

**MONROE COUNTY DRAINAGE BOARD  
REGULAR MEETING MINUTES  
JANUARY 2, 2008**

**MEMBERS PRESENT:** Jack Wittman, James Faber, Bill Riggert (arrived 9:10 a.m.), Bill Williams, Scott Dompke, Kevin Enright (*ex officio*)

**MEMBERS ABSENT:**

**STAFF PRESENT:** Todd Stevenson (Drainage Engineer), Trohn Randolph (Surveyor's Office), Heidi Russell (Planning), David Schilling (County Attorney)

**OTHERS PRESENT:** Ann Davis, Bernie Guerrettaz, Steve Smith, Katie Stein

**CALL TO ORDER:** The meeting called to order by Wittman at 9:04 a.m.

**APPROVAL OF MINUTES:** No minutes to approve this time.

**REPORT BY COUNTY ENGINEER**

Stevenson distributed packets with maps. Stevenson sent PDF Email to Drainage Board members so that they could look at upcoming agenda and petition. Maybe at some point these type things might be posted on the Drainage Board website. Also for the first time Stevenson wrote a report summing up the petitions. This was sent to Drainage Board members only but in the future may be sent to additional interested persons. Board members liked the new PDF's and think that this is necessary and good for the County.

**HOSPITALITY HOUSE**

Steve Smith and Katie Stein represented this project. This is located on Gifford Road and Curry Pike. Sinking Creek runs through it. A box culvert goes under Gifford Road. Anything upstream from the culvert would not be under DNR regulatory jurisdiction. Stevenson thinks that the floodplain map in this area may be off. Upstream areas have been revised previously. Hospitality House needs more parking and feels that it makes sense to go through a PUD with Planning Department. Detention pond will be with the parking lot limits, shown by Steve Smith, and meet the recommended conditions of the Drainage Board. Delineation of 100 year flood plain boundaries was pointed out. Currently not zoned for its use, is up for a re-zone to a PUD. Additional parking is planned. This will come before Drainage Board again in the future for final approval. Mathew Lepke was present and is the planner on the re-zone. He gave the Planning staff's perspective on why this is coming before Drainage Board at this stage.

Smith said that a PUD is coming about because of previous re-zone. We can't do anything within the zone because of the current zoning. There will be a little buffer along the creek, recognizing that the creek is an environmentally sensitive area. In the plan they were able to put a detention pond large enough to store 48 hour release rate. There will be a series of

underdrains. This will serve as a water quality filtration area before the water reaches the detention pond.

Stevenson noted that extended detention would need to be associated with the proposed parking on the east side. For any new impervious surface, Stevenson would like to see where the extended detention goes. Stevenson has drafted recommended conditions for preliminary approval (RCA). There needs to be some modeling done before we really know where the current flood plain levels lie. Dompke asked why modeling is necessary. Wittman said it would be in their interests to see where the current flood plain lies. This will give us more insight.

Enright mentioned benchmarks that are nearby. There are good datum points. Stevenson said this will go before the Plan Commission in January as an outline plan. As part of that, it calls for a drainage feasibility study. He asked if Steven and Katie had any issues with any of the RCA. Katie said that she didn't think so, and that they would bring back a design after looking at these RCA, for Drainage Board to look at.

**Dompke moved to approve Stevenson's RCA. Williams seconded.**

Enright asked about Planning Department's perspective. Mathew said that the PUD is recommended. Having the creek go through there isn't ideal, but it's what they have there so they are doing the best they can with it there. From staff's perspective anytime you are cleaning up the zoning to have the zoning match what's on the ground. It saves the petitioner from having to ask for a zoning variance. It saves headaches. Stevenson has always heard rumblings about Hospitality House wanting to expand on this site. He thinks that this process is exactly the right process to go through with the concerns about Sinking Creek. Everything can be on the table and we'll figure out what can be done.

Faber asked to see contours of the area. He asked what Stevenson thought the actual flood plain might be. Stevenson gave a range using the Stevenson eyeballing method.

