

BACKGROUND

Public Act 116 was rolled-up into the Natural Resources and Environmental Protection Act of 1994 (Act 451 of 1994, Part 361) under Section 324.36101 “Application for Farmland Development Rights Agreement.”

Public Act 116 is an act that enables a landowner to enter into an agreement with the state, whereby the property owner agrees to keep the enrolled land for agricultural use, or use as open space, in return for a credit on the respective landowner’s income tax. The minimum duration of an agreement is ten years, but it may be for a longer period (up to 99 years). Agreements can also be renewed.

An owner of land desiring a farmland development rights agreement (PA 116) may apply by filing an application with the local governing body (Township). Upon receipt of the application, the local governing body (Township) shall notify the county planning commission or the regional planning commission and the soil conservation district agency. An agency or local governing body receiving notice has 30 days to review, comment, and make recommendations to the local governing body with which the application is filed. These reviewing agencies do not have an approval or rejection power over the application.

PROCEDURE

1. Upon receipt of a PA 116 application, the local governing body (Township) shall notify the county planning commission or the regional planning commission and the soil conservation district agency.
2. Planning and Environment Department performs a review of the application and schedules the applications for review by the Planning Advisory Board at the next meeting.
3. Planning Advisory Board reviews the applications and considers how the application affects the following areas: (1) long range planning; (2) existing land use; (3) current zoning; (4) compliance with County and local unit master plans; (5) indication that no water and sewer service is planned in the area within the lifetime of the PA 116 agreement; and (6) indication that the farm meets PA 116 technical requirements.
4. Planning Advisory Board’s advisory opinion on the above considerations is forwarded to the local governing body (Township).