

## Chapter 48 - VOLUNTARY FARMLAND PRESERVATION PROGRAM<sup>11</sup>

### Footnotes:

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**Editor's note**—Ord. of June 23, 2005, revised the former Ch. 48, §§ 48-1—48-12, and enacted a new Ch. 48 as set out herein. The former Ch. 48 pertained to similar subject matter and derived from Ord. of Mar. 24, 1992, §§ I—XII, eff. Apr. 1, 1992; Ord. of Sept. 22, 1992; Ord. of Feb. 22, 1993; Ord. of May 24, 1993; Ord. of June 1, 1999, §§ III—V, VII; Ord. of Apr. 17, 2000.

**Cross reference**— Businesses, ch. 8; planning and development, ch. 30.

**State Law reference**— Farmland Preservation Enabling Act, G.S. 106-735 et seq.

### Sec. 48-1. - Title.

An ordinance of the Board of County Commissioners of Orange County, North Carolina, entitled, "Voluntary Farmland Protection Ordinance."

(Ord. of 03-24-1992, Art. I, eff. 04-01-1992)

### Sec. 48-2. - Authority.

The articles and sections of this ordinance are adopted pursuant to authority conferred by the N.C. Gen. Stat. §§ 106-735 through 106-744 and Chapter 153A.

(Ord. of 03-24-1992, Art. II, eff. 04-01-1992)

### Sec. 48-3. - Purpose.

Through its plans, ordinances and other programs, it is the expressed policy of Orange County to conserve, protect and encourage the preservation and improvement of agricultural land within the County boundaries as a critical component of the County's cultural and rural character and its economy by virtue of the production of food, fiber and other products. The purpose of this Ordinance is to reduce the loss of productive and existing farmland by promoting agricultural values and the general welfare of the County, recognize the existence of important farmlands by seeking to minimize risks of nuisance suits that arise from the onset of other land uses, encourage participation in voluntary programs to preserve and protect farmland from non-farm development and increase identity and awareness of the agricultural community, and its role in the economic and cultural quality of life for all County residents.

(Ord. of 03-24-1992, Art. III, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005)

### Sec. 48-4. - Definitions.

The following are defined for purposes of this Ordinance:

Agricultural district: Voluntary Agricultural District and Enhanced Voluntary Agricultural District.

Board: Orange County Agricultural Preservation Board.

Board of commissioners: Orange County Board of Commissioners.

Certified qualifying farm: A farm that has met the criteria as a "qualifying farm" above, and has executed the provisions of subsection 48-7(a), including the conservation agreement as specified herein.

Chair: Chairperson of the Orange County Agricultural Preservation Board.

District: Voluntary Agricultural District as established by this Ordinance.

Enhanced district: Enhanced Voluntary Agricultural District as established by this ordinance.

Qualifying farm: A farm that has met the qualification criteria set out in section 48-7 of this ordinance, is certified for the Voluntary or Enhanced Voluntary Agricultural District Program.

(Ord. of 03-24-1992, Art. IV, eff. 04-01-1992; Amend. of 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-5. - Agricultural preservation board.

- (a) Creation. An Orange County Agricultural Preservation Board, consisting of seven initial members appointed by the Board of County Commissioners, is hereby established. The Agricultural Preservation Board shall consist of up to seven at-large members plus one member from each Agricultural District Region created and existing under this Ordinance, with members selected from Certified Qualifying Farms within Voluntary and Enhanced Voluntary Agricultural Districts, appointed by the Board of County Commissioners. Additional appointments may be made to satisfy the requirements of subsection 48-5(b)(1)(b) of this Ordinance.
- (b) Membership.
  - (1) Requirements.
    - a. Each Board member shall be a resident of Orange County.
    - b. Each Agricultural District existing pursuant to this ordinance shall be represented on the Board by a person owning farmland on a Certified Qualifying Farm within the Agricultural District. The Board of County Commissioners shall appoint the Agricultural District representatives and shall make its selection of a representative for each Agricultural District from among Certified Qualifying Farms within the Agricultural District.
    - c. The remaining members of the Board shall be appointed at-large by the Board of County Commissioners to represent a broad range of agricultural interests.
    - d. Additional members may be appointed to the Board in an ex officio capacity from the Soil and Water Conservation District Board, North Carolina Cooperative Extension, the U.S. Farm Service Agency, or other agencies, as deemed necessary by the Board of County Commissioners. Members serving in an ex officio capacity shall neither vote nor count toward quorum requirements.
  - (2) Tenure. Each member shall serve a term of three years, except that the initial Board is to consist of two appointees for terms of two years, two appointees for terms of three years, and three appointees for terms of four years. Thereafter, all appointments are to be for terms of three years, with reappointments permitted. Notwithstanding the term limits contained in this section, Agricultural District representatives may be appointed and re-appointed as necessary to insure that each Agricultural District is represented as provided in subsection 48-5(b)(1)(b) of this Ordinance.
- (3) Vacancies. Any vacancy on the Board is to be filled for the remainder of the unexpired term.
- (c) Removal. Any member of the Advisory Board may be removed by the Board of Commissioners upon a two-thirds vote of the Commissioners. No cause for removal shall be required. The Board may recommend that members not meeting attendance standards be removed by the Board of Commissioners. If an appointee, in any calendar year has absences which constitute more than 25

