

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER REINHART**  
**Council Bill No. 29**  
**Ordinance No. 1503**  
**Series 2011**

**TITLE: AN ORDINANCE AMENDING CHAPTERS 5 AND 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING GENERAL CODE REVISIONS AND CLARIFICATION RELATED TO BUILDINGS, DEVELOPMENT AND IMPROVEMENTS AND REQUIRED SUBMISSION AND PERMITS FOR THE SAME**

**WHEREAS**, the City of Wheat Ridge ("City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution and the City's home rule charter ("Charter"); and

**WHEREAS**, pursuant to this power, the City Council has previously adopted Chapters 5 and 26 of the City of Wheat Ridge Code of Laws ("Code") concerning business licenses and taxes, respectively; and

**WHEREAS**, Chapter 5 controls buildings and building regulations in the City; and

**WHEREAS**, Chapter 26 controls zoning and development in the City; and

**WHEREAS**, the City Council finds it is in the best interest of the City to, from time to time, update said Chapters to provide for greater ease of administration and to reflect both the practical and new technology facing both the City and applicants for development.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Chapter 5, Section 5-45 of the Code is hereby amended (with appropriate re-numbering and re-lettering) as follows:

**Sec. 5-45. Public improvements required.**

(a) Applications for building permits shall be reviewed by the ~~department~~ DIRECTOR of public works to determine whether the proposed construction will require the installation or construction of public improvements including, but not limited to, street paving, curbs, gutters, sidewalks, drainage facilities, or other public improvements as may be required by THIS ordinance or the subdivision regulations.

(b) If it is determined by the ~~department~~ DIRECTOR of public works that any such public improvements (INCLUDING, BUT NOT LIMITED TO, DRAINAGE, TRAFFIC, STREET CONTINUITY, CURB, GUTTER AND SIDEWALK, RELOCATION OR UNDERGROUNDING OF UTILITIES, STREET LIGHTING, OR ROADWAY

CONSTRUCTION) are necessitated by the proposed construction based upon the specific adverse effects created by the proposed construction, including, but not limited to, drainage, traffic, street continuity, curb, gutter and sidewalk, relocation or undergrounding of utilities, street lighting, roadway construction), the department DIRECTOR of public works shall so inform the building official, and in such event a condition shall be inserted in the building permit which shall require the construction of such public improvement or public improvements by the property owner and the dedication thereof to the city. All such improvements are to be constructed in full compliance with the city's engineering division regulations, design standards and construction specifications. The cost of any such improvements shall be borne by the property owner, and the construction thereof shall be at the sole cost, risk and expense of the property owner, subject to the provisions of any applicable city ordinance, regulations or policies. Subject to the requirements of paragraph (e) below THIS SECTION, failure to construct any such required public improvements shall entitle the city to withhold any certificate of occupancy.

(c) SIDEWALKS SHALL ONLY BE REQUIRED ON STREETS IDENTIFIED AS PEDESTRIAN ROUTES IN THE CITY OF WHEAT RIDGE BICYCLE AND PEDESTRIAN MASTER PLAN AND ON COLLECTOR AND ARTERIAL STREETS AS IDENTIFIED IN THE CITY OF WHEAT RIDGE STREETScape DESIGN MANUAL. ~~If it is determined by the department of public works, after consideration of the factors set forth below that such public improvements may be placed at a later date. An escrow amount equalling one hundred (100) percent of the estimated cost of the required public improvements shall be deposited with the city. The cost estimate will be prepared by the engineering division, based upon current construction costs prior to issuance of a building permit.~~

~~(1) The installation of curbs, gutters and sidewalks and related roadway improvements may not be required where less than half of the properties on the street extending five hundred (500) feet from the lot lines of the property in question, on both sides of the fronting street, have in existence curbs, gutters and sidewalks.~~

(d) THE INSTALLATION OF CURBS, GUTTERS AND SIDEWALKS AND RELATED ROADWAY IMPROVEMENTS SHALL ONLY BE REQUIRED IF SUCH IMPROVEMENTS ARE PRE-EXISTING ADJACENT TO ANY PROPERTY ON EITHER SIDE OF THE STREET BLOCK ON WHICH THE PROPERTY IS LOCATED.

