To the Graduate Council·

I am submitting herewith a thesis written by Amy Franz Scheinler entitled "Farmland Protection and the Next Generation: What Do Younger Farmers and Heirs to Farmland Think About Farmland Protection?" I have examined the final copy for form and content and recommend that it be accepted in partial fulfillment of the requirements for the Master of Science in Planning, with a major in Planning

James A Spencer, Major Professor

We have read this thesis
and recommend its acceptance

Accepted for the Council

Associate Vice Chancellor and
Dean of the Graduate School

FARMLAND PROTECTION AND THE NEXT GENERATION: WHAT DO YOUNGER FARMERS AND HEIRS TO FARMLAND THINK ABOUT FARMLAND PROTECTION?

A Thesis

Presented for the

Master of Science

Degree

The University of Tennessee, Knoxville

Amy Franz Scheinler

August, 2000

ABSTRACT

Farmland protection has become a major issue across the nation as urban development spreads further from it's metropolitan center into rural, farm areas In response to this problem, numerous programs have been proposed or initiated in an effort to protect farmland from development This study explored the knowledge of and attitudes towards farmland protection by younger and older farmers and farmland heirs in the community of Mechanicsburg -- a rural farming community west of Columbus, Ohio. Columbus is the State's capitol and has been rapidly growing in all directions. Farmland protection was explored in general and for three particular protection programs proposed for use in the State of Ohio purchase of development rights, 30-year land use tax credit and agricultural zoning.

The study found that knowledge of farmland protection programs was high and there was interest in farmland protection by both younger and older farmers and heirs Although there was an overall interest in protection, no overwhelming response was found for any one of the programs discussed, but agricultural zoning (or some form of land regulation) appeared to be more acceptable than purchase of development rights or 30-year land use tax credit programs.

The study also found there were differences in attitudes between the younger generation of farmers and the older farmers -- the older farmers had more negative attitudes towards the three programs while younger farmers were generally more positive towards each of the protection initiatives. The heirs were found to be interested in protection but were divided in their responses to the specific protection initiatives -- some more positive and some more negative

Farmland protection may have the interest of the farmland community, but that community is not a homogeneous group in terms of their attitudes, interests and concerns for specific protection initiatives Understanding the differences and where support and opposition is likely to come from provides targets for developing effective strategies and for promoting and initiating protection programs.

To reach these findings the study used a case study approach focusing on qualitative research methods. Interviews were conducted with individuals representative of older farmers, younger farmers and heirs to farmland.

TABLE OF CONTENTS

CHAPTER PAGE

CHAPTER ONE

INTRODUCTION TO THIS STUDY 1
Introduction 1
Statement of the Problem 2
Project Objective 4
Methodology 4
Scope of Study and Limitations 6
Organization of the Thesis 6

CHAPTER TWO

FARMLAND PROTECTION PROGRAMS 7
Introduction 7
Why Protect Farmland 7
Why Protect Farmland in Ohio 11
The Federal Government and Farmland Protection 14
The United States Department of Agriculture 15
The Farmland Protection Policy Act 15
Reducing the Loss of Farmland and Recording/Reporting Farmland Conversions 16
Farmland Protection Assistance 17
Farmland Rating System 17
Debt-Reduction-For-Easements Program 18
Federal Money for Farmland Protection 18
Federal Tax Breaks 19
The State of Ohio and Farmland Protection 19
Economic Incentives 20
Regulatory Controls 21
Direct Economic Assistance 22
Ohio Farmland Preservation Task Force 22
State Policies 23
Executive Order 23
Farm Bills 24

CHAPTER THREE

PURCHASE OF DEVELOPMENT RIGHTS, LAND USE TAX CREDIT AND AGRICULTURAL ZONING 28
Introduction 28
Purchase of Development Rights 28
How Purchase of Development Rights Work 30
Money to Pay for Purchase of Development Rights 31
Bonds 31
Pay As You Go 32
Real Estate Transfer Taxes 32

Sales Tax 33
Developer Exaction and Special Taxation Districts 33
Benefits of Purchase of Development Rights Programs 34
General and Community Benefits 34
Benefits to Landowners 34
Legislators Support 35
Purchase of Development Rights Drawbacks 35
30-Year Land Use Tax Credit 36
How Tax Credit Programs Work 37
Tax Credit Benefits and Drawbacks 38
Agricultural Zoning 40
Types of Agricultural Zoning 41
Agricultural Zoning Benefits 44
Agricultural Zoning Drawbacks 45

CHAPTER FOUR

THE CASE STUDY: FARMLAND PROTECTION ATTITUDES AND ISSUES 47

Introduction 47
Background 47
Study Objectives 47
The Study Area. Mechanicsburg, Ohio 48
Local Regulations in the Study Area 50
Two Local Preservation Related Events 52
The Whitehall Farm 52
The Darby Prairie National Wildlife Refuge 53
The Study 55
Description of the Sample 55
Interviews and the Interview Guide 58
Responses 59
Part One: Individual Background and Farm History 59
Part Two Personal Values Towards Farming, Farmland and Opinions on the State of Farmland in the area 59
Summary of Part Two 63
Part Three: Knowledge of and Attitudes Towards Farm Protection 64
Purchase of Development Rights 67
30-Year Land Use Tax Credit 70
Agricultural Protection Zoning 71
Summary of Part Three 74
Part Four: Overall Thoughts on Farmland Protection 76
Summary of Part Four 79
Part Five: Future Intentions for Land Use 79
Summary of Part Five 80

CHAPTER FIVE

STUDY CONCLUSIONS 81
Introduction 81
Options for the Future Use of Land 81
Awareness of Farmland Protection Programs 82
Attitudes Towards Farmland Protection Programs 83
Differences Between Farm Generations and
Farmers and Heirs 87
Common Themes 89
Timing 89
Cooperation With and By the Farm Community 89
Farm Economics 90
Conclusion 92

REFERENCES 94

APPENDICES 99
Appendix A 100
Appendix B 102
Appendix C 112

VITA 118

LIST OF TABLES

TABLE		PAGE
Table 1	Interviews conducted	57
Table 2.	Range of age of interviewees	57
Table 3.	Acres farmed by interviewees	57
Table 4.	Acres owned by interviewees	57
Table 5	Type of farm operation	57
Table 6.	Description of "feelings" about land	61
Table 7.	Interest in farmland protection	67
Table 8	Consideration of purchase of development rights	68
Table 9.	Are tax breaks attractive incentives to entering protection programs?	70

CHAPTER ONE
INTRODUCTION TO THIS STUDY

INTRODUCTION

Since World War II, migration patterns have been from urban areas to rural areas, a complete reverse of the rural to urban movements of the earlier part of the century. This pattern of movement results in the conversion of agricultural land to non-agricultural uses. National estimates of the loss of farmland to other land uses vary from about 1 million acres to 1.5 million acres a year (Daniels and Bowers, 1997: 10).

In Ohio, the U.S Census of Agriculture reported that between 1974 and 1992, 1.4 million acres of farmland were lost (American Farmland Trust: 1) Farming and agricultural related industries qualify as the state's number one industry, generating $56 billion a year About one in seven jobs in the state is related to agriculture -- the fate of those jobs is directly linked to farmland (Williams, 1996: D-6). Rural parts of the state, thought immune to the pressures of growth, are watching farm frontages disappear and subdivisions crop up The growth in these rural areas mimics the "sprawl" of metro areas, with growth occurring in the rural townships, rather than in established villages and towns. The continued conversion of farmland has been likened to putting the state's agricultural factory for sale a little piece at a time and no community is immune to loss of farmland (D-6).

Farmland protection has become a major issue, highly publicized throughout the state C William Swank former Director of the Ohio Farm Bureau noted· "they have [advisory groups] been talking about farm protection for 10 years, and there has never been more interest in farmland preservation than now" (D-7). The growing concern has resulted in statewide and local farm protection actions including (in the state): the Ohio Farmland Preservation Task Force (Executive Order #96-65V, 1999) which, among other items, identified methods for protecting land for agriculture production. Locally, county Land Trusts and Preservation Task Forces have been formed with the goals to find methods for protecting farmland and resources.

The methods considered are intended to be successful in the state of Ohio, but most of the tools being explored have been implemented in other parts of the country, namely the east and west coasts -- how they will work in Ohio, the Midwest is unknown. Research has shown that successful farm protection programs must include the agricultural community and more specifically farmers (Toner, 1984 ; Berg, 1989; Stokes, 1982) This study explored the intentions for future land use and attitudes towards farmland protection by current farmers (young and old) and their children, in the rural Ohio community of Mechanicsburg.

The link between individual attitudes and farm protection methods is a critical concern and important to the design, implementation, and potential success of any protection program. An understanding of intentions and attitudes should include what the next generation intends to do with the land.

STATEMENT OF THE PROBLEM

Farmland protection has been a major policy issue for the past twenty years Much of the existing literature on the subject is devoted to: if and why farmland should be saved and ways in which to save it -- existing policies and programs from across the nation (Steiner, 1980; Steiner, 1984; Daniels and Bowers, 1997; Preservation League of New York State, 1982). One key consideration, however, is whether farmers and farm families, who stand to be most affected by farm protection measures, support farm protection.

Lawrence Libby noted: "Farmers, in whose name preservation policies are undertaken, are usually the ones least interested. They simply do not want to be preserved" (Libby, 1988 30) Libby also noted that farmers are the ones most eloquent in cautioning others on the impacts of farm loss

A statewide survey of residents in Arkansas on attitudes toward planning and management of land resources, found farmers were more likely to oppose land-use planning in favor of private rights. Attributes of those found to support land-use planning included individuals who were younger and with more education (Jackson et al., 1979) The study expected to find farmers, as a special interest group, favorable toward

agricultural land preservation, instead they found farmers tended to show less support for both natural resources and agriculture preservation measures (Jackson et. al., 1979. 31). Other researchers have concurred, farmers are generally less favorable towards land-use planning and farmland protection (Gamson, 1961; referenced in Jackson, 1979, Berg, 1989).

Like the Arkansas study, surveys of all citizens and their attitudes towards farmland protection have been the focus of much of the research with farmers as a sub-population of the sample (Kline and Wichelns, 1996; Variyam et al., 1990, Furuseth, 1987; ref in Korfmacher and Elsom, 1998; Krieger; 1999). Fewer studies have focused directly on farmers attitudes' towards protection.

A recent study by Katrina Smith Korfmacher and Emily Elsom has explored farmers opinions about voluntary farmland protection measures proposed for the state of Ohio They found there was some interest in protection programs but private rights were considered more important than long-term protection for "the good of the people" (Korfmacher and Elsom, 1998). Two interesting aspects of their study were 1) the overall older age of the study sample and 2) the importance of keeping land in the family more so than in farming (p.19).

What does the younger generation of farmers and the heirs to the family farm think about farm protection? An article by Brian Williams: "Subject of debate· preserving farms vs. property rights" in *The Columbus Dispatch*, Sept 8, 1996 noted that the Farm Bureau feels caught in the middle of elderly farmers who want the right to sell their land to developers and young farmers who want to protect their land from development. What are the differences of opinions of farmers young and old toward farm protection? And, with the average age of the Ohio farmer increasing (Hannah, 1999: A-5), what are the desire's of those who will inherit the land? Is the next generation more in favor of protection?

This paper explores the attitudes of farmers (old and young) and farm heirs towards farmland protection. It is recognized that attitudes do not necessarily predict behavior (Pfeffer and Lapping, 1995, ref. in Korfmacher and Elsom, 1998) but this research is not an attempt at behavior prediction. Rather, the purpose of this study is to gain insight on

the acceptability of farm protection, issues and concerns for the tools addressed, and any recommendations for other protection options. This paper will contribute to the literature on farmer attitudes by expanding the exploration to the younger generation of farmers and to farm heirs. These individuals are as important, if not more, to the future of farm protection than the current generation of farmers.

PROJECT OBJECTIVE

The research utilized a case study of farmers and farmland heirs in the rural agricultural town of Mechanicsburg, Ohio. Key objectives were:

1) to determine what options farmers feel they have for the future use of their land
2) to assess farmers and farm heirs awareness of farm protection programs
3) to determine interest in, concern for, and other comments on farm protection programs
4) to determine differences in opinions and intentions among farm generations
5) to describe the implications of their attitudes on farmland protection measures

The study was intended to discover what aspects of farmland protection are attractive or unattractive, and what are the issues or concerns to be addressed to make such programs more appealing It was also intended to show that farmers are not a homogeneous community, as past research may suggest. The study explored differences of opinion among farm generations and farmers and heirs so that farm protection proponents may direct their education, outreach and policies according to the farm community they are dealing with

METHODOLOGY

This research was based on a case-study of farmers and farm heirs in the Mechanicsburg, Ohio area. Mechanicsburg is approximately 35 miles west of central metro Columbus and roughly 15 miles from Columbus' western suburbs, business parks, and shopping areas.

The case study approach was chosen because farmland protection has been a current issue in this area and the area is small enough to allow identification of farmers of

all ages and heirs to the farm. A case study of this specific sample offered the opportunity for greater exploration of this complex issue.

Area farmers and farm heirs were identified though a reputational technique Key informants the Champaign Landmark (Local Farm Co-Op - grainery) and The Ohio State University local Agriculture Extension Office were asked to provide a list of local farmers/landowners both young and old. The list was limited to those farming in the Mechanicsburg area.

Farmers on the list were contacted by phone and asked if they would participate in the research study and if they had children, of age, who also lived in the area. The children of farmers were then contacted and asked to participate in the study Those willing to participate comprised the study sample Interview times were established and interviews were conducted at the homes of the participants Appendix A contains the outline for this initial contact phone call

An interview guide was administered through personal interviews with the individuals by the researcher. The interviews were semi-structured with a list of survey questions identifying attributes of participants followed by less structured, open-ended questions pertaining to options for future land-use, knowledge of and interest in farm protection programs

Specific farmland protection tools discussed were purchase of development rights, 30-year land use tax credit and agricultural zoning. These tools were chosen because they represent those being explored both in the State Legislation and at the local level These tools have also been highly publicized and represent voluntary and regulated options The interview guide appears in Appendix B.

The results of the survey were analyzed to identify qualitative information pertaining to options for land-use and attitudes toward protection. Differences between options and attitudes were compared among older farmers, younger farmers, and farm heirs.

SCOPE OF STUDY AND LIMITATIONS

The focus of this study was on farmers and farm heirs in the rural, Midwest town of Mechanicsburg, Ohio. A localized study, their attitudes may differ from those in other regions and from those who face different pressures to convert land-uses. However, the conditions in Mechanicsburg, where farming is central to the economy, culture, character, and appearance of the community, are not unlike other rural communities in Ohio.

The study sample included farmer/landowners and landowners who rent their land to other farmers. The number of farmland owners interviewed for the study was eleven Those interviewed represented farms with a total acreage of 6,977 acres.

The major concepts of the programs: purchase of development rights, 30-year land use tax credit and agricultural zoning were the focus of the study The researcher was familiar with other protection tools and was willing to discuss alternative methods if the interviewee was inclined to explore those other options as "recommended alternative methods " This report does not include detailed descriptions of all available protection methods

ORGANIZATION OF THE THESIS

Chapter two will present current farmland protection programs at the Federal level and in the State of Ohio.

Chapter three will describe the three programs explored in the survey: purchase of development rights, 30-year land use tax credit and agricultural zoning.

Chapter four will present the study, it's execution, and results This chapter will include an introduction to the study area: Mechanicsburg, Ohio and will present local issues pertinent to farmland protection in the community.

Chapter five will draw conclusions based on the data gathered The most significant observations will be addressed and implications for farm protection will be discussed

CHAPTER TWO

FARMLAND PROTECTION PROGRAMS

INTRODUCTION

This chapter explores the issues surrounding farmland protection and the methods which have been utilized by the various levels of government to respond to the issue. Section one presents the reasons for protecting farmland in general, as well as presenting some of the arguments against the cause. Section two presents the reasons for protecting farmland in Ohio, the focus area of this case study. Section three looks at the federal government's response to the issue of farmland protection. Finally, section four presents the recent actions by the State of Ohio and the direction they are moving as the state faces increased farmland conversions

WHY PROTECT FARMLAND?

A debate goes on among economists, politicians, developers, the farm community and others as to whether there is or will ever be a true agriculture crisis in the United States, a crisis in terms of a shortage of land to support our nation's and other's requirements for agricultural products. Regardless of their findings, the evidence clearly shows that farmland is being converted to non-agricultural uses in every state in the nation, conversion is increasing and more land is being used per person, spreading development further across the land (Daniels and Bowers, 1997. 9-10). National food production is just one of many concerns related to this problem, a problem which has generated enough interest and worry to make farmland protection a priority for political leaders, planners, and land use groups across the nation in the later part of this century (Furuseth and Pierce, 1982 41, Libby, 1988 30)

Loss of farmland can be attributed to several factors but conversion to nonfarm uses due to suburban sprawl is generally identified as the number one culprit (Gray, NALS Study, Hillenbrand, et al., 1980; Daniels and Bowers, 1997). As development reaches further beyond city boundaries it increases the pressure on farmland in a number of ways Encroaching development increases the value of the surrounding land which subsequently

raises property taxes and makes land less affordable to maintain in farming (Schmidman, et. al, 1990; Williams, 1996). Less land is available and what remains costs more, making it difficult for farm operations to expand (Williams, 1996: 6D).

Increased land values also make land purchase particularly difficult for young farmers This is an important issue, considering the average age of the American farmer has increased to 54.3 years and that young individuals have many more career opportunities than in the past (Hannah, 1999: A-4). Unaffordable farmland can be a huge deterrent to younger farmers trying to establish themselves in farming. Fewer individuals are entering this occupation, as evidenced by the increasing average age. Therefore, maintaining farmland, affordable farmland, is critical to also maintaining individuals to farm the land i e farmers.

Encroaching development in agricultural areas also creates conflicts between farmers and nonfarm neighbors (Hillebrand, et. al., 1980; Daniels and Bowers, 1997). The resulting conflicts can make farm practice difficult to the point where selling the land and farming somewhere else become the only choice Nuisance complaints and actions by nonfarm neighbors for farm practices such as fertilizing, pesticide applications, etc can limit required farm practices and aggravate farmers. Vandalism and theft of farm crops often results when residential uses move into agricultural areas (Hillebrand, et. al., 1980). And increased traffic on rural roads, due to increased residents, make farm machinery transportation difficult and dangerous (Williams, 1996: 7D).

As development increases and land is taken out of production, the critical mass necessary to support farm-related businesses is diminished. When there are not enough farm practices to support agricultural related businesses (graineries, seed and fertilizer sales, farm implement sales, stockyards, and food processing plants, etc.) such businesses close and/or relocate to other areas (Williams, 1996: 6D) This practice can wipe out any remaining farms because of the high costs associated with increased distances to farm business areas. This also results in loss of businesses and revenues to towns from which the farm infrastructure moved (6D)

A related problem, is the disinvestment by farmers as land is converted When farmers see their neighbors land being changed to nonfarm uses, they stop investing in

their own operations, foreseeing the eventual sale of their land (Daniels and Bowers, 1997). This practice is a self-fulfilling prophecy that the farmland will disappear

Why is the disappearance of farmland an important issue? There is a wealth of literature on the impacts of farmland conversion and why farmland should be protected. The following briefly summarizes some of the key reasons for farmland protection

"Farmland is a strategic resource, fundamental to our nation's security" (Daniels and Bowers, 1997: 9). The United States is the most productive agricultural nation in the world and produces 13 percent of the world's food (9). Because food and fiber products are in abundance and produced within our borders, prices for such products remain lower than those in other countries who rely on, and pay for, imports (Hillenbrand, et. al , 1980· 2). American's pay the smallest percentage of their income for food of any country (Daniels and Bowers, 1997: 9) Farming provides roughly one in ten American jobs in farm related industries such as farm implement, feed, seed, and hardware as well as in firms that process, transport, and market farm products (9). American agricultural production is also key to trade agreements and political stability within the global market and global politics (Hillenbrand, et. al , 1980: 2)

One of the reasons U.S. agriculture is so successful is because large areas of our country have the benefit of unique combinations of soils and climate (California Institute, 1983 63) The combination of soils and climate results in regional production of specific types of crops For example, the Midwest, from Ohio to the Dakotas and through Illinois, Missouri, Kansas and Texas is the great, grain belt known as the Heartland (Daniels and Bowers, 1997 9). Within these production regions there are variations in the weather creating production microregions. If Illinois, Indiana, and Iowa, had a summer drought, drastically reducing crop productions, the crops in the remaining Heartland states would become more valuable and more important to maintaining the nation's agricultural health and wealth. The unique impact of weather on the farm industry makes it important to keep large and geographically diverse regions in agriculture so our agricultural system does not become threatened by regional weather patterns (Williams, 1996: 6D).

In terms of soil, land is considered a finite natural resource, we are not producing any more of it Maintaining land in agriculture, especially land with soils suited to

agriculture, will ensure it's availability for a variety of uses for an uncertain future (Korfmacher and Elsom, 1998: 2) Even if protected farmland is no longer farmed but left in open space, it is still undeveloped and could be farmed if necessary. Converting productive farmland to non-agricultural uses contributes to the diminishment of the farmland resource and places greater reliance on marginally-productive land for agricultural production This leads to higher rates of soil erosion, increased need for fertilizer use and chances for greater environmental damage (Voinovich, 1998: 1) Bringing marginal farmland into production and relying on technological advances for productivity is a practice that may eventually be unsustainable (Krieger, 1999: 2).

Conventional farming can have some negative environmental impacts, however traditional agricultural land uses are generally considered less detrimental than suburban/urban residential, commercial, or industrial land uses (Korfmacher and Elsom, 1998). Farmland allows water to percolate into the earth decreasing runoff in rivers, lakes, and streams. Percolation is the natural water cleanser and is better for water resources. Farming also does not generate the traffic and congestion which has become synonymous with suburban areas and therefore does not contribute to air pollution like such developments

Community fiscal impact studies favor farmland protection. Studies by the American Farmland Trust, Rutgers University, and others have shown farming provides more in tax revenue than it demands in local services, while the costs to provide services to "sprawl" are greater than the economic returns of such development (Korfmacher and Elsom, 1998 2) For example, the American Farmland Trust found for every $1 00 paid in taxes, farming uses as little as 21 cents in services while residential and commercial development can cost as much as $1.67 for services (AFT, 1997). The "leapfrog" development of sprawl is unable to pay it's own way in terms of municipal services, shifting the burden to other residents to make up the difference.

