

## **DEFINITIONS**

The following definitions are those meanings given by or approved by the Task Force, to terms appearing throughout this plan, which will assist in understanding concepts important to farmland preservation issues and plan recommendations.

**AGRICULTURE:** Any of the following activities and uses of land as defined by the Ohio Revised Code, Chapter 519.01: Farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of stock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**AGRICULTURE AREA OR AGRICULTURE SECURITY AREA:** Land that has been identified in a long-range plan as significant for agriculture, and which area will receive preference for agriculture preservation incentives/programs. Participation in agriculture security areas is voluntary.

**AGRICULTURAL CONSERVATION EASEMENT:** A voluntary legal agreement restricting development on farmland. Land subjected to an Agriculture Conservation Easement is generally restricted to farming and open space. (Also see Conservation Easement)

**AGRICULTURAL DISTRICT:** A parcel(s) of land enrolled with the County Auditor as land devoted to agricultural use. In agricultural districts, farming is the preferred land use. It is voluntarily created by landowners that receive benefits such as exemption from sewer and water assessments, greater protection against eminent domain and nuisance claims. Minimum acreage size to enroll in an Agricultural District is 10 acres, but may be less if the activities conducted on the land produced an average yearly gross income of at least \$2,500 during the previous 3 years or the owner has evidence of anticipated gross income of that amount from those activities. Such land is placed in an agricultural district for 5 years and may be renewed at the end of that term. (Chapter 929 of the Ohio Revised Code)

**AGRICULTURAL ZONING:** A zoning district and accompanying regulations designed to protect farmland from incompatible non-farm uses. Different types of agricultural zoning vary according to: 1) the uses allowed in the zone-exclusive or non-exclusive farm use; 2) the minimum farm size allowed, such as 20 acre minimum lot size; 3) the number of non-farm dwellings allowed, such as one building lot per 25 acres; and 4) the size of setbacks or buffer areas between farms and non-farm properties. (Zoning is a form of local land use regulation)

**APPRAISAL:** A systematic method of determining the market value of property.

**ASSESSMENT:** The process of determining the worth or market value, of land and buildings for taxation purposes. Property is generally not assessed at its full value, but at a percent of the real value, called the assessment rate. Multiplying the true value of all property in a community times the assessment rate yields the total assessed value of real estate in a community.

**BARGAIN SALE:** The sale of property or an interest in property for less than fair market value. If the property is sold to a qualifying public agency or conservation organization, the difference between fair market value and the agreed upon price can be claimed as a tax-deductible charitable gift for income tax purposes. Bargain sales are also known as conservation sales.

**BEST MANAGEMENT PRACTICES:** Agricultural practices that are generally accepted by the agriculture industry, and approved by the U.S. Dept of Agriculture, Natural Resource Conservation Service, (local office of Soil and Water Conservation District) or The Ohio Department of Natural Resources, in areas of agriculture production and management that apply to a given farm. These areas include but are not limited to: tillage, forestry management, manure handling, wildlife management.

**BUFFERS:** A space between a farm and a non-farm property that is kept undeveloped and often planted or maintained in trees and shrubs to minimize any spillover of noise, dust, and odors.

**CAPITAL IMPROVEMENTS PROGRAM (CIP):** A program of when, where, and how much a community or county plans to invest in public services over the next 5 to 10 years. The program presents a capital budget each year, which is used in drafting the community or county budget. A capital improvement program usually includes such things as roads and bridges, sewer and water lines and treatment plants, public buildings, solid waste disposal, police (sheriff) equipment, etc.

**CLUSTER ZONING:** A form of zoning which allows homes to be built close together in areas where large minimum lot sizes are generally required. By grouping houses on small sections of a large parcel of land, more open space can be protected.

**COMMUNITY SUPPORTED AGRICULTURE:** 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 CSA's. CSA is also known as subscription farming.

**COMPREHENSIVE PLAN:** A document that contains a vision of how the community or county will grow and change and a set of plans and policies to guide land use decisions. It summarizes the current conditions of a community or county, projects

future needs, and develops general policy goals and objectives and strategies for implementation. It acts as the legal basis for zoning and subdivision regulations.

**CONCURRENCY:** A government policy stating that a new development will be approved only when adequate public services, such as sewer and water are in place.

