

**COUNTYWIDE FARMLAND PROTECTION PLAN
FOR
_____ COUNTY,
NORTH CAROLINA¹**

Adopted by the
Board of County Commissioners,
_____ County
_____, 20____

**ARTICLE I:
STATEMENT OF NEED FOR ACTION**

Agriculture makes a major contribution to the well being of _____ County residents, both those living within, and outside the county's cities and towns. In addition to direct contributions to the local economy in the form of product sale receipts and expenditures on farm services and inputs, along with employment on farms and farm support businesses, farmers also make significant contributions as stewards of the remaining amounts of undeveloped land (often called "open-space") in the county. Their stewardship protects the county's soil and water resources, recharges groundwater and abates storm water runoff, connects wildlife habitat, and safeguards the scenic and historic vistas that have defined our county's character. For these reasons, it is in the county's interest to promote the local agricultural industry and protect farmland. Enabling farmers who want to continue to farm to do so is a cost effective way of maintaining the quality of life of everyone in _____ County.

As demonstrated by data supplied below, _____ is losing farmland. Farming faces a unique set of stresses, some of which _____ County with thoughtful action can help to mitigate. To better understand these stresses, and the steps the county can take to reduce them, it is helpful to first understand the history, geography (including the soil resource), economic trends, and regulations governing farming. It is also important to understand the values and concerns of the farmers themselves.

**ARTICLE II:
AUTHORITY FOR COUNTY ACTION**

In 1986, the North Carolina General Assembly passed the North Carolina Farmland Preservation Enabling Act.² The stated purpose of this Act is "to authorize counties to undertake a series of programs to encourage the preservation of farmland as defined herein."³ In addition to enabling counties to create Voluntary Agricultural District ordinances, which _____ County adopted in _____ [date and cite], the Act also created the North Carolina Farmland Preservation Fund and enabled counties to develop purchase of agricultural conservation easements (PACE) programs. By later amendment, the General Assembly created a matching mechanism for distribution of

Farmland Preservation Trust Fund monies, with preference to counties adopting a countywide farmland protection plan.⁴ The Act declares that a countywide farmland protection plan shall:

1. Contain a list and description of existing agricultural activity in the county.
2. Contain a list of existing challenges to continued family farming in the county.
3. Contain a list of opportunities for maintaining or enhancing small, family-owned farms and the local agricultural economy.
4. Describe how the county plans to maintain a viable agricultural community and shall address farmland preservation tools, such as agricultural economic development, including farm diversification and marketing assistance; other kinds of agricultural technical assistance, such as farm infrastructure financing, farmland purchasing, linking with younger farmers, and estate planning; the desirability and feasibility of donating agricultural conservation easements, and entering into voluntary agricultural districts.
5. Contain a schedule for implementing the plan and an identification of possible funding sources for the long-term support of the plan.⁵

The statute suggests that such a countywide farmland protection plan may be formulated with the assistance of an agricultural advisory board, which _____ County appointed as part of its Voluntary Agricultural District ordinance (ordinance cite). That board, known as the _____ County Agricultural Advisory Board, will take the lead role in administering this plan and reporting to the Board of County Commissioners on its progress.⁶

**ARTICLE III:
OVERVIEW OF _____
COUNTY AGRICULTURAL ACTIVITY⁷**

A. Agricultural Production

_____ County's family farms produce a diverse array of agricultural products. **(describe key products)**⁸

B. Economic Impact of Agricultural Production

Agriculture is ranked as _____ County's number _____ # _____ industry, accounting for \$ _____ in gross sales annually. In 2002, _____ County agricultural producers realized \$ _____ in cash receipts, with farm production expenses of \$ _____, illustrating agriculture's importance to the local economy. Agriculture is much more than farming in that a substantial number of non-agricultural businesses supply the needs of farmers. These include processors, vehicle and equipment dealers and other enterprises. _____ County farmers, for example, own and must maintain and replace _____ # _____ trucks, _____ # _____ tractors and numerous other pieces of farm equipment and machinery. They also purchase over \$ _____ of petroleum products, \$ _____ of feed, \$ _____ of hired farm labor and approximately \$ _____ of other products and

services from _____ County and other nearby enterprises, many of which would not be considered farm supply businesses. For these businesses to survive and prosper, a core critical mass of farmers must be preserved and vice-versa.⁹ Though difficult to measure, these many businesses supporting agriculture undoubtedly account for a significant portion of _____ County's employment base.

C. Family Farm Statistics

Family farms make up the majority of agricultural production in the county. According to the 1997 USDA Census of Agriculture, _____ County's agriculture industry consists of predominately family owned businesses with _____ % of farms owned by individuals or families. Partnerships and family corporations account for _____ % of the remaining farms. In 1974, there were _____ # farms in _____ County. Since that time the number of farms has declined to _____ # farms. In that same time period, the average farm size has also decreased from _____ # acres to _____ # acres. In 1997, over _____ % of _____ County farms were _____ # acres or more in size. This has fluctuated no more than _____ % since 1974. There has been a steady decline since 1974 of the number of farms that are 50 to 179 acres.¹⁰ There has also been a dramatic increase in the number of farms between 10 and 49 acres (_____ %) and those that are less than 10 acres (_____ %).

