

Clare County Farmland Purchase of Development Rights Ordinance

Adopted by Clare County Board of Commissioners on July 6, 2006

Ordinance No. 21

AN ORDINANCE creating the Clare County Farmland Preservation Program, which protects farmland by acquiring development rights voluntarily offered by property owners; authorizes the cash purchase and/or installment purchases of such development rights; places an agricultural conservation easement on the property which restricts future development; and provides the standards and procedures for the purchase of development rights and the placement of agricultural conservation easements.

THE PEOPLE OF THE COUNTY OF CLARE, MICHIGAN, DO ORDAIN:

Section 1: Declaration of Purpose

- A. *Economic importance of farmland and agriculture.* Clare County's agricultural land is a unique and economically important resource. These lands support a locally important and globally unique agricultural industry that includes: dairy, livestock, food from grains, vegetables, fruit, and nursery and greenhouse crops. Clare County's climate, topography, and accessibility make it well suited to the production, processing, and distribution of agricultural products on a regional, national, and international level.

Clare County's economic base is also supported by a variety of agriculturally related businesses including: farm equipment, fuel, veterinarians, grain dealers, packaging plants, and professional services.

- B. *Importance of other non-agricultural attributes of farmland.* In addition to its economic benefits, Clare County's farmland contributes significantly to the open space and natural resource benefits, including rural character, scenic beauty, cultural heritage, hunting and other recreational opportunities, and the environmental benefits including watershed protection and wildlife habitat. By enhancing the scenic beauty and rural character of Clare County and providing other open space benefits, Clare County's farmland increases the overall quality of life and makes Clare County an attractive place to live and work for all of Clare County's residents.
- C. *The extent of development and farmland loss.* Because of Clare County's natural resources, productive farmland and rural character, it has become a desirable place to live and work. The population growth in Clare County has continued to increase. As the population increases and people move out into the countryside, agricultural land is converted to residential and other developed uses. There has also been a corresponding increase in residential parcels and loss of farmland.
- D. *The impact of farmland loss.* Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other more developed uses that do not require those special characteristics, a critical community resource is permanently lost to the citizens of Clare County. Residential development in agricultural areas also makes farming more difficult by increasing conflict over farming practices and increased trespass, liability exposure and property damage. Because agricultural land is an invaluable economic, natural and aesthetic resource, Clare County should make an effort to maintain agricultural land in a substantially undeveloped state to ensure the long-term viability of agriculture and to create a long-term business environment for agriculture in Clare County.
- E. *State and local policies.* It is the policy of the State of Michigan and Clare County to protect, preserve and enhance farmland as evidenced by Township Master Plans, the Farmland and Open Space Preservation Act, the State Agricultural Preservation Fund, the Conservation and Historic Preservation Easement Act, portions of the County Zoning Act and/or Michigan Zoning Enabling Act, and other state and local statutes and policies. These measures by themselves, however, have not effectively provided sufficient long-term protection of farmland in Clare County from the pressure of increasing residential and commercial development.
- F. *Value of development rights.* Generally, farmland has a greater market value for future residential development than for farming. The features of good farmland, such as perkable soils and open space views, are also the features desired for residential home sites. This fact encourages the speculative purchase of farmland at high prices for future residential development, regardless of the current zoning of such lands.

Farmland which has a greater development potential and market value than its agricultural value does not attract sustained agricultural investment, and eventually is sold to non-farmers and removed from agricultural use.

- G. *Purpose of the program.* It is the purpose of the Clare County Farmland Preservation Program and this Purchase of Development Rights Ordinance to protect farmland in order to maintain a long-term business environment for agriculture in Clare County, to preserve the rural character and scenic attributes of Clare County, to enhance important environmental benefits, and to maintain the quality of life of Clare County residents.
- H. *Mechanism to achieve purpose.* The purchase of development rights and the placement of an agricultural conservation easement on farmland through the Clare County Farmland Preservation Program as provided for in this Ordinance is a public purpose of Clare County. Acquisition of development rights requires that Clare County enter into agreements with property owners to obtain such development rights. Properties on which Clare County has purchased development rights and entered into an agricultural conservation easement shall remain substantially undeveloped in order to remain viable for agricultural use.
- I. *Intent of Ordinance.* The intent of this Ordinance is to provide a mechanism for farmland preservation. It is not the intent of this Ordinance to make a statement regarding the funding principles of this or any future Clare County Board of Commissioners. The funding of activities under this Ordinance will remain the prerogative of future Clare County Boards of Commissioners. The actual number of acres for which development rights will be purchased will remain the prerogative of future Clare County Boards of Commissioners.

