

Introduction

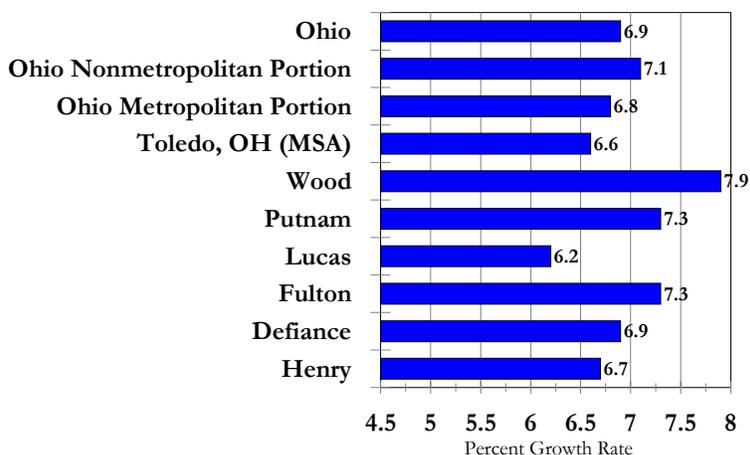
As a rural county located in Northwest Ohio, Henry County can be easily recognized by its vast landscapes of open farmlands and its predominate agricultural ties to the past. However, due to its close proximity to the Toledo Metropolitan Statistical Area (MSA), the county's state of agricultural affairs over the past decade has been introduced to increasing development pressure largely from former Lucas County residents in search of "rural simplicity." While this new development has been largely located in areas closest to Lucas County in Washington and Liberty townships, the manner by which land use is handled and currently anticipated will affect the pattern, density, and landscape of Henry County tomorrow and for several decades to come.

Planning Issues

This plan is developed under the assumption that all the actors responsible for the growth and development of Henry County will be innovative in their role to not only guide land use in the best interests of current residents, but also that they may act as "trustees" of future residents. Being

innovative may often be difficult, especially with the lack of clearly defined and legislatively-backed planning and zoning tools in Ohio. Nevertheless, in void of tools often offered to political subdivisions in other states, the county may be at a better advantage to develop specialized tools to guide land use, assuming that they are backed by county residents and supported politically by its public officials and representatives. Building this innovative bridge will require constant forethought and clearly established goals and measurable objectives to ensure that private property rights are not infringed upon, yet the general welfare and public health and safety of residents are still upheld.

Currently, the Henry County Planning Commission provides technical service and support to its political subdivisions, and has been instrumental in ensuring all townships have zoning resolutions and up-to-date maps¹. Nevertheless, additional planning and collaboration amongst all actors involved in the county's growth and development will be required to ensure that all new development occurs safely and without the potential of creating future problems. Not all areas of Henry County are well suited for development. However, selected areas across the county can accommodate growth safely. These growth areas include those areas contiguous to established municipalities, and also those areas closest to existing public infrastructure.



¹With the recent zoning passage in Bartlow Township, all townships in Henry County are now zoned. Currently, only the Village of Deshler has no zoning.

Goals and Objectives

Goal: To conserve land resources in a manner sensitive to both private property rights and the public good, by:

- ✓ Encouraging local political subdivisions to adopt mechanisms that assist in the facilitation of proactive land use methods;
- ✓ Preparing model land use and zoning resolutions to encourage a pattern of consistent land use development throughout Henry County;
- ✓ Pursuing incentives and new innovative methods for clustered and non-sprawl residential development;
- ✓ Defining and identifying preferred development zones and growth areas;
- ✓ Encouraging agricultural/rural zoning districts and the CAUV (current agricultural use valuation) program;
- ✓ Recognizing and promoting the importance of preserving prime farmland and other areas of natural significance;
- ✓ Raising the importance of land use planning to new levels throughout Henry County through technical and other methods of assistance.

Trends and Analysis

As a predominately rural county located in Northwest Ohio, land use in Henry County is largely agricultural, with farmers utilizing the land to produce cash crops such as wheat, corn, and soybeans. These three commodities account for 87.4% of all farmed acreage within the County. Although Henry County is one of Ohio's least populated counties, it ranked third of all 88 counties in production of wheat, 12th in corn for grain, and 18th in soybeans. Nevertheless, the county's rankings in corn and soybeans fell from sixth and seventh place, respectively, between 1999 and 2000, highlighting the diversity of economic changes in the agricultural sector.

With corn and soybeans representing the largest agricultural commodities in Henry County, these loss in rankings- although largely dependent upon yearly weather conditions, low commodity prices, and other factors- could provide the extra justification for farmers to look for additional means to recoup lost revenues. This could result in the conversion of agricultural land to other land uses. However, since 1990, only 1% of agricultural land enrolled in CAUV², or 2,545 acres, was converted to other uses. This shows the resiliency of Henry County farmers to remain in the farming sector, even though yearly losses in revenues often unexpectedly occur.

Existing Land Usage

Based upon data from the Henry County Auditor's office, approximately 93% of Henry County's

²As of 2002, all of Henry County's agricultural land, with the exception of 83 acres, was enrolled in CAUV.

land acreage is in agricultural use, with 5.1% allocated to residential uses (see **Henry County Land Usage table and Map: Existing Land Use**). Public and institutional lands account for 1.3%, and commercial and industrial uses account for less than one percent at .47% and .21%, respectively. Multi-family and value-added agricultural uses account for less than one-tenth of one percent at .043% and .047%, respectively.

Henry County Land Usage

Land Use Type	Number of Acres	Percent of Total
Residential	13,104	5.1%
Multi Family Residential	110	.043%
Commercial	1121	.47%
Industrial	545.42	.21%
Public or Institutional	3301	1.3%
Value Added Agriculture	122	.047%
Agriculture	245,307	93%
Natural Resource Type	Number of Acres	Percent of Total
Wooded	14,877	5.6%
Floodplains	8,624	3.2%

Insofar as natural resources are concerned, roughly 15,000 acres, or 6%, of Henry County is wooded areas, with 8,624 acres, or 3.2% of the county classified as floodplains³. Less than one percent, .87%

³This percentage of floodplains is only for the unincorporated areas of Henry County and could fluctuate depending upon changes in weather and hydrology.

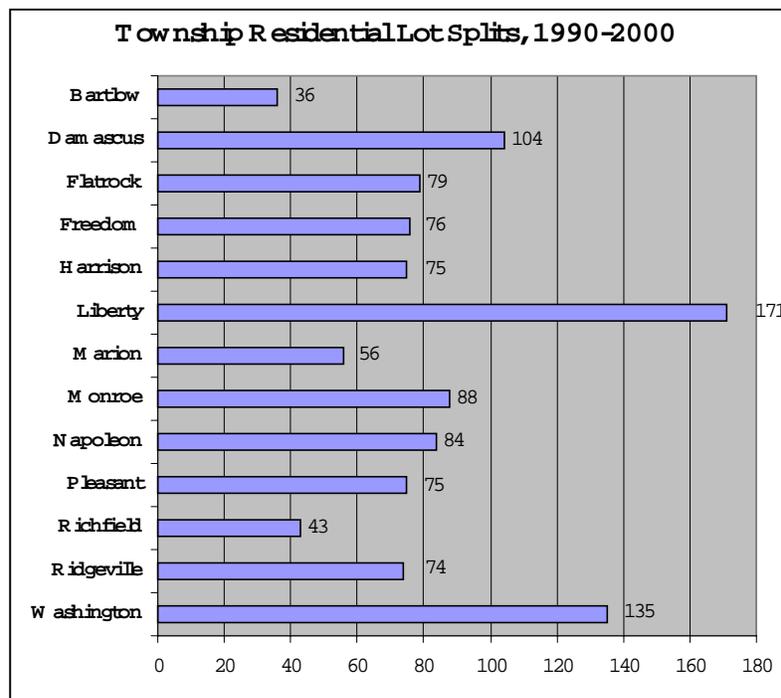
(2,326 acres), is open water or river. These natural resource acres are not separated by specific land use type, e.g., residential, commercial, industrial, etc. Some of the county’s natural resources acreage can also vary over time, as their existence is largely dependent upon the unique development and farming interests of property owners (exceptions could include wetlands and floodplains, each governed by specific regulations that mitigate their conversion).

