

How City Hall Can Foster the Urban Farming Revolution in Buffalo

Michael Raleigh

University at Buffalo Law Student

Introduction

The City of Buffalo has a tremendous opportunity to transform vacant land from a liability to an asset in the form of urban farms. Local gardeners and farmers have planted the seeds of change. Now they need the City to step up so that farmers can succeed in cooperation with the City, not in spite of it.

Embrace Farming

The City of Buffalo has made strides in recent years to make urban farming an accepted use of vacant land. However, the fact remains that the City is unwilling to “take risks” in this area.¹ There are a number of policies that restrict the freedom of farmers to get access to land, gain long term land security, grow a diversity of foods (including animals), and sell the food. In order for farming to really take hold and have a transformative effect on the local food system and economy, the City should amend these policies to allow farmers more freedom. The City can also promote farming with a city-wide composting program and a demolition policy that requires vacant lots to be seeded with clover.

The City needs to see farms as a vital part of healthy neighborhoods.² The expansion and encouragement of farming in Buffalo will help the City tap into the national local food movement. The Creative Class argument proposed by Richard Florida is that regions succeed economically by attracting young dynamic individuals. Members of the Creative Class are attracted by quality of life issues including environmental quality, pedestrian and bike friendly design, diversity, and openness. Urban farming will help bring the Creative Class to Buffalo.



photo from
sitbuffaloniagara.com.

But the City must be realistic about the prospects for re-developing or re-growing neighborhoods devastated by vacant land and buildings. Buffalo's loss of population is an ongoing, half-century trend. This demographic tide is something that our local leaders have been unable to stem despite their best efforts. We need to change our focus from how to re-grow to how we can guarantee quality of life for the people that actually live here. The development of a robust local food system with urban agriculture is an outstanding way to improve our collective quality of life. It is also the right thing to do for the climate and the environment.

Land Access/Security

The City should grant would-be farmers and gardeners more access to vacant land and more land security. Currently, in order to start a garden or farm, people must acquire a lease for vacant land from the City through Grassroots Gardens, enter into a direct urban farm lease with the City(as the Stevens did for their Wilson Street Farm), or have access to privately owned land. The process to lease vacant land from the city is too unpredictable and lacks an objective rubric to determine whether a given lease deserves approval.³ The result is that lease approval can depend upon who answers the phone at City Hall.⁴ The process also takes too long. It can take as much as two years to have a garden lease application approved.⁵



Photo from fixbuffalo.blogspot.com by David Torke. "Our Urban Prairie – Summer 2008."

Another problem with the City's current land leases is that they do not grant enough security to the lessees. Farmers are hesitant to enter into land leases because of the massive investments of time, money, and labor into soil necessary. The success of farmers and gardeners depends upon rich, fertile soil. Healthy soil takes time to develop in Buffalo, and it cannot be transferred from site to site.

In order for more people to make long term investments of time and labor in urban agriculture, there must be more long-term land security. If desired by the lessees, the City should grant longer term leases that cannot be terminated without good cause related to negligent or dangerous operation of the farm. The City should also increase land security for farmers by selling more vacant land outright.

The City is unwilling to sell lots to urban farmers at prices that are economical. The City has asked “developer” rates of about \$1500 per vacant lot.⁶ This asking price is out of touch with reality. Also, the City sells vacant lots adjacent to existing homes for one dollar through the Homestead program. The City should create a parallel farmstead program selling lots for a dollar a piece. The City could include a requirement to farm the land for a number of years in the contract for sale.

Reduce Costs of Land Ownership for Farmers

The City should reduce and eliminate many of the yearly costs of private land ownership for farmers because of the environmental, economic, and social benefits of urban farming. Farmers operating on privately owned lots are required to pay property taxes, user fees for garbage collection, and sewer rent. Non-profit corporations and churches do not pay property taxes, and neither should urban farmers on their farm properties. Urban farming is not usually a legally organized non-profit venture but, in practical terms, it closely resembles non-profit work. Urban farmers are never overcompensated for the work they perform and pursue social missions like those of non-profits.

Urban farmers should not be required to pay user fees because they rarely produce garbage and reduce the amount of garbage produced by the community through composting.

Urban farmers should also be exempt from paying sewer rent because they do not produce sewage. They also reduce the amount of storm water entering the combined storm and sewer system. Some urban farmers, for example, harvest water from rain barrels connected to neighboring homeowners’ downspouts. Rain barrels are a form of green infrastructure promoted by the EPA and Buffalo Niagara Riverkeeper. Urban farming can be a part of the larger strategy to reduce the number of combined sewer overflow events that send millions of gallons of untreated sewage and other pollution into the Niagara River every year.



