

MEMORANDUM

To: William T. Lichter, Village Manager

From: David A. Hulseberg, AICP, Director of Community Development

Subject: BOT 05-02; Variation from the Wetland Mitigation Requirements of the DuPage Countywide Stormwater and Floodplain Ordinance for the Lombard Road Right-of-Way

Date: April 12, 2005

The Department of Community Development requests that the attached ordinance be forwarded to the Village President and Board of Trustees for inclusion on their April 21, 2005 meeting agenda. This ordinance would grant a variation from Section 15-135.4 of the DuPage Countywide Stormwater and Floodplain Management Ordinance so that the north end of the Lombard Road Right-of-Way may be improved without mitigating for impacts to wetlands that have formed over the old roadway. Staff recommends that the ordinance be approved.

Per the requirements of the Countywide Ordinance, staff provided notice of the variance request to the Ordinance administrators in the Salt Creek watershed. Also, the County Stormwater Oversight Committee reviewed the proposed variation on April 5, 2005. The Committee voted to not object to the variation.

The previous gravel road had been barricaded due to difficulties maintaining and policing this road and also due to lack of budget to reconstruct a viaduct under the railroad tracks. Due to deferred maintenance since the barricading in 1987, soil and water have encroached upon the road to the point that County staff had determined that a regulatory wetland has formed. The Village's wetland consultant's opinion is that the soils do not meet the hydric soil criteria and that the hydrophytic vegetation was not present until 2001 as evidenced by aerial photos and, thus, the wetland should not be considered regulatory. The County Stormwater Oversight Committee concurred with the consultant.

It must be noted that the Army Corps of Engineers has been asked to review the consultant's report and concur with the assertion that there is no federal jurisdiction over the wetland. The Village is still awaiting their response. The Village may approve this variation from the Countywide Ordinance without jeopardizing the correspondence with the Army Corps since no immediate construction activity is pending. There is still a possibility that wetland mitigation may be required if the Army Corps claims jurisdiction. However, the Village's wetland consultant believes that this possibility is remote.

DAH/DG:dg Memo to VM

cc: David Gorman, PE, Development Engineer
William Heniff, AICP, Senior Planner
Wesley B. Anderson, PE, Director of Public Works
John Burg, Assistant Director of Public Works
David Dratnol, PE, Village Engineer