There are currently nine incorporated areas and thirteen townships within Henry County. There are also ten “unincorporated” areas of varying population that include: Colton, Elery, Gerald, Grelton, Okolona, Pleasant Bend, Ridgeville Corners, Standley, Westhope, and Texas. Ridgeville Corners and Okolona are the most populated.

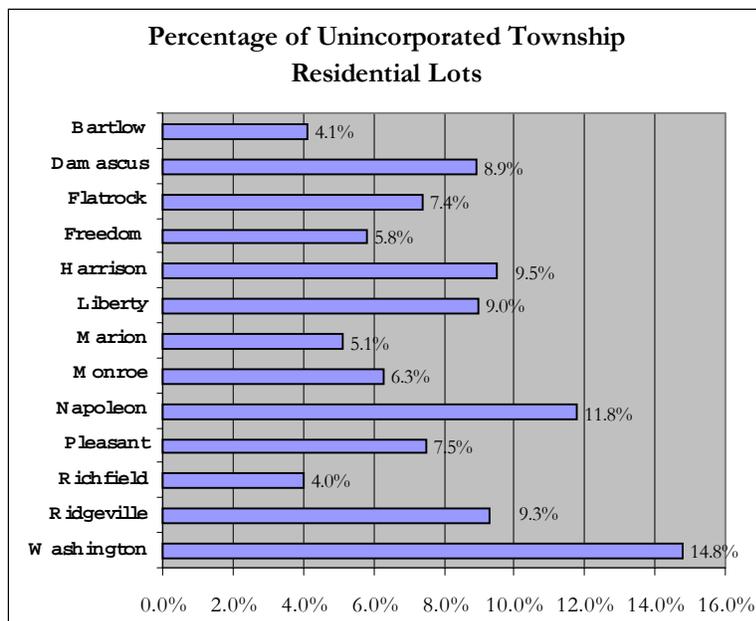
While the historical development of each incorporated and unincorporated area is unique, most were established due to their strategic location along commonly traveled thoroughfares, rail lines, and historical nodes of increased merchant and trading activity. Each incorporated area varies in size and density. The City of Napoleon is the only incorporated area not classified as a village.

Residential Land Use

Although 93% or more of Henry County is in agricultural use, the county is witnessing an increase in rural parcel splits for residential use. Parcel splits are those subdivisions of property less than five acres in total gross area, and are generally developed for residential purposes.



Roughly 1100 total residential splits were approved over the last decade with a disproportionate amount of splits (37.4%) occurring in three townships - Liberty, Washington, and Damascus (see Township Residential Lot Splits chart). The rate of parcel splits in these townships is nothing new to county residents, as each township’s proximity to Lucas and Wood counties make them prime candidates for increased residential agglomeration.

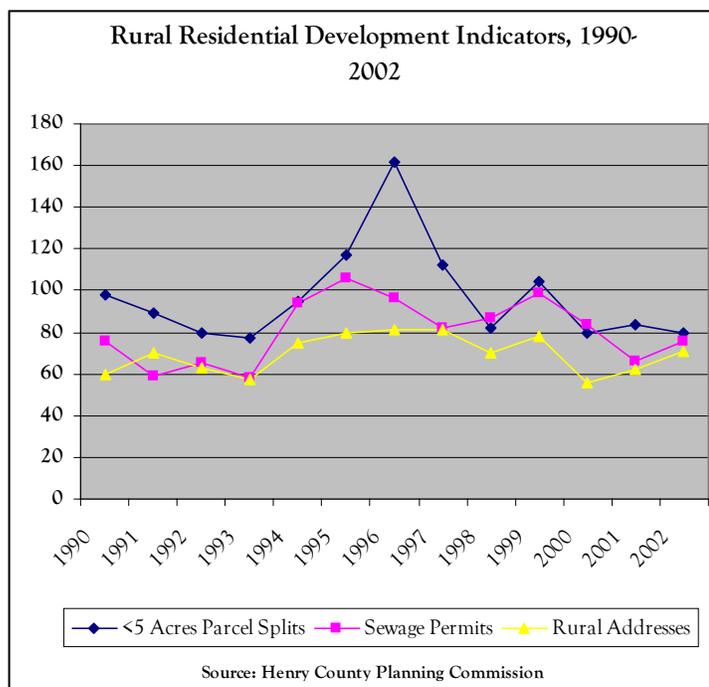


Almost 50% (49.3%) of all parcel splits occurred in townships north of the Maumee River (Ridgeville, Freedom, Liberty, Washington, and Napoleon townships). The least amount of parcel splits over the ten year period were recorded in Bartlow, Marion and Richfield townships.

Most of the residential lots in the unincorporated areas of Henry County exist in townships located on or near major US Highways, such as US 6 and US 24, and closest to the City of Napoleon or Lucas and Wood counties. This includes the county's seven most northern townships (Ridgeville,

Freedom, Liberty, Washington, Napoleon, Harrison, and Damascus townships). On average, more sprawl residential development exists within these townships, whereas higher percentages of platted residential lots⁴ exist in the southern-most townships within the county. This suggests that if residential development occurs in Pleasant, Marion, or Bartlow townships, it will most likely occur within or near the villages of Holgate, Hamler, or Deshler.

Another good source of residential development trends within Henry County are sewage permits and rural addresses. From 1990-2002, approximately 1048 sewage permits were issued from the Henry County Health Department and 904 rural addresses were established by the Engineer's Office (see Rural Residential Development Indicators chart). Although both sets of numbers differ from parcel splits, they can give planners and public and private officials a better understanding of the frequency of residential development within the county.



This information highlights the trend

⁴When compared to the township's total amount of platted residential lots.

that parcel splits are approved more than sewage permits or rural addresses; 1260 parcel splits 5 acres or less occurred in the county since 1990. This is largely attributed to personal preferences of individual land owners. Many anticipate their future needs (e.g., splits for children, for profit, for estate/tax planning, etc.), and wait to develop these parcels at a later time. Nevertheless, once the parcel's deed is recorded its property classification is changed by the County's Auditor's office from agricultural to residential.

Although these parcels may currently be vacant until otherwise developed, the Henry County Planning Commission considers them "residential" for planning purposes. It is highly likely in the future that these parcels will be developed in such a manner. These parcels can also be used to identify future residential areas because they have already been subdivided, and their housing construction can be expedited.

Commercial and Industrial Land Use

A review of commercial and industrial activity within Henry County reveals that most of these activities occur in the most populated political subdivisions, such as the City of Napoleon, and the villages of Deshler and Holgate. However, exceptions to this finding include the villages of Malinta and Pleasant Township that have higher than average industrial land usage for their respective size and population.

Approximately 997 commercial parcels and 211 industrial parcels exist in Henry County. Of these totals, a vast percentage of them - 46% of commercial parcels and 36% of industrial-related parcels - are within the corporate limits of the City of Napoleon. When commercial and industrial parcels of Napoleon's east and west townships (Napoleon and Harrison) are included, these combined geographic areas comprise almost 50% of Henry County's economic activity, excluding agricultural. This is largely due to the population of this "region" and the fact that commercial activity is supported by residents.

