

**SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE  
CHAPTER 7: Water Quality Control Regulations**

<b>DEVELOPMENT CODE REVISIONS CHAPTER 7<sup>1</sup></b>			
<b>CASE #</b>	<b>RESO #</b>	<b>SECTION/DESCRIPTION</b>	<b>DATE</b>
95-16	96-08	7105 – 7105.06	2/26/96
04-077	07-44	Comprehensive Amendments to the Code	5/22/07
10-143a	12-48	Sections 7105.01 & 7105.03: Applicability of the County Wetland Regulations	7/24/12
14-112	22-41	Comprehensive Amendments to the Code	6/14/22

<sup>1</sup> 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.

**TABLE OF CONTENTS**  
**CHAPTER 7**

7000: INTRODUCTION .....	3
7001: Purpose and Intent .....	3
7002: Authority .....	3
7003: Requirement for Grading Permit.....	3
7004: Water Quality Control Manual.....	3
7100: DEVELOPMENT STANDARDS FOR CONTROL OF WATER QUALITY .....	3
7101: Performance Standards for Construction Activities .....	3
7101.01: Plan Requirements .....	3
7101.02: Financial Guarantee .....	4
7102: Slope Limitations.....	4
7102.01: Extent of Site Disturbance .....	4
7102.02: Design of Roads and Driveways .....	4
7102.03: Compliance with Soils Report.....	4
7102.04: Design of Utilities .....	5
7102.05: Erosion Control Plan.....	5
7102.06: Revegetation Plan .....	5
7102.07: Urban Run-Off Control Plan .....	5
7102.08: Financial Guarantee .....	5
7102.09: Compliance with Other County Requirements .....	5
7103: Streamside Buffers .....	5
7103.01: Restrictions on Soil Disturbance Adjacent to Water Bodies .....	5
7103.02: Placement of Cantilevered Structures.....	6
7103.03: Criteria for Work to Restore or Improve Aquatic, Wetlands or Riparian Habitats.....	6
7104: Reserved.....	6
7105: Wetland Regulations .....	6
7105.01: Establishment of Wetland Areas and Wetland Buffers .....	6
7105.02: Criteria for Approval of a Wetland Disturbance Permit .....	7
7105.03: Submittal Requirements for a Wetlands Disturbance Permit .....	8
7105.04: Best Management Practices for Protecting Wetlands and Wetland Buffers .....	8
7105.05: Financial Guarantee .....	9
7105.06: Compliance with Applicable State and Federal Permit Requirements.....	9
7106: Road Construction and Maintenance Standards .....	9
7200: EXEMPTIONS FROM WATER QUALITY CONTROL REQUIREMENTS.....	9
7201: Single-Family Construction .....	9
7202: Activities Exempted from Grading Permits.....	9
7300: REQUIRED FEES .....	10
7400: ENFORCEMENT OF WATER QUALITY CONTROL REGULATIONS.....	10
7401: Requirement for Improvements Agreement .....	10
7402: Guarantee of Grading Work.....	10

**7000: INTRODUCTION**

**7001: Purpose and Intent**

- A. The purpose of the Water Quality Control Regulations is to define the Summit County Government's regulations and authority to prevent degradation of water quality in surface waters within Summit County, and to contribute to the management of phosphorus levels in Dillon and Green Mountain Reservoirs from run-off and erosion. Phosphorus above certain levels would lead to eventual eutrophication of these reservoirs, thus undermining their value as recreational and aesthetic resources for Summit County ("County"). The reservoirs play an important role in the County's summertime economy and are essential to its continued prosperity.
- B. Continued growth in the County depends on the ability of wastewater treatment plants to expand, and thus on increases in phosphorus allocated to these plants. These regulations have enabled the County to implement a trade-off program and to provide for continued growth. Further, development can contribute to increased phosphorus levels if left unregulated, and if increased sediment is permitted to be transported in stormwater runoff resulting from untreated excavations.
- C. Another purpose of the regulations contained within this chapter is to protect sensitive natural and cultural resources related to waters, wetlands, and the functions and values associated with those resources. Specifically, the wetland regulations contained within this chapter are intended to provide for no net loss of wetlands within the County as a result of human development or activities.

