

**DOUGLAS COUNTY
PLANNING COMMISSION MEETING
3015 MENKE CIRCLE
OMAHA, NEBRASKA 68134
September 12, 2007**

The meeting was called to order by Chair Hayes at 6:00 p.m. with roll call vote.

Members Present: Bob Bruhn, Barbara Hayes, Ann Houlihan, Luke Janke, Dave Lanoha, Joe Roberts and Milo Vacanti.

Member Absent: Bob Boozer, and Michael Gerdes.

Other County Officials and Staff Present: Barbara Frohlich, and Kent Holm (Douglas County Environmental Services), Bernie Monbouquette (County Attorney's Office), and Tom Baker and Doug Clark (Douglas County Health Department).

Before the meeting started, Chair Hayes made the following statement:

“This meeting is conducted in accordance with the Open Meetings Law of the State of Nebraska and the provisions of the law are posted in the back of the room.”

Motion by Commissioner Roberts, seconded by Commissioner Vacanti to approve June 13th, 2007 meeting minutes.

Voting Yes: Bruhn, Hayes, Houlihan, Roberts and Vacanti.

Voting No. None

Abstain: Janke and Lanoha.

APPLICATION G-11-07

REQUEST: Amend interlocal agreement with the City of Valley to square off extraterritorial jurisdiction on the south, 259th to Platte River, with Blondo as south boundary.

APPLICANT: City of Valley, Valley, Nebraska

Mr. Holm requested that the Planning Commission lay this application over until the October, 2007 meeting because another application will be considered then that deals with split jurisdiction on the north side of Valley and a possible request to cede jurisdiction in that area as well.

Commissioner Roberts asked Mr. Holm if he has had been in contact with Valley regarding these applications. Mr. Holm replied that he has.

Chair Hayes opened the public hearing. No one from the public spoke for or against the application. The public hearing was closed.

Motion by Commissioner Roberts to lay this application over until the October 10th meeting, seconded by Commissioner Vacanti.

Voting Yes: Hayes, Houlihan, Janke, Lanoha, Roberts, Vacanti, and Bruhn.

Voting No: None.

APPLICATION

G-12-07

REQUEST: Adopt fee schedule for Land Use Regulations

APPLICANT: Douglas County Environmental Services

Mr. Holm presented this application with the following comments:

1. Kent Holm stated that this is a standardization of the fee schedule.. Since the last time the fees were adopted a couple of different regulations. The stormwater management regulation which imposes a grading permit application fee has been added. There is an increased cost of doing business primarily with the added notifications required to adjoining landowners now within one mile; increases in transportation costs, inspections costs, etc., so the fees have been adjusted. The fees are in line with other jurisdictions comparably.

Chair Hayes opened the public hearing. No one from the public spoke for or against the application. The public hearing was closed.

Motion by Commissioner Janke to recommend approval of the application, seconded by Commissioner Houlihan.

Voting Yes: Houlihan, Janke, Lanoha, Roberts, Vacanti, Bruhn, and Hayes.

Voting No: None.

PRESENTATION - Update on Stream Asset Inventory by Emily Holtzclaw, CH2MHill

Mr. Holm stated briefly that the County is receiving some stormwater management program grant funds from the State of Nebraska Department of Environmental Quality for stormwater management throughout the County. One thing identified was the need for a better understanding of stream assets in Douglas County. A competitive process was begun to select the right company. The CH2Hill proposal was selected and they started work on the project in July. Staff requested an update be presented to the Planning Commission.

Chair Hayes asked Mr. Holm to explain the City of Omaha's involvement with the project.

Mr. Holm explained that the City of Omaha and Douglas County are sharing grant funds through an Interlocal Agreement. The County's portion of the grant funds, about \$800,000 this year, and the City's portion are being used on a number of projects. One is the Saddlebrook joint use facility near 144th Street, putting a green roof on an Omaha Public School elementary school and community center, along with parking lot best management practices. Smaller projects are being completed for the Douglas County Health Center. Education is also part of the project. The County will actually get a smaller portion of the grant funds next year and the City will get a larger portion because legislation changed but funds will be shared to work on some of the demonstration projects.

