

## CHAPTER 14

### Watershed Protection

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## **ARTICLE I**

### **General Provisions**

#### **Sec. 14-1. Short title.**

This Chapter may be cited as the "Watershed Protection District Regulations" or generally as "Watershed Regulations." (Ord. 765 §1, 1997)

#### **Sec. 14-2. Intent.**

The Board of Trustees finds that the maintenance and protection of an adequate water supply of the highest quality and quantity is essential to the public health, safety and welfare of the citizens of the Town, and that the Town's water supply and waterworks shall be protected from pollution, impairment, injury or damage. (Ord. 765 §1, 1997)

#### **Sec. 14-3. Authority.**

The Town has the power to enact ordinances and regulations for the purpose of maintaining and protecting the Town's waterworks from injury and to protect the water from pollution in territory occupied by such waterworks, and over the streams or sources from which the water is taken for five (5) miles above the point from which it is taken, pursuant to Section 31-15-707(l)(b), C.R.S. (Ord. 765 §1, 1997)

#### **Sec. 14-4. Severability.**

If any section, subsection, paragraph, clause, phrase or provision of this Chapter shall be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, the validity of these Watershed Regulations shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional. (Ord. 765 §1, 1997)

#### **Sec. 14-5. Prevailing provisions.**

The Town's review authority over proposed land use activities within the Watershed Protection District, not on land owned in fee simple by the Town, shall be exercised concurrently with the review authority of the City of Grand Junction, Mesa County, the United States Department of Agriculture, the Forest Service, and the United States Department of the Interior, Bureau of Land Management, subject to the Town's jurisdiction as authorized by law and implemented by this Chapter. For all proposed land use activity on land owned in fee simple by the Town, or if any federal, state or local entity defers or declines to exercise its review, approval or permit authority, if any, for any proposed land use activity within the District, the Town's review authority shall occur prior to the commencement of any proposed land use activity subject to this Chapter. (Ord. 765 §1, 1997)

#### **Sec. 14-6. Interpretation.**

In their application and interpretation, the provisions of this Chapter shall be held to be minimum requirements. This Chapter is not intended to repeal, abrogate, annul or in any way impair or

interfere with existing provisions of private or intergovernmental agreements. Where this Chapter imposes a greater restriction than that imposed by existing provisions of law, contract or deed, the provisions of this Chapter shall control. (Ord. 765 §1, 1997)

**Sec. 14-7. Arrest authority.**

(a) The Chief of Police and all other duly sworn police officers of the Town are empowered to detain, arrest, transport and issue citations or summonses to any person in violation of this Chapter.

(b) Any employee assigned to the Public Works Department is empowered to detain and hold for further disposition any person in violation of this Chapter. (Ord. 765 §1, 1997)

**Sec. 14-8. Entry and inspection.**

The Town may enter and inspect any property within the District and under the jurisdiction of this Chapter at reasonable hours for the purpose of determining if any land use activity is in violation of the provisions of this Chapter or in violation or noncompliance with any permit issued hereunder. (Ord. 765 §1, 1997; Ord. 766 §2, 1997)

**Sec. 14-9. Violations; penalties.**

(a) It is unlawful to engage in any activity not in compliance with this Chapter or any amendment thereof and the permit requirements herein. Any person, corporation or other legal entity, either as owner, lessee, permittee, occupant or otherwise, who violates any provision of this Chapter or who engages in any activity not in compliance with this Chapter, shall be guilty of a misdemeanor.

(b) Any person, corporation or other legal entity, upon conviction of a violation of this Chapter, shall be punished by the imposition of a fine in the amount not to exceed three hundred dollars (\$300.00) per day for each offense, or by imprisonment not exceeding ninety (90) days for each offense, or both.

(c) Any person, corporation or other legal entity shall be guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued or permitted.

