

## AGENDA

**Stormwater Technical Advisory Committee  
of the Capital Area Regional Planning Commission  
and the Dane County Lakes & Watershed Commission**

**Monday, April 17, 2017  
1:30 PM – 3:30 PM  
5201 Fen Oak Dr., Madison, WI – Conference Room AB**

**OBJECTIVES:** *Finalize Report*

1. Review and Approval of March 20, 2017 Meeting Minutes *[10 MIN]*
2. Update on Mapping Internally Drained Areas *[Vandermuss 15 MIN]*
3. TAC Review and Discussion of Report Draft dated April 2017
  - a. Fist to Five poll on revised report draft\*
  - b. Discussion and recommendations for any final revisions to the report
4. Closing Comments from the Chair and Commission Representatives *[10 MIN]*
5. Next Steps *[5 MIN]*

Present report at a joint meeting of the Lakes & Watershed Commission and Capital Area Regional Planning Commission – May 11, 2017

\*TAC members unable to attend the 4/17 meeting will be polled following the meeting.

**DRAFT MINUTES**  
of the  
**Stormwater Technical Advisory Committee**  
of the **Capital Area Regional Planning Commission**  
and the **Dane County Lakes & Watershed Commission**

March 20, 2017

5201 Fen Oak Dr., Madison WI – Room 121

1:30 p.m.

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Committee Members Present: Jeremy Balousek, Caroline Burger, Sarah Church, Camilla Correll, Rick Eilertson, Greg Fries, Dave Hart, Gary Huth, Jon Lefers (on behalf of Linda Severson), Nathan Lockwood, Rob Montgomery, Ken Potter, Eric Rortvedt, Mike Rupiper, Eric Thompson

Committee Members Absent: Brett Emmons, Brian Berquist,

Ex-officio Advisors Present: Sue Jones, David Liebl-Acting Facilitator, Rebecca Powers, Caryl Terrell, Tony Vandermuss

Others Present: Josh Harder-Dane County, Chad Lawler-Madison Area Builders Assoc., John Reimer-Dane County, Tim Roehl-Dane County Towns Assoc. & Realtors Assoc.

1. David Liebl welcomed everyone back to the eighth meeting of the SW TAC.
  - a. Began with introductions of all in attendance.
2. David Liebl provided context for today's meeting based on the public comments received during the February 20, 2017 SW TAC meeting and submitted written comments. Referencing the meeting packet document titled "Major points from public comments to YTAC 2/29/17 draft report – 3-16-17," the intent of the meeting discussion is to review the feedback, identify any potential actions, and move forward toward finalizing the report.

Note: phases in *italics* below represent the issues gleaned from the comments received

3. Implementation cost
  - a. *Actual costs from increasing stay-on may be greater than estimated, and the per-unit-volume basis for the fee-in-lieu program is not known.*
    - i. Eric Thompson asked Jeremy Balousek if the County has any targeted sites in mind to perform retrofits to establish credits for the bank.
      1. Balousek replied they have some ideas but nothing targeted.
    - ii. David Liebl commented that there is some cost uncertainty and that this uncertainty has existed throughout the process.
  - b. *Requiring land development (either new or re-development) to bear the full cost of implementation* is one of several options for funding the increase from 90% to 100% stay-on. Alternative funding models include Dane County general revenue or assessments on existing development. Policy makers will need to determine whether one or a mix of these options is chosen.
    - i. Tony Vandermuss commented that requiring a new development to provide 100% control of the runoff created by developing a site should not be considered as charging new development to fix existing flooding issues; it is simply maintaining volumes on site to not make the problem worse.
    - ii. Caroline Burger asked if a County level stormwater utility was an option as a funding mechanism.
      1. Jeremy Balousek responded that the County does not have the authority.

