

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

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## 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



## 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

## 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

## 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)

## 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

## 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

## 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

## 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

## 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

## 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

## 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](http://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](http://www.ces.ncsu.edu/nreos/forest/pdf/WON/won44.pdf)
- NC Agricultural Development & Farmland Preservation Trust Fund  
[www.ncadfp.org](http://www.ncadfp.org)
- American Farmland Trust  
[www.farmlandinfo.org/documents/27757/COCS\\_09-2007.pdf](http://www.farmlandinfo.org/documents/27757/COCS_09-2007.pdf)