

# CHAPTER 6—REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST

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**CHAPTER 6—REGULATIONS GOVERNING AREAS AND  
ACTIVITIES OF STATE INTEREST**

**6-01 REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE  
INTEREST AUTHORITY**

These standards and regulations are authorized by Section 24-65.1-101, et seq., C.R.S.

## 6-02 REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST DEFINITIONS

The definitions listed in this section shall apply only to Regulations governing Areas and Activities of State Interest. The words and terms used in this Section governing Areas and Activities of State Interest shall have the meanings set forth below. If a definition is not included in the Section listed below then the definition listed in Chapter 11 of the Adams County Development Standards and Regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the definitions in this Section then the definitions in this Section shall prevail. If the term is not found in these Regulations or in Chapter 11, the term shall have its common meaning.

- 6-02-01** **AASI Permit/Permit:** A permit issued pursuant to this Section by the Board that covers an area or activity of state interest.
- 6-02-02** **Affected Party:** Any person with an interest in the outcome of the permit decision for the Proposed Project.
- 6-02-03** **Airport:** Any proposed or existing municipal or county airport or airport under the jurisdiction of an airport authority formed under the “Public Airports Authority Act” of 1965, as amended.
- 6-02-04** **Applicant:** A Person submitting an application for a Permit to engage in a development in a designated Area of State Interest or to conduct a designated Activity of State Interest, who is either the owner of the property to be developed, has written permission from the property owner for submittal of the project proposal, or has authority to condemn the property.
- 6-02-05** **Aquifer Recharge Area:** Any area where surface water may infiltrate to a water-bearing stratum of permeable rock, sand or gravel. This definition shall also include areas around wells used for disposal of wastewater or toxic pollutants.
- 6-02-06** **Area Around a Rapid or Mass Transit Facility:** An area immediately surrounding and directly affected by a Rapid or Mass Transit Facility as defined herein.
- 6-02-07** **Arterial Highway:** Any limited access highway that is part of the federal-aid interstate system, any limited access highway constructed under the supervision of the Colorado Department of Transportation or any private toll road constructed or operated under the authority of a private toll road company. “Arterial highway” does

not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

- 6-02-08** **Board/ Board of County Commissioners/ BOCC:** The Adams County Board of County Commissioners.
- 6-02-09** **Building:** Any structure having a roof supported by columns or walls and intended for supporting or sheltering any use or occupancy.
- 6-02-10** **Building Permit:** A permit which is issued by the Adams County Community and Economic Development Department Section prior to the erection, construction, alteration, moving, relocation or change of use of any building or structure.
- 6-02-11** **Code:** Adams County Development Standards and Regulations.
- 6-02-12** **Collection System:** A network of pipes and conduits through which sewage flows to a sewage treatment plant excluding storm sewers.
- 6-02-13** **Collector Highway:** A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation centers, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the Department of Public Works. “Collector highway” does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.
- 6-02-14** **Commission:** Adams County Planning Commission.
- 6-02-15** **Community and Economic Development Department:** The Adams County Community and Economic Development Department
- 6-02-16** **Community and Economic Development Director:** The Adams County Community and Economic Development Director or designee.
- 6-02-17** **Comprehensive Plan / Master Plan:** A plan adopted by the County or a municipality within the County that guides land use, growth, and development decisions.

- 6-02-18** **Cost:** The total monetary amount to be paid for a development project, generally including all amounts to be paid for land acquisition, capital improvements, construction, fixtures, equipment, labor, materials, operation, financing, debt service, planning, permitting and similar purposes.
- 6-02-19** **County:** Adams County, Colorado.
- 6-02-20** **Dedication:** The conveyance or setting aside of land to the Board or its designee.
- 6-02-21** **Department:** The Adams County Community and Economic Development Department.
- 6-02-22** **Designation:** That legal procedure specified by §§ 24-65.1-401, et seq, C.R.S., for designating Matters of State Interest. It also includes the revocation and amendment of such designations.
- 6-02-23** **Determination:** Determination of Level of Permit Review or amendment by the Community and Economic Development Director.
- 6-02-24** **Development:** Any construction, activity and/or ongoing operation that changes the basic character or the use of the environment in which the construction, activity or operation occurs.
- 6-02-25** **Development Area:** Those geographic areas within the County, which shall be developed or altered directly by construction or operation of the Project.
- 6-02-26** **Development Permit:** Any Adams County land use permits or approvals of any kind, including, but not limited to, building permits, special uses, conditional uses, plat approvals, grading permits and other land use permits.
- 6-02-27** **Distribution System:** A network of pipes and conduits through which water is piped for human consumption or a network of pipes and conduits through which water is piped in exchange or trade for water for human consumption. Also a network of distribution power lines, natural gas distribution lines, substations, and other associated equipment to convey electricity to the end-use consumer
- 6-02-28** **Domestic Water and Wastewater Treatment System:** A Wastewater Treatment Plant, Water Treatment Plant, or Water Supply System. {See individual definitions }



- 6-02-29** **Dwelling:** Any Building or part thereof designed or used for private residential purposes. See also Dwelling Unit.
- 6-02-30** **Dwelling Unit:** Any Building or portion of a Building, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, intended for occupancy by not more than one family and which has no more than one kitchen.
- 6-02-31** **Efficient Use of Water:** The employment of methods, procedures, techniques, and controls to encourage use of water for purposes, and in amounts, which shall yield the greatest possible benefit to the greatest number of people, while promoting, where feasible and appropriate, the conservation of water in particular uses. Such benefits shall include economic, social, aesthetic, ecological, agricultural and recreational benefits.
- 6-02-32** **Environment:** All natural physical and biological attributes and systems including the atmosphere, climate, geology, soils, groundwater, surface water, wetlands, vegetation, animal life, physical features, natural hazards, topography and aesthetics.
- 6-02-33** **Fixed Guideway:** A transportation facility consisting of a dedicated separate right-of-way or rail line for the exclusive use of rapid or mass transit vehicles.
- 6-02-34** **Floodplain:** An area adjacent to a stream which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:
- a. Mainstream floodplains;
  - b. Debris-fan floodplains; and
  - c. Dry wash channels and dry wash floodplains.
- 6-02-35** **Geologic Hazard:** A geologic phenomenon, which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:
- a. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
  - b. Seismic effects;
  - c. Radioactivity; and
  - d. Ground subsidence.

- 6-02-36**    **Geologic Hazard Area:** An area that contains or is directly affected by a Geologic Hazard.
- 6-02-37**    **Hearing:** Public hearing.
- 6-02-38**    **Highway:** State and federal highways and major county arterials.
- 6-02-39**    **Impact Area:** Those geographic areas, including the Development Area, in which any impacts are likely to be caused by the Project within five hundred feet [500] or as increased by the Community and Economic Development Director or designee measured from the property line(s) of the Proposed Project.
- 6-02-40**    **Individual Sewage Disposal System (ISDS):** Treatment of wastewater using septic tank and leach fields.
- 6-02-41**    **Industrial:** Any development of natural resources, business or trade, commercial activity, processing, fabrication, alteration or manufacture of raw or semi-processed materials, manufactured goods or any components thereof.
- 6-02-42**    **Interchange:** The intersection of two or more Highways, roads, or streets, at least one of which is an Arterial Highway where there is direct access to and from the Arterial Highway.
- 6-02-43**    **Irrigation Facilities:** Infrastructure or improvements intended to supply or convey water to dry land for agricultural purposes. Irrigation facilities do not include infrastructure or improvements designed to provide or transport water for application in municipal purposes, including domestic consumption.
- 6-02-44**    **Major Extension of Domestic Sewage Treatment System:** Any modification of an existing Wastewater Treatment Plant designed and intended to serve a Proposed Project and/or Service Area, regardless of whether such use is residential, commercial or industrial.
- 6-02-45**    **Major Extension of Domestic Water Treatment System:** The expansion of existing Water Treatment Plants, or any extension of existing Water Supply Systems to serve a Proposed Project and/or Service Area, regardless of whether such use is residential, commercial or industrial.

**6-02-46 Major Facilities of a Public Utility:**

- a. Transmission lines, power plants, and substations of electrical utilities; and
- b. Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.
- c. Wind farms and associated equipment.

**6-02-47 Major New Domestic Sewage Treatment System:** Any new Wastewater Treatment Plant designed and intended to serve a Proposed Project and/or Service Area, regardless of whether such use is residential, commercial or industrial.

**6-02-48 Major New Domestic Water Treatment Systems:** Any new Water Treatment Plant or Water Supply System designed and intended to serve a Proposed Project and/or Service Area, regardless of whether such use is residential, commercial or industrial.

**6-02-49 Major Water and Sewer Project:** Major New Domestic Water and Sewage Treatment Systems; Major Extensions of Existing Water and Sewage Treatment Systems; and Municipal and Industrial Water Projects.

**6-02-50 Mass Transit:** A coordinated system of one or more transit modes providing regular transportation to the general public including, but not limited to, bus or rapid transit but not including charter bus, school bus, or sightseeing transportation.

**6-02-51 Master Plan:** See Comprehensive Plan / Master Plan.

**6-02-52 Matter of State Interest:** An Area of or an Activity of State Interest, or both, as listed in §§ 24-65.1-201(1) - 203(1), C.R.S.

**6-02-53 Mitigation:** An action that will have one or more of the following effects:

- a. Avoiding an impact by not taking a certain action or parts of an action;
- b. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the impact area, facility or service;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations;

- e. Compensating for the impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.

**6-02-54** **Municipal or Industrial Water Project:** Systems and all related components thereof that provide or may provide in the future, water supply, either directly or by trade, substitution, augmentation or exchange, for municipal or industrial uses.

