

3. It is necessary and appropriate that the 1041 Regulations be applied to all development in all of the unincorporated portions of Routt County to the extent that such development is an Activity of State Interest as listed below.

4. The following are the Activities of State Interest that the Board finds are Matters of State Interest and the reasons that each activity is one of state interest, the dangers that would result from uncontrolled development of any such area or activity, and the advantages of development of such area or conduct if such activity in a coordinated manner:

a. Site selection and construction of major new domestic water and sewage treatment systems.

The Yampa River basin is one of the last river basins in Colorado in which the water is not fully appropriated or over-appropriated and, therefore, it is likely that there will be significant new water development projects intended to serve both users within the Yampa River basin and users in other areas. A portion of Routt County is in the Colorado River basin and has already experienced attempts at water development that would have resulted in the reduction of historic flows in the Yampa River basin. It is important to both the residents of the Yampa River basin and the residents of other portions of Colorado that would be served by those projects that they are properly designed.

The tourism industry has a statewide importance to the economy of Colorado. As a national and international tourist destination because of both its ski area and its summer and fall seasons, Routt County is an important part of the state's tourism economy. The unregulated development of major new domestic water and sewage treatment plants which are often developed by governmental entities that have the ability to circumvent county land use regulation absent 1041 regulations, are likely to have a negative effect on the scenic beauty and desirability of Routt County to tourists and to the state's tourism economy. Routt County is also a major producer of agricultural products, particularly high quality hay and beef which are shipped to other parts of Colorado. The development of a major new domestic water or sewage treatment system could negatively impact both the Routt County agricultural economy as well as negatively affect the state agricultural economy.

Pressure to develop new public infrastructure, such as domestic water and sewage treatment systems, continually increases to accommodate expanding population and economic growth. Uncontrolled and unregulated construction of new water and sewer systems could adversely affect and conflict with surrounding land uses, residents, and the natural environment of Routt County. Planned and coordinated expansion of public infrastructure will ensure a viable and sustainable future in Routt County while concurrently protecting the health, safety and welfare of the County's residents and the natural environment. Development must be conducted in a manner so as to achieve the goals and objectives of the Routt County Master Plan, such as the following:

Goal 4.2.A. To protect land outside of designated Growth Centers from suburban or urban-type sprawl and the impacts of the cumulative effects of smaller residential developments and/or commercial uses.

Goal 4.2.B. To encourage sensitive development and uses that preserve the rural character, wildlife habitat, and agricultural uses.

Goal 4.2.C. To concentrate development and uses in or near Growth Centers.

Goal 5.2A. To ensure that new development does not detract from the rural character of the County or create air, water, noise, visual, and light pollution.

Goal 9.2.B. Land uses and development should be planned and designed to minimize impacts to wildlife habitat and the species that depend on this habitat and should be designed to protect the full range of habitats in Routt County. Development and associated activity should minimize conflicts between wildlife and domestic nuisance animals.

b. Major extensions of existing domestic water and sewage treatment systems.

The Yampa River basin is one of the last river basins in Colorado in which the water is not fully appropriated or over-appropriated and, therefore, it is likely that there will be significant new water development projects intended to serve both users within the Yampa River basin and users in other areas. A portion of Routt County is in the Colorado River basin and has already experienced attempts at water development that would have resulted in the reduction of historic flows in the Yampa River basin. It is important to both the residents of the Yampa River basin and the residents of other portions of Colorado that would be served by those projects that they are properly designed.

The tourism industry has a statewide importance to the economy of Colorado. As a national and international tourist destination because of both its ski area and its summer and fall seasons, Routt County is an important part of the state's tourism economy. The unregulated development of major new domestic water and sewage treatment plants which are often developed by governmental entities that have the ability to circumvent county land use regulation absent 1041 regulations, are likely to have a negative effect on the scenic beauty and desirability of Routt County to tourists and to the state's tourism economy. Routt County is also a major producer of agricultural products, particularly high quality hay and beef which are shipped to other parts of Colorado. The development of an extension of an existing domestic water or sewage treatment system could negatively impact both the Routt County agricultural economy as well as negatively affect the state agricultural economy.

Pressure to expand existing public infrastructure, such as domestic water and sewage treatment systems, continually increases to accommodate expanding population and economic growth. Uncontrolled and unregulated construction of water and sewer system expansions could adversely affect and conflict with surrounding land uses, residents, and the natural environment of Routt County. Planned and coordinated expansion of public infrastructure will insure a viable and sustainable future in Routt County while concurrently protecting the health, safety and welfare of the County's residents and the natural environment. Development must be conducted in a manner so as to achieve the goals and objectives of the Routt County Master Plan, such as the following:

Goal 4.2.B. To encourage sensitive development and uses that preserve the rural character, wildlife habitat, and agricultural uses.

Goal 4.2.C. To concentrate development and uses in or near Growth Centers.

Goal 5.2A. To ensure that new development does not detract from the rural character of the County or create air, water, noise, visual, and light pollution.

Goal 9.2.B. Land uses and development should be planned and designed to minimize impacts to wildlife habitat and the species that depend on this habitat and should be designed to protect the full range of habitats in Routt County. Development and

associated activity should minimize conflicts between wildlife and domestic nuisance animals.

c. Site selection and construction of major facilities of a public utility.

As stated above, the siting of a major facility of a public utility in Routt County in a way that would negatively impact the County's tourism economy or agricultural economy would have state-wide impacts.

Continued provision of electric power service is essential to the viability and sustainability of Routt County's economic future. Uncontrolled and unregulated construction of major public utilities could adversely affect and conflict with surrounding land uses, residents, and the natural environment of Routt County. Planning for the location, transmission, and supplying of fuel sources for electric power generation must meet a critical balance between meeting the electric power needs of the region while concurrently protecting and preserving the area's unique natural environment. Development must be conducted in a manner so as to achieve the goals and objectives of the Routt County Master Plan, such as the following:

Goal 4.2.A. To protect land outside of designated Growth Centers from suburban or urban-type sprawl and the impacts of the cumulative effects of smaller residential developments and/or commercial uses.

Goal 4.2.B. To encourage sensitive development and uses that preserve the rural character, wildlife habitat, and agricultural uses.

Goal 4.2.C. To concentrate development and uses in or near Growth Centers.

