



## Washtenaw County Office of Strategic Planning

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June 15, 2009

Karen Lovejoy Roe  
Charter Township of Ypsilanti Clerk  
7200 S. Huron River Drive  
Ypsilanti, MI 48197

**RE: PA 116 Farmland Agreement Applications Review – Pinter Properties, LLC  
Greenhouse Operation – Ypsilanti Township (116-PAB-865-2009)**

Dear Ms. Roe:

Thank you for the opportunity to review and comment on the Public Act 116 Farmland Agreement Application pertaining to the Pinter Properties, LLC Greenhouse Operation (Michigan Department of Agriculture Specialty Farm) in the Charter Township of Ypsilanti. In accordance with PA 116, the Washtenaw County Planning Advisory Board can provide comments and forward them to the local governing body with jurisdiction (Charter Township of Ypsilanti).

Staff reviewed the Pinter Properties, LLC Greenhouse Operation/Specialty Farm 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. This parcel is designated by the Michigan Department of Agriculture as a Specialty Farm, which is a part of the PA 116 program. The “Specialty Farm” designation is part of the definition of Farmland used for the PA 116 program and meets the technical requirements of the Specialty Farm designation, thus meets the PA 116 program’s technical requirements and is eligible for the program.
3. The subject parcel is located in the Industrial land use designation found in Ypsilanti Township’s Comprehensive Plan. The intent of the Industrial designation is to continue development of industrial uses such as research, wholesale and warehouse activities and light industrial operations which manufacture, compound, process, package, assemble and/or treat finished or semi-finished products from previously prepared material. Greenhouse uses are compatible and consistent with these uses and will not have an adverse impact on these uses, nor will the industrial uses have an adverse impact upon the greenhouse uses on this parcel.
4. The property is zoned I-2 General Industrial and greenhouse uses are a permitted use by right in the I-2 district.
5. The property is served by sewer services, however, the intensity of uses associated with areas serviced by public sanitary sewer will not have an adverse impact on the greenhouse uses, nor will the greenhouse uses have an adverse impact on the intensity of uses associated with public sanitary sewer.

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  
Manager of Community and Strategic Planning

Encl. Staff Report

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# Washtenaw County Office of Strategic Planning

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**Date:** June 15, 2009

## **STAFF REPORT: PUBLIC ACT 116 FARMLAND AGREEMENT**

### **APPLICATION REVIEW**

Pinter Properties, LLC Greenhouse Operation, Charter Township of Ypsilanti  
116-PAB-865-2009

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## **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

Township: Ypsilanti Section: 25 Owner(s): Pinter Properties, LLC and Robert Pinter

<u>Size of Farm (acres):</u>	29.4	<u>Total Number of Acres being applied for:</u>	29.4
		<u>Acreage in Cultivation:</u>	0
		<u>Acreage in Grazing (Horse)</u>	0
		<u>Acreage in Grassland:</u>	0
		<u>Acreage in Greenhouse Operation</u>	29.4
		<u>All other acres: (swamp, woods, etc.)</u>	0

Existing Buildings 50

<u>Residence:</u>	1	<u>Grain Drying Facility:</u>	0
<u>Barn:</u>	0	<u>Poultry House:</u>	0
<u>Tool Shed:</u>	5	<u>Milking Parlor:</u>	0
<u>Silo:</u>	0	<u>Milk House:</u>	0
<u>Grain Storage Facility:</u>	0	<u>Other:</u>	44 Greenhouse Structures

Surrounding Land Use: According to the 2007 aerial photographs and the 1998 Washtenaw County Land Use Inventory, the majority use of the site is a greenhouse operation composed greenhouse buildings that include the raising of potted and bedding plants. The property is designated as a Specialty Farm by the Michigan Department of Agriculture as per the PA 116 Program. One residential structure also exists on the property. The property is surrounded by single-family (low-density) residential uses and open uses to the north and south, transportation/communication/utilities (rail yard) to the west, and a manufactured housing development (high density residential) to the east and northeast, which is across Rawsonville Road and located in Van Buren Township in Wayne County. Agricultural uses including greenhouse uses, also exists to the southeast of the property, across Rawsonville Road in Van Buren Township. Two U-Pick Farms are located to the south in Section 36 along Martz Road between Rawsonville and Bunton Roads. A railroad right-of-way traverses the property on the southwest and western edges. A very small area of Woodlands are present in the very southwest corner of the property, on the southwest side of the railroad tracks.