The villages of Deshler and Holgate are home to the second and third largest "base" of commercial and industrial activity, respectively. Deshler contains 9.7% of the county's commercial parcels and 15.2% of county's total industrial parcels, whereas the village of Holgate has 7.4% of the county's commercial parcels and 8.5% of industrial parcels. Ridgeville Township is also the location of Alex Products and other automotive-related businesses with hundreds of employees.

Agricultural Land Use

Roughly 93% (245,391 acres) of the county's total acreage is allocated to agricultural uses. Of this amount, only 83 acres are not enrolled in the current agricultural use valuation (CAUV) program. Townships with the highest percentages of land in agricultural use included the townships of Marion, Pleasant, Richfield, Bartlow, and Monroe. Townships with the lowest percentages of land in agricultural use included the townships of Washington, Napoleon, Harrison, Liberty and Ridgeville (See Agricultural Land Usage by Township table).

Agricultural Land Usage by Township

Township	CAUV Acres	Total Acres	Percent of Total
Ridgeville	14,041	14,996	93.6%
Freedom	14,409	15,077	95.6%
Napoleon	17,948	19,487	92.1%
Flatrock	21,122	22,001	96%
Pleasant	21,840	22,304	97.9%
Marion	22,150	22,577	98.1%
Monroe	21,885	22,580	96.9%
Harrison	15,709	16,919	92.8%
Liberty	17,808	19,067	93.4%
Washington	14,826	18,234	81.3%
Damascus	17,501	18,663	93.8%
Richfield	22,607	23,172	97.6%
Bartlow	21,821	22,448	97.2%
Source: Henry County Auditor			

Public and Institutional Land Use

Approximately 1.5% (3,946 acres) of the county's total acreage is utilized for public uses. Of this total, the parks within Washington Township (Maumee State Forest and Mary Jane Thurston State Park account for roughly 39%. Other areas with notable public and exempt land use acreage include: Ridgeville Township (Northwest State Community College and Four County Career Center), The City of Napoleon and Napoleon Township (Napoleon School System, parks, infrastructure-related improvements), Bartlow Township (Patrick Henry School System) and Deshler (parks, infrastructure-related improvements), Damascus Township (portion of Mary Jane Thurston State Park), and Liberty Township (Liberty Center School District).

Other Land Resource Areas

In addition to vast agricultural resources, roughly 9.7% (25,827 acres) of the county's total acreage is composed of wooded areas, floodplains, and open water (**see Map: Natural Resource Areas**). All three are linked by having a large percentage of each resource clustered around and influenced by the Maumee River.

Zoning

With the recent passage of Barlow Township’s zoning resolution, all townships in Henry County have zoning mechanisms to help promote orderly development. The City of Napoleon and all villages, with the exception of Deshler, also utilize zoning ordinances.

Because zoning ordinances and regulations are often the primary tools to guide development in Ohio, it is imperative that:

- ✓ All political subdivisions continue to define, redefine, and update their respective zoning regulations or ordinances based upon the best interests of their community and Henry County.
- ✓ Zoning regulations and ordinances be as “innovative” and “flexible” as possible to promote economic and other types of growth.
- ✓ County and other public and private officials work with the Village of Deshler on the importance and benefits of zoning to promote economic and other types of growth.

Henry County’s rural landscape looks much like any other rural county in Northwest Ohio, with residential homes and “lot splits” occurring along township and county roads. While this type of development is often the easiest and most flexible for individual property owners to do, it often creates additional situations that are hazardous to health and human safety and usually more expensive to serve with public utilities in the future.

In light of this typical development trend throughout rural portions of Henry County, it is important that Henry County townships take the necessary steps to examine existing or additional mechanisms to ensure they minimize future problems from occurring. A table of Henry County’s township zoning regulations are listed on the following page. Over time, these regulations should be updated to mesh well with county interests and provide for additional conservation or planned development types. Adding planned unit development mechanisms to these regulations could be a good start.

Please see the strategies and recommendations section for more information concerning the different types of development concepts that could be incorporated into the township (and municipal) zoning mechanisms.

Zoning Regulations of Henry County Townships (as reflected as of January 2003)

	Ridgeville	Freedom	Liberty	Wash.	Napoleon	Harrison	Damascus	Flatrock	Monroe	Richfield	Pleasant	Bartlow	Marion
Rural Residential District													
lot size	1 acre	1.5 acre	1 acre	2 acres	1 acre	1 acre	comply	15000	20000	1 acre	22500	2 acre	15000
frontage	125 ft	200 ft	150 ft	200 ft	60 ft	200 ft	with	100 ft	50 ft	125 ft	150 ft	200ft	No
buffer	Yes	Yes	No	No	Yes	No	Health	No	No	Yes	No	Yes	No
homeowner notice	No	No	No	No	No	Yes	Dept.	No	Yes	No	No	No	No
Residential 1-2 family							Sanitary						
lot size	27500 sq ft	30000	12000	1 acre	21780	20000	Sewer	15000	No	30000	No	1 acre	No
frontage	100 ft	60 ft	75 ft	125 ft	60 ft	100 ft	System	100 ft	No	60 ft	No	100ft	No
Multi-family 3+ families							Regs.						
lot size 1st 3 units	20000 sq ft	40000	15000	20000	1 acre	No		7500	No	40000	No	20000	No
lot size, each added	2000 sq ft	2000	5000	2000	4000			2500		2000	No	2000	
Commercial-general													
lot size	1 acre	1 acre	1 acre	1 acre	21780	20000		No	20000	20000	No	1 acre	No
frontage	125 ft	200 ft	80 ft	150 ft	60 ft	100 ft		No	50 ft	50 ft	No	150ft	No
Commercial-highway													
lot size	1 acre	1 acre	25000	1 acre	21780	No		No	No	No	No	No	No
frontage	125 ft	200 ft	60 ft	150 ft	60 ft	No		No	No	No	No	No	No
Industrial													
lot size	1 acre	1 acre	1 acre	2 acre	1 acre	1 acre		No	40000	40000	No	2 acre	No
frontage	150 ft	200 ft	150 ft	200 ft	60 ft	200 ft		No	60 ft	125 ft	No	200ft	No
Floodplain rules	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No
Mobile Home Court size	20 acre	No	5 acre	No	20 acre	No	No	10 acre	No	No	10 acre	prohib.	10 acre
Pond rules	Yes	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes	No
Radio tower rules	Yes	No	No	Yes	Yes	No	No	No	No	No	No	Yes	No
Landfill rules	No	Yes	No	No	No	Yes	No	Yes	No	No	No	No	No
Storm Drainage rules	Yes	No	Yes	No	No	No	No	No	No	No	No	Yes	No

Public Opinion

For the past several years, the Henry County Planning Commission has utilized a variety of methods by which to extract public opinion from around the county concerning the most appropriate land use strategies to establish. Beyond several public meetings held throughout each year, the Planning Commission utilized a land use survey tool prior to the development of the County's Farmland Preservation Strategy in 1997.

The responses were not only valuable in the development of this strategy (finalized in 1999), but they are also applicable in the development of land use strategies defined in this comprehensive plan. A random sample survey of Henry County property owners during the development of this Plan was also vitally-important in the development of the goals and objectives clearly enumerated throughout this document as well.