**7002: Authority**

The County is authorized by Colorado State Statutes (C.R.S.) to plan for and regulate the use of land 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)]; to 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, penalties and appropriate action to abate or remove unlawful alterations, maintenance or use of property [C.R.S. § 30-28-114, C.R.S. § 30-28-124 and C.R.S. § 30-28-137]. The adoption of the County Water Quality Control Regulations (Chapter 7) is based on this authority.

**7003: Requirement for Grading Permit**

- A. A grading permit must be obtained from the County Engineering Department prior to conducting any earth-disturbing activity, with the exceptions as provided in Section 6400 and as referenced in Section 7202. Grading plans and specifications approved in conjunction with the issuance of a grading permit must comply with the Water Quality Control Regulations herein. The application requirements and procedures for obtaining a grading permit shall be as set forth in Chapter 6 of this Code.
- B. Activities exempt from grading permit requirements are not exempt from meeting the requirements of the Water Quality Control Regulations except as provided in Section 7200.

**7004: Water Quality Control 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 may be published in the form of a manual and be made available to the public. Any earth-disturbing activity that must comply with the Water Quality Control Regulations must also comply with the water quality control manual. In the event of any conflict between the manual and the Water Quality Control Regulations, these regulations shall govern.

**7100: DEVELOPMENT STANDARDS FOR CONTROL OF WATER QUALITY**

**7101: Performance Standards for Construction Activities**

**7101.01: Plan Requirements**

Prior to final approval of a proposed subdivision, site plan or issuance of any building permit for a development proposal, an engineered drainage report and plans shall be submitted to and approved by the Engineering Department meeting all of the following standards that are applicable to the project:

SUMMIT COUNTY DEVELOPMENT CODE  
CHAPTER 7: Water Quality Control Regulations

- A. Prevention of soil loss from the construction site as a result of erosion produced by a 25-year, 24-hour design storm (2.2 inches). This standard shall be met both during and after construction.
- B. Prevention of any increase in the historic rate of run-off from the development site produced by the 25-year, 24-hour design storm (2.2 inches). This standard shall be met both during and after construction.
- C. Prevention of any direct discharge of storm water to a lake, stream or intermittent stream.
- D. Provision for revegetation which:
  - 1. Provides for site coverage of disturbed areas after development equal to or better than vegetative coverage prior to development, where such areas are not intended to be used for roads, driveways or parking areas; and,
  - 2. Provides for coverage with native species or, alternatively, other hardy species provided with an irrigation system.
- E. Diversion of run-off from snow storage areas into detention facilities.
- F. Provision for adequately sized detention facilities where dewatering of excavations is needed.

**7101.02: Financial Guarantee**

A site improvements agreement or a subdivision improvements agreement, and associated financial guarantee, shall be posted by the permit holder to ensure the provisions of Chapter 7 are met when a site plan improvements agreement or subdivision improvements agreement is required by the provisions of this Code. Such improvement agreements and the associated financial guarantees shall be in accordance with the applicable regulations contained within Sections 8109 and 12607 et seq. of this Code. If a site plan or subdivision improvements agreement is not required by other provisions of this Code, the County may require that a site plan improvements agreement and associated financial guarantee be posted in accordance with the provisions of Section 12607 et seq. to ensure a site is constructed in accordance with these Water Quality Control Regulations.

**7102: Slope Limitations**

With respect to development that is permitted by zoning, construction is allowed on 3.33:1 (30 percent (“%”)) or steeper slopes only if (1) such disturbance is sought at the time of site plan review, or grading permit review for a legally created lot or parcel; and (2) the provisions of Sections 7102.01 through 7102.09 are met.

