



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP

DATE: April 30, 2015

SUBJECT: CCZBA Case Nos. 769-AT-13 and 773-AT-14: A request from the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance regarding regulations of stormwater, erosion and sedimentation controls.

Introduction and Background

The Champaign County Zoning Administrator is requesting two related text amendments in regards to the Champaign County Zoning Ordinance and the Champaign County Stormwater Management Policy.

CCZBA Case No. 769-AT-13 would amend the Champaign County Zoning Ordinance through amending the Champaign County Stormwater Management Policy by changing its name to Storm Water Management and Erosion Control Ordinance and amending its reference in Section 4.3.10 of the Champaign County Zoning Ordinance. Additional amendments are requested, including adding erosion and sedimentation controls to meet the requirements of the National Pollutant Discharge Elimination System (NPDES), as it is applied to the Municipal Separate Storm Sewer System (MS4); and to make other changes and add other requirements related to erosion and sedimentation control.

CCZBA Case No. 773-AT-14 would amend the newly named Champaign County Stormwater Management and Erosion Control Ordinance (that is the subject of the case above), by adding a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land, or for any grading or demolition that is part of a larger common plan of development (in which one acre or more of land disturbance will occur, and that is not related to any proposed construction), and to add fees and other requirements for Grading and Demolition Permits.

Proposed Amendments

The County Zoning Administrator is proposing to add the following amendments to the current Champaign County Stormwater Management Policy. The full text of the revised amendments are attached as Exhibits A and B.

CCZBA Case No. 769-AT-13:

1. *Amend the Champaign County Zoning Ordinance through amending the Champaign County Stormwater Management Policy by changing its name to the Storm Water Management and Erosion Control Ordinance and amending its reference in Zoning Ordinance Section 4.3.10., and by amending the ordinance as follows:*
 - A. *Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to have authority to prevent pollution of any stream or body of water.*
 - B. *Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be the new Section 2 and add purpose statements related to 1) preventing soil erosion and preventing water pollution and 2) fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit.*
 - C. *Add a new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit.*
 - D. *Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11, 12, 13, 14, and add new Appendices C, D and E. Add requirements for Land Disturbance activities including a requirement for a Land Disturbance Erosion Control Permit (including Minor and Major classes of Permits that are required within the Campaign County MS4 Jurisdictional Area); add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirement (within the MS4 Jurisdictional area); add Fees and time limits for each class of Permit; add requirements for administration and enforcement of Permits; and add new Appendices with new standards and requirements for both Minor and Major Permits.*
 - E. *Revise existing Section 7 to be the new Section 6 and add a prohibition against erosion or sedimentation onto adjacent properties and add minimum erosion control and water quality requirements that are required for all construction or land disturbance.*
 - F. *Revise existing Section 5 to be the new Section 8 and add a Preferred Hierarchy of Best Management Practices.*
 - G. *Revise and reformat existing Sections 6, 8, 9, 10, 11, 12, and the Appendices and add a new Section 18.*

CCZBA Case No. 773-AT-14:

1. *Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject of the case described above by adding the following:*
 - A. *Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demotion that is part of a*

larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction.

- B. Add fees for Grading and Demolition Permits.*
- C. Add required information to be provided in the application for a Grading and Demolition Permit.*
- D. Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General Storm Water Permit for Construction.*
- E. Add a requirement than any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.*
- F. Add prohibitions against changing the flow of water and blocking the flow of water.*
- G. Add other requirements related to Grading and Demolition Permits.*

Urbana 2005 Comprehensive Plan

By State law, the City has an obligation to review zoning decisions within its extra-territorial jurisdiction (ETJ) for consistency with the City's comprehensive plan. Champaign County's proposed text amendments should therefore be reviewed for consistency with the City of Urbana's 2005 Comprehensive Plan. Specifically, Urbana's comprehensive plan includes the following pertinent goals and objectives:

Goal 6.0 Preserve natural resources (including air, water, and land) and environmentally sensitive areas in the community.

Objective 6.1- Protect groundwater and surface water sources from flood and storm-related pollution.

Objective 6.4- Preserve natural amenities in new development through innovative development regulations and design.

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objective 15.4- Promote intergovernmental cooperation on development and growth issues.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objective 21.1- Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

Objective 21.2- Work with other units of government to resolve issues of urban development in unincorporated areas.

Goal 33.0 Provide maximum service and dependable utilities.

Objective 33.2- Correct areas of stormwater infiltration-inflow into the sanitary sewer system.

Goal 36.0 Protect both developed and undeveloped areas from increases in runoff and localized flooding.

Objective 36.2- Reduce the impacts of development on stormwater conditions through regulations, including appropriate provisions for detention and conveyance.

Discussion

Both the City of Urbana’s Engineering and Planning Divisions have reviewed the proposed text amendments to the Champaign County Stormwater Management Policy. The amended ordinance, as proposed, addresses stormwater management and erosion controls. The City of Urbana has a separate Erosion and Sediment Control Ordinance, while stormwater management is regulated under the City’s Subdivision and Land Development Code Ordinance.

The City’s erosion control and sediment control regulations are enforceable within the City’s corporate limits and for properties that have annexation agreements with the City per Section 1.02 of Article 1 of the City’s ordinance. Properties within the ETJ are not regulated under the City’s Erosion and Sediment Control Ordinance.

The City’s stormwater management regulations are enforceable for properties within the City’s corporate limits, for properties that have annexation agreements with the City, and properties located within the City’s ETJ per Section 21-6 of the Subdivision and Land Development Code. The County’s stormwater regulations, as proposed in the amended ordinance, differ from the City’s regulations on the following key points:

- Types of exemptions offered.
- Design details for detention facilities (slopes, freeboard, etc.).
- No requirement of detention maintenance agreement.

The County’s stormwater regulations, as proposed, match the City’s detention basin volume, release rate, and storm sewer system design storm requirements.

Section 4.3 of the County’s amended ordinance lists exemptions from the county’s stormwater management regulations. No exemption is provided for stormwater management within the City’s ETJ, creating a potential conflict between the City’s and County’s ordinances. Properties within the City’s ETJ would be subject to both the City’s and County’s stormwater regulations.

The Champaign County Zoning Administrator has agreed to insert the following language as Section 4.3.B of the proposed ordinance while the County Environmental and Land Use

Committee reviews the proposed regulations. This addition would read as follows:

4.3 B Construction on lots in subdivisions or other developments that are subject to municipal subdivision regulations containing standards for the detention and controlled release of stormwater, for provision of adequate site drainage, and for the protection of existing drainage facilities or on lots subject to the application of such standards by means of an annexation agreement.

This change would create an exemption from the county's proposed stormwater regulations for land located in the City's ETJ.

The existing Section 4.3.B would become 4.3.C, and all following subsections under Section 4.3 will be renumbered. Furthermore, Attachment D to this memorandum contains language added to the newly numbered Section 4.3.C which the County believed was pertinent to the purpose of the proposed ordinance. The changes recommended to Section 4.3 will be presented to the Champaign County Environmental and Land Use Committee on May 7, 2015.

The introduction of this exemption into Section 4.3 would directly impact Case No. 769-AT-13. By eliminating this difference in regulations, it will avoid any conflict between the City of Urbana's Subdivision and Land Development Code Ordinance and Champaign County's proposed ordinance. Elimination of such conflict would further enhance intergovernmental cooperation between Champaign County and the City of Urbana (**achieving Goal 15.0 of the Urbana 2005 Comprehensive Plan**), and address any potential issue of overlapping jurisdictions within the ETJ (**Goal 21.0**). In areas where its regulations are applicable, the proposed ordinance would also ensure enhanced protection of water resources from storm-related pollution and help to preserve local water quality (**Goal 6.0**), as well as better regulate stormwater infiltration-inflow and reduce the impacts of development on stormwater conditions (**Goals 33.0 and 36.0**).

Summary of Findings

1. As established by state law, the City of Urbana has the ability to protest changes, additions, and modifications to Champaign County's land-use and zoning regulations; and
2. The adoption of the proposed amendment in Case No. 769-AT-13 ensures the County's conformance with regulations set by the Illinois Environmental Protection Agency (IEPA); and
3. The changes to the county's stormwater and erosion practices, as proposed in Case Nos. 769-AT-13 and 773-AT-14, would not conflict with the City's practices in the area of erosion control; and
4. The changes to the county's stormwater and erosion practices, as proposed in Case Nos. 769-AT-13 and 773-AT-14, are generally compatible with the City's practices in the area of stormwater management within the City's ETJ; and

5. The Champaign County Zoning Administrator has agreed to modify the proposed ordinance changes in order to avert a conflict of jurisdiction within one and a half miles of the City boundary.

Options

The Urbana City Council has the following options in CCZBA Case Nos. 769-AT-13 and 773-AT-14:

1. Defeat a resolution of protest; or
2. Defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendments; or
3. Adopt a resolution of protest.

Recommendation

At their April 23, 2015 meeting, the Urbana Plan Commission voted five ayes to zero nays to forward this case to the City Council with a recommendation to DEFEAT a resolution of protest for the proposed text amendments, contingent upon the addition of the following proposed language as the new Section 4.3.B:

Construction on lots in subdivisions or other developments that are subject to municipal subdivision regulations containing standards for the detention and controlled release of stormwater, for provision of adequate site drainage, and for the protection of existing drainage facilities or on lots subject to the application of such standards by means of an annexation agreement.

Reflecting on the findings described above, City staff recommends the same.

Prepared by:

Maximillian Mahalek
Planning Intern

Attachments:

Resolution of Protest

Exhibit A: Summary of Major Text Changes Included in Case No. 769-AT-13 as of the April 9, 2015 Meeting of the Champaign County Environment and Land Use Committee (Received and Placed on File)

Exhibit B: Text Changes Included in Case No. 773-AT-14 as of the March 26, 2015 Meeting of the Champaign County Zoning Board of Appeals (Recommended for Approval)

Exhibit C: Proposed Storm Water Management and Erosion Control Ordinance, as recommended for approval by the Champaign County Zoning Board of Appeals on March 26, 2015

Exhibit D: Changes to Section 4.3 of the Champaign County Stormwater Management Policy, as agreed upon by Champaign County

Minutes from the April 23, 2015 Meeting of the Urbana Plan Commission

cc: John Hall, Champaign County Planning and Zoning
Brad Bennett, City of Urbana Public Works

RESOLUTION NO. 2015-05-022R

A RESOLUTION OF PROTEST AGAINST PROPOSED TEXT AMENDMENTS TO THE CHAMPAIGN COUNTY ZONING ORDINANCE

(Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance and the Champaign County Stormwater Management Policy - Plan Case Nos. CCZBA 769-AT-13 and 773-AT-14)

WHEREAS, the Champaign County Zoning Administrator has petitioned the County of Champaign for zoning text amendments to the Champaign County Zoning Ordinance and the Champaign County Stormwater Management Policy in Champaign County ZBA Case Nos. 769-AT-13 and 773-AT-14; and

WHEREAS, said amendments have been submitted to the City of Urbana for review and are being considered by the City of Urbana under the names of "CCZBA-769-AT-13" and "CCZBA-773-AT-14"; and

WHEREAS, the approval of Champaign County ZBA Case No. 773-AT-14 is dependent on the approval of Champaign County ZBA Case No. 769-AT-13; and

WHEREAS, said amendments are consistent with the City of Urbana's 2005 Comprehensive Plan's goals and objectives; and

WHEREAS, said amendments would not adversely affect future zoning or land use development decisions within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said petition at their meeting of April 23, 2015, has recommended by a vote of five ayes to zero nays that the Urbana City Council DEFEAT a resolution of protest against the proposed text amendments to the

Champaign County Zoning Ordinance, subject to the condition that the following language is added to proposed Section 4.3.B: Construction on lots in subdivisions or other developments that are subject to municipal subdivision regulations containing standards for the detention and controlled release of stormwater, for provision of adequate site drainage, and for the protection of existing drainage facilities or on lots subject to the application of such standards by means of an annexation agreement; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendments are not in the best interests of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby adopt a Resolution of Protest against the proposed text amendments as presented in CCZBA-769-AT-13 or CCZBA-773-AT-14.

Section 3. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this resolution to the Petitioner, Mr. John Hall at 1776 East Washington, Urbana, Illinois 61801 and to the State's Attorney for Champaign County and Attorney

for the Petitioner, at the Champaign County Courthouse, Urbana, Illinois,
61801.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor

**Attachment A. Summary of Major Text Changes Included in Case No. 769-AT-13 as of the
April 9, 2015 Meeting of the Champaign County Environment and Land Use Committee
(Received and Placed on File)**

- A. A new “Land Disturbance Erosion Control (LDEC) Permit” is proposed for any non-exempt land disturbance in the Champaign County MS4 Jurisdictional Area.** See Section 12. Important points to consider are the following:
1. **Two types of LDEC Permits** are proposed, the **Minor** (Section 12.2) and the **Major** (see Section 12.3) depending upon the amount of land disturbance:
 - **The Major LDEC Permit is for one or more acres of land disturbance.** This much land disturbance is already required to have an ILR10 permit from the Illinois Environmental Protection Agency and the only new requirement in the Major LDEC Permit is to copy the County on all IEPA reports.
 - **The Minor LDEC Permit is required for less than an acre of impervious area. This will be a significant change for those who must apply, but professional preparation will not be required for the Minor LDEC Permit.**
 2. **Exemptions are as broad as possible** so as to limit applicability to only what is absolutely required for compliance with the IEPA requirements (see Sections 4.2 and 4.4).
 3. **The proposed LDEC Permit will be required prior to approval of any required Zoning Use Permit** (see Section 5.2). The Zoning Use Permit authorizes construction and the required erosion controls must be in place before construction can be authorized.
 4. **Demolition and/or Grading not related to other construction** will be required to have an LDEC Permit.
 5. **New Administrative and Enforcement rules** are also proposed for the LDEC Permit (see Sections 13, 14, and 15) to supplement what is already in the Zoning Ordinance.
 6. **New “technical appendices”** are proposed to help applicants prepare the necessary “Erosion and Sediment Control Plan (ESCP)” (see Appendices D, E, and F). These Appendices are based on those adopted by the Cities of Champaign and Urbana.
 7. **Cost impacts to landowners** for the erosion controls are anticipated to vary as follows:
 - **Very little cost impact for the proposed Major Permit** (1 acre or more of land disturbance). The IEPA already requires erosion and sediment controls and the only new requirement is to copy the Department of Planning and Zoning on all reports sent to the IEPA.
 - **A Very significant cost impact for the Minor Permit.** Item 16.B.(3) in the Finding of Fact summarizes an evaluation of the estimated cost for a similar ordinance prepared by the City of Bloomington Engineering Department in 2004, and includes certain adjustments for differences in the proposed Draft Ordinance. The Minor LDEC Permit is expected to have the following impact:
 - **\$2,322 to \$3,093 of added cost for 10,400 square feet of land disturbance** (comparable to the disturbance caused by constructing a new dwelling served by sewer and public water).
 - **\$3,898 to \$5,493 of added cost for 20,000 square feet of land disturbance** (comparable to the disturbance caused by constructing a new dwelling in the RRO District).

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- No added requirement or cost for a new “by-right” dwelling in a rural zoning district in the MS4 area so long as there is no erosion or sedimentation on adjacent property.

8. **Impact on County staffing should be minimal**, as proposed. The new “Land Disturbance Erosion Control Permit” is only required in the MS4 Jurisdictional Area. Based on recent permitting trends, the number of new LDEC Permits in the MS4 Area should be no more than five per year. Provided that the number of LDEC Permits does not greatly exceed that amount, the staffing impact for the Department should be minimal and no additional staffing will be required.

B. New requirements are proposed for “Land Disturbance Erosion Control” that will apply to any “Land Disturbance Erosion Control Permit”. See Section 11.

1. **These requirements also apply to Storm Water Drainage Plans** but the Draft Ordinance is based on the same erosion control guidelines (the Illinois Urban Manual by the National Resources Conservation Service) as the current Storm Water Management Policy so this is not a substantive change for projects that would have been required to have a Storm Water Drainage Plan.
2. Other than the changes proposed in Section 6 (see the “Optional for Committee Consideration” below), the proposed Draft does not require erosion control to protect sensitive areas like Forest Preserve properties, streams, or drainage ditches outside of the MS4 Jurisdictional Area.

