

2010 Clean Ohio AEPP Technical Meeting Notes  
Bromfield Building, Seminar Room A  
Ohio Department of Agriculture  
Reynoldsburg, Ohio

July 21, 2010

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:** Daniel Barker, Maryanna Biggio, Michele Burns, Lorre Culp, Pat Deering, Julia Cumming, Steve Goodwin, Judy Kocab, Andy McDowell, Krista Magaw, Jenny Picciano, Lisa Schott, Denny Smith, Mark Watkins, and Renee Winner

**ODA Staff Members:** Kristen Jensen, Jody Fife, Cindy Shy, and Amanda Bennett

A pre-meeting presentation was made by Dr. Jill Clark, Director of the Center for Farmland Policy Innovation at The Ohio State University, on the results of the recent AEPP participant survey.

Kristen Jensen opened the meeting by welcoming everyone and doing introductions. After giving an overview of the agenda, she highlighted some areas of the application that were changed for the 2010 funding round as a result of the 2009 Technical Meeting.

Amanda Bennett did a brief overview of the Kaizen Event that took place June 21-25, 2010 and some of the process and policy changes that may take effect for the 2011 funding round. Kristen encouraged attendees to ask questions and share their opinions as the office moves forward on implementing the changes.

Cindy Shy began with a presentation about the 2010 applications. She shared that 203 applications were received. This was the first year that the office worked with ODA's IT Department on the application, and the transition went well. During her review of the completed application, she found the major problem areas to be CAUV values, Homestead soils, and the attachments. The office had to go back to local sponsors for further information or clarification in the following areas:

- Homestead soils (50 applications changed)
- CAUV records (18 applications changed)
- Ag District documentation (12+ missing records)
- Historic designation (3 applications changed)

By the end of the review and scoring process, 13 applications were disqualified for the following reasons:

- 8 were not in an Agricultural District
- 4 were missing signatures (with respect to conservation and regional planning)

- 1 had no township resolution

Cindy noted that preliminary results for 2010 are now on the Farmland Preservation website.

Cindy then shared a few tips for completing a successful application

- Our website has a presentation with tips for successful applications
- Ensuring that the contact information is correct and complete, so that the office can follow up if there is needed information or clarification
- Accuracy in the first steps will help speed the process if the application is successful, and past submitted essays are available to the public by contacting the office
- Regarding Tier II, be sure to answer the question directly
- For clarity, include a legend with attached maps, as well as labeling distances and type of item you are highlighting
- Titling the map and prominently labeling the attachment letter as well as a date of creation and author
- Make sure to label the attachments, and consider inserting a page saying “not applicable” if that is the case
- Make sure to have all required signatures

A comment was made that the online application worked well overall. Someone then asked if there was a timeline yet for the 2011 application period. Cindy answered that the application period has not been determined as of yet, but to expect the application to open early 2011.

A question was asked if the township resolutions can include farms which do not complete the application process. Kristen said this was fine, as long as it included the farm(s) completing the AEPP application.

Someone asked about if farms are listed on the application for proximity points and then drop out? Cindy said that if things change after you submit the application to please let the office know immediately.

Kristen mentioned that while the ODA Director does have the authority to be flexible on getting additional information and clarification on applications, that this year’s activity does not set precedent and the best thing to do is submit a complete and correct application. Thirteen disqualified applications was a record, and the goal is that there will be no disqualified applications next year.

After a short break, Cindy began walking through the online application step by step and comments are as follows:

Step 1            Why can’t things be on one line? Why must the last name be listed first?

It would be helpful to have Step 7 information (applicant farm address) on the first page.

Can't the office or the IT department find a way to save paper? There is a lot of blank space on this and other pages.

Staff reiterated that the office is committed to reducing the amount of paper used throughout the process, and the issue will be looked at again, weighing the importance of reducing paper with the cost of implementation.

A comment was also made that the fields do not allow a person to fully view, copy and paste information (sometimes you will only get part of person's name, etc.) and it would be helpful if you were able to highlight the entire contents of the field and copy/paste it elsewhere.

