

Response to Questions of Concern Regarding the Upper West Branch of the Rocky River Balanced Growth Initiative

What is Balanced Growth?

Balanced growth is a strategy to protect and restore Lake Erie and its watersheds to assure long-term economic competitiveness, ecologic health, and quality of life.

What benefits does a community gain by participating in the Balanced Growth Plan?

Benefits include:

- enhanced access to state programs and funding identified in the *Balanced Growth Strategy* as “special incentives”
- direct access to state agency personnel across all the OLEC member agencies involved in decision making and program implementation in order to connect communities to state programs that will help them meet their own local goals
- greater predictability that would streamline the decision making process for private sector developers.

What is a jurisdiction agreeing to by supporting the Balanced Growth Initiative?

By passing a Resolution of Support for the Balanced Growth Initiative, the jurisdiction is agreeing:

- to adopt the designation of **Priority Conservation Areas, Priority Development Areas, and Priority Agricultural Areas** within the jurisdiction as identified in the Balanced Growth Plan
- to direct the Watershed Planning Partnership to seek endorsement of the Balanced Growth Plan by the Ohio Lake Erie Commission in order to permit the jurisdiction to seek the benefits and incentives provided by this endorsement
- that the Priority Conservation Areas and Priority Development Areas within the jurisdiction identified in the Balanced Growth Plan are to be used by State of Ohio Agencies to guide state activities and programs and serve as the basis for special incentive programs to be directed to the watershed
- to *encourage* the protection of Priority Conservation Areas and *promote* development of Priority Development Areas.

Jurisdictions are encouraged seek the guidance of their legal counsel regarding the Resolution of Support.

What are Priority Conservation Areas (PCAs)?

Priority Conservation Areas or PCAs, are locally designated areas targeted for protection and restoration. They may be critically important as ecological, recreation and heritage areas that are significant for their contribution to Lake Erie water quality and the general quality of life.

What criteria were used to create Priority Conservation Areas?

A PCA is identified by any of the following features:

1. Floodplains
2. Riparian (streamside) areas
3. Forests (20 or more contiguous acres)
4. Steep Slopes (12% or greater)
5. Parklands
6. Conservation easements
7. Wetlands

Is a Balanced Growth community required to adopt or implement riparian setback zoning regulations or ordinances?

Supporting the Balanced Growth Initiative in no way obligates or requires a jurisdiction to enact or adopt riparian setback regulations, ordinances, or any other control measures, *nor* are such policies automatically placed on the township by the OLEC or the State of Ohio as a result of the township supporting the Balanced Growth Initiative. As a home rule state, only the township can enact zoning regulations.

What are Priority Development Areas (PDAs)?

Priority Development Areas or PDAs, are locally designated areas where commercial and industrial growth and/or redevelopment is to be especially promoted in order to maximize development potential, efficiently utilize infrastructure, and contribute to the economic vitality of the Lake Erie basin.

What criteria were used to create Priority Development Areas?

A PDA is defined by the following:

1. Zoning (current commercial/industrial)
2. Proximity to major highways in areas with
Sanitary sewer service (or potential service upon local request)
3. Enterprise Zones and Community Reinvestment Areas

How is residential development addressed in the Balanced Growth Plan?

The entire watershed, where not in conflict with PCAs and PDAs (commercial/industrial), currently developed areas, or jurisdictional desires, has high potential for residential development.

Are new development projects permitted outside of areas designated as PDAs?

The Balanced Growth Initiative does not place restrictions on where development can occur but rather attempts to influence where it should occur through incentives. It is hoped that communities would respect their own plans and not seek projects for development in PCAs.

What are Priority Agricultural Areas (PAAs)?

Agriculture is an important land use to consider when developing a watershed balanced growth plan. Because of the desire to preserve the watershed's rural heritage, the Watershed Planning Partnership opted to create a separate priority category for agriculture rather than trying to fit it into the category of PCA or PDA.

It is hoped that farms located in areas designated as PAAs will receive extra consideration for state agricultural programs.

What criteria was used to create Priority Agricultural Areas?

1. Farms that are enrolled in the Agricultural District program

How would incentives be applied to areas where PCAs and PDAs overlap?

Numerous portions of the watershed meet the criteria for both priority conservation and priority development. Initial consideration would be given to protecting, preserving, or enhancing environmentally sensitive areas. Any project to promote conservation in these areas would be encouraged via incentives. Development would only be encouraged in these areas if appropriate BMPs were applied to protect the PCA component.

What expectations does the Ohio Lake Erie Commission (OLEC) have for communities supporting Balanced Growth?

Participation in the program at all levels is *strictly voluntary*. Individual communities are asked to pass resolutions of support for the program if they are within the watershed. Beyond that, there are *no* requirements to take any actions or obligations to pursue any suggested implementation strategies. It is the hope of the state agencies that make up the OLEC to *encourage* local planning efforts that the state can then be responsive to while planning or implementing state funded projects.

The Balanced Growth Initiative provides a framework that the Watershed Planning Partnership can use to create plans that contribute to the goal of protecting and restoring Lake Erie for the benefit of all Ohio citizens and visitors. A community that agrees with this goal and chooses to participate fully could (*but is not required to*), for example, incorporate the Priority Conservation Areas and Priority Development Areas into their comprehensive plans. This will enable the state to direct state funding to the township in a manner consistent with township desires as expressed in their comprehensive plans.

What authority does the Ohio Lake Erie Commission (OLEC) have to create taxes and/or legislation?

The Ohio Lake Erie Commission was created in ORC 1506.21 and consists of the directors of environmental protection, natural resources, health, agriculture, economics, and transportation, or their designees. It is charged with ten tasks listed in this section of the code, all of which are in the nature of coordinating, reviewing, reporting on, and making recommendations regarding Lake Erie. ***It has no statutory authority for generating revenue, issuing rules, or performing regulatory activities of any kind.***

If the Balanced Growth Initiative receives state endorsement, what are the ramifications for a community in the watershed that has opted to not support the program?

Local communities who do not adopt resolutions of support for the Balanced Growth Plan (at a minimum) *are not* eligible for the extra points, funding, or any other added consideration within the special incentives. They are treated as if they were not in the watershed and remain eligible to compete for other programs just like any other jurisdiction not participating in the Balanced Growth Initiative.

If the Balanced Growth Initiative receives state endorsement, would a supporting community be allowed to withdraw its support at a later date should it become uncomfortable with the program?

Yes. Communities may offer or withdraw support at any time before or after a plan is endorsed. Should a community withdraw its support, it would no longer be eligible for state incentives.

The Lake Erie Balanced Growth Strategy states “This document is intended to be evolutionary”, what is the intent of this statement?

The program is in a pilot phase and we hope to use the lessons learned in this pilot phase to improve the framework, discussions, and overall strategy as it seems appropriate. We also hope to develop additional special incentives as the program matures. The Strategy addresses only the actions of the state and does not obligate local governments in any way. To provide extreme clarity, this cannot and will not be ‘evolved’ into a regulatory document.