



Washtenaw County Office of Strategic Planning

Planning Advisory Board
Monday, October 26, 2009
110 N. Fourth Avenue
Annex Large Conference Room – First Floor
6 p.m.
Agenda (REVISED 10/23/09)

- I. Call to Order and Roll Call
- II. Minutes Approval
 - a. Approval of the August 24, 2009 Minutes
- IV. Approval of Agenda
- V. Public Comment
- VI. Report of the Chair – William Lewis
- VII. Old Business
- VIII. New Business
 - a. Natural Area Preservation Program (NAPP) Applications from WCPARC – Ann Arbor Township – N- (27-28) -2009
 - b. Lima Township Master Plan Amendment
 - c. PA 116 Review – Pardon Farm, Ann Arbor Township (116-PAB-868-2009)
 - d. PA 116 Review – Trinkle Farm, Lima Township (116-PAB-869-2009)
 - e. PA 116 Review – Wilkin Farm, Saline Township (116-PAB-870-2009)
 - f. PA 116 Review – Wilkin Farm, Bridgewater Township (116-PAB-871-2009)
 - g. PA 116 Review – Johnson Farm, Bridgewater Township (116-PAB-872-2009)
 - h. PA 116 Review – Parker Farm, Bridgewater Township (116-PAB-873-2009)
 - i. PA 116 Review – Girard Farm, Ypsilanti Township (116-PAB-874-2009)
 - j. PA 116 Review – Marion Farm, Saline Township (116-PAB-875, 876, 877, 878-2009)
 - k. PA 116 Review – Marion Trust Farm, Saline Township (116-PAB-879, 880-2009)
 - l. PA 116 Review – Faust Farm, York Township (116-PAB-881-2009)
 - m. PA 116 Review – Drake Farm, Lodi Township (116-PAB-882, 883, 884-2009)
 - n. PA 116 Review – Vershum Farm, Bridgewater Township (116-PAB-881-2009)
- IX. Report of the Director of Strategic Planning
 - a. Webster Township Master Plan Amendment
- X. Other Items for Discussion
 - a. Regional Group and Outside Agency Updates
 - b. Public Policy News
- XI. Committee Reports

XII. Public Comment

Next Regular Meeting: Monday, November 23, 2009, 6 p.m.; Annex Large Conference Room, 110 N. Fourth, Ann Arbor

Please RSVP if you will or will not be attending this month's meeting
lenartb@ewashtenaw.org or 734-222-3860



Washtenaw County Office of Strategic Planning

October 27, 2009 – Draft Until Adoption

Helen Neill
York Township Clerk
11560 Stony Creek Rd.
Milan, MI 48160

RE: PA 116 Farmland Agreement Applications Review – Gordon and Marilyn Faust Farm–York Township (116-PAB-881-2009)

Dear Ms. Neill:

Thank you for the opportunity to review and comment on the Public Act 116 Farmland Agreement Application pertaining to the Gordon and Marilyn Faust property in York 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 (York Township).

Staff reviewed the Gordon and Marilyn Faust PA 116 application, 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 Primary Agriculture land use designation and the Lands Designated for Agricultural Preservation found in York Township’s Growth Management Plan, which sets the goal of “the preservation agricultural and open space land use.” It also states the following policy: “Applications for P.A. 116 should be encouraged and approved.”
3. A wetland is located on the northern edge of the property, and a woodland also is located in generally the same area.
4. The application is further supported by the location of properties to the north, west and southwest that have agricultural conservation easements and also the enrollment of adjacent and surround nearby parcels in the PA 116 program, supporting a large, contiguous agricultural area.
5. The area surrounding 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,

Anthony VanDerworp, Director
Office of Strategic Planning
TB/AV

Encl. Staff Report



Washtenaw County Office of Strategic Planning

Date: October 22, 2009

STAFF REPORT: PUBLIC ACT 116 FARMLAND AGREEMENT

APPLICATION REVIEW

Gordon and Marilyn Faust Farm, York Township 116-PAB-881-2009

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: York Sections: 19 Owner(s): Gordon and Marilyn Faust

Size of Farm 159.6 Total Number of Acres being applied for: 159.6
(acres):

<u>Acreage in Cultivation:</u>	85	
<u>Acreage in Grassland:</u>	8.5	
<u>All other acres: (swamp, woods, etc.)</u>	66.1	(tree farming/woodlot, residences/farmstead)

