

Ordinance No. 2013-04-01

**An Ordinance
Amending the Camden County
Code of Ordinances**

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to create Chapter 155 (Voluntary Agricultural Districts) of the Camden County Code of Ordinances of Camden County, North Carolina.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

*Article III. Create Chapter 155 of the Camden County Code of Ordinances
which shall read as follows:*

CHAPTER 155: VOLUNTARY AGRICULTURAL DISTRICTS

§ 155.01 PURPOSE

The purpose of this Chapter 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.

§ 155.02 DEFINITIONS.

For the purpose of the subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Advisory Board. Camden County Agricultural Advisory Board.

Chairperson. Chairperson of the Camden County Agricultural Advisory Board.

District. Voluntary Agricultural District as established by this ordinance.

Board of Commissioners. Camden County Board of Commissioners.

§ 155.02 AGRICULTURAL ADVISORY BOARD

(A) The Board of Commissioners shall establish an Agricultural Advisory Board to implement the provisions of this program.

(B) The Advisory Board shall consist of no less than five members appointed by the Board of Commissioners.

(C) Membership Requirements:

(1) Each Advisory Board member, except those serving in an ex officio capacity, shall be a Camden County resident or landowner.

(2) At least four of the members shall be actively engaged in farming, horticulture and/or forestry. Of the members actively engaged in farming, horticulture and/or forestry there shall be at least one such member from each Voluntary Agricultural District in Camden County. This determination shall be made without reference to ex officio members.

(3) The members actively engaged in farming, horticulture and/or forestry as well as other members, shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Soil and Water Conservation District Board of Supervisors, the County Office of North Carolina Cooperative Extension, the U.S. Farm Service Agency County Committee, nonprofit agricultural organizations, conservation organizations, agribusiness, horticultural businesses, forestry businesses, and the public at large.

(4) Additional members may be appointed to the Board in an ex officio capacity from the Soil and Water Conservation District Board, North Carolina Cooperative Extension, the U.S. Farm Service Agency, or other agencies, as deemed necessary by the Board of Commissioners. Members serving in an ex officio capacity shall neither vote nor count toward quorum requirements.

(D) Tenure.

The initial board is to consist of two appointees for terms of one year; and three appointees for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointment permitted.

(E) Vacancies.

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

(F) Removal.

Any member of the Advisory Board may be removed by the Board of Commissioners upon a two-thirds vote of the Commissioners. No cause for removal shall be required.

(G) Funding.

The per diem compensation, if any, of the members of the Advisory Board may be fixed by the Board of Commissioners and funds may be appropriated to the Advisory Board to perform its duties.

(H) Advisory Board Procedure.

(1) Chairperson.

The Advisory 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 Advisory Board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall exercise all the powers of the chairperson. Additional officers may be elected as needed.

(2) Determination of Procedure.

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

(3) Advisory Board Year.

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

(4) Meetings.

Meetings of the Advisory Board shall be held at the call of the chairperson and at such other times as the Advisory Board may specify in its rules of procedure or upon the request of at least a majority of the Advisory Board Membership. A meeting shall be held at least annually and notice of any meetings to the members shall be in writing, unless otherwise

agreed to by all Advisory Board members. Meeting dates and times shall be posted as far in advance as possible on the door of the meeting site and by advertisement in local newspapers or by other means of public dissemination of the meeting dates as may be agreed upon by at least a majority of the Advisory Board Membership. All meetings shall be open to the public.

(5) Majority Vote and Quorum Requirements.

All issues shall be decided by a majority vote of the members of the Advisory Board present, except as otherwise stated herein. A quorum is defined as at least two-thirds of the members in attendance. No business may be conducted by the Advisory Board without a quorum present.

(6) Records.

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board, or its designee, and shall be a public record. All records are public records open to the public.

(7) Administrative.

The Advisory Board may contract with the Camden Soil and Water Conservation District office to serve the Board for record keeping, correspondence, application procedures under this, and whatever services the Board needs to complete its duties.

(I) Duties.

The Advisory Board shall:

(1) Review and approve or disapprove applications of landowners for enrollment of qualified farmland, horticultural land, or forestland into a District.

(2) Make recommendations concerning the establishment and modification of Districts.

(3) Conduct public hearings.

(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.

(6) Develop and maintain a draft countywide farmland protection plan as defined in N.C.G.S. §106-744 (e) for presentation to the Board of Commissioners.

(7) Study additional methods of protection for farming, horticulture, forestry, and the attendant land base, and make recommendations to the Board of Commissioners.

(8) Perform other agricultural, horticultural, and forestry-related tasks or duties assigned by the Board of Commissioners.

§ 155.03 CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS

(A) Regions.

Camden County is hereby divided into five regions as defined below:

(1) South Mills Watershed District

(2) Joyce Creek Watershed District

(3) Shiloh Watershed District

(4) North River Watershed District

(5) Sawyer's Creek Watershed District

(B) Implementation.

