

# Memorandum



**To:** Planning Commission  
**From:** Christopher Solberg, City Planner  
**Date:** 5/9/2019  
**Re:** Papio Creek Watershed Partnership Interlocal Agreement

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## BACKGROUND

The Papillion Creek Watershed Partnership (**PCWP**) (current members are Bellevue, Boys Town, Gretna, La Vista, Omaha, Papillion, Papio-Missouri River Natural Resources District, Ralston and Sarpy County) was originally formed through an Interlocal Cooperation Agreement in 2001 that expired in 2004. The Agreement was renewed for 5-year periods in 2004, 2009, and 2014. It is proposed to again renew the Agreement. The PCWP agencies collaborate to obtain approval of their NPDES Storm Water Discharge permits, develop a Storm Water Management Plan for the watershed, and establish storm water management fees. These efforts are accomplished through the Plans and Policies set forth in the Agreement.

Since 2009, PCWP member communities have adopted ordinances to address water quality issues and to collect Watershed Fees from new development. The PMRNRD has implemented the structural components. Construction for WP-5 (Prairie Queen), Dam Site 15A (Flanagan Lake), and Zorinsky Water Quality Basin 1 have been completed. West Papio Basins 6 and 7 and Zorinsky Water Quality Basin 2 are currently under construction.

The PCWP reviews the Watershed Fee framework and the Watershed Management Plan every five years to make sure that there is adequate funding for plan implementation and to determine the structure projects to be included in the next implementation plan. HDR Engineering was hired to provide this analysis. A Watershed Fee schedule for the next five year period has been established which has only inflation increases of 2.5%. There is a change in application of the watershed fees in that lots platted prior to 2009 are no longer permitted to be exempted from the fees. These recommendations have been adopted by the PCWP and are included in the interlocal agreement to continue the Papillion Creek Watershed Partnership for another five-year term. Each entity in the PCWP will need the interlocal agreement approved by the governing body.

Items to note in the new agreement:

- Language regarding the Municipal Separate Storm Sewer System (MS4) program has been updated to be consistent with the language used by Nebraska Department of Environmental Quality.
- The planning horizon used for the basis of the Implementation Plan has been changed from 2040 to 2050.
- The Partnership Fees will be calculated each year based on jurisdictional area and population to equitably distribute the total required among the Partners. **The total Partnership fee will remain at \$390,000 with PMRNRD share staying at \$90,000.** La Vista's Partnership Fee will increase from \$5,000 to \$10,750. It has not been adjusted since 2005.
- Institutional facilities have been added as a category for the purposes of collecting Watershed Fees.
- The Stormwater Management Policies have had some minor updates:
  - Policy Group #1, Water Quality Improvement – Updated to reference the current Total Maximum Daily Load (TMDL) designations in the watershed and the newly completed Papio-Missouri River Basin Water Quality Management Plan.
  - Policy Group #3, Landscape Preservation, Restoration, and Conservation – Policy updated to indicate that these requirements are the minimum standards and site conditions may indicate more effort is necessary to ensure construction is adequately protected from erosion. The language regarding floodplain management was also removed from this policy as it is in a subsequent policy group.
  - Policy Group #5, Floodplain Management – Policy updated to reflect new FEMA programs and completed mapping projects.
  - Policy Group #6 Stormwater Management Financing – Policy updated to reflect that the District was granted bonding authority by the State Legislature in 2009 and is currently seeking reauthorization.
- The 2020-2024 Implementation Plan calls for the construction of regional detention basins WP1(180<sup>th</sup> & Fort), WP4(204<sup>th</sup> & Schram), and WP2(180<sup>th</sup> & Giles). The implementation plan is subject to funding availability.

#### ANALYSIS

The intent of the PCWP is to establish regionally common goals and development standard to address stormwater quality and quantity issues in a consistent, effective and efficient manner. The refinements contained in the proposed policies and plans are another incremental improvement in regional public health safety and quality of life. It is anticipated that there will be an amendment to this agreement **in** approximately two years to incorporate changes to creek setback requirements based on results expected from an ongoing Corps of Engineers Papillion Creek Watershed Stream Degradation Study. The amendment may also review the watershed fees in regards to whether collections are meeting projections.

#### RECOMMENDATION

This is only a discussion item. No recommendation is needed from the Planning Commission to the City Council. Staff will be recommending approval to the City Council to renew the Interlocal Agreement.

*May 9, 2019*