

**CHATHAM COUNTY  
FARMLAND PRESERVATION PROGRAM ORDINANCE**

**ARTICLE I  
TITLE**

An ordinance of the Board of County Commissioners of CHATHAM COUNTY, NORTH CAROLINA, entitled, "**FARMLAND PRESERVATION PROGRAM ORDINANCE.**"

**ARTICLE II  
AUTHORITY**

The articles and sections of this program are adopted pursuant to authority conferred by the Farmland Preservation Enabling Act, Article 61, Chapter 106 of the General Statutes of North Carolina.

**ARTICLE III  
PURPOSE**

The purpose of this ordinance is to promote agricultural values and the general welfare of Chatham County and more specifically, increase identity and pride in the agricultural community and its way of life; and increase protection from nuisance suits and other negative impacts on properly managed farms.

**ARTICLE IV  
DEFINITIONS**

The following are defined for purposes of this ordinance:

Advisory Board: Chatham County Agricultural Advisory Board.

Chair: Chair of the Chatham County Agricultural Advisory Board.

District: Voluntary Agricultural District.

Board of Commissioners: Chatham County Board of Commissioners.

**ARTICLE V  
AGRICULTURAL ADVISORY BOARD**

A. Creation

An Agricultural Advisory Board is hereby established to implement the provisions of this ordinance.

B. Membership

The Advisory Board shall consist of not less than fifteen (15) members appointed by the Board of Commissioners.

C. Membership Requirements

1. Each member shall be a Chatham County resident.
2. A member shall be actively engaged in farming, agribusiness, or a representative of agricultural interests.
3. Each voluntary agricultural region established hereunder shall be represented by at least one member.
4. The Board of Commissioners shall consider recommendations as to prospective members, if any, of the Soil and Water Conservation District Board of Supervisors, the Chatham County committee of the U.S. Farm Service Agency, and the Chatham County office of the North Carolina Cooperative Extension Service and others involved in agriculture or interested in the purposes of this ordinance.

D. Tenure

Each member shall serve a term of three (3) years except that the initial Board shall consist of 5 members who shall serve a term of one (1) year; 5 members who shall serve a term of two (2) years; and 5 members who shall serve a term of three (3) years. Thereafter all appointments shall be for terms of three (3) years notwithstanding the above limits. District representatives may be appointed and re-appointed as necessary to assure representation as required by (3) above.

E. Vacancies

Any vacancy on the Board is to be filled for the remainder of the unexpired term.

F. Removal

Any member of the Advisory Board may be removed by the Board of Commissioners for cause.

G. Advisory Board Procedure

The Advisory Board shall develop procedures for the conduct of its meetings consistent with Robert's Rules of Order. It shall meet at least annually and at such other times as the Advisory Board shall provide in its rules or upon the request of a majority of its members.

H. Duties

The Advisory Board shall:

1. Review and approve the form of the agreement to sustain agriculture required by N.C.G.S. §106-738.
2. Hold public hearings with the Board of Commissioners on public projects likely to have an impact on agricultural operations;
3. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or way of life within Chatham County;
4. Review and make recommendations concerning proposed amendments to this ordinance;
5. Help formulate a countywide farmland protection plan as defined in N.C.G.S. §106-744 (e) (1) for presentation to the Board of Commissioners;
6. Study additional methods of farmland preservation and make recommendations to the Board of Commissioners;
7. Review and approve applications for qualifying farmland certifications and make recommendations concerning the establishment and modification of voluntary agricultural districts;
8. Perform other agriculturally related tasks or duties assigned by the Board of Commissioners.

**ARTICLE VI  
CERTIFICATION AS QUALIFYING FARMLAND**

A. Requirements

In order to secure certification as qualifying farmland real property must:

1. be participating in the farm present-use-value taxation program established by N.C.G.S. §105-277.2 through §105-277.7 or is otherwise determined by the County to meet all of the qualifications this program set forth in N.C.G.S. §105-277.3; or
2. be certified by the Natural Resources Conservation Service (formerly the Soil Conservation Service) of the United States Department of Agriculture as being a farm on which at least two-thirds of the land is composed of soils that:

- a.
    - (i) Are best suited for providing food, seed, fiber, forage, timber, and oil seed crops;
    - (ii) Have good soil qualities;
    - (iii) Are favorable for all major crops common to Chatham County;
    - (iv) Have a favorable growing season; and
    - (v) Receive the available moisture needed to produce high yields for an average of eight out of ten years; or
  - b. be one on which at least two-thirds of the land has been actively used in agricultural, horticultural or forestry operations as defined by N.C.G.S. §105-277.2 (1),(2), and (3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies;
3. be managed, if highly erodible land exists on the farm, in accordance with the Natural Resource Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and
  4. be the subject of a conservation agreement, as defined in N.C.G.S. §121-35, between the county and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations.

