

North Carolina Voluntary Agricultural Districts

July 2004

A Progress Report

What Are Voluntary Agricultural Districts?

Voluntary agricultural district (VAD) programs allow farmers to form areas where commercial agriculture is encouraged and protected. Authorized by the North Carolina General Assembly in the 1985 Farmland Preservation Enabling Act (61:106-738) and implemented at the county level, VADs form partnerships between farmers, county commissioners and land use planners. Landowners receive a set of benefits in exchange for restricting development on their land for a specific time period. They establish a quantifiable presence for farmers in counties with active farming communities, raise public awareness of agricultural activity and help leaders plan future development that will support and encourage the continued viability of local agriculture.

As of June 2004, 39 of North Carolina's 100 counties had passed farmland preservation ordinances establishing VAD programs. When an ordinance has passed, county commissioners appoint a board of people

who are familiar with local agriculture to administer the program. The board determines eligibility and guidelines for enrollment, selecting the incentives and the restrictions that are most appropriate for local farming conditions.

Last year American Farmland Trust organized two VAD training sessions that drew more than 200 people from 48 counties. Attendees learned about other programs across the country, met board members from other counties and became familiar with state farmland protection resources.

This progress report will encourage increased communication between county boards and continued improvement of local programs. We encourage you to contact your fellow board members or the resources listed in this publication with questions or ideas on making these programs more effective in assisting local agriculture.

A View from the Piedmont: Chatham County

By Sam Groce, Extension Agent, Agriculture, NCCES

Chatham County, the second fastest growing county in North Carolina, is a rural, agrarian community sandwiched between Triangle and Triad. Its largest city has a population of 7,500. There is limited industry and employment—most of the residents work outside the county.

Chatham County consistently ranks in the top 20 counties for agricultural production in North Carolina. Its largest agricultural commodities are poultry and cattle (fourth and fifth in the state, respectively). The poultry and cattle production go hand in hand—chickens produce

litter that is used as fertilizer on pastures where cattle graze. With chicken manure comes odor: from the houses themselves, the litter after it is spread on pasture and from the tractors and trucks moving slowly along the highways and rural roads of the county. People new to the county who previously had lived their lives in cities had little idea of the realities associated with agriculture. This became a problem. Farmers here wish to be good neighbors, but they also want the newcomers to the county to realize that farming is their history and their livelihood.

The VAD program became part of the solution. The Chatham County Board of Commissioners approved the Voluntary Agricultural District Ordinance on November 5, 2001. Now, when a new county resident is preparing to purchase real estate within one mile of a farm enrolled in the VAD program, the purchaser must be notified that a farm is nearby and of the associated factors. This way they are forewarned of the farming operation and if they decide the farm is a nuisance after purchasing the real estate, they have lost their legal right to sue.

Chatham County farmers have been more than willing to embrace the program: 175 farms, totaling more than 21,000 acres, have been approved for membership. Currently, two-thirds of the county is within one mile of an enrolled farm.

In April 2002, Siler City, the largest town in the county, began to take steps to increase its extra-territorial jurisdiction (ETJ) to the limits allowed by the General Assembly. This would put many farms under the town's planning and zoning control. The town assured the farming community that this would not affect how it managed operations, but there was a great deal of alarm among the farmers. Regulations and changes that farmers have faced over the past several years have created mistrust between the farm community and the town of Siler City. As a token of good faith, the Town board of Siler City unanimously passed a resolution in November 2002, honoring the county's ordinance to ensure protection of the farmers in the ETJ. This was the first municipality in the state to go on record in support of VAD provisions.

The View from the Heartland: Sampson County

By George Upton, Cooperative Extension Director

Rapid residential growth has driven many counties in the Mountains and Piedmont to adopt farmland preservation ordinances, while, with slower economic growth and less population density, VAD programs have developed more slowly in the eastern areas of the state. Sampson County, however, nestled in the heart of North Carolina field



Bobby Joe Gambill, Alleghany County dairy farmer

The ordinance protects enrolled farmers from the cost of implementing public services, such as water and sewer lines. Any cost share charged to a landowner for implementation of these practices has to be held in abeyance for farmers enrolled in the program. The town is not required to abide by this condition under the county ordinance, but with its own resolution it chose to respect the limitations and conditions.

