

Overview

House Bill 126, “An Act to Amend the Laws Governing Voluntary Agricultural Districts to Enhance Public Participation and the Development of Alternatives for Land Use Decisions Impacting Lands in such Districts,” was signed into law on June 20, 2025.

The law amends N.C.G.S. 106-740 to require public hearings for all Voluntary Agricultural District (VAD) ordinances, expands conditions for public hearings to rezoning requests on enrolled VAD parcels, extends timelines for public hearings, and establishes a minimum time period for the initiation of condemnation or rezoning actions.

The law becomes effective October 1, 2025.

Updated Law

Below is the updated law. The italicized and underlined type are changes to the law.

“N.C.G.S. 106-740. Public hearings on condemnation and rezoning of farmland.

An ordinance adopted under this Part or Part 3 of this Article shall provide that no State or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland, or rezone such land, within a voluntary agricultural district under this Part or an enhanced voluntary agricultural district under Part 3 of this Article until such agency has requested the local agricultural advisory board established under G.S. 106-739 to hold a public hearing on the proposed condemnation or rezoning that conforms to the following requirements:

(1) Following a public hearing held pursuant to this section, the board shall prepare and submit written findings and a recommendation to the decision-making body of the agency proposing acquisition.

(2) The board designated to hold the hearing shall have 45 days after receiving a request under this section to hold the public hearing and submit its findings and recommendations to the agency.

(3) The agency shall not formally initiate a condemnation or rezoning until 120 days after the date the local agricultural advisory board submits its findings and recommendations to the agency.”

Changes Required for Voluntary Agricultural District Ordinances

The law change requires that all VAD ordinances have a public hearing requirement for qualifying farmland. The public hearing requirement is no longer optional for ordinances.

The conditions that trigger a public hearing must include rezoning requests on qualifying farmland.

The timeline for the local agricultural advisory board to hold a public hearing and provide a final report is extended from 30 to 45 days.

The law change requires that no state or local public agency or governmental unit can formally initiate a condemnation or rezoning until 120 days after the date the local agricultural advisory board submits its findings and recommendations to the agency.

Model Ordinance Template

Below are suggested changes to the VAD ordinance based on the law change.

PUBLIC HEARINGS ON CONDEMNATION OF FARMLAND

A. Purpose

Pursuant to N.C.G.S. §106-740, no State or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland, or rezone such land, within a District until such agency has requested the Agricultural Advisory Board to hold a public hearing on the proposed condemnation or rezoning.

B. Procedure

Upon receiving a request to hold a hearing on the proposed condemnation, the Agricultural Advisory Board shall provide public notice within ten (10) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation or rezoning action, to be held within thirty (30) days of receipt of the request.

The Advisory Board shall meet to review:

1. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved.
2. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with the Cooperative Extension Agricultural Agent(s), Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action. Land value will not be a factor in the selection between properties under consideration for the proposed action.
4. Within five (5) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public for comment prior to its being conveyed to the decision-making body of the agency proposing the acquisition by condemnation or rezoning action.
5. There will be a period of seven (7) days allowed for public comment on the report of the Advisory Board.

6. After the seven (7) day period for public comment has expired, the Advisory Board shall review the public comments for at least one (1) business day before preparing the final report. The Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision-making body of the agency proposing the acquisition by condemnation or rezoning action.
7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision-making body of the agency proposing the acquisition or rezoning shall not exceed forty-five (45) days.

The State, local government agency, or governmental unit proposing to acquire property by condemnation or the rezoning request shall not formally initiate a condemnation or rezoning until 120 days after the date the local agricultural advisory board submits its findings and recommendations to the agency or unit.

The Board of Commissioners shall condemn farmland within an Agriculture District only as a “last resort” if it is considering condemnation for County purposes.

