



STORMWATER MANAGEMENT COMMISSION

MEMORANDUM

December 27, 2018

To: Stormwater Management Commission

From: Kelcey Traynoff, Regulatory Supervisor
Kurt Woolford, Chief Engineer

Re: Recommendation for WDO Community Certification

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 Re-Certification, with no conditions, for the following communities:

- Village of Barrington Hills (Standard)
- Village of Lake Barrington (Standard and Isolated Waters of Lake County)
- Village of Port Barrington (Standard)
- Village of Round Lake Park (Standard and Isolated Waters of Lake County)

SMC has received a request from the following municipality to continue as a non-certified community:

- Village of Wheeling

The following community is recommended for Standard Certification with a condition:

- Village of Grayslake

Recommended Legal Condition for Grayslake:

Watershed Development Permits of Approvals, for 21157 West Rollins Road (PIN 06-15-200-018) or subdivided parcels thereof or thereon, are subject to prior compliance with and satisfaction of all terms and conditions imposed in the Lake County Circuit Court's March 16,

2010 mandatory injunction judgment Order, made of public record by a Memorandum of Judgment recorded March 23, 2010 as Document No. 6586333, which Memorandum of Judgment was revived by a Memorandum of Judgment recorded May 24, 2017 as Document No. 7397095, relating to the illegal and unauthorized filling of wetlands on said real estate.

These communities have adopted the WDO and have submitted the required documentation for recertification. All the communities have appropriate staffing and are implementing community ordinances compliant with the WDO.

Please see the attached petitions for the listed communities.

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

Please feel free to call Kurt at (847) 377-7720 or Kelcey at (847) 377-7711 if you have any questions before the SMC meeting.

PETITION FOR SMC CERTIFICATION

On this 26^h day of February, 2018 the Village
(Year) (City, Village, County)

of Barrington Hills, 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, 2015 ("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.

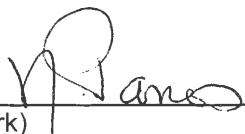
6. Community Decertification

- 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)

3/6/18

Date

3/6/18

Date

PETITION FOR SMC CERTIFICATION

On this 7th day of November, 2017 the Village
(Year) (City, Village, County)

of Lake Barrington, 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, 2015 ("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.

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- 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.

Kenneth Anderson
(Community Chief Elected Official)

David C. Brown - Clerk
(Clerk)

11/07/2017
Date

11/07/2017
Date

PETITION FOR ISOLATED WETLAND CERTIFICATION

On this 7th day of November, 2017 the Village
(Year) (City, Village, County)

of Lake Barrington, a community adopted an amended ordinance ("ORDINANCE") which includes the provisions of the Lake County Watershed Development Ordinance amended October 13, 2015 ("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 recurringly 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.

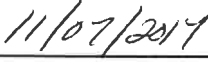


(Community Chief Elected Official)



(Clerk)


Date


Date

PETITION FOR SMC CERTIFICATION

On this 22nd day of November, 2017 the Village
(Year) (City, Village, Colony)

of Port Barrington, 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, 2015 ("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.

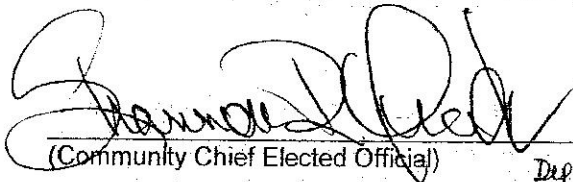
5. Community Recertification

- 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 compliance with the ordinance and its performance and shall periodically

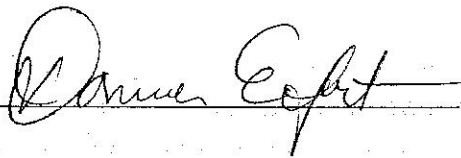
6. Community Decertification

- 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:
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 - 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)

Deputy (Clerk)



Date

12/4/17

Date

12/4/17

PETITION FOR SMC CERTIFICATION

On this 7th day of November, 2017 the VILLAGE
(Year) (City, Village, County)

of ROUND LAKE PARK, 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, 2015 ("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.
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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.

Linda L. Lucusser Karen M. Eggert
(Community Chief Elected Official) MAYOR (Clerk)

Date 11/7/2017 Date 11/7/2017

PETITION FOR ISOLATED WETLAND CERTIFICATION

On this 7th day of November, 2017 the VILLAGE
(Year) (City, Village, County)

of ROUND LAKE PARK, a community adopted an amended ordinance ("ORDINANCE") which includes the provisions of the Lake County Watershed Development Ordinance amended October 13, 2015 ("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.
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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.

Mayor Luke J. Hansen Karen M. Egert
(Community Chief Elected Official) MAYOR (Clerk)

11/7/2017
Date

11/7/2017
Date



PETITION FOR SMC CERTIFICATION

On this 8th day of November, 2017 the Village
(Year) (City, Village, County)

of Grayslake, 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, 2015 ("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:

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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)

11-21-2017
Date

11-21-2017
Date