



Memorandum

Update on Input from MSU Extension Educator

DATE May 22, 2024
TO Webster Township Planning Commission
FROM Sri Ravali Komaragiri, AICP, Township Planner & Zoning Administrator

As noted earlier, we reached out to Ryan Coffey, a planning expert from MSU Extension with extensive experience in drafting animal ordinances and handling Right-To-Farm (RTF) exemptions, for his input on our drafts. The Township Planner had a follow-up call with Ryan on May 20, 2023, to gather his comments. The planner subsequently prepared a summary of the conversation and shared it with Ryan for confirmation. The following documents are attached for your review:

1. Flow chart prepared by the planner that demonstrates a general overview of RTF protection process
2. Mr. Coffey's e-mail response to the accuracy of the flow chart
3. Comments on the draft provided by the working group
4. Comments on the draft that was last sent to Board for adoption
5. Mr. Coffey's e-mail confirming that all his comments are captured accurately

Zoning Administrator

From: Coffey Hoag, Ryan <coffeyry@msu.edu>
Sent: Wednesday, May 22, 2024 8:14 AM
To: Zoning Administrator
Subject: RE: For your input

Sri,

Your chart is accurate. HOA restrictions can prohibit farm markets, if they explicitly prohibit them in their rules/by-laws/covenants (this is because the Farm Markets GAAMPs expressly allow this to occur). However, they cannot prohibit keeping of animals or other farming activities if they are commercial in nature and meet the GAAMPs (no exemptions in other GAAMPs for these issues, regardless, the keeping of animals would be really hard to meet GAAMPs requirements in an HOA due to housing density) – RTF preempts HOA rules for the keeping of animals and other farming activities.

Sincerely,

Ryan Coffey Hoag

Extension Educator
Government & Community Vitality

Michigan State University Extension
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From: Zoning Administrator <zoningadmin@webstermi.us>
Sent: Tuesday, May 21, 2024 8:04 PM
To: Coffey Hoag, Ryan <coffeyry@msu.edu>
Cc: Wozniak, Michael (MDARD) <WozniakM1@michigan.gov>
Subject: For your input

Hi Ryan,

I attempted to simplify the multi-layer issue of RTF protections. Please review and let me know your thoughts.

If a HOA docs or master deed restrictions prohibit keeping of animals, can RTF preempt such private legal restrictions?

I am still working on my summary of our conversation. I will send it to you by tomorrow 8 am.

