

## Appendix 3: Development Permitting and Approval Process in Ohio

*The following is an example of how development and permitting occur in many communities in Ohio. It should be noted that development processes vary substantially depending on the local jurisdiction and local requirements. Sponsors of development projects need to contact the local jurisdiction to ascertain the approvals that will apply to their project.*

### **Step 1. Conceptual Phase**

During the conceptual phase of a development, a developer or landowner should investigate the physical characteristics of the property in question, including soil suitability, site drainage, potential wetlands, topography, condition of and regulations covering existing water bodies, and previous/current land use issues. Some of this information may be available at the local Soil and Water Conservation District Office. Sewer and water service must be considered at this time, whether it is provided by extending sewer and water service or providing on-site septic and wells. With this information, the developer will be better able to consider potential site limitations and local, state or federal regulations that will be encountered as well as additional economic considerations. Investing in soil borings or wetland delineation at this stage may save a developer time and money in the long run.

The local zoning code, obtained from the county, township or municipal zoning office, should also be reviewed. If the current zoning of the property is not conducive to the type of development desired, the developer must reconsider the type of development or apply for a rezoning of the property. If the desired zoning does not exist, it would be worthwhile to work with the municipality or township and county to develop the necessary zoning language and have it adopted before initiating the project. When creating a subdivision in the unincorporated areas, the developer must comply with the county's subdivision regulations, obtained through the County or Rural Planning Agency. Municipalities will have their own subdivision regulations and zoning codes at the local zoning departments.

### **Step 2. Preliminary Plan**

Once property information has been compiled, a Preliminary Plan is created for the development. The Preliminary Plan is a drawing of a proposed subdivision or project showing the division of parcels and the location of generalized improvements such as streets, stormwater, and waste water treatment. The preliminary plan allows a public review of the proposed project and which, if approved, permits proceeding with preparation of more specific improvement drawings and a final plat. City or county planning agencies insure that preliminary plans are in compliance with subdivision or other applicable regulations for the development of land. At the preliminary planning stage, planning departments often request comments from the township/city, county, state, and federal agencies, neighboring landowners, and other interested parties. Prior to preliminary plan approval by the planning commission or planning authority, conceptual approvals will be necessary from the township, other local agencies including the provider(s) of sewer and water (city, county or private entity), and/or the health department for septic and well water permitting information. The city or county engineering authority will review and comment on the site layout, road design, and stormwater management issues, while the local Soil and Water Conservation District office often addresses soil concerns, erosion and sediment control and water quality needs of the proposed project.

The existence of streams and wetlands should be noted on preliminary plans, having been explored prior to detailed engineering studies for the development. Two agencies, U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency have jurisdiction over stream and wetland impacts in Ohio. Additional information is given in Appendix \_ Overview of Stream/Wetland Regulations. If site characteristics, soils maps or other resource maps indicate the potential for wetlands to exist, a qualified wetland consultant should be retained to perform a wetland delineation and to follow the necessary permitting requirements. Note: Note in addition to US Army Corps of Engineer or Ohio EPA permits other local requirements may apply such as floodplains, or stream setbacks.

### **Step 3. Improvement Drawing Phase**

After the preliminary plan is approved by the local planning commission, the actual design or Improvement Drawing phase begins. At this stage, the developer's engineer provides detailed designs for infrastructure such as roadways, water supply, wastewater systems and storm drainage including a detailed analysis of stormwater quality and quantity. It is generally at this time that the erosion and sediment control plans or the Stormwater Pollution Prevention Plan (SWP3 or SWPPP) is created. This plan outlines steps and practices to minimize damage to water resources from both construction activities (primarily sediment) and from impacts of the new landuse and stormwater runoff. It contains erosion and sediment control practices applied during construction, and also specifies post-construction or permanent practices aimed at protecting the overall water quality of streams and water resources of the site and downstream area. Although the SWP3 is generally created at this point, it is important to remember that overall site planning and the design principles mentioned in the other chapters are integral components of a good stormwater pollution prevention plan (SWP3). Of course, the improvement drawings incorporate both stormwater pollution prevention aspects and traditional stormwater management requirements of the local government.

The SWP3 portion of improvement drawings are required by the Ohio Environmental Protection Agency (Ohio EPA) under the General Stormwater National Pollutant Discharge Elimination System (NPDES) Permit for Construction Sites. Appendix \_ provides more information about NPDES permit regulations for construction activities. This permit requires the owner or developer to submit a notice of intent (NOI) to the Ohio EPA prior to the start of construction once an adequate plan is developed. By submitting an NOI, the developer certifies that an SWP3 has been developed. The SWP3 review and in some cases, approval, is often done by the local Soil and Water Conservation District or other reviewing agency in the majority of Ohio's urbanizing counties. The Ohio EPA reserves the right to review the SWP3 and to request revisions if necessary even if review is performed by another entity. In addition to Ohio EPA's requirements, local units of government may have their own requirements, which may be more restrictive. For examples of a local erosion and sediment control or stormwater ordinance contact the Ohio Department of Natural Resources or your local Soil and Water Conservation District Office.

