

**PAPILLION CREEK
WATERSHED PARTNERSHIP**



FINAL MEETING MINUTES

**Policy Workgroup Meeting
Thursday, July 14, 2005 @ 8:30 AM to 10:30 AM
Natural Resources Center, 8901 S. 154th Street, Omaha, NE 68138**

Attendees:

The following Policy Workgroup members were in attendance: Ron Abdouch (Neighborhood Center), John Bachman (Pansing Hogan Ernst & Bachman), Kent Holm (Douglas County), Steve Jensen (Omaha), Mike McMeekin (LRA), Paul Mullen (MAPA), Steve Oltmans (P-MRNRD), Bill Pospichal (Zorinsky Lake), Dave Sands (Nebraska Land Trust), Connie Spellman (OBD), Mark Wayne (Sarpy County), Mike Meckna (E&A)

Absent: Toby Churchill (Sarpy County Economic Development), John Fullenkamp (Fullenkamp, Doyle & Jobeun), Randall Lenhoff (Seldin), and Gerald Torzon (BHI)

Others: Marlin Petermann (P-MRNRD), Paul Woodward (P-MRNRD), Marty Grate (Omaha), Nina Cudahy (Omaha), Laurie Carrette Zook (HDR), Lyle Christensen (HDR), Ralph Lassiter (HDR), and Carrie Davis-Sedlacek (Sarpy County).

Purpose

A Policy Workgroup meeting was held on the above date in order to discuss topics stated in the attached agenda. The objectives of the meeting were to provide the Technical Workgroup an initial prioritization and to critique the policy evaluation process. A PowerPoint presentation was used to guide the participants through the meeting. The meeting began at approximately 8:40 AM.

1. Introductions

- R. Lassiter (HDR) opened the meeting and reviewed the agenda. M. Petermann (P-MRNRD) welcomed the attendees to the meeting and expressed our appreciation of their time and effort. Handouts were provided to all meeting participants. Each attendee introduced herself or himself.

2. Administrative Tasks

- Spokesperson and Alternate Spokesperson.

John Fullenkamp (Fullenkamp) and Mike McMeekin (LRA) were asked to be the spokesperson and alternate spokesperson, respectively for the Policy Workgroup. They will serve as spokespersons to the public and news media.

- Data Storage/Retrieval <ftp://eng.hdrinc.com/Projects/000000000000027423> (Handout)

An FTP site has been established to provide Workgroup members access to meeting materials. A handout was provided that identifies a unique user name and password and provides instructions on how to access the site. Two subfolders are located on the FTP site: “FromHDR” and “Receiving”. The “FromHDR” folder contains additional subfolders with meeting materials that can only be “read” and downloaded. On large files, it is highly recommended to download the files first, rather than reading them on-line. The Workgroup members do not have the security to “write” to the “From HDR” folder. The “Receiving” folder is to contain information to be sent to HDR by any Workgroup member for future posting to the “FromHDR” folder. If you place files on the “Receiving” folder, please send an email to laurie.carrette@hdrinc.com (399-1078) and identify the file name.

- Papillion Creek Watershed Reference Maps (Handout)

A 15-inch x 31-inch map of the Papillion Creek Watershed was created and distributed. This map shows a 2004 aerial photograph, watershed boundaries, stream segments, existing channel improvements, proposed channel improvements, combined sewer overflow locations and existing reservoirs. This map can be used as a quick reference tool.

3. Watershed Issues and Strategies

- L. Christensen (HDR) reviewed the purpose of the Policy Workgroup and expressed the urgency of developing stormwater policies for the watershed. Several slides on urbanization trends, relationships between imperiousness and peak discharge, a typical floodplain and cross section depicting 1985 hydrologic conditions, and water quality impairments portrayed the urgency. It was noted that the Big Papillion Creek, from the confluence of West Papillion Creek to Butterflat Creek (near Washington/Douglas County line), is impaired for fecal coliform, which is an indicator parameter for bacteria. Sources of bacteria include: wildlife, domestic livestock and human waste (typically from combined sewer overflows). The current regulatory limit is 400 counts per 100 milliliter (counts/ml), but the recorded levels range from 100 to 1,000,000 counts/ml.

R. Lassiter (HDR) then told the group of past, present, and future actions needed to address these stormwater issues, including the creation of the Papillion Creek Watershed Partnership (PCWP) in 2001, Watershed by Design (Green, Clean, and Safe) initiatives in 2004 and 2005, and the development of stormwater policies. Draft policies are to be completed by March 2006, while codified policies are required by August 2006.

4. Definitions: Goals, Objectives, and Policies (Handout)

- A one-page handout was reviewed that provided the definition of several terms, many of which are sometimes used interchangeably and include: issue, goal, policy, objective,

action, standards, and rules. It will be important to retain consistency with the use of terms henceforth.

5. Policy Prioritization

An objective of the meeting was to identify policies and to prioritize their development. The Green, Clean, and Safe policies strategies presented at the public forums were used as a starting point.

➤ Technical Group Top 5 Priorities (Handout)

At the June 29th, Technical Workgroup meeting, the policy strategies discussed at the public forums were prioritized and then consolidated. The top 5 priorities were categorized into 5 key areas. The table below summarizes the workgroup's discussion.

<i>Policy Category</i>	<i>Comments</i>
1. Peak Flow and Volume Reduction <ul style="list-style-type: none"> • Add regional detention basins to reduce sediment to our streams and reservoirs • Require No Net Increase in Runoff with Development • Minimize Flooding with Reservoirs 	<ul style="list-style-type: none"> • A lot of overlap with No. 3 and 4. Need to remove sediment from policy and include in No. 3. • Deals with structural measures that control flow. • Need to differentiate smaller basins (e.g. water quality basins) for sediment control and larger basins or regional (e.g. flood control) for flood protection. • Need for upstream storage
2. Landscaping and Green Space <ul style="list-style-type: none"> • Support Stormwater Management with Additional Landscaping and Green Space • Add buffer strips along stream corridors 	<ul style="list-style-type: none"> • Open (Green) space was defined as public or semi-public lands (e.g. parks, stream corridors) and those lands, which do not adversely impact, water quality • Combine with No. 5 as “Natural Areas to Reduce Water Quantity and Quality”.
3. Sediment and Erosion Control <ul style="list-style-type: none"> • Increase requirements for sediment and erosion control during construction • Increase requirements for permanent controls that will function after construction 	<ul style="list-style-type: none"> • Water quality basins address sediment control. • Need to increase erosion and sediment control on smaller lots to help maintain O&M costs of structural systems (e.g. stop erosion process as the first line of defense.)
4. Floodplain Management <ul style="list-style-type: none"> • Create More Restrictive Floodplain Regulations • Enforce Updated Floodplain Mapping Limits 	<ul style="list-style-type: none"> • Focus on nonstructural measures. • Limits should be based on full build out conditions
5. Stream Restoration and Wetlands <ul style="list-style-type: none"> • Restore Stream Corridors and Wetlands • Restore natural stream meanders and wetlands 	<ul style="list-style-type: none"> • Wetlands help with water quality

At the June 29th meeting, the Technical Workgroup added 4 other issues to the policies list. The issues presented and the Policy Workgroup discussions are summarized below.

<i>Other Issues</i>	<i>Comments</i>
1. Agricultural Land Management	<ul style="list-style-type: none"> • Waters impaired at the Washington/Douglas County line. • Will need to have Washington County as a partner in solving regulatory issues (e.g. fecal coliform). P-MRNRD to invite Washington County to be a part of the policy development process. • Regulatory compliance (in the form of TMDLs) will eventually require Washington County to participate in seeking solutions to pollutant loading.
2. Uniform Information and Education Practices	<ul style="list-style-type: none"> • Not a policy. Part of implementation.
3. Phosphorus Reduction/Toxic Algae Issues	<ul style="list-style-type: none"> • Specific issue related to water quality.
4. Compensation for Induced Damages in Floodplain	<ul style="list-style-type: none"> • Currently being discussed in Lincoln as a part of “No Adverse Impact”.

The Policy Workgroup added Pollution Controls as a key issue with sub issues for agricultural land management and combined sewer overflows (CSOs).

➤ Policy Workgroup Prioritization and Goal Statements

The six issues were prioritized by each Workgroup member by placing 6 “dots” beside the issues they felt were most important. It was later decided to combine “Landscaping and Open Space” and “Stream Restoration and Wetlands” to create “Landscaping, Restoration, and Conservation”. Goals for each policy issue were quickly defined. The following table summarizes the discussion.

<i>Policy Issue</i>	<i>Goal</i>	<i>Policy Element</i>	<i>Comments</i>
1. Peak Flow and Volume Reduction	Maintain or reduce peak flow and volume reduction for full-build out condition	<ul style="list-style-type: none"> • Regional detention. • No net increase in runoff in developed and redeveloped areas 	
2. Pollution Control <ul style="list-style-type: none"> • Agricultural Lands • CSOs 	Meet or exceed state and federal water quality standards		<ul style="list-style-type: none"> • Need to encourage or facilitate an accelerated TMDL approach that considers all sources of pollution in the watershed
3. Landscaping, Restoration, and Conservation	See Omaha by Design “Green” goals. Protection or restoration of natural areas for a land use that serves to meet goals of PCWP.		<ul style="list-style-type: none"> • Combine Landscaping and Open Space with Wetlands. • Need to identify unique natural areas (e.g. native prairies, wetlands). Use conservation easements. • Need to coordinate with USACE on wetland issues • Bank erosion

<i>Policy Issue</i>	<i>Goal</i>	<i>Policy Element</i>	<i>Comments</i>
4. Sediment and Erosion Control	Create uniform controls throughout watershed.		<ul style="list-style-type: none"> • Need better management of what we have. • By August 2006 a consistent grading permit will be established for all the communities in the PCWP. The local community will be responsible for enforcement, but the city of Omaha will provide inspection services for all communities.
5. Floodplain Management	Update FEMA maps through the Watershed and enforce floodplain regulations to build-out base flood limits.		

6. Policy Evaluation Process (Handout)

- R. Lassiter described the policy development process. HDR will prepare the initial policy, the Technical Workgroup will review and edit, the Policy Workgroup will make recommendations and decisions, and finally draft policies will be ready for community approval.
- A copy of the proposed Policy Evaluation Form was distributed. This form will be completed for each policy by the Technical Workgroup and then forwarded to the Policy Workgroup. The form consists of the following major headings:
 - Proposed Root Policy and Objectives Descriptions
 - Potential Areas of Coverage
 - Estimated Monetary Impacts
 - Advantages of Policy
 - Disadvantages of Policy
 - Other Clarifying Comments, Reference to Findings, Examples, and /or Needed Action Items
 - Overall Policy Recommendation

A consensus of the Policy Workgroup members agreed the content of this form was adequate.