Section 2: Definitions

- A. "Agricultural conservation easement" means a conveyance by a written instrument in which, subject to permitted uses, the owner relinquishes to the public in perpetuity his or her development rights and makes a covenant running with the land not to undertake development.
- B. "Agricultural use" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program, or a federal conservation reserve program. Agricultural use does not include the management and harvesting of a woodlot.
- C. "Development" means an activity that materially alters or affects the existing conditions or use of any land in a manner that is inconsistent with an agricultural use.
- D. "Development rights" means an interest in land that includes the right to construct a building or structure, to improve land for development, to divide a parcel for development purposes, or to extract minerals incidental to a permitted use or as set forth in an agricultural conservation easement.
- E. "Farmland" means 1 or more of the following:
- i. A farm of 40 or more acres in 1 ownership, with 51% or more of the land area devoted to an agricultural use.
 - ii. A farm of 5 acres or more in 1 ownership, but less than 40 acres, with 51% or more of the land area devoted to an agricultural use, that has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land. A farm described in this subparagraph enrolled in a federal acreage set-aside program or a federal conservation reserve program is considered to have produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land in three of the immediately preceding 5 years.
 - iii. A farm designated by the Michigan Department of Agriculture as a specialty farm in 1 ownership that has produced a gross annual income of \$2,000.00 or more from an agricultural

use. Specialty farms include, but are not limited to, greenhouses; equine breeding and grazing; the breeding and grazing of cervidae, pheasants, and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities.

iv. Parcels of land described above do not have to be contiguous but must constitute an integral part of a farming operation being conducted on land otherwise qualifying as farmland.

F. "Intensity of development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.

G. "Parcel" means a quantity of land in the possession of a single owner.

H. "Permitted use" means any use expressly authorized within an agricultural conservation easement consistent with the farming operation, or that does not adversely affect the productivity or agricultural use of the land. Storage, retail or wholesale marketing, or processing of agricultural products is a permitted use in a farming operation if more than 50% of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years. Permitted use includes oil and gas exploration and extraction, but does not include other mineral development that is inconsistent with an agricultural use.

I. "Property owner" means the party or parties having a freehold estate or fee simple interest in land.

J. "PDR program" means a program as defined in the County Zoning Act and/or Michigan Zoning Enabling Act for the purchase of development rights by a county, and specifically includes the Clare County Farmland Preservation Program.

Section 3: Authorization

A. Pursuant to the County Zoning Act and/or Michigan Zoning Enabling Act, the Clare County Board of Commissioners is authorized to purchase the development rights of farmland throughout Clare County. Such acquisition may be by purchase, gift, grant, bequest, devise, covenant or contract. Clare County shall only purchase development rights on farmland that are voluntarily offered for sale by a property owner.

B. Clare County is authorized to enter into installment purchase contracts, options, and agreements, or take receipt of donations of easements, consistent with applicable law. Clare County is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment purchase contract.

C. Clare County may contract with recognized and legally established nonprofit land trusts or other experienced and qualified individuals, parties or entities that would assist Clare County in the process of negotiating easements and purchase contracts, establishing baseline studies and procedures for monitoring, and actual monitoring of any agricultural conservation easements acquired under this Ordinance.

D. Clare County is authorized to seek grants from federal and state government and private foundations, organizations and individuals for funding for expenditures incurred in carrying out this Ordinance.

Section 4: Clare County Agricultural Preservation Board

A. The Clare County Board of Commissioners shall create an eight member body under this Ordinance, to be named the Clare County Agricultural Preservation Board. The Clare County Board of Commissioners shall annually appoint one Clare County Commissioner to serve on the Clare County Agricultural Preservation Board as a non-voting liaison member. The seven voting members shall be residents of Clare County and will be appointed by the Clare County Board of Commissioners and will include: (a) one member of the public at large, (b) three individuals with agricultural interests, (c) one representative from township government, (d) one individual with real estate or development interests, and (e) one individual representing conservation interests.