C. Other new requirements to protect drainage and prevent nuisance conditions that apply throughout the unincorporated area:

1. **Locational restrictions on sump pump and wastewater treatment system discharges that apply only to new principal uses** (par. 6.1 D.). The version previously reviewed by ELUC required a minimum 10 feet separation between any sump pump discharge or discharge from any private wastewater treatment system and a roadside ditch, off-site drainage swale, stream, property line, or in such a way that it creates a nuisance condition at any time of the year or contributes to erosion. The ZBA recommendation applies only to a discharge from a new principal use established after the adoption of this amendment but requires a 25 feet separation.
2. **Protections to existing drainage.** Existing protections to existing surface drainage have been strengthened (see paragraphs 6.2 C. and D.) and an existing Nuisance Ordinance prohibition against destruction of drainage improvements has been added (see paragraph 6.3G.).

D. ZBA RECOMMENDED OPTIONS. Two changes were previously reviewed by ELUC that were not required to meet IEPA requirements and were optional for the County Board. ELUC authorized these options to go to the public hearing even though such options might not be included in the final amendment. The ZBA recommended these options, as follows:

- **“Minimum Erosion Control Standards” in Section 6.1 F, 6.4, and 6.5.** These changes are not required by the IEPA outside of the MS4 Area and are otherwise optional for the County Board to adopt but are consistent with the Land Resource Management Plan. **These Standards must be made to apply in the MS4 Area if they do not apply everywhere.** The standards are as follows:
 - **Erosion and sedimentation onto adjacent properties shall be minimized** (paragraph 6.1 F.);

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- **If there is a valid complaint regarding erosion and sedimentation on adjacent property, the Zoning Administrator is authorized to require the installation of erosion and sedimentation controls** if necessary (Section 6.5 and Section 6.4).
 - **Construction waste and debris shall be disposed of properly and shall not be allowed to be blown or carried offsite by water** (paragraph 6.4 C.);
 - **All land disturbance and any large stockpile of earth (more than 150 cubic yards) must meet minimum separations from sensitive areas** (paragraphs 6.4 D. and E.).
 - **Any sediment deposited onto a public street must be cleaned up at the end of the work day** (paragraph 6.4 F.)
 - **A new \$50 fee is proposed for the “Minor LDEC Permit”.** See Section 12.4 of the proposed Ordinance. This small fee is to pay a portion of County costs for permitting and inspection. The required “erosion and sediment control plan” for the Minor Permit will not be required to be prepared by a Professional Engineer. County Zoning Staff will spend as much time as it takes to assist applicants for the Minor LDEC Permit. Inspections will be required every week until a permanent vegetative cover is established (Final Stabilization).

E. AN OPTION NOT RECOMMENDED BY THE ZBA: ILR 10 COMPLIANCE OUTSIDE THE MS4 AREA. The Illinois Environmental Protection Agency requires any land disturbance of an acre or more or less than an acre if it is part of a “common plan of development or sale of record” that ultimately disturbs one acre or more, to apply for and remain compliant with an “ILR10 General Construction Storm Water Permit”. The Draft Ordinance reviewed by ELUC in January 2014 did not adequately explain the ILR10 Permit requirement.

During the public hearing paragraph 4.1 A. of the Draft Ordinance was revised to make clear when the County is obligated to ensure that a land disturbance has an ILR10 Permit from the IEPA. Outside of the MS4 Area Champaign County is only required to ensure compliance with the ILR10 Permit requirement for Floodplain Development Permits. The County Board has the option of always ensuring that all relevant construction and land disturbance has an ILR10 Permit from the IEPA.

Paragraph 4.1 A. 4.c. of the Draft Ordinance is the paragraph which would have to be included in the amendment in order to require ILR10 compliance for all relevant projects but the ZBA did not recommend this option and that paragraph is not included in the proposed amendment at this time.

Revised Proposed Amendment (new text is underlined>

1. **Add the following to Sec. 3 Definitions of the Champaign County Storm Water Management and Erosion Control Ordinance:**
DEMOLITION PERMIT: A permit for DEMOLITION activities that are planned for areas outside of the MS4 JURISDICTIONAL AREA.

GRADING PERMIT: A permit for GRADING activities that are planned for areas outside of the MS4 JURISDICTIONAL AREA.
2. **Add the following to Sec. 4. of the Champaign County Storm Water Management and Erosion Control Ordinance:**
 - 4.5 GRADING and DEMOLITION PERMIT Exemptions
All GRADING and DEMOLITION meeting the following conditions are exempt from the requirement for a GRADING PERMIT and/or a DEMOLITION PERMIT:
 - A. Any GRADING or DEMOLITION pursuant to any of the exempted activities listed in Section 4.2.
 - B. GRADING and/or DEMOLITION that is not part of or related to other CONSTRUCTION and that will result in less than one acre of LAND DISTURBANCE and that is not part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD.
 - C. GRADING and/or DEMOLITION that is related to and authorized in a ZONING USE PERMIT or a Floodplain Development Permit or a LDEC PERMIT.
3. **Add the following to 5.2 of the Champaign County Storm Water Management and Erosion Control Ordinance:**
 - 5G. Approval of any required GRADING PERMIT or DEMOLITION PERMIT outside of the MS4 JURISDICTIONAL AREA.
4. **Add the following to Sec. 6 of the Champaign County Storm Water Management and Erosion Control Ordinance:**
 - 6.6 DEMOLITION PERMIT and GRADING PERMIT
 - A. DEMOLITION or GRADING that will result in one acre or more of LAND DISTURBANCE or that is part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD which will disturb one acre or more of land, and that is not part of or related to other CONSTRUCTION and that is not located in the Champaign County MS4 JURISDICTIONAL AREA shall be subject to the requirement for either a DEMOLITION PERMIT or a GRADING PERMIT, whichever is applicable.
 - B. Paragraph 6.6A. notwithstanding, the requirements of paragraph 6.1F., Section 6.4, Section 6.5, and paragraph 6.6 J. shall apply to any GRADING or DEMOLITION even though no DEMOLITION PERMIT or GRADING PERMIT may be required based on the amount of LAND DISTURBANCE.

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- C. GRADING that is related to DEMOLITION shall be authorized as part of a DEMOLITION PERMIT.
- D. Application for a DEMOLITION PERMIT or a GRADING PERMIT shall be filed in written form with the ZONING ADMINISTRATOR on such forms as the ZONING ADMINISTRATOR prescribes and shall include the following information:
1. Name and address of the OWNER, the APPLICANT, contractor, engineer and architect when applicable;
 2. Location, including township and section, street number, lot block and or tract comprising the legal description of the site;
 3. Permanent Index Number (PIN);
 4. LOT Area;
 5. ZONING DISTRICT;
 6. Special Flood Hazard Area, if applicable;
 7. USE of existing property and structures;
 8. Proposed USE and any proposed structures;
 9. Estimated cost of proposed construction, GRADING, and/or DEMOLITION;
 10. SITE PLAN indicating all existing and proposed USES and structures, water well, septic tank, septic tank leach field;
 11. Extent and nature of proposed LAND DISTURBANCE including a description of any proposed FILL and indication of the general location of any proposed FILL on the SITE PLAN.
- E. Any abandonment of a water well and/or septic tank (or anything similar to a septic tank) shall be in compliance with the Champaign County Health Ordinance and the Illinois Water Well Construction Code (415 ILCS 30) and/or the Illinois Private Sewage Disposal Code (77 ILCS 905.40).
- F. Any abandonment of an underground storage tank shall be in accordance with all applicable laws. This requirement shall not apply to any septic tank.
- G. Any permit for DEMOLITION of a PRINCIPAL BUILDING (as defined in the Champaign County Zoning Ordinance) not related to other CONSTRUCTION shall document the following:
1. Whichever of the following is applicable regarding the presence of a water well on the LOT:
 - a. a written statement that no water well exists on the LOT; or
 - b. a written statement that no water well on the LOT will be abandoned as defined in the Illinois Water Well Construction Code (415 ILCS 30) and the Champaign County Health Ordinance; or
 - c. in the event that a water well on the LOT will be abandoned, a copy of the Water Well Sealing Form pursuant to Public Act 85-0863.

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2. Whichever of the following is applicable regarding the presence of a septic tank or other similar thing on the LOT:
 - a. a written statement that no septic tank, cesspool, pit privy, aerobic treatment unit, or seepage pit exists on the LOT; or
 - b. a written statement certifying that a septic tank or aerobic treatment unit (or both) or a cesspool or pit privy or seepage pit exists on the LOT and will remain in use; or
 - c. a written statement certifying that a septic tank or aerobic treatment unit (or both), or a cesspool or pit privy or seepage pit exists on the LOT and will no longer be in use and shall be made to comply with the Illinois Private Sewage Disposal Code (77 ILCS 905.40) and the Champaign County Health Ordinance.

 - H. Any permit for DEMOLITION of anything other than a privately owned home or ACCESSORY BUILDING or related STRUCTURE or a multi-family DWELLING with four or less dwelling units and/or any ACCESSORY BUILDING shall provide the following to document compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP):
 1. a written statement by a qualified inspector that regulated removal of asbestos containing material is not necessary; or
 2. if a qualified inspector has determined that regulated removal of asbestos containing material is necessary, a copy of the completed State of Illinois Demolition/Renovation/Asbestos Project Notification Form. All DEMOLITION authorized under a DEMOLITION PERMIT or pursuant to a LDEC PERMIT shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.

 - I. The Applicant for any DEMOLITION is responsible for ending and turning off any relevant utility service prior to DEMOLITION.

 - J. Any Zoning Use Permit or Floodplain Development Permit or LDEC PERMIT and all GRADING or DEMOLITION shall comply with the following:
 1. All DEMOLITION debris shall be disposed of lawfully and no CONSTRUCTION or DEMOLITION debris may be buried on the LOT other than as follows:
 - a. Clean CONSTRUCTION or DEMOLITION debris consisting of uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or DEMOLITION activities may be used as a FILL material provided as follows:
 - (a) FILL that includes clean CONSTRUCTION or DEMOLITION debris shall not be placed within any well setback zone established under the Illinois Groundwater Protection Act (415 ILCS 55/1).

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- (b) FILL that includes clean CONSTRUCTION or DEMOLITION debris shall be placed no higher than the adjacent ground elevation that existed prior to the DEMOLITION.
 - (c) The Zoning Administrator may inspect any FILL prior to final grading and must inspect all FILL that is placed inside the MS4 JURISDICTIONAL AREA pursuant to a LDEC PERMIT.
 - (d) FILL that includes clean CONSTRUCTION or DEMOLITION debris shall be covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of placing the FILL.
 - (e) FILL that includes clean CONSTRUCTION or DEMOLITION debris shall be in compliance with all other requirements of 415 ILCS 5/3.160 and 415 ILCS 5/22.51 or as authorized by the IEPA.
- 2. All other general CONSTRUCTION or DEMOLITION debris shall be removed from the LOT and taken to a duly approved disposal facility or reused in conformance with 415 ILCS 5/3.160 and 415 ILCS 5/22.51 or as otherwise authorized by the IEPA.
 - 3. The requirements of paragraph 6.6 G.1. and 6.6 G.2. notwithstanding, uncontaminated broken concrete without protruding metal bars may be used for erosion control consistent with all other standards of this Ordinance.
 - 4. No DEMOLITION debris shall be burned on the LOT unless all necessary approvals are received from the IEPA in which case a copy of said approval shall be provided with the application.
 - 5. Fugitive dust shall be minimized during GRADING or DEMOLITION activities.
 - 6. No open excavation or open basement or foundation more than four feet deep shall be left unfenced at any time and within 90 days shall be removed or filled in conformance with the requirements of this Ordinance so as to be less than four feet deep.
- K. At the time the application is filed for a DEMOLITION PERMIT or a GRADING PERMIT a fee of \$50 shall be paid except that this fee shall be waived provided that a Notice of Intent shall have been submitted to the IEPA and a copy of the Notice of Intent is submitted with the application.
 - L. The Applicant for any DEMOLITION PERMIT or any LDEC PERMIT for DEMOLITION not related to other CONSTRUCTION shall notify the Zoning Administrator when the DEMOLITION has been completed and the Zoning Administrator shall inspect the DEMOLITION for compliance with this Ordinance.

-
- M. EROSION and SEDIMENT controls required by the ZONING ADMINISTRATOR pursuant to an enforcement action shall remain in place and shall be properly maintained in conformance with Section 12.8 until the DEMOLITION or GRADING has achieved FINAL STABILIZATION or until the EROSION and SEDIMENT controls are no longer needed. The ZONING ADMINISTRATOR shall then provide a letter documenting the achievement of FINAL STABILIZATION or that the EROSION and SEDIMENT control are no longer needed. EROSION and SEDIMENT controls required pursuant to the ILR10 shall remain in place until a NOTICE OF TERMINATION has been submitted to the IEPA and the County.
- N. In the event that DEMOLITION or GRADING occurs with no application having been made for a DEMOLITION PERMIT or a GRADING PERMIT, no DEMOLITION PERMIT or GRADING PERMIT shall be required after FINAL STABILIZATION.

Storm Water Management and Erosion Control Ordinance

Champaign County, Illinois

3/26/2015

As-Recommended for Approval Draft

Note:

Text with single underline is new text that is not included in the existing Stormwater Management Policy and that was included in the 10/29/13 Draft reviewed by ELUC.

Text with double underline is new text that has been added in the public hearing.

The Storm Water Management and Erosion Control Ordinance is part of Champaign County's National Pollution Discharge Elimination System (NPDES) program to comply with State and Federal requirements for storm water discharge.

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1. AUTHORITY

1.1 Title

This Ordinance shall be known, and may be cited as, the Champaign County Storm Water Management and Erosion Control Ordinance.

1.2 Illinois Compiled Statutes

This Ordinance has been adopted pursuant to Champaign County's authority to zone land (55 ILCS 5/5-12001); Champaign County's authority to adopt rules and regulations for subdivisions (55 ILCS 5/5-1041); and Champaign County's authority to prevent water pollution (55 ILCS 5/5-15015); Champaign County's authority to establish and implement a comprehensive and coordinated erosion and sediment control plan in cooperation with other units of government (70 ILCS 405/3.12); and other applicable authority, all as amended from time to time.

2. PURPOSE

The purpose of this ordinance is to accomplish the following:

- A. Protect the existing agricultural and natural drainage infrastructure.
- B. Provide for adequate drainage of DEVELOPMENT SITES and surrounding areas.
- C. Guide DEVELOPERS' and builders' attempts to control the movement of STORM WATER and reduce damage to property.
- D. Conserve, preserve and enhance the natural resources of the County, including its SOILS, waters, vegetation, fish and wildlife.
- E. Promote public welfare and protect waters under the Clean Water Act by guiding, regulating and controlling the design, CONSTRUCTION, use and maintenance of any DEVELOPMENT or other activity that disturbs SOIL on land situated within the County.
- F. Safeguard persons and protect property from the hazards and negative impacts of SOIL EROSION created by LAND DISTURBANCE.
- G. Prevent flooding caused by silt clogging STORM WATER management infrastructure, such as STORM SEWERS, inlets and receiving CHANNELS or streams.
- H. Control the rate of release of STORM WATER and require temporary storage of STORM WATER from DEVELOPMENT SITES.
- I. Preserve and enhance water quality by preventing silt-laden water from reaching creeks, CHANNELS, streams, WETLANDS and other public waterways.
- J. Fulfill the applicable requirements of the NPDES Phase II Storm Water permit.

3. DEFINITIONS

The following definitions shall apply to this Ordinance. Words not defined in this Section shall be interpreted in accordance with the definitions contained in Webster's New Collegiate Dictionary.

AGRICULTURE: The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm

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BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

APPLICANT: The legal entity who submits an application to the County for a LDEC PERMIT pursuant to this ordinance.

