

2010 Ohio Farmland Preservation
Policy Priorities
December 10, 2010



AEDE Agricultural, Environmental,
and Development Economics

Ohio State University Extension
Ohio Agricultural Research and Development Center
College of Food, Agricultural, and Environmental Sciences

Compiled by: Center for Farmland Policy Innovation (<http://cffpi.osu.edu>) #2010-7

Purpose and Scope

The 2010 Ohio Farmland Preservation Agenda was developed by a broad range of farmland preservation stakeholders at the 11th annual Ohio Farmland Preservation Summit. The Summit, hosted by the Ohio State University Center for Farmland Policy Innovation and the Ohio Department of Agriculture, is the largest statewide farmland preservation conference in the country, and serves as a forum for policy deliberation and advancement of statewide farmland preservation goals. The 2010 Ohio Farmland Preservation Agenda represents the first comprehensive prioritization of a statewide farmland policy agenda since 1997. As such, this well-informed and timely agenda marks the way forward for farmland preservation in Ohio.

In June of 1997, the bi-partisan Ohio Farmland Preservation Task Force issued an analysis of the most prominent threats to the viability of Ohio farmland, and a commensurate set of state policy recommendations to encourage its successful retention. Commissioned via executive order (96-65V) during the tenure of then-Governor George Voinovich, the Task Force report marks the most recent previous statewide, comprehensive articulation of policy recommendations for farmland preservation efforts. Thirteen years have passed since this report was issued. Many of the priorities have been acted on, the context of Ohio agriculture has changed, and farmland preservation has developed a broader scope, incorporating *farming* protection, farm viability, and various food-related issues.

Farmland protection retains high priority as an issue in the 21st century. Agriculture is still Ohio's largest industry and land use pressures continue to threaten agricultural uses in the vicinity of populated areas. The rising average age of farmers and a worrisome dearth of interested successors raise concern over the fate of the land. Furthermore, many new entrants to agriculture do so at a smaller scale than traditional operations, using innovative value-added or direct sale methods to compensate for smaller outputs. As farming and farmland continue to evolve it is important that the farmland preservation agenda evolves too, in order to maintain the viability, dynamism, and growth of the industry.

To move the work of farmland preservation forward, the planning committee of the 11th Annual Ohio Farmland Preservation Summit compiled a list of ideas for the farmland preservation community to use in developing its next set of *state-level* priorities. These policy suggestions did not represent the policy agendas of any members of the planning committee, but served as a starting point for the farmland preservation community to develop its next set of *state-level* priorities. These policy statements were drawn from the 1997 Ohio Farmland Preservation Task Force report, a presentation at a previous Summit of "Top 10" priorities by Larry Long (executive director, County Commissioner's Association of Ohio), and panelists from the 2010 Ohio Farmland Preservation Summit.

At the 2010 Ohio Farmland Preservation Summit, a broad cross-section of farmland interests participated in an agenda setting session to identify and prioritize this new set of state-level priorities to guide the farmland preservation agenda into the next decade. They identified and rated priorities from six sectors of particular salience to the farmland preservation agenda. These sectors include the following:

1. Land Preservation
2. Planning and Land Use Regulation
3. Farm Viability
4. Economic Development
5. Urban Vitality
6. Building Support

The results of this prioritization, described herein, represent the most recent and relevant recommendations for the advancement of farmland preservation in Ohio.

Process

Recognizing the advances made since the first set of state policy recommendations in 1997 and the shifts in the policy landscape since then, the diverse group of stakeholders at the 2010 Ohio Farmland Preservation Summit voted on a new set of policy suggestions representing a renewed farmland preservation agenda. These stakeholders represented farmland and farming from across Ohio and included farmers, planners, extension agents, land trust advocates, and government officials. At the Summit, these stakeholders voted on priorities using “clickers”, whereby they were able to electronically rate policy suggestions on a five-option likert scale with options ranging from “very high priority” to “not a priority.” Weighted scores were developed for each priority by assigning each rating a numerical equivalent, with “very high priority” receiving a five, “high priority” receiving a four; “medium priority” receiving a three; “low priority” receiving a two; and, “not a priority” receiving a one. For each suggested policy, weighted ratings were summed and then divided by the total number of votes to assign each priority a numerical rating from one to five. Suggested policies were then prioritized by this rating, in descending order from five possible points to one.

For example, the policy suggestion with the highest score (noted below) received 72 votes as a “very high priority.” As the highest option on a five-point scale, these 72 votes were multiplied by 5 for a total of 360 points. The policy suggestion also received 8 votes as a “high priority” and these were multiplied by 4, for a total of 32 points. In descending order, 6 votes for “medium priority” totaled 18 points, 5 votes for “low priority” totaled 10 points, and 3 votes for “not a priority” totaled 3 points. These *points* were then summed for a total of 423, and divided by the overall number of *votes* (94) for a numerical rating of 4.5.

