

C. **Exempted Development**

1. Development that consists solely of the following activities shall be exempt from the requirements of this Ordinance, upon review and verification by the Enforcement Officer:
  - a. Maintenance of existing buildings outside the floodplain;
  - b. Maintenance of existing buildings within the floodplain that does not constitute a substantial improvement;
  - c. Maintenance of existing roads and trails;
  - d. **Other maintenance activities**;
  - e. Gardening and landscaping that does not involve filling, grading, or the construction of berms;
  - f. Tillage and similar agricultural practices that do not involve filling, grading or the construction of levees;
  - g. Improvements undertaken pursuant to a written NRCS Conservation Plan, when the improvements are not located within a flood hazard area, WOTUS, or IWMC;
  - h. Demolition and accompanying restoration, including the removal of bridges and culverts, provided that:
    - (1) Natural land contours are restored;
    - (2) The disturbed area is less than 1 acre; and
    - (3) Appropriate soil erosion and sediment control practices are utilized;
  - i. Installation, repair or replacement of an onsite waste disposal system, well, sewer or water service line, or other utility service line serving one existing building, provided that:
    - (1) The activity is not located partially or completely in a flood hazard area or a wetland;
    - (2) The disturbed area is less than 1 acre;
    - (3) The activity does not result in an increase in ground elevation; and
    - (4) Appropriate soil erosion and sediment control practices are utilized.

D. Reduced Standards for Specific Types of Development

1. Regulated development that received one or more of the approvals set forth in a through e below prior to June 1, 2004 shall be exempt from the Buffer Areas Performance Standards of this Ordinance and may be exempt from the Runoff Rate Reduction and Watershed Specific Requirements of this Ordinance, upon review and by the Enforcement Officer that the regulated development is consistent with the prior approval. An applicant's written exemption request shall itemize each Ordinance provision for which an exemption is requested.
  - a. Annexation agreement
  - b. Final plat of subdivision
  - c. Planned unit development

natural streams and channels: Streams and channels formed prior to changes made by man. A modified stream or channel which has regained natural characteristics over time as it meanders and re-establishes vegetation may be considered natural.

new construction: Buildings for which the initial construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such buildings.

new impervious area: Impervious surface area created after the effective date of this Ordinance.

non-designated floodway: The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse, not specifically identified as a floodway on the FEMA FIRM, but which has a tributary area of 640 acres or more in an urban area or a tributary area of 6,400 acres or more in a rural area. The urban area or rural area designations shall be determined by IDNR/OWR.

non-residential building: A commercial or industrial building. An accessory building is not considered a non-residential building.

non-riverine: Areas not associated with a stream or river, such as isolated depressional storage areas, ponds and lakes.

North American Vertical Datum of 1988 (NAVD88): A datum that supersedes the NGVD29. Refer to the FIS for conversion between NGVD29 and NAVD88.

online detention: Any detention facility that receives runoff from an offsite area or from an onsite area that is not hydrologically disturbed.

open channel: A conveyance system with a definable bed and banks carrying the discharge from field tiles and surface drainage including a ditch, culvert, stream, creek, and river. An open channel does not include grassed swales or cultivated swales within a farm field under agricultural production which are ephemeral in nature.

ordinary high water mark: The point on the bank or shore at which the presence and movement of surface water are continuous so as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other such recognized characteristics.

other maintenance activity: Rehabilitative maintenance that is not maintenance of existing buildings or maintenance of existing roads and trails, including but not limited to:

- A. Repair or replacement of existing driveways or parking lots within the same footprint and outside flood hazard areas;
- B. Repair or replacement of existing driveways or parking lots within the same footprint and within flood prone areas;
- C. Repair or replacement of existing driveways or parking lots within the same footprint and within the flood fringe, provided the difference between the elevation of the paved surface after repair or replacement and the elevation of the paved surface on the effective date of this Ordinance is not more than two inches;

- D. Repair of existing underground and overhead utilities, provided the repair does not result in any IWMC impact;
- E. Repair or in-kind replacement of existing culverts, storm sewers, or drain tiles, provided the culverts, storm sewers, or drain tiles are outside the designated floodway and have a cross-sectional area less than 12.6 square feet;
- F. Repair, not including in-kind replacement, of an existing bridge outside the designated floodway;
- G. Maintenance of drainage ditches (i.e., dredging and the removal of obstructive, invasive, dead, or dying vegetation), outside the designated floodway, provided that spoil materials: are removed from the flood hazard area and are spread thinly and incorporated into existing cultivated areas; or are hauled away from the development site; and provided that appropriate soil erosion and sediment control practices are utilized. Maintenance of drainage ditches does not include ditch straightening, ditch widening, flood hazard area fill, soil stockpiles or the construction of any new channel or water body;
- H. Dredging of ponds, outside the designated floodway, provided that spoil materials: are removed from the flood hazard area and are spread thinly and incorporated into existing cultivated areas; or are hauled away from the development site; and provided that appropriate soil erosion and sediment control practices are utilized. Dredging of ponds does not include the construction of any new pond or water body;
- I. Removal of any obstruction from a channel, culvert, or storm sewer to restore its original design or permitted condition. Removal of obstruction does not include channel straightening, channel widening, flood hazard area fill, soil stockpiles, or the construction of any new channel or water body; and
- J. Maintenance to restore an existing stormwater management facility to its original design or permitted condition (the Enforcement Officer may also allow minor modifications to an existing stormwater management facility to reduce the need for future maintenance).

