

**Minutes
of the
Stormwater Management Committee (SWMC)
August 4, 2016

8:00 AM
800 Second Avenue South
Metro Office Building, 1st Floor – Development Services Conference Room**

**STORMWATER MANAGEMENT COMMITTEE
(Quorum Required: Four Members)**

Committee Members Present:

Ms. Ronette Adams-Taylor
Mr. Roy Dale, P.E.
Mr. Dodd Galbreath
Ms. Debra Grimes
Ms. Anna Maddox, P.E.
Mr. Lance Wagner, P.E. – Chairman

Committee Members Absent:

Mr. Slade Sevier, P.E. – Vice Chairman

I. CALL TO ORDER

The meeting was called to order at 8:12 a.m.

II. APPROVAL OF JULY 7, 2016 MEETING MINUTES & DECISION LETTERS

Ms. Debra Grimes moved and Ms. Anna Maddox seconded the motion to approve the meeting minutes and decision letters for the July 7, 2016 meeting. Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Grimes, Ms. Maddox, and Mr. Lance Wagner voted in favor of the motion. Ms. Ronette Adams-Taylor abstained from the vote because she did not attend the meeting.

ITEMS OF BUSINESS

1. Ms. Paula Kee (Secretary) requested that the Committee approve changing SWMC Standard Condition #3 (2-year survivability condition for single family residential) to reflect the new MWS department change from “MWS – Stormwater Development Review Section” to “MWS – Development Services.” Mr. Dodd Galbreath moved and Ms. Debra Grimes seconded the motion to approve the change as stated by the Secretary. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Galbreath, Ms. Grimes, Ms. Anna Maddox, and Mr. Lance Wagner voted in favor of the motion.

2. Mr. Josh Hayes, MWS Stormwater – NPDES, gave a PowerPoint presentation on the status of proposed mitigation banking. Mr. Michael Hunt, MWS Stormwater – NPDES, stated that Metro is engaged with TDEC, as far as mitigation on certain sites, in evaluating potential to match opportunities with the needs of the development community for a certain set of projects.

Mr. Hayes gave an overview of the current regulation requirements by agency (Corps, TDEC, and Metro). Items discussed were wetlands, streams, wet weather conveyances, lakes, and ponds, along with the jurisdictional determinations, permit/approval processes, and mitigation requirements. In general, TDEC and the Corps divide their mitigation into three categories: 1) restoration, 2) enhancement, and 3) preservation. The Corps' preference is large area mitigation rather than multiple small, isolated ones. Mitigation might be provided, in order of preference: 1) in a Mitigation Bank, 2) through an In-Lieu Fee Program, or 3) by Permittee Responsible Mitigation. TDEC prefers on-site mitigation. He discussed the current Mitigation Banks, In-Lieu Fee Programs, and Stream Mitigation Program.

Metro is currently categorizing a list of potential mitigation projects to determine which ones are viable in Davidson County to direct permittees to when a Corps permit is not required, but a TDEC permit is required that also requires mitigation. Metro is attempting to make it easier for permittees to find mitigation in the count and closer to the impact. Mr. Hayes described the current process to find potential projects - two are on Metro-owned properties and seven are on private properties. The goal is to talk with landowners and obtain their permission to put them on the list, and eventually direct the developers to the landowners as potential mitigation sites. Legal considerations will also have to be evaluated. Mr. Dodd Galbreath stated that two things seem to be really clear: 1) experts are needed to manage the sites/mitigation, and 2) the sites deserve thorough, scientifically effective mitigation.

Mr. Roy Dale left the meeting.

3. Mr. Dodd Galbreath moved and Ms. Ronette Adams-Taylor seconded the motion to move Business Agenda Item #2 to the end of the meeting. Ms. Adams-Taylor, Mr. Galbreath, Ms. Debra Grimes, Ms. Anna Maddox, and Mr. Lance Wagner voted in favor of the motion.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

Comments were solicited from the Planning and Codes Departments for the following Agenda items.

1. 201600018

517 Hickory Hills Blvd Driveway Addition

APN 04000022100

Inspector: (Katherine O'Hara)

CD-03 (Brenda Haywood)

APPLICANT'S REQUEST: Variance request is to allow the following:

- 1) Disturbance and encroachment for construction of a second driveway crossing (within 150' of an existing driveway) within the 50' stream buffer (30' Zone 1 and 20' Zone 2) of an unnamed tributary to Little Creek. Multiple stream crossings are required to be at least 1,000' apart. Disturbance also includes associated grading, fill, and placement of riprap.
- 2) Continuous mowing and maintenance of the buffer area.

