

**MONROE COUNTY DRAINAGE BOARD**

Wednesday May 31, 2023, at 8:30 AM

Location: Showers Building Room 106D

Hybrid Meeting with Virtual Attendance via Zoom

**MEMBERS PRESENT:** Bob Autio, James Faber, Ginger Davis, Bill Riggert, Lee Jones

**ABSENT:** Trohn Enright-Randolph (*ex officio*)

**STAFF:** Donna Barbrick (Secretary), Kelsey Thetonia (MS4 Coordinator), Charlie Moore (intern), Charlotte McFerrin (intern), Tammy Behrman (Planning), TSD

**1. Call to Order by Robert Autio.** Kelsey Thetonia introduced Charlie Moore and Charlotte McFerrin, interns, and talked about their recent activities.

**2. Approval of Minutes for May 3, 2023:** Autio wished to add a sentence (Autio introduced the meaning of “severe soils” as discussed in the soils survey.)

**3. Public Input for Items not on the Agenda.** Jim Faber brought up a problem on Maple Grove Road. He said the ditch should be deepened and widened. He said farther up, there is a field that goes to the west and every time there is a heavy rainfall it comes down and floods Maple Grove Road. There was a discussion of the drainage in the area. Thetonia said I know that the Highway department is aware of this.

**4. Business.**

**Staff Reports/Discussion**

**a. Ch. 808 Discussion – Floodplain Management +**

**b. Ch. 829 Discussion – Karst ordinance**

**c. N Buskirk Rd. Petition to Drainage Board for Removal of Obstruction of a Natural Watercourse**

Tammy Behrman (Planning) was introduced by Kelsey Thetonia as the floodplain administrator for the county. She said she wanted to focus on floodplain management and also, briefly, the karst ordinance. She said the floodplain ordinance is housed within the Planning department, Chapter 808. She said I will let Tammy talk about how they regulate floodplain from the Planning department perspective and then I’d like to go over the Technical Standards Manual, especially compensatory storage calculations.

Behrman said Monroe County and Stinesville were accepted into the national flood insurance program by adopting the state’s mandated ordinance and part of the requirements is that we use their permitting requirements within this chapter, and we have to do enforcement and utilize their DNR flood maps. She said we will see what happens with the state because there are some laws that are in play right now and we will see if we can continue to use those DNR maps. She said we think we have 110 policies within the county, which gives them some insurance if there is a large event. She said we have permits that come in occasionally. She said anything that is within the floodway does require state permits; if it is considered the fringe, then it only requires a local permit. She said we use OpenGov for the permitting portion of it. She talked about the different types of permits that Planning oversees. She talked adopting an ordinance in 2017 concerning compensatory storage. She said I have engineers submit things that meet state requirements but Monroe County has higher standards for some permits. She said we have been trying to get the word out about the higher standards.

Thetonia asked for clarification about streams where the drainage area is greater than one square mile; we don’t regulate floodplain for streams with less than one square mile of drainage. Behrman said yes, although I think we have the capacity to do so if we have an area that we want delineated. Faber talked about builders getting flood insurance when they are in a floodplain. Behrman said we adopted increased

cost compliance and substantial cost of increase verbiage in our ordinance so that if you are going to be doing an improvement that is more than 50% of fair market value for the structure then you have to elevate the entire structure. She said we are working with people to adapt existing structures in the floodplain. She said some people are not aware that their property is in the floodplain.

Davis said one of the things that I have seen communities do for things like stream crossings is to adopt ordinances that follow water passage rules. She said these rules give a lot of room adjacent to the waterway for migration of animals and increases the flood throughway; it is basically oversizing culverts and passages to encourage an increase in efficiency through that area. She said that might be something to look at. Thetonia said if we do not have areas with extended duration flooding, then you can afford to have a crossing inundated for a flash flood and then allow it to recede, it makes sense to have it not so high up. Davis asked about compensatory storage and state requirements. Behrman said compensatory storage is a one-for-one tradeoff. She said planning's ordinance has a lot of specific requirements such as, if you are putting in a certain amount of fill, then that same amount of fill has to be removed from the property. She referred to Chapter 808-5. There was a discussion of the verbiage concerning compensatory storage. Behrman said I adopted the state's ordinance and then anything you see in yellow is optional. She said it has to be clean fill, it has to be on the same property, and it has to be connected to the flood plain. Thetonia noted some redundancy in the stormwater ordinance and said she would strike out some of the things that are already in Chapter 808. There was a discussion of whether DNR would make optional regulations required statewide in the future.

