

COMPREHENSIVE PLAN 1998 UPDATE

- * Adopted by the Brown Township Trustees December 30, 1998
- * Adopted by the Mid-Ohio Regional Planning Commission February 5, 1999
- * Adopted by the Franklin County Commissioners May 11, 1999

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Introduction

Authority

Local authority over comprehensive planning lies in the 1926 U.S. Supreme Court decision in the case of Village of Euclid, Ohio v. Ambler Realty Company. The court ruled a community may determine how and when it will be developed through the regulation of land use (i.e., zoning) considered being in the public's best interest. To ensure that zoning districts are not arbitrarily drawn-up, the courts have consistently ruled a zoning regulation must be based on and supported by a comprehensive land use plan that addresses land use issues not only within its own corporation boundaries but to its adjacent areas, too.

History

The Brown Township Comprehensive Plan was last reviewed and updated in 1991. The 1991 Plan "... presents a vision based upon the rural, low density environment that currently exists; an environment that includes special natural features, as well as significant constraints." It is because of these natural features and land use constraints that the township has, so far, been able to avoid urban sprawl development. However, development pressure is increasing from nearby Hilliard and Columbus.

Since the adoption of the 1991 Brown Township Comprehensive Plan, new residents have moved into the township and new planning issues have come to the township's attention. In 1993 Columbus adopted its comprehensive plan which provides for an Environmental Conservation District in the area west of Clover Groft Ditch, south of Hayden Run Road, and north of Broad Street. The city of Hilliard has recently completed an update to its master plan. The study area for Hilliard's Master Plan Update included an area of Brown Township west of Alton & Darby Creek Road. Moreover, Hilliard's sewer service area contradicts several policies and recommendations of the 1991 plan and is in direct conflict with the Environmental Conservation District established in the 1993 Columbus Comprehensive Plan. Also, a revised Franklin County Zoning Resolution (whose jurisdiction includes Brown Township) was adopted in July 1996 that provides for alternatives to standard subdivision development.

Looking Forward

Due to recent developments in Brown Township and the surrounding area, planning activities in Hilliard and Columbus, and the recent adoption of the revised Franklin County Zoning Resolution, the Brown Township trustees felt it was time to revisit the township's 1991 comprehensive plan. In fact, the 1991 plan does recommend a review and update every three to five years. Therefore, the trustees appointed a five-member steering committee to review the 1991 plan and prepare an update report. This update is intended to act as a supplement to the 1991 comprehensive plan. Consequently, the 1991 plan shall remain the comprehensive plan for the township unless otherwise specifically changed or modified by this update report.

Survey Results

Background

For a comprehensive plan to be effective through implementation of its recommendations, it must have the input and support of the local residents. A common method used to solicit input is conducting a community survey or questionnaire. This gives all township residents the opportunity to comment on land use and development issues facing Brown Township today. Therefore, the steering committee's first task was to develop a questionnaire. A questionnaire covering nine different issues was delivered to each mailing address in the township and included a self-addressed, stamped envelope for residents to return the completed survey. The questionnaire also allowed for open comments by residents.

Distribution

There were 850 surveys distributed and 157 were returned, giving a return rate of 18.5 percent. Although a higher return rate would have been more desirable, this was a good response for a survey of this kind. On February 27, 1997, a public informational meeting was hosted by the steering committee at the Brown Elementary School. The purpose of this meeting was to present the questionnaire results to the township residents and to give them another opportunity to comment on the comprehensive plan update process. A sample survey and tabulations of each question is provided in Appendix A. The following is a summary of the questionnaire results.

Results

Top Four Comments

The 1991 comprehensive plan contained several recommendations regarding future development in Brown Township. These recommendations were listed, and residents were asked for any comments on the recommendations. The top four comments received were:

- A. Minimum lot size should be five acres
- B. Must solve stormwater drainage problem
- C. Need to protect the Darby Creek
- D. Need to implement recommendations in the 1991 comprehensive plan

Preserve Natural Land Features

Fifty-three percent of the respondents felt enough is being done to preserve or promote natural land features in Brown Township. When asked to rate natural land features in terms of importance, most respondents listed the Darby Creek as most important, followed by agricultural land and woodlands, floodplain, tributaries and hedgerows.

Alternate Development Concepts

The questionnaire provided a summary and illustration of the Farm Village and OSCAR Lot development concepts. Respondents were mixed in encouraging the Farm Village concept in Brown Township. However, a slight majority did support the OSCAR Lot concept. The questionnaire included a question regarding support for a residential development concept adjoining open space, which would be used as a golf course and full-service clubhouse. The results showed 81 percent of the respondents were not in support of this type of development.

Cooperative Planning

At the time the questionnaire was prepared and distributed, the city of Hilliard was in the planning process to update its master plan. The questionnaire provided a map showing the area of Brown Township being included in the Hilliard Master Plan Update. When asked if residential development as identified in the draft of the Hilliard Master Plan adjacent to Brown Township was viewed as appropriate, respondents had the following response: 12 percent - yes; 78 percent - no; 10 percent - no response. The questionnaire also asked about support for cluster development to preserve open space and had the following response: 23 percent - yes; 64 percent - no; 13 percent - no response.

Nonresidential Development

In the 1991 Brown Township Comprehensive Plan, commercial or industrial development was not desired. In addition, one of the goals of the 1991 plan was to oppose the expansion of existing excavation and quarry operations, as well as the creation of any such new sites within the township. The questionnaire asked whether this position should be reconsidered. A solid majority of the respondents, 85 percent, answered no.

Police Protection

New residents have moved into the township since the 1991 comprehensive plan was completed. The questionnaire provided contract information and cost estimates on enhanced police protection with the sheriff's office. When asked if there was support for a ballot issue to raise additional funds for enhanced police protection, the results were as follows:

For 40 additional hours:

38 percent - yes; 53 percent - no; 9 percent - no response

For 20 additional hours:

17 percent - yes; 42 percent - no; 41 percent - no response

Storm water Drainage

The questionnaire included questions regarding storm water drainage. Thirty-six percent of the respondents said drainage issues/problems are being handled properly while 40 percent said they were not. When asked if they would support more active efforts and pay for these efforts, 52 percent of the respondents answered yes and 22 percent answered no, with 24 percent having no response.

