

CASE SUMMARY
Regular Agenda

PC Hearing Date: November 9, 2022

BCC Hearing Date: December 6, 2022

21-109265AM Regulation Amendment

Applicant: Jefferson County

Location: Unincorporated Jefferson County

Purpose: **To amend Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation**

Case Manager(s): Nathan Seymour and Lindsey Wire

Applicant Team Presenters:

Nathan Seymour, nseymour@jeffco.us, 303-271-8751

Lindsey Wire, lwire@jeffco.us, 303-271-8717

Issues:

- None

Recommendations:

- **Staff:** Recommends APPROVAL
- **Planning Commission:** Recommends APPROVAL

Interested Parties:

- Engineering consultants, local agencies and several citizens.

Level of Community Interest: Low

PC RESOLUTION

It was moved by Commissioner **Duncan** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION
COUNTY OF JEFFERSON
STATE OF COLORADO

November 9, 2022

RESOLUTION

21-109265AM Regulation Amendment
Applicant: Jefferson County
Location: Unincorporated Jefferson County
Purpose: **To amend Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation**
Case Managers: Nathan Seymour and Lindsey Wire

The Jefferson County Planning Commission hereby recommends **APPROVAL**, of the above application, on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
 - A. The amendments to the Zoning Resolution and the Land Development Regulation will establish clear, concise, and comprehensive documents that meet the needs of our community today.
 - B. The amendments to the Zoning Resolution and the Land Development Regulation will ensure consistency with current County regulations, State statutes, and applicable Federal standards.
 - C. The amendments to the Zoning Resolution and the Land Development Regulation are in the best interest of the health, safety, and general welfare of the residents of Jefferson County.

Commissioner **Spencer** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Commissioner	Rogers	aye
Commissioner	Spencer	aye
Commissioner	Jost	aye
Commissioner	Duncan	aye

Jefferson County Planning Commission Resolution
Case #21-109265
November 9, 2022
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Commissioner **Stephens** **aye**

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, Kimi Schillinger, Executive Secretary for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, November 9, 2022.

A handwritten signature in black ink, appearing to read 'K Schillinger', is written over a horizontal line.

Kimi Schillinger
Executive Secretary

STAFF REPORT

Staff Report

PC Hearing Date: November 9th, 2022

BCC Hearing Date: December 6th, 2022

21-109265AM Regulation Amendment

Applicant: Jefferson County

Location: Unincorporated Jefferson County

Purpose: **To amend Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation**

Case Manager(s): Nathan Seymour and Lindsey Wire

BACKGROUND

Jefferson County Planning & Zoning is processing a Regulation Amendment (21-109265AM) pertaining to the Zoning Resolution (ZR) Section 16 (Land Disturbance) and the Land Development Regulation Section 17 (Land Disturbance). The purpose of this regulation amendment is as follows:

- Removal of all land disturbance standards in Section 17 of the Land Development Regulation. Section 17 would only state that the applicable regulations have been incorporated into Section 16 of the Zoning Resolution.
- General housekeeping including reorganization of sections and minor changes for clarity.
- Removal of the K Factor evaluation when determining what type of Land Disturbance Permit is required.
- Addition of the requirement for a permit when stockpiling material.
- Addition of the process steps and processing timeframes for the Notice of Intent Permit.
- Addition of infiltration testing requirements to be included within the Soil/Geologic Investigation Report.
- Clarification on what would be required when an applicant would like to grade or is proposing activities within 7 feet of the property boundary.

During the referral period, Staff received comments regarding the proposed changes to the regulations. All the comments received during the one referral period have been incorporated into the Comment and Response Log attached to this Staff Report. Additionally, Staff reviewed the proposed regulation with the 14-member Regulation Advisory Panel (RAP) comprised of representatives from the following groups: Homeowner's Associations, Citizens, Land Use/Development Consultants, Business Owners/Real Estate Brokers, Engineers/Planners, Attorneys, Developers, and Special Districts. The RAP held one meeting to discuss the Proposed Amendments and were provided a referral.

During the processing of the case, we received no major concerns from citizens. Staff and the RAP are comfortable moving forward with the proposed regulations amendment changes.

DISCUSSION/PROPOSAL

The proposed revisions to the Zoning Resolution Section 16 are summarized below:

- Removal of Section 17 of the Land Development Regulation. The applicable regulations have been

incorporated into Section 16 of the Zoning Resolution. Section 17 has been modified to provide the appropriate reference language to Section 16 of the Zoning Resolution.

- The Land Disturbance Section 17 of the Land Development Regulation was found by Staff to be duplicative of the same Section 16 of the Zoning Resolution. Consolidating these two regulations supports the future goal of combining the Land Development Regulation and the Zoning Resolution.
- Removal of the K Factor evaluation when determining what type of Land Disturbance Permit is required.
 - The majority of the County has a K factor that is above 0.23. Per the current regulations, these areas require a grading permit when the proposed land disturbance exceeds 0.5 acre. Part of the rationale for removing the K factor is to simplify the regulations so we can provide a straightforward answer to homeowners, builders and engineers when determining if they need a Grading Permit or a Notice of Intent Permit. With this change, we are expecting the number of Grading Permits to increase by approximately 10-12 permits per year.
- Addition of the requirement for a permit when stockpiling material.
 - A permit for the stockpiling of earthen material shall be required when 5,000 or more cubic yards of earthen material is stored on a property and the material is not actively being used on said property. This permit requirement shall allow Staff to better track and regulate stockpiles on property when otherwise no other permitted process is occurring.
- Addition of the process steps and processing timeframes for the Notice of Intent Permit.
 - The addition of these process steps and timeframes will allow Staff to set better expectations for applicants regarding permit approval.
- Addition of infiltration testing requirements to be included within the Soil/Geologic Investigation Report.
 - Infiltration testing is currently required when an applicant is designing a control measure that relies on infiltration. Specific requirements regarding infiltration testing have been added to the regulation in order to better standardize the testing process. At least two tests per control measure are required. The testing shall be at an appropriate elevation and location to adequately evaluate the underlying strata. A Factor of Safety of 2 shall be applied to the final infiltration rate to account for infiltration degradation over time
- Clarification on what would be required when an applicant would like to grade or is proposing activities within 7 feet of the property boundary.
 - The requirements include a letter, prepared by a Colorado registered professional engineer, that identifies any potential issues caused by grading, erosion and sediment control activities relating to existing infrastructure, drainage patterns or visual and safety impacts and provides justification and rationale demonstrating that there will be no adverse impacts to adjacent property owners as a result of the proposed land disturbance.

HEARING PACKET DOCUMENTS

- Red-Marked copy of Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation. Text additions are in red, deletions are in blue and relocated text is in green.
- A clean copy (changes accepted) of Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation.
- Comment and Response Log.
- Referral list.

REFERRAL PERIOD/PUBLIC NOTIFICATION AND OUTREACH

Notice of the proposed Amendments to the Zoning Resolution and the Land Development Regulation was provided when the case went out on referral and when the public hearings were scheduled.

There was one referral period for this case. A formal draft of the proposed Amendments was sent to each

applicable referral agency and organization registered with the County. This includes County departments and divisions, external agencies, neighboring local governments, registered HOA and Umbrella Groups, and the Regulation Advisory Panel (RAP) which is a panel of HOA representatives, citizens, land use/development consultants, business owners/real estate brokers, engineers/planners, attorneys, developers, and special districts. Please see the referral list for more information. All comments received have been incorporated into the Comment and Response Log associated with this Staff Report.

Additional citizen outreach was provided in the following ways:

- Direct email notification to all agencies, jurisdictions, community groups and citizens that may have a specific interest in these regulations.
- Email and/or text message to the Notify Me list serve for individuals interested in Regulation Updates.
- Meetings with the Regulation Advisory Panel (RAP).

The majority of the comments were submitted by citizens, community groups, other agencies/jurisdictions and engineering consultants. The following referral agencies had no comments or concerns: Arapahoe County, Jefferson County Building Safety, United Power, City of Littleton, RTD, Town of Mountain View, Xcel Energy, CDOT and Highlands Ranch.

The citizen comments included questions regarding the proposed regulation updates and the processing timeline. A full list of the questions and responses can be found in the comment response log.

Comments from the Evergreen Metropolitan District and the Evergreen Park and Recreation District included questions regarding how the proposed regulation updates would impact existing permits in process. Staff responded that these regulation amendments would not impact any existing permits. Comments from the Evergreen Metropolitan District also included a recommendation that language be added requiring contractors working within easements to contact the easement owner before work begins. This was clarified in the regulation and language was added to the N-1 Form, which is the form submitted by the applicant's engineer certifying that all of the proposed work associated with a Notice of Intent Permit meets the regulatory requirements.

Comments from the Rocky Mount Metropolitan Airport (Airport) were regarding the existing stockpile at the Airport and whether it would be subject to the requirement to obtain a permit. Staff responded that the requirement would apply if the total area of disturbance exceeds 1-acre.

Several engineering consultants provided comments and questions regarding the trigger between a Notice of Intent Permit and a Grading Permit:

- Request for clarification on whether a Grading Permit would be required if the area of land disturbance was less than ½ acre but slopes steeper than 2 Horizontal to 1 Vertical are proposed. Staff responded that yes, a Grading Permit would be required since the steeper slopes would require the submittal of a Geotechnical Report to include a detailed review by Staff.
- Comments regarding the proposed removal of the K-Factor. Certain consultants agreed that Jefferson County is the only County currently using the K-Factor and that removing it from the criteria for a Grading Permit would be a benefit. Certain consultants did not agree with the proposed ½ acre threshold. One recommendation is that the County put more responsibility on the applicant's engineer with stricter requirements only in the MS4 permit area. Staff responded that the removing the K factor will simplify the regulations so that Staff can provide a straight forward answer to homeowners, builders and engineers when determining if they need a Grading Permit or Notice of Intent Permit. Since the majority of the County is within a K-Factor of greater than 0.23, Staff expects an increase of about 10-12 permits per year with this change.

Comments from the Colorado Geologic Survey included a recommendation that the factor of safety should be 1.5 instead of 1.3 if tiered retaining walls support structures. Staff agreed with this comment and modified the regulation accordingly.

Comments from the Jefferson County Economic Development Council (Jeffco EDC) included questions regarding how Jefferson County would define an "Active Use" of a property. Staff responded that an active

use would be construction associated with an active building permit for a primary structure. Jeffco EDC also commented on how infiltration testing could be affected by large amounts of cut/fill. Staff responded that infiltration testing will be completed on the representative material. If material will be imported, the property of the fill material can be specified. For cut, the bore can be deeper to reach the necessary depth.

Written comments received the day of the Planning Commission Hearing from one consultant included a recommendation that a licensed landscape architect be allowed to certify the design of Grading, Erosion and Sediment Control Plans. Staff responded that a similar discussion occurred several years ago as it relates to this topic. At that time, based on staff's research, including of the statutory definitions for the practice of engineering and the practice of landscaping architecture, staff found it prudent to continue to require a licensed professional engineer certify such plans and did not propose such a regulatory change. Staff did let the consultant know that this recommendation will be carried forward for consideration again, with a future regulation update.

Staff has addressed all comments in the Comment and Response Log. Staff considered many but not all of the comments when reviewing the proposed amendments.

PLANNING COMMISSION:

Planning Commission Recommendation (Resolution dated November 9, 2022 attached):

Approval	
Approval with Conditions	<u>X (5-0)</u>
Denial	

The case was scheduled on the regular agenda of the Planning Commission hearing. There was one citizen who provided public testimony. The citizen stated that they were in support of the proposed regulation updates but did have several questions as follows:

- Will the new stockpile regulation apply to mining operations. Staff responded that no, this regulation would only apply to projects that were not associated with another active permit.
- Will the County require infiltration testing on steep slopes? Staff responded that no, this testing is only required for drainage control measures that utilize infiltration.

The Planning Commission had questions about how Staff came up with 5000 cubic yards as the trigger quantity for when a stockpile permit would be required, and what type of material people are typically stockpiling. Staff responded that the 5000 cubic yards came from looking at a ½ acre footprint and calculating the volume of a cone based on a maximum 50-foot height. For reference, 5000 cubic yards is roughly equivalent to 500 dump trucks. In addition, Staff responded that the stockpile permit would be specific to earthen material. After Staff responses, the Planning Commission recommended approval of the proposed regulation amendments.

FINDINGS/RECOMMENDATIONS:

Staff recommends that the Board of County Commissioners find that:

- 1. The amendments to the Zoning Resolution and the Land Development Regulation will establish clear, concise, and comprehensive documents that meet the needs of our community today.**
- 2. The amendments to the Zoning Resolution and the Land Development Regulation will ensure consistency with current County regulations, State statutes, and applicable Federal standards.**
- 3. The amendments to the Zoning Resolution and the Land Development Regulation are in the best interest of the health, safety, and general welfare of the residents of Jefferson County.**

And;

Staff recommends that the Board of County Commissioners APPROVE Case No. 21-109265AM.

And;

Staff further recommends that the Planning and Zoning Division be given the authority to revise the Zoning Resolution and Land Development Regulation for the limited purposes of formatting Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation and correcting any typographical errors and any other non-substantive changes to Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation that Staff deems necessary prior to final publication of the Amended Sections of the Zoning Resolution and Land Development Regulation.

COMMENTS PREPARED BY:

Lindsey Wire and Nathan Seymour

Lindsey Wire and Nathan Seymour
November 29, 2022

CASE DATE SUMMARY

Jefferson County Case Management

CASE DATE SUMMARY

Case Number: 21-109265AM Case Type: Regulation Amendment

Initial Application Submitted: June 30, 2022

Case Sent on First Referral: August 31, 2022

Case Scheduled for Hearing(s): October 19, 2022

PROPOSED REGULATIONS RED-MARK

Section 16: Land Disturbance

(orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 10-12-04;
am. 4-20-10; am. 11-20-12; am. 6-1-19)

A. Purpose

The purpose of this section is to:

1. ~~Protect the water quality of~~ Enhance the quality of water in the County's drainageways and surface waters; (orig. 10-12-04; am. xx-xx-xx)
2. Protect life, property and the environment from loss, injury and damage by stormwater runoff, erosion, sediment transport, ponding, flooding, landslides, accelerated soil creep, settlement and subsidence, excessive dust, and other potential hazards caused by grading, construction activities, and denuded soils; (orig. 10-12-04)
3. Allow a temporary land use for land disturbance activities; and (orig. 8-25-86; am. 9-24-91; am. 3-23-99; am. 10-12-04)
4. Establish performance standards to:
 - a. Define grading, drainage, erosion and sediment control, and waste disposal requirements; (orig. 10-12-04)
 - b. Ensure mitigation of adverse impacts; and (orig. 10-12-04)
 - c. Ensure the reclamation of disturbed land. (orig. 10-12-04)

B. General Provisions

1. Performance Standards

All ~~land~~ Land disturbance ~~Disturbance activities~~ Activities must conform to the performance standards as detailed in this section. These standards apply whether or not a ~~Grading Permit or Notice of Intent~~ Land Disturbance Permit is required. (orig. 10-12-04; am. xx-xx-xx)

2. Activities Requiring a ~~Grading Permit or Notice of Intent~~ Land Disturbance Permit (Grading Permit or Notice of Intent):

It shall be unlawful for any person, firm or corporation to do or authorize any land disturbance in the unincorporated area of Jefferson County without first obtaining a ~~Grading Permit from the County or submitting a Notice of Intent to~~ Land Disturbance Permit from the County to authorize temporary land disturbance activities unless specifically exempted by this section. The applicant, the landowner, and the contractor are responsible if a land disturbance activity is ~~undertaken in contravention~~ not in accordance with ~~of~~ the performance standards, or if a land disturbance activity is undertaken beyond the scope of the ~~Grading Permit or Notice of Intent~~ Land Disturbance Permit without County approval. Land disturbance activities must be completed in compliance with the approved plans. (orig. 8-25-86; am. 9-24-91; 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. xx-xx-xx)

- a. Land ~~disturbance~~ Disturbance activities Activities that require a Grading Permit include the following: (orig. 10-12-04; am. xx-xx-xx)

(1) A Grading Permit is required if one of the following apply:

- ~~(a) The disturbed area is greater than or equal to 0.5 acre and the National Resources Conservation Service (NRCS) soil erodibility (K factor) is equal to or greater than 0.23. If the K factor is not mapped, the default K factor will be 0.23. The applicant may provide site specific soil data and evaluated K factor from a qualified professional that will be reviewed by Jefferson County staff. (orig. 6-1-19)~~
- ~~(b) The disturbed area is greater than or equal to 0.5 acres and a perennial or intermittent stream (or similar) as classified by the United States Geological Survey (USGS) National Hydrography Dataset (NHD) is within 100 feet of the disturbed area. (orig. 6-1-19)~~
- ~~(c) The disturbed area is greater than or equal to 0.5 acre and is within 100 feet of the Floodplain Overlay District boundaries. (orig. 6-1-19)~~
- ~~(d) The disturbed area is greater than or equal to 0.5 acre and is within the Geologic Hazard Overlay District. (orig. 6-1-19)~~

(ae) The disturbed area is equal to or greater than 0.51 acres. (orig. 6-1-19; am. xx-xx-xx)

(b) When 5,000 or more cubic yards of earthen material is stored on a property and the material is not actively being used on said property. An active use would be construction associated with an active building permit for a primary structure. (orig. xx-xx-xx)

- b. Land ~~d~~Disturbance activities that require a Notice of Intent to be submitted with, or in advance of, a Building Permit application include the following: (orig. 10-12-04; am. 6-1-19; am. xx-xx-xx)
 - (1) Land disturbance in accordance with lot grading, erosion and sediment control plans approved with plats; (orig. 10-12-04; am. 11-24-15; am. 6-1-19) or
 - (2) Land disturbance associated with new start building permits for primary structures. (orig. 6-1-19)
 - (3) This Notice of Intent process shall only apply to ~~permits~~ Land Disturbance Activities that meet the regulatory requirements, including all performance standards related to grading, drainage and circulation; otherwise, a Grading Permit is required. (orig. 6-1-19; am. xx-xx-xx)

3. Activities exempt from the Requirement for a Grading Permit

Land disturbance activities that are exempt from Grading Permit requirements shall comply with the specific requirements, if any, listed in the applicable exemption provision below. In addition, land disturbance associated with activities listed within this exemption section must still be in compliance with the performance standards set forth in this section, unless specifically stated otherwise. The applicant, landowner and the contractor are responsible if land disturbance activity is ~~undertaken in contravention of~~ not in accordance with these performance standards. The following land disturbance activities are permissible without obtaining a Grading Permit: (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 10-12-04; am. 4-20-10; am. 6-1-19; am. xx-xx-xx)

- a. Projects which involve less than 0.5 acres of disturbed area. Individual lots in subdivision developments under the same ownership, involving less than 0.5 acres of disturbed area, shall not be considered separate projects if they are contiguous or within 0.25 mile of each other. Any series of related projects or connected projects on one site, which together exceed the 0.5 acre limitation shall be considered a single project and shall be required to obtain a Grading Permit. (orig. 9-24-91; am. 12-17-02; am. 10-12-04; am. 7-12-05; am. 11-24-15; am. 6-1-19)
- b. Land disturbance work being done pursuant to and in conformance with an approved grading plan in conjunction with an approved recorded Plat, Site Development Plan, Minor Adjustment or Exemption from Platting. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 4-27-04; am. 10-12-04)
- c. Tillage of agricultural land is exempt from all permit requirements. Agricultural uses of land zoned agricultural, other than tillage, which disturb greater than 0.5 acres is exempt from the filing requirements, provided a conservation plan for the proposed grading activities using the United States Department of Agriculture Soil Conservation Service standards is approved by the Jefferson Conservation District. A copy of the conservation plan shall be submitted to Planning and Zoning prior to the commencement of grading activities. The County ~~shall~~ may enforce the conditions of the conservation plan under the enforcement provisions of this section. (orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 11-24-15; am. 6-1-19; am. xx-xx-xx)
- d. Trenching incidental to the construction, maintenance and installation of approved underground pipelines, electrical or communication facilities, and drilling or excavation for approved wells ~~or post holes~~ if the total area of land disturbance is less than one acre. Construction activities associated with the installation of the onsite wastewater treatment system (OWTS) shall not be exempt. Construction of access required to complete the trenching or for future maintenance shall not be exempt. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 10-12-04; am. 4-20-10; am. 11-20-12; am. 11-24-15; am. xx-xx-xx)
- e. Land disturbance for utility installation or maintenance within a County owned or County maintained Right-of-Way if the total area of land disturbance is less than one acre. These activities require a County Right-of-Way and Construction Permit. (orig. 8-8-95; am. 10-12-04; am. 11-20-12)
- f. Land disturbance or excavations in accordance with plans incorporated in a mining permit, reclamation plan or sanitary landfill approved by the County. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 10-12-04)

- g. County capital improvement or County maintenance projects within Right-of-Way or County ~~airport runways~~ property if the total area of land disturbance is less than one acre. (orig. 12-17-02; am. 10-12-04; am. 11-20-12; am. xx-xx-xx)
- h. Maintenance and cleaning of existing ditches, lakes, ponds, storm sewer system, and water storage reservoirs with a total area of land disturbance is less than one acre. (orig. 8-25-86; am. 10-12-04; am. 6-1-19)
- i. Land disturbance for culvert installation or maintenance within a County owned, public ROW or County maintained Right-of-Way if the total area of land disturbance is less than one acre and the culvert is intended to convey stormwater only. (orig. 6-1-19)
- j. Maintenance and resurfacing of existing streets/roads, runways, sidewalks/trail systems, parking lots/loading areas, and railroad beds. (orig. 9-24-91; am. 10-12-04)
- k. Performance of emergency work necessary to prevent or mitigate an immediate threat to life or property when an urgent necessity arises. The person performing such emergency work shall notify Planning and Zoning promptly of the problem and work required. If the emergency work would not otherwise be exempt from a Grading Permit, a Grading Permit shall be obtained as soon as possible. (orig. 8-25-86; am. 9-24-91, 8-8-95; am. 4-27-04; am. 10-12-04; am. 5-20-08)
- l. Enlargements to parking areas less than 0.5 acre larger than the original area of existing parking facilities for commercial, industrial and institutional uses. Stormwater detention and water quality must be provided for in accordance with the Storm Drainage Design and Technical Criteria Manual. (orig. 4-27-04; am. 10-12-04; am. 11-24-15; am. 6-1-19)
- m. Land disturbance for natural surface trails that are less than one acre are exempt. Land disturbance over one acre associated with the construction of natural surface trails shall follow the procedure outlined below prior to commencement of any trail construction. The land disturbance associated with the construction of natural surface trails shall conform with the performance standards of this section and the current Jefferson County Natural Surface Trail Guide. (orig. 4-20-10; am. 11-20-12; am. 11-24-15; am. 7-17-18)
 - (1) Plans are submitted showing the location and overall scope of the trail construction project, including a description of the proposed construction phasing. (orig. 4-20-10; am. 7-17-18)
 - (2) A detailed construction schedule is provided for each phase of the construction project. (orig. 4-20-10)
 - (3) The applicant proposes a construction guide that includes typical construction procedures that will be used during the construction of trails, including erosion and sediment control measures. (orig. 4-20-10)
 - (4) Planning and Zoning has reviewed the construction guide and has determined that the construction procedures will be sufficient to assure compliance with the grading performance standards of this section, and state or county erosion and sediment control standards. (orig. 4-20-10)
 - (5) The applicant shall stake the proposed trail alignment and shall coordinate a site visit with County Staff to review the alignment. If Staff identifies areas where trail alignment should be adjusted to assure conformance with the performance standards and the construction guide, then a new plan showing the new alignment shall be submitted. (orig. 4-20-10)
 - (6) The applicant agrees to implement the construction procedures identified within the guide and agrees that the county has the authority to inspect and require field alterations if the typical construction procedures identified in the guide are not being properly implemented. The applicant also agrees that failure to implement the construction standards of the guide or the field alterations directed by Planning and Zoning may result in the issuance of a zoning violation in accordance with this Resolution; and may result in the exemption from the grading permit requirements being revoked for future phases of the trail construction project. (orig. 4-20-10)
 - (7) The applicant submits the standard Grading Permit fee to cover the cost of the review and approval of the construction guide, and the inspection of each phase of the construction process. (orig. 4-20-10)

The procedures outlined in this section shall not apply to trail construction in special flood hazard

areas that have been identified as a part of the Jefferson County Floodplain Overlay District. The appropriate floodplain development permit and grading permit will be required for construction activities occurring within special flood hazard areas. (orig. 4-20-10; am. 6-1-19)

- n. Any work within State or Federal lands including Rights-of-Way and/or permanent easements held by said agencies. This exemption does not relieve these entities from completing a floodplain development permit in accordance with the Floodplain Overlay District Section of this regulation. (orig. 7-17-18)
 - o. Onsite disturbance through the Land Disturbance Permit may not be required for properties that are covered by a separate Municipal Separate Storm Sewer System (MS-4) permit through the State of Colorado, as determined by Planning & Zoning. (reloc. and am. 5-21-19)
4. Exemptions, Waivers, Variances and/or Exclusions
- Any exclusions, exemptions, waivers, and variances included in the regulatory mechanism must comply with the terms and conditions of the MS4 Permit (COR090000). (orig. 6-1-19)
5. Denial of other Permits
- Building Permits or Certificate of Occupancy shall not be issued while an unresolved grading, [drainage](#) or floodplain violation is ongoing on the subject property or within a common plan of development. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 7-17-18; am. 6-1-19; [am. xx-xx-xx](#))
6. Permission of other Agencies or Owners
- The issuance of a Grading Permit or the submission of a Notice of Intent shall not relieve the applicant of the responsibility for securing other permits or approvals required by any other division or agency of Jefferson County or other public agency or for obtaining any easements or authorization [to work within an existing easement or](#) for removing or transporting earth materials on property not owned by the applicant. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04; [am. xx-xx-xx](#))
7. Construction and Permits
- For construction within County Right-of-Way, the Grading Permit or Notice of Intent must be accompanied by an Access Permit [and/or](#) a Right-of-Way Use and Construction Permit in accordance with plans approved by the County. For construction outside of County Right-of-Way, the Grading Permit ~~or Notice of Intent~~ must be accompanied by a ~~Right-of-Way Use and~~ Construction Permit in accordance with the ~~p~~Plans approved by the County. The applicant shall obtain applicable permits from the County prior to commencing field work. All other applicable requirements shall be followed including the Transportation Design and Construction Manual. (orig. 8-8-95; am. 12-17-02; am. 10-12-04; am. 11-24-15; am. 7-17-18; [am. xx-xx-xx](#))
8. Liability
- Neither the issuance of a Grading Permit nor the submission of a Notice of Intent under the provisions of this section nor compliance with the provisions hereof or with any conditions imposed in this section shall relieve the applicant from responsibility for damage to any person or property or impose any liability upon the County for damage to any person or property. (orig. 8-25-86; am. 12-17-02; am. 10-12-04)
9. Restricted Activities
- a. No blasting, processing, crushing, or off-site hauling or other similar treatment of a commercial mineral deposit may occur in the permit area. (orig. 9-24-91; am. 10-12-04)
 - b. Any activity to construct any street/road to be dedicated to the County shall be undertaken pursuant to the Land Development Regulation and the Transportation Design and Construction Manual and in accordance with plans approved by the County. (orig. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15)
 - c. No Grading Permit shall be issued for any land disturbance activity which exceeds the minimal amount of grading necessary for the uses legally allowed at the time of permit application. Land disturbance activities for uses that require rezoning are unlawful. (orig. 8-8-95; am. 3-23-99; am. 10-12-04)
 - d. When there is a grading plan approved in conjunction with a Plat, Site Development Plan, Minor Adjustment or an Exemption from Platting, it shall be unlawful to grade in a manner that is not consistent with the approved grading plan. (orig. 8-8-95; am. 3-23-99; am. 10-12-04; am. 7-17-18)

- e. Any construction or development activity in a drainage easement or tract must either be in compliance with the original approved drainage report or comply with the Storm Drainage Design and Technical Criteria. (orig. 10-12-04)

10. Grading Concurrent with Platting

- a. When a property is in a platting process, grading activities may commence prior to Plat approval by the Board of County Commissioners provided all of the following conditions are satisfied: (orig. 3-23-99; am. 10-12-04)
 - (1) The zoning is final and recorded. (orig. 3-23-99)
 - (2) The subdivision proposal has received Planning Commission ~~approval or~~ a recommendation of approval by the Planning Commission. (orig. 3-23-99; am. 10-12-04)
 - (3) The grading and sediment and erosion control plans have received staff approval, either through the Final or Preliminary and Final Plat process. The grading plans shall not include permanent facilities such as curb, gutter, sidewalk, asphalt, etc. The installation of drainage facilities is allowed as approved by Planning and Zoning. (orig. 3-23-99; am. 10-12-04; am. 11-24-15)
 - (4) The Final Plat application has been received and accepted as complete by staff or the Planning Commission has recommended approval of the Preliminary and Final Plat. (orig. 3-23-99; am. 10-12-04; am. 11-24-15)
 - (5) Grading within a Floodplain Overlay District may be permitted if a Floodplain Development Permit has been issued. (orig. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15; am. 7-17-18)
 - (6) No waivers or alternative standards/requirements or variances related to grading requirements are being requested or are necessary in conjunction with the Final or Preliminary and Final Plat application. (orig. 3-23-99; am. 10-12-04; am. 11-24-15)
 - (7) The applicant has submitted a letter to the County indicating a request to commence land disturbance activities prior to Final or Preliminary and Final Plat approval and acknowledging that grading prior to Platting is done at their own risk, that grading changes may be required upon Final or Preliminary and Final Plat approval, and that the County shall not be held responsible for changes emanating from or costs associated with any changes that may be required as a result of Final or Preliminary and Final Plat approval. (orig. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15)
 - (8) A Performance Guarantee has been accepted by the County in accordance with the Land Development Regulation. (orig. 10-12-04)
- b. When grading activities are authorized prior to Plat approval by the Board of County Commissioners, the grading shall comply with the Land Development Regulation and with any previously approved grading plans. (orig. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15)
- c. Any land disturbance activity permitted pursuant to this section may be subject to additional requirements or alterations depending on approval conditions imposed by the Board of County Commissioners during the Plat review. (orig. 3-23-99; am. 10-12-04)

11. Grading Concurrent with the Processing of a Site Development Plan or Minor Adjustment

- a. When a property is in a Site Development Plan or Minor Adjustment process, grading activities may commence prior to approval by Planning and Zoning provided all of the following conditions are satisfied: (orig. 11-24-15; am. 7-17-18)
 - (1) The zoning is final and recorded. (orig. 11-24-15)
 - (2) The grading and sediment and erosion control plans have received staff approval. The grading plans shall not include permanent facilities such as curb, gutter, sidewalk, asphalt, etc. The installation of drainage facilities is allowed as approved by Planning and Zoning. (orig. 11-24-15)
 - (3) Grading within a floodplain overlay district may be permitted if a Floodplain Permit has been issued. (orig. 11-24-15; am. 7-17-18)

