



Washtenaw County
Department of Planning and Environment

October 29, 2007

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

**RE: PA 116 Farmland Agreement Application Review – Drake Farm – Lodi Township
(116-PAB-845-2007)**

Dear Ms. Masters:

Thank you for the opportunity to review and comment on the Public Act 116 Farmland Agreement Application pertaining to the Mark and Angela 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 Drake 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 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”.
3. The application is further supported by the enrollment of nearby parcels to the north in the PA 116 program, supporting a large, contiguous agricultural area.
4. 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).

This letter will be final once the Washtenaw County Planning Advisory Board has ratified it at its November 26, 2007 meeting.

On behalf of the Washtenaw County Planning Advisory Board I would like to thank you for the opportunity to review this application, which upon approval, will assist in promoting a shared vision for Washtenaw County.

Sincerely,

Anthony VanDerworp, Director
Department of Planning and Environment
AD/AV

Encl. Staff Report

DRAFT



Washtenaw County Department of Planning and Environment

Date: October 29, 2007

**STAFF REPORT: PUBLIC ACT 116 FARMLAND AGREEMENT
APPLICATION REVIEW
Lodi Township 116-PAB-845-2007**

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: Lodi Section: 8 & 17 Owner(s): Mark and Angela Drake

<u>Size of Farm (acres):</u> 62.2	<u>Total Number of Acres being applied for:</u> 62.2
	<u>Acreage in Cultivation:</u> 44.4
	<u>Acreage in Grassland:</u> 2.0
	<u>All other acres:</u> 15.8

<u>Existing Buildings</u>	7		
<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>	1
<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 northeast. Sporadic single family residential can be found in adjacent areas.

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 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". 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 north, 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).

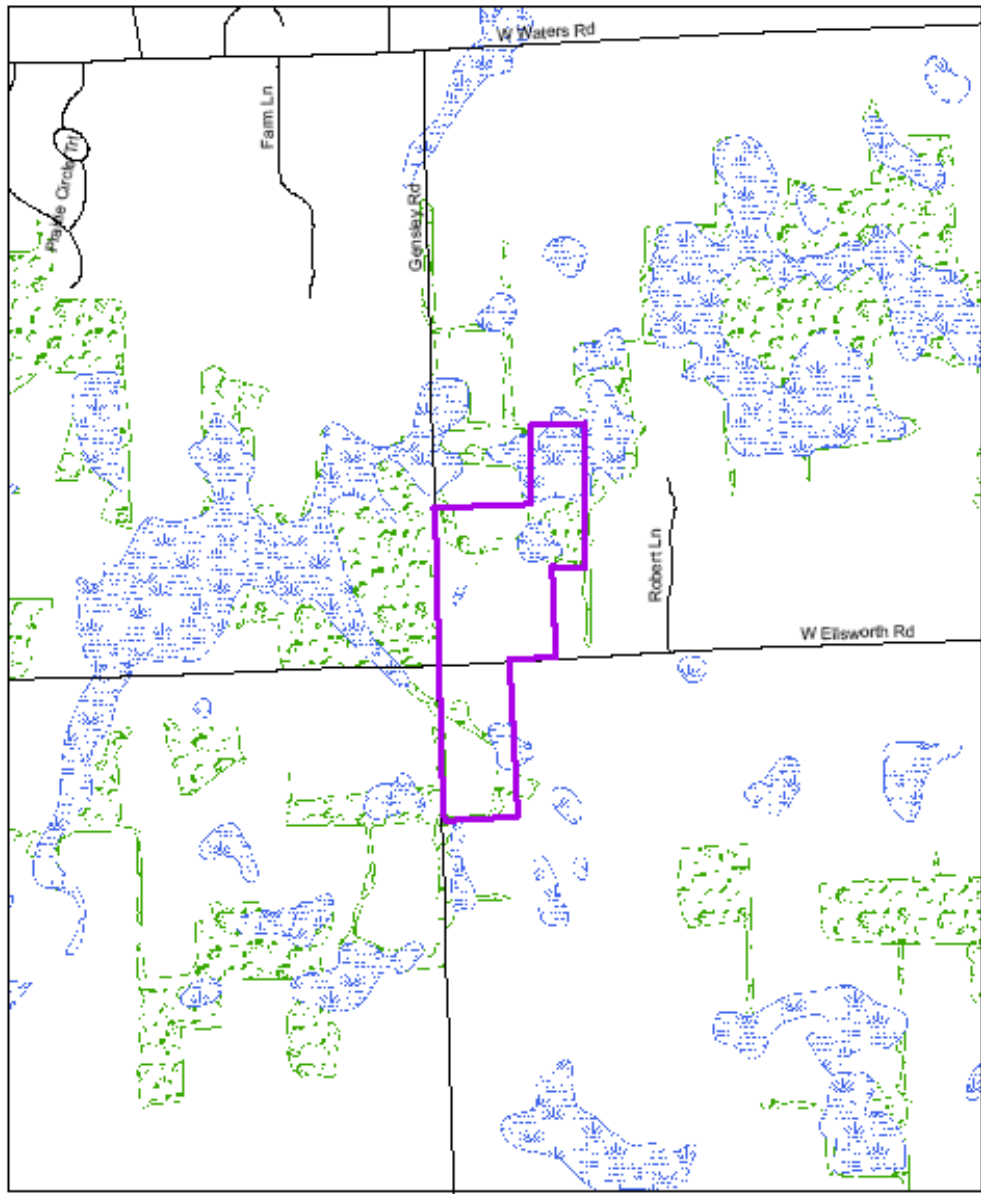
Other factors which would further support the approval of this application include: the enrollment of parcels near the subject parcel in the PA 116 program. Towards this end, the policies in the general development plan give support to approving this application as a PA 116 enrollment would support and help to ensure all of these goals and policies.

