

VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE



AGENDA

- Farmland Preservation Plan Connection
- Ordinance Overview
- Benefits of Agricultural Districts
- Program Measurement and Next Steps

MECKLENBURG COUNTY FARMLAND PRESERVATION PLAN

Farmland Preservation Plan Strategies:

1. **Protect farmland through voluntary programs that incentivize land preservation, conservation, and succession planning.**
2. Promote agricultural workforce development of next generation farmers.
3. Promote agricultural economic development.
4. Promote farmland preservation, conservation, and equity through innovative public-private partnership programs.

The Farmland Preservation Plan was endorsed in March 2023.



VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE OVERVIEW

INTRODUCTION TO VOLUNTARY AGRICULTURAL DISTRICTS



- A Voluntary Agricultural District (VAD) ordinance is adopted by the Board of County Commissioners to establish a County's VAD program.
- This ordinance, and subsequent program, is a way that local government can recognize and support local producers.
- Bona fide farms voluntarily apply to take part in the program and receive benefits from their participation.
- Partners in this effort are Mecklenburg Soil & Water Conservation District and NC Cooperative Extension.
- Approval of participation in a VAD does not negate nor change any local agricultural zoning precedents.

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VOLUNTARY AGRICULTURAL DISTRICTS ORDINANCE PURPOSE



Purpose of the Voluntary Agricultural District (VAD) Ordinance:

- To promote the values and general welfare of Mecklenburg County agriculture by increasing the identity of, and pride in, the agricultural community and its way of life.
- To decrease likelihood of legal disputes, such as nuisance actions, between farm owners and their neighbors.
- To increase protection from non-farm development.

(NC GS Article 61, 106-738)

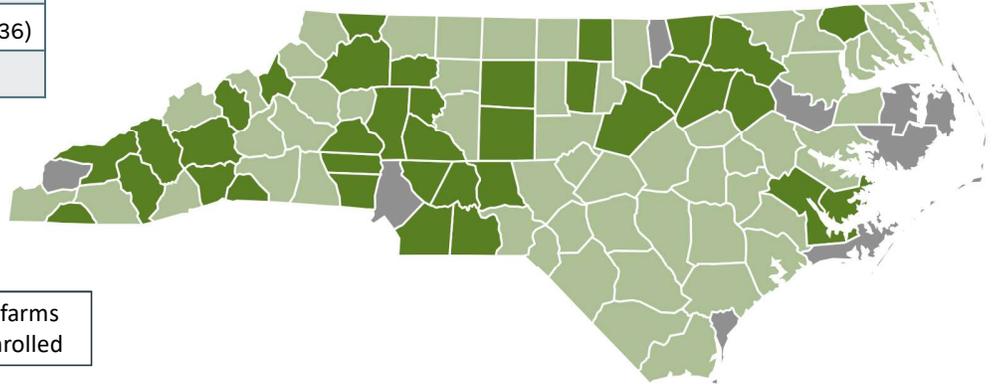
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VOLUNTARY AGRICULTURAL DISTRICTS THROUGHOUT NORTH CAROLINA

Legend

	VAD Programs (55)
	VAD & Enhanced VAD Programs (36)
	No VAD Program (9)

North Carolina Voluntary Agricultural Districts (VAD) by County



Total farms enrolled statewide: 10,895 farms
Total acres statewide: 899,931 acres enrolled

Data and image source: <https://www.ncagr.gov/divisions/farmland-preservation/vad/county-info>

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WHO QUALIFIES FOR VAD?

Bona fide farms are eligible for participation.

Any of the following are sufficient evidence of bona fide farm status:

- A farm sales tax exemption certificate issued by the Department of Revenue.
- A copy of the property tax listing showing that the property is eligible for participation in the present use value program.
- A copy of the farm owner or operator's Schedule F from their most recent federal income tax return.
- A forest management plan.

VAD-eligible farms must have production and activities relating or incidental to the production of:

- Crops, Grains, Fruits, Vegetables, Plants, Dairy, Livestock, Poultry, Forestry, Horses, Bees, Aquaculture, Agritourism, and all other forms of agriculture.



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ADDITIONAL FARM QUALIFICATIONS



Highly-Erodible Land

- If the applying farm is designated by the US Department of Agriculture Natural Resource Conservation Service (NRCS) as highly-erodible land (HEL), the land must be managed in accordance with NRCS best practices for highly-erodible land.

Farm Size

- Within Mecklenburg County, farms of one acre or larger will be eligible to apply for inclusion in the VAD.

