

Douglas Caruso
1620 N. Rochester Road
Oakland Township, MI 48363

Re: MDARD Review of Rainbow Basket Egg Farm

Dear Mr. and Mrs. Caruso:

Attached please find the Michigan Department of Agriculture and Rural Development's ("MDARD") response to the Township Attorney's request to appeal the Department's September 2018 determination as to Ms. Kim Huss' facility, the Rainbow Basket Egg Farm.

As you know, the Township has taken numerous steps in an attempt to address your concerns regarding the operation of the Rainbow Basket Egg Farm. These efforts have included investigating and filing code violations under the Township's current Ordinances, which unfortunately cannot be prosecuted under the exemption of the Right to Farm Act and regulations adopted by MDARD. Thereafter, the Township through our legal counsel attempted to appeal the MDARD determination that Ms. Huss' facility was in compliance. As you will note from the attached correspondence, while MDARD appears to have reviewed the matter, once again they have determined that the facility is in conformance with the applicable GAAMPs. As a result, MDARD will take no action regarding the facility's current operation based on the prior complaints and/or determinations.

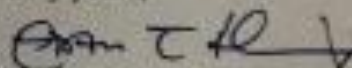
In light of the determination of MDARD, we have been advised by our legal counsel that under our current Ordinances we are not in a position to move forward with a court action or enforcement based on our understanding of your prior complaints. While MDARD is not bound by our Ordinances and has a great deal of latitude when investigating and making determinations as to agricultural management practices and livestock facilities, we have been advised by our counsel that in some respect our zoning ordinances will be considered by MDARD when making these determinations. Unfortunately, MDARD has not considered the Township's current Ordinances as determinative. As a result, the Township will be forwarding to the Planning Commission a request to review our Zoning Ordinance so as to possibly address general concerns regarding management practices and livestock facilities. The Township's Planning Commission is the appropriate Board to address these issues and, if necessary, conduct public meetings and obtain resident input. Thereafter, if deemed appropriate, the Planning Commission may forward a recommendation to the Board of Trustees to amend and/or update the appropriate portions of the Township's Zoning Ordinance. Due to the legal requirements, the process can take several months and once referred to the Planning Commission is out of the Township Board's hands until a recommendation is made. While there is no guarantee that MDARD's determinations will change following a zoning amendment, we are hopeful that progress can be made on these issues which affect several Township residents.

As I am sure you are aware, as a neighboring resident of the agricultural facility, you have standing to submit any new complaint to MDARD for investigation and review. While you should review the rules as it relates to complaints and the potential of financial penalties, any new matter

should be brought to the attention of the appropriate authorities. To the extent any Township Ordinance which has not been preempted by state law is being violated, the Township and our Code Enforcement Officers are willing to assist you or any citizen with such complaints. However, given MDARD's prior determinations and based on the information available to the Township at this time, the Township is not in a position to file a complaint regarding the Rainbow Basket Egg Farm.

I thank you for your consideration to the above and am available if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Adam Kline", with a stylized flourish at the end.

Adam Kline
Oakland Township Manager