**Vote was called. Motion passed unanimously.**

## **KERR SUBDIVISION**

Stevenson said that the petitioner, Mr. Phil Tapp, would not be able to be here at today's meeting.

Enright displayed the Google Earth aerial views of the project area. Access is from one of the roads in Farmers Field. Stevenson said the soils on the site are very poor. This corresponds with the area where eastern red cedars grow. The soils match up with the vegetation. Stevenson has drafted some Recommended Conditions of Approval, which are pretty standard. There are a few sinkholes on the site. They are planning on a cul de sac with four lots, 2 ½ acres

minimum, with a few sinkholes interspersed. A fifth lot with an existing home was accessed off of Bolin. Faber asked about Lot 5. According to Phil Tapp, this lot will not be subdivided.

Wittman asked what the drainage issues might be on the site. Stevenson said there wasn't a whole lot to this project. We want to make sure that the roadside ditches are put in correctly to handle the runoff. Faber asked about conservancy areas for the sinkholes. Stevenson said this was covered in the RCA.

**Wittman moved to approve with the condition that all of the Recommended Conditions be followed. Faber seconded. Vote was called. The motion to approve with recommended conditions passed unanimously.**

## **EMMANUEL BAPTIST CHURCH**

Riggert excused himself due to a conflict of interest. The petitioner on this project is Bernie Guerrettaz of Bledsoe Riggert Guerrettaz. Ann Davis represented the project. The site is on That Road. The church has been built. The West Fork of Clear Creek runs through the site, as well as a ditch from the west. That ditch drains about 100 acres. The creek drains about 5 square miles, or 3,000 acres. Stevenson has no reason to believe that the FEMA floodplain maps are inaccurate in this area. There are at least a couple of lakes or ponds upstream. These include Weimer Lake and Lower Twin Lake. Those two lakes are interesting in that neither of them is well maintained. The city has contemplated breeching the dam at Weimer Lake. The new Wal-Mart site as well as the former Wal-Mart both drain to Weimer Lake. Stevenson has observed that the dam was in poor repair at Weimer Lake. Lower Twin Lake does provide some flood control function although it wasn't designed for that. Dompke said that the dam there is partially breached. Stevenson said there is nothing to say that those lakes will still be there in the future. There is an artificial level of protection right now. Also there is potential in a heavy storm that a breach could occur. If it failed rapidly that could be a problem at the petition site.

Stevenson distributed a master plan for the church done in 2003. There were no storm water calculations accompanying this. This was not approved as a site plan. This did not previously come before Drainage Board. This master plan depicted two one-acre lots at the south end. Neither of those lots exists, to his knowledge. This did not go through Planning at the time.

A site plan came in later that shows the flood plain and the detention pond. This was a plan with storm water calculations that was approved by Stevenson. There is an existing road or drive along the creek that has been used to get to the hayfield a shelter house behind the church. What's interesting is that the area where the existing road runs through is shown on this approved plan as a soccer field and softball diamond.

The reason that this is coming before Drainage Board now is that there is a proposed three-lot subdivision. The plan shows access coming in on that "hayfield drive." Stevenson says that per Chapter 761, there needs to be a better plan to avoid the flood plain. They have a letter from DNR that they don't need a permit as long as they don't raise the road by more than 6 inches. If

this road was built, it may turn out to be the main access for any other subdivision that is built in that area. If you are going to the trouble and expense to build a road, it only makes sense to place it out of the flood plain.

Dompe asked about the driveway. This is an existing stone and dirt road. Davis said the road would be left as stone and dirt although they can pave it later if they wanted to.

Bernie Guerretaz said they are here because Stevenson requested that they come today to get approval from Drainage Board. He reviewed what they have done to try to address the issues of the flood plain and in getting approval from the Plat Committee. Guerretaz said they are aware that staff wanted the church to move the driveway, but quite frankly it would be a very expensive process including involving getting permits.

