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0-200909-10-052

AGENDA # 16.2.B

SEP 20 2009
McHENRY COUNTY
DEPT. OF HEALTH

**ORDINANCE
AMENDING THE CONSERVATION DESIGN ADDENDUM
TO THE McHENRY COUNTY SUBDIVISION ORDINANCE
ADOPTED UNDER ORDINANCE #0-200802-10-007**

SEP 21 2009

WHEREAS, the County of McHenry has previously adopted rules and procedures covering plats known as the McHenry County Subdivision Ordinance; and

WHEREAS, the County Board determined it to be in the best interests of the County to promote the health, safety and welfare of the community by encouraging environmentally sustainable development through the application of flexible land development techniques while protecting for property owner development rights that would otherwise not be available under conventional zoning and subdivision provisions for properties in unincorporated McHenry County; and

WHEREAS, the County Board did adopt the Conservation Design Standards and Procedures Addendum under Ordinance 0-200802-10-007 with the caveat that a review of said addendum be done every six months with a final comprehensive review within thirty months of enactment in order to ascertain and measure the effectiveness, continued need, modification or cessation of the Addendum; and

WHEREAS, a review has been completed; a continued need has been established; and modifications to the original addendum are attached to this Ordinance; and

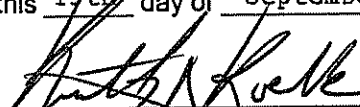
WHEREAS, the Planning and Development Committee of the McHenry County Board has reviewed and approved the proposed amendment to the McHenry County Subdivision Ordinance, Conservation Design Addendum and did recommend said Addendum be forwarded to the County Board.

NOW THEREFORE BE IT ORDAINED by this County Board of McHenry County, Illinois, that the Subdivision Ordinance is hereby amended to include the revised Conservation Design Standards and Procedures Addendum, attached and made a part hereof; and

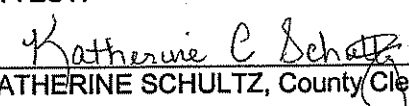
BE IT FURTHER ORDAINED that said Ordinance will continue to be reviewed and changes made as deemed necessary to measure effectiveness, need for continuation, modification or cessation; and

BE IT FURTHER ORDAINED, that a copy of this Ordinance shall be forwarded by the County Clerk, upon passage, to the County Administrator, Director of the Division of Transportation/County Engineer, the Director of Planning and Development and the Director of the McHenry County Department of Health.

DATED at Woodstock, McHenry County, Illinois on this 15th day of September, 2009 A.D.


KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:


KATHERINE SCHULTZ, County Clerk

Ayes: _____

Nays: _____

Abstain: _____

voice vote: majority aye, 1 nay

ADDENDUM

CONSERVATION DESIGN DEVELOPMENTS: STANDARDS and PROCEDURES

A1101 PURPOSE

- A. To preserve the integrity of the land and its natural functions;
- B. To enhance community character and access to nature and open space for children and families;
- C. To conserve open space and sensitive natural features;
- D. To preserve and restore remnant wetlands, woodlands, savannas, and prairies and provide for the long-term ecologic management of these areas
- E. To preserve the hydrologic condition and infiltrative capability of the soil by minimizing mass grading and impervious surfaces;
- F. To preserve natural groundwater recharge functions and protect the quality of surface water and groundwater;
- G. To minimize stormwater runoff and associated flooding and erosion;
- H. To provide diverse lot sizes, building densities, and housing choices;
- I. To create neighborhoods with views of open land and with a strong neighborhood identity;
- J. To preserve important historic and archeological sites;
- K. To conserve scenic views and elements of the County's rural character;
- L. To promote interconnected greenways and wildlife corridors throughout the County;
- M. To provide convenient walking trails and bike paths within subdivisions and connecting to neighboring communities and businesses;
- N. To reduce infrastructure costs and the cost of public services required for new development, improve housing affordability, and enhance property values; and
- O. To create more livable and sustainable communities.

A1102 APPLICABILITY

The following regulations set forth apply to proposed subdivisions that contain and/or abut sensitive natural resource areas. In addition, subdividers may voluntarily choose to apply as a conservation development and thereby conform to all of the applicable requirements of this Addendum. Such applications also are eligible for the relevant density bonuses and related benefits offered.

The conservation design regulations are mandatory for a parcel if either an "Automatic Trigger" or a "Cumulative Triggers" threshold is met, as defined below. Refer to Sections A1102.1 and A1102.2.

Notes: All sensitive natural resource areas that exist on the site are eligible to meet the open space requirements of this Addendum.

The Conservation Development Design Standards and Procedures, described in this Addendum, are allowed in all zoning districts

Existing maps and data, such as ADID wetland maps, will be used to identify automatic and cumulative triggers. However, maps and data provided by the subdivider may be used to determine applicability of certain triggers if said maps and data are the result of on-site analysis, attested by a qualified source, and accepted by the Staff Plat Review Committee.

A1102.1 AUTOMATIC TRIGGERS

The site contains or abuts within one-hundred (100) feet

- A. A designated McHenry County Natural Area Inventory (MCNAI) site
- B. A stream, river, lake and/or wetland designated as Advanced Identification (ADID) high habitat value or high quality.

A1102.2 CUMULATIVE TRIGGERS

The site contains, or abuts within two-hundred (200) feet, the following areas whose cumulative acreage equals or exceeds twenty (20) percent of the total area of the site and the two-hundred (200) foot abutting zone:

- A. Regulatory wetlands, except farmed wetlands,
- B. Regulatory floodplains and Flood of Record areas,
- C. Glacial kettle holes,
- D. Woodlands and savannas based on on-site determination and
- E. Remnant prairies based on on-site determination.
- F. Soils characterized as having one (1) or more of the following characteristics:
 - 1. Excessive permeability as defined in *Table 6, Soil Survey of McHenry County, Illinois, USDA-NRCS, 2002* (or current version).
 - 2. High leach potential, reflecting conditions where pesticides/herbicides have a high potential to reach the bottom of the soil profile as defined by CRP Manual, *USDA-NRCS, Leaching Index Values, McHenry County, Illinois, 4/25/2006*.
 - 3. High potential for aquifer contamination based on *Illinois State Geological Survey Circular 559, Geologic Mapping for Environmental Planning, McHenry County, all "A" units*.
 - 4. "E" slopes and greater, reflecting highly erodible slopes of 12% and greater as defined in *Soil Survey Legend, Soil Survey of McHenry County, Illinois, USDA-NRCS, 2002*.
 - 5. Depressional hydric soils based on a coverage developed by NRCS using the *USDA-NRCS Hydric Soil List, McHenry County: Detailed Soil Map Legend, 12/03/2003*.
- G. State-designated "Class III Special Resources Groundwater Areas" and

- H. Publicly owned or private deed-restricted natural open spaces and preserves.

Note: Most of the preceding natural resource data categories are available digitally from the McHenry County Department of Planning and Development, the McHenry County Soil and Water Conservation District, the McHenry County Department of Health or the McHenry County Conservation District. A few of the categories, such as woodlands, savannas, prairies, and kettle holes will need to be determined via on-site analysis.

For the purposes of the two-hundred (200) foot buffer, map analysis combined with a visual inspection of the perimeter of the site shall be a sufficient analytical tool to make the appropriate determination. Assembling the necessary natural resources data to comply with this applicability determination will likely require a combination of methods.

A1102.3 EXCEPTIONS

Subdivision of land consisting of five or fewer lots, without the creation of any new roads or streets, is except from this Addendum.

Parcels that have obtained tentative plat approval from the Planning and Development Committee prior to the effective date of this amendment are except from this Addendum.

A1103 APPLICATION PROCESS

Refer to the *McHenry County Subdivision Ordinance* for the subdivision application process. Conservation Design Development (CDD) applications require the submittal of additional information, which is outlined in the following sections. Other information shall be provided, as needed, at the request of the Staff Plat Review Committee.

A1104 CONSERVATION DESIGN: SKETCH PLAN SUBMITTAL

A1104.1 SITE ANALYSIS/INFORMATION REQUIREMENTS

Note: Refer to Section A1107 for CDD PROCEDURES and Section A1115 for OPEN SPACE STANDARDS.

A *Natural Resource Inventory (NRI) Report*, prepared by the McHenry County Soil and Water Conservation District, shall be submitted at the sketch plan stage for the proposed subdivision including a two-hundred (200) foot adjacent boundary. Said report shall include or be accompanied by all of the following:

- A. Topography (minimum 2 foot contours, surveying of off-site topography shall not be required, off-site contours shall be displayed at the highest level of detail available),
- B. Streams, rivers, lakes, watercourses and the ADID classification of each,
- C. Regulatory wetlands,
- D. Regulatory floodplains and Flood of Record areas,
- E. Depressional storage areas and soil maps showing soils that are depressional,
- F. Drainage ditches, field tiles (from tile survey), storm sewers and outlets,
- G. Existing drainage patterns, drainage divides, and flow paths,
- H. Designated natural areas (INAI and MCNAI),
- I. Threatened and endangered species (EcoCat report and proof of initiation of contact with U.S. Fish and Wildlife Service),
- J. Woodlands, savannas, prairies,
- K. Vegetation analysis (e.g., vegetation communities),
- L. Soil classifications/types, especially hydric/organic, slope ranges,
- M. Soil interpretation/suitability assessment including excessive permeability, leach potential, groundwater recharge or discharge potential, septic suitability, basement suitability, aquifer sensitivity (the Illinois State Geological Survey Circular 559, *Geologic Mapping for Environmental Planning, McHenry County, Illinois*), prime farmland, soil erosion potential,
- N. Public open space and preserves,
- O. Historic buildings, historic sites and archeological sites.

A1105 CONSERVATION DESIGN: SITE CAPACITY/SITE YIELD PLAN

The following calculations shall determine site capacity for residential development, buildable acreage and number of units.

- A. The entire area of the parcel (the acres of land within the bounds of the legal description) shall be determined and considered the "gross area".
- B. Ninety (90) percent of the gross area, as defined above, excluding one half (0.5) of all land located within regulatory wetlands shall be considered the "par acreage." For example, if the gross area is 80 acres with 20 acres of regulatory wetlands, the par acreage would be 63 acres, $(80 - (20 \times 0.5)) \times 0.9 = 63$.
- C. The par acreage, as determined above, shall then be multiplied by the maximum allowable dwelling units per acre as determined by the underlying zoning classification. The resulting computation shall represent the maximum number of dwelling units that can be built under conservation design standards, prior to any density bonus that may be approved. Refer to Section A1112.2.