*Photo taken from
bnriverkeeper.org.*

The small scale of the exemptions makes them affordable for the City even in these economic times. The value of the exemptions would be a couple hundred dollars per farm lot per year. Compare that figure with the value of the tax exemptions involved in the proposed Verizon data-center deal in Niagara County. Verizon would receive \$96 million

worth of hydropower over 15 years and over \$500 million in sales and property tax breaks over 20 years.⁷

Neighborhood Composting System

The City should create a city-wide neighborhood composting system. Compost is critical to the success of any organic farm or garden. Compost can be made out of any organic materials including grass clippings, straw, leaves, food scraps, spoiled food, dead animals, etc. The City should identify vacant lots in each neighborhood to serve as compost facilities. All that is necessary is open space to deposit the organic materials and time. The compost generated would be available for the benefit of gardeners and farmers. For added benefit, worm composting could be added to the system. Worm composting is a simple process but requires some management to ensure proper conditions for worm survival. Worm composting produces very good soil and is a common practice among urban farmers.

Animal Policy

Cities across the country have been amending local laws and zoning codes to allow raising animals for food. Here in Buffalo, a chicken law was enacted in 2009 that allows each household to raise up to five chickens. The law prohibits roosters and the sale of eggs. The chicken law was a decent first step by the City, but the City should go much further in allowing and encouraging chickens and many other animals.

First, the chicken law should be amended to allow the sale of eggs. With the sale of eggs legalized, chicken farmers could join to form an egg co-op to provide residents with incredibly fresh eggs. Local restaurants would no doubt love to boast that the eggs in their omelets were grown around the corner.

Next, the City should change the limit of five chickens per household to a limit based on the space available for the chickens. Under the current law, the Stevens family is limited to five chickens even though their farm is two acres. That much space could accommodate many times that number of chickens without exceeding a reasonable density. The law could also be amended to include a setback requirement for raising chickens on vacant lots.



The City's farming policy should allow all reasonable city animals including goats, sheep, ducks, bees, and more. Goats are increasingly popular among urban farmers in the United States. In 2007, the Seattle City Council approved a law allowing each home three goats under 100 pounds. Portland and Oakland are also in the process of amending local laws and zoning to allow goats.⁸ This year, New York City's Board of Health overturned its bee keeping ban.⁹ If these cities with higher populations and less open space than Buffalo can legalize raising more animals, surely it is reasonable for our city to do so.

Vacant Lot Preparation

The City can help make the work of rehabilitating soil easier by leaving vacant lots in better shape after a structure is demolished. Common practice is that the demolition contractor levels the lot and leaves behind clean fill.¹⁰ The City should require the demolition contractor to reseed the lots with soil improving ground covers. For about 20 dollars per lot, the ground could be covered in clover, which fixes nitrogen in the soil and does not grow tall, reducing the need to mow.¹¹ Clover also grows quickly and prevents weeds from taking root. Whether the lot will eventually be a farm, green space, a lawn, or a new home, the planting of clover immediately after demolition would save time and money later.

Another action the city could take is to identify a couple of lots on every block as potential future farms or gardens and begin to restore the soil to help the future farmers and gardeners. The preparation would involve little more than asking neighbors and directing city crews to deposit yard trimmings and leaves on the future farm lots.

Free to Sell

In order to encourage entrepreneurial spirit in the urban farming and gardening movement, the City should ease all restrictions related to the sale of food grown in Buffalo. Currently, gardeners are not allowed to sell the produce grown in community gardens.¹² And again, those who tend chickens in Buffalo cannot sell their eggs. These prohibitions limit the economic value of gardening and farming. Food production could eventually serve as a source of supplemental income in the community.



Photo taken from buffaloreuse.org. The picture shows raised beds on the roof of the Broadway Market in Buffalo.

¹ Personal communication, November 5th, 2010.

² Personal communication, November 16th, 2010.

³ Personal communication, October 31st, 2010.

⁴ Id.

⁵ Personal communication, November 16th, 2010.

⁶ Id.

⁷ “Suit challenges Verizon center approvals.” By James Heaney, November 15th, 2010. BuffaloNews.com.

⁸ UPI.com Odd News, “Pet Parade: Goats the New Chickens.” By Marty Englert. January 1, 2010.

⁹ “New York City Legalizes Beekeeping.” SeriousEats.com. March 17th, 2010.

¹⁰ Personal communication, November 5th, 2010.

¹¹ Personal communication, November 5th, 2010.

¹² Personal communication, October 31st, 2010.