



Daniel J. Kelly
Ralph (Skip) Maccarone III
Brittney K. Ellis
Kyle A. Debruycker
2825 University Drive
Auburn Hills, Michigan 48326
Office: (248) 655-7025
Dan@kellyfirm.com

December 18, 2019

Director Gary McDowell
Constitution Hall
P.O. Box 300017
Lansing, MI 48909

RE: GAAMPs Determination Appeal (1700 N. Rochester Rd., Oakland Township, MI 48363)

Dear Director McDowell,

I am writing to you on behalf of Oakland Township regarding GAAMP's determinations issued by MDARD and received by the Township on November 19, 2019 and December 3, 2019, respectively (**See Exhibit A: New GAAMPs Determination Letters**) in response to a letter sent by our office on November 1, 2019 (**See Exhibit B**). The Township is appealing the following determinations:

1. MDARD has determined that the facility is not a “new and expanding livestock facility” based upon its finding that the facility has 50 animal units or less. The Township questions MDARD’s determination that the facility has under 50 animal units.
2. MDARD has determined that the site is a Category Four site based upon the “Low Density Residential” Zone allowing Agriculture by right and because there are less than 13 non-farm residences within 1/8 mile. The Township disputes this finding for the reasons set forth below.

By way of history, available evidence suggests that the facility was opened on or around March of 2018. The facility posted the following on its web page on March 20th: “[w]e are a **new** family farm offering farm fresh chicken, duck, quail, guinea . . . and turkey eggs (**see Exhibit “C”**). County records show that the current owners purchased the property on June 22, 2017. The Township’s Zoning Enforcement Administrator received its first complaint about the facility on June 14, 2018 (**see Exhibit “D”**).

The resident who owns the facility was cited on August 9, 2018, for violation of the Township's Zoning Ordinance (**Exhibit "E"**). The following violations were cited: zoning violation (chicken ranch with over 37 permitted Class III animals), property maintenance violation (chicken feces smell), and zoning violation (unauthorized shed construction). On September 10, 2018, the MDARD issued a GAAMPs determination, based on its inspection of the facility (**See Exhibit "F"**). MDARD concluded that the farm conformed to the Category III GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Facilities and the GAAMPs for Manure Management and Utilization. (*see also*, **Exhibit "G," MDARD Letter dated July 18, 2018, stating that the operation is in compliance with Manure Management and Utilization GAAMPs**).

This determination was made on the following findings of fact by MDARD:

1. "[The] property is zoned 'low density residential' which appears to allow agriculture uses by right. **[They] currently [had] less than 50 animal units.**
2. **There are less than 13 non-farm residences within 1/8 mile and there are two non-farm residences within 250 feet of [the] facilities. [T]he site is a primarily residential site as defined in the Site Selection GAAMPs.**
3. [The property owners'] Manure Management System Plan contain[ed] all of the necessary components outlined in the Manure GAAMPs.

In light of this determination by MDARD, the Township's Ordinance violation case was dismissed without prejudice. On December 7, 2018, MDARD issued another letter, which stated that the complaint was classified by MDARD as not verified (dismissed) and the file was closed (**See Exhibit "H"**).

The Township is seeking to appeal the determination that the site is a Category 3 site. This determination by MDARD is based upon an erroneous understanding of the Township's Zoning Ordinance, specifically with regard to the facts stated under Numbers 1 and 3 above. MDARD also should have classified the site as a New and Expanding Livestock Facility. MDARD's determination concluded that there are less than 13 non-farm residences within 1/8 mile. However, there are actually over 13 residences within 1/8 mile (**see Exhibit "I"**). It also concluded that there are less than 50 animal units, which we dispute. We agree with MDARD's assessment that the property is a primarily residential site under the site selection GAAMPs. As you are aware, livestock facilities are generally not acceptable in areas designated primarily residential under the Siting GAAMPs, regardless of the number of animal units. However, the facility was designated Category 3 instead of Category 4 on the basis that low residential density "appears to allow agricultural uses by right." The Township's Zoning Ordinance allows for agriculture in the low-density residential zone, however, owners of farms that raise Class III animals (which include poultry) must comply with our ordinances to be authorized to do so. For example, to keep poultry

in a low-density residential zone, the following must be complied with under Oakland Township's Zoning Ordinance Sec. 16-306(D)(2)(a)-(e):

2. Class III animals may be maintained in the VLRD, LRD, LMRD, MRD, and RC Districts, subject to the following conditions:
 - a. The minimum lot area required to maintain Class III animals shall be 1.75 acres. Ten Class III animals shall be permitted for the first 1.75 acres. Thereafter, one additional Class III animal shall be permitted for each full one-quarter acre in excess of 1.75 acres.
 - b. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this chapter. Fenced areas shall be located no nearer than 50 feet from any dwelling which exist on an adjacent lot.
 - c. Structures housing Class III animals shall be located no nearer than 100 feet to any dwelling which exists on an adjacent lot and no nearer than 50 feet to any adjacent lot line.
 - d. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
 - e. All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice or other vermin.

