

Bay County Farmland Development Rights Ordinance

Adopted by the Bay County Board of Commissioners on June 9, 2009

Ordinance No. 49

AN ORDINANCE creating the Bay 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 standards and procedures for the purchase of development rights and the placement of an agricultural conservation easement.

THE PEOPLE OF THE COUNTY OF BAY OF THE STATE OF MICHIGAN, DO ORDAIN THE BAY COUNTY FARMLAND DEVELOPMENT RIGHTS ORDINANCE:

Section 1: Declaration of Purpose

A. To preserve the economic importance of farmland and agriculture. Bay 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. Bay 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. Bay 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, all worthy of preservation.

B. To ensure that other non-agricultural attributes of farmland continue. 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. To reduce 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. As people move out into the countryside, agricultural land is converted to residential and other developed uses. This results in a corresponding permanent loss of farmland.

D. To minimize 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 the 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, 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 in the County.

E. To implement State and local policies. It is the policy of the State of Michigan and Bay 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 Michigan Planning 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 Bay County from the pressure of increasing residential and commercial development.

F. To arrest the value of development rights. Generally, farmland has a greater market value for future residential development than the market 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. To protect farmland. In order to maintain a long-term business environment for agriculture in the County to preserve the rural character and scenic attributes of the County, to enhance important environmental benefits, and to maintain the quality of life of County residents.

H. To increase the number of properties remaining substantially undeveloped. In order to remain viable for agricultural use through the purchase of development rights and the placement of agricultural conservation easements on farmland as provided in this Ordinance. Acquisition of development rights requires that the County enter into agreements with property owners to obtain such development rights and that the County will purchase development rights and enter into agricultural conservation easements.

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 set a standard or establish a commitment regarding the available resources or budgetary priorities of this or any future County Board of Commissioners. Further, while the intent of this Ordinance is to initially seek development rights for 25-50% of all agricultural acres in the County, the actual number of acres for which development rights will be purchased shall remain the prerogative of future 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 and/or a federal conservation reserve program or a wetland 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 (MCL 324.36101), an instrument recorded under this part.

E. "Farmland" means one or more of the following:

- i. A farm of 40 or more acres in one ownership with 51% or more of the land area devoted to an agricultural use.
- ii. A farm of 5 acres or more in one 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.
- iii. A farm designated by the Michigan Department of Agriculture as a specialty farm in one 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 in1ownership that are not contiguous but that constitute an integral part of a farming operation being conducted on land otherwise qualifying as farmland.

"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 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 three of the immediately preceding five years. Permitted uses include oil and gas exploration and extraction and utilities for the production of alternative energies, but do 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 purchase of development rights program as defined in the Michigan Zoning Enabling Act.

Section 3: Authorization

A. Pursuant to the Michigan Zoning Enabling 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 farmland development rights that are voluntarily offered for sale by a property owner.

B. The County is authorized to enter into installment purchase contracts, options, and agreements or to take receipt of 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.

C. The County Executive shall implement administrative duties necessary to the Program and the County may, if authorized by its County Commission, contract with recognized and legally established non-profit 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, procedures and actual monitoring of any agricultural conservation easements acquired under this Ordinance.

D. The 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: County Agriculture Preservation Committee

A. The County Board of Commissioners shall create a seven member body under this Ordinance to be named the County Agriculture Preservation Committee which shall advise the County Executive. 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) one Bay County Township Officers Association representative, (c) one representative from the Bay County Farm Bureau, (d) one individual with real estate or development interests, and (e) three at-large individuals representing geographically significant areas of the County:

- i. One representing North of Linwood Road
- ii. One representing South of Linwood Road and West of the Saginaw River
- iii. One representing East of the Saginaw River

B. Members of the County Agriculture Preservation Committee shall serve three-year staggered terms, with the exception that the County Commissioner representative shall be designated on an annual basis. The initial terms shall be staggered so that the Bay County Township Officers Association representative and the real estate representative serve an initial one-year term, the Bay County Farm Bureau representative and the representative for South of Linwood Road and West of the Saginaw River serve an initial two-year term, and the representatives for North of Linwood Road and for East of the Saginaw River serve an initial three-year term. Members may be reappointed to successive three-year terms by the County Board of Commissioners. 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 County Board of Commissioners. Members may not be compensated for their services.

C. The County Agriculture Preservation Committee shall oversee the 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 County Executive prior to each application cycle.
- ii. Reviewing and providing oversight in scoring all applications according to the adopted selection criteria.
- iii. Ranking the top scoring applications for acquisition and making recommendations to the County Executive for the purchase of development rights.
- iv. Approving the restrictions and permitted uses under the agricultural conservation easement subject to legal review of County Corporation Counsel.
- v. Establishing the price to be offered to the property owner and authorizing negotiations for the purchase of development rights and agricultural conservation easements. All purchases of agricultural conservation easements must be approved by the County Executive and the County Board of Commissioners.
- vi. 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 County Executive.