A1106 DENSITY BONUSES for OPEN SPACE and INNOVATIVE DESIGN

At the request of the subdivider, the Staff Plat Review Committee may recommend and the McHenry County Board may approve an increase in density if it is demonstrated that the proposed conservation design plan offers a superior layout and quality of design which incorporates environmentally sensitive design features that substantially exceed the minimum requirements of this Addendum. If density bonuses (increases) are requested under this section, the subdivider is required to authenticate all site amenities and improvements.

For every density bonus requested, it shall be the subdivider's responsibility to present appropriate evidence and documentation that each standard has been met or exceeded to the satisfaction of the Staff Plat Review Committee.

A1106.1 ALLOWABLE MAXIMUM DENSITY BONUSES

Maximum increase in density shall be limited to twenty (20) percent of the permitted density. In determining the number of additional units allowed, fractions will be rounded to the nearest whole number. For non-residential development, see Section A1112.3.

A density bonus of up to five (5) percent may be offered for each of the following:

- A. Internal trails and open spaces are connected with existing open spaces and multi-use trails outside of the development and provide access to the public. A trail system may be constructed within perimeter buffer-required areas. Trails must be permanent.
 1. An easement for a subdivision's trail system shall be shown on both the tentative and final plats and recorded as such. Said easement, which may either be in the form of a blanket statement or a detailed survey, is required for any and all trail systems.
 2. Signage marking the trail head must be installed and maintained as part of the HOA/POA's responsibility and recorded as such in the covenants and restrictions for said subdivision. (For example: "ABC Subdivision HOA/POA Open Space Prairie Trail ¾ mile loop.")
 3. If the subdivision's trail system is not a closed-loop system, trail stubs to perimeter areas shall be provided.
- B. The amount of open space provided exceeds the minimum required for the development by ten (10) percent or more.
- C. Open space within the development is placed into a conservation easement with a legally incorporated land conservation organization or donated to a public open space agency.

- D. Wetland restoration and/or enhancement substantially in excess of County and U.S. Army Corps of Engineers permit requirements. Restored/enhanced wetlands must exceed the U.S. Army Corps of Engineers' Floristic Quality Index (FQI) requirements by at least five points or, obtain a score of thirty (30) points or higher, whichever score is greater.
- E. Remnant prairies, savannas, and woodlands shall be substantially restored prior to the turnover of the property to the homeowners/property owners association or land conservation organization. Such restoration shall consist of the removal of invasive trees, brush and herbaceous species.
- F. The development proposes a mix of housing types and price ranges (offers at least five (5) percent of available units to households at eighty (80) percent of the median income for McHenry County residents as established annually by the U.S. Department of Housing and Urban Development).
- G. Recognized historical buildings and structures are preserved and reused.

A1107 CONSERVATION DESIGN PROCEDURES

A1107.1 The proposed development shall be designed to fit the topography, physical features, and soil conditions of the subject site. More specifically, conservation design shall preserve natural drainage patterns, stabilize soils during construction, preserve native vegetation and protect, enhance and maintain natural resources.

Conservation design proposals shall include the following information at the sketch plan stage:

- A. Identify all natural resources, conservation areas, open space areas, and physical features (floodplain, wetlands, lakes, ponds, channels and other water bodies, steep slopes, woodlands, savannas, significant native trees, meadows and prairies, hydric soils, significant vistas, scenic areas and historic structures and/or archeological sites). To the maximum extent practical, these features shall be preserved as open space and protected from negative impacts generated as a result of the development or other land disturbing activities.
- B. Locate building sites to take advantage of open space and scenic views. Lot areas and lot widths which facilitate the access of neighborhoods and lots to open space and conservation areas shall be considered in order to provide more efficient use of the land, as well as to protect the development rights of the property owner and preserve the number of

occupancy units permitted by, but not limited to, the underlying zoning of the property.

- C. Design the street network to minimize encroachment in sensitive natural resources such as wetlands, woodlands, savannas, prairies and to take advantage of open space vistas. Interconnection of internal streets and street connections to adjoining land parcels shall be provided to create opportunities for future connectivity while also recognizing potential safety issues involving ingress/egress.
- D. Establish lot lines and lot sizes in order to take maximum advantage of conservation procedures outlined above. Refer to Section A1112 of this Addendum.
- E. Minimize area of earth grading. The subdivider shall be required to submit an exhibit that delineates where soils will not be disturbed as the result of earthwork, grading, or other construction activities.
- F. Compliance with OPEN SPACE STANDARDS outlined and defined in Section A1115.

A1108 CONSERVATION DESIGN DEVELOPMENT STANDARDS

A1108.1 GENERAL STANDARDS for CONSERVATION DESIGN DEVELOPMENTS (CDD)

- A. Lots, buildings and building sites shall be clustered where possible. Lot and building site size may be less than that required by the underlying zoning classification in order to achieve greater preservation and protection of natural resources. Refer to Section A1112.
- B. Such clusters shall be located so as to minimize negative impacts on the natural, visual and cultural resources of the site and between incompatible uses and activities.
- C. Such clusters shall be designed and sited to achieve the following objectives:
 - 1. Avoid encroachment in ADID high quality habitat wetlands and remnant prairies unless there are no practicable alternatives.
 - 2. Avoid encroachment on steep slopes unless there are no practicable alternatives.
 - 3. Avoid encroachment in woodlands and savannas unless there are no practicable alternatives. In all cases, the subdivider shall preserve at least seventy (70) percent of the area of woodland and savanna of one (1) acre or larger.
 - 4. Avoid encroachment in wetlands and wetland buffers unless there are no practicable alternatives. In all cases, the subdivider shall preserve at least eighty (80) percent of wetlands and wetland buffers.

5. Avoid encroachment in floodplains unless there are no practicable alternatives. In all cases, the subdivider shall preserve at least ninety (90) percent of floodplains by area.
6. Minimize fragmentation of natural areas and open space while also providing for access and views from clusters.
7. Minimize encroachment in natural depressions, drainageways and sensitive recharge areas to facilitate their use for runoff infiltration and filtering.
8. Maintain and protect scenic views of open space from adjacent and proposed roads. Minimize visual impact through the use of natural landscaping.
9. Protect buildings and sites of historic significance or incorporate them through adaptive reuse.

D. Permanent boundary markers shall be installed to delineate private property from open space areas. Placement of markers shall be determined at tentative plat.

A1108.2 BUFFER STANDARDS for CONSERVATION DESIGN DEVELOPMENTS (CDD)

- A. A minimum thirty (30) foot vegetative buffer designated as a separate outlot shall be maintained around the exterior of the development on all sides. The buffer shall be measured from the road right-of-way or adjacent exterior property line of the development, as appropriate. This buffer shall be designed, to screen new housing or incompatible development, to preserve scenic views, or otherwise enhance the landscape as seen from existing perimeter roads. A trail or sidewalk may be constructed within the perimeter buffer area. Naturally landscaped berms and entrance signs are allowed in buffers, but shall not count toward the open space requirements found in Section A1114.
- B. A fifty (50) foot wide buffer is required along the length of a CDD's perimeter that borders, an adjacent natural area or public or private deed-restricted open space.
- C. All other required buffers shall comply with the *McHenry County Stormwater Management Ordinance*.

A1108.3 STREET and TRAIL STANDARDS for CDD

- A. Neighborhood streets may take the form of a two-way street or a one-way loop street. Pavement width may be as follows upon approval of the appropriate road authority:

Residential streets:	20 feet
Major residential streets:	24 feet
Business and industrial access streets:	24 feet

- B. Streets shall be developed according to standards that promote road safety, provide adequate access for emergency vehicles, provide access to trails and, where appropriate, accommodate bikeways on roads and allow for adequate vehicular circulation and movement within the subdivision and connecting to adjacent subdivisions.
- C. The street network shall be laid out in a manner that optimizes connectivity both within the subdivision and to adjacent roads. Cul-de-sacs are discouraged unless there are no practical alternatives to serve the buildable portions of the property and are accepted by the appropriate road authority.
- D. Where appropriate, to accommodate roadside parking needs, creative designs are encouraged. Wider grass shoulders (i.e., between road edge and roadside swale) also are encouraged where necessary to accommodate roadside parking.
- E. Private roads may be allowed in conservation subdivisions but must conform to the respective structural standards (e.g., pavement composition and thickness) of the appropriate road authority. Private drives and parking areas may be built with alternative permeable paving surfaces and designs. Refer to the appropriate sections of this Ordinance for requirements and standards for the construction of roads.
- F. The use of enclosed curb, gutter and storm sewer systems are strongly discouraged in favor of vegetated swales subject to the determination made by the Chief Stormwater Engineer.
- G. Installation of a multi-purpose trail system is encouraged to provide access to open space areas within the subdivision as well as access to adjacent subdivisions and regional trails. The trail system shall be privately owned and maintained, unless the adjacent open space system is dedicated to a public land management agency such as the McHenry County Conservation District.
- H. Shared or common drives shall be permitted, provided there is a recorded easement and covenants applicable to the properties utilizing shared access which establishes standards for maintenance and use.

A1109 STORMWATER BEST MANAGEMENT PRACTICE STANDARDS

A1109.1 Conservation design shall adhere to the requirements of the *McHenry County Stormwater Management Ordinance*. In particular, the design shall incorporate a strategy to meet the Ordinance release rate requirements, to minimize the increase in runoff volumes and rates and to address the identified water quality treatment requirements of the Ordinance. The subdivider shall use appropriate best management practices as presented in the *McHenry County Stormwater*

Management Ordinance Technical Reference Manual and the following hierarchy in preparing a drainage plan suitable for the development site. These practices shall be given preference in the site plan according to the following sequence:

- A. Preservation of natural resource features of the development site (e.g. floodplains, wetlands, Isolated Waters of McHenry County, prairies and woodlands),
- B. Preservation of existing natural streams, channels and drainageways,
- C. Minimization of impervious surfaces created at the site (e.g. narrowing road width, minimizing driveway length and width, clustering homes and shared driveways),
- D. Use of natural landscaping as an alternative to turf grass,
- E. Use of open vegetated swales, bio-swales, filter strips, rain gardens and infiltration devices to convey, filter and infiltrate stormwater runoff,
- F. Preservation of the natural infiltration and storage characteristics of the site (e.g. disconnection of impervious cover and on-lot bio-retention facilities) and
- G. Structural measures that provide water quality and quantity control.

