

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board Commissioners of the County of St. Clair, Michigan, at a Regular Meeting held on March 24, 2004, and that said meeting was conducted and public notice of said meeting was given to and in full compliance with the Open Meeting Act, Act 267 being, Public Act of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the County of St. Clair, Michigan, this 25<sup>th</sup> day of March, 2004.

---

Marilyn Dunn  
St. Clair County Clerk

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

**Resolution 04-07**  
**St. Clair County Farmland Preservation Ordinance**

**Adopted by County Board of Commissioners on March 24, 2004**

**Ordinance NO. \_\_\_\_\_**

AN ORDINANCE creating the St. Clair County Farmland Preservation Program which protects farmland by acquiring development rights voluntarily offered by landowners, 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 procedures and guidelines governing the purchase of development rights and the placement of an agricultural conservation easement.

BE IT ORDAINED BY THE ST. CLAIR COUNTY BOARD OF COMMISSIONERS:

**Section 1: Declaration of Purpose**

A. *Economic importance of farmland and agriculture.* St. Clair 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. St. Clair County's climate, topography, and accessibility make it uniquely suited to the production, processing, and distribution of agricultural products on a regional, national, and international level.

St. Clair 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, the 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 the county and providing other open space benefits, the county's farmland increases the overall quality of life and makes the county an attractive place to live and work for all of the county's residents.

C. *The extent of development and farmland loss.* Because of the county's natural resources, productive farmland and rural character, it has become a desirable place to live and work. The population growth in St. Clair County has continued to increase dramatically. 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.

48 D. *The Impact of farmland loss.* Land suitable for farming is an irreplaceable natural  
49 resource with soil and topographic characteristics that have been enhanced by  
50 generations of agricultural use. When such land is converted to residential or  
51 other more developed uses that do not require those special characteristics, a  
52 critical community resource is permanently lost to the citizens of the county.  
53 Residential development in agricultural areas also makes farming more difficult  
54 by increasing conflict over farming practices and increased trespass, liability  
55 exposure and property damage. Because agricultural land is an invaluable  
56 economic, natural and aesthetic resource, the county should make an effort to  
57 maintain agricultural land in a substantially undeveloped state to ensure the  
58 long-term viability of agriculture and to create a long-term business environment  
59 for agriculture in the county.  
60

61 E. *State and local policies.* It is the policy of the State of Michigan and St. Clair  
62 County to protect, preserve and enhance farmland as evidenced by the St. Clair  
63 County General Development Plan and Township Master Plans, the Farmland  
64 and Open Space Preservation Act, the State Agricultural Preservation Fund, the  
65 Conservation and Historic Preservation Easement Act, portions of the County  
66 Zoning Act, and other state and local statutes and policies. These measures by  
67 themselves, however, have not effectively provided sufficient long-term  
68 protection of farmland in St. Clair County from the pressure of increasing  
69 residential and commercial development.  
70

71 F. *Value of development rights.* Generally, farmland has a greater market value for  
72 future residential development than its market for farming. The features of good  
73 farmland, such as permeable soils and open space views, are also the features  
74 desired for residential home sites. This fact encourages the speculative  
75 purchase of farmland at high prices for future residential development,  
76 regardless of the current zoning of such lands. Farmland which has a greater  
77 development potential and market value than its agricultural value does not  
78 attract sustained agricultural investment and eventually is sold to non-farmers  
79 and removed from agricultural use.  
80

81 G. *Purpose of the program.* It is the purpose of the St. Clair County Farmland  
82 Preservation Program and this development rights ordinance to protect farmland  
83 in order to maintain a long-term business environment for agriculture in the  
84 county, to preserve the rural character and scenic attributes of the county, to  
85 enhance important environmental benefits and to maintain the quality of life of  
86 county residents.  
87

88 H. *Mechanism to achieve purpose.* The purchase of development rights and the  
89 placement of an agricultural conservation easement on farmland through the St.  
90 Clair County Farmland Preservation Program as provided for in this Ordinance is  
91 a public purpose of St. Clair County. Financing of such purchases requires that  
92 the County enter into agreements with property owners to obtain such  
93 development rights. Properties on which the County has purchased  
94 development rights and entered into an agricultural conservation easement

95 should remain substantially undeveloped in order to remain viable for agricultural  
96 use.