- iii. Mike Rupiper recommended providing as complete a report as possible to both commissions, he was in support of fleshing out different funding options to show that there are alternatives that could be considered by the commissions.
- iv. Camilla Correll noted that in her experience in Minnesota, 100% stay-on is the trend and developers bear the entire cost, and while the cost of compliance may be greater than that presented in the draft report, they also may be less depending on the site design and use of a stormwater stacked function approach. Correll is comfortable with the full cost being provided by the developer.
- v. Sara Church agreed with Rupiper's statement that the SW TAC should look at alternative funding options such as municipal-wide or County-wide fees being applied.
- vi. Dave Hart questioned what the incremental cost of achieving 100% stay-on to the developer would look like to compared to the cost associated with repairing increased flood damage that would be passed on to all residents. This may better substantiate the reason that the developer would be responsible for bearing the full cost of achieving 100%.
- vii. Jon Lefers, on behalf of Linda Severson, built on Hart's comment stating the offsetting the cost of additional flood damage is the benefit of moving to 100% and that cost has not been determined to compare to the expected cost to achieve 100%. Providing this cost comparison would go a long way in selling the concept.
- viii. Eric Thompson agreed with Lefers, what is the cost of doing nothing? He also stated that it is the development that is causing increasing flooding potential and therefore it is legitimate to tie the cost to the developer, the developer is not being asked to correct problems created by previous development. However, as the recommendation is removing exemptions there is additional hardship, and cost assistance may be appropriate in this case.
- ix. Eric Rortvedt agreed that the requirement to go to 100% is simply a requirement to not make the problem worse and therefore he supports the developer paying the full cost. He believes that it would be beneficial for buy-in of developers to provide a minimum cost for compliance that could be used for comparison purposes.
- x. Greg Fries added, from the stand point of doing no harm, this doesn't solve the problem; it simply doesn't make it worse. It is foreseeable that municipalities will have to expend resources to fix the problem that is already present. So even if developers are fully responsible for achieving 100% onsite, that doesn't mean that tax payers won't also have some responsibility in correcting the existing problems.
- xi. Nathan Lockwood fully supports the development of a regional stormwater utility and does not support putting these costs onto new development. During the 2005 SW TAC, it was concluded achieving 100% was a burden and therefore 90% was set as the standard. The caps and exemptions were put in play for several reasons, one of which was that the infiltration rates were conservative. So, the development community has a point as to why this is a burden.
- xii. Gary Huth noted that if the taxable community was asked to be a part achieving the 100% standard, we need to realize that some communities were developed with zero stay-on, some with 60% and some with 90%, how do you equitably tax the public if you want to be fair? Why should some have to pay again if they already paid for 90%? He noted that this standard would not be applied retroactively. Alternatively, if we look at the future flood that uses tax dollars for repairs, do we assume that the public that resides in new development that achieved 100% does not need to be taxed for flood damage mitigation? Leads to a complicated tax structure.
- xiii. Ken Potter noted that the 100% standard does not go into place until trading is available and if the costs are high at that point, the standard may not ever go into effect. It won't be politically supported if it is too expensive. We also need to remember that trading allows you to do things with multiple benefits such as programs for phosphorus reduction where mitigation may also reduce runoff, so you get a double benefit for the

cost. This should allow for trading to be done in a cost effective way. Finally, cities like Madison and Middleton are already putting in systems voluntarily to improve the hydrologic system so if they continue to this, it can be used for trading and is funded from a different source. Grants are also available for urban stormwater that can be used for establishing an initial inventory.

- xiv. Rob Montgomery noted subsidizing the cost of implementation for the developer could be very complex and contentious. If there is an ordinance change then the developer needs to pay it. Montgomery's main observation from previous conversations is that there are a lot of "if" statements in the language as it relates to the fee-in-lieu program and how much visibility will there be to the public if the ordinance changes are approved but the fee-in-lieu program isn't established for several years down the line. We are asking people to buy into an unknown. How will the cost implications be conveyed to the public?
  - 1. Ken Potter replied to Montgomery stating it was his understanding that the recommendation would not be issued to the commissions until the costs are known. There is going to have to be another committee looking at the trading program and there needs to be an oversight committee looking at this effort.
- xv. Liebl asked for TAC advisors Rebecca Powers, of the Lakes and Watershed Commission and Caryl Terrell, of the Capital Area Regional Planning Commission, to weigh in on what they would like the TAC to provide in terms of the character of recommendations, especially in regards to the technical aspects of what is being proposed, vis-a-vis the political aspects of what is being proposed.
  - 1. Rebecca Powers responded stating she is looking to the TAC for something that is workable in the stormwater/development field, is it balancing the cost of development, which we need, with the potential risks of doing nothing. Having additional cost scenarios would be helpful for the staff and commission as the TAC members are the experts and more able to pull this information together. Enough information is needed to sort out the public good versus private good equation. Powers addressed Montgomery's concern of this process trailing off from public visibility by saying she doesn't see that happening with this recommendation as there is going to be a need to have many people involved in the details of enacting the recommendation into an ordinance and noted that Lake and Watersheds is committed to help monitor the details from a public impact stand point.
  - 2. Caryl Terrell noted that the comments that have just been provided by the TAC will be very helpful in terms of decision making at the Commissions. Terrell also hopes that these comments are reflected in the report so that anyone reading the report can understand the pros and cons and different ways of looking at who is bearing the cost of the extra water if we don't go forward with the recommendation.
- xvi. Liebl, reflecting on all of the great feedback that has been provided, noted that nothing that has been said requires adjustment of the report as it is currently written and accepted by the TAC. Liebl did not believe that approval of the TAC was necessary for anything that had been discussed so far. All of the viewpoints shared provide a good background of decisions that have been made and will be captured in the minutes.
- xvii. Huth, responding to comments provided by Terrell and Powers, noted that the commissions may want to establish an outline for the TAC to follow to ensure that any information that may be used by the commissions for decision making purposes is not left off of the report accidentally.
  - 1. Terrell responded stating that the commissions really want the technical evaluation of the problem, a variety of ways to solve it, and fortunately the TAC has had the benefit of having multiple CARPC staff, County staff and the DNR represented on the TAC, so she doesn't feel that the report is headed in the

