

Article 3 Watershed Protection District

Division 1 General Provisions

- Sec. 13-3-10 Established
- Sec. 13-3-20 Purpose and authority
- Sec. 13-3-30 Jurisdiction and map
- Sec. 13-3-40 Applicability
- Sec. 13-3-50 Effective date
- Sec. 13-3-60 Permit required
- Sec. 13-3-70 Relationship to county land use authority
- Sec. 13-3-80 Intent to not duplicate other permit requirements or processes
- Sec. 13-3-90 Preemption by state or federal law
- Sec. 13-3-100 Exemption
- Sec. 13-3-110 Modification of nonconforming activity
- Sec. 13-3-120 Classification of activity as major or minor impact
- Sec. 13-3-130 Ex parte communication
- Sec. 13-3-140 Consultant and referral agency review
- Sec. 13-3-150 Definitions

Division 2 Watershed Protection Standards

- Sec. 13-3-210 Basis of approval
- Sec. 13-3-220 Prohibited activities
- Sec. 13-3-230 Storage, use and containment of substances
- Sec. 13-3-240 County, state and federal permits
- Sec. 13-3-250 Property rights and easements
- Sec. 13-3-260 Expertise and financial feasibility
- Sec. 13-3-270 Technical and financial feasibility
- Sec. 13-3-280 Consistency with land use and water quality plans
- Sec. 13-3-290 Impairment of property rights
- Sec. 13-3-300 Risk from natural hazards
- Sec. 13-3-310 Nonpoint source pollution
- Sec. 13-3-320 Significant degradation
- Sec. 13-3-330 Tiered buffer zone setbacks
- Sec. 13-3-340 Minimization of impervious areas
- Sec. 13-3-350 Flood hazard areas
- Sec. 13-3-360 Rate and total volume of surface runoff
- Sec. 13-3-370 Discharge into streams and water bodies
- Sec. 13-3-380 Impediment of flow in watercourses
- Sec. 13-3-390 Erosion and sedimentation control
- Sec. 13-3-400 Slope control measures
- Sec. 13-3-410 Impact on wells
- Sec. 13-3-420 Adequate wastewater treatment
- Sec. 13-3-430 Preservation of natural features
- Sec. 13-3-440 Bridge and pipeline design and construction

Division 3 Watershed Permits

- Sec. 13-3-510 Application submittal requirements
- Sec. 13-3-520 Reimbursement agreement
- Sec. 13-3-530 Information describing applicant
- Sec. 13-3-540 Description of activity
- Sec. 13-3-550 Property rights, permits and other approvals
- Sec. 13-3-560 Technical and financial feasibility of the project
- Sec. 13-3-570 Land use
- Sec. 13-3-580 Surface and ground water quality and quantity
- Sec. 13-3-590 Wetlands and riparian areas
- Sec. 13-3-600 Required Plans

Division 4 Review Process

- Sec. 13-3-710 Minor impact activity review process

- Sec. 13-3-720 Major impact activity review process
- Sec. 13-3-730 Issuance of permit
- Sec. 13-3-740 Guaranty
- Division 5 Enforcement*
- Sec. 13-3-810 Staff authorized to inspect
- Sec. 13-3-820 Consent to enter or administrative entry and seizure warrant not required
- Sec. 13-3-830 Notice of violation and response
- Sec. 13-3-840 Cease and desist orders
- Sec. 13-3-850 Acceleration of enforcement process
- Sec. 13-3-860 Legal action
- Sec. 13-3-870 Judicial review of Town Council's decision

ARTICLE 3

Watershed Protection District

Division 1 General Provisions

Sec. 13-3-10. Established.

The Crested Butte Watershed Protection District is hereby established. (Ord. 6 §1, 2008)

Sec. 13-3-20. Purpose and authority.

The purpose of the Watershed Protection District is to protect the municipal waterworks from injury and the municipal water supply from pollution, pursuant to the authority granted to municipalities by Section 31-15-707(1)(b), C.R.S., or other similar authority to protect municipal watersheds that may be granted by the Colorado General Assembly. (Ord. 6 §1, 2008)

Sec. 13-3-30. Jurisdiction and map.

The boundaries of the Watershed Protection District encompass the Town of Crested Butte waterworks and any source of municipal water supply, including all reservoirs, streams, trenches, ditches, diversion structures, pipes and drains used in and necessary for the construction, maintenance and operation of the municipal waterworks, and for five (5) miles above the points of diversion of water for use of the Town. This jurisdiction also extends to groundwater underneath lands within the five-mile area. The official Watershed Protection District map depicts the Watershed Protection District boundaries and is located in the office of the Town Clerk. (Ord. 6 §1, 2008)

Sec. 13-3-40. Applicability.

This Article shall apply to any activity on public and private land within or partially within the Watershed Protection District. (Ord. 6 §1, 2008)

Sec. 13-3-50. Effective date.

This Article, including any future amendments, shall take effect immediately upon adoption by the Town Council of the ordinance codified herein, unless otherwise set forth in Council's motion of approval. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-60. Permit required.

No person shall engage in, cause, allow or conduct any activity within or partially within the Watershed Protection District prior to obtaining a watershed permit issued by the Town.

(1) Permit not a site specific development plan. Watershed permits issued under this Article shall not be considered to be a site specific development plan, and no statutory vested rights shall inure to such permit.

(2) Transfer of permit. The Town Council may approve the transfer of a watershed permit. Approval of a transfer shall be in writing and, in approving any transfer, the Town Council shall ensure that the proposed transferee can and will comply with all of the requirements, terms and conditions contained in the watershed permit; that such requirements, terms and conditions remain sufficient to protect the quality and quantity of water in the watershed and to protect the municipal waterworks from injury; and, if applicable, that an adequate guarantee of financial security will be made.

(3) Permit duration.

a. The activity shall begin within one (1) year of the effective date of the watershed permit issued under this Article, or the permit shall expire and be of no force and effect; provided, however, that the Town Council may grant a one-time extension where the applicant so requests such an extension at least thirty (30) days prior to the expiration thereof and the applicant shows good cause.

b. The watershed permit shall include a term as determined by the Town Council.

c. Where the permit is issued for a specific term, at the end of the term of the permit, the permit shall terminate and be of no force and effect, and any land disturbance shall be reclaimed in accordance with an approved reclamation plan. (Ord. 6 §1, 2008)

Sec. 13-3-70. Relationship to county land use authority.

(a) County land use authority preserved. Nothing in this Article is intended to supersede or abrogate the County's authority to regulate land use within the unincorporated areas of the Watershed Protection District.