Thank you, Sri



WEBSTER TOWNSHIP

Sri Ravali Komaragiri, AICP

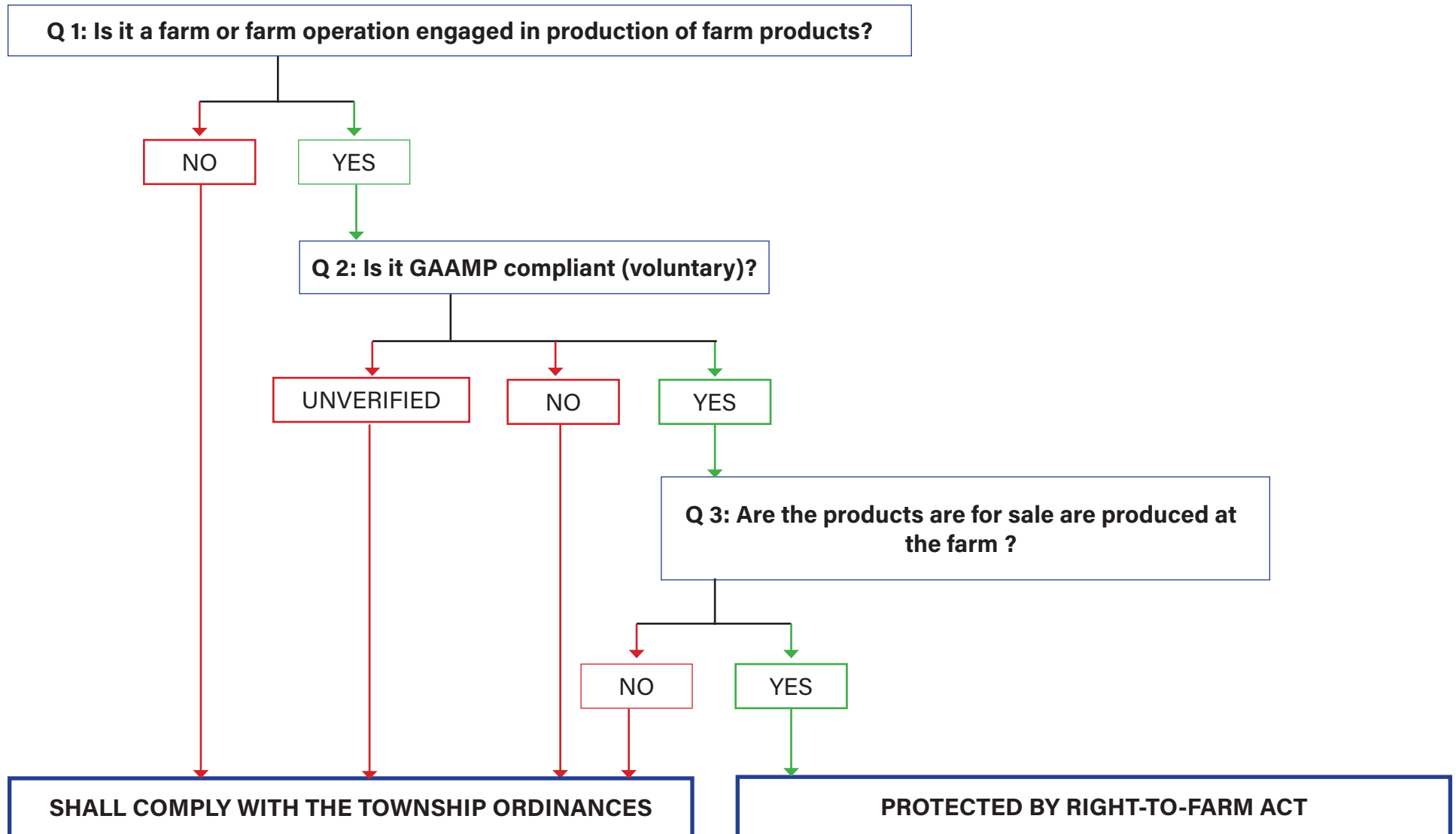
Township Planner & Zoning Administrator

Phone: 734-426-5103 | **Email:** zoningadmin@webstermi.us

5665 Webster Church Road, Dexter, MI 48130

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- This is a simplified version to provide a general overview of the process.
- There are multiple layers of review or other factors that may result in different/additional steps or requirements to determine exemptions/protections.
- Communities should always refer to expert advice from MSU Extension and Township attorney and address the applicability case-by-case basis.
- There maybe cases, where only a part of a farm operation(s) on the same parcel is protected depending on the GAAMP compliance and RTF determination.
- A protected farm may lose its protection if it is found non-compliant with GAAMP's.
- **Ultimate determination will be made by the court.**



Zoning Administrator

From: Coffey Hoag, Ryan <coffeyry@msu.edu>
Sent: Wednesday, May 22, 2024 8:18 AM
To: Zoning Administrator
Subject: RE: Comments Summary

Sri,

All looks good. My only recommendation is:

Under B – “regardless of whether such livestock” should also be redlined.

You have captured what we spoke about. If the PC or Board have any additional questions, please let me know or they are welcome to reach out to me directly.

Sincerely,

Ryan Coffey Hoag

Extension Educator
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From: Zoning Administrator <zoningadmin@webstermi.us>
Sent: Tuesday, May 21, 2024 10:22 PM
To: Coffey Hoag, Ryan <coffeyry@msu.edu>
Subject: Comments Summary

Hi Ryan,

Please review attached and correct if I misunderstood any of our discussion. If acceptable, I will share them with our Planning Commission. In addition, these are additional items we discussed.

