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Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF A  
PUBLIC HEARING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MAY 5, 2008**

The Jackson County Board of Commissioners held a Public Hearing on May 5, 2008, 5:00 p.m, Room A201, Justice & Administration Building, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman  
Joe Cowan, Vice Chair  
Tom Massie, Commissioner  
William Shelton, Commissioner  
Mark Jones, Commissioner  
Kenneth L. Westmoreland, County Manager  
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the public hearing to order and stated the purpose is to receive public input on a proposed Voluntary/Enhanced Voluntary Agricultural District Ordinance (farmland preservation).

Mike Egan, Consultant, gave a brief overview of the proposed ordinance. The purpose of the ordinance is to assist farmers and provide incentives to preserve farms, but participation in the program is voluntary. Farmers who do choose to participate will benefit in the following ways:

- (a) A greater voice in the affairs of county government by means of the Agricultural Advisory Board;
- (b) A requirement for a public hearing before any land enrolled in the program may be taken through eminent domain proceedings;
- (c) Increased protection from nuisance suits as a result of the requirement for notice of the presence of working farms in county land records; and
- (d) Eligibility for farmland preservation funds.

In addition, farms enrolled in the enhanced voluntary agricultural program will receive these additional benefits:

- (e) May receive up to 25% of its gross sales from the sale of non-farm products and still qualify as a bona fide farm that is exempt from zoning regulations;
- (f) Are eligible to receive a higher percentage of cost-share funds under the Agriculture Cost Share Program

The Agricultural Advisory Board would consist of seven members appointed by the Board of Commissioners; however, the Planning Board recommends that the appointees have expertise in agricultural activities.

Both “voluntary” and “enhanced voluntary” participation requires a conservation agreement. The voluntary district can be cancelled upon thirty days written notice to the Advisory Board by the property owner. The enhanced voluntary district is a ten-year irrevocable conservation agreement between the property owner and the county. Article 7 outlines the required criteria.

The Planning Board recommends that the county negotiate potential options with TWSA as an added incentive to preserve farmland (Article 10). Water and sewer assessments 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.

**PUBLIC COMMENTS:**

- (1) Joe Ward, farmer, of the Qualla Community, urged the Board to adopt the ordinance and assist farmers. He stated that agriculture related businesses in the state are worth more than \$68 billion annually, thus making it the state’s number one industry. Since 2002, the state has lost more than 6,000 farms, last year lost 2,000 more and recently North Carolina has led the nation in the loss of farms.
- (2) Joni Wavra of the Norton Community asked why the ordinance was even written. She stated there is no need for a “voluntary” ordinance because “voluntary” is only one step away from “mandatory”. Most farms have wells and would not benefit from TWSA considerations. She asked if her farm would be regulated by an Agricultural Advisory Board even though she does not plan to voluntarily participate.
- (3) John Wavra, Christmas tree farmer, stated the ordinance will not assist him in any manner. His 54-acre farm is surrounded by gated communities and the taxes have quadrupled since he purchased it in 1993. He disagreed with the concept of lighting restrictions and requiring a water meter on his well and levying a fine if he uses too much water.
- (4) Danny Holden, farmer, stated he was opposed to the ordinance. His farm has been in his family for more than 100 years. A farmer must pay federal tax if he receives a cost-share from the state or federal government.
- (5) Carl Stewart, farmer, stated he was opposed to the ordinance and the county should just “leave farmers alone”.

There being no further comments, Commissioner Massie moved to adjourn the Public Hearing. Commissioner Shelton seconded the Motion. Motion carried.

Attest:

Approved:

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Evelyn B. Baker, Clerk

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Brian Thomas McMahan, Chairman