(1) In order to implement the purposes stated in Article 155.01, this program provides for the creation of Voluntary Agricultural Districts, which meet the following standards:

(a) The District shall contain a minimum of 20 contiguous acres of qualified forest land; 10 contiguous acres of qualified farm land; or 5 contiguous acres of qualified horticultural land.

(b) All land enrolled in a region defined in section (A) above shall be part of a single District. If a single farm has acreage in two or more regions, the farm shall participate in the District where the largest acreage is found. All land in a region as defined in section (A) above shall be treated as a single District.

(C) Education.

The county may take such action as it deems appropriate through the Advisory Board or other entities or individuals 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 Voluntary Agricultural District program.

(D) Addition.

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

§ 155.04 CERTIFICATION AND QUALIFICATION OF FARMLAND

(A) Requirements.

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

(a) Be participating in the farm present-use-value taxation program established by N.C.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) 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.

(c) 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 years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and

§ 155.05 APPLICATION, APPROVAL, AND APPEAL PROCEDURE

(A) Application Procedure.

(1) A landowner may apply to participate in the Voluntary Agricultural District program by making application to the chairperson of the Advisory Board or a designated staff person. The application shall be on forms provided by the Advisory Board.

(2) A conservation agreement (required by N.C.G.S. §106-737 and defined in N.C.G.S. §121-35) to sustain, encourage, and promote agriculture must be executed by the landowner with the Advisory Board, which shall record a certified copy of such with the Camden County Register of Deeds. Permitted uses include agriculture, horticulture, forestry, and outdoor recreation.

(B) Approval Process.

(1) Upon submission of the application to the Advisory Board, the Advisory Board shall meet within thirty (30) days to approve or disapprove the application. The chairperson shall notify the applicant by first class mail of approval or disapproval of participation in a District.

(2) Upon receipt of an application, the chairperson will forward copies immediately to the following Offices which shall be asked to provide comments, if any, to the Advisory Board prior to the date set for the Advisory Board vote on the application:

(a) The Camden County tax assessor;

(b) The Camden Soil and Water Conservation District office;

(C) Appeal.

(1) If an application is denied by the Advisory Board, the landowner may, within ten (10) days of notification of disapproval of the application, request in writing that the Advisory Board reconsider its decision. The request for reconsideration shall state the reason(s) therefore. Upon either an initial denial, if no request for reconsideration was made, or denial after reconsideration, the landowner shall have thirty (30) days from the date of notification to appeal the decision to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

§ 155.06 REVOCATION, ENFORCEMENT AND RENEWAL OF CONSERVATION AGREEMENTS.

(A) Revocation and Enforcement.

(1) By providing 30 days advance written notice to the Advisory Board, a landowner of qualifying farmland within a District may revoke the Conservation Agreement or the Advisory Board may revoke the same Conservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Article VIII(C) for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a District. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall revoke any Conservation Agreement prior to its expiration. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). Transfers of land in a District due to death of the landowner, sale or gift shall not revoke the Conservation Agreement unless the land no longer qualifies for the present-use-value taxation program or, in the event that there are water or sewer assessments held in abeyance, the new owner(s) fails to agree in writing to accept liability for those assessments in the event that the land is withdrawn either voluntarily or involuntarily from the District. Enforcement of the terms of a Conservation Agreement for land enrolled in a District shall be limited to revocation of the Conservation Agreement and the benefits derived therefrom. A notice of revocation shall be recorded in the county land record system sufficient to provide notice that the land has been withdrawn from the Voluntary Agricultural District program.

(B) Renewal.

(1) A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed unless the landowner provides 30 day written notice to the Advisory Board of intent not to renew. Absent noncompliance by the landowner, neither the Advisory

Board nor the Board of Commissioners shall fail to renew any Conservation Agreement unless this Ordinance or its authorizing legislation has been repealed.

§ 155.07 WAIVER OF WATER AND SEWER ASSESSMENTS

(A) Water Connections.

(1) A landowner within an established District shall not be required to connect to Camden County water and/or sewer systems until such time as the residential portion of the property is subdivided or with the intent to sell.

(2) At the time a subdivision of the residential property is proposed the subdivision shall comply with chapter 50 of the Camden County Code of Ordinances .

(B) Abeyance.

(1) Any Special Assessments established for the Water and/or sewer system shall be held in abeyance, without interest, for farms in 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.

(1) 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.

(2) Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest. The landowner may be required to sign an acknowledgement (that may be incorporated into the Conservation Agreement) of the abeyance of the statute of limitations upon collecting water and sewer assessments, or other utility assessments.

(E) Other Statutory Abeyance Procedures.

(1) Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. §153A-201, or other applicable law.

(F) Conflict with Water and/or Sewer System Construction and Improvements Grants

(1) To the extent that this section conflicts with the terms of federal, state, or other grants under which county utility systems are constructed this section shall not apply. This section shall not apply to utilities that are not owned by the County unless the County has entered into an agreement with the entity(ies) owning the utilities and that agreement provides that this Ordinance shall apply.

