



## **WAYNE COUNTY, OHIO**

### **AGRICULTURAL SECURITY AREAS** **POLICIES AND PROCEDURES**

**ADOPTED APRIL 26, 2006**

**Amended November 12, 2008**

#### **Introduction**

Ohio's Agricultural Security Area (ASA) legislation permits one or more landowners to request from county commissioners and township trustees to enroll at least 500 acres of contiguous farmland in the unincorporated area of the county into an ASA for 10 years. ASA's are voluntary; locally controlled; incentive-based; and respect private property rights.

ASA's provide certain benefits to farmers, including protecting against non-farm development, assembling a critical mass of land to help keep farming viable, and providing a new local tax benefit for investment in new agricultural real property. They are not designed to stop development, but to protect farmland by creating special areas where agriculture is encouraged and protected.

The following information is to provide Wayne County landowners with the requirements of an ASA and to guide them through the approval process. Questions regarding the process should be directed to the Wayne County Planning Department, 428 West Liberty Street, Wooster, OH 44691, by phone at 330-287-5420 or by email at [planning@wayneohio.org](mailto:planning@wayneohio.org).

## **Area and Parcel Specifications**

- The proposed ASA must be in the unincorporated area of the county.
- The proposed area must consist of not less than 500 contiguous acres of farmland. This threshold can be met by one owner or by multiple contiguous owners who may submit a single application. Ohio Revised Code (ORC) Chapter 931 defines "contiguous".
- Land that is a portion of a farm on which is located a dwelling, yard or outbuildings such as a barn or garage counts when meeting the 500-acre requirement.
- The land must be in an Agricultural District as established under ORC Chapter 929.
- The land must be assessed under CAUV pursuant to ORC Sections 5713.30-.38.
- Applicant/Title Holder must have listed, if any, all environmental administrative enforcement orders, violations and/or convictions that have occurred within the 10 years prior to application date.
- The owners must have and be implementing a conservation plan on file with the local SWCD/NRCS **OR** have an ASA B.M.P. Qualification Report approved by the local SWCD/NRCS which meets the standards and rules of OAC 15-5-02 through 15-5-12 and 15-5-18 **OR** have an ASA Qualification Report that was conditionally approved with a time-line established by the local SWCD/NRCS in compliance with the standards and rules of OAC 15-5-02 through 15-5-12 and 15-5-18.
- Applications from within municipal "three-mile limits" and "201" sewer planning areas will be accepted.

## **ASA Commitments**

- An ASA continues in existence for ten years. The provisions for withdrawal are found in ORC Section 931.07
- Applicants commit not to initiate, approve or, finance any new development for non-agricultural purposes on the land to be enrolled in an ASA for a period of ten years. If a landowner violates this commitment once the ASA is established, a fine of \$500 shall be levied. New development does not include such things as exercise of mineral rights, easements, and construction, modification, or the operation of wind energy producing facilities, including wind turbines and windmills, the grant of easements for or the construction, modification, or the operation of transmission or distribution lines for electricity, gas, or oils, as long as these actions do not make the land ineligible for CAUV.
- Landowners may develop, authorize the development, or, for the purpose of developing, transfer ownership of a portion of the owner's land within an ASA for constructing or otherwise establishing a single-family residence

for an individual who is related to the owner. Not more than one such residence can be constructed for each 40 acres the owner has in an ASA.

- An owner of land in an ASA may request permission to operate a business if it does not impair the owner's ability to engage in agriculture and disqualify the land from CAUV. The applicable board of trustees and board of commissioners have authority to approve or reject the request.
- A landowner is required to give notice if his or her land no longer meets the eligibility for an ASA. If notice is not given, the owner is subject to a fine of \$500 for each violation of each section of ORC 931.
- The County and the Township commit not to initiate, approve, or finance any development for residential, commercial, or industrial purposes, including construction of new roads and water and sewer lines for a period of ten years. New development does not include improvement of existing roads if the County Engineer determines that the improvement is necessary for traffic safety and is consistent with the agricultural use of the land in the ASA; the construction, modification, or operation of transmission lines for electricity, gas, or oil or of any gathering or production lines for oil or gas provided that the construction, modification, or operation of the lines does not cause the land to lose its eligibility for CAUV; and the construction, modification, or operation of water or sewer lines if Ohio EPA orders the construction, modification, or operation of the lines so that water and sewer service to areas outside the ASA can be connected (the lines cannot provide service connections to any land within the ASA).

### **Application Submission**

In order to be considered for enrollment in an ASA, an application must be completed and submitted to the Board of Wayne County Commissioners and to the applicable Board of Township Trustees. The application was developed by the Ohio Department of Agriculture and is attached to this packet. Applications submitted are considered a public record.

