

January 7th, 2024

Mr. Greg Fedner
gfedner@columbus.gov
1250 Fairwood Ave,
Columbus OH 43206

Dear Mr. Fedner

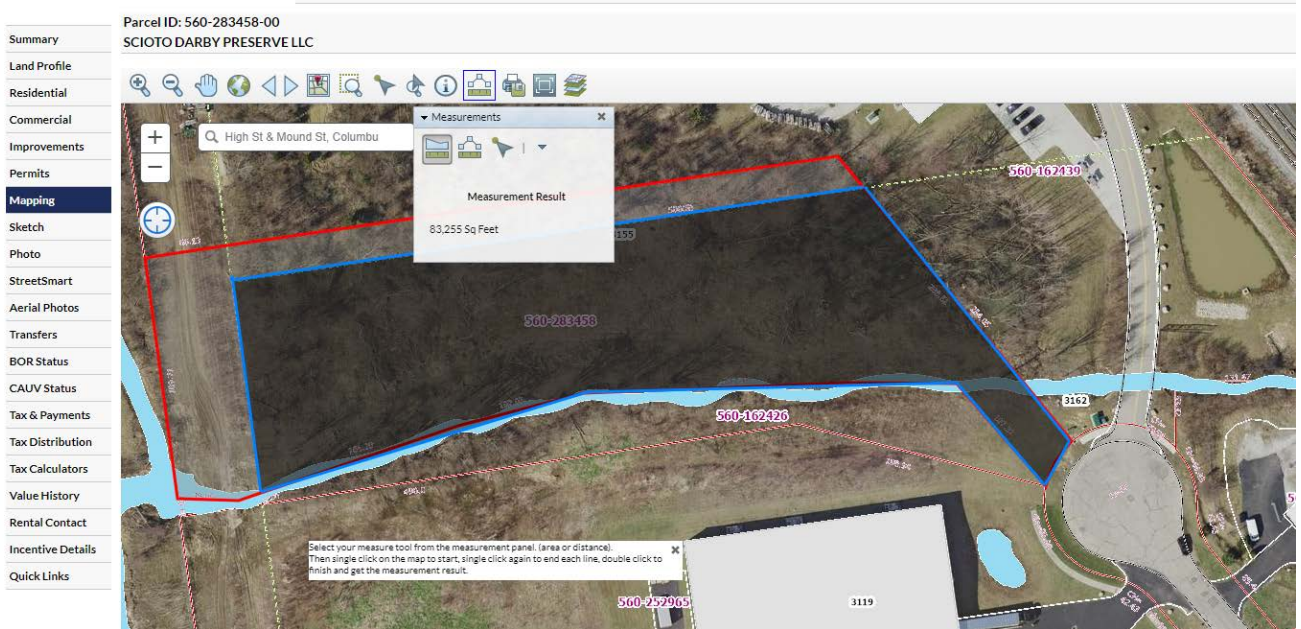
Please accept the following comments and questions about the **Scioto Darby Preserve Commercial Development Type 3 Stormwater Variance REVISED Request (SCIOTO DARBY EXECUTIVE Court)**...

1. This revised application for a variance is not sufficiently compelling to allow for a Type 3 variance from the Stream Corridor Protection Zone and the adjacent wetland impacts, The site is too small (2.4 acres), has too many limiting setbacks (particularly on the north and west) to make this a viable site for what the applicant needs. **The size and topographical limitations indeed are making its development challenging and thus requiring a stormwater variance to be able to develop it.** This version also eliminates the required stormwater feature and replaces it with a constructed wetland. **WHY IS THE APPLICANT PROPOSING TO IMPACT EXISTING WETLAND TO CREATE A CONSTRUCTED WETLAND? While the existing wetland is proposed to be removed, the applicant will obtain a 401/404 OEPA/ACOE permit and pay an in-lieu fee to the wetland bank. The proposed constructed wetland will provide the required stormwater quality and quantity SCP as well as the additional SCPZ mitigation. Who will hold the conservation easement? The City will be the conservation easement's grantee.**
2. Figure 3 of 3 inaccurately shows the portion of the proposed old drive entrance as Stream Corridor Protection Zone. **You are correct, the existing entrance drive within the SCPZ will remain within the SCPZ. The upcoming CC-plans will show it correctly.**
3. Is the minimum SCPZ really 100 ft as the applicant states? If so, 44% of the site is undevelopable. Shouldn't the applicant have been aware of the utility setbacks on the west side prior to purchase? **Per Streamstats, the upstream drainage area is 0.35 sq. mi., which equates to 98.6 lf SCPZ width. Site limitations is the reason for the SWDM Type III variance application. Existing utility easements do not prohibit the site from being developed.**
4. Is a Setback needed on the north side since the landowner to the north is also storing supplies/equipment? What regulation requires this setback? **Per the applicant, there is a 25 ft. setback as shown on the exhibits, required by the zoning code.** Could the applicant request a variance from that requirement? Why is a

