

## **SECTION 12-200 GRADING, EROSION AND SEDIMENT CONTROL REGULATIONS**

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### **Section 12-201 GENERAL PROVISIONS AND PROCEDURES**

#### **12-201.01 PURPOSE AND INTENT**

A. Arapahoe County is required by State and Federal law to develop and implement a storm water management program.

B. As articulated in the *Comprehensive Plan*, Arapahoe County will maintain a balance between growth and the natural environment, facilitate expansion of diverse economic development opportunities, conserve natural areas and environmental quality, and treat residents fairly in the process of making land use decisions.

C. Arapahoe County is committed to protecting water and soil resources and ensuring that public and private infrastructure development and maintenance that may affect water and soil resources are performed in an environmentally sound manner.

D. Arapahoe County has developed a permitting process for certain grading, erosion and sediment control activities on construction projects and other applicable land disturbances within unincorporated Arapahoe County.

E. The Grading, Erosion and Sediment Control Manual (GESC Manual) describes the permitting process, procedures and practices that have been adopted to promote environmentally sound construction and maintenance practices in the County. These procedures and practices are intended to be consistent with the requirements of mandated State and federal enabling statutes, regulations and rules.

F. The goal of the GESC Permit Process is to implement effective grading, erosion and sediment control Best Management Practices (BMPs) as a standard for all land disturbance activities as outlined in the GESC Manual and to administer these regulations in a manner that respects and is consistent with property rights otherwise granted by law.

#### **12-201.02 APPLICABILITY**

These Regulations shall apply to all property within the unincorporated areas of Arapahoe County, except as excluded below:

A. Properties zoned A-1, A-2 and A-E outside of the Urban Service Area and outside the Subarea Plans are excluded from these regulations with the exception of:

1. Any new development or redevelopment, excluding building permits, that require a Use-by-Special Review, Location and Extent or 1041 Permit unless exempted by County staff or the PWD Director.

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2. Activities which are determined by the PWD Director to have the potential to adversely impact the public right-of-way, public infrastructure, or adjacent property with respect to grading, erosion and sediment control.

B. No land disturbance shall occur on any property, unless otherwise exempted from these regulations, without first obtaining a GESC permit from the County.

C. The GESC Manual is adopted by separate resolution and subject to revision from time to time. The GESC Manual is incorporated by reference and made a part of these regulations.

D. Persons proposing to conduct regulated land disturbance activities must apply for either a Standard GESC permit, or a Low-Impact GESC permit. Persons proposing to construct a temporary batch plant must apply for a Temporary Batch Plant GESC permit. Standard, Low-Impact and Temporary Batch Plant GESC permit requirements are described below and in the GESC Manual.

### **12-201.02.01 ACTIVITIES REQUIRING STANDARD GESC PERMIT**

For purposes of these regulations, *standard* land disturbance activities include the following:

- A. New development and redevelopment of all sites (regardless of size).
- B. Any land disturbance of 1.0 acre or more not otherwise exempted by this Regulation.
- C. Installation of underground utility lines for new development exceeding one single-family residence and appurtenant structures, prior to the start of over lot clearing and grading.
- D. New public and private roadway construction shall comply along with requirements contained in the County Infrastructure and Construction Standards.
- E. Installation or maintenance of underground utility lines in excess of 1000 linear feet in length.
- F. Fill or excavations of 50 or more cubic yards of material.
- G. Any clearing, grubbing, grading or filling operations within 100 feet of a drainageway.
- H. Any clearing, grubbing, grading or filling operations that has the potential to adversely impact drainage patterns or result in sedimentation of the storm sewer system or drainageway.
- I. Mining projects, even when subject to State mining permit.
- J. Drilling sites and operations not otherwise exempted by this Regulation.
- K. Any project that the PWD Director determines to have an adverse impact on the public right-of-way, public infrastructure, or adjacent property, with respect to grading, erosion and sediment control.

### **12-201.02.02 ACTIVITIES REQUIRING A LOW IMPACT GESC PERMIT**

For purposes of these regulations, *low impact* land disturbance or land disturbing activities include the following:

- A. Land disturbance with an area less than 1.0 acre that has the potential to adversely impact drainage patterns or result in sedimentation to a storm sewer system or drainage way.
- B. Installation or maintenance of underground utility lines less than 1000 linear feet in length outside of the County Right-of-Way and serving more than one single-family residence and appurtenant structures.. (Utility lines within County right-of-way must comply with the Street Cut and Right-of-Way Use Permit requirements.)
- C. The PWD Director shall have the discretion to allow a Low-Impact GESC Permit, where it can be demonstrated that the land disturbance activity does not warrant the full requirements of a Standard GESC permit.

