

AGENDA

PLANNING & DEVELOPMENT COMMITTEE

December 15, 2011 at 8:30 a.m.

McHenry County Government Center
County Board Office - Administrative Building
667 Ware Road
Woodstock, Illinois 60098

- 1.0 Call to Order
 - Minute Approval – December 1, 2011
- 2.0 Public Comment
- 3.0 Presentations
- 4.0 Subdivisions
 - 4.05 Lynn Mannor – Subdivision Extension
- 5.0 Old Business
- 6.0 New Business
 - 6.05 Interview for Appointment to the Hebron Drainage District
 - 8:30 a.m. – William Hauri
 - 8:40 a.m. – Bruce E. Meier
 - 8:50 a.m. – Mel Vonbergen
- 7.0 Reports to Committee, as applicable
 - 7.05 Chicago Metropolitan Agency for Planning
 - 7.10 Community Development Block Grant Commission
 - 7.15 Historic Preservation Commission
 - 7.20 Housing Commission
- 8.0 Miscellaneous
- 9.0 Executive Session
- 10.0 Adjournment

PLANNING AND DEVELOPMENT COMMITTEE
McHenry County Government Center – Administration Building
667 Ware Road – Conference Room A
Woodstock, IL 60098

MINUTES OF THURSDAY, DECEMBER 1, 2011

Chairman Hill called the Planning and Development Committee meeting to order at 8:30 a.m. The following members were present: Tina Hill, Chairman; Randy Donley; Mary Donner; Sue Draffkorn; Jim Heisler; and Ersel Schuster. Marc Munaretto was absent. Also in attendance: Peter Austin, County Administrator; Dennis Sandquist, Matt Hansel, Cory Horton, Darrell Moore, Maryanne Wanaski and Sarah Ciampi, Planning and Development; Kathy Bergan Schmidt, County Board; and interested public.

	Tina Hill, Chairman	
Randy Donley		Mary L. Donner
Sue Draffkorn		Jim Heisler
Marc Munaretto		Ersel Schuster

MINUTE APPROVAL: Ms. Donner made a motion, seconded by Mr. Donley, to approve the minutes from November 17, 2011. The minutes were approved with a unanimous voice vote of all ayes.

PUBLIC COMMENT: Jude Schmidt of Jude Schmidt Custom Construction, Inc., Marengo, Illinois, joined members and presented them with a letter addressed to the McHenry County Building Committee and dated December 1, 2011. He stated that his #1 topic is the manpower requirements for stormwater control. He mentioned that if a person has to wait four or five weeks or longer to get something reviewed, it is not acceptable. He does not want to increase government payroll, but if the County has the Stormwater Ordinance, he feels it should be funded for manpower to perform the duties outlined in the Ordinance in a timely manner. It is costing customers who are builders and homeowners money because of delays due to the stormwater department. He mentioned that he went to the Planning & Development (P&D) Department on November 4, 2011 to have plans reviewed for adding a 45-degree bend to a wing wall on a building. He found out that a wing wall was not noted on the septic plan which necessitated a new stormwater review and permit. He mentioned that his customer considered having a geothermal heating system installed. Mr. Schmidt spoke with P&D staff who informed him that there are state codes for this type of system. He also spoke with the Health Department which provided him with state codes stating minimum distances between well water and geothermal system liquids. He was informed that there are no permits required at this time, however, beginning January 1, 2012 the County may require a permit for this type of system. The geothermal heating system was installed and was inspected by the P&D Department. On November 23, 2011 they received a letter from the P&D Department stating that he needed a permit for the system and the permit for the wing wall would not be issued until the geothermal system was approved. He applied for the permit for the wing wall, along with a permit with the IEPA for the geothermal heating system. He has been informed that it will be at least 30 days before they receive information from the IEPA concerning the system. With winter weather approaching, he will not be able to finish installing siding on one side of the house. He is requesting to be able to install the requested wing wall now and have the County inspect it. He submitted all the requested information and feels that he should not have to wait. Chairman Hill mentioned that staff will review this matter and be in contact with him.

