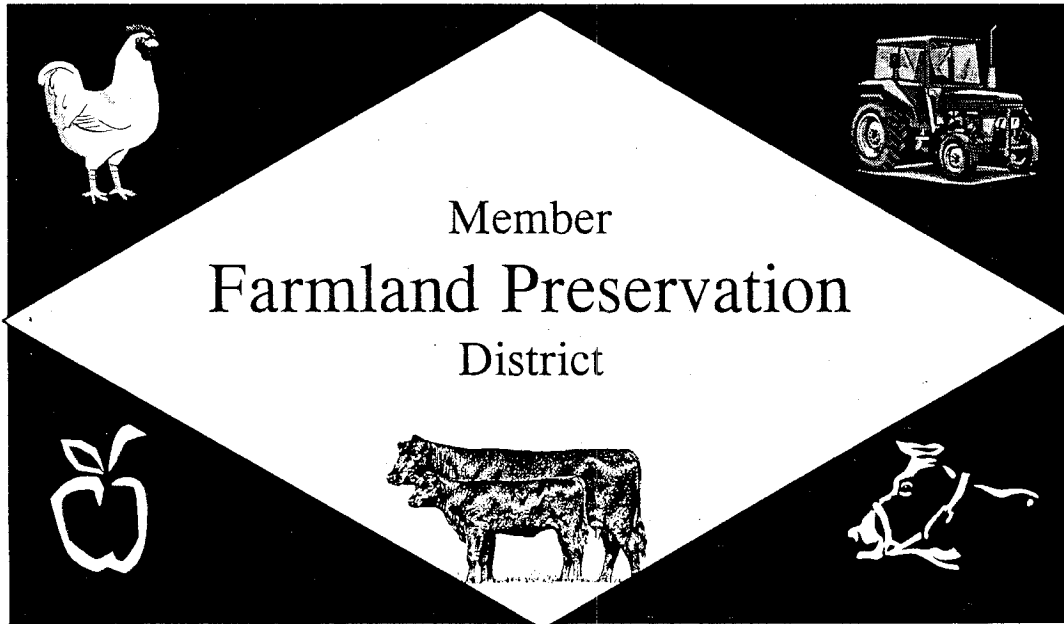


ALEXANDER COUNTY VOLUNTARY FARMLAND PRESERVATION PROGRAM ORDINANCE



**ALEXANDER COUNTY
VOLUNTARY FARMLAND PRESERVATION
PROGRAM ORDINANCE**

**ARTICLE I
TITLE**

This program, adopted by the Board of Commissioners of Alexander County, North Carolina, shall be known as the **Alexander County Voluntary Farmland Preservation Program Ordinance**.

**ARTICLE II
AUTHORITY**

The articles and sections of this program ordinance are adopted pursuant to the authority conferred by N.C. General Statutes 106-735 through 106-743.

**ARTICLE III
PURPOSE**

The purpose of this program ordinance is to promote the health, safety, rural agricultural values, and 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 farming; increase protection from undesirable, non-farm development; and increase the protection of farms from nuisance suits and other negative impacts on properly managed farms.

**ARTICLE IV
JURISDICTION**

The jurisdiction of the Alexander County Voluntary Farmland Preservation Program Ordinance shall be the unincorporated areas of Alexander County.

**ARTICLE V
DEFINITIONS**

Advisory Board: The Alexander County Agricultural Advisory Board.

Board of Commissioners: The Board of Commissioners of Alexander County, North Carolina.

Chairman: Chairman of the Alexander County Agricultural Advisory Board.

District: A voluntary agricultural district established under the terms and conditions of this program by the Board of Commissioners.

ARTICLE VI QUALIFICATIONS AND CERTIFICATION OF FARMLAND

Section 600, Requirements

In order for farmland to qualify for participation under the terms of this program, it shall meet the following requirements:

- (1) The farmland shall be real property;
- (2) The farm property shall be participating in the farm present-use-value taxation program established by G.S. 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 G.S. 105-277.3;
- (3) The property shall be certified by the Natural Resources Conservation Service of the United States Department of Agriculture, in consultation with the Cooperative Extension office and the Farm Service Agency, 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, and horticultural crops, including Christmas trees and ornamentals;
 - (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

Soils on which at least two-thirds of the land has been actively used in agricultural, horticultural or forestry operations as defined in G.S. 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) The property, if highly erodible land exists on the farm, is managed in accordance with the Natural Resources Conservation Service defined erosion control practices that are addressed to said highly erodible land; and

- (5) The property is the subject of a conservation agreement, as defined in 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 watershed and subdivision regulations, or the regulations of any municipality which apply to the farm property. The property owner may voluntarily revoke this conservation agreement by submitting a written request to the board in accordance with Article VIII.