- (4) No alternate standards/requirements or variances related to grading requirements are being requested or are necessary in conjunction with the Minor Adjustment or Site Development Plan application. (orig. 11-24-15)
 - (5) The applicant has submitted a letter to the County indicating a request to commence land disturbance activities prior to Minor Adjustment or Site Development Plan approval and acknowledging that grading prior to approval is done at their own risk, that grading changes may be required upon Minor Adjustment or Site Development Plan approval, and that the County shall not be held responsible for changes emanating from or costs associated with any changes that may be required as a result of Minor Adjustment or Site Development Plan approval. (orig. 11-24-15)
 - (6) A Performance Guarantee has been accepted by the County in accordance with the Land Development Regulation. (orig. 11-24-15)
- b. When grading activities are authorized prior to Minor Adjustment or Site Development Plan approval by Planning and Zoning, the grading shall comply with the Land Development Regulation and with any previously approved grading plans. (orig. 11-24-15; am. 7-17-18)
 - c. Any land disturbance activity permitted pursuant to this section may be subject to additional requirements or alterations depending on approval conditions imposed by Planning and Zoning during the Minor Adjustment or Site Development Plan review. (orig. 11-24-15; am. 7-17-18)

C. Submittal Requirements

The following submittal documents are required for Land Disturbance Permit Applications. (orig. 8-25-86; am. 7-17-18; am. 6-1-19)

1. An application form signed by the fee simple owner of the property or by the lessee, licensee or easement holder if the activity is to be undertaken pursuant to that interest. Grading Permit, Notice of Intent, and Natural Surface Trail application forms are available from Planning and Zoning. (orig. 10-12-04; am. 5-20-08; am. 6-1-19)
2. A cover letter describing the proposed activities. Not Required for Notice of Intent Applications. (orig. 10-12-04; am. 5-20-08; am. 6-1-19)
3. A nonrefundable application fee in an amount established by the Board of County Commissioners. (orig. 8-25-86; am. 9-24-91; am. 5-3-94)
4. A copy of the recorded deed for the parcel, tract or lot. (orig. xx-xx-xx)
54. Proof of Access in accordance with the Access Standards in the General Provisions and Regulations Section of this Zoning Resolution. (orig. 6-1-19)
65. A grading, erosion and sediment control plan in accordance with the Plans and Specifications of this Section. (orig. 8-25-86; am. 6-1-19)
76. A geologic and/or soils investigation report in accordance with the Plans and Specifications of this Section is required if there are any geological hazards including highly erodible soils or commercial mineral deposits within or immediately adjacent to the grading site or when the final cut or fill slopes are proposed to be steeper than 2H:1V or if infiltration is a component of the drainage system. (orig. 8-25-86; am. 9-24-91, 8-8-95; am. 12-17-02; am. 10-12-04; am. 6-1-19; am. xx-xx-xx)
87. A drainage report or drainage letter in conformance with the requirements of the Storm Drainage Design and Technical Criteria. (orig. 10-12-04; am. 11-24-15; am. 6-1-19; am. 12-17-19)
98. Construction plans, details and supporting calculations for retaining walls, if applicable, in accordance with the Performance Standards of this Section. For Notice of Intent Applications, the applicant will need to apply for a separate miscellaneous permit for retaining walls greater than 36 inches high. (orig. 10-12-04; am. 6-1-19)
109. Drainage Easements may be required to be dedicated to the County for all permanent control measures. The applicant shall provide a legal description and exhibit (signed and stamped by a Professional Land Surveyor) when applicable. Not Required for Notice of Intent Applications. (orig. 12-17-19)
110. A ~~quantity and cost~~ cost and/or quantity estimate (Exhibit A) in accordance with the Improvement Security requirements of this Section, for all of the work associated with the project. Reference the example Exhibit

[A](#) on the Planning and Zoning website. Not Required for Notice of Intent Applications. (orig. 10-12-04; am. 7-12-05; am. 7-17-18; am. 6-1-19; am.12-17-19; [am. xx-xx-xx](#))

Note: An improvements security may be required in accordance with the Security requirements of this Section. The typical improvement security will be a letter of credit or cash escrow. If required the improvement security will need to be submitted prior to approval of the Land Disturbance application. (orig. 10-12-04; am. 7-17-18; am. 6-1-19; 12-17-19)

- ~~44~~[12](#). A completed N-1 Form stating that the proposed construction and grading are in conformance with the Land Disturbance requirements of this Section and, if applicable, the approved overall grading plan for the subdivision. Only Required for Notice of Intent Applications. (orig. 6-1-19)

Note: A completed N-2 Form is required prior to issuance of a Certificate of Occupancy. (orig. 6-1-19)

D. Procedures

1. Notice of Intent Procedures: A Notice of Intent (NOI) shall be submitted with, or in advance of, a building permit application for a primary structure that depicts the phased grading, erosion and sediment control measures for that lot/parcel. [The NOI shall certify that the Plans are in conformance with the Jefferson County Zoning Resolution \(ZR\), the Land Development Regulation \(LDR\), the Storm Drainage Design and Technical Criteria \(SDDTC\), and The Transportation Design and Construction Manual \(TDCM\). Any requests for relief of these standards shall require the submittal of a Grading Permit.](#) If applicable, the NOI shall state that the project will be in conformance with the approved construction documents with that subdivision. A completed Form Letter N-1 stating that the proposed construction and grading are in conformance with the approved overall grading plan and Land Disturbance Performance Standards shall be submitted to Planning & Zoning prior to issuance of the Building Permit. Form Letter N-1 shall be completed by a Colorado registered professional engineer. (orig. 6-1-19; [am. xx-xx-xx](#))

<u>Process Steps</u>		<u>Processing Time Frames</u>
<u>Process from Plan Submittal to Acceptance of NOI</u>		
<u>Plan Submittal Intake</u>	<u>7 calendar days (Staff confirms the land disturbance permit qualifies as an NOI and required submittal items have been received)</u>	<u>Example timeframe: 19 Days to acceptance of NOI if processing time frames are met. May take longer if issues arise.</u>
<u>Applicant Action is Required</u>	<u>Varies, 5 calendar days used for example timeframe</u>	
<u>Plan Resubmittal and NOI Acceptance</u>	<u>7 calendar days (Staff confirms required submittal items have been received)</u>	
<u>Final Close Out</u>		
<u>Permit Monitoring until submittal of N-2</u>	<u>2 years maximum</u>	

[Plan Submittal Intake](#)

[a. Sufficiency Review:](#)

[The applicant shall electronically submit all the applicable documents identified in the Submittal Requirements of this Section as a complete package, and not in a fragmentary manner for review by the Case Manager. \(orig. xx-xx-xx\)](#)

[The Case Manager shall have 7 calendar days to review the submittal and either accept the application or respond to the applicant explaining any deficiencies in the submittal documents \(including the appropriate application fees\). A submittal that is not complete in terms of the type of documents required will not be accepted. \(orig. xx-xx-xx\)](#)

[Resubmittal Sufficiency Review \(if required\): The Case Manager shall have 7 calendar days to review the resubmittal and either accept the application or respond to the applicant explaining any deficiencies in the submittal documents. \(orig. xx-xx-xx\)](#)

[Plan Resubmittal and NOI Acceptance:](#)

- [b. The final documents shall be comprised of the Submittal Requirements of this Section. \(orig. xx-xx-](#)

xx)

The applicant shall have a maximum of 180 calendar days to respond to the comments from the case manager, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. xx-xx-xx)

- c. The Case Manager shall have 7 calendar days to review the resubmitted documents and shall accept the application if it is complete in form and has all the required information described in the Notice of Intent N-1 Form that provides certification from a Colorado registered professional engineer stating that the submitted plans are in conformance with the Jefferson County Zoning Resolution (ZR), the Land Development Regulation (LDR), the Storm Drainage Design and Technical Criteria (SDDTC), the Transportation Design and Construction Manual (TDCM), and the notes, restrictions and supporting documents of any associated approved Preliminary and Final Plat. The owner, contractor or engineer shall also certify that the specified control measures will be installed prior to land disturbance and that control measures will be adequately maintained throughout the process and shall sign the N-1 Form. (orig. xx-xx-xx)

Permit Monitoring:

- d. Once the work associated with the accepted Notice of Intent is complete, the applicant shall submit a completed N-2 Form which provides certification from a Colorado registered professional engineer stating that all grading work was completed in conformance with the final accepted Grading, Erosion and Sediment Control (GESC) Plan, Drainage Report and N-1 submitted with the project application. If amendments to the accepted plans were made resulting in grading activities that were not completed in conformance with the final accepted plans, then the N-2 Form shall be submitted in conformance with the Amendments procedure of this Section. (orig. xx-xx-xx)

Permit Limitations:

- e. The permit shall be limited to work shown on the approved plans. Such plans shall contain guidelines, conditions, and/or restrictions as are necessary to comply with the performance standards. At any time during the plan review or in the event unforeseen conditions arise during completion of the project, the County may require revision of the plans as necessary to ensure compliance with the performance standards. (orig. xx-xx-xx)

Amendments:

- f. Modifications to the final accepted plans requires submittal of the revised plans and the completed N-2 Form which provides certification from a Colorado registered professional engineer stating that deviations from the accepted plans have occurred and that the revised plans and work has been completed in conformance with the Jefferson County Zoning Resolution (ZR), the Land Development Regulation (LDR), the Storm Drainage Design and Technical Criteria (SDDTC), the Transportation Design and Construction Manual (TDCM), and the notes, restrictions and supporting documents of any associated approved Preliminary and Final Plat. If the appropriate certification cannot be provided and the modifications to the plans do not conform to the Jefferson County Standards and Regulations for land disturbance permits described in this section, revised plans shall be submitted and reviewed by Planning & Zoning through a Grading Permit Application where requests for relief from standards will be evaluated. -(orig. xx-xx-xx)

Validity:

- g. The acceptance of plans and specifications by the County shall not be construed as an approval of any violation of the provisions of this section or of any other applicable laws, rules or regulations and shall not prevent the County from thereafter requiring the correction of errors in said plans and specifications or from preventing work being carried on thereunder in violation of this section or any other applicable law, rule or regulation. The issuance of a Land Disturbance Permit prior to any Plat approval shall in no way bind the Planning Commission or the Board of County Commissioners in the approval or denial of a Plat application, and the applicant's grading activities are at the applicant's risk. (orig. xx-xx-xx)

Time Limits:

- h. The work associated with the permit shall be completed within 2 years of the date of acceptance unless an extension has been granted by Planning and Zoning. A request for an extension shall be

submitted in writing no later than 10 calendar days prior to the expiration of the permit. Planning and Zoning may grant an extension to the permit up to 1 year. Additional extensions may be granted by Planning and Zoning to allow the establishment of permanent erosion and sediment control measures. (orig. xx-xx-xx)

2. Grading Permit Procedures: If the applicant complies with all given time frames, submits a complete Grading Permit application and complies with all requirements of this regulation, the estimated time to reach the Determination Phase of the process is ~~60~~⁶² calendar days from the date of the 1st referral, depending on the amount of disturbance for the proposed grading activity. (orig. 5-20-08; am. 7-17-18; am. 6-1-19; am. xx-xx-xx)

Process Steps	Processing Time Frames	
Steps prior to 1 st Referral		
Sufficiency Review and Referral Distribution or Deficiency Response	75 calendar days	
Resubmittal Sufficiency Review (if necessary)	75 calendar days	
Process from 1 st Referral to Determination		
1 st Referral and Staff Response	19 calendar days (14 day referral, 5 days for Staff response)	Example timeframe: 620 Days to determination if processing time frames are met. May take longer if issues arise.
Applicant's Response to 1 st Referral	Varies, 14 calendar days used for example timeframe	
Sufficiency Review and Referral Distribution	75 calendar days	
2 nd Referral and Staff Response	12 calendar days (7 day referral, 5 days for Staff response)	
Submittal of Final Documents by applicant	Varies - 10 calendar days used for example timeframe	
Determination		
Determination	5 days	

If an applicant is going to request relief from a standard in the Regulations, then a request for relief of the standard may be submitted for consideration. In order to avoid processing delays, it is recommended that a request for relief from a standard be submitted early in the development process. Requests for relief of a standard are subject to different specific processing timeframes, which may add to the length to the processing of the development application. (orig. 5-20-08; am. 7-17-18; am. 6-1-19)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 6-1-19)

Proof of Access: The Director of Planning and Zoning may allow the 1st Referral to be sent without meeting the access criteria proof of access requirements, if in his/her opinion the circumstances related to proving access should be finalized during the processing of the application. (orig. 4-20-10; am. 12-21-10; am. 6-1-19)

Steps Prior to 1st Referral

- a. Sufficiency Review and Referral Distribution (1st Referral):

The applicant shall electronically submit all the applicable documents identified in the Submittal Requirements of this Section as a complete package, and not in a fragmentary manner for review by the Case Manager.

The Case Manager shall have ~~75~~ calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-17-18; am. xx-xx-xx)

Resubmittal Sufficiency Review (if required): The Case Manager shall have ~~75~~ calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18; am. xx-xx-xx)

Process from 1st Referral to Determination

b. 1st Referral and Staff Response:

The referral agencies shall have 14 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08; am. 7-17-18; am. 6-1-19)

The Case Manager shall have 5 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. The response from the Case Manager will include an opinion as to whether the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08; am. 7-17-18)

c. Applicant's Response to 1st Referral:

For the application to be processed in accordance with the example timeframe in the table above, the applicant shall have 14 Calendar days to address in writing any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. (orig. 5-20-08; am. 7-17-18)

Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10; am. 7-17-18)

d. Sufficiency Review and Referral Distribution (2nd Referral):

The Case Manager shall have ~~75~~ calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. All resubmittal documents shall be submitted as a complete package, and not sent in a fragmentary manner. (orig. 7-17-18; ~~am. xx-xx-xx~~)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

e. 2nd Referral and Staff Response:

The referral agencies shall have 7 calendar days to respond in writing to the 2nd referral. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08; am. 7-17-18)

The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 7-17-18)

f. Applicant's Response to 2nd Referral Comments:

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10; am. 7-17-18)

g. Additional Referrals and Responses:

For the 3rd Referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2nd Referral) process, the 2nd Referral and Staff Response process and the Applicant's Response to 2nd Referral process. (orig. 5-20-08; am. 7-17-18)

~~h.~~ Final Documents:

The final documents shall be comprised of the stamped and signed grading plans and other final documents as identified by the Case Manager. In addition to submitting the final documents electronically, the applicant shall submit hard copies of the plans as specified in the case managers

response to the last referral. (orig. 5-20-08; am. 6-1-19)

The applicant shall have a maximum of 180 calendar days to respond to the comments from the case manager, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause.

ih. Determination:

The Case Manager shall have 5 calendar days to review the Final Documents and shall approve, conditionally approve or deny the application. An application shall be approved if it is complete in form, has all required information, includes appropriate control measure for all stages of construction, including final stabilization, the control measures meet the requirements of the MS4 Permit and the provisions of this section. Otherwise, it shall be denied. Any approval or denial shall be in writing with the reasons for denial specifically identified. Annotations on the plans shall be considered sufficient detail of the reasons for denial. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04; am. 6-1-19).

ii. Request for Reconsideration:

If an application is denied or conditionally approved, the applicant may request in writing, within 21 calendar days after the decision, a reconsideration of the decision by Planning and Zoning. The request for reconsideration shall state specific reasons or changes for the reconsideration. Planning and Zoning shall act upon the request for reconsideration within 10 working days of its receipt. Failure to act shall constitute denial of the request for reconsideration. No appeal to the Board of Adjustment shall be permitted unless a request for reconsideration was previously filed and denied. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 5-20-08)

ki. Appeals:

If Planning and Zoning denies the request for reconsideration, the applicant may submit a written appeal to the Board of Adjustment. The appeal must be received by the secretary of the Board of Adjustment within 30 calendar days of the date of denial. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04; am. 12-14-04; am. 5-20-08)

lk. Permit Limitations:

The permit shall be limited to work shown on the approved plans. Such plans shall contain guidelines, conditions, and/or restrictions as are necessary to comply with the performance standards. At any time during the plan review or in the event unforeseen conditions arise during completion of the project, the County may require revision of the plans as necessary to ensure compliance with the performance standards. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 5-20-08)

ml. Amendments:

Modifications to the approved plans are subject to an Administrative Review process. Modifications shall comply with the Plans and Specifications requirements and the performance standards as outlined in this Section, unless relief is granted through the appropriate process. (orig. 8-25-86; am. 3-23-99; am. 10-12-04; am. 7-17-18; am. 6-1-19)

ne. Validity:

The approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this section or of any other applicable laws, rules or regulations and shall not prevent the County from thereafter requiring the correction of errors in said plans and specifications or from preventing work being carried on thereunder in violation of this section or any other applicable law, rule or regulation. The issuance of a Grading Permit prior to any Plat approval shall in no way bind the Planning Commission or the Board of County Commissioners in the approval or denial of a Plat application, and the applicant's grading activities are at the applicant's risk. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04)

2. Grading Permit Inspections

- a. Upon approval by Planning and Zoning, the approved plans will be referred to an Engineering Inspector for permit issuance. (orig. 10-12-04; am. 5-20-08; am. 4-20-10; am. 7-17-18)

- b. The County may inspect the site and perform any necessary tests from time to time to ensure compliance with the permit conditions. (orig. 7-17-18).
- c. Final inspections shall confirm that the completed structural and/or non-structural water quality control measure operates in accordance with the approved plans. (orig. 6-1-19)
- d. All applicable development sites must have operational permanent water quality control measures at the completion of the site. In the case where permanent water quality control measures are part of future phasing, the permittee must have a mechanism to ensure that all control measures will be implemented, regardless of completion of future phases or site ownership. In such cases, temporary water quality control measures must be implemented as feasible and maintained until removed or modified. All temporary water quality control measure must meet one of the design standards in the MS4 Permit. For the purpose of this section, completion of a site or phase shall be determined by the issuance of a certificate of occupancy, use of the completed site area according to the site plan, payment marking the completion of a site control measure, the nature of the selected control measure or equivalent determination of completion as appropriate to the nature of the site. (orig. 6-1-19)
- e. Time Limits: The work associated with the permit shall be completed within 2 years of the date of permit issuance, unless an extension has been granted by Transportation and Engineering. A request for an extension shall be submitted in writing no later than 10 calendar days prior to the expiration of the permit. Transportation and Engineering may grant an extension to the permit up to 1 year. Additional extensions may be granted by Transportation and Engineering to allow the establishment of permanent erosion and sediment control measures. (orig. 8-25-86; am. 9-24-91; am. 8-8-94; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 5-20-08; am. 10-13-09; am. 7-17-18)

E. Plans and Specifications

1. Grading, Erosion and Sediment Control Plan

The proposed grading, erosion and sediment control plan and specifications shall demonstrate compliance with the performance standards and shall be prepared on sheets 24 inches by 36 inches, or as otherwise approved by Planning and Zoning, and stamped and signed by a Colorado registered professional engineer. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18; am. 6-1-19)

For graded areas between 0.5 and one acre, the County may waive the requirement for a topographic map and the requirement that the grading plans be prepared, stamped and signed by a Colorado registered professional engineer, where the applicant demonstrates an engineered grading plan and/or topographic map is not necessary to comply with the performance standards set forth herein. (orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04; am. 7-17-18; am. 6-1-19)

The grading, erosion and sediment control plan shall include the following unless waived or exempted by Planning and Zoning herein. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18; am. 6-1-19)

- a. A map which shows the items listed below. Acceptable map scales are 1 inch to 10, 20, 30, 40, 50, 60 or 100 feet. (orig. 8-25-86; am. 9-24-91; am. 10-12-04)
 - (1) A vicinity map (not to scale) indicating the location of the site relative to the principal roads, lakes or dams, and watercourses in the area. (orig. 8-25-86; am. 9-24-91)
 - (2) A title block which includes the title of the Grading Plan, purpose and nature of the grading project and, if applicable, states the use of earth material to be removed from the site. The name of the engineer who prepared the plans should also be included in the title block. (orig. 8-25-86; am. 9-24-91)
 - (3) The complete site boundary and locations of any easements and Rights-of-Way traversing and adjacent to the property, appropriately labeled and dimensioned. (orig. 8-25-86)
 - (4) The location of existing roads, buildings, wells, pipelines, watercourses and other structures, facilities and features of the sites, and the location of all improvements on adjacent land within 50 feet of the site's boundary. (orig. 8-25-86)
 - (5) The location and nature of known or suspected highly erodible soils or geologic hazard areas. (orig. 8-25-86; am. 9-24-91)

- (6) A topographic map which shows the affected area. The map shall show affected areas outside the permit boundaries, such as drainages. Contour lines shall be at 5-foot intervals or at an interval of greater detail if necessary to accurately show topographic features and drainage patterns, and the configuration of the ground before and after grading. The existing and final contours shall be shown at 2-foot intervals for subdivisions within the plains area and contours at 5-foot intervals for subdivisions within the mountain areas including the method utilized to obtain all contour intervals. Contours shall be accurate to within one-half (1/2) contour interval and elevations shall be based on United States Geologic Survey (USGS) sea level datum. Except for access permits, USGS quad maps shall not be accepted as evidence for topographic contours. (orig. 8-25-86; am. 9-24-91; am. 3-23-99; am. 10-12-04; reloc. xx-xx-xx)
- (7) The location, extent and finished surface slopes of all final cut and fill lines. (orig. 8-25-86)
- (8) The 100-year flood plain boundaries. (orig. 8-25-86)
- (9) The location of any existing or proposed flood control facilities, wells or Onsite Wastewater Treatment System in the vicinity of the permit area. Temporary access to the well and Onsite Wastewater Treatment System shall be depicted. (orig. 8-25-86; am. 9-24-91; am. 7-17-18; am. 6-1-19)
- (10) The location where any earth materials and topsoil will be stockpiled. Include estimated stockpile volume. If the stockpile will reach into adjacent properties, approval from the property owner shall be required. (orig. 8-25-86; am. 9-24-91; am. 7-17-18)
- (11) The north arrow, the scale, and the date. (orig. 8-25-86)
- (12) The general location and character of vegetative cover on the site and the location of all major rock outcrops. (orig. 8-25-86; am. 9-24-91)
- b. Typical cross sections (not less than two) of all existing and proposed graded areas taken at intervals not exceeding 200 feet and at locations of maximum cuts and fills where such cuts and/or fills exceed 10 feet in height. (orig. 8-25-86; am. 9-24-91)
- c. A table of the volume of cut, volume of fill, volume of material to be exported offsite, ~~K factor of the disturbed area, the steepest proposed slopes,~~ the total area of land disturbance, the existing impervious area, ~~and~~ the proposed impervious area (total impervious area for the site) and the area of land disturbance having treated by a water quality control measure per the SDDTC. This An example of this table is shown below and the table shall be placed on page 1 of the plan set. (orig. 8-25-86; am. 9-24-91; am. 6-1-19; am. xx-xx-xx)

<u>Total Area of Land Disturbance</u>	<u>acres</u>
<u>Volume of Cut</u>	<u>cy</u>
<u>Volume of Fill</u>	<u>cy</u>
<u>Volume of Material to be Exported Offsite</u>	<u>cy</u>
<u>Existing Impervious Area</u>	<u>acres</u>
<u>Proposed Impervious Area</u>	<u>acres</u>
<u>Area of Land Disturbance Treated by a Permanent Water Quality Control Measure</u>	<u>acres</u>
<u>Steepest Proposed Slope</u>	<u>H:V</u>

- d. The projected schedule of operations, including the following dates. The schedule dates must correspond to the permitted construction timeframe following approval: (orig. 8-25-86; am. xx-xx-xx)
- (1) Commencement of work, including days and hours of operation. (orig. 8-25-86; am. 9-24-91)
- (2) Start and finish of rough grading. (orig. 8-25-86)

- (e3) Completion of work in any watercourse. (orig. 8-25-86)
- (e4) Completion of grading, erosion and sediment control measures (Best Management Practices, BMP's). (orig. 8-25-86; am. 10-12-04; am. 6-1-19; am. xx-xx-xx)
- (e5) Maintenance schedule for grading, erosion and sediment control BMP's. (orig. 9-24-91; am. 10-12-04; am. 6-1-19)
- (f6) Completion of any required landscaping. (orig. 8-25-86)

e. The proposed grading, erosion and sediment control plan shall include permanent and, if applicable, temporary erosion and sediment control BMP's. The plans shall identify all structural and non-structural control measures for the applicable construction activities. The plan must contain installation and implementation specifications or a reference to the document with installation and implementation specifications for all structural control measures. A narrative description of non-structural control measures must be included in the plan. Revegetation plans shall include the seed mixture(s) including species and variety, type of seedbed preparation and method of seeding, seeding rates, seeding dates, type and application rates of fertilizer and mulch, and irrigation facilities and methods if applicable. Seed mix shall be based on the Jefferson Conservation District recommendations and/or a Planning and Zoning approved alternative. Seeding alone is not erosion control until vegetation is established. Seeding shall be combined with applicable erosion control structural BMP's until vegetation is established. (orig. 9-24-91; am. 10-12-04; am. 7-12-05; am. 7-17-18; am. 6-1-19)

- f. At a minimum, initial and final construction phases are required for all grading, erosion and sediment control plans. (orig. 7-17-18)
- g. Clearly and legibly show BMPs on the plan and include standard notes and associated details for the BMPs shown on said plan. (orig. 7-17-18; am. 6-1-19)
- h. If a Grading Permit Application requires an Improvement Security, a detailed improvements list is required. If the Grading Permit Application does not require an Improvement Security, the quantity of each erosion and sediment control BMP shall be provided ~~listed on the plans~~. (orig. 6-1-19; am. 12-17-19; am. xx-xx-xx)

2. Soil/Geologic Investigation Report

If a soils and/or geologic investigation report is required by the County, it shall be prepared and signed by a qualified professional geologist or Colorado registered professional engineer. The report shall contain all the following as they may be applicable to the subject site: (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04)

- a. A site map showing the topographic features of the site and locations of all soil borings and test excavations. (orig. 8-25-86)
- b. A classification of the soil types, laboratory test data, and consequent evaluation regarding the distribution and nature of existing soils. (orig. 8-25-86; am. 9-24-91)
- c. A description of the geology of the site and adjacent areas when pertinent to the site. (orig. 8-25-86)
- d. A suitably scaled map and cross sections showing all identified areas of historic or potential instability within and adjacent to the permit area. An evaluation of the stability of natural slopes and any proposed cut and fill slopes. (orig. 8-25-86; am. 9-24-91)
- e. A description of known or inferred groundwater or excessive moisture conditions. (orig. 8-25-86; am. 9-24-91)
- f. A description of the soil and geologic investigative techniques employed. (orig. 8-25-86)
- g. A log for each soil boring and test excavation showing elevation at ground level and the depth of each soil or rock strata. (orig. 8-25-86)
- h. Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill. (orig. 8-25-86)
- i. ~~Recommendations regarding drainage and erosion control (this is optional information in the soil/geologic investigation report).~~ (orig. 8-25-86)

- j. Recommendations for mitigation of geologic hazards and constraints. (orig. 8-25-86; am. xx-xx-xx)
 - k. The time of year the field work was done and a list of references and other supportive data. (orig. 8-25-86)
 - l. Soil parameters to be used in the design of retaining walls ~~included in the grading and/or sediment control plans~~. (orig. 9-24-91; am. xx-xx-xx)
 - m. Infiltration testing shall be completed for each control measure that utilizes infiltration. At least two tests per control measure are required. The testing shall be at an appropriate elevation and location to adequately evaluate the underlying strata. A Factor of Safety of 2 shall be applied to the final infiltration rate to account for infiltration degradation over time. (orig. xx-xx-xx)
3. Materials Handling Plan
- The proposed materials handling plan shall include BMP's for controlling waste and spill prevention and containment. (orig. 10-12-04)

F. Performance Standards for All Land Disturbance Activities

- 1. Control measures must prevent pollution or degradation of state waters. Control measures must also be appropriate for the specific construction activity, the applicable pollutant sources, and phase of construction. Appropriate control measures must be implemented prior to the start of construction activity, must control potential pollutants during each phase of construction, and must be continued through final stabilization. Appropriate structural control measures must be maintained in operational condition. (orig. 6-1-19)
- 2. Control measures must be selected, designed, installed, implemented, and maintained to provide control of all potential pollutants, such as but not limited to sediment, construction site waste, trash, discarded building materials, concrete truck washout, chemicals, sanitary waste, and contaminated soils in discharges to the MS4 and/or waterways. At a minimum pollutant sources associated with the following activities (if part of the applicable construction activity) must be addressed: (orig. 6-1-19; am. xx-xx-xx)
 - a. Land disturbance and storage of soils. (orig. 6-1-19)
 - b. Vehicle tracking. (orig. 6-1-19)
 - c. Loading and unloading operations. (orig. 6-1-19)
 - d. Outdoor storage of construction site materials, building materials, fertilizers, and chemicals
 - e. Bulk storage of materials. (orig. 6-1-19)
 - f. Vehicle and equipment maintenance and fueling. (orig. 6-1-19)
 - g. Significant dust or particulate generating processes. (orig. 6-1-19)
 - h. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, and oils. (orig. 6-1-19)
 - i. Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment. (orig. 6-1-19)
 - j. Dedicated asphalt and concrete batch plants. (orig. 6-1-19)
 - k. Other areas or operations where spills can occur. (orig. 6-1-19)
 - l. Other non-stormwater discharges including construction dewatering not covered under the Construction Dewatering Discharges general permit and wash water that may contribute pollutants to the MS4 and/or waterways. (orig. 6-1-19)
- 3. No Impedance to Natural Water Flow
 - a. No work shall be done which may obstruct, impede or interfere with the flow of storm water in overland flows, natural drainageways, unimproved channels or watercourses, or improved ditches, channels or canals in such a manner as to cause flooding that adversely impacts adjacent and downstream properties. Any activity taking place in an area zoned Floodplain Overlay District shall meet the requirements of the Floodplain Overlay District section of this Zoning Resolution. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 7-17-18)
 - b. Construction equipment shall be kept out of watercourses except when necessary to perform work

on the approved plans. Where in-channel work is designated on approved plans, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel, including bed and banks, shall be stabilized immediately after in-channel work is completed. (orig. 9-24-91; am. 6-1-19)

- c. Where a drainageway will be crossed by construction vehicles regularly during construction, a temporary crossing shall be provided. A permit may be required from the U.S. Army Corps of Engineers and the Environmental Protection Agency prior to any disturbance in waters of the United States or federally regulated wetlands. (orig. 9-24-91; am. 12-17-02; am. 10-12-04)