**CONDITIONAL USE:** A land use in a zoning district that is neither permitted outright nor prohibited by a zoning ordinance or resolution. A conditional land use permit may be granted after review and approval by the Board of Zoning Appeals or Planning Commission. A conditional use usually has wider impacts than a permitted use. Approval is usually contingent upon meeting certain conditions specified in the zoning ordinance or resolution.

**CONSERVATION EASEMENT:** A voluntary legal document that restricts the use of land to farming, open space or wildlife habitat. A landowner may sell or donate an easement to a government agency or private land trust. Easements may apply to entire parcels of land or specific parts of the property. Most are permanent easements. Landowners who donate permanent conservation easements are generally entitled to tax benefits. Land protected by conservation easements remains on the tax rolls, is privately owned and managed and does not automatically entitle public access.

**CURRENT AGRICULTURE USE VALUE: (CAUV)** form of differential assessment that allows eligible land to be assessed at its value for agriculture rather than at its fair market value. Landowners must pay all or some of the taxes that were excused if they later convert land to an ineligible use. (Also known as differential assessment) This tool is often used in conjunction with Agriculture Districts.

**DEVELOPMENT:** The physical extension and/or construction of urban type land uses. Development activities include: construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; excavating, grading, paving; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover, with the exception of agricultural activities.

**DEVELOPMENT RIGHT:** The right to develop land, which is one of several rights that come with land ownership. The development right may be sold or given away separately from the other rights. If the development right is removed, the land is still private property, though the uses that are allowed are typically limited to farming and open space.

**DOWNZONING:** A change in a property's zoning designation that results in lower densities or less intensive uses such as rezoning an area from 1 house per 1.5 acres to one house per 20 acres, or to rezone an area from industrial to agricultural.

**FARM:** Land and buildings devoted to the production of crops/and or livestock. Also see definition in part C.

- *Full time farm* is a farm where the principal income is from agriculture.
- *Part time farm* is a farm where the principal income of the operator is from activities/occupations other than farming.

**FEE SIMPLE:** A form of land ownership that includes all property rights, including the right to develop land.

**GEOGRAPHIC INFORMATION SYSTEM (GIS):** A method of storing geographic data on computers to create maps comprised of one or more layers of data. Data can also be used to predict what will happen when changes occur in any layer of data. Examples of data include: soils, land in agriculture use, sewer and water lines, land use, land use changes over different time periods, environmentally sensitive areas. GIS systems enable the production of graphics that aid in decision making.

**GROWTH MANAGEMENT:** The use of regulations and incentives to influence the rate, timing, location, density, type and style of development in a community.

**IMPERMANENCE SYNDROME:** A condition that occurs when development penetrates a farming area and farmers reduce their investment in their farms as they anticipate the eventual sale of their land for development.

**LAND TRUST:** A private, nonprofit conservation organization that qualifies as a charitable organization under section 501(c) (3) of the Internal Revenue Code. Its purpose is generally to protect natural resources such as productive farmland and forestland, natural areas and habitats, historic structures and recreational areas. Land trusts may accept donations of property, development rights or money. Donations may qualify as tax deductions. Land trusts may also purchase property and development rights. Land trusts also educate the public about the need to conserve land, and some provide land use and estate planning services to local governments and individual citizens.

**LAND USE AND DEVELOPMENT CONTROLS:** Ordinances, Resolutions and Codes enacted by municipalities, townships, counties and other governments under authority of Ohio Enabling Legislation. Such controls are designed and intended to be used to protect the public health, safety, and welfare. (morals in Townships). Common land use controls are: Zoning, which separates land into zones or districts, and regulates the uses of land and buildings in those districts; Subdivision Regulations, which guide and control the division of land for building and improvements.

**NUISANCE:** The use of land that brings harm or bother to an adjacent property owner or the general public. Nuisances are typically noise, odors, visual clutter, and dangerous structures. (See right to farm law)

**PLANNED UNIT DEVELOPMENT:** A tract of land that is controlled by one entity and is planned and developed as a whole, either all at once or in programmed stages. PUDS are developed according to detailed site plans and may incorporate a mix of land uses. PUDS are utilized to provide flexibility in the design of development and as a means to achieve more open space and other amenities in a community. In Ohio, PUD's are a mechanism for Townships to adopt conservation zoning regulations (cluster zoning).