wrong direction, she just wants as much information to be provided as possible. Reflecting on the comments that have been received, are going to sharpen up the report and makes sure that is consistent throughout. The minutes should have as much as possible about the nature of the discussion and the points that have been made.

2. Powers, looking back at the initial charge to the TAC, noted that everything that has been asked for has been provided by the TAC, to the best of the TAC's ability, but requested that the requirements be reviewed one last time to ensure that enough detail has been provided on each item.
  3. Potter asked specifically if there was enough detail provided in the statement that says 100% does not go into effect until fee-in-lieu system has been established? Is more definition required, and when the program is implemented is there going to need to be a second vote by the governing bodies, who is going to make the decision when it is time to go to the 100%?
    - a. Liebl noted these are good questions that can't be answered at this point.
    - b. Powers responded that it is up to the TAC to provide all information they see relevant so the Commissions can make an informed decision on how to address any remaining ambiguity that the TAC may have.
- xviii. Thompson, reflecting on Montgomery's points, noted that it is the County that will have to seed the project to establish the fee-in-lieu program and the fees charged to developers will be a reimbursement of a project that the County has constructed. Therefore, there could be a political aspect for the rate paid where the County could elect to pass on the entire fee to the developer or could choose to subsidize the fee, and the TAC needs to recognize that this is an option but not necessarily need to advise on whether they do it or not. Thompson also noted that the unknown effective date where 100% will be required does not bother him as ordinances that have been applied in the past also took time to come into effect such as the infiltration standard in NR 151 which established a calendar date for when it would become effective that was in the future. Finally, reflecting on Potter's statement about municipal stormwater planning, what if the policy had some ability for the County to certify a practice as an infiltration facility, and could start growing the inventory of tradeable volume bank.
- xix. Rick Eilertson asked to clarify Potter's statement regarding the 100% requirement would not take effect until the fee-in-lieu program was established. For internally drained areas, the ordinance would take effect immediately.
- c. While *the requirement for increased stay-on for redevelopment may limit business expansion* due to increased land surface allocation for stormwater practices, the fee-in-lieu program is recommend as a cost effective alternative to meeting the new requirement while allowing business expansion.
    - i. David Liebl asked if this statement is a correct interpretation of the recommendation.
    - ii. Jeremy Balousek added that the redevelopment minimum standard is being increased from 4,000 square feet of disturbance to 20,000 square feet. This reduces the number of redevelopment projects that would require infiltration.
      1. Gary Huth asked if the redevelopment minimum disturbance standard would be cumulative effect on the site over multiple years.
      2. Balousek responded that there was no cumulative requirement being proposed.
4. Fee-in-lieu program governance
- a. *County-wide implementation could limit local control over implementation of stormwater practices.* Local units of government could be charged with enforcing the stay-on requirement while cooperating with a County managed fee-in-lieu program that would provide a uniform volume fee and regional opportunities for volume credits.

