

***FAIRFIELD COUNTY COMBINED  
GENERAL HEALTH DISTRICT  
REGULATIONS***

***(FAIRFIELD DEPARTMENT OF HEALTH)***

***SUBDIVISION***

***REGULATION 19***

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## 19.1 Definitions

- A. ARCPACS means the federation of certifying boards in agriculture, biology, earth, and environmental sciences.
- B. Board of Health means the board of health of the Fairfield Department of Health as authorized by Section 3709.05 of the Ohio Revised Code
- C. Collector Tile means any solid drain tile installed for the discharge of an interceptor drain to be used by more than one lot or dwelling.
- D. Exempted Lot Split
- E. Exempted Tie
- F. Flood Plain
- G. Flood Way
- H. Hardscape means any constructed surface area on the landscape of a site such as driveway, parking lot, patio, building slab, or other similar surface area.
- I. Health Commissioner means the health commissioner of the Fairfield Department of Health or his authorized representative.
- J. Household Sewage Treatment System
- K. Interceptor Drain means a drain designed to intercept the horizontal flow of subsurface water to reduce its impact on a down gradient soil absorption component.
- L. Limiting Condition means a restrictive soil layer, bedrock, ground water, a perched seasonal water table or other condition or combination of conditions that severely limit the treatment and/or dispersal of sewage or effluent.
- M. Linear Loading Rate (LLR)
- N. Lot means a legally recorded parcel of land.
- O. Major Subdivision
- P. Minor Subdivision
- Q. NPDES Permit means national Pollutant Discharge Elimination System.
- R. ODNR means Ohio Department of Natural Resources.
- S. OEPA means the Ohio Environmental Protection Agency.
- T. Order One Soil Survey means a soil inventory produced for a very intensive land use that requires detailed information about soils. Standards are described in section 655.04 of the natural soil survey handbook.
- U. RPC means the Regional Planning Commission for Fairfield County.

- V. Sanitary Sewage System and sanitary sewers means pipelines or conduits, pumping stations, force mains and all other constructions, devices, appurtenances, and facilities that convey sewage to a central treatment plant and that are required to obtain a permit under 6111. of the Revised Code.
- W. Sewage Treatment System (STS) means a household, small flow on-site sewage treatment system or both as applicable.
- X. Small Flow On-lot Sewage Treatment System
- Y. Soil Scientist
- Z. Subdivision means that which is defined by section 711.001 of the Revised Code.
- AA. Usable acreage means contiguous area of land which is not divided or limited by a water way, easement, right-of-way, or other site or soil limitation affecting the installation of an on-site sewage treatment system. Usable acreage shall not include any of the prohibitions stated in Regulation 18 (F) (1- 4(a-c)).

## **19.2 Subdivision and Exempted Lot Splits**

This rule addresses the critical prerequisite activities of assessing sewer accessibility, STS feasibility, and any area risk factors prior to the recording of a lot or subdivision. Informing property owners, land developers, and prospective buyers of the provisions of this rule, and effective implementation of these provisions, allows for a proactive versus reactive approach to proposed STS development and should prevent future problems when siting a STS. This rule is not intended to serve as a substitute for planning, zoning, sanitary sewage, or land use responsibilities exercised by other authorities.

(A) Any proposed lots, for either a subdivision or new lot, which require on-site sewage treatment systems must meet the following requirements:

- (1) All proposed lots in a subdivision must contain a minimum 2.0 acres of usable acreage per dwelling. More acreage may be required based on limiting conditions such as topography, streams, etc.
- (2) Lots on which private water supplies are to be installed must be sized to provide isolation of the water supply system from both the original household sewage treatment system and the area designated for the relocation and replacement on this or any adjacent lot.
- (3) All proposed lots on which household sewage treatment systems are to be installed shall be sized to accommodate a STS with enough space for complete relocation and replacement of the leaching system.
- (4) All proposed lots must be suitable for an on-lot STS. New homes will not be permitted to discharge off-lot.
- (5) Order One Soil Survey will be required by the Board of Health for detailed soil analysis by a professional soil scientist certified by the Association of Ohio Pedologists or ARCPACS.