**7102.01: Extent of Site Disturbance**

Site disturbance shall not exceed 15% of that portion of a site where slopes are 3.33:1 or greater, unless evidence can be presented to the satisfaction of the County Engineer that no water quality impacts will occur. The area to remain undisturbed shall be protected by a barrier (e.g. snow fencing) to prevent its disturbance. Lots platted or legally created prior to September 1986 may be exempted from this requirement if:

- A. The disturbance limitation of 15% would prevent reasonable use of the lot for construction;
- B. The design of any retaining structures, which shall include foundation walls and entire structures built into steep slopes, shall be evaluated for local and global stability and factors of safety against sliding, overturning, and soil bearing conditions; and,
- C. The remaining standards in Sections 7102.02 through 7102.09 are met as deemed necessary by the Engineering Department.

**7102.02: Design of Roads and Driveways**

All roads and driveways shall comply with County requirements as set forth by the Summit County Road & Bridge Standards (Chapter 5 of this Code).

**7102.03: Compliance with Soils Report**

Areas intended to be used for roads, driveways and structures shall be designed for such use by a Colorado Licensed Professional Engineer with proficiency in such design. An applicant is also responsible for submitting a soils report as part of their application for subdivision, or if no subdivision is involved, at the time application for grading permits is made (the soils report is to be submitted as part of the geotechnical report required in grading permit applications). The County Engineer shall approve designs of roads and driveways prior to the issuance of grading permits. The County Building Official shall approve foundation designs prior to issuance of building permits. Inspections shall be conducted in accordance with the County's Grading and Excavation Regulations (Chapter 6 of this Code) and the

applicable Building Code to ensure site work and construction conform to the approved plans.

**7102.04: Design of Utilities**

All utilities, public or private, shall be designed by a licensed engineer. Such design shall be submitted as a part of any permit application.

**7102.05: Erosion Control Plan**

An erosion control plan for the site that meets the standards set forth in Sections 7101.01.A through 7101.01.C and 7101.01.F shall be prepared by a licensed engineer having knowledge and experience in civil engineering and hydrology. Approval of the erosion control plan shall be obtained from the County Engineer prior to issuance of any grading or building permits for the site. The Engineering Department may inspect the site periodically during construction to ensure compliance with the approved plan and must inspect and approve long-term erosion control measures before a Certificate of Occupancy (“CO”) is granted.

**7102.06: Revegetation Plan**

A revegetation plan that meets the standards set forth in Section 7101.01.D shall be prepared by an individual having a degree in landscape architecture or comparable expertise, and sufficient experience in landscaping installation and maintenance to ensure the success of the plans they propose. Approval of the revegetation plan shall be obtained from the Engineering Department prior to issuance of any grading or building permits for the site. The Engineering Department shall inspect the site periodically for four (4) years from the date revegetation work is done to ensure compliance with the plan.

**7102.07: Urban Run-Off Control Plan**

An urban run-off control plan which meets the standards set forth in Section 7101.01.B, 7101.01.C and 7101.01.E shall be prepared by a licensed engineer having knowledge and experience in civil engineering and hydrology. Approval of an Urban Run-Off Control Plan shall be obtained from the County Engineer prior to issuance of any grading or building permits for the site. The Engineering Department may inspect the site periodically during construction to ensure compliance with the approved plan, and must inspect and approve long-term urban run-off control measures before a CO is granted.

**7102.08: Financial Guarantee**

The County may require that a site plan improvements agreement and associated financial guarantee be posted in accordance with Section 7101.02.

**7102.09: Compliance with Other County Requirements**

In addition to the requirements of this Section 7102, development proposals must comply with all other County standards applicable to construction or soil disturbance on slopes greater than 3.33:1.