Existing Buildings 8

<u>Residence:</u>	2	<u>Grain Drying Facility:</u>	0
<u>Barn:</u>	3	<u>Poultry House:</u>	0
<u>Tool Shed:</u>	1	<u>Milking Parlor:</u>	0
<u>Silo:</u>	0	<u>Milk House:</u>	0
<u>Grain Storage Facility:</u>	0	<u>Other:</u>	2 (tool shop and garage)

Surrounding Land Use: According to the 2007 Washtenaw County Existing Land Use Inventory, the site is composed mostly of Active Agriculture. The property also contains a couple of planted woodlots used for tree farming and lumber, as well as woodlands that are not used for farming. The property is located on two parcels. One of which is approximately 159.3 acres and contains a residence and the farmstead buildings complex, while the other parcel is approximately 0.3 acres in size and contains a residence. The property is mostly surrounded by agricultural land use to the north, the west, southwest, south, and somewhat to the southeast. The non-sewered York Woods Subdivision is located directly to the east with approximately 100 residential units on 1 to 2 acre lots. The city limits of the City of Saline are located at the northwest point of this property, with open/vacant lands containing mostly woodlands near the intersection with this property. There are two single family homes located adjacent to the property to the immediate southwest across Saline-Milan Road. The parcel to the north and northeast of the property also contain woodlands. Wetlands are present on the northern edge of the property, located in the same location as the woodlands.

Number of Years Applied for: 10

2. Land Use Plans

Township Designation: Primary Agriculture and Lands Designated for Agricultural Preservation

Is agricultural use consistent? YES NO

County Designation (Recommended Potential Future Landscapes): Rural and Agricultural Preservation Overlay Area

Is agricultural use consistent? YES NO

3. **Zoning District:** Essential Agriculture (A-1)

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 Primary Agriculture land use designation and the Lands Designated for Agricultural Preservation found in York Township’s Growth Management Plan. The property is also zoned as Essential Agriculture (A-1). The York Township Growth Management Plan sets the goal of “the preservation agricultural and open space land use.” It also states the following policy: “Applications for P.A. 116 should be encouraged and approved.” Towards this end, the policies in the Growth Management Plan give support to approving this application as a P.A. 116 enrollment would support and help to ensure all of these goals and objectives.

Additional factors which further support the approval of this application include: the Howard and Kelven Braun Farm being located to the adjacent north and adjacent west of this property, which has a permanent agricultural conservation easement purchased by the State of Michigan PDR Program; and the Kendall Rogers Farm located to the southwest of this property which also has an agricultural conservation easement purchased and acquired through the Federal Farm and Ranch Lands Protection Program (FRPP) and from fund raising from the Legacy Land Conservancy (formerly Washtenaw Land Trust). Additionally the enrollment of a number of parcels in the P.A. 116 program 1 to 2 miles south and southeast, including one located adjacent at the south of this parcel also further support approval of this application. Towards this end, the policies in the Township’s Growth Management Plan give support to approving this application as a PA 116 enrollment would support and help to ensure all of these goals and policies.

