

Ordinance Number: 2006- 50

AN ORDINANCE AMENDING AND REPLACING THE EXISTING KENDALL COUNTY REGULATIONS CONCERNING SOIL AND EROSION CONTROL AND ESTABLISHING UPDATED REGULATIONS ADDRESSING SOIL EROSION AND SEDIMENTATION CONTROL

WHEREAS, Kendall County currently has an existing ordinance establishing requirements for the soil and erosion control; and

WHEREAS, the purpose of said ordinance is to prevent excessive quantities of soil from eroding from areas undergoing development for certain uses including but not limited to the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainageways, and the creation of recreational facilities; and

WHEREAS, sediment reduces the channel capacity of waterways and the storage capacity of floodplains and natural depressions, resulting in increased chances of flooding at risk to public health and safety; and

WHEREAS, sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands, and reservoirs; and

WHEREAS, soil erosion necessitates the costly repairing of gullies, washed-out fills, and embankments; and

WHEREAS, the washing, blowing, and falling of eroded soil across and upon roadways endangers health and safety by decreasing vision and reducing traction of road vehicles; and

WHEREAS, sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and

WHEREAS, the County Board desired to provide minimum standards to safeguard persons, to protect property and to protect and prevent the despoliation of the environment, and promote the public welfare by regulating activities which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the County of Kendall, Illinois; and

WHEREAS, on July 10, 1974 The County Board of Kendall County previously adopted an Ordinance establishing said soil and erosion control regulations; and

WHEREAS, the County Board in it's continuing efforts to improve and refine it's existing ordinances regarding the control and regulation of land development have authorized a review and update of the existing soil and erosion control regulations to be undertaken; and

WHEREAS, the County contracted with Strand Engineering Associates, Inc., to assist in the update and development of said soil erosion and control regulations; and

WHEREAS, the Ad-Hoc Zoning Committee of Kendall County reviewed and forwarded a Draft Soil and Erosion and Sediment Control Ordinance to the Plan Commission for review and recommendation; and

WHEREAS, the Regional Plan Commission of Kendall County reviewed and forwarded a positive recommendation regarding the Draft Soil and Erosion and Sediment Control Ordinance to the Kendall County Zoning Board of Appeals for public hearing, review and recommendation; and

WHEREAS, all procedures required by the Ordinances of Kendall County and statutory requirements of the State of Illinois were followed including notice of the public hearing and formal review and recommendation by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Zoning Board of Appeals has conducted the necessary hearings and reviewed the Draft Soil and Erosion and Sediment Control Ordinance and recommendations of the Plan Commission and has forwarded a recommendation for approval of the "Draft" Ordinance to the County Board for their consideration; and

WHEREAS, the Board of Kendall County finds that said ordinance promotes the general health, comfort, safety and welfare of the public.

NOW THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby adopts the revised Ordinance identified as "Draft 7" dated May 2006 prepared by Strand Associates, Inc. attached hereto and made a part hereof as Exhibit "A"; and

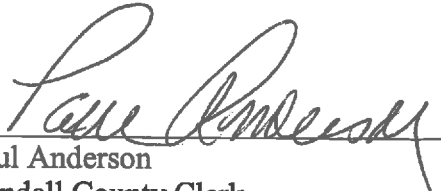
THAT, the attached ordinance hereby replaces the existing Soil and Erosion Control Ordinance of Kendall County previously adopted by the Kendall County Board on July 10, 1974.

EFFECTIVE DATE:


This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and shall apply to all development applications including but not limited to building permits and preliminary and/or final subdivision plat approval, filed on or after the effective date of this ordinance.

IN WITNESS OF, this ordinance has been enacted on July 18, 2006.

Attest:



Paul Anderson
Kendall County Clerk



John A. Church
Kendall County Board Chairman

County of Kendall

Soil Erosion and Sediment Control Ordinance

Prepared by:

STRAND ASSOCIATES, INC.®
Excellence in Engineering Since 1946
1170 Houbolt Road
Joliet, IL 60431

July 2006



COUNTY BOARD APPROVAL
07 / 18 / 06

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DIVISION 1
AUTHORITY AND PURPOSE

100.0 AUTHORITY AND PURPOSE

This ordinance is enacted pursuant to the police powers granted to Kendall County, Illinois, by the Illinois Compiled Statutes and the Kendall County Land Resource Management Plan.

