

**OHIO FARMLAND PRESERVATION ADVISORY BOARD  
MINUTES OF BOARD MEETING**

**Winner Farm Harvest Barn  
Degraff, Ohio  
June 3, 2015**

**Minutes taken by Amanda Bennett**

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

**Advisory Board Members present:** John Schlichter, Chair; Brian Williams, Vice-Chair; Alan Anderson; Dean LaRue; Joe Logan; Timothy Lynch; Jay Rausch; Roger Rhonemus; John Watkins; Bill Westbrook.

**ODA Staff Members present:** Denise Franz King, Executive Director, Office of Farmland Preservation (OFP); Timothy Schirmer, Legal Counsel; Amanda Bennett, OFP; Jody Bowen, OFP; Stephanie Estell, OFP; Jake Parkinson, OFP.

**Opening Remarks**

The Meeting was called to order at 10:11 a.m. by John Schlichter, Chair and Deputy Director of the Ohio Department of Agriculture (ODA). John thanked the hosts of the meeting, the Logan County Land Trust, particularly Alan and Renee Winner, for hosting the meeting at their dairy farm, which sits on property protected by the Ohio Department of Agriculture and Logan County Land Trust.

**Approval of November 13, 2014 Advisory Board Minutes**

MOTION: Timothy Lynch moved to approve the November 13, 2014 Advisory Board meeting minutes as presented. Bill Westbrook seconded; Vote 9-0; motion carried.

**Travel Expense Reports**

Jody Bowen reminded Advisory Board members about Travel Expense Reports and explained to attendees that a donation was being collected for lunch.

**Programs Update**

Amanda Bennett provided an update on the OFP's pending easements:

**LAEPP 2013**

- Since last Advisory Board meeting, seven (7) additional Local Agricultural Easement Purchase Program (LAEPP) easements closed and recorded in the following counties: Clark, Greene, Highland (first LAEPP easement in this county and ODA's first with the

Southern Ohio Farmland Preservation Association), Seneca, Montgomery, Mercer, and Knox counties.

- Seven (7) more easements awaiting final documentation in escrow: Licking, Preble, Montgomery, and Butler counties (all funded in conjunction with the Natural Resources Conservation Service (NRCS)).
- 83% of all LAEPP 2013 agricultural easements have completed Purchase Agreements or their Purchase Agreements are in process.

#### LAEPP 2014

- Twelve (12) projects from the 2014 funding year are receiving matching dollars from NRCS' Agricultural Conservation Easement Program (ACEP), representing an additional \$3.3 million in funding.
- The July State Controlling Board will include over 20 Purchase Agreements, including several LAEPP 2014 farms as the Office of Farmland Preservation (OFP) tries to accomplish closing \$5.5 million in agricultural easements by October 2015. Over half (52%) of LAEPP 2014 projects have received Purchase Agreements.

#### Donation Programs

- Still working on the four agricultural easements in Hancock and Wood Counties with West Central Ohio Land Conservancy (WCOLC) as sponsor, as well as on one pending easement in Miami County.

#### **Lessons Learned from LAEPP 2013-2015**

Denise Franz King summarized the last three funding rounds, the first of a decentralized, Local AEPP for the Advisory Board. Highlights included:

- 336 applications received thus far under the Local AEPP. Number has declined compared to similar time period under the statewide AEPP, because landowner applications now only compete within the Local Sponsor's service area as opposed to a larger state quadrant.
- There is a greater percentage of applications funded (35.7%), compared to 13% under the statewide program. Landowner donation percentage has decreased under the Local program, as has the average landowner application score.
- 19,008 acres preserved/pending during 2013-2015 funding rounds, 33 federally funded farms with a potential of 26 funded with NRCS matching dollars (federal funding not yet announced).
- Lessons learned have included stabilizing the funding at \$6.25 million a year, concentrating on increasing Local Sponsor capabilities/capacity rather than the number of total Local Sponsors so that funding is not diluted; working with Local Sponsors to better communicate necessary requirements regarding title searches and source documentation; and the effect of CAUV values on program interest.

