

2011 Clean Ohio AEPP Technical Meeting Notes
Bromfield Building, Auditorium A
Ohio Department of Agriculture
Reynoldsburg, Ohio

October 12, 2011

Notes taken by Amanda Bennett

Note: Many individual opinions are captured by the recorder but do not necessarily reflect the opinions of the entire group.

Attendees: Pat Deering, Larry Frimerman, Jim Spurgat, Dan Jackson, Andy McDowell, Jenny Picciano, Brett Rodstrom, Lisa Schott, Scott Stephens, Nikki Taylor, Renee Winner, and Amanda Wischmeyer

ODA Staff Members: Mike Bailey, Jody Fife, and Amanda Bennett

Mike Bailey opened the meeting by welcoming everyone and doing introductions. In addition to providing an overview of the agenda, he highlighted some statistics about last year's applications and selected farms. He reminded the group about the upcoming Farmland Preservation Summit on November 17, 2011, and announced that the target date for the opening of the 2012 funding round would be in late January.

Amanda Bennett began with a presentation about the 2011 applications. She shared that 190 applications were received. During her review of the completed application, she found the major problem areas to be accuracy in inputting Auditor's records numbers, multi-county calculations, and the attachments. Specifically, the office had to go back to local sponsors most often on documentation of Ag District enrollment, CAUV enrollment, and Resolutions from Counties or Townships.

By the end of the review and scoring process, 2 applications were disqualified for missing information and/or CAUV enrollment.

Amanda then shared a few tips for completing a successful application:

- Planning and preparing to obtain documentation before the close of the application deadline, most notably with Ag District/CAUV enrollment and local government Resolutions.
- Ensuring that the contact information is correct and complete.
- Regarding Tier II, contact the office for examples from past applications, and visit the website for the Advisory Board Scoring Guide and Advisory Board meeting minutes.
- For clarity, include a legend with attached maps, as well as labeling distances and type of item you are highlighting.

Amanda then began walking through the online application step by step and comments from the Technical Committee are as follows:

Guidelines and Policies

Amanda mentioned that the Clear Title Fast Track section is not applicable for the 2012 funding round.

Regarding Quadrants:

How are these quadrants determined and can they be changed? It seems as though a county like Erie is included in its quadrant for no reason, and being a part of that particular quadrant makes it difficult to compete. A similar comment about difficulty competing in its quadrant was made about Delaware County.

Jody provided some historical notes about the quadrants, including that the current map (which has been in place for the last few years), was modeled after a quadrant map produced by the County Commissioners Association of Ohio. In the past, local sponsors have requested that they know what the map is prior to the opening of the application period.

A suggestion was made that perhaps historical submission of applications could be used to determine quadrants in the upcoming funding round.

Jody included that there does not have to be only four quadrants, and that if anyone has any suggestions on existing maps or methods that may be useful, to please send those suggestions to the office.

Step 1 Amanda read a comment submitted by email asking why the landowner's information is requested in this step if also provided in Step 6. Amanda explained that sometimes the main landowner contact may not be the landowner (as in the case of a daughter or son applying for their parent(s), for example).

It was asked if the address and phone number in this step should be the landowner's, and Jody explained that the office considers this step to be the place the landowner wants mail to go relating to the application (Notice of Selection, etc.).

Step 5C In a comment submitted by email, a local sponsor expressed that the current setup of the question can be confusing because sometimes properties without a homestead will not have a physical address, and that perhaps it would be more straightforward to use landowner name/Farm ID to list additional applications.

Other individuals present felt that the current setup (by acreage of other applications) was easier to complete than using FarmID.

Amanda also commented that the current setup of 5C was helpful last year, allowing the office to cross reference applications by acreage.

Step 6 There were no comments or recommended changes to the setup of this step of the application, but it was asked if this was the place in the application where the system picks up the landowner's name for the local sponsor farm list. Amanda did not know, but would check. After some discussion, it was the consensus of the group that the farm list information come from this step and that perhaps a note be added to the application stating that the farm list would be populated by the information input into this step.

Step 7 An emailed comment submitted by a local sponsor read to the group: If a property has no physical address would you prefer that we use the auditor's record (0 County Road 54), or a more accurate description (NW corner of CR 54 and CR 38).

