



City of Hudson, Ohio

Staff Report With Text

File #: 15-11 **Version:** 1 **Name:**

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File created: 1/21/2015 **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. 929.02 FOR BROWN FARMS ONE, LLC; BROWN FARMS TWO, LLC; AND SHERYL J. BROWN, 34 WELLGATE DRIVE, HUDSON, OHIO.
Executive Summary: Brown Farms has submitted the attached renewal Application for Placement of Farmland in an Agricultural District for various properties as specified.

Sponsors: William A. Currin

Indexes: Community Development

Code sections:

Attachments: 1. Application for Agricultural District - Brown Farms, 34 Wellgate Dr, 2. Code Enforcement Memo 1-22-15, 3. Resolution No. 15-11

Date	Ver.	Action By	Action	Result
2/3/2015	1	City Council	public hearing held	
2/3/2015	1	City Council	first reading	
2/3/2015	1	City Council	to suspend the rule requiring three readings	Pass
2/3/2015	1	City Council	adopted with rule suspension	Pass

A RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF LAND IN A CURRENT AGRICULTURAL USE DISTRICT FOR PURPOSES OF O.R.C. 929.02 FOR BROWN FARMS ONE, LLC; BROWN FARMS TWO, LLC; AND SHERYL J. BROWN, 34 WELLGATE DRIVE, HUDSON, OHIO.

Executive Summary: Brown Farms has submitted the attached renewal Application for Placement of Farmland in an Agricultural District for various properties as specified.

Legislative History

Hudson City Council approved an Application for Placement of Farmland in an Agricultural Use District in 2005 and a renewal application in 2010 for the following Brown Farm properties: Parcel Nos. 30-04148 and 30-04151 (Brown Farms One, LLC); Parcel Nos. 31-00004 and 30-04417 (Brown Farms Two, LLC); and Parcel No. 30-09208 (Sheryl J. Brown).

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 (<https://fiscaloffice.summitoh.net/index.php/agricultural-districts>).

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, he 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).

Timing Considerations

With Council's approval, this Resolution would take effect after 30 days.

Fiscal Impact

Currently Budgeted

Supplemental Appropriation Required

 X Appropriation Not Required.

Suggested Action

Staff recommends approval of this Resolution within 30 days of the public hearing scheduled on February 3, 2015.

Submitted by,

Jane Howington, City Manager

Mark Richardson, Community Development Director

Elizabeth Slagle, Clerk of Council