Land Use Survey (1997)

Survey Questions	SD	D	N	A	SA
A. "Sporadic" rural residential development should be controlled	8.2% 14	8.2% 14	1.2% 2	22.7% 39	60% 103
B. Rural residential development should occur closer to areas with adequate infrastructure (i.e. water/sewer and good roads)	7% 12	4.6% 8	4.1% 7	23.3% 40	60% 103
C. Township zoning regulations should be further expanded to control and plan rural residential development	6.4% 11	5.2% 9	3.5% 6	23.3% 48	55.8% 96
D. Henry County should further assist townships in an effort to control sporadic rural residential development	9.9% 17	5.2% 9	6.4% 11	31.3% 54	46.5% 80
E. Productive farm ground should be protected from loss due to rural residential development	7% 12	5.8% 10	3.5% 6	18.6% 32	64.5% 111
F. The townships and other agricultural agencies should share in the costs of a countywide comprehensive land use and development plan	11% 19	10.5% 18	22.7% 39	28.5% 49	25.6% 44

Survey Questions	SD	D	N	A	SA
G. A seminar covering rural development issues should be held in order to educate and gain additional input from the public	8.7% 15	3.5% 6	14.5% 25	25% 43	47.7% 82
<p>Survey Results: 316 surveys mailed: 172 surveys returned (54%). Survey list was generated from Auditor's tax list and a random sample selected of property owners owning 80 acres or more.</p> <p style="text-align: center;">Survey Scale: SD (Strongly Disagree), D (Disagree), N (Neutral), A (Agree), SA (Strongly Agree)</p>					

While the land use survey was mailed to an audience of property owners owning 80 acres or more, another survey took place during the development of the comprehensive plan. The purpose of this survey was to ask similar questions to a sample comprising of all property owners

During January 2002, 759 surveys were mailed to county residents to solicit their unique personal preferences concerning the future growth and development of the county they call home (see Appendix B: Henry County Comprehensive Plan Survey). In addition, township and other county officials were given the same survey during the annual township trustee association meeting in November 2002.

The results of the 2002 survey highlighted several things concerning the growth and development preferences of Henry County residents. Some of these preferences are:

- ✓ Residents believe that confining most of the future growth and development in the northern portion of Henry County is a high priority as well as locating future development where existing infrastructure is located.
- ✓ Utilizing a regional water and sewer district to promote or accommodate growth in/near established areas is in the best interests of Henry County
- ✓ 77% of surveyed residents believed that Napoleon and villages in the County should encourage development within the borders.
- ✓ A majority of residents noted the importance of developers to build homes of various price ranges (76%), and that local governments should encourage the development of plans to promote affordable housing to accommodate younger families and senior citizens (61%).
- ✓ The preservation of selective agricultural and other "significant natural resources" is important to Henry County's quality of life
- ✓ An indication that they could be supportive of a sale tax increase to support the purchase of development rights to preserve prime agricultural and other natural resource areas.

Strategies and Recommendations

Encourage Local Political Subdivisions to Pursue Sound Land Use Mechanisms

To ensure Henry County develops in a planned and orderly manner, it is encouraged that all local political subdivisions begin to implement creative tools that guide future growth and development. For most of Henry County's localities, this may mean one or more of the following:

- ✓ Developing comprehensive land use plans designating future areas for specific land uses;
- ✓ Working with contiguous townships in developing joint economic development zone agreements or cost-sharing agreements to promote economic development in selected areas closest to public infrastructure and populated areas;
- ✓ Becoming more proactive in residential development by land purchases and increased marketing efforts;
- ✓ Revising/updating zoning regulations to facilitate flexibility and permitting developers to be innovative during the zoning and development process; and,
- ✓ Working more closely with the Henry County Planning Commission and other development oriented agencies for professional advice.
- ✓ Encouraging the interrelationship of the Henry County Planning Commission and local trustees in determining land usage and creatively solving land use disagreements.

Attempting to promote any of these planning concepts will require a good line of communication among all parties involved. One method in building the bonds and relationships necessary to promote these concepts is to establish an annual planning and development forum either facilitated by the Henry County Planning Commission or by an outside facilitator. This forum would provide a platform by which all political subdivisions can voice their unique problems and concerns, and allow those concerns to be handled in a timely manner and under professional advice.

In becoming more aware of the different types of planning and zoning tools available, all actors involved in this forum will understand that planning is essential for their community's future. These tools are flexible, provide local land use management, and don't require private property rights to be usurped or infringed upon. Both the public and private sector's interests can be accommodated for in the planning process, but the channels of communication must be clear and accurate. This annual forum will work to solidify planning in Henry County.

Develop Incentives and Innovative Tools for Clustered and Non-Sprawl Residential Growth

Over the next several decades, Henry County will surely grow. The types of development mechanisms currently available to the county and its political subdivisions will shape the county's landscape in the future. With over 72% of Henry County soils having a productivity index of 80⁵ or higher, coupled with the fact that over 93% of the county's soils have severe septic limitations, it

⁵Please see the Natural Resources Chapter for more information of Henry County's soils and their productivity.

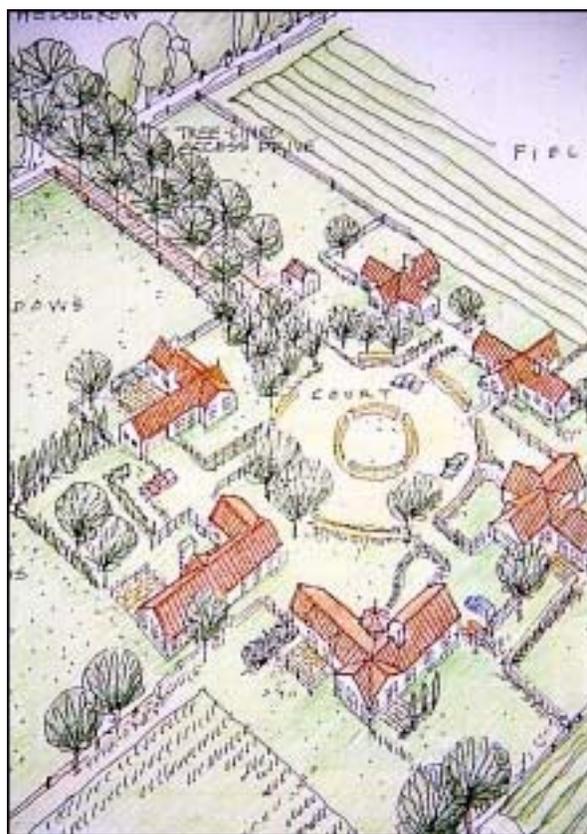
makes clear sense that additional mechanisms are needed to offer developers and individual property owners an alternative to the “one-size” fits all development standards.

Create a Rural Residential District

One method to promote proper land usage across Henry County, and yet still provide for residential development, is to create a new rural residential zoning district (as highlighted in the pictures below). This district would be flexible in nature and be recommended in areas that are suitable to accommodate it.

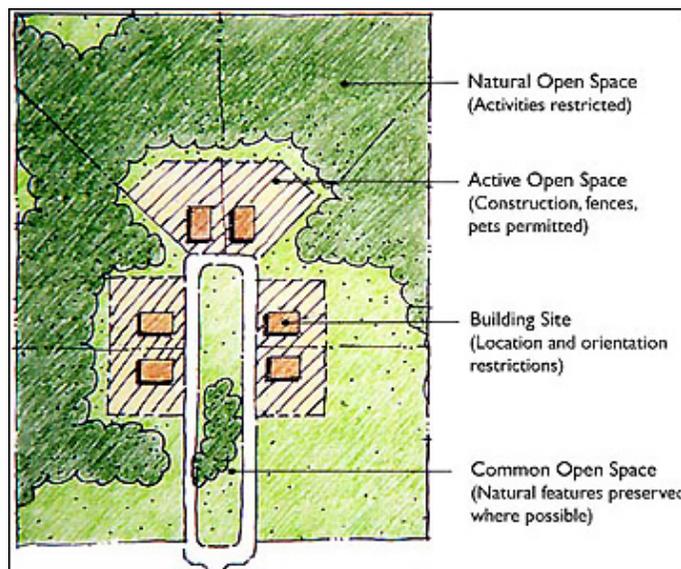
To promote this concept, political subdivisions (primarily townships) would amend their respective zoning ordinances or resolutions to require all new platted subdivisions within these newly zoned areas to be developed in accordance with clustered and conservation design principals. Minimum lot sizes would be reduced as needed in these rural residential areas to allow the developer and owner to capitalize on larger profit margins if such conservation and clustering design principles developed by the respective jurisdiction are met.

