

# 5.0 Implementation

Implementation of the Big Darby Accord Plan will require coordinated effort among a number of key stakeholders, including property owners that will be multi-jurisdictional, multi-level, and multi-faceted. Figure 5.1 has been developed to illustrate the major levels of activities needed to implement the Plan, including a new Big Darby Accord Advisory Panel, technical review activities among the jurisdictions and other regulatory agencies, a Community Authority and other partnerships. These levels are further defined in the following sections.

## 5.1 Big Darby Accord Advisory Panel

A fundamental goal of the Big Darby Accord is to ensure that the zoning and site development review processes are fair, consistent and apply evenly to all areas of the planning area so the plan implementation moves forward.

The processes for zoning and site development are different. Zoning changes the use and development requirements for a site and is usually the first step in development. Site development includes a building program, and site plans are created for

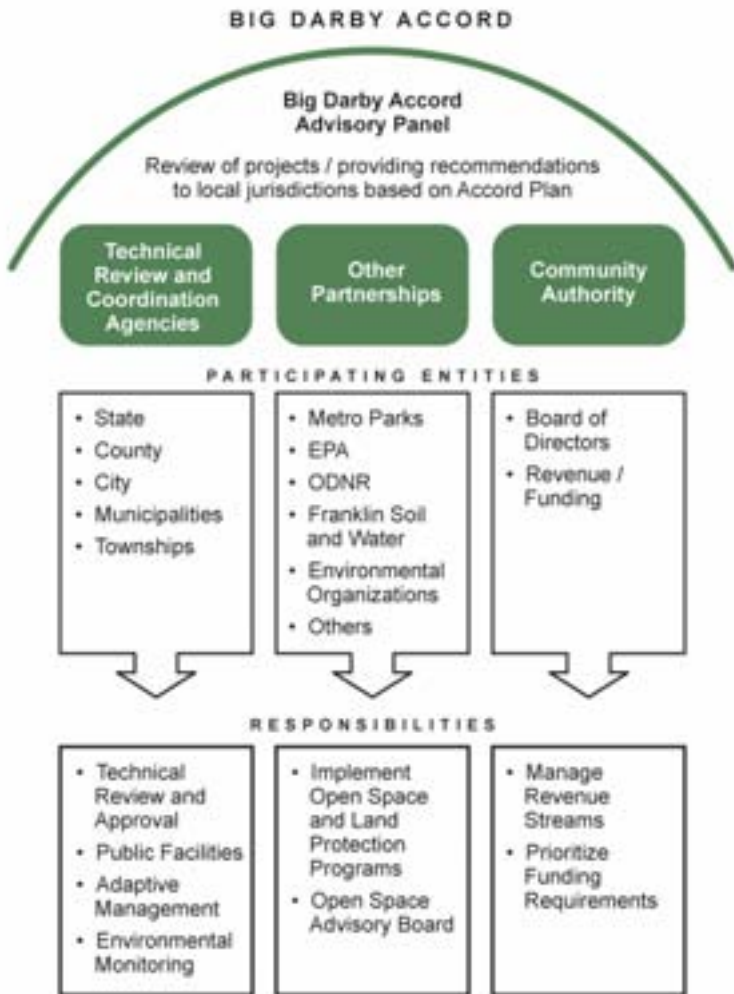
development of the site. Both steps require review under existing jurisdiction processes; however, currently no mechanism ensures consistency among Accord jurisdictions when reviewing plans in accordance with this Plan. A Big Darby Accord Advisory Panel is recommended to fulfill an oversight function to the review process and create a mechanism for collaboration among the jurisdictions. The recommended structure is similar to the Rocky Fork-Blacklick Accord Panel that has successfully reviewed development plans in the Plain Township area for Columbus and New Albany since 1997. The Big Darby Accord Advisory Panel enhances the standard review process that exists today, facilitating it for both the developer and Accord jurisdictions while ensuring the protection of the Big Darby Creek.

The broad role of the Big Darby Accord Advisory Panel would be to work together to implement the Plan. Confirming that land use changes and zonings are consistent with the general land use plan and plan policies, establishing open space conservation areas, ensuring

### Key Recommendations

- Establish a Big Darby Accord Advisory Panel
- Establish an Environmental Monitoring Group
- Establish an Open Space Fund
- Establish a Land Stewardship Program
- Create a uniform parkland dedication ordinance
- Develop a Purchase of Development Rights Program
- Explore Density Transfer Charges and Transfer of Development Rights Programs
- Establish a backyard conservation program
- Prepare a Town Center Master Plan
- Establish a New Community Authority
- Establish Tax Increment Financing (non-school)
- Establish Developer Contributions with flexibility
- Establish level of service needs for community services
- Establish a Monitoring Program with watershed and site-level applications
- Appoint staff to carry out implementation
- Update the plan every 5 years
- Develop centralized tracking system for development/conservation
- Revise the development review process and incorporate a development review checklist
- Complete a Memorandum of Understanding among the Accord jurisdictions

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**Figure 5.1 Various Roles and Responsibilities for Plan Implementation**

adequate public facilities and overseeing adaptive management principals are the focus areas for the Advisory Panel.

The Big Darby Accord Advisory Panel would share responsibility with the local governing jurisdiction to review and render advisory, non-binding opinions on zoning applications and site development plans in terms of conformance with the Accord Plan. A Memorandum of Understanding among the Accord jurisdictions suggests that the panel

recommendations would be strongly considered in the formal review process. Each jurisdiction will continue to be responsible for final plan approval or denial for proposals in their area.

Specific details related to the site development process would remain under the review of the jurisdictional authority. Established processes for coordinated technical review in the municipalities, and an established Technical Review Committee comprised of County departments and agencies for

unincorporated areas of Franklin County should continue with the added responsibility of ensuring consistency with the Big Darby Accord Plan. Technical committee roles are described in Figure 5.2.

The Big Darby Accord Advisory Panel should be comprised of a combination of representatives from the Accord jurisdictions. The composition of the panel may be influenced by existing personnel resources and available expertise; however, it should represent the interests of all of the jurisdictions within the planning area. Figure 5.3 sets forth a recommended panel representation; the composition of the Panel will ultimately be determined by members of the Accord.

The Accord jurisdictions should consider the need for having dedicated staff to assist the Big Darby Accord Advisory Panel in its roles and duties. Dedicated staff could serve administrative duties and facilitate coordination among the jurisdictions and various technical agencies and partners.

### 5.2 Development Review Process

Coordination related to the development review process and the role of the Big Darby Accord Advisory Panel and supporting technical review is described this section.

The description of the zoning and site development review processes is intended as a general explanation of the steps that should be followed for any site within the Accord planning area.

Department or Agency	Development Issue
Board of Health	On-lot septic systems
Columbus/County Sanitary Engineers	Regional sewerage treatment issues
County Engineer	Roads, stormwater, public utilities, etc.
Soil and Water Conservation District	Stormwater, NDPES compliance
Development Department (City or County)	Zoning, lot splits, subdivision plats, etc.
Township Official	Zoning

**Figure 5.2 Technical Committee Roles in Planning Area**

Jurisdiction	Appointees
City of Columbus (City Council and Mayor appointments)	3
City of Hilliard (City Council and Mayor appointment)	1
Franklin County (Board of Commissioners appointment)	2
Brown Township (Trustee appointment)	1
Prairie Township (Trustee appointment)	1
Pleasant Township (Trustee appointment)	1
Suburban Municipality (Grove City)	1
At Large	1

**Figure 5.3 Recommended Accord Panel Composition**

### 5.2.1 Zoning and Site Development Review Processes

All applications for zoning, subdivisions, minor lot splits, and site development within the Big Darby Accord planning area should follow this process. The process outlined for review is meant to address future redevelopment and development efforts that affect land use change. It is not the intent of this Plan to evaluate minor changes such as minor house additions, new porches, etc. The zoning and development processes are described together due to significant overlap in steps. Where necessary for clarity, zoning and site development are articulated separately. Figure 5.4 depicts the

general flow for zoning and site development approvals.

Zoning applications should not be considered without completing this process, and plat or minor lot splits should not be able to be recorded, nor a building permit issued, without completing this process. The site development process applies to all development applications that will result in the placement of habitable, non-agricultural structures.

#### *Pre-Submittal Meeting*

It is recommended that any applicant with a proposed project (zoning or site development) within the planning area meet with the jurisdiction’s designated technical

review body. This body outlines the process, provides initial feedback, answers questions and highlights key issues or red flags. The technical reviewers should be capable of analyzing biological, hydrological and scientific information and follow a development review checklist to ensure adequacy of plan information and detail, as described in Section 5.2.2.

#### *Proposal Submitted*

An applicant desiring to rezone land for development or develop in the planning area should submit an application to the appropriate jurisdiction (county/township or city). The application will ensure conformance to applicable criteria such as water quality monitoring, open space requirements, fees, etc.

#### *Application Certified as Complete*

The application materials for zoning or site development are reviewed by the local jurisdiction for completeness in light of jurisdiction and Accord Plan requirements. A complete application is forwarded to the Big Darby Accord Advisory Panel. An incomplete application would be held until all required materials are provided.

#### *Jurisdiction Technical Review*

At a regularly scheduled meeting, the designated technical review body reviews the details of all completed application plans for compliance with the Accord Plan and jurisdiction requirements. Staff should have technical expertise and be capable of analyzing biological, hydrological and other scientific information. Review should address environmental and infrastructure requirements related to issues such as best management practices, waste water treatment system, water quality monitoring, development fees, required



**Figure 5.4 Generalized Development/Zoning Review Process**

permits, open space, land use and density, etc. Technical reviewers should follow a development review checklist.

***Jurisdictional Staff Review***

The staff of the jurisdiction with authority over the project site prepares a staff report for the Big Darby Accord Advisory Panel. This report should be based on recommendations and input from the technical review body. The staff report should be shared with the appropriate staff of all Accord jurisdictions prior to the meeting.

***Big Darby Accord Advisory Panel Meeting***

All applications should be heard at a regularly scheduled meeting of the Big Darby Accord Advisory Panel. This Panel has non-binding review authority. This meeting would be similar to a Planning Commission meeting: public notices are sent in advance, the Panel members receive the application and staff report in advance, the responsible jurisdiction staff makes a presentation at the meeting, the applicant is heard, public comments are invited and the Panel votes on a recommendation for the project. The Panel has three options: 1) recommend the project for approval with any conditions, 2) recommend denial of the project or

3) table the project at the request of the applicant to allow provision of additional information at a future meeting.

***Recommendation***

***Forwarded to Jurisdiction***

The recommendation of the Big Darby Advisory Panel meeting would be forwarded to the appropriate jurisdiction for inclusion into the regular review process in the form of a Record of Action prepared by the attending staff. This Record of Action should be shared with all Accord jurisdictions for their records.

***Standard Jurisdictional Review Process Begins***

Upon receipt of the recommendation (Record of Action), the controlling jurisdiction follows its standard zoning review process. Zoning submittals for land within the Accord planning area should not be considered by any jurisdiction without the non-binding recommendation of the Big Darby Accord Advisory Panel. Final legislative authority for the zoning continues to rest with the appropriate city Council or Board of Commissioners. Following final legislative action, a notice should be sent to all the Accord jurisdictions and the Darby Accord Advisory Panel indicating the action taken.

Following development plan approval (Prior to Construction/ Building Permit), final site plan review and a construction monitoring plan must be approved.

***Final Site Plan Review***

Following approval of the development plan, the final plan should be reviewed for technical compliance by the local review committee to receive final certification and sign-off that all conditions and requirements have been met. This step may not be necessary if the final plat is in accordance. Alternatively, this step may necessitate the need for additional review by the Big Darby Accord Advisory Panel, pending the outcome of final plan review.

