

## Section 41 - Mountain Ground Water Overlay District

(orig. 7-11-07; am. 5-20-08; am. 4-20-10; am. 12-9-14)

### A. Intent and Purpose

This District is intended to promote the public health, safety and general welfare of the citizens of Jefferson County by regulating land uses in order to maintain ground water resources. This District was established to address water resources in the fractured rock environment. (orig. 7-11-07; am. 4-30-13)

### B. General Provisions

#### 1. Mountain Ground Water Overlay District

The Mountain Ground Water Overlay District shall overlay that portion of other zone districts located in this District. The regulations of this District shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zone district or other overlay district. When the regulations of this District conflict with any provision of the underlying zone district, the provisions of the Mountain Ground Water Overlay District shall control. (orig. 7-11-07; am. 4-30-13)

#### 2. Boundaries

The boundaries of the Mountain Ground Water Overlay District (fractured crystalline rock) shall be as they appear on the official recorded Mountain Ground Water Overlay Map adopted by the Board of County Commissioners and kept on file with Planning and Zoning. The boundary lines on the map shall be determined by the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, the conflict shall be settled according to the "Mapping Conflicts" portion of this Resolution. (orig. 7-11-07)

### C. Applicability

All Building Permit, Rezoning, Site Development Plan, Special Use and Platting applications within the Mountain Ground Water Overlay District, and not served by a water district, shall be subject to the provisions of this Resolution: (orig. 7-11-07; am. 4-20-10)

#### 1. Building Permit

Demonstrate compliance with the Four Hour Well Yield Test requirements to verify adequacy of water. If an alternative water source is proposed, detailed plans shall be submitted for review. The plans shall contain the information necessary to determine if the proposed source is a viable sustainable water source. (orig. 7-11-07; am. 4-20-10; am. 4-30-13)

#### 2. Rezoning, Special Use, Site Development Plan or Platting Applications

Demonstrate compliance with the Intent and Purpose of this District by providing well water supply information in accordance with the Water Supply Section of the Land Development Regulation. If an alternative water source is proposed, detailed plans shall be submitted for review. The Plans shall contain the information necessary to determine if the proposed source is a viable sustainable water source. (orig. 7-11-07; am. 4-20-10; am. 4-30-13, am. 12-9-14)

### D. Requirements

#### 1. Four Hour Well Yield Test

It shall be demonstrated that an adequate water supply is available for the proposed uses by meeting the requirements of the Four Hour Well Yield Test. The well yield test shall include pumping for a minimum of 4 hours or longer and shall be in compliance with Rule 12.2 in the Colorado Water Well Construction Rules (2 CCR 402-2). The yield of a well shall be determined as a stabilized production rate where the withdrawal rate and the drawdown do not change by more than 10% during the last hour of the test. The data from the well yield test shall be presented on the Colorado Well Construction and

Test Report (Form GWS-31), Pump Installation and Test Report (Form GWS-32), and/or the Supplemental Test Report (Form GWS-39) or similar as necessary. The following shall be included: (orig. 7-11-07; am. 4-30-13)

- a. Proof of a valid well permit or decreed water right that allows the uses, demand, and amount of water being sought in the application. (orig. 7-11-07)
  - b. A scaled site plan of the proposed structure and the location of the well and the Onsite Wastewater Treatment System (OWTS), if applicable. (orig. 7-11-07; am. 4-30-13)
  - c. Evidence of sufficient storage if the well yield rate is less than 1 gallon per minute. Storage shall be accomplished with either a cistern or well volume, and shall be based upon the proposed daily water demand. For residential structures a minimum of 300 gallons of storage is required. (orig. 7-11-07; am. 4-30-13)
2. The well yield test applicable to a property shall only be valid for 3 years, unless Planning and Zoning determines that the hydrogeologic or land use conditions have not changed since the time of the last test. (orig. 4-30-13)

#### **E. Permitted Uses and Activities**

The following uses and activities are permitted without the restrictions established by this Resolution: (orig. 7-11-07)

1. Building permits for accessory structures that do not increase water usage or the number of bedrooms, where permitted by the underlying zone district. (orig. 7-11-07, am. 12-9-14)
2. Additions to buildings or changes in use that do not increase the number of bedrooms, the amount of water used, or change the type of use currently allowed by an existing well permit. (orig. 7-11-07; am. 4-30-13)
3. Building permits to rebuild structures destroyed by flood, fire or other natural disasters and that does not increase the number of bedrooms, the amount of water used, or change the type of use currently allowed by an existing well permit. (orig. 7-11-07)

#### **F. Warning and Disclaimer**

The degree of protection to ground water and a renewable and reliable potable water supply, intended to be provided by this regulation is considered reasonable for land-use regulatory purposes, and is based on accepted geologic, engineering, and hydrologic methods of study, as of the effective date of this Resolution. This regulation does not address the water resources outside of the Mountain Ground Water Overlay District. (orig. 7-11-07)

#### **G. Mapping Conflicts**

In all cases, a person contesting the location of the Mountain Ground Water Overlay District boundary shall be given a reasonable opportunity to present their case to the Director of Planning and Zoning and shall submit appropriate technical evidence to support such contests. The Director of Planning and Zoning shall not allow deviations from the boundary line as mapped or non-permitted land uses within the boundary areas, unless appropriate technical evidence clearly and conclusively establishes that the map location of the line is incorrect. (orig. 7-11-07; am. 3-3-15)

#### **H. Variance Process**

The variance and waiver provisions for each application shall follow the applicable process. (orig. 7-11-07)