**6-02-55** **Municipality:** An incorporated city or town.

**6-02-56** **Natural Hazard:** A natural phenomenon which so conflicts with construction or land use as to constitute a significant hazard to public health and safety or to property including, without limitation, geologic hazards, flood hazards, and wildfire hazards.

**6-02-57** **Net Effect:** The impact of an action after Mitigation.

**6-02-58** **Permit:** See AASI Permit / Permit.

**6-02-59** **Permit Authority:** The Board of County Commissioners, or its designee.

**6-02-60** **Permit Holder:** Person to whom a Permit has been granted.

**6-02-61** **Person:** Any individual, limited liability company, partnership, corporation, association, company, or other public or corporate body including the federal government, including any political subdivision, agency, instrumentality, or corporation of the State or the United States.

**6-02-62** **Project or Proposed Project:** The site selection, construction, development, or operation of an activity or other development proposed under these Regulations throughout its life cycle including all ancillary structures, facilities, improvements, and activities, and all integrated components thereof, and any proposed land use directly related to such project if such project is to be located wholly or partially within the County. A project cannot be segmented to avoid the requirements of these Regulations. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the development must be considered together when reviewing the project hereunder and determining if it satisfies these Regulations.

- 6-02-63**     **Public Services and Facilities:** Those services and facilities provided by a political subdivision of the State or by a federal agency.
- 6-02-64**     **Public Utility:** Includes any utility or company that is generating or selling electricity or producing or selling natural gas to the general public or other companies.
- 6-02-65**     **Rapid or Mass Transit Facility:** A Station or Terminal constructed to provide and facilitate passenger access and egress to a Rapid or Mass Transit System, Fixed Guideways, dedicated highway lanes restricted to use by only mass transit vehicles, restricted dedicated flyovers and restricted dedicated access to Stations or Terminals, or highway access and egress facilities restricted to use only by mass transit vehicles.
- 6-02-66**     **Rapid Transit:** The element of a Mass Transit system involving a mechanical conveyance on an exclusive lane or guideway, rail trackage, or monorail facility constructed solely for that purpose.
- 6-02-67**     **Recycling:** The treatment and use of wastewater or water in a manner that shall make it available for use again. Also included is the reuse of solid waste material.
- 6-02-68**     **Service Area:** The primary geographic area to be served by the Proposed Project.
- 6-02-69**     **Service Road:** A street or road meeting County specifications used to provide ingress and egress to a development located adjacent to a highway.
- 6-02-70**     **Shelter:** A Building or structure designed primarily to provide a waiting area for transit passengers.
- 6-02-71**     **Site Selection, Rapid or Mass Transit Facility:** The process for determining the location of Rapid or Mass Transit Facilities or the substantial expansion or relocation of an existing facility, by a recognized and bona fide mass transit agency or authority, the County, the State, or the federal government or any subdivision of each and or any private entity or person.
- 6-02-72**     **Station or Terminal:** A facility constructed to provide and facilitate passenger access to and from a Rapid or Mass Transit System including areas necessary for vehicle operations, and parking areas for commuters and roadways connecting to the general road and street system of Adams County. Stations shall include any proposed regularly scheduled stop or planned optional or seasonal boarding point on a Rapid or Mass Transit System. Dedicated Park and Ride facilities with fifty or more parking

- spaces shall be deemed Stations for the purposes of these regulations, with or without a shelter facility. Shelters alone, or as part of traditional bus stops and pull-outs lacking fifty dedicated spaces are not considered Stations or Terminals for the purposes of these regulations.
- 6-02-73** **Stream Segment:** An identifiable lake or reservoir or a stretch of a stream or tributary defined on the basis of common classified uses and similar physical, chemical and biological characteristics, up to the point at which the use or characteristic changes to another.
- 6-02-74** **Terminal:** See Station or Terminal.
- 6-02-75** **Transportation Corridor:** Any County or municipal street or road, any State or federal highway, and any railroad operating as a common carrier.
- 6-02-76** **Use:** The purpose or activity for which a parcel of land, a building or structure is designed, arranged, or intended, or for which it is occupied or maintained based on land use regulations.
- 6-02-77** **Wastewater Treatment Plant:** A facility or group of units, including any system of pipes, structures, and facilities through which wastewater is collected for treatment, that is used for treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units discharges into State waters.
- 6-02-78** **Water Diversion:** Removing water from its natural course or location, or controlling water in its natural course or location, by means of a ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device.
- 6-02-79** **Water Supply System:** A system of wells, diversions, pipes, structures, and facilities, including water reservoir(s), or water storage, impoundments and their associated structures, through which a water supply is obtained, stored, and sold or distributed for domestic uses; or the system of wells, diversions, pipes, structures, and facilities, including impoundments, through which a water supply is obtained which will be used directly or by trade, substitution, augmentation or exchange, for water which will be used for human consumption or household use. In determining whether a project is a domestic water supply system the Board shall consider water rights decrees, pending water rights applications, intergovernmental agreements, water supply contracts, and any other evidence of the ultimate use of the water.

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- 6-02-80**    **Water Treatment Plant:** The facilities within the water supply system that regulate the physical, chemical, or bacteriological quality of the water.
- 6-02-81**    **Wildlife:** Native or introduced wild vertebrates or invertebrates.
- 6-02-82**    **Wildlife Habitat:** That natural or man-made environment which contains the elements of food, shelter, water and space in a combination and quantity necessary for the survival of one or more wildlife species.

**6-03 REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST APPLICABILITY**

These Regulations shall apply to all Matters of State Interest in the unincorporated areas of the County that have been or may hereafter be designated by the Board of County Commissioners.

**6-03-01 PUBLIC AND PRIVATE LANDS**

These Regulations shall apply to all Matters of State Interest designated as such by the County whether located on private or public lands within the unincorporated areas of the County.



## 6-04 REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST EXEMPTIONS

### 6-04-01 STATUTORY AND SPECIFIC EXEMPTIONS

The provisions of these regulations shall not apply to any development in an Area of State Interest or any Activity of State Interest if any one of the following is true:

1. As of May 17, 1974,
  - a. The specific development or activity was covered by a current building permit issued by the County; or
  - b. The specific development or activity was directly approved by the electorate of the State or the County, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity; or
  - c. The specific development or activity is to be on land which has been finally approved by the County for planned unit development or for a substantially the same as a planned unit development; or
  - d. The specific development or activity is to be on land which was either zoned or rezoned for the use contemplated by such specific development or activity; or
  - e. The specific development or activity is on land with respect to which a development plan has been conditionally or finally approved by the County.
2. Specific Exemptions. The provisions of these regulations shall not apply to any of the following:
  - a. Replacement of an existing water diversion structure without change in the point of diversion or point of use of the water, or yield from the diversion.
  - b. Irrigation Facilities.
  - c. Upgrades to existing facilities that are required maintenance or otherwise required by Federal, State or County regulations, including repairing or replacing old or outdated equipment, or installing new equipment or ancillary facilities, provided the improvements do not expand levels of service beyond the original design capacity and provided the improvements do not expand levels of service beyond the acceptable levels of expansion as determined by the Community and Economic Development Director or designee, and provided further that the upgrade does not alter the location of the existing facility.
  - d. Unincorporated Adams County Government.

- e. The construction or extension of a water distribution system, domestic water system, municipal or industrial water project, water supply system, water treatment plant, or major new domestic water treatment system with pipelines that do not exceed a maximum of 36 inches in diameter.

Projects that fall within this category with pipelines that are 36 inches in diameter or smaller shall request a pre-application meeting to have the Community and Economic Development Director conduct a review to determine applicability pursuant to Section 06-07-01-02. All districts within three (3) miles of the proposed project shall be invited to the Conceptual Review meeting and shall be notified of the decision regarding applicability. If the Community and Economic Development Director determines that and Areas and Activities of State Interest permit is required due to the impacts of the proposed project, the applicant shall submit an AASI application in accordance with the procedures outlined in Section 6-07, Permit Application Process.

## **6-05 RELATIONSHIP TO OTHER REGULATIONS**

### **6-05-01 INCONSISTENCIES OR CONFLICT WITH OTHER COUNTY REGULATIONS**

If any of the provisions of these Regulations is deemed to be inconsistent or in conflict with the provisions of any other County regulations or requirements, then the more stringent regulation or requirement shall apply as determined by the County.

### **6-05-02 COMPLIANCE WITH OTHER REGULATIONS**

Compliance with these Regulations does not waive the requirement to comply with any other applicable State, local or federal law or regulation.

### **6-05-03 COORDINATED REVIEW AND PERMITTING**

Any Applicant for a Permit under these Regulations that is also subject to the regulations of other State or federal agencies may request that the County application and review process be coordinated with that of the other agency.

### **6-05-04 OVERLAP BETWEEN MATTERS OF STATE INTEREST**

When an Applicant engages in Development or activity that implicates AASI Permit requirements for more than one Matter of State Interest, the Applicant shall complete and submit a single AASI Permit application that includes all affected areas and activities.

### **6-05-05 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of these Regulations is, for any reason, held to be invalid or unconstitutional by a court of law, such decision shall not affect the validity of these Regulations as a whole or any part other than the part declared invalid.

## 6-06 DESIGNATED AREAS AND ACTIVITIES OF STATE INTEREST

### 6-06-01 PERMIT REQUIRED

A Permit is required to be obtained pursuant to these Regulations in order to conduct any of the following Activities of State Interest (unless otherwise exempted by these Regulations):

1. Site selection and construction of Major New Domestic Water Treatment Systems and Major New Domestic Sewage Treatment Systems.
2. Major extensions of existing Domestic Water and Wastewater Treatment Systems.
3. Site selection and construction of Major Facilities of a Public Utility.
4. Site selection of Airports.
5. Site selection of Arterial Highways, Interchanges and Collector Highways.
6. Site selection of Rapid or Mass Transit Facilities, Stations or Terminals or Fixed Guideways (“Rapid or Mass Transit Facilities”).