***Construction Site Monitoring Plan Approved***

Prior to commencement of construction, all site protection and monitoring measures should be installed. These measures should be reviewed and approved on-site by a designated Chief Building Official and/or technical expert. The final step before an occupancy permit can be issued involves an approval process involving a post construction review.

### ***Prior to Occupancy Permit Post-Construction Review***

All Best Management Practices (BMPs) required as part of the approved plan should be certified by a technical expert. If discrepancies are detected, an as-built plan should be required of the developer and any issues resolved prior to issuance of an occupancy permit. Construction and post-construction water quality samples should be provided.

### **5.2.2 Detailed Review Process**

A more detailed review process is described below to provide an understanding of the level of detail that will need to be part of any site development proposal in the planning area.

#### ***Step 1: Preliminary Site Approval***

The first step of the process should establish the suitability of the site for development in accordance with the Big Darby Accord Plan. The developer should provide due diligence aimed at understanding the constraints of the site related to existing environmental conditions. Information collected during this process should be used to make informed decisions regarding the appropriate utilization of the property balanced with the need to protect environmentally sensitive areas. This step would result in the developer submitting a site development layout identifying areas of conservation and development, accompanied by the supporting technical documentation as described below. A complete site investigation should consider extending beyond the development site area to identify contributing resources on adjacent lands.

### ***Site Investigations***

Site investigation information should identify areas within the site, such as the stream setback areas and conservation open space that could be part of an easement or land dedication.

#### **1. Soils**

- Determine the location of hydric soils within the site, based initially on the published Franklin County Soil Survey Maps. On-site investigation of soils may be necessary to clarify the extent of hydric soils and sub-surface investigations may be necessary to determine the suitability of soil conditions for later evaluation of stormwater BMPs applications.

#### **2. Environmental Conditions**

- Identify existing topography and contours.
- Delineate the location of all jurisdictional streams within the limits of the project site, including all ephemeral, intermittent and perennial streams, identifying each watercourse by this classification system. Also identify and map existing drainage patterns on site and determine and map the extent of the SCPZ.
- Delineate the location of all jurisdictional wetlands.
- Identify existing tree cover on site and delineate large (greater than 3 contiguous acres) wood lots within the limits of the project site.
- Delineate critical groundwater recharge areas and pollution potential zones (information established by ODNR's DRASTIC mapping is an acceptable resource for this information).

#### **3. Existing and Future Infrastructure**

- Identify the location of existing utilities and their respective easements.
- Identify all existing road rights-of-way impacting the project site. The delineation of roads and their rights-of-way should include a reference to any available information depicting

intended improvements to those transportation corridors represented by the Accord Plan or other planning documents associated with the individual jurisdiction where the project resides.

### ***Preliminary Site Planning***

1. Establish open space commitment within the development site. The open space commitment should be determined based on the ability of the site to preserve and enhance the existing environmental conditions.
  - For Conservation Development areas, the open space commitment must be equal to or greater than 50% of the land area dedicated to the development site.
  - For all other sites, establish areas for parkland dedication in accordance with the requirements of the Accord general land use plan or other planning documents associated with local jurisdiction.
  - For wetlands to be preserved within the site, delineate the buffer area in accordance with the criteria within ODNR's *Rainwater and Land Development (draft)* document.
  - Identify preliminary planting plan and management plan for all open space areas including easements.
2. Depict conceptual lot and roadway alignments within the development site.
  - Where low-impact development standards are to be applied, demonstrate noted exceptions to the current zoning ordinances, planning policies and/or subdivision regulations.
  - For wetlands proposed to be filled, provide information regarding mitigation alternatives to be considered during the anti-degradation process.
  - Depict and describe all proposed development activities that constitute permitted and conditional uses associated with the SCPZ.



3. Provide information regarding water and sewer service for the site.
- For the portions of the land use planning area designated as the Town Center or within the City of Hilliard’s designated contract sewer service area, sewer will be provided through a central collection system. The preliminary site development plan must indicate the intentions for and the ability to connect to that system.
  - For other development sites within the planning area, where central sewer is not provided, the sewer is intended to be provided through community-based alternative treatment facilities. Again, the preliminary site development plan must indicate the intentions for and the ability to connect to that system.
  - If on-lot septic systems are proposed, then the preliminary site development plan should be accompanied by evidence of coordination with the Franklin County Board of Health in determining the suitability of the site to that approach.

### *Step 2: Site Design Process*

After completing preliminary planning for the site, the next step for site development requires a functional layout and design that incorporates the conservation principles represented by the Darby Accord. This includes developing a suitable approach for stormwater management and meeting the water quality standards through implementation of BMPs. The result of this process would be the submission of engineering documents, including a comprehensive stormwater management report, detailing all of the features of the site as well as management plans for identified easements.

### *Step 3: Permitting and Compliance*

Prior to the start of construction, evidence of permits for all activities related to the site should be provided to the jurisdiction within which the development site resides. Additional information regarding relevant permits is described below.

- **Environmental Permitting:** A nationwide 404 permit from the U.S. Army Corps of Engineers, or individual 401 Water Quality Certification from the OEPA and a 404 permit are required for all proposed impacts to jurisdictional waters if the U.S., including filling of streams and wetlands. All such activities must be done in accordance with the established provisions of the Accord. Given the complexity and time consuming nature of this permitting process, the Accord may consider allowing for a demonstration that this process is substantially complete when approving development.
- **Floodplain Permitting:** A Special Flood Hazard Area Development (SFHAD) permit is required from the governing jurisdiction when any grading activity (fill or excavation) is proposed within a FEMA-designated flood hazard area. Again, all such activities must be done in accordance with the established provisions of the Accord. For certain activities affecting a FEMA-designated floodway and where those activities would cause an increase in flood elevations, prior review and approval of the activity are required from FEMA.
- **Notice of Intent (NOI):** A filing must be made with the Ohio EPA with sufficient advance notice prior to beginning earth moving activities that will disturb an area larger than 1.0 acre. The submission of an NOI must be accompanied by a Stormwater Pollution Prevention Plan (SWPPP) as prescribed in the statewide NPDES permit (refer to the permit being developed specific to construction activities within the Big Darby Creek watershed). The Ohio

EPA will issue a permit directly to the project (site) owner and will request that the contractor performing the site work submit additional documentation as a co-permittee.

- **Permit-to-Install (PTI):** A filing must be made to the Ohio EPA that includes engineering plans related to any component of the project that includes the construction of sanitary sewer systems to extend an existing central sewer system. The Ohio EPA requires that all such plans bear evidence of review and approval by the governing jurisdiction where the sewer is to be installed, prior to their review and approval of those plans. The City of Columbus will also be signatory to any sanitary sewer plan approvals that involve an extension of or connection to the central sewer systems that will discharge to the City.
- **Building Permit:** individual jurisdictions may have different processes related to issuing building permits for individual structures or other aspects of a site development. The Accord should defer to and maintain those processes.

The compliance process represents the last step prior to the commencement of construction. Evidence of the relevant permits should be readily available for inspection at the construction site, in anticipation of site visits from the various regulatory agencies or the Big Darby Accord Advisory Panel. It is also recommended that each jurisdiction establish a reliable repository for permits issued to each development. Such a repository is mandated for all SFHAD permits under the jurisdictions’ participation in the National Flood Insurance Program.

### *Step 4: Construction Phase*

Once all permits have been obtained, site work may begin. The provisions of the approved SWPPP should be implemented to ensure

that erosion and sediment control practices are in place prior to beginning any significant earth-moving activities. Provisions for compliance with criteria related to monitoring and testing stormwater runoff from development sites must be accounted for. The performance goal for the monitoring of stormwater runoff during the construction phase of a project is prescribed by the Ohio EPA in the draft NPDES permit for the Big Darby Creek Watershed.

Site water quality monitoring during construction is not part of the monitoring program proposed by the Accord; however, evidence of non-compliance with the established performance goal should result in a course of action by the Accord to ensure that appropriate remediation action is taken.

#### *Step 5: Post-Construction Phase*

Upon completion of the construction of the development site (or individual phases of the development), the items listed below should be provided to the local jurisdiction and the Big Darby Accord Advisory Panel by the developer.

- An as-built survey of the various components of the stormwater management system. The submitted material should verify that these components were constructed to within an acceptable tolerance in terms of elevation, area and volume. For projects that vary from this tolerance, the developer may submit necessary calculations to determine that the stormwater management system will still function as needed; otherwise, physical modification to the system may be required.
- Evidence of implementation of the site-level monitoring plan, demonstrating the responsible party, and the means and methods by which information will be collected and

analyzed. Monitoring information is to be collected and provided to the Accord in accordance with the provisions discussed in Section 5.3.

- Evidence of a performance bond that will be maintained throughout the prescribed site-level monitoring program.

Only once the required information has been provided to the Accord should the developer be allowed to begin the one-year warranty period for the public improvement portions of the project.

#### **5.2.3 Development Review Checklist**

To facilitate coordinated review and consistency, two review checklists should be developed for both technical review and Accord Advisory Panel review.

The first development review checklist should be adopted by Accord jurisdictions and used consistently by all staff as part of technical review efforts in each jurisdiction. Components of the technical review checklist should address plan requirements related to polices, standards and regulations.

It is important that both developers and reviewers consider the surrounding environment of a site and that development plans are not prepared in isolation. This concept is important to promote connectivity to existing resources such as natural or open space areas and to understand how activities at one site are part of an overall ecosystem. Early and frequent discussions between the local jurisdiction and developer should identify any opportunities to connect with adjacent or nearby amenities. A development review checklist should ensure the identification and/or mapping of the following elements:

- Surface Waters
- Drainage Patterns
- Wetlands
- Floodplains
- Stream Corridor Protection Zones
- Ephemeral, Intermittent and Perennial Streams
- Subwatershed boundaries
- Water Quality of Streams (based on OEPA Use Attainment)
- Significant Habitat (land and water based, including any listed species )
- Topography
- Wooded Areas
- Soils
- Field Tile
- Historical and Cultural Resources
- Open Space or Natural Areas
- Recreation Resources or Community Facilities (adjoining properties)
- Stormwater Management Facilities (on site and on adjoining properties)
- Steep Slopes
- Existing Wells and Septic Systems (adjoining properties)
- Easements Planting and Management Plan
- Monitoring Program

The Accord should also consider incorporating Low Impact Development concepts into the checklist to identify opportunities for incorporating such techniques into the design process. It is important that the development review process facilitates the application of low impact development techniques and does not make it more difficult to implement LID principles. For example, requirements for lot dimensions, parking, driveways and roadway standards should offer flexibility and not become obstacles to applying LID principles.

In addition an Accord Plan review checklist should be developed to help the Accord Advisory Committee in its review. The checklist is less about technical aspects of each development and

more about compliance with the overall goals of the Accord Plan. Appendix D provides an example of a preliminary Accord Advisory Panel review checklist.

### *Measuring Plan Progress*

Monitoring overall conservation efforts and development activity across jurisdictions will be necessary to understand how the plan is being implemented and what, if any, changes are needed to ensure the plan is still meeting the mission of the Accord. To assist in this effort, the Accord should develop a method for tracking development that documents the number of units built across jurisdictions so that reports can be generated on overall development. In addition, information related to successful conservation efforts should be recorded. Reporting and entering this information into a centralized system should be part of the development review checklist requirement.

The Accord jurisdictions should work with the County to develop an approach for the centralized tracking of development and conservation activities. Yearly reports about development activity will help local officials and the public understand the relationship between policy and the plan and will identify any inconsistencies between local actions and plan recommendations.

The Big Darby Accord Plan should be updated every five to ten years. The Plan update should include a map update, policy review an overall evaluation on development and conservation efforts and updated implementation strategies.

## **5.3 Other Coordinated Activities**

To initiate implementation of the Plan, the Accord will need to also coordinate activities related to establishing a monitoring program, developing a Town Center Master Plan, and providing adequate community facilities as addressed below.