BEST MANAGEMENT PRACTICES (BMPs): A technique or series of techniques which are proven to be effective in controlling STORM WATER, EROSION, and SEDIMENTATION.

BORROW: The earth material acquired from an off-site location for use in GRADING on a site.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL: An individual with CPESC Certification.

CHANNEL: A natural or artificial water course of perceptible extent which periodically or continuously contains moving water, or which forms a connecting line between two (2) bodies of water. It has a definite bed and banks which serve to confine water.

CLEARING AND GRUBBING: The cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD: All or part of a parcel of land that existed on [effective date] where multiple separate and distinct CONSTRUCTION activities may be taking place at different times on different schedules, and possibly (not necessarily) under different ownership. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate OWNERS (e.g., a DEVELOPMENT where lots are sold to separate builders); 2) a DEVELOPMENT plan that may be phased over multiple years but is still under a consistent plan for long-term DEVELOPMENT; and 3) projects in a contiguous area that may be unrelated but still under the same contract, such as CONSTRUCTION of a building extension and a new parking lot at the same facility and any DEVELOPMENT or CONSTRUCTION under a Rural Residential Overlay District; 4) a Plat of Subdivision of two or more lots; 5) A Plat of Survey of two or more lots; 6) A diagram of two or more lots presented in a real estate marketing brochure or advertisement. A long range DEVELOPMENT plan that is conceptual (rather than a specific plan of future DEVELOPMENT and the future construction activities would happen over an extended time period) will be considered as having separate DEVELOPMENT plans, provided that the periods of construction for the physically interconnected phases will not overlap. The disturbed area of the entire plan shall be used in determining LDEC PERMIT requirements. DEVELOPMENT on by-right lots created from any single parcel that existed on 1/1/2009 in the AG-1, AG-2 and CR Districts is not included under this definition unless the lots are created by a Plat of Subdivision or Plat of Survey or marketed by means of a brochure or advertisement.

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CONSTRUCTION: The excavation of earth to provide for a foundation, basement or cellar; and/or, the addition to or removal from a LOT or tract of land of earth or water so as to prepare said LOT or tract of land for the CONSTRUCTION of a STRUCTURE; and/or, the act of placing or affixing a component of a STRUCTURE upon the ground or upon another such component; and/or, the placing of CONSTRUCTION materials in a permanent position and fastening in a permanent manner; and /or, the DEMOLITION, elimination, and/ or removal of an existing STRUCTURE in connection with such CONSTRUCTION and/or the CONSTRUCTION or placement of STORM WATER MANAGEMENT facilities or EROSION control BMPs.

CONTIGUOUS URBAN GROWTH AREA (CUGA): Areas outside of municipal limits and within municipal one and one-half mile extraterritorial jurisdiction destined for urban type land uses.

CONTRACTOR: The person who contracts with the PERMITTEE, OWNER, DEVELOPER, or another CONTRACTOR (subcontractor) to undertake any or all the land disturbing activities covered by this Ordinance.

CONTRACTOR'S CERTIFICATION STATEMENT: A document required by the IEPA as part of the ILR10 construction site activity permit.

CONTROL STRUCTURE: A facility constructed to regulate the volume and rate of storm water that is released during a specific length of time.

CULVERT: A closed conduit for the passage of surface drainage water under a roadway, railroad or other surface impediment.

DEMOLITION: Any act or process of wrecking or destroying a building or STRUCTURE.

DETENTION BASIN: A temporary or permanent natural or manmade STRUCTURE that provides for the temporary storage of STORM WATER.

DETENTION STORAGE: Temporary detention or storage of storm water in storage basins, on rooftops, in parking lots, school yards, parks, open space, lakes, ponds, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

DEVELOPER: Any person, firm, corporation, sole proprietorship, partnership or political subdivision engaged in a LAND DISTURBANCE activity.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to, construction of or substantial improvements to buildings or other structures, the placement of mobile homes, paving, mining, filling or other similar activities.

DISCHARGE: The rate of outflow of water from a storm water drainage or storm water detention facility.

DRY BOTTOM STORM WATER DETENTION BASIN: A facility that is designed to be normally dry and which accumulates storm water runoff only during periods when the restricted storm water runoff release rate is less than the storm water inflow rate.

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EROSION: The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or LAND DISTURBANCE activities.

EROSION AND SEDIMENT CONTROL PLAN (ESCP): A plan which includes a set of BMPs or equivalent measures designed to control STORM WATER and EROSION and to retain SEDIMENT on a particular SITE during the period in which pre-CONSTRUCTION and CONSTRUCTION-related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements established in section entitled Land Disturbance Erosion Control (Section 11) in this Ordinance.

EROSION CONTROL: Any measures taken to temporarily or permanently prevent or manage EROSION in a way that minimizes undesirable impacts.

EROSION CONTROL INSPECTOR: The ZONING ADMINISTRATOR or representative who has the authority to inspect SITES for compliance with the standards set forth in this Ordinance.

EROSION CONTROL INSPECTION REPORT (ECIR): The compliance report as defined by the Illinois Environmental Protection Agency in the General NPDES permit ILR10.

EXCAVATION: The mechanical removal of earth material.

FILL: A deposit of SOIL or other earth materials placed by artificial means.

FINAL EROSION AND SEDIMENT CONTROL PLAN (FINAL ESCP): A plan which includes permanent measures and BEST MANAGEMENT PRACTICES to control STORM WATER and control SEDIMENT if such permanent measures are not included in the ESCP.

FINAL STABILIZATION: All soil disturbing activities at the site have been completed and either of the two following conditions are met: 1) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or 2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. For individual LOTS in residential CONSTRUCTION, FINAL STABILIZATION means that either 1) The homebuilder has completed FINAL STABILIZATION as specified above, or 2) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, FINAL STABILIZATION.

FLOODPLAIN: The area adjoining a WATERCOURSE which could be inundated by a flood that has a one (1) percent chance of being equaled or exceeded in any given year and is delineated on Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM).

GRADE: The vertical elevation of the ground surface.

- (a) Existing grade is the grade prior to GRADING.
- (b) Rough grade is the stage at which the grade approximately conforms to the approved plan.
- (c) Finish grade is the final grade of the SITE which conforms to the approved process.

GRADING: EXCAVATION or FILL or any combination thereof.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA): The Illinois Environmental Protection Agency.

ILLINOIS URBAN MANUAL: This term shall mean "A Technical Manual designed for Urban Ecosystem Protection and Enhancement", prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service.

ILR10: The Illinois Environmental Protection Agency's general National Pollutant Discharge Elimination System (NPDES) Construction Storm Water Permit covering anyone conducting a land disturbing activity which disturbs one (1) or more acres of total land area or a construction SITE less than one acre of total land that is a part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD if the larger common plan will ultimately disturb one or more acres total land area.

IMPERVIOUS: A term applied to materials through which water cannot pass, or through which water passes with great difficulty or at a very slow rate.

INCIDENCE OF NON-COMPLIANCE (ION): A report to the IEPA providing information about the cause of the non-compliance and description of the measures taken to prevent further non-compliances with the ILR10 permit.

LAND DISTURBANCE: Any land change that may result in SOIL EROSION from wind, water and/or ice and the movement of SEDIMENT unto or upon waters, lands, or rights-of-way within the County, including but not limited to DEMOLITION, CLEARING AND GRUBBING, GRADING, excavating, transporting and filling of land. LAND DISTURBANCE is not limited to a single instance of LAND DISTURBANCE, but is the total LAND DISTURBANCE that has occurred or may reasonably be expected to occur to any part of a given tract of land. LAND DISTURBANCE does not include the following:

- (a) AGRICULTURE.
- (b) Land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs.
- (c) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (d) Emergency work to protect life, limb, or property and emergency repairs. If the emergency land disturbing activity would have required and approved ESCP, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this Ordinance.

LAND DISTURBANCE EROSION CONTROL PERMIT (LDEC PERMIT): Includes both LAND DISTURBANCE EROSION CONTROL PERMIT – MAJOR and LAND DISTURBANCE EROSION CONTROL PERMIT – MINOR as defined in this Ordinance and issued by the County Zoning Administrator pursuant to this Ordinance.

LAND DISTURBANCE EROSION CONTROL PERMIT – MAJOR: A class of the LDEC PERMIT required where 1 acre or more of land will be disturbed.

LAND DISTURBANCE EROSION CONTROL PERMIT – MINOR: A class of LDEC PERMIT required where less than one acre of land that is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD will be disturbed.

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LETTER OF NOTIFICATION: A letter from the IEPA stating that the PERMITTEE has the authority to construct.

LETTER OF TERMINATION: A document required by Champaign County as part of the Land Disturbance Erosion Control and Storm Water Management Ordinance. This document notifies the ZONING ADMINISTRATOR of the request to end coverage for CONSTRUCTION under the terms of the ILR10 permit when no STORM WATER DRAINAGE PLAN is required. This is submitted to the Zoning Administrator.

LOT: A designated parcel, tract or area of land established by plat, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.

MS4 JURISDICTIONAL AREA: The limits of the Urbanized Area as defined by the Bureau of the Census.

NON-STRUCTURAL CONTROLS: Institutional and pollution prevention type practices through education and source control, recycling, and maintenance that prevent pollutants from entering STORM WATER or reduce the amount of RUNOFF requiring management.

NOTICE OF INTENT (NOI): A document required by the IEPA as part of the ILR10 construction SITE activity permit. This document is the application for an ILR10 construction SITE activity permit from the IEPA.

NOTICE OF TERMINATION (NOT): A document required by the IEPA as part of the ILR10 construction SITE activity permit. This document requests the end of coverage for CONSTRUCTION under the terms of the ILR10 permit.

OWNER: Any person with a legal or equitable interest in the land for which a LDEC PERMIT has been issued.

PERMITTEE: The APPLICANT in whose name a valid LDEC PERMIT is duly issued pursuant to this Ordinance and his/her agents, employees, and others, acting under his/her direction.

PROFESSIONAL ENGINEER: A person licensed under the laws of the State of Illinois to practice professional engineering.

PROJECT TERMINATION: Specific activities required to occur to release the requirements of the Land Disturbance Erosion Control Permit or to complete the requirements for a Zoning Compliance Certificate or to complete the construction of improvements pursuant to approval of a Final Plat of Subdivision.

RETURN PERIOD: The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 50 years has a two (2) percent probability of being equaled or exceeded in any one (1) year.

RUNOFF: Volumes and / or velocities associated with precipitation amounts and/or intensities during periodic storm events.

SEDIMENT: Soils or other surficial materials transported by SURFACE WATER as a product of EROSION.

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SEDIMENTATION: The process or action of depositing SEDIMENT that is determined to have been caused by EROSION.

SITE: The entire area of land on which the LAND DISTURBANCE activity is proposed in the LDEC PERMIT application.

SITE PLAN: A plan or set of plans showing the details of any LAND DISTURBANCE activity of a SITE including, but not limited to, the CONSTRUCTION of: STRUCTURES, open and enclosed drainage facilities, STORM WATER MANAGEMENT facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Naturally occurring surface deposits overlying bedrock.

STOP-WORK ORDER: A document issued by the Zoning Administrator that directs work to stop on a CONSTRUCTION SITE if LAND DISTURBANCE activities are in violation of this Ordinance.

STORM SEWER: A closed conduit for conveying collected storm water runoff.

STORM WATER: Rain RUNOFF, snow melt RUNOFF, surface RUNOFF and drainage.

STORM WATER DRAINAGE PLAN: A written document in conformance with the requirements of Section 9 of this ordinance.

STORM WATER DRAINAGE SYSTEM: All means, natural or man-made, used for conducting storm water runoff to, through or from a drainage area to the point of final outlet including but not limited to any of the following: conduits, STORM SEWERS, swales, canals, CHANNELS, ditches, streams, CULVERTS, streets, and pumping stations.

STORM WATER MANAGEMENT: Any measure taken to permanently reduce or minimize the negative impacts of RUNOFF.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A document required by the IEPA as part of the ILR10 construction SITE activity permit. This document is a written description of the erosion and sediment control plan for a CONSTRUCTION SITE.

STORM WATER STORAGE AREA: An area designated to accumulate excess storm water runoff.

STRIPPING: Any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

STRUCTURAL CONTROLS: Practices to divert flows from exposed SOILS, store flows or otherwise limit RUNOFF and the movement of pollutants from exposed areas of a CONSTRUCTION SITE.

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STRUCTURE: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable or earthen constructs, roads, parking lots, and paved storage areas.

SUBDIVISION: Any division, DEVELOPMENT, or re-subdivision of any part, LOT, area or tract of land by the OWNER or agent, either by LOTS or by metes and bounds into LOTS two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale with the appurtenant streets, alleys, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving any new street, alley, or other means of access shall not fall under this definition for the purpose of the regulations and standards of this ordinance.

SURFACE WATER: Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

SURVEYOR: A person duly registered or authorized to practice land surveying in the State of Illinois.

TIME OF CONCENTRATION: The time required for storm water runoff from the most remote part of the drainage basin to reach the point being considered. Minimum time of concentration required for design of drainage facilities shall be 15 minutes.

TOPSOIL: The upper layer of SOIL.

TRIBUTARY WATERSHED: The entire catchment area that contributes storm water runoff to a given point.

USE: The specific purpose for which land is designed arranged, intended, or for which it is or may be occupied or maintained. This shall not include any nonconforming use.

WASHOUT FACILITY: A location where CONSTRUCTION waste such as concrete, asphalt or similar material can be temporarily stored until final disposal of the material. WASHOUT FACILITIES shall be designated by the LDEC PERMIT holder before work begins and shall be located in an appropriate area where the waste resulting from the washout cannot enter sewer systems or local waterways. Waste from the WASHOUT FACILITIES shall be disposed of in an approved manner according to state laws.

WATERCOURSE: Any natural or improved stream, river, creek, ditch, CHANNEL, canal, conduit, gutter, CULVERT, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

WATERSHED: A region draining to a specific river, river system, or body of water.

WET BOTTOM STORM WATER STORAGE AREA: A facility that contains a perpetual body of water and which accumulates excess storm water during periods when the restricted storm water runoff release rate is less than the storm water runoff inflow rate.

WETLANDS: A lowland area such as a marsh, that is saturated with moisture, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1987.

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ZONING ADMINISTRATOR: The county personnel provided for in the Zoning Ordinance and who has the authority and duty to administer adopted ordinances including the Erosion and Sediment Control Ordinance.

ZONING DISTRICT: As provided for in the Zoning Ordinance, a section of the County/City/Village in which zoning regulations and standards are uniform.

4. SCOPE

4.1 Applicability

The IEPA ILR10 and/or this Ordinance apply to LAND DISTURBANCE, SUBDIVISION and/or CONSTRUCTION as indicated below:

A. All requirements of the IEPA ILR10 permit apply regardless of this Ordinance as follows:

1. ILR10 requirements apply when LAND DISTURBANCE activities disturb one acre or greater or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater. ILR10 requirements apply to individual LOTS when those LOTS are created as part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD and LAND DISTURBANCE occurs on one acre or more. When a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD is under FINAL STABILIZATION, subsequent LAND DISTURBANCE of individual lots are required to obtain an ILR10, if the combination of LAND DISTURBANCE on individual lots could result in one acre or more LAND DISTURBANCE at one time, and
2. When a LOT is converted from agricultural use to other land use, the land shall be vegetated with an appropriate protective land cover prior to any application for a Zoning Use Permit or Subdivision Approval or else the land shall be considered to be in a state of land disturbance and subject to ILR10 requirements unless documentation from the Illinois Environmental Protection Agency or the US Environmental Protection Agency indicates otherwise.
3. The ZONING ADMINISTRATOR shall notify all Applicants when ILR10 requirements appear to be applicable.
4. Copies of the ILR10 NOTICE OF INTENT and ILR10 NOTICE OF TERMINATION must be submitted to the ZONING ADMINISTRATOR to demonstrate compliance with ILR10 requirements when LAND DISTURBANCE activities disturb one acre or greater, or less than an acre if it is part of a COMMON

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PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater, pursuant to the following:
a. Any Major LDEC Permit as authorized under Section 12.3.
b. Any Floodplain Development Permit as authorized by the Champaign County Special Flood Hazard Area Ordinance.
c. ~~Any other LAND DISTURBANCE not exempted by Section 4.2 or Section 4.4.~~

(Note: Paragraph 4.1 A.4.c.above is optional and was not recommended for approval by the ZBA)

- B. Within the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C), all Sections of this Ordinance may apply subject to relevant exemptions.
- C. Outside of the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C), all Sections of this Ordinance may apply subject to relevant exemptions, except those sections relevant only to Land Disturbance Erosion Control Permits (Section 12, 13, 14, and 15).

