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**BEFORE THE OHIO POWER SITING BOARD**

In the Matter of the Application of Fountain Point Solar Energy LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Logan County, Ohio.	Case No: 21-1231-EL-BGN
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**DIRECT TESTIMONY OF KARA SLONECKER ON BEHALF OF THE INTERVENORS AND MEMBERS OF CITIZENS AGAINST FOUNTAIN POINT LLC, KARA M. SLONECKER, PAUL WILLIAM SCHALLER, JENY HAMMER, JOCELYN KAVANAGH, BRENT VERMILLION, JIM CULP, ALYSSA RICE, CLIFF CRONKELTON, AND ANTHONY COGOSSI**

**Q1. Please state your name and home address.**

A1. Kara Slonecker. 922 Township Road 132, West Mansfield, Ohio 43358.

**Q2. On whose behalf are you offering testimony?**

A.2. I am offering testimony on behalf of Intervenor Kara M. Slonecker, Paul William Schaller, Jeny Hammer, Jocelyn Kavanagh, Brent Vermillion, Jim Culp, Alyssa Rice, Cliff Cronkelton, and Anthony Cogossi, and Citizens Against Fountain Point LLC. My testimony will refer to Citizens Against Fountain Point as “CAFP”.

**Q3. Are you a member of CAFP?**

A.3. Yes

**Q4. What is your title or position with CAFP?**

A.4. In addition to being a member, I am one of the four officers of the LLC.

**Q5. Are you familiar with the location and planned site for the proposed Fountain Point solar facility?**

29           A.5. Yes. I have become familiar with the locations of the originally proposed project  
30 area by reviewing maps of the project area in the application filed with the Ohio Power Siting  
31 Board, attending informational meetings, and following the progress of the case to learn the  
32 amended proposed project area. I will refer to the Fountain Point Solar project as the “Project”  
33 and the land for the site of the Project as the “Project Area.”

34 **Q.6. Do you own land in or near the Project Area?**

35           A.6. Yes. I own and reside on land in Perry Township, south of State Route 47.  
36 Invenergy has represented that it has reduced the size of the Project area by removing all land  
37 south of State Route 47. However, Invenergy has not released any of the landowners in contract  
38 south of State Route 47. I am aware that Invenergy has in the past expanded the size of a solar  
39 facility boundary previously approved in a Certificate of Environmental Compatibility and  
40 Public Need through an amendment to the original certificate. Hardin Solar in Hardin County,  
41 Ohio is an example.

42 **Q. 7. Have you had an opportunity to observe any other Invenergy built solar facilities**  
43 **and, if so, what observations have you noted regarding those facilities?**

44           A.7. Yes. I personally visited the Hardin Solar facility located in Hardin County, Ohio  
45 that was built by Invenergy and has been operational for some time. I wanted to witness  
46 firsthand what the end result of an Invenergy built facility looked like. I have visited this facility  
47 on more than one occasion and each time it appears as an eyesore. I have observed noxious  
48 weeds, a lack of pollinating plants and flowers, as well as significant flooding. I personally took  
49 pictures of the Hardin Solar Facility documenting the flooding around the facility and have  
50 attached those pictures to my testimony as Exhibit A.

51 **Q.8. Have you participated in compiling or creating any public petitions expressing**

52 **opposition to the Project?**

53 A.8. Yes. I was personally involved in circulating and compiling several opposition  
54 petitions that have been submitted into the case record on November 14, 2022, November 15,  
55 2022, and November 16, 2022, totaling 829 signatures from citizens in opposition to the Project.  
56 As a comparison, only one support petition, dated November 3, 2022, had been filed totaling 219  
57 signatures in support.

58 **Q.9. Did you attend the Logan County Board of Commissioner’s meeting held on August**  
59 **9, 2022, and if so, please summarize your observations at that meeting.**

60 A.9. Yes, I attended the meeting. This was a public meeting held for the purpose of  
61 soliciting public feedback from County residents regarding construction of large scale wind and  
62 solar projects in the County. There were 46 speakers at the meeting. Out of these 46 speakers,  
63 39 spoke in opposition to large scale wind and solar projects and expressed an interest in the  
64 County having input and authority in the determination of siting of such facilities in the County,  
65 in accordance with Senate Bill 52.

66 **Q.10. Is farmland preservation in the public interest?**

67 A.10. Ohio has identified farmland preservation as an important public interest and  
68 need. In 1997, Governor Voinovich commissioned an Ohio Farmland Preservation Task Force  
69 that produced a report documenting the trend of Ohio’s loss of farmland. I have attached a copy  
70 of the Report to my testimony as Exhibit B. The report states on Page 6 that “between 1974 and  
71 1992, Ohio lost 1.4million acres of farmland. From 1954 to 1992, 28.7% of Ohio’s ‘land in  
72 farms’ has been converted to non-agricultural use.” Even more concerning, The U.S.  
73 Department of Agriculture’s National Agricultural Statistics Service reports that Ohio lost nearly  
74 a half million acres of farmland last year. The trend is not reversing, it is accelerating. The

75 conversion of viable, prime farmland for use as a large-scale solar facility runs counter to the  
76 public need for prime farm land to support Ohio’s #1 industry, farming.

77 After creation of the taskforce’s report, Governor Voinovich created the Ohio Farmland  
78 Protection Policy, a precursor to the current Ohio Farmland Preservation Office, recognizing the  
79 need to preserve the resource base for our largest industry in the state, food and agriculture. The  
80 USDA has defined 44% of Ohio’s farmland as prime soil. Damage to the topsoil and  
81 environmental concerns raised by the Project construction do not justify jeopardizing an already  
82 recognized public interest and need in farmland preservation. Once topsoil is damaged or  
83 removed, designation as prime farmland would be forever lost. While decommissioning plans  
84 for the Project are wholly inadequate, even the best decommissioning plan cannot return  
85 damaged prime soils back to prime farmland.

86 US Secretary of Agriculture, Tom Vilsack, was a keynote speaker at the Commodity  
87 Classic conference in Orlando recently stating that “solar does not belong on fertile farmland.”  
88 Despite this, through 2022 out of the 92 solar projects either approved or under consideration by  
89 the OPSB, 87 of those, fully 95%, are located in areas defined as prime soils by the USDA.  
90 Prime farmland is not being adequately protected.

91 The entire Project Area is designated U-1 by the Comprehensive Plan for Logan County,  
92 defining the permitted uses as Agricultural and single-family dwellings. This Project is  
93 completely incompatible with the County and local government land planning.

94 **Q.11. Did you review the record in this case to determine support and opposition for the**  
95 **Project?**

96 A.11. Yes, I reviewed the public comments submitted for the record and letters in  
97 support and opposition. I used a spread sheet to compile the information and have attached my

98 summary here to my testimony as Exhibit C.

99 **Q.12. If the Project were built as proposed, would it serve the public interest, convenience,**  
100 **and necessity?**

101 A.12. No. In addition to the numerous environmental, economic and viewshed concerns  
102 well documented in the case record, the inability to implement land planning strategies, an issue  
103 Senate Bill 52 aimed to remedy, and the disproportionately weighted public opposition should  
104 not be ignored when assessing whether the Project serves the public interest, convenience, and  
105 necessity. The public, both those in local proximity and across Logan County have  
106 overwhelmingly voiced their opposition to the Project as proposed.

107 **Q.13. Does this conclude your testimony?**

108 A.13. Yes.

**CERTIFICATE OF SERVICE**

The foregoing Direct Testimony was filed with the Ohio Power Siting Board on August 3, 2023. The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case.

/s/ Kevn Dunn  
Kevin Dunn (0088333)

# **EXHIBIT A**













**DANGER**  
HIGH VOLTAGE  
NO  
TRESPASSING

**HARDIN  
SOLAR**  
ENERGY SUPPORT  
SERVICES  
IN ENERGY  
0122 224-1400  
1 SOUTH WACKER DRIVE  
CHICAGO, IL 60606

**DANGER**  
HIGH VOLTAGE  
NO  
TRESPASSING



**DANGER**  
HIGH VOLTAGE  
NO  
TRESPASSING

**HARDIN  
SOLAR**

ENERGY SUPPORT  
SERVICES:  
INVENERGY  
(312) 224-1400  
1 SOUTH WACKER DRIVE  
CHICAGO, IL 60606



# **EXHIBIT B**



Ohio Farmland Preservation Task Force  
**Findings and Recommendations**

**Report**

to

George V. Voinovich, Governor

June, 1997

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OHIO FARMLAND PRESERVATION TASK FORCE

33-10  
OKBF

June, 1997

Dear Governor Voinovich:

On behalf of the Ohio Farmland Preservation Task Force, we are pleased to present the attached report of our findings and recommendations regarding the preservation of Ohio's productive farmland. As requested in Executive Order 97-65V, the recommendations are the result of the collaborative effort of the diverse interests of the 21 members representing agriculture, business, academia, government and the environment.

The recommendations reflect our mission to achieve a balance between preserving Ohio's farmland and serving the future growth needs of the state. We therefore placed an emphasis on methods to encourage well-planned growth - to preserve farms and the businesses that rely on them while providing Ohioans with necessary residential, commercial, and industrial developments.

Thank you for the opportunity to work on the task force and to hear from the citizens of Ohio on the issues surrounding farmland preservation. We also appreciate your support for funding the Office of Farmland Preservation and we are anxious to further pursue those recommendations that you deem appropriate and in the best interest of the long term viability of Ohio's agricultural industry.

