



City of Hudson, Ohio

Staff Report With Text

File #: 18-29 **Version:** 1 **Name:**

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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 KENNETH AND JOYCE KURLA, 1975 EAST NORTON ROAD, HUDSON, OHIO.
Executive Summary: Mr. and Mrs. Kenneth Kurla have submitted the attached renewal Application for Placement of Farmland in an Agricultural District for approximately 37 acres of property located at 1975 and 1983 East Norton Road and 1936 Georgetown Road in Hudson.

Sponsors: David A. Basil

Indexes: Community Development

Code sections:

Attachments: 1. Agricultural District Renewal Application - Kurla 2018, 2. Code Enforcement Inspection Report (1975 Norton Rd Kurla) 2-21-18, 3. Map, 4. Public Hearing Scheduled on 3-6-18 (Notice 2-25-18), 5. Resolution No. 18-29

Date	Ver.	Action By	Action	Result
4/3/2018	1	City Council	third reading	
4/3/2018	1	City Council	adopted on third reading	Pass
3/20/2018	1	City Council	second reading	
3/6/2018	1	City Council	first reading	
3/6/2018	1	City Council	public hearing held	

A RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF LAND IN A CURRENT AGRICULTURAL USE DISTRICT FOR PURPOSES OF O.R.C. 929.02 FOR KENNETH AND JOYCE KURLA, 1975 EAST NORTON ROAD, HUDSON, OHIO.

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Legislative History

Hudson City Council approved an application for placement of property at 1975 East Norton Road in an Agricultural Use District in 1998 (Res. No. 98-38), and subsequent renewals were approved with passage of legislation in 2003, 2008, and 2013 (Res. Nos. 03-90, 08-25 and 13-34).

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 or that the land will produce an anticipated gross income of that amount.

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

This application was received on February 15, 2018. A public hearing, required within 30 days of receipt, has been scheduled for March 6, 2018, notice of which was published in the February 25, 2018, edition of the Hudson Hub-Times. Council action is required within 30 days of the public hearing. 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.

Submitted by,

Jane Howington, City Manager

Greg Hannan, Community Development Director

Elizabeth Slagle, Clerk of Council