(b) County land use permit required. No watershed permit shall be effective until all necessary county approvals and permits have been issued.

(c) More stringent requirement applies. Wherever there is a conflict between a county permit requirement and a Town watershed permit requirement, the most protective to water quality and quantity shall apply.

(d) Concurrent review of county and Town permit applications. Applications for watershed permits may be reviewed concurrently with applications for county approvals and permits.

(1) Minor impact activity. A watershed permit application for a minor impact activity may be approved by the Town before county approvals and permits have been granted; however, the watershed permit is not effective unless or until all necessary county permits and approvals have been obtained.

(2) Major impact activity. A watershed permit application for a major impact activity will not be scheduled for a public hearing with the Town Council until all necessary county, state, federal and any other permits and approvals have been obtained. (Ord. 6 §1, 2008)

Sec. 13-3-80. Intent to not duplicate other permit requirements or processes.

To the extent practicable, the Town intends to avoid duplicative watershed permit submittal requirements and processes. The applicant may submit any county, state and federal permit application materials to the Town that will satisfy a watershed permit application submittal requirement under this Article. (Ord. 6 §1, 2008)

Sec. 13-3-90. Preemption by state or federal law.

Preemption of one (1) or more provisions of these regulations by state or federal law shall not be presumed. The burden of proof shall be on the applicant to demonstrate to the satisfaction of the Town that a provision is preempted. (Ord. 6 §1, 2008)

Sec. 13-3-100. Exemption.

The United States Forest Service ("Forest Service") shall be exempt from application of these Watershed Protection District regulations for activities conducted by the Forest Service, its employees, agents, contractors or others acting on its behalf on national forest system lands. The Forest Service shall, however, provide the Town with a notice of proposed activities which shall include:

- (1) A written description of the activities to be conducted within the Watershed Protection District;
- (2) A copy of any final agreements, contracts or other arrangements made with any agents, contractors or others acting on behalf of the Forest Service, other than employees of the Forest Service, in performing said activities; and
- (3) A description of the impacts that the activity will have on the watershed and any mitigation proposed in connection with the activity. (Ord. 6 §1, 2008; Ord. 14 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-110. Modification of nonconforming activity.

An activity that was legally established before the effective date of the ordinance codified herein that does not conform hereto, and ordinary repairs and maintenance, shall be allowed to continue under the following conditions:

- (1) A legal nonconforming activity shall only be modified in a manner that decreases or does not expand the nonconforming activity.
 - a. Expansion or relocation onto new land. Expansion or relocation of a legal nonconforming activity onto new land shall be prohibited unless a watershed permit is granted under this Article.
 - b. Change in intensity of activity. An increase in the intensity of a legally nonconforming activity shall be prohibited unless a watershed permit is granted under this Article. Increases in intensity include, but are not limited to, increased density, increased areas of impervious surface, increased use of processes or materials or increased disturbances that could cause or contribute to pollution of the watershed.

(2) Any legal nonconforming activity that is abandoned or discontinued for a period of one (1) year or more may not recommence unless a watershed permit is granted under this Article.

(3) A legal nonconforming activity that is damaged or destroyed by an act of God or through any manner not intentionally accomplished by or for the owner may be restored, regardless of the extent of damage or destruction, if the following conditions are met:

a. The owner shall acquire all county, state or federal permits and approvals required for construction and operation of the restored activity.

b. The activity shall not be restored in a manner that expands or increases the intensity of the nonconforming nature of the activity.

c. The activity shall be restored within eighteen (18) months of the date of damage or destruction. A one-time extension of time may be granted by the Town Council if it finds that:

1. There would be a substantial hardship to the owner without the extension; and

2. Within the first twelve (12) months after damage or destruction of the activity, the owner has substantially cleaned up the site, removed debris and initiated efforts to begin restoration of the activity. (Ord. 6 §1, 2008)

Sec. 13-3-120. Classification of activity as major or minor impact.

(a) Classification. For purposes of watershed permit review, activities shall be classified as a minor impact activity or major impact activity by the Town.

(b) Minor impact activity. An application for a watershed permit for a minor impact activity shall be reviewed administratively by the Town under the process set forth in Section 14-5-18, C.R.S. An activity shall be classified as a minor impact activity if it consists of the following elements:

(1) The activity, without mitigation, in its proposed location is unlikely to have any significant adverse impact to the watershed, the municipal waterworks or municipal water supply, taking into consideration the watershed protections standards set forth in Division 2 of this Article; and

(2) The activity has been or will be properly permitted by the County and/or applicable state and federal authorities.

(c) Major impact activity. An activity that is not classified as a minor impact activity shall be classified as a major impact activity subject to the review process set forth in Section 13-3-720 of this Article. The application for a major impact activity requires a public hearing and decision by the Town Council.

(d) Level of permit review. The Town staff shall determine the level of permit review following the preapplication conference.

(1) Written notice. Within five (5) calendar days of the determination of level of permit review, the Town staff shall notify in writing the applicant, the Town Council, the Town Manager and the Town Attorney of the determination of level of permit review.

(2) Change in level of permit review.

a. At any time prior to the final decision on an application for a watershed permit, the Town staff may decide that information received subsequent to the determination of level of permit review indicates that the nature and scope of the impacts of the proposed activity require the application to be reclassified to a different level of permit review.

b. The Town shall immediately notify the applicant in writing that a change is required. (Ord. 6 §1, 2008)

Sec. 13-3-130. Ex parte communication.

Once an application for watershed permit has been received by the Town Manager, members of the Town Council shall not engage in communications with any party regarding the application. It is the responsibility of each member of the Town Council to immediately disclose ex parte contact to the Town Manager and the Town Attorney. No ex parte communication shall be considered by the Town Council, or any of its members, in making a decision on an application for a watershed permit. (Ord. 6 §1, 2008)

Sec. 13-3-140. Consultant and referral agency review.

(a) Consultant review. The Town may retain legal and technical consultants to assist with the review of the application for a watershed permit.

(b) Referral agency review. The Town may send a copy of the application to and seek review comments from any local, state or federal agency that may have expertise or an interest in impacts that may be associated with the proposed activity to be considered by the Town. Referral agency comments must be received within thirty (30) calendar days from the date the application was referred by the Town.

(c) Review costs.

(1) The costs of legal counsel, consultant and referral agency review are the responsibility of the applicant.

(2) The Town may require a deposit for payment of legal counsel, consultant and referral agency review fees, based upon estimated review costs at the time of application and in addition to the application fees.