## 2. Land Use Plans

Township Designation: Industrial

Is agricultural use consistent?  YES  NO (The Ypsilanti Township Industrial land use category includes wholesale and warehouse uses in the Industrial land use category, and greenhouse operations are compatible and consistent with these uses).

County Designation (Recommended Potential Future Landscapes): Suburban

Is agricultural use consistent?  YES  NO (The actual use according Washtenaw County's 1998 and existing land use survey is commercial retail. It is a greenhouse operation, and commercial retail uses are consistent with the Suburban designation).

**3. Zoning District:** I-2 – General Industrial, and Greenhouses are a permitted use in the I-2 zoning district

**4. Term of proposed PA 116 Agreement?** 10 Years

**5. Is sewer service anticipated during the life of this agreement?**  YES  NO (The greenhouse uses on this property will not have an adverse impact on the uses associated with sewer service, nor will the uses associated with sewer service have an impact on the greenhouse uses on this property).

**6. Does the farm meet PA 116 technical requirements?**  YES (Specialty Farm Designation by Michigan Department of Agriculture)  NO

**7. Additional Comments:**

This parcel is designated by the Michigan Department of Agriculture as a Specialty Farm, which is a part of the PA 116 program. The “Specialty Farm” designation is part of the definition of Farmland used for the PA 116 program and meets the technical requirements of the Specialty Farm designation, thus meets the programs technical requirements. In order to be designated as a Specialty Farm, the following requirements must be met, according to the PA 116 program requirements:

- “A farm designated by the [Michigan] department of agriculture as a specialty farm in one ownership that has produced a gross annual income from an agricultural use of \$2,000.00 or more. Specialty farms include, but are not limited to, greenhouses; equine breeding and grazing; the breeding and grazing of cervidae, pheasants, and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities.”
- Specialty farm means an enterprise of 15 or more acres in size which meets the income requirement and has been designated by the Michigan Department of Agriculture.

The property is a greenhouse operation, has an average gross annual income that exceeds \$2,000 and is 29.4 acres in size, and, thus, meets the technical definitions of a Specialty Farm.

This parcel is located in the Industrial designation found in the in Ypsilanti Township Comprehensive Plan. The intent of the Industrial designation is to continue development of industrial uses such as research, wholesale and warehouse activities and light industrial operations which manufacture, compound, process, package, assemble and/or treat finished or semi-finished products from previously prepared material. Greenhouse uses are compatible and consistent with these uses and will not have an adverse impact on these uses, nor will the industrial uses have an adverse impact upon the greenhouse use on this parcel.

Additionally, the following is the plan’s intent regarding agricultural uses: “While the township is facing tremendous development pressures, it is the desire of the township that these agricultural uses within the township remain a viable part of community.” A portion of a woodland is located on the southwest corner of the property, on the west side of the railroad right-of-way. Towards this end, the policies in the Township’s Comprehensive Plan give support to approving this application as a PA 116 enrollment. The property is served by sewer services, however, the intensity of uses associated with areas serviced by public sanitary sewer will not have an adverse impact on the greenhouse uses, nor will the greenhouse uses have an adverse impact on the intense uses associated with public sanitary sewer.

