

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 440
Senate Finance Committee Substitute Adopted 6/5/03

Short Title: Wentworth Agri. Zoning/Economic Dev. District. (Public)

Sponsors:

Referred to:

March 13, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING AND TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Charter of the Town of Wentworth, being Chapter 76 of the Private Laws of 1798, as amended by S.L. 1997-322, is amended by adding a new section to read:

"Sec. 5.2. Zoning Exemption. Notwithstanding any other provision of law, the Town may not regulate or restrict agricultural land uses under its zoning ordinance. For the purposes of this section, an 'agricultural land use' includes 'agricultural land' as defined in G.S. 105-277.2 and property used for 'bona fide farm purposes' as defined in G.S. 153A-340(b)(2). This exemption does not limit regulation under this section with respect to the use of farm property for nonfarm purposes."

SECTION 1.(b) This section applies only to the Town of Wentworth.

SECTION 2. Article 16 of Chapter 153A of the General Statutes is amended by adding a new Part to read:

"Part 3. Economic Development and Training Districts.

"§ 153A-317.11. Purpose for which districts may be created.

The board of commissioners of any county may define a county economic development and training district, as provided in this Part, to finance, provide, and maintain for the district a skills training center in cooperation with its community college branch in or for the county to prepare residents of the county to perform manufacturing, research and development, and related service and support jobs in the pharmaceutical, biotech, life sciences, chemical, telecommunications, and electronics industries, and allied, ancillary, and subordinate industries, to provide within the district any of the education, training, and related services, facilities, or functions that a county or a city is authorized by general law to provide, finance, or maintain, and to promote

1 economic development in the county. The skills training center and related services
2 shall be financed, provided, or maintained in the district either in addition to or to a
3 greater extent than training facilities and services are financed, provided, or maintained
4 in the entire county.

5 **"§ 153A-317.12. Definition of economic development and training district.**

6 (a) Standards. – The board of commissioners may by resolution establish an
7 economic development and training district for an area or areas of the county that, at the
8 time the resolution is adopted, meet the following standards:

- 9 (1) All of the real property in the district primarily is being used for, or is
10 subject to, a declaration of covenants, conditions, and restrictions that
11 limits its use primarily to biotech processing, chemical manufacturing,
12 pharmaceutical manufacturing, electronics manufacturing,
13 telecommunications manufacturing, and any allied, ancillary, or
14 subordinate uses including, without limitation, any research and
15 development facility, headquarters or office, temporary lodging
16 facility, restaurant, warehouse, or transportation or distribution facility.
- 17 (2) The district includes at least two pharmaceuticals manufacturing or
18 bioprocessing facilities occupying sites in the district containing in the
19 aggregate at least 425 acres owned by publicly held corporations.
- 20 (3) The bioprocessing and pharmaceuticals manufacturing facilities in the
21 district employ in the aggregate at least 1,600 persons.
- 22 (4) The district includes an additional noncontiguous parcel of at least 625
23 acres now or formerly owned by an airport authority and containing an
24 industrial park containing at least 60 acres.
- 25 (5) The district's zoning classifications permit the uses listed in this
26 section.
- 27 (6) All real property in the district is either zoned for or is being used
28 primarily for pharmaceutical, biotech, life sciences, chemical,
29 telecommunications, or electronics manufacturing or processing or
30 allied, ancillary, or subordinate uses.
- 31 (7) The district shall include a skills training center situated on a tract
32 containing not less than eight acres, which facility shall be designed
33 and staffed to provide relevant training to prepare existing or
34 prospective employees of targeted industries for jobs in one or more of
35 the pharmaceutical, biotech, life sciences, chemical,
36 telecommunications, and electronics industries and allied, ancillary, or
37 subordinate industries. The training center shall be completed within a
38 reasonable period after the creation of the district.
- 39 (8) At the date of creation, no part of the district lies within the boundaries
40 of any incorporated city or town.
- 41 (9) There exists a uniform set of covenants, conditions, restrictions, and
42 reservations that applies to all real property in the district other than
43 property owned by the federal, State, or local government.