The purpose of this ordinance is to address the following soil erosion and sedimentation issues:

1. Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses, including, but not limited to, the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainageways, and the creation of recreational facilities;
2. Sediment reduces the channel capacity of waterways and the storage capacity of floodplains and natural depressions, resulting in increased chances of flooding at risk to public health and safety;
3. Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands, and reservoirs;
4. Soil erosion necessitates the costly repairing of gullies, washed-out fills, and embankments;
5. The washing, blowing, and falling of eroded soil across and upon roadways endangers health and safety by decreasing vision and reducing traction of road vehicles; and
6. Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove.

101.0 OBJECTIVES

This ordinance is adopted to accomplish the following objectives:

1. Safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding and regulating the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the County; and
2. Control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the County.
3. Limit, as closely as practicable, the delivery of sediment from sites affected by land disturbing activities to that which would have occurred if the land had been left in its natural undisturbed state.

**DIVISION 2
DEFINITIONS**

200.0 DEFINITIONS

Adverse Impacts	Any deleterious impact on existing drainage characteristics, water resources, or wetlands affecting their capacity, quality, and beneficial uses including recreation, aesthetics, and aquatic habitat.
Agricultural Use	Agriculture includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, wholesale greenhouses, and the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds. In interpreting the foregoing definition, it is the intent of this Ordinance to make the definition of agriculture as used herein identical to the definition of agriculture used in 55 ILCS 5/5-12001, as amended from time to time, exempting agriculture from the zoning authority of the County Board. Cultivating the ground, including the harvesting of crops, and rearing and management of livestock: tillage; husbandry; farming. In a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent, the preparation of these products for man's use. It includes grain storage, horse stables, nurseries, animal feed, commercial feeding, dairy and the like.
Applicant	Any person, firm, or governmental agency who executes the necessary forms to procure official approval from Kendall County of a development or permit to carry out construction of a building or development.
Building Permit	A permit issued by the County for the construction, erection or alteration of a structure or building.
Certify or Certification	Formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Ordinance.
Clearing	Any activity which removes vegetative ground cover.
County	Kendall County, Illinois.

Cubic Yards	A unit of volume having dimensions of one yard in height, width, and depth. This measure of volume is used to quantify the amount of material in excavation and/or fill measured by the method of "average end areas."
Department	The Planning, Building, and Zoning Department of Kendall County.
Development	Any man-made change to real property, including: (a) Submittal to the County of a final plat of subdivision as of the effective date of this ordinance; (b) Construction, reconstruction, or placement of a building or any addition to a building, with the exception of agricultural structures and accessories thereto; (c) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days; (d) Drilling, mining, installing utilities, construction of roads, bridges, or similar projects; (e) Construction or erection of levees, walls, dams, or culverts; (f) Channel modification, filling, dredging, grading, clearing, excavating, paving, or other non-agricultural alterations of the ground surface; (g) Storage of materials or deposit of solid or liquid waste; (h) Any other activity that will alter the magnitude, frequency, deviation, direction, or velocity of stormwater or flood water flows from a property.
Erosion	The general process whereby earth is removed by the action of water, wind, or other forces of nature.
Excavation	Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.
Existing Grade	The vertical location of the ground surface prior to excavation or filling.
Fill	Any act by which organic matter, earth, sand, gravel, rock or any other similar material is deposited, dumped, or spread and shall include the conditions resulting therefrom.
Final Grade	The vertical location of the ground or finished surface after excavation or filling work is completed in accordance with the site development plan.

Grading	Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.
Mitigation	Measures necessary to minimize the negative effects development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.
Natural	Conditions resulting from physical, chemical, and biological processes without intervention by man.
Natural Drainage	Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.
Parcel	All contiguous land in one ownership.
Permittee	Any person to whom a Site Development Permit is issued.
Person	Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States, of America, its agencies and instrumentality's, and any agent, servant, officer or employee of any of the foregoing.
Property	A parcel or parcels of real estate.
Redevelopment	Any activity, alteration, or change in land use that is undertaken on previously developed land.
Removal	Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.
Sedimentation	The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.
Site	A lot or parcel of land, or a contiguous combination thereof, where the permitted work is proposed or performed.
Site Development	Altering terrain and/or vegetation and constructing improvements.

