

APPENDIX C

LINCOLN CHARTER TOWNSHIP

BERRIEN COUNTY, MICHIGAN



FARMLAND PRESERVATION ELEMENT

of the

TOWNSHIP DEVELOPMENT PLAN

2005

IX.
A.

RECEIVED

APR 25 2006

Lincoln Charter Township
Building Dept.



STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

MITCH IRWIN
DIRECTOR

April 19, 2006

Reply to:
MDA-ESD Farmland
PO Box 30449
Lansing MI 48909

Catherine McIlwee
Assistant Director
Berrien County Dept of Planning
701 Main St
St Joseph MI 49085-1392

Dear Ms. McIlwee:

RE: Michigan Agricultural Preservation Fund Qualification

I have reviewed the Lincoln Township Master Plan. I find that all of the requirements set forth by the Agricultural Preservation Fund Board have been met in the documentation approved and submitted by Berrien County. **Lincoln Township is now qualified to participate in the Berrien County Farmland Preservation Program.**

I want to personally thank you and your board for your commitment to preserving farmland in Michigan. We look forward to working with Lincoln Township through the Berrien County Agricultural Preservation Board in the future.

Sincerely,

Charamy Cleary
Agricultural Preservation Fund Coordinator
Environmental Stewardship Division
517-241-5133

CC:k

cc: Richard Stauffer, Supervisor
Lincoln Charter Township

Chuck Eckenstahler
Planning Consultant

LINCOLN CHARTER TOWNSHIP PLANNING COMMISSION

Lincoln Charter Township Municipal Building
2055 W. John Beers Road
P.O. Box 279
Stevensville, MI 49127-0279
269-429-1589 phone
269-429-0880 fax

PLANNING COMMISSION MEMBERS

Dave Randolph, Chair
Tony Korican, Vice Chair
Mike Freehling, Secretary
Andy Barbott, Commissioner
Marc Florian, Commissioner
Steve Hinrichs, Commissioner
Chris Miller, Commissioner

TOWNSHIP BOARD OF TRUSTEES

Dick Stauffer, Supervisor
Sharon Geisler, Clerk
Terrie Smith, Treasurer
Marc Florian, Trustee
Brian Jewell, Trustee
Deborah Peterson, Trustee
Al Pscholka, Trustee

Zoning Administrator
James L. Pheifer

Administrative Assistant
Marilyn Kubath

Prepared with assistance provided by:

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115 Main Street
Benton Harbor, Michigan 49022
219-861-2077

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SECTION ONE

INTRODUCTION

BACKGROUND

In 2002, the Lincoln Charter Township Planning Commission adopted an updated version of the *Lincoln Charter Township Development Plan*. This was the Township's second Development Plan update of the original Development Plan first prepared in 1969. The current Development Plan contains a map that describes how the Lincoln Charter Township Planning Commission and the Township Board of Trustees desire the Township to develop in the future. This map also documents the intent of the Township to preserve agriculture in the eastern and southern portions of the Township.

AMENDMENT OBJECTIVE

The objective of this amendment is to document specific plans, policies and the geographic land area which the Township seeks to permanently protect from future development and retain in active agricultural pursuits. Within this designated area, the Township will assist property owners to continue to pursue active agricultural operations through selective application of land use regulations and sponsorship of their participation in State of Michigan programs designed to assist farming and agricultural pursuits.

DATE OF ADOPTION

Pursuant to Michigan law, it is the duty of the Township Planning Commission to notify all adjoining local units of government and the County Planning Commission of its intent to prepare

an update to the Plan. On July 20, 2005, a letter was sent providing official notice and requesting collaboration in the preparation of the amendment to Lake, Baroda, Royalton, and St Joseph Townships and the Village of Stevensville as well as the Berrien County Planning Commission.

Prior to the Planning Commission offering the plan for public comment at the required public hearing, the Planning Commission is required to review the draft plan with the Township Board of Trustees and obtain permission to release the plan for review. A presentation of this Plan to the Board of Trustees by the Planning Commission was made on October 11, 2005 and formal action was granted on October 11, 2005 by the Township Board to release the draft for review and public hearing purposes. On October 12, 2005, a copy of the draft plan was sent to each abutting community and the Berrien County Planning Commissions requesting their review as required by Section 8 of Act 263 of 2000, the amendments to the Township Planning Act.

This amendment entitled the *Lincoln Charter Township Development Plan Farmland Preservation Element* has been prepared in conformance with applicable Michigan Law and presented to the public at a public hearing held on January 9, 2006.

The Township Planning Commission on January 9, 2006 formally adopted a motion recommending the Township Board of Trustees adopt the Plan Amendment. The Township Board of Trustees approved a motion adopting the Plan Amendment on January 10, 2006.

SECTION TWO

SUMMARY OF THE 2002 PLAN

DATE OF ADOPTION OF CURRENT DEVELOPMENT PLAN

The Township Planning Commission recommended adoption of the current version of the Development Plan on December 12, 2002 and it was adopted by the Township Board on December 17, 2002.

2002 PLAN RECOMMENDATIONS

The current Development Plan was prepared after a series of public meetings to provide an opportunity for residents and other interested parties to discuss future housing development, need for commercial and industrial development, plus the desire to retain the agricultural character and visual appearance of the eastern and southern portion of the Township in the future. One of the “top 10 likes” of the Township as expressed by participants in the public participation process is the existing “family farms” located in the Township. Additionally, 85% of the respondents to the Township resident survey indicated the Township should preserve its rural character, with 21% of respondents identifying that farmland/open space was one of the most positive aspects of Lincoln Charter Township. More than 37% indicated support for a milage to purchase development rights from farmland in the Township. (See page 22 and survey results in appendix).

Chapter IV of the 2002 Development Plan detailed specific Development Goals including goals for agriculture by stating:

“The 2002 Development Plan recognizes that agriculture and its ancillary activities have been and will continue to be an integral part of the Township’s history, character and

economy. The Plan takes preservation seriously by discouraging non-farm uses from being integrated into areas currently under active production.

In order for farming to remain viable, particularly at the scale of the family farm, the agricultural community needs areas that will accommodate expansion of farming operations. In other words, farmers need room to grow! It is therefore important to provide for contiguous parcels that are planned for farming activities

The nature of agriculture is becoming increasingly industrialized. This Development Plan attempts to provide sufficient land area that is not planned for public water and sewer facilities, recreation area, schools or any use that would produce conflicts with the impact of farming operations” (See page 24).

