



Generally Accepted Agricultural and Management Practices for Farm Markets

June 2020

Michigan Commission of Agriculture & Rural
Development
PO BO 30017
Lansing, MI 48909



In the event of an agricultural pollution emergency such as a chemical/fertilizer spill, manure lagoon breach, etc., the Michigan Department of Agriculture & Rural Development and/or Michigan Department of Environmental ~~Quality, Great Lakes, and Energy~~ should be contacted at the following emergency telephone numbers:

Michigan Department of Agriculture & Rural Development: 800-405-0101

Michigan Department of Environmental ~~Quality, Great Lakes, and Energy~~: 800-292-4706

If there is not an emergency, but you have questions on the Michigan Right to Farm Act, or items concerning a farm operation, please contact the:

Michigan Department of Agriculture & Rural Development (MDARD)

Right to Farm Program (RTF)

P.O. Box 30017 Lansing, Michigan 48909

517-284-5619

877-632-1783

517-335-3329 FAX

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PREFACE

The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981, as amended) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). These practices are written to provide uniform, statewide standards and acceptable management practices based on sound science. These practices can serve producers in the various sectors of the industry to compare or improve their own managerial routines. New scientific discoveries and changing economic conditions may require necessary revision of the ~~P~~practices. The GAAMPs are reviewed annually and revised as considered necessary.

The GAAMPs that have been developed are as follows:

- 1) 1988 - Manure Management and Utilization
- 2) 1991 - Pesticide Utilization and Pest Control
- 3) 1993 - Nutrient Utilization
- 4) 1995 - Care of Farm Animals
- 5) 1996 - Cranberry Production
- 6) 2000 - Site Selection and Odor Control for New and Expanding Livestock Facilities
- 7) 2003 - Irrigation Water Use
- 8) 2010 - Farm Markets

These practices were developed with industry, university, and multi-governmental agency input. As agricultural operations continue to change, new practices may be developed to address the concerns of the neighboring community. Agricultural producers who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Right to Farm Act.

~~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.~~

The Web site for the GAAMPs is <http://www.michigan.gov/gaampsrightrightofarm>.

INTRODUCTION

~~Over the past 20 years fFarmers have are increasingly developeding value-added products as a means to maintain or increase profits. One aspect of this trend has beenexample is direct marketing of farm products to consumers resulting in an expansion in agricultural tourism (agritourism), including farm markets. As farm operations engage in more on-site retail activity, conflicts have arisen regarding oversight of these emerging on-farm businesses.~~

~~Since the mid-20th century, farmers sold commodities in bulk to wholesale buyers. As farming returns declined, some farms were not situated to continue operations selling exclusively into wholesale markets. Many farmers sought a means to capture more value from their production through activities that included providing transportation to deliver their commodities to wholesale buyers, installing packing operations to provide more retail-ready produce to wholesale buyers, etc. Some farmers recognized the financial opportunities of selling directly to consumers. In doing so, they were able to maintain their farming operations and the benefits of those operations to local communities, including economic activity, provision of jobs, open space, carbon sequestration, water filtration, fresh produce, plants, etc. As the consumer trend toward buying locally produced products continues, so does the importance of direct marketing to local communities. Farm markets and roadside stands are an important component of direct marketing, adding value by offering customers a visit to the farm and the opportunity to purchase products from the people who grew them.~~

~~As farmers look for ways to keep their businesses economically viable, many have chosen to shift their operations from a farmer-to-processor to a direct market business model. This includes selling raw and value-added products directly to the consumer through on-farm establishments, farmers markets, and other agricultural outlets. This allows farms to take advantage of consumer interest in agritourism, the “buy local” movement, and a desire for a connection with farmers and food production. These activities have far-reaching economic impacts. Many regions have capitalized on the growth of farm markets by developing regional farm market and culinary trails, and tourism promotion based on authentic culinary experiences offered by local farm markets. Farm markets provide the opportunity for visitors to meet a farmer, learn about modern agricultural practices, and gain access to fresh, local, nutritious food. Finally, farm markets and the associated farm, help maintain green space adding to the quality of life. Thriving farmland enhances the beauty of communities, retains residents and attracts visitors. As farm operations engage in direct sales and on-farm activities, conflicts have arisen regarding oversight of these businesses.~~

~~The Michigan is a Right to Farm (RTF) state. ~~And the RTF Act~~ defines a “farm operation” as meaning the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products. This definition includes, but is not limited to, marketing produce at roadside stands or farm markets. Farm markets offer farm~~

related experiences and farm products through a variety of agritourism activities. The experience in turn promotes sale of more farm products and provides an added income stream to support the farm business, the farm family, and surrounding communities; and keeps farmland in production.

Although the RTF Act includes farm markets in the definition of a farm operation, this definition does not define a farm market or describe specific marketing activities. These GAAMPs for Farm Markets were developed to provide guidance as to what constitutes an on-farm market and farm market activities.