§ 155.08 PUBLIC HEARINGS.

(A) Purpose.

(1) N.C.G.S. §106-740 provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation. This provision ensures that the condemning agency or unit considers the impact of its actions upon agriculture, forestry, and/or horticultural prior to taking action that is not reversible. This provision is not intended to, and does not prohibit, the condemning agency or unit from taking action authorized by law.

(B) Procedure

(1) Upon receiving a request, the Advisory Board shall publish notice describing the proposed action in the appropriate newspapers of Camden County within five (5) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten (10) days of receipt of the request.

(2) The Advisory Board shall meet to review:

(a) Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and

(b) Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.

(3) The Advisory Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.

(4) Within five (5) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.

(5) There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.

(6) After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.

(7) The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.

(8) Pursuant to N.C.G.S. §106-740, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Advisory Board.

§ 155.09 NOTIFICATION.

(A) Signage.

(1) There shall be signage posted at the farm gate of each qualifying farm. Placement of signage shall be coordinated with the North Carolina Department of Transportation.

(B) Maps.

(1) Maps identifying approved Districts shall be provided to the following agencies or offices:

(a) Planning Department;

(b) Register of Deeds;

(c) Natural Resources Conservation Service;

(d) North Carolina Cooperative Extension;

(e) Soil and Water Conservation District; and

(f) Any other such agency or office the Advisory Board deems appropriate.

§ 155.10 SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW

(A) Developers of major subdivisions or planned unit developments shall designate on preliminary development plans, the existence of the Districts within one-half mile of the proposed development.

§ 155.11 COUNTY LAND-USE PLANNING

(A) Duty of the Advisory Board.

(1) It shall be the duty of the Advisory Board to advise the Board of Commissioners or the agency or office to which the Board of Commissioners delegate authority to oversee county

land use planning, on the status, progress, and activities of the county's Voluntary Agricultural District program and to also coordinate the formation and maintenance of

Districts with the county's land use planning activities and the county's land use plan if one currently exists at the time this is enacted or when one is formed.

(B) Posting of Notice.

(1) The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds, and any other office or agency the Advisory Board deems necessary:

Camden County has established Districts to protect and preserve agricultural lands and activities. These Districts have been developed and mapped by the county to inform all purchasers of real property that certain agricultural and forestry activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operation, livestock operations, sawing, and other common farming activities may occur in these Districts any time during the day or night. Maps and information on the location and establishment of these Districts can be obtained from the North Carolina Cooperative Extension Service office, the office of the Register of Deeds, the County Planning office, or the Natural Resources Conservation Service office.

(C) Growth Corridors

(1) At such time as the county might establish designated growth corridors, Districts shall not be permitted in the designated growth corridors, as delineated on the official county planning map without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may remain, but shall not be expanded within the growth corridor area without the approval of the Board of Commissioners.

§ 155.12 CONSULTATION AUTHORITY

(A) The Advisory Board may consult with North Carolina Cooperative Extension, the Natural Resources Conservation Service, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

§ 155.13 NORTH CAROLINA AGENCY NOTIFICATION

(A) Annual Report to the North Carolina Department of Agriculture and Consumer Services.

(1) A copy of this Ordinance shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the County Office of North Carolina Cooperative Extension, and the Soil and Water Conservation District office after adoption. At least annually the county shall submit a written report to the

Commissioner of Agriculture and Consumer Services on the county's Voluntary Agricultural District program, including the following information:

(1) Number of landowners enrolled;

(2) Number of acres enrolled;

(3) Number of acres certified during the reporting period;

(4) Number of acres denied during the reporting period;

(5) Number of acres for which applications are pending;

(6) Municipalities with which Memorandums of Understanding have been signed;

(7) Municipalities that have adopted this Ordinance for the purpose of the county enforcing this Ordinance within their corporate boundaries;

(8) Copies of any amendments to this Ordinance or Memorandums of Understanding signed with municipalities; and

(9) Any other information the Advisory Board deems useful.

§ 155.15 LEGAL PROVISIONS

(A) Severability

(1) If any article, section, subsection, clause, phrase, or portion of this Ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(B) Conflict with other ordinances and statutes

(1) Whenever the provisions of this Ordinance conflict with other ordinances of Camden 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.

Adopted by the Board of Commissioners for the County of Camden this 6th day of May, 2013.

County of Camden

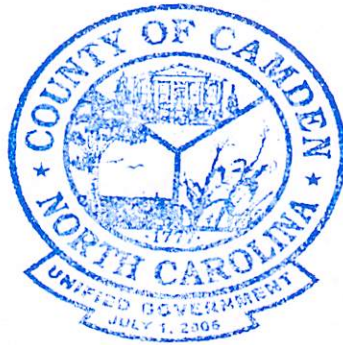
Garry W. Meiggs

Garry Meiggs, Chairman
Board of Commissioners

ATTEST:

Ashley Honaker

Ashley Honaker
Clerk to the Board



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Handwritten signature: Henry W. Wright

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