Site Development Permit	A permit issued by the County as governed by Section 400 of this ordinance.
Square Feet	A unit of area having dimensions of one foot in width and depth.
Stripping	Any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.
Vacant Land	Land on which there are no structures or only structures that are secondary to the use or maintenance of the land itself.
Watercourse	Any river, stream, creek, brook, branch, flowage, ravine, or natural or man-made drainageway that has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.
Waterbody	Any water holding lake, pond, basin, wetland, quarry, or natural or man-made water impoundment that has a definite bed and banks or shoreline, into which surface or groundwater flows and is impounded, either perennially or intermittently.
Wetlands	Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

DIVISION 3
GENERAL PRINCIPLES

300.0 GENERAL PRINCIPLES

Measures taken to control soil erosion and sediment runoff should be adequate to assure that sediment is not transported from the site by a storm event of ten-year frequency or less.

The following principles shall apply to all development activities within the County and to the preparation of the submissions required under Section 400.0 of this ordinance:

1. Development shall be related to the topography and soils of the site to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided, and natural contours should be followed.
2. Natural vegetation shall be retained and protected. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands shall be left undisturbed. Temporary crossings of watercourses, when permitted, must include appropriate watercourse and bank stabilization measures.
3. Special precautions shall be taken to prevent damages resulting from any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures shall reflect the sensitivity of these areas to erosion and sedimentation.
4. The smallest practical area of land shall be exposed for the shortest practical time during development.
5. Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures shall be installed prior to or concurrent with site clearing and grading. These measures shall be maintained to remove sediment from run-off waters from land undergoing development.
6. The selection of erosion and sedimentation control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.
7. In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance shall be considered.
8. Provision shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways shall be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion onsite or downstream.
9. Permanent vegetation and structures shall be installed and functional at the earliest possible time during development.

10. Those areas being converted from agricultural purposes to other land uses shall be vegetated with an appropriate protective cover prior to development.
11. All waste generated as a result of site development activity shall be properly disposed of and prevented from being carried off the site by either wind or water.
12. All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.
13. Temporary vegetation or, where appropriate, mulching or other non-viable cover shall be used to protect areas exposed during development.

DIVISION 4
SITE DEVELOPMENT PERMIT

400.0 SITE DEVELOPMENT PERMIT

The following division establishes the applicability, submittal, and requirements for obtaining a Site Development Permit.

401.0 APPLICABILITY

Except as otherwise provided in this ordinance, no person shall commence or perform any clearing, grading, stripping, excavating, or filling of land meeting the following provisions without having first obtained a Site Development Permit from the Planning, Building, and Zoning Department of Kendall County.

1. Any development subject to Section 301.0 of the Kendall County Stormwater Management Ordinance.
2. Any development associated with a preliminary or final subdivision or planned development.
3. Any land disturbing activity, (i.e., clearing, grading, stripping, excavating, filling, or any combination thereof), that will affect an area in excess of 5,000 square feet;
4. Excavation, fill, or any combination thereof that will exceed 100 cubic yards.
5. Excavation that will exceed four (4) feet in vertical depth at its deepest point where such excavation violates the purpose or objectives in Division 1 of this ordinance, as determined by the Department.
6. Fill that will exceed three (3) feet in vertical height at its highest point measured from the natural ground surface where such fill violates the purpose or objectives in Division 1 of this ordinance, as determined by the Department.
7. Construction of a residential dwelling when the dwelling is part of a previously engineered development approved by Kendall County and the dwelling's top of foundation elevation raises or lowers the approved engineered top of foundation elevation by 2 feet or more.
8. Any land disturbing activity to be performed in a watercourse or water body; or
9. Any land disturbing activity that will affect an area in excess of 500 square feet if the activity is in the following proximity to a watercourse or water body, flood plain, floodway, or wetland:
 - a) Within 25 feet of the top of bank or flood boundary with a grass buffer and land slopes less than 4:1 (25%).