(d) Nothing herein shall limit the Town from seeking any other remedies available by law or in equity, including but not limited to injunctive relief, the recovery of damages and the payment of costs and reasonable attorneys' fees. All remedies shall be cumulative. (Ord. 765 §1, 1997)

**Secs. 14-10—14-20. Reserved.**

## ARTICLE II

### Definitions

#### Sec. 14-21. Rules of construction.

For the purposes of this Chapter, any words and phrases set forth herein shall have the meanings respectively ascribed to them and, in addition, whenever appropriate with the context, words used in the present tense include the future tense, words used in the singular include the plural and vice versa, the word "shall" is always mandatory and the word "may" is permissive. (Ord. 765 §1, 1997)

#### Sec. 14-22. General terms defined.

Whenever the following words or phrases are used, they are defined as follows:

*Board of Trustees* or *Board* means the Board of Trustees of the Town of Palisade.

*Excavating* means any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and also includes the conditions resulting from such acts.

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

*Grading* means any stripping, excavating, filling or stockpiling of soil or rock, or any combination thereof, and also includes the condition of the land resulting from such acts.

*Impact* means any alteration or change resulting directly or indirectly from an action.

*Land use activity* means any excavating, filling, grading, surfacing, construction or activity, other than noncommercial gardening or landscaping, which changes or enlarges the basic character or the use of the land upon which the activity occurs.

*Mitigation* means methods which:

- a. Avoid an impact upon the land by redesigning an activity;
- b. Minimize an impact upon the land by substantially limiting the scope of an activity;
- c. Rectify an impact upon the land through the use of remediation, rehabilitation or restoration techniques; or
- d. Compensate for the impact upon the land by replacing or providing substitute facilities or resources.

*Person* includes any individual, corporation, association, organization, partnership, trust, estate or any other recognized legal entity.

*Pollution* means the man-made, man-induced or natural alteration of the physical, chemical, biological or radiological composition or integrity of water.

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

*Substantial* means material or considerable in importance, value, degree, amount or extent.

*Surfacing* means covering soil or prepared areas with asphalt, gravel or similar materials.

*Town* means the Town of Palisade and, where appropriate, an officer, employee or authorized agent of the Town of Palisade.

*Watershed Protection District* or *District* is the area designated in Section 14-32 of this Chapter, including the hydrologic basins and land area encompassed by the District.

*Watershed Protection District permit* or *permit* means the written approval issued by the Town for a land use activity within the Watershed Protection District.

*Waterworks* means any and all naturally occurring, man-made or designed components of the Town's water collection and delivery system, including but not limited to all springs, seeps, streams, surface intakes, ditches, drains, pipelines or reservoirs and all decreed points of diversion for the same, and any transmission, storage and filtration facilities which are used in the construction, maintenance and operation of the Town's water collection and delivery system.

*Wetlands* means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. *Wetlands* generally includes wet meadows, fans, riparian areas and similar areas. (Ord. 765 §1, 1997)

**Sec. 14-23. Other definitions.**

Other words and phrases may be defined elsewhere in this Chapter, which definitions shall define said words and phrases necessary for the administration and enforcement of these regulations. (Ord. 765 §1, 1997)

**Secs. 14-24—14-30. Reserved.**

**ARTICLE III**

**Watershed Protection District**

**Sec. 14-31. Establishment of District.**

The Town of Palisade Watershed Protection District is hereby established. The District is that area of land in which the Town shall exercise its powers to maintain and protect the Town's water supply and waterworks from pollution, impairment, injury or damage. (Ord. 765 §1, 1997)

