

TEMPORARY RESOLUTION NO. 26-24

PERMANENT RESOLUTION NO. 31-24

A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 929.02 AND TO DECLARE AN EMERGENCY

WHEREAS, Michael J. Scholl, 1453 Schwilk Road, Lancaster, Ohio, filed an Application for Placement of Farmland in an Agricultural District on March 1, 2019, with the Fairfield County Auditor's Office pursuant to Ohio Revised Code Section 929.02(A); and

WHEREAS, every five (5) years, a property owner is required to file a Renewal Application for Placement of Farmland in an Agricultural District with the Fairfield County Auditor's Office pursuant to Ohio Revised Code Section 929.02(A); and

WHEREAS, a copy of Mr. Scholl's Renewal Application for Placement of Farmland in an Agricultural District was received by the Clerk of City Council on Friday, January 19, 2024, and is attached hereto as Exhibit A; and

WHEREAS, pursuant to Ohio Revised Code Section 929.02(B) an application which includes property within a municipality requires the applicant file the application with the municipal legislative authority for approval, modification, or rejection; and

WHEREAS, 107.95 acres included in the application are within the municipal corporation limits of the City of Lancaster, Ohio; and

WHEREAS, Ohio Revised Code Section 929.02(B)(1) states that the City's criteria to consider in approving, rejecting, or modifying such an application is that it is "necessary to prevent a substantial, adverse effect on the provision of municipal services within the municipal corporation, efficient use of land within the municipal corporation, the orderly growth and development of the municipal corporation, or the public health, safety, or welfare; and

WHEREAS, City Council must hold a public hearing on a Renewal Application for Placement of Farmland in an Agricultural District within thirty (30) days of receiving the application and must render a decision on the application within thirty (30) days of the public hearing; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That the Renewal Application for Placement of Farmland in an Agricultural District submitted by Michael J. Scholl, 1453 Schwilk Road, Lancaster, Ohio, for 107.95 acres having a farm base address of 4600 Duffy Road, Lancaster, Ohio is hereby approved.

SECTION 2. That the Council Clerk is hereby directed to notify the applicant and the Fairfield County Auditor of this decision pursuant to the requirements of Ohio Revised Code Section 929.02.

SECTION 3. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and in order for the applicant to submit his application by the programmatic deadline of

March 4, 2024; wherefore, this resolution shall take effect and be in force immediately upon its adoption and approval by the Mayor.

Passed: February 26, 2024 after 2nd reading. Vote: Yeas 9 Nays 0

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Clerk: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Offered by: \_\_\_\_\_

Second by: \_\_\_\_\_

Requested by Law Committee

Date Approved: February 26, 2024

Clerk: Kurt M. Cut

Offered by: [Signature]

Second by: [Signature]

Requested by Law Committee

[Signature]  
President of Council

[Signature]  
Mayor



**APPLICATION FOR PLACEMENT OF FARMLAND  
IN AN AGRICULTURAL DISTRICT (O.R.C. SECTION 929.02)**  
(See pages 3 & 4 for Information regarding this Application)

**INSTRUCTIONS FOR COMPLETING APPLICATION**

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.
  - o Note: See "Where to File" on page 3 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete the bottom section of page 2. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

**A. Owner's Name and Address:**

SCHOLL MICHAEL  
1453 SCHILK RD SE  
~~RUSHVILLE OH 43130~~  
LANCASTER, OH 43130

*NOTE!  
WRONG TOWN*

COUNTY FAIRFIELD COUNTY  
TAX YEAR 2024  
APPLICATION # 301

X	PARCEL NUMBER	TAX DIST	ACRES	PROPERTY LOCATION
	004-00050-00	004	100.0000	DUFFY RD SE, LANCASTER OH 43130
	004-00102-00	004	34.2300	1453 SCHWILK RD SE, LANCASTER OH 43130
	004-00102-10	004	5.5100	1453 SCHWILK RD SE, LANCASTER OH 43130
	006-01529-10	006	10.1000	LAKE RD SE, LANCASTER 43130
	006-01537-00	006	15.1700	DUFFY RD SE,
	006-01546-00	006	131.0000	4600 DUFFY RD SE,
	006-01549-00	006	40.0000	4141 DUFFY RD SE,
	006-01550-00	006	58.9600	DUFFY RD SE,
	006-01561-00	006	62.0800	DUFFY RD SE, LANCASTER OH 43130
	<b>Total Acres</b>		<b>565.0000</b>	

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation? Yes X No \_\_\_\_\_  
If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?  
Yes X No \_\_\_\_\_

1. If "NO" Complete the following showing how the land was used in the past three years:

Last Year      Two Years Ago      Three Years Ago  
Acres              Acres              Acres

	Last Year Acres	Two Years Ago Acres	Three Years Ago Acres
Cropland			
Permanent Pasture Used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
<b>Total Acres</b>			



## **INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT**

### **A. WHO MAY FILE?**

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

### **B. WHERE TO FILE**

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

### **C. WHEN TO FILE AND RENEWAL**

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

### **D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"**

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

"Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

### **E. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?**

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.