

# Christian County Commission

September 18, 2008

## Convene

Presiding Commissioner John Grubaugh called the meeting of the County Commission to order at 9:00 a.m. on September 18, 2008 at the County Commission Office. Attendance: John Grubaugh, Present: Bill Barnett, Present: Tom Huff, Present. County Clerk, Kay Brown is taking the minutes.

## 9:00 a.m. Planning and Zoning Proposed Unified Development Code (UDC)

### Stormwater Amendments

Those present for the meeting: Commission Secretary Julia Maples, County Consultant Jim Bresee and Todd Wiesehan.

The Commission held the hearings in the second floor courtroom in Room 208, with Glenda Hammons, the Planning and Zoning Acting Administrator, Bob Atchley, the Planning and Zoning Senior Planner and Spencer Jones, the County Engineer (Great River Engineering) in order to discuss the proposed UDC Stormwater Amendments. These proposed UDC amendments are attached to these minutes for further clarification.

On October 15, 2007 the P&Z Commission voted unanimously to delete the section of the UDC which dealt specifically with fee in lieu of detention. Unfortunately, at the time that this section was deleted the Section 19-50 D, Alternatives to Design was also inadvertently deleted. It was the recommendation of County Counsel, John Housley, that these deleted sections would require a vote of the County Commission in order for them to be adopted as a part of the UDC and would be viewed as an administrative scrivener's error.

The Commission made a motion / vote to approve Section 19-50 D. However, the Commission declared the motion / vote null and void because there was no discussion preceding the vote.

The Commission held a discussion with Spencer Jones, Glenda Hammons and Bob Atchley concerning the omitted portion of Section 19-50 D which deals with the criteria for approving an alternative to detention and enumerates justified exceptions to detention.

**MOTION/VOTE**-Approve Section 19-50 D Stormwater Detention Design - Alternatives to Detention. Eastern Commissioner, Tom Huff made the motion to approve Section 19-50 D Stormwater Detention Design - Alternatives to Detention and refer Section 19-50 D (Item #3) back to the Planning and Zoning Commission for additional changes in verbiage. Western Commissioner, Bill Barnett seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Yes).

The Commission held a discussion with Spencer Jones, Glenda Hammons and Bob Atchley concerning Section 19-71 B (Item #4) Design Standards & Criteria for Sediment Containment Permanent Sedimentation / Water Quality Basin. This section was taken from Greene County's stormwater regulations but an error was made in which the word and was replaced with or. This one word changes the intent of the ordinance and will require a vote of the County Commission per John Housley.

**MOTION/VOTE**--Approve Section 19-71 B (Item #4) Design Standards & Criteria for Sediment Containment Permanent Sedimentation / Water Quality Basin  
Western Commissioner, Bill Barnett made the motion to approve the amendment to Section 19-71 B (Item #4) in which the word "or" would be changed to the word "and". Eastern Commissioner, Tom Huff seconded the motion. The motion passed by vote: John Grubaugh (Yes), Tom Huff (Yes), Bill Barnett (Yes).

The meeting was adjourned by Presiding Commissioner Grubaugh at 9:10 a.m.

### **9:15 a.m. Great River Engineering -- Keltner Road**

Those present for the meeting were Commission Secretary Julia Maples, Common 1 Road District Supervisor, Allen Moss and Rusty Morrison, County Consultant, Jim Bresee, Emergency Management Director, Phil Amtower, Jim Smith and Terry Isaacson from FEMA, Randall Ebrite, Ben Hurd, Loetta Nelson, Rick and Beth Smith, Rose and Charles Robbins, Ron Long, and Amelia Wigton from the Christian County Headliner.

The Commission and Spencer Jones presented a map of the proposed road improvements to Keltner Road. The main objective is to raise the elevation of the road above Swan Creek so that when the water level in the creek rises Keltner Road will not wash out. Currently the road and the creek are on the same level and when the creek floods the road becomes part of the creek and washes out. According to Mr. Jones, the project would need to be included in the 2009 budget and the budget would be reviewed in December and January. This project would have to be done in sections and budgeted as a long range plan. By the first of next year, Mr. Jones will have more information as to when the road project would tentatively begin and he encouraged the residents to talk to their neighbors.

### **9:45 a.m. Emergency Management -- Meeting with Road Dept About Flood**

Those present for the meeting Common 1 Road District Supervisor Allen Moss and Rusty Morrison, Commission Secretary Julia Maples, and County Consultant, Jim Bresee.

