

Indiana Land Resources Council
Monday, April 10, 2017
1:00pm – 4:00pm
Indiana Government Center South
Conference Rm 2
302 West Washington Street
Indianapolis, IN 46204

Members Present:

Kara Salazar
Steve Eberly
Jeff Healy
David Kovich
Tom Slater
Beth Tharp
Jeff Page
Mike Pavey

Members Absent:

Matt Williams

Melissa Rekeweg calls the meeting to order at 1:03pm
Public comments will be taken at the end of the meeting

1. Introductions of members and audience
2. Executive Director's Report
 - a. Announced ISDA staffing changes
 - b. Reminder about member's mileage and parking
 - c. The council is almost finished with the educational aspect and listening to presentations
 - d. Today, we want to walk away having choose a project, parallel tracks are ok
3. Jeff Healy, Indiana Embankment Dam Hazards, Largely Unknown and Under-Appreciated
 - a. Overview of California dam evacuation of flood plain beneath Orville dam
 - b. IC 14-27-7.5 dam owners are responsible for the operation, maintenance and safety of their dams
 - i. There are few local ordinances and no state codes that address downstream
 1. Zoning
 2. Land use
 3. Permitting (for building outside of floodway)
 - ii. Map of flood area and risk
 - iii. Downstream development can increase potential risk
 1. Without knowledge or involvement of respective owner
 2. Prospective dam owner can impose increased risk
 - iv. 35 foot tall dam
 1. Residential area popped up
 - a. No one said they couldn't. Do they realize the risk?
 - v. NRCS and state realize it is an issue
 - c. Breach inundation map
 - i. Shows flood area if something were to happen to a dam

- ii. Heaviest rainfall, 12 inches in 45 minutes in Missouri
- d. Best method to deal with risk
 - i. Incident and Emergency Action Plan (IEAP)
 - 1. Developed by dam owner
 - 2. Knowledge of local Emergency Management Agency
 - 3. Practice the event
 - ii. There are currently 100 IEAPs in place throughout IN
 - a. There were none 7-8 years ago
 - 2. Have been paid for through grants from FEMA and OCRA
 - 3. Still 200 dams that are high risk and need IEAPs
 - a. Approx. \$10,000 per IEAP
 - 4. Thousands of dams that we don't know the hazard level
 - a. They are privately owned
- e. Two approaches to addressing the issue
 - i. Address the Embankment Dam (when permit is required; e.g. Boone County Drainage Ordinance and Technical Standards)
 - 1. Require design and construction to meet higher standard
 - 2. Require an IEAP be developed and exercised
 - 3. Require notification of potentially affected parties
 - 4. Require public hearing for potentially affected parties
 - 5. Require operation and maintenance plan
 - ii. Address the development downstream from existing embankment dams
 - 1. Proposed developer to create dam breach analysis
 - 2. Avoid/design for potential hazard area
 - 3. Upgrade the dam (agreement with owner)
 - 4. Develop IEAP and exercise
 - 5. Develop Operation and Maintenance Plan
- f. Considerations for ILRC
 - i. Adopt a position supporting Breach Mapping and IEAP development for all High Hazard dams in Indiana
 - ii. Produce a DRAFT or MODEL ordinance for local government requiring evaluation and mapping for any new or rehabilitated dam
 - iii. Encourage Indiana Legislature to adopt code that requires evaluation, mapping and plan development addressed in #1 above
 - iv. Advocate that dam owners be incentivized (tax or otherwise) to produce and maintain IEAP for High Hazard Dams
 - v. Advocate that if #1 (and #3) occurs, that funds be appropriated to address the cost
 - 1. Approx. \$10-15 million
 - vi. Advocate that dam owners be incentivized to remove dams that are in Poor or Failing condition
- g. These considerations are not the be all end all, just a good starting place to think about
- h. Questions?
 - i. Melissa – You mentioned the dams are inspected, what happens next?
 - 1. They are rated on a 1-5 scale for condition etc.
 - 2. No requirements to fix any problems though
 - 3. If there is a perpetual bad actor, the state has removed a couple dams but that costs money