- Questions moving forward for the Board to consider: As more Local Sponsors become experienced, should the funding formula for Local Sponsors be adjusted from the current 3-tier formula currently utilized? Should Local Sponsor's track record on closing easements within 18 months be reflected in the funding formula? Should Local Sponsor's history of enforcement problems leading to legal work/court action be taken into account in the funding formula?
- The OFP will focus on growing the capabilities of Local Sponsors to close easements and spend bond funds on time. The OFP recommends a re-evaluation of the LAEPP in 2018.

Discussion: The Board then discussed several topics related to Denise's presentation, including CAUV reassessments and the funding formula for Local Sponsors.

Denise also reminded the Board about this year's Annual Report, recently published.

### **Presentation of Local Sponsor's Highest-Scoring Farms for Easement Purchase**

Denise drew the Board's attention to the presentation and supporting documents describing LAEPP 2015's proposed farms for funding. She thanked OFP's interns for their assistance in preparing the PowerPoint slides showing a photo and description of each property.

Denise highlighted the results of the LAEPP 2015 landowner application round: The top allocations for funding went to Black Swamp Conservancy, Tecumseh Land Trust, and the Madison County Commissioners – all very experienced organizations with highly productive farms. The most applications came from Tecumseh Land Trust. Clinton County Open Lands submitted the farm with the largest amount of acres, and ODA's largest proposed contribution would be on a Fayette County property. The smallest landowner application came from Lake County, on an approximately 12 acre property uniquely situated next to a pending agricultural easement in one of the state's grape growing regions.

### **Board Discussion and Recommendation Regarding Easement Purchases and Madison County Commissioners' Request for an Exception**

The Board discussed conservation practices on landowner applicant farms, including filter strips and sought clarification from Denise on how those are taken into account given current issues such as the algae bloom problem. The Board agreed that standards should be researched and considered in the landowner application.

MOTION: Brian Williams moved that the Ohio Farmland Preservation Board recommend approval of the purchase of easements on farms recommended by Local Sponsors as presented at the June 3, 2015 meeting. Roger Rhonemus seconded; Vote 9-0; motion carried.

John S. and Denise then asked the Board to consider a request by the Madison County Commissioners to allow their localized funding be utilized on more than one farm owned by the same landowner under the LAEPP 2015.

Board Discussion: The Board sought clarification on how development pressure is considered in the landowner application and the development pressure concerns for the applications in question. Dean LaRue said that there needs to be an overwhelming reason to allow exceptions given that the rules for the program are established from the beginning of the funding round. The Board sought input from the Local Sponsor's representative, Julia Cumming. OFP staff explained that similar exceptions were granted for Local Sponsors under the LAEPP 2013 and LAEPP 2014.

MOTION: Alan Anderson moved that the Ohio Farmland Preservation Board recommend the policy that more than one easement may be purchased from the same landowner in a single year when all applicants have one farm funded, and additional easements are purchased in order of scoring (Madison County). Bill Westbrook seconded; Vote 7-2; motion carried.

### **Board Discussion and Recommendations on Application for Certification Process for 2016 and Timeline**

Denise presented to the Board the proposed LAEPP 2016 Application for Local Sponsor Certification. The only edits were to remove two questions – one regarding the Local Sponsor's quadrant area (considered irrelevant now under a localized program). The other question removed asked if the Local Sponsor would specifically encourage applications from areas in which the local governments have committed to preserving farmland. OFP recommended the removal of the question based on everyone answering yes in previous years.

Board Discussion: The Board discussed whether it would still be useful to include the question regarding local government commitment. Although the answer may always be yes, it still serves as a reminder to those Local Sponsors to have those conversations with local governments, especially when encountering counties or townships that may not immediately support the program.

MOTION: Tim Lynch moved that the Ohio Farmland Preservation Board recommend approval of the LAEPP 2016 Application for Local Sponsor Certification with the question about soliciting applications from areas in which the local governments have committed to preserving farmland added back in. Brian Williams seconded; Vote 9-0; motion carried.

### **Board Input on Changes to Ohio Administrative Code Sections**

Tim Schirmer, ODA Legal Counsel, explained to the Board that the Joint Committee on Agency Rule Review (JCARR) periodically revisits all Ohio Administrative Code (OAC) Sections and this year the OAC Sections pertaining to the OFP are being reviewed. Changes have been made to help better reflect current operations and make the Sections more user-friendly.

