



Washington County Planning and Parks Department Land and Water Conservation Division

EROSION CONTROL & STORMWATER MANAGEMENT MEETING

MINUTES

of 08/23/07

*Meeting held on 08/23/07 @ 2:07 PM
Washington County Public Agency Center, Room 3224,
333 E. Washington St., West Bend, WI 53095-2003*

The meeting was called to order by Paul Sebo, Washington County Senior Technician of the Land & Water Conservation Division @ 2:07 P.M. A meeting notice was provided to the Washington County Clerk and the local newspaper for their information.

Excused: William Ripp, City of Hartford Engineer; Matt Bedarski, Village of Newburg Engineer

Absent: Steve Wendelborn, Town of Barton Zoning Administrator; Jim Haggerty, Village of Slinger Director of Public Works

Those in attendance included the following:

City/Town/Village Representatives

<i>Jim Reinke</i>	<i>City of West Bend, Com Dev., Asst. Planner</i>
<i>Max Marechal</i>	<i>City of West Bend, Asst., City Engineer</i>
<i>Jim Bennett</i>	<i>Town of Hartford, Chairman</i>
<i>Leander Herriges</i>	<i>Town of Wayne, Chairman</i>
<i>Frank Mayer</i>	<i>Town of Trenton, Zoning Administrator</i>
<i>Kirk Radtke</i>	<i>Village of Germantown, Building Inspector</i>
<i>Ken Voigt</i>	<i>Village of Germantown, Bldg/Plmb Inspector</i>

Washington County Representatives

<i>Scott Schmidt, P.E., R.L.S.</i>	<i>Washington Co., Engineer/Surveyor</i>
<i>Paul Sebo</i>	<i>Washington Co., Senior Technician</i>
<i>Jill Hapner</i>	<i>Washington Co., County Conservationist</i>
<i>Phil Gaudet</i>	<i>Washington Co., Land Resource Manager</i>
<i>Charlene Brady</i>	<i>Washington County Supervisor</i>
<i>Paul Backhaus</i>	<i>Washington Co., Project Technician</i>
<i>Fay Fitts</i>	<i>Washington Co., Admin. Secretary</i>

State Representative/Others

<i>Benjamin Benninghoff</i>	<i>DNR, Water Res. Stormwater Specialist</i>
<i>Scott Mathie</i>	<i>Metropolitan Builders Association</i>

Introductions were made to all present.

Review and Approve Minutes of 05/24/07

The minutes of the previous meeting had been mailed or emailed for review. **There being no changes or corrections, Mr. Bennett motioned to approve the minutes of 05/24/07, seconded by Mr. Marechal. Motion carried.**

Review/Add to the Agenda

Nothing was brought forward.

Edit/Review Preliminary Draft – Erosion Control & Stormwater Management Ordinance

Chapter 17 draft (dated 08/03/07) had been mailed or emailed out previously to the committee members for their review. Staff indicated that the changes proposed are color coded as follows; blue text incorporates the DNR NR 151 state requirements, red text indicates additions by the staff, and items lined through are proposed deletions from either existing code or DNR NR 151 requirements (Exhibit #1). Since the mailing of the draft, additional text changes had been identified and highlighted in yellow. These changes included minor text additions, deletions and cross-references. It was also noted that the County Attorney will also need to review and approve all the language changes, corrections and state statute cross-references. Notable comments and discussions were as follows; in addition, consensus approvals from the committee workgroup members occurred as the review took place.

17.05 APPLICABILITY, EXEMPTIONS AND TECHNICAL WAIVERS (1) Construction Site Erosion Control (4) Technical Waiver (a) Waiver Criteria.

Mr. Sebo noted that the language of technical waivers section had been inserted and replaced by the waivers section.

Mr. Mathie questioned administering authority determinations, relating to permitting other land development activity beyond the listed triggers for a permit. Mr. Sebo responded that whether the Town's Engineer or the County is deemed as the administering authority, if there is a potential for downstream property damage, increased ordinance requirements can be implemented or the site is required to obtain a permit. Mr. Benninghoff noted that it comes down to the "best professional judgement" by the administering authority.

17.05 APPLICABILITY, EXEMPTIONS AND TECHNICAL WAIVERS (3)(AM 01-08)(AM 03-42) Exemptions. (c) 3. –

Recommending deleting the following language: Nonpoint discharges from agricultural facilities and practices. It was explained that with the new NR151 requirements, work completed at agricultural facilities would be exempt. Removing this exemption means that - whether someone is expanding their farmstead or building a subdivision they have to follow the same rules, if the project is over the 20,000 sq. ft. of new impervious surface then the new provisions for stormwater management apply. Mr. Benninghoff reiterated that the ordinance should be consistent and fair throughout the communities (i.e., agricultural and development). Staff noted that by deleting the language, all parties are under the same requirements, covered under stormwater management.

