



Lake County Illinois

Master

File Number: 08-0908

File ID: 08-0908

Type: Ordinance

Status: PBZ SMC

Version: 1

Reference:

Controlling Body: Planning, Building and Zoning Committee

File Created Date : 11/05/2008

File Name: Watershed Development Ordinance Floodplain Amendment

Final Action:

Title: Ordinance adopting amendments to the Lake County Watershed Development Ordinance.

Notes:

Sponsors:

Agenda Date:

Attachments: SMC Subsidence Amendment Report ,SMC Subsidence Amendment Final 102308

Enactment Number:

Authorizer:

Hearing Date:

Entered by: MKrueger@lakecountyil.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning, Building and Zoning Committee	11/11/2008	Recommended for adoption to the Regular Agenda				Pass
	Action Text: A motion was made by Member Gravenhorst, seconded by Member Sabonjian, that this Ordinance be Recommended for adoption to the Regular Agenda. The motion carried by the following vote: The motion carried by the following vote:						
	Notes: <i>Mr. Tony Wolff presented the staff report on the Watershed Development Ordinance Floodplain Subsidence Amendment.</i>						
	<i>Motion to approve the Watershed Development Ordinance Floodplain Subsidence Amendment by Member Gravenhorst, seconded by Member Sabonjian. Motion passed.</i>						
1	Lake County Board	11/18/2008					

Text of Legislative File 08-0908

Title

Ordinance adopting amendments to the Lake County Watershed Development Ordinance.

Body

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 (WDO) effective October 18, 1992 and amended same on July 12, 1994, August 10, 1999, October 10, 2000, August 14, 2001, November 8, 2005; January 10, 2006 and October 10, 2006, and

WHEREAS, due to repetitive flood damage to properties that is causing subsidence to said properties, the WDO is proposed to be amended to allow the repair of the subsidence; and

WHEREAS, the Commission met on November 6, 2008 and voted to recommend the amendments to the County Board 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 18th day of November, A.D. 2008.

Staff Summary

- In response to widespread cases of property damage due to flooding in the Fox River watershed, SMC proposes an amendment to the Watershed Development Ordinance that allows the repair of properties with up to four (4) inches of topsoil (top dressing) after a documented flood event with evidence of subsidence on the property.
- SMC's Technical Advisory Committee approved this amendment on August 21st. A 60-day public comment period was held, with revisions based on two (2) comments. SMC approved the amendment on November 6th.
- SMC requests Planning, Building and Zoning Committee and County Board approval.



STORMWATER MANAGEMENT COMMISSION

MEMORANDUM

TO: Stormwater Management Commission

FROM: Michael Warner, Executive Director
Tony Wolff, Chief Engineer

DATE: October 24, 2008

SUBJECT: Watershed Development Ordinance Amendment
Soil Top Dressing for Floodplain Property Subsidence

ACTION REQUESTED: Approval

The attached proposed amendment to the Watershed Development Ordinance has gone through the required public comment period and is presented to you now for approval. As you recall, the purpose of the amendment is to allow people to repair their properties with up to 4 inches of topsoil (top dressing) after a documented flood event with evidence of subsidence on their property.

The long-standing flood waters compact and contaminate the soils, resulting in dead grass and depressed or subsided areas on the property. The property owners have been unable to get new vegetation to grow without placing any new topsoil. The top dressing would help bring the areas back to pre-flood conditions.

Two commenters submitted a total of four comments, resulting in two modifications to the TAC-approved amendment language. The comments and comment responses are listed in the attached comment response document.

With your approval, the amendment would then be presented to the Planning, Building and Zoning Committee for approval on November 11th, followed by the County Board on November 18th.

Please call Mike at 847-918-5267 or Tony at 847-918-5264 if you have any questions or comments. Thank you.

WDO Amendment #13

Pages 37-38 – WDO Article IV, Section C.2.d.