### **5.3.1 Monitoring**

To ensure that the integrity of the water quality within the portion of the Big Darby Creek watershed affected by the Accord land use plan does not decline due to implementation of the land use plan, monitoring of water quality parameters will need to be implemented throughout the planning area. The purposes of the monitoring program should be to determine whether or not the OEPA aquatic life use designations for the streams in the planning area are being met and to gather enough data to develop meaningful trend analysis of the health of the watershed. The monitoring program should be utilized to more precisely determine where water quality degradation may be occurring and the likely source of that degradation. Monitoring will allow for a timely response to potential problems before they have a long term impact on the health of the stream.

The recommended monitoring program involves both watershed level and development site level monitoring. The primary purpose of the watershed level monitoring is to ensure that the aquatic life use designations for all reaches of the stream are being met. The primary purpose of the development site level monitoring is to ensure these sites are not exceeding determined allowable release rates for

pollutants of concern as defined by the TMDL.

### ***Watershed Level Monitoring***

A two-tier watershed approach is recommended with the tiers having different objectives in verifying the health of the ecosystem of the planning area. The purpose of Tier I monitoring is to determine that the Ohio EPA's aquatic life use designations for Hellbranch Run, Clover Groff Run and Hamilton Run are being attained, or at a minimum are trending towards attainment. The purpose of Tier II monitoring is to establish a cause and effect relationship between on-going land use changes and observed biological indices within the stream system. The two-tiered approach is described below.

#### **Tier I**

Monitoring at the Tier 1 level is envisioned as a long-term effort and, therefore, has no defined end date. Tier 1 monitoring points should be located in the Hellbranch Run Watershed and along the Big Darby Creek.

In some cases a geomorphic assessment is recommended which is a collection of specific physical parameters defining the stream channel, including cross-sectional data at pools and riffles, a longitudinal profile and a pebble count (a statistical measurement of substrate). A thorough geomorphic assessment must make note of any physical evidence of a bank-full indicator, such as forming bank-full benches or other abrupt change in the cross-section of an incised channel, changes in point bar composition (bed load indicators) and the overall stability of the channel banks. The assessment should comprise a length of stream channel that is between 20 and 30 times the measured (or anticipated)



bank-full width of the channel. As part of this assessment, it is recommended that permanent markers be installed at each cross-section location to allow for comparison of the physical features at the sites from observation to observation.

#### *Hellbranch Run Watershed*

##### *Monitoring Points*

At the USGS gage for continuous flow monitoring:

- USGS provides monitoring of TSS, N, and P
- Geomorphic assessment (defined below) of the stream in the vicinity of the gage once every three years

Just downstream of the confluence of Hamilton Run and Clover Run:

- Flow monitoring
- TSS, N, and P during high-flow events between March and October
- Will likely require an automated sampling device
- Geomorphic assessment of the stream once every three years

At 14 of the established EPA monitoring sites as well as 4 additional locations:

- IBI, ICI, and QHEI once every three years
- Geomorphic assessment once every three years

Along McCoy Ditch near the confluence with Hellbranch Run:

- IBI, ICI, and QHEI every year for three years (to establish a baseline), then once every three years
- Geomorphic assessment of the stream once every three years

#### *Big Darby Creek Monitoring Points*

Just upstream and just downstream of confluence with Little Darby Creek:

- IBI, ICI, and QHEI once every three years

At three sites near the confluence with Hellbranch Run; just upstream, just downstream and along Gay Run just upstream of its confluence with Big Darby Creek:

- IBI, ICI, and QHEI once every three years

The next two sites are optional as they are indicators of what is occurring within the overall Big Darby Creek watershed, but outside of the Big Darby Accord planning area. The information they would provide is potentially useful in determining the source of any impairments to water quality, if they exist.

At the county line where Big Darby Creek enters Franklin County (2 actual locations):

- IBI, ICI, and QHEI once every three years

At the county line where Little Darby Creek enters Franklin County:

- IBI, ICI, and QHEI once every three years

#### **Tier II**

Monitoring at the Tier II level should be collected for a minimum of three years and will require automated monitoring equipment (i.e. ISCO samplers). Tier II data gathering locations are described below.

At half of the established OEPA monitoring sites

TSS, P, and N based on flow characteristics, estimated to be 3 or 4 times a year

- Geomorphic assessment of stream in year 1 and year 3

At other sites that fit the purposes of the type of monitoring (exact locations to be determined) necessary to establish experimental and control levels of data.

- TSS, P, and N based on flow characteristics, probably 3 or 4 times a year
- Geomorphic assessment of stream in year 1 and year 3

#### **Development Site Level Monitoring**

The purpose of site level monitoring is to determine whether or not site level (or regional) BMPs are meeting their targeted pollutant removal rates, and that pollutant rates are not exceeded. The recommended monitoring period for site level data is for at least five years, but no more than ten years.

Locations for data collection include outfalls of all new stormwater conveyance systems. An automated sampler will be required at the outfall of the Town Center conveyance system and all other regional conveyance systems. Grab samples should be gathered at all other outfalls.

In addition, monitoring for TSS, P, and N should take place a minimum of twice per season - once during a dry period (no precipitation for three days), once during a rain event of 0.75 inches in 24 hours and as needed during other rain events.

A summary of monitoring recommendations is shown in Figures 5.5 and 5.6.

		Location	Data Gathered	Time Period	End Date		
Watershed Level Monitoring	Tier I	Hellbranch Run	USGS Gage	Flow, TSS, N, P, Geomorphic	Flow-continuous TSS, N, P-at least once per month Geomorphic-once every three years	No defined end date	
			D/S confluence of Hamilton and Clover Groff	Flow, TSS, N, P, Geomorphic	Flow, TSS, N, P-high flow events March-October Geomorphic-once every three years		
			14 EPA sites and 4 others	IBI, ICI, QHEI, Geomorphic	Once every three years		
			McCoy Ditch near Hellbranch Run	IBI, ICI, QHEI, Geomorphic	IBI, ICI, QHEI-every year for three years, then once every three years Geomorphic-once every three years		
		Big Darby Creek	Just U/S and D/s of confluence with Little Darby Creek	IBI, ICI, QHEI	Once every three years		
			Just U/S and D/S of Hellbranch Run and along Gay Run just U/S of Big Darby	IBI, ICI, QHEI	Once every three years		
	Optional	At county line where Big Darby Creek enters Franklin County (2 locations)	IBI, ICI, QHEI	Once every three years			
		At county line where Little Darby Creek enters Franklin County	IBI, ICI, QHEI	Once every three years			
	Tier II	Planning Area	Half of OEPA Established sites	TSS, P, N, Geomorphic	TSS, P, and N-based on flow characteristics, likely 3 or 4 times per year Geomorphic-once every three years		Minimum 3 years
			Other sites, to be determined	TSS, P, N, Geomorphic	TSS, P, and N-based on flow characteristics, likely 3 or 4 times/year Geomorphic-once every three years		
Site Level Monitoring	Planning Area	Outfalls of all new stormwater conveyance systems-automated at Town Center and other regional systems, grab samples at other outfalls	TSS, P, N	Minimum of twice per season -once during dry period (no precipitation for three days) -once during rain event of 0.75 inches in 24 hours -as need during other rain events	Minimum 5 years, no more than 10 years		

**Figure 5.5 Summary of Monitoring Recommendations**

**Rainfall Monitoring**

In order to more accurately determine when water quality sampling is needed, a system of rain gauges is recommended within the planning area. It is anticipated that approximately 18 rain gauges will be needed, with the exact number and location to be determined. The information from the gauges would be used by those performing the sampling of water quality data to determine when 0.75 inches of rain has fallen in 24 hours,

which is the threshold for gathering data. If the gauges are to perform this function, they will need to be tipping-buckets gauges that can transmit their information to a remote location for observation.

**Data Collection Requirements**

To meet the legal standard for establishing aquatic life use designation, Tier I data should comply with the OEPA Level 3 data as established under the Ohio EPA’s Volunteer Monitoring

Data guidelines. Level 3 data is equivalent to the methods used by the Ohio EPA personnel and is the only level of data that is able to be used for regulatory purposes by the Ohio EPA.

Any monitoring data collected should comply with the most recent OEPA requirements of the Credible Data Program as outlined in Ohio Administrative Code Chapter 3745-4, effective March 24, 2006. Monitoring of additional

parameters beyond those listed should be conducted on an as-needed basis. Additional monitoring locations will be incorporated as development occurs and as conditions warrant.

As data from the monitoring program are compiled and analyzed, it should be utilized to review the development requirements and determine whether or not changes need to be made to stormwater management requirements for water quantity or quality.

Partnerships should be developed between the Big Darby Accord and other organizations (e.g. The Ohio State University, Ohio EPA, Ohio DNR, Franklin Soil and Water Conservation District and others) to obtain the necessary monitoring data for the watershed level program. Site level monitoring data gathering is the responsibility of the developer for the site, and it also must comply with Ohio EPA's Credible Data Program. A developer could also rely on another organization to gather and interpret data from their site as long as it complies with the applicable requirements for monitoring of the planning area.

#### ***Environmental Monitoring Group***

The Accord should establish an Environmental Monitoring Group (EMG) to assist with developing a comprehensive water quality monitoring program for a watershed. Initially this group should include The Ohio State University, Ohio EPA, ODNR, Franklin Soil and Water Conservation District and one outside environmental interest group (e.g. The Nature Conservancy). The EMG should assist in identifying the final

locations for the rain gages and monitoring locations.

The EMG should also assist with developing consistent guidelines for stream restoration that can be used by local jurisdictions to evaluate stream restoration proposals that are part of development plans. Guidance from the EMG could include developing goals and priorities related to where stream restoration should occur and developing recommendations on preferred design criteria for stream restoration applications.

The EMG should produce a "State of the Darby" report every two to five years to report on water quality trends within the watershed compared to the TMDL and Plan goals. This report should state concerns and identify any recommended action for mitigating impacts.

#### ***Monitoring Funding Options***

The USEPA Targeted Watersheds Grant Program is a competitive grant program that encourages the protection and restoration of the country's water resources. The program supports environmental stewardship and action by providing needed funding to watershed organizations for on-the-ground restoration and protection efforts designed to achieve quick, measurable environmental results ([www.epa.gov/owow/watershed/initiative](http://www.epa.gov/owow/watershed/initiative)). Other funding sources may be available through potential partnering groups including OSU, Ohio EPA, Ohio DNR, FSWCD, the Nature Conservancy and others.

#### ***Performance Bond***

Site developers should provide proof of a performance bond for all new development occurring within the planning area. The amount of the bond will need to be

determined. The bond could be executed under any one of the following circumstances;

1. Submitted monitoring data indicates that the BMP is not meeting performance goals.
2. Submitted maintenance logs indicate that maintenance is not being performed as outlined.
3. Monitoring data is no longer being provided by the developer and the EMG must continue the monitoring program.
4. Maintenance records are no longer being provided by the developer and the EMG must continue the maintenance program.

