



Commissioner Paula Brooks · Commissioner John O'Grady · Commissioner Marilyn Brown  
President

Economic Development & Planning Department  
James Schimmer, Director

## Meeting Agenda - Orientation

### Conservation Development Regulations Working Committee

November 8, 2012

1. Welcome
2. Statement of Work
3. Meeting Schedule
4. Re-Orientation Memo
5. Other items
6. Questions

Upcoming meeting:

Water Quality Monitoring – December 6, 2012, 9:00-10:30 a.m.

## ★ Purpose

Produce a Big Darby Accord-compatible conservation development zoning district for incorporation in the Franklin County Zoning Resolution.

Background:

The Big Darby Accord and Ohio EPA 208 Plan call for jurisdictions to adopt zoning regulations that allow for conservation-style development.

This project will produce a regulation tailored to the Franklin County Zoning Resolution that incorporates Big Darby Accord guidelines, Ohio EPA regulations and national best practices for this style of development.

## ★ Scope

The project will adapt a conservation development regulation for inclusion in the Franklin County Zoning Resolution. The regulation will fully comply with the Big Darby Accord and Ohio EPA requirements as listed in the 208 Plan.

## ★ Meetings and Due Dates

Meetings will be held from 9:00am-10:30am

First meeting on **November 8**, remaining schedule distributed at first meeting

Four meetings total

Final text finished by: Thursday, March 21, 2013

Ground rules:

- Be respectful while others are speaking, understand there will be differences of opinion.
- Strict 90 minute rule for meetings: start on time, end on time

## ★ Reporting structure

For meetings:

- Project Coordinators will prepare and email materials for upcoming meetings at least 2 weeks prior to the meeting.
- Working Committee members will review materials and provide comments at the meeting. Those unable to attend must submit comments by 5:00pm the day prior to the meeting.
- Project team will make revisions based on comments and present revisions at the following meeting.
  - Unless issues previously not discussed are raised regarding the revisions, that topic is closed and a new topic is addressed.

## ★ Deliverables

Final deliverable: Conservation development regulation ready for incorporation into Zoning Resolution

## ★ Roles and Responsibilities

The Project Coordinators will create and distribute materials for Working Committee meetings. The Project Coordinators will also facilitate Working Committee meetings. The Working Committee will serve as experts in their respective fields, reviewing materials and providing comments and guidance to the Project Coordinators.

We will strive for a consensus among the Working Committee however if unanimous agreement is not reached on a specific topic the Project Team will make an informed decision on the issue in order to complete the project on schedule. The final text will achieve the goals of the Big Darby Accord.

## ★ Stakeholders

Project sponsor: Franklin County Economic Development and Planning

Project team

Project Coordinators: Matt Brown  
Scott Ulrich

Staff Support: R. Lee Brown, Franklin County  
Elizabeth A. Clark, Brown Township  
Tracy Hatmaker, Prairie Township  
Vince Papsidero, Franklin County Planning Commission

Working Committee

Building Industry Association of Central Ohio  
Land Use Attorneys  
Franklin County Drainage Engineer's Office  
Franklin County Engineer's Office  
Franklin County Public Health  
Franklin County Sanitary Engineer's Office  
Columbus-Franklin County Metro Parks  
The Nature Conservancy  
Franklin Soil and Water Conservation District  
Mid-Ohio Regional Planning Commission  
Ohio Department of Natural Resources  
Ohio Environmental Protection Agency  
Engineering Firms

## ★ Criteria for Success

Project completed 19 weeks from the first meeting with a draft regulation ready for the adoption process

★ **About the Project**

Collaborative, stakeholder-intensive group to produce a conservation development zoning regulation for incorporation in the Franklin County Zoning Resolution.

The project will adapt a model conservation development zoning regulation. The regulation will fully comply the Big Darby Accord and Ohio EPA requirements as listed in the 208 Plan.

★ **Meeting Schedule**

Once-monthly meetings: Held on Thursdays from 9:00am-10:30am

Meeting location: Franklin County Planning Department  
Lazarus Building  
150 South Front Street, FSL Suite 10

Meeting materials: Posted online at least 2 weeks prior to scheduled meeting at [www.tinyurl.com/conservationdevelopment](http://www.tinyurl.com/conservationdevelopment)  
Email will be sent with instructions for accessing materials

Project completion:

<p><b>Meeting 1: Re-orientation</b> November 8, 2012 South conference room</p>
<p><b>Presentation and discussion topics</b></p> <p>Project info Scope of work Schedule</p>
<p><b>For next meeting</b></p> <p>Review and prepare comments for Water Quality monitoring sections of code. Specific sections to review will be included in email.</p>

<p><b>Meeting 2: Water Quality Monitoring</b> December 6, 2012 South conference room</p>
<p><b>Presentation and discussion topics</b></p> <p>Discussion on draft Water Quality monitoring requirements and standards</p>
<p><b>For next meeting</b></p> <p>Review revised Water Quality monitoring sections of code. Review and prepare comments on draft Open Space sections of code. Specific sections to review will be included in email.</p>

# Meeting Schedule

<b>Meeting 3: Open Space</b> January 17, 2013 South conference room
<b>Presentation and discussion topics</b>
Overview of Water Quality revisions Discussion on draft Open Space requirements and standards
<b>For next meeting</b>
Review revised Open Space sections of code. Review and prepare comments on draft Density sections of code. Specific sections to review will be included in email.