The Township's position is that the facility is in violation of the above provision of the Zoning Ordinance. Michigan courts have held that local zoning cannot prohibit farming activities that are otherwise protected by the Right to Farm Act and addressed by the GAAMPs, however, they have not held that every activity on a farm is outside of local regulation. For example, courts have held that where the GAAMPs and Right to Farm Act do not provide other standards, local ordinances that address the permitting, size, height, bulk, floor area, construction and location of buildings on a farm can be enforced. *Papadelis v City of Troy*, 478 Mich 934, 934 (2007). Therefore, at a minimum, the Township should be able to enforce the provisions of the Zoning Ordinance regarding adequate fencing for Category III animals, as the GAAMPs do not directly address fencing requirement for poultry. Furthermore, due to the ongoing complaints from neighbors, it is apparent that the farm is not complying with the Right to Farm Act or applicable GAAMPs either. Therefore, the property very likely is still in violation of the very Ordinance (Ord. 78) that MDARD relied upon as a basis for allowing the facility to operate. The keeping of poultry

is not allowed “by right” but rather subject to the provisions above. Therefore, we object to MDARD’s determination that the site is appropriate for the facility due to the LRD zone allowing agricultural uses “by right,” and on the grounds that there are less than 13 non-farm residents. We believe the decision was made in error and this site should be designated Category 4 as it is not suitable for a poultry facility.

The standard to designate an area as “Category Four” is described in the Site Selection GAAMPs as follows:

[s]ites not acceptable for new and expanding livestock facilities and livestock production facilities under the Siting GAAMPs. Category 4 Sites are locations that are primarily residential and are not acceptable under the Siting GAAMPs for livestock facilities or livestock production facilities regardless of the number of animal units. **However, the possession and raising of animals may be authorized in such areas pursuant to a local ordinance designed for that purpose.**

The area facility meets the definition of a Category 4 site. It is located in a primarily residential area and while raising of animals is permitted in LDR, the Zoning Ordinance was not designed for the purpose of allowing agriculture “by right.” MDARD’s reasoning appears to be that because the Zoning Ordinance allows for poultry under certain, very specific circumstances in a LRD area, agriculture is “allowed by right,” and therefore, the site is a Category 3 site. However, if the MDARD is going to take Zoning Ordinances into account when making a GAAMPs determination, it follows that it should consider the Zoning Ordinance in its entirety. Therefore, we are requesting that the Director review our Zoning Ordinance and classify the facility accordingly.

We respectfully request that you review the findings by MDARD to ensure that the farm is in compliance with Site Selection GAAMPs and properly categorized as a Category 3 site. Additionally, we request that MDARD ensure that the farm is in compliance with any and all applicable GAAMPs. The Township has received continued complaints that the poultry have continued to trespass onto the neighbor’s property and manure runoff has also continued to flow onto neighboring property. In violation of our Zoning Ordinance, the chickens have not been contained by the 3 ft. fence that has been erected by the owners of the home. We have ongoing concerns regarding health and safety violations. Therefore, we respectfully request that in accordance with the Right to Farm Act, the Site Selection GAAMPs, and the Township’s Zoning Ordinance, a review of the record be completed. The facility should be designated as a Category 4 site in accordance with the above.

Director Gary McDowell
December 18, 2019
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If you have any questions with regard to the above, please do not hesitate to contact me.

Very truly yours,

THE KELLY FIRM, PLC

Daniel J. Kelly
Daniel J. Kelly

EXHIBIT A



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

November 19, 2019

Ms. Kim Huss
Rainbow Basket Egg Farm
1700 North Rochester Road
Oakland, MI 48363

Dear Ms. Huss:

On November 13, 2019, I met with you to review the manure management practices followed at your livestock facility in Oakland County. This review was conducted by the Michigan Department of Agriculture and Rural Development (MDARD), Right to Farm Program, in response to a complaint received by our office. The complaint concerned odor and the location (siting) of your poultry livestock facilities.

At the time of the review, I observed that poultry and livestock facilities are being regularly cleaned and maintained. Also, at the time of the review, your poultry and livestock have access to adequate water, food and shelter. Finally, at the time of the review, you indicated continuing making improvement to your property to manage stormwater and erecting permanent fencing for your poultry and livestock.

MDARD made a determination that your facility conforms to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMPs) in 2018. Since no changes were made to your facility in 2019, your facility maintains conformance to the Site Selection GAAMPs.

Based on this review and the information provided, MDARD will classify this complaint as not verified. Therefore, the file will be closed.

