

OHIO FARMLAND PRESERVATION ADVISORY BOARD

MINUTES OF BOARD MEETING

Ohio Department of Agriculture
Reynoldsburg, Ohio

June 18, 2008

Minutes taken by Kristen Jensen

*Disclaimer: Many individual opinions have been captured by the recorder but do not necessarily reflect the opinions of the entire Advisory Board.

Mark Forni, Chairman of the Board, called the meeting to order at 9:45 a.m. in the Conference Room 308 of ODA's Bromfield Administration Building.

Advisory Board members present: Mark Forni, Chair, Jill Clark, Vice-Chair (arrived at 9:55 am), Glenn Myers, John Detrick, Jay Rausch, Doug Givens, Thomas Mazur, Lucille L. Hastings, Harold Wehl, and two new board members Theresa Strickler, representing SE area farmers and Kurt Updegraff representing development interests.

Advisory Board members absent: Brian Williams and Roger Rhonemus, both ahead called and asked to be excused.

ODA Staff members present: Kristen Jensen, Program Manager, Joel O'Connell, Assistant Attorney General, and Jody Fife, Executive Secretary

*Doug O'Brien, Deputy Director introduced himself and on behalf of Director Boggs welcomed and thanked the advisory board for their hard work and dedication to farmland preservation and to the Clean Ohio AEPP program.

*New and old board members introduced themselves. Jody went over the details of how to obtain mileage and passed out forms to fill out if individuals wanted reimbursement.

MOTION: With changes suggested to last meeting's minutes by Doug Givens there was a motion to approve the minutes called by Thomas Mazur, seconded by Doug Givens, and passed by the board.

ORAL VOTE: PASSED

* Long term Subcommittee Report- Jill Clark discussed the report's progress up to its final draft form. The subcommittee took the unofficial but board approved document and its concept out to numerous stakeholders across the state including the Nature Conservancy, Ohio County Commissioners and Ohio Township Associations, Ohio Farm Bureau, planning departments, regional planning commissions, land trusts, SWCDs, and RC&Ds. From these stakeholders' comments, there were some revisions to the two part program. Additions to the guiding principles include: strengthens economic development efforts, encourages preservation of agricultural resources, including soil and water, and utilizes other opportunities to attract other farmland preservation program dollars when available and appropriate. There were also three major changes

to the first, locally driven program. (1) Changes in local match- While getting a local match is difficult to do for some communities it is still a critical component to spreading the program's funds and developing local programs. There may need to be a transition time from no local match required to increasing the local match percentage over a number of years. CAUV recoupment could help. Therefore, places that are receiving more development would have more funds to combat the issues that arise from the development. CAUV recoupment could be extended 3-5 years. (2) Changes in who can participate- eligible partners originally were considered only as counties but that was realized to be too limiting. The committee has recommended that eligible partners open up to multijurisdictional governments/organizations, land trusts, or SWCDs, if they have the support of the counties. (3) Changes to who can hold the easement- originally the partner was considered for holding the easements because they would allow for more flexibility than the current state deed but the holder also has responsibility for the easement and its monitoring. The committee now has put forth opportunities offering ODA alternative options in who can hold an easement, including co-holding the deed with the local government and different enforcement options. The second part of the program encompasses state priorities. The committee recommends that the state develop a plan for what their priorities are, instead of year to year, have a long-range plan that is more consistent and does not dramatically shift priorities within a given year. Alternative funding sources such as FRPP are beneficial for extending program dollars but should only be used when appropriate and not used when it shifts the state's priorities.

Would past deeds change if the new program changes?

Past deeds would not change unless they go through the legal process. An example may be the wind turbines which were more recently explicitly added to the deed language. ODA would look into past recorded easements if brought to its attention.

The board will hold an official vote on this issue next meeting. In the mean time, please contact Jill or other subcommittee members Doug Givens, Lucille Hastings, or Brian Williams for questions, suggestions, or edits to the report and recommendations.