~~(2)~~

(e) No curbs, gutters and sidewalks shall be required for a remodeling of an existing building.

~~(3) Installation of curbs, gutters and sidewalks would be impractical or economically unfeasible or not in the best interest of the city at the time of issuance of the certificate of occupancy.~~

(f) In no event shall installation of curbs, gutters or sidewalks be required if the cost of installation of such curbs, gutters, sidewalks and other improvements exceeds ten (10) percent of the cost of the building permit value. ~~In this case, an escrow in the amount of ten (10) percent of the value of the building permit shall be deposited with the city by the property owner prior to issuance of a building permit for the improvements. In addition, the installation of curbs, gutters and sidewalks shall neither be required nor allowed upon any street designated as an exempt local street in the city's comprehensive plan nor shall the department require an escrow for public improvements.~~

~~(e) In any such event, a development agreement shall be signed by the owner of the property, pursuant to the subdivision regulations of the city, which development agreement shall remain in full force and effect for ten (10) years from the date of execution by the property owner, unless sooner released of record by the city.~~

(g)~~(e)~~ If it is determined by the department DIRECTOR of public works, after consideration of the factors set forth below that INSTALLATION OF such public improvements WOULD BE IMPRACTICAL OR ECONOMICALLY UNFEASIBLE OR NOT IN THE BEST INTEREST OF THE CITY AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT, THE ESTIMATED COST OF THE PUBLIC IMPROVEMENTS SHALL BE PAID TO THE CITY AS CONDITION OF APPROVAL TO BE USED TO CONSTRUCT PUBLIC IMPROVEMENTS IN AN AMOUNT AND LOCATION ROUGHLY PROPORTIONAL TO THOSE IN LIEU OF WHICH THE PAYMENT IS REQUIRED. ~~may be placed at a later date. An escrow amount equaling one hundred (100) percent of the estimated cost of the required public improvements shall be deposited with the city. The cost estimate will be prepared by the engineering division, based upon current construction costs prior to issuance of a building permit.~~

(h)~~(f)~~ Any owner, contractor or developer who is aggrieved by a decision of the department DIRECTOR of public works requiring installation of such public improvements or ~~escrowing~~ PAYMENT of funds in lieu of construction shall have the right to appeal the department's DIRECTOR'S determination to the board of adjustment pursuant to section 2-61 of the city's Code of Laws.

**Section 2.** Chapter 26, Section 26-111, Subsection D.1.m of the Code is hereby amended as follows:

m. In addition to the information included on the site plan document, the following supportive information may be required IN HARD COPY, IN ELECTRONIC FILE FORMAT, OR BOTH:

- (1) FINAL Drainage REPORT AND Pplan;
- (2) Elevations and perspective drawings;
- (3) Traffic Impact Report;-
- (4) CIVIL CONSTRUCTION PLANS;
- (5) STORMWATER MANAGEMENT PLAN (SWMP);

(6) STORMWATER OPERATIONS & MAINTENANCE MANUAL (O & M MANUAL).

**Section 3.** Chapter 26, Section 26-308, Subsection C.2.p of the Code and Subsection D.2.a are hereby amended as follows:

p. METES AND BOUNDS ~~Legal description (metes and bounds)~~ OF THE TOTAL SITE INCLUDING AREA IN SQUARE FEET, WITH SECTION TIES ON THE CURRENT CITY DATUM, IN CONFORMANCE WITH CITY GEODETIC SURVEYING REQUIREMENTS. ~~of total site, including area.~~

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a. METES AND BOUNDS ~~Legal description~~ WITH SECTION TIES ON THE CURRENT CITY DATUM, IN CONFORMANCE WITH CITY GEODETIC SURVEYING REQUIREMENTS, of the entire planned development, and if the final development plan is for only a portion of the site, a legal description of that portion of the site included within the final development plan.

**Section 4.** Chapter 26, Section 26-403 of the Code is hereby amended as follows:

*City datum:* Those three-dimensional coordinate values established during the ~~city monumentation program~~ STATE PLANE COORDINATE CONVERSION PROGRAM for all quarter corners, and SECTION CORNERS, AND PERMANENT HIGH ACCURACY CONTROL (PHAC) POINTS within and adjacent to the City of Wheat Ridge.

