

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1060
Second Edition Engrossed 5/6/93

Short Title: Farm Preservation Prog. Participation.

(Public)

Sponsors: Representative Colton.

Referred to: Agriculture.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PERMIT FARMS OWNED BY NONPROFIT INSTITUTIONS TO PARTICIPATE IN THE FARMLAND PRESERVATION PROGRAM.

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:

- (1) Is (i) participating in the farm present-use-value taxation program established by G.S. 105-277.2 through ~~105-277.7~~ or is otherwise G.S. 277.7, (ii) determined by the county to meet all the qualifications of ~~this the farm present-use-value taxation program set forth in G.S. 105-277.3; ~~105-277.3,~~ or (iii) determined by the county to meet the definition of agricultural, horticultural, or forestry operations as defined in G.S. 105-277.2(1), (2), and (3), but not eligible for participation in the farm present-use-value taxation program because it is owned by a charitable trust or nonprofit corporation that does not have as its principal business one of the activities described in G.S. 105-277.2(1), (2), and (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

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

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

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

17 Sec. 2. This act is effective upon ratification.