

Clearing and Grading Permit – Code Amendment DRAFT 1-2019

Chapter 2 2-02-22

CLEARING AND GRADING (GRD) PERMIT

PURPOSE

The purpose of this section is to provide processing requirements for clearing and grading permits in order to review, consider, approve, approve with modifications, or deny a request for permission to clear bush and/or vegetation, excavate or import soils, disturb land and/or, change the topography of land within the unincorporated Adams County.

APPLICABILITY

All clearing and grading (GRD) permits must be processed in accordance with this section. A clearing and grading GRD permit is required if:

1. The total area of land disturbance is to be 3,000 square feet or greater or
2. The cumulative fill and/or excavation exceeds 50-cubic yards

A clearing and grading GRD permit is the only mechanism to provide authorization under which land may be cleared of vegetation, excavated, receive imported soils, disturbed and/or, the topography of the land altered. **In accordance with Section 5-02-02, properties that are the subject of an active Subdivision case cannot be issued a clearing and grading permit prior to the approval of the subdivision plat.** Agricultural and farming activities are exempt from this requirement.

WHO CAN INITIATE A **GRD** PERMIT

A clearing and grading permit may be requested by, without limitation, the owner(s) of the property to which the clearing and grading work is to be performed, the owner of the utility, or any person(s) performing work within the County with legal right to perform such work. The applicant has the burden of proof to demonstrate the clearing and grading permit fully complies with these standards and regulations and meets the criteria for approval.

PERMIT APPLICATION

The applicant must submit to the County the following documentation to obtain a Clearing and Grading Permit:

1. A complete GRD Permit Application on the form prescribed by the County. The application shall be signed by a person responsible for compliance with the GRD permit throughout the duration of the permit's validity.
2. An Erosion and Sediment Control Plan (ESCP) that includes the narrative and civil EC Plan, according to Section 9-03-08 ESCP.

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3. ~~GRD Permit fees in accordance with Section 9-03-06 GRD Permit Fees.~~
4. Other materials as deemed appropriate by the County to ensure compliance with this Regulation.

GRD permits are issued for a period of six (6) months, and solely for the specific applicant, scope of work, location and size of the proposed development. Any GRD permit renewal or modifications to the scope of work, location or size of the permitted area (area within the construction boundary line where land disturbing activities are allowed to take place) must be pre-approved in writing by the County. Amendments to the permit shall be filed by the Permittee with the County on a form prescribed by the County. GRD permits will not be approved until construction plans are approved. If there is no construction activity for a period longer than 6 months then any GRD Permit issued will be automatically terminated. ~~All applicable GRD permit fees are non-refundable.~~

GRD PERMIT FEES

GRD Permit fees shall be established from time to time in the annual fee schedule adopted by the Board of County Commissioners. The permit fees shall be paid at the time of submittal of the GRD Permit application. All applicable GRD permit fees are non refundable.

CLEARING AND GRADING PERMIT REVIEW PROCEDURES

A clearing and grading permit may be approved by the Director of Community and Economic Development. The processing of an clearing and grading permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for a clearing and grading permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. Notification of adjacent property owners may be required if the proposed development could have offsite impacts. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable
7. Public Hearing: Not applicable. In substitution, an application for a clearing and grading permit shall be reviewed and approved, approved with modifications, or denied by the Director of Community and Economic Development based on its compliance with these standards and regulations.
8. Standards: Not applicable. In substitution, an application for clearing and grading permit shall be reviewed for compliance with these standards and regulations.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development may impose any conditions determined to be necessary to assure the safety of the general public, protect the County's infrastructure, adequately

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accommodate the type and volume of traffic during the work, and deal with anticipated traffic volumes and road improvements.

10. Amendments: Not applicable. In substitution, an amendment to a clearing and grading permit may be authorized by the Director of Community and Economic Development provided the clearing and grading permit remains in compliance with all applicable standards and regulations.

CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a clearing and grading permit shall find:

1. The clearing and grading permit is consistent and complies with the requirements of these standards and regulations for the type of work to be performed.
2. The work to be performed will be of such a standard and condition as to prevent adverse affect to neighboring properties.
3. Adequate controls have been established to ensure compliance and safety during the course of work.
4. Adequate financial guarantees have been provided to ensure that any problems arising from the work to be performed can be reasonably remedied by the County, if necessary.

RIGHT OF ENTRY

Refer to Chapter 1 of these standards and regulations for the authority to enter onto private property within unincorporated Adams County for inspection purposes.

Additionally, the landowner, developer, builder, or GRD Permittee must allow County staff the right-of-entry for the following:

1. To enter upon the construction project premises to investigate, within reason, any actual, suspected, or potential source of water pollution, or violation of these regulations. The investigation may include, but is not limited to, the following: sampling of any discharge or process waters, the taking of photographs, interviewing associated personnel on alleged violations, and access to any and all facilities or areas within the project premises that may have any effect on the discharge, permit, or alleged violations.

LAPSE OF APPROVAL

The clearing and grading permit shall be valid for a period of six (6) months from the time such clearing and grading permit is issued unless fully and properly acted upon and completed.

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EXTENSION OF APPROVAL

The Director of Community and Economic Development may grant extensions of up to six (6) months. In order to be eligible for an extension, the applicant shall file a request for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the clearing and grading permit would lapse, unless waived by the Director of Community and Economic Development.

FINAL CONSTRUCTION SITE STABILIZATION

The GRD permit shall remain active until ~~such time as the site as~~ Final Construction Site Stabilization has occurred.

Final Construction Site Stabilization occurs when all ground disturbing activities are complete, and all disturbed areas have either been built on, paved over or a uniform vegetative cover has been established per conditionally accepted ESCP.

Prior to SWQ-GRD Permit closeout, all items listed below must be completed in order for the construction site to be considered to have final stabilization:

1. The site has a uniform vegetative cover with a density of at least seventy percent (70%) compared to the original undisturbed site. Vegetative cover shall be established with the approved seed mix, sod or a combination thereof.
2. If applicable, proper installation and maintenance of all approved permanent post-construction stormwater quality treatment BMPs.
3. Removal of all stockpiles of soil, construction material/debris, construction equipment, etc. from the construction site.
4. Streets, parking lots and other surrounding paved surfaces are clean and free of any sediment or debris.
5. Removal of sediment and debris within the private or adjacent public storm drainage system.
6. Restoration and stabilization of any damaged public infrastructure caused by the Permittee's construction activities.

Any acceptance of installed vegetative cover shall not be construed to relieve the property owner of the duty to warrant and maintain the installed vegetative measures as aforementioned.

PERMIT CLOSEOUT NOTIFICATION

The Permittee must contact the County to set up a Closeout Inspection.

The purpose of the Closeout Inspection is to verify the site is adequately stabilized and/or covered with pavement or structures, per the County accepted plans.

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If the County needs to conduct more than one Closeout Inspection, an inspection fee may be assessed for each additional closeout inspection, as approved by Adams County Annual Fee Schedule adopted by the Board of County Commissioners.

AUTHORITY

Enforcement of the Adams County GRD Permit are the responsibility of the Department of Public Works.

The Department of Public Works is hereby authorized to sign-off (or withhold the approval) of associated County permits (e.g. Building, Right-of-Way, Infrastructure, etc.) with a ~~stormwater~~ signature line once all GRD Permit conditions have been met.

The Department of Public Works is hereby authorized to sign off on the Certificate of Occupancy (C.O.) for buildings holding a GRD Permit. In order for the Department of Public Works to sign off on a C.O., the associated overall site shall be in compliance with the GRD Permit requirements. Sites that are under an enforcement action may not receive a sign off by the Department of Public Works.

ENFORCEMENT POLICIES

It is the policy of Adams County to encourage compliance with the approved GRD permit by working with the landowner, developer, builder, or GRD Permittee during construction.

The County may allow the landowner, developer, builder, or GRD Permittee a reasonable amount of time to re-inspect the site to ensure necessary measures have been completed to bring a construction site into compliance prior to formal enforcement.