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*GEODETIC SURVEYING:* "GEODETIC SURVEYING" MEANS THE PERFORMANCE OF SURVEYS IN WHICH MEASURE OR ACCOUNT IS TAKEN OF THE SHAPE, SIZE, AND GRAVITATIONAL FORCES OF THE EARTH TO DETERMINE OR PRE-DETERMINE THE HORIZONTAL OR VERTICAL POSITIONS OF POINTS, MONUMENTS, OR STATIONS FOR USE IN THE PRACTICE OF PROFESSIONAL LAND SURVEYING OR FOR STATING THE GEODETIC POSITION OF CONTROL POINTS, MONUMENTS, OR STATIONS BY USING A COORDINATE SYSTEM OR DERIVATIVE THEREOF RECOGNIZED BY THE NATIONAL GEODETIC SURVEY.

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*PHAC POINTS:* PERMANENT HIGH ACCURACY CONTROL POINTS ESTABLISHED DURING THE CITY OF WHEAT RIDGE STATE PLANE COORDINATE CONVERSION PROGRAM BY AND FOR USE IN GLOBAL POSITIONING SURVEYS.

**Section 5.** Chapter 26, Section 26-407, Subsection C.1 is hereby amended as follows:

1. Maps of the subdivision plat shall be drawn at not less than a scale of one (1) inch equals one hundred (100) feet with the use of black, waterproof drawing ink and

the outer dimensions of the map shall be twenty-four (24) inches by thirty-six (36) inches with a margin of at least two (2) INCHES to be reserved along the narrow left side of each drawing, A MARGIN OF AT LEAST ONE (1) INCH ALONG THE TOP MARGIN, and a margin of at least one-half (½) inch ~~shall be reserved~~ around the balance of the drawing.

**Section 6.** Chapter 26, Section 26-407, Subsections D.2, D.6, D.8 and D.9 of the Code are hereby amended as follows; further, new Subsections D.17 and 18 are added:

2. Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features. All curves shall be circular arcs and shall be defined by at least three (3) of the following: the radius, central angle, tangent, ARC LENGTH, CHORD LENGTH, AND CHORD BEARING. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of at least one (1) in fifty thousand (50,000). No final plat showing plus or minus dimensions will be approved.

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6. Total acreage and a surveyed METES AND BOUNDS legal description of the area, with SECTION ties to two (2) section corners IN CONFORMANCE WITH CITY GEODETIC SURVEYING REQUIREMENTS. Coordinates for all section corners, and, QUARTER-SECTION CORNERS, AND PHAC POINTS used will SHALL be consistent with the CURRENT City of Wheat Ridge Datum and are available from the public works department.

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8. MONUMENTS:

i. A description of all monuments THAT MARK THE BOUNDARIES OF THE PROPERTY, both found and set, and a description of all control monuments used in conducting the survey.

ii. RIGHT-OF-WAY SURVEY MONUMENTS SHALL BE ESTABLISHED PER CITY OF WHEAT RIDGE STANDARD SPECIFICATIONS FOR ALL NEW ROADWAYS OR RELOCATION OF EXISTING ROADWAYS, AT ALL NEW ROAD RIGHT-OF-WAY CENTERLINE INTERSECTIONS, CENTER OF RADIUS FOR CUL-DE-SACS, AND AT THE END OF THE CENTERLINE FOR DEAD END STREETS. RIGHT-OF-WAY SURVEY MONUMENTS MAY ALSO BE REQUIRED AT ROADWAY CENTERLINE POINTS OF CURVATURE, POINTS OF REVERSE OR COMPOUND CURVATURE, AND POINTS OF TANGENCY, AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.

iii. Coordinates for all control monuments used will SHALL be consistent with the CURRENT City of Wheat Ridge datum.

9. A statement by ~~the land surveyor~~ A COLORADO LICENSED PROFESSIONAL LAND SURVEYOR that the survey was performed by him or under his direct responsibility, supervision, and checking, and in accordance with all CITY OF WHEAT

RIDGE REQUIREMENTS AND applicable Colorado Statutes, current revised edition, as amended. THE PROFESSIONAL LAND SURVEYOR SHALL PROVIDE A STATEMENT OF ACCURACY WHICH CERTIFIES THE ACCURACY AND CONFORMANCE OF THE FINAL PLAT DOCUMENT TO ALL APPLICABLE STATE LAWS AND REQUIREMENTS SET FORTH HEREIN.

