

**ORDINANCE ADDING ARTICLE III TO CHAPTER 4 OF THE UNION COUNTY  
CODE**

WHEREAS, the Union County Board of County Commissioners (the “Board”) hereto enacted certain ordinances related to the promotion of agricultural values and the general welfare of the County, which have been successful in protecting agricultural land in Union County; and

WHEREAS, the Board desires to add a new Article, which will establish a program for preserving the County’s agricultural farmland in a manner that directs and accommodates responsible growth and development; and

WHEREAS, the Union County Farmland Preservation and Easement Program Ordinance assists with encouraging the preservation of qualifying farmland, and to foster the growth, development, and sustainability of farmland in Union County; and

WHEREAS, the Board has determined that it is in the best interests of the residents of Union County to add Article III as hereinafter set forth.

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

1. The Union County Code is hereby amended by adding a new Article III to Chapter 4 of the Union County Code, as shown on Exhibit A attached to this ordinance.
2. This Ordinance is effective \_\_\_\_\_ 2025.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
Melissa Merrell  
Chair, Union County Board of Commissioners

# EXHIBIT A

## ARTICLE III.

### Sec. 4-57 - TITLE

An Article of the Board of County Commissioners of Union County, North Carolina, entitled Union County Farmland Preservation and Easement Program Ordinance.

### Sec. 4-58 - AUTHORITY

The articles and sections of this program are adopted pursuant to authority conferred by G.S. § 106-735 through 106-744 and other applicable law.

### Sec. 4-59 - PURPOSE

(a) The purpose of this article is to preserve the County's agricultural farmland in a manner that directs and accommodates growth and development. To this end, the County establishes the following goals:

- (1) To permanently protect and conserve those soils in the County best suited to agricultural uses;
- (2) To identify and harmonize policies of government at all levels which may conflict with the goal of protection of farmland;
- (3) To reduce land use conflicts between agricultural and other land uses; and
- (4) To promote agriculture as an integral part of the County's economy.

(b) Duties and responsibilities of the Union County Soil and Water Conservation District and the Agricultural Advisory Board.

- (1) The Union County Soil and Water Conservation District shall make recommendations to the Union County Board of County Commissioners on the selection of properties for purchase and/or donation of conservation easements. The term "conservation easement" as used in this article shall have the same meaning as the term "agricultural conservation easement" as set forth in G. S. § 106-744. The Soil and Water Conservation District and the Agricultural Advisory Board are responsible for developing and adopting a system to rank the acquisition of conservation easements. Subject to the availability of county, state, and federal grant funding, the Union County Soil and Water Conservation District, with assistance from a private nonprofit conservation organization, may acquire or support the acquisition of conservation easements consistent with this article.

### Sec. 4-60 - DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Advisory board* means Union County Agricultural Advisory Board.

*Board of commissioners* means Union County Board of Commissioners.

*District* means the Union County Soil and Water Conservation District.

*Soil and Water Board* means the Union County Soil and Water Board of Supervisors.

#### Sec. 4-61 - PURCHASE OF CONSERVATION EASEMENTS

(a) General. Subject to the availability of funds, the Union County Soil and Water Conservation District may facilitate the purchase of conservation easements in agricultural and/or forestry lands pursuant to this article. All applications for the purchase of conservation easements will be evaluated based upon a farmland preservation ranking system. Applications will be ranked based upon various site factors. Conservation easements may be purchased in accordance with the ranking of farm properties and the availability of funding.

(b) Farmland preservation ranking system. The farmland preservation ranking system will be used to rank, or prioritize, applications received from landowners seeking to sell their conservation easements. The system can be used for evaluating conversion impact. Site and soil assessment criteria shall be maintained by the Union County Soil and Water Conservation District and the Agricultural Advisory Board. The Union County Soil and Water Conservation District and the Agricultural Advisory Board are responsible for developing and adopting a system to rank and evaluate projects subject to approval by the Union County Board of County Commissioners.