In 1997, _____ % of _____ County farmers considered farming to be their principal occupation, a decrease of _____ % from 1992. Approximately _____ % of farmers currently work full-time on the farm. However, many farm families now depend greatly on off-farm employment, presumably to offset the low profitability of agriculture.¹¹

E. Farm Land Use Trends

According to the 1997 Census of Agriculture, _____ County had _____ acres in farms, representing _____ % of the total county land base. These lands included _____ acres of harvested cropland, _____ acres of pastureland, _____ acres of forestland, and _____ acres of land enrolled in the federal Conservation Reserve Program and Wetlands Reserve Program.¹² In the 1992 Census, the county had _____ acres in farms or _____ of the land base, a decrease (or increase) of _____ % over the five year period between surveys.¹³

F. Agricultural Soils

Soils in _____ County are for the most part well suited to agricultural uses. Altogether about _____ % of active and inactive farmland in the county are Class I, II, or III soils (Soil Survey of _____ County, NRCS, _____ (date)) These classes define the suitability of various soils for agricultural uses, based on limitations of the soils, range of usefulness for agriculture, the risk of environmental damage such as erosion when they are used for agriculture, and how easily their limitations can be overcome by remedial measures. Class I soils are soils

that generally have few limitations, support the widest range of uses, and carry the least risk of environmental damage. Class II soils have some limitations that reduce the range of potential crops or require moderate conservation practices. Class III soils have greater limitations on range of potential crops, require special conservation measures, or both.

According to the Soil Survey, the following associations predominate in the agricultural areas of the county: **(List and describe)**¹⁴

Class I and II soils are considered to be “prime” agricultural soils – those soils whose characteristics make them most suited to agricultural uses. Approximately _____ acres, or _____ % of active and inactive agricultural lands in the county are on prime agricultural soils. The largest concentration of these soils is located in _____ Township. There are also significant concentrations of these soils in _____ and _____ Townships.

**ARTICLE IV:
CHALLENGES TO AGRICULTURE
IN _____ COUNTY**

Surveys of _____ County farmers and other owners of farmland identified some of the strengths of county agriculture as well as its challenges.¹⁵ While the agricultural industry remains an important part of _____ County’s economy, both farmers and farmland owners believe that (list challenges, eg. Taxes, low commodity prices, environmental regulations, development pressures, complaints from neighbors, vandalism and trespassing) are having a significant impact on the future of agriculture within the county. To help address the challenges facing agriculture, _____ County farmers and farmland owners are interested in participating in a variety of local and state programs. **(Describe goals and programs identified by farmers in the survey)**. Following are some of the specific challenges farmers identified in the survey:¹⁶

A. Falling Prices and Low Profitability.

Low commodity prices, coupled with rising costs of production, have resulted in low profitability and inadequate farm income for farmers across North Carolina. This affects the farmer’s cash flow, receivables, return on investment, and incentive and ability to invest in continued operations, thus making the farmer’s hold on his or her business untenable. _____ County farmers have identified low prices as well as the high costs of taxes, labor, regulatory compliance requirements and utility expenses as factors affecting their bottom line.

B. Aging Farm Operators.

In North Carolina, the average age of a farm operator is 55.¹⁷ In _____ County, the average age of a farm operator is _____, or, on average, _____ years older than the general public. The number of North Carolina farmers older

than age 65 is _____ times greater than the number of farmers under 35.¹⁸ This indicates that a large transition will take place over the next 20 years, and with fewer younger farmers available to take over production on these farms, many may fall out of production and be divided up and sold through estate settlement processes. Additionally, generations of farming expertise may be lost, an invaluable asset to the local agricultural economy.

C. Rising Property Values and Taxes.

As suburban development increases in rural areas, land prices invariably increase, which has been the case in _____ County. Increasing land prices restrict a farmer's ability to purchase more land on which to operate, thus restricting his or her flexibility to change their agricultural operation or otherwise produce more to increase their income.

D. Conflicts with Non-farmer Neighbors.

_____ County farmers have indicated that conflicts with non-farming neighbors are increasing. As residential development moves to the farm's edge, new neighbors find themselves faced with the realities of agricultural production processes: dust, livestock smells, noise from machinery, slow moving farm equipment on roadways. Complaints create a hostile operating environment, can end up in costly litigation, and at worst, can result in curtailing a farmer's ability to operate his or her farm.

E. Loss of Local Farm Services.

As noted above, a significant amount of _____ County businesses support agriculture enterprises, and in turn count on agriculture as a large portion of their service base. As farms cease to operate, local businesses depending on that revenue close or relocate further away from agricultural production areas. With the loss of these support businesses, farmers incur rising costs due to delays in their own production due to the lack of an urgently needed service (such as tractor repair) that only a nearby business can provide in the critical amount of time, or they may have to travel further for needed services adding time and travel expenses to their operation. Additionally, farming is a unique business, and the loss of support businesses, particularly in the financial sector, means a drain from the county of service providers who understand the unique needs of agricultural producers.

F. Fractured Infrastructure from Poorly-planned Residential Development.

Time is a very important asset in agricultural production. The ability to achieve certain goals within certain windows of weather and season are critical to successful farming. Often these schedules are based on the farmer's reliance of corridors of transportation between fields, services and markets. As poorly-planned development encroaches into farming areas, these corridors between fields or other necessary destinations can be disrupted, increasing farmers travel time and operating costs. Also, increased traffic in these corridors imposes similar costs.