The Plan established four agriculture Goals Statements that read as follows (See Page 24):

- “Goal 1: To preserve a portion of the Township which is clearly of rural character and encourage active farming in that area.*
- Goal 2: To discourage the extension of public water and sewer into areas of active farming.*
- Goal 3: To adopt zoning regulations which support farming, while allowing for limited development in areas least suitable to agricultural activities.*
- Goal 4: To direct subdivisions and housing development away from prime agricultural areas and active farm operations.”*

Additionally, the Development Plan addresses the importance of intergovernmental cooperation with adjacent Baroda, Lake Charter, Royalton and St. Joseph Charter Townships. This is especially important as all but St Joseph Charter Township, have land abutting Lincoln Charter Township in active agricultural production (see Page 29).

FUTURE LAND USE PLAN

The 2002 Future Land Use Plan, showing the planned agricultural area is reproduced on the following page.

SIGNIFICANCE OF THE 2002 DEVELOPMENT PLAN

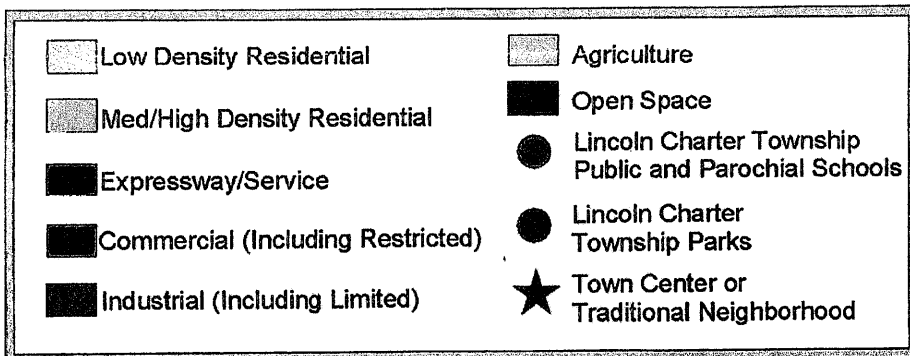
In terms of agriculture and farmland preservation, it is important to recognize, that:

1. Residents who participated in the public input process identify that “the family farm” is one of the “Top 10” amenities of the Township.
2. Historically speaking, previous Township Plans have established the Township intent to preserve agriculture farmland in the future.
3. That the current Future Land Use Plan continues forward these policies and designates a portion of the Township for agricultural use in the future.

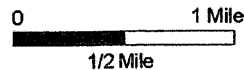
Lincoln Charter Township, Berrien County, Michigan



MapSource Source: Berrien County, MI



Development Plan



SECTION THREE

FARMLAND PRESERVATION

INTRODUCTION

In the State of Michigan preservation of agriculture, farmland and open space are significant statewide concerns. In the process of updating the Township Plan in 2002, the Planning Commission recognized it had certain duties to evaluate the historic role of agriculture, farmland and open space in the Township and establish the role (if any) of agriculture, farmland and open space in the future. The mandate for this analysis originates within the Township Planning Act, P.A. 168 of 1959, as amended, where the act declares that one purpose of a Township Plan is to *“to encourage the use of resources in accordance with their character and adaptability”* to promote the public health, safety and general welfare.

DEFINITIONS - AGRICULTURAL AND OPEN SPACE LANDS

The Township Zoning Act, P.A. 184 of 1945, as amended, and the Farmland and Open Space Preservation Act, P.A. 116 of 1974, as amended by P.A. 262 of 2000, define *agriculture lands* as:

“Substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops, grains; feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.”

Open Space defined by the Farmland and Open Space Preservation Act, are lands that meet one of the following definitions:

- *“Any undeveloped site included in a national registry of historic places or designated as a historic site pursuant to state or federal law,*
- *Riverfront ownership subject to designation under part 305, (P.A. 451 of 1990) to the extent that full legal descriptions may be declared open space under the meaning of this part, if the under developed parcel or government lot parcel or portions of the undeveloped parcel or government lot parcel as assessed and owned is affected by that part and lies within 1/4 mile of the river,*
- *Undeveloped lands designated as environmental areas under part 323, including unregulated portions of those lands,*
- *Any other area approved by the local governing body, the preservation of which area in its present condition would conserve natural or scenic resources, including the promotion of the conservation of soils, wetlands, and beaches; the enhancement of recreation opportunities; the preservation of historic sites; and idle potential farmland of not less than 40 acres that is substantially undeveloped and because of its soil, terrain, and location is capable of being devoted to agricultural uses as identified by the department of agriculture.”*

As demonstrated by these definitions, to a large extent the designation of specific parcels of land that meet these definitions is the responsibility of the Township. Most typically, as historically evidenced by designations shown on former Development Plan maps, agriculture, farmland and open space lands have been identified by the Planning Commission for land areas, that in the judgement of the Township Planning Commission and Township Board of Trustees, best meet the definitions set forth in the act.

HISTORY OF AGRICULTURE PROTECTION IN THE TOWNSHIP

The origin of agriculture protection in the Township dates back to the Township Plan prepared by the Planning Commission in 1969. This plan documented that a sizable portion of the land in the Township was used for agricultural purposes. This Plan also established three principles of

agriculture preservation for use in the Township; 1) large lot zoning, 2) no utility installation policy, and 3) designation of prime agricultural lands. These policies continue in modified form today.

Large Lot Sizes in Agricultural Zoning District The update to the original Plan established larger lot sizes for the agricultural portion of the Township in an effort to provide incentive for owners to continue use of all or part of the land for agricultural production.

No Utility Installation Policy. Update of the original Plan established a no utility policy for portions of the eastern and southern part of the Township where agricultural production has historically dominated the land use and where agriculture continues to dominate the landscape.

Designation of Prime Agricultural Lands. The 1969 Plan and subsequent updates designated the eastern and southern portions of the Township as having prime agricultural land due to soil types, elevation and climate.

P.A. 116 Farmland and Open Space Preservation Act Participation. Historically, the Plan has acknowledged that land in the Township was enrolled in the P.A. 116 Farmland and Open Space Program administered by the Michigan Department of Agriculture.

The review of past Township actions clearly establishes the policy that agriculture, farmland and open space protection is a significant growth and development policy of the Township and that past Plans have identified areas within the Township that should protect agriculture, farmland and open space, in the future.