After clarification was sought on how the office uses this information, it was commented that it would be best for local sponsors to put in the most descriptive information that is available at the time of application. If the farm is selected, title work and baseline documentation will further describe the farm's address.

Amanda also mentions that it is in this step that a local sponsor selects a "main" county for multi-county applications. The County selected in Step 7 will determine how other questions in the application are answered. Some clarification was sought on how a local sponsor gathers resolutions and completes the application in multi-county applications, and participants were directed to review the Guidelines and Policies for more information on these situations.

Can GPS coordinates be added to this section? Perhaps that will be helpful in baseline preparation, and provide a more accurate description of the location of the farm.

Step 8 Can a note be added to this section that advises local sponsors not to include buildings value in the other columns? It was commented that there are differences in how Auditors display this information, and it would be less confusing if there was a reminder not to include buildings.

Step 10 How are mortgages handled for selected farms?

Other local sponsors and staff explain that a mortgage must be subordinated to the Agricultural Easement, and that it is best to help landowners understand this early, perhaps even notifying the bank of their intention to apply for this program, because there is a learning curve for some banks. It was added that depending on what is still owed on the mortgage, some banks will require that the purchase funds be assigned to them in exchange for the subordination, and landowners need to know this sooner in the process rather than later.

Step 11 Can a note be added to the application, perhaps even earlier than in Step 11, that acreage already under WRP or a Conservation Easement will be excluded from the application?

Questions were raised about entering acreage for other conservation easements. Amanda explains that the FAQ section includes information about Step 11 and how these easements are included/excluded within the application. This prompts further discussion about the FAQ setup:

Can dates of change be added to the FAQs so that local sponsors are aware of changes/clarifications that occur during the application period?

It was also requested that setup of FAQs be changed to allow applicants to view new FAQs separately from older FAQs.

Step 12 Many comments were gathered and shared regarding the 2011 application interpretation of proximity (only acreage within 10,560 feet could be counted for proximity, even if part of the property being submitted in Step 12 fell within the range). Local sponsors shared that this resulted in more applications having to be submitted to gain these points and some felt that the 2011 interpretation was contrary to the intent of the program to build blocks of protected land.

Amanda shared that consideration is already being given to changing the policy for the 2012 funding round and that all acreage of an entry will be allowed for the proximity section. Further discussion needs to be had regarding items like recreational trails, scenic byways, and scenic rivers (due to their irregular shape and length). It was mentioned that even though these properties may be large, a local sponsor would possibly cap out on points in this section anyway.

Step 12B Amanda mentions that the OAC/ORC will need to be reviewed to see if the list of non-easement protected land listed is mentioned specifically.

In pre-submitted comments, some local sponsors felt that military bases and airports were precursors to development and should not be included in the list.

It was suggested that perhaps the office put more definitions into the question (i.e. what is a protected wellhead, where can I find this information) to make it easier to find and list these properties.

What about parks, wildlife areas, etc. that may be closed due to the economy? If they are not technically open to the public at this time, can they still be counted?

Protected wetlands – the method the office used last year to find wetlands (National Wetlands Inventory), did not necessarily mean that those wetlands were “protected.” Should documentation be provided that the wetland is protected?

How should entries be listed when parts of the property are owned by a county, some owned by a municipality, etc.? Can they be listed as one property at its closest point, or must they be broken out by owner? ODA will look into this further.

Step 12D Amanda mentioned that she is aware wording on this question needs to be changed. Under current wording, a farm with 149.20 acres, for example, doesn't fit into any provided category.

Step 13A Constantly running into problems with this and 13B in some counties, as rural access to sewer and water expands. The expansion of these utilities is not always tied to development, but to soils and what is safe/accessible for the community.

This also ties back to the quadrants, as some counties lose points on this section just because the lines run throughout the county, but not necessarily indicates the expansion of development.

Step 13E In pre-meeting comments, a local sponsor explained it was nearly impossible to verify “non farm” homes for this question and that no clear definition was provided for what a “non farm” home is.

There was discussion about how to define farm vs. non farm homes. Some local sponsors utilized Auditor's CAUV records to make this determination.

