

VILLAGE OF LONG GROVE
ORDINANCE NO. 2021-O-____

**AN ORDINANCE ADOPTING BY REFERENCE THE
LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE, AS AMENDED**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ____ day of January, 2021

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ____ day of January, 2021

**VILLAGE OF LONG GROVE
ORDINANCE NO. 2021-O-___**

**AN ORDINANCE ADOPTING BY REFERENCE THE
LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE, AS AMENDED**

WHEREAS, the County of Lake, pursuant to the powers granted to it by 55 ILCS 5/5-1062 and other applicable law, has adopted the Lake County Watershed Development Ordinance, originally effective as of October 18, 1992 and as has been amended from time to time (as amended, the “**WDO**”), establishing rules and regulations for floodplain and stormwater management throughout the County of Lake and superseding any less restrictive municipal rules and regulations therein; and

WHEREAS, the President and Board of Trustees of the Village of Long Grove have previously adopted Ordinances No. 2006-O-30, No 2010-O-10, No. 2012-O-26, 2013-O-11, and 2015-O-34, which adopted by reference the WDO and various amendments thereto; and,

WHEREAS, the County of Lake approved a further amendment to the WDO on or about October 13, 2020, effective as of October 13, 2020; and

WHEREAS, the President and Board of Trustees of the Village of Long Grove find it to be in the best interests of the Village of Long Grove to require all development to meet, at least, the minimum standards prescribed by the WDO to the fullest extent practicable and to adopt the WDO, as recently amended, by reference; and

WHEREAS, three copies of the WDO, as most recently amended effective October 13 2020, have been on file in the Office of the Village Clerk of the Village of Long Grove, and available for public inspection at the Long Grove Village Hall and on the Village’s official website, for not less than thirty (30) days;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

SECTION ONE. **Recitals.** The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION TWO: **Adoption.** The Village Board of Trustees hereby adopts by reference, as if fully set out herein, the WDO approved, as amended, by the County of Lake, State of Illinois effective October 13, 2020, three copies of which have been, for a period of not less than thirty (30) days prior to the effective date hereof, and now are, on file in the office of the Village Clerk at the Long Grove Village Hall and on the Village's official website.

SECTION THREE: **Governing Provisions.** In the event that the rules, regulations, terms, or conditions imposed pursuant to the Lake County Watershed Development Ordinance are either more restrictive or less restrictive than comparable rules, regulations, terms, or conditions imposed by any other applicable rule, regulation, resolution, ordinance, statute, or law, then the most restrictive rules, regulations, terms or conditions shall govern.

SECTION FOUR: **Amendment.** Section 4.1-1-1, entitled "Stormwater Management Regulations Adopted," of Chapter 1, entitled "Watershed Development Ordinance," of Title 4.1, entitled "Watershed Development Regulations," of the Long Grove Village Code shall be, and is hereby amended in part so that Section 4.1-1-1 shall hereafter be and read as follows:

4.1-1-1: STORMWATER MANAGEMENT REGULATIONS ADOPTED:

The Lake County Watershed Development Ordinance, as most recently amended by the County of Lake on ~~October 13, 2015~~ **October 13, 2020**, is hereby adopted by reference and is in full force and effect within the Village of Long Grove and is found in its own compilation.

SECTION FIVE: **Amendment.** Section 4.1-1-2, entitled "Penalty," of Chapter 1, entitled "Watershed Development Ordinance," of Title 4.1, entitled "Watershed Development Regulations," of the Long Grove Village Code shall be, and his hereby amended in its entirety so that Section 4.1-1-2 shall hereafter be and read as follows:

4.1-1-2: PENALTY:

Any violation of said provisions of the Lake County Watershed Development Ordinance, as most recently amended by the County of Lake on ~~June 11, 2013~~ ~~October 13, 2015~~ **October 13, 2020**, shall hereinafter be considered a violation of this chapter. Any person who shall violate any of the provisions of this

chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each violation. A separate offense shall be deemed to occur for each day a violation occurs or continues. "Person", for the purposes of this chapter, shall mean and include any individual, corporation, partnership, association, or any other legal entity.

SECTION SIX: **Repeal.** All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION SEVEN: **Effective Date.** This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form, as provided by law.

PASSED this ____ day of January, 2021.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this ____ day of January, 2021.

Village President

ATTEST:

Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

I, Amy Johns Gayton, do hereby certify that I am duly appointed, qualified, and acting as Village Clerk of the Village of Long Grove, Lake County, Illinois, and keeper of the records and seal of the Village, and that the attached and foregoing Ordinance is a true and correct copy of said Ordinance entitled:

ORDINANCE NO. 2021-O-__

AN ORDINANCE ADOPTING BY REFERENCE THE
LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE, AS AMENDED

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LONG GROVE,
THIS 12th DAY OF JANUARY, 2021

In Witness Whereof, I have hereunto set my hand and caused to be affixed the Corporate Seal of the Village of Long Grove, Lake County, Illinois.

