



Washtenaw County
Department of Planning and Environment

December 12, 2008

Kathy Giszczak
Augusta Township Clerk
8021 Talladay Road
Whittaker, Michigan

**RE: PA 116 Farmland Agreement Applications Review –Pinter Brothers Greenhouse, Inc.–
Augusta Township (116-PAB-861-2008)**

Dear Ms. Giszczak:

Thank you for the opportunity to review and comment on the Public Act 116 Farmland Agreement Application pertaining to the Pinter Brothers Greenhouse, Inc. property in Augusta 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 (Augusta Township).

Staff reviewed the Pinter Brothers Greenhouse, Inc. PA 116 applications, and the County finds them to be 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*, 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 Rural Residential land use designation found in Augusta Township’s Master Plan, and within the Agricultural Residential zoning designation. The intent of the Agricultural Residential district is to “conserve, stabilize, enhance and development farming and related resource-utilization activities.” The principle permitted use in the Agricultural Residential zoning district is agriculture, although the plan recognizes the minimum lot size of one acre is “inefficient to stem the encroachment of subdivision activity” and encourages agricultural preservation programs such as P.A. 116 in the rural residential areas.
3. The application is further supported by the prior enrollment of ten acres of the existing parcel in the PA 116 program, as well as the enrollment of nearby parcels to the east and west in the PA 116 program, supporting a large, contiguous agricultural area.
4. Sewer and water services are not planned to extend into the area. The subject parcel does not appear to be experiencing development pressure and staff found no indication that the area will receive water and sewer services within the life of the PA 116 agreement (10 years).

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: December 12, 2008

STAFF REPORT: PUBLIC ACT 116 FARMLAND AGREEMENT APPLICATION REVIEW

Pinter Brothers Greenhouse, Inc., Augusta Township 116-PAB-861-2008

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: Augusta Section: 16 Owner(s): Pinter Brothers Greenhouse, Inc.

Size of Farm (acres): 20.0 Total Number of Acres being applied for: 20.0
Acreage in Cultivation: 3
Acreage in Grassland: 0
All other acres: (swamp, woods, etc.) 17.0 (buildings)

Existing Buildings 4

Residence: 2 Grain Drying Facility: 0

Barn: 0 Poultry House: 0

Tool Shed: 1 Milking Parlor: 0

Silo: 0 Milk House: 0

Grain Storage Facility: 0 Other: 400,000 sq. ft. Greenhouse

Surrounding Land Use: According to the 2007 SEMCOG Land Use Inventory, the site is composed of Active Agriculture and is surrounded by agricultural land use to the north and west. To the north across Judd road is low density residential, as well as to the east and west along Judd Rd. Both the southern border and much of the land to the east is Open/Vacant. Woodlands are present on the south border of the site. Both the north and south border are within the River Buffer area which is designated on the Future Land Use Plan Map 8 as Park/Open Space/Conservation.

Number of Years Applied for: 10

2. Land Use Plans

Township Designation: Rural Residential

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

County Designation (Recommended Potential Future Landscapes): Rural

Is agricultural use consistent? YES NO

3. Zoning District: Agricultural Residential

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 subject parcel is located in the Rural Residential land use designation found in Augusta Township's Master Plan, and within the Agricultural Residential zoning designation. The intent of the Agricultural Residential district is to "conserve, stabilize, enhance and development farming and related resource-utilization activities." The principle permitted use in the Agricultural Residential zoning district is agriculture, although the plan recognizes the

minimum lot size of one acre is “inefficient to stem the encroachment of subdivision activity” and therefore encourages the enrollment and renewal of properties in the P.A. 116 program as a method of agricultural preservation.

The application is further supported by the prior enrollment of ten acres of the existing parcel in the PA 116 program, as well as the enrollment of nearby parcels to the east and west in the PA 116 program, supporting a large, contiguous agricultural area.

