KRISTEN L. ATHA
Director

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF
PUBLIC UTILITIES

December 20, 2022

Travis Jay Eifert, PE
Director, Urban Design
Partner
EMH&T, Inc.
5500 New Albany Road, Columbus, OH 43054

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Cannon Drive Phase II

Mr. Eifert:

This letter is in response to the subject variance request to the SWDM Sections 1.3.2 *Permanent Protection of the Stream Corridor* and 1.3.3 *Prohibited Uses in the Stream Corridor Protection Zone*. More specifically, SWDM Section 1.3.2 provides for permanent protection of the Stream Corridor Protection Zone (SCPZ), and Section 1.3.3 lists specific activities and facilities prohibited within the SCPZ, which include removal of native trees, filling, excavation, and other changes in topography within the SCPZ. A variance is requested to allow reconstruction of the existing earthen flood control berm as an engineered flood control levee, with Olentangy River Trail located within the proposed levee embankment. The goal of the project is to provide the required flood control with passive recreational enhancements along the west bank of Olentangy River. The area for which the variance is requested is located between the existing Environmental Covenant-protected river bank and the wider SCPZ along the bank.

The original request was submitted to the City on October 22, 2022. As part of the Variance review process, the subject Variance request was posted on the City website on the same date to solicit public comments. Public comments were received in response to the posting. The Variance Review Committee met and reviewed the subject Variance application and public comments on November 9, 2022. A subsequent meeting with the applicant was held on November 15, 2022 to discuss the Variance Review Committee's comments. As a result of the meeting and ensuing discussions, a revised variance application was submitted to the City on December 2, 2022 and posted on the City website on December 5, 2022 for public commenting. No additional public comments have been received by the due date of the posting. The Variance Review Committee has met on December 14, 2022 to review the revised submittal.

The submitted variance application was found by the Variance Review Committee to be in compliance with the SWDM Stream Protection Type III Variance application requirements.

Two alternatives were considered within the application for the requested Section 1.3 variance – Full Compliance (No Impact) and the Preferred Alternative. The Minimal Impact Alternative was found to be not feasible due to the nature of the variance request.

- Preferred Alternative – This Alternative fulfills the overall project purpose and need by providing an economically and functionally feasible plan for construction of the required flood control levee, Olentangy River Trail and associated improvements, including storm outfalls. The reconstructed trail will provide connectivity between the riverside and Cannon Drive trails and pathways. The SCPZ impacts of this alternative include 0.90 acres of permissible impacts (storm outfalls and trail within the SCPZ) and 0.52 acres of non-permissible impacts (levee Landscape Exclusion Zone within the SCPZ), total impacted SCPZ 1.42 acres. The impacts include removal of two (2) trees located within the SCPZ and outside of the Environmental Covenant area.
- Full Compliance (No Impact) Alternative – This Alternative would include the required Levee Landscape Exclusion Zone completely outside of the SCPZ. Approximately 900 ft. of the proposed levee would have to be constructed as a structural approximately 12 ft. high floodwall, creating a vertical barrier severely impacting connectivity between the river trails and Cannon Dr. and recreational value of the project, at an added cost of $4 million. Due to the functional, aesthetic and economic impacts of such a wall this alternative was found to be unfeasible.

As mitigation for the proposed SCPZ impacts, the OSU proposes to revegetate the disturbed areas within the SCPZ with riparian and no-mow grasses. The overall impervious area located within the SCPZ will decrease from 0.29 acres to 0.03 acres, and will consist of the proposed trail only. The reforestation plan includes planting of 46 trees within the Environmental Covenant area.

Upon reviewing and discussing the application submitted by the applicant, the Variance Review Committee agreed with the applicant that the Preferred Alternative with the proposed SCPZ mitigation plan represents the OSU team's good faith effort to comply with the SWDM stream protection requirements to the maximum practical extent. The Committee further agreed with the applicant's argument that the Full Compliance Alternative would impact functional, aesthetic, recreational and economic viability of the proposed flood protection project to the point of making it infeasible.

In light of the above, the subject Variance Request (Type III SWDM Section 1.3), the Preferred Alternative is conditionally approved contingent upon the following stipulations:

- Storm CC-Plan and Stormwater Management Report must be submitted and approved by the City of Columbus. The plans shall include an SCPZ mitigation plan as conceptually described above and in the variance application submitted to the City on December 2, 2022, which must be approved and deemed acceptable by the City.
- The SCPZ area within the project limits between the Environmental Covenant-protected stream corridor and the established City SWDM SCPZ line will require a continuous permanent conservation easement granted to the City to protect this area in perpetuity. SCPZ signs will need to be installed per SWDM requirements to demarcate the SCPZ.

No approval contained herein relieves or absolves the applicant of any provisions of applicable state or federal laws. Please contact PR/SRM Section Manager Greg Fedner, P.E. at 614-645-8072 with any questions.

Sincerely,

Robert S. Priestas, P.E., Administrator
Division of Sewerage and Drainage

pc: Variance Review Committee
File