

2023

# Harlem Township Quick Strategy Guide



As Adopted by the Harlem Township Trustees



Crossroads Community Planning, LLC

3/22/2023

# Acknowledgements

---

Thank you to all who provided insight and assistance in creating this Quick Strategy Guide, especially to the following:

**Township Trustees:**

Carl Richison                      David Jackson                      Jerry Paul

**Township Fiscal Officer:**

Lisa Hursey

**Township Administrative Assistant:**

Kendra Buell-Borror

**Township Strategic Planning Committee:**

Steve Eisenbrown, at-large representative of township residents  
Bruce McClary, at-large representative of township residents  
Tom Nied, representative of the Township Zoning Commission  
Carl Richison, representative of the Township Board of Trustees  
Molly Snodgrass, at-large representative of township residents  
Jim Steelesmith, representative of the Township Board of Zoning Appeals  
Bob Singer, at-large representative of township residents  
Matthew Kurz, Township Zoning Inspector  
Jennifer Tieche, at large representative of the township residents

**Township Zoning Commission:**

Mike Kabler, Chair  
Joni Manson, Vice-Chair  
Tom Nied  
Virginia Lewis  
Brittany Hoperich  
Bruce Hamill, Alternate

**Township Board of Zoning Appeals:**

Keith Campbell  
Bill Gallagher  
Jason Gloeckner  
Raelene Meadows  
Jim Steelesmith  
Kyle Farris, Alternate

**Crossroads Community Planning, LLC**

Holly Mattei, AICP, Founder/Owner  
George Mattei, Jr., Director  
Miles Kelley, Planning Assistant  
Molly Ridge, Planning Assistant



# Table of Contents

---

Background	Page 3
Strength, Weaknesses, Opportunities, And Threats (SWOT) Analysis	Page 5
What We Have Learned <i>Case Study – Chandler, AZ</i>	Page 7
What We Have Learned <i>Future Land Use &amp; Infrastructure</i>	Page 19
What We Have Heard	Page 30
What Happens If We Do Nothing?	Page 36
Recommendations <i>Infrastructure, Land Use, Zoning, Development Tools</i>	Page 42
Recommendations <i>Communications</i>	Page 61
Recommendations <i>Administrative Capacity</i>	Page 63
Where Do We Go from Here? <i>Strategies and Implementation Matrix</i>	Page 67
Appendices	Page 80

# Background

---

Harlem Township, nestled in the southeast corner of Delaware County, is defined by its rural character. Surrounded by continued growth and development in Delaware County to the north and west, Franklin County to the south, and Licking County to the southeast, Harlem Township has yet to experience significant development over the past few decades, mostly due to the lack of infrastructure and the Hoover Reservoir serving as a physical barrier impeding growth from the west. This rural character, with large spans of agricultural fields and tree lined, rural roadways, are of great value to its residents. In November 2021, the township adopted a 2020 Comprehensive Plan prepared by the Delaware County Regional Planning Commission that focuses on maintaining these large lots to preserve the rural feel and creates five guiding principles for the township:

- Maintain the rural feel and character of the township
- Protect cultural and natural resources
- Maintain and expand open space/natural growth areas
- Develop within the capacities of community services
- Protect agricultural uses

Harlem Township’s rural character has been threatened in the past as large development projects, such as Facebook and Google, creep towards the township’s southern boundary. These large projects create an economic spin off requiring additional business and housing developments to support these industries. Harlem Township’s proximity to these areas make it very attractive to these supporting uses and increases the potential for annexation into neighboring municipalities to obtain municipal services and more favorable zoning. The 2020 plan recognized these trends and suggested the need to “balance the community’s desire to maintain large lots and avoid annexation with the inclusion of some commercial uses”. For this reason, the 2020 plan calls for service-oriented commercial uses along Fancher Road, SR 605 South, and South County Line Road (up to Center Village Road) with the goal of focusing long term rural preservation in the remainder of the township.

On January 21, 2022, the Intel Corporation announced it would be making a \$20 billion investment in microchip manufacturing plants in neighboring Jersey Township – a project that would impact the entire Columbus Region – and which is just a few miles from Harlem

## PROCESS OVERVIEW

- Strategic Planning Committee hires Consultant
- Conducted SWOT Analysis
- Research to determine infrastructure and development pressures
- Identify significant development risk areas and map
- Public meeting to introduce info to public
- Sub-Committees Formed
- Community Survey Conducted
- Recommendations Identified
- Quick Strategy Guide Adopted

Township. Township officials quickly understood that the development risks have never been greater. In March 2022, the Board of Township Trustees appointed a Strategic Planning Committee to serve as their advisory body and hired a consulting firm, Crossroads Community Planning, LLC (“Crossroads”), to help identify specific strategies to implement the 2020 Comprehensive Plan, while acknowledging the fact that the Township is on the cusp of development.

Crossroads completed a planning process that included a SWOT analysis (“Strengths, Weaknesses, Opportunities, Threats”), research on infrastructure and development pressures and developed “at risk parcel maps”. A public meeting and community survey were also conducted to educate and gain feedback from Township residents. After careful consideration, this Quick Strategy Guide with specific recommendations has been prepared for the Strategic Planning Committee to present to the Township Trustees.

The Harlem Township Comprehensive Plan 2020 will remain as the township’s long range planning document, and its guiding principles will continue to help shape land use policies into the future. The purpose of the Quick Strategy Guide is to provide additional recommendations in the areas of land use, communications, and administrative capacity to outline steps that the township needs to take to be prepared for the development pressures. For this reason, this Quick Strategy Guide will be placed in the Appendix of the current Comprehensive Plan and serve as a supplement to it. It is not intended to replace it.. This Guide provides further clarification on calculating open space and density for conservation developments recommended in both the Plan and the Guide. They should be used in conjunction with one another and complement each other.

This plan is organized by the following Chapters:

- SWOT Analysis
- What We Have Learned
  - – A Case Study – Chandler, AZ
  - – Infrastructure & Land Use
- What We Have Heard
- What Happens If We Do Nothing? – Case Studies – Canal Winchester and Liberty Township OH
- Recommendations –
  - Infrastructure, Land Use, Zoning, & Development Tools
  - Communications
  - Administrative Capacity
- Where Do We Go from Here?
  - Strategies & Implementation Matrix
  - Timeline

# SWOT ANALYSIS

A SWOT analysis was the first activity the Committee completed. A SWOT analysis is an assessment method used for identifying a community's Strengths, Weaknesses, Opportunities and Threats. The purpose of this activity is to tease out the issues affecting a community. The below graphic provides a summary of the themes that were identified during the SWOT analysis:



Water and sewer infrastructure quickly rose to the top of the focal points. The Committee understood that sewers provide capacity for new development, and developers often look to neighboring cities and villages for possible annexation. Annexation is the legal process by which property in an unincorporated township, such as Harlem, becomes a part of a neighboring village or city, such as the Village of Galena or the City of Columbus. There are many reasons landowners and developers seek annexation. Access to utilities, more favorable zoning and development practices, and economic development tools are the biggest reasons a developer would seek annexation. Once land is annexed, the township loses control over the design, development standards and density and often loses potential tax revenue. There are several cities and villages at the Township's doorstep, which leaves the township vulnerable to annexation. For these reasons sewers and annexation quickly rose to the top of the Committee's concerns.

The SWOT analysis also revealed concerns with communications, engagement, participation and education around development and community issues. This has been an ongoing theme for the Township. Through the planning process Crossroads has started to assist the Township in addressing some of these issues.

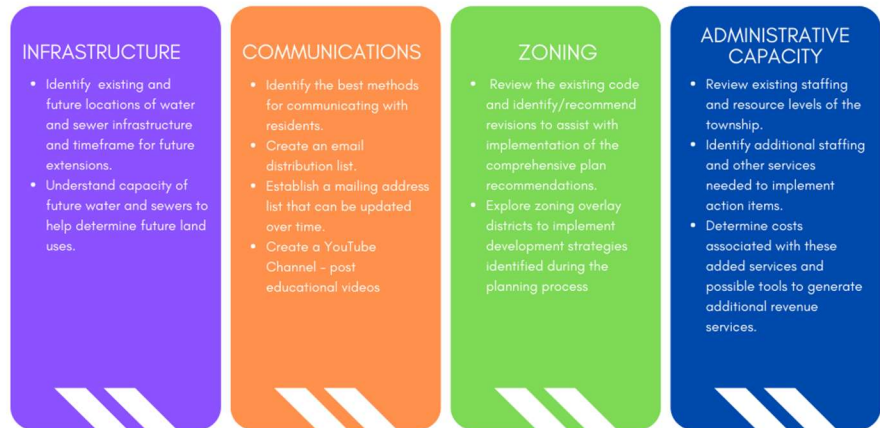
Zoning was another major concern. The Township has adopted a conservation district that allows for the clustering of residential lots provided the development maintains an overall net density of 2 acres per dwelling unit. The purpose of this district is to help preserve the rural character of the community. There is significant concern among residents that development

even at this density could negatively impact the country atmosphere that many have come to appreciate. This zoning conservation district attempts to balance these concerns with potential future development as recommended by the 2020 Plan.

The SWOT analysis recognizes the need to revisit the zoning code to determine if additional amendments are necessary to address impending development pressures. In light of this, Crossroads has developed a series of recommendations to help the Township address development in the best way possible.

Administrative capacity is the final major theme emerging from the SWOT analysis. While the township does not have a large staff, residents appear appreciative of the time and effort that the elected officials, volunteers and small staff put into the community and the results to date. This is good news, since the Township will have to navigate some difficult issues in the near future. Crossroads has developed recommendations for how the Township can increase its administrative capacity to address upcoming development.

## Immediate Needs



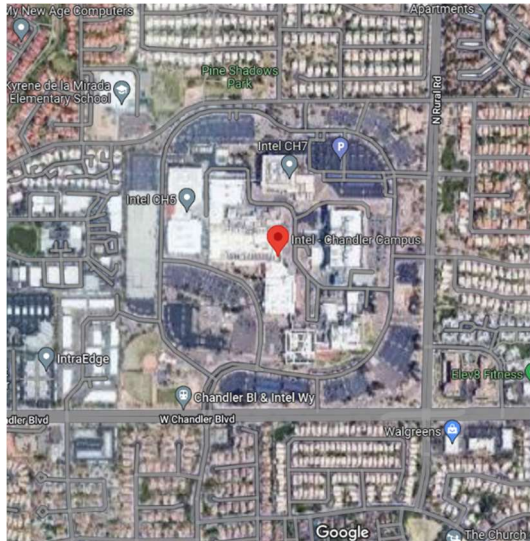
# WHAT WE HAVE LEARNED

## Case Study – Chandler, AZ

Crossroads Community Planning went to Arizona to observe the Intel plants there and speak to some professionals about the impact of their presence. Intel has two plants in the City of Chandler, which is in the southeast quadrant of the Phoenix metropolitan area. Below is a summary of both sites, as well as Crossroad’s takeaways from the visit.

### Chandler Campus

Intel started construction of the Chandler campus in 1979. While the plant originally included chip manufacturing fabs, it has been converted for use in research and development. The original buildings are still present. Below is an aerial of the plant and the surrounding neighborhood, as well as photos.



Clockwise from Upper left: aerial of plant and neighborhood; photo of plant from main street, photo of main road near plant, photo of rear of plant across from school and park.



Crossroads noted that the facility was not well-screened from the surrounding neighborhood. Buildings were not set back very far from the streets, and development, including residential development, was built directly adjacent to the facility. However, screening in the Phoenix area appears to be handled quite differently than in Ohio. For residential developments abutting the main roads, it appears that developers typically include walls to screen the homes from street traffic and noise as part of the development, as seen in the photo to the right (subdivision across the street from the Chandler campus).



However, these walls are often one-story and do not seem to be adequate to screen residential uses from industrial sites, particularly the upper floors. We did feel it was important to point out the difference between Phoenix and Columbus, as more of the screening burden is typically placed on the developers of commercial and industrial development, versus residential developments.

As seen in the aerial progressions below, this plant was built first, with associated development following. In some areas, there was distinct noise from the plant that could be heard in the residential areas, which was not blocked by the residential walls. While Intel was in place before the other development, this site made it clear that it is important to plan for future development around industrial areas by including the appropriate screening and setbacks up front.

As Adopted by the Harlem Township Trustees

### Ocotillo Campus

Started in late 1990's, the Ocotillo campus is now the main manufacturing site. When Crossroads visited, they were in the process of developing two new Fabs to increase production at the site. Below is an aerial and photos of the site.



Clockwise from Upper left: aerial of plant and neighborhood; photo of plant from main street, photo of main road near plant, photo of rear of plant with construction from access road.

Crossroads noted that this facility had a much better layout than the original plant. The Ocotillo buildings were set much farther back from the main road, and the mounding was much higher. This resulted in a much better visual impact for the adjacent properties. As with the original plant, development has moved in around the Ocotillo site, and includes housing and commercial development.

The western edge of this site borders the Gila River Indian Reservation, which totals 584 square miles. Intel has contributed to the preservation and cultivation of the agricultural area to the west, which is in the reservation. The lack of development is a direct result of the unavailability of the land for construction.

As seen in the photo above, the construction of the new Fabs includes some of the tallest cranes in the world. These cranes are needed to hoist building-spanning roof trusses onto the building. These buildings are constructed without pillars to reduce vibrations that would affect the manufacturing process<sup>1</sup>.

### Impacts on Development

Both of the Chandler Intel facilities appear to have had a significant impact on the surrounding area in terms of development. As noted below, the facilities drive a strong demand for housing in the immediate area. Additionally, as seen in the time-lapsed aerials included at the end of this section, development progressed rapidly once the Chandler plant was constructed. While Phoenix as a whole was growing rapidly at this time, the presence of Intel was a major driver of economic and physical growth in the region. Today Intel employs over 12,000 employees in the metro area, has an annual \$8.6 billion of economic impact, and directly or indirectly supports 1.5% of Arizona's statewide jobs<sup>2</sup>.

The development around the plants was a mix of uses. Each plant had housing and office development nearby. The Chandler site has a significant amount of residential next to or across the street from the site. There is also a large industrial park a bit to the west of the site, along with some office uses. The area around the Ocotillo site is still developing, but includes primarily residential adjacent to the site, with some office and hotel uses nearby. Interestingly there is not a significant amount of retail commercial near either site, although there is more near Chandler than Ocotillo. The property manager of the Cornerstone Ranch Apartments (see below) noted that many Ocotillo employees need to drive 15 minutes from the plant for shopping basics and there are only a few restaurants in the area. This shows that services for employees should be located close to the plant.

The impact of Intel is evident in the growth of Chandler. Per Census data, in 1980, Chandler's population was just shy of 30,000<sup>3</sup>. By 1990, Chandler's population was over 90,000, a 300% increase, and by 2000 it was over 175,000<sup>4</sup>. By 2020 Chandler's population was over 275,000<sup>5</sup>.

Per a recent article in Columbus Business First, the construction of the Intel plants in Chandler had a significant impact on the community. Below is a quote from the article:

Intel has said anecdotally that 75% of its employees live within 20 minutes of the facility, and Ready guesses that about 40% of Chandler workers actually live in Chandler. [Author's Note - almost all of Harlem Township lies within 20 minutes of the Intel facilities that are coming to the area.]

---

<sup>1</sup> <https://www.bizjournals.com/columbus/news/2022/06/24/mega-fabs-mega-cranes-a-look-at-intels-constru.html>

<sup>2</sup> <https://www.intel.com/content/www/us/en/corporate-responsibility/arizona-rise-report.html>

<sup>3</sup> <https://www2.census.gov/library/publications/2001/compendia/ccdb00/tabC1.pdf>

<sup>4</sup> Ibid.

<sup>5</sup> <https://www.census.gov/quickfacts/fact/table/chandlercityarizona/LND110220#LND110220>

“The west side (of Chandler) pretty much took off after the Intel plant located there,” former Mayor Jay Tibshraeny said in a 2004 interview with the Chandler Museum. “It basically built out in 10 years from that time. All the housing went in. Most of commercial was built within 10 to 12 years.<sup>6</sup>”

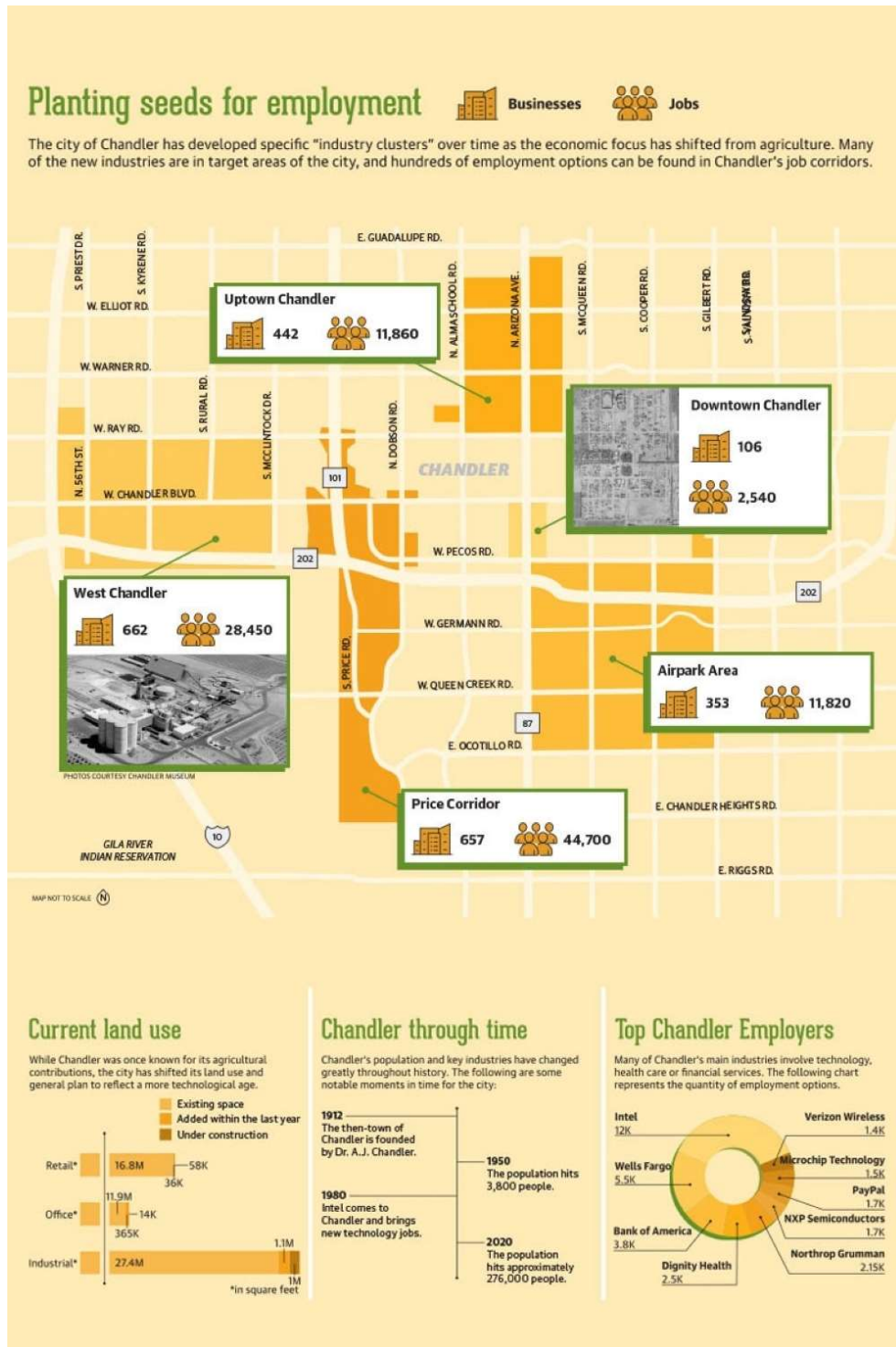
Another recent article in the publication Community Impact provides significant information on the City of Chandler’s growth and development over time. The article contains stories of how the city used to be an agricultural community with over 24,000 acres zoned for farming in 1976, vs. 960 acres today<sup>7</sup>. Below is a chart from the article with information on the City’s development:

*Remainder of page intentionally blank.*

---

<sup>6</sup> <https://www.bizjournals.com/columbus/news/2022/07/15/intel-chandler-arizona-semiconductors-new-albany.html?s=print>

<sup>7</sup> <https://communityimpact.com/phoenix/chandler/government/2022/05/25/chandler-history-shows-shift-from-agriculture-to-technology/>



As shown above Chandler today has over 27 million square feet of industrial and over 28 million square feet of office & retail. The city does actively promote itself as a business location, as demonstrated in the infographic above. The article notes that the presence of Intel was a prime driver in the development of the city, with much of the area developing rapidly after the construction of the first plant.

Impacts on Housing

Crossroads met with a realtor that was showing a condo near the Chandler site, as well as a property manager in an apartment complex near the Ocotillo site. Both individuals provided insights into the impact of Intel on the housing markets in the area.

Brent Perkins with Realty ONE Group had a condominium for sale in a complex directly adjacent to the Chandler site. The condo was a townhouse built in 1997 and had 2 bedrooms and 3 baths and a 1-car garage. It was 1,449 square feet and for sale for \$384,000. In our discussion with Mr. Perkins, he indicated that while the market in the Phoenix metro area was seeing a decline in demand and pricing, Chandler’s market was strong overall, with steady pricing and homes selling much more quickly than the metro average. He indicated that Chandler is a desirable location, and that he thought Intel contributed to the desirability. When questioned about the proximity of the condo to the plant (noise from the plant could be heard from the parking lot, and some units had 2<sup>nd</sup> floors looking out into the facility) he stated that the location made the condo complex more desirable, as workers could actually walk to work and avoid commutes. He felt that this outweighed any negatives from being located close to an industrial facility.



Photo of Condo Complex with Intel Chandler plant in background.

Gina Flores-Devorkin with Greystar is the property manager for the cornerstone Ranch Apartments located across the street from the main entrance to the Ocotillo campus. Cornerstone Ranch offers 1 and 2-bedroom apartments for rent. Rents on one-bedroom units are \$1,400 to \$1,600 per month for units that are 700 to 900 square feet. Rents on two-bedroom units are \$1,900-\$2,100 per month for units that are 1,000 to 1,100 square feet. Ms. Flores-Devorkin stated that about 30% of her residents are employees at the Intel Ocotillo



Photo of Cornerstone Ranch Apartments

facility. She said that her occupancy is historically high, averaging around 98%. She has seen strong demand, although she noted that many apartment complexes in the Phoenix region were seeing increased demand due to rising interest rates resulting in higher payments on home purchases. She indicated she regularly receives inquiries from people about renting in the community, and unless they contact her early and have time to wait for a vacancy, there is little chance she has a unit available.

Overall, the housing appeared to be of average- to high-quality and in good condition. It appears that locating higher-end housing near the facility is not a hindrance and in fact will be preferable. This intuitively makes sense, as the average salary for a worker is over \$100,000, and workers will want to live close to the facility to avoid long commutes.

According to a recent article published by the Associated Press, there is significant concern among both local and national experts that the Intel plant will put a significant strain on housing availability and price in the region. According to Mark Stapp, director of the Center for Real Estate Theory and Practice at Arizona State University, “[The Intel Development is] economic development. It’s going to employ people. But you are probably going to have to bring a lot of people into the area,” he said. And “those jobs require housing. If you don’t recognize that and don’t properly plan infrastructure, land use policies and manage that growth, it can be a big problem. The great opportunity turns into a big problem.”<sup>8</sup>

Additionally, Dennis Shea, executive director of the J. Ronald Terwilliger Center for Housing Policy, stated that the housing market has been underbuilt over the past 15 years, and, “when a big company comes into a community that is supply constrained, the demand that they’re going to inject ... is going to affect home prices and rental prices because there’s more demand than supply.”<sup>9</sup>

Based on the conversations and information above, it’s clear that Intel’s presence will lead to a strong increase in demand for housing, along with a corresponding increase in prices unless supply can keep up with demand. Unsurprisingly, many employees will want to live closer to the Intel plant to minimize their commutes, resulting in demand for housing developments in Harlem and nearby areas.

### Infrastructure

Crossroads noted that both facilities require extensive infrastructure to maintain their operations. Both facilities are well-served by roads. The typical practice in the Phoenix Metro area is to build major arterial roads in a grid approximately every mile. These roads follow the sections as originally surveyed. This is possible in Phoenix as the land is primarily empty or very large-scale farms and ranches with very little development outside of areas serviced by utilities. The desert environment serves to concentrate building, limiting large-lot housing and small commercial development, as well as making it easier to plan vast roadway infrastructure without needing to avoid existing homes.

This pattern varies significantly from Ohio, where land has already been substantially subdivided into large-lot housing and smaller-scale family farms. As a result, roads here are not built in a grid pattern, but tend to flow from highways and wrap around numerous properties. However, Crossroads observed significant volumes of traffic throughout Chandler, including near the Intel facilities. It is apparent that significant road infrastructure will be required to serve Intel and the surrounding area,

---

<sup>8</sup> <https://apnews.com/article/technology-business-washington-columbus-f6fd8fc1c9210b1650cfc8cbad891f75>

<sup>9</sup> Ibid.

regardless of the pattern. This is a concern, as Ohio has a tendency to “backfill” road infrastructure, which could cause significant traffic issues. Funding has currently been allocated by the State to make improvements to S.R. 161 and the roads that lead directly to Intel, but no construction funds are currently available for surrounding areas.

Another observation made at the Ocotillo campus was the large amount of support infrastructure that was present on site. The site had its own wastewater reclamation facility on site that was constructed in conjunction with the City of Chandler. While water is a larger issue in the Arizona desert than here, Intel indicates that the Ocotillo water facility can treat up to 9 million gallons of water a day. It also indicated that Intel reduced its water use by 3.2 billion gallons in 2021, indicating the scale of water use at the facility<sup>10</sup>. A Columbus Dispatch article from January 24, 2022 indicated that one requirement of Intel was the availability of 5 million gallons of water a day<sup>11</sup>.



The Ocotillo site also had an on-site training facility for first responders. While this was a Chandler City facility, Ms. Flores-Devorkin noted that it was located there partially to train responders in how to handle calls to Intel.



Finally, a supplier had set up an on-site concrete plant to service the facility. The demand for concrete in these facilities is substantial, resulting in suppliers setting up nearby.

While the Phoenix region does not have a significant public transit infrastructure, Crossroads did observe Valley Metro buses running by both sites.

<sup>10</sup> <https://www.intel.com/content/www/us/en/corporate-responsibility/arizona-rise-report.html>

<sup>11</sup> <https://www.dispatch.com/in-depth/business/2022/01/21/how-mike-dewine-jon-husted-got-intel-come-ohio/9183683002/>



### Four Miles from the Plants

Crossroads drove approximately 4 miles from the Ocotillo site to view the development patterns there. As seen in the photos below, there was a significant amount of residential development. There was not much commercial development, although as noted by the property manager, Ms. Flores-Devorkin, there was a need for commercial adjacent to the Ocotillo site to serve the workers there. The Chandler site did have more of a mix of commercial, industrial and residential, although that site is much closer to major freeways that have direct access to the airport. Overall, the patterns seem to indicate strong demand for housing several miles away from the site, with service commercial closer to arterials, and large commercial and industrial along major freeways. Based on this and the location and road network in Harlem Township, Crossroads believes that Harlem will experience primarily residential development pressures.



### Conclusion

In conclusion there are several take-aways from the Chandler site visit:

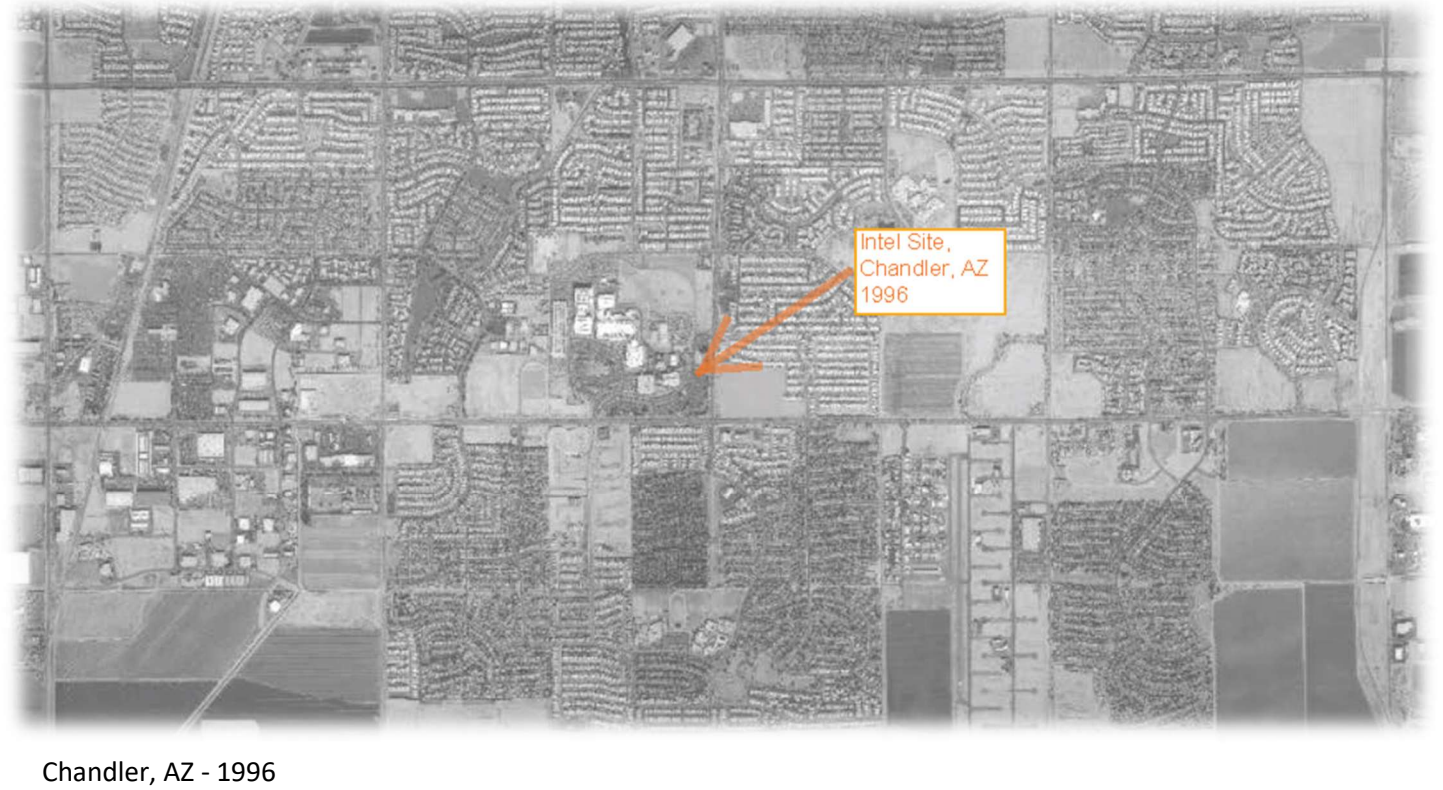
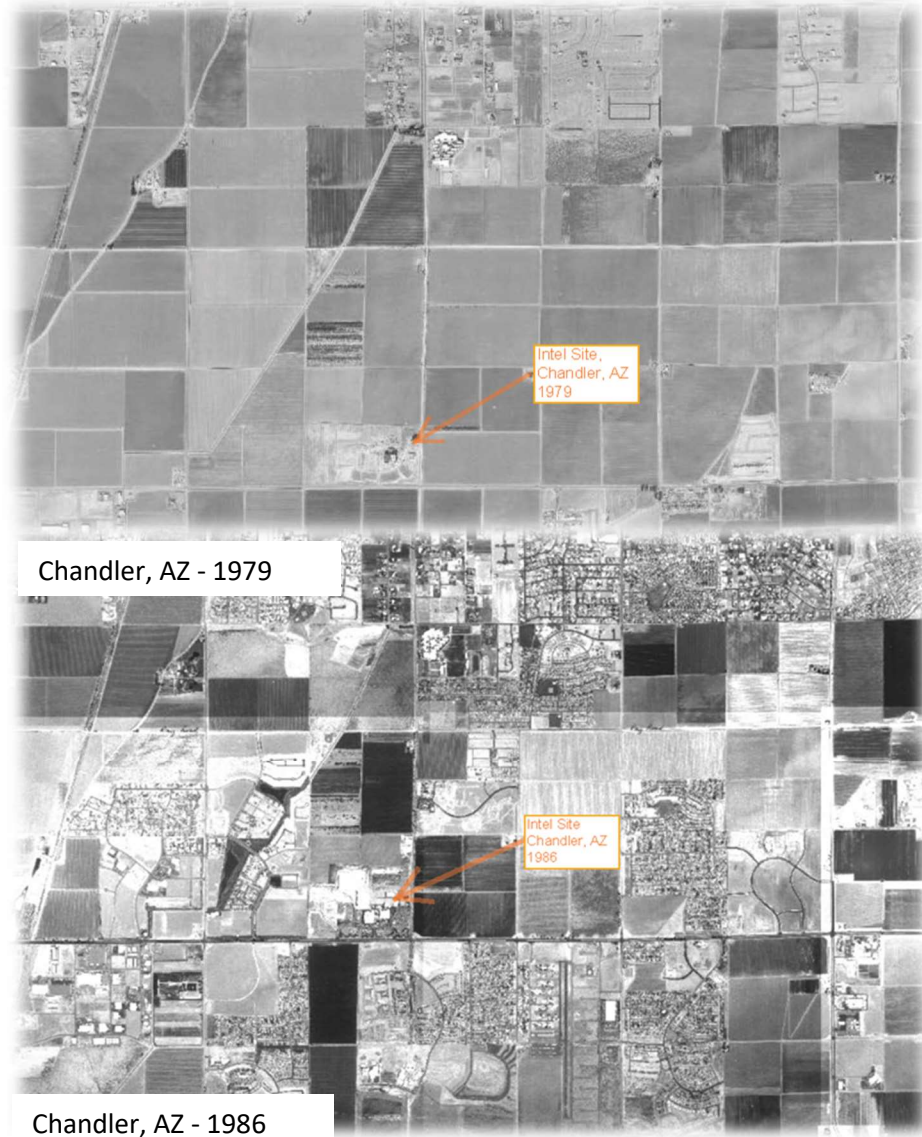
- The Intel facilities were large industrial sites that had a significant impact on the city of Chandler. There is likely to be a similar significant impact on Central Ohio.
- Harlem is likely to experience significant development pressure, mostly for housing. As much of the housing near the plants was middle- to upper-end housing, there is a possibility for Harlem to provide housing for plant managers and build higher-end “estate” homes on large lots. This strategy could allow for development while preserving much of the rural feel of the area.
- Screening is important. While the Intel plant will not be in Harlem Township, any development that might be industrial that might be a supplier should be adequately screened from residential uses.