As required by the Michigan Right to Farm Act, a copy of this letter is being sent to the township and county where the farm is located.

Thank you again for taking the time to meet with me to review your agricultural management practices, and for your efforts and commitment to maintain the positive image of Michigan agriculture. Please feel free to contact me at 517-930-2966, if you have any further questions.

Sincerely,

Stephen J. Mahoney, CCA/CPAg
Right to Farm Program

SJM:ot

cc: Oakland County Clerk
Oakland Township Clerk

Director Gary McDowell

December 18, 2019

Page 8



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

December 3, 2019

Mr. Daniel J. Kelly
The Kelly Firm
2825 University Drive
Auburn Hills, MI 48326

Dear Mr. Kelly:

On November 13, 2019, I met with Ms. Kim Huss to review the manure management practices being followed at her poultry and livestock farm in Oakland County. This inspection was conducted by the Michigan Department of Agriculture and Rural Development (MDARD), Right to Farm Program, in response to a complaint received by our office. The complaint concerned excessive odor and the proper siting of the facility.

At the time of the review, the poultry and livestock have adequate food, water, and shelter. In addition, MDARD determined they are following their Manure Management System Plan submitted and approved by MDARD in 2018.

Additionally, in 2018, MDARD determined the facility conformed to the Generally Accepted Agricultural and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMPs).

MDARD has classified this complaint as not verified, and the file has been closed.

Please contact me at 517-930-2966, if you have any questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Mahoney".

Stephen J. Mahoney, CCA/CPAg
Right to Farm Program

SJM:ot

EXHIBIT B



Daniel J. Kelly
Ralph (Skip) Maccarone III
Brittney K. Ellis
2825 University Drive
Auburn Hills, Michigan 48326
Office: (248) 655-7025
Dan@kellyfirmpc.com

November 1, 2019

Stephen J. Mahoney
Constitution Hall
P.O. Box 300017
Lansing, MI 48909

RE: GAAMPs Determinations at 1700 N. Rochester Rd., Oakland Township, MI 48363

Dear Mr. Mahoney,

I am writing to you on behalf of Oakland Township regarding GAAMPs determinations issued by MDARD in 2018 for the property (the “facility”) located at 1700 N. Rochester Rd., Oakland Township, MI 48363.

By way of history, available evidence suggests that the facility was opened on or around March of 2018. The facility posted the following on its web page on March 20th: “[w]e are a **new** family farm offering farm fresh chicken, duck, quail, guinea . . . and turkey eggs (see **Exhibit “A”**). County records show that the current owners purchased the property on June 22, 2017. The facility was first complained about to the Township’s Zoning Enforcement Administrator on June 14, 2018 (see **Exhibit “B”**).

The resident who owns the facility was cited on August 9, 2018, for violation of the Township’s Zoning Ordinance (**Exhibit “C”**). The following violations were cited: zoning violation (chicken ranch with over 37 permitted class III animals), property maintenance violation (chicken feces smell), and zoning violation (unauthorized shed construction). On September 10, 2018, the MDARD issued a GAAMPs determination, based on its inspection of the facility (See **Exhibit “D”**). MDARD concluded that the farm conformed to the category III GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Facilities and the GAAMPs for Manure Management and Utilization. (see *also*, **Exhibit “E,” MDARD Letter dated July 18, 2018, stating that the operation is in compliance with Manure Management and Utilization GAAMPs**).

This determination was made on the following findings of fact by MDARD:

1. “[The] property is zoned ‘low density residential’ which appears to allow agriculture uses by right.

November 1, 2019
Page 2

2. [They] currently [had] less than 50 animal units.
3. **There are less than 13 non-farm residences within 1/8 miles and there are two non-farm residences within 250 feet of [the] facilities. [T]he site is a primarily residential site as defined in the Site Selection GAAMPs.**
4. [The property owners] Manure Management System Plan contain[ed] all of the necessary components outlined in the Manure GAAMPs.

In light of this determination by MDARD, the Township's case was dismissed without prejudice. On December 7, 2018, MDARD issued another letter, which stated that the complaint was classified by MDARD as not verified (dismissed) and the file was closed (**See Exhibit "F"**).

The Township is seeking clarification regarding the facts stated under numbers 1 and 3 above. Your determination concluded that there are less than 13 non-farm residences within 1/8 miles. However, to clarify, there are actually over 13 residences within 1/8 miles (**see Exhibit "G"**). Your assessment does come to the proper conclusion that the property is a primarily residential site under the site selection GAAMPs. As you are aware, livestock facilities are generally not acceptable under the Siting GAAMPs, regardless of the number of animal units. However, the facility was designated Category 3 instead of Category 4 on the basis that low density residential "appears to allow agricultural uses by right." The Township's Zoning Ordinance allows for agriculture in the low-density residential zone, however, the Class III animals (which include poultry) must not be a nuisance. The previous citation, that was issued and dismissed by the Township, was in part based upon its nuisance ordinance. Based on the above, we request a more detailed explanation of MDARD's findings with regard to the site selection GAAMPs and Manure Management GAAMPs. Due to the ongoing complaints from neighbors, it is apparent that the farm is not complying with the Township's Zoning Ordinance or applicable GAAMPs as discussed below. Furthermore, one of the Township's previous violations was a zoning violation. In other words, the property may be in violation of the very Ordinance (Ord. 78) that MDARD relied upon as a basis for allowing the operation.

