

Chapter 12



Ohio Agricultural Landscapes

Above:

(photo: Tony at mi9.com)

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(photo: Matteo Bittanti)

AGRICULTURAL LANDS PROTECTION

Background

What is Agricultural Lands Protection?

There is much debate and discussion about the role of agricultural land in our state, regional, and local economies, and the costs and benefits of its preservation, particularly in communities that are on the edge where rural and urban areas intersect. Of concern is the loss of farmland. According to the USDA's Census of Agriculture, between 2002 and 2007, Ohio lost nearly 343.5 acres of farmland each day (-4% change over the period). During this same period the population grew at just 0.06 percent over the five year period. This high rate of land use turnover, which is inconsistent with the relatively low needs of the population for new housing, leads to inefficiencies of land resource management.

How does Agricultural Lands Protection relate to Balanced Growth?

In recognition of the dual role of the Ohio Balanced Growth Program, which addresses both economic and environmental goals in protecting watersheds in Ohio, it is appropriate for communities to consider the economic benefits of preserving farmland in their areas. The benefits of farmland to the state's economy cannot be overstated, as Ohio's food and agriculture industry annually contributes \$107 billion to Ohio's economy. Additionally, one in seven Ohioans are employed in the sector. The economic benefits of farmland to Ohio's local communities have also been demonstrated through Cost of Community Services studies. These studies have found that, for each

“ Preserving farmland boosts neighboring home prices. A 10% increase in preserved farmland led to a 3%-6% increase in housing prices, according to one Ohio study.”

(Roe, Irwin, and Morrow-Jones, 2004)

\$1 of revenue received from residential properties, local governments spend \$1.16 in providing services to those same lands. For every \$1 of revenue that a community receives from farmland, that same community spends only \$0.32 in providing services to the land. Finally, agricultural land provides indirect economic benefits to the local community. Farmland provides fresh food at a reasonable cost, keeps property taxes down, supports agribusiness, and promotes local tourism.

Watershed planning often includes policies related to the conservation of agricultural land due to the contribution it makes in reducing the quantity of storm water entering local waterways. While the quality of water running off agricultural land must be managed, agricultural land preservation, especially when coupled with stream setbacks and vegetation filters, can also play a major role in water quality control in the Ohio watersheds. Agricultural land preservation plays an additional role in Balanced Growth as part of a balanced comprehensive plan, helping to focus new development on compact growth areas where infrastructure is more easily provided and less costly to expand. Finally, agricultural land preservation can play a role in recharge of groundwater sources, leading to better quality and quantity of drinking water within the watershed.

How does Agricultural Lands Protection work?

In recent years, a variety of tools have become available to assist communities in meeting their goals for agricultural land preservation. The table below outlines a number of tools that are available to landowners; these are the most frequently used in Ohio. Tools for local government, the focus of this document, include agricultural zoning, which addresses land use provisions that help to support agriculture, and transfer of development rights, which is discussed in the chapter for that topic. Further information on other tools such as agricultural easements, and enhanced agricultural economic development support, can be found in the resources list at the end of this section. It should be kept in mind that agricultural zoning is only one of a number of tools that can be used and that the most effective land preservation plans will use several tools working together to achieve preservation goals.

Agricultural zoning is a tool with very specific objectives. It is best used in combination with other tools. Its strengths are that it is inexpensive, flexible, and provides uniform protection to an entire district. The use of agricultural zoning in a community can provide significant weight to consideration of applications for other programs. Agricultural zoning has the potential to reduce conflict through

Between 2002 and 2007:

115,200 acres of agricultural land in Ohio were converted to developed uses - an area nearly equal in size to the city of Columbus.

During the 25 year span from 1982 to 2007, Ohio was second only to Texas in the amount of prime farmland lost to developed uses. Prime farmland is land with the best quality soils and the greatest potential for agricultural uses. 796,000 acres were lost. That is the equivalent in area to Franklin (Columbus), Hamilton (Cincinnati), and Lake Counties combined.

(American Farmland Trust, 2010)

requirements for buffers between agricultural land and notification of right-to-farm laws. It makes a strong community statement about intent to preserve land, and can be used to help implement policies for balanced growth in a comprehensive plan. And it can be used, as in Transfer of Development Rights programs, as an incentive to landowners to increase focus on development in appropriate places. (see the Transfer of Development Rights chapter for more information.)

Agricultural zoning, however, is not a commonly used tool in Ohio. Its greatest drawback is that it can reduce the value of land, which many landowners, particularly those in transition zones at the fringe of urban areas, may find undesirable in the absence of programs which compensate that loss in value. In these locations, landowners have a realistic sense that their property could increase in value with development pressure, and many count on that value for economic stability. In communities with strong farm economies, however, the land is seen as a necessary asset, which could be made less suitable for farm purposes by encroaching development; any reduction in land value is seen as a benefit as it also reduces associated property taxes. These communities often can make good use of agricultural zoning to achieve preservation goals.