As Adopted by the Harlem Township Trustees

- There will be a significant increase in demand for services and infrastructure, even miles away from the facility. First responders will be in higher demand, additional road capacity will be needed and commercial services will need to be thoughtfully provided.

*This area intentionally left blank*

## *A progression through time – Chandler, AZ – 1979 - 1996*



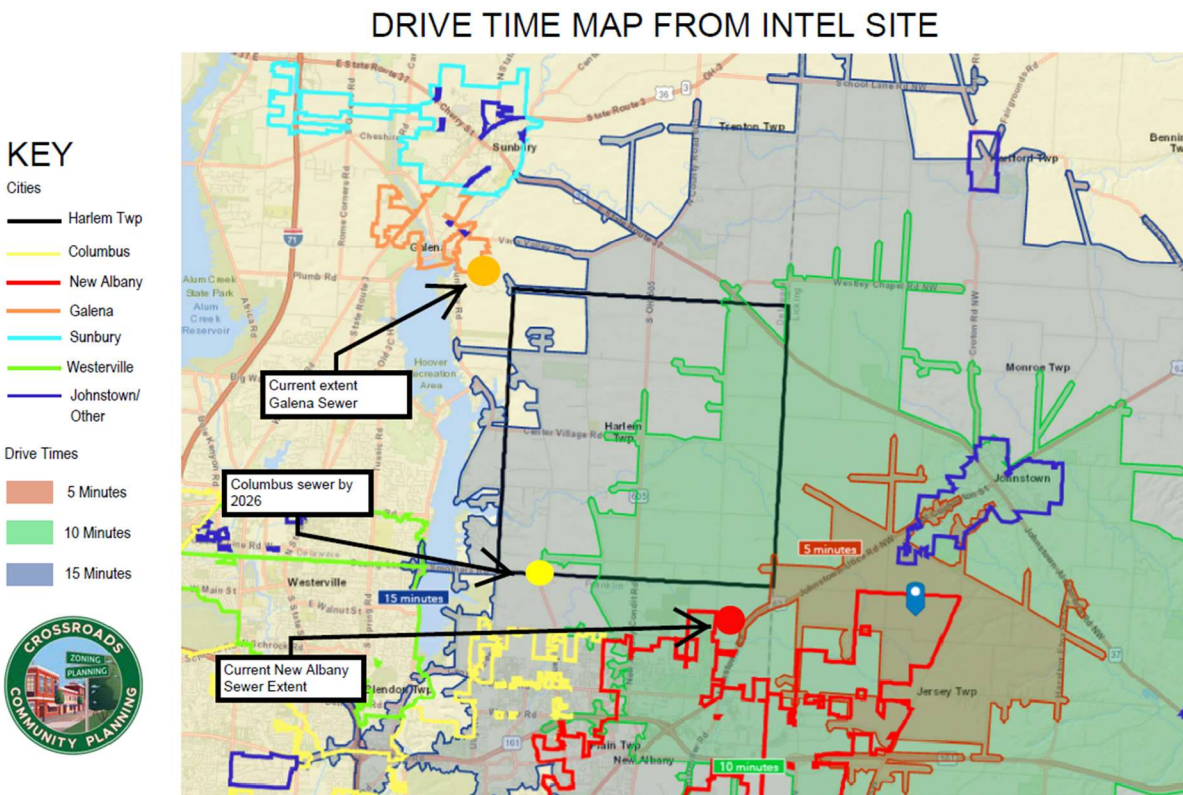
# WHAT WE HAVE LEARNED

## *Future Land Use & Infrastructure*

Harlem Township has yet to experience significant development over the past few decades, mostly due to the lack of infrastructure. Infrastructure, particularly water and sewer systems, are a necessary component to development. Without these, development will be minimal and consist primarily of multi-acre lots with on-site well and septic systems. Up to this point, the lack of water and sewer is how the Township has been able to maintain its rural feel.

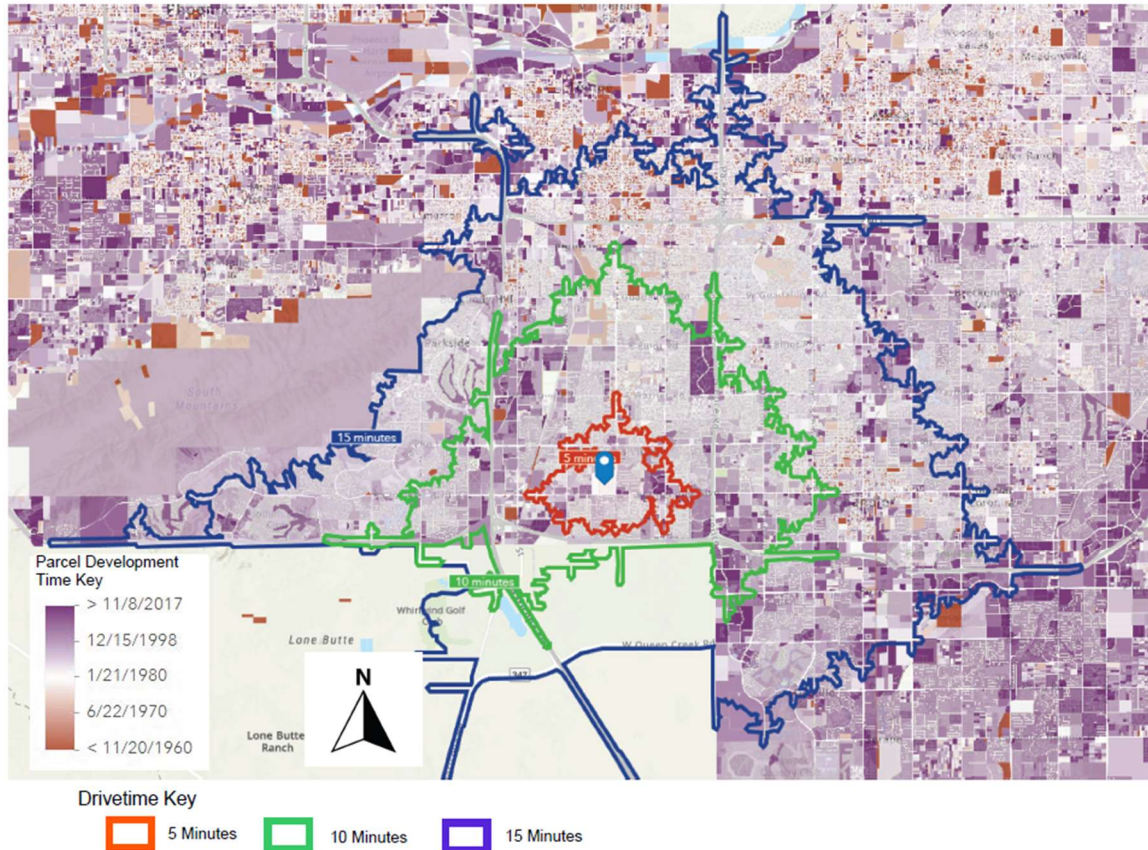
As development marches toward the Township, these infrastructure systems get closer and closer and farm fields suddenly become much more valuable, potentially prompting owners to sell to developers. For this reason it's essential for Harlem Township to understand the current status of infrastructure and plans for future extensions.

Below is a drive time map from the Intel site, with Harlem Township outlined. This map also includes all nearby municipal boundaries. Also included are locations of current and/or future extensions of the current sewer systems in the area. This map demonstrates how Harlem Township is very close to the Intel site and is surrounded by communities that have the ability to provide water and sewer service to the area.



Below is a similar map for the original Intel plant location in Chandler, Arizona.

## CHANDLER DRIVE TIME MAP FROM ORIGINAL INTEL SITE



The important information to note about the Chandler map is the color coding of the timeline of development. On this map above, anything developed prior to January 1980 is colored red, with the deeper reds having been developed earlier. The purple color indicates that the site was developed after January 1980, with deeper purple having been developed more recently. Tan indicates it was developed around 1980, except for the large tan area in the southwest, which is the mostly undeveloped Gila River Indian Reservation. This color gradation allows us to visualize the pattern of development that occurred once the Intel plant was constructed. There are several takeaways and things to note:

- The Chandler site itself is tan-colored, indicating a 1980 development time
- The area towards the northwest is near Downtown Phoenix and the airport. While there are some purple lots here, there's significantly more red parcels than the other areas of the map, indicating an earlier and continuing development timeframe. Additionally many of the purple lots in this area are larger, reflecting later commercial development, particularly around the airport.
- The area in the northern end of the 15-minute drivetime boundary has a significant number of moderately red parcels, indicating this was developing prior to the establishment of Intel in Chandler.

## As Adopted by the Harlem Township Trustees

- The remaining areas within the 15-minute drivetime are primarily purple. A majority of the parcels are light purple, indicating that development occurred within 10-15 years after the plant was built. These are also smaller parcels, showing how much of the initial development was housing related. Many of the darker purple parcels are larger parcels, indicating that they are later developments for business and industrial uses.

Overall, this map shows that housing development occurred rapidly in most areas within a 15-minute drive time of the Intel site, with other commercial uses developing a bit later. This conclusion has added significance for Harlem, as much of the Township is not serviced by major roads and is likely to be more suited to residential, versus commercial development.

### Community Interviews

In order to gain a better understanding of the potential impacts that these nearby communities could have on Harlem Township, Crossroads interviewed a number of nearby water and sewer providers. These providers were interviewed to determine their current capacity, expansion and extension plans in the area. The overall conclusion is that water and sewer service is coming at Harlem Township from three distinct areas at nearly the same time. This is not surprising, as growth to the south along the S.R. 161 corridor and west of the Hoover Reservoir along I-71 has been moving at a rapid pace. Below is a list of the three potential infrastructure expansions:

Sewer is coming at the Township from three different directions

- Southwest corner of the Township – near the Smothers Road roundabout
- Southeast corner to the Township – County Line Road near Fancher
- Northwest corner of the Township – Trenton Road area

Below is additional information on each line, including potential impacts.

### City of Columbus

Crossroads met with John Newsome, Rob Priestas, and Scott Sibley from the City of Columbus in May 2022. In the discussion, Columbus indicated they are actively working on extending a sewer trunk line from its existing location at Central College Road up to the Smothers Road roundabout. At this meeting, the City indicated that this trunk line into Harlem Township should be completed by 2025. Since this meeting, Harlem Township has been told this project has been delayed until 2026. The City has an agreement in place with Delaware County regarding service to the Harlem Township area.

The City of Columbus also provided Crossroads with a 2017 City of Columbus Sewer Plan that showed a potential sewer line extended up County Line Road to the southeast corner of Harlem Township near Fancher Road. The City indicated that this potential layout was being renegotiated with the City of New Albany due to the Intel site, and the potential sewer layout could change upon the completion of these negotiations.

Since this meeting the Cities of Columbus and New Albany have finalized the new sewer service areas. Please see the section on this update below.

### Delaware County Sewer District

Meetings were also held in May and August of 2022 with Tiffany Maag and Mason Janczak of the Delaware County Sewer District (“the District”) to better understand the impacts of sewers coming toward the Township. The District staff explained that the Sewer Service Agreement (“Sewer Agreement” – See Appendix G) between the City of Columbus and Delaware County brings the sewers to the County line at the Smothers Road roundabout. The District would then extend sewer service into the Township. The agreement sets the sewer capacity at four persons per acre. In discussions with the District, it was clear that they had modeled several potential outcomes, all of which would result in a significant portion of the Township being serviced by the feeder lines extending from the trunk line at Smothers Road. According to one scenario, there is potential for sewers to provide service as far north as Center Village Road, which represents approximately half of the township. The District explained that higher densities along the southern portion of the Township could potentially help to reduce how far north these lines extend.

The District has not yet designed their portion of the system, and the District staff indicated their willingness to partner with the Township to ensure these lines are designed in accordance with future Township plans. The District provided the sewer capacity rates that are utilized for different types of land uses so that Crossroads could explore various land use scenarios with the Township.

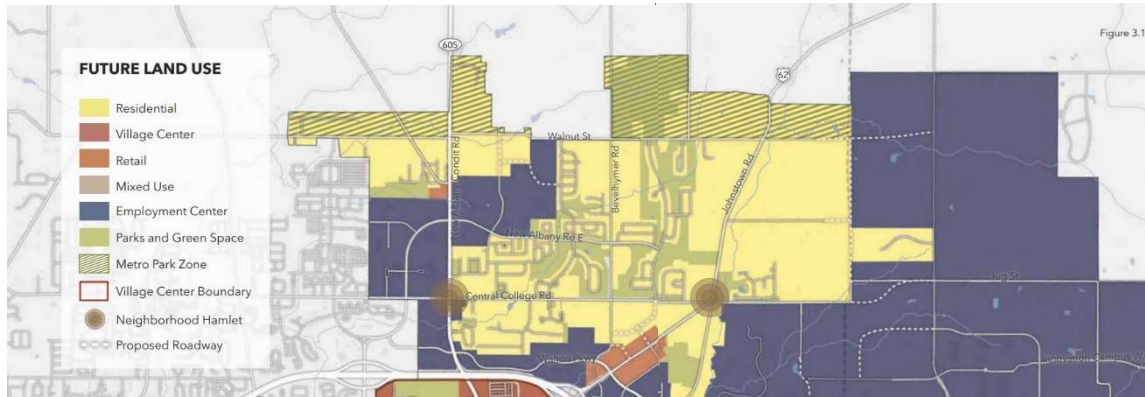
It should also be noted that a portion of this service area also extends into Licking County. This area could potentially be excluded from this sewer service area with the ongoing negotiations between City of Columbus and other entities due to Intel. If the Licking County area were to be excluded, it could provide additional capacity to the area within Delaware County. However, there are also downstream limitations that could impede a capacity increase, and there have been no discussions at this time regarding a renegotiation of the agreement between Delaware County and Columbus. Therefore, this report assumes that the sewer capacity coming from the Smothers Road trunk line is set at four persons per acre. Based upon the acreage within the Delaware County service area, this could potentially bring an additional 35,000 people to Harlem Township.

### City of New Albany

Crossroads met with Michael Lodges, Economic Development Manager with the City of New Albany in May. New Albany is currently renegotiating their sewer agreement with Columbus due to the Intel announcement. This will provide them with the capacity to not only serve Intel and the surrounding business park, but areas beyond this as well.

City staff reviewed the Engage New Albany Strategic Plan with Crossroads. This plan calls for the expansion of the Rocky Fork Metro Park to serve as a green buffer along the New Albany’s northern border line, which is just south of the Harlem Township border. This Metro Park Zone is defined with a yellow crossed hatched area on the New Albany Future Land Use map shown below. City staff and Crossroads discussed ideas of potential partnerships between New Albany and Harlem Township to extend this buffer zone north into the township. The City seemed supportive of this idea, but emphasized that they are extremely busy at this time due to Intel, and future plans such as these would be a longer term endeavor.

While the current New Albany plan does not show growth along US 62, city staff indicated future plan amendments could call for expansion along this corridor to provide service commercial uses to support the Intel development. Recent land transfers to affiliates with the New Albany Company along the US 62 corridor provides further evidence of this potential growth area for New Albany.



Excerpt from Engage New Albany Strategic Plan - 2020

Since this meeting, the Cities of Columbus and New Albany have finalized the new sewer service areas. Please see the section on this update below.

### City of Galena

Crossroads held a phone conference with Tom Marshall from the Village of Galena in May. In 2020, the Village completed a \$5.5 M update to their wastewater treatment plant with a 250,000 gallon per day capacity. Currently the Village has expanded and annexed land just to the northwest of this corner of the Township. While their expansion is more likely developer-driven, they did indicate they would be willing to serve the northwest quadrant of the Township and would require annexation to do so.

### Columbus and New Albany Sewer Agreement Update

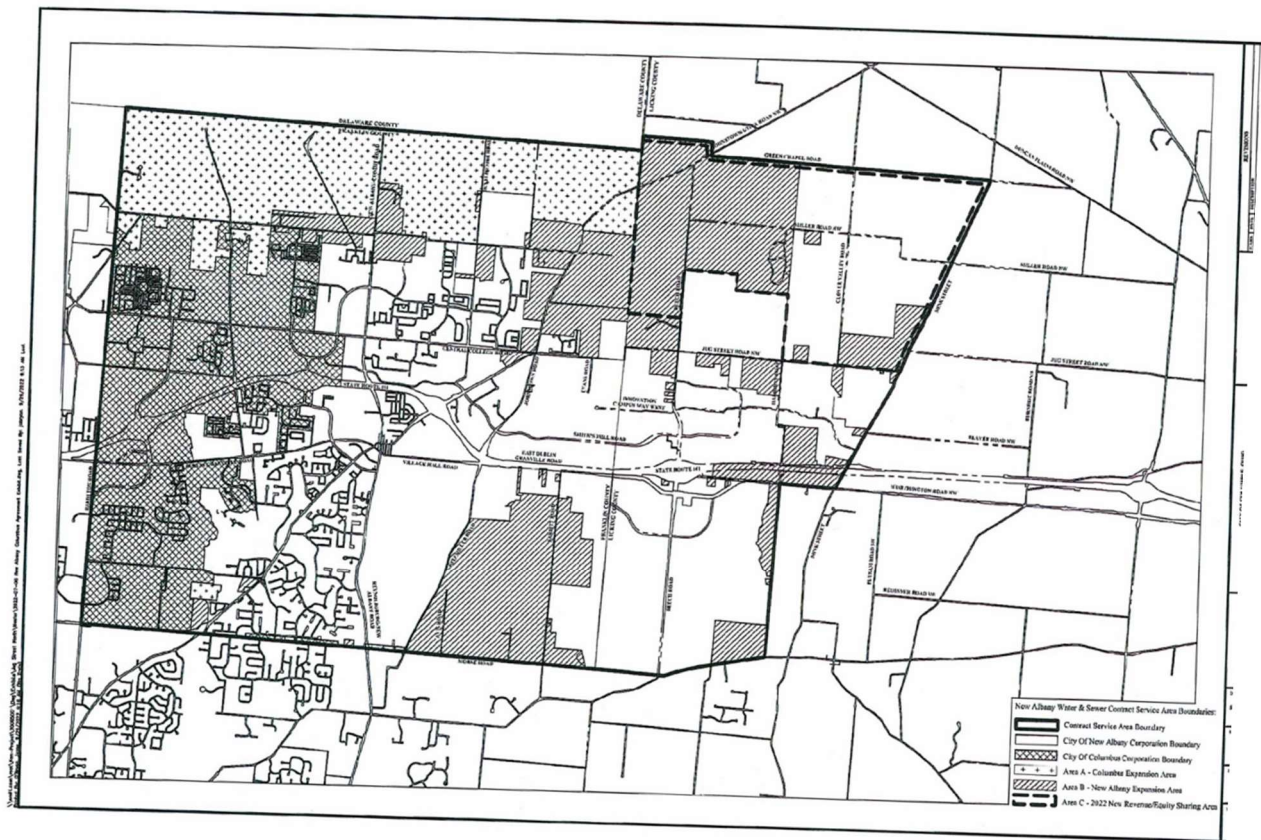
The cities of Columbus and New Albany signed an updated Sewer Services Agreement contract at the end of September 2022. This contract changes some of the terms of the previous agreement, which impacts the conclusions from the meetings above. Below are a list of significant changes, followed by the updated service map:

- The City of Columbus will now service a large area to the north of New Albany. This is a change where they would previously run up the west side of New Albany to the roundabout at Smothers Road. Now they can turn east and serve the entire area that borders Harlem Township.
  - This change provides multiple entry points for Columbus into Harlem Township, significantly increasing their influence and decreasing New Albany's influence.



As Adopted by the Harlem Township Trustees

- This includes the area along U.S. 62 up to the Licking County border. Both Columbus AND New Albany can now border and provide sewer service to the Southeast At Risk Area.
- Previously New Albany had indicated they desired the area bordering Harlem Township to be included as part of the Rocky Fork Metro Park. While the MetroParks does own a significant amount of land in the area up to the Harlem Township line, there is still the potential for Columbus to “fill in” the gaps with development.



As noted above, developers will soon have water and sewer to begin developing at much higher densities in the Township. Since new development will bring additional traffic, it is important to recognize that roads will also have to be improved, expanded, and new roads constructed.

Franklin County Engineer

In August, Crossroads Community Planning met with Fritz Crosier, Chief Deputy Engineer for the Franklin County Engineer’s office. Mr. Crosier reviewed a number of projects their office is currently involved with immediately to the south of Harlem Township. The most significant project that is slated for construction is a proposed roundabout at the intersection of SR 605 and Walnut Street. This project is a joint effort with the Ohio Department of Transportation. Mr. Crosier indicated in a November e-mail

update that the County is finalizing the feasibility study. They intend to apply for OPWC funding in the fall of 2023. If successful they would begin construction by the fall of 2025.

The Franklin County Engineer's office also identified a few other development-driven projects including improvements to Walnut Street between Harlem Road and Lee Road, and a future extension of Hamilton Road. This Hamilton Road extension would eventually align with Harlem Road where it intersects with Walnut Street and could potentially provide direct access into Harlem Township from SR 161 via Hamilton Road. The Franklin County Engineer's office emphasized these projects are development driven and there is no immediate time frame associated with their construction. However, they would have significant impact on traffic entering township from the south, and they should be on the radar for Harlem Township.

#### Parcel-Level Analysis

Even though infrastructure is available for development, this does not necessarily mean that developers will be ready to build in the near-term. However, developers will often purchase and hold land under shell corporations until they are ready to build. In order to determine the likelihood that development would occur quickly, Crossroads researched the ownership profile of the parcels in the Township. We looked in particular for large parcels of agricultural land that would be easy to acquire, and which did not have an existing use that would involve significant demolition. Crossroads focused specifically on the three areas where water and sewer were likely to be extended.

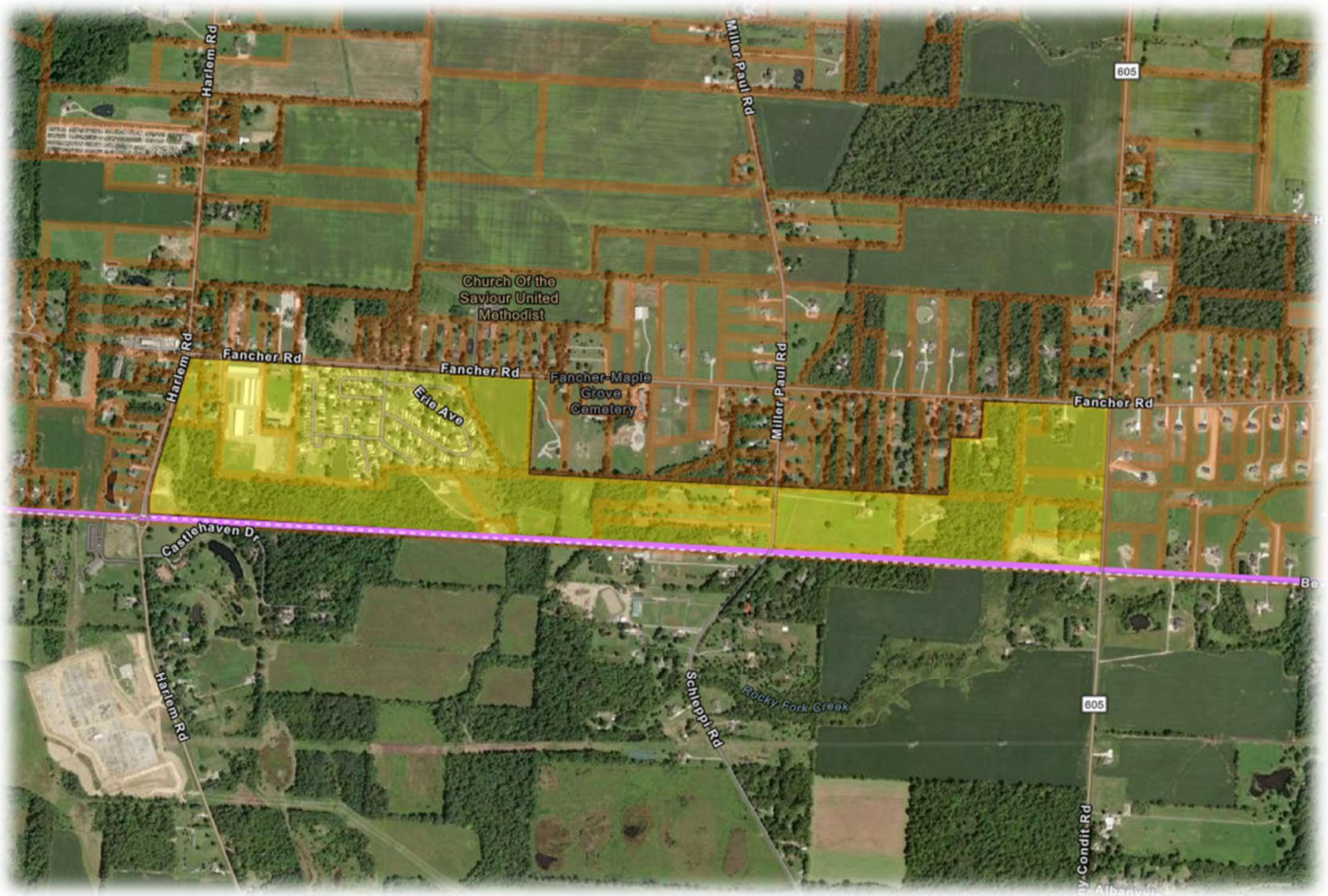
The conclusion is that developers are already active and acquiring large parcels of land, likely holding them to prepare for development. Below is a map and brief discussion of each of the areas that are considered "Imminent Risk" of development, and one that is considered "At Risk".

*This area intentionally left blank*

## **Southwest – Growth Area – #1**

As shown in the map below, there are a number of parcels on the southwest border that are considered Imminent Risk highlighted in yellow. This area includes a string of large parcels that abut the border, as well as several parcels along Fancher and Harlem Roads. This includes the Westerville Estates Mobile Home Park. Mobile home parks have become targets for redevelopment in other nearby communities, due to their large tract size and ease of removing the mobile homes. If this parcel is redeveloped, a number of residents would be displaced, and a significant and one of the only sources of affordable housing in the Township would be lost. The township should seek to preserve this use or have a plan for where residents can relocate if it ceases to be a mobile home park.

Despite the prevalence of sizable parcels in the area, one holding company owns a significant portion of land in this area.



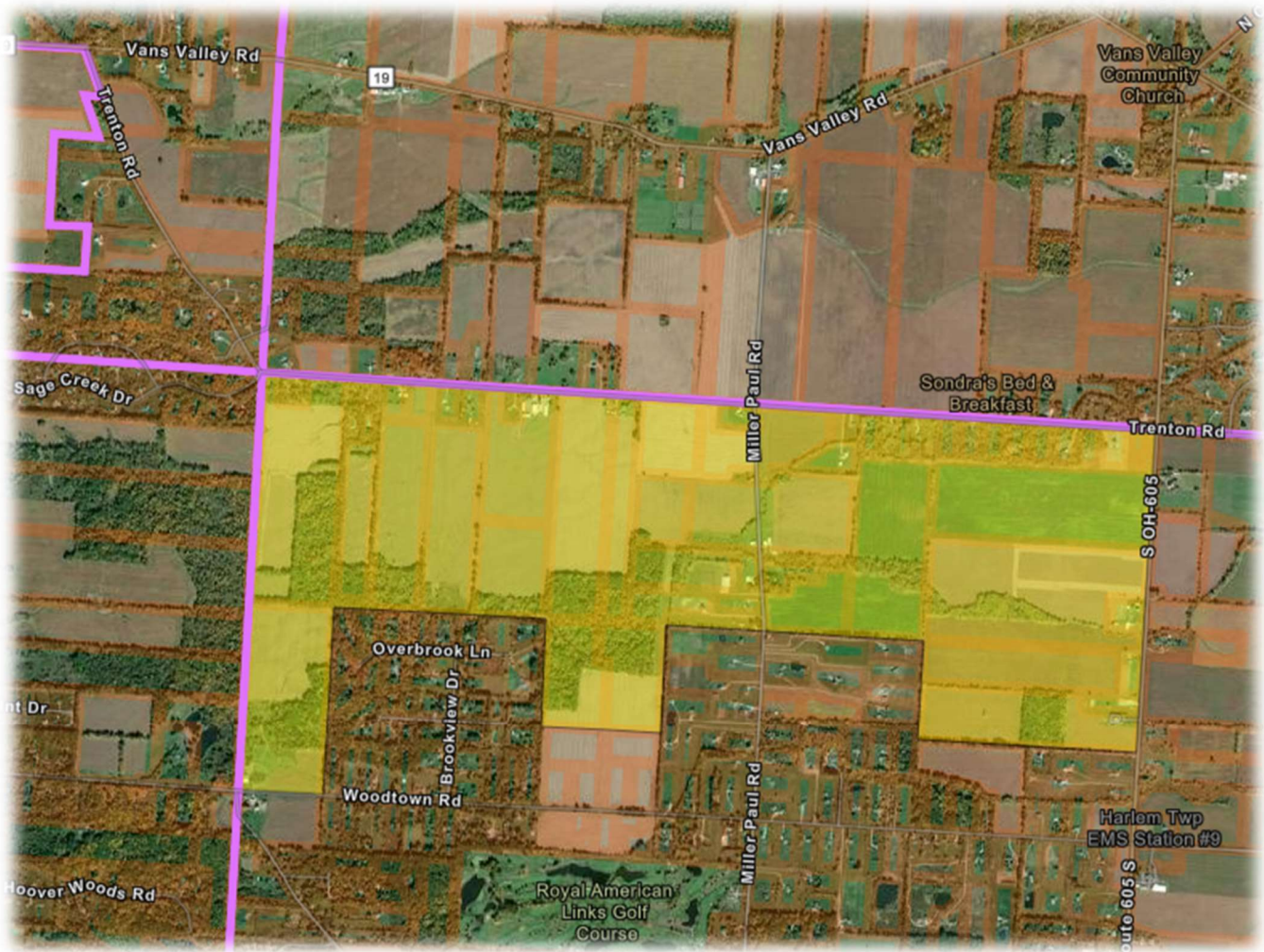
## **Southeast – Growth Area – #2**

The southeast corner of the Township has a number of large parcels that lie quite close to Johnstown Road, which runs just outside the Township borders. The lot in the very corner is approximately 100 acres and is currently owned by an LLC that is linked to a local developer. Should water and sewer be extended to this lot up County Line Road from Johnstown Road, it could develop, opening up the other parcels in the yellow-highlighted area to development.