What has made the Voluntary Agricultural District Ordinance so popular in Chatham County? The ordinance was written and promoted not as a way to protect farmland, but as a way to protect farmers. Developers and promoters of this program followed the philosophy that if you protect and take care of the farmers, you will protect and take care of the farmland. With this attitude among all parties, this segment of our attempt to protect farmland has been successful in Chatham.

crop and livestock country, has developed an active program.

With some help from the county attorney, the commissioners gradually became comfortable with the idea of the program and have since been very supportive. We all realize how important agriculture is to

Sampson County. Our ordinance passed in 2001; we began signing up farms the following year. Our program is a little different from most. We divided the county into five districts, and each district has a representative on the board. Though the main residential encroachment has come from the northern part of the county, most applicants have been from south of Clinton.

The \$25 application fee covers most of the costs of signs and paperwork. The county provides one sign for each farm, and people can purchase additional signs if they wish. Each farm enrolled costs the county about \$5, which is a great investment if we can avoid even one nuisance complaint per year. We contracted with Future Farmers of America and vocational agriculture classes to make signs and posts, so we're also working with our next generation of farmers to make this program successful. The county provided larger signs on major roads to let drivers know that they were entering an agricultural district. Our board would like to see a sign on Interstate-40, but that would require state legislation.

It took several meetings with the tax office

and the registrar of deeds to figure out how the application and notification systems would work, but they've been very cooperative. They keep a full-sized map on the wall with the districts outlined, and they add a pin whenever we add a new farm. They also have a VAD notebook and other recording books. It has been very helpful for me to learn more about how those offices operate.

With livestock production so important in this county, we needed a way to create a more positive approach to agriculture and the occurring changes. We've gotten several calls from real estate professionals who say they like the program because it gives them a sense of where agriculture is most active in the county. It has also given farmers a sense of pride during difficult times.

I'm curious how many farms and acres are enrolled throughout the state. Every year we submit a report to the commissioner of agriculture on the number of farms and acres we have enrolled on our county. We would like to use this information for comparison of how we're doing in relation to other counties.

A View from the Coast: Brunswick County

By Mary Earp, Chair, Brunswick County VAD Board

My husband, Wilbur, and I have operated Funston Farms for 45 years. I'm a member of the Cape Fear Resource & Conservation Development Council and a Brunswick Soil and Water Conservation District Supervisor. Despite all of our work on farming and conservation issues, I see a lot of good farmland and forests disappearing to development. Farmers will be paying the price for this development, with higher taxes, more restrictions and newcomers who don't understand working farms.

Voluntary agricultural districts are farmer friendly and add value to the rural community. I currently serve as the chair of the Brunswick County VAD Board. This program gives our community an understanding of local farming, gives

farmers protection from some costs and complaints from new neighbors and gives us a sense of pride that agriculture is here to stay.

We had 69 farms enrolled, covering 8,950 acres, as of January 1, 2004. Where can we go from here? I'm interested in learning how other counties are expanding their VAD program beyond just the original signup. How do you get more landowners interested? How has this had an impact on the local agricultural community?

Sharing our stories and successes across county lines will make this program successful. **Please call (910) 253-5643 or send email to earpmw@atmc.net with your ideas.**

Is There a Role for VAD Boards in Present Use Valuation?

By Steve Woodson, North Carolina Farm Bureau



Walter Farm on High Rock Road, a VAD farm in Cedar Grove Township, Orange County.

N.C.G.S. Section 106-739(4) allows county commissioners to grant a VAD board the authority to “advise the board of county commissioners on projects, programs or issues affecting the agricultural economy or way of life within the county.” County ordinances typically include this language in the grant of authority to their board, but may not actually use their VAD boards to advise them on agricultural issues within the county.

The most important issue having an impact on agriculture that commissioners regularly address is likely the adoption of schedules, standards and rules to be used by the county tax office in appraising farmland at its present use value for property taxes. The procedures involved in adopting present use value rules and schedules are complicated. They give farmland owners only one opportunity to be heard before the present use value schedules are adopted and a short window of opportunity for appeal afterward. If these schedules were provided to the county’s VAD board for review first, it would greatly enhance the opportunity for farmer input. Employing the VAD board in this way would better define the issues raised by the proposed schedules. Although it would not take the place of the public hearing before the commissioners, VAD board review might resolve some landowner complaints before the matter ever comes before the board of commissioners. It also could reduce the likelihood of an appeal.