4.2 General Exemptions

The following activities are exempt from this Ordinance.

- A. AGRICULTURE
- B. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
- C. Digging activities related to cemetery grave sites.
- D. LAND DISTURBANCE on LOTS subject to municipal annexation agreements.
- E. LAND DISTURBANCE pursuant to a statewide or regional permit administered by the Illinois Department of Natural Resources Office of Water Resources (IDNR/OWR) and provided that information sufficient to document compliance with the relevant statewide or regional permit is submitted to the ZONING ADMINISTRATOR at least one week prior to the start of LAND DISTURBANCE. This exemption is only applicable to that portion of CONSTRUCTION or LAND DISTURBANCE that is eligible for the statewide or regional permit.
- F. LAND DISTURBANCE activities by or for a recognized Drainage District.
- G. Any LAND DISTURBANCE occurring either in a public street right-of-way or a railroad right-of-way, that is done by or for either the unit of government that has maintenance authority of that street right-of-way or for any utility that is authorized to use any portion of the public street right-of-way or the railroad that has the use of that railroad right-of-way.

4.3 Storm Water Drainage Plan Exemptions

All SUBDIVISIONS or CONSTRUCTION meeting any of the following conditions are exempt from the STORM WATER DRAINAGE PLAN (Section 9) requirements:

- A. All General Exemptions (Section 4.2).
- B. CONSTRUCTION of additions to existing STRUCTURES when the total increase in IMPERVIOUS area is less than 10,000 square feet.

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- C. CONSTRUCTION located on a lot no more than one acre in area that existed on December 17, 1991.
- D. Individual single family and two-family detached dwellings and related accessory STRUCTURES on a single lot.
- E. SUBDIVISIONS or CONSTRUCTION on lots when the cumulative total of all IMPERVIOUS areas from all developed lots created from a lot or lots in common ownership on January 1, 1998, including any specific IMPERVIOUS area addition to the adjacent public streets that is required to accommodate the SUBDIVISION or CONSTRUCTION, is less than the criteria shown in Table 1 - Maximum Exempt Impervious Area:

Table 1 - Maximum Exempt Impervious Area

Lot area*	Maximum exempt impervious area*
a. No more than .25 acre	Up to 100% of the lot may be impervious area
b. More than .25 acre but less than 2.0 acres	The limit on percent impervious area declines from 100% to 50% of the total lot or lots area plus 0.14 acres. See the graph of Exempt Impervious Area (Appendix B) or use the Mathematical Expressions on the graph to determine the limit for impervious area on a specific lot size.
c. More than 2.0 acres but not more than 6.25 acres	No more than 1 acre of the lot or lots shall be impervious surface area
d. More than 6.25 acres	No more than 16% of the total area of the lot or lots shall be impervious area provided that no exemption shall apply to any part of a lot when that part contains more than one acre of impervious surface area within a rectangular area of 90,000 square feet with a minimum dimension of 150 feet.

* "Lot area" refers to a single lot and to the cumulative total area of lot or lots that are created out of a larger tract. See paragraph ~~8-2~~ 4.3F, for other rules of application for exemptions.

- F. The following rules govern the application of the Storm Water Drainage Plan Exemptions (Section 4.3), but shall not affect how the IMPERVIOUS area is calculated or determined for engineering design purposes.
 - 1. Measurement of the total area and IMPERVIOUS area of a LOT or SUBDIVISION is based on the entire area designated by the legal description of the tract for which the approval is requested, together with that of other contiguous LOTS, when required pursuant to Section 4.3~~E~~4, except for the area of adjacent public street right-of-ways as required by Section 4.3~~E~~2.c.
 - 2. Measurement of the total area and IMPERVIOUS area shall exclude the following:
 - a. Portions of the LOT or LOTS that are devoted to cropland and that will remain devoted to cropland; and
 - b. Portions of public street right-of-ways adjacent to any such areas of cropland.
 - c. Portions of public street right-of-ways not containing any specific IMPERVIOUS area addition to the adjacent public streets that is required to accommodate the SUBDIVISION or construction. When specific additions of public street IMPERVIOUS area are required to accommodate a specific

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- SUBDIVISION or construction, the specific addition of public street IMPERVIOUS area shall not be excluded.
3. Areas that are comprised of a permanent vegetative cover that is generally at least equivalent to "Poor condition (grass cover less than 50 percent)" using the TR-55 Design Method shall not be considered IMPERVIOUS.
 4. IMPERVIOUS area limits and exemptions shall be applied separately for different portions of the lot or SUBDIVISION in the following instances:
 - a. For each portion of the lot or SUBDIVISION that drains to a common point on the boundary of the total SITE (drainage sub-basin).
 - b. For each portion of the lot or SUBDIVISION that drains to a drainage way that serves upstream areas that are under different ownership and that divides that portion of the lot or SUBDIVISIONS from the remainder of the lot or SUBDIVISIONS.
 5. Pursuant to Section 4.3FE., LOTS shall be considered as developed when the LOT or LOTS are:
 - a. Occupied by other than farm structures; or
 - b. Covered in whole or in part by any IMPERVIOUS area except for driveways or parking areas used for agricultural purposes and existing public streets; or
 - c. Included in a plat or legal description and marketed for sale.

4.4 LDEC Permit Exemptions

All LAND DISTURBANCE activities located completely or partially within the MS4 Jurisdictional Area and meeting any of the following conditions are exempt from the LAND DISTURBANCE EROSION CONTROL PERMIT requirements (Section 12, 13, 14 and 15) in this Ordinance:

- A. All General Exemptions (Section 4.2)
- B. LAND DISTURBANCE of less than one acre but greater than 10,000 square feet of land on all or part of a parcel of land that existed on (effective date) provided that the land is not part of any of the following:
 1. A COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD where 1 acre or greater area of LAND DISTURBANCE could occur; or
 2. In a Residential, Business, or Industrial ZONING DISTRICT as established in the Zoning Ordinance and indicated on the Zoning Map; or
 3. In an existing subdivision of more than four LOTS including any subsequent replat in the AG-1, AG-2, or CR ZONING DISTRICT as defined in the Zoning Ordinance.
- C. LAND DISTURBANCE less than 10,000 square feet in area.

5. AUTHORIZATIONS AND PROJECT TERMINATION

5.1 Approval Authorities

For the purposes of this Ordinance the Approval Authorities are as follows:

- A. For all SUBDIVISIONS, the Environment and Land Use Committee of the Champaign County Board.
- B. For Zoning Use Permits, Easements, as-built drawings, STORM WATER DRAINAGE PLANS and LDEC PERMITS the Champaign County Zoning Administrator.

5.2 Authorizations

Authorization for any LAND DISTURBANCE activity shall include the following acts in order:

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- A. Approval of the STORM WATER DRAINAGE PLAN as if required by STORM WATER DRAINAGE PLAN (Section 9) in this Ordinance; and
- B. The APPLICANT or other necessary party files with the Champaign County Recorder of Deeds any required easement or other legal instrument that is needed to implement or maintain the STORM WATER DRAINAGE PLAN, except for a Final Plat of SUBDIVISION, Owner's Certificate, or private SUBDIVISION covenants, and except as provided for in Easements (Section 7); and
- C. Approval of Engineering Drawings required for any Plat of Subdivision, if applicable including the extent and nature of all proposed LAND DISTURBANCE; and
- D. For LAND DISTURBANCES in the MS4 JURISDICTIONAL AREA, approval of a LDEC PERMIT if required by LDEC Permits (Section 12) and written approval of the inspection required in Required Inspections (Section 13.5); or
- E. For LAND DISTURBANCES outside of the MS4 JURISDICTIONAL AREA that total an acre or more of LAND DISTURBANCE or less than an acre when part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that will result in an acre or more of LAND DISTURBANCE, a copy of any required NOTICE OF INTENT pursuant to Section 4.1A of this Ordinance or a copy of a statement from IEPA that there is no ILR10 requirement; and
- F. Approval of a Zoning Use Permit, if required by the Zoning Ordinance, including the extent and nature of all proposed LAND DISTURBANCE,

5.3 Project Termination

PROJECT TERMINATION shall include the following acts:

- A. Any required as-built drawings or other documentation has been accepted by the Approval Authority as evidence that the requirements in Certifications (Section 9.6) have been met; and
- B. The APPLICANT or other necessary party files any required easement or other legal instrument with the Champaign County Recorder of Deeds, needed to implement the requirements in Easements (Section 7), except for a Final Plat of Subdivision, Owner's Certificate, or private subdivision covenants; and
- C. The following acts related to CONSTRUCTION related to any Final Plat of Subdivision, if applicable:
 - 1. Approval of a Final Plat of SUBDIVISION after the CONSTRUCTION of all required physical improvements required by the SUBDIVISION Regulations, and
 - 2. Full and complete release of any Performance Guarantee related to any Final Plat of SUBDIVISION; and
- D. Acceptance by the ZONING ADMINISTRATOR of the certifications required in Certifications (Section 9.6) if applicable; and
- E. Full approval and unconditional issuance of a Zoning Compliance Certificate, if required by the Zoning Ordinance; and
- F. For projects within the MS4 JURISDICTIONAL AREA, if a LDEC PERMIT is required by LDEC Permits (Section 12), a NOTICE OF TERMINATION shall be submitted to the IEPA and/ or the ZONING ADMINISTRATOR, whichever is applicable; or
- G. For projects outside of the MS4 JURISDICTIONAL AREA, a copy of any required Notice of Termination if required by ILR10 pursuant to paragraph 4.1A.4. of this Ordinance,

6. PROTECT EXISTING DRAINAGE AND WATER RESOURCES

6.1 General Requirement

- A. No FILL shall be placed nor GRADE altered in such a manner that it will cause SURFACE WATER upstream of the DEVELOPMENT to pond or direct surface flows in such a way as to create a nuisance.
- B. All STORM WATER shall exit the DEVELOPMENT at non-erosive velocities. All subsurface flows shall exit the DEVELOPMENT at such a velocity so as to prevent an increase in scouring or structural damage to off-site tile drains.
- C. Sizing of CULVERT crossings shall consider entrance and exit losses as well as tail water conditions on the CULVERT.
- D. No sump pump discharge or discharge from any private wastewater treatment system from a principal use established after (effective date) shall discharge directly into or within ~~40~~ 25 feet of a roadside ditch, off-site drainage swale, stream, property line, or in such a way that it creates a nuisance condition at any time of the year or contributes to erosion.
- E. No sump pump discharge or STORM WATER shall be directed to any sanitary sewer.
- E. The requirements in Land Disturbance Erosion Control (Section 11) in this Ordinance notwithstanding, CONSTRUCTION or LAND DISTURBANCE shall minimize EROSION on any property and minimize SEDIMENT deposited on any adjacent property or any adjacent street or adjacent drainage ditch, roadside ditch, or stream. (Note: Paragraph 6.1 F. above is optional and was included by the ZBA in the recommendation for approval.)

6.2 Natural Drainage

- A. Existing perennial streams shall not be modified to accommodate RUNOFF. Stream banks may be modified, however, incident to the installation of excess RUNOFF outfalls, necessary to ensure safety or bank stabilization, and/or for the improvement of aquatic habitats, and subject to any required local, state, and federal permits.
- B. Other natural drainage features such as depressional storage areas and swales shall be incorporated into the STORM WATER DRAINAGE SYSTEM.
- C. Surface water shall be allowed to travel its existing or natural course unless changes are allowed by means of a duly approved STORM WATER DRAINAGE PLAN.
- D. It shall be unlawful for any person to cause or maintain any obstruction within a WATERCOURSE or any part of the drainage system, except as may be specifically authorized by a duly approved STORM WATER DRAINAGE PLAN.

6.3 Agricultural and Other Drainage Improvements

- A. The outlet for existing agricultural drainage tile will be located and the capacity of the outlet shall be maintained for the WATERSHED upstream of the DEVELOPMENT area.
- B. Existing easements for any agricultural drainage tile located underneath areas that will be developed shall be preserved. If no easement exists an easement shall be granted for access and maintenance as provided in Easements (Section 7). Such easements shall be of sufficient width and located to provide for continued functioning and necessary maintenance of drainage facilities. No buildings or permanent STRUCTURES including paved areas but excluding streets, sidewalks, or driveways, which cross the easement by the shortest possible route may be located within the easement without the consent and approval of any public body to which the easement is granted.

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- C. All agricultural drainage tile located underneath areas that will be developed shall be replaced with non-perforated conduit to prevent root blockage provided however that drainage district tile may remain with the approval of the drainage district.
- D. Agricultural drainage tile which, due to DEVELOPMENT, will be located underneath roadways, drives, or parking areas as allowed by Paragraph C above shall be replaced with ductile iron, or reinforced concrete pipe or equivalent material approved by the Approval Authority as needed to prevent the collapse of the agricultural drainage conduit.
- E. Agricultural drainage tile may be relocated within DEVELOPMENT areas upon approval of the Approval Authority. Such relocation shall maintain sufficient SLOPE and capacity to prevent SEDIMENTATION and to prevent an increase in scouring or structural damage to the conduit. Such relocation shall only be with the consent and approval of the drainage district which is responsible for maintaining the tile. If the tile is not under the authority of a drainage district, the Approval Authority shall consider the interests of those landowners who are served by the tile.
- F. No STORM SEWER inlet, outlet, or DETENTION BASIN outlet shall be connected to farm drainage tile unless flow is restricted to an amount equal to or less than the discharge capacity of the tile. Such connection shall only be made with the consent and approval of the drainage district responsible for maintaining the tile. If the tile is not under the authority of a drainage district the Approval Authority shall consider the interests of those landowners who are served by the tile.
- G. It shall be unlawful for any person to cause the destruction or obstruction, by act or omission, of the operation of the following, when the following are indicated on the approved engineering drawings for any recorded subdivision plat or other approved site plan, other than by means of a duly approved STORM WATER DRAINAGE PLAN:
 - 1. any STORM WATER DRAINAGE SYSTEM or feature that drains an area of more than five acres; or
 - 2. any STORM WATER STORAGE AREA.

6.4 Minimum Erosion Control and Water Quality Standards

- A. All CONSTRUCTION or LAND DISTURBANCE shall be provided with EROSION and SEDIMENT controls as necessary to minimize EROSION and SEDIMENTATION on any adjacent property, street, drainage ditch, roadside ditch, or stream. However, the lack of EROSION and SEDIMENT controls shall not itself be a violation of this Ordinance unless such controls are required pursuant to either the requirements of Section 6.4 D, or a LAND DISTURBANCE EROSION CONTROL PERMIT, or a STORM WATER DRAINAGE PLAN, or as such controls may be required by the ZONING ADMINISTRATOR pursuant to an enforcement action based on a valid complaint.
(Note: Paragraph 6.4 A. above is optional and was included by the ZBA in the recommendation for approval.)
- B. No EROSION AND SEDIMENT CONTROL PLAN shall be required for any CONSTRUCTION or LAND DISTURBANCE unless required pursuant to either a LAND DISTURBANCE EROSION CONTROL PERMIT or a STORM WATER DRAINAGE PLAN or as such controls may be required by the ZONING ADMINISTRATOR pursuant to an enforcement action.
(Note: Paragraph 6.4 B. above is optional and was included by the ZBA in the recommendation for approval.)

