

August 12, 2014

Davison Township
1280 North Irish Road
Davison, Michigan 48423

Attention: Mr. Randy Stewart, Building and Planning Administrator

Re: Proposed Zoning Ordinance Text Amendments, as Revised
Resulting from the Establishment of a New Category 4
Within the Site Selection and Odor Control for New/Expanding
Livestock Facilities GAAMP by the Michigan Commission of
Agriculture and Rural Development
Wade Trim File No.: DVT 6264-01D

Dear Mr. Stewart:

It was our pleasure to personally meet with you, Supervisor Kurt Soper, and Township Attorney David Lattie at your offices on June 30, 2014 to discuss the above-referenced changes to GAAMPs (Generally Acceptable Agricultural and Management Practices) established by Michigan's Right to Farm Act.

The change to the site selection GAAMPs added a fourth category for livestock facilities. As explained by a recent communication issued by MSU Extension, Category 1 sites are locations which are very rural and the neighborhood is almost all agricultural. These are locations where very large animal operations can locate. Category 2 sites have more non-farm residences in the rural neighborhood. Additional practices, technologies, and management practices are, therefore, needed for animal facilities operating in this category. Category 3 sites are locations which are not generally good for animal operations because of environmental issues or the presence of many non-farm neighboring land uses. Category 4 sites are locations that are primarily residential in character and which don't allow agricultural uses by right. Specifically, Category 4 sites are locations which are:

- "primarily residential", that is, there are more than 13 non-farm residences within 1/8 mile of the site or have any non-farm residence within 250 feet; and,
- Zoning does not allow agricultural uses in that zoning district.

The effect of this change is significant for local governments. Local communities can decide to allow farm animals in primarily residential areas only if a local government ordinance provides for it.

You have directed us to work with Attorney Lattie to prepare a new "urban agriculture" ordinance to allow your homeowners located in the RU-1 District to keep small numbers of farm animals on their property if they are on parcels having at least five acres, can meet

applicable GAAMPs, and the number of farm animals which can be kept on the property are restricted to those currently established under Section 601, 8 of the Township Zoning Ordinance. You have also requested that farming operations in existence prior to the effective date of the new ordinance be allowed to continue in place. We met with Attorney Lattie at his office on August 7, 2014 to discuss this matter and to determine what changes are required to the Zoning Ordinance. We suggest the following changes:

1. Delete "farms of 40 acres or more" found in existing Section 501, 1 [uses permitted in the RA, Residential Agricultural District] in its entirety, and replace it with the following language:
 1. **Farm operations meeting Generally Acceptable Agricultural Management Practices (GAAMPs) enacted by the State of Michigan under the Right to Farm Act, PA 93 of 1981, as may be amended.**
2. Delete existing Section 501, 17 [accessory buildings and uses allowed in the RA District] in its entirety, and replace it with the following language:
 17. **Accessory buildings and uses customarily incidental to any of the above-permitted uses, including farm markets meeting GAAMPs enacted by the State of Michigan, under the Right to Farm Act, PA 93 of 1981, as may be amended.**
3. Delete existing Section 503 [required conditions for the placement of pens, corrals, and barns inasmuch as this is regulated by GAAMPs] in its entirety. Renumber existing Section 504 as Section 503.
4. Delete "farms of 40 acres or more" found in existing Section 601, 2 and "specialty forms" found in existing Section 601.6 [uses permitted in the RSE, Residential Suburban Estate District] in their entirety, reserving each Section "for future use" as follows:
 2. **Reserved for future use.**
 6. **Reserved for future use.**

It is our understanding that the new urban agriculture ordinance will allow horse farms and the keeping of horses for recreational purposes to exist in the RSE District under existing standards. Please refer to Section 1727, 4.

5. Delete existing Section 601, 8 [accessory buildings and uses allowed in the RSE District] in its entirety, and replace it with the following language:

8. **Accessory buildings and uses customarily incidental to any of the above-permitted uses.**
6. Delete existing Section 701, 8 [accessory buildings and uses allowed in the RU-1 District] in its entirety, and replace it with the following language:
 8. **Accessory buildings and uses customarily incidental to any of the above-permitted uses.**
7. Retitle existing Section 1727 [Keeping of Pets and Livestock] as follows:

Section 1727. Keeping of Pets

 8. Delete Sections 1727, 3 – 5 in their entirety.
 9. Delete existing Section 1727, 1 in its entirety, and replace it with the following language:
 1. **Except as provided in Sections 401, 501, 602, and 702 for kennels, not more than three (3) dogs or three (3) cats or three (3) such animals in any combination per household may be kept as pets.**
10. Delete the definitions of Farm, Commercial Farm, Farm Operation, Farm Product and Specialty Farm found in Section 201 to be consistent with definitions found in PA 93 of 1981, as amended (the Michigan Right to Farm Act). Replace these terms with the following definitions taken directly from the RTFA:

Farm: The lands, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Operation: The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to: marketing produce at roadside stands or farm markets; the generation of noise, odors, dust, fumes, and other associated conditions; the operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws; field preparation and ground and aerial seeding or spraying; the application of chemical fertilizers or organic materials, conditioners, liming materials, or

pesticides; use of alternative pest management techniques; the fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals; the management, storage, transport, utilization, and application of farm by-products, including manure and agricultural wastes; the conversion from a farm operation activity to other farm operation activities; and, the employment and use of labor.

Farm Product: Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to: forages and sod crops; grains and feed crops; field crops; dairy and dairy products; poultry and poultry products; cervidae; livestock, including breeding and grazing; equine; fish and other aquaculture products; bees and bee products; berries; herbs; fruits; vegetables; flowers; seeds; grasses; nursery stock; trees and tree products; mushrooms; and, other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

Very truly yours,

Wade Trim Associates, Inc.

A handwritten signature in black ink, appearing to read "Nicholas P. Lomako", with a long horizontal flourish extending to the right.

Nicholas P. Lomako, ACIP, PCP
Senior Vice President

NPL:jel
DVT 6264-01D

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cc: Mr. David Lattie, Township Attorney (personal office address)