Washington County
Planning and Parks Department
Land and Water Conservation Division

EROSION CONTROL & STORMWATER MANAGEMENT MEETING

MINUTES

of 10/25/07

Meeting held on 10/25/07 @ 2:17 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 @ 2:17 P.M. A meeting notice was provided to the Washington County Clerk and the local newspaper for their information.

Excused: Ken Voigt, Village of Germantown, Bldg/Plmb Inspector
Absent: Steve Wendelborn, Town of Barton Zoning Administrator; Matt Bedarski, Village of Newburg Engineer; Kirk Radtke, Village of Germantown Building Inspector; Leander Herriges, Town of Wayne; Jim Reinke, City of West Bend, Jim Haggerty, Village of Slinger Engineer

Those in attendance included the following:

City/Town/Village Representatives

Max Marechal	*City of West Bend, Asst., City Engineer*
Jim Bennett	*Town of Hartford, Chairman*
William Ripp	*City of Hartford, Engineer*
Frank Mayer	*Town of Trenton, Zoning Administrator*

Washington County Representatives

Scott Schmidt, P.E., R.L.S.	*Washington Co., Engineer/Surveyor*
Paul Sebo	*Washington Co., Senior Technician*
Jill Hapner	*Washington Co., County Conservationist*
Charlene Brady	*Washington County Supervisor*
Phil Gaudet	*Planning & Parks Department, Resource Manager*
Paul Mueller	*Planning & Parks Department Administrator*
Fay Fitts	*Washington Co., Admin. Secretary*

State Representative/Others

Benjamin Benninghoff	*DNR, Water Res. Stormwater Specialist*
Scott Mathie	*Metropolitan Builders Association*

Review and approve Minutes of September 27, 2007

Mr. Bennett motioned to approve the minutes of 09/27/07 contingent upon any amendments or corrections needed; seconded by Ms. Brady. Mr. Sebo noted that on page 4, second paragraph reference to Com 83 should be Com 85. Voice vote taken to approve the minutes with the correction noted above. 7 Ayes, 0 Nayes. Motion carried.

Continuation of Edit/Review Preliminary Draft - Erosion Control and Stormwater Management Ordinance

Mr. Sebo presented a GIS map which staff had created, depicting the City of West Bend's 2020 Land Use Plan which indicated all of the planned land remaining to be developed within the city limits. Calculated infiltration

rates of soil types were based on a 4 ft. surface level and resulted in the following four categories; 1) Excessive Infiltration rates of > 20 inches/hour; 2) Moderate Infiltration Rates .63 - 2 inches/hour; 3) Low Infiltration rates .2 - .63 inches/hour; and 4) Very Low Infiltration rates potential displaying soils that have seasonally high groundwater and bedrock within 4 feet of the surface, gravel pits and land fills). The results indicated that 74% of open lands remaining for development in the City of West Bend indicate having good soils for infiltration. Mr. Sebo again reiterated to the group that overall Washington County does have good soils for infiltration. Mr. Sebo indicated that in the future, he would like to create a GIS map showing all soils of Washington County which would be displayed on the GIS Interactive Website. GIS maps such as these, could be used as a tool for developers to inform them on soil types and indicators of which soils are suitable for building purposes or infiltration basins.

17.09 STORMWATER MANAGEMENT PLAN REQUIREMENTS (4) Specific Stormwater Management Requirements & Performance Standards (i) <u>Site Drainage</u> 3. Subsurface drainage.

Mr. Sebo noted the two issues tabled from the previous meeting on 09/27/07 were; 1) separation from a 100 yr. Rainfall event (both distance and elevation); and 2) basement elevation and groundwater.

Mr. Mathie indicated that his associate Mr. Mark Augustine, did not have time to prepare any added recommendations at this time, but Mr. Mathie did mention that possibly the section regarding basement groundwater elevation should be removed from the ordinance. Discussion ensued on whether the language on basement separation should be removed or remain with references to infiltration basins.

Mr. Ripp noted that the City of Hartford has internally discussed possibly adopting a separate ordinance in regards to this topic. It was noted that Waukesha County had developed a guide to determine seasonably high groundwater and true basement elevations, based on Com85 and soil profiles. Mr. Bennett noted that other townships may also depend on the County for that responsibility, noting that most townships are not in the position to create an ordinance for these kinds of issues.

Mr. Schmidt indicated that if the basement language was not included in the County's ordinance that each municipality could add their own language into their local ordinance. Noting that he believed that it would be better suited in the city/village/township's land division code or plan. He also suggested that language could be drafted for the municipalities to consider at the local level, which would detail or better clarify how to determine groundwater elevations and basement separation, enforcement, etc.

