

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,  
SAN MIGUEL COUNTY, COLORADO,  
APPROVING AN AMENDMENT TO LAND USE CODE  
SECTIONS 5-502 DD DRIVEWAYS AND 5-713 EXCAVATION AND GRADING**

**Resolution 2025-03**

**WHEREAS**, Planning staff has prepared proposed Land Use Code (LUC) amendments, to Section 5-502 DD, Driveways, to add amendments that driveways standards shall apply countywide, except in the West End (WE) and High Country Area (HCA) zone districts, and that engineer prepared drawings are required for certain driveways; and to add new Section 5-713 Excavation and Grading, to establish standards to minimize erosion and sedimentation impacts of development and to establish threshold for when a Grading Permit is required; and

**WHEREAS**, the draft amendment was referred to the County Attorney; County Manager; Assistant County Manager; County Communications, County Building Official; County Natural Resources Director; County Vegetation Manager; County Road and Bridge Director; County Engineer(s); Town of Telluride; Town of Mountain Village; Town of Ophir; Town of Norwood; Town of Sawpit; and

**WHEREAS**, at a Planning Commission meeting held on Thursday, December 12, 2024, following its consideration of the proposed LUC Amendment, the CPC unanimously recommended approval of the Land Use Code Amendment to the Board of Commissioners; and

**WHEREAS**, in making its recommendation to the Board of County Commissioners, the CPC made the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code; and

**WHEREAS**, a Public Hearing Notice for the proposed Land Use Code Amendment and the Board of County Commissioners public hearing to be held on February 5, 2025 was published in the Norwood Post and the Telluride Daily Planet on January 17, 2025; and

**WHEREAS**, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit A; and

**WHEREAS**, the Board of Commissioners of San Miguel County, Colorado, considered this Land Use Code Amendment, along with relevant evidence and testimony, at a public hearing on Wednesday, February 5, 2025.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of San Miguel County, Colorado, approves and adopts the amendments to San Miguel County Land Use Code (LUC) Section 5-502 DD, Driveways and Section 5-713 Excavation and Grading:

*Additions to the following sections are indicated with underline. Deletions are indicated with ~~strike through~~.*

**Section 3-1: General**

This article establishes the procedures to be followed for approval of development permits.

Figure 3-1

**LAND USE ACTIVITIES AND REVIEW PROCEDURES**

**Administrative Reviews**

*Add:* Excavation and Grading Permit

Figure 3-3

**ADMINISTRATIVE REVIEW: SUBMISSION CONTENTS AND STANDARDS**

Land Use Activity	LUC Submission Contents	LUC Standards
<i>Add:</i> <u>Excavation and Grading Permit</u>	<u>4-2, 5-713 D</u>	<u>5-713</u>
3-401 P. <u>Excavation and Grading Permit (Refer to Section 5-713)</u>		

**ARTICLE 5 STANDARDS**

**5-502 DD. Driveways**

In addition to meeting the following standards, driveways must meet the minimum specifications set forth in Section 5-713 of this Code. ~~Development of a driveway requires issuance of a Development Permit from the Building Planning Department and, if accessed directly from a County-maintained road, a Driveway Permit from the County Road and Bridge Department. These standards shall apply to all driveways within the unincorporated San Miguel County, except in the West End (WE) and High Country Area (HCA) Zone Districts Telluride Fire Protection District.~~ All driveways serving one or two single-family residences, ~~except in the HCA Zone District,~~ shall have:

- I. A driving surface of sixteen (16) feet or wider, which may include the shoulders on each side of the twelve (12) foot driving surface, ~~is preferred by the Fire Protection District.~~ If it is not practical or feasible to design and construct a sixteen (16)-foot wide driveway because of the location of the property, topography, drainage, non-negotiable grades, or if the improvement would require significant changes to the landscape, or other similar conditions, County staff may consider and administratively authorize a reduced driveway width subject to referral of the application to the applicable Fire Protection District. This authorization of a lesser driveway width may require installation of an approved automatic ~~sprinkler~~ fire suppression system, driveway turnouts, and/or implementation of measures ~~recommended by the Wildland Urban Interface Code and/or other treatments~~ consistent with the International Fire Code regulations. The

driveway ~~should~~ must have an unobstructed height clearance of thirteen (13) feet six (6) inches. (See Figure 5-11)

A Single-family Residence shall have a maximum driveway width of twenty (20) feet.

A driveway serving two (2) Single-family Residences shall have a maximum width of twenty-eight (28) feet.

A driveway serving three (3) or more Single-family Residences shall meet road standards per Section 5-502.