Done at: Long Grove, Illinois this ____ day of January, 2021.

(SEAL)

Amy Johns Gayton, Village Clerk

MEMORANDUM

625 Forest Edge Drive, Vernon Hills, IL 60061

TEL 847.478.9700 ■ FAX 847.478.9701

www.gha-engineers.com

To: Mr. Bill Balling, Interim Village Manager
Village of Long Grove

Fr: Mr. Geoffrey L. Perry, P.E. – Village Engineer

Date: December 17, 2020

Re: Lake County Watershed Development Ordinance Adoption
Village of Long Grove

The Lake County Stormwater Management Commission (“LCSMC”) amends the Lake County Watershed Development Ordinance (“WDO”) from time to time. In order to maintain the Village’s status as a Certified Community and enforce the provisions of the WDO locally, the Village must adopt the amended WDO by January 18, 2021.

While this is typically a pro-forma process, this amendment has a provision that I want to bring to the Village’s attention.

The State developed updated synthetic rainfall data to reflect the increased frequency and intensity of rain events in recent years. The amended WDO adopts this data, which will result in larger storm sewers, detention basins, and other stormwater infrastructure for new developments.

In recognition of the fact that the revised rainfall data is significantly (20-45%) greater than the data used since the original WDO went into effect, the amended WDO has a Fee-in-Lieu provision for the stormwater detention volume required above the “50-year”, 24-hour storm event, referred to as the “FIL50” program. If communities become “FIL50 Certified”, all fees collected under the program may be administered locally for stormwater improvements within the watershed of the development. LCSMC has not issued guidance on the fee schedule for the FIL50 program which will need to be adopted by the Village at a later date.

A particular project will not automatically be eligible for the FIL50 program. If the site does not have “adequate downstream capacity” as determined by the Enforcement Officer (in this case, me), the full volume of detention must be provided.

Attached is a complete listing of the amendments adopted by the County. I recommend that the Village adopt the amended WDO, including the FIL50 provisions, to allow maximum flexibility for future developments. As the Fee Schedule for the FIL50 is not known at this time, we recommend that provision of the amendment not be “active” until the Fee Schedule is adopted.

If you have any questions, please feel free to contact me.



STORMWATER MANAGEMENT COMMISSION

WDO Amendment #1a

Appendix I: Updated Rainfall Depth Duration Frequency Table

**Rainfall Depth Duration Frequency Tables for Lake County
Rainfall is in Inches**

Storm Duration	2-month	3-month	4-month	6-month	9-month	1-year	2-year	5-year	10-year	25-year	50-year	100-year	500-year
5 minutes	0.19	0.22	0.24	0.27	0.31	0.33	0.40	0.52	0.62	0.77	0.90	1.03	1.35
10 minutes	0.35	0.40	0.43	0.49	0.56	0.61	0.73	0.95	1.13	1.42	1.65	1.89	2.47
15 minutes	0.42	0.49	0.53	0.61	0.69	0.75	0.90	1.16	1.39	1.74	2.03	2.32	3.04
30 minutes	0.58	0.66	0.73	0.83	0.94	1.03	1.24	1.59	1.91	2.39	2.78	3.17	4.16
1 hour	0.74	0.84	0.93	1.05	1.20	1.30	1.57	2.02	2.42	3.03	3.53	4.03	5.28
2 hours	0.91	1.04	1.14	1.30	1.48	1.61	1.94	2.49	2.99	3.74	4.35	4.97	6.52
3 hours	1.00	1.15	1.26	1.44	1.63	1.77	2.14	2.75	3.30	4.13	4.80	5.49	7.20
6 hours	1.18	1.35	1.48	1.68	1.91	2.08	2.51	3.23	3.86	4.84	5.63	6.43	8.43
12 hours	1.37	1.56	1.71	1.95	2.21	2.41	2.91	3.74	4.48	5.61	6.53	7.46	9.78
18 hours	1.48	1.69	1.85	2.11	2.39	2.61	3.14	4.04	4.84	6.06	7.05	8.06	10.57
24 hours	1.57	1.80	1.97	2.24	2.55	2.77	3.34	4.30	5.15	6.45	7.50	8.57	11.24
48 hours	1.72	1.97	2.16	2.46	2.79	3.04	3.66	4.71	5.62	6.99	8.13	9.28	12.10
72 hours	1.87	2.14	2.34	2.67	3.03	3.30	3.97	5.08	6.05	7.49	8.64	9.85	12.81
120 hours	2.08	2.38	2.61	2.97	3.37	3.67	4.42	5.63	6.68	8.16	9.39	10.66	13.81
240 hours	2.63	3.01	3.30	3.76	4.27	4.65	5.60	7.09	8.25	9.90	11.26	12.65	16.00

References: ISWS Bulletin 75 Precipitation Frequency Study for Illinois
James R. Angel and Momcilo Markus
Illinois State Water Survey, March 2020

Purpose: Incorporate new rainfall data as published in updated ISWS study.