Step 2      Could Step 1 and Step 2 be put on the same page?

Why can't there be just one line for this information?

Step 3      Why does the entire farm need to be included? Why can't you apply what portion of the farm you want to the application?

There may be more applications if you could apply non-contiguous parcels, but you also get penalized if you divide the land within 3 years of the application.

It would be helpful if there was a program that looks at other kinds of farms.

Step 4      Does this have to be printed for each application or perhaps just once for each local sponsor?

Some local sponsors may want to have this for each individual application, as some have the landowner initial this page.

Step 5C     This question takes too much space, why can't it be on one line?

There are database reasons for having each part be separate (last name, then first name, street address, county, etc.). That is fine, but could it take up less space on the paper by having the fields be right next to one another instead of going down the page?

We know that property owner means parcel owner, and the question references it "Identify the other property(ies) or *parcel(s)* that are applying for the 2010 Funding Round in the space provided." Does the field for Township tell you anything here? Why can't we put in the parcel numbers instead?

Perhaps putting in the Farm ID for the application would be more helpful since there could be many parcel numbers.

Step 6      Can we add the signatures to this page instead of it being a separate step?

Maybe the application could let you know how many signature lines will be needed on the signature page (automatically populate number of signature lines), as a form of a double-check to make sure all landowners sign the application.

Step 7 Combine this with Step 1 so that it is on the first page.

Why does township have to be listed twice? Staff and group explain that some farms are located in more than one township.

Clarification is sought on how many resolutions are needed. It was explained that if the application is being submitted by a Nongovernmental Organization (NGO), a resolution is needed from the NGO's own Board, as well as from each of the farm's Townships and Boards of County Commissioners. On the other hand, if the application is being submitted by a local sponsor that *is* a government entity (such as the County Board of Commissioners, Township or the SWCD), the only resolution that is needed is from that government entity's own Board.

Step 8 One local sponsor said they were discouraged because they had to put in "0" for CAUV because the land had just been purchased and it had been a part of another parcel in the past. There was no CAUV value to go from. What happens in these cases?

Staff explained that something needs to be there, definitely. However, it will be dealt with on a case-by-case basis so that a good estimate can be made, if possible. If an offer ends up being made to the farm, the offer could be reduced if the value is found to be less than estimated. Please contact the office if a CAUV value is not available at the time of application.

Should Ag District be added to this section? Staff says that Ag District is currently addressed in Step 3B and in the attachments.

Step 9 Why is this information needed?

Staff suggests that while it does not provide points, it is good for analysis and it is currently OAC-required.

Why is number of acres needed? This is difficult to calculate and changes all of the time. Could there be check boxes instead?

Not producing good data as it is currently set up.

Step 10 No comments.

Step 11 Add Hyperlink to ODA's Farmstead policy.

- Step 12B The points awarded may be in different amounts than earlier year's applications. Why did this change?
- Step 12C Why was this changed from three miles to two miles (used to be within three miles)? Can this be changed?
- Step 13A Constantly running into problems with this and 13B in some counties, as rural access to sewer and water expands.
- Step 13E Suggest change for this question. Staff should go back and look at original or past wordings of this question to see if a distinction could be made between farm and non-farm homes.
- Step 14F This question penalizes farm families in cases where subsequent generations built their homes on the farm.
- Didn't this question used to distinguish between ag and non-ag use?
- Only penalized for three years. Perhaps this is too long to make someone wait?
- Step 14G Problem with points. Seems backwards, why penalize counties that do well?
- Staff adds that the intention of the incentive is to get new counties involved as AEPP is a statewide program
- A comment was made that this isn't fair to counties that have more productive lands than others.
- 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. Counties that have participated a long time still do well. Newer counties may still not receive funding just because of these points.
- One participant assumed that this question may go away in a few years anyway as more farmland is protected.
- It does seem worded negatively. Staff will look at changing the wording.
- If AEPP is a statewide program, then that should be the precedence for any future FP programs as well.
- Step 15A Can it be worded to say written or revised? Revised should count.
- This wasn't an issue when the program started, most places were just finishing their comprehensive plans because of the new decade.

