

Resolution in Opposition to HB 1430

WHEREAS, Del. L. Scott Lingamfelter (R-Woodbridge) has introduced HB1430, which proposes to amend the Right to Farm Act, by expanding the definition of agricultural operations to include the commerce of farm-to-business and farm-to-consumer sales; and

WHEREAS, the commerce and sale of certain items, such as art, literature, artifacts, furniture, food, beverages, and other items incidental to the agricultural operation, which constitute less than a majority amount of production or sales, or less than a majority of annual revenues from such sales, are to be included in the definition of the agricultural operation; and

WHEREAS, the proposed amendments to the Right to Farm Act eliminate local zoning control over agriculture and rural land uses and usurp existing local agricultural and rural zoning ordinances developed in collaboration with diverse stakeholders, including the farming community; and

WHEREAS, localities develop state mandated Comprehensive Land Use Plans, adopted after extensive public input, to provide a foundation for achieving the community's vision and land use goals and to guide the development of land use ordinances and policies; and

WHEREAS, HB 1430 strips from local government, that government closest to the community that it serves, the ability to balance the interests of compatible uses for rural and agricultural lands by invalidating existing land use plans and ordinances developed in close coordination with rural and farm landowners; and

WHEREAS, the proposed legislation threatens sanctions against local governments, its officers and employees for fulfilling constitutional and statutorily-mandated local planning and zoning ordinances; and

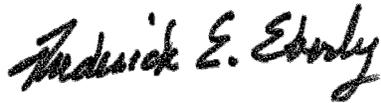
WHEREAS, the provisions of the proposed legislation are intended to be retroactively effective to the original enactment of the Right to Farm Act on July 1, 1981; and

WHEREAS, Rockingham County, the Commonwealth's #1 agricultural county, has a long history of strong support for the local farm economy, through such action as approval of use value taxation of working farm land and open space; special tax treatment of farm machinery, ordinances to bolster on-farm sales, and local and regional sales of farm products; by establishing an Agriculture Advisory Committee to provide counsel to the Board of Supervisors on agricultural matters, and to provide best practice assistance to the farming community; and

other strong land use protections for the “right to farm” by establishing setbacks for new residential development.

NOW, THEREFORE, BE IT RESOLVED, that the Rockingham County Board of Supervisors expresses its strong opposition to HB 1430, and its proposed amendments to the Right to Farm Act, as an intrusion into local land use authority, and the right of each community to develop use regulations to meet the locality’s vision, and further urges the members of the General Assembly to oppose this legislation.

Given under our hand this ninth day of January
in the year two thousand thirteen, A.D.



Frederick E. Eberly, Chairman
Supervisor, District 2



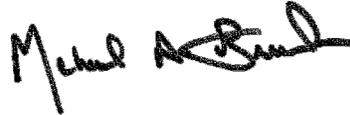
Pablo Cuevas
Supervisor, District 1



Dee E. Floyd
Supervisor, District 3



William B. Kyger, Jr.
Supervisor, District 4



Michael A. Breeden
Supervisor, District 5

Attest:



Joseph S. Paxton, County Administrator