<b>Meeting 4: Density</b> February 21, 2013 South conference room
<b>Presentation and discussion topics</b>
Overview of Open Space revisions Discussion of draft Density allowances and standards Overview of anticipated adoption process
<b>Next communication</b>
The project team will email a summary of the Density revisions when completed and notify Working Committee members when the adoption process will begin.



Commissioner Paula Brooks • Commissioner Marilyn Brown • Commissioner John O'Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

## ***RE-ORIENTATION MEMO***

Conservation Development Regulations Working Committee  
October 4, 2012

### **Summary**

This re-orientation memo is provided to inform Working Committee members of the status, purpose and intent, and issues of concern regarding the Franklin County Conservation Development Regulations. It includes the following sections:

- Re-Introduction
- What Has Happened Since 2010
- Unresolved Issues and Clarifications
- Scope of Work
- Policy Framework

### **Re-Introduction**

The Conservation Development Regulation project initially began in February of 2009. The project's purpose was to produce a Big Darby Accord-compatible conservation development zoning district for incorporation in the Franklin County and Prairie Township Zoning Resolutions. Franklin County Economic Development and Planning convened a working committee comprised of stakeholders from the public, private, and non-profit sectors. The committee was tasked with drafting a zoning regulation that would appeal to both developers and conservationists.

After a series of roadblocks due to unanswered questions and irreconcilable disagreements, the project was abandoned in early 2010 and is now being revived. It is our intent to reconvene a Working Committee to gather focused input on a limited number of unresolved technical and policy issues. We will not be "writing code by committee" as was previously attempted.

### **What Has Happened Since 2010**

- Amended Big Darby Stormwater Permit (Effective October 1, 2012)
  - This alternative general permit renewal implements many of the basic recommendations regarding the programs, activities and Best Management Practices developed through the Total Maximum Daily Load process and the State Water Quality Management Plan and 208 Plan. According to OEPA, there are no significant changes in this permit renewal compared to the original permit issued in 2006.
- Adopted Franklin County Stormwater Drainage Manual (Adopted March 2012)
  - The Stormwater Drainage Manual sets forth guidelines to protect existing natural stormwater resources, convey and control stormwater in a safe and responsible manner, and meet water quality goals. The Manual recognizes that there may be instances where alternative stormwater standards apply to protect sensitive ecological areas (i.e., Hellbranch Run and the Darby Creek watersheds) or to meet the goals of Total Maximum Daily Loads established by the Ohio EPA. Where alternative standards conflict with the requirements of the Manual, the more stringent criteria shall apply.

- Updated Franklin County Subdivision Regulations (Adopted March 2012)
  - A technical update of the regulations, focusing on clarifying procedures and making necessary revisions to bring the regulations into compliance with provisions of State Codes. Revisions to the regulations included a comprehensive reorganization to make the process more transparent with requirements easier to find and clarifications to the preliminary plan, construction plan, and final plat processes.

### **Unresolved Issues and Clarifications**

Many of the previous unresolved issues were a result of differing interpretations of the content of the policy documents that form the foundation of the Conservation Development Regulations. This section will review the identified issues and provide the specific policy language that addresses each issue.

***Issue #1: The belief that alternative wastewater design needs to be specifically addressed in the Conservation Development Regulations.***

Response: It is not within the scope of the Zoning Resolution to dictate wastewater treatment requirements. It is within our ability only to enable the use of such wastewater treatment techniques. Applicants for conservation subdivisions must submit a letter from the appropriate approving authority that the proposed development has adequate wastewater disposal facilities.

***Issue #2: The belief that the definition and use of “open space” should be strictly limited to natural vegetation because that is what the Darby Accord water quality modeling assumptions were based on.***

Response: Regardless of the modeling assumptions, the Darby Accord Plan and the 208 Plan specifically discuss the appropriate permitted uses of open space areas within conservation developments (see below). The Working Committee is tasked only with resolving the differences between these two lists of recommended uses – not re-creating a new list of uses.

#### Darby Accord

- *Permitted Uses:* passive recreation including trails, vegetative enhancement, reforestation, removal of damaged or diseased trees, stream bank stabilization/restoration, public utilities, non-structural best management practices, minor disturbances related to the construction of the permitted use, land application of waste water effluent (outside SCPZ or wetlands).
- *Conditional Uses:* active recreational uses limited to multi-purpose fields, playgrounds.
- *Prohibited Uses:* grading activities and land uses commonly associated with a development process, development.

#### 208 Plan

- *Permitted Uses:* passive recreation; removal of damaged or diseased trees; revegetation and reforestation; new arterial streets (provided that disturbances due to construction of arterial streets are minimized and mitigated); and disturbances of the open space necessary to accomplish the permitted uses described in this criteria.
- *Conditional Uses:* streambank stabilization; erosion control measures; paved trails; and stormwater best management practices.
- *Prohibited Uses:* construction of structures; dredging and filling; motorized vehicles; disturbance of natural vegetation; parking lots; and application or spraying of wastewater treatment residuals.

Note that the only differences between these two plans are the suitability of open space areas for:

- Trails (permitted vs. conditional);
- Streambank stabilization (permitted vs. conditional); and
- Application of wastewater effluent (permitted vs. prohibited).

**Issue #3: The interpretation that the Darby Accord Land Use Plan provides for 5,000 dwelling units of conservation development within the designated areas.**

Response: The Proposed Land Use chapter of the Darby Accord Plan creates two land use categories for conservation development: a category for “Rural Densities” and a category for 1 du/acre within the Hilliard Expansion Area.