Bicycling

Bicycling is a growing, popular form of recreation. Brown Township, due to its terrain, is a favorite location for bicyclists. The questionnaire asked if this activity is 1) favorable and 2) safe. The results to the first question were mixed - no clear majority either for or against. However, for question two, the results were a firm no at 66 percent. The questionnaire then asked if bicycling should be discouraged on roads where safety is a concern (i.e., safe distance between bicyclists and motor vehicles). The results were as follows: 67 percent - yes; 27 percent - no; 6 percent - no response.

General Comments

The questionnaire also encouraged comments to each question and general comments to the comprehensive plan update process. These comments are summarized and are also provided in Appendix A.

Rules of Thumb

Land Use "Rules of Thumb"

Land uses in Brown Township are governed under the Franklin County Zoning Resolution. When addressing issues involving development pressures that may not be specifically identified in the 1991 plan or elsewhere in this update, it is recommended that the following factors be considered when discussing new development proposals within the township. These factors are in addition to all applicable requirements under the Franklin County Zoning Resolution.

Support

Applications for land uses shall have the support of the Brown Township trustees and concerned environmental and planning organizations that have an interest in the geographical area.

Environment

Land uses shall significantly contribute to the protection of the delicate Darby Creek ecosystem and the township's agricultural setting. Brown Township may seek input from outside organizations and entities in assessing environmental impacts. Township endorsement of such land use shall include a requirement that, if a project approval is granted, the operator employ a qualified and full time staff or firm to monitor and maintain all environmental protective systems to the satisfaction of the aforementioned organizations.

Drainage

Storm water shall not be discharged directly into a receiving stream. Rather, a method should be implemented to "buffer" storm water surges that might degrade the integrity and performance of a receiving stream, ditch or other watercourse. Further, the design and construction of an erosion and sediment control system, which is acceptable to Franklin County authorities, should be provided. Furthermore, piecemeal drainage solutions shall be avoided and any drainage proposal must be part of an existing and viable comprehensive regional drainage management system, which contains enforceable mechanisms for implementation.

Pollution

Methods shall be implemented to achieve zero, off-lot pollution generation. This should especially include a method of capturing and cleansing storm water runoff from impervious surfaces and areas where chemicals may accumulate or be applied. Methods should be accepted and found effective by appropriate agencies following acceptable technical specifications and guidelines.

Aesthetics

The land use shall have a natural and favorable visual appeal. There should be no abnormal or artificial light, sound or odor generated or emitted. Abnormal is defined here as meaning something that is inconsistent or not conducive to the current rural setting of the township and its residents' way of life.

Conservation

The land use shall inherently preserve open space and be deemed to complement the natural land features of the township. This should include provisions to provide natural wildlife habitat, retain topsoil, improve air quality, reduce noise pollution, discourage the breeding of pests (e.g., ticks, mosquitoes, flies, etc.) and retain significant stands of trees and other significant areas of natural vegetation, wetlands and other environmentally unique areas.

Darby Ecosystem Protection and Restoration Project

In addition to recognizing the protected buffer area adjacent to the Big Darby Creek known as the Big Darby Creek Critical Resource Protection Overlay Zoning District, land owners along the Big Darby Creek are encouraged to participate in the Wetland Reserve Program and other voluntary but formal resource protection and conservation efforts.

Subdivisions

Alternative Subdivision Developments

Cluster Developments

A cluster development is an alternative to conventional subdivision in that lot sizes are permitted to be reduced, provided the overall density (number of lots permitted) is no greater than what would be allowed under a conventional subdivision. The resulting undeveloped land area in a cluster development is reserved as permanent open space or reserved to protect an environmentally sensitive area.

There are two distinct features of cluster developments that make these developments stand out from conventional subdivisions. First, residential lots are grouped together, often into two or more clusters, each separated by open space that gives further definition to each cluster. Second, this open space remains undeveloped land in perpetuity for the benefit and use by the adjoining residences and, as with some cluster developments, by the entire community. The function of these two features, when designed in tandem, provides each cluster development with a sense of uniqueness while also being a part of the overall community. A golf course combined with a residential development is a variation on the clustering concept where the golf course (the actual playing area) would be considered as open space.

The benefits of cluster developments depend, to a large degree, on how they are designed. It is recognized that, as a land use tool, cluster developments can help a community achieve its goal of open space preservation. In addition, cluster developments can be used as a land use tool for controlling density by requiring the preservation of open space as undeveloped land in perpetuity. With proper design, this open space can be interconnected with adjacent developments, thereby providing a natural amenity for all the community to enjoy while, at the same time, enhancing the neighborhood concept. Through a reduction in conventional development standards, cluster developments can reduce a developer's construction costs by requiring less road frontage per dwelling unit, hence shorter streets and utility lines. This, in turn, results in less maintenance costs for the community. The cluster development, therefore, becomes more environmentally friendly to the community's resources by following good design standards in order to preserve open spaces and natural features.

Farm Villages

The Farm Village is a special type of planned zoning district under the Franklin County Zoning Resolution that must be approved by the county commissioners. Adopted as part of the county zoning resolution in July 1996, the purpose of the Farm Village concept "...is to preserve agricultural land forever on the perimeter of the county's urban fringe, by concentrating density in a village and transferring the development rights of the surrounding farmland to that village forever."

An alternative to a conventional subdivision, the Farm Village concept allows for clustering of single-family residential homes on individual lots. These lots would have less road frontage than would normally be allowed in Rural Zoning Districts and could be as small as 15,000 square feet (0.34 acre) if community water and sewer service is provided, or a minimum 40,000 square feet (0.92 acre) if on-site well, septic and leach field systems are required. These smaller lot sizes are permitted in exchange for the permanent preservation of surrounding farmland through deed restrictions, plat restrictions and

open space easements. A homeowners association controls the preserved land.

The minimum tract size for a Farm Village, including preserved farmland, is 40 acres. The preserved farmland must total at least 2 acres per dwelling. The overall density will remain at 2.5 acres per dwelling. However, a 15 percent density bonus is allowed provided all water supply, wastewater treatment, street design, open space and agricultural land preservation standards are met.

An example of the Farm Village concept is illustrated on the next page.