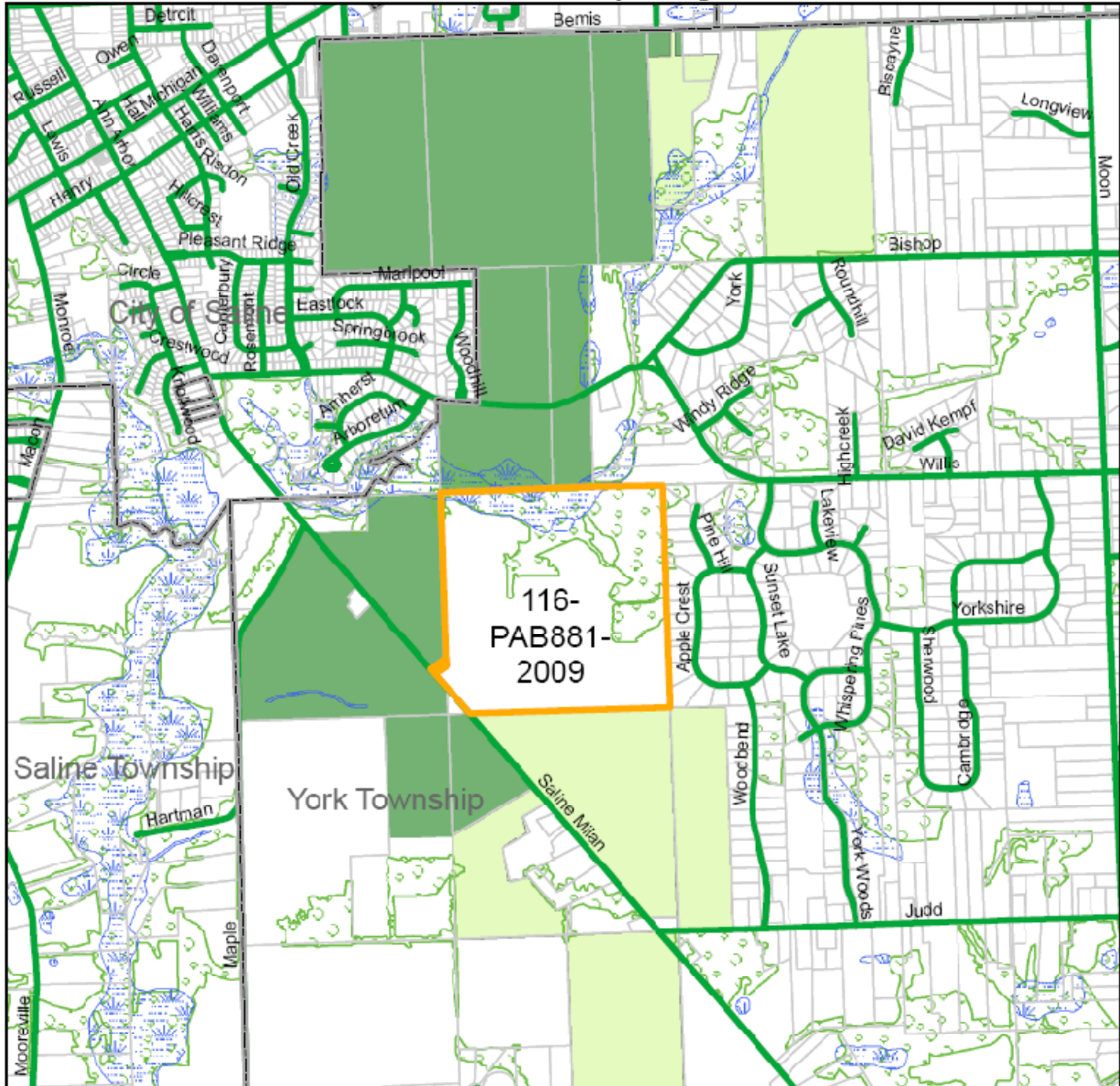
According to *A Comprehensive Plan for Washtenaw County*, the Landscapes Goal is to “Promote an efficient pattern of development that maintains our sense of place, preserves our natural resources and reduces the effects of sprawl.” Further, Landscapes Objective 3 states “Maintain our rural sense of place 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.”

The property is also located in the County’s Agricultural Preservation Overlay Area. Given the current use of the surrounding land and the adjacent parcels that have an agricultural conservation easement (adjacent to the north, west and southwest) or that are currently enrolled in the PA 116 program (adjacent to the south), this area does not appear to be experiencing development pressure. Staff found no indication that the area will receive water and sewer services within the lifetime of the agreement (10 years).

Office of Strategic Planning staff finds this P.A. 116 application consistent with planning goals and policies on the local and county level, and supports this application.

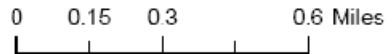
Faust Property










116-PAB-881-2009

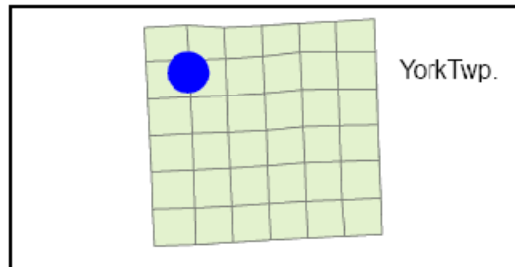
Washtenaw County Office of Strategic Planning

STAFF REPORT



Legend

-  116_PAB_881_2009
-  WEQL_Jurisdiction_boundary
-  Roads
-  Wetlands
-  Woodlands
-  PA116
-  Agricultural Conservation Easements





Washtenaw County Office of Strategic Planning

October 27, 2009 – Draft until Adopted

Elaine Masters
Lodi Township Clerk
3755 Pleasant Lake Road
Ann Arbor MI 48103

RE: PA 116 Farmland Agreement Application Review – Donald Drake Farm – Lodi Township (116-PAB-882-2009, 116-PAB-883-2009, 116-PAB-884-2009)

Dear Ms. Masters:

Thank you for the opportunity to review and comment on the Public Act 116 Farmland Agreement Application pertaining to the Donald Drake farm in Lodi 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 (Lodi Township).