**7103: Streamside Buffers**

**7103.01: Restrictions on Soil Disturbance Adjacent to Water Bodies**

Soil disturbance is prohibited within 25 feet of a lake, stream or intermittent stream except when approved by the Engineering Department and when the water body or intermittent stream is hydrologically isolated from all earth disturbance according to the following procedures:

- A. **Installation of Cofferd Dam:** An acceptable coffer dam is installed to isolate the water body from construction and is maintained in place until revegetation and bank stabilization is complete and permission is granted by the Engineering Department to remove the dam.
- B. **Containment of Stream:** If a stream or intermittent stream is involved, the stream is completely contained during construction from 50 feet upstream of any site disturbance to 50 feet downstream of any site disturbance. For streams and intermittent streams, the conveyance shall be sized for a minimum flow with a ten percent (10%) chance of occurrence. The conveyance shall be installed prior to any construction and shall be removed only

when permission is granted by the Engineering Department.

- C. **Alternative Methods:** An alternative method for protection of water bodies to those required in Sections 7103.01.A and 7103.01.B may be used if approved by the County Engineer.

**7103.02: Placement of Cantilevered Structures**

A cantilevered structure may overhang the streamside buffer, but not any required wetland buffer per the Wetland Regulations as set forth in Section 7105 et seq., as long as no disturbance occurs within the buffer area, floodplain requirements are met, and approval is granted by the Engineering Department.

**7103.03: Criteria for Work to Restore or Improve Aquatic, Wetlands or Riparian Habitats**

Work within a lake, stream or river corridor may be permitted if the following criteria are met:

- A. The purpose of the work is to restore, enhance or create aquatic, wetland or riparian habitat, as determined by the County Engineer;
- B. The project has the required approval(s) issued by the appropriate and relevant local, state, and federal authorities;
- C. If the project purpose is to improve fishery habitat and involves primarily in-channel work, the project shall be referred to the Colorado Department of Parks and Wildlife (CPW);

Evidence of necessary federal or state permits and/or approvals for this work must be submitted to the Engineering Department prior to issuance of grading or wetland permit(s).

**7104: Reserved**

**7105: Wetland Regulations**

Purpose and Intent: The wetland regulations set forth in this section are intended to complement and operate in conjunction with the Federal Clean Water Act. The wetland disturbance provisions of this Code apply notwithstanding any Federal jurisdictional determination on waters or wetlands within Summit County by the US Army Corps of Engineers or US Environmental Protection Agency.

Independent Survey Requirements: In light of the purpose and intent of these regulations and this section, if there is any evidence that a proposed development site subject to disturbance may contain wetlands as such term is defined in Chapter 15 of this Code, the County shall require the developer to obtain and submit a wetlands survey by an independent third party consultant specializing in wetlands delineations as recognized by the U.S. Army Corps of Engineers, Sacramento District, on its periodically updated "Wetlands Consultants List". In any individual case, the Engineering Department may determine that the wetland delineation report must be reviewed by the US Army Corps of Engineers prior to its being accepted by the County.

Once accepted by the County, the surveyed area is considered a Delineated Wetland for purposes of these regulations. In some cases, to establish the appropriate wetland buffer, access to adjacent property not owned by the applicant may be required. The applicant(s) shall attempt to obtain this permission and, where not granted the width of the buffer shall be developed by the applicant through other means than on the ground wetland delineation.

Unless otherwise specified, wetland specific terms shall be as defined by the Hydrogeomorphic (HGM) Classification System for Wetlands utilized by the USDA.

**7105.01: Establishment of Wetland Areas and Wetland Buffers**

**A. Required Buffer.**

Unless specifically permitted as provided for in this Code and approved by the County under 7105.03 or exempted in Part C of this section, soil disturbance and structures are prohibited within 25-feet of a Delineated Wetland Area.

**B. Additional Buffer**

Project-specific or site-specific wetland buffers shall be established at the time of development review in the case of all Class 5 development applications, based on the functions, values, and quality of the wetlands in proximity to the project site, as well as the level of impact the project poses on such wetlands and the waters to which those wetlands are adjacent. All Class 5 development applications where the County Engineer finds that wetlands may

be impacted by project implementation shall be accompanied by a specific wetland impact report, in addition to the typical delineation and mitigation report(s), that proposes a specific wetland buffer necessary to ensure that all potential resource impacts are avoided, and that the aquatic environment of the Blue River watershed is protected. This report shall evaluate the hydrology, wildlife impacts, presence of any rare or threatened species, or any other factors that merit additional protection beyond the 25-foot buffer established in sub-section A above.

