



# PLANNING & ZONING COMMISSION REGULAR MEETING AGENDA

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February 25, 2025  
7:00 PM  
Rifle City Hall - Council Chambers

## PLANNING COMMISSION / HISTORIC PRESERVATION BOARD

### 7:00 PM - Regular Meeting

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Public Hearing**
  - 4.a. Text Amendment for GESC
5. **Regular Agenda**
  - 5.a. Discussion and possible action regarding an Ordinance amending Chapter 16 of the Rifle Municipal Code by enacting a new Article XVII regarding Grading and Erosion of soil from residential, commercial, and industrial developments in the City of Rifle
6. **Administrative Reports**
  - 6.a. Next Regular Planning Commission Meeting scheduled to be on March 25th, 2025
7. **Member Comments**
8. **Adjournment**

*The order and times of agenda items listed above are approximate and intended as a guideline for the Planning Commissioners*

#### **ACCESSIBILITY STATEMENT**

*The City of Rifle values full inclusion and access for all of our facilities, programs, activities and services. We are pleased to provide meaningful accommodations to comply with the Americans with Disabilities Act (ADA) and reasonably provide translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids, and services. To request special assistance, call Administrative Assistant Genesis Amaya at 970-665-6493 or email our ADA Team at ADAteam@rifleco.org. Please allow 48 hours for your requests to be met.*

*La Ciudad de Rifle valora la plena inclusión y acceso para todas nuestras instalaciones, programas, actividades y servicios. Nos complace proporcionar alojamientos significativos para cumplir con la Ley de Estados Unidos con Discapacidades (ADA) y proporcionar razonablemente traducciones, interpretaciones, modificaciones, adaptaciones, formatos alternativos, ayudas auxiliares y servicios. Para solicitar asistencia especial, llame a la Asistente Administrativa al 970-665-6493 o envíe un correo electrónico a el equipo ADA a [ADATeam@rifleco.org](mailto:ADATeam@rifleco.org). Por favor, permita 48 horas para que se atiendan sus solicitudes.*



## MEMORANDUM

TO: City of Rifle Planning Commission  
FROM: Craig Spaulding, City Engineer  
DATE: February 25, 2025  
SUBJECT: Text Amendment Application 2025-005

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### **Purpose:**

The following proposes an ordinance that puts in place a grading permit process as well as erosion and dust control standards.

The erosion and dust control standards will apply to all construction activities regardless of the permit warrants. The grading permit will only be warranted for large projects (>6000sf and/or moving >50 cubic yards).

### **Summary:**

Erosion Control Standards: The erosion and dust control standards are practical and reasonable. They essentially stop mud from being tracked onto streets or discharged into waterways. This is already an expectation but is not fully codified. Providing this code makes it easier to provide clear guidelines on how erosion and dust control will be measured and achieved.

Grading Permit: The Grading Permit will be for larger projects exceeding 6000 square feet and/or over 50 cubic yards of excavation. This will exceed normal household activities or even single lot construction. The projects that will fall into the threshold for obtaining a grading permit will primarily be subdivisions or large commercial/industrial developments. It is expected that there will be 1-2 projects applying for grading permits annually.

The requirements for a grading permit require plans prepared by an engineer licensed in Colorado as well as a schedule, drainage calculations and an NPDES permit if warranted. The permits are for 1 year with the ability to extend. Utilities are not exempt and therefore installation of utilities outside of Right of Way that may become the City's can be reviewed prior and during installation.

Activities that are excluded are:

- a. <50 CY
- b. <6000 SF, contiguous lots may count
- c. Agriculture
- d. Utilities and maintenance in ROW-covered w/ROW permit
- e. Maintenance and resurfacing of existing roads, trail systems, and railroad beds.

Grading permits are recommended to have a fee equal to a Right of Way permit which is \$250. This has been sufficient for covering administration costs.



