

**ALLEGHANY COUNTY
VOLUNTARY AGRICULTURAL DISTRICT &
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

**ARTICLE I
TITLE**

An ordinance of the Board of County Commissioners of ALLEGHANY COUNTY, NORTH CAROLINA, formerly entitled "Alleghany County Voluntary Farmland Preservation Program Ordinance," entitled, "**ALLEGHANY COUNTY VOLUNTARY AGRICULTURAL DISTRICT & ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE.**"

**ARTICLE II
AUTHORITY**

The articles and sections of this Ordinance are adopted pursuant to authority conferred by the North Carolina General Statutes sections 106-735 through 106-744 and Chapter 153A.

**ARTICLE III
PURPOSE**

The purpose of this Ordinance is to promote agricultural values, health, safety 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 of farms from non-farm development and other negative impacts on properly managed farms.

**ARTICLE IV
JURISDICTION**

The jurisdiction of this Ordinance shall be the unincorporated areas of Alleghany County.

**ARTICLE V
DEFINITIONS**

The following are defined for purposes of this Ordinance:

- Advisory Board: Alleghany County Agricultural Advisory Board.
- Chairperson: Chairperson of the Alleghany County Agricultural Advisory Board.
- District: Voluntary Agricultural District as established by this Ordinance.

Enhanced District: Enhanced Voluntary Agricultural District as established by this Ordinance.

Board of Commissioners: Alleghany County Board of Commissioners.

**ARTICLE VI
AGRICULTURAL ADVISORY BOARD**

A. Creation

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

B. Membership

The Advisory Board shall consist of no less than 9 members appointed by the Board of Commissioners with an effort to seek the broadest geographic and agricultural commodity as possible.

C. Membership Requirements

1. Each Advisory Board member shall be an Alleghany County resident and/or landowner.
2. A majority of the members shall be actively engaged in agriculture as defined in N.C.G.S. § 106-581.1. Of the members actively engaged in agriculture, there shall be at least one such member from each Region. This determination shall be made without reference to *ex officio* members.
3. The members shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Alleghany 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. At least one of the advisory board members actively engaged in agriculture, shall be nominated by the Alleghany Soil and Water Conservation District Board of Supervisors.
5. Additional members may be appointed to the Board in an *ex officio* capacity from the Soil and Water Conservation District Board of Supervisors and/or staff, the County Office of North Carolina Cooperative Extension, the County Office of the NC Forest Service, 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 3 appointees for terms of one year; 3 appointees for terms of two years; and 3 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. Attendance

Member attendance of the Advisory Board Meetings is very important. Unexcused absences for at least 50% of the meetings in a one-year period constitutes automatic dismissal.

H. Funding

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

I. Advisory Board Procedure1. 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 supplementary 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 Alleghany 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. Meetings shall be held quarterly as needed to conduct business with at least one meeting held 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 a majority of the appointed members. 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. The Advisory Board 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.

7. Administrative

The Advisory Board may contract with the Alleghany Soil and Water Conservation District Office to serve the Board for record keeping, correspondence, application procedures under this Ordinance, and any other services the Board needs to complete its duties.

I. Duties

The Advisory Board shall:

1. Review applications of landowners, for enrollment of qualified farmland, horticultural land, or forestland into a District or Enhanced District, for compliance with this Ordinance;
2. Make recommendations concerning the establishment and modification of Districts or Enhanced 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 and Enhanced Districts;

5. Review and make recommendations concerning proposed amendments to this Ordinance;
6. Maintain, implement, and provide guidance to the Board of County Commissioners on, a countywide farmland protection plan as defined in N.C.G.S. § 106-744 (e);
7. Study additional methods of protection for farming, horticulture, forestry, and the attendant land base, and make recommendations to the Board of Commissioners; and
8. Perform other related tasks or duties assigned by the Board of Commissioners.

**ARTICLE VII
CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS
AND ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS**

A. Regions

Alleghany County is hereby divided into seven regions which align with the boundaries of the County Townships as defined below:

1. Cherry Lane
2. Cranberry
3. Gap Civil
4. Glade Creek
5. Piney Creek
6. Prathers Creek
7. Whitehead

B. Districts and Enhanced Districts

In order to implement the purposes stated in Article III, this program provides for the creation of Districts and Enhanced Voluntary Agricultural Districts within Regions, which meet the following standards:

All land enrolled in a region, as defined in section A of this Article, shall be part of a single District or Enhanced District. If a single farm has acreage in two or more regions, the farm shall participate in the District, or Enhanced District, where the largest acreage is found. All land in a region, as defined in section A. of this Article, shall be treated as a single District, or Enhanced District, but shall be subject to the terms of the Conservation Agreement

under which it is enrolled. No more than one District, or Enhanced District, may be in a region.

