



# City of Hudson, Ohio

## Staff Report With Text

**File #:** 22-46      **Version:** 1      **Name:**

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

**File created:** 3/15/2022      **In control:** City Council

**On agenda:** 5/3/2022      **Final action:** 5/3/2022

**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 DOUGLAS & STEPHEN J. HASBROUCK, TRUSTEES, 6403 STOW ROAD, HUDSON, OHIO.  
Brief Description: Mr. Douglas and Mr. Stephen Hasbrouck have submitted the attached renewal Application for Placement of Farmland in an Agricultural District for 114.81 acres of property located at 6403 Stow Road in Hudson.

**Sponsors:** Jeffrey L. Anzevino

**Indexes:** Community Development

**Code sections:**

**Attachments:** 1. Hasbrouck Douglas & Stephen J Trustees - Renewal application 2022, 2. Public Hearing Notice Hasbrouck Agricultural District 2022, 3. 6403 Stow Road CD Inspection 3.16.22, 4. Resolution No. 22-46

Date	Ver.	Action By	Action	Result
5/3/2022	1	City Council	adopted	Pass
4/26/2022	1	City Council Workshop	item forwarded	
4/19/2022	1	City Council	second reading	
4/12/2022	1	City Council	item forwarded	
4/5/2022	1	City Council	public hearing held	
4/5/2022	1	City Council	first reading	
3/22/2022	1	City Council	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 DOUGLAS & STEPHEN J. HASBROUCK, TRUSTEES, 6403 STOW ROAD, HUDSON, OHIO.**

**Brief Description:** Mr. Douglas and Mr. Stephen Hasbrouck have submitted the attached renewal Application for Placement of Farmland in an Agricultural District for 114.81 acres of property located at 6403 Stow Road in Hudson.

### **Legislative History**

Hudson City Council approved an application for placement of property at 6403 Stow Road in an Agricultural Use District in 1997, and subsequent renewals were approved with passage of legislation in 2002, 2007, 2012, and 2017. Resolution Nos. 97-106, 02-31, 07-17, 12-09, and 17-14.

### **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 and others that is designed to remove some of the influences that may cause farmland to be converted to non-agricultural uses. 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.

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.

The City’s Code Enforcement has reviewed the attached Application for Placement of Farmland in an Agricultural District; and upon visual inspection of the property, will determine whether or not the 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.

### **Legal Authority for Proposed Legislation**

Pursuant to Charter Section 6.04, Contracts & Purchasing:

Competitively bid and advertised for two consecutive weeks; bid tab attached: [Yes/No/NA])

Joint or Cooperative Purchase Program

Professional Services

☒ Other

### **Fiscal Impact**

Currently Budgeted (Account #, \$)

Supplemental Appropriation Required (Account #, \$)

☒ Appropriation Not Required

### **Does this legislation require use of an emergency clause?**

Yes [if so, explain why]

☒ No

### **Suggested Action**

Staff recommends approval of this Resolution.

**Submitted by,**

Thomas Sheridan, Interim City Manager

Greg Hannan, Community Development Director

Aparna Wheeler, Clerk of Council