



# LEGISLATIVE COVER MEMO

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**Meeting Date:** April 6, 2026

**Agenda Item:** **Resolution 2026-24**

APPROVING JAMES A. STEWART'S, ET AL., RENEWAL APPLICATION FOR PLACEMENT OF 55.7261 ACRES OF LAND IN AN AGRICULTURAL DISTRICT

**Submitted by:** Jonathan Westendorf, City Manager

**Scope/Description:** This Resolution approves the renewal application filed by the Stewart families with the Warren County Auditor for placement of land within an agricultural district (CAUV). The application is for 55.7261 acres of farmland owned by the Stewarts, located along Pennyroyal Road, which lie within the City of Franklin. This land has been in an agricultural district since 1995, and is currently zoned A-1, Agricultural. The land is used for agricultural purposes.

Because this land lies within the City, the Stewarts were required by law to seek Council's approval of the original placement of the land in the CAUV and the renewals must also be placed before Council for public hearing and action by legislation in order to obtain the requested renewal. Council may reject such application only upon a showing that the rejection is necessary to prevent a substantial, adverse effect on the provision of municipal services within the City, or the public health, safety or welfare. Additionally, Council may approve with modification. Staff has identified no reason for the application to be rejected or approved with modification.

Approval of this application will allow the land to continue to be taxed at its current agricultural use valuation (CAUV) under Ohio law.

**Exhibits:** Exhibit A: Application

Exhibit B: Map

**Recommendation:** Approval

CITY OF FRANKLIN, OHIO  
**RESOLUTION 2026-24**

APPROVING JAMES A. STEWART’S, ET AL., RENEWAL APPLICATION FOR PLACEMENT  
OF 55.7261 ACRES OF LAND IN AN AGRICULTURAL DISTRICT

WHEREAS, Ohio Revised Code Section 929.02 allows any person who owns more than ten acres of agricultural land to file an application with the county auditor to place the land in an agricultural district for five years if, during the prior three calendar years, the land has been devoted exclusively to agricultural production, or devoted to and qualified for payments under a land retirement or conservation program;

WHEREAS, if the land of a person who files an application under Ohio Revised Code Section 929.02 is within a municipal corporation, the legislative body of the municipal corporation is required to conduct a public hearing on the application;

WHEREAS, The Stewart families have filed an application with the Warren County Auditor to renew the placement of 55.7261 acres of land owned by them in an agricultural district, which land lies within the City of Franklin;

WHEREAS, the Stewart families have also filed a copy of the renewal application for inclusion in an agricultural district with the Clerk of Council, in accordance with law, and notice of the public hearing on said application has been given, in accordance with law,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

**Section 1.** The renewal application filed with the Warren County Auditor by James A. Stewart, Jr., et al., to continue the placement of the 55.7261 acres of land that lies within the City of Franklin in an Agricultural District for a period of five (5) years is hereby approved.

**Section 2.** The Clerk of Council is hereby directed to notify the applicants of this approval, by certified mail, return receipt requested, within five days of the effective date of this Resolution. The Clerk shall also transmit a copy of this Resolution to the Warren County Auditor.

**Section 3.** It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

**Section 4.** This Resolution shall become effective immediately upon its passage.

ADOPTED: April 6, 2026

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

CERTIFICATE

The undersigned, Clerk of the Council of the City of Franklin, Ohio, hereby certifies that the foregoing is a true and correct copy of this Resolution passed by the City Council of the City of Franklin, Ohio on the 6<sup>th</sup> day of April 2026.

\_\_\_\_\_  
Clerk of Council



**APPLICATION FOR PLACEMENT OF  
FARMLAND IN AN AGRICULTURAL DISTRICT  
(O.R.C. Section 929.02)**

New Application \_\_\_\_\_  
Renewal Application  X

(See page 4 for General 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.  
**Note:** See "Where to File" on page 4 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 page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. **Owner's Name:**  
STEWART, JAMES A. JR., Susan S. Stewart, Bruce + Robin Stewart Family Trusts

**Owner's Address:**  
9359 VAUGHN LN  
FRANKLIN OH 45005

**Owner's Email (optional):**<sup>1</sup> office@archrec.com

**Description of Land as Shown on Property Tax Statement:**  
6.2464, 49.4797

**RECEIVED**  
FEB 27 2026  
WARREN COUNTY AUDITOR  
LEBANON, OHIO

**Location of Property:**  
Street or Road- PENNYROYAL RD, VAUGHN LN  
County- WARREN

Tax Account	Parcel Number	Number of Acres	Tax Account	Parcel Number	Number of Acres
2138285	427476002	49.4797	2138289	421351012	6.2464

<b>Total Acreage</b>	<b>55.7261</b>
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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.*

<sup>1</sup> Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.

