

Farmland Preservation Program Ordinance

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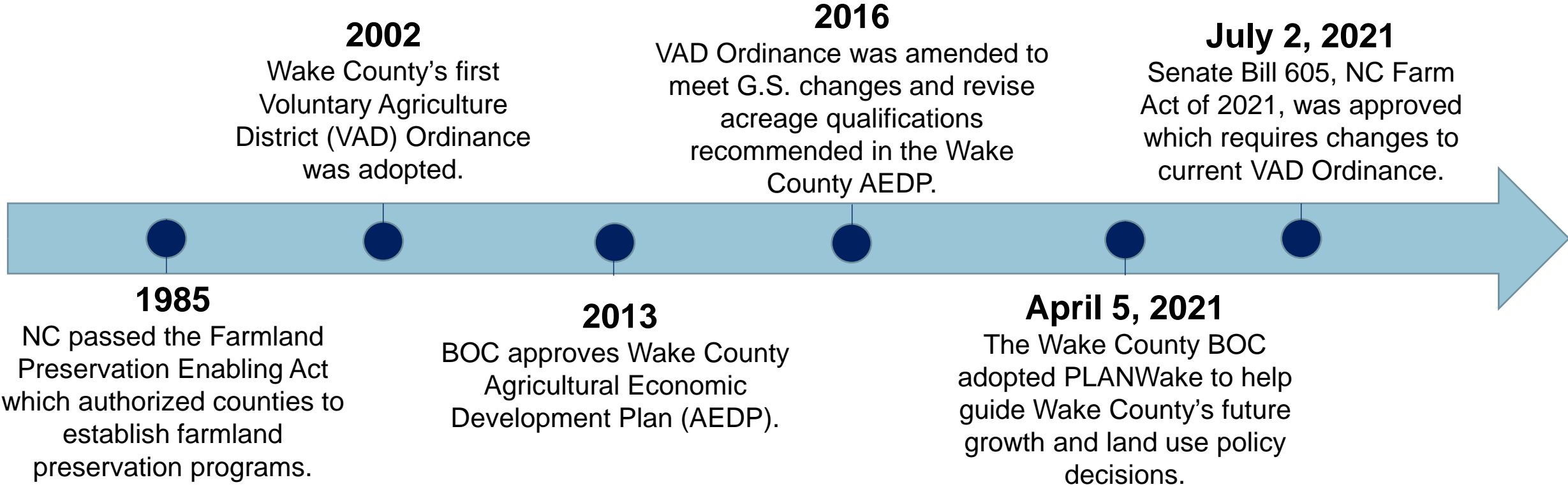
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Goal

Receive Board of Commissioners feedback and approval to prepare for a June 21, 2022, adoption of the amended Wake County Voluntary Agricultural District ordinance.



Background



Background



Over the next decade, Wake County is expected to add another 250,000 new residents.



Under current growth rates, 28,000 additional acres of new development could occur and all remaining unprotected land in the County could be converted to development within 25-50 years.



The response from residents and stakeholders through the PLANWake process identified the protection of natural areas, farms, forests, and meadows as the number one change they would like to see in the County.



PlanWake sets the goal to protect 30% (165,000 acres) of the County's land area as permanently protected.

Board Goals & Fiscal Impact

- This action supports Objective ES 3.3 – strengthen County services and policies that support agribusinesses. Potential efforts include farmland preservation, next generation farming, and promoting local food systems and agritourism.
- The Wake County Farmland Preservation Program Ordinance was created by receiving feedback and input from multiple internal departments and external stakeholders.
- A recurring commitment of \$4,000 beginning in FY 2024.
 - Wake County Agricultural Advisory Board per diem
 - Signage for Enhanced Voluntary Agricultural Districts
 - Deed recording fees

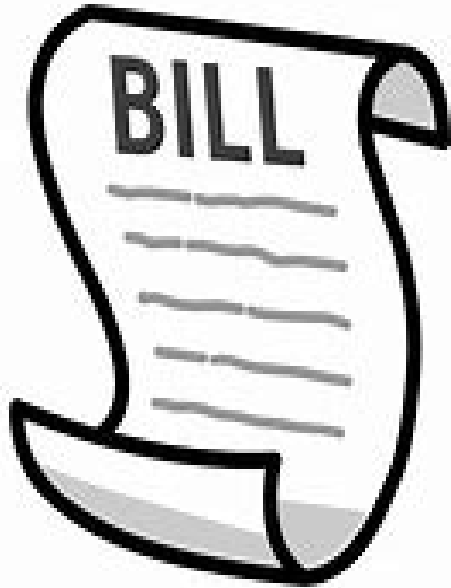
Purpose and Goals of Ordinance

- I. Repeal and replace the “Wake County Voluntary Agricultural District Ordinance” to expand the County’s farmland preservation program and comply with SB 605.
- II. Promote agricultural values and the general welfare of Wake County.
- III. Promote agriculture as an integral part of the County’s economy.
- IV. Increase the identity and pride in the agricultural community.
- V. Encourage the economic and financial health of agriculture, horticulture, and forestry.
- VI. Decrease the likelihood of legal disputes, such as nuisance actions between farm owners and their neighbors.



