

**STORMWATER MANAGEMENT PLANNING COMMITTEE  
MEETING MINUTES**

April 2, 2009

The DeKalb County Stormwater Management Planning Committee (SMPC) met on April 2, 2009 at 3:00 p.m. in the DeKalb County Administrative Building, Planning Director's Office, in Sycamore, Illinois. In attendance were Committee members Pat Vary, Joel Maurer, Bill Nicklas, Roger Steimel, Donna Prain, Bill Lorence, Mark Biernacki, Norman Beeh, and Paul Miller. Also present was Assistant Planner Rebecca Von Drasek.

1. **Roll Call** -- *Mr. Miller noted Ken Andersen, Joe Misurelli, and Tom Thomas were absent.*
2. **Approval of Agenda** -- *Mr. Lorence moved to approve the agenda, seconded by Ms. Vary, and the motion carried unanimously.*
3. **Approval of Minutes:**

Mr. Beeh asked that his attendance be noted within the minutes from February 19, 2009.

*Ms. Vary moved to approve the minutes as amended, seconded by Mr. Nicklas, and the motion carried unanimously.*

**4. Problem Flood Areas**

Mr. Miller introduced to the Committee the issue of problem flood area within the various jurisdictions within the County. He highlighted the memo written by Marcellus Anderson of the County Planning, Zoning and Building Department which outlined the response from individual communities as to the specific locations and causes of flooding. Mr. Miller noted the variety of responses.

*Mr. Biernacki and Mr. Maurer entered at 3:05 pm.*

Ms. Vary noted that the end of Gale Street on DeKalb south side was not listed but that she was aware of flooded homes in this area. Mr. Biernacki stated that the purchase of three homes in that area were related to the repetitive loss properties identified by the FEMA using statistical data.

Mr. Nicklas presented the Committee with the aerial photographs from the August 2007 flood which showed flooded business, residential and recreational areas near the Sycamore Park along State Route 64. He informed the Committee that the City had contracted Christopher Burke and Associates to review what measures could be done to alleviate the expense of the flooding. He noted that the size of retention that would be necessary was very large and that the release rate of the river could be altered using mechanical devices, however that might only move the flooding issues upstream.

Ms. Prain noted that the flood water associated with the area highlighted by Mr. Nicklas flows in from Kane County and then back out.

Mr. Nicklas noted that a railroad trestle had been blocked during a previous rain event and that it has since been cleared.

Mr. Steimel asked what were the suggestions that the engineer had to address the flooding. Mr. Nicklas responded that one solution had been building a dike to control the release of the water. He explained that the creation of a large retention area would most likely not result in a large volume to hold the water because the water table is so high in this area. He then detailed possible layout changes which had been discussed with the Sycamore Park District, however the changes were not popular solutions and were thought to be quite expensive.

Mr. Miller asked if a cost benefit analysis had been done to determine the actual expense of the flooding. Mr. Nicklas indicated that this analysis had not been done.

Mr. Miller noted that golf courses are often located in wetland areas to minimize the expense of flooding. He also explained that the mitigation process to address Evergreen Village has been “a roller coaster ride,” noting that the local match may be the largest road block since in will be approximately \$1.4 million.

The Committee then briefly discussed the various options of the addressing the flooding concerns and debated mitigation methods.

Mr. Steimel noted that the high water table limited the creation of retention issues and that the issues generally are along the Kishwaukee River.

Ms. Vary asked about the Cortland sanitary sewage treatment ponds. Mr. Lorence responded that these treatment systems were required to hold their material until appropriate weather permits spraying the treated waste on the farm fields. He explained to the Committee that the run-off from a farm field was around 40% whereas a well-designed subdivision is something like 20%.

The Committee also concluded that maintenance of stormwater features was an important means to prevent flooding. Mr. Nicklas noted that homeowners associations often fail to maintain features such as the retention ponds. Mr. Biernacki added that this was the reason that the City of DeKalb created dormant Special Service Areas (SSAs) so that if a homeowners associations collapse or fail to meet their responsibilities, the City would have funding to maintain the stormwater facilities.

Mr. Nicklas stated that communities now need to find a method of retrofitting these types of funding measures to protect residents who purchased in areas that existed prior to these types of agreements.

Mr. Miller concluded the discussion by requesting that Mr. Beeh and Mr. Lorence, two of the Committee’s engineers, review the list provided by Marcellus Anderson and attempt to prioritize

the projects which would result in the County's "best bang for the buck". Mr. Lorence noted that difficulty in determining the savings comparison between protecting expensive features or quantity of people effected. Mr. Miller emphasized that this list would result in a response to the Phase II goal of prioritizing possible stormwater projects. He added that this would be a cursory review for the purposes of finding locations which would best served by resources, attention, and time.

Mr. Nicklas noted that the agenda included many important topics which might require lengthy conversations by the Committee. The Committee discussed this project briefly and concluded that, provided the list was preliminary and did not require an extensive amount of time from Mr. Beeh and Mr. Lorence, it would provide additional direction. Mr. Miller noted that the Ag Building regulations topic was more cut and dry and suggested that the Committee tackle this issue next.

