

## Section 4. Acceptance of TESC Plan and Applying for Permit

---

### Overview of Section 4

#### 4.0

Section 4 addresses Steps 5 through 7 in the TESC Permit Process:

**Permit Step 5: Submit the TESC Plan and related plans and permits to the Town for review and acceptance and revise documents as necessary to address Town comments.**

Section 4.1, **Submittal of the TESC Plan**, describes procedures for submitting a TESC Plan.

Section 4.2, **Completeness Check**, states that TESC Plans will be checked for a basic level of completeness and returned if incomplete without receiving a detailed review.

Section 4.3, **Detailed Review by Town Staff**, discusses the Town's review of TESC Plans based on the criteria presented in Section 3.

Section 4.4, **Review Schedule**, summarizes typical review schedules.

Section 4.5, **Revisions to Plan Based on Town Comments**, discusses the Design Engineer's revisions to the TESC Plan based on the Town's comments.

**Permit Step 6: After Town acceptance of the TESC Plan, submit the drawings for signatures.**

Section 4.6, **Preliminary Acceptance of the TESC Plan**, describes submittal requirements for the TESC Drawings to obtain the signatures of the Town.

Section 4.7, **Final Acceptance of the TESC Plan**, describes the Town signing process for the TESC Plan.

**Permit Step 7: When ready, apply for a TESC Permit by submitting the TESC Plan, TESC Permit application, Fee and Fiscal Surety.**

Section 4.8, **Applying for a TESC Permit**, discusses filling out the TESC Permit Application Form and what the applicant must submit with the application.

Section 4.9, **Permit Fees**, covers procedures for paying permit fees.

Section 4.10, **Posting Fiscal Surety**, discusses acceptable forms and amounts of Fiscal Surety.

Section 4.11, Section Removed

Section 4.12, **Duration of TESC Permit**, discusses the duration of TESC Permits and the need to renew TESC Permits prior to expiration.

Section 4.13, **Transfer of TESC Permits**, describes procedures for transferring a TESC Permit the permittee(s) change during the life of a TESC Permit..

**Permit Step 5: Submit the TESC Plan and related plans and permits to the Town for review and acceptance and revise documents as necessary to address Town comments. Sections 4.1 through 4.5 discuss Step 5.**

**Submittal of the TESC Plan**

**4.1**

After the TESC Plan has been prepared according to the requirements of Section 3, the drawings and report, along with the related plans and permits discussed in Section 2, shall be reviewed in a pre-submittal meeting with the Development Services Department.

The TESC Plan shall not be accompanied by the TESC Permit Application Form, Fee, or Fiscal Surety at this time; these documents shall be submitted only after the TESC Plan is reviewed and accepted.

**Completeness Check**

**4.2**

During the pre-submittal meeting, the Town shall pre-review the TESC Plan for completeness based on the submittal requirements described in Section 3. Any submittal that does not reflect a basic level of completeness shall be

**Information**  
Any incomplete submittal shall be returned to the Design Engineer. This process shall be repeated until a complete plan set is submitted to the Development Services Department, and then a detailed review shall start.

returned to the Design Engineer. This process shall be repeated until a complete TESC plan set is submitted to the Town. The review period on a TESC Plan shall not start until a complete TESC plan set is submitted.



*TESC Plans will undergo a completeness check.*

**Detailed Review by Town Staff**

**4.3**

The TESC Plan will be reviewed with an eye toward the effectiveness of the overall Plan. The appropriateness, timing, and placement of the proposed erosion and sediment controls will be reviewed.



*After passing the completeness check, TESC Plans will receive a detailed review by Town staff.*

After review, written comments and/or redlines will be provided to the applicant.

**Review Schedule**

**Revisions to Plan Based on Town Comments**

**i** **Information** *Additional review fees shall be charged for each resubmittal starting with the third resubmittal.*

**4.4**

Written review comments and/or redlines will be provided by the Town in a timely manner. Comments on resubmittals are also provided in a timely manner after the Town receives the revised plans and the summary of how previous comments were addressed.