- i. Gary Huth remarked that local government likely would be happy to allow the County to administer this program as it would reduce small local government operating expenses. On the other hand, he is not opposed to the local government being certified, so-to-speak, by the County to administer by themselves.
  - ii. Greg Fries is in favor of allowing local and/or private trading/selling of credits.
  - iii. Eric Rortvedt is in favor.
  - iv. Eric Thompson believes that some form of County oversight likely would be needed to allow local government to administer their own program.
  - v. Jon Lefers, on behalf of Linda Severson, does not see any issues.
  - vi. Dave Hart noted local units of government have differing levels of capabilities, so as long as oversight is provided he has no issue.
  - vii. Mike Rupiper commented that this has the intent of the recommendation all along as long as it meets guidelines established by the County.
  - viii. Rick Eilertson noted that at the point that the County is comfortable with the recommendations of the TAC and creates the ordinance; local municipalities will be expected to revise their own ordinances to remain consistent with the County.
  - ix. Jeremy Balousek added that local units of government would still have local administration if they chose to and the credits available would be the accounting that the local government would need to manage. In addition, private entities could set up a bank as well, if a project was completed that had additional capacity, that volume could be sold to other projects.
- b. *Allow fees-in-lieu to be used to meet existing (90%) stay-on requirement.* This conflicts with existing requirements and the goal of encouraging on-site infiltration.
- i. Eric Rortvedt commented that allowing fee-in-lieu to be used for volumes less than 90% could conflict with DNR infiltration requirements. DNR require onsite infiltration of 90% stay-on for 0-40% impervious, 75% for 40-80% impervious, and 60% for over 80% impervious and caps apply to the State rule. That minimum onsite achievement needs to be maintained per State rule.
  - ii. Greg Fries noted that instead of allowing fee-in-lieu only to go from 90% to 100%, the recommendation could be structured to match the DNR minimum onsite standard and credits could be purchased for the remainder.
  - iii. David Liebl noted previous discussions which desired on-site infiltration regardless of caps or volume trading options.
  - iv. Jeremy Balousek echoed that this recommendation cannot be less than DNR standards and if it allowed for less than 90% to be achieved onsite it would be lower than the current County standard. Fee-in-lieu credits will be allowed for sites that have exemption and meet caps per DNR rules.
  - v. Rob Montgomery noted this provides an opening for getting appropriate volume reduction and not precluding development in areas with low permeability soils and is a good and defensible item in the proposal because it shows you a way out of sites that would be less developable under County regulations, if there is a fee-in-lieu alternative.
  - vi. Jon Lefers, on behalf of Linda Severson, noted he is a big advocate of large regional facilities as they are more controllable and easier to maintain. He suggested a tiered rate structure where one cost is applied to volume from 90% to 100% and a higher cost is applied if you want to mitigate volumes under the 90% requirement. The money gained at the higher cost could be applied to future projects to achieve a larger benefit.
  - vii. Eric Thompson offered to say the same thing, just a different way. Noting past discussions regarding failure rates of existing infiltration facilities, many of those failures may have been due to inappropriate site selection and the regional facilities and fee-in-lieu program offers a better condition where the owner of the BMP is a municipal entity instead of a private entity who may not provide the appropriate maintenance.
  - viii. Gary Huth, responding to Lefers' comment, regional controls from a peak control aspect are advantageous compared to a lot of little practices. However, for infiltration, one of

the benefits is if one small distributed facility fails you still are achieving a high level of success compared to if one large regional facility fails. The issue is maintenance of all of the distributed is not sufficient.

- ix. Camilla Correll reiterated the benefits of a stormwater stacked function approach which in addition to onsite infiltration improves onsite aesthetics, urban heat island effects, and wildlife habitat as compared to a rural regional facility.
- x. Montgomery, in response to Thompson's comments, stated the virtue of being able to dive deeper into 90% with this increment we just talked about, it might have benefits to the development but it has general benefits for smart growth and property tax base.
- c. *Require that a regional infiltration practice be in place before awarding fee-in lieu credits.*

Determine whether the fee-in-lieu program will be self-supporting. The report recommends establishing a board to address these issues and oversee the fee-in-lieu program.

