

## Section 2. Submittal and Permit Process

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### Overview of Section 2

#### 2.0

Section 2 addresses the following topics in the GESC Permit Process:

Section 2.1, **Projects Requiring a GESC Permit**, indicates the types of land-disturbing activities in unincorporated Arapahoe County that require a GESC Permit.

Section 2.2, **Types of GESC Permits**, identifies the three types of GESC permits issued by the County and the projects in which each applies.

Section 2.3, **Who Obtains a GESC Permit?**, states that the Property Owner and Contractor, together referred to as the “Applicants” before a GESC Permit is issued and “Permittee(s)” afterwards, are the parties who sign the GESC Permit Application form and are legally responsible for complying with the requirements of the GESC Permit.

Section 2.4, **What Steps are Included in the GESC Permit Process?**, outlines the steps involved in the Standard GESC Permit process.

#### **Confirm that a Standard GESC Permit is Required.**

Section 2.5, **Projects that Require a Standard GESC Permit**, identifies the kinds of projects that require a Standard GESC Permit.

#### **Retain a Professional Engineer to prepare a GESC Plan**

Section 2.6, **Who Prepares GESC Plans?** confirms that the State Board of Registration has stipulated that a GESC Plan must be prepared under the responsible charge of a licensed Professional Engineer. This section emphasizes the value of continued training in the field of construction site erosion and sediment control.

#### **Determine type of GESC Drawings and identify what additional plans and permits are required for the project (Presubmittal Meeting with the County is recommended).**

Section 2.7, **Presubmittal Meeting**, points out that an efficient way to clarify GESC Permit requirements is to schedule a Presubmittal Meeting with County staff at the outset of the process. A Presubmittal Meeting, although optional, gives County staff an opportunity to understand the Applicant’s plans for the site and to offer guidance in developing a GESC Plan.

Section 2.8, **Types of GESC Drawings**, discusses five types of GESC Drawings and their submittal formats. Depending on the size and nature of a construction project, Low Impact, Small Site/Utility, Staged, Staged and Phased, or Temporary Batch Plant GESC Drawings are required.

## Section 2. Submittal and Permit Process

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### Overview of Section 2, continued

Section 2.9, **Other County Plans and Permits**, describes the County submittal packages that GESC plans and reports may be submitted simultaneously with and permits that may need to be submitted along with the development of a GESC Plan, including the following:

- ◆ Drainage Plans.
- ◆ Street Cut and Right-of-Way Use Permit.
- ◆ Construction Permit.
- ◆ Floodplain Development Permit.

**Submit the GESC Plan and Report and related plans and permits to the County for review and acceptance and revise documents as necessary to address County comments.**

Section 2.10, **Submittal of the GESC Plan and Report**, describes procedures for submitting a GESC Plan and Report.

Section 2.11, **Plan and Report Revisions Based on County Comments**, discusses the Design Engineer's revisions to the GESC Plan and Report based on the County's comments.

**After County acceptance of the GESC Plan and Report, submit 6 sets of the drawings and 3 copies of the report, bound, for signatures, along with the GESC Permit Application, Fee, and Collateral.**

Section 2.12, **Preliminary Acceptance of the GESC Plan and Report**, describes submittal requirements for multiple sets of GESC Drawings and Reports to obtain the signature of the Director.

Section 2.13, **Final Acceptance of GESC Plan and Report**, describes the County signing process for multiple sets of GESC Drawings.

Section 2.14, **Applying for a GESC Permit**, discusses filling out the GESC Permit Application Form.

Section 2.15, **Permit Fees**, covers procedures for paying Permit fees.

Section 2.16, **Posting Collateral**, discusses acceptable forms and amounts of Collateral.

**When ready, obtain the signed GESC Drawings and a copy of the GESC Field Manual.**

Section 2.17, **Duration of GESC Permits**, discusses the duration of GESC Permits and the need to renew GESC Permits prior to expiration.

Section 2.18, **Transfer of GESC Permits**, describes procedures for transferring a GESC Permit if either the Permittee(s) changes during the life of a GESC Permit.

Section 2.19, **GESC Permits for Single Family Residential Projects**, describes the GESC responsibilities of each party involved in a Single Family Residential project.

Section 2.20, **GESC Permits for Multi-lot Development Projects (Not Including Single-Family Residential Projects, See Section 2.19)**, describes the GESC responsibilities of each party involved in a Multi-lot Development project.

## Section 2. Submittal and Permit Process

### Projects Requiring a GESC Permit

#### 2.1

**2.1.1 Projects that Require a GESC Permit.** Arapahoe County requires that a GESC Permit be obtained prior to the start of the following land-disturbing activities within the unincorporated areas of the County:

#### **Projects Requiring a Standard GESC Permit**

- ◆ *New development and redevelopment of all sites (regardless of size).<sup>1</sup>*
- ◆ *Any land disturbance of 1.0 acre or more not otherwise exempt by these Criteria.*
- ◆ *Installation of underground utility lines for a new development exceeding one single-family residence and appurtenant structures, prior to the start of over lot clearing and grading.*
- ◆ *New public and private roadway construction.*
- ◆ *Installation or maintenance of underground utility lines in excess of 1000 linear feet in length.*
- ◆ *Fill or excavations of 50 or more cubic yards of material.*
- ◆ *Any clearing, grubbing, grading, or filling operations within 100 feet of a drainageway.*
- ◆ *Any clearing, grubbing, grading, or filling operations that has the potential to adversely impact drainage patterns or result in sedimentation of the storm sewer system or drainageway.*
- ◆ *Mining projects, even when subject to State mining permit.*
- ◆ *Drilling sites and operations not otherwise exempt by these Criteria.*
- ◆ *Any project that the Director determines to have an adverse impact on the public right-of-way, public infrastructure, or adjacent property, with respect to grading, erosion and sediment control.*