1 (10) There exists in the district an association of owners and tenants to
2 which owners of real property representing at least fifty percent (50%)
3 of the assessed value of real property in the district belong, which
4 association can make the recommendations provided for in G.S.
5 153A-317.13.

6 (11) A petition requesting creation of the district signed by owners of real
7 property in the district who own real and personal property
8 representing at least fifty percent (50%) of the total assessed value of
9 the real and personal property in the district has been presented to the
10 board of commissioners. In determining the assessed value of real and
11 personal property in the district and the owners of real property, there
12 shall be excluded: (i) real property exempted from taxation and real
13 property classified and excluded from taxation and (ii) the owners of
14 such exempted or classified and excluded property. Assessed value
15 shall mean the most recent values determined by the county for the
16 imposition of taxes on real and personal property.

17 (b) Findings. – The board of commissioners may establish an economic
18 development and training district if, upon the information and evidence it receives, the
19 board determines that:

20 (1) The proposed district meets the standards set forth in subsection (a) of
21 this section;

22 (2) Economic development of the county will be served by providing
23 selected skills training in a facility designed specifically to address the
24 needs of targeted industries such as pharmaceuticals, biotech
25 processing, telecommunications, electronics, and allied, ancillary, or
26 subordinate supplies or services to induce existing industries and
27 targeted industries to improve and expand their facilities and new
28 industries to locate facilities in the district, thereby providing
29 employment opportunities for the residents of the county;

30 (3) It is impossible or impractical to provide training facilities and services
31 on a countywide basis to all existing and future employers in the
32 county to the same extent as such training services are intended to be
33 furnished within the district; and

34 (4) It is economically feasible to provide the proposed training facilities
35 and services in the district without unreasonable or burdensome tax
36 levies.

37 (c) Report. – Before the public hearing required by subsection (d) of this section,
38 the board of commissioners shall cause to be prepared a report containing all of the
39 following:

40 (1) A map of the proposed district showing its proposed boundaries.

41 (2) A statement showing that the proposed district meets the standards set
42 out in subsection (a) of this section.

43 (3) A plan for providing the skills training center and training services to
44 the district.

1 The report shall be available for public inspection in the office of the clerk to the board
2 for at least four weeks before the date of the public hearing.

3 (d) Hearing and Notice. – The board of commissioners shall hold a public
4 hearing before adopting any resolution defining a district under this section. Notice of
5 the hearing shall state the date, hour, and place of the hearing and its subject and shall
6 include a map of the proposed district and a statement that the report required by
7 subsection (c) of this section is available for public inspection in the office of the clerk
8 to the board. The notice shall be published at least once not less than one week before
9 the date of the hearing. In addition, it shall be mailed at least four weeks before the date
10 of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown
11 by the county tax records as of the preceding January 1 (and at the address shown
12 thereon) of all property located within the proposed district. The person designated by
13 the board to mail the notice shall certify to the board that the mailing has been
14 completed, and the certificate shall be conclusive in the absence of fraud.

15 (e) Effective Date. – The resolution creating a district shall take effect at the
16 beginning of a fiscal year commencing after its passage, as determined by the board of
17 commissioners.

18 **"§ 153A-317.13. Advisory committee.**

19 (a) Creation. – The board of commissioners, in the resolution establishing an
20 economic development and training district, shall also provide for an advisory
21 committee for the district. The committee shall consist of five members, serving terms
22 as set forth in the resolution. The resolution shall provide for the appointment or
23 designation of a chair. The board of commissioners shall appoint the members of the
24 advisory committee as provided in this section.

25 (b) Membership. – Three of the five committee members shall represent the
26 association of owners and tenants, as required by G.S. 153A-317.12(a)(10), and two
27 members shall represent the county. Before making the appointments representing the
28 association, the board of commissioners shall request the association ~~of owners and~~
29 ~~tenants~~ to submit a list of persons to be considered for appointment to the committee.
30 The association of owners and tenants shall submit at least two names for each
31 appointment to be made and the board of commissioners shall make the appointments to
32 the committee representing the association from the list of persons submitted to it by the
33 association. Whenever a vacancy occurs on the committee in a position filled by an
34 appointment by the board of commissioners representing the association of owners and
35 tenants, the board, before filling the vacancy, shall request the association to submit the
36 names of at least two persons to be considered for the vacancy, and the board shall fill
37 the vacancy by appointing one of the persons so submitted.