Sincerely,

Ohio Farmland Preservation Task Force Tri-Chairs

Nancy P. Hollister,  
Lieutenant Governor

Fred L. Dailey, Director,  
Ohio Department of Agriculture

Dr. C. William Swank,  
Former Executive Vice President,  
Ohio Farm Bureau Federation

“The state is like a tree. The roots are agriculture, the trunk is the population, the branches are industry, the leaves are commerce and the arts; it is from the roots that the tree draws the nourishing sap...and it is to the roots that a remedy must be applied if the tree is not to perish.”

—Victor, Marquis de Mirabeau,  
early 18th Century

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Farmland is the foundation for Ohio's largest industry - agriculture. It produces food and fiber for the world and contributes jobs and income to the state's general economy.

The preservation of farmland ensures dynamic, productive agriculture for generations to come. Preserving land that is uniquely suited to farming:

- honors the social importance of strong, viable farms to families and communities,
- acknowledges the environmental benefits of land,
- recognizes the value of balancing land uses to reflect Ohio's agricultural heritage and rural character, and
- strengthens and preserves Ohio's communities.

Community recognition of and support for preservation of farmland through a program of voluntary options is critical.

## **Vision Statement**

by the Ohio Farmland Preservation Task Force

**April 7, 1997**

## Task Force Members

### Chairs

Nancy P. Hollister, *Lieutenant Governor*

Fred L. Dailey, *Director,*  
Ohio Department of Agriculture

Dr. C. William Swank, *Former Executive*  
*Vice President,* Ohio Farm Bureau

### Ex-Officio

Vince Lombardi, *Assistant Director,*  
Ohio Department of Development

Donald Schregardus, *Director,*  
Ohio Environmental Protection Agency

William Moody, *Assistant Director,*  
Ohio Department of Natural Resources

### Members

Senator Grace Drake

Senator Leigh Herington

Representative Gene Krebs

Representative Sean Logan

John F. Casey

James Ernst

Dale Fallat

Jack Fisher

Tim Hansley

Michael Juengling

Denise Franz King

Sandra McKew

W. Reed Madden

Dr. Bobby Moser

Gerald Potter

Nancy Patterson

Barbara Shaner

Thomas Spellmire

### Representing

Ohio Senate

Ohio Senate

Ohio House of Representatives

Ohio House of Representatives

Agricultural Law

Ohio Home Builders

Ohio Chamber of Commerce

Ohio Farm Bureau Federation

Ohio Municipal League

County Planning Directors

The Nature Conservancy

Pflum, Klausmeier and Gehrum

County Commissioners Association

The Ohio State University

Ohio Township Association

Farmers

Ohio Grange

Ohio Federation of Soil

and Water Conservation Districts

### American Farmland Trust Staff

Robert C. Wagner

Julia R. Hinders

Jeffrey Winegard

### Ohio Department of Agriculture Staff

Jacqueline F. DeGenova

Andrew Ware

Stacey Weaver

## I. Agriculture and Urban Growth in Ohio

Despite the fact that Ohio has more urban land area than any other state in the nation, with a concentration of 16 metropolitan areas each with more than 150,000 people, agriculture is Ohio's leading industry.

Agriculture and food processing are a critical component of the state's economy, contributing \$56.2 billion annually and supporting one-in-six jobs. Virtually all of Ohio's agricultural production occurs in an urban-influenced environment — within statistical metropolitan counties or adjacent to such areas. The state's annual agricultural output places Ohio in the top ten states in the nation in the value of urban-influenced agriculture.

Regardless of the root causes of the rapid increase in growth beyond Ohio's cities, the effects of these phenomena are straining the economic and environmental fabric of rural communities. These communities are now facing development and social change, in many cases beyond their capacity to effectively address the situation.

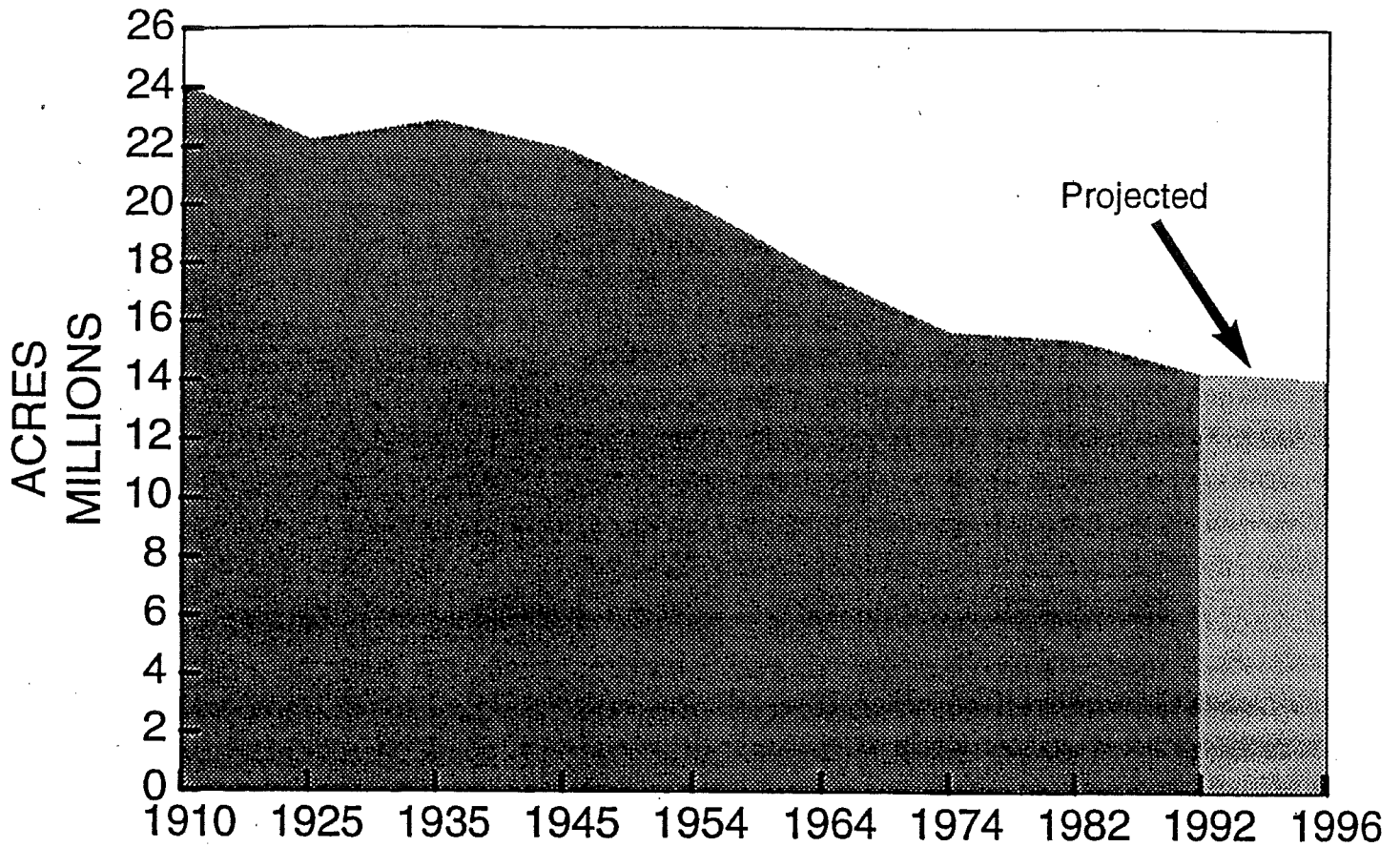
The U.S. Census of Agriculture reports that between 1974 and 1992, Ohio lost 1.4 million acres of farmland. From 1954 to 1992, 28.7% of Ohio's "land in farms" has been converted to non-agricultural land use.

An indication of the effects of the increase in suburban growth on the economy and environment of Ohio can be seen in what is happening to farming and farmland in recent years in the state. The Ohio Agricultural Statistics Service reports that from 1992 through June 1, 1996, the number of farms in the state fell by 2,000 with a 100,000 acre decrease in land used for agricultural production.

While the decline in farming and farm acres in Ohio cannot be attributed entirely to urban conversion, it is clear that farming and farmland is being displaced by development and urban pressures.

According to the 1992 U. S. Department of Agriculture's (USDA) National Resources Inventory, between 1982-92, 472,000 acres in Ohio were developed to urban land. Of those 472,000 acres, 281,000 acres (59%) were farmland with prime or unique soils. This loss translates to 28,100 acres a year, or 77 acres a day.

### OHIO LAND IN FARMS



(Note: Projected level based on Ohio Agricultural Statistics Service estimates)  
Source: US Census of Agriculture



## II. Executive Order and Mission

Stating that "the Task Force will serve our urban and rural citizens as they search for incentives, not mandates, to preserve Ohio's precious farmland resources in a manner that will benefit us all," Governor George V. Voinovich signed an Executive Order on August 7, 1996, establishing the Ohio Farmland Preservation Task Force.

In the Executive Order, Governor Voinovich asked the Task Force to:

- examine historical trends, causes and consequences of the conversion of agricultural land to non-agricultural uses;
- identify voluntary methods and incentives for preserving and maintaining land for agricultural production; and
- provide recommendations for enhancing the continued vitality of agricultural activity and protecting private property rights, thereby retaining land in agricultural use.

To chair the Task Force, Governor Voinovich appointed Lieutenant Governor Nancy P. Hollister, Dr. C. William Swank, former Executive Vice President of the Ohio Farm Bureau, and Ohio Department of Agriculture Director Fred L. Dailey. The 21 member Task Force, with representatives from agriculture, business, government, academia, planning and environmental science, was charged with examining the causes and conse-

quences of farmland loss and recommending actions to protect the integrity of Ohio's agricultural economy.