The loss of farmland strains the cultural fabric of rural communities (AFT, State of Ohio's Agricultural Lands: 1). When farmland is converted to residential uses, spin-off commercial developments soon follow. Communities, which up to the time of conversion, functioned with "Main Street" and agriculturally related businesses change with the

addition of suburban style commercial development "The hamlets become booming centers of commerce laced with wide thoroughfares and the winding roads of freshly grown housing developments" (Williams, 1996: 7D) For existing residents that is not how they chose to live - urban or suburban living was not the environment they desired, so the change affects the quality of their living environment and subsequently their quality of life

Farmland's "public good" aspects are often those which drive protective measures, more so than the fear of food production, economic downfall, or environmental health (Krieger, 1999. 3). The public has shown they derive enjoyment from the views of open farmland and the "rural character" of agricultural communities (Daniels and Bowers, 1997, Krieger, 1999) Protecting farmland for it's open space and "rural character" is considered an important measure to maintain a good quality of life.

WHY PROTECT FARMLAND IN OHIO?

The American Farmland Trust reports 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 (State of Ohio's Agricultural Lands 1). "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" (1). Despite the strong urban influence, agriculture is Ohio's leading industry, a critical component of the State's economy and is important to the nation for food and fiber production.

At the American Farmland Trust Ohio web site, "Quick Facts from Ohio's Agricultural Industry" the importance of Ohio agriculture is noted:

- Ohio's agricultural industry contributes roughly $67 7 billion to the state's economic growth and employs one-in-six Ohioans in farming or farm-related businesses

- Ohio has approximately 800 food processing plants throughout the state Major food processors have chosen to locate in Ohio because of its diversified abundance of agricultural products

- Every other row of soybeans and every 5th row of corn in Ohio is exported

- In 1997, Ohio had numerous commodities ranked in the top 10 for national production Such commodities included: soybeans, sweet corn, cucumbers, corn for grain, oats, and milk.

- Ohio ranked first in U S egg production and was the fifth largest producer of floriculture crops in the world

The strength of agriculture in the state may be due in part to the fact that Ohio is **one of only 4** states with over 50% of its land in prime agricultural soils (McKew, et al , 1996 2) Good soils and growth in the international agricultural economy place Ohio in a prime position to capitalize on trends for continued agricultural strength (McKew, et al , 1996 2). Despite these factors, which increase the value of land as farmland, Ohio has had the second highest rate of farm acreage loss in the U.S in the last decade (2) This rate of loss is not positively related to population growth or new job generation in the state -- land consumption is outpacing population growth (Williams, 1996· 6D)

The importance of Ohio farmland was identified in Ohio State Executive Order 98-03V by Governor Voinovich, stating· "each year Ohio's productive agricultural lands are converted to nonagricultural uses thereby potentially undermining the economic vitality of Ohio's agricultural industry. Brian William's Columbus Dispatch Article: "Farmland, farmers feeling squeezed," detailed some of those economic concerns, many of which were noted in the previous section on why farmland, in general, should be protected Specifically in Ohio, the number of jobs linked to farmland makes it's fate a major concern in the state With one in six jobs connected to agricultural related fields, most (60%) in off-farm industries such as food processing, employment is directly linked to the state of

farming and farmland In William's article, Thomas Sporleader, an Ohio State agricultural economist, noted that many employees in the farm related industries would lack the technical skills necessary to fill professional-technical jobs he sees as the growth sector, or replacement for agriculture industries, in the central-Ohio region. "What's more, Sporeleader's research on the "multiplier" -- or ripple -- effects of different types of jobs indicate that food-processing jobs get a bigger bang for the buck. they bring more economic activity to a community" (6D). Therefore, loss of farmland and farm industries can have a direct negative effect on employment and community wealth across the state

The decline in farming and farm acres in Ohio cannot be attributed entirely to urban conversion, but "urban sprawl" has been identified as the culprit for much of the state's farmland displacement A position paper by the North East Ohio Homebuilders, referenced in McKew, et. al's "Critical Economic Factors and Consequences of Farmland Preservation," stated sprawl in Ohio is "the inefficient and unplanned conversion of rural lands to exurban and suburban uses," that "is undesirable because it can be costly to service, unattractive and represents a poor use of one of the region's most valuable assets - its' land " The conversion of agricultural lands to suburban uses, "sprawl," is occurring in almost every part of the state of Ohio

There are currently 51 counties with viable agricultural economies in the state. If the land consumption patterns of the past two decades continue, only 11 counties are expected to have strong agricultural economies in the next 25 years (McKew et. al, 1996 2) The loss in income to Ohio's economy is estimated to be a minimum of 11.4 billion dollars per year at current land absorption rates (2). With no net population or employment gains and increased public costs for residential or commercial development versus the public costs for agriculture, these trends will turn positive cash flows to negative. This will create a major financial challenge for the State of Ohio and local municipalities as they lose their number one industry and replace it with higher service costs McKew's paper included reports by Agri-business publications which stated that the declining agricultural base in Ohio was a deterrent to future agricultural investment, further destabilizing the agricultural economy of the State.

For the farm communities around the State, community economics are not the only negative affects of farmland conversion Their way of life and quality of life are threatened with permanent change. Columbus Dispatch articles: "Development comes knocking on family's door" (Williams, 1996) and "Farm is gone, not the farmers" (Bridgeman, 1999) expose the changes felt by residents in rural development areas, specifically the relocation of farmers who have been on the same land for generations. While some argue, no farmer has ever been forced to sell, some, especially those feeling the pressure, would argue otherwise. Kermit Grener, a farmer interviewed in Williams article stated: "I'd like to [stick with farming], but what do you do when you're encircled by housing developments?" "You're more or less forced [to move] " The ensuing development, both residential and commercial, change the villages and rural roads into commercial centers and multi-lane connector routes. The one acre, rural "American dream" is multiplied across the rural landscape making it all but rural

THE FEDERAL GOVERNMENT AND FARMLAND PROTECTION

The conversion of farmland to nonfarm uses was not a major national issue until the mid 1970's when commodity prices increased sharply and surpluses disappeared (Schnidman et. al, 1990 1). These two events raised government awareness that good farmland is limited and should be protected While it's importance was acknowledged, the Federal government has been cautious with it's involvement in farmland protection due to the varied opinions on the actual conversion statistics (how much land is actually lost), conversion impacts, and most important, the lack of consensus on what role, if any, government should play in land use issues (1).

Daniels and Bowers in "Holding Our Ground," point out that while the federal government often distances itself from land use policies for protection, it does share a role in land use matters through legal rulings by the Supreme Court, tax policies, and lending programs(1997: 76). The federal government also has a powerful effect on development which is argued as the culprit for farmland conversions. "In fact, lavish federal highway projects, federal grants to local governments for sewer and water projects, and the annual

mortgage interest deduction for homeowners have subsidized the conversion of millions of acres of farmland over the past 50 years" (Daniels and Bowers,1997: 76).

The United States Department of Agriculture (USDA)

The United States Department of Agriculture Committee on Land Use recognized the government's role in the conversion of agricultural lands in the mid-1970s and following a seminar on the retention of prime lands, developed policy recommendations and actions for the department. They included, among others, the USDA taking a major role in the national questions on agricultural land use and advocating the retention of the maximum possible base for the production of food, fiber and wood products and avoiding in their own department, and encouraging other departments to avoid, the diversion of highly productive farm and forest lands to nonproductive uses where alternatives exist (Schnidman et. al., 1990 3)

The recommendations put forth by the Committee on Land Use were modified several times through the late 70's and 80's but resulted in departmental policy in 1983 The policy adopted committed the USDA to encourage and support state and local governments and individual landowners to retain important agricultural lands, while discouraging unwarranted conversion of important land to other uses by any federal agency (Schnidman et. al , 1990 4). The USDA was also assigned to this task through congressional action with the adoption of the Farmland Protection Policy Act

The Farmland Protection Policy Act (FPPA)

In 1979, the Department of Agriculture and the Council on Environmental Quality funded the National Agricultural Lands Study (NALS) (Daniels and Bowers, 1997. 76) The study reported incredible losses in farmland: 3 million acres a year between 1967 and 1977 Although the report's figures were later disputed, Congress responded by passing the Farmland Protection Policy Act (FPPA) as part of the 1981 Farm Bill (Public Law 97-98) (Daniels and Bowers, 1997:76; Schnidman et. al., 1990). The FPPA put in place measures aimed at reducing the loss of farmland to nonfarm uses and recording/reporting

farmland conversions, assisting in farmland protection programs, and developing a farmland rating system

Reducing the Loss of Farmland and Recording/Reporting Farmland Conversions. To reduce the loss of farmland, the Act put into place several measures. First the purpose of the Act was described. to "minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, would be compatible with State, units of local government, and private programs and policies (Subtitle I, TitleXV,P.L. 97-98, Section 1540 noted in Daniels and Bowers, 1997 77).

The Act requires each federal agency to identify and review construction projects funded with federal monies and resulting in the conversion of farmland. In addition, each agency is required to determine if alternative locations or alternative project designs, that would conserve farmland, exist However, federal agencies are not permitted to use the Act to refuse to grant assistance to programs that consume farmland (Schnidman et al., 1990 10).

Federal agencies are required to report information to the Natural Resources Conservation Service when a federal project contributes directly or indirectly to the conversion of important farmland to nonfarm uses (Daniels and Bowers, 1997: 77). Farmland Conversion Rating Forms (AD-1006) are used to report this information These forms are also used by the USDA as the basis of their annual report to Congress on the impacts of federal programs on farmland conversion.

Individuals or groups of individuals may not use the Farmland Protection Policy Act to challenge federal projects affecting farmland. Yet an amendment to the Act filed in 1985 gave states with farmland protection policies the right to challenge in court any federal program not in compliance with the FPPA for project review procedures (Schnidman et. al, 1990; Daniels and Bowers, 1997) "To date, no such legal suit has been filed"(Daniels and Bowers, 1997· 77)

The Act does not apply to any farmland zoned for other uses And federal government activities of issuing permits or licenses on private or nonfederal lands, or approving public utility rates, are not applicable.

Therefore, while one purpose of the Act is to "minimize unnecessary and irreversible conversions of farmland by federal programs," the law only requires federal agencies to **consider** the farmland conversion impacts of their activities Agencies are not required to change their activities, as the result of those impacts.

Farmland Protection Assistance. Part of the Act addresses farm protection assistance by requiring the Natural Resources Conservation Service to help state and local governments and nonprofit groups create farmland protection programs To this end, the Natural Resources Conservation Service has mapped important farmlands in almost every county in the nation, enabling local governments to identify their best farmlands (Daniels and Bowers, 1997: 77)

Farmland Rating System. The Natural Resource Conservation Service was also instrumental in developing the land evaluation and site assessment (LESA) system, the farmland rating system enacted through the Policy Act. Such a system is necessary in order for agencies to evaluate conversion impacts of proposed projects and to report the conversion of "important" farmland as required by the Farmland Conversion Rating Forms

The system developed rates the quality of land for farming then rates surrounding economic, social, and geographic features that indicate development pressures on the farm and farm viability (Daniels and Bowers, 1997 78). Factors and point scores are used in the rating system, and are added up to produce total scores for farms and farmland The system was designed to be objective and numerically based, though there is some trial and error in the selection of point scores and the overall weighting factors

The objectivity and numeric base, as well as the flexibility in the system for including different factors, weights, and points, have also made the LESA system attractive to local governments in their decision making processes on development and farmland protection The evaluation is used to defend rezoning requests or denials, locate public infrastructure, and decide where development rights should be purchased (purchase

of development rights will be discussed later in the chapter). "As of 1996, the LESA system has been used in over 30 states, and as many as 220 county and municipal governments have included a LESA system as part of their land planning or farmland protection efforts" (Daniels and Bowers, 1997.81).

Debt-Reduction-for-Easements Program

The 1985 Farm Bill included a provision for debt reduction to farmers who donate a conservation easement on nonproductive lands to the Farm Service Agency. The goal of this program was to reduce financial burdens on farmers, who during the mid-80's were experiencing serious debt crisis resulting in the foreclosure of many farms Interest in the program was high, but only a couple hundred farmers actually wanted to be considered for the program (Daniels and Bowers, 1997: 81)

Federal Money for Farmland Protection

The 1990 Farm Bill included the The Farms of the Future Act which was designed to lend federal money to states for the purchase of development rights (Daniels and Bowers, 1997 82) This first in direct federal assistance to farmland preservation was short-lived, never getting any further than a pilot project in Vermont The program was haled a success in terms of protection, buying 9,000 acres of farmland in 3 years, but was described as a "cumbersome" process, costing the government more to carry out the program than the money received by the state

To replace the lending approach of the Farms of the Future Act, the 1996 Farm Bill provided $35 million in federal grant money to states and localities with farmland preservation programs (Daniels and Bowers, 1997· 82). The money is to be provided over seven years and is intended to help purchase development rights of valuable farmland However, funding for the program has not been to the projected level, with $14.5 million spent in 1996 and only an additional $2 million budgeted for 1997.

Federal Tax Breaks

Tax policies are the primary mechanism used in financial compensation strategies for farmland protection (Furuseth and Pierce, 1982: 43). The Federal Tax Reform Act of 1976 spurred a reduction in death taxes on farmland in many states for eligible farm estates Typically, property and estate tax laws reflect the *ad valorem* tax assessment formula which taxes land proportionally to its value in its highest and best use (Furuseth and Pierce, 1982: 43). The result of this method is often the forced sale of family farms because heirs do not have the liquid assets to pay the estate taxes. The Reform Act tried to address this problem by permitting the estimation of the land value based on agricultural use value and permitting deferral of the tax payment for 5 years with payback over the following 10 years (Furuseth and Pierce, 1982. 45)

The Taxpayer Relief Act of 1997 also included legislation aimed at farmland protection through tax break incentives A 40% estate tax exemption is permitted for land committed to conservation easements. The tax break only applies to easements on land within 25 miles of a federally designated metropolitan statistical area and sets a $500,000 cap on tax benefits (The National Trust for Historic Preservation).

Therefore, while there is some manner of federal farmland policy, and some (very small amounts) federal money has been used to support farmland protection, there is no coherent federal strategy to protect farmland (Daniels and Bowers, 1997· 75). No federal policy on farmland exists that states and local governments are required to follow. Instead, the federal government has treated agricultural land use policy as state, county and local municipality concerns (Daniels and Bowers, 1997, Furuseth and Pierce, 1982)

THE STATE OF OHIO AND FARMLAND PROTECTION

Schnidman et al (1990) grouped state initiatives for farmland protection into three general categories. First, economic incentives to aid the farm industry financially. Second, regulatory controls to implement land management policies by establishing statewide or regional planning objectives, granting localities the power to implement tools for local planning, and safeguarding farmers from nuisance suits. And last, direct state economic assistance or direct government action to provide protection in a straight forward fashion

The State of Ohio has used each form· economic incentive, regulatory and direct assistance to address agricultural protection in the state. The State has primarily relied upon preferential tax assessment (economic incentive) and nuisance protection (regulatory control) to protect and encourage agriculture investment (McKew, et. al., 1996). The State has also offered direct assistance through loans, grants, and development funds for agribusiness. Increased interest in farmland protection has spawned new state actions within the past three years Such actions have included· creation of a Farmland Preservation Task Force to make recommendations for farmland protection, an Executive Order by the Governor guiding the State's use of land, purchase of development rights enabling legislation, and two farmland protection bills - HB 645 which was vetoed and a package of seven smaller bills currently proposed in the House

Economic Incentives

Ohio employs economic incentives for farmland preservation through a tax relief program called CAUV (Current Agricultural Use Value). This voluntary program taxes farmland at it's agricultural value instead of at a higher market value based on development and speculation (Sitterly, et. al , 1981). Farmland owners must apply for the program and pay a nominal application fee with the County Auditor. Applications are reviewed by the County Auditor for minimum acreage (10 acres) or minimum production value ($2,500), land productivity as determined by soil type, a production history for the past 3 years, and crop use for commercial production (Franklin County Auditor Web Page) The amount of tax reduction is determined by the County Auditor and is based on the soil productivity of the land - placing the value at it's current agricultural value. A second value is determined which is the value of the land without the deferred program.

Farmland owners are required to reapply for the program annually. Failure to reapply or conversion of all or a portion of the tract results in a penalty levied against the land (Sitterly, et. al., 1981). Current penalties are valued at the amount of tax savings received during the previous three years.

Ohio's deferred taxation program is a strategy employed by many states The goal of this type of program is to provide financial benefits for the maintenance of agricultural

land uses (Furuseth and Pierce, 1982). Furuseth and Pierce go on to note: "Since taxes, can constitute a major cost to farmers and can be manipulated to provide benefits for selected classes of taxpayers, their use as a tool to protect farmland is not surprising (1982) However, the CAUV program in Ohio, has been shown to have a minimal effect in preventing the conversion of farmland and is believed to help fuel land speculation by lowering the holding cost of land for development (McKew, et. al., 1996: 4). Enrollment in the program has also been weak with less than 22% of farmland acreage protected by this legislation in 1996 (4)

Enabling legislation for the purchase of development rights (PDR's) was passed in the State in 1998, creating another form of economic incentive for farmland protection (The Great Lakes Radio Consortium, 1999). The legislation passed enables communities to purchase the development rights on land so that it may be maintained permanently in open space or farming The legislation does not provide funding for PDR's, sources of money must be found by each community But it does permit communities to levy a tax for the acquisition of agricultural easements (Ohio Revised Code, Section 5739 026, 1999). The program is not intended to have a huge state fiscal outlay, but rather to leverage federal and local dollars through other means, of which, tax revenue is one source (others will be discussed later in the section on PDR's)

Regulatory Controls

Regulation is one of the most important mechanisms for public participation in private land use decision making (Furuseth and Pierce, 1982: 49) The exercise of public power over private land use is provided for under the police power rights of government to protect public health, safety, and welfare These rights are established through federal and state constitutions who assign the powers to local governments through state enabling legislation The police power tools permitted by the State of Ohio's enabling legislation include comprehensive planning, zoning, subdivision regulations and building codes

In Ohio, these tools are carried out at the local level by municipalities, townships and counties. Ohio's cities and villages are given the authority to administer zoning in their incorporated areas/municipalities (Stamm, Zoning Extension Fact Sheet: 1) Townships

administer zoning in unincorporated areas unless the township has voted to let the county administer zoning (2) Comprehensive plans are developed on a county-wide basis and subdivision regulations and building codes are administered by the county

These tools may all be used in some manner to protect farmland, especially zoning and subdivision regulations which guide the location and intensity of growth, but their application to reduce agricultural loss has little documentation in Ohio This does not mean Ohio does not employ such tools, rather a comprehensive study of the State's use of police power regulation for farmland protection has not been undertaken. Furuseth and Pierce noted in 1982 that "the direct application of these tools [zoning and subdivision regulations] to reduce agricultural losses is a recent innovation with limited distribution." Focus on stronger planning and changes to subdivision requirements, in recent Ohio farm bills (discussed later in this chapter), may suggest limited use or ineffectiveness in the current use of these regulatory controls to protect agricultural lands.

Ohio also utilizes regulation with a Right-To-Farm law which protects farmers from nuisance complaints by non-farm neighbors Farmers may continue farm practices, regardless of complaints, as long as they are following generally accepted agricultural practices (Farmland Information Library)

Direct Economic Assistance

Direct assistance from the State of Ohio is provided through loans, Community Development Grants, and Agribusiness Development Funds (McKew, et al., 1996 4). The Treasure's Office of Ohio also manages a linked deposit program for support of agricultural business loans (4). Together, through loans and linked deposit, over $534,462,769 in agricultural business assistance was provided from 1989 to 1996 (4). Despite such direct assistance, farmland conversion has not decreased, instead it has increased in the state (4).

Ohio Farmland Preservation Task Force

Concern for the increase in farmland conversion and increased public attention on the issue has led to several recent actions by the state (Korfmacher and Elsom, 1998 1)

First, was appointment in August 1996 of the Ohio Farmland Preservation Task Force (Executive Order #96-65V, August 7, 1997). The Task Force was formed to study the state's issues of farmland conversion, and to identify methods and incentives for preserving and maintaining land for agriculture (Korfmacher and Elsom, 1998 1) The Task Force was directed to report their findings to the governor and to recommend measures to preserve farmland in the state

The Task Force' recommendations have become the basis for many recent farm protection actions by the state Their published recommendations focused primarily on voluntary programs to protect farmland such as purchase of development rights, transfer of development rights and a 30-year land use tax credit program (Korfmacher and Elsom, 1998. 3). The report also made suggestions for statewide planning, infrastructure, economic development and urban revitalization, and proposed creation of a state Office of Farmland Preservation

The state has, following the report, passed enabling legislation for the purchase of development rights, established the State Office of Farmland Preservation and introduced many of the voluntary programs in state legislation

State Policies

Executive Order Following release of the Task Force recommendations, Ohio Governor, George Voinovich issued Executive Order 98-03V, *The Ohio Farmland Protection Policy*. The policy recognized the work of the Task Force, the importance of preserving Ohio's agricultural land, and the role of state government in the conversion of agricultural land. The Governor noted the state's role in agricultural land conversion "through state land acquisition, state development projects and state financial assistance for public and private development including infrastructure, but [that] no state plan currently exists to uniformly ensure that state actions do not irretrievably convert prime or productive agricultural land to other uses when alternatives are available "

Governor Voinovich then directed state agencies to examine their policies, guidelines and procedures to assure that state projects would not "eliminate or significantly interfere with or jeopardize the continuation of agriculture on productive agricultural lands

or reduce the agricultural potential on prime agricultural soils unless there is no feasible and prudent alternative and the facility or service has been planned to minimize its effect on such lands " To this end, a Ohio Farmland Protection Plan is to be developed by the Ohio Office of Farmland Preservation and is to include procedural recommendations for state agencies that may eliminate or minimize impacts damaging to productive agricultural lands The Office of Farmland Preservation is also required to issue an annual report on the progress and effectiveness of the Ohio Farmland Protection Plan.

Executive Order 98-03V takes steps towards farmland protection by guiding the use of state lands and state funds. Such a program can be accomplished at the state level and provides an example of leadership in farmland protection for local governments and private landowners to follow (Schnidman et. al., 1990).

Farm Bills. Two farmland protection initiatives were recently proposed in the Ohio House The first, HB 645 introduced in 1997, was drafted from the recommendations of the Farmland Preservation Task Force Report to the Governor and provided for farmland preservation and urban revitalization through changes to the Ohio Revised Code (Farmland Preservation Bill Summary). The Bill focused heavily on stronger county comprehensive land use plans by requiring identification of Transportation Improvement Districts, Agricultural Security Areas and Concentrated Infrastructure Districts. Once identified, these districts were to guide State actions:

- In Transportation Improvement Districts, the Ohio Department of Transportation was required to comply with the community's transportation plans

- In Agricultural Security Areas, the agricultural link loan program was to expand to provide loans to farms in these areas, farms in these areas were to be exempt from estate taxes; purchase of development rights were to occur only in these areas -- giving the PDR program geographic focus

- Where Concentrated Infrastructure Districts were identified, the State was to give preferential funding.

