

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 6: Grading and Excavation Regulations

DEVELOPMENT CODE REVISIONS			
CHAPTER 6¹			
CASE #	RESO #	SECTION/DESCRIPTION	DATE
03-005	03-45	6102.01, 6206, 6207, 6402	06/09/03
03-061	03-71	Deleted berm regs (moved to Chapter 3)	9/8/03
04-077	07-44	Comprehensive Amendments to the Code	5/22/07
10-143a	12-48	Section 6301.02: Applicability of General Grading Permits	7/24/12

¹ The Sections referenced above were the Sections in effect at the time the Development Code was amended. Subsequent amendments to the Development Code may have resulted in section numbers being modified and may no longer be applicable.

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6000: INTRODUCTION

6001: Purpose and Intent

It is the purpose and intent of the Grading and Excavation Regulations to safeguard the public health, safety and welfare by requiring analysis of site conditions and soils in designing site work, controlling the amount of site disturbance and how disturbed areas are revegetated and providing a means of enforcing County standards for road, driveway, parking area and drainage design in the field. In addition, the purpose of these regulations is to control the quality of runoff water from private and public property and to reduce the amount of phosphorus reaching Dillon and Green Mountain Reservoirs from runoff. The Colorado Water Quality Control Commission (“WQCC”) has established limits on the amount of phosphorus entering these reservoirs. Phosphorus is added to these reservoirs by runoff from disturbed ground. Phosphorus in excess of certain levels will result in denial of permits to expand sewage treatment plants. Thus, Summit County is implementing controls on grading and erosion in order to insure its ability to grow.

6002: Applicability and Scope

These regulations apply to any earth-disturbing activity. Earth-disturbing activity involving 500 or less square feet of surface area is exempt from permitting requirements, but still must comply with applicable regulations. Earth-disturbing activity includes grading, excavating, clearing timber or vegetation and construction, except as provided in Section 6400. In later sections of these regulations, earth-disturbing activities are referred to as grading and such references are intended to be all-inclusive. These regulations establish procedures for the review of grading plans and issuance of grading permits, establish requirements for the maintenance of graded or disturbed property and provide for inspection of grading to insure the requirements and standards contained in these regulations are met.

6003: Authority

Summit County is authorized by Colorado State Statutes to plan for and regulate the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights [C.R.S. § 29-20-104(1)(h)]; plan for and regulate the uses of land for trade, industry, recreation or other purposes (C.R.S. § 30-28-111); and to provide for enforcement through necessary guarantees, alterations, maintenance or use of property (C.R.S. §§ 30-28-114, 30-28-124, and 30-28-137).

The adoption of the Summit County Grading and Excavation Regulations is based on this authority.

6004: Grading Manual

The Engineering Department, as the administrative authority for these regulations, shall formulate such rules, procedures and interpretations, design criteria and guidelines as may be necessary to administer these regulations. Such requirements, interpretations and guidelines shall be published in the form of a manual and be made available to the public. In the event of any conflict between the grading manual and the Grading and Excavation Regulations, these regulations shall govern.

6100: RESPONSIBILITIES OF QUALIFIED PROFESSIONALS

6101: Preparation of Plans and Reports

The qualified professionals responsible for preparation of the grading plans and specifications and technical reports associated with grading design shall have the following responsibilities.

6101.01: Professionals Responsible for Grading Plan

It is the responsibility of the civil engineer or other qualified professional who prepares the grading plan to

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incorporate all recommendations from the geotechnical engineer's report into the grading plan and specifications.

6101.02: Geotechnical Engineer

The geotechnical engineer's area of responsibility shall include, but need not be limited to, preparation of a geotechnical report analyzing soil and geologic conditions on site and recommending how ground is to be prepared to receive fills, how fill slopes are to be designed and compacted and the design of buttress fills and cut slopes to be allowed with respect to these conditions. The geotechnical engineer shall also include in this report an analysis of hydrologic conditions on the site, the need for and design of subdrains or other groundwater drainage devices and how surface drainage is to be controlled.

6102: Supervision of Field Work

The permit holder has primary responsibility for supervision of grading work in the field to make certain such work conforms to approved plans and specifications. The qualified professionals retained by the permit holder shall observe grading work as it is performed in the field, and shall make recommendations as follows.

6102.01: Professionals Responsible for Grading Plan

- A. The civil engineer or other qualified professional who prepares the grading plan shall observe the establishment of line, grade and drainage of the graded area and shall recommend to the permit holder whether or not such work conforms to the approved plans and specifications.
- B. Upon completion of fieldwork, the qualified professional shall issue a written statement of substantial completion and compliance with approved plans. Alternately, the qualified professional may submit revised as-built plans and a written statement of compliance with original design intent.

6102.02: Geotechnical Engineer

The geotechnical engineer shall conduct field tests for required compaction and field observations of all subdrain and surface drainage installations and shall recommend to the permit holder whether or not such work conforms to the approved geotechnical report and grading plans. The responsibility for conducting field tests for required compaction may be assigned to an engineering firm having experience in soils testing where compacting tests will be conducted under the supervision of a licensed engineer.