B. Members of the Clare County Agricultural Preservation Board shall serve three-year staggered terms. The initial term shall be staggered so that one of the agricultural representatives, the public at large representative, and the real estate representative serve an initial one-year term, another agricultural representative and the local township representative serve an initial two-year term, and the third agricultural representative and the local conservation representative serve an initial three-year term. Members may be re-appointed to successive

three-year terms by the Clare County Board of Commissioners. The Clare County Board of Commissioners shall have the discretion to remove members for inefficiency, neglect of duty, malfeasance in office, or other good cause. Vacancies due to removal or resignation shall be filled for the remainder of a term by appointment by the Clare County Board of Commissioners. Compensation or reimbursement of expenses may be granted to members of the Clare County Agricultural Preservation Board, in the discretion of the Clare County Board of Commissioners.

- C. The Clare County Agricultural Preservation Board shall oversee Clare County's Farmland Preservation Program and shall be responsible for:
- i. Establishing selection criteria for the ranking of applications to the program. The selection criteria must be approved by the Clare County Board of Commissioners prior to each application cycle.
 - ii. Establishing a points-based appraisal formula for determining the value of the agricultural conservation easements, which shall be subject to the approval of the Clare County Board of Commissioners.
 - iii. Reviewing and providing oversight in scoring all applications according to the adopted selection criteria.
 - iv. Ranking the top scoring applications for acquisition and making recommendations to the Clare County Board of Commissioners for the purchase of development rights.
 - v. Approving the restrictions and permitted uses under the agricultural conservation easement.
 - vi. Establishing the price to be offered to the property owner, and authorizing negotiations for the purchase of development rights and placement of an agricultural conservation easement. All purchases of development rights must be approved by the Clare County Board of Commissioners.
 - vii. Establishing monitoring procedures and overseeing subsequent monitoring to ensure compliance with the agricultural conservation easement. Enforcement of the agricultural conservation easement in the case of non-compliance shall be the responsibility of the Clare County Board of Commissioners.
- D. Individual Clare County Agricultural Preservation Board members shall promptly disclose any potential conflict of interest, and may not vote when a conflict exists. Conflicts of interest include, but are not confined to, situations where (1) the board member is the applicant; (2) the member is a close relative of the applicant; (3) the board member has a close business association or ties with the applicant; (4) the board member, a relative, or a business associate could receive financial gain or benefit from the acceptance of the application.
- E. To the extent of available funding and as approved by the Clare County Board of Commissioners after consultation with the Clare County Agricultural Preservation Board, Clare County may contract with qualified and experienced individuals or entities for consulting or staffing services.
- F. The Clare County Agricultural Preservation Board shall provide the Clare County Board of Commissioners an annual report outlining the administration of the program, issues addressed and outcomes of the program for the preceding year, including the selection criteria, number of applications, number of eligible properties, agricultural value, development rights purchased, and other information regarding the status and activities undertaken with respect to this Ordinance.
- G. The Clare County Agricultural Preservation Board shall adopt by-laws, which shall become effective upon approval of the Clare County Board of Commissioners.

Section 5: Eligibility for Application

Any property owner may submit an application to the Clare County Farmland Preservation Program, provided the application meets the following guidelines:

- A. The property owner has signed the application, indicating interest in voluntarily selling the development rights to the parcel.
- B. At least 51% of the parcel's area is devoted to an active agricultural use, and no more than 49% of the parcel may be devoted to non-agricultural open space consisting of wetlands, woodlands, or otherwise unusable land.
- C. Clare County shall not purchase development rights under a development rights ordinance from land subject to a city, village, or township zoning ordinance unless all of the following requirements are met:
 - i. The development rights ordinance provisions for the PDR program are consistent with the plan upon which the city, village, or township zoning is based.
 - ii. The legislative body of the city, village, or township adopts a resolution authorizing the PDR program to apply in the city, village, or township.
 - iii. The city, village or township provides Clare County with written approval of the purchase.
- D. The property is not planned for commercial or industrial uses under the Township, City or Village Master Plan.
- E. Agricultural activities are a permitted use on the parcel under all applicable zoning ordinances.
- F. Clare County Commissioners are not eligible to submit an application for their own property during their term of office.

