

Mutual Agreement for Technical Assistance Between the City of Willoughby Hills and Lake County [Ohio] Soil & Water Conservation District

FOREWORD

Recognizing the need for effective relationships in carrying out their mandated responsibilities, the (City) and the (District) accept this agreement as the document, which describes the process for exchange. Cooperation between these two units of government facilitates solutions to problems encountered by the City as it plans for the development and conservation of its environment. In making technical assistance and expertise available to the City, the District hopes to influence local planning and regulatory capability toward better conservation of soil and water resources. The Ohio Revised Code, Ch. 939 and 940, describes the District's authority for engaging in this Mutual Agreement.

DISTRICT'S ROLE

- 1. Provide technical services to the City and Residents on request, including:**
 - a. Evaluation of sensitive areas such as streams, floodplains, soils, slopes, wetlands, watersheds, woodlands, unique farm soils.
 - b. Designs for streambank and wetlands restoration, slope erosion control, small drainage systems and wildlife habitat enhancements.
 - c. Provide information for landowners about managing their land or water resources.
 - d. Provide program and technical assistance to agricultural landowners such as manure management, pasture land management, and USDA and State programs and services.
 - e. Assist with development of programs and practices that address USEPA Phase II permitting obligations, including: public education, public involvement, construction site runoff control, post-construction stormwater management and pollution prevention / good housekeeping.

- 2. Administration of the City's Erosion and Sediment Control Ordinance 1369 for the City of Willoughby Hills,**
 - a. Accept applications and site plans, with separate review fee paid by applicant, for Erosion and Sediment Control compliance coverage under the City's Erosion and Sediment Control Ordinance and the following district administrative policies.
 - a. See Exhibit A
 - b. Review of applications and development plans of residential, recreation, general gradings and commercial construction, for compliance with, and universal application of, the City's erosion and sediment control ordinance.
 - c. Regular inspection of subdivisions, commercial development, and individual home lots for implementation and maintenance of approved plans for erosion and sediment control, and providing notices of inspection and violations to applicants.
 - d. Report to City Engineer and/or other city officers, non-compliant sites; provide related district records (enforcement packet) for Mayor, City Council, or Law Director for enforcement through City legal enforcement processes.

- 3. Advise on planning issues, including:**
 - a. Local legislation to promote universal application of best management practices at

- construction sites, sound stormwater management and protection of sensitive natural areas
- b. Site assistance for wetland, stream mitigation and other environmental projects
- c. Access to state and regional environmental agency programs, training forums and supporting grants, including the services of the USDA Natural Resources Conservation Service and Ohio Department of Natural Resources

4. Provide training and educational materials for local officials and City staff including:

- a. Presentations on local land-use issues
- b. Seminars on resource management and land-use planning
- c. Best management specifications; model ordinances; handbooks on conservation development design and open space protection; training tapes and public brochures.

CITY'S ROLE

Recognize the environmental and economic functions of open spaces such as wetlands, stream corridors, ravines, woodlands and open fields as worthy of City protection.

Utilize District technical services including reviews, evaluations, inspections, or designs for sites, basins or sensitive natural areas of concern to the City. The City will supply the District with field surveys, proposed layouts, designs or meeting notices needed for adequate technical assistance in a timely manner.

Adopt, apply, and enforce District recommendations when the City deems them technically feasible and economically reasonable solutions to resource management and conservation issues. The City recognizes that the District has no authority to enforce its recommendations. The District depends on the City's reliance of the District's recommendations as reasonable and worthy of enforcement through the City's existing regulatory process.

Cooperate with the Lake SWCD and Lake County Storm Water Management Department to ensure compliance with the City's erosion and sediment control ordinances and the Storm Water Department Member Community NPDES permit #3GQ00068CG, of which the city is signatory.

Direct builders, developers and consultants to the District for assistance on planning, conservation and permitting problems early in the land development and planning cycle.

AGREED PROCEDURES

1. The District and the City will meet periodically to review the effectiveness of this agreement, coordinate individual and joint progress and exchange information.
2. All services of the District and the USDA Natural Resources Conservation Service are offered on a non-discriminatory basis without regard to race, color, national origin, religion, age, marital status or handicap.

- 3. The City recognizes the District's obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.
- 4. The City may offer the District a yearly conservation appropriation to support the District's Urban, and other, Programs.
- 5. This agreement may be amended or terminated at any time by mutual consent of both governments, or terminated by either party giving sixty (60) days notice in writing to the other.

In witness thereof, this Agreement executed and agreed to on the day, month and year written:

**LAKE COUNTY SOIL & WATER
CONSERVATION DISTRICT**

THE CITY OF WILLOUGHBY HILLS

By _____ By _____

Title _____ Title _____

Date _____ Date _____

Exhibit A

The Administrator shall notify the U.S. Army Corps of Engineers when there is a violation on a development project covered by an Individual or Nationwide Permit. The Administrator shall notify the Ohio Environmental Protection Agency when there is a violation on a development project covered by a Section 401 Water Quality Certification and/or Isolated Wetland Permit.

The Administrator shall not review or approve erosion and sediment control plans, of any type, for applicants that have an existing development project or site(s) that is not in compliance with its approved erosion and sediment control plan, or a project site(s) that is otherwise not in compliance with the City's Erosion and Sediment Control Rules.

The Administrator shall not review or approve erosion and sediment control plans for sublots or other areas within existing development projects that are not in compliance with its approved erosion and sediment control plan or otherwise not in compliance with the City's Erosion and Sediment Control Rules. Such development projects include but not limited to, subdivisions or other common plans of development