TAC Vote: 03/19/2020 9-0-0 (unanimous)

WDO Amendment #1b
Appendix I: Updated Huff Rainfall Distributions

HUFF RAINFALL DISTRIBUTIONS

The Huff quartiles represent the typical rainfall distribution for 4 different storm duration ranges. The First quartile applies to storms less than or equal to 6 hours long. Second is for storms greater than 6 hours and less than or equal to 12 while the third is Huff quartile is for storms greater than 12 hours and less than or equal to 24 hours. Fourth quartile storms apply to storm durations greater than 24 hours.

Portion of the Storm	AREA < 10 SM				AREA > 10 & AREA < 50				AREA > 50 & AREA < 400			
	First Quartile	Second Quartile	Third Quartile	Fourth Quartile	First Quartile	Second Quartile	Third Quartile	Fourth Quartile	First Quartile	Second Quartile	Third Quartile	Fourth Quartile
0/24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1/24	8.36	2.29	2.05	2.31	6.41	1.48	1.33	1.48	4.59	0.88	0.72	0.90
2/24	17.73	4.82	4.31	4.79	15.69	3.57	3.02	3.34	13.49	2.38	1.85	2.29
3/24	28.11	7.78	6.67	7.12	27.45	6.39	5.13	5.72	25.94	4.93	3.47	4.36
4/24	38.33	11.33	9.12	9.78	38.91	10.02	7.53	8.56	39.17	8.52	5.57	7.10
5/24	47.45	15.79	11.71	12.53	49.34	14.71	10.01	11.69	51.04	13.19	8.28	9.93
6/24	55.50	21.39	14.36	15.23	58.55	20.89	12.65	14.19	60.79	19.59	10.96	12.84
7/24	62.25	28.41	16.91	17.91	65.88	28.91	15.24	17.19	69.26	27.46	13.79	15.46
8/24	67.22	36.44	19.64	20.33	71.10	37.55	18.17	19.69	74.80	37.17	16.35	17.83
9/24	70.82	45.29	22.78	22.83	74.92	46.86	21.46	22.27	78.74	47.77	19.66	20.12
10/24	74.17	54.35	26.33	25.41	78.30	56.25	25.36	24.81	82.20	58.18	23.46	23.12
11/24	76.97	62.38	30.93	28.35	81.16	64.84	29.90	27.46	85.13	67.64	28.07	25.76
12/24	79.81	69.76	36.35	31.25	83.75	72.90	35.60	30.33	87.38	75.86	34.06	28.26
13/24	82.55	75.48	43.92	33.90	86.20	79.07	43.42	32.42	89.58	82.04	42.30	30.99
14/24	85.18	80.38	52.11	36.33	88.64	83.97	52.18	34.28	91.45	86.92	52.02	33.68
15/24	87.40	84.70	61.02	38.61	90.81	87.58	61.88	36.89	93.35	90.33	62.76	36.12
16/24	89.47	87.81	69.89	41.24	92.58	90.67	71.81	39.73	94.80	93.09	72.80	39.07
17/24	91.17	90.22	78.19	45.08	93.99	92.76	80.43	43.85	95.99	94.82	82.27	42.93
18/24	92.70	92.17	84.92	51.29	95.19	94.59	87.25	49.87	96.94	96.25	89.19	48.98
19/24	94.03	93.81	89.74	59.31	96.35	95.97	92.01	58.93	97.70	97.34	93.60	59.22
20/24	95.36	95.29	93.11	69.19	97.27	97.10	95.04	69.85	98.35	98.21	96.33	71.66
21/24	96.56	96.57	95.34	80.05	98.03	97.99	96.90	82.36	98.86	98.83	97.97	85.18
22/24	97.74	97.74	97.06	89.71	98.74	98.72	98.22	92.59	99.28	99.30	98.98	94.64
23/24	98.85	98.84	98.56	96.04	99.37	99.39	99.21	97.96	99.66	99.67	99.58	98.77
24/24	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

References: ISWS Bulletin 75 Precipitation Frequency Study for Illinois
 James R. Angel and Momcilo Markus
 Illinois State Water Survey, March 2020

Purpose: Incorporate new rainfall distributions as published in updated ISWS study.

TAC Vote: 03/19/2020: 9-0-0 (unanimous)

WDO Amendment #3 - NEW
§ 509.04 Fee-In-Lieu Option For Storage above 50-year, 24-hour Detention Volume [7.5"]

509.04 *The following fee-in-lieu of on-site stormwater storage procedures shall be authorized for all developments permitted after [NEW WDO DATE].*

- A. *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.*
- B. *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**.*
- C. ***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.*

- D. *A fund will be maintained by the SMC for each of the four major Lake County watersheds for the purpose of identifying and controlling all revenues and expenditures resulting from fee-in-lieu of on-site stormwater storage approvals. All fee-in-lieu of on-site stormwater storage revenues received from each watershed shall be deposited in these funds for use within that watershed.*
- E. *The following requirements must be met before a fee-in-lieu of on-site stormwater storage will be approved:*
 - 1. *The downstream stormwater management system has “adequate downstream stormwater capacity” (see Appendix A: Definitions); and*
 - 2. *The SMC has an adopted fee-in-lieu of on-site stormwater storage program.*
- F. *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 that has been approved by the SMC.*

Purpose: Provide fee-in-lieu option, as determined by the Enforcement Officer. Communities may be more restrictive and omit this option during Community Ordinance adoption.

