

# JACKSON COUNTY PLANNING OFFICE

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*Planning Director*  
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## MEMO

To: Jackson County Board of Commissioners  
From: Michael Poston, Planning Director  
Date: January 29, 216

RE: Agricultural District Ordinance Proposed Amendment

The Planning Department has worked with the Agricultural Advisory Board to amend Article 7 of the Agricultural District Ordinance, titled "Certification and Qualification of Farmland", to allow smaller acreage farms to participate in the Voluntary/Enhanced Voluntary Agricultural Districts. The current standards require that an applicant either participate in the Tax Office's Present Use Value (PUV) program or be eligible to participate. The most limiting factor in that standard is that one of the PUV program requirements is that an applicant has 10 acres or more (can be in contiguous tracts) in farm use to be eligible to participate.

The Agriculture Advisory Board has identified a need to be more flexible in the qualification criteria in order to include smaller farming operations in Jackson County. The Agricultural Advisory Board has received interest in the program from smaller farming operations and believes that this proposed amendment will enhance their ability to incorporate all of Jackson County's farms into the Voluntary and Enhanced Voluntary Agricultural Districts. The proposed amendment replaces the use of the PUV program with the State's definition of farming found in G.S. 106-581.1 (attached) and having a conservation plan for the farm land prepared by the Natural Resource Conservation Service (NRCS). The Agricultural Advisory Board recommended (recommendation attached) the adoption of the proposed amendment to the Board of Commissioners at their January 28, 216 meeting.

**Jackson County Voluntary Farmland Preservation Program**  
**c/o Jackson County Soil and Water Conservation District**  
**538 Scotts Creek Road, Suite 110**  
**Sylva, NC 28779**  
**(828) 586-5465**

January 28, 2016

Mr. Michael Poston  
Jackson County Planner  
401 Grindstaff Cove Road  
Sylva, NC 28779

Dear Mr. Poston,

The Agriculture Advisory Board unanimously voted to approve the proposed amendments to the Jackson County Agricultural District Ordinance under Section 7.1(a) dealing with eligibility at their January 28, 2016 meeting. The Agriculture Advisory Board appreciates your help in presenting these amendments to the Jackson County Commissioners at their next meeting in hopes of getting them approved.

Sincerely,



Charles Fowler  
Chairman  
Jackson County Agricultural Advisory Board

**Proposed Amendment to the  
Jackson County Agricultural District Ordinance, No. 008-03**

**Amend Article 7. – Certification and Qualification of Farmland as follows:**

**Sec. 7.1. - Criteria.]**

To secure county certification as qualifying farmland in the Voluntary/Enhanced Voluntary Agricultural District a farm must meet all of the criteria set forth herein:

- (a) It must ~~participate in the farm present use value taxation program established by G.S. 105-277.2 through 105-277.7 or be otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105-277.3.~~ be actively engaged in agriculture as that word is defined in G.S. 106-581.1 and has a written conservation plan as determined by the Agriculture Advisory Board.
- (b) If highly erodible land exists on the farm, it must be managed in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land.
- (c) It must be 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 land use regulations.
- (d) It must be located in the unincorporated area of Jackson County or within the jurisdiction of a municipality or the Qualla Reservation if such entity has elected to participate in this program.

**§ 106-581.1. Agriculture defined.**

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- (2) The planting and production of trees and timber.
- (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- (4) Aquaculture as defined in G.S. 106-758.
- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.
- (7) A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain. (1991, c. 81, s. 1; 2005-390, s. 18; 2006-255, s. 6; 2013-347, s. 2.)