

SECTION 650 - BIG DARBY CREEK WATERSHED RIPARIAN SETBACKS

650.02 - PURPOSE AND INTENT

The following district is established to protect and enhance the functions of riparian areas by providing reasonable controls governing structures and uses within a riparian setback along watercourses in the Big Darby Creek Watershed.

650.022 - Findings - It is hereby determined that the system of rivers, streams, and other natural watercourses within the Big Darby Creek Watershed contributes to the health, safety, and general welfare of the residents of the Big Darby Creek Watershed. The specific purpose and intent of this district is to govern uses and developments within riparian setbacks that would impair the ability of riparian areas to:

- a) Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
- b) Protect watercourse physical, chemical and biological characteristics and maintain watercourse functions.
- c) Preserve to the maximum extent practicable the natural drainage characteristics of the community and building sites and minimize the need to construct, repair, and replace enclosed storm drain systems.
- d) Preserve to the maximum extent practicable natural infiltration and ground water recharge, and maintain subsurface flow that replenished water resources, wetlands, and wells.
- e) Reduce the long term expense of remedial projects needed to address problems caused by inadequate storm water control.
- f) Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, and storm water management practices that are the result of inadequate storm water control due to the loss of riparian areas.
- g) Assist in stabilizing the banks of watercourses to reduce streambank erosion and the downstream transport of sediments.
- h) Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants before they enter watercourses and those already present in watercourses.
- i) Provide shade and nutrient inputs, thus regulating in-stream temperatures and providing food for aquatic communities.
- j) Reduce the presence of nuisance species to maintain a healthy, diverse aquatic system.
- k) Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.

- l) Benefit the Big Darby Creek Watershed by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as gabion baskets and rip rap to protect structures and reduce property damage and threats to the safety of watershed residents; and by contributing to the scenic beauty and environment of the Big Darby Creek Watershed, and thereby preserving the character of the Big Darby Creek Watershed, the quality of life of the residents in the Big Darby Creek Watershed, and corresponding property values.

650.04 - APPLICABILITY AND COMPLIANCE

- a) Except as otherwise provided in Section 650, all property located within a riparian setback, as determined in accordance with Section 650.09, from a watercourse as defined in Section 650.08 in all zoning districts in the Big Darby Creek Watershed Riparian Setback Overlay District, as defined in Section 650.06, shall be preserved in its natural state.
- b) In the event of a conflict between a provision of Section 650 and any other provision of the Franklin County Zoning Resolution, the more stringent regulation applies.

650.06 - ESTABLISHMENT OF DISTRICT

The Big Darby Creek Watershed Riparian Setback Overlay District is hereby established. This district applies to the Big Darby Accord Planning Area, designated as follows:

Beginning at the intersection of the Franklin-Madison County line and the northernmost point of Franklin County's Big Darby Creek Watershed boundary, as defined by the United States Geological Survey Hydrologic Unit Code (HUC) 05060001220, known as the point of beginning then

Southerly along the eastern boundary of the Big Darby Creek Watershed boundary as defined by HUC 05060001220 to the intersection of the Franklin-Pickaway County line, then

Westerly along the Franklin-Pickaway County line to the intersection of Franklin-Madison County line, then

Northerly along the Franklin-Madison County line to northernmost intersection of Franklin-Madison County line and the Big Darby Creek Watershed Boundary, as defined by HUC 0506001220, known here as the point of beginning.

650.08 – WATERCOURSES

650.082 Applicability– Riparian setbacks, as established pursuant to Section 650.09, apply to all:

- a) Perennial, ephemeral and intermittent streams with a defined bed, bank or channel, and
- b) Watercourses that happen to generally parallel a road for any distance and are not constructed exclusively for road side drainage

650.084 –Drainage Ditches - Riparian setbacks, as established pursuant to Section 650.09, do not apply to drainage ways constructed exclusively for road side drainage and that are generally parallel to road, except when there exist compelling reasons it should, as determined by the Administrative Officer.

