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.

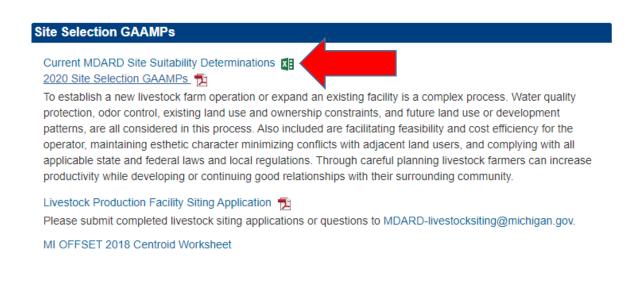
1 - Letter from MDARD's James Johnson to Dan Kelly 1/23/2020.

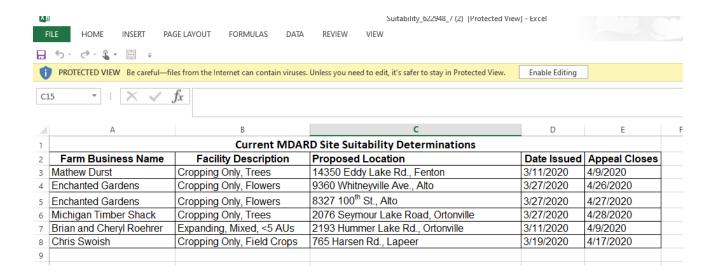
See first paragraph, last two sentences.

"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"

 $\underline{https://oaklandtownshipsentinelcom.files.wordpress.com/2020/05/letter-mdard-to-township-attorney-kelly-1-23-2020.pdf}$ 

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





### 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 <a href="http://www.michigan.gov/mdard/0,4610,7-125-1572">http://www.michigan.gov/mdard/0,4610,7-125-1572</a> 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**