

March 2014

Summary of BCWMC's Current Development Review Program

A watershed organization's regulatory role can be anywhere along a continuum from "nothing" to "full permitting." The BCWMC's development review program lies somewhere in the middle—more than nothing, but short of a full permitting program. The BCWMC Engineer performs technical reviews of developments (and other projects) within the watershed for conformance to the BCWMC's policies and to determine the effect of the proposed project on the water resources managed by the BCWMC.

Types of Projects Subject to BCWMC Review

The types of improvements and development proposals that must be submitted to the BCWMC for review include:

1 Floodplains

Proposed projects that include a major alteration of existing structures, erection of new structures, filling, floodway encroachment, activities considered incompatible with acceptable floodplain uses or be subject to damage by the 100-year flood, and are located below the 100-year floodplain elevation included in the BCWMC Plan (Table 5-3) must be submitted for BCWMC review. This includes structures such as bridges, footbridges, culverts, and pipe crossings of any nature, including sanitary sewer, water supply and electrical and telephone lines.

2 Floodplain Storage Sites

Proposed projects located within the limits of the proposed floodplain storage sites (inundation areas) established by the BCWMC Plan (Table 5-3, Figure 15) that may be in conflict with the minimum requirements as outlined in the Plan must be submitted for BCWMC review.

3 Lakes, Streams, and Wetlands

Proposed projects that may affect the water surface elevation, outlet storage capability, shoreline or streambank, or be incompatible with existing or proposed land use around the lakes, streams, and wetlands in the watershed must be submitted for BCWMC review. The BCWMC will defer wetland issues in cases where the municipality acts as the local government unit (LGU) for administering the Wetland Conservation Act (WCA), unless its involvement is requested by the municipality.

4 Water Resources

Proposed projects that would alter water resources in the watershed, involve the discharge of industrial or other waste to any watercourse or storm sewer, require extensive land alteration, are directly tributary to the watercourses of the watershed, or may otherwise affect the existing water quality must be submitted for BCWMC review. In addition, the BCWMC must be informed of the proposed application of chemicals or other treatments to lakes and ponds in the watershed.

5 Diversion of Surface Water Runoff

Proposed projects to provide intra- or inter-watershed diversion, which may affect flood levels, lake levels, and minimum streamflows in the watershed must be submitted for BCWMC review.

6 Land Use Changes

Proposed changes in land use, zoning, and local watershed management plans which may require modification of the BCWMC Plan must be submitted for BCWMC review.

7 Appropriations

Proposed ground or surface water appropriations, which may temporarily or permanently alter the existing ground and surface water levels in the watershed must be submitted for BCWMC review.

8 Utility Crossings

The construction of utilities through or paralleling the defined trunk creek system, which will require disturbance of the bed or banks of the creek or the diversion of the creek, must be submitted for BCWMC review.

9 Department of Natural Resources (DNR) Permit Applications

Permit applications to the DNR for work in public waters, including supporting documentation, must be submitted for BCWMC review.

10 Development/Redevelopment

Proposed projects that will result in more than 200 cubic yards of cut or fill or more than 10,000 square feet of grading must be submitted for BCWMC review.

11 Road Construction

Proposed road construction or reconstruction projects that would result in more than 1.0 acre of grading must be submitted for BCWMC review, including projects that result in complete removal of the road surface, expose the base, and/or remove the vegetated surface within the road right-of-way. Examples include road widening projects, ditch work, road replacement, and utility installation. Road overlay projects and road resurfacing projects which do not disturb the road base do not come under BCWMC review.

Emergency work performed by cities (utility repair, emergency traffic issues, health and safety issues, etc.) and maintenance projects (seal coating and pavement overlays, sediment and debris removal from crossings and water quality ponds, etc.) are exempt from BCWMC review. Cities must inform the BCWMC regarding emergency work, as soon as practical, in cases that would have required an application under non-emergency conditions.

BCWMC Review Procedure

Before the BCWMC will begin their review process, the proposed project must first receive preliminary review by the municipality indicating general compliance with existing local watershed management plans.

Proposed projects that involve floodplains, the Bassett Creek trunk system, appropriations, variances, and underground wet vaults or other alternative BMPs, and road construction or reconstruction projects resulting in more than 5.0 acres of grading must be presented at a BCWMC meeting for approval. The BCWMC will approve, conditionally approve, or reject the submittal. A letter with comments, including a list of deficiencies or required modifications, will be sent to the municipality and to the applicant. For proposed projects that do not require review at a BCWMC meeting, the BCWMC engineer will send a comment letter directly to the municipality and to the applicant.

For projects where deficiencies have been noted, the applicant must provide a revised submittal addressing each deficiency, required modifications, or comment. The BCWMC will send a letter of approval to the municipality and to the applicant after comments have been satisfactorily addressed.

General Guidelines for Developments/Redevelopment

Following is a description of project "triggers" for development/redevelopment proposals that describe the level of BCWMC involvement and required treatment. Table 1 summarizes the triggers and treatment requirements for development/redevelopment projects.

1 Projects Not Requiring BCWMC Review

New projects which result in less than 200 cubic yards of cut and fill and less than 10,000 square feet of grading do not require BCWMC review, provided that the project is not subject to the other review triggers in Section 3.0 of the Requirements for Improvements and Development Proposals.

