

## **Agricultural Preservation in Emmett Township**

*[INSERT THIS SECTION AT END OF CHAPTER 10 – FUTURE LAND USE PLAN, FOLLOWING THE “ROAD CORRIDOR DEVELOPMENT” SECTION]*

### **Why Emmett Township Should Preserve Farmland**

Farmland is a critical component of our state and county economic landscape, benefiting local economies through sales, related business enterprises, processing and distribution industries and local job creation. Farming has long been a part of Emmett Township's history and culture. Farmland also provides critical ecosystem management functions. The absorption and filtration of stormwater eases the burden on communities in having to fund stormwater management programs and helps to maintain good water quality. Furthermore, privately owned agricultural land generates more in tax revenue than it requires in public services. Once farmland is lost to development, it is irretrievable for future generations. Wide-scale fragmentation of farmland will lead to a complete transformation in the community character of Emmett Township.

Emmett Township residents are proud of the community's strong agricultural heritage. According to the Southeast Michigan Council of Governments (SEMCOG), 68.4% - or 14,817 acres - of the township was active agricultural land in 2000. Between 1990 and 2000, the township lost 8.7% - or 1,403 acres - of active agricultural land. During that same time period, there was a 65% increase in single-family residential development and an 18% increase in commercial and office uses.

Emmett Township is blessed with prime farmland soils when drained and also has an abundance of important local farmland. Prime farmland is defined by the U.S. Department of Agriculture (USDA) as land with soils best suited to produce food, feed, forage, fiber and oilseed crops. Prime farmland differs from unique farmland, which refers to land used to grow high-valued vegetables and specialty crops. Pastures, woodlands and other land that is not urban or built upon are considered cropland by the USDA. Roughly 89% of the soils in Emmett Township are classified as prime farmland. Crops grown on these soils will produce the highest yields with the smallest input of energy and economic resources. The topography of the township is generally flat to gently sloping. The highest elevations are in the western half of the township, with flatter and lower elevations in the eastern half of the township.

The dominant soil association in Emmett Township is Blount-Parkhill. Dairy farming and cash crops are the primary farming activity on these soils throughout St. Clair County.

Because of these soils and the desire of the community to preserve farmland and protect the township's unique rural character, the township should take

advantage of and implement the various mechanisms that are available at the local, county and state levels to preserve farmland.

In a 1998 Community Opinion Survey conducted during the update of the township Master Plan:

- 84% agreed that the township should remain rural in character;
- 84% agreed that farm and orchard land is valuable for the open space it provides;
- 83% agreed that existing farms (including orchards) should be encouraged to remain as long as economically possible;
- 48% agreed that existing farms should be encouraged to remain regardless of economic cost;

Clearly, there is a high level of support for agricultural preservation in the township. Although there was low support by residents for being taxed to fund agricultural preservation, the township does not need to establish and administer a local purchase of development rights (PDR) program. St. Clair County has a countywide PDR program that is administered by the Agricultural Preservation Board. The county program does not require local funds. It is described in more detail below.

#### **Agricultural Preservation Eligibility and Prioritization**

Emmett Township is a rural community with a small number of existing and future land use classifications. Like many other rural communities within the region, the agricultural land use classification is "Agricultural/Rural Residential," described above and depicted on the future land use map.

In "Agricultural/Rural Residential" areas, landowners with 35 acres of farmland or more are eligible to *voluntarily* apply to enroll their agricultural land in state and/or county farmland preservation programs. The Agricultural Preservation Eligibility Map below highlights eligible parcels based on parcel size. This map is intended to supplement the future land use map and provide more detail on prioritized agricultural preservation areas. Property that is planned for non-agricultural uses as detailed on the future land use map are colored gray and are not eligible for agricultural preservation programs because they are planned for uses such as "Village Residential," "Rural Estate," "Commercial," "Public/Semi-Public" and "Industrial."

