



City of Hudson, Ohio

Staff Report With Text

File #: 20-30 **Version:** 3 **Name:**
Type: Resolution **Status:** Passed
File created: 3/6/2020 **In control:** City Council
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Title: A RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF LAND IN A CURRENT AGRICULTURAL USE DISTRICT FOR PURPOSES OF O.R.C. SECTION 929.02 FOR JOANN POULTON, 5457 STOW ROAD, HUDSON, OHIO.
 Brief Description: Ms. Poulton has submitted a renewal Application for Placement of Farmland in an Agricultural District for her property on Stow Road.

Sponsors: Craig Shubert
Indexes: General Government

Code sections:

Attachments: 1. Application for Agricultural District Renewal, 2. Notice of Public Hearing - postponed to 3-31-2020, 3. Code Enforcement Memo 3-6-2020, 4. Map - 5457 Stow Road, 5. Resolution No. 20-30

Date	Ver.	Action By	Action	Result
4/7/2020	1	City Council	third reading	
4/7/2020	1	City Council	adopted on third reading	Pass
3/31/2020	3	City Council	public hearing held	
3/31/2020	3	City Council	second reading	
3/24/2020	2	City Council	first reading	
3/10/2020	1	City Council Workshop	item forwarded	

A RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF LAND IN A CURRENT AGRICULTURAL USE DISTRICT FOR PURPOSES OF O.R.C. SECTION 929.02 FOR JOANN POULTON, 5457 STOW ROAD, HUDSON, OHIO.

Brief Description: Ms. Poulton has submitted a renewal Application for Placement of Farmland in an Agricultural District for her property on Stow Road.

Legislative History

Hudson City Council approved the same property for an Agricultural Use District in 2015.

Purpose & Explanation

In 1982, the Ohio General Assembly passed into law the creation of Chapter 929 of the Ohio Revised Code. This law is a direct effort of the Ohio Farm Bureau Federation (OFBF) and others that is designed to remove some of the influences that may cause farmland to be converted to non-agricultural uses. The goal of an agricultural district is to help landowners/farmers deal with governmental powers of eminent domain, nuisance lawsuits and water, sewer and electrical assessments that will help keep farmers farming. Legal protection is provided to the owner if a nuisance lawsuit is filed against his farming operation and limited protections are provided against a public entity with the powers of eminent domain. Additional information is available on the

Summit County Fiscal Officer's website.

At any point in time the owner of agricultural land may file an application with the Fiscal Officer to place his land in an agricultural district for five (5) years. For land within a municipal corporation, the application must be filed with the clerk of the legislative body of the municipality. The legislative body is required to conduct a public hearing on the application within 30 days after the application is filed with the clerk. Within 30 days of the hearing, the legislative body may approve, approve with modifications, or reject the application for inclusion in an agricultural district. The municipality is required to notify the Fiscal Office of its decision.

All farms larger than 10 acres qualify for an agricultural district if they have been devoted exclusively to "commercial" agricultural production for the past three (3) years. If the land is less than 10 acres, the applicant must submit evidence with his application that the activities conducted have produced an average yearly gross income of at least \$2,500 over the three years immediately preceding the year the application is made in.

An agricultural district is a five (5) year obligation. At the end of the five year period the owner may withdraw from the district with no penalty or renew the district for another five years.

The City's Code Enforcement Officer has reviewed the attached Application for Placement of Farmland in an Agricultural District; and upon visual inspection of the property, she has determined that agricultural uses appear to be consistent with the intent of the Ohio Revised Code and are not inconsistent with the City's Land Development Code. (See attached memo).

Legal Authority for Proposed Legislation

Pursuant to Charter Section 6.04:

Competitively bid and advertised for two consecutive weeks; bid tab attached: [Yes/No/NA]
Joint or Cooperative Purchase Program
Professional Services

Other: Not applicable.

Fiscal Impact

Currently Budgeted
Supplemental Appropriation Required

Appropriation Not Required.

Does this legislation require use of an emergency clause?

Yes

No

Suggested Action

Staff recommends approval of this Resolution within 30 days of the public hearing. The public hearing originally scheduled on March 17, 2020, was postponed to March 31, 2020, due to the Coronavirus outbreak.

Submitted by,

Jane Howington, City Manager
Greg Hannan, Community Development Director
Elizabeth Slagle, Clerk of Council