OSCAR Lots

Also included in the 1996 revisions to the Franklin County Zoning Resolution is the Open Space, Conservation and Recreation (OSCAR) Overlay Zoning District. OSCAR Lots provide the landowner another alternative to a conventional subdivision in a Rural Zoning District where a tract of land is too small to develop under the Farm Village concept. OSCAR Lots are also a planned zoning district, which must be approved by the Franklin County commissioners. Similar to the Farm Village concept, the preservation of common open space is desired. In addition, OSCAR Lot developments reduce the number of driveway curb cuts to individual properties along county, state and township roads, thus helping to enhance the rural character of the area.

There is no minimum tract size for an OSCAR Lot development. However, at least three lots must be created. All lots have their access from an eyebrow, private-looped road so that no driveway enters directly to the parallel public road. Lot sizes may be reduced to 2 acres per single-family residential lot, assuming on-site well, septic and leach field systems can be provided. The overall density of the OSCAR Lot development remains at 2.5 acres per dwelling. A minimum of 0.5 acres per lot shall be provided as common open space for the common use of the lot owners. This open space shall be maintained as such through deed restrictions, plat restrictions and open space easements, and is maintained by a required homeowners association.

An example of the OSCAR Lot concept is illustrated in the following graphic.

Summary

These three "kinds" of developments (Cluster Developments, Farm Villages and OSCAR Lots) are seen as viable alternatives to the standard subdivision of large tracts of land. However, a majority of the township's residents have concerns regarding Cluster Developments and Farm Villages. These concerns include the following:

- ★ Long term implications of "community" wastewater treatment system, using new and innovative technology such as man-made wetlands.
- ★ Who will be responsible for the maintenance of the wastewater treatment system and private roads (if applicable)?
- ★ The potential impacts of large-scale development projects on the Big Darby Watershed Area.
- ★ What are the cumulative impacts of developments utilizing "community" wastewater treatment systems?
- ★ The configuration of Farm Village lots as currently defined under the Franklin County

Zoning Resolution.

- ★ Smaller lot sizes are not desirable in Brown Township (strongly supported by the recent survey of township residents).

Based on comments received on the questionnaire regarding Farm Villages, residents who support this concept indicated it is better than conventional development and is a good idea if sewer and water are provided and controlled. Residents who disapprove of the Farm Village concept had the following comments: the lot sizes are too small, the same density will occur and destroy farmland, and the water and sewer supply is not adequately explained.

The OSCAR Lot concept received similar comments on the questionnaire. Residents favoring this concept stated it is better than conventional development. Residents against this alternative concept stated lot sizes are too small and developing large lots does not preserve farmland.

With regard to the golf course/residential development question, comments received from residents favoring this type of development stated it adds to the beauty of the landscape of the township and would improve the neighborhood. The comments received from residents against this type of development focused on traffic congestion, chemicals affecting the water system (especially the Big Darby Creek) and no additional benefits to the township.

The steering committee devoted its entire April 22 meeting to the discussion of these kinds of alternative developments. The committee invited the following special guests to help facilitate this discussion:

- ★ Terry Andrews, then director of development, C.V. Perry & Company
- ★ Dan O'Brien, Planned Development Company
- ★ Larry Brockett, The Ohio State University Extension Office

The purpose of this special meeting was to become better informed on these alternative developments and their interaction with the environmental and land use constraints of Brown Township. Additional supporting information on these alternative developments was submitted by the special guests and reviewed by each steering committee member.

Recommendations

Farmland preservation should be recognized as a primary goal for the township. However, with the combination of development pressures and available farmland within the township, some firm guidelines are required. Based on the resident survey results, the population of Brown Township prefers land be developed in 5-acre lots with an absolute minimum of 2.50-acre lots. This places the desired net density of the township between .20 and .40 homes per acre. Net is used here to define density after taking out land area for roads, rights-of-way, easements, undevelopable natural areas such as wetlands, and other land being preserved in perpetuity.

The committee has recognized and reviewed available alternative development concepts to the standard subdivision of property in Brown Township. These alternatives are defined under the Franklin County Zoning Resolution and include Farm Villages, OSCAR Lots and planned residential zoning districts. OSCAR Lot developments provide property owners an alternative to the standard lot split process. All may incorporate the use of an on-site wastewater treatment system. On the other hand, the practicality of Cluster Developments and Farm Villages in Brown Township would most likely rely on a design

incorporating newer technology for wastewater treatment as compared to on-site systems. Further, Cluster Developments would typically result in lots which are much smaller than those identified as desirable by the resident survey.

The use of the OSCAR Lot is supported and recommended for Brown Township. This type of development provides an alternative to property owners of large tracts who want to subdivide their land while maintaining a net density of .40 homes per acre or lower.

With regard to Cluster Developments and Farm Villages, it is recommended these two alternative developments not be implemented in Brown Township at this time. It is recognized that resolving some of the concerns over these alternative developments will extend beyond the township's authority. The township, in addition to other interested organizations, should monitor future developments in community wastewater treatment systems, including an evaluation of built examples that demonstrate these systems to be environmentally safe. Because of the negative public opinion surrounding Cluster Developments, further information and education for township residents is strongly recommended.

Finally, with the increasing development pressures in the central Ohio area, coupled with the vast amounts of farmland in Brown Township, it is recommended that the township develop and adopt an agricultural preservation plan to be included in the next plan update. With this effort, further review of Cluster Developments and Farm Villages may reveal unrealized opportunities to preserve farmland while satisfying those residents seeking to maintain low residential density. For instance, such a study could explore the concept of clustering on a density neutral basis, with the goals of preserving farmland and maintaining the low residential density already recommended. This undertaking could and should take place prior to the next scheduled plan update.

TDRs and PDRs

Transfer Development Rights (TDR) and Purchase of Development Rights (PDR)

TDR and PDR are land use control programs designed to direct development away from protected areas. These programs are being utilized in other parts of the country to preserve open space and farmland. Under a TDR program, the right to develop in the designated protected or sending district, measured by dwelling units per acre, is removed and transferred to a designated receiving district. The sending and receiving districts do not necessarily have to be located within the same community.

The June 1997 Ohio Farmland Preservation Task Force report makes several recommendations to protect Ohio's farmland. One of these recommendations is the establishment of a Purchase of Development Rights (PDR) program. As stated in the task force report, "A PDR program allows a farmer to voluntarily sell the right to develop farmland in return for accepting a permanent conservation easement on the affected land."

