Voluntary and Enhanced Voluntary Agricultural District (VAD and EVAD) Programs

Brandon King and Theodore A. Feitshans, J.D. Department of Agricultural & Resource Economics North Carolina State University brandon_king@ncsu.edu (919) 515-4670 ted_feitshans@ncsu.edu (919) 515-5195



Districts Background

- Districts authorized by the Agricultural Development and Farmland Preservation Enabling Act
- 80 VAD and EVAD programs in North Carolina have been passed — and more are proposed
- Local program only overseen by the Agricultural Advisory Board and the Board of Commissioners

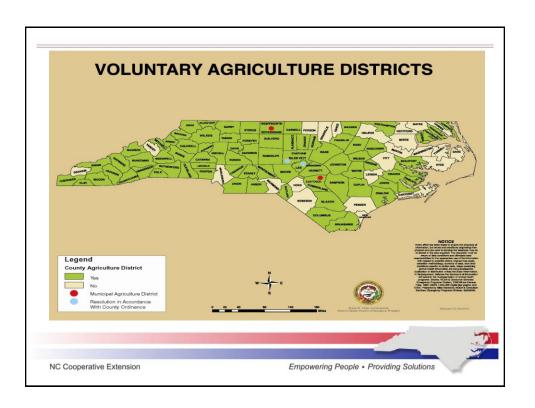
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Why Have VAD/EVAD Programs?

- Unified representation for agriculture, forestry, and horticulture in the community
- Low cost tools that can accomplish multiple objectives
- Address emerging issues of concern to growers —plan for the future...

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Elements of a County or City VAD and/or EVAD Ordinance

- Minimum contiguous acres of qualifying farmland, forestland, horticultural land
- Formation upon execution of 10-year revocable (VAD) or irrevocable (EVAD) agreement(s) to sustain agriculture, forestry, and/or horticulture — and limit building
- Form of agreement approved by agricultural advisory board (or alternative board or official)
- Each district must have a representative on the agricultural advisory board

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Municipal Corporate Boundaries and Ordinances

- County ordinance covers unincorporated areas only
- City ordinances cover incorporated area
- Memorandums of understanding (MOU) between counties and cities to for farms that fall within municipal jurisdictions
- Cities may recognize VADs in their planning jurisdictions

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Qualifying Land

- Participating, or is eligible to participate, in the county present-use-value tax program
- Highly erodible land standards met (NRCS)
- Subject to a VAD or EVAD conservation agreement
- Located in unincorporated areas of county (counties) or within municipal boundaries (cities)

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VAD Conservation Agreement

- Sustain agriculture, forestry, and horticulture
- Non-farm uses prohibited:
 - Non-farm construction (except for three lots)
 - Dumping soil or other materials as landfill
 - Removal of trees and other vegetation
 - Mining and other activities detrimental to conservation
- · 10-year period, but is revocable
- Automatic renewal possible

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EVAD Conservation Agreement

- Includes all terms of a VAD agreement plus:
 - Irrevocable for 10 years
 - Automatic renewal for 3 years absent notice as required by the ordinance
- · Form of EVAD agreement
 - Contract: Personal
 - Term conservation easement
 - Lease
- Termination due to hardship

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VAD & EVAD Conservation Agreement Questions

- Questions
 - Impact on appraised value
 - VAD none
 - EVAD maybe but little impact on tax revenue (unless not in present-use value taxation)
 - Enforcement
 - VAD revocation of agreement
 - EVAD open question
 - Revocation of agreement
 - Legal action

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VAD & EVAD Conservation Agreements

- Permitted uses (N.C.G.S. 106-581.1, 121-35)
 - Agriculture
 - Aquaculture
 - Agritourism
 - Packing, processing, marketing, etc. of agricultural products
 - Forestry
 - Horticulture
 - Outdoor recreation

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Agricultural Advisory Board

- Review and recommend concerning establishment and modification of agricultural districts
- Advise Commissioners on agriculture and related issues including additional methods of protection for farming, horticulture, forestry
- Countywide farmland protection planning (counties & cities may need a coordination agreement to facilitate this)
- Conduct public hearings involving condemnation
- · Perform other tasks as assigned

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Benefits of VAD

- · Record notice of proximity to farmlands
 - Only in counties with computerized land record systems
 - Affect on nuisance actions
 - Need to adequately tag properties within ½ mile of land in district
- Public hearing on condemnation
- Education about agriculture

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Benefits of VAD

- Abeyance of water & sewer assessments (optional, and may be available under other law)
- Official role in county/municipal government
- Municipalities may amend zoning ordinances to provide flexibility to farms in a district

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Benefits of EVAD

- All VAD benefits
- Remain bona fide farm purpose exempt from county zoning even if sales of up to 25% nonfarm product (burden of proof on farmer)
- Eligible for a higher percentage of cost share funds under N.C.G.S. 143-215.74(b)

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Benefits of EVAD

- Priority consideration for grants from state departments, institutions or agencies
- Abeyance of all county/municipal utility assessments

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Farmland Protection Planning

- Advisory Board May Develop a Countywide Farmland Protection Plan
- Statutory components:
 - Inventory of agricultural resources
 - Challenges to family farming
 - Opportunities
 - Maintenance tools
 - Schedule & funding

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Muni VAD/EVAD Options

- Memorandum of Understanding (MOU)
- Municipal adoption of county ordinance
- · Adoption of Resolution
- · Municipal ordinance
 - Municipality administers
 - County administers

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Memorandum of Understanding

- No budget or exchange of consideration
- Non-binding and may allow termination at any time
- Should clearly spell out what is expected
- Used in Anson, Lee, and Johnston County

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Suggested Changes

- Look at 2005 statute
 - Remove NRCS certification of 2/3 of land
- Automatic renewal
- Allow for farms in incorporated areas if there is an agreement

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Additional Resources

- Land Preservation Notebook Website www.cals.ncsu.edu/wq/lpn/modelordinances.htm
- "Protecting Working Forests with Voluntary Agricultural District Programs" www.ces.ncsu.edu/nreos/forest/pdf/WON/won44.pdf
- NC Agricultural Development & Farmland Preservation Trust Fund www.ncadfp.org
- American Farmland Trust www.farmlandinfo.org/documents/27757/COCS_09-2007.pdf

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