- II. Interior radii of at least 32 feet;
- III. A driveway opening at least 16 feet wide;
- IV. A normal grade not to exceed eight (8) percent and a transitional grade not to ~~exceed ten~~ (10) percent, and no center line grades greater than eight (8) percent for curves with radius less than two hundred fifty (250) feet and not exceeding five hundred (500) feet in length is preferred by the Fire Protection District. An exception to allow a maximum grade up to twelve (12) percent may be authorized by County staff with a referral of the application to the applicable Fire Protection District because of location on the property, topography resulting in extensive cut and fill or other similar conditions that make it impractical to achieve a normal and/or transitional grade. This authorization to allow a driveway to exceed normal and/or transitional grades may require installation of an approved automatic ~~sprinkler~~ fire suppression system or other measures recommended by the applicable Fire Protection District.
- V. All entrances and exits located and constructed such that vehicles approaching or using them will be able to obtain adequate sight distance in both directions along the roadway necessary to maneuver safely and without interfering with roadway traffic;
- VI. An angle of approach from the adjacent roadway of between 60 and 90 degrees;
- VII. An entrance/exit approach grade that slopes downward and away from the road surface at the same rate as the normal shoulder slope, but in no case at more than 4 percent for a distance equal to the width of the shoulder, and in no case for less than 15 feet from the pavement edge;
- VIII. No features that interfere with the drainage system of the adjacent street or roadway. The developer shall pay for and install drainage structures that will become integral parts of the existing street or roadway drainage system,

the dimensions of all which must be approved by the County Road Superintendent prior to installation;

- X. Curb treatment, as required in Section 5-502 H.; and
- XI. A turnaround if the driveway is longer than 150 feet shall be constructed in accordance with Figure 5-1H.
- XII. Driveways shall be surfaced so as to provide all-weather driving capabilities.

Access to all other residential structures shall meet the standards described for roadways.

- XIII. For driveways that exceed the amounts listed herein, or for any site that contains geohazards that may be affected by the proposed driveway, engineered drawings and geotechnical reports and hazard reports shall be prepared by a Colorado-Licensed Professional Engineer (“P.E.”). Limits are as follows:

- a. A grade in excess of six (6) percent; or
- b. A transitional grade in excess of eight (8) percent; or
- c. A length in excess of five hundred (500) feet; or
- d. Any modification of any dimensional standards in this Section.

- XIV. At completion of a driveway designed by an Engineer, a Record Letter sealed by a Colorado-Licensed Professional Engineer verifying that design conditions were met is required prior to final inspection and signoff of Development Permit by the Planning Department.

#### **New Section:**

#### **5-713 Excavation and Grading**

##### 5-713 A. Purpose

The purpose of this Section is to establish standards to minimize the potential erosion and sedimentation impacts of development, prevent and minimize hazards to life and property, and to safeguard county infrastructure, through issuance of a Grading Permit.

##### 5-713 B. Applicability

- I. All standards apply to all grading activity on a site.
  - a. In the West End zone district, these standards will not apply to Uses Allowed by Right as set forth in Section 5-320B.
- II. A grading permit is required for grading, excavation or placement of fill in excess of fifty (50) cubic yards. No earthwork shall be allowed until a Grading Permit is obtained.
  - a. Identify the total movement of cut plus fill as measured in cubic yards. This means that when one (1) cubic yard of earth is cut, and then that same cubic yard is used as fill elsewhere on the property, it is calculated as two (2) cubic yards of earth movement (sometimes this method is referred to as “double counting”). This form of measurement takes into consideration the total disturbance of a site from its existing state.
  - b. Excavation and grading associated with work for which a Building Permit is required shall be reviewed as part of the application for a Development Permit.
  - c. Excavation and grading that is not associated with the construction of a building or structure, or that does not require the issuance of a Building Permit, shall be reviewed subject to the procedures and requirements for Administrative Review, per Article 3 of this Land Use Code.
- III. Exceptions. Normal grading activity associated with agriculture, irrigation ditches, water wells, onsite wastewater treatment systems, trenching for the placement of utilities, foundation construction with a valid building permit, trail or road construction by a governmental entity, or right-of-way maintenance and construction with a valid road and bridge permit are exempt from this section and shall not be required to obtain a Grading Permit.

5-713 C. Definitions. The following words and terms shall, for the purposes of the section, have the meanings shown herein. Refer to Article 7 of this Code for general definitions.