(3) The Town may suspend the application review process pending payment of review fees. (Ord. 6 §1, 2008)

Sec. 13-3-150. Definitions.

The following words and terms used in this Article shall have the meanings set forth below unless the context requires otherwise. Defined terms used in the plural throughout this Article shall have the same meaning as the defined terms appearing below in the singular.

Abandonment (of nonconforming use) means the intent to not continue the legally established nonconforming activity, coupled with a cessation of activities and discontinued use of the land and facilities in connection with the nonconforming activity.

Activity means any excavating, filling, grading, surfacing, construction or other activity, other than land preparation for agricultural uses and noncommercial gardening or landscaping that changes the basic character or increases the intensity of use of land or water.

Adverse means unfavorable, harmful or negative.

County means Gunnison County, State of Colorado.

Degradation means lowering in grade or desirability; lessening in quality.

Excavating means any act in which earth is moved or removed by means of any tools, equipment or explosives and includes augering, backfilling, boring, ditching, drilling, grading, plowing in, pulling in, ripping, scraping, trenching and tunneling.

Filling means the deposition of material brought from another location by other than natural means.

Floodplain means an area adjacent to a stream, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:

- a. Mainstream floodplains;
- b. Debris-fan floodplains; and
- c. Dry wash channels and dry wash floodplains.

Geologic hazard means a geologic phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:

- a. Avalanches, landslides, rock falls, mudflows and unstable or potentially unstable slopes;
- b. Seismic effects;
- c. Radioactivity; and
- d. Ground subsidence.

Grading means any stripping, excavating, filling, stockpiling or any combination thereof.

Groundwater means subsurface waters in a zone of saturation.

Impact means any alteration or change to the natural or human environment resulting directly or indirectly from land use and development.

Impervious materials means materials that do not readily allow water to infiltrate into the ground. The term *impervious materials* shall include building roof surfaces and overhangs, concrete or asphalt surfaces and compacted gravel.

Include means including without limitation.

Mitigation means an action which will have one (1) or more of the following effects:

- a. Avoiding an impact by not taking a certain action or parts of an action;

- b. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- c. Rectifying the impact by repairing, rehabilitating or restoring the impact area, facility or service;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations; and
- e. Compensating for the impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.

Net effect means the impact of an action after mitigation.

Non-Point Source (NPS) pollution means pollution that is caused by or attributable to diffuse sources. Typically, NPS pollution results from land runoff, precipitation, atmospheric deposition or percolation.

Permit or watershed permit means a permit issued pursuant to this Article.

Permittee means a person issued a permit.

Person means any individual, corporation, business trust, estate, trust, partnership, association, governmental entity or any other legal entity.

Pollution means the man-made, man-induced or natural degradation of the physical, chemical, biological and/or radiological integrity of water.

Regulations means the Watershed Protection District regulations set forth in this Article.

Significant means of considerable or substantial consequence.

Significant adverse effect/impact means an impact of an action that, after mitigation, is considerable or substantial and unfavorable or harmful.

Significant degradation means lowering in grade or desirability to a significant, rather than trifling, degree.

Staff means the Town's designated staff members, its third party consultants, attorneys and the like, as determined by the Town Manager.

Substantial means material, considerable in importance, value, degree, amount or extent, as determined by the Town staff or Town Council.

Surfacing means covering the natural topography with asphalt, gravel or similar materials.

Town Council means the Town Council or the Town of Crested Butte, Colorado.

Water body means a perennial or intermittent river, stream, lake, reservoir, pond, spring or wetland, but does not include irrigation ditches, roadway drainage ditches, artificial lakes or ponds or wetlands that are created and used for the primary purpose of agricultural operations.

Watershed means the area encompassed by the Watershed Protection District.

Waterworks means all components of the Town's water supply system, including all equipment, diversion structures, dams, reservoirs, pipelines, wells, pumps, buildings, structures, roads, watercourses and other facilities necessary for the construction, maintenance and operation of the water supply system.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include wet meadows, fens and riparian areas and similar areas. For purposes of this definition, the procedures used to identify a wetland are as described in the 1987 Army Corps of Engineers Wetland Delineation Manual. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Division 2
Watershed Protection Standards

Sec. 13-3-210. Basis of approval.

Approval of a watershed permit shall be based on whether the proposed activity satisfies the watershed protection standards contained in this Division. In determining whether the proposed activity satisfies the applicable standards, the Town shall take into consideration, without limitation, the construction, operation and cumulative impacts of the activity. Application submittal requirements are described in Division 3 of this Article. The application review process for minor impact activity or major impact activity review is set forth in Sections 13-3-710 and 13-3-720, respectively. (Ord. 6 §1, 2008)

Sec. 13-3-220. Prohibited activities.

(a) No pesticides, petroleum products, hazardous substances, hazardous wastes, toxic substances or other substances that have the potential to degrade water quality shall be stored within five hundred (500) horizontal feet of any water body. The preceding prohibition shall not apply to the use and storage in consumable quantities of everyday consumer products (e.g., laundry detergent, propane, automobile fuels located in an automobile) in the ordinary course of consumer conduct, provided that such products are consumed, stored and disposed of in accordance with all manufacturers' use, storage and disposal guidelines, and in accordance with all applicable county, state and federal laws. No sand and salt for road deicing shall be stored within five hundred (500) horizontal feet of any water body. Open storage of fertilizers within five hundred (500) horizontal feet of the water body is also prohibited.

(b) Construction activities within any waters in the Watershed Protection District are prohibited, except Town-authorized streambank reinforcement or repair, water diversion placement or repair or stream crossings. Authorized construction will utilize measures to protect water quality and channel stability, including, without limitation:

- (1) Water body isolation through the use of coffer dams.
- (2) Complete containment of the water body in the area of the disturbance.
- (3) Acceptable water body crossing structures.
- (4) Limitations on the dates when in-water body work can be performed.

Construction will conform to applicable Section 404 permitting requirements. (Ord. 6 §1, 2008)

Sec. 13-3-230. Storage, use and containment of substances.

In addition to the prohibitions in Section 13-3-220 above, all pesticides, petroleum products, hazardous substances, hazardous wastes, toxic substances and other substances shall be stored, contained and used in compliance with applicable county, state and federal regulations.

(1) Spill prevention. Measures shall be implemented to prevent spilled fuels, pesticides, petroleum products, lubricants, hazardous substances, hazardous wastes, toxic substances and other substances from entering a water body during the conduct of the activity. If a spill occurs, it shall be handled in accordance with a Town-approved spill prevention, storage, control, countermeasure and contingency plan.