**C. Exemptions**

Work in a wetland area or a wetland buffer may be exempted by the County Engineer from the requirements set forth in this Section 7105 *et seq.* provided there is no adverse impact to wetlands, habitat or the aquatic environment of the Blue River watershed, and the work falls in one or more of the following categories:

1. The purpose of the project is to revegetate a buffer to a natural, weed-free state without extensive grading;
2. The work is water dependent such as docks and piers;
3. The work is directly related to farming, ranching and silviculture;
4. The work involves only routine road maintenance as more particularly described in Section 7106;
5. The purpose of the work is restoring wildlife habitat, wetland restoration, implementation of a compensatory wetland mitigation plan approved by the County and/or the US Army Corps of Engineers, or aquatic and stream restoration activities;
6. The work is limited to routine maintenance performed on stormwater facilities (e.g. detention ponds; ditches) where wetlands have developed incidentally to the construction of such facility and were not established for the purpose of wetland mitigation;
7. The work involves construction of an at-grade, natural surface trail in a buffer under the supervision of the Summit County Open Space and Trails Department.

**7105.02: Criteria for Approval of a Wetland Disturbance Permit**

The County Engineer may issue a Wetland Disturbance Permit for disturbance and restoration/replacement of wetland areas or the wetland buffer if the disturbance activities in the wetland area and the associated buffer meet all of the following criteria:

- A. There is no practicable alternative to a proposed disturbance of a wetland or the wetland buffer, and such activity is to either: 1) meet a master plan policy; 2) meet a policy of this Code; or 3) allow reasonable use of the property, after considering all other practicable alternatives. The County will evaluate the practicability of an alternative that avoids or minimizes wetland impacts based on information including but not limited to site logistics, existing technology, and the extent of the wetland impact in light of the project purpose.
- B. The mitigation locations shall be considered in the following priorities, from highest to lowest:
  1. Onsite
  2. Within the same minor drainage basin
  3. Within the same sub-basin (defined by regional planning areas, i.e. lower blue, upper blue, ten mile, or snake river)
  4. Within the County
  5. Within the Blue River basin
- C. The project will minimize the degree of impact on the wetland area and the associated buffer to the greatest extent practical using the best management practices outlined in Section 7105.04.
- D. The project will establish a natural vegetated condition with a mix of vegetation types in any new and existing wetland buffer.
- E. The project will not violate other applicable regulations and laws (e.g., state water quality standards, Endangered Species Act, or significantly degrade the waters of the United States or any other wetland (or waters of the County).

Tree or brush removal within a wetland or buffer shall be pursuant to an approved wildfire mitigation plan prepared by a wildfire mitigation professional with demonstrated expertise in preparation of such plans and accepted by the County. The County will review the entire plan including proposed impacts, wetland functions and the compensatory mitigation plan, and may require that the applicant provide on-site or nearby compensatory mitigation in the Blue River watershed if the County deems that the long term water quality and ecosystem services of the Blue River watershed would be better protected.

**7105.03: Submittal Requirements for a Wetlands Disturbance Permit**

The following submittal requirements apply:

1. Wetland Delineation in accordance with the criteria set forth in Section 7105;
2. Site Survey performed by a licensed surveyor showing the wetland areas and buffers;
3. Proposed Wetland Mitigation Plan designed by a qualified wetland consultant;
4. Restoration Plan for buffer areas;
5. Narrative regarding necessity and analysis of alternatives;
6. Additional site specific information deemed necessary by the County Engineer.

