

# **DRAFT**

## **STORMWATER MANAGEMENT PLANNING COMMITTEE MEETING MINUTES February 28, 2008**

The DeKalb County Stormwater Management Planning Committee (SMPC) met on February 28, 2008 at 3:00 p.m. in the DeKalb County Legislative Center, Liberty Room, in Sycamore, Illinois. In attendance were Committee members Bill Nicklas, Joe Misurelli, Roger Steimel, Don Pardridge, Donna Prain, Ken Andersen, Joel Maurer, Bill Lorence and Paul Miller. Also present was DeKalb County Assistant Planner Rebecca Von Drasek; and Ralph Tompkins, Andrea Pracht, and Bill Lecke of Baxter & Woodman.

- 1. Roll Call** -- *Mr. Miller noted that members Pat Vary, Tom Thomas, and Mark Biernacki were absent.*
- 2. Approval of Agenda** – *Mr. Lorence moved to approve the agenda, seconded by Mr. Andersen, and the motion carried unanimously.*
- 3. Approval of Minutes** – *Mr. Nicklas moved to approve the minutes, seconded by Mr. Steimel, and the motion carried unanimously.*
- 4. Questions and Answers with Baxter & Woodman:**

In order to facilitate the Committee's discussion on what might make up Phase 2 of the Countywide Stormwater Management Plan and Ordinance, staff arranged for representatives with the firm Baxter&Woodman to be at the February 28, 2008 meeting. Mr. Miller noted that DeKalb County's Ordinance is not as detailed as some neighboring counties but that the complexity of ordinances does not always guarantee the desired results. Mr. Miller also explained that Ralph Tompkins, Bill Lecke, and Andrea Pracht were in attendance to talk about the stormwater management approach of some of the counties in the northeastern Illinois region and to help articulate the problems and various approaches to stormwater management issues.

Mr. Tompkins briefly introduced Mr. Lecke and Ms. Pracht from Baxter & Woodman.

Mr. Lecke explained his position with Baxter & Woodman and his involvement with Lake, DuPage, and McHenry Counties' ordinance implementations and his participation with various municipal meetings and NPDES issues.

Ms. Pracht also explained her background which began in agricultural drainage design and has transitioned into stormwater management design. Ms. Pracht then provided the Committee with a handout which was a matrix of methods for addressing issues in areas such as floodplains, stormwater management, agriculture, and natural areas. Ms. Pracht agreed with Mr. Miller's

assessment that the DeKalb County Stormwater Management Ordinance should be unique to DeKalb County's needs. She observed that as the County has a large agricultural base and that farmers had an inherent interest in preventing erosion. Ms. Pracht also noted that the Stormwater Management Ordinance was passed prior to a few pieces of current legislation in regards to isolated and jurisdictional wetlands.

Mr. Miller noted that the "unprotected wetlands" to which Ms. Pracht referred was a gap in the current County Ordinance. Ms. Pracht agreed and suggested that the County could invest in a Wetland Inventory Map Update although she was unsure if this would meet a cost-benefit assessment.

Mr. Misurelli asked if the migratory bird issues played a role in the court cases regarding wetlands. Ms. Pracht indicated there was a relationship.

Ms. Pracht went on to describe depression storage areas which are not mapped by FEMA and not considered wetlands but are still local areas that hold water and are important components of stormwater management. Mr. Miller noted that some farmers have in the past sought to fill these areas on their farms. Mr. Steimel said that farms were often not allowed to fill in these areas too qualify for farm subsidies.

Mr. Nicklas asked the representatives from Baxter & Woodman if the Committee should use the major and minor watersheds as a framework for addressing stormwater management issues. Ms. Pracht thought that the priority was to address gaps in the ordinance. Mr. Nicklas stated that the Committee was really looking to prioritize the stormwater needs of the County to wisely spend the time and resources to achieve a result.

Mr. Lecke briefly explained Lake County's process. He indicated that they developed watershed groups and then assigned a board to head each group. Within the watershed groups they discussed where their problem areas were located, they identified the water bodies within their given area, they then identified stakeholders, floodplains, and wetlands, they researched the capacity of streams within their area; then individuals (or organizations) with projects could apply to the watershed board to solve specific problems.

Ms. Prain asked if the groups were governed by one ordinance, so that the requirements were equal. Ms. Pracht answered that the ordinances were similar but could vary depending on the severity of the stormwater issues within the watershed group.

Mr. Lecke then pointed out that Lake County has the funds to pay for the groups and the projects they approve due to a stormwater tax.

