



Washtenaw County
Department of Planning and Environment

October 9, 2008

Michael Moran
Ann Arbor Township Supervisor
3792 Pontiac Trail
Ann Arbor, MI
48105-9656

RE: PA 116 Farmland Agreement Applications Review –Braun Farm –Ann Arbor Charter Township (116-PAB-857-2008)

Dear Mr. Moran:

Thank you for the opportunity to review and comment on the Public Act 116 Farmland Agreement Application pertaining to the Braun Farm in Ann Arbor Township. In accordance with PA 116, the Washtenaw County Planning Advisory Board can provide comments and forward them to the local governing body with jurisdiction (Ann Arbor Charter Township).

Staff reviewed the Braun Farm PA 116 application, and the County finds them to be generally consistent with planning goals and policies on the local and county levels, and provides the following comments:

1. Maintaining the property as an active agricultural use meets the goals of *A Comprehensive Plan for Washtenaw County* (County Plan), specifically with respect to the Agriculture Recommendation 4.2.1 – “Encourage landowners to apply for local, state and federal programs and encourage local governments to identify funding methods for farmland preservation.”
2. The subject parcel is located in the Residential land use designation found in Ann Arbor Charter Township’s General Development Plan (Township Plan). Agricultural use is not consistent with this land use designation.
3. The two northern parcels within the application, I -09-04-300-002 and I -09-04-300-002, have previously been enrolled in the PA 116 program. Nearby, although not adjacent, parcels to the southeast are also enrolled in the PA 116 program, supporting a large, contiguous agricultural area.
4. The current use of the surrounding land includes development and residential uses. Nearby parcels are currently enrolled in the PA 116 program, and the northern two parcels within this application have previously been enrolled in the PA 116 program. The area surrounding the subject parcel does not currently receive water and sewer services. This suburban residential land use policy states that “rural residential areas outside the water and sanitary sewer service areas will not have public water or sanitary sewer services.” While water and sewer services are

unlikely within the life of the PA 116 agreement (10 years), the suburban residential land use demonstrates this area is experiencing development pressure.

The enrollment of this property in the PA 116 program is compliant with the County Plan and the Ann Arbor Township zoning designation. It is further supported by the suburban residential policy that sewer and water services will not be extended into this area. While, according to the Township Plan, these parcels are within the Residential future land use, and agricultural uses are not permitted within Residential area, it is the opinion of Washtenaw County Department of Planning and Environment that the use of this property as a tree farm does not threaten the nearby residential uses due to the nature of operations.

On behalf of the Washtenaw County Planning Advisory Board I would like to thank you for the opportunity to review this application, and your effort in promoting a shared vision for Washtenaw County.

Sincerely,

Patricia Denig, Planning Services Director
Department of Planning and Environment
AD/PD

Encl. Staff Report

DRAFT



Washtenaw County Department of Planning and Environment

Date: October 6, 2008

STAFF REPORT: PUBLIC ACT 116 FARMLAND AGREEMENT APPLICATION REVIEW

Braun Farm, Ann Arbor Charter Township 116-PAB-857-2008

Background

Public Act 116 is an act that enables a landowner to enter into an agreement with the state, whereby the property owner agrees to keep the enrolled land for agricultural use, or use as open space, in return for a credit on the respective landowner's income tax. The minimum duration of an agreement is ten years, but it may be for a longer period (up to 99 years). Agreements can also be renewed.

The PA 116 act was rolled-up into the Natural Resources and Environmental Protection Act of 1994 (Act 451 of 1994, Part 361). Below are steps 1 through 5 of the application process that are relevant to the County:

1. An owner of land desiring a farmland development rights agreement (PA 116) may apply by filing an application with the local governing body (Township).
2. Upon receipt of the application, the local governing body (Township) shall notify the county planning commission or the regional planning commission and the soil conservation district agency.
3. An agency or local governing body receiving notice has 30 days to review, comment, and make recommendations to the local governing body with which the application is filed. These reviewing agencies do not have an approval or rejection power over the application.
4. After considering the comments and recommendations of the reviewing agencies and local governing bodies, the local governing body holding the application shall approve or reject the application within 45 days after the application is received, unless that period is extended by agreement of the parties involved.
5. If an application for a farmland development rights agreement (PA 116) is approved by the local governing body having jurisdiction, the local governing body shall forward a copy, along with the comments and recommendations of the reviewing bodies, to the state land use agency (Michigan Department of Agriculture). The application shall contain a statement from the assessing officer where the property is located specifying the current fair market value of the land and structures in compliance with the agricultural section of the Michigan state tax commission assessor manual. If action is not taken by the local governing body within the time prescribed or agreed upon, the applicant may proceed as provided in subsection (6) as if the application was rejected.

The Planning Advisory Board can make comments and forward those comments back to the local governing body (Township). Below is the staff review and comments on this PA 116 application:

1. Farm Information

Township: Ann Arbor Section: 4& 9 Owner(s): Charles & Catherine Braun

Size of Farm (acres): 77.75 Total Number of Acres being applied for: 77.75
Acreage in Cultivation: 60
Acreage in Grassland: 0
All other acres: (swamp, woods, etc.) 17.75

Existing Buildings 14

Residence: 1 Grain Drying Facility: 1
Barn: 0 Poultry House: 0
Tool Shed: 1 Milking Parlor: 0
Silo: 0 Milk House: 0
Grain Storage Facility: 10 Other: 1 Shop, 1 Seed House

Surrounding Land Use: According to the 2005 SEMCOG Land Use Inventory, the site is composed of Active Agriculture and is surrounded by both agricultural land, with residential land use to the east, and developmental to the west. Wetlands are present in the northeast corner of the site.

