



# City of Hudson, Ohio

## Staff Report With Text

**File #:** 18-56      **Version:** 2      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 3/29/2018      **In control:** City Council

**On agenda:** 5/15/2018      **Final action:** 5/15/2018

**Title:** A RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF LAND IN A NEW AGRICULTURAL USE DISTRICT FOR PURPOSES OF O.R.C. 929.02 FOR JOHN ROMAN, 7005 WALTERS ROAD, HUDSON, OHIO. (As Revised 5/15/2018)  
Executive Summary: Mr. John Roman has submitted the attached Application for Placement of Farmland in an Agricultural District for property located at 7005 Walters Road in Hudson.

**Sponsors:** David A. Basil

**Indexes:** Community Development - Zoning

**Code sections:**

**Attachments:** 1. Application for Placement of Farmland in Agricultural Dist - 7005 Walters Rd, 2. Letter to Council from Applicant - J. Roman, 3. Anticipated Farm Income - 7005 Walters Rd, 4. Map, 5. Code Enforcement Inspection Report - 7005 Walters Rd 4-4-18, 6. Public Hearing Notice 4-8-18, 7. Resolution No. 18-56 (As Introduced 4/17/2018), 8. Resolution No. 18-56 (As Revised 5/15/2018)

Date	Ver.	Action By	Action	Result
5/15/2018	2	City Council	third reading	
5/15/2018	2	City Council	adopted on third reading	Pass
5/1/2018	1	City Council	second reading	
4/17/2018	1	City Council	public hearing held	
4/17/2018	1	City Council	first reading	

**A RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF LAND IN A NEW AGRICULTURAL USE DISTRICT FOR PURPOSES OF O.R.C. 929.02 FOR JOHN ROMAN, 7005 WALTERS ROAD, HUDSON, OHIO. (As Revised 5/15/2018)**

**Executive Summary:** Mr. John Roman has submitted the attached Application for Placement of Farmland in an Agricultural District for property located at 7005 Walters Road in Hudson.

### Legislative History

None. This property has not been included previously in an agricultural district.

### 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.

In addition, Mr. Roman has provided the required supplemental information with his application, reporting an anticipated gross income in excess of \$2,500. See attached spreadsheet.

### Timing Considerations

This application was received on March 28, 2018. A public hearing, required within 30 days of receipt, has been scheduled for April 17, 2018, notice of which was published in the April 8, 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

☒ Appropriation Not Required.

### Suggested Action

Staff recommends approval of this Resolution.

### Submitted by,

Jane Howington, City Manager

Thomas Sheridan, Assistant City Manager - Professional Services

Greg Hannan, Community Development Director

Elizabeth Slagle, Clerk of Council