According to 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.”

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 (10 years).

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.

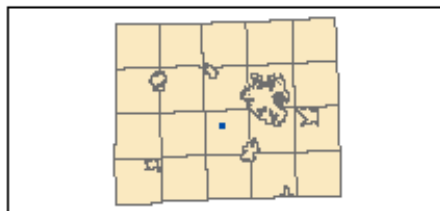


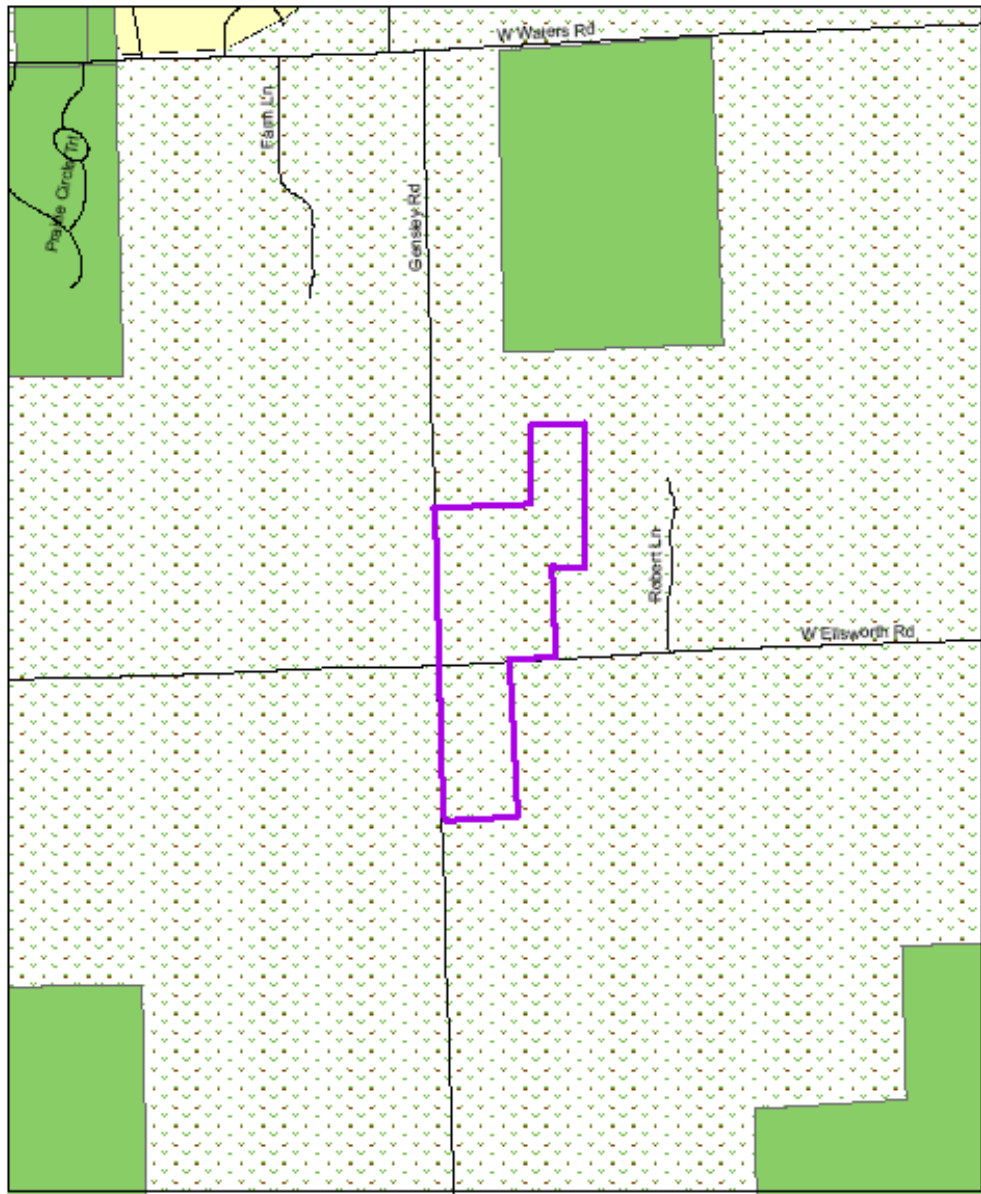
PA 116 | STAFF REPORT | 116-PAB-845-2007

Washtenaw County Department of Planning & Environment

Legend

-  Site
-  Wetlands
-  Woodlands









PA 116 | STAFF REPORT | 116-PAB-845-2007

Washtenaw County Department of Planning & Environment

Legend

-  Site
-  PA118
-  Agriculture
-  Rural Residential

