



STORMWATER MANAGEMENT COMMISSION

MEMORANDUM

June 3, 2024

To: Stormwater Management Commission

From: Kelcey Traynoff, Regulatory Supervisor
Brian Frank, Chief Engineer

Re: Recommendation for WDO Community Recertification with Conditions

ACTION REQUESTED: Approval of Community Certification Status

Village of Hainesville (Standard and Isolated Wetland)

Based on SMC staff review of Lake County Watershed Development Ordinance (WDO) enforcement and performance, we recommend Community Recertification, with conditions, for the Village of Hainesville:

SMC staff and the Village have discussed and coordinated efforts to bring a non-compliant development into compliance. Both SMC staff and the Village agreed on the following recommended re-certification condition:

SMC and the Village will continue coordination to resolve the non-compliant development, located southwest of W. Belvidere Road and S. Hainesville Road (PIN: 0633300008). WDO compliance is required to assure the development does not increase flood and drainage hazards to others, or create unstable conditions susceptible to erosion [WDO Purpose 102.03].

The Village of Hainesville has adopted the WDO and has submitted the required documentation for recertification. They also have appropriate staffing and are implementing community ordinances compliant with the WDO.

Please see the attached petitions for the listed community.

Please feel free to contact Brian Frank at (847) 377-7704 or Kelcey Traynoff at (847) 377-7711 if you have any questions.

PETITION FOR SMC CERTIFICATION

On this 7th day of September, 2023 the Village
(Year) (City, Village, County)

of Hainesville, a community participating in the regular phase of the National Flood Insurance Program, adopted an amended ordinance ("ORDINANCE") which includes the provisions of the Lake County Watershed Development Ordinance amended October 13, 2020 ("WDO") and is on file with the Lake County Stormwater Management Commission ("SMC"). According to the provisions of the ORDINANCE and WDO we agree to:

1. Forward appropriate portions of the Regulatory Floodway Development applications to SMC for transmittal to the Illinois Department of Natural Resources/Office of Water Resources ("IDNR/OWR") or its designee for concurrent review and approval.
2. Maintain records and provide SMC with certain portions of these records as described below:
 - a. Maintain records of every Watershed Development Permit application, permit variance, hydrologic and hydraulic data, and enforcement action, and shall allow periodic inspections of the records by SMC, FEMA, or IDNR/OWR personnel.
 - b. Maintain an Elevation Certificate and flood-proofing certificate file to certify the elevation of the lowest floor (including basement) of a residential or non-residential building or the elevation to which a non-residential building has been flood-proofed, for all buildings constructed in the Regulatory Floodplain.
 - c. Maintain for public inspection and provide copies upon request of; base flood data and maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, elevation and floodproofing certificates, other watershed development permit related materials, available "as-built" elevation and floodproofing records for all buildings constructed subject to the provisions of this ordinance.
3. Require all engineering information and plans prepared by a registered professional engineer, to be reviewed under the supervision of a registered professional engineer under the employ or contract of the community for conformance with the ORDINANCE prior to permit issuance.
4. Provide SMC with the names, addresses and telephone numbers of the Community Official designated as the Enforcement Officer, the registered professional engineer performing permit reviews, and community legal counsel. Notify SMC should any changes in these positions occur. The Enforcement Officer shall be responsible for the administration and enforcement of the ORDINANCE and duties as specified in Appendix E of the WDO.

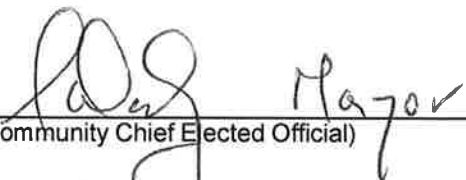
5. Community Recertification

- a. Certified Communities shall petition for recertification every five (5) years.
- b. Within the five (5) year certification period, the SMC Director shall periodically review the community's ordinance enforcement records and performance and make remedial recommendations to the community, if necessary. Review findings will be used in the assessment of petitions for recertification from Certified Communities.