Section 601. Certification

The owner of the farm seeking to qualify his property for participation in the farmland preservation program ordinance shall submit written evidence that the property conforms to the requirements of Section 600 of this program. This written information shall be submitted to the Chairman of the Advisory Board or the designated staff person on forms provided by the board. The certification may be submitted at the same time the owner applies for inclusion in a district.

ARTICLE VII APPLICATION, APPROVAL AND APPEAL PROCEDURES FOR VOLUNTARY AGRICULTURAL DISTRICTS

Section 700. Creation of Voluntary Agricultural Districts

In order to implement the purposes stated in Article III, this program provides for the creation of voluntary agricultural districts, which shall meet the following standards:

- (1) The district, when initially established, shall contain a minimum of 10 contiguous acres of qualified farmland, OR, two or more qualified farms which each contain a minimum of 10 acres and are located within a mile of each other;
- (2) The landowner(s) requesting inclusion in the district shall execute an agreement with the county to sustain agriculture in the district in accordance with Section 600 (5) of this program. Said agreement shall be in a form which is reviewed and approved by the advisory board; and
- (3) For each district created under the terms of this program, one of the existing advisory board members shall be assigned to represent the district.

Section 701. Application to Participate

A landowner may apply to participate in the program by making application to the

chairman of the advisory board or to a designated staff person. The application shall be on forms provided by the advisory board. The application to participate in a district may be filed with the certification of qualifying farmland.

Section 702. Approval Process

Upon review by the staff of the written certification and application submitted by the property owner, the board shall meet within 30 days if possible to approve or disapprove the application. The chairman shall notify the applicants by first class mail of said approval or disapproval of participation in the district.

Section 703. Appeal

If the Agricultural Advisory Board denies an application, the petitioner has 30 days to appeal the decision to the Alexander County Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

ARTICLE VIII
REVOCATION OF CONSERVATION AGREEMENTS

By written notice to the board, a landowner of qualifying farmland may revoke the preservation agreement formulated pursuant to Section 600 (5) of this program, or the board may revoke same preservation agreement based on noncompliance by the landowner. Such revocation shall result in loss of qualifying farm status, and consequently, loss of eligibility to participate in a voluntary agricultural district and the benefits thereof. Revocation by a landowner of a preservation agreement and the resulting loss of qualifying farmland status for the purpose of participation in a voluntary agricultural district shall in no way affect the eligibility of the land to be taxed at its present use value as provided in N.C.G.S. 105-277.2 through N.C.G.S. 105-277.6. If a portion of a district is removed for any reason after being established by this program, the remaining qualified farms may remain in the program, provided they meet all other requirements except the minimum area requirements of Section 700 (1).

ARTICLE IX
AGRICULTURAL ADVISORY BOARD

Section 900. Creation

In accordance with N.C.G.S. 106-739, the Board of Commissioners hereby establishes an Agricultural Advisory Board to implement the provisions of this program ordinance.

Section 901. Appointments and Membership

The Agricultural Advisory Board shall consist of seven members appointed by the Alexander County Board of Commissioners.

(1) Requirements

(a) Each board member shall be a county resident and registered to vote in Alexander County.

(b) Five of the seven members shall be actively engaged in farming.

(c) The sixth member shall have special interest, experience, or education in agriculture and/or rural land preservation.

(c) The members shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Alexander Soil and Water Conservation District, the Natural Resources Conservation Service, the Cooperative Extension Service, the Farm Service Agency Committee and the Alexander County Farm Bureau with an effort to have the broadest geographical representation possible.

(2) Tenure. The members are to serve for terms of four years, except that the initial board is to consist of one appointee for a term of one year, two appointees for a term of two years, two appointees for a term of three years and two for a term of four years. Thereafter, all appointments are to be for terms of four years, with reappointments permitted. The terms for the initial board members will be determined by lottery.

