

RESOLUTION OF TMACOG
ENDORISING THE SWAN CREEK WATERSHED
BALANCED GROWTH PLAN

WHEREAS, Lake Erie is one of northwest Ohio's greatest economic assets, providing our region with an abundant fresh water supply, access to international shipping through the Port of Toledo, and many cultural and recreational opportunities; and

WHEREAS, Swan Creek is an important part of the Maumee Bay and Lake Erie ecosystem, providing recreation for its residents and important aquatic habitat, including much of the Oak Openings region, which is home to unique habitat and rare species; and

WHEREAS, communities in the Swan Creek watershed offer many economic development opportunities, providing residents with livelihoods to raise families and enjoy an excellent quality of life; and

WHEREAS, the Ohio Lake Erie Commission, whose board of directors is composed of the Directors of six state agencies, has developed its Balanced Growth Initiative to protect and restore Lake Erie and its watersheds to assure long-term economic competitiveness, ecological health, and quality of life, focusing on strategies to benefit the community both environmentally and economically by reducing urban sprawl, protecting natural resources, and encouraging redevelopment in urban areas; and

WHEREAS, TMACOG has developed the *Swan Creek Watershed Balanced Growth Plan* (Swan Creek BGP) for the Swan Creek watershed by working with a committee that involves the stakeholders and local governments of the watershed, and has sought and incorporated input from the watershed's communities to meet local goals; and

WHEREAS, the plan may be updated upon the request of a jurisdiction pending the approval of the Technical Committee, and be resubmitted to the state for use in providing assistance; and

WHEREAS, the Priority Development Areas, Priority Conservation Areas, and Priority Agricultural Areas identified in the Swan Creek BGP are to be used by state of Ohio agencies to guide state activities and programs, and they will serve as the basis for special incentives programs to be directed to the Swan Creek watershed and the governmental jurisdictions within it; and

WHEREAS, Priority Development, Conservation, and Agricultural Areas developed under the Swan Creek BGP are voluntary, and carry no regulatory consequences, and Priority Area designations do not supersede or diminish the authority of local comprehensive or master plans, nor of local zoning; and

WHEREAS, the Swan Creek BGP has been presented to every jurisdiction in the watershed and has been endorsed by the counties of Henry, Fulton, and Lucas including 87% of the jurisdictions, representing 97% of the population and 91% of the watershed; and

WHEREAS, if ever the state chooses to use this plan as a tool to implement disincentives, TMACOG will formally withdraw this planning document and ask that it no longer be recognized by the state; and

WHEREAS, the Swan Creek BGP was endorsed by the Swan Creek Technical Committee on February 26, 2009, and the TMACOG Environmental Council on March 26, 2009.

THEREFORE, BE IT RESOLVED NOW BY TMACOG:

THAT TMACOG supports the Swan Creek Watershed Balanced Growth Plan (Swan Creek BGP) and the Priority Development Areas, Priority Conservation Areas, and Priority Agricultural Areas identified therein, and hereby adopts the plan, and is directed to seek endorsement of the Swan Creek BGP by the Ohio Lake Erie Commission in order permit the local governments in the watershed to seek the benefits

and incentives provided by this endorsement.

THAT TMACOG supports the Balanced Growth Program on the understanding that use of Balanced Growth Initiative Priority Areas does not diminish control over land use decisions by local elected officials, does not deny state or federal funding that would otherwise be available, and will not impose significant project delays.

THAT TMACOG establish a standing Swan Creek Watershed Committee reporting to the TMACOG Environmental Council to maintain and update the plan and its priority areas, and review specific projects for consistency with the Balanced Growth Plan.

THAT TMACOG recommends that state agencies consult with the Swan Creek Watershed Committee in reviewing projects for consistency with the Swan Creek Watershed Balance Growth Plan.

THAT the president of TMACOG be and is authorized to submit this resolution to state and federal agencies involved with environmental protection and monitoring programs, and state and federal legislators representing the TMACOG region.

Adopted by the Board of Trustees, June 17, 2009.

Yea xx, Nay -x-, Abstain -x-

Tina Skeldon Wozniak, Chair, Toledo
Metropolitan Area Council of Governments

Anthony L. Reams, President
Toledo Metropolitan Area Council of Governments

STAFF REPORT

Purpose of the Balanced Growth Initiative and the content of the Final Report

The Swan Creek Watershed Balanced Growth Initiative and Swan Creek Watershed Balanced Growth Plan (Swan Creek BGP) are a watershed-scale land use planning activity designed to protect water quality in Lake Erie and improve the quality of life and ensure economic growth throughout the watershed. Part of a four-pilot project of the Ohio Lake Erie Commission who's goal is to begin to link land-use planning to the health of watersheds in general and the Lake Erie watershed in particular, primarily by local governments determining the most appropriate land uses for their jurisdictions. The value of these priorities is not only to guide local land use decisions but also to guide state agency activities in offering incentives to support those future land use priorities through existing programs.

