Agricultural Security Area Program Overview

How do landowners apply?

Eligible landowners, who individually or collectively own 500 or more contiguous acres of farmland, must submit an application to both the boards of county commissioners and township trustees requesting enrollment in an ASA for 10 years.

As an attachment, a map must be prepared identifying the proposed ASA boundaries, parcel numbers of the land, and names and locations of all water ways, utility rights-of-way, and road ways. The map must show any existing residential, recreational, commercial, or industrial facilities that are situated on the land or within 500 feet of the perimeter of the boundary of the proposed ASA.

The commissioners or trustees may hold separate or joint public hearings prior to approving or rejecting an application. Approval of an ASA requires passing a resolution by the trustees and commissioners.

How does the ASA protect farmland?

The township trustees and county commissioners pass a resolution committing not to initiate, approve, or finance any development for residential, commercial, or industrial purposes, including construction of new roads and water and sewer lines within the ASA for 10 years. Likewise, landowners commit to exclusively engage in agricultural activities and development. Included with this, landowners can request approval to operate any business that does not impair their ability to engage in agriculture, and does not cause the land to become ineligible for valuation and assessment for real property tax purposes in accordance with its Current Agricultural Use Valuation (CAUV). The commissioners and trustees must approve the request by resolution. Landowners are also permitted to construct or establish one single-family residence, for relatives only, per each 40 acres of the owner's land within the ASA.

What are the eligibility requirements?

To be eligible for the program, the following criteria must be met:

- The ASA must consist of at least 500 contiguous acres of farmland.
- The land must be in the unincorporated area of the county or counties.
- Landowners must be enrolled in the CAUV tax program and enrolled in the Agricultural District Program.
- Landowners must be using "best management practices."
- Landowners must not have any civil or criminal actions in violation of Ohio or U.S. environmental law in the 10 years prior to the date of application.
- If the ASA straddles more than one township or more than one county, an ASA application must be submitted to and approved by each county's board of commissioners and/or township trustees.

What is the role of the Ohio Department of Agriculture in the ASA Program?

The Ohio Department of Agriculture provides technical assistance to local officials and farmers interested in using ASAs, including a copy of the law, an ASA application, a sample resolution, an application for tax exemption, and a sample tax exemption agreement. Landowners interested in enrolling should directly contact their boards of county commissioners and township trustees.

What are the potential tax benefits available to farmers in an ASA?

Landowners may request, from the township trustees and county commissioners, a tax exemption on new investments in a building, structure, improvement, or fixture that is used exclusively for agricultural purposes. The ASA tax exemption requirements, options, and processes are as follows:

- A minimum investment of $25,000 in qualifying agricultural real property is required. The trustees and commissioners may establish a maximum dollar amount to which the tax exemption will apply.
- A landowner may request a tax exemption up to 50 percent and up to 10 years. The trustees and commissioners may approve or disapprove the request for a tax exemption, or approve an exemption amount different than the landowner's request.
- To request a tax exemption on a project, the landowner must submit an "Application for Tax Exemption" to both the trustees and commissioners. The application includes information on the landowner's project and the tax exemption amount requested. At a public meeting, whether separately or jointly, the trustees and commissioners must pass a resolution approving the amount of tax exemption.
- After approving the tax exemption, the trustees and commissioners enter into an agreement that specifies the percentages and years of the exemption and any other terms and conditions.

What happens at the end of the ASA 10-year enrollment period?

At the end of the enrollment period, the landowner(s) enrolled in a current ASA may renew by fi ling a new application. The renewal must be fi led at least 180 days prior to the expiration date of the original enrollment. The procedures and requirements used to renew an ASA are the same as for the original application.

What happens if I want to withdrawal?

If an owner of land that is enrolled in an ASA wants to withdraw, a written notice of withdrawal must be sent by certified mail to the County Auditor, Boards of County Commissioners, Township Trustees of each county and township that has land located in the ASA. In addition, the owner of land in an ASA is required to end a certified mail notice to the same parties specified above when all or a portion of the land becomes ineligible for enrollment in the ASA. The owner of land in an ASA who does not give the required notice is subject to a fine of $500.00.

Additional information is available at:
https://agri.ohio.gov/wps/portal/gov/oda/programs/farmland-preservation-office/resources/resource-agricultural-security-area-program