We respectfully request that you reopen the file to ensure that the farm is still in compliance with the Manure Management GAAMPs and Site Selection GAAMPs. Additionally, we request that MDARD ensure that the farm is in compliance with any and all applicable GAAMPs, including but not limited to the Care of Farm Animals, nutrient utilization, and farm markets GAAMPs. The Township has received continued complaints that the poultry have continued to trespass onto the neighbor's property and manure runoff has also continued to flow onto neighboring property. We have ongoing concerns regarding health and safety violations. Should MDARD determine that the farm complies with all applicable GAAMPs, we request that the Township be provided with a detailed description of the investigation, GAAMPs assessed, and any

November 1, 2019
Page 3

and all reasons for the finding.

If you have any questions with regard to the above, please do not hesitate to contact me or my Associate, Brittney K. Ellis.

Very truly yours,

THE KELLY FIRM, PLC

Daniel J. Kelly

Daniel J. Kelly

EXHIBIT C

Rainbow Basket Egg Farm - LocalHarvest

Page 1 of 3

Beginning as
June gave to
6-15-18
Don Mendez

Farms ▼

What:

Farms, CSAs, f

Near: Rochester, MI

Sign Up

Log In

Home

Shop

CSA

Farms

Farmers Markets


Events

Newsletter

Photos

Menu

In Season



Food & Farm Events

Jun-2018

27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

LocalHarvest Newsletter

email address

Sign Me Up

Connect

Rainbow Basket Egg Farm

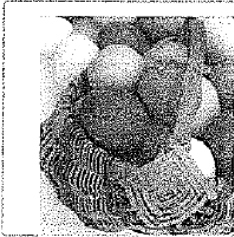
Oakland, Michigan

Family Farm

Like 1

Post a Review

Email this



We are a new family farm offering farm fresh chicken, duck, quail, guinea and the occasional turkey egg. Our eggs are gathered several times a day and range in sizes from medium to huge lol! And we have a rainbow of colors hence the name! We are proud to mix our grains and ferment and actually cook for our chickens! We source as non Gmo and organic as possible and our birds enjoy soy free meals also awesome veggie scraps from the kitchen and garden! We also appreciate recycling egg cartons so dont forget to save them!

Our flocks are outside enjoying fresh air, skies and ground everyday, and free range on our property (when the ground is not completely snow covered)

We also raise flocks for pre order which include Meat chicken, ducks, quail and Heritage Turkey! So if you know your family will consume for example 10 chickens in 6 months or want a home grown turkey for Thanksgiving or Christmas or more often then you can use the order form that is in the pinned post on our facebook farm page and reserve your now and we will happily answer any questions and explain the process to you.

Feel free to contact us with any questions you may have! And we look forward to growing some healthy items for your family!

Listing last updated on Mar 20, 2018

Farm fresh eggs! Chicken, Duck, Quail, Guinea fowl and occasional Turkey eggs Let us raise a flock for your family meals! Broiler Chicken, Duck, Quail and Turkey. As well as occasional soup birds! Have some Special requests? we do our best to accommodate!

Latest Reviews

No reviews available. Be the first!

Post a Review

KeepMePosted on farms and events in this area

Contact Information

Contact

Kim Huss

(248) 365-6892

Location

1700 N Rochester Rd

Oakland, MI 48363

House number is on the black mailbox, 3 driveways North of the fire station on the same side! Open most of the time!

www.facebook.com/rainbowbasket

Email Us

Get Directions


Update this Listing

Coming Events

No Events on File

See all events for this area...

Photos



More Photos

Additional Information

Farming Practices

- naturally grown
- grass fed/pastured

Association Memberships

(unknown)

https://www.localharvest.org/rainbow-basket-egg-farm-M74234?ul

6/2/2018

EXHIBIT D

Director Gary McDowell

December 18, 2019

Page 16

Douglas Caruso
1620 N. Rochester Rd,
Oakland Twp. MI. 48363

TO: Charter Township of Oakland

Attn: Zoning Enforcement Administrator

RE: Zoning Complaints

Date: 6/14/2018

Dear Zoning Enforcement Administrator, Please consider this letter to be a formal complaint towards the property owner at 1700 N. Rochester Rd which is an adjoining property to my parcel.