The new zoning district boundaries could be determined by the township or land owners could voluntarily pursue rezoning of their property (subject to the limitations on subdivision/plat requirements). This method will allow political subdivisions to provide for residential growth in areas that have the greatest potential to be served with public utilities and other health and human services, including fire and EMS. However, this method should not be applied to areas primarily agricultural in nature, and in those areas of the county lacking the greatest potential to be served with public service and support amenities.



Promote Cluster Development Zoning

If growth is allowed to perpetuate under historical patterns, it will consume several thousands acres of highly productive farmlands in the County, transforming Henry County from a highly competitive agricultural county to a suburban one. Through the formulation and promotion of cluster development design standards, the county will witness a reduction of unnecessary land consumption from new



development, and will allow residents to enjoy a balanced relationship between preserving rural character and permitting growth.

The cost and benefits of cluster development vary depending upon location and land preparation and engineering costs. The biggest benefits to clustered development is a savings in development costs (see table below concerning development costs ⁶). While cost estimations may vary from location to location, this comparison shows that clustering residential units can reduce site development costs by up to 50%, allowing for the developer to attain higher profit margins, while promoting housing availability and preserving agricultural lands.

In an effort to promote this pattern of development in selected areas, clustered development should be placed on equal footing with conventional development by allowing: 1). The developer to submit two plans (conventional and cluster), from which the respective planning or zoning commission may choose and approve; and, 2). Allowing clustered development to occur in selected zoning classifications.

Cost Variable	Conventional Subdivision	Clustered Subdivision
Site Preparation	16 acres \$939,000	7 acres \$411,000
Street Development	2,625 linear ft. \$328,000	1,125 linear ft. \$141,000
Sewage Disposal	24 On-Site Septic \$181,000	1 Clustered Separated \$124,000
% of Unplatted Residential Lots	\$1,448,000	\$676,000
Cost Per Unit	\$60,333	\$28,167

For this type of clustered approach to be utilized in the unincorporated areas of the county, certain regulatory devices, such as the Henry County Subdivision Regulations, may need to be updated accordingly. The Henry County Planning Commission, Engineer, Health Department, Prosecutor, Board of County Commissioners, and the respective township officials should also begin a dialogue on how such compact land

development alternatives can occur and under what circumstances across Henry County.

Promote Uniform Rural Development Standards through Zoning Resolutions

The purpose of zoning is to manage growth, not stop it. Townships are encouraged to initiate creative yet legal zoning. Following are recommended legal techniques which are not unnecessary takings. It is recommended that all townships adopt zoning and follow minimum standards.

Density

To maintain rural character, housing density should be kept to a minimum in ag/rural districts.

Lot Size (example from Washington Township)

To preserve prime farmland, the size of housing lots should be kept to a minimum in ag/rural districts. Suburban Residential zoning should be used to place smaller housing lots close to water lines and central septic systems in a dense pattern. Decrease lot size if services are available.

⁶Development costs assume general site conditions and may vary depending upon the site, infrastructure and material costs, geographic location, and any other exigent circumstances costs.

	<u>Ag/Rural</u>	<u>Suburban</u>	<u>Commercial</u>	<u>Industrial</u>
Both public water & sewer	15,000 sq ft	11,000 sq ft	1 acre	2 acres
Either public water or sewer	1 acre	27,500 sq ft	1 acre	2 acres
Neither public water nor sewer	2 acres	1 acre	1 acre	2 acres

Buffer/Setback (example from Ridgeville Township)

Any side of a lot that abuts an agricultural use shall maintain an open and unobstructed yard setback of 10 feet for trees, plants, and related vegetation. Fences, hedges, walls and similar structures shall maintain a yard setback of 2 feet unless notarized written consent between the abutting/affected property owners is submitted to the Zoning Inspector.

Pond Design (example from Ridgeville Township)

All ponds shall be designed to prevent adverse effects of drainage onto adjoining properties. A drainage system shall be installed to accommodate overflows and surface drainage, and to divert such run-off to a suitable outlet or drainage ditch. Proper maintenance of the pond and pond drainage system shall be the responsibility of the owner of said pond and pond drainage system. The pond should have a minimum of 40 feet of level area between the nearest ditch or creek bank and the grade break of a pond. A general recommendation could be that all ponds have the same setback requirement as for a house.

Homeowner Notice (example from Monroe Township)

An attachment to a zoning certificate for the construction of a single or two family dwelling shall contain the following statement:

I/we the owner of the land upon which a single or two family dwelling is to be built, understand that this land is located in an AGRICULTURAL/ RESIDENTIAL DISTRICT. The primary purpose of this district is to promote and encourage the use of the district for agricultural and animal husbandry. We realize that by living in this district, we may be subject to the normal sights, smell, and sounds related with the pursuit of agricultural and animal husbandry enterprises. Should we sell the dwellings related to this statement, we will advise the purchasers of its existence and content.

Landfill or hazardous waste disposal facilities regulations (example from Freedom Township)

No sighting, establishment, construction or operation of a Hazardous waste treatment, storage or disposal facility for the incineration or disposition by the Sanitary Landfill method of Hazardous waste shall be allowed or authorized anywhere, in any zoning district of Henry County, Ohio.

Floodplain Development (example from Ridgeville Township)

Any proposed use or development activity that is located within the Floodplain Overlay District boundaries shown on the official zoning districts map shall comply with the Henry County Special Purpose Flood Damage Prevention Regulations, prior to the actual development of such use or activity, and the issuance of a zoning certificate. The floodplain district is an approximate replica of the flood zones shown on the Henry County Flood Insurance Rate Map (FIRM), Community Panel Number:390776 0025 B. Therefore, whenever the zoning map floodplain district boundaries conflict with the FIRM, the FIRM shall take precedence. The flood regulations for Henry County are enforced by the Henry County Planning Commission.

Telecommunication Facility (example from Ridgeville Township)

There is local zoning authority over the placement, construction and modification of cellular telephone facilities and other “personal wireless telecommunications” service facilities. A zoning certificate is required before installation.

Storm Water Management (example from Liberty & Ridgeville Township)

Any new construction must provide for its own outlet tile for storm drainage. No drainage will be allowed in county or township outlets without a township zoning permit.

It shall be the discretion of the Board of Township trustees, Board of Zoning Appeals, Zoning Commission, or Zoning Inspector to determine if a proposed residential, industrial or commercial use is located in an area having poor drainage characteristics and/or will require adequate storm water management facilities due to the nature of the proposed use. Adequate plans and specifications shall be required for review and approval prior to the issuance of a zoning certificate or conditional zoning certificate. Storm water management facilities may include the following:

- ✓ Surface drainage systems
- ✓ Storm sewer and tile systems
- ✓ Storm water retention structures
- ✓ Open ditches and diversion channels

To alter an existing water course in such a way as to change the amount or direction of flow, including cut and fill and placement of buildings or structures, shall have the prior approval from the Henry County Engineer and Henry County Planning Commission.