7. Next Policy Workgroup Meeting Dates - September 15, 2005, October 13, 2005 (Joint Policy and Technical), and February 16, 2006

- The next Policy Workgroup meeting will be held on Thursday, September 15, 2005 at 8:30 AM in the Board Room of the Natural Resources Center. The next Technical Workgroup meeting will be held on Thursday, July 21, 2005 at 8:30 AM in the Board Room of the Natural Resources Center.

8. Adjourn

- The meeting adjourned at approximately 10:37 AM. An agenda, attendance list, and the handouts passed out at the meeting will be provided to those workgroup participants who were not present at the meeting.

Please contact Laurie Carrette Zook (HDR) at (402) 399-1078 or Paul Woodward at 444-6222 regarding any questions or comments concerning these meeting minutes. These meeting minutes will also be posted out to the project FTP site for future reference.

MEETING AGENDA

**Policy Workgroup Meeting
July 14, 2005 – 8:30 AM to 10:30 – Board Room
Natural Resources Center, 8901 S. 154th Street, Omaha, NE**

1. Introductions
2. Administrative Tasks
 - A. Spokesperson and Alternate Spokesperson – John Fullenkamp (Fullenkamp Doyle & Jobeun) and Mike McMeekin (LRA)
 - B. Data Storage/Retrieval <ftp://eng.hdrinc.com/Projects/000000000000027423>
(Handout)
 - C. Papillion Creek Watershed Reference Maps (Handout)
3. Watershed Issues and Strategies
4. Definitions: Goals, Objectives, and Policies
5. Policy Prioritization
 - A. Policies Discussed at Public Forums (Initial List)
 1. Support Stormwater Management with Additional Landscaping and Open Space
 2. Restore Stream Corridors and Wetlands
 3. Enhance Greenways and Recreational Areas
 4. Merge Water-Based Aesthetics with Economic Development
 5. Purchase Flood-Prone Properties
 6. Require Additional BMPs for Water Quality and Erosion Control
 - Increase requirements for sediment and erosion control during construction
Increase requirements for permanent controls that will function after construction
 - Add or retrofit controls to areas already developed
 7. Create Water Quality Improvement Projects
 - Restore natural stream meanders and wetlands
 - Add buffer strips along stream corridors
 - Add regional detention basins to reduce sediment to our streams and reservoirs
 - Stabilize stream channels
 8. Managing Combined Sewer Overflows
 - Control wet weather overflows to streams that flow through urban areas

PARTNERS

**Bellevue
Papillion**

**Bennington
Ralston**

**Boys Town
Douglas County**

Elkhorn

**Gretna
Sarpy County**

La Vista

**Omaha
Papio-Missouri River NRD**

MEETING AGENDA

July 14, 2005

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- Control wet weather overflows that discharge directly to the Missouri River
 - Improve sewers or provide controls to prevent sewage backups into homes
 - 9. Create More Restrictive Floodplain Regulations
 - 10. Enforce Updated Floodplain Mapping Limits
 - 11. Require No Net Increase in Runoff with Development
 - 12. Minimize Flooding with Channelization and/or Reservoirs
- B. Technical Workgroup Top 5 Priorities (Handout)
- 1. Peak Flow and Volume Reduction
 - 2. Landscaping and Open Space
 - 3. Sediment and Erosion Control
 - 4. Floodplain Management
 - 5. Stream Restoration and Wetlands
- C. Other Policies for Consideration
- D. Policy Workgroup Prioritization
- 6. Policy Evaluation Process (Handout)
 - 7. Next Policy Workgroup Meeting Dates (September 15, 2005, October 13, 2005 (Joint Policy and Technical), February 16, 2006)
 - 8. Adjourn

**PAPILLION CREEK
WATERSHED PARTNERSHIP**



MEETING MINUTES

**Policy Workgroup Meeting
Thursday, September 15, 2005 @ 8:30 AM to 10:30 AM
Natural Resources Center, 8901 S. 154th Street, Omaha, NE 68138**

Attendees:

The following Policy Workgroup members were in attendance: Ron Abdouch (Neighborhood Center of Greater Omaha), Kent Holm (Douglas County), Randy Lenhoff (Seldin Company), Mike McMeekin (LRA), Paul Mullen (MAPA), Steve Oltmans (P-MRNRD); Bill Pospichal (Zorinsky Lake Watershed Council), Dave Sands (Nebraska Land Trust), Ellen Fitzsimmons (OBD), Mark Wayne, (Sarpy County), and Mark Westergard (E&A).

Absent: John Bachman (Pansing Hogan Ernst & Bachman), Toby Churchill (Sarpy County ED Corp), John Fullenkamp (Fullenkamp, Doyle & Jobeun), Steve Jensen (Omaha), and Gerald Torczon (BHI Development).

Other Attendees: Marlin Petermann (P-MRNRD), Paul Woodward (P-MRNRD), Mike Meckna (E&A), Carrie Davis-Sedlacek (Sarpy County), Marty Grate (Omaha), Bob Sink (Omaha), Mike Paukert (Omaha), Harry Owen (Omaha), Geoffrey Goodwin (Omaha), Nina Cudahy (Omaha), Laurie Carrette Zook (HDR), Lyle Christensen (HDR), and Stephanie White (HDR).

Purpose

A Policy Workgroup meeting was held on the above date in order to discuss topics stated in the attached agenda. A PowerPoint presentation was used to guide the participants through the meeting. The meeting began at approximately 8:35 AM.

1. Introductions and Handout Materials

- M. Petermann (P-MRNRD) opened the meeting and welcomed the attendees. Handouts were provided to all meeting participants. S. White (HDR) facilitated the meeting and reviewed the agenda. The peak flow reduction policy was targeted for discussion. Each attendee introduced herself or himself.
- Handout Materials Distributed.
 - Agenda
 - PowerPoint Slides
 - Executive Summary for Peak Flow Reduction Policy Group

- Policy Evaluation Summary from Technical Workgroup – Peak Flow Reduction.
- Meeting Minutes from August 18, 2005 Technical Workgroup Meeting.
- Email message from Steve Jensen (City of Omaha Planning Dept.) on internal discussions in preparation for the September 15, 2005 Policy Workgroup Meeting.
- Policy Priority #2: Pollution Control – Issue, Goal, Objectives, and Policies.
- NRCS BMP selection information for agricultural BMPs.
- Policy Priority #3: Landscaping, Restoration, and Conservation – Issue, Goal, Objectives, and Policies.
- Copy of Sign-In Sheet for today’s meeting.

2. Peak Flow Reduction Policy Discussion

- This was the third meeting on the subject of “Peak Flow and Volume Reduction” involving the Policy Workgroup. At the July 14th Policy Workgroup meeting the top five policy issues were ranked. At the July 21st Technical Workgroup meeting it was recommended to defer “peak volume” policy references and move the same for inclusion with the Priority #3 policy group for “Landscaping, Restoration, and Conservation” as part of considerations for low impact development.
- S. White (HDR) summarized the peak flow reduction issue, goal, root policy, and 6 sub-policies noted in the Executive Summary and Policy Evaluation Summary handouts. The policy defines a goal to obtain a “no net increase” in peak stormwater runoff with development, compared to existing baseline conditions.
- A running list of acronyms was established and included:
 - LID – low impact development
 - O&M – operation and maintenance
 - GO – general obligation
 - S&ID – sanitary improvement districts
- Financing peak flow reduction facilitates was discussed. R. Lenhoff (Seldin) recommended that the capital and O&M costs of the regional and local detention should be paid for by GO.
- K. Holm (Douglas County) noted that financing the capital costs for structural BMPs, such as regional detention structures, as part of a S&ID’s general obligation bonding would place substantial debt upon the municipalities and counties (i.e. the taxpayers in general). Others noted that this approach could cripple the ability of the City to pay for other services. A better approach would be to utilize a reimbursable enterprise fund system, similar to the City of Omaha’s interceptor sewer fund. O&M cost would be most appropriately recovered through a user-based utility fee. M. Paukert and H. Owen (Omaha) summarized how that interceptor sewer fund works.

- R. Lenoff (Seldin) noted that the Nebraska legislature has failed for 3-years in a row to pass enabling legislation for a stormwater utility – last year it did not make it out of committee. The question was raised as to whether similar enabling legislation would be needed prior to implementing any other type of fee system for funding of stormwater detention.
- The definition of regional and local detention was discussed. Regional detention facilities were defined as those facilities that would serve more than 500 acres. Regional detention includes the remaining 12 constructible reservoirs defined in the 1965 original USACE Papillion Creek Watershed Reservoir Plan and will continue to be pursued by P-MRNRD through public/private agreements. Other potential locations for regional detention may exist that are not otherwise covered by the USACE Plan. Local detention facilities would serve less than 500 acres. Water quality basins located upstream of the USACE sites and other regional facilities will be addressed in a future policy group dealing with pollution control.
- The need for a master plan, which identifies the locations of regional detention structures was discussed. M. McMeekin (LRA) emphasized that the various city and county jurisdictions and the developers need to know prospective regional detention sites in advance in order to evaluate property acquisition needs and finances.
- L. Christensen (HDR) described the preliminary findings of the West Papillion Creek floodplain study that may cause additional properties to be included in the revised floodplain.
- After a break, L. Christensen (HDR) refocused the workgroup on defining the policy itself and not getting stuck on “implementation” issues like funding.
- M. Grate added that regional facilities were the most effective for peak flow reduction and to control flooding. Two basic approaches are available for establishing regional drainage: 1) a “pioneering” approach, such as the sewer interceptor connection fee, in which the developer pays up front for capital construction, then gets reimbursed by the lot purchasers; or 2) by public implementation of a master plan, where funding could be through either general tax dollars or through stormwater utility fees.
- There was general agreement that, absent a master plan for stormwater detention, it is not possible to establish a clear policy on funding. However, there also was general agreement that some type of dedicated funding source will be necessary in the future, in order both to provide adequate flood controls and to meet the water quality mandates.
- The applicable location to measure “no net increase” was discussed. It was decided that “no net increase” should apply at the sub-basin level, most likely at

the outlet of a regional detention facility, rather than trying to define it at the local detention level, which may introduce too many complexities.