(2) Machine maintenance. Maintenance of vehicles or mobile machinery is prohibited within one hundred (100) feet of any water body. Emergency maintenance may be conducted, however, until the vehicle or machinery can be relocated.

(3) Containment and storage measures. Containment and storage measures shall be undertaken to prevent the release of all pesticides, petroleum products, hazardous substances, hazardous wastes, toxic substances and other substances into any water body and shall be undertaken in accordance with a Town-approved spill prevention, storage, control, countermeasure and contingency plan.

(4) Waste storage. Areas used for the collection and temporary storage of solid or liquid waste shall be designed to prevent discharge of these materials in runoff from the site. Collection sites shall be located away from the storm drainage system. Other best management practices, such as, for example, covering the waste storage area, fencing the site and constructing a perimeter dike to exclude runoff, may also be required. All waste collection and storage shall be undertaken in accordance with a Town-approved spill prevention, storage, control, countermeasure and contingency plan. (Ord. 6 §1, 2008)

Sec. 13-3-240. County, state and federal permits.

(a) The applicant can or will obtain all county, state and federal permits and approvals necessary for the activity.

(b) A watershed permit application for a minor impact activity may be approved by the Town before other permits and approvals and permits have been granted; however, the watershed permit shall not be effective unless or until all necessary county, state and federal permits and approvals are obtained.

(c) A watershed permit application for a major impact activity will not be scheduled for a public hearing with the Town Council until all necessary county, state and federal permits and approvals have been obtained. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-250. Property rights and easements.

The applicant shall obtain all property rights and easements prior to site disturbance, including but not limited to surface mineral and water rights necessary for the activity. The Town may, at its discretion, defer making a final determination of completeness on the application until all outstanding property rights and easements have been obtained. (Ord. 6 §1, 2008)

Sec. 13-3-260. Expertise and financial feasibility.

The applicant shall have the necessary expertise and financial capability to develop and operate the activity in compliance with the requirements and conditions of this Article. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-270. Technical and financial feasibility.

The activity shall be technically and financially feasible. The Town may, without limitation, include the following considerations to determine technical and financial feasibility:

- (1) Amount of debt associated with the activity.
- (2) Debt retirement schedule and sources of funding to retire the debt.
- (3) Estimated construction costs and construction schedule.
- (4) Estimated annual operation, maintenance and monitoring costs.
- (5) Funding sources to undertake the activity and the continued compliance with the watershed permit and this Article.
- (6) Proof that the applicant possesses the technology and sufficient skill and expertise to utilize the technology to undertake the activity as proposed. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-280. Consistency with land use and water quality plans.

The activity shall be consistent with land use and water quality plans applicable within the watershed. Wherever there is a conflict between provisions of plans, the plan most protective to water quality and quantity shall apply. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-290. Impairment of property rights.

The activity will not impair property rights held by others. (Ord. 6 §1, 2008)

Sec. 13-3-300. Risk from natural hazards.

The activity shall not be subject to a significant risk from natural hazards. The Town may include, without limitation, the following considerations to determine risk from natural hazards:

- (1) Faults and fissures.
- (2) Potentially unstable slopes, including landslides and rockslides.
- (3) Expansive or evaporative soils and risk of subsidence.
- (4) Wildfire hazard areas.
- (5) Floodplains.
- (6) Steep slopes.

- (7) Mudflows.
- (8) Debris fans.
- (9) Avalanche areas. (Ord. 6 §1, 2008)

Sec. 13-3-310. Nonpoint source pollution.

All nonpoint sources of pollutants caused by or associated with the activity shall not result in any measurable increase in nonpoint source pollution loads to any water body affected by the activity. (Ord. 6 §1, 2008)

Sec. 13-3-320. Significant degradation.

(a) No significant degradation of surface water quality. The activity will not significantly degrade surface water quality within the Watershed Protection District. The Town may include, without limitation, the following considerations to determine the impacts of the activity:

(1) Changes to existing surface water quality and composition, including, without limitation, chemical, physical and biological conditions thereof such as patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water, changes in concentrations of heavy metals and changes in the concentrations of nutrients, including phosphorus and nitrates.

(2) Increase in erosion or sedimentation.

(3) Changes in sediment or other pollutant loading to water bodies.

(4) Changes in stream channel or shoreline stability.

(5) Changes in surface runoff flows.

(6) Changes in trophic status or in eutrophication rates in lakes and reservoirs.

(7) Changes in the capacity or functioning of streams, lakes, reservoirs, springs or other water bodies.

(8) Changes in flushing flows or amount of water runoff and other nonpoint sources of pollutants.

(9) Changes to groundwater recharge or discharge patterns in the watershed.

(10) Changes in stream flows which may alter the concentration of contaminants and erosion and create other sedimentation issues that result in the degradation of water quality.

(b) No significant degradation of wetlands and riparian areas. The activity will not significantly degrade wetlands and riparian areas. The Town may include, without limitation, the following considerations to determine the impacts of the activity:

(1) Changes in the structure and function of wetlands and riparian areas.

(2) Changes to the filtering and pollutant uptake and storage capacities of wetlands and riparian areas.

(3) Changes to aerial extent of wetlands and riparian areas.

(4) Changes in species' characteristics and diversity.

(5) Transition from wetland to upland species.

(6) Changes in function and aerial extent of floodplains.

(7) Changes to wetlands that are hydrologically connected to wetlands in the area to be affected by the activity and proposed modifications of the surface or groundwater on those hydrologically connected wetlands.

(8) Introduction of exotic, nuisance or invasive species.

(c) No significant degradation of groundwater. The activity will not significantly degrade groundwater quantity and quality within the Watershed Protection District. The Town may include, without limitation, the following considerations to determine the impacts of the activity:

(1) Changes in aquifer discharge and recharge rates, groundwater levels and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

(2) Changes in capacity and function of wells within the Watershed Protection District.

(3) Changes in quality and quantity of well and other groundwater within the Watershed Protection District.

(4) Changes in flow patterns of groundwater. (Ord. 6 §1, 2008)

Sec. 13-3-330. Tiered buffer zone setbacks.

(a) The activity, other than stream crossings and Town-authorized stream bank reinforcement or repair and water diversion placement or repair, shall be set back in accordance with a tiered water body buffer, which is more effective than a single setback requirement. This approach provides more flexibility on the location and nature of the activity in riparian zones. The following tiered approach to water body setbacks applies to all activities:

(1) A setback of twenty-five (25) feet, measured horizontally from the typical and ordinary high water mark in average hydrologic years on each side of a water body or field delineated wetland, is required. This setback shall be identified as the *restrictive inner buffer zone*. All activities are restricted within this restrictive inner buffer zone, except that some irrigation and water diversion facilities, flood-control structures, culverts, bridges and other reasonable and necessary structures requiring some disturbance within this setback may be permitted by the Town.