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

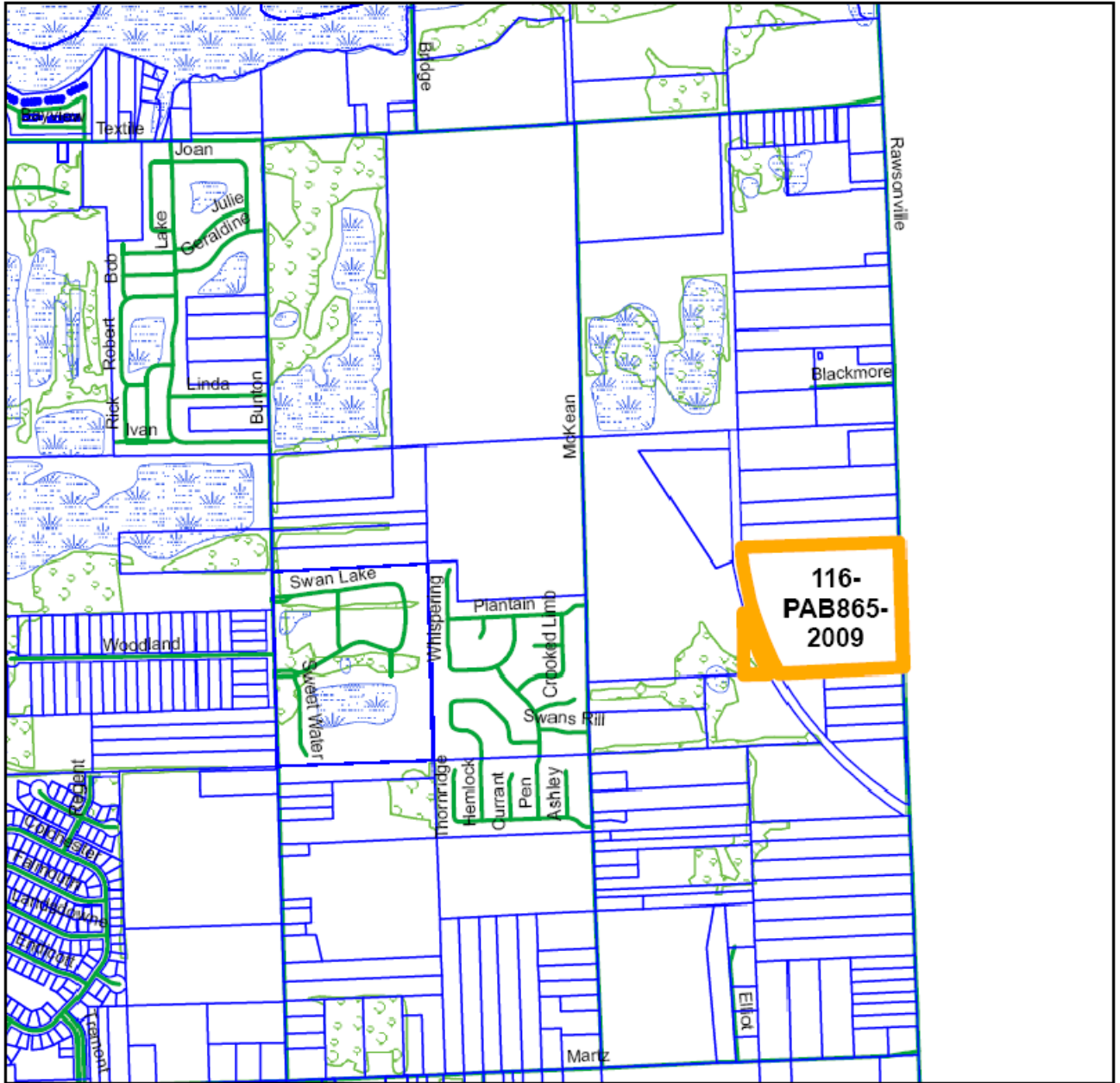
natural resources and reduces the effects of sprawl.” Further, Landscapes Objective 3 states “Maintain our rural sense of place through land use techniques, economic viability of agriculture and alternatives that provide rural tax base for local governments.” In addition this also supports Agriculture 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.

DRAFT

# Pinter Properties, LLC Property - Ypsilanti Township



116-PAB-865-2009

Washtenaw County Office of Strategic Planning

## Legend

-  Pinter Properties, LLC PA 116 Application
-  WEQL.EQLPARCELS
-  WGIS.CntyRoads Roads
-  WGIS.CntyWetlands Wetlands
-  WGIS.CntyWoodlands Woodlands
-  PA 116 Enrollments

## STAFF REPORT