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17. ALL ITEMS ON THE CITY OF WHEAT RIDGE *GEODETIC SURVEYING REQUIREMENTS FOR FINAL PLATS* SHALL BE ADHERED TO AND PROVIDED ON THE PLAT.

18. THE PURPOSE, WIDTH, LENGTH, AND LOCATION OF ALL EASEMENTS AND ALL ABUTTING EASEMENTS SHALL BE CLEARLY LABELED AND IDENTIFIED. IF ANY EASEMENT ALREADY OF RECORD CANNOT BE DEFINITELY LOCATED, A STATEMENT OF ITS EXISTENCE AND ITS RECORDED REFERENCE SHALL APPEAR ON THE PLAT TITLE SHEET.

**Section 7.** Chapter 26, Section 26-407, Subsections E.3 and E.13 of the Code are hereby amended as follows; further, new Subsections E.18 and 19 are added:

3. Complete engineering plans and specifications SHALL BE SUBMITTED IN HARDCOPY AND MAY BE REQUIRED IN AN ELECTRONIC FILE FORMAT ACCEPTABLE TO THE CITY for all public facilities to be installed, i.e., water and sewer utilities, traffic control devices, traffic calming features, streets, street lights, street signs and related public improvements, bridges, and storm drainage, including design analysis when required.

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13. A computer readable drawing OF THE FINAL PLAT SHALL BE SUBMITTED ~~may be required to be submitted on a floppy disk~~ CD-ROM, DVD-ROM, OR OTHER ELECTRONIC FILE FORMAT ACCEPTABLE TO THE CITY. The information shall be ON THE CURRENT CITY OF WHEAT RIDGE DATUM IN CONFORMANCE WITH CITY GEODETIC SURVEYING REQUIREMENT STANDARDS AS ESTABLISHED BY THE PUBLIC WORKS DEPARTMENT, be compatible with the current Autocad release CITY MAPPING SOFTWARE AND LAYERING STANDARDS, and include, but not limited to, SECTION TIES, ties to a minimum of two (2) section (land) corners, CONTROL MONUMENTS, exterior boundaries, interior lot lines, easements, rights-of-way (existing and proposed), all to include bearings and distances.

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18. A CLOSURE REPORT FROM THE PROFESSIONAL LAND SURVEYOR CONTAINING THE CLOSURE CALCULATIONS AND ERROR OF CLOSURE WITH AREA (ROUNDED TO THE NEAREST SQUARE FOOT) FOR THE SUBDIVISION BOUNDARY.

19. A COPY OF THE CITY GEODETIC SURVEYING REQUIREMENTS CHECKLIST, COMPLETED AND INITIALED BY THE PROFESSIONAL LAND SURVEYOR CERTIFYING THE PLAT.

**Section 8.** Chapter 26, Section 26-412, Subsection C.1.b of the Code is hereby amended as follows:

- b. Concrete curbs, gutters, and sidewalks.
  - (1) CURBS, GUTTERS AND SIDEWALKS SHALL BE PROVIDED FOR ALL SUBDIVISIONS THAT REQUIRE NEW STREETS.
  - (2) SUBDIVISIONS OF PROPERTY LOCATED ADJACENT TO EXISTING STREETS WILL REQUIRE CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS IF THE EXISTING STREETS ARE DESIGNATED AS PEDESTRIAN OR TRAIL ROUTES IN THE CITY OF WHEAT RIDGE BICYCLE AND PEDESTRIAN MASTER PLAN OR ARE COLLECTOR OR ARTERIAL STREETS AS IDENTIFIED IN THE CITY OF WHEAT RIDGE STREETScape DESIGN MANUAL.