**ARTICLE VII  
CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS**

**A. Creation**

An agricultural district created pursuant to this Ordinance shall:

1. Consist of at least 20 contiguous acres of certified qualifying farmland; or
2. Consist of at least two or more certified qualifying farms which are one mile or less from each other and contain not less than 20 acres in the aggregate.

**B. Regions**

Agricultural districts created hereunder shall be grouped for purposes of administration into four geographic regions as follows: districts lying North of US 64 and East of NC 87 shall be in the Northeast Region; districts South of US 64 and east of NC 87 shall be in the Southeast Region; districts South of US 64 and west of NC 87 shall be in the Southwest Region; and districts North of US 64 and west of NC 87 shall be in the Northwest Region.

C. Education

Chatham County may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the agricultural district program.

D. Addition and Withdrawal

1. Qualifying farmland which is contiguous to an existing district may be added to the district as herein provided.
2. In the event that one or more farms in a district withdraws and the remaining acreage in the district is less than the minimum acreage required or results in the remaining land being noncontiguous, the voluntary agricultural district will continue to exist so long as there is at least one qualifying farm.

**ARTICLE VIII  
APPLICATION, APPROVAL, AND APPEAL PROCEDURE**

A. Application Procedure

The owner of a farm seeking to qualify for participation in the programs authorized hereunder shall submit an application to the County. The application for certification as a qualifying farm may be made at the same time as a request for designation in a voluntary agricultural district is made. In order to benefit from the programs authorized by this ordinance, a farm must be certified as a qualifying farm by the Advisory Board and designated as a Voluntary Agricultural District.

B. Approval Process

1. An application for qualifying farm certification and voluntary agricultural district designation shall be made to Chatham County on forms reviewed by the Advisory Board.
2. Once an application is determined to be complete, it will be submitted to the Advisory Board for its review. Within 60 days thereafter the Advisory Board will render a decision regarding qualifying farm certification and a recommendation regarding voluntary agricultural district designation.
3. An applicant shall be notified of the decision regarding qualifying farm certification and the recommendation for designation as a voluntary agricultural district. Denial of an application for qualifying farm certification may be appealed to the Board of Commissioners within 30 days of receipt of the decision of the Advisory Board.

4. Upon receipt of the recommendation of the Advisory Board, the Board of Commissioners shall consider an application for the creation of a voluntary agricultural district or the inclusion of qualifying farmland to an existing district.
5. Upon approval of the Board of Commissioners the voluntary agricultural district shall become effective upon registration of the conservation agreement to sustain agriculture prepared in accordance with Article VII, Section A(4) hereof in the Chatham County Register of Deeds. The Chatham County Tax Assessor shall be notified and the location of the district shall be reflected on the County's tax maps to the extent practicable.
6. By written notice to the County, an owner of qualifying farmland may revoke the conservation agreement. Violation of the terms of the conservation agreement may result in its revocation by Chatham County. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district and the benefits thereof. Notice of such revocation shall be recorded in the Chatham County Register of Deeds.

## **ARTICLE IX PUBLIC HEARINGS**

### **A. Purpose**

No state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a district until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation.

### **B. Procedure**

1. Within ten (10) business days of receiving a request, the Advisory Board shall publish a notice in a newspaper of general circulation in Chatham County describing the proposed action and giving notice of a public hearing thereon to be held within thirty (30) days of receipt of the request.
2. The Advisory Board shall consider, in making its findings and recommendations following the public hearing, such factors as:
  - a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
  - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.

3. The Advisory Board may consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.
4. Within thirty (30) days following the date of the public hearing of the request, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action.
5. Pursuant to N.C.G.S. §106-740, the proposed condemnor shall not formally initiate a condemnation action while the proposed condemnation is properly before the Advisory Board within these time limits.

**ARTICLE X**  
**NOTIFICATION OF PROXIMITY TO A**  
**VOLUNTARY AGRICULTURAL DISTRICT**

A. Record Notice of Proximity to Voluntary Agricultural District

1. Procedure

Upon certification as qualifying farmland and designation of real property as a Voluntary Agricultural District, the Chatham County Land Records System shall be changed to the extent reasonably practicable to include a notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one (1) mile of a voluntary agricultural district.