4. Excavation

Excavations shall be constructed and/or protected so that they are stable and do not endanger life or property. (orig. 8-25-86; am. 9-24-91)

5. Excavation Slope

- a. The slope of cut surfaces of permanent excavations shall not be steeper than 2 horizontal to 1 vertical (approximately 25 degrees). Steeper slopes may be permitted for grading permits with the approval of the County, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. The County may require the excavation to be made with a cut face flatter in slope than 2 horizontal to 1 vertical (2H:1V) if soils/geologic information submitted shows that flatter slopes are necessary for stability, adequate revegetation or maintenance. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)
- b. The slope of cut surfaces which are 5 feet in height or less and are in competent bedrock may be steeper than 2H:1V, but shall be no steeper than 1 1/2H:1V. Steeper slopes may be permitted for grading permits with the approval of the County, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. (orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)

6. Fill Placement

Completed fills shall be stable masses of well-integrated material bonded to adjacent materials and to the materials on which they rest. Proper drainage and other appropriate measures shall be taken to ensure continuing integrity of fills. Earth materials shall be used which have no more than minor amounts of organic substances. (orig. 8-25-86)

7. Fill Compaction

The County will require fills to be compacted to a minimum of 90 percent of maximum density as determined by ASTM D1557 unless prior approval by the County has been granted. ASTM D698 may be used for clays with a high plasticity index. The standard for fill compaction shall not apply to fills of less than 50 cubic yards which are placed on natural terrain with a slope flatter than 5H:1V, are less than 5 feet in depth, are not intended to support structures, and do not obstruct a drainage course. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04; am. 7-17-18)

8. Ground Preparation for Fill Placement

The ground surface shall be prepared to receive fill by removing vegetation, topsoil, and other unsuitable materials. (orig. 8-25-86)

9. Fill Slopes

The slope of all permanent fills shall not be steeper than 2H:1V. Steeper slopes may be permitted for grading permits with the approval of the County, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)

10. Driveways and Private Streets/Roads

- a. All street, road and driveway construction shall meet the Transportation Design and Construction Manual standards. (orig. 12-17-02; am. 10-12-04; am. 11-24-15)
- b. For private streets/roads and driveways including turnarounds the maximum allowable vertical disturbance from the toe of fill to the top of cut measured perpendicular to the existing contours shall be 25 feet in vertical height. Planning and Zoning may approve vertical disturbance heights greater than 25 feet for grading permits where it is determined that slopes shall be sufficiently stabilized and

restored to be congruent with surrounding conditions to the maximum extent practicable and the alignment of the driveway has been placed in the optimal location to allow for minimal disturbance. (am. 7-17-18; am. 6-1-19)

Relief for grading permits will also be considered if the applicant demonstrates that the proposed grading plan results in less overall land disturbance and that the relief is necessary to comply with the Preservation of Existing Terrain and Vegetation and Impact Mitigation Standards below. In determining whether to approve or disapprove the request, all technical evaluations, relevant factors, standards specified in other sections, and whether the applicant has adequately addressed the provisions of this Zoning Resolution shall be considered. (orig. 8-8-95; am. 11-12-02; am. 12-17-02; am. 7-1-03; am. 10-12-04; am. 3-26-13; am. 11-24-15; am. 7-17-18; am. 6-1-19)

- (1) Parking areas adjacent to building structures and drainage facilities not a part of the streets/roads will not be considered as vertical disturbance. (reloc. 7-17-18)
- c. Widths (including shoulders) of driveways and private streets/roads shall conform to the Transportation Design and Construction Manual. (orig. 8-8-95; am. 11-12-02; am. 11-24-15)

11. Protection of Adjacent Structures

Foundations or flatwork which may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. (orig. 8-25-86)

12. Setbacks

- a. Setbacks for all grading, erosion and sediment control activities shall be at least 7 feet from property boundaries and at least 25 feet from off-site occupied structures. Planning and Zoning may waive setback requirements for ~~grading permits~~ land disturbance provided it can be adequately demonstrated that activities occurring within setback limitations will not adversely affect adjacent property or structures. A letter prepared by a Colorado registered professional engineer will be required that addresses the following: (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 4-27-04; am. 5-20-08; am. 6-1-19; am. xx-xx-xx)
 - i. Identify any potential issues caused by grading, erosion and sediment control activities relating to existing infrastructure, drainage patterns or visual and safety impacts. (orig. xx-xx-xx)
 - ii. Provide justification and rationale demonstrating that there will be no adverse impacts to adjacent property owners as a result of the proposed land disturbance. (orig. xx-xx-xx)
- b. Grading for streets/roads and driveways is exempt from setback requirements if it can be adequately demonstrated that grading activities will not adversely affect adjacent properties or structures in terms of, but not limited to, runoff and slope stability. (orig. 9-24-91; am. 7-17-18)

13. Stormwater

Any required drainage and infiltration structures and devices shall be designed and constructed in accordance with standards and criteria established in the Storm Drainage Design and Technical Criteria and as listed below. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 10-12-04; am. 7-17-18; am. 6-1-19)

- a. Drainage Structures and Devices: All drainage facilities shall be designed to carry surface and subsurface water to the nearest adequate street, storm drain, and natural watercourse or other juncture. (orig. 8-25-86)
- b. Water Accumulation: All finished areas shall be graded and drained such that water will not pond or accumulate except where the end use is a pond, reservoir infiltration area or structure or detention basin. Drainage shall be affected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18)
- c. Protection of Adjoining Property: When surface drainage is discharged onto any adjoining property, it shall be discharged in such a manner that it will not cause an increased hazard to the stability of any cut and fill slope or any building or structure. (orig. 8-25-86; am. 9-24-91)
- d. Subsurface Drainage: Cut and fill slopes shall be provided with subsurface drainage as necessary

for stability. (orig. 8-25-86)

14. Erosion and Sediment Control

The following shall apply to the control of erosion and sediment from land disturbance activities: (orig. 8-25-86; am. 10-12-04)

- a. To the maximum extent practicable and in conformance with ~~D.1.a.(4)~~F.1., above, implementation of the erosion and sediment control plan shall precede grading activities. ~~The site may be temporarily stabilized with erosion control practices such as seeding and covering with erosion control blankets.~~ (orig. 9-24-91; am. 10-12-04; am. xx-xx-xx)
- b. Upon completion of land disturbance activities, disturbed areas, except for rock cuts and fills, shall be stabilized by adequate vegetative cover consisting of at least 70% of pre-existing vegetation conditions or other permanent soil erosion control measures which prevent accelerated erosion. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18)
 - (1) Cuts and fills accomplished for all roads, driveways and other vehicular access shall be stabilized with adequate vegetative cover or other permanent soil erosion control measures which prevent accelerated erosion, unless the cut is in competent bedrock. (orig. 9-24-91)
 - (2) No project shall cause accelerated or increased off-site erosion. (orig. 9-24-91; am. 10-12-04)
- c. To the maximum extent practicable, sediment caused by accelerated soil erosion shall be removed from runoff water before leaving the site. (orig. 9-24-91; am. 10-12-04)
- d. All land disturbing activities shall be designed, constructed, and phased in such a manner as to minimize the exposure of disturbed areas and to prevent accelerated soil erosion to the maximum extent practicable. (orig. 9-24-91; am. 10-12-04)
- e. Cut and fill slopes shall be stabilized, and surface water damage to cut and fill slopes shall be prevented. (orig. 8-25-86)
- f. Fugitive dust emissions shall be controlled using the best available control technology as defined by the Colorado Department of Public Health and Environment as of the date of permit issuance. (orig. 8-25-86; am. 9-24-91)
- g. All temporary and permanent soil erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended function in accordance with the details in the approved grading plans. (orig. 9-24-91; am. 10-12-04; am. 7-17-18)
- h. All topsoil, where physically practicable, shall be salvaged and no topsoil shall be removed from the site except as set forth in the approved plans. Topsoil and overburden shall be segregated and stockpiled separately. Topsoil and overburden shall be redistributed within the graded area after rough grading to provide a suitable base for areas which will be seeded and planted. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water. (orig. 8-25-86; am. 9-24-91)
- i. Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before land disturbance except into drainage facilities whose design has been specifically approved by the County prior to the permit approval. (orig. 8-25-86; am. 3-23-99; am. 12-17-02; am. 10-12-04)
- j. The landowner and/or contractor shall take reasonable precautions to ensure that vehicles do not track or spill earth materials on to streets/roads and shall immediately remove such materials if this occurs. (orig. 8-25-86; am. 12-17-02; am. 10-12-04)
- k. Should an increase in sediment discharge occur or become imminent, the landowner and/or contractor shall immediately take all necessary steps to control such discharge. The landowner and/or contractor shall take prompt action to resolve emergency problems. (orig. 8-25-86; am. 12-17-02; am. 10-12-04)
- l. Permanent or temporary soil stabilization measures shall be applied to disturbed areas within 14 days after final grade is reached on any portion of the site. Soil stockpiles shall be permanently or temporarily stabilized within 14 days if the stockpile is not being actively utilized for construction purposes. Soil stabilization measures shall be applied within 14 days to disturbed areas which may not be at final grade, but will be left dormant for longer than 60 days. (orig. 9-24-91; am. 7-17-18)

15. Geologic, Floodplain, Wildfire, and Dipping Bedrock Hazards

Any activity taking place in an area zoned Geologic Hazard Overlay District or Floodplain Overlay District, or Wildfire Hazard Overlay District, or Dipping Bedrock Overlay District shall meet the requirements of the appropriate sections of this Zoning Resolution. Land disturbance activities shall not create or aggravate unstable slopes, rockfall, landslide, or subsidence hazards or increase the risk of wildfire, flooding, or dipping bedrock hazards. (orig. 8-8-95; am. 3-23-99; am. 10-12-04)

16. Preservation of Existing Terrain and Vegetation and Impact Mitigation

- a. Grading for cut and fill slopes shall not result in a staircase effect, except that retaining walls are permitted per paragraph "e." below. The edges of graded areas shall blend into the surrounding natural terrain/topography and contour of the land. (orig. 8-8-95; am. 11-12-02)
- b. The proposed grading shall occur in such a manner that it avoids, to the extent practicable, all rock outcroppings, existing trees over 6 inches in caliper, vegetation over 8 feet in height, and riparian, wetland and critical wildlife areas. If from the original documentation and/or field investigation it appears that a less impactful alternative exists, the County may require the grading plan to be revised. (orig. 8-8-95; am. 12-17-02)
- c. Excess material shall be graded in a manner which is similar to the natural topography and shall not be cast over the side of cut or fill slopes. (orig. 8-8-95; am. 11-12-02)
- d. Cut slopes that are in rock and are intended to be left exposed shall be graded to obtain a natural looking appearance, to the extent possible, in form to blend with surrounding terrain. (orig. 8-8-95; am. 11-12-02; am. 10-12-04)
- e. Retaining walls shall not exceed a maximum height of twelve (12) feet and shall be faced with stone or constructed with textured earth colored material that is identified in the grading plan. If a series of retaining walls is required, the horizontal distance between walls shall be a minimum of 4 feet. The minimum distance between walls shall be increased to 6 feet if either wall exceeds 8 feet in height. Retaining walls greater than 36 inches in height shall be constructed in accordance with the design prepared by a Colorado registered professional engineer. The design may require consultation with a geotechnical engineer, shall consider such factors as expansive soils, steep slopes and vehicles or structures near the walls, and shall include the following: (orig. 8-8-95; am. 11-12-02; am. 12-17-02; am. 7-1-03; am. 10-12-04; am. 7-17-18)
 - (1) Construction plans indicating how the proposed wall height will vary along its length. (orig. 10-12-04)
 - (2) Details with elevations showing top and bottom of wall for critical points along the wall length. (orig. 10-12-04)
 - (3) Supporting calculations that demonstrate an adequate factor of safety ([minimum 1.5](#)) for bearing capacity, overturning, sliding, and internal stability, including surcharge loads due to sloping backfill, adjacent vehicles and structures. [When global stability analysis is required the minimum factor of safety is 1.3 for both the temporary and permanent conditions.](#) (orig. 10-12-04; [am. xx-xx-xx](#))
- f. The site shall be designed to use existing topography and existing vegetation to screen site disturbance. (orig. 8-8-95; am. 10-12-04)
- g. Revegetation plans shall be similar to existing vegetation and feature the prominent use of plants which are indigenous to the area or as approved by the County. Seeding methods such as hydroseeding, drilling, seeding and raking in, or other seeding method may be required when necessary to quickly and effectively establish a groundcover for areas where other types of seeding may be ineffective. (orig. 8-8-95; am. 11-12-02; am. 10-12-04)
- h. Any permanent erosion control and drainage improvements that are installed, as a result of land disturbance activities shall be designed to complement and blend with the natural topography of the land. (orig. 8-8-95; am. 10-12-04)
- i. Where possible, turnouts shall be provided with the narrowest permissible road to minimize the extent of land disturbance. (orig. 11-12-02; am. 10-12-04)

j. When the grading operations encounter remains of prehistoric people's dwelling sites, remains, or artifacts of historical, paleontological or archaeological significance, the operations shall be temporarily discontinued. The developer shall notify Planning and Zoning, and the developer shall promptly contact the proper authorities to determine the disposition thereof. If required by state or federal authorities, the developer shall preserve the area of historical, paleontological or archaeological significance for a maximum period of 30 days to allow authorities to excavate and recover the items of significance. (reloc. xx-xx-xx)

17. Materials handling BMP's are required. At a minimum, BMP's shall include controlling waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste, as applicable. In addition, spill prevention and containment BMP's for construction materials, waste and fuel shall be provided, as applicable. (orig. 10-12-04)
18. Maximum allowable height of a temporary stockpile is 50 feet measured from existing grade. The setback of the stockpile measured from the abutting property line to the edge of the stockpile is ~~4-6-2~~ multiplied by the height of the stockpile. The edge of the stockpile shall be no closer than the grading setback (7 feet from the abutting property line). The slope shall not exceed 3H:1V unless otherwise approved by Planning _____ and Zoning for grading permits based on existing site conditions and topographic constraints. The _____ temporary stockpile shall remain in place no longer than two years unless otherwise approved by Planning and Zoning for grading permits based on site conditions and construction duration. (orig. 11-24-15; am. 7-17-18; am. 6-1-19; am. xx-xx-xx)

G. Improvement Security

1. As a condition for the issuance of a Grading Permit, the County may require an improvement security in an amount necessary to ensure compliance with the performance standards in the event of default on the part of the applicant or of denial of the case by the Board of County Commissioners. Grading Permits associated with ~~a~~ single family attached, detached or duplex residential structures with an active building permit will not require an improvement security. An improvement security is required ~~Grading Permits that include for~~ improvements in the Right-Of-Way or for improvements which may affect Right-Of-Way. ~~excluding driveway culverts and grading in Right-Of-Way will require an improvement security.~~ (orig. 8-25-85; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 7-1-03; am. 10-12-04; am. 10-13-09; am. 6-1-19; am. 12-17-19; am. xx-xx-xx)
 - a. Except for rough grading, the amount of the security shall be 100 percent of the cost of all grading erosion and sediment control items plus 100% of the cost of the work required for public streets/roads and for private streets/roads. The amount of security for rough grading shall be 25 percent of the total cost of rough grading for all lands within the mountains and 10 percent for all lands within plains of the County. A contingency amount equivalent to 10 percent of the total cost of all work shall be added to the security amount. (orig. 3-23-99; am. 12-17-02; am. 7-17-18)
 - b. The improvement security shall be in the form of cash escrow or a letter of credit. (am. 3-23-99)
 - c. The improvement security shall remain in effect until final inspections have been made, where required, and all grading work has been accepted by the County. Final acceptance of warranted Public Improvements shall conform to the Jefferson County Land Development Regulation. Upon final acceptance of improvements or warranted Public Improvements, securities will be released. (orig. 8-25-85; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 5-20-08)
2. Any letter of credit or deposit required pursuant to this section shall be payable to the Board of County Commissioners of Jefferson County and shall be for a minimum of 2 year. (orig. 8-25-86; am. 8-8-95; am. 10-12-04; am. 5-20-08)

H. Permit Completion and Closeout

1. Notice of Intent
 - a. A completed Form Letter N-2 stating that the final construction and grading are in conformance with the approved overall grading plan and Notice of Intent shall be submitted to Planning & Zoning prior to issuance of the Certificate of Occupancy. Form Letter N-2 shall be completed by a Colorado registered professional engineer. (orig. 6-1-19)
2. Grading Permit
 - a. The conditions of approval as specified in the approval letter and/or approved plan set. (orig. 8-25-

86; am. 6-1-19)

- b. Jefferson County staff confirms that the completed control measure operates in accordance with the approved site plan. (orig. 6-1-19)
- c. The Certificate of Occupancy for residential structures will be issued once the Grading Permit certification is accepted and the Grading Permit is closed by Jefferson County staff. (orig. 6-1-19)

I. Release of Security for Grading Permits

1. Upon completion of the following, the improvement and/or maintenance securities will be released, and/or a Certificate of Compliance will be issued. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 7-17-18; am. 6-1-19)
 - a. Applicable provisions of this section. (orig. 8-25-86)
 - b. The conditions of approval of the Grading Permit. (orig. 8-25-86; am. 6-1-19)
 - c. Final stabilization of the site, which can include established vegetation, that will prevent accelerated erosion and other erosion control measures, where required. A uniform vegetative cover with a density of at least 70 percent of pre-disturbance levels shall be considered adequate vegetative cover _____ for erosion control measures. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 7-1-03; am. 10-12-04)
 - d. Receipt of proof of compaction, where the compaction standard applies. Compaction tests shall be taken under the direct supervision of a geotechnical engineer. The geotechnical engineer or his designated representative shall observe grading activities on a full-time basis and shall take sufficient compaction test to enable the engineer to determine that the site is ready for the intended uses and shall so state on the compaction report. Compaction reports shall be signed and sealed and dated by a Colorado registered professional engineer. Compaction reports shall include the moisture density curves, location of test sites, soil types(s), density results, type of test and if a failing test, retesting of the site. The engineer shall provide a complete set of all test and observations and a report stating that the grading activities have been completed in substantial conformance with the approved grading plan, the requirements of this section, and the Land Development Regulation. (orig. 9-24-91; am. 3-23-99; am. 10-12-04)
2. An as-built plan is required by the County for the following:
 - a. Land disturbance activities that occur in a Floodplain Overlay District.
 - b. Large fills (greater than 1000 cubic yards).
 - c. Retaining walls as designated on the approved plans.
 - d. The construction deviates from the approved plans.
 - e. Permanent non-structural and structural water quality control measures including dimensions, volume calculations and overall compliance with approved plans.
 - f. Other activities as required by Performance Guarantee and Warranty Section of the Land Development Regulation. Orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04; am. 7-17-18)
3. Upon completion and acceptance of all items listed on the list of improvements and associated costs, the project performance guarantee may be reduced to the amount shown on the Exhibit A for adequate revegetation and temporary erosion and sediment control. Revegetation means that a density of at least 70 percent of the pre-disturbance levels or equivalent permanent methods have been employed. (orig. 12-17-02; am. 10-12-04)
4. However, upon failure to complete the work, failure to comply with all of the terms of the permit or failure of the erosion and sediment control measures to function properly, the County may perform the required work or cause it to be done and collect from the permittee or surety all costs incurred, including administrative and inspection costs. Any unused portion of a deposit shall be refunded to the permittee after deduction by the County of the cost of the work. (orig. 8-25-86; am. 10-12-04; am. 7-17-18)

J. Enforcement

1. Inspections

The County may inspect the site and perform any necessary tests from time to time to ensure compliance with the permit conditions. (orig. 9-24-91; am. 8-8-95; am. 3-23-99)

2. Suspension and Revocation of Permit

The County may suspend, limit or revoke a permit for violation of any provision of this section, violation of the permit or misrepresentations by permit holder, his agents or his employees or independent contractors under contract with the permittee for a Notice of Intent or Grading Permit for an individual lot or within a common plan of development. The decision of the County to suspend, limit or revoke a permit may be appealed to the Board of Adjustment. No work shall be performed while an appeal is pending except as authorized by the County. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)

3. Enforcement Response

a. The escalation process for enforcement actions includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (~~criminal~~-civil process), fines associated with the illicit discharge violation and/or using the performance guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19; [am. xx-xx-xx](#))

b. The escalation process for chronic and recalcitrant violators of control measure requirements includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (~~criminal~~-civil process), fines associated with the illicit discharge violation and/or using the performance guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19; [am. xx-xx-xx](#))

3. Court Action

Nothing in this section shall be construed to prevent the Attorney's Office, at their discretion, from filing a court action based upon a violation or potential violation of this section. (orig. 3-23-99)

4. Right of Entry

Whenever necessary to enforce the provisions of this section the County can enter the premises at all reasonable times to perform any duty imposed by this section. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. If a Land Disturbance Permit is suspended or revoked, or if a Stop Work Order has been issued, the County shall have the right to enter the site to complete the work allowed under the grading permit. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 7-17-18)

5. Stop Work Orders

When any work is being performed which is not in compliance with an approved permit and/or the provisions of this section or any other applicable law, rule or regulation, the County can order the work stopped by serving written notice on any personnel engaged in performing the work. Such person shall immediately stop such work until authorized by the County to proceed. If there are no persons present on the premises, the notice may be posted in a conspicuous place and the notice shall state the nature of the violation. The notice shall not be removed until the violation has been vacated or authorization to remove the notice has been issued. Failure to comply with any Stop Work Order is a violation of the Zoning Resolution, the Grading Permit and/or the Notice of Intent. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 7-17-18)

6. Violations of Other Regulations

Violations of this section may also cause violations of other State and/or Federal regulations and result in additional fines and penalties. (am. 10-12-04)

Section 17- Land Disturbance

(orig. 7-12-05; [am. xx-xx-xx](#))

A. Planning Standards

~~Grading, Erosion and Sediment Control Plans: Plans shall be submitted as required by the Submittal Requirements Section in accordance with the following standards. (am. 7-12-05)~~

~~1. The existing and final contours shall be shown at 2-foot intervals for subdivisions within the plains area and contours at 5-foot intervals for subdivisions within the mountain areas including the method utilized to obtain all contour intervals. Contours shall be accurate to within 0.5 contour and elevations shall be based on United States Geologic Survey (U.S.G.S.) sea level datum. The U.S.G.S. quad maps shall not be accepted as evidence for topographic contours. (am. 7-12-05)~~

~~12. Grading, erosion and sediment control plans shall be prepared in accordance with and in compliance with the standards in the Land Disturbance Section of the Zoning Resolution. (am. 7-12-05)~~

~~3. Grading, erosion and sediment control plans must include the following: (reloc. 7-12-05)~~

~~a. Plans for all private and public streets/roads in accordance with the Transportation Design and Construction Manual and the Circulation Section. (am. 7-12-05; am. 11-24-15)~~

~~b. Conceptual driveway plans if existing slopes exceed 30%. (reloc. 7-12-05)~~

~~c. Overlot grading plans for all non-residential, multi-family, manufactured home developments, and single family residential developments with lot sizes under ½ acre. Overlot grading plans are not required for single family residential lots over ½ acre in size if the developer is not proposing overlot grading, grading is not required and/or shown on the drainage plan, and the slopes in the buildable areas do not exceed 30%. Overlot grading plans must be consistent with the grading and basin boundaries shown on the drainage plan. (reloc. 7-12-05)~~

~~d. Plans for all drainage improvements including but not limited to detention and water quality facilities, drainage channels, storm sewer and outlet protection. (reloc. 7-12-05)~~

~~e. Grading, erosion and sediment control plans for each lot in residential developments with lot sizes under ½ acre shall be prepared in accordance with and in compliance with the Notice of Intent standards in the Land Disturbance Section of the Zoning Resolution. (reloc. 7-12-05)~~

~~4. Approvals: Planning and Zoning shall approve the plans prior to development approval. The Jefferson Conservation District shall approve the seed mix and mulching rates. (am. 7-12-05; am. 12-21-10)~~

B. Construction Specifications

~~1. Scope: The intent of these specifications is to ensure excavation and grading occur according to the approved plan and to establish minimum materials, methods and standards to be used in the construction of site grading fills for support of residences and other structures, embankments or excavations for streets, roads, drainage channels, structures, or other purposes. The work covered by these specifications includes excavation, embankment, grading, compaction, clearing and grubbing, removal of topsoil, trees, stumps, vegetation, removal and/or resetting of minor obstructions and any other work incidental to the construction of site grading fills. When used in this document, AASHTO shall refer to the American Association of State Highway and Transportation Officials, ASTM shall refer to the American Society for Testing and Materials, and CDOT shall refer to the Colorado Department of Transportation. (reloc. 7-12-05)~~

~~2. Clearing and Grubbing~~

~~a. General: Clearing and grubbing consists of removing and disposing of all vegetation and debris within the limits of projects as indicated on the approved grading plans, except such objects as are designated to remain or are to be removed in accordance with this Regulation. Clearing and grubbing shall also include the preservation of all vegetation and objects designated to remain. (am. 7-12-05)~~

~~b.—Construction: The plans shall establish construction limits and designate all trees (including dripline), shrubs, plants and other objects to remain. All objects designated to remain shall be preserved. (reloc. 7-12-05)~~

~~(1) All surface objects and all trees, stumps, roots, and other vegetation over 6 inches in height, and other protruding objects, not designated to remain, shall be cleared and/or grubbed, including mowing, as required. (reloc. 7-12-05)~~

~~(2) Except in areas to be excavated, stump holes and other holes from which obstructions are removed, shall be backfilled with suitable materials and compacted in accordance with this Section. Materials and debris shall be disposed of in accordance with state and County regulations. Burning is not permitted. Placement of strippings or topsoil in minor amounts in nonstructural areas will be permitted as specified below, but must be identified on the plans. Up to 3 feet of topsoil and strippings may be placed in nonstructural areas where revegetation will occur and these areas are at least 15 feet from any structural pad. (reloc. 7-12-05)~~

~~(3) Strippings consist of any vegetation not consisting of Clearing and Grubbing. If applicable, the plans shall address arrangements for off-site disposal. All such disposal locations shall be permitted in accordance with the Jefferson County Zoning Resolution and the applicable requirements of the Colorado Department of Public Health and Environment. (am. 7-12-05)~~

~~(4) The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials. (reloc. 7-12-05)~~

~~3.—Topsoil~~

~~a.—General: All topsoil, where physically practicable, shall be salvaged and no topsoil shall be removed from the site except as set forth in the approved grading plans. Except for structural areas, topsoil shall be redistributed over the graded area after grading operations are completed. All work shall be in accordance with this Section and in reasonably close conformity with the lines and thickness shown on the grading plans. (reloc. 7-12-05)~~

~~b.—Materials: Topsoil shall consist of loose friable loam reasonably free of admixtures of subsoil, refuse, stumps, roots, rocks, brush, weeds, or other material which would be detrimental to the proper development of vegetative growth. (reloc. 7-12-05)~~

~~c.—Construction: Materials selected for topsoil and lying within the limits of the project shall be excavated and stockpiled at the project at locations designated on the grading plans. Excavated topsoil shall be placed directly upon constructed cuts and fill slopes without the use of stockpiles whenever possible. The grading work shall be phased in such a way as to allow direct placement of salvaged topsoil if possible. (reloc. 7-12-05)~~

~~(1) Topsoil shall not be placed until the areas to be covered have been properly prepared in accordance with this Section and grading operations in the area have been completed. (reloc. 7-12-05)~~

~~(2) Topsoil shall be placed and spread at locations and to the thickness shown on the plans and shall be keyed to the underlying materials by the use of harrows, rollers, or other equipment suitable for the purpose. (reloc. 7-12-05)~~

~~(3) Water shall be applied to the topsoil at the locations and in the amounts designated. Water shall be applied in a fine spray by nozzles or spray bars in such a manner that it will not wash or erode the topsoil area. (reloc. 7-12-05)~~

~~4.—Watering~~

~~a.—General: Water specifications shall address wetting, water for landscaping and the application of dust palliatives to soils and aggregates in accordance with this Section and in conformance with the plans. (am. 7-12-05)~~

~~b.—Materials: All water used shall be free of any mineral salts or contaminating material which might result in expansion of materials after placement. (reloc. 7-12-05)~~

~~c.—Construction~~

~~(1) Wetting: Sprinkling equipment shall be of a type which ensures uniform and controlled distribution of water without ponding or washing. Water added during finishing operations shall be uniformly applied by spraying across the full width of the course by means of controllable pressures and spray bars of nozzles. (reloc. 7-12-05)~~

~~(2) Dust Palliative: Dust palliatives shall be applied on portions of the project and on haul roads at the locations and in the amounts as may be called for on the plans. Dust pallatives may consist of water or other substances approved by Public Health. Dust palliative shall be of the type and proportions called for on the plans. Water or water mixture shall be spread with acceptable sprinkling equipment. (reloc. 7-12-05; am. 12-21-10)~~

~~(3) Landscaping: Water shall be provided for seeding, mulching, planting, transplanting, sodding, and soil sterilization, and any other landscaping work, when called for on the plans. (reloc. 7-12-05)~~

~~5.—Removal of Structures and Obstructions~~

~~a.—General: This work shall consist of the removal, wholly or in part, and satisfactory disposal of all foundations, fences, signs, structures, sidewalk, curbing, pavements, not designated or permitted to remain. It shall also include the salvaging of the designated materials and backfilling the resulting trenches, holes, and pits. All backfill work shall be done in accordance with the Compaction provisions. (am. 7-12-05)~~

~~—When the plans and specifications do not include specific requirements for removal of structures and obstructions as set forth in this Section, such work shall be performed under the Excavation and Embankment provisions. (am. 7-12-05)~~

~~b.—Construction: All foundations, signs, structures, fences, old pavements, abandoned pipelines and other structures shall be removed from the site and disposed of in accordance with applicable state, federal and County regulations. (reloc. 7-12-05)~~

~~6.—Excavation and Embankment~~

~~a.—General: Excavation and embankment grading consists of excavation, disposal, shaping, or compaction of all material encountered within the limits of the grading plans including excavation for ditches and channels necessary for the construction of the project in accordance with the grading plans and in reasonably close conformity with the lines, grades, and typical cross-sections shown on the plans. (reloc. 7-12-05)~~

~~b.—Excavation: All excavation will be classified as rock excavation, unclassified excavation, sub-excavation or borrow, as hereafter described. (reloc. 7-12-05)~~

~~(1) Rock Excavation: Rock excavation is excavation of igneous, metamorphic and sedimentary rock which cannot be ripped with a D-8 caterpillar or an equivalent using a single shaft hydraulic ripper tooth, or intact stone or boulders which cannot be handled with a Cat 950 loader or equivalent, and all boulders or other detached stones, each having a volume of 0.5 cubic yards or more, as determined by physical or visual measurement. For ditches and channels, rock excavation also includes bedrock or large boulders which cannot be excavated with a Cat 235 hydraulic excavator or equivalent, with a rock bucket. (reloc. 7-12-05)~~