- The “root” policy and six sub-policies were reviewed. The following consensus was reached:
 - Peak Flow Reduction Policy Group.
 - Edit the “root” policy to include appropriate language such that the policy is to be implemented at the sub-basin level in accordance with a master plan.
 - Sub-Policy #1 deals with the development of a master plan, which identifies regional detention sites. With development expanding, the opportunity for detention sites continues to decrease. Having a map with potential detention sites is imperative. Retain this sub-policy.
 - Sub-Policy #2 deals states that “Stormwater peak flow reduction strategies shall include a combination of regional detention, local detention, and other structural and non-structural control measures.” Retain this sub-policy.
 - Delete Sub-Policies #3, #4, #5, and #6 since they make references to either water quality or funding. Funding options should be re-examined at a later date as a part of policy group implementation. It was noted that Sub-Policy #4 that makes reference to low impact development should be moved to Priority Policy #3 – Landscaping, Wetlands and Conservation with the intent to include an incentive for low impact development.
3. Policy Priority #2 - Pollution Control and Policy Priority #3 - Landscaping, Restoration, and Conservation
- Time did not allow the discussion of the next two policy priorities. As noted above, handouts included a general overview of Policy Priority #2 Pollution Control and #3 Landscaping, Restoration, and Conservation and an NRCS table excerpted from Wichita Water Quality Study on BMPs to control sediment, nutrient, pesticide, and pathogen loss from agricultural sources. Input from the Policy Workgroup was requested from the Technical Workgroup to assist in the development of policy priorities #2 and #3.
4. Technical Workgroup Meeting Dates
- It was decided that the Technical Workgroup needs to meet next in order to discuss the next few priority policies before the Policy Workgroups meets. The next Technical Workgroup meetings will be October 13, 2005; November 17, 2005; and January 19, 2006.

5. Policy Workgroup Meeting Date

- The next Policy Workgroup meeting will be held on Thursday, October 27, 2005 at 8:30 AM in the Board Room of the Natural Resources Center.

6. Other

- D. Sands (Nebraska Land Trust) requested the Policy Workgroup provide input on the Water Policy Task Force's ballot initiative to fund water quantity and water quality protection projects. L. Carrette Zook (HDR) will forward email from D. Sands to the Policy members for comment.

7. Adjourn

- The meeting adjourned at approximately 10:37 AM. An agenda, attendance list, and the handouts passed out at the meeting will be provided to those workgroup participants who were not present at the meeting.

These meeting minutes and the handouts are available on the project FTP site at: <ftp://eng.hdrinc.com/Projects/000000000000027423> for future reference. Please contact Laurie Carrette Zook (HDR) at 399-1078 or Paul Woodward at 444-6222 regarding any questions or comments concerning these meeting minutes.

**PAPILLION CREEK
WATERSHED PARTNERSHIP**



MEETING AGENDA

**Policy Workgroup Meeting
September 15, 2005 – 8:30 AM to 10:30 AM – Board Room
Natural Resources Center, 8901 S. 154th Street, Omaha, NE**

- I. Introductions
- II. Open Discussion on Draft Policies
 - A. Peak Flow Reduction (Technical Workgroup Evaluation)
 1. **Issue:** An increase in urbanization within the Papillion Creek Watershed will increase flooding problems.
 2. **Goal:** Maintain or reduce stormwater peak flow from full build-out land use conditions from that which existed under baseline land use conditions through uniform structural and non-structural control measures.
 3. **Policies:** See Executive Summary and Detailed Evaluation Form
 - B. Pollution Control (Technical Workgroup Evaluation Pending)
 1. **Issue:** Waters of the Papillion Creek are impaired.
 2. **Goal:** Reduce pollution from all contributing sources, including agricultural activities and combined sewer overflows, such that waters of the Papillion Creek Watershed can meet Water Quality Standards.
 3. **Policies**
 - a. Request Direction on Policy Elements
 - b. Request Technical Information Needs
 - C. Landscaping, Restoration and Conservation (if time allows)
 1. **Issue:** Natural areas are diminishing
 2. **Goal:** Protection or restoration of natural areas for a land use that serves to meet the goals of the Papillion Creek Watershed.
 3. **Policies**
 - a. Request Direction on Policy Elements
 - b. Request Technical Information Needs
- III. Agenda Items for Next Meeting (October 13, 2005)
- IV. Next Policy Workgroup Meeting Dates (October 13, 2005 (Joint Policy and Technical), February 16, 2006)
- V. Adjourn

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Absent: John Bachman (Pansing Hogan Ernst & Bachman) and Randy Lenhoff (Seldin Company).

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1. Introductions

- M. Petermann (P-MRNRD) opened the meeting and welcomed the attendees. Handouts were provided to all meeting participants. S. White (HDR) facilitated the meeting and reviewed the agenda. Each attendee introduced herself or himself.

2. Policy Group #1 - Peak Flow Reduction Policy Discussion

- This was the fourth Policy Workgroup meeting. At the October 13th Technical Workgroup meeting, 6 policies were reviewed and ready for Policy Workgroup consideration. The peak flow reduction policy was written to be flexible and achieve the desired result of maintaining or reducing peak discharge under full build-out conditions. Detention would be required for new development or significant redevelopment to achieve a "no net increase" over existing conditions.

- A figure was distributed that showed the Papillion Creek Watershed subdivided into 70+ subbasins which were defined in the 1967 USACE Report. Subbasins that were controlled by existing or “under design/construction” flood control dams (Standing Bear, Cunningham, Zorinsky, Wehrspann, Candlewood, Newport Landing, Walnut Creek and Shadow/Midland Lakes, and Dam Site 13) were identified along with the ten remaining viable dams defined in the 2004 Multi-Reservoir Report. In addition, the Present Development Zone or the area identified in the Sanitary Interceptor Sewer Element of the City of Omaha’s Master Plan available for development within the next 10 years. This graphic illustrates that land consumption is quickly diminishing any opportunity for additional detention basins.
- There was a concern about affordable housing. Developers are required to dedicate land for sound mitigation, ROW, parks, etc. which drives up the lot prices.
- There was a concern about building local detention to reduce the peak discharge from a subdivision and if later on a regional detention was constructed downstream, the local detention would have been a waste of money. It was noted that these local detention basins could the serve as a water quality basin. The policy will require developers to work together and look for detention solutions.
- The stormwater manual will need to address the design parameters for the detention basins. A draft version of the Stormwater Drainage Criteria Manual can be downloaded at <http://www.papiopartnership.org/>
- The discussion quickly went to funding and the need to have a mechanism to pay for regional and local detention structures. Several funding sources were noted:
 - S. Oltmans (P-MRNRD) provided a handout showing the P-MRNRD tax levy for Fiscal Year (FY) 2005 of \$0.040620/\$100,000 property valuation. The NRDs have a \$0.045 lid. An additional ½ cent increase would yield \$5 million annually. The NRD currently has \$6.5 million in FY 05 budget for regional detention projects.
 - The city of Omaha has a small portion of their sewer fee that can be used for stormwater administration. It is unlikely that the existing sewer fee authority could be broadened to include capital or O&M activities, without enabling legislation.
 - The stormwater utility bill has been in the state legislature for several years. This legislation would enable communities to establish a stormwater utility.
 - Property tax or a dedicated sales tax could be used to fund stormwater activities. Enabling legislation also would be needed, if the sales tax were to be raised above currently authorized levels.
- The workgroup was reminded that Phase II communities are required to develop the masterplan policies by July 31, 2006, as defined in the NPDES permit.
- The development of a regional drainage plan, where the location of detention facilities would be identified, can not be completed before the policies are adopted. Three interim scenarios were discussed: 1) Maintain status quo 2) Enforce peak flow reduction by requiring local controls or 3) case-by case review.
- Proposed edits to Policy Group #1 were to Sub-policy 2) in which text was revised to read: “Stormwater peak flow reduction strategies shall include one or a

combination of regional detention, local detention (where regional detention is not feasible), and other structural and non-structural control measures.”

- The Policy Workgroup members were in general agreement with the policy, but funding needs to be addressed.

3. Policy Group #6 – Stormwater Management Financing

- Proposed edits to Policy Group #6 included changing “#6” to “#1” because of perceived highest importance to the entire set of policy groups; deleting the word “priority” in text; and changing wording in 1)a) to coincide with NPDES permit language. The remaining policy groups will be renumbered accordingly.

4. Remaining Discussion on Draft Policies

- Time did not allow for the discussion of the remaining 4 draft policies. Subsequent meetings will be identified to seek final resolution on the 2 draft polices discussed at the meeting and the remaining policies.

5. Remaining Workgroup Meeting Dates

- The following dates were identified.

<u>Date</u>	<u>Workgroup</u>
November 17, 2005	Policy Workgroup (9:15 a.m. to noon)
December 8, 2005	Policy Workgroup (8:30 a.m. to 10:30 a.m.) (if necessary)
December 15, 2005	Technical Workgroup (if necessary and if Policy Workgroup require additional technical input)
January 12, 2006	Policy Workgroup (8:30 a.m. to 10:30 a.m.)
January 19, 2006	Public Forum (7:00 p.m. to 9:00 p.m.)

6. Next Policy Workgroup Meeting Date

- The next Policy Workgroup meeting will be held on Thursday, November 17, 2005 at 9:15 AM in the Board Room of the Natural Resources Center.

7. Adjourn

- The meeting adjourned at approximately 10:37 AM. An agenda, attendance list, and the handouts passed out at the meeting will be provided to those workgroup participants who were not present at the meeting.

These meeting minutes and the handouts are available on the project FTP site at: <ftp://eng.hdrinc.com/Projects/000000000000027423> for future reference. Please contact Laurie Carrette Zook (HDR) at 399-1078 or Paul Woodward at 444-6222 regarding any questions or comments concerning these meeting minutes.

MEETING AGENDA

**Policy Workgroup Meeting
October 27, 2005 – 8:30 AM to 10:30 AM – Board Room
Natural Resources Center, 8901 S. 154th Street, Omaha, NE**

- I. Introductions
- II. Open Discussion on Draft Policies
 - A. Policy Group #1 - Peak Flow Reduction (Proposed Final)
 - B. Policy Group #2 - Pollution Control (Revised Draft)
 - C. Policy Group #3 –Landscape Preservation, Restoration, and Conservation (Revised Draft)
 - D. Policy Group #4 –Erosion and Sediment Control (Revised Draft)
 - E. Policy Group #5 –Floodplain Management (Revised Draft)
 - F. Policy Group #6 – Stormwater Management Financing (Revised Draft)
- III. Policy Adoption Strategies
- IV. Next Policy Workgroup Meeting Dates (February 16, 2006)
- V. Next Technical Workgroup Meeting Dates (November 17, 2005 and January 19, 2006)
- VI. Adjourn

REVISED DRAFT

(Technical Workgroup 10/13/2005 and Policy Workgroup 10/27/2005)

PAPILLION CREEK WATERSHED

POLICY GROUP #1: STORMWATER MANAGEMENT FINANCING

ISSUE: Regulatory requirements for stormwater management and implementation of “Watershed by Design” policies intended to accommodate new development and significant redevelopment within the Papillion Creek Watershed will impose large financial demands for capital and operation and maintenance beyond existing funding resources.

“ROOT” POLICY: A dedicated, sustainable funding mechanism shall be developed and implemented to meet capital and operation and maintenance obligations as a result of new stormwater management regulations and to implement “Watershed by Design” policies to accommodate new development and significant redevelopment within the Papillion Creek Watershed.