**7105.04: Best Management Practices for Protecting Wetlands and Wetland Buffers**

Pursuant to the issuance of a Wetland Disturbance Permit and acceptance of a Wetland Mitigation Plan, any earth disturbance within any wetland areas or the associated buffers shall, to the extent practicable and appropriate, include the following best management practices and follow industry standards for temporary and permanent erosion control:

- A. Time grading and construction to minimize soil exposure during periods of snowmelt and rainy periods;
- B. Retain and protect natural vegetation; strip only the area required for construction in stages;
- C. Infiltrate runoff from impervious surfaces by locating infiltration trenches below driplines, walkways, parking areas and driveways;
- D. Minimize length and steepness of exposed slopes by designing with the natural topography; prevent erosion on exposed slopes by placing barriers, such as straw bale dikes, erosion control wattles and other appropriate techniques;
- E. Keep runoff velocities low to prevent high erosive powers by using flow barriers (vegetation, rip-rap, etc.);
- F. Protect drainage ways and outlets from increased flows by using rip-rap or approved geotextile fabrics such as turf reinforced mats (TRM's);
- G. Trap sediment on-site by using straw bales, filter fences, straw wattles, and sand bags;
- H. Any disturbed areas must be replanted with native vegetation;
- I. Natural hydrologic flows will be conveyed through the site;
- J. Utility lines that may cross through a wetland to serve a development shall be placed within the driveway footprint to avoid, or minimize, wetland impacts to the maximum extent practicable.
- K. Where avoidance or minimization is not practicable, pier foundations may be required for all structures located within wetlands or their respective buffers where typical foundations may interrupt groundwater flow to or from the wetland;
- L. For all structures located within 100 feet up-gradient of a Slope wetland or other groundwater dependent wetland, pier foundations may be required, and basements and crawl spaces are prohibited;
- M. Where avoidance or minimization is not practicable, basements and crawl spaces are not permitted within any wetland or respective wetland buffer;
- N. Where a driveway crossing a Fen wetland cannot be avoided, the driveway must be elevated;
- O. Minimize earth movement by avoiding cut and fill slopes;
- P. Foundations shall be stepped down the slope to minimize cut and fill;
- Q. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety;
- R. Appropriate erosion and sedimentation prevention measures must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date;
- S. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the primary purpose is to impound water;
- T. Any motorized equipment working in wetlands must be placed on mats or other measures must be taken to avoid soil disturbance;
- U. Tree removal required by an approved fire mitigation plan shall be conducted in a manner that does not result in soil disturbance that may cause changes to the wetland character as a result of the use of mechanized equipment;
- V. The number of stream crossings by roads and utilities shall be minimized to the maximum extent practicable. In designing such crossings, the standards set forth in Section 7103.01 shall be met.
- W. Any buried utility line or pipe in wetlands must include clay dikes in the bedding (impermeable barriers) constructed perpendicular to the direction of the line to prevent capture and movement of groundwater, and documentation of the installation must be provided to the County. Side-cast of material during construction must be placed on geotextile fabric, and the excavated soils shall be sorted to separate topsoil from subsoils, and the soils must be returned to the trench in proper order.
- X. Any other appropriate measure as deemed necessary by the County Engineer.

**7105.05: Financial Guarantee**

A subdivision improvements agreement or site plan improvements agreement and associated financial guarantee shall be provided to ensure the requirements of the Wetland Regulations are met. The amount of the financial guarantee shall be based on an official estimate, provided on company letterhead of the duly authorized and credentialed wetland consultant of record on the project. The term of the financial guarantee for the period following installation shall be a minimum of three (3) years in order to ensure that successful, stable plant establishment is achieved for all wetland plantings, unless a longer warranty period is required by a specific agreement or zoning document.

