

TRACIE DAVIES
Director

June 11, 2019

Matthew E. Ferris, P.E., P.S.
President
E. P. Ferris & Associates, Inc.
880 King Avenue
Columbus, Ohio 43212

RE: Stormwater Drainage Manual (SWDM) Type II and III Variance Request – Marble Cliff Quarry
Development and Quarry Trails Metro Park

Mr. Ferris:

This letter is in response to the subject variance request to SWDM Section 3.2 – Stormwater Quantity Controls, and Section 1.3 - Stream Corridor Protection Zone. More specifically, reduction of the SWDM-prescribed stormwater quantity control requirement, placement of fill material within the Scioto River 100-year floodplain without creating compensatory storage, and also encroachment into the Scioto River and Roberts Millikin Ditch Stream Corridor Protection Zones (SCPZ) are being sought to be approved due to proposed Marble Cliff Quarry Development and Quarry Trails Metro Park development needs and site limitations.

The initial request was submitted to the City on April 14, 2017. A substantially reworked Request was then resubmitted on February 1, 2019. The Variance Review Committee met and reviewed the subject Variance Request on March 18, 2019. The Variance Review Committee responded to the variance request on March 19, 2019, requesting a meeting with the development team to discuss additional supportive information needed to process the request.

As part of the Variance review process, the subject Variance request was posted on the City website on February 4, 2019 to solicit public comments. By the extended due date of March 4, 2019 comments were received from the Sierra Club, which were subsequently provided to the development team to address bilaterally with Sierra Club.

A meeting between the development team and SWDM Variance Committee representatives was held on March 27, 2019. A letter from the development team which addressed City's and public comments was received by the City on April 8, 2019, and reviewed by the Variance Review Committee on April 23, 2019. Additional negotiations between the applicant and the City resulted in further refinements to the proposed variance request, and, subsequently, a letter detailing some additional changes/clarifications was issued by the applicant to the City on May 13, 2019.

The submitted Variance Request and additional follow-up information were found by the Variance Review Committee to be in compliance with the SWDM Non-Stream Protection Type II and Stream Protection Type III Variance Application requirements.

1. Floodplain fill without compensatory storage creation (SWDM Section 1.4, Type II Variance)

Three alternatives were considered within the application for the requested Section 1.4 variance - Full Compliance/No Impact (site stays in its present state), Minimal Impact (providing storage in the central location of the site free of



existing solid waste deposits or preserved park areas), and the Preferred Alternative. The Full Compliance and Minimal Impact Alternatives would result in severe restrictions of development possibilities throughout much of the site, and also significantly reduce proposed metro park improvements to a point of making the proposed development no longer possible.

The applicant performed a HEC-RAS study of the Scioto River in the vicinity of the proposed development (the Preferred Alternative). The study reached a conclusion that the proposed 100-year floodplain fill of approximately 170,000 cu. yds. would result in water surface profile no-rise along the river.

2. Reducing the post-construction stormwater quantity BMP requirements (SWDM Section 3.2, Type II Variance)

Three alternatives were considered within the application for the requested Section 3.2 variance - Full Compliance/No Impact, Minimal Impact, and the Preferred Alternative. The Full Compliance and Minimal Impact Alternatives would significantly reduce the desired metro park improvements and the developable footprint. These alternatives would also impact the execution of the OEPA-approved Remedial Action Plan (RAP). As the proposed Quarry Trails Metro Park development would not be possible due to its location within the 100-year Scioto River/Roberts Millikin Ditch floodplain, one of the main goals of the proposed development – providing outstanding recreational opportunities within the proposed development – would not be achieved, making the proposed development no longer possible.

The Preferred Alternative would provide the necessary post-construction stormwater quantity controls required for the adjacent Gateway Lofts development (peak volume 37,500 cu. ft.), as was stipulated for that development's approved SWDM variance. The Preferred Alternative would also provide approximately 212,500 cu. ft. of storage in the upper pond outside of the FEMA floodplain boundary, 40,000 cu. ft. of detention within the proposed water quality BMPs, and 10,000 cu. ft. of detention at the Waterfall Overlook parking lot. As such, the proposed Preferred Alternative represents the development team's good faith effort to comply with the SWDM detention requirements to the maximum possible extent.

3. Proposed Stream Corridor Protection Zone impact (SWDM Section 1.3, Type III Variance)

Three Alternatives were considered within the application– Full Compliance/No Impact, Minimal Impact and the Preferred Alternative.

Under the Full Compliance/No Impact Alternative, no encroachment into the Scioto River SCPZ would occur, which would prevent implementing the Remedial Action Plan (RAP) approved by the OEPA in accordance with OEPA Solid Waste Regulations. Capping of shallow landfill areas within the Scioto River SCPZ spread across the eastern edge of the proposed development could not be performed, and, thus, developing the site as proposed would not be possible. Park programming would also be severely affected, not allowing many recreational features proposed under the Metro Park development.

Avoiding encroachment into the Roberts Millikin Ditch SCPZ would result in no features supporting the proposed water sports adventure complex being able to be constructed. Many other proposed park amenities would also be impacted due to inability to construct the proposed lower pond outlet to Scioto River and redirecting a portion of the Roberts Millikin Ditch flow to the pond system. Therefore, the proposed park concept would be rendered unfeasible.

Under the Minimal Impact Alternative, the approved RAP would be followed, enabling the proposed Marble Cliff Quarry development; however, Roberts Millikin Ditch SCPZ encroachment would not occur. Therefore, the proposed Metro Park development would become unfeasible as described above.

The Preferred Alternative, requiring encroachments into the Scioto River and Roberts Millikin Ditch SCPZ, would allow the developer to complete the OEPA-approved RAP by capping existing shallow landfill areas along Scioto River, encapsulating environmentally hazardous materials and enabling the proposed residential and park developments. The Preferred Alternative is the only alternative that will provide adequate flow through the proposed kayak run channel and lower pond to support this important amenity for recreational paddle craft use.

To mitigate Scioto River SCPZ and adjacent Roberts Millikin SCPZ impacts equaling 6.32 acres, the applicant proposed to create an on-site conservation easement along Scioto River's current SCPZ north of the development site at a ratio exceeding 1:1.

To mitigate the proposed Roberts Millikin Ditch SCPZ impacts, the applicant proposed to implement channel improvements along approximately 545 lf of Roberts Millikin Ditch at the downstream end of the project, improving its QHEI score from the existing 32 to the anticipated 54. The total extent of the proposed riparian mitigation measures is 3.35 acres, which represents a 1:1 ratio required for an on-site mitigation.

Upon reviewing and discussing the application and other supportive documentation submitted by the applicant, the Variance Review Committee agreed with the applicant that only the Preferred Alternatives for the three requested SWDM variances would allow to adequately cap the landfill existing within the development site, maximize the public park footprint and create the proposed water sports adventure complex and other recreational opportunities not available with the other alternatives.

The Variance Review Committee also concurred that the previous comments and additional information requests from the City were substantially addressed in a satisfactory manner.

In light of the above, the subject Variance Request (Type II Section 1.4, Type II Section 3.2, and Type III Section 1.3), Preferred Alternatives is conditionally approved contingent upon the following stipulation:

- Storm CC-Plans and Stormwater Management Reports for Marble Cliff Quarry and Quarry Trails Metro Park to be submitted and approved by the City of Columbus.

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

Sincerely,



John G. Newsome, P.E., Administrator
Division of Sewerage and Drainage

pc: Variance Review Committee
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