**ARTICLE V:
OPPORTUNITIES FOR
ENHANCING AGRICULTURE IN
_____ COUNTY**

A. Guiding Principles behind this Plan¹⁹

1. Integrate economic development with farmland protection. Keeping farms viable is as important as protecting the resource base essential for farming and it is more cost efficient.
2. Target agricultural and farmland protection initiatives toward blocks of viable farmland.
3. Educate consumers and elected officials on the relationship between a healthy local agricultural economy and the public benefits working farmland provide.
4. Give farmers incentives to protect farmland in giving them a fair return for the benefits their stewardship of the land provides the non-farming public.
5. Examine the long-term cost effectiveness of incentive programs that compensate farmers for not developing their land. By combining tax, spending and regulatory programs, local communities can strongly support agriculture and meet budgetary needs.
6. Develop land use policies and zoning ordinances that work for agriculture. Conventional “large-lot” zoning is ineffective because it accelerates residential development and converts agricultural areas into lots that are too small to farm.
7. Encourage inter-municipal cooperation. Since farming spans town and county borders, farmland protection requires cooperation between towns and among levels of government. Efforts to promote development in one town can derail farmland protection efforts in bordering towns.
8. Develop a coalition of interests to support agricultural and farmland protection efforts. Reach out to non-farmers by organizing farmers’ markets, farm events and workshops. Unite the farmland protection interests of farm and non-farm community members by protecting farmland that provides scenic views, includes important water resources, or preserves historic landscapes.
9. Promote thoughtful land use planning to prevent conflicts between farmers and neighbors. Manage residential growth in farming communities; buffer farms from neighboring large-scale residential developments.

B. Existing Efforts and Agricultural Protection Tools

1. *County Comprehensive Land Use Plan* (describe adoption of comprehensive plan, if applicable, and its treatment of agricultural lands)
2. *County Voluntary Agricultural District Program*. As noted above in Article II, the North Carolina General Assembly enabled counties to adopt Voluntary Agricultural District (VAD) ordinances to effectively create areas “to increase identity and pride in the agricultural community and its way of life and to increase protection from nuisance suits and other negative impacts on properly managed farms.”²⁰ Farmers, by enrolling their farm in a VAD by entering into a revocable agreement with the county to forego developing their land for a period of ten years, enjoy certain protections of their operation, including waiver of sewer and

- water assessments, record notice to non-farm neighbors of proximity to a farming operation, and public hearing before condemnation of farm property by eminent domain. On (date) , County passed a VAD ordinance (cite ordinance) whereby (describe protections) were adopted. Also pursuant to the ordinance, an Agricultural Advisory Board was appointed by the Board of County Commissioners to represent agricultural interests in the county. **(cite powers given to the Agricultural Advisory Board given by the ordinance)**²¹ While the VAD ordinance encourages investment in agriculture, it does not represent a permanent land protection measure as districts rely heavily on voluntary enrollment and allow for withdrawal.²²
3. *Purchase of Agricultural Conservation Easements (PACE) Program.* The North Carolina Farmland Preservation Enabling Act enables counties to purchase agricultural conservation easements on qualifying farmland with the voluntary consent of the landowner. Under such a program the county could pay farmers willing to accept a permanent (or temporary) easement limiting subdivision of their land for residential development the difference between the value of their land for development and the value for its use as farming. Farmers would be free to use this payment for any purposes they choose: retirement investment, capital improvement, etc. Payment options could include lump-sum payment or annual payments over a set period. In other areas around the country this type of program has been funded through municipal and county bond issues, a percentage of real estate transfer tax or mortgage tax revenues, or as a regular budget line item. Easements under the program can be drafted to offer farmers maximum flexibility to continue to profitably work their land, and change their operation as their needs dictate, as long as they meet the requirements of state law regarding the purpose of agricultural conservation easements. By North Carolina statute, “such easements may permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations, and shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, the county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question.”²³
 4. *State Conservation Funding Tools*
 - a. Farmland Preservation Trust Fund. The North Carolina FPTF is created by statute “for the purchase of agricultural conservation easements” in transactions with both governmental and private non-profit organizations.²⁴ These monies, when available, can be matched with certain federal funds described below. The FPTF is administered by the Department of Agriculture or its designee.
 - b. Clean Water Management Trust Fund. The North Carolina CWMTF is a voluntary, incentive-based water quality program to help local governments, state agencies and conservation non-profit groups finance projects to protect and restore surface water quality. Farm and forest land owners are eligible to receive trust fund monies for sale of the development rights to their land under certain guidelines and

qualifications. These funds can be combined with certain federal conservation funds listed below.²⁵

- c. Division of Soil and Water Conservation Agricultural Cost-Share. This program is administered by the Division of Soil and Water Conservation in the Department of Environment and Natural Resources. It is delivered at the local level by 492 elected and appointed volunteer District Supervisors who are assisted by a cadre of experts. Participating farmers receive 75% of predetermined average costs of installed best management practices (BMPs) with the remaining 25% paid by farmers directly or through in-kind contributions. Some applicants may be eligible to receive as much as \$75,000 per year. Also the program provides local Districts with matching funds (50:50) to hire personnel to plan and install the needed BMPs, including Riparian Buffers, Strip cropping, and Grassed Waterways²⁶.
- d. Natural Heritage Trust Fund. Like the FPTF and CWMTF, this fund may be available to purchase development rights on properties with outstanding natural or cultural values.²⁷
- e. North Carolina Conservation Tax Credit. North Carolina law allows a credit against individual and corporate income taxes when real property is donated for conservation purposes. Interests in property that promote specific public benefits may be donated to a qualified recipient. Such conservation donations qualify for a substantial tax credit.²⁸

5. *Federal Conservation Funding Tools*

Below are some of the voluntary federal programs that are part of The Farm Security and Rural Investment Act of 2002 (commonly known as the 2002 Farm Bill) and administered by the Natural Resources Conservation Service (NRCS) and Farm Services Agency (FSA) of the United States Department of Agriculture (USDA). They are designed to compensate farmland owners for the conservation value of their land. Like local PACE programs, they have the dual effect of safeguarding the environmental benefits of farmland as open space while injecting dollars into the local economy via the farmland owner.²⁹

- a. Farm and Ranchland Protection Program (FRPP). The Farm and Ranchland Protection Program provides federal funds to help purchase development rights, keeping productive farmland in agricultural use while compensating the farmland owner for the conservation value of his or her land. The FRPP program matches state and local PACE programs up to 50% of the easement purchase price, working through state, tribal and local governments and land trusts.
- b. Conservation Reserve Program (CRP). The Conservation Reserve Program reduces soil erosion, protects the nation's ability to produce food and fiber, reduces sedimentation in streams and lakes, improves water quality, establishes wildlife habitat, and enhances forest and wetland resources. It encourages farmers to convert highly erodible cropland or other environmentally sensitive acreage to vegetative cover, such as tame or native grasses, wildlife plantings, trees, filter strips, or riparian buffers.

