

Item #5:

**Ord. Adopting The Amended Lake County
Watershed Development Ordinance (WDO)**

VILLAGE OF LONG GROVE

ORDINANCE NO. 2015-O-__

**AN ORDINANCE ADOPTING BY REFERENCE
THE LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 24th day of November, 2015

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 24th day of November, 2015

**VILLAGE OF LONG GROVE
ORDINANCE NO. 2015-O-__**

**AN ORDINANCE ADOPTING BY REFERENCE
THE LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE**

WHEREAS, the County of Lake, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted the Lake County Watershed Development Ordinance on or about October 13, 2015, effective October 13, 2015, establishing rules and regulations for floodplain and stormwater management throughout the County of Lake and superseding any less restrictive municipal rules and regulations therein ("**WDO**"); 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 and 2013-O-11, which adopted by reference the Lake County Watershed Development Ordinances; and,

WHEREAS, the County of Lake, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted a resolution approving amendments to the Lake County Watershed Development Ordinance on or about October 13, 2015, effective immediately; 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

WHEREAS, three copies of the Lake County Watershed Development Ordinance, as most recently amended in October 2015, have been on file in the Office of the Village Clerk of the Village of Long Grove, and available for inspection, 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 Lake County Watershed Development Ordinance, approved as amended by the County of Lake, State of Illinois, 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.

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 its entirety 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 ~~June 11, 2013~~ **October 13, 2015**, 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**, 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 24th day of November 24, 2015.

AYES: () Trustees:

NAYS: ()

ABSENT: ()

APPROVED this 24th day of November 24, 2015.

Village President, Angela Underwood

ATTEST:

Village Clerk, Heidi Locker-Scheer

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

I, Heidi Locker-Scheer, 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. 2015-O-__

AN ORDINANCE ADOPTING BY REFERENCE
THE LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LONG GROVE,
THIS 24TH DAY OF NOVEMBER, 2015

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 24 day of July, November, 2015.

(SEAL)

Heidi Locker-Scheer, Village Clerk

CERTIFICATIONS

I, Heidi Locker-Scheer, do hereby certify that I am the duly appointed, acting and qualified Village Clerk of the Village of Long Grove, Lake County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Trustees of said Village of Long Grove.

I do hereby further certify that at a regular meeting of the President and Trustees of the Village of Long Grove, held on the 24th day of November, the foregoing Ordinance entitled: "AN ORDINANCE ADOPTING BY REFERENCE THE LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE" was duly passed by the President and Board of Trustees of the Village of Long Grove.

The pamphlet form of Ordinance 2015-O-___, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on the 19th day of October, 2015, and continuing for at least 30 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I DO FURTHER certify that the original, of which the attached is true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

GIVEN under my hand and seal this 24th day of November 2015.

Heidi Locker-Scheer
Village Clerk
Village of Long Grove
Lake County, Illinois

VILLAGE OF LONG GROVE

Please take notice that as of October 19, 2015, a copy of the Lake County Watershed Development Ordinance, dated October 13, 2015, is on file in the Village Hall for public use, inspection, and examination for at least 30 days as required by 65 ILCS 5/1-3-1 *et seq.*

On or after November 24, 2015, the Village Board of Trustees, at a public meeting, will consider adopting this Ordinance for application within the Village.

**Administrative
WDO Re-formatting**

Purpose: Under direction by the State's Attorney's Office, the WDO has been re-formatted. An improved referencing system is used and certain sections have been re-located and aligned making the entire document more user friendly, understandable, which can be quickly and logically referenced (for legal and general application). No substantive changes are included in the re-formatted WDO. A section cross-reference table is separately attached.

**Administrative
WDO Amendment #1
Page 82 – Article V.B.****B. APPEALS**

1. Any permit applicant aggrieved by the denial or conditions of a Watershed Development Permit, Earth Change Approval, Conditional Approval, or Variance by a Certified Community's Enforcement Officer may request review thereof by the Certified Community's board of elected officials or the appropriate body within 30 days of the disputed act or actions.
2. Any permit applicant aggrieved by **a permit decision**, the denial or conditions of a Watershed Development Permit, Earth Change Approval, Conditional Approval, or Variance by the SMC Chief Engineer may request review thereof by the SMC Director within 30 days of the disputed act or actions.
3. Any permit applicant aggrieved by **a permit decision**, the denial or conditions of a Watershed Development Permit, Earth Change Approval, Conditional Approval, or Variance by the SMC Director may appeal it to the SMC by written notice filed with the SMC Director within 30 days of the disputed act or actions.

Purpose: Clarify standard administrative process for SMC-reviewed permits and approvals.

**Administrative
WDO Amendment #2
Page 87 – Article VII.F.**

- (i) **F. The SMC may enforce violations of this Ordinance in accordance with the Lake County Administrative Adjudication Ordinance.**

Purpose: Improve compliance efficiencies using the Administrative Adjudication process as an additional compliance tool. Staff have conferred with the Lake County State's Attorney's Office and determined that an Ordinance amendment is necessary in order for SMC to use the process.

Exhibit A

WDO Amendment #3

Page 99 - Appendix A: Definitions

Isolated Waters of Lake County: All waters such as lakes, 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.