650.086 - Reference Map - The Franklin County Hydrography Dataset developed by the Franklin Soil and Water Conservation District (hereinafter referred to as Franklin Soil and Water) may be used as a reference to determine the location of watercourses and the extent of required riparian setbacks. The dataset is an electronic map, created using GIS software. In the event of a conflict between the dataset and the application of a provision of Section 650, the provision of Section 650 will control. Although the dataset is a guide and believed to be accurate, the presence or absence of a watercourse requiring protection shall be based upon actual conditions on the property.

The dataset:

- a) Should be used as a reference document. The information contained within is believed to be accurate.
- b) Is a guide only
- c) Franklin Soil and Water may amend the dataset as necessary from time to time.
- d) If any discrepancy is found between the dataset and this regulation, the criteria set forth in Section 650.09 (a) and (b) will prevail.

650.09 – RIPARIAN SETBACKS – Subject to the inclusion of floodplains, wetlands and steep slopes as determined by Section 650.094, the extent of a riparian setback shall be delineated based upon one of the following two methods:

- a) Method 1: The setback distance from the centerline of the stream must be sized as the greatest of the following:
 - 1) The regulatory 100 year floodplain based on Federal Emergency Management Agency (FEMA) mapping;
 - 2) 100 feet on each side
 - 3) The distance calculated using the following equation:

$$W = 133DA^{0.43}$$

where:

DA = drainage area in square miles (mi²)

W = setback width in feet (ft)

W must be divided by two (2) in order to calculate the setback for one side of the stream. If the DA remains relatively constant throughout the reach of interest, then the DA of the downstream edge of the stretch must be used. Where there is a significant increase in the DA from the upstream edge to the downstream edge of the area of interest, the setback width increases accordingly.

- b) Method 2: Site Specific Riparian Setback Delineation. The total setback width is the streamway width centered over the meander pattern of the stream plus an additional 100 feet from the edge of the streamway per side.

“Centering over the meander pattern” can be thought of as determining where a line representing the streamway width would evenly intersect equal elevation lines on either side of the stream.

Additional guidelines for site specific delineations:

- 1) The streamway width must be calculated as described in Section 650.09(a) or as ten times the bankfull channel width. This width must be determined by a professional experienced in stream morphology, as determined by the Administrative Officer.
- 2) If the bankfull channel width does not vary significantly through the reach of interest, calculations may be based on the average site specific width
- 3) Otherwise the streamway width should vary with bankfull channel width.

No structural sediment controls, such as the installation of silt fence, a sediment settling pond, or other structural post-construction controls, may be used in a stream or the delineated setback, except as permitted in Section 650.144(b) and Section 650.144(c).

650.094 - Inclusion of Floodplain, Wetlands and Steep Slopes– Where applicable, the following provisions governing floodplains, wetlands and steep slopes supersede Section 650.09. In the event of a conflict among the following five (5) provisions, the greatest setback distance applies.

- a) For areas with a FEMA-defined 100-year floodplain: If the 100-year floodplain is wider than the riparian setback on either side of a watercourse, the riparian setback is extended to the outer edge of the 100-year floodplain.
- b) For areas without a FEMA-defined 100-year floodplain: The Administrative Officer may require a site-specific floodplain delineation in conformance with standard engineering practices. The final delineation must be approved by the Administrative Officer. Any costs associated with reviewing this site-specific floodplain delineation will be borne by the applicant.
- c) Where a wetland is identified within a riparian setback, the riparian setback width must be extended to the outermost boundary of the wetland, which should include an additional wetland buffer wherever possible. Wetlands must be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this Section 650. Any costs associated with reviewing these delineations may be assessed by Franklin County to the applicant.
- d) Where a slope of 12 percent or greater is wholly contained within the riparian setback, the riparian setback width must be extended a distance equal to the horizontal distance of the 12 percent slope area.
- e) Where a slope of 12 percent or greater is partially contained with the riparian setback, the riparian setback width must be extended a distance equal to the horizontal distance of the 12 percent slope area that lies within the originally-determined setback plus the lesser of the following three distances:
 - 1) 100 feet for the Big Darby Creek, Little Darby Creek and Hellbranch Run
 - 2) 50 feet for all other watercourses as defined in Section 650.082
 - 3) A distance equal to the horizontal distance of the remainder of the 12 percent slope
- f) Except as otherwise provided in Section 650, riparian setbacks must be preserved in their natural state.

