

**HAYWOOD COUNTY
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

INTRODUCTION DATE: 03-5-2007

ADOPTION DATE: 03-5-2007

An ordinance amending “**HAYWOOD COUNTY FARMLAND PRESERVATION PROGRAM ORDINANCE**” Chapter 156 of the Board of County Commissioners of HAYWOOD COUNTY, NORTH CAROLINA.

BE IT ORDAINED BY HAYWOOD COUNTY BOARD OF COMMISSIONERS OF HAYWOOD COUNTY, NC that the “Haywood County Farmland Preservation Program Ordinance” Chapter 156 is hereby amended as follows:

(Amend 156.004 to include as second paragraph)

Agriculture, agricultural and farming practices are defined by the G.A. 106-581.1 as the:

- (1) cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants;
- (2) the planting and production of trees and timber;
- (3) dairying and the raising, management, care and training of livestock including horses, bees, poultry, deer elk and other animals for individual and public use, consumption and marketing;
- (4) aquaculture as defined in G.S. 106-758
- (5) the operation, management, conservation, improvement and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation;
- (6) when performed on the farm the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm. (1991, c. 81, s. 1; 2005-390, s. 18; 2006-255, s. 6.)

(Delete the following section under 156.020)

**(C) (Entire section)
(1) a, b, c, d, e and (2)**

(Add 156.035A)

156.035A CREATION OF ENHANCED VOLUNTARY AGRICULTURE DISTRICTS

- A. In addition to meeting requirements set forth by Chapter 156.035, ‘Creation of Voluntary Agriculture Districts’, landowners who are interested in pursuing a stronger option of Farmland Preservation must also meet the following:
- (1) would develop an irrevocable agricultural term easement between the Haywood County Agriculture Advisory Board, held by the Haywood County Soil and Water Conservation District and agriculture producer that cannot be revoked for ten years.
 - (2) automatically renewed every three years unless written notice is given from landowner to the Haywood Soil and Water Conservation District within 30 days before term expires.

(Amend current 156.086 title)

156.86 PROCEDURE FOR NOTIFICATION AND LANDOWNER BENEFITS

**Haywood County Farmland Preservation Program Ordinance, Chapter 156
Enhanced Voluntary Agriculture District Amendment**

(Amend 156.086 to include:)

C. Other Landowner benefits for the VOLUNTARY AGRICULTURE DISTRICT include:

- (1) recognition and public education about agriculture,
- (2) increased protection from nuisance suits by signs on property,
- (3) and waiver of water and sewer assessments.
 - a. A county that has adopted an ordinance under this Part may provide by ordinance that its water and sewer assessments be held in abeyance, with or without interest, for farms, whether inside or outside of a voluntary agricultural district, until improvements on such property are connected to the water or sewer system for which the assessment was made.
 - b. The ordinance may provide that, when the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
 - c. Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.
 - d. If an ordinance is adopted under this section, then the assessment procedures followed under Article 9 of Chapter 153A of the General Statutes or Article 10 of Chapter 160A of the General Statutes, whichever applies, shall conform to the terms of this ordinance with respect to qualifying farms that entered into conservation agreements while such ordinance was in effect.
 - e. Nothing in this section is intended to diminish the authority of counties to hold assessments in abeyance under G.S. 153A-201 or G.S. 160A-237. (1985 (Reg. Sess., 1986), c. 1025, s. 1; 2005-390, ss. 3, 15.)

(Add 156.086A)

156.086A ENHANCED VOLUNTARY AGRICULTURE DISTRICT INCENTIVES

A. In addition to receiving incentives from the Voluntary Agriculture District as defined in Chapter 156.086, landowners will also receive the following:

- (1) up to 25% of its gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from zoning regulations under the G.S. 153A-340(b),
- (2) and waiver of utility assessments during the ten year conservation agreement.
 - a. In the ordinance establishing an enhanced voluntary agricultural district under this Part, a county may provide that all assessments for utilities provided by that county are held in abeyance, with or without interest, for farmland subject to a conservation agreement under G.S. 106-743.2 that remains in effect until improvements on the farmland property are connected to the utility for which the assessment was made.
 - b. The ordinance may provide that, when the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
 - c. Statutes of limitations are suspended during the time that any assessment is held in abeyance under this section without interest.
 - d. If an ordinance is adopted by a county under this section, then the assessment procedures followed under Article 9 of Chapter 153A or Article 10 of Chapter 160A of the General Statutes, respectively, shall conform to the terms of this ordinance with respect to qualifying farms that entered into conservation agreements while such ordinance was in effect.
 - e. Nothing in this section is intended to diminish the authority of counties to hold assessments in abeyance under G.S. 153A-201 and G.S. 160A-237. (2005-390, s. 5.)

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Whereas, in addition to the above mentioned incentives, the landowner may also receive the following:

- (1) a higher percentage of cost share funds under the NC State Agriculture Cost Share Program, NC Division of Soil and Water Conservation, pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes,
- (2) priority consideration for grants from state departments, institutions or agencies

The Haywood County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Amendment to Chapter 156 "FARMLAND PRESERVATION PROGRAM" Ordinance.

Adopted this _____ day of _____, 2007.

Motion for adoption by _____ and seconded by _____.

Haywood County Board of Commissioners

Chairperson

Attest:

Clerk to Haywood County Board of Commissioners

Approved as to form:

Haywood County Attorney