

CHAPTER 8
ENVIRONMENTAL PROTECTION REQUIREMENTS

Section 800.00 Environmental Protection Regulations

Section 800.01 Purpose

The purpose of these requirements is to ensure that the development of any parcel of land and/or structure within Ravenna Township is compatible with the environment and to protect the quality of the environment in any location where the characteristics of the environment are of significant public value and are vulnerable to damage. The environmental protection requirements are designed to protect the public and property owners from:

- A. Unsafe buildings on unstable land which would be caused by uncontrolled development.
- B. Significant damage or destruction of prominent hillsides and/or valleys caused by improper development thereof.
- C. Significant damage to the economic value and efficiency of operation of existing properties and/or new developments.
- D. Soil erosion and stream siltation.
- E. Destruction of mature and/or valuable trees and other vegetation.
- F. Damage/destruction of nontidal wetlands which will involve the following nuisance/hazardous activities:
 - 1. Blocking flood flows, destroying flood storage areas, or destroying storm barriers, thereby raising flood heights or velocities on other land and increasing flood damages.
 - 2. Causing water pollution through any means, including location of wastewater disposal systems in wet soils; unauthorized application of pesticides, herbicides and algacides; disposal of solid wastes or storm water runoff at inappropriate sites; or the creation of areas that are not stabilized.
 - 3. Increasing erosion.
 - 4. Increasing runoff sediment and storm water. In addition, activities in or affecting nontidal wetlands shall not destroy natural wetland functions important to the general welfare by:
 - a. Decreasing breeding, spawning, nesting, wintering, feeding or other critical habitat for fish and wildlife including rare, threatened and endangered plant and animal species and commercially and recreationally important wildlife.
 - b. Interfering with the exchange of nutrients needed by fish and other forms of wildlife.
 - c. Decreasing groundwater recharge.

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- d. Destroying sites needed for education and scientific research as outdoor biophysical laboratories, living classrooms and training areas.
- e. Interfering with public rights in waters and the recreation opportunities for hunting, fishing, boating, hiking, bird watching, photography, camping and other activities in nontidal wetlands.
- f. Destroying aesthetic and property values.

Section 800.02 **Applicability**

Where applicable by this Resolution, requirements imposed herein shall be in addition to those of the zoning district. Areas of applicability shall be based on the following at a minimum:

- A. Areas with (on site inspection may also be required) soils with hydric inclusions from U.S. Soil Conservation Service, Soil Survey of Portage County.
- B. Flood plains/flood hazard areas: from Federal Emergency Management Agency, Community Flood Hazard Maps, 1987, or the most current available flood plain maps.
- C. Wetlands: National Wetlands Inventory, U.S. Department of Interior, 1977, or most recent Wetlands Maps or on-site delineations approved by the U.S. Army Corps of Engineers.
- D. Areas of steep slopes: U.S. Soil Conservation Service, Soil Survey of Portage County; U.S.G.S. Topographic Quadrangle Maps, or most recent contour data.
- E. Forested/Wooded areas: 2004 Ravenna Township Land Use Inventory, or current available Aerial Photos of Ravenna Township.
- F. Ponds, lakes, streams, ditches: U.S. Soil Conservation Service, Soils Survey of Portage County; Portage County Highway Map, Portage County Engineer; or most current available Aerial Photos.

Section 800.03 **General Standards**

Prior to the commencement of any development, plans and other information reasonably necessary to identify and verify the existence of any of the natural resource features noted above shall be submitted to the Zoning Inspector. All plans for development shall account for such features and shall fully comply with the environmental protection standards applicable to each feature of Section 800.06. Site alterations, regrading, filling, and clearing of vegetation prior to the submission and approval of such plans shall be a violation.

Section 800.04 **Development Regulated with the Environmental Protection**

- A. Any use/activity of land or buildings/structures that may be detrimental to the natural, scenic and environmental characteristics described herein are regulated by the provisions of this Resolution and subject to the review process set out below.
- B. If any of the above uses/activities or construction involves site plan review, as indicated

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under Chapter 4, then environmental review shall occur in conjunction with the site plan review in addition to the underlying district regulations and other sections of this Resolution.

