

## FAQs for White Pond

### **1. What is the history of the site?**

- From 1952-the mid-1980s, the property was used for peat mining operations and then to sell landscaping materials. Some areas mined for peat along the eastern portion of the property were filled with road construction debris, including concrete and asphalt.
- The western portion of the property was used as a concrete aggregate supply facility from 1970 until 2010. The facility stored large piles of concrete aggregates, broken concrete, asphalt, and other road construction debris.
- Prior to acquisition of the site and for the purpose of conducting environmental due diligence, in 1999 and 2000, the City contracted with URS to conduct Phase I and II Environmental Assessments, including subsurface investigations through test pits and borings that revealed fill materials that included slag, concrete, stone, asphalt shingles, aerosol cans, glass jars, brick, coal and household trash and soil. The test pits demonstrated 25-30% solid waste from 3-10 feet deep. Soil borings detected low concentrations of VOCs, trace gasoline range organics, and low concentrations of #2 fuel oil. Groundwater samples demonstrated low concentrations of acetone and gasoline range organics.
- July 2006 – after acquiring the property, the City obtained a Job Ready Sites Grant for \$1.7 million to assess site for an office park.
- November 17, 2006 – City Planning Commission approved the White Pond/Frank Boulevard Renewal Plan and the City's acquisition of the property to eliminate incompatible land uses, remove blight, and facilitate a new office development by changing the zoning from a Class UPD-30 District to a Class ULB Limited Business District.
- December 4, 2006 – Ordinance 599-2006 passes City Council and rezones the property in hopes of transitioning it from a gravel operation and buildings in a state of disrepair to an office development.

- May 8, 2007 – City acquires wetland mitigation credits by entering a Mitigation Agreement with Panzer Wetland Wildlife Reserve for \$392,000 for restoration of 14 acres in Copley.
- November 2007 – City awarded \$650,000 from Ohio Department of Development.
- November 30, 2007 – the US Army Corps of Engineers (USACE) issues its jurisdictional wetlands determination.
- January 13, 2009 – Ohio EPA issues 401 Certification of compliance with Ohio’s Water Quality Standards for the site.
- April 15, 2009 – USACE issues a 404 Clean Water Act Permit to place dredged and/or fill material (6.57 acres of wetland and 735 linear feet of intermittent stream) into waters of the US. The permit has been renewed to December 31, 2023.
- May 24, 2012 – the City submits and obtains its General Isolated Wetland Permit to Ohio EPA for 0.24 acres of Category 1 Isolated Wetlands.
- April 8, 2014 - Phase I and II Environmental Site Assessments further characterize the fill material and debris piles. The Phase II study identified VOCs, metals that included arsenic, barium, cadmium, chromium, lead and mercury, and gasoline-range organics in soils. The levels of all contaminants in soil did not exceed risk standards for excavation/construction workers. The groundwater samples detected arsenic, cadmium, chromium and lead that were above Voluntary Action Program Unrestricted Potable Use Standards but did not pose a risk for construction workers or for the office park because of the availability of municipal water supply and the depth to groundwater at the site.
- April 14, 2014 – the City provides Cultural Resources Study for White Pond Parkway development.
- December 23, 2015 – a Categorical Exclusion for White Pond Parkway issued by ODOT and accompanied by a Finding of No Significant Impact (FONSI) so that no Environmental Impact Statement is required.
- January 6, 2016 – Final Roadway Exploration Report completed for White Pond Parkway.

## **2. What community engagement has the city done regarding development in this area?**

- The City had public hearings at the Planning Commission and City Council both in 2006 when the City adopted the Development Plan and in 2022 when the City amended the Development Plan and approved the conditional use for the property. The City's acquisition of various environmental permits was also subject to public notice and comment with the agencies authorized to issue and evaluate those permits. The City continues to listen to residents' feedback and respond to any concerns raised regarding the development.

## **3. Are there any endangered species present in the area?**

- In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat. The entire State of Ohio lies within the range of the Indiana bat and northern long-eared bat. There is no designated critical habitat for these species in the State of Ohio. The State of Ohio has promulgated rules and regulations regarding development to best protect these bats. The developer will be required to follow these rules and regulations, including restrictions on tree removal between April and September. The 2009 US Army Corps of Engineer Permit includes summer habitat restrictions and habitat preservation mandates based on a finding of suitable habitat for the Indiana bat. The 2009 Ohio EPA Water Quality Certification looks at the development impacts of the office park development over the entire site and contains a restriction that the permittee cannot cut Indiana bat habitat trees between April 1<sup>st</sup> and September 30<sup>th</sup>.