**Sec. 14-32. Jurisdiction.**

The jurisdiction of the District shall extend over all of the territory occupied by the Town's waterworks, and all springs, seeps, streams, surface intakes, ditches, drains, pipelines and reservoirs used in and necessary for the construction, maintenance and operation of the same, in and including the Rapid Creek, Cottonwood Creek and Sink Creek basins and all water tributary thereto, and all associated surface waters, springs, seeps, groundwater flows and reservoirs, and all water sources and drainage areas tributary thereto for five (5) miles above the points from which water is diverted for use by the Town. The District includes all the land owned in fee simple by the Town within the District. The District includes all decreed points of diversion for direct flow and storage rights to numerous springs, ditches and reservoirs, all of which are located generally in Sections 6, 7, 8, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 32 and 33, Range 97 West, Township 11 South and Sections 1, 2, 12, 13 and 24, Range 98 West, Township 11 South, 6th Principal Meridian, Mesa County, Colorado. (Ord. 765 §1, 1997; Ord. 766 §1, 1997)

**Sec. 14-33. District Map.**

A map of the District showing the boundaries of the District, including the boundaries of the land owned in fee simple by the Town, with all notations, references and other information shown thereon ("District Map") may be adopted. The District Map may be located at and available for viewing by the public in the office of the Town Clerk, and copies are available upon request at a fee established by the Town. (Ord. 765 §1, 1997)

**Sec. 14-34. Unlawful to cause injury or damage.**

It shall be unlawful for any person to cause injury or damage to the Town's waterworks, including all springs, seeps, streams, surface intakes, ditches, drains, pipelines and reservoirs used in and necessary for the construction, maintenance and operation of the same. (Ord. 765 §1, 1997)

**Secs. 14-35—14-40. Reserved.**

**ARTICLE IV**

**Activity within the District**

**Sec. 14-41. Regulated activity.**

It shall be unlawful for any person to engage in any of the following activities without first applying for and obtaining a Watershed Protection District permit under the provisions of these Watershed Regulations and according to the standards set forth in Section 14-57 of this Chapter.

- (1) Altering water drainage courses.
- (2) Timber harvesting, except for the approved removal of dead trees and deadfall.
- (3) Surface and subsurface mining operations, including drilling operations.

- (4) Excavating, grading, filling or surfacing of surface and subsurface soils.
- (5) Using, handling, storing or transmitting toxic, hazardous, radioactive or flammable or explosive materials and substances.
- (6) Spraying or the use of pesticides, herbicides and fertilizers.
- (7) Removing or altering vegetation.
- (8) Construction or installation of a sewage disposal system.
- (9) Prescribed fires, except with the approval of the Town in cooperation with any federal or state land management agency which seeks to conduct a supervised prescribed burn.
- (10) Motorized vehicular use of land owned in fee simple by the Town within the District and on the Cottonwood Creek Road.
- (11) Hunting, shooting, camping, fishing, trapping, livestock grazing and removal of rocks, soil or native plants on or from the land owned by the Town in fee simple in the District, including the waterworks. (Ord. 765 §1, 1997; Ord. 766 §3, 1997)

**Sec. 14-42. Permitted uses.**

Hiking and horseback riding by the public are permitted on land owned by the Town in fee simple within the District. Such activities are allowed on and off established roads, trails and routes, provided that such use does not substantially impact the District or waterworks. Mountain biking by the public is permitted on land owned by the Town in fee simple within the District on designated routes and the Cottonwood Creek Road only, provided that such use does not substantially impact the District or waterworks. (Ord. 765 §1, 1997)

**Sec. 14-43. Cottonwood Creek Road.**

The Town is the grantee of an exclusive easement to the use of the Cottonwood Creek Road, which is closed to public motorized vehicular use within the District. Use of the Cottonwood Creek Road shall be restricted to authorized motor vehicles only and shall be closed to public motorized use by locked gates and by signage, subject to any written agreements for access that the Town is a party to upon the effective date of the initial ordinance codified herein or that the Town may enter into in the future. (Ord. 765 §1, 1997)

**Sec. 14-44. Modes of travel.**

The unauthorized use of motorized vehicles by the public on land owned by the Town in fee simple within the District and on the Cottonwood Creek Road is prohibited. Motorized vehicle use on land owned by the Town in fee simple within the District and on the Cottonwood Creek Road is permitted for Town employees, officials and their agents, employees and officials of the federal government on official business in the District, and for authorized lessees of lands owned by the City of Grand Junction within the District. (Ord. 765 §1, 1997)