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VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE REQUIREMENTS

Required in the local VAD ordinance:

- Agricultural Advisory Board
- Conservation agreement
- Notice of proximity to farmland



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AGRICULTURAL ADVISORY BOARD



- An Agricultural Advisory Board (AAB) must be established as part of the Voluntary Agricultural District ordinance.
- A majority of the AAB must be comprised of residents who are actively engaged in agriculture. Members will, to the extent possible, represent all geographical areas of the County as well as all sectors of agriculture.
- Confirmed ex officio members of the AAB will include NC Cooperative Extension – Mecklenburg County Center and Mecklenburg Soil & Water Conservation District.

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CONSERVATION AGREEMENT

- The overall goal of the conservation agreement is to prohibit nonfarm use or development.
- Conservation agreement details:
 - Agreement between the landowner and County government.
 - 10-year agreement, automatically renewed until landowner ends participation.
 - May include restrictions on nonfarm construction; removal or destruction of vegetation; activities detrimental to water or soil conservation.
 - For VAD, the agreement is not required to be recorded with Register of Deeds. Enhanced VAD agreements are recorded.
 - VAD agreements are revokable with written notice, EVAD agreements are irrevocable for 10 years.
- Formation of a 'district' is triggered by the execution of a conservation agreement between the landowner and County.



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NOTICE OF PROXIMITY TO AN AGRICULTURAL DISTRICT



Public Record Notice of Proximity

- Land records must include some form of notice to alert a person researching the title of a particular tract that the tract is within one-half mile of a property line of a VAD-enrolled farm.
- This may be through:
 - Geographic Informational System (GIS)
 - Signage
 - Deed notation (Enhanced VAD)

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Iredell County GIS Voluntary Agricultural Districts Layers

