to the primary urban center in population size and services provided.

Major Transportation Facilities -- Locate all major transportation facilities so as to encourage development in those areas suited for development and away from areas with significant agricultural or open space value. Transportation facilities are the primary catalyst attracting urban development. Their location is of great importance to controlling future growth within the County.

Adapted from Lapeer County Comprehensive Development Plan 1990, Michigan, Lapeer County Planning Commission, by Parkins, Rogers & Associates, 1972, p.96-97.

FARMLAND PRESERVATION PLANNING IN WISCONSIN COUNTIES

Step 1: Data collection, survey and analysis

County agricultural preservation plans must be based upon studies and analyses of agricultural use and productivity, natural resources and open space, population and population density, urban growth, housing and the character, location, timing, use and capacity of existing and future public facilities.

Step 2: Defining community goals and objectives

When it takes on a farmland preservation planning project, a county is saying that one of its most important goals is the preservation of farmland. Other goals defined during the planning process may be related to the preservation of farmland, open space, and significant environmental areas. These goals and objectives may encompass or be a part of general community development goals as well.

Step 3: Plan development

County agricultural preservation plans must include statements of policy regarding preservation of agricultural lands, urban growth, the provision of public facilities and the protection of significant natural resource, open space, scenic, historic or architectural areas. They are also required to include maps identifying agricultural areas to be preserved, areas of special environmental, natural resource or open space significance and areas which are currently in agricultural use but are expected or planned to convert to other uses.

Step 4: Plan adoption

Step 5: Plan implementation

Agricultural preservation plans must suggest a program of specific public actions designed to preserve agricultural lands and guide urban growth in the county. The implementation program must include at least the following:

- a general description of land use controls and programs to implement the policy statements formulated as part of plan development.
- a program describing the character, location, timing, use, capacity and financing of existing and proposed public facilities to serve existing and new development.
- an identification of procedures and standards for controlling the installation and maintenance of private waste disposal systems, specifically identifying areas not suitable for the installation of such systems.
- a program to protect areas of special environmental, natural resources or open space significance.

Step 6: Updating the plan

The Farmland Preservation Act states: "Counties shall continually review and evaluate the agricultural preservation plan in light of changing needs and conditions and shall provide for periodic revision of the agricultural preservation plan set forth in this subchapter. Revisions shall be made in the same manner as adoption of the plan."

Adapted from Land Use Handbook: Guide to Local Land Use Planning & Zoning in Wisconsin, by University of Wisconsin Extension and Monroe County, 1979, p.140-142.

APPENDIX F

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