Mr. Nicklas again highlighted that the fabric of the Stormwater Management Planning Committee had always been related to the extensive information the group has on the

watersheds, and asked if Baxter & Woodman disagreed with this framework. Ms. Pracht answered that watershed planning is not bad but was not the only option.

Mr. Nicklas explained that the Committee had been formed following the August 2007 floods in an attempt to abate stormwater problems.

Ms. Prain echoed Mr. Nicklas sentiments regarding focus and plan to address the issues specifically by watershed.

Mr. Miller suggested that the one such way to focus the next phase of the Stormwater Management Plan would be to survey the communities to identify problem areas related to stormwater, and then attempt to mitigate areas that are highlighted by the survey.

Ms. Pracht suggested the following steps:

- 1) Review US Geological Survey information regarding the area topography
- 2) Identify all of the area water bodies, including agricultural streams
- 3) Identify all stakeholders (possible step when a survey would be viable)
- 4) Identify additional areas that need better mapping.

Mr. Miller then suggested that a listing of potential problems will assist the Committee in receiving funding for project works and would also involve more stakeholders.

Mr. Tompkins noted that there was a difference between general flooding and flooding as a result of proximity to floodplain.

Ms. Prain asked if “319 funds” could be applied for and used to remediate flooding issues. Ms. Pracht stated that 319 funds are competitive and will only be awarded to regional areas and was unclear if the County would be considered regional.

Ms. Prain noted that CMAP backing would assist the Committee.

Mr. Lecke emphasized the need to prioritize issues clearly and distinguish nuisance flooding from serious problem flooding. He also articulated that flood events are often quickly forgotten.

Mr. Steimel stated that the Committee would be wise to look to the 17 drainage districts in the County.

Mr. Lorence stated that with Park 88 exemplified a development that made efforts to compensate for filled depressional areas, while the Hinckley Airport was an example of trying to use the depressional areas as a storage location.

Ms. Pracht stated that the Hinckley Airport example, unfortunately, was not uncommon. Once you know where these depression areas are they can also be categorized within the ordinance. Ms. Pracht also offered to research the 319 funds for the structure that they require as the Committee may be able to structure itself to meet the federal requirements.

Mr. Maurer noted that an All Hazard Mitigation plan was in place for the County, and that one of the suggestions for mitigation has been to implement a repeated loss buyout program. He also noted that the City of DeKalb was competing with the County for those funds and this might be a mechanism for working together to alleviate the issues countywide rather than have agencies competing locally.

Mr. Andersen noted that the definition of “navigable” appears to be debatable in the case law and in the application of regulations.

Mr. Lorence agreed and appreciated the fact that the entire County was covered by the Rock Island District so that the interpretation was consistent throughout the County.

The Committee agreed to review the matrix that Ms. Pracht provided.

**5. Fee-in-Lieu – per input from State’s Attorney:**

Among the ideas under consideration the DeKalb County Stormwater Management Plan is the notion of a “fee-in-lieu” program related to stormwater management. The idea is that isolated stormwater management facilities associated with individual new developments that are in close proximity to floodplains or at the downstream end of a watershed may not be very effective, and the money spent on such facilities may be better applied to increasing the size or efficiency of upstream facilities. Under a fee-in-lieu program, the County or municipal engineer could determine whether or not a development requires its own facility, or if instead the money that would be spent to construct the otherwise required facility should be contributed to a fund which is used to build new, or improve existing, upstream facilities. The first issue related to this idea is whether or not it would be permitted under the enabling legislation that allows DeKalb County to have a Stormwater Management Plan. Mr. Miller briefed the Committee on his conversation regarding the ideas with the State’s Attorney Office. The State’s Attorney agreed that in principal the program could be created, however, it would require an application within a given watershed and identifying regional scale detention projects.

Mr. Lorence stated that where regional structures have been built and that they are often built in advance and then paid for by development. Therefore funds may be necessary prior to collecting any fees from developers.

**6. Next Meeting:**

Mr. Miller asked that Committee members to prepare their own menu of items that should be included in Phase 2 of the Stormwater Management Plan, and be prepared to present these at the April 3, 2008 meeting. The idea would be to see if there is a consensus on what elements and approaches should be taken.

Following discussion, the Committee agreed to meet next on April 3, 2008 at 3:00 pm, in the East Conference Room of the DeKalb County Administration Building in Sycamore, IL.

**10. Adjournment** -- *Mr. Lorence motioned to adjourn, seconded by Mr. Pardridge, and the motion carried unanimously.*

Respectfully submitted,

Paul R. Miller  
Chairman, DeKalb County Stormwater Management Planning Committee

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