

MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
(SPECIAL MEETING)
FEBRUARY 23, 2010

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Call to Order

Chairman Weigel called the meeting to order at 10:30 a.m.

Members Present at Roll Call

Tom Weigel, Debbie Rozak, Kathleen Konicki and Sharon May.

Members Absent

Katrina Deutsche, Michael Wisniewski and Brian Smith.

Staff Present

Derek O'Sullivan, David Dubois, Thomas Carroll and Pat Cline.

State's Attorney Present

Melanie Manning.

Others Present

See sign-in sheet.

Tom Carroll stated a stakeholders meeting was held in the early part of February for consulting engineers and members of the development community. Various government agencies were also invited to attend (FEMA, IDNR, ARMY CORPS, Will County Farm Bureau and Will-South Cook Soil & Water Conservation District).

Their comments and staff's responses to those comments were compiled. The changes staff would recommend to the Ordinance are highlighted in red. Mr. Carroll stated he would go through the changes by Article and Section and would ask the Committee to make motions on each section. The staff recommendations are attached to these minutes.

Article 1

· **Section 104 Definitions**

The first two definitions were Direct Discharge Site and River Frontage. These definitions are being revised to mirror the revisions that are being done right now to the Countywide Ordinance. The Direct Discharge Site definition was revised based on the recommendations from the

Committee. The next definition “Good Husbandry” was a recommended change from the NRCS and the Will County Farm Bureau. They felt that the definition we had was too vague so they provided the definition; “The application of agricultural or conservation practices that minimize impacts to natural resources and neighboring landowners.”

Mr. Carroll noted that after the packets were mailed out for the meeting, staff received a comment from the Will County Farm Bureau. The Farm Bureau had a concern over the phrase “Conservation Practices” within the Good Husbandry definition. So they recommended staff define Conservation Practices so the intent was clear. The Farm Bureau provided staff with the following definition: “Conservation Practices – A listing of practices such as those identified in the USDA-NRCS Technical Guide Section 4 that detail the standards and specifications for each practice listed. They give a link to the website to define those.

Next, the Army Corps suggested defining the word “impact.” Staff felt it was clear what they meant by the word impact so they suggest not revising that.

The Army Corps suggested staff provide further definition of High Quality Aquatic Resource. Staff made the revision referring to Appendix E. It provides a more detailed definition of High Quality Aquatic Resources. It’s at the back of the comments.

Mr. Carroll identified clarifications in the definitions regarding Blocked Restrictor Elevation, Calculated High Water Elevation, Conditional Letter of Map Revision and Director. Contradictory phrasing was removed from the Blocked Restrictor Elevation and the Calculated High Water Elevation definitions. Differentiating between the 100 year storm and the 100 year critical duration storm. In the Conditional Letter of map Revision the wording “FBFM” (Flood Boundary Frequency Map) was struck out. They were the forerunners of the FIRM maps. The FIRM maps replaced them. The Director definition is the person responsible for the Will County Stormwater Management Ordinance and not the Water Resource Ordinance.

Debbie Rozak noted the comma after 100 year, should not be in the Blocked Restrictor Elevation definition; it should be in a 100 year storm. Mr. Carroll agreed.

Add the definition for Planning and Zoning Commission as it appears in the Will County Zoning Ordinance.

Sharon May made a motion to recommend approval of Section 104 as presented. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Article 2

- 200.2 Applicability of Site Runoff Storage Requirements

Mr. Carroll noted that in c. five (5) acres or larger in size is being stricken out because detention would be required. Item d., the wording on a parcel larger than one (1) acre in size would be stricken so as not to allow commercial development on parcels less than one (1) acre in size and to

be free from providing detention. In Item e. striking on a parcel one acre or less would ensure that detention would be provided on commercial redevelopment or industrial redevelopment on existing parcels where new impervious surfaces exceed 25,000 square feet in aggregate. Striking the acreage would require detention on all commercial and industrial redevelopment.

Sharon May made a motion to recommend approval of the recommended changes to Section 200.2. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 200.3 Exemptions From Site Runoff Storage Requirements (Detention)

Kathleen Konicki made a motion to recommend approval of Section 200.3. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 200.3 Exemptions From Site Runoff Storage Requirements (Detention)

Marvin Pickering submitted suggested language as an amendment to Section 200.3(f). His concerns mirrored Board Member Konicki's concerns that this exemption is too broad in the sense that detention should be provided for trails installed in Parks and the Forest Preserve, where possible.

