

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 626

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

Sponsors: Representative Blackwell.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Agriculture, if favorable, State and Local Government II

April 10, 2017

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,



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

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

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

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

36 ...."

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