<sup>1</sup> *New development and redevelopment refers to all projects which are required to submit site construction plans to the County, for review and approval excluding building permit plans, in accordance with the County's Land Development Code Requirements.*

**2.1.2 Projects that Require a Low-Impact GESC Permit.** Arapahoe County requires that a Low-Impact GESC Permit be obtained prior to the start of the following land-disturbing activities within the unincorporated areas of the County:

#### **Projects that Require a Low-Impact GESC Permit**

- ◆ *Land disturbance with an area less than 1 acre that has the potential to adversely impact drainage patterns or result in sedimentation of a storm sewer system or drainageway or as determined by County staff .*
- ◆ *Installation or maintenance of underground utility lines less than 1000 linear feet in length outside of the County right-of-way and serving more than one single-family residence and appurtenant structures. (Utility lines within County right-of-way must also comply with the Street Cut and Right-of-Way Use Permit requirements. See Section 10.)*

## Section 2. Submittal and Permit Process

### **Projects Requiring a GESC Permit, continued**

**2.1.3 Projects that Do Not Require a GESC Permit.** Some types of projects, listed below, are automatically exempt from the GESC Permit Program.

#### **Projects that Do Not Require a GESC Permit**

- ◆ *Land disturbance with an area less than 1 acre that does not have the potential to adversely affect drainage patterns or result in sedimentation to a storm sewer system or drainageway.*
- ◆ *Agricultural activities, including but not limited to tilling, conservation terracing planting, harvesting, live-stock operations or the installation or maintenance of agricultural-related underground utilities and irrigation systems located on private property.*
- ◆ *Maintenance of pavement repair, including mill and overlay and signal projects, on existing public and private roadways. (Although a GESC Permit is not required, implementation of appropriate erosion and sediment control BMPs is strongly encouraged.) Right-of-Way permits may be required. New public and private roadway construction is subject to the requirements contained in the County Infrastructure and Construction Standards.*
- ◆ *Emergency situations that pose an immediate risk to life, health or property, including but not limited to hazardous waste clean-up or containment, flooding, underground utility repair, and fire.*
- ◆ *Underground utility line installation less than 1000 linear feet in length within public right-of-way. (Although a GESC permit is not required, GESC requirements associated with a Right-of-Way Use Permit are required. See Section 10.)*
- ◆ *Mowing.*
- ◆ *Cemetery Grave.*
- ◆ *Weed Control.*
- ◆ *Burning.*
- ◆ *Fencing and maintenance of fencing.*
- ◆ *Irrigation and associated activities (including: operation, maintenance and construction of irrigation facilities; ditch maintenance and pumping; and maintenance, operation and construction of diversions and head gate structures).*
- ◆ *Fill of less than 50 cubic yards that does not have the potential to affect drainage patterns or result in sedimentation of a storm sewer system.*
- ◆ *Exploratory excavations or drilling as part of a pre-development site assessment under the direction of soil engineers or engineering geologists.*
- ◆ *Refuse disposal sites controlled by other regulations.*
- ◆ *Drilling or maintenance of a water well to serve one single-family residence and appurtenant structures.*

**Important!** *The projects shown that do not need a GESC Permit are not free from the obligation to control erosion and sediment; BMPs shall still be required in accordance with the information shown in the GESC Manual.*

*Arapahoe County GESC Permits are required even for projects covered under a State or Federal permit.*

The projects shown that do not need a GESC Permit are not free from the obligation to control erosion and sediment; BMPs shall still be required in accordance with the information shown in the *GESC Manual*.

**2.1.4 Projects Covered Under Other Permits.** GESC Permits are required for projects meeting the criteria identified herein even if a Federal or State agency or another jurisdiction has approved the project and issued a permit for the work. Examples include mining projects possessing a State mining permit and projects for which a Nationwide or Individ-

**Types of GESC Permits**

**2.2**

The following three types of GESC Permits are issued by Arapahoe County:

1. *Standard GESC Permit,*
2. *Low Impact GESC Permit, and*
3. *Temporary Batch Plant/GESC Permit*

**2.2.1 Standard GESC Permit.** A Standard GESC Permit is required for all of the land-disturbing activities identified in Section 2.1.1 other than the activities qualifying for a Low Impact GESC Permit or a Temporary Batch Plant/GESC Permit.

**2.2.2 Low Impact GESC Permit.** Some land-disturbing activities may have a minor impact on adjacent properties and downstream receiving waters. For projects with a disturbed area less than one acre where minor impacts can be adequately demonstrated to the Engineering Division, streamlined submittal requirements apply. If, after reviewing the submitted information, County staff concur that there is low impact, a Low Impact GESC Permit will be designated for the project.



*Low Impact GESC Permits have a streamlined permitting and inspection process.*

**2.2.3 Temporary Batch Plant/GESC Permit.** A Temporary Batch Plant is a temporary plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing. See Section 11 for further discussion, process, and additional submittals.

**2.3**

Typically, GESC Permits are signed by both the Project Owner and the Contractor. Prior to issuance of a GESC Permit, the Owner and the Contractor are referred to as “Applicants”. After the Permit is issued, both are considered “Permittee(s)”. For single family residential projects, as lots are sold (usually to builders), the new owners are required to become a party to the GESC permit for the development project by completing a Letter of GESC Permit Compliance. The Letter of GESC Permit Compliance is further described in Section 2.19. Therefore builders will also be considered “Permittees”.

**Who Obtains a GESC Permit?**

**Information**  
The Low Impact GESC Permit process is described in Section 8.

**Important!**  
Failure to meet the requirements of a GESC Permit may lead to enforcement action against the Permittee(s).

A Permittee is defined as “any person who is issued a GESC Permit by the County” or is a party to a GESC permit via a Letter of GESC Permit Compliance. The Permittee(s) shall be legally responsible for compliance with the GESC Permit. If the Applicant is not an individual, an authorized agent of the entity must sign the permit on behalf of the Permittee.