**Conclusion:**

Adding erosion and dust control standards provide clear guidelines for City and developers and protect the City from undue nuisances. A grading permit provides a process for developers to begin excavation with proper review that protects the City and developer. It also provides appropriate sureties to ensure the land is restored should the development not complete. It is recommended to adopt this ordinance to have a clear and professional process for grading activities.

**Findings**

Pursuant to RMC Section 16-5-280, the Planning and Zoning Commission shall consider the following criteria when determining whether or not to recommend approval of the text amendments to City Council:

1. Conformance of the proposal with the City of Rifle Municipal Code;

***The proposed language provides the Rifle Municipal Code with additional protections for the City and surrounding property owners from potential damages from unauthorized grading and erosion.***

2. The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes in the neighborhood, and the relative value of the proposed structure to the value of other structures in the neighborhood;

***Not Applicable***

3. The desirability for the proposed use in the specific area of the City;

***The zoning code is enforced Citywide by appropriate application.***

4. The potential for adverse environmental effects that might result from the proposed use;

***Adverse environmental effects are anticipated to be reduced by the proposed additional language.***

5. Compatibility of the proposed use and the site (or subdivision) plan with the City of Rifle Comprehensive Plan;

***No Comprehensive Plan issues were noted as part of the review.***

6. The potential impact of the proposed use upon the value of property and buildings within the surrounding area; and

***Application of the proposed text addition will protect surrounding properties from erosion from unauthorized grading.***

7. Conformance of the proposal with the approval requirements concerning water and sewer tap availability for high-volume use requests pursuant to 13-4-120 of the Code, if applicable.

***Not applicable.***

DEPARTMENT OF PLANNING & DEVELOPMENT  
202 Railroad Avenue, Rifle, CO 81650  
Phone: 970-665-6490



**Recommendation**

Staff recommends that the Planning and Zoning Commission recommend approval of the proposed text amendment to the Rifle City Council.

**Attachment:** Draft Grading Permit Ordinance

**CITY OF RIFLE, COLORADO  
ORDINANCE NO. XX  
SERIES OF 2025**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING  
CHAPTER 16 OF THE RIFLE MUNICIPAL CODE BY ENACTING A NEW  
ARTICLE XVII REGARDING GRADING AND EROSION OF SOIL FROM  
RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENTS IN  
THE CITY OF RIFLE.

WHEREAS, the release of soil particulates from the grading and earth-moving practices of residential, commercial and industrial developments in the City of Rifle, if not mitigated, causes a nuisance on the City's streets and negatively impacts the water quality of the City's waterways; and

WHEREAS, grading of soil also increases the rate of runoff from lands to levels that may cause downstream drainage structures to become inadequate and thus increase the potential for flooding conditions beyond those historically observed; and

WHEREAS, grading of soil also negatively impacts air quality and the view corridors in the City of Rifle and may cause harmful erosion; and

WHEREAS, the City Council finds and determines that it would be in the best interests of the citizens of Rifle to prevent harmful and unsightly erosion of soil due to grading and other disturbances related to development in the City of Rifle and wishes to amend the Rifle Municipal Code to implement a grading permit process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Chapter 16 of the Rifle Municipal Code is hereby amended by enacting a new Article XVII (Grading and Erosion Control) to read as follows:

**Article XVII - Grading and Erosion Control**

**Section 16-17-10. Purpose and applicability.**

(a) Purpose. The disturbance of topsoil is a leading cause of the siltation of rivers and other water bodies which impairs water quality, and can cause erosion, impact drainage and affect neighboring property, including City rights-of-ways. The purpose of this section is to minimize the impacts and flooding potential resulting from land development and other activities, to minimize negative impacts of erosion and impairment of water quality, and to minimize adverse impacts to air quality and view corridors.

(b) Grading Permit Required. No person or legal entity shall engage in any grading or construction activities covered by this section without first obtaining a grading permit from the City Engineer or designee. The permit shall be valid for not longer than one year but

may be extended for up to six months at the discretion of the City Engineer. For the purposes of this Section, “grading” means the mechanical removal or deposit of any rock or soil, or any combination thereof. Nothing herein shall waive any other requirements imposed by the ordinances of the City. Additional requirements may be imposed in accordance with the subdivision, zoning, PUD, and other regulations adopted by the City, or as may be mutually agreed between the City and the person desiring to conduct grading activities.

