

**STORMWATER REGULATORY COMMITTEE**  
**February 10, 2021 Minutes**

**1. CALL TO ORDER**

Members of the Stormwater Regulatory Committee met on the above date at 9:00 am via Microsoft Teams. Daryl Norris, the Facilitator, called the meeting to order and welcomed all those present. The following attended the meeting:

**MEMBERS:**

Landon Weaver	Bryan Fagundus
Jill Howell	Richie Brown
Michael Odriscoll	Matt Prokop
Ken Malpass	Igor Palyvoda
Michelle Clements	

**OTHERS PRESENT:**

Rick Smiley  
Lisa Kirby  
Daryl Norris  
Hayleigh Wade  
Travis Welborn

**2. APPROVAL OF MINUTES**

A motion was made by Ms. Howell to approve the agenda as presented. The motion was seconded by Mr. Brown and passed unanimously.

**3. APPROVAL OF AGENDA**

Mr. Weaver made a motion to approve the January 20, 2021 minutes. The motion was seconded by Ms. Clements and passed unanimously.

**4. DEFINITIONS DISCUSSION**

Mr. Norris presented the Definitions section of the Stormwater Ordinance document to the committee. Mr. Norris discussed the suggested redline changes he made to the document and presented the changes to the committee for input. Mr. Brown asked for clarification regarding the amended definition for the Stormwater drainage system. Mr. Norris clarified that the City will maintain pipes that run through private property and carry public water. This is to ensure pipes in private property do not breakdown and cause issues for the public pipe sections. Mr. Weaver asked if this committee could discuss the usage of swales with pipes for private development. Mr. Norris stated this topic would be covered in the drainage discussion of the work plan.

**5. EXEMPTIONS AND VESTING DISCUSSION**

Mr. Norris presented the Applicability and Exclusions section of the Stormwater Ordinance to the committee.

Mr. Welborn asked for clarification on the BUA definition. Mr. Norris provided clarification that the word cumulative would include anything post ordinance adoption. Mr. Fagundus asked how we will identify and define what is existing built upon area at the time the ordinance becomes effective. Mr. Norris stated there is not a specific requirement outlined by the State for how that

would be determined. The submitting party would use the best information they have to show documentation that it was on the ground or approved before or at the time the ordinance was adopted, otherwise the City would use the closest aerial photography to the rule adoption date. Mr. Fagundus asked if it would be worthwhile for the City to update the Stormwater utility bills for documentation that the land was built upon before the ordinance effective date. Mr. Norris stated it would be beneficial and is another avenue the City could look at when determining effective dates but that this only covers the city limits and not the ETJ. Mrs. Kirby agreed that there is a chance for gaps in the aerial photographs and the development of new land. She advised during this gap time if something was developed the City should have a site plan or some form of submittal to base the ordinance effective date off of. Mrs. Kirby suggested creating an internal policy that states, "Without additional information or proof of impervious area the City will default to the 2020 aerial photograph." This policy would make it incumbent on the client or developer to provide the appropriate documentation of any expansion not captured in the aeriels.

Mr. Norris discussed the confusion between the recreational and commercial facility regulations. Mr. Kirby stated the regulation was conflicting. She used the City Recreation and Park department developing new facilities as an example of how this regulation could become conflicting when trying to enforce the new ordinance. Mr. Norris stated he will be taking these concerns back to the State for clarification.

Mr. Norris discussed the suggested changes for the development of an individual single-family lot. Ms. Clements asked for clarification of how the ordinance will outline how a plan is determined to be grandfathered into the ordinance. She suggested having a Stormwater masterplan be the plan that gets grandfathered in. Mr. Norris stated if it is approved it is grandfathered, either a master plan or an individual plan following appropriate guidelines.

Mr. Norris presented the agricultural mix-use suggestions to the committee. Ms. Howell asked if the State has included clarification on the agricultural mix usage for Stormwater regulation. Mr. Norris stated the State had regulations included in the original outline but has revoked those guidelines due to misinterpretations and will be researching the topic more before issuing guidance.

Mrs. Kirby brought the exemption for certified redevelopment districts to the committee's attention. Within the new ruling, the City would not have the authority to exempt redevelopment districts. Mr. Norris stated this will be most impactful in small commercial lots. Mr. Norris stated the development could comply with the ordinance through a green roof or rainwater harvesting system. Another option would be off-site regional treatment. Mrs. Kirby asked for clarification on the SCM and mitigation bank requirements. Mr. Norris stated a high-density development would be required to drain to a primary SCM and then could make up the difference using the mitigation bank.

Mr. Fagundus asked how exemptions apply to City roadways, greenways, and linear transportation projects. Mr. Norris stated under the ordinance government linear projects are allowed to use the mitigation option. It does not require a primary SCM and allows it to be bought out entirely through the mitigation bank. The impact of peak flow controls on linear projects and possible exemptions will be discussed later with the detention discussion. It was also discussed how this is interpreted for roadways that are part of a larger development plan but to be dedicated to the City. Mr. Norris stated that the exemptions are for projects that are solely linear transportation projects by the local government and that development roads would not apply to that exemption.

**6. NEXT SRC MEETING AGENDA**

Mr. Norris will be adding in a 160D discussion in addition to the plan review topics. The next meeting will be on March 3rd, 2021. The minutes from this meeting will be emailed out on February 17th, 2021.

**7. QUESTIONS AND COMMENTS**

Mr. Norris will be taking back the recreational development and the mixed agricultural questions back to the State for further discussion.

**8. CLOSING REMARKS**

Mr. Weaver made a motion to adjourn the meeting. The motion was seconded by Ms. Clements and approved unanimously.