

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 58, ARTICLE III OF THE BUNCOMBE COUNTY CODE OF ORDINANCES BY REPEALING ARTICLE III, AND REPLACING IT WITH "VOLUNTARY AGRICULTURAL DISTRICT & ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE"

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- WHEREAS, pursuant to Chapter 106, Article 61 the County may pass an ordinance establishing a farm land preservation program within its jurisdiction; and
- WHEREAS, on November 21, 1989, the County adopted a farmland preservation program;
- WHEREAS, in 2005, pursuant to Chapter 106, Article 61, Part 3 a County may adopt an enhanced voluntary agricultural district; and
- WHEREAS, on February 1, 2011, the Buncombe County Commissioners amended Chapter 58, Article III of the Buncombe County Code of Ordinances to include both Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts;
- WHEREAS, on June 23, 2011 the North Carolina General Assembly in N.C. Sess. Law 2011-219 amended the definition of qualifying farmland as set forth in N.C. Gen. Stat. 106-737 and Buncombe County's Code needs to be amended to conform with state law; and
- WHEREAS, the Buncombe County Soil and Conversation District has reviewed this amendment and recommends that the County adopt the amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

Section 1. The Buncombe County Code of Ordinances Section 58-56(a)(1)(a) be deleted in its entirety and replaced with the following:

"a. Engaged in agriculture as defined in N.C. Gen. Stat. 106-581.1."

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance is effective upon adoption.

Read, approved and adopted this 3rd day of April 2012.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

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KATHY HUGHES, CLERK

BY: \_\_\_\_\_  
DAVID GANTT, CHAIRMAN

APPROVED AS TO FORM

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COUNTY ATTORNEY