Kris Koehler and Kate Harma joined members concerning the request for funds for the McHenry County Attainable Housing Corporation's (MCAHC) Pearl Street Senior Housing Project. Mr. Koehler is the Executive Director of MCAHC and Ms. Harma is a member of the board. MCAHC is the newest certified Community Housing Development Organization (CHDO) in McHenry County and they are sponsored by Habitat for Humanity which is also a McHenry County CHDO. He stated that MCAHC is requesting CHDO set aside HOME funds in the amount of \$13,000 for a proposed 70-unit independent affordable senior housing complex. The proposed site is at the corner of Pearl Street and Rt. 31 in McHenry, Illinois. There is a need for affordable housing for the County's elderly population. The property is currently zoned two different classifications. One half of the property is zoned commercial and the other half is zoned residential. They are currently in the pre-development phase of the project and plan to use the funds for a formal market analysis to confirm the viability of the project.

Mr. Heisler arrived at 8:41 a.m.

MCAHC has an option contract on the property which lasts for one year. He mentioned that approximately 55% of McHenry Township residents are 55 years of age and older and they expect demand for this type of housing to increase

because of the aging population. They intend to work with social service agencies in the County to help place residents into the facility. He requested that committee members reconsider the Housing Commission's denial of their request for CHDO operating, as well as HOME funds for a market study in the amount of \$13,000. Ms. Harma stated that she was representing MCAHC's Board and assured the members that thorough planning has taken place for this project.

PRESENTATIONS: None.

SUBDIVISIONS: None.

OLD BUSINESS:

Resolution Adoption of an Amendment to the Bylaws of the McHenry County Community Development Block Grant Commission: Ms. Draffkorn made a motion, seconded by Ms. Donner, to recommend the County Board approve the above resolution as submitted. Chairman Hill mentioned that she has received feedback from township representatives stating that township supervisors and township highway commissioners are different offices and units of government and they represent two different constituencies and objectives. Mr. Heisler mentioned that a township supervisor is approximately the same level as a mayor of a city, but different from a highway commissioner. Ms. Wanaski mentioned that if there are three representatives for CDBG, two from townships and one from a municipality, along with six members at large from each one of the districts, there will be a total of nine CDBG Commission members. At the previous P&D meeting staff was informed by committee members that they would prefer to keep the CDBG Commission between 9 and 11 members.

Ms. Schmidt mentioned that on the 9th line from the top on page 8 of the By-Laws, the sentence would read clearer if the words "the Commissioner shall" be inserted after the word "issue".

Ms. Schuster made a motion, seconded by Mr. Heisler, to amend the By-Laws to include a township highway commissioner and a township supervisor to be voting members of the CDBG Commission. Ms. Wanaski mentioned that on page 2 under Section 3, Membership, third paragraph, it states that "representation from township supervisors, township road commissioners and/or a representative from a municipality within McHenry County ..." allows a choice. Mr. Sandquist suggested rewording #3 under Section 3, Membership, to read as follows: "Representation from township supervisors, township road commissioners, and/or municipalities within McHenry County limited to a mayor, trustee, or manager." Ms. Schuster withdrew her motion, and Mr. Heisler withdrew his second to the motion. Ms. Donner mentioned that trustees in government have a very limited role and they cannot be on many boards/commissions, just as a trustee from a township cannot become a board member. A supervisor can, but a trustee cannot. Mr. Sandquist mentioned that the section "mayor, trustee, or manager" is intended only for a municipality. Chairman Hill questioned members if the word "trustee" should be eliminated from this sentence and Ms. Schuster agreed, along with several other members. Ms. Schmidt stated that a trustee is not an elected position.

Ms. Schuster made a motion, seconded by Mr. Heisler, to amend the By-Laws, Section 3, Membership, #3 as follows: "Representation from township supervisors, township road commissioners, and/or municipalities within McHenry County limited to mayors (presidents), aldermen/councilmen (trustees), or administrators (managers)." The motion carried on a voice vote of all ayes (Donley, Donner, Draffkorn, Heisler, Schuster and Hill).

Ms. Schmidt noted a grammatical error in the yellow highlighted paragraph on page 2 of the proposed By-Laws. The word "maybe" in the first sentence should be changed to "may be". The amended By-Laws will reflect this change.

Members discussed the yellow highlighted paragraph on page 2 under "Membership." The paragraph mentions that a representative of a service agency cannot be a member of the CDBG Commission because they would not be able to apply for CDBG funds. Ms. Wanaski mentioned that they still want input from service agencies because it is important for the Commission to have their input.

Mr. Donley left the meeting at 9:11 a.m.