(2) There shall also exist a variable buffer beyond the restrictive inner buffer zone identified as the *variable outer buffer zone*. Activities within this variable outer buffer zone may be limited where necessary to protect the integrity of the water body or special site-specific features. The variable outer buffer zone shall range anywhere from zero (0) feet to one hundred (100) feet beyond the outer edge of the restrictive inner buffer zone described above (i.e., up to one hundred twenty-five [125] feet beyond the high water mark of the water body during average hydrologic years or the wetland boundary). The width of this variable outer buffer zone may be undulating across the subject property in order to provide protection to site-specific features. Site-specific features that could trigger the need

for either a variable outer buffer zone and a setback therein, equivalent mitigation or a combination of a variable outer buffer zone setback and mitigation include, without limitation:

- a. Steep slopes draining into a water body.
- b. The presence of highly erodible soils.
- c. The presence of unstable stream bank conditions.
- d. The activity presents a special hazard to water quality (e.g., storage or handling of hazardous or toxic materials).
- e. The area is needed to protect trees, shrubs or other natural features that provide for stream bank stability, habitat enhancement for aquatic environments, riparian area protection, or to maintain predevelopment riparian plant or animal communities.
- f. The area is within the one-hundred-year floodplain.
- g. The area is needed to prevent or minimize flood damage by preserving stormwater and floodwater storage capacity.

(b) The following exceptions to the tiered water body buffer setbacks shall be permitted upon a demonstration by the applicant thereof by clear and convincing evidence that the activity is unavoidable in such location, that the activity shall be designed to minimize encroachment into the tiered water body setback and that, after mitigation, the adverse impact to the water body, either directly or indirectly, shall be minimized to the maximum extent feasible:

- (1) The activity in the tiered water body buffer is water-dependent (e.g., docks, piers, watercraft launches) and is authorized by the appropriate regulatory authority.
- (2) The denial of the activity in the tiered water body buffer would result in denying the landowner all economically viable use of the subject property.
- (3) Because of physical features, other restrictions and conditions on the subject property conducting the activity outside the tiered water body buffer would substantially create or contribute to a hazardous condition.

(c) Larger setbacks may be imposed as necessary to protect the quality and quantity of water in the watershed and to protect the municipal waterworks from injury as contemplated in this Article. (Ord. 6 §1, 2008)

Sec. 13-3-340. Minimization of impervious areas.

The impervious surface of the land disturbed by the activity shall not exceed twelve percent (12%) of the total acreage affected by the activity. (Ord. 6 §1, 2008)

Sec. 13-3-350. Flood hazard areas.

The activity will not have a significant adverse effect on designated flood hazard areas. The Town may include, without limitation, the following considerations to determine the impacts of the activity:

- (1) Creation of obstructions from the proposed development during times of flooding and vulnerability of the proposed development to flooding.
- (2) Use of flood-protection devices or floodproofing methods.
- (3) Nature or intensity of the proposed development.
- (4) Increases in impervious surface area caused by the proposed development.
- (5) Increases in surface runoff flow rate and amount caused by the proposed development.
- (6) Increases in floodwater flow rate and amount caused by the proposed development.
- (7) Proximity and nature of adjacent or nearby land used.
- (8) Impacts to downstream properties or communities.
- (9) Impacts on shallow wells, waste disposal sites, water supply systems and sewage disposal or septic systems. (Ord. 6 §1, 2008)

Sec. 13-3-360. Rate and total volume of surface runoff.

The rate and total volume of surface runoff during and after construction will not exceed the level of runoff that occurred prior to construction. Energy dissipation measures will be installed where flows are anticipated in excess of five (5) feet per second, provided that the foregoing requirement may be varied if warranted by nonpervious surfaces. (Ord. 6 §1, 2008)

Sec. 13-3-370. Discharge into streams and water bodies.

Surface runoff resulting from the activity will not discharge directly into streams or other water bodies. Surface runoff from areas likely to contain pollutants will be contained on site and treated as necessary to prevent direct discharge into streams and water bodies. Surface runoff may be allowed to infiltrate in vegetated areas if such infiltration will not result in significant degradation of groundwater or surface water quality. Groundwater monitoring may be required to monitor potential subsurface transport of pollutants. (Ord. 6 §1, 2008)

Sec. 13-3-380. Impediment of flow in watercourses.

The activity will not impede flow in natural watercourses or create ponding in low points. (Ord. 6 §1, 2008)

Sec. 13-3-390. Erosion and sedimentation control.

- (a) The activity will be managed to control erosion and sedimentation.
- (b) On-site erosion will be minimized.
 - (1) The timing of earth-disturbing activities will be staged and scheduled to minimize soil exposure.
 - (2) Erosion- and sediment-control measures will be installed before site grading.

(3) Disturbed areas and soil stockpiles will be stabilized. Disturbed areas that will remain exposed and inactive for periods longer than fourteen (14) days will be protected from erosive forces and to minimize erosion.

(4) Disturbed areas will be mulched and seeded with native seeds and weed-free hay within seven (7) calendar days after final grade is reached, weather permitting.

(5) Temporary measures for soil stability, such as mulch or silt fences, will be kept in place until the vegetative cover has reached seventy percent (70%) of the disturbed area. The foregoing requirement may be varied for good cause shown.

(c) Adjacent properties will be protected from sediment-laden runoff by use of sediment fences and sediment or silt traps or other appropriate control options.

(d) Off-site run-on will be diverted around the construction site when practical.

(e) All erosion- and sediment-control devices will be inspected and repaired as necessary after any precipitation that creates significant runoff.

(f) All erosion- and sediment-control devices will be maintained in a manner to support their effectiveness.

(g) All vegetated areas disturbed by the activity will be restored in accordance with an approved revegetation plan. Noxious weeds will be managed pursuant to Town, county or USFS noxious weed control operations within the Watershed Protection District. In the event of any inconsistency among any of the foregoing noxious weed control operations, the strictest operation shall apply.