**Section 9.** Chapter 26, Section 26-412, Subsection H of the Code is hereby amended as follows:

- 1. In conjunction with the required drainage certification, the owner will furnish the city, free of charge, A HARDCOPY, SIGNED AND SEALED BY THE ENGINEER OF RECORD, OF THE drawings and specifications, including supplemental drawings, relating to improvements, showing them in their as-built locations ON THE CURRENT CITY OF WHEAT RIDGE DATUM.
- 2. The as-built's shall be prepared and certified by a registered professional engineer in accordance with the requirements of Wheat Ridge and prior to the city's issuance of the first certificate of occupancy in the subdivision.
- 3. AN ELECTRONIC FILE CONTAINING THE AS-BUILTS SHALL ACCOMPANY THE SIGNED AND SEALED HARDCOPY, AND BE FURNISHED IN A FORMAT COMPATIBLE WITH THE CITY MAPPING SOFTWARE AND LAYERING STANDARDS ON CD-ROM, DVD-ROM, OR OTHER ELECTRONIC MEDIA ACCEPTABLE TO THE CITY.

**Section 10.** Chapter 26, Section 26-413, Subsection B of the Code is hereby amended as follows:

- 1. The ~~public works department~~ COMMUNITY DEVELOPMENT DEPARTMENT and the subdivider shall prepare an agreement in substantially the form of Appendix B [on file in the office of the city clerk], which details the obligations of the city and the subdivider, the estimated costs of public improvements to the property and the amount of letter of credit to be supplied by the subdivider.

**Section 11.** Chapter 26, Section 26-623 of the Code is hereby amended (and re-lettered) as follows:

A. *Generally.* FOR OPERATIONS WHEREBY A BUILDING PERMIT IS NOT REQUIRED PURSUANT TO THE UNIFORM CODES ADOPTED BY THE CITY AND CONTAINED IN CHAPTER 5 OF THIS CODE, ~~NO~~ deposit, GRADING, and/or extractive operation DISTURBING AN AREA OF ONE (1) ACRE OR MORE SHALL BE PERMITTED IN ANY DISTRICT EXCEPT IN THE MANNER PRESCRIBED HEREIN. WHERE DISTURBED AREAS ARE LESS THAN ONE (1) ACRE AND SUCH OPERATION IS A PART OF A LARGER COMMON PLAN OF DEVELOPMENT LARGER THAN ONE (1) ACRE IN SIZE, NO DEPOSIT, GRADING, AND/OR EXTRACTION OPERATION shall be permitted in any district except in the manner prescribed herein. It is the intent and purpose of this section to establish reasonable uniform limitations, safeguards and controls in the City of Wheat Ridge for the conservation and wise utilization of property through deposit, GRADING, and/or extraction of soil, sand, gravel, rock, minerals, CONCRETE OR ASPHALT PAVEMENT, and other similar resources MATERIALS. However, a primary intent and purpose is to protect surrounding properties from adverse impacts, including, but not limited to, drainage problems, soil erosion, traffic problems, changes in ground elevation relative to adjacent properties, etc., which may be created by such operations. All fees shall be in accordance with those fees established by the Uniform Building Code. ALL OPERATIONS SHALL COMPLY WITH ALL PROVISIONS IN CHAPTER 20 OF THIS CODE (STORMWATER QUALITY AND CONTROL), AND ~~A~~Any fill operation which is proposed for a parcel located within a 100-year floodplain shall additionally comply with the Floodplain Zoning Ordinance, article VIII of this chapter.

B. ~~Minor excavation and fill permits.~~

- ~~1. One to fifty (50) cubic yards. No permit is required for dumping or excavation of materials which does not exceed fifty (50) cubic yards, provided, however, that any fill deposited is on natural terrain of less than three (3) to one (1), or such fill is less than three (3) feet in depth and is not intended to support permanent structures, and such fill or excavation does not obstruct or otherwise adversely affect any drainageway. Should any of the above standards be exceeded or a drainageway be affected, a permit as required in subsection B.2., below, shall be required.~~
- ~~2. Fifty one (51) to five hundred (500) cubic yards. Dumping or excavation of earth materials not exceeding five hundred (500) cubic yards may be allowed with a permit approved by the city engineer. Application shall be made to the public works department on the appropriate form and shall be accompanied by the appropriate fee. A sketch plan indicating the following information shall also be submitted:
  - ~~a. Location and dimensions of all property boundaries and structures on the site.~~
  - ~~b. Location and extent of areas to be filled or excavated.~~
  - ~~c. Location of existing and proposed drainageways, irrigation ditches, etc., and indication of how and where historic runoff will be~~~~