**Secs. 14-45—14-50. Reserved.**

## **ARTICLE V**

### **Administration and Enforcement**

#### **Sec. 14-51. Applicability.**

These Watershed Regulations shall apply to any and all land use activity and proposed land use activity within the District, and shall also apply to all requests for entry, rights-of-way and any other access to the District which has been received but not yet been granted upon the effective date of these Watershed Regulations. (Ord. 765 §1, 1997)

#### **Sec. 14-52. Permit required; application.**

(a) Permit required. No person shall engage, commence or continue any land use activity within the District except in conformance with a Watershed Protection District permit issued by the Town.

(b) Permit application. Applications for a permit are to be made to the Town Administrator or his or her designee. The applicant shall submit to the Town a complete written description of the proposed land use activity. The application shall contain, at a minimum, all of the information required by Section 14-53 below, and quality of the information provided shall be such as to enable the Town to review the application and make informed recommendations as set forth herein. The Town reserves the right to reject all or part of an application that is not complete or does not address all of the requirements of Section 14-53 in a concise and coherent manner. (Ord. 765 §1, 1997)

#### **Sec. 14-53. Submittal requirements.**

The permit application shall contain the following information:

(1) Land use activity description.

a. Name and address of the applicant and the property owner. Where the applicant and the property owner are not the same, a written authorization by the property owner is required before the applicant may appear on behalf of the property owner in regard to the proposed land use activity.

b. Legal description of the property to be affected by the land use activity.

c. Detailed plans and specifications of the proposed land use activity.

d. Vicinity map and other pertinent information indicating the site location, and a survey, prepared by a licensed engineer, of the property to be affected by the land use activity.

e. A list of all federal, state or local permits or approvals that are required for the proposed land use activity and copies of any such permits or approvals when and where available.

f. Copies of all applications and documents submitted to any federal, state or local authority concerning the proposed land use activity.

g. Itemization of all hazardous, toxic or explosive substances or materials to be used, transported, stored or handled as a part of the proposed land use activity.

h. Proposed hours of operation of all aspects of the proposed land use activity.

(2) Alternatives. A detailed description of any reasonable alternative to the proposed land use activity which may result in less of an impact to the District.

(3) Environmental assessment and mitigation measures. An environmental assessment and proposed mitigation measures addressing the following:

a. Water resources.

1. A map of all surface waters, springs, seeps, wetlands and groundwater potentially affected by the proposed land use activity.

2. Existing water quality in all affected waters for each parameter established by the Colorado Water Quality Control Commission.

3. A detailed description of the potential impacts the proposed land use activity will have on the quality and quantity of the Town's water resources.

4. A detailed description of proposed mitigation of impacts to the Town's water resources.

b. Vegetation.

1. A map showing the type and extent of all vegetation within one hundred (100) yards of any proposed land use activity.

2. A detailed description of the potential impacts the proposed land use activity will have on that vegetation.

3. A detailed description of proposed mitigation of impacts to vegetation.

c. Soils.

1. A description of all soil conditions in the area potentially affected by the proposed land use activity, including contour maps at intervals determined by the Town, which maps identify soil types, drainage areas, slopes, avalanche areas, debris fans, mudflows and rockslide areas.

2. A detailed description of potential impacts to soils by the proposed land use activity, and a description of potential adverse effects to the proposed land use activity as a result of existing or created soil conditions.

3. A detailed description of proposed mitigation which addresses soil conditions.

d. Drainage.

1. A map showing all natural drainage patterns in the area of the District potentially affected by the proposed land use activity.

2. A detailed description of potential impacts to natural drainage patterns in the District by the proposed land use activity.

3. A detailed description of proposed mitigation of impacts to natural drainage patterns.

e. Wastewater treatment.