percent of the regularly scheduled Board meetings or three consecutive meetings, whichever comes first, which he or she is required to attend, he or she is obligated to resign. The Board of Commissioners may consider extenuating circumstances. If the individual refuses to resign, he or she may be removed by action of the Board of County Commissioners, by a majority vote, subject to state or local law. A leave of absence may be granted for extraordinary circumstances, such as illness or personal circumstances, upon request to the Board of Commissioners.

- (d) Board procedure. The Board shall develop procedures for the conduct of its meetings, in addition to those listed here, which shall be consistent with this Ordinance, other provisions of State law, and Robert's Rules of Order.
  - (1) Chair and Vice-Chair. The Board shall elect a Chair and Vice-Chair each year at its February meeting. The Chair shall preside over all regular or special meetings of the Board. In the absence or disability of the Chair, the Vice-chair shall preside and shall exercise all the powers of the Chair. Additional officers may be elected as needed. The Chair and Vice-Chair shall serve terms of one year and shall be eligible for re-election. Both may be eligible to succeed themselves for three terms.
  - (2) Advisory Board Year. The Board shall use the Orange County fiscal year as its meeting year.
  - (3) Meetings.
    - a. Regular meetings of the Board shall be held on the third Wednesday of each month at a time established by the Board. When the regular meeting day falls on a legal holiday, the Board may call a special meeting.
    - b. Special meetings may be called by the Chair or by written request of two members of the Board, submitted to the Board or the Chair. Written or oral notice of special meetings shall be given to all members at least 48 hours prior to the meeting and shall state the time, place and purpose of the meeting.
    - c. All meetings shall be open to the public.
  - (4) Quorum and Majority Vote. A quorum of the Board shall consist of a majority of the appointed members of the Board. All issues shall be decided by a majority vote of the members of the Board, except as otherwise stated herein or in the adopted Rules of Procedure.
  - (5) Records. The Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board and shall be a public record.
- (e) Duties. The Board shall have the authority to:
  - (1) Review and approve the form of the agreement to sustain agriculture required in section 48-5 of this Ordinance;
  - (2) Review and approve applications for qualifying farmland certification and make recommendations concerning the establishment and modification of Agricultural Districts and participating farms therein as defined in this Ordinance;
  - (3) Review and make recommendations concerning proposed amendments to this Ordinance;
  - (4) Conduct public hearings;
  - (5) Hold joint public hearings with the Orange County Board of Commissioners on public projects likely to have an impact on agricultural operations within Orange County;
  - (6) Advise the Board of County Commissioners on projects, programs or issues affecting the agricultural economy or activities within the County and that will affect Agricultural Districts;
  - (7) Study additional methods of farmland preservation and make recommendations to the Orange County Board of Commissioners; and

- (8) Perform other related tasks or duties assigned by the Orange County Board of County Commissioners; and
- (9) Provide recommendations and input on modifications to the Orange County Agricultural Development and Farmland Protection Plan, as defined in N.C. Gen. Stat. § 106-744 (e)(1) and the County's Lands Legacy Program, for presentation to the Board of Commissioners.

(Ord. of 03-24-1992, Art. V, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-6. - Creation of voluntary agricultural districts and enhanced voluntary agricultural districts.