650.10 APPLICATIONS AND SITE PLANS - Applicants submitting development applications are responsible for delineating riparian setbacks as required by this regulation.

650.102 – Site Plan Required - Applicants must identify all setbacks on site plans included with subdivision plans, land development plans, and/or zoning permit applications submitted to the Franklin County Development Department.

650.104 – Preparation of Site Plan - The site plan must be prepared by a professional engineer, surveyor, landscape architect, or such other qualified professional as determined by the Administrative Officer and must be based on a survey of the affected land.

650.106 – Required Elements on Site Plans - Applications must submit two (2) copies of the site plan. This site plan must be submitted in addition to any other plan required in conjunction with a development proposal.

a) The site plan must include the following information:

- 1) The site boundaries with dimensions.
- 2) The Drainage Area of the site.
- 3) The locations of all watercourses and wetlands.
- 4) The limits, with dimensions, of the riparian setbacks.
- 5) The existing topography at contour intervals of two (2) feet.
- 6) The location and dimensions of any proposed structures or uses, including proposed soil disturbance, in relationship to all watercourses.
- 7) North arrow, scale, date, and stamp bearing the name and registration number of the qualified professional who prepared the site plan.
- 8) Other such information as may be necessary for the Administrative Officer to ensure compliance with this regulation.
- 9) Soil types and locations
- 10) Narrative describing proposed uses and maintenance plan within the riparian setback

650.108 – Consultations - The Administrative Officer may, in reviewing the site plan, consult with Franklin Soil and Water or other such experts. Any costs associated with this review may be assessed to the applicant.

650.110 – Construction Fencing Required - Prior to any soil disturbing activities occurring, the riparian setback must be clearly identified by the applicant on site with construction fencing as shown on the site plan. Such identification must be completed prior to the initiation of any soil disturbing activities and must be maintained throughout soil disturbing activities.

650.112 – No Approvals Without Required Site Plan - No approvals or permits will be issued by the Administrative Officer prior to identification of riparian setbacks on the affected land in conformance with this regulation.

650.12 - PERMANENT ON SITE DESIGNATION OF RIPARIAN SETBACK - Riparian setbacks, as required by this Section 650, must be permanently designated on site no later than the end of construction.

650.122 – Appearance - Permanent on-site designations of riparian setbacks must be fashioned in an aesthetically harmonious fashion that is approved by the Administrative Officer such that the location of the setback is apparent to casual observation and in a manner that permits access to the setback area.

- a) Designation is encouraged through means such as an intermittent split rail fence with appropriate signage, carsonite posts, or other markings delineating the area as a “conservation zone” or a “natural area”.
- b) Riparian setbacks may remain in private ownership; however, preservation is strongly encouraged through dedication to the appropriate authority, if such dedication is in the public interest. The use of protective easements as a means of preservation should be considered whenever possible.

650.14 PERMITTED USES IN RIPARIAN SETBACKS - Open space uses that are passive in character are permitted in riparian setbacks, including but not limited to those listed in this Section 650.14. No use permitted under this regulation allows trespass on privately held lands.

650.142 - Permitted Uses Not Requiring a Zoning Certificate - The following uses are permitted and do not require a certificate of zoning compliance:

- a) Passive Recreational Activity.
 - 1) Recreational uses such as hiking, fishing, hunting, picnicking, and similar passive recreational uses, as permitted by federal, state, and local laws.
 - 2) Unimproved trails. Improved trails require a certification of zoning compliance as listed below in Section 650.144.