Stevenson said that the only RCA is that the driveway needs to be at or above the 100 year flood plain level. Guerretaz said he took another look at the site and doesn't see where the road could go other than on the bank of the detention pond. He said that Chapter 761 does not refer to keeping driveways out of flood plain. The issue came up at Plat Committee and was still approved. Flooding here would be a very rare event. This drive is not proposed for any other use besides these three homes. If it did it would be required to come up for Plan Commission review.

Wittman asked about a driveway showing on the plan. It was built to provide fire access. He asked about other access. Dompke asked if there was an approved driveway. Jack Wittman suggested use of Jeremy Drive to the west through Bailey Estates.

Davis asked about the 100-year floodplain at Hospitality House compared to the floodplain at this development. Wittman said that in this case this floodplain is a larger watershed with mapped and more-likely-to-be-correct boundaries for where floods are going to occur. In this case it looks like there is a fairly large watershed above with the two reservoirs. One of the things that Drainage Board is trying to do is to not add to whatever problems there are already. Davis said that during major rains she said she could not go by Clear Creek on Rogers Street because it was out of its banks. Instead, she went through Eagle View subdivision and observed there was no water on That Road. There is no parking lot planned down there. But yet the city has a parking lot and a port-a-potty across the road. Wittman said we are trying to reduce the probability that, when people build, that there will be problems with the drainage. What we are doing is trying to make what we think are hopefully practical suggestions about how to make things happen. We are trying to think of a way to solve it.

Russell said when the pre-design was done, the access easement was shown in a different place and that's what Jason Eakin talked to them about at that time. Dompke said so this is significantly different. There was a difference between the pre-design and the minor subdivision design. This is the first time that the administrative subdivision plan with this particular location of the driveway has been looked at.

Enright said the driveway was brought up at Plat Committee with drainage concerns. The standard procedure when things get complicated is that we don't decide those issues at Plat

Committee -- it gets bumped up for Planning to look at it. The other people on Plat Committee overruled me. Petitions come before the Drainage Board first before the Plan Commission approves. That did not happen at this Plat Committee meeting.

Guerrettaz said the reason why that access is shown further west is that this was a pre-design conference. Jason Eakin had been to the site several times. We hadn't done an as-built yet. There was no recommendation at the Plat Committee to move this to the Drainage Board.

**Wittman moved that this be approved with the RCA that have been outlined in front of us, including the change on the driveway.**

Faber said there should be two choices. One, coming down from the driveway across the road. He said he considers this a road, not a driveway. It goes to three different lots, not one. He said, either extend the stub or come back down from the driveway across from the property. Stevenson said both of those choices would fit within condition number one of the RCA. Dompke said this reflects our opinion that we don't want the access drive to the three lots in the floodplain. Stevenson said this does not mean that they have to change the location of the lots. Dompke said they might have to go back to the DNR.

Wittman said that what's being proposed now would have to go in front of the DNR. Stevenson said we don't have to be concerned with what happened at Plat Committee. This is a completely separate deal. Russell said technically they could build the driveway up about 4 ½ feet at its current location but that would trigger another review by the DNR. Wittman said if they add that they would take some area out of flood storage.

Stevenson said he specifically did not mention a location for the driveway because he got in trouble in the past with that. This way they can put it anywhere they want to, it just has to be above the 100-year floodplain level.

Someone said a driveway can only serve two lots. So this would have to be 15 feet wide to serve two. So to serve three it would have to be 22 feet wide and it would have to be approved. There would be an issue with the improved location permit and there would be an issue demonstrating that any activity in this area would not disturb.

Davis asked, if we leave things the way it is now, can we have one house built back there? Wittman replied we can't answer that question. We are only looking at drainage on this plan.

Someone said I'd have to see the plans but as far as I know you could do that. It wouldn't be an issue because you wouldn't come before the Drainage Board for the approval of just one structure. Stevenson said he would have to research what the jurisdiction of Chapter 761 is.