Whereas the development rights under a TDR program are transferred between two private landowners, government purchases the development rights under a PDR program from a private landowner. Although the mechanics of the two programs differ, the end results are the same. Based on an opinion from the Ohio Attorney General's office, neither the state nor local governments currently have the authority to purchase, or accept as a gift, land for the purpose of agricultural land preservation. Nonprofit organizations and agencies, such as Metro Parks, the Darby Creek Land Conservancy and The Nature Conservancy, can accept land as a gift.

Recommendation

The Brown Township Comprehensive Plan acknowledges the potential for the Transfer Development Rights and Purchase of Development Rights programs as a means of preserving agricultural land, directing development away from sensitive areas and for preserving agricultural land. It is recommended that the committee selected to develop the township's agricultural preservation plan, review and monitor state legislative actions regarding these planning concepts to determine how they may be implemented in Brown Township in order to reduce development pressures within the township.

Recreation

Recreational Land Use

There are few public parks or recreational facilities located in close proximity to Brown Township. In the early 1990s, the Metropolitan Park District of Columbus and Franklin County developed plans for establishing a major regional park along both sides of the Big Darby Creek in Brown Township and Canaan Township located in Madison County. Today, Metro Parks' plans emphasize creek and riparian corridor preservation through fee simple acquisition, conservation easements and cooperative efforts with other agencies.

Metro Parks is concentrating on regional park development along Big Darby Creek in an area stretching approximately one mile north of I-70. Metro Parks currently controls three major tracts and continues discussions with other property owners, as additional property becomes available. Current plans call for facilities focusing on preservation of the natural resources and passive recreational opportunities.

Recommendations

It is recommended that "MAP 10, DEVELOPMENT FACTORS" in the 1991 Comprehensive Plan be revised to delete the area identified as proposed for a regional park. This revision is reflected in "Map 10 (amended), Development Factors" to be included as part of this Comprehensive Plan Update.

It is also recommended that Brown Township continue its support of the Metro Parks system, a type of joint recreational district with the city of Hilliard and the Rails to Trails program. In addition, it is recommended that the township continue its current financial support of Homestead Park jointly developed with Norwich and Washington townships. Homestead Park, located at the junction of Brown, Norwich and Washington townships, is a multiuse recreational facility for area residents. The park is adjacent to an abandoned Conrail right-of-way that the city of Hilliard has recently annexed. Hilliard intends to redevelop the right-of-way as part of the Hilliard to Marysville regional bike path, which is identified on the 1994 Regional Bicycle Transportation Facilities Plan, prepared by the Mid-Ohio Regional Planning Commission

Police

Additional Police Protection

The 1990 population of Brown Township, as reported in the U.S. Census, was 1,825. That was an 18.7 percent increase over its 1980 population of 1,538. This is reflective of the steady growth in population in Brown Township, dating back to 1950. MORPC estimates the township's 1997 population at 2,011, which is an increase over its 1990 population of just over 10 percent.

In the 1991 Brown Township Comprehensive Plan, future population growth from 1990 to 2010 was estimated at about 85 percent. This projection was based on a traffic zone analysis (prepared for transportation planning purposes) for an area that approximates the borders of the township and did not take into account land suitability constraints that could limit development. In Hilliard's 1997 Master Plan Update, residential development is identified as the predominate future land use for the western section of the study area that includes parts of Brown Township. Accompanying this projected growth is the question of whether additional police protection is needed.

Police protection for District 10, which encompasses Brown Township, is currently provided by the Franklin County sheriff's office. Although the sheriff's office is mandated under Ohio law to provide coverage countywide, the type or quantity of coverage to be provided is not specified. The sheriff has assigned one cruiser to District 10. During emergencies, however, the cruiser may be called out to provide assistance elsewhere.

As a direct result of increased development, some townships have contracted with the sheriff's office for additional police protection. Prairie Township is one example where an additional cruiser has been assigned to and remains in the township during the times specified in the contract. The "additional" cruiser can only be called out for specified emergencies such as an officer in trouble.

At the public informational meeting on February 27, 1997, representatives from the sheriff's office responded to questions regarding police protection in Brown Township. They reported crimes in the township usually occur during daylight hours, between 6 a.m. to 5 or 6 p.m. The average response time is approximately 15 minutes, due to the physical layout of the township. Residences are a target for crime activity because houses are generally far apart; therefore, no one sees the crime activity being committed. The sheriff's office representatives stated that crime statistics for Brown Township are low as compared to other areas of Franklin County. The department prepares a monthly report on crime activity, which is sent to the township trustees.

Summary

Question 7 of the questionnaire asked residents if they would support a ballot issue to raise funds for additional police protection. Residents were provided with cost figures for this additional service. The sheriff's office estimated the 1997 annual cost for 40 hours' coverage per week at \$62,559.79 including salary, benefits and uniform expenses. The costs of the cruiser, fuel or maintenance are not included, which are borne by the department. The Franklin County auditor's office calculates that to pay for this additional police protection, an additional 1.64 mils would have to be added to property taxes in Brown Township. Using a \$100,000 home as an example, this calculates to approximately \$50.22 in additional property taxes per year.

A majority of respondents who answered Question 7 were not in favor of increasing property taxes for

additional police protection. Of the comments received, residents feel the current level of service being provided is adequate and that extra police protection would not be needed if development were stopped. On the other hand, several residents commented (at the February 27, 1997, public informational meeting) that they would support additional police protection. They questioned, as Brown Township continues to grow in population, whether the current level of service will increase accordingly.

Recommendations

It is recognized that Brown Township continues to be a destination for people looking to get away from the urban environment. As more and more people move into the township, the level of police protection will need to increase. Whether to have additional police protection through a contract with the sheriff's office is a financial question that has to be decided by the township's residents.

It is recommended that the monthly crime reports from the sheriff's office be incorporated into the township's newsletter to be shared with residents. Also, prior to spending additional funds for additional police service, an ad hoc committee should contact the sheriff's office for assistance in establishing neighborhood watch groups.

Conservation

Environmental Conservation District

The following text is quoted from page 115 of the Columbus Comprehensive Plan as it was adopted by Columbus City Council in 1993:

ENVIRONMENTAL CONSERVATION DISTRICTS

An area at the extreme western edge of the planning area, generally west of Clover Graft Ditch, south of Hayden Run Road, and north of Broad Street, has been identified as an Environmental Conservation District. The two primary development limitations in the district are hydric soils and the district's proximity to the Big Darby watershed.

