

ORDINANCE

WHEREAS, the Lake County Board established the Lake County Watershed Development Ordinance for the purpose of establishing minimum countywide standards for new development in order to minimize flooding and water quality impacts and the associated economic impacts, and to provide for the development of uniform drainage and stormwater management practices in Lake County; and

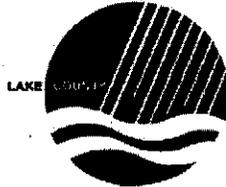
WHEREAS, the Lake County Board did adopt the Lake County Watershed Development Ordinance effective October 18, 1992 and amended same on July 12, 1994, August 10, 1999, October 10, 2000, August 14, 2001 and November 8, 2005; and

WHEREAS, during the consideration of the amendments at the November 8, 2005 meeting, the County Board voted to return two (2) proposed amendments back to the Stormwater Management Commission for further consideration; and

WHEREAS, the Commission met on December 1, 2005 and following additional discussion, voted to recommend the amendments back to the County Board as originally submitted, detailed in Exhibit 1, attached hereto and made part hereof.

NOW, THEREFORE, BE IT ORDAINED, by this County Board of Lake County, Illinois that the Lake County Watershed Development Ordinance is hereby amended, with said amendments as recommended by the Lake County Stormwater Management Commission as detailed in Exhibit 1.

DATED, at Waukegan, Lake County, Illinois on this 10th day of January, A.D. 2006.



STORMWATER MANAGEMENT COMMISSION

To: Planning, Building and Zoning Committee

From: Mike Warner, Chief Engineer

Date: December 12, 2005

Subject: Watershed Development Ordinance (WDO) Amendments #13 and #73

ACTION REQUESTED: RATIFY PREVIOUS COMMITTEE ACTION

The PB&Z Committee voted to move the Stormwater Management Commission Approved WDO Amendment package to the full County Board on October 31st, 2005. This is a request to take the same action.

Background: On November 8, 2005, the County Board (Board) returned WDO Amendments #13 and #73 to the SMC for reconsideration. Please refer to the attached letter from the County Board Chairman's office.

SMC reconsidered Amendments #13 and 73 at the December 1, 2005 meeting. Below is a summary of the action taken and in bold are SMC's final recommendation on these amendments.

Amendment #13 – Wetland Impact Thresholds

Three versions of Amendment #13 were discussed: 1) staff recommended version, which was previously approved by SMC at its' October 6, 2005 meeting, 2) SMC Technical Advisory Committee (TAC) recommended version, and 3) County Board recommended version. These three versions are summarized on the attached table and action summary is as follows:

- 1st - Motion and second to approve the TAC-recommended version. After discussion, this motion was withdrawn.
- 2nd - Motion and second to approve the TAC-recommended version with one modification - the mitigation threshold for HQARs would be lowered from 0.1 acre to 1,000 square feet. Motion failed 4-3.
- 3rd – Motion and second to recommend the previously approved SMC version back to the Board. Motion passed 4-2-1(abstain).
- **SMC FINAL RECOMMENDATION: Previously approved SMC version (column 1 on attached summary table). The proposed Amendment #13 language is shown on the attached sheet.**

Amendment #73 – Total Suspended Solids/Turbidity Limits – Soil Erosion and Sediment Control Effectiveness

SMC discussed the County Board proposed amendment language, which would require the baseline procedures and numeric standards to be used for communities that adopt a Stormwater Quality Ordinance, as opposed to the previously approved SMC version 'suggesting' those limits be used.

- Motion and second to recommend the previously approved SMC version back to the Board. Motioned passed unanimously, 7-0.
- **SMC FINAL RECOMMENDATION: Previously approved SMC version. The proposed Amendment #73 language is shown on the attached sheet.**

AMENDMENT # 13 – SMC Approved Version – RECOMMENDED BY SMC 12-01-05

**Discussion Agenda – Wetlands Issues/Enhancements/Clarifications
Article IV.E.4.a. -- Page 51**

- a. Mitigation is required within Lake County for: ~~wetland impacts greater than or equal to ¼ (0.25) acres to Isolated Waters of Lake County~~
- (1) Wetland impacts greater than or equal to one-tenth (0.1) acres of Isolated Waters of Lake County that are high quality aquatic resources (HQAR).**
 - (2) Wetland impacts greater than or equal to ¼ (0.25) acres of Isolated Waters of Lake County that are not high quality aquatic resources.**

