

UDO Amendment OA-02-20 Bona Fide Farm Exemptions

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Purpose

Amend the Wake County Unified Development Ordinance (UDO) to clarify exemptions related to bona fide farms in accordance with North Carolina General Statutes

What is a Bona Fide Farm?

Activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture..
...including agritourism.

Background

- NCGS 153A-340(b) exempts bona fide farms from zoning, not from all local development regulations
- The County's local stormwater regulations exempts certain farm activities
- In 2006, the County combined many of its local ordinances such as zoning, subdivision, stormwater and erosion control into the UDO
- Current language in the UDO exempts bona-fide farms from all the regulations in the UDO
- This exemption language needs to be revised to specify only those sections of the UDO that bona fide farms are exempt

Overview of Text Amendments

- 1) Amend UDO Section 1-15 *General Provisions* to clarify that bona fide farms are exempt from zoning but NOT from the following UDO sections:
 - Subdivision Design and Improvements
 - State Nutrient Management Strategy Rules
 - Erosion and Sedimentation Control (Except Ag. and Forestland Activities)
 - Neuse Riparian Buffers
 - Water and Wastewater Systems
 - Flood Hazard Areas and regulations imposed by the National Flood Insurance Program

Overview of Text Amendments (cont.)

- 2) Amend UDO Section 9-12 *Stormwater Management* to clarify that bona fide farms are exempt from certain local stormwater management regulations
- 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

- 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

A stylized, light blue map of Wake County is centered in the upper half of the slide. The map shows the county's irregular shape with various indentations and protrusions. The text "Public Comment" is overlaid on the map in a large, white, sans-serif font.

Public Comment

Staff Recommendation

That the Board of Commissioners:

- 1) Adopts the drafted statement of consistency with the Land Use Plan and Unified Development Ordinance; and is reasonable and in the public interest
- 2) Approves Ordinance Amendment OA-02-20 as presented

Planning Board Recommendation

That the Board of Commissioners:

- 1) Adopts the drafted statement of consistency with the Land Use Plan and Unified Development Ordinance; and is reasonable and in the public interest
- 2) Approves Ordinance Amendment OA-02-20 as presented

The Planning Board voted unanimously to recommend approval of both motions at their May 6, 2020 meeting

Suggested Board of Commissioners Motion

That the Board of Commissioners:

- 1) Adopts the drafted statement of consistency with the Land Use Plan and Unified Development Ordinance; and is reasonable and in the public interest

and by separate motion

- 2) Approves Ordinance Amendment OA-02-20 as presented

Next Steps

Pursuant to NC Session Law 2020-3, public comment will be received up to August 18, 2020 at 5:00PM at this website

<http://www.wakegov.com/commissioners/Pages/signup.aspx>

The Board will consider action on this item at their next meeting on September 8, 2020 at 5:00PM