### **12-201.02.03 TEMPORARY BATCH PLANT GESC PERMIT**

A Temporary Batch Plant GESC permit shall be required for all temporary batch plants, even if the plant is within the limits of construction of a GESC-permitted project.

**12-201.03 ACTIVITIES NOT SUBJECT TO A GESC PERMIT**

- A. Land disturbance with an area less than 1.0 acre that does not have the potential to adversely affect drainage patterns or result in sedimentation to a storm sewer system or drainage way.
- B. Agricultural activities, including but not limited to tilling, conservation terracing, planting, harvesting, livestock operations or the installation or maintenance of agricultural-related underground utilities and irrigation systems located on private property.
- C. Maintenance of existing public and private and roadways. (Although a GESC Permit is not required, implementation of appropriate erosion and sediment control BMPs is strongly encouraged.) Right-of-Way permits may be required.
- D. Emergency situations that pose an immediate risk to life, health or property, including but not limited to hazardous waste clean-up or containment, flooding, underground utility repair, and fire.
- E. Underground utility line installation less than 1000 linear feet in length within public right-of-way. (Although a GESC Permit is not required, GESC requirements associated with a Right-of-Way Use Permit are required.)
- F. Mowing.
- G. Cemetery grave.
- H. Weed Control.
- I. Burning.
- J. Irrigation and associated activities (including: operation, maintenance and construction of irrigation facilities; ditch maintenance and pumping; and maintenance, operation and construction of diversions of head gate structures).
- K. Fencing and maintenance of fencing.
- L. Fill of less than 50 cubic yards that does not have the potential to affect drainage patterns or result in sedimentation of a storm sewer system.
- M. Exploratory excavations or drilling as part of a pre-development site assessment under the direction of soil engineers or engineering geologists.
- N. Refuse disposal sites controlled by other regulations.
- O. Drilling or maintenance of a water well to serve one single-family residence and appurtenant structures.

**12-202 PROCEDURAL REQUIREMENTS**

- A. Anyone proposing an activity requiring a GESC permit under these Regulations shall submit the required information as detailed in the GESC Manual. No person shall engage in any regulated land disturbance activity without first obtaining a GESC permit. Where required by these Regulations, a GESC permit must be issued prior to or concurrent with the issuance of a building permit.
- B. Any development activity which is to take place in an area not currently zoned for such activities shall also submit to the rezoning procedures outlined in these Regulations.

**12-203 OTHER REQUIREMENTS**

- A. All property owners shall provide temporary and permanent Best Management Practices (BMPs) to ensure that existing soils are retained on their site, and are not deposited or discharged onto adjacent properties.
- B. Permanent BMPs, i.e. final landscaping or established vegetation, shall be provided within 6 months of the completion of the final grading operations on a site or within 6 months of the date of the Certificate of Occupancy for a lot containing a structure, whichever occurs first. An exception is made for single family residential lots, which must provide permanent BMPs within 12 months of the transfer of ownership from the Builder to the Homeowner.

**12-204 REVIEW AND ACCEPTANCE**

The County will review all GESC Plan submittals for general compliance with the criteria in the GESC Manual. Acceptance by the County does not relieve the owner or designer from responsibility of ensuring that

calculations, plans, specifications, construction and as-built drawings are in compliance with the criteria contained herein. Additionally, acceptance by the County does not alleviate the owner or designer from complying with all other applicable Federal, State, or local regulations.

**12-205 RELATIONSHIP TO OTHER STANDARDS**

A. Nothing in these regulations shall be construed as exempting an applicant from any other requirements of Arapahoe County or other State or Federal laws and regulations.

B. If any Federal or State law or regulation imposes stricter criteria, standards or requirements, these shall be considered for incorporation into the County’s requirements after proper notice and public hearing(s).

C. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

**12-206 AMENDMENTS AND REVISIONS**

The GESC Manual may be amended and revised from time to time by the Board of County Commissioners, following the recommendation of the PWD Director or Planning Commission.

**12-207 ENFORCEMENT RESPONSIBILITY**

A. The Board of County Commissioners, acting through the PWD Director, shall enforce the provision of these regulations.

B. Failure to comply with any term, condition, limit, deadline or other provision of the GESC Manual or GESC permit or the failure to obtain a GESC permit as required by these regulations constitutes a zoning violation subject to enforcement action by the County.

**12-208 APPLICATION FEE**

An application fee shall be established by the Board of County Commissioners and submitted to the PWD Engineering Division with a GESC permit application.