

**GUILFORD COUNTY
VOLUNTARY AGRICULTURAL DISTRICT
ORDINANCE**

**ARTICLE I
TITLE**

An ordinance of the Board of County Commissioners of Guilford County, NORTH CAROLINA, entitled, "**VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE.**"

**ARTICLE II
AUTHORITY**

This ordinance is adopted pursuant to authority conferred by G.S. 106-735 through 106-743 and other applicable law.

**ARTICLE III
PURPOSE**

The purpose of this ordinance is to promote the preservation of farmland in Guilford County so that development and growth will be accompanied by protection of farms from non-farm development and other negative impacts on properly managed farms, recognizing the importance of agriculture to the economic and cultural life of the county.

**ARTICLE IV
DEFINITIONS**

The following are defined for purposes of this ordinance:

<u>Board:</u>	The Guilford County Agricultural Advisory Board
<u>Chair:</u>	The Chairman or Chairwoman of the Guilford County Agricultural Advisory Board
<u>District:</u>	A Voluntary Agricultural District
<u>Board of Commissioners:</u>	The Guilford County Board of Commissioners

**ARTICLE V
AGRICULTURAL ADVISORY BOARD**

A. Creation

The Board of Commissioners hereby establishes The Guilford County Agricultural Advisory Board to implement the provisions of this ordinance.

B. Membership

The Board shall consist of seven (7) members appointed by the Board of Commissioners.

C. Membership Requirements

1. Each member shall be a Guilford County resident.
2. At least five of the seven members shall be actively engaged in farming or own qualifying farmland in Guilford County.
3. The members actively engaged in farming shall be selected for appointment from the names of individuals submitted by the Natural Resources Conservation Service, the Cooperative Extension Service, the Farm Service Agency, and the Guilford County Farm Bureau with an effort to have the broadest geographical representation possible.
4. One member shall be a non-farm member, and one member shall also be County Commissioner who shall serve only so long as he or she is a commissioner.

D. Tenure

The initial board is to consist of three (3) members for terms of one year; two (2) members for terms of two years; and two (2) members for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointment permitted for a maximum of two consecutive terms. Members shall serve at the pleasure of the Board of Commissioners.

E. Vacancies

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

F. Funding

The compensation of the members of the Advisory Board shall be fixed and amended by the Board of Commissioners and funds shall be appropriated to the Advisory Board to perform its duties.

G. Board Procedure

1. Board Year

The Board shall use the Guilford County fiscal year as its meeting year.

2. Chair

The Board shall elect a Chair and Vice-Chair each year at its first meeting of the year. 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.

3. Jurisdiction

The Board may adopt rules of procedure not inconsistent with this ordinance or with other provisions of law.

4. Meetings

Meetings of the Board shall be held at least annually and otherwise at the call of the Chair and at such other times as the Board may specify in its rules of procedure. Notice of all meetings shall be made to the members in writing, unless otherwise agreed to by all Board members.

5. Majority Vote

The concurring vote of a majority of the members of the board shall be necessary to pass upon any matter on which it may act under this ordinance.

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.

H. Powers and Duties

The Board shall:

1. Review and make recommendations concerning the establishment and modification of agricultural districts.
2. Review and make recommendations concerning any ordinance or amendment adopted or proposed for adoption under this ordinance.
3. Advise the Board of County Commissioners on projects, programs, or issues affecting the agricultural economy or way of life within the county.
4. Prepare a draft of the report required by G.S. 106-743 giving the status, progress and activities of the county's farmland preservation program.
5. Assign a member to represent each district as required by G.S. 106-738 (4).
6. Perform other related tasks or duties assigned by the Board of County Commissioners or applicable law.

ARTICLE VI

CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS

A. Implementation

In order to implement the purpose stated in Article III, this program provides for the creation of voluntary agricultural districts that meet one of the following standards:

1. The District shall contain a minimum of 20 contiguous acres of qualified farmland; or
2. The District shall contain two or more tracts of qualifying farmland that contain a minimum total of 20 acres and are located within one-half mile of each other.

B. Encourage Formation

The County may take such action, as it deems appropriate, 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 location of districts.