The Commission met with Terry Isaacson and Jim Smith from FEMA and with Emergency Management Director, Phil Amtower to discuss the recent storm damage in the County. Mr. Amtower said the debris and damage left from the storm would need to be accessed. There was discussion about the different options that the county could use, such as hiring temporary workers and the use of county equipment. The temporary workers would be eligible for FEMA reimbursement as well as the use of county equipment. It was suggested that the county could use a temporary chain saw crew to cut trees and a brush crew but a road department employee would be sent to supervise the crews.

The questions was raised could the county supply enough equipment for additional temporary workers to do the job? It was also suggested that the county could lease a couple of backhoes and chippers. FEMA will cover regular time and overtime pay at a rate of 85% of the cost. Eastern Commissioner, Tom Huff suggested that the county road districts could continue doing road work while the temporary workers could take care of the debris removal from the storm. According to Rusty Morrison, the East side of the county has 90 roads that have been affected from the storm. Mr. Morrison also suggested that a monitor be present at the airport that will be used as a storm debris drop off. The debris site will be open up to three weeks. The Commission agreed that debris would be cleaned up on the right-of-ways but not on private property. Mr. Moss estimated that each road department would need 12 guys; one for cutting and two for dragging. The county will provide worker's compensation but will not withhold any taxes and each temporary worker will receive a 1099 at the end of the year.

### **Motion/Vote - September 14th, 2008, Storm Clean Up**

Eastern Commissioner Tom Huff made a motion to use contracted backhoes and dump trucks utilizing the bid list and that the county will furnish chippers and hire the necessary temporary employees to manage the clean up of the September 14th flood. Bill Barnett seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Yes).

**1:00 p.m. Board Of Adjustment Re: Appointment**

The Commission County Commission received a letter of resignation from Bob Massengale who has served on the Board of Adjustments for many years and he has indicated that he would like to move on . The County Commission has previously interviewed Phil Shelton who has shown an interest in serving on the Board of Adjustments.

**MOTION/VOTE - BOARD OF ADJUSTMENT APPOINTMENT**

Eastern Commissioner Tom Huff made a motion to appoint Phil Shelton to the Board of Adjustments to fulfill the unexpired term of Bob Massengale ending May 1, 2012. Western Commissioner, Bill Barnett seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), and Tom Huff (Yes).

**Signatures**



John Grubaugh, Presiding Commissioner

**Christian County Commission**  
**Review of the Planning and Zoning Commission**  
**Recommended amendments to the Unified Development Codes**  
**September 18, 2008**

1. \_\_\_\_\_

*\* On October 15, 2007 the P&Z Commission voted unanimously to delete the section of the UDC which dealt specifically with fee in lieu of detention. Unfortunately, at the time that this section was deleted the following highlighted sections were also inadvertently deleted. It was the recommendation of John Housley that these deleted sections would require a vote of the County Commission in order for them to be adopted as a part of the UDC and would be viewed as an administrative scrivener's error. (Enclosed please find a copy of the minutes and a transcript from the October 15, 2007 meeting)*

**Section 19-50 Stormwater Detention Design**

- A. **Purpose** - Detention facilities are used to reduce storm water runoff rates by storing excess runoff. The usual function of a detention facility is to provide sufficient storage such that peak runoff rates are not increased when development occurs.
- B. **Policy** - The primary goal of the Christian County storm water management program is the prevention of flood damage to residential, commercial and public property.
- In adopting this policy, Christian County recognizes that:
- \* there are areas in the County where flooding occurs because of inadequately sized drainage ways,
  - \* flooding depths and frequency will increase as development occurs upstream of these areas,
  - \* detention basins are the only effective "on-site" means which can be used to control peak runoff storm water rates as areas develop.

Christian County further recognizes that:

- \* The best means to assure effective performance of a detention basin is to perform reservoir routing calculations using hydrographs,
- \* Use of the Simplified Volume Formula frequently does not result in adequately sized detention facilities,
- \* The inaccuracy of the Rational Method, upon which the Simplified Volume Formula is based, increases as the area under consideration increases,
- \* Even though the Simplified Volume Formula has severe limitations, requirement of detailed analytical methods may not be justified in all cases,

- \* detention basins designed using the Simplified Volume Formula do provide a minimal amount of flooding protection and potential water quality benefits by functioning as sediment basins.