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### **Who Obtains a GESC Permit?, continued**

### **What Steps are Included in the GESC Permit Process?**

### **Projects that Require a Standard GESC Permit**

**Information** *If a Low Impact GESC Permit is required, see Section 8 for applicable Permit Steps and information.*

### **Who Prepares GESC Plans?**

Permittee(s) (Owners and Contractors) undertaking land-disturbing activities are responsible for meeting all of the requirements of the County's GESC Permit Program that are summarized in Sections 2.4 through 2.18 and described in detail within the *GESC Manual*. Failure to meet the requirements of the GESC Permit may lead to enforcement action, as described in Section 5.9.

#### **2.4**

The steps involved in the Arapahoe County GESC Permit Process for the Standard GESC Permit are summarized in the following sections. The GESC Permit Process as a whole is intended to be dynamic, responding to individual site conditions to provide effective erosion and sediment control during construction.

The steps involved in the Low Impact GESC Permit are outlined in Section 8.

The steps involved for the Temporary Batch Plant/GESC Permit are outlined in Section 11.

**Information** *The GESC Permit Process is a dynamic, not static, process. The Permittee(s) are responsible to adapt the original GESC Plan so as to effectively reduce erosion and sediment and comply with any modifications to the GESC Plan required by Arapahoe County.*

#### **2.5**

The first step in the process is to examine the information in Section 2.1.1 to confirm that a Standard GESC Permit is required for the project. These GESC Permits apply to most land disturbing activities in the County other than small (less than 1 acre) projects with minor impact (requiring a Low Impact GESC Permit) and most agricultural or emergency activities (exempt activities). Land development cases should follow the submittal requirements summarized in Section 2.9.2 or 2.9.3 (as appropriate). Engineering submittals, or E-Cases, should follow the submittal requirements outlined in Section 2.9.4.

The Arapahoe County Engineering Services Division can be contacted to clarify GESC Permit requirements and to help interpret which GESC Permit, if any, applies to a particular project. Contact information is provided in Appendix A.

**Important!** *If a GESC Permit is not required, the process described herein is not applicable; however, BMPs shall still be required in accordance with the information shown in Sections 4 and 6.*

#### **2.6**

Laying out erosion and sediment controls on a site may involve engineering design issues such as embankment stability and spillway sizing (for sediment basins), pipe material and installation requirements (for temporary stream crossings), and peak discharge estimates and

**Who Prepares GESC Plans?, continued**

hydraulic computations (for determination of flood elevations and velocities and for sizing conveyance facilities). Because of these issues, Colorado State Statutes require that GESC Plans be prepared by or under the responsible charge of, and signed and stamped by, a Professional Engineer registered in the State of Colorado, see Statutory Requirements in §§ 12-25-101, *et seq.*, C.R.S. For the purpose of this manual the Professional Engineer is referred to as the Design Engineer. Non-PEs with experience in erosion and sediment control may assist in the development of a GESC Plan, but they must conduct their work under the supervision of the Design Engineer.



*GESC Plans are to be prepared under the responsible charge of a Professional Engineer.*

It is the responsibility of the Design Engineer to use professional judgment in the development of the GESC plans. If the Design Engineer determines that any GESC requirements, as applied to their specific project, pose a safety hazard, it is the Design Engineer's responsibility to notify the County of these issues, as well as to recommend an approach to alleviate the concerns.

The Design Engineer is responsible for preparing the GESC Plan in accordance with the requirements of this *GESC Manual* and is one of the key personnel who should attend the on-site Preconstruction Meeting at the start of the construction phase.

**i** **Arapahoe County highly recommends that the Design Engineer attend the Presubmittal meeting to reduce delays in the start of construction.**

**Information**

**Presubmittal Meeting**

**2.7**

Prior to preparing GESC Plans and other submittal documents for a proposed construction project, a Presubmittal Meeting with the Public Works and Development Department, or its designated representative, is recommended. The purpose of the meeting is to confirm the type of GESC Plan appropriate for a specific development site. The meeting will help to clarify the GESC Permit Program and confirm what related plans and permits may be required. Also, initial discussions can take place regarding the general configuration of controls that may be appropriate for the site.



*A Presubmittal Meeting with County staff is recommended to clarify GESC Permit requirements.*

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### *Presubmittal Meeting, continued*

The Presubmittal Meeting is not a requirement, but is recommended for larger projects and projects in which applicants are not familiar with the County's GESC process and requirements. The Presubmittal Meeting shall be scheduled through the County's Public Works and Development Department.

It is anticipated that the Owner and/or the Design Engineer of the GESC Plan would attend the Presubmittal Meeting. The Owner or Owner's

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#### ***Information Needed at Presubmittal Meeting***

- ◆ *Name, type, and location of development.*
- ◆ *Brief description of site topography and drainage features.*
- ◆ *Size of development site and anticipated disturbed area, in acres.*
- ◆ *Anticipated type of GESC permit.*
- ◆ *Anticipated plans and permits to accompany GESC Plan.*

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representative shall bring the following information to the meeting:

### ***Types of GESC Drawings***

#### **2.8**

Depending on the degree of disturbance and the amount of area to be disturbed, one of four types of GESC Drawings is applicable. Each type of GESC Drawing has unique formatting requirements, as described in detail in Section 3. Table 2-1, on the next page, summarizes permit types, site areas, and GESC Drawing requirements.

A brief description of each type of GESC Drawing follows. See Chapter 11 for information on Temporary Batch Plants.

**2.8.1 Small Site and Utility GESC Drawing.** For disturbed areas of new developments less than one acre and utility construction over 1000 linear feet, erosion and sediment controls for the Initial, Interim, and Final stages of construction may be shown on a single drawing (as opposed to three separate drawings).