- b) Within 50 feet of the top of bank or flood boundary with a forested buffer and land slopes less than 4:1 (25%).
 - c) Within 100 feet of the top of bank or flood boundary where land slopes exceed 4:1 (25%).
10. Any development requiring a Special Use Permit if such development is determined by the Kendall County Plan Commission to require a Site Development Permit.
11. Any development determined by the Kendall County Soil and Water Conservation District to require a Site Development Permit.

402.0 EXCEPTIONS

A Site Development Permit shall not be required for the following situations, unless they entail operations subject to Section 401.0 items 8 through 11, provided the person responsible for any such development agrees to implement necessary soil erosion and sediment control measures to satisfy the principles set forth in Section 300.0 of this ordinance:

1. Agricultural use of land and development on un-platted R-1 property larger than three acres in size, except that the construction of structure(s) and/or impervious surfaces totaling one or more acres in area on such land or property shall require a Site Development Permit.
2. The implementation of conservation measures included in a farm conservation plan approved by the Kendall County Soil and Water Conservation District.
3. Excavation below final grade for tanks, vaults, tunnels, swimming pools, cellars, or for basements and/or footings of a single-family residence and appurtenant structures on a site that is part of an engineered and final platted subdivision or for which a building permit has been issued by the County, unless the site is subject to Section 4.01 Item 7 or is part of a development which would otherwise require a Site Development Permit.
4. Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.
5. Excavation or removal of vegetation in public utility easements by public utility companies for the purpose of installing underground utilities in conjunction with a previously approved subdivision or Site Development Permit.

A Site Development Permit shall not be required for the following situations under any conditions:

6. Tilling of the soil for fire protection purposes.
7. Engaging in the following only if in connection with a farming or other agricultural or conservation enterprise, purpose, or use:
 - (a) Construction of sod waterways;
 - (b) Construction of terraces;
 - (c) Construction of surface water diversions (but not across watershed boundaries);
 - (d) Construction of grade stabilization structures; or
 - (e) Tilling of the soil.
8. Roadway construction or improvements undertaken and paid for by State or County agencies. However, such agencies shall be required to file with the County Planning, Building, and Zoning Department a copy of the Notice of Intent (NOI) for coverage under the Illinois Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for Construction Activities for all such projects resulting in one acre or more of land disturbing activity.

403.0 APPLICATION FOR PERMIT

Application for a Site Development Permit shall be made by the owner of the property or his authorized agent to the Kendall County Planning, Building, and Zoning Department on an application form furnished for that purpose.

Each application shall bear the names and addresses of the owner or developer of the site and the persons or entity having legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.

Each application shall bear the name and address of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.

Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Site Plan approved upon issuance of the permit.

The Site Development Permit application shall be accompanied by a Step 1 Site Plan as defined by the Kendall County Stormwater Management Ordinance.

404.0 PLAN SUBMITTAL REQUIREMENTS

The Site Plan submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development on water resources both on-site and downstream, and the effectiveness of the proposed Soil Erosion and Sediment Control Plan in managing soil erosion.

Drawings or exhibits shall be dimensioned or shall be at a maximum scale of 1 inch = 100 feet. Exhibits may be on more than one drawing for clarity.

The applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with Kendall County Ordinances and the approved Soil Erosion Control Plan.

404.1 Pre-Submittal Meeting

It is recommended that the applicant schedule a pre-submittal meeting with the Kendall County Planning, Building, and Zoning Department to review the proposed project, discuss submittal requirements, and discuss questions the applicant may have. Appendix A includes a permit submittal checklist for use with this Division. This ordinance shall take precedence over the checklist.

404.2 Soil Erosion and Sediment Control Plan

A Soil Erosion and Sediment Control Plan shall be provided showing all measures necessary to meet the objectives of this ordinance throughout all phases of construction and permanently after completion of development of the site, including:

1. Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details.
2. Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, and fertilizer application, method of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.
3. Location and description of all runoff control measures, including diversions, waterways, and outlets.

4. Location and description of methods to prevent tracking of sediment offsite, including construction entrance details, as appropriate.
5. Description of dust control measures.
6. Locations of stockpiles and description of stabilization methods.
7. Description of off-site fill or borrow volumes, locations, and methods of stabilization.
8. Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.
9. The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected dates and the sequences of installation of temporary sediment control measures, installation of temporary soil stabilization measures, clearing and grading, estimated duration of exposure of cleared areas, installation of storm drainage, paving of streets and parking areas, final grading, establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Planning, Building, and Zoning Department of any significant changes that occur in the site development schedule after the Soil Erosion and Sediment Control Plan has been approved.