HB 645 also addressed changes to the Current Agricultural Use Valuation program (CAUV) by increasing the length of recoupment from 3 years to 10 years, the minimum acreage from 10 to 40 and the minimum gross income level from $2,500 to $5,000 (Farmland Preservation Bill Summary). Urban revitalization incentives were also part of HB 645 and were intended to protect farmland by encouraging redevelopment of existing developed areas -- curbing sprawl in undeveloped areas

HB 645, touted as a "massive farmland protection bill," died in the house in 1998 (Souhrada, February 26, 1999). However, the bill's general principles: farmland protection through better planning and new incentives for urban redevelopment, have been resurrected in seven, more modest proposals, which are currently being proposed in the 1999 House (Souhrada, February 26, 1999)

A complete outline of the seven bills can be found in Appendix C, some highlights include

"The Planning Bill" which encourages counties to develop comprehensive land use plans with designated Agriculture Security Areas and to adopt tougher septic system rules. Counties who do so would receive "Certified Well Planned County" (CWPC) status and would move up on state funding priority lists, and farmers in such counties could qualify for special tax breaks and loan programs (Krebs and Logan, 1999; Souhrada, 1999).

The "Subdivision Bill" would permit local legislative bodies to expand the number of acres to which the Subdivision Law may apply by changing the definition of "subdivision" to include parcels greater than 5 acres but less than 20 acres. Currently, parcels over 5 acres are not subject to subdivision regulations Making larger lots subject to subdivision regulations is intended to dissuade random "carving of large-lot parcels" which are too big to mow and too small to farm, thereby keeping more land in agriculture (Souhrada, 1999).

"The State Government Bill" would require the state to consider whether its' policies contribute to urban sprawl (Souhrada, 1999). This bill would act to codify the requirements spelled out in Governor Voinovich's Executive Order 98-03V making them part of the Ohio Revised Code.

Changes to the Current Agricultural Use Valuation (CAUV) program are proposed

again in the "CAUV Bill". The minimum acreage is proposed at 20 acres (instead of 40 in HB 645) or minimum gross production income of $2,500 for parcels under 20 acres (Krebs and Logan, 1999). The recoupment period is increased from the current 3 years to 6 years, with the recoupment from 4, 5 and 6 years going to local farmland preservation, if the county is considered a Certified Well Planned County (CWPC). If the county is not a CWPC, recoupment is to go to the state Office of Farmland Preservation for purchase of development rights on agriculture land.

A review of Ohio's recent state actions and news literature suggests that farmland preservation is a top issue for the state. As evidence, the State utilizes or proposes a number of farmland protection programs representing the three general types: economic incentives, regulatory controls and direct state assistance Furuseth and Pierce, in their review of the use of such farmland protection programs in other states across the country, found that most policies developed were generally designed to offend the least number of people and be minimally restrictive. They found that North American land policies, in general, have followed such a pattern because of the "almost sacred image of private property rights" held in the United States (52)

Most of Ohio's current and proposed farm protection programs rely on *voluntary* measures to protect farmland. Even recent efforts by the state, while testimony to state support of farmland protection, rely heavily on voluntary action. The emphasis on voluntary programs is consistent with the idea to be least offensive, least restrictive and sympathetic to private rights because individuals are given the choice to participate But, because voluntary protection is emphasized, the farmer's perspective on such programs is critical to the program's opportunity for success.

The effectiveness or success of agricultural protection programs, or any land use policy, can be measured along several different dimensions. "Among the criteria employed are land use performance (the deterrence of unwanted land use change), political acceptability and longevity" (Furuseth and Pierce, 1982: 55). Recently, the most dominant measure of program effectiveness has been political acceptability (Mundie 1980 ref. in Furuseth and Pierce: 55). This focus on public acceptance reflects the difficulty in implementing farmland protection programs and several have theorized that public support

by farmers, non-farm allies and the general public is necessary to not only enact a farm protection program but to maintain program goals over a length of time (Esseks 1978, Bryant 1975 ref. in Furuseth and Pierce; 1982).

William Toner in "Three Guidelines for Communities in Protecting Farming" part of Frederick Steiner's book· Protecting Farmlands, underscored the importance of political acceptability to farmland protection programs. Toner investigated ten communities utilizing various farmland protection tools and found that: "of all the planning guidelines for maintaining farms and farmland the most important is that the agricultural community should play a central role in the design, development, and application of local plans and regulations to save farms and farmland" (65).

Because of Ohio's emphasis on voluntary protection measures and the importance of farmland owner's (present and future) support for programs, it is necessary to explore such individuals' reactions to proposed preservation programs. Such exploration provides insight on support for the issue, gets the farmer's/future farm owner's expertise on the true nature of the problem and what they feel are viable solutions. Though support and feedback are likely to vary from place to place, such measures will aid in the development of a successful program for the particular area and will also provide valuable lessons to aid protection efforts throughout the state

CHAPTER 3

PURCHASE OF DEVELOPMENT RIGHTS, LAND-USE TAX CREDITS AND AGRICULTURAL ZONING:

INTRODUCTION

This study focused on three proposed farmland protection programs for the State of Ohio: purchase of development rights, land-use tax credits and agricultural zoning. This chapter is intended to define each of these programs, present how they work and identify benefits and drawbacks of each. Previous studies of protection programs found that respondents wanted detailed information on programs asking questions on legalities, costs and other detailed information prior to expressing their attitudes or making any comments on the subjects (Korfmacher and Elsom, 1998: 18). Therefore, in order to engage in productive dialog with the farmers and farm heirs in this study, knowledge of the programs and program specifics was necessary.

PURCHASE OF DEVELOPMENT RIGHTS

The State of Ohio recently passed legislation permitting purchase of development rights (PDR) Purchase of development rights programs allow landowners to sell the rights to develop their land in exchange for monetary compensation (AFT "Purchase of Agricultural Conservation Easement": 1). Such programs have become increasingly popular as farmland protection methods mostly due to the fact that they are voluntary and nonregulatory (Daniels and Bowers, 1997: 145).

The purchase of development rights program is founded on the idea that land ownership comes with a bundle of rights. These rights include the right to use the land, lease, sell and bequeath it, borrow money using it as security, construct buildings on it, mine it or develop it (AFT 1; Daniels and Bowers, 1997). Any of these rights can be separated from the bundle and can be sold, leased or donated. Purchase of development rights permits the landowner to separate and sell the right to develop the land.

A *deed of easement* is placed on the landowner's deed to the property when the development rights are sold (Daniels and Bowers, 1997. 149). The easement is typically

referred to as a "conservation easement" and it limits the use of the land to farming and open space, usually in perpetuity (i.e., forever)" (Daniels and Bowers, 1997: 149). The conservation easement runs with the land; binding all future owners to it's terms; if the land is sold or passed on to heirs, the easement remains on the property (AFT, Purchase of Agricultural Conservation Easement; Daniels and Bowers, 1997).

When development rights are sold, the landowner only gives up the right to develop their land. They retain all other rights and responsibilities of ownership including the right to farm, sell, or bequeath the land and the liability for property taxes (Bollier, 1998: 3) Typically, easement terms of PDR's permit construction of farm-related structures and housing for family members. Also, farmers are not forced to continue farming if they choose to stop, but the land must remain undeveloped so that it could be farmed in the future.

The sale of development rights is voluntary and most are purchased by a qualified government or private conservation agency (such as a Land Trust) Although such entities have invested in the land, it still remains private property and no public access is allowed (Daniels and Bowers; 1997: 145). The agency holding the development easements has no rights on the land other than to ensure that the landowner does not develop the land (other than in ways permitted by the easement, i.e farm-related structures). The landowner must also practice good stewardship of the land by not permitting such activities as trash dumping to occur on the land (145). The property will occasionally be visited and inspected by the agency holding the development rights to ensure compliance with the easement but the agency conducts no other inquiries or regulations on the property

Although most easements are intended to run in perpetuity with the land (i.e., forever), most programs have escape clauses that allow the landowner, in extreme circumstances, to repurchase the development rights (151) Such circumstances would be if the preserved farm became surrounded by development. While the loop hole exists, the burden is placed on the landowner to prove that farming can no longer be possible without economic loss and considerable conflict with nonfarm neighbors. The process to prove such a burden is daunting and no one, as of yet, has pursued it (151)

How Purchase of Development Rights Work

A government or private agency is established to administer the purchase of development rights program. The acting agent can be at the local or state level. Some conservation agencies are national organizations but have local offices within the states such as The American Farmland Trust and the Nature Conservancy.

Ohio has formed a state farmland protection agency and preservation task forces are being formed throughout the counties Several land trust organizations exist in the area including a state office of the American Farmland Trust and a local agency: the Tecumseh Land Trust, which secured purchase of development rights for Whitehall Farm (see chapter four)

The farmer would apply to the appropriate agency for consideration of the sale of development rights The application would typically include information on the size of farm, type of operation, crop yields, mortgages, deed reference, and soil conservation surveys and plans (Daniels and Bowers, 1997. 149). The application would be reviewed by the agency according to their criteria which may include standards for size, farm quality and development pressure.

An appraiser would then determine the price of the development rights. This price is the difference between the agricultural value of the land and the fair market value of the land Fair market value is considered the "highest and best use" of the land which is generally, the most profitable, likely, and legal use for the property (typically commercial or residential uses) (AFT 2, Masland and Bates, 1996). An example of fair market value calculation is.

Fair-market value - Agricultural value = Easement value

($3000 00/acre as residential) - ($1000 00/acre as agriculture) = $2000 00/acre easement value

The agency would show the appraisal to the landowner and make an offer for the development rights The offer may not be for the entire appraised value if the value is high or if the agency is trying to make their money stretch to buy more rights. Values are also influenced by the location of the parcels; parcels in close proximity to major cities average

higher than those in more rural areas. Therefore, the average cost and purchase of development rights varies considerably (Daniels and Bowers, 1997· 149).

When a price is agreed on by the owner and the agency, a title search is conducted to verify ownership, establish property boundaries and determine mortgages and liens on the property. "All mortgages and liens must be subordinated or satisfied prior to settlement"(149). If they are subordinate, and the owner would foreclose on the mortgage, the easement would not be removed(149).

A deed of easement (conservation easement) is signed by the board and the owner and the owner receives payment for the development rights. The purchase of development rights program may offer payment options including lump-sum payment or installment payments. Because money is changing hands there are tax considerations for the landowner, as the profit from the sale can be subject to taxes. Experienced programs have developed tax saving payment options for the owners participating in the purchase programs including estate tax reductions when the farms are passed on to heirs (Masland and Bates, 1996. 50).

Money to Pay for Purchase of Development Rights

Daniels and Bowers in "Holding our Ground" outline several different methods which have been used for funding purchase of development rights programs. State-level programs have used bonds, general appropriations and real estate transfer tax revenues to fund purchase of development right programs (161). Often, state-level funding is not enough and county or municipal funds are necessary. County-level programs have used general obligation bonds, local real estate transfer taxes, sales taxes and other dedicated taxes to fund preservation programs(161).

Bonds. Purchase of development rights programs require long-term financial commitments from governments, taxpayers and landowners. Successful programs in the United States have dedicated funding sources that keep a certain level of funds coming in year after year, preserving a certain number of acres per year, and, therefore, maintaining farmers' faith in the programs (Daniels and Bowers, 1997. 161). Because the success of

the program requires long-term funding, bonds are sensible funding methods providing revenue over a period of time.

"The advantage of bonds is that a county or state can raise large amounts of money fairly quickly and purchase development rights before nonfarm development eats severely into farming areas" (Daniels and Bowers, 1997: 164). The disadvantage of bonds is that interest must be paid on the bond repayment which increases the overall cost of the purchase of development rights program (164).

Bonds are passed by voter approval and can be passed at the state, county and even the township level. Typically voters approve a millage increase on their property tax with a portion of the increase designated to repay the bonds. Bonds have also been repaid with real estate transfer taxes and local sales taxes.

Pay As You Go Another method of funding for purchase of development rights is to include the program as an expense item in the annual budget (typically county budget) This method pays for the program out of annual property tax revenues. The increase in taxes would be minimal in areas with larger populations (over 100,000 residents)(165). Also, if land values are increasing (a product of development pressure), the property tax revenue will increase.

This method is less expensive than bonds, which have interest charged on the bond repayments, but may not provide a large amount of money upfront to buy development rights. Bonds also commit the locale to the program for a period of time, whereas the budget can be revised to cut the program in any given year

A combination of bonds and pay-as-you-go could be used, providing a lump sum up front to purchase development rights and continued commitment as a program on the annual budget.

Real Estate Transfer Taxes. These taxes establish a funding source for purchase programs by taxing the sale of land at a percentage of the sale price (examples from the State of Maryland were from .5% - 5%). This method was mentioned previously as a bond repayment option which may prove to be the best use of such a tax, as the State of Maryland found out. Maryland's transfer tax was "designated" to the purchase program but was not tied to any bond repayment issue. The State used the funding for other budget

items during a budget crisis even though the money was "dedicated" to the program As a result,the purchase program was unable to buy development rights for two years as the money was used for other state needs (Daniels and Bowers, 1997: 165). Again, one of the keys to a successful purchase program is annual funding and continual purchase to build and maintain trust in the program.

Sales Tax Sales tax was also mentioned as a bond repayment source but has been used as a dedicated funding source for purchase of development rights. Sonoma County, California has a dedicated sales tax of one-quarter of one percent for the next twenty years to buy development rights (166). The tax generates a continual revenue stream which has enabled the program to preserve thousands of acres even in it's first years of existence.

Pennsylvania has used a two-cent-a-pack tax on cigarettes to generate funding for their purchase of development rights programs (164).

Ohio recently passed legislation permitting purchase of development rights programs Senate Bill 223 was then passed permitting the county's Board of Commissioners to levy a tax of one-quarter to one-half of one percent of retail sales tax (except boat and auto sales) to provide revenue for the acquisition of agricultural easements or to repay bonds levied to purchase easements (Senate Bill 223, Section 5739 026 A (9)).

Developer Exactions and Special Taxation Districts. Cities and counties in California have tried other methods of funding for purchase programs. These have included developer exactions and special tax districts.

Two cities have negotiated deals with developers to either pay money for purchasing development rights or to actually place easements on farmland in return for development approval (166). There is some question as to the legality of this method because of past Supreme Court approvals that require a direct link between the exaction and the problems caused by the development While the case could be made for farmland protection in a court of law, the two cities in California have not been challenged and it is not clear how courts would view such exactions if challenged in California or in other states.

Three counties in California have also created special taxation districts, whereby homeowners and landowners in such districts pay an extra tax to fund farmland protection programs (167) The California examples are using the tax proceeds to repay bonds which were sold to purchase development rights.

Benefits of Purchase of Development Rights Programs

Purchase of development rights programs are attractive to landowners, legislators and communities for numerous reasons. The American Farmland Trust's "Farmland Information Web Site" and Daniels and Bowers in "Holding Our Ground" outline the benefits of such programs

General and Community Benefits Include:

- Programs are voluntary.
- Farmland is protected permanently while keeping it in private ownership
- Programs can be implemented by state or local governments or by private organizations
- Involves the non-farming public in farmland protection so farmers don't bear full costs.
- Regions of preserved farms are formed which stabilizes local farm economies and protects farming from non-farm neighbors and nuisance issues.
- The beauty of the landscape is preserved.

Benefits to landowners.

- Programs are voluntary.
- Purchase of development rights offer a competitive alternative to selling to a developer by allowing farmers to receive monetary compensation for a fair percentage of the equity in their land while maintaining ownership.
- The liquid capital earned can be reinvested in the existing operation
- The farmer can continue farming for potential profits and can sell the land to another farmer at the agricultural value, making up the difference in the easement value.
- Removing the development potential can reduce the future market value making it

easier to transfer to children and more affordable for other farmers purchasing land for agricultural use

- The reduction in market value may also reduce property taxes and can keep them from rising

Legislators support because:

- Programs are voluntary
- They avoid public outcry over property rights and the "takings" issue which is common for other protection methods such as zoning
- Programs can be seen as cost effective because they permanently preserve farmland and are legally binding (something to show for the money).
- Protection helps curb sprawl, a "hot" political issue of late.
- Programs are justifiable because money is spent on the local farm economy and stabilizing the land base for future farm use
- The cost of buying the easement can pay for itself in less development to service (development has been shown to cost more in infrastructure and services than it produces, whereas farmland produces more public revenue than it uses).

Purchase of Development Right Drawbacks

Purchase of development rights programs also have drawbacks, the most obvious is that purchase programs are *expensive* and as shown earlier, establishing a reliable funding source can be difficult and costly Establishing funding also requires public support of the issue which means the voting population must be educated and convinced to support the issue -- few individuals vote for tax increases or bond issues "just because" -- they need to be convinced it is a worthwhile endeavor.

Daniels and Bowers in "Holding Our Ground" note that some farmers resent this type of program that tames inflated land values and most feel they should be able to sell their land for development if necessary (148). The result has been limited advocacy of such programs by farm organizations In fact, preservation programs exist largely due to support from the general public --who mainly want to preserve scenic open space and "rural character" (Daniels and Bowers, 1997; Krieger, 1999)

Some states which have successfully initiated purchase programs have felt another drawback: too many farmers wanting to sell easements (Daniels and Bowers, 1997 167). This results in long waiting lists and missed opportunities.

Finally, the programs can only protect so much land during a period of time. This coupled with the fact that the program is voluntary means some important lands may be missed.

30-YEAR LAND USE TAX CREDIT

The 30-year Land Use Tax Credit program was another tool proposed by Governor Voinovich's Farmland Preservation Task Force as a possible method for farmland protection in the State of Ohio. This method combines the concepts of purchase of development rights programs with tax abatement programs as a means of protecting farmland.

As the program is envisioned for Ohio, a farmer would lease their development rights for compensation in the form of a reduction in property taxes and a 30-year tax freeze (Korfmacher and Elsom, 1998 7) Similar to the purchase program, a conservation easement would be placed on the land limiting the parcel to farming or open space Unlike the purchase program, the easement would be leased for a specified time period: 30 years, versus the perpetuity of an easement sold for development rights.

The property tax freeze would apply to all land and buildings on the land, and would go into effect when the land was entered into the easement program (7) The taxes would then be frozen at the rate of the program entrance date for a period of 30 years. As an added incentive, the program proposed a tax credit of fifty percent of the frozen taxes Meaning, if a landowner's property taxes were currently $1,000, under this program they would be held at a cost of $500 for the next 30 years, in exchange for development restrictions on the land (7).

The program was not formalized but penalties were to be assessed for early withdrawal from the program (the type and amount were not spelled out). Also, the easements were to continue with land sold within the 30-year period, or the buyer would have to pay the penalties (7).

As noted in Chapter 2, tax relief programs are common mechanisms used in farmland protection. Property taxes are targeted because they constitute a major cost to farmers and can be manipulated to provide benefits for that selected class of taxpayer (Furuseth and Pierce, 1982. 43).

Urban expansion in or nearby agricultural areas pushes up taxes for all land uses (Bollier, 1998, Popp, 1989). To maximize public revenues, taxes are traditionally assessed at the "market value" of the land, or it's highest and best use, instead of at it's current use (Furuseth and Pierce, 1982: 43). In isolated rural settings, the "market value" may be the agricultural value of the land but more often, the value of the land is determined based on urban-related market value (43). Since farmers need large amounts of land, their tax burden can easily outweigh their income from agricultural production no matter how efficiently they operate Several farmers interviewed prior to this study, talked about the "economy of scale" or the need for farms to get very large (produce enough) to be cost effective, due to growing intrinsic costs such as property taxes.

Differential assessment,the most common tax saving method, assesses farmer's taxes based on the agricultural value of the land as opposed to the "market value" (Popp, 1989: 377). Ohio already utilizes such tax saving programs to farmers in their Current Agricultural Use Valuation program (see Chapter 2)

The 30-year program proposed for Ohio would provide more tax savings by providing tax credits which would save the farmer more money each year. Taxes naturally increase over a period of time, especially over 30 years, because the program provides a tax break and freeze, entrants would increase savings year after year (Korfmacher and Elsom, 1999: 7). The expectation is that given financial assistance, farmers will keep their land in agricultural uses (Furuseth and Pierce, 1982. 42)

How Tax Credit Programs Work

The program proposed for the State of Ohio was not formalized, so details of how the program would operate would only be speculative. But, a broad look at other tax policies for farmland preservation suggest measures that would be necessary for such a program

State constitutions would have to permit the state and local governments to lower the tax burdens on particular types of properties, i.e. farmland The State of Ohio has already passed a referendum and bill establishing the Current Agricultural Use Valuation program, similarly the state would need to pass a law permitting the tax credit program (Jeffers and Libby, 1999. 1).

A state or local agency would be designated to oversee the program and would work with the appropriate tax assessors office to oversee applications of the freeze and credits The Department of Tax Equalization, within the Division of Taxation administers the state's Current Agricultural Use Valuation program at the state level, with county auditors administering the program at the county level (2). The agency would calculate the appropriate tax at the time of entrance into the program and would apply the credit each year for the length of the easement.

An appointed agency (could be the same or different from that overseeing the taxes) would also be required to oversee the terms of the easement. As in the purchase of development rights program, the easement holding agency would be responsible for annual visits to the properties to ensure no development has taken place. All other landowning responsibilities would lie with the owner.

The farmer would apply to the appropriate agency for consideration in the tax credit program. The application would be reviewed by the agency according to their criteria, which may include standards for size, farm quality, location and development pressure (criteria for program entrance is likely to be set by the laws forming the program)

Penalties and methods for withdrawal from the program or sale of the land would be established within the laws of the program Use of penalties paid by those defaulting on the program would be established in the program laws as well

Tax Credit Benefits and Drawbacks

The tax credit program is beneficial to farmers in that it provides financial compensation in income saved on taxes for an extended period of time. The time limit, 30 years for this program, can be considered beneficial to landowners who do not want to "lock in" or "lock their children in" to a program, such as in the purchase of development

rights programs (Korfmacher and Elsom, 1999: 7). But just as in the purchase of development rights program, preserved farm areas work to stabilize the agricultural economies of those areas (Daniels and Bowers, 1997: 146). And agricultural lands (lands protected in easements) cost less in development services than lands that have been developed

Tax credit programs are attractive to community officials because they are voluntary and non-regulatory Also, the programs require smaller financial inputs than other protection initiatives, such as purchase programs.