Farmers receive an annual rental payment for the term of the multi-year contract.

- c. Conservation Reserve Enhancement Program (CREP). (where available) CREP is a voluntary program that seeks to protect land along watercourses that is currently in agricultural production. The objectives of the program include: installing 100,000 acres of forested riparian buffers, grassed filter strips and wetlands; reducing the impacts of sediment and nutrients within the targeted area; and providing substantial ecological benefits for many wildlife species that are declining in part as a result of habitat loss. Under CREP, landowners can voluntarily enroll eligible land in 10-year, 15-year, 30-year, and permanent contracts. The state will pay additional bonuses to landowners that enroll land in 30-year and permanent agreements. Cost sharing will be available for installation of forested riparian buffers, grassed filter strips, wetlands restoration practices, water control structures, livestock exclusion, and remote livestock watering in order to increase the efficiency of enrolled practices. Currently available in the Neuse, Tar-Pamlico and Chowan river basins and the Jordan Lake watersheds.³⁰
 - d. Wetlands Reserve Program (WRP). The Wetlands Reserve Program offers landowners the opportunity to protect, restore, and enhance wetlands on their property. The NRCS provides technical and financial support to help landowners with their wetland restoration efforts. The NRCS goal is to achieve the greatest wetland functions and values, along with optimum wildlife habitat, on every acre enrolled in the program. The WRP offers landowners three options: permanent easements, 30-year easements, and restoration cost-share agreements of minimum 10-year duration.
 - e. Environmental Quality Incentives Program (EQIP). This program provides a source of funding for nutrient management systems. The program offers technical, financial, and educational assistance in designated priority areas to install or implement structural, vegetative, and management practices called for in five to ten year contracts for most agricultural land uses.
 - f. Wildlife Habitat Incentives Program (WHIP). This program encourages creation of high quality wildlife habitats that support wildlife populations of national, state, tribal and local significance by providing technical and financial assistance to landowners and others to develop upland, wetland, riparian, and aquatic habitat areas on their property.
6. *State Right-to-Farm Law*³¹ By statute, North Carolina farmers are granted the right to farm without legal interference from non-farm neighbors and local governing bodies, subject to certain limitations. Pre-litigation mediation of farm nuisance claims is mandatory.³²
 7. *Present Use Value Property Tax*³³ Working farm, forest and horticultural lands by state statute are afforded a property tax assessment based on their agricultural working value, as opposed to the value of their land for industrial or residential development. A working farm must earn \$1000 in gross sales annually to qualify

for this differential assessment. This assessment affords farmers some amount of cost control that would otherwise limit their ability to farm profitably.

8. *County Farmer's Market*: Describe current farmers' market development if one or more exist in the county.

C. Opportunities for Enhancing Local Agricultural Economy³⁴

1. Strengthen farm viability and the agricultural economy by promoting the economic development of the agricultural sector.
 - a. Maintain and enhance local agricultural infrastructure and support services.
 - b. Target agriculture with economic development and marketing initiatives, including agritourism development.
 - c. Facilitate private investment of capital in the local agriculture industry.
 - d. Provide farmers and agribusiness investors with business planning and development assistance.
 - e. Diversify the agricultural production base.
2. Support farm operations and the right to farm by ensuring farmers have a supportive business environment.
 - a. Develop policies and ordinances that encourage agriculture and do not inhibit or discourage farming operations.
 - b. Increase non-farmer neighbor awareness of farm practices and issues.
 - c. Work with existing statewide farm transition network (if applicable) or develop local program to develop farm management capacity of young farmers.
 - d. Continue support of existing programs that reward farm practices that maintain and improve water, air and wildlife habitat quality.
3. Protect farmland as a valuable natural resource by developing sound land use policies and conservation measures that encourage agricultural production.
 - a. Identify productive areas of agricultural land, and direct residential and industrial growth away from productive agricultural areas to avoid disruptions to agricultural operations.
 - b. Educate local government and landowners on planning techniques and tools that reduce pressures on farming operations.
 - c. Encourage protection of farmland located in public water source areas, including reservoirs, streams, and water recharge areas.
4. Foster greater recognition and public support for agriculture by educating the public on agriculture's economic, community and environmental benefits.
 - a. Demonstrate the value of agriculture to the public
 - b. Foster dialogue between nonfarmers, government officials and the agricultural community.
 - c. Build a coalition of organizations and citizens to promote awareness of local, state and national issues affecting _____ County agriculture.