**2.8.2 Staged GESC Drawing.** For disturbed areas greater than one acre, separate GESC Drawings are required for the Initial, Interim and Final stages of a project. This is to clarify, both to the Design Engineer and field personal, what erosion and sediment controls are appropriate at the outset of construction, during site development, and at the end of construction prior to final establishment of vegetation.

If the applicant can adequately demonstrate to the County that the Initial, Interim and Final phases of construction can be clearly shown on a single plan (for sites with disturbed areas up to five acres), then the Small Site/Utility Construction requirements identified above may be followed. However, this will be the exception, not the rule, and the County reserves the right to make this determination.

**Section 2. Submittal and Permit Process**

**Types of GESC Drawings, continued**

**Table 2-1. Types of GESC Plans**

<b>Type of GESC Permit</b>	<b>Type of GESC Drawing</b>	<b>Site Size Criteria</b>	<b>Drawing Format</b>
<i>Low Impact GESC Permit</i>	<i>Low Impact See Section 8</i>	<i>1 acre or Less, or as determined by County.</i>	<i>Initial, Interim, and Final Stage BMPs may be shown on a single sheet. (may be hand-drawn)</i>
<i>Standard GESC Permit</i>	<i>Small Site/ Utility</i>	<i>Less than 1 acre or as determined by County.</i>	<i>Initial, Interim, and Final Stage BMPs may be shown on a single sheet. (may be hand-drawn)</i>
	<i>Staged</i>	<i>1 acre to 40 acres</i>	<i>Projects shall be organized into an Initial, Interim, and Final Stage; Initial, Interim, and Final BMPs shall be shown on separate sheets.</i>
	<i>Staged and Phased</i>	<i>Greater than 40 acres</i>	<i>Projects shall be divided into separate construction phases each disturbing less than 40 acres (70 acres for soil mitigation operations), with each phase showing Initial, Interim, and Final BMPs on separate sheets.</i>
<i>Temporary Batch Plant/ GESC Permit</i>	<i>Temporary Batch Plant</i>	<i>No Size Criteria</i>	<i>Projects shall be organized into an Initial (Site Plan) and Final (Reclamation) Plan</i>

**2.8.3 Staged and Phased GESC Drawing.** For sites where the total disturbed area will exceed 40 acres, grading operations shall not take



*Large areas of disturbance create huge potential for erosion and sedimentation; limiting the area of disturbance substantially reduces the problem.*

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### **Types of GESC Drawings, continued**

place all at one time unless otherwise approved by the County, see Section 3.4. Instead, the site shall be divided into separate grading phases each disturbing 40 acres or less. If over excavation, stockpiling, and replacement of soils is necessary for mitigating expansive soils or addressing similar issues, each phase may disturb up to a maximum of 70 acres. During construction, each grading phase shall be approved by the County Inspector and drill seeded and crimp mulched prior to starting the subsequent phase. Additional information on drawing requirements for these stages is provided in Section 3.1.

If a GESC Plan can not adequately be shown on one plan sheet (see scale requirements in Section 3.1), multiple sheets shall be used. However, at least one overall plan sheet shall be provided as an index to

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### **Phasing Requirements for Adjacent Projects**

*An owner or developer may have several adjacent projects that, individually, may or may not be subject to the area phasing requirements. This situation typically occurs in large developments, part of a larger common plan of development or sale, which is platted in numerous individual filings. For design and construction purposes, the projects are typically submitted to the County as separate projects and they are reviewed accordingly. However, for purposes of grading, erosion and sediment control, when the individually platted projects are contiguous and the grading operations could be occurring simultaneously, the County shall treat the sum of the individual projects as one large project. The sum of the individual projects shall be subject to the area phasing requirements and the issuance of individual project grading permits shall be based on the disturbance and/or stabilization that has been accomplished in the adjacent projects.*

### **Other County Plans and Permits**

subsequent sheets.

#### **2.9**

GESC Plans shall be submitted along with the following related Arapahoe County plans and permit applications. These related plans and permits do not reflect all requirements for development in the County, but rather describe plans and permits that shall be considered when proceeding through the GESC Permit Process.

**2.9.1 Submittal Packages.** GESC plans and reports may be submitted and processed through the County in several ways, including:

- Associated with a platting or planning development process (submitted and reviewed concurrently).
- Associated with a platting or planning development process (accelerated review and approval schedule).
- An Engineering submittal (not associated with a platting or planning process).

Processing of the three above types of GESC reviews is summarized in the following sections.

**2.9.2 Planning Submittals.** For GESC plans and reports submitted and

**Other County  
Plans and Permits,  
continued**

reviewed concurrently with a land development process, the GESC plan and report shall be reviewed and processed in accordance with the Planning Submittal package. The GESC report and plans shall be submitted as a separate document, and shall not be included within the drainage report and construction plans. The review, processing, and approval of the GESC documents will be completed concurrently with the other engineering documents of the projects. Modifications to the other engineering documents shall be incorporated into the GESC plans throughout the review and approval process.

**2.9.3 Accelerated Planning Submittals.** For GESC plans and reports associated with a land development submittal, the applicant may request that the GESC package be accelerated and reviewed independently of the planning submittal package. The applicant must provide justification for an accelerated review. The County will consider the applicant's request and justification, and provide for an accelerated review if warranted. At a minimum, a Phase II level drainage report must be approved by the County and the project must have been to, and received a favorable recommendation from the Planning Commission before a GESC permit will be approved. For projects that do not go to the Planning Commission, a BOCC approval is required.

**Information**  
At a minimum, the Phase II Drainage Plan shall be submitted, reviewed, and accepted by the County before a GESC Permit is issued.