~~(2) Unclassified Excavation: Unclassified excavation is the excavation of all other materials of whatever character required for the approved grading and/or construction plans including surface boulders and excavation for ditches and channels. (reloc. 7-12-05)~~

~~(3) Borrow: Borrow shall consist of material obtained from outside the project limits, required for the construction of embankments or other portions of the grading plans. Borrow material specifications shall be included on the grading plans. All borrow areas must meet the requirements of the Jefferson County Zoning Resolution. (am. 7-12-05)~~

~~(4) Sub-excavation: The removal and replacement of material below foundation or roadway grades to comply with the Zoning Resolution or the Transportation Design and Construction Manual. (reloc. 7-12-05; am. 11-24-15)~~

~~c.—Embankment Material: Embankment material shall consist of approved material acquired from excavations, hauled and placed in embankments in reasonable close conformity with the line, grades, thicknesses and typical cross sections shown on the grading plans. (reloc. 7-12-05)~~

~~The type of relative compaction required shall be as called for on the plans or as required by the Compaction provisions, whichever is more stringent. (am. 7-12-05)~~

~~d.—Construction—General: The excavation and embankments shall be finished to reasonably smooth and uniform surfaces. Grading operations shall be conducted so that material outside of the limits of slopes will not be disturbed, except as shown on the approved grading plans. Prior to beginning grading operations in any areas, all necessary clearing and grubbing and topsoil in that area shall have been performed in accordance with the Clearing and Grubbing and Topsoil provisions. (am. 7-12-05)~~

~~(1) Transportation and Engineering shall be notified at least 3 days before beginning grading. (am. 7-12-05; am. 12-21-10)~~

~~(2) The limits of grading and objects designated to remain shall be staked at least 3 days prior to beginning grading at which time a pre-grading meeting with the site owner, project engineer and contractor may be required by Transportation and Engineering. (am. 7-12-05; am. 12-21-10)~~

~~(3) When the grading operations encounter remains of prehistoric people's dwelling sites, remains, or artifacts of historical, paleontological or archaeological significance, the operations shall be temporarily discontinued. The developer shall notify Planning and Zoning, and the developer shall promptly contact the proper authorities to determine the disposition thereof. If required by state or federal authorities, the developer shall preserve the area of historical, paleontological or archaeological significance for a maximum period of 30 days to allow authorities to excavate and recover the items of significance. (am. 7-12-05)~~

~~(4) At all times, precautions shall be taken for the protection of culverts, erosion control structures, irrigation crossings, mail boxes, driveway approaches, valve boxes, manholes, survey monuments, underground or overhead utility lines and all other public or private installations that may be encountered during construction. Any damage to such structures caused by grading activities shall be repaired, documented and submitted to Transportation and Engineering prior to issuance of any certificate of completion for the site. (am. 7-12-05; am. 12-21-10)~~

~~e.—Excavation~~

~~(1) Rock: Unless otherwise specified, rock shall be excavated to a minimum depth of 6 inches below subgrade within the limits of any roadbed and the excavation backfilled with material designated on the plans and in accordance with the Jefferson County Design Manual. (reloc. 7-12-05)~~

~~(2) Unclassified: Where material encountered within the limits of grading are considered unsuitable for embankment foundations, streets/roads, or structural areas by the soils engineer or by Transportation and Engineering, such material shall be excavated and replaced with suitable material. Some examples of unsuitable material include soils which contain significant amounts of organic material or large diameter rocks, concrete, or asphalt. Excess unsuitable excavated material, including rock and boulders, that cannot be used in embankments may be placed in non-structural areas as approved by the soils engineer and Transportation and Engineering and must be documented with a set of revised plans showing any such locations. (am. 7-12-05; am. 12-21-10)~~

~~—Whenever shown on the plans or considered necessary by Transportation and Engineering, intercepting ditches shall be made above the top of cut slopes and carried to outlets near the ends of the cuts. In order to blend the intersection of cut slopes with the slope of the adjacent natural ground surfaces in a uniform manner, the tops of all cut slopes shall be flattened and rounded. (am. 7-12-05; am. 12-21-10)~~

~~f.—Embankment~~

~~(1) Embankment construction shall consist of construction building sites, street/road embankments and drainage structures including preparation of the areas upon which they are to be placed; the construction of dikes; the placing and compacting of material within project areas; and the placing and compacting of material in holes, pits and other depressions within the project area. (reloc. 7-12-05)~~

~~(2) Free running water shall be drained from the fill material and the fill area before the material is placed. Rocks, broken concrete, or other solid materials more than 6 inches in greatest dimension shall be removed from the site and excluded from any borrow material brought onto the site. However, placing of occasional boulders or rock fragments of sizes larger than the maximum layer thickness may be authorized by the soils engineer and must be approved by Transportation and Engineering. Each oversized boulder or rock fragment shall be separated sufficiently to allow placement, leveling and compaction of spalls or fill material between and around each particle. (am. 7-12-05; am. 12-21-10)~~

~~When an embankment is to be placed and compacted on hillsides, or when a new embankment is to be compacted against existing embankments, or when an embankment is built one half width at a time, the slopes that are steeper than 5:1, when measured longitudinally or at right angles to the slope, shall be continuously benched over those areas where it is required as the work is brought up in layers. Benching shall be well keyed and where practical, a minimum of 8 feet wide or of sufficient width to accommodate the equipment being utilized. Each horizontal cut shall begin at the intersection of the original ground and the vertical sides of the previous cuts. Material thus cut out shall be recompacted along with the new embankment material. (reloc. 7-12-05)~~

~~g. Compaction~~

~~(1) After the foundation for the fill or subexcavated area has been cleared and scarified, it shall be disked or bladed until it is free from large clods, brought to the proper moisture content and compacted to not less than the densities outlined in the Compaction Table. (am. 7-12-05)~~

~~(2) All material shall be compacted to the specified relative compaction. The moisture content of the soil at the time of compaction shall be as specified in the Compaction Table. (am. 7-12-05)~~

~~(3) Should too much water be added to any part of the fill, such that the material is too wet to permit the desired compaction from being obtained, rolling and all work on that section of the fill shall be delayed until the material has been allowed to dry to the required moisture content. Material that is too wet may be reworked in order to hasten drying. (reloc. 7-12-05)~~

~~(4) Selected fill material shall be placed and mixed in evenly spread layers. After each fill layer has been placed, it shall be uniformly compacted to not less than the specified percentage of maximum density. Fill materials shall be placed such that the thickness of loose material does not exceed 10 inches and the compacted lift thickness does not exceed 6 inches. Rocks, broken concrete, or other solid materials more than 6 inches in greatest dimension shall be excluded from fill material. (reloc. 7-12-05)~~

~~(5) Compaction, as specified above, shall be obtained by the use of sheepfoot rollers, multiple wheel pneumatic-tired rollers, or other equipment approved by the soils engineer. Granular fill shall be compacted using vibratory equipment or other equipment approved by the soils engineer. Compaction of each layer shall be continuous over the entire area. Compaction equipment shall make sufficient passes to attain the required density set forth in the Compaction Table. (am. 7-12-05)~~

COMPACTION TABLE				
Soil Classification (AASHTO M-145 and Unified)	Depth of Fill	AASHTO O-T-99 Minimum Relative Compaction (Percent)	AASHTO T-180 Minimum Relative Compaction (Percent)	Moisture Percent of Optimum

CL, CH, SC, SM	0-20	95		-1,+3
A-6, A-7, A-2-6, A-2-7	>20	100		-2,+2
	*			
A-1 through A-5	0-20	95	90	-3,+3
(except A-2-6 and A-2-7) and all others	>20	100	95	-3,+3
*	*			
*Portion of fill which exceeds 20 feet in depth.				

~~(6) Moisture density curves shall be constructed for each predominant soil type encountered. Maximum dry density and optimum moisture for materials found in the field which are of limited extent and amounts, and which are not representative of predominant soil types, may be estimated based upon a one-point curve. (reloc. 7-12-05)~~

~~h. Density Tests: Field density tests shall be made by the soils engineer at locations and depths of their choosing unless otherwise specified by Transportation and Engineering. At least one (1) test shall be taken for each 2,000 cubic yards with a minimum of 4 tests for overlot grading. At least one (1) test per 200 cubic yards is required for structure backfill with a minimum of one (1) test. When performing compaction testing along proposed street/road alignments for subgrade sub-excavation or for completed embankment work, at least one (1) test every 200 feet shall be required for each compacted layer. For utility main pipes, at least one (1) compaction test every 100 feet shall be required for each compacted layer. Lateral pipes shall have the at least one (1) compaction test for each layer for every third lateral. Where sheepsfoot rollers are used, the soil may be disturbed to a depth of several inches. Density tests shall be taken in compacted material below the disturbed surface. When density tests indicate the density or moisture content of any layer of fill or portion thereof is below that required, the particular layer or portion shall be reworked until the required density or moisture content has been achieved. The criteria for acceptance of fill shall be as follows: (am. 7-12-05)~~

~~(1) Moisture: The allowable ranges of placement and moisture content given in the Compaction provisions are based on design considerations. The moisture shall be controlled so that moisture content of the compacted earth fill, as determined by tests performed by the soils engineer, shall be within the limits given. The soils engineer shall notify the developer and document when the placement moisture is less than or exceeds the limits specified above, and the developer shall immediately make adjustments in procedures as necessary to maintain placement moisture content within the specified limit. Materials represented by tests falling outside of the optimum moisture content range by a 1/2 percent or less shall be wetted or dried as required and may be approved by the soils engineer without retesting. The maximum number of failing tests which can be rewetted or dried with retesting shall be limited to 3 percent of the total amount of tests taken. All such tests shall be documented in the grading report. (am. 7-12-05)~~

~~(2) Density: Material represented by samples tested having a dry density more than one (1) percent below the minimum relative compaction given in the Compaction provisions shall be rejected. Such rejected materials shall be reworked until a dry density equal to or greater than the minimum relative compaction is obtained as indicated by retests. Materials represented by tests zero (0) to one (1) percent below the minimum relative compaction shall be rerolled and may be approved by the soils engineer without retesting. The maximum number of failing tests which can be rerolled without retesting shall be limited to 3 percent of the total amount of tests taken. All such tests shall be documented in the grading report. (am. 7-12-05)~~

~~(3) Grading Reports: Compaction tests shall be taken under the direct supervision of a geotechnical engineer. The geotechnical engineer or his designated representative shall observe grading activities on a full time basis and shall take sufficient compaction tests to enable the engineer to determine that the site is ready for the intended uses and shall so state on the compaction report. Compaction reports shall be signed and sealed and dated by a registered professional engineer. Compaction reports shall include the moisture density curves, location of test sites, soil type(s), density results, type of test and if a failing test, retesting of the site. The engineer shall provide a complete set of all tests and observations and a report stating that the grading activities have been completed in substantial conformance with the approved grading plan and the requirements of this Section. A Certificate of Compliance will not be issued until a compaction report is submitted which shows conformance to the applicable grading requirements. (reloc. 7-12-05)~~

~~7. Slope Standards~~

~~a. General: All grading and excavation work shall be in accordance with the approved grading plans, Zoning Resolution and the Jefferson County Transportation Design and Construction Manual. (am. 7-12-05; am. 11-24-15)~~

~~b. Construction~~

~~(1) Cut slopes (i.e., excavated slopes) shall be no steeper than two (2) horizontal to one (1) vertical. (am. 7-12-05)~~

~~(2) Fill slopes shall not exceed two (2) horizontal to one (1) vertical. (am. 7-12-05)~~

~~(3) All permanent cut and fill slopes shall be constructed at slopes which ensure long term slope stability and will not cause accelerated erosion. (reloc. 7-12-05)~~

~~(4) The tops and toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjoining properties and to prevent damage resulting from water run-off or erosion of the slope. The tops and toes of cut and fill slopes shall be set back from structures as far as it is necessary for adequacy of foundation support and to prevent damage as a result of water run-off or erosion of the slopes. In general, the height of the cut or fill slope is related to the setback requirements as follows. (reloc. 7-12-05)~~

Height of cut or fill slope

3

= Setback (minimum setback is 7 feet)

~~(5) Terraces at least eight (8) feet in width shall be established at not more than 30-foot vertical intervals to control surface drainage and debris. (am. 7-12-05)~~

~~(6) At least a two (2) percent gradient shall be maintained from building pads to drainage facilities. (am. 7-12-05)~~

~~8. Exemptions~~

~~a. Excavation below finished grade and foundation wall backfill for basements and footings of a building, retaining wall, or other structures authorized by a valid building permit are exempt from these specifications. With the exception of foundation wall backfill, this shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure. (am. 7-12-05)~~

~~b. Cemetery graves. (reloc. 7-12-05)~~

~~c. Refuse disposal sites which are permitted by Public Health and the Colorado Department of Public Health and Environment. (reloc. 7-12-05; am. 12-21-10)~~

~~d. Excavations for wells, tunnels, or utilities. (reloc. 7-12-05)~~

~~e. Mining operations which are permitted by Jefferson County. (reloc. 7-12-05)~~

~~f. Exploratory excavations. (reloc. 7-12-05)~~

~~g. Excavations which are less than two (2) feet in depth, or which do not create a cut slope greater than five (5) feet in heights and steeper than one (1) and 1.5 horizontal to one (1) vertical. (am. 7-12-05)~~

~~h. Fills less than two (2) feet in depth, and placed on natural terrain with a slope flatter than 5 horizontal to one (1) vertical, or less than three (3) feet in depth, not intended to support structures, which do not exceed 200 cubic yards on any one (1) lot and do not obstruct a drainage course. (am. 7-12-05)~~

PROPOSED REGULATIONS CLEAN

Section 16: Land Disturbance

(orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 10-12-04;
am. 4-20-10; am. 11-20-12; am. 6-1-19)

A. Purpose

The purpose of this section is to:

1. Protect the water quality of the County's drainageways and surface waters; (orig. 10-12-04; am. xx-xx-xx)
2. Protect life, property and the environment from loss, injury and damage by stormwater runoff, erosion, sediment transport, ponding, flooding, landslides, accelerated soil creep, settlement and subsidence, excessive dust, and other potential hazards caused by grading, construction activities, and denuded soils; (orig. 10-12-04)
3. Allow a temporary land use for land disturbance activities; and (orig. 8-25-86; am. 9-24-91; am. 3-23-99; am. 10-12-04)
4. Establish performance standards to:
 - a. Define grading, drainage, erosion and sediment control, and waste disposal requirements; (orig. 10-12-04)
 - b. Ensure mitigation of adverse impacts; and (orig. 10-12-04)
 - c. Ensure the reclamation of disturbed land. (orig. 10-12-04)

B. General Provisions

1. Performance Standards

All Land Disturbance Activities must conform to the performance standards as detailed in this section. These standards apply whether or not a Land Disturbance Permit is required. (orig. 10-12-04; am. xx-xx-xx)

2. Activities Requiring a Land Disturbance Permit (Grading Permit or Notice of Intent):

It shall be unlawful for any person, firm or corporation to do or authorize any land disturbance in the unincorporated area of Jefferson County without first obtaining a Land Disturbance Permit from the County to authorize temporary land disturbance activities unless specifically exempted by this section. The applicant, the landowner, and the contractor are responsible if a land disturbance activity is not in accordance with the performance standards, or if a land disturbance activity is undertaken beyond the scope of the Land Disturbance Permit without County approval. Land disturbance activities must be completed in compliance with the approved plans. (orig. 8-25-86; am. 9-24-91; 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. xx-xx-xx)

- a. Land Disturbance Activities that require a Grading Permit include the following: (orig. 10-12-04; am. xx-xx-xx)
 - (1) A Grading Permit is required if one of the following apply:
 - (a) The disturbed area is equal to or greater than 0.5 acres. (orig. 6-1-19; am. xx-xx-xx)
 - (b) When 5,000 or more cubic yards of earthen material is stored on a property and the material is not actively being used on said property. An active use would be construction associated with an active building permit for a primary structure. (orig. xx-xx-xx)
- b. Land disturbance activities that require a Notice of Intent to be submitted with, or in advance of, a Building Permit application include the following: (orig. 10-12-04; am. 6-1-19; am. xx-xx-xx)
 - (1) Land disturbance in accordance with lot grading, erosion and sediment control plans approved with plats; (orig. 10-12-04; am. 11-24-15; am. 6-1-19) or
 - (2) Land disturbance associated with new start building permits for primary structures. (orig. 6-1-19)
 - (3) This Notice of Intent process shall only apply to Land Disturbance Activities that meet the regulatory requirements, including all performance standards related to grading, drainage and circulation; otherwise, a Grading Permit is required. (orig. 6-1-19; am. xx-xx-xx)

3. Activities exempt from the Requirement for a Grading Permit

Land disturbance activities that are exempt from Grading Permit requirements shall comply with the specific requirements, if any, listed in the applicable exemption provision below. In addition, land disturbance associated with activities listed within this exemption section must still be in compliance with the performance standards set forth in this section, unless specifically stated otherwise. The applicant, landowner and the contractor are responsible if land disturbance activity is not in accordance with these performance standards. The following land disturbance activities are permissible without obtaining a Grading Permit: (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 10-12-04; am. 4-20-10; am. 6-1-19; am. xx-xx-xx)

- a. Projects which involve less than 0.5 acres of disturbed area. Individual lots in subdivision developments under the same ownership, involving less than 0.5 acres of disturbed area, shall not be considered separate projects if they are contiguous or within 0.25 mile of each other. Any series of related projects or connected projects on one site, which together exceed the 0.5 acre limitation shall be considered a single project and shall be required to obtain a Grading Permit. (orig. 9-24-91; am. 12-17-02; am. 10-12-04; am. 7-12-05; am. 11-24-15; am. 6-1-19)
- b. Land disturbance work being done pursuant to and in conformance with an approved grading plan in conjunction with an approved recorded Plat, Site Development Plan, Minor Adjustment or Exemption from Platting. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 4-27-04; am. 10-12-04)
- c. Tillage of agricultural land is exempt from all permit requirements. Agricultural uses of land zoned agricultural, other than tillage, which disturb greater than 0.5 acres is exempt from the filing requirements, provided a conservation plan for the proposed grading activities using the United States Department of Agriculture Soil Conservation Service standards is approved by the Jefferson Conservation District. A copy of the conservation plan shall be submitted to Planning and Zoning prior to the commencement of grading activities. The County may enforce the conditions of the conservation plan under the enforcement provisions of this section. (orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 11-24-15; am. 6-1-19; am. xx-xx-xx)
- d. Trenching incidental to the construction, maintenance and installation of approved underground pipelines, electrical or communication facilities, and drilling or excavation for approved wells if the total area of land disturbance is less than one acre. Construction activities associated with the installation of the onsite wastewater treatment system (OWTS) shall not be exempt. Construction of access required to complete the trenching or for future maintenance shall not be exempt. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 10-12-04; am. 4-20-10; am. 11-20-12; am. 11-24-15; am. xx-xx-xx)
- e. Land disturbance for utility installation or maintenance within a County owned or County maintained Right-of-Way if the total area of land disturbance is less than one acre. These activities require a County Right-of-Way and Construction Permit. (orig. 8-8-95; am. 10-12-04; am. 11-20-12)
- f. Land disturbance or excavations in accordance with plans incorporated in a mining permit, reclamation plan or sanitary landfill approved by the County. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 10-12-04)
- g. County capital improvement or County maintenance projects within Right-of-Way or County property if the total area of land disturbance is less than one acre. (orig. 12-17-02; am. 10-12-04; am. 11-20-12; am. xx-xx-xx)
- h. Maintenance and cleaning of existing ditches, lakes, ponds, storm sewer system, and water storage reservoirs with a total area of land disturbance is less than one acre. (orig. 8-25-86; am. 10-12-04; am. 6-1-19)
- i. Land disturbance for culvert installation or maintenance within a County owned, public ROW or County maintained Right-of-Way if the total area of land disturbance is less than one acre and the culvert is intended to convey stormwater only. (orig. 6-1-19)
- j. Maintenance and resurfacing of existing streets/roads, runways, sidewalks/trail systems, parking lots/loading areas, and railroad beds. (orig. 9-24-91; am. 10-12-04)
- k. Performance of emergency work necessary to prevent or mitigate an immediate threat to life or property when an urgent necessity arises. The person performing such emergency work shall notify Planning and Zoning promptly of the problem and work required. If the emergency work would not otherwise be exempt from a Grading Permit, a Grading Permit shall be obtained as soon as possible.

(orig. 8-25-86; am. 9-24-91, 8-8-95; am. 4-27-04; am. 10-12-04; am. 5-20-08)

- l. Enlargements to parking areas less than 0.5 acre larger than the original area of existing parking facilities for commercial, industrial and institutional uses. Stormwater detention and water quality must be provided for in accordance with the Storm Drainage Design and Technical Criteria Manual. (orig. 4-27-04; am. 10-12-04; am. 11-24-15; am. 6-1-19)
- m. Land disturbance for natural surface trails that are less than one acre are exempt. Land disturbance over one acre associated with the construction of natural surface trails shall follow the procedure outlined below prior to commencement of any trail construction. The land disturbance associated with the construction of natural surface trails shall conform with the performance standards of this section and the current Jefferson County Natural Surface Trail Guide. (orig. 4-20-10; am. 11-20-12; am. 11-24-15; am. 7-17-18)
 - (1) Plans are submitted showing the location and overall scope of the trail construction project, including a description of the proposed construction phasing. (orig. 4-20-10; am. 7-17-18)
 - (2) A detailed construction schedule is provided for each phase of the construction project. (orig. 4-20-10)
 - (3) The applicant proposes a construction guide that includes typical construction procedures that will be used during the construction of trails, including erosion and sediment control measures. (orig. 4-20-10)
 - (4) Planning and Zoning has reviewed the construction guide and has determined that the construction procedures will be sufficient to assure compliance with the grading performance standards of this section, and state or county erosion and sediment control standards. (orig. 4-20-10)
 - (5) The applicant shall stake the proposed trail alignment and shall coordinate a site visit with County Staff to review the alignment. If Staff identifies areas where trail alignment should be adjusted to assure conformance with the performance standards and the construction guide, then a new plan showing the new alignment shall be submitted. (orig. 4-20-10)
 - (6) The applicant agrees to implement the construction procedures identified within the guide and agrees that the county has the authority to inspect and require field alterations if the typical construction procedures identified in the guide are not being properly implemented. The applicant also agrees that failure to implement the construction standards of the guide or the field alterations directed by Planning and Zoning may result in the issuance of a zoning violation in accordance with this Resolution; and may result in the exemption from the grading permit requirements being revoked for future phases of the trail construction project. (orig. 4-20-10)
 - (7) The applicant submits the standard Grading Permit fee to cover the cost of the review and approval of the construction guide, and the inspection of each phase of the construction process. (orig. 4-20-10)

The procedures outlined in this section shall not apply to trail construction in special flood hazard areas that have been identified as a part of the Jefferson County Floodplain Overlay District. The appropriate floodplain development permit and grading permit will be required for construction activities occurring within special flood hazard areas. (orig. 4-20-10; am. 6-1-19)

- n. Any work within State or Federal lands including Rights-of-Way and/or permanent easements held by said agencies. This exemption does not relieve these entities from completing a floodplain development permit in accordance with the Floodplain Overlay District Section of this regulation. (orig. 7-17-18)
 - o. Onsite disturbance through the Land Disturbance Permit may not be required for properties that are covered by a separate Municipal Separate Storm Sewer System (MS-4) permit through the State of Colorado, as determined by Planning & Zoning. (reloc. and am. 5-21-19)
- 4. Exemptions, Waivers, Variances and/or Exclusions

Any exclusions, exemptions, waivers, and variances included in the regulatory mechanism must comply with the terms and conditions of the MS4 Permit (COR090000). (orig. 6-1-19)
 - 5. Denial of other Permits

Building Permits or Certificate of Occupancy shall not be issued while an unresolved grading, drainage or floodplain violation is ongoing on the subject property or within a common plan of development. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 7-17-18; am. 6-1-19; am. xx-xx-xx)

6. Permission of other Agencies or Owners

The issuance of a Grading Permit or the submission of a Notice of Intent shall not relieve the applicant of the responsibility for securing other permits or approvals required by any other division or agency of Jefferson County or other public agency or for obtaining any easements or authorization to work within an existing easement or for removing or transporting earth materials on property not owned by the applicant. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04; am. xx-xx-xx)

7. Construction and Permits

For construction within County Right-of-Way, the Grading Permit or Notice of Intent must be accompanied by an Access Permit and/or a Right-of-Way Use and Construction Permit in accordance with plans approved by the County. For construction outside of County Right-of-Way, the Grading Permit must be accompanied by a Construction Permit in accordance with the plans approved by the County. The applicant shall obtain applicable permits from the County prior to commencing field work. All other applicable requirements shall be followed including the Transportation Design and Construction Manual. (orig. 8-8-95; am. 12-17-02; am. 10-12-04; am. 11-24-15; am. 7-17-18; am. xx-xx-xx)

8. Liability

Neither the issuance of a Grading Permit nor the submission of a Notice of Intent under the provisions of this section nor compliance with the provisions hereof or with any conditions imposed in this section shall relieve the applicant from responsibility for damage to any person or property or impose any liability upon the County for damage to any person or property. (orig. 8-25-86; am. 12-17-02; am. 10-12-04)

9. Restricted Activities

- a. No blasting, processing, crushing, or off-site hauling or other similar treatment of a commercial mineral deposit may occur in the permit area. (orig. 9-24-91; am. 10-12-04)
- b. Any activity to construct any street/road to be dedicated to the County shall be undertaken pursuant to the Land Development Regulation and the Transportation Design and Construction Manual and in accordance with plans approved by the County. (orig. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15)
- c. No Grading Permit shall be issued for any land disturbance activity which exceeds the minimal amount of grading necessary for the uses legally allowed at the time of permit application. Land disturbance activities for uses that require rezoning are unlawful. (orig. 8-8-95; am. 3-23-99; am. 10-12-04)
- d. When there is a grading plan approved in conjunction with a Plat, Site Development Plan, Minor Adjustment or an Exemption from Platting, it shall be unlawful to grade in a manner that is not consistent with the approved grading plan. (orig. 8-8-95; am. 3-23-99; am. 10-12-04; am. 7-17-18)
- e. Any construction or development activity in a drainage easement or tract must either be in compliance with the original approved drainage report or comply with the Storm Drainage Design and Technical Criteria. (orig. 10-12-04)

10. Grading Concurrent with Platting

- a. When a property is in a platting process, grading activities may commence prior to Plat approval by the Board of County Commissioners provided all of the following conditions are satisfied: (orig. 3-23-99; am. 10-12-04)
 - (1) The zoning is final and recorded. (orig. 3-23-99)
 - (2) The subdivision proposal has received Planning Commission a recommendation of approval by the Planning Commission. (orig. 3-23-99; am. 10-12-04)
 - (3) The grading and sediment and erosion control plans have received staff approval, either through the Final or Preliminary and Final Plat process. The grading plans shall not include permanent facilities such as curb, gutter, sidewalk, asphalt, etc. The installation of drainage facilities is allowed as approved by Planning and Zoning. (orig. 3-23-99; am. 10-12-04; am. 11-24-15)

- (4) The Final Plat application has been received and accepted as complete by staff or the Planning Commission has recommended approval of the Preliminary and Final Plat. (orig. 3-23-99; am. 10-12-04; am. 11-24-15)
 - (5) Grading within a Floodplain Overlay District may be permitted if a Floodplain Development Permit has been issued. (orig. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15; am. 7-17-18)
 - (6) No waivers or alternative standards/requirements or variances related to grading requirements are being requested or are necessary in conjunction with the Final or Preliminary and Final Plat application. (orig. 3-23-99; am. 10-12-04; am. 11-24-15)
 - (7) The applicant has submitted a letter to the County indicating a request to commence land disturbance activities prior to Final or Preliminary and Final Plat approval and acknowledging that grading prior to Platting is done at their own risk, that grading changes may be required upon Final or Preliminary and Final Plat approval, and that the County shall not be held responsible for changes emanating from or costs associated with any changes that may be required as a result of Final or Preliminary and Final Plat approval. (orig. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15)
 - (8) A Performance Guarantee has been accepted by the County in accordance with the Land Development Regulation. (orig. 10-12-04)
 - b. When grading activities are authorized prior to Plat approval by the Board of County Commissioners, the grading shall comply with the Land Development Regulation and with any previously approved grading plans. (orig. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15)
 - c. Any land disturbance activity permitted pursuant to this section may be subject to additional requirements or alterations depending on approval conditions imposed by the Board of County Commissioners during the Plat review. (orig. 3-23-99; am. 10-12-04)
11. Grading Concurrent with the Processing of a Site Development Plan or Minor Adjustment
- a. When a property is in a Site Development Plan or Minor Adjustment process, grading activities may commence prior to approval by Planning and Zoning provided all of the following conditions are satisfied: (orig. 11-24-15; am. 7-17-18)
 - (1) The zoning is final and recorded. (orig. 11-24-15)
 - (2) The grading and sediment and erosion control plans have received staff approval. The grading plans shall not include permanent facilities such as curb, gutter, sidewalk, asphalt, etc. The installation of drainage facilities is allowed as approved by Planning and Zoning. (orig. 11-24-15)
 - (3) Grading within a floodplain overlay district may be permitted if a Floodplain Permit has been issued. (orig. 11-24-15; am. 7-17-18)
 - (4) No alternate standards/requirements or variances related to grading requirements are being requested or are necessary in conjunction with the Minor Adjustment or Site Development Plan application. (orig. 11-24-15)
 - (5) The applicant has submitted a letter to the County indicating a request to commence land disturbance activities prior to Minor Adjustment or Site Development Plan approval and acknowledging that grading prior to approval is done at their own risk, that grading changes may be required upon Minor Adjustment or Site Development Plan approval, and that the County shall not be held responsible for changes emanating from or costs associated with any changes that may be required as a result of Minor Adjustment or Site Development Plan approval. (orig. 11-24-15)
 - (6) A Performance Guarantee has been accepted by the County in accordance with the Land Development Regulation. (orig. 11-24-15)
 - b. When grading activities are authorized prior to Minor Adjustment or Site Development Plan approval by Planning and Zoning, the grading shall comply with the Land Development Regulation and with any previously approved grading plans. (orig. 11-24-15; am. 7-17-18)
 - c. Any land disturbance activity permitted pursuant to this section may be subject to additional requirements or alterations depending on approval conditions imposed by Planning and Zoning

during the Minor Adjustment or Site Development Plan review. (orig. 11-24-15; am. 7-17-18)

C. Submittal Requirements

The following submittal documents are required for Land Disturbance Permit Applications. (orig. 8-25-86; am. 7-17-18; am. 6-1-19)