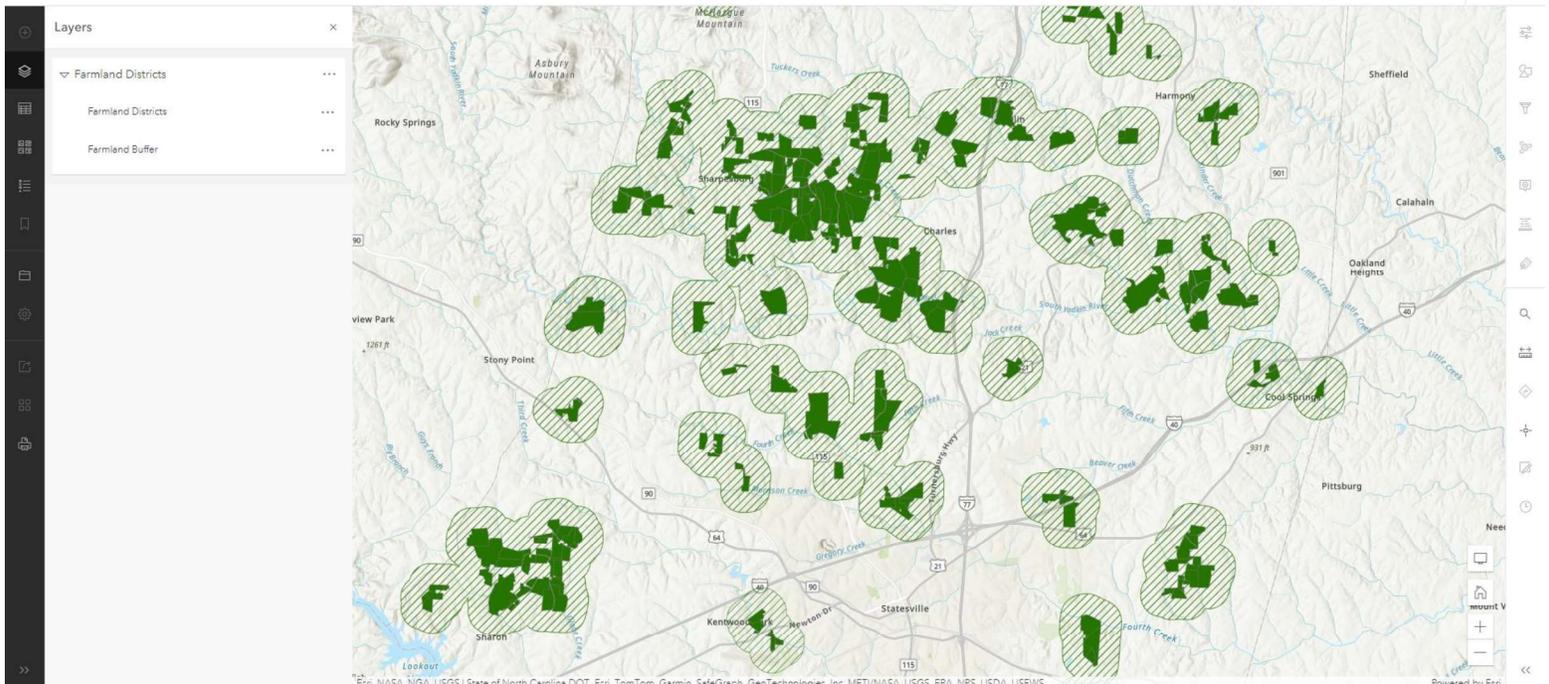


Image source Iredell County GIS: <https://maps.iredellcountync.gov/portal/apps/mapviewer/index.html?layers=f6bf81bc297943eabf9a434c4c7c80>

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ADDITIONAL REQUIREMENTS OF A COUNTY VAD ORDINANCE



- Memoranda of Understanding
 - A Memorandum of Understanding (MOU) must be established with each town and the City of Charlotte to allow farms within their corporate boundaries to take part in Mecklenburg County's VAD.
 - Without MOUs established, only farms situated in ETJ are eligible.
- NC Department of Agriculture & Consumer Services (NCDCA)
 - The County will record the passed ordinance with NCDCA.
 - The County must report to NCDCA once a year on our farmland preservation program progress, including the number of enrolled farms and total acreage within the VAD program.

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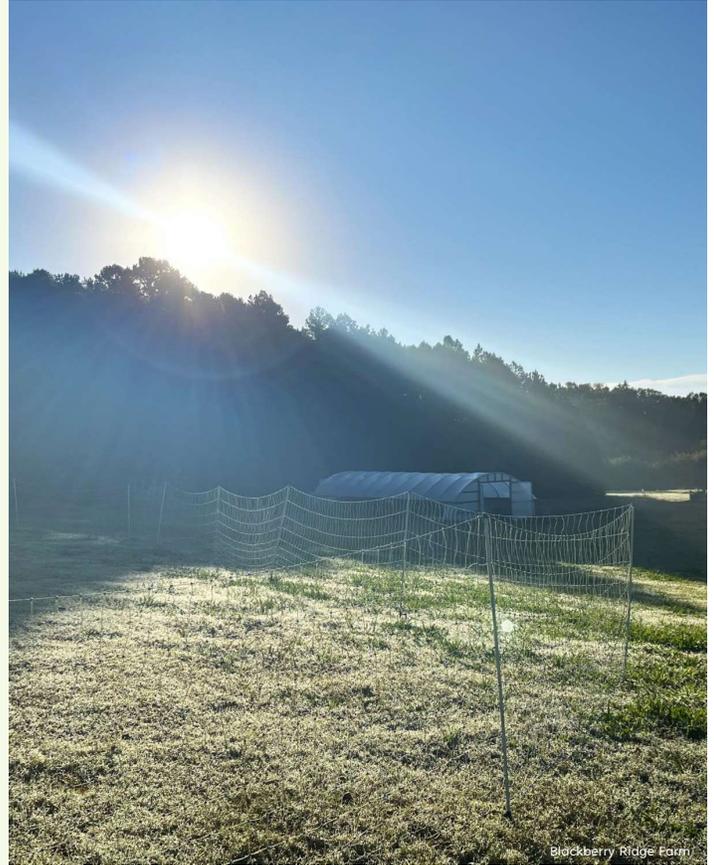
TOWN AND CITY COLLABORATION

- In November 2024, County Sustainability staff had meetings with each of the seven municipalities for an initial conversation around the VAD.
- Each municipality will have the opportunity to nominate an individual actively engaged in agriculture to the AAB.
- Once VAD is established and MOUs in place, there are no additional requirements for municipalities in the running of this program.
- There are no costs or financial benefits to municipalities associated with the VAD.



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BENEFITS OF AGRICULTURAL DISTRICTS



Blackberry Ridge Farm

BENEFITS OF THE VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE



Watkins Grove Farm

VAD Benefits for Mecklenburg County include:

- Voluntary and low-cost way to support land conservation,
- Promotes agriculture within the County,
- Maintains agricultural areas for the benefit of all Mecklenburg County residents, and
- Supports environmental sustainability and resiliency by preserving clean air and water.