- (1) The District, or Enhanced District, when initially established shall contain a minimum of 20 contiguous acres of qualified farmland, OR, two or more qualified farms which each contain a minimum of 10 acres and are located within a mile of each other;
- (2) For each Region created under the terms of this program, one of the existing Advisory Board members shall be assigned to represent that Region.
- (3) Districts and Enhanced Districts are created to accomplish the Purpose statement set forth in Article III.

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 Enhanced Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the District and Enhanced District programs.

D. Addition

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

**ARTICLE VIII
CERTIFICATION AND QUALIFICATION OF FARMLAND**

Requirements

To secure county certification as qualifying farmland in either a District or Enhanced District, a farm must:

1. Be engaged in agriculture as defined in N.C.G.S. § 106-581.1;
2. 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;
3. 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

4. Be located in the unincorporated area of Alleghany County, unless there is an agreement with a municipality through which the county is authorized to exercise the authority of the municipality on its behalf.

**ARTICLE IX
APPLICATION, APPROVAL, AND APPEAL PROCEDURE**

A. Application Procedure

1. A landowner, or landowners, may apply to participate in either the Voluntary Agricultural District or the Enhanced Voluntary Agricultural District program by making application, for certification of qualifying farmland to be included in a District or Enhanced District, to the chairperson of the Advisory Board or a designated staff person. The landowner, or landowners, must designate the application as for either Voluntary Agricultural District status or Enhanced Voluntary Agricultural District status. The application shall be on forms provided by the Advisory Board.
2. A Conservation Agreement (required by N.C.G.S. § 106-737 and N.C.G.S. § 106-743.3, and defined in N.C.G.S. §121-35) suited to district type (Voluntary Agricultural District or Enhanced Voluntary Agricultural District) as designated by the landowner(s) to sustain, encourage, and promote agriculture must be executed by the landowner(s) with the Advisory Board. The Conservation Agreement for the Enhanced Voluntary Agricultural District shall be recorded with the County Register of Deeds Office as required under N.C.G.S. § 121-41.

B. Review Process

1. Upon receipt of an application, the chairperson or designee 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 to review the application:
 - a. The Alleghany County Tax Office;
 - b. The Alleghany Soil and Water Conservation District Office;
 - c. The Alleghany Cooperative Extension Office;
 - d. The Natural Resources Conservation Service;
 - e. The North Carolina Forest Service; and
 - f. Any other such agency or office the Advisory Board deems appropriate.
2. The Advisory Board or its administrative designees prior to, or at, the next regularly scheduled board meeting shall review an application for certification of qualifying farmland to determine if the application is compliant with all requirements of this Ordinance. The chairperson of the

Board shall notify the applicant by first class mail of application compliance or non-compliance, and the reason(s) therefore, within 15 days of the determination.

C. Appeal

If an application is determined to be noncompliant with this Ordinance by the Advisory Board, the landowner may, within fifteen (15) days of notification of noncompliance of the application, request in writing that the Advisory Board reconsider its determination. The request for reconsideration shall state the reason(s) therefore. The Advisory Board shall meet at the next regularly scheduled board meeting for reconsideration of the application and shall notify the applicant by first class mail of its determination, and the reason(s) therefore, within 15 days of the reconsideration of the application. Upon either an initial negative determination, if no request for reconsideration was made, or a negative determination after reconsideration, the landowner shall have thirty (30) days from the date of notification to appeal the determination to the Board of Commissioners. Such appeal shall be presented in writing and shall state the reason(s) therefore. The decision of the Board of Commissioners is final.

ARTICLE X

REVOCATION, TRANSFER, RENEWAL, AND ENFORCEMENT OF CONSERVATION AGREEMENTS

A. Revocation

1. District. 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 with the provisions of Article VIII, subject to the same provisions as contained in Article IX(C) for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a District and the benefits thereof. Revocation by the Advisory Board of a Conservation Agreement may be appealed by the landowner to the Alleghany County Board of Commissioners within 30 days of notice of revocation. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final. Revocation by a landowner of a Conservation Agreement and the resulting loss of qualifying farmland status for the purpose of participation in a 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 District, provided they meet all other requirements except the minimum area requirements of Article VII. 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 IX(C). A District will not be automatically revoked at end of agreement period.
2. Enhanced District. Conservation Agreements for land within Enhanced Districts are IRREVOCABLE for a period of 10 years. At the end of the term, a notice of revocation shall be recorded in the Register of Deeds Office sufficient to provide notice that the land has

been withdrawn from the Enhanced Voluntary Agricultural District program if the agreement is not automatically renewed or renewed voluntarily by the landowner(s).

