



Washtenaw County Department of Planning and Environment

May 9, 2008

Kathy Giszczak
Augusta Charter Township Clerk
8021 Talladay Road
PO Box 100
Whittaker, MI 48190

**RE: PA 116 Farmland Agreement Application Review – Schultz Farm – Augusta Township
(116-PAB-851-2008) - DRAFT**

Dear Ms. Giszczak:

Thank you for the opportunity to review and comment on the Public Act 116 Farmland Agreement Application pertaining to the Schultz Farm 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 Schultz Farm PA 116 application, and the County finds it 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 Agricultural land use designation found on Augusta Township’s Plan. A goal of the Township Plan is to “Preserve the rural character of Augusta Charter Township through the management of growth and preservation of natural resources and active farming.” This is supported by the objective to “Protect and encourage active farming” through strategies such as to “Promote the enrollment of property in P.A. 116 farmland agreements.”
3. The application is further supported by the enrollment of nearby parcels to the west in the PA 116 program, supporting a large, contiguous agricultural area.
4. While the designation of the area to the south of the subject parcel is designated as Planned Development in the Augusta Charter Township Master Plan, the subject parcel does not appear to be experiencing development pressure due to the land use boundary as well as its location within the Agricultural Preservation Overlay. 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



Date: May 9, 2008

**STAFF REPORT: PUBLIC ACT 116 FARMLAND AGREEMENT
APPLICATION REVIEW
Schultz Farm, Augusta Township 116-PAB-851-2008**

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.

Attached is a copy of section 324.36101, *Application for farmland development rights agreement* within the PA 116 Act. 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: 30 Owner(s): Robert Schultz

<u>Size of Farm (acres):</u>	75.2	<u>Total Number of Acres being applied for:</u>	75.2
		<u>Acreage in Cultivation:</u>	70.0
		<u>Acreage in Grassland:</u>	0.0
		<u>All other acres: (swamp, woods, etc.)</u>	5.2

Existing Buildings 1

<u>Residence:</u>	0	<u>Grain Drying Facility:</u>	0
<u>Barn:</u>	1	<u>Poultry House:</u>	0
<u>Tool Shed:</u>	0	<u>Milking Parlor:</u>	0
<u>Silo:</u>	0	<u>Milk House:</u>	0
<u>Grain Storage Facility:</u>	0	<u>Other:</u>	0

Surrounding Land Use: According to the 2005 SEMCOG Land Use Inventory, the site is surrounded by active agriculture, with woodland and wetlands to the west and southwest.

2. Land Use Plans

Township Designation: Agriculture

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

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:

This parcel is located in the Agricultural designation found in the Augusta Charter Township Master Plan (Township Plan). The Township Plan sets the goal to “Preserve the rural character of Augusta Charter Township through the management of growth and preservation of natural resources and active farming.” This is supported by the objective to “Protect and encourage active farming” through strategies such as to “Promote the enrollment of property in P.A. 116 farmland agreements.” The area immediately south is Planned Development according to the Township Plan’s Future Land Use. There is no development planned or expected for this area. While the designation of the area to the south of the subject parcel is designated as Planned Development in the Augusta Charter Township Master Plan, the subject parcel does not appear to be experiencing development pressure due to the land use boundary and its location within the Agricultural Preservation Overlay. Staff found no indication that the area will receive water and sewer services within the life of the PA 116 agreement (10 years).