- (a) Regions. Orange County is hereby divided into seven Agricultural District Regions that will become effective upon implementation as provided in this Section. The boundaries of each Region are identified as follows and are depicted on the map which is Exhibit A to this Ordinance:
  - (1) Cedar Grove,
  - (2) High Rock/Efland,
  - (3) Cane Creek/Buckhorn,
  - (4) White Cross,
  - (5) New Hope,
  - (6) Schley/Eno,
  - (7) Caldwell.
- (b) Implementation.
  - (1) In order to implement the purposes stated in Section 48-3, this program provides for the creation of Voluntary Agricultural Districts that meet the following standard:
  - (2) The District or Enhanced District shall consist of a minimum of one or more Certified Qualifying Farms.
  - (3) Farmland that does not meet the minimum acreage requirement to be certified but that meets all other certification qualifications may be added to an existing District or Enhanced District upon execution by the owner and the recording of a conservation agreement between the County and the owner.
  - (4) All land enrolled in a Region, defined in Section 48-6(a), above, shall be part of a single district, whether enrolled in the District or the Enhanced District. If a single farm has acreage in two or more regions, the farm shall participate in the district where the largest acreage is found. All land in a region as defined in Section 48-6(a), above, shall be treated as a single district whether enrolled in the District or the Enhanced District.
- (c) Education. The County may take such action as it deems appropriate through the Board or other entities or individuals to encourage the formation of the Districts or the Enhanced Districts and to further their purposes and objectives, including the implementation of public information programs to reasonably inform landowners of the agricultural district program.
- (d) Addition and withdrawal.
  - (1) Qualifying farmland in a Region shall be added to the Agricultural District as provided in this Ordinance.
  - (2) In the event that one or more Certified Qualifying Farms in the Agricultural District withdraws and the acreage in the District or Enhanced District becomes less than the minimum acreage required or results in the remaining land being noncontiguous, any Agricultural District will continue to exist so long as there is one Certified Qualifying Farm in the Agricultural District.

(Ord. of 03-24-1992, Art. VI, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-7. - Certification and qualification of farmland.

Requirements. To secure County certification as qualifying farmland (Certified Qualifying Farm), a farm must:

- (1) Be located in the unincorporated area of Orange County;
- (2) Be participating in the farm present-use-value taxation program, for agriculture, horticulture or forestry, established by N.C. Gen. Stat. § 105-277.2 through § 105-277.7, or is otherwise determined by the County to meet all the qualifications of this program set forth in § 105-277.3 ;
- (3) Be certified by the Natural Resources 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. Are best suited for providing food, seed, fiber, forage, timber, forestry products, horticultural crops and oil seed crops;
  - b. Have good soil qualities;
  - c. Are favorable for all major crops common to the county where the land is located;
  - d. Have a favorable growing season; and
  - e. Receive the available moisture needed to produce high yields for an average of eight out of ten years;

OR

Have been actively used in agricultural, horticultural or forestry operations as defined by N.C. Gen. Stat. § 105-277.2 (1, 2, 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;

- (4) Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land (have a current conservation farm plan and/or forestry management plan associated with the current usages and owner); and
- (5) Be the subject of a conservation agreement, as defined in N.C. Gen. Stat. § 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.

(Ord. of 03-24-1992, Art. VII, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-8. - Application, approval, and appeal procedure.

(a) Application and certification procedures. A farmland owner may apply for either certification as qualifying farmland or for qualifying farmland designation. For a farmland owner to receive the benefits provided by this Ordinance, the farm must be certified as qualifying farmland (Certified Qualifying Farm) by the Board and approved and designated as a Voluntary or Enhanced Voluntary Agricultural District by the Board of Commissioners.

- (1) Applications for qualifying farmland certification shall be made to the County Department of Environment, Agriculture, Parks and Recreation on forms provided by the Department.

- (2) The Department of Environment, Agriculture, Parks and Recreation shall review each application for completeness. When complete, the application shall be forwarded to:
  - a. The tax supervisor's office; and
  - b. The local office of the Natural Resources Conservation Service of the United States Department of Agriculture.

The Department of Environment, Agriculture, Parks and Recreation shall submit the application along with the findings of the Tax Administration Department and the Natural Resources Conservation Service of the United States Department of Agriculture to the Board at its first regular meeting after expiration of the 30 day period specified in this subsection (a)(2) or any extension thereof.

- (3) The Board shall render a decision within 60 days of the meeting at which the application and findings of the Tax Administration Department and the Natural Resources Conservation Service of the United States Department of Agriculture were presented for consideration. If applicable, the Board shall prepare a recommendation to the Board of County Commissioners regarding the establishment of a Voluntary or Enhanced Voluntary Agricultural within 60 days of the meeting.
  - (4) Upon receipt of the recommendation of the Board, the Board of Commissioners may consider establishment of a Voluntary or Enhanced Voluntary Agricultural District. In deciding whether to establish an Agricultural District, the Board of Commissioners shall consider the findings of the tax supervisor and Natural Resources Conservation Service offices as well as the recommendation of the Board.
  - (5) Upon approval by the Board of Commissioners, the establishment of a Voluntary or Enhanced Voluntary Agricultural District shall become effective upon recordation of the necessary conservation agreements, prepared in accordance with section 48-7, subsection 48-7(a)(5), executed by the landowner and the county, and recorded in the County register of deeds as provided in N.C. Gen. Stat. § 121-41.
  - (6) Upon recordation of the requisite number of conservation agreements, the Department of Environment, Agriculture, Parks and Recreation will notify the Tax Administration Department of the Agricultural District established. The Agricultural District and each requisite conservation agreement will be identified on the County GIS.
- (b) Appeal. If an application is denied by the Agricultural Preservation Board, the landowner may, within 15 days of notification of disapproval of the application, request in writing that the Agricultural Preservation Board reconsider its decision. The request for reconsideration shall state the reason(s) therefore. Upon either an initial denial, if no request for reconsideration was made, or denial after reconsideration, the landowner shall have 30 days from the date of notification to appeal the decision to the Board of County Commissioners. Such appeal shall be presented in writing. The decision of the Board of County Commissioners is final.