Zoning Districts The following zoning districts should be encouraged by Henry County townships to create to clearly focus on the intended land use in that area.

Agricultural District – Rural

Preserve and protect prime agricultural land. Control the indiscriminate infiltration of urban development in agriculture areas which adversely affect agriculture operators. Primarily use groundwater and septic system.

Suburban Residential District – One or Two family dwelling

Accommodate existing built up areas and allow land for projected non-farm residential growth. May be served by public water or central sewer.

Multi-family Residential District – Three or more family dwelling

Permit the development of multi-family dwellings and planned neighborhoods having a variety of dwelling types. Public or community water supply and sewage disposal facilities are required in high density development of this type.

Commercial District - General

Encourage integrated groupings of retail stores and personal and professional services.

Commercial District – Highway

Highway oriented business.

Industrial District

Provide for certain non-retail commercial uses, warehousing and storage, manufacturing, assembling, and fabricating activities.

Floodplain District

Protect and minimize public and private losses due to flood conditions in specific areas.

Open Space District

The purpose of this district is to provide residents with areas for recreation and conservation.

Establish and Identify Preferred Development Zones and Growth Areas

Certain areas within Henry County are simply better suited for development of certain land uses than others (see maps in Natural Resources chapter highlighting development constraints). This is generally true because these areas are accessible to key transportation networks and public utilities, have proximity to established population centers, and/or contain better soil types (or lack of soil constraints). With this principal in mind, the Henry County Comprehensive Plan Steering Committee, in conjunction with the Henry County Planning Commission and public input, have established “Concept” and “Growth” areas, across the county that are best suited for selected types of development.

The criteria that was used in defining Henry County’s concept and growth areas consisted of the following factors:

- ✓ Proximity to developed areas, preferably incorporated areas, with similar land use types
- ✓ Proximity to county or municipal utilities
- ✓ Located on or near key transportation routes with good accessibility
- ✓ Documented and potential health and safety issues⁷
- ✓ No environmental constraints (floodplains, wetlands, other significant natural or “pristine” areas)
- ✓ Areas with increasing growth trends or areas with growth potential

These criteria were developed taking a holistic approach to the development, and do not override any specific methodology for development currently in place by any of the county’s political subdivisions.

Concept Areas

During the planning process a variety of geographic areas across the county were given special emphasis as “concept” areas (see **Map: Concept and Growth Areas**). These areas were selected on the basis that all of them had a higher than normal pattern of rural residential development (or other types of development), generally located near established public water/sewer facilities, and accessible by primary state or U.S. highways.

⁷The issues include ground water quality and supply, increased on-site sewage disposal systems, and increased curb cuts onto low capacity roads.

With a majority of Henry County soils being of inadequate composition to accommodate individual septic systems, these “unplanned” development in these concept areas pose additional health and human safety risks to residents due to potential groundwater contamination. The concept areas are prime candidates to construct/expand public infrastructure improvements in order to mitigate potential future problems in these areas. In addition, their general geographic location and accessibility to good transportation networks also increase the potential for these locations to witness future development. It was these factors that highlighted the selected concept areas for further planning analysis.

New development occurring in these areas should be orderly, logical, and closest to existing public infrastructure/services so that “safe” growth can be accommodated. In promoting safe growth, Henry County will be able to reduce future infrastructure and litigation costs typically affiliated with sprawl growth and “reactionary” planning. A prime example of this is the unsanitary conditions that currently exist in the unincorporated area of Okolona, and which is now under EPA findings and orders to be mitigated by the county.

Proactive planning on behalf of the various county agencies and boards tasked with overseeing growth and development is therefore necessary to stop potential problems such as those occurring in Okolona. The characterization and analysis of these county concept areas will provide an important first step towards ensuring growth occurs in the best interests of all parties involved and done so to prevent “growth-related” problems from occurring in the future.

Concept Area One: The Freedom Township Concept Area

This concept area is bounded by County Road V to the north; State Route 108 to the east; County Road S to the south; and County Road 16 to the west. It was selected for special emphasis due to its close proximity the City of Napoleon, public water facilities, established transportation networks, and likelihood for future residential agglomeration. The northern portion of this area in Freedom Township also includes the unincorporated area of Gerald, which is estimated to be the fourth largest unincorporated area in the county, following Ridgeville Corners, Okolona, and Texas.

Currently, the County provides water services to the Country View Haven facility near County Road S, which is this concept area’s southern boundary. This waterline could be extended to accommodate growth deemed in the county’s best interest, especially if the benefits outweigh the costs involved for the extension. Geological and soil constraints in this area also provide additional justification for new development to be accommodated with public water and sewerage services.

Concept Area Two: The Napoleon Township Concept Area

Located contiguous to the City of Napoleon’s western periphery, this concept area is bounded by Napoleon to the east; Township Road R to the north; Township Road 17 to the west; and US 24 to the south. This area was selected as a concept area due to its close proximity the City of Napoleon and its public facilities, established transportation networks, and its likelihood for future residential, commercial, and industrial growth.

This concept area overlaps with future growth areas highlighted in the City of Napoleon’s Comprehensive Plan due to its prime location on US 24 and available access to public infrastructure. Because of this concept area’s likelihood of future growth it is important that the County Commissioners, City of Napoleon and Napoleon Township trustees continue an open dialog in the

future concerning this concept area and begin to lay a foundation by which growth could be accommodated in the best interests of all parties involved.

Concept Area Three: The Harrison Township Concept Area

This concept area is bounded by Township Road P3 to the north; US 6 to the east; Township roads 11C and O to the south; and Napoleon's corporate limits to the west. Like Napoleon Township, it was selected for special emphasis due to its close proximity to the City of Napoleon and its public facilities, established transportation networks, and its likelihood for future residential, commercial, and industrial growth.

During the planning process of the county's comprehensive plan, this area was selected because of not only the type and density of land usage that currently exists in this area, but the fact this area was selected as a preferred development area during the development of the City of Napoleon's Comprehensive Plan as well.

Because of the overlapping interests on behalf of both political jurisdictions, as well as its prime location for commercial, industrial, and residential development, it was highlighted to receive additional planning attention and resources in the future. This is largely due to the fact the anticipated development that could occur in this area may not be able to be safely accommodated without public facilities. The northern portion of Harrison Township consists of underlying shale that is considered a poor source of ground water. The township's soil composition, largely comprised of the Millgrove-Mermill-Haskins and Granby-Ottokee-Tedrow soil groupings, are also not suitable for septic tank leaching fields.

Because of this concept area's likelihood of future growth it important that the County Commissioners, City of Napoleon and Harrison Township trustees continue an open dialog in the future concerning this concept area and begin to lay a foundation by which growth could be accommodated in the best interests of all parties involved.

Concept Area Four: The Liberty Center Concept Area

This concept area is bounded by County Road W to the north; County Road 7 to the east; the Maumee River to the south; and County Road 9 to the west. It was selected for special emphasis due to its close proximity to public water and sewerage facilities, established transportation networks (US 24 and SR 109), and its likelihood for future residential agglomeration.

Because of the geological constraints (soils and high shale) that exist in Liberty Township, groundwater resources and the accommodation of septic tank leaching fields are considered poor. However, the availability of public water and sewerage services in this area can help tremendously to mitigate these health and human safety issues and assist in encouraging "safe" growth. With the anticipated future development that could occur in this area, it is recommended most new types of development are encouraged to utilize public facilities, most likely attainable from the Village of Liberty Center.



