

May 29, 2020

To: Planning Commission

Re: MCARD 30 day appeal period

When our Township Clerk was presented with the 9/10/2018 letter from MDARD, it is my opinion that this started a 30 day appeal clock.

The importance of this, is that I think the “farm” was approved by MDARD in error (houses too close) and the Township would have been able to prevail, if they had appealed within the 30 day window.

Secondly, it will be a shame if this happens again and someone else has to suffer.

Here is my evidence that there is a 30 day appeal period.

1 - Letter from MDARD’s James Johnson to Dan Kelly 1/23/2020.

See first paragraph, last two sentences.

“Pursuant to the Michigan Commission of Agriculture and Rural Development’s policy, an appeal from an MDARD decision under the site selection GAAMPs must be taken within 30 days. Oakland Township’s request to appeal falls outside the 30 day window and is denied”

<https://oaklandtownshipsentinelcom.files.wordpress.com/2020/05/letter-mdard-to-township-attorney-kelly-1-23-2020.pdf>

2 - The MDARD website has an excel list of sites and when their 30 day appeal period is up

Site Selection GAAMPs

[Current MDARD Site Suitability Determinations](#) 

[2020 Site Selection GAAMPs](#) 

To establish a new livestock farm operation or expand an existing facility is a complex process. Water quality protection, odor control, existing land use and ownership constraints, and future land use or development patterns, are all considered in this process. Also included are facilitating feasibility and cost efficiency for the operator, maintaining esthetic character minimizing conflicts with adjacent land users, and complying with all applicable state and federal laws and local regulations. Through careful planning livestock farmers can increase productivity while developing or continuing good relationships with their surrounding community.

[Livestock Production Facility Siting Application](#) 

Please submit completed livestock siting applications or questions to MDARD-livestocksiting@michigan.gov.

[MI OFFSET 2018 Centroid Worksheet](#)

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	A	B	C	D	E	F
1	Current MDARD Site Suitability Determinations					
2	Farm Business Name	Facility Description	Proposed Location	Date Issued	Appeal Closes	
3	Mathew Durst	Cropping Only, Trees	14350 Eddy Lake Rd., Fenton	3/11/2020	4/9/2020	
4	Enchanted Gardens	Cropping Only, Flowers	9360 Whitneyville Ave., Alto	3/27/2020	4/26/2020	
5	Enchanted Gardens	Cropping Only, Flowers	8327 100 th St., Alto	3/27/2020	4/27/2020	
6	Michigan Timber Shack	Cropping Only, Trees	2076 Seymour Lake Road, Ortonville	3/27/2020	4/28/2020	
7	Brian and Cheryl Roehrer	Expanding, Mixed, <5 AUs	2193 Hummer Lake Rd., Ortonville	3/11/2020	4/9/2020	
8	Chris Swoish	Cropping Only, Field Crops	765 Harsen Rd., Lapeer	3/19/2020	4/17/2020	
9						

3 - From 2020 Site Selection GAAMPs

Appeal of Site Suitability Approval Determination:

The Site Suitability Determination decision by the Michigan Department of Agriculture and Rural Development may be appealed as per Michigan Department of Agriculture and Rural Development Commission Policy number 12. This policy can be found at http://www.michigan.gov/mdard/0,4610,7-125-1572_2878---,00.html or in Appendix E.

B. Timing of a request to appeal

A request to appeal must be filed within 30 days from the date MDARD's site suitability determination is posted on MDARD's Right to Farm Siting website.

Bob Yager