Providing an extra opportunity for farmer involvement in the present use value appraisal process is especially important during the upcoming round of revaluations. In 2002 the General Assembly changed the method of calculating use values. For the past 30 years the “Present Use Value Manual” that has instructed counties on calculating use values based on *capitalizing the 10-year average net income* that could be made by growing corn and soybeans. Beginning in 2003, the manual provided that use values will be calculated based on *average cash rents* paid for comparable farmland. While this change in methodology should not significantly change the tax burden on farmland, some counties may see an increase in present use values. It makes sense for boards of commissioners to seek as much public comment as possible before adopting use value schedules based on this new methodology.

If your VAD board would like to review your county’s use value schedules, it is important to bring the matter to the attention of your commissioners as early as possible. Your commissioners will have to instruct the tax office to deliver the new use value schedules to them in time for this extra level of review.

Resources

American Farmland Trust
Gerry Cohn
(336) 221-0707
gcohn@farmland.org

NCSU Cooperative Extension Service
Ted Feitshans, Ag and Resources Economics Dept.
(919) 515-5195
ted_feitshans@ncsu.edu

For a list of North Carolina farmland protection laws and ordinances, see the NCSU Land Preservation Notebook:
www.cals.ncsu.edu:8050/wq/LandPreservationNotebook/

North Carolina Farm Bureau
Steve Woodson
(919) 782-1705
swoodson@ncfb.net

What Next?

You've gotten an ordinance passed, the board is in place, applications have been distributed and landowners are enrolling acreage in the program. What else can your county do to increase agricultural viability?

Here are a few ideas from around the state:

■ Orange County has focused on agricultural economic development. With a 26 percent increase in population from 1990 to 2000, along with the addition of a hospital and major university, the county decided that increasing the amount of products purchased from local farmers would increase profitability and be its best bet for preserving agricultural land. It now has an agricultural economic development coordinator, hired jointly by Cooperative Extension and the Economic Development Commission. See www.orangecountyfarms.org to find out more about what the county is doing.

■ Henderson County is preparing an agricultural chapter for the update of the county comprehensive plan. Working with the Land of the Sky Regional Council, the county received a Community Innovations Grant from the USDA Sustainable Agriculture Research and Education program to demonstrate how to incorporate agriculture more effectively in a county land use plan. Attendees at last winter's trainings will recall how New York state has used this technique to plan for an agricultural future. To learn more, contact Tom Elmore at tom@landofsky.org.

■ Currituck, Rowan and Orange counties all recently have allocated money for the purchase of agricultural conservation easements (PACE). These programs compensate landowners willing to permanently restrict non-agricultural development on working farmland. Not only

will this put needed capital into the agricultural sector; it can potentially bring matching federal dollars into the county through the Farm and Ranch Lands Protection Program. A fact sheet on PACE programs is available online at www.farmlandinfo.org/fic/tas/tafs-pace0998.pdf.

■ Northampton County's VAD ordinance designates that a county commissioner serve on the VAD board, and that the planning board include a VAD member. It also requires that anyone applying for a building permit sign a statement acknowledging that he or she has seen the VAD map and that subdivision developments designate the location of VADs within a half mile on their final plans. For information on how these rules are working, contact Heather Lifsey at heather_lifsey@ncsu.edu.

■ Be a participant in local decision-making. Keep everyone informed of how their decisions impact local agriculture. Planning boards, citizens advisory groups, farm organizations, newspapers, school boards and state legislators all can use your input about farmland loss. Ask the county commissioners to view you as a valuable resource to help them determine the best course for the county's farms. VAD board member and County Commissioner Brent Hunter can tell you how they work together in Yadkin County: (336) 468-2575.

■ Make the case for the importance of local agriculture. Farms provide food and fiber, open spaces, wildlife habitat, cultural heritage, economic activity and lower property taxes. For information on materials and studies that can demonstrate these points, contact Gerry Cohn at gcohn@farmland.org.

