To support sustainable urban agriculture, Detroit needs exemption from Michigan’s Right to Farm Law

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D-Town Farm, managed by the Detroit Black Community Food Security Network, is a 2 acre farm in Rouge Park, Detroit.

Small scale agriculture has burgeoned in Detroit over the last decade. Gardeners grow a variety of crops and employ season-extension techniques; many also sell produce at local farmers markets and to restaurants. Groups from across the country visit Detroit’s farms to draw lessons for their communities. This growth of agricultural capacity has happened without much fanfare, and indeed, without support from City Hall.

Detroit’s zoning code currently does not allow agriculture in any land use category. This began to change last year when the city started to develop an urban agriculture policy. The urban agriculture work group led by Kathryn Underwood reviewed policies in other cities, discussed potential impacts of agricultural activities on neighborhoods, and brainstormed policies appropriate for Detroit. However, this work slowed down when it was confronted by the need to address the Michigan Right to Farm Act (RTFA, Act 93 of 1981).

From its title, the RTFA appears to support Detroit growers even in the absence of appropriate local regulations. Readers may well ask: what is the problem?

There are many problems with the RTFA, and to expand small scale agriculture that has already provided multiple benefits to the city and prevent potential health and other problems posed by larger scale operations, the city needs to create urban agriculture policies and ordinances that make the most sense for it. To do this, Detroit needs to exempt itself from the RTFA.
The Michigan Right to Farm Act was created to protect rural agriculture from nuisance complaints by neighbors moving into farm country. It covers commercial production, i.e., that intended for sale. The Act sets forth so-called “generally accepted agricultural management practices” (GAAMPs) and protects farms from nuisance complaints if they conform to GAAMPs, which are voluntary standards. To prevent local governments from enacting ordinances to restrict future farm practices that may cause nuisance, RTFA also expressly pre-empts any jurisdiction lower than the state from enacting ordinances, regulations, or resolutions that conflict with the provisions of the Act or with GAAMPS. This is only one of the more pernicious aspects of the RTFA.

One result is that the RTFA now protects from nuisance complaints newly established CAFOs, or concentrated animal feeding operations, which create significant air and water quality problems in rural areas, emit noxious odors that threaten neighbors’ respiratory health, and downgrade property values nearby. Neighbors and local public officials are rendered essentially powerless to act on these problems.

The RTFA was not intended to govern agriculture occurring inside older cities, nor do GAAMPs address the impacts of agricultural operations on the quality of urban air, water, soil, and on urban infrastructure for drinking water, storm water drainage, sewers, and roads, where such impacts—individual and combined—can be especially critical. While the RTFA’s use of zoning pre-emption might make sense to protect pre-existing agricultural land uses in rural areas that are experiencing development, its application to established cities that wish to craft new urban agriculture policies in ways meaningful to the cities’ needs and resources is heavy-handed in the extreme.

As things stand, no sooner than any Michigan city formally recognizes commercial agriculture as an allowable activity—as several would like to do—the doors are thrown wide open for the RTFA and GAAMPs to apply and large scale commercial agriculture of any kind to establish itself in the city.

To be sure, Detroit has plenty of vacant land, and, indeed, there is room for diverse agricultural models to create jobs, enhance fresh food retail, and increase property tax revenues. However, the city should not be hamstrung as it seeks to create policies to encourage agricultural operations that have a track record of positive impacts, take a precautionary approach towards others whose impacts are less known, and disallow outright those types of operations that are known to create problems for neighbors.

Last month, the Planning and Economic Development Committee of Detroit’s City Council expressed its support for seeking an exemption from the RTFA. Will getting it be easy or quick, however? No. The RTFA has powerful advocates in the Michigan Department of Agriculture and the Farm Bureau that will push the city to seek small adjustments rather than a full-scale exemption. The city should resist such pressure and also enlist the partnership of other cities such as Grand Rapids and Flint where urban agriculture thrives.
How can you support sustainable urban agriculture in the city? First, visit the many superb community and market gardens in Detroit, and educate yourself about the agricultural practices gardeners use. Visit Detroit’s farmers markets and talk to vendors who grow food locally about the agriculture they envision for the city. Contact organizations in Detroit that offer resources and training to new and experienced gardeners. (E.g., search the World Wide Web for: “Earthworks Urban Farm,” “Garden Resource Program Collaborative,” and “D-Town Farm”). Ask them about strategies to grow sustainable agriculture into the future.

Second, learn more about the RTFA: go to www.michigan.gov; search for “Right to Farm Act.”

Third, contact local officials and state representatives about concerns you may have about the RTFA and share with them established sustainable agricultural practices that need our support now over untested or problematic ones.

Finally, learn how you can become involved in the Detroit Food Policy Council’s efforts to support a sustainable food system in the city.

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