Revised 200.3 Exemptions From Site Runoff Storage Requirements (Detention)

Site run-off storage is not required under the following circumstances:

f. Bike trails, pedestrian trails, and multi-purpose trails on park district or Forest Preserve District property when the trail is designed so as to not further concentrate storm water flows from the existing condition, and when it can be shown that there will be no net increase in storm water discharge rates from the proposed construction during the 2 year and 100 year rainfall events. BMPs can be utilized to help mitigate discharge rates. In addition, a trail shall not be designed, nor constructed in a manner that could result in impoundment of storm water onto another property. The trails shall not exceed twelve (12) feet in width to be exempt from the site runoff storage requirements.

Kathleen Konicki made a motion to recommend approval of Section 200.3. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED

Section 201.6 Protection of Buildings

There was no discussion. Committee members were in agreement with what was presented.

Debbie Rozak made a motion to recommend approval of Section 201.6. Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 202.3 Major Stormwater System Criteria

There was no discussion. Committee members were in agreement with what was presented.

Debbie Rozak made a motion to recommend approval of Section 202.3 Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 202.8 Flow and Ponding Depths

There was no discussion. Committee members were in agreement with what was presented.

Sharon May made a motion to recommend approval of Section 202.8 Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 202.10 Best Management Practices Requirement

There was no discussion. Committee members were in agreement with what was presented.

Kathleen Konicki made a motion to recommend approval of Section 202.10. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 203.2 Design Methods

There was no discussion. Committee members were in agreement with what was presented.

Sharon May made a motion to recommend approval of Section 203.2. Kathleen Konicki seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 203.6 Site Runoff Storage Facility Design Requirements

There was no discussion. Committee members were in agreement with what was presented.

Sharon May made a motion to recommend approval of Section 203.6. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 203.7 Site Runoff Storage Facility Requirements Within the Regulatory Floodplain

There was no discussion. Committee members were in agreement with what was presented.

Kathleen Konicki made a motion to recommend approval of Section 203.7. Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 203.10 Off-Site Facilities

There was no discussion. Committee members were in agreement with what was presented.

Debbie Rozak made a motion to recommend approval of Section 203.10. Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 204.1 Conservation Planning and Performance Standards

There was no discussion. Committee members were in agreement with what was presented.

Sharon May made a motion to recommend approval of Section 204.1. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 204.2 Drainage Practices, Requirements and Design Criteria

There was no discussion. Committee members were in agreement with what was presented.

Kathleen Konicki made a motion to recommend approval of Section 204.2. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 204.3 Sediment Control for Open Channels

There was no discussion. Committee members were in agreement with what was presented.

Debbie Rozak made a motion to recommend approval of Section 204.3. Kathleen Konicki seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 205.1 Infiltration Credit

There was no discussion. Committee members were in agreement with what was presented.

Sharon May made a motion to recommend approval of Section 205.1. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Article 4

- 401 Floodplain, Regulatory Floodplain, Base Flood Elevation (BFE) and Regulatory Floodway Locations

Section 401.1

There was no discussion. Committee members were in agreement with what was presented.

Debbie Rozak made a motion to recommend approval of Section 401.1. Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 401.3

There was no discussion. Committee members were in agreement with what was presented.

Debbie Rozak made a motion to recommend approval of Section 401.3. Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 402

There was no discussion. Committee members were in agreement with what was presented.

f. Critical facilities shall not be permitted within the 500-year floodplain.

Debbie Rozak made a motion to recommend approval of Section 402 (f). Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 402.4 LOMR-F

There was no discussion. Committee members were in agreement with what was presented.

Debbie Rozak made a motion to recommend approval of Section 402.4. Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 403 Compensatory Storage Volume Standards

There was no discussion. Committee members were in agreement with what was presented.

Debbie Rozak made a motion to recommend approval of Section 403. Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Section 407.1 Applicability

This Section is covered under the Subdivision Ordinance. According to our State's Attorney's Office, a motion is not necessary to keep the wording the same.

Sharon May left at noon. At this point, Ms. Manning of the State's Attorney's Office indicated since there was no longer a quorum; those Committee members present could agree on issues presented by consensus of those members present.