C. Display

The Districts shall be marked on County maps, which shall be displayed for public view in County offices including, but not limited to, the offices of the Planning Department and the Register of Deeds.

D. Withdrawal

In the event that one or more participants in the District withdraws or loses eligibility to participate and the District no longer meets the standards of this ordinance, the district will continue to exist so long as there is one qualifying farm.

**ARTICLE VII
CERTIFICATION AND QUALIFICATION OF FARMLAND**

In order for farmland to qualify under this Article, it must be real property that:

- A. Is 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;
- B. Is certified by 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 (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 the county where the land is located, (iv) have a favorable growing season, and (v) receive the available moisture needed to produce high yields an average of eight out of 10 years; or 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), 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;
- C. Is 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 highly erodible land; and

- D. 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 nonfarm use or development of such land for a period of at least 10 years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations.

ARTICLE VIII REVOCATION OF CONSERVATION AGREEMENT

By written notice to the County, a landowner of qualifying farmland may revoke a conservation agreement; or the Board may recommend the revocation of a conservation agreement, based on non-compliance by the landowner, to the Board of County Commissioners for their action. Revocation shall result in the loss of eligibility to participate in a District.

ARTICLE IX APPLICATION, APPROVAL AND APPEAL PROCEDURE

A. Application Procedure

A landowner may apply to participate in the program by making application to the Chair or a designated staff person. The application shall be on forms provided by the Board.

B. Approval Process

1. Upon receipt of an application, the Chair will forward copies to the following agencies for their prompt evaluation and response:
 - a. The Guilford County Tax Department; and
 - b. The USDA Natural Resources Conservation Service office in Guilford County.
2. Upon receipt of the responses from the Guilford County Tax Department and the USDA Natural Resources Conservation Service, the Board shall meet within 30 days to consider the application. The Chair shall endeavor to notify the applicant by first-class mail of its

recommendation within 15 days.

3. The recommendation shall then be acted upon at a meeting of the Board of Commissioners, whose decision shall be final.

ARTICLE X PUBLIC NOTICE

A. Procedure

Upon approval of a District, appropriate maps shall be updated so that a person wishing to ascertain the proximity of a particular tract to a District may do so.

B. Signs

The County Manager may cause signs to be placed along public roadways to notify the public of the presence or proximity of a District.

C. 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.

D. 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.

ARTICLE XI WAIVER OF WATER AND SEWER ASSESSMENTS

A. No Requirement to Connect

No requirement to connect to Guilford County water and/or sewer systems shall be imposed upon qualifying farms inside a district.

B. Abeyance

Water and sewer assessments will be held in abeyance, without interest, for qualifying farms, inside a 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 G.S. 153A-201 or other applicable law.

**ARTICLE XII
NORTH CAROLINA AGENCY NOTIFICATION**

A. Adoption

Upon adoption of this ordinance and any subsequent amendment, the County shall record this ordinance with the North Carolina Commissioner of Agriculture.

B. Annual Report

The Board of County Commissioners shall make an annual report to the North Carolina Commissioner of Agriculture as specified in G.S. 106-743.

**ARTICLE XIII
LEGAL PROVISIONS**

A. 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.

B. Conflict with other Ordinances and Statutes

Whenever the provisions of this ordinance conflict with other ordinances of Guilford County, this ordinance shall govern to the extent allowed by law. 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.

C. Amendments

This ordinance may be amended from time to time by the Board of Commissioners in consultation with the Advisory Board.

Adopted this the 7th day of September, 2000.

Motion for adoption by Commissioner Phyllis Gibbs and seconded by Commissioner J. Robert Landrum, Jr.

GUILFORD COUNTY BOARD OF COMMISSIONERS

Robert Landrum, Jr.
Chairman

ATTEST:

Ephemia D. Panfiliadis
Clerk to Board of Commissioners

Application for Participation In The Guilford County Voluntary Agricultural District



APPLICATION PROCEDURE

The application on Page 2 is to be completed and mailed to: **Guilford Soil & Water Conservation District, 3309 Burlington Road, Greensboro, NC 27405.** For questions call 375-5401, ext. 3.