The Board may designate additional Matters of State Interest subsequent to the adoption of these Regulations. Any Proposed Project in any subsequently designated Area of State Activity and the conduct of any subsequently designated Activity of State Interest, shall also be subject to these Regulations and shall require a Permit unless specifically exempted.



## 6-07 PERMIT APPLICATION PROCESS

### 6-07-01 PRESUBMITTAL MEETING

Before submitting an application to the County for a Permit under these Regulations, any Person seeking to engage in an activity or Development subject to these Regulations shall meet with the Community and Economic Development Staff. At this meeting, Community and Economic Development Staff shall explain the regulatory process and requirements and submittal requirements.

#### 6-07-01-01 SUBMITTAL

The Applicant shall submit the following prior to the presubmittal meeting:

1. A Presubmittal application form.
2. A map and/or sketch prepared at an easily readable scale showing:
  - a. Boundary of the proposed activity;
  - b. Relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams and existing structures;
  - c. Proposed Building, improvements and infrastructure.
3. A written summary of the Project that describes the impacts of the Proposed Project as it relates to applicable approval criteria that are sufficient for determining the applicability of AASI Permit Requirements that shall be required for the application.
4. A copy of the latest approved zoning and subdivision plans, a vicinity/zoning map, and Assessor Parcel Number(s) of the parcel(s) that are proposed to be developed.

#### 6-07-01-02 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR DETERMINATION

1. The Community and Economic Development Director shall determine, in writing, the applicability of this article and Chapter to the conduct of particular proposed activities or Development. The Community and Economic Development Director shall make this Determination within ten (10) working days after the Presubmittal Meeting in which the Applicant provides adequate information for the Community and Economic Development Director to make such Determination. If any Person is aggrieved by the Community and Economic Development Director's Determination to include or exempt an activity from the AASI Permit regulations and procedures, that Person may file an appeal to the Board of County Commissioners no later than ten (10)

working days after the date of the Community and Economic Development Director's written Determination. See Section 6-10.

2. No Development With out Permit: If it is determined that the Proposed Project requires a Permit, no Person may engage in an Activity of State Interest or engage in Development in a designated Area of State Interest without first obtaining a Permit. No Permit shall be issued for any activity that does not comply with these Regulations.
3. Process Land Use Applications Concurrently: Applicants are encouraged to submit an AASI Permit Application concurrent with or approximately at the same time as all other necessary land use applications. If an Applicant chooses not to submit all land use applications concurrently, the County would encourage the Applicant to submit an AASI Permit Application around the same time as the Final Development Plan, or Final Plat or other similar land use process that is involved with site planning.

## **6-07-02 APPLICATION SUBMITTAL REQUIREMENTS**

The Community and Economic Development Director, or designee in their sole discretion, may waive one or more of the submittal requirements when the submittal information would not be relevant to an analysis as to whether the Project complies with the approval criteria. Unless waived, the following submittal components are required:

### **6-07-02-01 APPLICATION FEE**

1. The application package must be accompanied by payment of the application fee for the AASI Permit review. The County shall establish and administer a schedule for such application.
2. The Board of County Commissioners shall take no action on the application package until all fees and expenses related to the application review process have been paid.
3. The Applicant shall also be responsible to pay for any consultant that the County may need to retain to analyze, evaluate or provide information to the County regarding all or a portion of an application where County Staff does not have expertise. The selection of any consultants shall be subject to the approval of the Community and Economic Development Director.

### **6-07-02-02 INFORMATION DESCRIBING THE APPLICANT**

1. The names, addresses, email address, fax number, organization form, and business of the Applicant, and if different, the owner of the Project.

2. The names, addresses and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or shall be responsible for constructing and operating the Project.
3. Authorization of the application by the Project owner, if different than the Applicant.
4. Documentation of the Applicant's financial and technical capability to develop and operate the Project, including a description of the applicant's experience developing and operating similar projects.

**6-07-02-03 INFORMATION DESCRIBING THE PROJECT**

1. Detailed plans and specifications of the Project.
2. Descriptions of at least three (3) or more alternatives to the Project that were considered by the Applicant.
3. Schedules for designing, permitting, constructing and operating the Project including the estimated life of the Project.
4. The need for the Project, including existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the Project.
5. Description of all conservation techniques to be used in the construction and operation of the Project.

**6-07-02-04 PROPERTY RIGHTS, PERMITS AND OTHER APPROVALS**

1. A list and copies of all other federal, State and local permits and approvals that have been or shall be required for the Project, together with any proposal for coordinating these approvals with the County permitting process.
2. Copies of all official federal and State consultation correspondence prepared for the Project; a description of all Mitigation required by federal, State and local authorities; and copies of any draft or final environmental assessments or impact statement required for the Project.
3. Description of the water to be used by the Project and alternatives, including the source, amount, the quality of such water, the Applicant's right to use the water, including adjudicated decrees, applications for decrees, proposed points of diversion, and the existing uses of water. If an augmentation plan has been filed in court, the applicant must submit a copy of that plan.



4. Regional Water Quality Management Plan: Provisions of the regional Clean Water Plan, promulgated by the Denver Regional Council of Governments, that apply to the Project and assessment of whether the Project would comply with those provisions.

**6-07-02-05 FINANCIAL FEASIBILITY OF THE PROJECT**

1. The estimated construction costs and period of construction for each Development component.
2. Revenues and operating expenses for the Project.
3. The amount of any proposed debt and the method and estimated cost of debt service.
4. Details of any contract or agreement for revenues or services in connection with the Project.
5. Description of the persons or entity(ies) who shall pay for or use the Project and/or services produced by the Development and those who shall benefit from any and all revenues generated by it.
6. Cost of all mitigation measures proposed for the Project.
7. Detailed description as to how the Project shall be financed to show that the Applicant has the ability to finance the Project.

**6-07-02-06 LAND USE**

1. Description of existing land uses within and adjacent to the Impact Area.
2. Description of provisions from local land use plans that are applicable to the Project and an assessment of whether the Project shall comply with those provisions.
3. Description of impacts and Net Effect that the project would have on land use patterns.
4. Description of the surrounding and /or impacted community(ies).
5. Description of the surrounding and/or impacted Cultural Resources.
6. Description of existing and unique agricultural land in the area.

**6-07-02-07 LOCAL GOVERNMENT SERVICES**

1. Description of existing capacity of and demand for local government services including roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, housing, law enforcement, and other services necessary to accommodate Development.

2. Description of the impacts and Net Effect of the Project on the demand for local government services and the capability of local governments to provide services.
3. Description of the potential effect on the existing transportation network including, but not limited to: road hierarchy, circulation system, road connections, right-of-way dedications, conformance with Adams County engineering standards, road access, alignment of roads, intersections, sidewalks and trails, pedestrian access, parks and open space.

**6-07-02-08 FINANCIAL BURDEN ON COUNTY RESIDENTS**

1. Description of the existing tax burden and fee structure for government services including but not limited to assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.
2. Description of impacts and Net Effect of the Project on existing tax burden and fee structure for government services applicable to County residents and property owners.

**6-07-02-09 LOCAL ECONOMY**

1. Description of the local economy including but not limited to revenues generated by the different economic sectors, and the value or productivity of different lands.
2. Description of impacts and Net Effect of the Project on the local economy and opportunities for economic diversification, including the number and types of jobs created.
3. Description of jobs created as a result of the Project.
4. Description of income potential from jobs created by or as a result of the Proposed Project.

**6-07-02-10 RECREATIONAL OPPORTUNITIES**

1. Description of present and potential recreational uses, including the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
2. Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, and hiking and biking trails.
3. Description of the impacts and Net Effect of the Project on present and potential recreational opportunities and revenues to the local economy derived from those uses.

**6-07-02-11 ENVIRONMENTAL IMPACT ANALYSIS**

The following is a non-exclusive list of items the Applicant shall submit for review by the Community and Economic Development Department and other referral agencies:

1. Description of the existing natural environment and an analysis of the impacts of the project to the natural environment.
2. Descriptions in this section shall be limited to the Impact Area, and shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the project in comparison to existing conditions.
3. The analysis shall include a description of how the Applicant shall comply with the Applicable Approval Criteria in Section 6-17.

a. Air quality.

1. Description of the air sheds to be affected by the Project, including the seasonal pattern of air circulation and microclimates.
2. Map and description of the ambient air quality and State air quality standards of the air sheds to be affected by the Project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants and other chemicals, temperature effects and atmospheric interactions.
3. Descriptions of the impacts and net effect that the Project would have on air quality during both construction and operation under both average and worst case conditions.

b. Visual Quality.

1. Map and description of ground cover and vegetation, tree canopies, waterfalls and streams or other natural features.
2. Description of view sheds, scenic vistas, unique landscapes or land formations.
3. Map and description of buildings, structure design and materials to be used for the Project. Include elevations of proposed buildings and other structures.
4. Descriptions of the impacts and Net Effect that the Project would have on visual quality.

c. Surface Water Quality.

1. Map and description of all surface waters, including applicable State water quality standards, to be affected by the project.