This agenda setting session marks the first participatory effort at policy prioritization at the Ohio Farmland Preservation Summit. It presents an effective and efficient model for future use, verification of progress, and flexibility in response to an evolving policy landscape.

Summit Planning Committee

Office of Farmland Preservation, Ohio Department of Agriculture; Center for Farmland Policy Innovation, Ohio State University (OSU); American Farmland Trust; Western Reserve Land Conservancy; Ohio Farm Bureau Federation; Ohio Federation of Soil and Water Conservation Districts; Ohio Township Trustees Association; County Commissioners Association of Ohio; Countryside Conservancy; Mid-Ohio Regional Planning Commission; Ohio Ecological Food and Farm Association; OSU Extension; OSU Agricultural and Resource Law Program; American Planning Association-Ohio Chapter; and Tecumseh Land Trust.

Priority 1. (Rating – 4.5)

Complete a comprehensive review and revision of Ohio’s planning and zoning laws to address the current conditions and priorities in urban, suburban, exurban and rural farm and farming preservation, agricultural economic development and food system development.

- a. Ohio was an early leader in the enactment of planning and zoning legislation, with township and county zoning established in 1947. Since that time, however, Ohio has not comprehensively updated its planning and zoning laws. An Ohio Land Use Review Committee in 1975 assessed our land use laws and a House Subcommittee on Growth and Land Use in 2004 examined land use in its study of growth and development issues, but neither effort produced legislative revisions. The Ohio Farmland Preservation Task Force identified legislative needs for farmland protection in 1997, but resulted in piecemeal legislative changes. Agriculture has changed significantly since the 1947; so have transportation, retailing, commuter patterns, housing preferences, household size and most day-to-day aspects of Ohioans’ lives. But our planning and zoning laws have not. Ohio should conduct a comprehensive review and revision that, at a minimum, addresses the role of agriculture in Ohio communities, the needs of agricultural operations, the relationship between agriculture and non-agricultural development and opportunities and needs for agricultural economic development.
- b. This review and revision should include modernizing Ohio’s planning statutes to provide more flexible planning and zoning tools at the state, local and regional level and minimize single-jurisdictional planning,

maximize existing investments, and prevent urban sprawl while providing opportunities to preserve the state's precious farmland and natural resources.

- c. Encourage Ohio's cities, villages and townships to coordinate community planning and plan implementation with the state farmland preservation priorities.

Priority 2. (Rating – 4.47)

Provide input in the development of the 2012 Farm Bill.

The 2008 Farm Bill will expire October 1, 2012. Congress authorized unprecedented funding levels for conservation in the 2008 Farm Bill.

Priority 3. (Rating – 4.33)

Promote farmland preservation as an economic development tool as it relates to local foods and local food systems.

- a. Coordinate with the Ohio Food Policy Council to identify ways in which farmland preservation can help develop local food production and distribution, and contribute to a strong local economy, and to ensure that the needs of working lands are addressed in food system development.
- b. Coordinate with and bring together the combined resources of business and agricultural development organizations such as university extension services, chambers of commerce, USDA rural development, and others.

Priority 4. (Rating – 4.32)

Get farming and land use in the K-12 school curriculum.

Ensure that land-use and agriculture are part of the school curriculum in Ohio – in ways that meet state standards and testing criteria and inform the next generation of leaders.

Priority 5. (Rating – 4.177)

Target urban neighborhood redevelopment to create urban centers that the next generation of Ohioans want to call home—walkable streets, dense neighborhoods, playing up desirable quality of life assets to prevent brain drain.

Priority 6. (Rating – 4.172)

Promote alternative energy in a way that is beneficial to farms and farmland.

Ensure that wind turbines are allowable on agricultural land as a way to power the farms and nearby communities while still facilitating production agriculture on the land. Any alternative/renewable energy production should be compatible with agricultural production.

Priority 7. (Rating – 4.05)

More effectively utilize existing infrastructure in urban areas.

At the time of the Task Force, urban sprawl and inner-city decay were very important concerns. The Task Force recommendations related to urban infrastructure, transportation and urban planning all reflect the concerns about these issues at the time. While time and current economic conditions have perhaps changed this dynamic, addressing these issues remains a priority. The Task Force did not intend that ODA take on and spearhead each of the recommendations outlined in the report. On these particular issues, ODOT and Department of Development will have far more influence. The development and adoption of a Farmland Preservation Strategy, if it enjoys the full support of the Administration, would help to facilitate more collaboration on these cross-departmental issues.

Priority 8. (Rating – 4.0)

Reconsider and revise the legal definition of “agriculture” in Ohio laws.