The “Rural Densities” category encompasses 9,406 acres of land within the planning area and is based on existing zoning in those areas. The vast majority of these areas are currently within the Rural zoning district of the Franklin County Zoning Resolution (or Prairie Township’s equivalent), which allows residential densities of 1 du/5 acres or 0.2 du/acre. At this density, extrapolated across the entire area designated for such development by the Darby Accord, the maximum build-out would be **1,881 units**. Even with the Darby Accord Plan’s recommended maximum density bonus of 15%, the yield would be only **2,164 units**.

However, the Revenue section of the Implementation chapter of the Darby Accord Plan includes a projection for 5,000 units of “low-density residential development outside of the higher growth areas.” In a separate table this “low-density residential development” is used interchangeably with “conservation development” areas. There are three (3) plausible explanations for this discrepancy:

- 1) The authors were not actually referring only to conservation development areas, but to *all* low-density residential development outside of the higher growth areas. This would yield **4,991 units**:

Residential Conservation Development; 50% Open; Rural densities (0.2 du/ac): 9,406 acres							
0.2 x 9,406 = 1,881 units							
Residential Conservation Development; 50% Open; 1 du/ac: 1,189 acres							
1 x 1,189 = 1,189 units							
Rural Residential (0.2–0.5 du/ac): 1,026 acres							
(0.5) x 1,026 = 513 units							
Rural Estate (0.2 du/ac): 4,805 acres							
0.2 x 4,805 = 961 units							
Suburban Low Density (0.5 – 3 du/ac): 149 acres							
3 x 149 = 447 units	<table style="margin: 0; border-collapse: collapse;"> <tr><td style="padding: 2px 10px 2px 10px;">1,881</td></tr> <tr><td style="padding: 2px 10px 2px 10px;">1,189</td></tr> <tr><td style="padding: 2px 10px 2px 10px;">513</td></tr> <tr><td style="padding: 2px 10px 2px 10px;">961</td></tr> <tr><td style="padding: 2px 10px 2px 10px;">+ 447</td></tr> <tr><td style="padding: 2px 10px 2px 10px; border-top: 1px solid black;">4,991</td></tr> </table>	1,881	1,189	513	961	+ 447	4,991
1,881							
1,189							
513							
961							
+ 447							
4,991							

- 2) The authors’ review of the Rural district of the Franklin County Zoning Resolution revealed a stated minimum lot size of 2.5 acres, which equates to 0.4 du/acre. This density, extrapolated across the entire area designated for conservation development by the Darby Accord, would result in a maximum build-out of **3,762 units**. With the 15% density bonus, the yield would be **4,327 units**.
- 3) The authors equated conservation development at “rural densities” with the range of densities associated with the “Rural Residential” land use category, which is described as 0.2-0.5 du/acre. The maximum of that range would allow 0.5 du/acre over 9,406 acres, which comes out to **4,703 units**. With the 15% density bonus, the yield would be 5,408.

The intent of the Big Darby Accord Watershed Master Plan was to balance the goal of open space conservation with the need to pay for it. The financial feasibility of implementing the plan is dependent on capturing the projected revenue. Therefore, the discrepancy above must be reconciled in a way that does not jeopardize the environmental and economic goals of the Darby Accord Plan.

## **Scope of Work**

The role of this project is to create regulations that implement the Darby Accord Plan – not rewrite the plan. Where there are existing recommendations, these regulations will stay true to them. The scope of this project includes those subjects where there is a lack of – or insufficient – existing guidance, including:

- 1) Density bonuses (quantity, criteria, financial feasibility)
- 2) Open space (definition, permitted uses, ownership and maintenance)
- 3) Water quality (standards and monitoring procedures, compatibility with stormwater permit, adaptive management)

## **Policy Framework**

Our intent in moving forward with this project is to acknowledge philosophical disagreements and to find compromise solutions (not consensus) while staying true to the spirit and intent of the relevant policy documents. The final section of this memo provides a full review of the various relevant recommendations from the following documents:

- Big Darby Accord Watershed Master Plan
- 208 Plan Prescriptions for Water Quality Protection within the Big Darby Creek Watershed
- Brown Township Comprehensive Plan
- Prairie Township Comprehensive Plan
- Pleasant Township Comprehensive Plan

## BIG DARBY ACCORD WATERSHED MASTER PLAN

### 3.3 Proposed Land Use

<b>Proposed Generalized Land Use Categories</b>	<b>Acres</b>	<b>Percent</b>
Agricultural Use	3,356	6%
Commercial	196	0%
Industrial	50	0%
Public / Semi Public	1,053	2%
Mixed Use	357	1%
Res Conservation Devp 50% Open Rural densities	9,406	17%
Res Conservation Devp 50% Open 1 du/ac	1,189	2%
Rural Residential	1,026	2%
Rural Estate	4,805	9%
Suburban Low Density 0.5-3 du/ac	149	0%
Suburban Medium Density 3-5 du/ac	4,073	7%
Urban Medium Density 5-8 du/ac	130	0%
Urban High Density 8+ du/ac	447	1%
Special Residential LEED	328	1%
Town Center*	1,825	3%
Golf Course**	729	1%
Existing Park**	6,266	11%
EC Protected	4,334	8%
Tier1	5,600	10%
Tier2	1,850	3%
Tier3	7,160	13%
Roads & Transportation***	1,701	3%
<b>Total</b>	<b>56,029</b>	<b>100%</b>

#### ***Conservation Development Rural Density:***

*50% open space based on existing zoning; no central sewer provided*

### 4.3 Open Space

The identification of environmentally sensitive resources should be a requirement for all development proposals as part of a development review checklist that is further described in Section 5.0. Development plans and proposals should demonstrate the protection of resources to the maximum extent possible. The location of open space on any development site, such as a conservation development that sets aside 50% of the site, should be dictated by the location of environmentally sensitive features within the tiers and the topography and features of the land. Development should be permitted within the Tier areas, subject to all zoning, subdivision regulations, permitting and environmental standards set forth in this Plan and other regulatory requirements such as those issued by the Ohio EPA.