SUB-POLICY:

- 1) Adequate funds shall be earmarked by the jurisdictional authority for preparing a watershed drainage plan for siting regional stormwater detention facilities that will enable critical peak flow reduction for flood protection and improved water quality within the Papillion Creek Watershed.

REFERENCE INFORMATION

DEFINITIONS

- 1) Policies. Stormwater management policies developed by the Technical Workgroup and Policy Workgroup that were commissioned by the Papillion Creek Watershed Partnership (PCWP) subsequent to the “Green, Clean, and Safe” initiatives developed through the Watershed by Design public forums conducted in 2004 and 2005. The following policy groups contain “root” policies and sub-policies for stormwater management that have been developed in addition to the Stormwater Management Financing Policy Group herein:
 - Policy Group #2 – Peak Flow Reduction
 - Policy Group #3 – Pollution Control
 - Policy Group #4 – Landscape Preservation, Restoration, and Conservation
 - Policy Group #5 – Erosion and Sediment
 - Policy Group #6 – Floodplain Management
- 2) Watershed Master Plan (Master Plan). Development of policies to be adopted by respective PCWP partners. For those PCWP partners that have NPDES Phase II permits the adoption of the Watershed Master Plan is required by the end of year 2 (August 2006) of the permit cycle.
- 3) Comprehensive Development Plans. Existing plans developed by local jurisdictions that serve as the basis for zoning and other land use regulations and ordinances. The policies of the Watershed Master Plan are to be

REVISED DRAFT

(Technical Workgroup 10/13/2005 and Policy Workgroup 10/27/2005)

incorporated into the respective Comprehensive Development Plans. The implementation of the policies will be through the development of ordinances and regulations, in years 3-5 of the NPDES permit cycle. Ordinances and regulations are intended to be consistent for, and adopted by, the respective PCWP partners. Such ordinances and regulations shall need to be consistent with the Comprehensive Development Plans of the respective PCWP partners.

BASIS FOR STORMWATER MANAGEMENT FINANCING ISSUE

- 1) Time is of the essence for policy development and implementation:
 - a) Under the existing Phase II Stormwater Permits issued by the Nebraska Department of Environmental Quality, permittees must develop strategies, which include a combination of structural and/or non-structural best management practices appropriate for the watershed, and incorporate them into existing Comprehensive Development Plans by August 2006.
 - b) The S&ID platting process may be as much as 10 years ahead of full occupation of an S&ID. Therefore, if full build-out of the Papillion Creek Watershed within Douglas and Sarpy Counties is geared for approximately 2040, this would mean that platting in response to the comprehensive development plans may be nearly complete by the Year 2030.
 - c) Therefore the Comprehensive Development Plan “life span” may be on the order of 2030 – 2009, or approximately 21 years, which is a relatively short time span remaining within the Watershed, especially given the significant financial requirements for regional detention facilities and other stormwater management obligations.
- 2) Financing to meet capital and O&M obligations for stormwater management projects requires a comprehensive, uniformly applied approach and not a project-by-project approach.

PROPOSED FINAL

(Policy Workgroup 9/15/2005, Technical Workgroup 10/13/2005 and Policy Workgroup 10/27/2005)

PAPILLION CREEK WATERSHED

POLICY GROUP #2: PEAK FLOW REDUCTION

ISSUE

Urbanization within the Papillion Creek Watershed has and will continue to increase runoff leading to more flooding problems and diminished water quality.

ROOT POLICY

Maintain or reduce stormwater peak discharge during development and after full build-out land use conditions from that which existed under baseline land use conditions.

SUB-POLICIES

- 1) Regional stormwater detention facilities shall be located in general conformance with a watershed drainage plan to be prepared and adopted following appropriate hydrologic and hydraulic modeling and shall be coordinated with other related master planning efforts for parks, streets, water, sewer, etc.
- 2) Stormwater peak flow reduction strategies shall include one or a combination of regional detention, local detention (where regional detention is not feasible), and other structural and non-structural control measures.

REFERENCE INFORMATION

DEFINITIONS

- 1) Peak Discharge or Peak Flow. The maximum instantaneous surface water discharge rate resulting from a design storm frequency event for a particular hydrologic and hydraulic analysis, as defined in the Omaha Metropolitan Area Storm Water Management Design Manual. The measurement of the peak discharge shall be at the outlet from a downstream regional stormwater detention facility (as defined); or where no downstream regional detention facility exists or is otherwise not proposed to be constructed under a watershed drainage plan, the peak discharge determination shall be relative to the lower-most drainage outlet(s) from a new development or significant redevelopment.
- 2) Regional Stormwater Detention Facilities. Those facilities generally serving a drainage catchment area of 500 acres or more in size; whereas "local" stormwater detention facilities are those generally serving a drainage catchment area less than 500 acres in size.
- 3) Baseline Land Use Conditions. That which existed for Year 2001 for Big and Little Papillion Creeks and its tributaries (excluding West Papillion Creek) and for Year 2004 for West Papillion Creek and its tributaries.
- 4) Full Build-Out Land Use Conditions. Fully platted developable land use conditions for the combined portions of the Papillion Creek Watershed that lie in Douglas and Sarpy Counties that are assumed to occur by the Year 2040, plus the projected 2040 land uses within the Watershed in Washington County;

PROPOSED FINAL

(Policy Workgroup 9/15/2005, Technical Workgroup 10/13/2005 and Policy Workgroup 10/27/2005)

or as may be redefined through periodic updates to the respective County comprehensive plans.

BASIS FOR INCREASED FLOODING ISSUE

- 1) The levees on the West Papillion Creek System were originally designed for 100-year flood protection under the development conditions that existed at that time. Recent FEMA floodplain remapping efforts indicate that the required 3-foot freeboard for the levees for many segments is being significantly encroached upon under existing development conditions and will be further compromised under full build-out conditions.
- 2) Similar threats most likely exist on the Papillion and Big Papillion Creek Systems; particularly since much of the levee system was originally designed for only 50-year flood protection and for development conditions that existed at that time.

**PAPILLION CREEK
WATERSHED PARTNERSHIP**



FINAL MEETING MINUTES

**Policy Workgroup Meeting
Thursday, November 17, 2005 @ 9:15 AM to Noon
Natural Resources Center, 8901 S. 154th Street, Omaha, NE 68138**

Attendees:

The following Policy Workgroup members were in attendance: Ron Abdouch (Neighborhood Center of Greater Omaha), John Bachman (Pansing Hogan Ernst & Bachman), John Fullenkamp (Fullenkamp, Doyle & Jobeun), Kent Holm (Douglas County), Steve Jensen (Omaha), Randy Lenhoff (Seldin Company), Mike Meckna (E&A), Mike McMeekin (LRA), Paul Mullen (MAPA), Steve Oltmans (P-MRNRD); Bill Pospichal (Zorinsky Lake Watershed Council), Gerald Torczon (BHI Development), Mark Wayne, (Sarpy County), and Mark Westergard (E&A).

Absent: Toby Churchill (Sarpy County ED Corp), Dave Sands (Nebraska Land Trust), and Connie Spellman (OBD).

Other Attendees: Paul Woodward (P-MRNRD), Marty Grate (Omaha), Mike Paukert (Omaha), Harry Owen (Omaha), Nina Cudahy (Omaha), Laurie Carrette Zook (HDR), Lyle Christensen (HDR), and Stephanie White (HDR).

Purpose

A Policy Workgroup meeting was held on the above date in order to discuss topics stated in the attached agenda. A PowerPoint presentation was used to guide the participants through the meeting. The meeting began at approximately 9:37 AM.

1. Introductions

- S. White (HDR) facilitated the meeting and welcomed the attendees. Handouts were provided to all meeting participants. This was the fifth Policy Workgroup meeting.

2. Policy Group #1 – Stormwater Management Financing

- On November 16 several Policy Workgroup members met to discuss financing strategies to fund the construction of regional detention. Sub-policy #2 was added to create an equitable split between SID/private and public funds. S. Jensen (City of Omaha) was credited for proposing a fee system in which monies would be set aside to build regional detention.
- P. Woodward (P-MRNRD) prepared a spreadsheet used to determine a conceptual level unit cost per acre and per lot to fund regional stormwater detention projects.

Estimated costs were adjusted for 7 reservoirs (7, 8A, 9A, 10, 12, 15A and 19) noted in the 2004 Multi-Reservoir Report, with land cost at \$25,000/acre and an additional 15% contingency. Using 3.5 units per acre yielded a stormwater fee of approximately \$2,500/acre or \$670/lot. Some of the discussion comments included:

- P-MRNRD has already been assisting with the construction of regional detention facilities through private and public partnerships. A stormwater fee would allow for phased construction of regional detention structures as monies accrue. S. Oltmans (P-MRNRD) provided a map of the Papillion Creek Watershed showing the location of the 14 reservoir sites evaluated in the 2004 Multi-Reservoir Analysis Report and also a summary fact sheet on Zorinsky Stormwater/Sediment Basin #3 (Whitehawk).
- A 40 percent/60 percent split between public and SID/private funding was assumed for the purposes of the evaluation. This is consistent with the P-MRNRD contribution on other stormwater projects such as Whitehawk, Dam Sites 6 and 13 and Shadow Lake.
- The proposed regional stormwater detention fee system is proposed on a uniform per acre basis for all development types (commercial, residential, etc.). Developers prefer a uniform fee, and it would simplify administration for all parties.
- It was noted that only 4 or 5 subbasins do not have any detention planned within the un-urbanized areas of the Papillion Creek Watershed. One subbasin located south of proposed Dam Site 19, has a railroad line running through the middle, prohibiting regional detention. This subbasin may require local detention.
- This fee would be used only for the construction of detention structures. The need for a sustainable funding system for O&M activities (e.g. stormwater utility) still remains.
- Regardless of location, all new development lots would contribute to the regional stormwater detention fee system.
- The timing of the construction of the reservoirs and development was discussed. This needs to be tied in with the “Present Development Zone” and the extension of sewers.
- The regional stormwater detention fee structure would be re-evaluated periodically, similarly to the interceptor sewer fee.
- Local detention would not be necessary if regional detention structures were constructed.
- A regional drainage plan is necessary showing all regional detention and where location detention will be necessary.
- Additional refinement of the fee system will be necessary. Generally the concept was agreeable to the parties at the meeting.
- Requested that P. Woodward (P-MRNRD) expand the spreadsheet to include all areas served by regional detention.

