

Clarke County Board of Supervisors



Berryville Voting District
J. Michael Hobert – Chair
(540) 955-4141

Buckmarsh Voting District
David S. Weiss – Vice Chair
(540) 955-2151

Russell Voting District
Barbara J. Byrd
(540) 955-1215

White Post Voting District
A.R. Dunning
(540) 837-1719

Millwood Voting District
John R. Staelin
(540) 837-1903

County Administrator
David L. Ash
(540) 955-5175

January 7, 2013

Honorable Joe May
P.O. Box 4104
Leesburg, VA 20176-3014

Honorable J. Randall Minchew
1 East Market Street – Third Floor
Leesburg, VA 20176-3014

Honorable Jill Vogel
117 East Piccadilly Street, Suite 100 B
Winchester, VA 22601

Re: Resolution in Opposition to HB 1430 Amending the Right to Farm Bill

Dear Delegate May, Delegate Minchew, and Senator Vogel,

Enclosed or following please find a resolution adopted today by the Clarke County Board of Supervisors in opposition to HB 1430 which proposes to curtail local zoning authority to regulate commercial activities in agricultural areas.

We are strongly opposed to this legislation and request your active support to ensure its withdrawal or defeat. Our Board is also concerning that any expansion of this nature beyond traditional agricultural protection into unrelated commercial activity will threaten the viability of the Act into the future.

We appreciate your time and attention to this matter.

Sincerely,

Michael Hobert

J. Michael Hobert, Chair

JMH:mmi

Clarke County Board of Supervisors



Berryville Voting District
J. Michael Hobert – Chair
(540) 955-4141

Millwood Voting District
John R. Staelin
(540) 837-1903

White Post Voting District
Bev McKay
(540) 837-1331

Buckmarsh Voting District
David S. Weiss – Vice Chair
(540) 955-2151

Russell Voting District
Barbara J. Byrd
(540) 955-1215

County Administrator
David L. Ash
(540) 955-5175

RESOLUTION EXPRESSING OPPOSITION TO HB1430 2013-01R

Whereas, Clarke County has a well-documented history of vigorously supporting its agricultural industry and the rights of its farming community, and

Whereas, HB 1430, introduced by Del. L. Scott Lingamfelter, proposes to curtail local zoning authority to regulate commercial activities in agricultural areas by extending Virginia Right to Farm Act protections to retail-based activities accessory to agricultural operations that include sale of art, literature, artifacts, furniture, food, beverages, and other items, and

Whereas, HB 1430 would also impose penalties on county elected officials and employees who attempt to enforce local zoning ordinances that may conflict with this proposed regulation by holding such officials personally liable for such enforcement actions, and

Whereas, Code of Virginia regulations currently do not consider such retail-based activities as exclusively agricultural in nature and currently allow local governments to determine their permissible use in agricultural areas in conjunction with zoning and land use powers, and

Whereas, HB 1430 fails to express a compelling public need that would be addressed by permitting this expansion of the Right to Farm Act and also fails to provide clear delineation of how these uses must be related to the agricultural operation in order to achieve the intended protections.

Now therefore be it resolved that the Clarke County Board of Supervisors expresses its unequivocal opposition to HB 1430 on grounds that it represents an unsupported erosion of local zoning authority and lacks clear language and explanation as to its relationship to the preservation of agriculture in the Commonwealth.

Be it further resolved that the Board is concerned that any expansion of the Right to Farm Act beyond traditional agricultural protections and into unrelated commercial activities will threaten the viability and legitimacy of the Act into the future.

Unanimously adopted this 7th day of January 2013.

Attest:

J. Michael Hobert, Chair

www.clarkecounty.gov

101 Chalmers Court, Suite B
Berryville, VA 22611

Telephone: [540] 955-5175