

# County of Shenandoah

## BOARD OF SUPERVISORS

*DISTRICT 1 - DICK NEESE 540.740.3414*  
*DISTRICT 2 - STEVE BAKER 540.477.3550*  
*DISTRICT 3 - DAVID FERGUSON 540.984.8777*  
*DISTRICT 4 - SHARON BARONCELLI 540.331.4492*  
*DISTRICT 5 - DENNIS MORRIS 540.436.9149*  
*DISTRICT 6 - CONRAD HELSLEY 540.481.6167*

600 N. Main Street, Ste 102  
WOODSTOCK, VA 22664



Tel: 540.459.6165 Fax: 540.459.6168  
[www.shenandoahcountyyva.us](http://www.shenandoahcountyyva.us)

## OFFICE OF COUNTY ADMINISTRATION

*DOUGLAS C. WALKER*  
COUNTY ADMINISTRATOR

*MARY T. PRICE*  
ASSISTANT COUNTY ADMINISTRATOR

### ***Shenandoah County Resolution in Opposition to HB 1430***

**Whereas**, Del. L. Scott Lingamfelter (R-Woodbridge) has introduced HB 1430, known as the Right to Farm Act, in the 2013 Session of the Virginia General Assembly; and

**Whereas**, HB 1430, according to the legislative bill summary, "Expands the definition of agricultural operations to include the commerce of farm-to-business and farm-to-consumer sales. The commerce and sale of certain items, such as art, literature, artifacts, furniture, food, beverages, and other items that are incidental to the agricultural operation, and constitute less than a majority amount of production or sales, or less than a majority of annual revenues from such sales, are defined as part of the agricultural operation. The bill gives persons engaged in agricultural operations a cause of action against the county or any official or employee of the county for violations of the Right to Farm Act. Two provisions of the bill are retroactively effective to the original enactment of the Right to Farm Act on July 1, 1981. The first is expansion of the definition of agricultural operation; the second asserts that any ordinance directed at persons, property, or activity on land that is zoned agricultural or silvicultural that seeks to restrict free speech or the right to assembly, among other rights, is null and void;" and

**Whereas**, HB 1430 would eliminate Shenandoah County's local zoning control over agriculture and rural land uses, usurp existing agricultural and rural zoning ordinances developed in cooperation with diverse Shenandoah County stakeholders (including the farm community) to achieve the county's vision and land use goals as outlined in the 2005 and 2010 Comprehensive Land Use Plans, and threatens local government and its employees with legal damages for fulfilling local planning and zoning; and

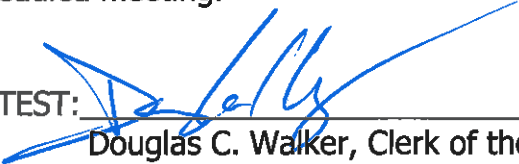
**Whereas**, HB 1430 strips from Shenandoah County the ability to define compatible uses of rural and agricultural lands and would overrule existing land use plans and ordinances developed in close coordination with rural and farm landowners; and

**Whereas**, Shenandoah County has a long history of support for the local farm economy, including use value taxation of working lands, funding of a Purchase of Development Rights program for rural lands, ordinances to bolster on-farm sales and local and regional sales of Shenandoah farm products, a land use planner dedicated to agricultural and rural land use issues, and the election of two working farmers to the Shenandoah County Board of Supervisors;

**THEREFORE, BE IT RESOLVED,** The Shenandoah County Board of Supervisors is opposed to HB 1430 as written and in its entirety.

Adopted on a motion and seconded by Supervisors Ferguson and Neese and a vote of 5-1 at their January 22, 2013 regularly scheduled meeting.

ATTEST:

  
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Douglas C. Walker, Clerk of the Board