

The Farmland Preservation Act, a result of the combined efforts of the Ohio Farm Bureau Federation and the Ohio General Assembly, was passed in 1982. The law, Chapter 929 of the Ohio Revised Code, is designed to remove outside pressures that can cause farmland to be converted to uses other than farming. It achieves this goal by helping farm owners deal with water, sewer and electrical assessments, nuisance law suits and the government's powers of eminent domain. The Act, in effect, helps farmers keep farming.

Provided that certain minimum requirements are met, the statute allows farm owners to create an agricultural district and place their land in that district. Once this is done, the owner receives a deferment on collection of any new water, sewer and electric assessments as long as the land is farmed. There is legal protection in the event a nuisance lawsuit is filed against the farming operation, and limited protection against the government's powers of eminent domain.

If a public entity uses eminent domain powers for more than 10 acres or ten percent of the land in the agricultural activities, the owner may have the option of additional review procedures. Air pollution standards are relaxed for agricultural activities, and there is protection from certain zoning regulations. The commission that decides the site of power plants also has to consider the impact of

new facilities on land that is in an agricultural district.

You can make an agricultural district application by visiting the Clermont County Auditor's Office and completing a brief, one page form. Or if you prefer, you can call the Auditor's Office at 732-7150 and ask that the application be mailed to you. The Auditor will determine if the land meets the following minimum qualifications: 1. The land must have been devoted to agriculture or to a Federal government land retirement or conservation program for three years prior to the application, and 2. The land must be composed of tracts, lots or parcels that total not less than 10 acres, or have an annual gross income of at least \$2,500 during the past three years. There is no fee charged, and the creation of the agricultural district is automatic unless the land lies inside a municipality.

If the land lies within a municipality, or an annexation petition that includes the land has been filed, you must also file an application with the city or village. They must act on it within 30 days, and they have the ability to approve, modify or reject the application. It can be modified or rejected only upon demonstration of adverse effect on the incorporated area. If the land is annexed by a municipality after it becomes an agricultural district, the municipality does not have the power to review the application unless the land was sold out of the immediate family, or the owner of the land signed the annexation petition or voted in favor of the annexation.

An agricultural district is a five year commitment. The Clermont County

Auditor's office will mail notices of the expiration after the first Monday in March of each year, but you may renew the agricultural district any time after the first Monday in January of the fifth year. Failure to renew by the first Monday in April will cause the land to be removed from the agricultural district upon its five year termination date.

Upon the termination of the five years, there is no obligation to sign up again, and there is no penalty if you do not. If the land is withdrawn prior to the expiration, there is a penalty. The penalty for withdrawing a parcel from an agricultural district is the average bank prime rate, set at the time due to be paid, times the recoupment charge.

The Farmland Preservation Act has some important benefits for the Ohio farm owner. If you have any questions, or wish to make application, contact the Auditor's Office and a member of my staff would be happy to assist you.

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