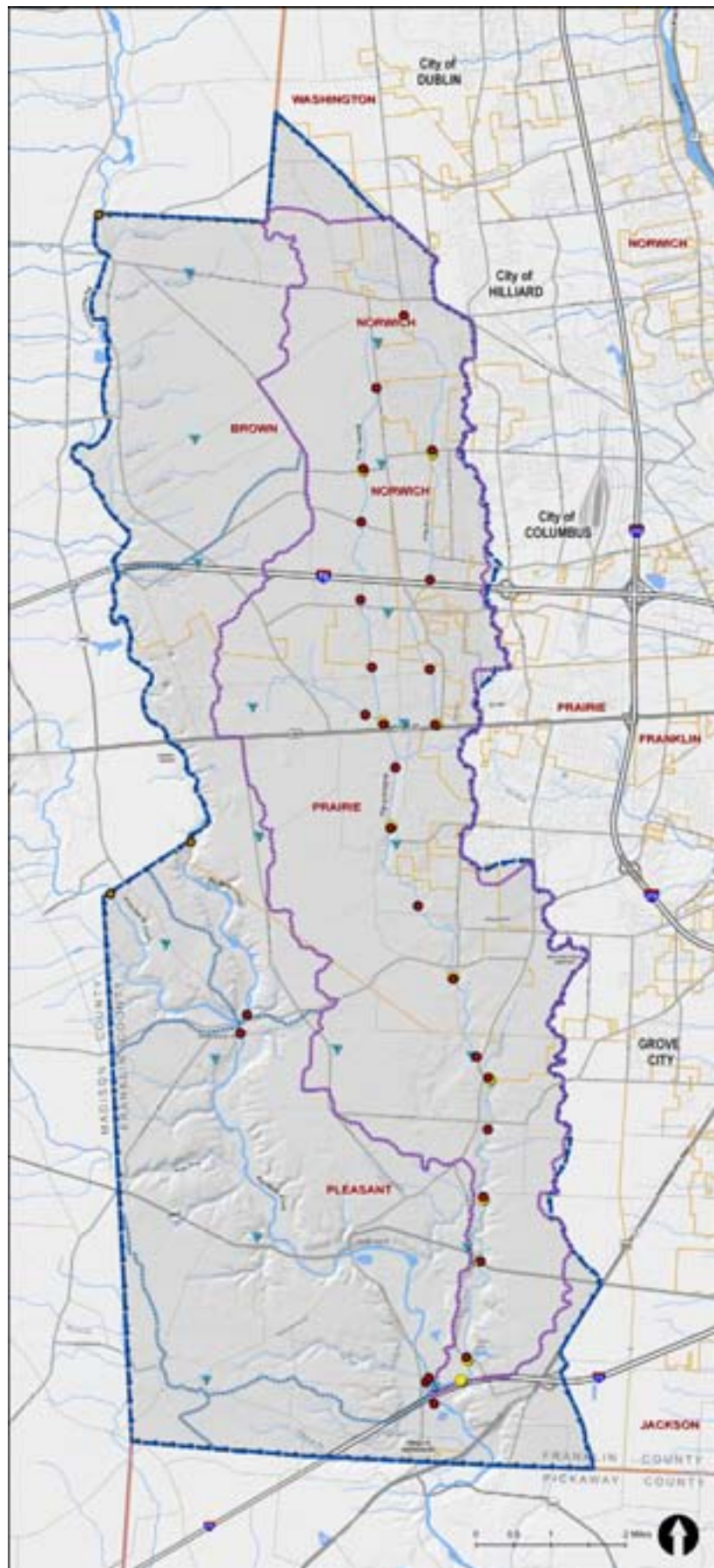
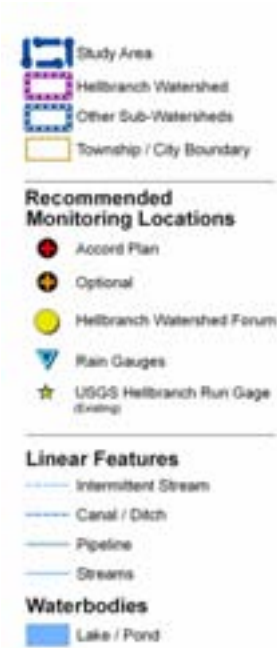
The bond should be released to the developer once the required monitoring period outlined above has been completed satisfactorily.

#### ***Hellbranch Watershed Forum***

The Hellbranch Watershed Forum (HWF) also developed monitoring guidelines for the Hellbranch watershed and a summary of their recommendations is presented below. The purpose for the HWF monitoring is "...to measure the changes that occur in the watershed and assess the impacts of those changes on the streams. The monitoring program results will be used to evaluate the effectiveness of management strategies designed to protect and enhance the watershed and to identify emerging issues including:

- What are the effects of watershed improvements?
- How have land use changes affected the health of the watershed?
- How have policy changes affected the health of the watershed?"

In order to meet the purposes of the HWF monitoring program, they recommend reviewing Franklin County Auditor aerial photography of the watershed to determine what land use changes have occurred. In addition to the land use changes, the HWF recommended in stream



**Figure 5.6 Water Quality Monitoring Program**

monitoring at the 10 OEPA sites that were used in the development of the *Biological and Water Quality Study of the Big Darby Creek Watershed and Selected Tributaries, 2001/2002*.

The in-stream monitoring recommended by the HWF includes biological health, habitat quality, flow and chemical water quality, all occurring annually in accordance with OEPA CDP Level 1 requirements. Habitat monitoring was to utilize QHEI; flow monitoring was to occur using the Travel-Time Method at locations other than the USGS gage and occur at the same time and locations as the QHEI scoring. For biological monitoring, the HWF suggests partnering with the ODNR Ohio Stream Quality Monitoring (SQM) Project to gather Level 1 data at many of the sites referenced above, as ODNR indicated they would not be able to assist with all of the sites identified. Water quality data recommended to be gathered includes pH, temperature, dissolved oxygen



and specific conductance as they can all be gathered using probes or test kits in accordance with Level 1 data.

### 5.3.2 Town Center Master Plan

One of the key recommendations of the Big Darby Accord plan is the preparation of a detailed master plan for the town center area as identified within the general land use plan. This area generally falls between I-70 on the north, West Broad Street on the south, the Hellbranch Run on the east and Hubbard Road on the west. This plan would help establish a more specific vision for the development of the Town Center and would provide a detailed set of recommendations including level of development, infrastructure requirements, design guidelines and phasing. A Master Plan of this type would require approximately one year to complete and should include a number of key stakeholders in the process. The master plan should address not only the public and private properties within the Town Center but it should also incorporate the adjacent areas as part of the study. This will help ensure the town center complements and is compatible with the surrounding areas.

A number of steps are required in the preparation of the master plan. At a minimum Brown and Prairie Townships should lead the Master Plan effort, in coordination all members of the Accord, particularly the City of Columbus due to utility provisions. Process steps include organizing the stakeholders/sponsoring organizations prior to beginning the process, identifying a team to prepare the master plan, preparation of the master plan and implementing the master plan.

The following section provides a detailed description of these elements.

#### *Step 1: Organizing Key Stakeholders and Sponsoring Organizations*

A committee or task force should be established that includes a diverse cross-section of stakeholders. This group should include:

- Private Property Owners
- Jurisdiction Representatives
- Environmental Interests
- Real Estate/Development Interests

The goal of this committee would be to establish a process and schedule and to help define the final scope of work and required level of expertise and skill sets needed to perform the work. This group may also be involved in determining the approach to how to fund the study. Once these basic elements are agreed upon, a Request for Proposals (RFP) Process should be initiated. This should be sponsored by one of the jurisdictions; similar to how the contract for the Big Darby Accord operated.

#### *Step 2: RFP Process to Select Consultant Team*

The RFP process would include releasing the RFP, reviewing responses to the RFP, interviewing a short listed group of firms and identifying the preferred team. The RFP would include background information on the project, a suggested scope of work, schedule and identify the key stakeholders. The RFP should require that respondents provide qualifications on their firm or firms, key team member resumes, skill sets and experience, a proposed project approach and scope and a proposed fee. The responses to the RFP should be reviewed by a committee or subcommittee representing the stakeholders and

jurisdictions they should also be involved in identifying the shortlist and preferred team for the project. The team should have a range of skills and demonstrated excellence related to land use planning, environmental planning, urban design, engineering, transportation, and market analysis.

#### *Step 3: Preparation of the Master Plan*

Once a consultant team has been contracted, the committee and consultant team should work closely in developing the master plan. This process should include a significant amount of community involvement and individual stakeholder involvement. The master plan should include the following key elements:

##### *Existing Condition Analysis*

This includes more detailed analysis of the physical conditions of the area including natural resources, infrastructure, roadway systems, existing development, and any other physical features. Emphasis should be placed on documenting sensitive environmental features.

##### *Current Plans and Policy Review*

This includes more detailed review of existing zoning and previously prepared studies that address the area (including local, state and federal studies).

##### *Summary of Key Opportunities and Constraints*

As a summary of the physical analysis and review of plans and policies a summary is prepared to identify key issues, opportunities and constraints for development within this area.

##### *Case Studies*

It may also be useful to prepare a brief set of case studies illustrating other comparable town centers



within Central Ohio or around the U.S. This should include pictures and illustrations to help everyone understand the physical development options for a town center. Emphasis should be placed on communities that incorporate low-impact development techniques and other innovative design.

#### *Market Study*

A detailed market study is recommended to provide some parameters for the level and amount of development that could be expected over a period of time. This study should provide an expected range in the number and types of housing units that could be constructed and forecast development demand measured in square footage, unit type and business type for five and ten year increments. The market study should also provide a range of pricing that could be expected for the various uses.

#### *Town Center Alternatives*

Based on the physical analysis and market study, a series of alternatives should be prepared for the town center. These alternatives could address both program and site planning variations. Development and evaluation of these alternatives should include public involvement either in a workshop or meeting format. The alternatives should include a program summary, a site plan and supporting diagrams and illustrations that help describe the ideas behind each alternative.

#### *Preferred Town Center Master Plan*

Once the Alternatives have been sufficiently reviewed and commented on by the stakeholders and community, a preferred Master Plan is to be prepared. The preferred Master Plan may include elements of each alternative or be

based solely on one of the alternatives. This plan should again be reviewed by stakeholders and the community.

#### *Supporting Master Plan Elements*

Once a preferred plan is identified, a number of supporting plans should be prepared to provide key guidance in the ultimate development of town center.

- **Development Program**

A development program includes a recommended range of development by type of use. This includes number and type of residential units, retail uses, commercial uses, institutional uses and other supporting uses. This program includes a geographic representation illustrating the level or range of development to occur on a block by block basis within town center.

- **Land Use Plan**

A Land Use plan is a block by block level plan that provides detailed land use recommendations. This also includes specifics regarding recommended first floor uses within the mixed-use areas.

- **Open Space Plan**

An open space plan provides a framework for open space, illustrating appropriate locations for the various types of open space including natural areas, wetlands, urban parks, neighborhood parks and passive recreation areas. This also provides program recommendations for the park areas such as playgrounds, ball fields, trails or other appropriate uses.

- **Infrastructure Plan**

An infrastructure plan addresses anticipated sewer and water requirements, how these might be provided and the timeframe for providing this service.

- **Transportation Plan**

A transportation plan provides a recommended road network to support the town center along with specific improvements required for the existing roads. This plan

addresses number of lanes required, and intersection improvements. In addition, the transportation plan should address other modes of movement including trails and pedestrian systems. The plan should identify appropriate locations for these elements and suggested widths for sidewalks.

- **Stormwater Plan**

A Stormwater Plan identifies appropriate locations and types of stormwater treatment based on the proposed land use plan. This plan addresses both the physical requirements as well as the treatment level requirements to ensure the development is meeting water quality goals stipulated in this Plan and per OEPA.

- **Design Guidelines**

Design Guidelines provide recommendations for the physical development of the town center for both public and private areas. The design guidelines include architecture, site planning, streetscape, landscaping and parks and open space recommendations. Guidelines are largely graphic in content illustrating the concepts for the physical development.

- **Phasing Plan**

A phasing plan is linked to the market analysis, infrastructure availability and land ownership. The phasing plan establishes a reasonable expectation of the timing for the development.

- **Regulatory Plan**

A regulatory plan addresses any recommendations regarding zoning, density, land use, building heights. This plan provides the jurisdictions detailed recommendations that could be incorporated into the jurisdictions zoning or other regulatory requirements.