2. Descriptions of the immediate and long term impact and Net Effects that the Project would have on the quantity and quality of surface water under both average and worst case conditions.
  3. Descriptions of the immediate and long term impacts and Net Effects that the project would have on the meandering characteristics and limits of the streambed under both average and worst case conditions.
- d. Groundwater Quality and Quantity.
1. Map and description of all groundwater, including any and all aquifers that are affected by the Proposed Project. At a minimum, the description should include:
    - a) Seasonal water levels in each subdivision of the aquifer affected by the Project.
    - b) Artesian pressure in aquifers.
    - c) Groundwater flow directions and levels.
    - d) Existing aquifer recharge rates and areas and the methodology used to calculate recharge to the aquifer from any recharge sources.
    - e) For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity.
    - f) Seepage losses expected at any subsurface dam and at stream/aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
    - g) Existing groundwater quality and classification.
    - h) Location of all water wells and their uses.
    - i) Description of the impacts and Net Effect of the Project on groundwater.
- e. Wetlands and Riparian Areas.
1. Map and description of all floodplains, wetlands, and riparian areas to be affected by the project, including a description of each type of wetlands, species composition, and biomass.
  2. Description of the source of water interacting with the surface systems to create each wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.).

3. Description of the impacts and Net Effect that the Project would have on the floodplains, delineated flood hazard zone(s), wetlands and riparian areas.

f. Terrestrial and Aquatic Animals and Habitat.

1. Map and description of terrestrial and aquatic animals including the status and relative importance of game and non-game wildlife, livestock and other animals.
2. A description of stream flows and lake levels needed to protect the aquatic environment.
3. Description of threatened or endangered animal species and their habitat.
4. Map and description of critical wildlife habitat and livestock range to be affected by the project including migration routes, calving areas, summer and winter range, and spawning beds.
5. Description of the impacts and Net Effect that the Project would have on terrestrial and aquatic animals, habitat and food chain.

g. Terrestrial and Aquatic Plant Life.

1. Map and description of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
2. Descriptions of the impacts and Net Effect that the Project would have on terrestrial and aquatic plant life.

h. Soils, Geologic Conditions and Natural Hazards.

1. Map and description of soil, geologic conditions, and Natural Hazards including but not limited to soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.
2. Descriptions of the risks to the Project from Natural Hazards.
3. Descriptions of the impact and net effect of the project on soil and geologic conditions in the area, and their effects on streambed meander limits and aquifer recharge areas.

i. Nuisances.

Descriptions and maps showing the range of noise, glare, dust, fumes, vibration, and odor levels caused by the Project, along with and indication of their significance.

j. Areas of Paleontological, Historic or Archaeological Importance.

1. Map and description of all sites of paleontological, historic or archaeological interest.
2. Description of the impacts and Net Effect of the Project on sites of paleontological, historic or archaeological interest.

k. Hazardous Materials Description.

1. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the Project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure, and any foreseeable impacts to the environment of such substances.
2. Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment measures.
3. Reportable quantities, emergency response plan, spill prevention, and counter measures plan due to the Proposed Project.

l. Balance Between Benefits and Losses.

1. Description of foreseeable benefits of natural, agricultural, recreational, range or industrial resources within the County and opportunities to develop those resources in the future.
2. Description of foreseeable losses of natural, agricultural, recreational, range or industrial resources within the County and loss of opportunities to develop those resources in the future.

m. Monitoring and Mitigation Plan.

1. Description of all Mitigation for the Project.
  - a. Describe how and when Mitigation shall be implemented and financed.
  - b. Describe Impacts that are unavoidable that cannot be Mitigated.
2. Description of methodology used to measure impacts of the project and effectiveness of proposed Mitigation measures.
3. Description, location and intervals of proposed monitoring to ensure that Mitigation shall be effective.

**6-07-02-12 REFERRALS TO OUTSIDE AGENCIES, RESPONSE TO REFERRAL  
COMMENTS AND NEIGHBORHOOD / SCOPING MEETING**

1. The Community and Economic Development Department shall determine which outside referral agencies may be affected by the proposed development and should receive referral packets. Potential referral agencies may include, but not be limited to homeowner's associations, local, regional, state and federal governmental entities, and service providers.
2. The applicant shall provide written notice to property owners within five hundred (500') feet of the property lines of the parcel(s) of land which the development is proposed. The Community and Economic Development Director may extend the 500' foot property owner notice area as necessary. The written notice shall state the date, time, place, and purpose of the neighborhood/scoping meeting. All available information concerning the Proposed Project shall be presented by the Applicant or designee during the neighborhood/scoping meeting. A written summary of the meeting including comment sheets, and names, addresses, and phone numbers of attendees shall be submitted to the Community and Economic Development in order for an application to be considered complete.
3. The Community and Economic Development Department shall review the referral packets in order to determine that there is sufficient information in the referral packet, including, but not limited to, AASI Permit information that pertains to the referral agency.
4. The Applicant shall be responsible for putting the referral packets together and addressing the envelopes, but the Community and Economic Development Department shall be responsible for mailing the packets.
5. The referral entities shall have 30 days to respond.
6. The Applicant shall respond to all of the referral comments and that response shall be included as part of the application. This referral process is required, along with all other application submittal requirements, in order for an application to be considered complete.

## 6-08 ADDITIONAL SUBMITTAL REQUIREMENTS

### 6-08-01 MAJOR WATER AND SEWER PROJECTS

In addition to the Submittal Requirements in Section 6-07 above, the following requirements shall apply to Major Water and Sewer Projects:

1. Description of existing Domestic Water and Wastewater Treatment Systems in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, discharge permit requirements, service fees and rates, debt structure and service plan boundaries and reasons for and against connecting to those facilities.
2. Description of other water and wastewater management agencies in the project area and reasons for and against consolidation with those agencies.
3. Description of how the Project may affect adjacent communities and users of wells.
4. Description of demands that this project expects to meet and basis for projections of that demand.
5. Description of efficient water use, recycling and reuse technology the Project intends to use.
6. Description of how the Project will affect urban/rural development, urban/rural densities, and site layout and design of storm water and sanitation systems.
7. Map and description of other municipal and industrial water projects in the vicinity and a discussion of how the project will compete with or duplicate those services in the County.

### 6-08-02 MAJOR FACILITIES OF A PUBLIC UTILITY

In addition to the Submittal Requirements in Section 6-07, above, the following requirements shall apply to Major Facilities of a Public Utility:

1. Map and description of areas around the proposed Major Facilities of a Public Utility.
2. Potential likelihood of nearby activities that may disrupt utility services.
3. Description of how facilities will affect existing community patterns.
4. Description of applicable adopted Comprehensive Plans and whether facilities comply with those provisions.
5. Projections/forecasts of need for electricity or natural gas and the basis for the projections and forecasts.



6. Expected effect and impact on nearby property owners and on current land uses, compared with alternate locations.

### **6-08-03 AIRPORTS**

In addition to the Submittal Requirements in Section 6-07, above, the following requirements shall apply to Airports:

1. Map and description of nearby land uses. Expected impact of the new Airport on those land uses and nearby property owners from noise and traffic.
2. Map and description of flight patterns as related to other land uses. Description of potential public safety and property issues related to the airport and plane crashes.
3. Description of how the Airport will affect existing communities, the environment and existing community services.
4. Description of how the airport will affect economic and transportation needs of the state and the area.
5. Description of applicable adopted Master Plans and whether the Airport complies with these plans.
6. Description of applicable FAA permits and regulations. Provide applicable FAA permits.
7. Description of how the proposed Airport relates to existing Airports.

### **6-08-04 ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS**

In addition to the Submittal Requirements in Section 6-07, above, the following requirements shall apply to Arterial Highways, Interchanges and Collector Highways:

1. Description of how the Project will affect traffic patterns as well as non-motorized traffic.
2. Description of how the new roads will likely affect surrounding land uses and existing community patterns.
3. Description of how new roads will affect community, regional, and statewide traffic demands.
4. Description of how new roads will comply with other local, State and federal regulations and master plans.

**6-08-05 RAPID OR MASS TRANSIT FACILITIES**

In addition to the submittal requirements in Section 6-07, above, the following requirements shall apply to Rapid or Mass Transit Facilities:

1. Development in Areas Around Rapid or Mass Transit Facilities shall require the following submittals:
  - a. One or more maps at sufficient scale showing the location of the proposed Development and its relationship to the Rapid or Mass Transit Station or Terminal and the Interchanges, streets, highways, parking lots, and public facilities which are adjacent to or form an integral part of the operation of the rapid or mass transit facility.
  - b. A narrative description of the motor vehicle, bicycle, and pedestrian traffic likely to be generated by the Proposed Project, including but not limited to traffic generation at various times of the day, potential congestion, and potential demand for parking generated by the Development.
  - c. A narrative description of the impacts of the Proposed Project to the Rapid or Mass Transit Facility.
  - d. Maps or diagrams illustrating the pedestrian and bicycle routes that can be utilized to gain access between the proposed development and the adjacent Rapid or Mass Transit Facility.
2. Rapid or Mass Transit Facilities shall require the following additional submittals:
  - a. A general narrative description stating whether the Proposed Project is a Station, Terminal, Fixed Guideway or other Rapid or Mass Transit Facility. The narrative description shall give a description of the location of the Proposed Project, including Intersections, towns, existing and planned facilities and landmark features. The narrative description shall also describe the impacts of the facility, and associated activities, on the character of the area and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the unincorporated area of Adams County.
  - b. One or more maps at sufficient scale, showing the location of the proposed facility together with proposed or existing transportation corridors, zoning classification and land use within 2000 feet or more.
  - c. Fixed Guideways

If the proposed facility is a Fixed Guideway, the application shall also include:

1. Description of the type of motor power that shall be used to propel transit vehicles along the guideway and maximum anticipated speed of the transit vehicles along different segments of the system.
2. Maps showing the proposed right-of-way.
3. The minimum and maximum passenger capacity of the transit vehicles that will travel on the guideway and the anticipated frequency or scheduling of guideway use.
4. The maximum proposed grade of the guideway and the maximum curvature. Proposed curves in excess of ten degrees shall be indicated on the map.
5. Identification of all buildings or other structures that must be removed in order for the proposed guideway to be built.
6. A plan for preventing collisions at points where the proposed guideway crosses other transportation corridors.
7. A study that describes and analyzes the effects of noise and vibration on neighboring property owners, with particular emphasis on residential land uses.

d. Stations and Terminals

If the proposed facility is a Station or Terminal associated with a Rapid or Mass Transit Facility, the application shall also include:

1. A passenger impact analysis including:
  - a. The number of vehicle trips associated with the Station or Terminal at or just before any scheduled departure;
  - b. The number of passengers that will likely ride only one way on any given day; and
  - c. The number of passengers that can be expected to bring baggage, recreational equipment, tools, or other material.
2. The anticipated schedule of departures and arrivals at the Station or Terminal and the expected capacity of each transit unit.