97  
98 **Section 2: Definitions**

- 99 A. "Agricultural conservation easement" means a conveyance by a written  
100 instrument, in which, subject to permitted uses, the owner relinquishes to the  
101 public in perpetuity his or her development rights and makes a covenant running  
102 with the land not to undertake development.
- 103  
104 B. "Agricultural use" means substantially undeveloped land devoted to the  
105 production of plants and animals useful to humans, including forages and sod  
106 crops; grains, feed crops, and field crops; dairy and dairy products; poultry and  
107 poultry products; livestock, including breeding and grazing of cattle, swine,  
108 captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses;  
109 nursery stock; fruits; vegetables; Christmas trees; and other similar uses and  
110 activities. Agricultural use includes use in a federal acreage set-aside program,  
111 a federal conservation reserve program, or a wetland reserve program.  
112 Agricultural use does not include the management and harvesting of a woodlot.
- 113  
114 C "Development" means an activity that materially alters or affects the existing  
115 conditions or use of any land in a manner that is inconsistent with an agricultural  
116 use.
- 117  
118 D "Development rights" means an interest in land that includes the right to  
119 construct a building or structure, to improve land for development, to divide a  
120 parcel for development purposes or to extract minerals incidental to a permitted  
121 use or as set forth in an agricultural conservation easement.
- 122  
123 E "Development rights ordinance" means an ordinance adopted under the County  
124 Zoning Act, P.A. 183 of 1943, as amended. The development rights ordinance  
125 may be incorporated into an existing County zoning ordinance, or it may be a  
126 separate ordinance.
- 127  
128 F. "Farmland" means 1 or more of the following:
- 129 (i) A farm of 40 or more acres in 1 ownership, with 51% or more of the  
130 land area devoted to an agricultural use.
  - 131 (ii) A farm of 5 acres or more in 1 ownership, but less than 40 acres,  
132 with 51% or more of the land area devoted to an agricultural use,  
133 that has produced a gross annual income from agriculture of  
134 \$200.00 per year or more per acre of cleared and tillable land. A  
135 farm described in this subparagraph enrolled in a federal acreage  
136 set-aside program or a federal conservation reserve program is  
137 considered to have produced a gross annual income from  
138 agriculture of \$200.00 per year or more per acre of cleared and  
139 tillable land.
  - 140 (iii) A farm designated by the department of agriculture as a specialty  
141 farm in 1 ownership that has produced a gross annual income of

42 \$2,000.00 or more from an agricultural use. Specialty farms  
43 include, but are not limited to, greenhouses; equine breeding and  
44 grazing; the breeding and grazing of cervidae, pheasants, and  
45 other game animals; bees and bee products; mushrooms;  
46 aquaculture; and other similar uses and activities.  
47

48 G. "Parcel" means a contiguous quantity of land in the possession of a single  
49 owner.  
50

51 H. "Permitted use" means any use expressly authorized within an agricultural  
52 conservation easement consistent with the farming operation or that does not  
53 adversely affect the productivity or agricultural use of the land. Storage, retail or  
54 wholesale marketing, or processing of agricultural products is a permitted use in  
55 a farming operation if more than 50% of the stored, processed, or merchandised  
56 products are produced by the farm operator for at least 3 of the immediately  
57 preceding 5 years. Permitted use includes oil and gas exploration and  
58 extraction, but does not include other mineral development that is inconsistent  
59 with an agricultural use.  
60

61 I. "Property owner" means the party or parties having a freehold estate or fee  
62 simple interest in land. If land is subject to a land contract, owner means the  
63 vendee in agreement with the vendor.  
64

65 J. "PDR program" means a program as defined in the County Zoning Act for the  
66 purchase of development rights by a county, and specifically includes the St.  
67 Clair County Farmland Preservation Program.  
68

