

6/29/06

MEMORANDUM OF UNDERSTANDING  
BIG DARBY ACCORD

The Big Darby Accord, which consists of local governments within the Franklin County area of the Big Darby Creek watershed, was formed to cooperatively develop a multi-jurisdictional plan designed to preserve, protect and improve, when possible, the Big Darby Creek watershed's unique ecosystem, to promote responsible growth, to create a partnership that recognizes the identity, aspirations, rights, and duties of all jurisdictions and that develops methods of cooperation among the partners and to capitalize on the results of other efforts in the development of the plan.

The Big Darby Accord hired a consultant that developed a Big Darby Accord Master Plan. The Master Plan was developed with input and guidance from the Big Darby Accord jurisdictions, other interested parties, and the public. The Master Plan is a comprehensive, general land use plan that, if implemented, will accomplish the goals of the Big Darby Accord Mission Statement. It is recognized that application of the plan at the local level will involve site-by-site analysis in order to determine compliance with the plan itself and allow for varying and unanticipated circumstances.

The purpose of this Memorandum of Understanding is to memorialize that the ten jurisdictions within the Franklin County portion of the Darby Watershed support the Plan, and adopt via the principles set forth in this Memorandum of Understanding the implementation of the Plan.

1. Support for the Big Darby Accord Master Plan
  - Each jurisdiction agrees will submit the Big Darby Accord Master Plan to its respective elected officials and approving bodies for review and approval.
  
2. Implementation of the land use plan
  - The jurisdictions agree to form Big Darby Accord Advisory Panel to assist in implementing the land use plan. The Big Darby Accord Advisory Panel will be a recommending body charged with reviewing zonings, subdivision plans and site development plans for land located within the Big Darby Accord planning area. The jurisdictions agree that they will take into account the recommendations of the Advisory Panel prior to approving any rezoning, subdivision plan or site development plans in the area.
  - Jurisdictions pledge to work proactively with development proposals and zoning applications that are in accordance with the Plan and this MOU.
  - The Darby Accord Advisory Panel shall be formed.
    - Membership (Membership of the Panel will be accomplished through appointments made by the following jurisdictions with the number of appointment in parenthesis): Franklin County (2),

Columbus (3), Suburban Municipalities (2, of which at least 1 will be Hilliard), Townships (Prairie, Brown, and Pleasant Townships), and At-large (1). The Accord jurisdictions will need to determine what organization shall constitute the at-large position. .

- Duties: Evaluate all rezoning, subdivision plan, and site development plans for compliance with the Big Darby Accord Master Plan. Evaluate all requests for variances from any of the Big Darby Accord requirements.
- Make recommendations to jurisdiction with approval authority
- Specific review criteria for the Panel will need to be established
- The jurisdictions will seek adoption of the land use plan, as applicable, into their existing standard development requirements for territory in the Darby and apply the menu of best management practices to individual projects on a case-by-case basis. This would include, for instance, zoning codes, building permits, etc.

3. The provision of water and/or sewer systems in the area

- Centralized water and sewer service will only be provided by the City of Columbus as follows.
  - Central sewer may be provided by Columbus in two general areas in a manner consistent with the provisions of the Accord. The first area is known as the LEED area, east of Alton and Darby Creek Road and south of Roberts Road. Analysis performed for the Roberts Millikin sanitary sub-trunk sewer shows an ability to provide sewer service 1,400 equivalent dwelling units in this area with potential for mixed-use development.
  - Centralized sewer service may also be provided to some sites closer to the existing Big Run Trunk system that were previously annexed by Columbus or are zoned for development and able to be served, in a manner consistent with the Accord general land use plan.
  - Columbus has existing contracts with Hilliard and Grove City for the provision of centralized water and sewer service, which contracts are sufficient to accomplish the land planning goals of the Big Darby Accord Master Plan.
  - The City of Columbus and Franklin County agree to negotiate a contract to provide centralized water and sewer to the proposed Town Center. As is the current practice for the City and the County, the contract will provide that the County will own and operate the water and sewer lines in the unincorporated areas. The agreement will incorporate the Master Plan's requirements for the Town Center, including but not limited to the provision of affordable/workforce housing and sharing of revenues generated from residential and commercial development. Service and/or annexation agreements created to facilitate these efforts will

require that all parties cooperate to meet timetables, established as part of the Master Plan process, for development of the Town Center.