17.05 APPLICABILITY, EXEMPTIONS AND TECHNICAL WAIVERS (3)(AM 01-08)(AM 03-42) Exemptions. (c) 1. –

Mr. Mathie questioned the provisions for impervious surfaces and how porous pavement or other BMP for pervious surfaces can be exempted from the ordinance. Mr. Sebo noted that the definition for impervious surfaces already excludes areas specifically designed for infiltration Mr. Mathie recommended that the language be strengthened to include pervious surfaces. It was suggested to change the language to: A redevelopment post-construction site with no increase in exposed impervious parking lots or roads. It was then noted that an exemption would not be approved for installation of porous pavement over clay soils, noting that all Best Management Practices (BMP's) should be reviewed to avoid that from occurring onsite.

17.05 APPLICABILITY, EXEMPTIONS AND TECHNICAL WAIVERS (4) Technical Waiver.

Mr. Sebo explained that the added language was taken directly from the Waukesha County's ordinance with the exception of deleting the provision regarding fees for waivers.

It was noted that the ordinance does not have jurisdiction over construction of one or two family homes less than one acre. But it was also noted that if the community is designated by the Department of

Commerce under UDC approval that it would be under the jurisdiction of NR216 and NR151 technical standards. Each community would need to research under the Department of Commerce website and determine if they have local jurisdiction for one and two family sites.

17.08 EROSION CONTROL PLAN REQUIREMENTS (3) Specific Erosion Control Requirements and Performance Standards (a) Sediment Reduction.

Mr. Mathie questioned whether the erosion control plan is just by design or if the County will be requiring further modeling to back up the plan? Discussion ensued with the language suggested to read: Sediment Reduction. An erosion control plan shall by its design to the maximum extent practicable achieve a reduction of 80%..... The intent is that if the plan includes the appropriate standards listed in this section, that further modeling is not required. It was also noted that the statement language may be double-stated, and will be further researched and numbering sequences will be addressed in the final draft throughout this section.

17.08 EROSION CONTROL PLAN REQUIREMENTS (3) Specific Erosion Control Requirements and Performance Standards (d) Access Drives and Tracking.

Mr. Mathie questioned the rationale behind having tracking pads for access drives and parking areas for each site. Mr. Benninghoff explained that in order to avoid off-site tracking it's better to have tracking pads for both (access drives and parking areas) for all access points to include on-site and off-site access. It was noted that a parking base should be a firm base and not create more runoff.

17.08 EROSION CONTROL PLAN REQUIREMENTS (3) Specific Erosion Control Requirements and Performance Standards (j) Dust Control.

Mr. Mathie questioned why dust control was added noting that site watering is common practice. Mr. Sebo noted that it is being added because it is not being currently utilized on the construction sites. It was also noted that "(g) Site Erosion Control." had been eliminated which included language related to minimizing sediment during the construction phase due to wind or water. Mr. Marechal noted that the City of West Bend has added language to address this during their preconstruction meetings. Mr. Mayer questioned if tarping trucking loads could also be enforced in this ordinance? It was noted that a separate ordinance would need to be developed for that.

17.08 EROSION CONTROL PLAN REQUIREMENTS (3) Specific Erosion Control Requirements and Performance Standards (m) Topsoil.

Mr. Mathie questioned importing of soil, why is it necessary if pre-development conditions had existing vegetation growing? Mr. Benninghoff cited the technical NR151 language definition for permanent seeding, noting that topsoil requirements are a minimum depth of 4 inches with the ability to support a dense cover, to meet the 80% sediment reduction standard. Discussion ensued and language was revised to remove "the range of 4 to 6 inches of topsoil" to just a "minimum depth of 4 inches is reapplied for all areas to be seeded or sodded".

17.08 EROSION CONTROL PLAN REQUIREMENTS (3) Specific Erosion Control Requirements and Performance Standards (q) Final Site Stabilization.

Mr. Sebo explained that all previous cropland areas where land disturbing activities will not be occurring under the proposed grading plan shall be stabilized within 30 days of permit issuance, the entire site in the proposed grading plan, needs to be stabilized and seeded within 7 working days of final grading. Definition of working day was discussed and it was noted that inclement weather would not be included.

Mr. Mathie motioned to recommended 7 working days be changed to 10 working days for final site stabilization; seconded by Mr. Mayer. Voice Vote taken, Naves carried. Motion Denied.

17.08 EROSION CONTROL PLAN REQUIREMENTS (3) Specific Erosion Control Requirements and Performance Standards (r) Temporary Site Stabilization.

Mr. Reinke noted that the City of West Bend has 14 days for temporary site stabilization. Discussion ensued.