Goal 5.2.A. To ensure that new development does not detract from the rural character of the County or create air, water, noise, visual, and light pollution.

Goal 9.2.B. Land uses and development should be planned and designed to minimize impacts to wildlife habitat and the species that depend on this habitat and should be designed to protect the full range of habitats in Routt County. Development and associated activity should minimize conflicts between wildlife and domestic nuisance animals.

d. Site selection of airports.

As stated above, the siting of a new airport in Routt County in a way that would negatively impact the County's tourism economy or agricultural economy would have state-wide impacts.

Aviation provides a vital engine that drives the economy of Routt County. The region depends on commercial and general aviation to support the tourist economy. Routt County's airports are the primary means of accessing the area during the summer and winter seasons. Uncontrolled and unregulated siting of airports could adversely affect and conflict with surrounding land uses, residents, and the natural environment of Routt County. Continued operation and expansion of the two airports currently located in the County and regulated siting of future airports in a planned and coordinated manner will ensure the future viability and sustainability of Routt County's economic future, while concurrently protecting the health, safety and welfare of the County's residents and the natural environment. Development must be conducted in a manner so as to achieve the goals and objectives of the Routt County Master Plan, such as the following:

Goal 4.2.A. To protect land outside of designated Growth Centers from suburban or urban-type sprawl and the impacts of the cumulative effects of smaller residential developments and/or commercial uses.

Goal 4.2.B. To encourage sensitive development and uses that preserve the rural character, wildlife habitat, and agricultural uses.

Goal 4.2.C. To concentrate development and uses in or near Growth Centers.
Goal 5.2A. To ensure that new development does not detract from the rural character of the County or create air, water, noise, visual, and light pollution.
Goal 9.2.B. Land uses and development should be planned and designed to minimize impacts to wildlife habitat and the species that depend on this habitat and should be designed to protect the full range of habitats in Routt County. Development and associated activity should minimize conflicts between wildlife and domestic nuisance animals.

e. Efficient utilization of municipal and industrial water projects.

Given the demand for additional water resources throughout Colorado, the efficient utilization of municipal and industrial water projects is obviously of state-wide concern.

Routt County recognizes that its lands may be considered highly desirable for water storage reservoirs and water diversion projects due to our mountainous topography and location in the headwaters of the Colorado Rocky Mountains. Routt County is home to numerous water reservoirs and rivers that supply water to municipalities and industrial users. Uncontrolled and unregulated municipal and industrial water projects could adversely affect and conflict with surrounding land uses, residents, and the natural environment of Routt County. Inefficient municipal and industrial water projects could have an adverse effect on the natural amenities of the County, including natural resources, scenic vistas, open space, and other environmental values which provide not only a basis for the lifestyle of our residents but a basis for the tourist economy. Coordinated planning and regulatory authority provides the County with the tools necessary to respond to local issues arising from these uses. Development must be conducted in a manner so as to achieve the goals and objectives of the Routt County Master Plan, such as the following:

Goal 4.2.A. To protect land outside of designated Growth Centers from suburban or urban-type sprawl and the impacts of the cumulative effects of smaller residential developments and/or commercial uses.

Goal 4.2.B. To encourage sensitive development and uses that preserve the rural character, wildlife habitat, and agricultural uses.

Goal 4.2.C. To concentrate development and uses in or near Growth Centers.

Goal 5.2A. To ensure that new development does not detract from the rural character of the County or create air, water, noise, visual, and light pollution.

Goal 9.2.B. Land uses and development should be planned and designed to minimize impacts to wildlife habitat and the species that depend on this habitat and should be designed to protect the full range of habitats in Routt County. Development and associated activity should minimize conflicts between wildlife and domestic nuisance animals.

G. The motion was duly seconded by Commissioner Monger and passed on a 3 to 0 vote.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. Designation of Activities of State Interest. The following activities are hereby designated as Activities of State Interest:

- a. Site selection and construction of major new domestic water and sewage treatment systems.
- b. Major extensions of existing domestic water and sewage treatment systems.
- c. Site selection and construction of major facilities of a public utility.
- d. Site selection of airports.
- e. Efficient Utilization of Municipal and Industrial Water Projects.

Section 2. Adoption of Guidelines and Regulations. The following guidelines and regulations are hereby adopted:

**REGULATIONS GOVERNING
AREAS AND ACTIVITIES OF STATE INTEREST
IN ROUTT COUNTY**

I. INTRODUCTORY AND GENERAL PROVISIONS

A. Purpose and Intent

The purpose of the enactment of these Regulations governing Areas and Activities of State Interest pursuant to Colorado Revised Statutes (“C.R.S.”) Section 24-65.1-101 *et seq.*, commonly referred to as “1041 Regulations,” is to ensure that growth and development in Routt County occur in a safe, efficient, planned and coordinated manner; and further to ensure that adequate community services and facilities are provided in a manner consistent with the constitutional rights of property owners, community goals and protection of the public welfare, and are consistent with legitimate environmental concerns.

B. Authority

These Regulations are authorized by C.R.S. Section 24-65.1-101, *et seq.*

C. Definitions

The words and terms used in these Regulations governing Areas and Activities of State Interest shall have the meanings set forth below.

1. **Adverse:** Unfavorable, harmful.
2. **Affected Party:** Any person with an interest in the outcome of the permit decision for the Proposed Project.
3. **Agricultural Lands:** Any land used primarily for the production of crops or livestock including irrigated meadows, irrigated and dry pasture, irrigation ditches, stock drive routes, lands used for barns, corrals and storage of crops or agricultural products, but not including lands used primarily for the production of commercial timber.
4. **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.
5. **Aquifer Recharge Area:** Any area where surface water may infiltrate to a water-bearing stratum of permeable rock, sand or gravel. This definition will also include areas around wells used for disposal of wastewater or toxic pollutants.

