

**GRAHAM COUNTY  
VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

**ARTICLE I  
TITLE**

An ordinance of the Graham County Board of County Commissioners of GRAHAM COUNTY, NORTH CAROLINA, entitled, " GRAHAM COUNTY VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE."

**ARTICLE II  
AUTHORITY**

The articles and sections of this Ordinance are adopted pursuant to authority conferred by the North Carolina General Statutes sections 106-735 through 106-743 and Chapter 153A.

**ARTICLE III  
PURPOSE**

The purpose of this Ordinance is to promote agricultural values and the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture, horticulture and forestry; and increase protection from non-farm development and other negative impacts on properly managed farms.

**ARTICLE IV  
DEFINITIONS**

The following are defined for purposes of this Ordinance:

1. "County" Graham County, North Carolina.
2. "Advisory Board" Graham County Agricultural Advisory Board responsible for administering this Ordinance pursuant to N.C.G.S. § 106-739.
3. "Chairperson" Chairperson of the Graham County Agricultural Advisory Board.
4. "District "Voluntary Agricultural District as established by this Ordinance.
5. "Board of Commissioners" Graham County Board of Commissioners.

## **ARTICLE V AGRICULTURAL ADVISORY BOARD**

### **A. Creation.**

The Graham County Board of Commissioners shall establish an Agricultural Advisory Board to implement the provisions of this Ordinance.

### **B. Membership Requirements**

1. The Advisory Board shall consist of three (3) members representing the Voluntary Agricultural Districts approved under this Ordinance.
2. Each Advisory Board member, except those serving in an ex officio capacity, shall be a Graham County resident or landowner.
3. The Advisory Board shall address other matters of Advisory Board membership qualifications in Bylaws approved by the initial Advisory Board and further approved, if necessary, by local ordinance or state law.

### **C. Duties of Advisory Board**

1. Review applications of landowners for enrollment of qualified farmland, horticultural land, or forestland into a District for compliance with this Ordinance.
2. Make recommendations to the County Board of Commissioners concerning the establishment, additions to, and modification of Districts.
3. Conduct public hearings concerning likely to have an impact on agricultural operations, particularly if such projects involve condemnation of all or part of any qualifying farm.
4. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy and agricultural, horticultural or forestry activities within the county that will affect Districts.
5. Review and make recommendations concerning proposed amendments to this Ordinance; and
6. Perform other related tasks or duties assigned by the Board of Commissioners.

**ARTICLE VI**  
**DEFINITION OF VOLUNTARY AGRICULTURAL DISTRICTS**

**A. Voluntary Agricultural Districts**

In order to implement the purposes stated in Article III, this program provides for the creation of Voluntary Agricultural Districts within the unincorporated area of the County, which shall consist of at least the number of contiguous acres of agricultural land, and forestland or horticultural land that is part of a qualifying farm or the number of qualifying farms deemed appropriate by the governing board of the county adopting this ordinance, the initial number of Voluntary Agricultural Districts in Graham County shall be one VAD.

**B. Landowner Execution Required**

Owners of the initial requisite acreage to form a Voluntary Agricultural District as well as subsequent owners shall execute an agreement to sustain agriculture in the district, the form of said agreement must be reviewed and approved by the Advisory Board.

**C. Advisory Board Representation of Voluntary Agricultural Districts.**

Each Voluntary Agricultural District shall be represented by representative designated as such by the Advisory Board established under G.S. 106-739.

**D. Addition to District**

Qualifying farmland in a region with an existing District shall be added to the district as herein provided.

**E. Certification of Districts.**

The Advisory Board shall present to the Board of Commissioners each new qualifying farm for approval. The Board of Commissioners may by resolution waive this requirement.

**ARTICLE VII  
CERTIFICATION OF QUALIFYING FARMLAND**

**REQUIREMENTS:**

To secure county certification as qualifying farmland in a Voluntary Agricultural District, a farm must:

1. Be real property that is engaged in agriculture as that word is defined in N.C.G.S. § 106-581.1.
2. 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.
3. 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 (10) years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and
4. Be located within the unincorporated area of Graham County, unless there is an agreement with a municipality through which the county is authorized to exercise the authority of the municipality on its behalf.

**ARTICLE VIII  
APPLICATION, REVIEW, AND APPEAL**

**ARTICLE IX  
REVOCATION, TRANSFER, RENEWAL, AND ENFORCEMENT OF  
CONSERVATION AGREEMENTS**

By written notice to the county, the landowner may revoke this conservation agreement. Such revocation shall result in loss of qualifying farm status.

**ARTICLE X  
WAIVER OF WATER AND SEWER ASSESSMENTS  
  
PUBLIC HEARINGS**

## **ARTICLE XII MANDATORY NOTIFICATION**

### **A Record Notice of Proximity to a Voluntary Agricultural District**

#### **1. Procedure**

Pursuant to N.C.G.S. § 106-741, upon certification of qualifying farmland and its designation as a Voluntary Agricultural District, the County shall provide in its computerized land records system some form of notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half mile of a Voluntary Agricultural District as defined in Article VI (A) of this Ordinance.

#### **2. Limit of Liability**

In no event shall the County or any of its officers, employees, members of the Advisory Board, 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 Article.

#### **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 District as defined in this Ordinance.

## **ARTICLE XIII SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW**

## **ARTICLE XIV COUNTY LAND USE PLANNING**

## **ARTICLE XV 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 after adoption. At least annually, the county shall submit a written report to the Commissioner of Agriculture and Consumer Services on the county's Voluntary Agricultural District program, including the following information the status, progress and activities of its farmland preservation program.

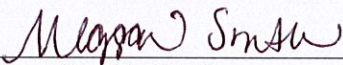
**ARTICLE XVI  
ENACTMENT**

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

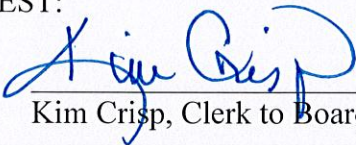
Adopted this the 14<sup>th</sup> day of January 2025.

Motion for adoption by Commissioner NELMS and seconded by  
Commissioner SMITH.

GRAHAM COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Meggan Smith, Chair

ATTEST:

  
\_\_\_\_\_  
Kim Crisp, Clerk to Board of Commissioners

Approved as to form:

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J.K. Coward, Jr. County Attorney