

# OHIO FARMLAND PRESERVATION ADVISORY BOARD

## MINUTES OF BOARD MEETING

Ohio Department of Agriculture  
Reynoldsburg, Ohio

August 20, 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 10:10 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 11:50 a.m.), Glenn Myers, John Detrick, Jay Rausch, Doug Givens, Thomas Mazur, Lucille L. Hastings, Harold Weihl, Roger Rhonemus, Theresa Strickler (left at noon), Kurt Updegraff, and Brian Williams.

**Advisory Board members absent:** None

**ODA Staff members present:** Kristen Jensen, Program Manager, and Joel O'Connell, Assistant Attorney General

**Materials Provided:** Agenda, June 18, 2008 Advisory Board Draft Meeting Minutes, 2008 Quadrant Map, 2008 Advisory Board Scores and Outcome Spreadsheets, Technical Meeting Notes, 2008 Instructions & Guidelines and Sample AEPP Application, Long-Term Subcommittee's Draft Recommendations

\*Mark welcomed the group and asked that the board members and those present to observe or provide public comment introduce themselves. Mileage forms were disbursed and lunch money was collected.

In reviewing the previous meeting's minutes, Theresa Strickler asked that for the motion regarding the quadrants that her name be noted as dissenting from that oral vote.

**MOTION:** With Strickler's name noted, Kurt Updegraff made a motion to approve the minutes, seconded by Doug Givens, and passed by the board.

ORAL VOTE: PASSED

\*Public Comment-

Julia Cady- Land Preservation Advisor, Tecumseh Land Trust

After commending the advisory board for the good program, she states that the state's involvement is critical and that is why we need to renew the Clean Ohio Fund. She has been involved since before the farmland preservation task force in 1997 and believes that the program has a thoughtful

process. The process, she understands, is also competitive in selection as it looks to identify prime soils and intermediate development pressure areas to create blocks of viable farmland for the future.

While the program has been successful, she also believes that rules should be established prior to the time when applications are submitted. When the rules are established after the applications are submitted it creates a credibility issue with landowners and there is confusion.

The farmland preservation program is a statewide program but limiting one easement per county in a funding round is not the way to spread the program throughout the state. The Clean Ohio Open Space program has districts to divide the funds. How would this change the criteria? Also, in regards to past usage of the quadrants, things have changed many times over the years. Why do we have quadrants and do we have enough information at this point to set them before applications are submitted? (end of Julia's official comment)

Thomas Mazur thanks Julia for coming. The Board appreciates her attendance, too and Lucille Hastings mentions that we're all on the "same" side, in the best interest of the program. There will not be prime soils everywhere and with a lesser amount of funding than what is asked upon each year, the program is not able to currently distribute itself across the state. Dollars are stretched. John Detrick mentions that perhaps there will not be a limit of one per county in the next round of funding.

Currently, there are a small number of counties that over the years have received the bulk of the funding, yet all farms are important. The advisory board submits their recommendation to the Director of Agriculture who then makes the final decision on the selected farms. The "guidelines" of regional balance through OAC 901-2-01 (BB) refer to instances where quadrants are not set ahead of time because they are based on the number of applications submitted. In addition, not all farming is based on soil type.

Jonathan Ferbrache- Resource Specialist, Fairfield SWCD

"I want to thank the Board for the opportunity to speak today and for your personal dedication to the protection of prime soils and the farmlands that fuel our economy. The protection of prime soils allows me to stand here today with the support of the Board of the Fairfield Soil and Water Conservation District and our Board of Fairfield County Commissioners.

The support of these two boards is the driving force of prime soil preservation in Fairfield County, one of the fastest growing counties in Ohio. We would like to call into question the final decision of the Ohio Farmland Advisory Boards use of the OAC in the 2008 funding round for the Agricultural Easement Purchase Program. We believe that potential misuses of the OAC revolve around:

- 1) The Board making the decision to fund only one farm per county after the application deadline. The OAC states that the criteria must be set before the application deadline.
- 2) The Board submitting applications to the tier two evaluations without meeting the highest ranking tier one evaluation criteria. The OAC indicates that only the highest ranking applications shall move on to the tier two evaluations.