1. Avoid defining type of livestock by weight, hard to enforce.
2. Recommend regulating number of animals via density instead of animal units.
3. The working draft is more applicable to largely rural areas with predominantly large lots. If considering a less restrictive ordinance like that, consider 'No-objection affidavit' that is legally binding from neighbors tied to deeds.
4. Agrees with the planners recommendations in the memo.
5. Atleast a survey is recommended in lieu of an open house.
6. Ryan is willing to attend any review team meetings if requested (likely virtual).

Thank you, Sri



WEBSTER TOWNSHIP

Sri Ravali Komaragiri, AICP

Township Planner & Zoning Administrator

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Section 13.25

Animals

A. **Intent and Applicability.** This Section regulates the keeping of animals, including but not limited to the keeping of animals for meat, dairy, and fiber production, recreation, companionship, or caring purposes within the Township. ~~Under this Ordinance, the Township will treat non-commercial farming operations as though they were commercial farming operations. Therefore, non-commercial farms will be afforded the same expectations and protections that commercial farms receive under the Michigan Right to Farm Act.~~

Comment# 1: Language that is enforceable by the Michigan Department of Agriculture and Rural Development (MDARD) should not be included in local ordinances because local communities do not have the final authority to make this determination. Instead, local ordinances should be drafted specifically for the keeping of non-commercial use. Any claims for protection under the Right to Farm (RTF) Act should be reviewed on a case-by-case basis. This ensures that local regulations remain current and effective, without conflicting with state-level standards which may change over time.

B. **Livestock.** The keeping of livestock shall be subject to the following rules:

(1) In the Agriculture (AG) and Agribusiness (AB) zoning districts, livestock may be kept at all locations, regardless of whether such livestock ~~are kept for commercial or personal use.~~ **See comment # 1**

~~(2) In all zoning districts other than the Agriculture (AG) and Agribusiness (AB) zoning districts: (i) livestock may only be kept only at locations that comply with the Site Selection GAAMPs, regardless of whether such livestock are kept for commercial or personal use; (ii) the keeping of livestock shall comply in all respects with the Site Selection GAAMPs; and (iii) livestock shall not be kept at any Category 4 sites (i.e., sites that are not acceptable for new and expanding livestock facilities under the Site Selection GAAMPs).~~

Comment# 2: Language that is enforceable by the Michigan Department of Agriculture and Rural Development (MDARD) should not be included in local ordinances because it cannot be enforced by local authorities. Instead, a reference to MDARD's standards may be incorporated into the local ordinance, allowing enforcement to default to MDARD. This approach acknowledges that the Generally Accepted Agricultural and Management Practices (GAAMP) standards, which are subject to change, may otherwise result in outdated regulations within local zoning ordinances and could create non-conforming sites.

(3) The keeping of horses shall also be subject to the provisions of Sections 12.100 (Stahles).

C. **Poultry.** The keeping of poultry shall be subject to the following rules:

(1) In the Agriculture (AG) and Agribusiness (AB) zoning districts, poultry may be kept at all locations, regardless of whether such poultry ~~are kept for commercial or personal use.~~

(2) In all zoning districts other than the Agriculture (AG) and Agribusiness (AB) zoning districts, poultry may be kept as follows: **See comment #2**

(i) Poultry may only be kept only at locations that comply with the Site Selection GAAMPs, regardless of whether such poultry are kept for commercial or personal use; the keeping of poultry at such sites shall comply in all respects with the Site Selection GAAMPs; and except as set forth below, poultry shall not be kept at any Category 4 sites (i.e., sites that are not acceptable for new and expanding livestock facilities under the Site Selection GAAMPs).