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The modified ordinance reflects the necessary changes needed to comply with Senate Bill 605 requirements including:



1. Updating ordinance to require VAD/EVAD farms are used for bona fide farm purposes, as that term is defined in G.S. 106-743.4(a) and G.S. 160D-903.
2. The conservation agreement shall be approved by the agricultural advisory board.
3. Ensure that record notice mechanisms (GIS layer or deed notation) are measuring $\frac{1}{2}$ mile from the property lines of VADs/EVADs.
 - GIS map that provides reasonable notification for public searching a property that is within $\frac{1}{2}$ mile of a farm.
4. Clarifies that the Agricultural Advisory Board shall be organized and appointed by the Board of Commissioners.
5. Agricultural Advisory Board decisions are appealable to the Board of Commissioners.

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Voluntary Agricultural District Program (VAD)

- Requires a 10-year agreement that is revocable with 30 days written notice to Agricultural Advisory Board.
- May renew for 10 years after initial period unless notice is given by landowner.
- May provide assessments for utilities provided by city or county be held in abeyance, with or without interest.

Additional benefits to landowners include:

- Recognition and public education about agriculture.
- Increased protection from nuisance suits.
- Receives additional bonus points on applications for cost share funds under the Wake Soil and Water Conservation District's Agricultural Cost Share Program ranking sheets.

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NEW Enhanced Voluntary Agricultural District Program (EVAD)

- Requires a 10-year irrevocable agreement.
- Must be recorded on deed.
- May renew for 3 years after initial period unless notice is given by landowner.
- May provide assessments for utilities provided by city or county be held in abeyance, with or without interest.

Additional benefits to landowners include:

- May receive up to 25% of its gross sales from the sale on non-farm products and still qualify as a bona fide farm that is exempt from zoning regulations under G.S. 153A-340(b).
- Eligible to receive higher percentage of cost share funds (90%) under the Wake Soil and Water Conservation District's Agricultural Cost Share Program.

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NEW Agricultural Conservation Easement Program

- **Definition of a Conservation Easement (CE):** A conservation easement is a written and recorded deed agreement between a landowner and a qualified conservation organization in which both parties agree to restrict development. These restrictions are designed to protect the conservation values of the property and the binding agreement stays with the property as it changes ownership.
- **Benefits of a Conservation Easement:**
 - Tax Benefits that may include: tax incentives, federal income tax reduction and estate tax deduction.
 - Protect farming and family heritage
 - Protect property from development pressure
 - Protect local food production and food resilience

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NEW Agricultural Conservation Easement Program

Purpose: The preservation of the County's best agricultural land in a manner that directs and accommodates growth and development is a high priority for the residents of the county.

Goals of program:

1. Permanently protect soils in the County best suited for agricultural uses.
2. Identify and harmonize policies of government that may conflict with protection of farmland.
3. To reduce land use conflicts between agricultural and other land uses.
4. Promote agricultural as an integral part of the County's economy.

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NEW Agricultural Conservation Easement Program

- The Agricultural Advisory Board and Farmland Preservation Coordinator position will administer the new program as another voluntary option for landowners within the overall farmland preservation program.
- Staff will make recommendations to the Agricultural Advisory Board on selection of properties for donation of agricultural conservation easements or to seek state and federal grant funding for the purchase of agricultural conservation easements.
- The Soil and Water Conservation District in partnership with the Triangle Land Conservancy, may acquire agricultural conservation easements consistent with the new Farmland Preservation Ordinance.

Summary

The Wake County Voluntary Agricultural District Ordinance will be repealed and replaced with the Wake County Farmland Preservation Program Ordinance.

The new ordinance will:

- Meet the requirements of Senate Bill 605 adopted in July 2021.
- Add additional farmland protection programs:
 - Enhanced Voluntary Agricultural Districts (EVAD)
 - Agricultural Conservation Easement Program
- Support PLANWake goals of open space and farmland protection.
- Support BOC goal for economic strength through farmland protection, next generation farming, promoting local food systems and agritourism.

Summary

- This ordinance was created through a collaborative effort by receiving feedback and input from multiple internal departments and external stakeholders.
- The Wake County Agricultural Advisory Board recommends the approval and adoption of the Wake County Farmland Preservation Program Ordinance.
- Today's goal is to receive Board of Commissioners feedback and approval to prepare for a June 21, 2022, adoption of the amended Wake County Voluntary Agricultural District Ordinance.



Questions?



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