3. Policy Group #2 - Peak Flow Reduction Policy Discussion
 - Sub-policy #2 was added to address the financing, but was later deleted.
 - Definitions 2) Regional Detention Facilities was revised to “Those facilities generally serving catchment area of 500 acres or more in size”.
4. Policy Group #3 – Pollution Control Policy Discussion
 - Sub-policy #2) revised to “Preserve, protect, and/or mitigate wetland....”
 - Sub-policy #3) was discussed. NDEQ is in the process of obtaining water quality data within the Papillion Creek Watershed. This data will be used to define a total maximum daily load (TDML) or a waste allocation of receiving water. The intent of the policy is to base the TDML on sound, technical data.
 - The creek setback in Sub-policy #5) along with its definition was discussed. This policy increases the existing creek setback, used by several jurisdictions, from 3:1 plus 20-feet to 3:1 plus 50-feet. The additional 30-feet was established to promote water quality benefits and facilitate maintenance and floodplain management. It was noted that on smaller developments, the creek setback of 3:1 plus 50-feet might not be justified, especially when drainage pipes convey the stormwater directly to the streams. A map showing the watercourses where creek setbacks are required needs to be developed in conjunction with the regional drainage plan. This policy and the creek setback definition need to be revised, and the Technical Workgroup will be asked to review the same at their next meeting.
 - Sub-Policy 5) was revised to: Dedicate a Creek Setback along watercourses, defined in the Watershed Regional Drainage Plan, in the Papillion Creek Watershed associated with new or significant redevelopment for the purposes of erosion protection and as a buffer for water quality protection.
 - Under definition 5) need to be consistent in the use of the word “can” in the first paragraph vs. the word “shall” in the second paragraph. Also, move “[adapted from Douglas County ordinance]” to the beginning of the paragraph and change “ordinance” to “regulation.”
5. Policy Group #4 – Landscape Preservation, Restoration, and Conservation Policy Discussion
 - Sub-policy 4) was discussed. The City of Omaha completed a study in which the location of environmentally sensitive natural areas was defined. This policy did not intend to identify these areas at this time, but if during development, these areas are found, they should be preserved, restored, and enhanced. The Technical Workgroup needs to review this policy at their next meeting.

- Sub-policy 5) will be modified to reflect the corresponding changes in sub-policy 5 in Policy Group #3.
 - Definitions: Low-Impact Development (LID) was discussed and edits are necessary to reflect the changes to the need for local detention, specifically at the lot-level. The Technical Workgroup needs to review this definition at their next meeting.
6. Policy Group #5 – Erosion and Sediment Control and Other BMPs Policy Discussion
- “Root” policy will be modified to reflect the name of the draft Omaha Regional Stormwater Design Manual (Manual). A draft version of the Manual can be downloaded at <http://www.papiopartnership.org/> or on the project FTP site at ftp://eng.hdrinc.com/Projects/0000000000000027423/FromHDR/Reference_Materials/Proposed_Ordinances_DrainageCriteria/.
 - Sub-policy 3) will be revised to include all regional detention facilities.
7. Policy Group #6 – Floodplain Management
- Sub-policy 1) text was changed from “highly encouraged” to “required”.
 - Sub-policy 3) is a way to adopt a floodway based on future land use conditions as long as the updated flood hazard maps are completed. Currently, West Papillion Creek and its tributaries are being mapped with a future floodway, but Big and Little Papillion Creeks have not been remapped. The Technical Workgroup needs to review this sub-policy at their next meeting.
 - The Technical Workgroup also needs to review Sub-policy 4). This sub-policy is intended to preserve the flood storage volume in the flood fringe. It is not intended to allow for increased channel capacity in order to fill in the flood fringe.
 - The Technical Workgroup also needs to review Sub-policy 5) for the minimum interim floodway
 - Add definition on updated flood hazard maps status.
8. Policy Adoption Strategies
- Policy adoption strategies were discussed. It was decided that a briefing for elected officials be conducted prior to a public forum.

9. Remaining Workgroup Meeting Dates

- The following revised dates were identified.

<u>Date</u>	<u>Workgroup</u>
December 8, 2005	Technical Workgroup (8:30 a.m. to noon)
December 15, 2005	Policy Workgroup (8:30 a.m. to 10:30 a.m.)
Feb. 2006	Public Forum (7:00 p.m. to 9:00 p.m.)
Early March 2006	Policy Workgroup (8:30 a.m. to 10:30 a.m.)

10. Next Policy Workgroup Meeting Date

- The next Policy Workgroup meeting will be held on Thursday, December 15, 2005 at 8:30 AM in the Board Room of the Natural Resources Center.

11. Adjourn

- The meeting adjourned at approximately 12:05 PM. An agenda, attendance list, and the handouts passed out at the meeting will be provided to those workgroup participants who were not present at the meeting.

These meeting minutes and the handouts are available on the project FTP site at: <ftp://eng.hdrinc.com/Projects/000000000000027423> for future reference. Please contact Laurie Carrette Zook (HDR) at 399-1078 or Paul Woodward at 444-6222 regarding any questions or comments concerning these meeting minutes.

**PAPILLION CREEK
WATERSHED PARTNERSHIP**



MEETING AGENDA

**Policy Workgroup Meeting
November 17, 2005 –9:15 AM to Noon – Board Room
Natural Resources Center, 8901 S. 154th Street, Omaha, NE**

- I. Introductions
- II. Open Discussion on Draft Policies
 - A. Policy Group #1 – Stormwater Management Financing (Proposed Final)
 - B. Policy Group #2 - Peak Flow Reduction (Proposed Final)
 - C. Policy Group #3 - Pollution Control (Revised Draft)
 - D. Policy Group #4 –Landscape Preservation, Restoration, and Conservation (Revised Draft)
 - E. Policy Group #5 –Erosion and Sediment Control (Revised Draft)
 - F. Policy Group #6 –Floodplain Management (Revised Draft)
- III. Policy Adoption Strategies (If Time Allows)
- IV. Red Letter Dates
 - A. Policy Workgroup Meeting Dates [December 8, 2005 (if Necessary) and January 12, 2006]
 - B. Technical Workgroup Meeting Date [December 15, 2005 (if Necessary)]
 - C. Tentative Public Forum [January 19, 2006]
- V. Adjourn

**PAPILLION CREEK
WATERSHED PARTNERSHIP**



FINAL MEETING MINUTES

**Policy Workgroup Meeting
Thursday, December 15, 2005 @ 8:30 AM to 10:30 AM
Natural Resources Center, 8901 S. 154th Street, Omaha, NE 68138**

Attendees:

The following Policy Workgroup members were in attendance: Ron Abdouch (Neighborhood Center of Greater Omaha), Dennis Hogan for John Bachman (Pansing Hogan Ernst & Bachman), Toby Churchill (Sarpy County ED Corp), Kent Holm (Douglas County), Randy Lenhoff (Seldin Company), Mike Meckna (E&A), Mike McMeekin (LRA), Paul Mullen (MAPA), Steve Oltmans (P-MRNRD); Bill Pospichal (Zorinsky Lake Watershed Council), Mark Wayne (Sarpy County), and Mark Westergard (E&A).

Absent: John Fullenkamp (Fullenkamp, Doyle & Jobeun), Steve Jensen (Omaha), Dave Sands (Nebraska Land Trust), Connie Spellman (OBD), and Gerald Torczon (BHI Development).

Other Attendees: Marlin Petermann (P-MRNRD), Paul Woodward (P-MRNRD), Marty Grate (Omaha), Mike Paukert (Omaha), Harry Owen (Omaha), Bob Sink (Omaha), Laurie Carrette Zook (HDR), Lyle Christensen (HDR), and Stephanie White (HDR).

Purpose

A Policy Workgroup meeting was held on the above date in order to discuss topics stated in the attached agenda. A PowerPoint presentation was used to guide the participants through the meeting. The meeting began at approximately 8:36 AM.

1. Introductions

- M. Petermann (P-MRNRD) welcomed the attendees. S. White (HDR) facilitated the meeting. Handouts were provided to all meeting participants. This was the sixth Policy Workgroup meeting.

2. Open Discussion on Policies

- The Technical Workgroup met on December 8th and revised the proposed stormwater policies. The purpose of this meeting was to review the changes made by the Technical Workgroup. .

- Policy Group #1 – Stormwater Management Financing
 - ◆ No edits to the policy were made.
 - ◆ P. Woodward (P-MRNRD) reviewed a revised spreadsheet used to determine a conceptual level unit cost per acre and per lot to fund regional stormwater detention projects. Estimated costs were based on 12 reservoirs with land cost at \$40,000/acre. Using 3.5 units per acre housing density and a 40 percent/60 percent split between public and SID/private funding yielded a stormwater fee of approximately \$3,370/acre or \$970/lot. A 25 percent/75 percent split between public and SID/private funding yielded a stormwater fee of approximately \$4,250/acre or \$1,210/lot. The conceptual fee assumed \$5M/year from the P-MRNRD. Some of the discussion comments included:

It was estimated that it would take 12 years to fund the regional detention site with a 40/60 split and 8 years to fund the regional detention site with a 25/75 split. This assumes a \$5 million public contribution by P-MRNRD.

- ◆ The structure for the regional stormwater detention fee was discussed. It was decided to create a Financial Policy Subcommittee to better define the fee's framework. Three existing fee models are currently being implemented by the city of Omaha: 1) sewer interceptor based on a per lot; 2) arterial street program based on per acre; and 3) parks system based on valuation. The membership of the subcommittee was discussed and included:
 - Paul Woodward or Marlin Petermann, P-MRNRD
 - Harry Owen, City of Omaha
 - Steve Jensen, City of Omaha
 - Mike McMeekin, LRA
 - Mike Mekna, E&A Consulting Group
 - Mark Westergard, E&A Consulting Group
 - Lyle Christensen, HDR
 - 2 residential developers (large and small developments)
 - 1 or 2 commercial developers
 - 1 or 2 builders
 - 1 lender or fiscal representative
 - ◆ The developer/builder and lender representatives will be appointed by MOBA. L. Carrette Zook (HDR) to coordinate with subcommittee members.
 - ◆ M. Westergard (E&A) volunteered to put together an example of a small, large and mixed use development using the 3 fee models.
- Policy Group #2 - Peak Flow Reduction Policy Discussion
 - ◆ No edits to the policy were made.
 - Policy Group #3 – Pollution Control Policy Discussion
 - ◆ No edits to the policy were made.