(Ord. of 03-24-1992, Art. VIII, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-9. - Revocation and renewal of conservation agreement.

- (a) Revocation. By written notice to the Board, a landowner of qualifying farmland may revoke the Conservation Agreement or the Board may revoke the same Conservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Section 48-8 for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in an Agricultural District. Absent noncompliance by the landowner, neither the Board nor the Board of Commissioners shall revoke any conservation agreements prior to its expiration.
- (b) Renewal.
  - (1) District. A Conservation Agreement for land with a Voluntary Agricultural District shall be automatically renewed unless that landowner(s) provides 30-day written notice to the Agricultural

Preservation Board of intent not to renew. Absent noncompliance by the landowner, neither the Agricultural Preservation Board nor the Board of County Commissioners shall fail to renew any Conservation Agreement unless this Ordinance or its authorizing legislation has been repealed.

- (2) Enhanced District. A Conservation Agreement for an Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of three years, unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three-year term the Conservation Agreement shall automatically renew for an additional three-year term unless notice of termination is given.

(Ord. of 03-24-1992, Art. IX, eff. 04-01-1992; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-10. - Additional enhanced agricultural district benefits.

Land enrolled in the Enhanced Voluntary Agricultural District program is entitled to all of the benefits available under the Voluntary Agricultural District program, and to the following additional benefits:

- (a) Sale of non-farm products. Landowners participating in Enhanced Districts may receive up to 25 percent of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from County zoning regulations under N.C. Gen. Stat. § 153A-340(b). A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed 25 percent of its gross sales.
- (b) Agricultural cost share program Landowners participating in Enhanced Districts are eligible under N.C. Gen. Stat. § 143-215.74(b) to receive the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes for funds to benefit that farmland.
- (c) Priority consideration. State departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in Enhanced Districts.
- (d) Utility assessment waiver. As provided in Section 48-19 below, waiver of all County utility assessments in addition to waiver of water and sewer assessments is available to all participants in Enhanced Districts.

(Ord. of 03-24-1992, Art. X, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-11. - Public hearings.

- (a) Purpose. Pursuant to N.C. Gen. Stat. § 106-740, no State or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within an Agricultural District until such agency or unit has requested the Board to hold a public hearing on the proposed condemnation.
- (b) Procedure.
  - (1) Upon receiving a request, the Board shall publish notice describing the proposed action in the appropriate newspapers of Orange County within five business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten days of receipt of the request.
  - (2) The Board shall meet to review:
    - 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 Agricultural District within which the proposed action is to take place.
- (3) The Board shall consult with the Department of Environment, Agriculture, Parks and Recreation, County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Board to be necessary for its review of the proposed action.
  - (4) Within five business days after the hearing, the Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
  - (5) There will be a period of ten days allowed for public comment on the report of the Board.
  - (6) After the ten-day period for public comment has expired, the Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.
  - (7) The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed 30 days. If the agency agrees to an extension, the agency and the Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
  - (8) Pursuant to N.C. Gen. Stat. § 106-740, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Board.

(Ord. of 03-24-1992, Art. XI, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-12. - Notification.

- (a) Record notice of proximity to voluntary agricultural districts and enhanced voluntary agricultural districts.
  - (1) Procedure. The Orange County Tax Administration Department and the Register of Deeds shall implement and enforce the following requirements outlined in this section. Upon certification of qualifying farmland and designation of real property as an Agricultural District, the PIN History to that qualifying farmland and real property, which is contained in the Orange County Tax Administration Department and the Register of Deeds, shall be changed to include a notice reasonably calculated to alert a person researching the title of a particular tract that is located within one-half aerial mile of a qualifying farm in a Voluntary Agricultural District or an Enhanced Voluntary Agricultural District of the existence of that 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. Signs identifying approved agricultural districts shall be placed along the rights-of-way of major roads that pass through or next to those districts. Additionally, signs shall be posted at the perimeter of qualifying farms that have executed the Conservation Agreement to participate in the Agricultural District. Placement of signage shall be coordinated with the N.C. Department of Transportation.