Mr. Mathie questioned who is more realistically impacted by the basement language, the home builder or the developer? Mr. Schmidt felt it was the home builder, because he was responsible for digging the basement.

Mr. Mathie motioned to remove the language from this section and leave it up to the municipalities to decide. Further discussion ensued, to perhaps creating draft model language regarding basement and groundwater elevations that the county would present to each municipality to consider at their level. Mr. Ripp noted that this issue should become part of the Executive Summary and footnoted in the Intergovernmental Agreements, so that it does not get lost or overlooked in the adoption process and at the municipal level. Mr. Benninghoff noted that during his development review process, identifications of hydric soil areas and prior converted wetlands (which may need wetland delineations) are reviewed to avoid overall developmental impact to hydric soils.

Mr. Bennett amended the motion on the table, to remove the following language from 17.09 (4)(i) Site Drainage 3. Subsurface Drainage. "<u>Basement floor surfaces shall be built one (1) foot above the seasonal high water table elevation, as documented in the submitted soil evaluations, and shall avoid hydric soils as much as possible."</u> and also recommended that additional draft ordinance language be provided to the municipalities, explaining, in further detail, separation of seasonal high groundwater and basement

elevations, for the municipalities to consider at the local level; seconded by Ms. Brady. Voice vote taken, 7 Ayes, 0 Nayes. Motion carried unanimously.

17.09 STORMWATER MANAGEMENT PLAN REQUIREMENTS (4) Specific Stormwater Management Requirements & Performance Standards (i) Site Drainage 4. Structure protection and safety. a. 1. & b.

Mr. Sebo noted that this was the second issue which had been tabled from the previous meeting. The workgroup reviewed the added language regarding separation and setback of structures; structures exposed to ground surface that are "hydrologically connected to any stormwater best management practice"; and "17.09(4)(i)4.a.1. For internally drained areas the maximum water elevation shall be determined using the volume produced by the 100-year 24 hour design storm with a NRCS runoff curve number of 98 for the entire watershed, to reflect frozen ground conditions."

Mr. Schmidt stated that he felt that having both a 2 ft. above maximum water elevation and a 50 ft. setback language referenced in the ordinance was extreme. Noting that if it's a stormwater pond which is drained with a 100 yr. spillway, why do you still need to be 50 ft. setback if the water could never get to your property? It was noted that a stormwater easement is necessary for parcels that have water running through them and if the easement was designed properly it would be adequately designed to hold the water within the parameters designed. He cited an example such as a swale between 2 houses holding water of 1 ft deep, stating that a 20 ft setback would be sufficient.

Mr. Sebo stated that regarding the proposed language as defined in 4.a., it reflects the floodplain ordinance language which is based county-wide, stating that the language accounts for the 100 yr. floodplain elevations, given that, the setback is 2 ft. above that elevation. He questioned, why should not every stormwater pond have that same factor built into the stormwater design?

Mr. Schmidt stated that because designed ponds have a 100 yr. spillway, the top of the pond or outlet is at least one (1) foot higher, if not two (2) ft. higher; whereas the floodplain and floodplain studies have more calculations factored into the floodplain elevations and when development occurs, conditions change over time, can then alter the elevation, which is why the 2 ft. above maximum is taken into account.

Mr. Sebo stated that regarding the proposed 50 ft. setback language as presented in 4.b., if there is an infiltration basin the potential for groundwater mounding under the basin may be there, so, if the structure is closer than 50 ft. the structure could possibly be affected by water moving laterally or sideways through the soil profiles.

Discussion ensued on applicability and interpretation of temporary stored water. **It was agreed by consensus that the language in this section would not include conveyance systems as being a temporary means of storing water.**

A definition would be added in the glossary to include conveyance systems, which would again, not include swales. **It was also agreed by consensus to add the language in both 4.a. & b. regarding conveyance systems, and to change the setback in 4.b. from 50 ft. to 20 ft.**

Mr. Ripp motioned to approve the changes as referenced above; seconded by Ms. Brady. Discussion ensued regarding calculations comprised of back to back 100 yr. storm events versus a calculations using the runoff curve number of 98 for frozen ground conditions and what is more advantageous for internally drained areas. Mr. Sebo gave an example of using a curve number of 75 with 5.5 inches of rain event it would produce approximately 2.8 inches of runoff, noting that the curve number of 98 is more realistic and the back to back 100 yr storm is more stringent. **Voice vote taken regarding motion on table, 7 Ayes, 0 Nayes. Motion carried unanimously.**

17.09 STORMWATER MANAGEMENT PLAN REQUIREMENTS (5) Final Stormwater Management Plan Contents.

Mr. Sebo noted that language regarding inspection of critical elements in the construction plan. It was noted that checking subgrade elevations or the placement of footings, pipes or other structures prior to covering was not related to construction of house footings, etc., but is referenced and pertains only to the construction of stormwater management designs.

