

February 2, 2022

Heather L. Dardinger
Senior Environmental Scientist
EMH&T, Inc.
5500 New Albany Road, Columbus, OH 43054

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Project Enzo

Ms. Dardinger:

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 buildings/structures, parking lots, fences, removal of native trees, filling, excavation, and other changes in topography within the SCPZ. A variance is requested to allow an expansion of the existing Mars Petcare Fisher Road Plant. The goal of the project is to expand the plant's processing/packaging facilities and warehouse/storage space, while allowing for future additional expansion, and includes the necessary support features such as paved parking areas, shipping docks, interior roadways, a power station, a fire protection facility, a waste treatment center, various utilities, stormwater management facilities and perimeter security fencing.

The original request was submitted to the City on November 30, 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. No public comments were received in response to the posting. The Variance Review Committee met and reviewed the subject Variance application on December 14, 2022. Subsequently, a site meeting was held with the applicant on January 6, 2023. Following the initial meeting and ensuing discussions, the Variance Review Committee met on February 1, 2023 to review the application and additional information made available to the Committee since the initial meeting.

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.

Three alternatives were considered within the application for the requested Section 1.3 variance – Full Compliance (No Impact), Minimal Impact and the Preferred Alternative.

- Preferred Alternative – This Alternative fulfills the overall project purpose and need by providing an economically and functionally feasible plan for the proposed facility expansion. The stream impacts of this alternative include prohibited and permitted uses within the SCPZ. Prohibited activities and facilities will directly impact 141 lf of the regulated streams, and 1.29 acres of their SCPZ. Permitted



uses requiring mitigation will permanently impact, temporarily or permanently, an additional 90 lf of streams and 0.11 acres of their SCPZ.

- Minimal Impact Alternative – This Alternative would reduce non-permitted impacts to 1.08 acres of SCPZ with no direct stream impact by reconfiguring the proposed southeast trailer parking area. Due to the functional, security and economic impacts of the reconfigured trailer parking and other required changes, this alternative was found to be unfeasible.
- Full Compliance (no Impact) Alternative was found to be not feasible due to the location of the streams on the property, the required size and dimensions of the proposed expansion, and the security fencing needs of the proposed expansion. This is a “no-build” alternative.

As mitigation for the proposed direct stream and SCPZ impacts, the following conceptual plan has been proposed:

a. Direct stream impact mitigation:

Enhancement of approximately 1,328 lf of the onsite perennial stream by removing the existing beaver dams and other debris blockages causing water impoundment and, consequently, streambank erosion and instability. The streambanks would then be stabilized using bioengineering techniques, with establishment or enhancement of the forested corridor along the stream. The proposed improvements are expected to raise the HHEI score of the stream from 58 to 62. The proposed mitigation ratio exceeds 9:1, fulfilling and exceeding the SWDM requirements.

b. SCPZ Impact mitigation:

Invasive species removal and native plantings over 2.54 acres of SCPZ and 1.28 acres of riparian forest. The proposed mitigation ratio is nearly 2:1, fulfilling and exceeding the SWDM requirements.

The US Army Corps of Engineers (USACE) has issued Approved and Preliminary Jurisdictional Determination (JD) for the site on 12/03/2021. A Nationwide Permit has been requested from the USACE Huntington District for permanent impacts to jurisdictional wetlands and a stream.

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 applicant’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 Minimal Impact Alternative would impact functional, security and economic viability of the proposed facility expansion 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/stream impact mitigation plan as conceptually described above and in the variance application submitted to the City on November 30, 2022, which must be approved and deemed acceptable by the City.

- The proposed SCPZ mitigation site as well as the remaining on-site SCPZ will be protected by a permanent conservation easement, and 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,

A handwritten signature in blue ink, appearing to read 'Robert S. Priestas', with a long horizontal flourish extending to the right.

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

pc: Variance Review Committee
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