The length of time required to achieve final Town acceptance is directly related to the level of accuracy, concurrence with the Town of Castle Rock design and construction criteria and standards, and the thoroughness of addressing written review comments.

**4.5**

TESC Plan review comments are to be addressed by the applicant and the revised TESC Plan resubmitted to the Town for a follow-up review.

The applicant shall submit a letter or memorandum with the revised TESC Plan summarizing how each review comment was addressed.

If review comments are not addressed, the TESC Plan will not be accepted.

*Applicants are encouraged to call or meet with Town staff to discuss any questions they have regarding the Town's review comments or the applicant's proposed responses prior to resubmitting the TESC Plan. This may help to resolve issues quickly and avoid multiple reviews and resubmittals.*

**Permit Step 6: After Preliminary Acceptance of the TESC Plan, submit the TESC Plan for signatures.**  
*Sections 4.6 through 4.7 discuss Step 6.*

**Preliminary Acceptance of the TESC Plan**

**4.6**

When all TESC Plan review comments are addressed, the Applicants will be notified by the Town that the TESC Plan is preliminarily accepted (final acceptance occurs when the TESC Plan is submitted to the Town and signed by Castle Rock Water and the Development Services Department).

The TESC Plan shall be signed and stamped by a Professional Engineer registered in the State of Colorado.

**Final Acceptance of the TESC Plan**

**4.7**

**Signed TESC Plans.** The TESC Plan will be considered accepted when signed by Castle Rock Water and the Development Services Departments. Applicants will be notified by the Town when the TESC plans have been signed.

TESC Plans are considered valid for one year following the signature date if construction has not commenced. After this time, TESC Plans will need to be resubmitted to the Town for re-review and re-acceptance.

**Applying for a TESC Permit**

**4.8**

Once the Town has notified the Applicant that the TESC Plan is accepted, the Applicant may apply for a TESC Permit. The information required on the Standard TESC Permit Application shall be filled out and the Form shall be signed by personnel who are legally authorized to sign on behalf of the company, corporation, entity, or organization.

**Permit Step 7: When Ready, Apply for a TESC Permit by submitting the TESC Permit Application, Fee and Fiscal Surety. Sections 4.8 through 4.13 discuss Step 7.**

The most current Standard TESC Permit Application is available on CRgov.com/TESC.

When the TESC Plan is accepted by the Town , the applicant shall submit the following to obtain a TESC Permit.

1. *An electronic copy of the approved TESC Drawings, signed TESC Report.*
2. *Completed TESC Permit Application (see CRgov.com/TESC).*
3. *Permit fees paid in accordance with Section 4.9.*
4. *Fiscal Surety provided in accordance with Section 4.10.*

**Permit Fees**

**4.9**

Permit fees are to be paid to a Technician at the Development Services Department of the Town. Fees may be paid by check, cash or credit card. Fees for a TESC Permit are calculated based on the Development Fee Schedule, as amended and are collected to offset costs of administrating the TESC Program. These fees shall be paid with the submittal of the Permit Application and other documents shown in Section 4.8.

**Posting Fiscal Surety**

**4.10**

**4.10.1 General.** The Town of Castle Rock requires that all projects requiring a Standard TESC Permit post Fiscal Surety.

The conditions under which the TESC Fiscal Surety is held is separate from any other surety relating to the project site's Public Improvement

**Posting Fiscal Surety, continued**

Construction Plans, or any other permits relating to the site and is held and released separately.

**4.10.2 Amount of Fiscal Surety.** The amount of Fiscal Surety for a TESC Permit is based on the probable cost of installing erosion and sediment controls required on a site. The worksheet to be used for preparing the opinion of probable costs for erosion and sediment control is included in Appendix H.

The probable cost worksheet shall be completely filled out and submitted as part of the TESC Report (see Section 3.19 for TESC Report requirements). The probable cost worksheet will be reviewed for acceptance by the Town of Castle Rock.