- **Draft and Final Master Plan Report**

The Master Plan and supporting elements should be documented in a report. The preparation of the report includes a draft report for review and a final report incorporating the

comments on the draft plan. The report should be highly graphic and avoid extensive sections of text.

**Step 4: Implement Master Plan**

Once the Master Plan has been completed, the jurisdictions will need to adopt the necessary policy changes to implement the plan. In addition, the jurisdictions and stakeholders should work closely with the property owners and development community to move the plan forward and enable development to begin. It will be critical that property owners are willing to cooperate in this process to ensure a smooth process for development.

**5.3.3 Community Facilities**

As growth continues in the Darby Accord area, jurisdictions must be mindful that this growth will require additional facilities and expanded service areas. Jurisdictions should use the Accord Plan and land use maps as a guide for community facilities decisions. The Accord Plan should give insight to areas that will need future services and facilities.

The provision of the basic health, safety and welfare services is necessary, including reasonable access to health, education, recreation, police and fire protection, library and postal services. These services provide for a high quality of life for those living and visiting the area. As development is planned and constructed, service areas should be evaluated and established for various community facilities such as schools, parks, libraries, fire, police and emergency response services. Equally important, adequate funding and phased delivery of service must be considered.

<b>Fire Protection</b>	Average response time of 5 minutes or less; Average of 0.85 firefighters per 1,000 residents.
<b>Police Protection</b>	Average of 2.3 officers per 1,000 residents
<b>Parkland</b>	10 acres per 1,000 residents
<b>Libraries</b>	0.5-square feet per capita; At least 3 books per capita; Within 5 miles of a facility
<b>Childcare</b>	2.5 providers per 1,000 residents

**Figure 5.7 Community Facility Level of Service (LOS) Considerations**

Jurisdictions should work together to consolidate facilities (schools, libraries, post offices, parks) to create focal points of activity whenever possible. This will be especially important for the Town Center to foster community interaction and congregation. The Accord process has created increased opportunities to share amenities that would not otherwise be feasible on an individual jurisdictional basis. This can extend from basic functions such as grounds keeping and maintenance, trash collection and recycling to more specialized amenities such as recreation centers, senior centers and community pools. Joint contracting opportunities should be encouraged throughout the planning area and with surrounding jurisdictions.

The development practices of community facilities, particularly public buildings, should set an example for other developments within the Big Darby Creek watershed. Jurisdictions should be encouraged to go beyond standard practices and incorporate sustainable building techniques such as those designated by the U.S. Green Building Council (LEED). The design and construction of public buildings

and facilities should demonstrate excellence in architectural design.

As the area grows and attracts new residents, local leaders will need to respond to changing demographics. Therefore, community facilities should be flexible in function to ensure adaptability to the changing needs and demographics of the Accord area.

**Level of Service**

A level of service (LOS) should be established by all jurisdictions within the watershed in Franklin County. The level of service that should be pursued is described below.

**Town Center Community Facilities**

The proposed Town Center will have a greater demand for services than the other parts of the Accord area (police, fire protection, social, healthcare and recreation), due to concentration of residents. However, the development pattern and density provided will allow it to be served very efficiently, maximizing the serviceable area. With cooperation between all jurisdictions, resources should also be shared. Recommendations for future community facilities and services for the Town Center are outlined below.

- Each jurisdiction should evaluate its current service capabilities for police, fire and medical response in order to gauge existing response times and coverage areas. Initial development of phases in the Town Center should utilize the existing services and facilities until further expansion is required. A Town Center Master Plan should address long term community facilities needs.
- As service demands for the Town Center increase, new facilities should be properly located and service areas re-districted to maximize the populations and areas served.
- Cooperative agreements between the township jurisdictions should be formulated to share health and safety services. Existing contracts for health and safety services such as those established with the County Sheriff should be expanded upon as needed.
- Provision of services within the Town Center could be financed through the Community Authority. The Community Authority should have the right to subsidize jurisdictions for the provision of services that is the most economically feasible. The Community Authority should serve as an advisory body to those entities providing protection services.

A number of facility amenities would be appropriate for the Town Center in order to promote civic identity, create interaction between residents and help spur surrounding business patronage. These include:

- Community recreation center
- Public pool
- Senior center
- Youth Activity Center
- Active Recreation Fields (ball fields, multi-purpose fields, courts, etc.)
- Fire station
- Neighborhood police sub-station
- Public meeting hall/auditorium
- Branch library
- Schools
- Health center

### ***Parkland Requirements***

Parkland requirements and level of service standards vary within the planning area. It is recommended that the Accord jurisdictions adopt level of service standards for parkland of 10 acres per 1,000 residents to anticipate future growth and demographic changes and evolving trends in recreation. The City of Hilliard has both open space and parkland dedication requirements for residential developments. In addition to requiring that 10% of the gross land to be developed be set aside within the residential development, Hilliard requires a land dedication for recreational facilities intended to serve the greater population of the City. The City of Hilliard has adopted a goal of providing 10 acres of usable recreational land for every 1,000 residents.

In the City of Columbus a dedication for parkland is required either through a land dedication or a monetary payment and is applied to both residential and commercial zonings. The City of Columbus has an overall goal of providing 5.5 acres of land for every 1,000 residents. Parkland dedication credits may be granted for a number of circumstances and are determined by the recreation and parks commission as appropriate:

- Credit may be given for private outdoor recreational facilities provided in residential developments. The maximum credit is 50% the required land dedication.
- In the event that a wet storm water retention area is proposed to be dedicated, it can constitute no more than 25% the dedication requirement.
- Credit shall be given for previous land dedications for land to be rezoned from one residential classification to another residential classification based on the incremental increase in density.

Accord jurisdictions should, likewise, provide flexibility in meeting parkland requirements. Both Columbus and Hilliard maintain that if there are a number of constraints in which a parkland dedication cannot be made, a fee-in-lieu (based on a determined fee or appraised value of the market value of land area) is acceptable.

### ***Rural Residential Community Facilities***

The proposed rural residential areas are intended to be developed as clustered developments. This pattern of development will bring with it unique challenges to community facility administration (police, fire protection, social, healthcare and recreation). Although the population will be less than what is intended for the town center, this area will increase in population from its current level which will require more services. To be effective in a lower density area, the community facilities must be properly sited not only to be effective, but also efficient.

#### *Fire Services*

Currently the Fire Services in the townships are addressed by Pleasant Township Fire Department, Prairie Township Fire Department, Norwich Township Fire Department and Washington Township Fire Department (Brown Township contracts with Norwich Township and provides a Fire House in Brown Township that is staffed by Norwich Township Fire Fighters).

Mutual aid agreements between the townships and the municipalities should be reviewed to ensure the quality of Emergency Services is not impacted by the increase in population.

Without centralized water, rural residential areas would be without the hydrant infrastructure to assist in fire fighting. Therefore, all new developments within the rural residential areas should provide amenities to assist township fire services. These amenities may include dry hydrants with the necessary easements of access for each subdivision.

#### *Police Services*

Currently all five townships within the watershed do not maintain their own township police service. The Franklin County Sheriff's Department provides patrol services for the Townships with dedicated officers assigned to contracted areas.

With the increase in population in western Franklin County the dedicated patrol hours will need to be reevaluated. It is likely that an increase will be needed in the number of patrol cars and the amount of time dedicated. This is an opportunity for the townships to work together and with the Franklin County Sheriff's Office to determine the need and the most efficient means of serving that need.

Washington, Brown, Prairie, Norwich and Pleasant Townships should address the need collectively. While Brown Township and Prairie Township will service the Town Center, Pleasant Township is home to the largest Metro Park in the State of Ohio and with that comes its own additional service need. This need will likely grow as conservation areas grow and more destinations are created in the watershed. All of these factors should inform the five townships while making decisions about emergency services.

#### **Schools**

The two primary school districts located within the Franklin County portion of the watershed are the Hilliard School District and the Southwestern City School District.

The school district boundaries meet at the railroad tracks between Interstate 70 and Broad Street in the middle of the proposed town center.

#### *Win-Win Agreement*

The land developed as part of the town center is intended to remain in the township and will not be annexed to Columbus. This means that the residential units built there would not become part of the Columbus City Schools; students would remain in the suburban school districts as the boundaries are currently drawn.

#### *School Construction*

Any school construction in the watershed should adhere to the strictest environmental standards. Surface water quality and quantity should be managed to produce the fewest impacts on water quality. School sites, especially high schools, come with additional and unique challenges to environmentally friendly building and site design. It is recommended that school construction adhere to LEED principles for both building and site design.

#### *Neighborhood Schools*

Land within the town center should be provided for the location of neighborhood schools (for elementary and middle schools) for Hilliard and Southwestern school districts as the population increases. Neighborhood schools will be an important component to the success of the town center

#### *Hilliard City Schools*

The Hilliard City School District is experiencing rapid enrollment increases as the district continues to post strong residential growth. The district grew from 9,949 students in 1995 to 14,530 students in 2005 and it now has the 9<sup>th</sup> largest enrollment in the state. District officials expect the school population to increase at a rate of 300 to 400 students per year and project enrollment of nearly 19,000 students by 2015.

Recently the district residents approved a new levy to fund a third high school. The site for the third high school is located on Walker Road in Brown Township. The two existing high schools house 4,350 students with capacity for only 3,600.

In the Accord area the City of Hilliard has an expansion area that would allow 2,000 new housing units. Additionally, low density rural residential development and town center development will include new housing units within the Hilliard School District.

#### *South-Western City Schools*

South-western City Schools is the second largest school district in Franklin County and the sixth largest in Ohio. Southwestern City Schools will see an increase in the student population from the town center development as well as rural residential subdivisions that may occur in Pleasant Township. Currently, the district expects to exceed capacity in the next six to eight years and will need an additional high school, a middle school and 2 to 3 elementary schools.

## 5.4 Open Space and Land Protection Programs

The goal of this plan is to protect all lands within the Land Conservation Strategy through a suite of programs that balance individual landowner rights with the rights of the larger community for a clean and healthy environment. The best way of preserving land and permanently protecting sensitive areas is to purchase land and remove it from development potential; however, purchasing land requires money.

Sources of money at the local government level are often limited; therefore, relying solely on public funding for protection of land is often unreliable. Some communities will support general bonds or agree to increases in taxes to support preservation and conservation efforts. Establishing a recurring funding stream strengthens a community's ability to achieve conservation goals. Having multiple programs and a variety of funding mechanisms further expands these opportunities.

To leverage its ability to achieve this goal, the Accord will need to work with existing agencies, like Metro Parks, to secure funding and facilitate the transfer of lands into conservation and to enforce development policies that govern the management of conservation areas on public and private lands. Organizations like Metro Parks, Franklin Soil and Water Conservation District (FSWCD), the Nature Conservancy (TNC), Darby Creek Association, Ohio Department of Natural Resources (ODNR), Natural Resources Conservation Service (NRCS) and The Ohio State University (OSU) can provide increased visibility to conservation efforts and help the Accord reach its conservation goals.

Metro Parks represents a formidable and well respected organization that provides a valued resource to the watershed and the community. As part of their Strategic Plan, Metro Parks has identified a goal of preserving an additional 7,000 acres of land in the Darby Watershed in cooperation with public and private partners, focusing on land along stream corridors such as the Big and Little Darby Creeks, Hellbranch Run and their major tributaries. The Darby Accord should cultivate a relationship with Metro Parks to leverage available resources in the pursuit of conservation lands that meet both the goals of the Accord and Metro Parks.

### *Goals for Conservation*

The conservation of Tiers 1, 2 and 3 could yield a conservation network of almost 15,000 acres. When combined with land that is already protected in Metro Parks, community parks and easements, as well as land within protected floodways or Beltwidth, (about 10,000 acres) the conservation potential reaches 25,000 acres.