At the time of submission, fees will be charged to contribute to the costs incurred by the township and the county including required public notices and mailings. A schedule of county fees will be available with the application. If there are unused fees, the unused portion will be returned to the applicant. Each township will collect and process its fees individually.

### **Application Review and Approval**

- The Board of Commissioners and the Board of Township Trustees shall hear the application within 60 days (if joint hearing) and within 45 days (if separate hearings) of its receipt. Notice of the joint/separate hearing shall be published in a newspaper of general circulation in the county at least 30 days prior to the date of the hearing. Notice of the joint hearing shall

be sent to the following: School Superintendent of each school district within the proposed ASA; County Engineer of each county in which the proposed ASA would be located; any municipality within one-half mile of the boundaries of the proposed ASA; and the Director of the Ohio Department of Transportation.

- In the event of a joint hearing the clerk of the Board of Wayne County Commissioners shall serve as clerk on behalf of all the boards involved in the hearing. The clerk's duties shall include providing the public hearing notice, maintaining minutes and a record of the joint hearing proceedings.
- Any comprehensive plan, as applicable, of the municipality, township, and/or county may be considered in the decision to approve or reject the application.
- The boards shall consider any information they possess concerning improvements that are planned to be made during the subsequent 10 years to existing or proposed roads that are located or are to be located within the areas that is proposed for the ASA.
- Voting will occur at separate meetings of the trustees within 45 days after the hearing and then of the county commissioners within 60 days of the hearing. If a board determines that the information in the application is incorrect or incomplete the board shall return the application to the applicant, by certified mail, with an enumeration of the incomplete or incorrect items. The applicant has 15 days after receipt to re-submit. The re-submittal shall be approved or rejected within 30 days. Notice of the decision shall be sent within five days by certified mail.
- If an ASA is established, copies of the resolution approving the ASA shall be sent to the Director of the Ohio Department of Agriculture; the Director of the Ohio Department of Transportation, the superintendent of the applicable school districts; the County Engineer; and the County Auditor.
- An ASA may be renewed by filing a new application. The application must be filed at least 180 days prior to the expiration of the date of the original enrollment. The requirements are the same as for the original application.

### **Conditionally Approved Applications**

- Applications approved with a time-line to implement B.M.P.'s will be monitored and enforced by the Board of Wayne County Commissioners with the assistance of the local SWCD/NRCS
- If multiple landowners are involved with one or more landowners approved on a conditional basis all applicants are considered "conditionally approved" until the BMP time-line is implemented—unless the other immediately eligible landowners' property meets the 500-acre threshold.
- If conditions are not addressed to the satisfaction of the Board of Wayne County Commissioners within the allotted time-line, that landowner/parcel will be removed from the Agricultural Security Area. If removal of that property takes the entire ASA below the 500-acre minimum criteria, the

entire ASA will be dissolved according to ORC 931.07 (C)(a)(b)(c). The landowner whom failed to meet the BMP time-line will be subject to a \$500 fine.

### **ASA Expansions and Transfers**

- Additional contiguous farmland may be enrolled in an existing agricultural security area during a partially elapsed ten-year enrollment period either by a landowner who already has land enrolled or by a landowner who does not already have land enrolled.
- To enroll additional contiguous land, the landowner shall obtain permission from each landowner already enrolled in the existing ASA;
- Submit an application in accordance with ORC 931;
- Obtain approval from all appropriate boards of township trustees and the boards of county commissioners in accordance with section 931.03 of the Revised Code;
- Additional land enrolled in an ASA shall continue until the expiration of the current, partially elapsed ten-year enrollment period and may be renewed in accordance with section 931.06 of the Revised Code.
- If an owner of land that is enrolled in an agricultural security area transfers the land to another person during a partially elapsed ten-year enrollment period, the land may remain in the ASA until the expiration of that period, provided that both of the following apply:
  1. The transferee certifies and submits a statement together with the transferee's first, middle and last name and a description of the transferred land, to the appropriate board of township trustees and the boards of county commissioners specifying that in accordance with division (A) (3) of ORC 931, the transferee will not initiate, approve, or finance any new development for non-agricultural purposes on the transferred land during the remainder of the partially elapsed ten-year enrollment period. Upon receipt of this statement, the appropriate boards of township trustees and county commissioners shall adopt a resolution acknowledging the receipt.
  2. The transferred land continues to satisfy all of the previously established criteria implemented for an Agricultural Security Area
- Upon the expiration of the partially elapsed ten-year enrollment period, enrollment in the agricultural security area may be renewed in accordance with section 931.06 of the Revised Code and the local Wayne County Policies and Procedures.

## **Tax Exemption Policies**

One benefit to farmers within an ASA is the eligibility for tax exemption. The exemption is for qualifying agricultural real property, which includes a building, structure, improvement, or fixture that is used exclusively for agricultural purposes and is located on land that is enrolled in an ASA.

