

**Lake Maumelle Watershed
Policy Advisory Council Meeting
August 17, 2006**



Facilitated by



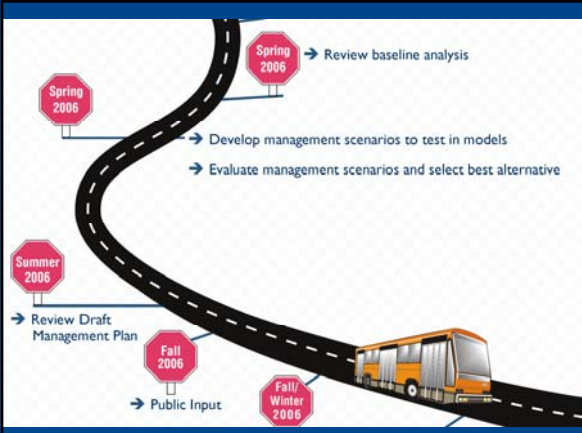
TETRA TECH, INC.

**Roadmap for
Developing
Management
Plan**



Timeline milestones:

- 11/05 → Orient Stakeholder Committee, Scoping Analysis, Endorse Preliminary Goals and Objectives
- 11/05 → Review/endorse watershed indicators, preliminary water quality targets, proposed models
- 12/05/2006 → Review and screen promising management options
- Spring 2006 → Review baseline analysis
- Spring 2006 → Develop management scenarios to test in models
- Evaluate management scenarios and select best alternative
- Summer 2006 → Review Draft Management Plan
- Fall 2006 → Public Input
- Fall/Winter 2006 → CAW reviews and adopts Management Plan
- Other Boards endorse or adopt Plan
- Begin Implementation



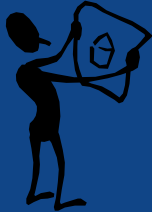
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- Summer 2006 → Review Draft Management Plan
- Fall 2006 → Public Input
- Fall/Winter 2006

7/20 Meeting Objectives

- Update on public input
- Approval of No Wastewater Discharge Resolution (action item)
- Subcommittee Report; discussion of additional issues that need to be addressed by each subcommittee
- Discussion of Development or No Development in Critical Area A (action item)

**Update on feedback from the
public regarding the Survey on
Options for Managing New
Development**



Survey Results- Big Picture

- 17 total responses
 - 11 watershed landowners
 - 5 ratepayers
 - 1 other
- Very similar to public meeting comments and PAC survey results

Watershed Landowners

- 11 responses
- 7 don't support anything
- 4 showed split support for the management approaches
 - Not able to determine preferences for options from numeric rankings
- Exemptions
 - Generally supported additions exemption
 - Only somewhat supported subdivision exemption

Ratepayers

- 5 responses
- UWA and CAA
 - 4 strongly supported/supported non-engineering approach
 - 4 ranked fixed large lot and fixed large lot plus cluster as most preferred
- CAA – mixed responses on support
- Exemptions – mixed responses on support

No Wastewater Discharge Resolution

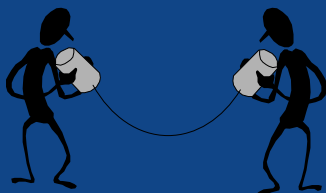
(see Resolution handout)



Subcommittee Reports



Exemptions Subcommittee Report



Exemption # 1: Additions to Existing Houses and Driveways

- **Consensus: Revise the eligibility clause**
 - Existing watershed residents with houses built and lots recorded prior to the effective date of the plan may add to their existing residence, including house additions, garage, barn, outbuilding, and driveways, and are not subject to the watershed protection requirements in making such single family additions

Exemption # 1 cont.

- Consensus: Allow this exemption in Critical Area A
 - Additions to the 12 existing houses in Critical Area A would result in an insignificant increase in loading.
 - Must be accompanied by strict sedimentation and erosion control.

Exemption # 1 cont.

- Consensus: Redraw the watershed boundary for purposes of administering the watershed plan requirements
 - This applies to all watershed requirements, not just this exemption.
 - This is to address parcels that straddle the watershed boundary.

Exemption # 1 cont.

- Issue to resolve:
Should this exemption apply to existing businesses?

Exemption # 2: Small Subdivisions

- Consensus: Allow this exemption
- Consensus: Make the exemption owner based rather than parcel based
- Consensus: Allow for private, individual landowners, family LLCs, individual LLCs, revocable trusts, and family trusts.

Exemption # 2 cont.

- Consensus: There must be a guaranteed phosphorus mitigation offset in order to provide this exemption.
- Consensus: If possible, develop “hybrid” mitigation option that reflects a sharing of the burden and benefits.
 - Landowner requirements plus CAW land acquisition.

