

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40370-MH-16 (01/03)

Short Title: Local Authority/Large-Scale Chicken Farms. (Public)

Sponsors: Representative Blackwell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE COUNTIES AND CITIES WITH LIMITED ZONING AUTHORITY
3 OVER CERTAIN LARGE-SCALE POULTRY FARMS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 160A-360(k) reads as rewritten:

6 "(k) As used in this subsection, "bona fide farm purposes" is as described in
7 G.S. 153A-340. As used in this subsection, "property" means a single tract of property or an
8 identifiable portion of a single tract. Property that is located in the geographic area of a
9 municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt
10 from exercise of the municipality's extraterritorial jurisdiction under this Article. Property that
11 is located in the geographic area of a municipality's extraterritorial jurisdiction and that ceases
12 to be used for bona fide farm purposes or that contains an agricultural operation described by
13 subdivisions (3) and (4) of G.S. 153A-340(b) shall become subject to exercise of the
14 municipality's extraterritorial jurisdiction under this Article. For purposes of complying with 44
15 C.F.R. Part 60, Subpart A, property that is exempt from the exercise of extraterritorial
16 jurisdiction pursuant to this subsection shall be subject to the county's floodplain ordinance or
17 all floodplain regulation provisions of the county's unified development ordinance."

18 **SECTION 2.** G.S. 153A-340 reads as rewritten:

19 "**§ 153A-340. Grant of power.**

20 (a) For the purpose of promoting health, safety, morals, or the general welfare, a county
21 may adopt zoning and development regulation ordinances. These ordinances may be adopted as
22 part of a unified development ordinance or as a separate ordinance. A zoning ordinance may
23 regulate and restrict the height, number of stories and size of buildings and other structures, the
24 percentage of lots that may be occupied, the size of yards, courts and other open spaces, the
25 density of population, and the location and use of buildings, structures, and land for trade,
26 industry, residence, or other purposes. The ordinance may provide density credits or severable
27 development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

28 (b) (1) These regulations may affect property used for bona fide farm purposes only
29 as provided in ~~subdivision (3)~~ subdivisions (3) and (4) of this subsection.
30 This subsection does not limit regulation under this Part with respect to the
31 use of farm property for nonfarm purposes.

32 (2) Except as provided in G.S. 106-743.4 for farms that are subject to a
33 conservation agreement under G.S. 106-743.2, bona fide farm purposes
34 include the production and activities relating or incidental to the production
35 of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy,
36 livestock, poultry, and all other forms of agriculture, as defined in



1 G.S. 106-581.1. For purposes of this subdivision, "when performed on the
2 farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of
3 the county and any other farm owned or leased to or from others by the bona
4 fide farm operator, no matter where located. For purposes of this
5 subdivision, the production of a nonfarm product that the Department of
6 Agriculture and Consumer Services recognizes as a "Goodness Grows in
7 North Carolina" product that is produced on a farm subject to a conservation
8 agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes
9 of determining whether a property is being used for bona fide farm purposes,
10 any of the following shall constitute sufficient evidence that the property is
11 being used for bona fide farm purposes:

- 12 a. A farm sales tax exemption certificate issued by the Department of
13 Revenue.
- 14 b. A copy of the property tax listing showing that the property is
15 eligible for participation in the present use value program pursuant to
16 G.S. 105-277.3.
- 17 c. A copy of the farm owner's or operator's Schedule F from the owner's
18 or operator's most recent federal income tax return.
- 19 d. A forest management plan.
- 20 e. A Farm Identification Number issued by the United States
21 Department of Agriculture Farm Service Agency.

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

29 (4) A county may adopt zoning regulations governing poultry farms with an
30 animal waste management system having a design capacity of 150,000 or
31 more confined poultry, provided that the zoning regulations may not have
32 the effect of excluding poultry farms with an animal waste management
33 system having a design capacity of 150,000 or more confined poultry from
34 the entire zoning jurisdiction.

35"

36 **SECTION 3.** This act becomes effective July 1, 2017, and applies to poultry farms
37 constructed on or after that date.