

CHAPTER 159

ENVIRONMENTAL STANDARDS

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159.01 PURPOSE AND INTENT.

- A. The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.
- B. These regulations are intended to:
 - 1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
 - 2. Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- C. These regulations apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this zoning resolution, except as otherwise provided herein.

159.02 WORDS AND TERMS DEFINED.

For the purpose of these regulations, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Geauga County Water Management and Sediment Control (WMSC) Regulations administered by the Geauga Soil and Water Conservation District (SWCD). Said terms are adopted and made a part of these regulations as though fully rewritten herein.

159.03 REQUIREMENTS AND APPLICATION PROCEDURES.

- A. Two (2) sets of a Water Management and Sediment Control (WMSC) Plan shall be included with the application for a zoning certificate for any of the permitted principal accessory, or conditional buildings, structures, and uses or off-road parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto, disturbing three hundred (300) square feet or more of land area on a lot or contiguous lots under the same ownership of record. A WMSC Plan must be submitted, reviewed and approved by the Geauga SWCD if one (1) or more of the following conditions apply:
1. If the disturbance (regardless of size) is planned on a subplot within a platted subdivision; or
 2. If one (1) acre (43,560 square feet) or more of land area will be disturbed on a lot or on contiguous lots under the same ownership of record.
- B. WMSC Plans are not required for any permitted principal, accessory, or conditional buildings, structures, or uses or off-road parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than three hundred (300) square feet of land area on a lot or on contiguous lots under the same ownership of record, unless the disturbance is within a platted subdivision as set forth in paragraph (A)(1) hereinabove. This shall include structures where post holes and/or excavation and grading will not exceed three hundred (300) square feet even though the structure may exceed three hundred square feet (300).
- C. The contents of the WMSC Plan shall meet all requirements and recommendations for erosion and sediment control and storm water management contained in the most recent version of the Geauga County Water Management and Sediment Control Regulations.
- D. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the most recent version of the Ohio Environmental Protection Agency's (EPA) General NPDES Permit for Storm Water Associated with Construction Activity, this SWP3 may be submitted in lieu of a separate WMSC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.

- E. The zoning inspector shall review the WMSC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within thirty (30) working days after receipt of the Plan. The zoning inspector may advise applicants to submit the WMSC Plan to the Geauga SWCD for review provided, however, if the disturbance falls within conditions set forth in paragraph (A)(1) or (A)(2) hereinabove, then the zoning inspector shall require the applicant for a zoning certificate or a conditional zoning certificate to submit the WMSC Plan to the Geauga SWCD for review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Geauga County Water Management and Sediment Control Regulations. At the time the zoning inspector receives a revised Plan, another thirty (30) day review period shall begin.
- F. Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a WMSC Plan approved by the zoning Inspector in accordance with these regulations or a copy of an approval letter or permit issued by the Geauga SWCD in accordance with the Geauga County WMSC Regulations that has been submitted with an application for a zoning certificate or a conditional zoning certificate.
- G. Any addition or alteration to the site design as shown on the approved WMSC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector shall consult with the Geauga SWCD. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

159.04 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

- A. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army corps of Engineers, and/or other federal, state, and/or county agencies not listed herein, nor does it imply that the owner has met the requirements of those agencies. Such permits and/or approvals should be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.
- B. Soil-disturbing activities regulated under these regulations may not begin until proof of compliance with all necessary state and federal permits as detailed below has been obtained or an explanation of why such permits are not required or applicable. The authorizing agencies cited herein are responsible for ensuring compliance with their respective permits. These permits may include, but are not limited to, the following:

1. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES permit is not applicable.
2. If there is any indication or reasonable evidence that disturbance of an existing watercourse or wetland might occur, one (1) or all of the following shall be required depending on the extent and type of the disturbance:
 - a. Jurisdictional Determination: Proof of compliance shall be a copy of the Jurisdictional Determination from the U.S. Army Corps of Engineers affirming the findings of a qualified professional's survey and report of the site.
 - b. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification approval, public notice, or a letter from a qualified professional who has surveyed the lot explaining why Section 401 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time an application is made under this resolution.
 - c. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's isolated Wetland Permit approval or a letter from a qualified professional who has surveyed the lot explaining why the Ohio EPA Isolated Wetland Permit is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time an application is made under these regulations.
 - d. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one (1) of the following:
 - i. A letter from a qualified professional who has surveyed the site explaining why Section 404 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector.

- ii. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations.
3. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.