

MICHIGAN DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL STEWARDSHIP DIVISION
FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

**INSTRUCTIONS FOR LOCAL GOVERNING BODY
FOR COMPLETING AN
APPLICATION FOR A FARMLAND AGREEMENT**

A. After a landowner completes his/her portion of an **Application for a Farmland Agreement** (in accordance with Part 361 of the Natural Resources and Environmental Protection Act, 1994, Act 451, as amended, more commonly known as P.A. 116), the landowner is to attach a copy of the most recent deed or land contract to prove current ownership of the property to be enrolled in the program, and a copy of a recent tax bill or tax assessment notice containing the legal description of the property. The landowner then is to take these application materials to the “local governing body” (see definition below) for local review and action.

B. The local governing body holding the application shall approve or reject the application within **45 DAYS** after the application is received. It is the responsibility of the local governing body conducting the initial review (usually the township board, with actual handling done by the township clerk) to complete the bottom portion of page 3 of the application form. **ALL APPLICABLE LINES/SPACES ON THE BOTTOM PORTION OF PAGE 3 ARE TO BE COMPLETED.**

C. SECTION I. requires the local governing body’s name, date received, whether the application is approved or rejected, the date of approval or rejection, the clerk’s signature and seal (if applicable), and the current market value of the property in the application. **IMPORTANT:** If the application is approved on or before November 1st of a given year, the landowner is eligible for tax credits from the State of Michigan for that entire year. If approved after November 1st, the landowner is eligible for tax credits beginning the following year.

D. SECTION II. should be completed with either a date or check mark or “NA” for “not applicable.” For all applications, the reviewing agencies are the County or Regional Planning Commission and the local Conservation District. If the county is the local governing body initiating the review of the application, the township also becomes a reviewing agency. If the land in the application is within three miles of a city, that city becomes a reviewing agency. If the land is within one mile of a village, that village becomes a reviewing agency.

E. Reviewing agencies are to be sent a copy of the application by the local governing body (again, usually the township). At the very least, this includes the County or Regional Planning Commission and the Conservation District. A reviewing agency has **30 DAYS** in which to review and comment on the application and provide comments to the local governing body. After the 30-day period, the local governing body can proceed with or without comments from reviewing agencies.

F. Upon receipt of an application, the clerk checks the application to see that it has been properly completed by the landowner. Next, the clerk insures that the items listed under FINAL APPLICATION SHOULD INCLUDE on page 3, right side, near the bottom, have been enclosed with the application. If review letters have been received from any of the applicable reviewing agencies, the clerk should also enclose copies of those letters with the application. If no comments were received within the 30-day time period, the clerk should indicate such in some manner on the application when the application is sent on to the Farmland Preservation office.

G. After all the above is done and the portion FINAL APPLICATION SHOULD INCLUDE is completed (all applicable spaces are checked), the clerk is to send the **ORIGINAL** application to the Farmland Preservation office. It is recommended that a copy of the application be kept by the landowner and/or local governing body. The local assessor is responsible for providing current market value information regarding the application.

H. Finally, please note that each individual application should stand on its own, i.e., be fully completed with all appropriate documentation attached without regard to other applications by the same landowner that might have been submitted with it.

Definition of local governing body: *For purposes of this program, the local governing body is defined as follows. For farmland that is located in a city or village, the local governing body is the city or village. For farmland not located in a city or village but in a township having a zoning ordinance in effect, the local governing body is the township board. For farmland not located in a city or village and the township does not have a zoning ordinance in effect, the local governing body is the county board of commissioners. In most cases, the local governing body is the township board and the application then should be taken to the township clerk for township processing.*