Priority for agricultural preservation eligibility will be given to parcels that are 80 acres or larger. The prioritization scale is as follows:

- **Very High Priority:** Parcels that are 80 acres or more receive bonus points when ranked in the state of Michigan Agricultural Preservation Fund scoring system. The highest priority for preserving farmland in Emmett Township is large tracts of productive farmland that also have prime

farmland soils that are most conducive for successful agriculture. This priority level includes contiguous parcels under the same ownership, even though individual parcels – independent of the adjacent parcels – may have fewer than 80 acres (example: three separate, contiguous parcels under the same ownership, with parcel 1 being 30 acres, parcel 2 being 30 acres and parcel 3 being 25 acres for a total of 85 acres).

- **High Priority:** Parcels that are between 50 and 79 acres in size with prime farmland soils are the next level of prioritization. These properties are still large, attractive tracts for preserving productive farmland in perpetuity.
- **Moderate Priority:** Parcels that are 35 to 49 acres in size are at the minimum threshold of eligibility in state and local farmland preservation programs. Typically, there is a 40-acre minimum parcel size to qualify for various programs. However, smaller farms can sometimes qualify based on the type of crops being grown, whether the farm is considered unique farmland, or if the farm is located adjacent to other preserved land.

The state of Michigan Agricultural Preservation Fund Program – in which the St. Clair County Farmland Preservation Program participates – requires that potential preservation areas include the following:

- A) Farmland that has a productive capacity suited for the production of feed, food and fiber.
- B) Farmland that would complement and is part of a documented, long-range effort or plan for land preservation by the local unit of government in which the farmland is located.
- C) Farmland that is located within an area that complements other land protection efforts by creating a continuous block of farmland.
- D) Farmland in which a greater portion of matching funds or a larger percentage of the agricultural conservation easement value is provided by a local unit of government or sources other than the state fund (this includes donations by the landowner).
- E) Farmland that will help to enhance other local open space initiatives in the community such as connecting an open space or wildlife habitat corridor, or in preserving unique habitats/natural features that benefit local conservation efforts.





The St. Clair County Farmland Preservation Program has its own ranking system that scores PDR applications that come in from the townships participating in the program. The county ranks all of the PDR applications that come in from participating townships and then forwards its highest ranking applications to the state program. The county's best applications then compete for grant funds against the best applications from other county and local PDR programs. The county program is explained in more detail below in the "Potential Strategies for Preserving Agriculture" section.