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- C. All waste and debris generated as a result of CONSTRUCTION activities including discarded building materials or packaging materials, concrete truck washout, chemicals, litter, sanitary waste, or any other waste, shall be placed in an appropriate waste container in a timely manner, and shall be properly disposed of and shall be prevented from being carried off the SITE by either wind or water.
(Note: Paragraph 6.4 C. above is optional and was included by the ZBA in the recommendation for approval.)
- D. The following practices shall be applied to LAND DISTURBANCE activities to minimize impacts from stockpiles of soil and other erodible building material (such as sand) containing more than ~~400~~ 150 cubic yards of material;
1. Stockpiles of soil and other erodible building material (such as sand) shall be located as follows:
 - a. Stockpiles shall be provided a minimum separation as follows:
 - (a) located not less than ~~20~~ 50 feet from the top of the bank of a drainage ditch or stream; and
 - (b) not less than 30 feet from the centerline of a drainage swale that is indicated as an intermittent stream on a United States Geological Survey 7.5 Minute Quadrangle Map; and
 - (c) not less than 30 feet from the top of the bank of a roadside ditch; or and
 - (d) not within a drainage ditch easement; and
 - (e) not less than 30 feet from the nearest property line except for stockpiles on lots less than 150 feet in width and less than 30,000 square feet in area in which case the minimum separation to the nearest property under other ownership is 10 feet provided that erosion and sedimentation controls are installed and maintained as required in Section 11; and
 - b. Any additional separation distance required for stabilization and maintenance of the stockpile outside of the minimum separation required above.
(Note: Paragraph 6.4D. above is optional and was included by the ZBA in the recommendation for approval.)
- E. No CONSTRUCTION or LAND DISTURBANCE pursuant to CONSTRUCTION shall occur within 50 feet of the top of the bank of a drainage ditch or stream or within 30 feet of the centerline of a drainage swale that is indicated as an intermittent stream (or other drainage feature indicated as an intermittent stream) on a United States Geological Survey 7.5 Minute Quadrangle Map except for the following:
1. Repair and replacement of any lawful CONSTRUCTION that existed on (effective date).
 2. Establishment of a filter strip or other landscape maintenance practice or standard that is consistent with Land Disturbance Erosion Controls (Section 11) in this Ordinance and provided that the establishment of the filter strip is coordinated with the Champaign County Soil and Water District Resource Conservationist or an Illinois Licensed Professional Engineer. No permit shall be required pursuant to either this Ordinance or the Zoning Ordinance provided that no other CONSTRUCTION is undertaken and provided that no LAND DISTURBANCE EROSION CONTROL PERMIT is otherwise required.
 3. CONSTRUCTION or LAND DISTURBANCE pursuant to a statewide or regional permit administered by the Illinois Department of Natural Resources Office of Water Resources (IDNR/OWR) and provided that information sufficient to document

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compliance with the relevant statewide or regional permit is submitted to the ZONING ADMINISTRATOR at least one week prior to the start of LAND DISTURBANCE.

(Note: Paragraph 6.4E. above is optional and was included by the ZBA in the recommendation for approval.)

- F. Adjacent streets, sidewalks and public areas shall be kept free of SEDIMENT and nuisance soil. Any soil or SEDIMENT tracked onto a street, sidewalk or public area shall be removed before the end of each workday or sooner if directed by the relevant Authority.

(Note: Paragraph 6.4F. above is optional and was included by the ZBA in the recommendation for approval.)

6.5 General Enforcement

In the event that any CONSTRUCTION or LAND DISTURBANCE that is not subject to the requirement for a LAND DISTURBANCE EROSION CONTROL PERMIT causes EROSION or SEDIMENTATION on any adjacent property or any adjacent street or adjacent drainage ditch, roadside ditch, or stream, the ZONING ADMINISTRATOR shall take such enforcement actions pursuant to a valid complaint as are necessary and authorized by Section 9.1.1 and Section 10 of the Zoning Ordinance and consistent with Land Disturbance Erosions Controls (Section 11) in this Ordinance to prevent continued EROSION or SEDIMENTATION.

(Note: Section 6.5 above is optional and was included by the ZBA in the recommendation for approval.)

7. EASEMENTS

- A. Easements to the County, township, drainage district or other public authority to provide for maintenance of public drainage facilities which serve the SITE and which are or are to be dedicated to, owned by, or under the control of such public authority shall be granted when the need for such facility is in whole or in part specifically and uniquely attributable to the proposed development.
- B. All known agricultural drainage tile located underneath areas to be developed shall be granted an easement if no written easement exists prior to development.
- C. Such easement shall be approved in writing by the public body to which they are granted and recorded in the Champaign County Recorder's Office before the Approval Authority issues any final approval except in the case of SUBDIVISIONS where such easements are shown on the plat.

8. STORM WATER DRAINAGE SYSTEM

8.1 Minor

The minor drainage component of the STORM WATER DRAINAGE SYSTEM shall consist of STORM SEWERS, street gutters, small open CHANNELS, and swales designed to store and convey RUNOFF from the 5-year, 24-hour precipitation event utilizing the Illinois State Water Survey Bulletin 70.

8.2 Major

The major drainage components shall be designed to store and convey STORM WATER beyond the capacity of the minor drainage component. Information depicting STORM WATER paths (including cross-sectional data), velocities, rates, and elevations and maps of flooding shall be included in the submittal as identified in Submittals (Section 9.5).

8.3 Hierarchy of Best Management Practices

The STORM WATER DRAINAGE SYSTEM shall be based on the use of appropriate BEST MANAGEMENT PRACTICES as presented in the Technical Appendices and the following hierarchy of preference with items near the beginning of the hierarchy preferred over items near the end.

- A. Preserve the natural resource features of the DEVELOPMENT SITE (e.g. BEST PRIME FARMLAND, floodplains, wetlands, existing native vegetation) as much as practicable.
- B. Preserve the existing natural streams, CHANNELS and drainage ways as much as practicable.
- C. Minimize IMPERVIOUS surfaces created at the SITE (e.g. using minimum acceptable road width, minimizing driveway length and width, and clustering homes).
- D. Preserve the natural infiltration and storage characteristics of the SITE (e.g. disconnection of IMPERVIOUS cover and on-lot bioretention facilities) as much as practicable.
- E. Use of open vegetated CHANNELS, filter strips, and infiltration to convey, filter, and infiltrate STORM WATER as much as practicable.
- F. Use native vegetation as an alternative to turf grass as much as practicable.
- G. Use structural measures that provide STORM WATER quality and quantity control.
- H. Use structural measures that provide only STORM WATER quantity control and conveyance.

9. STORM WATER DRAINAGE PLAN

9.1 General Design

- A. Design Methods
 1. Calculation of Drainage Capacity - The Rational Method may be used to size the minor components for any DEVELOPMENT.
 2. Calculation of Required Storage - The volume of required STORM WATER STORAGE AREA shall be calculated on the basis of the maximum value achieved from the RUNOFF of a design event less the volume of water released through the outlet structure.
 - a. DEVELOPMENT WATERSHED Area Less Than or Equal to 10 Acres -The Modified Rational Method shall be acceptable for DEVELOPMENT WATERSHEDS equal to or less than 10 acres in area. In determining the volume of storage required when using the Modified Rational Method, the release rate of the outlet structure shall be assumed to be constant and equal to the release rate through the outlet structure when one half of the storage volume is filled. In determining the maximum allowable release rate for the 50-year event, a runoff coefficient value of 0.25 shall be used for assumed land cover conditions. Roughness coefficients most closely matching those of the TR-55 Method shall be used to determine TIME OF CONCENTRATION.

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- b. DEVELOPMENT WATERSHED Area Less Than or Equal to 2,000 Acres - The method utilized for calculation of required volume of storage shall be the Natural Resources Conservation Service TR-55 Methodology for DEVELOPMENT WATERSHEDS less than or equal to 2,000 acres in area. In determining the maximum allowable release rate for the 50-year event, a curve number shall be used corresponding to the actual SOIL types found on the DEVELOPMENT SITE provided, however, that the land cover "Row crops, SR + CR" in "good" hydrologic condition are assumed. A roughness coefficient of 0.17 and a ponding adjustment factor of 0.72 shall also be assumed in calculating the maximum allowable release rate.
 - c. DEVELOPMENT WATERSHED Area Greater Than 2,000 Acres - DEVELOPMENTS and drainage designs for DEVELOPMENT WATERSHEDS larger than 2,000 acres shall use the Natural Resources Conservation Service TR-20 Methodology. Other routing techniques may be used in determining required storage volume upon the approval of the Approval Authority.
 - d. When applying Natural Resources Conservation Service methods, a SCS Type II rainfall distribution shall be assumed.
- B. Design Event
- 1. Precipitation values for all RETURN PERIOD storms shall be determined utilizing the Illinois State Water Survey Bulletin 70.
 - 2. A 50-year RETURN PERIOD storm with a 24-hour duration shall be used.
 - 3. When using the Modified Rational Method, the critical storm duration (that requiring the largest detention volume) for any design event shall be identified and used in determining storage volume.
- C. Release Rates
- 1. Release Rate for Design Event - Outlet structure maximum release rate for the 50-year precipitation event shall be equal to the rate of discharge from the DEVELOPMENT area assuming row crop agricultural land cover and a 5-year RETURN PERIOD precipitation event. See Section 9.1 A for the required assumptions for the row crop agricultural conditions.
 - 2. Effective Discharge for Frequent Storm Events - The outlet structure maximum discharge for each of the 1-year, 2-year and 5-year precipitation events shall be no greater than the rate of discharge from the DEVELOPMENT area, assuming row crop agricultural land cover with the required assumptions described in Section 9.1 A.
 - 3. For all methods of calculating a maximum allowable release rate, the effect of any depressional storage that actually exists on a given SITE shall be included in determination of the TIME OF CONCENTRATION.
- D. Each STORM WATER STORAGE AREA facility shall be provided with a means of overflow. This overflow structure shall be constructed to function without special maintenance attention and can become a part of the excess STORM WATER passageway for the entire DEVELOPMENT.
- E. The entire STORM WATER STORAGE AREA facility shall be designed and constructed to fully protect the public health, safety, and welfare. The minimum building SITE elevation adjacent to wet or dry basins shall be set at a minimum of 1 foot above the maximum created head. The maximum created head will include the energy head at the emergency overflow structure.
- F. STORM WATER STORAGE AREA facilities shall not receive RUNOFF from TRIBUTARY WATERSHEDS outside the DEVELOPMENT SITE unless the

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Approval Authority determines that RUNOFF from such areas can be accommodated in the storage area in a manner that will protect immediate downstream properties.

- G. Where portions of the OWNER's land are tributary to the same drain for an outlet, but which are within two or more TRIBUTARY WATERSHEDS to that drain, the OWNER may construct, upon site specific approval by the Approval Authority, compensatory STORM WATER detention facilities within one TRIBUTARY WATERSHED which offset the lack of CONSTRUCTION of STORM WATER detention facilities in another TRIBUTARY WATERSHED. Such compensatory storage shall be designed and constructed such that the net effect of these facilities shall be to limit the rate at which STORM WATER is released into the drain to that rate which would have occurred had STORM WATER detention facilities been constructed for all the TRIBUTARY WATERSHEDS.

9.2 Dry Bottom Storm Water Storage Areas

- A. DRY BOTTOM STORM WATER DETENTION BASINS should be designed where possible to serve a secondary purpose for recreation, open space, or similar types of uses which will not be adversely affected by occasional intermittent flooding and will not interfere with STORM WATER MANAGEMENT.
- B. Minimum grades for turf areas within the basin shall be 2 percent (50 units horizontal to one unit vertical) except that the minimum GRADE shall be 1 percent (100 units horizontal to one unit vertical) if tile underdrains are adequately installed underneath the turf areas. Storage facility side SLOPES shall not exceed 3:1 (three units horizontal to one unit vertical), shall provide for the reasonably safe approach of persons and reasonably safe maintenance practices. Side SLOPES steeper than 3:1 may be allowed upon a determination by the Approval Authority that adequate precautions are taken to avoid unreasonable hazard. Storage basin excavations shall follow the natural land contours as closely as practicable. The geometry of DRY BOTTOM STORM WATER DETENTION BASINS shall be approved by the Approval Authority.
- C. Temporary seeding or other SOIL stabilization measures shall be established in the STORM WATER STORAGE AREA and excess STORM WATER passageway immediately following the CONSTRUCTION or RECONSTRUCTION of these facilities. These measures shall conform to Land Disturbance Erosion Controls (Section 11) in this Ordinance. During the construction of the overall DEVELOPMENT, it is recognized that a limited amount of SEDIMENT buildup may occur in the STORM WATER STORAGE AREA due to EROSION. In no case, shall the volume of the storage basin be reduced to less than 90 percent of the required volume during the CONSTRUCTION phase of the DEVELOPMENT. Basins may be over-excavated to provide additional storage volume for anticipated SEDIMENTATION during CONSTRUCTION activities.
- D. Permanent EROSION control measures such as hydro seeding, conventional seeding, nurse crops, fertilizing, or sod installation and associated stabilization techniques such as mulching shall be utilized to control SOIL movement and EROSION within the storage area and excess STORM WATER passageway as required. These measures shall conform to Land Disturbance Erosion Controls (Section 11) in this Ordinance. The installation of these permanent measures shall take place only after the majority of CONSTRUCTION and other silt and SEDIMENT producing activities have been completed.
- E. Prior to the establishment of permanent EROSION control measures, the required capacity of the STORM WATER STORAGE AREA and the excess STORM WATER passageway shall, if necessary, be restored by EXCAVATION of SEDIMENT materials

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to provide 100 percent of the required storage volume. Upon completion of CONSTRUCTION activities, the storage volume shall be certified in writing by an Illinois Registered Professional Engineer prior to the issuance of any Compliance Certificate required by Section 9.1.3 of the Champaign County Zoning Ordinance for any DEVELOPMENT served by such basin. The specific EROSION control measures to be employed shall be included in an ESCP to be approved by the Approval Authority.

- F. The outlet CONTROL STRUCTURE shall be provided with an interceptor for trash and debris, and it shall be designed and constructed to minimize EROSION and not to require manual adjustments for its proper operation. The CONTROL STRUCTURE shall be designed to operate properly with minimal maintenance or attention. The CONTROL STRUCTURE shall be provided with safety screens for any pipe or opening, other than a weir, to prevent children or large animals from crawling into structures. The CONTROL STRUCTURE shall be constructed to allow access to it at all times, including times of flood flow.
- G. Paved low flow conduits shall be provided in STORM WATER STORAGE AREA. These conduits shall be so constructed that they will not unnecessarily interfere with any secondary use of the storage area and will reduce the frequency of time that the storage area will be covered with water and facilitate dewatering of the SOILS in the STORM WATER STORAGE AREA to avoid saturated SOIL conditions. Low flow conduits shall facilitate complete interior drainage of the STORM WATER STORAGE AREA. Tile underdrain systems may be combined with the low flow conduits or CHANNEL systems.
- H. Pipe outlets of less than 10 inches in diameter shall not be allowed unless specifically approved by the Approval Authority. Multiple outlet pipes from a STORM WATER STORAGE AREA shall be avoided if they are designed to be less than 12 inches in diameter.
- I. Warning signs shall be placed at appropriate locations to warn of deep water, possible flood conditions during storm periods, and of other dangers that exist to pedestrian and vehicular traffic.

9.3 Wet Bottom Storm Water Storage Areas

WET BOTTOM STORM WATER STORAGE AREAS shall be designed in compliance with all the applicable regulations which govern the CONSTRUCTION of DRY BOTTOM STORM WATER DETENTION BASINS. The following additional regulations shall apply to WET BOTTOM STORM WATER STORAGE AREAS:

- A. The water surface area of the permanent pool shall not exceed one-fifth of the area of the TRIBUTARY WATERSHED, or as approved by the Approval Authority.
- B. Minimum normal water depth (excluding safety ledges and side SLOPES) shall be eight feet provided, however, that if fish are to be maintained in the pond, at least one-quarter of the pond area shall be a minimum of ten feet deep.
- C. Measures shall be included in the design to minimize pond stagnation and to help ensure adequate aerobic pond conditions.
- D. All WET BOTTOM STORM WATER STORAGE AREAS shall comply with the requirements for some combination of vertical barrier or safety ledge for all pools as required by Section 4.3.6 of the Champaign County Zoning Ordinance.