Staff reviewed the Donald Drake farm PA 116 application and the County finds the northern 13-acre portion of the 77.9-acre parcel in the 116-PAB-883-2009 application to be consistent with planning goals and policies on the county level only and for the southern 64.9-acre portion of the 77.9-acre parcel in 116-PAB-883-2009 application as well as all parcels in both 116-PAB-882-2009 and 116-PAB-884-2009 to be consistent with planning goals and policies on the local and county level and provides the following comments:

1. Maintaining these properties 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. In all parcels in the applications 116-PAB-882-2009 and 116-PAB-884-2009 and for the southern 64.9-acre portion of the parcel in application 116-PAB-883-2009 are located in the Agriculture land use designation found in Lodi Township’s General Development Plan, which sets the goal of (1) “Protection of strategic open space and designated agricultural lands from development”, and (2) “To support viable agricultural operations in appropriate areas of the Township”. It also states the objective: (1) “Support existing agricultural operations in areas designated in this plan as agricultural lands”, through strategies such as “Supporting Public Act 116 Farmland/Open Space Preservation applications if located within areas designated for agricultural use.” However, the agricultural land use does conflict with the Township’s Rural Residential designation in the Township’s general development plan for the northern 13-acre portion of the 77.9-acre parcel of the application 116-PAB-883-2009. Given the following findings, staff supports this application:
 - all parcels in all three applications are not located within land use designations that require sewer and water service,

- that the Township does not foresee this property being served by public sanitary sewer within the 20 year time frame of this PA 116 application,
 - that in all directions there is no adjacent properties that are currently served with public sanitary sewer and water service nor are any adjacent properties located within the Township's designated public sanitary sewer and water service areas according to the Township's Master Plan, and
 - that the northern 13-acre portion of the 77.9-acre parcel in 116-PAB-883-2009 is located adjacent to the Washtenaw County's Agricultural Preservation Overlay Area and all other areas in all three applications are located within the Washtenaw County's Agricultural Preservation Overlay Area, and the surrounding area is predominantly agricultural, open with about seven single-family residential homes located adjacent to all the parcels combined for all three applications and these current existing land uses do not conflict with agricultural uses of all parcels of all three applications.
3. For all three of the applications, they are further supported by the enrollment of adjacent and nearby parcels in the PA 116 program, supporting a large, contiguous agricultural area.
 4. The area surrounding the subject parcels in all three applications do 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 (20 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,

Anthony VanDerworp, Director
Office of Strategic Planning
TB/AV

Encl. Staff Report



Washtenaw County

Office of Strategic Planning

Date: October 22, 2009

STAFF REPORT: PUBLIC ACT 116 FARMLAND AGREEMENT APPLICATION REVIEW

Lodi Township 116-PAB-882-2009, 116-PAB-883-2009, 116-PAB-884-2009

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

116-PAB-882-2009:

Township Lodi Section 9 Owner(s): Donald Drake

Size of Farm (acres): 130.02 Total Number of Acres being applied for: 130.02
Acreage in Cultivation: 67.0
Acreage in Grassland: 0
All other acres: 63.2(woods, farmstead residence, wetlands)

Existing Buildings 4

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

Surrounding Land Use: According to the 2007 Washtenaw County Existing Land Use Inventory, the site is surrounded primarily by active agriculture in all directions, with woodland and wetlands to the south, southwest and southeast. Sporadic single family residential can be found in adjacent areas.

Number of Years Applied for: 20

116-PAB-883-2009:

Township Lodi Section 4 Owner(s): Donald Drake

Size of Farm (acres): 77.94 Total Number of Acres being applied for: 130.02
Acreage in Cultivation: 67.0
Acreage in Grassland: 0
All other acres: 63.2(woods, farmstead residence, wetlands)

Existing Buildings 14

<u>Residence:</u>	1	<u>Grain Drying Facility:</u>	0
<u>Barn:</u>	5	<u>Poultry House:</u>	0
<u>Tool Shed:</u>	2	<u>Milking Parlor:</u>	0
<u>Silo:</u>	3	<u>Milk House:</u>	0
<u>Grain Storage Facility:</u>	0	<u>Other:</u>	1 shop, 2 corn cribs

Surrounding Land Use: According to the 2007 Washtenaw County Existing Land Use Inventory, the site is surrounded primarily by active agriculture to the east, south and west, with a woodland

and a wetland to the northwest. Directly north of the property are four vacant lots 1 to 4 acres in size. Further north of the adjacent parcel approximately 1/4 mile is Pleasant Hollow Site Condo with 20 platted lots 3/4- to 1-acre lots , 7 of which are currently vacant. Sporadic single family residential can be found in adjacent areas.

