

MINNEHAHA CREEK WATERSHED DISTRICT

**Technical Advisory Committee
April 16th, 2009**

2:00 PM – 4:00 PM

Edina City Hall

**4801 W. 50TH ST.
Edina, MN 55424**

Community Room

AGENDA

1. Stormwater Management on Redeveloping Sites
 - a. How to apply regulation to redeveloping sites proposing increases in impervious surfaces.

MINNEHAHA CREEK WATERSHED DISTRICT

Technical Advisory Committee

Summary of April 9th 2009

Committee Members Present:

Dave Poggi (Mound), John Barten (3RPD), Jesse Struve (Edina), Kristin Asher (Richfield), James Landini (Shorewood), Mike Kelly (Wayzata), Liz Stout (Minnetonka), John Bradford (Hopkins), Derek Asche (Plymouth), Kristen Larson (Carver Co.), Lois Eberhart (Mpls), Holly Kreft (Victoria), Pat Byrne (Mpls)

MCWD Managers Present: None

MCWD Staff Present: James Wisker

Introduction:

James Wisker began the meeting by asking if there were additions to the agenda or revisions need to the April 2nd meeting summary. No additions or revisions were requested.

James Wisker introduced the issues of stormwater management on redeveloping parcels and reviewed the language that 9 Mile Creek adopted. James pointed out that the following language appears to be widely used across watershed districts:

“If a proposed activity will disturb more than 50% of the existing impervious surface on the parcel or will increase the imperviousness of the entire parcel by more than 50%, the criteria of section 4.3 (provide for the retention onsite of 1 inch of runoff from all impervious surface of the parcel) will apply to the entire project parcel. Otherwise, the criteria of section 4.3 will apply only to the disturbed areas and additional impervious surface on the project parcel.”

Derek Asche commented that one issue with this language was that small redevelopments would be required to submit overly onerous exhibits to demonstrate that they have met the rule. He indicated that detailed modeling should be waived for smaller site redevelopments.

Jesse Struve asked if the MCWD was planning on applying the redevelopment/abstraction requirements to single family homes.

James Wisker indicated that the Board had not yet discussed this issue, but that it would seem plausible that there would be flexibility if the rule were to be applied to single family homes.

Liz Stout informed the TAC that Minnetonka has been applying the 9 Mile Creek standards and that there haven't been significant issues applying the rule to single family homes. Liz indicated

that the biggest single issue was having applicants create innovative “outside the box” solutions to meet the rule.

John Bradford commented that it made sense to begin the discussion with single family homes before evolving the discussion into commercial/institutional properties. He perceived single family homes to be a significant maintenance issue that would require a robust inspection regime and would encumber future homeowners with an unknown burden.

Lois Eberhart asked how the MCWD inspects BMP’s.

James Wisker outlined the District’s current BMP inspection program and its plans for the future.

John Bradford recommended that the District consider simply recommending/encouraging BMP use on single family homes, but not requiring them.

Mike Kelly commented that Wayzata uses its shoreland ordinance to require stormwater management on single family homes. For example, if hardcover was being increased within the shoreland zone, mitigation in the form of volume control may be required by the City.

Derek Asche provided Plymouths approach, which requires BMP’s but doesn’t require detailed quantification or modeling in some instances. Derek expressed concern over modeling accuracy down to a 5,000 square foot area. He recommended that homeowners be able to choose from a list of BMP’s that are beneficial and leave the site in a better condition than before, but should not be required to model the change.

Dave Poggi agreed with this recommendation, citing an example of a 1,000 square foot addition that should not require modeling.

Mike Kelly asked Derek if maintenance is required for each BMP.

Derek Asche indicated that Plymouth does require a maintenance agreement for every BMP that is permitted.

James Wisker recapped the discussion up to this point for single family homes and asked the group how these issues would translate to the more common issue of commercial/institutional redevelopment.

Mike Kelly commented that he generally agreed with the 50% standard but that there were issues with sites that are 100% impervious and see small reductions in impervious surface. He indicated that generally, these sites would find it challenging to implement a BMP on site.

John Bradford noted that the 50% approach did not necessarily get at the issue of specific increases or decreases of square feet of hardcover.

Derek Asche agreed that the 50% approach becomes increasingly difficult to apply and satisfy on small sites.

John Bradford and Lois Eberhart recommended that in difficult circumstances, the MCWD should prioritize water quality treatment over abstraction. Specifically where the use of alternative BMP’s such as soil amendments may not provide a significant, quantifiable improvement of water quality or volume reduction.

John Bradford asked the TAC if the rule could be written such that; additional impervious surface greater than ¼ acre requires a BMP, and increases that exceed ¼ would be required to meet the rule requirements for the additional impervious surface.

John noted that MCWD must decide if it is a priority to implement the full requirements of the rule on small sites and this was primarily a philosophical question of how to effectively manage regional water resources. Specifically, should management occur on a site by site basis, and if so, how narrowly does the rule apply.

Dave Poggi mentioned that small sites could potentially pay “trunk fees” that could be utilized to fund regional treatment.

John Bradford supported this general approach.

Lois Eberhart questioned what happens if a site does not redevelop and the City has paid the costs up front.

Holly Kreft informed the TAC that this was the precise approach used in Victoria, where the city paid up front and developments bought in as they redeveloped.

John Bradford commented that this approach provides significant flexibility to cities who would be able to decide if a fees should be waived for a particular redevelopment based on the scope of the project/impact etc.

John Barten posed the question of; if enough small sited redevelop, would there be a cumulative detriment? If so, then regulations should be applied.

Kristin Asher responded that small redevelopments and improvements should not necessarily be micromanaged, which is why the City of Richfield was pursuing regional solutions to offset small redevelopments.

Holly Kreft added that politically speaking, the City of Victoria wanted to encourage development and redevelopment which means more impervious surfaces in the forms of taxable parking lots, buildings etc. Given this fact, the City has historically and would continue to pursue regional solutions as a means to encourage development/redevelopment.

Pat Byrne noted that if there were specific known goals of the regulatory program for geographic regions of the District, the TP load could be divided and allocated to individual cities who could then determine on their own how to address that load of P.

James Wisker outlined the Water Resource Management Plan of MCWD and noted that this was in fact that approach that was used. The goal of regulation was intended to ensure no degradation, while load allocations to cities and the District were structured to improve water quality.

John Bradford outlined an approach whereby cities would track impervious surface totals and decided whether to apply BMP's or not. Capital projects could then be utilized to make up the difference.

James indicated that this was information that could be discussed again during conversations on regional solutions.

Mike Kelly suggested the TAC focus on sites that have 100% hardcover and propose to reduce impervious surface through redevelopment.

John Bradford proposed that the District divide sites into small, medium and large sites with different requirements for each.

Small Sites – if reduced hardcover then no rule requirements even if 50% disturbance

Medium Sites – reduce hardcover by 10% or more, then no rule requirements even if 50% disturbance.

Large Sites – subject to rule requirements if disturbing 50% of site.

Liz Stout informed the TAC that Minnetonka provides ½ inch credit for reductions in hardcover.

John Barten commented that if sites reduce impervious surface then modeling exhibits could be waived.

John Bradford recommended that small sites be classified as 0-1 acre, medium sites be 1-5 acres and large sites be greater than 5 acres.

The TAC acknowledged that these numbers may be subject to change, but generally agreed with this approach for sites that are 100% impervious and are reducing hardcover.

James Wisker asked for additional comments and informed the TAC that April 16th would focus again on redevelopment and the issues surrounding sites that propose to increase impervious surfaces on site.