A1109.2 In addition, the stormwater and site design approach shall comply with the following:

- A. Required stormwater management areas may be included within required open space areas.
- B. All stormwater detention/retention areas shall be developed as a separate outlot that is not part of an individual building lot and shall be owned and maintained by a Homeowners Association (HOA)/ Property Owners Association (POA) or an approved open space management entity for the proposed subdivision
- C. For nonresidential development, rooftop runoff and sump pump discharge shall be directed to pervious areas, such as yards, open space, grassed swales, or vegetated areas, via sheet flow or in a similar diffused manner.
- D. Where curb and gutter designs are determined to be necessary, creative approaches, where feasible, shall be implemented to convey runoff through curb cuts and similar designs into swales and bio-swales.

A1110 NATURAL LANDSCAPING STANDARDS for CDD

A1110.1 The use of native plant materials for landscaping is required throughout and along the perimeter of the development site and in those areas containing bio-

swales, detention basins, common open space areas, buffers of streams, lakes, wetlands and other water bodies.

A1110.2 Natural landscaping shall consist of grasses, wildflowers, shrubs and trees that are native to the greater Chicago region as identified in *Plants of the Chicago Region* (Swink and Wilhelm, 1994).

A1110.3 The installation of natural landscapes shall conform to the approved Stewardship Plan's maintenance, monitoring, and performance criteria outlined in Section A1118 of this Addendum. Natural landscapes shall be managed in the long-term following the requirements also outlined in Section A1118 of this Addendum.

A1111 PARKING LOT STANDARDS for CDD

A1111.1 Parking lots shall be designed to minimize impervious surface area and maximize the opportunity to infiltrate and filter runoff from the lot. Parking lot design shall meet the following standards:

- A. Parking lots shall provide the minimum number of spaces necessary to meet expected needs per the requirements of the *McHenry County Zoning Ordinance*.
- B. Parking lot runoff shall be routed to internal and/or peripheral swales and bio-swales. Where curbing is determined to be necessary, frequent curb cuts shall be utilized to allow runoff to enter swale and bio-swale structures.
- C. Permeable paving shall be evaluated for use in lieu of conventional asphalt or concrete paving.

A1112 BULK REQUIREMENTS for CDD

A1112.1 The following standards shall be adhered to for residential lots, consistent with Section A1108.1.A and Section A1112.2.

- A. Lot size, shape and orientation shall be appropriate to the use, location and type of development according to the underlying zoning classification.
- B. Public, private, utility and other required easements can occur on the lot or within open space. Where lots have a minimum ten (10) foot rear setback, utility easements shall be outside of the lot or building envelope.
- C. For public or private roads, the front yard setback shall not be less than twenty (20) feet from a ROW or the edge of road (or back of curb if

applicable), whichever is greater.

- D. Every lot shall have access, to an interior street. However, an existing farmstead, with an existing driveway, that does not access a local street may be preserved and allowed under this condition.
- E. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such use and shall have appropriate buffers between residential and agricultural uses.

A1112.2 BULK CHART for RESIDENTIAL CDD

Conservation Design Underlying Zoning Districts	Minimum Acres	Minimum Width Frontage	Minimum Yard Abutting Road or Street	Minimum Rear Yard	Minimum Side Yard	Minimum Open Space %
	Acres	Feet	Feet	Feet	Feet	
E-5 Estate	1	150	50	40	20	70%
E-3 Estate	.75	130	30	40	20	60%
E-2 Estate	.6	120	30	30	20	50%
E-1 Estate	0.33	100	30	20	10	50%
R-1 Residential	0.25	70	20	10	10' & 10%	40%
R-2 Two-family	0.5	140	20	10	10	40%
R-3 Multi-family	0.75	175	20	10	10	40%

A1112.3 BULK CHART for NON-RESIDENTIAL CDD

Non-residential developments shall not exceed an impervious surface coverage ratio of six-tenths (0.6) for the overall site, prior to any site coverage bonus that may be approved. Individual lots shall not exceed an impervious surface coverage ratio of seven-tenths (0.7).

Non-Residential Districts	Maximum Overall Site Coverage Ratio of Impervious Surface	Maximum Individual Lot Coverage Ratio of Impervious Surface	Minimum Open Space
	0.6	0.7	40%

Density bonuses and requests to reduce minimum lot acreage requirements, per the *McHenry County Zoning Ordinance*, shall be considered on a case-by-

case basis. Approval shall be granted by the Planning & Development Committee of the County Board.

Note: Refer to Sections A1114, A1115 and A1116.

A1113 WASTEWATER TREATMENT and DISPOSAL for CDD

This section defines the criteria for a wastewater treatment and disposal system needed at the tentative plat stage.

At the sketch plan stage, information may be limited to the type(s) of wastewater treatment and disposal option(s) under consideration for the development.

- A1113.1 Treatment and disposal options that are consistent with state and federal anti-degradation policies shall be utilized. In particular, options that best protect groundwater, wetlands, surface waters and other natural resources from increased concentrations of nutrients and related pollutants that may impact aquatic life, native plant diversity, and related uses shall be utilized. The McHenry County Department of Health reserves the right to require review by an outside agency or qualified onsite wastewater treatment specialist, including, but not limited to, USDA/NRCS, Illinois Department of Natural Resources, Illinois State Water Survey and Illinois State Geological Survey.
- A1113.2 A wastewater treatment option shall be selected and implemented based on its ability to ensure groundwater recharge, beneficial reuse of nutrients, protection of groundwater quality, protection of surface water quality and protection of environmentally sensitive environments. Shallow groundwater flow direction, projected wastewater flows, projected strength of the wastewater, sensitivity of the receiving environment, recharge capability, potential cumulative impact of the chemical, organic, nutrient and bacterial loading on groundwater and lifetime cost of the system shall be taken into consideration when selecting the wastewater treatment option.
- A1113.3 The wastewater treatment system shall comply with *Article X* of the *McHenry County Public Health Ordinance*. Sites utilizing Illinois EPA permitted technology shall conform to all of the requirements of the Illinois Environmental Protection Agency and receive all applicable permits prior to approval of the conservation design development by McHenry County.

A1114 OPEN SPACE REQUIREMENTS for CDD

- A1114.1 Required open space shall vary depending on the underlying zoning. Refer to Section A1112 for minimum residential open space percentages.

A1114.2 Open space also shall be required for non-residential land uses, based on the site coverage ratio and any associated site coverage bonuses. Refer to Section A1112.3.

A1114.3 Common or deed-restricted open space includes land and water areas retained for active or passive recreation uses and/or for resource protection and generally shall be in an undeveloped state. Open space includes, but is not limited to, the following:

- A. Woods and savannas,
- B. Wetlands and wetland buffers,
- C. Streams, waterways, lakes and ponds,
- D. Prairies and grasslands,
- E. Floodplains (credited up to twenty-five (25) percent of the required open space, unless this criterion would limit the number of lots to something less than allowed under this Ordinance,
- F. Naturally landscaped common areas and buffers,
- G. Walking or bicycle trails,
- H. Naturally landscaped stormwater detention and drainage facilities,
- I. Naturally landscaped areas utilized for installation of water wells, spray irrigation of treated wastewater (excluding treatment and associated wastewater storage facilities) and on-site wastewater treatment systems, (excluding septic tanks or other pre-treatment devices and lift stations),
- J. Areas of greater than twelve (12) percent slope,
- K. Pasture and agricultural cropland areas,
- L. Manicured turf grass areas such as those on golf courses, playgrounds, and recreational fields (credited up to ten (10) percent of the required open space) and
- M. Other conservation-oriented uses compatible with the purposes of this Addendum.

A1114.4 OPEN SPACE PROTECTION HIERARCHY for CDD

In developing open space areas to meet the requirements specified above, preference shall be given to land, not necessarily undisturbed, which either retains or has been substantially restored to its original natural or native character. The areas to be preserved shall be identified on a site-specific basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.

The following is a list of different types of open space areas that identifies various levels of quality, from highest to lowest. Written documentation regarding areas for open space protection must be submitted to the Staff Plat Review Committee for approval at the sketch plan stage. Approval will be based upon the proposed development's ability to preserve significant portions of open space at the highest quality levels possible.

- A. Intact natural communities, known habitats of rare and endangered species, natural and restored wetlands, prairies, savannas and woodlands, environmental corridors, significant historic and archaeological properties and areas with steep slopes.
- B. Natural landscaped areas created to provide plant and wildlife habitat and open space amenities.
- C. Areas providing little habitat but providing a viewshed, recreation or a sense of open space.

Areas counted toward open space requirements shall not include parkways, landscape islands, sign easements, berms or similar isolated features. In addition, required yards, roads, driveways and rights-of-way shall also not count towards fulfilling open space requirements. Yard areas on individual lots shall not be considered fulfilling open space unless designated on a recorded final plat of subdivision as deed restricted open space.

A1115 OPEN SPACE STANDARDS for CDD

A1115.1 Open space conservation goals and objectives shall be identified at the time of initial sketch plan application shall be based on the natural resource features of the development site and may include, but are not limited to:

- A. Groundwater recharge protection,
- B. Woodland stewardship,
- C. Water quality preservation and enhancement,
- D. Native landscape restoration and preservation,
- E. Natural habitat restoration,
- F. Viewshed preservation,
- G. Archeological and historical preservation.

A1115.2 Conservation developments shall preserve, restore and/or create environmentally sensitive areas, as identified above, and shall include plans and the means to restore, manage and maintain such areas. More specifically, created natural landscapes shall meet all required performance criteria that require only routine ecologic management in the future.

Where feasible, degraded remnant natural areas shall be restored to a natural state that will require only routine ecologic management in the form of controlled burns and weed vigilance to maintain that state. Feasibility shall be determined considering the relative quality of the remnant, degree of difficulty involved in returning it to a natural state, and the likelihood of meeting designated performance criteria. If the site contains highly degraded extant wetland communities where the likelihood of restoration success is uncertain, the subdivider may propose alternative plant monitoring and performance criteria. Examples of the latter include large stands of reed canary grass or

cattails that dominate the wetland community.