Hydric soils have characteristics influenced by exposure to water over extended periods. These soils have severe surface and subsurface drainage problems, resulting in significant development limitations. Hydric soils cover about 16% of Franklin County, but nearly half of the western Environmental Conservation District.

Big Darby Creek, located on the western edge of Franklin County, provides habitat to more than 35 rare and endangered species. It is a designated state scenic river and is under consideration for national scenic river status. Big Darby Creek recently received international attention when it was designated by the Nature Conservancy as one of the dozen last great places in the western hemisphere.

The Nature Conservancy is conducting a Big Darby project to develop a cooperative inter-jurisdictional plan for protecting the watershed. The effort has been rewarded with unprecedented involvement of dozens of agencies and hundreds of individuals. In cooperation with the Nature Conservancy, Metro Parks is establishing a park along the Big Darby north of I-70, west of Amity Road, and south of Scioto-Darby Creek Road.

While great strides have been made to protect the Big Darby, risks to the watershed still exist. Gradual land use changes from agriculture to residential and light manufacturing have caused a slight downward trend in the biological diversity of the stream. It is of the utmost importance that the Big Darby Watershed be protected from further degradation.

It is the recommendation of the Columbus Comprehensive Plan that the city of Columbus:

- ✦ Protect the district from inappropriate uses.
- ✦ Discourage development in the district.
Not extend the Big Run sub-trunk or any other centralized sewer facilities to serve any portion of the district.
- ✦ Not extend water distribution facilities into the district.
- ✦ Support the efforts of Brown and Prairie Townships to preserve open space and discourage high density development within the district.

- ★ Support the creation of a Metro Park along Big Darby Creek in Brown Township.
- ★ Cooperate with current and future efforts to preserve the environmental quality of the Big Darby watershed.

The 1991 Brown Township Comprehensive Plan supported the Environmental Conservation District that was being considered in an early draft of the Columbus Comprehensive Plan, which was being prepared at the same time. The Columbus Comprehensive Plan, adopted in 1993, created the Environmental Conservation District within the Darby Creek watershed area and described this district as "An area at the extreme western edge of the (Columbus) planning area, generally west of Clover Graft Ditch, south of Hayden Run Road, and north of Broad Street ...". The Columbus plan specifies hydric soils and proximity to the Big Darby watershed as the primary development limitations in the district.

Because of the severe limitations for development based on topography and soils found in Brown Township, development projects must be especially reviewed in terms of their suitability and potential impact on the environmentally sensitive Darby Creek ecosystem. Recent efforts organized by the Darby Partnership, which consists of over 40 public and private organizations, have focused on efforts to maintain and improve water quality and protect the high diversity of aquatic life in the Big Darby. However, further monitoring and protection are still needed as urbanization in the Big Darby watershed continues to have an impact on the aquatic habitat.

Summary

In the near future, the city of Columbus will begin its own comprehensive plan update which will undoubtedly include a review of the Environmental Conservation District. Brown Township officials involved in this township comprehensive plan update (which is specifically intended to be compatible with Columbus' existing Environmental Conservation District policies), continue to be concerned about the many unresolved issues related to any extension of urban scale development within the district. Many of the studies outlined below mention the hydric soils, flat topography and extreme drainage problems in the district as well as the negative impact of urban development on the scenic Darby Creek watershed. Their recommendations were either to not permit development in this area or to insure that a comprehensive and enforceable regional drainage management system was in place that would avoid piecemeal development and inadequate systems.

Based on significant storm water drainage problems in this area of Franklin County, the commitment to preserve the unique biological diversity of the Big Darby Creek and a number of other factors, the Brown Township Comprehensive Plan Update hereby adopts the position that the many unresolved issues existing within the Environmental Conservation District preclude the urbanization of that area. Other critical factors having a bearing on this issue include the traffic congestion in the area and lack of funding for roadway expansion; the potential for further degradation of the Big Darby Creek through piecemeal development; the lack of a method and implemented plan of action for the preservation of farmland; the precedent of allowing development without adequate supportive infrastructure; and the lack of an enforceable regional storm water sewer plan as well and the absence of a plan for implementation and funding for such facilities.

The Brown Township Comprehensive Plan Update continues to recommend that, even in the event some solutions are found to mitigate specific development limitations within the Environmental Conservation District (i. e., storm water drainage and impacts to the Big Darby

Creek), development at urban densities should not occur within the district. The policy of steering development away from the Environmental Conservation District should not and cannot be based on any single issue. Resolution of all the remaining issues is needed before considering whether or not to allow urban type development within the district.

Recommendations

Recognizing that this is an important and potentially controversial recommendation, the committee has determined that some mention needs to be made of the process that recently took place concerning a proposed amendment to the Environmental Conservation District by the city of Columbus. By way of explanation, in early 1997, the city of Columbus processed a request to amend the Environmental Conservation District so as to permit two (2) separate developments to occur within the boundaries of the district. The city determined that the prescribed method for amending its comprehensive plan would be through the public hearing process. During these public meetings, Brown Township, along with various other individuals, townships, environmental groups and other entities, appeared at numerous meetings in opposition to this proposed amend-ment. During the course of these meetings, at least ten (10) studies previously conducted in this area were presented to justify opposition to the proposed amendment; numerous people testified in support of retaining the existing Environmental Conserva-tion District policies and boundaries; and the Columbus City Council ultimately (and unanimously) voted not to change the district's boundaries.

Excerpts are shown below from the studies supporting the policies underlying the creation of the Environmental Conservation District.:

**Franklin County Comprehensive Plan
Mid-Ohio Regional Planning Commission
December 1969**

The ability to provide desirable drainage depends upon several factors but one of the most important is the ability or willingness to pay the necessary costs. Because of the extreme flatness of the area and difficult drainage problems north of I-70 near Hilliard, it is recommended that the area not be residentially, commercially, or industrially developed.

**Water-Related Facilities Plan, Burgess & Niple, Ltd.
for Mid-Ohio Regional Planning Commission
December 1969**

This study recommends that sewerage service to the Hellbranch Run and Darby Creek drainage areas should only be permitted provided problems of storm drainage are resolved. The authors go on to note that changing the land use characteristics in this area would result in a disastrous effect unless the drainage system is improved at all points. For development to occur within this area, channel capacities would have to be increased, bridges removed and replaced, and general hydraulic conditions improved. Channel bottoms would require excavation of two or three feet in some places, ditches widened, and sides placed on a 2:1 slope. Trees, brush, sand bars and other obstructions

must also be removed within the channels. This study concluded that:

"Because of the extreme flatness of the headwaters of Hellbranch Run, in the vicinity of Hilliard north of I-70, drainage improvements of the nature described in the preceding would be of extremely questionable value. Severe ponding may be expected regardless of the drainage facilities provided, with distressing consequences attendant on those who build there. It is recommended that this area not be residentially, commercially, or industrially developed, but that it be reserved for uses more compatible with the characteristics of the land, specifically open-space for recreational development..."

