

A Case for the Middle East Fork Balanced Growth Initiative

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Declines in water quality and water resources, loss of wetlands and sensitive natural areas, flooding, landslides, erosion, and other stormwater related problems, and declining air quality; all are mounting evidence of man's influence on the landscape and the increasing need for communities to embrace smarter and more sustainable ways of living and growing. Scientific studies show a strong link between these growing impacts and inefficient land use practices, demonstrating a need for better land use planning, and adoption of better land use practices. A balanced growth approach can help communities address these issues - balancing protection of critical natural resources and landscape features with sustainable land development and community growth.

Balanced growth principles have been widely recognized for years, both locally and across the U.S. Proactive communities in many states have been successful at integrating these principles into their local land use planning process. Over a dozen states have recognized the need for more balanced growth planning and have enacted smart growth laws. In Ohio (a "home rule" state), balanced growth planning efforts have been voluntary and mostly restricted to the northern part of the state. Although communities in southern Ohio have long recognized the need for more balanced growth, most have been unsuccessful at integrating those principles and best practices into their local land use planning process.

Clermont County has a well established foundation upon which to build a successful balanced growth planning framework. The Middle East Fork Watershed was selected to receive one of the Ohio Balanced Growth planning grants based largely upon this local awareness in recognizing and addressing critical community issues. These recent efforts demonstrate the local desire, knowledge and resources available to support a balanced growth approach:

- East Fork Watershed Plans,
- Clermont County Wastewater Master Plan,
- Clermont County Project XL,
- local township land use/growth management plans,
- Clermont County TMDL Community Demonstration Project

Some individuals or groups may be wary that the Middle East Fork Balanced Growth initiative will result in more regulations being imposed, which could inhibit community growth and complicate the development process. But failure to address Balanced Growth issues in Clermont County will result in stricter environmental regulations imposed by the State or Federal government, which will limit future growth and development opportunities. By implementing balanced growth practices, Clermont County citizens can help prevent environmental degradation and protect and enhance the capacity for future growth.

Community growth is often constrained by the pollutant discharge capacity which exists under various environmental permits (wastewater, storm water, air, etc.). These permit limits are established to help protect critical water resources and the environment from degradation. For instance, sewage treatment plants discharge a byproduct (wastewater effluent) to rivers which contains phosphorus and other constituents which can degrade water quality when present in excess amounts. Treatment facilities in Clermont County

have the physical capacity to treat more wastewater, yet most have very limited capacity under their environmental permits to discharge more effluent into the East Fork River. This can impede community growth, and/or greatly increase the cost of future development.

Treatment plant upgrades can employ technologies to reduce potential pollutants in wastewater effluent, thus increasing discharge capacity. However, there are limits to what this technology can achieve and it can be very costly for residents who depend upon those public services. The Balanced Growth process uses best land use practices to reduce potential pollutants from other sources (runoff from urban and agricultural sources, etc.) in a more cost-effective manner. These best practices also enhance the capacity of the environment to naturally filter or “assimilate” many of these potential pollutants. For instance, a healthy, protected stream corridor, with abundant vegetation and tree canopy that lowers stream temperatures, can greatly increase the capacity of that stream to assimilate phosphorus and other potential pollutants. By implementing balanced growth practices such as this, communities in Clermont County can protect critical water resources, and protect/enhance the capacity for future growth.

Proactive communities and watersheds that embrace a balanced growth approach could find themselves in an advantageous position. Residents and businesses place a high value on the quality of community life in determining where they choose to live, work, recreate or operate. And there is a significant and growing market demand, both consumer and commercial, for communities to provide opportunities and green initiatives that support a more sustainable way of living and doing business. Balanced growth communities should be well positioned as frontrunners and regional leaders in that regard.

The Ohio Balanced Growth Initiative is a unique opportunity for Clermont County to be proactive in developing a locally led planning process to help address critical community issues. The Middle East Fork Balanced Growth Plan can provide the roadmap and serve as the pilot project to jumpstart enhanced local planning efforts. This initiative affords communities an opportunity to craft a plan that addresses specific local issues, while taking into account the needs and interests of all stakeholders. From a timing standpoint, the recession and resultant slow down in growth presents an ideal time for communities, developers and all stakeholders to reflect on balanced growth issues. It’s a unique and timely opportunity for all to have a strong voice in shaping the future growth of our local communities.