These submissions shall be prepared in accordance with the requirements of this ordinance and the standards and requirements contained in the *Illinois Urban Manual* (2002 or current edition) and the *Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois* (*The Green Book*, 1988 or current edition), which standards and requirements are hereby incorporated into this ordinance by reference.

The Planning, Building, and Zoning Department may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this ordinance.

DIVISION 5
FLOWS FROM UPSTREAM TRIBUTARY AREAS

500.0 DESIGN AND OPERATION STANDARDS AND REQUIREMENTS

The following division establishes the design features and the design criteria, standards, and methods to be used in developing a Soil Erosion and Sedimentation Control Plan.

501.0 RESPONSIBILITY

The permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the County or its officers or agents will not be made liable for such damage, by

1. The issuance of a permit under this ordinance;
2. Compliance with the provisions of that permit or with conditions attached to it by the Planning, Building, and Zoning Department;
3. Failure of the County officials to observe or recognize hazardous or unsightly conditions;
4. Failure of the County officials to recommend denial of or to deny a permit; or
5. Exemptions from the permit requirements of this ordinance.

502.0 SITE DESIGN REQUIREMENTS

1. On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
 - (a) For disturbed areas draining less than 1 acre, filter barriers (including silt fences, straw bales, or equivalent control measures) shall be constructed to control all offsite runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of 25 feet located on the subject property, may be used as an alternative only where runoff in sheet flow is expected.
 - (b) For disturbed areas draining more than 1 but less than 5 acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area as specified in referenced handbooks.
 - (c) For disturbed areas draining more than 5 acres, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area as specified in referenced handbooks.

- (d) Sediment basin and sediment trap designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized for the 2-year, 24-hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least 10 hours. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
 - (e) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods exceeding 1 year, a sediment removal schedule shall be provided.
2. Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48 hours, consistent with the following standards:
 - (a) For grades up to 4 percent, seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.
 - (b) For grades of 4 to 8 percent, sod, erosion blanket, or an equivalent control measure shall be applied in the channel.
 - (c) For grades greater than 8 percent, rock, riprap, or an equivalent control measure shall be applied, or the grade shall be effectively reduced using drop structures.
 3. Development in excess of 20 acres shall provide a detailed schedule for earthwork including a timeline in days for stripping, excavating, filling, and establishment of erosion controls. Such schedule shall consider phasing of operations to limit the area of disturbance on site at any one time. The erosion control plan must ensure temporary or permanent soil erosion and sedimentation control measures can be maintained.
 4. No additional areas of disturbance may be created until previously disturbed areas have been temporarily or permanently stabilized.
 5. Disturbed areas shall be stabilized with temporary or permanent measures within 14 calendar days following the end of active disturbance, or re-disturbance, consistent with the following criteria:

- (a) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.
 - (b) Areas having slopes greater than 12 percent shall be stabilized with staked sod, mat, or blanket in combination with seeding, or equivalent.
6. Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:
- (a) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
 - (b) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.
 - (c) Whenever channel relocation is necessary, the new channel shall be constructed dry and fully stabilized before flow is diverted.
7. Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.
8. Soil storage piles containing more than 10 cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.
9. If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.
10. Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width and stone gradation to prevent sediment or stone from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.
11. All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

12. All temporary erosion and sediment control measures shall be maintained until site stabilization is achieved with permanent soil stabilization measures. In the case of bare ground seeding, erosion controls must be maintained until a minimum two inches of growth is established without significant bare spots. Bare spots shall be overseeded and erosion controls maintained until two inches of growth is established. In the case of sod restoration or complete coverage of erosion control matting, erosion controls shall be maintained for at least 30 days. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

503.0 HANDBOOKS ADOPTED BY REFERENCE

The standards and specifications contained in the *Illinois Urban Manual* (2002 or current edition) and the *Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois* (*The Green Book*, 1988 or current edition) are hereby incorporated into this Section and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development and Soil Erosion and Sedimentation Control Plans approved under this ordinance. In the event of conflict between provisions of said manuals and of this ordinance, this ordinance shall govern.