Section 6: Criteria for Reviewing and Ranking Applications

The Clare County Agricultural Preservation Board shall establish selection criteria for ranking all eligible parcels submitted to the Clare County Farmland Preservation Program, which criteria shall be subject to the approval of the Clare County Board of Commissioners. The selection criteria shall place an emphasis on farmland that:

- A. As part of the application procedure for the specific proposed purchase of development rights, the city, village, or township provides Clare County with written approval of the purchase.
- B. Has a productive capacity suited for the production of feed, food and fiber, and has a greater potential for long-term agricultural production. Specific selection criteria may be based on soil classifications, parcel size, agricultural income, enrollment in the Farmland and Open Space Preservation Act, or the implementation of a soil conservation plan.
- C. Is under the threat of development. Specific selection criteria may be based on proximity to public sanitary sewer or water, the extent of development activity in the township, or the amount of road frontage.
- D. Complements other farmland protection efforts in Clare County. Specific selection criteria may include proximity to other permanently protected farmland, proximity to other protected lands or surrounding land enrolled in the State Farmland and Open Space Preservation Act, or inclusion in an agricultural zoning district.
- E. Has additional matching funds available for the purchase of development rights provided by a local unit of government, property owner or private sources.
- F. Other factors considered important by the Clare County Agricultural Preservation Board such as unique physical, historical or environmental characteristics.

Section 7: Application and Selection Process

- A. The Clare County Agricultural Preservation Board shall, on an annual basis, conduct a voluntary application and selection process for property owners who wish to sell development rights under the Clare County Farmland Preservation Program, unless otherwise directed by the Clare County Board of Commissioners.
- B. The Clare County Board of Commissioners, upon the recommendation of the Clare County Agricultural Preservation Board, shall approve selection criteria for the applications.

- C. The Clare County Agricultural Preservation Board shall begin each application cycle by giving notice at least 90 days in advance of the application deadline that Clare County is accepting applications to the Clare County Farmland Preservation Program. Notification shall be given in newspapers of general circulation within Clare County, through the Clare County Farm Bureau, the Clare County Conservation District, the Clare County MSU-Extension Service, local township offices and other organizations.
- D. The application may require information to be filled out by the property owner, the Clare County Conservation District and the local unit of government.
- E. All applications represent the applicant's intent to sell the development rights of the property to Clare County subject to mutually acceptable terms. The application will remain active by way of annual written approval of the property owner, provided there is no subsequent modifications to the scoring criteria or application that requires additional information. Local cities, villages, and townships will be asked to sign a letter of continued support for standing property owner applications, and all applications, both new and old, will be scored and ranked for each cycle.
- F. At the close of the application deadline, an initial determination of eligibility shall be completed by the Clare County Agricultural Preservation Board or designated staff. The property owner shall be notified if the application is not eligible for the program.
- G. The Clare County Agricultural Preservation Board shall rank parcels according to the selection criteria score, but shall also individually evaluate and prioritize the top scoring parcels. The Clare County Agricultural Preservation Board may reprioritize the top scoring parcels based on individual review of each application and establish a priority on which development rights should be purchased first based on available funds. The written rationale for selection of the top scoring parcels shall be included with each application.
- H. The ranking of applications shall be submitted to the Clare County Board of Commissioners for their approval. Based on this approval, the Clare County Agricultural Preservation Board shall proceed to negotiate the purchase of development rights and the placement of agricultural conservation easements.
- I. Agricultural value shall be based upon a price established by the Clare County Agricultural Preservation Board using a state certified appraiser or a points-based appraisal method established in Section 10.
- J. Upon mutual agreement to the terms of the purchase by the property owner and the Clare County Agricultural Preservation Board, but before the approval of the Clare County Board of Commissioners, a title search shall be completed before signing and recording of the agricultural conservation easement. Any questions or concerns regarding clear title to the property shall be resolved prior to signing of the agricultural conservation easement. All individuals, parties or entities with an interest in the property must be willing to agree to the terms and provisions of the agricultural conservation easement.
 - K. Each purchase of development rights and agricultural conservation easement requires the approval of the Clare County Board of Commissioners. The Clare County Board of Commissioners may alter the recommendation by the Clare County Agricultural Preservation Board to purchase the development rights at its discretion.
 - L. Upon the approval of the purchase of development rights and the placement of an agricultural conservation easement by the Clare County Board of Commissioners, Clare County and the property owner shall sign the agricultural conservation easement, and it shall be legally recorded by Clare County.
 - M. The Clare County Agricultural Preservation Board shall notify the appropriate local unit of government of each agricultural conservation easement.
 - N. The agricultural conservation easement will be monitored in accordance with procedures and guidelines established by the Clare County Agricultural Preservation Board. The Clare County Agricultural Preservation Board shall work with the property owner to address potential violations of the agricultural conservation easement. The Clare County Agricultural Preservation Board shall report violations of the agricultural conservation easement to the Clare County Board of Commissioners.