**ARTICLE VI:
ACTION STEPS TO ENSURE A
VIABLE AGRICULTURAL COMMUNITY
IN _____ COUNTY³⁵**

A. Strengthen Farm Viability and the Agricultural Economy

1. *Create Full Time Agricultural Economic Development Position*

Establishing a new Agricultural Economic Development position for the county will be necessary for carrying forward the economic initiatives necessary for farm viability. Only a full-time position will be able to dedicate the effort required to coordinating the efforts of the various participants (program staff in county economic, labor, tourism, planning, agricultural, and conservation departments and other interested non-profit staff) to implementing this plan, as well as prioritizing, developing and implementing the various initiatives called for in this plan. Duties of such a position should include:

- a. Determining priorities, developing strategies, and achieving benchmarks for economic development efforts
- b. Identifying and seeking additional funds for economic and business development for county initiatives and individual producers through grant writing
- c. Communicating and meeting on a regular basis with stakeholders in agricultural economic development process
- d. Developing marketing initiatives for local agriculture

2. *Expand Business Development Assistance to Farm Businesses.* To meet the challenges outlined above, farmers need more access to business development assistance, particularly as traditional agricultural markets fade and alternative enterprises are needed. This assistance includes business development and planning, market research and communication, and financing opportunity. Efforts to increase assistance include:

- a. Establishing a business development program specifically targeted at agricultural businesses, consisting of a network of business consultants, small business development counselors, and attorneys familiar with small business and agricultural law who are willing at a lower cost or volunteer basis (depending on how program is set up) to provide assistance.
- b. Working with North Carolina Cooperative Extension to disseminate published materials on agricultural business issues to area professionals to expand their knowledge of agriculture thus increasing their ability to assist farmers.
- c. Offer workshops to farmers on business planning and development, research, marketing, financing, conservation funding, and estate planning.
- d. Provide grant-writing assistance for federal, state and other non-profit funding opportunities to assist with diversification, etc.
- e. Develop a local directory of the network described in (a) above.

3. *Improve Access to Financing and Capital.* Such efforts could include:

- a. Provide assistance in obtaining grants and low interest loans for business start-up, expansion, retention and diversification.

- b. Have the county Economic Development agency take the lead role in providing financing and other support for the local agricultural industry.
- 4. *Expand Efforts to Promote _____ County Farm Businesses and Farm Products.* The development pressures on agriculture outlined in Article IV above also provide opportunities for county farmers and agribusinesses in the form of new consumers. Every effort should be made to educate them on the association between a healthy local agricultural economy and the life-style many have sought to achieve by locating to our county. These efforts could include:
 - a. Creation of a website and other print publications to identify locally grown products.³⁶ This website can also be used by farmers to identify purchasing opportunities and the business development assistance outlined above;
 - b. Work with the organizers of the local farmers markets (if applicable) and assist with their marketing effort where possible;
 - c. Work with local retail stores and restaurants to purchase and promote products grown locally in the county;
 - d. Work with local institutions such as schools and state offices to purchase food grown locally;
 - e. Expand cooperative efforts with neighboring counties to create a regional identity that includes promotion of agriculture; and
 - f. Sponsorship of festivals, farm tours and other public recognition
- 5. *Improve the Marketing Capacity of Farmers:* Traditionally, farmers have relied on off-farm distributors to handle marketing and price negotiation for their products. Increasingly, farmers will recognize the value of direct marketing their products to county residents as they diversity and specialize their production. In addition to the steps outlined above, this item could include
 - a. Formation of new generation farm cooperatives for marketing purposes, financing of new ventures and purchasing of raw materials, such as fuel and electricity, or formation of less formal bargaining groups to jointly purchase farm supplies, cooperatively advertise farm products, provide better outlets for cull-dairy cows and facilitate use of custom service.³⁷
 - b. Develop marketing workshops with input from farmers from other counties who have successfully diversified and direct-marketed their production.

B. Support Farm Operations and the Right-to-Farm

- 1. *Encourage the County and Towns to Meet the Infrastructure Needs of the Farm Sector*
 - a. Adopt Sensible Zoning and Subdivision regulations. Zoning regulations must be written to allow farm businesses the flexibility to adapt their operations to new markets or otherwise expand existing operations. For example, some zoning laws may restrict “farm stands,” road-side on-farm retail establishments. Careful consideration should be taken in drafting restrictions on farm stands to allow farmers to better market their on-farm products.³⁸
 - b. Streamline Building Permit process for farmers. Undue regulations or delays in obtaining a building permit can cause unnecessary hardships for farmers

dependent on the seasonal growing cycle. Sometimes buildings or greenhouses have to be built quickly to allow a farmer to fully perform on contract. Also, delays in permitting can push the timing of a necessary improvement into the seasons where farmers are most busy.³⁹

- c. Address other infrastructure needs outlined in farmer survey. May include working with state Department of Transportation on road maintenance priorities and needed signage near farm operations.
2. *Support the Right-to-Farm:* County and town officials should become familiar with the state right to farm law and seek to improve neighbor relations and general understanding of commercial farm activities and needs to reduce nuisance suits and generate positive public support for local agriculture. Action items can include:
 - a. Ensuring notice requirements under the Voluntary Agricultural District ordinance are followed in the counties land records system as well as posted notice in the tax office, as well as maintaining road signage in agricultural production areas.
 - b. Creating a “neighbor relations” packet for distribution to new county residents by the Chamber of Commerce, Visitors Bureau, tax office, etc. This can also be made available to farmers wishing to further educate their neighbors on farming operations.
 - c. Provide real estate brokers and lawyers with Voluntary Agricultural District maps, the above “neighbor relations” packet, and printed disclosure notices of agricultural operations and encourage them to share these materials with their clients.
 - d. Create an easy to understand brochure on the realities of living in agricultural areas and make available for distribution, and add such information to the county website.
 - e. Encourage respect for farm property.
 - f. Set up local arbitration referral program for farm-neighbor disputes. Pre-litigation mediation of farm nuisance suits is required in North Carolina.⁴⁰
 - g. Encourage municipalities to seek input from the Agricultural Advisory Board or other when developing and revising local ordinances.
3. *Continue Support for Technical Assistance to Farm Operations.* The AED and Agricultural Advisory Board should undertake to be aware of the various service offered to farmers by Cooperative Extension, Soil & Water, NRCS and FSA, and should have available information on these services with contact information available to new and existing county farmers.

