

9/11/2019 Letter Bailey to Lewan FOIA 2018

From: Mike Bailey <mbailey@oaklandtownship.org>

Date: September 11, 2019 at 6:11:19 PM EDT

To: Douglas Lewan <dlewan@cwaplan.com>

Subject: Re: RTF

Doug,

Thank you, for digging into this issue. I knew I could count on you getting into the details of this. Two goals:

1) Can we help this resident deal with the current situation which is pretty terrible. Not just the odor issues but also the constant noise and presence of hundreds of chickens constantly being present on his property, leaving their feces everywhere, eating their raspberries, etc. Predator animals are also killing these chickens leaving the chicken bones on his property. As a minimum, It would seem that the farmer should be held responsible to build a fence to keep his animals on his own property.

2) What zoning revisions or other measures can the Township take to preclude similar situations in other locations in our Township?

Regards,

Michael Bailey

Township Supervisor

Charter Township of Oakland

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*On Sep 11, 2019, at 5:36 PM, Douglas Lewan
<dlewan@cwaplan.com> wrote:*

Mike:

Sorry about the delay on this but I'm looking into these facilities based on residential density similar to the way the GAAMPS classifies the various categories for animal facilities. This is taking a little longer than I thought (charging my time to the retainer so no issue there). We have a contact at the MSU Extension Service on this issue that gave me some information on the topic as well. This is what I'm thinking at this point:

- 1. The new GAAMP that came out in May apparently doesn't change much according to MSU Extension. Areas that are "primarily residential" may be protected, but that term is not defined to my knowledge except for the varied categories that are found regarding in part non-farm residential density. I'll be getting back with MSU on the "primarily residential" issue to see if there is anything that can help there.*
- 2. This issue of being "primarily residential" seems to be the key to a Category 4 classification according the GAAMP that would indicate that animal facilities are not acceptable. A big problem with this idea is that the area in question is in an area zoned LRD and planned for Recreation Conservation. So regardless of residential density it would seem to be a hard argument to make this area is used, zoned, or planned to be primarily residential. Agriculture, Farms, and Farm Buildings are a use permitted by right in the LRD district and are noted as a desired use in the RC category of the Master Plan.*
- 3. The other problem with revising the zoning ordinance to try to address this issue is that the subject site would become a legal nonconforming use. Thus, it could continue indefinitely.*

So, there are some challenges here in trying to address this as a part of the zoning ordinance, but I'm still looking into the density issue and trying to determine where we could make the conclusion that

areas would be considered a Category 4 location and thus not acceptable for animal facilities. I'll also try to get clarification (if any) on the issue of what constitutes a primarily residential area. I'm at other clients all day tomorrow so I will not be able to get back on this until Friday. I will keep you updated and try to have something to you then.

Doug

<image001.jpg>

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