69 **Section 3: Authorization**

70 A. Pursuant to the County Zoning Act, the County Board of Commissioners is  
71 authorized to purchase the development rights of farmland throughout the  
72 County. Such acquisition may be by purchase, gift, grant, bequest, devise,  
73 covenant or contract. The County shall only purchase development rights on  
74 farmland that are voluntarily offered for sale by a property owner.  
75

76 B. The County is authorized to enter into installment purchase contracts, options,  
77 and agreements or take receipt of donations of easements, consistent with  
78 applicable law. The County is authorized to pay interest on the declining unpaid  
79 principal balance at a legal rate of interest consistent with prevailing market  
80 conditions at the time of execution of the installment purchase contract.  
81

82 C. The County may contract with recognized and legally established nonprofit land  
83 trusts or other experienced and qualified individuals, parties or entities that would  
84 assist the County in the process of negotiating easements and purchase  
85 contracts, establishing baseline studies and procedures for monitoring, and  
86 actual monitoring of any agricultural conservation easements acquired under this  
87 Ordinance.  
88

89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
00  
01  
02  
03  
04  
05  
06  
07  
08  
09  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

**Section 4: County Agricultural Preservation Board**

- A. The County Board of Commissioners shall create a nine member body under this Ordinance to be named the County Agricultural Preservation Board. The seven voting members shall be residents of the county and will be appointed by the County Board of Commissioners and will include: (a) one County Commissioner or designee, (b) three individuals with agricultural interests, (c) one representative that is an elected official in township government, (d) one individual with real estate interests, (e) one individual representing home builder/development interest (f) one individual representing local natural resource conservation interests, and (g) one individual towns, cities and/or villages.
  
- B. Members of the County Agricultural Preservation Board shall serve three-year terms, with the exception that the County Commissioner representative shall be designated on an annual basis. The initial term shall be staggered so that one of the agricultural representatives, the towns, cities and/or villages representative and the real estate representative serve an initial one-year term, another agricultural representative, the developmental interest 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 County Board of Commissioners. The County Board of Commissioners shall have the discretion to remove members for neglect of duty or 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 County Board of Commissioners. Members shall not be compensated for their services, although reimbursement for attending meetings, for mileage and for other approved expenses shall be at the discretion of the County Board of Commissioners when funding is available, at rates established and approved by the County Board of Commissioners.
  
- C. The County Agricultural Preservation Board shall oversee the county's farmland preservation program and shall be responsible for:
  - i. Establishing selection criteria for the ranking and prioritization of applications to the program. The selection criteria must be approved by the 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.
  - iii. Reviewing and providing oversight in scoring all applications according to the adopted selection criteria.
  - iv. Ranking and prioritizing the top scoring applications for acquisition and determining whether the development rights should be purchased.
  - v. Approving the restrictions and permitted uses under the agricultural conservation easement.
  - vi. Establishing the price to be offered to the property owner and authorize negotiations for the purchase of development rights and

36 agricultural conservation easement. All purchases of development  
37 rights and agricultural conservation easements must be approved by  
38 the County Board of Commissioners.

- 39 vii. Establishing monitoring procedures and overseeing subsequent  
40 monitoring to ensure compliance with the agricultural conservation  
41 easement. Enforcement of the agricultural conservation easement in  
42 the case of non-compliance shall be the responsibility of the County  
43 Board of Commissioners.

44  
45 D. Individual County Agricultural Preservation Board members shall disclose any  
46 potential conflict of interest and may not vote when a conflict exists. Conflicts of  
47 interest include, but are not confined to, situations where (1) the board member  
48 is the applicant; (2) the member is a close relative of the applicant; (3) the board  
49 member has a close business association or ties with the applicant; (4) the board  
50 member, a relative, or a business associate could receive financial gain or  
51 benefit from the acceptance of the application.

52  
53 E. To the extent of available funding and as approved by the County Board of  
54 Commissioners in consultation with the County Agricultural Preservation Board,  
55 the County may contract with qualified and experienced individuals or entities for  
56 consulting or staffing services.

## 57 **Section 5: Eligibility for Application**

58 Any property owner may submit an application to the County Farmland Preservation  
59 Program provided it meets the following requirements:

60  
61 A. The property owner has signed the application indicating that he or she is  
62 interested in voluntarily selling the development rights to the parcel.

