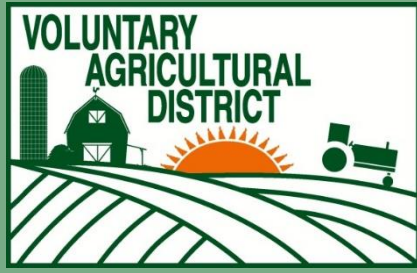


# VOLUNTARY AG DISTRICT (VAD) STATUTES CHANGE 2021



Read the full text of Senate Bill 605 [here](#).

## *North Carolina Statute Change:*

### **106-737. Qualifying Farmland**

This change to the statute replaces one of the three elements of what it means to be "qualifying farmland". The statute had included the definition contained in GS 106-581.1. It now uses the term "bona fide farm purposes" as defined in GS 106-743.4(a) and GS 160D-903.

Also a new requirement that the form of the conservation agreement shall be approved by the agricultural advisory board.

### **Needed local ordinance change:**

Local ordinances will need to be updated to include the new element in the definition of qualifying farmland and to reflect that the form of the agreement be approved by the agricultural advisory board.

## **North Carolina Statute Change:**

### **106-737.1. Revocation of conservation agreement.**

This change just struck "county" and replaced it with "local government administering the voluntary agricultural district program."

### **Needed local ordinance change:**

None. This change was only to make it clear that counties and municipalities can have VAD programs.



# **RICHMOND COUNTY VOLUNTARY AGRICULTURAL DISTRICT**



## **North Carolina Statute Change:**

### **106-738. Voluntary agricultural districts.**

This change clarifies that the execution of the conservation agreement is what “triggers” the establishment of the VAD and eliminates the requirement that each district have a representative on the VAD board. Also specifies what the ordinance shall provide:

The minimum size, including acreage; number of tracts; and appropriate proximity of multiple tracts of agricultural land, forestland, or horticultural land that may comprise a voluntary agricultural district.

Also strikes “increase protection from nuisance suits” and replaces with “decrease the likelihood of legal disputes, such as nuisance actions between farm owners and their neighbors”

### **Needed local ordinance change:**

Maybe. It depends on how the local ordinance is written as what provisions it contains.

## **North Carolina Statute Change:**

### **106-739. Agricultural advisory board.**

Adds clarifying language that the agricultural advisory board shall be “organized and appointed by the board of county commissioners or the city council adopting the ordinance.”

Adds “or decisions” to the list of authority that a county or city may confer to the VAD board:

- Review and make recommendations or decisions concerning the establishment and modification of agricultural districts

Adds the following clarifying language:

- The board of county commissioners or the city council may make decisions regarding the establishment and modification of voluntary agricultural districts or may delegate that authority to the agricultural advisory board. If the authority is delegated to the agricultural advisory board, the agricultural advisory board's decisions shall be appealable to the board of county commissioners or city council by an owner of land that has been denied enrollment in a voluntary agricultural district or has been removed from a voluntary agricultural district by the agricultural advisory board.

Adds to the list of authority that may be conferred to the VAD board:

- Execute agreements with landowners necessary for enrollment of land in a voluntary agricultural

Adds the following requirement:

- The members of the agricultural advisory board shall be chosen to provide the broadest possible representation of the geographical regions of the local government and to the extent possible, all segments of agricultural production existing within the local government. A majority of the members of the agricultural advisory board shall be actively engaged in agriculture.

Adds language to allow for administrative support:

- The agricultural advisory board may, at the discretion of the board of county commissioners or the city council, utilize an existing local government agency for the purpose of administration, record keeping, and other related tasks or duties.

### **Needed local ordinance change:**

The local ordinance will likely need updating to spell out which board makes the decisions (VAD or county/city) and to spell out how the members will be chosen for the VAD board. Also may need to designate if/how administrative support will work.



## **North Carolina Statute Change:**

### **106-741. Record of notice of proximity to farmlands.**

Inserts language to clarify that record notice must be provided on the public record for properties within ½ mile of “the property line of any tract of land enrolled in a voluntary agricultural district.”

### **Needed local ordinance change:**

Probably no change needed unless the ordinance speaks to record notice.



## **North Carolina Statute Change:**

### **106-743. Local ordinances.**

Adds “number of enrolled farms and acres” to the list of items that counties/cities must report to the Commissioner in an annual report.

### **Needed local ordinance change:**

No change likely needed.

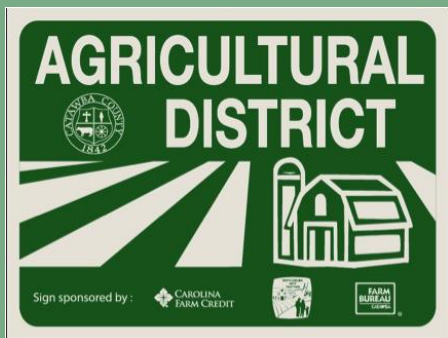
## North Carolina Statute Change:

### 106-743.1. Enhanced voluntary agricultural districts.

Eliminates the requirement "That each enhanced voluntary agricultural district have a representative on the agricultural advisory board."

### Needed local ordinance change:

Probably need to update the ordinance if it mentions this requirement.



## Questions about VAD?

- Visit [ncvad.org](http://ncvad.org) to learn more
- Call us at 919-707-3071
- Email us at [ncvad@ncagr.gov](mailto:ncvad@ncagr.gov)
- Find your local county contact at <https://www.ncagr.gov/Farmlandpreservation/VAD/CountyInfo.htm>