38 (c) Advisory Duties. – Each year, before adopting the budget for the district and
39 levying the tax for the district, the board shall request recommendations from the
40 advisory committee as to the type and level of services, facilities, or functions to be
41 provided for the district for the ensuing years. The board of commissioners shall, to the
42 extent permitted by law, expend the proceeds of any tax levied for the district in the
43 manner recommended by the advisory committee.

44 **"§ 153A-317.14. Extension of economic development and training districts.**

1 (a) Standards. – A board of commissioners may by resolution annex territory to
2 an economic development and training district upon finding that:

- 3 (1) The conditions, covenants, restrictions, and reservations required by
4 G.S. 153A-317.12(a)(1) that apply to all real property in the district,
5 other than property owned by the federal, State, or local government,
6 also apply or will apply to the property, other than property owned by
7 the federal government, to be annexed.
- 8 (2) One hundred percent (100%) of the owners of real property in the area
9 to be annexed have petitioned for annexation.
- 10 (3) The district, following the annexation, will continue to meet the
11 standards set out in G.S. 153A-317.12(a).
- 12 (4) The reasonably anticipated training needs of the existing companies in
13 the area to be annexed and of new companies that may locate within
14 the expanded area can be met by the skills training facility located in
15 the district.
- 16 (5) The area to be annexed is either contiguous to a lot, parcel, or tract of
17 land in the district or at least 500 acres in the aggregate counting all
18 parcels proposed for annexation. A property shall, for purposes of this
19 section, be deemed to be contiguous notwithstanding that it may be
20 separated from other property by a street, road, highway, right-of-way,
21 or easement.
- 22 (6) If any of the area proposed to be annexed to the district is wholly or
23 partially within the extraterritorial jurisdiction of a municipality, then
24 it shall be necessary to first obtain the affirmative vote of a majority of
25 the members of the governing body of the municipality before the area
26 can be annexed.

27 (b) Report. – Before the public hearing required by subsection (c) of this section,
28 the board shall cause to be prepared a report containing all of the following:

- 29 (1) A map of the district and the territory proposed to be annexed showing
30 the present and proposed boundaries of the district.
- 31 (2) A statement that the area to be annexed meets the standards and
32 requirements of subsection (a) of this section.

33 The report shall be available for public inspection in the office of the clerk to the board
34 for at least four weeks before the date of the public hearing.

35 (c) Hearing and Notice. – The board shall hold a public hearing before adopting
36 any resolution extending the boundaries of a district. Notice of the hearing shall state
37 the date, hour, and place of the hearing and its subject and shall include a statement that
38 the report required by subsection (b) of this section is available for inspection in the
39 office of the clerk to the board. The notice shall be published at least once not less than
40 four weeks before the hearing. In addition, the notice shall be mailed at least four weeks
41 before the date of the hearing by any class of U.S. mail which is fully prepaid to the
42 owners as shown by the county tax records as of the preceding January 1 (and at the
43 address shown thereon) of all property located within the area to be annexed. The
44 person designated by the board to mail the notice shall certify to the board that the

1 mailing has been completed, and the certificate shall be conclusive in the absence of
2 fraud.

3 (d) Effective Date. – The resolution extending the boundaries of the district shall
4 take effect at the beginning of a fiscal year commencing after its passage, as determined
5 by the board.

6 **"§ 153A-317.15. Required provision or maintenance of skills training center.**

7 (a) New District. – When a county creates a district, it shall provide, maintain, or
8 let contracts for the skills training center for which the district is being taxed within a
9 reasonable time, not to exceed one year, after the effective date of the creation of the
10 district.