Big Darby Creek Corridor Study
Ohio Department of Natural Resources
August 1974

Simply stated, much of the area within the Big Darby corridor will not tolerate future development. The nature of the corridor presents major physical constraints ...the corridor is a unique and fragile area. Local and regional agencies must exercise care in determining land use plans and zoning that could cause development in the study area. ... Those portions of the flat uplands having Crosby-Brookston (Crosby-Kokomo) soils are poorly drained and have a high seasonal water table, resulting in problems of ponding, basement flooding, and septic tank failure.

Area Study #4
Mid-Ohio Regional Planning Commission (Staff Report)
1974

The Study Area is predominantly rural, with agriculture the dominate use and occupying a large percentage of land. ...The greatest obstacle to any future growth is the land itself. The land is very flat. The soils drain poorly, and ponding is common throughout the area. The drainage courses in the area, except for Big Darby Creek, are unable to accept current surface runoff, let alone the increased amounts of runoff that would result from suburban development. ...Urban development should not be considered until adequate central sanitary and storm sewer services are available.

Sewage Plan for Southwestern Franklin County (Preliminary Engineering Report)
Malcolm Pirnie, Inc.
January 1974

The Hellbranch Creek watercourse north of Hall Road will be significantly affected by the

increased storm water runoff [associated with development] and the 100-year floodplain will broaden out substantially and create more severe problems of flooding in this area of the drainage basis. This drainage problem will retard the growth of this area.

**Brown Township Drainage and Land Use Policy Study
Mid-Ohio Regional Planning Commission**

March 1982

Of the approximately 14,046 acres in Brown Township, approximately 11,481 acres have a slope of less than 2%. ...As a result, water often collects and saturates the landscape. Approximately 5,343 acres (37 percent of the total land area) are frequently flooded due to storm water ponding. The level topography also creates problems for drainage systems and streams. Hellbranch Creek and Hamilton Ditch, which function as eventual storm water outlets for approximately one-third of Brown Township, are shallow and generally ineffective in removing excess storm water. ...The upper watershed of Hamilton Ditch [is] a tributary of Hellbranch Creek. From Scioto and Darby Creek Road to I-70, the ditch has an average slope of approximately 0.11%. The entire long and narrow Hamilton Ditch watershed is a "drainage sensitive area" with an inadequate storm water outlet. ...A ditch improvement project would upgrade the flow characteristics of the channel itself and hopefully provide a better outlet for the subsurface tile connections, but would not address the site or area conditions of the undrained depressions and float surface grades. Such a project would only be effective in helping the high water table in the immediate vicinity of the ditch. Due to the extremely flat ditch grade and, therefore, very low flow velocities, sedimentation would be expected to cause maintenance "problems" in that frequent service would be required to remove accumulated deposits. Based on sever drainage problems in areas B and C and the environmental sensitivity of area A, all land in Brown Township should be zoned under the new agricultural district.

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Mid-Ohio Regional Planning Commission**

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West Columbus Interim Development Concept
Dick Ritchie, Area Planner
1991

Storm water drainage has historically been a problem in the western portion of the planning area. Flooding has increased as new development has occurred. There is a concern that additional development will further aggravate the drainage problems. Therefore, new development in west Columbus must address stormwater drainage and be sensitive to the natural environment and floodplain along the waterways.

The storm water drainage problems are generally a result of the flat terrain, the relatively slow permeability of the soil types found in the area, and the heavy vegetation and silt deposits of the Hellbranch watercourses. The concern is that Hellbranch Creek is not deemed to be an adequate outlet for storm water generated by intensive development. Flooding has increased as new development has taken place. There is concern that additional development will further aggravate the area's storm water drainage difficulties. It is a city of Columbus policy to require developers to provide adequate storm water drainage for new development. However, after the drainage system is constructed, there is currently little funding available for maintenance. ...Another area of concern in west Columbus is the impact of development in Big Darby Creek, a designated scenic river, and its tributaries. Accelerated erosion, sedimentation and storm- water runoff have the potential of creating serious water pollution problems as the watershed becomes developed with impermeable surfaces. ...It should be recognized that the Hellbranch Run drainage system has severe limitations as an outlet for urban runoff. ...Consequently, this area should be reserved for very low density land uses, agriculture and open space.

Hellbranch Run Drainage Improvement Study
Burgess & Niple
February 1994

This study does not in any way attempt to endorse property development within the watershed.

[If development occurs, it is recommended to] clean the channel of Hellbranch Run, Clover Groff Ditch and Hamilton Ditch of debris, overgrowth and sediment deposits to ensure the channels' carrying capacity; protect the over-banks from erosion and provide a buffer zone to ensure the quality of the watershed. ... Construct regional retention basis to manage storm water flows in the Hellbranch watershed.

The primary alternative for the storm water management strategy is regional retention basis located along Hellbranch Run and its two main tributaries, Clover Groff Ditch and Hamilton Ditch. Implementation of a regional storm water management strategy in the Hellbranch Run watershed will require large capital costs. The Columbus Development Department's Planning Office has also recently completed the Columbus Comprehensive Plan. The plan's guidelines call for a public facilities ordinance to limit development in an area until public utilities are sufficient to meet proposed needs. ...The estimated cost for retention basis...would be seven million dollars.

These studies are virtually unanimous in recommending against development within the District's boundaries. The Brown Township Comprehensive Plan Update committee believes that the history, events and above referenced studies are important and need to be referenced as part of this recommendation. This update formally adopts the Environmental Conservation District as currently set forth in the Columbus Comprehensive Plan and emphatically recommends against any amendments or proposals by any municipality or entity that encourages development on an urban scale within this area that is not in conformance with the policies and recommendations of both the Brown Township Comprehensive Plan and the Environmental Conservation District.