3. The maximum length of any train that will serve the Station or Terminal, excluding propulsion units.
4. Basic floor plans and architectural sketches of each proposed building or structure, together with a site map showing the relative location of each building or structure.
5. A map of all roadways, parking areas with parking requirements, and other facilities showing details such as width, layout, traffic flow, pavement markings and traffic control devices.
6. Identification of all buildings or other structures that must be removed in order for the proposed Station or Terminal to be built.

## 6-09 **COMPLETENESS DETERMINATION**

An application shall not be accepted and deemed received for purposes of § 24-65.1-501(2)(A), C.R.S. unless and until it is complete in accordance with the requirements of these Regulations. The Community and Economic Development Director shall determine whether the application is complete in accordance with the requirements contained in these Regulations. If the Community and Economic Development Director determines that the application is incomplete, then the Community and Economic Development Director shall specify in writing the additional information that is required. Only when the application is determined to be complete shall the process set forth below in the Permit Review and Hearing Procedures commence.

## **6-10 APPEAL OF COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR DETERMINATION**

### **6-10-01 PURPOSE**

The purpose of this section is to detail the steps and requirements for appeals from a Determination by the Community and Economic Development Director to ensure these standards and regulations are administered properly and consistently with the policies adopted by the County.

### **6-10-02 APPLICABILITY**

All appeals from a Determination by the Community and Economic Development Director must be processed in accordance with this section. The Board of County Commissioners shall have the authority to hear and decide appeals by any aggrieved person, where it is alleged there is an error in the Community and Economic Development Director's Determination of whether an AASI Permit is required, the Community and Economic Development Director's Determination of whether the Technical Review Amendment (TRA) requirements have been met, or the Community and Economic Development Director's Determination denying a TRA.

### **6-10-03 TIME LIMITATIONS**

All appeals must be submitted in writing within ten (10) calendar days of the date the Determination was made or rendered by the Community and Economic Development Director. The Community and Economic Development Director may waive or extend this deadline only upon finding the person filing the appeal received no actual or constructive form of notice of the Determination being appealed. Failure to file the appeal in a timely manner shall constitute a waiver of any rights to appeal under these Regulations.

### **6-10-04 APPEAL REVIEW PROCEDURES**

An appeal is initiated by submitting a completed appeal application form with the Community and Economic Development Director. An appeal shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall grant the appeal, modify the Community and Economic Development Director's Determination, or deny the appeal based on consideration of the staff report, the evidence from the public hearing, and compliance with the criteria for approval.

**6-10-05 APPEAL REVIEW STEPS**

The processing of an appeal shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review:

Applicable.

2. Neighborhood Meeting:

Not Applicable.

3. Development Application Submittal:

Applicable. All items or documents required for an appeal as described in the appeal application submittal requirements shall be submitted to the Community and Economic Development Director at least thirty (30) days prior to the first unfilled Board of County Commissioners public hearing agenda.

4. Determination of Sufficiency:

Applicable. Upon a determination of sufficiency, the appeal shall stay any proceedings in furtherance of the contested action. The Community and Economic Development Director may certify in writing to the Board of County Commissioners that a stay poses an imminent peril to life or property or would seriously interfere with the enforcement of these standards and regulations. The Board of County Commissioners shall review the certification and may override the stay of further proceedings.

5. Staff Report:

Applicable. Copies of all written materials necessary to decide the appeal that are transmitted to or in the possession of the Community and Economic Development Director shall be incorporated into the staff report.

6. Notice:

Not Applicable.

7. Public Hearing:

Applicable. A public hearing shall be held before the Board of County Commissioners.

8. Standards:

Applicable.

9. Conditions of Approval:

Applicable.

10. Amendments:

Applicable.

**6-10-06 CRITERIA FOR APPROVAL**

The Board of County Commissioners, in granting an appeal or modifying the Community and Economic Development Director's Determination, shall have all the powers of the Community and Economic Development Director. In making its decision to grant an appeal or modify a Determination, the Board shall find error in the application of these standards and regulations on the part of the Community and Economic Development Director. The decision concerning the appeal shall set forth the basis of the Board of County Commissioners decision.

**6-10-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING THE GRANT OF AN APPEAL**

Upon the granting of an appeal or modification of the Community and Economic Development Director's Determination by the Board of County Commissioners, the Community and Economic Development Director shall send a letter of decision to the applicant. The letter of decision shall describe in detail the grant of appeal approved by the Board of County Commissioners.

**6-10-08 EFFECT OF APPROVAL**

The Applicant shall be subject to all permits required by these standards and regulations. All orders, decisions, determinations, and interpretations made under those permit procedures shall be consistent with the reversal or modification granted to the appellant.



## 6-11 APPROVING AND ISSUING A PERMIT

### 6-11-01 PERMIT REVIEW AND HEARING PROCEDURES

#### 1. Permit Review Procedures

##### a. Staff Review and Staff Report

The Community and Economic Development Department shall review the application and prepare a report recommending approval, conditional approval, denial, or continuance of the permit.

##### b. Hearing Date

The Community and Economic Development Department shall set a public hearing before the Planning Commission and the Board of County Commissioners. The hearing date for the Planning Commission Hearing shall be scheduled after receipt of a completed application. The Board of County Commissioners Hearing shall be scheduled, and notice of the hearing published, within thirty days of receipt of a completed application. The Hearing shall take place not less than thirty days nor more than sixty (60) days after receipt of a complete application.

### 6-11-02 PLANNING COMMISSION HEARING AND DECISION

#### 1. Planning Commission Hearing

The Planning Commission shall conduct the hearing to determine whether the Proposed Project complies with the Approval Criteria in Section 6-17.

#### 2. Planning Commission Hearing Notice

The County shall publish notice of the hearing in accordance with this section and with § 24-65.1-501, C.R.S. Notice shall be published once in a newspaper of general circulation in the County, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.

#### 3. Notice to Property Owners

The Community and Economic Development Department is responsible for written notice of the public hearing which shall be delivered or mailed, first-class postage prepaid, to adjoining landowners within a minimum of 500 feet of the entire boundary of the proposed activity, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing, except that the Community and Economic Development Director may extend the radius used for noticing based on the nature of the Proposed Project, its potential impacts and the general character of the area. The Department shall be responsible for public notice sign(s) per Adams County Development Standards and Regulations

specifications, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.

4. Planning Commission Decision

If the Planning Commission determines that the Proposed Project complies with all the applicable provisions of these Regulations, then it shall recommend that the Board approve the application. If the Planning Commission determines that the proposed activity does not comply with all the applicable provisions of these Regulations, then it shall recommend that the Board deny the application or approve the application with conditions to ensure compliance with the Regulations. The Planning Commission may continue action on the application at its discretion.

**6-11-03 BOARD OF COUNTY COMMISSIONERS HEARING AND DECISION**

1. Board Hearing

The Board shall conduct the hearing to determine whether the Proposed Project complies with the Approval Criteria in Section 6-17.

2. Board of County Commissioner Hearing Notice

The County shall publish notice of the hearing in accordance with this Section and with § 24-65.1-501, C.R.S. Notice shall be published once in a newspaper of general circulation in the County, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.

3. Notice to Property Owners

The Department is responsible for providing written notice of the public hearing which shall be delivered or mailed, first-class postage prepaid, to adjoining landowners within a minimum of 500 feet of the entire boundary of the proposed activity, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing, except that the Community and Economic Development Director may extend the radius used for noticing based on the nature of the Proposed Project, its potential impacts and the general character of the area. The Department shall be responsible for public notice sign(s) per Adams County Development Standards and Regulations specifications, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.

4. Board Decision

If at the end of the hearing, after considering all information on the record, the Board finds that additional information is necessary for it to determine whether the Proposed Project will satisfy all of the Approval Criteria in Section 6-17, the Board may deny the Permit, or continue the hearing to accept additional information.

The Board may approve the application if it determines that the Proposed Project complies with all applicable provisions of these Regulations. If the Board determines that the application fails, or may fail, to comply with any one of the Approval Criteria, the Board, at its sole discretion, may either approve the permit application with reasonable conditions necessary to ensure compliance with the Regulations or deny the application.

#### **6-11-04 CONDUCT OF HEARINGS, HEARING RECORD, AND DECISION**

Hearings shall be conducted in a manner to afford procedural due process to the Applicant and any Affected Person.

1. The burden of proof is on the Applicant to demonstrate with evidence on the record that the Proposed Project complies with all of these Regulations.
2. The Board's decision shall be made by resolution. A copy of the resolution shall be recorded in the Office of the County Clerk and Recorder and shall be mailed to the Applicant.

## 6-12 TERM OF PERMIT

Approval of a Permit shall lapse after twelve (12) months, unless:

1. Development permits for the Proposed Project for construction are obtained for commencement of construction, if such permits are required; and remain in effect, or
2. Activities described in the Permit have substantially commenced; or
3. The Board specifies in its resolution granting the Permit a different time period in which building permits or construction must be obtained or activities must commence.

**6-13 RENEWAL**

Permits issued under these Regulations may be renewed following the same procedure for approval of new Permits. The Board may impose additional conditions at the time of renewal if necessary to ensure that the Project shall comply with these Regulations.