1. An application form signed by the fee simple owner of the property or by the lessee, licensee or easement holder if the activity is to be undertaken pursuant to that interest. Grading Permit, Notice of Intent, and Natural Surface Trail application forms are available from Planning and Zoning. (orig. 10-12-04; am. 5-20-08; am. 6-1-19)
2. A cover letter describing the proposed activities. Not Required for Notice of Intent Applications. (orig. 10-12-04; am. 5-20-08; am. 6-1-19)
3. A nonrefundable application fee in an amount established by the Board of County Commissioners. (orig. 8-25-86; am. 9-24-91; am. 5-3-94)
4. A copy of the recorded deed for the parcel, tract or lot. (orig. xx-xx-xx)
5. Proof of Access in accordance with the Access Standards in the General Provisions and Regulations Section of this Zoning Resolution. (orig. 6-1-19)
6. A grading, erosion and sediment control plan in accordance with the Plans and Specifications of this Section. (orig. 8-25-86; am. 6-1-19)
7. A geologic and/or soils investigation report in accordance with the Plans and Specifications of this Section is required if there are any geological hazards including highly erodible soils or commercial mineral deposits within or immediately adjacent to the grading site or when the final cut or fill slopes are proposed to be steeper than 2H:1V or if infiltration is a component of the drainage system. (orig. 8-25-86; am. 9-24-91, 8-8-95; am. 12-17-02; am. 10-12-04; am. 6-1-19; am. xx-xx-xx)
8. A drainage report or drainage letter in conformance with the requirements of the Storm Drainage Design and Technical Criteria. (orig. 10-12-04; am. 11-24-15; am. 6-1-19; am. 12-17-19)
9. Construction plans, details and supporting calculations for retaining walls, if applicable, in accordance with the Performance Standards of this Section. For Notice of Intent Applications, the applicant will need to apply for a separate miscellaneous permit for retaining walls greater than 36 inches high. (orig. 10-12-04; am. 6-1-19)
10. Drainage Easements may be required to be dedicated to the County for all permanent control measures. The applicant shall provide a legal description and exhibit (signed and stamped by a Professional Land Surveyor) when applicable. Not Required for Notice of Intent Applications. (orig. 12-17-19)
11. A cost and/or quantity estimate (Exhibit A) in accordance with the Improvement Security requirements of this Section, for all of the work associated with the project. Reference the example Exhibit A on the Planning and Zoning website. Not Required for Notice of Intent Applications. (orig. 10-12-04; am. 7-12-05; am. 7-17-18; am. 6-1-19; am. 12-17-19; am. xx-xx-xx)

Note: An improvements security may be required in accordance with the Security requirements of this Section. The typical improvement security will be a letter of credit or cash escrow. If required the improvement security will need to be submitted prior to approval of the Land Disturbance application. (orig. 10-12-04; am. 7-17-18; am. 6-1-19; 12-17-19)

12. A completed N-1 Form stating that the proposed construction and grading are in conformance with the Land Disturbance requirements of this Section and, if applicable, the approved overall grading plan for the subdivision. Only Required for Notice of Intent Applications. (orig. 6-1-19)

Note: A completed N-2 Form is required prior to issuance of a Certificate of Occupancy. (orig. 6-1-19)

D. Procedures

1. Notice of Intent Procedures: A Notice of Intent (NOI) shall be submitted with, or in advance of, a building permit application for a primary structure that depicts the phased grading, erosion and sediment control measures for that lot/parcel. The NOI shall certify that the Plans are in conformance with the Jefferson County Zoning Resolution (ZR), the Land Development Regulation (LDR), the Storm Drainage Design and Technical Criteria (SDDTC), and The Transportation Design and Construction Manual (TDCM). Any requests for relief of these standards shall require the submittal of a Grading Permit. If applicable, the NOI shall state that the project will be in conformance with the approved construction documents with that

subdivision. A completed Form Letter N-1 stating that the proposed construction and grading are in conformance with the approved overall grading plan and Land Disturbance Performance Standards shall be submitted to Planning & Zoning prior to issuance of the Building Permit. Form Letter N-1 shall be completed by a Colorado registered professional engineer. (orig. 6-1-19; am. xx-xx-xx)

Process Steps	Processing Time Frames	
Process from Plan Submittal to Acceptance of NOI		
Plan Submittal Intake	7 calendar days (Staff confirms the land disturbance permit qualifies as an NOI and required submittal items have been received)	Example timeframe: 19 Days to acceptance of NOI if processing time frames are met. May take longer if issues arise.
Applicant Action is Required	Varies, 5 calendar days used for example timeframe	
Plan Resubmittal and NOI Acceptance	7 calendar days (Staff confirms required submittal items have been received)	
Final Close Out		
Permit Monitoring until submittal of N-2	2 years maximum	

Plan Submittal Intake

a. Sufficiency Review:

The applicant shall electronically submit all the applicable documents identified in the Submittal Requirements of this Section as a complete package, and not in a fragmentary manner for review by the Case Manager. (orig. xx-xx-xx)

The Case Manager shall have 7 calendar days to review the submittal and either accept the application or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate application fees). A submittal that is not complete in terms of the type of documents required will not be accepted. (orig. xx-xx-xx)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 7 calendar days to review the resubmittal and either accept the application or respond to the applicant explaining any deficiencies in the submittal documents. (orig. xx-xx-xx)

Plan Resubmittal and NOI Acceptance:

b. The final documents shall be comprised of the Submittal Requirements of this Section. (orig. xx-xx-xx)

The applicant shall have a maximum of 180 calendar days to respond to the comments from the case manager, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. xx-xx-xx)

c. The Case Manager shall have 7 calendar days to review the resubmitted documents and shall accept the application if it is complete in form and has all the required information described in the Notice of Intent N-1 Form that provides certification from a Colorado registered professional engineer stating that the submitted plans are in conformance with the Jefferson County Zoning Resolution (ZR), the Land Development Regulation (LDR), the Storm Drainage Design and Technical Criteria (SDDTC), the Transportation Design and Construction Manual (TDCM), and the notes, restrictions and supporting documents of any associated approved Preliminary and Final Plat. The owner, contractor or engineer shall also certify that the specified control measures will be installed prior to land disturbance and that control measures will be adequately maintained throughout the process and shall sign the N-1 Form. (orig. xx-xx-xx)

Permit Monitoring:

d. Once the work associated with the accepted Notice of Intent is complete, the applicant shall submit a completed N-2 Form which provides certification from a Colorado registered professional engineer

stating that all grading work was completed in conformance with the final accepted Grading, Erosion and Sediment Control (GESD) Plan, Drainage Report and N-1 submitted with the project application. If amendments to the accepted plans were made resulting in grading activities that were not completed in conformance with the final accepted plans, then the N-2 Form shall be submitted in conformance with the Amendments procedure of this Section. (orig. xx-xx-xx)

Permit Limitations:

- e. The permit shall be limited to work shown on the approved plans. Such plans shall contain guidelines, conditions, and/or restrictions as are necessary to comply with the performance standards. At any time during the plan review or in the event unforeseen conditions arise during completion of the project, the County may require revision of the plans as necessary to ensure compliance with the performance standards. (orig. xx-xx-xx)

Amendments:

- f. Modifications to the final accepted plans requires submittal of the revised plans and the completed N-2 Form which provides certification from a Colorado registered professional engineer stating that deviations from the accepted plans have occurred and that the revised plans and work has been completed in conformance with the Jefferson County Zoning Resolution (ZR), the Land Development Regulation (LDR), the Storm Drainage Design and Technical Criteria (SDDTC), the Transportation Design and Construction Manual (TDCM), and the notes, restrictions and supporting documents of any associated approved Preliminary and Final Plat. If the appropriate certification cannot be provided and the modifications to the plans do not conform to the Jefferson County Standards and Regulations for land disturbance permits described in this section, revised plans shall be submitted and reviewed by Planning & Zoning through a Grading Permit Application where requests for relief from standards will be evaluated. (orig. xx-xx-xx)

Validity:

- g. The acceptance of plans and specifications by the County shall not be construed as an approval of any violation of the provisions of this section or of any other applicable laws, rules or regulations and shall not prevent the County from thereafter requiring the correction of errors in said plans and specifications or from preventing work being carried on thereunder in violation of this section or any other applicable law, rule or regulation. The issuance of a Land Disturbance Permit prior to any Plat approval shall in no way bind the Planning Commission or the Board of County Commissioners in the approval or denial of a Plat application, and the applicant's grading activities are at the applicant's risk. (orig. xx-xx-xx)

Time Limits:

- h. The work associated with the permit shall be completed within 2 years of the date of acceptance unless an extension has been granted by Planning and Zoning. A request for an extension shall be submitted in writing no later than 10 calendar days prior to the expiration of the permit. Planning and Zoning may grant an extension to the permit up to 1 year. Additional extensions may be granted by Planning and Zoning to allow the establishment of permanent erosion and sediment control measures. (orig. xx-xx-xx)

2. Grading Permit Procedures: If the applicant complies with all given time frames, submits a complete Grading Permit application and complies with all requirements of this regulation, the estimated time to reach the Determination Phase of the process is 62 calendar days from the date of the 1st referral, depending on the amount of disturbance for the proposed grading activity. (orig. 5-20-08; am. 7-17-18; am. 6-1-19; am. xx-xx-xx)

Process Steps	Processing Time Frames	
Steps prior to 1 st Referral		
Sufficiency Review and Referral Distribution or Deficiency Response	7 calendar days	
Resubmittal Sufficiency Review (if necessary)	7 calendar days	
Process from 1 st Referral to Determination		
1 st Referral and Staff Response	19 calendar days (14 day referral, 5 days for Staff response)	Example timeframe: 62 Days to determination if processing time frames are met. May take
Applicant's Response to 1 st Referral	Varies, 14 calendar	

	days used for example timeframe	longer if issues arise.
Sufficiency Review and Referral Distribution	7 calendar days	
2 nd Referral and Staff Response	12 calendar days (7 day referral, 5 days for Staff response)	
Submittal of Final Documents by applicant	Varies - 10 calendar days used for example timeframe	
Determination		
Determination	5 days	

If an applicant is going to request relief from a standard in the Regulations, then a request for relief of the standard may be submitted for consideration. In order to avoid processing delays, it is recommended that a request for relief from a standard be submitted early in the development process. Requests for relief of a standard are subject to different specific processing timeframes, which may add to the length to the processing of the development application. (orig. 5-20-08; am. 7-17-18; am. 6-1-19)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 6-1-19)

Proof of Access: The Director of Planning and Zoning may allow the 1st Referral to be sent without meeting the access criteria proof of access requirements, if in his/her opinion the circumstances related to proving access should be finalized during the processing of the application. (orig. 4-20-10; am. 12-21-10; am. 6-1-19)

Steps Prior to 1st Referral

a. Sufficiency Review and Referral Distribution (1st Referral):

The applicant shall electronically submit all the applicable documents identified in the Submittal Requirements of this Section as a complete package, and not in a fragmentary manner for review by the Case Manager.

The Case Manager shall have 7 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-17-18; am. xx-xx-xx)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 7 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18; am. xx-xx-xx)

Process from 1st Referral to Determination

b. 1st Referral and Staff Response:

The referral agencies shall have 14 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08; am. 7-17-18; am. 6-1-19)

The Case Manager shall have 5 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. The response from the Case Manager will include an opinion as to whether the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08; am. 7-17-18)

c. Applicant's Response to 1st Referral:

For the application to be processed in accordance with the example timeframe in the table above, the applicant shall have 14 Calendar days to address in writing any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. (orig. 5-20-08; am. 7-17-18)

Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08;

am. 12-21-10; am. 7-17-18)

d. Sufficiency Review and Referral Distribution (2nd Referral):

The Case Manager shall have 7 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. All resubmittal documents shall be submitted as a complete package, and not sent in a fragmentary manner. (orig. 7-17-18; am. xx-xx-xx)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

e. 2nd Referral and Staff Response:

The referral agencies shall have 7 calendar days to respond in writing to the 2nd referral. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08; am. 7-17-18)

The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 7-17-18)

f. Applicant's Response to 2nd Referral Comments:

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10; am. 7-17-18)

g. Additional Referrals and Responses:

For the 3rd Referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2nd Referral) process, the 2nd Referral and Staff Response process and the Applicant's Response to 2nd Referral process. (orig. 5-20-08; am. 7-17-18)

h. Final Documents:

The final documents shall be comprised of the stamped and signed grading plans and other final documents as identified by the Case Manager. In addition to submitting the final documents electronically, the applicant shall submit hard copies of the plans as specified in the case managers response to the last referral. (orig. 5-20-08; am. 6-1-19)

The applicant shall have a maximum of 180 calendar days to respond to the comments from the case manager, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause.

i. Determination:

The Case Manager shall have 5 calendar days to review the Final Documents and shall approve, conditionally approve or deny the application. An application shall be approved if it is complete in form, has all required information, includes appropriate control measure for all stages of construction, including final stabilization, the control measures meet the requirements of the MS4 Permit and the provisions of this section. Otherwise, it shall be denied. Any approval or denial shall be in writing with the reasons for denial specifically identified. Annotations on the plans shall be considered sufficient detail of the reasons for denial. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04; am. 6-1-19).

j. Request for Reconsideration:

If an application is denied or conditionally approved, the applicant may request in writing, within 21 calendar days after the decision, a reconsideration of the decision by Planning and Zoning. The request for reconsideration shall state specific reasons or changes for the reconsideration. Planning

and Zoning shall act upon the request for reconsideration within 10 working days of its receipt. Failure to act shall constitute denial of the request for reconsideration. No appeal to the Board of Adjustment shall be permitted unless a request for reconsideration was previously filed and denied. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 5-20-08)

k. Appeals:

If Planning and Zoning denies the request for reconsideration, the applicant may submit a written appeal to the Board of Adjustment. The appeal must be received by the secretary of the Board of Adjustment within 30 calendar days of the date of denial. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04; am. 12-14-04; am. 5-20-08)

l. Permit Limitations:

The permit shall be limited to work shown on the approved plans. Such plans shall contain guidelines, conditions, and/or restrictions as are necessary to comply with the performance standards. At any time during the plan review or in the event unforeseen conditions arise during completion of the project, the County may require revision of the plans as necessary to ensure compliance with the performance standards. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 5-20-08)

m. Amendments:

Modifications to the approved plans are subject to an Administrative Review process. Modifications shall comply with the Plans and Specifications requirements and the performance standards as outlined in this Section, unless relief is granted through the appropriate process. (orig. 8-25-86; am. 3-23-99; am. 10-12-04; am. 7-17-18; am. 6-1-19)

n. Validity:

The approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this section or of any other applicable laws, rules or regulations and shall not prevent the County from thereafter requiring the correction of errors in said plans and specifications or from preventing work being carried on thereunder in violation of this section or any other applicable law, rule or regulation. The issuance of a Grading Permit prior to any Plat approval shall in no way bind the Planning Commission or the Board of County Commissioners in the approval or denial of a Plat application, and the applicant's grading activities are at the applicant's risk. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04)

2. Grading Permit Inspections

- a. Upon approval by Planning and Zoning, the approved plans will be referred to an Engineering Inspector for permit issuance. (orig. 10-12-04; am. 5-20-08; am. 4-20-10; am. 7-17-18)
- b. The County may inspect the site and perform any necessary tests from time to time to ensure compliance with the permit conditions. (orig. 7-17-18).
- c. Final inspections shall confirm that the completed structural and/or non-structural water quality control measure operates in accordance with the approved plans. (orig. 6-1-19)
- d. All applicable development sites must have operational permanent water quality control measures at the completion of the site. In the case where permanent water quality control measures are part of future phasing, the permittee must have a mechanism to ensure that all control measures will be implemented, regardless of completion of future phases or site ownership. In such cases, temporary water quality control measures must be implemented as feasible and maintained until removed or modified. All temporary water quality control measure must meet one of the design standards in the MS4 Permit. For the purpose of this section, completion of a site or phase shall be determined by the issuance of a certificate of occupancy, use of the completed site area according to the site plan, payment marking the completion of a site control measure, the nature of the selected control measure or equivalent determination of completion as appropriate to the nature of the site. (orig. 6-1-19)
- e. Time Limits: The work associated with the permit shall be completed within 2 years of the date of permit issuance, unless an extension has been granted by Transportation and Engineering. A request for an extension shall be submitted in writing no later than 10 calendar days prior to the expiration of the permit. Transportation and Engineering may grant an extension to the permit up to 1 year. Additional extensions may be granted by Transportation and Engineering to allow the

establishment of permanent erosion and sediment control measures. (orig. 8-25-86; am. 9-24-91; am. 8-8-94; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 5-20-08; am. 10-13-09; am. 7-17-18)

E. Plans and Specifications

1. Grading, Erosion and Sediment Control Plan

The proposed grading, erosion and sediment control plan and specifications shall demonstrate compliance with the performance standards and shall be prepared on sheets 24 inches by 36 inches, or as otherwise approved by Planning and Zoning, and stamped and signed by a Colorado registered professional engineer. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18; am. 6-1-19)

For graded areas between 0.5 and one acre, the County may waive the requirement for a topographic map and the requirement that the grading plans be prepared, stamped and signed by a Colorado registered professional engineer, where the applicant demonstrates an engineered grading plan and/or topographic map is not necessary to comply with the performance standards set forth herein. (orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04; am. 7-17-18; am. 6-1-19)

The grading, erosion and sediment control plan shall include the following unless waived or exempted by Planning and Zoning herein. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18; am. 6-1-19)

- a. A map which shows the items listed below. Acceptable map scales are 1 inch to 10, 20, 30, 40, 50, 60 or 100 feet. (orig. 8-25-86; am. 9-24-91; am. 10-12-04)
 - (1) A vicinity map (not to scale) indicating the location of the site relative to the principal roads, lakes or dams, and watercourses in the area. (orig. 8-25-86; am. 9-24-91)
 - (2) A title block which includes the title of the Grading Plan, purpose and nature of the grading project and, if applicable, states the use of earth material to be removed from the site. The name of the engineer who prepared the plans should also be included in the title block. (orig. 8-25-86; am. 9-24-91)
 - (3) The complete site boundary and locations of any easements and Rights-of-Way traversing and adjacent to the property, appropriately labeled and dimensioned. (orig. 8-25-86)
 - (4) The location of existing roads, buildings, wells, pipelines, watercourses and other structures, facilities and features of the sites, and the location of all improvements on adjacent land within 50 feet of the site's boundary. (orig. 8-25-86)
 - (5) The location and nature of known or suspected highly erodible soils or geologic hazard areas. (orig. 8-25-86; am. 9-24-91)
 - (6) A topographic map which shows the affected area. The map shall show affected areas outside the permit boundaries, such as drainages. Contour lines shall be at 5-foot intervals or at an interval of greater detail if necessary to accurately show topographic features and drainage patterns, and the configuration of the ground before and after grading. The existing and final contours shall be shown at 2-foot intervals for subdivisions within the plains area and contours at 5-foot intervals for subdivisions within the mountain areas including the method utilized to obtain all contour intervals. Contours shall be accurate to within one-half (1/2) contour interval and elevations shall be based on United States Geologic Survey (USGS) sea level datum. Except for access permits, USGS quad maps shall not be accepted as evidence for topographic contours. (orig. 8-25-86; am. 9-24-91; am. 3-23-99; am. 10-12-04; reloc. xx-xx-xx)
 - (7) The location, extent and finished surface slopes of all final cut and fill lines. (orig. 8-25-86)
 - (8) The 100-year flood plain boundaries. (orig. 8-25-86)
 - (9) The location of any existing or proposed flood control facilities, wells or Onsite Wastewater Treatment System in the vicinity of the permit area. Temporary access to the well and Onsite Wastewater Treatment System shall be depicted. (orig. 8-25-86; am. 9-24-91; am. 7-17-18; am. 6-1-19)
 - (10) The location where any earth materials and topsoil will be stockpiled. Include estimated stockpile volume. If the stockpile will reach into adjacent properties, approval from the property owner shall be required. (orig. 8-25-86; am. 9-24-91; am. 7-17-18)
 - (11) The north arrow, the scale, and the date. (orig. 8-25-86)

- (12) The general location and character of vegetative cover on the site and the location of all major rock outcrops. (orig. 8-25-86; am. 9-24-91)
- b. Typical cross sections (not less than two) of all existing and proposed graded areas taken at intervals not exceeding 200 feet and at locations of maximum cuts and fills where such cuts and/or fills exceed 10 feet in height. (orig. 8-25-86; am. 9-24-91)
- c. A table of the volume of cut, volume of fill, volume of material to be exported offsite, the steepest proposed slopes, the total area of land disturbance, the existing impervious area, the proposed impervious area (total impervious area for the site) and the area of land disturbance treated by a water quality control measure per the SDDTC. An example of this table is shown below and the table shall be placed on page 1 of the plan set. (orig. 8-25-86; am. 9-24-91; am. 6-1-19; am. xx-xx-xx)

Total Area of Land Disturbance	acres
Volume of Cut	cy
Volume of Fill	cy
Volume of Material to be Exported Offsite	cy
Existing Impervious Area	acres
Proposed Impervious Area	acres
Area of Land Disturbance Treated by a Permanent Water Quality Control Measure	acres
Steepest Proposed Slope	H:V

- d. The projected schedule of operations, including the following dates. The schedule dates must correspond to the permitted construction timeframe following approval: (orig. 8-25-86; am. xx-xx-xx)
- (1) Commencement of work, including days and hours of operation. (orig. 8-25-86; am. 9-24-91)
 - (2) Start and finish of rough grading. (orig. 8-25-86)
 - (3) Completion of work in any watercourse. (orig. 8-25-86)
 - (4) Completion of grading, erosion and sediment control measures (Best Management Practices, BMP's). (orig. 8-25-86; am. 10-12-04; am. 6-1-19; am. xx-xx-xx)
 - (5) Maintenance schedule for grading, erosion and sediment control BMP's. (orig. 9-24-91; am. 10-12-04; am. 6-1-19)
 - (6) Completion of any required landscaping. (orig. 8-25-86)
- e. The proposed grading, erosion and sediment control plan shall include permanent and, if applicable, temporary erosion and sediment control BMP's. The plans shall identify all structural and non-structural control measures for the applicable construction activities. The plan must contain installation and implementation specifications or a reference to the document with installation and implementation specifications for all structural control measures. A narrative description of non-structural control measures must be included in the plan. Revegetation plans shall include the seed mixture(s) including species and variety, type of seedbed preparation and method of seeding, seeding rates, seeding dates, type and application rates of fertilizer and mulch, and irrigation facilities and methods if applicable. Seed mix shall be based on the Jefferson Conservation District recommendations and/or a Planning and Zoning approved alternative. Seeding alone is not erosion control until vegetation is established. Seeding shall be combined with applicable erosion control structural BMP's until vegetation is established. (orig. 9-24-91; am. 10-12-04; am. 7-12-05; am. 7-17-18; am. 6-1-19)
- f. At a minimum, initial and final construction phases are required for all grading, erosion and sediment control plans. (orig. 7-17-18)

- g. Clearly and legibly show BMPs on the plan and include standard notes and associated details for the BMPs shown on said plan. (orig. 7-17-18; am. 6-1-19)
- h. If a Grading Permit Application requires an Improvement Security, a detailed improvements list is required. If the Grading Permit Application does not require an Improvement Security, the quantity of each erosion and sediment control BMP shall be provided. (orig. 6-1-19; am. 12-17-19; am. xx-xx-xx)

2. Soil/Geologic Investigation Report

If a soils and/or geologic investigation report is required by the County, it shall be prepared and signed by a qualified professional geologist or Colorado registered professional engineer. The report shall contain all the following as they may be applicable to the subject site: (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04)

- a. A site map showing the topographic features of the site and locations of all soil borings and test excavations. (orig. 8-25-86)
- b. A classification of the soil types, laboratory test data, and consequent evaluation regarding the distribution and nature of existing soils. (orig. 8-25-86; am. 9-24-91)
- c. A description of the geology of the site and adjacent areas when pertinent to the site. (orig. 8-25-86)
- d. A suitably scaled map and cross sections showing all identified areas of historic or potential instability within and adjacent to the permit area. An evaluation of the stability of natural slopes and any proposed cut and fill slopes. (orig. 8-25-86; am. 9-24-91)
- e. A description of known or inferred groundwater or excessive moisture conditions. (orig. 8-25-86; am. 9-24-91)
- f. A description of the soil and geologic investigative techniques employed. (orig. 8-25-86)
- g. A log for each soil boring and test excavation showing elevation at ground level and the depth of each soil or rock strata. (orig. 8-25-86)
- h. Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill. (orig. 8-25-86)
- i.
- j. Recommendations for mitigation of geologic hazards and constraints. (orig. 8-25-86; am. xx-xx-xx)
- k. The time of year the field work was done and a list of references and other supportive data. (orig. 8-25-86)
- l. Soil parameters to be used in the design of retaining walls. (orig. 9-24-91; am. xx-xx-xx)
- m. Infiltration testing shall be completed for each control measure that utilizes infiltration. At least two tests per control measure are required. The testing shall be at an appropriate elevation and location to adequately evaluate the underlying strata. A Factor of Safety of 2 shall be applied to the final infiltration rate to account for infiltration degradation over time (orig. xx-xx-xx)

3. Materials Handling Plan

The proposed materials handling plan shall include BMP's for controlling waste and spill prevention and containment. (orig. 10-12-04)

F. Performance Standards for All Land Disturbance Activities

- 1. Control measures must prevent pollution or degradation of state waters. Control measures must also be appropriate for the specific construction activity, the applicable pollutant sources, and phase of construction. Appropriate control measures must be implemented prior to the start of construction activity, must control potential pollutants during each phase of construction, and must be continued through final stabilization. Appropriate structural control measures must be maintained in operational condition. (orig. 6-1-19)

2. Control measures must be selected, designed, installed, implemented, and maintained to provide control of all potential pollutants, such as but not limited to sediment, construction site waste, trash, discarded building materials, concrete truck washout, chemicals, sanitary waste, and contaminated soils in discharges to the MS4 and/or waterways. At a minimum pollutant sources associated with the following activities (if part of the applicable construction activity) must be addressed: (orig. 6-1-19; am. xx-xx-xx)
 - a. Land disturbance and storage of soils. (orig. 6-1-19)
 - b. Vehicle tracking. (orig. 6-1-19)
 - c. Loading and unloading operations. (orig. 6-1-19)
 - d. Outdoor storage of construction site materials, building materials, fertilizers, and chemicals
 - e. Bulk storage of materials. (orig. 6-1-19)
 - f. Vehicle and equipment maintenance and fueling. (orig. 6-1-19)
 - g. Significant dust or particulate generating processes. (orig. 6-1-19)
 - h. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, and oils. (orig. 6-1-19)
 - i. Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment. (orig. 6-1-19)
 - j. Dedicated asphalt and concrete batch plants. (orig. 6-1-19)
 - k. Other areas or operations where spills can occur. (orig. 6-1-19)
 - l. Other non-stormwater discharges including construction dewatering not covered under the Construction Dewatering Discharges general permit and wash water that may contribute pollutants to the MS4 and/or waterways. (orig. 6-1-19)
3. No Impedance to Natural Water Flow
 - a. No work shall be done which may obstruct, impede or interfere with the flow of storm water in overland flows, natural drainageways, unimproved channels or watercourses, or improved ditches, channels or canals in such a manner as to cause flooding that adversely impacts adjacent and downstream properties. Any activity taking place in an area zoned Floodplain Overlay District shall meet the requirements of the Floodplain Overlay District section of this Zoning Resolution. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 7-17-18)
 - b. Construction equipment shall be kept out of watercourses except when necessary to perform work on the approved plans. Where in-channel work is designated on approved plans, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel, including bed and banks, shall be stabilized immediately after in-channel work is completed. (orig. 9-24-91; am. 6-1-19)
 - c. Where a drainageway will be crossed by construction vehicles regularly during construction, a temporary crossing shall be provided. A permit may be required from the U.S. Army Corps of Engineers and the Environmental Protection Agency prior to any disturbance in waters of the United States or federally regulated wetlands. (orig. 9-24-91; am. 12-17-02; am. 10-12-04)
4. Excavation

Excavations shall be constructed and/or protected so that they are stable and do not endanger life or property. (orig. 8-25-86; am. 9-24-91)
5. Excavation Slope
 - a. The slope of cut surfaces of permanent excavations shall not be steeper than 2 horizontal to 1 vertical (approximately 25 degrees). Steeper slopes may be permitted for grading permits with the approval of the County, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. The County may require the excavation to be made with a cut face flatter in slope than 2 horizontal to 1 vertical (2H:1V) if soils/geologic information submitted shows that flatter slopes are necessary for stability, adequate revegetation or maintenance. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)
 - b. The slope of cut surfaces which are 5 feet in height or less and are in competent bedrock may be

steeper than 2H:1V, but shall be no steeper than 1 1/2H:1V. Steeper slopes may be permitted for grading permits with the approval of the County, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. (orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)

6. Fill Placement

Completed fills shall be stable masses of well-integrated material bonded to adjacent materials and to the materials on which they rest. Proper drainage and other appropriate measures shall be taken to ensure continuing integrity of fills. Earth materials shall be used which have no more than minor amounts of organic substances. (orig. 8-25-86)

7. Fill Compaction

The County will require fills to be compacted to a minimum of 90 percent of maximum density as determined by ASTM D1557 unless prior approval by the County has been granted. ASTM D698 may be used for clays with a high plasticity index. The standard for fill compaction shall not apply to fills of less than 50 cubic yards which are placed on natural terrain with a slope flatter than 5H:1V, are less than 5 feet in depth, are not intended to support structures, and do not obstruct a drainage course. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04; am. 7-17-18)

8. Ground Preparation for Fill Placement

The ground surface shall be prepared to receive fill by removing vegetation, topsoil, and other unsuitable materials. (orig. 8-25-86)

9. Fill Slopes

The slope of all permanent fills shall not be steeper than 2H:1V. Steeper slopes may be permitted for grading permits with the approval of the County, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)

10. Driveways and Private Streets/Roads

- a. All street, road and driveway construction shall meet the Transportation Design and Construction Manual standards. (orig. 12-17-02; am. 10-12-04; am. 11-24-15)
- b. For private streets/roads and driveways including turnarounds the maximum allowable vertical disturbance from the toe of fill to the top of cut measured perpendicular to the existing contours shall be 25 feet in vertical height. Planning and Zoning may approve vertical disturbance heights greater than 25 feet for grading permits where it is determined that slopes shall be sufficiently stabilized and restored to be congruent with surrounding conditions to the maximum extent practicable and the alignment of the driveway has been placed in the optimal location to allow for minimal disturbance. (am. 7-17-18; am. 6-1-19)