- (6) Any lot that requires an interceptor drain to discharge to or across another property must obtain a recorded easement for the discharge of said curtain drain to an outlet on another property prior to approval of the lot(s).
  - (7) If an easement for interceptor drain discharge is to be used by more than one lot, a collector tile must be installed within the easement before the lots can be approved.
  - (8) If an interceptor drain is required for any lot(s) without adequate outlet(s), a collector tile must be installed. The collector tile(s) must meet the specification required by the Fairfield Department of Health and /or Fairfield County Regional Planning Commission. Collector tile(s) shall only receive waters discharged from curtain (gradient) drains.
  - (9) Easements may be required by the Board of Health to preserve natural surface drain swales or existing subsurface drainage.
  - (10) All easements required by the Board of Health must be recorded on the survey with a legal description prior to final approval of the lot(s).
  - (11) All proposed lots must be surveyed and submitted by a licensed surveyor before the lots will be given final approval by the Board of Health.
- (B) An STS shall not be sited, installed, or permitted for a proposed new lot or subdivision when any of the following conditions have been met:
- (1) A proposed lot or subdivision is accessible to a sanitary sewerage system in accordance with criteria established by the OEPA.
  - (2) Siting an STS on any proposed new lot or subdivision lot would violate the prohibitions in paragraph (F) of rule 18-07 of the Fairfield Department of Health Regulation 18.
  - (3) A proposed STS would require an NPDES permit.
  - (4) Other conditions which would prohibit compliance with this chapter.
- (C) Proposed subdivisions and new lots shall be reviewed by the board of health to determine if there are any restrictions on the use of STS. The board of health may review readily available resources including but not limited to source water [assessment reports](#) for public water [systems](#) and ground water pollution potential maps to assess risks to surface and ground water from proposed onsite sewage treatment and may consult with the OEPA for advice on any water quality concerns. For subdivisions

proposed in environmentally sensitive areas or of any density or number determined to present increased risk to surface or ground water resources, the board of health may require a responsible management entity and/or establish a household sewage treatment district in accordance with paragraph (B)(5) of rule 18-18.1 of the Fairfield Department of Health Regulation 18.

- (1) For the purposes of this rule, the Board of Health shall provide written documentation to the person proposing a subdivision or new lot or lots of noncompliance with this chapter if the information submitted is incomplete, inaccurate, or the board of health makes a determination that the provisions of this chapter cannot be met.
- (2) When the Board of Health determines that the provisions of this chapter can be met, the board of health shall provide written documentation of compliance to the person proposing a subdivision or new lot or lots subject to STS installation permit approval by the Board of Health. The written documentation of compliance with this chapter and the board of health review required by this rule shall not preclude the denial of an installation permit pursuant to rule 18-09 of Regulation 18 of the Fairfield Department of Health if conditions change.

### 19.3 Minor Subdivision and Exempted Lot Splits

- A. All new lot, lots or subdivision must be reviewed by the Board of health regardless of size.
- B. Any person proposing a new lot, new lots, or subdivision for review by the Board of Health, shall submit sufficient information to determine compliance with the requirements of this chapter. Minimum information to be submitted for review includes the following:
  - 1. A statement indicating that the siting of STS on proposed lot, lots, or subdivision would not violate the prohibitions in paragraph (B) of this chapter.
  - 2. A letter regarding sanitary sewer accessibility from the Fairfield County Utility Office or governing municipality of a sanitary sewer district.
  - 3. Acreage of each proposed lot and total acreage of parcel being split.
  - 4. Zoning setbacks requirements if applicable.
  - 5. Scaled drawing showing proposed lot lines.
  - 6. Topographic detail with contour lines in 2' intervals that is sufficient to determine slope and adequate length along the contour within the 2.0 acres of usable acreage.
  - 7. Order One Soil Survey mapping each soil type found within the 2.0 acres of usable acreage and including the following information.
    - a) Dimensions of the lot.
    - b) Designation of each soil boring and/or excavation location.
    - c) Any existing dwelling
    - d) Any site disturbances, fill material existing driveway, existing STS, and other hardscapes.
    - e) Location of all private water systems and surface water features on the lot or within 50 feet of the lot.
    - f) Any designated FEMA floodway, 100 year floodplain, and jurisdictional wetland subject to a U.S. Army Corp of Engineer 404 permit or OEPA 401 certification.
    - g) Any drainage feature such as swale or subsurface drain tile.
    - h) Slope for each soil type.
    - i) North arrow
    - j) Standards described in section 655.04 of the national soil survey handbook.
  - 8. Soil data sheets for each soil type found within the 2.0 acres of usable acreage of the order one soil survey.