In the last few months, the property owner at 1700 has brought numerous birds including ducks, chickens, turkeys, quail, geese and roosters into their back yard. There are several makeshift pens and bird houses which have recently been constructed in which I have observed over 200 birds being held.

The odor coming from the birds is becoming overwhelming and the constant and repeated howling, crying, singing, crowing and quacking are annoying and are disturbing the peace, quiet, comfort and repose of my family. Every single day starts with numerous roosters and other birds crowing sometimes as early as 2:00 am and does not stop all day long.

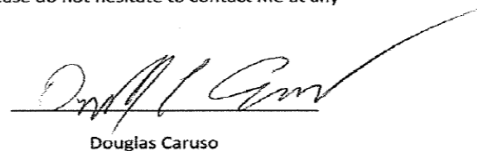
My complaint includes the following issues:

1. The property owner is over the limit of class 3 animals in which they are allowed to keep on their property.
2. Noxious odors are being generated by the numerous birds.
3. Noise from the birds has become a nuisance.
4. I am concerned that the refuse and waste from the numerous birds is unmaintained and may cause health issues to the surrounding neighborhood.

I have made several attempts to resolve this issue with them which have been ignored. Therefore, I am asking the Charter Township of Oakland to please look in to this matter.

I would be happy to answer any questions you may have. Please do not hesitate to contact me at any time at [REDACTED]

Thank You for your help in this matter.



Douglas Caruso

EXHIBIT E

Director Gary McDowell

December 18, 2019

Page 18

<input checked="" type="checkbox"/> C.I. <input type="checkbox"/> MIS. <input type="checkbox"/> JUV.	State of Michigan Uniform Municipal Civil Action Citation	NO 18K0297	Dept. No.
The People of: <input type="checkbox"/> State of Michigan <input checked="" type="checkbox"/> Township <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> County		Complaint No. 18-0067	Offense
OF: CHARTER TOWNSHIP OF OAKLAND		Local Use/Arrest No. 09/01/4723	1 of 1
THE UNDERSIGNED SAYS THAT ON:	Month 8 Day 9 Year 18	At approximately 2:30 P.M.	Date Month Day Year
State	Driver's License Number	Social Security No.	
Race	Sex	Hair	Weight Height Eyes Occupation/Employer
Name (First, Middle, Last) BRENDA S HUSS			
Street 1700 N. ROCHESTER RD			
City OAKLAND MI		State	Zip Code 48363
Vehicle Plate No.	Year	State	Vehicle Description (Year, Make, Color) Type
THE PERSON NAMED ABOVE, in violation of 600.16, ZONING			
UPON 1700 N. ROCHESTER RD			
AT OR NEAR LETTS RD			
WITHIN <input type="checkbox"/> CITY <input type="checkbox"/> VILLAGE <input checked="" type="checkbox"/> TOWNSHIP OF OAKLAND			
COUNTY OF OAKLAND DID THE FOLLOWING:			
<input checked="" type="checkbox"/> Nuisance Ordinance <input type="checkbox"/> Building Code <input type="checkbox"/> Licenses Ordinance <input type="checkbox"/> Plumbing Code <input checked="" type="checkbox"/> Zoning Ordinance <input type="checkbox"/> Electrical Code <input type="checkbox"/> Sign, Lighting & Display Ordinance <input type="checkbox"/> Mechanical Code <input type="checkbox"/> Animal & Fowl Ordinance <input type="checkbox"/> Other			
Describe: CHICKEN RAUCH - OVER 37 PERMITTED CLASS III ALUMINUM LITTER SENT - 7-5-18, 7-13-18 AND 8-1-18			
Person in Active Military Service <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
THIS VIOLATION IS A CIVIL INFRACTION and is your 1st violation.			
The fine for this violation is \$ and must be paid at the violations bureau by 5:00 p.m. on unless you contact the violations bureau before this time.			
NOTE: This is a copy of the Notice of Violation served on the defendant.			
I state that the above notice of violation was served on the defendant. The defendant failed to pay the fine specified above or failed to contact the violations bureau on the date and time specified above. Therefore, this civil infraction citation is being issued.			
TO THE DEFENDANT: You are required to appear as follows to answer this citation.			
SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS			
<input checked="" type="checkbox"/> Appearance Date: on or before Court Will Notify			
<input type="checkbox"/> Hearing Date (if applicable) on <input type="checkbox"/> Contact Court			
A formal hearing may be requested by either party.			
In the 52-3 D.C. Court of Michigan			
Court address & phone number 700 GARCLAY CR / 248 ROCHESTER MI 85355			
I served a copy of this complaint upon the defendant by first class mail at the defendant's last known address and filed a copy of this complaint with the court.			
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.			
Complainant's signature		Month 8 Day 9 Year 18	
Officer's Name (printed) J. Graham		Officer's ID No. 007	
Agency ORI MI-		Agency Name OAKLAND TWP. BD	
UC-03 (rev. 8/94)			

