



Washtenaw County Office of Strategic Planning

July 23, 2009 – Draft until adoption

Kathy Giszczak
Augusta Township Clerk
8021 Talladay Road
Whittaker, Michigan

RE: PA 116 Farmland Agreement Applications Review –Robert Schultz–Augusta Township (116-PAB-866-2009)

Dear Ms. Giszczak:

Thank you for the opportunity to review and comment on the Public Act 116 Farmland Agreement Application pertaining to the Robert Schultz 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 Robert Schultz 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 property is zoned as Agricultural Residential. In 2004-2005, the property was rezoned from Agricultural Residential to Planned Unit Development (PUD) as part of a development proposal for the site by Biltmore Properties. Once the PUD designation was approved, Biltmore Properties had 18 months to commence with construction, or the property would revert back to its previous zoning designation according to the Township’s Zoning Ordinance: Agricultural Residential. Biltmore Properties did not proceed with construction within the 18 month time frame and as a result the property’s zoning designation was reverted back to Agricultural Residential. The property was recently sold to Robert Schultz and he intends to use the property for growing grain and vegetables.
3. The Future Land Use designation for this property was changed from Rural Residential to the Single Family Residential III designation as part of the update of the Augusta Township Master Plan in 2004. The intent of the Single Family Residential III land use designation, according to the Augusta Township Master Plan is “geared toward providing for existing and future single-family detached residential neighborhoods of the smallest lot size sought in the Township (outside of core village areas), no less than 15,000 square feet, as well as typical support uses (such as schools, churches, parks, etc). Overall densities within these areas, taking into the

account roads, stormwater management, and open space, would generally not exceed two and one-half (2 ½) dwelling units/acre.”

4. The agricultural land use does conflict with the Township’s Single Family Residential III designation in the Township’s master plan. However, given the following findings, staff supports this application:
 - that the Single Family Residential III designation is based on a past approved development, and
 - that the provision of public sanitary sewer service was tied a combined effort of sewer service provision to development on this property and other neighboring developments and financed by all the developers involved, and
 - that those developments have since expired and reverted back to previous zoning designations (including Agricultural Residential for this property) and
 - that the development of public sanitary sewer service will not occur due to the expiration of the development projects, and
 - that the property is located adjacent to the Township’s Agricultural Preservation Overlay Area, and
 - that the Township does not foresee this property being served by public sanitary sewer within the 10 year time frame of this PA 116 application.

5. Staff suggests that the Township consider updating their master plan in the near future based on the Township’s vision, as well as consider population projections for the Township, such as those provided by SEMCOG, as well as reflecting the current economic climate. The Township should also reflect the recent expiration of the project proposals of the Urban Service Area located in the north central portion of the Township in the Township Master Plan and consider revising the boundaries of this Urban Services Area to identify where urban services will be provided and where rural uses will continue to exist.

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: July 23, 2009

**STAFF REPORT: PUBLIC ACT 116 FARMLAND AGREEMENT
APPLICATION REVIEW
Robert Schultz, Augusta Township 116-PAB-866-2009**

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: Augusta Sections: 4 and 5 Owner(s): Robert Schultz

Size of Farm 173.68 Total Number of Acres being applied for: 173.68
(acres):

Acreage in Cultivation: 160.00
Acreage in Grassland: 0
All other acres: (swamp, woods, etc.) 13.68
(woods/hedgerows, fallow areas, and former building sites)

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 composed mostly of Active Agriculture. There are also some small open areas of former building sites (farmsteads), hedgerows, and small fallow areas. The property is surrounded by agricultural land use to the west and southeast, open fallow areas with woodlands and wetlands to the south and southwest, a single-family dwelling to the southeast, as well as the Lincoln Consolidated Schools campus and facilities to the east, including some open areas on the school campus. To the north is Ypsilanti Township with three lower-density single-family homes with fallow open areas on the same lots located to the immediate north of the Schultz farm, an Ypsilanti Township park to the northwest and a large subdivision with public sanitary sewer with approximately ¼ acre and higher residential development to the northeast. A very small area of woodlands is present on the southwest edge of the site. A wetland is located in the northern portion of the parcel that is located on the southwest corner of the Bemis Road and Hitchingham Road intersection.