1. A description of proposed wastewater treatment, including facilities, necessary to support the proposed land use activity.

2. A detailed description of potential impacts to the District associated with the proposed wastewater treatment.

3. A detailed description of proposed mitigation of impacts to the District caused by the proposed wastewater treatment facilities.

f. Water supply.

1. A description of the water supply for the proposed land use activity, including any proposed wells, water rights and diversion structures and facilities.

2. A detailed description of potential impacts to the District associated with the proposed water supply.

3. A detailed description of proposed mitigation of impacts to the District caused by the proposed water supply.

g. Geographic location. A description of all mitigation activities and their locations, a map and legal description of all property upon which mitigation activities may occur and written authorization, easements and any other agreements from such property owners.

(4) Revegetation, soil erosion control and water quality monitoring plan. A revegetation plan, soil erosion control plan and water quality monitoring plan meeting or exceeding the standards set forth in the applicable provisions of Section 14-57.

(5) Grading plan. A plan showing elevations, dimensions, location and extent of all proposed excavating, filling, grading or surfacing within the District by the proposed land use activity.

(6) Additional information. Any additional information or certification deemed necessary by the Town to determine whether or not the proposed land use activity will comply with the standards set forth in Section 14-57.

(7) Waiver of requirements. If sufficient information is available to the Town concerning the information required to be within the permit application, the Town in its sole discretion may waive such requirement. (Ord. 765 §1, 1997)

**Sec. 14-54. Fees and review costs.**

The applicant shall be assessed a fee to cover the costs incurred by the Town for reviewing and processing the application, including the costs of publication, hearing, administration, inspection and enforcement of such requested permit. The applicant shall also be assessed the costs of any legal and technical consultants retained or employed by the Town for the purpose of evaluating the application's compliance with these District regulations. An initial fee deposit based on the Town's reasonable estimate of the total anticipated fees, including any consultant's fees, shall be paid by the applicant to the Town within fifteen (15) days of the fee being set by the Town. Any balance of fees owed by the applicant to the Town shall be paid prior to and shall be a condition for the issuance of any permit or, if no permit is issued, such balance of fees shall be payable within fifteen (15) days of billing by the Town. Any unused fees shall be returned to the applicant timely in either event. (Ord. 765 §1, 1997)

**Sec. 14-55. Review and permitting procedures.**

(a) Town review. The Town shall review the application and determine whether it is complete and of sufficient quality and whether a site inspection is necessary within thirty (30) days of the submittal. If the application is found to be sufficiently complete, the Town shall review the application for compliance with these regulations. The Town shall prepare a staff report within thirty (30) days of the acceptance of a complete application.

(b) Minor impact. The Town may classify in writing an application as having minor impact if the proposed land use activity has been or will be properly permitted by applicable federal, state or local authorities and if the proposed land use activity clearly does not present or create a violation of any of the standards set forth in Section 14-57. Within fifteen (15) days after such a written classification of a minor impact, the Town shall approve, approve with conditions or deny the Watershed District permit.

(c) Major impact. If the Town does not classify an application for a proposed land use activity as a minor impact, it shall submit the staff report to the Board of Trustees, together with a recommendation that the Watershed Protection District permit be approved, approved with conditions or denied. If the complexity of the application or the proposed land use activity so requires, the Town may extend the deadline for the completeness review and the staff report prepared by the Town for a period of time not to exceed an additional sixty (60) days for each deadline, unless a longer time is agreed to between the Town and the applicant.

(d) Board of Trustees hearing and notice. The Board of Trustees shall hold a public hearing within sixty (60) days of receipt of a staff report to consider the application for a permit. Not less than thirty (30) days prior to the hearing, and again not less than ten (10) days prior to the hearing, the Town shall publish notice stating the date and time, place and purpose of the hearing in a newspaper in general circulation in the Town.

(e) Effect of other approvals. If a proposed activity requires the approval of or a permit from federal, state or local authorities, and such approval or permit procedure exceeds the time requirements for Town action stated in this Article, the Town has an additional ninety (90) days in which to conduct a hearing and render a decision.