Joint Planning

Relationship to Land Use Policies Identified in the 1993 Columbus Comprehensive Plan and the 1996 Hilliard Master Plan

According to the 1996 Hilliard Master Plan, "...all necessary road improvements for a development proposal are provided by the developer when a project is built, or included on the list of capital improvement projects evaluated by the City." The Brown Township Comprehensive Plan supports this action anywhere within the Hilliard corporation limits and recommends that the city of Hilliard implement this process. In addition, the Brown Township plan supports the recommended realignment of Roberts Road at Alton & Darby Creek Road.

The study area used in the Hilliard plan includes an area of approximately 2,096 acres west of Alton & Darby Creek Road. Under the Hilliard plan, this area is recommended for rural neighborhood residential development at a density between 1.0 to 1.5 dwelling units per acre. Development of this area at that density cannot be achieved without the availability of central water and sewer service. Hilliard's recommendation for this area, which is located in the Environmental Conservation District, is in direct conflict with the 1993 Columbus Comprehensive Plan and this update to the Brown Township Comprehensive Plan.

Development pressures remain strong in the western part of Franklin County. It is recognized that some future development of land currently in Brown Township may occur. Whether the land remains in the township or is annexed to Columbus or Hilliard, any new development must recognize and address the sensitive, environmental land characteristics and constraints that are found throughout much of Brown Township. The city of Columbus has acknowledged the sensitivity of this area through the Environmental Conservation District identified in its 1993 comprehensive plan. Although Hilliard's 1996 Master Plan does not mention this Environmental Conservation District, the plan does acknowledge the sensitivity of the area based on recommendations found in the Rural Neighborhood Residential District.

Recommendations

In responding to these development pressures, it is recommended that a united development policy coming from Columbus, Hilliard, Brown Township and Franklin County be established. Creating this policy would be beneficial to all parties having an interest in balancing the impact of new development with the protection of the Big Darby watershed due to existing development limitations. Zoning and annexation changes should not be made until this policy has been created and adopted. Columbus has taken an initial step in this effort by calling all interested parties together to begin discussions on planning for the future of this sensitive area. Brown Township strongly supports the continuation of these multijurisdictional discussions to reach agreement on whether and how future development may occur without jeopardizing the environmental sensitivity of this area of the Big Darby Creek watershed.

Bicycling

Bicycling in Brown Township

Many bicycling enthusiasts share the township's goal of preserving the rural character of the township. The 1994 Regional Bicycle Transportation Facilities Plan proposes the following regional bikeway corridors in Brown Township

East-West Routes

- ★ West Broad Street (US 40)
- ★ Walker Road-Roberts Road
- ★ Scioto Darby Creek Road
- ★ Hayden Run Road

North-South Routes

- ★ Amity Road
- ★ Hilliard to Marysville (former Conrail right-of-way)

A portion of the former Conrail right-of-way, located in Brown, Norwich and Washington townships, was recently annexed into the city of Hilliard. Plans call for the city to develop the right-of-way as part of the Hilliard to Marysville regional bikeway known as "Rails to Trails." Brown Township has contributed towards the development of this bikeway.

Question 9 of the Brown Township Comprehensive Plan Update Questionnaire asked residents their opinions concerning bicycling. Of those who answered, respondents were mixed as to their view of this activity being favorable or unfavorable. However, when asked "Is it safe?" 66 percent of the respondents answered no. Finally, when asked if bicycling should be discouraged on roads that currently do not provide for a safe distance between the bicyclist and motor vehicle, 67 percent of the respondents answered yes.

Ohio traffic laws governing the use of bicycles on public roads are covered in Section 4511 of the Ohio Revised Code. According to Section 4511.55, bicyclists shall:

- ★ Obey all traffic rules applicable to vehicles.
- ★ Ride as far to the right as possible and exercise care when passing a standing vehicle.
- ★ Ride not more than two abreast in a single lane except for paths dedicated for the use only by bicycles.

Summary

It is recognized that the gentle terrain of Brown Township is a target for area bicyclists. The limitations

of actual pavement width raise the concern over the comfort and safety level between the motorist and bicyclist. Due to these and other considerations, it is believed that no county or township road within Brown Township is currently appropriate for bicycling. Available options to address this situation may include the following:

- ★ Widening the existing pavement to accommodate bicyclists.
- ★ Constructing separate bike paths within existing rights-of-way.
- ★ Constructing bike paths separate from existing rights-of-way.
- ★ Revise the current Regional Bikeway Plan to discourage bicycling on existing roadways within Brown Township and redirect bicyclists to Rails-to-Trails.

A combination of the above, plus educating both motorists and bicyclists on Ohio's laws on the use of public highways, will most likely be necessary. There are three classifications used to categorize bikeways: 1) bicycle paths; 2) bicycle lanes; and 3) bicycle routes. All federally funded bikeways must adhere to ODOT standards. The 1994 Regional Bicycle Transportation Facilities Plan identifies various funding alternatives available to help in establishing regional bike paths and addressing safety concerns for motorists and bicyclists alike.

Recommendations

It is recommended that the township continue to monitor the volume of bicycle activity in Brown Township. This comprehensive plan update recognizes the 1994 Regional Bicycle Transportation Facilities Plan. However, the usage of the bikeways identified in the plan for Brown Township is not encouraged at this time due to the geometry of existing roads in the township. It is recommended that the township work with county officials in an attempt to revise the regional bike plan to ensure that bikeways are placed at appropriate and safe locations. It is also recommended that local officials redirect bicyclists to Rails-to-Trails. If the county seeks to incorporate bike paths on or adjacent to existing or new roads, it is recommended that the county be responsible for any funding required for the construction and maintenance of these bike paths.

Drainage

Storm water and Surface Drainage Management

In Brown Township, the subdividing of property into parcels of less than five acres must adhere to the Franklin County Subdivision Regulations. The Mid-Ohio Regional Planning Commission (MORPC), on behalf of the Franklin County commissioners, administers these regulations. Under Section 503 of those regulations, "No subdivision or development having inadequate storm drainage, or other wetness, drainage, erosion or flooding impairment shall be approved."

The Ohio Department of Natural Resources has recently published The Rainwater and Land Development Guide. The Franklin County Technical Review Group is currently reviewing this document, which has its focus on land use planning and drainage management, and comparing it to the Storm water Design Manual published by MORPC that focuses on the design and engineering aspects of storm water management. Until this review is completed, the Brown Township Comprehensive Plan Update defers making a recommendation on which document to observe and shall follow the guidance and direction of the Technical Review Group when reviewing development projects in Brown Township.

