

**STORMWATER MANAGEMENT PLANNING COMMITTEE**  
**MEETING MINUTES**  
**October 2, 2008**

The DeKalb County Stormwater Management Planning Committee (SMPC) met on October 2, 2008 at 3:00 p.m. in the DeKalb County Administrative Building, Conference Room East, in Sycamore, Illinois. In attendance were Committee members Bill Nicklas, Roger Steimel, Joe Misurelli, Ken Andersen, Donna Prain, Joel Maurer, Pat Vary, Mark Biernacki, and Paul Miller. Also present was Assistant Planner Rebecca Von Drasek, Mike Richolson (NRCS), Dean Johnson (SWCD) and Jack Slingerland.

1. **Roll Call** -- *Mr. Miller noted Tom Thomas, Pat Vary, and Bill Lorence were absent.*
2. **Approval of Agenda**

Mr. Miller asked that the agenda be reordered so that item number seven, Potential Regulation of Agricultural Buildings/Grading, could be moved to the first discussion item so that Mike Richolson of the Natural Resources Conservation Service and Dean Johnson of the Soil and Water Conservation District could speak on the topic prior to a later engagement.

*Mr. Anderson moved to approve the agenda as reordered, seconded by Mr. Misurelli, and the motion carried unanimously.*

3. **Approval of Minutes**

Mr. Nicklas made one correction on the first page of the August 14, 2008 minutes, noting that he had not disagreed with Ms. Prain who was absent from the August 14, 2008 meeting, and he asked that the minutes be amended.

*Ms. Prain then moved to approve the minutes as amended, seconded by Mr. Anderson, and the motion carried unanimously.*

4. **Potential Regulation of Agricultural Buildings/Grading**

Mr. Miller introduced Mike Richolson with the local office of the Natural Resources Conservation Service (NRCS), and Dean Johnson with the DeKalb County Soil and Water Conservation District (SWCD) to the Committee. He noted that the Committee had briefly discussed at the August 14, 2008 meeting possible revisions to the Stormwater Management Ordinance in requiring permits for some agricultural buildings. Under the existing regulations, agricultural buildings and most agricultural grading is exempt from oversight and stormwater management regulations. Mr. Miller emphasized that to avoid duplicating efforts with the NRCS. staff invited Mr. Richolson to explain what the NRCS does in terms of stormwater management for agricultural improvement projects.

Mr. Richolson thanked the Committee for inviting him and handed out a copy of a Power Point presentation which outlined the formation and responsibilities of the NRCS. He noted that the

NRCS is a non-regulatory agency, then explained that the NRCS is interconnected with farm subsidies and cost share programs within the Federal Farm Bill, so most farmers work regularly with the agency to protect access to these funding options. He highlighted that the 1985 Farm Bill required conservation, wetlands protection and regulation of grading to prevent erosion. He pointed out that depressional storage areas on farms cannot be drained or filled in. He then explained that the NRCS works with property owners concerned about drainage and erosion through various methods, including grass waterways and ponds. Mr. Richolson explained that the NRCS was also involved with large scale facilities such as livestock waste structures. He then outlined for the Committee the method by which hog farmers cycle animals and manure on their farms, detailing the NRCS involvement in the construction of deep confinement structures.

*Pat Vary entered the meeting at 3:10 pm.*

Mr. Miller asked Mr. Richolson if there should be additional regulation on agricultural buildings. Mr. Richolson noted that the mega-hog operations could cover between 6-10 acres with impervious surfaces. There is no stormwater management requirements associated with these kinds of operations, other than those applicable to waste management. He also suggested that there was an instance when the NRCS received 15 calls from farmers asking if they could accept fill material on their farms from a local construction project. The farmers sought to fill in low areas with soil, but NRCS staff advised them that doing so could jeopardize their Federal funding. Mr. Richolson concluded that large scale buildings might require additional stormwater regulation.

Mr. Maurer asked if these buildings required a Special Use permit. Mr. Miller responded that only agribusiness operations are required to have the Special Use permits, not buildings and operations that are solely agricultural endeavors. A hog farm would be considered agriculture.

Mr. Miller noted that under the current regulations, agricultural buildings do not require Site Development Permits. He then highlighted as prospective change to the language regulating agricultural buildings within the Stormwater Management Ordinance, Section 7.2.(a) subparagraph (7) to be revised as follows:

Construction of agricultural buildings, provided, however, that a Site Development Permit in accordance with the requirements of this Ordinance shall be required if, in the determination of the Planning Director, construction of an agricultural building could negatively impact adjacent properties and roadways, and further provided that construction of structures associated with agribusinesses governed by special use permits shall require a Site Development Permit in accordance with the requirements of this Ordinance.

Mr. Nicklas asked how the determination would avoid being arbitrary or capricious. Mr. Miller suggested that he anticipated an evaluation based on the conditions surrounding the proposed structures for example proximity to property lines.

Mr. Johnson added that the state of Illinois requires an NPDES permit when the construction effects an area of one acre or more.

Mr. Nicklas asked if there was engineering criteria when such a permit would be necessary. Ms. Vary added that she felt there was existing criteria. Mr. Miller noted that there was criteria for new developments, although agricultural structures are currently exempt, he agreed to review the existing criteria.