- Tax exemption applications can contain up to three years of anticipated investment (Phases). In Wayne County, the minimum new investment qualifying for exemption is \$50,000.
- ASA Tax Exemptions can be approved for new constructions that have not yet appeared on the tax duplicate.
- Renewal of the 10 year ASA commitment will be encouraged if the majority of years of a tax exemption request are to extend beyond the remaining ASA period.
- The recommended standard exemption will be 50% for 10 years.
- Township trustees and county commissioners will give special consideration of up to 75% exemption to components of a project that considerably reduces environmental or public infrastructure impact. Projects such as; an Anaerobic Digester which would reduce odors and pathogens commonly associated with the land applied manure, a Composting Pad and/or Covered Manure Storage Shelter both of which would reduce the volume through either processing or exclusion of water, and/or a "Slurrystor" or Concrete Manure Storage both of which have a potentially higher level of containment and have higher tax rates.
- The applicable board of township trustees and the board of county commissioners must approve tax exemptions. Tax exemptions can be granted at the time of the establishment of the ASA; at the time of renewal of the ASA; and/or at any time during which the land is enrolled in an ASA.
- The tax exemption agreement undergoes an annual review by the Tax Incentive Review Council (TIRC) as established under ORC Section 5709.85. Recommendations to continue modify, or the board of township trustees and the board of county commissioners will make cancel the exemption.
- If the land is withdrawn, removed or converted from an ASA, qualifying agricultural real property shall no longer be exempted from real property taxation. The amount of tax otherwise imposed on the property that was subject to the exemption must be increased by an amount equal to the aggregate multi-year value of the exemption received by the owner. Interest on this amount at the average bank prime rate at the time the property is removed from the exempt list will be charged.

# Wayne County Ag Security Area Best Management Practices Qualification Report

I.

1. Date request received by SWCD:  Date request reviewed/ investigated:

Reviewed by: \_\_\_\_\_

2. Owner information

Name \_\_\_\_\_

Street address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone number \_\_\_\_\_

3. Location Information:  
Address of operation (if different than above): \_\_\_\_\_

\_\_\_\_\_

4. Type of operation: \_\_\_\_\_

5. Does the owner have any of the following plans on file with the local SWCD/NRCS office?

Comprehensive Nutrient Management Plan Yes  No  Date of Plan: \_\_\_\_\_

Manure and Nutrient Management Plan Yes  No  Date of Plan: \_\_\_\_\_

Whole Farm Conservation Management Plan Yes  No  Date of Plan: \_\_\_\_\_

6. Is a farm visit necessary? Yes  No  If No, explain and proceed to section II of this form.

\_\_\_\_\_

\_\_\_\_\_

7. Does a rule violation exist at the operation that was / is degrading "waters of the state"<sup>1</sup>?  
Yes  No  (Check all of the following rules in violation and subject to conditions – See Section 9)

1501:15-5-02 Overflow and discharge from animal waste collection, storage or treatment facilities.

1501:15-5-03 Seepage from animal waste management facilities.

1501:15-5-04 Rainwater runoff from feedlots and waste management facilities.

1501:15-5-05 Land application of animal waste.

1501:15-5-06 Other waste-waters.

1501:15-5-07 Flooding of concentrated animal feeding operations.

1501:15-5-08 Sheet and rill erosion.

1501:15-5-09 Concentrated water erosion.

1501:15-5-10 Wind erosion.

1501:15-5-11 Placing and sloughing.

1501:15-5-12 Erosion from silvicultural operations.

1501:15-5-18 Composting of dead animals.

8. Indicate the waters of the State affected (road ditch, pond, creek, tiles, etc):

\_\_\_\_\_

\_\_\_\_\_

<sup>1</sup> As defined in Ohio agricultural pollution abatement rules & standards, OAC 1501:15-5-01 (A) (44). "Waters of the state" means all streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of depth of the strata in which underground water is located, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.

9. Are follow up measures required for **CONDITIONAL APPROVAL**? Yes  No   
If "yes," explain the follow-up measures that need to be taken and include any relevant completion / due dates.

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13. Additional comments or observations:

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**II.**

**This section should be completed at the next SWCD board meeting.**

This ASA Qualification report and any relevant supporting documentation were reviewed on \_\_\_\_\_ Date  
at a meeting held by the Wayne Soil and Water Conservation District Board of Supervisors.