Recognizing that Ohio's future agricultural and economic strength depends upon balancing the need for development with the need for farmland protection, the Task Force at its inaugural meeting on November 12, 1996, adopted the following mission statement:

**The mission of the Ohio Farmland Preservation Task Force is to provide recommendations to the Governor of the State of Ohio for the protection of our state's agricultural land and future economic development.**

“Agriculture is the keystone of our economic structure. The wealth, welfare, prosperity and even the future freedom of this Nation are based upon the soil.”

- **Louis Bromfield from his book Pleasant Valley.**

### III. Land Use and Population Trends in Ohio

Ohio's land area has a total of 26.3 million acres and is one of only four states in the United States that has more than 50% of its land classified as prime farmland.

Founded and established as agricultural markets, many of Ohio's metropolitan areas were located on prime soils for agricultural production. Today, expansion of Ohio's cities is competing for these prime agricultural soils.

According to the Ohio Department of Development's Office of Strategic Research, 81% of Ohio's population resides in the state's 39 metropolitan counties with the most rapid population growth occurring in the counties surrounding Ohio's largest cities.

Projected growth for the period 1995-2000 shows that much of the expected population increases will occur in the metropolitan areas of Columbus, Cincinnati, Dayton, and Toledo.

While Ohio is not unique in the United States in its population growth trend, Ohio is among the top six states in the nation in land area consumption per citizen. Using data from U.S. Census reports, David Rusk, a national urban policy consultant based in Washington D.C., compared the United States' rate of growth in population to the rate of growth in urban land area for the period 1960 to 1990.

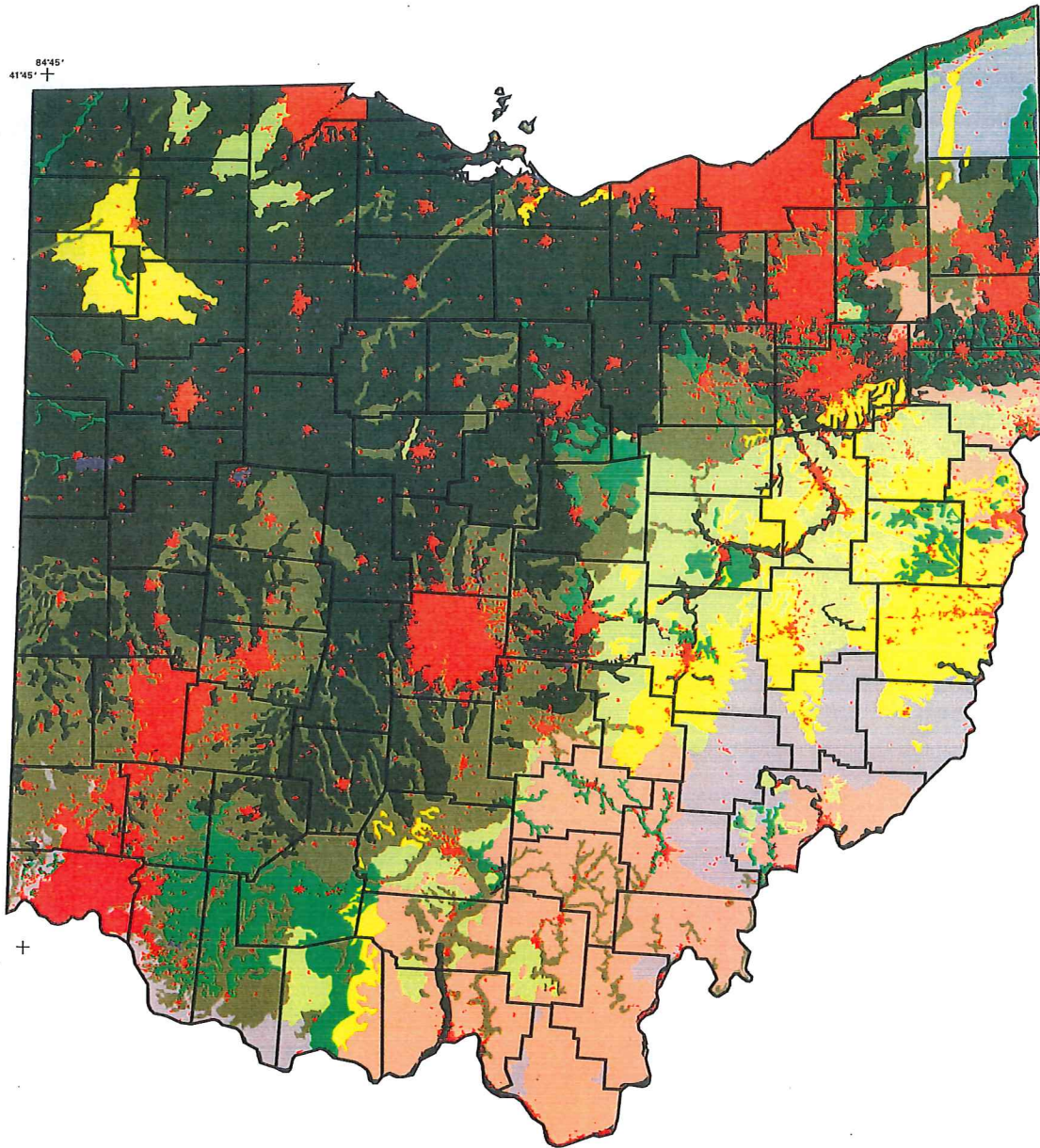
Rusk created a ratio of the rate of growth in urban land area to the rate








of growth in population. If the rate of growth in urban land area expands at the same rate as the growth in population, the ratio would equal 1.0. Rusk's conclusion for Ohio was that our state's population grew by 13% during this time period while urban land area grew by 64%. The ratio for Ohio is 4.7, meaning that growth rate in urban land use expanded 4.7 times the growth rate of population. Therefore, Ohio's urban land area increased almost five times as fast as the rate of population growth. The average rate for the United States is 2.3.



Growth trend reports from the Ohio Housing Research Network indicate that between 1980 and 2010, the five-county region surrounding Cleveland is expected to lose 3 percent of its population, yet witnessing a 30% increase in residential land.

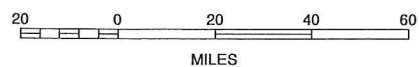
A 1997 American Farmland Trust publication entitled, "Farming on the Edge: Farmland in the Path of Development," used U.S. Department of Agriculture's National Resources Inventory data to identify counties in Ohio with areas of higher than the state's average for prime and unique farmland and land development.

# PRIME FARMLAND DISTRIBUTION OHIO



-  < 1% Prime Farmland
-  1 - 5% Prime Farmland
-  6 - 10% Prime Farmland
-  11 - 25% Prime Farmland
-  26 - 50% Prime Farmland
-  51 - 75% Prime Farmland
-  76 - 100% Prime Farmland

-  Urban/Built-up
-  Water



Sources:  
Urban/built-up areas were derived from the 1990 TIGER Census data (UEAs)  
integrated with the USGS 1:2,500,000 Land Cover Digital Data (USGS, 1986),  
State Soil Geographic Data Base (STATSGO) and information from NRCS field personnel.  
Albers Equal Area Projection, 96°W & 23°N, NAD27.

Identified areas include all or most of the following counties: Allen, Auglaize, Butler, Clark, Crawford, Delaware, Fairfield, Greene, Henry, Marion, Medina, Miami, Morrow, Ottawa, Preble, Sandusky, Shelby, Union, Warren, Wayne, and Wood.

While these counties are identified by American Farmland Trust as the most threatened, each county in Ohio will need to assess the status of farmland loss relative to the need for development.

## IV. Task Force Process

The first challenge for the Task Force was to determine the scope of the issues. In a brainstorming session at the initial meeting in November 1996, the members listed the issues that they saw surrounding Ohio's farmland conversion.

From that list, common themes were seen that called for logically grouping the brainstorming issues into three subject areas. They were: 1.) voluntary incentives for farmland preservation, 2.) planning and infrastructure, and 3.) economic development and urban revitalization. In December, the Task Force members divided into three subcommittees to research the issues, causes and consequences in their subject area and to develop recommendations that would be brought before the full Task Force for discussion and consolidation during the month of April, 1997.

Searching for solutions for the protection of Ohio's agricultural lands, the subcommittee members looked to the experiences of Ohioans to identify the driving causes as well as the direct and indirect consequences of farmland loss.

The Task Force as a whole and as subcommittees heard presentations from farmers and others experienced in agricultural studies, planning and planning law, community development, county engineering, and farmland preservation.

In a series of four public meetings held in Lebanon, Toledo, Akron and Cambridge on February 18 and 19, 1997, the Task Force listened to testimony from 187 speakers. Approximately 900 people attended these meetings. As a result of these public meetings, the Task Force received over 350 letters from people expressing their opinions of the causes and observations of the consequences of farmland loss, and suggestions for recommendations to the Governor (sample quotes from the public meetings and letters can be found later in this report). **This knowledge and information from the people of Ohio was essential input for the Task Force members to develop their recommendations.**

A contingent of Task Force members took part in a bus tour to Pennsylvania and Maryland, sponsored by OSU Extension of Morrow and Delaware Counties, to see the solutions found by those states and to gain a better understanding of farmland protection programs.

The subject of farmland preservation was the topic of several conferences, seminars, programs, and an-

nual meetings at which the Task Force members participated. These included: Managing Rural Change Coalition programs and meetings; the Ohio Township Association and the Ohio Federation of Soil and Water Conservation Districts Annual Meetings; the Ohio Catholic Rural Life Conference; the Ohio Land Use Conference, "Growth and the Future"; the Ohio Comparative Risk Project; Greene County Farmland Preservation Public Meeting; and the Farm City Forum.

