

Clean Ohio Agricultural Easement Purchase Program

2010 Guidelines and Policies

Ohio Department of Agriculture (ODA)

Office of Farmland Preservation

Opening: Tuesday, January 26, 2010

Deadline: Monday, April 26, 2010 at 5 p.m.

The Ohio Department of Agriculture's Office of Farmland Preservation anticipates distributing \$6.25 million in the ninth funding round of the Clean Ohio Agricultural Easement Purchase Program (AEPP). The funds will be used to purchase agricultural easements from Ohio farmland owners. All applications must be received by electronic submission AND hardcopy on or before **5 p.m. on Monday, April 26, 2010**. The hard copy, consisting of a signed printout of the application with required attachments, can be sent by registered or certified mail to the Office of Farmland Preservation by the deadline.

In addition to reading through the following 2010 Guidelines and Policies, please review the following documents and share them with the farmland owner:

- Sample Deed of Agricultural Easement
- Clean Ohio AEPP Brochure and Fact Sheet
- ORC Chapter 901.22 and OAC Chapter 901-2
- Clean Ohio AEPP Application Handbook

2010 Clean Ohio AEPP policies are listed below:

Complete Application – Please note that any application will be deemed as incomplete and ineligible for funding if all required information and attachments are not submitted with the application by the above mentioned deadline.

Farm – Each applicant farm must be a minimum of 40 acres unless the land is located adjacent to property with an agricultural easement. In this case, the land may be a minimum of 25 acres. All contiguous parcels owned by the same legal entity must be submitted as one farm. No contiguous parcels can be withheld from the application.

Eligibility and Scoring Criteria – An application property's enrollment in all eligibility criteria (e.g., "Agricultural District" §929 of Ohio Revised Code, "Current Agricultural Use Valuation (CAUV)" § 5713.30 of Ohio Revised Code) must be in place by the application deadline. Furthermore, an application property's enrollment or designation in all scoring criteria (e.g., "Agricultural Security Area (ASA)" §931 of Ohio Revised Code, ODA Century Farm, Historical Designation) also must be in place and documented by the application deadline.

Farmstead/Homestead Policy – ODA's 2010 AEPP farmstead policy will permit one single-family residence per farm, to serve the needs of the protected farm if no housing currently exists on the farm at the time of application. If housing exists on the property at the time of application, then no additional residences may be built. Any future or existing house on the preserved farm may not be subdivided from the farm.

Large Farm Exception Policy – A large farm exception, if approved by the Director, allows the farmland owner to make a one-time split of the property. The exception can be based on either the farm value or the farm size (descriptions below). Because the Director of ODA, at his discretion, shall determine whether to grant this exception, a letter formally requesting the exception must be written to the Director of ODA and the Executive Director of Farmland Preservation. The letter should indicate which exception is requested, include aerial or topographic maps distinguishing the property, and associated parcel numbers. The Director's approval must be obtained prior to the submission of the application and a copy of such approval shall be submitted with the other required attachments.

- **Large Farm Size Exception:** Farms composed of no less than 400 acres may request the one-time option to split the farm into two parcels of approximately equal size. The landowner can then submit half of the farm as one application or the whole farm as two separate applications. Each application must be full and complete in and of itself. Please keep in mind only one farm per landowner may be funded in a given year.
- **Large Farm Value Exception:** If the applicant farm's points-based appraisal is more than \$1 million, the landowner may request to sell to ODA an agricultural easement on a portion of the farm. Permission must be written, and acquired prior to submission of the application from ODA.

Title and Appraisal Costs – ODA will initiate a title examination and purchase title insurance. If ODA deems necessary, it will have the land appraised. The costs incurred by ODA for these services will be reimbursed to the department by deducting these costs from the agricultural easement purchase payment.

Multi-County Farm – If an applicant farm is located within more than one county, the county in which the majority of the applicant property lies is considered the “primary” county. This primary county will determine how questions are answered within the application. If the farm straddles two counties within two different quadrants, the farm will be considered part of the primary county’s quadrant. Two separate easements will be recorded, one for each portion of the farm in each county. Therefore Two Present Condition Reports and Baseline Documents will be created, one for each county.

The following additional steps for a multi-county farm need to be addressed:

- Resolution(s) must be submitted from an organization or organizations that cover the farm’s entire jurisdictional area.
- The Adjusted Land Value may have two different values for portions of the farm. If this is the case, Step 19 will need to be calculated by hand in order to recognize the different values of the land. A calculation worksheet and example is available online or contact the Ohio Department of Agriculture for assistance.

Funding Caps – The maximum dollar amount per acre is set at \$2,000 and the total dollar amount per farm is set at \$500,000. There is also a \$500,000 limit per county within this round of funding. No individual will be awarded more than one funded property in this ninth round of funding. The Director also reserves the right to adopt additional guidelines according to OAC 901-2-05 (E).

Natural Resources Conservation Service (NRCS) and ODA Cooperation – In order to further extend Clean Ohio funding, ODA reserves the right to submit any Clean Ohio AEPP farm into the Farmland Protection Program through the United States Department of Agriculture, NRCS. Participation and assistance for additional information, etc. about the farm and landowners may be requested in a timely manner. ODA may also seek approval of NRCS on all Deeds of Agricultural Easement receiving federal matching funds.

Regional Balance – Regional Balance, as defined in § 901-2-01 of the Ohio Administrative Code, will again be considered in the evaluation of AEPP applications. For the 2010 funding year, the regional distribution will be the same as the 2009 funding year. Each quadrant will be distributed equal portions of the \$6.25 million, regardless of the amount of applications received from the quadrant or county. See the map below with the delineated quadrants.