For accelerated reviews, the applicant shall provide the GESC plan and report consistent with the Engineering Submittal requirements described below. Because the GESC permit may be approved prior to final approval of other engineering documents, the applicant assumes the risk of being required to modify and resubmit GESC plans to reflect revisions made throughout the review process. In addition, the applicant assumes the risks of completing grading prior to approval of the development plans for the site. A "Hold Harmless" letter shall also be provided to the County which includes a statement from the Owner accepting responsibility for the liabilities associated with early grading of the project. A sample "Hold Harmless" letter can be found at the end of this section.

**Approval of GESC plan does not imply approval in any manner of the other engineering concepts or documents associated with a planning submittal.**

**2.9.4 Engineering Submittals (E-cases).** GESC reports and plans not associated with a land development planning submittal shall be reviewed and processed as E-cases. These may include utility projects, regional stormwater improvement projects, drainageway maintenance projects, floodplain development permits, roadway and other capital improvement projects and other site grading or land disturbance not associated with new development or redevelopment.

### **Other County Plans and Permits, continued**

E-cases must include the following documents:

- ◆ GESC plan (in accordance with Section 3.1)
- ◆ GESC report (in accordance with Section 3.2)
- ◆ Engineer's Cost Estimate of GESC improvements (in accordance with Section 3.3)
- ◆ Approved drainage study and plan - minimum Phase III drainage report. See Section 2.9.6 for drainage plan requirements.

E-cases shall be reviewed for GESC requirements only. All other required reviews and approvals must be processed through the County in accordance with other County criteria and requirements. **Approval of a GESC plan and report does not imply approval in any manner of any other Arapahoe County requirements.**

**2.9.5 Review Fees.** Review fees must be submitted with the original submittal package. GESC review fees are required independently of other engineering review fees for both engineering and planning submittals. Review fees for GESC reports and drawings shall be specified in the current Arapahoe County Engineering Fee Schedule.

**2.9.6 Drainage Plans.** The GESC Plan shall be consistent with an approved drainage plan for the development or site. Drainage plans must be prepared in accordance with the County's *Stormwater Manual*, as amended, and must be approved by the Director.

For Planning Submittals associated with a new land development project: At a minimum, the Phase II drainage plan must be submitted, reviewed, and accepted by the County prior to issuance of the GESC permit.

For E-cases not associated with a new land development project: If there is an existing Phase III drainage report on file for the property, and the proposed grading differs from the report on file, it must be revised and submitted as an amendment to the Phase III drainage plan for the site. The amended Phase III drainage plan must be approved by the County prior to issuance of the GESC permit. If there is not an existing Phase III drainage report for the site, one shall be required.

The requirements of a Phase III drainage plan may be waived by the County for Low-Impact GESC Permits, where it can be demonstrated that there is negligible drainage impact.

Permanent drainage facilities shall be addressed in the Drainage Plans per the requirements found in the *Stormwater Manual*. Permanent water quality or detention basins shall incorporate sediment basins during construction and shall be constructed as soon as possible once site disturbance occurs. GESC Plan BMPs shall be provided for permanent drainage features and shall be staged and removed at the appropriate time relative to drainage facility construction and final site stabilization.

### ***Other County Plans and Permits, continued***

**2.9.7 Street Cut and Right-of-Way Use Permit.** Projects that include the use of or construction within the County Right-of-Way must obtain a Street Cut and Right-of-Way Use Permit. More information on the Arapahoe County Street Cut and Right-of-Way Use Permit can be found in the County *Infrastructure Design and Construction Standards*.

The Street Cut and Right-of-Way Use Permit require that all permittees comply with the GESC requirements as defined in Section 10.

**2.9.8 Construction Permit.** Projects that include the installation or maintenance of public improvements are required to obtain an Arapahoe County Public Improvements Construction Permit. Information on the Public Improvements Construction Permit is found in the County *Infrastructure Design and Construction Standards*.

All projects that require a Construction Permit must comply with the GESC requirements applicable to the project, as described in this Manual.

**2.9.9 Floodplain Development Permit.** Projects that include work within designated 100-year floodplain limits of drainageways in the County require a Floodplain Development Permit. This permit shall be obtained from the Public Works and Development Department. The ob-



*Streams and drainage channels comprise valuable resources and are not to be disturbed unless accepted in advance by Arapahoe County.*

jective of this permit is to ensure that the proposed project activities are in compliance with approved floodplain management standards. If the floodplain is altered as a result of the project, a flood insurance map change approval may be needed from the Federal Emergency Management Agency (FEMA). Drainageways comprise valuable resources and shall not be disturbed unless accepted in advance by the County. Erosion and sediment controls addressing work in and around drainageways are described in Section 4.5 along with illustrations in the example GESC Plans. Any acceptance obtained from the County does not release an Applicant from the need to comply with the requirements of Sections 7 and 9 of the Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.*, as amended, or with any other applicable Federal, State or

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### *Other County Plans and Permits, continued*

local laws or regulations.

A GESC permit shall be required for all Floodplain Development Permits which include activities listed in Section 2.1.1 (Projects requiring a Standard GESC Permit) or Section 2.2 (Projects that Require a Low-Impact GESC Permit).

### *Submittal of the GESC Plan and Report*

#### **2.10**

GESC reports and plans shall be prepared according to the requirements in Sections 3 and 4. The GESC report shall be submitted for review as a separate document not embedded within a drainage study. GESC plans shall be submitted as separate plans, not inserted within Construction Plans. An Engineer's Cost Estimate (Section 3.3) shall be provided independently of other Development Improvement Costs. GESC documents shall be submitted to the County for review in accordance with Section 2.9.

### *Plan and Report Revisions Based on County Comments*

#### **2.11**

The County will review the GESC plan and report for consistency with the requirements set forth herein, and provide review comments to the applicant. When the review comments are significant or extensive, the County may recommend a meeting with the applicant to go over the comments with the applicant's engineer to ensure that the County's GESC requirements are understood and avoid a lengthy review process. GESC review comments are to be addressed by the applicant and the revised GESC Plan and Report resubmitted to the County for a follow-up review.