### **Step 4. Final Plat and Construction**

Once the Improvement Drawings have been reviewed and approved by the city or county engineering authority and the SWPPP portion has been reviewed and approved by the Soil and Water Conservation District or Ohio EPA, the developer will seek bids from local contractors. A pre-construction meeting should be held with the county or city engineer, sanitary engineer, developer, developer's engineer, contractor, township or city zoning inspector and road superintendent, Soil and Water Conservation District, sewer and water provider, and other interested parties, prior to the start of construction, to discuss the construction plans and specifications for the project and determine site contacts and inspection schedules.

Within seven days of the start of clearing and grubbing, the necessary Best Management Practices for erosion and sediment control should be installed. Regular inspections for compliance with the SWP3 and the NPDES General Permit may be performed by the Soil and Water Conservation District, Ohio EPA, the contractor's representative and by the local inspection authority if one exists.

The Final Plat provides a final drawing of the project including all lot, street, easement, and complete survey information. Once the final plat for the development is approved by the county planning commission or local unit of government, it is recorded and the developer can then sell lots. After all of the improvements for the project have been installed, the developer's last requirement is to complete stabilization of the site. All bare areas should be stabilized prior to selling lots to the builders or homebuyers. If the developer does not choose to remain responsible for the erosion and sediment control on the individual building lots, he can work with the builders to obtain Individual Lot Notices of Intent (NOI) and transfer the responsibility to them.

## Regulatory Review and Contact Information

Level of Government	Agency	Oversees
Federal	Army Corps of Engineers (ACOE) www.usace.army.mil	<ul style="list-style-type: none"> <li>• Wetlands*</li> <li>• Stream channel alteration</li> </ul>
State	Ohio Environmental Protection Agency (OEPA) www.epa.state.oh.us	<ul style="list-style-type: none"> <li>• National Pollutant Discharge Elimination System permit (NPDES) Notice of Intent (NOI) – application for NPDES permit coverage Stormwater Pollution Prevention Plan (SWP3)</li> <li>• Total Maximum Daily Load (TMDL)</li> <li>• Wetlands and Isolated Wetlands</li> <li>• Permits to Install (PTIs) for sanitary sewer extensions or commercial and industrial sewage disposal systems</li> <li>• Redevelopment of sites with prior industrial land use may require the following permits:               <ul style="list-style-type: none"> <li>&gt; Rule 13 (Landfills)</li> <li>&gt; VAP Program (Contaminated Soils)</li> <li>&gt; Phase I and II Assessments</li> <li>&gt; No Further Action Letter</li> <li>&gt; Covenant Not to Sue</li> </ul> </li> </ul>
	Ohio Department of Natural Resources (ODNR) www.dnr.state.oh.us	<ul style="list-style-type: none"> <li>• Existing dams (Ohio Dam Law)</li> </ul>
County	Health Department	<ul style="list-style-type: none"> <li>• Septic systems for residential developments</li> <li>• Drinking water wells for residential developments</li> </ul>
	Sanitary Engineer	<ul style="list-style-type: none"> <li>• Centralized sewer and water</li> </ul>
	County Engineer/Stormwater Management	<ul style="list-style-type: none"> <li>• Stormwater management</li> <li>• Road specifications (site distance)</li> </ul>
	Soil and Water Conservation District (SWCD)	<ul style="list-style-type: none"> <li>• Soils information</li> <li>• Stormwater Pollution Prevention Plan (SWP3) (Where required under local ordinances. The SWP3 is a requirement of the Ohio EPA.)</li> </ul>
	Planning Agency	<ul style="list-style-type: none"> <li>• Conformance to county subdivision regulations; county resolutions</li> </ul>
Local	Municipality or Township Planning Office	<ul style="list-style-type: none"> <li>• Local zoning code</li> <li>• Ordinances</li> </ul>
	City Engineer/Stormwater Management	<ul style="list-style-type: none"> <li>• Sewer and water connections</li> <li>• Erosion and sediment controls</li> <li>• Construction and Stormwater management plans</li> <li>• Improvement plans</li> </ul>

\* Indicates primary contact agency

## **General components for each stage of development planning**

### **1. Concept plan**

- Physical site assessment
- Review current zoning
- Investigate
  - > Previous land uses
  - > Existing structures (ponds, channels)
  - > Wetlands
  - > Well suitability
  - > Soils suitability for building/ septic
  - > Available centralized utilities

### **2. Preliminary Plan**

- Physical layout with lots/ structures
- Road layout with site distances
- Soils analysis
- Wetlands delineation
- Confirmation of utilities availability

### **3. Improvements Plan**

- Pre-construction meeting
- Stormwater design
- Water quality calculations
- SWPPP design (Stormwater Pollution Prevention Plan)
- Utility layout connections

### **4. Final Plat**

- Site conforms to zoning
- Lots recorded and can be sold