**POLITICAL SUBDIVISION:** A municipal corporation, County, Township or other governmental unit specified in the Ohio Revised Code.

**PRIME AGRICULTURAL LAND:** Farmland that has a gentle slope and well-drained soils and requires a minimum of conservation practices. It is the easiest land to farm. In Portage County, Class I, II, and III are considered prime soils by the Natural Resources Conservation Service of the U.S. Department of Agriculture.

**PURCHASE OF DEVELOPMENT RIGHTS:** The voluntary sale of rights to develop a piece of property by the landowner to a government agency or land trust. The sale price is determined by an appraisal. The land is restricted to farming or open space. Landowners retain full ownership and use of their land for agricultural purposes. Development rights are extinguished in exchange for compensation. PDR is also known as PACE (Purchase of Agricultural Conservation Easements)

**REAL ESTATE TRANSFER TAX:** A tax imposed on the sale of real property.

**RECEIVING AREA (See Transferable Development Rights)**

**RIGHT TO FARM LAW:** A state law that protects farmers and farm operations from public and private nuisance lawsuits. A private nuisance interferes with an individual's use and enjoyment of his or her property. Public nuisances involve actions that injure the public at large.

**SENDING AREA: (See Transferable Development Rights)**

**SETBACK:** A zoning provision that stipulates the required distance of structures from roads, property lines, or other structures.

**SPECIAL ASSESSMENT:** A charge that state and local governments can impose on landowners whose land benefits from the construction of roads, sewer or water lines or other public improvements, adjacent to their property. The amount of the special assessment is usually a pro rata share of the cost of installing the improvement.

**SPRAWL:** Development which may take several forms: 1) a wave of urban or suburban expansion; 2) scattered housing, stores, offices, etc., throughout the countryside.

**SUBDIVISION:** Is any of the following situations: 1) The division of land into 2 or more parcels, any one of which is less than 5 acres for the purpose of immediate or future

transfer of ownership; 2) Divisions of land into parcels of 5 or more acres which involve new streets or easements of access; 3) The sale or exchange of land between adjoining lot owners where new building sites are created; 4) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; or the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

**SUSTAINABLE DEVELOPMENT:** The effective use of resources-natural, human, and technological- to meet today's community needs while ensuring that these resources will be available for future generations to secure the quality of life we now enjoy.

**TAKING:** An illegal government appropriation of private property or property rights without paying the landowner compensation, in violation of the Fifth Amendment to the U.S. Constitution. For example, a zoning law that removes virtually all useful economic value of a property may be deemed a taking by the courts, especially if there is no legitimate public purpose/governmental interest.

**TRANSFERABLE DEVELOPMENT RIGHTS (TDR):** Property rights that may not be used on land from which they come. TDR's may be sold to be used on a designated site in a receiving area (growth area). When the development rights are sold from the sending area parcel, the land they came from is then restricted to farming/open space uses and precluded from developing. (Programs may vary). Development rights are generally sold through the private market. 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.

- **RECEIVING AREA:** Areas designated generally through land use plans and zoning ordinances/resolutions to accommodate development transferred from agricultural or natural areas through a transfer of development rights program.
- **SENDING AREA:** Area to be protected by a conservation easement, through a transfer of development rights program whereby the development rights are transferred to a receiving area. These areas are where landowners have transferable development rights. Landowners may sell their development rights to private individuals or a public agency; the rights are used to build more homes at a higher density or intensity than would otherwise be allowed in a receiving area.

**URBAN GROWTH BOUNDARY:** A line agreed upon by a municipality and County or municipality and township within which there is enough buildable land to accommodate development for up to twenty years. Generally, Urban Growth Boundaries are reviewed periodically (every 5 years) to make adjustments as needed to accommodate growth. The governments agree to not extend urban services, especially sewer and water, beyond the growth boundary. This encourages development inside the boundary. This is a growth

management technique to reduce /prevent sprawl and conversion of farmland and open spaces.

**URBAN SERVICE AREA:** An area where urban services such as central sewer and water will be provided to accommodate urban type growth.