(c) Exemptions from the requirement of a permit. The following grading activities:

(1) Minor projects which meet both of the following criteria:

- a. Involve the placement or removal of less than fifty (50) cubic yards of earth material. Material removed from a cut and subsequently placed as fill adjacent to the cut shall not be considered separate disturbances for the purpose of determining whether the 50 cubic yards minor project exemption has been exceeded.
- b. Involve less than 6000 square feet of graded area.
- c. Individual lots in subdivision developments under the same ownership, involving less than ½ acre of graded area, shall not be considered separate projects if they are contiguous. Any series of related projects or connected projects on one site, which together exceed the 6000 square feet limitation or involve the placement or removal of more than 50 cubic yards shall be considered a single project. For example, several 6000 square feet segments which connect to form a road would be considered a single project.

(2) Tillage of agricultural land is exempt from all permit requirements.

(3) Grading for utility installation or maintenance within a City right-of-way.

(4) Maintenance and resurfacing of existing roads, trail systems, and railroad beds.

(5) Performance of emergency work necessary to prevent or mitigate an immediate threat to life, property, or the environment. The person performing such emergency work shall immediately notify the Engineering Department of the emergency and work required. If the emergency work would not otherwise be exempt from a permit, a permit shall be obtained as soon as possible.

(d) Permit Application. The Engineering Department shall provide an application form to obtain a grading permit. Application fees shall be as determined by the City Council and set forth on Appendix A. The applicant shall submit the following information with the grading permit application.

- (1) A site plan depicting the following information:
  - a. Existing Features. Location of all existing and proposed structures and hydrologic features on the site, including intermittent water features, wetlands and the one hundred (100) year flood plain and all drainage structures or natural features on the land adjacent to the site and within a minimum of one hundred (100) feet of the site boundary line. The map must show the location of street gutters, storm sewers, drainage channels, other water conveyance structures, wetlands or other waters receiving storm runoff from the site.
  - b. Topography. Existing and proposed topography at reasonable contour intervals, to provide necessary detail of the site. Existing and proposed areas of fifteen (15) to thirty (30) percent and greater than thirty percent slope shall be identified. The map should extend a minimum of one hundred (100) feet beyond the property line and show the location of the property line. The map should show elevations, dimensions, location, extent, and slope of all proposed grading including building site and driveway grades and the boundary limits of clearing and grading.
  - c. Plans. Plans of all drainage features, paved areas, retaining walls, cribbing, planting, temporary or permanent soil erosion control measures, or other features to be constructed in connection with or as part of the proposed development. As applicable, design drawings of sediment controls, temporary diversions, and practices used shall be provided. A brief description, including specifications, shall also be provided of how the site will be stabilized after construction is completed.
  - d. Storage Areas. The location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage. Details on spill containment structures shall be provided where storage of these materials is planned. The location of soil stockpiles and snow storage areas shall also be shown, along with the location of any temporary roads designed for use during the construction period.
- (2) A written statement including the following information:
  - a. Compliance with Standards. A description of how the applicant intends to minimize adverse impacts of the proposed activities, including impacts to water quality, erosion, and dust. The statement shall specifically address each of the thirteen (13) categories under the erosion and dust control standards set forth in Section 16-18-20. Alternatively, the applicant may submit a written request for approval of the application without regard to the standards if the request is supported by sufficient data and information

to ensure compliance with the broad, general goals of this article as reasonably determined by the City Engineer. The alternative procedure shall only be available at the discretion of the City Engineer and is not a matter of right.