  - i. Ken Potter noted this is consistent with the recommendations of the report.
  - ii. Greg Fries noted this program needs to be costed out before the commissions can make an intelligent decision on moving the recommendation forward to the County.
  - iii. Rick Eilertson noted issue of putting regional facilities in without it being funded so it is important to identify where the funding can come from to construct the initial facilities which will provide the initial volume credits.
  - iv. Jeremy Balousek, noting a comment from the public comment meeting, stated that maybe the bank should be set up with credits in place before the ordinance amendment occurs. Not sure if this is something to be discussed or not. Is it better to have credits available to be bought or apply the fees to building the facilities after the fact.
    - 1. Rob Montgomery offered that perhaps the land is acquired and the facility is designed but the installation of the facility is contingent on fees being collected to finance the construction.
    - 2. Balousek noted that the word that has been used is that credits are available which he assumes to mean that the facility has already been built prior to the credits being sold.
  - v. Gary Huth questioned if the intent of the comment was only about not implementing the fee-in-lieu alternative before the bank is in place or whether the ordinance itself also required onsite management to be in place; with the exception of IDAs.
    - 1. Potter confirmed yes, as it is written in the report.

## 5. Scope of recommendations

- a. *The recommendations are not strong enough to reduce flood risk, only to maintain current risk.*
  - i. David Liebl commented that this is exactly correct.
  - ii. Gary Huth asked if this is a statement that needs to be added to the report.
    - 1. Liebl responded stating that it likely needs to be made clearer in the report.
- b. *Limit the ordinance implementation to the Yahara Watershed.*
  - i. David Liebl commented that the group has had this discussion already and asked if the group needed to revisit it.
  - ii. Gary Huth commented potentially it could be phased where the Yahara Watershed is the implemented first and eventually implemented County-wide, but is in favor of County-wide implementation.
    - 1. Liebl pointed out that the comment reflects the concept that most of the flood damage that is trying to be mitigated is within the Yahara Watershed.
  - iii. Rob Montgomery commented that in his opinion the County-wide implementation case has not yet been made. He understands it would be more consistent and easier to administer if it was county-wide but thinks some homework needs to be done to make the case.
  - iv. Sarah Church noted that if one of the arguments is that you are keeping the land the same as before you developed it than it should be applied County-wide versus just one watershed.

- v. Mike Rupiper noted that the data from County Emergency Management that is included in the report, flooding issues extend beyond the Yahara Watershed although it certainly is where most of the problems occur.
- vi. Rick Eilertson stated it should be County wide in his opinion. Reflecting on his experience in Fitchburg, some of the more problematic flooding issues were right within the Badger Mill Creek Watershed. That's an area where there is still a lot of work to be done.
- vii. Ken Potter noted the report states that this will help base flow and pointed to Black Earth Creek as an example of a creek that would benefit from maintaining its baseflow. Additionally, just because you control peak, if you don't control volume as those hydrographs merge downstream they will create flooding and so one could make a case on Sugar River, Black Earth Creek, all the headwater streams, were causing flooding if we don't provide 100%.
  - 1. Caroline Burger inquired if the groundwater-shed has been identified and does that boundary build a case for consideration past the County limits.
  - 2. Potter responded while we'd love to go beyond the County limits but it is a whole other issue that will have to be dealt with especially as it relates to Columbia County. Part of the recommendation has to be collaboration with Columbia County to provide control.
- c. *Require fee-in-lieu practices in the same watershed as the funding source.*
  - i. Gary Huth noted it depends on how big the watershed is. He noted that previous discussions stated that the statement should be true if looking at the large watershed scale.
  - ii. Eric Rortvedt noted that as the costs are still to be determined, you could potentially have differing unit costs in different banks, and who wouldn't want to go for the least expensive option, which might be at the bottom of the basin and not effect flooding. Preferably the developer would be looking upstream if sites are available.
  - iii. Tony Vandermuss that this illustrates the importance of allowing local municipalities to have control of a banking system. If a development is occurring in an area with known flooding problems, a local municipality could require the location of the bank credits be assessed within the same area to be able to address that problem and not make it worse. In areas where there are no concerns of future flooding it may not matter as much where the bank credits are located. Local control also allows communities such as Westport to continue requiring 100% control onsite.
  - iv. David Liebl pointed out it may depend on how large a volume needs to be addressed. If it is small, it may not matter if it is upstream or downstream of the project.
  - v. Dave Hart noted he prefers the idea of acquiring credits upstream of a project site especially where the streams are dominated by baseflow and require recharge to maintain it.
  - vi. Jon Lefers, on behalf of Linda Severson, stated it is important to define what the issue is and then determine what the appropriate action is.
  - vii. Mike Rupiper recalling previous discussions stated that trading would begin within the larger watersheds and then as trading got more established and there were more practices we could take another look at it and reduce it down to smaller watershed sizes.
  - viii. Rick Eilertson noted it was important to note that we are talking about surface watershed and not subsurface watershed as they are very different. There may be times where it is fine to have a trading practice be outside the Yahara surface watershed if we know that the subsurface watershed is still feeding into the Yahara.
  - ix. Huth reminded the group that a person developing in Black Earth is not going to want to be paying fees that benefit people in Cottage Grove. So there is a property ownership aspect to trading across boundaries.