(f) Additional information. If the Board of Trustees requests additional information from an applicant, then the public hearing and decision may be delayed or continued until the receipt of such additional information.

(g) Permit decision. Within thirty (30) days of the public hearing, the Board of Trustees shall approve, approve with conditions or deny the Watershed District permit. Any application for a proposed land use activity which fails to conform to the standards set forth in Section 14-57 shall be denied.

(h) Establishment of vested property rights. The approval or approval with conditions of a permit for a proposed land use activity shall establish a vested property right subject to the provisions of Article 68 of Title 24, C.R.S. (Ord. 765 §1, 1997)

#### **Sec. 14-56. Activities declared to cause significant degradation of water quality.**

The following activities by their very nature are declared to cause significant degradation of water quality in the District and are presumed to cause such significant degradation and to be in violation of these Watershed Regulations, unless the Board of Trustees determines to its satisfaction, after consideration of the standards set forth in Section 14-57 and after notice and hearing, that the proposed land use activity can be conducted in a manner so as to conform to these Regulations.

(1) Drainage alterations. Any alteration to water drainage courses shall be prohibited which increases or decreases rates of stream flow, increases sediment load and deposition, causes erosion to stream banks, results in an increase or decrease in stream temperature, or otherwise causes injury to the aquatic environment.

(2) Timbering. Any timber harvesting, other than the removal of deadfall or diseased trees, or the removal of trees for incidental purposes which may be associated with permitted activity within the District.

(3) Mining. All surface and subsurface mining operations, including drilling operations, with the exception of reclamation activities pursuant to a state-approved reclamation plan. (Ord. 765 §1, 1997)

#### **Sec. 14-57. Standards.**

No land use activity shall be permitted in the District except in compliance with the following standards:

(1) Damage to waterworks prohibited. Any activity causing impairment, damage or injury to the waterworks shall be prohibited.

(2) Increase in pollution prohibited. All point and nonpoint sources of pollutants caused by or associated with the proposed land use activity shall not result in any measurable increase in pollution over the existing water quality of any waters affected by the proposed land use activity.

(3) Construction in waters prohibited. Construction within any waters of the District is prohibited, excluding authorized stream bank reinforcement or repair, water diversion placement or repair or stream crossings performed by or on behalf of the Town.

(4) Setbacks. Any activity, including grazing, or the placement of any structure, other than stream crossings, shall be set back a minimum of one hundred (100) feet from any stream, spring, seep, intake structure, ditch, wetlands or reservoir.

(5) Erosion control requirements. If required, temporary (during construction) and permanent erosion and sediment control measures shall be installed and maintained pursuant to a soil erosion control plan. Such soil erosion control plan shall include a description and location of all soil erosion control measures to be installed, and shall be subject to the following additional standards:

a. All erosion control features shall be consistent with any stormwater control plan approved by the State or any other applicable agency for the proposed land use activity;

b. Dust suppression techniques shall be implemented during construction to minimize any increase in water-borne particulates;

c. Cut and fill shall be kept to a minimum;

d. Graded and filled slopes shall be kept to a 3:1 slope ratio or less, and all slopes in excess of thirty-percent gradient shall be left undisturbed;

e. Slope stabilization techniques shall be implemented where soil conditions warrant to prevent soil movement;

f. Berms and ditches shall be constructed before any construction activity begins and shall be installed around graded areas to contain any sediment-laden runoff caused by the proposed land use activity;

g. Grading and earth-moving activities shall be undertaken in a manner to avoid increased spring runoff flows;

h. All natural vegetation shall be left as undisturbed as practicable;

i. Impervious surfaces shall be as small as possible, and runoff from impervious surfaces shall be collected in ditches or trenches;

j. Any increase in runoff velocity and amount shall not be greater than those levels which occurred prior to the proposed land use activity; and

k. No structures or roads shall be built in any avalanche or natural hazard area.