Emily Holtzclaw, Water Resources Engineer, CH2HILL, made the following comments during the presentaiton:

1. The goal of the project to characterize conditions within the streams around the County and use that information as a base for supporting and enforcing development regulations that are intended to protect the resources of the County.
2. There are three parts to the project:
 - Identification of existing field data that has been done by others. Review of that data to identify what has been done, where it has been done, where there are gaps that could be filled in. From there go to a field effort to fill in the gaps where assessments may not have been looked at in the past and then tie both the existing and the current data together in order to have a more complete characterization of what the conditions of the streams are in the County now. The emphasis is to try and enforce the regulations that the County already has in place to protect the water quality in the streams.
 - Public education for increasing awareness of the general public of where streams are located. Awareness that they live in a watershed and this is an asset that should be valued and protected. Education that there are things that are done in every day life that can impact conditions in the watershed and streams.
 - Evaluate to see what future phases should be developed for the future.
3. The stream asset inventory began in July with gathering data to see what was available. We are now going out into the field to look at sites.
4. Water quality and habitat assessment data has been gathered from the State universities, the City of Omaha, the USGS, and other sources. The intent is to not duplicate what has already been done.
5. The data gathering will fill in gaps so new and old data will be complimentary.
6. It was noticed that previous studies focused on the larger system, Little Papio, Big Papio, and West Papio at major road crossings.
7. A gap in the headway area has been identified where impacts of changes in the land use are readily apparent immediately downstream of the small watershed.
8. In order to build upon existing data, the county will be divided into small watersheds, 200 acres to 600 acres, and then look at the streams immediately downstream and do assessment of the physical habitat.

9. The EPA standard rapid bioassessment protocol will be utilized. It assess conditions in the stream from the substrate, from bed of the channel to the bank, the stability, the vegetation, the width of the buffer, the canopy tree cover, all the physical conditions.
10. That a surrogate for a lot of water quality indicators of what is coming into the watershed because the habitat is there every day and that is a long term reflection of what is going on in the watershed versus a grab sample on a particular day for example.
11. We have built a preliminary field reconnaissance plan on sites around the county, there are about 60 sites and these are well dispersed around the county in the headwater reaches.
12. Guidance was to focus on the Papio watershed. Douglas County's particular interest is in the north central part of the County where development will occur in the near future.
13. Starting with Allwine Prairie, where the University has restored a tract of land to historic prairie conditions of native grasses, there is a stable stream condition.
14. A lot of streams are entrenched and scoured down from agriculture and development.
15. East of 204th & West Center Road, there is a silt fence around the boundary that had held back a foot to 2 feet of sediment that worked during construction. Maintenance after construction is important to maintain the stability and condition of the channel. It is important for the trees and vegetation in the buffer to mature and maintain stability.
16. An education program is also planned to build awareness and sponsor ownership.
17. If the public understands that streams are an asset and value then, then the public will have a tendency to protect that asset.
18. A draft one page flier with a logo and theme has been developed to provide information that establish streams as an asset.
19. Once the fliers are finalized, they will be distributed to libraries, public places, and possibly mailed to appropriate SID's.
20. Looking at a potential series of articles with the Omaha World Herald about the history of streams in the communities, what is happening now, and what could happen in the future as the County grows and develops.
21. There will be a web page component for public education that will be linked to the County's website and there are plans for a public workshop focused to developers in November to provide information about the project and results.

Chair Hayes asked Ms. Holtzclaw if she would update the Planning Commission on the progress before the end of the year and Ms. Holtzclaw agreed to do that.

DISCUSSION

1. Water Supply Systems (Private)

Chair Hayes opened the discussion on water supply systems noting the staff report recommending approval of the proposed regulation that is a supplement to the land use

regulations. The supplement regulations were considered by the County Board and approved except for the water supply systems (private) regulation.

Mr. Holm added that several County Board members had some concerns over the exemption for commercial nurseries.