Unimproved trails must meet the following development standards:

- aa) Trail surface: unimproved/earthen
 - bb) Trail width: maximum 5 feet
 - cc) No clearing of woody vegetation is permitted
 - dd) Distance from edge of stream, minimum 200 feet (except spurs for river access)
 - ee) Stream access points may be developed
- b) Removal of Damaged or Diseased Trees, or invasive species. Invasive species and damaged or diseased trees that endanger people or that pose a serious threat to property, may be removed.

Special care should be taken to remove trees sparingly. Damaged or decaying trees serve important ecological functions such as supplying stream habitat and material for organisms that aid in organic decomposition as well as providing habitat for endangered species, such as Indiana bats. Applicants or property owners are encouraged to allow these seemingly-damaged trees to remain in their natural state.

Applicants or property owners are further encouraged to seek assistance from Franklin Soil and Water for advice on maintaining these important ecological functions.

- c) Revegetation and/or Reforestation. Riparian setbacks may be revegetated and/or reforested with native, noninvasive plant species. Applicants or property owners are encouraged to seek guidance from Franklin Soil and Water.

650.144 – Permitted Uses Requiring a Zoning Certificate - The following permitted uses require a zoning certificate as provided for in SECTION 705.02 - CERTIFICATE OF ZONING COMPLIANCE.

- a) Paved or otherwise improved trails: Construction of paved or otherwise improved trails in the riparian setback to further passive recreation uses is permitted with a development plan approved by the Administrative Officer.

Construction of paved or otherwise improved trails must meet the following development standards:

- 1) Trail surface may be improved with a pervious or semi-pervious surface
 - 2) Trail width is a maximum of 10 feet
 - 3) Clearing width is a maximum of 20 feet
 - 4) Distance from edge of stream is a minimum of 300 feet
 - 5) River access points may be developed, but must be unpaved
 - 6) Private trails may not have stream crossings
 - 7) Public trails are permitted only if they are part of a comprehensive trail plan
 - 8) Trails that become damaged due to natural erosion:
 - a. May not be repaired
 - b. Must be moved upland or removed altogether.
- b) Crossings: Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian setbacks and mitigate any necessary disturbances. Mitigation must be consistent with Ohio EPA Permit No. OHC100001, Part III.G.2.b.iii.

A new crossing is permitted only when one of the following findings is made by the Administrative Officer:

- 1) The parcel has no other existing access,
- 2) The crossing is necessary for public health or safety
- 3) The applicant can demonstrate that important ecological protection and ecological benefits are realized, such as saving a mature woodlot, preventing habitat degradation, avoiding flow alteration, or ensuring passage for fish.
- 4) The applicant demonstrates that the new crossing is necessary to achieve important ecological protection goals, or maximized ecological benefit, and that the crossing can be installed and maintained with minimal environmental impacts.

Such crossings may only be undertaken upon approval of a Crossing Plan by the Administrative Officer in consultation with Franklin Soil and Water. Such activity must minimize disturbance to the riparian buffer and mitigate any disturbances. Any costs associated with review of Crossing Plans may be assessed to the applicant.

- c) Stream Quality Improvement Projects. Streambank stabilization, erosion control work, or large scale stream channel and riparian buffer restoration work along designated watercourses may be allowed, provided they comply with the following:
- 1) The project is ecologically compatible and substantially uses natural materials and native plant species where practical and available.
 - 2) The project must comply with the applicable portions of the Ohio DNR Rainwater

and Land Development handbook.

- 3) The project shall only be undertaken upon approval of a Streambank Stabilization Plan by the Administrative Officer.
- 4) All streambank stabilization plans should provide long term streambank protection.
- 5) All erosion control measures shall be limited to the purposes of stream quality protection and enhancing stream channel stability.

In reviewing this plan, the Administrative Officer may consult with representatives of the Ohio Department of Natural Resources, Division of Natural Areas and Preserves or Division of Soil and Water Conservation; the Ohio EPA, Division of Surface Water; the Franklin Soil and Water Conservation District; or other technical experts as necessary. Any costs associated with review of Streambank Stabilization Plans may be assessed to the applicant.