- b. Construction Schedule. A description of the expected starting and completion dates of the site grading and/or construction, including the installation and removal time periods of erosion and temporary erosion and sediment control measures. All temporary erosion, sediment, and flood control measures shall remain in place until permanent vegetation has matured and final drainage structures are in place.
  - c. Calculations. Any calculations made for determining rainfall, runoff, sizing any sediment basins, diversions, conveyance or detention/retention facilities.
  - d. NPDES Permit. Evidence of compliance with state and federal requirements to obtain a National Pollutant Discharge Elimination (NPDES) permit, if required by applicable state or federal law, or a statement that no such permit is required.
- (e) Permit Review. The City Engineer shall review the application with reference to the standards set forth below. Within a reasonable time after receipt by the City Engineer, the City Engineer shall either deny the application or approve the application, with or without conditions. The applicant may appeal an unfavorable decision to the City Council, by filing a written notice of appeal with the City Clerk not later than thirty (30) days after the date of the City Engineer's decision. The applicant shall be responsible for all costs associated with the City's review of the application, including fees and fees for legal or other consultants.
- (f) Enforcement. Any person who violates the provisions of Article XVIII shall be subject to the penalties set forth in Section 16-1-140. Each day that a violation continues shall be considered a separate violation.
- (g) Bond. As part of the permit review process, the City Engineer shall estimate the likely costs of any mitigation efforts required as conditions of the permit, taking into account reasonable estimated costs for revegetation, earthwork, drainage control structures, removal of debris, topsoil placement, and such other costs as the City Engineer may reasonably determine in light of any specific and unusual characteristics concerning the proposed project. If these costs are likely to exceed two thousand five hundred dollars (\$2,500.00), then the City may require a bond as a condition of the issuance of the permit in order to secure completion of the mitigation measures. Regardless of the amount of the bond or whether it is required at all, if all such measures are not completed within one month after expiration of the permit, then the City shall have the right to complete the mitigation measures at the applicant's expense. Nothing herein shall in any way limit the City's powers or remedies to enforce this article or any other provisions of the Rifle Municipal Code.

**Section 16-17-20. Erosion and dust control standards.**

An application for a grading permit shall be reviewed by the City Engineer with reference to the following standards. These standards are intended to provide uniform criteria for the review of grading permit applications but are not intended to preclude other means of complying with the broad general purposes of this article if such alternative means are approved by the City Engineer based on generally accepted practices.

(a) **Phased Construction.** Construction activities, such as clearing, grading, road construction, and utilities installation shall be phased to minimize soil exposure. Sediment trapping practices, detention, and stream and other water body protection shall be installed and stabilized before site grading or other construction is initiated.

(b) **Soil Stabilization.** All disturbed areas and soil stockpiles shall be surface furrowed, mulched, or seeded and mulched, or otherwise protected from erosive forces if they will remain exposed and inactive for periods longer than fourteen (14) days, or if soil will be exposed during winter, so erosion will not be occurring during spring snow melt. Disturbed areas shall be mulched, or seeded and mulched within seven days after final grade is reached. Grass or straw mulch shall be crimped in place. On slopes steeper than twenty (20) percent, or within fifty (50) feet of any water body, exposed soils shall be hydromulched or covered with nets or mats.

(c) **Permanent Revegetation.** Any disturbed area that is not built upon for one year or longer shall be revegetated with a perennial, native grass mix. Within one growing season of project completion, vegetative site coverage shall be equal to or greater than seventy (70) percent of the disturbed areas.

(d) **Cut and Fill Slopes.** Where cut and fill cannot be avoided, slopes shall be designed for long term stability. Permanent vegetation should be used as the preferred approach to stabilization of cut and fill areas where slopes are less than or equal to a ratio of three to one. On steeper cut and fill slopes, stabilization may be attained by utilizing retaining walls, rock walls, up slope runoff diversions, slope drains or other measures appropriate for the specific situation. Stepped retaining walls shall be positioned such that the width of the step is half the height of the wall. Retaining walls over four feet in height shall be designed by a registered professional engineer of Colorado. Revegetation of the steps is required. In no case shall the soil surface of a cut and fill slope remain exposed without an approved method of soil stabilization.