Many Task Force members were asked by organizations to speak about farmland preservation. During the months of November 1996 through May 1997, over 2000 people heard presentations from Task Force members and staff. Not only were these speaking engagements a means of outreach on behalf of the Task Force, but it was also an opportunity to hear public concerns and suggestions.

The issues, causes and consequences of Ohio's farmland loss were comprehensively researched by the subcommittees, whose separate reports can be found in the Ohio Farmland Preservation Task Force "References Documents" available through the Ohio Department of Agriculture. The causes and consequences are addressed, in light of the Governor's Executive Order, by the full Task Force in their recommendations.

## V. Findings on the Causes of Farmland Loss

Agriculture is Ohio's leading industry. Combined with its related support services, including processing, packaging, distribution and sales, agriculture employs one in six Ohioans, and contributes \$56.2 billion annually to the state's economy.

As farms disappear, so do agriculturally related jobs. Although farmland conversion is a statewide concern for its leading industry, this concern is not necessarily reflected in Ohio's land use decisions and policies. Given current farmland conversion trends, economically viable farm communities will not exist in over 39 additional Ohio counties within 30 years.

As agricultural lands are suburbanized, a chain reaction of consequences occurs, including loss of productive farmland, a shift in population from central cities to suburbs, and haphazard outward growth.

Unplanned growth adversely affects every community. For example, urban, suburban and rural highways become congested, the population shift empties urban schools and crowds suburban classrooms and the inner cities lose the tax base that supports basic services. City leaders cry out for help in rejuvenating brown-fields and deteriorating neighborhoods, the suburban family yearns for more space, the township planners wrestle with the desire of city dwellers to become country land owners

while demanding ever increasing and expensive services.

In order to reverse the costs and consequences of farmland loss and unplanned urban growth, communities must have the tools they need to preserve agricultural areas and re-invest in our older communities. Communities need to grow as a result of informed and thoughtful decision making with regards to agricultural and urban resources.

Preservation of a healthy agricultural economy and urban revitalization are two sides of the same coin. Strategic planning for the one must incorporate the dynamics of the other. Even though there is farmland loss in growing rural counties, it is the loss of farmland on the edges of municipalities that threaten Ohio's agricultural and economic vitality as well as the fabric of Ohio's small towns and rural communities.

Incompatible land uses present a major problem for the agriculture industry. Agriculture is an industry that can be severely affected by adjacent residential development. This elemental incompatibility leads to nuisance



suits and increases in land values and tax structures detrimental to farm economics. As incompatible land uses force or encourage the sale of farm acreage, it becomes difficult to sustain the critical mass of farm acreage needed to support other agricultural-related businesses. This, in turn, accelerates the conversion of the farm community.

There appear to be certain situations to which voluntary incentive programs can be linked. These situations include: the landowners/operators who wish to retire and access the equity in the land; the landowner/operator who wishes to retire but wants the farm operation to continue in the family; and the farmer who desires to acquire land for expansion of an existing farm operation or the beginning farmer who wishes to establish a new farm operation.

It is critical to “level the playing field” for the purchase of land for agricultural purposes as opposed to development and to encourage investment in existing urban areas. In order to fully understand the cost of any farmland preservation program, the true costs of not preserving farmland must be determined. The costs of additional community services (schools, roads, fire protection, etc.) should be weighed against the revenue and

other potential benefits of development.

Solutions must begin at the local level. However, counties, townships and municipalities that comprise a metropolitan area should work toward a common regional plan that will preserve farmland. The absence of adopted, enforced land use plans and supportive zoning undermines the predictability needed to encourage farm investment. If the availability of farm acreage is not reliable, farmers are unable to develop efficient, long term operations.

Through voluntary incentives, state policy can encourage local discussion that will in turn inform and advise state lawmakers concerning tools and policies needed by local officials to implement plans for smarter growth.

There are a number of effective land use tools used across the nation which, if given sufficient citizen support and appropriate legislative initiative, might be effectively applied to the development patterns upon the landscape, maximizing the public’s investment in infrastructure. These tools can include: comprehensive land use plans, urban service areas, state cost sharing and technical assistance, prioritized capital investment strate-

gies, model zoning codes, cost/benefit analysis, higher density cluster developments, local land banking, community reinvestment, cost sharing for agricultural planning, tax abatement revisions, and others. Successfully establishing and implementing these tool in Ohio is dependent upon grass roots education and support.

Farmland loss cannot be reduced without strong state support for redevelopment and maintenance of central cities and older suburbs, and for compact rural development. State government affects the conversion of agricultural land to other uses through land acquisition, development projects and financial assistance for public and private development, but no state plan currently exists to uniformly ensure that state actions do not irretrievably convert agricultural land to other uses when alternatives are available. In fact, ample evidence exists that many state program implementation policies undermine local objectives of farmland preservation.

Studies suggest that nationally up to one-third of all land in incorporated areas already having utilities and other infrastructure is vacant, unused or underutilized. In Ohio, this percentage is higher. Task Force subcommittee research revealed that current state policies encourage development

on virgin land rather than redevelopment of land or development of vacant land in existing urban and suburban service areas.

Given the problems of land assemblage and environmental contamination, businesses find it easier and cheaper to invest outside urban areas and many people are following the jobs. If outward growth is to be slowed or curtailed, the public and private sectors will need to cooperate in order to address the problems that cause the decline of our central cities and older suburbs.

The State of Ohio has begun a number of initiatives to address the problems of distressed urban areas and to promote economic development. Some of these include: Jobs Bill III, a \$90 million commitment to help cities acquire and clean-up brown-fields for private sector reinvestment in our central cities and older suburbs; Governor Voinovich's Urban Schools Initiative Agenda which focuses on the educational challenges of city schools; the state's welfare reform effort, geared toward helping people to gain productive employment; and the Ohio Housing Trust Fund, which has been created to help address the housing needs of low and moderate income Ohioans, many of whom live in distressed urban areas. Besides these

urban initiatives there are also a number of very important rural economic development initiatives such as the Ohio Rural Industrial Park Loan Program, the Small Cities Downtown Revitalization Program, and the Urban and Rural Initiatives Program.

While many progressive initiatives have been undertaken, more action is needed to improve the quality of life in distressed urban areas. Making Ohio's cities attractive and safe places to live and work can reverse the outward flow of people that contributes to the problem of urban expansion. The key to future action is for state policy to shift its emphasis away from constructing unnecessary new highways and water and sewer systems in rural areas and toward maintaining, rebuilding, and fully utilizing existing infrastructure investments in urban areas.

Intelligent use of Ohio's land resource base is a very serious responsibility because of its profound impact on the fabric of society. The Voinovich-Hollister administration, through formation of the Ohio Farmland Preservation Task Force, has revitalized the land stewardship debate in Ohio. This Task Force is an important first step. Wide public discussion must follow the release of the Task Force recommendations to discover what works at the local level. The discussion process, in the best sense, is democracy in action.

## VI. Guidelines and Objectives

- Keep decision making at the most local level possible so that implementation and goals are truly targeted to local realities.
- Provide recommendations that can achieve farmland preservation through adjustment of existing Ohio laws and policies.
- Consider legislative/regulatory parameters that “level the playing field” for agricultural communities recognizing the need to address fair and needed development requirements, while providing financial incentives for agriculture and for investment in agricultural lands in order to promote continued agricultural use rather than development.
- Provide a framework for a comprehensive approach to farmland preservation. Unless such an approach is taken, programs intended to preserve farmland will, instead, act as magnets for additional unnecessary urban expansion.
- Work toward preservation of farmland to ensure dynamic, productive agriculture for generations to come. Be aware that preserving land that is uniquely suited to farming honors the social importance of strong viable farms to families and farm communities; acknowledges the environmental benefits of land; recognizes the value of balancing land use to reflect Ohio’s agricultural heritage and rural character; and strengthens and preserves Ohio’s communities.
- Consider that community recognition of and support for preservation of farmland through a program of voluntary options is critical.
- Support programs that provide for profitable economic opportunities for farm operations. Be aware that governmental policies should minimize or reduce, not increase the cost of doing business. Provide farmers and farm operations the protection and freedom to expand or change their operations to remain competitive and profitable in the future.
- Encourage coordination of land use planning among governmental units. Promote local farmland protection policies that are applied and implemented by local decisions using goals, tools, resources, training incentives, and standards that are developed by the state program as guidelines.
- Structure farmland preservation programs to provide the opportunity for ownership to the farmers that work the land.
- Include in the coordination of statewide programs all groups affecting farmland preservation.

## VII. Recommendations

The Ohio Farmland Preservation Task Force's recommendations seek to achieve a balance between preserving Ohio's farmland and serving the future growth needs of the state. The recommendations are assembled below under the three subject areas: Voluntary Incentives; Planning and Infrastructure; and Economic Development and Urban Revitalization. However, there are two recommendations that have a bearing on the remainder and they are presented in this section. (Editor's note: The two primary recommendations of this section are presented in larger, bold type. A related secondary recommendation is highlighted in italics.)

**Recommendation: Endorse a policy statement establishing that it is a priority of the State of Ohio to preserve the state's productive agricultural land and protect against its unnecessary and irretrievable conversion to nonagricultural uses.**

This statement of policy and intent provides a context and guidance for the recommendations presented below.