DEVELOPMENT OF A FARMLAND AND OPEN SPACE PROTECTION POLICY

The Planning Commission in the process of developing this amendment, determined it necessary to evaluate current policies toward agriculture, farmland and open space protection and to assess whether the Township should establish a Plan that would allow land owners to participate in federal, state and possibly locally sponsored farmland and open space preservation programs. To accomplish this review a number of actions were taken, including:

Resident-Property Owner Survey. In the 2002 Plan survey, several questions were incorporated that requested information about the role of agriculture in the Township,

personal preferences toward protection of farmland and open space, personal opinions relative to the Township participating in a formal protection program including the use of Township funds for such a program and individual awareness of protection and preservation programs available for use by the Township. These questions were reviewed by the Planning Commission and used to establish a basis for protection policies.

Meeting with Knowledgeable Advisors. In an effort to make information available concerning federal, state and local programs that can be used to preserve agriculture, farmland and open space, a series of educational meetings was attended by representative of the Township Board of Trustees, Planning Commission and interested property owners and agricultural producers. Meetings attended include those scheduled by the Berrien County Farm Bureau, where representatives of the Michigan Department of Agriculture and Michigan Farmland and Community Alliance reviewed various programs that could be used by the Township. A separate meeting with knowledgeable advisors was held by the Planning Commission where land owners, agriculture producers and other interested parties attended to gain background information about state and other programs, prior to undertaking this planning process.

Individual Training and Education. To become more knowledgeable concerning protection techniques, a representative of the Planning Commission attended training and familiarization tours sponsored by the Berrien County Farm Bureau and the Michigan State University Extension.

General Meeting with Property Owners and Agricultural Producers. An initial meeting of farmland and open space land owners plus agricultural producers was scheduled and held where a review of preservation programs was presented and discussion ensued concerning the level of interest of attendees.

Individual Meetings with Property Owners and Agricultural Producers. As a result of the interest expressed by the property owners, follow up meetings were held with a number of property owners to further clarify their personal interest toward participation in various programs. Individual property owners enrolled in P.A. 116 were identified and many individuals were present at the meeting discussing farmland preservation (see Map 2).

Parcel Mapping Exercise. Based on the results of the meeting with property owners, the Planning Commission began a review of property suggested for inclusion in one or more preservation programs that could be sponsored by the Township. This exercise resulted in a map showing property that could be included in one or more preservation districts shown on the Future Land Use Plan Map.

REASONS TO PRESERVE TOWNSHIP FARMLAND AND OPEN SPACE

Berrien County Agricultural Economy

Agriculture is a significant portion of the economic base of the Township. Even though the U.S. Census does not provide information documenting the value of agriculture production on a township basis, the Township recognizes that *“agriculture has historically and continues to contribute to the local economic and desired character of the Township.”*

The value of agriculture in Berrien County, according to the last U.S. Agricultural Census (2002) was reported at \$96,716,00,000 an increase of more than \$15,000,000 reported in the 1997 Census. In 2002, there were 174,009 acres of land actively farmed with 143,455 acres in crop land, 7,347 acres in vegetables and 16,352 in orchards.

Comparing 1997 and 2002, county data shows the number of farms decreased by 1,261 with a corresponding decrease of 11,800 acres of land in production. Of specific concern to Berrien County is the countywide change in the total amount of orchard land in production. Countywide, orchard land decreased by 5,283 acres between 1997 and 2002, a little more than eight square miles of land area.

There are many underlying reasons for this decline. Many landowners that have reached retirement age, having no family member interested in continuing a farming operation, decided to sell the farm to fund their retirement. Other farming operations were affected by adverse agricultural pricing trends and therefore were not upgraded as a continuing operation, and were undesirable to others to be purchased as a continuing operation. Some orchard lands were converted to other agricultural uses, such as grain and vegetable production, which caused them to be removed from orchard production. Some farms were purchased by others that installed private roads and the lots sold for residential home sites. Other farm operators elected to sell 10-acre parcels as they adjoined existing

roads throughout many Townships as a large lot residential building site.

With Lincoln Charter Township being one of fastest developing Townships in the County, it is easy to understand the change in demand for land use within the Township. As farming economics and agriculture production change, another viable economic use for farmland is for residential home sites. It is speculated that Lincoln Charter Township has and will continue to experience this trend without some formal farmland preservation program.

Township Agricultural Policy and Position Statement

The Planning Commission historically has recognized the role of agriculture in the local economy and the Township's position in the overall Berrien County economy. Recognition of the role has resulted in adoption of land use policies in the early 1970's that promote the protection of agriculture as a viable economic business opportunity in the Township and the protection of selected portions of the Township for agricultural land use due to its unique farmland characteristics.

This position is reconfirmed and restated as the "*official*" policy of Lincoln Charter Township. The Township recognizes that the 2002 Development Plan "*calls for the eastern edge of the Township to continue its agricultural base.*" The Township policy is intended to:

1. Retain the historic economic base of the Township,
2. Retain the low-density rural agricultural character of the Township,
3. Serve as "good stewards of the land" and preserve the Township's unique and vital natural resources for the future,
4. Prevent increases in taxation for services required by non-agriculture land uses,
5. Retain an environment where agriculture business operations are not conflicted by proximity of residential and other land uses, and

6. Implement the wishes of the residents of the Township to assist agriculture business operations, protect farmland and promote open space with the goal of retaining the rural agriculture character of Lincoln Charter Township in the future.

FARMLAND PRESERVATION LAND USE DESIGNATION

The Chair of the Farmland Preservation Committee presented at the August 2005 Planning Commission meeting an inventory map of all land enrolled in the P.A. 116 Program. Also, presented was a map showing the portion of the Township designated for farmland preservation.

The committee also recommended that farmland preservation tools and techniques be applied to only property included within the designated farmland preservation planning area.

This category of land use is defined as follows:

Farmland Preservation. Parcels of property will be mapped on the Future Land Use Map when the specific parcels of land have been approved by the Planning Commission and Township Board of Trustees and when the parcels of land meet one or more of the following characteristics:

1. The parcels of land subject to the determination fulfill the definition of farmland as set forth by Michigan law,
2. The parcel has adequate acreage to be economically employed for agricultural purposes either separately or in combination with other abutting or close-by properties under control by a single land owner or farmer,
3. The parcel has soils, elevation and climatic characteristics unique to the agricultural use of the land,
4. The land is, has been, or could be enrolled in the P.A. 116 Farmland and Open Space program,
5. The farmer and/or property owner is able to make an affirmative statement relative to the desire to protect and preserve the land for agriculture and farm purposes,
6. The Planning Commission has determined that the specific parcels of land contribute to the formation of a unified large block of farmland within the Township (opposed

to an isolated property surrounded by other land uses), and

7. The subject properties are of sufficient value to the agricultural character of Lincoln Charter Township that ultimate preservation of the land through one or more federal, state or local preservation programs may be initiated by the Township, when such programs become available.