**6-14 PERMIT DOES NOT EXEMPT DEVELOPMENT FROM LAND DEVELOPMENT AND OTHER CODE REQUIREMENTS**

Permits issued under these Regulations shall not exempt the Proposed Project from also complying with zoning and other requirements of the Adams County Development Standards and Regulations. Notwithstanding the issuance of a Permit under these Regulations, no building permit shall be issued and no construction shall begin until all requirements of the Development Standards and Regulations have been satisfied.

## **6-15 PERMIT AMENDMENT/TECHNICAL REVIEW AMENDMENT (TRA)**

Any change in the application, design, construction or operation of the Project from that approved by the Board shall require either a Full Amendment or a Technical Review Amendment. The criteria for this determination shall be based on the additional size of the area affected and/or the intensity of impact of the Project.

### **6-15-01 FULL AMENDMENT**

If the proposed amendment meets the criteria necessary for an AASI Permit, then the Full Amendment shall need to meet the requirements and process for an AASI Permit as outlined in these Regulations for the particular Area and Activity of State Interest.

### **6-15-02 TECHNICAL REVIEW AMENDMENT**

The process and requirements for a Technical Review Amendment would occur when changes in the original AASI Permit are of such a limited nature or scope that a formal AASI Permit Full Amendment would be unnecessary. Such Technical Review Amendments may include, but are not limited to, minor changes to building facades, location and type of landscape material, relocation of light poles or fixtures that do not affect light levels at the property line, and the relocation of interior pedestrian walks and trails.

#### **6-15-02-01 PREREQUISITES FOR A TECHNICAL REVIEW AMENDMENT (TRA)**

The following factors shall be used by the Community and Economic Development Director to determine if an application is eligible for a TRA. These factors shall include, but are not necessarily limited to the following:

1. Proposed amendments do not fall within the criteria listed for an AASI Permit Full Amendment as specified in these Regulations.
2. Proposed amendments do not violate existing zoning or subdivision regulations.
3. Proposed amendments do not relate to any site, building, or sign detail that was a condition of approval through the public hearing process.
4. Proposed amendments do not substantially change any of the original plans or items that may have been conditioned through the public hearing process.

**6-15-02-02 SUBMITTAL REQUIREMENTS FOR TECHNICAL REVIEW AMENDMENT (TRA)**

Submittal requirements for a TRA include:

1. Completed application (available at the Department).
2. Application fee.
3. Proof of ownership or notarized letter of authorization from the landowner permitting a representative to process the application with a disclaimer that no other party's consent is required.
4. A letter of intent indicating the purpose and need for the TRA.
5. The first and any other subsequently approved AASI Permit, development plan exhibits and associated material. (Typically copied from the approved AASI Permit and associated material).
6. A revised blueline plan exhibit (24" x 36") with the proposed amendment highlighted. Font size shall be readable when reduced to an 11 x 17 inch size. No plans shall include copyright restrictions.

**6-15-02-03 APPROVAL CRITERIA FOR A TECHNICAL REVIEW AMENDMENT (TRA)**

Prior to approval of a Technical Review Amendment, the Community and Economic Development Director or designee shall consider the following criteria:

1. Will the TRA ensure the efficient development and preservation of the original AASI Permit, and the underlying development plan or subdivision plat?
2. Will the TRA adversely affect reasonable development expectations and the use and enjoyment of adjacent land or the public interest?
3. Will the TRA preserve the spirit and intent of the original AASI Permit and development plan and not weaken the purposes of these regulations?
4. Will approval of the amendment adversely affect the public health, safety, and welfare?



**6-15-02-04 TECHNICAL REVIEW AMENDMENT PROCESS**

The following is the review process for a Technical Review Amendment (TRA).

1. Upon receipt of all required information, the Community and Economic Development Director or designee shall review the submittal and prepare comment.
2. The Applicant shall be notified of any outstanding issues upon completion of a fourteen (14) calendar day staff review and referral process. The applicant shall resolve all outstanding issues raised through the referral process.
3. The Applicant shall submit a final mylar which shall be an original drawing in black ink on 24" x 36" single/double matte mylar or photographic blackline positive mylar of the same, or equivalent.
4. Upon acceptance of the final mylar by the Department, the Community and Economic Development Director or designee shall approve the Technical Review Amendment.
5. After the Community and Economic Development Director approves and signs the Technical Review Amendment, building permits may be applied for and/or obtained.
6. If any Person or entity is aggrieved by Community and Economic Development Director's Determination to exempt a TRA application because it does not meet TRA requirements or if a TRA is denied by the Community and Economic Development Director, that person or entity may file an appeal to the Board of County Commissioners, no later than ten (10) working days after the date of the Community and Economic Development Director's written Determination. See Section 6-10.

## 6-16 INTERGOVERNMENTAL AGREEMENTS

In lieu of a permit application and review as provided by these regulations, the County, at its sole discretion, may elect to negotiate an intergovernmental agreement with the State of Colorado or a political subdivision of the State as defined by Section 29-1-202(1), C.R.S. for activities of state interest. The County encourages intergovernmental agreements to promote mutually beneficial relationships and effectively address areas and activities of state interest. In the event such an intergovernmental agreement is approved by the Board of County Commissioners, the intergovernmental agreement shall be deemed to satisfy all requirements of these regulations and an AASI Permit shall be issued provided that all of the following conditions are met:

1. The state or political subdivision and the County must both be authorized to enter into the intergovernmental agreement.
2. The purpose, intent, and applicable criteria of Section 24-65.1-101, et seq., C.R.S. and of these regulations must be satisfied by the terms of the intergovernmental agreement.
3. A neighborhood/scoping meeting shall be held by the Applicant, and a summary addressing the concerns of the neighborhood shall be submitted by the Applicant to the Community and Economic Development Department which shall include, but is not limited to, the names, addresses, telephone numbers, and concerns. The neighborhood/scoping meeting summary shall be submitted to the Community and Economic Development Department along with a presubmittal meeting application prior to the scheduling of a public hearing. The boundaries of the residents notified for the neighborhood/scoping meeting shall be determined by the Community and Economic Development Director or designee and shall not be less than 500 feet from the property lines of the location of the Proposed Project.
4. A public hearing must be conducted by the Board to publicly review and approve the proposed intergovernmental agreement. Notice of the public hearing shall be published once at least 30 and not more than 60 days prior to the hearing in a newspaper of general circulation in the County. Property owners within a minimum of 500 feet from the property lines of the location of the Proposed Project shall be notified by the Community and Economic Development Department of the date and time of the public hearing not less than 14 calendar days prior to the Board of County Commissioners hearing date.
5. Both the Board and the governing body of the State or political subdivision must approve the intergovernmental agreement in the manner required by the Colorado Constitution, state statutes, and any applicable charter, ordinance or resolution.

6. Exercise of the provisions of this section 6-16 by the State or political subdivision shall not prevent the entity from electing at any time to proceed under the permit provisions of these regulations.
7. Nothing in this section 6-16 shall be construed to waive the applicability of these regulations or to create in the State or any political subdivision a right or interest to an intergovernmental agreement with the County.

## 6-17 APPROVAL CRITERIA

A Permit may be approved if the proposed activity complies with the following general criteria and any additional applicable criteria in this section. In determining whether the proposed activity complies with the criteria, the Board shall take into consideration the construction, operation and cumulative impacts of the proposed activity. Also see Appendix A for some examples of these criteria.

### 6-17-01 GENERAL APPROVAL CRITERIA

1. Documentation that prior to site disturbance associated with the Proposed Project, the Applicant can and will obtain all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained or the Board may grant a Permit with conditions and/or conditions precedent which will adequately address outstanding concerns.
2. The Proposed Project considers the relevant provisions of the regional water quality plans.
3. The Applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.
4. The Proposed Project is technically and financially feasible.
5. The Proposed Project is not subject to significant risk from Natural Hazards.
6. The Proposed Project is in general conformity with the applicable comprehensive plans.
7. The Proposed Project does not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
8. The Proposed Project does not create an undue financial burden on existing or future residents of the County.
9. The Proposed Project does not significantly degrade any substantial sector of the local economy.
10. The Proposed Project does not unduly degrade the quality or quantity of recreational opportunities and experience.
11. The planning, design and operation of the Proposed Project reflects principals of resource conservation, energy efficiency and recycling or reuse.
12. The Proposed Project does not significantly degrade the environment. Appendix A includes the considerations that shall be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:

- a. Air quality.
- b. Visual quality.
  - c. Surface water quality.
  - d. Groundwater quality.
  - e. Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas.
  - f. Terrestrial and aquatic animal life.
  - g. Terrestrial and aquatic plant life.
  - h. Soils and geologic conditions.
13. The Proposed Project does not cause a nuisance and if a nuisance has been determined to be created by the Proposed Project the nuisance has been mitigated to the satisfaction of the County.
14. The Proposed Project does not significantly degrade areas of paleontological, historic, or archaeological importance.
15. The Proposed Project does not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the Board's consideration shall include:
  - a. Plans for compliance with federal and State handling, storage, disposal and transportation requirements.
  - b. Use of waste minimization techniques.
  - c. Adequacy of spill prevention and counter measures, and emergency response plans.
16. The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.
17. The Proposed Project is the best alternative available based on consideration of need, existing technology, cost, impact and these Regulations.
18. The Proposed Project shall not unduly degrade the quality or quantity of agricultural activities.
19. The proposed Project does not negatively affect transportation in the area.
20. All reasonable alternatives to the Proposed Project, including use of existing rights-of-way and joint use of rights-of-way wherever uses are compatible, have been adequately assessed and the Proposed Project is compatible with and represents the best interests of the people of the County and represents a fair and reasonable utilization of resources in the Impact Area.