**Recommendation: Create an Office of Farmland Preservation (OFP) within the Ohio Department of Agriculture.**

The mission of the Office of Farmland Preservation will be to administer and coordinate a Farmland Preservation Program for Ohio. Activities of the office will include:

- Work cooperatively with existing institutions, organizations and governmental entities to develop, re-

search, assemble and disseminate information on agriculture, farmland and farmland preservation to raise awareness of the importance of agriculture to Ohio and the importance of protecting agricultural resources. This may include: developing youth and adult educational programs on agriculture; organizing and conducting informational and technical programs on farmland preservation; collecting, analyzing and mapping land use trends; promoting public and private options and the activities of land trusts, including the donation of conservation easements, to preserve farmland; and, identifying and disseminating model community plans, planning methodology and zoning codes, and programs for farmland preservation.

- Develop a set of state guidelines and suggested criteria for the preparation and development of local comprehensive land use plans to

## OHIO FARMLAND PRESERVATION TASK FORCE

encourage the preservation of farmland, the efficient use of public infrastructure investment, the application of zoning, including agriculturally-supportive zoning, and the managed expansion of urban and suburban areas.

- Develop and administer a Farmland Preservation Program at the state level to be coordinated and matched with local initiatives, including the development and coordination of an Agricultural Security Area Program.

- Administer a pilot Ohio Farmland Preservation Fund to leverage matching federal, local and private funds to preserve farmland.

- Develop and administer an Ohio Farmland Preservation Strategy to coordinate the planning and review of all state programs and actions with respect to their impact on farmland preservation.

- Prepare, with the Ohio Department of Development, a biannual report to the Governor on the progress of programs and activities to coordinate the preservation of farmland with economic growth and development for agriculture in the state.

*Related recommendation: An advisory board for the OFP representing the various rural and urban constituents with a stake in agriculture, should be established to examine farmland preservation and its related issues.*

## A. Recommendations: Voluntary Incentives for Farmland Preservation

At the core of the discussion of farmland preservation is the farm family and their land holdings. The land that supports farming is a source of equity for the farm family. The following are recommendations to provide voluntary incentives to farmland owners to protect the land and their equity. (Editor's note: The two primary recommendations in this section are presented in larger, bold type. Eight related secondary recommendations are highlighted in italics.)

**Recommendation: Create an Ohio Farmland Preservation Program, which provides a menu of voluntary options to preserve farmland as well as to enhance the economic viability of agriculture.**

The focus of this program shall be to preserve agricultural land that is capable of producing food and fiber crops, which are important to the people and economy of the state. Attention, in descending order, shall be given to productive farmland:

- large blocks of land,
- unique soils,
- microclimate regions,
- commercial woodlands,
- uniquely located farms, and
- open space/woodlots.

*Related recommendation: Continue support of the existing agriculture land use programs in Ohio's Agricultural District and Current Agricultural Use Valuation (CAUV) laws.*

To enhance the usefulness of these programs to Ohio farmers and their effectiveness in preserving farmland, the following improvements are recommended for consideration:

- Explore the opportunities and feasibility of combining the two programs and their benefits.
- Amend the Ohio Revised Code Chapter 929 (Agricultural Districts) to strengthen the statutory protections of the landowner when land is placed in Agricultural Districts.
- Amend the Ohio Revised Code Section 929.05 (Procedure for the appropriation of property or distribution of public funds for non-agricultural uses) to provide adequate and timely notice to the Ohio Department of Agriculture for review when land in Agricultural Districts

is being petitioned for appropriation.

- Amend the Ohio Revised Code Section 929.05 to give the Director of the Ohio Department of Agriculture greater authority and participation in the review process when land in Agricultural Districts is being challenged which may result in farmland loss.

- Increase the minimum acreage and gross income level requirements for CAUV (Ohio Revised Code Chapter 5713.30, et seq. Taxation of agricultural land) providing a waiver for unique local circumstances.

- Counties and local governing bodies should coordinate their CAUV software and reporting procedures with state agencies.

*Related recommendation: Create a new voluntary program of local and/or regional Agricultural Security Areas.*

These agricultural security areas would include the benefits of agricultural districts and CAUV within the local comprehensive land use plan.

*Related recommendation: Authorize the creation of a Purchase of Development Rights (PDR) program.*

A PDR program allows a farmer

to voluntarily sell the right to develop farmland in return for accepting a permanent conservation easement on the affected land. Per an opinion of the Office of the Ohio Attorney General, authority does not currently exist for the state and localities to purchase or accept a gift of an interest in land for the purposes of preserving its agricultural use. Therefore, such legislative changes as are necessary should be advanced to allow such authorization.

Once authorized, PDR programs could operate at any level of government. Regarding the state's role in any PDR program, the following actions are recommended:

- The creation of a state PDR program shall be done in such a way as to be eligible for any funds available from the USDA Farmland Protection Program.

- Provisions should be made to allow for the purchase of development rights through installment payment arrangements.

- Farms to be protected using any state farmland preservation funds shall be located in an Agricultural Security Area as identified in a local comprehensive land use plan.



*Related recommendation: Authorize the creation of a Lease of Development Rights (LDR) program.*

As an alternative to the sale of development rights on a permanent basis as in PDR, this option would allow a farmland owner to make a long-term commitment to protecting their farmland from development for a set time period. The implications of such an arrangement on future land contracts, mortgages and other existing liens should be studied. The following are also recommended:

- The minimum term for an LDR program should be no less than 30 years.
- At the end of the term of a lease, the current owner may elect to renegotiate the lease for another 30 years or more.
- Farms to be protected using any state farmland preservation funds shall be located in an Agricultural Security Area as identified in a local comprehensive land use plan.

*Related recommendation: Authorize the creation of local or regional Transfer of Development Rights (TDR) programs.*

This transaction involves individuals rather than a public entity but would be administratively recorded and monitored through lo-

cal government subdivisions. This program is unique in that it “gives value” to properties that are in areas best suited for agricultural production. The TDR program also protects the integrity of the agricultural industry in the area as well as maintains the rural character of the landscape. The TDR program allows communities to direct development to their less productive soils and retain their higher productive ground for agricultural production and at the same time compensating both areas of the community.

*Related recommendation: Consider the feasibility of a state 30-year Land Use Tax Credit (LUTC) program.*

To encourage the long-term stabilization of land in agricultural use, this program will offer eligible landowners a tax credit based on their property taxes in return for acceptance of a 30-year term easement on the affected land. The following are recommended:

- In order to participate, a landowner must be eligible for the current CAUV program.
- Landowner must agree to the recording of a 30-year conservation easement on the affected land.
- Property taxes on the land would be frozen at the time the property

enters the program for a period of 30 years.

- Landowner receives a tax credit of a percentage of the total property taxes paid (land and buildings) in the current tax year and for a period of 30 years.

- Penalties for early withdrawal from the program could include: recapture of the taxes saved plus interest, and a percentage of the sale price of any land enrolled in the program, which is sold out of agriculture, to be paid to the local unit of government. The state, budget permitting, shall make provisions for the reimbursement of the lost tax revenue to the local community.

*Related recommendation: Consider the feasibility of creating a state or local interest buy-down program for farmland acquisition loans.*

To encourage the purchase of farmland for new or expanded farming operations, this program would subsidize the interest paid on farmland acquisition loans in return for a permanent conservation easement on the affected land. The OFP shall establish criteria to ensure that the program benefits active and viable farm operations.

*Related recommendation: Encourage state and local land acquisition agencies to consider the protection of land through the*

*purchase of development rights or conservation easements, rather than fee-simple purchases.*

The purchase of land for such public purposes as park buffers, floodplain management and well-head protection may be more efficiently and economically handled by purchasing only the development rights or a conservation easement on such lands. Purchasing only an interest in land reduces acquisition costs and future management costs, and maintains property tax contributions. In those instances where the affected land is active farmland, purchasing only a conservation easement will keep the land in, or available for, agriculture under private management.

**Recommendation: Create a pilot state Farmland Preservation Fund to provide funding for voluntary incentives for farmland preservation.**

State seed funding is essential to the creation of local programs to offer voluntary incentives for farmland preservation. Funding for farmland preservation programs would create an opportunity for the state or localities to apply for USDA Farmland Protection Program funds. The following are recommended:

## OHIO FARMLAND PRESERVATION TASK FORCE

- The Ohio Department of Agriculture, through the Office of Farmland Preservation, would administer the state Farmland Preservation Fund. The Fund would be independently evaluated for effectiveness after a given period of time.
- The legislature should explore the utilization of current off-budget funding programs to finance any state contribution.
- Part of the process at the state level must be to evaluate the effectiveness of and compelling reasons for maintaining the current off-budget infrastructure funding programs.
- Local access to the state Farmland Preservation Fund will require the successful completion and adoption of a local comprehensive land use plan, and appropriate policies, that includes agriculturally-supportive zoning and agricultural security ar-

eas. In addition, access to state farmland preservation funds will require a local match.

### NOTE:

In order for the Office of Farmland Preservation to begin its responsibilities as soon as possible, we estimate an annual budget of \$150,000 to \$175,000 for OFP operation. With a Farmland Protection Program in place, Ohio would be eligible to apply for a grant of up to \$2 million from the USDA Farmland Protection Program which would require a 30% match from the state or local governments.

## B. Recommendations: Planning and Infrastructure

Good planning and coordination of policies and programs at the state and local levels must support voluntary land-saving actions by individual farmers and landowners. Future planning and infrastructure decisions must take into account the goals of preserving farmland and maintaining agriculture as a viable industry in Ohio. Sound statewide planning policies provide the necessary support structure to assure monies allocated for farmland preservation efforts will achieve maximum benefits for both the farm community and the citizens of Ohio. (Editor's note: The four primary recommendations of this section are presented in larger, bold type. Nine related secondary recommendations are highlighted in italics.)