- C. All other activities/uses not subject to site plan review of land or structures posing a detriment to environmental resources and in violation of this Resolution shall require review by the Zoning Inspector to determine the extent of potential by existing environmental impacts.

The Zoning Inspector may utilize other governmental agency resources to assist in this determination such as Soil & Water Conservation District office, County Engineer or Regional Planning. If negative, detrimental impacts are proposed or occurring, the Zoning Inspector may order corrective actions be taken to assure the above environmental resources will not be negatively impacted.

Section 800.05 Environmental Protection Standards

A. Flood Hazard Areas

All floodplains shall be permanent open space, and may be used for non-intensive recreational uses. No buildings or structures are permitted to be located within a floodway. The types of uses permitted in the floodway are listed below:

1. Agriculture.
2. Public or private parks and outdoor recreational facilities, which should be limited to playfields, ball fields, trails, and other similar unimproved amenities.
3. Fencing that allows the passage of water.
4. Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt, pervious concrete, combinations of geotextiles with sand, gravel, or sod.

B. Steep Slopes

1. 18% to 25%: At least 70% of such areas shall remain as permanent open space. No more than 30% of such areas shall be developed and/or re-graded or stripped of vegetation.
2. More than 25% slope

At least 85% of such areas shall remain as permanent open space. No more than 15% of such areas shall be improved, stripped of vegetation or have the gradient changed.

Erosion control plans shall be approved by Portage Soil & Water Conservation District Office and must then be followed if affecting those slopes.

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C. Wetlands

1. Definition

The U.S. Fish and Wildlife Service, a Bureau in the Department of Interior, has developed a wetland definition and classification system for the primary purpose of inventorying the nation's wetlands. This definition emphasizes three key attributes of wetlands: wetland vegetation (hydrophytes); hydrology (the degree of flooding or soil saturation); and hydric soils (periodically flooded and/or saturated soils). The Service has developed a list of plants occurring in the nation's wetlands, and the U.S.D.A. Soil Conservation Service has prepared a list of hydric soils to help further define wetlands. The National Wetlands Inventory completed in 1977 is also used to define wetland areas.

2. Activities Regulated

Dredging, filling, grading, draining, unnatural flooding, excavation or construction in a wetlands area, or on lands immediately abutting, adjoining or affecting said area if such activity upon these adjacent areas is incompatible with the preservation of those wetlands in their natural state is prohibited. Wetlands are regulated by the U.S. Army Corps of Engineers and the U.S. EPA through Section 404 of the Clean Water Act. Prior to conducting any of the above activities affecting a wetland, the Army Corps of Engineers response shall be required to be submitted to the Zoning Inspector. The response will determine the action that will be allowed. Violation of this regulation could be considered a violation of federal law as well as township law and subject to both federal and township penalties.

If the U.S. Army Corp of Engineers does not respond in a timely manner the Zoning Inspector may require the owner/lessor to obtain verification of wetland/boundary through field assessment by a state certified biologist, botanist, etc.

3. Wetlands Protection

Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:

- a. A buffer area having a width not less than 25 feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state.
- b. A minimum building and pavement setback of 40 feet, measured from the edge of the designated wetland.

4. Uses Permitted in Non-tidal Wetlands

The following uses shall be allowed as a right within a nontidal wetland to the extent that they are not prohibited by any other Resolution or law and provided they do not require structures, grading, fill, draining or dredging except as provided herein or authorized by special permit:

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- a. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife.
- b. Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting.
- c. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and seeds in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require alteration of the nontidal wetland by changing existing nontidal wetland water conditions or sources, tilling of soil or planting of crops.
- d. Forestry practices limited to the thinning and harvesting of native timber in accordance with a forest management plan that incorporates best management practices approved by the State Forester or Soil & Water Conservation Office pursuant to regulations or guidelines.
- e. The continued cultivation of agricultural crops, provided no nontidal wetlands are subject to cultivation where no such use existed five years prior to the effective date of application.
- f. The occasional pasturing of livestock provided manure does not degrade the wetland.
- g. Commercial fishing and trapping.
- h. Education, scientific research and nature trails.
- i. Uses by right that do not require a special permit that may involve filling, flooding, draining, dredging, ditching or excavating to the extent specifically provided below:
 1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the zoning office. The work is to be conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
 2. Limited ditching, tiling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided the maintenance, or repair activity does not result in the impairment, alteration, or loss of nontidal wetlands not previously used for agricultural purposes.
 3. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, observation decks, duck blinds, wildlife management shelters, boat houses, and other similar water related structures, provided that they are built on