Number of Years Applied for: 20

116-PAB-884-2009:

Township Lodi Section 4 Owner(s): Donald Drake

<u>Size of Farm (acres):</u>	13.38	<u>Total Number of Acres being applied for:</u>	13.38
		<u>Acreage in Cultivation:</u>	8
		<u>Acreage in Grassland:</u>	4
		<u>All other acres:</u>	1.38(farmstead residence)

Existing Buildings 4

<u>Residence:</u>	1	<u>Grain Drying Facility:</u>	0
<u>Barn:</u>	1	<u>Poultry House:</u>	1
<u>Tool Shed:</u>	1	<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 2007 Washtenaw County Existing Land Use Inventory, the site is surrounded primarily by active agriculture in all directions, with woodland and wetlands to the south, southwest and southeast. Sporadic single family residential can be found in adjacent areas. Further north on the parcel directly north of this parcel is an extraction operation.

Number of Years Applied for: 20

2. Land Use Plans

Township Designation: Agriculture (southern 64.9 acres) and Rural Residential (northern 13 acres)

Is agricultural use consistent?

<u>116-PAB-882-2009</u>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<u>116-PAB-883-2009</u>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO (southern 64.9-acre portion in Agriculture)
	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO (northern 13-acre portion in Rural Residential)
<u>116-PAB-884-2009</u>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

County Designation (Recommended Potential Future Landscapes): Rural/Agricultural for all areas and Agricultural Preservation Overlay Area for all areas except northern 13-acre portion of the 77.9-acre parcel in 116-PAB-883-2009 which is not in the County's Agricultural Preservation Overlay Area.

Is agricultural use consistent? YES NO

3. Zoning District: Agriculture (all three applications)

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

5. Does the farm meet PA 116 technical requirements? YES NO (all three applications)

6. Additional Comments:

Except for the northern 13-acre portion of the 77.9-acre parcel in 116-PAB-883-2009, these parcels are located in the Agricultural designation found in the Lodi Township General Development Plan. This Plan sets the goal of (1) "Protection of strategic open space and designated agricultural lands from development", and (2) "To support viable agricultural operations in appropriate areas of the Township". It also states the objective: (1) "Support existing agricultural operations in areas designated in this plan as agricultural lands", through strategies such as "Supporting Public Act 116 Farmland/Open Space Preservation applications if located within areas designated for agricultural use." The northern 13-acre portion of the 77.9-acre parcel in 116-PAB-883-2009 is located in the Rural Residential designation of the Lodi Township General Development Plan.

Agricultural use is compatible with the general development plan designations in all areas of all three applications except for the 13-acre northern portion of the 77.9-acre parcel in 116-PAB-883-2009 and with the zoning for all parcels in all three applications, however it is not consistent with the Rural Residential future land use general development plan designation on northern 13-acre portion of the 77.9-acre parcel in 116-PAB-883-2009. The Rural Residential category is defined as the following in the Township's General Development Plan: "This land use designation is intended to provide a range of housing opportunities for the existing population along with anticipated future population growth. ..In areas of the Township not intended to be served with sanitary water and sewer, it is designed to preserve the rural character and natural features of the township and accommodate low-density single-family housing where appropriate." This parcel is not located in an area designated for water or sewer. The closest public water and sewer is located 1.7 miles to the north in Scio Township along the Jackson Road Corridor.

While, according to the Township Plan, the northern 13-acre portion of the 77.9-acre parcel in 116-PAB-883-2009 is within the Rural Residential future land use, and agricultural uses are not identified within areas that make up Rural Residential areas, it is the opinion of Washtenaw County Office of Strategic Planning that the use of this property for agriculture does not conflict with the nearby uses, which primarily include agricultural uses and woodlands, and 4 vacant lots to the north.

Towards this end, the policies in the master plan give support to approving this application as a PA 116 enrollment would support and help to ensure all of these goals and objectives. Given the current use of the surrounding land and the parcels that are currently enrolled in the PA 116 program to the east and west within ¼ mile, 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 (20 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.”

Given the current use of the surrounding land and the parcels that are currently enrolled in the PA 116 program, this area does not appear to be experiencing development pressure. Staff found no indication that the area will receive water and sewer services within the lifetime of the agreement (20 years).