- C. If the remainder has an existing house located on it, the lot must be evaluated to determine if the proposed lot split will have an impact on the existing STS. This includes a review for a replacement area that may require a soil evaluation.
- D. Approvals for lot splits expire one year from the date approved. All lots not deeded and recorded within one year of the approval date must be resubmitted to the Board of Health for approval and subject to the current regulations at time of re-submission.

## 19.4 Major Subdivisions

- A. Any person proposing to create a major subdivision shall submit to the board of health, for approval, plans clearly showing that the provisions of Regulation 19 of the Fairfield Department of Health, the Fairfield County Subdivision Regulations or governing municipality can be adequately met before any lots in the proposed subdivision can be sold or offered for sale, whether or not such sale entails a transfer of the title or deed.
- B. If the proposed subdivision is to have either a central sanitary sewage system or public water supply system or both, plans shall be submitted to the Ohio Environmental Protection Agency as required by section 6111.44 of the Ohio Revised Code.
- C. A sketch plan for the proposed major subdivision may be submitted to the Fairfield County Regional Planning Commission for review prior to the submittal of a preliminary plan. If submitted the sketch plan shall include the following for Board of Health review.
  - 1. A statement indicating that the siting of a STS within the proposed major subdivision would not violate the prohibitions of paragraph (B) of this regulation.
  - 2. Letter from the OEPA regarding sanitary sewer accessibility.
  - 3. Letter from the Fairfield County Utility Office or governing municipality regarding sanitary sewer accessibility.
  - 4. Total acreage of parcel being developed, acreage in each lot and usable acreage in each lot.
  - 5. Order One Soil Survey of parcel being developed. The Order One Soil Survey shall be used to determine proposed lot lines for adequate length along the contour. The order one soil survey shall include the following information.
    - a) Dimension of each lot.
    - b) Any existing dwelling.
    - c) Any site disturbances, fill, existing STS, existing driveways, and other hardscapes.
    - d) Floodway, 100 year flood plain, jurisdictional wetland subject to a U.S. Army Corp of Engineer 404 permit and/or OEPA 401 certification.
    - e) Any drainage features including swales and subsurface drain tiles.
    - f) Slope
    - g) North arrow

- h) Standards described in section 655.04 of the national soil survey handbook.
  - i) Locations of borings or excavation areas.
- D. Any person proposing to create a major subdivision shall submit an application and fee for the parcel of land from which the subdivision will be created to the Fairfield Department of Health for the review of the preliminary plan. The application must then be submitted to the Fairfield County Regional Planning Commission with all other preliminary plan requirements in the Fairfield County Subdivision Regulations showing the date that the application and fee were received by the health department and receipt number.
- 1) Any person proposing to create a major subdivision must submit a preliminary plan meeting the requirements of the Fairfield County Subdivision Regulation 3.3.8 to the Fairfield County Regional Planning Commission. The preliminary plan shall include the following for health department review when on lot sewage treatment systems and private water supplies are being proposed:
- (a) Lot layout, existing and proposed streets, and other features such as bodies of water, streams, ditches, existing power or gas easements, existing potable water sources on proposed subdivision and adjacent lots within fifty feet of the proposed subdivision and any other features that may affect the installation or operation of household sewage treatment systems or the enforcement of Regulation 18 of the Fairfield Department of Health.
  - (b) Detailed topographic information to determine the slope and adequate length along the contour for each proposed lot.
  - (c) Proposed driveways for each lot and or existing driveways.
  - (d) Proposed dwellings for each lot and or existing dwellings.
  - (e) Proposed wells for each lot showing the 50 foot isolation distance from the STS. Also any existing wells must be shown on the plan.
  - (f) Zoning setback requirements