COURT COPY

Ticket No. -
Name
0297

RECEIVED
AUG 13 2019

ACTIVITY Enforcement E18067			
Information			
9-008	1700 N ROCHESTER RD OAKLAND MI, 48363-2202	Subdivision: Lot:	Block: 999
Information			
Owner:	HÜSS, BRENDA S	Phone:	
Occupant:	THOMAS M PARDINGTON	Phone:	(810) 752 4110
Filer:		Phone:	
Enforcement Information			
Date Filed:	07/05/2018	Date Closed:	Status: Compliant
Complaint:	owners starting chicken farm chickens running loose		
Last Action Date:		Last Inspection:	08/09/2018
Last Action:			
Code Inspection John Graham			
Status:	Scheduled	Result:	
Scheduled:	09/26/2018	Completed:	
Code Inspection John Graham			
Status:	Completed	Result:	Violation(s)
Scheduled:	08/09/2018	Completed:	08/01/2018
Code Inspection John Graham			
Status:	Completed	Result:	Violation(s)
Scheduled:	08/09/2018	Completed:	08/09/2018
Comments:			
ticket # 0297 issued for property maint vio(chicken feces smell), zoning viol (shed construction) animal viol(more then 37 class iii animals on property. jg			
Code Inspection John Graham			
Status:	Completed	Result:	Partially Complied
Scheduled:	07/26/2018	Completed:	07/25/2018
Code Inspection John Graham			
Status:	Completed	Result:	Violation(s)
Scheduled:	07/18/2018	Completed:	07/13/2018
Code Inspection John Graham			
Status:	Completed	Result:	Partially Complied
Scheduled:	06/25/2018	Completed:	07/05/2018
Comments:			
adding fence to property line slow going.			
Code Inspection John Graham			
Status:	Completed	Result:	Violation(s)
Scheduled:	06/14/2018	Completed:	07/05/2018
Comments:			

CR No: 180002598-001		Report Type: Not A Crime - Other Service		Officer: A1DAVISK (00427)		001	
Aliases		Driver License#		DL State	DL Country	Personal ID#	
DOB (Age)		Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
Street Address		Apt #	County	Country	Home Phone	Work Phone	
1620 N ROCHESTER RD					UNKNOWN		
City		State	Zip	Cell Phone	Email		
Oakland Twp		MI	48363-2201				
Notes							
Complainant							

DAVIS, KAITLIN (O-OTHER) (L-POLICE OFFICER) [A1DAVISK (00427)]							
PE:	W.Type:	Last Name		First Name		Middle Name	Suffix
	OF	Davis		Kaitlin			Mr/Mrs/Ms
DOB (Age)		Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
			UNKNOWN				
Street Address		Apt #	County	Country	Home Phone	Work Phone	
1200 N TELEGRAPH RD BLDG 42E			OAKLAND	USA			
City		State	Zip	Cell Phone	Email		
Pontiac		MI	48341-1032				
Phone/Email							
Type				Description			
BU-Business Phone #1				248-858-1070			

Narrative:	
SOURCE: Dispatched to 1620 N. Rochester Rd, Oakland Twp on 6/20/18.	
INTERVIEW WITH COMPLAINANTS: Doug and Lisa Caruso	
Doug and Lisa reside at 1620 N. Rochester Rd.	
<p>Doug states that he came home for lunch and looked into his backyard and saw several chickens digging up his landscaping. He states that the people next door are trying to start a poultry farm and their fowl are constantly getting into his yard and tearing it up. He states that he has had conversations with the owners before and that they state they are trying to put the fence up. He states that the owners will send their young sons over to his property to use the trail that leads to the back of the property to get the fowl back. He also states that the owners have started dumping fowl manure onto his property.</p> <p>Lisa states that it is very hard for her to sleep, because of the noise of the birds. She also states that she cannot keep her windows open due to the noise and the smell of the birds.</p> <p>Doug states that he has called the local ordinance officer out because of this issue. I explained to Doug and Lisa that there is no state law stating that chickens cannot be "at large", but that I can go talk to the owners and advise them that their fowl keep leaving the property and tearing up the</p>	


CR No: 180002598-001 	Report Type: Not A Crime - Other Service	Officer: A1DAVISK (00427)	001
<p>landscaping.</p> <p>INTERVIEW WITH CHICKEN OWNERS: Brenda and Kim Huss</p> <p>Brenda and Kim live at 1700 N. Rochester Rd and run their business at this property called Rainbow Basket Egg Farm.</p> <p>I explained to both that they need to keep their fowl on their property and that the fowl have been leaving the property to go next door and have been tearing up the neighbors landscaping.</p> <p>Kim states that her sons are currently in the backyard working to get the fence up so the fowl cannot go to the neighbors property. She states that every now and then, the Guineas will go to his property. Both are upset that I came out, when Ofc. Fultz was out on 6/1 for a welfare check on the fowl called in by an anonymous person. Kim got very emotional when speaking about that day, because she cannot believe that someone would think shes neglecting her birds.</p>			