C. Protect Farmland as a Valuable Natural Resource

1. *Develop a Purchase of Agricultural Conservation Easements (PACE) Program.* The North Carolina Farmland Preservation Enabling Act enables counties to purchase agricultural conservation easements on qualifying farmland with the voluntary consent of the landowner. Under such a program the county could pay farmers willing to accept a permanent (or temporary) easement limiting subdivision of their land for residential development the difference between the

value of their land for development and the value for its use as farming. Farmers would be free to use this payment for any purposes they choose: retirement investment, capital improvement, etc. Payment options could include lump-sum payment or annual payments over a set period. In other areas around the country this type of program has been funded through municipal and county bond issues, a percentage of real estate transfer tax or mortgage tax revenues, or as a regular budget line item. Easements under the program can be drafted to offer farmers maximum flexibility to continue to profitably work their land, and change their operation as their needs dictate, as long as they meet the requirements of state law regarding the purpose of agricultural conservation easements.⁴¹ By North Carolina statute, “such easements may permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations, and shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, the county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question.”⁴²

2. *Encourage Local Land Use Policies that Support Agriculture and Protect Farmland.* How a county plans for growth will greatly impact the viability of its agricultural economy. The county should, through its land use planning (or review of its Comprehensive Land Use Plan) develop policies with take into consideration agricultural production and development. The planning board should include input from the Agricultural Advisory Board (or similar committee) in the planning process. Such policies and actions can include:
 - a. Incorporate elements of this plan in the Comprehensive Plan.
 - b. Offer officials and landowners training in smart growth techniques and infrastructure planning.
 - c. Develop model zoning and subdivision ordinances or principles and distribute to towns for use in their local planning.
 - d. Tailor zoning ordinances and subdivision regulations to guide growth away from farming areas and buffer farms from neighboring land uses.
 - e. Require buffers between residences and farm fields and buildings as part of new residential subdivisions
 - f. Implement development guidelines that include soil classifications as criteria for prioritizing agricultural land
3. *Promote Tax Relief Incentives:* The county should undertake to ensure that county tax assessors have knowledge of the state’s Present Use Value statute with continuous training as necessary, and should undertake to educate farmland owners on the program, and how to apply and comply with present use valuation of farmland.
4. *Provide Technical Assistance on other Farmland Protection Initiatives and Conservation Options.* The AED specialist, with the support of the Agricultural Advisory Board, should develop educational programs for county farmland owners. The programs, in cooperation with local Cooperative Extension, NRCS, FSA, Soil & Water Conservation District staff, as well as area conservation groups such as land trusts, watershed protection groups, and wildlife

organizations, should make farmers aware of the various conservation funds available for easement purchases, the tax benefits of donated easements, and basic principles of estate planning with conservation options.

5. *Educate the non-farming public on the environmental protection benefits of farmland protection and the detriments of its conversion.*

Develop a public education campaign to tie consumer support of local agriculture with open-space, clean water and air benefits, and enhanced wildlife habitat working farm and forestland provides. Include input from the local Soil & Water Conservation District, Resource Conservation and Development district, and area land trust on specific farm-related conservation projects they have worked on. Tie the education campaign to specific initiatives under this plan to build public political support for protection tools such as funding for a PACE program.

D. Foster Greater Recognition and Public Support for Agriculture

1. *Foster Greater Appreciation for Agriculture Among Government Officials and Non-farm Residents through Education and Outreach Efforts*

- a. Continuing education of county and municipal officials and planning board members on farming issues and basics of agricultural law, as well as “smart growth” education on planning options that concentrate growth near existing centers and infrastructure. County officials should place a regular briefing by members of the Agricultural Advisory Board (or similar body) and/or the AED specialist on their meeting agendas.
- b. Continuing efforts to keep members of the agricultural community involved in local government and planning.
- c. Plan a Cost of Community Services (COCS) study to demonstrate the public fiscal advantages of land use planning for agricultural viability. In numerous COCS studies around the country, including two conducted by North Carolina State University for Chatham County (1998) and Wake County (2001), farmland has been shown to require significantly less in public service (fire protection, water and sewer, police, schools, etc) expenditures that it contributes in tax revenue, even at the lower differential assessment rate afforded under the present use value system. The results of this study should be publicized to further generate protection of the agricultural economy as sound county fiscal policy.
- d. The AED should cultivate local and state media coverage of the benefits of agriculture to the well-being of the county, and should regularly communicate with media about achievements reached under this plan.

2. *Improve Communication and Networking within the Farm Community.* The county Agricultural Advisory Board should continue to represent the farming community in matters before the county government and should foster communication among farmers and agribusinesses to help foster a sense of community in the agricultural sector. Actions could include:

- a. Hold a farmer symposium and/or appreciation dinner at which farmers have the opportunity to network with farmers from other commodity sectors and different areas of the county.