Mr. Biernacki added that he was concerned that the increase in impervious surface effects runoff rates even if a structure is setback from a property line, and therefore he believed that setbacks alone should not prevent a permit. Ms. Prain added that property lines and future uses of properties will change.

Mr. Nicklas reiterated that the criteria for when agricultural buildings will require a Site Development Permit will be important to include in any text revision.

Mr. Maurer then confirmed that any revision would effect the County's Stormwater Management Ordinance.

Mr. Miller thanked Mr. Johnson and Mr. Richolson for assisting in the Committee's discussion.

## **5. Replacement of Don Pardridge**

Mr. Miller notified the Committee of Mr. Pardridge's resignation from the Committee, noting his exceptional representation of the western area of DeKalb County on the Committee. Mr. Miller suggested that while considering a replacement he thought of asking Norm Beeh, who had previously worked with the Village of Shabbona, Hinckley and others as a civil engineer, and had served on the original version of the County Stormwater Management Planning Committee.

The Committee members briefly discussed Mr. Beeh's accomplishments and then asked Mr. Miller to extend an invitation to Mr. Beeh to join the Committee. Mr. Miller noted that the mayors of the district would have to vote to approve Mr. Beeh if he accepts the invitation.

## **6. Contour Maps Recommendation to County Executive Committee**

Mr. Miller then briefed the Committee on the a \$160,000 appropriation included in the draft DeKalb County Budget FY 09 for the two-foot contour maps. The SMPC voted at its August 14, 2008 meeting to forward a recommendation to the DeKalb County Board that two-foot contour maps be produced for the entire County. The proposal adds contour mapping to a proposed aerial photography project that is scheduled for next year. The companies that provide aerial photography services have the capacity to simultaneously produce contour maps via a system called LIDAR. Tacking on contour mapping adds approximately \$20 per square mile to the cost of photographing the County. The draft FY 09 budget is subject to review and modification

prior to its adoption in December, 2008. Staff will endeavor to keep the Committee informed as the issue progresses through the approval process.

Ms. Vary added that there was a lot of agreement to keep the item within the budget at the Finance Committee meeting held October 1, 2008.

Mr. Miller added once the County had generated the maps they should remain valid for a long time.

Ms. Vary added that she had reviewed the quotes the County had received from Baxter & Woodman and believed they quoted the map creation between \$125, 000 - 150, 000. She then asked staff to confirm that the \$160,000 covers both the existing fly over for the aerial photography and the contours, rather than in addition too the fly over expense. Mr. Miller agreed to research the issue and report back.

## **7. Discharge Point for Sump Pumps**

Mr. Miller then briefed the Committee to a possible text amendment to the Stormwater Management Ordinance. He explained that County staff recently received a complaint from a township road commissioner that the owner of a residence had installed a "french drain" to direct discharge from the sump pumps in the house directly into the ditch along the township road. Section 6.3 of the DeKalb County Stormwater Management Ordinance regulates that, "The discharge point of any sump pump shall be entirely within the buildable area of a lot, and shall not extend beyond any minimum required building setback line." On the subject property the discharge point, which was a small grate, was found behind the building setback line. Mr. Miller explained that the property owner had installed the french drain (a gravel sluice) from the discharge point to the road ditch. Noting that there is no prohibition from doing this or something similar, even though such efforts defeat the purpose of the regulation. To address this deficiency staff has suggested that the SMPC consider an amendment to Sec. 6.3 adding language to prevent this issue in the future. The suggested amendment read as follows:

The discharge point of any sump pump, as well as any stormwater management measures, including but not limited to swales, drains and contouring, intended to direct sump pump discharge, shall be entirely within the buildable area of a lot, and shall not extend beyond any minimum required building setback line, provided, however, the Planning Director may waive this provision upon the advice of the County Engineer.

Mr. Miller also noted that this revision would not be applied retroactively but that it should prevent similar occurrences.

Mr. Nicklas stated that the City of Sycamore had an issue with unincorporated sump pumps when they were connected to the sanitary sewer lines the City provides. He gave some example figures that on any given day the city handles approximately two million gallons through the waste water treatment system, however the rain event in September 2008 caused it to spike to 18 million gallons within 24 hours. He noted that the system would meet capacity at 20 million gallons. The Committee discussed this problem noting that there was a need to place greater emphasis on the appropriate method for discharging sump pumps.

Ms. Prain asked if draining pools and gutters could be regulated, as well as sump pumps. The Committee also discussed this matter briefly and concluded that the down spout runoff should also be restricted to the building setback.

Mr. Miller noted that the intention is to give the water an opportunity to percolate into the ground while traveling over land rather than be diverted directly into a drainage way.

*Ms. Vary then moved to forward the text amendments to the County Board for review, seconded by Mr. Anderson, and the motion carried unanimously.*

**8. Next Meeting:**

Following a brief discussion, the Committee agreed to meet on December 4, 2008 at 3:00 pm in the Conference Room East.

**9. Adjournment** -- *Mr. Misurelli motioned to adjourn, seconded by Mr. Maurer, and the motion carried unanimously.*

Respectfully submitted,

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