

**DUPLIN COUNTY  
VOLUNTARY AGRICULTURAL DISTRICTS  
ORDINANCE**

**ARTICLE I  
TITLE**

This program, adopted by the Board of Commissioners of Duplin County, North Carolina, shall be known as the **Duplin County Voluntary Agricultural Districts 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 agriculture; increase protection from non-farm development; and increase the protection of farms from suits and other negative impacts on properly managed farms.

**ARTICLE IV  
JURISDICTION**

The Duplin County Voluntary Agricultural Districts will follow the lines/boundaries of the existing six county commissioners' districts within the County and will cover all unincorporated areas within those.

**ARTICLE V  
DEFINITIONS**

Agricultural Board: The Duplin County Agricultural Board.

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

Chairman: Chairman of the Duplin County Agricultural 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 Service 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
  - (f) 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.
- (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 with the requirements of Section 600 of this program. This written information shall be submitted to the Chairman of the Agricultural 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 25 contiguous acres of qualified farmland, OR, two or more qualified farms which contain a minimum of 25 acres and are located within one 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 Agricultural Board; and
- (3) For each district created under the terms of this program, one of the existing Agricultural 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 Agricultural Board or to a designated staff person. The application shall be on forms provided by the Agricultural 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.

Upon receipt of an application, the chairman of the Agricultural Board will forward a copy of the application to the County Manager, the County Tax Assessor, and the County Planning Board which may be asked to provide comments, if any, to the Agricultural Board prior to the vote on the application.

Section 703. Appeal

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

ARTICLE VII  
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 BOARD

Section 900. Creation

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

Section 901. Appointments and Memberships

The Agricultural Board shall consist of nine members appointed by the Duplin County Board of Commissioners.

- (1) Requirements. Each Board member shall be a County resident or landowner of Duplin County.

(2) Membership

- (a) The Agricultural Board shall consist of no less than nine members which will be appointed by the Duplin County Board of Commissioners. One member that is actively engaged in farming shall be appointed from each of the six districts, plus the Director of the Duplin County Cooperative Extension Service, the Duplin County Planner, and the District Conservationist of the Duplin County Natural Resources Conservation Service (NRCS).
- (b) The six members actively engaged in farming shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Duplin Cooperative Extension Service, the Soil and Water Conservation District, the Farm Service Agency Committee, and the Duplin County Farm Bureau, with an effort to have the broadest geographical and commodity representation possible.
- (3) Tenure. The initial Agricultural Board shall consist of two members appointed for a term of one year, two members appointed for a term of two years, and two members appointed for a term of 3 years. Thereafter, all appointments to the Agricultural Board will be for a period of three years with reappointment permitted. The terms for the appointment of the initial Agricultural Board will be determined by lottery.
- (4) Vacancies. Any vacancy on the Agricultural 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.
- (5) Removal for Cause. Any member of the Agricultural Board may be removed for cause by the Board of Commissioners upon written notice.
- (6) Funding. *Appropriations for Performance of Duties.* Funds shall be appropriated by the Board of Commissioners to the Agricultural 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 reverse any order, requirement, decision, or determination of any administrative official or agency to decide in favor of an applicant or 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 (Cooperative Extension) and shall be a public record.
- (7) Administrative Services. The Cooperative Extension Service Office shall serve the Agricultural Board for recordkeeping, correspondence, and application procedures under this article together with such other services the Board needs to complete its duties.

#### Section 903. Duties

The Agricultural Board shall:

- (1) Review and approve applications for qualified farmland and voluntary agricultural districts;
- (2) 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;

- (3) Perform other related tasks or duties assigned by the Board of Commissioners.
- (4) Review and make recommendations concerning proposed amendments to this ordinance;
- (5) Develop a county-wide farmland protection plan as defined in N.C.G.S. 106-744 (c)(1) for presentation to the Board of Commissioners; and
- (6) Study additional methods of farmland preservation and make recommendations to the Board of Commissioners.

ARTICLE X  
LAND USE INCENTIVES TO VOLUNTARY  
AGRICULTURAL DISTRICT FORMATION

SECTION 1000. PURPOSE

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

Section 1001. Public Notification

- (1) Upon certification of qualifying farmland and designation of real property as an agricultural district, the title to that qualifying farmland and real property, which is contained in the Duplin County Land Records System, shall be changed to include a notice reasonably calculated to alert any person researching the title of a particular tract that such tract is located within one-half aerial mile of a Voluntary Agricultural District.
- (2) The Agricultural 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 an 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 along the rights-of-way of major roads leading into the County. Members of the Agricultural District will place signs on their individual farms denoting their agricultural district membership in a way calculated to reasonably notify the public and adjoining of the presence of the farm property.
  - (b) Information identifying approved districts shall be provided to the Register of Deeds Office, the Duplin Soil and Water Conservation District, the Cooperative Extension Service Office, the Farm Service Agency, the Duplin County Planning Department, and the Duplin 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 Duplin County Tax Department.