2. Land Use Plans

Township Designation: Residential

Is agricultural use consistent (permitted as a use)? YES NO

County Designation (Recommended Potential Future Landscapes): Rural/Agricultural

Is agricultural use consistent? YES NO

3. **Zoning District:** Agriculture

4. **Is sewer service anticipated during the life of this agreement?** YES NO

5. **Does the farm meet PA 116 technical requirements?** YES NO

6. Additional Comments:

The current use of the surrounding land includes development and residential uses. Nearby parcels are currently enrolled in the PA 116 program, and the northern two parcels within this application have previously been enrolled in the PA 116 program. The area surrounding the subject parcel does not currently receive water and sewer services. While it appears water and sewer services are unlikely within the life of the PA 116 agreement (10 years), the suburban residential land use demonstrates this area is experiencing development pressure.

These parcels are located in the Residential designation found in Ann Arbor Charter Township's General Development Plan, and is zoned for Agricultural use. Agricultural use is compatible with the zoning for this area, however it is not consistent with this Residential future land use designation. While, according to the Township Plan, these parcels are within the Residential

future land use, and agricultural uses are not permitted within Residential area, it is the opinion of Washtenaw County Department of Planning and Environment that the use of this property as a tree farm does not threaten the nearby residential uses due to the nature of operations. It is further supported by the suburban residential policy that sewer and water services will not be extended into this area.

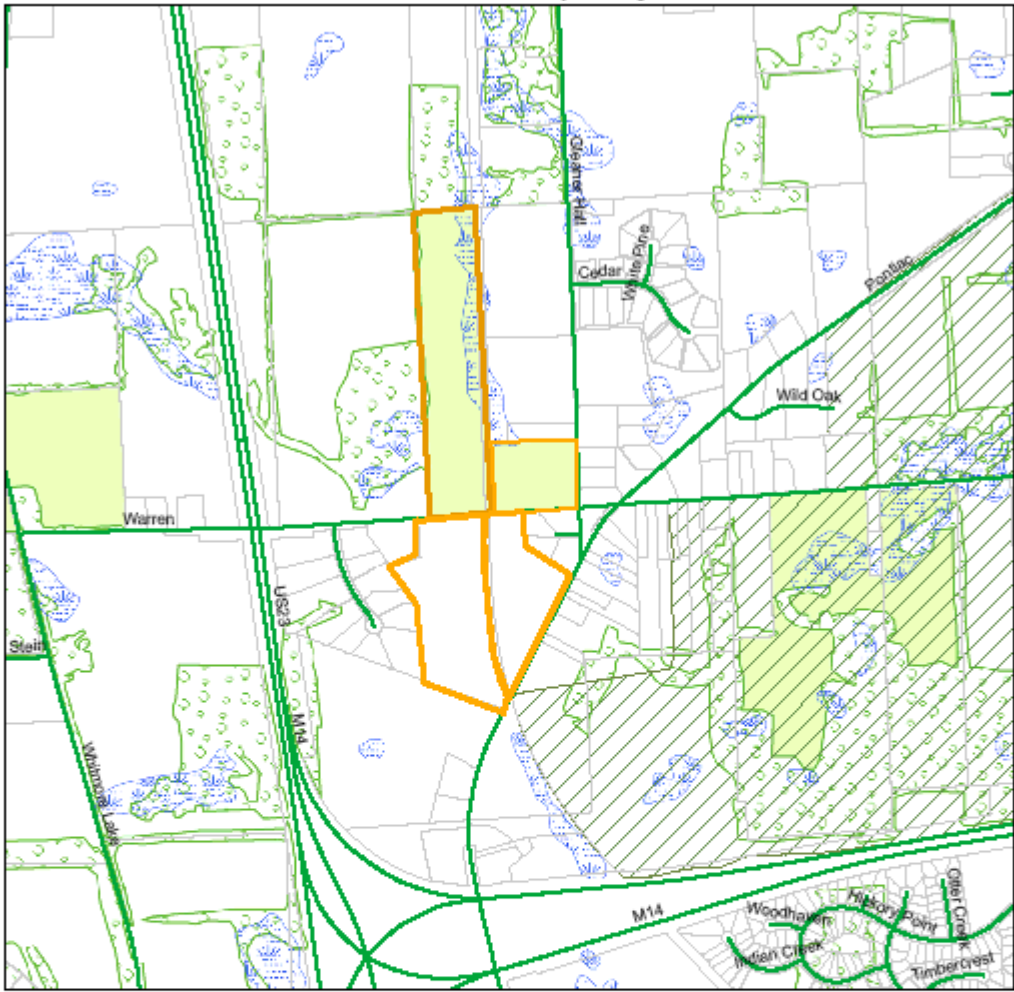
According to *A Comprehensive Plan for Washtenaw County*, the Landscapes Goal is to “Promote an efficient pattern of development that maintains our sense of place, preserves our natural resources and reduces the effects of sprawl.” Further, Landscapes Objective 3 states “Maintain our rural sense of place through land use techniques, economic viability of agriculture and alternatives that provide rural tax base for local governments.” In addition this also supports Agriculture Objective #2 which identifies the following Agricultural Recommendation that supports these efforts:

- 2.1: “Encourage landowners to apply for local, state and federal programs and encourage local governments to identify funding methods for farmland preservation.”

Planning and Environment Department staff finds this PA 116 application consistent with the County Plan and with the Township Zoning, and inconsistent with the Ann Arbor Charter Township General Development Plan due to the residential future land use designation.

DRAFT

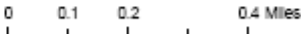
Braun Property



116-PAB-857-2008

Washtenaw County Department of Planning and Environment

STAFF REPORT



Legend

- Roads
- Ag Preservation Overlay
- Wetlands
- Woodlands
- PA118

