

Antrim County Farmland and  
Open Space Development Rights Ordinance  
Antrim County, Michigan

Adopted by the Antrim County Board of Commissioners  
Ordinance No. 01-04, 2004

AN ORDINANCE creating a farmland and open space protection program in cooperation with other local units of government, designed to protect farmland and open spaces by acquiring development rights voluntarily offered by landowners creating agricultural conservation easements. This ordinance sets forth the guidelines, procedures and restrictions.

***BE IT ORDAINED BY THE ANTRIM COUNTY BOARD OF COMMISSIONERS:***

Section 1: Declaration of Purpose

- A. *Purpose of the program.* It is the primary purpose of the Antrim County Farmland and Open Space Preservation Program and this Ordinance to implement a permanent option to protect farmland; to maintain a long-term positive business environment for agriculture; preserve the rural character and scenic attributes; enhance tourism and other important environmental benefits and to maintain the quality of life of county residents.
- B. *Mechanism to achieve purpose.* The purchase of development rights and the placement of an agricultural conservation easement on farmland through the Antrim County Farmland and Open Space Preservation Program as provided for in this Ordinance is a public purpose of Antrim County. Financing of such purchases requires that Antrim County enter into agreements with property owners to obtain such development rights. Properties of which the County has purchased development rights and entered into an agricultural conservation easements should remain substantially undeveloped in order to remain viable for agricultural use.
- C. *Economic importance of farmland and agriculture.* Antrim County's agricultural lands are an economically important resource. These lands support a locally important and globally unique agricultural industry, which includes excellent fruit production and processing, dairy, and livestock, food from grains, and vegetables, as well as nursery and greenhouse crops. The climate, micro-climate, topography and accessibility of the area make these counties uniquely suited for the production, processing, and distribution of agricultural products on a regional, national, and international level.

- D. *Importance of other non-agricultural attributes of farmland.* In addition to its economic benefits, Antrim County's farmland contributes significantly to open space and natural resources that are important to the region's tourism industries. Preserving the rural character, scenic beauty, cultural heritage of the area as well as other recreational opportunities such as hunting will help maintain the quality of life and continue to make the county an attractive place to live, work and visit.
- E. *The impact of farmland loss.* Land suitable for farming is a non-renewable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted and fragmented, a critical community resource is permanently lost to the citizens of the county. Residential development in agricultural areas also makes farming more difficult by increasing conflict over farming practices, increased trespass, liability exposure and property damage. Because agricultural land is an invaluable economic, natural and aesthetic resource, the 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 within the County.
- F. *State and local policies.* It is the policy of the State of Michigan and Antrim County to protect, preserve and enhance farmland and open spaces. This is evidenced by the County's and many of the 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 other state and local statutes and policies. These measures alone have failed to effectively provide the sufficient long-term protection of farmland in Antrim County from the pressure of increasing residential and commercial development.
- G. *Value of development rights.* Certain features of good farmland in Antrim County have a greater market value for future residential development than market value for farming. Agriculture and residential development share the demand for well-drained soils, slope, proximity to water, elevation and open spaces. This fact encourages the speculative purchase of farmland at high prices for future residential development, regardless of the current zoning. 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.

## 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, the development rights creating a covenant running with the land preventing non-farm 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, a federal conservation reserve program, or a wetland reserve program. Agricultural use does not include the management and harvesting of a wood lot.
- C. "Agricultural Worker Housing" means housing owned by the farm operation that is not occupied by the owner(s) and is being provided rent-free to farm labor whose primary source of income is derived from that farm operation.
- D. "County Zoning" as used in this ordinance means sections 31, 32 and 33 of the County Zoning Act being MCL 125.231 to MCL 125.233 inclusive.
- E. "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.
- F. "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.
- G. "Development rights ordinance" means an ordinance adopted under the County Zoning Act and/or under MCL 46.11j. The development rights ordinance may be incorporated into an existing County zoning ordinance, or it may be a separate ordinance.
- H. "Farmland" means one (1) or more of the following:
  - i. A farm of forty (40) or more acres in one (1) ownership, with fifty-one (51%) or more of the land area devoted to an agricultural use.
  - ii. A farm of five (5) acres of more in one (1) ownership, but less than forty (40) acres, with fifty-one percent (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.

- iii. A farm designated by the department of agriculture as a specialty farm in one (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.
- I. "Intensity of development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.
- J. "Parcel" means a contiguous quantity of land in the possession of a single owner.
- K. "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 fifty percent (50%) of the stored, processed, or merchandised products are produced on that farm operation for at least three (3) of the immediately preceding five (5) years. Permitted use includes oil and gas exploration and extraction, but does not include other mineral development that will adversely affect the productivity or agricultural use of the land. Permitted use also includes the renovation or establishment of Agricultural worker housing.
- L. "Property owner" means the party or parties having a freehold estate or fee simple interest in land.
- M. "PDR program" means a program as defined in the County Zoning Act for the purchase of development rights by the county.