One of the major concerns, however, is the potential impact of tax credits and other tax abatement programs on local government revenues (Furuseth and Pierce, 1982: 45) Along this same issue, some claim that such programs are "unfair" because, if budget costs remain the same, the tax burden is shifted to residential, commercial and industrial users not eligible for the special tax treatment (Jeffers and Libby, 1999: 1).

Jeffers and Libby in their fact sheet on Ohio's Current Agricultural Use Value Assessment Program in Ohio (CAUV) offer justification for the CAUV program which could also be applied to the proposed tax credit program First, is that the program corrects existing unfairness to farmland owners under the current tax methods·

> "Since Ohio farmers generally own the largest amount of land in any rural taxing district, and since local public services are funded largely through local real estate taxes, farmland owners -- especially those in non-metropolitan counties -- provide the bulk of the funding for local public services Yet these farmers actually use relatively few local services Cost of community services studies show that farmland generates a net surplus because of its modest demand for local public services Farmland essentially subsidizes residences, which demand more in public services than they generate in tax revenue" (Jeffers and Libby, 1999 1)

Therefore, the argument holds that tax policies to ease the burden on farmers only "even out the playing field" that is tilted against farmers in it's current state.

Some state programs have looked for ways to correct potential loss of local revenue. One example, is a concept used in Wisconsin where the land owners receive a reduction in property taxes, but the reduction is applied as credit against state income taxes (Furuseth and Pierce, 1982: 45). With this method, loss of revenue is shifted across the

entire state (less of a loss) than localized at the municipal level (where losses would be harder-felt).

Another drawback to tax credit programs is that the financial benefits from the tax breaks are often not sufficient to make farming profitable and farmers can still be enticed by developer's offers to sell their land The development opportunities can be so lucrative that farmland owners or developers can afford to pay program penalties. The programs may often be used for short-term gain by landowners (some of which may be speculators or hobby farmers not truly interested in protecting farmland) (Schnidman et al , 1990 342).

Farmers can also be deterred by the penalties of such programs. Even though they prove little match for developer's offers, they are viewed as restricting future land options during both good and bad economic times (342) "Thus, farmland owners do not enroll in the programs because the tax benefits do not outweigh the potential liabilities" (342)

The benefits and drawbacks of a tax program need to be weighed to determine if the long-term gains of delayed land conversion are worth the short-term losses or abuses of the program Tax programs alone have not been shown to protect farmland but they have proven successful when used in conjunction with other programs (Schnidman et al , 1990, Furuseth and Owen, 1982)

AGRICULTURAL ZONING

Zoning regulations govern how land may be used in a community The primary purpose of zoning is to safeguard and promote the health, safety and welfare of the community by separating land uses which may threaten such public rights or reduce a landowner's enjoyment of their property (Hudkins, 1999; Daniels and Bowers, 1997) Traditional zoning designates areas of acceptable uses such as residential, commercial or industrial and separates those uses that might conflict. For instance, industrial uses are typically separated from residential uses because the two are likely to conflict with one another and the industrial practices might actually be harmful to residents. In addition to it's primary purpose, zoning can have other specialized applications. One of those is the protection of land for agricultural purposes

Agricultural zoning is a special zoning application which works to protect the viability of agriculture in a region (Hudkins, 1999: 1). Hudkins states: "A carefully written agricultural zoning ordinance can prevent farmland from being converted to nonfarm uses, can prevent the fragmentation of farms, prevent land-use conflicts between nonfarm residents and protect agricultural producers from nonfarm intrusion into agricultural areas as well and as vigorously as residential zoning can protect housing areas from commercial or industrial intrusions" (1). Agricultural zoning can work to reduce the competition for land and keep the cost of farmland reasonable for farmers in prime farmland areas by limiting the introduction of uses such as residential, which drive up the cost of public services and the price of land. Protecting large areas of farmland also helps preserve rural character in a community as well as farm-related economic revenue from agricultural businesses and farm production -- the community's farm economy In these ways, agricultural zoning has multiple purposes which can address farmer's interests as well as the public's interest

Agricultural zoning is the most common land-use technique for limiting the development of farmland (Daniels and Bowers, 1997· 106). It is often the first-line of defense in farmland protection programs because it is one factor over which local governments can exert control. Agricultural zoning is enacted by the local governing body (county, municipal or township) after a public hearing and passage of a zoning resolution to enact the ordinance (Hudkins, 1999: 2). Local governments can't influence national farm policy but through zoning, localities can provide a future for agriculture by protecting the land base that allows agriculture to take place (Daniels and Bowers, 1997: 106).

Types of Agricultural Zoning

There are several different forms of agricultural zoning but all forms limit density of development and restrict nonfarm uses in agricultural zones. The extent to which each is controlled determines the type of agricultural zoning applied. Each locality utilizing this form of zoning decides on the type used based on the strength of the the community's farmland protection goals and the political and community support to carry out those goals

The two general types of agricultural zoning are exclusive farm zoning and nonexclusive farm zoning (Daniels and Bowers, 1997: 115). Exclusive farm zoning restricts land uses to agriculture, farm buildings, and farm-related housing only. Nonexclusive agricultural zoning permits some nonfarm development, typically residential, but attempts to balance it with the long-term protection of farmland. The types of permitted uses in a nonexclusive agricultural zone should be consistent with the primary goal to protect farmland. They should not be uses which tend to attract traffic and housing developments and increase conflicts between farmers and nonfarm neighbors (117).

Only two states. Hawaii and Wisconsin have used exclusive farm zoning (117). More common is the use of nonexclusive zoning, allowing some nonfarm uses into the area. The major issue with nonexclusive agricultural zoning is how much nonfarm development can be permitted without disrupting the farming community or the goals of agricultural zoning

There are two types of nonexclusive agricultural zoning: large minimum lot size and area-based allocation (117). Large minimum lot size is the most common and says that farmland cannot be broken down into parcels below a certain size. The minimum size is intended to correspond to the amount of land needed to sustain an individual farm (Hudkins, 1999: 1). For example, if 100 acres is established as the parcel size necessary to maintain one economically viable farm operation in an area, then the minimum lot size would be 100 acres and each owner would be allowed to build one nonfarm use for every 100 acres. "The idea is that if a minimum lot size is large enough, it should be too expensive for residential buyers" (Daniels and Bowers, 1997. 117). Large lot sizes are also intended to maintain large blocks of farmland and limit nonfarm encroachments

The other form of nonexclusive zoning is the area-based allocation of nonfarm uses There are two types of area based allocation: fixed area and sliding scale (118) With fixed area, the landowner is permitted to build a set number of nonfarm dwellings according to area, or number of acres owned. For example, a fixed area ordinance might allow one nonfarm building per 25 acres owned. In addition to the density allowance, many ordinances establish a maximum lot size such as 2 acres, for the developed parcels

This keeps farmland from being broken up into large residential estate lots and leaves more land for farming.

The other area based allocation is the sliding scale which adjusts the number of development units allowed relative to the parcel size. With this method the permitted density decreases per acre as the size of the parcel increases (Daniels and Bowers, 1997: 118) The sliding scale method is used because smaller tracts within the agricultural zoning district may have difficulty farming profitably and may naturally be moving from agriculture to residential. This method permits the smaller tracts to have a higher percentage of land developed than larger tracts. The larger tracts are permitted fewer nonfarm developments because such tracts, if maintained, can continue to farm economically and increased nonfarm developments would just create more opportunities for conflict. Daniels and Bowers provide an example of the sliding scale method:

> "In Clarke County, Virginia, a sliding scale allocation allows a range of density from one dwelling unit for a lot of record of less than an acre to one dwelling unit for every 25 acres for a 100-acre parcel As parcel sizes increase over 100 acres, the allowed density greatly decreases For example, a landowner with 500 acres is allowed eleven dwelling units, which is a density allowance of one unit per 45 5 acres" (118)

Agricultural zoning ordinances will vary in their methods used and applications in agricultural areas Stephen Hudkins in his FactSheet on Agricultural Zoning notes that many agricultural zoning ordinances break-down the agricultural zoned area into smaller sub-districts The sub-districts have varying density requirements and minimum/maximum lot sizes based on the agricultural use of the land and the quality of the land for agriculture He gives as examples communities which have established a large minimum lot size (160 acres) in areas of livestock or cropping areas and designated these areas as one zoning district In a second zoning district, there is a smaller minimum lot size (25 acres) for nonfarm developments because the agricultural production is more intensified requiring less land for profitability, such as horticulture operations. A third district is often created with small minimum lot sizes (1-2 acres) for nonfarm development because the land, while in an agricultural area, is not suited to any type of farming In these districts a method

called cluster zoning is often employed to conserve open space and prevent intrusion into neighboring productive agricultural areas.

Cluster development is a conservation option often considered in farmland protection zoning It can be used in those areas in the agricultural district permitting greater nonfarm development, as buffers between agricultural zones and developed zones and as an alternative to the large-minimum lot size. The premise of clustering is that the density requirements are maintained but the owner is required to build on smaller land areas (typically 50% of the requirement), thereby conserving more land (Hudkins, 1999· Daniels and Bowers, 1997). For example, if the density for the area is 1 home per 5 acres, a 100 acre parcel could be divided up into 20 house lots of 5 acres each. If clustering is applied, the same 20 lots are permitted but required to be built on lots of 2.5 acres or smaller (a minimum lot size is established usually according to septic system requirements -- 2 acres is the norm) By doing so, the same number of houses can be put on the land, but they are clustered into a smaller area, preserving the rest of the area for open space uses - possibly farming. Typically, an easement is placed on the preserved acreage and is held by the homeowner's association or another group qualified to oversee the easement, such as a local land trust (Korfmacher and Elsom, 1999: 8).

Agricultural Zoning Benefits

Agricultural zoning can help protect a farming community from becoming fragmented by residential development and can reduce conflicts and nuisance complaints between farm and nonfarm neighbors. In so doing, it helps retain a community's agricultural economy. Agricultural zoning also protects prime soils for future agricultural use and demonstrates to farmers the community's commitment to agriculture This can strengthen farmer's faith in agricultural protection and in turn, keep them investing in their farm operations.

For communities, agricultural zoning can reduce leapfrog residential development, thereby reducing high costs for extending community services. This provides for orderly community growth. Protected farm zones also help maintain a pleasing rural appearance and open space which is of high public value to nonfarmers and farmers alike.

Agricultural zoning is less expensive than other farmland protection programs, such as purchase of development rights and is more comprehensive than other programs that rely on voluntary participation (Hudkins, 1999: 2). It is also attractive because it can be put into place rather quickly and can immediately protect thousands of acres (Daniels and Bowers, 1997: 106). One other benefit of zoning is it's flexibility; it can be changed as circumstances and community needs and goals evolve over time (106).

Agricultural Zoning Drawbacks

The flexibility of agricultural zoning, zoning in general, can also be it's greatest drawback If community attitudes or political leadership shifts, an ordinance may be used ineffectively or dismantled completely (Daniels and Bowers, 1997; Hudkins, 1999) Such actions create distrust among the farm community who would then view the agricultural zone as a holding zone for development Investment in the farm operations would decrease as farmers wait for what they feel is inevitable rezoning and development The result would be loss of farmland, the opposite goal of the agricultural zoning ordinance.

Agricultural zoning, by it's nature, restricts the use of land without offering compensation (Daniels and Bowers, 1997: 109) The agricultural zoning ordinance generally includes a reduction in permitted residential density, called downzoning, which reduces the market value of the land (residential, commercial and industrial development has a higher land value) (American Farmland Trust, Fact Sheet - State and Local Government Tools). Farmers and landowners are often opposed to such actions which they view as infringing on their private rights as landholders and as a threat to their economic well-being or ability to sell land if the need arises. Daniels and Bowers found that farmer support of agricultural zoning is key to the program's durability (109). If the landowner's support isn't there, the program is less likely to succeed (109).

In a related matter, since zoning is enacted on the community level, the support of "all" landowners is not necessary to enact an agricultural ordinance. If landowners who oppose the ordinance are in the minority, they may become part of a plan they individually oppose (Hudkins, 1999: 2). Unlike, other farm protection programs which rely on

voluntary participation, zoning is a regulatory program which must be applied consistently to all within the zone.

These factors landowners private rights and local regulatory power and control over landowner's rights, can make agricultural zoning a highly political issue. Local officials are aware of their influence on land values and the potential wealth of landowners (Daniels and Bowers, 1997: 107) Local officials may find agricultural zoning politically impossible because of the desire not to infringe on private rights or profit potentials (108). Therefore, this program may be more difficult to enact than other farmland protection programs which rely more on voluntary participation.

CHAPTER 4

THE CASE STUDY: FARMLAND PROTECTION ATTITUDES AND ISSUES

INTRODUCTION

This paper presents the results of a case study conducted in Mechanicsburg, Ohio on farmers and farm heir's attitudes and opinions towards farmland protection. Fifteen individuals, older and younger farmers and farm heir's, from Mechanicsburg were interviewed personally by the researcher. The questions asked were designed to encourage discussion on farmland protection in an effort to gain qualitative feedback on this land use planning issue.

This chapter is broken down into 2 sections. The first section provides background on the study by restating the study's objectives and introducing the study area Existing land use regulations in the study area are discussed and two area events relating to farmland protection are presented.

The second section describes the study sample, the interview process and the results of the case study discussion. The results are divided into five subtopics which correspond with the subtopic's of the interview guide. The purpose of the questions for each subtopic are explained followed by the results for the younger generation farmers, older generation farmers and farm heirs. Each subtopic is concluded with a summary of the major findings. These major findings will be incorporated into the final chapter where the implications of the study will be addressed.

BACKGROUND

Study Objectives

This study was undertaken to contribute to the current issue of farmland preservation by exploring farmer's and farm heir's attitudes towards specific farmland protection programs proposed in the State of Ohio. The study builds on existing research by including younger farmers (younger than the current average age of 54) and individuals who have inherited or will inherit farmland. Other studies have drawn their samples from

the general public and an older population of farmers. Gathering the opinions of those who may be most directly affected by such programs is beneficial because the proposed programs rely predominantly on voluntary participation and support from the agricultural community has been shown to be critical to the success of preservation programs

The study had five main objectives to learn from current or future farmland owners

1. to determine what options they feel they have for the future use of their land
2. to assess awareness of farm protection programs
3. to determine interest in, concern for, and other comments on farm protection programs
4. to determine differences in opinions and intentions among farm generations
5. to describe the implications of their attitudes on farmland protection measures

The common underlying purpose of the study was not to try to predict participation in the proposed programs, but rather to gain knowledge on general program acceptability, foreseen faults, questions and issues important to explore. This information can then be used to better design and implement protection programs

In central Ohio, farmland protection is a critical issue, and if there were simple solutions to the problem, the State would already be practicing those solutions. Instead, a number of protection approaches have been proposed, some which have been successful in other states and some which have failed. Direct study of farmland owners and farmland heirs would produce useful information pointing out the directions needed to advance the issue Previous research on growth management and farmland protection techniques, two current farmland protection issues, as well as several informal interviews with farmers, formed a basis for this case study.

The Study Area: Mechanicsburg, Ohio

Mechanicsburg lies in west central Ohio in close proximity to three metropolitan centers: Columbus, Springfield and Dayton (Fig. 1). The area is accessible to major thoroughfares· U.S. 29 to I-70, S.R. 4 and U.S. 161, and also has well connected minor

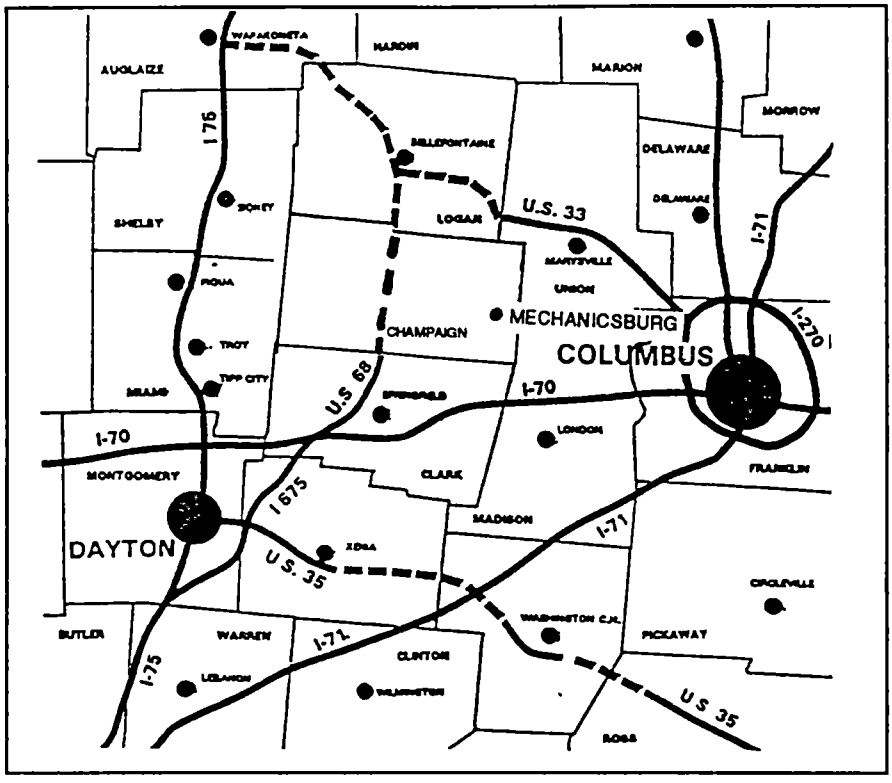

Figure 1 Regional Setting
Source Urbana / Champaign County Comprehensive Plan Update, 1993

routes, permitting quick commute times to the major metropolitan areas Large business employers such as Honda of Marysville and Navistar of Springfield are within a 30 minute drive of the area.

The community has a traditional town center, which is incorporated as a village, and is surrounded by farmland, open space, and rural residences. Residents identifying Mechanicsburg as home reside in both Champaign and Madison counties. An estimate of Mechanicsburg's (both village and township) population in 1996 was 3544 (Comprehensive Plan)

Mechanicsburg has a mix of small-town businesses but central to the town is The Ohio Grain, a depository and distribution center for farm commodities. The Ohio Grain has both a physical and economic presence in the community. Several other ag-related businesses are located in the community including the Champaign Landmark: a feed, seed, and fertilizer supplier and Mechanicsburg Implement, Inc - a farm equipment sales center

Mechanicsburg was chosen as the location of the case study for several reasons. First, numerous, recognizable and known farms are present in the community and the town is home to a few, larger farm-related businesses (as opposed to other communities which have abundant open spaces, "rural appearance," but have limited active farming and no farm economy) Second, the community is within reasonable (less than an hour) commuting distances to several metropolitan areas including Columbus, the State's capital, which is rapidly expanding in all directions. Third, land use changes from farmland to residential have been visible around the community, especially the sale of frontage lots Farmland preservation has also been a "hot" topic of discussion in the area due to local events· The Darby Wildlife Refuge and the Whitehall Farm, both to be mentioned later in this chapter. Also, both counties have appointed farmland preservation task forces to address the issue of farm loss. Finally, Mechanicsburg is home to the researcher, who has witnessed the changes to the area over her lifetime and who, because of her "local" status, was granted interviews and insights by many of the townspeople.

Local Regulations in the Study Area

The State of Ohio divides their zoning regulations into two categories· unincorporated (rural) and municipal (The Ohio State University Extension Zoning Fact Sheet 1). In rural areas, zoning may fall under the responsibility of the townships or the county Each township decides, by a referendum, whether to administer zoning and whether zoning will be initiated as township zoning or as countywide zoning (The Ohio State University Extension Rural Zoning Home Study Course, 1994: 4). Ohio's procedures and methods for establishing zoning are clearly spelled out, but the content is left to the people of the township or the county.

Mechanicsburg residents from both Champaign and Madison Counties were interviewed in the study. In Champaign County, they follow township zoning, which is zoning times 12 for the 12 townships making up the county. The study area falls under the jurisdiction of Goshen Township. Township zoning is the responsibility of the township trustees an elected local body from the township. The Township Trustees appoint a Zoning Inspector who is responsible for approving or denying zoning permits which are

required for moving and/or erecting buildings and/or making changes in use on a property (including land use). Appeals of the Zoning Inspector's decisions go to the Board of Zoning Appeals, a five member body, also appointed by the Township Board of Trustees. County administrations are responsible for subdivision reviews and health department (water and sewer) approvals. Throughout the state of Ohio, property subdivided into parcels greater than 5 acres are not subject to subdivision approval.

Goshen Township has four land use designations: rural, low density residential, local business, and conditional business. The rural district is intended "to provide land which is suitable or used for agriculture, conservation, very low density residential and public and quasi-public purposes" (Official Schedule of District Regulations. Goshen Township, 1990). Residential, commercial or industrial may be permitted as conditional uses with approval by the Board of Zoning Appeals. Therefore, the rural district can potentially be home to the whole range of land uses, through either local inspector approval or local BZA approval No minimum lot sizes were established in the zoning resolution.

In Madison County, they follow countywide zoning which is the responsibility of a group of county commissioners. County commissioners represent elected officials from all over the county. The Board of County Commissioners appoints a County Zoning Inspector to certify that proposed buildings, changes to buildings, and changes in land use comply with the zoning resolution Variances and conditional uses to the resolution are granted by a County Board of Zoning Appeals, a five member board appointed by the Board of County Commissioners. Subdivision regulations and health code approvals are functions of county agencies.

Madison County has 11 zoning districts created for the unincorporated areas of the county. The Agricultural District is established "to protect extensive land areas currently in agricultural use and/or extensive areas possessing soils that are especially suited to agricultural purposes and protect them from uncontrolled encroachment by urban types of development" (Madison County Zoning Resolution, 1991). The Agricultural District permits single family residences, agricultural and/or conservation structures, agriculture, roadside agriculture markets, and preliminary storage and processing of agricultural products. A few conditional uses, such as bed and breakfasts, home occupations, farm

markets and animal boarding facilities may be permitted with approval by the County Board of Zoning Appeals. A minimum lot size of 20 acres is established for residential uses in the agricultural district.

The differences in zoning administration, township vs. county, proved beneficial to the study because the residents surveyed gave their reactions to both types, pointing out their likes and dislikes of one or the other. There was a preference shown for Madison County's countywide zoning administration vs. the township zoning of Champaign County These findings will be discussed further in the "results" section of the paper.