Permitted uses within open space areas should first consider environmental regulations described in earlier sections that may prohibit certain uses in stream corridor protection zones or wetlands.

- Permitted Uses: passive recreation including trails, vegetative enhancement, reforestation, removal of damaged or diseased trees, stream bank stabilization/restoration, public utilities, non-structural best management practices, minor disturbances

related to the construction of the permitted use, land application of waste water effluent (outside SCPZ or wetlands)

- Conditional Uses: active recreational uses limited to multi-purpose fields, playgrounds
- Prohibited Uses: grading activities and land uses commonly associated with a development process, development

### ***Easements***

To ensure that open space areas are properly maintained and managed over the long-term and to ensure continuity of care between property owners, easements should be created for the open space areas that are part of any conservation-style development and along SCPZs. Easements can provide economic benefits to property owners. For larger lot developments that occur outside of conservation developments, local jurisdictions should encourage at least 50% of the site be placed in a conservation easement to ensure proper care and natural vegetative features.

All easements should be held jointly and in perpetuity to allow for perpetual inspection and enforcement. Appropriate parties for the joint easements include Home Owners Associations, qualified conservation groups (501c3), local governmental entities, or the Franklin Soil and Water Conservation District.

Appropriate uses for the open space, maintenance requirements, and overall treatment of the easement should be stipulated in the easement agreement. A 'double' easement will allow access to the site for inspection, enforcement, and monitoring of the open space and enforcement of easement requirements. In the event the party responsible for maintenance of the open space easement fails to maintain all or any portion in reasonable order and condition, the appropriate governing body should assume responsibility for its maintenance and should enter the premises to take corrective action, including the provision of extended maintenance. The costs of such maintenance should be charged to the homeowners association, or to the individual property owners that make up the homeowners association and may include administrative costs and penalties. Such costs should become a lien on all subdivision properties.

### ***Maintenance of Open Space Areas***

All jurisdictions should adopt consistent guidelines for the maintenance and care for privately held open space lands or land held within easements. These guidelines should be developed in coordination with Open Space Advisory Council. Overall, it is the desire that open space in conservation subdivisions is managed such that the recharge rate is maintained or improved. If onsite infiltration is infeasible, or if open space is inadequate to maintain this infiltration rate, mitigation with off-site infiltration may be allowed.

To encourage the proper and most ecologically beneficial conversion of denuded areas to areas with native vegetation and plantings, developers should be required to work with Franklin Soil and Water Conservation District and the local jurisdiction to develop a planting plan for any open space easement. The planting plan should be submitted at the time of application and should identify appropriate native plants, soil requirements and water requirements for the open space area.

Developers should be required to plant the initial cover and should be subject to a 3 year performance bond too ensure a successful outcome followed by a 2 year bond at a reduced rate to ensure maintenance procedures are followed. The performance bond will be released upon inspection by the local jurisdiction. The use of stewardship fees should also be considered as a way to cover administrative, inspection and legal costs associated with perpetual enforcement of easements. FSWCD has developed a stewardship fee model that should be consulted for applicability.

Furthermore, as part of the planting plan, the applicant should submit a long-term management plan that provides for the following:

1. Allocates responsibility (easement) and guidelines for the maintenance and operation of the open space and any facilities including ongoing maintenance and long-term capital improvements;
2. Cost estimates and staff requirements for maintenance, operation and insurance for the easement and identification of funding sources;
3. Provides for any changes to the plan to be approved by the local governing body; and
4. Provides for future enhancement of the plan and allows for stream restoration activities.

#### **4.4 Conservation Development**

Conservation development is the recommended land use approach for new developments in areas outside the Town Center, in the Hilliard growth area, and in select locations along the eastern border of the City of Columbus. Conservation development will provide increased opportunities to protect important natural resource features and water quality, provide opportunities to reduce costs related to best management practices through natural applications and provide opportunities for the application of approved community wastewater treatment technologies. A minimum parent tract size of 20 acres of contiguous land is suggested for conservation developments in the rural and Hilliard growth areas.

Local ordinances must facilitate conservation-style development. Accord jurisdictions should work together to develop and (overlay) zoning classification for conservation development areas consistent with the General Land Use Plan map. It is recommended that Brown, Prairie and Pleasant Townships work together with the County to develop and overlay ordinance that could be applied to all three jurisdictions to address the rural conservation development land use category. The City of Hilliard should create a conservation development zoning district that parallels the rural conservation overlay but is oriented to 1 unit per acre. Collaboration among the jurisdictions will ensure continuity and consistency in application and provide property owners and developers with more clarity. At a minimum, the conservation development zoning should address:

- Purpose and Authority
- Definitions
- Requirements for clustering
- Designation and treatment of open space
- Regulations for open space
- Permitted land uses and residential densities
- Minimum acreage requirements
- Bonuses/Incentives
- Requirements for easements, maintenance and oversight of open space
- Provision of underground utilities
- Other development standards (setbacks, signage, trees)

It is strongly recommended that the Accord jurisdictions discourage conventional subdivisions, which are inconsistent with the goals of this plan, by building in flexibility and incentive opportunities with conservation development. In addition, conservation developments should strive to provide a mix of residential options and housing types.