Mr. Hansel mentioned that HUDs regulations for CHDO board membership want a person receiving the services with a say at the table on those organizations because they bring a user perspective to committees and commissions.

Chairman Hill made a motion, seconded by Ms. Donner, to strike the yellow highlighted paragraph under "Membership." The motion carried on a voice vote of all ayes (Donner, Draffkorn, Heisler, Schuster and Hill).

Ms. Donner left the meeting at 9:18 a.m.

Mr. Sandquist inquired if they wanted to split the voting members and the ex-officio members between two and three or between three and four. Chairman Hill stated that it is her intent to have a Housing Authority representative and social service agency as ex-officio members. Ms. Hill made a motion, seconded by Mr. Heisler, to delete paragraphs 4 and 5 on page 2 under "Membership" and add wording stating that non-voting (ex-officio) membership shall include a representative from McHenry County service agencies and a representative from the McHenry County Housing Authority.

Mr. Donley returned to the meeting at 9:20 a.m. and Ms. Donley returned to the meeting at 9:21 a.m.

The motion carried on a voice vote of all ayes (Donley, Donner, Draffkorn, Heisler, Schuster and Hill).

The initial motion carried on a roll call vote of five ayes (Donner, Draffkorn, Heisler, Schuster and Hill) and one nay (Donley).

Staff will provide County Board members with a revised version of the By-Laws before the December 6, 2011 County Board meeting.

Chairman Hill requested that Item No. 6.10 be heard next.

NEW BUSINESS:

Resolution Adoption of the HOME Investment Partnerships (HOME) Program Community Housing Development Organization (CHDO) Reserve Funding Recommendation and Administration Allocation and Amendment of the Action Plan for the 2011 Program Year: Ms. Donner made a motion, seconded by Ms. Draffkorn, to recommend the County Board approve the above resolution as submitted. Ms. Draffkorn suggested that the committee reconsider McHenry County Attainable Housing Corporation's (MCAHC) request for CHDO operating funds in the amount of \$13,000. Ms. Draffkorn made a motion, seconded by Ms. Donner, to fund MCAHC's request for CHDO and HOME funds in the amount of \$13,000 to be used as pre-development money for a market study for the proposed Pearl Street Senior Housing Project in McHenry, Illinois. Ms. Wanaski mentioned that the funds are available and in order to provide the funds, they will reallocate \$13,000 from the general funds from this grant to CHDO reserve. The original grant was for \$450,000 of which \$122,000 is allocated for the Habitat for Humanity CHDO. CDBG cannot fund anything above \$13,000 because there is a pre-development cap of that amount. She stated that the \$13,000 would be considered a loan. If the project does not go through, according to HUD rules, the money would come back to the County's grant fund. The money would come back to the County when MCAHC's funding comes through, unless the project is rendered infeasible, in which case the loan would be forgiven by HUD. The motion carried on a roll call vote of four ayes (Donner, Draffkorn, Heisler, and Hill) and two nays (Donley and Schuster).

The initial motion, as amended, carried on a roll call vote of four ayes (Donner, Draffkorn, Heisler, and Hill) and two nays (Donley and Schuster).

Chairman Hill stated that Ms. Wanaski is retiring at the end of this week. Committee members thanked her for all of the work she has performed on behalf of McHenry County and wished her a wonderful retirement.

Resolution Authorizing a Contract for Stormwater Engineering Services with Gewalt Hamilton Associates, Inc., Vernon Hills, Illinois in the Fiscal Year 2012 Budget: Ms. Schuster made a motion, seconded by Ms. Donner, to recommend the County Board approve the above resolution as submitted. Mr. Sandquist mentioned that they received 11 proposals and staff selected three firms for on-site interviews. Gewalt Hamilton quoted less per hour for permit and subdivision review services than the County currently pays. Gewalt Hamilton also proposes that the primary permit reviewer be the same person who has been providing these services for the County since last December. The County's current stormwater permit review firm is no longer providing these services and they subcontracted this work to Gewalt Hamilton.

Mr. Donley left the meeting at 9:41 a.m.

Mr. Sandquist mentioned that it is a challenge for the department to process permits in a timely manner and for staff to keep up with the permit reviews, along with the numerous code enforcement violation issues. He feels the Stormwater Ordinance needs to be amended to make it easier to read and understand for enforcement purposes. This may lessen the burden on applicants which will also lessen the burden on staff on items they have to review. He feels that the department needs another full-time stormwater engineer.