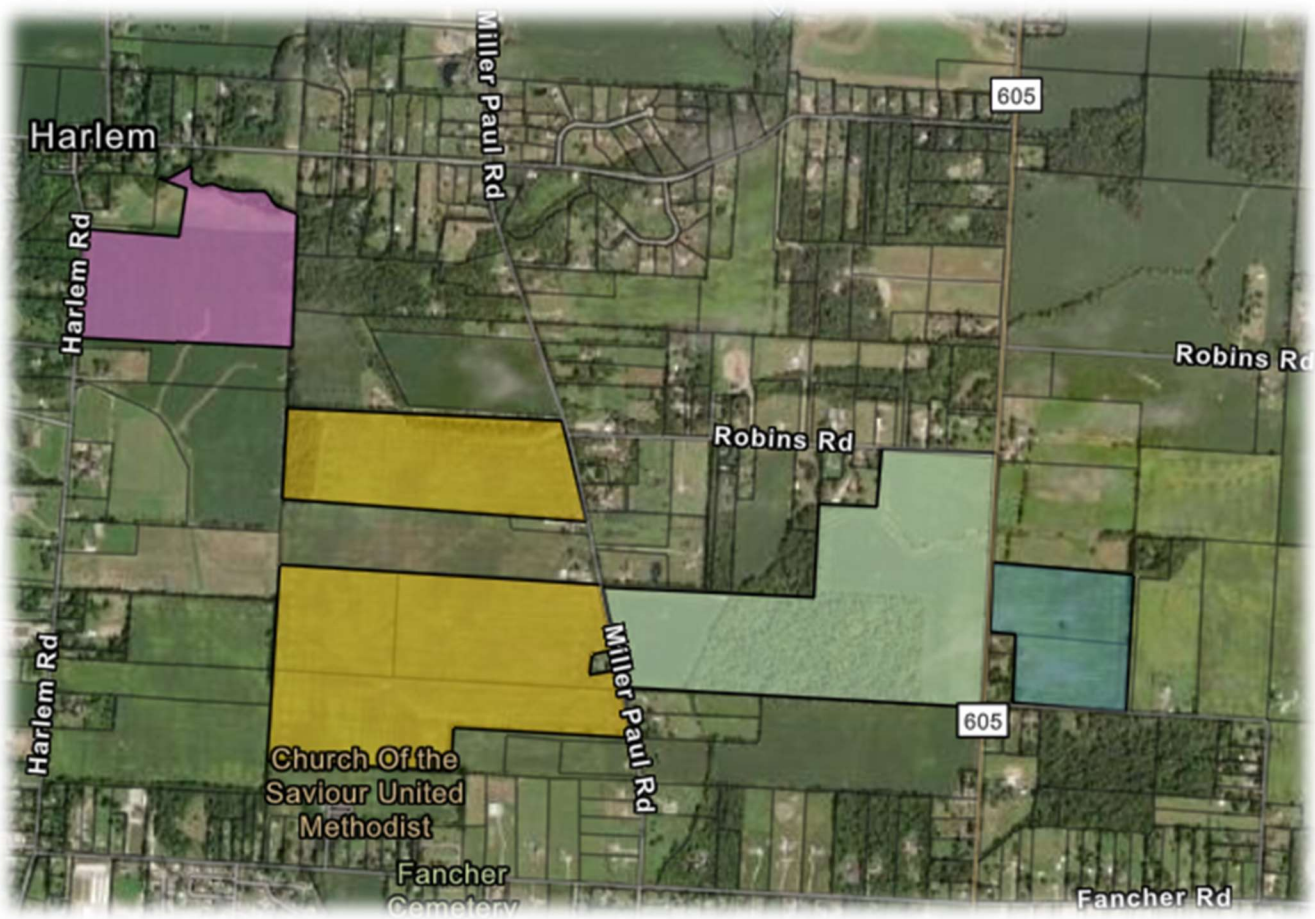
### **Northwest – Growth Area – #3**

The northwest area has the largest area that could be developed quickly. As seen in the map below, Galena is located in the far upper left corner of the image (Purple non-rectangular polygon). Currently developers own parcels just outside of Galena to the east, stretching towards the Township. While there is not a direct route at this time, there are about 10-12 parcels that would need to be acquired and/or annexed to reach the Township border. Several of these parcels are under the same ownership making land assembly extremely easy. Once this occurs developers could annex parcels in the highlighted area quickly for development. There does not appear to be any parcels in this area owned by developers at this time.



## **South – Central – “On Watch” Area**

While the South – Central “On Watch” area shown in the map below is not at imminent risk of development with water and sewer, there are several large tracts of land that are already owned by developers, as shown in this color-coded map. This area is close to the Southwest Imminent Risk area, which is at the bottom of the map (not highlighted). Since these large parcels are owned by developers, they are likely to be developed regardless of when water and sewer arrive. In fact, one large parcel, colored purple in the map below, has already been submitted for development on well and septic system. As seen on the map, there are a number of other large parcels nearby that may be attractive for developers to purchase and aggregate for development once these highlighted properties are built.



# WHAT WE HAVE HEARD

## **Public Meeting**

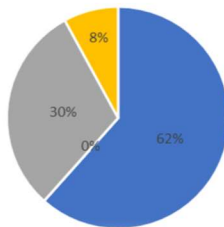
On August 23, 2022, Harlem Township and Crossroads Community Planning hosted a public meeting at the Harlem Road Church. Titled “Harlem Township – Intel and Columbus at our Doorstep,” the meeting presented information derived from planning efforts to date. Significant topics included the future extension of Columbus and Galena water and sewer service to the Township, an analysis of potential future sites that may be targeted for development by developers and the potential of developers to annex property into nearby communities. Holly Mattei of Crossroads Community Planning discussed strategies for preventing annexation by planning for the most desirable forms of development within the Township.

Residents expressed a wide range of opinions. Overall, the response was one of desiring preservation of the rural character of the Township. Some residents opposed any development, while other residents were willing to permit some development to preserve the Township from annexation.

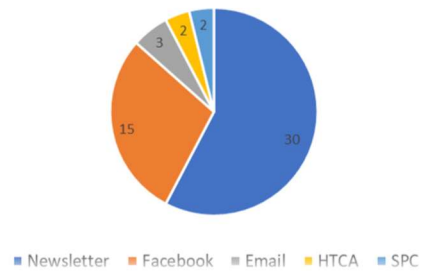
A total of 205 residents participated in the meeting, most in person and a handful on Zoom. The meeting provided the Township with valuable information, including a list of e-mails and phone numbers for contacts, and a list of residents that agreed to sign up for volunteering on a Subcommittee. Below is a summary analysis of the attendance and participation:

Total attendees: 205  
In person: 188  
Via Zoom: 17

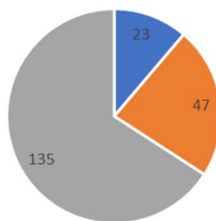
Attendee E-Mail Preferences  
N=152



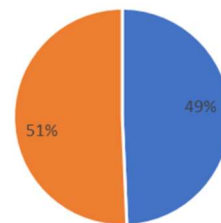
How did you hear about this meeting?  
N=52



Volunteer and Notified of Future Meetings  
N=205



Attendee Text Message Preference  
N=152



■ Volunteer & Notified of Future Meetings  
■ Only Notified of Future Meetings  
■ Neither

■ Yes ■ No

## **Resident/Landowner Survey**

On October 3, 2022, Harlem Township released a survey intended to try to gauge residents' and landowners' perceptions of the future of Harlem Township. This survey asked a series of questions ranging from basic demographics to specific subjects regarding future land uses, densities, and the preservation of greenspace to help prevent annexation. This survey remained open for three weeks and closed on October 24<sup>th</sup>.

A postcard, with a QR code linking residents to the online survey, was sent to 1,819 unique township addresses. A total of 122 were returned to sender as an invalid address resulting in a total of 1,697 postcards being successfully delivered to township landowners. There were a total of 359 respondents of which 89 were duplicate addresses. Over 95 percent of these duplicate addresses provided individual names to illustrate that there was more than one person within the household completing the survey. Therefore, all 359 survey results were included in the data analysis for this survey, representing approximately 21 percent response rate.

Figures 1 and 2 below, illustrate the basic demographics of the respondents and illustrate the growing dichotomy of the township. There is a significantly large older population, but there is a growing, younger population. This is also evident in the fact that most respondents have either lived in the township for more than 25 years or less than 5 years. This data supports that dichotomy that was identified by the Strategic Planning Committee during the SWOT analysis and further exemplifies the need to communicate with and plan for these two ends of the spectrum.

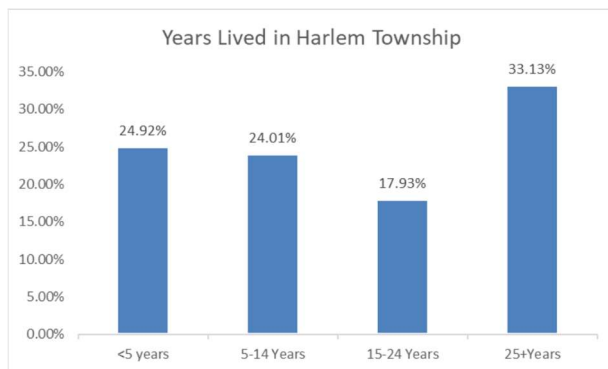


Figure 1

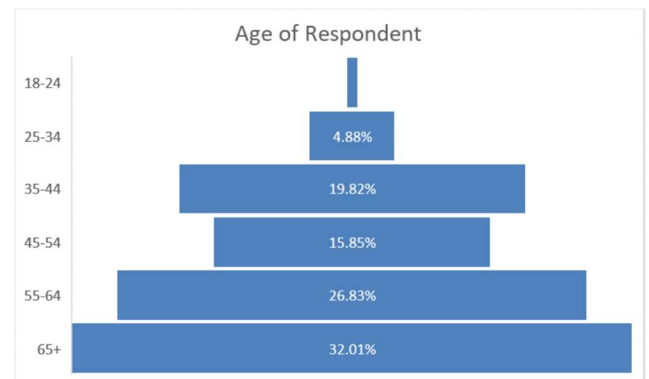


Figure 2

The next few questions start to dig into preferred land use and preservation activities. Figure 3 below illustrates the preferred land use categories to help prevent annexation. These results show that clustered single-family homes were by far the favored form of development to prevent annexation. This development form would include homes on smaller lots, with a significant portion of the land preserved indefinitely as open space. This also allows the opportunity to preserve the rural streetscape by pushing development back off the main roads. For this question residents could choose one or more options. So, neighborhood commercial, traditional single-family and mixed-use buildings were also common preferences and were virtually tied for second at about 30% of all respondents. It's notable that about 30% also voted for "none of the above", indicating they opposed all development.



Figure 3

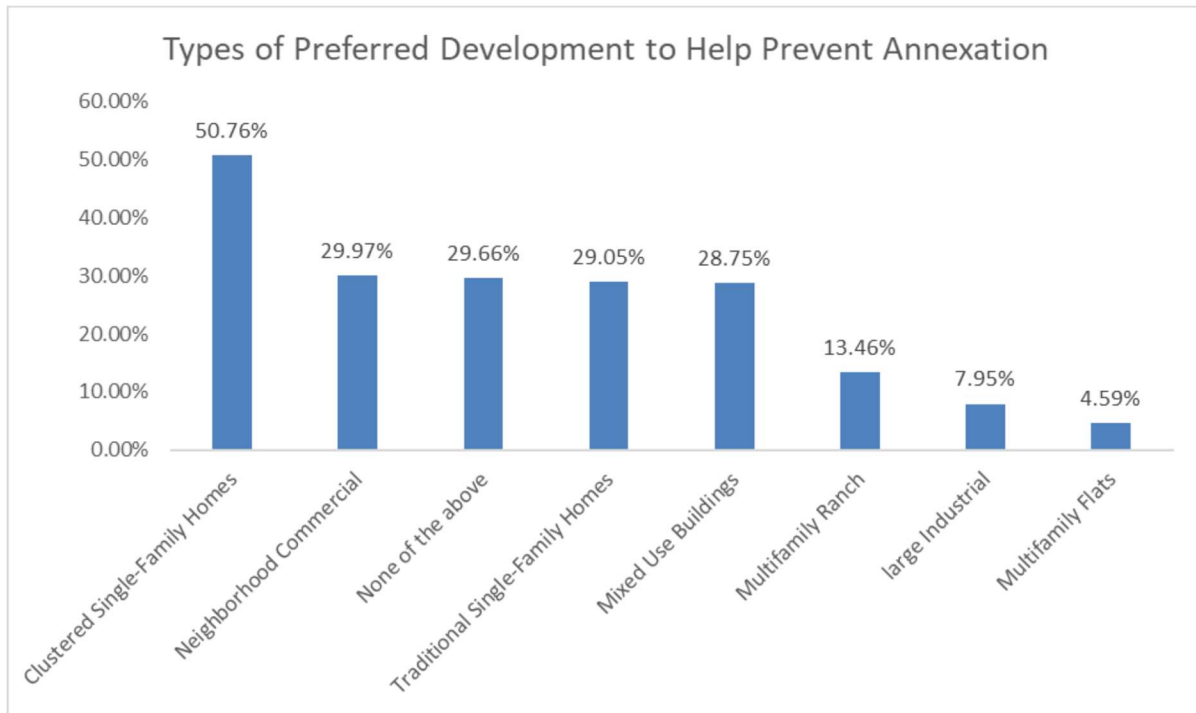


Figure 4 breaks down the preferred land uses by age. This figure shows the older the respondent, the more likely they were to answer “none of the above” to the types of preferred development. The younger the respondent, the more likely they were to support neighborhood commercial and mixed-uses. All age groups prefer clustered single family uses. There were more respondents in the older than younger categories. The age distribution of the respondents generally reflects the age distribution of the township as a whole, indicating there is an older population that will be more resistant to new development.

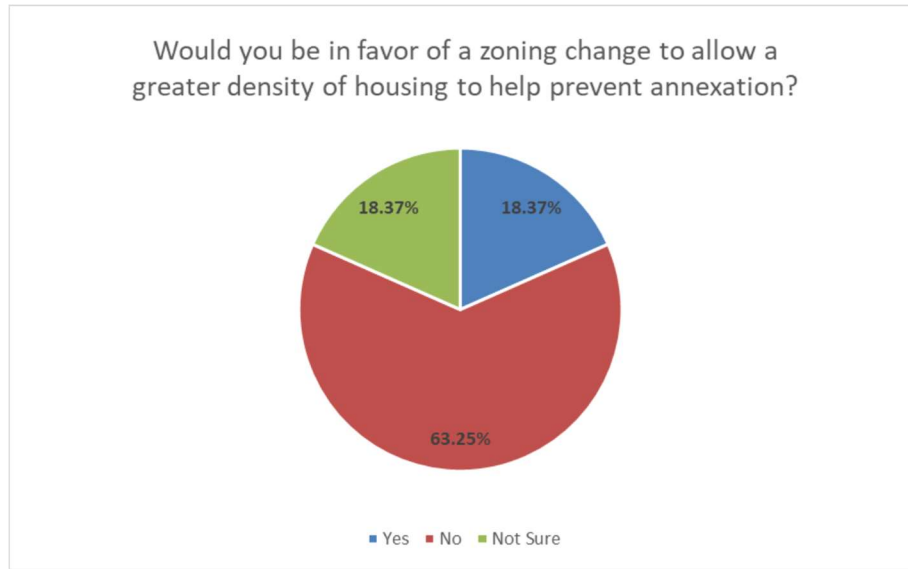
Figure 4

		Development Preferences								
N	Age	None of the above	Neighborhood Commercial	Mixed Use	Traditional SF	Clustered SF	Multi-Family Ranch	Multi-Family Flats	Large Industrial	
16	25-34	6%	56%	69%	38%	69%	19%	19%	13%	
65	35-44	29%	38%	34%	22%	54%	5%	2%	9%	
52	45-54	17%	38%	27%	38%	60%	10%	8%	8%	
88	55-64	33%	24%	25%	27%	47%	10%	3%	6%	
105	65+	33%	20%	23%	29%	44%	22%	3%	8%	

\*The 18-24 age range only had one respondent. Due to the low response rate, this age range was not included in this table.

Figure 5

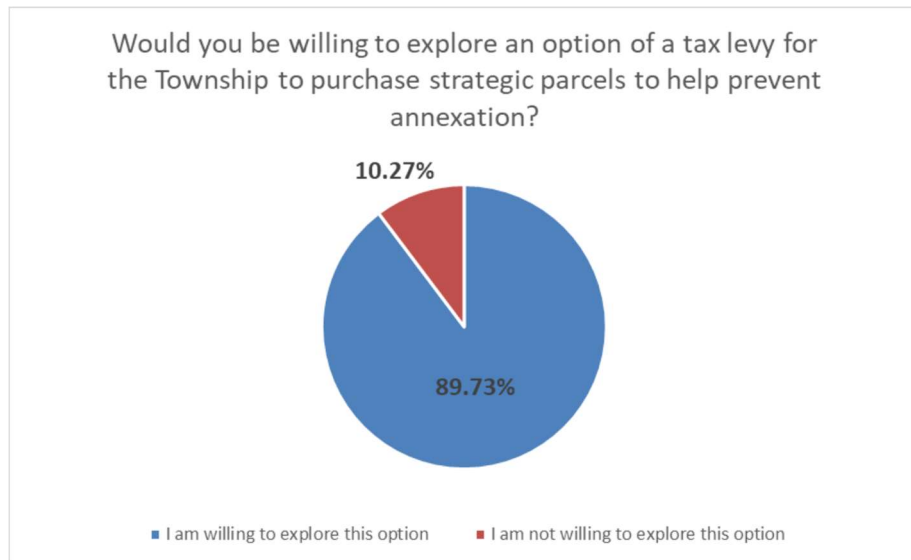
Figure 5 shows that despite the responses above indicating 50% supported conservation development, nearly 60% of the respondents indicated they would not support zoning changes to increase density to prevent annexation. This shows a clear sentiment towards preserving rural character. It



should be noted that the question did not specify the type of density. As such it's possible to conclude that a lower-density option such as conservation zoning, while not seen as optimal, might be more acceptable than higher-density development.

Figure 6 displays the preferences for exploring a tax increase to preserve targeted parcels. Nearly 90% of respondents stated they would be open to exploring self-funding for farmland and open space preservation. This not only shows a strong preference for preservation, but indicates the Township may have options when it comes to funding strategies such as agricultural easements and property purchases.

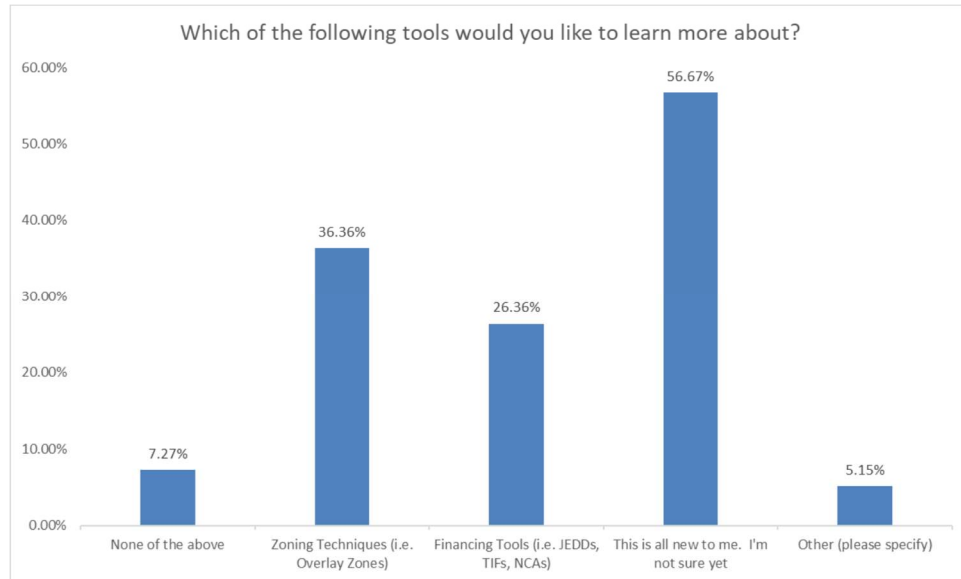
Figure 6



## As Adopted by the Harlem Township Trustees

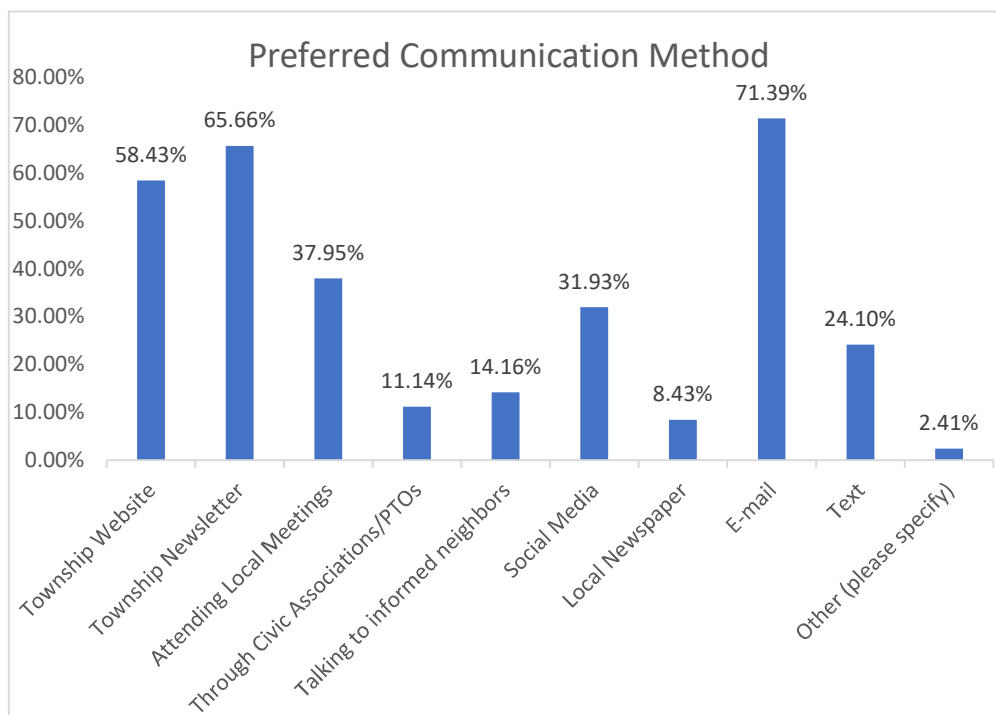
Figure 7 makes it clear that the majority of respondents would like to learn more about several of the potential strategies available to the Township. Trustees and the Steering Committee should reach out to help educate residents on these tools and others.

Figure 7



Finally, the survey asked about preferred communication methods. Figure 8 shows that most people prefer to use the Township website, newsletter and e-mail to receive their information. Interestingly, social media was only 5<sup>th</sup> on the list after these sources and local meetings. Social media may be a good way to inform people about meetings or website updates, but it appears the Township should focus more on the other sources for educational activities.

Figure 8



Overall the survey indicates that residents are concerned about the future and want to see their agricultural heritage preserved. This is in line with the feedback that Crossroads has received from both the Trustees and the Steering Committee. This desire is directly in conflict with the current development pressures that the Township is experiencing.

In order to determine the best path forward, Crossroads has studied other communities in the Central Ohio region that tried to prevent development and preserve agriculture. These findings are in the next chapter. While this research shows there are strategies and tools available to preserve farmland, it also indicates that some change is inevitable and that the Township will have to adapt to preserve its heritage.

# WHAT HAPPENS IF WE DO NOTHING?

## *Case Studies – Canal Winchester & Liberty Township*

---

There have been a number of strong sentiments expressed during the public meeting and feedback portion of the comprehensive plan. As noted above, Harlem Township residents pride themselves in the area's rural character and quiet lifestyle. A number of residents provided feedback stating that they would like to zone the entire Township for 5+ acre single-family lots to prevent denser development. There has also been a movement to bring any rezonings which are denser than 5 acres to referenda to overturn them as a strategy to preserve rural character.

The Steering Committee, Trustees and Crossroads Community Planning have engaged a number of residents in conversations around growth and development. They have listened, acknowledged and understand the sentiments that lead communities to want to preserve their current landscape. While the overall goal of the Committee, Trustees, Crossroads and this plan is to help preserve the rural character, these stakeholders also recognize that trying to prevent all development is not feasible in the long run. There are many reasons why adopting and holding to a 5-acre zoning policy will not be practical. A summary of these reasons is provided below:

- Ohio is a permissive property rights state. Its legislation generally does not permit entire communities to be zoned for rural preservation in perpetuity if utilities are available for denser development.
- Developers will often pit communities against each other to get what they want. So once Columbus or New Albany have annexed to the border, developers can simply annex their land and proceed with development. This leaves residents with the burden of development without the corresponding property taxes to support it.

In regard to the property rights issue, Ohio has a very different legal framework than other states for its planning and zoning laws. Other States, such as Oregon and Maryland, have strong comprehensive planning laws that allow communities to set growth boundaries to prevent development. However, this has led to other issues such as soaring housing prices and would not allow current landowners in the community to benefit from the sale of land for a higher-value use. Ultimately, if landowners throughout the township are consistently and repeatedly denied the ability to develop their land, courts could order the Township to allow certain developments.

This is the same reason why using referenda as a tool to prevent denser development is likely to fail in the long run. In Ohio, residents of a community have the legal right to file a referendum for any zoning change, which can then be voted on by the residents of the Township. While filing a referendum for each unwanted development will certainly slow the process, history suggests that eventually development will occur in an area. Often petitioners for a referendum will be tripped up by the complicated requirements needed to properly file a referendum. Even if it is accepted by the Board of Elections, a referendum must be filed in each case, and the likelihood of each being successful is low. There is considerable cost to petitioners in legal fees to ensure they are properly drafted, and over time more and more residents tend to hold a hard line on development given the effort involved. Finally, as

noted above, continued, successful referenda may bring the courts to conclude that a community is taking away the ability of landowners to utilize their land for a more valuable purpose. For many residents, the sale of land to a developer is their only option for a comfortable retirement, and they are likely to object to a universal ban on development denser than 1 unit per 5 acres.

While all of the issues above are legitimate concerns in the long run, perhaps the gravest threat to continued denial of development is annexation. At the moment no incorporated municipality boundaries abut the Township. However, the corporation lines for Columbus, New Albany and Galena are all just a mile away from the border. As noted above, Columbus has plans to extend water and sewer to Harlem, which will then be run through the Township by Delaware County. Additionally, Galena has the capacity and desire to extend water and sewer. Rapid annexation along the Township borders is anticipated once the utilities are in place.

Once these communities border Harlem, the ability to enforce the 5-acre limit will be lost. Below is a summary of what is likely to occur:

- Developer A buys land on the township border. Harlem denies denser zoning, holding to the 5-acre minimum.
- Developer A annexes his land into a nearby municipality, and builds high density development
- Developer B buys land further in the Township, adjacent to Developer A's land. Harlem again insists on the 5-acre minimum.
- Developer B annexes into the municipality and develops high density development.

The scenario above demonstrates the domino effect that can occur with development. If Harlem allows Developer A to develop at a higher density, the land is not annexed and does not allow for a pathway for additional annexations. Harlem has effectively "shut the door" on annexations by permitting development in limited area. This is the primary reason why this plan recommends Harlem allow for higher-density development in targeted areas. If it does so, Harlem will control the borders of the Township, allowing it to preserve portions of the Township as rural. It will also control the scale of the development to a degree and can include design standards specifically intended to maximize the rural characteristics within the development. Finally, Harlem will receive tax revenues from these developments, instead of giving them away to a neighboring municipality.

Some residents have cast doubt on these scenarios as realistic. However, there are a number of cases where communities were "forced" to accept development due to the threat of annexation or construction nearby. On the next page are two actual recent cases.

### Canal Winchester

The City of Canal Winchester in southeast Franklin County was recently approached by a developer looking to build warehouses along U.S. 33<sup>12</sup>. These were adjacent to recently completed warehouses. Due to its proximity to the Rickenbacker Freight and Logistics hub, there have been several large warehouses constructed in Canal Winchester recently. Below is a photo of the site to the left, with the recently completed warehouses to the right:



The site is bordered by both the City of Canal Winchester and the City of Columbus. The developer approached Canal Winchester to sign an annexation agreement with the city, per the request of the landowner who was selling to them. The developer and landowner agreed to annex into Canal Winchester, with an ability to “opt out” and de-annex from Canal Winchester if the City did not approve the zoning or if it was put up for referendum. There was significant debate on the development, but ultimately the City approved the annexation and rezoning<sup>13</sup>.

A group of residents, concerned with the number of large warehouses being constructed, decided to referendum the rezoning in order to prevent the development from moving forward. Once the referendum was filed, the developer gave Canal Winchester a deadline for resolving the issue or it would de-annex and move on to annex to Columbus, which was willing to approve the development. De-annexation would allow the development to proceed, without any option from the City of Canal Winchester to referendum the zoning<sup>14</sup>.

The Canal Winchester City Council passed emergency legislation in May of 2022 to rezone the land for a second time, and declared it an emergency. This rezoning would allow the development to move forward, and as emergency legislation is immune to referendum. While the resident group opposed to the warehouses was upset and declared they would seek other means to fight the development, to date it is on track to be built in Canal Winchester<sup>15</sup>.

The Canal Winchester City Council circulated a letter to residents shortly after the second rezoning (Attached as Appendix B), explaining why they decided to take this course of action. The letter noted that:

---

<sup>12</sup> <https://www.dispatch.com/story/news/local/communities/canal-winchester/2022/01/20/canal-winchester-city-council-approves-northpoint-rezoning/6587960001/>

<sup>13</sup> <https://www.dispatch.com/story/news/local/communities/canal-winchester/2022/05/19/schacht-land-stay-canal-winchester-citizens-group-considers-next-move/9845655002/>

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

## As Adopted by the Harlem Township Trustees

- The development would have moved forward regardless of the referendum, since the developers would simply de-annex and then annex into Columbus.
- Canal Winchester residents could not referendum a development within Columbus' borders.
- The developer is providing several million for road improvements, as well as a PILOT payment to the schools for 15 years, after which the entire property tax revenues will go to the schools. The income tax for workers will also flow to the City of Canal Winchester and the Canal Winchester local school district.
- If the Council had not acted, the entire value of the taxes and improvements would have gone to Columbus.

At the end of the day, the ability to “play one community off the other” provided the developer with leverage to get its way, regardless of what the residents want.

## Liberty Township



The residents of Liberty Township waged a 10-year legal battle with developers attempting to build big-box retail in their community, specifically a Wal-Mart and a Target. Per numerous newspaper articles, the topic dominated elections, resulting in anti-development Trustees being elected and opposing the developments. While the residents were able to delay the construction of the big box retail, and Wal-Mart lost interest in the area, today there is a Target at a site originally proposed for Wal-Mart (shown in photo above). The Township spent over \$2.7 million in legal fees fighting the Wal-Mart alone, lost all major cases regarding the developments and had to pay one developer \$750,000 in a judgement for violating their due process<sup>16</sup>.

Below is a detailed summary of the 10-year battle

### Wal-Mart<sup>17</sup>:

- Wal-Mart proposed in 2003 for the Wedgewood Commerce Center on Sawmill Road in Liberty Township.
- In 2004, Township Trustees state that there is a “floating cap” of 500,000 square feet of commercial for the Center, of which only 109,389 square feet remained, much less than the 220,000 square feet that Wal-Mart was proposing.