**Recommendation: Establish an Ohio Farmland Preservation Strategy that coordinates and guides state policies, programs and actions so as to avoid and minimize the unnecessary and irretrievable conversion of productive agricultural land to nonagricultural uses. All state agencies should use a point system to encourage redevelopment of urban areas and cohesive density development (grid pattern, cluster developments, and other land conservation models) to eliminate duplication of infrastructure and use of state funds, subsidies and grants which fund it, unless it is determined that there is no feasible or prudent alternative.**

- The Office of Farmland Preservation will coordinate the establishment of the Ohio Farmland Preservation Strategy.

- The Office of Farmland Preservation will establish a uniform set of guidelines, criteria, and point system for all agencies, departments and units of state government, including quasi-governmental units and commissions, to evaluate programs, policies and actions with respect to the preservation of farmland and the impact of such activities on the preservation of farmland. Consideration should be given to evaluating such items as: quality of affected farmland; existing public facilities; ability of jurisdictions to service the development; agricultural economic viability; local land use regulations; tax concessions; environmental impacts of the proposed action; compatibility with local comprehensive land use plans; private and public investment in rural infrastructure; utilization of available land already serviced by infrastructure; and, cost/benefit analysis.

- Require coordination of quasi-governmental agencies to adopt State agricultural land preservation policies.
- Include statements in appropriate legislation and administration policies that affirm that farming is a high priority use of Ohio's agricultural lands and that the State of Ohio should strive to protect agricultural land from unnecessary and irretrievable conversion to non-agricultural uses.

*Related recommendation: State-owned and managed lands should be maintained using acceptable soil and water conservation practices as defined by the USDA Natural Resources Conservation Service.*

**Recommendation: Encourage local governments to prepare comprehensive land use plans. This would encourage: the preservation of farmland; the efficient use of public infrastructure investment; the application of zoning, including agriculturally supportive zoning; and the managed expansion of urban and suburban areas, including the identification of urban service areas. This would also discourage unnecessary duplication of services.**

In order to achieve the goal of protecting agricultural land in Ohio,

it is essential to endorse the concept of local land use planning. It is important to the existing home rule structure that land use planning and zoning must be done at the local level but within a statewide policy framework. This approach would mitigate the current lack of coordination between counties, townships, and cities. Simply put, each county should be encouraged (with matching funds and time limits) to prepare a comprehensive land use plan that is tailored to its unique needs but contains consistent statewide elements addressing farmland preservation issues. At a minimum, the state should enable local governments to utilize a more complete range of tools to guide development and to ensure that new development does not impose an inappropriate financial burden on the general taxpayer. The following are also recommended:

- The local comprehensive land use plan would identify areas of appropriate urban/suburban densities, lower density residential areas where clustering components minimize conflicts with agriculture, appropriate conversion easement areas, and agricultural zoning districts. Farmland areas would be identified through use of a uniform system and development of strategies would identify policies protective of farmland, e.g., PDR's.

- Provide state matching grants and technical assistance for the preparation of local comprehensive land use plans that would be completed within a limited time period.
- The Office of Farmland Preservation will develop a minimum set of land use plans, and will administer the planning grants program state guidelines and criteria for the preparation and development of local comprehensive land use plans.

*Related recommendation: Encourage local communities to utilize a cost/benefit methodology for financing capital improvements and services required as a result of the development strategy as proposed in local comprehensive land use plans.*

*Related recommendation: Encourage farmland preservation and necessary urban expansion through higher-density residential development and well-planned industrial development, utilizing central sewer systems and other public infrastructure. Urban service areas reflecting a minimum 25-year expansion area should be recognized.*

**Recommendation: Improve the ability of local governments to plan and manage land uses that are not incompatible with agriculture and necessary urban expansion.**

Bring township zoning in coordination with the State's goal of farmland preservation by the following actions:

- All local governments should review existing zoning regulations and bring them into compliance with existing State goals and local comprehensive land use plans.
- All local governments should regularly review their zoning map and resolutions to be sure that they are in compliance with state goals and the local comprehensive land use plan with respect to the use of agricultural land.
- Zoning policies should not contribute to unnecessary urban expansion, but should promote necessary urban expansion within the local comprehensive land use plan.
- Zoning authorities should offer agriculturally-supportive zoning at the local level that encourages primary agricultural uses and should identify and preserve areas of farmland and farm economies.

*Related recommendation: The State should require uniformity in the review of non-agricultural buildings and development permits. Building departments at all levels should adhere to a checklist of elements required to obtain a building permit.*

*Related recommendation: Empower counties to reduce unnecessary duplication of infrastructure and services and ensure that development is consistent with county comprehensive land use plans in the unincorporated areas.*

*Related recommendation: Enable county commissioners to participate more extensively in the planning and coordination of zoning matters, to more fully coordinate annexation and local comprehensive land use plans.*

- Local governments should have the ability to facilitate their planning, annexation and infrastructure needs.
- Cooperation between all affected governments in providing needed infrastructure should be encouraged in any annexation decision.

**Recommendation: Legislation should be adopted to allow counties and municipalities the permissive ability to regulate lot sizes and land divisions including acreage and health concerns within the context of an adopted local comprehensive land use plan.**

*Related recommendation: The construction of new structures on rural lots, which will require expensive on-site septic systems or result in undercapitalized sewer*

*systems, should be discouraged.*

*Related recommendation: Wastewater treatment permit policies should be coordinated with efforts to preserve farmland.*

- Redirect authority for on-site septic system monitoring and regulation to county commissioners.
- Create consistent on-site wastewater treatment inspection and maintenance programs.
- County commissioners may assess an inspection fee and require property owner compliance with any remedial measures.

*Related recommendation: Allow counties to more effectively manage their transportation infrastructure needs and problems.*

- Revise Ohio Revised Code Sections 5547.05 (Conveyance of county owned lands), 5571.16 (Excavation in township roads: procedure), and 5589.99 (Penalties) to allow county and township control of access management decisions.
- Require Ohio Department of Transportation (ODOT) to coordinate with county planning departments prior to issuing access permits for state, county, municipal and township roads and streets. Alternatively, access permits should

be issued by the governmental body having jurisdiction over the road.

- Amend Ohio Revised Code so that access management rules apply to all developments, not just those that occur within planned subdivisions.
- Authorize the creation of local cooperative agreements to offset community disruptions.



**C. Recommendations: Economic Development and Urban Revitalization**

A healthy and vibrant farm and non-farm economy is essential for the future of Ohio: its citizens and communities. It is important to recognize the contributions of agriculture, from individual family farms to value-added processing facilities, to the economic well-being of Ohio. Promoting the expansion of the farm sector within the economy will enable farmers to better provide for their families, while providing society with all the benefits of open, productive farmland. Promoting and revitalizing Ohio's rich urban centers will not only benefit those cities and their residents, but also ease many of the identified causes of farmland loss related to unnecessary urban expansion. (Editor's note: The four primary recommendations of this section are presented in larger, bold type, followed by secondary related recommendations.)

**Recommendation: Promote economic development programs and initiatives for agriculture at the state and local levels.**

- Provide state matching funds for local planning for the long-term economic viability of agriculture as one of the major local businesses and employers.
- Encourage implementation and expansion of current agricultural programs in extension education, production efficiency and marketing.
- Encourage the retention, expansion and recruitment of value-added agricultural businesses and operations.
- Encourage the Ohio Department of Development and the Ohio Department of Agriculture to continue to collaborate on ways to help

agribusinesses expand or locate in Ohio and also examine the feasibility of creating a Division of Rural and Agricultural Economic Development.

**Recommendation: Reduce the influence and contribution of federal and state taxes on the conversion of farmland.**

- State and federal capital gains taxes should be modified to promote housing and commercial investment and reinvestment in existing urban and older suburban communities.
- State and federal capital gains and estate taxes should be modified to promote farmland preservation and the continued ownership of farms within farm families.
- Distressed urban, suburban and rural areas should be given greater

preference in state tax abatement statutes.

**Recommendation: Support continued state funding for local land banking, including the Voinovich-Hollister Administration's Urban Initiatives Programs. The land banking process would include property identification, purchase and assembly of the property, environmental mitigation, and site preparation.**

**Recommendation: More effectively utilize existing infrastructure in urban areas.**

- Encourage new investments to utilize existing infrastructure in urban areas and brownfields.
- Revise the "Access Ohio" state transportation policy document to reflect farmland preservation goals.
- Allow for the reallocation of committed ODOT funds within the same area to reflect the goals of local comprehensive land use plans related to necessary urban expansion, farmland preservation or improvement of existing roads.
- Set the allocation of ODOT fund distributions to reflect priority needs of existing urban areas.

- Consider funding an allocation system that targets the need of existing rural and urban transportation networks.

- Revise ODOT rating system to de-emphasize the impact of higher, preferred funding for private investment projects, unless the project is within a local comprehensive land use plan.

- Encourage the creation of Concentrated Infrastructure Districts, which capitalize on existing infrastructure, as they relate to funding or rezoning approvals to necessary urban developments and densities.

- The current Economic Development Study Committee, created by the 121st Ohio General Assembly, should include a review of state loans, grants and other incentive programs for their impact on farmland preservation and urban revitalization. Particular attention should be given to the programs and policies of the Ohio Water Development Authority, Ohio Environmental Protection Agency, Ohio Department of Development, and the Ohio Department of Transportation.

**NOTE:**

The Task Force would like to commend the Ohio House of Representatives for creating an Urban Issues Subcommittee to learn directly from urban officials what the problems, challenges, and opportunities are in the state's central cities, inner suburbs and other urban communities. Because of the interdisciplinary expertise needed to address these complex issues, we encourage the Ohio General Assembly to fully explore the issues facing Ohio's urban areas and the relationship between farmland preservation and changes in the urban environment.