# Emmett Township

# Agricultural Preservation Eligibility Map

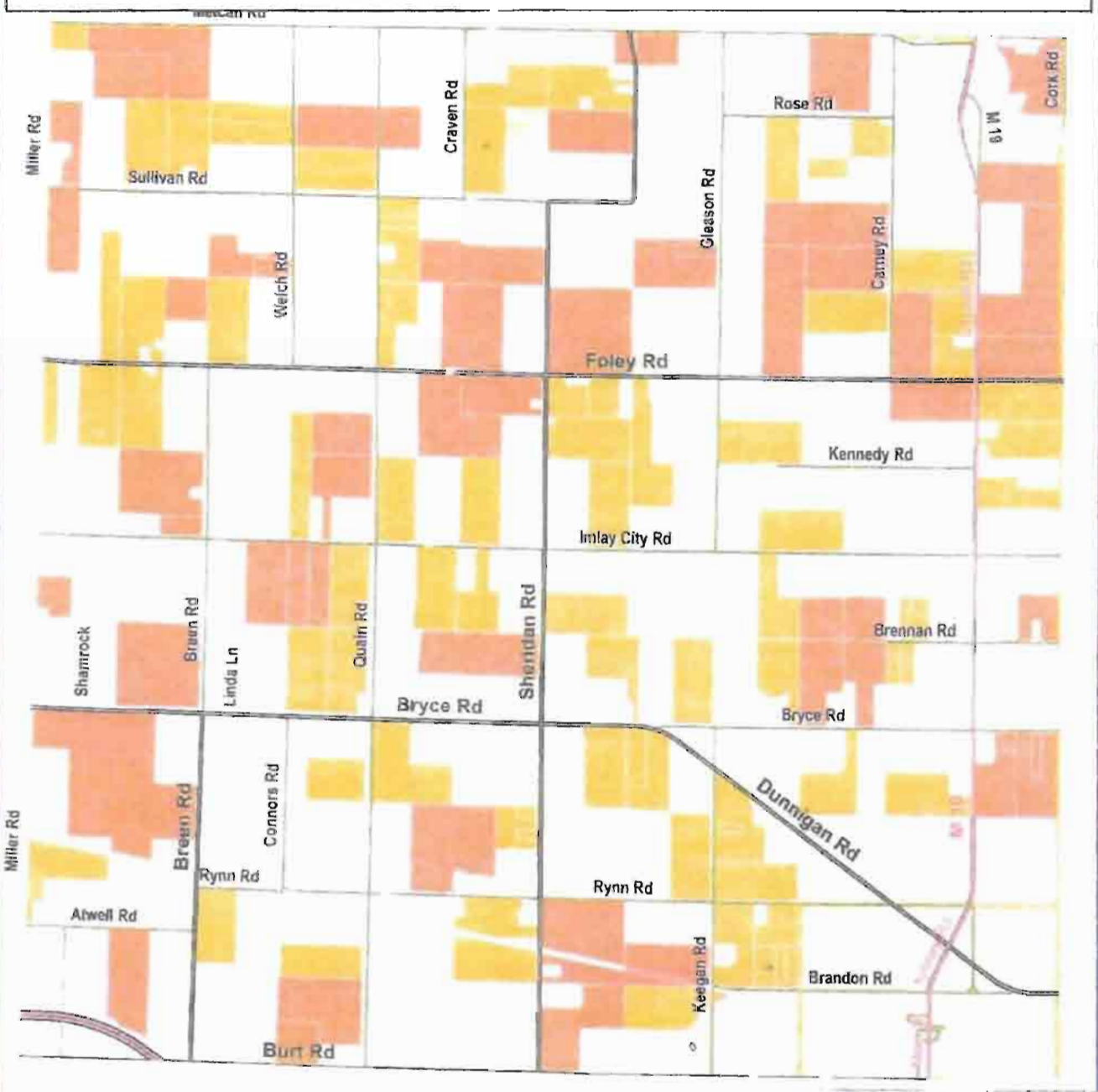
## Legend

### ACRES

-  < 35 acres (Not Eligible)
-  35 to 49 acres (Moderate Priority)
-  50 to 79 acres (High Priority)
-  80 or more acres (Very High Priority)

## Legend

Planned Non-Agricultural



The intended outcomes of the Agricultural Preservation Eligibility priorities are:

- To promote farming activities as the primary land use in the areas of the township best suited for such use;
- To preserve woodlands and wetlands associated with farms which because of their natural characteristics, are valuable as water retention and ground water recharge areas, as habitat for plant and animal life and which have important aesthetic and scenic value which contribute to the existing and desired future character of the area.
- To prevent the conversion of viable agricultural land to scattered non-farm development, which, when left unchecked, unnecessarily increases the cost of public services to all residents and results in the premature disinvestment in agriculture.
- Most of the land highlighted on the Agricultural Preservation Eligibility Map is presently in agricultural and open space uses.
- Landowners with property located within the eligible areas, as depicted on the map, would have the opportunity to *voluntarily* apply to preserve their farmland in perpetuity through a variety of agricultural preservation programs, including the Michigan Agricultural Preservation Fund and the St. Clair County Farmland Preservation program.

### **Potential Strategies for Preserving Agriculture**

Agricultural preservation techniques that could be considered by the township are detailed below. In addition to these concepts, the township should continue to serve as a resource of information to farmers on the components and benefits of available local, state and federal conservation programs to support farming operations. In addition, continuing education for non-farm landowners, homebuyers, and others on the effects of rural living and agricultural operations can help avoid misunderstandings and complaints concerning land use conflicts.

There are numerous agricultural preservation techniques that should be considered for all property owners in Emmett Township that seek to preserve agricultural land and open space. The following sections describe strategies, tools and regulations that, when used – both individually and in combination – may be useful in preserving agricultural land in the township.