Many Ohio laws and programs contain definitions of “agriculture” or “agricultural production,” such as county and township enabling laws, agricultural easement programs, Current Agricultural Use Valuation, Agricultural District Program, Agricultural Security Areas Program, building code provisions and nuisance laws. The definitions are often a source of conflict, inequity or inconsistent applications by courts and local officials, particularly in reference to unforeseen “new” types of agriculture and activities related to marketing or processing of products and services. Ohio should examine its legal definitions of agriculture and revise the definitions to accommodate new agricultural activities and to ensure consistency, fairness

and validity of purpose. Recent changes were made to the definition of agriculture in the Ohio Revised Code, but these changes were narrow in scope and pertained to certain on-farm bioprocessing facilities.

Priority 9. (Rating – 3.985)

Create a full time position at the Department of Development that will focus exclusively on the development of agriculture and related infrastructure for local markets.

Institutionalize state commitment to the economic development of agriculture beyond bioenergy, bio-products and industrial scale food processing to include and capture a significant portion of the more than \$40 billion per year in non-discretionary consumer spending. The position could be a launching point for the recommendation of the original task force report that called for the creation of a Division of Rural and Agricultural Development.

Priority 10. (Rating – 3.9894)

Workforce development: Support the Vocational Agriculture Programs in Ohio's local schools.

Supporting educational programs in our local schools to encourage students to continue learning about agriculture and the importance of agriculture as an important economic industry in Ohio is needed to continue grooming the younger generation. Due to budget cuts in local schools, Vocational Agriculture is under threat of being taken out of the curriculum.

Priority 11. (Rating – 3.96)

Establish an Ohio Agricultural Mediation Program.

Many threats to Ohio agriculture are not directly land-related. For example, farmers often face issues related to financing, creditor disputes, federal program eligibility, bankruptcy, neighbor conflicts, nuisance claims, environmental regulations and zoning compliance, to name a few. Resolution of these types of problems through litigation can be costly, personal, time-consuming and harmful to a farm's long-term viability. For these reasons, 35 states have established USDA-supported Agricultural Mediation Programs that help conflicted parties negotiate timely, less costly and more workable solutions to agricultural disputes. Ohio should establish an Agricultural Mediation Program and seek USDA certification and matching grants for the program.

Priority 12. (Rating – 3.92)

Change how infrastructure is funded in Ohio in order to support transformative investments tailored to the needs of the local community and region with the best return on investment.

For urban areas, this would mean "fix it first" and in rural areas, it means supporting broad band (and even cell phone tower) infrastructure.

Priority 13. (Rating – 3.89)

Support federal programs and incentives for Farmland preservation.

- a. Make the expanded income tax benefit for conservation easement donation permanent.
- b. Fully fund the Farm and Ranchland Protection Program.
- c. Authorize a "debt for easement" (like FSA's Debt for Nature) program that protects agricultural land for continued agricultural use.
- d. Initiate a Presidential Commission on Working Lands to assess Needs, Demands, Threats and Opportunities.

Priority 14. (Rating – 3.81)

Workforce development: Develop the Ohio Farm Transition Network.

The average age of farmers in the state and nationally, continues to rise. In addition to the land use pressures on agriculture that lead to conversion, the loss of farmland and the real and potential economic, social and environmental benefits from viable farm business across the state, a lack of planning for farm transition is a quiet crisis that will also lead to the loss of farmland and farmers in Ohio. There is a need to support centralized transition assistance to farmers that need farmland, financial, legal and business planning assistance.

Priority 15. (Rating – 3.76)

Develop an Ohio Farmland Preservation Strategy to coordinate the planning and review of all state programs and actions with respect to their impact on farming and farmland conversion.

Make sure that all the state agencies and departments are working in sync and not contributing to the unnecessary or in some cases unwitting conversion of farmland. This should address not only the direct loss of farmland from state actions (for example, land lost to the construction of a new highway interchange) but also the indirect loss of farmland encouraged or accelerated by state action (for example, land now threatened with development as a result of a new highway interchange).

Priority 16. (Rating – 3.71)

Create a plan for the integration of Ohio agriculture and state level policy formation. Such a plan would include: comprehensive assessment of state assets, their potential to affect farming and farmland conversion, and market analysis on the costs of conversion.

In addition to the economic factors that make increased planning and commitment to farmland preservation and local food systems important, the food and agricultural system in the state comprises environmental components of prime and locally significant soils that have formed over thousands of years. It also utilizes and impacts the water resources of local communities. This plan should work to illuminate these hidden costs that are often overlooked in state policy.

Priority 17. (Rating – 3.69)

Collaborate on solutions with USDA NRCS regarding the FRPP program and its details as it relates to Ohio farms to improve its effectiveness.

Determine the balance between solar and wind energy production and preservation without compromising the terms and purposes of the conservation easement.

Priority 17. (Rating – 3.69)

Consider oil and gas exploration, production, and its impact on conservation easements.

