

**Testimony for the Public Hearing of the Hudson Planning Commission
Monday, August 11, 2014
Re: Prestige Homes Proposed Map Amendment/Parcel #3009586**

I am Dr. Karen Leith, a board member of the Hudson League of Women Voters. I am here representing our board with the serious concerns we have regarding the Prestige Homes application for a zoning map amendment Of Parcel No. 3009586 from District 6 Western Hudson Gateway (office/industrial) to District 3 Outer Village Residential Neighborhood (residential). **Our hope is that these concerns will inspire this Commission and eventually City Council, to look at the bigger picture and the common good, not only now, but in the future.** Good government is about elected and appointed officials looking after the good of all the members of the community. It is a matter of civil obligation as a balance to a focus on civil rights. Rezoning is not only a matter of complying with the letter of existing law in regard to a land owner, but also understanding the underlying concerns and conditions as well as the bigger picture in the impact it has on water quality now and in the future for a much larger community. My remarks, and our discussion, have been based on LWV positions that have been adopted after careful study concerning water, natural resources, watersheds, and land use.

In a time when we are seeing the results of run-off, algae growth and other environmental concerns, we need to acknowledge that Hudson is part of three watersheds, all of which eventually drain into the Cuyahoga River and eventually Lake Erie. These are the Tinkers Creek Watershed, not part of this particular property, the Brandywine Watershed, of which Hudson is to be congratulated on becoming partner in the Balanced Growth Plan, and the Mud Brook Watershed. I bring these up since 1. This property has a Category 3 wetland as well as other wetlands, and 2. Protecting drinking water includes and goes beyond the question of our own city well head.

Editorials by the Akron Beacon Journal of both Monday, August 4th, and Sunday, August 10th, call us to heed the warnings of the Toledo situation. While we point to the runoff from farmlands, algae problems in some of our smaller lakes and retention basins indicate the runoff from lawn fertilizers, etc. The science tells us that 1. We as individuals must do our part to stop excess use of fertilizers and maintain good septic systems; 2. Industry and farms must control their runoff into our watersheds; 3. Restore natural habitats where possible or protect those in existence since balanced habitats naturally filter water. Wetlands are a large part of the natural habitats.

In the statement of Chris Brown of Prestige Homes, he talks of the extensive wetland areas of this property, including a category 3.

From the Ohio EPA :

The regulation of wetlands under the federal and state environmental laws, e.g. under Section 401 and 404 of the Clean Water Act, has required the assessment of the function and quality of wetlands in order to determine whether to permit the destruction, alteration, or degradation of a wetland and to determine the appropriate level of mitigation that should be required. This type of assessment is different from the delineation of whether a particular location is a "wetland" at all, i.e. a "jurisdictional" wetland. Delineation attempts to draw a line around a location to call what lies within the line a "wetland" and subject to protection, and what lies outside the line, something else (typically upland areas). (Ohio Rapid Assessment Method for Wetlands, p.9)

The EPA goes on to define a category 3: (p.11)

Wetlands that are assigned to Category 3 have "...superior habitat, or superior hydrological or recreational functions." They are typified by high levels of diversity, a high proportion of native species, and/or high functional values. Category 3 wetlands include wetlands which contain or provide habitat for threatened or endangered species, are high quality mature forested wetlands, vernal pools, bogs, fens, or which are scarce regionally and/or statewide. It is important to stress that a wetland may be a Category 3 wetland because it exhibits one or all of the above characteristics. For example, a forested wetland located in the flood plain of a

river may exhibit “superior” hydrologic functions (e.g. flood retention, nutrient removal), but not contain mature trees or high levels of plant species diversity.

Based on the quantity and sensitivity of the wetlands in this area, our support of the Brandywine Balanced Growth Plan and our LWV positions protecting water and water sheds, we are raising our concerns concerning rezoning. Specifically, points from our positions include:

The LWVUS Position

Statement of Position on Natural Resources, as Affirmed by the 1986 Convention, Based on Positions Reached from 1958 Through 1986:

The League of Women Voters of the United States believes that natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.

LWVOhio: NATURAL RESOURCES: Water

LWVO supports policies and procedures that provide for:

1. Joint, cooperative planning and administration along watershed lines and across political boundaries. (Adopted 1961)
2. Stringent water quality standards accompanied by strong enforcement and means of implementation.