#### ***Character***

Conservation developments should celebrate the rural character of the watershed. Housing types should be varied within developments and encourage creativity to meet the needs of mixed incomes. Dwelling units should not be permitted to front along any existing external roadway.

### ***Design and Open Space Requirements***

Development potential of any conservation development will need to take into consideration environmental site conditions, required best management practices, environmental policies and the availability of on-site sewer and water. Development should minimize site disturbance and promote the efficient use of land.

Development in these areas must be designed using a cluster approach with a minimum of 50% of the gross area of a development site set aside as natural open space. This concept is commonly associated with and promoted by Randall Arendt in a book entitled "Rural by Design." At least 75% of the open space within a conservation development (based on gross area of the site) should be a contiguous tract. (OEPA 208 Plan). The open space should adjoin any neighboring areas of open space, other protected areas and non-protected natural areas that would be future candidates for protected open space. The contiguity requirement may be waived if the use of the open space in another fashion is necessary to achieve important ecological protection or to maximize ecological benefit.

Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state should be shown on development plans and should be restored with vegetation that is compatible with the natural characteristics of the site.

### ***Density***

Greater open space set asides are encouraged in all conservation development areas by a sliding scale approach that allows the gross density to rise if the net area consumed by development is reduced. Appropriate density increases must consider impact on local utilities and should be evaluated on a case by case basis.

When considering density incentives, it is recommended that the maximum increase of units be limited to a 10-15% increase over the gross permitted density. Additional density bonuses may be appropriate in the rural areas if the development proposal can demonstrate it meets requirements for community-based sewage treatment.

Accord jurisdictions should consider offering incentives for applicants that agree to complete stream restoration. The method for stream restoration should be consistent with Accord Plan recommendations and should be encouraged on a regional scale where maximum benefit can be achieved.

### ***Impervious Surfaces***

Overall, impervious surfaces within conservation developments should be minimized through design and application of low impact development techniques. Accord jurisdictions should review subdivision regulations to ensure built in flexibility to allow for appropriate reductions in road width requirements, parking and driveways. Roadways in conservation developments should consider widths of no more than 18 to 20 feet to reduce impervious surfaces and encourage the slowing of traffic. If homes are provided with garages and driveways roadways should not be required to provide for on-street parking. Common driveways should also be encouraged. Other reductions in impervious surfaces may be achieved through the elimination of curbing or application of pervious surfaces for sidewalks, driveways and pathways and flexibility in turning radii. General street design guidelines should allow flexibility.

The design of conservation developments should be flexible to reserve the best available soils on the site for sewage treatment purposes (Arendt, 1994). In addition to meeting proper regulations and standards, community based sewage systems will require dedicated land area to function, and will have other design impact considerations that will need to be factored into development processes.

#### **4.8.2 System Ownership and Maintenance**

The long-term inspection and maintenance of the stormwater control facilities is critical to continued performance.

The NPDES permit for the Accord planning area requires submission of a maintenance plan for all post-construction BMPs. These plans are to be provided to the owner/ operator of the site (including homeowners associations) prior to the completion of construction activities. A description of the funding mechanism must be included in the maintenance plan to ensure all BMPs are maintained in perpetuity.

For the planning area, maintenance of the stormwater facilities will be divided into these two basic categories:

1. On-site systems (bioretention cells, swales, filter strips etc.)
2. Detention systems (detention/retention basins or constructed wetlands).

Accord representatives have suggested that all on-site systems will be maintained through the owner or homeowners associations and all detention basins and constructed wetlands will be maintained by a public entity (county, community authority, municipality, township, etc.). Regardless of the ownership specified during the planning process, an easement will be required for all BMPs such that the public entity may gain access to ensure and facilitate maintenance as necessary.

The Town Center concept promotes regionalization for stormwater management facilities. These regional facilities would be maintained by a public entity. Any site level BMPs required in this area will be maintained by the development site owner or homeowners association.

If it is determined that a BMP is not to be publicly owned and maintained, the developer of a site should be required to submit an operation and maintenance report that details, at a minimum, who is responsible for maintenance of the facility, the frequency and type of maintenance that will be required for the facility and the method of reporting this information. Other details of the operation and maintenance of the facility may be required at the discretion of the reviewing authority. If it is determined that the responsible party is not meeting the goals of the operation and maintenance report, the public entity will have the ability to access the BMP through the required easement and perform maintenance required. There are several mechanisms for recouping the cost of this activity from the site owner/operator. Use of the performance bond (included in the discussion of monitoring) or assessments should be considered.

#### **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.

### ***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.

### ***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.

## **5.5.2 Projections (page 5-26)**

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.

### ***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.



## **OEPA 208 PLAN FOR BIG DARBY WATERSHED**

### **Criteria 3 - Local Preservation of Open Space through Conservation Subdivisions**

(Required within Franklin County portion of Big Darby watershed, recommended for rest of watershed)

Primary conservation areas are defined as areas that must be conserved. Secondary conservation areas are defined as those areas that should be conserved to the extent feasible. The recommended categories for primary and secondary conservation areas are listed below along with the preferred set of permitted, conditional and prohibited uses. If circumstances within specific local communities are such that these conservation areas and uses prove unworkable as efforts are made to promote conservation subdivisions, then the jurisdiction may submit alternative proposals under the “as protective as” criteria (5a).