6200: GRADING STANDARDS

6201: Conformance with Road & Bridge Standards

Summit County has adopted road and bridge design and construction standards that appear in this Code as Chapter 5. These standards specify requirements for the following:

- A. Road Grades (Section 5103.03.A.2).
- B. Geometric Cross Sections for Roads (Section 5103.03.B).
- C. Drainage Design (Section 5103.03.D).
- D. Driveway Design and Grades (Section 5107.03).
- E. Parking Area Design and Grades (Section 5107.04).
- F. Landscaping and Revegetation (Section 5108).
- G. Construction Standards for Roads (Section 5203).

Grading plans and specifications submitted in compliance with these regulations and earth-disturbing activities subject to these regulations must conform to the standards in Chapter 5.

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6202: Compliance with Grading Manual

These regulations allow for the publication of a grading manual containing rules, procedures and interpretations, design criteria and guidelines necessary for the administration of these regulations. Grading plans and specifications submitted for the purpose of obtaining a grading permit and any earth-disturbing activity done on site must comply with the grading manual.

6203: Consistency with Geotechnical Report

Persons applying for grading permits shall be required to submit a geotechnical report unless this requirement is waived by the County Engineer. Where a report is required, it is the responsibility of the civil engineer or other qualified professional who prepares the grading plans and specifications to incorporate the recommendations contained in the report into these plans and specifications.

6204: Consistency with Approved Plans

- A. Where a final plat has been approved for a site for which grading permits are requested, the grading plans submitted shall be in substantial compliance with any improvement plans approved with the plat. The location and design of roads, trails, sidewalks, pathways, drainage improvements and utility lines shall be consistent with the improvement plans, unless allowance is made by the County Engineer for changes based on additional information on field conditions. Changes to improvement plans must meet County design standards (Chapter 5), unless a variance from these standards is granted. Changes to plans for utility lines must also be approved by the affected utility.
- B. Where a site plan, conditional use permit, variance or other development review having a site plan has been approved for a project for which grading permits are requested, the location of building pads, parking areas, driveways, roadways, trails, sidewalks, pathways, drainage improvements, berms and other site work shown on the grading plans shall be in substantial compliance with the approved plans. If a developer proposes a grading plan that differs from the approved site plan, the grading plan shall be referred to the Planning Department for a determination whether or not a revision or modification is needed. If a revision or modification is needed, approval shall be obtained prior to issuance of any grading permit.

6205: Conformance and Water Quality Control Regulations

Summit County has adopted Water Quality Control Regulations that appear in this Code as Chapter 7. These regulations specify requirements for the following:

- A. Performance Standards for Construction Activities (Section 7101).
- B. Limitations on Construction in Steep Slope Areas (Section 7102).
- C. Streamside Setbacks (Section 7103).
- D. Stream Crossings by Roads and Utilities (Section 7104).
- E. Limitations on Construction in Wetlands Areas (Section 7105).

Grading plans and specifications submitted in compliance with these regulations and earth-disturbing activities subject to these regulations must conform to the standards in Chapter 7.

6206: Conformance with Zoning Regulations

Summit County has adopted Landscaping Regulations, which appear in Chapter 3 of this Code. All earth-disturbing activity subject to the Grading and Excavation Regulations shall also meet the requirements of the County's Zoning Regulations, including all those regulations pertaining to landscaping as referenced herein.

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6207: Responsibility for Preparation of Plans and Specifications

Grading plans and specifications shall be prepared and signed by an engineer licensed in the State of Colorado having knowledge and experience in civil engineering, except that plans and specifications for single-family dwellings on slopes of less than three to one (3:1) may be prepared by a licensed engineer or other qualified professional. The requirement for use of a licensed engineer may be extended to plans and specifications for single-family dwellings when, in the opinion of the County Engineer, critical drainage or geological factors may be involved and there is a need for engineering design and control.

6300: GRADING PERMITS

Grading permits must be obtained whenever a developer, contractor, property owner or other individual proposes to undertake earth-disturbing activity involving 500 or more square feet of surface area, except as provided in Section 6400. Grading permits for a site must be obtained before building permits can be issued.

6301: Types of Grading Permits

The County has established two (2) types of grading permits: project and general.

6301.01: Project Grading Permits

- A. Project permits are intended to cover all earth-disturbing activities within a project site or subdivision such as road grading, site work, installation and/or maintenance of snowmaking lines, laying of water, sewer, and utility lines and construction of septic systems. The developer of a project or subdivision is responsible for obtaining the project grading permit on behalf of any contractor, utility company or other individual who will be conducting earth-disturbing activities within the project or subdivision. They may designate a particular contractor or other individual as their agent responsible for obtaining the project grading permit.
- B. It is the County's intent in establishing project grading permits to have a master grading plan for the project site or subdivision rather than individual grading plans from each contractor or utility company. The master grading plan may be submitted in phases, to correspond with project phases, with the approval of the County Engineer.

