

**Michigan Department of Agriculture & Rural Development
Environmental Stewardship Division – Farmland Preservation
CELLULAR TOWERS ON PA 116 LAND**



A cellular phone tower may be placed on land enrolled in the Farmland and Open Space Preservation (PA 116) Program, provided the tower meets certain criteria. The Michigan Department of Agriculture and Rural Development (MDARD) utilizes the following legislation to permit cellular phone towers on land enrolled in the PA 116 Program:

MCL 324.36104 (7)(b)

Land improvements shall not be made except for use consistent with farm operations or with the approval of the local governing body and the state land use agency.

MCL 324.36104 (7)(c)

Any interest in the land shall not be sold except a scenic, access, or utility easement that does not substantially hinder farm operations.

For purposes of the PA 116 Program, cellular phone towers are considered to be a utility under MCL 324.36104 (7)(c). A cellular phone tower may be located on land enrolled under a Farmland Development Rights Agreement if the tower is located on the property via an easement, and the MDARD has determined the tower placement and size does not substantially hinder the farm operation. Since the cellular phone tower is not consistent with farm operations, the MDARD and the local governing body (entity having zoning authority) must also approve the construction of the tower in accordance with MCL 324.36104 (7)(b).

To submit a request for a cellular phone tower to be placed on land enrolled under the PA 116 Program, the following documents are required:

1. A document from the landowner requesting approval to place a cellular phone tower on the enrolled land.
2. A copy of the Farmland agreement or the agreement number for the land proposed for the cellular phone tower.
3. A site plan showing the proposed location of the cellular phone tower, including the dimensions of the property that will be the site of the tower, the footprint for the tower, and any guy wires that may be associated with the tower.
4. Contact information for the cellular phone tower company.
5. A document from the local governing body indicating their approval for the cellular phone tower to be located on the enrolled land.

Requests are accepted via mail, email, or fax to:

Mail: MDARD-Farmland and Open Space Program
PO Box 30449
Lansing, MI 48909

Email: MDARD-PA116@michigan.gov

Fax: 517-335-3131