Board Discussion: The Board inquired about the removal of the regional balance definition. The Board cautioned against dismissing regional balance outright as unnecessary under the Local AEPP given the still under-served areas of the state.

Tim S. said that the Board's input would be considered as reviews continue. Denise added that Local Sponsors will provide further input at the Technical Committee meeting in September 2015.

### **Next Board Meeting**

The next Farmland Preservation Advisory Board meeting was set for Wednesday, November 18, 2015 to be held at the Ohio Department of Agriculture in Reynoldsburg.

### **Other Business**

Dean LaRue shared information provided at a recent meeting hosted by the Mid-Ohio Regional Planning Commission (MORPC). The organization is working on a project called Insight 2050, and they are looking at trends in Central Ohio over the next 30+ years. Various scenarios regarding planning were discussed. Under historical trends, 400+ square miles of land would be developed. With maximum infill of previously developed land, however, that could be cut to just 15 square miles. Brian Williams added that MORPC is looking to reach out to rural communities through Insight 2050, to incorporate more agricultural economic development and farmland preservation into the discussion.

### **Public Comment**

Barbara Baker, Assistant State Conservationist for Natural Resources (Easements) at Ohio NRCS, shared information regarding the application process for the Regional Conservation Partnership Program (RCPP). A webinar will be announced soon. The program does require a local match, but NRCS funds awarded could include technical assistance to pay for staff and other resources.

Chris Collier of Black Swamp Conservancy explained the difficulty his organization had with regard to CAUV values in their service area. It affected their applications greatly, especially in traditionally successful preservation counties. They fear changes may affect other counties of their service area in future funding rounds. His organization recently closed a Local AEPP farm with ODA, and they have concerns regarding the extinguishment section of the Deed of Agricultural Easement not noting the landowner's donation on the agricultural easement. Not including a figure may have an impact on the landowner if they sought an IRS tax deduction for the donated portion of their easement. Also with respect to the recent closing, Chris mentioned that their landowner received multiple tax documents because ODA requires a separate Settlement Statement at closing. Chris asked to consider ways to reduce paperwork involved for landowners. John S. asked Chris to send these concerns to the OFP.

Krista Magaw of Tecumseh Land Trust asked the Board to consider recommending removal of the adjustment for triennial appraisals in the Points-Based Appraisal of the landowner application. Due to the 7% or 15% bumps received by landowners in the formula, some landowners are now experiencing NRCS appraisals that dramatically reduce what the landowner can be offered, sometimes much less than what ODA's Points-Based Appraisal had indicated. She also mentioned that as President of the Coalition of Ohio Land Trusts (COLT), she wanted to share that COLT is working with Nationwide and the Ohio Farm Bureau to organize estate planning workshops in various regions of the state. Finally, she reiterated earlier points made about building Local Sponsor capacity – her organization sees the need for it and wants to help where it can.

John S. asked the host of today's meeting, the Logan County Land Trust, to speak about their organization. Bob Stoll, President of the Logan County Land Trust, welcomed everyone to Logan County, home to the highest point in the state of Ohio. The Land Trust had six of its ten board members present at today's meeting. The Land Trust is an all-volunteer organization, with over 1,000 acres of ODA co-held purchase easements, five donations, and three Agricultural Security Areas.

Bob also mentioned that one of the areas his organization would like to build capacity on is with respect to conservation practices. As a former employee of NRCS, Bob believes that more training should be done to help monitors understand the difference between having a Conservation Plan and following a Conservation Plan.

Renee Winner then spoke on behalf of she and her husband Alan, owners of the property where today's meeting is being held. They have been farming for 33 years, operating a commercial dairy in addition to corn, bean, wheat, and hay production on 3,000+ acres. They have begun succession on their farms, with many of their children now participating in the operation. Not only have Renee and Alan participated in both the Agricultural Easement Purchase Program and Agricultural Easement Donation Program, their children are now applying their own farms to the LAEPP. Alan and Renee began their dairy operation in 1983. Renee explained that after lunch, participants would be invited to tour their farm and robotic milking facilities.

### **Adjournment**

MOTION: Roger Rhonemus moved to adjourn the Board meeting at 11:57 a.m. Tim Lynch seconded; Vote 9-0; motion carried.