<sup>16</sup> <https://www.dispatch.com/story/news/2011/10/10/liberty-twp-fought-long-costly/23162508007/>

<sup>17</sup> Ibid.



- In September of 2004, the developer was denied a zoning permit due to several issues, the “floating cap” being a prime reason.
- Shortly after, the developer filed suit in U.S. District Court and appealed the denial of the zoning certificate in the Delaware County Common Pleas Court.
- The zoning certificate case lasted 5 years. During that time Wal-Mart lost interest in the site, and for this reason the court ruled the zoning certificate case was moot.
- The developer’s federal lawsuit claimed that the Trustee’s statements regarding the “floating cap” was a violation of their due process. They claimed that the property was zoned for commercial and therefore the Trustees and Zoning department changed the rules mid-stream. The developer also claimed the statement was an attempt to steer the zoning department in the approval or denial of the case. Zoning permits are administrative activities completed by staff and not elected officials.
- In December 2010 the federal court sided with the developer, stating that the Trustees violated the right of due process of the property owners. They also ruled that the Township could not enforce the “floating limit” cap.
- The court set a judgement for \$750,000 in compensation, which was paid by the Township’s insurer.
- The total legal fight cost \$4 million. Liberty Township spent at least \$1.5 million in their own legal fees, which came out of Township funds. They also settled with the developer and paid \$1.2 million of the Developer’s legal fees, which was also covered by their insurer.
- The residents opposing the Wal-Mart claimed the fight was worthwhile, since Wal-Mart was not built. However, the attorney for the developer claimed they were victorious because the court sided with Wal-Mart in the due process case and awarded damages.
- Eventually a Target was built on the same site as detailed below.

Target:

- In 2007, Target proposed to build a new approximately 132,000 square foot store along Sawmill Road in the City of Powell, which lies within Liberty Township<sup>18</sup>. Residents and Trustees also opposed this development<sup>19</sup>.
- In October of 2007, Powell approved the zoning for the Target<sup>20</sup>.
- Liberty Township sued, stating that the development violated the terms of the Cooperative Economic Development Agreement (CEDA) that the Township entered into with Powell when the land was annexed. This agreement held that the zoning in place at the time of the annexation must remain and be applied by Powell<sup>21</sup>.
- After two years of court cases, the Court ruled that Liberty Township did not have the standing to challenge the zoning permit, since it was issued and administered by Powell. Powell had determined that Target met the conditions of the zoning. Although Liberty Township’s zoning

---

<sup>18</sup> <https://www.dispatch.com/story/news/2007/06/21/suburban-briefs/23553194007/>

<sup>19</sup> <https://www.dispatch.com/story/business/2007/08/22/residents-resist-new-target-in/23589513007/>

<sup>20</sup> <https://www.dispatch.com/story/news/2007/10/13/powell-approves-zoning-for-new/23359438007/>

<sup>21</sup> <https://www.dispatch.com/story/news/2008/06/25/powell-bza-upholds-target-decision/23261174007/>

called for walkable commercial development, the addition of pedestrian connections by Target was determined to be enough to allow it to proceed<sup>22 23</sup>.

- Despite this court victory, further appeals were filed, and Target decided not to build on the site.
- In early 2013, Target returned and proposed to build on the former Wal-Mart site noted above<sup>24</sup>.
- Residents once again opposed the development. The developer brought up the prospect of legal action again on the same site where he had previously won a court battle against the Township<sup>25</sup>.
- In June of 2013 the Liberty Township Zoning Commission ruled that the development substantially complied with the zoning in place, meaning that it could not be brought to a referendum<sup>26</sup>.
- In early 2014, Target announced that they would open the new Target by October<sup>27</sup>. Today the Target is operating in Liberty Township.

As detailed above, these long, costly legal battles were a mixed bag for the Township. While they did prevent the Wal-Mart from building, they spent several million dollars and still have a Target in their community today.

#### Conclusion:

Based on the case studies above, Crossroads is recommending that the Township select certain areas and permit acceptable development. By doing this the Township can better control the development that occurs in the community. Allowing housing developments at a higher density than one unit every 5 acres now will take the land out of consideration for future development, such as big-box retail. The Township can ward off annexation, preserve some sections as agricultural and set development standards that will preserve the rural viewscape in more developed areas.

---

<sup>22</sup> <https://www.dispatch.com/story/news/2009/07/23/liberty-township-told-it-can/24047034007/>

<sup>23</sup> <https://www.dispatch.com/story/news/2009/07/29/trustees-say-target-appeal-possible/23246455007/>

<sup>24</sup> <https://www.bizjournals.com/columbus/print-edition/2013/02/22/new-plan-for-walmart-site.html>

<sup>25</sup> <https://www.bizjournals.com/columbus/blog/2013/02/liberty-township-delays-decision-on.html>

<sup>26</sup> <https://www.bizjournals.com/columbus/news/2013/06/11/target-store-approved-by-liberty.html>

<sup>27</sup> <https://corporate.target.com/press/releases/2014/01/target-to-open-new-store-in-liberty-township-ohio>

# RECOMMENDATIONS

## *Infrastructure, Land Use, Zoning, Development Tools*

---

### Land Use and Zoning

If development is to occur in Harlem Township, it can be allowed while still preserving much of the rural viewsheds that currently exist along the Township's roadways. A good example of this is Jefferson Township. They embraced a conservation development policy to avoid annexation by Columbus and Gahanna. Today, it's difficult to realize driving down some of the roads that there are housing communities located just behind the tree rows.

While the impact at first may be a bit more noticeable in Harlem Township, given there are areas in active agricultural use and do not have heavy tree cover, steps can still be taken to ensure that the viewshed driving down the road is one that evokes the natural world and not the developed one. Harlem Township should encode design standards in its zoning code that requires developers to preserve existing natural tree lines as much as possible, push development back from the road and screen roads from view of homes through native plantings.



One district that would encompass all of these goals is a Planned Residential Conservation Overlay Zoning District (PRCD). This allows homes to be clustered away from the road in exchange for the preservation of large areas of open space on the site. For example, instead of having 10, 2 acre lots, a site could have 10 homes on 10 acres (1 acre lot each) towards the rear of the site, and 10 acres of permanently preserved open space. A typical conservation zoning district would preserve a minimum of fifty percent of open space. This Guide recommends calculating the open space and density for all planned conservation districts as follows:

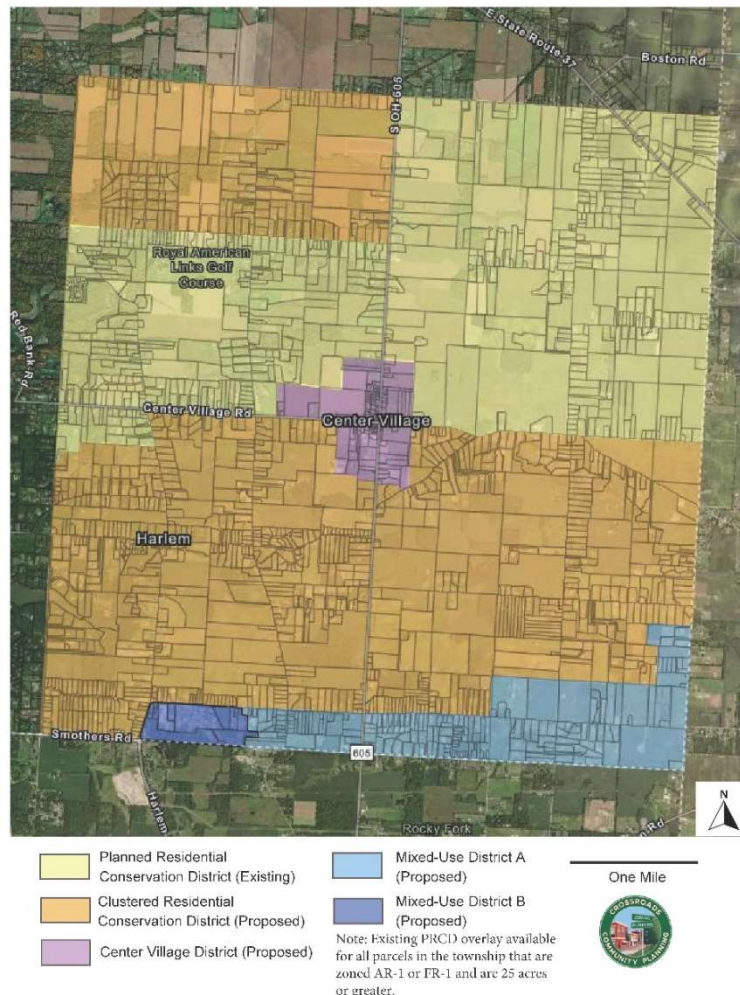
- The required amount of open space should be calculated utilizing gross tract acreage for the calculation. Gross tract acreage is defined as all of the acreage in the proposed development, including features such as wetlands and steep slopes to be considered as open space.
- Density should be calculated on the net developable acreage of tracts proposed for development in the conservation zoning districts. Net developable acreage should be defined as the gross acreage minus the undevelopable land such as existing rights-of-way and significant features of the land such as steep slopes, floodplains, and significant tree stands.

The Township is already successfully using their Planned Residential Conservation Overlay Zoning District to accomplish the goals described above, but once sewers become available, developers will start to seek higher density housing than allowed in the current PRCD. Harlem Township should continue to use overlay districts as a zoning tool but expand the types of Overlay zoning districts available within its code. The advantage of Overlay zones is that they preserve the underlying zoning but provide an option that a landowner can select if they desire to develop their land.

Overlay zones contain different uses and design standards, typically more stringent, than the underlying zoning. For example, if a property is zoned Rural Residential, but has Conservation Residential Overlay zoning, a landowner could choose to “pull down the cloud” and apply the overlay zoning to the site. They then would apply to the Zoning Commission for approval of their development. If they meet the requirements of the Overlay zoning, they would be allowed to develop their land. In this case, they would be required to develop in a way that preserves the viewshed and preserves open space.

While Harlem Township has been successful in utilizing its current PRCD, it will need a few additional Overlay zoning districts to provide for a variety of development options to fully embrace the strategies recommended in this guide. The Recommended Overlay Districts Map, shown below, with a larger version included as Appendix C, shows the recommended overlays.

Map of recommended Overlay Zoning Districts.



As Adopted by the Harlem Township Trustees

The following list describes the various overlay zoning districts recommended to the township. The following proposed overlay zoning districts are intended to be utilized only when central water and sanitary sewer services are provided. In the event central sanitary sewers are not available, the current Planned Residential Conservation District is recommended. If a property is covered by multiple overlays and has central water and sewer services, a property owner can choose which overlay to utilize.

- A second Clustered Residential Conservation Overlay District that follows this same concept as the existing PRCD but allows for smaller lots that would be supported by central sewers, surrounded by open space. The proposed densities in the Residential Conservation Overlay District range from 1 – 3 dwelling units per acre.

Recommended areas for a second Clustered Residential Conservation Overlay District:



- A Mixed-Use Overlay District to target “border” areas where the threat of annexation is high, and developers have more leverage to negotiate with the Township. Proposed densities of up to 12 units per acre in Mixed Use District B and up to 8 units per acre in

As Adopted by the Harlem Township Trustees

Mixed Use District A are proposed. Uses within both areas would include neighborhood commercial, assisted living facilities, commercial residential including mixed-use building (retail on bottom with residential on top) and other similar uses established within walkable settings. The below images represent the type of architecture and permitted uses that are recommended for these mixed-use areas.<sup>28</sup>

Recommended area for Mixed Use Overlay District:



 Mixed-Use B       Mixed-Use A



Neighborhood Commercial



Assisted Living Facility

<sup>28</sup> Image of Neighborhood Commercial: <https://www.cnu.org/publicsquare/2020/12/23/agricultural-urbanism-takes-shape>; Image of Assisted Living Facility: <https://agarch.com/a-partnership-focused-on-enhancing-the-al-mc-experience/>; Image of Indoor-Outdoor Recreation Center: <https://www.metalconstructionnews.com/projects/lexington-athletic-complex-blaine-minn>



Indoor – Outdoor Recreation Center

As noted in the What We Have Learned section, the City of New Albany’s land use plan calls for the expansion of the Rocky Fork Metro Park to serve as a green buffer along the New Albany’s northern border line. Harlem Township should continue conversations with New Albany, Columbus Metro Parks and other potential partners, such as Preservation Parks, about the possibility of purchasing strategic parcels within this southern boundary to help integrate open space, parkland and other passive and active recreational opportunities along this border.

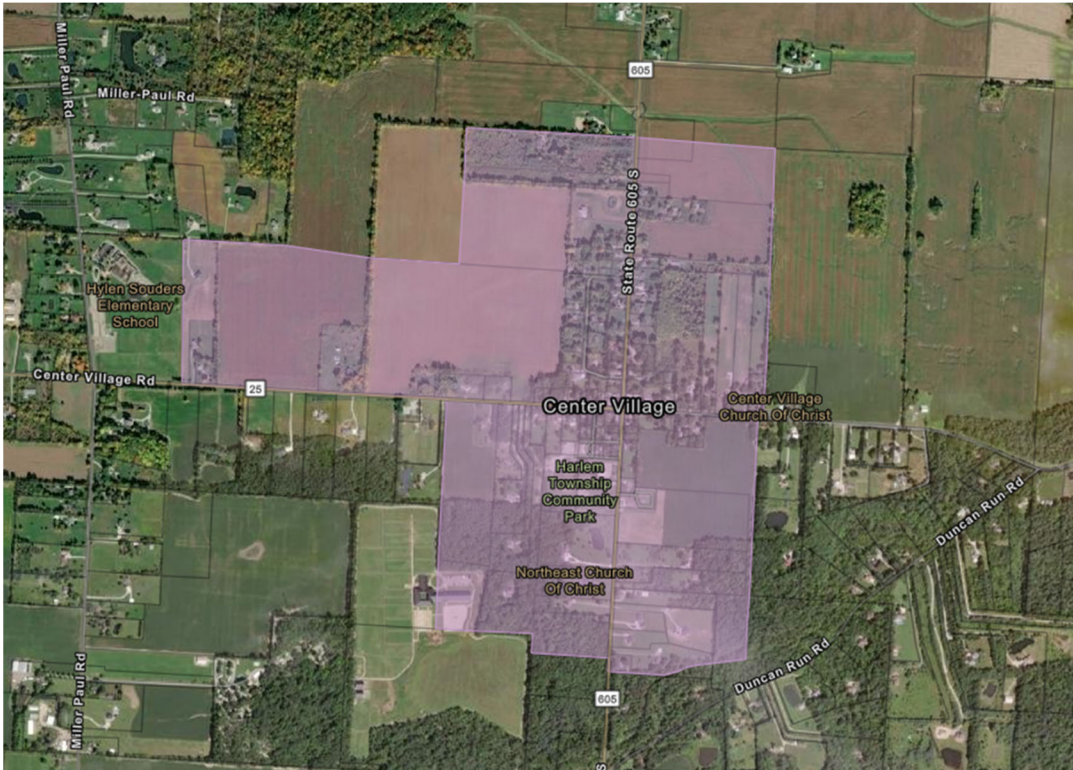
- A Rural Town Center Overlay District that would allow the area around Center Village Road and S.R. 605 to develop as identified in the 2020 plan. This is the geographic center of the Township, and is the location for Township offices and facilities, the Community Park, and the Township’s only restaurant and one of its 2 convenience stores. While residents are accustomed to traveling outside the Township for shopping and services, and in many cases prefer this, the likelihood of increased population growth in the Township will create lifestyle changes. One of these will be increasing demand for nearby services.

Harlem can harness this demand to provide an amenity to the residents. As opposed to a jumble of strip mall stores, Harlem can encourage the development of a cohesive neighborhood center. This can be a small-scale village-styled development to blend

As Adopted by the Harlem Township Trustees

with the rural character. It will provide a place for the community to come together and share a common experience. It will also help boost the tax base for the Township. Finally, it will act as a focal point and provide a source of pride for residents. A potential in-door, year-round farmer's market could be a part of this idea. A similar concept has been utilized in the City of Lancaster, OH – the Keller Market House and could be utilized as a model.

Recommended area for the Rural Town Center Overlay District:





Harlem should also look at their existing zoning overlay district and update it to include design standards that will maintain the rural look and feel. These include buffers to the roadway, preserving existing tree lines, limiting building heights and including architectural design standards that reflect the Township's rural character.

Case Study: Keller Market House

Keller Market House was founded to meet the grocery needs of Lancaster and to provide a local venue for year-round distribution of area farming products. The surrounding Fairfield County area had a rich agricultural history, but the downtown district was an established food desert as there was little access to fresh foods nearby. Additionally, local farmers, producers, and artisans either did not have the business experience or start-up capital to sell their goods to the community. The Keller Market House was created to bridge this gap.

The building was purchased from the Fairfield County land bank in 2015 for \$1. Grants were then pursued, some from the USDA, for start-up funds and equipment. Local funding from the Fairfield County Foundation was used for renovations. Recently, Keller Market has secured funds from America's Healthy Food Financing Initiative (HFFI) for expansion and capacity building purposes.

Keller Market House operates as a 501(c)3 not-for-profit corporation under the name Lancaster Fresh Market which is key to the Keller Market being able to apply for and receive a number of grants from many foundations, as many funding opportunities are only offered to non-profits. As part of some of Keller Market's proposals for funding, consideration would have also been given to Keller's SNAP benefit and Produce Perks participation and the plan to expand participation to lower to moderate-income households, which is an important aspect to consider when starting a similar organization.

COMMUNITY FACILITIES DIRECT LOAN & GRANT  
QUICK FACTS

- USDA Rural Development program that provides grants, direct loans, or a combination of the two.
- Funds can be used to purchase, construct, and/or improve essential community facilities, to purchase equipment, and to pay related project expenses.
- Healthcare, utility services, public safety services, public facilities, and community support services all qualify to benefit from this

The non-profit also runs the Lancaster Farmers Market in the summer months. Since the Keller Market started with little money, relatively little was spent in getting the operation up and running. Volunteers and donations were relied on at the beginning for equipment and to build fixtures like counters or display racks. Vendors were brought in through a variety of methods such as canvassing local farmers markets and Facebook posts from the Lancaster-Fairfield County Chamber of Commerce, Destination Downtown Lancaster, and the Mayor of Lancaster. During the winter months, there was also an increased push to bring in local artisans selling things such as soap, jewelry, and cutting boards. As the market took off, a manager was hired to run the Market's operations.

The Market runs on a consignment basis, with a rate of 5-20% retained by the market depending on the type of product. The Market also established a number of parameters they felt were important for to their mission such as only taking goods produced in Ohio and not taking re-sale goods. They have also developed health and safety regulations, product prioritization methods. All of this information and more can be found in the KMH Rules and Guidelines Document found in Appendix D, and through the link here: [KMH Rules and Guidelines document](#). This resource can be used as a prime example for Harlem when creating a similar document.

The success of this project can be seen as over 100 local businesses are represented between the Keller Market House and Lancaster Farmers Market. More than a grocery store, Keller Market also provides resources and programming, hands-on projects, and cooking classes which help enable capital improvements and purchases to sustain Keller's operations. Keller Market House has become an indispensable facet of the Lancaster community, providing a market outlet for local producers while also supporting the food, social, and cultural needs of community members.

Funding is available to help catalyze rural business creation through the USDA Rural Business Development Grant.

This grant provides funding for rural projects to finance and facilitate development of small and emerging rural businesses. This funding source is quite flexible and can be used for a variety of projects as noted in the table below.<sup>29</sup> The Farmers Market Promotion Program (FMPP)<sup>30</sup> through the USDA could also be a valuable funding resource, as non-profits, local governments, and more may apply for funding to expand direct producer-to consumer markets to help increase access to and availability of locally and regionally produced agricultural products.

In addition to the best practices offered by the Keller Market House case study, Harlem Township could also explore the possibility of implementing a Community Supported Agriculture (CSA) and/or a food and feed cooperative program. One or both programs could help offset the costs of operating a year-round farm market.

CSA is a model where a membership fee is paid for a variety of fresh produce every week. The farmer's market could be a place for members to pick up their weekly products and would also bring foot traffic into the market where other products are being displayed and sold.

A food and feed cooperative is a purchasing cooperative that allows residents and neighbors to pool their purchases of non-perishable items, such as animal feed and bedding to help reduce the costs. This cooperative could potentially rent space at the farm market to receive goods in the building and then break down the bulk order for pickup by those who have placed orders.

<sup>29</sup> [https://www.rd.usda.gov/sites/default/files/fact-sheet/508\\_RD\\_FS\\_RBS\\_RBDG.pdf](https://www.rd.usda.gov/sites/default/files/fact-sheet/508_RD_FS_RBS_RBDG.pdf)

<sup>30</sup> [https://www.ams.usda.gov/sites/default/files/media/FMPP\\_FactSheet.pdf](https://www.ams.usda.gov/sites/default/files/media/FMPP_FactSheet.pdf)

FARMERS MARKET PROMOTION PROGRAM  
FMPP  
QUICK FACTS

- Rural Business Development Grant - Funding from USDA Rural Development to finance and facilitate the development of small and emerging rural businesses.
- Farmers Market Promotion Program – provides funding to expand direct producer-to-consumer markets and help increase access to locally and regionally produced products.

While these two options have considerable merit, the township should carefully consider how these two types of programs are integrated into the overall business model. Potential competition with the day to day market and its vendors should be carefully analyzed prior to implementation.

### Economic Development Tools

The next step in this development strategy is to pair the previously described Overlay zoning districts with various economic development tools to allow development in targeted areas. Why would the Township want to do this if the goal is to preserve the rural character of an area? As noted above, the Township will not be able to prevent all development. In this case, Harlem would select strategic areas that are the most likely to face strong development pressures and use these tools to prevent annexation.

There are a number of tools that the Township can use to incentivize strategic development. Below is a list of these tools along with a brief description of each:

## JOINT ECONOMIC DEVELOPMENT DISTRICT

JEDD

### QUICK FACTS

- Economic development tool between Township & Municipality
- Agreement created to work cooperatively to develop land for commercial or industrial purposes.
- Allows for levying an income tax within boundary.
- This revenue is divided between the parties, providing benefits to both communities.
- Benefits reduce the need for annexation.

## COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT

CEDA

### QUICK FACTS

- Cooperative agreement between a municipality and township.
- Much like a JEDD, it includes revenue sharing.
- It also delineates an agreement on which areas will and will not be annexed into the municipality.

## NEW COMMUNITY AUTHORITY NCA QUICK FACTS

- A community district formed to generate funds for community improvements.
- Uses include infrastructure, parks, schools, fire houses and equipment and other amenities.
- NCA is permitted to assess a Community Development Charge within its boundaries.
- Charge can be levied on basis of property value, income of residents in NCA or business revenue in NCA (i.e. retail sales or hotel receipts).

## TAX INCREMENT FINANCING TIF QUICK FACTS

- A special taxing district formed to finance public infrastructure improvements.
- A specific project or district is identified as a TIF district.
- Within this district, the TIF diverts future property tax revenue increases (based on increased property values) towards public improvements.
- A special fund is created to finance the public improvements-typically roads and water/sewer infrastructure.
- The base level of taxes (prior to development) continues to be distributed to the taxing authorities.

A more in-depth summary of these tools can be found in Appendix E.

In order to effectively deploy these tools, Harlem will need to target appropriate land uses by balancing both market demand and resident feedback. Development should strike a balance by providing the developer a return on their investment while still incorporating residents' vision. The Township should also consider which of these tools is most appropriate for different areas. For example, JEDDs are useful to prevent annexation into neighboring cities, and should be considered along with Mixed-Use Overlay districts for the Growth Areas that are likely to develop more densely. However, JEDDs cannot be used for residential development, while NCA's can be used for residential purposes. Therefore, NCAs should be paired with the Planned Residential Conservation Overlay District.

The capacity of community services should also be evaluated when thinking about future development. Additional community facilities may be needed as both residential and commercial growth occurs.

Public Service, Road, and Infrastructure Improvements

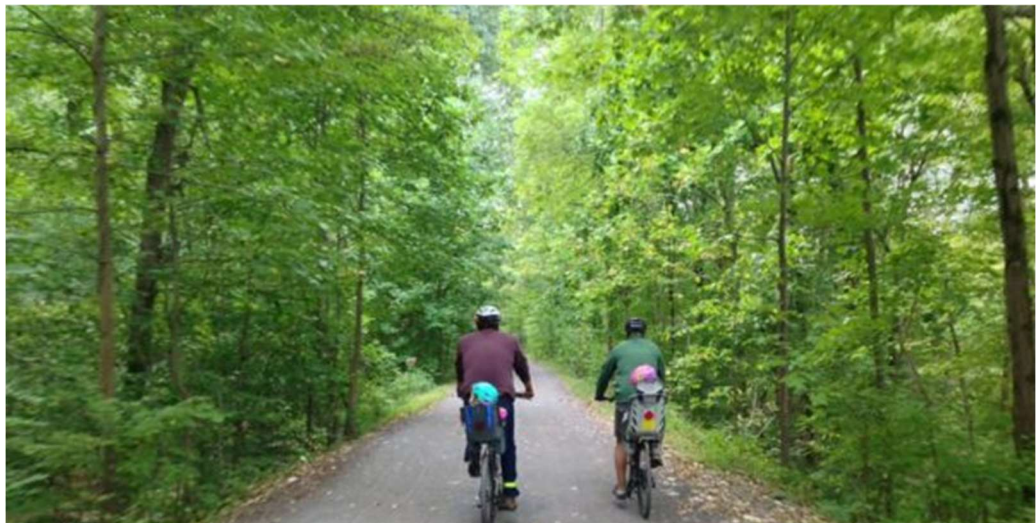
As noted above, the Township should reach out to regional partners to communicate on the placement of water and sewer line extensions. This will help ensure they are not placed in areas targeted for preservation, or in areas ill-suited for development due to geographic features.

Assuming that development will occur, the township will need to consider the current road system and how well-equipped it is to handle increased traffic. The current road network in Harlem Township is oriented primarily to the north/south. S.R. 605 and Miller-Paul Road are fairly well-developed roadways that run the length of the Township. Green Cook Road also runs the entire length on the east side, although it is less well developed, and more of an alternate to the other two roads. The only road that runs through the Township to the east/west is Center Village Road. Center Village has several significant curves and forks with other roads that make it less convenient to use.

Harlem Township should study the development of a new east/west road, which would provide a few benefits. First, if constructed in a targeted development area, it would help direct future development towards this area and away from other areas. Second, it would provide better traffic management for the Township.

An extension of Smothers Road along the south border of the Township up to a future round about at SR 605 and Fancher would provide an avenue for development at the edge of the Township and steer it away from more central locations. This could be a more commercial-oriented area to provide additional tax base. Developing along the Smothers Road extension could also help preserve the rural viewshed on the existing Fancher Road, between Harlem Road and SR 605. road. The Smothers Road extension is currently on the Delaware County Thoroughfare Plan and would also naturally lead into Fancher Road at SR 605 to continue to carry traffic to the east side of the township. In November 2022, identified improvements to Fancher Road as being a priority in planning for traffic to and from Intel.

Connecting walkways, bikeways, bridleways and other non-motorized pathways with its existing parks and future open spaces is an important component to building a community. This plan recommends connecting the existing elementary school to Center Village and to the Harlem Township Park, where the potential rural market could be located in the future. Design standards should be encoded that ensures that these pathways maintain a rural feel and contribute to the existing character of the township.



Finally, another infrastructure strategy the Township should consider is using combined stormwater management for nearby developments. If there are areas where multiple parcels will be developed, the Township can encourage/require developers to partner and construct stormwater management structures (retention/detention ponds and drainage systems) that serve all the sites. This has the effect of creating larger natural features, such as a larger pond and surrounding wetlands. Not only does this preserve the rural character of the area, it also helps foster a healthier environment by providing larger nature preserves.



The south side of Fancher Road between Harlem and Miller-Paul Roads has been identified by the Ohio EPA as a Small Municipal Separate Storm Sewer Systems (MS4) as of April 1, 2021. A small MS4 (serving populations less than 100,000 people) must apply for coverage under a general permit by submitting a Notice of Intent (NOI) and must develop and implement a Storm Water Management Program (SWMP). The SWMP must include best management practices (BMPs) and address six minimum control measures: Public Education and Outreach; Public Participation and Involvement; Illicit Discharge Detection and Elimination; Construction Site Runoff Control; Post-Construction Runoff Control; and Pollution Prevention/Good Housekeeping for Municipal Operations. Generally to comply with these requirements, communities develop Drainage, Erosion and Sediment Control Regulations for all land disturbing activities. This plan recommends that Harlem Township develop these regulations as part of the zoning overlay districts.

#### Funding Mechanisms

There are a number of programs that provide financing to help fund infrastructure and community service improvements. On the following page is a list of several that could be of use to Harlem Township:

STATE CAPITAL IMPROVEMENT PROGRAM &  
LOCAL TRANSPORTATION IMPROVEMENT PROGRAM  
SCIP/LTIP  
QUICK FACTS

- Programs through the Ohio Public Works Commission.
- SCIP is a grant/loan program for roads, bridges, culverts, water supply systems, wastewater systems, stormwater collection systems and solid waste disposal facilities.
- LTIP is a grant program for roads and bridges only.

RECREATIONAL TRAILS PROGRAM AND CLEAN OHIO TRAIL FUND  
QUICK FACTS

- The Ohio Department of Natural Resources (ODNR) administers two types of trail assistance programs: Recreational Trail Program and the Clean Ohio Trail Fund.
- Recreational Trail Program:
  - Provides funding up to 80 percent of project cost.
  - This is a federal funded program administered by ODNR.
  - New trails, trail maintenance, and trailhead facilities are eligible projects.
- Clean Ohio Trail Fund:
  - Provides funding for up to 75% of project cost.
  - Focus on linear trails.
  - Planning, design and engineering costs may be included as part of the overall project cost.

---

## SAFE ROUTES TO SCHOOLS QUICK FACTS

- The Safe Routes to School Program provides \$5 million annually for infrastructure projects within two miles of schools serving K-12 students.
- Reimbursement is up to 100% of eligible costs for all phases, including preliminary engineering, detailed design, right-of-way, construction, and construction engineering.
- Project limit is \$500,000.
- Limited funding is available for education, encouragement, enforcement, and evaluation

---

## RURAL BUSINESS DEVELOPMENT GRANT RBDG QUICK FACTS

- USDA Rural development program.
- Provides technical assistance such as business counseling/training, market research, or feasibility studies.
- Can facilitate land acquisition or development including easements, renovation or construction of buildings, access streets and roads, parking areas, and utilities.
- Can be used for incubators or economic development support/training.

---

## PROPERTY ASSESSED CLEAN ENERGY PACE QUICK FACTS

- Allows property owners to finance the costs of energy efficiency, water conservation, and renewable energy improvements through special assessments on their real property tax bills over up to 30 years.
- Allows for investment with the potential of having zero up-front payment from the property owner.
- PACE allows property owners to borrow money through governmental loans or bonds to pay for clean energy improvements to their properties.

Please see Appendix E for more information about these programs.



### Outreach and Agricultural and Open Space Preservation

The recommendations listed above can go a long way towards preserving rural character, but they will not be successful unless the Township is willing to reach out to area governmental partners, developers and landowners. The only way to ensure the desired outcomes is to work with these groups to prevent annexation and negotiate mutually satisfactory solutions to challenging development proposals.

Governmental partners, particularly area water and sewer districts, have significant influence over the form of development in the area. For example, water and sewer lines could be extended down a road that the Township wishes to preserve with minimal development. The best way to avoid this is to communicate with all stakeholders to ensure they understand the wishes of the Township and can respond appropriately.

Developer partners will likely approach the Township with proposals that will maximize their return. The township should be in dialogue with these groups to understand their position, communicate the Townships' wishes and negotiate an acceptable development plan up front and early on. This reduces confusion and animosity and is much more likely to produce a satisfactory outcome for both parties. In order to do this, the Township should utilize the information aggregated by Crossroads to begin reaching out immediately to determine developer's plans and timeframes.

The Township should also be communicating with existing landowners to determine their future plans. This will provide the Township with an opportunity to discover early on if a landowner is looking to sell, and to whom they would be interested in selling.

