



## STORMWATER MANAGEMENT COMMISSION

### MEMORANDUM

August 24, 2023

To: Stormwater Management Commission

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

Re: Recommendation for WDO Community Recertification

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#### **ACTION REQUESTED: Approval of Community Certification Status**

Based on SMC staff review of Lake County Watershed Development Ordinance (WDO) enforcement and performance, we recommend Community Recertification, with no conditions, for the following community:

- Village of Gurnee (Standard and FIL50)

The Village of Gurnee has adopted the WDO and has submitted the required documentation for recertification. The Village has appropriate staffing and is implementing community ordinances compliant with the WDO.

Please see the attached petitions for the listed community.

SMC staff are currently coordinating with the remaining communities to finalize their recertification submittals. We anticipate bringing additional recommendations for recertification to future SMC meetings for your consideration.

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 13 day of June, 2023 the Village  
(Year) (City, Village, County)

of Gurnee, 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 recurrently 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)

6/13/23

Date

6/13/23

Date

PETITION FOR FEE-IN-LIEU OF STORAGE ABOVE 50-YEAR, 24-HOUR DETENTION  
VOLUME (FIL50) CERTIFICATION

On this 13 day of June, 2023 the Village  
(Year) (City, Village, County)

of Gurnee, 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 the following:

1. The Enforcement Officer may require, or the applicant may submit, a written request for the payment of a fee-in-lieu of on-site stormwater storage to fulfill all or part of the on-site detention requirement above the 50-year, 24-hour detention volume using Appendix I: Rainfall Depth Duration Frequency Tables for Lake County. A request for fee-in-lieu of on-site stormwater storage shall be either rejected or approved within forty-five (45) days of the written request unless additional engineering studies are required.
2. Approval of a request for fee-in-lieu of on-site stormwater storage on a development site above the 50-year, 24-hour detention volume shall be determined by the Enforcement Officer.
3. Fee-in-lieu of on-site stormwater storage shall be the fee computed for each acre-foot or part thereof of stormwater storage approved in accordance with the procedures and schedules as approved by the SMC.
4. Communities petitioning for FIL50 Certification shall provide SMC with the proposed policies and procedures that will be used to administer the FIL50 program. The policies and procedures will be reviewed and approved by SMC.
5. Upon written request by the applicant, the Enforcement Officer will verify the volume difference between the required and approved design storage and inform the applicant of the required fee-in-lieu volume. All required fees, including applicable permit review fees and fee in-lieu payment, will be due to FIL50 Certified Community in accordance with the Community ordinance and procedures, as approved by SMC [WDO 201.02.J.].
6. The following requirements must be met before a fee-in-lieu of on-site stormwater storage will be approved:
  - a) The downstream stormwater management system has "adequate downstream stormwater capacity" (see Appendix A: Definitions of the WDO ); and
  - b) The Enforcement Officer has verified that SMC has an adopted fee-in-lieu of on-site stormwater storage program.

7. Fee-in-lieu of on-site stormwater storage revenues shall be used to design, maintain, or construct an upgrade to existing or future stormwater management systems if the upgrade is consistent with a basin plan, floodplain study, or stormwater system improvement.
8. The Enforcement Officer of a community with FIL50 Certification shall provide SMC an annual report summarizing FIL50 fees received, project expenditures and status, categorized by watershed.
9. Provide SMC with the names, addresses and telephone numbers of the community designated Enforcement Officer (EO), the registered Professional Engineer (P.E.) 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.

If a community Enforcement Officer vacates that position, the community shall designate an Interim Enforcement Officer within thirty (30) days. Final designation of a qualified Enforcement Officer shall occur within six (6) months in order for the community to remain certified.

10. FIL50 Community Recertification

- a. FIL50 Certified Communities shall petition for FIL50 recertification every five (5) years.
- b. Within the five (5) year certification period, the SMC Director shall periodically review the community's annual report 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.

11. FIL50 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 FIL50 Certification.
- b. The SMC shall rescind a community's FIL50 Certification if the community amends the FIL50 provisions of the ORDINANCE so that it is less restrictive than the FIL50 provisions of the WDO.

We agree to the provisions and responsibilities herein and therefore respectively petition SMC for FIL50 Certification and the resulting authority to review and issue permits for FIL50 applications, collect FIL50 revenues, and expend funds to design, maintain, or construct an upgrade to existing or future stormwater management systems as required by the ORDINANCE.

  
(Community Chief Elected Official)

  
(Clerk)

6/13/23  
Date

6/13/23  
Date