

NATURAL RESOURCES: Land Use

Position: Land Use

(Adopted May 1999; amended May 2003)

1. LWVO supports both urban revitalization and farmland preservation and the curbing of suburban sprawl.
2. The State of Ohio should provide authority and incentives for local governments to plan together regionally as well as to exercise innovative additional land use planning and regulatory techniques such as land banking, planned unit developments, purchase and transfer of development rights, limited development ordinances, scenic easements, agricultural districts, cluster development, conservation reserves and land trusts, urban enterprise zones, environmental impact assessments, impact fees, tax abatement, and zoning efforts.
3. There should be an enforcement system that includes a method of appeal or arbitration where conflicting land use needs exist.

(Adopted March 1977)

4. Eminent domain shall be used by the appropriate governmental or “quasi” governmental body as a means of acquiring land for the following purposes, providing that good land use planning and decision-making procedures have been instituted and provided that such application is used only after all other methods of acquisition fail:
 - a. highways and railroads;
 - b. parks and open spaces;
 - c. utility corridors;
 - d. power siting;
 - e. public developments (i.e., schools and hospitals);
 - f. urban renewal;
 - g. transportation terminals; and
 - h. areas of critical concern such as fragile or historical lands.

Background: Land Use

League interest in land use first developed as members realized how much land use figured in both our human resource and environment concerns.

The positions above include portions of the specific LWVO consensus reached in 1975 and 1977. During the 1972-75 LWVUS study of land use, state-related material was sent to local Leagues, and there were LWVO and LWVUS consensus questions. Sixty Leagues took part in consensus. The state positions originally announced incorporated provisions from the LWVUS consensus to make them more comprehensive. In 1977 part of the duplicate language was dropped. The 1983 Convention dropped additional portions of the positions.

To clarify member attitudes toward eminent domain, the 1975 Convention approved further study of the issue. The position was adopted in 1977. At Convention 1997, delegates voted a two-year expansion study of our land use positions. We expanded our position in 1999.

In 2003, a clarification was added to the positions to emphasize the need for state support for regional planning.

Outlook: Land Use

Ohio’s long, strong commitment to local control makes increasing the state’s role in land use planning and growth management difficult. Furthermore, as in much of the country, Ohio is struggling with financial problems and there is less concern about environmental than economic issues.

The Clean Ohio Fund (available since 2000) continues to provide help for bikeways, trail improvements, brownfield remediation, agricultural easements, greenspace conservation.

Land use topics of current interest to the LWVO include (i) concentrated animal feeding operations (CAFO) controversies; (ii) increase of nutrients in water bodies from runoff contributing to more algal growth and dead zone reappearance; (iii) fracking and the use of public lands for drilling for energy; (iv) Lake Erie related issues including the consumption of oil and gas found under Lake Erie, the Great Lake Compact, shoreline controversies, public vs. private use of shoreline, spread of alien species, and the demand for more water by thirsty cities and agriculture.

After a powerful farm lobby helped pass a constitutional amendment that created an Ohio Livestock Care Standards Board in 2009, no bills about CAFOs appeared.

In June of 2009, the Compact with Ohio Cities Task Force created by HR20 started the process of more regional cooperation between political subdivisions, one of LWVO's land use goals, and submitted a Jan 2010 report calling for more help and fairer treatment by the state.

In the 2011-12 legislative session, little proposed legislation directly addressing land use has been introduced. A brief summary of current bills related to land use which passed include:

HB229, Agriculture, was passed reducing the opportunity for local authorities re infrastructure concerns about industrial agriculture.

HB133, Oil and Gas Leasing/Drilling on State Land, which was signed into law on June 30, 2011, creates a board which can enter into leases on land owned or controlled by a state agency for the purpose of funding that agency.

The toxic pollution of Grand Lake St. Marys and the state's so-far failed and expensive attempts (using aluminum sulfate) to remedy it provide a cautionary tale about possible effects from agricultural runoff and the state's reluctance to deal with likely causes. A parallel case is the increasing algal problems in Lake Erie and its reappearing dead zones. The OEPA is greatly hampered by loss of funding.

Newer on the horizon is drilling for natural gas, a process called hydraulic fracturing ('fracking'), which describes the use of high pressure water containing undisclosed chemicals to break up the shale deposits a mile or more below ground. There is a big land use footprint in this process. The Ohio legislature passed a measure (HB133) to allow drilling on public lands, including state parks but excepting nature preserves (June 2011). We await a detailed study of fracking by the US EPA.

Hopes for high speed rail transportation, which could have a positive impact on land use, received a setback early in 2011 when Gov. Kasich returned the Federal stimulus money that was to be used to get it rolling.

Many Ohioans may become more short-sighted when they feel financially stressed, so it behooves the League to be more watchful, champion the long-term view and try even harder to protect our environment.