Points from this section seem to hurt certain areas that are not financially secure (Southeast Ohio was brought up as an example).

Step 15D Local sponsors that work as volunteers miss out on these points.

Does anyone ever receive the full points? An example was brought up of a levy in Licking County that generates over \$1 million/yr.

Step 16 Do we have to have a Tier II? Staff answers that this is a requirement of the ORC.

Could check boxes be added to make this easier?

Staff adds that the Tier II answers and pictures help bring the farm to life, especially since every farm cannot be visited prior to scoring.

Some local sponsors show landowners examples of answers for guidance. Other local sponsors run into landowners that insist on writing the responses themselves in a way that the local sponsor feels does not necessarily capture what has been asked. Staff suggests that local sponsors and landowners can contact the office for past responses as a comparison or to show landowners prior to completing Tier II.

Did Advisory Board like photos? Staff felt that the Board especially likes photos, but cautions that there are rules to submitting photos with Tier II – no text

Step 16D Question about improvements and money/funding for farmland in the landowner's community...some feel this is already being addressed elsewhere in the application.

Step 17 This should be able to be approved by SWCD *or* NRCS not only SWCD.

Local sponsor should be able to input this information and just have a representative sign off on it.

Some local sponsors feel that it is difficult to get time with SWCD or NRCS representatives and would like to minimize their involvement in the application process.

Step 18 Why were homestead soils deducted this year? Staff explained that last year's committee tried to address that because some applications had homestead soils included, others did not.

There seems to be a discrepancy on what a homestead is.

Consensus was that homestead and recreational ponds should not be deducted from this step.

Staff talked about more or less acres being reported in this area than were reflected in the auditor's records.

There should be a tolerance level for acreage differences between auditor, title, soil map, NRCS information. Or, request that the acreage here must match the auditor's records.

Step 19 No comments.

Step 20 Verifying distances with planner was difficult (to get time with them). This planner would not sign off until all of my work was checked for that section. Can't this just be a requirement for semifinalists?

Do all signatures have to be on one page or not? It would be nice to drop off a signature page with one person, then drop a different signature page to another, so that you don't have to drop it off/pick it up, drop it off/pick it up, etc.

Can the names be auto-filled (printed names) from sections where we have already put this information in?

#### Attachment Checklist

Staff shares that members of the Advisory Board have recognized the burden to local sponsors on the multiple attachments required per the OAC. Staff is reviewing what information needs to be attached with the application and what information can be gathered from applicants later.

A general comment is made that it is helpful to staff if local sponsors help direct us during the review process. If something is highlighted on an attachment that is in reference to a part of the application, please "direct us" to that information by writing on the attachment cover sheet, etc.

#B Why does there have to be a separate farm map and aerial map (Attachment D)?

#E Why does it have to be color-coded?

Staff explained that this was a result of OAC, which is being addressed.

#K Some local sponsors felt that they got the run-around in trying to secure this attachment. Is it necessary?

#M Is it necessary? Staff said this is one attachment that is being looked at for elimination in OAC revisions.

#### General Comments

Quadrants – Please keep them the same. Every time it is changed it is hard to explain to people.

I did not like the changes in the multi-county policy. Why can't you choose the county you want to apply under or submit separate applications for each county? Why can't there be an option and the local sponsor can decide whether to submit one or two applications?

### **Additional Comments by partners unable to attend the meeting:**

The online application worked much better than it has in previous years. I know that it was a challenge to move to the in-house IT department, it was well worth it. The applications were scored and ranked quite quickly, especially in light of all the corrections and adjustments that had to be made.

The addition of the FAQ page was a great idea and ought to help with consistency. I would suggest that that it is organized by question number (step) to make the page more navigable.