It is the intent of the Township to employ several zoning tools within the Farmland Preservation area displayed on the Future Land Use Map, including:

1. A single purpose agricultural zoning district that would limit principal permitted uses solely to farming and agriculture production activities,
2. Employment of large minimum lot zoning requirements,
3. Cluster and planned unit developments that allow single family housing on land not suitable for agricultural production where a portion of the site, specifically the most productive farmland is retained for farming and agricultural production activities,
4. Purchase or donation of development rights from properties located within the designated preservation area on the Future Land Map, and
5. Transfer of development rights, when authorized by amendment to the Township Zoning Ordinance.

SECTION FOUR

IMPLEMENTATION OF THE AMENDMENT

INTRODUCTION

The purpose of this section is to detail a series of implementation recommendations. Since the implementation of the **Farmland Preservation Amendment** is not the sole responsibility of the Planning Commission, action by the Township Board of Trustees and others will be required to accomplish the recommendations and implementation actions.

Implementation is not an easy task. Some actions can be accomplished immediately while others will take considerable time and Township funds to implement. Undoubtedly, some recommended actions will be modified from their present concept to accommodate unforeseen needs of the Township and budgetary constraints. Some may ultimately be abandoned. Specific recommendations should be viewed as a starting point for additional discussion and refinement prior to implementation. This assures that each action taken is fully understood and implemented in a way that complements the specific needs of the Township.

RECOMMENDED IMPLEMENTATION ACTIONS

The following are recommended planning activities that should be considered:

1. **Adopt a Farmland Preservation Zoning Ordinance Provision**
Adopt an open space preservation provision in the zoning ordinance which calls for the clustering of housing on the least productive component of the farm and recognizes the value of adjacent land in agricultural production.

2. **Reinforce Non Utility Installation Policy**
Reconfirm the policy which does not permit the installation of some sanitary sewer facilities in areas designed for agriculture future use on the 2002 Development Plan Future Land Use Map.
3. **Revise Site Plan Review Standards**
Modify site plan review standards and requirements which recognize the value of agriculture.
4. **Initiate a Purchase of Development Rights Financing Study Committee**
Establish a committee of citizens and Planning Commission members to identify ways to fund the purchase of development rights in the Township.
5. **Adopt a Transfer of Development Rights Zoning Ordinance Provision**
Adopt a procedure to allow the use of a “disconnected planned unit development” to transfer development rights within selected areas within the Township.