# OHIO FARMLAND PRESERVATION TASK FORCE

## Executive Order

State Of Ohio

Executive Department

Office of the Governor

Columbus

## EXECUTIVE ORDER 96-65V

### Ohio Farmland Preservation Task Force

WHEREAS, the importance of preserving Ohio's productive agricultural land has been recognized by the citizens of rural and urban communities of the state, by numerous organizations and public officials alike; and

WHEREAS, agriculture is Ohio's leading industry, generating more than \$56.2 billion in economic activity through agricultural production, input, processing and marketing, and is vital to the economic diversity of the state; and

WHEREAS, Ohio's farmers utilize Ohio's superior soil types and favorable climate to commercially produce more than 200 different agricultural commodities for domestic and international markets; and

WHEREAS, Ohio farmers are the stewards of more land than any other group in the state, and utilize our natural resources to make a living, feed and clothe our citizenry, while maintaining wildlife and providing open space; and

WHEREAS, increased urbanization, government policies and environmental trends are resulting in more pressure upon our agricultural lands and Ohio's 72,000

farms; and

WHEREAS, it is a priority to preserve Ohio's productive agricultural land and protect against the unnecessary and irretrievable conversion to nonagricultural uses;

NOW, THEREFORE, I, George V. Voinovich, Governor of the State of Ohio, pursuant to the authority vested in me by the Constitution and laws of Ohio, do hereby establish the Ohio Farmland Preservation Task Force (Task Force), which shall include the following structure, powers, and duties:

A. The Task Force shall consist of no more than 21 members, who shall be appointed by and serve at the pleasure of the Governor. The Task Force shall consist of the following individuals where practicable:

1. Two members of the State Senate upon the recommendation of the President and Minority Leader of the Senate.

2. Two members of the State House of Representatives upon the recommendation of the Speaker and the Minority Leader of the House.

3. Representative(s) from the field of agriculture.

4. Representative(s) from the environmental field.

5. Representative(s) from academia.

6. Representative(s) of county and municipal governments.

7. Representative(s) from business interests.

8. Representative(s) from any other field or discipline the Governor deems necessary.

## OHIO FARMLAND PRESERVATION TASK FORCE

B. The Governor shall appoint three members to serve as Co-Chairpersons of the Task Force, who shall serve at the pleasure of the Governor.

C. The members of the Task Force shall serve without compensation, except each member shall be reimbursed for his or her actual and reasonable expenses incurred in the discharge of his or her duties.

D. The Task Force shall be staffed by the American Farmland Trust with assistance from the Ohio Department of Agriculture, other governmental agencies and public and private organizations as requested by the Task Force.

E. The Ohio Farmland Preservation Task Force shall have the following objectives:

1. Examine historical trends, causes and consequences of the conversion of agricultural land to non-agricultural uses;
2. Identify voluntary methods and incentives for preserving and maintaining land for agricultural production;
3. Provide recommendations for enhancing the continued vitality of agricultural activity and protecting private property rights, thereby retaining land in agricultural use.

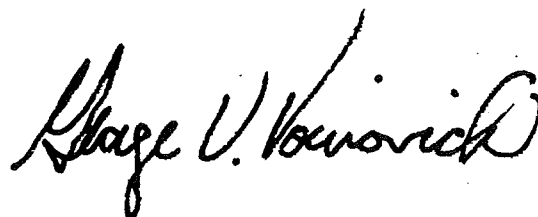
Further, the Task Force shall complete its work and submit a final report including recommendations to the Governor by June 1, 1997.

Further, all state departments, agencies, boards, commissions or officers of the state shall cooperate and provide any necessary assistance required by the Task Force, or any member or representative thereof in the performance of its duties.

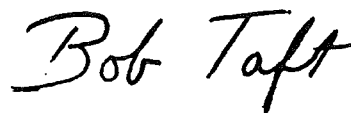
This Executive Order shall automatically expire upon the completion of Task Force objectives, unless rescinded before such time, but not later than completion of my term in office.

Effective with this Order, I revoke all Executive Orders issued which are inconsistent with this Order.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, Ohio this the 6th day of August, in the year of our Lord, Nineteen Hundred and Ninety-Six.



George V. Voinovich, Governor



ATTEST: Bob Taft, Secretary of State

## **Glossary**

### **Agricultural Conservation Easement**

A legal agreement restricting development on farmland. Land subjected to an ACE is generally restricted to farming and open space use. See also Conservation Easement.

### **Agricultural District**

Ohio Revised Code Chapter 929, Sections 929.01-929.05 establishes a program of agricultural districts for the State of Ohio. Any person who owns agricultural land that in the previous three years was devoted to agricultural production or a qualified land retirement or conservation program; is composed of tracts, lots or parcels that together total at least ten acres; and, produced an average yearly gross income of at least \$2,500 during the previous three years, may enroll their land in an agricultural district for five years. Landowners who enroll in the program receive deferments from sewer and water assessments; some legal protections against nuisance suits and further review in the event government uses its powers of eminent domain to purchase the properties. There are penalties for early withdrawal from the program.

### **Agriculturally-Supportive Zoning**

Zoning districts or areas in which agriculture is the primary land use. In support of farming, agriculturally related commercial and residential uses are encouraged.

### **Comprehensive Land Use Plan**

A regional, county or municipal document that contains a vision of how the community will grow and change and a set of plans and policies to guide land use decisions. Also known as a general plan or master plan.

## **Concentrated Infrastructure Districts**

Geographic areas adjacent to existing urban and/or suburban areas that can be served by reasonable extensions of existing water, sewer and transportation facilities.

## **Conservation Easement**

Legally recorded voluntary agreements that limit land to specific uses. Easements may apply to entire parcels of land or to specific parts of the property. Most are permanent; term easements impose restrictions for a limited number of years. Land protected by a conservation easement remains on the tax rolls and is privately owned and managed; landowners who donate permanent conservation easements may be entitled to tax benefits. See also agricultural conservation easement.

## **Current Agricultural Use Valuation (CAUV)**

Ohio Revised Code sections 5713.30-.98 establishes a program that permits land in agricultural use to receive a tax savings equal to "the difference between the dollar amount of real property taxes levied in any year on land valued and assessed in accordance with its current agricultural use value and the dollar amount of real property taxes which would have been levied upon such land if it had been valued and assessed for such year in accordance with Section 2, Article XXII of the Ohio Constitution." The program establishes minimum eligibility standards, as well as penalties if the land is removed from agricultural use.

## **Farmland Protection Program**

(USDA) Section 388 of the Federal Agriculture Reform and Improvement Act of 1996 authorizes the Secretary of Agriculture to establish and carry out a farmland protection program. The Farmland Protection Program intends to acquire conservation easements or other interests in land that would limit non-agricultural uses on prime, unique and locally important farmlands. The objective is achieved by providing financial assistance to States, Tribes and units of local government to form partnerships in easement acquisition.

## **Land in Farms**

The U.S. Department of Commerce in the Census of Agriculture defines "land in farms" as consisting primarily of agricultural land used for crops, pasture or grazing. It also includes woodland and wasteland not actually under cultivation or used for pasture or grazing, provided it was part of the farm operator's total operations. It includes all acres set aside under annual commodity acreage programs and conservation programs. It also includes all land rented from others.

## **Local Government**

Refers to the general purpose government of a county, township, or municipality.

## **National Resources Conservation Service (NRCS)**

Formerly known as the Soil Conservation Service, NRCS is a U.S. Department of Agriculture agency whose mission is to provide leadership and administer programs to help people conserve, improve and sustain our natural resources and environment. The agency provides technical assistance to farmers and funds soil conservation and farmland protection programs. It also maintains statistics on farmland conversion. NRCS has offices in every state and in most agricultural counties.

## **Prime Farmland**

As defined by the USDA-NRCS, this is farmland that is best suited to the production of row, forage and fiber crops. Due to inherent natural characteristics such as level topography, good drainage, adequate moisture supply, favorable soil depth and favorable soil texture, this land consistently produces the most food and fiber with the least fertilizer, labor and energy requirements. These soils tend to be resistant to erosion and run-off.



## **Unique Farmland**

As defined by the USDA-NRCS, this is farmland that is not classified as prime, but has a special combination of soil quality, location, topography, growing season and moisture supply necessary to produce high yields of specialty crops such as fruits, grapes and vegetables.

## **Urban Service Areas**

A theoretical line drawn around a community that defines an area to accommodate anticipated growth for a given period of time, generally 15-20 years. Urban service areas are a growth management technique designed to prevent sprawl. They are often used to guide decisions on infrastructure development, such as the construction of roads and the extension of municipal water and sewer services.

## Quotes from Letters and Public Meetings

"Township, county, and state programs need to work together to achieve a balance in planned land use to meet all goals and provide a future for the next generation."

— **Citizen -  
Cuyahoga County**

"The loss of farmland is very troubling to me. Living in the Cleveland metropolitan area while managing the family farm of 156 acres in a largely agricultural county gives me a unique view of the problem. And I see it everywhere in Ohio."

— **Farmer from Chagrin Falls**

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"Uncontrolled residential growth creates a drain on tax revenue - especially for schools and emergency services. Farmland pays much more in taxes than it demands in services. Preserve a balance."

— **Doctor - Summit County**

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"The job you (the Task Force) have, it is of great importance to future generations. There is a need for a lot of education. It's hard to be responsible to the next generation when dollars are waving in our faces. We live in a great country and I would like to see it stay that way."

— **Farmer - Carroll County**

"I commend you and the Task Force for the mission you are carrying out. The results of your findings and recommendations will be far reaching."