63  
64 B. At least 51% of the parcel's area is devoted to an active agricultural use and no  
65 more than 49% of the parcel may be devoted to non-agricultural open space  
66 consisting of wetlands, woodlands, or otherwise unusable land.

67  
68 C. If the parcel is located within a city, village or township that administers a zoning  
69 ordinance, the municipality has also signed the application indicating it's  
70 approval of the application to the County. The County shall not purchase  
71 development rights under a development rights ordinance from land subject to a  
72 city, village, or township zoning ordinance unless all of the following  
73 requirements are met:

- 74  
75  
76 i. The development rights ordinance provisions for the PDR program  
77 are consistent with the plan upon which the city, village, or  
78 township zoning is based.  
79 ii. The legislative body of the city, village, or township adopts a  
80 resolution authorizing the PDR program to apply in the city, village,  
81 or township.

83 D. The property is not designated for commercial, industrial, or residential uses at  
84 densities in excess of 1 dwelling unit per 2 acres under the County, Township,  
85 City or Village Master Plan.

86  
87 E. Agricultural activities are a permitted use on the parcel under all applicable  
88 zoning ordinances.

89  
90 **Section 6: Criteria for Reviewing and Ranking Applications**

91 The County Agricultural Preservation Board shall establish selection criteria for ranking  
92 and prioritizing all eligible parcels submitted to the County Farmland Preservation  
93 Program. The selection criteria shall place an emphasis on farmland that:

94  
95 A. As part of the application procedure for the specific proposed purchase of  
96 development rights, the city, village, or township provides the county with written  
97 approval of the purchase.

98  
99 B. Has a productive capacity suited for the production of feed, food and fiber and  
00 has a greater potential for long-term agricultural production. Specific selection  
01 criteria may be based on soil classifications, parcel size, agricultural income,  
02 enrollment in the Farmland and Open Space Preservation Act, or the  
03 implementation of a soil conservation plan.

04  
05 C. Is under the threat of development. Specific selection criteria may be based on  
06 proximity to public sanitary sewer or water, the extent of development activity in  
07 the township or the amount of road frontage.

08  
09 D. Complements other farmland protection efforts in the County. Specific selection  
10 criteria may include proximity to other permanently protected farmland, proximity  
11 to other protected lands or surrounding land enrolled in the State Farmland and  
12 Open Space Preservation Act, or inclusion in an agricultural zoning district.

13  
14 E. Has additional matching funds available for the purchase of development rights  
15 provided by a local unit of government, landowner or private sources.

16  
17 F. Other factors considered important by the County Agricultural Preservation  
18 Board such as unique physical, historical or environmental characteristics.

19  
20 **Section 7: Application and Selection Process**

21 A. The county shall on an annual basis, at the discretion of the County Agricultural  
22 Preservation Board, conduct a voluntary application and selection process for  
23 property owners who wish to sell development rights under the County Farmland  
24 Preservation Program.

25  
26 B. The County Agricultural Preservation Board shall begin each application cycle by  
27 giving notice at least 90 days in advance of the application deadline that the  
28 county is accepting applications to the County Farmland Preservation Program.  
29 Notification shall be given in newspapers of general circulation within the county,

30 through the county Farm Bureau, county Conservation District, county MSU-  
31 Extension Service, local township offices and other organizations.