The Township could also reach out to landowners to gauge interest in programs to promote long-term preservation of key parcels. There are a few methods the Township can use to preserve land. Agricultural easements encourage current landowners to preserve their property for agricultural use in perpetuity. An Agricultural Easement program provides a payment to landowners in return for the granting of an easement over the property which restricts the property from being used for anything other than agriculture or open space. This is a tool that can legally prevent development of certain areas while providing a farmer with some of the benefit of selling the land.

The current challenge for agricultural easements in Harlem Township is the actual market value of land in Harlem Township. Currently land is being sold for at least 25 times the \$2,000 per acre maximum in the Local Agricultural Easement Purchase Program (LAEPP) program, and the other programs have minimal, if any, financial benefit. In order to gauge the potential for these programs to be effective, the Township should reach out to area landowners to determine if there is a critical mass of owners interested in participating. It should be noted that these programs are more effective and are designed to target areas not directly under threat of development. Therefore, it appears that the northeast quadrant of the Township would be most appropriate for these programs at this time.

To operate an Ag Easement program, the preserved land must be held by an authorized entity that is responsible for administering the easement to ensure the land is being utilized for its intended uses. Delaware County currently operates an Ag Easement program and holds several easements throughout the county. Ag Easements are often grouped together in order to preserve larger tracts of agricultural land and prevent land from being "surrounded" by development. If the Township can identify enough

interested landowners, Harlem Township could work cooperatively with Delaware County Ag Easement program to create protected areas that could act as barriers to development.

The Agricultural Security Area (ASA) program is another farmland preservation tool that is available to townships. While this tool does not provide any direct payments to farmers, it does provide potential tax benefits for investing in new real agricultural property. This program requires both the county and the township to pass a resolution not to initiate, approve or finance any development for residential, commercial, or industrial purposes, including the construction of new roads and water and sewer lines within the ASA for 10 years. This ten-year commitment to landowners can sometimes be more attractive than a perpetual easement. ASAs have been successfully utilized on prime agricultural land amidst potential growth areas. Fairfield County is a good example.



In 2007, landowners within Fairfield County applied for and were granted an ASA along SR 37 in Walnut Township. This ASA is surrounded by three villages: Millersport to the north and Thurston and Baltimore to the south. After the creation of the ASA, the village of Millersport proposed a waterline extension to the south through the ASA within ODOT right-of-way for SR 37. This proposed water line tested the validity and strength of an ASA. After several months of debate and threatened litigation, the ASA brought all parties together with the surrounding villages to create a plan to get water to the necessary parcels without compromising the ASA. The success of this ASA is further exemplified by its renewal in 2017, which extended this agreement to 2027 (Jonathan Ferbrache, personal communication, November 21, 2022).

While this Fairfield County ASA is a success story, there is a lesson learned. In this case, the villages were not brought to the table at the time the ASA was originally initiated. The law only requires the county and township to enter into the ASA agreement, but this case has brought to the forefront the need to also include surrounding villages into the planning and creation of future ASAs. This upfront planning will help to ensure adequate infrastructure corridors are provided to meet long goals of all parties and surrounding entities to avoid potential litigation down the road (Jonathan Ferbrache, personal communication, November 21, 2022).

In addition to the established programs, there are a few other concepts that are being explored. These include the establishment of Transfer of Development Rights (TDRs) legislation and a potential

program to designate CAUV recoupment dollars toward the purchase property for farmland purposes. TDR legislation has been discussed for years, but has yet to be adopted for townships.<sup>31</sup> The CAUV recoupment program for open space/farmland preservation is in infant discussions. However, there are farmland preservation advocates who continue to promote these concepts to the Ohio Farmland Preservation Advisory Board (Jonathan Ferbrache, personal communication, November 21, 2022) . This Board is established per the Ohio Revised Code to provide guidance to the director of the Ohio Department of Agriculture on the various statewide farmland preservation efforts.<sup>32</sup>

Listed below are several established programs that can help finance or preserve farmland in Harlem Township:

## LOCAL AGRICULTURAL EASEMENT PURCHASE PROGRAM

### LAEPP QUICK FACTS

- Part of the Clean Ohio program.
- Provides up to \$2,000 per acre to purchase an easement.
- Ensures that the land is used for agriculture in perpetuity
- Targeted towards areas under intermediate development pressure.

## AGRICULTURAL SECURITY AREAS

### ASA QUICK FACTS

- Provides a mechanism to protect farmland for a period of 10 years, with potential extensions.
- A protected area must be at least 500 acres and must have the agreement of all landowners within the ASA Boundaries.
- Fosters an agreement with the County and Township not to extend utilities or encourage development in the ASA for the 10 year period.

<sup>31</sup> [https://aede.osu.edu/sites/aede/files/publication\\_files/TDR%20ps%20File.pdf](https://aede.osu.edu/sites/aede/files/publication_files/TDR%20ps%20File.pdf)

<sup>32</sup> Ohio Revised Code § 901.23

## AGRICULTURAL EASEMENT DONATION PROGRAM

AEDP

### QUICK FACTS

- Allows landowners to donate an agricultural easement to the Ohio Department of Agriculture.
- Ensures that the land is used for agriculture in perpetuity.
- Only financial benefit is tax deduction.

#### Federal Government:

## AGRICULTURAL CONSERVATION EASEMENT PROGRAM

ACEP

### QUICK FACTS

- A partner, such as a land trust, is needed to hold the easement.
- Through the program, up to 75% of the value of the agricultural land easement may be covered.
- Landowners retain private ownership and access to their land.
- Landowners may receive both financial assistance and technical support to fit their land use goals.

## CONSERVATION RESERVE PROGRAM

CRP

### QUICK FACTS

- Program offered through USDA Farm Services Agency.
- Provides yearly rental payments to farmers to remove environmentally sensitive land from production and plant species to improve the quality of the environment.
- Contracts range from 10-15 years in length.
- Other similar programs include the Conservation Reserve Enhancement Program and the Farmable Wetland Program.

Please see Appendix E for more information about these programs.

Similar to an Ag Easement program, the Township could choose to outright purchase certain key parcels of land for preservation. These could be transferred to a conservancy for preservation as open space, or converted into parkland. This will be more expensive than the Ag Easement program, but may also be more desirable to some owners.

The Township should conduct a Feasibility Study to determine several items. First, Harlem needs to identify key parcels to target for preservation. It can then develop a cost estimate for purchasing and maintaining the property. Second, it must identify funding sources for the program. The Township could consider placing a tax levy on the ballot to help purchase land and/or easements. Finally, the Township could identify partners such as Metro Parks or Preservation Parks to join in these efforts.

Case Study: Granville Township Open Space Program

One strategy that Harlem Township may wish to pursue is an additional revenue stream for the purchase of land or easements for the purpose of preservation. Granville Township in Licking County is a good case study for these activities.

Granville Township has operated an Open Space program since 1998<sup>33</sup>. The basis of this program was the enactment of Ohio Revised Code 5705.19(HH), which permits Townships to pass real estate tax levies for the acquisition of opens space through the purchase of land or easements. Granville passed a 1 mill levy in 1998 which has been renewed every 5 years, and was expanded to 2.5 mills in 2000. The Township utilizes the funds for the following uses:

- Preservation of areas of scenic/natural beauty as well as areas of historical or unusual geological significance that may be subject to development;
- Preservation of the integrity of the comprehensive plan;
- Protection of agricultural lands;
- Preservation of Granville lands in danger of being annexed to other communities and/or high-density development;
- Protection of edges and boundaries, Village entrances, buffers, open vistas, and view sheds.

The Village's Open Space website contains additional information on the program, including a newsletter with additional details and a fairly recent map of currently preserved properties included in Appendix F. A program similar to this could be advantageous for Harlem Township, particularly considering that nearly 90% of survey respondents indicated a willingness to explore local tax financing for the acquisition of land or easements for preservation purposes.

---

<sup>33</sup> <https://www.granvilletownship.org/open-space#:~:text=This%20new%20law%20permitted%20Townships,levy%20became%20effective%20in%201998.>

# RECOMMENDATIONS

## *Communications*

---

Communication is one of the main topics that has arisen in discussions with Township officials and citizens. As the community grows, it will be more difficult to disseminate accurate information to the area's residents. Rumors can grow quickly, particularly in this day and age of instantaneous communications, and residents will need a trusted source to receive relevant, factual information.

Currently the Township has a newsletter it publishes annually. It is high-quality, but not frequent enough to be a regular communications channel. The Township also has more than one official-looking Facebook page, but has no other social media presence. The area is covered occasionally in the local papers, particularly the Delaware Gazette and the Columbus Dispatch, but infrequently, and is rarely covered by the local television news stations. There are a few message boards around town where notices can be posted, but since many residents do a majority of their shopping outside of the Township, even these may miss many people. Finally, people have different preferences for how they receive news and information, and they may not be receptive to a certain channel.

In order to determine the best communications strategy, Harlem should first identify how residents receive their information about the Township. It's probable that there are several frequently-used methods, and understanding these is critical to knowing how to reach out to the Township. Once this is completed the township should study the costs of each preferred method and determine which are most appropriate for the Township to actively pursue. Once these channels are set up, the township should continue to receive feedback on the best ways to communicate, as communication preferences can change quickly.

In terms of social media, there are several low-cost options that the Township can and should pursue. First, the Township should identify and maintain one Facebook page and eliminate the duplicate ones, to avoid confusion. Second, Twitter and YouTube are commonly used social media tools that are free and easy to set up. Twitter can be used for regular information. You Tube can stream and record Trustee meetings, Zoning Commission meetings and other meetings as needed. It can also provide educational videos and other related content that may be useful to residents.

In order to maximize these accounts, a social media administrator should be identified. This person would be responsible for posting materials, updates, and news. For example, meeting notices and minutes can be posted on Facebook and Twitter, with links to the actual meeting materials stored on the Township's website. This provides one point of contact for all officials and residents.

Another resource that will be very useful for Harlem is a database of valid mailing addresses for the Township. In addition, the Township should create and maintain a valid e-mail list for residents. E-mails can be gathered at community events and Township meetings. These two resources should be updated regularly and used to deliver useful information.

Finally, the Township should produce and mail a monthly newsletter. This should be sent to residents via mail and e-mail using the lists noted above, as well as placed on the website. These newsletters are very useful to inform residents of activities in the Township, and provide them a view of what Township officials are working on. They can be shorter than the longer-format annual newsletters since they will be more frequent and can focus on more up-to-the-moment topics.

As noted above, the survey results show that most residents prefer email for receiving township information followed by the newsletter and website. The township has already taken steps to help improve these communication methods. It is in the process of updating its website to be a more robust tool for its residents, and has already started to build an email distribution list for future use. The township should continue to collect email addresses to help expand this data base.

# RECOMMENDATIONS

## *Administrative Capacity*

---

As a rural community, Harlem Township has operated with a limited staff. Elected officials – the Trustees and Fiscal Officer – have been handling the majority of the daily administrative and financial workload. The Township has an Administrative Assistant to answer phones and complete other administrative duties. A part time Zoning Inspector handles zoning applications, including zoning permits, zoning amendments, conditional use and variance requests. A part time Zoning Secretary attends meetings and hearings of the Zoning Commission and the Board of Zoning Appeals and prepares minutes of those meetings and hearings.

The Township Zoning Commission voluntarily dedicates hours to review applications and holds monthly work sessions to coordinate with landowners and developers to ensure their design proposals align with the Township’s vision. Unprecedented growth pressures will likely start to overburden this volunteer-based Zoning Commission. With certain timeframes for taking action on applications per the Ohio Revised Code, an inadequate administrative capacity could lead to a compromised ability to manage development and ensure growth does not undermine the Township’s character. For these reasons, it is becoming evident that the township needs to evaluate its administrative capacity.

What are the staffing levels of other similar sized Townships on the verge of growth?

Delaware County is home to Berkshire Township located to the northwest of Harlem Township at the interchange of US 36/37 and Interstate 70. With a 2020 population of 4,476 people, it is similar in size to Harlem Township, but due to its location and availability of water and sewer services, Berkshire Township has been on the front line of development for the past 10 plus years. The Township has been the center of many proposals including Planet Oasis, two outlet malls, and other major developments over the years, some of which were successfully negotiated through the approval process and others which were not successful. In the case of Berkshire Township, it had an administrator in place to assist with negotiating these projects and identify the best economic development tools that have allowed the township to resist annexation. In Berkshire Township, the Township Administrator also serves as the Economic Development contact.

Until this year, Jersey Township, located in Licking County and ground zero for the Intel Site, has operated similarly to Harlem Township. With a 2020 population of 2,501 people, Jersey Township has also been confronted with tremendous development pressures as growth marches east along the SR 161 corridor. The Township managed with limited staff until it was faced in 2021 with a 3,200-acre proposed annexation into New Albany, which was later identified as the Intel site. This annexation represents 25 percent of the township acreage, and with a shrinking unincorporated footprint, Jersey Township’s elected officials quickly realized they needed additional administrative capacity to help manage development and avoid further annexation. In May 2022, less than six months after the announcement of Intel, Jersey Township hired its first Township Administrator. In Jersey Township, the Township Administrator also serves as the Economic Development contact.



How much will additional administrative and planning positions cost the Township?

Each year the Mid-Ohio Regional Planning Commission conducts a salary survey for its member communities. This survey includes the various position descriptions, salaries and fringe benefits for the municipalities and townships who wish to participate. The salaries, excluding fringe benefits, for townships on the urban/rural fringe have been extracted from this MORPC survey and placed in the Appendix A. In general, the Township Administrator salaries (excluding fringe benefits) range from \$99,000 - \$136,500, and the Planner salaries range from \$70,000 - \$79,000 (excluding fringe benefits). A Township should expect approximately 30,000 additional dollars for fringe benefits (OPERS, Medicare, Health, Dental, Vision and Life Insurance).

Should Harlem Township hire a Township Administrator and/or a Planner?

Harlem Township is at the point where it is extremely important that they take action to hire one or more employees that can assist with the day-to-day administrative functions of the township to help the elected officials navigate the surrounding development pressures and implement its vision. Both Berkshire and Jersey Townships started with hiring a Township Administrator that serves along the side of the Township Zoning Inspector. Townships tend to then add in a Zoning Administrator/Planner position later as needed. The Administrators often also serve as a dual role of an economic developer.

Harlem Township already has a full time Administrative Assistant that has been assisting with day-to-day activities of the township along with human resource activities. The Township has recently been faced with notification that the Township Zoning Inspector will be leaving in the near future. The Township also has a specific vision it is trying to accomplish with its development strategy, which requires specific training and education to implement. For these reasons, Harlem Township may wish to take a different direction than its surrounding neighbors and focus on hiring a Director of Planning and Development that can focus time on establishing the expectations for preservation and development within the Township. This position can encompass the Zoning Inspector duties as well as serve as the long-range planner and economic development contact for the township. In the long term, the Township should stay vigilant to increasing demands of this job and bring in a Township Administrator to take the lead role in the economic development activities.

The Director of Planning and Development should be advertised and interviews should take place no later than February 2023. The person hired for this position should start no later March 2023 in order to have them in place and working with developers prior to the sewers being installed at the southwest corner of the Township.

How will the Township Fund this position?

It is recommended that in the short term that American Rescue Plan (ARP) funds be utilized to pay for this position. The Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that:

Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund "government services" [The "standard allowance"].

The Treasury expressly recognizes general government administration, staff, and administrative facilities as a “government service” opening the door to allowing a Township to utilize these funds for administrative purposes. The Final Rule prohibits ARP funds from being utilized for deposits into pension funds and for rainy day funds.

In the long term, it is expected that this position can be covered by increased revenue from future development from two sources:

1. Amending the zoning review fees to ensure that they are sufficient for covering planning related services that the Director of Planning and Development may provide during these reviews. It is expected that approximately 30 – 50 percent of the Director of Planning and Development position salary will be covered through these fees.
2. It is anticipated that new development will start to generate additional tax revenues that can be utilized starting in FY 2027 to cover the remaining 50-70 percent of the Director of Planning and Development position.

What can be done until the Township hires an Administrator?

Until the time that the Director of Planning and Development is in place, the Township should work with residents to form Strategic Planning Committee Subcommittees to help address the staffing shortage. A number of residents have expressed an interest in participating, and these people can actively assist in shaping the future of their community while helping ease the burden on the existing staff and officials. The following Subcommittees are recommended:

- Volunteer Subcommittee (Coordinating all volunteers – contact information, etc.; continued outreach to gain additional volunteers)
- Government Liaison/Relations Subcommittee (Communicate regularly with elected and appointed government officials and report to the Strategic Planning Committee)
- Communications and Education Subcommittee (Assist with preparing larger community wide updates, education sessions, and other communication efforts such as website and social media posts)
- Infrastructure Subcommittees (Review and make recommendations regarding roadway, water, sewer and stormwater mitigation needs).
- Developer Subcommittee (Work with developers to understand proposed plans and relay information to the Strategic Planning Committee and potentially the Zoning Commission regarding planned future developments)
- Finance Subcommittee (Assist in completing a financial analysis of future development- both in tax revenue generated and cost of services required)

Is there anything else the Township should be considering in terms of future Administrative Capacity?

The Township should complete a five-year forecast of anticipated revenues and costs. The revenue forecast should compare current trends versus anticipated growth trends. The expenditure forecast should include any items currently on the 5-year horizon in addition to potential future needs such as additional fire and road personnel, future building and equipment needs and future maintenance and repair costs based upon the estimated population increases. This five-year forecast will also identify when a Township Administrator should be brought on board.

How will the Township pay for increased fire and road services that will be demanded by new development?

Economic development tools such as JEDD's, NCA's, and CEDA's generate additional tax revenues that are pumped back into the Township budget and can be utilized for increased fire services, equipment, buildings, road construction and maintenance within the area(s) defined by these agreements. Portions of NCA funds can also be funneled to the school district(s) to help pay for future buildings and other educational services demanded by the increased development.

# WHERE DO WE GO FROM HERE?

## *Strategies and Implementation Matrix*

---

The overall conclusion of this plan is that Harlem Township will not be able to completely prevent development from occurring within the Township. Real estate developers will soon have access to sanitary sewers, which is the critical link in developing at higher densities. Should Harlem try to prevent development, this will likely result in expensive lawsuits and developers annexing properties into the nearby growing cities of Columbus and New Albany and the Village of Galena. This would have the double-negative effect of allowing development while Harlem Township loses control over development and receives none of the tax revenue.

Instead, Harlem Township should become open to development on its own terms. If development cannot be prevented, it certainly can be guided, regulated and made to fit into the character of the community, and the land and tax base it generates can remain in Harlem Township. This will involve a number of strategies that will combine development, preservation and strategic partnerships. Listed below are the strategies that should be used by the Township to achieve this goal.

## Strategies & Implementation Matrix

Infrastructure, Land Use and Zoning			
	Recommendations	Time Frame	Implementing Parties
<b>1</b>	<b>Add zoning districts that align with the township's vision while allowing land uses and densities required to support the incoming sewers</b>		
A	Add a second Planned Residential Conservation Zoning District that will allow for an increased net density that can be supported by the incoming sewers. Recommended densities are 1 – 3 dwelling units per acre in this District. This District should be written to limit its use to parcels serviced by water and sewer and should be available to be utilized in the "On Watch" and Growth Area 3 once sewers are extended to this area.	Within 1 year	Strategic Planning Committee, Delaware County Regional Planning, Zoning Commission, Trustees, Consultant
B	Add one or two Mixed-Use Overlay Districts that can be utilized in Growth Areas 1 and 2 to protect the Township from potential annexation. This District would allow for service commercial uses, senior housing, mixed-use buildings (retail on the bottom with residential on upper floors), and medical and professional offices. Densities of up to 12 dwelling units per acre are recommended for Growth Area 1 and up to 8 dwelling units per acre for Growth Area 2.		
C	Add a Rural Town Center Overlay District. This District would be targeted along Center Village Road and SR 605 within the areas identified within the 2020 Comprehensive Plan for commercial uses and possibly extending west to Hylan Souders Elementary School. Uses should focus on personal services, coffee and ice cream shops, sit-down restaurants with outdoor seating, an agricultural market similar to Keller Market House in Lancaster, and other similar uses, with sufficient off-street parking, and all within a walkable or bikeable setting.		
D	Encode design standards in both the Residential Conservation Zoning District and the Mixed-Use Overlay District that help to maintain the rural feel of the Township. These design standards should:		

<b>Infrastructure, Land Use and Zoning</b>			
<b>Recommendations</b>		<b>Time Frame</b>	<b>Implementing Parties</b>
D.1	Preserve existing natural tree lines.	Within 1 year	Strategic Planning Committee, Delaware County Regional Planning, Zoning Commission, Trustees, Consultant
D.2	Provide for a 200-foot buffer from any existing township or county road.		
D.3	Screen existing state, county, and township roads from the view of homes through native plantings - discourage suburban style mounds.		
D.4	Limit building height to 35 feet in Residential Conservation Districts and the Town Center District and 45 feet in Mixed-Use Overlay Districts.		
D.5	Include architectural and environmental design standards and building material requirements that reflect the rural character of the township.		
D.6	Include regulations and enforcement standards for compliance with the National Pollution Discharge Elimination System (NPDES). These regulations at a minimum should apply to all areas identified by the Ohio EPA as a MS4 (Municipal Separate Storm Sewer System)		

<b>Infrastructure, Land Use and Zoning</b>			
	<b>Recommendations</b>	<b>Time Frame</b>	<b>Implementing Parties</b>
2	<b>Pair new zoning districts with economic development tools to help reduce the likelihood of annexation and increase funding for township services, infrastructure improvements and long-term maintenance.</b>		
A	Encourage the use of a Joint Economic Development District or New Community Authority as part of the Mixed-Use Overlay District to be utilized in Growth Areas 1 and 2 and the Town Center District.	Within 1 year	Strategic Planning Committee, Zoning Commission, Trustees; Delaware County Economic Development
B	Encourage the use of a New Community Authority within the Planned Residential Conservation District to be utilized in "On Watch" area.	Within 1 year	Strategic Planning Committee, Zoning Commission, Trustees; Delaware County Economic Development
C	Encourage the use of either a New Community Authority or Cooperative Economic Development Agreement within the Planned Residential Conservation District for Growth Area 3.	Within 1 year	Strategic Planning Committee, Zoning Commission, Trustees; Delaware County Economic Development

<b>Infrastructure, Land Use and Zoning</b>			
	<b>Recommendations</b>	<b>Time Frame</b>	<b>Implementing Parties</b>
<b>3</b>	<b>Collaborate with governmental partners, developers, and landowners.</b>		
A	Create contact list of governmental partners, developers, and landowners.		
B	Continue conversations with water, sewer, electric and other utility providers to keep apprised of changes in existing services or plans for future expansion.	Ongoing	Strategic Planning Committee and its Infrastructure Subcommittee
C	Engage developers early to understand their future plans and to make them aware of the township’s vision.	Ongoing	Strategic Planning Committee and its Developer Subcommittee
D	Communicate with landowners regarding future plans. Educate them on various options available both development and preservation programs that may be available.	Ongoing	Strategic Planning Committee and its Education Subcommittee
E	Maintain frequent engagement with local and regional governmental bodies responsible for infrastructure development: sanitary and stormwater sewers, roads, high-speed internet access, township-wide stormwater mitigation and pollution control, etc.	Ongoing	Strategic Planning Committee and relevant Subcommittees
F	Engage with the local school districts that serve the township residents to ensure adequate capacity.	Ongoing	Strategic Planning Committee, local PTOs, and School Boards
G	Engage with the local representatives of Intel Corporation to understand their plans and to advise them on the impact of their decisions.	Ongoing	Strategic Planning Subcommittee and its Government Relations Subcommittee
H	Continue conversations with New Albany, Columbus Metro Parks and other potential partners, such as Preservation Parks to consider the purchase of strategic parcels along the south border for open space, parklands, and other passive and active recreational opportunities.	Ongoing	Strategic Planning Committee and its Government Relations Subcommittee



<b>Infrastructure, Land Use and Zoning</b>			
	<b>Recommendations</b>	<b>Time Frame</b>	<b>Implementing Parties</b>
<b>4</b>	<b>Create programs to promote long term preservation of key parcels</b>		
A	Identify key parcels to be permanently preserved.	Within 3 months	Strategic Planning Committee and its Communications/Education Subcommittee; Trustees
B	Conduct Feasibility Study Property Purchase Program to buy and permanently maintain strategic parcels as open space. This study should:	6-12 months	
B.1	Identify key parcels to be purchased by township if levy were to be approved.		
B.2	Identify costs to purchase and maintain the properties.		
B.3	Identify partnerships such as Preservation Parks or Metro Parks for long term maintenance of purchased parcels.		
C	Place tax levy on ballot, if Feasibility Study supports it.	Within 18 months	Trustees
D	Identify landowners interested in participating in the Agricultural Easement programs and/or Agricultural Security Areas.	Immediately	Strategic Planning Committee

<b>Infrastructure, Land Use and Zoning</b>			
	<b>Recommendations</b>	<b>Time Frame</b>	<b>Implementing Parties</b>
<b>5</b>	<b>Create east-west road connection to support increased traffic from additional housing development and workforce commutes to Intel from both Harlem Township and adjacent areas.</b>		
A	Identify location for the connector roadway. Options include extending Smothers Road along the south township border or creating an entirely new developer driven connector through the center of the township.	Within 3 months	Strategic Planning Committee; Zoning Commission; Trustees; County Engineer
B	Require developers to dedicate right-of-way and extend the connector as part of their developments. Utilize economic development tools to create public/private partnerships to cover the costs of constructing and maintaining this road.	Ongoing	Zoning Commission; Trustees; Delaware County Regional Planning; Delaware County Economic Development; County Engineer
<b>6</b>	<b>Require Regional Stormwater Detention or Mitigation</b>		
A	Identify methods for requiring regional stormwater detention or mitigation	Immediately	County Engineer; Soil and Water Conservation District; Regional Planning; OEPA, stormwater engineering consultants

<b>Communications</b>			
	<b>Recommendations</b>	<b>Time Frame</b>	<b>Implementing Parties</b>
<b>1</b>	<b>Utilize multiple communication channels to disseminate information to ensure residents are well informed of Township activities.</b>		
A	Identify the communications channels currently utilized by residents.	Ongoing	Strategic Planning Committee
B	Complete a cost/benefit analysis to determine which methods will be utilized moving forward. Begin implementing these communication channels.	Within 3 months	Strategic Planning Committee; Trustees
<b>2</b>	<b>Eliminate duplicate Facebook pages</b>		
A	Maintain the Harlem Township Community Facebook Page and eliminate the other pages belonging to the Township.	Within 3 months	Township staff
B	Identify and maintain a Facebook Administrator	Ongoing	Strategic Planning Committee and its Communications/Education Subcommittee
C	Post 2 -3 times per week. Include posts that drive residents to other social media sources and township website.	Ongoing	Facebook Administrator

<b>Communications</b>			
	<b>Recommendations</b>	<b>Time Frame</b>	<b>Implementing Parties</b>
<b>3</b>	<b>Create other social media accounts</b>		
A	Create a YouTube Channel that should live stream all township meetings; post educational videos and other township related content.	Within 3 months	Strategic Planning Committee and its Communications/Education Subcommittee
B	Create a Twitter account. Post notice of meetings and availability of minutes. These should include links to drive residents to the website for more information. Post notice of other upcoming community events.	Within 3 months	Strategic Planning Committee and its Communications/Education Subcommittee
C	Identify and maintain a YouTube and Twitter Administrator.	Within 3 months	Strategic Planning Committee and its Communications/Education Subcommittee

<b>Communications</b>			
	<b>Recommendations</b>	<b>Time Frame</b>	<b>Implementing Parties</b>
<b>4</b>	<b>Create distribution lists to easily disseminate information to residents via US Mail and electronically</b>		
A	Create and maintain a valid US mailing list for township addresses. Update every 6 months with addresses of new parcels created.	Ongoing	Strategic Planning Committee and its Communications/Education Subcommittee
B	Create and maintain an email address database. Add email address to sign in sheets for all township meetings. Utilize other township wide events to collect additional emails. Update list after each meeting or event.	Ongoing	Strategic Planning Committee and its Infrastructure Subcommittee
<b>5</b>	<b>Create a monthly newsletter to inform residents of Township activities</b>		
A	Disseminate the newsletter utilize US mailing and email lists. Place on website. Push out via social media posts.	Ongoing	Strategic Planning Committee and its Infrastructure Subcommittee

<b>Administrative Capacity</b>			
<b>Recommendations</b>		<b>Time Frame</b>	<b>Implementing Parties</b>
<b>1</b>	<b>Hire a Director of Planning and Development</b>		
A	Advertise and hire this position with a salary (excluding fringe benefits) not to exceed \$80,000. The Township should budget for approximately \$30,000 additional dollars for fringe benefits, resulting in a total of \$110,000 for this position.	No later than February 2023	Trustees
B	Utilize American Rescue Plan (ARP) Funds to pay for this position for the first two years. Certain resolutions must be adopted to allow the Township to utilize ARP funds for general government services. ARP funds cannot be used for pension funds. As a best practice, the township should obtain review and approval from Prosecutor’s office before designating and using ARP funds.	FY 2023/FY 2024	Trustees
C	Amend the Zoning Fee Schedule per the recommendations to cover the planning related portions of this position (Approximately 30-50 percent of the salary)	Immediately	Trustees
D	Reserve \$55,000 - \$77,000 of general funds in both FY 2023 and FY 2024 (ARP funds cannot be utilized for rainy day funds). Utilize these funds to cover non-planning related portions of this position (50-70 percent of salary plus fringe benefits) in FY 2025 and FY 2026.	FY 2025/FY 2026	Trustees; Fiscal Officer
E	It is expected that new development will start to generate additional tax revenue for the township to cover the remaining 50-70 percent of the salary plus fringe benefits.	FY 2027	Trustees; Fiscal Officer

<b>Administrative Capacity</b>			
<b>Recommendations</b>		<b>Time Frame</b>	<b>Implementing Parties</b>
<b>2</b>	<b>Create Subcommittees to address administrative services in the short term</b>		
A	Create the following subcommittees:	Immediately	Strategic Planning Committee
A.1	Volunteer Committee (Coordinating all volunteers - contact information, etc. continued outreach to gain additional volunteers)		
A.2	Government Liaison/Relations (Communicate regularly with elected and appointed governmental officials and report to the Strategic Planning Committee)		
A.3	Communications and Education (Assist with preparing larger community wide updates, education sessions, and other communication efforts such as website and social media posts)		
A.4	Infrastructure (Review and make recommendations regarding roadway, water, sewer and stormwater detention needs).		
A.5	Developer Committee (Work with developers to understand proposed plans and relay information to the Strategic Planning Committee and potentially the Zoning Commission regarding planned future developments)		
A.6	Finance Committee (Assist in completing a financial analysis of future development-both in tax revenue generated and cost of services required)		

<b>Administrative Capacity</b>			
	<b>Recommendations</b>	<b>Time Frame</b>	<b>Implementing Parties</b>
<b>3</b>	<b>Complete Five-Year Forecast of Township Revenues and Costs</b>		
A	Assess increased services required by new development; Assess need for additional fire and road personnel, future building and equipment needs, future maintenance and repair costs. Identify the timing for establishing a Township Administrator position.	Immediately	Strategic Planning Committee and its Finance Subcommittee, the Township Fiscal Officer, County Auditor
B	Assess potential future tax revenues from future development and income from economic development tools (JEDDs, NCAs, CEDAs). Funds generated from the JEDD, NCA, and/or CEDA can be utilized for new fire services, equipment, road improvements and maintenance, and other similar services within the defined area of the said agreements.	Immediately	Strategic Planning Committee and its Finance Subcommittee and the Township Fiscal Officer



# APPENDICES

# **Harlem Township Strategic Plan**

## **List of Appendices**

Appendix A – MORPC Salary Survey Data

Appendix B – Letter from Canal Winchester to Residents Concerning Warehouse Development

Appendix C – Proposed Future Land Use Map

Appendix D – Keller Market House Rules & Guidelines

Appendix E – Information on Programs Available to Harlem Township

Appendix F – Granville Open Space Program Information

Appendix G – Sewer Agreement between the City of Columbus and Delaware County

## Appendix A

### MORPC Salary Survey Data

# Appendix A

<b>Liberty Township</b>	<b>Population 18,234</b>		<b>Prairie Township</b>	<b>Population 17,500</b>	
	Administrator	\$ 99,807		Administrator	\$ 136,572
	Administrative Assistant	\$ 41,600		Administrative Assistant	\$ 48,658
	Assistant to Fiscal Officer	\$ 60,000		Assistant to Fiscal Officer	N/A
	Zoning Administrator	\$ 77,043		Zoning Administrator	\$ 79,000
	Township Planner	\$ 48,500		Zoning Specialist I	\$ 44,803
	Zoning Compliance	\$ 48,500		Zoning Specialist II	\$ 49,525
<b>Orange Township</b>	<b>Population 30,553</b>		<b>Violet Township</b>	<b>Population 20,214</b>	
	Administrator	\$ 115,500		Administrator	\$ 127,500
	Administrative Assistant	\$ 45,760		Administrative Assistant	\$ 52,000
	Assistant to Fiscal Officer	\$ 61,526		Assistant to Fiscal Officer	\$ 68,640
	Planning Director	\$ 76,000		Zoning Administrator	\$ 70,720
	Senior Zoning Officer	\$ 54,080			
	Zoning Inspector	\$ 45,760			

Source: Mid-Ohio Regional Planning Commission – 2021 Salary Survey

Jersey Township’s Administrator receives an annual salary of \$120,000 excluding fringe benefits.