Mr. Reinke motioned to recommend language for temporary site stabilization changed from 7 working days to 14 working days for any disturbed area that remains inactive; seconded by Mr. Bennett.

Further discussion ensued regarding calendar days and working days regarding temporary site stabilization and 30 days of permit issuance.

Mr. Reinke amended his motion to recommend language for temporary site stabilization from 14 working days to 10 working days for any disturbed area that remains inactive; seconded by Mr. Bennett. Voice Vote taken, Ayes carried. Motion carried.

17.08 EROSION CONTROL PLAN REQUIREMENTS (4)(AM 01-08) Final Erosion Control Plan Contents (b) Sites of One Acre or greater in Total Land Disturbance (2) Site Development. h; and i -

Mr. Mathie stated that language regarding trees should be deleted from the ordinance and that this should be a consideration for a local tree ordinance. Mr. Reinke stated that the City has language regarding trees in their environmental corridor section. It was noted that the landscape plan calls for identifying all plantings. A copy of that document would satisfy this codes requirement.

17.09 STORMWATER MANAGEMENT PLAN REQUIREMENTS (4) Specific Stormwater Management Requirements & Performance Standard -

Mr. Bennett stated that this section has become a very sensitive area for the Town, noting that it has been brought to his attention by the City of Hartford Engineer that maintenance of detention and retention basins are a responsibility that each municipality must now address, because of the lack or failure of responsibility from the developers and/or the Home Owners Association. He stated that someone needs to take responsibility of supervising the basins. Mr. Bennett noted that the lack of following through to see if the basins are working and being maintained properly is what is missing. Mr. Schmidt noted some municipalities were very good with creating Erosion Control and Stormwater Maintenance (ECSM) agreements indicating who is directly responsible (ECSM agreements are recorded at the Courthouse and tied to the property deed) and other municipalities were lax, so there is not any record on who is responsible for maintaining the basins.

It was noted that some acronyms may need to be added as definitions in the Glossary (i.e, SLAMM, P8).

17.09 STORMWATER MANAGEMENT PLAN REQUIREMENTS (4) Specific Stormwater Management Requirements & Performance Standard (c) Infiltration.

Mr. Sebo noted that the following language additions will probably be the most contentious areas for developers:

1. For residential developments infiltrate the post development 2-year 24 hour design storm with a type II distribution.
2. When site constraints do not allow for appropriate infiltration systems, technical waivers may be sought in accordance with sec. 17.05(4); however, the following infiltration minimums shall be met when practicable...
3. For non-residential development, including commercial, industrial and institutional development, infiltrate the post development 1-year 24 hour design storm with a type II distribution.

4. When site constraints do not allow for appropriate infiltration systems, technical waivers may be sought in accordance with sec. 17.05(4); however, the following infiltration minimums shall be met when practicable...

Mr. Mathie stated that his colleagues were not fond of the language added and questioned the rationale behind it? Noting that the language was going above and beyond the DNR standards and it is not tested, noting that this will also be a substantial added cost to a development, noting that regulators cannot consider economics.

Mr. Sebo stated the rationale as being, that in Washington County a number of rural communities have open space areas to hold detention basins which consists of adequate soils (glacier till - sand and gravels) that are capable of infiltration. If we have the abilities to infiltrate, why not do it because of the benefits it would provide, especially to alleviate flooding problems downstream and groundwater protection.

Mr. Bennett stated that he supported the recommendation of increased infiltration, noting that everyone would benefit from the increased infiltration, suggesting that perhaps the free market should determine and decide costs.

Mr. Marechal stated that perhaps a pond design or basin could be modeled and calculations ran through a hydrology computer program such as the SLAMM program, to determine pond size and infiltration ratios.

Mr. Sebo noted that the wet detention basin standard using the original SLAMM methodologies planned for the first ½ inch of runoff, is equivalent to a 1-year storm (2.3 inch rainfall) for a 2 acre lot subdivision in Washington County. If that runoff is infiltrated at 100% there would be 100% pollution control on site. For a 2 year storm event, an additional quarter inch of runoff is added to the volume. Mr. Benninghoff stated that environmental credits would be given for developments regarding infiltration technical design standard practices (i.e., grass swales, downspout disconnection from roof tops) that lead to a designed infiltration basin and/or impervious surface infiltration.

Mr. Schmidt noted that before the next meeting research will be done regarding comparisons of pre-development and post-development infiltration volumes on basin designs to determine the major differences between the proposed standards and the DNR standard.

Consideration of Approval of Preliminary Draft

No motion was brought to the table.

Review of Meeting Dates & Times

The following meeting date was scheduled as follows:

September 27, 2007 – 2-4 PM

There being no further comments, Mr. Mayer motioned to adjourn, seconded by Mr. Herriges.

Meeting adjourned @ 4:15 P.M.

Respectfully Submitted, Fay Fitts