11 (b) Extended District. – When a territory is annexed to a district, the county shall
12 provide, maintain, or let contracts for any necessary additions to the skills training
13 center to provide the same training provided throughout the district to existing and new
14 industries in the area annexed to the district within a reasonable time, not to exceed one
15 year, after the effective date of the annexation.

16 **"§ 153A-317.16. Abolition of economic development and training districts.**

17 A board of county commissioners may by resolution abolish a district upon finding
18 that a petition requesting abolition, signed by at least fifty percent (50%) of the owners
19 of real property in the district who own at least fifty percent (50%) of the real and
20 personal property in the district based upon the most recent valuation thereof, has been
21 submitted to the board and that there is no longer a need for such district. In determining
22 the total real and personal property in the district and the number of owners of real and
23 personal property, there shall be excluded: (i) property exempted from taxation and
24 property classified and excluded from taxation and (ii) the owners of such exempted or
25 classified and excluded property. The board shall hold a public hearing before adopting
26 a resolution abolishing a district. Notice of the hearing shall state the date, hour, and
27 place of the hearing and its subject and shall be published at least once not less than one
28 week before the date of the hearing. The abolition of any district shall take effect at the
29 end of a fiscal year following passage of the resolution, as determined by the board.

30 **"§ 153A-317.17. Taxes authorized; rate limitation.**

31 A county may levy property taxes within an economic development and training
32 district, in addition to those levied throughout the county, in order to finance, provide,
33 or maintain for the district a skills training center provided therein in addition to or to a
34 greater extent than worker training facilities provided for the entire county. In addition,
35 a county may allocate to a district any other revenues whose use is not otherwise
36 restricted by law. The proceeds of taxes within a district may be expended only to pay
37 annual debt service on up to one million two hundred thousand dollars (\$1,200,000) of
38 the capital costs of a skills training center provided for the district and any other
39 services or facilities provided by a county in response to a recommendation of an
40 advisory committee.

41 Property subject to taxation in a newly established district or in an area annexed to
42 an existing district is subject to taxation by the county as of the preceding January 1.

1 Such additional property taxes may not be levied within any district established
2 pursuant to this Article in excess of a rate of eight cents (8¢) on each one hundred
3 dollars (\$100.00) value of property subject to taxation.

4 **"§ 153A-317.18. Annexation by municipality.**

5 No municipality may annex pursuant to Part 2 or Part 3 of Article 4A of Chapter
6 160A of the General Statutes or under any procedure other than Part 1 or Part 4 of that
7 Article any or all of the real property within an economic development and training
8 district established under this Part."

9 **SECTION 3.(a)** If the board of commissioners of Johnston County elects to
10 establish an economic development and training district under Part 3 of Article 16 of
11 Chapter 153A of the General Statutes, as created by this act, the district as initially
12 established shall consist of the following real property owned by Bayer Corporation,
13 Novo Nordisk Pharmaceutical Industries, Inc., Fresenius Kabi Clayton, L.P., and the
14 Johnston County Airport Authority:

- 15 (1) Bayer Corporation. – All of the property shown on those deeds
16 recorded in Book 737, Page 179; Book 737, Page 180; Book 739, Page
17 96; Book 1328, Page 644; and Book 1328, Page 648 in the office of
18 the Register of Deeds of Johnston County.
- 19 (2) Novo Nordisk Pharmaceutical Industries, Inc. – All of the property
20 shown on those certain plats of survey recorded in Plat Book 34, Page
21 279 and Plat Book 46, Page 431 and as shown in that certain deed
22 recorded in Book 1389, Page 114 in the office of the Register of Deeds
23 of Johnston County.
- 24 (3) Fresenius Kabi Clayton, L.P. – All of the property shown on that plat
25 of survey recorded in Plat Book 28, Page 173 in the office of the
26 Register of Deeds of Johnston County.
- 27 (4) Johnston County Airport Authority. – All of that property known as
28 North Aviation Industrial Park described in that certain deed recorded
29 in Book 1433, Page 440 in the office of the Register of Deeds of
30 Johnson County.

31 **SECTION 3.(b)** This section applies only to Johnston County.

32 **SECTION 4.** This act is effective when it becomes law.