- ◆ Sub-policies #3) and #4) were reviewed. The intent of supporting NDEQ on an accelerated TMDL was to proactive and address stormwater pollution by implementing appropriate BMPs.
 - ◆ The creek setback in Sub-policy #5) along with its definition was moved to Policy Group #4).
- Policy Group #4 – Landscape Preservation, Restoration, and Conservation Policy Discussion
- ◆ Sub-policy 2) was discussed. The intent is to provide some definition of natural areas that can be implemented uniformly among the jurisdictions.
 - ◆ The 50-foot setback and redevelopment versus replacement noted in Sub-policies 4) and 5) were discussed and will be reviewed by the Financial Policy Subcommittee. R. Lenhoff (Seldin) was concerned about the sale of non-conforming properties.
 - ◆ The creek setback definition allows the outer 30-feet of the setback area to be used to mitigate mix-use requirements.
 - ◆ M. Grate (Omaha) noted that the draft Omaha Regional Stormwater Manual will be modified to be consistent with the proposed stormwater policies.
- Policy Group #5 – Erosion and Sediment Control and Other BMPs Policy Discussion
- ◆ No edits to the policy were made.
- Policy Group #6 – Floodplain Management
- ◆ The intent of Sub-Policy 4) is to minimize the adverse impacts of development within the floodway fringe. The prohibition of mitigation was discussed. It is not intended to have mitigation be the standard of practice. If mitigation is proposed, changes to both the hydrologic and hydraulic models would need to demonstrate a no adverse impact condition. The last phrase of the sentence regarding mitigation was restored.
3. Draft Executive Summary of Technical Memorandum (TM)
- L. Christensen (HDR) reviewed a draft version of an Executive Summary (ES). Any comments on the draft ES should be directed to L. Christensen (HDR). HDR will continue to develop a draft TM.
4. Policy Adoption Strategies
- Time did not allow for the discussion of policy adoption strategies. A Papillion Creek Watershed Partnership (PCWP) subcommittee will meet in January to discuss adoption strategies.

5. Remaining Workgroup Meeting Dates

- The following revised dates were identified.

<u>Date</u>	<u>Workgroup</u>
January 12, 2006	Financial Policy Subcommittee (8:30 a.m. to noon) Discuss framework for detention fee system.
January 26, 2006	Policy Workgroup (8:30 a.m to 10:30 a.m.). Review outcome of Financial Policy Subcommittee.
February 16, 2006	Policy Workgroup (8:30 a.m to 10:30 a.m.). Tentative. Review TM and Public Forum Presentation.
February 2006	Public Forum (7:00 p.m. to 9:00 p.m.). Date to be set by PCWP

6. Next Policy Workgroup Meeting Date

- The next Policy Workgroup meeting will be held on Thursday, January 26, 2006 at 8:30 AM in the Board Room of the Natural Resources Center.

7. Adjourn

- The meeting adjourned at approximately 10:34 AM. An agenda, attendance list, and the handouts passed out at the meeting will be provided to those workgroup participants who were not present at the meeting.

These meeting minutes and the handouts are available on the project FTP site at: <ftp://eng.hdrinc.com/Projects/000000000000027423> for future reference. Please contact Laurie Carrette Zook (HDR) at 399-1078 or Paul Woodward at 444-6222 regarding any questions or comments concerning these meeting minutes.

**PAPILLION CREEK
WATERSHED PARTNERSHIP**



MEETING AGENDA

**Policy Workgroup Meeting
December 15, 2005 –8:30 AM to 10:30 AM – Board Room
Natural Resources Center, 8901 S. 154th Street, Omaha, NE**

- I. Introductions
- II. Open Discussion on Policies
 - A. Policy Group #1 – Stormwater Management Financing (Proposed Final)
 - B. Policy Group #2 - Peak Flow Reduction (Proposed Final)
 - C. Policy Group #3 - Pollution Control (Revised Draft)
 - D. Policy Group #4 –Landscape Preservation, Restoration, and Conservation (Revised Draft)
 - E. Policy Group #5 –Erosion and Sediment Control (Proposed Final)
 - F. Policy Group #6 –Floodplain Management (Revised Draft)
- III. Draft Executive Summary of Technical Memorandum (Handout)
- IV. Policy Adoption Strategies
- V. Red Letter Dates
 - A. Policy Workgroup Meeting Dates [January 12, 2006 and February 16, 2006]
 - B. Technical Workgroup Meeting Date [No Future Meetings Defined]
 - C. Tentative Public Forum [February 2006]
- VI. Adjourn

PROPOSED FINAL

(Technical Workgroup 10/13/2005, Policy Workgroup 10/27/2005, Internal Mtg. 11/16/2005, Policy Workgroup 11/17/2005, Technical Workgroup 12/08/2005, and Policy Workgroup 12/15/2005)

PAPILLION CREEK WATERSHED

POLICY GROUP #1: STORMWATER MANAGEMENT FINANCING

ISSUE: Regulatory requirements for stormwater management and implementation of “Watershed by Design” policies intended to accommodate new development and significant redevelopment within the Papillion Creek Watershed will impose large financial demands for capital and operation and maintenance beyond existing funding resources.

“ROOT” POLICY: A dedicated, sustainable funding mechanism shall be developed and implemented to meet capital and operation and maintenance obligations as a result of new stormwater management regulations and to implement “Watershed by Design” policies to accommodate new development and significant redevelopment within the Papillion Creek Watershed.

SUB-POLICY:

- 1) Adequate funds shall be earmarked by the jurisdictional authority or the NRD for preparing a watershed drainage plan for siting regional stormwater detention facilities that will enable critical peak flow reduction for flood protection and improved water quality within the Papillion Creek Watershed.
- 2) A Regional Stormwater Detention Fee system shall be established to equitably distribute the capital cost of implementing regional stormwater detention facilities, less funds earmarked by the jurisdictional authority or the NRD, among new development or significant redevelopment within the watersheds of such facilities.

REFERENCE INFORMATION

DEFINITIONS

- 1) Policies. Stormwater management policies developed by the Technical Workgroup and Policy Workgroup that were commissioned by the Papillion Creek Watershed Partnership (PCWP) subsequent to the “Green, Clean, and Safe” initiatives developed through the Watershed by Design public forums conducted in 2004 and 2005. The following policy groups contain “root” policies and sub-policies for stormwater management that have been developed in addition to the Stormwater Management Financing Policy Group herein:
 - Policy Group #2 – Peak Flow Reduction
 - Policy Group #3 – Pollution Control
 - Policy Group #4 – Landscape Preservation, Restoration, and Conservation
 - Policy Group #5 – Erosion and Sediment
 - Policy Group #6 – Floodplain Management

PROPOSED FINAL

(Technical Workgroup 10/13/2005, Policy Workgroup 10/27/2005, Internal Mtg. 11/16/2005, Policy Workgroup 11/17/2005, Technical Workgroup 12/08/2005, and Policy Workgroup 12/15/2005)

- 2) Watershed Master Plan (Master Plan). Development of policies to be adopted by respective PCWP partners. For those PCWP partners that have NPDES Phase II permits the adoption of the Watershed Master Plan is required by the end of year 2 (August 2006) of the permit cycle.
- 3) Comprehensive Development Plans. Existing plans developed by local jurisdictions that serve as the basis for zoning and other land use regulations and ordinances. The policies of the Watershed Master Plan are to be incorporated into the respective Comprehensive Development Plans.
- 4) Policy Implementation. The implementation of the policies will be through the development of ordinances and regulations, in years 3-5 of the NPDES permit cycle; that is, by the year 2009. Ordinances and regulations are intended to be consistent for, and adopted by, the respective PCWP partners. Such ordinances and regulations shall need to be consistent with the Comprehensive Development Plans of the respective PCWP partners.

BASIS FOR STORMWATER MANAGEMENT FINANCING ISSUE

- 1) Time is of the essence for policy development and implementation:
 - a) Under the existing Phase II Stormwater Permits issued by the Nebraska Department of Environmental Quality, permittees must develop strategies, which include a combination of structural and/or non-structural best management practices appropriate for the watershed, and incorporate them into existing Comprehensive Development Plans by August 2006.
 - b) The S&ID platting process may be as much as 10 years ahead of full occupation of an S&ID. Therefore, if full build-out of the Papillion Creek Watershed within Douglas and Sarpy Counties is geared for approximately 2040, this would mean that platting in response to the comprehensive development plans may be nearly complete by the Year 2030.
 - c) Therefore, the time available to incorporate additional best management practices for stormwater into the design process for new developments may be limited to approximately 21 years (2030 for full platting minus 2009 for policy implementation). This would represent a relatively short time span remaining within the Watershed to meet the significant financial requirements for regional detention facilities and other stormwater management obligations.
- 2) Financing to meet capital and O&M obligations for stormwater management projects requires a comprehensive, uniformly applied approach and not a project-by-project approach.

PROPOSED FINAL

(Policy Workgroup 9/15/2005, Technical Workgroup 10/13/2005, Policy Workgroup 10/27/2005, Policy Workgroup 11/17/2005, Technical Workgroup 12/08/2005, and Policy Workgroup 12/15/2005)

PAPILLION CREEK WATERSHED

POLICY GROUP #2: PEAK FLOW REDUCTION

ISSUE

Urbanization within the Papillion Creek Watershed has and will continue to increase runoff leading to more flooding problems and diminished water quality.

ROOT POLICY

Maintain or reduce stormwater peak discharge during development and after full build-out land use conditions from that which existed under baseline land use conditions.

SUB-POLICIES

- 1) Regional stormwater detention facilities shall be located in general conformance with a watershed drainage plan to be prepared and adopted following appropriate hydrologic and hydraulic modeling and shall be coordinated with other related master planning efforts for parks, streets, water, sewer, etc.

REFERENCE INFORMATION

DEFINITIONS

- 1) Peak Discharge or Peak Flow. The maximum instantaneous surface water discharge rate resulting from a design storm frequency event for a particular hydrologic and hydraulic analysis, as defined in the Omaha Regional Stormwater Design Manual. The measurement of the peak discharge shall be at the outlet from a downstream regional stormwater detention facility (as defined); or where no downstream regional detention facility exists or is otherwise not proposed to be constructed under a watershed drainage plan, the peak discharge determination shall be relative to the lower-most drainage outlet(s) from a new development or significant redevelopment.
- 2) Regional Stormwater Detention Facilities. Those facilities generally serving a drainage catchment area of 500 acres or more in size.
- 3) Baseline Land Use Conditions. That which existed for Year 2001 for Big and Little Papillion Creeks and its tributaries (excluding West Papillion Creek) and for Year 2004 for West Papillion Creek and its tributaries.
- 4) Full Build-Out Land Use Conditions. Fully platted developable land use conditions for the combined portions of the Papillion Creek Watershed that lie in Douglas and Sarpy Counties that are assumed to occur by the Year 2040, plus the projected 2040 land uses within the Watershed in Washington County; or as may be redefined through periodic updates to the respective County comprehensive plans.