- (ii) In the Rural Residential (R-1) and Urban Residential (R-2) zoning districts, poultry may be kept at Category 4 sites (i.e., sites that are not acceptable for new and expanding livestock facilities under the Site Selection GAAMPs), subject to the following limitations:
- a. A maximum of ten (10) poultry animals shall be permitted on the lot in question.
 - b. There shall be adequate fencing or other confinement mechanisms to contain the poultry on the lot.
 - c. Structures and vegetation-free fenced areas housing such poultry shall be located no nearer than 75 feet from any dwelling which exists on an adjacent lot, and no nearer than 35 feet from any adjacent lot line.
 - d. All feed and animal waste shall be maintained, removed and disposed of in such manner as not to create a public or private nuisance because of odors, flies, other insects, rodents, or general unsanitary conditions.
 - e. Peafowl and guineafowl shall not be permitted. Roosters shall only be permitted for meat production.

D. ~~No Nuisances.~~ ~~All animals shall be properly housed, fenced, and maintained so as not to become public or private nuisances. No livestock or poultry shall be allowed to run at large or stray onto public property or the property of others. All facilities shall be constructed and maintained such that odor, dust, noise, rodents, storage of food, and drainage shall not constitute a nuisance or hazard to the subject property or adjoining or neighboring premises. Animal feed shall be stored, and animal waste shall be removed and disposed of, in such manner as not to create a public or private nuisance because of odors, flies, and other insects, rodents, and general unsanitary conditions. Dead animals shall be disposed of promptly and consistent with applicable waste disposal regulations of the County and the State.~~ Refer to Nuisance ordinance. It refers to an activity.

Add Definitions: See Comment # 2

Livestock. Horses, cattle, sheep, goats, swine, and similar large domestic farm animals with an expected mature weight over 50 pounds.

Poultry. Domesticated fowl including chickens, ducks, turkeys, geese, pigeons, quail, swans, pheasant, guinea fowl and peafowl.

GAAMPs. The Generally Accepted Agricultural and Management Practices adopted by the Michigan Commission of Agriculture and Rural Development, as updated and in effect from time to time.

Site Selection GAAMPs. The GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Facilities, and any successor GAAMPs that address the siting of livestock facilities.

Right to Farm Act. The Michigan Right to Farm Act, MCL 286.471 et seq. (Act 93 of 1981).

Category 4 Site. Sites that are not acceptable for new and expanding livestock facilities under and as defined in the Site Selection GAAMPs.

OTHER AMENDMENTS:

1. Amend Zoning Ordinance Section 13.60.BO)c as follows:

Section 13.60 Fence Regulations

A. Setbacks. Fences may be located in any required yard and are not subject to setback requirements. In the Base Line Lake Residential District (BLLR), fences are not allowed in any yard of lots bordering Base Lake Drive and Leach Lane.

B. Height Limits.

- (1) In all residential zoning districts, fences that are permitted within any required side or rear yard shall not exceed six (6') feet in height. Fences located in any front yard shall not exceed three (3') feet in height. Agricultural fences used for containing animals, or used as trellises or supports for crops and other farm products, shall not be subject to the height limitations set forth in this section.
- (2) In all other zoning districts, fences that are permitted within any required yard shall not exceed a height of twelve (12') feet.

2. Amend Nuisances Ordinance as follows: Add new Sections 3.10 & 3.11 (Public Nuisances *Per Se*):

10. **Animals Running at Large.** Allowing any <log, livestock animal or farm poultry (chicken, turkey, etc.) to run at large, or to stray onto public property or the property of others. There is a state law that address this. Consider how much is preferred to be regulated locally.
11. **Defecation on Public or Private Property.** Allowing any <log, livestock animal or farm poultry (chicken, turkey, etc.) to defecate upon any land other than those of the owner. In the event of such defecation, the owner or person having the possession, care, custody and control of the <log, livestock or poultry shall remove the material from those lands and properly dispose of such materials. Refer to Nuisance ordinance. It refers to an activity.

SECTION 13.25 KEEPING OF ANIMALS

A. Intent

It is the intent of this section to allow for the keeping of animals in such a way that does not adversely affect the public health, safety and general welfare and does not create a nuisance to the subject property or neighboring properties.