D. Individual County Agriculture Preservation Committee 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 relative of the applicant, (3) the board member has a business association or ties with the applicant, or (4) the board member, a relative, or a business associate could receive financial gain or benefit from the acceptance of the application.

E. If recommended by the County Executive after consultation with the County Agriculture Preservation Committee, and as approved by the County Board of Commissioners, the County may contract with qualified and experienced individuals or entities for consulting or staffing services.

F. The County Agriculture Preservation Committee shall provide the County Executive and the 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.

Section 5: Eligibility for Application

Any property owner may submit an application to the Bay 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. The County shall not purchase development rights under this Farmland Development Rights Ordinance from land subject to a city, village, or township zoning ordinance unless all of the following requirements are met:
 - i. The Farmland Development Rights Ordinance provisions for the PDR program are consistent with the plan upon which the city, village, or township zoning are 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 the County with written approval of the purchase.
- D. The property is not planned for commercial, industrial or high density residential uses under the city, village or township 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 County Agriculture Preservation Committee shall establish selection criteria for ranking all eligible parcels submitted to the County Farmland Preservation Program. These criteria shall be subject to the approval of the County Executive and County Board of Commissioners. 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, or the implementation of conservation practices.

- B. Is under the threat of development. Specific selection criteria may be based on distance from public sanitary sewer, the extent of development activity in the township, or the amount of road frontage.
- C. Complements other farmland protection efforts in the County. Specific selection criteria may include distance from 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 County Agriculture Preservation Committee such as unique physical, historical or environmental characteristics.

Section 7: Application and Selection Process

- A. The County shall on an annual basis, at the discretion of the County Agriculture Preservation Committee, conduct a voluntary application and selection process for property owners who wish to sell development rights under the County Farmland Preservation Program.
- B. The County Executive shall begin each application cycle by giving notice at least 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, through the County Farm Bureau, County Conservation District, MSU Extension – Bay County, local township offices, and other organizations.
- C. The application may require information to be filled out by the property owner, the County Conservation District and the local unit of government.
- D. All applications represent the applicant's 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 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 standing landowner applications; and all applications, both new and old, will be scored and ranked for each cycle.
- E. Each application shall be evaluated and scored according to the selection criteria approved by the County Executive and the County Agriculture Preservation Committee prior to the application cycle. At the close of the application deadline, an initial determination of eligibility shall be completed by the County Executive and County Agriculture Preservation Committee or

designated staff. The property owner shall be notified if their application is not eligible for the program.

F. The County Executive shall review the recommendation of the Agriculture Preservation Committee and shall rank parcels according to the selection criteria score but shall also individually evaluate and prioritize the top scoring parcels. Subject to review of the County Executive, the County Agriculture Preservation Committee may reprioritize the top scoring parcels based on individual review of each application and establishing 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.

G. The County Executive shall submit the final ranking and prioritization of applications to the County Board of Commissioners for their preliminary approval in order to authorize the County Executive to proceed with the due diligence required to close and record the deed of easement.

H. Agricultural value shall be based upon a price established by the County Agriculture Preservation Committee using a state-certified appraiser.

I. Each purchase of development rights and agricultural conservation easement requires the recommendation of the County Executive prior to submission for approval of the County Board of Commissioners. The County Executive and the Board of Commissioners may alter the preliminary recommendation by the County Agriculture Preservation Committee to purchase the development rights at its discretion.

J. Upon mutual agreement to the negotiated terms of the purchase by the property owner and the County Agriculture Preservation Committee, but before the final approval of the County Board of Commissioners, a title search shall be completed before corporation counsel approval as to legal form, 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. 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.

L. The County shall notify the appropriate local unit of government of each agricultural conservation easement.

M. The County Agriculture Preservation Committee shall notify the County Environmental Affairs Department for mapping purposes and the County Plat board of the landowner and legal description of all parcels purchased for future mapping purposes.

N. The agricultural conservation easement will be monitored in accordance with procedures and guidelines established by the County Executive subject to recommendations of the County Agriculture Preservation Committee and with the standards and guidelines adopted by the State of Michigan Agriculture Preservation Fund Board.

Section 8: Agricultural Conservation Easement Provisions

A. Upon the agreement of the sale of development rights by the County Executive, the County Agriculture Preservation Committee, the property owner and the County Board of Commissioners shall execute an agricultural conservation easement, approved as to legal form by County Corporation Counsel, by the County Agriculture Preservation Committee 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 value or 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 40 acres in size.
- ii. The construction of residences for new 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 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 County Executive.