650.146 - Proof of compliance with outside permits. If any activities will occur below the ordinary high water mark of the designated watercourse, the applicant must submit proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification).

Proof of compliance is considered one of the following:

- a) A comprehensive site plan and a copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
- b) A comprehensive site plan and a copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

650.16 PROHIBITED USES IN RIPARIAN SETBACKS

Any use not authorized under Section 650.14 PERMITTED USES IN RIPARIAN SETBACKS is prohibited in riparian setbacks. Exceptions to prohibited uses are listed below in Section 650.164.

650.162 List of Prohibited Uses - Prohibited uses are not limited to those examples listed here:

- a) Construction. Construction of buildings or structures of any kind or size are prohibited. This restriction applies to new construction, and does not apply to existing residential structures and associated accessory structures.
- b) Dredging or Dumping. Drilling, filling, dredging, excavation or dumping of soil, other earthen material, spoils, liquid, or solid materials is prohibited except as permitted under this regulation.
- c) Fences and Walls: Erection of fences or walls is prohibited.
- d) Roads or Driveways. Installation of roads or driveways is prohibited.
- e) Motorized Vehicles. Use of motorized vehicles is prohibited, with the exception of emergency vehicles when necessary for public health and safety, or except as permitted under this regulation.

- f) Disturbance of Existing Vegetation: Disturbance of existing vegetation at any time during development is prohibited, except as listed below under Exceptions to Prohibited Uses.
- g) Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: Establishment of parking spaces, parking lots, or loading/unloading spaces is prohibited
- h) New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Use of areas within riparian setbacks for the disposal or treatment of sewage is prohibited, except as necessary to repair or replace an existing home sewage disposal system if permitted by the Franklin County Board of Health.
- i) Stormwater Management Facilities: Stormwater management facilities are prohibited within riparian setbacks,

650.164 - Exceptions to Prohibited Uses - The following activities are exempt from the restrictions defined in Section 650.16 PROHIBITED USES IN RIPARIAN SETBACKS

- a) The passive enjoyment, access, and maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.
- b) Plantings that are necessary to implement a properly designed and permitted stream restoration project.
- c) Plantings that are consistent with this section.
- d) Conservation maintenance that the landowner deems necessary to control noxious weeds, dead or diseased trees that pose a danger to life or property, or invasive species (as defined by Ohio DNR, Division of Natural Areas and Preserves), provided such maintenance activity is done in conformance with all other applicable requirements contain in Section 650.

If conservation maintenance does occur, the landowner must replace any removed vegetation with native vegetation in accordance with a Natural Resource Management Plan approved by Franklin Soil and Water.

650.18 NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACKS

As provided for Section 110.04

650.20 VARIANCES WITHIN RIPARIAN SETBACKS

- a) The Franklin County Board of Zoning Appeals (BZA) may grant a variance to this Section 650 as provided below. For any variance granted by the BZA, mitigation is required consistent with Ohio EPA Permit No. OHC100001, part G.2.b.iii. In granting a variance, the following conditions apply:
 - 1) In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the BZA must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.
 - 2) The BZA may not authorize any structure or use in a Zoning District other than those authorized in the underlying Zoning District.
 - 3) Variances are void if not implemented within one (1) year of the date of issuance.
- b) In making a determination under Section 650.20(a) of this regulation, the BZA must consider the following, in addition to the findings required in Section 810.041, APPROVAL OF VARIANCE:
 - 1) The native vegetation of the property.
 - 2) The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback. This determination must be based on sufficient technical and scientific data.
 - 3) Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.
 - 4) The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway. Variances shall not be granted for asphalt or concrete paving in the riparian setback. Variances may be granted for driveways constructed with pervious pavement, or other BMPs approved by Franklin Soil and Water when necessary.
- c) In order to maintain the riparian setback to the maximum extent practicable, the BZA may consider granting variations to other area or setback requirements imposed on a property by the Franklin County Zoning Resolution.