(6) Spill prevention. Measures shall be designed and implemented to prevent spilled fuels, lubricants or other hazardous or toxic materials from entering any waters or being deposited upon any soil in the District during construction, implementation or operation of the proposed land use activity.

(7) Pesticides, herbicides and fertilizers prohibited. The use of pesticides, herbicides and fertilizers within the District is prohibited.

(8) Revegetation. All vegetated areas within the District disturbed by the activity shall be revegetated or restored in accordance with a submitted and approved revegetation plan. At a minimum, disturbed areas shall be successfully revegetated within one (1) year of the date of disturbance.

(9) Water quality monitoring plan. A water quality monitoring plan for all waters affected by the proposed land use activity within the District shall be developed and implemented. Such water quality monitoring plan shall include provisions for:

a. Sample locations as determined by the Town;

b. Frequency of sample collection at the designated locations, which shall reflect the nature and extent of the proposed land use activity;

c. Baseline water quality data determined during an active runoff event prior to the disturbance of any proposed site;

d. Water quality monitoring that coincides with any construction activities that pose a potential risk of adverse water quality impacts;

e. Parameters to be sampled as determined by the Town, including at a minimum suspended solids and all parameters for which there are water quality standards in the affected waters, any potential pollutants associated with the proposed land use activity and nutrient and *chlorophyll a* for any lake or reservoir samples;

f. A description of sampling and analysis techniques and procedures, quality control and detection limits; and

g. The provision for periodic reports of the monitoring, frequency and content as determined by the Town, including all physical, chemical and biological data and a narrative describing significant findings and trends.

(10) Wastewater treatment. All wastewater treatment and facilities necessary to serve the proposed land use activity within the District shall meet requirements established or adopted by the Town for construction, operation and maintenance of the same. No new individual sewer disposal system shall be constructed or installed within the District, and any existing individual sewer disposal system shall be operated and maintained in accordance with all applicable laws, ordinances and regulations.

(11) Compliance with other permits. The proposed land use activity shall be constructed, implemented, operated and maintained in compliance with all other applicable federal, state or local permits or approvals at all times. The terms and conditions of such permits and approvals shall be incorporated by reference as permit conditions of the permit.

(12) Additional factors. In addition to the foregoing standards, where such review is deemed appropriate, in evaluating any request for a permit, the Town may consider the following factors in making an analysis of the proposed activity set forth in the permit application:

- a. The nature and extent of the proposed activity;
- b. The proximity of the proposed activity to existing watercourses and waterworks;
- c. Drainage patterns and control measures;
- d. Soil criteria;
- e. Slope steepness and stability;
- f. Effects of denudation of vegetation;
- g. Geologic hazards, including but not limited to avalanche paths, floodplains, high-water tables, fault zones and similar factors;
- h. Point-source effluent and emissions into the air or water;
- i. Ambient and nonpoint-source emissions into air and water;
- j. Nature, type and duration of vehicular and motorized activity associated with the proposed activity;
- k. Effects on wildlife and wildlife habitat; and
- l. Fire hazard. (Ord. 765 §1, 1997)

**Sec. 14-58. Issuance of permit; permit conditions.**

The Board of Trustees may prescribe any condition or conditions in a permit that it may deem necessary to effectuate the powers granted to the Town to protect the waterworks and the Town water supply from pollution, impairment, injury or damage. (Ord. 765 §1, 1997)

**Sec. 14-59. Enforcement.**

(a) "Stop work" or "desist" order. Should the Town discover any activity which violates the provisions of any permit or condition thereof, or an activity is conducted without a required permit, or where the information submitted in the application is found to be inaccurate, the Town may suspend the activity until compliance with the permit is demonstrated. In such cases, a designee of the Town shall attach a "stop work" order to the construction site in a conspicuous place. Should the Town

discover any construction or use of property within the District which is in violation of this Chapter, it shall cause to be attached a "desist" order to the property and attempt to deliver a copy of the same to the owner or occupant of the property. Any "stop work" order or "desist" order shall be signed by the Town Administrator or his or her designees and shall indicate the violations which exist. The removal of a "stop work" order or "desist" order before the violation is corrected is prohibited and, upon conviction, a penalty shall be imposed as provided by this Chapter. The continuation of any activity or use in violation of a "stop work" order or "desist" order is prohibited and, upon conviction, a penalty shall be imposed as provided by this Chapter.