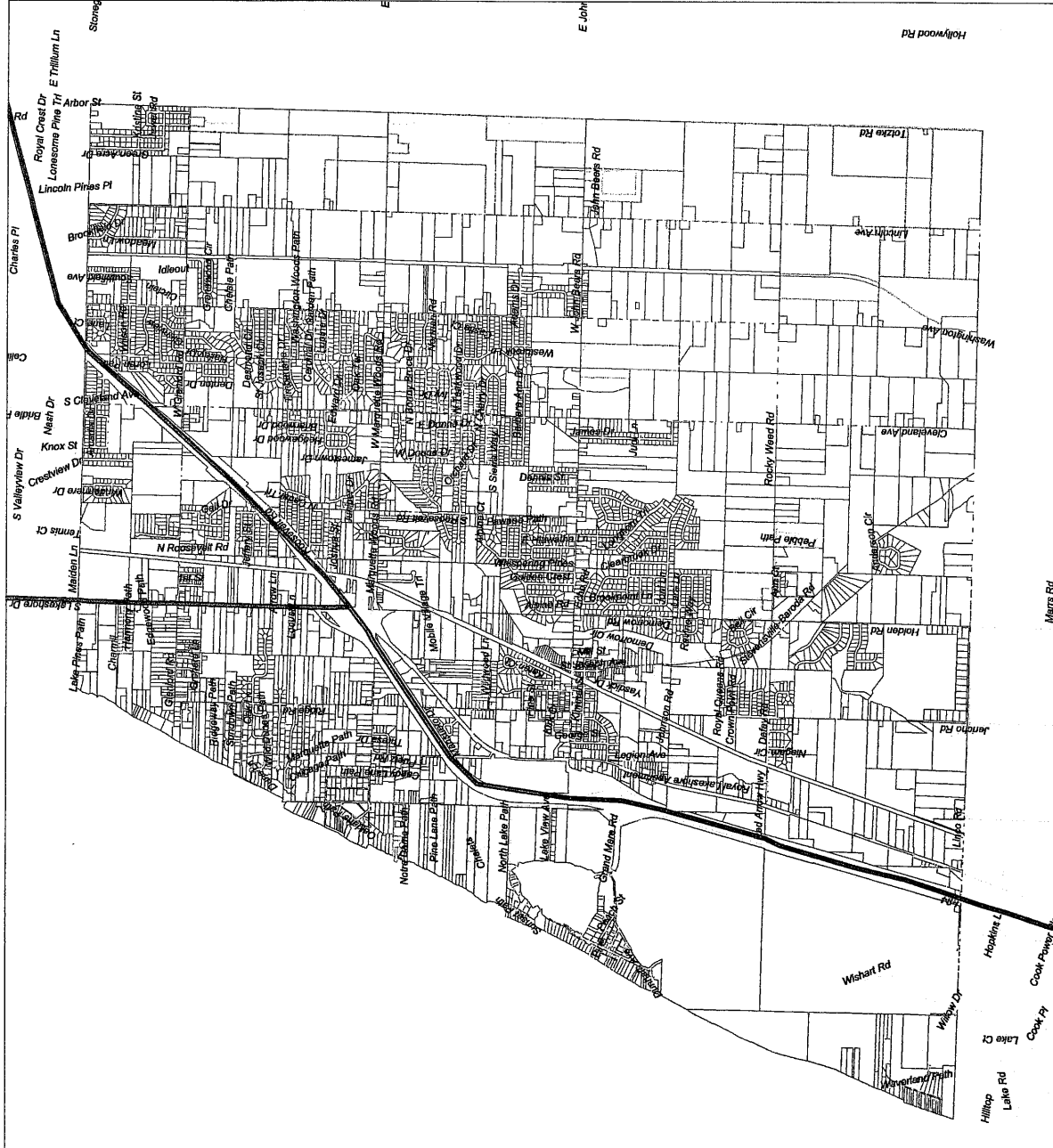
**Lincoln Township
Michigan**

P.A. 116 Map

Properties enrolled in P.A. 116



PCT
Public Consulting Team
115 Main Street
Benton Harbor, MI 49023
219-879-1012



Lincoln
Township
Michigan

Future Land Use
2020

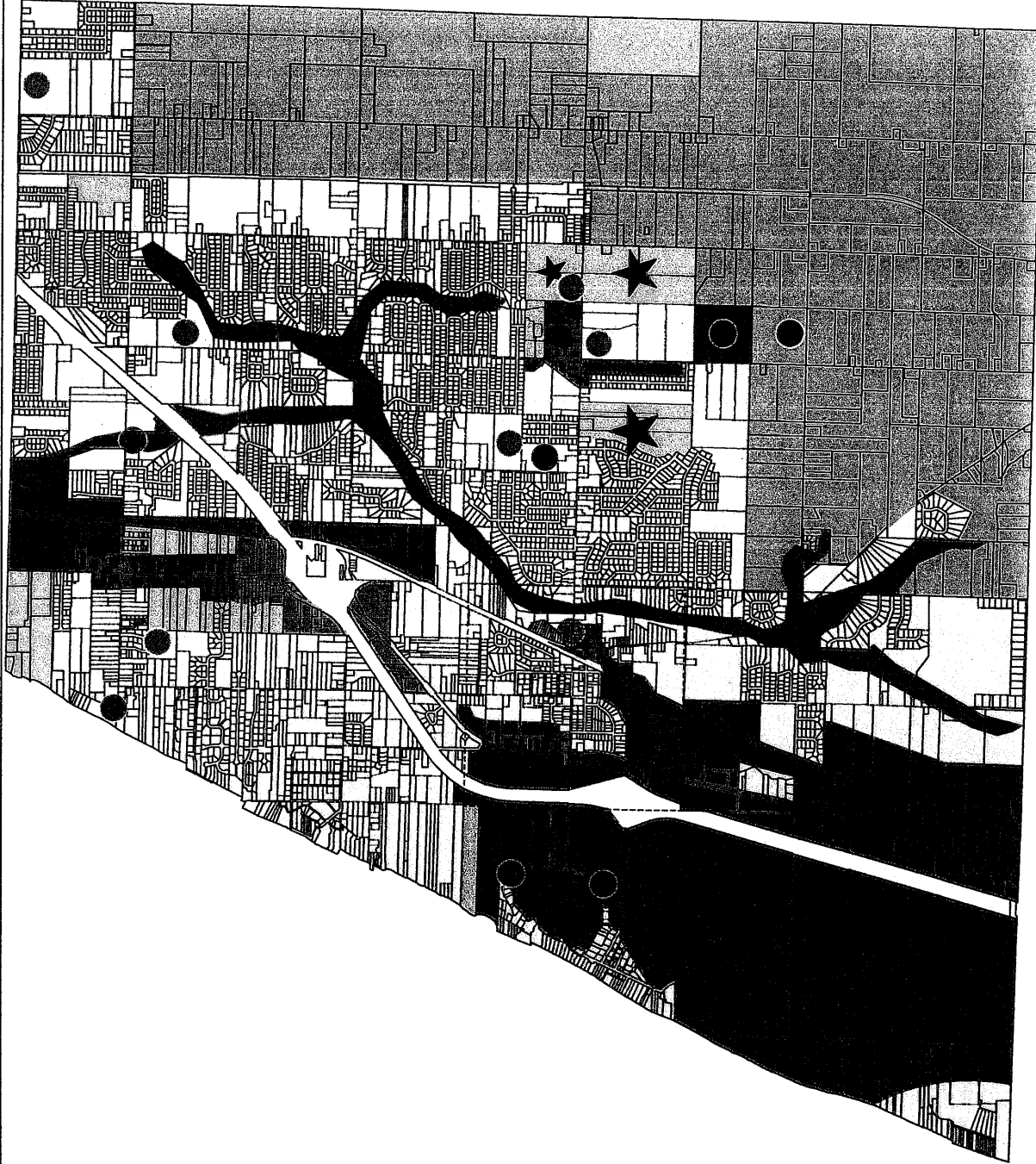
Legend

- Low Density Residential
- Med/High Density Residential
- Expressway/Service
- Commercial (incl. restricted)
- Industrial (incl. restricted)
- Farmland Preservation
- Open Space
- Lincoln Charter Township
Public & Parochial Schools
- Lincoln Charter Township
Township Parks
- Town Center or
Traditional Neighborhood



PCT

PUBLIC CONSULTING TEAM
115 MAIN ST.
BENTON HARBOR, MI 49023
219-879-1012



APPENDIX

1. **PLANNING COMMISSION RECOMMENDATION**
2. **BOARD OF TRUSTEES ADOPTION**
3. **TOWNSHIP BOARD REVIEW AND RELEASE**
4. **NOTIFICATION AND TRANSMITTAL TO COUNTY PLANNING COMMISSION
AND ABUTTING LOCAL UNITS OF GOVERNMENT**
5. **PROOF OF PUBLICATION FOR PUBLIC HEARING**
6. **MICHIGAN DEPARTMENT OF AGRICULTURE CERTIFICATION**
7. **FARMLAND PROPERTY OWNERS SURVEY - JULY 2005**

PLANNING COMMISSION RECOMMENDATION

LINCOLN CHARTER TOWNSHIP
PLANNING COMMISSION
RESOLUTION RECOMMENDING ADOPTION OF THE
FARMLAND PRESERVATION DEVELOPMENT PLAN AMENDMENT

WHEREAS, the Township Zoning Act, Act 184 P.A. 1943, as amended, stipulates the provision of a Township Zoning Ordinance should be based upon a plan designed to promote the public health, safety, morals, and general welfare, to encourage the use of land in accordance with their character and adaptability and to limit improper use of land, among other things; and

WHEREAS, the Township Planning Act, Act 168 P.A. 1959, as amended, requires that the Planning Commission shall make a basic plan as a guide for the development of the unincorporated portion of the Township, and such Plan shall include the Planning Commission's recommendation for the physical development of the unincorporated area of the Township; and

WHEREAS, the Lincoln Charter Township Planning Commission during the calendar year of 2005, has reviewed the current Development Plan and Future Land Use Map and prepared an updated text and revised Future Land Use Plan Map to include a Farmland Preservation Element, for the purpose of encouraging and guiding orderly and efficient future growth and development of Lincoln Charter Township; and


WHEREAS, in accord with Act 168, P.A. 1959, as amended, the Planning Commission did transmit a copy of the draft document with a notice requesting their review as required by the Act, to the Berrien County Planning Commission and to every local government that borders Lincoln Charter Township; and

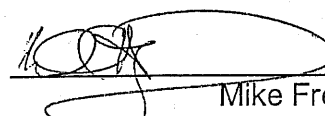
WHEREAS, in accordance with Act 168 P.A. 1959, as amended, with notices of public hearing duly published and invitations to attend and provide comment sent to all abutting municipalities, a public hearing was held on January 9, 2006 at the Lincoln Charter Township Municipal Building for the purpose of making public explanation of the proposed Development Plan Amendment and to receive public comment and recommendations regarding the plan; and

WHEREAS, the Lincoln Charter Township Planning Commission has given due consideration to public comments presented at the hearing, a public record of which is on file with the Township Clerk.