**4.10.3 Forms of Fiscal Surety.** The Town of Castle Rock accepts three different forms of Surety:

Financial institutions have varying guidelines for cashier's checks; the Applicant is advised to contact their financial institution to learn their regulations regarding cashier's checks. Non-certified funds will need to clear the financial institution prior to issuance of a TESC Permit. Cash deposits will be held in a non-interest-bearing account. The Town requests that the property owner, and not a contractor, post the Fiscal Surety as they have legal control of the property and contractors often change throughout the duration of the project.

The conditions of each form of Surety shall allow for the Surety to be held by the Town for a minimum of two years. The two-year period

1. *Cash or check*
2. *Irrevocable Letter of Credit*
3. *Performance bond*

should allow for completion of all TESC and Site Improvement Plan requirements, including two growing seasons to allow time for revegetation to reach the required coverage (see Section 6.4). Information regarding the release of Fiscal Surety is provided in Section 6.8.

**4.10.4 Expiration of Fiscal Surety.** If the construction of the project and/or revegetation process takes longer than two years, the permittee shall extend the Fiscal Surety a minimum of fourteen (14) days prior to the expiration date. Failure to extend the Fiscal Surety, for a minimum of one (1) additional year, prior to the fourteen (14) day deadline may result in the Town drawing upon the Fiscal Surety.

**4.11 Section Removed.**

**4.12**

A TESC Permit is valid for a three (3) year period (one year active construction and a two year growing period for revegetation). In the event that active construction exceeds one year, the TESC Permit must be renewed.

**Duration of TESC Permits**

**Duration of TESC Permits, continued**

**4.12.1 Permit Renewal and Expiration.** Permittee(s) shall have a valid TESC Permit until Final Close-out Acceptance (after vegetation is established).

If active construction of the project takes longer than one 1 year and/or revegetation process takes longer than two years, the permittee shall renew the TESC Permit a minimum of fourteen (14) days prior to the expiration date. Failure to extend the permit during active construction may result in a Stop Work Order.

During active construction, the TESC Permit can be extended in monthly increments. During revegetation, the TESC Permit can only be extended in yearly increments.



**Transfer of TESC Permits**

**4.13**

If a project or portion of a project is sold to a new Owner, or if the Contractor that is identified on the TESC Permit is replaced by a different Contractor, the TESC Permit shall be transferred to the new Owner and/or Contractor. The transfer shall require a new TESC Permit Application Form, payment of a transfer fee, new Fiscal Surety (if new Owner), and another Preconstruction Meeting on-site (the Preconstruction Meeting is discussed in Section 5.4). Failure to transfer the TESC Permit if the Owner or Contractor changes may result in issuance of a Stop Work Order and/or suspension of building permits, per Section 5.10. Projects that have transferred ownership without a new TESC Permit and Fiscal Surety within thirty (30) days of the sale of the property are subject to Default per Section 6.9.1.



**Transfer of Ownership for Vertical Residential Construction.** For lots that have been sold to one or more Builders for the purpose of vertical residential construction, the TESC Permit shall be transferred as follows:

- TESC Permit responsibility within buildable lots and the protection of all downstream drainage systems becomes the responsibility of the new property owner(s). For each builder within the permit area, a new TESC Permit is required. Refer to Section 8 for TESC Permit requirements for vertical residential construction. No builder permits will be issued until the requirements of Section 8 have been achieved for each builder.
- TESC Permit responsibility within common areas including private open space tracts, public land dedications, drainage tracts, utility tracts and the like shall remain with the permittee(s) unless otherwise stated in the Development Agreement or Subdivision Improvement Agreement until final close-out acceptance (after vegetation is established). Upon receipt of new Fiscal Surety(ies) covering all residential lots under separate ownership, the original permittee's Fiscal Surety may be reduced to the amount of the engineer's opinion of probable costs associated with these areas only.