outfall : Discharge or point of discharge of a culvert or other closed conduit from a development at which stormwater can be released from the development site without causing scour, erosion, flooding, sedimentation or produce any damage in the receiving system.

overland flow path: The route that stormwater will travel based on the topography of the land. Overland flow paths are typically viewed without consideration of infiltration, evaporation or underground drainage structures.

oversight committee: A decision-making authority designated by a Certified Community or McHenry County. For a Certified Community, the oversight committee may be comprised of the corporate authorities or any committee thereof, plan commission, zoning board of appeals, or other existing body, or the corporate authorities may, according to their own rules and procedures, establish a separate oversight committee. The Committee of the McHenry County Board that the Planning and Development Department reports to shall act as the oversight committee for McHenry County.

**A. General Permit Number 1 – Authorizing Routine Projects**

1. Applicability

- a. This General Permit Number 1 only applies to regulated developments identified in this Section, which result in less than 20,000 square feet of hydrologically disturbed area, except where the Terms and Conditions for Specified Development set forth in Paragraph 3 below explicitly state otherwise.
- b. This General Permit Number 1 applies to regulated development within flood hazard areas, except where the Terms and Conditions for Specified Development set forth in Paragraph 3 below explicitly state otherwise.
- c. This General Permit Number 1 applies to IWMC impacts less than or equal to 0.10 acre.
- d. This General Permit Number 1 applies to regulated development within WOTUS when a permit or letter of no objection has been obtained from the USACE.
- e. This General Permit Number 1 does not apply to regulated developments which would be required to meet the Stormwater Storage Requirements of this Ordinance.
- f. This General Permit Number 1 does not apply to regulated developments which would adversely impact drainage patterns on adjoining property or increase flood heights on adjoining property.

2. Authorization

- a. Applicants seeking authorization by General Permit Number 1 shall demonstrate an ownership interest in the subject property, or written authorization by the property owner to proceed with the development, and shall submit a stormwater management permit application with the required supporting information to the Enforcement Officer prior to commencing a proposed regulated development. The following information is required in support of the stormwater management permit application:
  - (1) A description and depiction of the proposed regulated development demonstrating that it meets the conditions of the General Permit;
  - (2) All applicable consultations, waivers, approvals, and permits from Federal, State, and local authorities shall be submitted; and
  - (3) Payment of the stormwater management permit fee.
- b. If the Enforcement Officer determines that the proposed regulated development complies with the terms and conditions of General Permit Number 1, the Enforcement Officer shall notify the applicant in writing and shall schedule a meeting at the development site for photographic documentation of the site conditions. If the Enforcement Officer determines that the regulated development does not comply with the terms and conditions of General Permit Number 1, the Enforcement Officer shall notify the applicant in writing and provide instructions on the procedures to seek authorization under an individual permit.

- o. Replacement onsite waste disposal systems – To be authorized by this permit, replacement onsite waste disposal systems shall meet the following criteria.
  - (1) Replacement onsite waste disposal systems may be installed in the flood hazard area below the BFE, provided that no reasonable alternative exists, as determined by the Enforcement Officer, and provided that the system has a watertight holding tank and all mechanical and electrical components and above ground openings of the system below the BFE are watertight. When the BFE has not yet been determined according to the Flood Hazard Areas Performance Standards of this Ordinance, the BFE may be approximated by adding two feet to the highest adjacent grade.
  - (2) Fill within a flood hazard area shall be the minimum necessary for construction.
- p. Material storage – To be authorized by this General Permit Number 1, material storage shall meet the following criteria.
  - (1) This General Permit Number 1 does not apply within a flood hazard area.
  - (2) The design shall minimize exposure of pollutants to precipitation and stormwater runoff.
- q. Dredging – To be authorized by this General Permit Number 1, dredging shall meet the following criteria.
  - (1) This General Permit Number 1 applies to dredging channels and ponds.
  - (2) This General Permit Number 1 does not apply to the construction of a new channel or water body; all work shall be for the purpose of re-establishing the natural or original designed condition.
  - (3) Spoil materials shall be spread thinly (less than 0.1 foot) and incorporated into existing cultivated areas, or shall be hauled away from the development site.
  - (4) Temporary stockpiles greater than 100 cubic yards and temporary stockpiles remaining in place more than 7 days shall not be located in flood hazard areas and shall be non-obstructive to flood flows. Temporary stockpile areas shall not occupy more than 20,000 square feet in total.
  - (5) Channel dredging projects shall not exceed 0.5 mile. The hydrologic disturbance limit of 20,000 square feet is waived for the area of channel dredging.
- r. Wetland restoration and enhancement – To be authorized by this General Permit Number 1, wetland restoration and enhancement shall meet the following criteria.
  - (1) This General Permit Number 1 authorizes wetland restoration and enhancement on any public or private land, including:
    - i. The removal of accumulated sediments;
    - ii. Restoration of eroded areas and grade stabilization;
    - iii. Installation, removal and maintenance of small water control structures, dikes and berms; and