Priority 19. (Rating – 3.67)

Offer state matching grants to all counties to prepare community-based farm and farming viability plans to be incorporated into broader community planning (ex. comprehensive plans).

- a. These matching grants would be similar to the Ohio Department of Development's Office of Housing and Community Partnerships (OHCP) matching grants of \$10,000 that were offered to rural counties in June of 1998 for farmland preservation planning. This new matching grant program would differ from the original program by broadening the scope (to include farm and farming viability in addition to farmland preservation) and allow for communities both urban and rural to participate.
- b. Create a state "community-based farm and farming viability" framework to guide the planning process.

Priority 20. (Rating – 3.64)

Incentivize/mandate counties and metro areas to adopt innovative governance and service delivery to both save financial resources and make the state an easier place to do business.

A related recommendation is to re-instate the state and local government commission to study the cost of local governments, recommend and oversee appropriate consolidation activities, focusing on intergovernmental cooperation.

Priority 21. (Rating – 3.63)

Increase and diversify funding for the Agricultural Easement Purchase Program (AEPP).

- a. Increase Current Agricultural Use Valuation (CAUV) recoupment and dedicate the increase funds towards AEPP. This could provide additional revenue targeted at supporting local agricultural easement purchase programs, and the nexus between non-farm development and agricultural land protection, and represents appropriate usage of those funds¹. Also, there is currently no penalty besides recoupment for CAUV recipients who are found to be ineligible. Creating an ineligibility fee could serve as a revenue source for

¹ While these figures are dated, a 2003 study by the Ohio AFT office demonstrated that increasing the period from three to five years would raise an additional \$4.7 to \$7.0 million per year. Increasing the period from three to seven years would raise an additional \$9.4 to \$14.0 million.

farmland preservation while discouraging land speculation. These funds could be used locally and designated for a farmland preservation program.

- b. Explore the use of Installment Purchase Agreements (IPA) (like those used in Pennsylvania and Maryland) that could “stretch” dollars, thereby protecting more farmland. IPAs could spread out payments to AEPP participants to receive semi-annual, tax-exempt interest over a term of years (typically 20 to 30). The principal would be due at the end of the contract term.
- c. Support Clean Ohio’s continuation. Currently, the AEPP can reach fewer than 20 percent of applicants each year and could use additional funding to support the high demand.
- d. Urge the Ohio Public Works Commission to give NRACS clear authority to use Green Space dollars on farmland.

Priority 22. (Rating – 3.62)

Develop and promote a compact demonstrating support for farming and food production.

Develop a compact that reflects the 2010 Ohio Farmland Policy Summit policy priorities that a wide range of social, business, governmental, and non-profit groups can agree on to signify community cohesion on farming and food production issues.

Priority 23. (Rating – 3.57)

Continue to revisit, analyze and improve the state’s agricultural easement programs.

- a. A new state program should be developed to better address the diversity of Ohio’s agriculture by identifying land that is important due to its unique agricultural use and location, and applicants that demonstrate economically, socially, and environmentally viable practices.
- b. The state can encourage the development of strong local programs by shifting management of purchasing easements to the local level. This move would increase the local commitment and build capacity of local programs. Most importantly, this shift addresses local priorities for farmland protection, making an agricultural easement purchase program more locally-relevant.

Priority 24. (Rating – 3.5)

Support the Ohio Balanced Growth Program.

The Ohio Balanced Growth Program (www.balancedgrowth.ohio.gov/) provides a voluntary, long-term planning strategy to address regional issues related to urban sprawl, resource protection (including agricultural resources) and economic development.

Priority 25. (Rating – 3.35)

Authorize the creation of local or regional market-based Transfer of Development Rights (TDR) programs.

This formation involves individuals rather than a public entity but would be administratively recorded and monitored through local government subdivisions. This program is unique in that it “gives value” to properties that are in areas best suited for agricultural production. The TDR program also protects the integrity of the agricultural industry in the area and maintains the rural character of the landscape. The TDR program allows communities to direct development to their less productive soils and retain their higher productive ground for agricultural production, through incentives to both areas of the community.

Priority 26. (Rating – 3.33)

Consider developing a farm viability enhancement program.

States like Maine offer farmers environmental, technical and business planning assistance to expand, upgrade and modernize their existing operations. Incorporate capital assistance for the implementation of the improvements recommended in the viability plan.

Priority 27. (Rating – 3.28)

Examine the feasibility of creating a revolving loan fund or grant option for farmers who donate agricultural easements to the state farmland preservation program.

The grant option would pay less than the 40 percent easement value traditionally received but would offer 30 percent of that value as a grant for new business investment, environmental enhancement, or other options to increase farm viability. By granting a donation to the state, the land owner could receive greater long term tax benefits, fulfill the goal of farmland preservation, and create more wealth and potentially new jobs in the community.