17.10 TECHNICAL STANDARDS AND SPECIFICATIONS

Mr. Sebo noted that all models acronyms referenced (i.e., SLAMM, P8, RECHARGA, MANNING'S Formula, etc.) will be spelled out in their entirety, and defined.

Mr. Marechal questioned if the average annual rainfall event data from 1969 is outdated? Mr. Benninghoff noted that other figures or more current data are being reviewed in Madison, but at this time, they have not been formalized or official.

It was also noted that other pertinent links regarding the ordinance would be included on the County's website for easier cross-referencing regarding state standards and other referenced information.

17.11 PERMIT REQUIREMENTS (4) Construction Certification (a) & (b)

It was noted that the language "or qualified representative" was added to 4. (a) as being a person which could complete site inspections as outlined in the construction inspection report that stormwater management BMP's were constructed and comply with the approved plans and applicable technical standards and specifications of the ordinance. In the case of warm season or wetland planting a landscape architect or other qualified professional was able to verify planting and establishment.

It was also noted that language was changed on 4. (b) to read as follows. An "as built survey" shall be certified as accurate by only a registered land surveyor or an engineer licensed in the State of Wisconsin.

Mr. Mathie motioned to except the language changes as presented and as mentioned above; seconded by Mr. Scott Schmidt; Motion carried unanimously.

17.13 ILLICIT DISCHARGES.

Mr. Sebo noted that the proposed language regarding illicit discharges was taken from Waukesha County's ordinance. Mr. Benninghoff stated that the DNR is working on a model ordinance at this time, but is not complete as yet. Mr. Benninghoff noted that dry weather screening may need to be added to the ordinance in the future. He noted that this ordinance does not require a municipality to find illicit discharges, but gives them a tool for enforcement if an illicit discharge is found.

CONSIDERATION OF APPROVAL OF PRELIMINARY DRAFT

Mr. Bennett motioned to approve the draft Erosion Control and Stormwater Management Ordinance language to include all the recommendations presented today and previously discussed which had been reviewed and examined by the workgroup members; document to be forwarded onto the County Attorney for further review; seconded by Mr. Mayer.

Discussion ensued regarding the next steps involved in moving the document forward through the process. Mr. Sebo noted that upon staff reformatting the approved to changes, this document would be forwarded onto the County Attorney. ECSM members will receive a copy of the final reformatted draft ordinance and minutes of today's meeting as soon as possible. Then after the County Attorneys review a public hearing will be scheduled at the Land Conservation Committee meeting for their review/approval and then to County Board. Further discussion ensued, noting that a public informational meeting and/or public hearing may be conducted at, or held prior to the Land Conservation Committee meeting regarding the proposed draft ordinance. Upon the County's adoption, municipalities would have the choice of either adopting the County's ordinance or adopting their own ordinance (which would need to be as restrictive as or even more restrictive than the County's version). Mr. Schmidt noted that he would like Mr. Benninghoff's and other DNR staff to review the ordinance prior to the document being forwarded to the Land Conservation Committee, to ensure that it does meet all the DNR's compliance measures. Mr. Benningoff stated that he would forward it onto his counsel for their review.

Mr. Mathie noted that he was "generally OK" with the ordinance except for the one issue involving the infiltration standard, noting that he felt that the minimum state's performance standard language was sufficient, and that the draft proposed language which goes above and beyond the state standards was too extreme. Mr. Sebo again reiterated that overall soils in Washington County were very good for infiltration. Mr. Sebo stated that approximately 68% of the developable lands in Washington County have infiltration rates greater than 0.6 inches per hour, the minimum for infiltration as stated in the proposed code and in DNR standards.

Mr. Mathie offered an amendment to the motion on the floor, requesting that the infiltration standard be separated from the ordinance, sending the document in two separate pieces. No second to the amendment.

Voice vote was taken, regarding motion on the floor. 6 Ayes. 1 Naye. Mr. Mathie going on record as being in favor of the proposed ordinance language changes except for the proposed increase in infiltration requirements being over and above the minimum state standards. Motion carried.

Mr. Sebo thanked all parties for their attendance and contributions in the effort for the development of the draft.

Mr. Ripp also thanked the leaders of the group for their input and hard work involved in the development.

Mr. Ripp motioned to adjourn, seconded by Mr. Bennett. Motion carried unanimously.

Meeting adjourned at 3:55 P.M.

Respectfully Submitted,

Fay Fitts, Administrative Secretary