The Middle East Fork Balanced Growth initiative is largely voluntary in nature. State grant funds were awarded to encourage the development and implementation of a local balanced growth plan. And endorsement of the plan by local jurisdictions is completely voluntary. The best practices needed to implement the plan will emphasize incentives and voluntary alternatives that encourage more sustainable land use, and minimize the need for regulatory compliance.

The balanced growth plan has no regulatory authority – it’s simply a planning framework, similar to other local plans like the comprehensive land use plan and local growth management plans. The big difference is that this plan looks at the impact of land use decisions on our watersheds and critical community resources, and lays out a strategy that balances protection of those resources with community growth and development.

Once a balanced growth plan is adopted by local governments, best local practices are used to implement goals identified in the plan. A tool box of best practices is available for local communities to select from – they can tailor those practices to meet the goals of the plan in a manner consistent with their local needs. Some of these best practices traditionally require changes to local ordinances or zoning codes to encourage the use of best practices. These best land use practices incorporate incentives and landowner protections which minimize the potential impact on any sector, and provide “win-win” opportunities for landowners, developers and the community to all share in resource protection and enhanced community growth. Some recommendations for best practices include:

- Conservation Development
- Compact Development
- Stormwater Management and Riparian/Wetland Protection
 - Low Impact Development
- Source Water Protection
- Agricultural Lands Protection
- Tree and Woodland Protection
- Steep Slopes Protection
- Scenic Protection
- Historic Preservation
- Brownfields Redevelopment
- Transfer of Development Rights
- Access Management

The balanced growth process seeks stakeholder involvement to insure that any adopted plan or practices consider the needs of communities, landowners, businesses, developers and all vested parties. Some key considerations in this balancing process include the structuring of best practices that preserve personal property rights, support a vibrant local economy, and provide opportunities for enhanced growth and development. Ongoing Balanced Growth pilot projects in northern Ohio have demonstrated recent success in achieving this balance, serving as models that can provide feedback to assist new projects like the Middle East Fork Balanced Growth Initiative. In addition to grant funding, the State of Ohio offers financial and technical incentives through specific programs to assist implementation of endorsed balanced growth plans and to support the planning process for new projects. Strengthening the incentives for endorsed plans and adding additional incentives has been identified as the highest priority goal for the Ohio Balanced Growth program.

Conservation Design – One Example of a Best Land Use Tool/Practice

"Conservation design or development" is an alternative development scenario that is typically established as a “conditional” or “permitted” use via local zoning codes and/or subdivision regulations. In Ohio, it is a form of Planned Unit Development (PUD) zoning (ORC 303.022), and is most often established as an "alternative" (not mandated) way to develop residential or other types of properties, as opposed to the "conventional development zoning" scenario. Conservation design encourages the protection of higher percentages of open space and unique features of the landscape to help achieve balanced growth goals. A conservation design scenario usually results in decreased infrastructure and development costs, but density bonuses are often provided to developers as additional incentive.

Some best practices can be voluntary and driven by developer preference, consumer demand or other market variables. Others like conservation design, typically need some legal or programmatic basis which first establishes some desired performance standards (local zoning code). Without that basis, there are no stated outcomes or mechanism or authority to provide the incentives needed to encourage acceptance and widespread use of the best practice. Best practices are crafted by local jurisdictions to strike an acceptable balance that encourages the use of the practice, without inhibiting development opportunities within their jurisdiction. Stakeholder input is key to this balancing process.

Modifications may also be required to local subdivision regulations, to insure needed flexibility in engineering design standards associated with conservation or low impact designs. Innovative green engineering standards that reduce impervious surfaces and decrease runoff (narrower road widths, grassed swales, etc.) are slowly being adopted by communities.

Conservation Design and other Best Land Use Tools/Practices provide development alternatives that help communities balance growth/development with natural resource protection. Clermont County communities recognize the inextricable links between water quality and public health/welfare and have demonstrated the desire for large-scale solutions to address these critical community needs. While much work has been done to support watershed health and community needs, past efforts have lacked the regional perspective and collaboration needed to bring out significant change. The Balanced Growth initiative provides the opportunity for our local communities to broaden their vision of land use planning to assure sound ecological health and economic prosperity for years to come.