- 32  
33 C. The application may require information to be filled out by the property owner,  
34 the county Conservation District and the local unit of government.  
35  
36 D. All applications shall represent the applicant's intent to sell the development  
37 rights of the property to the County subject to mutually acceptable terms. The  
38 application will remain active by way of annual written approval of the landowner,  
39 provided there is no subsequent modification to the scoring criteria or application  
40 that requires additional information. Local cities, villages, and townships will be  
41 asked to sign a letter of continued support for standing landowner applications,  
42 and all applications, both new and old, will be scored and ranked for each cycle.  
43  
44 E. The County Agricultural Preservation Board shall give notice to each city, village,  
45 or township, that administers their own zoning, in which an application for the  
46 purchase of development rights has been received, and when disposition of that  
47 application has been made.  
48  
49 F. At the close of the application deadline, an initial determination of eligibility shall  
50 be completed by the County Agricultural Preservation Board or designated staff.  
51 The property owner shall be notified if the application is not eligible for the  
52 program. Each application shall be evaluated and scored according to selection  
53 criteria approved by the County Agricultural Preservation Board and the County  
54 Board of Commissioners prior to the application cycle.  
55  
56 G. The County Agricultural Preservation Board shall rank parcels according to the  
57 selection criteria score but shall also individually evaluate and prioritize the top  
58 scoring parcels. The County Agricultural Preservation Board may reprioritize the  
59 top scoring parcels based on individual review of each application and establish  
60 a priority on which development rights should be purchased first based on  
61 available funds.  
62  
63 The written rationale for reprioritization of the top scoring parcels shall be  
64 included with each application.  
65  
66 H. The ranking and prioritization of applications according to the Agricultural  
67 Preserve Board shall be submitted to the County Board of Commissioners for  
68 preliminary approval.  
69  
70 I. Agricultural conservation easement value shall be based upon a price  
71 established by the County Agricultural Preservation Board using a points-based  
72 appraisal method established in section 10.  
73  
74 J. Upon mutual agreement to purchase terms by the property owner and the  
75 County Agricultural Preservation Board, a title search shall be completed before  
76 signing and recording of the agricultural conservation easement. Any questions

7 or concerns regarding clear title to the property shall be resolved prior to signing  
8 of the agricultural conservation easement. All individuals, parties or entities with  
9 an interest in the property must be willing to agree to the terms and provisions of  
0 the agricultural conservation easement.

- .1  
2 K. The County Board of Commissioners must give final approval to the purchase of  
3 development rights and the agricultural conservation easement. The County  
4 Board of Commissioners may alter the recommendation of the County  
5 Agricultural Preservation Board to purchase the development rights only if there  
6 are insufficient funds, or upon a finding of fact that the selection criteria had not  
7 been accurately or appropriately applied to a specific application.  
8  
9 L. Once the application has been approved for purchase by the County Board of  
10 Commissioners, the county and the property owners shall sign the agricultural  
11 conservation easement and it shall be legally recorded with the County Register  
12 of Deeds' office.  
13  
14 M. The County shall notify the appropriate local unit of government of each  
15 agricultural conservation easement.  
16  
17 N. The agricultural conservation easement will be monitored in accordance with  
18 procedures and guidelines established by the County Agricultural Preservation  
19 Board and as approved by the County Board of Commissioners.  
0

## 11 **Section 8: Agricultural Conservation Easement Provisions**

- 12 A. Upon the agreement of the purchase and sale of development rights by the  
13 County Agricultural Preservation Board, the property owner and the County  
14 Board of Commissioners, the County and the property owner shall execute an  
15 agricultural conservation easement, approved by the County Agricultural  
16 Preservation Board and the County Board of Commissioners, that will  
17 perpetually protect the parcel's agricultural use by preventing any use that would  
18 significantly impair or interfere with the agricultural value or use of the farmland.  
19 The agricultural conservation easement shall contain a provision indicating that  
0 the easement runs with the land and may not be terminated except as provided  
1 for in this Ordinance and the easement.  
2  
3 B. Restrictions on that portion of the property included in the agricultural  
4 conservation easement shall include, but not be limited to, the following:  
5 i. Property shall not be divided into parcels less than 40 acres in size.  
6 ii. The construction of residences for new owners of any divisions shall  
7 be prohibited.  
8 iii. Construction of any other buildings, unless they are built for uses  
9 consistent with farming operations shall be prohibited.  
0 iv. Commercial or industrial activity that is inconsistent with a normal  
1 farming operation shall be prohibited.  
2 v. Excavation of topsoil, sand, gravel, rock, minerals or other materials  
3 that significantly impairs or interferes with the agricultural values of the

- 24 property shall not take place without prior written approval.  
25 vi. Public access may not be required under the agricultural conservation  
26 easement.