6301.02: General Grading Permits

General permits are intended for use by 1) public utilities to cover the laying of new utility lines or work needed on existing utility lines during a particular construction season, unless such line is otherwise approved by the County per the 1041 Regulations contained in Chapter 10, when such work is not covered by a project grading permit, 2) installing and/or maintaining snowmaking lines within the boundaries of a ski resort Planned Unit Development ("PUD"), 3) mining operations in the M-1 zone district related to the extraction of minerals allowed under Local, State and Federal mining permits, or 4) any other similar ongoing large scale project if such project is approved for a general permit by the County Engineer. It is the County's intent in establishing general permits to eliminate the need by public utilities, resorts, mine owners, or other similar entities proposing large-scale operations to apply for a project permit for each individual job. General permits cannot be used for projects involving structures for which building permits are required. Such projects must obtain a project grading permit. Emergency work on utility lines shall be exempt from the requirement for general grading permits as provided in Section 6303.06.

6302: Project Grading Permit Procedures

This section states procedures and requirements for the following:

- A. Submittal and review of applications for project grading permits.
- B. Expiration of applications for project grading permits.
- C. Issuance of project grading permits.
- D. Expiration and renewal of project grading permits.

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- E. Posting of a financial guarantee for project grading work.
- F. Supervision of project grading work.
- G. Inspection of project grading work.

6302.01: Submittal Requirements for Project Permits

The following information shall be submitted with any application for a project grading permit, unless specific items are waived by the County Engineer as unnecessary. In particular, the requirement for a geotechnical report may be waived, depending on the size and scope of the project and site conditions. Prior to submittal, the applicant may request a determination from the County Engineer which items may be omitted from an application for a project grading permit.

- A. Plan review and inspection fees as required by resolution of the Board of County Commissioners (“BOCC”).
- B. Written material.
 - 1. Application Form.
 - 2. Geotechnical Report meeting the requirements of Section 6102.
- C. Plans and Specifications.
 - 1. Precise Grading Plans.
 - 2. Grading and Construction Specifications.
 - 3. Subdrain and Surface Drainage Plans.
 - 4. Erosion Control Plans as provided in Section 7102.05.
 - 5. Revegetation Plans as provided in Section 7102.06.
 - 6. Urban Runoff Control Plans as provided in Section 7102.07.
- D. Additional information deemed necessary by the County Engineer.

6302.02: Evaluation of Geotechnical Report

If a geotechnical report is required as part of a submittal, the Engineering Department shall evaluate the report received from the applicant and determine whether or not it is adequate. The Engineering Department may request additional information or an analysis of alternatives prior to accepting the report for purposes of project design.

6302.03: Action on Project Permits

- A. Applications for project grading permits must be submitted 15 calendar days prior to commencement of earth-disturbing activity, unless the activity is exempted from permit requirements (see Section 6400). Activities requiring project grading permits cannot commence without permit approval. The County Engineering Department is responsible for review and action on project grading permit applications. Action shall be taken in accordance with the time limits in the project review schedule adopted by the BOCC.
- B. Approval shall be granted only if the proposed activity meets the grading standards, and by reference, the standards in Chapters 5 and 7, the required fee has been paid and surety has been posted if required (see Section 6302.06). Approval of a grading permit may be accompanied by any conditions deemed reasonable by the Engineering Department to insure protection of public health, safety and welfare and compliance with these regulations. The Engineering Department may identify points in the grading process when inspections are required as a condition of permit approval.
- C. A project grading permit must be signed by the County Engineer for it to be approved. Whenever a building permit or septic system permit is needed for a project where a grading permit is also required, neither the building permit nor septic system permit shall be issued until approval is granted for the needed grading permit.

6302.04: Expiration of Applications for Project Permits

- A. **Time Limit:** If no project grading permit is issued within 180 calendar days from the date of application the application shall expire by limitation. Any plans submitted for checking may thereafter be returned to the applicant or destroyed by the Engineering Department.

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- B. **Extensions:** The Engineering Department may extend the time for action by the applicant for a period not to exceed 180 calendar days upon written request by the applicant if circumstances beyond the applicant's control have prevented action on the project permit from being taken.
- C. **Resubmittal:** If an application has expired, the applicant may resubmit plans and pay a new plan review fee for review.

6302.05: Expiration and Renewal of Project Permits

- A. **Time Limit:** Each project grading permit shall be valid for a period of one (1) year from the date issued. If a permit holder presents satisfactory evidence that unusual difficulties have prevented work from being started within 30 calendar days and completed within one (1) year or continued without being suspended for 120 calendar days, the Engineering Department may grant written extensions of time necessary by reason of such difficulties. In no case shall extensions of time exceed a total of one (1) year.
- B. **Expiration with Change in Ownership:** A project grading permit issued hereunder shall expire upon a change of ownership if the grading work for which the permit was issued has not been completed. A new permit shall be required for completion of work by the new owner.
- C. **Renewal:** If no changes have been made to the grading plans and specifications last submitted, no charge shall be made for the issuance of a new project grading permit. If, however, changes have been made to the plans and specifications last submitted to the Engineering Department, additional fees shall be charged to the permit applicant for any additional plan checking and inspection required.