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North Carolina Voluntary Agricultural District Programs: Contacts and Acreage as of May 2004

SWCD – Soil and Water Conservation District

CE – Cooperative Extension

County	Farms	Acres	Contact Name	Organization	Phone	E-Mail
Alamance	160	9436	Phil Ross	SWCD	336-228-1753	soilandwater@alamance-nc.com
Alexander	43	5147	Tonya Mitchell	SWCD	828-632-0638	tmitchell@co.alexander.nc.us
Alleghany	13	668	Linda Hash	SWCD	336-372-4645	linda-hash@nc.nacdnet.org
Ashe	81	9931	Charles Young	CE	336-219-2650	charles_young@ncsu.edu
Avery	N/A	N/A	Mike Pittman	CE	828-733-8270	mike_pittman@ncsu.edu
Brunswick	69	8950	Mary Earp	VAD Board	910-253-5643	earpmw@atmc.net
Buncombe	315	26132	Gary Higgins	SWCD	828-250-4785	gary.higgins@buncombecounty.org
Burke	43	1200	Damon Pollard	CE	828-439-4460	damon_pollard@ncsu.edu
Caldwell	14	1279	Seth Nagy	CE	828-757-1290	seth_nagy@ncsu.edu
Caswell	27	5117	Mike Cusimano	County Planner	336-694-9731	ccplanner@caswellnc.com
Chatham	175	21000	Sam Groce	CE	919-542-8202	sam_groce@ncsu.edu
Cherokee	N/A	N/A	Keith Wood	CE	828-837-2210	keith_wood@ncsu.edu
Clay	50	3500	Silas Brown	CE	828-389-6305	silas_brown@ncsu.edu
Cleveland	107	10872	Ben Robinson	SWCD	704-471-0235	benjamin.robinson@nc.usda.gov
Currituck	0	0	Kim Ferrell	SWCD	252-232-3360	kim-ferrell@nc.nacdnet.org
Durham	26	900	Eddie Culberson	SWCD	919-560-0558	eddie@co.durham.nc.us
Franklin	8	2500	Martha Mobley	CE	919-496-3344	martha_mobley@ncsu.edu
Guilford	64	6855	Wick Wickliffe	CE	336-375-5876	wick_wickliffe@ncsu.edu
Haywood	319	10242	Leslie Smathers	SWCD	828-452-2741	hswcd@primeline.com
Henderson	518	15000	Cary Pace	SWCD	828-697-4949	Cary.Pace@nc.usda.gov
Iredell	56	9974	Kenneth Vaughan	CE	704-878-3165	ken_vaughn@ncsu.edu
Lincoln	63	6250	Rick McSwain	SWCD	704-736-8501	rmcswain@lincolncounty.org
Macon	29	1974	Kenneth McCaskill	CE	828-349-2052	kenneth_mccaskill@ncsu.edu
Madison	N/A	N/A	Russell Blevins	SWCD	828-649-3313	russell.blevins@nc.usda.gov
Northampton	0	0	Heather Lifsey	CE	252-534-2711	heather_lifsey@ncsu.edu
Orange	9	1879	Tina Moon	Orange Co. ERCD	919-245-2583	cmoon@co.orange.nc.us
Polk	13	3000	Jeff Bradley	CE	828-894-8218	jeff_bradley@ncsu.edu
Randolph	0	0	Lynne Qualls	CE	336-318-6008	lynne_qualls@ncsu.edu
Rowan	31	6946	Jim Cowden	CE	704-633-0571	jim_cowden@ncsu.edu
Rutherford	71	10948	Jan McGuinn	CE	828-287-6011	jan_mcguinn@ncsu.edu
Sampson	60	12919	George Upton	CE	910-592-7161	george_upton@ncsu.edu
Stanly	0	0	Brian Beer	CE	704-983-3987	brian_beer@ncsu.edu
Stokes	27	1247	Janice Pack	SWCD	336-593-2846	janice-pack@nc.nacdnet.org
Transylvania	9	895	Bob Twomey	SWCD	828-884-3230	bob.twomey@nc.usda.gov
Union	23	1585	Jerry Simpson	CE	704-283-3801	jerry_simpson@ncsu.edu
Wake	13	2004	Dale Threatt-Taylor	SWCD	919-250-1068	dthreatttaylor@co.wake.nc.us
Watauga	239	6292	Donna Harmon	SWCD	828-264-3943	donna-harmon@nc.nacdnet.org
Wilson	0	0	Walter Earle	CE	252-237-0111	walter_earle@ncsu.edu
Yadkin	0	0	Jack Loudermilk	CE	336-679-2061	Jack_Loudermilk@ncsu.edu
TOTALS	2675	204642				