After your application is approved by the Voluntary Agricultural District Advisory Board and the County Commissioners, you will be notified when you need to sign the Conservation Agreement and the Notice of Participation. Samples of these two documents are included with this application on Page 1.

After the documents are signed by the landowner(s), the new Agricultural District farm will be identified on a county map and the Notice of Participation will be recorded with the Guilford County Register of Deeds.

SAMPLE

CONSERVATION AGREEMENT

Having been certified by the Agricultural Advisory Board and approved by the Guilford County Board of Commissioners, I/we agree to sustain, promote and encourage agriculture in this voluntary agricultural district, support protection against nuisance suits, undesired non-farm development and other negative impacts on participating farms.

I/we agree to voluntarily preserve and protect the conservation values of my/our property more completely described on the attachments hereto by prohibiting non-farm use of the property for a period of 10 years from the date of signing of this Agreement, except for the creation of not more than three (3) lots that meet applicable zoning and or subdivision regulations.

This Agreement may be revoked by written notice to the Agricultural Districts Advisory Board, or the Board of Commissioners may revoke the Agreement based on non-compliance by the Landowner.

SAMPLE

NORTH CAROLINA

GUILFORD COUNTY

**NOTICE OF PARTICIPATION IN
VOLUNTARY AGRICULTURAL DISTRICT**

WHEREAS, following proper application by the undersigned Owners, the property described on Attachment A (Application) and Attachment B (Conservation Agreement) owned by the undersigned has been approved as part of a Voluntary Agricultural District by the Guilford County Board of Commissioners by action duly taken in public meeting on the _____ day of _____, 20____, as provided in N.C. Gen. Stat. 106-735 et. seq. and Section 15-57 et. seq. of the Guilford County Code of Ordinances. The Conservation Agreement is subject to revocation as set out in these application laws.

Application for Participation In The Guilford County Voluntary Agricultural District

(Chapter 15, Article III - Guilford County Code and N.C.G.S. 106-735 et seq.)

A. APPLICANT INFORMATION

Name (s): _____

Full Address: _____

Phone: (day) _____ **(evening)** _____

B. PROPERTY INFORMATION

	PARCEL #1	PARCEL #2	PARCEL #3
Parcel Identification Number * (ex. 01-23-4567-890-00)			
USDA Tract Number **			
Property Address			
Township			
Number of Acres			
Current Land Use (Enter number of acres in production and what is being produced for each parcel)			
Is this property currently in present-use-valuation (land use) taxation program (G.S. 105-277.2 through 105-277.7) through the Guilford County Tax Dept? ***	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)
How many years has this tract been actively used in agriculture, horticulture or forestry (as defined by NCGS 105-277.2)?	_____ Years	_____ Years	_____ Years
Has this parcel generated at least \$1,000 in gross income for the last three years?	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)
On annually planted cropland are you following a soil conservation plan on highly erodible land (HEL)?	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)
If not, are you willing to develop and follow a plan with NRCS on these HEL fields?	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)
Have you or a family member owned this parcel for the last 4 years prior to this year?	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)

	PARCEL #1	PARCEL #2	PARCEL #3
Parcel Identification Number * (ex. 01-23-4567-890-00)			
USDA Tract Number **			
Property Address			
Township			
Number of Acres			
Current Land Use (Enter number of acres in production and what is being produced for each parcel)			
Is this property currently in present-use-valuation (land use) taxation program (G.S. 105-277.2 through 105-277.7) through the Guilford County Tax Dept? ***	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)
How many years has this tract been actively used in agriculture, horticulture or forestry (as defined by NCGS 105-277.2)?	_____ Years	_____ Years	_____ Years
Has this parcel generated at least \$1,000 in gross income for the last three years?	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)
On annually planted cropland are you following a soil conservation plan on highly erodible land (HEL)?	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)
If not, are you willing to develop and follow a plan with NRCS on these HEL fields?	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)
Have you or a family member owned this parcel for the last 4 years prior to this year?	_____ (Y/N)	_____ (Y/N)	_____ (Y/N)

- * Found on tax bill or Guilford County GIS site (www.co.guilford.nc.us)
- ** Found at Farm Service Agency or Soil and Water Conservation District Office
- *** If property is not in the present-use-valuation (land use) taxation program, applicant may complete an application at the Guilford County Tax Dept. to determine if the property meets the qualifications for the present-use-valuation (land use) taxation program.