(3) Vacancies. Any vacancy on the Agricultural Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term following the same procedure as for the initial appointment.

(4) Removal for Cause. Any member of the Agricultural Advisory Board may be removed for cause by the Board of Commissioners upon written charges and after a public hearing.

(5) Funding

(a) *Compensation*. The per meeting compensation of the members of the board shall be fixed by the Board of Commissioners.

- (b) *Appropriations for performance of duties.* Funds shall be appropriated by the Board of Commissioners to the Agricultural Advisory Board to perform its duties. A budget request will be presented to the County Commissioners annually.

Section 902. Procedures

The board shall adopt rules of procedure, which are consistent with the enabling legislation and other applicable statutes.

- (1) Chairperson. The board shall elect a chairperson and vice-chairperson each year at its first meeting of the fiscal year. The chairperson shall preside over all regular or special meetings of the board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall have and exercise all the powers of the chairperson so absent or disabled. Additional officers may be elected as needed.
- (2) Jurisdiction and Procedures; Supplementary Rules. The jurisdiction and procedures of the board are set out in this article, except that the board may adopt supplementary rules of procedure not inconsistent with this article or with other provisions of law.
- (3) Board Year. The board shall use the county fiscal year as its meeting year.
- (4) Meetings. Meetings of the board, following such notice as required by this article, shall be held at the call of the chairperson and at such other times as the board in its rules of procedure may specify. A called meeting shall be held at least quarterly. A quorum shall consist of a majority of the members of the board.
- (5) Voting. The concurring vote of a majority of the members of the board shall be necessary to pass upon any other matter on which it is required to act under this article.
- (6) 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 immediately filed in the office of the board and shall be a public record.
- (7) Administrative Services. The Soil and Water Conservation District

office shall serve the agricultural advisory board for record keeping, correspondence, and application procedures under this article together with such other services the board needs to complete its duties.

Section 903. Duties

The Agricultural Advisory Board shall:

- (1) Review and approve applications for qualified farmland and voluntary agricultural districts.
- (2) Hold public hearings pursuant to Article X of this program.
- (3) Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or activities within the county and that will affect agricultural districts.
- (4) Perform other related tasks or duties assigned by the Board of Commissioners.

ARTICLE X
PUBLIC HEARINGS ON CONDEMNATION OF FARMLAND

Section 1000. Purpose

Pursuant to N.C.G.S. 106-740, no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a voluntary agricultural district until such agency or unit has requested the Agricultural Advisory Board to hold a public hearing on the proposed condemnation. The procedures for such hearings shall be as set forth below.

Section 1001. Procedures

- (1) Establish Public Hearing. Upon receipt of a request for a public hearing, the Agricultural Advisory Board shall have 30 days to set a date for a public hearing on the proposed condemnation pursuant to N.C.G.S. 106-740. No formal initiation of condemnation shall be initiated while the proposed condemnation is properly before the board within the time limitations set forth in this section.
- (2) Notice of Public Hearing. The board shall run a notice of the public hearing in a newspaper having general circulation in Alexander County at least 10 days prior to the date established for the hearing. The notice shall contain the date, time and place of the hearing and shall provide the name of the agency requesting the hearing and the purpose of the condemnation.

- (3) Public Hearing. The board shall conduct the public hearing and receive information and comments from the agency requesting the condemnation action and the citizens of Alexander County. Additionally, the board shall review the following:
- (a) Has the need for the project requiring the condemnation been satisfactorily shown by the agency requesting the action?
 - (b) Has a financial impact analysis been conducted by the agency seeking the action?
 - (c) Have alternatives been considered to the proposed action that are less disruptive to the agricultural activities and farmland base of the voluntary agricultural district within which the proposed action is to take place?

The board shall invite and allow input by the county Cooperative Extension agent, U.S.D.A. Natural Resources Conservationist, the Farm Service Agency, Planning Board and may consult with any other individuals, agencies or organizations, public or private, necessary to the board's review of the proposed action.

- (4) Findings and Notification. Within 10 days after the public hearing, the board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be conveyed to the decision-making body of the agency proposing acquisition and made available to the public for comment.

