

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, April 2, 2014, 1:30 p.m., Hearing Room 113 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Tracy Corr, Chris Hove, Maja V. Harris, Jeanelle Lust and Lynn Sunderman; (Cathy Beecham, Michael Cornelius and Ken Weber absent). Marvin Krout, Steve Henrichsen, Brandon Garrett, Christy Eichorn and Teresa McKinstry of the Planning Department; Ben Higgins from Public Works Watershed Management; Mike Eckert from Civil Design Group; Tim Gergen from The Clark Enersen Partners and other interested citizens.

STATED PURPOSE OF MEETING: Workshop on “Watershed Management and Stormwater Quality”

Marvin Krout stated this topic was a specific request from Beecham and Harris. Planning Commission doesn't see very many stormwater issues arise on subdivision plans. Up until now, Ben Higgins has dealt with stormwater quantity and other issues. This is a little different. In February, after a long process of Task Force and other work on proposed regulations, the City Council passed Stormwater Quality Regulations related to subdivisions. Those regulations don't go into effect for a couple of years on February 1, 2016. There was a lot of discussion. Mike Eckert and Tim Gergen are present today to provide some valuable insight into how this will work in practice.

Ben Higgins stated that standards have changed. Urban drainage studies have been done. Drainage systems are fixed before they break. Watershed Management likes to stay in front of things. All the department funding comes from bond funds. Our main responsibility is watershed management. This department has been around since 2001. We are responsible for City Stormwater Permits, Stormwater Capital Improvement Program and floodplain mapping. All the floodplain maps from the 1970's are now up to date. These are required, as well as floodplain standards per Federal requirements. Detention requirements were passed in the mid to late 1990's. Other stormwater standards related to flooding, were enacted in the late 1990's. New Growth Area Standards were passed in 2005. These are areas outside the City limits, but within the three mile area. Salt Creek Storage Area Standards were passed in 2006 and a No Net Fill/Rise Policy for City subsidized projects was instituted in the mid 2000's. Present day, Federal requirements require the City to have a stormwater permit process. It requires implementation of control measures to manage water quality. State requirements mirror the Federal standards. The State dictates that the City must provide a program to control

these requirements. In 2012, the Mayor's Clean Water Program Task Force was set up. In 2013, staff met with Task Force members. Task Force members were from the Chamber of Commerce, LIBA, HBAL, Realtor group and others. Recommendations were drafted. These are all online. From those recommendations, staff drafted the regulations. In 2014, these regulations went to City Council and they passed the ordinances and Drainage Criteria Manual chapter. We need to bring the design standards forward to Planning Commission and then on to City Council. The design standards are more of a synopsis of the Drainage Criteria Manual. The ordinance can be viewed online. The ordinance now manages all rainfall events for development and redevelopment over one acre. This is not required for individual lots, a development with a preliminary plat or building permits. The Public Works Director can also grant exemptions. Property owners are required to inspect and maintain best management practices by qualified individuals. There must be a maintenance agreement prior to obtaining building permits. There are credits available within each watershed. You can get credits for using conservation design practices or by managing more rainfall than required. Best management practices could be wetlands, extended detention basins, retention ponds, green roofs, permeable pavement or bioretention facilities. Many of these things are already being done around town. For more information, go to www.lincoln.ne.gov, keyword 'clean water program'. All the ordinances and background information are available.

Hove wanted to know the difference between FEMA, NRD and Watershed Management. How do they all work together? Higgins replied that FEMA sets the guidelines. The City generally starts the process and hires consultants to map the floodplains. FEMA checks those and verifies the information. FEMA then approves the maps. Public Works has an agreement with the NRD for an annual workplan. The NRD is in charge of the named stream channels. There is cost sharing on some things. Public Works and the NRD meet every month. They share costs and responsibilities on most master plan projects.

Lust questioned if Watershed Management has current water quality standards that they are required to follow. Higgins replied no, not currently. They inspect detention ponds and manage them. The key to water quality is to keep the hydraulic regime the same as it was before.

Hove understands this is also about clean water and water quality, not just the amount of runoff. Higgins stated that scientists agree that if you can capture the first smaller event, it can be stored and slowly released and you help the water quality. Rain gardens and filtering with pavers are some ways to do this.

Harris would like an example of the credits. Higgins stated that for example, you were in a new area. If you have some land and instead of capturing the 0.83 inches, you capture 1 inch. You calculate the excess volume and it can be used somewhere else. You can use the credit. These are set by watershed basin.

Sunderman questioned if those credits can be bought and sold. Higgins replied yes. There needs to be a letter with the owners signature authorizing the sale. The EPA is trying to push those ideas as well. They are trying to make it more flexible.

Krout noted that on a related issue, subdivisions and homeowner associations have a great deal of responsibility with detention. At the City Council meeting, they wondered if this was a good idea. We make associations a huge part of the solution. We had an issue that came up. It started with a tree falling down in the common area of a homeowner association. The association that was supposed to be responsible had been dissolved. According to the Secretary of State, we have about two dozen homeowner associations that are dissolved. Some may operate informally, but in this one situation, it had been dissolved for some time. Other areas had been clearly neglected. There was no ownership of the common areas. For about 13 years, the City was mowing it and assessing it against an address that no one was there. We want to have someone we can assess if there is an issue. Staff is working with the City Attorney's office on how to improve the language on a subdivision agreement. Staff would like to make it more difficult than just dissolving an association when dues are not paid. There should be other requirements. We are looking at possibly State legislation to make it possible for the City to assess a cost to the original owners of the lots. This is an interesting issue.

Tim Gergen thinks what happened is some reFORM standards came through and we saw a lot of Ordinances pressing on development. Some of these are costly and can hinder a lot as undevelopable. He believes the water standards are in place for good reason, but thinks some other items can be looked at to make some of these sites developable. One of the items he saw going through the reFORM standards, you could try to get a waiver. Downtown is using a lot of the right-of-ways for development. He would like to try and incorporate the use of city ROW for stormwater quality issues like we are doing in downtown streets. In the past, Lincoln Water System has cited an old plumbing code that talks about ten feet of separation between sewer and water pipe.

Scheer stated that LWS defines some best management practices as needing the ten foot separation. Gergen believes this is purely an interpretation issue.

Gergen believes that some other items in downtown development would make it hard to initiate these water quality standards. It would be difficult when redeveloping or repurposing old buildings. Also, he sees that sites smaller than one acre are exempt. Commercial development is almost always larger than one acre. Once you put in all the standards, he sees that some corner lots could be undevelopable by the time these are all incorporated. He wants to make sure we take these Ordinances and investigate all possible matters and don't reduce the density of new developments.

Mike Eckert wants to look at the water quality component handed down by the State. Part of the reason for the delay in implementation, part of the issue is that the EPA is not defined in the standards. Right now, detention cells are paid for through the lot price.

Long term maintenance is passed on to the homeowner or association. He agrees with Gergen. These standards could make infill projects very difficult. He would like to see the City provide the engineering community with workshops and seminars to understand these very specific design elements that have to be worked in. He did note that Watershed Management has started this process. The current problem is existing neighborhoods. New neighborhoods help pay for things in the older parts as well.

The briefing was adjourned at 1:00 p.m.