6. **Board/ Board of County Commissioners/ BOCC:** The Routt County Board of County Commissioners.
7. **Building:** Any structure having a roof supported by columns or walls and intended for supporting or sheltering any use or occupancy.
8. **Building Permit:** A permit which is issued by the Routt County Building Department prior to the erection, construction, alteration, moving, relocation or change of use of any building or structure.
9. **Code:** Routt County Zoning and Subdivision Regulations.
10. **Collection System:** A network of pipes and conduits through which sewage flows to a sewage treatment plant.
11. **Commission:** Routt County Planning Commission.
12. **Comprehensive Plan:** A plan adopted by the County or a municipality within the County that guides land use, growth, and development decisions.
13. **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.
14. **County:** Routt County.
15. **Dedication:** The conveyance or setting aside of land to the Board or its designee for one or more public purposes.
16. **Designation:** That legal procedure specified by C.R.S. Section 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.
17. **Determination:** Determination of Level of Permit Review or amendment by the Planning Director.
18. **Development:** Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.
19. **Development Area:** Those geographic areas within the County which will be developed or altered directly by construction or operation of the project.
20. **Development Permit:** Any Routt County land use permits or approvals of any kind, including, but not limited to, building permits, administrative uses, conditional uses, special uses, subdivision approvals, grading permits, floodplain development permits or land use permits.
21. **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, substations, and other associated equipment to convey electricity to the end-use consumer.
22. **Domestic Water and Sewage Treatment System:** A wastewater treatment plant, water supply system or water treatment plant, as defined in C.R.S. Section 25-9-102(5), (6), and (7), and any system of pipes, structures, and facilities through which wastewater is collected for treatment.
23. **Efficient Use of Water:** The employment of methods, procedures, techniques, and controls to encourage use of water for purposes, and in amounts, which will 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 will include economic, social, aesthetic, ecological, agricultural and recreational benefits.

24. **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.
25. **Floodplain:** An area adjacent to a stream, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus 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.
26. **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.
27. **Geologic Hazard Area:** An area that contains or is directly affected by a geologic hazard.
28. **Hazard:** A significant source of risk, danger or peril resulting from natural phenomena or conditions including those precipitated or caused by activities of man.
29. **Hearing:** Public hearing.
30. **Highway:** State and federal highways.
31. **Impact:** The direct or indirect effect or consequence resulting from development. The term shall include physical, environmental, economic, visual, auditory or social consequences or effects.
32. **Impact Area:** Those geographic areas, including the Development Area, in which any impacts are likely to be caused by the project.
33. **Include:** Including without limitation.
34. **Individual Sewage Disposal System (ISDS):** Treatment of wastewater using septic tanks and leach fields.
35. **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.
36. **Major Extension of Domestic Sewage Treatment System:** Any modification to an existing wastewater treatment plant to increase hydraulic capacity or upgrade treatment capacity, or any extension of existing main collector lines, or any increase in capacity of existing main sewer lines or any extensions to serve a total development density of twenty five (25) or more residential dwelling units or the equivalent thereof in other uses
37. **Major Extension of Domestic Water Treatment System:** The expansion of a water treatment plant to increase capacity or storage, or the extension of a water supply system to service an additional development density of twenty five (25) or more residential dwelling units or the equivalent thereof in other uses
38. **Major Facilities of a Public Utility:** Major facilities of a public utility means:
 - (a) Central Office buildings of telephone utilities;
 - (b) Transmission lines, power plants, and substations of electrical utilities; and

- (c) Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.
39. **Major New Domestic Sewage Treatment System:** A new wastewater treatment plant that is designed to treat the wastewater generated by twenty five (25) or more residential dwelling units or the equivalent thereof in other uses.
40. **Major New Domestic Water Treatment Systems:** A new water treatment plant or water supply system if such system is designed to serve a total of twenty five (25) or more residential dwelling units or the equivalent thereof in other uses.
41. **Major Water and Sewer Project:** Major New Domestic Water and/or Sewage Treatment Systems; Major Extensions of Existing Water and/or Sewage Treatment Systems.
42. **Matter of State Interest:** An Area of or an Activity of State Interest, or both, as listed in C.R.S. Section 24-65.1-201(1) or 203(1).
43. **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.
44. **Municipality:** A home rule or statutory city, town, or a territorial charter city.
45. **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.
46. **Net Effect:** The impact of an action after mitigation.
47. **Permit Authority:** The Board of County Commissioners, or its designee.
48. **Person:** Any individual, limited liability company, partnership, corporation, association, company, other recognized legal entity or other public or corporate body including the federal government, and includes any political subdivision, agency, instrumentality, or corporation of the State of Colorado or the United States.
49. **Planning Department:** The Routt County Planning Department.
50. **Planning Director:** The Director of the Routt County Planning Department or designee.
51. **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.
52. **Public Utility:** A public utility as defined by state law. See C.R.S. Section 40-1-103.
53. **Recycling:** The treatment and use of wastewater or water in a manner that will make it available for use again. Also included is the reuse of solid waste material.
54. **Service Area:** The primary geographic area to be served by the proposed project.

55. **Severe:** Having greater negative impact than a significant impact; an extreme negative impact.
56. **Significant:** Deserving to be considered; important; notable and not trifling.
57. **Significantly Degrade:** To lower in grade or desirability to a significant, as opposed to a trifling, degree.
58. **Significantly Deteriorate:** To make inferior in quality or value to a significant, as opposed to a trifling, degree.
59. **Solid Waste Disposal Site:** A site for the disposal of any garbage, refuse, sludge from a waste treatment plant, and any other discarded material including solid, liquid, semisolid, or contained gaseous materials resulting from domestic, industrial, commercial, mining and agricultural activities.
60. **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.
61. **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.
62. **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 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.
63. **Water Conservation Plan:** A written plan adopted by a Person that provides means and methods for the conservation of water which is based upon current scientific understandings of the appropriate ways to conserve water.
64. **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, tunnel, well, pump, or other structure or device.
65. **Water supply system:** A system of wells, diversions, pipes, structures, and facilities, including 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 will consider water rights decrees, pending water rights applications, intergovernmental agreements, water supply contracts, and any other evidence of the ultimate use of the water.
66. **Water treatment plant:** The facilities within the water supply system which regulate the physical, chemical, or bacteriological quality of the water.
67. **Wildlife:** All species of wild animals native to Routt County, including, but not limited to, big game species such as elk, moose and deer, as well as threatened and endangered species.
68. **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.

69. **Zoning:** Land-use designations imposed by the County on lands within the unincorporated portion of the County for purposes of regulating the use and development of land.

D. Applicability

1. **Areas and Activities of State Interest.** 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, regardless of whether or not the proposed project is intended to serve residents of unincorporated Routt County and regardless of whether or not the project is public or private. (See Section “Designated Areas and Activities of State Interest” below)
2. **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.