- ii. David K. – How many dams are put in each year?
 - 1. Ken Smith (DNR): The age of building new dams is pretty much over
 - a. Unusual to have 2-5 a year. More rehabilitation projects instead
 - iii. David K. – What percentage would need breach analysis?
 - 1. Ken Smith: If you build the dam at a certain size, what is the hazard classification?
 - a. If it fails and could kill someone, classified as High Hazard
 - b. Only damages roads and businesses, classified as Significant Hazard
 - c. Minimum effect, classified as Low Hazard
 - iv. Ken Smith:
 - 1. Building new legal dams is not really happening
 - 2. Illegal dams do happen though and we don't know about them for years
 - 3. Who owns dams? People think the government does, they mostly don't
 - a. 30% of dams are owned by the Federal/State/Local governments
 - b. 70% are privately owned, by people with no money to maintain them
 - c. That is why incentivizing owners is a good idea
 - 4. Have 2 inspectors, all we can do is sue them for not maintaining dam
 - a. We do try to go after the really high hazard dams & bad actors
- 4. Ken Smith - IDNR, Low Head Dams
 - a. These are dams that are in channel, designed so water can go over them all the time
 - b. Drowning machines
 - i. There is a reverse channel at the bottom that throws you back in over and over
 - ii. 20.5 years is average age of people who have drowned in a low head dam
 - c. Talk to your kids about safety in rivers
 - d. Safety at dams
 - i. There is no program in the State
 - ii. Some at DNR have volunteered to start the Low Head Dam Initiative
 - 1. Most people have never heard of the dangers of low head dams
 - iii. Over, Under and Gone documentary
 - e. Questions
 - i. Tom – Are these marked?
 - 1. No
 - ii. Jeff P. – Who owns them? Who is responsible?
 - 1. No one is responsible, no one knows who owns them
 - 2. They were built 150 years ago for a mill, the mill burned down, the dam was forgotten about. No one knows who owns them.
 - iii. Jeff P. – Why are they still there?
 - 1. Takes money to get rid of them
 - 2. 150-200 of these dams are out there
 - 3. Use to be a nice spot to hang out etc. some people have emotional attachment to them
 - 4. Some are used by a farm, but many are useless now
- 5. Ron Schlatter, Indiana Land Improvement Contractors Association
 - a. Overview (directory and brochure provided)
 - i. Organization of earth moving contractors who care about the environment

- ii. LICA was started in 1950, grew from education and workshops at Purdue
 - iii. National organization was started in mid 1970s
 - iv. Indiana's chapter has about 150 regular members
 - v. An education organization
- b. Mission
 - i. To promote, perpetuate and improve the proper use of our renewable natural resources for the benefit of all
- c. InLICA activities
 - i. Family orientated
 - ii. Quarterly Board Meetings
 - iii. Summer Picnic
 - iv. Field days at Purdue
 - v. Winter Workshops – Both member and non-member
 - vi. Annual State convention
 - vii. Annual National Winter Convention
 - viii. National Summer Board
 - ix. Active on State and National legislative concerns
 - x. HB 515
 - 1. Sales tax exemption on drainage tile
 - xi. InLICA advisors
 - 1. Technical – Mike Cox NRCS
 - 2. Education – Jane Frankenburger (Purdue)
- d. Annual Convention
 - i. 3 days last full week of January
 - ii. Updates from state agencies
 - iii. State conservationist Jane Hardisty
 - iv. NRCS Mike Cox
 - v. Legislative updates
 - vi. Associate member displays
 - vii. Contractor training
 - viii. New technology presentation
- e. Questions?
 - i. David K – Where do grants come from?
 - 1. NRCS on the National level
 - 2. ADMC, Mississippi watershed
 - 3. ADMS, University people
 - ii. Jeff Cummins – Do you see opportunities for ILRC to take up?
 - 1. Major barrier is regulated drains
 - 2. Outlet tiles have been overloaded, need attention
 - 3. We give up so much production from not managing water tables
- 6. Amy Cornell – Bose McKinney and Evans: Comprehensive Planning for Economic Development
 - a. Comprehensive Plans are,
 - i. Basis of any land use decision
 - ii. Degree of planning
 - iii. Needs of the whole community
 - iv. Plan commissions are the trustees of the future
 - v. Public policy of the community
 - vi. The idea that local communities want to realize

