

**March 24, 2022**  
**Citizens' Agricultural Advisory Committee**  
**Study Session**  
**Packet Addition**

## Jenn Cram

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**From:** mike@dettmerlaw.com  
**Sent:** Wednesday, March 23, 2022 8:30 AM  
**To:** deputy.clerk@peninsulatownship.com  
**Cc:** planner@peninsulatownship.com; 'Rebecca Chown'; 'Grant Parsons'; John Wunsch  
**Subject:** Citizens Advisory Committee meeting packet addition request  
**Attachments:** 3 23 22 Parsons to Ag Comm.docx

Robin: I received the Citizens committee meeting packet for its March 24<sup>th</sup> meeting. Grant Parsons, in his absence, had asked me to read a letter he drafted in the opening comments agenda. It appears now that public comment will take place AFTER the main agenda. Given that change, I would ask the Grant's letter, attached, be part of an amended packet that I would respectfully ask be distributed today. I will appear at the meeting as well but believe Grant's message is substantive and important for context prior to the presentation by Mr. Hoag. Thank you.

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March 23, 2022

Grant Parsons  
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Dear Committee:

I apologize for my absence as I am in a civil trial in Leelanau County Circuit Court. The Citizens Advisory Committee is apparently going to hear a presentation by MSU's Extension official Ryan Hoag. In his on-line resume, Mr. Hoag prominently cites his work in economic development, as well as his position as Chair of the State GAAMPs Committee.

From my personal perspective as a land use advocate for Peninsula Township, Mr. Hoag's visit can either be a "plus" or a "negative", depending on how he discloses the limits of his opinions and his qualifications.

If he describes the general nature of GAAMPs and Right to Farm Act and Michigan Zoning Enabling Act, his information may assist our committee. If he attempts to describe how those regulatory and statutory concepts overlap — or whether they preempt — he will be venturing into uncertain territory. Peninsula Township has legal counsel whose role it is to handle legal issues of preemption and legal precedent. If Mr. Hoag expresses opinions about Peninsula Township's zoning and land use, in the context of the Right to Farm Act and GAAMPs, without first consulting the long history of local court precedents and judgments, he may inadvertently mislead some members of our committee and the larger community.

During our committee work, we have heard arguments about the Right to Farm Act and GAAMPs — what they mean in context with state and township zoning. Some members believe the Right to Farm Act and GAAMPs act as a trump card in terms of all zoning restrictions and constitute an over-ride of local zoning. Others view the Right to Farm Act and GAAMPs as protecting existing farm operations from nuisance suits but do not authorize future farm operations without zoning restriction. The truth almost certainly rests somewhere in between.

Before Mr. Hoag ventures into that "somewhere in between" area, it is important — gravely important — for Mr. Hoag to understand the context of his presentation: there is pending litigation based on preemption; the township attorney has written a legal review of the legal interplay between the various farming and zoning laws and precedents; there are local judicial precedents. He needs to understand that the questions he will be asked will likely seek answers about the "somewhere in between" area of the laws and regulations related not to the rules and regulations **as written**, but to their **application** to the existing Peninsula controversy over farming rights and zoning rights.

The purpose of this letter is to express the fervent hope that Mr. Hoag stay as far away from discussing **the application of GAAMPs and Right to Farm Act to Peninsula Township** as he possibly can.

I would anticipate he would assent to that suggestion very easily. Complying with the suggestion in the face of questioning is a much tougher question.

March 23, 2022  
Grant Parsons  
Page 2

Mr. Hoag is, according to his on-line resume, an advocate and initiator of relevant aspects of GAAMPs, zoning, and economic development. Clearly, he has expertise that may be educational. Equally clearly, Mr. Hoag is being asked to appear in the midst of a legal challenge, on one hand, and a committee review of essentially local matters, on the other hand. The attorney for the winery owners has directed them not to participate, apparently because he fears them saying or doing the wrong thing. Residential owners are participating and trying to listen to demands for expanded farming rights, despite past precedents and practices that have created a unique community. Some farmers are participating and trying to protect or expand their rights to farm. This committee's work has been, by and large, cooperative and productive. But the work has not been without advocacy, much of it focused on the Right to Farm Act and GAAMPs. If Mr. Hoag expresses any opinions on how those regulations apply locally, he is going to enter a fraught controversy that our committee has tried to avoid.

Some committee members would like to submit questions to Mr. Hoag and have him answer those questions in writing. Their wish is to ensure his words are not taken out of context and are reviewable. I, personally, would like Mr. Hoag to make a clear disclosure — whether in writing or verbally — stating that his views are personal, not the view of Michigan State University, and are not offered as reliable legal opinion. In other words, I would like Mr. Hoag to define his role carefully so he does not wind up a witness, or an advocate, or a misunderstood legal opinion to be used by any party in the pending federal lawsuit, or cited out of context in future township hearings.

I reference Mr. Hoag's website bio and I am also reference below a MSU power point presentation of the Right to Farm Act and zoning concepts.

Thank you for your time and consideration.

Grant Parsons

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**Ryan Coffey Hoag**

**Government & Public Policy/Community & Economic Development at Michigan State University**

Spectrum Health Post Acute Care Committee  
Spectrum Health Gerber Memorial Board  
Chair, Newaygo County Economic Development Committee  
Fremont Area Community Foundation Community & Economic Development Committee  
Chair, State of Michigan Farm Market GAAMPs Committee  
Vice-Chair, State of Michigan White River Natural River Zoning Review Board

MSU Power Point -- Right to Farm Act analysis

<https://www.michigan.gov/-/media/Project/Websites/mdard/documents/boards/mlh/planzonertfa-for-migrantlaborhousingprog.pdf?rev=0fc9a86f738d48539d7b4fec86b1f7d4>