Concept Area Five: The Colton and Texas (Washington Township) Concept Area

This concept area is bounded by County Road V to the north; County Road 1 to the east; the Maumee River to the south; and Township Road 5B to the west.

The primary reason in selecting this general area for future attention is the fact that two populated unincorporated establishments, Texas and Colton, exist in this area and are located on or near major transportation networks (US 24 and SR 109). They are also located in Washington Township, a township due to its close proximity to Lucas County is experiencing increased residential development pressures (135 splits of 5 acre or less were recorded during 1990-2000).

While both Texas and Colton were selected in the 1972 Comprehensive Area-Wide Plan for future sanitary sewerage service, none currently have them. Only Texas has public water services, which it receives from Liberty Center. Ground water supplies vary from ample in the limestone of the southeast and may be limited in the northern areas of the township. Shale in the township is considered a poor source of ground water, thereby making the provision of water facilities necessary in this concept area. Currently, a water main from Liberty Center provides water to Texas along the Maumee River, and further studies should be planned to pursue the feasibility to provide the unincorporated area of Colton with public water services.

Concept Area Six: The Damascus Township Concept Area

This concept area is bounded by the Maumee River to the north; county boundary to the east; County Road P to the south; and SR 65 to the west.

This area was selected as a concept area due to its location, physical constraints for future development, and likelihood for future residential development. Due to the physical constraints for onsite septic systems and the shallowness of available groundwater resources, it is important that future development within this area be accommodate, if feasible, through public infrastructure or through methods that protect groundwater resources and wells from septic contamination.

Concept Area Seven: The Ridgeville Township and Ridgeville Corners Concept Area

The Ridgeville Township Concept Area is bounded by the county boundary to the north; Township Road 22 to the east; the county boundary to the south; and Township Road 24 to the west. The Ridgeville Corners Concept Area is a one-mile radius around the unincorporated area.

The selection of these areas as concept areas was largely due to many factors: the location of these areas in proximity to established thoroughfare networks (State Routes 66 and 34 and US 6), the availability of public utilities (water/sewer), and the potential for additional residential, commercial, and industrial growth.

Growth Areas

During the next several decades Henry County will surely grow and develop. It is anticipated that growth will occur in a logical extension outward from the existing nine municipalities throughout Henry County (see **Map: Concept and Growth Areas**).

These growth areas should receive the highest priority of planning attention in the future. This is largely based on the fact that the Ohio Revised Code, under Home Rule, gives municipalities the most planning and zoning flexibility of all political subdivisions in the State of Ohio. In addition, most new development can be accommodated with the existing water and sewerage facilities

currently owned/operated by the respective municipality. This allows development to occur at higher densities. Higher density development will reduce public infrastructure costs, promote better housing opportunities, and tremendously assist in the preservation of the County's strong agricultural base.

Growth areas also need to be planned due to the inherent conflicts (e.g., zoning, land use, tax base/revenues, higher density development, etc.) between the "city edge" and the rural/agricultural countryside. Furthermore, annexation laws in Ohio may be revised to enable townships and unincorporated areas more of "voice" when territory is lost to a municipality. Respective officials and developers must consider these factors when planning for development, and they should promote cooperation and planned growth among all impacted political jurisdictions.

While development standards will most likely comply with the existing zoning ordinances within the municipalities, it is encouraged that local jurisdictions pursue mechanisms that promote higher density and more compact development patterns. Average gross residential density should be between four to six dwelling units per acre (7,260 to 10,890 square-foot lot).

Typical commercial and industrial floor area ratios (FAR) should be encouraged between 0.25 to 0.50 (10,890 to 21,780 gross square feet per acre). However, these floor area ratios should be developed with flexibility in order to not prevent future industrial and commercial development from occurring. In addition, engineering standards for public improvements should be utilized to accommodate future growth and development. This will help to protect health and human safety of existing and future residents.

Utilize Established Criteria in Assessing Development Proposals

By establishing ascertainable criteria in rating development proposals, the respective actors involved with planning and development in Henry County will be able to identify the most promising development projects, and be able to attain several principles under which this plan is developed. In addition, this criteria should be used in developing new (or amending existing) zoning ordinances and resolutions in order to promote flexible development options within areas having the most development potential. The criteria should be as objective as possible, and utilized in a worksheet format (see Development Proposal Ratings Worksheet on Page 22).

Development Proposal Ratings Worksheet

Site Assessment Factors	Weight Assigned	Factor Grade & Total Site Points (see points scale)	Total Points X Weight Assigned	Maximum Points & Site Grade
Distance to Public Water Sewerage Services	3			30
Proximity to Key Routes	2			20
Distance from Napoleon Village	1.5			15
Consistency with Comprehensive Plan (e.g., in a preferred development growth area)	2			20
Consistency with Municipal Township Plan or Ordinance or	3			30
Compatibility of Adjacent Use	1			10
Availability of Fire, Police, EMS Services	1.5			15
Percentage of Land in within 1.5-mile	1			10
Economic Impact of Development	2			20
Public Support for	1			10
Special	2			20
Site Assessment				
Total Points				200
Total Points Scored				200
*Overall Grade				
Factor Grade: Poor, Average, and Excellent. Points Scale: 1-4 points (poor); 5-7 (average); 8-10 points				
*Grading Scale (A= 170-200; B= 140-169; Proposal Needs Improvements= 100-139; No Approval or Poor Site Location= Less than 99 Points)				

Encourage Residential Development Guidelines

Residential land use for rural non-farm residential lots is the second largest land use in Henry County after agriculture. The dominant housing type in the rural portion of the unincorporated areas is a single family detached house on large lots - rural lots. The result of this trend is that more land (farmland) is being used to accommodate residential growth outside of the urban service boundary.



In the rural areas of the townships, home sites have been occurring mainly as rural non-farm lots scattered sporadically over the townships along existing roads, some of which may be heavier thoroughfare routes than others. If this trend continues, more farmland will be used for non-farm purposes and more traffic related injuries could occur.

The purpose of these types of residential guidelines is to establish clear guidelines for the creation of rural non-farm residential lots to further the efforts of farmland preservation within Henry County. There is a need for

Henry County to develop a rational rural non-farm residential lot policy to protect the current agricultural areas of the County.

Rural residential developments can be expected to occur within some areas currently used for agricultural purpose. Almost all of these areas will be outside of the municipal boundaries. Recently, there has been a trend, where rural residential development has occurred where public water distribution systems are available, with this public utility (water) a modest increase in densities can be allowed.

The location of rural residential developments within the County should be considered on an individual, case-by-case basis by the respective local political subdivisions. Specifically, each case should consider the physical capability of the site to accommodate the proposed density and the existing patterns of the surrounding land uses. Rural residential development is encouraged to be located in areas that are not productive or outside the outer edge of active prime agricultural lands, to act as a buffer between the agricultural lands and denser residential development and should be discouraged (if possible) within an active agricultural area. The intrusion of rural residential development into these areas can be considered a direct conflict with the countywide goal of preserving prime agricultural land. In addition, rural residential development building sites, together with all residential development-building sites, should not be permitted within any area where building sites are subject to periodic flooding and/or within the regulatory flood plain.

Due to the non-agricultural orientation of most rural residential developments, the residents require locations with accessibility to employment centers and shopping facilities via an adequate road network. In order to maintain the efficiency of such a road network, strip-type development/low density sprawl of rural residents, that require driveway access to existing roadways, should be discouraged. Clustering of these uses on one side of the thoroughfare with limited curb cuts to the thoroughfare, or along lesser-traveled local roads with adequate capacity should be encouraged.