The recommendations provided below were made by the EAG and when enacted through local government actions will provide strong environmental protections. However, the Agency can foresee possible scenarios where an overall environmental benefit on a regional or watershed basis might be possible through the mitigation work done pursuant to Section 404/401 permits for land with small, isolated pockets of low quality wetlands or marginal habitat for threatened and endangered species. Similarly, the land application of treated wastewater on some categories of open space could be appropriate in some locations if there are sufficient regulations, modern design techniques, and operational safeguards in place. Local communities are best suited to make decisions on whether some flexibility is appropriate on open space development.

3a Acceptable Open Space: Primary Conservation Areas - The following elements should be considered as primary conservation areas and should be included in the open space:

1. All land area within the setback distance from streams defined by criteria numbers 2a and 2b;
2. Slopes which include NRCS designated Highly Erodible Land (HEL) plus a 50 foot setback from the top of the slope;
3. Wetlands as defined by the Army Corps of Engineers or the EPA;
4. Populations of endangered or threatened species as defined by either the state or federal government; and
5. Healthy forests of at least one contiguous acre.

3b Acceptable Open Space: Secondary Conservation Areas - The following elements should be considered as secondary conservation areas:

1. Existing healthy forests less than one contiguous acre;
2. Other significant natural features and scenic viewsheds; and
3. Prime agricultural lands of at least five contiguous acres.

3c Open Space Requirements for Infiltration - The Big Darby Creek watershed TMDL report provides for the management of storm water such that a shallow ground water recharge rate target is maintained in the Hellbranch Run watershed (HUC 220- 010). Open space in conservation subdivisions shall be managed such that this recharge rate is maintained or improved. If onsite infiltration is infeasible, or if open space is inadequate to maintain this infiltration rate, mitigation with off site infiltration will be required. See the Darby SW permit for specific requirements.

3d Permitted Uses - The local zoning regulation applicable in western Franklin County should, at a minimum, specify the following permitted uses within the open space in a conservation development subdivision:

1. Passive recreation;
2. Removal of damaged or diseased trees;
3. Revegetation and reforestation;
4. New arterial streets (provided that disturbances due to construction of arterial streets are minimized and mitigated); and
5. Disturbances of the open space necessary to accomplish the permitted uses described in this criteria. However, all such disturbances shall be minimized and mitigated.

3e Conditional Uses - The local zoning regulation applicable in western Franklin County should, at a minimum, specify the following conditional uses within the open space in a conservation development subdivision. Conditional uses are activities that local zoning or other ordinances may permit after undergoing a review process that evaluates the extent of damage to the open space that the use may cause if the activity is permitted, and that provides for mitigation of that damage. The review process should also detail conditions under which a conditional use application will be denied.

Conditional uses include:

1. Streambank stabilization (includes the conditions listed under criteria 2d1);
2. Erosion control measures (includes the conditions of criteria 2d1);
3. Paved trails (includes the conditions of section criteria 2d2); and
4. Stormwater best management practices.

3f Prohibited Uses - The local zoning regulation applicable in western Franklin County should, at a minimum, specify the following prohibited uses within the open space in a conservation development subdivision:

1. Construction of structures;
2. Dredging and filling;
3. Motorized vehicles;
4. Disturbance of natural vegetation;
5. Parking lots; and
6. Application or spraying of wastewater treatment plant residuals.

3g Ownership - Development plans should indicate which of the following are planned to be utilized to protect the open space. The following are acceptable owners of the open space:

1. Homeowners associations/condominium associations;
2. Political jurisdictions; and
3. Third party land trusts.

3h Permanent Protection - Conservation easements are an acceptable form of permanent protection if enforcement of the easement is undertaken by one of the ownership options listed in criteria 3g.

3i Contiguity - At least 75% of the open space shall be a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space. The contiguity requirement may be waived if the use of the open space in another fashion is necessary to achieve important ecological protection or to maximize ecological benefit.

3j Design and Review of Open Space - The following principles should be specifically included in zoning or other ordinances used by the local jurisdiction to control conservation development. While the

four principles must be included, use of the principles in the order presented is strongly encouraged, but not mandatory:

1. Identify areas to be conserved;
2. Identify areas for location of homes;
3. Placement of roads and other infrastructure; and
4. Drawing of lot lines.

3k     Management - The applicant for development shall submit a plan for management of open space and common facilities that maximizes ecological function of the open space, has been prepared by a qualified person or entity, and provides at a minimum the following:

1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
2. Estimates the costs and staff requirements needed for maintenance and operation of, and insurance for, the open space and outlines a means by which such funding will be obtained or provided;
3. Provides for any changes to the plan to be approved by the local governing body; and
4. Provides for enhancement of the plan.

In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the appropriate governing body may pursue responsibility for its maintenance through whatever legal means are at its disposal.

## **BROWN TOWNSHIP COMPREHENSIVE PLAN**

### **Enact Conservation Development Zoning Amendments**

The plan recommends necessary revisions to the Franklin County Zoning Resolution to facilitate conservation developments with preserved open space to protect natural resources and the rural character of Brown Township.

The conservation development district amendment to the Franklin County Zoning Resolution shall be a planned unit development. The plan recommends Franklin County implement the Planned Unit Development (PUD) through provisions that allow a conservation development overlay be “floated” over Brown Township per Ohio Revised Code Section 303.022 (c). Conservation development options shall be pursued at both rural and transitional densities. This overlay will apply to all undeveloped areas of the Township except the proposed Darby Creek Conservation Overlay District.

