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SENATE DRS15175-MH-122 (03/11)

Short Title: Clarify Agricultural Zoning. (Public)

Sponsors: Senators Jackson and Cook (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE EXEMPTION FROM ZONING FOR A BONA FIDE
3 FARM INCLUDES GRAIN STORAGE FACILITIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 153A-340(b) reads as rewritten:

6 "§ 153A-340. Grant of power.

7 ...

8 (b) (1) These regulations may affect property used for bona fide farm purposes only
9 as provided in subdivision (3) of this subsection. This subsection does not
10 limit regulation under this Part with respect to the use of farm property for
11 nonfarm purposes.

12 (2) Except as provided in G.S. 106-743.4 for farms that are subject to a
13 conservation agreement under G.S. 106-743.2, bona fide farm purposes
14 include the production and activities relating or incidental to the production
15 of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy,
16 livestock, poultry, and all other forms of ~~agriculture~~ agriculture, as defined
17 in ~~G.S. 106-581.1~~ G.S. 106-581.1, grown or cultivated on the affected farm
18 property, as well as on land owned or leased to or from others by the farm
19 owner, including other tracts of land in the State and land owned or leased in
20 other states. For purposes of this subdivision, the production of a nonfarm
21 product that the Department of Agriculture and Consumer Services
22 recognizes as a "Goodness Grows in North Carolina" product that is
23 produced on a farm subject to a conservation agreement under
24 G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining
25 whether a property is being used for bona fide farm purposes, any of the
26 following shall constitute sufficient evidence that the property is being used
27 for bona fide farm purposes:

- 28 a. A farm sales tax exemption certificate issued by the Department of
29 Revenue.
30 b. A copy of the property tax listing showing that the property is
31 eligible for participation in the present use value program pursuant to
32 G.S. 105-277.3.
33 c. A copy of the farm owner's or operator's Schedule F from the owner's
34 or operator's most recent federal income tax return.
35 d. A forest management plan.



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e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

- (3) The definitions set out in G.S. 106-802 apply to this subdivision. A county may adopt zoning regulations governing swine farms served by animal waste management systems having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater provided that the zoning regulations may not have the effect of excluding swine farms served by an animal waste management system having a design capacity of 600,000 pounds SSLW or greater from the entire zoning jurisdiction."

SECTION 2. G.S. 106-581.1 reads as rewritten:

"§ 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
(2) The planting and production of trees and timber.
(3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
(4) Aquaculture as defined in G.S. 106-758.
(5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
(6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.
(7) A public or private grain warehouse or warehouse operation, where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain."

SECTION 3. This act is effective when it becomes law.