### *Preliminary Acceptance of the GESC Plan and Report*

#### **2.12**

When all GESC comments are addressed, the GESC plan and report will be preliminarily accepted. Final copies of the GESC drawings must be submitted for approval and signature. Contact the case engineer for the number of final copies that need to be submitted.

Each set of GESC Drawings and Report shall be signed and stamped by a Professional Engineer registered in the State of Colorado, bound and stapled.

### *Final Acceptance of GESC Plan And Report*

#### **2.13**

**2.13.1 Signed GESC Drawings and Report.** The GESC documents will be considered accepted when the submitted copies of the GESC Drawings and Reports are signed by the Director. Applicants will be notified by the County when the GESC Drawings have been signed and are ready to be picked up. Arapahoe County will retain three sets of signed GESC Drawings and GESC report; SEMSWA will retain two copies of said drawings and report.

GESC Plans and Reports are considered valid for two years following the signature date. After this time, GESC Plans and Reports will need to be resubmitted to the County for re-review and re-acceptance.

***Final Acceptance  
of GESC Plan,  
continued***

**2.13.2 GESC Field Manual.** A copy of the GESC Field Manual shall be obtained from the County at the same time the signed Drawings are picked up. The GESC Field Manual provides information pertaining to the construction phase of the GESC Permit Process and is discussed further in Section 5.

**2.14**

Once the GESC Plan is approved, the Applicants may apply for a GESC Permit. The information required on the Standard GESC Permit Application shall be filled out and the form shall be signed by personnel who are legally authorized to sign on behalf of the company, corporation, entity or organization.

***Applying for a  
GESC Permit***

A copy of the Standard GESC Permit Application is provided in Appendix J.

**2.15**

Permit Fees are to be paid prior to the approval of the GESC Permit. Fees for a GESC Permit consist of a base fee and a per-acre charge and are collected to help offset costs of administering the GESC Program. Permit fees are identified in the current Arapahoe County fee schedule, available through the County Public Works Department.

***Permit Fees***

**2.16**

**2.16.1 General.** Arapahoe County requires that all non-governmental projects requiring a Standard GESC Permit, as well as some projects requiring a Low Impact GESC Permit, post collateral.

***Posting Collateral***

The conditions under which the GESC Collateral is held is separate from any other security relating to the project site's Subdivision Improvements Agreement (SIA) or any other permits relating to the site and will be held and released separately. Collateral shall be submitted with the GESC Permit Application.

**2.16.2 Amount of Collateral.** The amount of collateral for a GESC Permit is based on the cost estimate of installing and maintaining the grading, erosion and sediment controls required on a site. A copy of the worksheets to be used for preparing the engineer's GESC cost estimate for erosion and sediment control are included in Appendices F and G.

The engineer's GESC cost estimate worksheet shall be completely filled out and submitted separately from the GESC Report (see Section 3.2 for GESC Report requirements). The GESC cost estimate worksheet will be reviewed for acceptance by Arapahoe County or its designated agent.

**2.16.3 Forms of Collateral.** Arapahoe County accepts two forms of financial collateral:

1. Irrevocable Letter of Credit from a Colorado financial institution in a form acceptable to the County (the format for Letters of Credit is pro-

## Section 2. Submittal and Permit Process

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### **Posting Collateral, continued**

vided in Appendix L).

2. Irrevocable Letter of Credit from out-of-state financial institution in a form acceptable to the County.
3. Cash Escrow. An example of a cash escrow agreement is available upon request from the County.

1. *Irrevocable Letter of Credit.*
2. *Cash Escrow*

Cash deposits will be held in a non-interest-bearing account.

The conditions of each form of collateral shall allow for the collateral to be held by Arapahoe County until seeding, mulching and revegetation is complete, typically a minimum of two (2) years. The two-year period should allow for completion of all GESC and Site Improvement Plan requirements, including two growing seasons to allow time for revegetation to reach the required coverage (see Section 7.3.2). Information regarding the release of collateral is provided in Section 7.5.

**2.16.3.1 Collateral Waiver for Governmental and Quasi Governmental Entities.** Arapahoe County may waive collateral from governmental and quasi governmental entities based on an executed written agreement addressing GESC requirements, BMP implementation and revegetation.

**2.16.4 Expiration of Collateral.** If the construction of the project and/or revegetation process takes longer than two (2) years, the Permittee shall extend the posted letter of credit a minimum of fourteen (14) days prior to the expiration date. Failure to extend the collateral, for a minimum of one (1) additional year, prior to the fourteen (14) day deadline shall result in the County drawing upon the collateral.

### **Duration of GESC Permits**

#### **2.17**

A GESC Permit is valid for two years from the date the permit is granted (the date the GESC Permit Application Form is approved). A GESC Permit shall be renewed prior to its expiration. The Permittee(s) shall contact the County and start the renewal process at least 14 days prior to the original GESC Permit's expiration date. Failure to renew the GESC permit prior to its expiration may result in a Stop Work Order, per Section 5.9. Renewal fees for the GESC permit shall be in accordance with the current Arapahoe County fee schedule (see [www.co.arapahoe.co.us](http://www.co.arapahoe.co.us) for fee schedule).

Permittee(s) shall have a valid GESC Permit until Final Close-out Acceptance (after revegetation is established) for all projects.

### **Transfer of GESC Permits**

#### **2.18**

If a project is sold (in whole) to a new Owner, the GESC Permit shall be transferred to the new Owner using a specific transfer procedure. The transfer shall require a new GESC Permit Application Form, payment of

*Transfer of  
GESC Permits,  
continued*



a transfer fee, new collateral, and another Preconstruction Meeting on-site (the preconstruction meeting is discussed in Section 5.3). Failure to transfer the GESC Permit when the Owner changes will result in issuance of a Stop Work Order per Section 5.9.

