

Lake County's Watershed Development Ordinance Proposed Amendments Planning Building and Zoning Committee



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WDO Amendments History

There are several influences that necessitate revisions to the Watershed Development Ordinance:

- 1) FEMA/NFIP Mandates – National Flood Insurance Program Updates
- 2) USEPA/NEPA Mandates – Soil Erosion/Sediment Control – Water Quality Issues – NPDES
- 3) Illinois Compiled Statute Mandates – Statutory Changes (Legal)
- 4) USACE/NEPA/NFIP Mandates – Wetland Issues
- 5) Lake County/NEPA/Inlet/Outlet Countywide Issues

The timeline is usually about 5 years between major ordinance changes and is summarized as follows:

October 18, 1992	ORIGINAL EFFECTIVE DATE
August 10, 1999	First major update
August 14, 2001	Added Isolated Wetland Section
January 10, 2006	Second overall update
Current Amendment Process 2012	Third overall update

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Amendment Process

Official Approving Entities

- ✓ Technical Advisory Committee – Started September 2007
- ✓ Municipal Advisory Committee (public comment source)
- ✓ Stormwater Management Commission
- ✓ Planning, Building and Zoning Committee
- ✓ County Board
- ✓ Adopting Communities

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Draft Amendment Schedule

Lake County Stormwater Management Commission
WDC Amendments Anticipated Schedule

Schedules Activity	Date	Comments
Technical Advisory Committee (TAC)	Sept. 2017	Begin WDC Amendment discussions
Begin Public Comment Process	Feb. 3, 2018	SHC Initiated
Staff's Attorney's Office / Legal Review	Ongoing	Legal review of Amendment language - standard procedure
Public Meeting County Building	Mar 16, 2018	County Building
TAC Meetings	Throughout Process	Continuing review based on comments received
SHC Meeting - Amendment Discussion/Approval	May - Fall	Continue it supports, discussion, and Amendment approvals
PR&Z Meeting - Amendment Introduction	Dec 6, 2017	PR&Z Agenda WDC Amendment introduction
SHC Meeting - Final WDC approval	Jan 2018	Comments responses, discussion, and Amendment approvals
PR&Z Meeting	Feb 2018	Final Amendment discussions
County Board - Committee of the Whole	After PR&Z	Discussion of permit thresholds
County Board WDC 2017 Action	After PR&Z	County Board Agenda Final WDC Amendment approval
Final Ordinance passed into law by SHC	After SB	Community approval process in progress. Pending CE approval

Amendment Process, Cont'd

Reviewing Entities

- ✓ The Public!
- ✓ Our Customers!
- ✓ Peer Government Agencies (Communities, other Federal, State and Local units)

Amendment Process, Cont'd

Official Commenting Entities

- ✓ Illinois Department of Natural Resources/Office of Water Resources
- ✓ Chicago Metropolitan Agency for Planning
- ✓ Adjoining Illinois Metro Counties (Kane, Cook, McHenry)
- ✓ Legal Review

Amendment Process, Cont'd

Public Comment

- ✓ All comments received are reviewed and discussed
- ✓ Official Comment Period
- ✓ Ongoing Comments During Process
- ✓ Staff generates responses and amendment options are recommended to SMC

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Amendment Process, Cont'd

Amendment Summary

- ✓ Over 90 Total Amendments
- ✓ Presented in order of interest

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Amendment Process, Cont'd

Amendment Categories Include:	# of Amendments
FEMA/National Flood Insurance Program (NFIP) requirements	13
USEPA/EPA/NPDES mandates	
Runoff Volume Reduction (RVR) program enhancements	10
NPDES/Designated Erosion Control Inspector enhancements/mandates	6
Drain tile clarifications and Maintainable Outlets Illinois Drainage Law	11
Wetland issues, clarifications and enhancements	
U.S. Army Corps of Engineers program alignment	16
Floodplain issues, clarifications and enhancements	14
Ordinance Administration clarifications and enhancements	22
Total # of Amendments	92

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Wetland Issues, Clarifications and Enhancements

- Intent: Streamline wetland approval/permitting process.
- Revises impact allowance from 0.25 acres to 0.10 acres
- Reduces wetland losses in North Branch and Lake Michigan watersheds
- Matches WDO wetland regs with Army Corps to enable delegated review authority for federal-jurisdictional wetlands

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Runoff Volume Reduction (RVR) USEPA/EPA mandates

- Intent: Meet Federal Mandate and State Permit Criteria
- How?
 - SMC Approved RVR Guiding Principles
 - Utilize credit/incentive system (toolkit)
 - Define a volume that meets federal mandate

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National Flood Insurance Program (NFIP) WDO Changes

- Intent: Maintain compliance and eligibility with NFIP
- FEMA participated in TAC discussions to satisfactorily address their comments
- Documentation and record keeping for determination of substantial improvement.

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Floodplain Issues, Clarifications, and Enhancements

- Intent: Ensure compliance with IDNR minimum requirements.
- Building protection requirements
- Compensatory storage – consistency with application of standards
- Subsidence allowance for impervious surfaces

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Drain tile and Maintainable Outlet Clarifications

- Intent: Clarify development requirements and handling of drain tiles.
- Drain tiles in disturbed areas of the development are replaced.
- Drain tiles can be removed provided a maintainable outlet exists or is installed to prevent flood damages.

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Administrative Enhancements

- Intent: Assure developments are built and maintained in compliance with minimum WDO requirements.
- Define as-built submittal items
- Enhance Compliance tools for Enforcements Officers

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NPDES mandates / DECI enhancements

- Intent: Compliance with minimum NPDES requirements
- Stabilization of disturbed areas within 7 days (unless active)
- Qualitative standards and best practices to minimize discharge of pollutants

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Economic Analysis of Stormwater Regulations

Lake County Partners
Group

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