

# Legislative Analysis



## LAND PRESERVATION & DIVISION

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### House Bill 4052

**Sponsor: Rep. Joe Hune**

**Committee: Intergovernmental, Urban, and Regional Affairs**

**Complete to 6-5-07**

## A SUMMARY OF HOUSE BILL 4052 AS INTRODUCED 1-22-07

House Bill 4052 would amend the Land Division Act to exempt land that is preserved from development by conservation easements and similar legal means from the limit on the number of parcels that are allowed to result from a "division" under the act.

The Land Division Act, generally, says that a "division" of land is not subject to the act's platting requirements but is subject instead to other restrictions. Under the act, a division, together with any previous division of the same parent parcel or tract, must result in a number of parcels not exceeding the sum of the following:

- Four parcels for the first 10 acres or fraction of ten acres in the parent parcel or tract.
- One additional parcel, up to a maximum of 11 additional parcels, for each whole 10 acres in excess of the first 10 acres in the parent parcel or tract.
- One additional parcel for each whole 40 acres in excess of the first 120 acres in the parent parcel or tract.

For a parent parcel or parent tract of 20 acres or more, the division could result in up to two parcels in addition to those allowed above if one or both of the following applied: (1) because of the establishment of one or more new roads, no new driveway accesses to an existing public road would be created or required; and (2) one of the resulting parcels constituted at least 60 percent of the area of the parent parcel or parent tract.

House Bill 4052 would amend the act (MCL 560.108) to specify that if a parcel will remain perpetually in an undeveloped state under a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land, under a zoning ordinance provision adopted under, or described in, the Michigan Zoning Enabling Act, then that parcel would not be counted toward the number of parcels permitted under the provisions limiting the number of parcels that can result from divisions.

[“Division” in the act means *the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109.* (Sections 108 and 109 contain the restrictions on parcels cited earlier.)]

**FISCAL IMPACT:**

Because it is not known to what degree the exemption will be used, or its impact on land development, it is not possible to determine a fiscal impact.

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