- The City of Columbus is willing to enter into a contract with Franklin County for the provision of centralized water service in the rest of the Big Darby Accord area.
  - Centralized water and sewer service will require the extension of existing water and sewer lines. These extensions will be supported by development, and at no cost to the City or County.
  - Franklin County owns and operates a wastewater treatment plant near Darbydale. It is anticipated that this plant may also serve the Timberlake subdivisions, the Village of Harrisburg, as well as several mobile home parks.
- Non-centralized sewer service
    - The jurisdictions will seek adoption of the Big Darby Accord recommendations for non-traditional systems, such as spray irrigation. The recommendations include the use of appropriate technology, effective public management and operations, and appropriate regulatory oversight and permitting through the Ohio EPA.
    - The jurisdictions will seek adoption of the Big Darby Accord recommendations for on-lot septic systems based on new rules proposed by the Ohio Department of Health. The jurisdictions agree to provide adequate inspections of the systems

4. Open Space Preservation

- The jurisdictions will use their best efforts to ensure that the open space preservation recommendations of the plan are implemented. The jurisdictions intend to work with existing local, regional, and state agencies to accomplish land acquisition and preservation.

5. Revenue Generation

- The jurisdictions will seek the formation of a Big Darby Community Authority. The primary purpose of the Big Darby Community Authority will be to generate revenues over time that can be used to implement the Big Darby Accord Master Plan, including land acquisition, infrastructure needs, and provision of governmental services.
  - The jurisdictions will seek to incorporate provisions within their rezoning and development process that would require property owners to form and/or join the Big Darby Community Authority as a requirement for receiving centralized water and/or sewer (including any alternative sewer systems), zoning, subdivision plan approval, and/or within a jurisdiction's development approval process.

- The jurisdictions recommend that the Big Darby Community Authority establish a community development charge of up to 10 mills for thirty years on all property within the authority.
- The jurisdictions recommend that five mills of the Community Authority revenue be returned to the jurisdiction from which the funds were generated for local infrastructure and community service needs consistent with the Darby Accord mission statement, with the remaining mills being dedicated to the regional needs of the plan, including land acquisition. After 20 years, the entire millage should be dedicated to regional needs.
- The jurisdictions will seek the authority to impose a development contribution fee of \$2,500 per home for all homes built in the Big Darby Accord area. The jurisdictions agree that these fees will be used solely to advance the purposes of the Big Darby Accord Master Plan within the jurisdiction from which the fees are generated, including land acquisition and infrastructure needs. Developer fees may be discounted by allowing credit for extraordinary costs that are incurred by a development associated with regional best management practices, regional stream restoration efforts, sewer extension to the centralized sewer areas of the Accord area, and/or community-based wastewater treatment systems in the rural conservation areas.
- The jurisdictions will pursue establishment of non-school Tax Increment Financing (TIF) districts consistent with state law throughout the Big Darby Accord area within Franklin County with the first priority focused on land acquisition and infrastructure needs that result in protecting the Watershed and improving water quality. The jurisdictions agree to take into consideration when forming a TIF the need to share revenues with local jurisdictions and agencies in order to help provide governmental and human services. The revenue sharing formula will need to be agreed upon.
- The jurisdictions agree to seek other funding to help implement the Land Use Plan including federal and state funding and other grant opportunities.

6. Adaptive Management and Plan Updates

- The jurisdictions recognize that one of the primary goals of the Big Darby Accord Master Plan is to protect the environmental integrity of the Big Darby watershed. The jurisdictions further recognize that evaluating the effectiveness of the Plan, and changing it if needed, will require an ongoing monitoring program. The jurisdictions will use their best efforts to create and implement such a program with assistance and resources from local, regional, and state agencies/stakeholders.
- The jurisdictions further agree to establish a schedule for reviewing and updating the Master Plan as frequently as necessary but in no case less frequently than every five years.