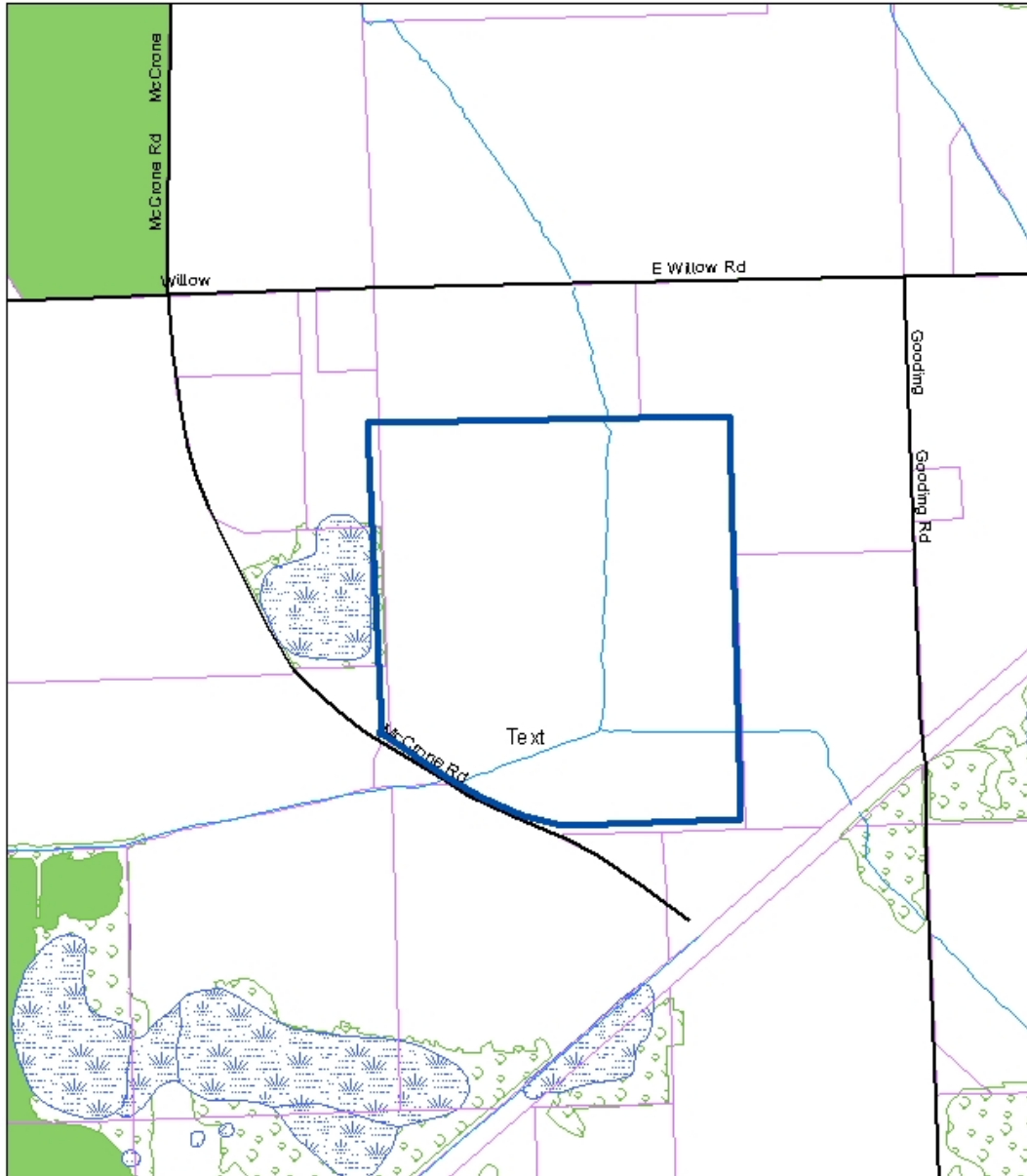
Towards this end, the policies in the master plan give support to approving this application as a PA 116 enrollment. Given the current use of the surrounding land and the parcels that are currently enrolled in the PA 116 program to the west, this area does not appear to be experiencing development pressure. Staff found no indication that the area will receive water or sewer services within the lifetime of the agreement (10 years).

According to the newly adopted *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.

Schultz Farm: Natural Features and Nearby PA116

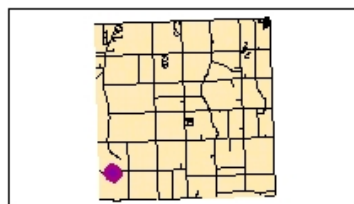


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Washtenaw County Department of Planning & Environment

Legend

-  Site
-  Streams
-  Wetlands
-  Woodlands
-  PA116



Augusta Township