\_\_\_\_\_  
Chair, SWCD Board of Supervisors

\_\_\_\_\_  
Date

**Wayne Soil and Water Conservation District  
Recommendation to Wayne County Commissioners and  
\_\_\_\_\_ Township Trustees:**

- Approval – SWCD to sign item 11.3 of ASA application.
- Approval with conditions (see items 6 through 12 above)
- Deny

# Established Agricultural Security Areas Annual Monitoring Check List

I. Name/Number/Location of ASA: \_\_\_\_\_

II. Date of Establishment (month/year): \_\_\_\_\_

III. Conditionally Approved ASA?  Yes  No

IV. Date of Monitor (month/year): \_\_\_\_\_

V. Name and Position of Monitoring Party: \_\_\_\_\_

VI. Landowners and Parcel Numbers:

1.) \_\_\_\_\_  
Last Name, First Name      Spouse      Farm Address

Parcel Number/s

- A. Have the listed owners transferred any property?  Yes  No  
If yes, has a transfer statement been provided and approved by the local governing boards?  Yes  No
- B. Do all of the above parcels still meet the required qualifications?  
Current Agricultural Use Valuation (CAUV)  Yes  No  
Agricultural District  Yes  No  
Located in an unincorporated area  Yes  No
- C. Have the Local SWCD or NRCS received any valid pollution abatement complaints on any of the parcels since ASA establishment?  
 Yes  No

Comments: \_\_\_\_\_

2.) \_\_\_\_\_  
Last Name, First Name      Spouse      Farm Address

Parcel Number/s

- A. Have the listed owners transferred any property?  Yes  No  
If yes, has a transfer statement been provided and approved by the local governing boards?  Yes  No
- B. Do all of the above parcels still meet the required qualifications?  
Current Agricultural Use Valuation (CAUV)  Yes  No  
Agricultural District  Yes  No  
Located in an unincorporated area  Yes  No
- C. Have the Local SWCD or NRCS received any valid pollution abatement complaints on any of the parcels since ASA establishment?  
 Yes  No

Comments: \_\_\_\_\_  
\_\_\_\_\_

3.) \_\_\_\_\_  
Last Name, First Name      Spouse      Farm Address

Parcel Number/s

- A. Have the listed owners transferred any property?  Yes  No  
If yes, has a transfer statement been provided and approved by the local governing boards?  Yes  No
- B. Do all of the above parcels still meet the required qualifications?  
Current Agricultural Use Valuation (CAUV)  Yes  No  
Agricultural District  Yes  No  
Located in an unincorporated area  Yes  No
- C. Have the Local SWCD or NRCS received any valid pollution abatement complaints on any of the parcels since ASA establishment?  
 Yes  No

Comments: \_\_\_\_\_  
\_\_\_\_\_

4.) \_\_\_\_\_  
Last Name, First Name      Spouse      Farm Address

Parcel Number/s

- A. Have the listed owners transferred any property?  Yes  No  
If yes, has a transfer statement been provided and approved by the local governing boards?  Yes  No
- B. Do all of the above parcels still meet the required qualifications?  
Current Agricultural Use Valuation (CAUV)  Yes  No  
Agricultural District  Yes  No  
Located in an unincorporated area  Yes  No
- C. Have the Local SWCD or NRCS received any valid pollution abatement complaints on any of the parcels since ASA establishment?  
 Yes  No

Comments: \_\_\_\_\_

\_\_\_\_\_

5.) \_\_\_\_\_  
Last Name, First Name      Spouse      Farm Address

Parcel Number/s

- A. Have the listed owners transferred any property?  Yes  No  
If yes, has a transfer statement been provided and approved by the local governing boards?  Yes  No
- B. Do all of the above parcels still meet the required qualifications?  
Current Agricultural Use Valuation (CAUV)  Yes  No  
Agricultural District  Yes  No  
Located in an unincorporated area  Yes  No
- C. Have the Local SWCD or NRCS received any valid pollution abatement complaints on any of the parcels since ASA establishment?  
 Yes  No

Comments: \_\_\_\_\_

\_\_\_\_\_

VI. Total Acreage of ASA \_\_\_\_\_

VII. Signature of Monitor x \_\_\_\_\_ Date \_\_\_\_\_

# Resolution

No. 2008-565

## Board of Wayne County Commissioners

*Cheryl A. Noah   Ann M. Obrecht   Scott S. Wiggam*

*Adopted:* November 12, 2008

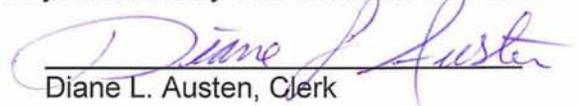
*Subject:* Approval of Amendment to the Agricultural Security Area (ASA) Policies & Procedures

It was moved by Mrs. Noah and seconded by Mr. Wiggam that approval is hereby granted for amendment to the Agricultural Security Area (ASA) Policies & Procedures originally adopted on April 26, 2006.

The vote is as follows: Cheryl A. Noah yea   Ann M. Obrecht yea   Scott S. Wiggam yea

### CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
Diane L. Austen, Clerk