27  
28 C. Permitted uses and retained development rights in the agricultural conservation  
29 easement shall include, but not be limited to, the following:

- 30  
31 i. Construction of buildings necessary for and consistent with agricultural  
32 uses.  
33 ii. The right to construct one additional residence for an individual  
34 essential to the operation of the farm as defined in section 36110(5) of  
35 the Natural Resources and Environmental Protection Act, MCL  
36 324.36110(5); MSA 13A.36110(5). Any structure must be in  
37 conformance with all applicable federal, state and local laws,  
38 ordinances and regulations.  
39 iii. The right to maintain, renovate, add on to, or replace existing  
40 structures. Structure built must be in conformance with all applicable  
41 federal, state and local laws, ordinances and regulations.  
42 iv. The right to sell, mortgage, bequeath or donate the property, provided  
43 that any conveyance shall be subject to the terms of the easement.  
44

45 **Section 9: Duration of the Agricultural Conservation Easement**

- 46  
47 A. The agricultural conservation easement shall be permanent and run with the  
48 land, regardless of transfers in property ownership. It is the intent of this  
49 ordinance to preserve valuable farmland through the establishment of  
50 permanent conservation easements. Development rights acquired pursuant to  
51 this Ordinance shall be held by the County in perpetuity and the development  
52 rights may be repurchased by the landowner only when a court of competent  
53 jurisdiction has determined through eminent domain that the use of those  
54 development rights is necessary for a specific public interest, need or purpose.  
55  
56 B. Upon a court's determination in eminent domain proceedings that the repurchase  
57 of the development rights from the County is necessary for a specific public  
58 interest, need or purpose, the party acquiring the property through eminent  
59 domain or the landowner shall pay to the county the fair market value of those  
60 development rights at the time of the repurchase, as determined by a State  
61 Certified Appraiser, or utilizing the points-based appraisal in section 10, before  
62 the termination of the agricultural conservation easement. The value of the  
63 development rights shall be determined as the difference between the fair  
64 market value of the property with all development rights intact and the value of  
65 the property for agricultural use with an agricultural conservation easement in  
66 place. If the appraiser has a conflict of interest associated with a potential  
67 appraisal, the appraiser shall report the conflict to the County, and the County  
68 shall select another appraiser to complete the appraisal.  
69  
70 C. The County will deposit the proceeds from any repurchases into the farmland

1 preservation fund and the proceeds shall be used to purchase additional  
2 development rights and agricultural conservation easements on additional  
3 farmland within the county.  
4

### 5 **Section 10: Determining the Value of the Agricultural Conservation Easement**

- 6 A. The County Agricultural Preservation Board shall establish a points-based  
7 appraisal method and formula for determining the value of the agricultural  
8 conservation easement prior to each application cycle. The points-based  
9 appraisal method, as authorized under P.A. 262 of 2000, reduces administration  
0 costs, is much more time efficient, provides a consistent and objective value for  
1 all applicants and allows property owners to determine the value of the  
2 agricultural conservation easement prior to submitting an application. The  
3 formula shall establish a Base Value based on the parcel's soil characteristics,  
4 size and proximity to other protected farmland. The Base Value shall be  
5 increased if the parcel qualifies for a market value adjustment based on the  
6 parcel's location within the county and the amount of road frontage. In  
7 determining the market value adjustment, an average of actual vacant land sales  
8 of parcels over 20 acres in size zoned for agricultural purposes sold during the  
9 prior three years shall be determined for each township. The parcel may also  
0 qualify for a premium based on its proximity to sewer and water as determined  
1 by a formula established by the County Agricultural Preservation Board. The  
2 County Agricultural Preservation Board shall review the points-based appraisal  
3 method at the end of each application cycle, and compare agricultural  
4 conservation easement values relative to actual fair market sales in the county.  
5
- 6 B. The property owner may obtain, within a reasonable time frame, an appraisal of  
7 the development rights from a State Certified Appraiser at the property owner's  
8 expense. The appraisal may calculate the value of the development rights as  
9 the difference between the fair market value of the property with all development  
0 rights intact and the value of the property for agricultural use with an agricultural  
1 conservation easement in place. The County Agricultural Preservation Board  
2 may establish guidelines, consistent with state standards, for the State Certified  
3 Appraiser to use in determining the fair market value or the agricultural value.  
4
- 5 C. The County Agricultural Preservation Board shall approve the price to be offered  
6 and paid for the agricultural conservation easement. If the property owner  
7 obtains an independent appraisal, the County Agricultural Preservation Board  
8 may elect to renegotiate the initial offer based on qualified circumstances.  
9
- 0 D. The property owner may be paid a cash payment or offered an installment  
1 purchase contract, or a combination of both.  
2