B. Applicability

- (1) Except as explicitly indicated in Section 13.25.B.2, this section regulates the keeping of animals for solely non-commercial production purposes, including but not limited to the keeping of animals for companionship or caring purposes, in certain agricultural and residential districts within the township. ~~For purposes of this section, the keeping of animals for non-commercial purposes excludes the keeping of animals for the purpose of producing or manufacturing an item therefrom intended to be marketed and sold at a profit.~~
- (2) Commercial uses that fall under the following categories, as defined in Article 2, are subject to the general conditions listed in Section 13.25.C of this section in addition to regulations assigned to those uses elsewhere in this ordinance.
 - i. Hobby Kennels (specific use regulations in sec. 12.72)
 - ii. Commercial Kennels (specific use regulations in sec. 12.70)
 - iii. Stables (specific use regulations in sec. 12.100)
 - iv. Petting farms (sec.2.10 definitions)
 - v. Intensive livestock operations (sec.2.10 definitions)
- (3) ~~Commercial F~~ farming operations that are GAAMP compliant and commercial farming as defined in and fall that are protected under Michigan Right to Farm Act, Act 93 of 1981 ("RTFA"), are not subject to standards of this Section 13.25.

C. General Conditions

Keeping of animals shall comply with general standards and best practices listed below.

- (1) **Conformance to Law.** Residents keeping animals shall comply with applicable federal, state and local laws and applicable regulations to include, but not limited to the Michigan Right to Farm Act (MRTFA) and Michigan Department of Agricultural and Rural Development (MDARD)'s Generally Accepted Agricultural Management Practices (GAAMPs). Alleged violations of MRTFA or GAAMPs may be referred to MDARD for investigation.
- ~~(2) **Care of Animals.** Keeping of livestock and domestic animals shall comply with the State of Michigan's GAAMPs for the Care of Farm Animals.~~
- ~~(3) **Manure Management.** Manure management shall comply with the GAAMPs requirements.~~
- ~~(4)~~(2) **Nuisance.** All facilities shall be constructed and maintained such that odor, dust, noise, rodents, storage of food, and drainage shall not constitute a nuisance or hazard to the subject property or adjoining or neighboring premises. All sites shall comply with the standards of the Webster Township Public Nuisance Ordinance.
- ~~(5) **Disposal.** Dead animals shall be disposed of promptly and consistent with applicable waste disposal regulations of the County and the State.~~
- ~~(6) **Care of Household Pets.** Animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance.~~

D. **General Standards. No comments.** No major concerns. It is extensive, but it is a choice the Board needs to make about the densities. One clarification to the category title to make it more inclusive and recognize other nationally recognized educational programs

E. **Keeping of Animals**

(1) The maximum number of animals kept or used ~~for non-commercial production purposes~~ in all agricultural and residential districts are regulated as noted in the table below. Keeping of animals is not permitted in other districts not listed in the table below, unless otherwise noted elsewhere in the zoning ordinance.

(2) The maximum total number of animals allowed on a lot/usable area is the cumulative total of individual maximums of each animal category noted below in subsection 13.25.E.(3).

(3) **Animal Categories:** No major concerns. It is extensive, but it is a choice the Board needs to make about the densities. One clarification to the category title to make it more inclusive and recognize other nationally recognized educational programs.

- i. **4-H OR OTHER ~~SIMILAR~~ NATIONALLY RECOGNIZED EDUCATIONAL PROGRAMS. ~~ANIMALS.~~** Animals or birds that are accepted as a 4-H type or ~~similar projects~~ nationally recognized educational programs that involve engaging in projects with their pet and learning to feed, train and care for the animal.

F. **Site Design Standards. No comments**

G. **Permit. No comments**

H. **Enforcement. No comments**

I. **Non-conforming uses. No comments**

ARTICLE 2 DEFINITIONS. **No comments**

SECTION 13.60 FENCE REGULATIONS **No comments**