(c) Description. The purchase of conservation easements is legally binding, restricting the owner and future owners to agricultural and/or forestry use of the land. The conservation easements will be held in public trust by a qualified conservation organization or the Union County Soil and Water Conservation District. Conservation easements will be in perpetuity and in compliance with the North Carolina Conservation and Historic Preservation Agreements Act and applicable federal and state laws.

(d) Minimum eligibility criteria. The agricultural and/or forestry land must meet the definition of qualifying farmland as defined in G.S. § 106-744 which includes being used for bona fide farm purposes, as that term is defined in G.S. §§ 106-743.4(a) and 160D-903, and be at least ten acres in size or contiguous to a ten-acre tract for which a perpetual conservation easement exists.

(e) Application procedure. An application must be submitted by the property owner to the Union County Soil and Water office or its designee.

(f) Review and ranking of application. The applications will be ranked by the Soil and Water director or their designee. After the application has been ranked, the Soil and Water Director or their designee will prioritize applications and make recommendations to the Union County Board of County Commissioners.

(g) Purchase of easement. The final step is the purchase of recommended easements, for which the Board of County Commissioners has sole authority.

#### Sec. 4-62 - DONATION OF CONSERVATION EASEMENTS

(a) General. The County will accept donated easements upon recommendation of the Union County Soil and Water Conservation District.

(b) Description. The donation of conservation easements is legally binding, restricting the owner and future owners to agricultural and/or forestry use of the land. The conservation easements will be held in public trust by a qualified conservation organization or the District. Conservation easements will

be in perpetuity and in compliance with the North Carolina Conservation and Historic Preservation Agreements Act and applicable federal and state law.

(c) Minimum eligibility criteria. The agricultural and/or forestry land must be at least ten acres in size or contiguous to a ten-acre tract for which a perpetual conservation easement exists and be in agricultural and/or forestry use.

#### Sec. 4-63 - BASELINE DOCUMENTATION AND MONITORING

(a) Baseline documentation purpose. This policy establishes the procedure for the collection, compilation, and storage of baseline documentation for conservation easements managed by Union County Soil and Water Conservation District on behalf of Union County. This information establishes the condition of a property at the time of acquisition, allowing comparisons with findings during subsequent monitoring events. The Soil and Water Conservation District, will collect this information for the conservation easement donor. The baseline documentation may be relied upon during litigation to establish the condition of a property prior to a conservation easement violation. The Soil and Water Conservation District will collect and store all baseline documentation for conservation easements in a manner that maximizes effectiveness for enforcement purposes.

(1) Baseline data collection. The volume and specificity of the information included in the baseline documentation report may vary depending on the terms of the easement and the conservation objectives for the property. Baseline data will be collected by the Soil and Water Conservation District Director. Baseline data collected during a site visit will generally include:

- a. Boundary photos, photos of special features, and photos of structures and other improvements and or human modifications
- b. Global Positioning System (GPS) data and locations on a map of each photo, special feature, structure, and other improvements;
- c. Other natural resource information documenting the conservation values of the site such as soil maps, land cover data, natural community descriptions, ecological data, and other relevant agricultural or forestry information.

(2) A copy of the baseline documentation report shall be kept on file with the easement grantee and must be reviewed by the landowner prior to closing.

(b) Monitoring purpose. To protect conservation values, Soil and Water Conservation District or their designee will conduct regular monitoring and maintain detailed records of inspections, problems on the property and actions taken to address such problems.

(1) Monitoring personnel. Overall supervision of monitoring is the responsibility of the District and will be coordinated with the Soil and Water director or their designee.

(2) Monitoring procedure. Comprehensive monitoring shall be performed at least annually, with additional monitoring visits and reports to be generated as needed.

#### Sec. 4-64 - LEGAL PROVISIONS

The sole remedy for a land use not complying with this Article shall be revocation of the conservation agreement and removal of the non-qualifying land from the Union County's Farmland Preservation program. Recreational use of land that does not interfere with agricultural uses as defined in G.S. §106-581.1 shall not be considered non-compliant with this Article.