6302.06: Posting of Financial Guarantee for Project Permits

Requirement for Financial Guarantee: Due to unique site considerations, the County Engineer may require that an applicant submit an executed site improvements agreement and financial guarantee acceptable to the Engineering Department prior to issuing a grading permit. Unique site considerations include, but are not limited to (1) hazardous conditions that are likely to occur as a result of incomplete or improper grading; (2) potential adverse effects on the surrounding environment, properties or community as a result of incomplete or improper grading; and (3) adverse geological or environmental impacts as a result of incomplete or improper grading. The purpose of the site improvements agreement and financial guarantee is to assure that grading work, if not completed in conformance with approved plans and specifications, will be corrected to eliminate hazardous conditions, drainage and erosion control devices will be constructed, disturbed areas will be revegetated and any adverse impacts of such work is mitigated. The site improvements agreement and financial guarantee shall meet the requirements of Section 12607 and the provisions of these regulations.

6302.07: Supervision of Project Grading Work

- A. **Role of Qualified Professionals:** Grading work shall be under the supervision of the permit holder. During construction, the permit holder shall exercise adequate control over grading work to ensure it conforms to the approved plans and specifications and to any required geotechnical report. In performing this responsibility, the permit holder may retain and consult with qualified professionals. The responsibilities of these professionals are stated in Section 6100.
- B. **Change in Qualified Professionals or Contractor:** If, in the course of fulfilling their responsibility under these regulations, the civil engineer, geotechnical engineer, testing agency or other qualified professional responsible for grading plans and specifications or the contractor of record are changed during the course of the work, the work shall be stopped unless:
 - 1. The permit holder submits a letter of notification verifying the change in the responsible professional; and,
 - 2. The new responsible professional submits in writing that he has reviewed all prior reports and plans (specified by date and title) and work performed by the prior responsible professional, and that he concurs with the findings, conclusions and recommendations and is satisfied with the work performed.

The new responsible professional may modify or revise recommendations, specifications or work performed if accompanied by supporting data and approval is granted by the Engineering Department. He must state that he

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assumes responsibility within his purview as of a specified date. All exceptions must be justified to the satisfaction of the Engineering Department.

Where it is clear it is a consulting firm, and not an individual engineer or geologist, which is the contracting party, the designated engineer or geologist may be reassigned and another engineer or geologist within the firm may assume responsibility for a grading project without submitting a letter of notification.

6302.08: Inspection of Project Grading Work

- A. **Posting of Permits:** The Engineering Department shall supply a copy of an approved project permit to the permit holder. The permit holder is responsible for posting the permit at the job site so it is visible from the roadway and available for use by the Engineering Department for noting results of inspections.
- B. **Permit Holder's Supervision of Grading Work:** During the staking of improvement locations and site grading, the permit holder shall exercise adequate control over the work and conduct inspections necessary to insure the locations and grade elevations of roads, driveways, parking areas, drainage improvements, building pads, foundations and other site improvements conform to the approved grading plan, approved site plan and final plat and applicable Zoning Regulations. The permit holder may contract with qualified professionals to conduct field observations, but the ultimate responsibility for quality control shall rest with the permit holder.
- C. **Commencement of Construction:** After grading permit approval by the Engineering Department, the permit holder may apply to obtain a "foundation only" permit from the Building Department. No inspection of the foundation forms by the Building Department shall be conducted until the Engineering Department has approved the location of site improvements as provided in Section 6302.08.D.
- D. **Approval of Location of Site Improvements:** The Engineering Department is responsible for verifying that the location of site improvements conforms to approved plans and applicable Zoning Regulations. Verification may be accomplished either by a site inspection conducted by the Engineering Department or by the Engineering Department's review of a construction survey submitted by the permit holder. Verification must be obtained from the Engineering Department prior to inspection of the foundation forms by the Building Department.

The procedures to be used for each method are stated in Sections 6302.08.D.1 and 2 below. The Engineering Department shall determine which method is to be used as provided in Section 6302.08.E.

1. Site Inspection by Engineering Department:

- a. **Permit Holder's Responsibility for Pinning Corners and Flagging Property Lines:** Prior to requesting an inspection of site improvement locations, the permit holder shall have a surveyor licensed by the State of Colorado pin the corners of each lot where structures are to be built. The pins shall carry caps denoting the surveyor's license number. The permit holder shall also flag property lines between the pins.
- b. **Request for Inspection:** Prior to requesting an inspection of the foundation forms from the Building Department, the permit holder shall contact the Engineering Department for an inspection of improvement locations. It is recommended that this inspection be requested prior to setting of foundation forms to minimize the cost of relocating site improvements if the inspection reveals they have not been located according to approved plans and applicable Zoning Regulations. If an inspection is requested after forms have been set, or after foundations have been poured, and these improvements must be relocated, the cost of such relocation shall be borne by the permit holder.
- c. **Inspection of Site Improvements:** Engineering Department shall inspect the location and elevation of site improvements to determine if they conform to the approved grading plan, approved site plan and final plat and applicable Zoning Regulations.
- d. **Continuation of Construction:** If the Engineering Department's inspection of site work shows the location and elevation of site improvements conforms to approved plans and specifications and to applicable Zoning Regulations, they shall notify the Building Department. The permit holder may proceed with further construction subject to the Building Department regulations. If the Engineering Department's inspection shows that the location and elevation of site improvements does not conform, such work shall be brought to the attention of the permit holder, both verbally and in writing, and the permit holder shall make corrections so improvement locations and elevations do conform. The permit

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holder may not proceed with further construction until the Engineering Department has determined that improvement locations and elevations are acceptable.