Section 407.1 (b)

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions to Section 401.1 (b) as presented.

Section 407.3 Requirements for Buffer Areas

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions to Section 407.3 as presented.

Section 407.5 Mitigation

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions to Section 407.5 as presented.

Section 502.6 Wetland Submittal Requirements

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions to Section 502.6 as presented.

Section 407.1(c)

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions to Section 407.1.c.1 as presented.

Section 407.1.c.1

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions to Section 407.1.c.1 as presented.

Section 407.1.d

Kathleen Konicki suggested adding the word "and" at the end of the paragraph within the text of the Ordinance for the definition "dry land."

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed revision to Section 407.1.d.

Section 407.2 Requirements for Wetland Delineation

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions to Section 407.2 as presented.

Section 407.3 Requirements for Buffer Areas

Chairman Weigel and Kathleen Konicki requested feedback from the Forest Preserve be provided. Mr. Paddock stated the draft was already provided to them.

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions to Section 407.3 as presented.

Section 407.5 Mitigation

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions to Section 407.5 as presented.

Section 502.6 Wetland Submittal Requirements

Article 5

· 502.7 Permit Exceptions

Staff stated the wording is clear and does not need to be expanded upon.

Mr. Carroll stated Section 900 is a completely new version of the variance process. There was a lot of coordination between the current Will County Stormwater Management Ordinance, the Zoning Ordinance and the State's Attorney's Office to get this section in its present form. It outlines the procedure for getting the variance and closely mirrors the current process we are using in the Zoning Ordinance; the notice of hearing, requiring signs to be posted on the property, fees, public hearing, and the granting of variances.

Mr. O'Sullivan noted, with one exception, that the variances have to go on to the County Board.

Mr. Carroll stated the one section we might need to probably remove would be Section 908; the Administrative Variances. State Statute allows Administrative Variances for items that are within ten percent of the ordinance; but with this procedure, they can't really quantify ten percent of a culvert, a pond or public utility. Staff recommended it be stricken. Variances would just go through the normal process.

Mr. Carroll stated they received a comment from the consulting engineers regarding Section 904.b.4. They requested a better definition of high quality natural area. Staff feels the current definition is clear enough.

Mr. Paddock stated "stand of trees" is clearly defined in the Conservation Design Ordinance.

Ms. Manning stated she prefers guidelines or definition to allow the Chief Subdivision to make that decision.

Mr. Carroll stated in Article 10, language was added defining the Planning and Zoning Commission outlining their jurisdiction.

Mr. Carroll referred to Appendix A Sample Special Service Area Ordinances. Mr. O'Sullivan noted they hope to use the same language that's in the Countywide Stormwater Ordinance. It's just a draft example for someone to use. Appendix B was a comment from IDNR. All we have to do is list the flood maps and their effective dates. Appendix C defines and clarifies Public Bodies of Water. Appendix D is another comment from IDNR. Streams studied within the Flood Insurance Study are listed. In Appendix E, High Quality Aquatic Resources (HQAR) definition was expanded upon as provided in Section 104.

Chairman Weigel and Kathleen Konicki agreed by consensus with the proposed staff revisions as presented.

Chairman Weigel made a motion to adjourn the meeting. Kathleen Konicki seconded the motion. Motion Carried.

The meeting was adjourned at 12:45 p.m.

Additional Comments for:

**WATER RESOURCE ORDINANCE FOR
UNINCORPORATED WILL COUNTY**

Sec 104 Definitions

- **Comment:** Strike the definitions of “Commercial Redevelopment” and “Industrial Redevelopment” based on suggested revision to section 200.2 below.

~~**Commercial Redevelopment.** Development on a parcel upon which the existing condition is buildings, parking lots and infrastructure associated with commercial activities. Additions to existing buildings and new impervious surfaces added after the effective date of the Ordinance are specifically excluded from this definition.~~

~~**Industrial Redevelopment.** Development on a parcel upon which the existing condition is buildings, parking lots and infrastructure associated with industrial activities. Additions to existing buildings and new impervious surfaces added after the effective date of the Ordinance are specifically excluded from consideration as Industrial Redevelopment.~~

- **Comment:** Add the following definition of “Woodland” based revision to section 904.1 below:

Woodlands. An area with a contiguous tree canopy area, including younger understory trees, of at least one (1) acre that contains healthy deciduous coniferous trees as determined by a qualified professional.