(b) Revocation of permit. The Town may revoke a permit issued under this Chapter for any violation of these Watershed Regulations, for violation of the permit or any permit condition, or for the provision of false or incorrect information in the permit application. Such revocation shall be preceded by fifteen (15) days' written notice to the permittee that the revocation will occur unless the condition which created the violation or noncompliance with the terms of the permit or permit condition is corrected. The Town may, in its sole discretion and not to be construed as a waiver of any further action, enter into a corrective action plan with the permittee to correct the violation or noncompliance so noted. Upon permit revocation, the Town may require the permittee to restore the site to a condition acceptable to the Town in order to prevent further injury to the District. The Town may, in its discretion, perform or cause to be performed the necessary restoration, and the permittee shall be assessed such costs of restoration.

(c) Duration of construction. Unless otherwise specified in the permit, all construction associated with the permitted land use activity shall be completed within one (1) year of the issuance of a permit. Extensions of up to six (6) months each may be granted by the Town upon a showing of good cause.

(d) Certificate of compliance. At the completion of construction associated with a land use activity approved under a permit, the applicant shall apply in writing for a certificate of compliance. As soon as reasonably practicable, and not more than twenty (20) days after such request, weather and soil conditions permitting, the Town shall inspect the construction associated with the land use activity and shall determine if these Watershed Regulations, the permit and any permit conditions have been complied with, including but not limited to compliance with all plans and specifications submitted by the applicant or required as a permit condition. If the Town determines that the construction associated with the land use activity conforms to the permit, permit conditions, plan or plans and specifications, and all other required permits or permits incorporated by reference, the Town shall issue a certificate of compliance. If the Town determines that the construction or other activity associated with the permitted land use activity does not conform to the permit, permit conditions, plan or plans and specifications, and all other required permits or permits incorporated by reference, the Town shall not issue a certificate of compliance. In such case, the permittee shall be informed in writing of the reason why the construction or other activity associated with the permitted land use activity does not so conform, and the Town shall also set forth the requirements to be met, as can be practically specified. Thereafter, the process for review for compliance and issuance or denial of a certificate of compliance shall be as set forth herein. It is a violation of this Chapter for any person who is issued a permit for any land use activity within the District to conduct such activity after construction is completed without having complied with the requirement to obtain a certificate of compliance as set forth in this Section. (Ord. 765 §1, 1997; Ord. 766 §4, 1997)

**Sec. 14-60. Reserved.**

## **ARTICLE VI**

### **Appeal**

**Sec. 14-61. Appeal of administrative decision.**

Any person, including the permittee and other persons, seeking to appeal any administrative action, determination or decision by the Town shall file a written appeal with the Board of Trustees within thirty (30) days of such administrative action, determination or decision by the Town. Such appeal shall be heard by the Board of Trustees at the next regularly scheduled Board of Trustees meeting if practicable, but in no event greater than thirty (30) days after the written appeal is filed. (Ord. 765 §1, 1997)

**Sec. 14-62. Appeal of Board of Trustees' decision.**

A person desiring to challenge the Board of Trustees' decision to grant a permit, to grant a permit with stated conditions or to deny a permit, or desiring to challenge the result of an appeal heard by the Board of Trustees pursuant to Section 14-61, may seek review of the Board of Trustees' decision in the Mesa County District Court in the manner provided by the Colorado Rules of Civil Procedure. (Ord. 765 §1, 1997)