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Agricultural Security Area (ASA) Program

REYNOLDSBURG, Ohio (November 8, 2011) – The Agricultural Security Area (ASA) program provides a legal framework for landowner(s), counties, and townships to preserve farmland for a period of ten years. Revised Code (R.C.) Chapter 931 provides landowners, county commissioners and township trustees to enter into a cooperative agreement affirming each party's intent to protect the ASA from non-agricultural types of development such as residential, commercial or industrial, including the construction of new roads, water and sewer lines.

Requirements:

- The area must consist of at least 500 contiguous acres of farmland.
- The farmland may be in different parcels, but they all must be contiguous.
- The farmland may be owned by one or more landowners, but all must agree to enroll.
- The farmland must be located in an unincorporated area of a township or county.
- The farmland must be enrolled in Agricultural Districts (R.C. Chapter 929).
- The farmland must be enrolled in Current Agricultural Use Valuation (CAUV) (R.C. 5713.30).
- The applicant(s) must not have been found to have violated, in either a criminal or civil case, any environmental laws within the ten years preceding the application.
- The farming conducted must be in accordance with best practices, as certified by the local Natural Resource Conservation Service or Soil and Water Conservation District.

Procedure:

- Obtain an enrollment application from the county auditor's office.
- Complete the application.
- Submit the completed application to each township and county in which the contiguous farmland is located.
- No later than 60 days after receipt of the application, each township and county in which the farmland is located must hold a public hearing on the application. The law allows for the township trustees and county commissioners to hold a joint meeting concerning ASA applications, but does not require joint meetings.
- No later than 45 days after the township hearing, and no later than 60 days after the county commissioner's meeting, each body must either pass a resolution approving or rejecting the ASA. If either body rejects the application, the ASA is not established and there is no right to appeal.

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Protections / Benefits:

- The county/township may not build any new roads or install any new water or sewer lines (with the exception of an order from the Ohio or U.S. Environmental Protection Agency).
- With the agreement of the township trustees and board of county commissioners, the landowners may receive up to 75 percent exemption on the real property taxes for improvements made to the ASA after enrollment (R.C. 5709.28).
- Benefits and protections are afforded to CAUV enrollees and Agricultural District farms, such as tax benefits, utility assessment exemptions and nuisance lawsuit protection.
- Non-agricultural development is prohibited within the ASA for 10 years.

Other Considerations:

- Land within the ASA may be transferred during the 10 years. New landowner(s) may retain the land in the ASA or withdraw it.
- ASA may be renewed for an additional 10 year term.
- New construction within the ASA or the establishment of a non-agricultural business within the ASA needs the approval of both the township trustees and county commissioners.
- There are penalties for withdrawing from an ASA prior to the 10 year term expiring.
- ASA may or may not survive if it falls to less than 500 acres, depending on the circumstance.

Role of the Ohio Office of Farmland Preservation in ASAs:

The role of the Ohio Department of Agriculture Office of Farmland Preservation is to provide guidance and technical assistance to owners of land seeking enrollment in agricultural security areas and to boards of township trustees and boards of county commissioners who receive applications requesting the establishment of agricultural security areas.

For further ASA information, including a copy of the law, ASA application and a sample resolution, visit www.agri.ohio.gov.

