

Farmland and Open Space Preservation Purchase of Development Rights Program Frequently Asked Questions

Why should a community consider farmland preservation programs?

Farmland preservation is important in Van Buren County because agriculture is a key industry and the most common land use.

Losing farmland means losing jobs and income for local families. Preservation protects the unique climate, soil, and terrain needed for farming. Once land is developed, it cannot be reclaimed for agriculture. Enrolling land in preservation programs helps maintain large blocks of farmland and open space, reducing land use conflicts and acting as a buffer for farming operations.

Preserving farmland also limits sprawl, reducing road congestion and the cost of extending public services. Keeping development near city centers saves money for municipalities and taxpayers. Additionally, farmland and open spaces help maintain the county's rural identity and support industries like food processing and tourism.

How does the Purchase of Development Rights (PDR) program compare to other land protection policies?

PDR is one of several tools used to preserve farmland, working alongside zoning laws and tax incentives. A major advantage of PDR is that it permanently protects enrolled property, ensuring it remains farmland forever.

What costs are involved for townships participating in the program?

There is no direct fee for a township to participate in the PDR program. The only cost is updating the township's master plan to include a land preservation element. Landowners in the program must provide matching funds, and townships may choose to assist. Properties in townships that contribute to the local match receive higher priority.

Should farmer interest be the main factor in deciding preservation areas on the Future Land Use Plan?

Farmer buy-in is important, but planning decisions should consider a broader range of factors, including soil quality, climate, topography, wetlands, road access, infrastructure, existing land use, and zoning needs. Public meetings should be held to gather input and ensure that designated preservation areas align with the township's long-term vision.

If development rights are sold to the county, does the county gain control over future land use?

No. The PDR program compensates landowners for selling the right to develop their land, but ownership remains private. Once land is in the program, neither the landowner nor the county can develop it. A non-development agreement ensures that the land remains preserved.

How does selling development rights protect farmland?

When a landowner sells development rights, the county holds those rights but cannot develop the land. The only way development could occur is if the county sells the rights back to the landowner, which is extremely difficult under the Van Buren County Farmland and Open Space Preservation Ordinance (FOSPO). The intent of the ordinance is to permanently preserve farmland.

Can land be removed from the PDR program?

It is possible but challenging. If land is removed, another property of equal value must be added to the program. The county requires a detailed review, including findings that the land is no longer suitable for preservation and amendments to local and county land-use plans. Compensation for repurchasing development rights is determined based on their current market value or through an equivalent land exchange.

Can a farmer change what is grown on preserved land?

Yes. Applications are scored based on current soil and crop conditions, but farmers are not restricted to specific crops.

Can a farmer build new barns or other agricultural structures on preserved land?

Yes. Agricultural use can evolve over time. Farmers must notify Van Buren County in writing before constructing new buildings, but structures related to farming—such as barns—are allowed. However, houses or commercial storage buildings are not permitted.

Can a landowner set aside a section of preserved land for a future home?

Yes, but the area must be marked and legally described in the application before enrolling in the program. A professional survey may be required.

Can mineral rights be exercised after entering the PDR program?

No. The ordinance prohibits significant excavation activities that would impact the land's agricultural use. Extraction of topsoil, sand, gravel, or other materials is restricted to prevent damage to farmland.

What happens if I sell my preserved farmland to a new owner?

The preservation agreement remains in place even if ownership changes. The new owner must abide by the same restrictions, ensuring the land remains protected for agricultural use.

Can I use my preserved land for agritourism or other farm-related businesses?

Yes. Activities like farm stands, U-pick operations, agritourism, and value-added processing (such as cheese-making or cider production) are typically allowed, as long as they support agricultural use and comply with local zoning regulations.

Can I install renewable energy projects, like solar panels or wind turbines, on preserved land?

It depends. Some renewable energy installations may be allowed if they support agricultural operations (e.g., solar panels that power irrigation systems). Large-scale commercial energy projects are typically restricted. Landowners should consult the county before proceeding.

Are hunting and recreational activities allowed on preserved land?

Yes, as long as they do not interfere with farming operations or violate conservation easement terms. Hunting, fishing, hiking, and other recreational activities are generally permitted.

Can I lease my preserved farmland to another farmer?

Yes. Leasing farmland for agricultural use is encouraged and does not violate the terms of the preservation agreement.

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