Issues

- **Developing Community Support:** Agricultural zoning can only be implemented through the careful development of a strong climate of community support. It is best put in place as a follow-up to a thoroughly discussed comprehensive plan which sets goals for balanced growth, development, and preservation. Ideally, this discussion would take place before development pressure begins to build and would include all key landowners who would be affected by the regulation. A strong community education process, which is ongoing over time, is a critical component of any policies that include agricultural zoning.
- **Identifying Priorities:** A comprehensive plan can similarly identify target areas for primary and secondary efforts for agricultural land preservation. Such a plan can also identify a full range of tools that can be implemented toward farmland and farm economy preservation goals.
- **Purpose of Agricultural Zoning:** Agricultural zoning codes vary widely in their provisions, which can be put in place to protect the landowner, adjacent landowners, and community members. If the entity enacting such an Agricultural Zoning regulation is a county or a township, it should clearly state that the ordinance does not attempt to regulate agricultural purposes and is in accordance with O.R.C. Sections 303.21 or 519.21 as applicable.



Zoning map with Prime Agricultural District, Green Township, Ashland County, Ohio

The traditional zoning method of large lot minimums has historically been an inadequate strategy as a means of discouraging sprawl and development of important agricultural lands.

The following is a list of possible purposes and provisions of an agricultural zoning code:

- Set the minimum size of a farm parcel as of a certain date (size of parcel varies widely from code to code)
 - Limit non-farm uses
 - Give notice of right-to-farm laws
 - Separate agricultural uses from incompatible uses
 - Define different types of agricultural uses
 - Prohibit planting of inappropriate species adjacent to agricultural fields
 - Create setbacks from agricultural property
 - Provide for homestead retention
 - Permit value-added uses, such as in an “agricultural business overlay”
 - Restrict sizes of structures
 - Provide for resource protection in agricultural areas
 - Require conservation plans
- **Other Agricultural Protection Tools:** Other programs that should be evaluated and implemented along with agricultural zoning. These include: purchase or donation of development rights programs at the state, federal and local level; current agricultural use valuation (CAUV), agricultural districts, agricultural service areas, and transfer of development rights (see the Transfer of Development Rights Chapter) . Economic development programs are also beginning to be effective components of a comprehensive agricultural preservation plan. See further information developed by the Center for Farmland Preservation Policy and Innovation (See Resources).



Suburban Cincinnati Encroaches on Farmland in Turtlecreek Twp.
(map: bing)

• As they are often confused, the following table outlines the differences among four of the tools for landowners mentioned*:

Program	Requirements/Size	Process	Length	Taxes/Other Benefits	Penalties
Agricultural Districts	Land or combination of lands must total 10 acres or more to be included in the district, or have generated an average yearly gross income of at least \$2,500 during the past three years.	In unincorporated areas, landowner applies to the county auditor for inclusion in the district. There are additional steps for those within municipalities.	District is in effect for 5 years from date of application	Provides protection against nuisance suits over farm operations, deferment of tax assessments on land to build sewer and water lines, and allows for additional review if land is taken by eminent domain for a public purpose.	Recapture is provided upon conversion of the land to development, if it occurs
Current Agricultural Use Valuation (CAUV)	10 or more acres must be devoted exclusively to commercial agricultural use, or have generated an average yearly gross income of \$2,500 or more.	Landowner applies to the county auditor to be given CAUV status.	As long as land is in agricultural use	Property taxes are based on agricultural value of the land, rather than on full development value, which gives a tax reduction to the owner. Value is based on the soil types on the property.	There is a 3 year recoupment if land is converted to development use
Agricultural Security Area (ASA)	Creates blocks of at least 500 acres of farmland where agriculture is encouraged and protected and may include multiple farmland owners. Farmlands must be enrolled in Agricultural District and CAUV.	Local governments agree to not initiate, approve, or finance development for residential, commercial, or industrial purposes for 10 years while landowners commit to exclusively engage in agricultural activities and related development.	10 years	Landowners may request from the local government a tax exemption on new investments in a building, structure, or fixture used exclusively for agricultural purposes	N/A
Agricultural Easement Purchase Program	Must be a minimum of 40 acres, unless adjacent to another farm, then the minimum is 25 acres. Must be enrolled in CAUV.	A minimum of 25 percent of the points-based appraised value of the agricultural easement must be provided either in cash match by the local sponsor, donation by the landowner, or a combination of donation and cash match. Must have local sponsor to agree to share monitoring and enforcement responsibilities.	Permanent	Land remains in private ownership, continues to produce crops and pays taxes. Easement proceeds are re-invested in local community.	N/A
Farm and Ranch Lands Protection Program	Must be subject to a pending offer or option to purchase. Must contain 50% prime, unique, statewide, or locally important farmland. Must contain cropland, grassland, pasture land, or forest land that contributes to the economic viability of an agricultural operation. Can not include more than two-thirds of forest land in easement.	Arranges Purchase of Development Rights through conservation easements that limit non-agricultural uses on private lands.	Permanent	Maintains land in agricultural production and private ownership with the support of local governments.	N/A

*Note regarding Agricultural Districts: property can also be enrolled in federal programs in order to qualify for Ag Districts and CAUV. Deferred assessments can also include electric service.