2. **Submittal of Construction Survey:**
 - a. **Submittal of Survey:** After grading permit approval by the Engineering Department, the permit holder may apply to obtain a "foundation only" permit from the Building Department. After the location of the foundation forms is staked, foundation forms are set, or foundations are in place, the permit holder shall have a surveyor licensed by the State of Colorado prepare a construction survey showing the location and elevation of the foundation staking or forms or foundations and shall submit this survey to the Engineering Department. The survey shall include property lines and any platted or recorded easements. The Engineering Department shall determine if location of foundation forms or foundations conform to the approved grading plan, approved site plan and final plat and applicable Zoning Regulations. Engineering shall also conduct a field inspection to verify that adequate control is being exercised over the placement of site improvements other than foundations.
 - b. **Continuation of Construction:** If the construction survey and inspection show grading work conforms with approved plans and specifications and with applicable Zoning Regulations, Engineering shall notify the Building Department. The permit holder may proceed with further construction subject to Building Department regulations. If the improvement location survey and inspection show grading work does not conform, such work shall be brought to the attention of the permit holder, both verbally and in writing, and the permit holder shall make corrections so improvement locations and elevations do conform. The permit holder may not proceed with further construction until the improvement survey and inspection shows that foundations and other site improvements are acceptable.
- E. **Selection of Method for Verifying Site Improvement Locations:** The Engineering Department shall determine which method is to be used for verifying site improvement locations. It is assumed that inspection by the Engineering Department, as provided in Section 6302.08.D.1 will be used. However, a construction survey may be required, as provided in Section 6302.08.D.2, if determined to be necessary by the County Engineer. This determination shall be based on the size and scope of the project and site conditions. It may also be required if, after conducting a site inspection, the Engineering Department has reason to believe a problem exists with the location and/or elevation of site improvements which cannot be verified or resolved without a construction survey.
- F. **Construction Period:** During the construction period, the permit holder shall exercise adequate control over grading work to ensure it conforms to the approved plans and specifications, and to any approved geotechnical report and applicable Zoning Regulations. In performing this responsibility, the permit holder may retain and consult with qualified professionals. The responsibilities of these professionals are stated in Section 6100. The County Engineer may inspect the project at periodic intervals to verify that the permit holder is fulfilling his responsibilities and that grading work is in compliance with approved plans and specifications. Any work that does not conform shall be brought to the attention of the permit holder, both verbally and in writing, and the permit holder shall make corrections as needed. If corrections are not made, further project construction shall be stopped.
- G. **Field Changes:** If, during construction, the permit holder finds it necessary to make changes in grading work because of field conditions, they shall contact the County Engineer prior to making such changes. The County Engineer shall determine whether the work may proceed with verbal approval or if the permit holder must obtain approval for an amended grading plan before proceeding with the work. The County Engineer may elect to conduct an inspection of field conditions before making a decision. If verbal approval is given, the permit holder shall submit as-built grading plans showing approved changes if required to do so by the County Engineer. If the County Engineer requires amended grading plans prior to work being done, action on amended grading plans shall be in accordance with the time limits in the project review schedule adopted by the BOCC.
- H. **Final Inspection:** At the conclusion of grading work and prior to requesting occupancy permits for completed structures, the permit holder shall request final inspection by the Engineering Department. The final inspection shall occur between May 1 and October 31. Prior to final inspection being granted, the County Engineer may require from the permit holder any written approvals, reports, drawings and supplements thereto as specified in the County's grading manual.

All work including installation of all drainage facilities and their protective devices and all erosion and urban runoff control measures must be completed in accordance with the approved grading plans and specifications

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and with the County's Grading and Excavation Regulations. Locations of structures shall comply with the approved final plat and site plan and with applicable Zoning Regulations. If no site plan was required, the locations of structures shall comply with Zoning Regulations concerning setbacks. Structures shall not extend into required setbacks, except as provided in Section 3505.13.D. The County Engineer may require the permit holder to submit an Improvement Location Certificate ("ILC") survey, prepared by a surveyor licensed by the State of Colorado, upon completion of a structure to verify that it does not encroach into any required setback yard.