### Section 3: Authorization

- A. Pursuant to the County Zoning Act, the County Board of Commissioners is authorized to purchase the development rights of farmland throughout the County. Such acquisition may be by purchase, gift, grant, bequest, devise, covenant, or contract. The County shall only purchase development rights on farmland that is voluntarily offered for sale by a property owner.
- B. The County is authorized to enter into installment purchase contracts, options, and agreements or take receipt of tax-deductible donations of easements, consistent with applicable law. The 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 for the tax-exempt status of such interest.

- C. The County may contract with recognized and legally established nonprofit land trusts or other experienced and qualified individuals, parties or entities that would assist the 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.

#### Section 4: Antrim County Farmland and Open Space Preservation Board

- A. The Antrim County Board of Commissioners shall create a six (6) member body under this Ordinance to be named the Antrim County Farmland and Open Space Preservation Board. The County shall appoint five (5) members who are residents of their county and will include: (a) two (2) individuals with agricultural operations or agribusinesses, (b) one (1) representative from township government, (c) one (1) individual with real estate or development interests, and (d) one (1) individual representing local conservation interests. In addition each year the Antrim County Board of Commissioners will appoint a member from the County Board of Commissioners. Each year the Antrim County Farmland and Open Space Preservation Board shall elect a chairperson and vice chairperson.
- B. Members of the Antrim County Farmland and Open Space 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 and the real estate representative serve an initial one-year term, local township representatives serve an initial two-year term. Members may be re-appointed to successive three-year terms by the County Board of Commissioners subject to the term limitation policy of the County. The County Board of Commissioners shall have the discretion to remove members for inefficiency, neglect of duty or malfeasance in office. Vacancies due to removal or resignation shall be filled for the remainder of a term by appointment by the Board of Commissioners. Members shall not be compensated for their services although a per diem reimbursement for attending meetings, for mileage and for other approved expenses shall be at the discretion by the County Board of Commissioners if funding is available.
- C. The Antrim County Farmland and Open Space Preservation Board shall administer the County's farmland preservation program and shall be responsible for:
  - i. Establishing selection criteria for ranking and prioritizing of applications to the program.

- 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 agricultural conservation easement.
- vii. Establishing monitoring procedures and overseeing subsequent monitoring to insure compliance with the agricultural conservation easement. Enforcement of the agricultural conservation easement in the case of non-compliance shall be the responsibility of the County Board of Commissioners.

D. Individual Antrim County Farmland and Open Space Preservation Board members shall disclose any potential conflict of interest and may not deliberate or 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. These qualifications are in addition to but not in lieu of any other statutory or common law provisions relating to conflict of interest or incompatibility of office provisions.

E. As funding is available, the Antrim County Farmland and Open Space Preservation Board may contract with qualified and experienced individuals or entities for consulting or staffing services. Such contracting shall be subject to funds available as appropriate by the County Board for such purpose.

#### Section 5: Eligibility for Application

Any property owner may submit an application to the Antrim County Farmland and Open Space Preservation program provided it meets the following requirements:

A. The property owner has signed the application indicating they are interested in

voluntarily selling the development rights to the parcel.

- B. At least fifty-one percent 51% of the parcel's area is devoted to an active agricultural use.
- C. If the parcel is located within a township that administers township zoning ordinances, the township has also signed the application indicating the township's approval of the application to the County. The County shall not purchase development rights under this development rights ordinance of 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 Program Development Rights are consistent with the plan upon which the city, village, or township zoning are based on.
  - ii. The legislative body of the city, village, or township adopts a resolution authorizing the Program Development Rights program to apply in the city, village, or township.
- D. The property is not designated for commercial, industrial or high density residential uses under the County, Township, City or Village Master Plan.
- E. Agricultural activities are a permitted use on the parcel under all applicable zoning ordinances.

#### Section 6: Criteria for Reviewing and Ranking Applications

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

- A. 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, scenic/environmental values or the implementation of a soil conservation plan.
- B. Is under the threat of development. Specific selection criteria may be based on proximity to public sanitary sewer or water, the extent of new development activity in the township or the amount of road frontage.
- C. Complements other farmland protection efforts within the 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.

- D. Has additional matching funds provided by a local unit of government, landowner or private sources.
- E. Other factors considered important by the Antrim County Farmland and Open Space Preservation Board such as unique physical, historical or environmental characteristics.