TAC Vote: 04/16/2020: 10-0-0 (unanimous)

WDO Amendment #5
§ 302.02 Exempted Developments

Annexation agreements, final plats, Planned Unit Developments, site development permits, or current building permits approved between October 18, 1992 and *[Lake County Board WDO Adoption DATE + six (6) months]* if the approved plans and designs are in conformance with the *pre-[Lake County Board WDO Adoption DATE]* Ordinance provisions. That portion of any annexation agreement, final plat, Planned Unit Development, site development permit, or current building permit which is amended after *[DATE + 6 months]* and which affects the stormwater management system is not exempt from the provisions of this Ordinance

Purpose: Allowance for exemptions (e.g., Appendix I: Rainfall) to be requested up to 6 months after effective WDO adoption date. Sets a consistent target date for all Communities to use *[WDO Date + 6 months]*. Communities typically adopt the WDO within 90 days after Lake County Board approval (anticipated May 2020).

TAC Vote: 10/17/2019: 8-1-1

WDO Amendment #6
§ 501.06 Developed Soil HSG

For determination of soil runoff characteristics, areas of the development that are hydrologically disturbed and compacted shall be changed to the *next higher that hydrologic soil types' highest runoff potential/soil* group classification e.g., *B to C, C to D, or as approved by the Enforcement Officer*. Soil groups that are not hydrologically disturbed will retain their current runoff characteristics. ~~Areas that are deed or plat restricted for native planting areas may be determined to have lower runoff characteristics, and may be taken into account when meeting the runoff volume reduction requirements of this Ordinance (503.02). The Enforcement Officer may determine these areas are not hydrologically disturbed and may be removed from the required detention volume calculation.~~

Purpose: Clarify how HSG's are changed for hydrologically disturbed areas. Separate native planting section into new paragraph – see amendment #7.

TAC Vote: 10/17/2019: 10-0-0

WDO Amendment #7

§ 501.07 Native Planting Incentive

Areas that are deed or plat restricted for native planting areas may be determined to have lower runoff characteristics, and may be taken into account when meeting the runoff volume reduction requirements of this Ordinance (503.02). ***The Enforcement Officer may determine these areas can be excluded from the required detention volume calculation.***

Purpose: Separated from 501.06 to clarify detention volume incentive for native planting areas.

TAC Vote: 10/17/2019: 9-0-0

WDO Amendment #8

§ 401.15 Updated Hydric Soil Classification

If the soil mapping submitted for the [development](#) indicates the presence of ***soils classified as a hydric soil (USDA/NRCS Soil Classification)*** ~~the soils listed in this subsection~~, then the [applicant](#) shall provide site-specific soil mapping performed by a certified soil classifier or **geotechnical investigation** for the development. No [buildings](#) shall be constructed on these soils unless appropriate building methods, such as pilings, caissons, or removal and replacement of unsuitable soils, as approved by the [Enforcement Officer](#), are used to provide and protect a suitable building foundation.

~~Soils classified as a [hydric soil \(USDA/NRCS Soil Classification\)](#) in its very poorly drained condition or the following three soil classification in any condition:~~

~~A. Houghton Muck (W103)~~

~~B. Houghton Peat (W97)~~

~~C. Peetone Silty Clay Loam (W330)~~

Development that is exempted from this requirement is any development activity not resulting in the construction of a building.

Purpose: Capture all current poorly drained hydric soils per 2005 Lake County Soil Survey e.g., Houghton Peat (W97) does not exist, while many others are included.

TAC Vote: 5/21/2020: Approved as modified 6-3-3

WDO Amendment #9

§ 600.09 Permanent Stabilization

All temporary soil [erosion](#) and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas shall be permanently stabilized ***with a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a minimum density of 70 percent or higher, at the discretion of the Enforcement Officer, on all unpaved areas and areas not covered by permanent structures or equivalent permanent stabilization measures.***

Purpose: Clarify and codify vegetative cover requirement for permanent stabilization. Mirrors IEPA ILR10 language which requires 70 percent.

