

Item Title: Text Amendment OA-02-20 to the Wake County Unified Development Ordinance regarding Bona Fide Farm Exemptions

Specific Action Requested:
That the Board of Commissioners:

- 1. Receives all public hearing comments submitted up to August 18, 2020 at 5:00PM**
- 2. Finds that Text Amendment OA-02-20 is consistent with the Wake County Land Use Plan and the Wake County Unified Development Ordinance and is reasonable and in the public interest; and adopts the attached resolution;**

and by a separate motion;

- 3. Adopts the attached resolution to approve the proposed amendment to the Wake County Unified Development Ordinance as presented in Text Amendment OA-02-20.**

Item Summary:

Purpose: State Statute requires the Board of Commissioners approve amendments to the Unified Development Ordinance (UDO).

Background: In accordance with NC General Statute 153A-340(b), bona fide farms are exempt from zoning. Bona fide farms are also exempt from certain stormwater rules, but not all. Current language in UDO Article 1 – *General Provisions*, states and implies, that bona fide farms are exempt from all provisions of the UDO. However, the Wake County UDO is comprised of more than just the zoning code. It includes the County's entire subdivision ordinance, stormwater regulations, and sedimentation and erosion control requirements. As such, the UDO language needs to be revised to clarify that bona-fide farms are only exempt from zoning and certain stormwater regulations, not all development regulations within the UDO.

Planning staff recommends that the Board of Commissioners approve text amendment OA-02-20. The Planning Board recommended by unanimous vote that the Board of Commissioners approve text amendment OA-02-20.

Board Goal: This action is consistent with routine County operations.

Fiscal Impact: This item has no fiscal impact.

Additional Information:

The following is an overview of the UDO changes:

1. Amend UDO Section 1-15 *General Provisions* to clarify which sections in the UDO apply and do not apply to bona fide farms and uses that support a farm.
2. Amend UDO Section 9-12 *Stormwater Management* to clarify which sections of the stormwater management regulations apply and do not apply to bona fide farms and uses that support a farm.
3. Amend UDO Section 19-42 *Review and Approval Procedures* to clarify the process to determine and establish a bona fide farm use.

Staff Findings

The proposed amendment:

- 1) Clarifies exemptions for bona fide farms in accordance with North Carolina General Statutes
- 2) Clarifies exemptions for bona fide farms relative to the County's local stormwater regulations.

Recommendations

PLANNING STAFF: Recommends that the Board of Commissioners approve text amendment OA-02-20 as presented and adopt the Statement finding the proposed text amendment consistent with the Wake County Land Use Plan.

PLANNING BOARD: Recommended at the May 6, 2020 meeting, by a unanimous vote, that the Board of Commissioners approve text amendment OA-02-20.

Attachments:

1. Presentation
2. Staff Report
3. Text Changes
4. Planning Board Minutes
5. Statement of Consistency
6. Resolution