This certification is given at the request of the Voluntary Agricultural District based upon the information provided and does not automatically qualify as a pre-approval of the farm use taxation status. In order to be approved for farm use taxation status, the individual must complete an application and meet the statutory requirements of the

Signature of Owners/Applicants: _____ **Date:** _____
 _____ **Date:** _____

**Mail to: Guilford Soil & Water Conservation District
 Attention: Voluntary Agricultural Districts
 3309 Burlington Road, Greensboro, NC 27405-7605**



Applicant Name _____
Address _____

GUILFORD COUNTY AGRICULTURAL DISTRICTS' 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 grown in County: _____ Yes _____ No
 4. Have a favorable growing season: _____ Yes _____ No
 5. Receive the available moisture needed to produce high yields, (8 out of 10 years):
_____ Yes _____ No
- B.** or 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 G.S. 105-277.2 (1, 2, and 3):
_____ Yes _____ No
- C.**
1. Highly Erodible Land (HEL) exists on the farm: _____ Yes _____ No
 2. Is managed (if HEL) in accordance with NRCS erosion control practices:
_____ Yes _____ No

GUILFORD COUNTY TAX DEPARTMENT

Date: _____
Reviewed by: _____

- A.** Is participating in the Farm Present-Use Value taxation program established by G.S. 105-277.2 through G.S. 105-277.7. _____ Yes _____ No
- B.** or 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: _____
Voluntary Agricultural District Advisory Board Chairman

APPLICATION PROCEDURE

1. Application completed and sent to Guilford Soil and Water Conservation District (SWCD).
2. Checklist attached and NRCS reviews.
3. Send to Guilford County Tax Department.
4. Tax Department reviews and sends to SWCD District Secretary.
5. SWCD District Secretary sends Application to Agricultural Districts Advisory Board (ADAB).
6. ADAB approves and sends to the Guilford County Board of Commissioners for approval.
7. Board of Commissioners approves Voluntary Agricultural District (VAD).
8. The Chairman of the Board of Commissioners signs the Conservation Agreement and sends it back to the SWCD District Secretary.
9. The SWCD Secretary sends the letter to the new VAD applicant.
10. VAD applicant comes to the SWCD Office; signs the Conservation Agreement and the Notice of Participation and picks up mailbox sign.
11. The SWCD Secretary sends copy of Application, Conservation Agreement and the Notice of Participation to the County Planning Department.
12. The Planning Department will map and register the VAD with the Register of Deeds.
13. The SWCD Secretary maintains all original documents for the VAD Board.

Why Have Agricultural Districts?

The State of North Carolina passed the Farmland Preservation Enabling Act in 1985, authorizing counties to establish farmland preservation programs, including agricultural districts. In 2000, Guilford County adopted a Voluntary Farmland Preservation Program Ordinance, creating the Agricultural Districts Advisory Board (ADAB) and procedures for establishing Voluntary Agricultural Districts. The purpose of the ordinance is to promote the preservation of farmland in Guilford County so that development and growth will be accompanied by protection of farms from non-farm development and other negative impacts on properly managed farms, recognizing the importance of agriculture to the economic and cultural life of the county.

What is the Agricultural Districts Advisory Board?

The Agricultural Districts Advisory Board is composed of a number of County residents, which includes farmers representing newly-formed Agricultural Districts. ADAB members are appointed by the Board of County Commissioners. The ADAB reviews and approves applications to the Agricultural Districts program. They also advise the Board of County Commissioners on projects, programs, or issues affecting the agricultural economy or way of life within the county.

About the Agricultural Districts Advisory Board.