TAC Vote: 10/17/2019: 9-0-0

WDO Amendment #11
§ 100 Introduction

This Ordinance is one part of the adopted Lake County Comprehensive Stormwater Management Plan. It sets forth the minimum requirements for the [stormwater management](#) aspects of [development](#) in Lake County. The Lake County [Stormwater Management Commission](#) is the corporate enforcement authority for the Ordinance. Illinois Compiled Statutes Chapter 55, Act 5, Section 5-1062 [55 ILCS 5/5-1062] states, "The purpose of this Section is to allow management and [mitigation](#) of the effects of urbanization on stormwater drainage... by consolidating the existing stormwater management framework into a united, countywide structure..." The [Lake County Comprehensive Stormwater Management Plan](#), adopted by Ordinance on June 11, 1990 states, "... that the regulations be uniformly and consistently enforced throughout the County by all agencies." While local conditions may sometimes require extraordinary regulatory measures, the Lake County Stormwater Management Commission (SMC) has determined that uniform and consistent enforcement will be enhanced by municipalities adopting the standards of the Watershed Development Ordinance. In those instances where the requirements of this Ordinance are not stipulated in a municipal ordinance or do not meet the minimum requirements herein, this Ordinance shall prevail. ~~It is recognized that~~ **A [community](#) may has an individual right to enact *stricter* standards beyond the minimum standards presented in this Ordinance. The SMC has developed a [Technical Reference Manual](#) **Guidance Memorandums Memoranda** which ~~is a~~ **are** recommended guides for users of this Watershed Development Ordinance (WDO).**

Purpose: 1) Clarify that community Ordinances can be more restrictive. 2) Remove all TRM references as the manual is no longer supported by SMC. TGMs are now used.

TAC Vote: 10/17/2020: 10-0-0

WDO Amendment #12
§ 504.02 Water Quality Treatment

Prior to discharging to [Waters of the United States](#), [Isolated Waters of Lake County](#), or adjoining property, the [development](#) shall divert and detain at least the first 0.01 inch of runoff for every 1% of [impervious surface](#) for the development with a minimum volume equal to 0.2 inch of runoff (e.g., 20% or less impervious = 0.2-inch, 50% impervious = 0.5-inch, 90% impervious = 0.9-inch); or provide an equivalent level of treatment of runoff as approved by the [Enforcement Officer](#) and consistent with the best management practices. ~~guidance contained in the [Technical Reference Manual](#).~~

Purpose: Remove all TRM references as the manual is no longer supported by SMC. Optionally, reference a Technical Guidance Memorandum, if desired.

TAC Vote: 10/17/2019: 10-0-0

WDO Amendment #13
§ 1008.02 Detention in Isolated Waters of Lake County

The following shall apply when using Isolated Waters of Lake County for detention and not for wetland enhancement mitigation credit:

- A. The applicant shall use a “wetland detention basin” design as provided in the Technical Reference Manual (TRM), and shall re-establish vegetation within the detention basin using the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, NRCS, et al., (as amended) as a minimum standard for the re-vegetation plan.

Purpose: Remove all TRM references as the manual is no longer supported by SMC. This section is under the Wetlands section of the WDO and would be administered by a Certified Wetland Specialist. Optionally, reference a Technical Guidance Memorandum, if desired.

TAC Vote: 10/17/2019: 10-0-0

WDO Amendment #14
§ Appendix A: Definitions

~~Technical Reference Manual (TRM): The Lake County Stormwater Management Commission Technical Reference Manual. This manual contains design guidance for a development site to meet the Watershed Development Ordinance performance standards.~~

Purpose: Remove all TRM references as the manual is no longer supported by SMC.

TAC Vote: 10/17/2019: 9-0-1

WDO Amendment #16
§ 201.02. Community Certification Process

- A. Communities desiring certification may submit a letter of intent to petition for Certification.
- B. A petition for Standard Certification, Isolated Wetland Certification, **or *FIL50 Certification*** shall be submitted to the SMC indicating how the community meets the criteria for certification. A copy of the community’s adopted ordinance shall be included with the petition.
- ...
- J. Fee-in-lieu of detention ordinances and procedures used by Certified Communities shall be reviewed and approved by the SMC as part of the regular certification process.
- ...
- M. Communities with *FIL50 Certification* may administer WDO 509.04 for development under its respective permit authority.***

Purpose: Create a new certification for Communities to administer FIL50 program.

TAC Vote: 03/19/2020: 9-0-0 (unanimous)

WDO Amendment #19

Appendix E: Enforcement Officer Duties - NEW

- M. 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.***

Purpose: Create a new certification for Communities to administer FIL50 program.

