

# Pender County Planning and Community Development

## Planning Division

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## **BONA FIDE FARM DETERMINATION**

Bona fide farm purposes must comply with § 153A-340(b)(2) of the North Carolina General Statutes:

Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the **production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture** as defined in G.S. 106-581.1.

Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation.

For purposes of this subdivision, "when performed on the farm" in G.S. 106-581.1(6) shall include the farm **within the jurisdiction of the county** and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located.

For purposes of this subdivision, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, **any of the following** shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

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

For purposes of this section, "**agritourism**" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

A building or structure that is used for **agritourism is a bona fide farm purpose** if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to subsection (a) of this section in effect on the date the property no longer meets the requirements of this subsection.

If the property is located in a flood zone, a flood permit may be required.

<b>SECTION 1: GENERAL INFORMATION</b>			
<b>Applicant's Name:</b>		<b>Owner's Name:</b>	
<b>Applicant's Address:</b>		<b>Owner's Address:</b>	
<b>City, State, &amp; Zip</b>		<b>City, State, &amp; Zip</b>	
<b>Phone Number:</b>		<b>Phone Number:</b>	
<b>Email Address:</b>		<b>Email Address:</b>	
<b>Legal relationship of applicant to land owner:</b>			
<b>SECTION 2: PROJECT INFORMATION</b>			
<b>PIN (Property Id #):</b>		<b>Total property acreage:</b>	
<b>Zoning District:</b>		<b>Flood Zone:</b>	
<b>Directions to Site:</b>			
<b>Farm Name:</b>			
<b>Farm Use:</b> <i>Describe activities to be undertaken at the farm site.</i>		<b>Proposed Improvements to be Undertaken at Site(s):</b> <i>All proposals must be for the specific farm use.</i>	
<b>SECTION 3: CRITERIA FOR FARM EXEMPTION</b>			
<b>Check any that apply</b>	<input type="checkbox"/> Copy of farm sales tax exemption issued by the Department of Revenue <input type="checkbox"/> Copy of property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3 <ul style="list-style-type: none"> <li><input type="radio"/> Agricultural, horticultural, forestland classification OR combination (please circle which is applicable)</li> </ul> <input type="checkbox"/> Copy of the farm owner or operator's Schedule F for most recent federal income tax return <input type="checkbox"/> Copy of forest management plan		
<b>SECTION 5: SIGNATURES</b>			
<i>In signing, the applicant and owner acknowledge that the proposed structure(s) will be used for the specific farm use identified above. All other proposed structures not associated with the specific farm use must comply with all other Pender County Regulations.</i>			
<b>Applicant's Signature:</b>		<b>Date:</b>	
<b>Applicant's Name Printed:</b>		<b>Date:</b>	
<b>Owner's Signature:</b>		<b>Date:</b>	
<b>Owner's Name Printed:</b>		<b>Date:</b>	