**Faber seconded Wittman's earlier motion.**

Williams says he wouldn't vote in favor of it because he wants to see the site and see the sight distance. Dompke said raising it up might block sight distance where there are pedestrians crossing the road on Clear Creek Trail. Williams said he can't vote for moving the driveway

without going out and taking a look at it. Enright said he went out and looked at it before the meeting of Plat Committee. Up at the church entrance you're on the crest of the hill. Down here it looked good but he didn't measure it. It looked like a do-able place.

Williams said we had a problem locating the main driveway for the church when it was built. We had concerns when we were working on the site initially. Wittman asked about modifying the RCA to address Williams' concern.

Dompke said an elevation condition is relevant to whether this driveway is going to be suitable. Stevenson said that the driveway would have to be elevated 3-4 feet. Davis said she has a letter from Toby stating that if we do apply for a driveway entrance where it's located right now, it would be granted. Toby already looked at sight distance. Dompke said, but that's not considering raising it 3-4 feet.

Guerrettaz said they had been told they could never access through Bailey subdivision because of church traffic. To receive a conditional use permit for the church, the access had to be an artery main road or something like that; it could not be through a subdivision. The neighborhood would get upset if the stub was used.

Faber said the Plat Committee recommends to the Plan Commission. Enright said the discussion at Plat Committee was clear. Planning Director Gregg Zody said then that this is a violation of our ordinance and if the Plat Committee approves it, he would not sign it. Guerrettaz said Plat Committee discussion included the question, if this cannot be approved by us, why is it before us? And they went ahead and approved it.

Wittman said to Guerrettaz that he cannot comment on the many different procedures that you have to go through because I do not have enough knowledge. The County Planner has said he wouldn't approve it because of the violation. What we're doing now is trying to act on that issue. I would like to take action because I think it reflects our public responsibility to take action when things are brought before us. This road through the flood plain in its current location is an appropriate long-term investment in infrastructure for the county, or not. We suggest it needs to be above the 100-year flood elevation. The motion on the floor is for that to be worked out. Williams said this new drive would not be maintained by the county. Dompke said but it is to the benefit of the county to protect the public health and welfare. Wittman said let's call for a vote just to see where we are.

Stevenson said, we are voting on approving the three-lot subdivision with RCA including a condition that the access drive shall be at or above the 100 year floodplain so that it may or, may not be in the same location.

Dompke asked, we don't have anything to say about the subdivision itself? Stevenson said, I don't have anything to say about the location of the lots. Williams said his only concern is adequate sight distance.

**Faber said I'll revise my second to make it subject to adequate sight distance.**

Davis asked, I would like to know if it's possible for us to withdraw everything at this point.

Schilling said, yes, you can withdraw your request in front of the Drainage Board because it hasn't been acted on yet. You've got a preliminary approval from the Plat Committee. If you don't pursue it, then it dies on the vine.

Wittman said I would like to vote on this because I think there are precedents. This is an important issue. Schilling said it's on the table, you can vote if you want. There was a discussion about withdrawing petitions and Drainage Board procedures. Someone said you could maybe ask for a continuance. Guerrettaz said I understand the discussions about the driveways in the flood plain. Now we are at this stage unexpectedly. I don't discount what you want to do here, but don't use the church to do that. We didn't even know we were coming here (to Drainage Board) until just the other day.

Williams said if we did table it, it would give us time to look at the feasibility of using the stub. Enright said Plat Committee met on Christmas-Eve-eve and it should have been continued because there were people who were not at the meeting. There was not full attendance. Faber said the Plat Committee approved the location of the drive and so Drainage Board needs to act. Stevenson said I just want to be clear that the RCA do not specify the access point or location. Let's just make sure it doesn't flood, with modified pre-conditions including that sight distance will have to be approved.