## **5. NPDES Regulations Regarding Agricultural Buildings**

Mr. Miller highlighted staff's memo which outlined the history of the NPDES permit and the involvement of the Soil and Water Conservation District.

Mr. Steimel asked what type of work qualified as development. Mr. Miller noted that it would include any land disturbing activity disturbing an over one acre, other than things like tillage.

Mr. Steimel asked if it needed to be one acre, explaining that his understanding was that the Federal requirements allowed three acres prior to requiring permitting in rural areas. Mr. Lorence responded that the County's population density actually defines DeKalb County as "urban" from the Federal viewpoint.

Ms. Vary noted that she agreed with the requirement.

Ms. Prain stated that she felt it was essential.

Mr. Miller agreed to create a draft text revision. He explained that if a property owner was proposing an agriculturally-exempt structure, if the Ordinance was revised as discussed, the owner would in the future need to demonstrate that the land disturbance is under an acre or that they have the required NPDES permit and/or that they will submit for a Site Development Permit. He also noted that, under the current regulations, farmers can always request a waiver of the requirement to submit a fully-engineered plan on the argument that the stormwater runoff will be contained on the subject property.

## **6. Sample "Green", "Sustainable" and Best Management Practices**

Mr. Miller explained at the February 19, 2009 meeting, the Committee discussed the idea of including a section on "green", "sustainable" and best management practices related to development and stormwater management in Phase 2 of the Stormwater Management Ordinance. To this end, staff has been in contact with the ChicagoWilderness' Sustainable Watershed Action

Team (SWAT), which provided a copy of the McHenry County's Conservation Design Ordinance and Subdivision Regulations.

The Committee discussed the sample material from the packet. Mr. Miller stressed that the suggestion was not to change the standard requirements but instead add recommendations and incentives to encourage best management practices as a supplement to the Stormwater Management Regulations.

Mr. Biernacki noted that the stormwater requirements of each municipality had to be as restrictive as the County's Ordinance. If the proposal was to make the County standards more stringent, it would put an undue burden on the municipalities to do the same thing.

Mr. Miller noted that the standards were provided for the Committee's review as a way to start the conversation. It was not his proposal that the green and sustainable regulations become part of the Countywide regulations per se, but rather as discretionary recommendations that could be encouraged through incentives rather than mandated.

Mr. Nicklas noted that the goals within the sample information expanded the scope beyond what the Stormwater Committee was focused on, specifically he referenced the "Purpose Section" listed on page two and noted that many of the items were not related to stormwater. Mr. Nicklas also asked that the issue be given a greater amount of consideration in front of the Committee, which would allow for the creation of a middle ground.

Ms. Vary noted that the "triggers" on page two and three could be included within the recommendations so that future developments would address best management practices if their project triggers them.

Mr. Nicklas highlighted the Heron Creek Subdivision as an example of a development that took advantage of natural features and met many of these standards voluntarily rather than in answer to requirements. He added, however, that this type of developer may be harder to come by in the future. He stated that he did not want to limit the growth of a community through regulations, noting that private investment can be discouraged by too restrictive of regulations.

Mr. Miller noted that the McHenry County material was only an example, for the purpose of generating discussion of related management practices.

Mr. Biernacki emphasized that the sample material was a subdivision ordinance, rather than a stormwater management ordinance.

Mr. Miller noted that there is often a blurry line between the two types of ordinances, but that the intent is to focus on possible changes to the DeKalb County Countywide Stormwater Management Ordinance.

Mr. Steimel stated that McHenry County had a referendum to fund many of their projects and these included the purchase and proposed conversion of wet properties into conservation areas. He noted that DeKalb County needed to go slow on this issue because agricultural and

conservation measures can be at odds with one another. He noted that the disappearances of the drainage districts also complicated this issue.

Ms. Vary brought to the Committee's attention the idea of permeable pavement as an example of alternative, "green" practices. Mr. Nicklas stated that Sycamore had done a test plot and found that the freeze and thaw cycle destroyed the pavement. The Committee discussed this option briefly, and concluded that the stormwater still needs to go somewhere. Mr. Miller noted that this one issue was an example of the discussion the Committee should have.

Mr. Miller agreed with Mr. Nicklas that many of these stormwater topics may require a greater amount of time than one meeting and that the next meeting could focus only on the NPDES revisions topic.

Ms. Prain asked that two other topics be considered: first, that the Committee begin reviewing surrounding Counties stormwater ordinances; and second, that representatives from drainage districts be invited to attend a future meeting. Mr. Steimel noted that he was a representative of the drainage districts and that he is involved in the organization of drainage districts at the State level. Mr. Miller agreed to discuss this issue with Mr. Steimel. Ms. Prain noted that the municipalities receive all of the runoff from the agricultural areas which is why this tension need to be discussed by this Countywide group.

**7. Next Meeting:**

Following a brief discussion, the Committee agreed to meet on May 21, 2009 at 3:00 pm in the Conference Room East.

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

Respectfully submitted,

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