

## **MONROE COUNTY DRAINAGE BOARD**

Wednesday May 3, 2023, at 8:30 AM

Location: Showers Building Room 106D

Hybrid Meeting with Virtual Attendance via Zoom

**MEMBERS PRESENT:** Bob Autio, Trohn Enright-Randolph (*ex officio*), Ginger Davis, Bill Riggert

**MEMBERS ABSENT:** Lee Jones, James Faber

**STAFF:** Donna Barbrick (Secretary), Kelsey Thetonia (MS4 Coordinator), Tammy Behrman (Planning)

**1. Call to order by Bob Autio**

**2. Approval of Minutes for: April 5, 2023**

**Motion by Bill Riggert to approve with text corrections; second by Autio. Vote: AYE (unanimous). Minutes approved.**

**3. Public Input for Items not on the Agenda-none**

**4. Business – none**

**5. Staff Reports/Discussion**

**a. Ch. 825 Discussion – Environmental Constraints Overlay Zone**

Board members engaged in discussion of potential revisions to Chapter 825. Kelsey Thetonia said I have been thinking about the appropriateness of using soil map data in individual site plan approvals. She said we have questions on environmental factors for building sites. Paragraph F was discussed. Thetonia said this is the section that brought up the whole conversation about soils. Davis said there needs to be some guidance because a quarter-acre cannot be assessed at that level. Tammy Behrman said we have a zoning inspector who reviews hundreds of permits every year; we need something that is easy to interpret and formulated in a way where we can evaluate sites.

Riggert asked the question, what are we trying to do. Behrman said the perspective of the Environmental Constraints Overlay (ECO) chapter is to protect Lake Monroe so we don't have erosion and sedimentation. Davis said if that is the goal, then we need to think about impervious surface and erosion. Behrman commented about pulling septic permits which then go to the Board of Zoning Appeals (BZA). She said we are looking purely at slopes and not at soils. Autio said then language about soils could be removed. Behrman talked about the slopes requirement in ECO area 1 and then it would require an exception or going to the BZA. She said we use LIDAR maps and site plan maps. She said 15% slopes are restricted to area 2 and we propose extending that to ECO area 3. She said we have gotten feedback from the public that they would be willing to support that.

Thetonia brought up the topic of walk out basements. Behrman said I do not think our certified plot plans are required to show the whole topography. She said there are sites that are constrained and don't have options other than to encroach on the slopes.

Behrman asked at what point should detention be required in an ECO area? Davis said you could do a ratio. Thetonia said we could set a threshold for impervious surface for a new single family residential site. Riggert asked about a ratio. Behrman said in Chapter 804, building standards, in rural zones, we have maximum lot coverage of 15,000 square feet excluding agricultural buildings. She said in other residential zones, we have minimal open space area, so we are kind of using a ratio. Thetonia said so if you have a new impervious surface threshold plus a percentage threshold, those two thresholds together, could bump you into a requirement for detention. Davis said I would emphasize disturbance area, too, not just impervious area. Trohn said having the percentage is a good idea. Thetonia said if something seems really limited there would be an appeals process. Riggert said I don't want to be too restrictive. He said putting

in detention could also disturb more area. Trohn said it would be good to have a few examples of how this discussion would play out, so that people can understand.

Thetonia said I have not had a strong mechanism to deal with single family residential. Davis said we need to think about the consequences if they are building out more than 40%. She said if there was detention, then there would be maintenance. She said there may be more practical solutions. Thetonia said I feel like we do not have a lot of options for regional ponds. Thetonia mentioned a request about a low water crossing. She said they want to ford a stream to get to their house because they cannot afford to build a bridge. She said they would stabilize the banks. Davis said let DNR deal with it. Behrman said if it is not in a floodway then the State will not deal with it. Thetonia said I am pretty sure I can rely on the State permitting.

Autio mentioned another resource for riparian areas. He said he found a US Forest Service national riparian area base map, based on the USGS 50-year flood and a ten-meter digital elevation model. He said it takes into account hydrology and elevation. He said it is just another option.

Thetonia talked about adding a new stream layer to GIS and playing around with a threshold area. She said we could get more protection than just a blue-line stream on the USGS maps.

She said in the nineties, there was a committee that wrote this ordinance; this was written based on their recommendations. Trohn talked about legal drains having an easement, typically 75 feet from the center line, 150 total. Thetonia talked about leaving riparian areas alone from land disturbing activities. Behrman said we do variances to the standard; sometimes it prompts people to change their design. She said would like to use the best science and the best data to determine if it should be 125 or 200 from the lakefront. Thetonia said we want to keep septic systems away from streams. Trohn said I would like to see predictability, so they do not have to go through the variance process as long as we are still adequately addressing environmental concerns. Thetonia said in general, I think this wording is ok. She said the question is, we are having 200 feet total for riparian areas, 100 feet from each side. She said I would say center line. Behrman said we have already submitted this to the consultants but I can still reach out to them with suggestions about what we think should be incorporated.

Thetonia said she had updated the shape file for the critical drainage areas. She displayed a map of the critical watersheds. She said for McCormick's Creek, I decided to take the delineation all the way to the county boundary. She talked about working on the map. She said when we pass the ordinance, this is going to be the map to determine more stringent design standards. She said I fixed some boundaries on some of the critical watersheds. She said she added Bunker Branch. Davis asked about areas that were dye traced and a sink that is south of Karst Farm Park. Thetonia spoke about concerns along Leonard Springs Road and Ison Road. She said for Clear Creek I added area all the way down to Dillman Road wastewater treatment plant. Regarding Kerr Creek, Thetonia said portions of the road are in a flood plain. Behrman said subdivision would be extremely limited here because of floodplain. There was a discussion of repaving the road and bank stabilization work completed by the Highway Department in 2023.

Thetonia said I would welcome your feedback either today or in the future regarding detention requirements on sites that are being redeveloped, to address existing impervious surface in these watersheds. She said regarding critical release rates, we are not yet requiring detention on existing impervious if someone wants to add a parking lot, for example. She said would it be an option to require adding detention for redevelopment. Riggert said Phil Peden does that in the city. Thetonia said I would say it would have to be case by case. Riggert said I think it is a good idea, but someone would really have to think about this before they plan an expansion, for instance. Thetonia said it is never going to get better in Sinking Creek, so I don't know what else to do. She said I think it is important for these areas. Davis suggested finding an area for regional detention. Thetonia said in the 1999 Sinking Creek study there was

a recommendation for excavating 390-acre feet of sediment from the terminal sink. She said it is on private property.

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

**c. Ch. 808 Discussion – Floodplain Management – tabled to next meeting**

**d. Ch. 829 Discussion – Karst ordinance – tabled to next meeting**

## **6. Adjournment**

Davis said she would be out of the county in June and July. Thetonia said I think we can assume that the July meeting will be cancelled. June 7 and possible conflicts for a meeting date were discussed. The meeting adjourned at approximately 10:17 am.

**Minutes approved:** \_\_\_\_\_

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**President**

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**Secretary**