



Ohio Administrative Code Rule 901-2-01 Definitions.

Effective: March 21, 2016

As used in this chapter:

(A) "Agriculture" means commercial animal or poultry husbandry, aquaculture, apiculture, the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, flowers, or 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 were 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 pursuant to section 5713.30 of the Revised Code.

(B) "Agricultural Area" means land that a political subdivision has identified in an adopted local comprehensive land use plan as significant for agriculture.

(C) "Agricultural District" means a tract, lot, or parcel of land that is enrolled with the county auditor as land devoted to agricultural use pursuant to Chapter 929. of the Revised Code.

(D) "Agricultural Easement" means an incorporeal right or interest in land that is held for the public purpose of retaining the use of land predominantly in agriculture; that imposes any limitations on the use or development of the land that are appropriate at the time of creation of the easement to achieve that purpose in perpetuity; that is in the form of articles of dedication, easement, covenant, restriction, or condition; and that includes appropriate provisions for the local holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions pursuant to section 5301.67 of the Revised Code.

(E) "Agricultural Easement Value" means the difference between the fair market value of the property before and after the easement takes effect as determined by the department's points-based appraisal system, or a qualified appraiser if required by the director.



(F) "Agricultural Security Area" means an area of at least five hundred acres of contiguous land that is enrolled with the county commissioners and township trustees for a period of ten years and devoted to agricultural use pursuant to sections 931.01 to 931.09, 931.99, and 5709.28 of the Revised Code.

(G) "Application for Certification" means the act of a municipal corporation, county, township, soil and water conservation district or charitable organization submitting an application to the director demonstrating that it has the managerial, legal and financial expertise to operate a local agricultural easement purchase program and to share legal responsibility with the director to select, hold, monitor, supervise and enforce the provisions of an agricultural easement.

(H) "Application Property" means the land or lands that make up the holdings, on a single application, for which a matching grant is being sought in exchange for the sale of a perpetual agricultural easement.

(I) "Best Management Practices" means those farming methods generally accepted in the agricultural community as beneficial in conserving the productivity of farmland.

(J) "Century Farm" means a farm recognized by the department which has maintained a farm or homestead in one family for at least one hundred years.

(K) Certified Local Sponsor means an organization which has been approved in accordance with rule 901-2-07 of the Administrative Code.

(L) "Charitable Organization" means an organization that meets the federal taxation requirements outlined within division (B) of section 5301.69 of the Revised Code.

(M) "Contiguous" means any of the following:

(1) Geographically adjacent property used for agriculture, which may include a homestead(s);

(2) Two or more pieces of property used for agriculture that would be geographically adjacent but for the fact that the property is separated by a public or private right-of-way or rights-of-way or by



rivers, streams, creeks, or other bodies of water; or

(3) Two or more pieces of property used for agriculture that would be geographically adjacent but for the fact that the property is separated by a unique corridor, such as a state owned interstate or railroad, and the director believes that it is in the land and departments best interest to have the farm parcels under one easement.

(N) "Department" means the Ohio department of agriculture.

(O) "Director" means the director of the Ohio department of agriculture or his designees.

(P) "Farmland Preservation Advisory Board" means the board as defined in section 901.23 of the Revised Code.

(Q) "Flood pool" means an area of flood-prone land subject to inundation by impounded floodwaters from a flood control structure. For dams with abnormal pool elevation, the lands surrounding this area that are below the elevation of an emergency spillway.

(R) "Fund" means the "Clean Ohio Agricultural Easement Fund" as defined by division (F) of section 901.21 of the Revised Code, and the agricultural easement purchase fund as defined by division (E) of section 901.21 of the Revised Code.

(S) "Grantor" means the landowner(s), partnership, corporation, or trust who sells or donates an agricultural easement to the director, a political subdivision, or a charitable organization.

(T) "Homestead" means the portion of an application property on which a residence, dwelling or house, or residence-related appurtenances are permitted.

(U) "Legal Entity" means a person, firm, corporation, association, or partnership, or other entity authorized under Ohio law.

(V) "Local Comprehensive Land Use Plan" means a municipal, county, township, or soil and water conservation district, comprehensive long range land use plan that identifies areas for agricultural



protection and has been adopted by the local political subdivision.

(W) "Local Sponsor" means a municipal corporation, county, township, soil and water conservation district, or charitable organization that applies for a matching grant on behalf of the landowner.

(X) "Market Value" means the price as of the valuation date for land exclusive of buildings and related site improvements, in accordance with its highest and best use which a willing and informed seller who is not obligated to sell would accept for the land and which a willing and informed buyer who is not obligated to buy would pay for the land. The valuation shall be determined by the department's points-based appraisal system, or a general real estate appraiser who is certified under Chapter 4763. of the Revised Code if required by the director. This value applies only to the comparable sales method of appraisal, not the points based appraisal method.

(Y) "ODA Certification" means the certification by the director that a municipal corporation, county, township, soil and water conservation district or charitable organization has demonstrated in its application for certification that it does have the managerial, legal and fiscal expertise to operate a local agricultural easement purchase program and, based upon its degree of expertise, the director awards a matching grant of up to one million dollars to share legal responsibility with the department to select, hold, monitor, supervise, and enforce the provisions of an agricultural easement.

(Z) "Political Subdivision" means a municipal corporation, county, township, or soil and water conservation district.

(AA) "Purchase Agreement" means an agreement between the landowner and the department in which the landowner agrees to convey an agricultural easement on certain property to the department for a fixed price.