A comment was made that in a county with many smaller farms, There may be several homes in an area, but all are tied to the farm, not due to development pressure. A distinction should still be made.

One organization verified each home's agricultural status within a half mile perimeter using available records. They commented that they do not agree that mobile homes within a trailer park should individually be counted as "non farm" homes.

Step 14D Is it possible to add options for donating more than 60%?

How can we better compare the results for farmers who wish to see what their results would be by choosing different options on this question (i.e. donating 60% vs. donating 25%)?

Amanda explained that there is a Tier 1 Estimator and a blank Step 19 worksheet available within the application website for these purposes.

Step 14E Shouldn't 2002 be added to the list? The question says "any previous AEPP funding round."

Jody explained that in the past there was discussion about why 2002 may not be on the list, but the office will have to research.

Step 14F Local sponsors shared their appreciation that in 2011 a distinction was made for non-agricultural purposes. This allows landowners to not be penalized for selling/conveying land within the family or for other ag-related purposes.

Step 14G In emailed comments, a local sponsor felt that this question may help new counties in their applications, but could also create agricultural "islands" when these farms come into the program and then aren't large enough to provide relevant proximity points to other farms. Perhaps a graduated scale could be used, either by number of farms or by acreage.

For example:

0 farms funded = 3 points
1-3 farms = 2 points
4-5 farms funded = 1 point

-or-

0 acres funded = 3 points
1-250 acres funded = 2 points
201-500 acres funded = 1 point

Another commenter said that their county had no proximity, and this question helped them. Now, they don't get these points, but they get proximity points.

A comment was made that by using acreage in a potential graduated scale, does that unfairly reward larger farm counties? Perhaps better to change the scale based on number of farms?

Another consideration has to be made that this is currently an auto-fill question, with the local sponsor having no ability to "pick" an option, and therefore the office would have to have all of this information already pre-filled in the application.

- Step 15 Can a note be added to the application explaining which questions in particular a County Planner or Engineer are signing off on? These signatures are difficult to obtain.
- If not necessary (staff will check the law), can the requirement of obtaining the Engineer's signature be removed? This is difficult to obtain and can delay the process of completing the application. It is unfair to their time as the County Engineer.
- Can a local sponsor certify this section? We are the ones gathering this information and documentation to support it.
- Step 15A Why does the question say "within the past seven years"? Where does that come from?
- Keep in mind that very few communities are updating their plans due to economic concerns.
- Can it just say a plan that is current? That could also be subjective.
- This question is not necessarily fair, since comprehensive plans are not law, but just a guiding document and not required.
- Points from this section seem to hurt certain areas that are not financially secure (Southeast Ohio was brought up as an example).
- Step 15D In pre-submitted comments, local sponsors requested that this question be removed or the amounts be reduced due to current economic conditions.
- Participants discussed various ways that they calculate figures for this question – including using a percentage of staff pay and time, educational programs, etc.
- Perhaps the Office of Farmland Preservation should research the points awarded in this section over time...does anyone ever receive the full points? Some local sponsors explain that they do.
- Again, can more definition be given in this area of the application, in regards to what can count?
- Step 16D Can 16D be broader? The scoring guide is very specific on this question and there are other ways the community supports farmland preservation (i.e. SWCD contributions).
- Step 17 This section is currently setup under Federal Guidelines "number of acres available for agricultural use." State Statute says "in ag production." Those are two very different numbers.
- There was a comment that it is best to advise landowners as soon as possible to seek assistance in creating a Conservation Plan – since it can take time and needs to be in place by the time of application in order to maximize points.
- Step 18 Can figures be carried over from the previous year? This step takes so much time to input each year, and figures rarely change.

Step 19 Can the formula for Step 19 and references to where the information comes from within the application be added to this step? This would be helpful when calculating different scenarios for landowners.

Some applicants expressed concern with the site when in Step 19. You are unable to return to any other steps of the application while in this step. Can this be changed?

Additional Comments by partners unable to attend the meeting:

Step 1 Why do you need the landowner's address on step 1? This information is also provided in step 6.