Office of Strategic Planning staff finds this P.A. 116 application consistent with planning goals and policies on the county level, the planning goals and policies on the local level for all areas of all three applications except for the northern 13-acre portion of the 77.9-acre parcel in 116-PAB-883-2009 which is designated as Rural Residential and is not consistent with local planning goals and policies. Given the following findings, staff supports this application:

- all parcels in all three applications are not located within land use designations that require sewer and water service,
- that the Township does not foresee this property being served by public sanitary sewer within the 20 year time frame of this PA 116 application,
- that in all directions there is no adjacent properties that are currently served with public sanitary sewer and water service nor are any adjacent properties located within the Township’s designated public sanitary sewer and water service areas according to the Township’s Master Plan, and
- that the northern 13-acre portion of the 77.9-acre parcel in 116-PAB-883-2009 is located adjacent to the Washtenaw County’s Agricultural Preservation Overlay Area and all other areas in all three applications are located within the Washtenaw County’s Agricultural Preservation Overlay Area, and the surrounding area is predominantly agricultural, open with about seven single-family residential homes located adjacent to all the parcels combined for all three applications and these current existing land uses do not conflict with agricultural uses of all parcels of all three applications.



Washtenaw County Office of Strategic Planning

October 27, 2009 – Draft until Adoption

Cynthia J. Carver
Bridgewater Township Clerk
9590 Kies Rd.
Manchester, MI 48158

**RE: PA 116 Farmland Agreement Application Review – Vershum Farms, LLC Farm –
Bridgewater Township (116-PAB-885-2009, 116-PAB-886-2009, 116-PAB-887-2009,
116-PAB-888-2009)**

Dear Ms. Carver:

Thank you for the opportunity to review and comment on the Public Act 116 Farmland Agreement Application pertaining to the Vershum Farms, LLC Farm in Bridgewater 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 (Bridgewater Township).

Staff reviewed the Vershum Farms, LLC Farm PA 116 application, 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 these properties 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 parcels of all four applications are located in the Agricultural designation found in the Bridgewater Township Master Plan, as well as in the Agricultural Preservation Overlay. The Bridgewater Township Master Plan sets the goals to (1) “maintain Bridgewater Township’s rural character”, and (2) “support stable agricultural areas and operations in Bridgewater Township.” It also states the following objectives: (1) “maintain and promote the rural, agricultural, and historic characteristics of the Township,” (2) “encourage future development that is compatible with Bridgewater’s rural character,” and (3) “encourage and support existing long-term agricultural operations.”
3. Woodlands exist on the property in the 116-PAB-885-2009 application, and wetlands exist on all of the properties in 116-PAB-885-2009 116-PAB-886-2009 and 116-PAB-888-2009 applications. The Bridgewater #1 Drain also traverses the southwestern portion of the eastern parcel of the property in the 116-PAB-885-2009 application.
4. The application is further supported by the existence of a conservation easement on the property in the 116-PAB-888-2009 application and the enrollment of nearby parcels in the PA 116 program, supporting a large, contiguous agricultural area.

5. The area surrounding 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 (30 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,

Anthony VanDerworp, Director
Office of Strategic Planning
TB/AV

Encl. Staff Report



Washtenaw County Office of Strategic Planning

Date: October 22, 2009

STAFF REPORT: PUBLIC ACT 116 FARMLAND AGREEMENT APPLICATION REVIEW

Vershum Farms, LLC Farm, Bridgewater Township 116-PAB-885-2009,
116-PAB-886-2009, 116-PAB-887-2009, 116-PAB-888-2009

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 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 Township. Below is the staff review and comments on this PA 116 application:

1. Farm Information

116-PAB-885-2009:

Township: Bridgewater Section: 16 Owner(s): Vershum Farms, LLC.

<u>Size of Farm (acres):</u>	60.06	<u>Total Number of Acres being applied for:</u>	60.06
		<u>Acreage in Cultivation:</u>	55.23
		<u>Acreage in Grassland:</u>	0
		<u>All other acres: (swamp, woods, etc.)</u>	4.83 (woods, wetlands, drain)

Existing Buildings 0

<u>Residence:</u>	0	<u>Grain Drying Facility:</u>	0
<u>Barn:</u>	0	<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 2007 Washtenaw County Existing Land Use Inventory, the site is mostly composed of Active Agriculture, but also includes woodlands located the southern edge and southwestern edge of the southwest notch of the western parcel and the southern and southwestern edges of the eastern parcel of the property. Wetlands also exist at the southwestern edge of the southwest notch of the western parcel as well as within the center part of the parcel. The Bridgewater #1 Drain also traverses the southwestern portion of the eastern parcel. The surrounding land uses are mostly agriculture with nearby woodlands located to the east and west of of the property, and along Burmeister Road between both parcels. A few farmstead residences exist along Burmeister Rd and Lima Center Rd near the property.

