



City of Hudson, Ohio

Staff Report With Text

File #: 20-16 **Version:** 1 **Name:**

Type: Resolution **Status:** Passed

File created: 1/24/2020 **In control:** City Council

On agenda: 3/31/2020 **Final action:** 3/31/2020

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 BROWN FARMS ONE, LLC, BROWN FARMS TWO, LLC, AND SHERYL J. BROWN, TRUSTEE, 34 WELLGATE DRIVE, HUDSON, OHIO.
Brief Description: The Brown family has submitted a renewal Application for Placement of Farmland in an Agricultural District for five (5) properties, totaling approximately 63.08 acres, located off of Barlow Road and Seasons Road in Hudson.

Sponsors: Craig Shubert

Indexes: General Government

Code sections:

Attachments: 1. Application for Agricultural District Renewal, 2. Notice of Public Hearing, 3. Hyperlink - Agricultural Districts (Summit County Fiscal Officer Website), 4. Code Enforcement Memo 2-3-2020, 5. Map: Brown Farms One LLC Properties - off of Barlow Rd., 6. Map: Brown Farms Two & Sheryl J. Brown Properties - off of Seasons Rd., 7. Resolution No. 20-16 (As Introduced), 8. Resolution No. 20-16 (As Revised 3-24-2020)

Date	Ver.	Action By	Action	Result
3/31/2020	1	City Council	third reading	
3/31/2020	1	City Council	adopted on third reading	Pass
3/24/2020	1	City Council	third reading	
3/10/2020	1	City Council Workshop	item forwarded	
3/3/2020	1	City Council	second reading	
2/25/2020	1	City Council Workshop	item forwarded	
2/18/2020	1	City Council	public hearing held	
2/18/2020	1	City Council	first reading	

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 BROWN FARMS ONE, LLC, BROWN FARMS TWO, LLC, AND SHERYL J. BROWN, TRUSTEE, 34 WELLGATE DRIVE, HUDSON, OHIO.

Brief Description: The Brown family has submitted a renewal Application for Placement of Farmland in an Agricultural District for five (5) properties, totaling approximately 63.08 acres, located off of Barlow Road and Seasons Road in Hudson.

Legislative History

Hudson City Council approved same properties for applicant on Barlow Road and Seasons Road for an

Agricultural Use District in 2005, and City Council approved subsequent renewals in 2010 and 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.

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).

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 scheduled on February 18, 2020.

Submitted by,

Thomas J. Sheridan, PE, PS, Assistant City Manager - Professional Services

Greg Hannan, Community Development Director

Elizabeth Slagle, Clerk of Council