Mr. Donley returned to the meeting at 9:43 a.m.

Mr. Sandquist mentioned that there was legislation proposed last year to allow counties to charge for stormwater utilities which would charge for a user fee as a tax which would be based on the amount of stormwater generated based on site characteristics and impervious surface area. This would raise funds for stormwater planning, enforcement and management activities. This tax would go to every property owner who is benefitting from stormwater management functions. This is a potential long-term solution. The P&D Department has previously brought forward a proposed fee schedule to charge public sector applicants for stormwater fees. Staff will compile the data for the past two fiscal years by agencies, municipalities and townships as to what permits the department received and what fees would have been received with the proposed increased fee schedule. The motion carried on a roll call vote of all ayes (Donley, Donner, Draffkorn, Heisler, Schuster and Hill).

REPORTS TO COMMITTEE:

Community Metropolitan Agency for Planning (CMAP): None.

Community Development Block Grant (CDBG) Commission: None.

Historic Preservation Commission: Committee members were invited to the Commission's dinner meeting scheduled for December 7, 2011 at 6:30 p.m. at Pirros in Woodstock. Staff will continue to see if they can obtain more support for the Victory Garden and if not, the project may be discontinued.

Housing Commission: None.

Mr. Donley left the meeting at 9:51 a.m.

MISCELLANEOUS:

Wind Energy Ordinance: Ms. Schuster will forward her comments concerning the Wind Energy Ordinance to Mr. Sandquist. Mr. Sandquist requested that other committee members also forward their comments to him. All committee member input will be forwarded to Camiros. Many wind energy ordinances from throughout the state were reviewed before the recommended ordinance was presented. The Wind Energy Ordinance was intended to be a model ordinance for the County and municipalities. The standards were intended to address the broad range of land use in the unincorporated areas of the County.

Mr. Donley returned to the meeting at 9:53 a.m.

Mr. Sandquist mentioned that any regulations with regard to wind energy will be stricter than what the County currently has. Mr. Hansel mentioned that he recently attended the Illinois Association of County Zoning Officials meeting. Many central Illinois counties that have wind farms attended the meeting and they expressed concerns about future funding. The code enforcement officers explained that federal and state subsidies are designed to be in effect for the initial life of the wind farm. LaSalle County stated that they only needed federal subsidy and state tax breaks for the first four years of a wind farm and after that they will have recouped the cost of their initial investment. He also mentioned that Illinois, through the General Assembly, has a requirement stating that so much of the power produced in Illinois has to be produced by something other than nuclear power or coal and one of the ways to meet this requirement is through wind farms.

Staff will work with Jude Schmidt concerning the concerns he mentioned at today's meeting.

EXECUTIVE SESSION: None.

ADJOURNMENT: Noting no further business, Ms. Donner made a motion, seconded by Ms. Schuster, to adjourn the meeting at 10:11 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION/APPROVAL:

Resolution Adoption of an Amendment to the Bylaws of the McHenry County Community Development Block Grant Commission

Resolution Adoption of the HOME Investment Partnerships (HOME) Program Community Housing Development Organization (CHDO) Reserve Funding Recommendation and Administration Allocation and Amendment of the Action Plan for the 2011 Program Year

Resolution Authorizing a Contract for Stormwater Engineering Services with Gewalt Hamilton Associates, Inc., Vernon Hills, Illinois in the Fiscal Year 2012 Budget

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Department of Planning and Development
McHenry County Government Center - Administration Building

2200 North Seminary Avenue
Woodstock, Illinois 60098



815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

Memorandum

To: Planning & Development Committee
From: Darrell Moore, Principal Planner
Date: December 9, 2011
Re: Subdivision Extension Request for Lynn Mannor Estates subdivision

Committee Action

Vote on whether to grant a requested one-year extension for Lynn Mannor Estates subdivision, despite failure to obtain required documents. Or, require the subdivision to return to the beginning of the Final Plat stage and resubmit a new Final Plat within one year.

Background

Lynn Mannor Estates subdivision is currently at the end of the Final Plat stage. On December 3, 2008, the Final Plat was approved by the Staff Plat Review Committee giving the developer one year to submit a Final Plat with signatures to the Planning and Development Committee. Unable to meet that date, the developer obtained a one-year extension from this committee on November 5, 2009 and again on December 2, 2010.