Exemption # 2 cont.

- Issue to be resolved: In coming weeks, can a hybrid approach be formed, in policy, by landowners and CAW?
 - If not, in the short-term, provide the mitigation offset through stricter requirements for new development.

Exemption # 2 cont.

- **General Consensus: Provide equity to similar landowners in Critical Area A**
 - How equity should be provided depends on development debate in Critical Area A.
 - If no development is allowed, consider allowing 2-acre lot options to be sold/transferred to other areas in watershed, or CAW ratepayers buying the land.
 - Note: one member did not support this exemption in CAA; one did not support development in CAA with this exemption.

Exemption # 2 cont.

- **Consensus: Provide a maximum exemption for a small subdivision of land up to 20 acres per eligible landowner and a minimum of 10 acres, with minimum 2-acre lot sizes in the subdivision.**
- **Consensus: Determine HOW the offset would be provided before making a final recommendation.**

Exemption #2 cont.

- **New Issue - Legal Interpretation:**
 - Need to provide exemption to all landowners
 - Can limit exemption to Upper Watershed Area and Critical Area B
 - Can limit exemption to landowners of 5-10 years or more
- **Subcommittee will need to reconsider preliminary recommendations in light of these legal issues**
 - Will affect exemption allowed and mitigation needed

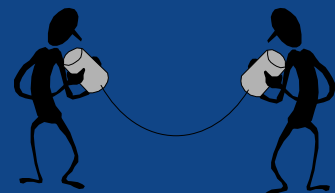
Exemption # 3: Non-conforming Lots created Prior to Effective Date

- **Consensus: Clarify that non-conforming lots created prior to the plan's effective date would be grandfathered (exempted).**
 - Lots in Critical Area A affected by development debate .

Effective Date for Triggering Parcel Exemption

- **Issue to address: Based on comments received, Tetra Tech recommends that the effective date be July 1, 2005, or the inception of the watershed plan.**
 - Tetra Tech requested legal interpretation on the issue of "backdating" the plan's effective date.

Lots and Menu Subcommittee Report



Issue #1: Oversight and Administration of Lots versus Menu Approaches

- Consensus: Oversight, administration, and enforcement must be adequate for either approach to protect Lake Maumelle.
 - Tetra Tech estimated that both approaches would require 10% to 20% of a planner's time for development review and enforcement, therefore administration and enforcement are not distinguishing factors between the two options.

Issue #1: Oversight and Administration of Lots versus Menu Approaches

- Recommendation/next steps: Requested Tetra Tech share examples of how other jurisdictions enforce ordinances.
 - Tetra Tech to report back at next subcommittee meeting.

Issue #2: Preference for Fixed Large Lot versus the Menu Option

- General Consensus: Recommend the menu option.
- General Consensus: Include menu choices that meet the pollutant loading limits on site, both large lot and cluster options, as well as menu options that allow off-site mitigation.
 - The cluster option must have an overall density equal to the large lot option, though smaller lots would be allowed.

Issue # 3: What specific choices should be on the menu; how many choices should be provided

- Recommendation/next steps: Asked Tetra Tech to send example menu to several realtors, asking advice about market demands.
 - Report back at next subcommittee meeting.

Issue # 4: What choices should be offered for commercial development?

- Recommendation: Asked Tetra Tech to develop draft menu options for commercial development.
 - Report back in the coming month.

Issue #5: How should Subcommittees reconcile recommendation regarding stricter requirements for mitigation offset?

- Stricter requirements for everyone in exchange for subdivision exemption for small landowners poses an equity issue for large landowners.

Issue #5: How should Subcommittees reconcile recommendation regarding stricter requirements for mitigation offset?

- Recommendation/next steps. Begin reconciling recommendations at/after PAC meeting.
 - Members from each subcommittee explore consensus options.

Other issue

- One member expressed objection that the Performance Standard option has been removed from the short-term options for development
 - Tetra Tech response: The Performance Standards option is not off the table.
 - Watershed Management Implementation Plan will detail how to move forward with evaluation and development of Performance Standards program.