#### Section 7: Application and Selection Process

- A. Upon approval of funds, the County shall on an annual basis, at the discretion of the Antrim County Farmland and Open Space Preservation Board, conduct a voluntary application and selection process for property owners who wish to sell development rights under the county farmland preservation program.
- B. The Antrim County Farmland and Open Space Preservation Board shall begin each application cycle by giving notice at least ninety (90) days in advance of the application deadline that the county is accepting applications to the county farmland preservation program. Notification shall be given in newspapers of general circulation within the county, and may further notify through the county Farm Bureau, Antrim County Conservation District, Antrim County MSU-Extension, local township offices or other related organizations.
- C. The application may require information to be filled out by the property owner, the Antrim County Conservation District and the local unit of government in which the land is located.
- D. An application represents the applicant's voluntary intent to sell the development rights of the property to the County subject to mutually acceptable terms. The application will remain active per annual written approval of the landowner, provided there are 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 a standing landowner application and all applications, both new and old, will be scored and ranked for each cycle.
- E. The Antrim County Farmland and Open Space Preservation Board shall give notice to each un-zoned city, village, or township in which an application for the purchase of development rights has been received.
- F. At the close of the application deadline, an initial determination of eligibility shall be completed by the Antrim County Farmland and Open Space Preservation Board or designated staff. The property owner shall be notified if their application is not eligible for the program. Each application shall be



evaluated and scored according to selection criteria approved by the Antrim County Farmland and Open Space Preservation Board and the County Board of Commissioners prior to the application cycle.

- G. The Antrim County Farmland and Open Space Preservation Board shall rank parcels according to the selection criteria score but shall also individually evaluate and prioritize the top scoring parcels. The Antrim County Farmland and Open Space 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 reprioritization of the top scoring parcels shall be included with each application.

- H. The final ranking and prioritization of applications shall be submitted to the Antrim County Board of Commissioners for their initial approval and subsequent application to other funding sources such as, but not limited to the State of Michigan and other federal programs.
- I. Agricultural value shall be based upon a price established by the Antrim County Farmland and Open Space Preservation Board using a state certified appraiser or a points-based appraisal method established by the Antrim County Farmland and Open Space Preservation Board.
- J. Upon mutual agreement to purchase terms by the property owner and the Antrim County Farmland and Open Space Preservation Board, 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. Final funded application approvals will take place by the Antrim County Board of Commissioners for the purchase of development rights and the agricultural conservation easement language. The County Board of Commissioners may alter the recommendation by the Antrim County Farmland and Open Space Preservation Board to purchase the development rights only if there are insufficient funds or with a finding of fact that the selection criteria had not been accurately or appropriately applied to a specific application.
- L. Once the application has been approved for purchase by the County Board of Commissioners, the county and the property owners shall sign the agricultural conservation easement and it shall be legally recorded with the County Clerk's office.

- M. The Antrim County Farmland and Open Space Preservation Board shall provide a copy of the final agricultural conservation easement to the appropriate local unit of government.
- N. The agricultural conservation easement will be monitored in accordance with procedures and guidelines established by the Antrim County Farmland and Open Space Preservation Board.

Section 8: Agricultural Conservation Easement Provisions

- A. Upon the agreement of the sale of development rights by the Antrim County Farmland and Open Space Preservation Board and the property owner shall execute an agricultural conservation easement, which has been approved by the Antrim County Farmland and Open Space Preservation Board and the 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 use of the farmland. The agricultural conservation easement shall contain a provision indicating that the easement 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 twenty (20) acres in size unless the land is split to join another permanently protected parcel.
  - ii. The construction of residences for new owners of any divisions shall be prohibited.
  - iii. Construction of any other buildings shall be prohibited, unless they are built for permitted uses consistent with farming operations.
  - iv. Commercial or industrial activity that is inconsistent with a typical 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 grantee.
- 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 (1) additional residence for an individual essential to the farm operation as defined in section 36110(5) of the Natural Resources and Environmental Protection Act, MCL 324.36110(5); MSA 13A.36110(5). 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. Structure built 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 any conveyance will remain subject to terms of the easement.
- v. Public access shall not be required under an agricultural conservation easement executed under this ordinance.

#### Section 9: Duration of the Agricultural Conservation Easement

- A. The agricultural conservation easement shall run with the land regardless of transfers in property ownership. It is the intent of this ordinance to preserve farmland and long-term environment for production agriculture through the establishment of permanent conservation easements. Development rights acquired pursuant to this Ordinance shall be held by the County in perpetuity and the development rights may be repurchased by the landowner 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. The only exception to eminent domain is a case where a single isolated farm was preserved and a block of protected farmland or open space failed to develop and residential development has surrounded the isolated parcel making the farm no longer marketable for anyone to farm.
- B. Upon a court's determination of taking by eminent domain or determined not "marketable for farm use" by a 2/3 vote of the Antrim County Farmland and Open Space Preservation Board and the Antrim County Board of Commissioners and meeting the criteria set forth by the Michigan Farmland Preservation Fund Board and Federal Farm and Ranch Land Preservation Program (if state or federal funds were used for the original easement purchase) creating the need to purchase of the development rights back from the county; the parties exercising the use of the development rights through eminent domain shall pay the fair market value of those development rights at the time of their re-purchase from the county, as determined by a mutually agreed upon 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 subject to the agricultural conservation easement. If the appraiser has a conflict of interest associated with a potential appraisal, the appraiser shall report the conflict to the County and the County shall select another appraiser to complete the appraisal.

