

Am I in conformance with the Site Selection GAAMP?

Do you have livestock?

The Site Selection & Odor Control for New/Expanding Livestock Facilities GAAMP applies only to facilities that house livestock.

*Note: Bees are not considered livestock and are not included in the Site Selection & Odor Control for New/Expanding Livestock Facilities GAAMP.

YES

NO

Is there a conflict?

The Right to Farm Act was put in place to assist commercial farmers if a conflict reaches the courtroom. The Site Selection GAAMP establishes criteria for the siting of livestock facilities that, when followed, reduce the likelihood of conflict.

NO

YES

The Site Selection GAAMP does not apply to you.

The Site Selection & Odor Control for New/Expanding Livestock Facilities GAAMP provides guidelines for acceptable sites for *commercial livestock*. The 2014 changes clarify the application of the Site Selection GAAMP in primarily residential areas.

The Site Selection GAAMP does not apply to you.

Nuisance protection under the Right to Farm Act is, continues to be, and always has been something that's determined by a judge - not the Commission of Agriculture and Rural Development. MDARD has no enforcement authority under the Act.

Are you a commercial farmer?

The Right to Farm Act provides only commercial farms, regardless of size, an affirmative defense to a nuisance claim brought in court when the farm is operating in conformance with the GAAMPs.

YES

NO

Are you zoned to allow for agriculture?

New and Expanding livestock facilities constructed in areas where local zoning allows for agricultural uses are less likely to cause nuisance conditions for their neighbors and are likely acceptable locations for the siting of livestock facilities.

YES

NO

The Site Selection GAAMP does not apply to you.

The Right to Farm Act has always applied, and continues to apply, only to farms that fit the definition in the Act. The Act defines farms as the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, & other appurtenances used in the *commercial production* of farm products.

Are there less than 13 homes within 1/4 mile of the site?

YES

NO

Is there a non-farm residence within 250 feet of the livestock facility?

NO

YES

This site is classified as Category 1 or 2.

Owners of land where agricultural activities are allowed will continue to enjoy the same affirmative defense to nuisance lawsuits as they always have, provided they conduct their agricultural activities in conformance with the GAAMPs.

Are there more than 13 homes within 1/8 mile of the site?

NO

YES

This site is classified as Category 3.**

Owners of these sites with less than 50 animal units will be able to use Right to Farm as an affirmative defense to nuisance lawsuits, provided they conduct their agricultural activities in conformance with the GAAMPs.

This site is classified as Category 4.

These sites are not considered appropriate for livestock under the GAAMPs. Nothing in the GAAMPs or Right to Farm Act prohibit the possession of livestock in the state. MDARD continues to work with municipalities to draft ordinances to permit the keeping of livestock.

** In general, Category 3 sites are suitable for livestock facilities with 50 animal units or less, but there may be other environmental factors that impact the suitability of the site for livestock that will be considered by MDARD when determining conformance with the site selection GAAMP. These factors can be found on pages 10 and 11 of the Site Selection GAAMP.

*** This flow chart is aimed at assisting those individuals that have 50 animal units or less. If you possess more than 50 animal units, please consult the site selection GAAMP for additional information applicable to your operation.



For more information on Right to Farm, visit www.michigan.gov/righttofarm