- x. Rob Montgomery noted it makes perfectly good sense to apply the credits within the major watersheds, but then are we going to have an issue implementing this if we don't have viable practices/banks established in each of the major watersheds. Would we launch on a watershed basis, which would be awkward. It is likely that to be successful that a facility would need to be established in each watershed before rolling out the ordinance.
- d. *Require retro-fitting existing development to meet the 100% stay-on standard.*
  - i. David Liebl noted this would go a long way in reducing the risk.
  - ii. Gary Huth responded that 100% might be stated as a goal but not a requirement. The local government would have to take the lead on that and determine what financial resources are available.
  - iii. Nathan Lockwood stated it is pretty easy to put these requirements on people who aren't here yet.
  - iv. Greg Fries commented he simply doesn't know how you could do that technically, regardless of cost.
  - v. Eric Rortvedt noted that one of the issues is getting things going and having the locations for this. To think that we can get right to 100% might be, as Huth noted, a great goal but we should try to show success with the 50% requirement for existing development first before going all the way to 100%. 100% might be more than we want to tackle at this point.
  - vi. David Liebl noted for example it might be feasible for the City of Madison to buy a large regional infiltration facility and add a little bit to everybody's stormwater bill to make that happen.
    - 1. Fries noted that he alluded to this earlier that this might be what has to happen to improve the existing condition.
  - vii. Eric Thompson noted it gets back to maintaining the existing conditions and trying to make it better. If this is a fee that is going to the development, it should only reflect how that development is affecting flooding so he does not support this change.
  - viii. Jon Lefers agreed with Fries where if this was an attempt to make the situation better, it should be evaluated against a whole host of other betterments to conclude that this is the best option.
  - ix. Rob Montgomery agreed with Lefers and remarked that this is where a stormwater utility comes in as there is nothing to preclude them from going after good regional ideas.
    - 1. Liebl remarked that this is not a technical issue in terms of the TAC's charge.
  - x. Camilla Correll agreed that a stormwater utility is a better structure for these types of retrofits but there also needs to be a strategic watershed plan to prioritize retrofits.
  - xi. Mike Rupiper supports the goal of trying to address some of the historic issues created by historic development but believes that local municipalities are better suited to address where the priority problems are and how best to retrofit for them.
  - xii. Rick Eilertson noted he doesn't know how this could work in an ordinance. He doesn't know if Dane County or other communities have done something like that for regulating existing development, forcing them to redevelop even if they don't have any need to redevelop. Certainly there are opportunities for incentive to municipalities for this fee-in-lieu program where they could look for beneficial projects within their limits and make them available to the fee-in-lieu program.
  - xiii. Caroline Burger also noted she doesn't know how the County could work this into their ordinance as the State is the one that requires municipalities to retrofit existing development to comply with MS4 permits for TS and TP. Can the County than require MS4s do this for reducing volume? Even if we wanted to she doesn't think we could.
  - xiv. Ken Potter agreed with Eilertson, he envisioned retrofitting in developed areas as a way to develop trading opportunities.