TAC Vote: 03/19/2020: 9-0-0 (unanimous)

WDO Amendment #20

§ Appendix A: Definitions

Designated Erosion Control Inspector: A person responsible for, at a minimum, verifying compliance and on-going maintenance of the approved soil erosion and sediment control plan measures of a [development](#) and who is recommended to meet the minimum qualification requirements of A., B., C., and D., as follows:

- A. Provide a one (1) page statement of qualifications in the areas noted below and a request to be included on the SMC Designated Erosion Control Inspector qualified listing. The signed statement will be considered as evidence of qualifications.
- B. Pass the [Designated Erosion Control Inspector Exam](#) that is administered by the SMC.
- C. Complete a SMC-approved soil erosion and sediment control course and meet the requirements of one (1) of the following:
 1. Have an official designation as a Certified Professional in Erosion and Sediment Control (CPESC) or Certified Erosion, Sediment and Stormwater Inspector (CESSWI); or
 2. Two (2) years cumulative experience in the Upper Midwest Region on soil erosion and sediment control inspections.
- D. The listing of Designated Erosion Control Inspectors shall be officially updated every three (3) years by the SMC. ~~A minimum of twenty-four (24) work-related professional development hours including SMC mandatory training for this designation shall be obtained within the three-year period in order to qualify for re-listing.~~ **Continuing education requirements shall be as follows:**
 1. **Attendance at each annual DECI training seminars shall be sufficient for the three-year listing period.**
 2. **Alternatively, DECI's must attend twenty-four (24) hours of work-related professional development hours within the three-year period for relisting.**
- E. **Documentation shall be self-monitoring and shall be provided to SMC upon application for listing.**

Purpose: Update the continuing education requirement for DECI's

TAC Vote: 04/13/2020: approved as modified, 6-4-0

WDO Amendment #21
§ 1000.02 Wetland Determination Report

C.2. Lake County Wetland Inventory map (including ADID sites)

Purpose: Important to show ADID sites for regulatory purposes (possible HQARs, stricter requirements).

TAC Vote: 04/16/2020: 10-0-0

WDO Amendment #22
§ 1000.02 Wetland Determination Report

C.5. Hydrologic Atlas (U.S.G.S. Flood of Record map)

Purpose: Clarify that these are one and the same source – Lake County online maps identify this layer under *Drainage* menu as “USGS Flood of Record”.

TAC Vote: 04/16/2020: 10-0-0

WDO Amendment #23
§ 1000.02 Wetland Determination Report

D. Army Corps of Engineers data sheets (~~March 1992 or most recent version~~) (Midwest Region, most recent version) with color photographs provided for representative upland and wetland data points;

Purpose: Update to make sure delineators are using the most current Corps-approved data sheet for our region.

TAC Vote: 04/16/2020: 10-0-0

WDO Amendment #24
§ 1000.02 Wetland Determination Report

E. A written description of the wetland(s) that includes a Floristic Quality Assessment as determined using the **Chicago Region Floristic Quality Assessment Calculator (U.S. Army Corps of Engineers, Chicago District, most recent version)**, ~~by methodology contained in Swink, F. and G. Wilhelm's Plants of the Chicago Region (1994, 4th Edition, Wilhelm, G. and L. Rericha's Flora of the Chicago Region, 2017, Indianapolis: Indiana Academy of Science)~~. Floristic quality assessments shall generally be conducted between May 15 and October 1. Assessments conducted outside this time frame may require additional sampling during the growing season to satisfy this requirement;

Purpose: Update to current methodology for floristic quality assessment determinations.

TAC Vote: 05/21/2020: Approved as modified 12-0-0

WDO Amendment #25

§ Appendix L, Section. L: High-Quality Aquatic Resources

- L. Wetlands with a native mean coefficient of conservatism value (native mean C value) of greater than or equal to 3.5 or a native floristic quality index value (FQI) of greater than or equal to 20 as determined using the Chicago Region Floristic Quality Assessment Calculator (U.S. Army Corps of Engineers, Chicago District, most recent version). ~~Floristic Quality Index of 20 or greater or a mean C value of 3.5 or greater. Reference Plants of the Chicago Region (F. Swink and G. Wilhelm, 4th Edition, Indianapolis: Indiana Academy of Science, 1994) Wilhelm, G. and L. Rericha's Flora of the Chicago Region, 2017, Indianapolis: Indiana Academy of Science. Mean C Values, and the total number of species used to calculate the FQI, should be calculated for native plants only, as described in Plants of the Chicago Region (F. Swink and G. Wilhelm, 4th Edition, Indianapolis: Indiana Academy of Science, 1994). In Swink and Wilhelm, introduced plants have no C-value, rather than a C-value of 0.~~

Purpose: Update for new reference for plant classification (native vs. adventive) and consistency with definition in Corps-Chicago District Regional Permit Program Appendix A – High Quality Aquatic Resources (as revised 1-10-2020).

TAC Vote: 05/21/2020: Approved as modified 12-0-0

WDO Amendment #26

§ Appendix M: SMC-Approved Wetland Mitigation Banking Requirements

- S. Species Composition: Species selected for the planting shall be native to Lake County (ref. ~~Swink and Wilhelm, Plants of the Chicago Region, 4th Edition, 1994 Wilhelm, G. and L. Rericha's Flora of the Chicago Region, 2017, Indianapolis: Indiana Academy of Science) and shall be appropriate for the hydrologic zone to be planted. A minimum number of native perennial species proposed for establishment must be present within each plant community to meet certification standards, as follows:~~

Purpose: Update to the new reference for plant classification (native vs. adventive).