For projects that have portions of the original property sold off to multiple owners, the original owner will be required to coordinate the new property owners under the original GESC Permit. Refer to Section 2.19 and 2.20 for multi-owner permitting requirements.

If the Contractor that is identified on the GESC permit is replaced by a different Contractor, the GESC Permit must be updated to reflect the new Contractor for the site.

*GESC Permits for  
Single Family  
Residential  
Projects*

**2.19**

**2.19.1 GESC Permitting for Single Family Residential Projects.** Single family residential projects typically involve the transfer of ownership several times throughout the life of the project. Also, the project is often sold off to more than one owner, either as individual or multiple lot blocks. Usually, the project is initiated by a developer and then developed lots are sold off to builders. Eventually the lots are sold to homeowners. It is important that the GESC requirements be maintained throughout the life of the project, and throughout these transfers of ownership.

When a single family residential project is sold as a whole to a new owner, the GESC permit shall be transferred to the new Owner in accordance with Section 2.18.

When developed lots are sold off to multiple owners, special consideration must be given to ensure that the GESC responsibilities are clearly defined. Unless there is clear understanding of responsibilities throughout the life of the project, there will be confusion among the parties that are involved, and enforcement will be difficult.



*Common areas are often neglected during the construction of single family residential projects. Adequate perimeter controls were not installed at this site, resulting in sedimentation and weed infestation.*

Often, the areas that are most neglected in these types of projects are the common areas of the Development. These include the streets and right-of-ways, the common open space areas, drainage tracts and easements, stormwater detention and water quality facilities, and other areas which are not associated with individual lots. These common areas are affected by all development within the project, regardless of ownership. In addition, these areas are most impacted if adequate GESC measures are not being implemented. Therefore, it is necessary that all parties involved cooperate and be held to certain requirements throughout the life of the project.

***GESC Permits for Single Family Residential Projects, continued***

The life of the project shall be defined as the period, which begins at initial overlot grading and ends when the final landscaping or adequate vegetative cover is established and accepted for all of the property within the Development, and Final Close-Out for the GESC permit is granted. The GESC responsibilities for each of the parties are defined in the following sections.

**2.19.2 Developer’s Responsibilities for Single Family Residential Projects.** The County shall define the party that originates the development of the property, through a County planning and/or zoning process as the “Developer”. The Developer creates the initial land disturbance, and therefore, as a condition of development approval, shall be held ultimately responsible for the restoration of the land. Arapahoe County will require the Developer to obtain and maintain the original GESC permit for the development project until Final Close-out of the GESC permit. Final Close-out for the original GESC permit shall not occur until all of the lots within the Development have been built upon and stabilized in accordance with the GESC requirements. The Developer will be directly responsible for the common areas of the development throughout the life of the project.

The Developer may transfer this responsibility for the entire Development, in whole, to another party, provided that the new party is an entity that is acceptable to the County. The new party will be required to ob-

***Transfer of the GESC Permit from the Developer***

*The Developer may transfer the responsibility for the GESC permit for the Development, in whole, to another party- provided that party is an acceptable entity to the County. In determining whether another party is acceptable, the County shall evaluate the following criteria:*

- ◆ *The party is willing to, and is capable of accepting the responsibilities and liabilities associated with the GESC permit for the entire project area, including those areas owned by others.*
- ◆ *The Party is capable of providing the required collateral for the entire project areas, and is capable of managing the administration of the collateral through-out the life of the project.*
- ◆ *The party is capable of requiring and enforcing the GESC requirements for all of the areas within the project, through appropriate agreements with the property owners.*
- ◆ *The party is made up of entities that have a vested interest in ensuring that the GESC requirements are implemented and enforced.*
- ◆ *The party is not made up of, and does not have the potential to be made up of individual homeowners, or Homeowner’s Associations, who do not typically take on construction related requirements, and in particular, grading and erosion control requirements.*
- ◆ *The party agrees to be directly responsible for immediate action and enforcement measures to ensure the GESC compliance for the project.*

*The County will have the ultimate final decision in determining whether the GESC permit may be transferred or obtained initially by a party other than the Developer.*

***GESC Permits for Single Family Residential Projects, continued***

tain a GESC permit and provide the appropriate collateral to guarantee the GESC requirements for the entire project area. The County will not allow the GESC permit for the Development to be transferred to multiple parties, creating multiple permits within the original development. This does not adequately address the common areas, which serve the entire site. It shall be the Developer's responsibility to obtain the appropriate agreements with others, through the transfer of property, to allocate responsibilities and costs for the GESC requirements within the development to all future owners.

All property owners, except individual homeowners, within a Development project are required to become a party to the GESC permit for the project by completing and signing a Letter of GESC Permit Compliance. The Letter of GESC Permit Compliance requires all property owners to agree to the terms and conditions of the GESC permit. It is the Developer's (or party to which the original permit is transferred) responsibility to notify all new owners of this requirement. Failure to submit a Letter of GESC Permit Compliance may result in the issuance of a Stop Work order in accordance with Section 5.9. A copy of the Letter of GESC Permit Compliance is provided in Appendix O.

***Requirements of Individual Homeowners***  
*Individual homeowners, which have purchased homes from builders are not required to submit a Letter of GESC Permit Compliance, but shall be required to provide BMPs in accordance with Section 9.7.*

The original GESC permit for the development may be adjusted throughout the life of the subdivision build-out to reflect only those improvements that are necessary. The cost estimate and collateral will be reduced accordingly throughout the project at the request of the permittee. Revised GESC plans may be required to reflect the adjusted requirements.