- (c) Maps. Maps identifying approved Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts qualifying farms shall also be provided to the following agencies or offices:
- (1) Register of Deeds;
  - (2) U.S. Natural Resources Conservation Service/N.C. Soil and Water Conservation District;
  - (3) North Carolina Cooperative Extension Service;
  - (4) The Department of Environment, Agriculture, Parks and Recreation;
  - (5) Planning and Inspections Department; and
  - (6) Any other such agency or office the Board deems appropriate.

(Ord. of 03-24-1992, Art. XII, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-13. - Subdivision regulations and zoning ordinance review.

Developers of major subdivisions or planned unit developments shall designate on any final plats to be recorded the existence of the Agricultural Districts within one aerial mile(s) of the proposed development.

(Ord. of 03-24-1992, Art. XIII, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-14. - Waiver of water and sewer assessments.

- (a) Abeyance. Water and sewer assessments for systems owned or operated by Orange County shall be held in abeyance, without interest, for farms in an Agricultural District, until improvements on such property are connected to the water or sewer system for which the assessment was made.
- (b) Termination of abeyance. When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
- (c) Suspension of statute of limitations. Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.
- (d) 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. Gen. Stat. § 153A-201, or other applicable law.
- (e) Conflict with water and/or sewer system construction and improvements grants. To the extent that this section conflicts with the terms of federal, state, or other grants under which county water and/or sewer systems are constructed this Section shall not apply.

(Ord. of 03-24-1992, Art. XIV, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-15. - County land use planning.

- (a) Duty of the board. It shall be the duty of the Board and the Department of Environment, Agriculture, Parks and Recreation to advise the Board of Commissioners on the status, progress, and activities of the county's Agricultural District program and to also coordinate the formation and maintenance of agricultural Districts with the County's comprehensive planning and elements of the County Comprehensive Plan.

- (b) Posting of notice. The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds and may be posted in other County offices such as the vestibule of the West Campus Office Building.

Orange County has established Agricultural Districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the County to inform all purchasers of real property that certain agricultural and forestry activities, including standard agricultural practices that may occur in these districts in accord with Federal, State and local ordinances and laws. Maps and information on the location and establishment of these districts can be obtained from the Department of Environment, Agriculture, Parks and Recreation.

(Ord. of 03-24-1992, Art. XV, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-16. - Consultation authority.

The Board may consult with the Department of Environment, Agriculture, Parks and Recreation, 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 Board deems necessary to properly conduct its business. The Department of Environment, Agriculture, Parks and Recreation is designated as the primary staff support to the Board.

(Ord. of 03-24-1992, Art. XVI, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-17. - North Carolina Agency Notification.

Annual Report 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, the Board of Commissioners, the County Office of the North Carolina Cooperative Extension Service, and the Soil and Water Conservation District office after adoption. At least annually the County shall submit a written report to the Commissioner of Agriculture and Consumer Services on the County's agricultural district program, including the following 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) Number of acres for which applications are pending;
- (6) Copies of any amendments to the ordinance; and
- (7) Any other information the Advisory Board deems useful.

(Ord. of 03-24-1992, Art. XVII, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-18. - Legal provisions.

- (a) Severability. 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.

(b) Amendments. This ordinance may be amended from time to time by the Board of Commissioners.

(Ord. of 03-24-1992, Art. XVIII, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-19. - Purchase of agricultural conservation easements.

As provided in the N.C. Gen. Stat., § 106-744, and included in the County's Lands Legacy Program, Orange County may, with the voluntary consent of landowners, acquire by purchase agricultural conservation easements on qualifying farmland as defined in this ordinance and located within a Voluntary Agricultural District or Enhanced Voluntary Agricultural District as defined in this ordinance.

(Ord. of 03-24-1992, Art. XIX, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-20. - Effective and adoption dates.

This ordinance shall be effective from and after April 1, 1992.

Duly adopted by the Board of Commissioners of the County of Orange, North Carolina, this 24th day of March, 1992.

(Ord. of 03-24-1992, Art. XX, eff. 04-01-1992; Amend. of 05-24-1993, eff. 05-24-1993; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 6-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-21. - Enactment.

The Orange County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

(Ord. of 03-24-1992, Art. XXI, eff. 04-01-1992)

Exhibit A

Agricultural District Regions Map

**Editor's note**— It should be noted the Exh. A referenced above is not set out at length herein, but is on file and available for inspection in the office of the Orange County Clerk.