TAC Vote: 04/16/2020: 8-1-1

WDO Amendment #27

§ Appendix N: WDO Mitigation Requirements and Guidelines for Isolated Waters of Lake County Impacts

- H.2.a. Floristic Quality: By the end of the performance period, a native mean coefficient of conservatism value (native mean C value) of greater than or equal to 3.5 and a native floristic quality index value (FQI) of greater than or equal to 20 shall be achieved for each wetland community **as determined using the Chicago Region Floristic Quality Assessment Calculator (U.S. Army Corps of Engineers, Chicago District, most recent version).** ~~Native plant species coefficients of conservatism and the methods for calculating the native mean C value and FQI are included in Swink, Floyd and Gerould Wilhelm, Plants of the Chicago Region (Indianapolis: Indiana Academy of Science, 4th Edition, 1994).~~

Purpose: Update to current reference for floristic quality assessment determinations.

TAC Vote: 04/16/2020: 10-0-0

WDO Amendment #28**§ Appendix N: WDO Mitigation Requirements and Guidelines for Isolated Waters of Lake County Impacts**

- H.2.b. **Mean Wetness Coefficient:** By the end of the performance period, the mean wetness coefficient (mean W) shall be less than or equal to 0 in each wetland community. Wetness coefficients are listed below, based on the National Wetland Category of each plant species designated in the **National Wetland Plant List - Midwest Regional Plant List (U.S. Army Corps of Engineers, most recent version)**. ~~Reed, Porter B., National List of Plant Species that Occur in Wetlands: North Central (Region 3), U.S. Fish Wildlife Service, Rep. 88(26.3, 1988).~~ The mean W for each wetland community is calculated by the following equation: Sum of wetness coefficients for all species/number of species.

Wetness Coefficients

<i>National Wetland Category</i>	<i>Wetness Coefficient</i>
Obligate (OBL)	-5 -2
Facultative Wetland + (FACW+)	-4
Facultative Wetland (FACW)	-3 -1
Facultative Wetland - (FACW-)	-2
Facultative + (FAC+)	-1
Facultative (FAC)	0
Facultative - (FAC-)	1
Facultative Upland - (FACU-)	2
Facultative Upland (FACU)	3 1
Facultative Upland + (FACU+)	4
Upland (UPL)	5 2

Purpose: Update the Wetness Coefficient values to be consistent with National Wetland Plant List - Midwest Regional Plant List (U.S. Army Corps of Engineers, most recent version).

TAC Vote: 04/16/2020: 10-0-0

WDO Amendment #29**§ Appendix N: WDO Mitigation Requirements and Guidelines for Isolated Waters of Lake County Impacts**

- H.3.a. **Floristic Quality:** By the end of the performance period, a native mean coefficient of conservatism value (native mean C value) of greater than or equal to 2.5 and a native floristic quality index value (FQI) of greater than or equal to 15 shall be achieved for the buffer **as determined using the Chicago Region Floristic Quality Assessment Calculator (U.S. Army Corps of Engineers, Chicago District, most recent version)**. ~~Native plant species coefficients of conservatism and the methods for calculating the native mean C value and FQI are included in Swink, Floyd and Gerould Wilhelm, Plants of the Chicago Region (Indianapolis: Indiana Academy of Science, 4th Edition, 1994).~~

Purpose: Update to current reference for floristic quality assessment determinations.

TAC Vote: 04/16/2020: Approved as modified 10-0-0

WDO Amendment #30**§ Appendix A: Definitions**

Isolated Waters of Lake County: All waters such as wetlands, ponds, streams (including intermittent streams), farmed wetlands, and wetlands that are not under U.S. Army Corps of Engineers jurisdiction. The limits of the Isolated Waters of Lake County extend to the ordinary high water mark or the delineated wetland boundary.

Purpose: Clarify that all stream classifications not regulated by the Corps as waters of the United States would be IWLC: perennial, intermittent and ephemeral.

TAC Vote: 04/16/2020: 9-0-1

WDO Amendment #31

§ 1005.01.E. Isolated Waters of Lake County Impacts (HQAR Documentation)

~~A statement~~ **Current documentation** on the occurrence of any high quality aquatic resources on or adjoining the development.

Purpose: Require submittals with valid information on T&E species and wetland floristic quality for potential HQAR designation (i.e., EcoCat <2 years old; wetland delineations with FQA <3 years old).