A review of the office's current projects was given by Mark:

*Donation program- Many possible donations are in the works

*2007 Clean Ohio AEPP- Two farms were closed last year and three farms will be closed in the near future which were approved at controlling board on June 16, 2008. With the new federal Farm Bill's passage, the tax benefits of donation have been extended and the FRPP program will include fewer hoops for states to pass through which will most likely save the farmland preservation office time and energy when applying farms to this program.

*2008 Clean Ohio AEPP application and process- Kristen Jensen reviewed the online application process and issues. The application opened on February 25 and stayed open until May 23, open for 88 days. Although a training session was offered a few days into the program's opening, no one took advantage of the opportunity. The application had a technical error; it did not consistently calculate the bonus soils correctly. All applications were recalculated to ensure that they received the proper amount of bonus soil points and total Tier I scores were adjusted if necessary. Most farms with bonus soil adjustments received an extra point and all local sponsors were contacted about any point changes.

Once applications came into the office and were reviewed for completeness, there were a number of issues identified with the applications.

- Some map attachments were incomplete and did not include all the criteria asked for within the rules, like sewer and water lines, which our applicants receive points for distances. ODA has never checked this information for accuracy and instead relies on the local sponsor who signs the application to be honest and accurate in their calculations.
- Some applications did not have all needed signatures (four applications did not have any signatures and therefore can not be ranked)
- One application submitted was from 2007 (because information was different from 2007 to 2008 ODA can not rank this application)
- Some applications printed off only on one half of the page.
- One application did not have auditor record information entered and therefore showed an easement value of \$0. (we were later able to gain this information from the auditor and local sponsor after an error on the county auditor’s website was corrected)
- Many applications did not print out all steps of the application. (we were still able to see these steps filled out online)
- A few applications did not print all bulleted answers to the application (local sponsors filled these answers in manually and initialed their consent)
- One application crossed out the farm ID on the top of the signature page. (We asked that the local sponsor provide written justification of this manual change to make sure that all signees were aware of the application submitted)
- Some applications did not submit all contiguous parcels held by the same legal interest, nor did the applicant apply for a large farm exception. (under our rules, this is permissible although it does not hold the spirit of the expectation)

A total of five applications this year will not be able to be ranked and all local sponsors are aware of those application issues.

*Consideration of “Regional Balance”- The board reviewed the Ohio Administrative Code (OAC). Its states:

901-2-05

(E) For each funding round, the director may adopt some or all of the following guidelines:

(1) A limit on the number of application properties, acres, or dollar amount funded per county;

(2) A limit on the number of application properties per legal entity;

(3) A maximum dollar amount per acre of state matching grant from the fund;

(4) A maximum dollar amount of state matching grant per landowner shall not exceed one million dollars, as required by section 901.22 of the Revised Code.

(5) A consideration of regional balance, as defined by paragraph (BB) in section 901-2-01 of the Administrative Code.

901-2-01

(BB) “Regional Balance” is based upon, but not limited to: 1) the number of applications received from a region in proportion to the total number of applications submitted; and 2) The total amount of funds a region has previously received in proportion to the total amount of funds distributed.

The packet of maps (Exhibit A) was reviewed including; current easements held through this program and the amount of funding each county has received throughout the duration of the Clean

Ohio program thus far. Quadrant maps from 2006 and 2007 were reviewed. Mark and Kristen discussed five different possible scenarios to consider regional balance. Scenario 1, 2, & 3 were based upon quadrants divided according to approximately equal numbers of received applications in three unique configurations, Scenario 4 divided the total number of received applications into three equal portions, and Scenario 5 was based on three natural regions including the lake plains, central plains, and Allegheny plateau.

The board discussed possible justifications for one way of considering regional balance over another. The board expressed many limitations of the program (such as limited funding and comparing counties and regions which farms' physical states are immensely different) and their perceived program priorities (such as spreading pilot funding to as many counties and areas as possible and preserving the "best" vs. "marginal yet productive" farmland).