### **St. Clair County Farmland Preservation Program**

The St. Clair County Agricultural Preservation Board was formally established on June 9, 2004 to develop and oversee a county farmland preservation program. The Board consists of nine members who represent a variety of agricultural interests, including township government, real estate development, and city/village interests. All members are appointed by the St. Clair County Board of Commissioners to three year terms. The Farmland Preservation Program seeks to acquire agricultural conservation easements on viable farmland within the county.

The purpose of creating a preservation board was to capitalize on P.A. 262 of 2000, the State Agricultural Preservation Fund. This funding program was established to provide local units up to a 75% funding match from the state to purchase development rights on farmland, with at least 50% of the acreage devoted to agricultural use. The 25% local match can come from a variety of sources: county funds, township funds, private conservancies, or donation by landowners who wish to take advantage of attractive tax benefits.

Creation of a formal board positioned the county to take advantage of state agricultural preservation funds for local farmland preservation programs. The adoption and establishment of a local program is a requirement for qualification. County programs greatly increase the efficiency of administration for both the state and communities within a county.

Among other things, the Agricultural Preservation Board developed an Agricultural Preservation Fund Scoring and Application System to be used for scoring applications for agricultural preservation grants and produced the county's first Purchase of Development Rights (PDR) ordinance, which was also adopted in 2004. Under a PDR program, a landowner voluntarily sells his or her rights to develop a parcel of land to a public agency or a charitable organization interested in natural resource conservation – in this case the St. Clair County Agricultural Preservation Board and/or the Michigan Department of Agriculture. The landowner retains all other ownership rights attached to the land, and a conservation easement is placed on the land and recorded on the title. The buyer, generally a local government, purchases the right to develop the land and retires that right permanently, thus ensuring that development will not occur on that piece of land.

The county's PDR program compensates landowners for the difference between the developmental value and the agricultural value of the property in exchange for a permanent conservation easement that prohibits future development. Landowners are compensated for the value of lost development potential in exchange for maintaining the property as farmland. It is important to remember that the PDR program is a voluntary program which does not establish or imply county zoning.

Emmett Township has passed a resolution supporting the county's Farmland Preservation Program, which makes landowners in the township eligible to apply for the program if they so choose. Applications are scored and ranked based on the county's scoring system. All applications from Emmett Township are also prioritized and ranked among applications from all of the participating townships in the county. The county then forwards the highest priority parcels to the Michigan Department of Agriculture, which ranks the prioritized applications from around the state.

### **Michigan Farmland and Open Space Preservation Program (PA 116)**

The Michigan Farmland and Open Space Preservation Program allows farmers to enter into development-limiting contracts with the state of Michigan for a period between 10 and 99 years. The state rewards farmers for their participation with income-tax incentives, and exemption from certain special assessments. In 1996, Michigan's Governor approved amendments to the Act in H.B. 4325. These changes are designed to keep PA 116 a desirable program for landowners.

The PA 116 program results in temporary conservation easements with the following conditions:

- Agreements can range from 10-99 years.
- A parcel of 5-39 acres in size with at least 51% devoted to agricultural use and that earns at least \$200 per cleared and tillable acre.
- Must be a parcel 40 acres or larger with at least 51% devoted to agricultural use.
- Land may not be developed for any use other than agriculture.
- Landowner is eligible for a property tax credit and special assessment exemption.

In the PA 116 program, the land is to remain enrolled for the number of years stated in the agreement. However, if the landowner wishes to convert or develop farmland before the agreement expires, the owner must repay the past seven years of taxes saved plus interest compounded annually from the time the credit was received. Emmett Township should encourage farmers to participate in the PA 116 program.

### **Conservation Easements**

A conservation easement is the voluntary donation of land to have restrictions placed on it for the protection of agriculture and open space. The landowner still owns the land and can use it for specific conditions that the landowner and the nonprofit easement holder have agreed upon. Agricultural easements are designed to benefit the landowner and to assist in keeping agricultural lands productive and protected from development.