Step 5C This can get to be a bit confusing, because often properties that do not have a homestead have no physical address (0 County Road 54). It seems to me that it would be more straightforward to enter the landowner name and Farm ID for the other application.

Step 7 If a property has no physical address would you prefer that we use the auditor's record (0 County Road 54), or a more accurate description (NW corner of CR 54 and CR 38)?

Step 12 Please consider returning to the prior method of determining proximity (if the any part of the proximity property is within the specified distance, the entire property acreage is used). The change that was made in 2011 made calculations much more difficult (and likely less accurate for local sponsors who are without GIS capability). This change also seemed to run contrary to building corridors of protected land, a stated program priority. From an on-the-ground perspective, it is clear that this change made the program even more geographically exclusive than it already is.

A separate policy ought to be determined on how to properly deal with public recreational trails. Properly awarding points for close proximity to recreational trails is important. Such preservation is complimentary to the Clean Ohio Trails Program and helps to ensure that the viewsheds associated with Clean Ohio Trail funds are preserved, protecting State expenditures. While it may be inappropriate to use acreage for the entire length of a recreational trail, the method that was used in 2011 did not offer enough benefit to landowners within the viewshed of such trails.

I'd like to see this rule eliminated: *Only portions of land within 10,560 feet of the applicant property may receive points.* I believe it was the intent of the program originally to simply look at contiguous acres and if some portion of the land is within the 10,560 ft. then the whole property should count. A block of preserved land is the true point so as long as border to border is within the distance I believe it is consistent with the intent.

Step 12B Airports and military bases tend to precede development and therefore applicants should not receive points for proximity to protected lands for these land uses.

Step 13C This question is inconsistent with OAC section 901-2-01 (DD). ODA defines these as "closest roadway intersection depicted on State Highway Map". Interchanges, as stated in the OAC, refer to roadway intersections that feature a change in grade – as opposed to common intersections, which do not feature a change in grade. The point

system has been designed for the current implementation, so either the scoring methodology or the OAC needs to be revised.

Step 13E I do not support the change that was made in 2011 revising “homes” to “non-farm homes.”

- This information is practically impossible to verify
- No clear definition of a non-farm home has been provided

I think that a better and more transparent indicator may be “homes not located within an existing or pending agricultural easement,” which would exclude farm homes that couldn’t be parceled off to non-farmers.

(In anticipation of the usual conversation about whether this should be measured from perimeter or from the center of the farm). I feel that measuring from the perimeter is appropriate. Regardless of how large a boundary the farm has, measuring from those boundaries evaluates development pressures on the proposed easement area. Though it has been argued that this question puts large farms at a disadvantage, there are other scoring criteria that give preference to large farms (12D, 13D).

Step 13X I strongly recommend adding a section that provides a point bonus to properties that contain riparian frontage along State Scenic Rivers (graduated scoring based on length of riparian frontage). These lands tend to be more desirable for residential development than roadway frontage because of scenic views that they offer. Preservation of such lands would also serve to protect water resources and scenic qualities of some of Ohio’s most beloved boating and fishing areas, which I believe to be highly compatible with the overarching goals of the Clean Ohio program.

Step 14D I would be open to allowing higher than a 60% match, in order to maximize the return on Clean Ohio dollars.

Step 14F I don’t believe that applicants ought to be penalized if they sell land and/or structures within the family and that land and/or structures remain in agriculture. Often older generations will begin selling/gifting land to the next generation while they are still alive. This can be an important component of estate planning, as it can help alleviate the burden of estate taxes. This program is designed to give preference to applicants that have gone through estate planning, so this penalty seems to be inconsistent to me. If the landowner has sold land for development purposes they ought to be more heavily penalized or automatically be ineligible for the program, (and in my opinion this ought to go back at least 10 years).

Step 14G This question may help ODA check off unfunded counties from the state map, but it does not help local communities to begin building viable farmland preservation sites.

For example, Wood County had a 41-acre farm accepted in 2008. Though this farm is not large enough to provide proximity points for neighboring landowners, the county is no longer eligible to receive bonus points. Single protected farms (especially those of small acreage) pose the threat of becoming “agricultural islands” which could cause easement extinguishment.

I propose that ODA implement graduated scoring for this question.