NOW THEREFORE BE IT RESOLVED, the Lincoln Charter Township Planning Commission hereby recommends the adoption of the ***Farmland Preservation Element of Lincoln Charter Township Development Plan*** dated 2005 as an amendment to the plan required by the aforementioned State legislative acts to encourage and guide future growth and development of Lincoln Charter Township in an orderly manner.

Resolved this 9th day of January 2006 at a regular meeting of the Lincoln Charter Township Planning Commission.


Dave Randolph
Chairman


Mike Freehling
Secretary

BOARD OF TRUSTEES ADOPTION

LINCOLN CHARTER TOWNSHIP
BOARD OF TRUSTEES
ADOPTION OF RESOLUTION
FARMLAND PRESERVATION ELEMENT OF THE TOWNSHIP DEVELOPMENT PLAN

WHEREAS, the Lincoln Charter Township Planning Commission has been established pursuant to the Township Planning Act, Act 168 1959, as amended; and

WHEREAS, the Lincoln Charter Township Planning Commission during the calendar year of 2005 has reviewed the current Development Plan and Future Land Use Map and prepared a Farmland Preservation Element amendment that updates the text and revises the Future Land Use Plan Map, for the purpose of encouraging preservation of farmland in the Township; and

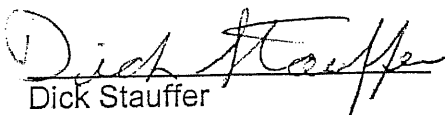
WHEREAS, in accordance with Act 168 P.A. 1959, as amended, the Planning Commission did transmit to the Berrien County Planning Commission and to every local government that borders Lincoln Charter Township, a copy of the Amendment for review as required by the Act; and

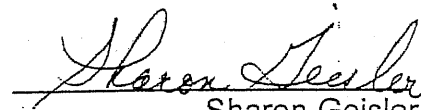
WHEREAS, in accordance with Act 168 P.A. 1959, as amended, with notices of public hearing duly published and invitations to attend and provide comment sent to all abutting municipalities, a public hearing was held on January 9, 2006 at the Lincoln Charter Township Municipal Building for the purpose of making public explanation of the proposed Amendment and to receive public comment and recommendations regarding the plan; and

WHEREAS, the Lincoln Charter Township Board of Trustees has been kept informed of the preparation of the Amendment and participated in the preparation of the Amendment including attendance at the public hearing.

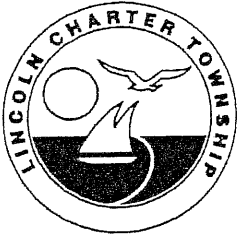
NOW THEREFORE BE IT RESOLVED, that the Lincoln Charter Township Board of Trustees hereby adopts the ***Farmland Preservation Element of Lincoln Charter Township Development Plan*** dated 2005 as prepared, approved, and recommended for adoption by the Lincoln Charter Township Planning Commission to encourage and guide future growth and development of Lincoln Charter Township in an orderly manner.

Resolved this 14h day of February 2006 at a regular meeting of the Lincoln Charter Township Board of Trustees.


Dick Stauffer
Supervisor


Sharon Geisler
Clerk

TOWNSHIP BOARD REVIEW AND RELEASE



LINCOLN CHARTER TOWNSHIP

2055 West John Beers Road • P.O. Box 279 • Stevensville, MI 49127-0279 • (269) 429-1589 • FAX (269) 429-0880

October 5, 2005

Dick Stauffer, Supervisor
Lincoln Charter Township
2055 West John Beers Road
Stevensville MI 49127

RE: Farmland Preservation Master Plan Amendment

Dear Township Board of Trustee Members:

The Township Planning Commission has recently completed the draft plan amendment to the Master Plan. We are now ready to proceed with the required public hearing. Pursuant to the 2002 amendments to the Township Planning Act, we must receive permission to proceed with the public hearing from the Township Board of Trustees.

You may indicate your authorization for us to proceed with the public hearing by approving a motion and signing the bottom of this letter.

We anticipate holding the public hearing on January 9, 2006 before our regular meeting and after the review by the Berrien County Planning Commission, Baroda Township, Lake Charter Township, Royalton Township, St Joseph Charter Township, and the Village of Stevensville.

Upon adoption by the Planning Commission, we will ask the Township Board to consider a resolution adopting the Development Plan Amendment.

Please feel free to contact me with any questions.

Sincerely,

Dave Randolph, Chair
Planning Commission

CC: Attorney Scott Dienes
Chuck Eckenstahler

Enclosure: Draft #4 10/3/05

The Lincoln Township Board of Trustees approved a motion on October 11, 2005 to allow the Planning Commission to proceed with the public hearing for the proposed Lincoln Township Development Plan Amendment.