DEFINITIONS

Affiliated – “Affiliated” means a farm under the same ownership or control (e.g. leased) as the farm and does not need to be on the same parcel of land.

Expanding Farm Market – An addition to an existing farm market that increases the square footage of the farm market.

Farm – A “farm” means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Market – A farm market is a year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. While the location must take place on property controlled by the affiliated farm, it does not have to be a physical structure such as a building. Fresh products as well as processed products may be sold at the farm market. At least 50% of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50% of the average gross sales for up to the previous 5 years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50% of the product’s primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

~~**Farm Market** – A “farm market” is a place or an area where transactions between a farm market operator and customers take place and is considered part of a farm operation. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market’s marketing season or up to a five-year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state, and federal regulations.~~

Farm Product – A “farm product” means those plants and animals useful to humans produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock (including breeding and grazing), equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture & Rural Development.

50 Percent of the Products Marketed – For purposes of determining the percentage of products being marketed, the primary measure will be 50 percent of the retail space used to display products offered for retail sale during the affiliated farm’s marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used.

At least 50 percent of the gross sales dollars of products sold at the farm market need to be from products produced on and by the affiliated farm. For processed products, at least 50 percent of the products’ main ‘namesake’ ingredient must be produced on and by the affiliated farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

Affiliated — “Affiliated” means a farm under the same ownership or control (e.g. leased) as the farm market, whether or not the farm market is located on the property where production occurs. However, the market must be located on land where local land use zoning allows for agriculture and its related activities.

Marketing – Promotional and educational activities at the farm market incidental to farm products with the intention of selling more farm products. These activities include, but are not limited to, farm tours (walking or motorized), demonstrations, cooking and other classes utilizing farm products, and farm-to-table dinners.

Processed – A farm product or commodity that has been converted into a product for direct sales. may be processed, in accordance with state and federal laws, to convert it into a value-added product that is more marketable for direct sales. Processing may include, but is not limited to, packing, washing, cleaning, grading, sorting, pitting, pressing, fermenting, distilling, packaging, cutting, cooling, storage, canning, drying, freezing, or otherwise preparing the product for sale. ~~These activities can be used to extend a farm market’s marketing season beyond its production season.~~

Farm – A “farm” means the land, plants, animals, buildings, structures, water resources (including ponds used for agricultural or aquacultural activities), machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Product – A “farm product” means those plants and animals useful to humans produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock (including breeding and grazing), equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture & Rural Development.

~~**Community Supported Agriculture or CSA**— A CSA is a marketing strategy in which a farm(s) produce(s) farm products for a group of farm members or subscribers who pay in advance for their share of the harvest. Typically, the farm members receive their share once a week, sometimes coming to the farm to pick up their share; other farms deliver to a central point(s).~~

~~**U-Pick Operation**— A U-pick operation is a farm that provides the opportunity for customers to harvest their own farm products directly from the plant. Also known as pick-your-own or PYO, these are forms of marketing farm products to customers who go to the farm and pick the products they wish to buy.~~

PHYSICAL CHARACTERISTICS OF A FARM MARKET

Use of space

~~A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market must be located on property owned or controlled (e.g. leased) by the producer of the products offered for sale at the market. A new or expanding farm market greater than 120 square feet must meet a minimum setback of 165 feet from all non-farm residences and all new or expanding farm markets are not authorized under this GAAMP on platted lots within a subdivision created under the Michigan Land Division Act (Act 288 of 1967, MCL 560.101, et seq.) or preceding statues and on condominium units within a condominium (sometimes referred to as “site-condos”) created under the Michigan Condominium Act (Act 59 of 1978, MCL 559.101, et seq.); however, farm markets are permitted in such areas if authorized by association rules or pursuant to a local ordinance designed for that purpose, unless prohibited by association rules. A farm market should have a written site plan for potential MDARD review that preempts local government regulations. The property on which the farm market is located does not have to be the land on which the products offered for sale are produced. For example, a farmer with a farm located far from normal-traffic patterns may acquire control of land near a more heavily travelled road on which to locate the market. However, the market must be located on property where local land use zoning allows for agriculture and its related activities.~~

Buildings

~~If the farm market is housed in a physical structure such as a building or structure as defined and regulated by the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), the structure must comply with the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), including road right-of-way areas and ingress and egress points.~~

~~230 of 1972), the structure must comply with the Stille-Derosset-Hale Single State Construction Code Act (Act 230 of 1972). The placement of the structure must comply with local zoning ordinances, including set-backs from property lines and road right-of-way areas.~~

Parking and Driveways

Parking and driveway surfaces may be vegetative, ground, pavement, or other suitable material. However, other parking and driveway requirements must comply with all applicable ~~local, state, and federal~~ regulations.