6. Community Decertification

- a. The SMC shall after following the community notification procedure and holding a public hearing presided by SMC, have the authority to rescind the community's certification.
- b. The SMC shall rescind a community's certification for the following reasons:
 - i. The community is no longer a participant in the National Flood Insurance Program.
 - ii. The community amends the ORDINANCE so that it is less restrictive than the WDO.
- c. The SMC may rescind or place conditions on a community's certification if the certified community recurringly issues permits not in accordance with, or fails to adequately enforce, the ORDINANCE.
- d. If the community issues a regulatory floodway development permit not in accordance with §703 of the WDO, SMC shall rescind the community's authority to administer the IDNR/OWR regulatory floodway permit program for appropriate uses.

We agree to the provisions and responsibilities herein and therefore respectively petition SMC for Certification and the resulting authority to issue all permits and variances required by the ORDINANCE.


(Community Chief Elected Official)


(Clerk)

9/7/23
Date

9.7.23
Date



PETITION FOR ISOLATED WETLAND CERTIFICATION

On this 7th day of September, 2023 the Village
(Year) (City, Village, County)

of Hainesville, a community adopted an amended ordinance ("ORDINANCE") which includes the provisions of the Lake County Watershed Development Ordinance amended October 13, 2020 ("WDO") and is on file with the Lake County Stormwater Management Commission ("SMC"). According to the provisions of the ORDINANCE and WDO we agree to:

1. Require all applicants proposing a wetland impact to submit a jurisdictional determination request to the U. S. Army Corps of Engineers (Corps) or to SMC. The authority to perform jurisdictional determinations is not conveyed to communities as part of this certification process.
2. Maintain records and provide SMC with certain portions of these records as described below:
 - a. Maintain records of every Watershed Development Permit application, permit variance, hydrologic and hydraulic data, mitigation plans and specifications, and enforcement actions. Community shall allow periodic inspections of the records by SMC.
 - b. Maintain for public inspection and provide copies upon request of variance documentation and "as-built" plans for wetland mitigation constructed subject to the provisions of this ordinance.
 - c. Provide SMC a copy of the wetland mitigation bank payment receipts whenever wetland mitigation bank credits are sold for developments within the certified municipality.
3. For Category III developments, the Enforcement Officer shall issue a Technical Notification to USACE, IDNR, IEPA, USFWS and the SMC requesting comments with respect to the proposed wetland impacts and request comments within 15 working days. The Enforcement Officer shall receive the comments and copies of the comments shall be forwarded to the applicant for response.
4. Require all plans and specifications prepared by a certified wetland specialist, to be reviewed under the supervision of a certified wetland specialist under the employ or contract of the community for conformance with the ORDINANCE prior to permit issuance.
5. Provide SMC with the names, addresses and telephone numbers of the community designated Enforcement Officer, the registered professional engineer performing permit reviews, Certified Wetland Specialist and community legal counsel. Notify SMC should any changes in these positions occur. The Enforcement Officer shall be responsible for the administration and enforcement of the ORDINANCE and duties as specified in Appendix E of the WDO.

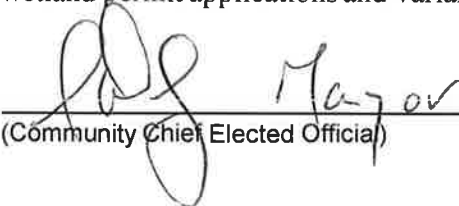
6. Community Recertification

- a. Certified Communities shall petition for recertification every five (5) years.
- b. Within the five (5) year certification period, the SMC Director shall periodically review ~~the community's ordinance enforcement records and performance and make remedial recommendations~~ to the community, if necessary. Review findings will be used in the assessment of petitions for recertification from Certified Communities.

7. Community Decertification

- a. The SMC shall, after following the community notification procedure and holding a public hearing presided by SMC, have the authority to rescind the community's certification for isolated wetland certification.
- b. The SMC shall rescind a community's certification if the community amends the ORDINANCE so that it is less restrictive than the WDO.
- c. The SMC may rescind or place conditions on a community's certification if the certified community recurrently issues permits not in accordance with, or fails to adequately enforce, the ORDINANCE.


We agree to the provisions and responsibilities herein and therefore respectively petition SMC for Isolated Wetland Certification and the resulting authority to review and issue permits for isolated wetland permit applications and variances as required by the ORDINANCE.



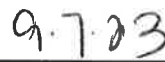
(Community Chief Elected Official)



(Clerk)



Date



Date