~~maintained on site.~~

~~d. Cross section of area to be filled or excavated, indicating original slope, new slope and depth of fill.~~

~~e. Statement which indicates the proposed use or purpose for said fill or excavation.~~

~~3. Five hundred one (501) to twenty thousand (20,000) cubic yards.~~

~~Operations in which earth material fill or excavation exceeds five hundred (500) cubic yards but does not exceed twenty thousand (20,000) cubic yards may be allowed by a permit issued by the city engineer after reviewing an application and supporting information submitted to the public works department. The following information shall be submitted with the required application form:~~

~~Site plan, prepared by a registered professional engineer, at a scale of no less than one (1) inch to twenty (20) feet, which illustrates the following:~~

~~a. Location and dimensions of all property boundaries and structures on the site.~~

~~b. Location and extent of areas to be filled or excavated.~~

~~c. Location of existing waterways and drainage courses indicating any change. (For any site containing an established irrigation ditch, a letter of approval from the appropriate ditch company or agency is required.)~~

~~d. Location of existing and proposed points of ingress/egress.~~

~~e. Location and extent of existing vegetation, proposed changes in such vegetation and including methods to rehabilitate the vegetation after filling.~~

~~f. A complete drainage and grading plan and report, if required, at the discretion of the city engineer.~~

~~g. Plans for wind and water erosion control during operations, and plans for rehabilitation and stabilization upon completion.~~

~~4. Performance standards. The following provisions shall apply to all minor excavation and fill permits:~~

~~a. Rehabilitation. Within thirty (30) days after the cessation of filling or excavation, rehabilitation of the site shall have been completed in accordance with the approved plans. Rehabilitation shall consist of acceptable leveling, grading, landscaping or any combination thereof to minimize potential erosion.~~

~~b. Debris. Debris and/or contaminants shall not be used except when endorsed by the city engineer. For the purpose of this section, the term "debris" shall have the same meaning as the terms "garbage," "trash" or "junk," as defined in the Wheat Ridge Code of Laws, section 20-24.~~

~~5. Limit on permits. In no event shall a single property receive accumulative permits in excess of twenty thousand (20,000) cubic yards within any~~

~~consecutive twelve month period, except as provided under paragraph C., below.~~

~~C. Major landfill and excavation control operations: Dumping, landfill and/or extraction operations which exceed twenty thousand (20,000) cubic yards may be allowed in any zone district only by special use permit under section 26-114. Such deposit or extraction of earth, sand, gravel, rock, minerals, broken concrete or broken asphalt or other similar resources, and/or storage thereof, are subject to the following conditions. (In cases of isolation or unusual characteristics of the operation or the location thereof, partial waiver of these requirements may be made.) A special use permit may be issued for a period of time not to exceed one (1) year and may be renewed upon written request: GRADING PERMITS. DUMPING, LANDFILL, GRADING, AND/OR EXTRACTION OPERATIONS WHICH DISTURB AN AREA OF ONE (1) ACRE OR MORE IN SIZE MAY BE ALLOWED BY A PERMIT ISSUED BY THE ENGINEERING MANAGER AFTER REVIEWING AN APPLICATION AND SUPPORTING INFORMATION SUBMITTED TO THE PUBLIC WORKS DEPARTMENT. SUCH DEPOSIT OR EXTRACTION OF EARTH, SAND, GRAVEL, ROCK, MINERALS, CONCRETE OR ASPHALT PAVEMENT, OR OTHER SIMILAR MATERIALS, AND/OR STORAGE THEREOF, ARE SUBJECT TO THE FOLLOWING CONDITIONS. A GRADING PERMIT MAY BE ISSUED FOR A PERIOD OF TIME NOT TO EXCEED ONE (1) YEAR AND MAY BE RENEWED UPON WRITTEN REQUEST:~~