The County considers the owner of the land the ultimate responsible party for all construction activities. It is ultimately the responsibility of the landowner to take all necessary measures to ensure the site is in compliance with County, State and Federal statutes, regulations, ordinances and permits.

The County has, to the maximum extent practicable, made its Clearing and Grading Regulations consistent with the requirements of the Adams County Stormwater Quality Permit and the State CDPS Stormwater Discharge Permit for Construction Activities. In the event of conflicting requirements, the most stringent or restrictive shall govern.

CONSTRUCTION STORMWATER VIOLATIONS

The following items are considered, but not limited to, a violation of the Stormwater Clearing and Grading Regulations and/or Stormwater Quality Clearing and Grading (GRD)SWQ Permit:

1. Conducting a permit covered activity without a County GRD Permit.

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2. Failure to prepare an Erosion and Sediment Control Plan (ESCP).
3. Failure to prepare an Erosion Control (EC) Plan
4. Conducting a permit covered activity without Adams County review and conditional acceptance of the ESCP.
5. Conducting activity without a State CDPS Stormwater Discharge Permit for Construction Activities (when applicable).
6. Failure to renew the SWQ-GRD Permit.
7. Deficient ESCP.
8. Failure to update the ESCP adequately to reflect current site conditions.
9. Failure to install, maintain or properly select stormwater pollution prevention Best Management Practices (BMP).
10. Failure to correct findings from previous Adams County Regulatory Inspections.

PENALTIES

In addition to penalties listed under Chapter 1 of these standards and regulations, the following penalties may apply to any person, landowner, developer, builder, or GRD Permittee if such person fails to adequately comply with the measures required by the ESCP, EC Plan, GRD Permit, Stormwater Quality Regulations or other written requirements by the County. The remedies listed below are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the County to seek alternative and/or cumulative remedies.

Verbal or Written Warning: Advice of non-compliance given by the County to the Permittee that indicates the Permittee is in violation with County Regulations and directing immediate resolution.

Notice of Violation (NOV): As define in Chapter 1 of these standards and regulations. Additionally the NOV shall include re-inspection dates in which the County returns to the site to ensure completion of corrective and preventative measures. Possible measures may include, but are not limited to; vacuum and jetting storm sewer structures, attending educational training, submitting standard operating procedures, posting signage, reimbursing the County for any additional inspection cost and/or spill material provided by the County, etc. When clean-up and repairs are not feasible, then alternative equivalent activities may be directed such as, but not limited to, storm drain stenciling, attendance to compliance workshops, and trash cleanup.

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Suspension or Revocation of Permits: As define in Chapter 1 of these standards and regulations. All fees for re-issuance of a new permit must be paid prior to re-issuance of the permit.

Permit Fee Increase: As established in the Annual Fee Schedule adopted by the Board of County Commissioners.

Certificate of Occupancy (C.O.) Withhold: As define in Chapter 1 of these standards and regulations. In Addition, the County may withhold the Certificate of Occupancy (C.O.) sign off if the associated overall site is not in compliance with the GRD Permit requirements. Sites that are under an enforcement action will not receive a sign off by Public Works Department.

Cease and Desist Order: As define in Chapter 1 of these standards and regulations.

Payment of additional Inspections: A person or landowner may be charged inspection fees for more than one regular follow-up regulatory inspection or any inspection triggered by a Notice of Violation as established in the Annual Fee Schedule adopted by the Board of County Commissioners.

Stringent ~~Stormwater~~ Self-Inspection Frequency: Permittees may be required to conduct GRD self- inspections on a more stringent frequency if the Permittee is non-responsive after two NOV, or systematic/chronic violator.

Financial Surety Withdrawal: The County may, after notifying the SWQ-GRD Permittee of the required maintenance and/or BMP removal, and such person's failure to perform such maintenance and/or BMP removal within ten (10) business days thereafter, enter upon the property and perform or cause to be performed the required work and assess the reasonable costs and expenses of such work against such person. At such time, as any assessment for work performed by the County has not been paid by the SWQ-GRD Permittee, the County shall withdraw from the GRD Permit Financial Surety;

Civil/Criminal Action: As define in Chapter 1 of these standards and regulations.