Recommendations

- 1. Citizen Participation:** Communities should develop a comprehensive plan through a sound citizen participation process that identifies goals for local economic stability, including the farm-based economy.
- 2. Educating the Public:** The process should include a thorough public education effort about the various conservation and development tools that are available and their pros and cons.
- 3. Application of a Range of Tools:** If goals are set that include farmland preservation, a range of tools should be explored and implemented to achieve those goals. Agricultural zoning should be considered with input from landowners and farmers along with the possibility of using a Transfer of Development Rights. New ideas include the integration of support for the agricultural industry – producers, processors, and retail providers – into an economic development plan. Refer to the Ohio Department of Agriculture and the Ohio State University Center for Farmland Policy and Innovation, both in the resources, for more information.



Ohio Agribusiness
(photo: Ohio's Country Journal)



Farmers share the road with suburbanites
(photo: free-photos.co)

Example Regulations

Included in this section are example agricultural regulations in Ohio from several communities. Further information on these examples may be obtained from the resources listed below. Refer to the Example Regulations Matrix for more information. (<http://balancedgrowth.ohio.gov/BestLocalLandUsePractices/BestLocalLandUsePracticeChapters.aspx#Matrices>)

Darby Township, Union County, Agricultural District http://www.lucplanning.com/Zoning_Codes/ZC_Union/Darby%20Twp%20Zoning%20Resolution.pdf (Copy and paste into your web browser)

Green Township, Ashland County, Prime Farm District (Part 11, Title 5, Ch 1139, Section 1139.01)
<http://www.greentwp.us/pdf/Zoning%20Resolution.pdf>

Harrison Township, Darke County, Agricultural District, Article V Establishment of Zoning Districts <http://whdrane.conwaygreene.com/NXT/gateway.dll?f=templates&fn=default.htm&vid=whdrane:OHHarrison>

Hiram Township, Portage County, Transfer of Development Rights Program
<http://hiramtownship.org/docs/files/zoning/districtregulations.pdf>

Pittsfield Township, Lorain County, Primary Agricultural Use District Regulation <http://www.pittsfieldtwp.us/docs/zoningreslution012004.pdf>
(page 51 of PDF, page 47 of document)

St. Mary's Township, Auglaize County, Agricultural District <http://www2.auglaizecounty.org/files/St.%20Marys%20Township%20Zoning.pdf>

Use of the Guidance and Example Regulations

This example guidance and/or regulations **should never be adopted without careful legal review** to assure that they are adapted to fit the authority and needs of the specific governmental body. They may need to be adapted for use by the specific type of local government and must be independently evaluated against potentially applicable federal or state law. **The law director/ solicitor, county prosecutor or other appropriate qualified legal counsel should always be consulted prior to adoption of any enforceable measures** based upon this guidance document to insure compliance and consistency with any applicable state and federal law, and to consider potential legal ramifications and liability in the implementation of the laws or rules to be adopted. Questions about the models and guidance can be directed to the Ohio Balanced Growth Program.

Resources

Ohio State University Extension, Fact Sheet Series; Tel; TDD No. 800-589-8292 (Ohio only) or 614-292-1868; Web: <http://ohioline.osu.edu>

American Farmland Trust; Tel: 202-331-7300;
Web: <http://www.farmland.org/default.asp>

Ohio Department of Agriculture; Tel: 614-728-6200;
Email: farmlandpres@agri.ohio.gov
<http://www.agri.ohio.gov/>

Ohio Office of Farmland Preservation; Tel: 614-728-6210
<http://www.agri.ohio.gov/divs/farmland/farmland.aspx>

2008 changes to Agricultural Security Areas bill
http://www.agri.ohio.gov/farmland/docs/Admn_Farm_Bill_Analysis.pdf

ASA Fact Sheet
http://www.agri.ohio.gov/farmland/docs/Farm_ASA_FactSheet.pdf

OSU Center for Farmland Policy Innovation
<http://aede.osu.edu/node/1551>

Your Local SWCD Office

Your Local County Planning Commission

Cuyahoga Valley Countryside Conservancy, 330-657-2542
<http://www.cvcountryside.org/>

The Land Trust Alliance <http://www.landtrustalliance.org>



North Union Farmers Market, Shaker Square, Cleveland
(photo: blog.realtimefarms.com)



Family Lane
(photo: Ohio Farmers Union)