Source: Newark Advocate, April 25, 2022

Berkshire’s Township Administrator’s salary was not available through the MORPC 2021 survey.

## Appendix B

Letter from Canal Winchester to Residents  
Concerning Warehouse Development

Dear Canal Winchester resident,

It's no secret that the last several months have presented a challenge for Canal Winchester. The decisions we have been asked to make as your elected City Council have the potential to chart the City's course for many years to come. In our role, we have a responsibility to assess the facts as they are, to tell you the truth, and to be responsible stewards of the City of Canal Winchester. The current controversy over the annexation and development of the property at U.S. 33 and Bixby (we'll call it "the Property") as shorthand here) is no exception.

This letter is being sent to explain the facts that Council considered:

- This Property is bordered by both the City of Columbus and the City of Canal Winchester. Because the Property borders both cities, they had the opportunity to seek annexation by either Columbus or Canal Winchester.
- The owners of this Property—presented with a proposal to purchase and develop their land for the same industrial use that had been developed next door. This use was not selected, or requested by the City; it was a proposal between the private developer and property owner.
- One of the conditions for the property owners to agree to annex to Canal Winchester rather than Columbus was reserving the right to detach from Canal Winchester if zoning for the development either wasn't approved or put up for referendum.
- When the zoning ordinance for the Property was put up for referendum, the Property's owners had the right to detach from Canal Winchester, and they notified the City that they would do so. The City was obligated to cooperate with that detachment.
- If the detachment had moved forward, the property owners had the right to pursue the development and annexation to the City of Columbus **AND the issue would not have appeared on the November ballot in Canal Winchester.**
- Council had good reason to believe that Columbus would have welcomed and approved the development on the Property. For example, the City of Columbus approved 526,000 square feet of similar industrial development nearby, at 6201 Winchester Pike to permit industrial and distribution uses. Columbus City Council approved the rezoning by emergency on July 14, 2022.
  - The City of Columbus considers distribution centers to be "employment centers" as set forth in the Columbus South East Land Use Plan. Although there has been mention that "employment center" means office space, office space is just an example of permissible employment-center type uses as defined in the Columbus plan.
- If the Property had detached, neither the Canal Winchester City Schools nor the City of Canal Winchester would have received any benefit from development of the Property in Columbus. But area residents and drivers would have felt the impacts of the developments, whether they went forward in the City of Canal Winchester or the City of Columbus.
- The emergency legislation was the option we had to keep the Property in the City of Canal Winchester, so that the City along with Canal Winchester School District (CW Schools), and Groveport Madison School District (GM Schools), would receive the tax payments and compensation that otherwise would have gone to Columbus. These include:
  - Income taxes from the employees and businesses operating on the Property, which are not abated and which will be divided among the City, the CW Schools, and the GM Schools.

- The developer will pay over \$200,000 per year in compensation to the school districts. Additionally, the schools will receive a percentage of income tax revenues for the first 15 years. After 15 years, the schools will receive their full share of tax revenues for the new value on the Property, totaling millions of dollars in new money for the school districts while these developments contribute zero new students.
- The developer will pay for road improvements on Bixby Road.
- The developer will also make payments that are directed specifically to public infrastructure near the Property, including the interchange of Bixby Road and U.S. 33, with total developer roadway commitments totaling over \$2.8 million.
- The developer has committed to a total of \$1.5 million in additional compensation.


As members of the Canal Winchester City Council, it is our job to look to the future as stewards of the City. Here, we faced a Property that would be developed either as part of Columbus or as part of Canal Winchester. The circumstance is a referendum issue that would not have gone to the ballot, because the Property would have detached—and the City and schools would lose any benefits of future development. All indications are that Columbus would have annexed and approved this or a similar development. The facts are that by taking action to keep this Property in Canal Winchester, the City will keep its seat at the table to advocate for a new interchange at Bixby Road and US 33; the developer will make significant investments in transportation infrastructure that will benefit their project and the community; the City's prior investment in infrastructure along this stretch of US 33 will be preserved; and the City and the schools will see millions of dollars in new revenue.

We know that there has been a great deal of emotion and energy put into this debate. As your elected Council members, we looked to the facts and circumstances in front of us to make the best decision available for the future of the City. We hope that you find this information helpful as you consider these issues. Please reach out by email if you have questions or concerns.


Sincerely,



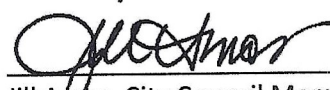
Chuck Milliken, City Council President  
cmilliken@canalwinchesterohio.gov



Bob Clark, City Council Vice President  
bclark@canalwinchesterohio.gov




Laurie Amick, City Council Member  
lamick@canalwinchesterohio.gov



Jill Amos, City Council Member  
jamos@canalwinchesterohio.gov



Patrick Shea, City Council Member  
pshea@canalwinchesterohio.gov



Mike Walker, City Council Member  
mwalker@canalwinchesterohio.gov

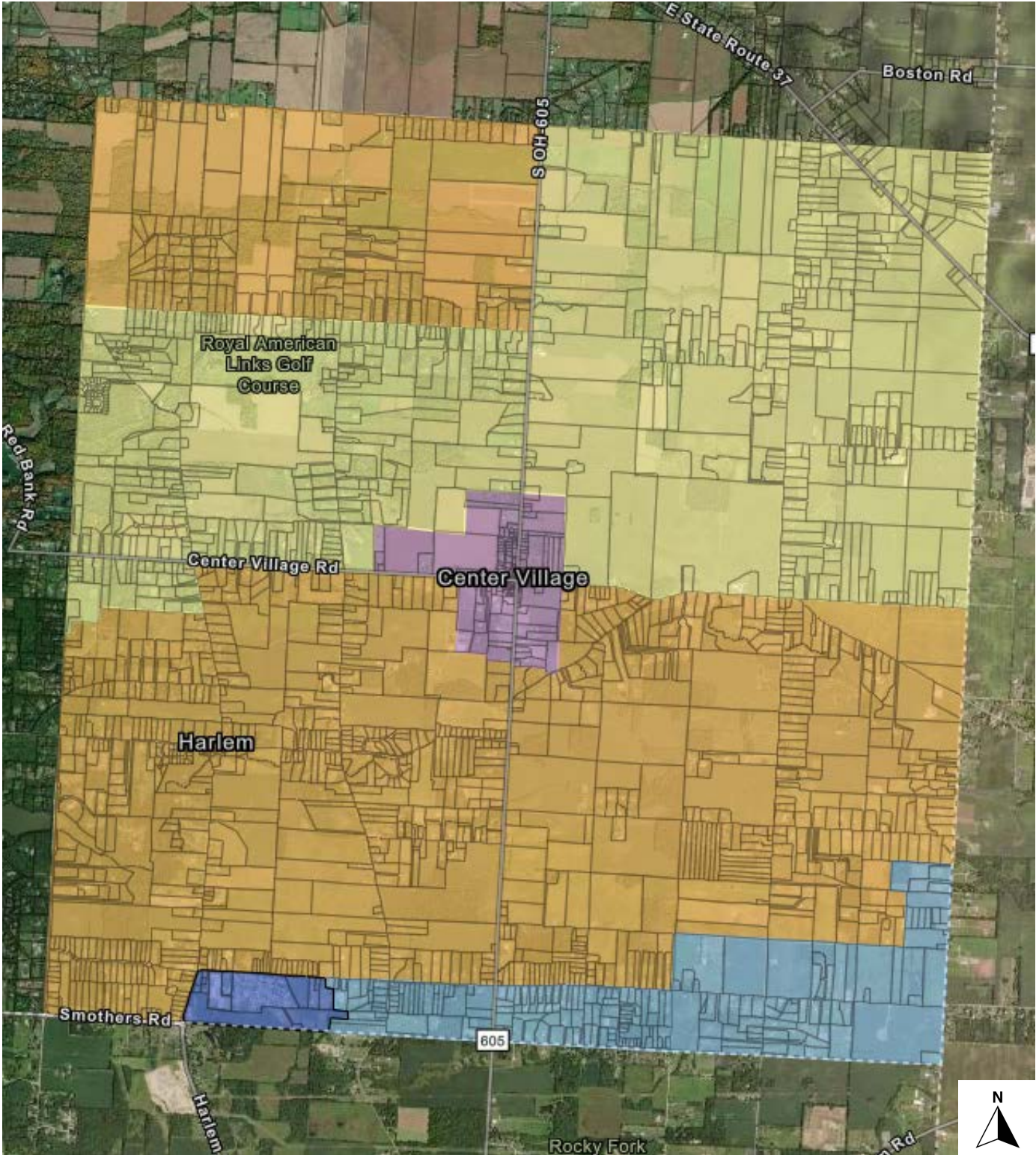
## Appendix C

### Proposed Overlay Zoning District Map



# Harlem Township Quick Strategy Guide

## Proposed Overlay Zoning Districts



- Planned Residential Conservation District (Existing)
- Clustered Residential Conservation District (Proposed)
- Center Village District (Proposed)

- Mixed-Use District A (Proposed)
- Mixed-Use District B (Proposed)

Note: Existing PRCD overlay available for all parcels in the township that are zoned AR-1 and FR-1 and are 25 acres or greater.

One Mile



## Appendix D

### Keller Market House Rules & Guidelines



## Keller Market House Producer Information

Thank you for your interest in becoming one of our producers! We are a unique, non profit community market, and people like you help to make the Keller Market House a success.

### TABLE OF CONTENTS

page 1 - <b>Application Instructions</b>
page 2 - <b>General &amp; Producer Guidelines</b>
page 3 - <b>Product Guidelines</b>
page 5 - <b>Product Categories &amp; Consignment Rates</b>
page 6 - <b>Rules &amp; Procedures:</b> Payments and Fees, Inventory
page 7 - <b>Rules &amp; Procedures:</b> Stocking and Delivery, Product Labeling and Packaging
page 8 - <b>Rules &amp; Procedures:</b> Displays, Quality Control, Wholesale
page 9 - <b>Rules &amp; Procedures:</b> Disclosure, Insurance, Conduct and Conflict Resolution

### APPLICATION INSTRUCTIONS

1. Carefully read all Rules & Guidelines. All producers must abide by these rules to participate in the market.
2. Confirm that your product is compliant with all market guidelines. Ensure that you have all relevant licensing, permits and certifications necessary for the products you wish to sell.
3. Identify which category or categories your products fall under.
4. Fill out all relevant and required sections of the application.
5. Submit your application by email, mail or in person to the market house.
6. Once you have submitted your application, we will review it, request any additional information and notify you of your acceptance status in a timely manner.
7. Upon acceptance, provide copies of all relevant documents and required financial forms to market management.
8. Schedule a time to meet with us to start stocking.

Please note: Our organization also operates the Lancaster Farmers Market, with a separate set of Guidelines and Application. Visit [www.LancasterOhFarmersMarket.org](http://www.LancasterOhFarmersMarket.org) for details.

### CONTACT INFORMATION

Questions and completed application may be directed to:

Erin Harvey  
Market Manager

manager@kellermarkethouse.com  
740-277-6305



## Keller Market House Guidelines

*Keller Market House is operated by Lancaster Fresh Market, Inc, a 501(c)(3) non profit organization. The mission of Lancaster Fresh Market, Inc. is to champion the production and accessibility of local foods and products for the enrichment of our community.*

Anyone interested in selling through the Lancaster Fresh Market, Inc, DBA Keller Market House (hereafter KMH) should read and understand these guidelines, rules and procedures prior to applying. If your product does not meet our guidelines, but you feel it still supports the mission of KMH, you may petition market management for a waiver. These requests will be reviewed and decided on a case by case basis.

The Lancaster Fresh Market, Inc. board and market management reserve the right to review these guidelines, rules and procedures on a regular basis and to make changes as needed. Revisions will be announced and made available to all producers. Producers are expected to remain current with any revised guidelines, rules and procedures. Market management reserves the right to make exceptions to these guidelines, rules and procedures at its discretion.

Acceptance of new producers and products is dependent on the needs of the market and is at the discretion of market management. Management strives to maintain an ever-evolving healthy balance and diversity of products.

### **GENERAL PRODUCER GUIDELINES**

#### **Local**

Producers must be located in Ohio. Priority may be given based on proximity to KMH.

#### **Producer Only**

Reselling is prohibited. Producers may only sell products they themselves have grown, prepared or processed.

#### **Compliance with Health, Safety and Related Laws**

All products must comply with federal, state and local regulations, licensing and labeling requirements. Producers are expected to research the rules and regulations governing the production, distribution, display, sampling and sale of their products. Producers must provide market management with up-to-date copies of relevant certifications, permits and licenses.

#### **Transparency**

Producers must provide KMH with an accurate description of production practices. If changes in production practice or location occur, producers must submit a written statement detailing these changes. Producers wishing to use the term “organic” must submit a copy of their organic certification.

## **PRODUCT GUIDELINES**

### **Produce**

- Proper post-harvest handling of all produce delivered to KMH is the producer's responsibility to ensure quality, cleanliness and food safety.
- Sustainable, organic and chemical free practices are encouraged.

### **Animal Products**

- Meat must be raised in Ohio and processed in a State of Ohio or USDA inspected facility.
- Products from concentrated animal feeding operations (CAFO) as defined by the Ohio Department of Agriculture and products from animals treated with growth hormones may not be sold through KMH.
- Animal products from pasture-raised animals will be given preference.
- All meat products must be labeled with net weight and producer's name. If labeled with processor's name, packages must also contain producer's name.

### **Value-Added**

- Value must be added to processed food products by the producer; simple repackaging of ingredients is not adding value.
- The use of commercial mixes or prepackaged foods as ingredients is discouraged. "Made from scratch" products prepared from basic, raw ingredients will be given preference.
- The use of highly processed ingredients such as high fructose corn syrup, hydrogenated oils, artificial flavors/colors/preservatives and MSG is discouraged. Products that do not include these ingredients will be given preference.
- The use of locally sourced ingredients is encouraged.
- All perishable value added goods must contain a product date.

### **Non Food Agricultural**

- This category includes items that a producer has grown or produced that are not edible, and items that are handcrafted or processed using such materials that the producer has grown or produced themselves.
- Similar products in which the producer purchases all component materials are considered "artisan."

### **Wildcrafted and Foraged**

- These should be obtained in a legal, responsible and sustainable manner that does not deplete or endanger the species that is collected.
- No wild mushrooms may be sold through the market.

### **Nursery Products**

- Live plant material sold through KMH must be propagated from seed, cutting, bulbs, plugs or divisions by the producer.
- It is ultimately the producer's responsibility to water and maintain the quality of their live plant material sold at KMH.

### **Personal & Body Care**

- Personal care items made from natural ingredients will be given preference.

## **Artisan**

- Artisan products must be handmade crafts or original works of art created by the producer.
- Preference will be given to works incorporating agricultural products, natural materials and reclaimed/recycled/upcycled components.
- KMH will not accept crafts made from kits or that appear as such, or that are made from mass-produced components.
- Artisan applicants must submit at least three pictures representative of their work with their application for our artisan jury. An active website or social media account displaying such pictures is also acceptable.

## **Workshops**

- Producers may conduct classes, workshops, demonstrations or events for which a fee is collected at KMH, in which KMH provides the space, registration and basic marketing to its usual channels. These events are planned in coordination with market management and based on demand and availability of the event space.
- Events which are free to participants or in which the organizer pays a flat rate for space rental may also occur at the discretion of market management.

## **Use of Space for Distribution**

- With prior approval, producers may use KMH as a drop off location or distribution point for their products. It is the responsibility of the producer to ensure that they are meeting all federal, state and local regulations regarding the sale of their products.
- Producers must handle all marketing, customer communications and payments themselves and are solely responsible to resolve all issues and conflicts that may arise.

## **PRODUCT PRIORITIZATION**

Market retail space is limited. The amount of space given to each producer is at the discretion of market management and will be based on overall product mix and to provide the best experience for our customers.

Market management may objectively assign stocking priority based on the following criteria:

1. Seniority (years as a KMH producer)
2. Geographical proximity
3. Local content of processed or value-added products
4. Sustainable practices, including but not limited to: small-scale family operation, limited use of chemical inputs, use of pasture production
5. Successful relationship with KMH, including but not limited to: consistency, quality of product, sales history
6. Food may take priority over non-food products.

KMH does not offer exclusive rights to any one producer to sell any one product. However, market management may limit the entry of duplicate or similar products to maintain a healthy balance and diversity of products.

## PRODUCT CATEGORIES AND CONSIGNMENT RATES

RATE	CATEGORY	EXAMPLES
C1	Fresh Produce	Fruits, Vegetables, Herbs, Mushrooms
C1	Wildcrafted/Foraged	Berries, Wild Edibles, Wildflowers
C1	Value Added Perishable (Shelf life < 1 week)	Baked Goods, Pet Treats
C1	Nursery Perishable	Cut Flowers, Fresh Wreaths, Live Plants
C2	Animal Products (Refrigerated or Frozen)	Meat, Dairy, Eggs
C2	Value Added Shelf Stable Dry Goods	Coffee, Tea, Flours, Grains, Dried Pasta, Crackers, Chips, Snacks, Cereals, Dried Beans, Popcorn
C2	Value Added Shelf Stable Canned Goods	Preserves, Sauces, Salsas, Pickles, Condiments
C2	Value Added Shelf Stable Honey & Syrups	Honey, Maple Syrup
C2	Value Added Shelf Stable Candy	Candy, Chocolate, Fudge, Brittle, Bark
C2	Value Added Shelf Stable Dried Herbs, Spices & Seasonings	Herb Blends, Chili Powder, Flavored Salts
C2	Value Added Shelf Stable Meat Products	Jerky, Beef Sticks
C2	Value Added Beverages	Juice, Tea, Kombucha
C2	Value Added Refrigerated	Pickles, Ferments, Hummus, 'Time/Temperature Control for Safety' Baked Goods e.g. Cheesecake
C2	Value Added Frozen	Veggie Burgers, Noodles, Hummus, Pierogi
C2	Non Food Agricultural	Animal Feed, Decorations, Dried Flowers, Beeswax Candles
C2	Nursery Non Perishable	Seeds, Soil Mixes & Amendments
C2	Personal & Body Care	Soap, Lotion, Salve, Lip Balm, etc
C3	Artisan	Pottery, Woodworking, Glass, Metal, Jewelry, Clothing, Candles, Paper, Leather, Artwork, etc
C3	Workshops	
C4	Use of Space for Distribution	



# Keller Market House Rules & Procedures

## PAYMENTS AND FEES

Producers place products at KMH on a consignment basis. KMH will retain a percentage of all consignment sales to cover our operating costs.

KMH will retain the following Consignment Rates:

C1 - 20%

C2 - 27%

C3 - 30%

C4 - 5%

All producers are required to set the retail price of their product(s) being sold at KMH. Producers will be paid for the items sold, minus the appropriate consignment fees, on a monthly basis. Producers will be paid by the 20th of each month for the previous month's sales. Payment is by direct deposit.

KMH will collect and pay the sales tax on all taxable items. The tax amount will be automatically added at the point of sale. The producer does not need to include this amount in the selling price.

Producers are encouraged but not required to join our Friends of the Market annual membership program. For more information and membership levels, visit [www.kellermarkethouse.org/member](http://www.kellermarkethouse.org/member).

## INVENTORY

KMH works to track and protect all products while they are in the market. However, products are left in the market at the producer's own risk. KMH is not responsible for any lost or damaged product, and producers wishing to track inventory should retain their own records. Discrepancies in inventory may be taken up with market management and will be handled on a case by case basis.

Producers are required to submit a completed inventory form to KMH each time they add or remove product from the market. These forms are used to enter product data into the point of sale system. Inventory adjustment forms are provided, or producers may use their own form of documentation as long as it clearly and accurately displays: vendor business name, KMH vendor number, date, product inventory names, adjustment quantities and retail pricing.

Any products new to KMH not on your original application must be approved by market management.



## **STOCKING AND DELIVERY**

Producers are expected to provide KMH with inventory on a regular schedule or on an as needed basis, as determined to be appropriate for their product(s). KMH reserves the right to refuse or remove any product at any time.

Producers are able to deliver product at any time during KMH open business hours. Delivery and stocking systems are in place that encourage producers to be as self sufficient as possible. However, some products may require staff attention before stocking. Customers take priority; if delivering during a busy retail time, producers may expect to wait for assistance or leave inventory that requires staff attention in the stocking area until it may be addressed. First-time producers or producers needing special assistance should schedule an appointment with market management.

Producers may leave additional products at the market for staff to restock, with approval from market management. All products should be properly labeled and stored in the overstock area or appropriate cooler space.

## **PRODUCT LABELING AND PACKAGING**

Producers are responsible for providing product labels and packaging that meet all local, state and federal regulations.

KMH tracks inventory and sales through our point of sale software. To ensure that producers are paid for their sales, each item must also be properly labeled with a barcode. If an item does not already have a UPC barcode, our software provides a barcode label for each unique inventory item.

Before an item goes onto display, the producer is responsible for ensuring that the product is properly labeled, displays a barcode, and its information is current in the KMH inventory system by notifying staff of any new items or changes in price.

Some products are not able to be individually barcoded, such as certain produce items, frozen meats or very small items. Please discuss these items with staff on a case by case basis so that other measures may be taken to ensure they are rung up properly.

Items that have not been properly labeled, barcoded and/or updated will be removed from display.

KMH encourages producers to use inventory units that may be easily tracked at the register, such as individually or by weight when appropriate. KMH provides bags and scales for items to be sold in bulk by weight.

Perishable items (other than fresh produce) must be marked with a product date. The date must be qualified with language such as “baked on” or “best by” or the producer shall detail their dating system in their application.

## **DISPLAYS**

Retail space at KMH is shared and displays are dynamic and seasonal. Some shared shelving and displays are provided by KMH. Amount of display shelf or designated display areas are not guaranteed and may be expected to fluctuate. Market management will work with each producer to determine how their product will be displayed.

Producers may provide their own displays, shelving, props and signage as appropriate, with prior approval of market management. If a producer chooses to provide their own display items, they must be clearly labeled with business name.

KMH reserves the right to remove displays provided by producers at any time. Producers will be notified of a deadline to retrieve their personal property. If not retrieved within a reasonable amount of time, property may be discarded.

## **QUALITY CONTROL**

KMH strives to maintain fresh, appealing products for the customer. Any unsuitable, spoiled, expired or damaged product will be removed from the market and disposed of. Materials used for displaying or transporting products and product packaging itself must be clean and sanitary.

Producers of perishable items shall provide information about the shelf life of their products and their wishes for their products (markdown, disposal, hold for producer pick up, or donation).

KMH strives for customer satisfaction; therefore, we will accept customer returns for refund or replacement in certain circumstances. Returned items must be accompanied by tag or receipt. Food items may be returned only in case of defect and within 30 days. Non-food items may be returned within 60 days if unopened and/or undamaged. Producers will be notified of the nature of the customer complaint whenever possible. The returned amount will be deducted from the producer's current or future sales. Customer complains about specific products will be forwarded to the producer and kept on file. Customer complaints may result in removal from the market.

## **WHOLESALE**

Priority will be given to producers operating on consignment with KMH. However, at the discretion of market management, KMH will purchase items from producers at wholesale for the overall good of the market, and to fill gaps in product availability. Producers may use a distributor upon prior arrangement.

## **DISCLOSURE**

Full disclosure of all production practices is required for all producers. Buying local gives shoppers the benefit of knowing where their food comes from and how it was grown. KMH's disclosure practice sets it apart from other food grocers, giving local producers a marketing edge.

We will consider false statements on a producer's application about the origin or production standards of products listed to constitute fraud and grounds for removal from the market. To protect the integrity of our marketing system, KMH reserves the right to verify the claims of everything sold through our marketplace.

KMH reserves the right to visit and inspect the farm or business of any producers. Visits will be made with prior notification, and inspections will only be conducted with the producer present. Failure to allow farm visits could result in suspension or termination of the producer contract.

## **INSURANCE**

KMH is not responsible for any loss, theft or damage incurred by producer's products in the market. In the event of a lawsuit, the market's insurance will cover the market. Producers and their agents or employees are not covered under this policy. It is up to each producer to insure themselves to the level they feel appropriate. KMH strongly encourages producers to obtain their own personal liability insurance and product liability insurance.

## **CONDUCT AND CONFLICT RESOLUTION**

All producers are expected to act in a professional manner and with respect towards all KMH staff, volunteers and customers. Creating an unsafe or disruptive atmosphere may constitute grounds for removal. Any instance of violence will result in immediate suspension from the market.

Complaints or problems should be directed to market management in a timely manner that is not disruptive to the market. Additional concerns may be submitted in writing. Each submission shall be reviewed by the market manager and/or board when appropriate. A producer may appeal any decision of the market manager within 30 days. An appeal must be presented in writing to the board. A decision by the board shall be issued within 30 days of receipt and constitute a final and binding decision.

## Appendix E

# Information on Programs Available to Harlem Township

**Program:** Joint Economic Development District (JEDD)

**Agency:** Local Participants

**Purpose:** Cooperative Economic Development

**Source Website:** <https://ohioline.osu.edu/factsheet/cdfs-1560>

#### Overview:

A JEDD is a special-purpose territorial district created by contract between municipal corporations and townships for the purpose of encouraging economic development, creating jobs, and improving the economic welfare of citizens. Typically, such objectives are accomplished by levying an income tax in the district. The tax revenue is shared by the parties to the JEDD and is used to provide additional services, new facilities or enhanced infrastructure in the JEDD, depending on the terms of the contract.

A JEDD agreement enables townships, cities, and villages to cooperatively address concerns associated with economic development, diminishing local revenues, growth, and annexation pressures. A JEDD provides a local-community approach to solving economic development issues by allowing local governments to enter into legal agreements that have the potential to increase revenues and create jobs. JEDD contractual agreements, which vary by jurisdiction, serve as a significant economic development tool for local communities.

#### Program Requirements:

A JEDD is formed when a township and a municipal corporation enter into a JEDD contract and adopt legislation approving the terms of the contract. ORC 715.72 provides that the JEDD contract:

- shall specify the type of contributions to be made by each party to develop and operate the district.
- may provide for the parties to share tax revenue and costs.
- shall include an economic development plan, consisting of a schedule for the provision of new or expanded services, facilities, or improvements.
- shall designate a procedure for appointing members to the board of directors and shall enumerate their powers, duties, and functions.
- may grant the board of directors the power to levy an income tax.
- shall specify that restrictions on annexation proceedings apply to unincorporated territory in the district.
- may designate property as a community entertainment district.

#### Establishment Process:

The contracting entities must hold a public hearing after they have agreed to the terms of a JEDD contract, but before legislative action can be taken to approve the contract. Notice of the hearing must be published at least thirty days prior to the date of the hearing. Before the process reaches the approval stage all the following documents must be made available for public inspection:

- a copy of the JEDD contract, including the economic development plan
- a map and description of the area to be included in the district
- a schedule for the collection of income tax, if authorized by the contract

The contracting parties must also circulate a petition to the owners of all real property and businesses within the district, seeking their consent to the creation of the JEDD. Following expiration of the public comment period, and upon receipt of petitions supporting the JEDD that are signed by a majority of the property and business owners, each entity can then adopt legislation (a resolution or ordinance) approving the contract and create the JEDD. Within 10 days following the adoption of the legislation, notice of the creation of the JEDD must be given to any property owner or business owner within the district who did not sign the petition to form the JEDD.

Following approval of the contract, the township trustees must determine whether to submit the resolution approving the JEDD to the electors of the township. The trustees can elect to not submit the matter to the voters if all the following conditions are satisfied:

- The resolution approving the JEDD was passed by the unanimous vote of the township trustees.
- A majority of the property and business owners in the proposed district have signed a petition approving the creation of the JEDD.
- The area within the JEDD is appropriately zoned.

After the above conditions are satisfied and each party has formally approved and signed the JEDD contract, copies of all JEDD documents must be submitted to the director of development services. The estimated timeline needed to create a JEDD is 105 days.

### Governance

A JEDD is governed by an independent and impartial board of directors. Board member appointment is detailed in the JEDD contract, in accordance with ORC 715.72. Generally, if businesses operate within a JEDD, the JEDD is governed by a five-person board, with one person representing each of the following interests:

- all municipalities that are contracting parties
- all townships that are contracting parties
- the owners of businesses located within the JEDD
- all persons working within the JEDD
- the counties, if any, that are contracting parties

If no parties are counties, then the fifth member of the board shall be selected by the other board members. If a fifth member is selected by the board, that person shall serve as the JEDD chairperson.

Generally, the board has the powers delineated in the JEDD contract, provided they do not exceed the powers granted by ORC 715.72. While the powers of JEDDs are not clearly defined by Ohio law, JEDDs generally have the following powers (Bricker & Eckler 2020):

- to levy an income tax within the JEDD at a rate not higher than the highest rate being levied by a municipality that is a contracting party, with an amount being set aside for the long-term maintenance of the JEDD
- to determine the substance and administration of zoning and other land-use regulations, building codes, permanent public improvements, and other regulatory matters for public purpose
- to limit and control annexation of unincorporated territory within the JEDD
- to limit the granting of property tax abatements and other tax incentives within the JEDD
- to create a JEDD in a mixed-use area where both residents and businesses are located
- to create a community entertainment district within a JEDD

**Program:** New Community Authority (NCA)

**Agency:** Local Participants

**Purpose:** Funding of Community Infrastructure

**Source Website:**

[https://www.squirepattonboggs.com/~media/files/insights/publications/2009/04/ohio-public-law-update/files/ohio\\_public\\_law\\_update\\_spring\\_2009\\_by\\_squire\\_san\\_/fileattachment/ohio\\_public\\_law\\_update\\_spring\\_2009\\_by\\_squire\\_san\\_.pdf](https://www.squirepattonboggs.com/~media/files/insights/publications/2009/04/ohio-public-law-update/files/ohio_public_law_update_spring_2009_by_squire_san_/fileattachment/ohio_public_law_update_spring_2009_by_squire_san_.pdf)

**Overview:**

An NCA is a separate public body governed by a board of trustees that may oversee, coordinate, construct and finance public infrastructure improvements and community facilities. An NCA promotes a well-planned, diversified and economically sound community, or an addition to an existing community, that includes facilities for the conduct of industrial, commercial, residential, cultural, educational and/or recreational activities. It is designed in accordance with planning concepts for the placement of utility, open space and other supportive facilities.

**Program Requirements:**

The petition for an NCA establishes its community development program. Community development programs set forth the land development activities (e.g., constructing roads, sanitary and storm sewers, water distribution systems, sidewalks and other public improvements) and community facilities (e.g., public buildings, parks, and educational, cultural and recreational facilities) the NCA will construct, operate or maintain. Community development programs may be adjusted by amending the petition or, if permitted by the petition, by resolution of the NCA board of directors.

NCAs have broad statutory powers to implement their community development program. These powers include the ability to acquire and dispose of property, enter into agreements with governments, developers or other parties (without competitive bidding, but subject to prevailing wage) for land development activities, and to construct community facilities (such as community and recreation centers, auditoriums, parks, day care centers, schools, hospitals and utilities), levy and enforce community development charges, hire employees and issue bonds. Chapter 349 also provides NCAs and governmental entities or agencies the power to cooperate with each other to carry out the community development program. NCAs do not have zoning or subdivision regulation powers or the power to provide fire or police protection. NCAs may only supply water or sewage treatment and disposal services if they cannot be obtained from existing political subdivisions.