Supervisor Dick Stauffer
Clerk Sharon Geisler

**NOTIFICATION AND TRANSMITTAL
TO
COUNTY PLANNING COMMISSION
AND
ABUTTING LOCAL UNITS OF GOVERNMENT**

AFFIDAVIT OF MAILING

LINCOLN CHARTER TOWNSHIP PLANNING COMMISSION BERRIEN COUNTY, MICHIGAN TRANSMITTAL OF DEVELOPMENT PLAN AMENDMENT FOR REVIEW

I, Marilyn Kubath, recorder for the of Lincoln Charter Township Planning Commission, on the 12th day of October 2005, did mail with first class postage from the Stevensville Michigan post office, a copy of the attached notice requesting review of the Lincoln Charter Township Farmland Preservation Element to the following parties:

Berrien County Planning Commission
% John Burt, Director
Administration Center
701 Main Street
St. Joseph MI 49085

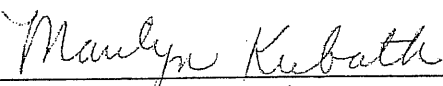
Royalton Township Board of Trustees
Royalton Township Planning Commission
% Rocky Genovese, Clerk
980 Miners Road
St. Joseph MI 49085

Lake Charter Township Board of Trustees
Lake Charter Township Planning Commission
% Gloria Payne, Clerk
PO Box 818
Bridgman MI 49106

St Joseph Charter Township Board of Trustees
And Township Planning Commission
% Janet Helsley, Clerk
PO Box 147
St. Joseph MI 49085

Baroda Township Board
Baroda Township Planning Commission
% Wendie Shafer, Clerk
9901 First Street
PO Box 215
Baroda MI 49101

Stevensville Village Council
Stevensville Village Planning Commission
C/O Village Manager
5768 St. Joseph Avenue
Stevensville MI 49127


Marilyn Kubath, recorder
for the Lincoln Charter Township Planning Commission



LINCOLN CHARTER TOWNSHIP

2055 West John Beers Road • P.O. Box 279 • Stevensville, MI 49127-0279 • (269) 429-1589 • FAX (269) 429-0880

TO: Baroda Township Trustees and Planning Commission
Lake Charter Township Trustees and Planning Commission
Royalton Township Trustees and Planning Commission
St Joseph Charter Township Trustees and Planning Commission
Stevensville Village Council and Planning Commission

FROM: Dave Randolph, Planning Commission Chairman

SUBJECT: Amendment to the Lincoln Charter Township Development Plan.

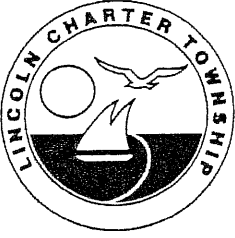
DATE: October 12, 2005

Pursuant to the requirements of the Township Planning Act, P.A. 168 of 1959, as amended, we are formally notifying you of our intent to amend the Lincoln Charter Township Development Plan.

The Lincoln Charter Township Planning Commission anticipates holding the required public hearing in January 2006. After the public hearing, if this draft is found to be acceptable by the Commission members, they will make a recommendation to the Township Board of Trustees for adoption of Plan Amendment.

A copy of the document is enclosed with this letter. We request your review pursuant to the requirements of the Township Planning Act 2002 amendment.

Please feel free to contact me with any questions.



LINCOLN CHARTER TOWNSHIP

2055 West John Beers Road • P.O. Box 279 • Stevensville, MI 49127-0279 • (269) 429-1589 • FAX (269) 429-0880

October 12, 2005

Berrien County Planning Commission
% John Burt, Director
Administration Center
701 Main Street
St. Joseph MI 49085

Dear John:

Pursuant to the requirements of the Township Planning Act, P.A. 168 of 1959, as amended, we are formally transmitting the proposed draft of the Farmland Preservation Element of the Lincoln Charter Township Development Plan Update.

The Lincoln Charter Township Planning Commission anticipates holding the required public hearing in January 2006. After the public hearing, if this draft is found to be acceptable by the Commission members, they will make a recommendation to the Township Board of Trustees for adoption of Plan Amendment.

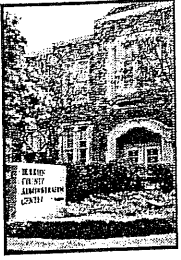
We are requesting the Berrien County Planning Commission review the Master Plan Amendment pursuant to the Township Planning Act 2002 amendment.

Please feel free to contact me with any questions.

Sincerely,

Dave Randolph,
Planning Commission Chairman

Enclosure: Farmland Preservation Element of the Township Development Plan



COUNTY OF BERRIEN
DEPARTMENT OF PLANNING & PUBLIC WORKS
Planning Commission • Board of Public Works • GIS/Land Description
Resource Recovery • County Transit • Harbor Authority

Berrien County Administration Center – 701 Main Street – St. Joseph, MI 49085-1392
Telephone: 269/983-7111, Ext. 8617 – Fax: 269/982-8611

December 22, 2005

Sharon Geisler, Clerk
Lincoln Township Municipal Building
2055 W. John Beers Road
P.O. Box 279
Stevensville, MI 49127

Dear Ms. Geisler:

At their meeting on December 13, 2005 the Berrien County Planning Commission reviewed the proposed Farmland Preservation Element of the Lincoln Charter Township Development Plan. The consensus of the Commission was that it appeared in-line with the general guidelines of the Countywide farmland preservation initiative and that there didn't appear to be anything within the document to prohibit its inclusion into the County's Development Plan.

Please let me know if you have any further questions.

Respectfully,

BERRIEN COUNTY PLANNING COMMISSION


John Burt, Director
Planning Department

LINCOLN TOWNSHIP PLANNING COMMISSION

Lincoln Township Municipal Building
2055 West John Beers Road
PO Box 279
Stevensville MI 49127-0279
269-429-1589 phone
269-429-0880 fax

July 20, 2005

Berrien County Planning Commission

Lake Township Board
Lake Township Planning Commission

Baroda Township Board
Baroda Township Planning Commission

Royalton Township Board
Royalton Township Planning Commission

St. Joseph Township Board
St. Joseph Township Planning Commission

Stevensville Village Council
Stevensville Village Planning Commission

RE: Notice of the Intent to Update the Current Township Master Plan to incorporate a Farmland Preservation element.

Pursuant to P.A. 261 of 2002, we are providing you our official notice that we intend to begin updating the Township Master Plan. In accordance with this act, we are required to provide you notice and request your cooperation and comment.

We anticipate that it will require two months to complete the preparation of this element. We invite you to attend and participate in one or more of our meetings, if you so choose.

Pursuant to this law, we will provide you a copy of the draft document for review and would ask that you provide us comments to be entered into the public hearing record.

Please feel free to contact me with any questions and to confirm you desire to participate in the process through Marilyn Kubath, recorder for the Planning Commission, at 429-1589.

Sincerely,



Dave Randolph, Chairman
Planning Commission

CC: Lincoln Charter Township Board of Trustees

**PROOF OF PUBLICATION
FOR PUBLIC HEARING**

AFFIDAVIT OF PUBLICATION

The Planning Commission of Lincoln Charter Township will hold a public hearing on January 9, 2006 at 7:30 p.m. at the Lincoln Charter Township Municipal Building located at 2055 W. John Bears Road, Stevensville, Michigan. The

purpose of the public hearing is to hear public comments regarding the adoption of a Farmland Preservation Element to the current Lincoln Charter Township Development Plan. The Amendment will revise the Future Land Use Plan map and update text of the current Development Plan.