21. The nature and location of the Proposed Project or expansion will not unduly interfere with existing easements, rights-of-way, other utilities, canals, mineral claims or roads.
22. Adequate electric, gas, telephone, water, sewage and other utilities exist or shall be developed to service the site.
23. The proposed project will not have a significantly adverse Net Effect on the capacities or functioning of streams, lakes and reservoirs in the impact area, nor on the permeability, volume, recharge capability and depth of aquifers in the impact area.
24. If the purpose and need for the Proposed Project are to meet the needs of an increasing population within the County, the area and community development plans and population trends demonstrate clearly a need for such development.
25. The Proposed Project is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area.

#### 6-17-02 **ADDITIONAL APPROVAL CRITERIA**

##### 6-17-02-01 **THE FOLLOWING ADDITIONAL CRITERIA APPLY TO MAJOR WATER AND SEWER PROJECTS**

1. To the extent practicable, Domestic Water and Wastewater Treatment Systems will be consolidated with existing facilities within the area. The determination of whether consolidation is practicable shall include but not be limited to the following considerations:
  - a. Distance to and capacity of nearest Domestic Water or Wastewater Treatment System.
  - b. Technical, legal, managerial and financial feasibility of connecting to existing Domestic Water or Wastewater Treatment System.
  - c. Scope of the Service Area for existing Domestic Water or Wastewater Treatment System.
  - d. Projected growth and development in the Service Area of existing Domestic Water or Wastewater Treatment System.
2. The Proposed Project will not result in duplicative services within the County.

3. The Proposed Project will be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
4. If the Proposed Project is designed to serve areas within the County, it will meet community development and population demands in those areas.
5. The Proposed Project emphasizes the most efficient use of water, including the recycling, reuse and conservation of water.
6. The Applicant demonstrates sufficient managerial expertise and capacity to operate the facility.

**6-17-02-02 THE FOLLOWING ADDITIONAL CRITERIA APPLY TO MAJOR FACILITIES OF A PUBLIC UTILITY**

1. Areas around Major Facilities of a Public Utility are administered so as to minimize disruption of the service provided by the public utility.
2. Areas around Major Facilities of a Public Utility are administered so as to preserve desirable existing community and rural patterns.
3. Where feasible, Major Facilities of a Public Utility are located so as to avoid direct conflict with adopted local comprehensive, State and regional master plans.
4. Where feasible, Major Facilities of a Public Utility are located so as to minimize dedication of new right-of-way and construction of additional infrastructure (e.g., gas pipelines, roads, and distribution lines.)
5. The applicant has provided an approved Water Supply Plan using an aquifer life assumption of a 300-year supply.

**6-17-02-03 THE FOLLOWING ADDITIONAL CRITERIA APPLY TO AIRPORTS:**

1. Areas around Airports are administered to encourage land use patterns that separate uncontrollable noise sources from residential and other noise-sensitive areas.
2. Areas around Airports are administered to avoid danger to public safety and health or to property due to aircraft crashes.
3. Airports are located or expanded in a manner that minimizes disruption to the environment, minimizes the impact on existing community service, and complements the economic and transportation needs of the State and the area.

**6-17-02-04 THE FOLLOWING ADDITIONAL CRITERIA APPLY TO ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS:**

1. Areas around interchanges involving Arterial Highways are administered to:

- a. Encourage the smooth flow of traffic;
- b. Foster the development of such areas in a manner calculated to preserve the smooth flow of such traffic.
- c. Preserve desirable existing community travel patterns.
- d. Arterial Highways and interchanges are located so that community traffic needs are met.
- e. Arterial Highways and interchanges are located so that desirable community patterns are not disrupted.

**6-17-02-05 THE FOLLOWING ADDITIONAL CRITERIA APPLY TO RAPID OR MASS TRANSIT FACILITIES**

1. Areas around Rapid or Mass Transit Facilities are administered to:
  - a. Promote the efficient utilization of the Rapid or Mass Transit Facility.
  - b. Facilitate traffic circulation patterns of roadways serving the mass transit facility.
  - c. Promote development that shall include bike and pedestrian paths providing access to the Rapid or Mass Transit Facility.
2. Rapid or Mass Transit Facilities are located so as to preserve the value of buildings at the site and avoid demolition of businesses or residences to the extent possible. Proposed locations of Rapid or Mass Transit Terminals, Stations, and Fixed Guideways which will not require the demolition of residences or businesses are given preferred consideration over competing alternatives.
3. Rapid or Mass Transit Facilities are located and such activities conducted with reasonable consideration, among other things, as to the character of the area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the unincorporated area of Adams County.
4. Stations, shelters and terminals are appropriately located to attract maximum ridership to the extent feasible and to meet transit needs.
5. Rapid or Mass Transit Facilities have adequate and safe ingress and egress for all transit modes.
6. The location of Fixed Guideways maximizes joint use of rights-of-way for trails and bikeways and other transportation alternatives.
7. Rapid or Mass Transit Facilities are designed and located in a manner that will reduce traffic congestion.
8. Guideway design and location does not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road



except at intersections, nor will guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway.

9. The parking areas associated with a Station or Terminal are capable of holding a number of automobiles that equals the Station or Terminal number of passengers expected to park at the during peak periods.
10. Access roads to a Station or Terminal are designed and located to accommodate, during a 15 minute period, the maximum number of automobiles anticipated to arrive before the scheduled departure of the mass transit conveyance without causing cars to back up onto the public road serving the facility.
11. The Manual on Traffic Control Devices applies to safety devices at intersections of a Fixed Guideway and other transportation corridors.
12. A proposed location of a Rapid or Mass Transit Facility that imposes a burden or deprivation on a local government cannot be justified on the basis of local benefit alone, nor shall a permit for such a location be denied solely because the location places a burden or deprivation on one local government.
13. Rapid or Mass Transit Facilities minimize the effects of noise and vibration on neighboring property owners, with particular emphasis on residential land uses.

## 6-18 FINANCIAL GUARANTEE

Before any Permit is issued under these Regulations, the Board may (but shall not be required to) require the Applicant to file a guarantee of financial security deemed adequate by the Board and payable to the County. The purpose of the financial guarantee is to assure the following:

1. That the Proposed Project is completed and, if applicable, that the Development Area is properly reclaimed.
2. That the Applicant performs all Mitigation requirements and Permit conditions in connection with the construction, operation and termination of the Proposed Project.
3. That increases in public facilities and services necessitated by the construction, operation and termination of the Proposed Project are borne by the Permit Holder.
4. That the County can recover from the Applicant any additional expenses incurred by the County as a result of a Project that has been suspended or abandoned.

### 6-18-01 AMOUNT OF FINANCIAL GUARANTEE

In determining the amount of the financial guarantee, the County shall consider the following factors:

1. The estimated cost of completing the Proposed Project and, if applicable, of returning the Development Area to its original condition or to a condition acceptable to the County.
2. The estimated cost of performing all Mitigation requirements and Permit conditions in connection with the construction, operation, and termination of the Proposed Project, including:
  - a. The estimated cost of providing all public services necessitated by the proposed activity until two (2) years after the proposed activity ceases to operate.
  - b. The estimated cost of providing all public facilities necessitated by the proposed activity until all such costs are fully paid.

### 6-18-02 ESTIMATE

Estimated cost shall be based on the Applicant's submitted cost estimate plus the Board's estimate of the additional cost to the County of bringing in personnel and equipment to accomplish any unperformed purpose of the financial guarantee. The Board shall consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The Board may require, as a

condition of the Permit, that the financial security be adjusted upon receipt of bids to perform the requirements of the Permit and Regulations.

**6-18-03 FORM OF FINANCIAL GUARANTEE**

The financial guarantee may be in the form of a letter of credit or some other form acceptable to the Board.

**6-18-04 RELEASE OF GUARANTEE**

The financial guarantee shall be released when:

1. The Permit has been surrendered to the Board before commencement of any physical activity on the site of the permitted Project; or
2. The Project has been abandoned and either the site has been returned to its original condition or to a condition acceptable to the County; or
3. The Project has been satisfactorily completed; or
4. A phase or phases of the Project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with Project phasing and as determined appropriate by the Board; or The applicable guaranteed conditions have been satisfied.

**6-18-05 CANCELLATION OF THE FINANCIAL GUARANTEE**

Any financial guarantee may be canceled only upon the Board's written consent.

**6-18-06 FORFEITURE OF FINANCIAL GUARANTEE**

1. If the Board determines that a financial guarantee should be forfeited because of any violation of the Permit, Mitigation requirements, conditions or any applicable Regulations adopted by the Board, it shall provide written notice to the surety and the Permit Holder that the financial guarantee shall be forfeited unless the Permit Holder makes written demand to the Board, within thirty (30) days after Permit Holder's receipt of notice, requesting a hearing before the Board. If no demand is made by the Permit Holder within said period, then the Board shall order the financial guarantee forfeited.
2. If a written demand is received, the Board shall hold a hearing within thirty (30) days after the receipt of the demand by the Permit Holder. At the hearing, the Permit Holder shall present for the consideration of the Board statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the Board shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

3. The deposit described above shall be used by the Board, in the event of the default of the Permit Holder, for the purposes of recovering on the surety or fulfilling the permit obligation of the Permit Holder. That portion of any moneys expended by the County from the escrow funds relating to such default shall be replaced in the escrow account by the Permit Holder immediately following notice of such expenditure. The County may arrange with a lending institution, which provides money for the Permit Holder, that said institution may hold in escrow any funds required for said deposit. Funds shall be disbursed out of escrow by the institution to the County upon County's demand for the purpose specified in this section.
4. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County Attorney's Office shall take such steps as deemed proper to recover such costs where recovery is deemed possible.