- I. **Grading.** Any excavating, filling or combination thereof of earth material by artificial means.
- II. **Excavation.** Earthen materials that are removed from an area of land, such as digging a hole, also referred to as a cut.
- III. **Fill.** The earthen materials that are added to an area of land, such as the

placement of soil for a berm, fill in a hole or depression, or to create a slope.

5-713 D. Application Requirements. Applications for Excavation and Grading Permit shall include the following submittal items.

I. Location Map showing the extent of the property, rights-of-way, surrounding properties, general area of proposed disturbance, and site access;

II. Site Plan and related drawings showing the proposed extent of the excavation and grading, including contours that indicate existing grade and proposed finished grade; existing and proposed slopes indicated as number of horizontal feet per one (1) vertical foot; and driveway slopes indicated as a slope percentage. The site plan shall also show wetlands, water features within one hundred (100) feet, major vegetation (trees over four (4) inches in diameter at four (4) feet above the existing ground), and all buildings, structures, activities, uses and infrastructure within fifty (50) feet of the proposed activity.

a. All grading plans shall show surface drainage patterns consistent with the existing road and drainage swale grades and culvert crossings.

III. Grading Calculations.

a. Grading calculations must include features designed to the specifications of this Code.

i. Earthwork calculations for driveways in particular must include the minimum specifications including cut and fill slopes no steeper than two point five to one (2.5:1), and provision for emergency access, and minimum road width set forth in Section 5-502 DD of this Code. Although up to four (4) inches of road base/surfacing material is exempt from permitting, all non-foundational earthwork must be included in the grading calculations.

b. Supply any maps, mathematics, or diagrams used to produce calculations. The Planning Director may require engineer-sealed grading calculations to verify earthwork volumes.

IV. For projects that exceed the amounts listed herein, or for any site that contains geohazards that may be affected by the proposed activity, engineered drawings and geotechnical soils and hazards reports shall be prepared by a Colorado-Licensed Professional Engineer ("P.E."), as follows:

- a. Total movement, cut plus fill, of more than one thousand (1,000) cubic yards; or
- b. Cut in excess of three (3) feet in depth or creating a cut slope greater than five (5) feet in height or with a slope exceeding a ratio of three to one (3:1); or
- c. Having an existing slope or creating a slope that is greater than thirty percent (30%); or
- d. Retaining walls that are not laterally supported at the top and that retain in excess of four (4) feet of unbalanced fill; or
- e. Geohazards are present in, above or within one hundred (100) feet of the project site.

V. Revegetation Plan for revegetation of all surfaces disturbed in conjunction with the Development that utilizes predominantly native species, includes replacement of topsoil, and specifies a maintenance schedule and techniques.

VI. Weed Control Plan for the control of noxious weeds, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development.

VII. Disturbed surfaces over one (1) cumulative acre in size will require bonding for revegetation and weed control.

VIII. At completion of grading projects designed by an Engineer, a Record Letter sealed by a Colorado-Licensed Professional Engineer verifying that design conditions were met is required prior to final inspection and signoff of Grading Permit by the Planning Department.

IX. A copy of the State of Colorado Stormwater Permit shall be provided, where applicable.

5-713 E. Additional Provisions.

I. All grading within a project shall be consistent with the surrounding natural landscape, natural and existing topography, existing roads, drainage swales and other human-made grading.

II. The extent of cuts and fills shall be limited to protect the surrounding vegetation. All cut and fill slopes shall feather into the natural topography within the confines of the property boundary.

- III. Minimize the impacts of cut and fill slopes. Design slopes that are conducive to revegetation.
- IV. All fill shall be properly compacted to limit erosion, settling, or subsidence.
- V. Slopes that are steeper than two point five to one (2.5:1) shall require a retaining structure.
  - a. Retaining walls greater than four (4) feet in height require a building permit and structural design by a Colorado-Licensed Professional Engineer.
- VI. Erosion controls using best management practices and revegetation shall be incorporated into the design of all developments to minimize erosion.
  - a. Best management practices may include but not be limited to selective thinning of vegetation, construction of temporary diversion ditches, silt fencing and/or dust suppression.
  - b. Features such as streams, ponds, drainage systems and wetlands shall be protected by appropriate erosion or sediment controls (i.e. straw-bale check dams, silt fencing, erosion control blankets, etc.) unless such features have been approved for alteration pursuant to applicable Land Use Code regulations.
  - c. If the cumulative area of a disturbance equals or exceeds one (1) acre, on-site erosion control shall be planned and executed in conformance with a permit obtained from The Colorado Department of Public Health and Environment, Water Quality Control Division, stormwater discharge (COR400000 Construction Stormwater Discharge Permits).
- VII. All surface drainage patterns shall be consistent with the existing road and drainage swale grades and culvert crossings.
- VIII. Grading cannot result in the change in historic flow patterns of stormwater and surface runoff onto or off the property nor increase in off-site runoff.
- IX. In areas where drainage swales are created to direct run-off, erosion-control blankets shall be used to slow velocity of run-off, decrease erosion and promote quick revegetation.
- X. In all areas, run-off from impervious surfaces, such as roofs and paved areas, shall be directed toward natural or improved drainage channels, or shallow sloping vegetated areas.