**NOTICE TO REAL ESTATE PURCHASERS IN DUPLIN COUNTY  
DUPLIN COUNTY AGRICULTURAL DISTRICTS**

Duplin 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 Cooperative Extension Service Office, County Planning Department, Register of Deeds, Natural Resources Conservation Service, the Farm Service Agency Office, and the County Tax Department.

- (3) 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.
- (4) 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 1002. Expenditure of County Funds for Non-Farm Uses.

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 Agricultural Board detailed information showing that said governmental unit has considered alternatives.

**ARTICLE XI  
SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW**

Developers of major subdivisions or planned unit developments shall designate on preliminary development plans, the existence of the agricultural districts within one-half aerial mile of the proposed development.

ARTICLE XII  
NORTH CAROLINA AGENCY NOTIFICATION

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

The Board may consult with the Cooperative Extension Service Office, the Natural Resources Conservation Service Office, the Farm Service Agency Office, The N.C. Department of Agriculture and Consumer Services, 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 Voluntary Agricultural Board shall submit a written report to the Commissioner of Agriculture and County Commissioners, 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 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 Board to the Board of Commissioners.

ARTICLE XIV  
ENACTMENT

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

Adopted this the 7<sup>th</sup> day of June, 2004.

V. S. Gray Jr.

ATTEST:

Judy C. Blum  
Clerk

Approved as to form:

[Signature]

***What is the cost of this program? . . .***

There will be a one-time fee of \$50.00 to join this program. This fee will cover a portion of the cost of a sign which designates a farm's membership and the charges involved in filing the document with the Duplin County Register of Deeds Office. Additional expenses for participating in the program will be covered by Duplin County.

***For more information contact . . .***

Duplin County Cooperative Extension Service  
165 Agricultural Drive  
P. O. Box 949  
Kenansville, N. C. 28349  
Phone: (910) 296-2143

Duplin County Natural Resources  
Conservation Service (NRCS)  
P.O. Box 219  
165 Agricultural Drive  
Kenansville, N.C. 28349  
Phone: (910) 296-2120



***VOLUNTARY  
AGRICULTURAL  
DISTRICTS  
PROGRAM  
  
DUPLIN COUNTY  
NORTH CAROLINA***

***Duplin County  
Agricultural Board Members***

Gerald Bell  
Eva Ketelsleger  
Baird Kilpatrick  
George Mainor  
Dr. Corbett Quinn  
Warren Sloan  
Mike Aldridge, County Planner  
Ed Emory, County Extension Director  
Eric West, District Conservationist

### ***What is the Farmland Preservation Program? . . . .***

The purpose of the Farmland Preservation Program is to encourage the voluntary preservation and protection of farmland from non-farm development. This is in recognition of the importance of agriculture to the economic and cultural life of the country. 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 Duplin County Voluntary Agricultural Districts will be governed by an Agricultural Board composed of one member from each of the six County Commissioner districts. These members will be appointed by the Duplin County Board of Commissioners. In addition, the County Extension Director and County Natural Resources Conservation Service (NRCS) Director will serve as members of the Board. The Agricultural Board will be responsible for approving applications for membership in an agricultural district.



### ***Requirements . . .***

To be qualified as farmland, a farm shall contain a minimum of 25 contiguous acres of farmland.

1. The farm shall be participating in the "Farm Present-Use-Value Taxation Program".
2. The property shall be certified by the Cooperative Extension Service and NRCS as being a farm on which at least two-thirds of the land is composed of soils that are:
  - (a) favorable for major crops common to the County; or
  - (b) soils on which at least two-thirds of the land has been actively utilized for agricultural, horticultural, forestry, livestock, or wildlife production.
3. Property is the subject of a Conservation Agreement between the County and the owner of such land that prohibits non-farm use or the development of such.



### ***What will joining the Farmland Preservation Program do for me? . . .***

1. This program will help increase the identity awareness and pride in the agricultural community and its way of life.
2. Members will have increased protection from nuisance law suits and other negative impacts affecting participating farms.



### ***Can I relinquish participation in this program at any time?***

Yes . . . a single, written notice to the Agricultural District Board notifying them of your decision to be removed is all it takes.