



N.C. Department of Agriculture & Consumer Services

N.C. ADFP Trust Fund

Voluntary Agricultural Districts Ordinance Checklist



Statutory Reference	Required Contents	Meets Requirements?	Notes
Required: N.C.G.S. 106-737 - Qualifying farmland.	<input type="checkbox"/> Bona fide farm (G.S. 106-743.4(a) and G.S. 160D-903) <input type="checkbox"/> If designated by the USDA NRCS as Highly-Erodible Land (HEL), the land must be managed in accordance with NRCS practices for HEL <input type="checkbox"/> Subject to a 10-year Conservation Agreement	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Required: N.C.G.S. 106-738 - Voluntary agricultural districts	<input type="checkbox"/> The establishment of VADs upon the execution of a conservation agreement <input type="checkbox"/> The minimum size, including acreage; number of tracts; and appropriate proximity of multiple tracts that may comprise a VAD	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Required: N.C.G.S. 106-739 - Agricultural advisory board	<input type="checkbox"/> Review, recommend, or decide on the establishment of VADs <input type="checkbox"/> Execute conservation agreements <input type="checkbox"/> Review and make recommendations concerning any ordinance or amendment to VAD or EVAD <input type="checkbox"/> Hold public hearings on public projects likely to have an impact on agricultural operations <input type="checkbox"/> Advise local government on projects, programs, or issues affecting the agricultural economy or way of life <input type="checkbox"/> Perform other related tasks or duties assigned by the governing board of the county or city that adopted the ordinance <input type="checkbox"/> Members of the AAB shall be chosen to provide the broadest possible representation of the geographical regions of the local government <input type="checkbox"/> Members of the AAB represent, to the extent possible, all segments of agricultural production existing within the local government <input type="checkbox"/> A majority of the members of the AAB shall be actively engaged in agriculture <input type="checkbox"/> Optional: The AAB may utilize an existing local government agency for the purpose of administration, record keeping, and other related tasks or duties.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Required: N.C.G.S. 106-741 - Record notice of proximity to farmlands	<input type="checkbox"/> Some form of notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half mile of the property line of any tract of land enrolled in a voluntary agricultural district	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Required: N.C.G.S. 106-743 - Local ordinances	<input type="checkbox"/> Shall submit to the NCDA&CS at least once a year, a written report including the status, progress, number of enrolled farms and acres, and activities of its farmland preservation program	<input type="checkbox"/> Yes <input type="checkbox"/> No	



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<p>Required: N.C.G.S. 106-740 - Public hearings on condemnation of farmland</p>	<p><input type="checkbox"/> 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 VAD or EVAD until such agency has requested the local AAB to hold a public hearing on the proposed condemnation or rezoning</p> <p><input type="checkbox"/> Following a public hearing, the AAB shall prepare and submit written findings and a recommendation to the decision-making body of the agency proposing acquisition</p> <p><input type="checkbox"/> The AAB 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</p> <p><input type="checkbox"/> 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</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>	
<p>Optional: N.C.G.S. 106-742 - Waiver of water and sewer assessments</p>	<p><input type="checkbox"/> Water and sewer assessments be held in abeyance, with or without interest, for farms, whether inside or outside of a VAD, until improvements on such property are connected to the water or sewer system for which the assessment was made.</p> <p><input type="checkbox"/> Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.</p> <p><input type="checkbox"/> Optional: when the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>	
<p>Optional: N.C.G.S. 106-743.1 - Enhanced voluntary agricultural districts</p>	<p><input type="checkbox"/> Same requirements as qualifying farmland and the establishment of the district as VAD</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>	
<p>Required for EVAD: N.C.G.S. 106-743.2 - Conservation agreements for farmland in enhanced voluntary agricultural districts; limitation</p>	<p><input type="checkbox"/> A conservation agreement entered into between a county or city and a landowner shall be irrevocable for a period of at least 10 years from the date the agreement is executed.</p> <p><input type="checkbox"/> At the end of its term, a conservation agreement shall automatically renew for a term of three years, unless notice of termination is given in a timely manner by either party as prescribed in the ordinance establishing the EVAD</p> <p><input type="checkbox"/> The benefits of VAD and EVAD shall be available to the farmland that is the subject of the conservation agreement for the duration of the conservation agreement</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>	



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<p>Required for EVAD: N.C.G.S. 106-743.3 - Enhanced voluntary agricultural districts entitled to all benefits of voluntary agricultural districts</p>	<p><input type="checkbox"/> The benefits of VADs apply to EVADs</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
<p>Required for EVAD: N.C.G.S. 106-743.4 - Enhanced voluntary agricultural districts; additional benefits</p>	<p><input type="checkbox"/> Receive up to twenty-five percent (25%) of its gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from zoning regulations. A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed twenty-five percent (25%) of its gross sales. A county may adopt an ordinance pursuant to this section that sets forth the standards necessary for proof of compliance. <input type="checkbox"/> Receive the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program <input type="checkbox"/> Optional: Priority consideration to entities that provide grants to farmers</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
<p>Optional for EVAD: N.C.G.S. 106-743.5 - Waiver of utility assessments</p>	<p><input type="checkbox"/> All utility assessments be held in abeyance, with or without interest, for farms, whether inside or outside of a VAD, until improvements on such property are connected to the water or sewer system for which the assessment was made. <input type="checkbox"/> Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest. <input type="checkbox"/> Optional: when the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	