

MINNEHAHA CREEK WATERSHED DISTRICT

Technical Advisory Committee

Summary of April 30th TAC

Committee Members Present: Pat Byrne (Mpls), Derek Asche (Plymouth), Jack Frost (MCES), Brent Lindgren (Henn. Co. Transportation), Cara Geheren (Victoria), Jesse Struve (Edina), Mike Kelly (Wayzata), Kristin Asher (Richfield), Tony Brough (Hennepin County), Dave Poggi (Mound), James Landini (Shorewood), Jill Crafton (Citizen), Lois Eberhart (Mpls)

MCWD Managers Present: None

MCWD Staff Present: James Wisker

Introduction:

James Wisker summarized the previous week's joint meeting of the TAC and Rulemaking Task Force before reviewing the recommendations developed for redevelopment and single family subdivisions.

Pat Byrne commented on the histogram contained within the meeting materials and requested that it be modified to show the area of land under each category.

Cara Geheren asked if the District could run the recommendations past commercial developers to see how the proposed changes would be received.

Derek Asche echoed this comment.

James Wisker asked the group how they felt about the recommendation for single family subdivisions looking back at it.

Mike Kelly indicated that the 20% impervious cover threshold could potentially be revised to be more consistent with the DNR shoreland requirements that regulate to 25% impervious cover.

Jack Frost commented that the District would need to determine if the difference between 20% and 25% impervious cover would be significant when considering stormwater runoff from a site.

Mike Kelly thought that such a revision may provide more coordination between zoning requirements for impervious cover and the District's stormwater regulation.

James Wisker offered to send the recommended language out for comment again from local communities and informed the TAC that the initial response was minimal.

The TAC then moved on to discuss the recommendations for redevelopment.

The TAC crafted the following list of land uses to which the redevelopment criteria would apply: commercial, industrial, institutional, mixed use, multi-unit residential.

Lois Eberhart raised the concern that a vacant parcel may have been previously built on, and if so should qualify for the redevelopment language based on the previously developed conditions rather than the currently existing green space.

The TAC generally agreed with the previously recommended framework for redevelopment and agreed to move on to discuss linear projects.

Pat Byrne posed a question for the group regarding if the focus of the linear portion of the stormwater rule should focus on new hardcover.

Tony Brough commented that there is a distinct difference between road reconstruction projects and the creation of a new road. Tony recommended that new roads be subject to the full extent of the stormwater regulation: volume control and no increase in P load.

Lois Eberhart referenced Capitol Region requirements which have resulted in the City of St. Paul being required to deal with stormwater runoff under road surfaces and commented that this seemed unreasonable.

Pat Byrne noted that other watershed districts appear to be using Capitol Region's approach to justify a similar approach. He also noted that Capitol Region placed a dollar cap on how much money is can be spent on stormwater management for road projects. This amount was \$30,000.00 per acre of road.

Lois Eberhart stated a preference for above ground treatment citing easier maintenance and an inherent aesthetic value.

Cara Geheren commented that the decision on whether below surface stormwater management for linear projects should be a decision made by the cities conducting the project and not by the watershed.

Pat Byrne agreed stating that if the cost of retaining runoff or removing P load is exorbitant, it may not be the best use of public dollars and that the city may be able to more effectively manage for volume and P load in other locations at a lower cost.

Tony Brough provided the County's perspective stating that Hennepin County design staff is willing to install as many BMP's that we can within the ROW of each project to get to your desired goal. Benefit versus cost and is definitely a factor in our decision making.

Tony also recommended that the final MCWD rules must be set-up for road reconstruction projects so a variance is not required for every permit. He cited the fact that District floodplain, wetland buffer, and stormwater rules are set so a variance is required for 99% of the road projects the County proposes.

Cara Geheren agreed stating that there are incentives and requirements for cities as MS4's to provide treatment on every project.

Tony Brough offered that it shouldn't really matter if hardcover changes or not and that the requirements should be tailored to the opportunities available on a given project.

Jack Frost offered a take on a regional solution suggesting that cities could potentially plan the increase in impervious surface associated with their annual road reconstruction projects and then offset the load and volume on other projects or locations if it wasn't practical to do so with the road reconstruction.

Mike Kelly recommended that given the goal of the Plan to provide no net increase in P load, the regulation should be targeted only at linear projects increasing impervious surfaces and that otherwise BMP's should be incorporated as feasible.

James Wisker offered the example of Co. Rd. 101 in Plymouth which provided a large amount of water quality benefit due to the size and scope of the project. James asked the TAC, since the redevelopment recommendations acknowledge the opportunity associated with project size, why wouldn't linear projects?

Derek Asche responded that opportunities on commercial property increase with size but that linear projects do not increase opportunity with size.

Jesse Struve agreed stating that larger commercial developments typically means more private financing which was not the case with public road projects that would be expending public dollars that are limited.

Cara Geheren offered that the City should be able choose if the money would be best spent on a capital improvement or on the road project to meet the rules. She indicated that the best bang for the buck may be to spend the stormwater dollars elsewhere to achieve better water quality and volume control.

James Wisker reminded the group that those options may be on the table but that they centered around regional solutions and that the TAC was currently charged with recommending an implementation strategy for linear projects.

Mike Kelly commented that the opportunity with large linear projects was also reduced due to competition from utilities which often preclude the placement of stormwater BMP's.

Pat Byrne recommended that the TAC consider no volume control requirements for road projects but that the no net increase in P load be kept. Pat indicated that this would achieve water quality goals and would allow cities the flexibility of deciding on a given project if volume control made sense.

Tony Brough disagreed and reiterated that new roads should be subject to more stringent requirements. Road reconstruction projects should only provide volume control where practical and feasible. Tony also recommended that County road projects be exempted from wetland buffer requirements, citing the fact that the County does not wish to promote wildlife habitat within the right of way.

Kristin Asher noted that the primary mechanism for volume control on a linear project would likely be infiltration given the limitations of other options. Given the pollutant load and volume of sediment coming off road surfaces, Kristen didn't believe volume control made sense.

Cara Geheren expressed again a strong preference for regional solutions that would allow cities to provide treatment elsewhere to meet the regulatory requirements for less money and more effectively.

Dave Poggi commented that given the 41 lb P load allocation to the City of Mound, it was likely that road reconstruction projects would not be contributing a large additional load to this amount. Based on this fact, Dave recommended that the District allow cities to calculate load increases and then address the local surface water management plan with the rest of the 41 lb's.

At this point James Wisker suggested that the TAC take time to think about how to best apply the stormwater rule to linear projects and continue the discussion on May 7th. He noted that there was obviously strong interest in developing regional solutions and that the TAC would be focusing its attention on this issue once the linear portion of the discussion had taken place.