Once this overlay is in place, conservation development plans will be approved through the Franklin County rezoning review process. Since this approval will require specific development layout, it shall be coordinated with the County’s Technical Review Committee to ensure compliance with county subdivision regulations.

Finally, Brown Township should encourage the City of Hilliard and the City of Columbus to incorporate conservation development zoning based on the outlines contained in this document in their ordinances.

Minimum development tract: 20 acres

Permitted Land Uses: Detached single-family dwelling units, accessory uses as permitted in the underlying Rural zoning district.

Maximum Density: 0.2 – 0.4 net dwelling units/acre depending upon ability to provide acceptable wastewater treatment as per Ohio Environmental Protection Agency and the Franklin County Board of Health.

Open Space Ratio: At least sixty percent (60%) of the development tract after floodplains and rights-of-way are removed.

Open Space Use: As approved based on conservation area analysis of the site including natural areas, passive recreation, agriculture (including horticulture, wholesale nurseries, raising of crops, pasture lands and related buildings), limited storm water management, and, if approved, certain wastewater treatment facilities such as leachbeds.

Open Space Ownership: Approved homeowners associations, acceptable public or private management agency if approved in the development review process, private ownership in conjunction with approved agriculture or conservation easements may be permitted.

Open Space Identification: Designed to preserve Brown Township’s open spaces, primarily the conservation areas identified in this plan and to minimize the development’s impact on the rural landscape.

Open Space Configuration: Unified so that no open space counted toward the minimum requirement is narrower than the development’s average lot width in any direction. Identified before the lot and street layout so that the development is organized around the open space (as opposed to the open space being organized around the development).

Process Notes: Franklin County Commissioners establish Township-wide PUD standards for the township allowing administrative review, overseen by the RZC, including “walk-about” with the developer and the Technical Review Committee and both sketch plan and final development plan consultations (as per ORC 303.022 (c)).

### **Flexible Density Allowance**

The standard application of a conservation development in this plan requires the developer to base the available units and necessary open space percentage on the net acreage after the floodplain and right-of-way are removed. The use of net acreage is a tool for the Township to ensure good open space reservation and quality conservation development design. However should the development meet the goals of Brown Township they may seek a flexible density allowance, giving them additional home site and more flexible open space siting.

The plan provides an opportunity for flexibility from the net acreage requirement if the developer can achieve specific goals. A density bonus is provided by allowing density to be calculated based upon a 50% reduction in floodplain and right of way areas. An open space is provided bonus allowing 50% of the previously removed floodplain to be applied towards the open space requirement. These bonuses are provided if the goals enumerated below are achieved. The developer could then recalculate the allowable density and refigure the open space requirement. This option would be negotiated during the conservation overlay zoning review process.

The design goals for conservation development which allows for a bonus density and an open space bonus in Brown Township are as follows:

1. Open space is designed as part of a network with existing or potential (based upon conservation area designations) open space on neighboring parcels; and
2. Water quality-focused stormwater measures that cause runoff to infiltrate into the ground on-site are instituted to the degree possible, while ensuring that pollutants are filtered out of the remaining runoff using the most suitable vegetation. The Franklin Soil and Water Conservation District shall certify these as exceeding minimum requirements for meeting Darby watershed water quality goals of this plan; or
3. Stormwater management tools including retention\detention ponds are not to be located within any floodplain counted as open space.
4. Measures and amenities determined to meet Township planning objectives in a similar fashion, and to a similar degree, as those listed above, in items 1 and 2.
5. The required open space and maintenance plan includes funding with a sufficient reserve for maintenance, such as an endowment, provided by the applicant; and
6. Development of the property includes an approved stream reclamation project and/or provision of properly designed bicycle or pedestrian paths; or
7. Measures and amenities determined to meet township planning objectives in a similar fashion, and to a similar degree, as those listed in items 4 and 5.

### ***Flexible Density Calculation Example***

Original Tract: 100 Acres

Floodplain: 10 Acres

Right of Way: 10 Acres

Remaining Acreage for Density Calc: 80 Acres

Allowable Density: 1 unit/acre

50% Open Space Requirement

Without Bonus: 80 allowable homesites with 50 acres reserved in open space not including the 10 acres in the floodplain.

With Bonus: 50% of the 20 acres removed for floodplain and ROW is included for density calculation. The developer can recalculate the allowable home sites from 90 acres, adding 10 additional home sites. Additionally, 5 acres or 50% of the removed floodplain can count towards the open space requirement.

## **PRAIRIE TOWNSHIP COMPREHENSIVE PLAN**

### **Rural: Conservation & Preservation**

The western portion of Prairie Township south of U.S. 40 is intended to remain rural according to the Big Darby Accord. It is not planned as part of the town center development and is not currently urbanized. If development should occur in this area, it should be organized in a conservation development pattern.

#### ***Conservation Development Pattern***

Conservation development or cluster development is a form of residential development that clusters home sites on the most appropriate portion of the parcel and preserves the remainder. While the individual lots are smaller, the residents, community and environment benefit from the open space provided.

The pattern of development in Prairie Township is the most critical component to achieve the environmental goals of protecting the Big Darby Creek and in the case of the rural portion of Prairie Township the pattern of development will preserve the rural character of that portion of the community. Conservation development pattern clusters the home sites of a residential subdivision into a portion of the site and places the remainder into permanent open space. This technique has been used successfully around the country and within Franklin County to create attractive, appropriate development patterns that preserve rural vistas and open spaces and protect environmental features.