Number of Years Applied for: 10

2. Land Use Plans

Township Designation: Single-Family Residential III (2.5 Dwelling Units per Acre)

Is agricultural use consistent? YES NO (see additional comments section below)

County Designation (Recommended Potential Future Landscapes): Rural and Open Space

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 Single Family Residential III land use designation found in Augusta Township's Master Plan. The property is also zoned as Agricultural Residential. In 2004-2005, the property was rezoned from Agricultural Residential to Planned Unit Development (PUD) as part of a development proposal for the site by Biltmore Properties. Once the PUD designation was approved, Biltmore Properties had 18 months to commence with construction, or the property would revert back to its previous zoning designation according to the Township's Zoning Ordinance: Agricultural Residential. Biltmore Properties did not proceed with construction within the 18 month time frame and as a result the property's zoning designation was reverted back to Agricultural Residential.

In 2004, during the process of rezoning this property from Agricultural Residential to PUD, the Augusta Township Master Plan was updated to reflect the proposal from Biltmore for this property as well as other proposals from developers in Sections 3, 4, and portions of Sections 5, 8, 9, and 10 of the Township (the north central area of the Township, generally surrounding the Lincoln Consolidated Schools Campus). The Future Land Use designation for this property was changed from Rural Residential to the Single Family Residential III designation as part of the update of the Augusta Township Master Plan in 2004. The intent of the Single Family Residential III land use designation, according to the Augusta Township Master Plan is "geared toward providing for existing and future single-family detached residential neighborhoods of the smallest lot size sought in the Township (outside of core village areas), no less than 15,000 square feet, as well as typical support uses (such as schools, churches, parks, etc). Overall densities within these areas, taking into the account roads, stormwater management, and open space, would generally not exceed two and one-half (2 ½) dwelling units/acre."

This north central area forms one of three Urban Service Areas of the Township where public sanitary sewer services would have been provided. The water and sewer services that would have been provided in the combined area that comprised the north central Urban Services Area would have been funded by the all the developers involved, as per agreements between the developers and the Township in order for the developers to provide a community benefit under the PUD agreements. All of the proposed development project applications within the Urban Service Area have since expired. The public sanitary sewer has not developed in this Urban Services Area as a result of all of the project applications that have expired. Without the developers' funding, the public sanitary sewer will not be developed in this Urban Services Area, as the Township would not fund the development of public sanitary sewer for this area. This property was sold to Mr. Schultz by Biltmore Properties within the last 6 months, and Mr. Schultz indicates on the PA 116 application that he will use the property for the growing of grain and vegetables. The grain and vegetable farming does not conflict with the land uses on surrounding properties. The Township does not foresee public sanitary sewer to be provided during the 10 year period of this PA 116 application.

Township officials have indicated that they are in the process of reviewing their master plan for a possible update/revision, as it has been 5 years since the plan was originally updated (2004). Due to the expiration of all the project proposals in this Urban Service Area, the Township

officials have indicated that they are likely to revise the size, the boundaries and designation of the north central Urban Service Area to reflect a possible smaller Urban Services Area and to designate rural uses for the properties that continue to have rural uses, including this property.

The property is also adjacent to the Township's Agricultural Preservation Overlay Area according to the Township's Master Plan, which are areas intended for agricultural preservation. The area adjacent to the west is also designated as Rural Residential according to the Township's Master plan. This category calls for residential development not to exceed one dwelling unit per acre. This category also is intended to allow landowners an opportunity to participate in state and federal agricultural preservation programs and other land preservation programs, including PA 116.

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:

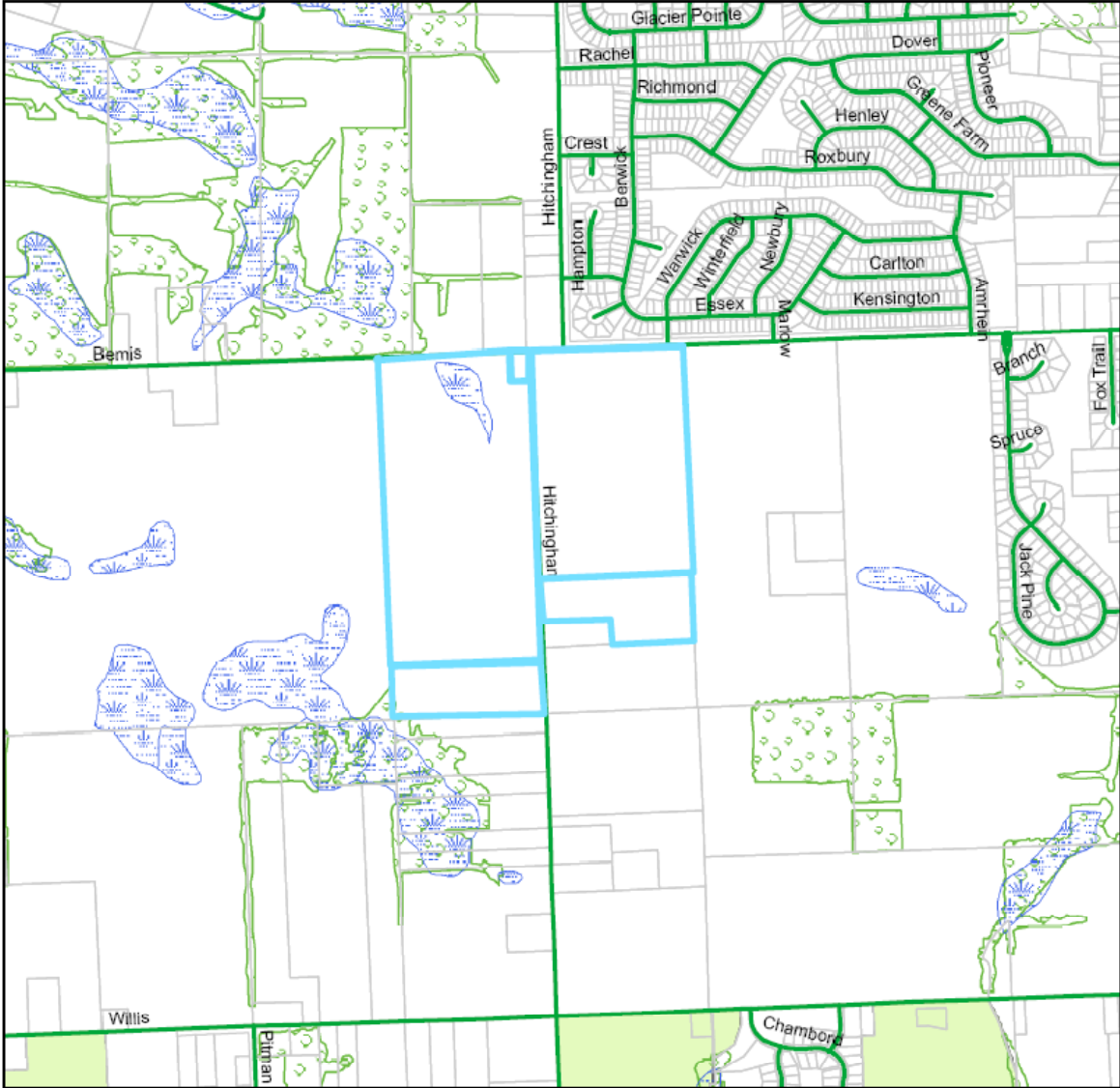
- 2.1: "Encourage landowners to apply for local, state and federal programs and encourage local governments to identify funding methods for farmland preservation."

Planning and Environment Department staff finds this PA 116 application consistent with planning goals and policies on the county level. However, the agricultural land use does conflict with the Township's Single Family Residential III designation in the Township's master plan. Given the following findings, staff supports this application:

- that the Single Family Residential III designation is based on a past approved development, and
- that the provision of public sanitary sewer service was tied a combined effort of sewer service provision to development on this property and to other neighboring developments and financed by all the developers involved, and
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Staff suggests that the Township consider updating their master plan in the near future based on the Township's vision, as well as consider population projections for the Township, such as those provided by SEMCOG, as well as reflecting the current economic climate. The Township should also reflect the recent expiration of the project proposals of the Urban Service Area located in the north central portion of the Township in the Township Master Plan and consider revising the boundaries of this Urban Services Area to identify where urban services will be provided and where rural uses will continue to exist.

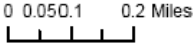
Schultz Property



116-PAB-866-2009

Washtenaw County Office of Strategic Planning

STAFF REPORT



Washtenaw County

Legend

-  Roads
-  Wetlands
-  Woodlands
-  PA116