- I. **Issuance of Occupancy Permits:** No occupancy permit may be issued for a graded site, or if no structures are involved, no use of a graded site may commence, until the County Engineer has inspected and approved the final grading and building placement and notified the Building Department of such approval. Occupancy permits may be granted prior to completion of grading work if the permit holder posts an irrevocable Letter of Credit ("LOC") with the County in an amount sufficient to complete the grading work so it conforms to approved plans and specifications. The term of the LOC shall be no less than one (1) additional construction season. If the permit holder fails to complete the grading work in a satisfactory manner by a date 45 calendar days before the date the LOC expires, the County shall draw upon the LOC and complete the work. Posting of a financial guarantee does not assure the issuance of occupancy permits. The permit holder must still meet the requirements of the Building Department and the agencies they contact for clearances before occupancy permits may be issued.
- J. **Concealment of Work:** Whenever any work on which inspections are required is covered or concealed by additional work without first being inspected, the County Engineer may require such work to be exposed for examination unless the developer provides either certified as built plans or a letter from the project engineer verifying that the work in question has been installed in accordance with the approved plans, such letter to be stamped with the Colorado Professional Engineer Seal and executed by the project engineer.
- K. **Postponement of Work:** If, at any time, the County Engineer finds soil or other conditions not as stated in the approved plans, approved geotechnical report or as in additional information which was required for issuance of the grading permit, the work may be postponed until approval is obtained for a revised grading plan which conforms to actual conditions.
- L. **Responsibility for Corrective Grading Work:** If any grading inspection reveals work which does not conform to approved plans and specifications, approved geotechnical report, the approved site plan and final plat and any applicable Zoning Regulations, the permit holder shall be responsible, at his expense, for all corrective work necessary to bring work into conformance. If the permit holder fails to perform such work, the County shall use the permit holder's financial guarantee to do such corrective work as is necessary to eliminate hazardous conditions, complete drainage, erosion control and urban runoff control devices and revegetate disturbed areas.

6303: General Grading Permit Procedures

This section states procedures and requirements for the following:

- A. Pre-Application Meeting.
- B. Submittal and Review of Applications for General Grading Permits.
- C. Expiration of General Grading Permits.
- D. Additions to General Grading Permits.
- E. Emergency Work on Utility Lines.
- F. Posting of Financial Guarantee for General Grading Work.
- G. Inspection of General Grading Work.

6303.01: Pre-application Meeting

Prior to submitting a request for a general grading permit, it is the responsibility of the applicant to arrange a meeting with the County Engineering Department. The purpose of the meeting is to review the applicant's overall construction plans for the upcoming season and for the engineering staff to identify its concerns and how these concerns are to be addressed in the applicant's submittal.

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6303.02: Submittal Requirements for General Permits

The following information must be submitted with any application for a general grading permit, unless specific items are waived by the County Engineer as unnecessary (Prior to submittal, the applicant may request a determination from the County Engineer which items may be omitted from an application for a general grading permit).

- A. Plan review and inspection fees as required by resolution of the BOCC.
- B. Written Material.
 - 1. Application form.
 - 2. Description of each project to be covered by the permit including location and construction schedule.
 - 3. Description of methods to be used to ensure erosion from open trenches and site work is minimized.
 - 4. Description of revegetation methods to be used.
 - 5. Assignment of responsibility for each project.
- C. Plans and Specifications.
 - 1. Maps showing the location of each project.
 - 2. Plans and specifications to be followed in construction of projects.
 - 3. Erosion control plan for each project.
 - 4. Revegetation plan for each project.
 - 5. Plans for detention areas for dewatering of excavations.
- D. Additional information deemed necessary by the County Engineer.

6303.03: Action on General Permits

- A. Applications for general grading permits must be submitted six (6) weeks prior to commencement of any project to be covered by the permit. Projects to be covered by a general grading permit cannot commence without permit approval. The County Engineering Department is responsible for review and action on general grading permit applications. Action shall be taken in accordance with the time limits in the project review schedule adopted by the BOCC.
- B. Approval shall be granted only if the proposed activity meets the grading standards, and by reference, the standards in Chapters 5 and 7, the required fee has been paid and surety has been posted if required (see Section 6303.07). Approval of a general grading permit may be accompanied by any conditions deemed reasonable by the Engineering Department to ensure protection of public health, safety and welfare and compliance with these regulations. The Engineering Department may identify points in the grading process when inspections are required as a condition of permit approval.
- C. A general grading permit must be signed by the County Engineer for it to be approved.

6303.04: Expiration of General Permits

General grading permits shall be valid for one (1) construction season only and shall expire by December 31 of the year in which they were issued. Projects which were covered by a general grading permit, but which were not constructed during that time period, cannot be constructed in a subsequent year without receiving approval as part of a new general permit.

6303.05: Additions to General Permits

If, during a particular construction season, a permit holder desires to add a project to a general grading permit not anticipated when the permit was issued, the permit holder may apply to the Engineering Department to amend the permit. The applicant shall provide such written material and plans and specifications as required by the County Engineer. Approval of an amendment shall be granted on the same basis and with the same allowance for conditions as an original permit (see Section 6303.03). An amended permit must be approved, signed by the County Engineer and the appropriate fees paid, prior to commencement of construction of the added project. Action shall be taken in accordance with the time limits in the project review schedule adopted by the BOCC.

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6303.06: Emergency Work on Utility Lines

If a true emergency exists where work must be done which would usually require a general grading permit, and where time is not available to follow the procedures for obtaining this permit, a public utility or entity responsible for maintaining private utility lines may proceed with grading work as long as verbal notification is given to the Engineering Department on the first working day following the emergency. At that time, the Engineering Department shall indicate at what point inspection will be required. Under no circumstances shall work be completed without required inspections being conducted.