(h) In those areas where revegetation is required, the site shall be revegetated in such a way as to establish a diverse, effective and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer and is at least equal in extent of cover to the natural vegetation of the surrounding area; and the vegetation cover shall be capable of stabilizing the soil surface to achieve erosion control equal to preactivity levels. At a minimum, the mean total groundcover (non-noxious herbaceous and woody vegetation, plus rock, plus litter) in a reclaimed area will not be less than fifty percent (50%) of the mean total groundcover in a reference area at the ninety-percent level of statistical confidence five (5) years after reclamation activities have concluded. In this instance, the following terms have the following meanings:

Litter means any dead vegetation.

Reference area means a nearby area similar in slope and vegetative cover to the area to be disturbed.

Rock means any particles greater than two (2) millimeters in size capable of dispersing raindrops rather than allowing rain to carry sediment down slope

(i) All revegetation measures shall provide for the greatest probability of success in plant establishment and vegetation development by considering environmental factors, such as:

(1) Seasonal patterns of precipitation, temperature and wind;

(2) Soil texture and fertility;

- (3) Slope stability; and
- (4) Directions of slope faces.

Attention shall be given to biological factors, such as proper inoculation on legume seed, appropriate seeding and transplanting practices and care of forest planting stock.

(j) Revegetation measures shall ensure the establishment of a diverse and long-lasting vegetative cover, including appropriate techniques of site preparation and protection, such as:

- (1) Mechanical soil conditioning by discing and ripping;
- (2) Mulching;
- (3) Soil amendments and fertilizers; and
- (4) Irrigation. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-400. Slope control measures.

Disturbance and construction on steep slopes create an increased possibility for slope failure, erosion, accelerated runoff and subsequent associated water impacts. Activities on slopes with a gradient of greater than thirty percent (30%) shall be in accordance with, and conform to, the following requirements:

- (1) No alternative site for the activity with a slope gradient of less than thirty percent (30%) is available on the subject property.
- (2) The activity shall not create a significant disturbance of soil, including, without limitation, erosion, sloughing and other forms of instability.
- (3) Cutting, filling and other grading activities shall be confined to the minimum area of the subject property necessary for the activity.
- (4) A slope stability analysis in connection with the activity shall be performed by a state-licensed professional engineer, and such analysis shall demonstrate that the impacts of the activity on the subject property will not have a significant adverse effect on water quality and quantity and the impact on the slope can be adequately mitigated.
- (5) Where steeper slopes are disturbed by the activity, the activity shall be performed in a manner that minimizes the impact loss of existing vegetation.
- (6) On slopes steeper than a thirty-percent gradient, exposed soils shall be stabilized using appropriate techniques, such as hydromulching, erosion-control blankets, bonded-fiber matrices or other equally protective measures. Grass or straw mulch will be crimped, tracked or tacked in place to promote surface anchoring. (Ord. 6 §1, 2008)

Sec. 13-3-410. Impact on wells.

The activity will not negatively impact the rate of pumping, water quantity or water quality of drinking water wells. (Ord. 6 §1, 2008)

Sec. 13-3-420. Adequate wastewater treatment.

If applicable, the activity shall be served by wastewater treatment facilities that will comply with NPDES permit requirements and the applicable standards of the County Land Use Resolution and the County Individual Sewage Disposal System (ISDS) Regulations. Financial guarantees will be provided for ongoing operation of the facilities. (Ord. 6 §1, 2008)

Sec. 13-3-430. Preservation of natural features.

The activity shall be located to preserve the natural features of the affected lands and to minimize the negative impacts to all natural features. (Ord. 6 §1, 2008)

Sec. 13-3-440. Bridge and pipeline design and construction.

Bridges and pipelines shall be designed by a licensed engineer and shall be constructed to prevent obstruction to the one-hundred-year floodplain. Bridges shall be designed so that the river bottom under the bridge does not step down at the bridge, thereby creating unnecessary erosion as the river bottom is eaten by the river trying to even out the step. Bridges shall not unnecessarily constrict flows and thereby create dams or change stream or flood characteristics. (Ord. 6 §1, 2008)

*Division 3
Watershed Permits*

Sec. 13-3-510. Application submittal requirements.

(a) Submittal requirements apply to any watershed permit application for any activity. The Town may waive one (1) or more of the submittal requirements when the submittal requirement would not be relevant to a determination as to whether the proposed activity complies with the applicable watershed protection standards set forth in Division 2 of this Article.

(b) Submittal of application. The application materials shall be submitted to the Town Manager by the owner of the lands that are the subject to the activity, or any agent acting through written authorization of the owner. All owners of the lands that are the subject of the activity shall be named as applicants on the application. (Ord. 6 §1, 2008)

Sec. 13-3-520. Reimbursement agreement.

(a) The applicant shall be responsible for all of the actual costs and expenses whatsoever incurred by the Town in the review, processing and prosecution of an application for a watershed permit.

(b) An estimate of the costs and expenses to be incurred by the Town will be provided by the Town staff within ten (10) working days following the preapplication conference and shall reflect the estimated costs and expenses of reviewing, processing and prosecuting the application package, including, without limitation, the costs and expenses of copying, mailings, publications, labor and overhead, all hearings and meetings on the application package and the retention and use of any consultants, experts and attorneys that the Town staff deems advisable and appropriate to aid the same during the permit application and approval process.

(c) The application package shall be accompanied by an initial deposit of up to fifty thousand dollars (\$50,000.00) for a major impact activity. The Town shall establish and administer a projected schedule for the payment of installments of the aforesaid costs and expenses in connection with the application.

The installments shall be structured so that, throughout the application process, the Town, at all times, retains a minimum balance of at least twenty thousand dollars (\$20,000.00). If the balance falls below the minimum balance, the Town may cease processing the application package pending receipt of additional installments bringing the balance to at least the minimum amount. The amount of the initial deposit and the minimum balance required may be reduced upon a finding by the Town that the application processing and review costs and expenses are likely to be less than the minimum amount set by this Section.

(d) The Town will deposit that portion of the initial deposit which is not necessary to cover current costs and expenses in an interest-bearing escrow account. The Town shall obligate, encumber or use such funds from time to time, at its discretion, when necessary to cover the costs of processing the application. Interest earned on the account will belong to the applicant and will be applied by the Town toward subsequent installments of the application costs.

(e) The Town will maintain accurate records of the manner in which the initial deposit is used and will make such records available for inspection by the applicant and the public at reasonable times as determined by the Town.

(f) Any portion of the initial deposit submitted by the applicant, or any interest earned on such initial deposit which is not necessary to cover the cost of processing the application package, will be reimbursed to the applicant after the application review process has been completed.

(g) The Town will take no action on the application package until all costs and expenses related to the application review process have been paid.