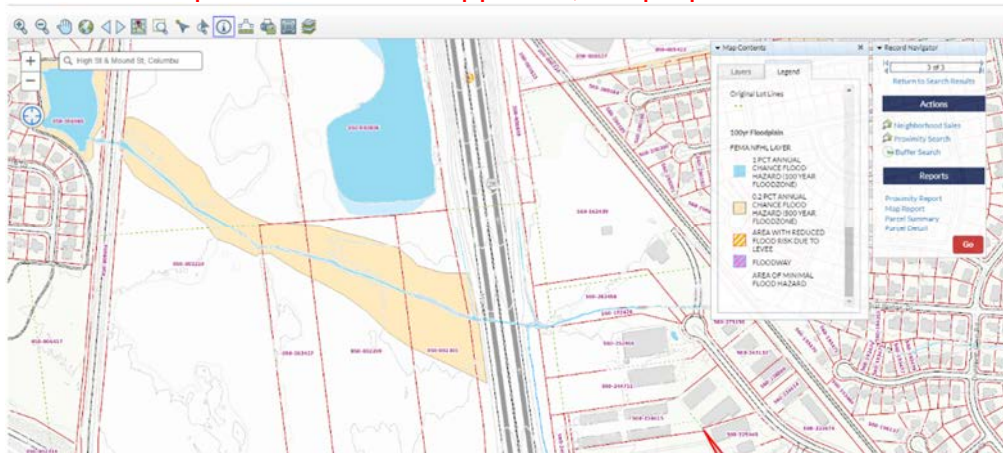
wetland allowed to extend into the Storage Setback (Figure 3 off 3). Per the applicant, changing/removing the 25 ft. setback would require a zoning variance, and would not change the existing site access issues.