EXHIBIT F



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GORDON WENK
DIRECTOR

September 10, 2018

Ms. Kim Huss
Rainbow Basket Egg Farm
1700 N. Rochester Road
Oakland, MI 48363

RE: Pro-Active GAAMPs Determination

Dear Ms. Huss:

On June 7, 2018, Mitch Reed and I met with you at your poultry facility to conduct an inspection of your facility and to review management practices being followed at your facility located in Oakland County. The review was conducted by the Michigan Department of Agriculture & Rural Development (MDARD) at your request to determine conformance with the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMPs) and Manure Management and Utilization (Manure GAAMPs).

At the time of the inspection, we observed your poultry facility and determined the facility is maintained with no excess accumulations of manure. Also, at the time of the inspection, all poultry appeared to be well fed and healthy and the odors were not excessive. Finally, we reviewed your future facility plans, manure and farm management plans and requested additional information.

On July 10, 2018, MDARD received the remainder of the information requested at the June 7, 2018 inspection. Based on the inspection and review of all of the information submitted:

- 1) Your property is zoned "Low Density Residential" which appears to allow agriculture uses by right.
- 2) You currently have less than 50 animal units.
- 3) There are less than 13 non-farm residences within 1/8 miles and there are two non-farm residences within 250 feet of your facilities. Your Site is a Primarily Residential Site as defined in the Site Selection GAAMPs.
- 4) Your Manure Management System Plan (MMSP) contains all of the necessary components outlined in the Manure GAAMPs.

MDARD has determined that your poultry facility located at 1700 North Rochester Road, Oakland, is a Category 3 Site as defined in the Site Selection GAAMPs and thus conforms to these GAAMPs.

EXHIBIT G



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GORDON WENK
DIRECTOR

July 18, 2018

Ms. Kim Huss
Rainbow Basket Egg Farm
1700 N. Rochester Road
Oakland, MI 48363

RE: Pro-Active GAAMPs Determination

Dear Ms. Huss:

On June 7, 2018, Mitch Reed and I met with you at your poultry facility to conduct an inspection of your facility and to review management practices being followed at your facility located in Oakland County. The review was conducted by the Michigan Department of Agriculture & Rural Development (MDARD) at your request to determine conformance with the Generally Accepted Agricultural and Management Practices (GAAMPs).

At the time of the inspection, we observed your poultry facility and determined the facility is maintained with no excess accumulations of manure. Also, at the time of the inspection, all poultry appeared to be well fed and healthy and the odors were not excessive. Finally, we reviewed your future facility plans, manure and farm management plans and requested additional information.

On July 10, 2018, MDARD received the remainder of the information requested at the June 7, 2018, inspection. MDARD has determined that your poultry facility located at 1700 North Rochester Road, Oakland, conforms to the GAAMPs for Manure Management and Utilization.

If you have any questions or need any assistance, please call me at 517-930-2966.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen J. Mahoney".

Stephen J. Mahoney, CCA/CPAg
Right to Farm Program

SJM:ot

cc: Oakland County Clerk
Oakland Township Clerk

EXHIBIT H



*Copy
Team B*

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GORDON WENK
DIRECTOR

December 7, 2018

Ms. Kim Huss
Rainbow Basket Egg Farm
1700 N. Rochester Road
Oakland, MI 48363

Dear Ms. Huss:

On November 16, 2018, I met with you to review the manure management practices followed at your poultry facility in Oakland County. This review was conducted by the Michigan Department of Agriculture and Rural Development (MDARD), Right to Farm Program, in response to a complaint received by our office. The complaint concerned odor, manure runoff, and a pile of manure placed on neighboring property.

At the time of the inspection, I did not detect excessive odors and I did not see evidence of manure runoff. Also, at the time of the inspection, the material in question was not on neighboring property, and was old straw and not manure. Finally, at the time of the inspection, I determined that your poultry facilities are well maintained and that you are following your manure management plan.

Based on this review and the information provided, MDARD will classify this complaint as not verified. Therefore, the file will be closed.

This complaint response did not determine conformance with all the Generally Accepted Agricultural and Management Practices (GAAMPs) that may apply to your operation. Only the GAAMPs relevant to the complaint were reviewed at this time. For a full determination of your farm operation's conformance with GAAMPs, please contact the Right to Farm Program at 877-632-1783.

As required by the Michigan Right to Farm Act, a copy of this letter is being sent to the township and county where the farm is located.