This final report is in partial fulfillment of the requirements of the grant from the Lake Erie Commission and the Ohio Water Development Authority which graciously funded the project. It provides Priority Area maps for the watershed in three categories: Priority Agricultural Areas (PAAs), Priority Conservation Areas (PCAs), and Priority Development Areas (PDAs). The text of the Swan Creek BGP makes recommendations on how to implement these Priority Areas and maintain the maps to keep them relevant to changing conditions. This report covers the background of the Lake Erie Commission's *Lake Erie Protection & Restoration Plan*, the Balanced Growth Blue Ribbon Task Force and its creation of the Balanced Growth Plan process, and the benefits of watershed planning. The Swan Creek BGP describes Priority Areas and Special Priority Areas, the importance of the watershed planning partnership and its advisory technical committee. It gives an overview of the plan's public education and participation program and GIS methodology and modeling, and provides a technical manual so that updates and revisions can be made to the plan. For the benefit of future plan creators, it discusses unresolved issues and lessons learned during the creation of the plan. Most importantly, it lays out the local jurisdictional responsibilities in implementing the plan through local and regional cooperation, the reactions of the local jurisdictions to the Swan Creek BGP, staff recommendations on implementing the plan, and tools to implement the plan.

The Project Area and Development of the Priority Areas

Swan Creek is a tributary of the Maumee River, which itself drains into Lake Erie. Swan Creek is 40 miles long; its watershed includes more than 200 miles of smaller streams, draining 204 square miles of Lucas, Fulton, and Henry counties in northwest Ohio. The watershed includes all or part of 23 political jurisdictions: three counties, two cities, five villages, and 13 townships. The wide range of land use and broad spectrum of interests made it imperative that a well-rounded technical committee to be established. This committee was formed from invitees of local governments, the private sector, and governmental and nonprofit agencies. Products resulting from the work of the technical committee are watershed maps of Priority Areas for future Agriculture, Conservation, or Development (PAAs, PCAs, and PDAs).

The initial Priority Area maps were developed using a computer geographic information system (GIS) model. The model evaluated many factors that indicate the suitability of a specific location for agriculture, conservation, or development. Two principal factors were especially influential in recommending Priority Areas throughout the watershed: soil type, which identifies

floodplains, possible wetlands, habitat supporting rare species, productive agricultural land, and soil capacity for onsite sewage treatment; and existing infrastructure such as major roads and intersections/interchanges, existing water service, existing sanitary sewer service. These criteria were key for all types of future land use activity. Additional criteria geared to specific land uses were also used. PAA development included criteria that indicate productive farm land and PCAs included criteria that supported natural habitat and processes. Future development areas were evaluated for residential, commercial or industrial development. Although each of these types of development have their own infrastructure, market, or access needs and used their own unique criteria, they were aggregated into a final Combined PDA map.

Priority Area Review and Endorsement

Draft Priority Areas were first presented to jurisdictions at a public meeting in June 2007. In late 2007 and through 2008, direct presentations were given to the 20 jurisdictions that accepted staff offers. At these presentations, staff asked for input from the jurisdiction, and requested their formal endorsement. Following the meetings, staff worked with the jurisdictions to address any concerns and coordinate map changes with the technical committee. The Ohio Lake Erie Commission requires formal endorsements by 75% of the jurisdictions based on number, area, and population before it will accept a Balanced Growth Initiative Plan for implementation. Endorsements have been received from 20 of the 23 jurisdictions (86.9%). These endorsements include more than 97% of the watershed's population, and 91% of the watershed's land area and.

Recommendations

This report makes the following recommendations:

- That the TMACOG Board of Trustees and Ohio Lake Erie Commission accept the priority areas in this report.
- That Ohio state agencies provide incentives through existing programs to support the watershed's future land use priorities.
- That Ohio state agency incentives provide benefits designed to reach public and private sector entities whose actions affect land use decisions.
- That use of Balanced Growth Initiative Priority Areas does not diminish control over land use decisions by local elected officials, does not deny state or federal funding that would otherwise be available¹, and will not impose significant project delays.
- That the TMACOG Board of Trustees establish the Swan Creek Watershed Committee as a standing committee reporting to the Environmental Council. Its purposes would be twofold: to review specific projects in the Swan Creek watershed and make recommendations to state agencies as to whether that project should qualify for incentives; and to update the Swan Creek Priority Areas to reflect changing conditions.

¹ Excepting that by awarding extra points for funding applications to priority areas, non-priority areas may be less competitive

- That all endorsing jurisdictions be invited to formally appoint a voting representative to the Swan Creek Watershed Committee, along with specifically identified local government agencies representing agriculture, conservation, and development.
- That the Swan Creek Watershed Committee actions on modifying Priority Areas be based on majority vote with a quorum present *and* support of the jurisdictions for changes within their boundaries.
- That the Swan Creek Watershed Committee be charged with recommending watershed Priority Area updates through the TMACOG Environmental Council to the TMACOG Board of Trustees.
- That state agencies consult with the Swan Creek Watershed Committee on projects in the watershed that may qualify for Balanced Growth Initiative incentives.
- That a funding source or mechanism be identified for Swan Creek Watershed Committee facilitation and updating of Priority Area maps. The administrative process should be streamlined and simplified to the greatest degree possible in order to minimize costs.

The final priority areas recommended are shown on the map, *Swan Creek Watershed Priority Areas*. It consolidates priority agricultural, conservation, and development areas; and the special Airport / Oak Openings Area (AOOA), as endorsed by political jurisdictions of the watershed. Jurisdictions that have chosen not to endorse this balanced growth plan are shown in gray, indicating no priority areas. The recommendations of this report and implementation of the Balanced Growth Initiative do not apply to non-endorsing jurisdictions.

The technical committee greatly appreciates the support and funding from the Ohio Lake Erie Commission and the Ohio Water Development Authority, as well as the support of our agencies, the Toledo Metropolitan Area Council of Governments (TMACOG) and the Lucas Soil & Water Conservation District (LSWCD), without which the project staff could not have completed the Swan Creek Watershed Balanced Growth Plan

Swan Creek Watershed Priority Areas (12-17-2008)