Two Local Preservation Related Events

As mentioned earlier, two recent, local events have made the farmland protection issue a "hot" topic in the area. First, was the purchase of the Whitehall Farm in nearby Yellow Springs and second, was the Darby Wildlife Refuge, a current proposal of the U.S. Fish and Wildlife Service Both of these events were discussed by interviewees throughout the case study. Therefore, it was thought necessary to give some background on both issues in this section

The Whitehall Farm was a 940 acre family farm auctioned off in late February of 1999, in one of the most widely publicized auctions held in the state of Ohio. The farm received so much attention due to the large public outcry to preserve the farm and the unique outcome of the auction The farm, had been in the same family for a century, and sat just outside of the Yellow Springs community (Yellow Springs sits just outside of Springfield and Dayton and is home to Antioch College which is known for it's liberalism and experimentation). Residents feared development of the farm which, if completely developed, would have doubled the size of the 4,000-resident village (Trump, 1999 1) The village prided itself on its unique small-town atmosphere and feared that loss

Bidding against developers from across the country, the highest bidders turned out to be a couple who lived on a portion of the farm. The couple bought the farm with the intent to sell the development rights to the Tecumseh Land Trust and then resell the land (without development rights) for farming or park use. Sale of the development rights to the Land Trust restricted the property to farming, parks and other non-development uses

The auction was described as a "preservationists coup" and had notable first's in Ohio history for.

- A bank lending money to stop development

- County, township and village governments pooling money from their general funds to stop urban sprawl.

- A community collecting hundreds of thousands of dollars in private donations to buy development rights to keep the land under conservation easement

- Land and its development rights were sold separately.
  (Trump, 1999· 1)

Following the sale, many speculated that it was the unique culture of Yellow Springs which saved the farm and that, had the land been anywhere else, it would not have been saved Regardless, surrounding counties, spawned by the Whitehall effort, formed farmland preservation task forces to find ways to preserve productive farmland. And landowners were shown firsthand, purchase of development right strategies· that farmers don't have to give away their land, they can be compensated for it

The Whitehall Farm sale took place in nearby Yellow Springs, the Darby Wildlife Refuge however, was taking place directly in the study area and many of those interviewed were directly involved with the proposed project

The Darby Prairie National Wildlife Refuge had been in the planning process since April of 1998 The proposed project is for a National Wildlife Refuge that would protect the land along the Darby Creek and its tributaries and restore some of the native tall-grass prairies to the area. The Darby Creek Watershed is "one of the last remaining ecologially significant warm water watersheds in Ohio and the Midwest" (U.S Fish & Wildlife Service, 1998· 1). The study area, covering approximately 50,000 acres, includes Champaign, Madison and Union Counties and lies directly adjacent to Mechanicsburg

Many of the individuals interviewed in this preservation study, own land within the refuge study area

The goal of The U.S Fish & Wildlife Service, by establishing the refuge, is to protect and restore the "biological treasure of wildlife and plants presently and historically found in the watershed." Environmental groups and biologists worry that development from Columbus, Marysville, and other surrounding cities will take over the area within the next few decades (Edwards, April 3 1999: B-1) The refuge has been viewed as the best means of protection from urban and suburban development and many supporters from the Columbus area, view the refuge as a last bastion of public land for enjoyment of the creeks (Edwards, May 9 1999· D-1).

Farmers in the area are opposed to the project for several reasons and have formed an organization called C.A.R.P : Citizens Against Refuge Proposal. C A.R.P. outlined their reasons for opposition, they believe

- the proposal would change their current farming practices including drainage, fertilizing applications, harvesting and planting, and increased wildlife damage would occur, with no permissable recourse because of the refuge (making farming difficult for those who do not wish to sell their land to the refuge)

- productive farmland needs to be protected -- that the proposal endangers prime agricultural soils, impairs farming expertise and threatens the community infrastructure

- the loss of farm income would be detrimental to the local economy. The loss or reduction of tax base could weaken the thriving communities
  (Citizens Against Refuge Proposal pamphlet, 1999)

At the heart of the matter, most farmers feel they will be forced to take land out of production and to relocate if they wish to continue farming. The U.S. Fish & Wildlife Service states that "landowers will be given a conservation option if they choose to sell their land" and that "they will buy land from willing sellers only, not take it by eminent

domain" (Update & Fact Sheet, 1998; Edwards, April 3 1999: 2B). But the farmers feel the refuge will introduce increased regulations and limitations on their current farm practices to the point that they can no longer farm productively - forcing them to sell at, they fear, a lowered value.

A spokesman for C.A.R P. stated: "if development is a problem, local controls such as zoning should be used to stop it" (Zimmerman ref in Edwards, April 1999: 2B) And C A R.P has been looking for alternatives to the refuge that would protect the Darby from development and permit continued farming. Several of the alternatives they discovered were the farmland protection progarms explored in this study. Therefore the study, was rather significant to those within the refuge proposal area, because it allowed them to educate themselves on the programs and gage whether they would consider participation in such programs. District conservationist for the Natural Resources Conservation Service, Mike Laughrey, stated in Edwards April 3 article: "The opportunites exist for the farmers to come forward and say, 'Hey, we don't need this refuge because we are utilizing these other programs to protect the creek.' But the truth is, they're not doing it."

The Darby Creek Wildlife Refuge raised awareness of many of the farmland protection issues addressed in this study and those addressed around the state It also proved ironic, due to the fact that the state had placed farmland preservation as a top issue and in the same year proposed a refuge which requires taking acres of productive farmland out of production Both actions, Whitehall Farm and Darby Refuge, were initiated in attempts to combat sprawl.

THE STUDY

Description of the Sample

This study was aimed at learning the opinions of farmers, both young and old, and farmland heirs on proposed farmland preservation strategies in the state of Ohio. To obtain a sample of younger and older farmers and farmland heirs, a reputational technique was used whereby farm-related organizations were asked to provide a list of potential participants based on their knowledge of Mechanicsburg area farm operations and the

relative age of the farmers. The Champaign Landmark and the Ohio State Agricultural Extension Office provided the initial list of 29 farmers with, what they believed was, 17 "older" farmers and 12 "younger" farmers (Age was confirmed in the study). The lists were cross-referenced with county plat books to assure selection of owners within the study area. From the original list of 29, 20 were identified as possible participants. The nine dismissed either operated outside of what was considered the study area (affiliated with a different community) or did not live on the land they farmed i e. absentee ownership

Individuals from the list were contacted by phone and asked to participate in the study (Appendix A) From the original list of 20, 8 agreed to participate and 4 heirs were identified The heirs were then called upon and all 4 agreed to participate. Over the course of the interviews other area farmers (younger or older as needed to even-out the sample) were recommended by the participants. Of the 7 recommended, 3 agreed to participate, bringing the total interviews conducted to 15. Tables 1 through 5 characterize the study sample with Table 1 illustrating the sample breakdown between younger and older farmers and farm heirs

It should be noted the division between "younger" and "older" farmers, after the initial list was provided, was the age of 54 -- the current average age of U S farmers Most of the "younger" farmers were also heirs to family farmland. And six of the interviews conducted included spouses (wives), one of which farmed while her husband worked off the farm Responses from both husbands and wives were included in the surveys but the number of interviews was counted as one because their responses often overlapped.

Table 2 characterizes the study sample by their range of ages.

Table 3 records the acres farmed by the respondents.

Table 4 illustrates the actual acres owned by the interviewees since some respondents farm more land than they actually own, cash renting or custom farming additional land

Table 5 illustrates the type of farm operation for each respondent in terms of their employment as farmers.

Table 1. Interviews conducted

Younger Farmers	Older Farmers	Heirs	Total
5	6	4	15

Table 2. Range of ages of interviewees.

	Younger Farmers	Older Farmers	Heirs
Age of Respondents	34-46	63-69	28-49

Table 3. Acres farmed by interviewees.

Acres farmed	Younger Farmers	Older Farmers
100-200	0	1
201-300	2	1
700-900	1	1
1000-1500	1	1
1500-2000	2	1

Table 4. Acres owned by interviewees.

Acres Owned	Younger Farmers	Older Farmers
100-200	1	1
201-300	2	1
400-500	1	1
1100-1200	1	2
1700	0	1

* Total acres owned by Younger Farmers 1997acres
* Total acres owned by Older Farmers 4980acres

Table 5. Type of farm operation.

Type of Operation	Younger Farmers	Older Farmers
Farm all land	3	5
Rent all land to other farmers	1	1
		0
Work on farm full-time	3	4
Work off the farm	2	1
Other (retired)	0	1

All farmers, both younger and older, had grain operations. One respondent had grain and livestock.

In terms of membership in farm organizations, almost all the respondents were active in at least one farm-related organization Five of the six older farmers belonged to at least one agriculture organization and five of the six were currently participating in some sort of farm program Four of the five yonger farmers belonged to a least one agriculture organization and four of the five were currently participating in some sort of farm program

Interviews and the Interview Guide

Interview times and dates were established during the initial phone conversation when farmers and heirs were asked to participate All interviews were conducted in May and June of 1999 at the respondents homes.

Upon the start of each interview, participants were told again the purpose of the study, that the study was confidential (no names published with the results), and that the interview would be tape recorded Participants were informed that they could turn off the tape recorder at any time.

The interviews conducted were semi-structured using an interview guide administered by the researcher Most questions were open-ended to encourage the respondents to give their individual opinions in order to attain the qualitative feedback desired by the study. The interview guide included five parts:

Part 1. individual background and farm history

Part 2· personal values towards farming, farmland, and opinions on the state of farmland in the area

Part 3. knowledge of and reaction to particular farm protection programs

Part 4. overall thoughts on farmland protection

Part 5 future intentions for land use

The interview developed for the land heirs was slightly different than the one for the farmers but both included the same five general parts previously outlined. A copy of both interview guides can be found in Appendix B

Responses

Part One: Individual background and farm history. Questions in part one individual background and farm history, were used to identify the attributes of the respondents and their history with farming/farmland in the area. This information was used to characterize the sample (Tables 1 - 5) and to understand the farmer's history in the area. The farm histories gathered detailed about acquisition of the farm, historical changes in the farm operations and additions or subtractions in the land base. Farm heirs were asked their current profession, the extent of their involvement in the farm operation and whether they would aquire the family farm

Of the surveyed farmers, both young and old, all but one were third, fourth and fifth generation farmers. Many had the land they currently farmed since the early nineteen hundreds. Most of the farmland was acquired through purchase, often from the parents or from other family members who inherited a portion of the land Fewer farms were inherited, although of the younger generation of farmers, most noted future land inheritance.

Of the farm heirs interviewed, one was currently farming while the rest followed different professional careers. Two of the four were heavily involved in the farm operation in their youth One participant had already inherited the family farm while the others noted, yes, they would inherit the land.

Part 2 Personal values towards farming, farmland, and opinions on the state of farmland in the area This section was intended to explore how farmers and heirs felt about farm life, how they valued land, and if they perceived loss of farmland as a current or future problem These questions were asked to form a baseline for the protection discussion. Protection becomes a useful and necessary discussion if there is an overall feeling of value in farming itself or if the land is valued for more than economic reasons, and if there is a perceived threat. Conversely, if the drawbacks of farming outweigh the benefits, or land is just valued as a commodity, or there is no perceived threat, there seems little need for discussion about farmland protection.

The first question asked farm respondents and heirs to talk about farm life, what they valued about farming and what they considered the drawbacks Of the farmers, all

valued the independence and self-reliance of farming. They enjoyed setting their own hours and being their own boss An overall satisfaction with planting and "watching something grow" -- having something to show for their work was described. The drawbacks included: commodity prices and the weather both of which, were always out of their control. This lack of control over the two things which influenced their financial job success the most, carried a heavy burden -and was described as "stressful" - but most of the respondents acknowledged that they had no hopes of being rich they just wanted to be able to provide a good life for their families. And this overall, was believed to be one of the greatest benefits of farming -- it was a good way of life for raising children.

Three of the four heirs enjoyed growing up with "country living" - being able to do anything they wanted on the land and having abundant open space The other heir did not grow up on the farm - their family cash rented the land - but did enjoy "country life " The drawbacks described, echoed those of the farmers: at mercy of outside factors - weather and the government and recalled stress and worry over those factors.

The farmers were asked about what influenced their decision to farm and all responded it was a natural decision, either they grew up on the farm and it was the "thing to do," or they just always wanted to do it. Several of the younger farmers studied some form of agriculture in college, knowing they wanted to be involved in agriculture in some way None of the respondents expressed that they didn't have a choice or that family duties required them to farm

Farmers and heirs were then given a list of possible "feelings about land" and asked to choose the one which *best described* their feelings. The respondents were not limited to one answer but were asked to choose the ones that provided the "best" description The responses are included in Table 6

Next, all were asked if farming was important to the area? All the younger farmers and heirs answered yes, farming was important to the area All but one of the older farmers felt it was important to the area, the other didn't know - thinking farming wasn't as much of a factor on the community because the larger farms (of current) could afford to shop outside the communty for the lowest prices

Table 6. Description of "feelings" about land

Description of Land	Older Farmers	Younger Farmers	Heirs
Security and foundation for a family	4	3	1
Legacy to pass on through the generations	2	1	1
An investment asset and store of wealth	2	1	3
A commodity to be bought and sold	0	0	0
A resource producing food and fiber	0	2	2
Beautiful open space and a way to stay in touch with nature	1	0	1

All were asked if loss of farmland was currently a problem in the area? Here the answers were divided with the younger farmers voting (3) yes and (2) no, the older farmers (3) yes and (3) no and the heirs (1) yes and (3) no All were asked if it could be a problem in the future? Except one, those who felt it wasn't currently a problem, felt it could be in the future The one dissenting vote was an older farmer who felt it was hard to make a case for preservation when commodity prices were so low. He believed that if prices were truly driven by "supply and demand," then less land would make production more scarce and would drive up commodity prices.

All the respondents were asked to describe what would happen if farmland started disappearing in the area What was described could be put into two general categories. 1) affects on the town and 2) affects on farming. The older generation of farmers felt that some farm operations would move out of the area and the remaining farms would face increased conflicts with non-farm neighbors They didn't feel a loss of farmland would have much affect on the town, thinking it would take a lot to close the grain elevator (the Ohio Grain) The younger generation of farmers focused their responses on the affects of disappearing land on farming operations. They described increased traffic and worse relations with non-farm neighbors and increased prices and competition for land, making it

difficult to purchase or rent farmland. One younger farmer feared there were not enough big landholders/farmers, that too many farmers were cash-renting farmland and that it was unknown what those landholders would do with the land.

The heir's responses focused on changes to the community They noted economic changes in the community, shifting from the current reliance on farming to a residential tax base. They also described changes in the physical landscape noting the disappearance of open fields and how development would completely change the existing rural way of life.

The final questions in this section asked the respondents to predict the state of farming and farmland in the area in the next 10 and 20 years The older farmers felt there would be little change to farming in the next 10 years, unless the Darby Wildlife Refuge was created, which they felt would have a major adverse affect on farming and farmland in the area. Several felt farms would get larger and that smaller farms would disappear into those larger farms. Most predicted loss of farmland to residential development in the 20 year future

The older farmers also saw technological advances in crops allowing increased production on less land. One noted that farmers would have to change their practices in the next 20 years to increase revenue. This interviewee foresaw farmers becoming end-user producers to take out the production "middle-man" to increase revenue The farmer gave as an example the huge disparity between commodity prices and the prices charged at the grocery store, saying farmers are the only suppliers who ask. "what will you give me for their product?" instead of asking their prices - said this could be done if they get involved in some of the product manufacturing such as milling flour, etc. - then asking a price for the product.

Most of the younger generation believed there would be larger farms in the next 10 years but an overall loss of farmland. They thought there would be greater competition for farmland which would increase rental rates and some thought they might begin feeling the pressure for residential growth In 20 years, the younger farmers expected to see continued trends towards larger farms. A few believed they would see Columbus residential encroachment while the others felt they were too far away to be affected by

Columbus and that the boom economy, fueling sprawl, would have dwindled within 20 years. Two individuals believed there would be more land planning to control growth in the future.

The farm heirs generally felt there would be little change in the area in the next 10 years In 20 years, two believed they would see smaller farms disappear leaving only a few larger farms while one belived there would still be smaller "hobby" farms One individual thought there would be no change in the area, even in 20 years, because the town would not welcome growth or change.

Summary of part two. The questions in this section were aimed at discovering the values placed on farming and farmland and to what extent was farmland perceived as threatened. Again, these questions were aimed at establishing a baseline for the discussion on farmland protection Something must be valued in order to be protected and public action is most likely to take place where the problems are acute and the people are concerned about them (Jackson, et. al , 1979: 7).

Overall, the farmers spoke favorably about their profession and enjoyed many of the aspects of farm life but almost all acknowledged that it was a job and that they had no romantic notions about farming or family land However, their responses reflected a reverence for the "family life" and values instilled by farming.

Farmers, both generations, and heirs valued farming and farmland for the benefits it provided for raising a family Almost all the respondents described how farming was great for child rearing - being able to spend time with and work side by side with the family and the strong work ethic insilled by farm life. This was reflected in the question on how the farmers felt about land, where land was best described as "security and foundation for a family" and "a legacy to pass on through the generations." One farmer noted that their [the farmer's] wealth was in their land but their responses showed it was a wealth they wanted to pass on, not sell to reap the monetary benefits in their lifetime None of the farmers, young or old, talked of selling their land for development/for a profit - they all noted the desire to continue farming and/or leaving their land to their children. There was little disparity between the younger and older generation of farmers on the "value" questions.

The heirs spoke approvingly of growing up on a farm and valued their family land. However their different relationship with the farm was reflected in the question on which best described their "feeling" about land where "an investment asset and store of wealth" was the primary choice Two of the heirs expressed interest in being able to develop or sell land and several of the farmers interviewed noted that their heirs intentions were also to sell the farm and they were fine with that decision.

All but one respondent agreed that farming/farmland was important to the area but overall, the respondents did not feel an immediate threat to farmland. Their predictions for future change echoed the current trend towards fewer but larger farms and many of those interviewed were the "larger" farmers--seeing themselves enlarging their farms not losing them to developement. Few changes were noted in the 10 year time frame The older farmers predicted more change in the 20 year period where they did foresee increased competition for land with residential. The younger farmers did not express great concern for residential development, they questioned how long the housing boom could last and predicted better land planning in the future The heirs predicted little change in either the 10 or 20 year future.

One individual, an older farmer, was generally critical of farming and the current emphasis on farmland protection - feeling there was little justification for protecting land when commodity prices were so low. This individual continued on with the survey, commenting on the proposed programs, but made it clear that he did not support any farmland protection strategies other than organizing farmers to demand better prices.

There was an overall value placed on farming, but the perceived threat to farmland was not great However, most of the interviewees were interested in protection due to the Darby Refuge proposal which would affect many of the landowners interviewed Though they did not see an immediate threat to farmland by residential, they understood that the refuge was being proposed to fight sprawl - setting aside the land so it could never be developed. Therefore, they were interested in protection programs as alternatives to the refuge proposal

Part 3 Knowledge of and attitudes towards farm protection programs. Farmers and farm heirs could be classified as a special interest group relative to the complex system

of leaders and public who make land management decisions about such programs as farmland protection Their opinions, as a special interest group, can be an important determinant in what decisions are made. Therefore, it is of interest how much this group knows and what their opinions are relative to land protection issues and whether attitudes and knowledge varied with generations and between farmers and heirs.

This section focused on the interviewees knowledge of and comments about farmland protection programs The section began with general questions to determine awareness of farm protection, the types of programs they had knowledge about, and how they gained knowledge about protection topics.

Interviewees were asked if they had noticed increased interest in farmland protection All the respondents, younger and older, farmers and heirs, said yes, they had noticed increased interest in farmland protection.

Interviewees were then asked how they had been informed of, or followed protection topics? Multiple methods of information dissemination were noted with the primary source for the older generation of farmers being the newspaper -- which most felt was biased. The younger generation of farmers noted multiple mass media sources, not targeting just one, feeling the topic was everywhere newspaper, tv and radio. One younger farmer noted there was not much information in the farm publications -- that such sources dealt primarily with governement regulations relative to environmental protection programs (E.P A. regulations). Heirs said they were more aware of the topic though word of mouth - primarily due to the Darby Refuge proposal and the Citizens Against the Refuge Proposal (C A.R.P.) organization

Interviewees were then asked if they were aware of various farm protection issues occuring at the state level and the local level. Of the state level issues, all the interviewees were aware of Governor Voinovich's Farmland Preservation Task Force The younger and older generation of farmers were equally divided on awareness of the Farm Bills proposed in the State House of Representatives while all the heirs were aware of the Bills

All the farmers, young and old, were aware of legislation passed to permit Purchase of Development Rights. Only one heir knew of this legislation All but two younger farmers were aware of local land trust organizations. Respondents noted

awareness of other issues, predominantly the Citizens Against the Refuge Proposal organization concerning the Darby Refuge proposal.

The next questions were more detailed, asking the interviewees if there were valid reasons for protecting farmland and to explain reasons for protection. All were asked if they felt there were valid reasons for protecting farmland. All but one older farmer felt yes, there were valid reasons for protecting farmland

The younger farmers noted the local importance of farming to maintaining the current character of the community and the economic feasibility of continued farming in the area. They felt that if farms started disappearing, those that continue would have a more difficult time with non-farm neighbors, competition for land, and relocation of farm infrastructure. All of the younger farmers said it was important to maintain farmland to produce food and fiber, noting the national importance of production for a growing global population They felt the midwest was important because of the soil and climate conditions inherent to the area and also the existence of agricultural infrastructure - graineries, freight and river systems, noting that such infrastructure is not in place in other parts of the country (western United States).

This question of valid reasons for protection raised almost as many questions than were answered for the younger generation. Their questions are noted to illustrate the enormity of the protection topic and the range of variables to consider when trying to determine if protection is valid They asked if technology could keep up with population growth to keep surpluses available? They asked whether the United States would move away from production and one day rely on other countries for food and fiber? And they asked if one day western farms would have human's competing with production for water resources?

Most of the older generation of farmers gave the most basic reason for protecting farmland· land is a finite resource, productive land even more finite, and therefore should be protected. They also noted the growing world population and the need to maintain productive resources to feed and clothe this growing population. The older farmers also talked about the need to maitain the rural lifestyle, rural culture of America -- the need for "country" and open space.

One older farmer said there were no valid reasons, at this point, for protecting farmland -- prices were too low, and farmers are paid to keep thousands of acres out of production therefore, he had a hard time justifying protection.

Each respondent was next asked how interested they were in farmland protection on a relative scale from very interested to not interested. Table 7 illustrates those responses and shows there is overall interest, but little overwhelming interest by farmers

The next set of questions focused on three proposed farmland protection tools in the state These tools were Purchase of Development Rights, 30-year Land Use Tax Credit and Agricultural Protection Zoning, each discussed in detail in Chapter Three

Respondents were first asked if they had heard of the proposed program and, if the answer was affirmative, to describe what they knew about each program. A prepared description of the the program was then read to each interviewee explaining the programs more completely. The first program discussed was Purchase of Development Rights (PDR's)

Purchase of Development Rights. All of the farmers had heard of Purchase of Development Rights programs. One of the heirs was familiar with the program, the remaining three said they were not familiar with PDR's.