ARTICLE XI LAND USE INCENTIVES TO VOLUNTARY AGRICULTURAL DISTRICT FORMATION

Section 1100. Purpose

The purpose of this section is to help meet the needs of agriculture as an industry and prevent conflicts between voluntary agricultural district participants and non-farm landowners in proximity to districts.

Section 1101. Public Notification

- (1) The Advisory Board, in cooperation with the county, shall take measures as set forth below to provide notification to property owners, residents, and other interested

persons in and adjacent to any designated agricultural district with a goal of informing all current and potential residents and property owners in and adjacent to an agricultural district, that farming and agricultural activities may take place in this district any time during the day or night.

- (a) Signs identifying approved agricultural districts shall be placed upon the property and along the rights-of-way of major roads in a way calculated to reasonably notify the public and adjoining owners of the presence of the farm property.
- (b) Information identifying approved districts shall be provided to the Register of Deeds office, the Alexander Soil and Water Conservation District, the Cooperative Extension office, the Farm Service Agency, the Alexander County Planning Department, and the Alexander County Tax Department.
- (c) The following notice shall be displayed in a prominent position in the office of the Register of Deeds and the public access area in the Alexander County Tax Department:

NOTICE TO REAL ESTATE PURCHASERS IN ALEXANDER COUNTY AGRICULTURAL DISTRICTS

Alexander County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped to inform all purchasers of real property that certain agricultural activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operations, livestock operations, sawing, hunting and similar activities may take place in these districts any time during the day or night. Maps and/or information on the location and establishment of these districts can be obtained from the Cooperative Extension office, County Planning and Inspections Department, Natural Resources Conservation Service, the Farm Service Agency office, and the County Tax Department.

- (d) Each real estate purchaser shall be required to sign a form stating the following:
I certify that I have read the notice to real estate purchasers concerning Agricultural Districts and reviewed the most current Alexander County Agricultural Districting Map found in the Register of Deeds office. I noted the proximity of the Agricultural District boundaries to my property. I understand the farming activities that may occur at any time in these areas.
- (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 any person, including 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.

Section 1102. Expenditure of County Funds for Conversion of Farmland

Prior to expending any monies, which would convert land in a voluntary agricultural district to non-farm uses, the county or any other local unit of government shall submit to the Advisory Board detailed information showing that said governmental unit has considered alternatives. Such consideration shall include the criteria listed in Article X, Section 1001 (3), (a) through (c).

Section 1104. Waiver of Water and Sewer Assessments

- (1) Purpose of Section. The purpose of this section is to help mitigate the financial impacts on farmers by some local and state capital investments unused by such farmers.
- (2) Procedure. The waiver procedure shall be as follows:
 - (a) Landowners belonging to voluntary agricultural districts shall not be assessed for, or required to connect to, water and/or sewer systems.
 - (b) Water and sewer assessments shall be held in abeyance, without interest, for farms inside a voluntary agricultural district, until improvements on such property are connected to the water or sewer system for which the assessment was made.
 - (c) When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
 - (d) Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.
 - (e) Assessment procedures followed under G.S. 153A-185 et seq. shall conform to the terms of this article with respect to qualifying farms that entered into preservation agreements while such article was in effect.
 - (f) Nothing in this section is intended to diminish the authority of the county to hold assessments in abeyance under G.S. 153A-201.

ARTICLE XII
NORTH CAROLINA AGENCY NOTIFICATION

Section 1200. Consultation with N.C. Department of Agriculture and Other Agencies

The board may consult with the Cooperative Extension office, the Natural Resources Conservation Service office, the Farm Service Agency office, the N.C. Department of Agriculture, and any other such agency the board deems necessary to properly conduct its business.

Section 1201. Recording the Program Ordinance

An official copy of this program ordinance shall be recorded with the North Carolina Commissioner of Agriculture's office after adoption. At least once a year, the county shall submit a written report to the Commissioner of Agriculture, including the status, progress and activities of the county's farmland preservation program, and voluntary agricultural districting information regarding:

- (1) Number of landowners enrolled;
- (2) Number of acres applied;
- (3) Number of acres certified;
- (4) Number of acres denied; and
- (5) Date certified.

