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Kim Sandum  
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To: Rockingham County Board of Supervisors  
Re: Agritourism legislation before General Assembly

Date: January 21, 2014

Rockingham County would lose its zoning authority over the use of agriculturally zoned land under three identical agritourism bills now before the General Assembly – HB 71, introduced by Del. Brenda L. Pogge (R-Norge), HB 268 introduced by Del. Robert D. Orrock Sr. (R-Thornburg) and SB 51 introduced by Sen. Richard H. Stuart (R-Montross).

**The Community Alliance for Preservation (CAP) strongly encourages the Rockingham County Board of Supervisors to oppose these bills and preserve its ability to tailor the county's planning and zoning to best meet the needs of the Rockingham farm community.**

The bills define agritourism in terms so broad and vague as to allow nearly any commercial activity on agricultural land, with little connection to that farm's production, and no reflection of potential conflicts with other landowners.

#### **Background**

On Monday, January 20, 2014 the Agriculture subcommittee of the House Committee on Agriculture, Chesapeake and Natural Resources heard both HB 71 and HB 268. HB 71 was rolled into HB 268 with amendments and reported from subcommittee 6-1 with a substitute. **It is expected to be heard in the full Agriculture Committee on Wednesday, January 22.** The substitute language is not yet available, but reports are that the word "substantial impact" has been added throughout the bill. The language with regard to special use and special exception permits now allows the use of said permits when a "substantial impact" is determined. There is no definition of substantial impact.

During the 2013 General Assembly session, Rockingham County Board of Supervisors opposed amendments to the state Right to Farm Act, proposed by Del. Scott Lingamfelter (R-Woodbridge), which would have mandated how local government land use plans and zoning ordinances address agricultural commerce and on-farm commercial sales. The bill failed in the Senate Agricultural, Conservation and Natural Resources Committee, which directed the state Department of Agricultural and Consumer Services (VDACS) to convene an On-Farm Activities Working Group, chaired by Commissioner Matt Lohr.

Rockingham Assistant County Administrator William L. Vaughn was appointed to the working group, which reviewed the proposal now outlined in

the agritourism legislation before the General Assembly. The On-Farm Activities Working Group did not achieve consensus or endorse any recommendation on how best to manage on-farm agricultural sales and activities and specifically did not endorse this legislation.

### **Objections to HB 71, HB 268 and SB 51**

CAP believes local zoning decisions should remain with local elected officials and that local governments can better address farm interests and issues of local concern. These bills to allow any and all commercial activities on farms will not effectively build a strong, thriving local farm economy in Rockingham County.

- The bills are far too vague and too broad and would rob local governments of the ability to tailor farm enterprise programs to local needs.
- One size does not fit all when it comes to farming in Virginia. Farm practices and products vary widely across the state and so should local zoning and farm vitality programs.
- Local governments can best balance farm interests. It takes understanding of the unique character of a county's farm community to determine if a proposed farm event or other activity enhances agricultural viability without negative impacts on neighbors or the community at large.
- Local governments are responsive. Supervisors and city council members represent government at a level closest to the citizens served. If a farm landowner isn't happy with a zoning decision, they can attend local meetings, serve on committees or even run for local office to foster change.
- The state should not trump local priorities. It sends a message that local citizens and their elected officials can't make good decisions. State officials don't like intrusive federal mandates that impact state authority. So they should not turn around and impose their will on our county officials in defining and supporting agriculture.

Thanks for your efforts on this important issue. Please let me know if I can be of assistance.

Kim Sandum  
Executive Director  
Community Alliance for Preservation