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 farm operation as defined in the Natural Resources and Environmental Protection Act. The structure built must be in conformance with all applicable federal, state and local laws, ordinances and regulations.
- iii. The right to maintain, renovate, add onto, or replace existing structures. The structures 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.

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 valuable farmland 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 one of the following two requirements have been met:

- i. 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. Upon a court's determination of eminent domain and that the purchase of the development rights from the County is necessary for a specific public interest, need, or purpose, the parties exercising the use of the development rights through eminent domain or the landowner shall pay to the County *the fair market value of those development rights* as determined by a state-certified appraiser *at the time of their repurchase and* 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 or the value of the developments. 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.
- ii. Fifty (50) years have passed since the Development Rights were sold; and the County Board, upon receiving a recommendation from The Bay County Agriculture Preservation Committee (BCAPC), determines that the property may not be reasonably be used for agricultural use because the quality of the farmland is such that agricultural production cannot be made economically viable

with Generally Accepted Agricultural and Management Practices (GAAMP).

B. Upon repurchase of the development rights, the landowner shall pay interest at the rate of 6% per annum compounded from the time the development rights were first purchased and the easement recorded.

C. The County will deposit the proceeds from any repurchases into the County farmland preservation fund and the proceeds shall be used to support program efforts and purchase additional development rights and agricultural conservation easements on additional farmland within the County.

Section 10: Determining the Value of the Agricultural Conservation Easement

A. The County Agriculture Preservation Committee shall utilize a state-certified appraiser to determine 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. Subject to review and approval of the County Executive, the County Agriculture Preservation Committee may establish guidelines, consistent with state standards, for the state-certified appraiser to use in determining the fair market value or the agricultural value.

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. Subject to review and approval of the County Executive, The County Agriculture Preservation Committee 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. Subject to review and approval of the County Executive, the County Agriculture Preservation Committee shall approve the price to be offered and paid for the agricultural conservation easement. If the property owner obtains an independent appraisal, the County Agriculture Preservation Committee 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 requested by the County Agriculture Preservation Committee in relation to the County's Farmland Preservation Program shall be paid from all available Farmland Preservation Program funding sources within the 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. The 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 County Agriculture Preservation Committee 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 County Farmland Preservation Program shall be deposited in a special farmland preservation fund. Money in such farmland preservation fund may be temporarily deposited in such institutions or invested in such obligations as the County Treasurer shall determine 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 of development rights and 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 County Farmland Preservation Program.

B. Supplemental or matching funds from private sources or other governmental agencies, including local municipalities, the State of Michigan 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 County Board of Commissioners authorizes the County Executive upon recommendation of the County Agriculture Preservation Committee to use such funds to purchase development rights of farmland and acquire agricultural conservation easements.

C. The County may finance the County farmland preservation program through one 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. 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 County Board of Commissioners and permitted by law.

Section 13: Amendments

A. With the exception of Section 9, this Ordinance may be amended after receiving recommendation of the County Executive, a 2/3 recommendation by the Bay County Agriculture Preservation Committee and by a majority vote of the County Board of Commissioners pursuant to Article XIII of the Rules of the Bay County Board of Commissioners .

Section 14: Severability

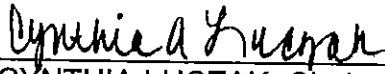
A. Any provision of this Ordinance which is found by a court of competent jurisdiction to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision contained in the Ordinance and such other provisions shall remain in full force and effect.

Section 15: Effective Date

A. After this Ordinance is adopted by the Bay County Board of Commissioners, the Bay County Clerk shall certify its passage and the Chair of the Bay County Board of Commissioners shall sign it. This Ordinance shall then take effect seven (7) days after the date upon which notice of its adoption is published in a newspaper of general circulation in Bay County.

I, Cynthia Luczak, Clerk of the Board of Commissioners of the County of Bay, certify that the attached is a correct copy of Ordinance No. 49, Bay County Farmland Development Rights Ordinance.

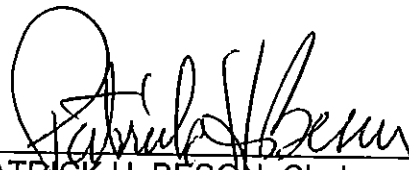
I have set my hand and affixed the seal of the County of Bay, State of Michigan, this 12 day of June, 2009.



CYNTHIA LUCZAK, Clerk


STATE OF MICHIGAN)
)-ss-
COUNTY OF BAY)

I, PATRICK H. BESON, certify that I am the Chairman of the Board of Commissioners, County of Bay, State of Michigan, and that the above is a correct copy of an ordinance as it appears of record in the minutes of the County of Bay of June 9, 2009.



PATRICK H. BESON, Chairman
Board of Commissioners

APPROVED AS TO LEGAL FORM ONLY



MARTHA P. FITZHUGH
BAY COUNTY CORPORATION COUNSEL
DATE: 6/15/09