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pilings to allow unobstructed flow of water and preserve the natural contour of the nontidal wetland, except as authorized by special permit.

4. Other uses may only be considered after the U.S. Army Corps of Engineers has determined jurisdiction and the appropriate course of action.

D. Unstable Soils

Soils which are indicated as unstable and/or subject to slippage shall not be built upon to protect personal and real estate property and lives. On site test borings may be utilized to verify the exact extent of such soil units.

E. Forested/Wooded Areas

1. Purpose of Regulation/Protection

To provide for the protection, preservation, proper maintenance and use of woodlands located in this township in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation and air quality, and/or from the destruction of the natural habitat.

2. Regulated Activities

- a. Clearcutting of woodlands is prohibited unless the woodlands are tree farms with monocultures (single species, same age) or the owner/lessee has a logging plan approved by the State Forester or the Soil Conservation District Office. Such plan shall follow the Best Management Practices for Forest Management.
- b. Cutting of forest/woodlands in other areas shall also be done according to best management practices which include selective, rotational cutting, and utilizing sustained yield management.

The owner/lessee shall have a conservation plan approved by the Soil Conservation Service or State Forester.

- c. No more than 50% of any individual lot shall be cleared of trees for development purposes unless it can be demonstrated such additional clearance is the minimum clearance necessary to achieve a buildable lot due to other environmental constraints (i.e., wetlands, steep slopes) or due to other building, zoning or health code requirements.

F. Rivers, Lakes, Ponds and Drainage Ways

Purpose of Regulating

To provide for the protection, proper maintenance, and use of rivers, perennial streams, ponds, ditches and other drainage ways streams in order to minimize disturbance to them and to prevent damage from erosion, turbidity or siltation, unnatural flooding, a loss of fish or other beneficial aquatic organisms or a loss of wildlife and vegetation.

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1. Regulations

a. Rivers and Perennial Stream Channels

A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than 25 feet, measured from the high water mark on each side of the river or stream bank. Small streams without clearly defined high water marks can be measured from the centerline. The required buffer may be increased based upon the type of stream, slope of the stream banks, surrounding soils, vegetation, land uses, and the function of the stream, but in general shall not exceed 300 feet. In making a determination on the appropriate buffer width, the Zoning Commission may consult with technical experts such as the Soil and Water Conservation District Staff, Portage Park District Staff, County Engineer, Regional Planning Commission, or others qualified to provide a recommendation to the Zoning Commission.

b. Lakes and Ponds

All such areas shall be permanent open space. No development or diversion of these bodies of water shall be permitted except to provide required roads. Filling shall be permitted only in conjunction with the deepening of a lake or pond and shall be permitted only if surface area and flood retention capabilities are not reduced, provided that such activity within the lake or pond is not considered subject to provisions and federal law under jurisdiction of the U.S. Army Corps of Engineers, Ohio EPA or any other state or federal laws.

c. Lake Shorelines

The area within 100 feet of the shoreline shall contain no more than 15% impervious surfaces. At least 75% of all such areas shall be permanent open space.

d. Pond Shorelines

The area within 50 feet of the shoreline shall contain no more than 15% impervious surfaces. At least 75% of all such areas shall be permanent open space.

e. Drainage Ways/Ditches

There shall be no alteration, filling, dredging or damming of any stream or drainage way without submission and review of such plan to: Township Trustees, County Engineer, Portage Soil and Water Conservation District Office, U.S. Army Corps of Engineers. Proof of the positive impacts on such action will be required to be submitted. No such action shall occur until approvals have been granted by the appropriate above authorities.