

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Current Planning
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278



October 13, 2017

Southeast Property Group LLC
ATTN Kara Brewer
82 Jordan Hills
Chapel Hill, NC 27517

Andy Petesch
Petesch Law
127 W. Hargett Street
Suite 500
Raleigh, NC 27601

In the matter of: COMPLIANCE of Wild Flora Farm with Session Law 2017-108

To Whom It May Concern:

On October 12, 2017 the Orange County Planning Department received a request (Attachment 1) related to the status of a structure on a parcel of property located at 7316 Morrow Mill Road, known both as Wild Flora Farm and the Barn of Chapel Hill, within the Bingham Township of Orange County.

The parcel in question is approximately 21 acres in area, further identified utilizing Orange County Parcel Identification Number (PIN) 9729-50-7168, and is owned by Southeast Property Group LLC (SPG) care off Ms. Kara Brewer.

Specifically the letter requested Orange County Planning staff make a: '*formal determination classifying use of the barn building and structure at Wild Flora Farm for agritourism events as a bona fide farm purpose*' pursuant to NC General Statutes (NCGS) 153(A)-340 (b) (2a).

Pursuant to the aforementioned NCGS, a structure 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.*'. Please also refer to Session Law 2017-108, which became effective on July 12, 2017.

Staff's review of this request shows the following:

1. The request is for a structure located on a parcel of property identified utilizing the Orange County Parcel Identification Number (PIN) of 9729-50-7168 (Attachment 2);

2. The structure is used for weddings, retreats, farm dinners, honey tastings, educational workshops, school field trips, the storage/processing of chestnuts, flowers and honey, and other events held there for its farm and/or rural setting(s) (Attachment(s) 2 and 3);
3. The parcel is owned by SPG.
According to submitted documentation, SPG reports Ms. Kara Brewer as its' sole member and conducts business under the name Wild Flora Farm. (Attachment 4);
4. The State of North Carolina Department of Revenue Registry of Exemption Certificate Numbers shows Kara Brewer/Wild Flora Farm as being a Qualifying Farmer with an Exemption Certificate Number of 718574 (Attachment 5).

Based on this information staff makes the following **Final and Binding Determination**: The structure located on property with PIN 9729-50-7168 is classified as a bona fide farm purpose pursuant to NCGS 153A-340 (b) (2a).

The structure is not subject to the land use regulations as embodied within the Unified Development Ordinance (UDO) adopted by Orange County pursuant of NCGS 153A-340 (a).

Changes in ownership, use, of status of the NC Department of Revenue Exemption Certificate after this issuance of this determination may subject the building or structure applicable land use regulations as contained within the UDO. This constitutes an advisory opinion not subject to appeal to the Board of Adjustment.

As indicated herein there are final and binding determinations appealable to the Board consistent with Section 2.26 of the UDO. Such appeals shall be filed in accordance with Section 2.2 of the UDO within 30 days of the decision on forms provided by the Orange County Planning Director through his designee.

If I can provide further assistance please contact me at (919) 245-2597.

Sincerely,


Michael D. Harvey AICP, CFM, CZO
Current Planning Supervisor
Orange County

CC: Board of County Commissioners
Travis Meryn, Assistant County Manager
Craig Benedict, Planning Director
James Bryan, County's Attorney Office
LeAnn Nease Brown, Attorney
File