The easement is considered a charitable contribution for which the landowner does not receive direct income benefits. The landowner benefits from the donation through federal and state income tax deduction, lower property taxes, and reduction in estate and inheritance taxes. The value of the conservation easement is the difference between the fair market value and the value of the land after restrictions have been imposed.

Conservation easements are flexible to the landowners needs and may have limited provisions for use and development. The easement holder assumes the responsibility to make sure that all the restrictions are enforced.

The length of the easement may vary, from a limited number of years to perpetuity. However, federal tax benefits are only available on permanent easements. The conservation easement runs with the land, meaning it remains in effect if the property is bought, sold, given or transferred to another owner. The new owner then assumes all responsibility of the conservation easement.

### **Sliding Scale Zoning**

This technique limits the number of times that a parent parcel (a parcel existing on the date of ordinance adoption) can be split, based on its size, i.e., the larger the parcel, the more splits that may occur, up to a maximum established number.

Unlike exclusive use zoning, sliding scale zoning allows some non-farm residential development without special land use or other reviews. Sliding scale zoning can be useful in agricultural areas that are being affected by residential development and land speculation by allowing some increased use of land for development of non-farm uses.

Minimum and maximum building lot sizes can be used to encourage the location of non-farm development on less productive farmland and/or in areas where development is more concentrated, and to direct growth onto already fragmented land. The use of sliding scale zoning is most effective in areas where a wide range of parcel sizes exists and non-farm residential development has already begun to occur. The use of buffer areas is recommended to avoid land use conflicts between new residential development and agriculturally-related activities, such as pesticide spraying.

### **Quarter-Quarter Zoning**

Quarter-quarter zoning is a density-based zoning technique which is most appropriate only in areas eligible to participate in agricultural preservation programs and where average parcel sizes generally exceed 40 acres. Quarter-quarter zoning refers to a quarter of a quarter section of land (1/16 of 640 acres, or 40 acres) where a limited number of non-farm homes are allowed for every 40-acres of land.

A related technique establishes a density or number of housing units to be permitted in a square mile of land. Generally this is only effective where very large parcels are present, or where many of the existing parcels are under the same ownership.

### **Agricultural Buffers**

Buffers between active agricultural areas and other uses, such as residential development, can help reduce land use conflicts. Agriculture contributes heavily to the image of rural character. Balancing the need to preserve rural character and continue agricultural practices with the desire to develop land for non-agricultural purposes can be challenging. Residential and agricultural conflicts are occurring with greater frequency in developing areas as more people are

moving from urbanized to traditionally agricultural areas. The use of buffers can aid in easing land use conflicts and improving the relationship of agricultural uses and new residents.

Buffers are generally imposed on residential developments rather than on farming operations, principally because the farm usually exists before new development occurs. Buffers should be sufficiently wide to protect the farming operation from lawn fertilizers, playing children, and other conflicts. At the same time, they cannot be so burdensome as to require excessive land commitments from residential property owners.

### **Open Space (Cluster) Development**

Another approach to preservation is to concentrate less on restricting development of property and work instead on the efficient use of land. An open space development permits areas of agricultural lands, natural systems, and other desirable site features to remain, even as other parts of the property are developed for residential use.

Clustering provides for a denser concentration of development in a limited area, with no increase in the overall, or "gross density" of the site. The gross density must conform to the requirements of the Zoning Ordinance. In most zoning ordinances the preparation of a conventional plan is usually required to demonstrate the number of lots or dwelling units that are allowed. The object of clustering is not to increase the number of units developed, but to regulate the amount of land disturbed by structures, lawns, and drives. This concept applies to all residential areas because of its ability to preserve farmland, natural systems, and open space other than active farmland.

Farmland provided as part of a cluster development could be incorporated in a long-term lease agreement with a local farmer. Farm operators may also take advantage of this option by developing only a portion of the property to gain additional financial resources, while retaining the remainder for agricultural purposes. For those developments that do not include farmland, the open space should be protected in perpetuity through covenants, deed restrictions or conservation easements as described above.