Recommendations

It is recommended the Brown Township Trustees work with the Franklin Soil and Water Conservation District and the county engineer's office on addressing existing drainage problems.

For landowners interested in subdividing their property, the following is recommended:

- ★ Contact MORPC's Developmental Controls Program early in the planning process to review the subdivision regulations and approval process.

- ★ Incorporate environmentally friendly strategies regarding the use of pesticides and herbicides on their lot.

Recognizing that new Brown Township residential development sites often involve extensive lawn areas, individual property owners can make a significant contribution to the water quality of the Big Darby Creek and its tributaries by carefully planning their lawn and its care. Residents are encouraged to use native grasses, judicious application of fertilizers and pesticides, and the general development and use of an integrated pest management plan. Residents are encouraged to contact organizations such as the OSU Extension Office, Franklin Soil and Water Conservation District, and The Nature Conservancy for assistance and information.

Quarries

Excavation and Quarry Operations

As previously noted, a vast majority of those responding to the survey questionnaire overwhelmingly agreed that the position taken on nonresidential development in the 1991 Plan should not be changed, meaning that commercial and industrial development is not a desired land use within the Township. It is recommended that this position be continued, especially as it relates to the quarrying operations on Amity Road. As noted in the 1991 Plan, one goal of the Plan is to oppose the expansion of existing quarry and excavation operations, as well as the creation of any such new sites within the Township.

In 1998 the operator of the existing quarry on Amity Road filed a rezoning application in order to expand the existing quarry operation. The township vehemently opposed this application, which was subsequently withdrawn by the operator. As noted in the 1991 plan (and as mentioned in the recent rezoning hearing), quarrying operations on Amity Road and related truck traffic are together viewed as a nuisance.

This view and the goals and recommendations of the 1991 plan as they relate to these quarrying operations remain unchanged. Moreover, complete reclamation of this site, in accordance with both the requirements of the Franklin County Zoning Resolution and the land use recommendations of the 1991 plan, continue to be goals of the plan. Upon reclamation of the site, appropriate land uses as identified for the Darby Creek Corridor Overlay District would include large lot (i. e., five- (5) acre minimum) single family residential uses, agricultural uses and open space.

Recommendations

General Revisions and Recommendations

Coordinating Planning Efforts with the Hilliard City School District Board's Planning Committee

Brown Township is located in the Hilliard City School District. Collaboration of township officials and the school board's planning committee is recommended regarding school growth needs and its relationship to land use planning in Brown Township. The only school facility in Brown Township is Brown Elementary School located at the intersection of Roberts and Walker roads, diagonally opposite the Brown Township Hall.

Fiscal Responsibility and Self-supporting Developments

It is recognized that residential development brings additional demands for services and related costs to both the township and the school district. The Brown Township Comprehensive Plan encourages future residential developments to minimize the increase of financial burden to the township and school district. A cost impact study should be considered for large-scale developments and presented to the trustees, township residents and school board as part of any development proposal.

Telecommunication Towers

The deregulation of the telecommunications industry as a result of the 1996 Telecommunications Act has led to telecommunication towers being erected rapidly in the central Ohio area. The 1996 act preserves home rule authority to municipalities but provided little direction to zoning authorities of unincorporated areas (county or township). Prior to October 31, 1996, Section 302.211 of the Ohio Revised Code conferred no authority on counties to regulate any public utility. House Bill 291 amended this section to provide counties and townships the authority to regulate telecommunication towers in residentially zoned areas.

Zoning in Brown Township comes under the Franklin County Zoning Program administered by the Franklin County Development Department. The Brown Township Comprehensive Plan supports the recently adopted amendment to the Franklin County Zoning Resolution, which gives Franklin County the authority provided under House Bill 291 to regulate telecommunication towers.

Amendments to Map 10

Map 10, Development Factors, of the Brown Township Comprehensive Plan is amended as follows:

- ★ Revise the metro park area to better reflect the current planning efforts of Metro Parks
- ★ Extend the identified "Poor Drainage" area south of Roberts Road further west to better represent actual drainage conditions observed since 1991.

Amendments to Map 12

The Brown Township Comprehensive Plan is hereby amended by deleting all references to and

recommendations for Low-Density Residential (LDR) District zoning. Map 12 is amended by deleting the reference of Low-Density Residential District zoning and replaced with Rural District zoning. These amendments are made in keeping with current township development practices and philosophies. Further, the Rural District permits agriculture operations, agriculture-related development opportunities, cemeteries, boarding of animals, borrow pits and accessory apartments (granny flats), all of which are not provided for under LDR zoning.

Big Darby Conservation Area

The 1991 Brown Township Comprehensive Plan recommends a 140 foot wide buffer area along the Big Darby Creek, measured from the creek's centerline. After adoption of the Brown Township Comprehensive Plan and based on the recommendations of the Ohio Department of Natural Resources, the Franklin County Zoning Resolution was amended to provide similar buffer and riparian corridor protection areas of 120 feet wide, measured from the creek's normal high water mark. The Brown Township Comprehensive Plan is hereby amended to revise the buffer area to 120 feet wide in the case of privately owned land and 300 feet wide in all other cases, as measured from the creek's normal high water mark.

Use of Ad Hoc Township Planning Committees

As previously suggested in 1991, it is recommended that the Brown Township trustees utilize Ad Hoc Township Planning Committees as needed when studying special issues or undertaking tasks that require both objectivity and the input of township residents. These committees would serve in an unofficial capacity providing input to the trustees on planning issues that are identified in the 1991 plan and this update.

Future Review and Update of the Brown Township Comprehensive Plan

The purpose of a comprehensive plan is to serve as a planning tool used by residents, elected officials, planning staffs and developers in guiding the future development of a community. Changes in the social, economic and political structure that affect the community will occur during the course of implementing the comprehensive plan. Being able to adjust to these changes is necessary to preserve the purpose of the plan, so long as its intent is not compromised.

It was recommended in 1991 that the Brown Township Comprehensive Plan be reviewed and updated on a three-to-five-year interval. The adoption of the 1998 Brown Township Comprehensive Plan Update will mark the first update. This update concludes by reemphasizing the need for regular review of the plan. Therefore, it is recommended that the next review and update of the Brown Township Comprehensive Plan occur no later than the year 2003.