1. ~~Application.~~ An application for special use GRADING permit shall be submitted to the ~~community development~~ PUBLIC WORKS department and shall be accompanied by the appropriate fee and by engineered plans and drawings which illustrate the following minimum information:
  - a. Certified survey of the site SHOWING EXISTING EASEMENTS AND RIGHT-OF-WAY with A corresponding metes and bounds legal description FOR THE BOUNDARY ON THE CURRENT CITY DATUM.
  - b. Name and address of property owner(s) and lessee(s), both within the site and adjacent to the site's perimeter.
  - c. ~~Location and extent of areas to be filled and/or excavated~~ A GRADING AND EROSION CONTROL PLAN SHOWING THE LOCATION AND EXTENT OF AREAS TO BE FILLED AND/OR EXCAVATED, EXISTING & PROPOSED CONTOUR LINES USING ELEVATIONS CONSISTENT WITH THE CURRENT CITY DATUM DRAWN AT A SCALE ACCEPTABLE TO THE ENGINEERING MANAGER, AND ANY EROSION CONTROL ITEMS REQUIRED PER THE STORMWATER MANAGEMENT PLAN.
  - d. A STORMWATER MANAGEMENT PLAN DEFINING BOTH CONSTRUCTION AND POST-CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP'S).
  - e. ~~Drainage plan and report, which identifies existing waterways and drainage courses, indicating any changes, existing grades and~~

~~proposed finished grades, and method of maintaining historic drainage from the site, and methods for controlling erosion from both wind and water during operations and upon completion~~  
DRAINAGE REPORT AND PLAN IN CONFORMANCE WITH THE CITY'S SITE DRAINAGE REQUIREMENTS.

- f. Location of existing and proposed points of ingress/egress.
  - g. Location of residences, structures, AND utilities and roadways ~~within one quarter (1/4) mile distance of LYING INSIDE THE SITE in question AND WITHIN A FIFTY (50) FOOT PERIMETER ADJACENT TO THE SITE.~~
  - h. ~~Location and type of perimeter fencing~~ NAME, LOCATION, AND SURFACING OF ALL ROADWAYS BOTH WITHIN AND ADJACENT TO THE SITE TO BE USED FOR HAULAGE.
  - i. ~~Location and surfacing of all roads both within and adjacent to the site to be used for haulage~~ SCHEDULE OF OPERATIONS, INCLUDING COMPLETION DATE.
  - j. ~~Location and character of proposed lighting on the site~~ COPIES OF ANY PERMITS ISSUED BY THE STATE OF COLORADO REQUIRED FOR THE OPERATION.
  - k. ~~Schedule of operations, including completion date.~~ COPIES OF ALL MATERIALS REQUIRED TO BE SUBMITTED TO THE STATE OF COLORADO OR THE U.S. GOVERNMENT, WHERE SUCH AGENCIES ARE INVOLVED IN PERMIT REVIEWS AND/OR APPROVALS AS A REFERRAL, PERMITTING OR FUNDING AGENCY.
  - l. ~~Copies of all materials required to be submitted to the State of Colorado or the U.S. Government, where such agencies are involved in permit reviews and/or approvals.~~
2. *Performance standards.*
- a. ~~Setback. Subject to maintaining a thirty foot setback from all property lines.~~ Roads. Subject to operators maintaining all haulage roads used in connection with this operation, under their control or ownership, as much as possible in a dust-free condition. Such haulage roads shall not be established along existing residential streets except as may be provided by a special permit. This shall not preclude collector or major streets from being used for this purpose.
  - b. *EROSION CONTROL.* EROSION CONTROL PROVISIONS UTILIZED DURING OPERATIONS SHALL ADHERE TO THE BMP'S IDENTIFIED IN THE STORMWATER MANAGEMENT PLAN.
  - c. ~~Fencing. The property containing the extractive operation shall be enclosed by a V mesh, cyclone, chainlink, or other similar type metal fence with a minimum height of seventy two (72) inches. Three (3) strands of barbed wire shall be placed above the metal~~

~~fencing and canted to a forty five degree angle to the outside. At such time as the site has been rehabilitated in conformance with the requirements as contained herein, the fencing may be removed~~  
*Drainage.* DEBRIS AND/OR CONTAMINANTS SHALL NOT BE ACCUMULATED OR DISCHARGED BEYOND THE PROPERTY LINE BY ANY MEANS OF TRANSPORTATION INCLUDING THAT OF NATURAL DRAINAGE. THE OPERATION SHALL BE CONDUCTED SO THAT THE EXCAVATED AREA WILL NOT PERMIT WATER OF A STAGNATED NATURE TO COLLECT OR REMAIN.