B. Transfer

1. District. Transfers of land in a District due to death of the landowner, sale, or gift shall not revoke the Conservation Agreement, if all new landowner(s) affirm the Conservation Agreement and affirm, on a supplemental application, updated information demonstrating that the enrolled land still qualifies for enrollment under Article VIII of this Ordinance. In the event that there are water or sewer assessments held in abeyance by this Ordinance, and where the new owner(s) fail(s) to agree in writing to accept liability for those assessments when land is withdrawn either voluntarily or involuntarily from the District, the Conservation Agreement shall be revoked. Revocation shall be undertaken pursuant to the provisions of Section A of this Article.
2. Enhanced District. Transfers of land in a District due to death of the landowner(s), sale, or gift shall not revoke the Conservation Agreement. The Conservation Agreement for the Enhanced Voluntary Agricultural District shall be binding upon all successors in interest to the landowner, except for successors in interest resulting from the exercise of rights under a security interest or lien that preceded the Conservation Agreement.

C. Renewal

1. District. A Conservation Agreement for land within a Voluntary Agricultural District, that continues to qualify under all provisions of Article VIII, shall be automatically renewed for a period of 10 years and continue to renew for successive 10 year periods 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.
2. Enhanced District. A Conservation Agreement for land within an Enhanced Voluntary Agricultural District, that continues to qualify under all provisions of Article VIII, shall be deemed automatically renewed for an additional term of 3 years, unless either the Advisory Board or the landowner gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of the 3 year term, the Conservation Agreement for land within an Enhanced Voluntary Agricultural District that continues to qualify under all provisions of Article VIII shall thereafter automatically renew for successive 1 year terms, unless either the Advisory Board or the landowner gives written notice to the contrary prior to the termination date of the Conservation Agreement.

D. Enforcement

1. 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. Revocation shall be undertaken pursuant to the provisions of Section A of this Article.

2. Enhanced District. Conservation Agreements for the Enhanced Agricultural District program may, at the election of the parties, include provisions requiring that any disputes between the county and the landowner be resolved through arbitration or mediation, and, in the event of litigation, that the prevailing party be awarded costs, including reasonable attorney fees. Enforcement of the terms of the Conservation Agreement may be through an action for injunctive relief and/or damages in any court of competent jurisdiction. The County may also terminate any benefits to the owner under this program either permanently or during the period of violation, as appropriate. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). The right to terminate program benefits is in addition to any legal rights that the County may have under either this Ordinance or the terms of the applicable Conservation Agreement. The County may seek costs of the action including reasonable attorney fees if such a provision is incorporated into the Conservation Agreement.

ARTICLE XI
ADDITIONAL ENHANCED AGRICULTURAL DISTRICT BENEFITS

Land enrolled in the Enhanced Voluntary Agricultural District program is entitled to all of the benefits available under the Voluntary Agricultural District program, and to the following additional benefits under this Article:

A. Sale of Non-farm Products

Landowners participating in Enhanced Districts may receive up to twenty-five percent of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from county zoning regulations under N.C.G.S. § 153A-340(b). For purposes of N.C.G.S. § 153A-340(b), the production of any nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm that is subject to a Conservation Agreement under N.C.G.S. § 106-743.2 is a bona fide farm purpose. A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed twenty-five percent of its gross sales. A county may adopt an ordinance pursuant to this section that sets forth the standards necessary for proof of compliance.

B. Agricultural Cost Share Program

Landowners participating in Enhanced Districts may be eligible under N.C.G.S. § 106-850 (b) to receive the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to Article 72 of this Chapter for funds to benefit that farmland contingent on availability of funds and local Soil and Water Conservation District policies, priorities, or caps.

C. Priority Consideration

State and local departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in Enhanced Districts.

**ARTICLE XII
PUBLIC HEARINGS**

A. Purpose

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 or Enhanced District until such agency or unit has requested that the Advisory Board hold a public hearing on the proposed condemnation. This provision ensures that the condemning agency or unit considers the impact of its actions upon agricultural, forestal, and/or horticultural land 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 that is 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 Alleghany County within five (5) business days of the request, and shall 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 or Enhanced District within which the proposed action is to take place.
3. The Advisory Board shall consult with the Cooperative Extension Service Office, the Soil and Water Conservation District Office, the Natural Resources Conservation Service, 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 within five (5) days.
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 condemning agency may not formally initiate a condemnation action while the proposed condemnation is properly before the Advisory Board within these time limitations.