2. Limit of Liability

In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.

3. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or voluntary agricultural district as defined in this ordinance.

B. Signage

1. Signs identifying voluntary agricultural districts may be placed along the rights-of-way of major roads that pass through or next to those districts.

2. Notice of the establishment of voluntary agricultural districts and their purposes shall be posted conspicuously in appropriate County offices including the Register of Deeds, Planning Department, and Tax Assessor and at such other places as directed by the Board of Commissioners. To the extent practicable maps locating the voluntary agricultural districts shall also be made available in appropriate County offices.

**ARTICLE XI  
WAIVER OF WATER AND SEWER ASSESSMENTS**

A. No Connection

Owners of qualifying farms within a voluntary agricultural district shall not be required to connect to County water or sewer systems.

B. Abeyance

Water and sewer assessments shall be held in abeyance, without interest, for qualifying farms within an agricultural district until improvements on such property are connected to the water or sewer system for which the assessment was made.

C. Termination of Abeyance

When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.

D. Suspension of Statute of Limitations

Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.

E. Other Statutory Abeyance Procedures

Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. §153A-201. Assessment procedures followed under Article 9 of N.C.G.S. §153A shall conform to the terms of this ordinance with respect to qualifying farms that entered into conservation agreements while such ordinance was in effect.

F. Conflict with Water and/or Sewer System Construction and Improvements Grants

To the extent that this Article conflicts with the terms of any federal, state, or other grants for the construction of County water or sewer systems, this Article shall not apply.

**ARTICLE XII  
LAND USE DEVELOPMENT**

A. Purpose.

In order to prevent conflicts between voluntary agricultural districts, farm owners, and nearby non-farmer landowners, land use decisions shall consider the purposes of this ordinance and the proximity of voluntary agricultural districts to any proposed development.

B. Report.

The Advisory Board shall report at least annually to the Board of Commissioners on the status, progress, and activities of the County's farm preservation program including the County's voluntary agricultural district program.

**ARTICLE XIII  
CONSULTATION AND AGENCY NOTICE**

A. Consultation.

The Advisory Board may consult with the North Carolina Cooperative Extension Service, the Natural Resources Conservation Service office, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to the proper conduct of its business.

B. Notice to the North Carolina Department of Agriculture and Consumer Services

A copy of this ordinance shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services after adoption. At least annually the county shall submit a written report to the Commissioner of Agriculture and Consumer Services on the County's farmland preservation program, which may include the following voluntary agricultural district information:

1. Number of landowners enrolled;
2. Number of acres enrolled;
3. Number of acres certified during the reporting period;
4. Number of acres denied during the reporting period;
5. Copies of any amendments to the ordinance; and
6. Any other information the Advisory Board deems useful.

**ARTICLE XIV  
LEGAL PROVISIONS**

If any article, section, subsection, clause, phrase, or portion of this ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2001.

COUNTY OF CHATHAM

By: \_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
COUNTY ATTORNEY

# Application for Participation In The Chatham County Voluntary Agricultural District Program

To be qualified as an agricultural district, one or more farms totaling 20 acres in size within one mile of each other is/are required.

## **A. APPLICANT INFORMATION**

Name (s): \_\_\_\_\_

Full Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: (day) \_\_\_\_\_ (evening) \_\_\_\_\_

## **B. PROPERTY INFORMATION**

Owner (s): \_\_\_\_\_

Is farm approved for the Land Use Value Taxation Program? \_\_\_\_\_ Yes \_\_\_\_\_ No

Please list the agricultural commodities that are produced on the farm for which application is being made. \_\_\_\_\_  
\_\_\_\_\_

<b>STREET ADDRESS</b> <i>(ex: 100 My Farm Road)</i> <i>Anytown, NC</i>	<b>TAX PARCEL #</b> <i>(ex: 0001234)</i>	<b>ACRES</b> <i>(ex: 100)</i>	<b>USDA FARM #/Map #</b> <i>(ex: 1234/A-1)</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(For additional tracts, use back of this form)

Signature of Owners/Applicants: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Mail to: **Chatham County Managers Office**  
**Attention: Voluntary Agricultural Districts**  
**Post Office Box 87**  
**Pittsboro, NC 27312**