1. Individual character and local culture
 2. What places come to mind?
 3. Are there places where you can't tell what the culture is?
 4. Steve – local identity is a struggle to keep up, I think you've hit on something
- b. Benefits to a comprehensive plan are,
- i. Lower taxes
 - ii. Protects property values
 - iii. Promotes healthy communities
- c. Process is
- i. Dynamic
 - ii. Stakeholder-driven
 - iii. Multi-step
- d. Planning authority
- i. Advisory – serve individual counties, cities, or towns; however, county advisory plan commissions can also be designated as municipal plan commissions
 - ii. Area – joint ventures between a county and one or more municipality within the county. One commission serves the county and all municipalities that choose to participate
- e. Statutory Requirements
- i. Not many, only 3 bullet points
 1. Statement of objectives for the future development of the jurisdiction
 2. Statement of policy for the land use development of the jurisdiction
 3. Statement of policy for the development of public ways, public places, public lands, public structures, and public utilities
- f. Integration of Ideas
- i. Land use and economic development go hand and hand
 - ii. Economic development needs to be integrated into local land use plans
 1. Currently, this doesn't happen very often
 - iii. Promote efficient land use
 - iv. Many solutions would not require more government money, but rather new policy directions
 1. Reason for thinking ILRC is appropriate group to tackle this task
- g. Working Concept
- i. IEDA Rural Economic Development Affinity Group
 1. If they want to attract new development, need to look at companies in a new way
 2. Look at resources they already have
 - a. Perhaps have raw materials, need to bring in processing
 - b. Or need a new input for a finished product
 - ii. Cass County
 1. Cass County has included their planner in the process
 2. Not efficient to have wide open planning
 - a. Water park next to a slaughter house would not be good planning
- h. Agricultural Lands
1. Many planners aren't trained or not have money to hire consultant

2. Zoning maps say AG, which is supposed to stand for agriculture, but many times in practice it means “anything goes”
 3. It isn’t enough to just protect farm land, counties need to be thinking about what types of ag uses they want and where they want it
 4. To attract value-added processing, must have a nearby supply of raw materials
- i. Planning vs. Zoning
 - i. Planning
 1. Guide for future development
 2. Statement of community’s vision
 3. Statement of land use policy
 4. IC 36 – 7-4-501
 - ii. Zoning
 1. Regulation designed to make the plan a reality
 2. Implementation tool
 3. Promote the health, safety, and welfare of all of a locality’s citizens by preventing incompatible land uses.
 4. IC 36-7-4-601
 - j. How can the ILRC help?
 - i. Many Indiana communities do not employ trained professional planners and cannot afford to hire consultants
 1. Reminder of statutory mission of IRLC
 - a. Collect info
 - b. Provide educational assistance, technical assistance, and advice to local governments regarding land use strategies and issues across the state
 - ii. Create checklists
 1. Process
 2. Plan components
 3. Evaluation – review and revisit
 - iii. Templates for rural communities
 1. 7 rural counties have no countywide planning
 - iv. Incorporate many of the tools the ILRC has already prepared
 - k. Geography of Incentive, Economic Development and Land Use in Michigan
 - l. Hoping council can convene appropriate groups and create comprehensive plan strategy
 - m. Questions
 - i. Jeff C – One of the barriers for counties is that they don’t know where to begin?
 1. Yes, and just overall, good things to think about
 2. IEDC, OCRA, tie in all the groups and elements
 3. Communities are asking for tools and guidance

9. Roundtable Discussion on Choosing a Project Direction
 - a. Jeff briefly recaps projects discussed at previous meeting
 - b. Kara
 - i. Echo need for providing tools and resources for communities who cannot pull those resources and don't already have them
 - c. Melissa
 - i. To begin, we would walk through the planning process with a community and see what is missing.
 - ii. Will be different for every community
 - d. Amy
 - i. In addition to talking to successful communities, use ILRC as a convener, talk to planners, and pull in other economic development agencies
 - ii. Take in and collect info and then be able to organize and summarize info for communities who don't have resources. Would have a snapshot of tools and resources presented to them. Could pick and choose what applies to them.
 - e. Melissa
 - i. Are resources enough or would a training session also be beneficial?
 - f. Amy
 - i. Yes, definitely training session. Once you have the training resources, educate people on how to use them. Could be long lasting resource
 - g. Steve
 - i. Model in Michigan
 - ii. Training, most council members are working people,
 1. We would need to make it easy for them to attend, incentivize.
 2. Marketing, trying to promote best use of these communities
 - h. Mike Pavey:
 - i. Some of these ideas are simple, basic education
 - ii. Others are more complex, useful after people have a basic understanding
 - iii. Most useful thing we could do is an education system built on a 101, 201, 301 level, as it becomes appropriate, tools to help them build on that. Almost has to be a constant re-education because people retire, leave etc. There is high turnover. Communities can fall back when people are replaced
 - i. Kara S:
 - i. Land Use Summit, some of these issues could come out there
 - j. Steve E:
 - i. Land Use Summit is intervention
 - ii. County Infrastructure discussion
 1. We have had infrastructure questions in our community
 - iii. Would look at comprehensive plan to tell everyone what they don't want.
 1. Nutrient management as an example,
 - iv. Summit could be a great opportunity to not fall off the cliff with a comprehensive plan
 - k. Jeff C:
 - i. To clarify, a land use summit is useful on the front end as info intake?
 - l. Steve E:
 - i. Summit is opportunity to lay foundation for years
 - ii. Will happen locally, in organizations, baseline understanding.
 - m. Melissa R:

