

6. Use policy and planning strategies to increase access to healthy food in underserved areas.

CITIES STRUGGLE WITH RIGHT TO FARM RULES THAT DO NOT FIT NEIGHBORHOODS

Urban agriculture is one of those things that virtually everyone recognizes as a powerful way to strengthen Michigan. It brings healthy food to neighborhoods without quality grocery stores. It brings neighbors together, which strengthens investments that families and businesses make in a community's future. Urban agriculture also brings opportunities to young people who can get started farming at relatively low cost on vacant lots.

The widespread interest in urban agriculture, for all of these reasons and more, is now challenging local and state government officials to re-examine rules that separate farming from cities. Many cities are just beginning to contemplate how they can allow farming while also doing their job to protect residents from odors, noises, and chemicals that can come with farming operations. One of the first challenges they're facing is a state law called the Michigan Right to Farm Act.

This law plays an important role in protecting farms from encroaching urban development, but it also preempts municipal decisions about the size, scope and practices of commercial agriculture, which could be more necessary in dense urban areas. "The Right to Farm Act didn't anticipate farming growing in the city," says Malik Yakini, executive director of the Detroit Black Community Food Security Network. "What's appropriate for a traditional rural farm may not be appropriate in the city, with houses right across the street."

Yakini is among those eager for a solution to the problem that the Right to Farm Act's power over local government action is creating for cities like Detroit, which has an estimated 40 square miles of vacant lots, or almost one-third of its total area. "Many of us believe the city needs the ability to decide what's appropriate," he says. Yakini has big plans for the two-acre D-Town Farm that his organization operates in a city neighborhood on the Rouge River. D-Town already sells produce at farmers' markets and teaches young people and adults how to grow their own food.

Detroit Mayor Dave Bing also has big hopes for urban agriculture as a part of the city's rebirth. But his administration, like other municipal governments across Michigan, doesn't want to address urban agriculture until it's clear that the Right to Farm Act will not make Detroit's regulations of city farms irrelevant. Similarly urban farmers like Yakini won't truly have a secure farm operation until Detroit determines how it will plan and zone for urban agriculture.

Opportunity

Urban agriculture is an opportunity for communities across Michigan, not just Detroit, because the same need exists across Michigan for greater access to fresh and healthy foods, neighborhood revitalization, and affordable land for new farmers.



Photo by Kathryn Colasanti

To seize their urban agriculture opportunity, small and large municipalities, including many densely populated townships, face the same need to develop appropriate urban agriculture rules and to do so free of Right to Farm Act override. It's an opportunity for public health, community, and economic improvement that Michigan cannot afford to miss.

Need

The Michigan Commission of Agriculture (which administers Right to Farm) is very clear that it's not interested in being an impediment to people growing their own food, whether home gardens, community gardens or full-blown agricultural operations," says James Johnson, Environmental Stewardship Division Director with the Michigan Department of Agriculture and Rural Development (MDARD).

The Commission took a step toward solving the problem late in 2011 with a revision to its Generally Accepted Agricultural Management Practices, or GAAMPS, which the Commission uses to determine whether a farm's practices can be protected under Right to Farm. This administrative solution exempts cities with more than 100,000 people from the requirements of GAAMPs, thus allowing them to develop their own ordinances for agriculture. The administrative solution also requires those cities to allow existing operations to continue to operate as legal, non-conforming uses.

The city of Detroit, however, has already found that approach problematic. The city contends that allowing existing operations to continue practices that would be nonconforming is unacceptable.

Action

While MDARD works on a non-legislative solution, Michigan residents and lawmakers may want to consider a more comprehensive proposal set out by planning and zoning experts in the winter 2011 edition of the Michigan State Law Review journal.¹ The article's authors recommend taking the legislative steps needed to fully hash out the exemption question. In addition they suggest amendments to the state's key planning and zoning enabling acts. State government could encourage communities to plan and zone for urban agriculture by including such direction in those laws.

The article's authors further suggest that lawmakers could actually make planning and zoning for urban agriculture a condition for gaining exemption from Right to Farm Act's preemption of local control. In this way, the state can spur more urban agriculture zoning action across the state.

1-2-3 Go!

State lawmakers need to know whether the ability to plan and zone for urban agriculture is important to your village, city, or urbanized township. Currently, the focus is on Detroit, but the issue is statewide. Until they hear from all corners of Michigan, lawmakers may not believe it is a priority for all corners of Michigan.

- You can find contact information for your state representative at <http://www.house.mi.gov/mhrpublic/> and your state senator at <http://www.senate.michigan.gov/fysenator/fysenator.htm>.

¹Norris, P., Taylor, G. & Wyckoff, M. (2011) When Urban Agriculture Meets Michigan's Right to Farm Act: The Pig's in the Parlor. *Michigan State Law Review* 2011(1), 365-404.