### 3 **Section 11: Related Costs**

4 The cost of services ordered by the County Agricultural Preservation Board in relation  
5 to the County's Farmland Preservation Program shall be paid from all available  
6 farmland preservation program funding sources within the County, including state and  
7 federal matching funds, which may include the cost of appraisal, engineering,

18 surveying, planning, financial, legal, environmental assessments, title searches,  
19 developing baseline assessments and monitoring easements. The County shall not be  
20 responsible for any expenses incurred by the property owner incident to this transaction  
21 that the County Agricultural Preservation Board has determined is the responsibility of  
22 the property owner, which may include title searches, appraisals, or surveying.  
23

## 24 **Section 12: Farmland Preservation Fund**

- 25 A. Available funding for the County Farmland Preservation Program shall be  
26 deposited in a special farmland preservation fund. Money in such farmland  
27 preservation fund may be temporarily deposited in such institutions or invested in  
28 such obligations as may be lawful for the investment of county money. The  
29 revenues from the deposit and/or investment of the farmland preservation fund  
30 shall be applied and used solely for the purpose of purchasing development  
31 rights and agricultural conservation easements under this Ordinance, making  
32 payments obligated under installment purchase contracts, promoting farmland  
33 preservation programs, or paying for costs of administering or enforcing the  
34 County Farmland Preservation Program.  
35
- 36 B. Supplemental or matching funds from private sources or other governmental  
37 agencies, including local municipalities, the State, or Federal Government, may  
38 become available to pay a portion of the cost of acquiring development rights or  
39 agricultural conservation easements, or to supplement or enlarge such  
40 acquisitions. The County Board of Commissioners authorizes the County  
41 Agricultural Preservation Board to use such funds to purchase development  
42 rights of farmland and acquire agricultural conservation easements.  
43
- 44 C. The County, upon approval by the County Board of Commissioners, may finance  
45 the County Farmland Preservation Program through 1 or more of the following  
46 sources:  
47
- 48 i. General appropriations by the county.
  - 49 ii. Grants.
  - 50 iii. Donations.
  - 51 iv. General fund revenue.
  - 52 v. Bonds or notes.
  - 53 vi. Special assessments as permitted by law.
  - 54 vii. Proceeds from the sale of development rights by the county under  
55 Section 9.
  - 56 viii. Other sources approved by the County Board of Commissioners  
57 and permitted by law.  
58

## 59 **Section 13: Amendments**

60 With the exception of section 9, this Ordinance may be amended, after receiving 2/3  
61 recommendation from the County Agricultural Preservation Board and by a 2/3 vote  
62 from the County Board of Commissioners.  
63

64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87

**Section 14: Severability**

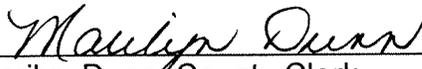
Any provision of this Ordinance which is found by a court of competent jurisdiction to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision contained in the Ordinance and such other provisions shall remain in full force and effect.

Date Adopted: March 24, 2004

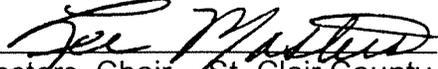
Date Published:

Date Effective:

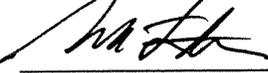
**Witnessed by:**

  
\_\_\_\_\_  
Marilyn Dunn, County Clerk

**Approved by:**

  
\_\_\_\_\_  
Lee Masters, Chair - St. Clair County  
Board of Commissioners

**Reviewed and Approved as to Form by:**

  
\_\_\_\_\_  
Gary A. Fletcher, Corporation Counsel