6303.07: Posting of Financial Guarantee for General Permits

- A. **Requirement for Financial Guarantee:** Applicants for general grading permits shall post a financial guarantee in the same manner and under the same conditions as applicants for project grading permits (see Section 6302.06.A), except that this requirement may be waived as provided in Section 6303.07.B below.
- B. **Waiver of Guarantee for General Grading Permits:** The Engineering Department may waive the financial guarantee requirement for corrective grading work for any public utility requesting a general grading permit if they have undertaken such work during the previous two (2) years and have completed such work in a satisfactory manner.
- C. **No Waiver:** In no event shall the financial guarantee covering construction of drainage and erosion control devices or revegetation of disturbed areas be waived.

6303.08: Inspection Procedures for General Grading Permits

- A. **Posting of Permits:** The Engineering Department shall supply a copy of an approved general permit for each project covered by the permit to the permit holder. The permit holder is responsible for posting a copy of the permit at each job site so it is visible from the roadway and available for use by the Engineering Department for noting results of inspections.
- B. **Construction Period:** During the construction period for any project approved as part of a general grading permit, the public utility shall exercise adequate control over grading work to insure it conforms to the approved plans and specifications and to the County's grading standards (see Section 6200). The County Engineer may inspect projects at periodic intervals to determine that the public utility is fulfilling this responsibility. Any work which does not conform shall be brought to the attention of the permit holder, both verbally and in writing, and the permit holder shall make corrections as needed. If corrections are not made, further project construction shall be stopped.
- C. **Field Changes:** If, during construction, the public utility finds it necessary to make changes in grading work because of field conditions, they shall contact the County Engineer prior to making such changes. The County Engineer shall determine whether the work may proceed with verbal approval or if the utility must obtain approval for an amended grading plan before proceeding with the work. The County Engineer may elect to conduct an inspection of field conditions before making a decision. If verbal approval is given, the utility shall submit as-built grading plans showing approved changes, if required to do so by the County Engineer. If the County Engineer requires amended grading plans prior to work being done, action on the amended grading plans shall be in accordance with the time limits in the project review schedule adopted by the BOCC.
- D. **Final Inspection:** At the conclusion of the grading work for any project approved as part of a general grading permit, the permit holder shall request final inspection by the Engineering Department. The final inspection shall occur between May 1 and October 31. Prior to final inspection being granted, the public utility shall certify that the grading work conforms to the approved plans and specifications and to the County's grading standards. The County Engineer may require submittal of as-built grading plans prior to conducting final inspection. All work including installation of all drainage facilities and their protective devices, all erosion control measures and all revegetation must be completed in conformance with the approved plans, specifications and standards of the County Engineer to grant approval of final inspection.

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- E. **Concealment of Work:** Whenever any work on which inspections are required is covered or concealed by additional work without first being inspected, the County Engineer may require such work be exposed for examination.
- F. **Responsibility for Corrective Grading Work:** If any grading inspection reveals work which does not conform to approved plans and specifications or to the County's grading standards, the permit holder shall be responsible, at his expense, for all corrective work necessary to bring work into conformance. If the permit holder fails to perform such work, the County shall use the permit holder's financial guarantee to eliminate hazardous situations, complete drainage and erosion control devices and revegetate disturbed areas.

6400: EXCEPTIONS TO GRADING PERMIT REQUIREMENT

6401: Waiver of Requirement

- A. An individual proposing to construct a single family residential unit may request a waiver of the requirement to obtain a grading permit. Such requests shall be submitted in writing to the Engineering Department along with a site plan showing the following:
 - 1. Legal description of the lot where the unit is to be built.
 - 2. Location and dimensions of the lot boundaries.
 - 3. Any recorded or platted easements
 - 4. Location of proposed structures.
 - 5. Location of proposed driveway and any parking areas.
- B. An applicant requesting a waiver shall pay the fee required for plan review and permit for custom lots for single-family homes stated on the fee schedule adopted by the BOCC.
- C. A waiver may be granted if:
 - 1. The entire subdivision is provided with central erosion and runoff controls such as a community desilting pond for all drainage from the subdivision.
 - 2. The Engineering Department determines that exempting construction will not have a significant impact on water quality.
- D. Prior to taking action on requests for waivers, the Engineering Department may conduct a field visit to the site to examine the topography, presence or absence of watercourses, vegetation and other factors to determine the effect of construction on water quality. The County Engineer shall be responsible for taking action on request for waivers. If a waiver is granted, the Engineering Department shall provide the applicant with a project grading permit stamped "waived" or other such form indicating waiver of the permit requirement and the applicant shall post this form as required by Section 6302.08.A. The Engineering Department shall also notify the Building Department that the requirement for a grading permit has been waived. No building permits shall be issued until either a waiver is granted or a grading permit is issued.
- E. Regardless of whether or not the permit requirement is waived, the applicant is still required to obtain approval for the location and elevation of site improvements prior to continuing construction, as provided in Section 6302.08.