- A1115.3 The development layout shall take into consideration how abutting land with significant natural areas and resources will impact or be impacted by the development. Natural areas on adjacent properties shall be buffered with open space and existing wildlife corridors and sensitive ecosystems shall be preserved and enhanced. Refer to Section A1108.2.B.
- A1115.4 Open space shall be preserved as large contiguous areas to optimize habitat conservation, minimize fragmentation and facilitate efficient ecologic management.
- A1115.5 The open space network shall be designed to facilitate easy access from all streets and neighborhoods within the development. Open space shall be interconnected with greenways and if applicable, trail systems both within the development site and connecting to adjacent subdivisions and to local and regional trails.
- A1115.6 Open space shall be dedicated as "common open space" to be jointly owned by a qualified conservation agency or organization or the homeowners or property owners association. Where the subdivider determines that common open space is not practical, a portion of the required open space may be dedicated as Deed Restricted Open Space (DROS) occurring on individual platted lots. DROS shall not be used for detention areas or required buffers, which shall always be designated "common open space." Where DROS is utilized, it shall be managed and maintained in a manner consistent with all the requirements for common open space of this Addendum.
- A1115.7 Re-use of recognized historical buildings and structures is encouraged.
- A1115.8 Designated open space areas shall not be enclosed with man-made fencing, with the exception of areas containing natural or cultural features that may require special protection and exclusions for equestrian facilities and trails.
- A1115.9 Open space areas shall be maintained in perpetuity and shall not be improved with any buildings, structures or other development unless approved by the County and where such buildings or structures will not negatively impact the natural and open space areas. Exceptions include, but are not limited to, simple shelters, viewing stands, interpretive signs, subdivision entrance signs (in designated sign easement areas*) and benches given that said exceptions are compatible with open space uses and that applicable permits are obtained from the County for any and all applicable structures. This restriction shall run with the land and be binding on future owners, successors and assigns of the grantee.

*Note: A sign easement may be located in an open space area, however areas dedicated for sign easements shall not be included in the calculation of required open space.

A1116 OPEN SPACE PROHIBITIONS for CDD

A1116.1 Open space uses and disturbances that conflict with the stated conservation purposes of this Addendum are prohibited. Prohibitions shall be identified in, and enforced through, the subdivision covenants. These include, but are not limited to:

- A. Dumping of grass clippings, yard waste, debris or other objectionable material;
- B. Storage of material, vehicles, etc.
- C. Removal of native vegetation or trees, except as identified in the approved Stewardship Plan;
- D. Introduction of exotic plant species;
- E. Manipulation or alteration of natural water courses or wetlands, except to enhance natural conditions as identified in the approved Stewardship Plan or as required under the *Stormwater Management Ordinance*;
- F. Filling, grading, drilling, or removal of soil or other natural materials except as otherwise allowed in Section 1114.3.1; and
- G. Dredging, except as outlined in an approved Stewardship Plan.

A1117 OPEN SPACE OWNERSHIP and FUNDING REQUIREMENTS for CDD

A1117.1 OWNERSHIP OPTIONS

- A. The ultimate owner of open space, as well as the entity responsible for maintaining it, shall be identified and shall be made part of the Covenants and Restrictions for the CDD. Ownership options for open space include qualified public or private land conservation organizations
- B. Alternatively, ownership of common open space may reside with the homeowners/property owners association. Membership in the HOA/POA shall be mandatory and automatic for all lot and parcel owners and their successors. The association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining open space and any facilities located thereon shall be borne by the subdivider until eighty (80) percent of the lots are sold and ownership shall then be passed to a public agency, a not-for-profit entity whose primary purpose is the preservation and maintenance of open space or to the homeowners/property owners association.

In the event the not-for-profit entity or the homeowners/property owners association ceases to exist, the responsibility for maintaining the open space and any facilities located thereon shall be borne by all lot and parcel owners and their successors.

A1117.2 BINDING LEGAL INSTRUMENT REQUIRED

- A. Dedicated open space shall be protected in perpetuity by a binding conservation easement or similar binding legal instrument recorded with the McHenry County Recorder and granted in favor of one or more of the following entities, which entities shall be responsible for all maintenance, control, and insurance of common areas, including dedicated open space areas:
1. A public agency with demonstrated expertise in open space management is the preferred option. Such agency may, but is not required to, accept dedication in the form of fee simple ownership of the designated open space area(s) provided it has access to and agrees to maintain such areas.
 2. A not-for-profit entity whose primary purpose is the preservation and maintenance of conservation areas and natural resources also a preferred option. Such open space areas shall be established in the form of conservation easements.
 3. A homeowners or property owners association is an acceptable option if it is not practical or appropriate based on correspondence from public agencies and not-for-profits to make arrangements for options 1 or 2, as stated above.

A1117.3 FUNDING REQUIREMENTS for CCD

In addition to funding requirements as required in the *McHenry County Subdivision Ordinance*, the following shall also apply for Conservation Design Developments:

- A. The cost estimates for natural landscaping and ecological restoration activities shall be prepared by a county-approved specialist and be submitted with infrastructure and stormwater estimates. The amount of the performance bond(s) or letter(s) of credit furnished by the subdivider shall be in the amount of one-hundred fifty (150) percent of the estimated cost of the work and materials required for these activities. This shall be a separate bond from that furnished for road but may be combined with the cost estimate for stormwater work.
- B. Partial reductions of the performance bonds and/or letters of credit may be granted as performance criteria are met. However, final approval and release of performance bonds and/or letters of credit shall not occur until a

final inspection by the County verifies that all initial performance criteria have been met. Upon this verification, the County shall allow the areas to be placed under the control of an approved conservation organization or homeowners/property owners association to implement long-term management. In the event that conditions of performance criteria cannot be met, an alternative plan shall be prepared and submitted to the County for approval. Refer to the appropriate sections of this Ordinance for additional information regarding bonds and letters of credit.

- C. Secure and permanent funding arrangements shall be established for the long-term management and maintenance of common open space, deed-restricted open space, and stormwater facilities once said responsibilities are turned over to a conservation entity or the homeowners/property owners association. Said funding arrangements shall be noted and made part of the Covenants and Restrictions.
- D. A back-up special service area (SSA) shall be established and detailed in the Covenants and Restrictions for the CDD in order to provide funds necessary to support the maintenance and upkeep of land set aside as open space and stormwater management areas. Such requirements shall be a condition of the final plat and shall give the McHenry County Board the ability to levy an ad valorem special tax against all taxable property within the proposed SSA in order to fund necessary maintenance and other associated costs. Subdivider shall submit to the SPRC a fully-executed SSA Application. See attached appendix.

A1117.4 BACK-UP SPECIAL SERVICE AREA for CDD

- A. Upon receipt of the application for a SSA Application, Planning and Development staff shall submit a proposing ordinance to the McHenry County Board for its consideration.
- B. In the event the McHenry County Board adopts the proposing ordinance, an SSA Hearing shall be held pursuant to Section 35 of the Special Service Area Tax Law.
- C. The McHenry County Board shall consider and vote upon the establishment of the SSA. Concurrently, the current owner(s) of the subject property, if different than the subdivider, shall be required to record a "Declaration of Consent", agreeing to the establishment of the SSA with the County Recorder of Deeds. The terms of the Declaration of Consent shall run with the land and be binding on all future owners of the property within the CDD.
- D. Lastly, the current owner(s) of the property in question, if different than the subdivider, shall sign and have notarized an "Affidavit of No Objection" waiving all rights granted under 35 ILCS 200/27-35 to object to the establishment of the SSA. See attached appendix.

A1117.5 VIOLATIONS, PENALTIES and CORRECTIVE ACTION

A. VIOLATIONS

If at any time the County determines that the open space management entity is in violation of the terms of this Addendum and/or Ordinance, the County shall give written notice of such violation and demand corrective action sufficient to cure the violation, and where necessary, restore the portion of the property so injured. If the open space management entity fails to cure the violation within thirty (30) days after receipt of notice thereof from the County, or, under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails to commence or fails to continue to cure such violation until finally cured, the County may bring an action to enforce the terms of this Addendum and/or Ordinance and recover the costs of such corrective action from the property owner, condominium association, homeowners association, conservation organization or not-for-profit organization, or individual property owners, and may include administrative costs and penalties.

B. PENALTIES

Failure to comply with any requirements of this Addendum shall constitute a petty offense, and any person upon conviction thereof shall be fined not more than five-hundred (500) dollars for each offense. Each week a violation continues shall be considered a separate offense.

The subdivider, not-for-profit entity or homeowners/property owners association, who commits, participates in, assists in, or maintains such violations may be found guilty of a separate offense and subject to the above penalties.

The County may also take other lawful action as is necessary to prevent or remedy any violation, including but not limited to injunctive relief.

C. CORRECTIVE ACTION

If the County, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the open space or natural areas the County may pursue its remedies under this Addendum without prior notice to the open space management entity. Under such circumstances, the County may enter dedicated open space areas in order to take corrective action necessary to ensure compliance and the provisions of long-term management and stewardship. A maintenance easement shall be recorded on the final plat granting the County, its agents or assignees access to dedicated open space areas for the purpose of said corrective action.

A1118 STEWARDSHIP PLAN for CDD

A1118.1 STEWARDSHIP PLAN: OVERVIEW

A Stewardship Plan shall be prepared by a County-approved specialist in the area of ecological restoration or natural landscaping. The plan shall be comprised of two parts; a short-term plan for the establishment, enhancement and restoration of natural areas, and a long-term plan for the maintenance and monitoring of natural areas in perpetuity.

The plan shall be approved as part of the subdivision review process and recorded in the covenants for the subdivision. The plan shall be in textual form and shall include appropriate maps and/or graphic renderings that identify the various management units on the site. The plan shall provide specific details and methods regarding the preservation, re-establishment, maintenance, and management of open areas and natural resources in perpetuity on the subject site. It shall be in a format that is easily understood and shall identify the "who, what, when, and where" of specific tasks which must be completed in order to ensure the viability of current and future resources on the site.

- A. The plan shall address and/or allocate:
 - 1. The short-term enhancement and restoration of remnant natural areas and the establishment of new natural landscapes,
 - 2. The long-term maintenance and monitoring of such areas,
 - 3. The responsibility and guidelines for performing said tasks and shall include any necessary provisions for replacement costs and long-term capital improvements.