Relief for grading permits will also be considered if the applicant demonstrates that the proposed grading plan results in less overall land disturbance and that the relief is necessary to comply with the Preservation of Existing Terrain and Vegetation and Impact Mitigation Standards below. In determining whether to approve or disapprove the request, all technical evaluations, relevant factors, standards specified in other sections, and whether the applicant has adequately addressed the provisions of this Zoning Resolution shall be considered. (orig. 8-8-95; am. 11-12-02; am. 12-17-02; am. 7-1-03; am. 10-12-04; am. 3-26-13; am. 11-24-15; am. 7-17-18; am. 6-1-19)

- (1) Parking areas adjacent to building structures and drainage facilities not a part of the streets/roads will not be considered as vertical disturbance. (reloc. 7-17-18)

- c. Widths (including shoulders) of driveways and private streets/roads shall conform to the Transportation Design and Construction Manual. (orig. 8-8-95; am. 11-12-02; am. 11-24-15)

11. Protection of Adjacent Structures

Foundations or flatwork which may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. (orig. 8-25-86)

12. Setbacks

- a. Setbacks for all grading, erosion and sediment control activities shall be at least 7 feet from property boundaries and at least 25 feet from off-site occupied structures. Planning and Zoning may waive setback requirements for land disturbance provided it can be adequately demonstrated that activities occurring within setback limitations will not adversely affect adjacent property or structures. A letter prepared by a Colorado registered professional engineer will be required that addresses the following:(orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 4-27-04; am. 5-20-08; am. 6-1-19; am. xx-xx-xx)
 - i. Identify any potential issues caused by grading, erosion and sediment control activities relating to existing infrastructure, drainage patterns or visual and safety impacts. (orig. xx-xx-xx)
 - ii. Provide justification and rationale demonstrating that there will be no adverse impacts to adjacent property owners as a result of the proposed land disturbance. (orig. xx-xx-xx)
- b. Grading for streets/roads and driveways is exempt from setback requirements if it can be adequately demonstrated that grading activities will not adversely affect adjacent properties or structures in terms of, but not limited to, runoff and slope stability. (orig. 9-24-91; am. 7-17-18)

13. Stormwater

Any required drainage and infiltration structures and devices shall be designed and constructed in accordance with standards and criteria established in the Storm Drainage Design and Technical Criteria and as listed below. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 10-12-04; am. 7-17-18; am. 6-1-19)

- a. Drainage Structures and Devices: All drainage facilities shall be designed to carry surface and subsurface water to the nearest adequate street, storm drain, and natural watercourse or other juncture. (orig. 8-25-86)
- b. Water Accumulation: All finished areas shall be graded and drained such that water will not pond or accumulate except where the end use is a pond, reservoir infiltration area or structure or detention basin. Drainage shall be affected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18)
- c. Protection of Adjoining Property: When surface drainage is discharged onto any adjoining property, it shall be discharged in such a manner that it will not cause an increased hazard to the stability of any cut and fill slope or any building or structure. (orig. 8-25-86; am. 9-24-91)
- d. Subsurface Drainage: Cut and fill slopes shall be provided with subsurface drainage as necessary for stability. (orig. 8-25-86)

14. Erosion and Sediment Control

The following shall apply to the control of erosion and sediment from land disturbance activities: (orig. 8-25-86; am. 10-12-04)

- a. To the maximum extent practicable and in conformance with F.1., above, implementation of the erosion and sediment control plan shall precede grading activities. . (orig. 9-24-91; am. 10-12-04; am. xx-xx-xx)
- b. Upon completion of land disturbance activities, disturbed areas, except for rock cuts and fills, shall be stabilized by adequate vegetative cover consisting of at least 70% of pre-existing vegetation conditions or other permanent soil erosion control measures which prevent accelerated erosion. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18)
 - (1) Cuts and fills accomplished for all roads, driveways and other vehicular access shall be stabilized with adequate vegetative cover or other permanent soil erosion control measures which prevent accelerated erosion, unless the cut is in competent bedrock. (orig. 9-24-91)
 - (2) No project shall cause accelerated or increased off-site erosion. (orig. 9-24-91; am. 10-12-04)
- c. To the maximum extent practicable, sediment caused by accelerated soil erosion shall be removed from runoff water before leaving the site. (orig. 9-24-91; am. 10-12-04)
- d. All land disturbing activities shall be designed, constructed, and phased in such a manner as to minimize the exposure of disturbed areas and to prevent accelerated soil erosion to the maximum

extent practicable. (orig. 9-24-91; am. 10-12-04)

- e. Cut and fill slopes shall be stabilized, and surface water damage to cut and fill slopes shall be prevented. (orig. 8-25-86)
- f. Fugitive dust emissions shall be controlled using the best available control technology as defined by the Colorado Department of Public Health and Environment as of the date of permit issuance. (orig. 8-25-86; am. 9-24-91)
- g. All temporary and permanent soil erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended function in accordance with the details in the approved grading plans. (orig. 9-24-91; am. 10-12-04; am. 7-17-18)
- h. All topsoil, where physically practicable, shall be salvaged and no topsoil shall be removed from the site except as set forth in the approved plans. Topsoil and overburden shall be segregated and stockpiled separately. Topsoil and overburden shall be redistributed within the graded area after rough grading to provide a suitable base for areas which will be seeded and planted. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water. (orig. 8-25-86; am. 9-24-91)
- i. Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before land disturbance except into drainage facilities whose design has been specifically approved by the County prior to the permit approval. (orig. 8-25-86; am. 3-23-99; am. 12-17-02; am. 10-12-04)
- j. The landowner and/or contractor shall take reasonable precautions to ensure that vehicles do not track or spill earth materials on to streets/roads and shall immediately remove such materials if this occurs. (orig. 8-25-86; am. 12-17-02; am. 10-12-04)
- k. Should an increase in sediment discharge occur or become imminent, the landowner and/or contractor shall immediately take all necessary steps to control such discharge. The landowner and/or contractor shall take prompt action to resolve emergency problems. (orig. 8-25-86; am. 12-17-02; am. 10-12-04)
- l. Permanent or temporary soil stabilization measures shall be applied to disturbed areas within 14 days after final grade is reached on any portion of the site. Soil stockpiles shall be permanently or temporarily stabilized within 14 days if the stockpile is not being actively utilized for construction purposes. Soil stabilization measures shall be applied within 14 days to disturbed areas which may not be at final grade, but will be left dormant for longer than 60 days. (orig. 9-24-91; am. 7-17-18)

15. Geologic, Floodplain, Wildfire, and Dipping Bedrock Hazards

Any activity taking place in an area zoned Geologic Hazard Overlay District or Floodplain Overlay District, or Wildfire Hazard Overlay District, or Dipping Bedrock Overlay District shall meet the requirements of the appropriate sections of this Zoning Resolution. Land disturbance activities shall not create or aggravate unstable slopes, rockfall, landslide, or subsidence hazards or increase the risk of wildfire, flooding, or dipping bedrock hazards. (orig. 8-8-95; am. 3-23-99; am. 10-12-04)

16. Preservation of Existing Terrain and Vegetation and Impact Mitigation

- a. Grading for cut and fill slopes shall not result in a staircase effect, except that retaining walls are permitted per paragraph "e." below. The edges of graded areas shall blend into the surrounding natural terrain/topography and contour of the land. (orig. 8-8-95; am. 11-12-02)
- b. The proposed grading shall occur in such a manner that it avoids, to the extent practicable, all rock outcroppings, existing trees over 6 inches in caliper, vegetation over 8 feet in height, and riparian, wetland and critical wildlife areas. If from the original documentation and/or field investigation it appears that a less impactful alternative exists, the County may require the grading plan to be revised. (orig. 8-8-95; am. 12-17-02)
- c. Excess material shall be graded in a manner which is similar to the natural topography and shall not be cast over the side of cut or fill slopes. (orig. 8-8-95; am. 11-12-02)
- d. Cut slopes that are in rock and are intended to be left exposed shall be graded to obtain a natural looking appearance, to the extent possible, in form to blend with surrounding terrain. (orig. 8-8-95; am. 11-12-02; am. 10-12-04)

- e. Retaining walls shall not exceed a maximum height of twelve (12) feet and shall be faced with stone or constructed with textured earth colored material that is identified in the grading plan. If a series of retaining walls is required, the horizontal distance between walls shall be a minimum of 4 feet. The minimum distance between walls shall be increased to 6 feet if either wall exceeds 8 feet in height. Retaining walls greater than 36 inches in height shall be constructed in accordance with the design prepared by a Colorado registered professional engineer. The design may require consultation with a geotechnical engineer, shall consider such factors as expansive soils, steep slopes and vehicles or structures near the walls, and shall include the following: (orig. 8-8-95; am. 11-12-02; am. 12-17-02; am. 7-1-03; am. 10-12-04; am. 7-17-18)
 - (1) Construction plans indicating how the proposed wall height will vary along its length. (orig. 10-12-04)
 - (2) Details with elevations showing top and bottom of wall for critical points along the wall length. (orig. 10-12-04)
 - (3) Supporting calculations that demonstrate an adequate factor of safety (minimum 1.5) for bearing capacity, overturning, sliding, and internal stability, including surcharge loads due to sloping backfill, adjacent vehicles and structures. When global stability analysis is required the minimum factor of safety is 1.3 for both the temporary and permanent conditions. (orig. 10-12-04; am. xx-xx-xx)
 - f. The site shall be designed to use existing topography and existing vegetation to screen site disturbance. (orig. 8-8-95; am. 10-12-04)
 - g. Revegetation plans shall be similar to existing vegetation and feature the prominent use of plants which are indigenous to the area or as approved by the County. Seeding methods such as hydroseeding, drilling, seeding and raking in, or other seeding method may be required when necessary to quickly and effectively establish a groundcover for areas where other types of seeding may be ineffective. (orig. 8-8-95; am. 11-12-02; am. 10-12-04)
 - h. Any permanent erosion control and drainage improvements that are installed, as a result of land disturbance activities shall be designed to complement and blend with the natural topography of the land. (orig. 8-8-95; am. 10-12-04)
 - i. Where possible, turnouts shall be provided with the narrowest permissible road to minimize the extent of land disturbance. (orig. 11-12-02; am. 10-12-04)
 - j. When the grading operations encounter remains of prehistoric people's dwelling sites, remains, or artifacts of historical, paleontological or archaeological significance, the operations shall be temporarily discontinued. The developer shall notify Planning and Zoning, and the developer shall promptly contact the proper authorities to determine the disposition thereof. If required by state or federal authorities, the developer shall preserve the area of historical, paleontological or archaeological significance for a maximum period of 30 days to allow authorities to excavate and recover the items of significance. (reloc. xx-xx-xx)
17. Materials handling BMP's are required. At a minimum, BMP's shall include controlling waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste, as applicable. In addition, spill prevention and containment BMP's for construction materials, waste and fuel shall be provided, as applicable. (orig. 10-12-04)
18. Maximum allowable height of a temporary stockpile is 50 feet measured from existing grade. The setback of the stockpile measured from the abutting property line to the edge of the stockpile is 2 multiplied by the height of the stockpile. The edge of the stockpile shall be no closer than the grading setback (7 feet from the abutting property line). The slope shall not exceed 3H:1V unless otherwise approved by Planning and Zoning for grading permits based on existing site conditions and topographic constraints. The temporary stockpile shall remain in place no longer than two years unless otherwise approved by Planning and Zoning for grading permits based on site conditions and construction duration. (orig. 11-24-15; am. 7-17-18; am. 6-1-19; am. xx-xx-xx)

G. Improvement Security

- 1. As a condition for the issuance of a Grading Permit, the County may require an improvement security in an amount necessary to ensure compliance with the performance standards in the event of default on the part of the applicant or of denial of the case by the Board of County Commissioners. Grading Permits

associated with single family attached, detached or duplex residential structures with an active building permit will not require an improvement security. An improvement security is required for improvements in the Right-Of-Way or for improvements which may affect Right-Of-Way. (orig. 8-25-85; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 7-1-03; am. 10-12-04; am. 10-13-09; am. 6-1-19; am. 12-17-19; am. xx-xx-xx)

- a. Except for rough grading, the amount of the security shall be 100 percent of the cost of all grading erosion and sediment control items plus 100% of the cost of the work required for public streets/roads and for private streets/roads. The amount of security for rough grading shall be 25 percent of the total cost of rough grading for all lands within the mountains and 10 percent for all lands within plains of the County. A contingency amount equivalent to 10 percent of the total cost of all work shall be added to the security amount. (orig. 3-23-99; am. 12-17-02; am. 7-17-18)
 - b. The improvement security shall be in the form of cash escrow or a letter of credit. (am. 3-23-99)
 - c. The improvement security shall remain in effect until final inspections have been made, where required, and all grading work has been accepted by the County. Final acceptance of warranted Public Improvements shall conform to the Jefferson County Land Development Regulation. Upon final acceptance of improvements or warranted Public Improvements, securities will be released. (orig. 8-25-85; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 5-20-08)
2. Any letter of credit or deposit required pursuant to this section shall be payable to the Board of County Commissioners of Jefferson County and shall be for a minimum of 2 year. (orig. 8-25-86; am. 8-8-95; am. 10-12-04; am. 5-20-08)

H. Permit Completion and Closeout

1. Notice of Intent
 - a. A completed Form Letter N-2 stating that the final construction and grading are in conformance with the approved overall grading plan and Notice of Intent shall be submitted to Planning & Zoning prior to issuance of the Certificate of Occupancy. Form Letter N-2 shall be completed by a Colorado registered professional engineer. (orig. 6-1-19)
2. Grading Permit
 - a. The conditions of approval as specified in the approval letter and/or approved plan set. (orig. 8-25-86; am. 6-1-19)
 - b. Jefferson County staff confirms that the completed control measure operates in accordance with the approved site plan. (orig. 6-1-19)
 - c. The Certificate of Occupancy for residential structures will be issued once the Grading Permit certification is accepted and the Grading Permit is closed by Jefferson County staff. (orig. 6-1-19)

I. Release of Security for Grading Permits

1. Upon completion of the following, the improvement and/or maintenance securities will be released, and/or a Certificate of Compliance will be issued. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 7-17-18; am. 6-1-19)
 - a. Applicable provisions of this section. (orig. 8-25-86)
 - b. The conditions of approval of the Grading Permit. (orig. 8-25-86; am. 6-1-19)
 - c. Final stabilization of the site, which can include established vegetation, that will prevent accelerated erosion and other erosion control measures, where required. A uniform vegetative cover with a density of at least 70 percent of pre-disturbance levels shall be considered adequate vegetative cover for erosion control measures. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 7-1-03; am. 10-12-04)
 - d. Receipt of proof of compaction, where the compaction standard applies. Compaction tests shall be taken under the direct supervision of a geotechnical engineer. The geotechnical engineer or his designated representative shall observe grading activities on a full-time basis and shall take sufficient compaction test to enable the engineer to determine that the site is ready for the intended uses and shall so state on the compaction report. Compaction reports shall be signed and sealed and dated by a Colorado registered professional engineer. Compaction reports shall include the moisture density curves, location of test sites, soil types(s), density results, type of test and if a failing test, retesting of the site. The engineer shall provide a complete set of all test and observations and a

report stating that the grading activities have been completed in substantial conformance with the approved grading plan, the requirements of this section, and the Land Development Regulation. (orig. 9-24-91; am. 3-23-99; am. 10-12-04)

2. An as-built plan is required by the County for the following:
 - a. Land disturbance activities that occur in a Floodplain Overlay District.
 - b. Large fills (greater than 1000 cubic yards).
 - c. Retaining walls as designated on the approved plans.
 - d. The construction deviates from the approved plans.
 - e. Permanent non-structural and structural water quality control measures including dimensions, volume calculations and overall compliance with approved plans.
 - f. Other activities as required by Performance Guarantee and Warranty Section of the Land Development Regulation. Orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04; am. 7-17-18)
3. Upon completion and acceptance of all items listed on the list of improvements and associated costs, the project performance guarantee may be reduced to the amount shown on the Exhibit A for adequate revegetation and temporary erosion and sediment control. Revegetation means that a density of at least 70 percent of the pre-disturbance levels or equivalent permanent methods have been employed. (orig. 12-17-02; am. 10-12-04)
4. However, upon failure to complete the work, failure to comply with all of the terms of the permit or failure of the erosion and sediment control measures to function properly, the County may perform the required work or cause it to be done and collect from the permittee or surety all costs incurred, including administrative and inspection costs. Any unused portion of a deposit shall be refunded to the permittee after deduction by the County of the cost of the work. (orig. 8-25-86; am. 10-12-04; am. 7-17-18)

J. Enforcement

1. Inspections

The County may inspect the site and perform any necessary tests from time to time to ensure compliance with the permit conditions. (orig. 9-24-91; am. 8-8-95; am. 3-23-99)

2. Suspension and Revocation of Permit

The County may suspend, limit or revoke a permit for violation of any provision of this section, violation of the permit or misrepresentations by permit holder, his agents or his employees or independent contractors under contract with the permittee for a Notice of Intent or Grading Permit for an individual lot or within a common plan of development. The decision of the County to suspend, limit or revoke a permit may be appealed to the Board of Adjustment. No work shall be performed while an appeal is pending except as authorized by the County. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)

3. Enforcement Response

- a. The escalation process for enforcement actions includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (civil process), fines associated with the illicit discharge violation and/or using the performance guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19; am. xx-xx-xx)
- b. The escalation process for chronic and recalcitrant violators of control measure requirements includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (civil process), fines associated with the illicit discharge violation and/or using the performance guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19; am. xx-xx-xx)

3. Court Action

Nothing in this section shall be construed to prevent the Attorney's Office, at their discretion, from filing a court action based upon a violation or potential violation of this section. (orig. 3-23-99)

4. Right of Entry

Whenever necessary to enforce the provisions of this section the County can enter the premises at all reasonable times to perform any duty imposed by this section. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. If a Land Disturbance Permit is suspended or revoked, or if a Stop Work Order has been issued, the County shall have the right to enter the site to complete the work allowed under the grading permit. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 7-17-18)

5. Stop Work Orders

When any work is being performed which is not in compliance with an approved permit and/or the provisions of this section or any other applicable law, rule or regulation, the County can order the work stopped by serving written notice on any personnel engaged in performing the work. Such person shall immediately stop such work until authorized by the County to proceed. If there are no persons present on the premises, the notice may be posted in a conspicuous place and the notice shall state the nature of the violation. The notice shall not be removed until the violation has been vacated or authorization to remove the notice has been issued. Failure to comply with any Stop Work Order is a violation of the Zoning Resolution, the Grading Permit and/or the Notice of Intent. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 7-17-18)

6. Violations of Other Regulations

Violations of this section may also cause violations of other State and/or Federal regulations and result in additional fines and penalties. (am. 10-12-04)

Section 17- Land Disturbance

(orig. 7-12-05; am. xx-xx-xx)

A. Planning Standards

1. Grading, erosion and sediment control plans shall be prepared in accordance with and in compliance with the standards in the Land Disturbance Section of the Zoning Resolution. (am. 7-12-05)

REFERRAL AGENCIES AND ORGANIZATIONS

The Denver Post, LLC

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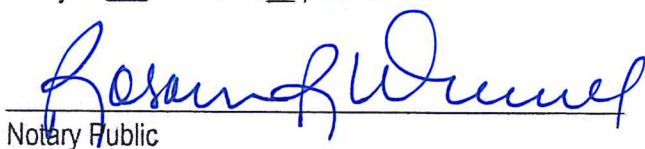
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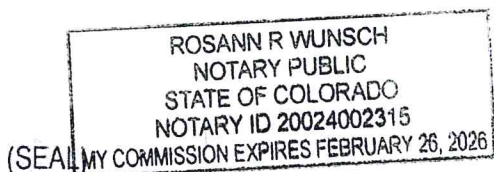
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November 3, 2022


Signature

Subscribed and sworn to before me this
4 day of November, 2022.


Notary Public



**LEGAL NOTICE AND PUBLICATION OF PROPOSED
AMENDMENTS TO THE JEFFERSON COUNTY
LAND DEVELOPMENT REGULATION**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of the County of Jefferson, State of Colorado, will hold a hybrid (in-person and online virtual) public hearing on proposed changes to the Land Development Regulations within Jefferson County, Colorado. The public hearing will be held at the Jefferson County Administration and Courts Facility, Hearing Room 1, at 100 Jefferson County Parkway, Golden, Colorado, on December 6, 2022 at 8:00 a.m. with the virtual hearing link being available on the County's website at <https://www.jeffco.us/4042/Virtual-Hearings#bcc>.

FURTHER NOTICE IS HEREBY GIVEN that said public hearings may be continued from time to time without further notice. Said proposed amendments in case 21-10926SAM are as follows:

To amend Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation

BE IT ALSO KNOWN that the text relating to the above referenced regulation amendments may be examined in the offices of the Jefferson County Planning and Zoning Division, 100 Jefferson County Parkway, Suite 3550, Golden, Colorado between the hours of 8:00 a.m. and 5:00 p.m. during any working days, Monday through Thursday holidays excepted. The proposed amendments are currently available for examination on the Jefferson County Planning and Zoning website (<http://planning.jeffco.us>) under Regulations & Plans-Regulation Updates.

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF JEFFERSON
STATE OF COLORADO**

Published November 3, 2022

/s/ Andrew Kerr, Chairman

June 29, 2022

Dear Agency/Interested Party,

Jefferson County Planning & Zoning is proposing a Regulation Amendment process pertaining to the Zoning Resolution Section 16, Land Disturbance. This regulation update includes general housekeeping and updates to the section as shown herein and as summarized in the **Proposed Regulation Changes Summary Sheet**.

Red-marked drafts can be found in both Word and Adobe PDF formats on our Regulation Revision [website](#) and in the case folder (21-109265AM) **here**.

We are very interested in any comments or concerns that you or your agency may have with these proposed changes. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Comments are due Wednesday July 20, 2022.

Sincerely,

Planning and Zoning Staff

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Planning&Zoning-All@co.jefferson.co.us

COMMENT AND RESPONSE LOGS

Comments and Response Log		
Source of Comment	Comment	Staff Response
CORE	CORE Electric Cooperative appreciates the updates to Section 16; has the county considered a small Utility GESC permit similar to Douglas County? Section 16 seems broad in nature and really doesn't address the different types of land disturbances.	This has been considered by the County, however we do not have the resources currently. This could be considered with a future regulation update.
Evergreen Metro	<p>I have reviewed the proposed changes to the Land Disturbance Regulation and have a comment/question.</p> <p>Under Section B. General Provisions, part 6, Permission of other Agencies or Owners specifically states:</p> <p>“The issuance of a Grading Permit or the submission of a Notice of Intent shall not relieve the applicant of the responsibility for securing other permits or approvals required by any other division or agency of Jefferson County or other public agency or for obtaining any easements or authorization for removing or transporting earth materials on property not owned by the applicant. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04)”</p> <p>Recently, Evergreen Metropolitan District has had a contractor with an approved Grading Permit using a Notice of Intent working within our utility easement. With this revision, is there an opportunity to add specific language about contractors working within easements needing to contact the easement owner before work begins?</p> <p>In this specific situation, the grading plans show that the contractor was to fill on top of the easement and install a permanent retaining wall on part of it. Evergreen Metropolitan District was never contacted. The retaining wall is troublesome. More so, the contractor didn't show any interim earthwork required to install geothermal lines. The contractor excavated before the water main, exposing it, and never notified us.</p>	Clarified in regulation and language to be added to the N-1 Form stating that contractors working within easements need to contact the easement owner before work begins.
Evergreen Park and Recreation District	We are reaching out to see how this will impact the North Evergreen Lake Trail project that is currently out to bid. With the resolution to Section 16 ZR how will this impact this project?	This regulation update does not impact this project.

Jeffco EDC	Section B.2.a.1.a – indicates a decrease in the size of the property that must submit for a grading permit from 1 ac to 0.5 ac. Is there any background on why?	This change is a simplification to the regulation. Removing the 0.23 K Factor analysis because there are different values available. The 1/2 acre threshold is similar to other jurisdiction requirements.
	Section B.2.a.1.a –Indicates a grading permit being required when 5.000 yrs are stored on a project unless it is actively being used. Is there any additional definition/clarification for the term “active”? This reads very subjective and could create confusion on the definition...	An active use would be construction associated with an active building permit for a primary structure.
	Section D.1 – Asks for a certification that the NOI meets Jeffco Zoning, Land Development Regs, Storm Design Criteria, and the Transportation Design and Construction Manual. Is this a new request? If so, it might create challenges obtaining this certification as this is not covered by E&O insurance companies.	This language is not new for the NOI process and is a clarification for the regulations. This process has been in place for 3 years without incident.
	Section E.2.m – Asks for infiltration testing to be provided in a Geotech report. Potential concerns with some applications given a heavy cut/fill in the location of the proposed infiltration mechanism and accomplishing on first submittal.	Infiltration testing will be completed on the representative material. If material will be imported, the property of the fill material can be specified. For cut, the bore can be deeper to reach the necessary depth.
	Section F.12.a –Requiring a stamped letter (from a PE) to state that grading provided within 7 ft of a property line or within 25 ft of an adjacent structure meeting the following: a. Any potential issues with this grading – This could be a long list in some cases b. Challenges with visual and/or safety impacts - concerns that this cannot be provided by a PE letter – then engineer does not own the safety impact and the visual impact is subjective and does not belong in a stamped/certified let	Agreed. The engineer should certify safety and can comment on visual impacts. The PE for the project is the correct person to certify since they are the designer.

<p>Glenn Douglass</p>	<p>In the same vein in regards to Land Disturbance Permits, it appears that the submittal of a Soils / Geologic Report will also trigger a full Grading Permit (vs an NOI), even when the intent of allowing steeper slopes (especially in steep rock outcroppy areas in bedrock) is to REDUCE the land disturbance. When a project is less than 1/2 acre and only some of the slopes are steeper than 2:1, it would seem more practical to still permit the NOI process as more of an applicant's budget can be applied to erosion protection and rock excavation than fees and engineering without compromising land disturbance impacts. I guess such a situation would have to be case specific, which would create another type of review.</p>	<p>A Geotechnical Report requires review and therefore triggers a Grading Permit</p>
<p>Rocky Mountain Metropolitan Airport</p>	<p>We are interested in how this would apply to the stockpile at the airport. Due to a number of both county and private projects, we are frequently either importing or exporting dirt/millings/etc. at our "yard". We'd estimate around 30,000 cy. yd. of dirt at the moment. Airport staff likely would not have the capacity to adjust permits/plans/etc. due to the frequent use of this yard. Is there a way to exempt public airport property on the stockpiling requirement (ZR Sec. 16 B(2)(a)(1)(b)? Each individual development site will still be subject to a land disturbance permit, and airport staff monitor for stormwater quality as part of our CDPHE permit...</p>	<p>This requirement would apply if the total area of disturbance exceeds 1-acre. Is the CDPHE permit the industrial permit or the permit required by CDPHE for the stockpile since it exceeds 1-acre? Changes made to 3.g. to clarify.</p>

Baseline	<p>Since Baseline works in all the Counties along the front range from Wyoming down to Pueblo I would tell you that Jefferson County is the only one I'm aware of that connects the erodibility of the soil as any type of threshold or factor for a grading permit. I do appreciate you getting rid of it as part of the criteria. Obviously this is not just a Jefferson County soil issue. My understanding from the map you sent is that the County feels the K factor plays a significant role in the decision to lower the permit threshold for full Grading Permit vs. NOI. Removing it does result in an easier explanation to homeowners and builders but I still don't view it as a factor.</p> <p>As we can all attest regardless of what area of the County grading is being performed in it is more incumbent on the contractor to maintain good BMP's and their handling of materials regardless of what a soils map says. The preparation of our GESC plans and the County's review of them is only valuable when the contractor implements and builds per those plans and makes necessary adjustments to BMPs when the conditions warrant.</p> <p>I'm always going to be in favor of less regulation and more responsibility for the PE seal we put on plans and the contractors responsibility for the work being performed.</p> <p>Weld in my opinion has a very straight forward grading permit application process https://www.weldgov.com/files/sharedassets/public/departments/public-works/documents/grading-permit-application-2021.pdf as they put the responsibility squarely on the Colorado PE and the applicant with more stringent requirements for sites that are within an MS4 area. The result of them putting the responsibility back on the PE and the applicant is shorter reviews for any grading applications regardless of disturbance.</p> <p>I'd still prefer to see the thresholds remain the same and would have no problems with additional certification language that would put more responsibility back on the PE and the applicant. Everyone has historically dreaded hitting the NOI to full Grading Permit threshold in the County. They are always trying to find loopholes to avoid it and that should not be so.</p>	<p>Part of the rationale for removing the K factor in the equation is to simplify the regulations so we can provide a straight forward answer to homeowners, builders and engineers when asked do I need grading permit or NOI. We are expecting an increase of about 10-12 permits per year based on this change. In 2018, the threshold was 10,000sqft rather than 0.5 so still much better than it was.</p>
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Anne Lafoon	<p>Could you please contact me to discuss these proposed changes to Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation?</p> <p>In particular, could you please share any information you have on the process and timeline for the discussion of these changes and any materials that provide background on the proposed changes, the reason for the changes, and the areas of the county that would be affected by these changes?</p>	<p>Attached is a summary of changes for your review. The majority of the changes are minor and include general housekeeping and cleanup. The major changes include the removal of the K Factor evaluation. This change is being proposed in an effort to simplify the criteria for when a Grading Permit is required. The other major change adds specific language to when a permit would be needed for stockpiling of material. This change is being proposed as there have been a few instances where stockpiles have remained in locations for an extended time and the regulations were unclear if a permit was needed. I've also attached a set of regulations which identify the changes being made. The next steps include scheduling hearing dates to bring these changes before the Planning Commission and Board of County Commissioners (BCC). The ultimate decision will be made by the BCC.</p>
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Mike Rawluk	<p>Do you have time to help me understand this amendment proposal?</p>	<p>Do you have any specific questions to the proposed changes? In an effort to provide clarity and adapt to changes we are constantly proposing changes to the regulations. In this particular case we are proposing some changes to the Land Disturbance Sections of the Zoning Resolution.</p> <p>The changes can be seen in the attached track changes pdf. One of the major items we are proposing to get rid of the K Factor criteria as having worked with this for a few years we found it difficult for both applicants and the County as there were different sources of K factor information out there. In the we felt like it would be much simpler if we just require a grading permit for any disturbance over 0.5acre.</p> <p>I'm happy to talk through any questions you may have.</p>
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Jefferson County Zoning	<p>Pat and I were talking awhile back about instituting some other review or guideline to require the engineer of record or developer to monitor a property to ensure that the NOI is being followed. Something between the N-1 and N-2. Maybe a monthly check for projects that take longer than a month. It may not prevent violations, but maybe it would put some pressure on the developer or engineer to ensure they actually follow the plan and maintain it throughout the project. Right now, we are seeing a lot of properties that start construction without any erosion control in place. I know it's too much of a change for this round but wanted to bring it up.</p>	Staff agrees that this is something we should look into with the next regulation update.
Architerra	<p>As both a resident, licensed landscape architect and small business owner in Jefferson County, I respectfully request that all references to grading plans or grading, erosion and sediment control (GESC) plans "be stamped and signed by a Colorado registered professional engineer" be changed to "be stamped and signed by the appropriate Colorado licensed professional". Landscape architects are educated, trained and tested in the tasks of grading, erosion and sediment control. The attached memo from the Colorado Department of Regulatory Agencies was sent to local building officials and all county attorneys in 2015 to clarify questions about who can prepare, sign and seal those documents.</p> <p>Is it Jefferson County's intention to prevent licensed professionals in the State of Colorado from practicing within the scope of their expertise and licensure on projects in the county?</p> <p>This causes unnecessary additional costs to our clients. An example, we often work on new park or existing park renovation projects for the Foothills Park & Recreation District. The current regulations require us to hire a Professional Engineer to review and stamp our grading and GESC plans for any land disturbance project. This adds to the total cost of the project but provides no additional value to the County or the owner.</p>	<p>A similar discussion occurred several years ago as it relates to this topic. At that time we did discuss this with our County Attorney's Office and the determination was that we would not make this change.</p> <p>Since the hearing for this regulation update is next week, we do not have time to add this discussion to this round of updates, however, we do have another round of regulation updates planned for 2023 and we can plan to look into this in more detail at that time.</p>
Dave Wicks	<p>I would like to suggest that the initial paragraph explain what you have described so as to make it clear that Land Disturbance Permits have two subtypes. Like I said before, I didn't spend a whole lot of time trying to figure this out, but if it's confusing to me it may be confusing to others.</p>	Staff has update the regulation to specify that Grading Permit and Notice of Intent are both subtypes of the land disturbance permit.