**2.19.3 New Owner's/Builder's Responsibilities for Single Family Residential Projects.** When any portion of the Development project is sold off to a new owner (usually a Builder), the new owner shall be required to become a party to the original GESC permit for the development. All Owners within a Development must complete a Letter of GESC Permit Compliance. The Letter of GESC Permit Compliance requires all property owners to comply with the terms and conditions of the GESC permit. Failure to submit a Letter of GESC Permit Compliance may result in the issuance of a Stop Work order to the violating entity(s) in accordance with Section 5.9. A copy of the Letter of GESC Permit Compliance is provided in Appendix O. The Builder (new owner) will not be required to provide additional collateral, but shall be held accountable via the Arapahoe County Building Code.

***GESC Permits for Single Family Residential Projects, continued***

The Builder shall be responsible for the implementation of all GESC requirements associated with their property ownership. These requirements are defined further in Section 9 of this Manual. Separate plans are generally not required, unless the lot conditions differ significantly from those shown on the typical site plans shown in Section 9. In those cases, the County shall request plans for the specific lot.

Builders will be required to install temporary erosion control measures on properties that are not final landscaped or revegetated adequately prior to issuance of the Certificate of Occupancy (C.O.). The temporary erosion control measures must be designed to function for a minimum of 90 days after the transfer of ownership. The Builder will be responsible for maintenance of the temporary BMPs until the transfer of ownership of the lot. The Builder will also be responsible for notifying the new owner of the need to maintain the temporary erosion control BMP's on the site until the lot is final landscaped or revegetated in accordance with the County's GESC requirements. A certification will be required prior to issuance of the C.O. to certify the Builder's acknowledgement of these requirements.

The individual lot requirements defined in Section 9 are enforced through the Building Permit, and violations will be subject to delays or denial of building permits and inspections, delays or denials of Certificates of Occupancy or other measures as described in the Arapahoe County Building Code

**2.19.4 Individual Lot Owner's Responsibilities for Single Family Residential Projects.** Individual lot owners are responsible for maintenance of temporary BMPs or establishment of vegetative cover to ensure that erosion is not occurring and soil is not being transported from their property.

Individual lot owners shall be required to be responsible for the GESC requirements on their lot, by complying with the Arapahoe County Land Development Code. Temporary BMPs as described in Section 9 must be maintained on all individual lots until the landscaping is completed and revegetated in accordance with Section 7.3 is established. All disturbed areas must maintain adequate vegetative cover (such as sod or native grasses) or provide other appropriate landscaping methods to retain the soil on their site.

**2.20**

**2.20.1 GESC Permitting for Multi-lot Development Projects (Not Including Single-Family Residential Projects, See Section 2.19).**

Multi-lot development projects are similar to single-family residential projects, in that they typically involve the transfer of ownership of portions of the property during the life of the project, and they include common areas, which may serve or be impacted by multiple owners. Again, it is important that measures are in place to ensure that the GESC requirements are maintained on all portions of the original development throughout the life of the project.

***GESC Permits for Multi-lot Development Projects***

***GESC Permits for Multi-lot Development Projects, continued***

Multi-lot development projects differ from single family residential in the fact that as individual lots are developed, they typically must go through an Arapahoe County planning and development process, such as a Final Development Plan (FDP). Typically, lot specific site plans, drainage reports and plans, and individual GESC plans are required with this process. GESC permits will be required with each individual lot.

When a multi-lot development project is sold as a whole to a new owner, the GESC permit shall be transferred to the new Owner in accordance with Section 2.18.

When developed lots are sold off to multiple owners, individual lot owners will be required to obtain separate GESC permits for their ownership, and provide the required collateral to guarantee compliance with the GESC requirements.

The Developer will be required to maintain the GESC permit for the common areas of the original development for the life of the project. The life of the project shall be defined as the period, which begins at initial overlot grading and ends when the final landscaping or adequate vegetative cover is established and accepted, for all of the property within the Development and Final Close-Out for the GESC permit is granted. The Developer may be released from the GESC requirements for individual properties as they are sold off, and a new lot specific GESC permit is obtained.

The GESC responsibilities for each of the parties are defined in the following sections.

**2.20.2 Developer's Responsibilities for Multi-lot Development Projects.** The Developer creates the initial land disturbance, and therefore, as a condition of development approval, shall be held ultimately responsible for the restoration of the land. Arapahoe County will require the original Developer to obtain and maintain the GESC permit for the development project until Final Close-Out of the GESC permit. Final Close-out for the project shall not occur until all of the lots have been built upon and landscaped or vegetated in accordance with the County's GESC requirements. The Developer will be directly responsible for the common areas of the development throughout the life of the project.

The Developer may transfer this responsibility, in whole, to another party in accordance with Section 2.18. The new party will be required to obtain a GESC permit and provide the appropriate collateral to guarantee the GESC requirements for the entire site.

It shall be the Developer's responsibility to obtain the appropriate agreements with others, through the transfer of property, to allocate responsibilities and costs for the GESC requirements to all future Owners within a development project.

***GESC Permits for Multi-lot Development Projects, continued***

The Developer's GESC permit may be adjusted through out the life of the project to reflect only those improvements that are needed for the common areas of the project, and those properties that the Developer owns. The cost estimate and collateral can be reduced accordingly throughout the project. Revised GESC Plans may be required to reflect the appropriate GESC measures.

**2.20.3 New Owner's Responsibilities for Multi-lot Development Projects.** When any portion of the Development project is sold off to a new owner the new owner shall be required to obtain an individual GESC permit for their property. A GESC plan and report for the property must be provided. This is typically required through the FDP process. The GESC plan must include all necessary GESC measures for control of the site. The new owner will be required to provide collateral in accordance with the GESC permit requirements.

**2.20.4 Builder's Responsibilities for Multi-lot Development Projects.** Builders are required to comply with the County's GESC requirements and the GESC plan for the property. The GESC requirements will be enforced through the Building Permit, and violations will be subject to delays or denial of building permits and inspections, delays or denials of Certificates of Occupancy or other measures as described in the Arapahoe County Building Code.