Few descriptions were provided by the interviewees about PDR's, instead, most asked the researcher questions about the program at which time the prepared description was read and questions were answered Many of the questions illustrated concerns for the program

Table 7. Interest in farmland protection.

Interest in farmland protection	Younger Farmers	Older Farmers	Heirs
Very	3	2	3
Fairly	1	2	0
Somewhat	1	1	1
Not Very	0	1	0

One older farmer was concerned that selling the development rights would solve the immediate cash-flow problem but would essentially mean the government owned the land. Both older and younger farmers were concerned about funding for such programs. Several individuals were not aware that Purchase of Development Rights were intended to last forever and were concerned about the length of time They were interested in "buy back" options and/or more limited terms of the easements. One of the heirs said they had been researching this option but was trying to figure out how a "lease" instead of purchase program might work, preferring a term lease to a "forever" option. This interviewee feared changes in surrounding land uses whereby a farm sold through PDR's could eventually be surrounded by developement - making it difficult to farm and not worth as much to sell.

After the description of the program was read and discussed, each was asked if Purchase of Development Rights would be considered a viable option if they were ever faced with selling their land? The results are listed in Table 8.

Table 8. Consideration of purchase of development rights.

Consider Purchase of Development Rights?	Younger Farmers	Older Farmers	Heirs
Yes	4	1	2
No	1	4	2
Undecided	0	1	0

Several of the individuals had comments or stipulations for their responses to the development rights option The older farmers were concerned about the longevity of the program and most noted they did not want to lock future generations into a decision. One said they would be interested if it was a lease option spanning a generation.

Many of the younger farmers focused on the need for a critical mass of protected land, that one farm here and there would not be enough to protect farming as an industry They noted the need to avoid a "checkerboard" pattern of those protected for two reasons 1) to maitain farm infrastructure and viability and 2) the difficulty in buying back development rights even if they were surrounded by development. One farmer agreed that a large block would be necessary but said he wouldn't want to be the first farmer to sell

their development rights -- didn't know if other farmers would follow suit. When asked what a "large" block was, "at least 1/2 a township" was the reply.

The younger farmer who said no, Purchase of Development Rights, would not be considered gave the following reasons for their decision. First, they felt if they were faced with being surrounded by sprawl that the critical mass of farming was already gone and there was no point in protection. When asked if surrounding farms had already entered into the program, if it would become an option? The individual said it becomes more palatable but again questioned how much protected farmland would be enough? They went on to say it would be a better option if it could be tied with something county-wide and mentioned zoning as an example, looking for some guarantee that farming could be sustained The individual still felt Purchase of Development Rights were too risky, that there were too many other factors out of control to tie the land up without any development potential and that the PDR's would permanently set the land value, never to be raised

The heirs who said no, it would not be considered, did not like the permanence of the program

The interviewees who said yes, they would consider the Purchase of Development Rights option, were then asked if they would be willing to sacrifice some monetary gain to sell development rights to protect land from development and remain in agricultural use? Both the older farmers said no. One thought it would be difficult to get fair value for PDR's in the first place, based on what residential lots were selling for. Of the younger farmers, two said yes, they would consider a lower monetary gain and two were undecided, noting that it would depend on their financial situation and that they would prefer to sell to another farmer One of the heirs said yes, they would sacrifice monetary gain to sell the development rights

Next, all were asked if they would be interested in the program if the development rights weren't purchased for all land, but for "prime" areas only? Two older farmers said they were interested in this option but worried that it would carve up land further The remaining four were not interested, for reasons previously stated: length of easement and fear of "government" involvement. Only one younger farmer was interested in this option The rest said no, reiterating their concern for the program. that too little land protected

would not be effective, feeling a critical mass of farms was necessary for the program to work Two of the four heirs were interested with this option because they saw it's advantage in being able to reinvest the money in the remaining farmland.

Finally, only one respondent, an heir, said they would consider voluntarily entering their land in a conservation easement, if funds for Purchase of the Development Rights were not available

30-Year Land Use Tax Credit. One older farmer and one heir said they were familiar with this program Both thought it was similar to the Purchase of Development Rights program except it had a limited length of time Most of the other respondents were not familiar with the program but said they could guess what it was from it's title

The description of the 30-year land use tax credit was read and all the respondents were asked if tax breaks were attractive incentives to enter into protection programs? Responses are listed in Table 9.

Most respondents felt their current tax burden was not that bad and that it didn't make a huge difference in their profitability, therefore any break would have to be substantial to be attractive. A few saw tax breaks as benefitting only very large landholders, limiting the programs attractiveness to all farmers. There was some sentiment that a tax break was deserved, not just for farm protection, but as benefit to the industry, believing other industrial uses received preferential treatment for locating in a community

Several of the farmers, both young and old, were concerned that such a break would cause a loss of revenue to the municipalities and wondered where the loss of taxes would be made up, assuming a municipality would not allow a net loss to occur Some thought the income would be generated by some other form of tax that they would end up paying - making it a no net gain for anyone.

Table 9. Are tax breaks attractive incentives to entering protection programs

Are tax breaks attractive incentives?	Younger Farmers	Older Farmers	Heirs
Yes	3	2	2
No	2	4	2

Next, all were asked if they would enter such a program if it was a tax freeze only and not a tax break? Most of the older farmers did not respond because they weren't attracted to this type of program initially. Only one younger farmer would consider the freeze and this was only if it was a freeze for the entire 30 years. Most felt current taxes were not that bad but did feel they should get a break not just a freeze.

When asked if the amount of time, 30 years, would influence the opinion to enter the program? Most of the older farmers felt 30 years was better but still a long time The younger farmers were divided, three felt 30 years was a good timeline while the other two recommended a 10 year lease. One heir approved of 30 years while the others felt it was too long

Interviewees had a difficult time establishing what they felt were appropriate penalties for non-compliance because they felt most could be compensated by a developer's offer. Instead of describing a difficult penalty however, most defaulted to a penalty of back taxes. A few said a penalty plus back-taxes but did not name an amount.

Agricultural Protection Zoning. All of the farmers and one heir said they had heard of agricultural protection zoning and the other heirs were familiar with zoning in general. Many of the respondents commented on the topic prior to being asked questions. The older farmers were more critical of zoning because they perceived a loss of rights -- someone else telling them what to do with their land. There was agreement that there were benefits on separating some land uses from farming but questions were raised on the ability of one person/or group of persons deciding on what use was to go where and how much of any kind of development should there be.

The younger farmers were more supportive of agricultural zoning, approving of the idea of keeping non-farm uses out of agricultural areas and protecting farmers from nuisance suits. Respondents stated their approval of Madison County and their work to follow their comprehensive plan by not permitting non-farm uses in agriculture areas and requiring large minimum lot sizes in those areas. Part of this success was attributed to the county-wide form of regulation instead of the township style utilized in Champaign County, siting the difficulty at the township level to say "no" to a neighbor -- jurisdiction is too small and personal acquaintances too involved. One respondent echoed the fears of

the older farmers, fearing zoning regulations that go too far or control too many aspects of land use.

Following a review of the agricultural protection zoning background information, respondents were asked to describe an appropriate minimum lot size for this area Only one older farmer gave a description, approving of a 20 acre minimum The others voiced concerns or commented on minimum lots: "No lot was large enough - someone would have enough money to buy any size lot." "Large lots, such as 40 acres, were crazy." "People don't take care of large lots and they aren't effective in keeping farmland together." One feared the designation of large lots, keeping land essentially in farmland, would negatively affect the value of the land.

Like the older generation of farmers, only one younger farmer approved of a minimum lot size and suggested 100-200 acres. All of the others expressed concern for large lots, feeling that large lot requirements just tie up more land and spread uses out further and further. They also believed that people wouldn't care for the entire lot when required to purchase large lots

One individual believed higher density in designated areas was a better land use practice and suggested designating concentric rings around existing cities where infrastructure and development should occur. When asked if restricting development around cities was an infringement on the rights of landowners to sell their land for development (landowners outside the development area), the individual stated it wasn't if the boundaries are clearly drawn and adhered to. The individual went on to say· "if you know where the boundary is, and you know where you own or are buying land, then you know it's intended use and value " And the individual believed agricultural land should have a greater value, saying farming is an industry and should be valued as an industry, not as open space waiting for development.

One heir offered a minimum lot size of 100 acres. The rest felt large lots were excessive and that the actual amount of development was not as important as how it was developed. This was addressed in the next question which asked for feedback on clustering development.

The older farmers generally felt that clustering development on smaller parcels was a better alternative than larger lots, but that no development was the best alternative. The younger generation of farmers offered mixed responses. Some thought clustering was a good alternative but felt that the remaining land would save open space and not farmland. The others felt any mix of residential and farming was not a good idea because of nuisance problems. The heirs were mixed as well, two thought it was a good alternative and two saw no advantage to farming by clustering residential.

The last question on agricultural zoning asked the respondents to give their thoughts on limiting density and restricting nonfarm uses as a means of protecting farmland As a group, the older farmers were concerned that such regulations on land would infringe on their individual rights as property owners and that "being told what to do with their land" goes against "their being" -- as independent, self-employed individuals. One respondent felt that density should be determined by the suitability of the site and it's ability to meet health regulations but noted that the health regulations and enforcement in the area were weak The same interviewee believed it made sense to build closer to municipalities, limiting expensive infrastructure expansion, but did not like the idea of limiting all other areas, beyond the municipalities, to agriculture.

The younger farmers were supportive of regulation through density and restricting nonfarm uses. Several wanted to see land uses determined based on what the land could support and would like to see sound land use planning employed to evaluate prime farmland areas and areas not prime for farming used for development. Most felt density should be increased around existing developing areas, instead of utilizing large-lots (low density), to encourage more compact development using less land And few took issue to restricting uses in agricultural areas siting the conflicts that result when nonfarm and farm uses become neighbors.

The heirs were also supportive of regulation and agreed with controlling density and uses but felt large-lots weren't the best solution. One thought the density should be determined by location, smaller lots closer to town but larger lots were more appropriate for the country. One interviewee liked the idea of designated growth areas until asked the question "what if your land fell in the agriculture only zone?", in which case they didn't

like the limit of uses. And finally, one heir believed regulatory control of both use and density was necessary and said it would be more effective if it was statewide but felt it would only be effective with community input.

Summary of Part 3. This section focused on the interviewees knowledge of existing farmland protection issues and programs and gathered their thoughts and attitudes on three proposed protection programs in the State of Ohio. The heart of the survey, this section provided valuable insights into the interests, issues and concerns of the primary interest groups in the farmland protection debate: farmers and farm heirs. Differences in opinions among the older and younger generation of farmers are noted as well as differences between farmers and heirs.

All the respondents were aware of increased interest in farmland protection. The sources for information on protection varied among respondents with most of the older generation garnering their information from newspapers while the younger generation attained information from multiple media sources, including television and radio The heirs said their awareness of protection issues came mainly from word-of-mouth, family and peers talking about the issues.

Overall, most of the respondents were aware of existing protection issues around the state and in the local area. Legislative issues such as the proposed Farm Bills and the legislation of Purchase of Development Rights were the least recognized items while task forces at the state and local levels were the most recognized.

All but one respondent felt their were valid reasons for protecting farmland - most siting the need to maintain prime land, which is a finite resource, to produce food and fiber All but one respondent expressed some form of interest in protection With varying degrees of interest noted, the younger generation of farmers and the group of heirs expressed more interest in the issue than the older generation of farmers.

Purchase of Development Rights All of the farmers were familiar with purchase of development rights while only one heir was familiar with the program. The younger generation of farmers showed more support and interest in the program than the older generation but most noted their consideration would be based on the details of a more concrete proposal and comprehensive plan to protect farmland. The heirs were divided

between PDR's as an option for consideration

Overall, most of the respondents had many questions and issues with the program. Everyone's number one concern was the permanence of the program. A common reaction was. "forever is a long time." This was the major negative expressed by the older farmers who did not want to "lock" their children into such a program.

The younger generation, more interested in the program, worried about piecemeal protection with development in-between farms. They feared they would hold the land at agricultural value while the land around them developed -- making farming less feasible and their land less valuable. The younger generation was interested in a program that sold development rights in conjunction with a land-use plan that guaranteed a large portion of designated farmland in those PDR areas. Two of the heirs saw benefits in being able to redeem some of the lands value while it was being farmed and being able to reinvest that money in the operation.

Of those interested in the purchase of development rights program, about half said they would consider taking a reduction in monetary gain in order to enter into the program And only one respondent, an heir, said they would consider voluntarily entering their land into the program.

There was little interest in purchase of development rights on prime land areas only. Most of the respondents thought this was a poor idea, fearing such a plan would carve up the land area further and would go against the critical mass of land necessary to maintaining a farm industry

30-year land use tax credit Most of the respondents had not heard of this program but all said that the title was self-explanatory. Interest in such a program was divided in the younger generation and heirs and the older generation was least interested as a group. Most liked the shorter time-frame as compared to the permanence of purchase of development right programs, but many felt 30 years was still too long. A few recommended a 10 year timeline instead Of those interested in tax incentives, a tax break would be the only option considered and several stipulated it would have to be a sizable break There was no interest in a tax freeze only option.

Most interesting however, was the inability of the respondents to name a penalty which would give the program "teeth" to dissuade non-compliance and buy-out by developers The reason for this was not explored with the respondents. Perhaps it was due to the overall lack of interest in a tax break program or the desire not to commit to the program, leaving "options" open, in case there was the desire to sell the land in the future

Agricultural zoning All the interviewees were familiar with zoning and most of the farmers said they were familiar with the concept of agricultural zoning.

There were differences among the farm generations in their response to agricultural zoning The older generation was more critical of zoning believing it was increased regulation which would infringe on their rights as property owners. Several questioned the idea of a small group of people (city, township or county officials) deciding what use goes where and how much of each use was permitted. But many agreed there were benefits in separating non-farm uses from farming.

The younger generation of farmers and heirs were more supportive of agricultural zoning, seeing the benefits of separating non-farm uses from farm areas Most of the younger farmers approved of regulation through density and use restrictions. They liked the idea of identifying prime farm areas to be maintained and said that density should be increased around existing developed areas. However, a few expressed the fears of the older generation, that zoning could over-regulate and limit private property rights. The heirs were supportive of agricultural zoning land-use regulation.

There was very little support for large minimum lot size requirements because most felt large lots just used more land and that homeowners didn't care for the entire large-lot. The older generation liked clustering options as opposed to large-lots, but no development was still the best option. The younger generation felt clusters would leave open-space between the clusters, which was good, but that you couldn't feasibly farm between housing clusters The heirs were divided, seeing benefits in cluster development but little protection of farmland with this option

Part 4: Overall thoughts on farmland protection This section provided the respondents with an opportunity to summarize their thoughts on farmland protection and to reiterate their thoughts and feelings about which issues they believed most important. The

section was composed of only one question, which asked respondents to give their opinion on the best ways to protect farmland, recognizing that no single tool or method in itself would be effective in protecting the resource. Instead of trying to summarize each individual's response, their comments on this question have been included here:

Older farmers:

1) There is no need or incentive to protect farmland based on current commodity prices -- less land in production might actually help farmers if the economics of the industry are truly based on supply and demand.
2) A "true farmer" is not going to sell their land they will pass it on to their children. The best way to protect farmland is to make farming more profitable/ecomically viable so that there is no incentive to sell. And sprawl should be stopped where it is starting not by setting aside areas distant from the urban areas.
3) The best way is "not to sell the land," but know some will, the value of land in agriculture needs to be greater so that it is not more valuable as another use.
4) Protecting farmland will never be done on a voluntary basis --must have regulatory controls to protect and that would infringe on individual rights Stricter health codes and determing which land is suitable for farming and which is suitable for development would be a start.
5) For a protection program to work there needs to be a cooperative effort with the farmers. In terms of zoning, Champaign County's process, via township control, is not effective because it is too "good ole' boy." There needs to be broader regulation, such as Madison County's county-wide regulation Lease of development rights is a good option and I like a law passed in California which prohibits selling off road-frontage lots
6) The best way to protect farmland is to make farming more lucrative but this area will not be threatened for 25 or more years so there is no real concern

Younger farmers:

1) Regulation is necessary to control uses and locations. The county does not have adequate funding, which is a concern, but I believe it is the best level of government for this type of decision making Such decisions at a level any smaller

can be too biased. The state would be better in terms of resources but must be married to the county to get the local input - need the local resources to defend the local area

2) Purchase of Development Rights appeals to me the most, but it is understood that that it does not fit everyone's plans, but if you had to sell, this method wouldn't let the land be taken out of farming. Farming needs to be saved economically with better prices for production.
3) Save farmland by saving the economics of farming - increase the value of production The United States operates at a disadvantage by relying on a free market where they can be underbid by other nations Europe however, makes it more difficult to get imports making them rely on the local agricultural economy. Trade wars and politics hurt prices too much in the United States
4) Agricultural districts through zoning would appear to be effective by protecting the land at least through one generation. The lease of development rights, instead of an outright purchase, would also be effective through a generation. In terms of regulation, a county-wide system of regulation, not smaller township units, would be more effective - townships are too neighborly influenced
5) Some land-use regulation and comprehensive planning would be the most effective method Such regulation needs to be at the county level and needs to be consistent across the state. The state should act as an information resource providing a clearinghouse of information and resources for the counties, but the state or federal government should not dictate from far away, what is best for a particular area.

Heirs

1) Madison County provides a good example in protecting farmland because they use a combination of zoning and community commitment to farming. There are probably farmers on the board of township trustees looking after farming, and that could change, but it demonstrates the importance of the farm community banding together to protect their interests. Cooperation among the farmers is key, strategies need to come from within, not someone else telling them what to do.

2) The only way to protect farmland is if the farmers want to - not right having someone else tell them what to do.
3) Some regulation would help, but heavy government regulation is discouraged. Input by people who farm is critical to any method of protection
4) Farming will take care of itself as an industry, by forming large corporate farms in the future. It's sad to see family farms disappear, but only large farms will be able to compete economically and their farmland will remain.

Summary of Part 4. Increased profitability in farming, so there is little incentive to sell the land, and land use regulation/comprehensive land planning were the two options suggested to be most effective in protecting farmland. The older generation of farmers generally favored increased profitability in farming and simply "not selling the farmland" and were less favorable of regulation. The younger generation of farmers were more inclined to some land use regulaiton and land planning to protect farmland but also noted that increased profitability would be effective. The heirs held a more "self-fulfilling" belief, whereby any method must have the impetus and support of the farm community itself to be successful, whether it was regulation, demands for better prices or simply evolving into large operations.

In terms of land use regulation, the group as a whole believed the best level for land use governance is at the county level and not at the township level, the current level of regulation in Champaign County. The county level is believed to be least biased in terms of decision-making and low enough in government structure to maintain protection of the community's interests

Part 5 Future intentions for land use. The last section focused on the options farmers and heirs feel they have for the future use of their land and provisions they've made, if any, to ensure their intentions are realized. All were asked what they see as the future use of their land in both 10 years and 20 years?

Most of the older farmers thought their land would continue to be farmed in both the 10 and 20 year future One individual did say his land would be sold for development within the next 10 years because he was being taxed based on surrounding land uses, which were being developed, making his taxes higher. This coupled with the size of his

farm, a smaller one relative to others, made continued farming economically infeasible This farmer felt only the larger farms would be able to survive in the future

All the older farmers questioned had a will or estate plan which left their land to their children. Most expressed hope for continued farming, but felt it was their children's decision on what to do with the land

The younger generation of farmers all saw no change in the future of their land for the next 10 to 20 years Most expressed interest in adding more acreage to their farms. One couple wishing to add land, believed buying farmland was an investment asset which they could "cash rent" to other farmers, providing them with retirement income in the future

Two of the younger farmers had some form of estate planning which left the land to their children The rest had made no provisions for the future of their land

The heirs had given little thought to the future land they would inherit. Three, saw little change in the future, that the land would continue in farming One heir, who had older children, believed the land would be sold or developed because his children had no interest in maintaing the farmland

None of the heirs had done any estate planning.

Summary of Part 5. There was little inclination among any of the respondents to sell the land in the future and take it out of farming As such, no provisions have been made to insure the land remains in farming via trusts or easements in their estate plans or wills It is the feeling of most that what happens to the land is up to the owner at the time, the children or grandchildren it is passed on to. Few wanted to place any constraints on the future generations that would possess the land.

CHAPTER 5
STUDY CONCLUSIONS

INTRODUCTION

This chapter reviews the research findings relative to the study's five original objectives The first objective was to determine what options farmers feel they have for the future use of their land. The second objective was to assess awareness of farm protection programs. The third objective was to determine attitudes towards three particular farm protection programs: purchase of development rights, 30-year land use tax credit and agricultural zoning. The fourth objective was to determine differences in opinion between farm generations and between farmers and heirs. Within the discussion of these first four objectives, the fifth objective was addressed by summarizing the implications of each in terms of farmland protection.

The qualitative nature of the study permitted the interviewees to elaborate and/or explain their responses. Aside from addressing the original objectives, several themes emerged from their responses which may have implications for farmland protection as well. These themes include the difficulty in timing of farmland protection -- too soon or too late, cooperation with and by farmers and farm economics.

OPTIONS FOR THE FUTURE USE OF LAND

"A true farmer won't sell their land" seemed to be the consensus among the farmers interviewed. The study documented few options, other than continued farming, for the future use of the land In fact, many expressed interest in the desire to enlarge their farms as opposed to selling off land. The heirs generally saw continued farming as well, except one who felt the land would be sold This is encouraging to the protection initiative, demonstrating a commitment to continued farming in the area

The desire to continue farming was not clearly linked however, to any preservation option that could guarantee protected land for continued farming. When talking about future land use, most discussed the unpredictability of the future and the "hope" to continue farming, but very little was said about choosing an option to protect the land, so

that farming could be guaranteed There were one or two respondents, who's land had been in the family for a very long time, that said "their land would never be developed" and who could be characterized as "preservation minded." But most, though interested in protection, were just hopeful about future use in farming.

While the preservation mind set was not clearly present, neither was a development mind set, or the desire to sell any land for development In fact, many of those interviewed disapproved of other's who had sold off frontage lots. A few did note the desire of their children to sell the land, and were fine with that decision, but most seemed to disapprove of development of farmland.

The fact that the farmers and heirs seem committed to continued farming and generally opposed to "cashing in" and developing their property could be considered a positive for protection efforts. Such an effort would be more difficult if it faced landowners who were through with farming and ready to sell.