7. Interim Implementation Approach

- Implementing the Big Darby Accord Master Plan is going to require that each jurisdiction take numerous formal actions to approve and adopt the relevant portions of the Plan. The implementation will require changes in zoning code and other requirements. Moreover, full implementation of the land conservation plan will require the generation of revenue. These steps cannot be completed before the City and County's moratorium on development expire.
- The jurisdictions will use their best efforts to ensure that any development that might occur during the interim between the expiration of the moratorium and the full adoption/incorporation of the Master Plan will be consistent with the Big Darby Accord Master Plan. The jurisdictions intend to use their existing tools in the interim – including zoning, permitting, and controls on utility extension, as permitted by existing code provisions and agreements.
- Where zoning or developments are approved, the jurisdictions will seek general language that requires developers to establish a Community Authority, a TIF District, and meet the developer contribution.
- The jurisdictions should consider applying or adopting the Columbus; Hellbranch Run Watershed Protection Overlay and new Stormwater Drainage Manual requirements as an interim measure so that watercourse protection, floodplain preservation, and stormwater management criteria are each addressed.

8. Planning and Development of the Town Center and Rural Conservation Developments

- As necessary, jurisdictions with zoning and subdivision authority in applicable portions of the Big Darby Accord area will create zoning overlays consistent with Big Darby Accord policies related to the Town Center and the Rural Conservation Developments.
- Brown, Pleasant and Prairie Townships will work with Franklin County and the City of Columbus to plan for the design, provision of necessary services and implementation of the Town Center and Rural Conservation Developments. Planning for the Town Center will take the form of a master plan, while planning for Rural Conservation Development will focus on water and wastewater treatment facilities.
- These jurisdictions will cooperate to establish water and sewer and annexation agreements that are relevant to funding and development of the Town Center and Rural Conservation Developments. Service and/or annexation agreements created as a result of this effort will require that all parties cooperate in meeting established timetables for zoning, subdividing and providing public facilities to these development areas.
- Jurisdictions with zoning and subdivision authority will refine zoning overlays based upon the completed Town Center and Rural Conservation Development planning efforts

9. Next Steps (The below timeframes are target timeframes where the jurisdictions agree to use their best efforts to meet):
- Member Jurisdictions submit the Big Darby Accord Master Plan to elected officials and approving bodies for review and approval (1-4 Months)
  - Member jurisdictions complete and submit for adoption the principles set forth in this Memorandum of Understanding (1-4 Months)
  - Enter into negotiations for annexation agreements, JEDDs, and/or other types of intergovernmental agreements to facilitate implementation of Town Center and Rural Conservation Developments (6-12 months)
  - Perform facilities planning for the provision of water and wastewater to the unincorporated areas, culminating in agreements for the provision of centralized water in the Accord unincorporated areas, centralized sewer in the Town Center and alternative wastewater facilities in Rural Conservation Developments (6-12 months)
  - Enact zoning overlays, subdivision rules or other legislation to implement the land plan into all appropriate zoning and/or permitting requirements (3-7 months)
  - Establish the Big Darby Accord Advisory Panel (4-6 Months)
  - Identify Staff Resources to Facilitate Implementation of Plan Elements (6-9 Months and On-going Effort)
  - Initiate Master Plan Process for Town Center (6-12 Months)
  - Set up Community Authority and Determine Tax Increment Financing Structure (6-18 Months)
  - Begin Environmental Monitoring Program (6-18 Months)
  - Continue Public Education and Outreach (On-going)
  - The G-4 group (Representatives from Franklin County, City of Hilliard, Prairie Township, and City of Columbus) will continue to meet on at least a monthly basis to check on the progress of these steps. In addition, over the course of the next 18-Months, the G-4 group will provide quarterly updates on the progress of these steps to elected officials and staff from all ten jurisdictions, to the Early Look Organization Stakeholder Group, the Residential Property Owner Group, and other interested parties/stakeholders.