0 farms funded = 3 points

1-3 farms funded = 2 points
4-5 farms funded = 1 point

Or

0 acres funded = 3 points
1 -250 acres funded = 2 points
201 – 500 acres funded = 1 point

Step 14X I'd propose a question that asks whether the landowner has ever received an AEPP grant before. This would help to address concerns that some landowners tend to get a substantial share of the funding available for their county/region over a period of several years. This trend is driven by ODA's definition of a farm and the fact that landowners often own several non-contiguous tracts of land in a relatively small geographic area. At times this trend of one landowner receiving several grants works against public perception of the program by increasing program exclusivity.

Landowner has received an AEPP grant = 0 points
Landowner has never received an AEPP grant = 2 points.

Steps 15A&15B

In lieu of a proper county land use plan, can applicants receive points if their local sponsor has completed strategic farmland preservation planning? Perhaps the applicant could receive 5 points if they are within an identified priority area of an acceptable strategic plan and a full 8 points if the strategic plan is endorsed by the county and/or township.

In light of current economic conditions, such public-private partnerships are highly important. Our organization, and many others in the State, is investing significant resources to helping fill gaps that have emerged for local governments.

Step 15D In light of current economic conditions we may want to consider scaling the values down a bit. My hope would be that local governments that are supportive of AEPP actually pay attention to this in their budgeting. If this is accurate, we may be able to encourage continued farmland preservation expenditures despite belts tightening.

Seems like with the changes from the state to local government budgets it might be interesting to at least discuss this question and whether or not it is relevant. I'm not suggesting it be changed necessarily just throwing it out there that if it is brought up it would be an interesting discussion.

Step 18 I was very pleased that 2011 scoring in this section returned to previous methodology. Please keep this in place. The 2010 implementation of soils scoring (0 points for homesteads) put landowners that live on their farm and have agricultural buildings to support their operation at a disadvantage. Many of these landowners do not even wish to include the homestead in their application, but are forced by program guidelines to do so.

It is particularly unfair to deduct points from a farm with an existing homestead, because those that do not have a homestead are permitted to reserve one for future use. I'd also

note that in either situation the landowner retains the right to build agricultural structures in the future, which may or may not be located within the homestead area (so long as they are situated as to have the least impact on prime and unique soils).

I also noted that according to the 2010 FAQ, areas contained within a farm that already have a permanent conservation easement ought to be counted in the scoring. This means that under the current implementation a landowner is penalized for land that can't be farmed because it is beneath a home, but they do receive points for land that can't be farmed because is under a permanent WRP easement! This is especially perplexing because ODA will exclude the WRP ground from the final easement.

- Step 19 It should be noted that ongoing re-evaluation of CAUV values in Ohio will have a significant impact on this calculation (easement values will trend downwards). If the calculation remains the same, this may cause many landowners to choose not to participate in AEPP. Many participating landowners have expressed that the payments they have received are on the low end of what they would accept for extinguishing their development rights.
- Step 20 The local sponsor should be able to certify soils and distances reported in the application. Those of us that have GIS capability are able to accurately calculate these figures in-house. Asking the local governments to re-do all of this information for verification purposes creates an unnecessary burden on our local govt. partners at a time when many are understaffed and stretched exceedingly thin.
- Attachment C Remove the word map. There are several other attachments that require mapping showing the farm boundaries, making it extraneous information.
- Attachment D Remove 13E and "pipelines" from this map. I don't understand why pipelines are included, as they have no bearing on the scoring methodology. We struggle to provide a map that shows all of the requested information without being so busy that it is difficult to read.
- Attachment H2 A statement of the organization's stewardship endowment policy is meaningless unless minimum criteria for stewardship policy and resources are established. Furthermore, governmental sponsors should also be required to show that they have the resources and expertise to monitor and defend the easement.
- Attachment H3 This creates an uneven playing field for NGOs. All parcels designated for agricultural use by the County Planning Commission and meeting program guidelines should be able to apply through the landowner's choice of eligible local sponsor. Political subdivision(s) should not be given the authority to refuse any particular landowner or local sponsor without just cause.
- Other: Please look at awarding points for pieces of farms that already have easements such as GRP. This should be rewarded not penalized.