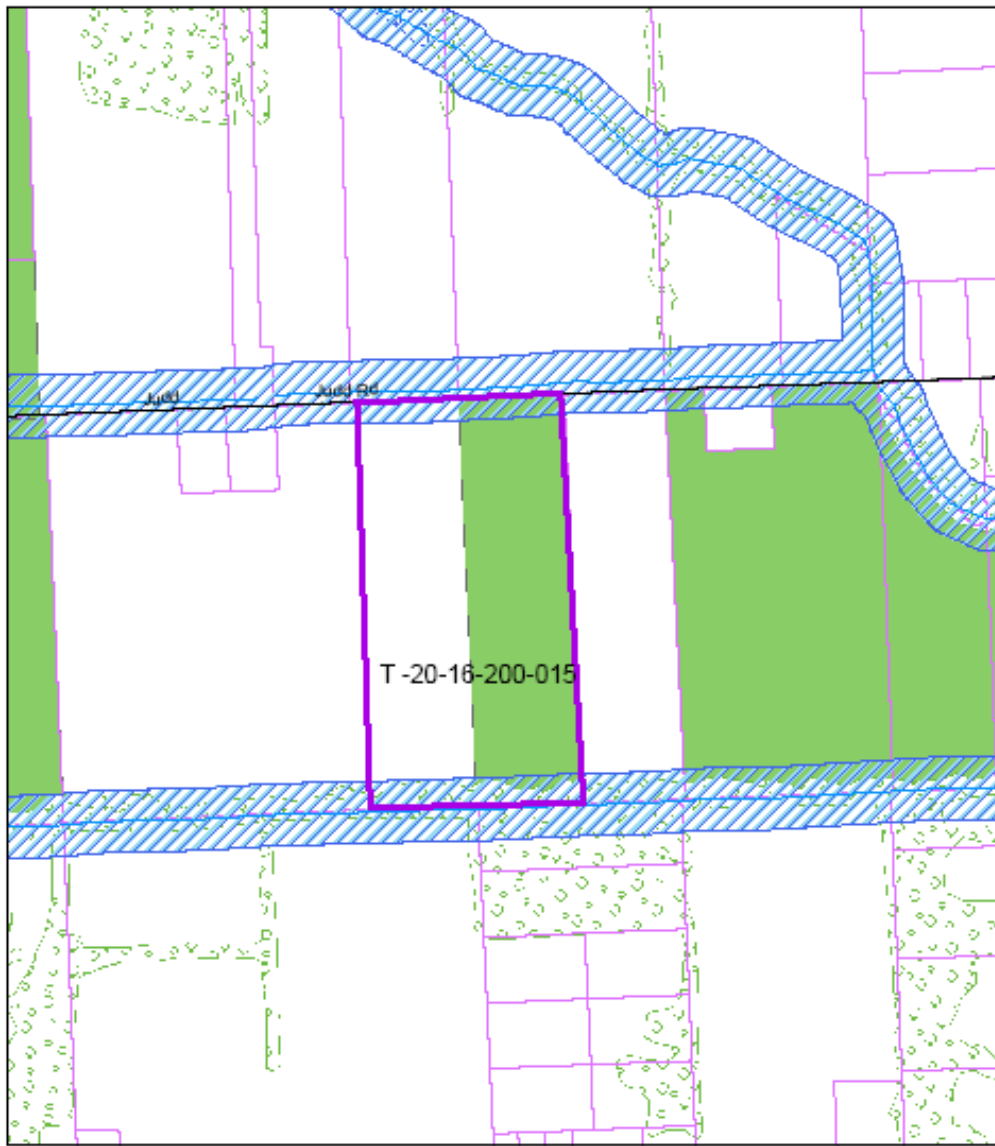
The parcel is outside of the planned Urban Service Area, and sewer and water services are not planned to extend into the area. Staff found no indication that the area will receive water and sewer services within the life of the PA 116 agreement (10 years).

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 planning goals and policies on the local and county level, and supports this application.







Pinter Brothers Greenhouse, Inc. Natural Features and Nearby PA116



PA 116 | STAFF REPORT | 116-PAB-861-2008

Washtenaw County Department of Planning & Environment

Legend

-  Site
-  Streams
-  River Buffer
-  Wetlands
-  Woodlands
-  PA116

