



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1167 (as reported without amendment)
Sponsor: Senator Kevin Daley
Committee: Agriculture

CONTENT

The bill would amend Part 361 (Farmland and Open Space Preservation) of the Natural Resources and Environmental Protection Act to allow up to one acre of land to be relinquished from an agricultural conservation easement or development rights agreement if the relinquishment would make the boundaries of the land subject to the easement or agreement more regular.

Part 361 allows the State land use agency (i.e., the Michigan Department of Agriculture and Rural Development (MDARD)) to execute a development rights agreement or agricultural conservation easement on behalf of the State. The execution and acceptance of an agreement or easement by the State or local governing body and the owner dedicates to the public the development rights in the land for the term specified in the instrument, typically a minimum of 10 years and, for agreements or easements after June 5, 1996, not more than 90 years. In exchange for restricting the development on the land and keeping the land for agricultural use, the owner receives various tax-related benefits and exemptions from special assessments.

Part 361 allows for the relinquishment of land from an agreement or easement under certain circumstances. Under the bill, if approved by the local governing body and MDARD, not more than one acre of land could be relinquished from an agricultural conservation easement or development rights agreement if the relinquishment would make the boundaries of the land subject to the easement or agreement more regular. If the size of the parcel proposed to be relinquished were less than that required by local zoning, the parcel could not be relinquished unless a variance was obtained from the local zoning board of appeals to allow for the smaller parcel size.

MCL 324.36103 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 9-22-22

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