With On-Site Well and Wastewater Disposal- The lot size of new rural residential developments should range between one and five acres per dwelling unit. However, since utility services may not be expected outside of the projected urban area, the density of each individual development should be guided by the overall capability of the entire site to accommodate on-site water supply and wastewater disposal for an extended period of time. A soil evaluation for septic tanks and a well test to evaluate the availability of groundwater, should be completed by the Henry County Health District prior to the approval of any rural residential development in order to insure the public health and safety. In cases where no utility services are projected within the planning period, it is encouraged that the average density of proposed developments should not exceed one (1) dwelling unit per three (3) acres (gross density) with the smallest lot not being less than one (1) acre (or as specifically-determined by the Henry County Health Department or local zoning inspector).

With Public Water and On-Site Wastewater Disposal - The lot size of new rural residential developments with a public water supply should range between one and five acres per dwelling unit. Since public water is available, the density of each individual development should be guided by the capability of the site to accommodate on-site wastewater disposal and to maintain the rural character of the area. The Henry County Health District, prior to the approval of any rural residential development, should complete a soil evaluation for septic tanks and leach fields in order to insure the public health and safety. In cases



where public water is available or will be provided, the average density of proposed developments should not exceed one dwelling unit per two and a half (2.5) acres (gross density) with the smallest lot not being less than one (1) acre.

An option for rural residential development could be the cluster/open space concept as illustrated on page 13 of this section. Cluster development is a design technique that concentrates building on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. Clustering permits a rural atmosphere to be preserved for both the residents of the development and the surrounding community. Open space areas can be preserved:

1. Along public roadways bordering the development, so that views from the roads are largely ones of open space, rather than ones of conventional acreage house lots lining the road; and/or
2. Along rivers, streams, and creeks and their associated flood plains and wetlands, to protect the natural functions of these water bodies; and/or
3. To protect agricultural land by clustering development of agricultural land in the forested/wooded areas of the farm or on the marginal farming areas of the site. Thus allowing agricultural practices to continue in the open spaces; and/or

4. To protect woodlands by locating development in fields or along open areas, etc.

Cluster development can be used for a wide variety of open space preservation priorities. These priorities can vary according to the type of resources that are valued most highly by an individual community. Cluster development also has benefits for the developer. By clustering the development, the cost of infrastructure improvements, site clearing, and environmental mitigation's are generally decreased.

Urban Residential Requirements

For the purpose of the Comprehensive Plan, urban residential development has been divided into three density types: Low Density, Medium Density, and High Density. Residential uses include single family; multi-family (two, three and four family dwellings); condominiums; townhouses; and apartments. Gross density, which accounts for all of the land within the development, will be used to define the residential densities described in this section. This list of criteria will help guide the decision making process to determine the appropriate density of a specific parcel on a case-by-case basis. The density to be administered to a specific site should be determined by:

1. The density range provided by urban density classification;
2. Surrounding adjacent densities and land use(s);
3. Capacity of existing and proposed utilities;
4. Capacity of the existing/affected thoroughfares;
5. Consistent with community goals; and
6. Characteristics of the site:
 - ✓ Topography and natural buffers,
 - ✓ flood plains and wetlands,
 - ✓ unique geologic features and groundwater sensitivity, etc.
 - ✓ unique/threatened/endangered plant and animal species, and

Low Density - Low Density Urban Residential development is encouraged to occur at densities greater than one and less than three dwelling units per acre. The dominant dwelling type should be the single-family unit with occasional two-family development at appropriate locations. Cluster development which maintain an overall density of 1+ to <3 dwelling units per acre is encouraged. Both public water supply and sanitary sewer must be available to the site.

Medium Density - Medium Density Urban Residential development describes areas allowing from three to six dwelling units per acre. The dominant dwelling type is encouraged to be the single-family unit and two-family, with multi-family development at the greater densities of this range. Cluster developments which maintain an overall density of 3 to <6 dwelling units per acre are encouraged. Public water supply and sanitary sewer service shall be required for areas designated as Medium Density Urban Residential in the future.

High Density - The High Density Urban Residential category designates areas that are encouraged to develop at densities greater than six dwelling units per acre. The dominant dwelling types should be two-family and multiple-family structures; however, single family

zero lot line structures are acceptable. Both public water supply and sanitary sewer service shall be required for areas designated as High Density Urban Residential.

Recommended Development Standards for Various Types of Residential Development in the Unincorporated Areas of Henry County

Land Use Type	Gross Density	Utility Services	Dominant Type of Dwelling Units
Rural Residential Development	1-5 acres per dwelling unit with average lot size of three (3) acres	On-site well and soil conditions necessary for on-site wastewater disposal	Single Family (detached)
Rural Residential Development (with public water)	1-5 acres per dwelling unit with average lot size of 2.5 acres	Public water supply is required and soil conditions necessary for on-site wastewater disposal	Single Family (detached)
Low Density Urban	Greater than 1 and less than 3 dwelling units per acre	Public water supply and sanitary sewer are required	Single family (detached) Two family
Medium Density Urban	3-<6 dwelling units per acre	Public water supply and sanitary sewer are required	Single family and two family. Multiple family at the greater densities of this range.
High Density	6+ dwelling units per acre	Public water supply and sanitary sewer are required	Zero lot line single family, two family and multiple family

General Requirements - Urban residential development should be located on sites offering a diversity of both man-made and natural physical features. Public utility services must be provided for urban residential areas prior to development or as a function of the development. These services should possess adequate capacity, flow, and pressure for the type and density of the potential urban residential development.

Urban residential land uses should be adequately buffered from incompatible land uses such as industry, commercial centers, agricultural areas, or other potentially incompatible activities. Incompatibility should be determined by:

1. Differences in the intensity of each use;
2. The physical relationships among each use; and
3. The external effects generated by each use.

Urban residential areas of substantially different densities should also be adequately buffered by open space or transitional urban residential uses of an intermediate density. Urban residential development should preserve or create a completely unified neighborhood,

having safe, convenient access to school(s), churches, park sites, and other community activity centers and encourage pedestrian and bike access. Small local shopping facilities oriented to the every day needs of the neighborhood residents may be encouraged at appropriate locations.

Promote Agricultural Easements to Conserve Prime Agricultural Resources

Based upon the most recent Henry County survey, county residents predominately believe (83%) that selective agricultural and other “significant natural resource areas” should be preserved. Without a formalized Purchase of Agricultural Easement program in Henry County, one method property owners could utilize is agricultural easements.

An agricultural easement is the single most powerful legal tool for the permanent protection of farmland, allowing the owner to permanently protect the land from non-farm development without giving up ownership. Under federal tax law an agricultural easement is treated the same as a conservation easement. It is a flexible agreement between a landowner and a government entity. It is filed with the County Recorder and its terms are binding on future landowners as well as current ones. When a landowner donates an agricultural easement, he or she still owns the land, manages the land for farming, pays taxes on the property, and retains the right to sell it or pass it on to heirs.

If done according to IRS requirements, donated agricultural easements can also be treated as charitable gifts and can be deducted from income tax. The amount of the gift is the difference between the appraised value of the land before the easement, and the appraised value of the land after the easement is in place.

Additionally, a permanently donated agricultural easement reduces the appraised value of a farm and can result in lower or zero estate taxes. There is also an added benefit of a second estate tax reduction of up to 40%, or a maximum of \$500,000.

The Ohio Department of Agriculture is enabled under Ohio law to receive donations of agricultural easements. This allows donors to be eligible for federal tax benefits, depending on compliance with applicable tax laws, and with regard to individual circumstances. Other organizations in Northwest Ohio that are also able to accept conservation easements to ensure land remains in agricultural use is the Black Swamp Conservancy.