- (g) A letter from the OEPA regarding the feasibility for utilizing public sewers, if on lot sewage treatment systems are proposed.
  - (h) A letter from the ODNR regarding water availability for the development site if on lot wells are proposed.
  - (i) An Order One Soil Survey for each proposed lot showing each soil type within the 2.0 acres of usable acreage. The soil evaluation must be completed by a registered soil scientist with the Board of Health.
  - (j) Soil data sheets for each soil type described within the Order One Soil Survey for each lot.
  - (k) Lot size of proposed lot and usable acreage for each lot.
  - (l) Dimensions of the primary and secondary STS locations, to scale, along with septic tank and/or pretreatment device location for each lot. Dimensions must be determined based on the loading rates of the soil and a four bedroom house. Gravity flow from the dwelling to the tank must be shown on the plans. Primary and secondary STS must be drawn to scale, show the adequate length along the contour and comply with the Fairfield Department of Health Regulation 18.
  - (m) Any required interceptor drain including connection into collector tile, if the order one soil report indicates that interceptor drains will be required for the sewage treatment system.
  - (n) A preliminary collector drain layout and associated drainage easements designed to the required specifications.
- 2) Proposed sewage treatment system data sheets for each lot must be submitted to the health department with the preliminary plan. These data sheets must have the following information:
- a) The total number of usable acreage per lot.

- b) Dimensions of suitable area for primary and secondary STS.
- c) Calculations used for determining the dimensions for the suitable area of the primary and secondary STS.
- d) Percent slope in area allocated for the primary and secondary STS. Slope for lots within the proposed subdivision must not exceed 15% in area allocated for the primary and secondary STS.
- e) Lots that may require the use of an interceptor drain.

6) Once the preliminary plan is submitted to the RPC for review by all agencies, the health department will determine if the site is suitable for on lot sewage treatment systems and private water supply systems. Additional review and approval by the RPC will be required once the health department determines that the site is suitable for a subdivision.

7) Deed Restrictions:

Some lots within a major subdivision may require deed restrictions. These deed restrictions may include but are not limited to: the use of mechanical lift devices, alternative sewage treatment systems, specific lot layout due to topography, and maximum number of bedrooms in the home. These deed restrictions must be placed on the final plat.

a.) Specific Lot Layout—Some lots within the subdivision may require specific lot layouts due to limiting conditions for the sewage treatment system. These limiting conditions include but are not limited to topography, soil type, water table, depth to bedrock, and limited usable area within the lot. The developer's engineer will submit the specific lot layout to the Fairfield County Combined General Health District and the Fairfield County Regional Planning Commission for further review. The specific layout will be kept on file at the health department. The lot within the subdivision that will require a specific lot layout include\_\_\_\_\_ . Prior to any additional building within the lot, the health department must be notified to review any plans and determine if the proposed additional structures/pool, etc. will hinder either the primary or secondary sewage treatment system.

b.) Restriction of Bedrooms—Due to limiting conditions such as but not limited to topography, soil type, water table, depth to bedrock and limited usable area as defined in

Fairfield Department of Health Regulation 19 the following lots \_\_\_\_\_ shall be limited to dwellings with \_\_\_\_\_ (or fewer) bedrooms for the design of the sewage treatment system.

- c.) Public Sewers—When public sewers are determined by the City/ County Sanitary Engineer of the Fairfield County Combined General Health District to be available and accessible to lots within a subdivision, the owners shall connect the dwelling to the sanitary sewer system within (90) ninety days of notice to connect. The on-site sewage treatment system shall be properly abandoned or demolished within the (90) ninety day period. Connection to the sanitary sewer system and abandonment of the on-site system shall be completed in conformance with all regulations and requirements of the City/ County Sanitary Engineer, Fairfield County combined General Health District, and/ or the public sewer provider, as appropriate. The lot owner is responsible for the payment of all applicable fees, charges, and assessments.
- 8) The final plat of the proposed major subdivision shall be reviewed and approved by the Fairfield Department of Health Environmental Health Review Committee and signed by the Health Commissioner.
- 9) The developer will be responsible for keeping all heavy equipment and fill material off of the area within the lots, where the leach fields are proposed, during the construction of the roads, collector tiles, and utilities.