**A vote was called: Dompke, Wittman, Faber, Williams voted Yes. Motion passed.**


Stevenson thanked everyone. **There being no further business the meeting adjourned at 11:00 a.m.**

Approved: *3-5-2008 as submitted*

Signed:

Attest:

  
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Bill Riggert, President

  
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Donna Barbrick, Secretary

## **HOSPITALITY HOUSE AMENDMENT - PUD RECOMMENDED CONDITIONS OF APPROVAL**

1. All new impervious surfaces must drain to areas that provide a minimum of 3 inches of extended detention.
2. Overflow channels or other adequate methods of conveying the 100-year runoff to the detention ponds are required.
3. A safety ledge shall be provided around the perimeter of the ponds.
4. Hydraulic modeling shall be conducted to show that the proposed project does not create a surcharge of greater than 0.04 feet outside of the development for the 100 year flood. Although the FEMA study shows a 100 year high water elevation of 842.5 ft., NGVD for this area, it is likely that updated modeling will show a 100 year elevation in the range of 836 to 837 ft., NGVD. The updated 100 year high water elevation will be referred to as the revised flood elevation.
5. All new parking areas shall be at least as high as the revised flood elevation
6. Detention shall be provided outside of the revised floodplain.
7. To the maximum extent that it is reasonably feasible, any new access roads shall be at least as high as the revised flood elevation.
8. Compensatory storage will be required for any fill in the revised floodplain.
9. The lowest floor of any new buildings shall be at least two feet above the published FEMA 100 year high water elevation of 842.5 ft., NGVD unless a Letter of Map Revision is issued with a revised 100 year high water elevation. The minimum first floor elevation must be specified on building plans for all houses to receive Improvement Location Permit approval.
10. Benchmarks shall be provided on the site to facilitate construction requirements.
11. As-built plans for all buildings with specified minimum first floor elevations must have certified first floor elevations prior to issuance of occupancy permits.
12. A conservancy area shall be designated for riparian zones. To the maximum extent that it is reasonably possible, the conservancy area shall mimic the revised floodplain.
13. Trees and shrubs used for landscaping in the detention and conservancy areas shall be native species where feasible.
14. A Maintenance Covenant between the owner and the County for the perpetual maintenance of the conservancy and detention areas is required for Improvement Location Permit approval.
15. Temporary construction fencing is needed to delineate areas that are not to be disturbed.
16. Conditions imposed by the Drainage Board relating to storm water quality shall not be construed to restrict additional practices required by the Plan Commission.
17. Prior to any new construction, the hydraulic modeling referred to in item 4 shall be completed and reviewed by the County Drainage Board.
18. Details of the drainage design shall be worked out with the Drainage Engineer.

## **KERR SUBDIVISION RECOMMENDED CONDITIONS OF APPROVAL**

1. Roadside ditches shall be stabilized with mulch held in place with netting, with erosion control blanket, or another approved method.
2. A detail is needed of the typical roadside ditch section showing the 4:1 side slopes and 6 inch depth of topsoil.
3. The roadside ditch shall extend along both sides of the road and around the cul-de-sac.
4. Permanent markers describing all of the sinkhole conservancy areas shall be installed at a minimum of 50-foot intervals as a condition of improvement location permits. A drawing showing the locations of the installed markers and certified by a professional engineer or surveyor must accompany the improvement location permit application.
5. In order to receive Improvement Location Permit approval, building plans for all houses constructed on lots with sinkhole conservancy areas must demonstrate that the house footprints are not located within the sinkhole conservancy areas.
6. Temporary construction fencing is needed to delineate areas that are not to be disturbed.
7. Conditions imposed by the Drainage Board relating to storm water quality shall not be construed to restrict additional practices required by the Plan Commission.
8. Details of the drainage design shall be worked out with the Drainage Engineer.

## **EMMANUEL BAPTIST CHURCH – THREE LOT SUBDIVISION RECOMMENDED CONDITIONS OF APPROVAL**

1. The access drive to the new lots shall be at or above the 100 year high water elevation.
2. Conditions imposed by the Drainage Board relating to storm water quality shall not be construed to restrict additional practices required by the Plan Commission.
3. Details of the drainage design shall be worked out with the Drainage Engineer.
4. The access road shall have adequate site distance. (Condition added at Drainage Board meeting)