

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1132\*

Short Title: Preserve Farmlands/Promote Small Farms.

(Public)

Sponsors: Representatives Insko; and Gardner.

Referred to: Agriculture.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO PROMOTE THE PRESERVATION OF FARMLAND, TO PROMOTE SMALL, FAMILY-OWNED FARMS, AND TO CHANGE THE DEFINITION OF SUBDIVISIONS SUBJECT TO REGULATION UNDER CHAPTER 153A OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-737 reads as rewritten:

"§ 106-737. Qualifying farmland.

In order for farmland to qualify under this Article, it must be real property ~~that~~ that satisfies all of the following conditions:

(1) Is participating in the farm present-use-value taxation program established by G.S. 105-277.2 through 105-277.7 or is otherwise determined by the county to meet all the qualifications of this program set forth in ~~G.S. 105-277.3;~~ G.S. 105-277.3.

(2) Is certified by the Soil Conservation Service of the United States Department of Agriculture as being a farm on which at least two-thirds of the land is composed of soils that (i) are best suited for providing food, seed, fiber, forage, timber, and oil seed crops, (ii) have good soil qualities, (iii) are favorable for all major crops common to the county where the land is located, (iv) have a favorable growing season, and (v)

1 receive the available moisture needed to produce high yields an average  
2 of eight out of 10 years; or on which at least two-thirds of the land has  
3 been actively used in agricultural, horticultural or forestry operations as  
4 defined in G.S. 105-277.2(1), (2), and (3) during each of the five  
5 previous years, measured from the date on which the determination  
6 must be made as to whether the land in question ~~qualifies;~~qualifies.

7 (3) Is managed in accordance with the Soil Conservation Service defined  
8 erosion control practices that are addressed to highly erodable ~~land;~~ and  
9 land.

10 (4) Is the subject of a conservation agreement, as defined in G.S. 121-35,  
11 between the county and the owner of such land that prohibits nonfarm  
12 use or development of such land for a period of at least 10 years, except  
13 for the creation of not more than three lots that meet applicable county  
14 zoning and subdivision regulations.

15 (5) Is not a farm that has an animal waste management system having a  
16 design capacity of 600,000 pounds steady state live weight or more."

17 Section 2. G.S. 106-744(c) reads as rewritten:

18 "(c) There is established a 'North Carolina Farmland Preservation Trust Fund' to be  
19 administered by the Commissioner of Agriculture. The Trust Fund shall consist of all  
20 monies received for the purpose of purchasing agricultural conservation easements or  
21 farmland development rights or transferred from counties or private sources. The Trust  
22 Fund shall be invested as provided in G.S. 147-69.2 and G.S. 147-69.3. The  
23 Commissioner of Agriculture shall use Trust Fund monies to match any county funds to  
24 establish and support a county agricultural economic development director to promote  
25 agricultural economic development in that county and to improve the economics of  
26 farming in that county by farmers of small, family-owned farms. The Commissioner ~~shall~~  
27 may use Trust Fund monies for the purchase of agricultural conservation ~~easements;~~  
28 easements and farm development rights, including transaction ~~costs;~~ costs for both, and  
29 ~~shall may~~ distribute Trust Fund monies to counties and private nonprofit conservation  
30 organizations for such purchases, including transaction ~~costs;~~ costs, as follows:

31 (1) To private nonprofit conservation organizations.

32 (2) To counties according to the match requirements under subsection (c1)  
33 of this section.

34 (c1) A county that has prepared a countywide farmland protection plan and zoned  
35 areas in the county for long-term agriculture use shall match twenty-five percent (25%)  
36 of the Trust Fund monies it receives with county funds. A county that has either prepared  
37 a countywide farmland protection plan or zoned areas in the county for long-term  
38 agriculture use shall match forty percent (40%) of the Trust Fund monies it receives with  
39 county funds. A county that has neither prepared a countywide farmland protection plan  
40 nor zoned areas in the county for long-term agriculture use shall match fifty percent  
41 (50%) of the Trust Fund monies it receives with county funds.

42 (c2) The Commissioner of Agriculture shall adopt rules ~~and regulations~~ governing  
43 the use, distribution, investment, and management of Trust Fund monies."

1 Section 3. G.S. 106-744 is amended by adding a new subsection to read:

2 "(c3) Farmers of small, family-owned farms in voluntary agriculture districts shall  
3 have priority in receiving technical assistance from any agricultural economic  
4 development director paid in part with Trust Fund monies under subsection (c) of this  
5 section."

6 Section 4. G.S. 106-744 is amended by adding a new subsection to read:

7 "(e) As used in subsection (c1) of this section, a countywide farmland protection  
8 plan means a plan that satisfies all of the following requirements:

9 (1) The countywide farmland protection plan shall contain a list and  
10 description of existing agricultural activity in the county.

11 (2) The countywide farmland protection plan shall contain a list of existing  
12 challenges to continued family farming in the county.

13 (3) The countywide farmland protection plan shall contain a list of  
14 opportunities for maintaining or enhancing small, family-owned farms  
15 and the local agricultural economy.

16 (4) The countywide farmland protection plan shall describe how the county  
17 plans to maintain a viable agricultural community and shall address  
18 farmland preservation tools, such as agricultural economic development,  
19 including farm diversification and marketing assistance; other kinds of  
20 agricultural technical assistance, such as farm infrastructure financing,  
21 farmland purchasing, linking with younger farmers, and estate planning;  
22 the desirability and feasibility of donating agricultural conservation  
23 easements, entering into voluntary agricultural districts, transferring  
24 development rights, and zoning for long-term agricultural use areas."

25 Section 5. G.S. 153A-335 reads as rewritten:

26 **"§ 153A-335. 'Subdivision' defined.**

27 For purposes of this Part, 'subdivision' means all divisions of a tract or parcel of land  
28 into two or more lots, building sites, or other divisions for the purpose of sale or building  
29 development (whether immediate or future) and includes all division of land involving  
30 the dedication of a new street or a change in existing streets; however, the following is  
31 not included within this definition and is not subject to any regulations enacted pursuant  
32 to this Part:

33 (1) The combination or recombination of portions of previously subdivided  
34 and recorded lots if the total number of lots is not increased and the  
35 resultant lots are equal to or exceed the standards of the county as  
36 shown in its subdivision regulations;

37 (2) The division of land into parcels greater than ~~40~~50 acres if no street  
38 right-of-way dedication is involved;

39 (3) The public acquisition by purchase of strips of land for widening or  
40 opening streets; and

41 (4) The division of a tract in single ownership the entire area of which is no  
42 greater than two acres into not more than three lots, if no street right-of-  
43 way dedication is involved and if the resultant lots are equal to or

1                   exceed the standards of the county as shown by its subdivision  
2                   regulations."

3                   Section 6. Sections 1 through 4 of this act become effective July 1, 1999. The  
4 remainder of this act is effective when it becomes law.