The 2012 Isolated Wetland Permit Application included an assessment of Threatened and Endangered Species at the property and included field investigations and coordination with ODNR's Division of Natural Areas and Preserves in relationship to the Indiana bat, a federally-listed endangered species; northern monkshood, a federally listed threatened species; the bald eagle,

an Ohio Endangered species and protected by the Bald and Golden Eagle Protection Act; and the Low umbrella-sedge. Other than potential Indiana bat habitat, which must be protected when the species could be utilizing the habitat, no impacts on the species listed above were anticipated based on the survey and coordination. In 2015, the City received a Finding of No Significant Impact when utilizing federal funds to construct White Pond Parkway. The finding was completed by the Ohio Department of Transportation as Categorical Exclusion. That latest analysis found that the only endangered species of concern for development of the Parkway was the Indiana bat.

#### **4. Will the wetlands be dredged and filled as part of this development?**

- No. Triton's proposed development is not expected to result in dredging or filling of wetlands. The previously proposed office park would have involved dredging or filling of over 13 acres of jurisdictional wetlands, stream footage, and isolated wetlands. After acquiring the site, the City engaged in an extensive process determine the location of wetlands and acquire wetlands credits to offset and mitigate any possible disruption to the wetlands on site by the office development. The City purchased 14 acres of wetland mitigation credits from the Panzer Wetland Wildlife Reserve in 2007. The Reserve was donated to the University of Akron in 2012 as a living laboratory and host of Ohio's only remaining original colony of endangered wood turtles.

Based on our review of the Triton development proposal, Triton does not plan to dredge or fill the wetlands. The developer intends to leave 25 acres of the land and wetlands as a natural landscape. Only 25-30 acres of the 65-acre site will be developed at all. The waterways will provide a desirable natural feature to residents along with a walking trail. The balance struck by Triton to develop the built environment and preserve the natural environment on the White Pond site is admirable and we hope that it serves as an

example for future developments.

**5. Is the property part of the Cuyahoga River Watershed Area of Concern?**

- No. The property is in the Tuscarawas River watershed.

**6. What environmental studies have been performed and permits issued?**

- 2006 Review by the Army Corps and individual permit issued
- 2015 Environmental Categorical Exclusion with finding of no significant impact (No Environmental Impact Statement was warranted)
- OEPA 401 Water Quality Certification in 2009
- Phase I and II Environmental Assessments in 1999 and 2014
- General Isolated Wetland Permit in 2012

**To view the reports and studies which have been conducted on the site click [here](#) or scan the QR code:**



**7. How does the city plan to make up for the trees which will be removed through this development?**

- While trees will need to be felled in order to complete the development, the Developer has assured the City of Akron that it will not remove more trees than is necessary. The City of Akron has shown a commitment to a healthy urban tree canopy through its commissioning of the 2021 Akron Urban Tree Canopy Assessment and Planting Plan and its dedication to planting new trees. The tree canopy on the entire White Pond site is currently 50.53%. As redeveloped, remediated and revegetated, the site's tree canopy will be at 35-38%. The City's overall tree canopy coverage is at 35%.

The City is planting approximately 1,600 new trees each year within City limits and will continue to do so. In addition, the City planted 25,000 trees in the watershed between 2012 and 2022 including 5,000 in the last two years alone and will continue its work in the watershed to enhance and manage our tree canopy.

**8. Has there been a traffic study performed? Will there be one?**

- The Akron Metropolitan Area Transit Study (AMATS) and the traffic consultant hired by the Developer are working on finishing their analysis and reports. Those reports will be submitted to the City's Traffic Engineer for review and approval. If the Traffic Engineer has concerns, he can require more information or require changes prior to approval.

**9. Will the developer need to remove the solid waste fill material and contaminated soils used to fill the mined out pits by the prior owner of the site?**

- The developer will need to follow Ohio EPA rules and guidelines in removing the solid waste materials.

**10. Why is this not an affordable housing development instead of a market rate development?**

- The success of the City's housing market is based on having a good mixture of every type of housing product. Akron is committed to developing quality housing--both affordable and market rate. In the last few weeks, the City has approved the sale of land to develop affordable housing at the old Harris school site and committed \$3.5 million in ARPA funds towards the acquisition and rehabilitation of affordable housing. Increasing the supply of market rate housing will inherently reduce the price of market rate housing throughout the City.

**11. Why were no trespassing signs recently posted on the site?**

- There are conditions on the site which make it unsafe for public access. Knowing the increased interest in the site made it apparent that the City needed to better inform members of the public that this is not a public park nor was it designed for public access, and safety is a concern for any members of the public or their pets on the site.

The eastern portion of the property contains numerous piles of a mix of concrete, asphalt, stone and wood debris as well as concrete building foundations. On the western portion of the site where the concrete aggregate facility was located, there are piles of concrete, rebar, stone, asphalt, brick and wood debris and a concrete lined railcar unloading area. In addition, while contaminants in the soil and groundwater are below risk levels for excavation and construction worker exposure, the groundwater was found to be non-potable for heavy metals, volatile organic compounds, and #2 fuel oil. The City does not want to put any person or pet at risk by not properly communicating that the site is not a public access area.