APPELLANT: 517 Hickory Hills Associates, GP

REPRESENTATIVE: Mr. Joseph Haddix

COMMENTS:

SW STAFF: SW Staff comments are as follows:

1) The applicant has chosen not to have a stream determination done and assumed a stream with an applicable 50' buffer.

2) The applicant is proposing 4 redbud trees (2 along each side of the proposed driveway entrance) as mitigation.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to the comments of Stormwater staff.

Mr. Joseph Haddix gave an overview of the project and variance request. He stated that his client is in the business of secure transport of people and goods and would like direct access into the building to pull straight in and not have to work through the parking lot. For the second driveway crossing, an open bottom culvert is proposed to be installed that would spread from bank to bank, with no disturbance to the existing channel. The proposed rip-rap is to enhance the existing rip-rap armor.

Mr. Lance Wagner asked why they chose not to do a stream determination, to which Mr. Haddix stated they have an environmental out there carrying it through now. Their thought is that it is a wet weather conveyance (WWC). He stated that even if TDEC agrees with the determination of a WWC, they will still propose the open bottom culvert. The bridge design detail was discussed. Mr. Wagner asked about the 100-year flood elevation to which Mr. Haddix stated he believes it will stay in the channel. The site is not in a flood zone.

Mr. Wagner stated that the mitigation (trees) seemed minimal, but there is not much buffer currently. Mr. Haddix stated they had discussed rotating the trees, but there is not much room between the road and the channel. Mr. Wagner suggested adding more trees along the bank for shading of the creek. Mr. Dodd Galbreath asked about power lines, and Mr. Haddix stated they would be within the power line easement.

Mr. Galbreath asked if removing the other driveway crossing had been considered as an offset. Mr. Haddix stated that trucks enter and park at the docks. There was further discussion regarding the hardship - need for a direct route into the building. Mr. Wagner stated that there may be opportunity for more mitigation along the stream. There was further discussion regarding mitigation and hardship. Mr. Galbreath stated that it is possible to plant trees that will not grow to a height that will interfere with power lines. Mr. Wagner and Mr. Galbreath questioned the currently stated hardship because there is an existing crossing for access.

Mr. Wagner recommended deferral with clarification of hardship, and if there are other regulations, they need to be specified. He also suggested increased mitigation - trees along the parts of the creek that are owned/maintained by the applicant, but was open to other proposals.

After discussion and review of the information presented, Mr. Dodd Galbreath moved to defer the case. Ms. Ronette Adams-Taylor seconded the motion. The applicant was advised that a submittal must be made within one week in order to be placed on the next agenda. The motion was approved by Ms. Adams-Taylor, Mr. Galbreath, Ms. Debra Grimes, Ms. Anna Maddox, and Mr. Lance Wagner.

Items the Committee wanted to see upon returning were: 1) clarification of the hardship, and if there are other regulations, they need to be specified, and 2) increased mitigation, such as trees along the parts of the creek that are owned/maintained by the Property Owner.

IV. ITEMS OF BUSINESS (Continued)

4. There was discussion regarding providing applicants a framework to work within to develop proposed mitigation for variance requests and the need for applicants to submit mitigation plans for Staff review to determine whether or not they are at least adequate for the variance applications to be submitted and added to an agenda to be heard by the Committee. Staff stresses to applicants that equal to or greater water quality should be provided, and variance mitigation differs from TDEC and the Corps in that it is not direct offsets. There are other potential options that applicants have specific to their sites.

It was suggested that a checklist and mitigation review process might be feasible. The checklist could be composed of specific items present on the site (for example; imperviousness, trees that are absent/present, etc.) that could potentially be addressed for mitigation. Having applicants provide a statement of mitigation, to quantify/qualify what specific mitigation is being provided, was also discussed. Staff suggested that a general list of potential mitigation measures could be developed to assist applicants. Staff will develop a draft proposal to be presented to the Committee for review and approval as a tool for the Committee to determine if mitigation is appropriate in light of the hardship and site logistics. Staff stated that a mitigation schematic could possibly be developed to identify such parameters as what trees are required for landscape requirements versus for variance mitigation, how many square feet of buffer will be lost, etc.

V. ADJOURNMENT

The meeting was adjourned at 9:46 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____