6402: Exemptions from Requirement

- A. The following activities shall be exempt from requirements to obtain grading permits:
 - 1. Agricultural operations on land in the County's Agricultural ("A-1") Zoning District.
 - 2. Routine road maintenance such as snow removal, grading of gravel roads, and cleaning drainage ditches.
 - 3. Any earth-disturbing activity involving less than 500 square feet of surface area; however, if the Engineering Department has determined an activity of this type will result in water quality impacts, the requirement for obtaining a grading permit shall be met. The criteria for making such determinations shall be stated in the County grading manual.
 - 4. Any earth-disturbing activity necessary for the installation or renovation of landscaping associated with a single-family or duplex unit. Landscape berms with a volume in excess of 50 cubic yards are beyond the scope of this exemption and require grading permits.

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5. Any activity specifically covered by an approved road cut or access permit issued by the Summit County Road & Bridge Department.
 6. Any emergency work on utility lines as provided in Section 6303.06.
- B. These exemptions do not alter any obligation to comply with other regulations contained within this Code, including but not limited to the Zoning Regulations contained in Chapter 3 and Water Quality Regulations contained in Chapter 7.

6500: VARIANCES

- A. Exceptions to the grading design standards may be granted by the County Manager, or in his absence, the Assistant to the County Manager, where by reason of exceptional topographic or physical conditions, or other extraordinary and exceptional situations or conditions, the strict application of these regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the individual proposing to conduct grading activities provided the relief from such difficulties or hardship and will not result in substantial detriment to public health, safety and welfare or substantial impairment of the Grading and Excavation Regulations.
- B. Prior to the County Manager taking action, he shall obtain the recommendation of the County Engineer on whether or not a variance should be granted.
- C. If the individual requesting the variance is dissatisfied with the determination of the County Manager, they may appeal his decision to the BOCC for a determination. Action on an appeal to the BOCC shall be made at a regular or at a special meeting called for this purpose and their determination shall be final.

6600: DEFINITIONS

The following definitions are provided herein for the sole purpose of interpreting, administering and implementing the County's Grading and Excavation Regulations. For the purposes of these Grading and Excavation Regulations only, the definitions set forth herein shall control and take precedence over any definitions set forth in Chapter 15 or other chapters of this Code:

- A. **Approved Plans:** Current grading plans that have been approved and signed by the County Engineer.
- B. **Approved Testing Agency:** A facility whose testing operations are controlled and monitored by a civil engineer and which is equipped to perform and certify the tests required by these regulations or by the grading manual.
- C. **As Graded:** Topography of a site on completion of grading.
- D. **Bench:** A relatively level step excavated into earth material on which fill may be placed.
- E. **Borrow:** Earth material acquired from an off-site location for use in grading a site.
- F. **Civil Engineer:** A professional engineer licensed in the State of Colorado having knowledge and experience in the field of civil engineering.
- G. **Civil Engineering:** The application of the knowledge of the forces of nature, principles of mechanics and properties of materials for the evaluation, design and construction of civil work for the beneficial use of mankind.
- H. **Clearing, Brushing and Grubbing:** Removal of vegetation such a grass, brush, trees and similar plant types by mechanical means.
- I. **County Engineer:** The director of the Summit County Engineering Department or his authorized representative.
- J. **Earth-Disturbing Activity:** Mechanical removal of any rock, natural soil, fill or any combination thereof, the placement or stockpiling of fill or the clearing of trees and vegetation for the purpose of constructing roads, site improvements or structures, installing utility lines or making use of the land in other than its natural state.

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- K. **Erosion Control System:** A combination of desilting facilities and erosion protection, including effective planting, to protect property, watercourses, public and private facilities and receiving waters from an abnormal deposition of sediment or dust.
- L. **Excavation:** The mechanical removal of earth material.
- M. **Fill:** A deposit of earth material placed by artificial means.
- N. **Geotechnical Engineering:** The application of geologic, soils and hydrologic knowledge and principles in the investigation and evaluation of naturally occurring rock, soil, ground and surface water for use in the design of civil works.
- O. **Grade:** The number of feet of horizontal distance traveled for every one (1) foot of vertical rise in the ground surface expressed as a ratio (e.g. a 3:1 grade means three (3) feet of horizontal distance is traveled for every one (1) foot of vertical rise in the ground surface).
- P. **Grade, Existing:** The ground surface prior to grading.
- Q. **Grade, Finish:** The final grade of a site that conforms to the approved plan and provides final site drainage.
- R. **Grade, Natural:** The ground surface unaltered by artificial means.
- S. **Hazardous Condition:** A condition when the state of any natural ground, natural slope, excavation, fill or drainage device, which exists on private or public property, is a menace to life or limb, a danger to public safety or endangers or adversely affects the safety, usability or stability of adjacent property, structures or public or private facilities.
- T. **Public Utility:** Any firm, partnership, association, cooperative, company, corporation, governmental agency, special or metropolitan district and the directors, trustees or receivers thereof, whether elected or appointed, which are engaged in providing electric, rural electric, telephone, telegraph, communications, cable television, gas pipeline carrier, water, sewerage or pipeline facilities and services.
- U. **Agricultural Operations:** Operations associated with the growing of timber or crops and raising of livestock including but not limited to such activities as plowing, planting, scarifying soils, construction and clearing or irrigation ditches, burning fields or irrigation ditches, construction of roads, buildings and stock ponds within farm or ranch boundaries. The exemption from grading permits for agricultural operations applies only to land in the County's A-1 Zoning District.