The Big Darby Accord designated the southern portion of Prairie Township for rural character, low density development in conservation development patterns. As development occurs in this area, single lot development should be discouraged in favor of well planned conservation developments.

Conservation developments differ from typical residential subdivisions in that they respond to the site rather than altering the site to fit their development plan. A typical residential development will divide a parcel into relatively equal lots setting aside land only for roadway or drainage infrastructure. In a conservation development, key elements existing on the site such as a woodlot, steep slopes, a wetland or the like would be preserved and the lots and roadways designed around them. There would also be significant open space preserved; usually more than 50% of the site is preserved in these developments. Not only does this provide a more attractive naturalized development for the community, it also makes for great neighborhoods for the residents in the community.

Like the town center development, conservation developments in Prairie Township should be innovative and progressive. Single loaded streets, large setbacks, quality architecture, and amenities should be included in all residential developments in this portion of the township.

#### ***Services***

Development of conservation subdivisions in the township is currently hindered by the lack of centralized services. The Big Darby Accord negotiated the extension of centralized services to develop the town center, but it is not likely these services will be available for low-density development outside of the town center. It is financially prohibitive to extend water and sewer lines for the amount of development anticipated for conservation subdivisions. Therefore, in order to encourage this type of development, the township must work with Franklin County to establish mechanisms to allow for package plants, or alternative wastewater treatment systems to service clustered home sites. The current reliance on septic systems and wells in an area dominated by hydric soils requires large individual lots for leach beds. This prohibits the clustering of small lots and therefore the preservation of organized open spaces.

It will be critical for Prairie Township to work to allow safe, reliable wastewater treatment technology to service the preferred development pattern in the rural areas of the township.

## **Open Space**

Permitted Uses: passive recreation including trails, vegetative enhancements, reforestation, removal of damaged or diseased trees, stream bank stabilization/restoration, public utilities, non-structural best management practices, minor disturbances related to construction of the permitted use, land application of wastewater effluent (outside SCPZ or wetlands).

Conditional Uses: Active recreational uses limited to multi-purpose fields, playgrounds

Prohibited Uses: Grading activities, and land uses commonly associated with a development process, development.

## **Conservation Development**

Prairie Township has been working on a Rural Residential Conservation District for the Zoning Resolution. The recommended district would allow for 0.275 units per acre gross base density with at least 50% of the site to remain in open space.

This is the preferred residential development pattern for all areas of the township outside of the town center and the existing urbanized areas of the township. Not only does it allow for the preservation of key environmental features it also preserves the rural character that the community values. Wastewater treatment facilities will be regulated by the Franklin County Sanitary Engineer to allow for conservation development patterns.

Because of the recommended location of the conservation development and the low expected densities of the developments connection to centralized systems will not be likely. Therefore, the developments will need to be served by community-scale non discharge system.

The township should continue to work with the County, the State of Ohio and the City of Columbus to create mechanisms and regulations to allow for small scale community wastewater treatment systems.

If small scale community systems are used to serve a conservation development disposal areas should occupy no more than 15% of the open space and should be located so as to not fragment the open space.

## **Rural Policies**

### ***Rural Development Pattern***

Prairie Township will establish a rural development pattern that protects networks of farmland and open space and natural resources.

Action: The Township will amend its Zoning Resolution to include rural conservation options, which encourage development at overall densities consistent with current zoning and that links protected open space from various properties. A 50% minimum open space requirement should be applied in rural areas. This option should be “by-right,” with conventional large-lot development requiring a conditional use review.

## PLEASANT TOWNSHIP COMPREHENSIVE PLAN

### Strategy A

#### **Designate areas for future residential growth that use site design techniques to protect rural character**

To preserve rural character, this plan recommends that the predominant land use remains agricultural. Township residents stated that any new residential growth should not negatively impact rural character. Site design techniques can be used to allow for new residential development that does not negatively impact the rural landscape.

### Action 1

#### **Use cluster-style development to protect rural character**

Cluster-style design allows for residential growth while maintaining rural character. Instead of dividing land into large, rectangular lots, cluster-style development groups lots together in a manner that protects the rural views and character for residents and visitors. This design technique preserves rural scenery while also protecting environmentally sensitive features.

### Action 2

#### **Build away from environmentally sensitive features**

Development should respect and accentuate natural features. The features should be preserved and serve as a showpiece for new development rather than being hidden or eliminated. Using natural features in development helps maintain rural character.

### Action 3

#### **Set back new development from scenic corridors**

New development should not spoil scenic vistas viewable from the road. One of the township's assets is the spacious, wide-open feeling. Development should minimize visual impact to travelers.

### Action 7

#### **Encourage density bonuses for extraordinary conservation in cluster-style development projects as outlined in the Big Darby Accord**

The Big Darby Accord recommends increases in density for developers who go above and beyond in preserving environmental features and restoring previously-disturbed nature to its original state. This plan endorses the bonuses for extraordinary developer effort.

### Action 8

#### **Keep residential development density neutral, outside of density bonuses for extraordinary conservation: Only allow increased densities if density is reduced elsewhere in the township**

Where extraordinary environmental restoration steps are not taken, developers should be limited to existing development rights for a parcel of land. If a developer wishes to increase the number of units beyond existing rights, an increase should only be granted contingent on retiring developable units elsewhere in the township.

For example, if a developer wishes to place an additional four units on one parcel, she may purchase the development rights for four units on a second parcel from a willing seller. The second parcel would then remain agricultural or undeveloped.