**ARTICLE XIII
NOTIFICATION**

A Geographic Information System

Voluntary and Enhanced Voluntary Agricultural Districts, and all farms within one-half mile of a Voluntary and Enhanced Voluntary Agricultural District, shall be mapped in the county Geographic Information System.

B. Maps

Maps identifying approved Districts and Enhanced Districts shall be provided to the following agencies or offices:

1. Alleghany County Planning Department;
2. Alleghany County Tax Office;
3. Alleghany County Register of Deeds;
4. USDA, Natural Resources Conservation Service;
5. North Carolina Cooperative Extension;
6. USDA, The Farm Service Agency;
7. Alleghany Soil and Water Conservation District; and
8. Any other such agency or office the Advisory Board deems appropriate.

C. Signage

Signs identifying parcels enrolled in an agricultural district may be placed on enrolled parcels at the discretion of the owners. Signs shall not be placed along the right-of-way of any state or county maintained road.

D. Posting of Notice

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:

Allegheny County has established Districts and Enhanced 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, burning, and other common farming activities may occur in these Districts and Enhanced Districts any time during the day or night. Maps and information on the location and establishment of these Districts and Enhanced Districts can be obtained from the local offices of: the Soil and Water Conservation District, Cooperative Extension Service, Forest Service, Register of Deeds, Planning, or the Natural Resources Conservation Service.

**ARTICLE XIV
SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW**

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

**ARTICLE XV
COUNTY LAND USE PLANNING**

A. Duty of the Advisory Board

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 Enhanced Voluntary Agricultural District program and to also coordinate the formation and maintenance of Districts and Enhanced Districts with the county's land use planning activities and the county's land use plan.

B. Growth Corridors

At such time as the county might establish designated growth corridors, Districts and Enhanced Districts shall not be permitted in those designated growth corridors, as delineated on the official county planning map, without the approval of the Board of Commissioners. Districts and Enhanced 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.

**ARTICLE XVI
CONSULTATION AUTHORITY**

The Advisory Board may consult with North Carolina Cooperative Extension Office, the Soil and Water Conservation District Office, the Natural Resources Conservation Service Office, the Farm Service Agency Office, 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.

**ARTICLE XVII
NORTH CAROLINA AGENCY NOTIFICATION**

Annual Report to the North Carolina Department of Agriculture and Consumer Services

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 North Carolina Cooperative Extension Office, 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 and Enhanced Voluntary Agricultural District program, including the following information:

1. Number of landowners enrolled;
2. Number of acres enrolled;
3. Number of acres certified and date of certification during the reporting period;
4. Number of acres not certified 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 with which Memorandums of Understanding are no longer in effect;
8. Municipalities that have adopted this Ordinance for the purpose of the county enforcing this Ordinance within their corporate boundaries;
9. Copies of any amendments to this Ordinance or Memorandums of Understanding signed with municipalities; and
10. Any other information the Advisory Board deems useful.

**ARTICLE XVIII
LEGAL PROVISIONS**

A. Severability

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

Whenever the provisions of this Ordinance conflict with other ordinances of Alleghany County, the most restrictive 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. The sole remedy for a land use not complying with this Ordinance shall be revocation of the Conservation Agreement and removal of the non-qualifying land from the Alleghany County Voluntary Agricultural District and Enhanced Voluntary Agricultural District Program. Recreational use of land that does not interfere with agricultural uses as defined in N.C.G.S. § 106-581.1 shall not be considered non-compliant with this Ordinance.

C. Amendments

This Ordinance may be amended from time to time by the Board of Commissioners in consultation with the Advisory Board after a public hearing, notice of which shall be sent to participants by first class mail 30 days prior to the hearing.

Originally adopted August 18, 2003, effective August 20, 2003

Amended , 2017, effective , 2017

**ARTICLE XIX
ENACTMENT**

The Alleghany County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

Adopted this the 15th day of May, 2017

Motion for adoption by John Irwin and seconded by Bobby Irwin

ALLEGHANY COUNTY BOARD OF COMMISSIONERS

(sig: Mark Evans)
Chairperson

ATTEST:

(sig: Lauren Linker)
Clerk to Board of Commissioners

(seal)

Approved as to form:

(sig: Donna Shumate)
County Attorney