



**Minutes of the Oberlin City Council Public Hearing**  
 Held on February 21, 2012  
 7:00 P.M.

Purpose: to consider applications for placement of Farmland in an Agricultural District from applicants Anthony and Peggi Ignagni, Karen Fridenstine and Kristin McDonough, and Burrers Farms.

President Rimbart called the Public Hearing to order at 7:10: 01 p.m. for the above stated purpose.

<b>Council Members:</b>	Present	Absent
Charles Peterson	<input type="checkbox"/>	<input type="checkbox"/>
Bryan Burgess	<input type="checkbox"/>	<input type="checkbox"/>
Sharon Soucy (excused)	<input type="checkbox"/>	<input type="checkbox"/>
Elizabeth Meadows (excused)	<input type="checkbox"/>	<input type="checkbox"/>
Scott Broadwell	<input type="checkbox"/>	<input type="checkbox"/>
Aaron Mucciolo	<input type="checkbox"/>	<input type="checkbox"/>
Ronnie Rimbart	<input type="checkbox"/>	<input type="checkbox"/>

**Others Present:** Belinda Anderson, Clerk of Council; Eric Norenberg, City Manager; Gary Boyle, Planning and Development Director.

Oberlin Planning Director Gary Boyle presented an overview of the subject of Agriculture District designations under the Ohio Revised Code. He noted that Section 929 of the Ohio Revised Code (ORC) provides that a property owner may file an application with the County Auditor seeking the placement of land within an Agricultural District. ORC Section 929.02(A) also establishes that such a designation is valid for a five (5) year period. This section also requires that the property has been used for agricultural production for three (3) calendar years prior to the year of filing the application. The benefit of receiving such a designation is that the real property tax obligation is reduced. The intent of the legislature in adopting regulations relating to Agricultural Districts is to encourage the use of property for agricultural production.

Boyle advised that the ORC had certain requirements that must be met for designation of land including the following:

- (1) That the property be composed of not less than ten (10) acres of land; or
- (2) That agricultural production result in a gross yearly income of at least \$2,500.00.

The County Auditor is required to determine whether the application complies with the above-mentioned standards.

Boyle also noted that should a property in an Agricultural District be withdrawn from such a district by the owner, the owner is required to notify the County Auditor and pay a penalty (Section 929.02(D)). Also, if property located within a District does not continue to be used for agricultural production or if it is sold for non-agricultural use such as Residential development, the property owner is also required to pay a penalty as established by the County Auditor.

Boyle explained that when a property is located within a municipal corporation, Section 929.02(B) requires that an application must also be filed with the City Clerk as well as with the County Auditor. The legislative body is then required by this section of the ORC to hold a "public hearing" within thirty (30) days of receipt of the application. Notice of the hearing is to be published in a newspaper at least seven (7) days prior to the hearing and be sent by certified mailed to the applicant at least ten (10) days prior to the scheduled hearing. In this regard, he stated that it is his understanding that the City Clerk has provided the notice required under the ORC.

Boyle advised that the ORC required City Council to review an application for Agricultural Designation and to approve, deny or modify the application within thirty (30) days of the hearing. Modifications can be to the length of time for the Agricultural District designation or to any of the provisions of Sections 929.03, 929.04 or 929.05 of the ORC. Boyle noted that Section 929.03 exempts land in an Agricultural District from assessments for infrastructure improvements, that Section 929.04 provides a defense related to civil actions concerning nuisance conditions, and that Section 929.05 contains restrictions associated with the appropriation of land in a District.

Boyle noted that three (3) property owners have recently submitted applications to the City Clerk seeking the approval of an Agricultural District designation for property located within the City's corporate limits. Those applications submitted include:

- (1) Fridenstine and McDonough, Trustees, for property at 562 S. Main St. This request seeks an Agricultural District designation for 0.59 acres of vacant land located along the west side of South Main Street and to the south of "58 Storage." This is a renewal request of a designation first approved by City Council in 2002 and renewed in 2007. The applicant also owns about 70.67 acres in New Russia Township, and staff understands that a renewal application has been filed for that property.
- (2) Anthony and Peggi Ignagni for property located to the south of Shipherd Circle. This request seeks an Agricultural District designation for about 22.575 acres of vacant land. This is a renewal request of a designation first approved in 1997, and renewed with Council's approval in 2002 and 2007. The applicants also own about 21 acres of land located in New Russia Township along the west side of Oberlin Road.
- (3) Burrer Farms for property located to the south of Kimberly Circle and Willowbrook Road. This application seeks an Agricultural District designation for approximately 69.09 acres of vacant land.

Boyle advised that the Planning Commission reviewed these applications at its meeting on February 15, 2012, and recommends the following:

- (1) The approval of the renewal application filed by Fridenstine and McDonough, Trustees, as submitted. The Commission noted that this is a small parcel abutting industrially-zoned and used property, and land use conflicts are not anticipated.
- (2) The approval of the renewal application by the Ignagnis' subject to a modification related to the issue of nuisances. The Commission observed that such a condition has been included by Council in past resolutions and should continue since the property abuts an established residential neighborhood, and agricultural uses can create land use conflicts.
- (3) Approval of the Burrer Farms application subject to modification similar to the Ignagnis' request related to nuisances. Again the Commission noted that this property abuts an established residential neighborhood.

Boyle indicated that he was available to try to answer any questions that Council or the public may have on these applications.

Burgess asked if the City’s right-of-way for utilities would be impacted if they accepted the Farmland Designation for the property along State Route 58. Boyle remarked that it was his understanding that none of the utilities that were currently in place would be impacted. However, it could potentially impact future assessments on the frontage of that property.

Burgess then asked what would constitute a nuisance and why would that be included in the resolution. Boyle remarked that agricultural operations in and of themselves are industrial types of operation that involve machinery, equipment, different hours of operations than one might normally assume you would find abutting a residential area. The nuisance could involve the creation of dust issues, noise, or late night operations. It could be any number of things that someone in a single-family subdivision may attribute to being a nuisance. Burgess questioned whether a nuisance would include the overspray of pesticide or fertilizer. Boyle remarked that that may be something that a property owner may consider to be a civil- nuisance issue, but the City doesn’t have regulations related to the spraying of fertilizers and pesticides.

**Adjournment:** Being that there was no further business to come before Council the public hearing adjourned at 7:19:33 p.m.

**Attest:**

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 BELINDA B. ANDERSON, CMC  
 CLERK OF COUNCIL

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 RONNIE J. RIMBERT  
 PRESIDENT OF COUNCIL

APPROVED: 03/05/2012

POSTED: 03/02/2012