- C. Antrim 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 agricultural conservation easements on additional farmland within the county where the repurchase took place.

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

- A. The Antrim County Farmland and Open Space Preservation Board shall utilize a State Certified Appraiser to determine the value of the development rights or may establish a points-based appraisal method and formula for determining the value of the agricultural conservation easement 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 Antrim County Farmland and Open Space 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 agricultural conservation easement prior to submitting an application. The formula shall establish a base value, based on the parcel's micro-climate, 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 the county and the amount of road frontage. In determining the market value adjustment, an average of actual vacant land sales of parcels over twenty (20) acres in size zoned for agricultural purposes sold during the prior three (3) 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 formula established by the Antrim County Farmland and Open Space Preservation Board. The Antrim County Farmland and Open Space Preservation Board shall review the points-based appraisal method at the end of each application cycle and compare agricultural conservation easement values relative to actual fair market sales in the 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 Antrim County Farmland and Open Space 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 Antrim County Farmland and Open Space Preservation Board shall approve the price to be offered and paid for the agricultural conservation easement. If the property owner obtains an independent appraisal, the 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

The cost of services ordered by the Antrim County Farmland and Open Space Preservation Board in relation to the farmland preservation program shall be paid from all available farmland preservation program funding sources within the County, including state and federal matching funds. These costs may include the cost of appraisal, engineering, surveying, planning, financial, legal, environmental assessments, title searches, developing baseline assessments, monitoring easements. The County shall not be responsible for any expenses incurred by the property owner incidental to this transaction that the Antrim County Farmland and Open Space Preservation Board has determined is the responsibility of the property owner, which may include title searches, appraisals, or surveying.

#### Section 12: Farmland Preservation Fund

- A. Available county funding for the Antrim County Farmland and Open Space Preservation Program and all interest accrued, shall be deposited in a special farmland preservation fund within the County. Money in such farmland preservation funds may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of 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 agricultural conservation easements under this ordinance on farmland within the County. Funds may also be used in making payments obligated under installment purchase contracts, promoting farmland preservation programs, or paying for costs of administering or enforcing the 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. The Antrim County Board of Commissioners authorizes the Antrim County Farmland and Open Space Preservation Board to use such funds to purchase development rights of farmland and acquire agricultural conservation easements within Antrim County.

- C. The County, upon approval by the County Board of Commissioners, may finance the Antrim County Farmland and Open Space Preservation Program through one (1) or more of the following sources:
- i. General appropriations by the county.
  - ii. Proceeds from the sale of development rights by the county under Section 9.
  - iii. Appropriations from federal, state, townships, villages or other local units of government.
  - iv. Grants.
  - v. Donations.
  - vi. General fund revenue.
  - vii. Bonds or notes.
  - viii. Special assessments as permitted by law.
  - ix. Other sources approved by the County Board of Commissioners and permitted by law.

### Section 13: Amendments

This ordinance may be amended after receiving a 2/3 vote for recommendation by the Antrim County Farmland and Open Space Preservation Board; followed by a majority vote of the members of the Antrim County Board of Commissioners elected and serving.

Upon request of a landowner, amendments to the Agricultural Conservation Easement may be considered by the Antrim County Farmland and Open Space Preservation Board, which are neutral or beneficial to the agricultural production value of the farmland.

### Section 14: Intergovernmental Contract

The Antrim County Board of Commissioners may enter into an intergovernmental contract under the authority of Urban Cooperation Act of 1967, MCL 124.501, *et. seq.* with one or more municipality(s) for the joint administration of the Farmland and Open Space Preservation Program upon such terms and conditions as mutually agreed upon by the Board of Commissioners or the city commission, village or township board.

Section 15: 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.

Section 16: Effective Date

This Ordinance shall take effect upon publication of notice of adoption of the Ordinance.

Jack White, Chair  
Antrim County Board  
Of Commissioners

Ordinance # 01, 2004, carried by yea and nay votes as follows:

YEAS 7      NAYS 2

The Ordinance shall take effect upon publication of notice of adoption of the Ordinance. If within fifty (50) days after the County Board of Commissioners has adopted an ordinance a petition signed by not less than twenty percent (20%) of the electors residing in the district to be affected by the ordinance is filed with the County Clerk asking that the ordinance be submitted to the electors of the district to be affected by the ordinance for approval or rejection, then the ordinance shall not take effect until it has been approved by a majority of the electors of the district affected voting on that issue at a regular or special election called for that purpose.

Laura Sexton  
Antrim County Clerk