CGS	<p>I reviewed your proposed changes and have a few comments that are listed below.</p> <p>I believe there are typos or missing words in sections B.2 second sentence and page 14 2.1 (parameter should be plural and you probably don't want to delete walls).</p> <p>Regarding the factor of safety for tiered retaining walls. The factor of safety should be 1.5 instead of 1.3 if tiered retaining walls support structures.</p>	Staff agrees with these comments and has modified the regulation accordingly.
	<p>B.1. Removal of reference to the Grading Permit and Notice of Intent creates some confusion. The Land Disturbance Permit is referenced here, but it doesn't say how this corresponds to the Grading Permit or the NOI. Throughout the remaining document, the reference is made to the Grading Permit and NOI There needs to be more information to explain the connection between the LDP and Grading Permit and NOI.</p>	Please see attached for the addition to B.2.
	<p>B. 2. a and B. 2. b. Don't flow naturally from the change in language above which references the LDP, and immediately talks about the Grading Permit and the NOI.</p>	To be reviewed with the Comprehensive Update next year.
	<p>B.3.d. There are items "shall not be exempt". Those items not exempt should be shown in the paragraphs above, since paragraph 3 is for all activities that are "exempt".</p>	To be reviewed with the Comprehensive Update next year.
	<p>B.4. The MS4 permit should be called out by name. This is an important permit. State of Colorado PH&E for a Municipal Storm Sewer System Permit.</p> <p>This also has requirements for construction stormwater runoff requirements. Do any of those requirements conflict with ZR Sect 16? Owners should know how to find the authority responsible for issuing MS4 permits. All Jeffco codes and ordinances should refer seamlessly to one and other.</p>	Please see Section B.3.o.
	<p>General: Why doesn't ZR Sect 16 refer to the Colorado Water Conservation Board and ordinance requiring adherence to the National Flood Insurance Program? Colorado adopted these higher standards in 2003 and I assume they continue as the standard, correct? Who is the state coordinator for NFIP and have they reviewed these proposed amendments?</p>	This is discussed in the Zoning Resolution Section 37 (Floodplain Overlay District)

Julie Rosen

B.5. The Building Permit is often issued and the drainage issues happen after Land Disturbance occurs. Even with engineered drawings, which the county approves. What is the mechanism to cure drainage that has caused damage or endangers adjacent properties? The county should not rely on individual landowners having to sue one another to cure drainage problems, especially after the county has reviewed and issued a permit. This issue is happening all around Jeffco and there does not seem to be a mechanism to create a cure for problems.	To be reviewed with the Comprehensive Update next year.
page 12 - 2.c. What is the enforcement mechanism? The flood in Evergreen from the 55+ community into the Safeway center had a "Final Inspection". This project also violated the 2H:1V slope and must not have had flood prevention engineered mechanisms in place despite the slopes. The more intense storms in Colorado necessitate not only the best technical review by county officials who are civil engineers but also an enforcement mechanism during construction. The adjacent owners should not have to be Jefferson Counties enforcement mechanism through litigation. The county has an obligation to protect existing properties from damage.	The enforcement mechanism involves an engineers certification letter and as-built drawings of the constructed control measure. This is required prior to closeout of the land disturbance permit. If the letter identifies deficiencies, then the applicant is required to update the plans to meet County Requirements.
Page 12, 2.d. The first sentence does not make sense "at the completion of the site" Does this mean the terminus of the downstream outflow from the site?	This is referring to completion of construction. We will look at clarifying this.
p, 13 - E.1.c. - The SDDTC should be named here for clarity.	Please see D.1
pg 13 - E.1.a.9. The location and the type of flood control facility should be detailed. A contractor calls a straw bale flood control when perhaps an earth berm should be built.	To be reviewed with the Comprehensive Update next year.
p.15. 2.l. "Soil parameters". As a structural engineer, I know this wording is incorrect. If retaining walls are being designed, then the "Soil Classification and Preparation Parameters" apply. The soil classification is essential.	To be reviewed with the Comprehensive Update next year.

	<p>p.17. Paragraph 13. Stormwater. This is becoming a serious issue in Jeffco as landowners build on ever steeper sites especially as climate change is creating more intense storms. There has to be more of a requirement for development to require engineered temporary and permanent flood control protection facilities. The county is the authority issuing permits and therefore must have their own technical staff reviewing and approving these facilities, in order to protect property owners adjacent to development. Never should individual property owners have to sue to obtain relief from development that damages them or their property.</p>	To be reviewed with the Comprehensive Update next year.
United Power	No comments	Acknowledged
City of Littleton	No comments	Acknowledged
Building Safety	No comments	Acknowledged
RTD	No comments	Acknowledged
Arapahoe	No comments	Acknowledged
Town of Mountain View	No comments	Acknowledged
Xcel Energy	No comments	Acknowledged
CDOT	No comments	Acknowledged
Highlands	No comments	Acknowledged

REFERRAL COMMENTS

Lindsey Wire

From: Nathan Seymour
Sent: Monday, September 12, 2022 7:57 AM
To: mike rawluk
Subject: RE: --{EXTERNAL}-- 21-109265AM
Attachments: Summary of Regulation Updates.pdf; ZR Section 16 - Land Disturbance - Track Changes.pdf

Hi Mike,

Do you have any specific questions to the proposed changes? In an effort to provide clarity and adapt to changes we are constantly proposing changes to the regulations. In this particular case we are proposing some changes to the Land Disturbance Sections of the Zoning Resolution.

The changes can be seen in the attached track changes pdf. One of the major items we are proposing to get rid of the K Factor criteria as having worked with this for a few years we found it difficult for both applicants and the County as there were different sources of K factor information out there. In the we felt like it would be much simpler if we just require a grading permit for any disturbance over 0.5acre.

I'm happy to talk through any questions you may have.
Let me know.

Best,

Nathan Seymour
Civil Planning Engineer
o 303.271.8751 | www.jeffco.us



We encourage scheduling an appointment to see staff during our office hours Monday - Thursday. Please schedule [appointments](#) and submit [applications](#) online. Go to planning.jeffco.us for more information.

From: mike rawluk <rawlukm@yahoo.com>
Sent: Friday, September 9, 2022 10:15 AM
To: Nathan Seymour <nseymour@co.jefferson.co.us>
Subject: --{EXTERNAL}-- 21-109265AM

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Hi Nathan, do you have time to help me understand this amendment proposal?
Thank you!
Have a great day!
Mike Rawluk

Lindsey Wire

From: Terri Maulik <TMaulik@arapahoegov.com>
Sent: Wednesday, July 6, 2022 6:53 AM
To: Lindsey Wire
Cc: Referrals
Subject: --{EXTERNAL}-- AC CASE NO O22-240- JEFFCO REF/ REGULATION AMENDMT 21-109265AM - ZONING RESO SECT 16 AND LAND DEV REGULATION SECT 17 - LAND DISTURBANCE

Follow Up Flag: Follow up
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Hello Lindsey,

Thank you for the opportunity to review and comment on this project. The Arapahoe County Planning Division has no comments; however, other departments and/or divisions may submit comments.



TERRI L MAULIK

Planning Technician | Public Works & Development - Planning Division

6924 S Lima St., Centennial Co 80112

Direct: 720-874-6840 | Main: 720-874-6650

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I work a hybrid schedule, so email is always the optimal method to contact me. You are encouraged to visit our website at <https://www.arapahoegov.com/519/Public-Works-and-Development> [arapahoegov.com] for information. Please consider emailing us at planning@arapahoegov.com as this email inbox is monitored by several staff members. You may also call (720) 874-6650 to speak with staff or to leave a message.

From: Kim Lynch <KLynch@arapahoegov.com>
Sent: Tuesday, July 5, 2022 10:33 AM
To: Sarah White <SWhite@arapahoegov.com>; Ava Pecherzewski <APecherzewski@arapahoegov.com>; Cathleen Valencia <CValencia@arapahoegov.com>; Chuck Haskins <CHaskins@arapahoegov.com>; Jason Reynolds <JReynolds@arapahoegov.com>; Michelle Lengyel <MLengyel@arapahoegov.com>; Referrals <Referrals@arapahoegov.com>; Roger Harvey <RHarvey@arapahoegov.com>
Subject: O22-240- JEFFCO REF/ REGULATION AMENDMT 21-109265AM - ZONING RESO SECT 16 AND LAND DEV REGULATION SECT 17 - LAND DISTURBANCE

LOCATION: JEFFCO

DUE: 07/21/2022

With gratitude,



KIM LYNCH

Planning Technician | PWD Planning Division

6924 S Lima St., Centennial, CO 80112

720-874-6650

From: Lindsey Wire <lwire@co.jefferson.co.us>

Sent: Thursday, June 30, 2022 12:52 PM

To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>

Subject: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Agency/Interested Party,

Jefferson County Planning & Zoning is proposing a Regulation Amendment process pertaining to the Zoning Resolution Section 16 and the Land Development Regulation Section 17, Land Disturbance. This regulation update includes general housekeeping and updates to the section as shown herein and as summarized in the Proposed Regulation Changes Summary Sheet.

Red-marked drafts can be found in both Word and Adobe PDF formats on our Regulation Revision [website](#) and in the case folder (21-109265AM) [here](#).

We are very interested in any comments or concerns that you or your agency may have with these proposed changes. Please provide comments by Thursday, July 21. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Sincerely,

Planning and Zoning Staff

Lindsey Wire, P.E.

Planning & Zoning

Engineering Supervisor

303.271.8717

lwire@jeffco.us | planning.jeffco.us



Planning and Zoning will be closed to the public on Monday, June 6 and on Monday, June 27. During these two days, Planning and Zoning staff will be working to improve our processes so that we can provide better customer service. We apologize for any inconveniences this may cause.

We encourage scheduling an appointment to see staff during our office hours Monday - Thursday. Please schedule [appointments](#) [\[jeffco-planning-and-zoning-hqorx.appointlet.com\]](#) and submit [applications](#) online. Go to [planning.jeffco.us](#) for more information.



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Jefferson County Colorado

Lindsey Wire

From: Troy Jones
Sent: Wednesday, July 20, 2022 9:26 AM
To: Lindsey Wire
Subject: RE: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning, Lindsey,

The Division of Building Safety has no issues with Regulation Amendment Case 21-109265AM and no further review is required.

Thank you and have an excellent and healthy day.

Troy Jones
Plans Examiner/MCP
Jefferson County Division of Building Safety
tjones@jeffco.us
Phone: 303-271-8256
Fax: 303-271-8282

Beginning June 1, 2020 Jefferson County offices, including Building Safety, will be open Monday through Thursday 8am-5pm. County offices will be closed on Friday. Monday through Thursday, the building department will have limited staff in the office due to social distancing requirements.



From: Lindsey Wire <lwire@co.jefferson.co.us>
Sent: Thursday, June 30, 2022 12:50 PM
To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>
Subject: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Dear Agency/Interested Party,

Jefferson County Planning & Zoning is proposing a Regulation Amendment process pertaining to the Zoning Resolution Section 16 and the Land Development Regulation Section 17, Land Disturbance. This regulation update includes general housekeeping and updates to the section as shown herein and as summarized in the Proposed Regulation Changes Summary Sheet.

Red-marked drafts can be found in both Word and Adobe PDF formats on our Regulation Revision [website](#) and in the case folder (21-109265AM) [here](#).

We are very interested in any comments or concerns that you or your agency may have with these proposed changes. Please provide comments by Thursday, July 21. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Sincerely,

Planning and Zoning Staff

Lindsey Wire, P.E.

Planning & Zoning
Engineering Supervisor
303.271.8717

lwire@jeffco.us | planning.jeffco.us



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We encourage scheduling an appointment to see staff during our office hours Monday - Thursday. Please schedule [appointments](#) and submit [applications](#) online. Go to planning.jeffco.us for more information.

Lindsey Wire

From: bradley.sheehan@state.co.us
Sent: Tuesday, July 5, 2022 12:15 PM
To: Lindsey Wire
Subject: --{EXTERNAL}-- Re: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Follow Up Flag: Follow up
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Lindsey. I have no issues with what you are proposing.

On Thu, Jun 30, 2022 at 12:50 PM Lindsey Wire <lwire@co.jefferson.co.us> wrote:

Dear Agency/Interested Party,

Jefferson County Planning & Zoning is proposing a Regulation Amendment process pertaining to the Zoning Resolution Section 16 and the Land Development Regulation Section 17, Land Disturbance. This regulation update includes general housekeeping and updates to the section as shown herein and as summarized in the Proposed Regulation Changes Summary Sheet.

Red-marked drafts can be found in both Word and Adobe PDF formats on our Regulation Revision [website](#) and in the case folder (21-109265AM) [here](#).

We are very interested in any comments or concerns that you or your agency may have with these proposed changes. Please provide comments by Thursday, July 21. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Sincerely,

Planning and Zoning Staff

Lindsey Wire

From: Karen Berry <kaberry@mines.edu>
Sent: Thursday, July 21, 2022 11:14 PM
To: PZ-Regulation-Revisions
Cc: Justine Robinson
Subject: --{EXTERNAL}-- Changes to Grading Regulation

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Dear Nathan

I reviewed your proposed changes and have a few comments that are listed below.

I believe there are typos or missing words in sections B.2 second sentence and page 14 2.I (parameter should be plural and you probably don't want to delete walls).

Regarding the factor of safety for tiered retaining walls. The factor of safety should be 1.5 instead of 1.3 if tiered retaining walls support structures.

Regards,

Karen Berry, PG, AICP
State Geologist and Director
Colorado Geological Survey

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Lindsey Wire

From: CGS_LUR <CGS_LUR@mines.edu>
Sent: Friday, October 28, 2022 3:20 PM
To: Lindsey Wire
Subject: --{EXTERNAL}-- Re: [External] 21-109265AM Regulation Updates - Hearings Scheduled for the Zoning Resolution Section 16 and Land Development Regulation Section 17 (Land Disturbance)

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Lindsey,

CGS has no comments nor objection to approval of the proposed 21-109265AM Regulation Updates (modifications to Zoning Resolution Section 16 and Land Development Regulation Section 17 regarding Land Disturbance).

Hope all is well with you.

Thanks,
Jill

Land Use Review Program
Colorado Geological Survey
1801 Moly Road
Golden, CO 80401
cgs_lur@mines.edu
303-384-2655

From: Lindsey Wire <lwire@co.jefferson.co.us>
Sent: Wednesday, October 26, 2022 3:26 PM
To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>
Subject: [External] 21-109265AM Regulation Updates - Hearings Scheduled for the Zoning Resolution Section 16 and Land Development Regulation Section 17 (Land Disturbance)

Dear Agency/Interested Party,

Jefferson County Planning & Zoning has scheduled the Planning Commission and Board of County Commissioner hearings pertaining to revisions to the Zoning Resolution (ZR) Section 16 Land Disturbance and the Land Development Regulation (LDR) Section 17 Land Disturbance.

You can view the final draft of the proposed amendments by clicking this [LINK](https://nam04.safelinks.protection.outlook.com) [nam04.safelinks.protection.outlook.com].

Please email your comments or questions to Case Managers Nathan Seymour (nseymour@jeffco.us) and Lindsey Wire (lwire@jeffco.us).

Hearings Schedule:

Lindsey Wire

From: Jason Stawski <jstawski@evergreenmetro.org>
Sent: Sunday, July 3, 2022 1:39 PM
To: PZ-Regulation-Revisions
Subject: --{EXTERNAL}-- RE: Proposed Land Disturbance Regulation Updates

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sir or Ma'am,

I have reviewed the proposed changes to the Land Disturbance Regulation and have a comment/question.

Under Section B. General Provisions, part 6, Permission of other Agencies or Owners specifically states:

"The issuance of a Grading Permit or the submission of a Notice of Intent shall not relieve the applicant of the responsibility for securing other permits or approvals required by any other division or agency of Jefferson County or other public agency or for obtaining any easements or authorization for removing or transporting earth materials on property not owned by the applicant. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04)"

Recently, Evergreen Metropolitan District has had a contractor with an approved Grading Permit using a Notice of Intent working within our utility easement. With this revision, is there an opportunity to add specific language about contractors working within easements needing to contact the easement owner before work begins?

In this specific situation, the grading plans show that the contractor was to fill on top of the easement and install a permanent retaining wall on part of it. Evergreen Metropolitan District was never contacted. The retaining wall is troublesome. More so, the contractor didn't show any interim earthwork required to install geothermal lines. The contractor excavated before the water main, exposing it, and never notified us.

Thanks for considering.

Jason S. Stawski, PE

New Services and Environmental Manager
Evergreen Metro District
30920 Stagecoach Blvd. | Evergreen, CO 80439
Main: 303.674.4112 | Direct: 720.813.6916

Lindsey Wire

From: Noah Nemmers <noah@baselinecorp.com>
Sent: Tuesday, November 16, 2021 4:00 PM
To: Nathan Seymour
Cc: Pat OConnell; Ethan Watel
Subject: --{EXTERNAL}-- RE: Grading Permit Threshold

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Nathan,

Since Baseline works in all the Counties along the front range from Wyoming down to Pueblo I would tell you that Jefferson County is the only one I'm aware of that connects the erodibility of the soil as any type of threshold or factor for a grading permit. I do appreciate you getting rid of it as part of the criteria. Obviously this is not just a Jefferson County soil issue. My understanding from the map you sent is that the County feels the K factor plays a significant role in the decision to lower the permit threshold for full Grading Permit vs. NOI. Removing it does result in an easier explanation to homeowners and builders but I still don't view it as a factor.

As we can all attest regardless of what area of the County grading is being performed in it is more incumbent on the contractor to maintain good BMP's and their handling of materials regardless of what a soils map says. The preparation of our GESC plans and the County's review of them is only valuable when the contractor implements and builds per those plans and makes necessary adjustments to BMPs when the conditions warrant.

I'm always going to be in favor of less regulation and more responsibility for the PE seal we put on plans and the contractors responsibility for the work being performed.

Weld in my opinion has a very straight forward grading permit application process <https://www.weldgov.com/files/sharedassets/public/departments/public-works/documents/grading-permit-application-2021.pdf> as they put the responsibility squarely on the Colorado PE and the applicant with more stringent requirements for sites that are within an MS4 area. The result of them putting the responsibility back on the PE and the applicant is shorter reviews for any grading applications regardless of disturbance.

I'd still prefer to see the thresholds remain the same and would have no problems with additional certification language that would put more responsibility back on the PE and the applicant. Everyone has historically dreaded hitting the NOI to full Grading Permit threshold in the County. They are always trying to find loopholes to avoid it and that should not be so.

Thanks again for taking the time to consider and value my perspective.

Regards,

NOAH NEMMERS, P.E. | CIVIL ENGINEERING MANAGER
Baseline Engineering Corporation | Engineering, Planning, & Surveying
Phone: 303.940.9966 x 207 | Cell: 303.482.7712 | www.baselinecorp.com | [Social Media](#)
Office: 112 N. Rubey Drive, #210, Golden, CO 80403

Thank you for your ongoing support! We are now in the office, as well as home, continuing to provide the best services for our clients.

From: Nathan Seymour <nseymour@co.jefferson.co.us>
Sent: Tuesday, November 16, 2021 1:29 PM
To: Noah Nemmers <noah@baselinecorp.com>
Cc: Pat OConnell <poconnel@co.jefferson.co.us>
Subject: Grading Permit Threshold

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Noah,

Thanks for the call back. We do appreciate your comments and thank you for reaching out. Just wanted to share a map of Jeffco showing everywhere (brown color) where the K factor is above 0.23. You can see this makes up most of the County and in all of these areas a grading permit is required where the land disturbance exceeds 0.5 acre.

Part of our rationale for removing the K factor in the equation is to simplify the regulations so we can provide a straight forward answer to homeowners, builders and engineers when asked do I need grading permit or NOI. We are expecting an increase of about 10-12 permits per year based on this change. Certainly if this becomes too much of a burden on Staff or citizens we can consider making additional changes. If you remember back in 2018 the threshold was 10,000sqft rather than 0.5 so still much better than it was.

Current regs are as follows and are a bit confusing for folks due to K Factor criteria in item a.

a. Land disturbance activities that require a Grading Permit include the following: (orig. 10-12-04)

(1) A Grading Permit is required if one of the following apply:

- (a) The disturbed area is greater than or equal to 0.5 acre and the National Resources Conservation Service (NRCS) soil erodibility (K factor) is equal to or greater than 0.23. If the K factor is not mapped, the default K factor will be 0.23. The applicant may provide site specific soil data and evaluated K factor from a qualified professional that will be reviewed by Jefferson County staff. (orig. 6-1-19)
- (b) The disturbed area is greater than or equal to 0.5 acres and a perennial or intermittent stream (or similar) as classified by the United States Geological Survey (USGS) National Hydrography Dataset (NHD) is within 100 feet of the disturbed area. (orig. 6-1-19)
- (c) The disturbed area is greater than or equal to 0.5 acre and is within 100 feet of the Floodplain Overlay District boundaries. (orig. 6-1-19)
- (d) The disturbed area is greater than or equal to 0.5 acre and is within the Geologic Hazard Overlay District. (orig. 6-1-19)
- (e) The disturbed area is equal to or greater than 1 acre. (orig. 6-1-19)

Hope this helps you understand why we are proposing the change.

Nathan Seymour

Jefferson County Planning and Zoning
Civil Planning Engineer
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419
303.271.8751
nseymour@jeffco.us | planning.jeffco.us

Planning and Zoning is open to the public and we are offering both virtual and in-person appointments. For the convenience and safety of the public and our staff, virtual appointments are encouraged. Many staff are still working remotely to provide online and virtual services Monday through Thursday. County offices are closed on Fridays. Please schedule [appointments](#) and submit [applications](#) online. Go to planning.jeffco.us for more information.

Lindsey Wire

From: Cory Vander Veen <cvanderveen@eprd.co>
Sent: Wednesday, July 6, 2022 7:00 AM
To: PZ-Regulation-Revisions
Cc: Chris Vogelsang; Liz Cohen; Nancy Cooper
Subject: --{EXTERNAL}-- Fwd: [External] Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance
Attachments: Summary of Regulation Updates.pdf

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

We are reaching out to see how this will impact the North Evergreen Lake Trail project that is currently out to bid. With the resolution to Section 16 ZR how will this impact this project?

Thanks,

Cory Vander Veen | Executive Director

Email: cvanderveen@eprd.co | P: 720.880.1011 | C: 720.813.9548

Evergreen Park & Recreation District

1521 Bergen Parkway | Evergreen, CO 80439

www.evergreenrecreation.com [linkprotect.cudasvc.com]

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ATTACHMENTS. Although this email and any attachments are believed to be free of any virus, the files should be virus scanned before opening them.

----- Forwarded message -----

From: **Lindsey Wire** <lwire@co.jefferson.co.us>

Date: Thu, Jun 30, 2022 at 12:54 PM

Subject: [External] Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>

Dear Agency/Interested Party,

Jefferson County Planning & Zoning is proposing a Regulation Amendment process pertaining to the Zoning Resolution Section 16 and the Land Development Regulation Section 17, Land Disturbance. This regulation update includes general housekeeping and updates to the section as shown herein and as summarized in the Proposed Regulation Changes Summary Sheet.

Red-marked drafts can be found in both Word and Adobe PDF formats on our Regulation Revision [website](https://linkprotect.cudasvc.com) [\[linkprotect.cudasvc.com\]](https://linkprotect.cudasvc.com) and in the case folder (21-109265AM) [here](https://linkprotect.cudasvc.com) [\[linkprotect.cudasvc.com\]](https://linkprotect.cudasvc.com).

We are very interested in any comments or concerns that you or your agency may have with these proposed changes. Please provide comments by Thursday, July 21. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Sincerely,

Planning and Zoning Staff

Lindsey Wire, P.E.

Planning & Zoning

Engineering Supervisor

303.271.8717

lwire@jeffco.us | planning.jeffco.us [\[linkprotect.cudasvc.com\]](https://linkprotect.cudasvc.com)



Planning and Zoning will be closed to the public on Monday, June 6 and on Monday, June 27. During these two days, Planning and Zoning staff will be working to improve our processes so that we can provide better customer service. We apologize for any inconveniences this may cause.

We encourage scheduling an appointment to see staff during our office hours Monday - Thursday. Please schedule [appointments \[linkprotect.cudasvc.com\]](https://linkprotect.cudasvc.com) and submit [applications \[linkprotect.cudasvc.com\]](https://linkprotect.cudasvc.com) online. Go to planning.jeffco.us [\[linkprotect.cudasvc.com\]](https://linkprotect.cudasvc.com) for more information.

Lindsey Wire

From: Bobbi Lavoie <BLavoie@highlandsranch.org>
Sent: Monday, July 11, 2022 4:16 PM
To: Lindsey Wire
Subject: --{EXTERNAL}-- FW: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance
Attachments: 21-109265AM_Staff Comments.pdf

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lindsay,
The regulation amendment has been reviewed and we have no comments on Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance. Staff comment sheet is attached.
Many thanks,
Bobbi

Bobbi Lavoie | Business Support Specialist
Centennial Water & Sanitation District
Metro Districts Highlands Ranch
62 Plaza Dr. | Highlands Ranch CO 80129
blavoie@highlandsranch.org
720-240-4928

From: Lindsey Wire <lwire@co.jefferson.co.us>
Sent: Thursday, June 30, 2022 12:50 PM
To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>
Subject: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Dear Agency/Interested Party,

Jefferson County Planning & Zoning is proposing a Regulation Amendment process pertaining to the Zoning Resolution Section 16 and the Land Development Regulation Section 17, Land Disturbance. This regulation update includes general housekeeping and updates to the section as shown herein and as summarized in the Proposed Regulation Changes Summary Sheet.

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We are very interested in any comments or concerns that you or your agency may have with these proposed changes. Please provide comments by Thursday, July 21. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Sincerely,

Planning and Zoning Staff

Lindsey Wire, P.E.

Planning & Zoning
Engineering Supervisor
303.271.8717

lwire@jeffco.us | planning.jeffco.us



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Lindsey Wire

From: Leigh Seeger <lseeger@jeffcoedc.org>
Sent: Thursday, July 21, 2022 5:34 PM
To: Lindsey Wire; PZ-Regulation-Revisions
Cc: Jansen Tidmore
Subject: --{EXTERNAL}-- RE: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Follow Up Flag: Follow up
Flag Status: Flagged

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Good afternoon Lindsey,

I hope you are doing well. Please see the following below questions/comments from the Jeffco EDC group related to the Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance.

Thank you for the opportunity to provide input and get clarification on a few items.

Best,
Leigh

Comments/questions for clarification highlighted in yellow:

1. Section B.2.a.1.a – indicates a decrease in the size of the property that must submit for a grading permit from 1 ac to 0.5 ac. **Is there any background on why?**
2. Section B.2.a.1.a –Indicates a grading permit being required when 5.000 yrs are stored on a project unless it is actively being used. **Is there any additional definition/clarification for the term “active”? This reads very subjective and could create confusion on the definition...**
3. Section D.1 – Asks for a certification that the NOI meets Jeffco Zoning, Land Development Regs, Storm Design Criteria, and the Transportation Design and Construction Manual. **Is this a new request? If so, it might create challenges obtaining this certification as this is not covered by E&O insurance companies.**
4. Section E.2.m – Asks for infiltration testing to be provided in a Geotech report. **Potential concerns with some applications given a heavy cut/fill in the location of the proposed infiltration mechanism and accomplishing on first submittal.**
5. Section F.12.a –Requiring a stamped letter (from a PE) to state that grading provided within 7 ft of a property line or within 25 ft of an adjacent structure meeting the following:
 - a. Any potential issues with this grading – **This could be a long list in some cases**

- b. Challenges with visual and/or safety impacts - concerns that this cannot be provided by a PE letter – then engineer does not own the safety impact and the visual impact is subjective and does not belong in a stamped/certified let

From: Lindsey Wire <lwire@co.jefferson.co.us>

Sent: Thursday, June 30, 2022 12:50 PM

To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>

Subject: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Dear Agency/Interested Party,

Jefferson County Planning & Zoning is proposing a Regulation Amendment process pertaining to the Zoning Resolution Section 16 and the Land Development Regulation Section 17, Land Disturbance. This regulation update includes general housekeeping and updates to the section as shown herein and as summarized in the Proposed Regulation Changes Summary Sheet.

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We are very interested in any comments or concerns that you or your agency may have with these proposed changes. Please provide comments by Thursday, July 21. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Sincerely,

Planning and Zoning Staff

Lindsey Wire, P.E.

Planning & Zoning
Engineering Supervisor
303.271.8717

lwire@jeffco.us | planning.jeffco.us



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Lindsey Wire

From: Nathan Seymour
Sent: Tuesday, August 30, 2022 8:16 AM
To: anne.laffoon@icloud.com; laffoona@gmail.com
Cc: Lindsey Wire
Subject: 21-109265AM - Regulation Amendments
Attachments: Summary of Regulation Updates.pdf; LDR Section 17 - Land Disturbance - Track Changes.pdf; ZR Section 16 - Land Disturbance - Track Changes.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hello Ms. Laffoon,

Thank you for reaching out. I'm attached a summary of changes for your review. The majority of the changes are minor and include general housekeeping and cleanup. The major changes include the removal of the K Factor evaluation. This change is being proposed in an effort to simplify the criteria for when a Grading Permit is required. The other major change included adding specific language to when a permit would be needed for stockpiling of material. This change is being proposed as there have been a few instances where stockpiles have remained in locations for an extended time and the regulations were unclear if a permit was needed.