PROPOSED FINAL

(Policy Workgroup 9/15/2005, Technical Workgroup 10/13/2005, Policy Workgroup 10/27/2005, Policy Workgroup 11/17/2005, Technical Workgroup 12/08/2005, and Policy Workgroup 12/15/2005)

BASIS FOR INCREASED FLOODING ISSUE

- 1) The levees on the West Papillion Creek System were originally designed for 100-year flood protection under the development conditions that existed at that time. Recent FEMA floodplain remapping efforts indicate that the required 3-foot freeboard for the levees for many segments is being significantly encroached upon under existing development conditions and will be further compromised under full build-out conditions.
- 2) Similar threats most likely exist on the Papillion and Big Papillion Creek Systems; particularly since much of the levee system was originally designed for only 50-year flood protection and for development conditions that existed at that time.

PROPOSED FINAL

(Technical Workgroup 10/13/2005, Policy Workgroup 11/17/2005, Technical Workgroup 12/08/2005, and Policy Workgroup 12/15/2005)

PAPILLION CREEK WATERSHED

POLICY GROUP #3: POLLUTION CONTROL

ISSUE: Waters of the Papillion Creek Watershed are impaired.

“ROOT” POLICY: Reduce pollution from contributing sources, including but not limited to, agricultural activities and combined sewer overflows, such that waters of the Papillion Creek Watershed can meet applicable water quality standards and community-based goals, where feasible.

SUB-POLICIES:

- 1) Protect surface and groundwater resources from soil erosion (sheet and rill, wind erosion, gully and stream bank erosion), sedimentation, nutrient and chemical contamination.
- 2) Preserve, protect, and mitigate wetland areas to improve water quality by minimizing the downstream transport of sediment, nutrients, bacteria, etc. borne by surface water runoff.
- 3) Support NDEQ in an accelerated TMDL development process that addresses potential pollutant sources in a fair and reasonable manner based on sound technical data and scientific approach.
- 4) Implement Best Management Practices (BMPs) that reduce both urban and rural pollution sources, maintain designated beneficial uses of streams and surface water impoundments, minimize soil loss, and provide sustainable production levels.

REFERENCE INFORMATION

DEFINITIONS:

- 1) Best Management Practice (BMP). “A technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of stormwater runoff in the most cost-effective manner.” [Source: U.S. Environmental Protection Agency (EPA)]
- 2) Total Maximum Daily Load (TMDL). A calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. Water quality standards are set by States, Territories, and Tribes. They identify the uses for each waterbody, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non-point sources. The calculation must include a margin of safety to ensure that the waterbody can be used for the purposes the State has designated. The calculation must also account for seasonal variation in water quality. The Clean Water Act, Section 303, establishes the water quality standards and TMDL programs, and for Nebraska such standards and programs are administered by the Nebraska Department of Environmental Quality. [Source: EPA and Nebraska Surface Water Quality Standards, Title 117].

PROPOSED FINAL

(Technical Workgroup 10/13/2005), Policy Workgroup 11/17/2005, Technical Workgroup 12/08/2005, and Policy Workgroup 12/15/2005)

PAPILLION CREEK WATERSHED

POLICY GROUP #4: LANDSCAPE PRESERVATION, RESTORATION, AND CONSERVATION

ISSUE: Natural areas are diminishing, and there is a need to be proactive and integrate efforts directed toward providing additional landscape and greenspace areas with enhanced stormwater management through restoration and conservation of stream corridors, wetlands, and other natural vegetation.

“ROOT” POLICY: Utilize landscape preservation, restoration, and conservation techniques to meet the multi-purpose objectives of enhanced aesthetics, quality of life, recreational and educational opportunities, pollutant reduction, and overall stormwater management.

SUB-POLICIES:

- 1) Incorporate stormwater management strategies as a part of landscape preservation, restoration, and conservation efforts where technically feasible.
- 2) Define natural resources for the purpose of preservation, restoration, mitigation, and/or enhancement.
- 3) Encourage the use of low-impact development (LID) strategies to preserve significant natural resources, benefit water quality, and maintain or reduce the volume of surface runoff from baseline land use conditions.
- 4) Dedicate a Creek Setback along watercourses draining 200 acres or more or as defined within the watershed drainage plan for the Papillion Creek Watershed associated with new or significant redevelopment.
- 5) Any channel draining less than 200 acres shall be placed into an outlot or within public right of way and shall require a minimum setback width of 3:1 plus 20 feet for maintenance activities.

REFERENCE INFORMATION

DEFINITIONS

- 1) Low-Impact Development (LID). A land development and management approach whereby stormwater runoff is managed using local controls to achieve a site's predevelopment hydrology by using design techniques that promote infiltration, filtration, storage, evaporation, and temporary detention close to its source. Management of such stormwater runoff sources may include open space, rooftops, streetscapes, parking lots, sidewalks, medians, etc.
- 2) Baseline Land Use Conditions: That which existed for Year 2001 for Big and Little Papillion Creeks and its tributaries (excluding West Papillion Creek) and for Year 2004 for West Papillion Creek and its tributaries.
- 3) Creek Setback. [Adapted from Douglas County regulation]. A setback area equal to three (3) times the channel depth plus fifty (50) feet (3:1 plus 50 feet) from the edge of low water on both sides of channel shall be required for any

PROPOSED FINAL

(Technical Workgroup 10/13/2005), Policy Workgroup 11/17/2005., Technical Workgroup 12/08/2005, and Policy Workgroup 12/15/2005)

above or below ground structure exclusive of bank stabilization structures, poles or sign structures adjacent to any watercourse defined within the watershed drainage plan. Grading, stockpiling, and other construction activities are not allowed within the setback area. The setback area must be protected with adequate erosion controls or other Best Management Practices, (BMPs). The outer 30 feet adjacent to the creek setback limits may be credited toward meeting the landscaping buffer and pervious coverage requirements. A property can be exempt from the minimum creek setback if adequate bank stabilization is provided or if the channel has been engineered in accordance with the following provisions.

A property can be exempt from the creek setback requirement upon a showing by a registered professional engineer that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate erosion control conditions coupled with adequate lateral support so that no portion of said structure adjacent to the stream will be endangered by erosion or lack of lateral support. In the event that the structure is adjacent to any stream which has been channelized or otherwise improved by any agency of government, then such certificate providing an exception to the creek setback requirement may take the form of a certification as to the adequacy and protection of the improvements installed by such governmental agency.

PROPOSED FINAL

(Technical Workgroup 10/13/2005 and Policy Workgroup 11/17/2005)

PAPILLION CREEK WATERSHED

POLICY GROUP #5: EROSION AND SEDIMENT CONTROL AND OTHER BMPs

ISSUE: Sound erosion and sediment control design and enforcement practices are needed throughout the Papillion Creek Watershed in order to protect valuable land resources, stream and other drainage corridors, and surface water impoundments and for the parallel purpose of meeting applicable Nebraska Department of Environmental Quality regulatory requirements for construction activities that disturb greater than one acre.

“ROOT” POLICY: Promote uniform erosion and sediment control measures throughout the Papillion Creek Watershed, including the adoption of the Omaha Regional Stormwater Design Manual and by implementing consistent rules for regulatory compliance pursuant to State and Federal requirements.

SUB-POLICIES:

- 1) Construction site stormwater management controls shall include both erosion and sediment control measures.
- 2) The design and implementation of post-construction, permanent erosion and sediment controls shall be considered in conjunction with meeting the intent of other stormwater management policies within the Papillion Creek Watershed.
- 3) Sediment storage shall be incorporated with all regional detention facilities where technically feasible.

REFERENCE INFORMATION

DEFINITIONS

- 1) Erosion Control. Land and stormwater management practices that minimize soil loss caused by surface water movement.
- 2) Sediment Control. Land and stormwater management practices that minimize the transport and deposition of sediment onto adjacent properties and into receiving streams and surface water impoundments.

PROPOSED FINAL

(Technical Workgroup 10/13/2005, Policy Workgroup 11/17/2005, Technical Workgroup 12/08/2005,
and Policy Workgroup 12/15/2005)

PAPILLION CREEK WATERSHED

POLICY GROUP #6: FLOODPLAIN MANAGEMENT

ISSUE: Continued and anticipated development within the Papillion Creek Watershed mandates that holistic floodplain management be implemented and maintained in order to protect its citizens, property, and natural resources.

“ROOT” POLICY: Participate in the FEMA National Flood Insurance Program, update FEMA floodplain mapping throughout the Papillion Creek Watershed, and enforce floodplain regulations to full build-out, base flood elevations.

SUB-POLICIES:

- 1) Floodplain management coordination among all jurisdictions within the Papillion Creek Watershed and the Papio-Missouri River NRD is required.
- 2) Flood Insurance studies and mapping throughout the Papillion Creek Watershed shall be updated using current and full-build out conditions hydrology.
- 3) Encroachments for new developments or significant redevelopments within floodway fringes shall not cause any increase greater than one (1) foot in the height of the full build-out base flood elevation using best available data.
- 4) Developing of the floodway fringes within the Papillion Creek System shall be limited to 25% of the plan area directly adjacent to the full-build out, base flood limits unless mitigation measures are implemented to protect upstream, adjacent, and downstream properties.
- 5) The low chord elevation for bridges crossing all watercourses within FEMA designated floodplains shall be a minimum of one (1) foot above the base flood elevation for full-build out conditions hydrology using best available data.
- 6) The lowest first floor elevation of buildings associated with new development or significant redevelopment that are upstream of and contiguous to regional dams within the Papillion Creek Watershed shall be a minimum of one (1) foot above the 500-year pool elevation.

REFERENCE INFORMATION

DEFINITIONS

- 1) Base Flood. The flood having a one percent chance of being equaled or exceeded in magnitude in any given year (commonly called a 100-year flood).
[Adapted from Chapter 31 of Nebraska Statutes]
- 2) Floodway. The channel of a watercourse and the adjacent land areas that are necessary to be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

PROPOSED FINAL

(Technical Workgroup 10/13/2005, Policy Workgroup 11/17/2005, Technical Workgroup 12/08/2005, and Policy Workgroup 12/15/2005)

[Adapted from Chapter 31 of Nebraska Statutes]. The Federal Emergency Management Agency (FEMA) provides further clarification that a floodway is the central portion of a riverine floodplain needed to carry the deeper, faster moving water.

- 3) Floodway Fringe. That portion of the floodplain of the base flood, which is outside of the floodway. *[Adapted from Chapter 31 of Nebraska Statutes]*
- 4) Floodplain. The area adjoining a watercourse, which has been or may be covered by flood waters. *[Adapted from Chapter 31 of Nebraska Statutes]*
- 5) Watercourse. Any depression two feet or more below the surrounding land which serves to give direction to a current of water at least nine months of the year and which has a bed and well-defined banks. *[Adapted from Chapter 31 of Nebraska Statutes]*
- 6) Low Chord Elevation. The bottom-most face elevation of horizontal support girders or similar superstructure that supports a bridge deck.
- 7) Updated Flood Hazard Maps. The remapping of flooding sources within the Papillion Creek Watershed where Digital Flood Insurance Rate Maps (DFIRMs) are based on 2004 or more recent conditions hydrology and full-build out conditions hydrology. West Papillion Creek and its tributaries are currently under remapping and will become regulatory in 2006. Updating flood hazard maps for Big Papillion Creek and Little Papillion Creek are planned to be completed in the future.