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

*If NO, complete the following showing how the land was used the past three years:*

	<u>ACRES</u>		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
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>			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?  
 Yes  No

*If NO, complete the following:*

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

**Authorization and Declaration**

By signing this application, I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Signature of Owner:

Date:

Susan J. Stewart

2-27-2026

## 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.

### F. ARE THERE ANY OTHER REQUIREMENTS?

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.
2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.
3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

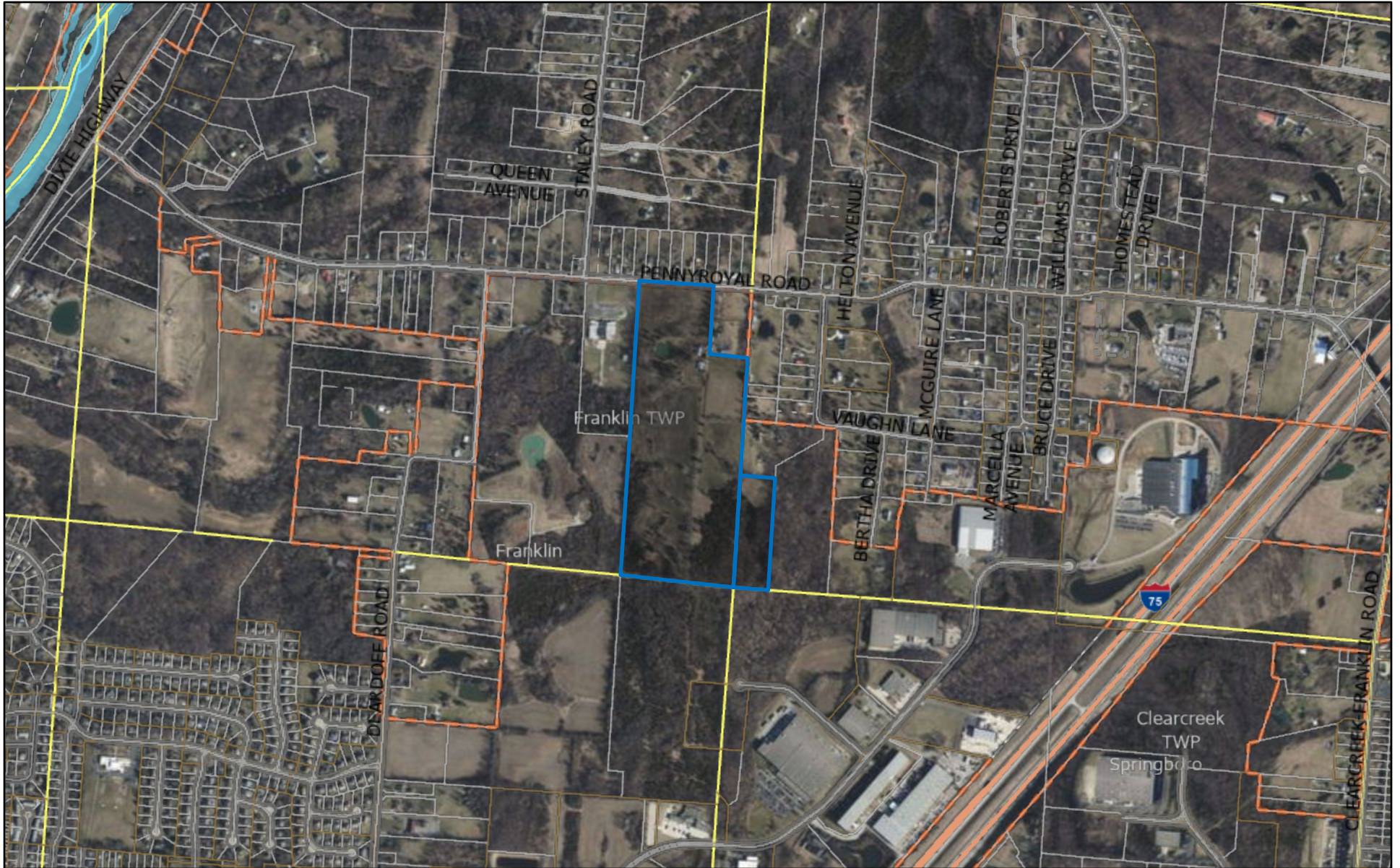
### G. IS THERE A PENALTY FOR EARLY WITHDRAWAL?

Land removed from this program before the 5-year enrollment period is subject to penalty, per Section 929.02(D) of the Ohio Revised Code. See County Auditor's Office for details on how the amount of the withdrawal penalty is determined.

### H. APPEAL OF APPLICATION

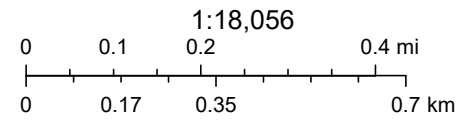
The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.

# R-26-24 Exhibit B



4/2/2026

- |                           |                     |                        |                      |                        |             |
|---------------------------|---------------------|------------------------|----------------------|------------------------|-------------|
| Warren County Local Roads | Warren_Boundaries   | Parcel Line            | Subdivision Lot Line | Other Counties         | Main Rivers |
| COUNTY ROAD               | Auditors Tract Line | Road ROW               | Tract Line           | Political_Subdivisions |             |
| TOWNSHIP ROAD             | Civil Township Line | Section Line           | Southwest_Ohio_Roads | CITY; VILLAGE          |             |
| MUNICIPAL STREET          | Corporate Line      | Subdivision Limit Line | Interstate           | TWP                    |             |
|                           | Farm Lot Line       |                        | Interstate           | Lakes_Rivers           |             |



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