- a. The following are excluded from Isolated Waters of Lake County, **as determined by the Enforcement Officer**.
 - (1) Excavations and impoundments that have received a permit from the appropriate jurisdictional authority.
 - (2) Excavations and impoundments permitted by right, prior to being a regulated activity, within 40% or more non-hydric soils. Areas designated as 'water' as depicted on the Soil Survey of Lake County, SCS, 1970 are determined as either hydric or non-hydric soils by connecting adjoining soil boundaries to create complete polygons of the depicted soil type.
 - (3) Wetlands created incidental to construction grading on development sites. ~~that have received a Watershed Development Permit or meet the criteria of Article IV.A.2.a~~
 - (4) Roadside ditches.
- b. The following shall not be considered as meeting the exclusion criteria in a. above:
 - (1) All areas meeting the definition of high-quality aquatic resources.
 - (2) Wetland mitigation areas created to meet the requirements of this Ordinance or Section 404 of the Clean Water Act.
 - (3) Wetland areas created or restored using public funds.

Purpose: Per legal review, clarify determination is made by EO. For a.(3) record retention policies vary among units of government and documents are not always kept, available, or easily obtained. EO has discretion to make a determination that the wetland was "created" due to construction grading on a development site.

FEMA/NFIP Map Updates

WDO Amendment #4

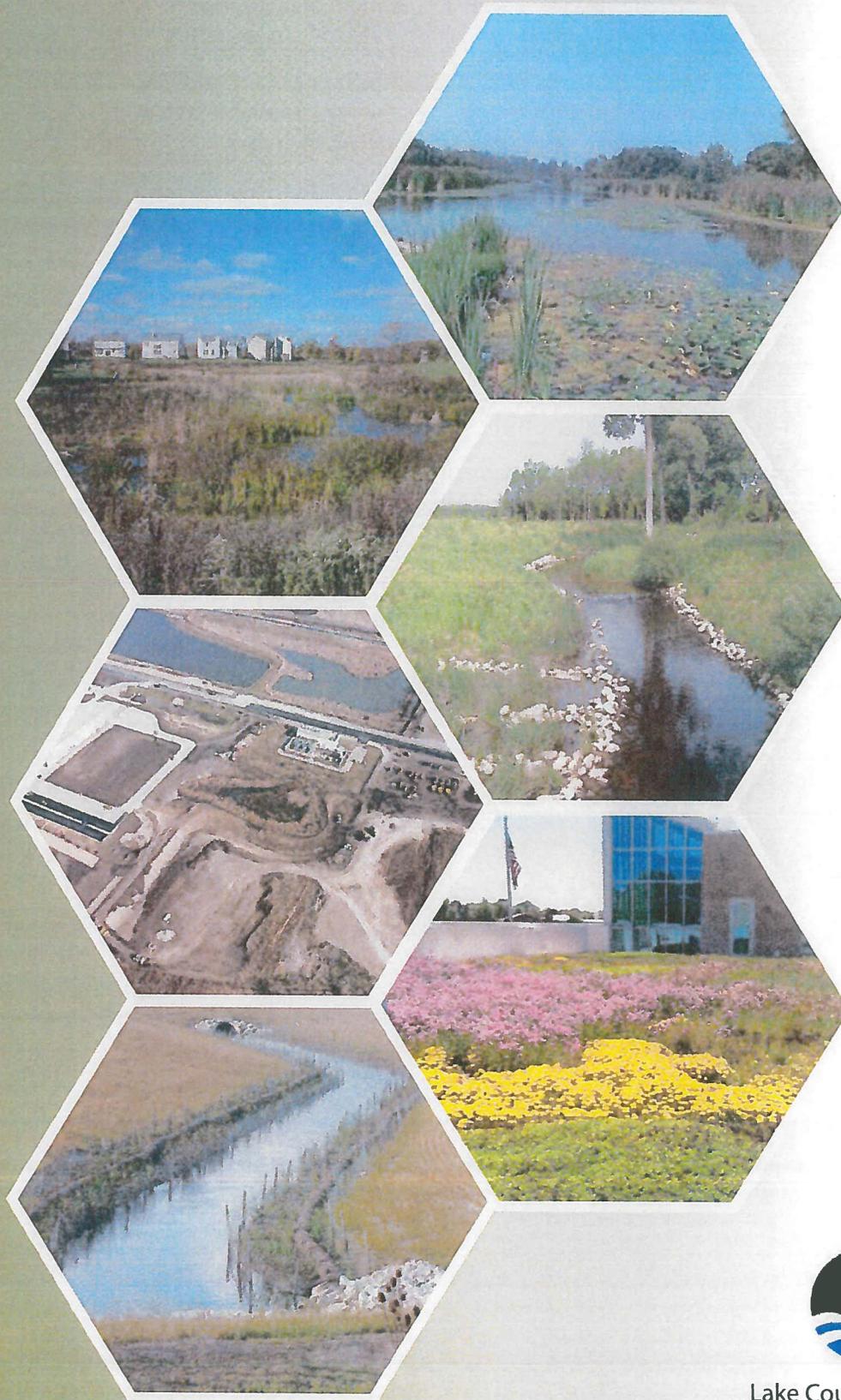
Pages 108-116 – Appendix C: FEMA Flood Insurance Study Maps and Profiles

(SEE WDO APPENDIX C)

Purpose: Modify FEMA map effective dates and panel numbers.

Watershed Development Ordinance

Effective October 13, 2015



Lake County Stormwater
Management Commission

LAKE COUNTY
WATERSHED DEVELOPMENT ORDINANCE

OF

LAKE COUNTY, ILLINOIS

ORIGINAL EFFECTIVE DATE
October 18, 1992

Approved as Amended
By the
Lake County Board

July 12, 1994
August 10, 1999
October 10, 2000
August 14, 2001
November 8, 2005
January 10, 2006
October 10, 2006 (Appendix C)
November 18, 2008
July 10, 2012
June 11, 2013
October 13, 2015

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