Note: The League will continue its support of the Great Lakes Water Quality Initiative, Annex 2001, and the Great Lakes Compact. It will continue in its efforts to strengthen protection of the waters of the Great Lakes and its basin, including guarding against drilling in Lake Erie, and maintaining and improving water quality in lakes and streams.

Position: Great Lakes Ecosystem (adopted 2013)

The League of Women Voters of Ohio supports preserving and enhancing the environmental integrity and quality of the Great Lakes-St. Lawrence River Ecosystem. We support the attainment and maintenance of high water quality standards throughout the Great Lakes Basin, with emphasis on water pollution prevention. Water conservation should be a high priority of all governments in the Basin.

Under this we have:

II. Threats to the Ecosystem

The League of Women Voters of Ohio opposes the following activities as they can lead to the degradation of the special natural resources of the Great Lakes Ecosystem:

- B. Destruction of marshes and other wetlands throughout the watershed.
- C. Mitigation should be accepted only as a last resort.

From our letter to City Council concerning the Balanced Growth Plan:

The LWV Hudson board has reviewed the Brandywine Creek Watershed Balanced Growth Plan currently under consideration by the Hudson City Council (now adopted) and finds it to be consistent with the LWV Ohio positions on Natural Resources and the Great Lake Ecosystem. The League of Women Voters is a political non-partisan organization. While we do not support or oppose any political candidates, we do take position on issues after careful study and member consensus.

This plan promotes the LWVO Land Use Position by providing the authority and incentives for local governments to plan together regionally in areas such as land use planning, conservation reserves, zoning efforts and environmental impact assessments. Approval of this plan will give regional governments access to financial and technical assistance in protecting and improving the Brandywine Creek Watershed.

In addition, the growth plan incorporates many of the LWVO positions on the Great Lakes Ecosystem including “the attainment and maintenance of high water quality standards throughout the Great Lakes Basin, with emphasis on water pollution prevention”.

Specifically from the balanced growth plan: (p.v)

• FLOODPLAINS

Recommendation: Communities should conserve flood plains to accommodate excess flow, protect health and property. Community regulations need to maintain current flood plain maps and adequately protect floodplains from development to reduce future damages.

• WETLANDS

Recommendation: Wetland areas should be conserved as essential storage and filtration systems. Communities should adopt ample setback ordinances for all wetlands categories.

GOALS of THE BRANDYWINE CREEK BALANCED GROWTH INITIATIVE PLAN (p.2)

1. Preserve existing watershed features and system capacity to manage storm water runoff.
2. Restore / Enhance the watershed to improve storm water management.
3. Recommend best land use practices to avoid or minimize impacts from development.

We commend Prestige Homes for the adherence in Phase I to conservation guidelines. But, we seriously question the necessity of an additional rezoning of an area that contains a Category 3 wetland. Watershed damage is enhanced by lawn fertilizers and other residential runoff. There is a need to minimize the impact of the Phase I runoff and not add to it. EPA guidelines for Category 3 wetlands recommend protection

Having read the arguments of Prestige Homes and the supporting data, **the choice is not between industrial use and residential use, but between leaving a “natural habitat” or a developed residential use.** Prestige makes note that there is no acreage within the parcel large enough for industrial use. Even the statement of the well head protection board looks at the classification of the zoning and not the reality of it. It does not address the issue of what is best overall.

The proximity of this property to the Hudson well field as well as its position in the Mud Brook and Brandywine Watersheds would move toward protection. Here is where the EPA’s call for avoiding impact where Category 3 wetlands are concerned comes to play. LWV positions support our raising these concerns. There are serious questions of destroying the balance in the ecosystem that would have long term consequences. We call on this Planning Commission and ultimately City Council to apply the EPA standards and the goals of the Brandywine Balanced Growth Plan to all of this property, especially that of the Mud Brook Watershed.

References:

Ohio Rapid Assessment Method for Wetlands v. 5.0, User's Manual and Scoring Forms
February 1, 2001, State of Ohio 401/Wetland Ecology Unit, Environmental Protection Agency Division of Surface Water

Harmful Algal Blooms: A Research Plan Submitted to the United States Congress, September 2001
National Sea Grant College Program, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce

LWV: Impact on Issues, Agenda for Action