- i. Getting resources together and then some type of summit to present it
 - ii. Do dams play a role in that? Or separate objective?
- n. Jeff H:
 - i. Dams belong in land use, but more than pulling resources together
- o. Ken S:
 - i. Wise flood plain use.
 - ii. Most look at it as safety, but I look at it as economic issue
 - 1. Business wiped out by stream
 - iii. Don't want to build the thing that will support community, in a flood plain or under a dam. That future is tied to that business. What good do you do long term, if business is put in wrong place? Not just providing education, but providing networking of other resources.
- p. Kara S:
 - i. To tie that in even more, thinking about flood plains organizations
 - ii. Work a lot with American planning association Might be good for next steps
- q. Jeff C:
 - i. Part of template could be high hazard dams? Flood plain use?
 - ii. One strategy of a big picture project
- r. David K:
 - i. I would think that any city, larger town, would have this information. They have to know that stuff up front now, when planning for subdivisions etc.
 - ii. Maybe more of an education from the top, getting info to smaller communities
 - iii. If you are going to do a subdivision, you have to be prepared now.
- s. Melissa R:
 - i. When they bought that house, did they know about the potential risk?
 - ii. Anything on this sheet an outlier? Something different?
- t. Jeff C:
 - i. There was discussion on home rule education. Could that be a tool to include?
 - ii. If we are talking about something overarching, there is a lot we can include from previous discussions
- u. Melissa R:
 - i. To move forward, these are broad thoughts. Will take some work to get started. ISDA staff put together the pieces. Don't want to wait until next meeting. Will be hard to come up with one motion. Needs additional background work.
- v. Steve E:
 - i. In terms of funding, can you envision pulling together individuals and agencies?
- w. Melissa R:
 - i. ISDA staff could work on it, but to really utilize funding, need an organization to work alongside us to move things along quickly.
- x. Kara S:
 - i. Could pull Purdue resources because it blends together well. Need to look at scope of work, timelines etc.
- y. Jeff C:
 - i. Additional research we want, we can move in that direction. If we move quickly, could have out the door this fiscal year.
- z. Amy C:

- i. Asking ILRC to go through the comprehensive planning project. Pull together constituents from different land use or perspectives, develop best practices checklist. That way communities will have a guide.
 - ii. Checklists could take the emotion out of it, would be very helpful resource
 - aa. David K:
 - i. Steve, do you get your leads in business development, or from the state?
 - ii. Steve: combination, county and state level. The catch is that all your small towns have full awareness of capabilities are and what are not. Front end of land use, trying to fit a square peg in a round hole”
 - bb. Ted McKinney
 - i. Rural Affinity group description
 - ii. Has members of its group, that were described, OCRA, ISDA (Connie)
 - iii. There might be a group or two missing, but could be easily brought in
 - iv. What goes there? But not where? Or How?
 - v. Group could take a shared burden of this
 - vi. Bringing documents out that are already done, dusting them off, could be helpful. Good place to start
 - cc. Amy C:
 - i. Because of turnover, people don’t know about these resources. Quick thing could be to re market these.
 - dd. Steve
 - i. Cost of this comprehensive plan? Give us a number to contemplate
 - ee. Melissa
 - i. \$25-30,000 and we must have 3 different bids
 - ff. Jeff C:
 - i. Interest in advancing the ball of comprehensive plan?
 - ii. Start a study of pulling together resources that currently exist, but to go broader to include things that have been discussed including dams, home rule and others. Local communities, but also broader.
- 10. Kara make a motion that the council, with the help of ISDA staff, begin a study to collect, summarize, and expand upon resources that currently exist dealing with comprehensive planning and economic development including items discussed in previous ILRC meetings including the hazards of dams and home rule. That this resource should be a tool for counties and local government for the purpose of strategic planning for economic development.
- 11. David and Mike second
 - a. Jeff Page
 - i. What is a timeline/workload for us?
 - b. Melissa R:
 - i. We would reaching out to see who in your field needs to be at the table. Phone calls to suggest to us. We’ll be asking what are we missing here?
 - c. Steve E:
 - i. Allocation of funds, marketing, web page?
 - ii. Promotion
- 12. Motion is approved unanimously
 - a. Jeff C.
 - i. Any additional comments, presentation requests?
- 13. No public comments offered
- 14. Meeting adjourned at 4:00pm.