Vehicle ~~Access Ingress and Egress~~

~~Any farm market and affiliated parking operating along a public road must obtain all appropriate ingress and egress permits. If access and egress to the parking areas is from roads that are under the jurisdiction of the Michigan Department of Transportation (MDOT), a permit from MDOT must be obtained. Examples of these roadways include U.S. Routes (US 127, US 10, etc.), State of Michigan routes (M-57, M-66 etc.), or interstate business connections (BR I-94, BR US 31, etc.). Information about permits can be obtained from any one of the many MDOT Transportation Service Centers. Likewise, farm markets located adjacent to county or local roads must comply with the access and egress requirements for the appropriate governmental agency.~~

~~MDOT issues an "Individual Application and Permit For Use of State Trunkline Right of Way", Form 2205. Further information regarding the general driveway permit process can be found at the following website:~~

~~<http://www.michigan.gov/mdot/0,1607,7-151-9623-26662-26679-27267-48606-182161--,00.htm>~~

Signage

~~The operator of the farm market must comply is responsible for contacting the Michigan Department of Transportation (MDOT), county, and/or township government regulatory authority to determine applicable sign regulations and must comply with all applicable local, state and federal regulations for signs. A minimum of one roadside sign is allowed pursuant to local sign ordinance setbacks, lighting, height and size requirements.~~

~~For further information concerning this GAAMP you may contact the Michigan Department of Agriculture and Rural Development or Michigan State University Extension.~~

MARKETING CHARACTERISTICS OF A FARM MARKET

~~At least 50 percent of the products offered for sale at a farm market must be produced by the farm that is owned or controlled by the person who owns and controls the farm market. The sale of non-farm products at a farm market may be regulated by other governmental bodies. This means that 50 percent or more of the retail space during the marketing season must be devoted to products produced on and by the farm. If measurement of retail space during the marketing season is not feasible, then the determination will be based on 50 percent of the gross sales of products at the farm market. The farm market operator is responsible for collecting and maintaining documentation of products produced on and by his/hertheir farm operation, and the percentage of the retail space used to display products~~

offered for retail sale within their farm market; and when applicable, maintain records of gross sales for products sold at their market.

The determination of retail space used to display products offered for retail sale and/or gross sales of products should be made during the usual marketing season for the farming operation. The marketing season is typically during the production season, and may be extended by the sale of farm processed products.

Farm markets may utilize CSA's and U-pick operations as a marketing strategy. The operators of farm markets often conduct other activities and services designed to attract and entertain customers while they are at the farm market, and broaden goods and services offered for sale to the public. The activities in the table below are beyond the scope of these management practices, and may be regulated by other governmental bodies.

Farmers who plan to conduct these activities are responsible for obtaining and maintaining regulatory approval from appropriate government agencies. This is not considered an all-inclusive list.

TABLE OF ACTIVITIES REGULATED BY OTHER AUTHORITIES

<u>On Farm Activity</u>	<u>On Farm Activity typically regulated by:</u>		
	<u>Federal</u>	<u>State</u>	<u>Local</u>
Bakery		MDARD if selling only	Health Dept. if on-site food consumption
Bed & Breakfasts (B & B)			Health Dept. for on-site food consumption, local regulation
Beer Breweries	ATTB	MDARD/MLC	Local regulation
Bonfires			Local regulation
Camping			Local regulation
Carnival Rides		DLRA	Local regulation
Cider Mill (non-alcoholic)		MDARD if selling only	Health Dept. if on-site food consumption
Concerts			Local regulation
Cooking Demos			Health Dept. if on-site food consumption
Corn Mazes			Local regulation
Distilleries	ATTB	MDARD/MLC	Local regulation
Festivals			Health Dept. for on-site food consumption, local regulation
Fishing Pond			Local regulation
Food Service			Health Dept. for on-site food consumption
Haunted Barns/Trails			Local regulation

Hunting Preserves		DNR/MDARD	
Mud Runs			Local regulation
Petting Farms	USDA		Health Department
Play-scapes			Local regulation
Processing/bottling -Dairy		MDARD	Health Dept. if on-site food consumption, local regulation
Processing – Meat	USDA	MDARD	Health Department

REFERENCES

~~Abbreviations used in this document:~~

MDARD	Michigan Department of Agriculture & Rural Development
RTF or RTFA	Right to Farm Act (Act 93 of 1981, as amended)
DNR	Michigan Department of Natural Resources
ATTB	Alcohol and Tobacco Tax and Trade Bureau
MLC	Michigan Liquor Control Commission
DLRA	Department of Licensing and Regulatory Affairs

State of Michigan. *Report of Recommendations*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January, 2007.

State of Michigan. *Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January, 2007.

Michigan Commission of Agriculture & Rural Development. *Final Report to the Michigan Commission of Agriculture & Rural Development*. Report of the Michigan Farm Market Task Force. Task Force report to the Michigan Commission of Agriculture & Rural Development. September, 2008.

State of Michigan. Michigan Department of Transportation. Directory of Offices by Region.
http://www.michigan.gov/mdot/0,1607,7-151-9623_26662_26679_27267_48606-182161--_00.html.

~~Community Supported Agriculture in Michigan, www.csafarms.org.~~

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