9.4 Alternative Storm Water Storage Areas

The use of STORM WATER STORAGE AREAS as described in Dry Bottom Storm Water Storage Areas (Sections 9.2) and Wet Bottom Storm Water Storage Areas (Section 9.3) are the preferred means of STORM WATER storage. The following alternative means of STORM WATER storage may be used on DEVELOPMENT SITES under 2 acres in area or where

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practical necessity makes the use of STORM WATER STORAGE AREAS infeasible. The use of such alternative STORM WATER STORAGE AREAS is only permitted upon the specific approval of the Approval Authority. Storage of STORM WATER in public streets will not be allowed.

- A. Paved STORM WATER Storage - Design and CONSTRUCTION of the pavement base must insure that there is minimal pavement damage due to flooding. CONTROL STRUCTURES in paved areas must be readily accessible for maintenance and cleaning. Flow control devices will be required unless otherwise approved by the Approval Authority.
- B. Street Pavement Surface Ponding - Street pavement surface ponding shall not exceed 9 inches in depth in the gutter line nor over the roadway crown if no gutter is present under all rainfall conditions up to and including the 50-year storm event. Open waterways such as surface overflow swales shall be designed into the GRADING plan to receive all excess STORM WATER. Depressing sidewalks across such overflow swales to meet this requirement shall be acceptable. Street ponding shall be allowed only for the conveyance of RUNOFF and will be subject to approval by the public body accepting dedication of the street.
- C. Rooftop STORM WATER Storage - Rooftop storage of excess STORM WATER shall be designed and constructed to provide permanent control inlets and parapet walls to contain excess STORM WATER. Adequate structural roof design must be provided to ensure that roof deflection does not occur which could cause the roofing material to fail and result in leakage. Overflow areas must be provided to ensure that the weight of STORM WATER will never exceed the structural capacity of the roof. Any rooftop storage of excess STORM WATER shall be approved only upon submission of building plans signed and sealed by a licensed structural engineer or architect attesting to the structural adequacy of the design.
- D. Automobile Parking Lot Storage Areas - Automobile parking lots may be designed to provide temporary detention storage on a portion of their surfaces. Automobile parking facilities used to store excess STORM WATER may be constructed having a maximum depth of stored STORM WATER of 0.6 feet; and these areas shall be located in the most remote, least used areas of the parking facility. Design and CONSTRUCTION of automobile parking in STORM WATER areas must insure that there is minimal damage to the parking facility due to flooding, including minimal damage to the sub base. Warning signs shall be mounted at appropriate locations to warn of possible flood conditions during storm periods.
- E. Underground STORM WATER Storage - Underground STORM WATER storage facilities must be designed for easy access in order to remove accumulated SEDIMENT and debris. These facilities must be provided with a positive gravity outlet unless otherwise approved by the Approval Authority.

9.5 Submittals

Two copies of a STORM WATER DRAINAGE PLAN prepared by an Illinois Professional Engineer must be submitted with any zoning petition or SUBDIVISION application where required by this Ordinance. Such plan must at a minimum contain the following:

- A. The SUBDIVISION name or other project identification, engineer's firm, the engineer's name, and date shall all be indicated.
- B. Full description of before and after DEVELOPMENT topography, existing drainage (including locations of agricultural drainage tile serving the area to be developed as well as serving off-site areas but which crosses the area to be developed as well as the efforts to identify and locate underground tile), GRADING, and environmental characteristics of

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the property. This includes but is not limited to the location and size of all landscaped and vegetated areas, green roofs, rain water storage systems, and areas of permeable surfacing intended to provide storm water treatment or other storm water control.

- C. An explanation of the minor and major STORM WATER DRAINAGE SYSTEMS' performance under storm events up to and including the 100-year precipitation event and of the provisions for handling drainage from any TRIBUTARY WATERSHEDS.
- D. The potential impacts of the DEVELOPMENT on water resources both upstream and downstream.
- E. STORM WATER Detention or Retention System Designs - Calculations shall be submitted with all assumptions, coefficients, and other parameters identified and their sources noted.
- F. For detention systems for DEVELOPMENTS of more than 10 acres in area, a plot or tabulation of storage volumes with corresponding water surface elevations (stage storage table) and of the basin outflow rates for those water surface (stage discharge) elevations shall be furnished for the 1-year, 2-year, 5-year and 50-year precipitation events. These tabulations shall be listed for water surface elevation intervals not exceeding 1.0 foot.
- G. ESCP as required by LDEC Permits (Section 12) in this Ordinance.

9.6 Certifications

The following certifications shall be submitted prior to the issuance of any Certificate of Compliance, final plat approval, or release of performance guarantee for DEVELOPMENT on the SITE as provided in the applicable provisions of the Champaign County Zoning Ordinance or Champaign County Subdivision Regulations:

- A. Certification of storage volume as required in Section ~~9.1 A.2.d.2E~~.
- B. As-built drawings of the STORM WATER DRAINAGE SYSTEM including the storage facility in sufficient detail to determine that the constructed facility is substantially the same as that presented in the approved STORM WATER DRAINAGE PLAN with certification to that effect by an Illinois Professional Engineer.

10. JOINT CONSTRUCTION

STORM WATER STORAGE AREAS may be planned and constructed jointly by two or more landowners so long as compliance with this Ordinance is maintained.

11. LAND DISTURBANCE EROSION CONTROL

11.1 General Requirement

- A. Land Disturbance Erosion Control requirements shall apply to any STORM WATER DRAINAGE PLAN, LDEC PERMIT or enforcement actions prescribed by the Zoning Administrator.
- B. The design, testing, installation, and maintenance of EROSION and SEDIMENT control operations and facilities shall adhere to the requirements of this Ordinance and the standards and specifications contained in the Technical Appendices; and to the most recent version of the ILLINOIS URBAN MANUAL. This Ordinance shall prevail where any of those requirements conflict. The EROSION and SEDIMENT control standards specifically included in this Ordinance may not be adequate for every situation that may be encountered and in those situations the most appropriate standard(s) from the ILLINOIS URBAN MANUAL should be utilized.

11.2 Minimize Soil Erosion

The following practices shall be applied to LAND DISTURBANCE activities to minimize Soil Erosion.

- A. LAND DISTURBANCE shall be minimized to the extent practical and shall be conducted in such a manner as to minimize soil EROSION.
- B. Prior to any LAND DISTURBANCE on the SITE, EROSION control facilities shall be installed.
- C. Areas of LAND DISTURBANCE shall be stabilized immediately whenever LAND DISTURBANCE has permanently ceased on any portion of the SITE, or temporarily ceased on any portion of the SITE and will not resume for a period exceeding 14 calendar days. Stabilization of disturbed areas must be initiated within 1 working day of permanent or temporary cessation of earth disturbing activities and shall be completed as soon as possible but not later than 14 days from the initiation of stabilization work in the area. Except where the initiation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable or on areas where construction activity has temporarily ceased and will resume after 14 days, a temporary stabilization method can be used.
- D. Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.
- E. Areas of LAND DISTURBANCE with a slope equal to or greater than three feet horizontal to one foot vertical shall be stabilized.
- F. To the extent practicable, ditches and swales which are to convey off-site flows through the SITE shall be stabilized upon construction.
- G. The condition of the LAND DISTURBANCE and/ or construction SITE for the winter shutdown period shall address proper EROSION and SEDIMENT control early in the fall growing season so that all LAND DISTURBANCE areas may be stabilized with temporary or permanent vegetative cover.
 1. All non-active construction areas that are to remain idle throughout the winter shall receive temporary erosion control measures including temporary seeding, mulching, and/or erosion control blanketing prior to the end of the fall growing season that is approximately October 15.
 2. Those active construction areas to be worked beyond October 15 shall incorporate soil stabilization measures that do not rely on vegetative cover such as erosion control blanketing and heavy mulching.

11.3 Minimize On-Site Sedimentation

The following practices shall be applied to LAND DISTURBANCE activities to minimize SEDIMENTATION:

- A. SEDIMENT control facilities shall be utilized to minimize SEDIMENT from leaving the SITE and minimize the amount of sediment being moved on the SITE.
- B. Common SEDIMENT control facilities or structures are sediment traps, sediment basins, and silt fences. Straw bale dikes are not authorized SEDIMENT control facilities.
- C. SEDIMENT control facilities shall be in place for all drainage leaving the SITE prior to mass GRADING.
- D. Adjacent private and public areas shall be kept free of SEDIMENT and nuisance soil. A stabilized LOT or construction entrance (driveway) and vehicle wash down facilities, if necessary, shall be provided to minimize the amount of soil and SEDIMENT tracked onto public or private streets. Any soil or SEDIMENT tracked onto a public or private street shall be removed before the end of each workday or sooner if directed by the relevant Authority.

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- E. When a proposed LAND DISTURBANCE is tributary to a storm drain inlet, that storm drain inlet shall be protected by an appropriate SEDIMENT control device prior to the LAND DISTURBANCE.

11.4 Construction Dewatering

Water that is pumped or otherwise discharged on or from the SITE during construction dewatering shall be filtered to remove SEDIMENT and erosion shall be minimized.

11.5 Stockpiles

Stockpiles of soil and other erodible building material (such as sand) of 100 cubic yards or more shall be stabilized with temporary or permanent measures of EROSION and SEDIMENT control within 14 calendar days and shall be located as follows:

- A. Stockpiles shall be provided a minimum separation of not be located less than ~~20~~ 50 feet from the top of the bank of a drainage ditch or stream and not less than 30 feet from the centerline of a drainage swale that is indicated as an intermittent stream (or other drainage feature indicated as an intermittent stream) on a United States Geological Survey 7.5 Minute Quadrangle Map and not less than 30 feet from the top of the bank of a roadside ditch ~~or~~ and not in a drainage ditch easement and not less than ~~20~~ 10 feet from the nearest property line under other ownership; and
- B. Any additional separation distance required for stabilization and maintenance of the stockpile outside of the minimum separation required above.

11.6 Required Maintenance of Erosion and Sediment Control Measures

All temporary EROSION and SEDIMENT control measures shall be inspected regularly and maintained in an effective working condition at least as frequently (and more often if needed) as follows:

- A. Repair, replace, or maintain EROSION and SEDIMENT control measures after a singular or cumulative rainfall event of 0.5 inches or more over a 24 hour period.
- B. All temporary EROSION and SEDIMENT control measures shall be removed within 30 days after FINAL STABILIZATION is achieved with permanent soil stabilization measures.
- C. Trapped SEDIMENT and other disturbed soil resulting from temporary measures shall be properly disposed of and the area shall be stabilized.

12. LDEC PERMITS

- A. Within the Champaign County MS4 JURISDICTIONAL AREA, a LDEC PERMIT shall be required for applicable LAND DISTURBANCES except activities identified in LDEC Permit Exemptions (Section 4.4).
- B. The requirements and review procedures to authorize a particular LAND DISTURBANCE depend upon the classification of that particular LAND DISTURBANCE. LDEC PERMITS shall be of the following types:
1. A MAJOR LDEC PERMIT shall be required for any LAND DISTURBANCE of one acre or more of land within the Champaign County MS4 JURISDICTION.
 2. A MINOR LDEC PERMIT shall be required for any LAND DISTURBANCE of less than one acre of land but greater than 10,000 square feet that is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD or that is part of any other USE, DISTRICT, or LOT described in Applicability (Section 4.1), that is not otherwise identified in LDEC Permit Exemptions (Section 4.4).

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3. LDEC PERMITS are required to be obtained by the OWNER or DEVELOPER of each LOT of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD, if multiple LAND DISTURBANCE activities occurring at the same time will result in 1 acre or greater LAND DISTURBANCE.

12.1 Applications for a LDEC Permit

Applications for a LDEC PERMIT shall be filed in written form with the ZONING ADMINISTRATOR on such forms as the ZONING ADMINISTRATOR prescribes and shall include the following:

- A. Name and address of the OWNER, the APPLICANT, contractor, engineer and architect when applicable;
- B. Location, including township and section, street number, lot block and or tract comprising the legal description of the SITE;
- C. Permanent Index Number (PIN);
- D. LOT Area;
- E. ZONING DISTRICT;
- F. Special Flood Hazard Area, if applicable;
- G. Use of existing property and structures;
- H. Proposed use and any proposed structures;
- I. Estimated cost of proposed construction;
- J. SITE PLAN indicating all existing and proposed uses and structures;
- K. Extent and nature of proposed LAND DISTURBANCE;
- L. An EROSION AND SEDIMENT CONTROL PLAN (ESCP) meeting the requirements of this Ordinance;
- M. Applications for a Major LDEC PERMIT shall also include the Supplemental Application Form in Technical Appendix E.

12.2 LDEC Permit - Minor

The following forms and procedures are required:

- A. The APPLICANT shall submit a completed Application Form. Copies of the completed and approved Application Form and LETTER OF NOTIFICATION shall be kept on the project SITE and made available for public viewing during CONSTRUCTION hours.
- B. Submission of an ESCP consistent with the guidelines and standards in Technical Appendix D.
- C. Upon approval of the ESCP by the ZONING ADMINISTRATOR, the ESCP shall be implemented by the PERMITTEE consistent with the guidelines and standards in Technical Appendix D.
- D. The PERMITTEE shall allow inspections of the LAND DISTURBANCE by the ZONING ADMINISTRATOR as indicated in Required Inspections (Section 13.5) in this Ordinance.
- E. When the LAND DISTURBANCE is completed and all LAND DISTURBANCE on the project SITE has received FINAL STABILIZATION, a LETTER OF TERMINATION shall be submitted by the PERMITTEE to the ZONING ADMINISTRATOR.

12.3 LDEC Permit - Major

The following forms and procedures are required:

- A. Submission of a completed Application Form and Supplemental Land Disturbance Erosion Control Permit Application Form. Copies of the completed and approved Application Form, SWPPP and ESCP shall be kept on the project SITE and made available for public viewing during CONSTRUCTION hours.

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- B. The APPLICANT shall complete a NOTICE OF INTENT according to the ILR10 requirements and submit the NOI to the IEPA and the County.
- C. The APPLICANT shall complete a CONTRACTOR'S CERTIFICATION STATEMENT (CCS) according to the ILR10 requirements and submit the CCS to the IEPA and the County.
- D. The APPLICANT shall prepare a SWPPP according to the ILR10 requirements and submit the written SWPPP to the IEPA and the County.
- E. The APPLICANT shall submit an ESCP that has been prepared by a licensed PROFESSIONAL ENGINEER or a CERTIFIED PROFESSIONAL EROSION CONTROL SPECIALIST, for approval by the ZONING ADMINISTRATOR. The ESCP shall be as follows:
 - 1. The ESCP shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed GRADING on water resources, and measures proposed to minimize SOIL EROSION and minimize offsite EROSION and SEDIMENTATION.
 - 2. The following information shall be included in any ESCP:
 - a. A letter of transmittal, which includes a project narrative.
 - b. An attached vicinity map showing the location of the SITE in relationship to the surrounding area's WATERCOURSES, water bodies and other significant geographic features, roads and other significant STRUCTURES.
 - c. An indication of the scale used and a north arrow.
 - d. The name, address, and telephone number of the OWNER and/or DEVELOPER of the property where the land disturbing activity is proposed.
 - e. Suitable contours for the existing and proposed topography.
 - f. Types of SOILS present on the SITE, as defined by the "Soil Survey of Champaign County, Illinois", prepared by the United States Department of Agriculture Natural Resources Conservation Service.
 - g. The proposed GRADING or LAND DISTURBANCE activity including: the surface area involved, excess spoil material, use of BORROW material, and specific limits of disturbance.
 - h. Location of WASHOUT FACILITIES for concrete and asphalt materials indicated on the SITE PLAN. Provide details of proposed WASHOUT FACILITIES.
 - i. A clear and definite delineation of any areas of vegetation or trees to be saved.
 - j. A clear and definite delineation of any WETLANDS, natural or artificial water storage detention areas, and drainage ditches on the SITE.
 - k. A clear and definite delineation of any 100-year FLOODPLAIN on or near the SITE.
 - l. STORM WATER DRAINAGE SYSTEMS, including quantities of flow and SITE conditions around all points of SURFACE WATER discharge from the SITE.
 - m. EROSION and SEDIMENT control provisions to minimize on-site EROSION and SEDIMENTATION and minimize off-site EROSION and SEDIMENTATION, including provisions to preserve TOPSOIL and limit disturbance. Provisions shall be in accordance with the standards presented in the appropriate Technical Appendix.

