



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

JAMIE CLOVER ADAMS
DIRECTOR

July 28, 2017

Laveta Hardish
Leroy Township Supervisor
8156 4 Mile Rd.
East Leroy MI 49051

Dear Ms. Hardish:

It has come to our attention that you are considering enacting an ordinance that intends to further define agricultural operations within Leroy Township. While the Michigan Department of Agriculture and Rural Development does not have authority to compel you to keep from enacting new ordinance language or change your ordinance's language with regard to farming operations, I feel it is important to send a letter to further clarify the relationship between local oversight of farming and the Michigan Right to Farm (RTF) Act.

In 1999, the Michigan legislature amended the Michigan Right to Farm Act to specifically define the relationship between local units of government's oversight of farms and farming. This resulted in two major changes to the Act; one prohibits zoning "that purports to extend or revise in any manner the provisions of this act or generally accepted agricultural and management practices developed under this act" {MCL 286.474(6)}. Further, section 4(6) states that, "it is the express legislative intent that this act preempts any local ordinance, regulation, or resolution that purports to extend or revise in any manner the provisions of this act or generally accepted practices developed under this act." The second major change to the Act required the creation of a system for evaluating sites for the establishment or expansion of a livestock operation. This was required to be complete in 2000 and today it is known as the Site Selection and Odor Control for New and Expanding Livestock Facilities (Siting GAAMP). It is clear from reading your proposed ordinance that what you are proposing does extend to the RTF Act as well as standards that are laid out in the Siting GAAMP.

While the following evaluation is not meant to be comprehensive, I felt it necessary to provide a few examples of places where, from our perspective, your draft ordinance does conflict with the RTF Act and GAAMPs. In general, many of the new provisions in your ordinance are an attempt to alter farmers' business decisions and farming activities in Leroy Township. For example, there is no place in the RTF Act that limits the number of animal units to a given number of acres. We see this often and it usually comes in the form of '5 acres for the first 3 horses and 2 acres for each horse after that'. The RTF Act and the GAAMPs are built around performance requirements, not stock densities. In the horse example, we have seen situations where a landowner has 3 horses on 10 acres and the site is poorly maintained. We have also seen 5 horses on two acres and it is immaculate.

The issues continue in Section 2 (10) where you provide some approval process to the zoning administrator. The approval process is clearly given to the Michigan Department of Agriculture and Rural Development Right to Farm Program. There are no 'special conditions' that 'may be imposed by the township planning commission' (Section 2(10)b). There is no minimum lot area for

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'intensive' livestock operations. There is no state certified comprehensive nutrient management plan (although there are certified CNMP writers). Animal waste storage structures are not required to be covered. While this list is not meant to be exhaustive, these provisions are in direct conflict of the RTF Act and the GAAMPs and provided as examples.

It is also important to note that many of the requirements identified in the draft ordinance are also covered in the RTF Act. For example, the requirement that structures be designed by a Professional Engineer (PE) and that the design comply with USDA standards. The Siting GAMMP also requires that there be enough acres (evidenced by signed property owner agreements) to allow for proper manure application at agronomic rates.

To get a clearer understanding of the limits placed on local government under the RTF Act, I strongly urge you to contact Brad Neuman with the Michigan State University Extension system. They have staff who are well-versed in ordinance writing and its relationship under the RTF Act. You can reach Brad at:

neuman36@msu.edu
Office: 906-475-5731
Fax: 906-475-4940
Michigan State University
Greening Michigan Institute

Regards,



Jamie Clover Adams
Director

cc: Andrea Boughton, President, Calhoun County Farm Bureau
Matt Kapp, Michigan Farm Bureau
Ron Cummings, MDARD, RTF Manager