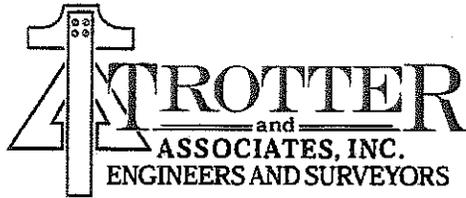
Discussion

Staff has received a letter requesting an extension from the subdivision's developer, Timothy Lynn. In accordance with our policy on extensions, Mr. Lynn has obtained letters of no-objection from MCDOT and the Health Department in regards to this request. However, based on his review, the Chief Stormwater Engineer identified multiple issues which prevent him from issuing such a letter. His review found that, among other things, more information is needed to confirm the Base Flood Elevation and that additional calculations must be performed regarding a tributary to the site.

Staff does not recommend the committee approve an extension of the subdivision as it is currently proposed. Instead, staff asks that the committee require the subdivision to return to the beginning of the Final Plat stage. This will give the developer one year to submit to the Staff Plat Review Committee a new plat that addresses the issues raised by the Chief Stormwater Engineer. Failure to meet the one-year deadline would result in the termination of the subdivision file. This action was approved for another subdivision, Symphony East, in February of this year.

Attachments

- Extension request
- Letters from MCDOT, Health, & the Chief Stormwater Engineer



NOV 28 2011

November 23, 2011

Mr. Darrell Moore
Acting Principal Planner
McHenry County Department of Planning & Development
2200 North Seminary Avenue
Woodstock, IL 60098

Re: Lynn Mannor Estates
Conservation Final Plat
LYNN-10142-7

Dear Mr. Moore:

Attached for your consideration please find the developer's request for a Final Plat approval extension along with letters of no objection from MCDOT and the Health Department. At this time, we would like to request placement on the December 1, 2011 P&D Committee meeting. We will forward the letter of no objection from the Stormwater Engineer to your attention once we receive it.

Sincerely,

Trotter & Associates, Inc.

Meghan A. Michel, P.E.
Project Engineer

Attachment

November 23, 2011

Mr. Dennis Sandquist
Director of Planning & Development
McHenry County Department of Planning & Development
2200 North Seminary Avenue
Woodstock, IL 60098

Re: Lynn Mannor Estates
Conservation Final Plat
LYNN-08031-3

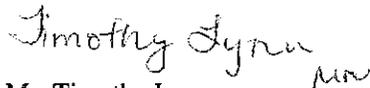
Dear Mr. Sandquist:

As you may be aware, the referenced project has obtained Final Plat approval at Staff Plat Review. The deadline for submitting to Planning and Development Committee is nearing and we would like to request an extension of the Staff's Final Plat approval. This request is based on the significant recession we are currently experiencing resulting in the lack of demand for the housing product proposed for this development.

Trotter and Associates has requested letters of no objection from the Division of Transportation, Health Department and Stormwater Engineer. I believe this is all that is needed in order for the Planning and Development Committee to consider this matter. Please contact me at your earliest convenience if you have any questions or would like to discuss this further.

Sincerely,

World Real Estate Development Corp.

Handwritten signature of Timothy Lynn in cursive script.

Mr. Timothy Lynn

McHENRY COUNTY DEPARTMENT OF HEALTH
McHENRY COUNTY GOVERNMENT CENTER
2200 N SEMINARY AVENUE – ROUTE 47 N.
WOODSTOCK IL 60098
TELEPHONE 815-334-4585
FAX 815-334-4637
www.mcdh.info

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Crystal Lake, Illinois

Patrick J. McNulty
Public Health Administrator

November 23, 2011

Darrell Moore
Acting Principal Planner
McHenry County Department of Planning and Development
2200 N Seminary Ave
Woodstock IL 60098

Re: Lynn Mannor Estates Subdivision, Final Plat

Dear Mr. Moore,

The Department is in receipt of request for written consent from the McHenry County Department of Health with regards to extension of the referenced subdivision.

The McHenry County Department of Health has no objection to an extension from the Planning and Development Committee to allow re-submittal of the Final Plat for the referenced subdivision.

The final plat must be re-submitted for Department review prior to submittal for signature, and must comply with all current requirements of the McHenry County Public Health Ordinance at that time. Additionally an updated, signed soils map at the same scale as final plat, and written certification by the soil classifier must be provided to verify that site conditions have not changed and the soils information is still valid.

