

MEMORANDUM

Memorandum to: Carrboro Mayor and Board of Aldermen
From: Mike Brough
Subject: Agricultural Support Uses in Rural Buffer
Date: June 11, 2014

The Board recently discussed the proposed changes to the Joint Planning Area Land Use Plan and Orange County's UDO that would allow additional uses within the Rural Buffer. A concern was expressed that, while the principal justification for the proposed changes is that they would assist existing farms in remaining financially viable by providing a supplemental source of income, the proposed amendments for the most part do not require any linkage between the operation of a farm and the proposed uses. Because the courts have held that zoning regulates uses, not ownership, it is not legally permissible to require that the proposed new uses are permissible only if owned or operated by someone who is also engaged in farming. However, in my judgment, the County could provide that these "agriculture support enterprises" be located on a tract of land that is also operated as a bona fide farm. The proposed amendments include such a limitation with respect to some of the uses (e.g. Community Agricultural Processing Facility, Taxidermy) and the same limitation could be applied to other uses.

The foregoing suggestion would apply to those uses that are not already permissible in the Rural Buffer. Those uses are listed in Table 3, Attachment H to the June 3, 2014 agenda item on this topic (note that all uses listed in Table 2 are also found in Table 3).