Therefore, in order to provide a reasonable level of flood protection to homes and businesses, while maintaining a climate favorable for development and economic growth, Christian County has established the following policy for design of detention facilities:

**C. Methods of Analysis** - The method of analysis to be required for the design of detention facilities will be determined as follows:

**1. Detailed analysis** will be required in the following cases:

- a. In areas where residences or other structures located downstream of a development can be shown to have an imminent flooding hazard a detailed analysis using hydrographs and reservoir routing techniques will be required.

Residences or other structures will be defined as having an imminent flooding hazard when the lowest point, at which surface runoff may gain entry, is located at, or below, the estimated flooding level which would result from a storm with an annual probability of 1% or greater under conditions existing in the basin prior to development of the applicant's property. (i.e. affected by the "100-year" storm)

Consideration of downstream flooding problems will be limited to the area which may reasonably be expected to be significantly affected by runoff from the applicant's property.

- b. Detailed analysis will be required for all detention facilities where the peak runoff rate from the area upstream of the detention facility (off site and on site) exceeds 50 cfs (cubic feet per second) for a storm with an annual probability of 1% (the "100-year" storm) under fully developed conditions.

(Note : This would be the rate of flow from approximately 12 acres for residential areas or 5 acres for fully paved commercial areas.)

**2. Simplified analysis** will be permitted in the following cases:

For areas where there are no imminent downstream flooding problems, and where the peak runoff rate from the drainage area (off site and on site) upstream of the detention facility does not exceed 50 cfs for the 1% annual probability ("100-year") storm under fully developed conditions, the Simplified Volume Formula may be used.

**D. Alternatives to detention**

**1. Criteria for approving an alternative to detention**

The County will evaluate each request for an alternative design based on the following criteria. Christian County reserves the right to set precedent with each case considered depending upon the unique circumstances surrounding each request.

- 1) Size of site in relation to the stormwater generated.\*
- 2) Size of the site in relation to the drainage area.\*
- 3) Impact on properties downstream of site.\*
- 4) Location of the site with respect to floodplains, streams or other large watercourses.
- 5) Location of the site with respect to environmentally sensitive areas.
- 6) Approval of previous requests.

\* Downstream impacts shall generally be considered insignificant when the added upstream impervious area is less than 10% of the total contributing watershed area. Exceptions to this rule include development where downstream areas are known to have an imminent flooding hazard as defined in Section 19-50.

**2. Justified exceptions**

The County may consider, upon request, a waiver of detention in which the alteration of the site is inconsequential and will not substantially increase the runoff. A justified exception will be granted for sites based on the following criteria.

- 1) Existing sites in which the addition of impervious surface will not increase more that 5,000 square feet.
- 2) Sites in which existing gravel, chat or stone parking lots or driveways are paved with asphalt cement or concrete surfaces. This shall not apply to parking areas or circulation routes in which vegetation has consumed the site and altered the ability to shed or absorb runoff. The County shall exercise strict discretion with respect to approving exceptions based on these criteria.
- 3) Sites in which a change in use has occurred, that does not increase the impervious area of the site.
- 4) Subdivisions meeting the definition of a minor subdivision or the development of individual single-family-residential homes on individual lots in existing subdivisions.

3. **Procedure**

A request for approval of an alternative to detention must begin with the applicant providing the County with stormwater calculations for the increased runoff from the development. In addition to providing calculations, the applicant must submit a request for alternative design based on the criteria established above. The ~~Planning & Zoning~~ Commission will coordinate review of the request with County staff. If the County determines the request is justified the ~~Planning & Zoning~~ Commission will notify the applicant or his representative of the approval.

Administrator

County Engineer

2. \_\_\_\_\_

*\*This section was taken from Greene County's stormwater regulations but an error was made in which the word and was replaced with or. This one word changes the intent of the ordinance and will require a vote of the County Commission per John Housley.*

**Section 19-71 Design Standards & Criteria**

**B. Sediment Containment**

4. **Permanent sedimentation/water quality basin** - Permanent sediment/water quality basins shall be provided for all areas where concentrated flow occurs from an area of 5 or more acres ~~or~~ **and** where 2 or more acres are stripped of vegetation. Sediment basins shall be designed to detain 125% of the runoff from 1" of rainfall from the development, for a period of between 24 and 48 hours. Runoff shall be calculated using the methods contained in Chapter 2 of TR-55 (Reference 11), using the recommended curve number for newly graded areas from Table 2-2a.