116-PAB-886-2009:

Township: Bridgewater Section: 21 Owner(s): Vershum Farms, LLC.

<u>Size of Farm (acres):</u>	116.9	<u>Total Number of Acres being applied for:</u>	116.9
		<u>Acreage in Cultivation:</u>	104.4
		<u>Acreage in Grassland:</u>	0
		<u>All other acres: (swamp, woods, etc.)</u>	12.5 (barn, wetlands)

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 2007 Washtenaw County Existing Land Use Inventory, the site is almost entirely composed of Active Agriculture, but also includes a wetland also exist south central portion of the parcel. The surrounding land uses are mostly agriculture, with a few single family residences along Braun Rd and along Clinton Rd. The Bridgewater Township Hall and cemetery exists at the northwestern corner of this property, at the intersection of Clinton and Braun Roads.

116-PAB-887-2009:

Township: Bridgewater Section: 21 Owner(s): Vershum Farms, LLC.

<u>Size of Farm (acres):</u>	50.74	<u>Total Number of Acres being applied for:</u>	50.74
		<u>Acreage in Cultivation:</u>	50.6
		<u>Acreage in Grassland:</u>	0
		<u>All other acres: (swamp, woods, etc.)</u>	0.14 (hedgerows)

Existing Buildings 0

<u>Residence:</u>	0	<u>Grain Drying Facility:</u>	0
<u>Barn:</u>	0	<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 2007 Washtenaw County Existing Land Use Inventory, the site is almost entirely composed of Active Agriculture, but also includes hedgerows along the southern and eastern portions of the parcel. The surrounding land uses are mostly agriculture, with about four single family residences further south of the parcel along Hoelzer Rd. The Bridgewater Township Hall and cemetery exists at the northwestern corner of this property, at the intersection of Clinton and Braun Roads.

116-PAB-888-2009:

Township: Bridgewater Section: 21 Owner(s): Vershum Farms, LLC.

<u>Size of Farm (acres):</u>	68.65	<u>Total Number of Acres being applied for:</u>	69.65
		<u>Acreage in Cultivation:</u>	63.3
		<u>Acreage in Grassland:</u>	0
		<u>All other acres: (swamp, woods, etc.)</u>	5.35 (wetland)

Existing Buildings 0

<u>Residence:</u>	0	<u>Grain Drying Facility:</u>	0
<u>Barn:</u>	0	<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 2007 Washtenaw County Existing Land Use Inventory, the site is almost entirely composed of Active Agriculture, but also includes a wetland in the north

western portion of the parcel. The surrounding land uses are mostly agriculture, with about two single family residences along Clinton Rd and one single-family residence along Hoelzer Rd.

2. Land Use Plans

Township Designation: Agricultural and Agricultural Preservation Overlay Area (all 4 applications)

Is agricultural use consistent? YES NO

County Designation (Recommended Potential Future Landscapes): Rural/Agricultural and Agricultural Preservation Overlay Area (all 4 applications)

Is agricultural use consistent? YES NO

3. **Zoning District**: Agriculture (all 4 applications)

4. **Term of proposed PA 116 Agreement?** 30 Years (all 4 applications)

5. **Is sewer service anticipated during the life of this agreement?** YES NO (all 4 applications)

6. **Does the farm meet PA 116 technical requirements?** YES NO (all 4 applications)

7. Additional Comments:

All 4 properties in the 4 applications are located in the Agricultural designation found in the Bridgewater Township Master Plan, as well as in the Agricultural Preservation Overlay. The Bridgewater Township Master Plan sets the goals to (1) “maintain Bridgewater Township’s rural character”, and (2) “support stable agricultural areas and operations in Bridgewater Township”. It also states the following objectives: (1) “maintain and promote the rural, agricultural, and historic characteristics of the Township”, (2) “encourage future development that is compatible with Bridgewater’s rural character”, and (3) “encourage and support existing long-term agricultural operations.” Staff found no indication that the area will receive water or sewer services within the lifetime of the agreement (30 years).

The 68.65-acre parcel in application 116-PAB-888-2009 has a conservation easement on the property, owned and purchased by the Legacy Land Conservancy (formerly the Washtenaw Land Trust). The conservation easement was acquired in 2006. According to the Michigan Department of Agriculture’s Farmland Preservation Program, which manages the state PDR program and the PA 116 program, a PA 116 enrollment will not and does not conflict with the conservation easement, as the PA 116 agreement and the conservation easement are held by two separate entities.