E. Exemptions

1. **Statutory 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:
 - a. As of May 17, 1974,
 - i. The specific development or activity was covered by a current building permit issued by the County; or
 - ii. 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
 - iii. 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 use substantially the same as a planned unit development; or
 - iv. 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
 - v. 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 used for agricultural purposes.

F. Relationship to Other Regulations

1. **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.
2. **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.

3. 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.
4. Overlap Between Matters of State Interest. When an Applicant engages in development or activity that implicates 1041 Permit requirements for more than one matter of State Interest, the Applicant shall complete and submit a single 1041 Permit application that includes all affected areas and activities.

G. 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.

II. DESIGNATION OF AREAS AND ACTIVITIES OF STATE INTEREST

Areas and Activities of State Interest shall be designated in accordance with C.R.S. Section 24-65.1-101 *et seq.*, and with the following procedures:

A. Mailing List

Any person may request in writing that his name and address be placed on a mailing list to receive notice of all hearings held pursuant to this section. Notices shall be mailed to each person paying an annual fee established by the Planning Department to cover the cost of production, handling and mailing of such notice. Each person shall submit his name and address and pay such fee prior to January 31 of each calendar year to receive notices for that calendar year.

B. Designations of Matters of State Interest

Designations, including amendments or revocations of designations, may be initiated in two ways:

1. By the Board proposing, on its own initiative, with or without participation of the Planning Commission.
2. By recommendation of the Planning Commission to the Board.

C. Planning Commission Review

The Planning Commission, prior to the public hearing before the Board, shall review and make a recommendation on the proposed designation of a Matter of State Interest at a public hearing. The Planning Director shall publish notice of the Planning Commission hearing which shall include, at a minimum, the time and place of the public hearing, the place at which materials relating to the matter to be designated and any regulations for the administration thereof may be reviewed, the telephone number or address to which inquiries and comments may be directed, and a description of the Matter of State Interest proposed to be designated in sufficient detail to provide reasonable notice as to the property to be included in the designation or the type of activity to be designated. Such notice shall be published once in a newspaper of general circulation in the County not less than fourteen (14) days before the date set for hearing. In addition, notice shall be sent to all persons on the mailing list pursuant to this section.

D. Board Review

The Board shall adopt or reject any proposed Designation and guidelines for a Matter of State Interest.

1. **Public Hearing and Notice:** The Board shall hold a public hearing prior to designating any Matter of State Interest with notice stating the time and place of the hearing and the place at which relevant materials may be examined. Notice shall be published once at least thirty (30) days and not more than sixty (60) days before the hearing in a legal newspaper of general circulation in the County. Written notice of such public hearing shall be sent to all persons on the mailing list pursuant to this section at least thirty (30) days and not more than sixty (60) days before the hearing.
2. **Action:** Within thirty (30) days after completion of the public hearing, the Board shall take action by resolution to adopt, adopt with modifications or reject the particular proposed Designation and guidelines for a Matter of State Interest.
3. **Findings:** Any resolution for action shall be accompanied by findings taking into consideration:
 - a. The intensity of current and foreseeable development pressures.
 - b. The reasons why the particular area or activity is of State Interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity and the advantages of development of such area or conduct of such activity in a coordinated manner.
 - c. Applicable policies of any Master Plan.

E. Moratorium Pending Designation

After a recommendation from the Planning Commission for the designation or amendment of a designation of a Matter of State Interest, or after the Board initiates the process for designation or amendment of a designation of a Matter of State Interest, no person shall engage in development in the area or conduct the activity described in the proposal until the Board has held its public hearing with respect to the designation and issued its order relating thereto.

F. Moratorium Following Designation

After a Matter of State Interest has been designated, no person shall engage in development in the designated Area of State Interest or conduct the designated Activity of State Interest until the designation and regulations for such area or activity are finally determined.

III. DESIGNATED AREAS AND ACTIVITIES OF STATE INTEREST

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 and sewage treatment systems.
2. Major extensions of existing domestic water and sewage treatment systems.
3. Site selection and construction of major facilities of a public utility.
4. Site selection of airports.
5. Efficient Utilization of Municipal and Industrial Water Projects.

The Board may designate additional Matters of State Interest subsequent to the adoption of these Regulations. Any proposed development 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.

IV. PERMIT APPLICATION PROCESS

A. Presubmittal Meeting and Submittal Requirements

1. Presubmittal Meeting. The Applicant shall schedule and attend a 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 Planning Staff. At this meeting, Planning Staff shall explain the regulatory process and requirements and submittal requirements.
2. Submittal. The applicant shall submit the following prior to the presubmittal meeting:
 - a. A Presubmittal application form
 - b. A map and/or sketch prepared at an easily readable scale showing:
 - i. Boundary of the proposed activity.
 - ii. Relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams and existing structures.
 - iii. Proposed building, improvements and infrastructure.
 - c. 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 1041 Permit Requirements that will be required for the application.
 - d. A copy of the latest approved Zoning and Subdivision Plans, and a vicinity/zoning map of the parcels that are proposed to be developed.

B. Determination of Level of Permit Review

1. Three Possible Levels of Permit Review: There are three (3) possible Levels of Permit Review for a Proposed Project: A FONSI; a Level 1 permit review; and a Level 2 permit review. The Planning Director shall make the initial Determination of the appropriate Level of Permit Review based upon the presubmittal meeting and submittals.
 - a. The Determination of Level of Permit Review shall be made by the Planning Director within a reasonable time (not to exceed 30 days) following the presubmittal meeting.
 - b. Within five (5) days of the Determination of Level of Permit Review, the Planning Director shall provide notification of the Determination to (i) the applicant by telephone, if possible, and letter, and (ii) the Board, the County Manager and the County Attorney by e-mail and telephone.
 - c. A notice of the Determination of the Level of Permit Review shall be published in the legal notice section of a newspaper of general circulation as soon as practicable.
2. Finding of No Significant Impact ("FONSI"): Based upon review of the presubmittal submittals and the information obtained at the presubmittal meeting, the Planning Director may determine that no significant impacts are likely to occur from the Proposed Project and therefore a permit under these Regulations will not be necessary. The Planning Director may make a FONSI if:
 - a. The construction or operation of the Proposed Project, without additional mitigation, in its proposed location is unlikely to have any significant adverse impact to the County in consideration of all of the Approval Criteria in Section VI of these Regulations, or
 - b. The Proposed Project was reviewed and approved by the County in conjunction with a development application for a rezoning, PUD modification, subdivision or special use permit, etc., prior to October 15, 2007, and the following requirements have been satisfied:

- i. The Proposed Project is located entirely within the boundaries of such development application;
 - ii. The Approval Criteria in Section VI of these Regulations have been satisfied in the course of the development application approval process; and
 - iii. No additional mitigation is necessary.
3. Level 1 and Level 2 Permit Review: If the Planning Director determines that a FONSI is not appropriate based upon review of the presubmittal submittals and the information obtained at the presubmittal meeting, then the Director shall determine whether the Proposed Project should be subject to the Level 1 Permit Review or Level 2 Permit Review provisions of these Regulations.
 - a. Level 2 Permit Review: The Planning Director shall determine that Level 2 Permit Review is required if:
 - i. The Proposed Project is likely to have a significant adverse impact in two (2) or more categories of criteria as described in Section VI (Approval Criteria); or
 - ii. The Proposed Project is likely to have severe adverse impact in any one (1) category of criteria as described in Section VI.
 - b. Level 1 Permit Review: The Planning Director shall determine that Level 1 Permit Review is required unless the Proposed Project is determined to warrant Level 2 Permit Review.
4. Reconsideration of Planning Director's Determination of Level of Permit Review:
 - a. Call-up by the Board: The Board may, at its discretion, review and amend any Determination of the Planning Director at the next regularly scheduled meeting of the Board for which proper notice can be accomplished following receipt of the notice of the Determination.
 - b. Request for Reconsideration: Within seven (7) days after publication in the newspaper of a Determination by the Planning Director, any Affected Party may request that the Board reconsider the Planning Director's Determination at the Board's next regularly scheduled meeting for which proper notice can be accomplished following the request. The Board shall review the Determination based on the provisions of this Section.
5. Change in Level of Permit Review: At any time prior to the final decision by the Board on the application for a permit under these Regulations, the Planning Director may decide that information received since the presubmittal process indicates that the nature and scope of the impacts of the Proposed Project are such that a different Level of Permit Review is required. If a different level of review is required, the Planning Director shall:
 - a. Notify the applicant immediately by telephone, if possible, and letter.
 - b. Notify the Board, the County Manager and the County Attorney by e-mail and telephone.
 - c. A decision by the Planning Director to change the Level of Review shall be subject to the reconsideration provisions in subsection 4 above.

C. Application Submittal Requirements

The Planning Director, or designee, may waive one or more of the submittal requirements when the submittal information would not be relevant to a determination as to whether the Project complies with the applicable approval criteria. Unless waived the following submittal components are required:

1. Application Fee.

- a. The application package must be accompanied by payment of the application fee for the 1041 Permit review. The County will establish and administer a schedule for such application fees.
 - b. The County will take no action on the application package until all fees and expenses related to the application review process have been paid.
 - c. The applicant will 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.
2. Information describing the applicant.
 - a. The names, addresses, e-mail address, fax number, organization form, and business of the applicant, and if different, the owner of the project.
 - b. 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 will be responsible for constructing and operating the project.
 - c. Authorization of the application by the project owner, if different than the applicant.
 - d. 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.
 3. Information describing the project.
 - a. Detailed plans and specifications of the project.
 - b. Descriptions of at least 3 or more alternatives to the project that were considered by the applicant.
 - c. Schedules for designing, permitting, constructing and operating the project, including the estimated life of the project.
 - d. 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.
 - e. Description of all conservation techniques to be used in the construction and operation of the project.
 4. Property Rights, Permits and other Approvals.
 - a. A list and copies of all other federal, state and local permits and approvals that have been or will be required for the project, together with any proposal for coordinating these approvals with the County permitting process.
 - b. 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.
 - c. 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.
 5. Regional Water Quality Management Plan. Provisions of the applicable regional water quality management plan prepared and adopted pursuant to Section 208 of the federal Clean Water Act that apply to the project and assessment of whether the project would comply with those provisions. Most of Routt County is covered by the Yampa Basin

Watershed Plan but the southeast portion of Routt County is included in the regional water quality management plan for the Upper Colorado River Basin

6. Land Use.
 - a. Description of existing land uses within and adjacent to the Project Impact Area.
 - b. Description of provisions from local land use plans that are applicable to the project and an assessment of whether the Project will comply with those provisions.
 - c. Description of impacts and net effect that the project would have on land use patterns.
7. Local Government Services.
 - a. 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.
 - b. 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.
8. Environmental Impact Analysis. Description of the existing natural environment and an analysis of the impacts of the project to the natural environment. 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. The analysis shall include a description of how the applicant will comply with the applicable Approval Criteria in Section VI.
 - a. Air quality.
 - i. Description of the airsheds to be affected by the project, including the seasonal pattern of air circulation and microclimates.
 - ii. Map and description of the ambient air quality and state air quality standards of the airsheds to be affected by the project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants and other chemicals, temperature effects and atmospheric interactions.
 - iii. 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.
 - i. Map and description of ground cover and vegetation, forest canopies, waterfalls and streams or other natural features.
 - ii. Description of viewsheds, scenic vistas, unique landscapes or land formations.
 - iii. Map and description of buildings, structure design and materials to be used for the project. Include elevations of proposed buildings and other structures.
 - iv. Descriptions of the impacts and net effect that the project would have on visual quality.
 - c. Surface Water Quality.
 - i. Map and description of all surface waters, including applicable state water quality standards, to be affected by the project.
 - ii. 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.
 - iii. 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.

- i. 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.
- ii. Description of the impacts and net effect of the project on groundwater.
- e. Wetlands and Riparian Areas.
 - i. 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.
 - ii. 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.).
 - iii. Description of the impacts and net effect that the project would have on the floodplains, wetlands and riparian areas.
- f. Terrestrial and Aquatic Animals and Habitat.
 - i. Map and description of terrestrial and aquatic animals including the status and relative importance of game and non-game wildlife, livestock and other animals; a description of stream flows and lake levels needed to protect the aquatic environment; description of threatened or endangered animal species and their habitat.
 - ii. 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.
 - iii. 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.
 - i. Map and description of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
 - ii. 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.
 - i. 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.
 - ii. Descriptions of the risks to the project from natural hazards.

