

CAUV

An agricultural property tax relief program that allows eligible farmland to be assessed at its value for agriculture rather than its fair market value, which reflects "highest and best" use. The program establishes minimum eligibility standards, as well as penalties if the land is removed from agricultural use.

Current and Historical Uses

CAUV is and has been available in Franklin County since 1975. The program is administered by the County Auditor.

Enrollment requirements are that the site be in agricultural production and a minimum of 10 acres or can prove the site has generated \$2500 of farm revenue. At such time as the property is no longer used for agriculture, the landowner must pay the previous three years difference in taxes back. The three year recoupment penalty does not seem to be a deterrent to development.

Farmland Preservation Uses

The program is voluntary and provides a tax break for those who own agricultural land. Even raising the recoupment might do little to discourage conversion of agricultural land for development. However, requiring a higher recoupment would generate additional funding that could be allocated to farmland preservation programs.

Legal Issues

Changes to this program can not be made at the local level. It is a State Law that would require changes in the legislature.

Agriculture Districts

An agricultural district provides protection against nuisance suits over farm operations, deferment of tax assessments on land to build sewer and water lines, and allows for additional review if land is taken by eminent domain for a public purpose.

Current and Historical Uses

Agricultural Districts are also administered by the County Auditor, similar to CAUV and the enrollment requirements are the same. The site must be in agricultural production and a minimum of 5 acres or can prove the site has generated a certain level of farm income.

Farmland Preservation Uses

Agricultural Districts deal specifically with issues related to development that can be detrimental to a farm and cause financial strain. Again it is a voluntary program and there is no penalty for withdrawing from the program.

Legal Issues

This is a state program and any changes would need to be made at the State Level.

Right to Farm Ordinance or Resolution

A state law or local ordinance that protects farmers and farm operations from public and private nuisance lawsuits (similar to an Agricultural District). A private nuisance interferes with an individual's use and enjoyment of her or his property. Public nuisances involve actions that injure the public at large.

Current and Historical Uses

There is currently a right to farm ordinance at the State Level in Ohio.

Farmland Preservation Uses

This is a proactive approach that communities can take to make it clear that agriculture is protected in the community. It also can help to educate those moving into an area about what to expect living in a rural area.

Legal Issues

This ordinance doesn't stop someone from bring a nuisance suit or prevent land use conflicts. An ordinance would need to be passed at the County or Township level. Typically these ordinances are policy statements and do not create new regulations.

Mitigation Ordinance

An ordinance or section of an ordinance or state law that requires developers of agricultural land to protect an equivalent quantity of land with similar characteristics in the same political jurisdiction. In some cases, developers may satisfy the mitigation requirement by paying a fee.

Farmland Preservation Uses

Similar to wetland banking programs, this would establish a program to preserve the same amount of land that is being developed. A balance of development and preservation would occur.

Legal Issues

Development of such an ordinance would need to be done in keeping with State Law.

Agricultural Supportive Zoning

Zoning districts or areas in which agriculture is the primary land use. In support of farming, agriculturally related commercial and residential uses are encouraged. High-density development is prohibited, requiring houses be built on small lots. Subdivision of land into parcels that are too small to farm is restricted.

Current and Historical Uses

Zoning is traditionally the mechanism used to regulate land use and prevent incompatible uses from conflicting. The current agricultural districts do little to enhance agriculture and preserve farmland.

Farmland Preservation Uses

Once goals are set at the local level zoning can be adapted to meet those goals. Model ordinances from

other areas can be used as a starting point, but should always be reviewed to make sure they meet local needs.

Legal Issues

Agriculture is exempt from zoning under Ohio State Law. The right to zone is and has been legal in the State of Ohio since the late 1920s. Zoning is always more effective if it is updated following a comprehensive plan because it can be changed to better meet the community's vision for the future.

Development Rights

Development rights entitle property owners to develop land in accordance with local land use regulations. In some jurisdictions, these rights may be sold to public agencies or qualified nonprofit organizations through a purchase of agricultural conservation easement or purchase of development rights program. Sale of development rights to a public agency or land trust generally does not pass any affirmative interest in the property. Rather than the right to develop the land, the buyer acquires the responsibility to enforce the negative covenants or restrictions stipulated in the development rights agreement.

Development rights may also be sold to individuals or a public agency through a transfer of development rights program. In this case, the buyer does acquire a positive right to develop land, but the right is transferred to a site that can accommodate growth. These are known as sending and receiving areas.

Purchase of Development Rights (PDR)

A voluntary program where a land trust or governmental agency makes an offer to a landowner to buy the development rights on the parcel. An agreement is made between the landowner and the purchaser. Once agreed upon, a permanent deed restriction, also known as an agricultural easement, is placed on the property that restricts the type of activities that take place on the land in perpetuity. The legally binding guarantee is achieved to ensure that the parcel will remain agricultural or as open green space forever.

Transfer of Development Rights (TDR) Program

A method for protecting and preserving land by removing the development rights from one area or parcel and transferring them to another area or parcel to prevent farmland conversion. TDR programs establish "sending areas" where land is to be protected by agricultural conservation easements and "receiving areas" where land may be developed at a higher density than would otherwise be allowed by local zoning. An agreement to transfer development rights is made between the landowner in a sending area and a developer in a receiving area, generally through the private market. Similar to PDRs, a permanent deed restriction is placed on the property that restricts development and guarantees that the parcel will remain agricultural or green space forever. When the development rights are sold on a parcel, a conservation easement is recorded and enforced by the local government. In some cases, the local government may establish a "TDR bank" to buy and sell development rights. The development rights created by the TDR programs are referred to as transferable development rights (TDRs) or transferable development credits (TDCs.)

Donation of Development Rights

Instead of having ones development rights purchased, they can also be donated and a permanent deed restriction, or agricultural easement, placed on the property. The amount donated is still negotiated and

that amount claimed as a donation to receive tax benefits.

Current and Historical Uses

The PDR program only recently became legal and received funding in the State of Ohio. It is being used in other states such as Pennsylvania, Maryland and New Jersey with success. However the program is expensive. Money for the PDR program will not be available until 2002.

The TDR program is therefore gaining popularity because there is minimal cost to public agencies. Instead the development rights are sold from one property owner to another.

Farmland Preservation Uses

PDR and TDR programs require the placement of a permanent agricultural easement on the property. The property can not be developed and must remain in agricultural production.

Legal Issues

State enabling legislation was recently passed to enable the Purchase of Development Rights. The first funding for the program will become available sometime in 2002. State enabling legislation is still required for the Transfer of Development Rights and Lease of Development Rights.

Marketing Programs

Community Supported Agriculture (CSA)

A form of direct marketing of farm products that involves customers paying the farmer in advance for a weekly share of the harvest. Customers are often called shareholders. In some cases, shareholders may participate in farm work and farm decisions. Farms that use this marketing strategy are called, "CSA farms" or "CSAs." CSA is also known as subscription farming.

Farmland Preservation Uses

Strengthening agriculture and developing new markets is essential to the successful long term preservation of agriculture.

The goal is to not only preserve land but to make it profitable and encourage the growth of agricultural related businesses and uses.



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