**7105.06: Compliance with Applicable State and Federal Permit Requirements**

Prior to issuance of any required grading permit, building permit, or approval of a subdivision, site plan or grading plan application, the project proponent shall submit a plan to meet the standards set forth in Section 7105.03 and 7105.04. Prior to issuance of any County permits, the applicant must present evidence of compliance with Section 404 of the Federal Clean Water Act (“CWA”). However, if the areas contain wetlands that are determined to be non-jurisdictional by the US Army Corps of Engineers, and the US Environmental Protection Agency per the CWA, those wetlands may still be considered wetlands of Summit County. If the site contains what are delineated as wetlands under the US Army Corps of Engineers 1987 Wetlands Delineation Manual and 2012 Supplement for Western Mountain and Valleys (or future supplements to the manual), or areas that would meet the definition wetlands per these manuals; then those wetland areas are wetlands of Summit County and subject to these regulations. Documentation and compliance with all potential Section 404 matters shall remain the sole and ongoing responsibility of the project proponent, and any failure to maintain such compliance may lead to suspension or revocation of any approvals provided under this Code.

**7106: Road Construction and Maintenance Standards**

Any private or public road construction in the County shall meet the standards set forth in Sections 7101.01.A, B, D, and F, Sections 7102, 7103, 7104, and 7105. Routine road and recreation path maintenance, such as snow removal, grading of gravel roads, and cleaning drainage ditches shall be exempted from complying with the provisions contained within these sections.

**7200: EXEMPTIONS FROM WATER QUALITY CONTROL REQUIREMENTS**

**7201: Single-Family Construction**

Construction of single family residential units shall be exempt from these regulations if:

- A. The entire subdivision is provided with central erosion and run-off controls such as a community de-silting pond for all drainage from the subdivision; or,
- B. The Engineering Department determines that exempting construction will not have a significant impact on water quality.

The Engineering Department retains the authority to apply these standards when water quality impacts are likely to be significant, such as, but not limited to, construction on slopes greater than 3.33:1, construction within 25 feet of a lake, stream or river or if wetland disturbance will result.

**7202: Activities Exempted from Grading Permits**

Activities exempt from the requirement to obtain a grading permit are also exempt from compliance with these Water Quality Control Regulations, except if the Engineering Department determines the location, method of construction or other factors associated with a particular activity will cause water quality impacts. The criteria for making such determinations may be stated in the County Water Quality Control Manual.

Activities exempt from grading permit requirements include:

- A. Regular agricultural operations on land in the County's Agricultural (“A-1”) Zoning District.
- B. Routine road and recreation path maintenance such as snow removal, grading of gravel roads and cleaning of drainage ditches.
- C. Any earth disturbing activity involving less than 500 square feet of surface area; however, if the Engineering

SUMMIT COUNTY DEVELOPMENT CODE  
CHAPTER 7: Water Quality Control Regulations

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 water quality control manual.

- D. Any activity specifically covered by an approved road cut or access permit issued by the Summit County Road & Bridge Department.
- E. Any emergency work on utility, water and sewer lines as provided in Section 6303.06.

**7300: REQUIRED FEES**

Applicants for grading permits shall pay fees for plan review and inspections as required by a resolution adopted by the BOCC. The cost of plan review and inspection necessary to enforce these Water Quality Control Regulations shall be included in the grading permit fees.

**7400: ENFORCEMENT OF WATER QUALITY CONTROL REGULATIONS**

**7401: Requirement for Improvements Agreement**

A grading and drainage plan shall be approved in conjunction with each development review approved by the County. This plan shall show drainage improvements necessary to meet the requirements of these Water Quality Control Regulations. A subdivision improvements agreement or site plan improvements agreement and associated financial guarantee shall be posted in accordance with Section 8109 et seq. or Section 12607 et seq.

**7402: Guarantee of Grading Work**

Grading plans required by Chapter 6 of this Code shall be approved only if they include drainage improvements necessary to meet the requirements of these Water Quality Control Regulations. Grading permits may not be issued unless the applicant first executes a site plan improvements agreement in accordance with Section 12607 et seq. of this Code, and also posts a Letter of Credit (“LOC”) or cash escrow with the County if required by the Engineering Department. The purpose of this financial guarantee is to assure drainage and water quality control devices will be constructed and disturbed areas will be revegetated as required by the approved grading plans and these regulations.

**7500: APPEALS**

Appeals of a final determination on an application by the County Engineer in this Chapter 7 shall be made pursuant to 13200.01.