- iii. 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.
- 9. Nuisances.
Descriptions and maps showing the range of noise, glare, dust, fumes, vibration, and odor levels caused by the project, along with an indication of their significance.
- 10. Areas of Paleontological, Historic or Archaeological Importance.
 - a. Map and description of all sites of paleontological, historic or archaeological interest.
 - b. Description of the impacts and net effect of the project on sites of paleontological, historic or archaeological interest.
- 11. Hazardous Materials Description.
 - a. 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.
 - b. Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment measures.
- 12. Monitoring and Mitigation Plan.
 - a. Description of all mitigation for the Project.
 - i. Describe how and when mitigation will be implemented and financed.
 - ii. Describe impacts that are unavoidable that cannot be mitigated.
 - b. Description of methodology used to measure impacts of the project and effectiveness of proposed mitigation measures
 - c. Description, location and intervals of proposed monitoring to ensure that mitigation will be effective.
- 13. Transportation Impacts.
 - a. Describe what impacts the proposal will have upon transportation patterns in the area intended to be served or affected by the Proposed Project through the submittal of a traffic impact analysis. The traffic impact analysis should include but not be limited to the following:
 - i. Identify the transportation facilities required to support the existing and future land uses.
 - ii. Furnish the traffic model data verifying consistency with the regional transportation plan, the Colorado Department of Transportation (CDOT) Statewide Transportation Improvement Program (STIP) and the regional Transportation Improvement Program (TIP).
 - iii. Provide the existing and proposed traffic volume impacts to the adjacent road system, including local roads.
 - iv. Provide the existing and future Level of Service (LOS) and capacity before and after the Proposed Project is completed.
 - v. All transportation access information as required by the CDOT State Highway Access Code, 1998 revisions or the most current edition thereof.
- 14. Engineering Studies. Submittal of Phase III Drainage Study, GESC – Grading, Erosion, and Sediment Control Report/Plan and Traffic Study. If public improvements are required, the following items are also required: Collateral Letter of Intent, Cost Estimate for Public Improvements and Preliminary Construction Plans. If roadway improvements

are required, evidence establishing that they will comply with the applicable Routt County road standards.

15. Financial Burden on County Residents. (Only Applicable to Level 2 Permit Review)
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.
16. Benefit/Cost Analysis. (Only Applicable to Level 2 Permit Review)
Submittal of a benefit/cost analysis of the Proposed Project and identification of the distribution of the burden of the cost for the proposed improvements, including cost to adjacent state or local jurisdiction.
17. Financial Feasibility of the Project. (Only Applicable to Level 2 Permit Review)
 - a. The estimated construction costs and period of construction for each development component.
 - b. Revenues and operating expenses for the project.
 - c. The amount of any proposed debt and the method and estimated cost of debt service.
 - d. Details of any contract or agreement for revenues or services in connection with the project.
 - e. Description of the persons or entities who will pay for or use the project and/or services produced by the development and those who will benefit from any and all revenues generated by it.
 - f. Cost of all mitigation measures proposed for the project.
 - g. Detailed description as to how the project will be financed to show that the applicant has the ability to finance the project.
18. Local Economy. (Only Applicable to Level 2 Permit Review)
 - a. 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.
 - b. 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.
19. Recreational Opportunities. (Only Applicable to Level 2 Permit Review)
 - a. 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.
 - b. Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, and hiking and biking trails.
 - c. 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.
20. Balance Between Benefits and Losses. (Only Applicable to Level 2 Permit Review)
 - a. Description of foreseeable benefits of natural, agricultural, recreational, range or industrial resources within the County and opportunities to develop those resources in the future.
 - b. 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.
21. Referrals to Outside Agencies and Response to Referral Comments.
 - a. The Planning Department will 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, homeowners' associations, local, regional, state and federal governmental entities, and service providers.
- b. The Planning Department will review the referral packets in order to determine that there is sufficient information in the referral packet, including, but not limited to, 1041 permit information that pertains to the referral agency.
 - c. The Planning Department shall be responsible for preparing and mailing all referral agency packets.
 - d. The referral entities will have 30 days to respond. If a referral entity does not respond within the 30-day timeframe, the assumption will be made that the referral entity does not have an objection to the 1041 application.
 - e. The applicant will respond to all of the referral comments and that response will be included as part of the application.

This referral process needs to be done, along with all other application submittal requirements, in order for an application to be considered complete.

D. Additional Submittal Requirements Applicable to Major Water & Sewer Projects
In addition to the Submittal Requirements in Section IV, Part C, above, the following additional requirements shall apply to Major Water and Sewer Projects:

1. Description of existing domestic water and wastewater treatment facilities 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 hooking on 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 project may affect adjacent communities and users on 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 and a copy of any water conservation plan adopted by or applicable to the applicant.
6. Description of how the project will affect urban development, urban densities, and site layout and design of stormwater 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.

E. Additional Submittal Requirements Applicable to Major Facilities of a Public Utility

In addition to the Submittal Requirements in Section IV, Part C, above, the following additional 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.
7. Provide a Water Supply Plan using an aquifer life assumption of a 100-year supply, non-tributary groundwater classification only, assuming a 50 percent recovery factor to support operations.

F. Additional Submittal Requirements Applicable to Airports

In addition to the Submittal Requirements in Section IV, Part C, above, the following additional requirements shall apply to Airports:

1. Map and description of nearby land uses. Expected impact of 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 facilities comply with these provisions.
6. Description of applicable FAA permits and regulations. Provide applicable FAA permits.
7. Description of how proposed airport relates to existing airports.

G. Additional Submittal Requirements Applicable to the Efficient Utilization of Municipal and Industrial Water Projects

1. Description of efficient water use, recycling and reuse technology the Project intends to use.
2. Map and description of other municipal and industrial water projects in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
3. Description of demands that this Project expects to meet and basis for projections of that demand

H. Completeness Determination

An application shall not be accepted unless it is complete per the requirements of these Regulations. The Planning Director shall determine whether the application is complete per the requirements contained in these Regulations. If the Planning Director determines that the application is incomplete, then the Planning 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.

V. APPROVING AND ISSUING A PERMIT

A. Permit Review and Hearing Procedures

1. Permit Review Procedures
 - a. Staff Review and Staff Report. The Planning Department shall review the application and prepare a report outlining the salient points of the application and how they relate to the applicable criteria.