AMENDMENT # 13 – County Board Suggested Version

**Discussion Agenda – Wetlands Issues/Enhancements/Clarifications
Article IV.E.4.a. -- Page 51**

- a. Mitigation is required within Lake County for: ~~wetland impacts greater than or equal to ¼ (0.25) acres to Isolated Waters of Lake County~~
- (1) All wetland impacts to Isolated Waters of Lake County that are high quality aquatic resources (HQAR).**
 - (2) Wetland impacts greater than or equal to 1/10 (0.10) acres of Isolated Waters of Lake County that are not high quality aquatic resources.**

AMENDMENT # 13 – TAC Approved Version

- a. *Mitigation is required within Lake County for:*
- (1) All wetland impacts to Isolated Waters of Lake County that are high quality aquatic resources except as allowed in SMC Countywide or General Permits;**
 - (2) Wetland impacts greater than or equal to 1/10 (0.10) acres of Isolated Waters of Lake County that are not high quality aquatic resources.**
 - (3) Wetland impacts for construction or expansion for elements of a single-family residence, provided the activity is a single and complete project and greater than or equal to ¼ (0.25) acres of Isolated Waters of Lake County that are not high quality aquatic resources. Single-family residence wetland impacts shall be allowed by permit on a per-parcel, one-time only allowance, and not impact adjoining property drainage patterns.**

AMENDMENT # 73 – RECOMMENDED WITHOUT CHANGE SHOWN IN SHADED PARAGRAPH BY SMC 12-01-05

Measurement of Soil Erosion and Sediment Control Effectiveness through Total Suspended Solids and Turbidity Monitoring

ARTICLE VI: INSPECTIONS AND ACCESS - WDO Article VI.B.3. Page 57

3. *Stormwater Quality Runoff Standards: The following standards shall apply to be considered by communities with a separate adopted "Stormwater Quality Runoff Ordinance". The Enforcement Officer may set turbidity or total suspended solids limits for development sites that discharge to Waters of the United States, Isolated Waters of Lake County or their buffers or that are in close proximity to the above, as determined by the Enforcement Officer. These standards shall apply to development site construction up to the point of permanent site stabilization as determined by the Enforcement Officer.*
- a. *Turbidity or total suspended solids limits shall apply only to development requiring both a Stormwater Pollution Prevention Plan as part of their General NPDES Permit No. ILR10 and a detention pond or similar stormwater storage system in order to use that stormwater facility for additional treatment measures needed to meet the standards in this section.*
 - b. *If a singular storm event exceeds the 100-year design-storm storage volume of the development site stormwater management system, water quality readings taken during that event will not be considered a violation of this ordinance.*
 - c. *As applicable to the development site described in a. above, one of the following limits shall apply to each discharge location:*
 - (1) *For all development sites adjacent to lakes with total suspended solids background levels established in Appendix O of this ordinance, the discharge limit standard shall be no more than 120% of the maximum values.*
 - (2) *A maximum Nephelometric Turbidity Unit reading of fifty (50) NTU may be used.*
 - (3) *The Enforcement Officer may determine an individual NTU limit for discharge from the development based on site-specific discharge sampling.*
 - (4) *Upon approval of the Enforcement Officer, the applicant may determine an individual site limit based on site-specific discharge sampling.*
 - d. *The developer should conduct site runoff sampling during storm events exceeding ½ inch of rainfall and include the results in the weekly inspection reports required by the Stormwater Pollution Prevention Plan described in a. above.*
 - e. *Exceptions to these limits shall be allowed for dredging or development activities within a Waters of the United States or Isolated Waters of Lake County. In these cases specific permit conditions may be set with regard to time allowed for the activity to be completed and additional erosion control measures to be implemented.*

Reason: Turbidity/TSS Suggested Language – The amount of total suspended solids contained in development site runoff are a direct measurement of the effectiveness of soil erosion and sediment control practices for that site. The original recommended language set suggested standards to be used based on the community's desired level of enforcement. Since this represents a significant programmatic policy issue, implementation of this standard as a requirement should be coupled with a full program design (i.e., program costs, staffing analysis, legal review) and after approval of the program implementation.