Copies of the proposed text and map are on file and available for review by the public during regular business hours in the Township Municipal Building. Written comments will be accepted at the Township Municipal Building in person or by mail, until the close of business on the date of the public hearing. All written comments will be entered into the public hearing record. Please

mail your comments to Lincoln Charter Township, Planning Commission, 2055 West John Beers Road, PO Box 279, Stevensville MI 49127-0279. Marilyn Kubath, recorder.
HP/adv December 16, 2005 & January 3, 2006

STATE OF MICHIGAN

COUNTY OF BERRIEN} SS

Jennifer Lyon, being duly sworn and says that she is Inside Sales Supervisor of The Herald-Palladium, a newspaper published, printed and circulated in the County of Berrien, State of Michigan: That the annexed printed notice has been printed and published in said newspaper 1 times. Same being on the following days, to wit:

December 16, 2005 and
January 3, 2006

Jennifer Lynn
(Signature)

Subscribed and sworn to me this 11th Day of January A.D. 2006.

NOTARY PUBLIC, Berrien County, Michigan
My commission expires 4-10 2006



LINCOLN CHARTER TOWNSHIP

2055 West John Beers Road • P.O. Box 279 • Stevensville, MI 49127-0279 • (269) 429-1589 • FAX (269) 429-0880

LINCOLN CHARTER TOWNSHIP PUBLIC HEARING NOTICE FOR DEVELOPMENT PLAN AMENDMENT

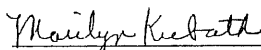
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Lincoln Charter Township
Planning Commission
2055 West John Beers Road
PO Box 279
Stevensville MI 49127-0279



Marilyn Kubath, recorder.

AFFIDAVIT OF POSTING

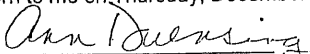
STATE OF MICHIGAN)
COUNTY OF BERRIEN)

Marilyn Kubath, being duly sworn, says that on Thursday, December 22, 2005, she posted this Public Hearing Notice at the Township Municipal Building, 2055 West John Beers Road, Stevensville MI.



Marilyn Kubath

Subscribed and sworn to me on Thursday, December 22, 2005.



Ann Duensing, Notary Public
My Commission expires 01/21/06

**MICHIGAN DEPARTMENT OF AGRICULTURE
CERTIFICATION**



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

MITCH IRWIN
DIRECTOR

April 19, 2006

Reply to:
MDA-ESD Farmland
PO Box 30449
Lansing MI 48909

Catherine McIlwee
Assistant Director
Berrien County Dept of Planning
701 Main St
St Joseph MI 49085-1392

Dear Ms. McIlwee:

RE: Michigan Agricultural Preservation Fund Qualification

I have reviewed the Lincoln Township Master Plan. I find that all of the requirements set forth by the Agricultural Preservation Fund Board have been met in the documentation approved and submitted by Berrien County. **Lincoln Township is now qualified to participate in the Berrien County Farmland Preservation Program.**

I want to personally thank you and your board for your commitment to preserving farmland in Michigan. We look forward to working with Lincoln Township through the Berrien County Agricultural Preservation Board in the future.

Sincerely,

Charamy Cleary
Agricultural Preservation Fund Coordinator
Environmental Stewardship Division
517-241-5133

CC:k

cc: Richard Stauffer, Supervisor
Lincoln Charter Township

Chuck Eckenstahler
Planning Consultant

FARMLAND PROPERTY OWNERS SURVEY

JULY 2005

LINCOLN CHARTER TOWNSHIP

PROPERTY OWNER - AG PRODUCER SURVEY

TABULATED RESULTS

(27 attendees - 24 from Township)

With the adoption of the new Township Development Plan in December 2002, the Planning Commission established a policy to protect and preserve farmland in the Township. There are several tools available to the Planning Commission to accomplish this goal including:

1. Purchase of Development Rights
2. Property tax caps being proposed for Township designated farmland preservation areas - "The Walker bill"
3. Transfer of Development Rights
4. Cluster Development with preserved farmland

To help us decide whether we should "move forward" and implement one or more of these techniques we would like your response to the following questions, before you leave tonight.

1. I am -
☐ A farmer that owns no land
4 A farmland land owner, not an active farmer but leasing land to others
5 An active farmer who is also a land owner
☐ An agricultural business representative that relies on agriculture production
1 A Lincoln Township resident interested in farmland preservation
2. I farm (or lease) _____ acres of land in Lincoln Township. 5, 33, 50, 400+, 100, 14, 28, 40, 68 Total 739
3. I also farm land located in -
1 Baroda Township
☐ Lake Township
1 Royalton Township
3. The land indicated in question 2 (or a portion of the land) is enrolled in the P.A. 116 Program.
2 Yes
8 No
4. The Planning Commission should designate a portion of the land area now planned for "Agriculture" for preservation.
4 Yes
4 No
5. The Township should become "CERTIFIED" allowing owners, if they chose, to participate in State farmland programs
4 Yes
3 No
6. If the Township prepared a plan that allowed sale of development rights, I would consider the sale (or donation) of development rights to continue farming in the Township.
3 Yes
3 No

Please contact me, I would like to discuss this further with a representative of the -

- 1 Township Planning Commission
- ☐ Berrien County Farm Bureau
- ☐ Berrien County Planning Commission

Name _____ Phone _____

Please use the reverse side to share any comments you may have with the Planning Commission.

1. I agree we should enroll to give us all the options.
2. We should be able to do what we want with the land we own subject to zoning. We should not be singled out by you or the people in subdivisions and dictated to on what will happen to our land in the future. Our 40 acres is not big enough to be a farm. Why force owners of land to not do what all of you have done in the sense of building homes.

Responders:

- | | | |
|-----|-------------------------------|--------------|
| 1. | Joanne Bakale | 269-422-1799 |
| 2. | Gordon Kilgore | 269-429-8139 |
| 3. | Tom Kubath, Jr. | 269-429-3912 |
| 4. | Ned Totzke | 269-429-3656 |
| 5. | Michael & Lisa O'Malley | 269-428-2381 |
| 6. | Russ Zick | 269-429-0071 |
| 7. | Matthew Balfe | 269-325-3578 |
| 8. | ? | |
| 9. | ? | 269-325-3578 |
| 10. | James L. Burn (?0 Member JAFF | |
| | | 269-429-2724 |

Eckenstahler
July 15, 2005