As an overall goal, the Accord should work toward creating a conservation network of 25,000 acres of public land within the Franklin County portion of the Big Darby Watershed, including areas already held in parks and easements. Priorities for conservation efforts should be linked to the Tiers described in the Conservation Strategy in Section 3.1.

### 5.4.1 Land Conservation Tools

To accomplish the plan principle of providing mechanisms to acquire environmentally sensitive areas (Tiers 1, 2, and 3), a number of existing and new programs will be needed. Furthermore, jurisdictions of the Accord will need to enter into partnerships with established agencies that have experience and expertise in land management, real estate transactions that can assist with targeting available funding sources from federal, state and local resources.

As a newly established partnership, the Accord is not yet ready to take on land ownership and management of conservation lands. However, over time, the Accord could evolve and develop the ability to own and manage land within the planning area and could possibly have a role as a land conservancy at the local level or even watershed level.

### *Open Space Advisory Council*

It is recommended that the Accord establish an Open Space Advisory Council to provide guidance for land acquisition, funding and other conservation efforts. The Advisory Council should include representatives from Metro Parks, Franklin Soil and Water Conservation District, The Nature Conservancy, ODNR, NRCS, OSU Extension, and the local affected jurisdictions. Membership could also be extended to interested landowners. Members should have a role in land ownership and/or oversight. The Accord and Open Space Advisory Council should organize a series of Roundtable Discussions to encourage dialogue among residents about the benefits of land conservation and how to participate in programs.



The Accord and the Open Space Advisory Council should play a lead role in monitoring the land conservation efforts in the planning area and promote regional conservation efforts. It is recommended the Accord and its conservation partners meet on a regular basis to review single and joint conservation efforts. The Accord, with the help of the Open Space Advisory Council, should produce a brief, annual summary report that indicates achievements, identifies cooperative future efforts and monitors overall progress for both public and private conservation efforts and effectiveness at overall protection of the watershed. By providing an annual summary the Accord can evaluate its efforts and help build public support for conservation efforts. Reporting should recognize local efforts and landowners for their contribution to the Accord efforts and consider the land that is being conserved through conservation style development.

Through the creation of a Community Authority and other creative revenue generating techniques discussed in Section 5.5, the Accord anticipates generating a substantial amount of revenue for land acquisition. Revenue raised for land conservation should be leveraged with funding from other agencies in the pursuit of conservation goals that meet the objectives of the Darby Accord Plan as well as the objectives of the agencies with who the Accord partners. The Accord Plan should in no way limit or hinder conservation efforts of other organizations for lands that may be outside the tiers. By partnering with key agencies, the Darby Accord can provide financial resources for land acquisition and avoid the burden of land management. Over time, the

Accord should continue to evaluate its ability to take on more responsibility including the ability to own and manage land.

#### 5.4.2 Recommended Conservation Programs

Across the country, communities are successfully developing tailored programs aimed at protecting environmentally sensitive areas, culturally important sites and quality of life values that contribute to community character and community health. The Darby Accord jurisdictions will need to establish a series of new programs that will allow them to work toward achieving the conservation of Tiers 1, 2 and 3 and the creation of the Darby Town Center.

A number of valuable programs already exist through the Natural Resources Conservation Service (NRCS), Franklin Soil and Water Conservation District (FSWCD), Ohio Department of Agriculture, Ohio Department of Natural Resources (ODNR) and Ohio Environmental Protection Agency (OEPA). Many existing programs are oriented toward a specific purpose, such as agriculture easements, conservation easements, or incentives for restoring grasslands. The Accord will need a broader suite of programs to meet the goals of the plan. All programs identified in the Plan such as easements, purchase and donation require willing property owners and funding. Another commonality among all programs is sufficient funding and resources for program implementation and management. In addition to the programs suggested below, policies for development are intended to create more opportunities for open space and are further described in Section 4.0.

The following new conservation programs should be considered:

#### 1. Open Space Fund

Many communities and agencies are already working with land owners to purchase land in the planning area for use as parks or other public facilities. The concept behind an open space fund includes a recurring funding stream, similar to a purchase of development rights (PDR) program; however, the goal of the program is to purchase and acquire land (not rights). A major consideration in the pursuit of an open space initiative program is the level of resources required to accept ownership and maintenance responsibilities that come along with acquiring land.

Metro Parks could be a formidable partner in the establishment of an Accord-wide open space fund program. Metro Parks and the Accord could work together to structure an agreement whereby local jurisdictions would contribute funding to strategic Metro Park acquisition efforts in the planning area, based on the Darby Accord general land use plan. Local jurisdictions may be able to successfully target state and federal grant resources as matching funds in acquisition efforts. Accord jurisdictions and residents would need to work together to identify an agreeable contribution level for local funding in establishing an open space initiative and consult with potential partners. Local businesses, organizations and other non-profit groups could also provide monetary support to acquisition efforts and raise awareness for the program. An open space initiative could become a major initiative for the Accord and lead to a brand identity for the Big Darby and more public awareness campaigns for educational and outreach purposes.

Each community within the Accord should continue to evaluate their ability to issue general revenue bonds that would support conservation efforts.

## 2. Land Stewardship Program.

With a dedicated funding stream, it is recommended that the Accord establish a program to purchase Tier 1, 2 and 3 lands from willing property owners. This program could be called Darby Greenspace Initiative, Darby Land Stewardship Program, Darby Open Space Initiative, or some other agreed-upon title. In addition to acquiring land by purchase, this program should be used to facilitate a charitable contribution of land through a gift, testamentary gifts, charitable remainder trusts, land conservation easements and other types of transfers that would benefit both the landowners and the local jurisdiction. This new program should be established to acquire, by purchase and/or charitable donation, land in the watershed that will be used for open space or parks that is consistent with Plan priorities.

The Accord should focus efforts for purchase on priority conservation lands in Tier 1. The Accord could assume ownership and maintenance of land, or the land could remain under private ownership with restrictions placed on it through a conservation easement in perpetuity. Restrictions may include public access rights if the area is determined to provide a special linkage or opportunity for future greenway or trail alignment.

To enhance and implement the objectives of this program, the Accord should make arrangements to have financial/tax professionals available for consultation with residents who desire to sell or donate their land and to assist with the transfer of land for green space and conservation purposes. In addition to land

transfers, this program could accept asset contributions other than real estate, which could be used solely for the acquisition or preservation of conservation areas or parkland.

Establishing a flexible program for donation could encourage property owners to donate entire parcels, or portions of their land (i.e. along stream corridors) for conservation purposes.

## 3. Parkland Dedication Ordinance

All residential subdivisions (major and minor) of land should contribute to the overall parkland and open space system of the Accord planning area. New development will result in increased demand for recreational resources and create opportunities to proactively plan for future demand and recreational trends. A parkland dedication ordinance, adopted among all jurisdictions is recommended to help build a park system that includes different scales of parks such as neighborhood, community and regional parks.

The parkland dedication ordinance should offer developers a range of options in meeting the parkland dedication requirement including a dedication of land that becomes deeded to the respective jurisdiction, a transferred dedication of land, or fee-in-lieu-of one of these options. Jurisdictions should work with developers during the early stages of plan development to determine which option would best meet the needs of all parties. Parties should be flexible in negotiating requirements to meet this obligation. Not all land is suitable parkland.

Parkland dedication requirements should be linked to development patterns in the Accord area; a single standard for parkland dedication encompassing the entire Accord area is not practical. Other communities, such as Dublin and Columbus maintain parkland requirements that

can be referenced in determining requirements for Accord jurisdictions. Emphasis on parklands should be geared towards creating neighborhood parks, contributing to the regional Metro Parks system, or providing new parks to meet increased demand for recreational uses. In all cases, parks should incorporate low impact development techniques and innovative materials that reduce the amount of impervious surface for parking areas.

Retention/detention ponds and other stormwater facilities should not count toward parkland dedication requirements

### *Town Center*

The Town Center Zone should accommodate a number of neighborhood oriented parks that are within close walking proximity to residents. The amount of land dedicated should focus on the amount of people it would be serving because of the greater density development pattern. It is recommended that there be at least 6-10 acres of parkland per 1,000 people provided within the Town Center. Neighborhood parks should be located within at least ½ mile radius of all residential properties. A Master Plan for the Town Center should identify appropriate parkland that can provide a range of activities. The location of park land should be oriented toward protecting Tier 1 and 2 elements.

### *Outside Town Center (including Conservation Development overlay)*

The conservation developments already require that 50% of the land be dedicated for open space. Portions of this open space, which are not preserved because of important environmental considerations, could be appropriate for certain appropriately designed recreational amenities, playgrounds and public spaces. The amount of land provided for public use for major and minor

subdivisions should be between 3 and 5% of the total gross open space area and include a set acres per dwelling unit amount (Dublin uses .03 acres per unit plus a minimum of 2% of the total gross site). A fee in lieu of payment could also satisfy a dedication requirement. In no case shall the open space requirement exceed 25% of total gross site area.

#### ***Land Dedicated as Parkland***

If a developer chooses to dedicate land to meet the requirement, the location of the parkland should consider the Conservation Strategy of the Plan and should also be linked to any future Master Plan for the Town Center. Any land dedicated for parkland will need to be carefully evaluated to ensure that it can serve its intended use. Lands dedicated as park should not be an after thought to the development process and should be determined in consultation with the local jurisdiction. Key considerations should include:

- Preserves and protects Tier 1, 2 or 3 Conservation areas
- Proximity to other park lands (ensure even distribution)
- Roadway accessibility (for regional serving parks)
- Opportunities for pedestrian and bicycle connections (off-road)
- Vistas and scenic qualities
- Preserves and protects any woodlands and incorporates them as a park amenity
- Open to the public (private recreational facilities should not count toward parkland dedication requirements)

Subdivisions occurring adjacent to existing park lands should provide linkages to the existing park as part of the open space requirement and any dedicated parkland.

#### ***Procedures***

##### ***Plat Dedication***

The general arrangement of parkland and how it serves the neighborhood and greater community should be reviewed and subject to approval of the local jurisdiction. The local jurisdiction should evaluate the amount of parkland provided, the distribution of parkland, and the quality of the land provided. The local jurisdiction and the developer should meet early in the planning process to discuss options and ideas for meeting the requirements. Early discussions will facilitate approval during the preliminary plat stage.

##### ***Fee in lieu***

If land dedication is inappropriate or insufficient, the local jurisdiction may request that the subdivider pay a park fee-in-lieu-of. The total fee should be based on the amount of land dedication required for final plat approval. Each jurisdiction will have to establish an average value of land per acre upon recommendation of a qualified land appraiser based on recent land transactions with a suggested price per acre for raw land within the jurisdiction. The total fee will also be based upon the average value of land. The total fee provided by the subdivider is determined by:

##### ***Total amount of land dedication X Average value of land per acre***

Fees will be collected and deposited in a fund managed by the Community Authority. The funds will be used for the acquisition of recreational facility sites, parkland, and/or the maintenance and operation of publicly owned recreation sites and facilities. Monies will be issued to the Community Authority at the time of the final plat. No building permits will be issued unless and until the fee has been provided.

For residential dwelling units which are not constructed as part of a subdivision, the fee for each residential dwelling shall be ½ % of the total land and building costs of the residential or dwelling unit, with a minimum fee of \$300 and maximum fee of \$1000 per unit, regardless of the acreage involved. This fee will be evaluated each year by the local jurisdiction and adjusted accordingly in order to meet the parkland goals of the Accord.

##### ***Dedication Transfers***

Dedicated land for parks could be transferred from one subdivision to another if providing parkland on that site is not feasible, there are no priority environmental protection areas or it is more logical to provide it in an adjacent area as a part of a larger green space. These transfers must be evaluated carefully.