Section 200.2 Applicability of Site Runoff Storage Requirements (Detention)

Comment: Based on previous comments and additional consideration to the ordinance, Staff recommends the following changes to section 200.2:

200.2 Applicability of Site Runoff Storage Requirements (Detention)

All developments shall comply with the site runoff storage requirements provided in Section

203 of this Ordinance in which:

- a. Manufactured home parks are to be constructed on a parcel larger than one (1) acre in size.
- b. Multi-family homes are to be constructed on a parcel larger than one (1) acre in size.
- c. A parcel is being subdivided into single family residential lots.
- d. Non-residential development.
- e. ~~Commercial redevelopment or industrial redevelopment on an existing parcel where new impervious surfaces will exceed 25,000 square feet in aggregate.~~
- f. ~~The development is of a non residential nature on an existing agricultural parcel, where new impervious surfaces exceed 25,000 square feet in aggregate, which are not exempted under Section 204.~~
- g. The Chief Subdivision Engineer may, at his/her direction, modify requirements on a case-by-case basis considering the size, complexity, and likelihood that a development will affect the discharge of stormwater.

200.3 Exemptions From Site Runoff Storage Requirements (Detention)

Comment: Based on previous comments and additional consideration to the ordinance, Staff recommends the following changes to section 200.3:

200.3 Exemptions From Site Runoff Storage Requirements (Detention)

Site run-off storage is not required under the following circumstances:

- a. Direct discharge ~~industrial~~ industrial sites where appropriate BMP's are utilized.
- b. Non Industrial direct discharge sites 160 acres or less having the following minimum river frontage:

| <u>Site Area</u> | <u>Required Frontage</u> |
|------------------|--------------------------|
| 0 to 2 Acres | 50ft. |
| up to 5 Acres | 100ft. |
| up to 10 Acres | 150ft. |
| up to 40 Acres | 200ft. |
| up to 80 Acres | 350ft. |
| up to 160 Acres | 500ft. |

- c. The development is of a non-residential nature on an existing developed parcel, where new impervious surfaces do not exceed 25,000 square feet in aggregate provided that the design does not further concentrate storm water flows from the existing condition, and the design provides appropriate best management practices on site.
- d. The development is of a non-residential nature on an existing agricultural parcel, where new impervious surfaces do not exceed 25,000 square feet in aggregate, which are not exempted under Section 204.

407.3 Requirements for Buffer Areas

Comment: Based on comments from the Land Use & Development Committee the following section has been revised:

407.3 Requirements for Buffer Areas

Buffer areas shall be required for all areas defined as either Waters of the United States or Isolated Waters of Will County. Buffer areas are divided into two types, linear buffers and water body buffers. Buffers required by Army Corps of Engineers for wetland impacts under their jurisdiction will be considered as compliant with this Section's requirements.

- i. All buffer areas shall be maintained free from development including disturbance of the soil, dumping or filling, erection of structures and placement of impervious surfaces except as follows:
 1. ~~Structures and impervious surfaces (including trails, paths)~~ Trails and bike/pedestrian paths may encroach ~~the outer~~ a maximum of twenty (20) percent of the buffer surface area provided the trail or path is not closer than ten (10) feet from the edge of the wetland, and provide that the runoff from such facilities is unconcentrated flow.

Article 9 Variances

Comment: Based on comments from the Land Use & Development Committee the following section has been revised:

Article 9 Variances

904.1 A variance from the provisions of this ordinance shall not be granted unless the variance is consistent with the purpose of this Ordinance (Section 102) and meets the following standards based upon substantial evidence submitted at the hearing:

- a. The variance will not increase measurably the probability of flood damage to insurable structures.
- b. The variance requested is the minimum required considering each of the following statements of underlying intent of this ordinance and there are no means other than the requested variance by which the alleged hardships can be avoided or remedied to a degree sufficient to permit the reasonable continuation of the development:

4. ~~High quality natural areas shall be preserved on the site, including but not limited to, High Quality Aquatic Resources, woodlands, natural floodplain storage, and other valuable environmental and biological resources, as determined by the Chief Subdivision Engineer, shall be preserved on the site., including without limiting the generality of the foregoing, stands of native trees, existing wetlands, natural floodplain storage or other valuable environmental and biological resources.~~