ARTICLE XIII
LEGAL PROVISIONS

Section 1300. Severability, Conflict with Other Ordinances and Statutes, and Amendments

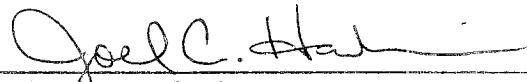
- (1) Severability. If any article, section, subsection, clause, phrase or portion of this ordinance is for any reason invalid or unconstitutional as determined by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
- (2) Conflict with other ordinances and statutes. Whenever the provisions of this ordinance conflict with other ordinances of Alexander County, this ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.
- (3) Amendments. This ordinance may be amended from time to time after a public hearing, notice of which shall be sent to program participants by first class mail

30 days prior to the hearing, and in consultation with the Agricultural Advisory Board to the Board of Commissioners.

ARTICLE XIV
ENACTMENT

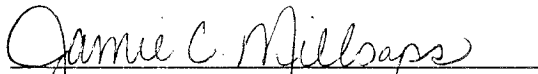
The Alexander County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this ordinance.

Adopted this the 5th day of March, 2002.

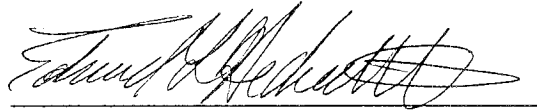


Joel Harbinson, Chairman
Alexander County Board of Commissioners

Attest:


Jamie Millsaps, Clerk to the Board

Approved as to form:


Ed Hedrick, County Attorney

ALEXANDER COUNTY VOLUNTARY FARMLAND PRESERVATION PROGRAM APPLICATION

1. What type of farm do you operate (beef, dairy, timber...) and what kind of agricultural uses currently take place on the tracts listed above (pasture, hay...) (List approximate acreage next to each). _____

2. Do you have any annually planted cropland? (List with approximate acreage next to each) _____
If so, do you a soil conservation plan for highly erodible land? _____
3. Is this land enrolled in present-use-value taxation program? Yes ___ No ___ (if no, see supplemental sheet Page 1B)
4. Has your farm been in production for more than five years (according to GS 105-277.3 definitions)? _____
5. Has your farm ever been registered with the Farm Service Agency? _____
6. Have you ever participated in any federal agricultural programs? (please list) _____
7. Have you ever participated in any Soil & Water or other state agricultural programs? (please list) _____

I, THE UNDERSIGNED, DECLARE THAT THE INFORMATION I HAVE PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Applicant Signature

Date

Applicant Signature

Date

ALEXANDER VOLUNTARY FARMLAND PRESERVATION PROGRAM PRESERVATION AGREEMENT

I agree that if this application is accepted into the Alexander County Voluntary Farmland Preservation Program, I will sustain, promote and encourage agriculture in the Voluntary Agricultural District, support protection against nuisance suits, undesired non-farm development and other negative impacts on participating farms. In addition, I agree to voluntarily preserve and protect the conservation values of the property more completely described on the attachments hereto by prohibiting the non-farm use of the property for a period of 10 years from the date of signing this agreement, except for the creation of not more than three (3) lots that meet applicable zoning and or subdivision regulations.

This Preservation Agreement may be revoked by written notice to Alexander County Agricultural Advisory Board, or the Advisory Board may revoke this agreement based on non-compliance by the landowner.

Landowner Signature

Date

Landowner Signature

Date

RETURN TO: ALEXANDER SOIL & WATER CONSERVATION DISTRICT
Voluntary Farmland Preservation Program
621 Liledoun Road, Box 10, Taylorsville, NC 28681

SUPPLEMENTAL INFORMATION:
(Only for farms NOT enrolled in the Land Use Value Taxation Program)

To participate in the Farmland Preservation Program authorized in the North Carolina G.S. 106.7, you must be ELIGIBLE to meet the following criteria from NC G.S. 105-277.2 for the land use value taxation program.