— **Farmer from northeast Ohio  
in a letter to Lt. Governor Hollister**

"Farmland preservation is of real concern in rural counties such as ours. Increased pressure primarily from residential development is rapidly consuming productive farmlands in Henry County. Understanding that with increasing population comes the need for development, solutions need to be pursued. Possible solutions could include rezoning coupled with some form of tax incentives to land owners which would promote land preservation. Incentives to re-develop already existing urban areas vs. the spread to rural lands are also needed."

— **Planner - Henry County**

**"If USEPA changes the air quality standards for ozone and particulates, every urban area in Ohio will violate the standards, and businesses will be forced to look elsewhere to expand or locate new facilities. The more stringent air standards would hamper brownfield cleanup in urban areas and promote urban sprawl."**

**— Donald R. Schregardus,**

**Director of the Ohio Environmental Protection Agency**

**"We are struggling. We are both in our 40's, have three children and substantial debt! We clear approximately 30 thousand a year income. Taxes take 6 thousand. We can't seem to get ahead! Selling is very inviting. Taxes for us to sell would be 36% - we wouldn't even be able to clear the farm debt! Something must be done to ease the burden on the farmers! We chose this way of life for our children and don't regret a minute. We hope it will be there for our children. Can they afford to keep it?"**

**— Farmer - Mahoning County**

“Oberlin needs help in developing a policy which will permit us to keep our agricultural space in and around the city. The dynamics that are creating the tax abatement/sewer & water district wars in the townships and municipalities of Lorain County are out of control. And short term economic gains have been defining the character of the battlefield. The short term gain of a few at the expense of the many - not to mention the inefficient, non-sustainable use of the land - is not right. Help us!”

**— Councilperson - Lorain County**

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“Local authority in determining lot sizes for approval would allow planning commissions to more effectively use Comprehensive Land Use Plans to manage growth of a community or a county.”

**— Darke County Commissioners**

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“First of all, the farmer needs to make a profit. This would slow down development.”

**— Farmer - Clermont County**

"I have witnessed the alarming rate of loss of fruit and vegetable farms being destroyed by inheritance (tax); that is, the farm cannot pass on because the inheritance to the child or children cannot meet the tax burdens, causing the property to be sold. There needs to be a way that these farms can pass from one generation to another and remain as a farm, regardless of the value. If these farms are not preserved, I can foresee serious problems for our country."

**— Farmer - Clermont County**

"Need new state incentives to formulate regional development visions that can be used as the basis for prioritizing transportation/infrastructure investments since these investments have great input on how a region develops."

**— Citizen - Cuyahoga County**

"Portage County is under siege from urban sprawl pressure from the Cleveland, Akron, Canton areas. Portage County had 2930 farms in 1950; 770 in 1996. Urban sprawl and speculators result in escalating property values so that farming is not a possibility to young, new farmers. Need a new, sustainable approach to land use that results in a win-win situation for residents, farmers, and developers."

**— Citizen - Portage County**

“Perhaps the worst effect of annexation is what it does to carefully prepared zoning goals and the careful land use development that results from good land use planning. Today, annexation is used extensively to subvert zoning. Lands planned to remain agricultural or in forested open state preserves become part of urban sprawl by a mere signature on an annexation petition.”

— **Bath Township Board of Trustees - Summit County**

“I am heartened by the number of citizens who come to speak to me about how to prevent urban sprawl, preserve our rural way of life, and create a more beautiful community in which to live. They often lament that Toledo and its suburbs are beginning to look like every place else in America. We should listen to their plea because both urban and rural communities will benefit if we make farmland preservation a priority. And we will create a region where people will want to live and work.”

— **U.S. Representative Marcy Kaptur,  
addressing the Task Force at the Toledo  
public meeting**

## Acknowledgements

The Task Force would like to acknowledge the following individuals who generously gave their time, skills and knowledge as volunteer subcommittee members:

### Voluntary Incentives for Farmland Preservation

Stephen Hudkins	OSU Extension Portage County
Gordon Litt	Attorney, Bricker and Eckler
Bill Richards	Former Chief, USDA Soil Conservation Service
Joe Burnham	Farmer in Ohio
John Rohrer	Associate Director, OSU Extension Community Development
Kit Fogel	Ohio Farmers Union
Joe Steger	President, Soil and Water Conservation Society
Karl Gebhart	Ohio Farm Bureau

### Planning and Infrastructure

Christine Furr  
Wendi Bootes

### Economic Development and Urban Revitalization

Joe Daubenmire	OSU Extension Medina County
George Arnold	Director of Trade and Development, City of Columbus
Howard F. Wise	Executive Assistant to Lt. Governor Hollister



## OHIO FARMLAND PRESERVATION TASK FORCE

The Task Force gratefully acknowledges the people of Ohio for their tremendous support for this project and outpouring of concern for the future of agriculture in our great state.

Private financial support for the project was provided by the Ohio Rural Rehabilitation Corporation Trust, The Andersons, The George Gund Foundation, Ohio Farm Bureau, Wolfe Enterprises, and the ENTELCO Corporation. The Task Force is greatly appreciative of their generous contributions.

The Task Force would like to thank the Ohio chapters of the Future Farmers of America and the Appleseed Wool Corporation for their fundraising efforts to benefit the Farmland Preservation Task Force and the Future Farmers of America Foundation.

### **In addition, the Task Force would like to acknowledge the following:**

For preparing the historical trends analysis:

Dr. Allen Prindle, Otterbein College

For presentations made to the Task Force:

Paul Miller, Farmer in Sunbury, Ohio

Wayne McGinnis, Farmer in Maryland

Dr. John Rohrer, Associate Director, OSU Extension

Keith Eckel, Past President, Pennsylvania Farmers Association

Thomas E. Bier, Cleveland State University Housing and Policy  
Research Program

David Goss, Greater Cleveland Growth Association

Terry Foegler, Executive Director, Campus Partners

## OHIO FARMLAND PRESERVATION TASK FORCE

For donating resource publications to the Task Force:

Dr. Louise Warner

*Shrinking Fields: Cropland Loss in a World of Eight Billion*

WorldWatch Institute

David Beach, Director, EcoCity Cleveland

*Moving To Cornfields*

Western Reserve Resource Conservation and Development  
Council; Lake and Geauga County Soil and Water Conservation

Districts; Institute for Environmental Education

*Common Groundwork: A Practical Guide to Protecting Rural and Urban Land*

American Farmland Trust

*Farming on the Edge: Farmland in the Path of Development*

For providing meeting rooms:

Ohio Department of Agriculture

Ohio Department of Natural Resources

Ohio Environmental Protection Agency

Toledo Metropolitan Area Council of Governments

Kings Island Conference Center

Warren County Farm Bureau

For providing Prime Farmland Distribution Map:

USDA-Natural Resource Conservation Service, Ohio State Office

For facilitating the March 3, 1997, meeting:

Ken Cookson, Ohio Department of Administrative Services, Office of  
Quality Services

## Reference Documents

Reference documents are on file at the Ohio Department of Agriculture located at 8995 East Main Street, Reynoldsburg, Ohio.

Included are:

Subcommittee Reports

Voluntary Incentives for Farmland Preservation

Appendix One: Funding Concepts

Appendix Two: Legislative Action Steps

Appendix Three: Educational Action Steps

Planning and Infrastructure

Economic Development and Urban Revitalization

Ohio Land Use Trends

Ohio Farmland Enrollment in Agricultural Districts 1995

*Farming on the Edge: Farmland in the Path of Development* –  
available by calling American Farmland Trust at 1-800-370-4879

The Ohio Revised Code is available through the World Wide Web.

The website address is <http://38.223.23.20/stacks/orc/>

This report is available through the World Wide Web.

The website address is <http://www.state.oh.us/agr>

NOV 05 1997

MAR 23 2000

Ohio Farmland Preservation Task Force  
Findings and Recommendations  
Report to Governor George V. Voinovich  
June, 1997

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Printed: 8/97  
Copies Printed: 1000  
Unit Cost: \$1.30

# **EXHIBIT C**

#### People we have on the contact list

- 707 contacts across Logan County

#### Opposition vs Pro Letters

- 1,508 total comments
- 44 left to file
- 89 pro solar with only one in the footprint (Don Hays)
- 1,418 no solar (majority are in the footprint)
- 26 elected officials are no solar (all are in Logan County)
- 5 are pro solar and only one is in Logan County/Bokescreek Twsp (Larry Mouser)

#### Petition Signers

- 845 total signatures taken from three separate petitions (516 entered 11/14/22, 119 entered 11/16/22, 210\* entered 11/15/22) \*this number has increased/changed since originally entered
- 219 from pro solar petition (entered 11/3/22)

#### Signs Purchased

- 665 yard signs (100 Cronkleton's, 15 Moore's, 450 Rosebrook's, 100 me)

#### FB Group Stats

- 373 total members for no solar in logan county
- No Solar Farms in Logan County's public Facebook Group has 140 followers
- 29 total members of solar support of logan county
- At least 214 are in Logan County
- 62% are female
- 91 are from West Mansfield
- 63 of those are from Bellefontaine

#### Website

- In the last 30 days, we have had 155 page views and 71 "unique" visitors

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**8/3/2023 5:25:58 PM**

**in**

**Case No(s). 21-1231-EL-BGN**

Summary: Testimony Direct Testimony Kara Slonecker electronically filed by David Watkins on behalf of Schaller, Paul and Slonecker, Kara and Hammer, Jeny and Citizens Against Fountain Point LLC and Vermillion, Brent and Culp, Jim and Kavanagh, Jocelyn and Rice, Alyssa and Conkelton, Cliff and Cogossi, Anthony .