



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Kevin Schmidt
Director
Office of Policy, Planning and Research

Dr. Jewel Bronaugh
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: July 9, 2019

Subject: Letter of Assurance for Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law, 2 VAC 5-20.

I have reviewed the Board of Agriculture and Consumer Services proposed amendments to the Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law, 2 VAC 5-20. In my view Dr. Bronaugh, in her capacity as the Commissioner of Agriculture and Consumer Services has the authority to prescribe these standards pursuant to § 58.1-3230 of the *Code of Virginia*. The regulations do not appear, on their face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.