5. Can you please share the Ohio Rapid Assessment Method (ORAM) score for the wetland proposed for impact? This is my 2nd request. I am concerned that this forested area might potentially be a vernal pool habitat. ? Per the applicant, it is a category 2 wetland. The US Army Corps of Engineers has approved the filling of this wetland with a mitigation in-lieu fee based on 0.80 acres of mitigation. No ORAM evaluation of the wetland was required by the ACOE/EPA for the 401/404 permit to remove the wetland.
6. My calculation of the SCPZ based on a drainage area of 0.35 acres is 72 ft. Has DPU calculated the actual sewer shed size for this site? We concur with your determination of the 0.35 sq. mi. (not acres) upstream watershed – per Streamstats. However, this watershed size yields approx. 100 ft. SCPZ width. We have also looked at the actual watershed size based on its modified urbanized watershed, and determined it to be 0.5 sq. mi., which results in approx. 113 ft. SCPZ width. The upcoming plans will show the correct revised SCPZ width.
7. The Fully compliant alternative (SHOULD HAVE NO IMPACTS) but still shows impacts (8,157 sq ft or 5,306 sq ft of SCPZ). This alternative should be a design with no impacts. The applicant argues that the 4 ft by 11 ft culvert at \$80,000 would be a huge impact on the viability of the project. This site has too many limitations to be viable for a business this size. The preferred option has no stream impacts! VERY CONFUSING. The Full Compliance alternative may include permissible impacts such as drive crossings, trails, public utility crossings etc. This application's Full Compliance alternative includes a new drive crossing the stream, which is a permissible impact directly to the stream and its SCPZ. The Preferred Alternative does not include direct stream impacts, only an impact to the existing wetland which is contiguous with the stream's calculated SCPZ and thus is added to it.
8. According to the information provided, the development site is 2.51 acres and 44% of the site is undevelopable (1.1 acres) because of the SCPC and associated wetland (0.312 ac). This indicates that the site is not appropriate for this size development or that the landowner should consider some underground stormwater storage or consider another site. Underground storage would not significantly change the extent of the required stream or its SCPZ impact. Per the applicant, it is not uncommon for an office building project to utilize a site of 1.1 acre or less.
9. Why was the area logged in 2017/2018, especially part of the wetland? What is the Quality Category of the wetland (ORAM 1, 2 or 3?) Per the applicant, the current site owner, the applicant, has purchased the site in 2020, and has no knowledge of the mentioned past logging operations. No ORAM evaluation of the wetland was required by the ACOE/EPA for the 401/404 permit to remove the wetland.
10. Has the applicant considered designing the stormwater basin so that it provide hydrology to the existing wetland through a French drain, level spreader or Agri Drain? The wetland that is secluded should either be totally mitigated for or have its hydrology preserved. Is the proposed constructed wetland really a stormwater basin? Due to the elevation of the existing wetland, a potential surface or underground detention basin would be unable to provide the required hydrology for

the wetland due to their required depth. The proposed constructed wetland would also be utilized as a post-construction SCP for water quality and quantity.



11. This tributary is an unnamed tributary to Griggs Reservoir which is the Drinking water source for over 2 million people. Will there be any chemicals stored on this site that may be of concern if flooding occurs? **This issue is outside of the subject SWDM variance purview. Per the applicant, the proposed use is an office building.**



12. This tributary, east of I-270 has not been mapped by FEMA but appears to be part of the 500 year floodplain for this stream, as shown by the canary shading west of I-270. Again, I am concerned about potential flooding and any chemicals that may be stored on this site. Will any chemicals be stored on site?? **This issue is outside of the subject SWDM variance purview. The City Code and the SWDM only**

regulate 100-year flood. The project site is located outside of the 100-year floodplain.

13. Can **underground stormwater storage** be implemented? This potentially could provide a water source for the wetlands during the drier times of the year. **Please see the response to Question No. 10.**
14. Please explain the Storm Drain Easement (area #3). **It is an existing storm drain easement. The applicant is not aware of its history.**
15. Preferred Development Option- Why is the stormwater basin allowed to extend into the northern easement but nothing else? Is this area available for building or not? **Per the applicant, it is not available for building because it is a separate property. The adjacent property owner has agreed to a drainage easement to permit the wetland to be constructed.**
16. Is the mitigation plan of adding 15 1.5 inch caliper trees and seeding standard/adequate? Trees should not have been removed from the Stream Corridor Protection Zone! Why does the SCPZ have bare earth areas? It seems like additional trees are needed in the Stream Corridor Protection Zone. **The applicant has agreed to add native species trees to plant within the stream's SCPZ as an enhancement to the proposed mitigation plan.**
17. Stream Corridor Protection Zone Signage- Is the applicant aware of this requirement? **The applicant is aware of the requirement, and the City will enforce it at the plan preparation stage.**
18. What SCPZ enhancement work is proposed in Figure 3 of 3? **Planting of native species trees, in addition to the constructed wetland.**
19. Has DPU considered requiring Mitigation for the impacts to the SCPZ on the South Side of this unnamed tributary on Parcel 560-252965 (NEPO LLC) or parcel 560-162426 (Standard Development Co)? **The City can only require SCPZ mitigation work to account for the proposed impacts, generally and if possible, within the project site. The parcels mentioned above are not part of this proposed development.**

Laura Fay

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Scioto Watershed Resident

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cc. Ms Cheryl Smith clsmith@columbus.gov