- b. Encourage farmers to use the website established by the AED (see above) to participate in a bulletin board discussion or listerv for posing and answering questions, and for discussions about joint marketing opportunities.
 - c. Develop a county-level farm transition program, which may include programs where older farmers transition skills to younger new farmers.
3. *Develop Stronger Connections Between Schools and Local Farms.* Schools offer an excellent opportunity to educate students and their parents about the importance of local farms.
- a. Encourage local farms and orchards to offer tours to school students, and make schools and teachers aware of available educational tours for students by distributing materials to area schools at the beginning of each school year.
 - b. Coordinate with the North Carolina Farm Bureau's *Ag in the Classroom* program
 - c. Encourage school administrators (or the county school board) to purchase local produce for county schools

ARTICLE VII.
SCHEDULE TO IMPLEMENT THIS PLAN
TO ENSURE A VIABLE AGRICULTURAL ECONOMY
IN _____ COUNTY

A. First Year Action Steps⁴³

- 1. Month One
 - a. Develop a budget, draft a job description, and begin search for an Agricultural Economic Development Specialist position.
 - b. Meeting of Agricultural Advisory Board to prioritize elements of plan implementation
 - c. Identify stakeholder groups and who will serve as their representative, develop a contact list
- 2. Months Two to Four
 - a. Hire Agricultural Economic Development Specialist position
 - b. Complete work plan and implementation schedule for AED specialist
 - c. Schedule and conduct stakeholder group meeting
- 3. Months Five to Seven
 - a. Begin implementing prioritized elements of Agricultural Protection Plan
 - b. Schedule first county-wide meeting of farm and agribusiness operators and elected officials to discuss Agricultural Protection Plan
 - c. Develop schedule of farmer workshops on marketing, diversification, business planning, estate planning, etc.
- 4. Months Eight to Twelve
 - a. Develop written materials (eg. brochures, packets) called for under plan
 - b. Develop web-site

- c. Begin implementing workshop schedule

B. Key Stakeholders and Their Roles in Implementing the Plan⁴⁴

1. *Town Governments:* Several issues affecting agriculture such as land use planning and zoning actions within a town's extra-territorial jurisdiction (ETJ), municipal service plans and local business promotion are best addressed at the municipal level.
2. *County Government:* By adopting the plan, the county Board of Commissioners has made agricultural protection official county policy. The county, through the Agricultural Advisory Board⁴⁵, has committed to take the lead role in implementing this plan and drawing together the key players to coordinate its efforts and policies. The county Board of Commissioners bears the responsibility for approving funding to help implement this plan.
3. *State Agencies:* Some key agencies providing assistance to agricultural producers in the county are North Carolina Cooperative Extension, North Carolina State University, and North Carolina A&T State University. The Soil & Water Conservation District provides technical support and cost-share funding to farmers for adopting certain conservation and water quality improvement practices. The Department of Agriculture and Consumer Services provides data on Voluntary Agricultural Districts throughout the state, as well as marketing advice to agricultural producers.
4. *Federal Agencies:* USDA has a strong presence in _____ County with its NRCS and FSA local offices. NRCS administers financial and technical assistance program for farmland protection and conservation initiatives, including grants for best management practices, habitat improvement and purchase of development rights. FSA lends money to operators and provides credit counseling and farm business consulting.
5. *Business and Industry:* Participation of local farm businesses in this plan is critical its implementation. Private industry, both farm supply and nonfarm businesses and the Chamber of Commerce play an important role in promoting the agricultural sector of the county's economy. These organizations should also help in developing new markets such as tourism that will benefit agricultural producers.
6. *Non-governmental Organizations:* Organizations such as land trusts, historic preservation groups, and groups dedicating to assisting agriculture provide necessary advocacy and other service necessary for implementation of this plan.
7. *Residents:* The success of this plan ultimately relies on the participation of county residents in the local agricultural market. The proximity of their purchases to the producers ensures that more of each dollar paid for an agricultural item will return to the farmer, thus increasing his or her profitability and increasing the likelihood that he or she will continue to farm their land. Residents of the county can also recognize the importance of working farms to the local economy and environment and heritage of _____ County by supporting an effort to establish and subsequently support funding for a purchase of agricultural conservation easements program.

¹ This countywide Protection Plan is a suggestive model based on North Carolina statutory law and county agricultural protection plans (called farmland protection plans under NC law) from other states, primarily New York, which has a statewide program whereby the New York State Department of Agriculture and Markets awards grants to counties to formulate such plans. Certain narratives, structures and ideas have been borrowed from these plans, and are noted accordingly. The various descriptive narratives contained in this model plan are suggestions and can be changed to meet the special circumstances of an individual county.

² NCGS §106-735 et seq.

³ NCGS §106-735(b). “Qualifying farmland” is defined in §106-737.

⁴ NCGS §106-744 (c)(1).

⁵ NCGS §106-744(e)(1-5)

⁶ Such a plan might also be formulated by a planning agency or other advisory board such a soil and water conservation district that has responsibility for land preservation in the county.

⁷ Counties in other states that have formulated county farmland protection plans first compiled data from agricultural censuses, real property tax roles, planning departments and soil and water conservation districts. This data collection reveals information about changes in the number of farms in the county, their ownership structure, soil types, number and value of agricultural assessments and on amount of land, and planning and zoning regulations, all of which sketch the background needed to put the issue of agricultural protection in perspective.

⁸ This information can be generally supplied by the 1997 Census of Agriculture, Table 2, “Market Value of Agricultural Products Sold and Farms by North American Industry Classification System: 1997 and 1992,” pp. 192-204. An effort should be made to supplement this information with statistical updates from the North Carolina Department of Agriculture and Consumer Services, as well as a local farmer survey to capture transitions to alternative agricultural production.