An NCA can levy a "community development charge" within its boundaries to pay for its community development program if permitted by its petition and real property instruments encumbering land within its boundaries. Community development charges can be determined on the basis of real property assessed valuation, the income of residents of the NCA, the profits of businesses within the NCA, a uniform fee per parcel or any combination of the foregoing. Community development charges can be collected by the NCA or certified to the county auditor for collection with real property taxes.



### Establishment Process:

Formation of an NCA is initiated by a petition signed by all of the owners of the real property to be included within the boundaries of the NCA. The boundaries of an NCA not wholly within a municipality must include at least 1,000 acres while an NCA wholly within a municipality has no minimum acreage requirement. The petition must be approved by the NCA's "organizational board of commissioners," which generally consists of the board of county commissioners for each county in which the NCA is located. The petition must also be approved by the most populous city of the county in which the NCA is located (and in some cases the most populous city of a neighboring county) even if no part of the proposed NCA is within that city. If more than half of the proposed NCA is located within the most populous city of a county, the city council, and not the board of county commissioners, serves as the "organizational board of commissioners" and must approve the petition.

### Governance

NCAs are governed by a board of trustees with seven to 13 members as established in the petition. Initially, trustees are appointed by the organizational board of commissioners and the developer, with the organizational board of commissioners appointing the majority of trustees. Appointed trustees are eventually replaced by elected trustees as the NCA area is developed. Developer appointed trustees must constitute the minority of any quorum for board of trustee actions.

**Program:** Tax Increment Financing Districts

**Agency:** Local Taxing Authority

**Purpose:** Funding of Public Infrastructure

**Source Website:**

[https://development.ohio.gov/static/business/stateincentives/TIF\\_IncentiveDistrictsSummary.pdf](https://development.ohio.gov/static/business/stateincentives/TIF_IncentiveDistrictsSummary.pdf)

<https://development.ohio.gov/business/state-incentives/tax-increment-financing>

[https://www.cdfa.net/cdfa/cdfaweb.nsf/ord/21d888e22f58deb188257936006740f6/\\$file/ohio%20tif%20fact%20sheet.pdf](https://www.cdfa.net/cdfa/cdfaweb.nsf/ord/21d888e22f58deb188257936006740f6/$file/ohio%20tif%20fact%20sheet.pdf)

**Overview:**

Tax Increment Financing (TIF) is an economic development mechanism available to local governments in Ohio to finance public infrastructure improvements and, in certain circumstances, residential rehabilitation. A TIF works by locking in the taxable worth of real property at the value it holds at the time the authorizing legislation was approved. Payments derived from the increased assessed value of any improvement to real property beyond that amount are directed towards a separate fund to finance the construction of public infrastructure defined within the TIF legislation.

Local governments may authorize Incentive District TIFs to fund a number of public infrastructure needs including public roads and highways, water and sewer lines, remediation, land acquisition, demolition, the provision of gas, electric, and communications service facilities, and the enhancement of public waterways. Along with public infrastructure improvements previously noted, Service Payments generated from private improvements in an Incentive District TIF may be used to fund residential housing renovation projects as long as the TIF includes a public infrastructure component.

**Program Requirements:**

To use TIF, improvements to public infrastructure necessary for proposed new investment must first be declared to have a “public purpose” by local authorities. According to the Ohio Revised Code, “public infrastructure” is considered:

- Public roads and highways.
- Water and sewer lines.
- Environmental remediation.
- Land acquisition.
- Demolition (including demolition on private property deemed necessary for economic development).
- Storm water and flood remediation (including storm water and flood remediation on private property deemed necessary for public health, safety, and welfare).
- Gas, electric, and telecommunication services.
- Public waterway development.

TIF can be used to finance such public infrastructure serving new investment on one parcel or a number of parcels totaling up to 300 contiguous acres.

A TIF may be comprised of specific parcels or an "Incentive District." An Incentive District TIF is defined as (a) an aggregation of individual parcels of real property comprising an area no larger than 300 contiguous acres and (b) exhibits one or more characteristics of economic distress, as listed in § 5709.40(A)(5) of the O.R.C. Municipalities, townships, or counties may establish these Incentive Districts. The Service Payments collected through an Incentive District TIF can be used to fund public infrastructure improvements anywhere within the district, even if the public infrastructure does not directly benefit every parcel within the district.

For any municipality, township, or county with a population (based on the most recent federal census) of 25,000 or more, an Incentive District TIF can be created only if the value of real property located within all Incentive Districts, including the proposed Incentive District, will not exceed 25% of the jurisdiction's total real property valuation.

#### Establishment Process:

Local communities must pass legislation to approve a TIF. A local political jurisdiction may exempt the value of private improvements from real property taxes up to 75 percent for a term of up to 10 years. The TIF authorizing legislation enacted by the municipality, township, or county must specify the rate and term of real property tax exemptions. Local jurisdictions seeking to offer greater amounts of assistance under the TIF must first obtain the concurrence of the affected board(s) of education and the statutorily required additional government entities. With the concurrence of its school board(s) and the additional government entity, a local political jurisdiction may exempt the value of improvements up to 100 percent for a term of up to 30 years.

If a municipal or township Incentive District TIF created on or after January 1, 2006 proposes an exemption greater than 75 percent and/or a term in excess of 10 years, the local jurisdiction enacting the Incentive District TIF must notify the county prior to enacting its legislation. The county commissioners must be notified at least 45 business days prior to acting on the legislation to create the district. The county may accept or object, through legislation, to the rate and/or term of the exemption proposed under the Incentive District TIF and certify this legislation to the local jurisdiction within 30 days of notice receipt. If not accepted, the local jurisdiction can negotiate compensation with the county, or it may be required to provide the County a pre-determined compensation in years 11-30.

If, in conjunction with an Incentive District TIF, the municipality, township, or county establishing the district plans on applying for the real property exemptions on behalf of the real property owners located

within the district, the jurisdiction is statutorily required to hold a public hearing prior to district approval. Additionally, service payments may be required for certain levies when enacting a TIF.

### Governance

A taxpayer whose operations are located within an Incentive District TIF continues to make payments to the jurisdiction in an amount equal to the real property tax liability that otherwise would have been due had the property not been exempted. These payments in lieu of taxes, or Service Payments, are collected by the county treasurer in the same manner as real property taxes, but are deposited into separate public improvement tax increment equivalent funds.

Appendix E  
Harlem Township Comprehensive Plan

Public Service, Road and Infrastructure  
Improvements Programs Summary

**Program:** State Capital Improvement Program (SCIP), Local Transportation Improvement Program (LTIP)

**Administrator:** Ohio Public Works Commission (OPWC)

**Purpose:** Infrastructure improvement

**Website:** <https://www.pwc.ohio.gov/Programs/All-OPWC-Funding-Programs#56412-state-capital-improvement> , <https://www.pwc.ohio.gov/Programs/All-OPWC-Funding-Programs#56413-local-transportation-improvement>

### Overview:

The Ohio Public Works Commissions (OPWC) offers two funding opportunities for public infrastructure improvements. The first is the Local Transportation Improvement Program (LTIP). Through LTIP, applicants can apply for grants covering up to 100% of the costs for bridge and road improvements.

The State Capital Improvement Program (SCIP) provides funding through grants, loans, and loan assistance, or local debt support for roads, bridges, culverts, water supply systems, wastewater systems, storm water collection systems, and solid waste disposal facilities. Grants are available for up to 90% of the total project costs for repair/replacement, and up to 50% for new/expansion. Loans can be provided for up to 100% of the project costs. Grant/loan combinations are also available. There is no minimum or maximum loan amount with a term of one to thirty years, not exceeding the useful life of the project. The interest rate is 0%. Once the project is completed a final amortization schedule is provided requiring payments every January and July until the term of the loan expires. Loans may be paid in full with no prepayment penalty.

### Program Requirements:

Per the OPWC Website, the following requirements must be met at the time of application submission:

- The applicant must be one of the following: counties, cities, villages, townships, and water and sanitary districts.
- The application must contain the following attachments.
  - Authorizing Legislation
  - CFO Certification of Local Funds and Loan Repayment Letter
  - Engineer's Estimate and Useful Life Statement
  - Cooperative Agreement (For Multiple Jurisdictions)
  - Farmland Preservation Review Letter

### Application Process:

The OPWC uses one project application for funding for all infrastructure programs including SCIP and LTIP. Please contact your District, [District 17](#), or view your District webpage to determine if there are any district specific requirements or supplements required to apply. Some districts also have a pre-

application process. Submit applications according to the District 17 schedule. The application is only available as an Adobe form to complete as a template, but ultimately all applications will need to be entered into the OPWC web portal, [WorksWise](#).

Program Eligibility/Eligible Areas:

Eligible projects for SCIP are for improvements to roads, bridges, culverts, water supply systems, wastewater systems, storm water collection systems, and solid waste disposal facilities. Eligible project through LCIP are for improvements to bridges and roads.

Of the annual SCIP allocation, \$20 million is set aside for the Small Government Program established for villages and townships with populations in the unincorporated areas of less than 5,000 in population. Applicants who apply for funding that are not awarded at the District level can be selected for Small Government consideration by the District Committee as a “second chance” for funding.

**Program:** The Recreational Trails Program & Clean Ohio Trail Fund

**Agency:** Ohio Department of Natural Resources (ODNR)

**Purpose:** Trail Development and Maintenance

**Source Website:** <https://ohiodnr.gov/buy-and-apply/apply-for-grants/grants/clean-ohio-trail-fund>

**Overview:**

The Ohio Department of Natural Resources (ODNR) administers two types of trail assistance programs: Recreational Trail Program and the Clean Ohio Trail Fund. Both programs focus on providing access to recreational trails.

The Recreational Trail Program (RTP) provides funding up to 80 percent of project cost. This is a federal funded program administered by ODNR and is geared toward new trails and maintenance of existing trails. Trailhead facilities, such as parking lots and restrooms, are also eligible projects.

The Clean Ohio Trail Fund (COTF) is a state program that provides funding for up to 75% of project cost. This program also covers costs for planning, design and engineering of a trail. Stand alone planning and engineering are not eligible costs.

COTF focuses on longer trails and linkages between trails and has historically had more funding than the RTP each year. Generally, there is approximately \$1.6 million available annually through the RTP and approximately \$6.25 million available annually through the COTF.

**Program Requirements and Application Process:**

Townships can apply for both types of funding and one application form can be completed for both types of funding. Applications are typically due in April of each year for both programs. Applications are scored by ODNR staff and are then reviewed by a grant advisory board and approved by the ODNR administration. Any funds awarded under the RTP are subject to compliance with federal funding requirements including the Uniform Relocation Act. Both programs are reimbursable grants. This means that applicants must have funding on hand to pay for the project. Paid invoices are submitted and ODNR pays back the eligible grant percentages after receiving the proper documentation.



**Program:** Safe Routes to School Program

**Agency:** Ohio Department of Transportation (ODOT)

**Purpose:** To encourage students in grades K-12 to walk or ride their bike to school

**Website:** <https://www.transportation.ohio.gov/programs/safe-routes-srts/safe-routes-to-school-srts#page=1>

**Overview:**

Safe Routes to School Program (SRTS) is a \$5 million annual program that focuses on engineering, encouragement, education, enforcement and evaluation to help encourage students in K-12 grades to walk or ride a bike to school.

**Program Requirements:**

Infrastructure funding is available for projects that fall within a two-mile radius of a K-12 school. This is a reimbursement program. Up to 100% of eligible costs may be reimbursed for awarded projects. These costs can include preliminary engineering, detailed design, right-of-way, construction and construction engineering. The project limit is \$500,000.

**Application Process:**

This is a competitive grant administered by ODOT. Applications are typically open from early January to early March each year.

**Program Eligibility/Eligible Areas:**

Eligible applicants are community governments, individual schools or school systems. Infrastructure projects must be sponsored by a local governmental agency. Applicants must:

- Have Student and Crash 2-mile Radius Maps developed.
- Document current student travel methods and challenges to walking/biking
- Have identified projects as priorities within a School Travel Plan (STP), Active Transportation Plan (ATP), or equivalent
- Have their ODOT District SRTS Coordinator review project, budget and application.

According to the SRTS website, projects will be largely selected based on their ability to demonstrate: (1) improved connectivity, (2) improved safety, (3) demand (majority of students live within 2 miles of school), and (3) need (i.e. free/reduced lunch rates, low vehicle ownership). Additionally, projects will be reviewed for accurate cost estimates, program sustainability, and overall community commitment to implementing the project.

**Program:** Rural Business Development Grant (RBDG)

**Administrator:** United States Department of Agriculture – Rural Development

**Purpose:** To finance and facilitate development of small and emerging rural business.

**Website:** <https://www.rd.usda.gov/programs-services/business-programs/rural-business-development-grants>

### Overview:

The Rural Business Development Grant (RBDG) is one of many grant programs offered through the United States Department of Agriculture’s Office of Rural Development. RBDG provides funding to townships, communities, nonprofit corporations, rural cooperatives, and more to develop or expand small and emerging private rural businesses with fewer than 50 employees and less than \$1 million in gross revenues.

Funding is separated into enterprise or opportunity grants. Enterprise grants must be used on projects that benefit identified small emerging businesses in rural areas. Uses for enterprise grants include acquisition and development of land, training and technical assistance such as business training feasibility studies and market research, rural transportation improvement, capitalization of revolving loan funds, and more. Opportunity grants specifications are broader and must be used for projects in rural areas. Uses include community economic development, technology-based economic development, feasibility studies, rural business incubators, and long-term business strategic planning. There are no funding maximums, however, smaller requests are prioritized. Grants generally range from \$10,000 to \$500,000.

### Program Requirements:

Per the RBDG Webpage, the following requirements must be met at the time of application submission:

- The project must be located within an eligible area that is outside the urbanized periphery of any city with a population of 50,000 or more.
- The project must use funds for a use that falls under the enterprise or opportunity grant.
- Grant awardees will need to complete the required paperwork and comply with the terms and conditions of the award.

### Application Process:

Applicants must apply for RBDG funds through USDA Rural Development local or state offices. Applications are accepted once per year. USDA encourages applicants to [contact](#) their local or state office for application timelines and specific requirements.

All applications are evaluated based on:

- Evidence showing job creation to occur with local businesses;
- Percent of nonfederal funding committed to the project;
- Economic need in the area to be served;
- Consistency with local economic development priorities;
- Experience of the grantee with similar efforts; and
- Other factors described in the current Notice of Solicitation of Applications (NOSA), if one is published.

Program Eligibility/Eligible Areas:

Rural Business Development Grant money must be used for projects that benefit rural areas or towns outside the urbanized periphery of any city with a population of 50,000 or more. Eligible areas can be checked [here](#). The majority of Harlem Township lies in an eligible area.

**Program:** Property Assessed Clean Energy Funding (PACE)

**Administrator:** OHIO PACE

**Purpose:** Financing energy efficiency and renewable energy building improvements

**Website:** <https://ohpace.org/#how-it-works>

#### Overview:

PACE allows property owners in Harlem to improve their buildings “green footprint” in a cost-effective fashion, improving the quality of services in Harlem. The program allows property owners to finance the costs of energy efficiency, water conservation, and renewable energy improvements through special assessments on their real property tax bills over up to 30 years, allowing for investment with zero up-front payment from the property owner. PACE is implemented through local governments including townships. To enact PACE, Harlem must pass legislation to establish a special improvement district, or SID, to facilitate the financing. PACE then allows property owners to borrow money through governmental loans or bonds to pay for energy improvements to their properties including wind, geothermal, biomass, gasification, and energy efficiency technologies. PACE allows localities to encourage energy efficiency and renewable energy without putting general funds at risk. \$

#### Program Requirements:

Per the PACE Website, the following requirements must be met:

- Only property owners may apply for PACE financing; the property must be held with a clear title.
- Must be making a substantial energy efficiency or renewable energy improvement to a property.

#### Application Process:

To allow PACE financing to be accessed by community members of Harlem Township, the Township must first pass an ordinance to establish a program. A program administrator, or a person administering a PACE program on behalf of a public agency, is established. Sometimes, the local government itself will act as the administrator. PACE projects are financed by government bonds or PACE capital providers.

#### Program Eligibility/Eligible Areas:

Almost any type of renewable energy or energy efficiency improvement for almost any type of property including commercial, retail, industrial, nonprofit, and multi-family housing. Generally, PACE is inappropriate for investments under \$2,500.

**Program:** Farmers Market Promotion Program (FMPP)

**Administrator:** United States Department of Agriculture – Agricultural Marketing Service

**Purpose:** To expand direct producer-to-consumer markets to help increase access to and availability of locally and regionally produced agricultural products.

**Website:** <https://www.ams.usda.gov/services/grants/fmpp>

### Overview:

The Farmers Market Promotion Program (FMPP) is a funding opportunity through the USDA's Agricultural Marketing Service. The FMPP provides funding to local governments, nonprofit corporations, agricultural businesses and cooperatives and more to expand producer-to-consumer markets to increase access to local agricultural products. Applicants may request a minimum of \$50,000 and maximum of \$250,000.

FMPP provides two types of grants: Capacity Building (CB) and Community Development Training and Technical Assistance (CTA). Capacity Building grants intend to build long-term organizational capacity in the development, coordination, and expansion of domestic farmers markets, roadside stands, CSA programs, agritourism activities, online sales, or other direct producer-to-consumer market opportunities. CB projects include market analysis and strategic planning, local farmer or market manager startup training, farmer's markets operation and/or expansion, recruitment and outreach to farmers, ranchers, and consumers, and more. CTA grants intend to provide outreach, training, and technical assistance to farm and ranch operations serving local markets, and to other interested parties for developing, coordinating, and expanding domestic farmers markets or other producer-to-consumer market methods.

### Program Requirements:

Per the FMPP Webpage, the following requirements must be met at the time of application submission:

- This funding opportunity requires matching funds from non-Federal sources in the form of cash and/or in-kind contributions in an amount equal to 25 percent of the total Federal portion of the grant. There is no competitive advantage for an applicant to provide a cost share or match that exceeds the required amount. All matching contributions must be committed or secured at the time an applicant is recommend for an award.
- Project must be applicable to either the CP or CTA grant type.
- Applicants may not request less than the minimum or more than the maximum amounts. Applicants must justify the requested funding amounts within the appropriate project narrative sections.

Application Process:

Applicants must submit their application electronically on Grants.gov. The FMPP grant RFA will contain the information needed to obtain and complete required application forms and Agricultural marketing Service-specific attachments.

Program Eligibility/Eligible Areas:

All applicants must be domestic entities owned, operated, and located within the 50 United States. Eligible applicants include producer networks or associations, local governments such as townships, nonprofit corporations, economic development corporations, and more.

Priority consideration will be given to projects that benefit communities located in areas of concentrated poverty with limited access to supermarkets or locally or regionally grown food as defined below. The Agricultural Marketing Service does not require applicants to conduct projects in priority areas to be eligible to apply or receive grant funds.

**Program:** The Community Facilities Direct Loan & Grant Program

**Administrator:** United States Department of Agriculture – Rural Development

**Purpose:** Develop and improve essential community facilities.

**Website:** <https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loan-grant-program>

#### Overview:

The Community Facilities Direct Loan & Grant Program is funded through USDA Rural Development. Funds can be used to purchase, construct, or improve essential community facilities, purchase equipment and pay related project expenses. Eligible projects include construction or improvement of town halls, courthouses, and street improvements. Public safety services such as fire departments, police stations, police vehicles, fire trucks, public works vehicles or equipment can also benefit from this funding. This funding source could benefit Harlem Township if expected growth and development warrants additional fire or road personnel, building or equipment needs. Funding comes in the form of grants, loans, or a combination of the two. Grant assistance covers a maximum of 75% of project costs.

According to the Community Facilities webpage above from the USDA, “an essential community facility is defined as a facility that provides an essential service to the local community for the orderly development of the community in a primarily rural area, and does not include private, commercial or business undertakings.”

#### Program Requirements:

Per the Community Facilities Direct Loan & Grant Program Webpage, the following requirements must be met by at the time of application submission:

- Applicant must be eligible for grant assistance,
- Applicants must have legal authority to borrow money, obtain security, repay loans, construct, operate, and maintain the proposed facilities
- Applicants must be unable to finance the project from their own resources and/or through commercial credit at reasonable rates and terms
- Facilities must serve rural area where they are/will be located
- Project must demonstrate substantial community support
- Environmental review must be completed/acceptable

#### Application Process:

Applications are accepted year round. The [local Rural Development office](#) should be contacted to get started with the program.

Program Eligibility/Eligible Areas:

Rural areas including cities, villages, townships and towns including Federally Recognized Tribal Lands with no more than 20,000 residents according to the latest [U.S. Census Data](#) are eligible for this program. All but a small portion of the Township located between Fancher, Harlem and Miller-Paul Roads, is eligible for this program.

Funding priorities include small communities with a population of 5,500 or less and low-income communities having a median household income below 80% of the state nonmetropolitan median household income.



**Program:** Local Agricultural Easement Purchase Program (LAEPP)

**Administrator:** State of Ohio

**Purpose:** Agricultural farmland preservation

**Website:** <https://agri.ohio.gov/programs/farmland-preservation-office/resources/resource-clean-ohio-local-agricultural-easement-purchase-program-laepp>

**Overview:**

The Local Agricultural Easement Purchase Program (LAEPP) is one of several sub-programs funded through the Clean Ohio program. LAEPP provides funding to farmland owners for placing an agricultural easement on their property. This easement restricts the use of the land to agricultural purposes in perpetuity. Monies are issued for up to 75 percent of the appraised value of a farm's development rights. A payment cap has been set at \$2,000 per acre, with a maximum of \$500,000 per farm. All easement transactions are recorded on the property deed and transfer with the land to successive owners.

Per the LAEPP website above, "An agricultural easement is a voluntary and legally-binding restriction placed on a farm. The easement limits the use of the land to predominantly agricultural activity. The land remains under private ownership and management and stays on the tax rolls under Current Agricultural Use Valuation (CAUV). The farmland can be sold or passed along as a gift to others at any time, but the restriction prohibiting non-agricultural development stays with the land."

**Program Requirements:**

Per the LAEPP Website, the following requirements must be met by the farmland and owner at the time of application submission:

- The farm must be enrolled in CAUV and the Agricultural District Program through the county auditor's office.
- The farm must be a minimum of 40 acres unless the farm is adjacent to a preserved farm, then it must be a minimum of 25 acres.
- NOTE: Farms that are 10-24 acres and also share a substantial border with permanently protected land compatible with agriculture must submit a written request with supporting documentation before eligibility for application can be determined.
- The farmland owner must certify that the property does not contain hazardous substances.
- The farmland owner must have been in compliance with state and federal agricultural laws for the past five years.
- The farmland owner must have possession of the clear title to the applicant property.
- The local sponsor must agree to share monitoring and enforcement responsibilities.
- A minimum of 25 percent of the points-based appraised value of the agricultural easement must be provided either in cash match by the local sponsor, donation by the landowner, or a combination of donation and cash match.

Application Process:

Landowners must apply for Clean Ohio funds through local governments (such as counties, townships, and municipalities), Soil and Water Conservation Districts (SWCD), or a charitable organization. These entities are referred to as “local sponsors,” and once they are certified, they have the ability to submit applications on a landowner’s behalf to the Ohio Department of Agriculture (ODA) for consideration. Application opportunities are open for a maximum of 90 days. Interested landowners are encouraged to contact a potential local sponsor.

Program Eligibility/Eligible Areas:

All farmland is eligible; however the program incentivizes farmland not under direct development pressure through the points system.

**Program:** Agricultural Security Area Program

**Agency:** State of Ohio Department of Agriculture, Office of Farmland Preservation

**Purpose:** Agricultural farmland preservation

**Website:** <https://agri.ohio.gov/programs/farmland-preservation-office/resources/resource-agricultural-security-area-program>

**Overview:**

The Agricultural Security Area (ASA) Program is a tool that promotes agricultural retention by creating special areas in which agriculture is encouraged and protected. ASAs provide certain benefits to farmers, including protection from non-agricultural development, a critical mass of land to help keep farming viable, and possible tax benefits for investing in new real-agricultural property. The ASA program authorizes one or more landowners, with at least 500 acres of contiguous farmland, to request enrollment into an ASA for a 10-year period.

The crux of the program is approval by both the boards of county commissioners and township trustees in which the land resides. The township trustees and county commissioners pass a resolution committing not to initiate, approve, or finance any development for residential, commercial, or industrial purposes, including construction of new roads and water and sewer lines within the ASA for 10 years. Likewise, landowners commit to exclusively engage in agricultural activities and development.

Land within the ASA may be transferred during the 10 years. New landowner(s) may retain the land in the ASA or withdraw it. At the end of the enrollment period, the landowner(s) enrolled in a current ASA may renew by filing a new application. The renewal must be filed at least 180 days prior to the expiration date of the original enrollment. The procedures and requirements used to renew an ASA are the same as for the original application.

There is no funding provided by the program. However, the landowners may request tax exemptions on new investments in a building, structure, improvement, or fixture that is used exclusively for agricultural purposes. The Ohio Department of Agriculture provides technical assistance to local officials and farmers interested in using ASAs, including a copy of the law, an ASA application, a sample resolution, an application for tax exemption, and a sample tax exemption agreement.

**Program Requirements:**

Per the ASA Website, to be eligible for the program, the following criteria must be met:

- The ASA must consist of at least 500 contiguous acres of farmland.
- The land must be in the unincorporated area of the county or counties.
- Landowners must be enrolled in the CAUV tax program and enrolled in the Agricultural District Program.
- Landowners must be using “best management practices.”
- Landowners must not have any civil or criminal actions in violation of Ohio or U.S. environmental law in the 10 years prior to the date of application.

- If the ASA straddles more than one township or more than one county, an ASA application must be submitted to and approved by each county's board of commissioners and/or township trustees.

#### Application Process:

Eligible landowners, who individually or collectively own 500 or more contiguous acres of farmland, must submit an application to both the boards of county commissioners and township trustees requesting enrollment in an ASA for 10 years.

As an attachment, a map must be prepared identifying the proposed ASA boundaries, parcel numbers of the land, and names and locations of all water ways, utility rights-of-way, and road ways. The map must show any existing residential, recreational, commercial, or industrial facilities that are situated on the land or within 500 feet of the perimeter of the boundary of the proposed ASA.

The commissioners or trustees may hold separate or joint public hearings prior to approving or rejecting an application. Approval of an ASA requires passing a resolution by the trustees and commissioners.

#### Program Eligibility/Eligible Areas:

All farmland in Ohio that meets the criteria above is eligible, depending on the Commissioner's and Trustee's willingness to agree and pass a resolution establishing the ASA.

**Program:** Agricultural Easement Donation Program

**Agency:** State of Ohio Department of Agriculture, Office of Farmland Preservation

**Purpose:** Agricultural farmland preservation

**Website:** <https://agri.ohio.gov/programs/farmland-preservation-office/resources/resource-agricultural-easement-donation-program>

#### Overview:

The Agricultural Easement Donation Program (AEDP) is a tool for landowners to protect their farm's soils, natural resource features, and scenic open space. It provides landowners the opportunity to donate the easement rights on viable farmland to the Ohio Department of Agriculture (ODA). The department assures the land remains in agricultural use forever. The standard cost for services needed to secure the easement (i.e., title examination, title policy, escrow, closing and recordation) are covered by ODA. All easement transactions are permanent. They are recorded on the property deed and will transfer with the land to successive owners.

While there is no direct funding tied to the program, the State may cover much of the cost of donating the easement. Additionally, the donation is tax deductible.

#### Program Requirements:

Per the AEDP Website, the land must meet the following criteria:

- The applicant farm must be enrolled in CAUV and the Agricultural District Program through the county auditor's office.
- The farm must be a minimum of 40 acres unless the farm is adjacent to a preserved farm, then it must be a minimum of 25 acres.
- Any liens or mortgages on the farm must be subordinated to the easement.
- The farmland owner must certify the property does not contain hazardous substances.
- The farmland owner must have been in compliance with state and federal agricultural laws for the past five years.
- The farmland owner must have possession of clear title to the applicant property.

#### Application Process:

Farmland Preservation staff will first meet with the landowner to review the program. Next, staff or the local partnering organization will conduct a site visit of the farm. Third, before accepting a donated agricultural easement, ODA will give notice of the donation to local elected officials, including county commissioners, township trustees, and the mayor of any municipality within a quarter mile of the farm. The local officials will be given 30 days to review and comment on the proposed donation. If one or more local elected governments object to the donation for a "valid" reason, the director of ODA may decline the donation. A valid reason might be that the local government has officially designated the property for non-farm use.

ODA partners with a local entity to monitor the easement, which includes an annual visit to the farm. A local partner may include a county, township, land trust, or soil and water conservation district.

Program Eligibility/Eligible Areas:

All farmland in Ohio that meets the criteria above is eligible; however the program guidelines do state requests are evaluated on a case-by-case basis. Additionally, ODA may choose not to accept an easement if the local government states it has different plans for the property.

**Program:** Agriculture Conservation Easement Program (ACEP)

**Administrator:** United States Department of Agriculture - Natural Resources Conservation Service

**Purpose:** Agricultural farmland preservation and/or wetland restoration

**Website:** <https://www.nrcs.usda.gov/programs-initiatives/acep-agricultural-conservation-easement-program>

#### Overview:

The Agriculture Conservation Easement Program (ACEP) is a conservation easement program that combines three previously separate easement programs — the Wetlands Reserve Program (WRP), Grassland Reserve Program (GRP), and Farm and Ranch Lands Protection Program (FRPP) through the USDA Natural Resources Conservation Service (NCRS). ACEP helps landowners to permanently protect wetlands, grasslands, and farm/ranchlands on their properties. NCRS provides matching funds to eligible entities, state and local governments, non-governmental organizations, and Indian tribes to acquire agricultural conservation easements on working agricultural lands.

There are two parts to ACEP, Agricultural Land Easements (ALE) and Wetland Reserve Easements (WRE). ALE helps private and tribal landowners, land trusts, and other entities such as state and local governments protect croplands and grasslands on working farms and ranches by limiting non-agricultural uses of the land through conservation easements. NCRS may contribute up to 50 percent of the fair market value of the agricultural land easement. Where NCRS determines that grasslands of special environmental significance will be protected, NCRS may contribute up to 75 percent of the fair market value of the agricultural land easement. WRE helps private and tribal landowners protect, restore, and enhance wetlands which have been previously degraded due to agricultural uses.

#### Program Requirements:

Per the ACEP Webpage, the following requirements must be met:

- All landowners, including required members of landowner-legal entities, must meet adjusted gross income (AGI) limitations and must be compliant with the HEL/WC provisions of the Food Security Act of 1985.
- A partner, such as a Land Trust, is needed to hold the easement which could be established by Harlem Township.

#### Application Process:

NCRS recommends landowners meet with the local NCRS field office to discuss their property. NCRS offers free technical assistance and advice for landowners. NCRS will work with landowners throughout the process starting with:

- Filling out AD 1026, which ensures a conservation plan is in place before lands with highly erodible soils are farmed. It also ensures that identified wetland areas are protected.
- Meeting other eligibility certifications.
- NCRS will then work with landowners on the application.

### Program Eligibility/Eligible Areas:

Eligible partners include state and local governments and non-governmental organizations that have farmland, rangeland or grassland protection programs. Eligible landowners include owners of privately held land including land.

Land eligible for agricultural easements includes private or Tribal land that is agricultural land, cropland, rangeland, grassland, pastureland and nonindustrial private forest land. Applications that protect agricultural uses and related conservation values of the land and those that maximize the protection of contiguous acres devoted to agricultural use, including land on a farm or ranch will be prioritized.

Eligible Land Types must also meet one of the four following land eligibility criteria:

- Parcels enrolled to protect Prime, Unique, or Other productive soil.
- Parcels enrolled to provide protection of grazing uses and related conservation values.
- Parcels containing historical or archeological resources.
- Land that furthers a state or local policy consistent with the purposes of ACEP-ALE.

Land eligible for wetland reserve easements includes privately held farmed or converted wetland that can be successfully and cost-effectively restored. NRCS will prioritize applications based the easement's potential for protecting and enhancing habitat for migratory birds and other wildlife.