(h) At the time of submission of the application materials to the Town Manager, the applicant shall deliver to the Town an executed watershed permit costs and expenses reimbursement agreement obligating the applicant to reimburse the Town for all costs and expenses whatsoever incurred by the Town in connection with the processing, review and prosecution of a watershed permit. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-530. Information describing applicant.

The application shall contain the following information:

(1) The name, address, email address, fax number and business of the applicant and, if different, the owner of the project.

(2) Documentation of the applicant's financial qualifications and technical expertise and capability to develop and operate the activity, including a description of the applicant's experience developing and operating similar projects and using the technologies proposed to conduct the activity.

(3) The names, addresses and qualifications, including areas of expertise and experience with projects directly related or similar to the activity proposed in the application package, of individuals who are or will be responsible for constructing and operating the activity.

(4) Written qualifications of those individuals preparing reports and providing certifications required by this Article. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-540. Description of activity.

The application shall contain the following information:

(1) Narrative description. A written description of the activity.

(2) Vicinity map. An eight-and-one-half-by-eleven-inch vicinity map locating the site where the proposed activity will occur. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.

(3) Site plan. A detailed site plan and specifications of the activity. The site plan shall include the following elements:

a. Legal description of the property.

b. Boundary lines, corner pins and dimensions of the site where the proposed activity will occur, including land survey data to identify the site with section corners, distance and bearing to corners, quarter corners, township and range.

c. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the activity and storm drainage.

d. Significant on-site and off-site features that influence the activity, including:

1. Natural and artificial drainageways, wetland areas, ditches and hydrologic features;

2. Slopes and areas of subsidence;

3. Vegetative cover; and

4. Dams, reservoirs, excavations and mines.

e. Existing and proposed roads, railroad tracks, irrigation ditches, fences and utility lines on or adjacent to the site, shown by location and dimension.

f. Users and grantees of all existing and proposed easements and rights-of-way on or adjacent to the site, shown by location and dimension.

g. All existing and proposed structures and appurtenant facilities, shown by location and dimension.

h. Existing and proposed parking areas, driveways, sidewalks and paths, shown by location and dimension.

i. Description of the wastewater treatment system proposed to serve the activity, including location and size of leach field, sewer service lines and treatment facilities.

j. Location and size of wells and/or water lines to serve the activity.

k. A description of the source and capacity of the water supply, including:

1. Amount and quality of water;

2. The applicant's right to use the water, including adjudicated decrees and applications for decrees;
3. Proposed points of diversion and changes in the points of diversion; and
4. The existing uses of the water.

If an augmentation plan for the activity has been decreed or an application for such plan has been filed in court, the applicant shall submit a copy of that plan. For purposes of an activity involving storage, the applicant shall be the owner of the water rights to be stored in the facility. The applicant shall provide documentation of the applicant's ownership of the water rights to be stored in the facility.

- l. Calculation of impervious surface area.

m. Additional information that may be reasonably requested by the Town to enable an adequate evaluation of the application.

(4) Phasing and scheduling. Schedules for designing, permitting, constructing and operating the activity, including the estimated life of the activity.

(5) Operations of activity. Operational details, including the hours of operation, number of employees on site on a daily basis and types of vehicles that would be driven in the Watershed Protection District in association with the activity.

(6) Alternatives. Discussion of the alternatives to the activity that were considered and rejected by the applicant, including the general degree of feasibility of each alternative and a statement explaining why there is no alternative outside the watershed.

(7) Need for the activity. Discussion of the need for the activity, including existing and proposed facilities that perform the same or related function. (Ord. 6 §1, 2008)

Sec. 13-3-550. Property rights, permits and other approvals.

The following property rights and permits shall be included with the application:

(1) A list of all federal, state and county permits and approvals that have been or will be required for the activity, together with any proposal for coordination with the Town's permitting process.

(2) A description of property rights that are necessary for or that will be affected by the activity and documentation establishing property rights, and easement and right-of-way agreements connected with the site where the proposed activity will occur.

(3) Copies of all official federal and state consultation correspondence, correspondence and submissions prepared for the activity; a description of all mitigation and surety required by federal, state and local authorities; and copies of any draft and final environmental assessments or impact statements required for the activity. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-560. Technical and financial feasibility of the project.

The following technical and financial information shall be included to determine the feasibility of the project:

(1) The estimated construction costs and period of construction for each development component and the total mitigation costs for the activity.

(2) Revenues and operating expenses for the activity.

(3) The amount of any proposed debt and the method and estimated cost of debt service.

(4) Details of any contract or agreement for revenues or services in connection with the activity.

(5) Description of the persons or entities who will pay for or use the activity and/or services produced by the activity and those who will benefit from any and all revenues generated by it.

(6) Means that will be used to continue operation of any treatment or other mitigation facility to prevent pollution from impacts of the activity that may go beyond the active life of the activity. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-570. Land use.

The application shall include the following descriptions:

(1) Description of the existing land uses within and adjacent to the site where the proposed activity will occur.

(2) Description of land use policies set forth in comprehensive plans, master plans and intergovernmental agreements that are applicable to the activity and an assessment of whether the activity will be consistent with or further the objectives of these policies. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-580. Surface and ground water quality and quantity.

(a) The following surface water quality and quantity data and information shall accompany the application:

(1) A map and description of all surface waters that will be affected by the activity, including a description of applicable state water quality standards and existing water quality for water bodies that will be affected by the activity.

(2) A map and description of existing points of diversion for municipal, agricultural, industrial and recreational uses of water.

(3) Descriptions of the immediate and long-term impact and net effects that the activity would have on the quantity and quality of surface water under both average and worst-case conditions.

(4) A description and net effects that the activity would have on municipal, agricultural, industrial and recreational uses of water under both average and worst-case conditions.

(5) A map and/or description of existing stream flows and reservoir levels.

(6) A map and/or description of existing minimum stream flows held by the Colorado Water Conservation Board.

(7) A map of all springs and seeps.

(b) The following groundwater quality and quantity data and information shall accompany the application:

(1) A map and description of all groundwater, including any aquifers, that will be affected by the activity. At a minimum, the following information shall be provided:

- a. Seasonal water levels of the aquifer affected by the activity.
- b. Artesian pressure in aquifers and a description of how the activity may affect adjacent communities and users on wells.
- c. Groundwater flow directions and levels.
- d. Existing groundwater quality and classification.
- e. Location of all water wells and their uses.

(2) A description of the impacts and net effect of the activity on groundwater. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-590. Wetlands and riparian areas.