1.) Have one the following types of land:

- a. Individually owned **AGRICULTURAL LAND** consisting of one or more tracts, one of which consists of at least **10 acres** that are in actual production and that for the **three years** preceding January 1 of the year for which the benefits of this section is claimed, have produced an average gross income of at least one thousand dollars (\$1000). Gross income includes income from the sale of the agricultural products produced from the land and any payments received under a governmental soil conservation or land retirement program. Land in production includes land under improvements used in the commercial production or growing of crops, plants or animals.
- b. Individually owned **HORTICULTURAL LAND** consisting of one or more tracts, one which must consist of at least **five acres** that are in actual production and that for the **three years** preceding January 1 of the year for which the benefit of this section is claimed, have produced an average gross income of one thousand (\$1000) dollars. Gross income includes income from the sale of horticultural products produced from the land and any payments received under a governmental soil conservation or land retirement program. Land in actual production includes land under improvements used in the commercial production or growing of fruits, vegetables or any nursery or floral products.
- c. Individually owned **FOREST LAND** consisting of one or more tracts, one of which consists of at least **20 acres** that are in actual production and are not included in a farm unit

2.) If owned by natural persons (not business, entity or trust), the property must also

- a. Be the owner's place of residence **OR**
- b. Have been owned by the current owner or a relative for the four years preceding January 1 of the year for which the benefit of this section is claimed

QUESTIONS:

1. How long have you owned your farm? _____
2. Do you live on your farm and if so, how many years have you lived there? _____
3. Has your gross farm income exceeded \$1000 for each of the past three (3) years?
Yes _____ No _____
4. List the amount of acreage you have on your farm for each of the following categories
Agricultural land _____ acres Horticultural land _____ acres Forest land _____ acres

I, the undersigned, declare that the information I have provided on this application is true and correct to the best of my knowledge.

Applicant Signature

Date

Applicant Name _____
Assigned Agricultural District _____

**ALEXANDER COUNTY FARMLAND PRESERVATION PROGRAM (FPP)
AGRICULTURAL ADVISORY BOARD**

Staff Checklist

**NATURAL RESOURCES
CONSERVATION SERVICE**

Date: _____
Reviewed by: _____

- A.** At least 2/3 of the land in the submitted farm is composed of soils that:
1. Are best suited for food, fiber, forage, timber & oil seed crops: _____ Yes _____ No
 2. Have good soil qualities: _____ Yes _____ No
 3. Favorable for all major crops in the county: _____ Yes _____ No
 4. Have a favorable growing season: _____ Yes _____ No
 5. Receive the available moisture needed to produce high yields: _____ Yes _____ No

OR

- B.** At least 2/3 of the land has been actively used in agricultural, horticultural or forestry operations during each of the past 5 years according to NC G.S. 105-277.2 (1,2 and 3)
_____ Yes _____ No
- C.**
1. Highly erodible land (HEL) exists on the farm: _____ Yes _____ No
 2. HEL is managed in accordance with NRCS conservation plan
_____ Yes _____ No

TAX INFORMATION

Date: _____
Reviewed by: _____

- A.** Is participating in the Farm Present Use Value taxation program established by NC G.S. 105.277.2 through 105.277.7: _____ Yes _____ No

OR

- B.** Is otherwise determined by the county to meet all the qualifications of this program as set forth in G.S. 105.277.3: _____ Yes _____ No

Approval: _____
Alexander FFP Agricultural Advisory Board Chairman

What restrictions will be placed on my farm if I join the program?

The Voluntary Farmland Preservation Program members will be subject to a conservation agreement between the County and the landowner that prohibits non-farm use or development of that land for a period of at least 10 years. The conservation agreement will allow the development of up to three lots on participating farms included in a District.

What happens if I want to remove all or part of my land from the program?

A landowner in the Voluntary Preservation Program may remove all or a portion of his/her land from the Program by simply giving written notice to the Agricultural Advisory Board. If a portion of the land is removed from the program, the remaining land must meet the program conditions and qualifications for the farm to continue in the program.

Alexander County Agricultural Facts

County Ranking in North Carolina

(figures from North Carolina Dept. of Agriculture & NC State University)

All Chickens	# 1
Nectarines	# 1
Milk Cow	# 4
Apples	# 4
Barley	# 13
Beef Cattle	# 15
Corn for Silage	# 15
Hay production	# 19

Number of Farms :	661
Total Land in Farms:	58,366 acres
Average Farm Size:	88 acres

**Voluntary Farmland Preservation Program
Agricultural Advisory Board**

Tim Glass

Coy Reese

Milton Campbell

Cathy Chatham

Wendell Kirkham

Donald Payne

Scott Sink

FOR MORE INFORMATION PLEASE CONTACT:



Alexander Soil and Water Conservation District

County Administration Bldg.
621 Liledoun Road, Box 10
Taylorsville, NC 28681

Phone: (828) 632-0638

**Alexander
Voluntary Farmland
Preservation
Program**

Voluntary Agricultural Districts



**Alexander County,
North Carolina**



What is the Voluntary Farmland Preservation Program?

