

November 13, 2023

Chad Buckley, PE
Project Manager
E.P. Ferris & Associates, Inc.
2130 Quarry Trails Drive, 2nd Floor
Columbus, Ohio 43228

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – WestBend Development

Mr. Buckley:

This letter is in response to the subject variance request to the SWDM Section 1.3 *Stream Corridor Protection Zone*. More specifically, SWDM Section 1.3.3 lists prohibited uses in the Stream Corridor Protection Zone. However, in order to construct the proposed mixed-use development and also comply with the Ohio EPA Rule 513 VAP, the project proposes to disturb some areas within Scioto River and Barbee Ditch SCPZ. The proposed disturbance would include such prohibited activities and facilities as buildings, parking lots and associated amenities, and also filling, excavation, commercial activities, changes in topography and removal of vegetation.

The original request was submitted to the City on January 13, 2023. As part of the Variance review process, the subject Variance request was posted on the City website on January 18, 2023 to solicit public comments. Public comments were received in response to the posting. Subsequent resubmittals resulting from public comments and continued discussions were made on 05/25/2023, 07/20/2023, and the final submittal on 09/25/2023. All resubmittals were also posted on the City website for public commenting.

The Variance Review Committee met and reviewed the subject final Variance application on 10/11/2023. The submitted variance application was found by the Variance Review Committee to comply with the SWDM Type III Stream Protection Variance application requirements, and also substantially addressed the previous Variance Review Committee comments.

Three alternatives were considered within the application for the requested Section 3.2 variance – Full Compliance (No Impact), Minimal Impact and the Preferred Alternative.

- **Preferred Alternative** – This Alternative fulfills the overall project purpose and economic objectives. OEPA-required Rule 513 VAP will need to be implemented. This alternative allows for 18 additional residential units and accompanying parking facilities partially within the Barbee Ditch SCPZ. Encroachment into the Scioto River SCPZ is also required.



- Minimal Impact Alternative – This Alternative is similar to the Preferred Alternative, but, while implementing the Rule 513 VAP, it eliminates the proposed development within the Barbee Ditch SCPZ, thus reducing the proposed development by 18 residential units vs. the Preferred Alternative. This alternative introduces a significant economic hardship for the developer.
- Full Compliance (no Impact) Alternative would not allow any non-permitted impact to the SCPZ, thus making Ohio EPA Rule 513 VAP impossible. That, in turn, would only allow development on the west side of McKinley Ave., drastically reducing the size of the proposed development. This alternative would not remediate the former landfill and introduce insurmountable planning, programming, financial and constructability hardships to the project. For these reasons, it was determined to be unfeasible.

Upon reviewing and discussing the final application submitted by the applicant, the Variance Review Committee concluded that the submitted variance application complies with the SWDM requirements for the Type III Stream Protection variance. The Committee further agreed with the applicant's argument that the Full Compliance Alternative would not be feasible due to numerous and severe hardships resulting from this alternative such as the inability to implement the Rule 513 VAP and thus having to limit the proposed development to a small portion of the overall site. The Minimal Impact Alternative would also introduce a significant economic hardship for the proposed development.

The Preferred Alternative SCPZ impact involves 1.777 acres of Scioto River and Barbee Ditch SCPZ total impact, including 0.411 acres of the permanent impact. Of this acreage, the impact along Barbee Ditch includes 0.342 acres of permanent impact, and 0.259 acres of temporary impact. The overall permanent impact is proposed to be mitigated on-site at a ratio of approximately 1.67:1, exceeding the required 1:1 ratio. The additional mitigation area to be added to the remaining SCPZ is 0.687 acres. The remaining SCPZ and the additional mitigation area will be permanently protected by a conservation easement. The proposed temporary impact SCPZ area required for the Rule 513 VAP remediation will also be mitigated and protected by a conservation easement. The proposed native species revegetation/reforestation and invasive species removal mitigation plan concept is provided within the application.

In light of the above, the subject Type II Variance Request, Preferred Alternative is conditionally approved contingent upon the following stipulations:

- The development stormwater CC Plan and associated Stormwater Management Report, based on the Preferred Alternative as described in the subject Variance Application, must be submitted and approved by the City of Columbus.
- All remaining SCPZ and mitigation areas to be permanently protected by a conservation easement granted to the City of Columbus.



Kristen Atha
Director

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
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