The following information regarding wetlands and riparian areas shall be included with the application:

(1) A map and description of all floodplains, wetlands and riparian areas that will be affected by the activity, including a description of each type of wetlands, species composition and biomass.

(2) A description of the source of water interacting with the surface systems to create each wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.).

(3) A description of the impacts and net effect that the activity would have on the floodplains, wetlands and riparian areas. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)

Sec. 13-3-600. Required Plans.

(a) A Water Quality Monitoring Plan shall be required by the Town to develop the baseline conditions and to ensure compliance with standards. The contents of a Water Quality Monitoring Plan are outlined in Appendix C to this Code.

(b) A Revegetation Plan shall include the following elements and shall address all relevant issues in the Erosion and Sedimentation Control Standards set forth in Section 13-3-390 of this Article:

- (1) Provisions by which disturbed areas are revegetated within one (1) year of disturbance.
- (2) Provisions by which vegetation is reestablished so that the density is adequate to prevent soil erosion and invasion of weeds after one (1) growing season.
- (3) Provisions by which to address the establishment, elimination and disposal of invasive weeds.
- (4) Provisions for the applicant to monitor revegetation. The basis for the extent, scope and frequency of monitoring shall be stated, taking into consideration the specific conditions at the site.

Such monitoring may employ methods different from those used in baseline vegetation data collection or evaluation of revegetation success.

(c) An Erosion and Sediment Control Plan shall include the following elements:

(1) Site map. A site map showing locations of any existing structures, water bodies or hydrologic features on the site, including intermittent water features, wetlands and the one-hundred-year floodplain boundaries.

(2) Drainage structures.

a. Locations of existing and proposed drainage structures or natural drainage features affecting site drainage on the parcel and within one hundred (100) feet adjacent to the site boundary, including drainage channels and other water conveyance structures, and wetlands or other water bodies receiving storm runoff from the site.

b. Preliminary engineering design and construction features for drainage structures to be constructed.

(3) Drainage plan. A drainage study for the activity shall be prepared and the site's drainage system shall be designed by a licensed professional engineer according to generally accepted storm drainage practices. The drainage study shall describe how the expected maximum water flows from any twenty-five-year flood event, and any one-hundred-year flood event shall be directed away from all buildings and other developed areas of the activity and adjacent lands and potential sources of water pollution. The drainage study shall anticipate flows from existing developed property, the proposed activity and other likely, future potential development. The drainage study shall show all existing lakes, wetlands, water courses and limits of tributary flows and, where practical, computation of expected tributary flows and the results indicated. The limits of the one-hundred-year floodplain shall be studied and plotted. Location and sizes of all culverts and other drainage structures shall be provided, and all bridges, drainage ditches, channels and easements shall be shown. A description of how runoff will avoid polluting existing lakes and water courses shall be included.

(4) Topography. Existing topography at reasonable contour intervals, to provide necessary detail of the site. The map should extend a minimum of one hundred (100) feet beyond the property line and show the location of the property line.

(5) Grading plan. A grading plan showing the proposed topography at reasonable contour intervals that provide necessary detail of the site. The plan shall show elevations, dimensions, location, extent and slope of all proposed clearing and grading, including building site and driveway grades.

(6) Soil stockpile and snow storage areas. Probable locations of soil stockpiles and snow storage areas.

(7) Equipment storage areas. Location of equipment storage areas.

(8) Temporary roads. Location of temporary roads designed for use during the construction period.

(9) Areas of steep slope. Areas with a slope of thirty percent (30%) or greater, identified by location and percentage of slope, both for the existing site conditions and within the developed area.

(10) Construction schedule. A construction schedule indicating the anticipated starting and completion time periods of the site grading and/or construction sequence, including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.

(11) Permanent stabilization. A plan of how the site will be stabilized and reclaimed after construction is completed.

(12) Erosion control measures. Plan view drawings of all erosion and sediment control measures showing approximate locations and site drainage patterns for construction phases and final design elements. Text may be necessary to accompany and explain the drawings. Typical erosion control measures should be depicted using standard map symbols.

(13) Estimated cost. The estimated total cost (installation and maintenance) of the required temporary soil erosion and sediment control measures.

(14) Calculations. Any calculations made for determining rainfall, runoff, sizing any sediment basins, diversions, conveyance or detention/retention facilities.

(15) Additional information or detail. Other information or data, and additional detail as may be reasonably required by the Town.

(16) Signature blocks. Signature block for the owner or legal agent acknowledging the review and acceptance of responsibility, and a signature and stamped statement by the qualified individual acknowledging responsibility for the preparation of the Erosion and Sediment Control Plan.

(d) A Grading Plan shall be provided, showing elevations, dimensions, location and extent of all proposed grading, excavating, filling or surfacing to occur as a result of the activity, including the volume of material to be removed or moved.

(e) The Monitoring and Mitigation Plan shall describe the proposal for mitigation and monitoring to ensure that the activity will not harm, damage or injure the Town's waterworks or pollute the Town's water supply. At a minimum, the following shall be addressed.

(1) A description of all mitigation for the activity, including:

- a. How and when mitigation will be implemented and financed; and
- b. Impacts that are unavoidable and cannot be mitigated.

(2) A description of methodology used to measure the impacts of the activity and effectiveness of proposed mitigation measures.

(3) A description, location and intervals of proposed monitoring to ensure that mitigation will be effective.

(4) Written authorization, easements and other agreements that are necessary to conduct any proposed off-site mitigation and monitoring activities.

The Monitoring and Mitigation Plan shall contain reporting requirements acceptable to the Town to ensure that the activity will not harm, damage or injure the Town's waterworks or pollute the Town's water supply.

(f) The Spill Prevention, Storage, Control, Countermeasure and Contingency Plan shall describe in detail spill prevention, containment, control, storage, countermeasure and clean-up procedures and protocols that will prevent hazardous materials, pesticides, petroleum products, fuels, lubricants and other substances from entering into, harming, damaging or injuring the Town's waterworks or causing pollution to the Town's water supply. The minimum contents of the Spill Prevention, Storage, Control, Countermeasure and Contingency Plan are outlined in Appendix D to this Code.

(g) The Emergency Response Plan shall address fire protection, hazardous spills and other events that could pose a threat to the health, safety and welfare of the Town, including, without limitation, the owner's emergency contact information, proposed signage, access and evacuation routes and health care facilities anticipated to be used. The Plan shall include a provision for the owner to reimburse the appropriate emergency response service providers for costs incurred in connection with the emergency. (Ord. 6 §1, 2008; Ord. 4 §1, 2009)