Thank you again for taking the time to meet with me to review your agricultural management practices, and for your efforts and commitment to maintain the positive image of Michigan agriculture. Please feel free to contact me at 517-930-2966, if you have any further questions.

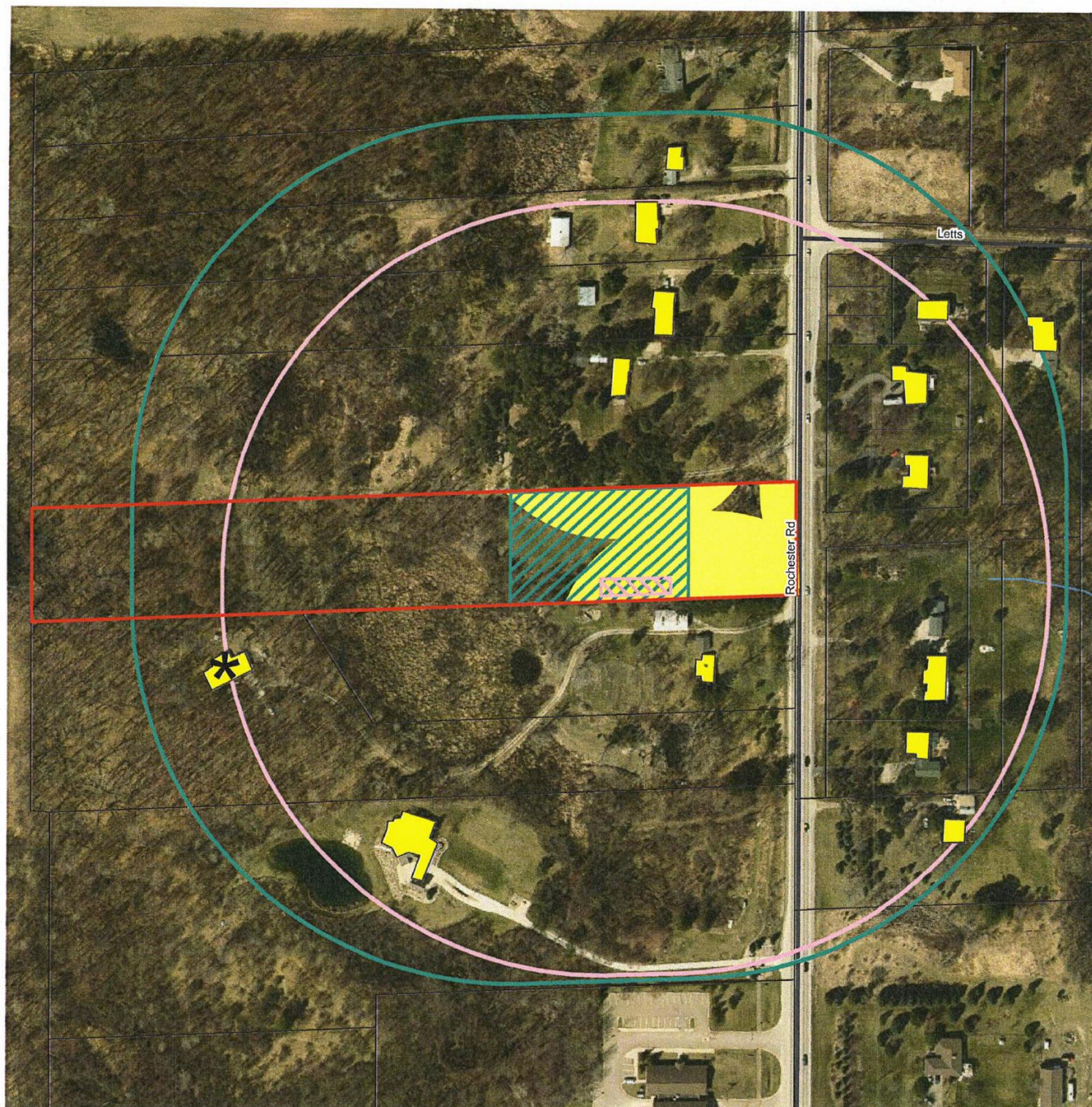
Sincerely,

Stephen J. Mahoney, CCA/CPAg
Right to Farm Program

SJM:ot







cc: Oakland County Clerk
Oakland Township Clerk

EXHIBIT I



1700 N. ROCHESTER

Oakland Township, Oakland County

-  1700 N Rochester
-  Chicken Coop
-  660 ft buffer from chicken coop
-  Chicken roaming area
-  660 ft buffer from chicken roaming area
-  Adjacent homes

*The home marked by the asterisk should be verified.
Under the assumption that it is a home, there are 12 homes
in the chicken coop buffer and there are 14 homes in
the chicken roaming area buffer.*