AWARENESS OF FARMLAND PROTECTION PROGRAMS

Farmers and farm heirs comprise a special interest group of individuals who stand to be most affected by farmland protection programs. Although this interest group is part of a very complex system of other interest groups, leaders, and public officials who make land use, planning and protection decisions, their knowledge and opinions are important determinants in what decisions are made. Therefore, it is of interest how much this interest group knows and what their opinions are relative to these issues It is also of interest to protection programs, where this group obtains their information and what they feel about those information sources.

Overall, awareness of farmland protection programs was very high among farmers and heirs Few of those interviewed were unfamiliar with the topics being discussed but most had numerous questions about those topics So, while awareness was high, there appears to be ample room for education on the particulars of farmland protection programs.

All forms of mass media were cited as distributors of farmland protection information but the newspaper seemed to provide the greatest outreach Many of the older farmers felt the newspaper was biased though, so this is not regarded as the best tool for

education In fact, readers (at least older readers) may actually take an opposite stance of the newspaper, regardless of the facts, because of it's perceived bias.

Specialized media by farm organizations was noted as having little information on farmland protection and may be a possible source for education dissemination. The political nature of the subject, which involves private rights, may be one of the reasons such organizations have stayed away from the topic but the information could be presented so that it does not take a biased stance.

Public outreach and education at the local level may be the best form of education even though it is the hardest to achieve. Those interviewed in this study seemed to appreciate the individual attention and time taken to get their opinions. They also appeared more comfortable asking questions about program specifics because of the private setting as opposed to the discomfort of speaking/asking questions in a larger more public setting Discussions and education on protection programs should include examples of programs in action but examples must be from locations close to home. The farmers must be able to relate, for example, the interviewees in this study were more interested in protection efforts in Pennsylvania than examples coming from the West coast.

It should be noted, that the increased awareness of programs found in this study may have been due in large part to the Darby Refuge proposal which was presented in Chapter 4 This event has been highly publicized and has raised awareness of land protection to combat sprawl. A local farm organization: Citizens Against the Refuge Proposal has been formed and is actively working with farmers in the area. The formation of such an organization demonstrates the ability of this particular farm community to organize themselves into a group willing to take action. It is also a step forward in the discussion and education process for farmland protection.

ATTITUDES TOWARDS FARMLAND PROTECTION PROGRAMS

There was no overwhelming response of approval or disapproval for any one of the three tools explored in this study. This reiterates the fact that not one tool or method can be used to protect farmland. In fact, most research suggests some combination of programs to successfully protect farmland (Furuseth and Pierce, 1982; Daniels and Bowers, 1997,

Korfmacher and Elsom 1998). The younger generation of farmers came to this conclusion as well, when suggesting that purchase of development rights be used in conjunction with some form of comprehensive land planning/regulation to ensure a critical mass of protected farmland

In terms of overall interest in the programs relative to one another, respondents seemed to favor agricultural zoning or some form of land regulation and comprehensive planning. The opposite was expected based on past research that suggested farmers opposed land regulation and would prefer voluntary measures (Jackson, et.al , 1979; Berg, 1989; Schnidman, et.al., 1990). The State of Ohio also focused on researching voluntary measures for farmland protection when this study suggests comprehensive planning, agricultural zoning and growth management techniques may be more desirable. With such support by the farm community, such efforts would also have greater opportunity for success.

In terms of specifics, density and use restrictions to protect agricultural zones were generally acceptable as long as they weren't exclusive --appearing to take away all development rights. Respondent's were clear that they did not like agricultural zoning with large-lot requirements -- feeling large lots simply used more land, spread development further apart and were not cared for by homeowners. Therefore, area-based allocation for density would be suggested with smaller maximum lot sizes established.

Several recommended regulation to locate new development adjacent to existing developed areas, limiting development in agricultural areas This suggests potential acceptability of growth management tools such as adequate public facilities requirements or growth phasing programs. Growth boundaries, another growth management tool would probably not be supported because of it's use of exclusive zoning (limiting uses) beyond the development area. This would be viewed as regulation "going too far," -- the common fear of respondents.

The study was very conclusive on the level of government preferred to manage land-use regulation. Respondents preferred a county-wide method of land use regulation, as found in Madison County, as opposed to regulation at the township level which is currently used in Champaign County. The township level was considered too biased

because the trustees were too close to their constituents. Respondents felt trustee's desire to please "their neighbors" interfered with their work to uphold the goals of the comprehensive plan and zoning ordinance. Election to permit county-wide zoning would be necessary as well as creation of a new county-wide zoning ordinance to replace the current township ordinance.

Respondents familiar with Madison County's land use regulation approved of the County's efforts to uphold their ordinance, i.e. they didn't feel the ordinance was compromised and land rezoned when faced with developer's proposals. The farmer's also felt like they had representation on the current board of County Commissioners, i.e someone to look out for their interest's, which at the time, was to protect farmland for farming

The recommendation for county-level regulation (the complaints about township level regulation) as well as fair representation and upholding the ordinance reflects the desire of landowners to have a system they can trust. That trust is built on consistently upholding the goals of the plan and ordinance and not bending to every developer's wishes, until the time when the goals are modified or changed to reflect a change in the community's interests.

While some form of land regulation was favored over the other programs, it should be noted, that most did so with qualifications that it should not go "too far" or be "heavy handed". Respondents would mention the need to protect private rights in the same breath as describing growth management/regulatory techniques to protect farmland. While private rights were important, it seemed most respondents felt regulation would be the only way to protect farmland. That if one relied on voluntary participation, it wouldn't happen One farmer went so far as saying that purchase of development rights "sounded good" but they wouldn't want to be the first one to apply implying that a broad brush, uniform action across the county, may be safer, easier and more acceptable than individual, voluntary participation.

Of the other two programs: purchase of development rights and 30-year land use tax credit, most respondents focused on concerns and issues with the programs. But, of

the two, there appeared to be more interest in the purchase program than in the tax program

A common fear of purchase of development rights was the longevity of the program. Respondents feared the intended length: forever; but many also questioned whether the program could really last that long -- thinking the land would be held and then development rights "bought back" to be sold for development anyway. This was not only questioned, but several were interested in such a loop hole, wondering how to get out of the program, if and when things changed. So, while some feared a loophole would lessen the integrity of the program others appeared to want such a loophole as an "option" for the future.

Another stipulation of those interested in the purchase of development rights program was that a critical mass of farmland be protected from development. It was important that a purchase program not protect one farm here and there, but protect a mass of farms so that farming could stay viable. This would require a comprehensive program with targeted land areas, a large budget, and voluntary participants throughout the protected area. Accomplishing all three seems an overwhelming task and reflects the difficulty in purchase programs as well as voluntary programs in general -- if it's voluntary, it's difficult to provide guarantees.

Purchase programs are likely to have allies among the younger generation of farmers who, as a group, showed some interest in the program. This group was interested in many of the finer details of the program and should be utilized for their input when program details are being explored or established. Though interest in the program does not necessarily indicate commitment to the program, a positive attitude towards the program is a step in the right direction. Older farmers on the other hand, would require more convincing to consider such programs, since their overall attitude towards this type of program was more negative

Least interest was shown in the tax credit program. Although respondents liked the length -- 30 years, better than the purchase program, several still felt 30 years was excessive. However, overall lack of interest in the program was not due to the length. Respondents didn't feel their current tax burden was that bad or that a break would make a

huge difference in their profitability This feeling could change as area development increases and taxes are raised, in which case there may be more interest in tax breaks down the road It was clear that the incentive had to include a tax break because tax freezes alone were considered no incentive to enter a program.

DIFFERENCES BETWEEN FARM GENERATIONS AND FARMERS AND HEIRS

The study considered overall awareness of protection issues as well as attitudes towards protection in general, and for specific programs. The responses were categorized in terms of farm generations: younger or older, or farm heirs, to determine if there were differences in opinions and attitudes among these groups of respondents.

In terms of overall awareness of farmland protection issues, all respondents were aware and were generally knowledgeable about the issues being discussed The heirs were less knowledgeable of "specifics" but had a general understanding of the issues/programs and received much of their information from their farm families

General interest in farmland protection could not be determined by generation, as both the younger and older farmers expressed some interest in protection. However, three of the four heirs said they were "very interested" in farmland protection

When exploring the specific programs: purchase of development rights, 30-year land use tax credit and agricultural zoning, there were clear differences in opinions between the younger and older farmers. The older farmers were more negative towards all the programs, showing little support for such endeavors. The younger farmers were more positive about the programs, though they still had many questions and stipulations, they were more willing to consider each of the programs as possible options for their land. The heirs were divided on most of the programs with both positive and negative responses towards each.

The negative attitudes of most of the older farmers may have been due to the fact that most intended to pass their land on to their children. Farmland protection was not an option because such programs would not be considered during their land tenure. The decisions about their land. to protect, sell or continue farming, would most likely occur

when their children or grandchildren held ownership. Therefore, they wanted to leave those decisions up to them by not "locking them into" any protection programs.

It should also be noted that much of the negative sentiment towards the proposed programs, by the older generation, was centered around the fear of increased government regulation Many of the older farmers felt programs such as the purchase of development rights and agricultural zoning would increase government regulation in their operations or severely limit their use of their land. The younger generation expressed some concern over increased government regulation but not to the extent of the older farmers.

Many of the younger farmers expressed interest in the programs as a means to protect their livelihood. Their issues centered around maintaining a critical mass of farms to ensure the feasibility of continued farming and to reduce the possibilities of nuisances from non-farm neighbors The younger generation had many years of farming to come and were willing to consider protection options as a means to protect their future interests as farmers.

Agricultural zoning appeared to be the most attractive to this group They approved of regulation to separate uses, seeing the benefit of keeping non-farm uses away from their farm operations, reducing the opportunities for conflict and nuisance complaints. Like the older farmers, a few were concerned that there could be "excessive" regulation of land uses but generally accepted planning and zoning as a means to protect farmland.

The heirs were divided in their attitudes towards the programs, some were positive and some were negative about all the programs. There was consensus on one point and that was. farmland protection should be initiated by the farming community and not by outside groups telling them what to do. Except for the heir that farmed, it did not appear that the heirs included themselves as part of this "farming community," even though they were or would be farmland owners. A status quo is the likely result, because the older farmers intend to pass their land on to their children and feel it's their decision on what to do with the land, while the heirs feel those decisions are up to the farmers.

COMMON THEMES

Timing

The timing of farmland protection programs was not literally addressed in the study, but an observation can be made based on the responses to the questions There was no overwhelming feeling of development pressure on farmland in this study, as half the respondents felt yes, there was pressure and the other half felt there wasn't pressure on farmland. Because the perceived pressure was not overwhelming, responses to the specific programs may have been lukewarm -- meaning they weren't actually considered to be possibilities because the "problem" was not presently apparent. Virginia Jackson, et. al in their studies on attitudes toward planning in Arkansas stated: "Public action to solve problems is most likely to take place where the problems are acute and people are most concerned about them" (13). This study demonstrated that the individuals interviewed do feel farmland is important and should be protected, but half don't necessarily view it as threatened at the present time, which may have affected their attitudes towards the protection discussion.

Unfortunately, in the case of farmland protection, it is important that programs be initiated before development pressure is truly felt. If an area is allowed to begin to build up, landowners expectations about the future use of their property and the future value of their land is raised. If programs are implemented at this time, opposition towards such programs is likely to increase. Therefore protection proponents must work before the pressure builds and must educate and generate action on the issue if farmland is to be protected before it disappears

Cooperation With and By the Farm Community

Almost all the literature on farmland protection reiterates the fact that in order for protection to have a chance it must have the active support of farmland owners. This study was also very clear in showing that any efforts to protect farmland must include the farmland community The most difficult aspect of this is that the study also showed that the "farmland community" is not one homogeneous entity sharing the same thoughts and attitudes across the board. Several respondents mentioned that the "independent" lifestyle

farmers enjoy works against their ability to organize themselves in solidarity on issues (this was noted about the Citizens Against the Refuge Proposal meetings and other farm organization meetings)

Farmers not only need to work with planning and protection groups but must also learn to work with one another. They operate in a competitive farm industry, and yet their agricultural survival depends upon cooperation with one another to maintain a critical mass of farmland to exist. Farmers can benefit in the long run if they help formulate protection policies and programs in a give-and-take atmosphere of common purpose instead of in an independent stance with all others as adversaries.

Work on programs and policies needs to continue at the local level just as the Federal and State governments have designated such responsibilities in the past. Local strategies will be best at identifying the various types of farmers and farm attitudes and will be better equipped at responding to the variations among each community of farmers State and Federal governments still need to support local actions through legislation, permitting the desired protection programs, and through financial and information resources.

Farm Economics

What did respondents think was the best way to protect farmland? *Make farming pay.* Farmers feel they are not sharing in the economic boom that others across America are enjoying and feel that farmland would not need to be protected if farming became economically viable. Most of those interviewed stated that they had no illusions of being rich, but current commodity prices leave them struggling each year, just to get by. And some aren't even getting by, rather they are running up debt to a point where they can never recover.

Foreign trade policies, government subsidies and disparity in processor/retail prices were blamed for the poor farm economic conditions. Respondents said that the government has not had an aggressive export policy or permanent trade agreements since the Nixon administration. With little export policy, America competes with other producers on a global market and are often underbid. Farmers suggest the government

turn over its export program to the private sector to encourage more trade agreements which would secure economic returns for production.

Politics also play a critical role in exports as the United States imposes economic sanctions on countries limiting export to those countries. Sanctions intended to punish another country end up punishing the American farmer. The "punished" countries end up getting their products somewhere else while the American farmer can't sell their product on the global market.

Government subsidies and the disparity between market prices and retail prices are also blamed for the economic failings of farming. The government utilizes taxes to subsidize farming in order to keep food prices low. One respondent noted that farming was the only industry that asks· "what will you give me?" for the product, instead of setting and demanding prices. Retail/processor prices are also considered grossly out of proportion with that made on the initial product. For example: a $4 00 box of cereal has roughly $.03 of grain -- no equity between production and retail price. Again organization of the farm community to demand better prices and some control over price disparity would help level the economic field.

Farmers, in an attempt to increase revenue, increase production. This often leads to over-production and a drop in prices because of surpluses. This, in turn, hurts prices across the board. Some self-imposed regulation on the amount of production would also aid efforts to demand higher pricing

The economics of farming creates a difficult barrier to farmland protection because one can't deny the "economics" of decisions to protect land and continue farming or to get out. Then again, protection of farmland isn't solely about economics either As one respondent noted. "everyone still farms -- you just try to farm through the bad times."

Unfortunately the economic issues of farming are often beyond the scope of farmland protection initiatives. Farmland protection programs and policies are determined on the local level (and encouraged to do so to be responsive to local attitudes) but the economics of farming is controlled by the federal government. The result is a split between land policy and income policy which means little opportunity for a coordinated agricultural policy to address and possibly resolve both issues.

CONCLUSION

Farmers and farm heirs were knowledgeable of farmland protection initiatives and showed some interest in farmland protection. Most of those interviewed intended to continue farming in the future and, in that way, felt they were protecting farmland -- by not considering selling their land.

In terms of the three protection programs explored, there was no overwhelming response to any one of the initiatives, although some form of land regulation / comprehensive planning was considered more desirable than the other voluntary programs explored. This suggests what past research has shown, that some combination of tools, tailor made to the desires of the community -- and most especially the farmland owners, should be utilized when forming farm protection programs.

There were differences in opinions among the generations of farmers with the younger generation more open to the ideas and concepts of the various protection programs while the older generation was more negative about such programs Farmland heirs were divided in their opinions, for and against. Recognizing the differences within the farm community, that it is not "one" united group, is important to those formulating farmland protection initiatives. Those working towards protection can distinguish those who may want help in protecting their land from those who are not predisposed toward protection but need some convincing

Farmland protection is a major topic with numerous caveats -- with program strengths and weaknesses. Three major issues were found in this study. First was the difficulty of "timing" in protection programs In farmland protection, the earlier programs are initiated the better. Unfortunately most action on land policies has been shown too occur only after pressure or serious problems have already occurred. Programs must be initiated in advance of pressure and must actively solicit support and action before constituents are inclined to do so

Second, farmland owner's must be organized to work with program advocates and one another in order to protect farmland. Their support is critical to protection of land for future generations of farming but also to preserving their own livelihoods by maintaining the critical mass necessary for continued business.

Finally, it must be recognized that farm economic issues are mostly beyond the scope of land protection policies. The land policies occur mainly at the local level while economic policies are controlled at the federal level. Therefore, a coordinated agricultural strategy that addresses both the land and economic issues is not likely. Instead efforts must be made to take action where action can be taken -- no action is not the solution

REFERENCES

REFERENCES

American Farmland Trust. "Protecting Ohio's Agricultural Lands." Washington D.C.: American Farmland Trust. http://www.farmland.org/Farmland/files/states/oh htm

American Farmland Trust. "Fact Sheet - State and Local Government Tools for Protecting Farmland " *The Farmland Protection Toolbox.* Washington D C.: Farmland Information Center. http://farm.fic niu.edu/fic-ta/tafs-fptool.html.

"Analysis of Farmland Preservation Legislation HB 645." *Farmland Preservation Bill Summary.* http://www.geocities.com/CapitolHill/Lobby/3333/fsumm.html.

Barrows, Richard and Libby, Lawrence (Eds.). (1981). *Local Agricultural Land Policies : Cases From the Midwest.* Ames, Iowa: North Central Regional Center for Rural Development.

Berg, Norman. "Land Use What You Need to Know " In Dysart, Benjamin C. III and Clawson, Marion. (1989). *Public Interest in the Use of Private Lands.* New York. Praeger.

Bollier, David (1998). *How Smart Growth Can Stop Sprawl.* Washington D.C Essential Books.

The City of Urbana/Champaign County, Ohio with Assistance from:
Pflum, Klausmeier & Gehrum Consulatants. (1993). *Urbana / Champaign County Comprehensive Plan Update.* Urbana, Ohio

Cohen, Eleanor. (1983) *How Can Land Be Saved for Agriculture? : Proceedings of a Working Conference to Find Solutions for California, held in Visalia, California, April 18 & 19.* Claremont, CA : California Institute of Public Affairs.

Daniels, Tom and Bowers, Deborah. (1997) *Holding Our Ground: Protecting America's Farms and Farmland.* Washington D C : Island Press.

Davis, Greg. (1999) *County and Regional Planning Commissions in the Ohio Revised Code 713.21 to 713.27.*

Disappearing Farmlands: A Citizen's Guide to Agricultural Land Preservation. (1980) Washington D.C.. National Association of Counties Research Foundation

Dysart, Benjamin C. III and Clawson, Marion. (1989) *Public Interest in the Use of Private Lands.* New York: Praeger.

Esseks, J Dixon, et.al (1998). Draft *Owners' Attitudes Towards Regulation of Agricultural Land: Technical Report on a National Survey.* Department of Political Science Northern Illinois University: Center for Agriculture In the Environment. http://farm.fic niu.edu/cae/wp/98-3full.html.

Fletcher, Wendell and Little, Charles. (1982). *The American Cropland Crisis : Why U.S. Farmland is Being Lost and How Citizens and Governments are Trying to Save What is Left.* Bethesda, MD . American Land Forum.

Furuseth, O.J (1987). "Public attitudes towards local farmland protection programs." *Growth and Change* . 18: 49-61. In Korfmacher, Katrina Smith and Elsom, Emily. (1998) *Voluntary Incentives for Farmland Preservation in Central Ohio: What Do Farmers Think?* Denison University Center for Agriculture In the Environment. http://farm.fic.niu.edu/cae/wp/wp98-4full.html.

Furuseth, Owen and Pierce, John. (1982) *Agricultural Land in an Urban Society.* Washington D.C.: Association of American Geographers.

Gibson, Kimberly (1998). *Farmland Preservation: A Brief History.* Mid-Ohio Regional Planning Commission. http.//gitane morpc.org/issues/farmart.htm

Gray, Robert "The National Agricultural Lands Study," in Preservation League of New York State (1982). *Farmsteads & Market Towns: A Handbook for Preserving the Cultural Landscape.* Albany: The Preservation League. (pp. 11-14).

Governor Voinovich, State of Ohio. Executive Order 98-03V. Columbus: 1998. http //www.state.oh.us/agr/FPExecOrder HTML.

Hannah, James (1999, May 10). "Aging of farmers raises questions of future of farming." *Urbana Daily Citizen* section A, p 5

Heimlich, Ralph (Ed.) (1989). *Land Use Transition in Urbanizing Areas: Research and Information Needs* . Washington, D.C.: The Farm foundation in cooperation with Economic Research Service, U S Dept of Agriculture.

Hudkins, Stephen J. (1999). "Agricultural Zoning." *The Ohio State University Extension Fact Sheet.* Columbus· Community Development.

Jackson, Virginia, Danforth, Diana, Hudson, Gerald and Donald Voth (1979). *Attitudes Toward Planning and Management of Land Resources in Arkansas.* Fayetteville. Agricultural Experiment Station, Division of Agriculture, University of Arkansas.

Jeffers, Greg and Larry Libby. "Current Agricultural Use Value Assessment in Ohio." *The Ohio State University Extension Fact Sheet.* Columbus Community Development.

Kline, J. and D Wichelns (1995). "Public preferences regarding the goals of farmland preservation programs." *Land Economics.* 72(4): 538-549. In Korfmacher, Katrina Smith and Elsom, Emily. (1998). *Voluntary Incentives for Farmland Preservation in Central Ohio: What Do Farmers Think?* Denison University. Center for Agriculture In the Environment http·//farm fic.niu.edu/cae/wp/wp98-4full.html.

Koveday, Joe (1999, May 14) "Legislation fo save farmland anticipated by local residents " *Urbana Daily Citizen.* section A, p 8

Korfmacher, Katrina Smith and Elsom, Emily. (1998). *Voluntary Incentives for Farmland Preservation in Central Ohio: What Do Farmers Think?* Denison University. Center for Agriculture In the Environment. http://farm.fic.niu.edu/cae/wp/wp98-4full.html.

Krebs, Gene and Sean Logan. (1999). *Memorandum to House Members re: House Bill 645.* January 26.

Krieger, Douglas. (1999) *Saving Open Spaces Public Support for Farmland Protection.* Center for Agriculture in the Environment htt;://farm.fic.niu.edu/cae/wp/99-1 html.

Lehman, Tim. (1995). *Public Values, Private Lands : Farmland Preservation Policy, 1933-1985.* Chapel Hill· University of North Carolina Press.