We have been able to rally large blocks of agricultural communities to apply to and support the easement purchase program every year. When the rules of the program changes without notice, and the science of protecting prime soils under moderate pressure to develop, is traded for simply equal

distribution of funds, faith begins to falter. I urge you to review the premise upon which this program was created, and under what vision the board hopes it to continue.

We have stepped out into our community to assure them that this program is supported by science and is for the greater good of our future economy, environment and well being. Your decision to award farms protection, without the clearly defined rules being in place, has opened us up once again to defend against the "nay" sayers that say "this program will create islands of unusable land when development surrounds them." We urge you to step back and find the "reasons" why we must strike balance with large tracts of agriculture against large tract development that consumes our prime soils daily.

On a personal note, as someone who grew up in Fairfield County, who chose a career that would allow me to perform these duties with no other goal in mind, who has set in homes of neighbors and family whose only hope is to preserve these soils, my greatest challenge ahead is in telling them face to face that, I mislead them. Their chance of getting into the program has gone from as good as any, to not a chance, because we already protected too many farms in Fairfield County. Please consider what I have said in your future decisions, and I thank you for your time and your dedication to this process." Jonathan is willing to be accessible in the future to any further questions (end of official comment)

Fairfield submitted 13 applications this year. It takes the most time to get landowners to come to the table and agree to put their land in the program. There might be some delays in the essay writing portion but GIS usually takes a day or two. It's a personal process. Jonathan felt as though they were misled because he believes the program to be based upon prime soils and intermediate development pressure. If his farms met the Tier 1 score of 60 or above then he would take the time to help them submit an application. In Fairfield, landowners wrote their own Tier II narratives but Jonathan provided successful past essays to help guide them. He would also review and provide edits and type everything into the application. Lucille applauds his efforts because of the clear evidence that the message is getting out to families in Jonathan's county.

In general terms, not specific to Fairfield, Glenn Myers states that he was unimpressed with the narratives and encourages all local sponsors to give the landowners more advice on the essay portion of the application. There needs to be a clear case for why the state should provide funding for an easement.

Lucille Hastings mentions that every year many landowners do not get in the program and they are upset. It is the local sponsors' job to defend themselves if they are attacked in any way for non-funded applications, especially if the local sponsor did their best in submitting them. Each year the guidelines change for the greater good of the entire state.

Brian Williams mentions that there just isn't enough money for the program. That is why it is important for the Clean Ohio renewal to pass. With its passage, the program will distribute more dollars each year, over double the amount it currently does. Fairfield was in a tough spot this year because the quadrant lines shifted yet each year the board has made changes and shifts to the program and in doing so it will not please everyone. This tension demonstrates the need for a transition to a more locally based program. There would be a greater voice for localities to preserve the places they feel are most important. This will entail that counties and local entities "pony-up" to show that farmland protection is a priority, with policies and money.

\*2008 Clean Ohio AEPP Update- Kristen Jensen reviewed the 2008 process and farms chosen. 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. With the assumption that the advisory board would continue with quadrants, 20 applications from each quadrant was sent to advisory board members to score. After the June board meeting, due to the board's recommendations, additional applications were sent so that in addition to the current quadrants. At least three applications from each county would be scored by advisory board members. With the limit of one farm per county purchase offers were made accordingly down the list within each quadrant from highest to lowest combined Tier I and Tier II scores. Each quadrant received 25% of the \$3.125 million, \$781,250. At this time all landowners have verbally accepted offers and ODA has just one Notice of Selection document to receive back before results can officially be announced for the 2008 funding round.