OPTIONAL BENEFITS FOR INCLUSION IN THE VAD ORDINANCE



Benefits to VAD-enrolled farmers that may be included:

- Public hearings required for condemnation of farmland
- Enhanced Voluntary Agricultural Districts

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OPTIONAL BENEFITS FOR INCLUSION IN THE ORDINANCE

Public Hearings for Condemnation: Option to include in the ordinance that no State or local public agency or governmental unit may formally initiate an action to condemn any qualifying farmland within a VAD until a public hearing request has gone through the Agricultural Advisory Board (AAB).

Additional details:

- An appeal must be made to hold a public hearing.
- AAB has 30 days after receiving a request to hold the public hearing and submit findings and recommendations to the agency.
- Agency may not formally initiate a condemnation action while the proposed condemnation is moving through this process.
- AAB would take all factors into account, including timeline, whether proposed condemnation directly affects agricultural production, whether alternate options had been considered by the agency, etc.

(NC GS Article 61, 106-740)

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OPTIONAL BENEFITS FOR INCLUSION IN THE ORDINANCE



Enhanced Voluntary Agricultural District (EVAD):

- Requires a 10-year **irrevocable** Conservation Agreement.
 - This agreement automatically renews for three years after the initial period unless notice is given by the landowner and will continue to automatically renew in three-year increments until the landowner submits written notice.
- All benefits of the VAD, plus additional benefits:
 - May receive up to 25% of its gross sales from nonfarm products without losing zoning exemption,
 - Higher percentage of cost-share funds under the NC Agricultural Cost Share Program (*GS 106-850*), and
 - May receive priority consideration for grants from State departments, institutions, or agencies.

(NC GS Article 61, 106-743.1-5)

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**PROGRAM MEASUREMENT
AND NEXT STEPS**

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TRACKING VOLUNTARY AGRICULTURAL DISTRICT PROGRAM PROGRESS

- An online application and tracking system will be established.
- Regular reports from the Agricultural Advisory Board on the number of: VAD/EVAD applicants, approved farms, and approved acreage.
- GIS layer for VAD/EVAD enrolled parcels.
- Outreach events for program promotion.

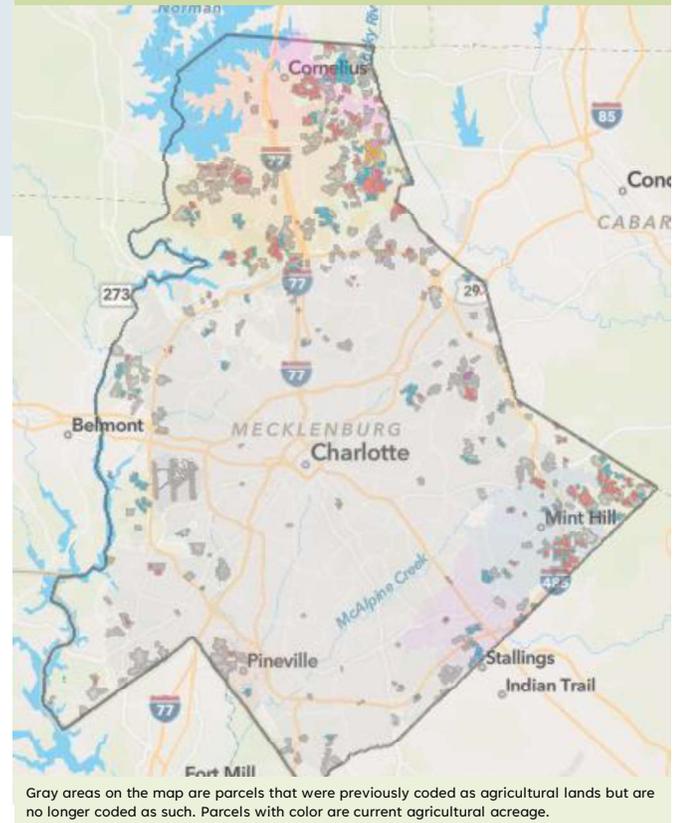
10,096 Acres:

Current denoted agricultural land acreage in Mecklenburg County

VAD Program Goal:

500 acres enrolled in VAD/EVAD by June 2026

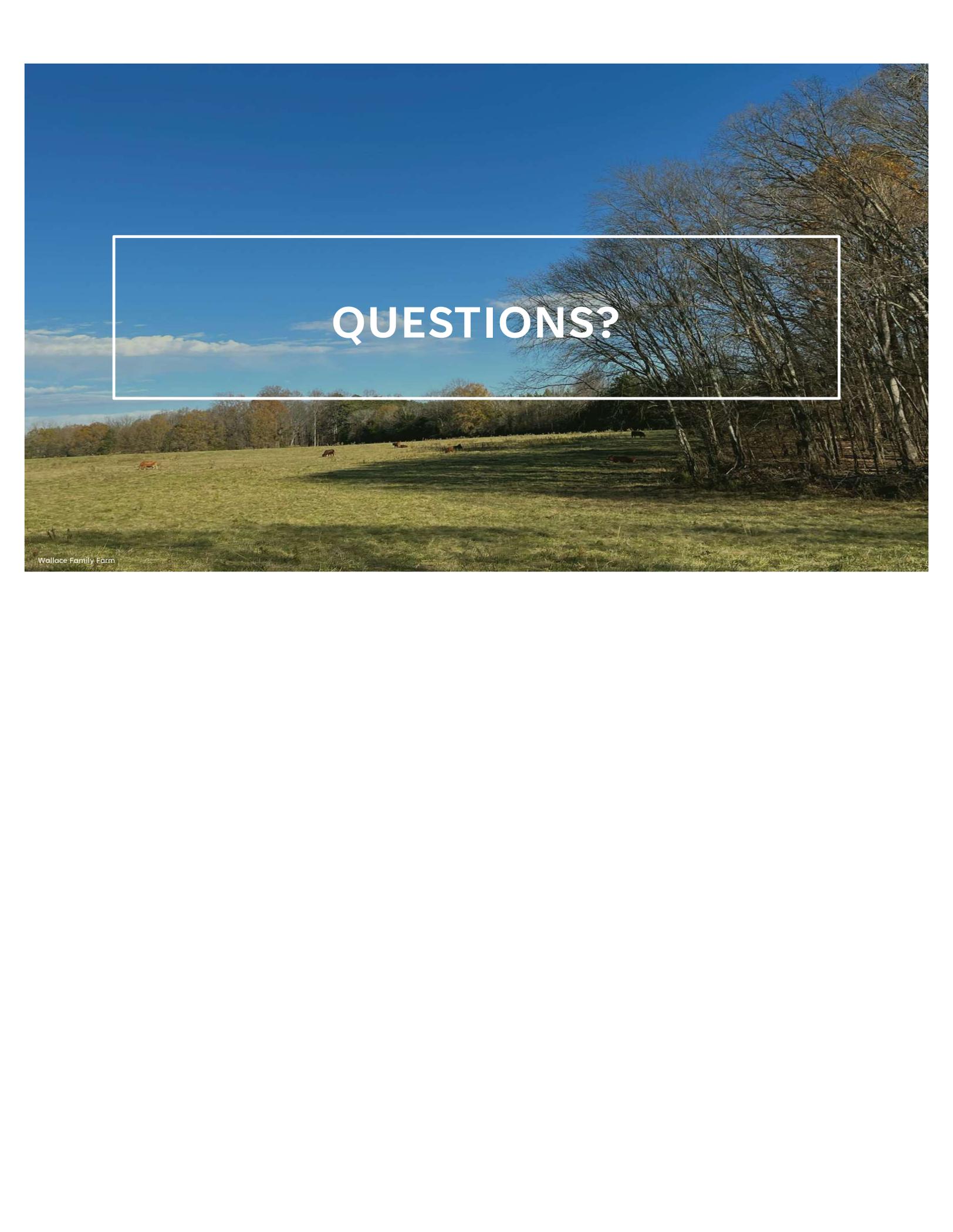
Agricultural Land in Mecklenburg County



TIMELINE AND NEXT STEPS



- Municipality collaboration
 - **November 2024:** Presentations to staff of all seven municipalities within Mecklenburg County
 - **February / March 2025:** Additional presentations to Huntersville, Davidson, Mint Hill and Cornelius
 - **Spring 2025:** MOUs in place with municipalities opting to take part in the VAD
- Board of County Commissioners Endorsement
 - **December 10, 2024:** Presentation to BOCC Environmental Stewardship Committee
 - **March 18, 2025:** Presentation at BOCC general meeting
 - **Spring 2025:** Ordinance passed via consent item at BOCC general meeting to establish the VAD
- Formation of Agricultural Advisory Board
 - **Spring 2025:** Applications for AAB open once VAD Ordinance passed by BOCC
 - **Spring 2025:** AAB members appointed by BOCC
- **Summer 2025:** Open Voluntary Agricultural District program for applications



QUESTIONS?