**Program:** Conservation Reserve Program (CRP)

**Administrator:** United States Department of Agriculture – Farm Service Agency (FSA)

**Purpose:** Conservation and environmental improvement

**Website:** <https://www.fsa.usda.gov/programs-and-services/conservation-programs/conservation-reserve-program/>

**Overview:**

The Conservation Reserve Program (CRP) offers a yearly rental payment to farmers to remove environmentally sensitive land from production and plant species to improve the quality of the environment. Contracts for land enrolled in CRP range from 10 to 15 years in length, protecting the land for that time period while simultaneously offering a financial incentive to farmers. A similar program offered through the FSA is and the Farmable Wetland Program (FWP), following the model of CRP, with land being taken out of production and environmentally enhanced in exchange for a payment from the Farm Service Agency. Eligible owners may enroll land in CRP through the general, continuous, CREP, or grassland signups.

CRP Grasslands helps landowners and operators protect grassland, including rangeland, and pastureland, and certain other lands, while maintaining the areas as grazing lands. The program emphasizes support for grazing operations, plant and animal biodiversity, and grassland and land containing shrubs and forest under the greatest threat of conversion.

CREP may provide additional benefits not available through those signup types such as higher incentive payments and longer contract lengths that increase the total amount of rental payments received.

**Program Requirements:**

Per the CRP, the following requirements must be met by the farmland and owner at the time of application submission.

A producer must have owned or operated the land for at least 12 months prior to submitting for CRP, unless:

- The new owner acquired the land due to the previous owner's death;
- The ownership change occurred due to foreclosure where the owner exercised a timely right of redemption in accordance with state law or;
- The circumstances of the acquisition present adequate assurance to FSA that the new owner did not acquire the land for the purpose of placing it in CRP

**Requirements may vary for general continuous, wetland, and CREP applications.**

### Application Process:

Landowners should contact the [local FSA office](#) if interested in enrollment in CRP.

Under continuous CRP signup, environmentally sensitive land devoted to certain conservation practices can be enrolled in CRP at any time. General CRP signups and Grassland CRP are subject to competitive bidding during specific periods. Under general enrollment, producers have the opportunity to offer land for CRP general enrollment annually during announced enrollment periods.

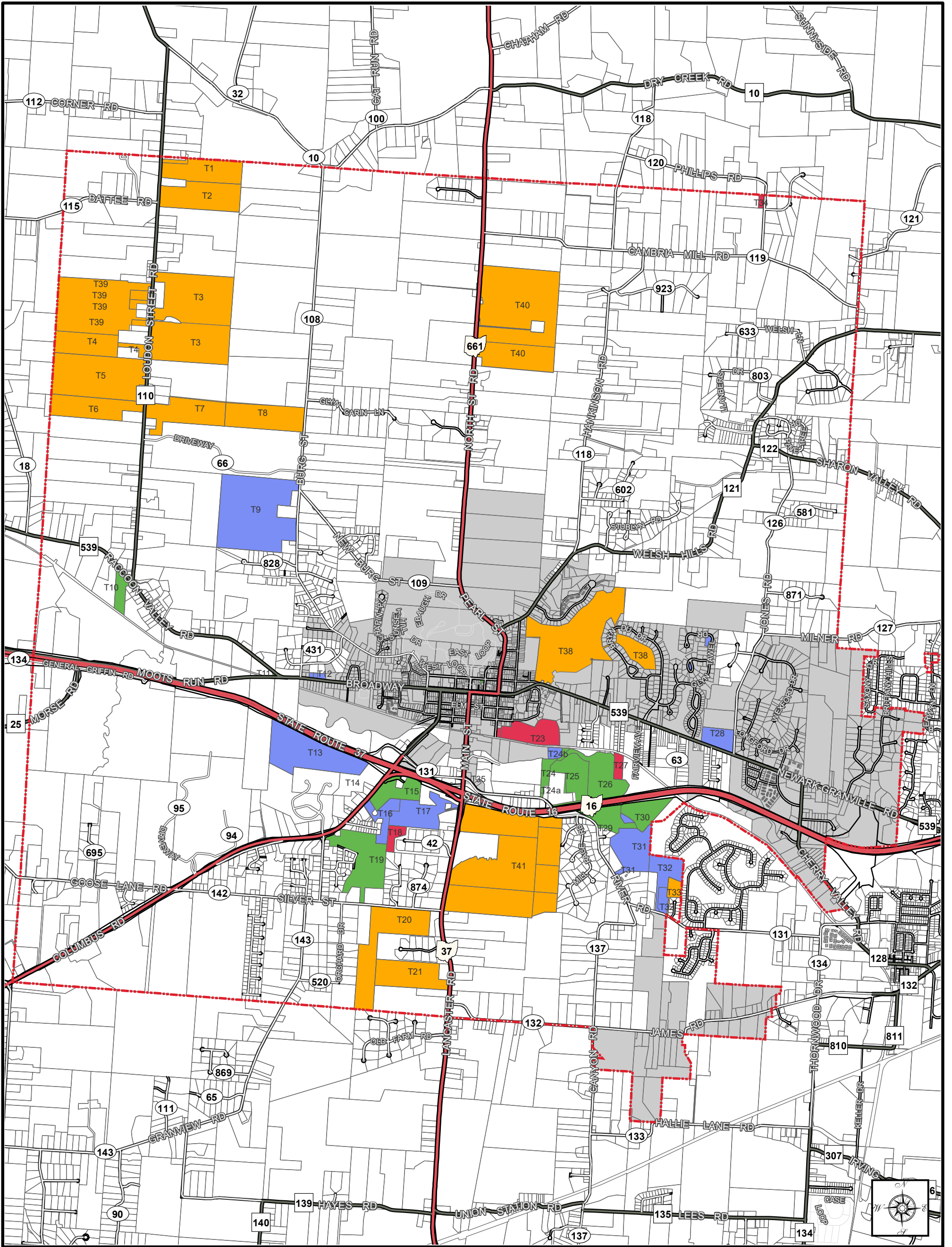
### Program Eligibility/Eligible Areas:

For cropland, land must be planted or considered planted to an agricultural commodity for four of six crop years and is physically and legally capable of being planted (no planting restrictions due to an easement or other legally binding instrument) in a normal manner to an agricultural commodity.







## Appendix F

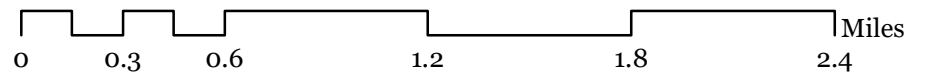
### Granville Open Space Program Information

# Granville Township Open Space Properties



## Legend

- |  |                                   |   |                               |
|--|-----------------------------------|---|-------------------------------|
|  | <b>Granville Township</b>         |  | <b>Unrestricted Funds</b>     |
|  | <b>Cemeteries &amp; Donations</b> |  | <b>Conservation Easements</b> |
|  | <b>Open Space Funds</b>           |  | <b>Village of Granville</b>   |



Disclaimer: This map was created by the Village of Granville from automated files and other sources of information obtained from the Licking County Engineer's Office and from various other sources. All data was gathered for the sole use of the Village of Granville. No warranties express or implied are made by the Village of Granville or its officers or employees for any of the information contained on or set forth on this map, and those who use this map do so at their own risk.

Open Space Parcel #'s, which correspond to the numbers on this map, can be found on a separate spreadsheet attached to this document.

# the record

## Granville Township Open Space Acquisition Discussed

*This is the second in a series of Township newspaper articles and newsletters covering 5 areas of township government activities and open forums including:*

- *Taxation*
- *Open and Recreational Property Acquisition*
- *Strategies to Manage Growth and Assist Our Schools*
- *Partnering and Its Payoffs*
- *Overview of Township Government*

Note: The next Residents' Open Forum on Open Space Acquisition is scheduled for 7:00 p.m., June 2, 2004, at Granville Intermediate School, 2025 Burg St. All residents are encouraged to attend!

### Dear Granville Township Residents,

During the last election, Township officials received inquiries concerning its recreation and open space property acquisition program. In 1991, the Township began a deliberate program of purchasing property for community ownership. Since that time, the Township has acquired 753 acres of recreation and open space through outright property purchases and development easement purchases.

Funds for these purchases have come from several sources. They include unrestricted funds from our general account, Opera House settlement proceeds paid into our general account, and funds from two open space acquisition levies. Some community members have asked how the trustees have decided which properties to purchase. Others are simply interested in knowing where these properties are located. This article will address the history of the Township property acquisition program, its funding, and the community input functions which have guided this process.

### Insurance Proceeds Used

The Township received approximately \$500,000.00 of insurance and lawsuit proceeds for the fire loss of the opera house in 1989. The Township formed the Opera House Settlement Committee on December 20, 1989 consisting of 9 Village and Township residents to make recommendations for the use of those funds. That committee completed its

work and issued a report on July 5 1990. The report recommended, "purchase recreational land and areas of natural beauty/preservation of green space." The report further suggested that the Township seek Village and Township approval of a levy "...for the purchase of land for parks and for the preservation of some open spaces and attractive natural features." Thus was born the Granville Township recreational and open space acquisition program.

At the time, an area of property now known as Salt Run Park located between S.R. 16 and Silver Street was under threat of development. The first purchase of recreational property was completed in 1991. The second purchase of property is the property now known as Raccoon Valley Park.

The original joint comprehensive plan was completed in December 1990 and accepted by the Township and Village in 1991. That plan noted the severe shortage of recreational space in the community. The Ohio Legislature enacted Ohio Revised Code 5705.19(HH). This new law permitted Townships to pass real estate tax levies for the acquisition of open space through outright purchases of land and development easements. Unlike the Opera House Insurance Proceeds which are held in our general fund and are "unrestricted," open space levy proceeds are "restricted," in that these purchases are for preservation of open space and uses on these purchases are more restrictive and regulated by law.

Granville Township became the first Township in the state of Ohio to pass an open space levy. The 1.0 mill levy became effective in 1998. It was renewed by popular vote in 2001. After initial passage, the Township trustees appointed a broad community based citizen group which included a member of Village council (Dan Bellman), a Village planning member (Keith Myers), and former Township trustee Paul Treece.

The report of that committee recommended purchasing property of:

- *Natural or scenic beauty*
- *Unusual geological significance*
- *Old-growth woods*
- *Land and wetlands above the Raccoon Valley Aquifer*
- *Open vistas and strategic watersheds in general*

## Granville Township Open Space Acquisition Discussed (continued)

The initial open space 1.0 mill levy was intended to test the waters to determine the community's interest and acceptance of supporting an open space acquisition program funded through real estate tax levies. In 2000, the Township trustees were approached by a group of citizens who felt that the Township should become more aggressive in pursuing additional open space. This group recommended increasing the revenues raised to pursue those purchases.

The community passed its second open space acquisition levy of 2.5 mills in 2000 and collection of those revenues began in 2001. Again the Township trustees sought community input and guidance in shaping its open space strategy. A community-wide citizens group was formed that included a Village council member (Candi Moore) and other Village and Township residents.

That committee issued its final report to the Township trustees on April 25th, 2001. Its recommendations included 5 categories of property purchases:

- *Preservation of areas of scenic/natural beauty as well as areas of historical or unusual geological significance that may be subject to development;*
- *Preservation of the integrity of the comprehensive plan;*
- *Protection of agricultural lands;*
- *Preservation of Granville lands in danger of being annexed to other communities and/or high density development;*
- *Protection of edges and boundaries, Village entrances, buffers, open vistas, and view sheds.*

### List Remains Confidential

The specific properties that were recommended for purchase in the open space committee reports remain confidential and protected from public disclosure. If a list were to be made public it could cause the acquisition cost to increase. As acknowledged in these reports, it is impossible to fulfill each and every criteria.

Several factors and strategies have emerged as we have implemented this program. First, the Township Trustees can only purchase property that is voluntarily sold to us. We are prevented by law from using open space levy funds to make acquisitions through the power of eminent domain. Second, it has become apparent that, where possible, it makes sense to target property that is located adjacent to property owned by other public and charitable institutions. In this way, we can

work with others who have the broader community interest as their mission and, by combining our efforts, create aggregate blocks of community controlled real property. Finally, because we are a public political institution, we can structure transactions for owners who are interested in financing their sale of land to us in a manner that provides tax benefits not ordinarily available in private transactions. This gives us the opportunity to pay for property over time and gives us flexibility in stretching our resources. It also provides an additional inducement to sellers of property to work with us in exchange for tax benefits.

We have leveraged community resources through the application and receipt of public grants. In 1996, the Township Trustees and Clerk, by their own personal efforts, prepared and applied for an Ohio Nature Works Grant for improvement of Raccoon Valley Park. In 1997, Granville Township received a \$100,000 grant from the State of Ohio. Funds were used for the original construction of two soccer fields and four baseball diamonds, as well as adjacent access and parking. In 2002, the Granville Township Trustees and Clerk, through their own resources, prepared and applied for a State of Ohio grant designed to protect endangered habitat along a portion of Raccoon Creek. On May 28, 2003, Granville Township received \$49,242 from the State of Ohio for reimbursement of 75% of the purchase of the 21.3-acre Watts Property.

Since that time, we have aggressively applied for—but have been unsuccessful in our attempts to receive—further grants for farmland preservation, as well as extension of a bridge over Raccoon Creek to tie that park to the bike path at the location of the Schwarzkopf Farm.

In closing, we hope to see you at the next Township Residents Forum on Open Space Acquisition, 7:00 p.m., June 2, 2004, at Granville Intermediate School, 2025 Burg Street.

Sincerely,

Jim Havens, Lyle King and Wes Sargent

Jim Havens, Trustee      jameshavens@granvilletownship.org  
614-496-3500

740-587-4989 (home)

Lyle King, Trustee      lyleking@granvilletownship.org

740-587-1328

Wes Sargent, Chair      wessargent@granvilletownship.org

740-587-0926

Norm Kennedy, Clerk      businessoffice@granvilletownship.org

740-587-3885

Business Office

740-587-3885

740-587-7206 (fax)

Visit the  
Granville Township  
web site at

[www.granvilletownship.org](http://www.granvilletownship.org)



## Appendix G

Sewer Agreement between  
the City of Columbus and Delaware County

AGREEMENT FOR SANITARY SEWER SERVICE  
BETWEEN  
DELAWARE COUNTY AND THE CITY OF COLUMBUS

This agreement, made and entered into this 12th day of November, 1991, by and between the Delaware County Sewer District, acting through the Board of County Commissioners of Delaware County, Ohio, pursuant to Resolution No. 91-827, and the City of Columbus acting through its Director of Public Utilities and Aviation pursuant to Ordinance No. 2424-91;

To provide for the discharge of sewage, industrial waste, water or other liquid wastes from the sewers of the City of Columbus, in Delaware County, (hereinafter City), into the sewerage system and the sewerage treatment works of the Delaware County sewer district, Delaware County, Ohio (hereinafter County) and to provide for the discharge of sewerage, industrial waste, water or other liquid wastes from the sewers of the County into, and the transportation, pumping and treatment of the same by the sewerage system and sewerage treatment works of the City, as hereinafter provided:

WHEREAS, there exists a need to protect the public health, safety and welfare of the citizens within the County and the City, and for significant environmental reasons including the location and proximity of the City's drinking water supply and related facilities, there are areas within the County where sanitary wastewater can best be treated and discharged by the City, and;

WHEREAS, the County and the City have determined it to be in the best economic interest of their respective residents to avoid duplication of sanitary wastewater treatment facilities, and;

WHEREAS, the County and the City have determined that there are areas within the corporate limits of the City located within the County where sanitary wastewater can best be treated by the County, and, there are areas within the County located outside the corporate limits of the City where sanitary wastewater can best be treated by the City;



NOW THEREFORE, in consideration of the mutual covenants and promises herein contained, and in accordance with the applicable provisions of the Columbus City Codes, and by the applicable rules and regulations promulgated by the Board of Commissioners of Delaware County, Ohio, the parties do hereby agree to the collection, transportation, pumping, treatment, and discharge of sanitary wastewater as follows:

SECTION I

(A) That the City shall have the right and obligation under the provisions of this agreement to discharge all wastewater from the sanitary sewers of the City located within Delaware County and hereafter described as AREA #1, to the sanitary sewer system of the County for treatment at one of the County wastewater treatment facilities. AREA #1 shall be the area of the County bounded on the west by the Conrail Railroad, on the east by Alum Creek, and on the north by Powell Road.

(B) The City has undertaken a study of its ability to provide service to Areas 2 and 3 hereinafter described. It is anticipated that the study will be completed by April 1, 1992. Upon completion of the study the parties will review the boundaries of Areas 2 and 3 and the conditions of service thereto. The County shall provide service to Areas 2 and 3 within such boundaries for discharge to and treatment by City as the City deems feasible based upon its study. In the event the City determines, based upon the study, contractual obligations, or otherwise, that treatment services by the City are not feasible, then County shall provide service as set forth in this agreement.

(C) The County shall have the right and obligation under the provisions of the Agreement to discharge all wastewater from the sanitary sewers of the County located within the County and hereafter described as AREA #4, to the sanitary sewer system of the City for treatment at one of the City's wastewater treatment facilities.

(D) AREA #2 shall be the area generally west of the Scioto River bounded on the west by Union County, on the south by the corporate limits of the City of Dublin and on the north by U.S. Route 42. The conditions of service to the area shall be determined in accordance with the provisions set forth in I(B) hereinabove.

(E) AREA #3 shall be the area east of Hoover Reservoir and the Little Walnut Creek bounded on the east by the Licking County line, on the south by the Franklin County line, and on the north by State Route 37. Conditions of service to the area, shall be determined in accordance with the provisions set forth in I(B) hereinabove.

(F) AREA #4 shall be the area north of Lazelle Road bounded on the north by the Catholic Cemetery, on the east by the Conrail Railroad, and on the west by the Highbanks Metro Park.

(G) The parties agree that a map describing AREAS #1, #2, #3, and #4 shall be affixed to this Agreement as Exhibit A.

## SECTION II

(A) Whenever and to the extent that the ordinances, resolutions, rules and regulations of the parties governing the use of the sewer system in the City or the County prohibit or restrict the direct discharge to the sanitary sewers from premises served thereby, such prohibition or restriction shall apply equally to all premises within AREAS #1, #2, #3 and #4 herein described.

(B) The parties shall not at any time cause or permit storm water, roof drains, or footer drains to be connected to the sanitary sewer system. The County and City by authorizing the execution of this Agreement do hereby adopt pertinent parts of one another's Codes including Chapter 1145 Columbus City Codes and/or Regulations as amended, pertaining to wastewater discharge, as local regulations governing the discharge into any sewer or related appurtenance.

(1) The parties may make and enforce rules and regulations establishing the types and characteristics of sewage, industrial wastes, and other matter which shall not be discharged into the sanitary sewerage system, the types and characteristics of sewerage and industrial wastes dischargeable to the system only after pretreatment, requisites for pretreatment, and otherwise governing the discharge of sewerage, industrial wastes and other matter into the system other than as may be provided, in the interest of the public health, safety and welfare and the further efficient operation of the wastewater treatment facilities of the respective parties.

(2) No user of the sanitary sewer system of the County which discharges into any sewer of the City shall discharge any wastewater in excess of the standards set forth by the City, and no user of the City which discharges into any sewer of the County shall discharge any wastewater in excess of standards set forth by the County.

(3) The parties will not discharge or cause or permit to be discharged into any sewer or into any water course, ditch or drain leading into any sewer, any acid, chemical or other substance, which tends to or does destroy or in any way injures the sewer or which in anyway interferes with proper maintenance facilities and the transportation, treatment or disposition of any sewerage carried or drained through any sewer of the County or the City.

(4) The parties shall not discharge, cause or permit to be discharged, and no other person shall discharge, cause or permit to be discharged, directly or indirectly into any sewer of the County or the City in violation of the discharges prohibited by each party in their respective areas.

(5) (a) The requirements set forth in this Agreement, together with any elaboration, extension, definition or amendment of said requirements through the rules and regulations issued from time to time by the City's Director of Public Utilities and Aviation, or by legislative processes of the Council of the City of Columbus shall all apply to all premises in the County which are or later become tributary directly or indirectly to the sewerage system of the City of Columbus to the same extent and degree as apply within the City of Columbus.

(b) The requirements set forth in the Agreement, together with any elaboration, extension, definition or amendment of said requirements through the rules and regulations issued from time to time by the Delaware County Sanitary Engineer or by legislative processes of the Board of County Commissioners shall apply to all premises in the City which are or later become tributary directly or indirectly to the sewerage system of the County to the same extent and degree as apply within the County.

(6) Nothing in this Agreement nor in the codified ordinances of the City of Columbus or resolutions duly adopted by the Board of County Commissioners shall be construed as preventing any special agreement or arrangement between the County or the City and any user whereby wastewater of unusual strength or character is accepted into the publicly owned treatment works of either party, and specially treated, and subject to any payments or user charges, as may be applicable. However, no discharge which violates Categorical Pretreatment Standards will be allowed under the terms of the such special agreement. If, in the opinion of the City's Director of Public Utilities and Aviation, or the County Sanitary Engineer, the wastewater may have the potential to cause or result in any of the following circumstances, no special agreement shall be made:

- (a) Pass-through or interference at the treatment facilities;
- (b) Endanger County or City employees or the public;
- (c) Cause violations of Water Quality Standards in the receiving waters or of the County or City's NPDES permits.

(7) The construction of all sanitary sewers, pump stations, or service connections shall meet the current requirements applicable to such improvements in effect as promulgated for the area where such improvements are to be constructed.

(8) If, due to an accident or emergency, the City or County does not comply with any prohibition or limitation herein set forth, the offending party shall use its best efforts to notify the other within twenty-four (24) hours so the corrective action may be taken to protect the treatment facilities. In addition, a written report detailing the date, time and cause of the accidental discharge and the quantity and characteristics of the discharge shall be filed with the other party within twenty-one (21) days of the occurrence of the non-complying discharge.

### SECTION III

(A) All main sanitary sewers and connections to serve AREAS #1, #2, #3, and #4 as described herein shall be constructed in accordance with detailed plans and specifications which have been approved as to sewers serving areas to be treated by facilities of the County by the Delaware County Sanitary Engineer and as to sewers in areas to be treated by facilities of the City by the Director of Public Utilities and Aviation of the City, provided that such approval shall be made by said respective officials within thirty (30) days after the plans and specifications had been submitted for final approval. No construction of any proposed extension of any sanitary sewer shall be permitted until the party desiring such construction has submitted to the other detailed design plans and specifications which shall include at a minimum the following information:

(1) The data and calculations upon which the sewer line is based shall be submitted to the Engineer at the time of the General Plan. The information shall be type written on 8-1/2" X 11" paper and shall include the following:

- (a) Average domestic flow in each sewer.
- (b) L/I flow in each sewer.
- (c) Peak flow in each sewer.
- (d) The capacity of each sewer.

(2) A 2' contour topographical map with a 1" equals 200' scale to show the tributary area.

(3) Proposed lot layouts and building types (e.g. residential, apartment, commercial, industrial, etc.)

(4) Proposed sewer sizes, percent of grade and invert elevations

(5) Location and size of any sewage pump station and force main.

(6) Location, type and capacity of any temporary wastewater treatment facilities.

Upon completion of such work and not later than sixty (60) days thereafter, accurate record drawings showing the work as actually constructed shall be filed by the party constructing the work with the other party. Said drawings shall show the area of each and every tributary lot and tract computed in accordance with the provisions of this agreement.

(B) Each party may require the other to oversize sanitary sewers which may be constructed and to extend such sewers to serve upstream properties within the tributary area which may be located outside the parties' respective governmental boundaries. Wastewater flow from the tributary areas shall be based upon the following standards:

- (1) AREA #1 - 12 persons per acre.
- (2) AREA #2 and #3 the conditions of service thereto to be determined in accordance with the provisions of I(B) hereinabove set forth, but in any event no to exceed 4 persons per acre.

- (3) AREA #4 - 8 persons per acre.
- (4) 1 person equals 100 gallons per day.

Densities in portions of each area may exceed the maximum density per acre as set forth above, however, the gross density per area shall not be exceeded, and such density shall be reserved for the entire tributary area of each sanitary sewer. Each party shall have the right to discharge wastewater from their respective tributary areas into any sewer owned and operated by the other party under the terms of this Agreement based upon the above densities. Both parties shall maintain records of connection permits, and shall transmit copies of sewer connection/service permits to each other at least quarterly and shall keep and maintain accurate records of all premises connected with their respective sewers, which records shall, upon demand, be made available to each other.

(C) The parties shall furnish each other with location maps showing the overall sanitary sewer system and shall furnish to each other additional copies thereof when individual maps are changed or otherwise amended.

#### SECTION IV

(A) Commencing on the effective date of service under this Agreement, each party shall have the right and privilege of billing a user charge to the other party every three (3) months for sewer service based upon the amount of sewage discharged into the other parties' sewer system as measured by a flume metering device which shall be installed by the City or County in the respective sewers which discharge into the sewers or treatment facilities of the other party, the installation and location of this device must be approved in advance by the receiving party.

(B) The user charge of the party accepting the discharge shall be based upon the receiving party's current rate in existence at the time of discharge plus a surcharge of 50%. The sewer use charges and surcharges shall be payable within thirty (30) days after receipt of the bill therefore.

## SECTION V

During the effective period of this Agreement each party shall have the right to enter into the territory of the other party for all purposes necessary and incident to the execution of the provisions of this Agreement, and for the further purpose of constructing, within sewer tributary areas, any sewer extensions which may be deemed necessary. The plans for any such extensions shall be submitted by the party desiring the construction to the other party for approval for location and other engineering criteria as otherwise provided in this agreement.

## SECTION VI

(A) Availability of sanitary sewer collection and treatment facilities and services, and the compensation and other charges payable therefore to be made and provided by the parties to this Agreement shall be in accordance with the following schedule:

(1) In Area #1 the sanitary sewer will be available immediately for connection in County sewers and easements which currently exist within the area shall be conveyed to the City upon payment of the sum of One Hundred Fifty-Five Thousand Three hundred Seventy-Five Dollars (\$155,375.00) by the City to the County. Acceptance of the sewer and payment of said sum by the City shall be contingent upon successful passage of a prior inspection of the sewer by City which inspection shall be completed on or before April 1, 1992..

(2) In AREA #2, City will support the County in its efforts to obtain sanitary sewer service through the City of Dublin, Ohio by December 31, 1995. In the event County is unable to obtain sanitary sewer service for the area through the City of Dublin by such date, then County may provide such service as otherwise provided in this agreement.



(3) In AREA #3, City shall have the opportunity to complete its ongoing engineering study of the capacity of the Big Walnut Trunk sewer, and upon completion thereof the City agrees to accept such discharge within the Area for treatment by the City as is consistent with the determination and recommendations, if any, of the study.

(4) In the event that City is unable to provide the level of service desired by the County in Areas #2 and #3, City agrees to allow the County to determine the appropriate location, design, construction and operation of a wastewater treatment plant for Areas #2 and #3.

In the event a wastewater treatment plant is constructed for the Areas #2 or #3, County agrees to site, design, construct, maintain and operate such facility in accordance with Ohio EPA requirements and so as not to degrade the City's water supply which would result in the City being required to adopt any additional treatment procedures.

(5) In AREA #4 the sanitary sewer will be available immediately for connection.

(6) Any dispute between the parties as to matters in Section VI (A) (2), & (3), and (4) of this agreement shall be submitted to non-binding arbitration by a panel of three arbitrators, with two of the arbitrators nominated by the City and the county respectively, and the third arbitrator selected by the nominees.

(B) In addition to the conditions set forth in VI(A)(1) above the obligation of the parties to pay one another the sum set forth for providing access to such sanitary sewers is further expressly contingent upon the passage of the appropriate authorization by the Board of Commissioners of Delaware County, Ohio and the Council of the City of Columbus and the appropriation of sufficient funds thereby, together with the certification of the Auditors of Delaware County and the City of Columbus.

## SECTION VII

Neither party shall enter into any agreement to provide collection, transportation, or treatment of sanitary wastewater with a third party in the territory of the other party without the prior written approval of the party in whose territory the agreement for services is proposed. Notwithstanding the foregoing prohibition, both parties shall be permitted to continue to provide collection, transportation, and treatment services for sanitary wastewater with any entity with whom the parties have a written agreement at the time of the execution of this Agreement.

## SECTION VIII

Neither this Agreement nor the services to be provided by either party hereunder shall prohibit or in any manner limit the annexation of property to any municipality within the service area of the other party, however, the densities applicable to any territory sought to be annexed shall not be greater than the densities delineated in this agreement.

## SECTION IX

The terms of this Agreement will commence on Nov. 12, 1991 and shall remain in full force and effect until the end of the fiftieth year thereafter, or Nov. 12, 2041. Unless written notice is given by either party to the other at least ten years prior to Nov. 12, 2041, this Agreement with any amendments thereof shall remain in effect from ten year term to ten year term thereafter, subject to termination at the expiration of any such term upon written notice given by either party to the other at the expiration of the previous ten year term. Written notice of the intent to terminate this Agreement must be given to the Delaware County Sanitary Engineer or to the Director of Public Utilities and Aviation for the City of Columbus.

## SECTION X

(A) The City may administer and enforce Chapter 1145 of the Columbus City Codes, and all amendments thereto, within the areas of the Delaware County Sewer District which are served by or are tributary to service provided by the City in order to prohibit or limit the discharge of toxic and other substances into the sewerage system of the City. The County may administer and enforce its rules and regulations pertinent to pretreatment standards and otherwise within the boundaries of the City which are served by or are tributary to services provided by the County in order to prohibit or limit the discharge of toxic and other substances into the sewerage system of the County. The City and the County may enter any industrial establishment, perform any inspection, or sample any waste or stream within the territory served respectively which either deems necessary for the purpose of enforcing Columbus City Codes and the Rules and Regulations of the Delaware County Sewer District as both may be amended.

(B) The City and County agree to adopt as local regulations of their respective political sub-divisions, the requirements of Columbus City Codes Chapter 1145 and the similar rules and regulations of the Delaware County Sewer District so that such requirements shall apply to all premises of either party within the boundaries of the other or which later become tributary, directly or indirectly to the sewerage systems of one another to the same extent as they apply to the premises within their respective territories.

## SECTION XI

(A) If any portion of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other portion of this Agreement unless it clearly appears that such other portion is wholly or necessarily dependent for this operation.

(B) Both parties agree to pass all legislation necessary to carry the terms of this agreement into effect.

#### SECTION XII

The failure on the part of either party to this Agreement to faithfully discharge their respective obligations and responsibilities hereunder, either in whole or in part, shall vest in the other party the right to terminate the Agreement effective ninety (90) days after written notice of such failure and the intention to terminate is filed by such party with the offending party; provided however, that the offending party shall have the right to correct said failure to faithfully discharge its obligations and responsibilities and upon demonstration thereof within thirty (30) days of receipt of the notice of intention to terminate, such notice of termination shall become null and void and this Agreement shall remain in full force and effect without prejudice to the right of the parties to collect any amounts due and owing to each other arising under the terms of this contract prior to such notice of termination.

#### SECTION XIII

The parties agree to review the terms of this contract eight months after the execution hereof, and annually on or about the execution date thereafter, for the purpose of amending the agreement to accommodate any changes in technical requirements indicated by conditions existing at the time of the review.

IN WITNESSETH WHEREOF the parties hereto have set their hands this 12th day of NOVEMBER, 1991.

Approved as to form

THE CITY OF COLUMBUS, OHIO

CITY OF COLUMBUS, DEPARTMENT OF LAW  
RONALD J. O'BRIEN, CITY ATTORNEY

Ronald J. O'Brien  
*Ronald J. O'Brien*

G. Raymond Lorello  
G. Raymond Lorello, Director  
Department of Public Utilities  
and Aviation

DELAWARE COUNTY, OHIO

Attest:  
Clerk

J. Hatfield  
*J. Hatfield*

DELAWARE COUNTY COMMISSIONERS

Roy Jackson  
Roy Jackson, President

Fay L. Parrott  
Fay Parrott, Vice President

W. DUNCAN WHITNEY  
PROSECUTING ATTORNEY  
DELAWARE COUNTY, OHIO

W. Duncan Whitney  
*W. Duncan Whitney*

Merlin Sheets  
Merlin Sheets, Member of Board

1740p