The purpose of the Voluntary Preservation Program is to promote health, safety, rural agricultural values and increase the identity and pride in the agricultural community and its way of life. The program is intended to encourage voluntary preservation and protection of farmland from non-farm development and increase protection from nuisance suits and other negative impacts on properly managed farms. This is in recognition of the importance of agriculture to the economic and social life of the county.

The General Assembly of the State of North Carolina authorized counties to undertake a series of programs to encourage the preservation of farmland. This statutory authority is found in Chapter 106, Article 61 of the North Carolina General Statutes.

The Alexander County Farmland Preservation Program (VFPP) was unanimously adopted by the Alexander County Commissioners on March 5, 2002.

What is Agricultural Advisory Board?

This VFPP ordinance instituted the creation of an Agricultural Advisory Board to administer the program. The Board will review and approve applications for qualifying farmland as well as establish **Voluntary Agricultural Districts**. They will also be available to advise the County Commissioners issues affecting agriculture.

The Board is composed of seven county residents. Five of the seven members are actively engaged in farming. The board members are selected by the County Commissioners from a list of names submitted by the Soil & Water Conservation District, Cooperative Extension, Farm Bureau, FSA and the Natural Resources Conservation Service.

What are Voluntary Agricultural Districts?

Agricultural Districts are areas that are designated farming areas where agriculture will be promoted and encouraged.

An agricultural district would consist of one or more 10 acre tracts of qualifying farmland, individually or separately owned, which are located within one mile of each other.



What are the qualifications to become a member of the Voluntary Farmland

1. Be participating or eligible to participate in the Present Use Value Taxation Program
2. Have a minimum of 10 acres
3. Be certified by the Natural Resources Conservation Service as being a farm which:
 - a. At least two-thirds of the land is composed of soils that are best suited for agricultural purposes

OR

at least two-thirds of the land has been actively used in agricultural, horticulture or forestry during each of the last five years

 - b. Be managed, if highly erodible land exits on the farm in accordance with NRCS defined erosion control practices

What will joining the Preservation Program do for me?

Recognition

Members of program will be given signs to post, identifying your farm as member of a preservation district, indicating to any potential land buyers or to tell the passerby that your land is committed to the preservation of the agriculture way of life.

Increase protection from Nuisance Suits

Persons buying land near an agricultural district will be made aware that their potential property is located near a farming district. Notices stating that farming activities such as smells, manure spreading...etc, will be posted along with large maps identifying where the Districts are located. These will be posted in the Tax, Register of Deeds, Planning & Zoning, Soil & Water Conservation, Cooperative Extension Offices. The current Ag District Map can also be accessed by the internet on the County Website: www.alexander.nc.us

We are currently pursuing new ways to inform land buyers about Districts before they purchase property through the disclosure forms, building permits, tax information & Realtors.

Public Hearings Required for Proposed Condemnation

No State or County agency may initiate condemnation proceedings against any lands within an Agricultural District until such agency has requested the Agricultural Advisory Board to hold a public hearing on the purposed condemnation.

Eligibility for Funding

District members may be eligible for farmland preservation funds for the permanent preservation of farmland as local, state or federal funding becomes available

Waiver of Water & Sewer Assessments

Landowners within these Districts will not be required to connect to water or sewer systems, operated by the county, nor will they be assessed any charges until the property is connected to these services.

NOTICE
OF AGRICULTURAL DISTRICTS TO
ALL REAL ESTATE PURCHASERS
IN ALEXANDER COUNTY

Alexander County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped to inform all purchasers of real property that certain agricultural activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operations, livestock operations, sawing, and similar activities may take place in these districts any time during the day or night. Maps and/or information on the location and establishment of these districts can be obtained from the Soil & Water Conservation District, Register of Deeds, Cooperative Extension Service, the Natural Resources Conservation Service, County Planning and Inspections Department, and the County Tax Department.