650.22 - PROCEDURES FOR VARIANCES & APPEALS

As provided for in Section 810

650.24 - INSPECTION OF RIPARIAN SETBACKS

Periodic inspections of riparian setbacks by the Administrative Officer or Franklin Soil and Water will be conducted as follows:

- a) Prior to soil disturbing activities authorized under this regulation, a preconstruction meeting at the proposed site shall occur to ensure that all riparian setbacks are adequately protected. This meeting shall be arranged between the developer, site engineer and Franklin Soil and Water no less than seven (7) days prior to beginning any earth-disturbing activity associated with the site.
- b) Any time it is brought to the attention of the Administrative Officer that uses or structures are occurring that may reasonably be expected to violate the provisions of this regulation.
- c) The Administrative Officer or Franklin Soil and Water shall periodically inspect the riparian setbacks for violations, including entering upon lands for the purpose of inspection.
- d) All inspections will be documented by the Administrative Officer or Franklin Soil and Water. The property owner will be notified within 30 days of the inspection date. The owner must correct any violations within 30 days of receipt of this notification.
- e) The property owner must bear any expenses required to correct the violation.

650.26 - PENALTIES

As provided for in Section 710.

Amend **SECTION 720 – DEFINITIONS** to include the following:

BANKFULL CHANNEL WIDTH: The width of a stream during channel-forming or effective discharge, defined as: $W = 133 (DA)^{0.43}$, where DA is the drainage area of the stream in square miles and W is the bankfull channel width in feet.

DAMAGED OR DISEASED TREES: Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a structure.

DRAINAGE AREA (DA): The amount of land area draining to a particular watercourse.

EPHEMERAL STREAM: A watercourse or stream that flows only in response to precipitation.

IMPERVIOUS COVER: Any paved, hardened, or structural surface regardless of its composition including but not limited to buildings, roads, driveways, parking lots, loading/unloading areas, decks, patios, and swimming pools

INTERMITTENT STREAM: A stream or portion of a stream that is dry for part of the year, ordinarily more than 3 months. It is often delineated with dashed lines on USGS maps.

MEANDER PATTERN: The characterization of a stream's curvature along its length.

NOXIOUS WEED: Any plant species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of this regulation prevails.

100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood.

The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.

OHIO EPA: The Ohio Environmental Protection Agency

OHIO DNR: The Ohio Department of Natural Resources

PERENNIAL STREAM: A stream that has continuous flow throughout the year, except during periods of drought.

RIPARIAN AREA: The transition area between flowing water and terrestrial ecosystems that may be composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

RIPARIAN SETBACK: The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in this regulation.

SETBACK WIDTH (W): The total area, on both sides of the watercourse that is to be designated as the "Riparian Setback".

SLOPE: The ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance (rise) by the horizontal distance (run).

SOIL AND WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s), subsequently referred to as Franklin Soil and Water.

SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

STORMWATER BEST MANAGEMENT PRACTICES (Stormwater BMPs): Schedules of activities, prohibitions of practices, maintenance procedures and other management practices (both structural and non-structural) to prevent or reduce the pollution of surface waters of the state. Stormwater BMPs also include treatment requirements, operating procedures and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

STORMWATER MANAGEMENT FACILITY: Any constructed system designed to mitigate the adverse impacts of storm water or runoff pollution.

STREAM: Any perennial, ephemeral or intermittent stream or watercourse with a defined bed, bank or channel.

STREAM CENTERLINE: The line representing the one dimensional flow path of a stream.

STREAMWAY: The zone including the main channel of a stream and the attached floodplain wide enough to accommodate meander migration over time.

USGS: United States Geological Survey

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (OAC 3745-1-02). Areas lacking wetland vegetation due to ongoing disturbance such as cultivated fields or maintained utility rights-of-way but having wetland soils and hydrology that could support such vegetation in the future may still be categorized as wetlands.