**6-18-07      SUBSTITUTE OF FINANCIAL GUARANTEE**

If the license to do business in Colorado of any business issuing or holding a financial guarantee pursuant to this regulation is suspended or revoked by any State authority, then the applicant shall immediately, after receiving notice thereof, substitute a good and sufficient financial guarantee from a business licensed to do business in Colorado. Upon failure of the permittee to make substitution within the time allowed, the Board shall suspend the Permit and/or take such other enforcement action until proper substitution has been made.

## 6-19 PERMIT ADMINISTRATION AND ENFORCEMENT

### 6-19-01 ENFORCEMENT AND PENALTIES

1. Any person engaging in a development in the designated Area of State Interest or conducting a designated Activity of State Interest who does not obtain a Permit pursuant to these Regulations, who does not comply with Permit requirements, or who acts outside the jurisdiction of the Permit may be subject to such criminal or civil liability as may be prescribed by law.
2. If the County determines at any time that there are material changes in the construction or operation of the Project from that approved by the County, the permit may be immediately suspended by the Community and Economic Development Director and a hearing shall be held before the Board of County Commissioners to determine whether new conditions are necessary to ensure compliance with the Approval Criteria or if the permit should be revoked. The Hearing shall follow the procedures set forth in Section 6-11.

### 6-19-02 PERMIT SUSPENSION OR REVOCATION

1. The Board may temporarily suspend the Permit for a period of thirty (30) days for any violation of the Permit or the applicable Regulations. The Permit holder shall be given written notice of the violation and shall have a minimum of fifteen (15) days to correct the violation. If the violation is not corrected, the Permit shall be temporarily suspended for thirty (30) days.
2. The County may revoke a Permit granted pursuant to these Regulations if any of the activities conducted by the permittee violates the conditions of the Permit or these Regulations, or the County determines that the project as constructed or operated has impacts not disclosed in the application. Prior to revocation, the permittee shall receive written notice and be given an opportunity for a hearing before the Board. The Board may revoke the permit or may specify a time by which action shall be taken to correct any violations for the permit to be retained.
3. In addition to suspending or revoking the Permit as set forth above, the County may pursue all civil and/or criminal remedies as allowed by law.

### 6-19-03 TRANSFER OF PERMITS

A permit may be transferred only with the written consent of the Board of County Commissioners. Consent shall be in the sole discretion of the Board of County Commissioners. The Board of County Commissioners shall ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the permit and County Regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare,

and safety of the public; and that an adequate guarantee of financial security can be made.

## 6-20 APPENDIX

This Appendix provides examples of the types of concerns that the Board of County Commissioners shall take into consideration in determining whether an application for a Permit has complied with the Approval Criteria contained in Section 6-17 of these Regulations.

### 6-20-01 GENERAL CONSIDERATIONS

#### 6-20-01-01 TECHNICAL AND FINANCIAL FEASIBILITY

The determination of technical and financial feasibility may include but is not limited to the following considerations:

- a. Amount of debt associated with the proposed activity.
- b. Debt retirement schedule and sources of funding to retire the debt.
- c. Estimated construction costs and construction schedule.
- d. Estimated annual operation, maintenance and monitoring costs.
- e. Market Conditions.
- f. Anticipated revenue generation.

#### 6-20-01-02 RISK FROM NATURAL HAZARDS

The determination of risk from Natural Hazards may include but is not limited to the following considerations:

- a. Faults and fissures.
- b. Unstable slopes including landslides and rock slides.
- c. Expansive or evaporative soils and risk of subsidence or upheaval.
- d. Wildfire hazard areas.
- e. Floodplains and floodways.

#### 6-20-01-03 SERVICES

The determination of the effects of the Proposed Project on the capability of local government to provide services or to exceed the capacity of service delivery systems may include but is not limited to the following considerations:

- a. Existing and potential financial capability of local governments to accommodate Development related to the proposed activity.

- b. Current and projected capacity of roads, schools, infrastructure, housing, and other services and impact of the proposed activity upon the capacity.
- c. Changes caused by the Proposed Project in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities.
- d. Changes in short or long term housing availability, location, cost or condition.
- e. Need for temporary roads to access the construction of the Proposed Project.
- f. Change in demand for public transportation.
- g. Change in the amount of water available for future water supply in the County.

**6-20-01-04 FINANCIAL BURDEN OF EXISTING OR FUTURE RESIDENTS**

The determination of the effects of the Proposed Project on the financial burden of existing or future residents of the County may include but is not limited to the following considerations:

- a. Changes in assessed valuation.
- b. Tax revenues and fees to local governments that will be generated by the Proposed Project.
- c. Changes in tax revenues caused by agricultural lands being removed from production.
- d. Changes in costs to water users to exercise their water rights.
- e. Changes in costs of water treatment or wastewater treatment.
- f. Effects on wastewater discharge permits.
- g. Inability of water users to get water into their diversion structures.
- h. Changes in total property tax burden.

**6-20-01-05 LOCAL ECONOMY**

The determination of the effects of the Proposed Project on any substantial sector of the local economy may include but is not limited to the following considerations:

- a. Changes to projected revenues generated from each economic sector.
- b. Changes in the value or productivity of any lands.



- c. Changes in opportunities for economic diversification.

**6-20-01-06 RECREATIONAL OPPORTUNITIES**

The determination of effects of the Proposed Project on recreational opportunities and experience may include but is not limited to the following considerations:

- a. Changes in quality and quantity of fishing.
- b. Changes in access to recreational resources.
- c. Changes to quality and quantity of hiking trails.
- d. Changes to the rural experience or other opportunity for solitude in the natural environment.
- e. Changes to hunting.

**6-20-01-07 AIR QUALITY**

The determination of effects of the Proposed Project on air quality may include but is not limited to the following considerations:

- a. Changes to seasonal ambient air quality.
- b. Changes in visibility and microclimates.
- c. Applicable air quality standards.

**6-20-01-08 VISUAL EFFECTS**

The determination of visual effects of the Proposed Project may include but is not limited to the following considerations:

- a. Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
- b. Interference with viewsheds, ridgelines, and scenic vistas.
- c. Changes in riparian tree canopies.
- d. Changes in landscape character types or unique land formations.
- e. Compatibility of building and structure design and materials with surrounding land uses.

**6-20-01-09 SURFACE WATER**

The determination of effects of the Proposed Project on surface water quality may include but is not limited to the following considerations:

- a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and

persistence of suspended particulates and clarity, odor, color or taste of water.

- b. Applicable narrative and numeric water quality standards.
- c. Changes in point and nonpoint source pollution loads.
- d. Increase in erosion.
- e. Changes in sediment loading to water bodies.
- f. Changes in stream channel or shoreline stability.
- g. Changes in streambed meander limits.
- h. Changes in storm water runoff flows.
- i. Changes in trophic status or in eutrophication rates in lakes and reservoirs.
- j. Changes in the capacity or functioning of streams, lakes or reservoirs.
- k. Changes in flushing flows.
- l. Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.

#### **6-20-01-10 GROUNDWATER**

The determination of effects of the Proposed Project on groundwater quality may include but is not limited to the following considerations:

- a. Changes in aquifer recharge area extent, recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
- b. Changes in capacity and function of wells within the impact area.
- c. Changes in quality of well water within the impact area.
- d. Draw-down of reservoir pressure or changes in recovery rate and reserves of nonrenewable water for water users.

#### **6-20-01-11 WETLANDS AND RIPARIAN AREAS**

The determination of effects of the Proposed Project on wetlands and riparian areas may include but is not limited to the following considerations:

- a. Changes in the structure and function of wetlands.
- b. Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
- c. Changes to aerial extent of wetlands.
- d. Changes in species' characteristics and diversity.

- e. Transition from wetland to upland species.
- f. Changes in function and aerial extent of floodplains.

**6-20-01-12 TERRESTRIAL OR AQUATIC LIFE**

The determination of effects of the Proposed Project on terrestrial or aquatic life may include but is not limited to the following considerations:

- a. Changes that result in loss of oxygen for aquatic life.
- b. Changes in flushing flows.
- c. Changes in species composition or density.
- d. Changes in number of threatened or endangered species.
- e. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.
- f. Changes to habitat and critical habitat, including streambed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.
- g. Changes to the aquatic and terrestrial food webs.

**6-20-01-13 TERRESTRIAL PLANT LIFE OR HABITAT**

The determination of effects of the Proposed Project on terrestrial plant life or habitat may include but is not limited to the following considerations:

- a. Changes to habitat of threatened or endangered plant species.
- b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
- c. Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
- d. Changes in threatened or endangered species.

**6-20-01-14 SOILS AND GEOLOGIC**

The determination of effects of the Proposed Project on soils and geologic conditions may include but is not limited to the following considerations:

- a. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.

- b. Changes to stream sedimentation, geomorphology, and channel stability.
- c. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
- d. Changes to mudflows and debris fans, and other unstable and potentially unstable slopes.
- e. Exacerbation of seismic concerns and subsidence.

**6-20-01-15 HAZARDOUS MATERIALS**

The determination of the risks of a release of hazardous materials from the Proposed Project may include but is not limited to the following considerations:

- a. Plans for compliance with federal and State handling, storage, disposal and transportation requirements.
- b. Use of waste minimization techniques.
- c. Adequacy of spill prevention and countermeasures, and emergency response plans.

**6-20-01-16 AGRICULTURAL ACTIVITIES**

The determination of effects of the Proposed Project on agricultural activities may include but is not limited to the following considerations:

- a. Changes in quality and quantity of farming.
- b. Changes in access to agricultural activities.
- c. Changes to quality and quantity of ranching.
- d. Changes to the quality and quantity of agricultural soils.
- e. Changes to the quality and quantity of water for agricultural uses.