- B. In addition, the plan shall:
 - 1. Serve as an educational resource for future residents and property owners,
 - 2. Designate and map the ownership of natural features and dedicated open space,
 - 3. Allocate responsibility and guidelines for the maintenance and operation of the dedicated open space and any facilities located thereon, including provisions for ongoing maintenance and long term capital improvements,
 - 4. Estimate the cost for maintenance, inspection and operation of the dedicated open space areas for said work. The plan shall describe the means by which such funding will be obtained or provided and require agencies, private firms, etc. contracted to perform said work, to submit a valid certificate of insurance,
 - 5. Provide that the plan shall not be changed without the approval of the County and describe how the plan will be enforced.

- C. The Stewardship Plan shall include performance standards for all natural open space areas and naturalized stormwater management facilities and buffers. The performance standards shall identify proposed methods for

establishing the areas and shall require monitoring and maintenance for at least three full growing seasons following initial enhancement, restoration, and planting, or until initial performance standards have been met. The purpose of establishing and ensuring compliance with performance standards is to ensure that the overall design intent for these areas is achieved and maintained. The design intent for such areas is to provide an aesthetic, healthy, diverse community of native vegetation to meet the objectives of soil stabilization, water quality improvement, and wildlife habitat. Minimum performance standards for restoration, planting, maintenance, and monitoring of natural open space and naturalized stormwater facilities are detailed below. Under circumstances where the minimum performance standards cannot be achieved, alternative performance standards must be presented to and approved through the development review process.

- D. Beyond the initial establishment and restoration period, regular maintenance and management shall be performed in perpetuity to continue to meet the performance criteria and to enhance natural ecologic conditions over time.

A1118.2 STEWARDSHIP PLAN: PURPOSE

The purpose of these standards is to ensure that the overall design intent for naturalized open space areas including wetlands, prairies, woodlands, savannas, naturalized detention basins, drainage swales, and buffers, is achieved and maintained, particularly during the initial restoration and plant establishment phase. Such areas are intended to provide an aesthetic, healthy, diverse community of native vegetation to meet the objectives of wildlife habitat, soil stabilization, groundwater recharge and water quality protection. This is accomplished by complying with the following requirements:

- A. The development and implementation of a Stewardship Plan,
- B. Routine monitoring of planting success,
- C. Follow-up repair, re-seeding, and/or replanting to meet performance criteria,
- D. Preparation of required reports summarizing monitoring data, documenting maintenance and remedial activities in comparison to stated performance criteria,
- E. Preparation of a long-term monitoring and management schedule to maintain the areas in perpetuity,
- F. Sign-off and acceptance of initial restoration and planting and at the end of a three-year monitoring and management period.

Note: The establishment of native vegetation communities shall be carefully planned and executed to ensure long term success. Restoration and native planting efforts should be considered on an equal basis with other major infrastructure improvements of a development, such as roads, utilities and building standards. Without performance standards, open space restoration and native plant establishment has the potential to fail, leaving future home owner /property owner associations or the County with major management problems that they may not have the expertise or resources to address. Therefore, it is important to provide reasonable performance standards to regulate the planning, establishment, and monitoring success of restoration and native plantings within developments.

A1118.3 STEWARDSHIP PLAN: SHORT-TERM LANDSCAPE RESTORATION and PLANTING SCHEDULE

A site specific restoration and planting schedule shall be submitted to the County with required site or final engineering plans. The plan shall be prepared by a qualified professional in the field of ecological restoration and/or natural landscaping. Said professional shall prepare a cost estimate to be used to calculate the amount of the required bond and/or letter of credit. At a minimum the plan shall include:

- A. A map drawn to scale depicting all proposed restoration and planting areas. Identification of proposed management units based on remnant natural areas, soil types, topography, hydrology and pre-settlement vegetation. Management unit mapping shall also show the overall layout of the development to demonstrate that naturalized areas are adequately set-back from homes and other infrastructure so that the potential for fire hazards during controlled or accidental burns is reduced. Where applicable, fire breaks, including those in the form of mowed paths, should also be identified. Note: Aggressive native tree species to be removed shall be noted. Refer to Section A1119.3.
- B. A list of all plants, seeds, and/or plugs to be used within each management unit. All plantings shall consist of species native to McHenry County, of a local genotype and appropriate for the proposed habitat. The number of plants and plugs to be used and the amount/weight of seed per species shall also be included, along with seeding rates per acre for each species.
- C. For existing wetland, prairie, savanna, and woodland communities, a schedule of management and enhancement activities for areas proposed for restoration. This schedule shall address methods of weed and brush removal, including herbicide, cutting and hand pulling; replanting necessary to restore native plant diversity and where appropriate, sediment removal, re-grading, stabilization and related measures necessary to restore degraded wetlands and aquatic systems.

- D. A three (3) year management schedule which includes proposed timing and description of the following: site preparation, application of herbicides, seeding activity, mowing, controlled burns, and similar activities. Areas being restored to native communities should be protected by silt fencing or construction fencing to prevent unnecessary disruption or destruction due to nearby construction activity.

A1118.4 STEWARDSHIP PLAN: SHORT-TERM LANDSCAPE RESTORATION and PLANTING SCHEDULE PREFERRED CRITERA

The success of natural landscaping can be affected by the appropriateness of the plant species selected, the effectiveness of the grading and seedbed preparation, the quality of the seed and plant material used, the timing of the planting, and attention to early maintenance. With upland prairie, savanna, and woodland restoration or establishment, it generally is appropriate to leave soils undisturbed since mass grading will result in compacted soils and may lead to serious weed problems. Whenever possible, land shall remain undisturbed until prairie seeding can be accomplished. This will contribute to the success of the native landscape by preventing the establishment of weeds and minimizing the corruption of the seed bank.

The success of the project will be formally evaluated by the following vegetation performance standards monitored over time. See Appendix TBD "Suggested References for Restoration and Natural Landscaping of Conservation Design Developments" for a list of references.

- A. In order to; ensure adequate diversity of plants, to respond to varying environmental and hydrologic conditions, ensure the establishment of native landscapes that are functional, aesthetic, and cost-effective, and provide reasonable variety to meet aesthetic expectations:
 - 1. A minimum of ten (10) species of native plants shall be established within any naturalized stormwater facility, such as naturalized detention basins or swales
 - 2. A minimum of forty (40) species of native plants shall be established in any upland landscapes.

- B. By the end of the first full growing season, planted areas should have ninety (90) percent vegetation cover and no area greater than one (1.0) meter square shall be devoid of vegetation. A cover crop of annual rye or oats may be used to help achieve this goal. At least seventy-five (75) percent of the plugs, root stock, and tubers, and fifty (50) percent of the seeded species should be present and alive. If an area is designed as an aquatic or emergent system, it is anticipated that portions of the submerged area will be periodically exposed and without vegetation cover due to fluctuating water levels. If, by the end of the first full growing season, the basin emergent zones and/or side slopes fail to support the establishment of

sufficient vegetation, then corrective measures regarding the fundamental design of the area and/or planting plan shall be required.

- C. During the second growing season at least sixty (60) percent of the permanent species planted in seed form should be evident. Ninety (90) percent or more of species planted as plugs, root stock, and tubers, shall also have persisted into the second season. If this fails to occur, a determination must be made as to why and remedial action shall be necessary. Remediation may include overseeding and/or plugging of appropriate species. Finally, undesirable, invasive plant species shall not be prevalent in any of the management units. No invasive, weedy species, including any of the following, shall be among the five most dominant plant species in the overall vegetative cover.

1. Reed canary grass (*Phalaris arundinacea*)
2. Common reed (*Phragmites australis*)
3. Purple loosestrife (*Lythrum salicaria*)
4. Non-native thistle (*Cirsium spp.*, *Carduus spp.*)
5. Sweet clover (*Melilotus spp.*)
6. Crown vetch (*Coronilla varia*)
7. Wild parsnip (*Pastinaca sativa*)
8. Burdock (*Arctium spp.*)
9. Garlic mustard (*Alliaria petiolata*)
10. Teasel (*Dipsacus spp.*)
11. Ragweed (*Ambrosia spp.*)
12. Kentucky bluegrass (*Poa pratensis*)
13. Buckthorn (*Rhamnus spp.*)
14. Sandbar willow (*Salix interior*)
15. Honeysuckle (*Lonicera spp.*)
16. Multiflora rose (*Rosa multiflora*)
17. Box elder (*Acer negundo*)

A more complete listing of common invasive species is found in the *Illinois Nature Preserve Management Guidelines*:
http://dnr.state.il.us/INPC/Management_guidelines.htm

- D. At the end of the third full growing season, at least seventy-five (75) percent of the seeded permanent species and ninety (90) percent or more of species planted as plugs, root stock, and tubers are expected to be established. Alternatively, native perennial species that volunteer on the site, excluding undesirable invasive species, may also be counted in determining the preceding criteria. Qualitative vegetative sampling within each management area shall achieve the following to be determined a success and a mean "Coefficient of Conservatism" shall meet or exceed three (3) and the "Floristic Quality Index" shall meet or exceed twenty (20), except in designated stormwater management facilities. *Plants of the Chicago Region*, F. Swink and G. Wilhelm

- E. The five (5) most dominant species of the overall vegetative cover within each management unit shall not include any of the undesirable species referenced above under the second season performance standards. If the identified level of species development fails to occur, a determination must be made as to why, and a remedial action plan must be prepared and submitted to the County for approval. The approved remedial plan must be implemented and continued monitoring shall be required beyond the third growing season until these performance criteria are met. Where the minimum performance standards cannot be achieved, a written explanation and alternative performance standards must be submitted for consideration by the County.

A1118.5 PROFESSIONAL LAND and PROPERTY MANAGEMENT

- A. Regarding both the short- and long-term management responsibilities for open space and natural areas, a management entity with demonstrated experience and qualifications in natural land management and ecologic stewardship shall be chosen from a list approved by the County. Such entity may be a public or not-for-profit conservation agency as identified under Section A1117. Alternatively, the entity may be a professional natural land management specialist or company.
- B. In identifying the institutional arrangements for the management entity, the Stewardship Plan shall address responsibilities for each of the following institutional provisions. These provisions shall be in place prior to any turn-over of the property from the subdivider to the HOA/POA or other management entity.
 - 1. Enforcement of Covenants, Conditions and Restrictions (CCRs) and the Stewardship Plan,
 - 2. Proper budgeting and managing finances for HOA/POA or easement holders,
 - 3. Collection of dues and/or fees,
 - 4. Filing of required reports and taxes,
 - 5. Education and communication with residents,
 - 6. Insurance and risk management,
 - 7. Maintenance of proper reserves and
 - 8. Outsourcing.