XI. All multifamily, mixed-use or commercial projects shall be required to provide a drainage study, prepared by a Colorado-Licensed Professional Engineer, including proposed and historic stormwater run-off calculations, that determine the volume of run-off per methods as outlined in Mile High Flood District Criteria Manuals.

XII. Setbacks for retaining walls and cut and fill slopes shall be at least five (5) feet from property boundaries.

5-713 F. Ponds to be constructed at a depth of more than twenty-four (24) inches must obtain a grading permit and appropriate state permits prior to construction. Ponds used to store/hold water for agricultural purposes (stock ponds, irrigation ponds) and those designated by the BOCC as fire suppression ponds shall be exempt from obtaining a Grading Permit, but must obtain all required State of Colorado permits.

5-713 G. Normal agricultural grading that is exempt from the definition of this use includes but is not limited to: tilling fields, creating or altering irrigation ditch laterals, field leveling, field access roads for agricultural purposes, and other activities associated with farming and agricultural operations. Agricultural grading does not include existing grade modifications for aesthetic purposes, landscaping ponds, altering wetlands, construction of interior roads or other nonessential grading.

5-713 H. If grading will be occurring adjacent to a county roadway, finished grades are required to be reviewed and approved by the County Road and Bridge Department. Such grading is also subject to obtain the applicable County Road and Bridge Department permits.

5-713 I. The County may, as a condition of approval, require that the property owner enter into an Operation and Maintenance Agreement for excavation and grading work that has the potential to impact County Rights-Of-Way or infrastructure.

5-713 J. The Planning Director may waive any of the submittal materials, depending on the size and scope of the project and site conditions. Prior to submittal, the applicant may request a determination from the Planning Director regarding which items may be omitted from an application for a grading permit.

**BE IT FURTHER RESOLVED**, this approval is made based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code.

**DONE AND APPROVED** by the Board of County Commissioners of San Miguel County, Colorado, on February 5, 2025.

**SAN MIGUEL COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS**

By: Anne W. Brown  
Anne Brown, Chair

Vote:	Anne Brown	<u>Aye</u>	Nay	Abstain	Absent
	Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent
	Lance Waring	<u>Aye</u>	Nay	Abstain	Absent

ATTEST:



By: Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk

EXHIBIT A – Public Hearing Record list

**EXHIBIT A  
PUBLIC HEARING RECORD**

San Miguel County Board of Commissioners

Application: San Miguel County

Amendment to the San Miguel County Land Use Code Section 5-502 DD,  
Driveways and Section 5-713 Excavation and Grading

Date: February 5, 2025

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of Commissioners from John Huebner, Senior Planner dated February 5, 2025.
4. Draft Resolution 2025-03 of the County Board of Commissioners, San Miguel County, Colorado, Approving an Amendment to Land Use Code Sections 5-502 DD Driveways and 5-713 Excavation and Grading.
5. Draft County Planning Commission December 12, 2024 Meeting Minutes.
6. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated December 12, 2024.
7. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on Friday, January 17, 2025.
8. Draft Land Use Code Amendment, Sections 5-502 DD Driveways and 5-713 Excavation and Grading.

**AGENCY COMMENTS**

9. Email from John Huebner, Senior Planner, to Referral Agencies dated November 12, 2024.
10. Email from Mike Bordogna, County Manager to John Huebner dated November 14, 2024.
11. Email from Gregg Anderson, Alpine Land Consulting, County Engineer to John Huebner dated November 25, 2024.
12. Email from John Bockrath, Norwood Fire Protection District Chief to John Huebner dated November 25, 2024.

13. Email from Ryan Righetti, County Road and Bridge Director, to John Huebner dated November 24, 2024.

14. Email from Matt Gonzales, County Building Official, to John Huebner dated November 26, 2024.

#### PUBLIC COMMENT

15. Email from Brad Johnson, Wrights Mesa resident, to Anne Brown, BOCC dated February 4, 2025.

#### OTHER

None