Thetonia moved on to the topic of sinking streams. She said we have one-to-one ratio countywide through Chapter 808 mirrored in our Chapter 1 standards but because we have studies saying we need to control the volume of water in Sinking Creek watershed, would you consider a more stringent ratio for these watersheds if someone were to fill in some floodplain. She asked is the one-to-one sufficient or should we consider a more stringent ratio in those watersheds when we already know that we need an additional 390 acre feet of storage at that sinkhole. She said I do not think a regional pond would be appropriate there, according to our previous studies. She said I don't know if any other counties have more stringent ratios for compensatory storage but if we were to do it, Sinking Creek watershed would be what I would target. She said we could address this in the future. Autio said it sounds like a future goal.

Behrman brought up an example at the corner of Curry Pike and West SR 45. She said we had a plan for commercial storage structures on the site and part of the plan was taking stockpile that was in the floodplain already and using that to fill in the edge around it. She said they did things a little bit backwards; the project has been stalled out for 2 ½ years. She said luckily, we had compensatory storage in the ordinance and so we were confirming where they were adding in the floodplain, they were taking out an equal amount. She said this was in the Sinking Creek area. She said I can see where you are coming from, Kelsey; if we had a larger ratio would that discourage people from developing.

Berhman commented I am pretty good with all these restrictive standards in the ordinance but there is one that is hard to administer. She talked about parking lots, driveways and sidewalks being paved with permeable materials. She said I do not have the manpower to keep a good watch. There was a discussion about permeable pavers needing maintenance. Thetonia said from a water quality perspective, there is no winning here because something with a natural surface is subject to erosion if you have a large flood event and so you could have a washout on a cinder or gravel trail whereas asphalt might hold up better, but asphalt does not allow any infiltration.

Lee Jones commented that with a long, very steep gravel driveway, it does not seem like it absorbs much water at all. Behrman proposed striking this part of the CDO ordinance since it is hard to administer.

Behrman said there are some projects where compensatory storage hinders projects. She said one property owner wanted to relocate the driveway out of the floodplain and they had to get a variance because their property was so small and there was no way to take out an equal volume somewhere else. Thetonia said since variances to compensatory storage would be handled under Chapter 808, does the Drainage Board (DB) want to review variances when we also have these provisions in our ordinance and technical standards. Riggert asked did it go to Board of Zoning Appeals (BZA). Behrman said yes, it did. Thetonia said I think there could be a way for DB to provide feedback to the BZA. There was a discussion of changing the day of DB meetings and maybe lining it up better with BZA meetings.

Thetonia asked for DB input on the section about protection of bluffs that Christopher Burke (CB) has in their model ordinance. Thetonia said the ordinance mentions bluff zones. She said a bluff can be formed by a stream channel or karst. She said CB has added provisions for development near a bluff. She read the definition of a bluff from the CB ordinance. She said we have great protections for development on steep slopes that are more stringent than this, but this provides setbacks from development on bluffs, forty feet from the top of the cliff. She said when I read this, I thought this doesn't really align with what we currently define as buildable area. She said if you have the bluff and it flattens out you'd still be subject to a forty foot setback.

Behrman said there are a couple of ways we think about it. She said Kevin Enright was set in teaching me that to envision a 15% slope we divide a 100-foot in half to make it a 50-foot stretch, and that would be a 7 ½ foot total drop. She said we try to be more conservative. She said in theory you could have a 40-foot buffer if that entire 7 ½ foot drop happened within 40 feet. Davis said the question is, what is at the bottom of the bluff. She said with uplands there is still a chance of erosion, but in a riverine system there is much higher risk of erosion. Thetonia said currently there is no setback from the buildable area. Behrman said if it was a steeper slope, we could count the contour lines and look at elevations. She said the BZA issues a lot of variances to slope ordinances. Riggert said I think it is different than when you have a lake or a stream with wave action eroding away at something.

Davis said I feel like if erosion is not there, this makes sense but if we are in an area with bedrock, then it is resistant to erosion and this restriction makes no sense. Thetonia suggested striking some of this since we already have stringent requirements about development on slopes. Thetonia said I would like to simplify this so our staff doesn't have another thing to review or for people building homes.

Behrman said I know Morgan County gets impacted by the way the White River meanders and changes and they really have to be cognizant of it. She said I don't know that we have other alluvial areas. There was a discussion of a layer for alluvial areas that could be shown on Elevate.