I've also attached a set of regulations which identify the changes being made.

The next steps include scheduling hearing dates to bring these changes before the Planning Commission and Board of County Commissioners (BCC). The ultimate decision will be made by the BCC. If you have any specific concerns or comments please let me know.

Best,

Nathan Seymour
Jefferson County Planning and Zoning
Civil Planning Engineer
o 303.271.8751
nseymour@jeffco.us | www.jeffco.us



We encourage scheduling an appointment to see staff during our office hours Monday - Thursday. Please schedule [appointments](#) and submit [applications](#) online. Go to planning.jeffco.us for more information.

-----Original Message-----

From: Anne Laffoon <anne.laffoon@icloud.com>
Sent: Saturday, August 27, 2022 5:55 AM
To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>
Subject: --{EXTERNAL}-- Case Number: 21-109265AM Case Manager: Nathan Seymour

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Seymour,

Could you please contact me to discuss these proposed changes to Section 16 of the Zoning Resolution and Section 17 of the Land Development Regulation?

In particular, could you please share any information you have on the process and timeline for the discussion of these changes and any materials that provide background on the proposed changes, the reason for the changes, and the areas of the county that would be affected by these changes?

I can be reached at 202 491-6567 or by email lafoona@gmail.com

Thank you,
Anne Laffoon

Lindsey Wire

From: Todd Hager <thager@littletongov.org>
Sent: Thursday, July 21, 2022 8:48 AM
To: Lindsey Wire
Subject: --{EXTERNAL}-- FW: Outside Referral Comments

Follow Up Flag: Follow up
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Looks like I couldn't send it to PZRegRev@jecffo.us

I also have Covid so I really don't know what I am doing these days!

Thanks,

Todd Hager
Planner II
Community Development
2255 West Berry Avenue
Littleton, Colorado 80120
thager@littletongov.org
303-795-3744 (office)



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From: Todd Hager
Sent: Thursday, July 21, 2022 8:37 AM
To: PZRegRev@jecffo.us
Subject: Outside Referral Comments

Lindsey,

The City of Littleton has no comments regarding the PZ Regulation Revisions. I hope you are doing well!

Thanks,

Todd Hager
Planner II
Community Development

2255 West Berry Avenue
Littleton, Colorado 80120
thager@littletongov.org
303-795-3744 (office)



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* Sender and receiver should be mindful that all incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-200.1, et seq.

Lindsey Wire

From: Travis Reynolds <treynolds@safebuilt.com>
Sent: Friday, July 1, 2022 9:07 AM
To: Lindsey Wire
Cc: Margy Greer; Emilie Mitcham
Subject: --{EXTERNAL}-- Town of Mountain View - Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Follow Up Flag: Follow up
Flag Status: Flagged

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Ms. Wire,

On behalf of the Town of Mountain View, CO, as an interested party to the proposed changes to your land development regulations relating to land disturbance – the Town staff have reviewed the proposed changes and have no concerns at this time. This is mainly due to the applicability of the proposed regulations to unincorporated areas of Jefferson County and the changes having no regulatory, jurisdictional impact to the Town.

Please feel free to contact me directly if feel there are other considerations we should observe, but as drafted, we have no concerns.

Thank you,
Travis Reynolds

Travis Reynolds, AICP – Colorado Planning Manager | [SAFEbuilt Studio \[protect-us.mimecast.com\]](https://safebuiltstudio.com/protect-us/mimecast.com) | Denver, CO | 📞 303.912.7153
(please note our number change)

From: Lindsey Wire <lwire@co.jefferson.co.us>
Sent: Thursday, June 30, 2022 12:50 PM
To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>
Subject: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Dear Agency/Interested Party,

Jefferson County Planning & Zoning is proposing a Regulation Amendment process pertaining to the Zoning Resolution Section 16 and the Land Development Regulation Section 17, Land Disturbance. This regulation update includes general housekeeping and updates to the section as shown herein and as summarized in the Proposed Regulation Changes Summary Sheet.

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We are very interested in any comments or concerns that you or your agency may have with these proposed changes. Please provide comments by Thursday, July 21. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Sincerely,

Planning and Zoning Staff

Lindsey Wire, P.E.

Planning & Zoning
Engineering Supervisor
303.271.8717

lwire@jeffco.us | planning.jeffco.us

Lindsey Wire

From: Glenn Douglass <douglassengineering1@gmail.com>
Sent: Monday, July 18, 2022 9:26 AM
To: Lindsey Wire; Cassidy Clements; Heather Gutherless
Subject: --{EXTERNAL}-- Regulation Advisory Panel - TCDM Road-Driveway Regs and Land Disturbance Permits comments

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Lindsey,

Kind of a late hour for comments prior to our meeting today, but here are some thoughts in response to the proposed changes:

TCDM - Section 3.7.8.1.2:

For persons not familiar with the Driveway / Road regs, maybe the sentence should begin with

" For driveways **less** than 150 feet.....". That would prevent inadvertent misinterpretation that ALL driveways can be 14 feet wide. I seem to get this question alot.

TCDM - Section [3.7.8.3](#) [\[3.7.8.3\]](#):

Its my understanding that the local Fire Protection Districts are no longer planning on providing alternative standards letters for circumstances where the offsite (or onsite) road does not comply with the private road regs. Is a Minor Variation Request going to be required for any alternative standard, specifically where the new proposed regulation which allows up to 15% grade for 100 feet? Of more concern is if the MVR alternative standard is considered a "relief of the regulation", will that convert what would have normally qualified as an NOI Land Disturbance Permit into a Full Grading Permit? The extra cost in permit fees, engineering and lengthened processing time frame will add significant burden to homeowners and builders.

In the same vein in regards to Land Disturbance Permits, it appears that the submittal of a Soils / Geologic Report will also trigger a full Grading Permit (vs an NOI), even when the intent of allowing steeper slopes (especially in steep rock outcroppy areas in bedrock) is to REDUCE the land disturbance. When a project is less than 1/2 acre and only some of the slopes are steeper than 2:1, it would seem more practical to still permit the NOI process as more of an applicant's budget can be applied to erosion protection and rock excavation than fees and engineering without compromising land disturbance impacts. I guess such a situation would have to be case specific, which would create another type of review.

Thank you for the opportunity to comment on the regulation changes.

Kind Regards

--

Glenn Douglass, PE
Douglass Engineering
(303) 421-4165
(720) 333-7837 CELL

Lindsey Wire

From: Ben Miller
Sent: Thursday, July 7, 2022 8:27 AM
To: Lindsey Wire
Cc: Brian Bishop
Subject: RE: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Follow Up Flag: Follow up
Flag Status: Flagged

Lindsey,

We are interested in how this would apply to the stockpile at the airport. Due to a number of both county and private projects, we are frequently either importing or exporting dirt/millings/etc. at our "yard". We'd estimate around 30,000 cy. yd. of dirt at the moment. Airport staff likely would not have the capacity to adjust permits/plans/etc. due to the frequent use of this yard. Is there a way to exempt public airport property on the stockpiling requirement (ZR Sec. 16 B(2)(a)(1)(b)? Each individual development site will still be subject to a land disturbance permit, and airport staff monitor for stormwater quality as part of our CDPHE permit...

Ben

From: Lindsey Wire <lwire@co.jefferson.co.us>
Sent: Thursday, June 30, 2022 12:50 PM
To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>
Subject: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Dear Agency/Interested Party,

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Sincerely,

Planning and Zoning Staff

Lindsey Wire, P.E.
Planning & Zoning

Engineering Supervisor
303.271.8717
lwire@jeffco.us | planning.jeffco.us



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Lindsey Wire

From: Clayton Woodruff <Clayton.Woodruff@RTD-Denver.com>
Sent: Tuesday, July 19, 2022 12:46 PM
To: Lindsey Wire
Subject: --{EXTERNAL}-- RE: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

Follow Up Flag: Follow up
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Lindsey

The RTD has no comments on these changes

Thank you



C. Scott Woodruff
Engineer III

Regional Transportation District
1560 Broadway, Suite 700, FAS-73 | Denver, CO 80202

o 303.299.2943 | m 303-720-2025
clayton.woodruff@rtd-denver.com

From: Lindsey Wire <lwire@co.jefferson.co.us>
Sent: Thursday, June 30, 2022 12:50 PM
To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>
Subject: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

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Dear Agency/Interested Party,

Jefferson County Planning & Zoning is proposing a Regulation Amendment process pertaining to the Zoning Resolution Section 16 and the Land Development Regulation Section 17, Land Disturbance. This regulation update includes general housekeeping and updates to the section as shown herein and as summarized in the Proposed Regulation Changes Summary Sheet.

Red-marked drafts can be found in both Word and Adobe PDF formats on our Regulation Revision [website](https://gcc02.safelinks.protection.outlook.com) [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com) and in the case folder (21-109265AM) [here](https://gcc02.safelinks.protection.outlook.com) [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com).

We are very interested in any comments or concerns that you or your agency may have with these proposed changes. Please provide comments by Thursday, July 21. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Sincerely,

Planning and Zoning Staff

Lindsey Wire, P.E.

Planning & Zoning
Engineering Supervisor
303.271.8717

lwire@jeffco.us | planning.jeffco.us [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com)



Planning and Zoning will be closed to the public on Monday, June 6 and on Monday, June 27. During these two days, Planning and Zoning staff will be working to improve our processes so that we can provide better customer service. We apologize for any inconveniences this may cause.

We encourage scheduling an appointment to see staff during our office hours Monday - Thursday. Please schedule [appointments \[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com) and submit [applications \[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com) online. Go to planning.jeffco.us [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com) for more information.



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

July 12, 2022

Jefferson County Planning and Zoning
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419

Attn: Lindsey Wire

**Re: Zoning Resolution Section 16 and Land Development Regulation
Section 17 - Land Disturbance, Case # 21-109265AM**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the above captioned **Zoning Resolution** changes and has no objection to this proposal, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission and distribution related facilities.

PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to all land disturbance projects.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

Lindsey Wire

From: Samantha Riblett <sriblett@UnitedPower.com>
Sent: Thursday, July 21, 2022 5:10 PM
To: PZ-Regulation-Revisions
Subject: --{EXTERNAL}-- FW: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

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Hello,

Thank you for inviting United Power, Inc. to review and comment on the Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance. At this time we have not comments. Thank you.



unitedpower.com



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[\[linkedin.com\]](https://linkedin.com)



[\[youtube.com\]](https://youtube.com)



[\[instagram.com\]](https://instagram.com)

Samantha Riblett, RWA-GN

Right of Way Agent

Office: 303-659-0551 | **Mobile:** 720-695-5040 |

sriblett@unitedpower.com

Working Hours: Monday -Friday 7 :00am-3 :30pm

United Power | www.unitedpower.com

[\[unitedpower.com\]](http://unitedpower.com)

500 Cooperative Way Brighton, CO 80603

*Powering Lives, Powering Change, Powering the
Future—The Cooperative Way*

From: Lindsey Wire <lwire@co.jefferson.co.us>
Sent: Thursday, June 30, 2022 12:52 PM
To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>
Subject: Regulation Amendment Case 21-109265AM - Zoning Resolution Section 16 and the Land Development Regulation Section 17 - Land Disturbance

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Dear Agency/Interested Party,

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Red-marked drafts can be found in both Word and Adobe PDF formats on our Regulation Revision [website](#) and in the case folder (21-109265AM) [here](#).

We are very interested in any comments or concerns that you or your agency may have with these proposed changes. Please provide comments by Thursday, July 21. If you have any questions, please contact Planning and Zoning Regulation Revisions at PZRegRev@jeffco.us.

Sincerely,

Planning and Zoning Staff

Lindsey Wire, P.E.

Planning & Zoning
Engineering Supervisor
303.271.8717

lwire@jeffco.us | planning.jeffco.us



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We encourage scheduling an appointment to see staff during our office hours Monday - Thursday. Please schedule [appointments \[jeffco-planning-and-zoning-hqorx.appointlet.com\]](http://jeffco-planning-and-zoning-hqorx.appointlet.com) and submit [applications](http://planning.jeffco.us) online. Go to planning.jeffco.us for more information.

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Lindsey Wire

From: Jeremy Cohen
Sent: Thursday, October 27, 2022 2:28 PM
To: Lindsey Wire
Cc: Mike Schuster; Pat OConnell
Subject: RE: 21-109265AM Regulation Updates - Hearings Scheduled for the Zoning Resolution Section 16 and Land Development Regulation Section 17 (Land Disturbance)

Follow Up Flag: Follow up
Flag Status: Flagged

Pat and I were talking awhile back about instituting some other review or guideline to require the engineer of record or developer to monitor a property to ensure that the NOI is being followed. Something between the N-1 and N-2. Maybe a monthly check for projects that take longer than a month. It may not prevent violations, but maybe it would put some pressure on the developer or engineer to ensure they actually follow the plan and maintain it throughout the project.

Right now, we are seeing a lot of properties that start construction without any erosion control in place.

I know it's too much of a change for this round but wanted to bring it up.

Thanks,

Jeremy Cohen

Zoning Inspector Supervisor

Jefferson County Planning and Zoning Division

100 Jefferson County Parkway, Suite 3550

Golden, CO 80419

o 303.271.8722

jcohen@jeffco.us

www.jeffco.us/Planning-and-Zoning/



Planning and Zoning is open to the public and appointments are strongly encouraged. Virtual and in-person appointments are available Monday through Thursday. County offices are closed on Fridays. Please schedule [appointments](#) and submit [applications](#) online. Go to planning.jeffco.us for more information.

From: Lindsey Wire <lwire@co.jefferson.co.us>
Sent: Wednesday, October 26, 2022 3:26 PM
To: PZ-Regulation-Revisions <PZRegRev@co.jefferson.co.us>
Subject: 21-109265AM Regulation Updates - Hearings Scheduled for the Zoning Resolution Section 16 and Land Development Regulation Section 17 (Land Disturbance)

Dear Agency/Interested Party,

Jefferson County Planning & Zoning has scheduled the Planning Commission and Board of County Commissioner hearings pertaining to revisions to the Zoning Resolution (ZR) Section 16 Land Disturbance and the Land Development Regulation (LDR) Section 17 Land Disturbance.

You can view the final draft of the proposed amendments by clicking this [LINK](#).

Lindsey Wire

From: Dave and Leah Wicks <artopia4751@gmail.com>
Sent: Thursday, October 27, 2022 8:23 PM
To: Lindsey Wire
Subject: Re: --{EXTERNAL}-- Re: 21-109265AM Regulation Updates - Hearings Scheduled for the Zoning Resolution Section 16 and Land Development Regulation Section 17 (Land Disturbance)

Follow Up Flag: Follow up
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Hi Lindsey,

Thanks for the reply and explanation. I would like to suggest that the initial paragraph explain what you have described so as to make it clear that Land Disturbance Permits have two subtypes. Like I said before, I didn't spend a whole lot of time trying to figure this out, but if it's confusing to me it may be confusing to others.

Thanks,
Dave Wicks

On Thu, Oct 27, 2022 at 10:22 AM Lindsey Wire <lwire@co.jefferson.co.us> wrote:

Hi Dave,

Thank you for your email. The Jefferson County Land Disturbance permit has two subtypes:

- Grading Permit
- Notice of Intent Permit

Previously, the regulation had indicated either the Grading Permit or Notice of Intent Permit options. By generalizing it, we can refer to both permit types under the land disturbance permit header.

Section B.a. describes when a Grading Permit is required and Section B.b describes when a Notice of Intent Permit is required.

Please let me know if you have any questions.

Thank you!

Lindsey Wire, P.E.

Planning & Zoning

Engineering Supervisor

303.271.8717

lwire@jeffco.us | planning.jeffco.us



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From: Dave and Leah Wicks <artopia4751@gmail.com>

Sent: Wednesday, October 26, 2022 4:19 PM

To: Lindsey Wire <lwire@co.jefferson.co.us>

Subject: --{EXTERNAL}-- Re: 21-109265AM Regulation Updates - Hearings Scheduled for the Zoning Resolution Section 16 and Land Development Regulation Section 17 (Land Disturbance)

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Hi Lindsey,

Thanks for providing me with a copy of the proposed revisions to the regulations regarding land disturbance. I didn't dig into the proposed revisions in much detail, but I'm confused about why Section 16-B-1 and Section 16-B-2 both delete the term "Grading Permit", replacing that term with "Land Disturbance Permit", yet the rest of Section 16 (from B-2a on) refers only to Grading Permits, not to Land Disturbance Permits. I must be missing something, but I can't figure out what it is. Is there an easy way to explain this?

Thanks for your help,

Lindsey Wire

From: Dean Pearson <dpearson@architerragroup.com>
Sent: Wednesday, November 2, 2022 4:38 PM
To: Lindsey Wire; Nathan Seymour
Cc: Colin Insley; Sean Kitners
Subject: --{EXTERNAL}-- Proposed Zoning Resolution Changes
Attachments: State of Colorado Grading & Drainage Memo 2-25-15.pdf

CAUTION: This email originated from outside Jefferson County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lindsey and Nathan,

I have reviewed the recent proposed revisions to your Zoning Resolution (ZR) Section 16 Land Disturbance and the Land Development Regulation (LDR) Section 17 Land Disturbance and have a few comments:

As both a resident, licensed landscape architect and small business owner in Jefferson County, I respectfully request that all references to grading plans or grading, erosion and sediment control (GESC) plans “be stamped and signed by a Colorado registered professional engineer” be changed to “be stamped and signed by the appropriate Colorado licensed professional”. Landscape architects are educated, trained and tested in the tasks of grading, erosion and sediment control. The attached memo from the Colorado Department of Regulatory Agencies was sent to local building officials and all county attorneys in 2015 to clarify questions about who can prepare, sign and seal those documents.

Is it Jefferson County’s intention to prevent licensed professionals in the State of Colorado from practicing within the scope of their expertise and licensure on projects in the county?

This causes unnecessary additional costs to our clients. An example, we often work on new park or existing park renovation projects for the Foothills Park & Recreation District. The current regulations require us to hire a Professional Engineer to review and stamp our grading and GESC plans for any land disturbance project. This adds to the total cost of the project but provides no additional value to the County or the owner.

Please feel free to contact me with any questions.

Thank you for your consideration.

Dean

Dean Pearson, PLA, FASLA
Architerra Group, Inc.
5881 S. Deframe St.
Littleton, CO 80127
303.948.0766 (O)
303.263.5897 (C)
www.architerragroup.com [architerragroup.com]

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Nathan Seymour, Case Manager
Jefferson County Planning and Zoning
100 Jefferson County Parkway, Suite 3550
Golden, Colorado 80419
303-271-8717
nseymour@jeffco.us

Project Name: Regulation Amendment
Project File #: **21-109265AM**
S Metro Review # REFOTH22-00211

Review date: November 9, 2022

Plan reviewer: Jeff Sceili
720-989-2244
Jeff.Sceili@Southmetro.org

Project Summary: Regulation Amendment

Code Reference: 2018 Fire Code Edition, 2018 Building Code Edition

South Metro Fire Rescue (SMFR) has reviewed the above project and has no comments for the proposed amendments.

Lindsey Wire

From: John <rosen.john@gmail.com>
Sent: Tuesday, November 8, 2022 11:32 AM
To: Lindsey Wire
Cc: Julie
Subject: --{EXTERNAL}-- 21 - 109265AM Comments Zoning Resolution Section 16

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Ms. Wire,

B.1. Removal of reference to the Grading Permit and Notice of Intent creates some confusion. The Land Disturbance Permit is referenced here, but it doesn't say how this corresponds to the Grading Permit or the NOI. Throughout the remaining document, the reference is made to the Grading Permit and NOI. There needs to be more information to explain the connection between the LDP and Grading Permit and NOI.

B. 2. a and B. 2. b. Don't flow naturally from the change in language above which references the LDP, and immediately talks about the Grading Permit and the NOI.

B.3.d. There are items "shall not be exempt". Those items not exempt should be shown in the paragraphs above, since paragraph 3 is for all activities that are "exempt".

B.4. The MS4 permit should be called out by name. This is an important permit. State of Colorado PH&E for a Municipal Storm Sewer System Permit.

This also has requirements for construction stormwater runoff requirements. Do any of those requirements conflict with ZR Sect 16? Owners should know how to find the authority responsible for issuing MS4 permits. All Jeffco codes and ordinances should refer seamlessly to one and other.

General: Why doesn't ZR Sect 16 refer to the Colorado Water Conservation Board and ordinance requiring adherence to the National Flood Insurance Program? Colorado adopted these higher standards in 2003 and I assume they continue as the standard, correct? Who is the state coordinator for NFIP and have they reviewed these proposed amendments?

B.5. The Building Permit is often issued and the drainage issues happen after Land Disturbance occurs. Even with engineered drawings, which the county approves. What is the mechanism to cure drainage that has caused damage or endangers adjacent properties? The county should not rely on individual landowners having to sue one another to cure drainage problems, especially after the county has reviewed and issued a permit. This issue is happening all around Jeffco and there does not seem to be a mechanism to create a cure for problems.

page 12 - 2.c. What is the enforcement mechanism? The flood in Evergreen from the 55+ community into the Safeway center had a "Final Inspection". This project also violated the 2H:1V slope and must not have had flood prevention engineered mechanisms in place despite the slopes. The more intense storms in Colorado necessitate not only the best technical review by county officials who are civil engineers but also an enforcement mechanism during

construction. The adjacent owners should not have to be Jefferson Counties enforcement mechanism through litigation. The county has an obligation to protect existing properties from damage.

Page 12, 2.d. The first sentence does not make sense "at the completion of the site" Does this mean the terminus of the downstream outflow from the site?

p, 13 - E.1.c. - The SDDTC should be named here for clarity.

pg 13 - E.1.a.9. The location and the type of flood control facility should be detailed. A contractor calls a straw bale flood control when perhaps an earth berm should be built.

p.15. 2.I. "Soil parameters". As a structural engineer, I know this wording is incorrect. If retaining walls are being designed, then the "Soil Classification and Preparation Parameters" apply. The soil classification is essential.

p.17. Paragraph 13. Stormwater. This is becoming a serious issue in Jeffco as landowners build on ever steeper sites especially as climate change is creating more intense storms. There has to be more of a requirement for development to require engineered temporary and permanent flood control protection facilities. The county is the authority issuing permits and therefore must have their own technical staff reviewing and approving these facilities, in order to protect property owners adjacent to development. Never should individual property owners have to sue to obtain relief from development that damages them or their property.

Thank you and I'll not be at the meeting, because I'm traveling home from Hawaii. However, I hope that my comments are taken into consideration,

Julie Rosen

--

John Rosen
303.981.3720

PC PRESENTATION



Planning Commission Hearing
Land Disturbance ZR Section 16 and LDR Section 17

November 9, 2022

Background

Land Disturbance ZR Section 16 and LDR Section 17

ZR versus LDR

- Currently there is a Land Disturbance Section in both the Zoning Resolution and the Land Development Regulation
- The Zoning Resolution regulates:
 - Land Disturbance Permitting
 - Performance Standards
 - Enforcement
- The Land Development Regulation included duplicative or outdated standards

Zoning Resolution Updates

Permit Thresholds

Land Disturbance Permit Types

- There are two main types of Land Disturbance Permit:
 - Notice of Intent
 - Grading Permit
- Notice of Intent Permits are typically associated with a larger subdivision and approved overlot grading plan and drainage report. We rely on a Professional Engineer to certify that the proposed grading for a single-family residence meets the regulatory requirements and the requirements of the overall development.
- Grading Permits include a full review by Staff and are sent on a referral to various review agencies

Grading Permit Thresholds

Current	Proposed
A Grading Permit is Required If:	A Grading Permit is Required If:
The disturbed area is greater than or equal to 0.5 acre and the National Resources Conservation Service (NRCS) soil erodibility (K factor) is equal to or greater than 0.23. If the K factor is not mapped, the default K factor will be 0.23. The applicant may provide site specific soil data and evaluated K factor from a qualified professional that will be reviewed by Jefferson County staff.	The disturbed area is equal to or greater than 0.5 acres
The disturbed area is greater than or equal to 0.5 acres and a perennial or intermittent stream (or similar) as classified by the United States Geological Survey (USGS) National Hydrography Dataset (NHD) is within 100 feet of the disturbed area.	When 5,000 or more cubic yards of earthen material is stored on a property and the material is not actively being used on said property. An active use would be construction associated with an active building permit for a primary structure.
The disturbed area is greater than or equal to 0.5 acre and is within 100 feet of the Floodplain Overlay District boundaries.	
The disturbed area is greater than or equal to 0.5 acre and is within the Geologic Hazard Overlay District.	
The disturbed area is equal to or greater than 1 acre.	

Notice of Intent Thresholds

- Land disturbance activities that require a Notice of Intent to be submitted with, or in advance of, a Building Permit application include the following:
 - Land disturbance in accordance with lot grading, erosion and sediment control plans approved with plats
 - Land disturbance associated with new start building permits for primary structures.
 - This Notice of Intent process shall only apply to **Land Disturbance Activities** that meet the regulatory requirements, **including all performance standards** related to grading, drainage and circulation; otherwise, a Grading Permit is required.

Notice of Intent Timeline

Process Steps	Processing Time Frames	
Process from Plan Submittal to Acceptance of NOI		
Plan Submittal Intake	7 calendar days (Staff confirms the land disturbance permit qualifies as an NOI and required submittal items have been received)	Example timeframe: 19 Days to acceptance of NOI if processing time frames are met. May take longer if issues arise.
Applicant Action is Required	Varies, 5 calendar days used for example timeframe	
Plan Resubmittal and NOI Acceptance	7 calendar days (Staff confirms required submittal items have been received)	
Final Close Out		
Permit Monitoring until submittal of N-2	2 years maximum	

Zoning Resolution Updates

Land Disturbance Setbacks



Land Disturbance Setbacks

- Setbacks for all grading, erosion and sediment control activities shall be at least 7 feet from property boundaries and at least 25 feet from off-site occupied structures.
- Planning and Zoning may waive setback requirements for land disturbance provided it can be adequately demonstrated that activities occurring within setback limitations will not adversely affect adjacent property or structures.
- **A letter prepared by a Colorado registered professional engineer that addresses the following:**
 - **Identify any potential issues caused by grading, erosion and sediment control activities relating to existing infrastructure, drainage patterns or visual and safety impacts.**
 - **Provide justification and rationale demonstrating that there will be no adverse impacts to adjacent property owners as a result of the proposed land disturbance.**

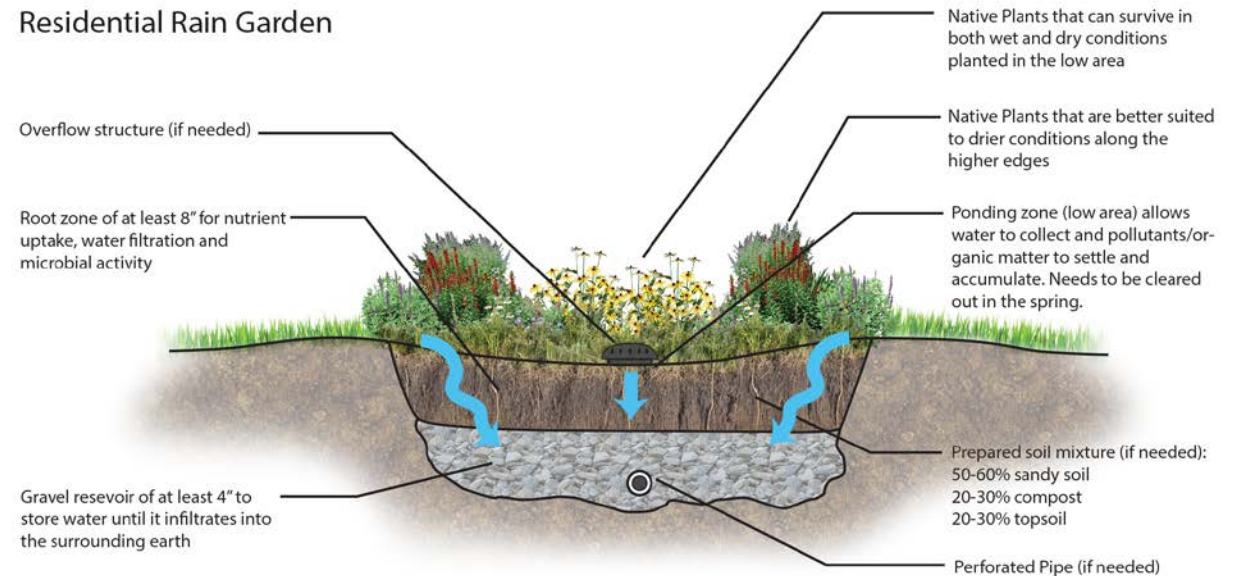
Zoning Resolution Updates

Infiltration Testing Requirements

Why is Infiltration Testing Needed?

- Infiltration testing shall be completed for each control measure that utilizes infiltration.
- At least two tests per control measure are required and the testing shall be at an appropriate elevation and location to adequately evaluate the underlying strata.
- A Factor of Safety of 2 shall be applied to the final infiltration rate to account for infiltration degradation over time

Residential Rain Garden



Referral Process

Referral Process

- Draft documents sent to the following referral agencies:

Internal Referral Agencies	External Referral Agencies	All Registered HOAs and Interested Citizens through Notify Me
Engineering, Planning, County Geologist, Geologist, T&E, R&B, Open Space, Public Health, Jefferson County Airport, and Technical Support and Research	Regulation Advisory Panel, Cities, Counties, CGS, CSFS, MHFD, CPW, CDOT, FWS, DWR, Metro Districts, Park and Recreation Districts, Jeffco Schools, Utilities, Water and Sanitation Districts, Irrigation Companies, and Fire Protection Districts	

Comment and Response Log

- The majority of the comments were submitted by citizens, community groups, other agencies/jurisdictions and engineering consultants.
- A full list of the questions and responses can be found in the comment response log.

Staff Findings

1. The amendments to the regulations will establish clear, concise, and comprehensive documents that meet the needs of our community today.
2. The amendments to the regulations ensure consistency with current County regulations, State statutes, and applicable Federal standards.
3. The amendments are in the best interest of the health, safety, and general welfare of the residents of Jefferson County.

And;

Staff recommends that the Planning Commission recommend APPROVAL of Case No. 21-109265AM.

Planning Commission Action

The Planning Commission is charged with reviewing the proposed amendments and staff report, receiving testimony and evidence on the application, and recommending approval or denial on the proposed amendments.

