

September 26, 2022

Christopher M. Tebbe, P.E.
Owner
Tebbe Civil Engineering, LLC
4700 Lakehurst Court, Suite 135
Dublin, Ohio 43016

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Retreat at Scioto Creek, 4646 Hall Rd.

Mr. Tebbe:

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 commercial business activities, filling, excavation and other changes in topography within the SCPZ. A variance is requested to allow construction of an apartment development called Retreat at Scioto Creek. The proposed development includes 12 three-story garden-style apartment buildings (264 units), club house with pool and other amenities including playgrounds, gaming/recreational space, grills and cooking space, picnic tables, dog park, meeting and classroom space. The proposed development will require removal of a 297 ft. section of an unnamed ephemeral stream crossing the site.

The request was submitted to the City on April 15, 2022, and revised on August 10, 2022. The Variance Review Committee met and reviewed the subject Variance Request on June 8, 2022, and then on September 14, 2022. As part of the Variance review process, the subject Variance request was posted on the City website on May 10 and August 10, 2022 to solicit public comments. No public comments were received by the due date on both postings.

The submitted Variance Request 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, Minimal Impact and Preferred Alternative.

- Preferred Alternative – As described above. It will directly impact 322 ft. of an existing ephemeral stream, as well as 0.37 acres of its SCPZ.
- Minimal Impact Alternative – Reduced size development. It will directly impact 297 ft. of an existing ephemeral stream, as well as 0.25 acres of its SCPZ. One of the buildings would be eliminated to



reduce the proposed stream and SCPZ impact. All 4-bedroom units, as well as 12 affordable housing units would be eliminated. This reduction would result in significant functional and financial impact to the development. Due to these factors, this Alternative is viewed as non-viable.

- Full Compliance Alternative – In addition to the losses described under the Minimum Impact Alternative, this alternative would also significantly reduce the proposed garage, storage and parking space. No non-permitted impacts to the existing streams would be proposed. This alternative would result in further erosion of the functional amenities and financial benefits of the proposed development, thus also being viewed as non-viable.

The applicant proposes to mitigate the impact proposed under the Preferred Alternative SCPZ by creating two mitigation areas within the site, both approximately 0.61 acres in size. The first 0.61 acre area is located in the middle of the proposed development, around the proposed road crossing over the stream. The mitigation will consist of invasive species control and planting of native vegetation, including 90 trees and 90 shrubs as well as native seed mix. The other 0.61-acre area, located within a proposed conservation easement along the eastern site boundary, will also be undergoing invasive species removal and native vegetation planting, including 25 shrubs, 25 trees of various native species, and native seed mix. The proposed on-site mitigation significantly exceeds the 1:1 requirement for the SCPZ mitigation.

The direct stream impact is proposed to be mitigated by restoration of approximately 470 ft. of the existing on-site stream, vs. 322 ft. of the impact. The stream is proposed to be mitigated using Overwide Channel/Self-Forming Stream techniques. The restored stream will be able to flow within its floodplain, forming its channel, depositing sediment and creating wetlands. The expected HHEI score of the restored stream is 64 (vs. existing 39 and impacted stream score of 24). This represents a significant improvement in ecological quality and value vs. the current conditions. The proposed mitigation plan also exceeds the SWDM-required 1:1 mitigation ratio for on-site mitigation, and would go above and beyond of meeting the equivalency requirement.

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 and direct stream impact mitigation plan represents the development 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 both the Full Compliance and the Minimal Impact Alternatives would negatively impact functional and economic viability of the proposed development to a point of making it infeasible.

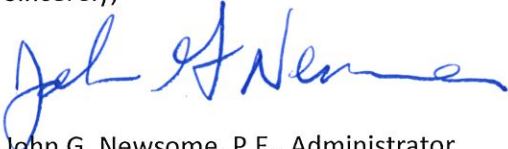
In light of the above, the subject Variance Request (Type III SWDM Section 1.3), Preferred Alternative is conditionally approved contingent upon the following stipulations:

- 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, in the variance application and per the SWDM Variance Reforestation & Revegetation Requirements.

- The remaining existing streams and their SCPZ will require conservation easements to protect these areas in perpetuity. Such conservation easements will include additional areas as indicated in the Variance Application.

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
File