### **Transfer of Development Rights/Planned Unit Developments with Non-Contiguous Open Space**

Transfer of development rights is another voluntary preservation option that compensates the land owner for not developing the land by allowing the development rights to be transferred to a development district.

For TDR to work properly two districts need to be established. A preservation, or "sending" area, where no development will occur, and a "receiving" area that uses the rights for higher development densities above that which is otherwise allowed under current zoning.

TDR has characteristics similar to PDR. Each focuses on the protection of agricultural land and natural systems while allowing the landowner to be compensated for not selling and developing the land. Compensation benefits include reduced tax assessments and the right to buy, sell or transfer the property.

At present, TDR is not explicitly enabled by Michigan statute; however, the Michigan Zoning Enabling Act (PA 110 of 2006) has provisions that authorize planned unit developments (PUDs) with non-contiguous open space. PA 110 states that:

*“Unless explicitly prohibited by the planned unit development regulations, if requested by the landowner, a local unit of government may approve a planned unit development with open space that is not contiguous with the rest of the planned unit development.”*

It is important to note that like PDR, PUDs with open space that is not contiguous cannot be mandated, it must occur at the request of the landowners involved.

### **Supporting and Promoting Agri-Business and Agri-Tourism in Emmett Township**

One way to ensure that farming remains viable in Emmett Township is to ensure that farmers have every opportunity to maintain successful businesses and pursue value-added endeavors that will contribute to their financial success. Value-added agriculture involves using innovative methods to increase the market value of existing farm products. By taking advantage of value-added opportunities, farmers can improve the marketability of their products and bring in additional revenue long after harvesting their crops.

The township should ensure that its zoning ordinance contains language that permits value-added operations or agri-business opportunities, which include:

- U-pick operations
- Direct marketing/sales
- Haunted hayrides
- Corn Mazes
- Petting farms/Pony rides/Play areas for children
- Roadside stands
- The sale of baked goods containing produce grown primarily onsite
- Retail sales/gift shops

Clearly, many of these value-added operations are directly related to agri-tourism, which takes advantage of agricultural and rural attractions to provide entertainment and education for tourists and local residents alike.

Agri-business and agri-tourism opportunities help keep farms viable and can help to keep farms in the family. They also help generate additional income or off season income and help farmers diversify the market. Accompanying a growing national movement toward leading healthier lifestyles is a shift in consumer spending toward locally-grown produce, farmers' markets, organic and niche produce and community-supported agriculture. Emmett Township farmers are well-positioned to take advantage of these emerging trends.

## **Industrial Development**

Industrial uses require access to major transportation routes and segregation from residential areas. There is one small non-conforming industrial use within the Township; given its location, this plan holds the view that its location is not the most appropriate for an industrial use. Lacking other industrial land uses to build upon should the demand for industrial use development occur, this plan has identified the land area at the junction of Burt Road and the I-69 off ramp (from Riley Township to the south) in the southwest area of the Township for light and heavy industrial development. This site accords high visibility and access to I-69. The interchange with I-69 is just feet away from the specified land area and, all roads are paved.

Careful site planning will help mitigate any impacts on residential development, which may occur in the adjacent area planned for Agriculture/Rural Residential use.

Light industrial operations include uses, which are primarily confined to, enclosed structures or whose outdoor storage needs can be easily screened. Typical light industrial uses include parts assembly, packaging, warehousing, tool and die shops, and small manufacturing operations.

The Heavy Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities, including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The district is so structured as to permit, in addition to Light Industrial uses, the manufacturing, processing, and compounding of semi-finished or finished products from raw materials.



-  AGRICULTURAL / RURAL RESIDENTIAL
-  RURAL ESTATE
-  VILLAGE RESIDENTIAL
-  COMMERCIAL
-  INDUSTRIAL
-  PUBLIC /SEMI-PUBLIC
-  RECREATION / OPEN SPACE



## MAP 5: FUTURE LAND USE

EMMETT TOWNSHIP  
ST. CLAIR COUNTY, MICHIGAN

