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SENATE BILL NO. 1052

Senate Amendments in [] — January 22, 2003

A BILL to amend and reenact §§ 3.1-18.4 and 3.1-18.5 of the Code of Virginia, relating to preservation of important farmlands.

Patron Prior to Engrossment—Senator Hanger

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-18.4 and 3.1-18.5 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-18.4. Duties of public agencies generally.

A. The General Assembly finds that farm and forest lands are being converted to nonagricultural use. The loss of this land undermines the Commonwealth's food and forest production capabilities. Agriculture, forestry, and related enterprises comprise a significant segment of the Commonwealth's economy and play a critical role in defining the character of the Commonwealth, and their preservation should be encouraged.

The policies and actions of various state agencies account for a significant portion of farm and forest lands being converted to nonagricultural use. Where possible, state policies and actions should encourage the preservation of farm and forest lands.

B. All agencies of the Commonwealth, in promulgating regulations and undertaking capital projects, shall encourage the preservation of farm and forest lands.

C. *The Commonwealth has adopted the Virginia Agricultural Vitality Program and is promulgating programs and funding to support the Virginia Agricultural Vitality Program, which ensures the long-term retention of the Commonwealth's agricultural industry and prime, unique, and important agricultural soils.*

D. *State agencies and local governments, either or both, with the cooperation of the United States Department of Agriculture, [shall may] designate state and locally important soils, which include prime, unique, and locally important farmland.*

§ 3.1-18.5. Characteristics to be considered in evaluating impacts on farm and forest lands.

A. In preparing environmental impact reports in accordance with § 3.1-18.8, state agencies shall consider the impact of the major state project on all farm and forest lands that:

1. Have soil classified as class 1, 2, 3 or 4;

2. Have an exceptional combination of physical characteristics for the production of food, feed, fiber, forest products, forage, oilseed and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion;

3. Are valuable for production of specific high-value food and fiber crops, such as fruits, vegetables, and nursery crops and have a special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of such crops when treated and managed according to acceptable farming methods;

4. Are of statewide or local importance for the production of food, feed, fiber, forest products, forage or oilseed crops;

5. Have been recognized under a state program such as the Clean Water Farm Award or the Century Farm Program;

6. Are part of an agricultural or forestal district or are participating in a use value assessment and taxation program for real estate devoted to agricultural, horticultural or forest use in accordance with the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1; or

7. Make a significant contribution to the local economy or the rural character of the area in which the land is located.

B. The governing body of each county, city and town, with the cooperation of the United States Department of Agriculture, may designate the important farmlands within its jurisdiction. In designating important farmlands the governing body shall demonstrate that adequate provision has been made for nonagricultural uses within its jurisdiction.

C. *As used in this chapter, "farmland" includes all land defined as follows:*

"Prime farmland" is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, [nursery,] and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage;

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59 *"Unique farmland" is land other than prime farmland that is used for production of specific*
60 *high-value food and fiber crops, as determined by the Secretary. It has the special combination of soil*
61 *quality, location, growing season, and moisture supply needed to economically produce sustained high*
62 *quality or high yields of specific crops when treated and managed according to acceptable farming*
63 *methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables;*
64 *and*
65 *" [Important] Farmland," other than prime or unique farmland, is land that is of statewide or local*
66 *importance for the production of food, feed, fiber, forage, [nursery,] or oilseed crops, as determined*
67 *by the appropriate state agency or local government agency, either or both, and that the Secretary*
68 *determines should be considered as farmland for the purposes of this chapter.*