BASIC FEMA REQUIREMENTS

On March 1, 2003, FEMA became part of the U.S. Department of Homeland Security (DHS). In order for a community to participate in the FEMA National Flood Insurance Program, it must first define base flood elevations and adopt a floodway for all its major streams and tributaries. Once a community adopts its floodway, the requirements of *44 CFR 60.3(d)* must be fulfilled. The key concern is that each project in the floodway must receive an encroachment review; i.e., an analysis to determine if the project will increase flood heights or cause increased flooding downstream. Note that the FEMA regulations call for preventing any increase in flood heights. Projects, such as filling, grading or construction of a new building, must be reviewed to determine whether they will obstruct flood flows and cause an increase in flood heights upstream or adjacent to the project site. Further, projects, such as grading, large excavations, channel improvements, and bridge and culvert replacements should also be reviewed to determine whether they will remove an existing obstruction, resulting in increases in flood flows downstream.

[adapted from Federal Emergency Management Agency guidance]

**PAPILLION CREEK
WATERSHED PARTNERSHIP**



MEETING MINUTES

**Policy Workgroup Meeting
Thursday, February 16, 2006 @ 8:30 AM to 10:30 AM
Natural Resources Center, 8901 S. 154th Street, Omaha, NE 68138**

Attendees:

The following Policy Workgroup members were in attendance: John Bachman (Pansing Hogan Ernst & Bachman), John Fullenkamp (Fullenkamp, Doyle & Jobeun), Kent Holm (Douglas County), Steve Jensen (Omaha), Mike McMeekin (LRA), Scott Wallace (MAPA), Steve Oltmans (P-MRNRD), Dave Sands (Nebraska Land Trust), Gerald Torczon (BHI Development), Mark Wayne, (Sarpy County), and Mike Meckna (E&A).

Absent: Ron Abdouch (Neighborhood Center of Greater Omaha), Toby Churchill (Sarpy County ED Corp), Randy Lenhoff (Seldin Company), Bill Pospichal (Zorinsky Lake Watershed Council), and Connie Spellman (Omaha by Design)

Other Attendees: Marlin Petermann (P-MRNRD), Paul Woodward (P-MRNRD), Richard Houck (Sarpy County), Marty Grate (Omaha), Mike Paukert (Omaha), Harry Owen (Omaha), Laurie Carrette Zook (HDR), Lyle Christensen (HDR), and Stephanie White (HDR).

Purpose

A Policy Workgroup meeting was held on the above date in order to discuss topics stated in the attached agenda. A PowerPoint presentation was used to guide the participants through the meeting. The meeting began at approximately 8:40 AM.

1. Introductions

- M. Petermann (P-MRNRD) opened the meeting and welcomed the attendees. Handouts were provided to all meeting participants. S. White (HDR) facilitated and L. Christensen (HDR) led the meeting. Each attendee introduced herself or himself. This was the sixth and final Policy Workgroup meeting.

2. Requested Support From Financial Sub-Committee

- At the December 15, 2005 meeting the formation of a Financial Policy Subcommittee was requested to refine Policy Groups #1 – Stormwater Management Financing (watershed drainage plan and regional detention framework and evaluation), #2 – Peak Flow Reduction, and #4 – Landscaping Preservation, Restoration, and Conservation (creek setback delineation). Minutes

of the Subcommittee's January 12, 2006 and February 9, 2006 meetings were provided to the workgroup.

3. Policy Group #1 – Stormwater Management Financing

- A watershed drainage plan map showing the location of 7 remaining multi-reservoir sites within Douglas and Sarpy counties, 10 additional regional detention sites, and 12 water quality basins was distributed. P. Woodward identified each structure on the map. Four of the water quality basins are located in Washington County above Cunningham Lake. This map will, for the present time, constitute the "Watershed Drainage Plan".
- The framework for a regional detention fee structure was discussed and revisions were made to Policy Group #1 (see attached policy) to reflect that the Papillion Creek Watershed Partnership member entities and the development community will work together to review and approve changes to the detention fee, rate structure and construction priority schedule every three years. Along with these minor edits, Policy Group #1 was recommended for advancement to governing bodies of the jurisdictions within the Papillion Creek Watershed.

The following comments were also noted:

- When payment occurs remains to be worked out: at time of platting, permitting or somewhere in between. K. Holm (Douglas County) spoke to Douglas County legal staff and stated that if the fee was designated in a subdivision agreement as a condition of the contract, then they could collect at building permit issuance. With an interlocal agreement in place between the jurisdiction and P-MRNRD, the fee can be transferred to P-MRNRD. M. Wayne (Sarpy County) plans to discuss collection of the fee with his legal staff. J. Fullenkamp stated that the development community would prefer payment at the time a building permit is obtained.
 - MOBA and the state homebuilders have been working with their lobbyists on supporting LB-552, legislation that would provide general bonding authority to P-MRNRD. This would help provide the flexibility necessary to set priorities and construction scheduling for the structures in the watershed drainage plan. The unicameral session is at the half-way point and getting the bill out of committee is questionable. S. Oltmans (P-MRNRD) distributed a copy of LB-784, which would require any publicly funded project to be accessible by the public. This would jeopardize projects like the Sachs/Palmer small dam project located in the West Papillion Creek Watershed, as this project was cost-shared with the owner but is located on private land. It was noted that the development community will assist in opposing this bill as it could impact some of the planned structures.
- The basis for the regional detention fee was discussed next.
 - The fee system is similar in concept to the sewer interceptor fee and is based on residential and commercial/industrial growth projections. A unit fee of \$500 per dwelling unit was used for a low-density residential. Assuming a 3.5

dwelling units per developable acre this would equate to \$1,750 per developable acre. With a 1.5 factor (that represents relative surface runoff potential), the high-density fee would be 1.5 times \$1,750 or \$2,625 per developable acre. It is estimated that a total of \$91 million could be generated through year 2050, or an average annual revenue of \$2.1 million (\$2.5 million for the next 35 years).

- The estimated construction cost (including land) for the structures identified in the watershed drainage plan is \$282.5 million. With a 1/3 private contribution, this yields \$94.2 million, which is reasonably close to the \$91 million revenue estimated over the next 40+ years.
4. Policy Group #2 - Peak Flow Reduction – No edits. Recommended for advancement to governing bodies of the jurisdictions within the Papillion Creek Watershed.
 5. Policy Group #3 - Pollution Control - No edits. Recommended for advancement to governing bodies of the jurisdictions within the Papillion Creek Watershed.
 6. Policy Group #4 –Landscape Preservation, Restoration, and Conservation
 - Sub-Policies 4) and 5) were discussed. The watershed drainage plan also shows the stream segment where the 3:1 plus 50-foot creek setback would apply in Douglas and Sarpy counties. This “back-bone” system represents the major named creek segments located within the Papillion Creek Watershed, which is generally consistent with the creeks Douglas County currently enforces a 3:1 plus 50-foot setback on. The map also shows the upstream limits of the current regulatory 100-year floodplain, which happens to be, located within the 3:1 plus 50-foot creek setback limits. It was determined that the upper-most beginning point of the 3:1 plus 50-foot creek setback will be at the 500-acre drainage area threshold on the creek segments noted on the watershed drainage plan. Any other watercourse (as defined in Policy Group #6 Floodplain Management) would require a creek setback of 3:1 plus 20 feet. It was noted that an exemption for an engineered channel is included in the definition section. No edits were made to the policy and it was recommended for advancement to governing bodies of the jurisdictions within the Papillion Creek Watershed.
 7. Policy Group #5 –Erosion and Sediment Control. - No edits. Recommended for advancement to governing bodies of the jurisdictions within the Papillion Creek Watershed.
 8. Policy Group #6 –Floodplain Management
 - Sub-Policy 4) was discussed and revisions made to address redevelopment. It was suggested to add a figure describing the filling in the floodway fringe. Sub-Policy 4) was revised to read:

Filling of the floodway fringe associated with new development within the Papillion Creek System shall be limited to 25% of the plan area directly

adjacent to the full-build out, base flood limits unless approved mitigation measures are implemented to protect upstream, adjacent, and downstream properties. For redevelopment, these provisions may be modified or waived in part by the local jurisdiction.

Along with these minor edits, Policy Group #6 was recommended for advancement to governing bodies of the jurisdictions within the Papillion Creek Watershed.

9. Next Meetings

- This meeting was the final meeting for the Policy Workgroup. A hearty “thank-you” was extended to all participants. A job well done!!
- The policies will be finalized with the technical memorandum and then sent to the governing bodies of the jurisdictions located within the Papillion Creek Watershed. A public forum will be held on March 2, 2006 at 7:00 P.M-9:00 PM at the offices of P-MRNRD. Everyone is encouraged to attend. As the policies are brought forth to each of the jurisdictions, there may be a need to have members of the Policy Workgroup join the Papillion Creek Watershed Partnership members in discussing the policies.

10. Adjourn

- The meeting adjourned at approximately 10:47 AM. An agenda, attendance list, and the handouts passed out at the meeting will be provided to those workgroup participants who were not present at the meeting.

These meeting minutes and the handouts are available on the project FTP site at: <ftp://eng.hdrinc.com/Projects/000000000000027423> for future reference. Please contact Laurie Carrette Zook (HDR) at 399-1078 or Paul Woodward at 444-6222 regarding any questions or comments concerning these meeting minutes.

**PAPILLION CREEK
WATERSHED PARTNERSHIP**



MEETING AGENDA

**Policy Workgroup Meeting
February 16, 2005 –8:30 AM to Noon– Board Room
Natural Resources Center, 8901 S. 154th Street, Omaha, NE**

- I. Introductions
- II. Policy Group #1 – Stormwater Management Financing
 - Candidate Regional Detention and Water Quality Basin Locations (Handout)
 - Regional Fee System Discussion Summary
- III. Policy Group #2 - Peak Flow Reduction
- IV. Policy Group #3 - Pollution Control
- V. Policy Group #4 –Landscape Preservation, Restoration, and Conservation
 - Revisions to Creek Sub-Policies 4) and 5)
 - Creek Setback Identified (See Regional Detention and Water Quality Basin Locations Handout)
- VI. Policy Group #5 –Erosion and Sediment Control
- VII. Policy Group #6 –Floodplain Management
- VIII. Next Meetings
 - A. Policy Workgroup Meeting Dates [No Future Meetings Defined]
 - B. Technical Workgroup Meeting Date [No Future Meetings Defined]
 - C. Tentative Public Forum [March 2, 2006]
- IX. Adjourn