2 Projects Requiring Construction Erosion and Sediment Control Plan

Proposed projects that will result in more than 200 cubic yards of cut or fill or more than 10,000 square feet of grading must be submitted for BCWMC review, and must submit a grading, drainage, and erosion control plan.

3 Projects Requiring Water Quality Treatment to Level I Standards

The BCWMC Plan (Section 4.2.2.4, Policy A) requires treatment of all BCWMC-regulated stormwater from new development to Level I Standards. A project must be designed in accordance with Level I standards of the water quality policy, when the proposed site meets one of the development or redevelopment criteria shown on Table 1.

4 Nondegradation Policy for Redevelopment Projects

All redevelopment projects that result in an increase in impervious area (except as noted in Table 1) must implement BMPs to prevent an increase in phosphorus loading from the site. As an alternative, the entire parcel could be developed/redeveloped in accordance to Level 1 Standards.

5 Site Expansion/Addition Projects

For *commercial, industrial, institutional, or public expansion/addition* projects, the BCWMC realizes that existing development may limit the type of BMPs that can be implemented for the entire site. The most desirable BMP reduces pollutants to the maximum extent practicable and reduces runoff. At a minimum, a wet detention basin or other approved BMP must be constructed to serve the expansion/addition and, if applicable, the increase in tributary drainage area of the basin. Other appropriate BMPs will be required for the existing development if wet detention for the increased tributary drainage area is not practical. The BCWMC will work with the project applicant to assist with determining the appropriate temporary and permanent BMPs to implement for the project.

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6 Road Projects

BMPs must be considered to improve the quality of stormwater runoff from *road construction and reconstruction* projects. The most desirable BMP reduces pollutants to the maximum extent practicable and reduces runoff. The BCWMC realizes that existing development and right-of-way constraints will limit the type of BMPs that can be implemented. At a minimum, temporary measures will be required to address erosion and sediment control during construction. The BCWMC will work with the project applicant to assist with determining the appropriate temporary and permanent BMPs to implement for the project. The project applicant must submit a description of the evaluation process used to identify feasible BMPs to be implemented on the project.

Number of BCWMC Project Reviews

In fiscal years 2013 and 2012, the BCWMC reviewed 41 and 37 proposed developments/projects, respectively. The BCWMC reviewed 32 development proposals in 2011, and 28 development proposals in 2010. Of the 41 projects reviewed in fiscal year 2013, 5 were presented for BCWMC review and comment at BCWMC meetings. Of the 37 projects reviewed in fiscal year 2012, 10 were presented for BCWMC review and comment at BCWMC meetings.

The cost of BCWMC review is largely offset by review fees.

Table 1. BCWMC general review requirements

Review Trigger	BCWMC Review Required	Erosion and Sediment Control Required	Level 1 Standards	Nondegradation Standards
All Projects (except road construction/road reconstruction)				
<200 cubic yards cut/fill or < 10,000 sq. ft. grading	No	No	No	Maybe ¹
>200 cubic yards cut/fill or > 10,000 sq. ft. grading	Yes	Yes	Maybe ¹	Maybe ¹
Commercial, Industrial, Institutional or Public Development (where there is no existing commercial, industrial, institutional or public development)				
Parcel > 0.5 acres	Yes	Yes	Yes	No
Commercial, Industrial, Institutional or Public Expansion/Addition (site that was partially developed prior to adoption of the Commission's Water Quality Policy - September 14, 1994)				
New disturbed area > 0.5 acres	Yes	Yes	Yes ²	No
Commercial, Industrial, Institutional or Public Redevelopment (where the commercial, industrial, institutional, residential or public development currently exists) ³				
Parcel size < 0.5 acres and >200 cubic yards cut/fill or > 10,000 sq. ft. grading	Yes	Yes	No	No
Parcel size 0.5 to 1.0 acres and impervious surface increases by at least 1,000 sq. ft	Yes	Yes	No	Yes
Parcel size >1.0 ac. to 5.0 acres and impervious surface increases by at least 2,000 sq. ft	Yes	Yes	No	Yes
Parcel size > 5.0 acres and impervious surface increases by at least 10,000 sq. ft	Yes	Yes	Yes	Yes ³
Disturbed area > 5.0 acres	Yes	Yes	Yes ⁴	Yes ³
Residential Development				
Parcel > 2 acres and which contains four or more proposed living units	Yes	Yes	Yes	No
Residential Redevelopment				
Parcel >2 acres to 10 acres which contains four or more proposed living units	Yes	Yes	No	Yes ^{3,5}
Parcel > 10 acres where there are four or more existing living units	Yes	Yes	Yes ³	Yes ³
Road Construction/Road Reconstruction (which the site runoff is <u>not</u> currently directed to an onsite or regional treatment facility)				
Disturbed area > 1 acre	Yes	Yes	Recommended	Recommended

¹See following requirements

²Level 1 standards required to serve the expansion/addition

³Redeveloping the entire parcel to Level 1 standards provides acceptable treatment to Nondegradation Standards

⁴Level 1 standards required to serve the disturbed area

⁵See nondegradation exemptions

< less than

> greater than

≥ greater than or equal to