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- n. Design details for both temporary and permanent EROSION CONTROLS. Details shall be in accordance with the standards presented in the appropriate Technical Appendix.
 - o. Details of temporary and permanent stabilization measures including a note on the plan stating: "Following initial SOIL disturbance or redisturbance, permanent or temporary stabilization shall be completed within seven (7) calendar days on all perimeter dikes, swales, ditches, perimeter SLOPES, and all SLOPES greater than three (3) horizontal to one (1) vertical (3:1); embankments of ponds, basins, and traps; and within fourteen (14) days on all other disturbed or graded areas. The requirements of this section do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual CONSTRUCTION activities are currently being performed."
 - p. A chronological schedule and time frame (with estimated month) including, as a minimum, the following activities:
 - i. CLEARING AND GRUBBING for those areas necessary for installation of perimeter EROSION control devices.
 - ii. CONSTRUCTION of perimeter EROSION control devices.
 - iii. Remaining interior SITE CLEARING AND GRUBBING.
 - iv. Installation of permanent and temporary stabilization measures.
 - v. Road GRADING.
 - vi. GRADING for the remainder of the SITE.
 - vii. Building, parking lot, and SITE CONSTRUCTION.
 - viii. Final GRADING, landscaping or stabilization.
 - ix. Implementation and maintenance of FINAL STABILIZATION.
 - x. Removal of temporary EROSION control devices.
 - q. A statement on the plan noting that the CONTRACTOR, DEVELOPER, and OWNER shall request the EROSION CONTROL INSPECTOR to inspect and approve work completed in accordance with the approved ESCP, and in accordance with the ordinance.
 - r. A description of, and specifications for, SEDIMENT retention structures.
 - s. A description of, and specifications for, surface RUNOFF and EROSION control devices.
 - t. A description of vegetative measures.
 - u. A proposed vegetative condition of the SITE on the 15th of each month between and including the months of April through October.
 - v. The seal of a licensed PROFESSIONAL ENGINEER in the State of Illinois, if applicable.
- F. The APPLICANT may propose the use of any EROSION and SEDIMENT control techniques in a FINAL ESCP, provided such techniques are proved to be as or more effective than the equivalent BEST MANAGEMENT PRACTICES as contained in the manual of practices.
- G. The PERMITTEE shall prepare an EROSION CONTROL INSPECTION REPORT (ECIR) on a weekly basis or after any rainfall event one-half (1/2) inch or greater in twenty-four (24) hours, as recorded on-site, at the nearest United States Geologic Survey or Illinois State Water Survey rain gauge nearest the SITE. Submit the ECIR to the ZONING ADMINISTRATOR within five (5) days. Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions. Weekly inspections will recommence when construction activities are conducted, or if there is one-half (1/2) inch or greater rain event, or snowmelt occurs.

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- H. The PERMITTEE shall prepare an INCIDENCE OF NON-COMPLIANCE (ION) report within forty-eight (48) hours for any non-compliance. The ION report shall meet all ILR10 requirements. Submit the ION to the IEPA and the County.
- I. Copies of the documents listed above shall be kept on the project SITE and shall be made available for public viewing during CONSTRUCTION hours.
- J. The PERMITTEE shall prepare a NOTICE OF TERMINATION (NOT) upon FINAL STABILIZATION of the project SITE. Submit the NOT to the IEPA and the County.
- K. All reports should be mailed to the ZONING ADMINISTRATOR at the following address:
 - Department of Planning and Zoning
 - Brookens Administrative Center
 - 1776 E. Washington St.
 - Urbana, IL 61802

12.4 Fee

At the time the application is filed a fee shall be paid in accordance with the following schedule of fees in addition to any Zoning Use Permit fees that may apply:

- A. LDEC PERMIT - MAJOR
 - 1. No additional fee is required if a STORM WATER DRAINAGE PLAN is required and a fee has been paid in accordance with Section 9.3.4 of the Zoning Ordinance.
 - 2. If no STORM WATER DRAINAGE PLAN is required the fee shall be the Engineering Review Fee established by Section 9.3.4 of the Zoning Ordinance.
- B. LDEC PERMIT - MINOR.....\$50.00
(Note: Paragraph 12.4 B. above is optional and was included by the ZBA in the recommendation for approval.)

12.5 LDEC Permit Authorization

The issuance of a LDEC PERMIT shall constitute an authorization to do only the work described in the PERMIT or shown on the approved SITE PLANS and specifications, all in strict compliance with the requirements of this ordinance and conditions determined by the Zoning Administrator.

12.6 LDEC Permit Duration

- A. LDEC PERMITS shall be issued for a specific period of time, up to one (1) year. The LDEC PERMIT duration shall reflect the time the proposed land disturbing or filling activities and SOIL storage are scheduled to take place. If the PERMITTEE commences permitted activities later than one hundred eighty (180) days of the scheduled commencement date for GRADING, the PERMITTEE shall resubmit all required application forms, maps, plans, and schedules to the ZONING ADMINISTRATOR. The PERMITTEE shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the LDEC PERMIT.
- B. LAND DISTURBANCE activities that require schedules in excess of one (1) year shall be reviewed and authorized by the ZONING ADMINISTRATOR in accordance with paragraph 9.1.2 D. of the Zoning Ordinance.

12.7 Responsibility of the Permittee

- A. The PERMITTEE shall maintain a copy of the LDEC PERMIT, approved plans and reports required under the LDEC PERMIT on the work SITE and available for public inspection during all working hours. The PERMITTEE shall, at all times, ensure that the

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property is in conformity with the approved GRADING plan, ESCP's, and with the following:

1. General - Notwithstanding other conditions or provisions of the LDEC PERMIT, or the minimum standards set forth in this Ordinance, the PERMITTEE is responsible for the prevention of damage to adjacent property arising from LAND DISTURBANCE activities. No person shall GRADE on land in any manner, or so close to the property lines as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, EROSION, SEDIMENTATION or other damage or personal injury which might result.
 2. Public ways - The PERMITTEE shall be responsible for the prompt removal of any SOIL, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks, public thoroughfare or public sanitary or STORM WATER conveyance systems, incident to the CONSTRUCTION activity, or during transit to and from the SITE and shall promptly correct any damages resulting therefrom.
- B. Compliance with this Ordinance does not ensure compliance with ILR10 requirements. APPLICANT and/or PERMITTEE is responsible for ensuring compliance with ILR10 requirements.

12.8 Required Maintenance During and After Construction

On any property on which GRADING or other work has been performed pursuant to a LDEC PERMIT granted under the provisions of this Ordinance, the PERMITTEE or OWNER, their agent, CONTRACTOR, and employees shall, at a minimum, daily inspect, maintain and repair all graded surfaces and EROSION control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while CONSTRUCTION is active. After CONSTRUCTION is complete, the OWNER or their agent shall maintain erosion control facilities and other drainage structures. This shall include cleaning inlets at least once a year during spring time and SEDIMENT shall be removed every 15 years or as needed.

13. ADMINISTRATION OF LDEC PERMITS

13.1 Zoning Administrator

- A. Administration and enforcement of this Ordinance shall be governed by the requirements of this Ordinance and Section 9 of the Champaign County Zoning Ordinance. This Ordinance shall prevail where there is a conflict but the Zoning Ordinance shall prevail where this Ordinance is silent.
- B. The ZONING ADMINISTRATOR, as defined in Section 9.1.1 of the Zoning Ordinance, shall have the duty to administer and enforce this Ordinance.
- C. The ZONING ADMINISTRATOR representative is authorized to make inspections of any SITE at various times on which there is a LAND DISTURBANCE that is regulated by this Ordinance. The intent of entering premises is to inspect the SITE before, during and after CONSTRUCTION to determine compliance with this Ordinance.

13.2 Conditions of Approval

In granting any LDEC PERMIT pursuant to this Ordinance, the ZONING ADMINISTRATOR may impose such conditions as may be reasonably necessary to prevent the creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions may include, but need not be limited to:

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- A. The granting (or securing from others) and the recording in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of SLOPES or EROSION control facilities.
- B. Adequate control of dust by watering, or other control methods acceptable to the ZONING ADMINISTRATOR, and in conformance with applicable air pollution ordinances.
- C. Improvements of any existing GRADING, ground surface or drainage condition on the SITE (not to exceed the area as proposed for work or DEVELOPMENT in the application) to meet the standards required under this Ordinance for new GRADING, drainage and EROSION control.
- D. SEDIMENT traps and basins located within a densely populated area or in the proximity of an elementary school, playground or other area where small children may congregate without adult supervision, may be required to install additional safety-related devices.
- E. Any other EROSION and SEDIMENT control technique necessary, in the opinion of the ZONING ADMINISTRATOR, to avoid a public safety hazard.

13.3 LDEC Permit Denial

- A. If the ZONING ADMINISTRATOR determines that an ESCP does not meet the requirements of this Ordinance, the application for the LDEC PERMIT shall not be approved.
- B. The ESCP must be resubmitted and approved before any LAND DISTURBANCE activity may be authorized.
- C. All land use and building permits shall be suspended on a SITE until there is an approved ESCP and the ZONING ADMINISTRATOR has approved a LDEC PERMIT.

13.4 Changes to LDEC Permits and Plans

- A. No work associated with any proposed modification to a LDEC PERMIT or plan shall occur without prior written approval by the ZONING ADMINISTRATOR.
- B. Administrative changes such as contact information or schedule changes must be submitted prior to, or together with, any reports, information, or applications to be signed by and authorized representative, but does not require review or approval by the ZONING ADMINISTRATOR.
- C. Changes to an approved ESCP can be authorized in two (2) ways:
 - 1. Changes within the scope of the applicable Technical Appendix may be approved and documented on a field inspection report signed and dated by the EROSION CONTROL INSPECTOR.
 - 2. Changes outside of the scope of the applicable Technical Appendix shall be submitted to the ZONING ADMINISTRATOR for approval.

13.5 Required Inspection

- A. All work for which a LDEC PERMIT is required shall be subject to inspection and approval by the ZONING ADMINISTRATOR. Refusal to allow entry of the ZONING ADMINISTRATOR or his/her representative to inspect for compliance with this Ordinance, or interference with such inspection, shall be grounds for the issuance of a STOP-WORK ORDER.
- B. The PERMITTEE and/or their agents shall conduct a pre-CONSTRUCTION meeting on SITE with the EROSION CONTROL INSPECTOR on each SITE which has an approved ESCP.
- C. ~~Before commencing GRADING or land disturbing activities,~~ The PERMITTEE shall obtain written inspection approvals by the EROSION CONTROL INSPECTOR at the

Champaign County, Illinois
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following stages in the DEVELOPMENT of the SITE, or of each SUBDIVISION thereof:

1. Upon completion of installation of perimeter EROSION and SEDIMENT controls and prior to proceeding with any other LAND DISTURBANCE or GRADING. Other building or GRADING inspection approvals, including approval of any related Zoning Use Permit, shall not be authorized until the installation of perimeter EROSION and SEDIMENT controls has been approved by the EROSION CONTROL INSPECTOR, have been approved by the EROSION CONTROL INSPECTOR.
 2. Upon completion of stripping, the stockpiling of TOPSOIL, the CONSTRUCTION of temporary EROSION and SEDIMENT control facilities, disposal of all waste material, and preparation of the ground and completion of rough GRADING, but prior to placing TOPSOIL, permanent drainage or other SITE DEVELOPMENT improvements and ground covers.
 3. Upon completion of FINAL STABILIZATION, including GRADING, permanent drainage and EROSION control facilities, including established ground covers and plantings, and all other work of the LDEC PERMIT.
 4. The ZONING ADMINISTRATOR may require additional inspections as may be deemed necessary.
- D. Work shall not proceed beyond the stages outlined above until the EROSION CONTROL INSPECTOR inspects the SITE and approves the work previously completed.
- E. Requests for inspections shall be made at least twenty-four (24) hours in advance (exclusive of Saturdays, Sundays, and holidays) of the time the inspection is desired. Upon request for inspections, the EROSION CONTROL INSPECTOR shall perform the inspection within forty-eight (48) hours of the request.
- F. The inspection to determine compliance with this Ordinance shall not normally include a new building which was completed and which has been secured, but shall include inspection of any area of the property where land disturbing activity is occurring or has been authorized

14. LIABILITY RELATED TO LDEC PERMITS

- A. Neither the issuance of a LDEC PERMIT under the provisions of this Ordinance, nor the compliance with the provisions hereto or with any condition imposed by the ZONING ADMINISTRATOR, shall relieve any person from responsibility for damage to persons or property resulting from the activity of the PERMITTEE.
- B. Compliance with the conditions imposed by this Ordinance, or conditions imposed by the ZONING ADMINISTRATOR, shall not create liability on the County resulting from such compliance.

15. ENFORCEMENT OF LDEC PERMITS

15.1 Compliance

The PERMITTEE shall carry out the proposed work in accordance with the approved plans and specifications, and in compliance with all the requirements of the LDEC PERMIT, including those documents referenced in this Ordinance.

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15.2 Deficiency

A SITE is deficient when regular maintenance of EROSION and SEDIMENT CONTROLS have not been completed and can generally be resolved during weekly inspections or inspections following storm events. The ZONING ADMINISTRATOR may send a letter encouraging the PERMITTEE to fix the deficiency before the next rain event when the SITE may become non-compliant.

15.3 Non-Compliance

A SITE is Non-Compliant when any violation of the stormwater pollution prevention plan or any condition of applicable permits is observed during any inspection. Corrective actions must be undertaken immediately to address the identified non-compliance issue(s). Any incidence of noncompliance (ION) shall be reported to the IEPA as required by the ILR10 permit and to the Zoning Administrator. The ION shall include statements regarding: the cause of Non-compliance, actions taken to prevent any further non-compliance, environmental impact resulting from the non-compliance, and any actions taken to reduce the environmental impact from the non-compliance.

- A. If non-compliance occurs and an ION is not filed, the SITE is in violation of the LDEC PERMIT.
- B. Recurring non-compliance could be a violation of the LDEC PERMIT.

15.4 Notice of Violation

- A. If the ZONING ADMINISTRATOR finds any conditions not as stated in the application or approved plans, the ZONING ADMINISTRATOR may issue a Notice of Violation or a STOP-WORK ORDER on the entire project, or any specified part thereof, until a revised plan is submitted conforming to current SITE conditions. Failure to obtain a LDEC PERMIT for activities regulated under this Ordinance constitutes a violation.
- B. If the ZONING ADMINISTRATOR issues a Notice of Violation or a STOP-WORK ORDER on the entire project, or any specified part thereof, pursuant to a MAJOR LDEC PERMIT, the ZONING ADMINISTRATOR shall also notify the IEPA that the project may not be in compliance with the ILR10 permit.

15.5 Prevention of Hazard

Whenever the ZONING ADMINISTRATOR determines that any LAND DISTURBANCE on any private property is an imminent hazard to life and limb, or endangers the property of another, or adversely affects the safety, use, SLOPE, or SOIL stability of a public way, publicly controlled WETLAND, or WATERCOURSE, then the ZONING ADMINISTRATOR shall issue a Stop-Work Order and require that all LAND DISTURBANCE activities cease and the corrective work begin immediately.