- xv. Huth noted that by law, in order to establish a stormwater utility a referendum needs to take place in the community. So if a utility is already established they are in good shape, if they don't, they have to gamble on the referendum passing. Second, a utility has to apply rates uniformly to all customers and that means that new developments that have already put in 100% controls has to pay in the same to retrofit sites that had lower or no controls.
    - 1. Fries noted that this is the case now for TSS control so this is not without precedent.
  - e. *Require any addition of impervious areas to pay into the system, not just new development and redevelopment over 20,000 square feet.*
    - i. Greg Fries noted that goal was to increase the minimum disturbance area to eliminate some of the problems associated with smaller projects triggering stormwater management. It could result in people intentionally or unintentionally avoiding getting permits to avoid paying stormwater fees.
    - ii. Jeremy Balousek noted that we can't assess a fee for something that doesn't require a permit; they wouldn't even know disturbance was happening.
    - iii. Eric Thompson also noted that not all impervious surface is equal, it depends on if it is connected or disconnected.
6. Implementation
- a. *Add a safety factor (i.e. greater than 100%) to the stay-on requirement.*
    - i. David Liebl asked if anyone was comfortable going above 100% to which no one responded yes.
    - ii. Jeremy Balousek commented that the report should state that the conservative infiltration rates are a defacto safety factor.
  - b. *Require: Record drawing certification by a professional engineer after construction completion; Soil evaluations performed by licensed soil scientist, certified soil tester or equal; Maintenance agreements signed and recorded.*
    - i. David Liebl noted that all of this has been discussed in terms of the stormwater manual aspects would be incorporated into the recommendations.
    - ii. Jeremy Balousek responded it will be in the policy. The erosion control and stormwater management manual will address this. A draft as-built certification checklist that goes over all of the items will be included as an appendix to the report.
7. Better definitions/criteria needed
- a. "Feasible"
    - i. no comments
  - b. "Existing urban area"
    - i. no comments
  - c. "Proposed land use conditions"
    - i. no comments
  - d. "Emergency drawdown for IDAs"
    - i. no comments
  - e. "Timing of 72 hour ponding period for IDAs"
    - i. Gary Huth asked when the 72 hour period begins, at the cessation of rainfall?
    - ii. Eric Rortvedt commented that the DNR Technical standard refer to the cessation of rainfall.
    - iii. Eric Thompson commented that the 72 hour period should be linked to a single event. Modeling in SLAMM, there are concurrent storms in the series, meaning there are few designs that actually achieve full draw down if the 72 hours applies to when the rain starts.
8. Other Issues identified by TAC members during discussion

- a. David Liebl noted that members of the TAC still have the opportunity to submit written comments until March 31 in response to the public comments.
  - b. Rick Eilertson asked if we are still on track to present a map of the internally drained areas within the County so we can address the issues and opportunities
    - i. Mike Rupiper noted that we are going to have a map but it won't be available for the report as it is a pretty substantial effort.
    - ii. Liebl noted that we do have the map produced by Eric Booth to get an idea of this.
    - iii. Rob Montgomery commented that, as this is the portion of the ordinance that will go into effect right away, a person on the board will want to know where the internally drained area ordinances will apply and the map of internally drained areas is critical for consideration prior to being reviewed by either of the commissions.
    - iv. Tony Vandermuss commented that the map is a tool that communities can use to help identify where IDAs are. An IDA that is not mapped does not preclude a development from having to comply with the IDA ordinances should, at the point that a survey has been performed, an IDA be identified that fits the definition.
    - v. Montgomery responded what if half of the County is within internally drained areas versus if 5 percent is. It will shape politically how this portion of the ordinance is received by the board.
    - vi. Vandermuss asked if our recommendations would change if the County was 50 or 5 percent IDAs to which Montgomery responded yes, as politically it would be a bigger deal for a larger percentage of the County to be within IDAs and you need the map to show this.
    - vii. Liebl summarized stating the writing team would look at what could be added to the report to identify as many of the IDAs as possible.
    - viii. Huth asked if a minimum IDA was identified
      - 1. Vandermuss responded the minimum area is 20,000 square feet and the minimum depth at any point is 1 foot, which is based on a 1 foot contour resolution.
    - ix. Ken Potter noted that additional conversations would need to occur regarding trading outside of the watershed as it may be very difficult to establish multiple facilities in multiple watershed and could delay the ordinance implementation. This could take some thinking and likely will require a follow-up committee to come to resolution.
9. The next meeting will be Monday, April 17 and the final report, which reflects comments received by March 31 from TAC members, will be provided by April 10.
10. David Liebl asked for comments on the February 20 SW TAC meeting minutes.
  - i. Minutes were approved as written.
11. Adjournment at 3:15 PM

Minutes prepared by Tony Vandermuss

# Fist-to-Five

## Fingers

5) Strong support

4) Solid support

3) Neutral support

2) Minimal support

1) No support

Fist) Opposed