



AG _____ Communications _____
 Chief Deputy _____ A. Cropsey _____
 R. Bandstra _____
 Date Original to Opinions Division 2-22-12

JOE HUNE
 22ND DISTRICT
 P.O. BOX 30036
 LANSING, MI 48909-7536
 PHONE: (517) 373-2420
 TOLL-FREE: (855) JOE-HUNE
 FAX: (517) 373-2764
 senjhune@senate.michigan.gov

THE SENATE
 STATE OF MICHIGAN

COMMITTEES:
 CHAIR, AGRICULTURE
 CHAIR, INSURANCE
 CHAIR, REDISTRICTING
 MEMBER, HEALTH POLICY
 MEMBER, REGULATORY REFORM

February 21, 2012

Honorable Bill Schuette
 G. Mennen Williams Building
 P.O. Box 30212
 Lansing MI 48909

OFFICE OF THE
 ATTORNEY GENERAL

FEB 22, 2012

2012-0004819

Dear Attorney General Schuette:

We are writing to request a formal opinion from you regarding the issues outlined below. The first issue is regarding the Commission of Agriculture and Michigan's Generally Accepted Agricultural Management Practices (GAAMPs). The second is regarding zoning of agricultural land.

Does the Commission of Agriculture have the authority under the Michigan Right to Farm Act, MICH. COMP. LAWS Secs. 286.471-286.474 (2011), to administratively exclude from the zoning preemption provisions of Section 4(6) of the Act municipalities with a population of 100,000 or more by its adoption of the following resolution:

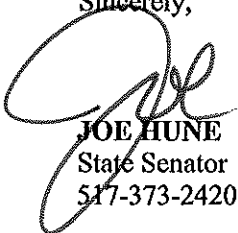
'This GAAMP does not apply in municipalities with a population of 100,000 or more in which a zoning ordinance has been enacted to allow for agriculture provided that the ordinance designates existing agricultural operations present prior to the ordinance's adoption as legal non-conforming uses as identified by the Right to Farm Act for purposes of scale and type of agricultural use.'

In this connection, does the adoption of the resolution comply with all procedural requirements necessary to promulgate a GAAMP under in Section 2(d) of the Act?

Does Section 4(6) of the Act preempt the application of municipal zoning ordinances to agricultural operations involving the commercial production of farm products that are first begun on land already zoned by the municipality for other uses and for which agriculture is not a permitted use? See *Papadelis v. City of Troy*, 733 N.W.2d 397, 397-98 (2007).

Thank you for your assistance in this matter; please do not hesitate to contact us with any questions.

Sincerely,


JOE HUNE
 State Senator
 517-373-2420


VIRGIL SMITH
 State Senator
 517-373-7918

CC: Alan Cropsey