### **Concerns**

In the past ODA has released scoring as it became available, which added a level of transparency that I really appreciated. This year scoring was withheld until after all funding was committed (as of today, 6/6, our quadrant is closed and we have still not seen scoring). ODA staff has indicated that this was a conscious decision, but has not provided an explanation for this decision. I fail to see how releasing scoring as it becomes available could negatively impact the program in any way.

### **Application Review**

**1** – Why do you need the landowner's address on step 1? This information is also provided in step 6. Also, if ODA intends to call landowners to make offers in the future (I know that we discussed eliminating this step), I would suggest including several spaces for phone numbers to expedite the process (cell phones, work phones, etc.).

**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. I would think that this would also allow your IT department to help staff with identifying conflicts.

**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).

**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.

**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 need to be revised.

**13E** – (*In anticipation of the usual conversation about whether this should be measured from perimeter or from the center of the farm*). I feel that the current scoring is appropriate. Regardless of how large a boundary a farm has, the current method evaluates development pressures on those boundaries. 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).

**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 death 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 heavily penalized or automatically ineligible (and in my opinion this ought to go back at least 10 years).

**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

**15A & 15 B** – 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.

**18** – The new implementation of soils scoring (0 points for homesteads) puts landowners that live on their farm and have agricultural buildings to support their operation at a disadvantage.

Many of these landowners do not 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 note 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.

I propose that rather than using a multiplier of 0, land that lies underneath buildings ought to be taken out of the calculation entirely. That way, the soil score will neither suffer nor receive a bonus for homestead areas. (Obviously, you would want to set a maximum area of say 5 acres)

**Attachment B** – Is this something that ODA is going to use, or was it added to conform to the outdated OAC? If it is the later, this attachment ought to be eliminated to reduce burden on local sponsors.

**Attachment C3** – Please note that many counties do not list Ag District enrollment on property cards and do not keep any real documentation of enrollment to attach to the application. Is it acceptable to attach a certification from the Auditor's office verifying enrollment?

**Attachment E** – Is this something that ODA is going to use (color coding), or was it added to conform to the outdated OAC? If it is the later, this attachment ought to be eliminated.

**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.

**Attachment H(a)** – Should read “organizing documents stating that the organization is organized for any of the following purposes: a) the preservation of land areas for public outdoor recreation or education, or scenic enjoyment; b) The preservation of historically important land areas or structures; or the protection of natural environmental systems.”

This is the requirement in ORC 5301.69 (B) to hold an agricultural easement. Remove reference to “bylaws” because that is not a term used in the Revised Code, for nonprofits, “Regulations” is used ... Plus, corporate purpose may not even be included in the “regulations” but is required in “articles of incorporation.”

**Attachment H(d)** - Governmental sponsors should also be required to show that they have the resources and expertise to monitor and defend the easement.

**Attachment I** – Is this necessary? One would think that because the ASA program is run by the Office of Farmland Preservation you would already have this information.

**Attachment K** – This creates an unnecessary burden on local resources. Because the need for a survey does not preclude a farm from participating, this information ought to be determined after selections have been made. Why review 200+ descriptions statewide if only 30 or so will be accepted?

Furthermore, in most of the counties that I work in the engineer does not review legal descriptions for recording purposes. Instead this is done by the county tax map office, which is under the authority of the County Auditor. In order to conform to program requirements, I had to have the tax map office review the legal descriptions and then send their determination to the engineer for signature.

**Attachment L** – Is this something that ODA is going to use, or was it added to conform to the outdated OAC? If it is the later, this attachment ought to be eliminated to reduce burden on local sponsors.

**Attachment M** – Is this something that ODA is going to use, or was it added to conform to the outdated OAC? If it is the later, this attachment ought to be eliminated to reduce burden on local sponsors. Please note that his information is already provided in step 12C.

**Attachment N** - Please provide guidelines for this attachment. I was very disappointed to hear that some attachments were not distributed to the advisory board and the local sponsors were not even informed until after scoring was completed. There is so little room to answer essay questions that applicants ought to be allowed to include some additional text.