County Board (11/08/05) requested change shown in shaded sentence above. The change requires the above program standards to be mandatory.

Suzi Schmidt
Board Chairman18 North County Street - 10th Floor
Waukegan, Illinois 60085-4351
Phone 847 377 2300
Fax 847 360 7322

November 10, 2005

Mr. Stevenson Mountsier
Chairman
Lake County Stormwater Management Commission
333-B Peterson Road
Libertyville, IL 60048

Re: WDO Amendments

Dear Chairman Mountsier:

I would first like to take this opportunity on behalf of the County Board to thank you, your fellow Commissioners, the members of the Technical Advisory Committee and the staff at the Stormwater Management Commission for its continuing efforts, most recently in preparing amendments to the Watershed Development Ordinance. Your contributions help to continue the high quality of life that Lake County offers.

As you are aware, at its November 8th meeting, the County Board considered amendments to the Watershed Development Ordinance as recommended by the Stormwater Management Commission. The proposed amendments were approved as recommended with two exceptions, Amendments 13 and 73. By way of this letter, the County Board is sending these items back to the Commission for additional review and consideration.

AMENDMENT 13 – The Commission forwarded a recommendation to require mitigation for: (1) disturbances of high quality wetlands over one-tenth (0.1) of an acre, and (2) disturbances of areas over one-quarter (0.25) acre for areas that are not high quality wetlands. As noted in the Commission's own submittals, this recommendation is not consistent with the Army Corps of Engineers' new requirements for zero impact of high quality wetlands and one-tenth (0.1) acre for non-high quality wetland areas. The Commission's recommendation also does not follow the recommendation provided to it by its Technical Advisory Committee.

During the discussion at the County Board meeting, there was recognition of the statement that Lake County has achieved the goal of having no-net loss of wetland areas. Hence, the recommendation that ultimately was forwarded by the Commission. There

was concern expressed by County Board Members that the County should not be deviating from the Army Corps' standards. The County Board voted to send this matter back to the Commission with direction to reconsider this proposed amendment to make it consistent with the Army Corps' new requirements.

Pursuant to 55 ILCS 5/5-1062(e), the County Board recommends that the Commission consider the following recommended wording:

Article IV.E.4.a – Page 51

- a. *Mitigation is required within Lake County for:*
- (1) *All wetland impacts of Isolated Waters of Lake County that are high quality aquatic resources (HQAR).*
 - (2) *Wetland impacts greater than or equal to one-tenth (0.1) acre of Isolated Waters of Lake County that are not high quality aquatic resources (non-HQAR).*

AMENDMENT 73 – This proposed amendment deals with water quality standards for stormwater runoff and the consideration of those standards by communities in the County. The discussion at the County Board meeting centered on the opinion that communities should be required to impose the stormwater runoff quality standards incorporated in the Ordinance and not be given discretion on which standards to implement.

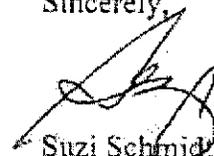
The County Board voted to send this matter back to the Commission with direction to consider the following recommended wording for the first line in the section:

Article VI:B.3

3. *Stormwater Quality Runoff Standards: The following Turbidity or Total Suspended Solid standards shall apply to communities with a separate adopted "Stormwater Quality Runoff Ordinance".*

Following reconsideration of these items back through your Commission, the Planning, Building & Zoning Committee of the County Board will arrange to have this matter considered at the earliest opportunity.

Sincerely,



Suzi Schmid, Chairman
Lake County Board

cc: County Board Members

Mitigation Threshold Options for IWLC Impacts

	SMC Approved	County Board Suggested	TAC Approved (USACE Aligned)
Standard Wetlands:	≥ 0.25 acre	≥ 0.10 acre	≥ 0.10 acre
High Quality Wetlands:	≥ 0.10 acre	> 0 acre*	> 0 acre*
Single Family Homes:	Same as above	Same as above	≥ 0.25 acre
Wetland Restoration Fund?	Yes**	Yes**	Yes**

* General Permit #2 allows impacts up to 1,000 square feet

** Applies to impacts above thresholds if no mitigation bank credits available within watershe