(e) **Construction in or Adjacent to a Water Body.** Construction in or directly adjacent to any water body, such as a culvert or bridge installation, shall require bed and bank stabilization. This may include stream isolation through the use of coffer dams, complete containment of the stream in the area of the disturbance, stream crossing structures, or limits on the dates when in-stream work can be performed. Proof of coordination with the Army Corps of Engineers, if otherwise required by law, shall also be submitted with the application.

- (f) Channels and Ditches. New or rerouted irrigation ditches, receiving channels and streams shall be protected so that flows from the site do not cause erosion and flooding.
- (g) Stormwater Runoff. Stormwater runoff flows shall be managed to minimize erosion and sediment transport. Concentrated flows shall be diverted away from disturbed slopes. The length and steepness of disturbed slopes shall be minimized, or slope drains shall be used.
- (h) Sediment and Mud Control. Sediment and mud shall be prevented from leaving the construction site by immediate placement of street base or construction of mud pads in access routes. Adjacent properties shall be protected by using sediment fences, straw bales, and silt traps. Storm sewer inlets shall be protected from entry of sediment-laden water.
- (i) Sediment Detention. When the contributing drainage area, including off-site area, is greater than five acres, sediment detention ponds, infiltration devices and other management practices which store or detain runoff shall be used to treat sediment-containing runoff prior to discharge from the construction site. These practices shall be designed to treat the runoff from the two-year, twenty-four (24) hour storm. Sediment detention ponds, when included, shall be designed to achieve ninety (90) percent trap efficiency for all sediments of .005 mm or larger diameter. If the discharge from the pond is passed through a filtration (i.e., a constructed wetland) or infiltration device, the trap efficiency requirements may be reduced. Where the contributing drainage area is less than five acres, a specific engineered design for these sediment trapping facilities shall not be required. Silt traps may be used to detain and treat runoff if the contributing drainage area is less than five acres.
- (j) Temporary Sediment Ponds. Temporary sediment ponds that will be removed after successful revegetation of the site shall be designed to safely detain and release all storms up to and including the twenty-five (25) year, twenty-four (24) hour storm at its historic, predevelopment rate of release. Ponds that will be left as permanent facilities shall have a capacity to safely pass the one hundred (100) year flood and meet any dam and diversion requirements of the State Engineer.
- (k) Construction De-Watering. All construction de-watering activities shall conform with the state's construction de-watering permit requirements, which include daily monitoring of total suspended solids with a thirty (30) day average concentration of no more than thirty (30) mg/l and a seven day average of no more than forty-five (45) mg/l. Discharges from construction de-watering operations shall be accomplished in a manner that does not cause erosion.
- (l) Inspection and Maintenance. The applicant shall inspect all erosion and sediment control devices after any precipitation event during construction and make any necessary repairs immediately thereafter. At a minimum, erosion and sediment control devices shall be inspected monthly. An inspection log shall be kept on-site for review by City officials until the project is complete. A copy of the inspection log sheets shall be delivered to the City at the end of each month during construction.

(m) Dust Control Plan. Control measures or operational procedures shall be implemented to control dust. Such control measures or operational procedures may include, but are not necessarily limited to, planting vegetation cover, providing synthetic cover, watering, chemical stabilization, furrows, compacting, minimizing disturbed area in the winter, wind breaks, road carpeting, paving, suggested speed restrictions on affected roadways, and other methods or techniques approved by the City Engineer.

INTRODUCED, on \_\_\_\_\_, 2025, read in full, passed on first reading, and ordered published by title as required by the City Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on \_\_\_\_\_, 2025, approved without amendments, and ordered published in full as required by the Charter.

CITY OF RIFLE, COLORADO

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**Agenda Item #6.a.**

**Agenda Item Name:**

Next Regular Planning Commission Meeting scheduled to be on March 25th, 2025

**Presenter:**

**Item Description:**

**Recommended Action:**

**Fiscal Impact:**

**Operational Impact:**

**Prior Board Motions:**

**Background Information:**

**Executive Summary:**

**Notification Requirements:**

**Prepared By:**

Alexis Ramirez, City Clerk

**Attachments:**

None