Section 8: Agricultural Conservation Easement Provisions

- A. Upon the agreement for the purchase and sale of development rights by the Clare County Agricultural Preservation Board, the property owner and the Clare County Board of Commissioners, Clare County and the property owner shall execute an agricultural conservation easement, approved by the Clare County Agricultural Preservation Board and the Clare County Board of Commissioners, that will perpetually protect the parcel's agricultural use by preventing any use that would significantly impair or interfere with the agricultural value or use of the farmland. The agricultural conservation easement shall contain a provision indicating that the easement is permanent and runs with the land, and may not be terminated except as provided for in this Ordinance and the easement.
- B. Restrictions on that portion of the property included in the agricultural conservation easement shall include, but not be limited to, the following:
 - i. Property shall not be divided into parcels less than 40 acres in size.
 - ii. The construction of residences for owners of any divisions shall be prohibited.
 - iii. Construction of any other buildings, unless they are built for uses consistent with farming operations shall be prohibited.
 - iv. Commercial or industrial activity that is inconsistent with a normal farming operation shall be prohibited.
 - v. Excavation of topsoil, sand, gravel, rock, minerals or other materials that significantly impairs or interferes with the agricultural values of the property shall not take place without prior written approval of the Clare County Board of Commissioners or its designee.
- C. Permitted uses and retained development rights in the agricultural conservation easement shall include, but not be limited to, the following:
 - i. Construction of buildings necessary for and consistent with agricultural uses.
 - ii. The right to construct one additional residence for an individual essential to the operation of the farm as defined in Section 36110(5) of the Natural Resources and Environmental Protection Act, MCL 324.36110(5). Any structure built must be in conformance with all applicable federal, state and local laws, ordinances and regulations.
 - iii. The right to maintain, renovate, add on to, or replace existing structures. Any structure must be in conformance with all applicable federal, state and local laws, ordinances and regulations.
 - iv. The right to sell, mortgage, bequeath or donate the property, provided that any conveyance shall be subject to the terms of the easement.

Section 9: Duration of the Agricultural Conservation Easement

- A. The agricultural conservation easement shall be permanent and shall run with the land, regardless of transfers in property ownership. It is the intent of this Ordinance to preserve valuable farmland through the establishment of permanent conservation easements. Development rights acquired pursuant to this Ordinance shall be held by Clare County in perpetuity, and the development rights may be repurchased by the property owner only when a court of competent jurisdiction has determined through eminent domain that the use of those development rights is necessary for a specific public interest, need or purpose.
- B. Upon a court's determination in eminent domain proceedings that the repurchase of the development rights from Clare County is necessary for a specific public interest, need or purpose, the party acquiring the property through eminent domain, or the property owner, shall pay to Clare County the

fair market value of the development rights at the time of the repurchase, as determined by a State Certified Appraiser, or utilizing the points-based appraisal in Section 10, before the termination of the agricultural conservation easement. The value of the development rights shall be determined as the difference between the fair market value of the property with all development rights intact and the value of the property for agricultural use with an agricultural conservation easement in place. If the appraiser has a conflict of interest associated with a potential appraisal, the appraiser shall report the conflict to Clare County, and Clare County shall select another appraiser to complete the appraisal.

- C. Clare County will deposit the proceeds from any repurchases into the Farmland Preservation Fund, and the proceeds shall be used to purchase additional development rights and place agricultural conservation easements on additional farmland within Clare County.