15.6 Stop-Work Order

- A. The ZONING ADMINISRATOR may require that, on a SITE, all work which is being performed contrary to the provisions of this Ordinance or is being performed in an unsafe or dangerous manner shall immediately stop.
- B. STOP-WORK ORDERS do not include work as is directed to be performed to remove a violation or dangerous or unsafe condition as provided in the STOP-WORK ORDER..
- C. The ZONING ADMINISTRATOR may issue a STOP-WORK ORDER for the entire project or any specified part thereof if any of the following conditions exist:
 - 1. Any LAND DISTURBANCE activity regulated under this Ordinance is being undertaken without a LDEC PERMIT.
 - 2. The ESCP or SWPPP is not being fully implemented.

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3. Any of the conditions of the LDEC PERMIT are not being met.
4. The work is being performed in a dangerous or unsafe manner.
5. Refusal to allow entry for inspection.
- D. A STOP-WORK ORDER shall be issued as follows:
 1. The STOP-WORK ORDER shall be in writing and shall be posted and served upon the OWNER and PERMITTEE, as provided below. In addition, a copy of the STOP-WORK ORDER may be given to any person in charge of or performing work on drainage improvements in the DEVELOPMENT, or to an agent of any of the foregoing.
 2. The STOP-WORK ORDER shall state the conditions under which work may be resumed.
 3. No person shall continue any work after having been served with a STOP-WORK ORDER.
 4. For the purposes of this section, a STOP-WORK ORDER is validly posted by posting a copy of the STOP-WORK ORDER on the SITE of the LAND DISTURBANCE in reasonable proximity to a location where the LAND DISTURBANCE is taking place. Additionally, in the case of work for which there is a LDEC PERMIT, a copy of the STOP-WORK ORDER, shall be mailed by first class mail to the address listed by the PERMITTEE and in the case of work for which there is no LDEC PERMIT, a copy of the STOP-WORK ORDER shall be mailed to the person to whom real estate taxes are assessed, or if none, to the taxpayer shown by the records of the Supervisor of Assessment.
 5. If the LAND DISTURBANCE continues more than 24 hours after the STOP-WORK ORDER is posted on the SITE, the ZONING ADMINISTRATOR may do the following:
 - a. If there is a LDEC PERMIT the ZONING ADMINISTRATOR may revoke the LDEC PERMIT
 - b. If there is no LDEC PERMIT, the ZONING ADMINISTRATOR may request the State's Attorney to obtain injunctive relief.
 6. The ZONING ADMINISTRATOR may retract the revocation.
 7. Ten (10) days after posting a STOP-WORK ORDER, the ZONING ADMINISTRATOR may issue a notice to the OWNER and/or PERMITTEE of the intent to perform the work necessary to minimize EROSION and institute SEDIMENT control. The ZONING ADMINISTRATOR or his/her designated representative may go on the land and commence work after fourteen (14) days from issuing the notice. The costs incurred to perform this work shall be paid by the OWNER or PERMITTEE. In the event no LDEC PERMIT was issued, the costs, plus a reasonable administrative fee, shall be billed to the OWNER.
 8. Compliance with the provisions of this Ordinance may also be enforced by injunction.

15.7 Legal Proceedings

- A. A complaint may be filed with the Circuit Court for any violation of this Ordinance. A separate violation shall be deemed to have been committed on each day that the violation existed.
- B. In addition to other remedies, the State's Attorney may institute any action or proceeding which:
 1. Prevents the unlawful CONSTRUCTION, alteration, repair, maintenance, or removal of drainage improvements in violation of this Ordinance or the violation of any LDEC PERMIT issued under the provisions of this Ordinance.

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2. Prevents the occupancy of a building, STRUCTURE or land where such violation exists.
 3. Prevents any illegal act, conduct, business, or use in or about the land where such violation exists.
 4. Restrains, corrects or abates the violation.
- C. In any action or proceeding under this section, the State's Attorney may request the court to issue a restraining order or preliminary injunction, as well as a permanent injunction, upon such terms and conditions as will enforce the provisions of this Ordinance. A lien may also be placed on the property in the amount of the cleanup costs.

15.8 Penalties

- A. Penalties for violation of this Ordinance shall be governed by the requirements of this Ordinance and Section 10 of the Champaign County Zoning Ordinance. This Ordinance shall prevail where there is a conflict but the Zoning Ordinance shall prevail where this Ordinance is silent.
- B. Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of this Ordinance shall be punishable by a fine of not less than one hundred dollars (\$100.00) per day and not more than five hundred dollars (\$500.00) per day for each separate offense. Each day there is a violation of any part of this Ordinance shall constitute a separate offense.

16. RULES OF CONSTRUCTION

This Ordinance shall be construed liberally in the interests of the public so as to protect the public health, safety, and welfare.

17. APPEAL, WAIVER OR VARIANCE

- A. Any part here of or this entire Ordinance may be waived or varied by the by the relevant Approval Authority in accord with the relevant provision of Article 18 of the Champaign County Subdivision Regulations or Section 9.1.9 of the Champaign County Zoning Ordinance except for specific requirements of the ILR10.
- B. When the ZONING ADMINISTRATOR is the Approval Authority, the PERMITTEE, or its designee, may appeal a decision of the ZONING ADMINISRATOR pursuant to this Ordinance as authorized in Section 9.1.8 of the Zoning Ordinance. The filing of an appeal shall not operate as a stay of a Notice of Violation or STOP-WORK ORDER. The County shall grant the appeal and issue the appropriate instructions to the Department of Planning and Zoning upon a finding of fact that there is no violation of the Ordinance or the LDEC PERMIT issued.

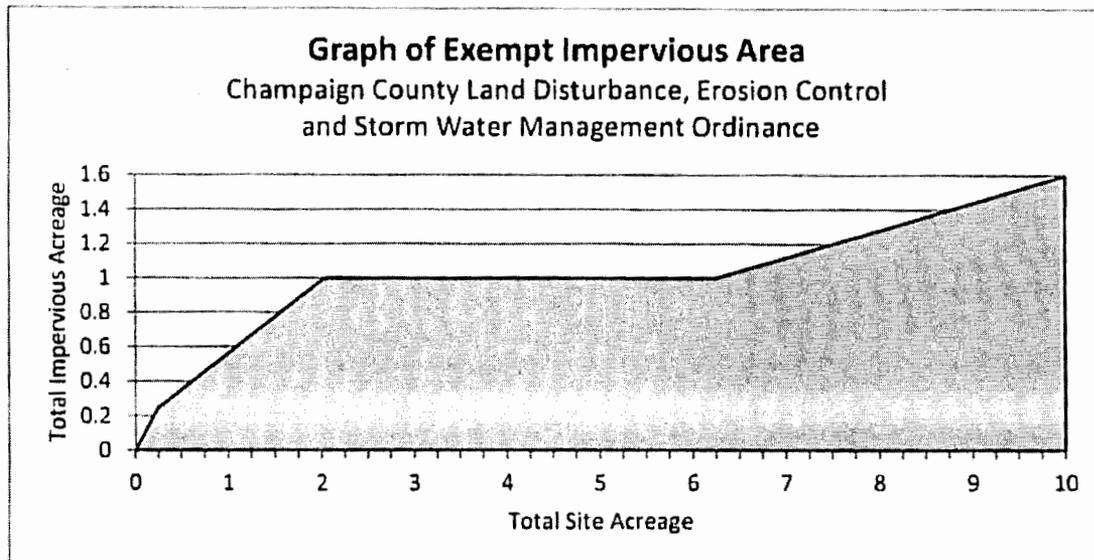
18. EFFECTIVE DATE

This ordinance shall become effective upon adoption.

Appendix A – Adopting Resolution and Amendments

Appendix B – Exempt Impervious Area

The following graph illustrates the impervious area exemption established in Subparagraph 8.2.A.5. The mathematical expressions for the different portions of the graph are also included. Exemption status can either be read directly from Subparagraph 8.2.A.5. or the graph or determined mathematically using the mathematical expressions.



Mathematical Expressions for Exempt Impervious Area

<u>Site Area</u>	<u>Project is Exempt if:</u>
Less than or equal to 0.25 acres	Impervious Area is less than or equal to Site Area
Greater than 0.25 acres or equal to 2.0 acres	Impervious Area is less than or equal to 0.14 acres plus 0.423 x Site Area
Greater than 2.0 acres or equal to 6.25 acres	Impervious Area is less than or equal to 1.0 acres
Greater than 6.25 acres	Impervious Area is less than or equal to 0.16 x Site Area

Appendix C – Champaign County MS4 Jurisdictional Area

(NOT INCLUDED IN THIS COPY)

Appendix D - Technical Appendix for Minor LDEC Permit

**Standard Forms and list of Standard Details
for
Land Disturbance Erosion Control Permit – Minor**

(NOT INCLUDED IN THIS COPY)

Appendix E - Technical Appendix for Major LDEC Permit

**Standard Forms and List of Standard Details
for
Land Disturbance Erosion Control Permit – Major**

(NOT INCLUDED IN THIS COPY)

Appendix F - Standard Details

(NOT INCLUDED IN THIS COPY)

**Attachment D. Summary of Additions to the Amended Ordinance Agreed to by
Champaign County from a Memorandum to the Champaign County Environmental and
Land Use Committee**

Highlighted text is new text to the Draft Ordinance.

4.3 Storm Water Drainage Plan Exemptions

All SUBDIVISIONS or CONSTRUCTION meeting any of the following conditions are exempt from the STORM WATER DRAINAGE PLAN (Section 9) requirements:

- A. All General Exemptions (Section 4.2).
- B. CONSTRUCTION on lots in subdivisions or other DEVELOPMENTS that are subject to municipal subdivision regulations containing standards for the detention and controlled release of stormwater, for provision of adequate site drainage, and for the protection of existing drainage facilities or on lots subject to the application of such standards by means of an annexation agreement.
- C. CONSTRUCTION of additions to existing STRUCTURES when the total increase in impervious area is less than 10,000 square feet relative to the impervious area that existed on February 20, 2003.
- D. CONSTRUCTION located on a lot no more than one acre in area that existed on December 17, 1991.
- E. Individual single family and two-family detached dwellings and related accessory STRUCTURES on a single lot.
- F. SUBDIVISIONS or CONSTRUCTION on lots when the cumulative total of all IMPERVIOUS areas from all developed lots created from a lot or lots in common ownership on January 1, 1998, including any specific IMPERVIOUS area addition to the adjacent public streets that is required to accommodate the SUBDIVISION or CONSTRUCTION, is less than the criteria shown in Table 1 – Maximum Exempt Impervious Area.

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MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: April 23, 2015

TIME: 7:30 P.M.

PLACE: Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBER PRESENT: Andrew Fell, Tyler Fitch, Lew Hopkins, Christopher Stohr, David Trail

MEMBERS EXCUSED: Corey Buttry, Maria Byndom, Dannie Otto

STAFF PRESENT: Jeff Engstrom, Interim Planning Manager; Maximillian Mahalek, Planning Intern; Brad Bennett, Assistant City Engineer

OTHERS PRESENT: John Hall, CC Zoning Administrator

COMMUNICATIONS

- Attachment A: Proposed Revision to Draft Storm Water Management and Erosion Control Ordinance

NEW BUSINESS

Case No. CCZBA-769-AT-13 and Case No. CCZBA-773-AT-14 - A request from the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance regarding regulations of stormwater, erosion and sedimentation controls.

Chair Fitch opened these two cases. Maximillian Mahalek, Planner Intern, presented both cases together to the Plan Commission. He began by explaining that Case No. CCZBA-769-AT-13 amends the name to “Storm Water Management and Erosion Control Ordinance”, adds requirements to bring the County more in line with the National Pollutant Discharge Elimination System (NPDES), and adds various other requirements to ensure better erosion and sedimentation controls. Case No. CCZBA-773-AT-14 amends the newly named ordinance to add requirements for grading and demolition permits for any project that disturbs more than one acre of land. He noted that the City of Urbana has our own Erosion Control Ordinance and a Stormwater Control Ordinance. He discussed how the proposed text amendment would relate to the relative goals and objectives of the City of Urbana’s Comprehensive Plan.

In order to eliminate the overlapping jurisdictions of the County and the Extra-Territorial Jurisdiction (ETJ), the Urbana Engineering Division recommended including Paragraph 4.3B in the proposed text amendment that would exempt properties within the ETJ from the County's regulations. By doing so, we would help minimize conflict, further promote protection of water resources and enhance management of stormwater within the community. Champaign County agreed to include the paragraph and added an additional exemption of impervious area that existed on February 20, 2003 with regards to the construction of additions to existing structures when the total increase in impervious area is less than 10,000 square feet (Paragraph 4.3C).

He summarized staff findings, read the options of the Plan Commission and presented City staff's recommendation to defeat a resolution of protest. He mentioned that Brad Bennett, Assistant City Engineer, and John Hall, Champaign County Zoning Administrator, were available to answer any questions.

Chair Fitch asked the Plan Commission if they had any questions for City staff.

Chair Fitch asked for clarification on the changes that Champaign County were asking for in Paragraph 4.3C. Mr. Mahalek explained the areas shaded in gray on Attachment A that was handed out was language that the County was proposing to bring the County's regulations more in line with the City's regulations. He further noted that the County's previous 4.3B became part of the 4.3C with additional language and the City's proposed additional paragraph then became 4.3B.

Mr. Stohr inquired about the fee that the City charges for permitting an inspection. Mr. Bennett stated that the City of Urbana charges for single-family erosion control permit, which is also called Class 2. It is a \$50.00 fee. For non-residential properties, such as commercial, industrial, and multi-family, the fee is \$200.00. For Class 1 permits or sites over an acre of disturbed area, the City charges \$500.00 for the first five acres and then \$20.00 an acre thereafter. He noted that the City of Champaign and the Village of Savoy charge similar amounts because when they were creating the Erosion Control Ordinance in 2007, the three entities worked closely together to have a consistent ordinance to prevent a lot of variation between them.

Mr. Stohr asked if the fees nominally covered the costs for doing the oversight and the inspection. Mr. Bennett said no, they were not intended to do so. The fees were set to place a value on the permit itself as opposed to giving it away for free. City staff looked to see what other communities charged and tried to be consistent with their fees as well as listening to contractors and land developers. Some of the costs for permitting and inspecting are covered by the Stormwater Utility fee.

Chair Fitch stated that the Plan Commission normally gets the marked up County ordinance in the packet; however, they did not get it for this case. Mr. Engstrom explained that it was a lengthy document, so City staff provided a link in the packet of information. Chair Fitch replied that the Plan Commission should have it for future County text amendments.

With there being no further questions for City staff, Chair Fitch opened the case up for public input. There was none, so Chair Fitch closed the public input portion of the case. He, then, opened it up for Plan Commission discussion and/or motion(s).

Mr. Stohr wondered why Champaign County does not charge a fee that is commensurate with the cost of inspecting and monitoring. Is it a way of supporting development? Mr. Engstrom deferred the question to John Hall from Champaign County. Mr. Hall approached the Plan Commission. He replied that it is not an intentional way of supporting development. The purpose for the cost of the fee is the same as for the City of Urbana, which is to put a value on the permit itself. Coincidentally, the fee for the County's minor permit is the same as the City of Urbana's. This class of development actually sees the biggest impact overall. With regards to the major fee, Champaign County already gets a substantial fee for the stormwater drainage plan reviews, which the erosion controls are already part of that. They will be doing inspections; however, in terms of the scope of work, the weekly inspections within their MS4 area are a pretty minor element, which is why they did not propose any additional fees. The County staff believed that they would get about five new requests per year. The MS4 area is 1% of the County's jurisdiction, so it is a very small area.

Mr. Stohr felt that the general tax support in support of the development should be recognized. It should be noted that the full cost of the inspection is not being covered. He believed the inspections were a good thing.

Mr. Hopkins moved that the Plan Commission forward Case No. CCZBA-769-AT-13 and Case No. CCZBA-773-AT-14 to the City Council with a recommendation for No Protest contingent on the additions and modifications recommended by the Urbana Engineering Division. Mr. Fell seconded the motion. Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Stohr	-	Yes
Mr. Trail	-	Yes			

The motion was approved by unanimous vote. Mr. Engstrom noted that these two cases would go before City Council on Monday, May 4, 2015.