Lee Jones asked a question about a sinking stream that emerges and then empties into Richland Creek and there is a rather steep slope on the west side of it. She said when it rains a lot, there are all kinds of ephemeral springs along that slope. She asked wouldn't that be another kind of problem. Thetonia said we put sinkhole conservancy areas on springs. There was a discussion of whether ephemeral springs were included. Davis said seepage basins encourage erosion along bluffs, too; but I feel our bedrock is fairly resistant to it, all in all. She said we can't predict every scenario and that is why people hire engineers to evaluate the site for construction.

Thetonia said she also wanted to talk about Chapter 12 in the Technical Standards Manual which is standards for dams and levees. She said it addresses having an Incident and Emergency Action Plan (IEAP) for any new dam and mapping of any potential for flooding. She said if you are developing downstream from a dam, you may be required to do modeling. She said it's on the developer, if we feel like we do not have a good idea of whether there might be flooding or not. She said it does not give a

threshold, but it is for larger dams. She said our current Chapter 761 specifies dams 10 feet or higher requires review by the MS4 Coordinator so we could put something like that in here to give a threshold for required review. Riggert talked about maintaining dams and lower Twin Lakes dam where trees grew on the dam, animals got in and there were leaks.

Thetonia said this requires a management and maintenance plan for the proposed dam or levee. She said we have an enforcement case with someone who built one without permitting. She said I think having a way to require them to do that IEAP and downstream flood mapping.

Thetonia said she met with Trohn Enright-Randolph and talked about the karst ordinance quite a bit and weighing whether to place more stringent Sinkhole Conservancy Area SCA requirements in this ordinance revision right now. She said there would be a lot of work on Planning's end if the SCA is increased. She said there are clear water quality concerns and the need to protect sinkholes but implementing this would be a lot of work. She suggested keeping the standard as is for now. She said I feel like, we find we need more protections but how do we agree upon what that is going to look like. Jones said the city is looking at things like this and is also putting pressure on the county to increase this. Berhman said there was a discussion of doing the karst watershed option and maybe hiring someone to come up with an overlay of karst features. She said maintaining it for new karst features could be difficult. Thetonia said we don't have the funding right now to make that layer happen. Autio suggested putting in wording about "our goal will be to..." Jones said that sounds more like a resolution. Davis said since there is a push for it and it would maybe cause backlash to put it in later, wouldn't it make more sense to put it in with the idea that we would be looking towards creating an overlay when funds become available. She said then it is in, and you don't have to worry about getting it in later. She said you could go ahead and adopt it, knowing that we can't necessarily enforce it until an overlay is created but it's there. She said that would be easier than trying to change it after the fact.

Thetonia said we would still have the protections in place of 25 feet around the largest close contours. She said what are the consequences of adopting something that we are not prepared to implement. She said we would still have the same level of protection.

Behrman said I like this idea as well; I'd like to have similar verbiage as what we are saying. She said I'd take the largest close contour, buffer it by 25 feet, and call that the SCA area. She said I'd be interested in seeing a karst overlay and finding that watershed area and then decide what the proper buffer amount is from a karst watershed. She said does it make sense to clearly define the watershed of a karst feature and then we could have additional regulations that could change overtime if needed. She said you have to be careful because, in a sense, you are regulating people's property.

Thetonia said this gives me a general feel from everyone about moving forward. She said I would like to get the ordinance passed this year. Davis said if the overlay seems to be the stopping issue and we have an idea of certain watersheds of concern, is there a way to get funding to get an overlay. Jones said I think it would have support.

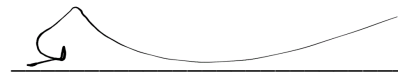
*(Lee Jones left the meeting at approximately 9:45 am.)*

Autio suggested a motion to request for a karst watershed overlay map countywide, focusing on critical watersheds first, with funds coming out of the general fund. *(9/27/2023 note: funding will come from the Stormwater Budget in 2024, not the General Fund).*

**Davis said so moved. Riggert seconded. VOTE: AYE (unanimous).** Thetonia said I will talk to Lisa about putting this into the 2024 budget request.

**6. Adjournment.** Thetonia said we won't plan to meet until August unless someone wants to really meet in mid-July. She said our next meeting would be August 2. Meeting adjourned at approximately 9:48 am.

Minutes approved: 10/4/23

  
\_\_\_\_\_  
**President**

*Donna Barbrick*  
\_\_\_\_\_  
**Secretary**