- d. ~~*Erosion control.* Provisions for control of wind and water erosion during operations shall be made and followed. Wind blown materials or sediment loads shall not be allowed to escape the site~~  
*SITE STABILIZATION.* ALL GRADING PERMITS SHALL CONTAIN PROVISIONS TO STABILIZE THE SITE AS NEAR OR CLOSELY AS IS PRACTICABLE TO ITS PRIOR NATURAL STATE OR CONDITION OR IN SUCH STATE OR CONDITION AS THE ENGINEERING MANAGER MAY APPROVE. METHODS OF SITE STABILIZATION SHALL ADHERE TO ALL BMP'S PER THE APPROVED STORMWATER MANAGEMENT.
  - e. ~~*Drainage.* Debris and/or contaminants shall not be accumulated or discharged beyond the property line by any means of transportation including that of natural drainage. The operation shall be conducted so that the excavated area will not permit water of a stagnated nature to collect or remain.~~
  - f. ~~*Lighting.* All exterior lighting shall be in compliance with section 26-503~~
  - g. ~~*Rehabilitation.* All special permits shall contain provisions for rehabilitation of the property as near or closely as is practicable to its prior natural state or condition or in such state or condition as the city council may approve. Rehabilitation of the site shall include replacement of topsoil which is spread evenly over the rehabilitated site to a depth comparable to that of adjoining areas. Property not ultimately used for lake purposes or structures, etc., shall be planted with trees, shrubs, grasses or similar groundcover to preclude erosion of the soil by either wind or water.~~
3. *Bond.* To insure rehabilitation of the site as prescribed in subsection g., above, there shall be required at the time the original permit is issued a performance bond naming the city council of the City of Wheat Ridge as obligee in an amount and type to be determined by the city engineer, based on and with consideration for the magnitude of the excavation activities and rehabilitation requirements. In no instance shall the amount of the bond be less than five TWENTY thousand dollars (~~\$5,000.00~~\$20,000.00).
  4. *Insurance.* Every operator, before commencing operations, shall be insured to the extent of two hundred fifty thousand dollars (\$250,000.00)

per person, one million dollars (\$1,000,000.00) per occurrence against liability arising from production, activities or operations incidental thereto conducted or carried on under or by virtue of any law, resolution or condition imposed by these regulations, and such insurance shall be kept in full force and effect during the period of such operations, including site rehabilitation. A certificate indicating protection by such insurance shall be filed with the application for special permit.

5. *Equipment.* All equipment used shall be maintained and operated utilizing standard items, such as mufflers, filters, etc., as much as possible to eliminate noise, vibration, dust, etc., which are injurious or substantially annoying to persons living in the vicinity.
6. *Hours of operation.* All activities shall operate from 7:00 a.m. to 5:00 p.m. Operations shall not be permitted on Saturdays, Sundays or holidays, UNLESS OTHERWISE APPROVED BY THE ENGINEERING MANAGER.
7. ~~The city specifically reserves the right to approve, approve with conditions, or deny special use permits for major landfill and excavation control operations based upon evaluation of the proposal relative to the criteria for review set forth in section 26-114~~

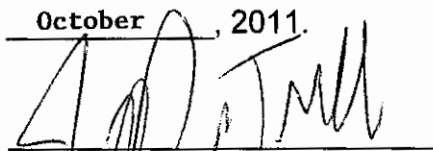
**Section 12. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 13. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 26th day of September, 2011, ordered it published with Public Hearing and consideration on final passage set for October 10, 2011 at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado and that it takes effect 15 days after final publication..

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 10th day of October, 2011.

SIGNED by the Mayor on this 10th day of October, 2011.

  
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Jerry DiTullio, Mayor

ATTEST:

Bruce Roome, Deputy  
Michael Snow, City Clerk

Approved as to Form

Gerald E. Dahl  
Gerald E. Dahl, City Attorney

First Publication: September 29, 2011  
Second Publication: October 13, 2011  
Wheat Ridge Transcript  
Effective Date: October 28, 2011