Decision on Development or No Development in Critical Area A



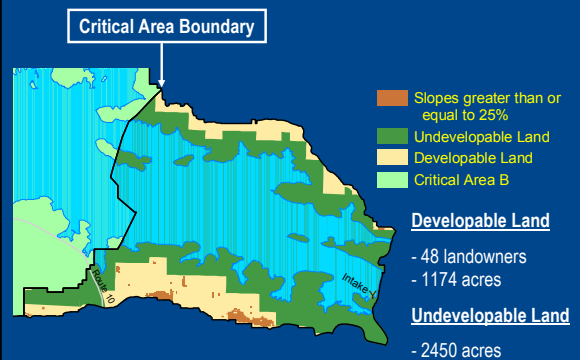
Consensus

- Definition: When all members present can “live with” the outcome or proposal being made
 - Doesn’t mean everyone gets everything that they want
 - Methodology allows for collaborative problem solving
 - Accept that the decision is the best that could be made given the circumstances and project goals

Approach for this Session

- Tetra Tech briefly summarize PAC concerns and TAC input
- PAC members refrain from repeating concerns
 - Focus on how established goals and objectives can best be met
 - Work toward ideas that all can live with

Critical Area A



Framing Development – Reminder of what is being considered:

- Non-engineering/Land Conservation Option:
 - 1 house per 20 acres; 92% undisturbed; 2.2% impervious cap; professional wastewater mgmt.
 - Estimate 68 new houses
- Performance Standards/Land Conservation Option:
 - 70% undisturbed area, 6% impervious cap; conservation design; BMPs required to meet performance standards; pump wastewater out of the watershed; professional mgmt. of BMPs
 - Estimate 230 – 240 new houses if housing density capped at 1 house per 5 acres.

Summary of PAC Comments

1. No development provides more certainty
2. Risks to water supply outweigh the benefits development might bring
3. No development in Critical Area A provides a cushion of safety against changes in regulations or other unknowns
4. Treat the large developer separately from the small property owner

Summary of PAC Comments

5. How can development activities be monitored and enforced over the long-term?
6. If development is allowed, what types of securities would the developer need to provide to insure that standards are met now and in the future?
7. If no development in Critical Area A is being considered because of risk, then this level of risk should be compared to other risks in the watershed.

TAC Input on PAC Concerns

- Modeling – one perspective
 - Adopted an agreed upon approach
 - Quality assured
 - Application assumptions addressed some uncertainty
- Bottom line:** stick by the modeling results which indicate that lake targets can be met

TAC Input on PAC Concerns

- Modeling – alternative perspective
 - Models are helpful but not perfect; there is uncertainty with every model
 - High variability in some parameters (e.g., bacteria from pets/animals)
 - Lack of local data to verify BMP performance
 - Modeling long-term post-construction but not construction disturbance phase
 - Applying to conditions outside of past experience
 - Can't model everything (e.g., lack of administrative infrastructure)

Bottom line: consider uncertainty and other factors in addition to modeling results

TAC Input on PAC Concerns

- Modeling – another perspective
 - Conduct model verification phase during initial plan implementation
 - Don't commit too early to options where difficult to undo once decisions are made
 - Formally establish instream and inlake phosphorous targets
- Bottom line:** postpone decision until experience in less critical area is obtained and factored in to verify assumptions

TAC Input on PAC Concerns

- It is difficult to consider Critical Area A separate from the rest of the watershed
 - If standards are never implemented in the Upper Watershed, how will management need to be adjusted to meet targets?

TAC Input on PAC Concerns

- Lack of current capacity for development review and enforcement should be considered
 - Better enforcement in place before start developing
- Sedimentation and erosion control
 - Currently 12 inspectors statewide; local governments can be more rigorous
 - Cheaper to pay fines; proposed solution to post higher performance bond up front
- Practicality – enforcement is resource intensive

TAC Input on PAC Concerns

- One perspective = Is it significantly cheaper to manage the temporary impacts of the construction phase than to buy all of the land in Critical Area A?
- Another perspective = Must weigh non-technical issues; e.g., public perception of the integrity of the water resource

TAC Input on PAC Concerns

- There are issues that have been raised that must be addressed regardless of the decision on Critical Area A
 - Spill risks
 - Relative risk of boating activities and management of marina operations
 - Impacts of aquatic weed infestation (e.g., Hydrilla)
 - Administration and enforcement

TAC Input Summary – Three different big picture views

1. Hold Decision - More Work Needed
 - Good implementation questions are being posed. We're not there yet.
 - No technical basis at this time for taking Critical Area A off of the table or keeping it on the table.
 - There's more work to do.

TAC Input Summary – Three different big picture views

2. More Work Needed – Apply Development Moratorium in the Interim
 - There is uncertainty; don't have plan so can't answer the questions.
 - There's more work to do.
 - Need temporary moratorium on development until ordinances and additional personnel are in place, and pilot projects are completed.

TAC Input Summary – Three different big picture views

3. No Development
 - The more people, the more risk
 - Inherent uncertainty
 - Burden of administration
 - Practicality of enforcement
 - Public perception of water supply quality

PAC Discussion

- Focus on how established goals and objectives can best be met
- Work toward ideas that all can live with



Discussion of Upcoming Tasks and Meeting Wrap Up

