

MEMORANDUM

February 11, 2014

TO: Paul Grimes – Village Manager
Karie Friling – Director of Development Services
John Ingram – Infrastructure Maintenance Director
Kurt Corrigan – Transportation and Engineering Manager

FROM: Travis Parry, PE, CFM, CMS4S
Jedd Anderson PWS, CPESC

SUBJECT: Cook County Watershed Management Ordinance (WMO)
Summary of Wetland, Buffer and Riparian Area Regulations

As requested by the Village of Orland Park (Village), Christopher B. Burke Engineering, Ltd. (CBBEL) has prepared the following summary of the wetland, buffer and riparian area regulations contained in the new Cook County Watershed Management Ordinance (WMO). Specifically Sections §305, §306, §603, §604, §605, §606, §607 and §608. The effective date of the WMO is May 1, 2014. Also provided in bold for each section is a summary of any major differences between the WMO and the Village's Land Development Code Section 6-413 Wetlands Protection. It should be noted that the information provided is based on the current draft of the WMO and is subject to change.

A summary of the most significant WMO wetland, buffer and riparian area regulations and the Village LDC comparisons are as follows:

1. All isolated wetlands (non-Corps of Engineers jurisdictional) are regulated under the WMO. If wetlands are identified on site, applicants must submit a request to the Corps of Engineers (Corps) requesting a jurisdiction determination. Any wetlands that are identified as non-jurisdictional by the Corps will be regulated under the WMO.
 - a. There are a few exceptions for wetlands that were created by man; in those cases the areas are exempt from regulation. Typically, these areas would also be exempt from Federal regulation as well.
 - b. This would impact all wetlands currently regulated by the Village.**
2. Wetland Delineations must be completed onsite when wetlands are present, and up to 100 feet offsite.
 - a. Waters of the United States (creeks, streams, ponds) are not regulated under the wetland section of the WMO; these areas will likely be regulated under the floodplain section of the WMO.
 - b. Boundary verifications for isolated wetlands and waters will be completed by MWRD staff or authorized municipality.
 - c. Identified wetlands must be classified as High Quality or Standard Quality based on floristic quality and presence of threatened or endangered species.



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

MEMORANDUM

- d. Not specifically address by the LDC.**
- 3. Buffers will be applied to isolated wetlands and waters. High Quality wetlands will receive a 100 foot buffer; for isolated wetlands between 0.1 and less than 0.5 acre in area, the buffer will be 30 feet; and the buffer is 50 feet for wetlands that have an area of 0.5 acre or greater.
 - a. LDC buffer is 50 feet for all wetlands.**
- 4. A WMO permit is required for any direct or indirect impact to isolated wetlands. No review of proposed impacts to jurisdictional wetlands is necessary, other than to confirm the applicant has obtained the necessary Corps and IEPA permits.
 - a. The only review of jurisdictional wetland that is completed under the WMO is associated with projects that do not propose to impact jurisdictional wetland but do intend to impact the jurisdictional wetland buffer. The buffer impact in this case would be regulated under the WMO.
 - b. LDC 50 foot setback applied to all wetlands including jurisdictional.**
- 5. Wetland direct and indirect impacts are regulated under the WMO as follows:
 - a. Impacts to High Quality wetlands are prohibited unless the presence of the wetland precludes all economic use of the development. Applicants will have to submit compelling documentation to support impacting High Quality areas. If a development can be practically built with no impact to the wetland, the wetland must be avoided. Only impacts that must occur to allow some form of development on the property are permissible.
 - b. Impacts to isolated wetlands that are 0.1 acre or greater may only occur if no practical alternative to wetland impact is available. The applicant must demonstrate avoidance and minimization of the impacts. Generally speaking fills are only allowable for essential design elements.
 - c. Impacts to isolated wetland(s) that are individually less than 0.1 acre in surface area do not have to demonstrate avoidance and minimization.
 - d. Minimal usage such as preservation and recreational activities allowed by LDC except by Special Use permit regardless of size of wetland or impact.**
- 6. Detention within wetlands is permissible provided certain wetland hydrology criteria are met. See the WMO for specifics.
 - a. The wetland hydrology should be maintained as close to 100 percent of the existing hydrology as possible;
 - b. The wetland hydrology shall not fall below 80 percent, nor exceed 150 percent, of the existing condition storm event runoff volume to the wetland up through the 2-year, 24-hour storm event; and
 - c. The Isolated wetlands shall not be inundated with more than twelve inches of water longer than twenty four hours during storm events up to and including the 100-year, 24-hour storm event.



MEMORANDUM

d. Detention allowed by Special Use permit as mentioned above.

7. Mitigation for all isolated wetland impacts is required at the following ratios:
 - a. 3:1 for High Quality wetland area impacts and impacts prior to issuance of the permit.
 - b. When the cumulative total Standard isolated wetland(s) impacts are equal to or greater than one-tenth (0.10) of an acre, mitigated shall be provided at a ratio of one-and-one-half acre of creation for each acre impacted (1.5:1);
 - c. When the cumulative total standard isolated wetland(s) impact is less than one-tenth (0.10) of an acre, no mitigation is required;
 - d. **Mitigation requirements not specifically addressed in LDC.**
8. Mitigation can be provided:
 - a. By purchasing credit from a wetland mitigation bank, or
 - a. Enhancement of an existing on site isolated wetland, or
 - b. Expansion of an existing onsite isolated wetland, or
 - c. Completion of offsite mitigation provided it is located within the same watershed planning area.
 - d. **Mitigation options not specifically addressed in LDC.**
9. Buffer areas are regulated and mitigation must be provided if buffer impacts are proposed.
 - a. Buffer impacts shall be mitigated by replacement or enhancement of the impacted functions.
 - b. **Buffer regulation and mitigation are not specifically addressed in LDC.**
10. Riparian areas are essentially buffer areas for waters of the United States areas. Riparian limits are defined as:
 - a. For any Jurisdictional Waters of the U.S. that does not qualify as a wetland, the riparian environment shall be 50 feet from the OHWM.
 - b. For any Isolated Waters that does not qualify as a wetland, the riparian environment shall be 30 feet from the OHWM.
 - c. For any Jurisdictional Waters of the U.S. or for any Isolated Waters that does not qualify as a wetland, and which have a BSC of "A" or "B", the riparian environment shall be 100 feet from the OHWM.
 - d. For any Jurisdictional Waters of the U.S. or Isolated Waters that does not qualify as a wetland identified as a BSS, the riparian environment shall be 100 feet from the OHWM.
 - e. Impacts to riparian areas must mitigate lost function.
 - f. **Riparian areas are not specifically addressed in the LDC.**
11. Stormwater outlets must be designed to include scour protection to prevent erosion and downstream sedimentation.
 - a. **Stormwater outlets not specifically addressed in LDC.**