- b. Set Hearing Date. The Planning Department shall set the hearing date for the Planning Commission Hearing not less than fourteen (14) days and the Board of County Commissioner Hearing not less than (30) thirty days nor more than sixty (60) days after receipt of a complete application which will include referral responses and the applicant's response to the referrals.
- c. Planning Commission Hearing and Recommendation. Permit applications shall be reviewed by the Planning Commission.
 - i. Planning Commission Hearing. The Planning Commission shall conduct a hearing to determine whether the Proposed Project complies with the Approval Criteria in Section VI.
 - ii. Planning Commission Hearing Notice. At least fourteen (14) days prior to the date set for the Planning Commission Public Hearing, the County shall publish notice of the hearing. Notice shall be published once in a newspaper of general circulation in the County.
 - iii. Notice to Property Owners. The applicant shall be responsible for providing to the Planning Department two sets of mailing labels with the mailing addresses to adjoining landowners within a minimum of 500 feet of the entire boundary of the proposed activity, except that the Planning 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 Planning Department shall then be responsible for sending written notice of the public hearing which shall be delivered or mailed, first-class postage prepaid, at least fourteen (14) days prior to the date set for the Planning Commission Hearing.
 - iv. The applicant will be responsible for public notice sign(s) per Routt County Zoning and Subdivision Regulations specifications, at least fourteen (14) days before the date set for the Planning Commission Hearing.
 - v. 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 Proposed Project 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.
- d. Board of County Commissioner Hearing and Decision.
 - i. Board Hearing. The Board shall conduct the hearing to determine whether the Proposed Project complies with the Approval Criteria in Section VI.
 - ii. Board of County Commissioner Hearing Notice. The County shall publish notice of the hearing. 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.
 - iii. Notice to Property Owners. The applicant shall be responsible for providing to the Planning Department two sets of mailing labels with the mailing addresses to adjoining landowners within a minimum of 500 feet of the entire boundary of the proposed activity, except that the Planning 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 Planning Department shall then be responsible for sending written notice of the public hearing which shall be delivered or mailed, first-class postage prepaid, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.

- iv. The applicant will be responsible for public notice sign(s) per Routt County Zoning and Subdivision Regulations specifications, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.
- v. 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 VI, the Board may deny the permit or continue the hearing, to accept additional information, for not more than sixty (60) days unless the applicant agrees to a longer period.
- vi. 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.

B. Conduct of Hearings, Hearing Record, and Decision

1. Hearings shall be conducted in a manner to afford procedural due process to the applicant and any Affected Person. The rules of civil procedure do not apply to public hearings held pursuant to these Regulations.
2. 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.
3. Any person may, at his own expense, provide for the recording of the hearing and transcription thereof, provided, however, that a copy of the transcript shall be furnished free of charge to the Board and become part of the record.
4. 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.

C. 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 must be obtained or activities must commence.

D. 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 will comply with these Regulations.

E. Permit Does Not Exempt Development From Land Development and Other Code Requirements

Permits issued under these Regulations shall not exempt development from also complying with other applicable Routt County regulations including, without limitation, zoning, subdivision, water body set back regulations and road standards. Notwithstanding the issuance of a permit under these Regulations, no building permit shall be issued until all requirements of the Code have been satisfied.

F. Permit Amendment/Technical Review Amendment

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” (a “TRA”). The criteria for this determination will be based on the additional size of the area affected and/or the intensity of impact of the Project.

1. Full Amendment: If the proposed amendment does not qualify as a TRA under subparagraph 2 below, then it shall be deemed to be a full amendment and will need to meet all of the requirements and process for a 1041 Permit as outlined in these regulations for the particular Area or Activity of State Interest.
2. Technical Review Amendment: The process and requirements for a TRA apply when changes in the original 1041 Permit are of such a limited nature or scope that a formal 1041 Permit “Full Amendment” would be unnecessary. Such TRAs 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.
 - a. Prerequisites that need to be met for a TRA. The following factors will be used by the Planning Director to determine if an application is eligible for the TRA. These factors shall include, but not be limited to the following:
 - i. Proposed amendments do not fall within the criteria listed for a 1041 Permit “Full Amendment” as specified in these regulations.
 - ii. Proposed amendments do not violate existing zoning or subdivision regulations.
 - iii. Proposed amendments do not relate to any site, building, or sign detail that was a condition of approval through the public hearing process.
 - iv. Proposed amendments do not substantially change any of the original plans or items that may have been conditioned through the public hearing process.
 - b. Submittal Requirements for TRA. Submittal requirements for a TRA include:
 - i. Completed application (available in the Planning and Zoning Office).
 - ii Application fee.
 - iii. 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.
 - iv. A letter of intent indicating the purpose and need for the TRA.
 - v. The first and any other subsequently approved 1041 Permit, development plan exhibit and associated material. (Typically copied from the approved 1041 Permit and associated material).
 - vi. 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.
 - c. Approval Criteria for a TRA. Prior to approval of a TRA, the Planning Director or designee shall consider the following criteria:
 - i. Will the TRA ensure the efficient development and preservation of the original 1041 Permit, and the underlying development plan or subdivision plat?
 - ii. Will the TRA adversely affect reasonable development expectation and the use and enjoyment of adjacent land or the public interest?
 - iii. Will the TRA preserve the spirit and intent of the original 1041 Permit and development plan and not weaken the purposes of these regulations?
 - iv. Will approval of the amendment adversely affect the public health, safety, and welfare?

- d. TRA Process. The following is the review process for a TRA:
 - i. Upon receipt of all required information, the Planning Director or designee shall review the submittal and prepare comment. At the time of receipt of the application, the Planning Director shall cause written notice of the application to be given to all adjacent property owners by mail and shall publish one public notice of the application in the newspaper of general circulation in which other public notices of Routt County are published. The notice shall invite comment and objection and shall provide a last day for objection or comment which is at least 10 days after the date on which the notice is first published. No decision granting or denying the application shall be made until after the date specified in the notice as the last day for objection or comment.
 - ii. The applicant will be notified of any outstanding issues upon completion of a fourteen (14) calendar day staff review and referral process.
 - iii. The applicant shall resolve all outstanding issues raised through the referral process.
 - iv. 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.
 - v. Upon acceptance of the final mylar by the Planning Director, the Planning Director will approve the TRA.
 - vi. After the Planning Director approves and signs the TRA, building permits may be applied for and/or obtained.
 - vii. If any person or entity is aggrieved by Planning Director's determination to grant a TRA application, to exempt a TRA application because it does not meet TRA requirements or if a TRA is denied by the Planning Director, that person or entity may file an appeal to the Board, no later than ten (10) working days after the date of the Planning Director's written determination. The appeal shall thereafter be processed and governed by the general appeal procedures set forth in Section 3.2.7. C. and D. of the Routt County Zoning Regulations.