TAC Vote: 04/16/2020: 10-0-0

WDO Amendment #33

§ Mitigation Hierarchy

1007.03 Space intentionally left blank.

~~1007.03~~ **1009.01 Mitigation Hierarchy for Isolated Waters of Lake County**

A. Size Requirements

1. If the required mitigation acreage is less than one and one-half (1.5) acres, mitigation requirements shall follow the mitigation hierarchy in ~~1007.03~~ **1009.01.B.2** through ~~1007.03~~ **1009.01.B.4**. If on-site mitigation increases an existing on-site wetland size to greater than or equal to one and one-half (1.5) acres, the applicant may use the mitigation hierarchy in ~~1007.03~~ **1009.01.B.1**.
2. If the required mitigation acreage is one and one-half (1.5) acres or greater, mitigation requirements shall follow the mitigation hierarchy in ~~1007.03~~ **1009.01.B.1** through ~~1007.03~~ **1009.01.B.4**.

B. Hierarchy

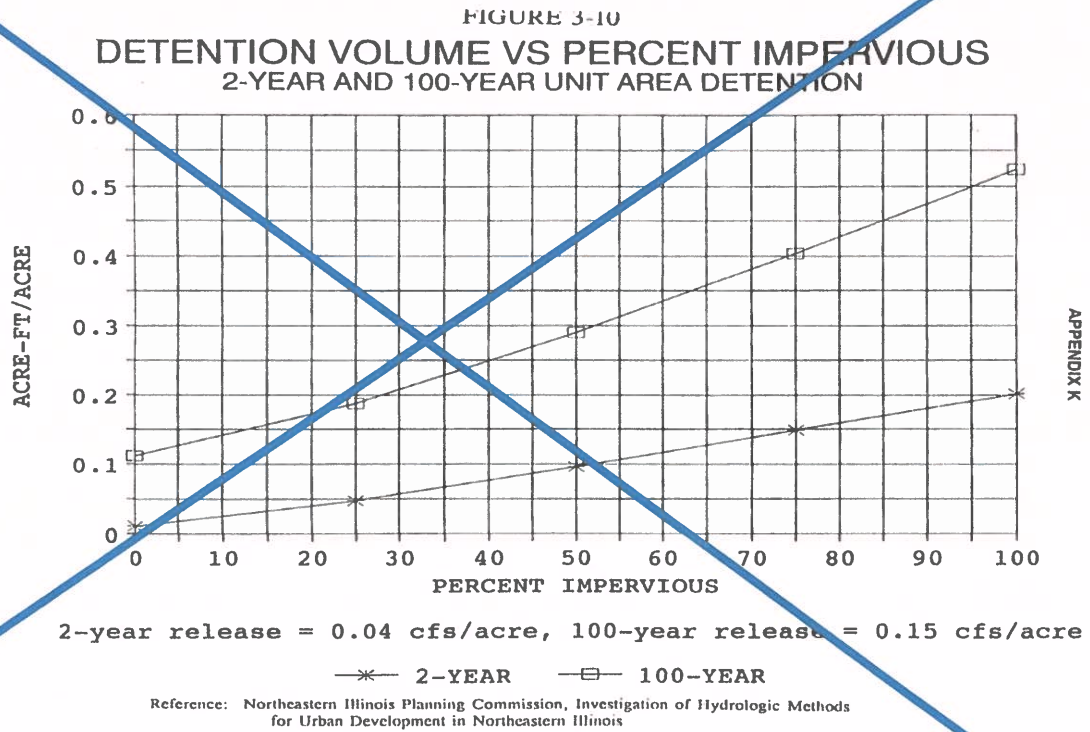
All mitigation shall occur in Lake County. Mitigation shall use the following hierarchy. Allowance to the next lower step is permitted only when justified through sequencing specified in 1005.01L and 1005.01M or when the higher step is not available or as specified in ~~1007.03~~ **1009.01.B.4**:

1. On-site wetland mitigation meeting the requirements of the project mitigation document.
2. In the same watershed as wetland impact: A U.S. Army Corps of Engineers Approved Wetland Mitigation Bank; or a SMC Approved Wetland Mitigation Bank; or off-site wetland mitigation meeting the requirements of the project mitigation document.
3. Outside of the watershed (at double the required mitigation acreage): A U.S. Army Corps of Engineers Approved Wetland Mitigation Bank; or a SMC Approved Wetland Mitigation Bank; or off-site wetland mitigation meeting the requirements of the project mitigation document.
4. SMC Wetland Restoration Fund. This mitigation option may only be used for wetland impacts where there are no available mitigation credits within the watershed and the corresponding fees and mitigation ratios shall be charged at the 'in-watershed' rate.

Purpose: Re-insert Mitigation Hierarchy per pre-WDO reformatting. This section was erroneously reformatted to incorrectly include only IWLC. The original formatting was applicable for both IWLC and WOUS.

5/21/20 TAC Vote: 05/21/2020: 12-0-0

Appendix K: Detention Volume Versus Curve Number



Curves to be inserted from the attached May 18, 2020 memorandum from Bleck Engineering

Purpose: Increase required detention to account for updated rainfall in Amendment #1a. Support new Fee-in-Lieu program. Update to use Curve Numbers instead of percent impervious. Add 50-year curve.

TAC Vote: 05/21/2020: 10-0-2