The Agricultural Districts Advisory Board supports voluntary measures and incentives that will lead to the continued and future viability of farming, as well as farmland preservation in Guilford County. The goals of rural preservation, which encompass the conservation of prime farmland, the scenic vistas of the agricultural landscape, the family farm tradition, and the economic viability of agriculture in Guilford County, would be served by keeping farming a viable enterprise.

***FOR MORE INFORMATION
PLEASE CONTACT:***

County Extension Director
NC Cooperative Extension Service
3309 Burlington Rd.
Greensboro, NC 27405
Tel: (336) 375-5876

District Secretary
Guilford Soil & Water Conservation District
3309 Burlington Rd.
Greensboro, NC 27405
Tel: (336) 375-5401 Ext. 3

***Voluntary
Agricultural
Districts***



***Guilford County,
North Carolina***



Your Agricultural Land is a Valuable Asset to the Citizens of Guilford County

Citizens of Guilford County derive many benefits from your farmland: clean water and air, plant and animal habitat, fresh fruits, vegetables, meat and dairy products, horticultural products, and scenic rural vistas. Now you can enroll in a program that demonstrates your pride and commitment to agriculture, and celebrates your contribution to the exceptional quality of life in Guilford County.

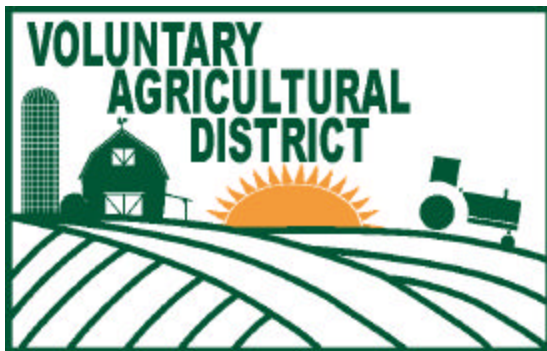
Voluntary Agricultural Districts Promote the Pride and Tradition of Guilford County Agriculture

Guilford County's Voluntary Agricultural District Program enhances the identity of the agricultural community by encouraging the voluntary preservation and protection of farmland from non-farm development.

How Your Farm Can Benefit From Becoming a Voluntary Agricultural District

Recognition.

The County will place signs (see below) to identify your farm as a Guilford County Voluntary Agricultural District. These signs will tell passersby that you, the farm owner, are committed to the preservation of the agricultural way of life in Guilford County.



Increased Protection from Nuisance Suits.

Persons buying land in rural areas will do so with the knowledge that a bona fide agricultural operation exists. Agricultural Districts will be identified on County maps, which shall be displayed for public view in County offices including offices of the Planning Department and the Register of Deeds.

Waiver of Water and Sewer Assessments.

Landowners within Agricultural Districts will not be required to connect to water or sewer systems owned and/or operated by Guilford County, nor will they be assessed water and sewer charges until their property is connected to such service.

Eligibility for Preservation Funds. Agricultural Districts may be eligible for farmland preservation grants, should funding become available from local, state, or federal sources.

How Your Farm Can Become a Voluntary Agricultural District.

To become an Agricultural District, a farm must first be certified as Qualifying Farmland. To secure certification, a farm must:

- ◆ Be participating in the farm Present Use Value Taxation program or is otherwise determined by the Guilford County Tax Department to meet all the qualifications of this program set forth in G.S. 105-277.3.
- ◆ Be certified by the Natural Resources Conservation Service as being a farm on which:

-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, horticultural, or forestry operations during each of the last five years.

- ◆ 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 highly erodible land.
- ◆ Be the subject of an agreement between the county and the owner of the land.

An Agricultural district must consist of at least 20 contiguous acres of qualified farmland or two or more tracts of qualifying farmland that contain a minimum total of 20 acres and are located within one-half mile of each other.

Contact one of the agencies listed in this brochure for more information on qualifying as a Voluntary Agricultural District.

Agricultural District Membership Requires a Voluntary, Non-Binding Agreement

A Voluntary Agricultural District member will be subject to a **non-binding** agreement between the County and the landowner that prohibits non-farm use or development of such land for a period of at least 10 years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations.

Membership may be Revoked at any Time by Member

Should you decide to sell your land you may revoke the agreement at any time through a written notice to the County.