#### **4. Purchase of Development Rights (PDR) Program**

A PDR program would allow landowners to voluntarily sell the development rights of their property, or a portion thereof, to the Accord, or similar organization. The landowner would retain ownership and maintenance of the land; however, as part of the land transaction, the property, or a portion thereof, would be placed under a conservation easement which would limit any further development. Restrictions may also stipulate public access rights if the area is determined to provide a special linkage or opportunity for future greenway or trail alignment. Ideally, this program will facilitate the conservation of land for open space and will lead to land being returned to natural, prairie or open grass lands. All conservation easements should be held jointly and in perpetuity by an individual property owner or Home Owners Association (HAO) and either the local jurisdiction or the Franklin County Soil and Water Conservation

District. Property owners of easements will be required to develop a planting plan and management plan that will guide the conversion of land from its current use to conservation.

A PDR program could also be used to help farmers retain their land as active farmland. It is recommended that any approvals for PDR for active agriculture lands be subject to the application of best management practices as part of the agreement.

To provide guidance to the Accord on how to spend available funding for purchasing rights, the PDR program should be linked to plan priorities and have an established application process for interested landowners that integrates criteria for protecting Tier 1, 2 and 3 areas. Preference should be given to properties that exhibit environmentally sensitive resources related to protecting water quality.

A PDR program would require a sufficient funding stream in order to facilitate the out-right purchase of the development rights. The Accord would also need to establish a process for severing rights from land;

a review process for applications; determine which applications it will fund; hire personnel to perform appraisals and provide assistance to carry out the transaction.

A PDR program within the Darby Creek Watershed that uses public funds could be leveraged with other public agency funding, such as MetroParks, to realize significant advantages. A recurring funding source is recommended for a PDR program, similar to that suggested by a more simplified open space fund initiative. Accord jurisdictions would need to work together to identify an agreeable contribution level for establishing a PDR program.

A PDR program could be a stepping stone to a longer-term goal of a TDR program. If the development rights are held and placed into a “bank” they could be instrumental in initiating the first transactions of a TDR program because developers would not have to pursue the purchase of development rights from individual landowners.

##### 5. Density Transfer Charge

Density Transfer Charges (DTC) are also designed to guide development away from sensitive areas that a

community wants to protect; therefore, they could be classified as an open space program. Fees are assessed to development proposals that wish to increase density and those fees are used to protect sensitive lands or resources. To implement the use of a density transfer fee program, Accord jurisdictions would need to develop the appropriate zoning language to allow fees to be collected in areas that would be subject to increases in density, such as the town center area.

Density transfer charges are triggered with rezoning requests. They can work with minimum (base) and maximum (threshold) zoning densities or can be applied to any rezoning that involves an increase in density or intensity of use. In order to receive the increase in density, a developer is charged a transfer fee per unit of increase. For example, the base zoning for a 1 acre parcel (in a DTC zone) is 2 dwelling units per acre but the maximum density is 5 units per acre (achievable through DTC). Assume that each unit of density costs \$8,000; the developer could seek an increase in density up to the maximum by paying \$24,000. The money from the transaction would be used to purchase land or easements in the areas that are identified for conservation. With DTCs, conservation efforts are funded by development rather than through public sources and taxes. The Accord should consider developing a density transfer program to capture funds related to requests for increases in density. Although establishing a DTC program does not necessarily require a re-zoning of the base zoning in all areas, in the case of the town center area a rezoning would be recommended to ensure base levels of development are sufficient to support and warrant public utilities.



**Big Darby Creek**  
Source: Metro Parks

DTC programs differ from TDRs in that they can be used almost anywhere. DTC programs do not require sending and receiving areas or the participation of sellers and buyers, although communities can include these elements and other TDR-like elements, as part of a DTC ordinance. DTC programs do not require any off-site preservation like a TDR program.

To implement DTC, the Accord jurisdictions would need to create an ordinance that spells out the purpose and procedure for the program. The ordinance will need to state the amount of the transfer fee and clarify how those funds will be used for conservation efforts. Density fees must consider the valuable increment of the additional development unit. Fees should be reasonable and set at an amount that still provides a reasonable return on investment for the developer; otherwise the program will not be used. Developer fees are calculated and typically collected when building permits are issued.

A disadvantage of using a DTC is that it potentially postpones many of the decisions that are made at the start of some classic TDR programs (Pruetz, 2003). In some TDR programs, receiving areas are not only designated, but rezoned so that developers are administratively approved to exceed the TDR threshold as long as they comply with the code and buy the necessary TDRs. In DTC, developers propose zoning changes on a parcel by parcel basis, with each proposal evaluated separately (Pruetz, 2003). This provides less certainty to developers. In many TDR programs, sending areas are clearly identified and in some cases down-zoned to reflect community preservation goals and promote conservation and the use of TDRs. This is not an approach found in DTC programs; areas identified for conservation would be pursued by

the Accord using DTC funds but those areas could develop as currently zoned.

Areas approved for up-zoning through the use of DTC must be compatible with the overall plan for a community. Increasing density on a case by case basis will ultimately increase overall development and would need to be weighed against factors such as environmental impacts and adequate infrastructure and serviceability. Furthermore, up-zonings across the planning area would need to be monitored to understand the cumulative impact on overall growth and development in the watershed.

Within the Darby Watershed, DTC may be most appropriate on a limited case by case basis. However, because public sewer and water will not be made available in all areas, increases in density will most likely not be suitable for remote areas of the planning area. Any DTC program for the Accord area should be applied to each jurisdiction and coordinated among all ten jurisdictions. By pooling funds collected through the program, the Accord jurisdictions could better leverage their funds and target specific areas for preservation or conservation.

#### **6. Transfer of Development Rights (TDR) Program**

As a long term goal, the Accord should consider the development of a TDR program as part of the tool box of options to achieving the conservation of Tiers 1, 2 and 3. A TDR program would allow willing property owners in Tiers 1, 2 or 3 (sending areas) to negotiate and sell their development rights to buyers that then execute them in appropriate 'receiving areas' (town center). The value of a development right is determined through negotiation between the buyer and seller and is a function of the real estate market.

TDR requires the development of a more detailed process for the transfer of the rights, including rezoning sending and receiving areas, establishing administrative processes for the transfer of rights and extensive outreach to the public about how the program works.

It is recommended that the Darby Accord continue to support a change in state legislation that would enable the transfer of development rights between any and all jurisdictions (incorporated and non-incorporated). The current boundaries of the Town Center should serve as a receiving area and Tiers 1, 2 and 3 would become sending areas. The informal transfer of rights could occur today within a single jurisdiction among agreeable parties. Informal transfers should be encouraged as a way to conserve land in the Tiers and help create the Town Center. A successful TDR program requires an active housing market and a supportive public that participates in the program. TDRs offer landowners another option for realizing the value of their land.

#### **7. Land Owners Roundtable Series**

This planning process has revealed a need to hold a series of roundtable discussions to inform landowners about the priority conservation areas and to explain conservation options such as easements, donations, purchase of development rights and other programs. The majority of land in the watershed is within private land holdings. A pro-active approach with land owners could result in an increased willingness to contribute land into an open space network and land conservation strategy. The Accord should consider establishing a core group of landowners, representative of all Accord jurisdictions, for this effort. This group can serve as ambassadors to other landowners and interested citizens, distribute information and



provide a voice for landowners. Key partners in this effort should include Accord jurisdictions, FSWCD, ODNR, Metro Parks and key local institutions.

#### 8. Backyard Conservation Program.

Similar to the program established by the Friends of Olentangy Watershed



The Friends of Olentangy Watershed provides signs to those members practicing backyard conservation. <http://www.olentangywatershed.org/>

(FLOW), a backyard conservation program provides guidance to homeowners in how to maintain their property in harmony with the watershed. The program could be part of an overall Healthy Streams marketing campaign designed to engender support for conservation projects and raise awareness of the role that each resident has in protecting the Darby watershed. Program components could include lawn care, pest management, suggest native tree and vegetative plantings, include instructions on how to develop and maintain a rain garden or other lot-level best management practices. This program could be expanded to school-aged children.

Franklin SWCD assisted in the development of the FLOW program and is working to develop a central Ohio-wide Backyard Conservation program for dissemination to all residents. Franklin SWCD is a potential partner for the Accord in developing a Healthy Streams program.

Another example of a backyard conservation program can be found in the Northern Virginia Planning District Commission's "Maintaining Your BMP" handbook. The book is designed for property owners and suggests basic maintenance and planting tasks for BMPs.

#### 9. Nutrient Reduction Programs for Farmland.

Nutrient reduction programs for farmers are one way to encourage better site management in active agriculture areas. A program in the Stillwater watershed in Ohio led by Ohio State University Department of Agricultural, Environmental, and Development Economics is running such a program. The Ohio State University Group performance contracts tie payments farmers receive for reducing pollution loads to measurable pollution reductions downstream, using small sub-watersheds of 1000 – 2000 acres and groups of 5 – 15 farmers. (Sohnngen, March 2005). Farmers must purchase the equipment and payment for nutrient reductions is measured collectively downstream (Taylor, Sohnngen, Randall and Pushkarskaya, 2004).

## 5.5 Revenue

The following section addresses a key element in the implementation strategy for the Big Darby Accord: the funding opportunities. These funding opportunities are based on potential revenue that could be realized for the planning area through the implementation of a new community authority, tax increment financing and/or developer contributions. For the purposes of this plan, there has been an analysis and initial set of projections prepared for all three sources of revenue. This analysis includes a number of assumptions, noted in the following discussion, and several assumptions regarding the level of fees and assessments that would be applied. Although provided as part of this plan, these matters will require further discussion among the various jurisdictions and stakeholders that would be impacted by these costs to determine the appropriate fees and assessments. These jurisdictions and stakeholders would also be participants in the implementation of these revenue sources.

An important factor in considering the level of revenue sources that could be generated is determining how these funds could be used. This Plan identifies a number of priorities that should be pursued as implementation efforts coalesce:

- Infrastructure (utilities and roads)
- Regional stormwater management (acquisition, construction, maintenance)
- Open Space and Land Conservation (in partnership with other agencies)
- Water Quality Monitoring
- Community Facilities
- Stream Restoration
- Supporting resources to implement and update the Accord Plan (plan review, coordination)

It is also worth noting that these three revenue sources should not be viewed as the only revenues available to fund the plan. Other sources that should be considered and pursued for Plan implementation include state and federal grants and water and sewer revenues.

The revenue assessments completed as part of this effort should be regarded as preliminary in nature and indicative only of the order of magnitude of the financing capacity for each tool, but by no means definitive. This is due to the fact that these projections are based on development assumptions that are subject to change.

As possible sources for funding aspects of the plan, revenue streams and related capital evaluations of financing capacity were prepared for the following three sources:

1. A new community authority (NCA)
2. Tax increment financing (TIF)
3. Development fee contributions.

These three revenue sources were evaluated because of their proven central Ohio track records in funding public infrastructure in connection with new residential and commercial development in Hilliard, Powell, Dublin, New Albany and the City of Columbus' recently adoption of all three of these revenue sources as part of its "Pay As You Grow" policy.

### 5.5.1 Key Assumptions

A number of key assumptions have been used for the basis for revenue projections.

*In connection with any tax increment financing, it is assumed that the tax increment financing would be for the maximum legally permitted 30 years in duration on each improved parcel, but that the overlapping*

school districts would be held harmless. The result is that the tax increment financing revenue stream that is the basis for these projections is limited to the "non-school" share of each real property tax dollar generated by any new development permitted in the planning area. The TIF revenues shown below include any non-school amounts that are also subject to potential sharing with overlapping townships and county agencies.