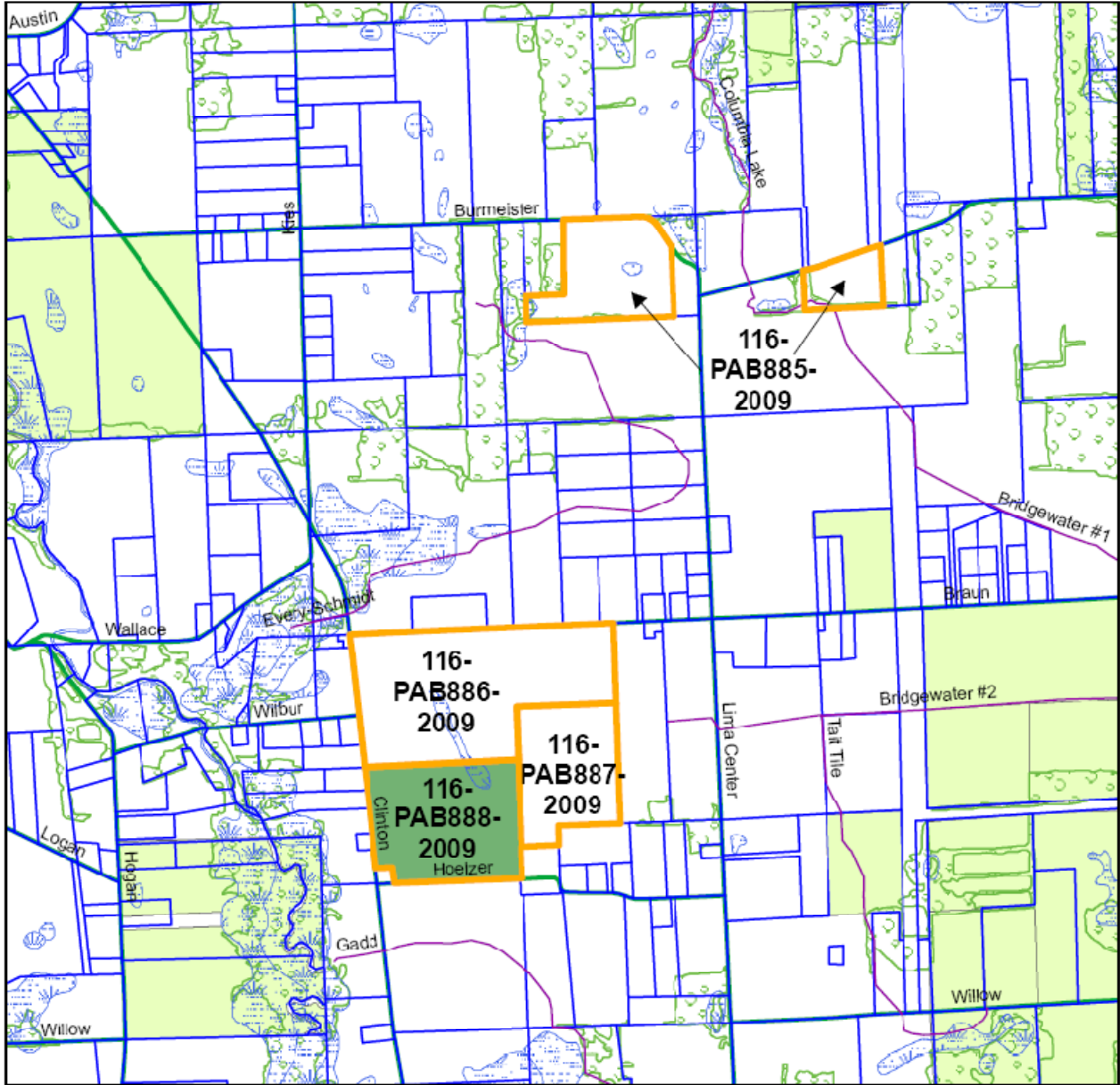
This application is further supported by nearby PA 116 enrollments in all directions of all 4 of these properties within a 1 to 2 mile radius, which contributes towards creating contiguous blocks of agricultural land in this area. Towards this end, the policies in the master plan give support to approving this application as a PA 116 enrollment would support and help to ensure all of these goals and policies.

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.”

The Office of Strategic Planning finds this PA 116 application consistent with planning goals and policies on the local and county level, and supports this application.

Vershum Farms, LLC Properties



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Washtenaw County Office of Strategic Planning

Legend

- 116_PAB_885_886_887_888_2009
- WDRA.Cnty_Drain
- Roads
- Wetlands
- Woodlands
- PA_116
- Conservation Easements

STAFF REPORT

0 0.15 0.3 0.6 Miles

