

**STORMWATER MANAGEMENT PLANNING COMMITTEE
MEETING MINUTES**

May 21, 2009

The DeKalb County Stormwater Management Planning Committee (SMPC) met on May 21, 2009 at 3:00 p.m. in the DeKalb County Administrative Building, Conference Room East, in Sycamore, Illinois. In attendance were Committee members Pat Vary, Bill Nicklas, Roger Steimel, Donna Prain, Bill Lorence, Norm Beeh, Ken Andersen, Tom Thomas, and Paul Miller.

1. **Roll Call** -- *Mr. Miller noted Joe Misurelli, Joel Maurer and Mark Biernacki were absent.*
2. **Approval of Agenda** -- *Ms. Vary moved to approve the agenda, seconded by Mr. Steimel, and the motion carried unanimously.*
3. **Approval of Minutes** -- *Mr. Nicklas moved to approve the minutes, seconded by Ms. Prain, and the motion carried unanimously.*
4. **Possible Regulation of Agricultural Buildings:**

Mr. Miller stated that the Committee had previously discussed the fact that the National Pollution Discharge Elimination System(NPDES) requires a stormwater and erosion-control permit for agricultural buildings and structures that effect an area of one acre or more. To recognize this requirement, Mr. Miller proposed an amendment to Section 7.2(a) of the DeKalb County Stormwater Management Ordinance. This section lists activities that do not require a Site Development Permit. The proposed amendment would make it clear that only agricultural buildings and structures that disturb less than one acre of land are exempt. Such structures and buildings that disturb one acre or more in area would be required to obtain a grading and stormwater management permit. Mr. Miller pointed out that the Ordinance still contains a waiver provision, whereby a property owner may request waiver of the need for an engineered stormwater management plan if such is unnecessary because the additional run-off is minimal or is entirely contained on the subject property. He stated that such waiver requests are not uncommon now, and that he and Mr. Lorence, the County Engineer, review such requests, which are frequently granted.

Discussion on the proposed amendment followed. Mr. Thomas pointed out that sometimes agricultural buildings that cover less than one acre still have a negative stormwater impact on adjoining residential properties. He suggested that a permit should be required for agricultural buildings that are in close proximity to corporate limits or residential lots. Mr. Lorence suggested the requirement could kick in if the building would be 100 feet or closer, which is consistent with the standard for construction in proximity to floodplains. Following further discussion, it was agreed that the standard should be to require a Site Development Permit for agricultural buildings that will be 250 feet or closer to the limits of a municipality or to a lot that is in residential use. Mr. Steimel stated that the amendment is probably needed, but will cause hardships for some farmers. Mr. Andersen inquired whether the discretion to waive the requirement should reside with an appointed committee rather than the Planning Director. Mr.

Miller replied that change would add weeks to the time it takes to get project approval, and Ms. Vary suggested that a committee could do no more than the Planning Director and County Engineer already do.

Mr. Thomas moved to approve the amendment as discussed, seconded by Mr. Nicklas, and the motion carried unanimously.

5. Sustainable Stormwater Management:

Mr. Miller introduced this topic by reviewing the Committee's previous discussions about best management practices for stormwater, as well as alternatives to traditional stormwater management facilities. He noted that Mr. Nicklas had submitted a thorough review of the McHenry County Conservation Design Ordinance and Subdivision Regulations.

Mr. Nicklas explained that he had taken the time to go through the McHenry County Ordinance and compare it to what the City of Sycamore has done. His analysis revealed that Sycamore has codified or utilized many of the "best practices" set forth by McHenry County, including conservation design and urban design guidelines that feature open space, bike and pedestrian paths, parks and plantings. He expressed concern that if the Countywide Stormwater Management Ordinance mandates more restrictive subdivision design standards, along the lines of McHenry County, it would put the burden on developers who may be discouraged from building in DeKalb County communities. Some development is needed if municipalities are to address stormwater problems, as development provides the necessary revenue through taxes. Mr. Nicklas also noted that many of the stormwater and flooding problems are not related to development but rather originate in the rural, agricultural portions of the County. Emphasis should be on mitigating flooding problems, and new subdivision regulations are only a portion of the solution. He stated that regulations that result in a more rural appearance (for instance, narrower roads without curb and gutters) for new development are unlikely to be embraced by municipalities and communities that demand more urban design.

Mr. Miller stated that he appreciated Mr. Nicklas's points, and noted that the McHenry County ordinance was provided as a way of sparking a discussion of alternative stormwater management practices. It was not intended to be advocated as a model for DeKalb County. Mr. Miller pointed out that the Countywide Stormwater Management Ordinance does not currently contain any regulation for alternative or "green" stormwater management such as infiltration areas, bio-swales, rain gardens, etc. He suggested that such alternatives could be included as recommendations, rather than regulations, within the Ordinance, perhaps encouraged through incentives. He also noted that because the ordinance is Countywide, it could encourage municipalities to also include such alternatives as recommendations.

Discussion followed regarding the policies and approaches that are available for alternative stormwater management practices. Mr. Nicklas mentioned that the DeKalb County Regional Planning Commission may be an appropriate forum for discussing these alternative techniques, since they may be something each of the municipalities should consider. Ms. Prain pointed out that in discussing the form of alternative regulations the Committee should not lose sight of the function, which is to reduce negative stormwater impacts and reduce flood damage. Mr. Thomas

initiated a discussion on stormwater detention ponds and the use of dormant special service areas (SSAs) to assure they are maintained when homeowner associations fail to do so. He noted that SSAs are limited to a 20-year life. It was noted that farmers could be encouraged to use more conservation techniques, including riparian strips and alternate crops in floodplains.

Mr. Miller concluded the discussion by asking Committee members to give thought to actual stormwater management techniques that are not currently in the Countywide Stormwater Management Ordinance but should be included as recommended practices. He suggested Mr. Steimel would be a good source for stormwater management techniques that should be employed by farmers. It was also suggested that the Soil and Water Conservation District would be a good resource on that point. Mr. Miller asked that Committee members contact him via email with their thoughts and ideas, which he could then disseminate to the rest of the Committee.

7. Next Meeting:

Mr. Miller suggested that, rather than pick a specific date to meet, the Committee should convene again when the topographic data being generated by the County is available. He noted it is this data that would be the foundation for changes to the Countywide Stormwater Management Ordinance related to stormwater management in the agricultural portions of the County, versus the alternative stormwater management techniques the Committee had been discussing, which were all related to development in municipalities. Following further discussion, it was agreed that Mr. Miller would provide a monthly “tickler” memorandum via email to inform Committee members of progress on the contour project and of members ideas for stormwater management techniques. When the contour project is nearing completion, the Committee would select its next meeting date.

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

Respectfully submitted,

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

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