**DIVISION 6
ADMINISTRATION**

600.0 ADMINISTRATION

This division details the administration aspects of this ordinance, including approvals, surety, variances, and enforcement.

601.0 REVIEW AND APPROVAL

Each application for a Site Development Permit shall be reviewed and acted upon according to the following procedures:

1. The Planning, Building, and Zoning Department will review each application for a Site Development Permit to determine its conformance with the provisions of this ordinance.
2. The Department may refer any application to the Kendall County Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comment.
3. Within thirty (30) days after receiving a complete application, the Department shall in writing:
 - (a) Approve the permit application if it is found to be in conformance with the provisions of this ordinance, and issue the permit;
 - (b) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
 - (c) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
4. No Site Development Permit shall be issued for an intended development site unless:
 - (a) The development, including but not limited to subdivisions and planned unit developments, has been approved by the County where applicable, or
 - (b) Such permit is accompanied by or combined with a valid building permit issued by the County, or
 - (c) The proposed earth moving is coordinated with an overall development program previously approved by the County for the area in which the site is situated; and
 - (d) All relevant federal and state permits (i.e., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.

5. Failure of the Planning, Building, and Zoning Department to act on an original or revised application within thirty days of receipt of the complete application shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the Department and the applicant.
6. Issuance of a Site Development Permit or authorization for the applicant to proceed shall not relieve the applicant of his responsibility to obtain all other relevant federal, state, or local permits or approvals.

602.0 SECURITY

1. A faithful performance bond, letter of credit, or other improvement surety shall be filed with Kendall County for all developments meeting the following provisions:
 - (a) Where development is associated with a preliminary or final plat of subdivision.
 - (b) Where Kendall County stormwater detention requirements apply.
 - (c) Where public roadways or drainage systems are proposed.
2. The surety shall be in an amount deemed sufficient by the Planning, Building, and Zoning Department based on the estimated cost or actual contracted cost for all improvements, landscaping, maintenance, and soil erosion and sediment control measures.
3. The surety shall also include a 10% markup for administrative, engineering, and inspection to cover the cost of failure or repair of improvements installed on the site.
4. The life of the surety shall be for such period as specified by the County but in no case shall be shorter than 75% of subdivision buildout for residential developments or for one year from final County approval for all non-residential developments.

603.0 EXPIRATION OF PERMIT

Every Site Development Permit shall expire and become null and void if the work authorized by such permit has not been commenced within one hundred and eighty (180) days, or is not completed within one year unless otherwise specified in the permit: except that the Planning, Building, and Zoning Department may, if the Permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. The Department may require modification of the erosion control plan to prevent any increase in erosion or offsite sediment runoff resulting from any extension.

604.0 MAINTENANCE OF CONTROL MEASURES

1. All soil erosion and sediment control measures necessary to meet the requirements of this ordinance shall be maintained by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance. Soil erosion and sediment control measures shall be inspected at least weekly and following an equivalent 1/2 inch rainfall event, and repaired or replaced as necessary.
2. With issuance of the Site Development Permit by the County the applicant agrees to maintain the soil erosion and sediment control measures and shall execute a maintenance agreement with future owners of the property to maintain the property's Soil Erosion and Sediment Control Plan.
3. The applicant also specifically authorizes representatives or subcontractors of Kendall County to enter onto the property for the purpose of inspections and maintenance of the drainage system.
4. If the Kendall County Planning, Building, and Zoning Department notifies the property owner in writing of maintenance problems that require correction, the property owner shall make such corrections within thirty calendar days of such notification.
5. If the corrections are not made within this time period the County may issue a Stop-Work Order and revoke the permit.