Libby, Lawrence. (1988). "Discussion: Why Farmland Preservation Remains an Issue." In Heimlich, Ralph (Ed). (1989). *Land Use Transition in Urbanizing Areas: Research and Information Needs* . Washington, D.C.: The Farm foundation in cooperation with Economic Research Service, U.S. Dept. of Agriculture.

Masland, Thomas N. and Sylvia K. Bates. (1996). "Conservation Easements: A Tool for Estate Planning and Land Protection." *New Hampshire Bar Journal.* Dec Vol 37, #4 (pp 49-52)

Pfeffer, M J. and M.B. Lapping. (1995) "Public and farmer support for purchase of development rights in the metropolitan Northeast." *Journal of Soil and Water Conservation.* Jan-Feb 30-33. In Korfmacher, Katrina Smith and Elsom, Emily (1998). *Voluntary Incentives for Farmland Preservation in Central Ohio: What Do Farmers Think?* Denison University. Center for Agriculture In the Environment http.//farm fic.niu edu/cae/wp/wp98-4full.html.

Popp, Teri E. (1989). "A Survey of Agricultural Zoning: State Responses to the Farmland Crisis." *24 Real Property, Probate and Trust Journal.* Fall (pp. 371-402)

Preservation League of New York State. (1982) *Farmsteads & Market Towns: A Handbook for Preserving the Cultural Landscape.* Albany: The Preservation League

Souhrada, Paul. (1999, Feb. 26). "Lawmakers to debate farmland preservation " *Urbana Daily Citizen* section A, p. 8.

"State Commits to Farmland Preservation " The Great Lakes Radio Consortium's Lester Graham reports. Week of February 15, 1999

Stein, Debra. (1992) *Winning Community Support for Land Use Projects.* Washington Urban Land Institute.

Steiner, Frederick and Theilacker, John (Eds.). (1984). *Protecting Farmlands.* Westport, Connecticut: AVI Publishing Co.

Steiner, Frederick. (1980). *Ecological Planning for Farmlands Preservation: A Sourcebook for Educators and Planners.* Washington: Washington State University and Whitman County Regional Planning Council

Stimson, Robbe and Harvey Flad. "Preservation of an Historic Rural Landscape, Roles for Public and Private Sectors." In Preservation League of New York State. (1982) *Farmsteads & Market Towns: A Handbook for Preserving the Cultural Landscape*. Albany: The Preservation League (pp.37-39)

Stokes, Samuel "Rural Conservation: Saving Farmland and Villages," in Preservation League of New York State. (1982). *Farmsteads & Market Towns: A Handbook for Preserving the Cultural Landscape.* Albany: The Preservation League. (pp 9-10).

Toner, William. "Three Guidelines for Communities in Protecting Farming." In Steiner, Frederick and Theilacker, John (Eds.). (1984). *Protecting Farmlands.* Westport, Connecticut: AVI Publishing Co.

Variyam, J N, Jordan, J.L., and J.E Epperson. (1990). Preferences of citizens for agricultural policies: Evidence from a national survey. *American Journal of Agricultural economics.* 72: 257-267. In Korfmacher, Katrina Smith and Elsom, Emily. (1998) *Voluntary Incentives for Farmland Preservation in Central Ohio: What Do Farmers Think?* Denison University. Center for Agriculture In the Environment http://farm.fic.niu edu/cae/wp/wp98-4full.html.

Williams, Brian, Miller, A.D., Edwards, M.M. and J Blundo. (1996) "The Price of Progress Series." *The Columbus Dispatch:* Articles from Sept. 8-11.

APPENDICES

APPENDIX A

CONTACT CALL TO SOLICIT INTERVIEWS

Farmers

Greetings,

This is Amy Franz, and I am conducting research for my Master's Thesis on farmland protection. I am not trying to sell anything, instead I'm looking for information for my project. Farmland protection has become a major concern lately around the state and here in the area and I would like to spend some time discussing this issue with you to get your thoughts on the topic. This research is confidential and is intended to fulfill my requirements for my Master's Degree only, it is not being conducted for any other organizations

First, can I ask, do you own a farm? (If "yes"), would you mind giving me about forty-five minutes to an hour of your time to answer some questions. (If answer "no", ask to recommend the name of the farm owner). Do you have children living in the area? Do you think they would be interested in sharing their thoughts? What are their names and can I give them a call?

I am looking forward to getting your thoughts, is there a good time for me to drop by this week or the next? Ask directions. Thanks, and I look forward to talking with you.

Children

Greetings,

This is Amy Franz, and I am conducting research for my Master's Thesis on farmland protection. I am not trying to sell anything, instead I'm looking for information for my project. Saving farmland has been a hot topic lately in the State and in this area, and I would like to get your thoughts, as the (son or daughter) of an area farmer, on this topic. This research is confidential and is intended to fulfill my requirements for my Master's Degree only, it is not being conducted for any other organizations.

Would you mind giving me about forty-five minutes to an hour of your time to answer some questions? When would be a good time for me to drop by this week or the next? Ask directions. Thank you in advance for your time, and I look forward to talking with you

APPENDIX B

INTERVIEW GUIDE

Survey of Farmers

Part 1 Background and farm history

What sort of farm do you operate?

How many acres in your farm?

How many acres do you own?

Do you lease any acres?

Do you farm all your land or rent to other farmers, or have another arrangement?

Do you work on the farm full-time or have another job off the farm?

How long have you been farming?

How many people are in your family? Describe their association with the farm -- have any chosen farming for a living?

Do you belong to any agriculture related organizations?

Are you currently involved in any farm programs. . any conservation programs, subsidy programs, tax abatement programs?

Date of Birth?

Male or Female (researcher observation)?

Highest education completed?

Farm History:

Please give me a brief history of your farm and your history in the area

How did you acquire your farm?

What generation of farmer are you?

How has the farm changed over the life of the farm? In your generation of farming? Have you added or decreased the land base? Have your sold any land for nonagricultural uses?

Part 2 Personal values towards farming, farmland, and opinions on the state of farmland in the area

Tell me a little bit about farm life. Do you enjoy farming (what and why)?

What are the benefits of farming?

What are the drawbacks?

Besides the weather,what makes farming difficult?

If farming has been in your family, what influenced your decision to farm?

Which of the following best describes your feelings about land (you can choose more than one) Land is ..

security and foundation for a family
a legacy to pass on to your children, and their children's children, and so on through the generations
an investment asset and a store of wealth
a commodity to be bought and sold
a resource that produces food and fiber
beautiful open space and a way to keep in touch with nature

Do you think farming and farmland are important to this area?

Do you think loss of farmland is currently a problem in this area?

Do you think it could be a problem in this area?

If farmland started disappearing in this area what do you think would happen?

If you could look into the future and predict the state of farming and farmland in the area, what would you see .. in 10 years? in 20 years?

Are you concerned about the changes you think will occur?

Transition: Have you noticed increased interest in farmland protection lately? Tell me what you've been following about protection and how you've followed it --- in the papers, farm publications?

Helpful questions to jog input.....
Were you aware of Governor Voinovich's Farmland Preservation Task Force yes/no
Aware of the Farm Bills (HB 645) put forth in the House? yes/no
Aware of enabling legislation for purchase of development rights? yes/no
Aware of the Champaign County Land Trust and the Champaign County Farm Protection Task Force? yes/no
Others? yes/no

The reasons for protecting farmland vary, do you feel there are valid reasons to want to protect farmland?

What are they?

How interested would you say you personally are in farmland protection?
very fairly somewhat not very not at all can't choose

Part 3 Knowledge of and reaction to particular farm protection programs

Now I want to talk with you specifically about three types of protection programs which focus on protecting the farmland base Protecting the land base allows agriculture to occur and is one important aspect to maintaining a viable farm economy
1) purchase of development rights 2) 30-year land use tax credit 3) rural zoning

Purchase of Development Rights
Have you heard of this type of program?

Tell me what you know about this program (after answer - go over background information)

Would you consider this program as a viable option if you were ever faced with selling your farmland?

Would you be willing to sacrifice some monetary gain to sell development rights to protect your land from development and have it remain in agricultural use?

Would you be interested in such a program if the development rights weren't purchased for all your land, but for the prime farmland areas only? (prime as the farmer knows prime.... including soil, production or wood cover, accessibility, etc).

30-year Land Use Tax Credit
Have you heard of this type of program?

Tell me what you know about this program. (after answer - go over background information)

Are tax breaks (freeze or break) attractive incentives to enter into protection programs?

Would you enter this type of program if it was only a tax freeze and not a tax break?

Would the amount of time, 30 years, influence your opinion to enter?

What type of penalties for non-compliance or early withdrawal would be effective in ensuring protection for the entire program period?

Agricultural Protection Zoning
Have you heard of zoning? Have you heard of this particular type of zoning? (after answer go over background information, including conventional development and cluster development)

What would be an appropriate minimum lot size for this area, if there was a protection zone?

What if you were permitted to cluster homes on smaller parcels and maintain productive land areas, would this be a good alternative to conventional development?

What if you were permitted to develop a few more parcels than what is generally permitted as long as you clustered the development?

What are your thoughts on limiting density (the number of houses per acre) and restricting nonfarm uses of the land as a protection measure?

Part 4: Overall thoughts on farmland protection.
It has been recognized that no one tool or method will save farmland, in your opinion what would be the best ways to protect farmland for future generations?

Part 5: Future Intentions for land use.
What do you see as the future of your land in 10 years? in 20 years?

What sorts of things are you considering in your decision?

Have you made any provisions to ensure your intentions for the future use of your land are fulfilled?

Survey of Heirs

Part 1. Background and farm history.

Profession? Teacher

How have you been involved in the farm operation?

Will you acquire the farm?

Date of Birth?

Male or Female? (researcher observation)

Highest education completed?

Part 2 Personal values towards farming, farmland, and opinions on the state of farmland in the area.

Tell me a little bit about farm life. Did you enjoy growing up on the farm (what and why)?

What were the benefits?

What were the drawbacks?

Which of the following best describes your feelings about land (you can choose more than one). Land is. .

security and foundation for a family
a legacy to pass on to your children, and their children's children, and so on through the generations
an investment asset and a store of wealth
a commodity to be bought and sold
a resource that produces food and fiber
beautiful open space and a way to keep in touch with nature

Do you think farming and farmland are important to this area?

Do you think loss of farmland is currently a problem in this area?

Do you think it could be a problem in this area?

If farmland started disappearing in this area what do you think would happen?

If you could look into the future and predict the state of farming and farmland in the area, what would you see .... in 10 years? in 20 years?

Are you concerned about the changes you think will occur?

Transition: Have you noticed increased interest in farmland protection lately? Tell me what you've been following about protection and how you've followed it --- in the papers, farm publications? Yes, -- papers, farm publications -- from family, word-of-mouth

Helpful questions to jog input.....
Were you aware of Governor Voinovich's Farmland Preservation Task Force yes/no

Aware of the Farm Bills (HB.645) put forth in the House? yes/no

Aware of enabling legislation for purchase of development rights? yes/no

Aware of the Champaign County Land Trust and the Champaign County Farm Protection Task Force? yes/no

Others? yes/no

The reasons for protecting farmland vary, do you feel there are valid reasons to want to protect farmland?

What are they?

How interested would you say you personally are in farmland protection?
very, fairly, somewhat, not very, not at all, can't choose

Part 3: Knowledge of and reaction to particular farm protection programs

Now I want to talk with you specifically about three types of protection programs which focus on protecting the farmland base. Protecting the land base allows agriculture to occur and is one important aspect to maintaining a viable farm economy
1) purchase of development rights 2) 30-year land use tax credit 3) agricultural zoning

Purchase of Development Rights
Have you heard of this type of program?

Tell me what you know about this program. (after answer - go over background information)

Would you consider this program as a viable option if you were ever faced with selling the farmland?

Would you be willing to sacrifice some monetary gain to sell development rights to protect the land from development and have it remain in agricultural use?

Would you be interested in such a program if the development rights weren't purchased for all the land, but for the prime farmland areas only? (prime as the farmer knows prime including soil, production or wood cover, accessibility, etc.).

If funds for this program were not available, would you consider voluntarily entering the land (all or part) in a conservation easement?

30-year Land Use Tax Credit
Have you heard of this type of program?

Tell me what you know about this program (after answer - go over background information)

Are tax breaks (freeze or break) attractive incentives to enter into protection programs?

Would you enter this type of program if it was only a tax freeze and not a tax break?

Would the amount of time, 30 years, influence your opinion to enter?

What type of penalties for non-compliance or early withdrawal would be effective in ensuring protection for the entire program period?

Agricultural Protection Zoning
Have you heard of zoning? Have you heard of this particular type of zoning? (after answer go over background information, including conventional development and cluster development)

What would be an appropriate minimum lot size for this area, if there was such a protection zone?
What if you were permitted to cluster homes on smaller parcels and maintain productive land areas, is this a good alternative to conventional development?

What if you were permitted to develop a few more parcels than what is generally permitted as long as you clustered the development?

Is limiting density (the number of houses per acre) and restricting nonfarm uses of the land a better alternative than voluntary protection measures?

Part 4: Overall thoughts on farmland protection.
It has been recognized that no one tool or method will save farmland, in your opinion what would be the best ways to protect farmland for future generations?

Part 5: Future Intentions for land use
What do you see as the future of your family's land in 10 years? in 20 years?

What sorts of things are you considering in your decision? not asked

Have you discussed or made any provisions for the future use of your family's land?

Date of Birth? 8/71

Female (researcher observation)?

Highest education completed? Bachelor's Degree

APPENDIX C

Ohio House of Representatives

MEMORANDUM

TO: HOUSE MEMBERS
FROM: REPRESENTATIVES GENE KREBS AND SEAN LOGAN
DATE: JANUARY 26, 1999
RE: CO-SPONSORSHIP REQUEST

For the past few months, we have been meeting with many of the interested parties involved with the Farmland Preservation Act, House Bill 645 of the 122nd General Assembly. After listening to ideas for improvement on HB 645, we broke up the bill into seven separate bills. Please find listed for co-sponsorship the following bills, which make up our farmland preservation legislation of the 123rd General Assembly. You may co-sponsor the entire farmland preservation package (all seven bills), or any of the seven individual bills.

Co-sponsors of House Bill 645 were Representatives: Krebs, Logan, Bateman, Bender, Boyd, Brading, Brady, Cates, Garcia, Harris, Hodges, Johnson, Jones, Miller, Mottley, Ogg, Opfer, Padgett, Prentiss, Tavares, Terwilleger, Vesper, and Wachtmann. We will not assume former co-sponsors want to co-sponsor the farmland preservation legislation of the 123rd General Assembly. Please call Kristie at 6-1475 by Tuesday, February 16, 1999 if you are interested in co-sponsoring any of the seven following farmland preservation bills.

#1. **"The Planning Bill"**- As in HB 645, this bill encourages planning. Counties that adopt the following move up on the infrastructure priority list for state funding:

- engage in tough comprehensive land use plans,
- designate Agricultural Security Areas (in which farmers are in the CAUV program, Agriculture Districts, and areas specifically zoned for agricultural use, and regarded as such in planning),
- utilizes soil classes in their planning,
- have planned for the mining of mineral deposits, and
- County Commissioners have permissively adopted tougher rules regarding septic tank and perc permitting.

Any county that complies with the above will be considered a "Certified Well Planned County" (CWPC).

Also, any farmer who is in an Agriculture Security Area (ASA), by filing a simple form, may exempt his farm from the state estate tax. If a farmer chooses to abandon the ASA (i.e. he opts out of CAUV), his heirs pay back the estate tax with interest all the way back to probate.

This bill permits a Board of County Commissioners to adopt a resolution prohibiting the installation and operation of household sewage disposal systems in the areas of the non-incorporated territory of the county designated in a resolution. No such resolution is to apply to any household sewage disposal system in existence or for which an installation permit has been issued by a board of health under sanitary rules of the Public Health Council prior to the adoption of the resolution.

The Board of County Commissioners may appropriate rules regarding a resolution it adopts prohibiting household sewage disposal systems. Those rules may contain the following:

- scientific criteria for the identification of an area or areas in which the installation and operation of household sewage disposal systems should be prohibited due to soil conditions or other physical characteristics that make the operation of household sewage disposal systems unacceptable in that area,
- procedures for the designation of such an area or areas, including public notice and hearings,
- criteria and procedures for the establishment of limited exceptions to the prohibition against installing and operating household sewage disposal systems in a designated area(s), and
- areas that reasonably can be served, within a time period specified by the board, by a sewerage system that is required by current law approved by the Director of the Environmental Protection.

The Planning Bill also establishes a loan program, the Farmland Preservation Linked Deposit Program (FPLDP), to help borrowers purchase land in Agricultural Security Areas. (The section of House Bill 645 pertaining to helping borrowers purchase land in ASA's in exchange for agricultural easements, free of charge, to the Office of Farmland Preservation, for a period of at least 30 years, has been *removed* from current farmland preservation legislation).

An eligible lending institution that desires to receive a Farmland Preservation Linked Deposit must accept and review applications for loans from eligible purchasers, applying all usual lending standards to determine the credit worthiness of each eligible purchaser. Eligible purchasers are persons who (1) are headquartered and domiciled in Ohio, (2) wish to purchase farmland located in an Agricultural Security Area. (Granting a perpetual agricultural conservation easement or lease for an agricultural conservation easement, free of charge for a period of at least 30 years to the Office of Farmland Preservation, in exchange for the opportunity to participate in the FPLDP, has been *removed* from current farmland preservation legislation).

One concern presented by developers during hearings by the Farmland Preservation Task Force was that agriculture easements could be granted anywhere in the state, therefore, disrupting long term development plans. This bill will require that if agriculture easements are paid for with state dollars, they can only occur in Agriculture Security Areas.

(One of the biggest sources of controversy with HB 645 was Concentrated Infrastructure Districts (CID's), which in other states are often called urban growth boundaries. All references to CID's have been *removed* in current farmland preservation legislation).

#2. **"Subdivision Bill"**- One of Ohio's biggest problems with land use is the infamous five acre lot, which is too small to farm and too large to mow. This bill changes the definition of "subdivision," thus changing which lands are affected by the Subdivision Law, by permitting the Board of County Commissioners or the legislative authority of a municipal corporation to expand the number of acres to which the law may apply. If the board or legislative authority determines that is it necessary to expand the definition of "subdivision" in order to guide proper development and to ensure that new development does not impose an inappropriate financial burden on taxpayers, it may adopt a resolution or, if it is a municipal corporation, and ordinance, expand that definition to include parcels that are greater than five acres. The resolution or ordinance must designate the specific number of acres greater than five, the number may be not more than 20.

#3. "Access Management Bill"- allows counties to plan how developments access local roads.

This idea is based heavily on work performed previously by Representative Schuler. Members who have a history of involvement with local government may wish to take an active role with this bill. If so, please contact Representative Krebs' office.

#4. **"The State Government Bill"**- In the last General Assembly, Governor Voinovich issued an Executive Order that requires all agencies to preserve farmland, this bill codifies his order by:

- requiring transportation improvement districts to comply with existing countywide comprehensive land use plans,
- assigning new duties to the Office of Farmland Preservation and creating an advisory committee for the office,
- creating the Building Permit Uniformity Study Committee
- requiring ODOT to incorporate farmland preservation into the TRAK process, and
- requiring DOD to incorporate preserving farmland into their eligibility criteria for grants and loans.

#5. "CAUV Bill"- Originally the Current Agriculture Use Valuation.(CAUV) program was limited to farms greater than 30 acres, recently the 30 acre requirement was changed to 10 acres. Observers now agree that 10 acres is too small of an acreage amount. This bill changes the acreage requirement from 10 acres to 20 acres (HB 645 moved it to 40 acres). Those currently under 20 acres are grandfathered in, the exemption is withdrawn when the land is sold. If an individual owns under 20 acres and wants to be involved in CAUV, they must bring in an IRS tax form backing up their claim of $2,500 in gross receipts.

This bill increases the CAUV recoupment from 3 to 6 years, with years 4,5 and 6 going to local farmland preservation if a county is considered a Certified Well Planned County(CWPC), to the state Office of Farmland Preservation for agriculture easements if the county is not considered a CWPC. Also, it is made clear at the time of sale that the buyer pays for CAUV recoupment. (Both concepts are new to farmland preservation legislation The former was submitted by Dr. Larry Libby, Swank Chair at OSU. The latter was submitted by the Ohio Farm Bureau).

According to this language, the Director of the Ohio Department of Agriculture must be notified when farmland that is under CAUV is to be condemned by the state.

#6. "Ohio Urban Renaissance Bill" (OUR) - OUR creates new tax breaks and credits for inner belt communities, recognizing that farmland preservation and urban revitalization are two sides of the same coin.

Housing Opportunity Zones (HOZ) are a new concept in farmland preservation legislation, submitted by Ohio Home Builders Association. HOZ's permit County Commissioners to designate zones within counties respective boundaries. Within these zones, local laws would be rewritten to encourage housing by awarding tax credits for renovating buildings in designated zones. Local law would also be rewritten to encourage housing by promoting compact development (by changing subdivision and building codes). Language in this bill would make it clear that only initial changes to the zoning map designating an area as a PUD would be subject to referendum and all subsequent actions dealing with the make-up of the PUD would be considered administrative actions.

A new concept submitted by the Ohio Home Builders Association. is Housing Impact Analysis (HIA). These are Analysis's for applicable laws and regulations that affect housing and encourage inefficient use of land. An Analysis determines if laws and regulations increase or decrease the cost of housing by concluding costs to each unit of housing for having or not having the law or regulation.

#7. "**Brownfields Improvement Bill**" - Representative Logan is currently formulating policy improvements to make Ohio's Brownfield Law more 'user friendly.' The focus of this particular bill will range from regulatory changes to possible lender liability enhancements, it is hoped that this will encourage greater participation in the Voluntary Action Program.

A study, received by Representative Krebs from the National Governor's Association entitled *Economic Growth and Environmental Protection Through Revitalizing America's Brownfields*, will also be used as a source of information and direction while drafting the bill (copies may be obtained from either office).

If you have any questions, please contact Representative Krebs or Representative Logan.

VITA

Amy Franz Scheinler was born February 25, 1971 in Urbana Ohio. She attended grade school, junior high and high school in Mechanicsburg, Ohio. She graduated from Mechanicsburg High School in 1989. Her first year of undergraduate work was at Bowling Green State University in Bowling Green, Ohio She transferred to The Ohio State University, Columbus in 1990 and graduated cum laude with a Bachelor of Science in Landscape Architecture in 1993 In August of 1994, she entered the Graduate School of Planning at the University of Tennessee, Knoxville During her graduate school career, she worked as a graduate assistant with the East Tennessee Community Design Center on the FutureScapes project in Pittman Center, Tennessee