A1118.6 STEWARDSHIP PLAN: SHORT-TERM PLANT MONITORING REQUIREMENTS

The following tasks shall be performed within each management unit identified in the landscape/planting plan during the first three (3) years:

- A. Plant inventory of all naturally landscaped areas:

This inventory shall determine overall vegetative cover, the total number of species, and the prevalence of undesirable/invasive species, consistent with specified performance criteria. This inventory is used to

determine where follow-up seeding or planting is needed and to identify, locate and remove undesirable "weedy" species on a timely basis. Permanent transect vegetation sampling techniques should be used within each management unit to adequately document and monitor plant community establishment over the initial (3) three year period. The presence of any plant species observed outside of a transect and not documented by sampling along such transect shall also be noted. Sampling techniques and summaries shall be compiled consistent with methods described in *Plants of the Chicago Region* by Floyd Swink and Gerould Wilhelm, 1994.

B. Establishment of permanent photographic monitoring locations:

Photographs shall be taken to document the establishment of vegetative cover, erosion problems, and other relevant maintenance concerns within each management unit identified in the landscape/planting plan. Photographs must be of satisfactory quality and resolution to accomplish the intent of the performance standards and shall be taken from the same locations during each monitoring event. A detailed description of the camera/photo location based on distance from a permanent structure, the orientation of the photo, and the vegetation zone being photographed shall be provided. Additional photos should be taken of problem areas and remedial activities.

C. Monitoring and reporting consistent with Section A1118.8 is required annually for a minimum of three (3) full growing seasons during and following restoration and planting. Under circumstances where the minimum performance standards cannot be achieved, alternative performance standards must be presented to the County for review and approval.

A1118.7 STEWARDSHIP PLAN: LONG-TERM MONITORING and MANAGEMENT

- A. Long-term monitoring, consistent with the criteria specified in Section A1118.8, shall be performed on a biennial basis, in perpetuity. Monitoring reports shall be submitted to the County for review and approval.
- B. Continued ecological management shall be provided to maintain a diverse native plant community, consistent with performance criteria, to minimize the proliferation of weeds and undesired woody vegetation, and to prevent erosion. At a minimum, the site shall continue to meet the vegetation performance standards of the third season, as specified above, with regard to erosion control, vegetation coverage, species diversity, and control of invasive species. Long-term maintenance shall consist of controlled burning, generally every one to three years or as dictated by site conditions. To maintain the established native plant communities, spot control and application of herbicides shall be performed, as necessary.

- C. Long-term maintenance shall include the removal of trash or debris and the removal of obstructions from detention basin outlet structures. Periodic removal of accumulated sediment from swales, forebays and settling basins shall be done to maintain the function and aesthetics of stormwater facilities. At a minimum, sediment shall be removed from forebays and sediment basins when one (1) or more feet of sediment has accumulated.

A1118.8 STEWARDSHIP PLAN: REPORTING REQUIREMENTS

Monitoring reports, due on February 1 for each required reporting year, shall be submitted in a digital format to the County and shall include the following:

- A. A summary of vegetation data collected within each management unit, including an assessment of compliance with performance criteria.
- B. A description of vegetation maintenance activities, including overseeding, replanting, control of undesirable "weedy" species and an assessment of their effectiveness in meeting performance criteria. Refer to Section A1118.4.
- C. Photographs and accompanying descriptions taken at permanent monitoring stations.
- D. A summary of maintenance activities, including the landscape maintenance budgets, for both the current year and the coming year.

A1119 TREE PROTECTION for CDD

A1119.1 PURPOSE

While allowing for reasonable development of land within the County, it is the stated public policy of the County to add to the native tree population where possible and to maintain, to the greatest extent possible, existing native trees within the County. In particular, it is the County's policy to preserve and restore remnant woodlands, particularly oak-hickory savannas and woodlands that define the historical landscape of much of the County. The preservation of existing trees and the planting of additional trees are intended to accomplish, the following objectives:

- A. To preserve trees as an important public resource enhancing the quality of life and the general welfare of the County,
- B. To conserve and enhance the County's unique character and physical, historical, and aesthetic environment,

- C. To encourage the protection of healthy trees and provide for the replacement and/or replanting of trees removed during construction, development or redevelopment,
- D. To prevent clear cutting of native trees and to minimize mass grading,
- E. To aid in the reduction of air pollution through the transformation of carbon dioxide, the generation of oxygen, and the precipitation of dust and other airborne pollutants,
- F. To reduce noise pollution through the barrier effect of trees on the spread of noise,
- G. To reduce topsoil erosion through the soil retention effect of tree roots,
- H. To reduce energy consumption through the natural windbreak and shade producing functions of trees,
- I. To preserve and enhance nesting areas for birds, insects, and other wildlife that are essential to the maintenance of the food chain and that help control and eliminate disease-carrying mosquitoes,
- J. To reduce storm water runoff and replenish ground water supplies; and
- K. To protect and increase property values.

A1119.2 SUBMITTALS and STANDARDS for TREE PROTECTION for CDD

- A. As part of the tentative plat submittal, the subdivider shall submit a tree survey, as defined below, and a tree preservation proposal prepared by a qualified arborist, forester, or similarly qualified professional in the field of natural resources that is acceptable to the County. Failure to submit these items shall be a valid reason to withhold acceptance of the tentative plat by the Staff Plat Review Committee.
 1. The survey shall consist of a scaled drawing that shows the location of all desirable native tree species listed in Section A1119.3.D having a diameter at breast height (DBH) of four (4) or more inches. The inventory also shall include all other existing trees with a DBH of eight (8) or more inches, excluding prohibited tree species listed in Section A1119.3.F. In the case of a multi-stemmed tree, the diameter of the clump taken as a whole shall be used. The survey shall include, at a minimum, an inventory listing individual trees by tag number, the tree species by common name and scientific name, size (DBH), condition, and any observed problems.
 2. The survey shall also include a tree count of desirable native tree species listed in Section A1119.3.D having a diameter at breast height

(DBH) of between two (2) and four (4) inches. The relative locations of groupings of these trees shall be identified on a site map.

3. Where trees are located in a permanently dedicated conservation easement or protected through deed restriction and will be free from any grading activity, identification of individual trees is not required.
- B. Where mass removal or clear cutting of desirable native trees has occurred within a one (1) year period prior to the submission of a Conservation Design Development Sketch Plan, the Staff Plat Review Committee shall not accept nor review said proposed subdivision for a period of one (1) additional year [from submission date] without prior consent from the Planning and Development Committee of the County Board.

Where individual trees or stands of trees are removed without cause on property proposed for subdivision development, the County may require that the area containing the removed trees or stands of trees be replanted and that said area be dedicated as and made subject to a tree preservation easement, maintained in perpetuity as open space.

- C. During development and construction activity, all reasonable steps shall be taken to prevent damage to or destruction of protected trees, woodlands and savannas. These steps shall include:
1. Soils shall not be removed, compacted, or otherwise disturbed within the critical root zone.
 2. A protective fence approved by the County shall be erected around the critical root zone of any protected tree or woodland area. Signage shall be affixed to said fence indicating the presence of the critical root zone and a protected area.
 3. All desirable trees on property adjacent to the subject site and within ten (10) feet of the site's property line or have a critical root zone extending into the subject site, shall be protected from unreasonable damage by the use of acceptable tree protection measures.
 4. Mass cuts and mass grading are discouraged to minimize disturbance of woodland areas.
 5. Boring shall be used to install any underground utilities in tree areas, where feasible.
 6. The subdivider shall ensure that all applicable subcontractors are trained in proper tree protection.
 7. No excess soil, additional fill, equipment, trailers, liquids or construction debris shall be placed within the identified critical root zone of any tree that is to remain at its original location.
 8. Only protective non-damaging devices or attachments shall be attached to any tree during construction.

A1119.3 TREE REPLACEMENT for CDD

Invasive trees and shrubs such as common buckthorn (*Rhamnus cathartica*), glossy buckthorn (*Rhamnus frangula*) and honeysuckle (*Lonicera*) and other exotic species are commonly removed as part of good forestry practices and ecological restoration activities and therefore are not treated or acknowledged as protected tree species. Further, aggressive native trees such as box elder (*Acer negundo*) and black cherry (*Prunus serotina*) are sometimes removed as part of ecologic restoration projects in oak-hickory savannas and woods. A list of trees that do not require replacement nor be used as replacements for desirable trees is found in Section A1119.3.F. Proposals to remove such trees shall be identified in the Stewardship Plan and submitted to the County for review and approval.

- A. Any protected tree removed pursuant to County approval shall be replaced on an inch-diameter basis as provided for below:

Diameter at Breast Height of Removed Tree	Number of replacement trees required as measured in diameter at breast height				
	1.5" trees	-or-	2" trees	-or-	2.5" trees
6 inches	4		3		3
7 - 8 inches	6		4		3
9 - 10 inches	7		5		4
11 - 12 inches	8		6		5
13 - 25 inches	n/a		12		10
26 or more inches	n/a		15		12

- B. Tree replacement shall be exercised to the greatest extent possible. When a high density of trees is not appropriate or the full replacement of trees on-site would result in the unreasonable crowding of trees, appropriate reductions in the tree replacement amount shall be allowed. If available, a fee in lieu of payment for tree replacement and ecological restoration may be approved by the County.
- C. A tree replacement plan shall be prepared by a qualified arborist, forester, or similarly qualified professional in the field of natural resources, and familiar with the native ecosystems of the Chicago Region, that is acceptable to the County. The tree replacement plan shall depict the location and corresponding elevation of each replacement tree and each

preserved tree. Corresponding text shall state the species and diameter of each tree with a description of the proposed management strategy to ensure its health and survival on the property.