605. INSPECTION

1. The Planning, Building, and Zoning Department or their agent as directed shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the Permittee wherein the work fails to comply with the Site Development Permit or Soil Erosion and Sedimentation Control Plan as approved.
2. Plans for grading, stripping, excavating, and filling work approved by the Department shall be maintained at the site during progress of the work.
3. In order to ensure compliance with the Site Development Permit and approved Soil Erosion and Sediment Control Plan and this Ordinance, the Department may perform inspections in conjunction with scheduled building inspections.
4. Performance inspections shall be scheduled by the Permittee for all developments meeting the following provisions:

- (a) Where development is associated with a preliminary or final plat of subdivision.
 - (b) Where Kendall County stormwater detention requirements apply.
 - (c) Where public roadways or drainage systems are proposed.
5. For performance inspections, Permittee shall notify the Department within two working days of the construction stages specified below:
- (a) After establishment of erosion controls concurrent with the start of stripping and clearing,
 - (b) After final grading,
 - (c) After seeding and landscaping deadlines, and
 - (d) After final stabilization and landscaping, prior to removal of sediment controls.
6. If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the Permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area.

606.0 SPECIAL PRECAUTIONS

1. If at any stage of development the Planning, Building, and Zoning Department determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Department may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril.
2. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer, a Certified Professional in Erosion and Sediment Control (CPESC), and/or an engineering geologist which may be made requirements for further work.
3. Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the Permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety.

4. On large developments or where unusual site conditions prevail, the Planning, Building, and Zoning Department may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

607.0 AMENDMENT OF PLANS

Major amendments of the site development plan or Soil Erosion and Sedimentation Control Plan shall be submitted to the Planning, Building, and Zoning Department and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Department by written authorization to the Permittee.

608.0 VARIANCES AND APPEALS

1. Where the Planning, Building, and Zoning Department finds that extraordinary hardships may result from the strict compliance with this Ordinance, he may, after written application and documentation by the applicant, recommend in writing to the Planning, Building, and Zoning Committee of the County Board variations or exceptions to the regulations. Recommendation may be subject to specific conditions, so that substantial justice may be done and the public interest secured, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this Ordinance.
2. Application for any exception shall be made by a verified petition of the applicant filed with the Site Development Permit stating fully the grounds of the petition and the facts relied upon by the applicant.
3. From the Planning, Building, and Zoning Committee, the recommendations shall be communicated to the County Board in writing with reasons therefore. The County Board

may approve the Site Development Permit application with the exceptions and conditions it deems necessary, which in their opinion do not affect the general plan or the spirit of the ordinance, or it may disapprove such Site Development Permit application and exception application or it may take such other action as appropriate.

4. The Planning, Building, and Zoning Department and the Planning, Building, and Zoning Committee shall not recommend variations or exceptions to the regulations of this ordinance unless the following findings are made based on the evidence presented in each specific case:

(a) Because of the particular physical surroundings, shape, topographic conditions, or title limitations of record of the specific property involved, a particular hardship to the owner

would result as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

- (b) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property.
 - (c) The purpose of the variation is not based upon economic feasibility.
 - (d) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the locale in which the property is located.
5. All appeals to the Kendall County Planning, Building, and Zoning Department decisions regarding the interpretation of this ordinance shall be heard by the Kendall County Planning, Building, and Zoning Committee of the County Board.

609.0 STOP-WORK ORDER AND REVOCATION OF PERMIT

In the event any person holding a Site Development Permit pursuant to this ordinance violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Planning, Building, and Zoning Department may suspend or revoke the Site Development Permit.

1. Suspension of a permit shall be by a written stop-work order issued by the Department and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Planning, Building, and Zoning Committee of the County Board at which the conditions of paragraph 2 below can be met.
2. No Site Development Permit shall be permanently suspended or revoked until a hearing is held by the Planning, Building, and Zoning Committee of the County Board. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:
 - (a) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and

(b) The time and place where such hearing will be held.

Such notice shall be served on the permittee at least five (5) days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Planning, Building, and Zoning Committee of the County Board shall determine whether the permit shall be suspended or revoked.

610.0 VIOLATIONS AND PENALTIES

Violations of this ordinance shall be processed in the manner prescribed for all other ordinance violations as established by the County Board. No person, firm or corporation shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any provision of this Ordinance. Any person convicted of violating any of the provisions or requirements of this ordinance shall be guilty of an ordinance violation, and shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00). Each day the violation continues shall be considered a separate offense.

Nothing herein shall prevent the Kendall County State's Attorney from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

611.0 SEVERABILITY

If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in force and not be affected by such judgment.