Section 10: Determining the Value of the Agricultural Conservation Easement

- A. The Clare County Agricultural Preservation Board shall utilize a state certified appraiser to determine the value of the development rights, or shall establish a points-based appraisal method and formula for determining the value of the development rights, prior to each application cycle. The appraisal may calculate the value of the development rights as the difference between the fair market value of the property with all development rights intact, and the value of the property for agricultural use with an agricultural conservation easement in place. The Clare County Agricultural Preservation Board may establish guidelines, consistent with state standards, for the state certified appraiser to use in determining the fair market value or the agricultural value. The points-based appraisal method, as authorized under P.A. 262 of 2000, reduces administration costs, is much more time efficient, provides a consistent and objective value for all applicants, and allows property owners to determine the value of the development rights prior to submitting an application. The formula shall establish a Base Value based on the parcel's soil characteristics, size and proximity to other protected farmland. The Base Value shall be increased if the parcel qualifies for a market value adjustment based on the parcel's location within Clare County and the amount of road frontage. In determining the market value adjustment, an average of actual vacant land sales of parcels over 20 acres in size zoned for agricultural purposes sold during the prior three years shall be determined for each township. The parcel may also qualify for a premium based on its proximity to sewer and water as determined by a formula established by the Clare County Agricultural Preservation Board. The Clare County Agricultural Preservation Board shall review the points-based appraisal method at the end of each application cycle and compare agricultural values relative to actual fair market sales in Clare County.
- B. The property owner may obtain, within a reasonable time frame, an appraisal of the development rights from a state certified appraiser at the property owner's expense. The appraisal may calculate the value of the development rights as the difference between the fair market value of the property with all development rights intact and the value of the property for agricultural use with an agricultural conservation easement in place. The Clare County Agricultural Preservation Board may establish guidelines, consistent with state standards, for the state certified appraiser to use in determining the fair market value or the agricultural value.
- C. The Clare County Agricultural Preservation Board shall approve the price to be offered and paid for the purchase of development rights and the placement of an agricultural conservation easement. If the property owner obtains an independent appraisal, the Clare County Agricultural Preservation Board may elect to renegotiate the initial offer based on qualified circumstances.
- D. The property owner may be paid a cash payment or offered an installment purchase contract, or a combination of both.

Section 11: Related Costs

- A. The cost of services ordered by the Clare County Agricultural Preservation Board in relation to the Clare County Farmland Preservation Program shall be paid from all available Farmland Preservation Program funding sources within Clare County, including state and federal matching funds, which may include the cost of appraisal, engineering, surveying, planning, financial, legal, environmental assessments, title searches, developing baseline assessments, and for monitoring easements. Clare County shall not be responsible for

any expenses incurred by the property owner incidental to any aspects of application for purchase of the development rights that the Clare County Agricultural Preservation Board has determined is the responsibility of the property owner, which may include title searches, appraisals, and surveying.

Section 12: Farmland Preservation Fund

- A. Available funding for the Clare County Farmland Preservation Program shall be deposited in a special Farmland Preservation Fund. Money in the Farmland Preservation Fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Clare County money. The revenues from the deposit and/or investment of the Farmland Preservation Fund shall be applied and used solely for the purpose of purchasing development rights and placing agricultural conservation easements under this Ordinance, making payments obligated under installment purchase contracts, promoting farmland preservation programs, or paying for costs of administering or enforcing the Clare County Farmland Preservation Program.
- B. Supplemental or matching funds from private sources or other governmental agencies, including local municipalities, the State, or Federal Government, may become available to pay a portion of the cost of acquiring development rights or agricultural conservation easements, or to supplement or enlarge such acquisitions.
- C. The Clare County Farmland Preservation Program may be financed through 1 or more of the following sources:
 - i. General appropriations by Clare County.
 - ii. Proceeds from the sale of development rights by Clare County under Section 9.
 - iii. Grants.
 - iv. Donations.
 - v. General fund revenue.
 - vi. Bonds or notes as permitted by law.
 - vii. Special assessments as permitted by law.
 - viii. Other sources approved by the Clare County Board of Commissioners and permitted
 - ix. law.

Section 13: Amendments

This Ordinance may be amended by a majority vote of the Clare County Board of Commissioners.

Section 14: Severability

Any provision of this Ordinance which is found by a court of competent jurisdiction to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision contained in this Ordinance, and such other provisions shall remain in full force and effect.

Section 15: Effective Date

This Ordinance shall become effective on the date upon which notice of its adoption is published in a newspaper of general circulation in Clare County.

I, Carol A. McAulay, Clerk of said County of Clare and Clerk of the Circuit Court thereof, the same being a Court of Record, do hereby certify that the above Ordinance #21 was adopted by the Clare County Board of Commissioners at their regular meeting held on July 5, 2006, as appears of record in my office.



In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Harrison, this 5th day of July, 2006.


Carol A. McAulay, County Clerk