- D. Replacement trees with local genotypes (from a 250 mile radius) shall be used. All trees shall be high quality, installed free of disease and in a manner that ensures the availability of sufficient soil and water to sustain healthy growth. Unless otherwise approved by the County, replacement trees shall be selected from the following native species:

DESIRABLE NATIVE TREE SPECIES	
<i>Acer nigrum</i>	Black Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Carya cordiformis</i>	Bitternut Hickory
<i>Carya ovata</i>	Shagbark Hickory
<i>Celtis occidentalis</i>	Hackberry added
<i>Ostrya virginiana</i>	American Hophornbeam
<i>Quercus alba</i>	White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus ellipsoidalis</i>	Hill's Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus rubra</i>	Red Oak
<i>Quercus velutina</i>	Black Oak
<i>Tilia americana</i>	American Linden

DESIRABLE NATIVE SHRUB SPECIES*	
<i>Prunus Americana</i>	Wild Plum
<i>Corylus americana</i>	Hazelnut
<i>Malus ioensis</i>	Prairie Crab
<i>Viburnum dentatum</i>	Downy Arrowwood
<i>Amelanchier arborea</i>	Serviceberry
<i>Amorpha canescens</i>	Lead plant
<i>Ceanothus americanus</i>	New jersey tea
<i>Corylus Americana</i>	Hazelnut

DESIRABLE NATIVE SHRUB SPECIES* (continued)	
<i>Crataegus mollis</i>	Downy hawthorn
<i>Lonicera prolifera</i>	Iowa crab
<i>Malus ioensis</i>	Ironwood
<i>Physocarpus opulifolius</i>	Ninebark
<i>Prunus virginiana</i>	Choke cherry
<i>Ribes americanum</i>	Wild black currant
<i>Ribes missouriense</i>	Wild gooseberry
<i>Salix humilis</i>	Prairie willow
<i>Viburnum acerifolium</i>	Maple leaved viburnum
<i>Viburnum prunifolium</i>	Black haw viburnum
<i>Viburnum rafinesquianum</i>	Downy arrowwood viburnum
<i>Xanthoxylum americanum</i>	Prickly ash viburnum

* Note: No species of evergreens shall be allowed as suitable options to meet tree replacement requirements.

- E. Consistent with good forestry and ecological practices, replacement trees shall be of either equivalent or a superior quality of species. For example, a softwood tree may be replaced with a hardwood tree, but an inferior species shall not be substituted for a superior species. In order to preserve and enhance the oak-hickory forest native to McHenry County, oak and hickory trees must be replaced in kind with native oak and hickory species.
- F. The following trees shall **not** be used to satisfy the requirements of these tree standards:

PROHIBITED TREE SPECIES	
<i>Acer negundo</i>	Box Elder
<i>Acer plantanoides</i>	Norway Maple
<i>Acer saccharinum</i>	Silver Maple
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Elaeagnus umbellata</i>	Autumn Olive
<i>Fraxinus species</i>	Ash species
<i>Gleditsia triacanthos</i>	Honey Locust

PROHIBITED TREE SPECIES (continued)	
<i>Juniperus virginiana</i>	Red Cedar
<i>Populus species</i>	Poplar species
<i>Rhamnus cathartica</i>	Common buckthorn
<i>Rhamnus fragula</i>	Glossy buckthorn
<i>Robinia pseudoacacia</i>	Black locust
<i>Taxodium distichum</i>	Bald Cypress
<i>Thuja occidentalis</i>	Arbor vitae
<i>Ulmus pumila</i>	Siberian elm

A1119.4 EXCEPTIONS REGARDING TREE REPLACEMENT REQUIREMENTS

- A. Emergencies involving, but not limited to tornados, windstorms, floods, freezes or other natural disasters.
- B. Trees which have become, or immediately threaten to become, a hazard to persons, property or other vegetation and require immediate removal or destruction.
- C. Diseased, dead or dying trees as confirmed by an arborist, forester, or a qualified professional in the field of natural resources.
- D. All active orchards and state or government approved tree farms shall be exempt from the terms and provisions of this Addendum, but only in relation to those trees which are planted and growing for the sale or intended sale to the general public in the ordinary course of business or for a public purpose.
- E. Invasive species such as common buckthorn (*Rhamnus cathartica*), glossy buckthorn (*Rhamnus frangula*) and honeysuckle (*Lonicera sp.*), which are commonly removed as part of good forestry practices and ecological restoration, are not protected tree species.
- F. The subdivider shall not be required to replace trees removed at the request of a government entity required to consent to the plat. When any such government entity conditions the approval of the plat upon removal of certain trees, then the additional tree removal is exempt from the replacement calculations of this Addendum.

Note: Final approval and release of improvement guarantees shall not occur until a final inspection by the County confirms that the conditions of Section A1119.2 have been met. In the event that conditions cannot be

met, an alternative proposal shall be prepared. If available, a fee-in-lieu of payment to be determined by the County may be used to meet the objectives of this section.

A1120 OUTDOOR LIGHTING STANDARDS for CDD

Except as required in this section, lighting shall otherwise conform to the existing standards in the *McHenry County Zoning Ordinance*.

A1120.1 PURPOSE

The purpose of this section is to improve the travel conditions for persons and vehicles on public ways by reducing glare, to reduce light trespass, to protect the general health, safety, and welfare of the public, to decrease the expense of lighting, to decrease light pollution, and to improve the aesthetics of the County, in general while providing adequate night-time safety, utility, and security.

A1120.2 CDD LIGHTING STANDARDS for ALL ZONING DISTRICTS

- A. All lights shall be shielded in such a way as to direct all light toward the earth's surface and away from reflective surfaces.
- B. Light fixtures or lamps shall be shielded/shaded in such a manner as to direct incident rays away from all adjacent property.
- C. Lights on poles, excluding street lights, shall not be taller than the building whose area they illuminate nor taller than fifteen (15) feet whichever is shorter.
- D. Floodlighting may not be arranged so that the light will shine towards roadways, onto adjacent residential property or residential use property or into the night sky. Flood lighting shall not be directed onto portions of common or deed-restricted open space containing high quality natural areas or native landscaping designed to provide habitat for plants and animals.
- E. Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract drivers or homeowners.

A1120.3 CDD STANDARDS for BUSINESS, INDUSTRIAL and ANY ROADWAY ADJACENT to RESIDENTIAL/ESTATE ZONING DISTRICTS:

- A. Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and/or non-protruding diffuser.

A1120.4 EXCEPTIONS to CDD LIGHTING STANDARDS

- A. Requests for an exception shall be made to the County and shall include, but not be limited to: a description of the lighting plan, a description of the

efforts that have been made to comply with the provisions of these regulations and the reasons such an exception is necessary.

- B. In reviewing a request for such exception, the McHenry County Board shall consider safety, design, and other related factors and shall consider the following:
1. If a lighting recommendation or regulation applies, the minimum/ maximum luminance specified by the recommendations or regulation is used.
 2. If no lighting recommendation or regulation applies, the minimum luminance adequate for the intended purpose is used, giving full consideration to safety, energy conservation, glare, and minimizing light trespass.
 3. For roadway lighting, a determination is made that the purpose of the lighting installation or replacement cannot be achieved by installation of reflective roadway markers, lines, warnings or informational signs, or other passive means.
 4. Adequate consideration has been given to conserving energy and minimizing glare, light pollution, and light trespass.

A1120.5 EXEMPTIONS to CDD LIGHTING STANDARDS

Exemptions from the provisions of this section include the following:

- A. Federal or state laws, rules and regulations take precedence over these provisions.
- B. Fire, police, rescue, or repair personnel need light for temporary emergency situations.
- C. There are special requirements, such as sports facilities and monument or flag lighting; all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting and light trespass.
- D. A determination has been made by the County that there is a compelling safety interest that cannot be addressed by any other method.

A1121 VARIATIONS from CDD REQUIREMENTS

Provisions for variations in the *McHenry County Zoning Ordinance* shall apply except as noted below.

The purpose of a variation for Conservation Design Developments is to provide relief from certain practical difficulties or hardships in carrying out the strict letter of CDD requirements. Requests for variations shall be made in writing and presented to the Staff Plat Review Committee. If the Staff Plat Review Committee determines a request is eligible for variation, it shall forward the request to the Planning and Development Committee to be decided.

A1121.1 Requests for variations from CDD requirements-must, at a minimum, include evidence and written documentation that demonstrate:

- A. The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the development.
- B. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

Note: Requested variations related specifically to onsite wastewater (*Article X, McHenry County Public Health Ordinance*) or private water wells (*Article IX, McHenry County Public Health Ordinance*) shall follow the process outlined in said ordinance.

A1122 APPEAL of a STAFF PLAT REVIEW COMMITTEE DETERMINATION

If the SPRC determines that a variation(s) from CDD requirements is unwarranted, the subdivider may present his/her case directly to the Planning and Development Committee of the County Board. The Planning and Development Committee may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination of the SPRC.

Note: Appeals of decisions related specifically to onsite wastewater (*Article X, McHenry County Public Health Ordinance*) or private water wells (*Article IX, McHenry County Public Health Ordinance*) shall follow the process outlined in said ordinance.

ATTACHED APPENDIX

Suggested references for restoration and natural landscaping of Conservation Design Developments

Illinois Nature Preserve Management Guidelines, Illinois Nature Preserves Commission. http://dnr.state.il.us/INPC/Management_guidelines.htm

Tallgrass Restoration Handbook, for Prairies, Savannas, and Woodlands, S. Packard and C. Mutel, Society for Ecological Restoration, 1997.

Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, USDA Natural Resources Conservation Service, 2004.
<http://www.il.nrcs.usda.gov/technical/plants/npg/NPG-toc.html>

Natural Landscaping for Local Officials: Design and Management Guidelines, Northeastern Illinois Planning Commission, 2004.
<http://www.nipc.org/environment/sustainable/naturallandscaping/installation%20and%20maintenance%20guide.pdf>

Plants of the Chicago Region, F. Swink and G. Wilhelm, the Morton Arboretum, Published by the Indiana Academy of Science, 1994.

County of McHenry, Illinois
Application for a Special Service Area for
Long-Term Open Space and Stormwater Management

Applicant:

Name _____
Company _____
Address _____
City, State, ZIP _____
Phone _____ Fax _____
Email _____

Legal Status of Applicant: _____

Project Information: *(Attach documentation as necessary)*

Name of CDD _____
Special services to be provided _____

Boundaries of proposed SSA _____ *(Insert legal description of subdivision)*

Parcel Identification Number(s) _____

General Location of CDD _____

Funding Information:

Estimated amount of funding required _____
Stated need and local support for proposed Special Service Area _____

County of McHenry, Illinois

Application for a Special Service Area for Long-Term Open Space and Stormwater Management

Page 2 of 2

Attach the following additional information:

- Plan(s) for long-term management, operation and maintenance for open space areas and stormwater drainage system(s).
- Description of funding sources for long-term plan(s).
- Prepared affidavit for future owners to sign stating that there will be no objection to the SSA. (This criteria is only required if lots have been sold and transferred during the sixty (60) day wait period.)
- Homeowners'/Property owners' Association Covenants and Restrictions (By-laws).
- Accurate map of SSA boundary

Additional information to be provided once available:

- Copy of recorded plan(s) for long-term management, operation and maintenance of open space areas and stormwater drainage system(s).
- Recorded certification of incorporation of the HOA/POA.