⁹ This narrative model is adapted from the Steuben County, New York Agricultural Development and Farmland Protection Plan. The specific economic figures demonstrated in the narrative are supplied by the Census of Agriculture. The USDA’s National Agricultural Statistics Services (NASS) conducts the national agricultural census every five years. Currently, data is available from the 1997 census, with statewide and county-level data available for North Carolina at <http://www.nass.usda.gov/census>. According to the NASS website, state and county data from the 2002 census will be released on the internet in February 2004

¹⁰ The 50 to 179 measurement is a statistical category in Census of Agriculture, and is chosen here as the range containing the highest number of farms in North Carolina (18, 259 farms).

¹¹ This information can be found by county in Table 11 of the North Carolina summaries of the 1997 Census of Agriculture, “Tenure and Characteristics of Operator and Type of Organization: 1997 and 1992”

¹² 1997 Census of Agriculture. The Conservation Reserve Program and Wetlands Reserve Program are explained further in Article V.

¹³ According to the statistics for all of North Carolina, while the number of farms between 1992 and 1997 decreased the number of acres in farming *increased* by 186,364 acres. Results from individual counties vary with some following this pattern, others not.

¹⁴ This information should be available from the Soil and Water Conservation District office for the district in which the county is located.

¹⁵ As noted above, county-wide farmland protection plans reviewed from other states are data-supported. Prior to drafting a plan, in addition to collecting the census data described above, county farmers and agribusinesses should be surveyed by the body or committee, perhaps the county’s Agricultural Advisory Board if the county has adopted a Voluntary Agricultural District ordinance pursuant to NCGS §106-738, that has come together to address agricultural protection at the county level. This survey should put in real terms the county farmers’ and farmland owners’ values, concerns, optimism about the future, etc. that will guide framing of issues and their solutions in the county-wide plan. This survey data will give the Agricultural Protection Plan credibility with county residents, and will have the effect of laying the groundwork for future action. An example of such a survey is attached as Appendix _____. The

challenges identified in this model are examples of what a survey would likely reveal, and specifics should be inserted where appropriate.

¹⁶ These are concerns that have surfaced in surveys conducted in counties in other states. Because they tend to be uniform across county and state lines, these are suggested, though more may certainly surface specific to North Carolina or even the specific county.

¹⁷ Census of Agriculture, North Carolina Table 11, “Tenure and Characteristics of Operator and Type of Organization: 1997 and 1992,” p. 334.

¹⁸ Ibid, pp. 334-346

¹⁹ Adapted from “Keep It Growing: An Agricultural and Farmland Protection Plan for Rensselaer County (New York)”, p. 28.

²⁰ §106-738(b)

²¹ NCGS §106-739 outlines the authority the county may confer on it. The Board may have the authority to:

1. Review and make recommendations concerning the establishment and modification of agricultural districts;
2. Review and make recommendations concerning any ordinance or amendment adopted or proposed for adoption under this Article;
3. Hold public hearings on public projects likely to have an impact on agricultural operations, particularly if such projects involve condemnation of all or part of any qualifying farmland;
4. Advise the board of county commissioners on projects, programs, or issues affecting the agricultural economy or way of life within the county;
5. Perform other related tasks or duties assigned by the board of county commissioners.

As noted in Article II, the statute specifically states that formulation of a countywide farmland protection plan “may be formulated with the assistance of an agricultural advisory board designated pursuant to GS 106-739.” §106-744(f).

²² Rensselaer County, NY, p. 29

²³ NCGS § 106-744. Statutory authority for municipalities is outlined in §106A 401 through 407. North Carolina’s conservation easement statute can be found at §121-34 through 42.

²⁴ NCGS §106-744(c).

²⁵ NCGS § 113-145.1 et seq. More information on the fund is available at www.cwmtf.net.

²⁶ Other program summaries that assist farmers in controlling non-point source runoff are available at www.enr.state.nc.us/DSWC

²⁷ NCGS §113-77.7

²⁸ Consult NCGS §§105-130.34 and 105-151.12 for the specific requirements of the CTC Program. For more information see www.enr.state.nc.us/conservationtaxcredit.

²⁹ For more program information and legislative authority, see www.nrcs.usda.gov/programs/farmland/2002.

³⁰ CREP is listed here under federal programs, although it is partially funded by Clean Water Management Funds and administered by North Carolina Division of Soil and Water Conservation.

³¹ NCGS §106-700 et seq.

³² NCGS §7A-38.3.

³³ NCGS §105-277.2.

³⁴ The opportunities listed here and addressed with action items in Article VI are borrowed liberally from Rensselaer County’s plan.

³⁵ These action steps should directly address the challenges outlined in Article IV.

³⁶ Orange County, North Carolina has created such a site, found at (www.orangecountyfarms.org).

³⁷ See Steuben County, NY, farmland protection plan.

³⁸ This sensible item is included in Suffolk County, NY’s Agricultural Protection Plan which can be viewed at <http://www.co.suffolk.ny.us>.

³⁹ Ibid.

⁴⁰ NCGS §7A-38.3.

⁴¹ The United States Internal Revenue Code also has certain legal requirements for the easement to qualify for income tax benefits. See Internal Revenue Code §170(h).

⁴² NCGS §106-744. Statutory authority for municipalities is outlined in §106A 401 through 407. North Carolina’s conservation easement statute can be found at §121-34 through 42.

⁴³ Drafting this schedule will depend entirely on when this plan is approved, taking into account the counties fiscal cycle, and particularly county farmers' seasonal availability to participate in the workshops and other implementation elements of this plan. Though the schedule here is for one year, it should look to the long term as well. It is probably a good idea to incorporate in the plan itself as it is part of the plan described in the Farmland Preservation Enabling Act.

⁴⁴ Rensselaer County plan, p. 65.

⁴⁵ Or equivalent body.