*With respect to a new community authority charge, projections are based on a ten mill charge that would be imposed on each new residential unit or structure for 30 years.*

Over the 30 year period, it is assumed that the allocation for the first 20 years would be one half (5 mills) to local public infrastructure improvements and community facilities, and one half (the other 5 mills) to regional improvements, with the full ten mills allocated entirely to regional improvements for years 21 through 30.

It was also assumed in the case of both tax increment financings and the new community authority that each would apply to both residential and commercial development.

For both tax increment financing and new community authority charges -- which are applied to the assessed value of each new structure or unit -- a growth factor of 3% of that value with every triennial update or sexennial reappraisal was assumed. It was assumed that the true value of each unit as determined by the county auditor would be approximately 90% of the sale or per square foot value, with that true value then reduced to tax value of 35% of true value.

With respect to any development fee contribution, a \$2,500 per unit fee was assumed that would be paid at the time a building permit is drawn for each residential unit. If a development fee is already imposed by a local jurisdiction, that jurisdiction could receive the balance of the proposed \$2500 per unit fee to be applied to items consistent with the Plan. In addition, jurisdictions could discount developer contributions by allowing credit for extraordinary costs incurred by a development associated with regional best

management practices, regional stream restoration efforts, sewer extension to the Town Center area, and/or community-based wastewater treatment systems in the rural conservation areas.

### 5.5.2 Projections

The above assumptions were applied to build-out assumptions in connection with each of the identified development areas of the Town Center, Hilliard growth area and the areas identified for rural conservation development. In the figures that follow, the

projected revenues are expressed in terms of both the actual amount to be collected over a described period of years, as well as the “PV” or “present value” of that long term stream of revenues. Present Value is the value of that future cash flow discounted (in this case at the rate of 5%) into its value in today’s dollars. Present Value is also a very rough measure of the financing capacity of that long term revenue stream.

#### Town Center Residential

Residential development in the town center assumes a build-out of 400 residential units built per year commencing in 2009 with an average sales price of \$200,000. Based on a minimum build-out scenario of 5,000 total units with build-out complete in 2021, the approximate revenues and financing capacity for a non-school TIF, a \$2,500 developer contribution fee and a ten mill new community authority charge in this area are identified in Figure 5.7.

#### Town Center Commercial

For Town Center commercial, the revenue and financing projections assume a build-out of 850,000 square feet (SF) of office space costing \$100 per square foot over ten years. Projections also assume a build-out of 900,000 SF of large commercial space at \$75 per square foot of construction cost over ten years and another 500,000 SF of small commercial space at construction cost of \$75 per SF over the same ten year period. Finally, it assumes that build-out begins in 2009.

Based on these assumptions, a non-school TIF would generate approximately \$51.4 million of revenue over 30 years, yielding a financing capacity at a 5% borrowing rate of approximately \$17.5 million.

	TIF	Fees	NCA Charge	
			Local Share	Regional Share
Amount (millions)	\$213.6	\$12.5	\$36.6	\$79.1
PV (million)	\$71.3	\$7.8	\$14.0	\$21.4
Per Unit	\$1,500.00/yr	\$2,500.00	\$630.00/yr	
Length per Parcel	30 years	One time	30 years	

**Figure 5.7 Town Center - Minimum Build-out Scenario  
Approximate Revenues – 5,000 Total Units (Build-out Complete 2021)**

	TIF	Fees	NCA Charge	
			Local Share	Regional Share
Amount (millions)	\$89.4	\$5.0	\$14.3	\$30.9
PV (millions)	\$32.2	\$3.5	\$6.1	\$9.3
Per Unit	\$1,500.00/yr	\$2,500.00	\$630.00/yr	
Length per Parcel	30 years	One time	30 years	

**Figure 5.8 Hilliard Growth Area  
Approximate Revenues – 2,000 Total Units (Build-out Complete 2017)**

	TIF	Fees	NCA Charge	
			Local Share	Regional Share
Amount (millions)	\$534.1	\$12.5	\$99.4	\$214.5
PV (millions)	\$178.2	\$7.0	\$34.1	\$52.0
Per Unit	\$3,920.00/yr	\$2,500.00	\$1,575.00/yr	
Length per Parcel	30 years	One time	30 years	

**Figure 5.9 Low Density Development (Conservation Development Areas)  
Minimum Build-out Scenario Approximate Revenues – 5,000 Total Units  
(Build-out Complete 2023)**

	TIF	Fees	NCA Charge	
			Local Share	Regional Share
Amount (millions)	\$837.1	\$30.0	\$150.3	\$324.5
PV (millions)	\$281.7	\$18.3	\$54.2	\$82.7
Length per Parcel	30 years	One time	30 years	

**Figure 5.10 Aggregate Projections - Minimum Build-out Scenario  
Approximate Revenues– 12,000 Total Units**

### **Hilliard Residential**

For the Hilliard growth area, the following projections are based on 200 residential units per year, commencing in 2008, for a total of 2,000 units, with an average sales price of \$200,000.

### **Low-Density**

For low-density residential development outside of the higher growth areas, assumptions include 200 built residential units each of the first five years and 400 units built in each year thereafter, commencing in 2009. All units are assumed to have an average sales price of \$500,000. Given the long term nature of this build-out, the build-out assumption is based on 5,000 total units as reflected in Figure 5.9.

### **Aggregate Revenue Projections**

The aggregated revenue projections from all three revenue sources for the Town Center, Hilliard and low-density development assumptions set forth above, are presented Figure 5.10.

### **5.5.3 Summary Revenue Considerations (with Respect to Build-out Assumptions and Revenue Projections)**

All of these revenue tools are assumed to reflect an agreed upon consensus among the members of the Accord and the development community that would be active in the Accord area, as was the case with Columbus Pay As You Grow. This consensus is important because these tools are only revenue-producing to the extent they are agreeable to the development community. If the combination of tools is overly burdensome to development in these areas, development will not occur resulting in reduced revenues.

### **5.5.4 Uses of Revenues**

Based on their legally permitted uses, the nature (one time or sustaining over time) of each, the source of payment and other considerations, likely priority “uses” for the three revenue streams evaluated might be as follows:

#### **1. Tax Increment Financing Revenues**

These revenues are generally limited to capital financing of “public infrastructure improvements” and therefore would be used to pay or finance capital costs of the following in connection with the Plan:

- Public roads and highways;
- Water and sewerlines;
- Stormwater and flood remediation projects, including stream remediation; and
- Land acquisition.

Although regional improvements called for by the Big Darby Accord may be the first priority for these resources, they may also be allocated to public infrastructure improvements in each jurisdiction. The jurisdictions may also determine that a portion of the TIF revenues should also be allocated to the public agencies that normally benefit from real property taxes.

#### **2. New Community Authority**

##### **Community Development Charge**

This charge may be applied to pay costs of:

- Land acquisition as part of the Big Darby Accord development program;
- Land development including water distribution systems, sewers, sewage collection systems, roads, streets, curbs, gutters, sidewalks, storm drainage facilities and other installations or work, whether within or without the new community district area; and
- Community facilities.

The charge may also be applied to operation and maintenance costs of those facilities, and thus is more flexible than TIF revenues. It may also be possible to fashion a “prepayment credit” against this revenue stream for developer conservation expenditures in support of the Big Darby Plan.

#### **3. Developer Contributions**

Developer contributions might most logically be segregated into a fund for the acquisition of land and development rights to implement the Big Darby Accord and Plan. It may also be possible to establish credits against these contributions based on the value of development rights or land acquisition and donation that is made by a developer.

In addition to the revenue sources named above, other possible traditional public finance revenue sources for various public infrastructure improvements exist. These include, for example, the use of utility revenues in support of sewer and waterline extensions into developing areas. In light of the extensive infrastructure and Big Darby Plan conservation needs identified for the area, all revenue sources will likely be needed to fund development and the plan.

Any tax increment financings which would need to be authorized by the relevant overlapping township or county or municipal jurisdictions, while any community authority would need to be approved by the City of Columbus and the Franklin County Commissioners.

## 5.6 Early Actions

Accord jurisdictions should work together to establish the necessary processes and programs that are vital for plan implementation. The following early action items identify priority steps for plan implementation. The emerging Memorandum of Understanding (MOU) provides further refinement of these actions.

### Timeframe: 1-4 months

#### *Facilitate Accord Plan Adoption*

Each jurisdiction should submit the Accord Plan to elected officials and approving bodies for review and approval. Each jurisdiction should follow their established public review processes for plan adoption.

#### *Complete a Memorandum of Understanding*

The participating jurisdictions should agree to a memorandum of understanding which outlines the relationship and obligations of the jurisdictions within the Darby Accord Plan framework.

### Timeframe: 2-6 months

#### *Update Local Regulations*

Each jurisdiction should update land use policies and documents including comprehensive plans, zoning and subdivision regulations to ensure consistency with the Accord Plan. Jurisdictions should work together on this task.

### Timeframe: 4-6 months

#### *Establish the Big Darby Accord Advisory Panel*

This panel should include members of the Accord. This panel should provide non-binding review of development-related proposals for consistency with the overall Mission Statement of the Accord and the Big Darby Accord Plan.

#### *Update Development Review Processes*

The participating jurisdictions should update their development review processes to integrate the Big Darby Accord Advisory Panel, as described in Section 5.1.

#### *Update Submission Requirements*

Each jurisdiction should review and make changes to their development application submission requirements to reflect the priorities of the Big Darby Accord Plan. This process should include the agreement to use a development review checklist.

#### *Update Utility and Service Permits*

The jurisdictions should examine and modify, if necessary, their utility and service permit process in order to adhere to recommendations outlined in the Big Darby Accord Plan.

### Timeframe: 6-9 months

#### *Identify Staff Resources to Carry Out Plan Implementation*

To ensure that plan implementation is occurring, and that efforts are moving forward, it is recommended that the Accord jurisdictions appoint at least one staff person to coordinate implementation efforts, including the Big Darby Accord Advisory Panel. Accord jurisdictions should jointly fund this position. This person should be charged with coordinating activities in the immediate months after plan completion, pursuing funding and creating partnerships. Outreach and advocacy to other communities in the watershed should also be pursued and could be coordinated by staff.

### Timeframe: 6-12 months

#### *Perform Facilities Planning for Services*

Accord jurisdictions should perform facilities planning for the provision of water and central and non-centralized wastewater services according to the Accord Plan. Accord jurisdictions should continue to work together with technical experts to address issues concerning the treatment of waste water for areas that will not be serviced by central sewer and water. This will include identifying appropriate technologies, management, regulation and enforcement. Strong consideration should be given to establishing an inspection and enforcement program for HSTS to ensure proper function. Appendix F offers draft recommendations put forth by the Darby Alternative Wastewater Treatment Technical Advisory Committee related to options for alternative wastewater treatment systems.

#### *Initiate a Town Center Master Plan*

A Master Plan for the proposed Town Center should be developed to adhere to recommendations made in the Big Darby Accord Plan.

### Timeframe: 6-18 months

#### *Establish a New Community Authority (NCA) and Non-school Tax Increment Financing (TIF) Revenue Mechanisms*

The participating jurisdictions should create a new community authority and adopt appropriate legislation for the creation of such an entity. The creation of the Authority will require the establishment of by-laws among other procedural requirements including funding priorities. Participating jurisdictions should also establish a non-school TIF.



***Designate an Environmental Monitoring Group and Open Space Advisory Council.***

The Darby Accord jurisdictions should establish an Environmental Monitoring Group to lead and facilitate development of a water quality monitoring program (and procedures) and an Open Space Advisory Council to coordinate land conservation efforts.

**Timeframe: Ongoing**

***Education and Outreach***

The Big Darby Accord Advisory Panel and supporting partners should continue education and outreach to inform property owners, developers and elected officials of the goals and objectives of the Accord Plan, as well as the means being employed to implement the Plan. Efforts should be made to reach out to other watershed communities to encourage regional collaboration and adoption of Accord standards.