It was mentioned that usually the "best" farmland is not for sale. The development pressures sometimes are too great and the price is too enticing to farmers who struggle to make a decent income. What if farms were ranked based on score without using quadrants? Perhaps the priorities of regional balance should consider the long-term effects; what will be happening around that protected land in 15 years or so? If the land were protected would it mitigate or hinder certain actions that would otherwise have taken place?

In the end the board wants to be able to have a solid answer to "why" they decided to put forth its recommendation to the Director. Thus far the funding has really gone much further than most people expected seven years ago. ODA has been able to preserve more land by considering regional balance, placing limitations for counties, amount per acre, amounts per farm, and people funded each year. ODA has also extended the dollars by using FRPP money. Are we changing the rules and expectations of the local sponsors each year too much? There have been changes in the criteria and methodology of funding farms slightly from year to year, furthering the programs' dollars and reaching out to additional counties throughout the state. Is this appropriate? Should the program be more consistent? Ideally it should be more consistent, but it is evolving and working to be a more perfected program. Perhaps some counties don't apply because they perceive that their farms do not have a chance to be funded because of the past funding methods. Perhaps some counties push to apply as many applications as possible since funding is based on the number of received applications. Should the board set the way it will consider applications before the application goes out to local sponsors?

In the board's past decisions, have the same types of farms been preserved? Has the distributed funding inadvertently discouraged and/or hindered certain types or locations of farms to be funded or apply? Would there be able to be a limit placed on the number of applications received within each county? According to the rules, Joel O'Connell says this is a consistent option. Each county could get its highest ranking farm funded.

MOTION: To limit each county to receiving only one funded application this year, according to the highest ranking farm. The motion was called by Doug Givens and seconded by Lucille Hastings. Beyond previous discussion points, the downside of this would be that this new limitation would not be expected by local sponsors who applied this year. On the other hand, in order to get buy-in from planners and other groups, it is necessary to spread out the funding to spur new programs and discussion concerning farmland preservation. Currently some areas that do not apply also have no direction in agricultural planning, example: Allen County.

Hand vote: 9-in favor and 1-opposed (John Detrick)
VOTE: PASSED

Since the board has only reviewed the top 20 scoring applications, ODA will go back through the applications and ensure that at least three application narratives are scored for each county. Additional applications will be sent to board members. It was also suggested that more essays be sent to board members ahead of time so they can read and score them in their own time and it would also allow for discussion at the meeting. Next year more applications would need to be scored overall if the same stipulations apply.

If the board is still uncomfortable with the refocus of how regional balance and other limitations are considered from year to year, perhaps a cover page to the application can further clarify and explain the OAC to local sponsors. It could bullet criteria that are not exclusive but some of which may be subject to change. Example: amount that each county could be awarded each year, or per county, or per person.

Board members expressed their appreciation for the scoring guide and have a few edits to make to the document. Board members then began to score applications.

MOTION: To use scenario #1 as outlined by Mark and Kristen concerning quadrants, was made by Doug Givens and seconded by Thomas Mazur.

With the other significant change that was previously passed, it may be better to leave a source of consistency from the past two years. Scenario #1 was created as close to the past two years' quadrants with slight variances due to the number of applications received this year.

ORAL VOTE: PASSED (Theresa Strickler asked the minutes to note her vote of dissent)

There was consideration to map #5 due to it being based on something beyond just the numbers of applications received. Basing regional balance on physical and geological land types could be a better justification. Scenario #5 may just be too subjective in its divisions. Perhaps looking into watersheds or looking for a better map to base geographical decisions would be helpful.

Board members requested that all applications needing to be scored be sent to them ahead of time instead of scoring over half at a set meeting time.

Next meeting date will most likely be August 20 according to board members' availability.

MOTION: Harold Weihl moved to adjourn the meeting and Jill Clark seconded the motion.

ORAL VOTE: PASSED - Meeting closed at 2:00 P.M.

Exhibit A: Map scenarios and information

Mark A. Forni
Advisory Board Chairman, Mark A. Forni

Kristen Jensen
Meeting Secretary, Kristen Jensen