Mr. Bob Doyle made the following comments:

1. Stated that he asked the County Board to rethink the provision exempting commercial nurseries because he was concerned about the use of wet basins in the area.
2. Believes that most everyone would agree that wet basins are much preferred to dry basins.
3. He said developers he represents have constructed several wet basins next to Allwine Prairie and have obtained well permits to top off the basins.
4. Believes it is good to keep the water topped off in wet basins because the wet basins are more aesthetically pleasing compared to a dry basin.

Commissioner Lanoha stated MUD water is also full of chemicals that harm plant material and the biggest factor is the chlorine that damages the plant materials.

Mr. Doyle continued his comments:

5. When a wet basin uses MUD water rather than well water to keep a wet basin up to a certain level, becomes prohibitively expensive for the developer to use MUD water for the wet basin while the cost of a well can be paid back in about 18 months. Of course, it also depends on the size of the wet basin.
6. He stated that the developers he represents are proposing the following language:

“Non potable uses are not allowed in areas served by municipal water systems except where a significant economic burden would be incurred and/or where such use would enhance or further another aspect of the County’s Comprehensive Plan for best management practices or otherwise satisfactory to the county without causing any damage to the local groundwater.”

8. That would enable the County to still deny a permit for a well if it was not shown that there would be no damage to the groundwater.
9. Developers have used Martha Silk to verify that there would be no damage to the Dakota Aquifer or other landowners in the local for recent well applications.
10. Developers are requested the opportunity to apply for small 250 to 500 gallon per minute wells which is really in the best interest of everyone including the County.

Tom Baker, Douglas County Health Department, made the following comments:

1. Stated that with all due respect to Mr. Doyle, he disagreed with what was said.
2. He inspected a complaint yesterday in the 169th and Center Area regarding complaints about a wet basin.

3. There was also a dry basin in the area and it was neatly mowed and had no water in it.
4. The wet basin had odors and neighbors were concerned about kids getting into it because there is no requirement for it to be fenced.
5. The biggest health concern with wet basins is mosquitoes and West Nile virus because the shallow areas with lots of vegetation are ideal mosquito breeding places.
6. Stated MUD quoted that it would take about three million gallons year to pump a lake.
7. All City lakes, Leahy Mall, Adams Park, Miller Park, Highcock, and Benson use MUD water. The water may have to be treated but not necessarily.
8. MUD says that as long as you stand under 10 to 15 % of the lake water for MUD water, there should not be problems.
9. Health Department urges the Planning Commission to retain the language but allow thermal type transfer wells. These are considered wells by the State of Nebraska and most are closed loop systems. These wells save a lot of energy and should be allowed as a exception as long as they don't adversely affect a different well.

Mr. Doyle further commented:

1. Believes the City of Omaha requires that all basins be wet basis rather than dry basins.
2. If wet basins are not topped off, they become health hazards because the water becomes stale and then there are mosquitoes and algae.
3. The developers rather than the SID's will be topping off the wet basins so if MUD water is required, the developers will not pay for it so the wet basins will be let go.

Mr. Holm stated in a meeting with the Health Department it was discussed to have two separate regulations to separate potable and nonpotable uses. He suggested having discussion on revised regulations next month, October, and then a public hearing in November.

Planning Commissioners concurred and the proposed regulations will be provided to Commissioners by e-mail. Chair Hayes requested that Mr. Doyle receive a copy as well.

2. Recommendations for stormwater design manual pursuant to the Douglas County Stormwater Management Regulation

Mr. Holm stated that he had hoped to have recommendations to present to the Planning Commission. He recently attended a stormwater conference in Phoenix and he would like this discussion held over to the October meeting to present the recommendations. He further explained that when the County Board approved the Stormwater Management Regulation in February, 2007 references to the Omaha Stormwater Design Manual were deleted. Concern was expressed about the use of detention basins and the lack of low

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impact development green solutions in the manual. There needs to be recommendations for engineers to use in terms of technical specifications for best management practices. Part of the Omaha Stormwater Design Manual as well as other low impact development techniques will probably be recommended.

Meeting adjourned at 6:40 p.m.

Minutes approved October 10, 2007.