Please note that if the signed final plat is not recorded at the McHenry County Recorder's Office within six (6) months of the date of the Public Health Administrator's signature, the plat shall be invalid and re-submittal of the above items shall be required.

If you have any questions, please do not hesitate to contact me at (815) 334-4585.

Sincerely,



Eric Marsh,
Sewage Program Coordinator

cc: Trotter & Associates

MCDH



McHenry County
Division of Transportation

Joseph R. Korpalski, Jr., P.E.
Director of Transportation/County Engineer

Lynn Manor Estates
Seeman Road
Coral Township

November 21, 2011

Darrell Moore
Planner
McHenry County Department of Planning and Development
2200 North Seminary Avenue
Woodstock, IL 60098

Dear Mr. Moore:

The McHenry County Division of Transportation (MCDOT) is in receipt of an e-mail request from Meghan Michel of Trotter and Associates for a "letter of no objection" for the above referenced project. Given the subject development is not on a County Highway and therefore not subject to an ordinance that MCDOT enforces, the MCDOT has no objection to an extension being granted by the McHenry County Planning and Development Committee.

As always we look forward to working with you on this and future projects. If you have any questions about any of the above comments please feel free to contact me at (815) 334-4972.

Very truly yours,

Ray Beets
Permit and Developer Projects Manager

c: Meghan Michel, Trotter & Assoc.
Project File

Department of Planning and Development
McHenry County Government Center - Administration Building

2200 North Seminary Avenue
Woodstock, Illinois 60098



815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

December 8, 2011

Darrell Moore
Principal Planner
McHenry County Department of Planning and Development
2200 N Seminary Ave Woodstock IL 60098

Re: Lynn Manor Estates, Coral Township Final Plat

Dear Mr. Moore,

The stormwater division of the McHenry County Department of Planning and Development is in receipt of request for written consent with regards to extension of the referenced subdivision.

The stormwater division has reviewed the application materials (from the 2008 final staff plat approval submittal) with regards to the current Stormwater Management Ordinance (SMO) requirements.

Due to the lapse in time from the previous submittal, certain portions of the submittal have expired. Our review has also identified the following deficiencies in the submittal to address current SMO requirements.

- 1) The Illinois Department of Natural Resources Office of Realty and Environmental Planning (IDNR-OREP) approval expired December 24, 2010. Updated correspondence shall be submitted confirming that the proposed project would not impact threatened or endangered species.
- 2) Base Flood Elevation Determination:
 - a. The report must be sealed by a registered professional engineer
 - b. The BFE shall include all tributary areas to the site, it appears that there is additional drainage areas in the southwest corner of watershed SC-2 that were not considered
 - c. The report shall include a digital copy of all modelsPlease note; a review of the above information may necessitate additional review comments and could potentially result in required changes to the development plans.
- 3) The base flood elevation shall be included on the engineering plans as well as the final plat.

As stated in previous reviews; we will also require:

- a. Four (4) copies of the plans should be submitted. At the time of permit issuance, two (2) stamped copies of the approved plans will be returned to the developer. One stamped copy of the approved plans shall be maintained at the site through the duration of the project.
- b. A copy of the letter of notification of coverage from the IEPA shall be submitted to McHenry County.
- c. A receipt from the McHenry County Soil and Water Conservation District shall be submitted verifying that the applicable fee has been paid for soil erosion and sediment control inspection.
- d. The applicant shall respond to the Letter of Map Revision (LOMR) request for additional information from the Federal Emergency Management Agency (FEMA) and obtain a final LOMR. The approved LOMR will be required from FEMA, with concurrence from the Illinois Department of Natural Resources Office of Water Resources, prior to final acceptance of the proposed improvements.

Given the above deficiencies in the submittal meeting the current standards of the SMO, we recommend that the submittal be revised to meet current standards and object to the extension of the date for filing a final plat.

Our review did not include field verification of existing conditions, elevations, grades and/or topography as shown on the plans. The developer and his engineer have the ultimate responsibility for the correct representation of existing field conditions as well as providing a design that complies with applicable ordinances and standards.

If you have any questions, please do not hesitate to contact me at (815) 334-4540.

Sincerely,

Cory L. Horton PE, CFM, CPESC
Chief Stormwater Engineer