Advisory Board Scoring- Kristen noticed one issue with scoring, identical essay answers were scored differently by the same scorer. If these essays were scored the same, this would not have changed any of the results but it brings up an important issue that the staff should assist board members to identify identical essays. Some board members realize and appreciate that biases, which are diversity of experiences, even in the time and mood of the scorer are appropriate because this was set up to be a more subjective section. The advisory board scoring guideline document can be veered from as long as each member is consistent in their ranking with all farms. Should we throw out highest and lowest advisory board member scores? That is not necessary.

In scoring essays, some members will not give the narrative's points if the answer to question A was put in question C. Some suggestions for better grading techniques include grading all narratives twice, from top to bottom then bottom to top or read all question A's first, then B's, and so on. If possible, all essays should be sent to the advisory board members ahead of the meeting. This would eliminate pressure to finish the essays at the meeting and allow the board member to choose the best time in their schedule to score the numerous essays. The meeting could be used for more discussion about policy and other important issues.

Technical Meeting Overview- Kristen directed the board members to the technical meeting notes. To the best of her understanding the technical meeting was established for staff to gain logistical issues with the application. In the past, a variety of farmland protection advocates *and* experts attended. This year the technical meeting was comprised primarily of 2008 local sponsors. Beyond logistics, the meeting introduced suggestions, thoughts, and ideas about the 2008 application, the process, and the outcomes.

Beyond the technical meeting, Kristen has kept diligent notes about issues with the application and many other comments or suggestions about the application. In 2007, she evaluated all the issues she had documented, then evaluated whether the issues legitimate or even within the legal realm of the Clean Ohio AEPP. If there was a policy question that needed to be re-evaluated, those were brought toward the board meeting last year to be further discussed. Board members appreciated the thoroughness of the possible changes and look forward to future recommendations from the staff.

In the meantime, Kurt Updegraff requests that the board set policies like the limit of one funded farm per county ahead of time. In doing so, would this limit the authority and discretion of the board to evaluate issues once all applications have been submitted?

Brian Williams, although not at the previous meeting to vote on the limit of one funded farm per county, says he understands why the decision was made but is not sure how he would have voted if he was present. He doesn't necessarily want to give up the authority of the board but with tight funds, it emphasizes the need for even more money. If the Clean Ohio Fund is passed, it will help eliminate some of these issues. Could the lettering within the guidelines section regarding regional balance or discuss that equity is also a principles of the program be highlighted to put in bold lettering to stick out to the reader? Why aren't Mercer, Darke, and Fayette counties participating in this program when they are the biggest farming counties? Is it because they are too far away from development pressure?

This program will continue to receive complaints because it can only scratch the surface. Out of the 35,000 acres that were submitted this year, funds only allow for the easement purchase of 3,200. Delaware and Licking have conflicting land uses and their farming community is diminished. Localities need to start planning. Programs like Clean Ohio and the NRAC's do a decent job in leading the way.

Staff will look into flushing out the instructions and guidelines for 2009 including the definition of regional balance. It will state clearly whether certain guidelines are set or whether specific powers and authority will remain reserved until applications are submitted. Joel O'Connell assured the board that in the 2008 application and process there were no legal issues, it was more of a communication issue and hopefully stating things clearly within the instructions and guidelines and making this document stand out more to the local sponsors, this will help eliminate confusion. Would a well-attended training meeting assist local sponsors?

Long Term Subcommittee Report- Jill Clark first thanked ODA for allowing the board to take initiative on this action. The report is really a concept paper that in the board's hope would be used to guide the department and Office of Farmland Preservation. There are still areas that need to be flushed out. It describes a new era including the Clean Ohio Funds. It looks to be responsive and sustainable for participants. The long-term subcommittee began meeting a year ago to look at where the Clean Ohio program should go. They met with numerous stakeholders and changed the proposal in accordance to the comments they received. The concept aims to be a middle ground, not devolving the Clean Ohio AEPP nor leaving it as is. The guiding principles demonstrate what the committee and board hope the program to accomplish. This is done through two program prongs which center on local and state priorities respectively.

The report also calls for a state plan for overall guidance of farmland protection. This requires guidelines and standards, priority setting, not just a map. It is important to note that this concept requires a transition. This cannot be expected to be implemented fast or perhaps even without legislation.

