

Virginia Association of Soil & Water Conservation Districts
Position Paper on the Right to Farm Law, Agriculture and Forest Districts,
Land Use Taxation and Farmland Protection in Virginia

ISSUE: The Right-to farm law in Virginia, The Virginia Agricultural Vitality Program (VAVP) and the Office of Farmland Preservation are all measures to protect farms and communities from the increasing pressures of suburban sprawl across the Commonwealth. **Agriculture and Forest Districts and Land Use Taxation programs protect current land uses and make agricultural and forestry operations feasible.** These programs establish the framework for a statewide program allowing localities to move forward with the pressing issue of open space preservation, and protecting farms from unreasonable controls that would inhibit their ability to use their property to produce agricultural or silvicultural products.

WHY IMPORTANT: Recent growth in the Commonwealth has reached a point where farmland is now being converted at an unprecedented rate. The Piedmont region, including Virginia, has been identified as the second most threatened farmland region in the United States. Recent national data indicates that the rate of conversion of farmland in Virginia has more than doubled to over 93,000 acres per year from 1992 to 1997. In addition, the Commonwealth lost an average of 26,000 acres of forestland to development annually between 1977 and 1992. This rate of development significantly increases the amount of sediment flowing into Virginia waterways decreasing flow capacity in drainage ways, taking up storage volumes in reservoirs and ruining spawning grounds for marine life.

Agriculture is the primary provider of working landscapes and open space in Virginia. A business environment, which supports the continuation of the agricultural community, is among the best ways to insure the preservation of open space. Therefore, The Virginia Association of Soil and Water Conservation Districts has a strong commitment to support responsible agricultural activities in the Commonwealth. We promote BMPs and stewardship among the farm community and conversely it is necessary to support that same community against actions that may endanger its existence.

RATIONALE:

- The development of suburban land in Virginia has greatly expanded since 1970 as people moved farther away from the cities; and the suburban areas themselves became employment centers. Development has brought with it the infrastructure requirements associated with communities such as more schools; new highways, roads, and transit systems; and sewer connections. This in turn, is consuming more natural habitats, forestland, open space and farmland and destroying scenic landscapes and recreational resources as the cycle repeats itself.
- There has been growing public pressure throughout Virginia to develop programs to preserve open space either by purchase, providing expanded incentives to property owners to donate land or by the acquisition of conservation and other similar types of easements.
- Preserving open space and low density land use options such as farming, provides Virginia with low-cost, low maintenance approaches for meeting water quality management challenges facing Virginia waterways and the Chesapeake Bay while also promoting a more diversified economy.
- Soil erosion rates on construction sites generally range from 10 to 100 tons/acre/ year and more. By way of comparison, this rate is as much as 100 times greater per acre than erosion

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rates on agricultural land and perhaps 2,000 times greater than erosion rates from undisturbed forestland.

- Farming has been and continues to be a vital component of Virginia's economy, both economically and environmentally. Farmers generate \$19.5 billion in agricultural production for the Commonwealth. Farms also provide employment for 235,000 people.
- The Right-to-farm law in Virginia provides valuable protection for agricultural production operations in the Commonwealth. This law, as amended in 1995, strengthens the legal position of farmers when nearby property owners sue them for private nuisance.
- Virginia's Open Space Preservation Act, the Open Space Land Act and the Virginia Land Conservation Foundation laws currently in the Virginia Code provide the legal basis for acquiring and preserving open space in the Commonwealth.
- In 2000, the Virginia General Assembly created the Virginia Agricultural Vitality Program (VAVP) to begin to address the challenging issues of agricultural business profitability, farmland loss and farm and business transfer.
- Modest funding was appropriated in fiscal year 2000 for the Office of Farmland Preservation but no funding was appropriated in the current fiscal year due to budget issues. Even with these challenges, the Office conducted three Virginia Farm Link seminars in 2001; in March, over 100 people attended a daylong seminar in Charlottesville, and in December another 100 farmers attended sessions in Southside and the Shenandoah Valley.
- In 2001, the Virginia General Assembly created the Office of Farmland Preservation within the Virginia Department of Agriculture and Consumer Services (VDACS) on the recommendation of the legislative Farmland Protection Task Force (SJ 134). The Office of Farmland Preservation shall:
 - Develop standards for local purchase of development rights programs;
 - Recommend funding for those programs;
 - Educate the public of the importance of farmland preservation;
 - Provide assistance to farmers on farmland preservation; and
 - Administer the Virginia Farm Link program.
- The 2002 Farm Bill was recently signed into law, but only a handful of Virginia's communities are ready to take advantage of nearly \$1 billion in new funding for farmland protection. The federal Farmland Protection Program offers matching funds to states and localities for the purchase of agricultural conservation easements.

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Policy -

- It is the Policy of the VASWCD to support farmland protection and right to farm
- **It is the Policy of the VASWCD to support Agriculture and Forest Districts and Land Use Taxation programs and encourage their adoption statewide.**
- It is the Policy of the VASWCD to support Virginia's Open Space Preservation Act, Open Space Land Act, & Land Conservation Foundation Laws
- It is the Policy of the VASWCD to support the Virginia Agricultural Vitality Program & funding for its implementation
- It is the Policy of the VASWCD to support the Farmland Protection Program in the 2002 Federal Farm Bill

ADOPTED: December 7, 2004

EXPIRES: December 31, 2007