- d. Compensatory storage is required for all storage lost or displaced in a Regulatory Floodplain due to development.
- (1) Hydraulically equivalent compensatory storage requirements for fill or structures in a riverine Regulatory Floodplain shall be at least equal to 1.2 times the volume of Regulatory Floodplain storage lost or displaced. Such compensation areas shall be designed to drain freely and openly to the channel and located opposite or adjacent to fill areas. A deed or plat restriction is required to prohibit any modification to the compensation area. The Regulatory Floodplain storage volume lost below the existing 10-year frequency flood elevation must be replaced below the proposed 10-year frequency flood elevation. The Regulatory Floodplain storage volume lost above the 10-year existing frequency flood elevation must be replaced above the proposed 10-year frequency elevation.
 - (2) Hydraulically equivalent compensatory storage requirements for fill or structures in a non-riverine Regulatory Floodplain shall be at least equal to 1.0 times the volume of Regulatory Floodplain storage lost or displaced. Non-riverine floodplain storage may be replaced at or below the existing elevation but not below the Normal Water Level.
 - (3) Upon approval of the Enforcement Officer, shorelines or streambanks that have experienced erosion may be restored to their condition as of the effective date of the first FIRM in that community without the need to provide compensatory storage or pay a fee-in-lieu of for the fill used to restore the eroded area according to the following criteria:
 - (a) The restoration fill shall meet existing grades and within riverine areas the current effective Regulatory Floodplain and Regulatory Floodway conveyance shall be maintained
 - (b) The amount of eroded property being restored shall be documented and submitted by the applicant as part of the permit process. Proper documentation shall be either field survey information or photo documentation of the erosion that has occurred for the property being restored.
 - (c) For rivers, lakes and streams where no floodway has been designated, no documentation of past shoreline erosion is required if the applicant does not exceed 1 cubic yard of fill per lineal foot for a maximum of 200 feet. In this case, the placing of the fill shall not significantly alter the alignment of the shoreline with adjoining properties as determined by the Enforcement Officer. Non-documentable fills are a one-time allowance on a per property basis and all fills exceeding 200 cubic yards shall be regulated as specified in Articles IV.B.1.f. and IV.C.2.d. of this Ordinance.

- (4) Top dressing is the placement of not more than four (4) inches of topsoil within the Regulatory Floodplain. ~~For~~ the purposes of stabilizing an existing erosion control problem or establishing vegetative cover, ~~Top~~ top dressing shall be allowed by permit on a per-parcel, one-time only allowance, and not impact adjoining property drainage patterns. Upon approval of the Enforcement Officer, floodplain compensatory storage shall not be required. Top dressing fill shall comply with the Soil Erosion and Sediment Control standards and Wetlands Provisions of this Ordinance (Article IV.B.1.j. and IV.E.). This provision shall not be applicable to the design process for new development.
- (5) ***Top dressing is the placement of not more than four (4) inches of topsoil within the Regulatory Floodplain. For the purposes of restoring pre-subsidence grade to an area that primarily experiences subsidence due to a documented flood event, top dressing shall be allowed by permit on a per-parcel basis and not impact adjoining property drainage patterns. Upon approval of the Enforcement Officer, floodplain compensatory storage shall not be required. Top dressing fill shall comply with the Soil Erosion and Sediment Control standards and Wetlands Provisions of this Ordinance (Article IV.B.1.j. and IV.E.). This provision shall not be applicable to the design process for new development. Allowance of this provision shall be in accordance with the following criteria:***
- (a) ***Repeat top dressing applications are limited to documented flood events with topographic or photographic evidence of subsidence.***
 - (b) ***The restoration fill shall meet pre-subsidence elevations, and within riverine areas, the pre-subsidence effective Regulatory Floodplain and Regulatory Floodway conveyance shall be maintained.***
 - (c) ***The damaged property being considered for top dressing shall be documented and submitted by the applicant as part of the permit process. Proper documentation shall be either field survey information or photo documentation of the flooding and subsidence that has occurred on the property.***
 - (d) ***Upon completion of top dressing, the applicant shall provide topographic or photographic documentation of completed work.***

Purpose: To allow property owners to repair flood-damaged properties after flood events. Long-standing flood waters cause subsidence and chemical breakdown of soil, creating depressed areas and preventing new vegetation growth.

TAC Vote: 8/21/08: Unanimously approved.

SMC Staff Modification to address public comment: 10/23/08
