

**Columbia Township  
Planning Commission Meeting Minutes  
September 6, 2016**

- 1) Call to Order Chairman Gaede called the meeting to order at 7:03pm
- 2) Roll call Jarvis, Mahr, McKay Gaede, Reynolds present. Absent Jeffreys. Guest Jeff Simpson.
- 3) Approve Agenda Motion by McKay to approve the agenda with the following corrections Date change to September 6, 2016, Minutes change date to August 9, 2016, 5) change to Public Comments, 6) change to Old Business, 7) change to New Business, 8) change to Public Comments, 9) change meeting date to December 6, 2016, 10) change to Future Meetings, 11) change to Commissioner Comments and 12) change to Adjournment, seconded by Mahr. Ayes All Motion Passed. ( copy of corrected agenda attached)
- 4) Approve Minutes of August 9, 2016. Motion by Mahr to approve the minutes of August 9, 2016 seconded by McKay. Ayes All Motion Passed.
- 5) Public Comments None.
- 6) Old Business Discussion held by all members concerning the Township Boards review of the New Ordinance and changes being suggested.
- 7) New Business None.
- 8) Public Comments None
- 9) Next Meeting December 6, 2016
- 10) Future Meetings None scheduled.
- 11) Commissioner Comments Mahr informed the commissioners that she was going to run for the Brooklyn Village Council and wanted to know if there was a conflict. McKay requested an up dated phone directory of the township office and boards. McKay requested a copy of Eric Whites opinion

concerning Right to Farm Act and Accessory Structures. Jeff Simpson provided a copy of Eric Whites opinion dated July 19, 2016 to all members.

- 12) Adjournment Motion by Reynolds to adjourn seconded by McKay.  
Ayes All Motion Passed adjourned at 7:45.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Philip Reynolds', with a long, sweeping flourish extending to the right.

Philip Reynolds

Eric C. White  
[eric@whiteandhotchkiss.com](mailto:eric@whiteandhotchkiss.com)  
Kenneth R. Hotchkiss  
[ken@whiteandhotchkiss.com](mailto:ken@whiteandhotchkiss.com)  
Michael K. Falahee  
[michael@whiteandhotchkiss.com](mailto:michael@whiteandhotchkiss.com)



White, Hotchkiss & Falahee, PLLC  
Attorneys at Law

1000 Laurence Avenue  
Jackson, Michigan 49202  
Telephone 517.784.6250  
Facsimile 517.784.6011  
[whiteandhotchkiss.com](http://whiteandhotchkiss.com)

July 19, 2016

Columbia Township  
Attn: Bob Elrod, Supervisor  
8500 Jefferson Road  
Brooklyn, Michigan 49230

Re: Right to Farm Act and Accessory Structures

Dear Bob:

It is my understanding that the Township is seeking an opinion as to the erection of an accessory structure (without a principal residence) on property zoned "Agriculture" as it relates to the Michigan Right to Farm Act ("RTFA"), MCL 286.471 et seq.

It is my opinion that the RTFA specifically allows for such accessory structures and in fact, there really isn't a requirement for a permit or inspections of such an agriculture structure. While the Michigan Supreme Court in *Papadelis v City of Troy*, 478 Mich 934 (2007) did confirm that the RTFA does not exempt farm operations from local zoning ordinances, it does control in this area of agricultural buildings.

In short, the Township's zoning ordinance is unenforceable as to requiring a principal structure in agriculturally zoned and used property.

I hope this clarifies this issue. Please feel free to contact me if you have any questions or need further information.

Sincerely,

WHITE, HOTCHKISS & FALAHEE, PLLC

Eric C. White

A handwritten signature in black ink, appearing to be 'Eric C. White', written over a horizontal line.

ECW:mrg