Farmland Preservation Ordinance Update

Presented by

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Overview

- Farmland Preservation Ordinance
  - The process and requirements of the Farmland Preservation Program including the Ag Advisory Board, VAD/EVAD and Easement Program
- Last major update 2016
- Last update in 2022 for minor language
- June 2025 – GS change required an ordinance update

Process

1. In 2025, Legislation required certain language to be updated in Farmland Preservation Ordinances

2. Ag & Land Department and County Legal revised current ordinance to reflect the following:
   - Required GS Statute language updates
   - NCDA recommended Farmland Preservation Ordinance Model
   - Reflect current program practices

3. Ag Advisory Board Reviewed and recommended – 4/21/2026

4. Present to BOC and Request for Board Action – 5/19/2026

Key Changes:
General Statute Requirements

- 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:
  - Requires Public hearings for all land in Voluntary Agricultural District (VAD) and Enhanced Agricultural District (EVAD) being condemned or rezoned
  - Extends timelines and Expands conditions for public hearings to rezoning requests on enrolled VAD/EVAD parcels
  - Establishes a minimum time period for the initiation of condemnation or rezoning actions.

Key changes:
NCDA Recommended checklist & Template

- Verified that our ordinances fulfills the state Farmland Preservation Ordinance Checklist
- Revised to follow the North Carolina State University Farm Law 2026 updated Farmland Preservation Ordinance Template
- Changing language around nuisance suit protection to “reducing the likelihood of a lawsuit occurring due to public awareness of Voluntary agricultural district programs”

Key Changes:
Program Processes

- Clarified language to reflect current program processes
- Reduced redundancy by referring to existing sections instead of adding identical language
- Referred to program policies and removed these details from the ordinance, this allows staff to update these policies as needed without future ordinance updates

Request for Board Action

Motion to adopt the revised
Farmland Preservation Ordinance