(Signature of owner of record)

(Date)

(Signature of owner of record)

(Date)

(Signature of owner of record)

(Date)

(Signature of owner of record)

(Date)

For Office Use Only			
Subdivision Tracker Number: _____			
Date application was received:		Date Proposing Ordinance prepared:	
Date of SPRC review:		Date of Publication for Notice:	
Public Hearing date:		Date Proposing Ordinance approved:	
Date sent to P&D Committee:		End of 60 day wait period:	
Date Establishing Ordinance approved:		Date establishing Ordinance recorded:	

STATE of ILLINOIS
COUNTY of McHENRY, ILLINOIS

**Affidavit of No Objection
To the Establishment of a Special Service Area for
Long-Term Open Space and Stormwater Management**

I, _____ (Insert name of owner of record) _____, under oath, state as follows:

(Note: An Affidavit of No Objection is required for each owner of record.)

1. I am the current owner of the property located at _____ (address of property) _____,
in _____ (insert name of City) _____, Illinois, _____ (insert township name) _____
McHenry County, Illinois more fully described as:

(Insert legal description and Parcel Identification Number)

2. In accordance with the *McHenry County Subdivision Ordinance* and the *Stormwater Management Ordinance*, the property will be improved with open space areas and a stormwater drainage system; and
3. The property owner is obligated to maintain the open space areas and stormwater drainage system with the property limits; and
4. McHenry County ordinances requires the establishment of a Special Service Area pursuant to 35 ILCS 200/27-5, *et seq.*, as a back-up vehicle in the event the homeowners'/property owners' association fails to adequately carry out its duties of providing for the long-term maintenance of open space areas and stormwater drainage system; and
5. The County of McHenry, Illinois requires that this SSA be established over the entire property to provide for the long-term maintenance; and
6. The SSA is not yet established and requires the consent of all owners of record for property lying within the boundaries of the proposed SSA.
7. The undersigned hereby agrees and signs this affidavit to the fact, that I, _____ (Insert name of owner of record) _____ knowingly waive my statutory rights under 35 ILCS 200/27-35 to object to the establishment of the proposed Special Service Area and the proposed levy of taxes.

Date: _____
Name: _____
Address: _____

Subscribed and Sworn to before me this
_____ day of _____ 20__ A.D.
Notary Public: _____

ADDENDUM to ARTICLE TWO of the McHENRY COUNTY SUBDIVISION

Conservation Design Development Definitions

A.CDD1	Best management practices (BMP):	Land planning and engineered practices designed to reduce soil erosion, sediment deposition and water quality impacts, to enhance the environmental quality of stormwater runoff.
A.CDD2	Conservation areas	Public or private lands that are preserved or managed to encourage native plant and animal communities.
A.CDD3	Clear-cutting	Removal of most or all native trees from a given tree grouping or tract of woodland or savanna versus the selective removal of individual trees for purposes of health or safety.
A.CDD4	Clustering	The grouping of lots on a portion of the available land, in order to preserve a significant amount of the site as protected open space.
A.CDD5	Critical Root Zone	The area at the base of a tree that extends out from the trunk to the drip line, or to a distance of 1.5 feet per inch DBH (Diameter at Breast Height), whichever is greater.
A.CDD6	Declaration of Consent	An affirmation in a form acceptable to the SPRC, executed by all record owners of a property within the CDD subdivision, agreeing to the establishment of the Special Service Area and to the levy of a special tax pursuant thereto for the purposes set forth herein and containing all other consents or representations required by the McHenry County Board.
A.CDD7	Floodplain	Any land area susceptible to being inundated by flood waters from any source during a flood having a one percent statistical probability of being equaled or exceeded in any given year.
A.CDD8	Floodplain, Regulatory	An area indicated as a Special Flood Hazard Area on the current effective Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA). Where FEMA has published a base flood

elevation, or where McHenry County has approved a base flood elevation according to Article V.G.1. of the McHenry County Stormwater Management Ordinance, the Regulatory Floodplain shall be the projection of this base flood elevation onto the best available topography

- | | | |
|---------|--|---|
| A.CDD9 | Hydric soil | A soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part. |
| A.CDD10 | Land conservation organization | A public or private organization having the statutory authority to hold conservation easements and/or own dedicated and/or deed-restricted open space areas, with a demonstrated capacity to manage and oversee such areas. |
| A.CDD11 | Landmark | A property or structure designated as a "landmark" by ordinance of the McHenry County Board, pursuant to procedures prescribed the <i>McHenry County Historic Preservation Ordinance</i> , which is worthy of rehabilitation, restoration or preservation because of its historic, scenic or architectural significance. In addition, this landmark definition shall also include those properties or structures listed on the National Register of Historic Places |
| A.CDD12 | Native vegetation | Vegetation that originally occurred in northeastern Illinois prior to arrival of European settlers. Native plant species are identified in <i>Plants of the Chicago Region</i> (Swink and Wilhelm, 1994). |
| A.CDD13 | Natural area | Land and water that has substantially retained its natural character or land and water than, although altered in character, is important as habitats for plant, animal, or marine life, for the study of its natural, historical, scientific or paleontological features, or for the enjoyment of its natural features. |
| A.CDD14 | Natural groundwater recharge functions | The capacity of uncompacted soils to infiltrate and filter precipitation and runoff water and |

recharge underlying groundwater systems.

A.CDD15 Natural Resources
Conservation Service

A division of the U.S. Department of Agriculture which provides technical assistance in soil-related matters to individuals, units of government, etc. through the local soil and Water Conservation District Office.

A.CDD16 Open space

Land or water unoccupied by structures, buildings, streets, rights-of-way and automobile parking lots. Open space [common] shall be designated or reserved for public use and enjoyment; readily accessible by all for whom it is intended. Required yards shall not be considered open space [common] as defined herein. Common open space may contain walks, patios and structures for recreational use.

A.CDD17 Prairie

An extensive area of flat to hilly, predominantly treeless grassland. Prairies comprise those native plant communities that are dominated by a diversity of perennial forbs, or wildflowers, growing in a perennial graminoid, or grass-like, matrix which forms a dry flammable turf in autumn.

A.CDD18 Proposing Ordinance

An ordinance proposing the establishment of a Special Service Area which also sets forth a date and form of notice for the SSA Hearing.

A.CDD19 Savanna

Landscapes with between ten (10) and fifty (50) percent native tree canopy, commonly dominated by oak trees

A.CDD20 Soil survey

The document created by the USDA Natural Resources Conservation Service which records soil types with maps and describes soil characteristics.

A.CDD21 Special Service Area
(SSA)

A special service area established pursuant to the Special Service Area Tax Law and Section 32-05-D hereof, providing for the levy of a special tax against a subdivision in the event that a homeowner/property owners' association fails to adequately carry out its duties as determined by the SPRC with respect to any open space of stormwater management areas.

A.CDD22	SSA Application	<p>A submission requesting the establishment of a Special Service Area which has been executed by all record owners of the property within the CDD subdivision, applying for establishment of a Special Service Area, in the form provided by the SPRC which, at a minimum shall set forth:</p> <ul style="list-style-type: none"> i. the name and legal status of the parties executing the SSA Application; ii. the nature of the special services to be provided; iii. the boundaries of the proposed SSA; iv. a representation that the proposed SSA forms a contiguous body located within unincorporated McHenry County; v. the estimated amount of funding required; vi. the maximum allowable annual special tax levy; vii. the stated need and local support for the proposed SSA; viii. a representation that all record owners of property within the proposed SSA and all electors within the proposed SSA consent to the establishment of the proposed SSA and waive any right to object to the establishment of the proposed SSA under the Special Service Area Tax Law.
A.CDD23	SSA Hearing	<p>The public hearing established by the proposing ordinance and required pursuant to Section 35 of the Special Service Area Tax Law.</p>
A.CDD24	SSA Objection Period	<p>The time during which owners of record of property within the proposed SSA and electors residing within the proposed SSA may file a petition objecting to the formation of the proposed SSA pursuant to Section 55 of the Special Service Area Tax Law.</p>
A.CDD25	SSA Tax Law	<p>35 ILCS 200/27-5, et seq, as amended from time to time.</p>
A.CDD26	Steep slopes	<p>Land slopes equal to or greater than twelve (12) percent.</p>

A.CDD27	Subdivider	Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings to effect a subdivision of land for the owner of record or for another with consent of the owner of record.
A.CDD28	Surface water	Water that resides or flows in streams, rivers, natural lakes, constructed reservoirs and wetlands.
A.CDD29	Vegetation analysis	An identification and mapping of site vegetation conditions according to their natural ecological communities (e.g., prairies, savannas, woodlands and wetlands) and/or man-made state (e.g., old field, cropland, turf, etc.). For natural areas, a vegetation analysis also involves a concise, qualitative analysis of ecological quality.
A.CDD30	Wetland	A wetland is considered a subset of the definition of the Waters of the United States. Wetlands are land that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation adapted for life in saturated soil conditions (known as hydrophytic vegetation). A wetland is identified based upon the three attributes: 1) hydrology, 2) soils and 3) vegetation as mandated by the current federal wetland determination methodology.
A.CDD31	Wetland, Regulatory	An area indicated as a wetland of any type or quality on the Advanced Identification of Aquatic Resources (ADID) maps produced by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers, or on the National Wetland Inventory maps produced by the U.S. Department of the Interior. Where the U.S. Army Corps of Engineers has approved a wetland delineation, or where McHenry County has approved a wetland delineation according to Article V.H.5. of the McHenry County Stormwater Management Ordinance, the Regulatory Wetland boundary shall be this approved delineation.

A.CDD32	Wetland enhancement	The improvement in wetland functional value of an area currently meeting the technical definition of a wetland.
A.CDD33	Wetland restoration	The re-introduction of wetlands to an area where wetlands existed historically (e.g., on drained hydric soils), but not prior to the mitigation activity.
A.CDD34	Woodlands	Landscapes with native tree canopy covering more than fifty (50) percent of the surface area.