This is an educational process. We look to get counties and other entities invested literally and figuratively. Policies will need to be changed.

Conceptually this is not an earth shattering concept which is not a bad thing. It's similar to EDA. It is broad brushed strategies tied with funding. We hope to encourage local strategies and plans.

This plan “makes sense.” It encourages a planning process and for localities to be responsible with state funding.

Perhaps additional guiding principles consist of planning or being part of the sustainability process, encouraging sustainable communities. Have farms located near places where food can be consumed, for instance. We should be looking into the long-term.

In discussion over the “Potential Sources for Local Program Match” section, CAUV is not a farmland protection program. Raising the limit is inequitable but even keeping the current rate over the three year period, who pays for the recoupment? The recoupment fees will be passed back onto either the farmer or customer by the developers. There is a profit made in changing the use. Most counties use the maximum of 4% for recoupment fees and see it as an economic development tool. Should we think about estate taxes or transfer taxes? We shouldn’t have recoupment fees detailed out in our document if none of the other options are detailed.

**MOTION:** To make changes to the document: Add sustainability and looking at the longer term planning process as important concepts to the “Guiding Principles” section of the document and also, to revise the first sentence within the “Potential Sources for Local Program Match” section. The motion was made by Kurt Updegraff and seconded by Doug Givens.

HAND VOTE: PASSED (all present voted in favor)

**MOTION:** To recommend the long-term subcommittee’s report (as amended) and concept to ODA. Motion was made by Thomas Mazur and seconded by Roger Rhonemous.

HAND VOTE: PASSED (all present voted in favor)

2009 Clean Ohio AEPP- Guidelines will need to be clearer and more visible for local sponsors. A training session could be tried again. ODA could put FAQ on the website so that anyone with a question will have it answered and all other local sponsors will be able to benefit from the question/answer, as well. ODA strives to be transparent and having answers to local sponsor questions in a single location would work to achieve this.

We shouldn’t make too many changes to the questions in the applications. In regards to the quadrant map and regional balance, are there crop or livestock maps that we could use? We could use that information in conjunction with amount of money requested from each area.

We should define “region” within the guidelines- geographically versus agriculturally. Ultimately we will have to obey the law and it is understood that not everyone will be happy because not everyone will be funded. Do we want the application to be based on science? Doug Givens was empathic that he wants to retain the right to change regional balance (quadrants) after applications have been received.

Is it appropriate to have preconceived regions? If we have those set, there would be terrible manipulations. Local sponsors can already “manipulate” or strategize. They can do this currently by inflating a region with lots of applications because we interpret regional balance by accounting for applications received this year. The “injustice” could also occur if we don’t set the rules ahead of time.

Do we or local sponsors go too far in advising customers going over and beyond the call of duty? When they do this, are they setting themselves up for disappointment when they don't see the fruits of their labor within funded applications?

It's also apparent that some landowners don't know what they are getting themselves into. For instance ODA has engaged with landowners when they are over halfway through the process and they ask if they can have two houses on their farm. This is a good example of the lack of understanding because only one house is allowed per easement.

As we move forward, please send any suggestions to ODA staff who will then work on the 2009 application and guidelines. The board will be presented with their recommendations and policy questions at the next board meeting. Instead of having Cap City, who has thus far created the online application, the online application may be done within ODA's IT department.

A proposal that was brought before the Ag Viability Task Force of the Food Policy Council will also be brought toward the board if appropriate at the next board meeting. John Detrick will bring donuts to the next meeting, then Kurt will bring them to the following meeting.

Ohio Farmland Preservation Summit is on October 2<sup>nd</sup> and all advisory board members are invited.

Next meeting date will be tentatively set for November 12 at 10:00 a.m.

**MOTION:** Harold Weihl moved to adjourn the meeting and Doug Givens seconded the motion.

ORAL VOTE: PASSED - Meeting closed at 1:44 P.M.

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

Kristen Jensen  
Meeting Secretary, Kristen Jensen