VI. APPROVAL CRITERIA

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

If the Board determines at the public hearing that sufficient information has not been provided to it to allow it to determine if the applicable criteria have been met, the Board may continue the hearing until the specified additional information has been received.

A. 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.

2. The Proposed Project considers the relevant provisions of the regional water quality plans.
3. The Proposed Project is not subject to significant risk from natural hazards.
4. The Proposed Project is in general conformity with the applicable comprehensive plans.
5. The Proposed Project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
6. The Proposed Project will not unduly degrade the quality or quantity of recreational opportunities and experience.
7. The planning, design and operation of the Proposed Project will reflect principles of resource conservation, energy efficiency and recycling or reuse.
8. The Proposed Project will not significantly degrade the environment. Appendix A includes the considerations that will 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, capacity and function.
 - d. Groundwater quality, capacity and function.
 - 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.
9. The Proposed Project will not cause a nuisance.
10. The Proposed Project will not significantly degrade areas of paleontological, historic, or archaeological importance.
11. The Proposed Project will 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 response plans.
12. The Proposed Project is the best alternative available based on consideration of need, existing technology, cost, impact and these regulations.
13. The Proposed Project will not unduly degrade the quality or quantity of agricultural activities.
14. The Proposed Project will be consistent with the water rights of the applicant.
15. The Proposed Project will not significantly interfere with the preservation of cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle and the opportunity for solitude in the natural environment.
16. The Proposed Project will not cause significant degradation of land use patterns in the area around the Proposed Project.
17. The applicant has complied with all applicable provisions of these regulations and has paid all applicable fees.
18. (Only Applicable to Level 2 Permit Review) The applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.

19. (Only Applicable to Level 2 Permit Review) The Proposed Project is technically and financially feasible.
20. (Only Applicable to Level 2 Permit Review) The Proposed Project will not create an undue financial burden on existing or future residents of the County.
21. (Only Applicable to Level 2 Permit Review) The Proposed Project will not significantly degrade any substantial sector of the local economy.
22. (Only Applicable to Level 2 Permit Review) 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.

B. Additional Criteria Applicable to Major Water and Sewer Projects

In addition to the general criteria set forth in Section VI, Part A, above, the following additional criteria apply to Major Water and Sewer Projects:

1. To the extent practicable, Domestic Water and Wastewater Treatment Systems shall 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 is necessary that the Proposed Project meet community development and population demands in those areas.
5. The Proposed Project shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling, reuse and conservation of water and will be consistent with any applicable Water Conservation Plan.
6. The Applicant shall demonstrate sufficient managerial expertise and capacity to operate the facility.
7. Major extensions of domestic water and sewage treatment systems shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

C. Additional Criteria Applicable to Major Facilities of a Public Utility

In addition to the general criteria set forth in Section VI, Part A, above, the following additional criteria shall apply to major facilities of a public utility:

1. Areas around major facilities of a public utility shall be administered so as to minimize disruption of the service provided by the public utility.

2. Areas around major facilities of a public utility shall be administered so as to preserve desirable existing community and rural patterns.
3. Where feasible, major facilities of a public utility shall be 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 shall be located so as to minimize dedication of new right-of-way and construction of additional infrastructure (e.g., gas pipelines, roads, and distribution lines.)

D. Additional Criteria Applicable to Airports

In addition to the general criteria set forth in Section VI, Part A, above, the following additional criteria apply to airports:

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

E. Additional Criteria Applicable to the Efficient Use of Municipal and Industrial Water Projects

In addition to the general criteria set forth in Section VI, Part A, above, the following additional criteria apply to municipal and industrial water projects.

1. The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.
2. The Project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.
3. The Project shall be necessary to meet community development and population demands in the areas to be served by the Project.
4. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will not degrade groundwater quality.

VII. FINANCIAL GUARANTEE

A. Financial Guarantee May Be Required

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 permittee.
4. That shortfalls to County revenues are offset in the event that the Proposed Project is suspended, curtailed or abandoned.

B. 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; and
 - b. The estimated cost of providing all public facilities necessitated by the proposed activity until all such costs are fully paid.

C. 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.

D. 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.

E. 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 (a) the site has been returned to its original condition or (b) 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
- 5. The applicable guaranteed conditions have been satisfied.

F. Cancellation of the Financial Guarantee

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

G. 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 permittee that the financial guarantee will be forfeited unless the permittee makes written demand to the Board, within thirty (30) days after permittee’s receipt of notice, requesting a hearing before the Board. If no demand is made by the permittee within said period, then the Board shall order the financial guarantee forfeited.

2. The Board shall hold a hearing within thirty (30) days after the receipt of the demand by the permittee. At the hearing, the permittee may 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. 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.

H. 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.

VIII. PERMIT ADMINISTRATION AND ENFORCEMENT

A. 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 enjoined by the County from engaging in such development, and may be subject to such other 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 and a hearing shall be held to determine whether new conditions are necessary to ensure compliance with the Approval Criteria or if the permit should be revoked.

B. 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 will 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.

C. Transfer of Permits

A permit may be transferred only with the written consent of the Board. Consent shall be in the sole discretion of the Board. The Board 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.

D. Inspection

The Board, its employees and authorized agents may enter and inspect any property subject to these Regulations at reasonable hours for the purpose of determining whether the activity is in violation of the provisions of these Regulations.

APPENDIX A

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

GENERAL CONSIDERATIONS

A.1. 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

A.2. 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.

A.3. The determination of the effects of the proposed activity 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 activity 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 activity.
- f. Change in demand for public transportation.
- g. Material decrease in the amount of water available from the Yampa River and its tributaries for future water supply for existing and future County residents and

consumptive and non-consumptive uses, whether resulting from proposed project consumption, proposed project removal of water from the River system without replacement, or appropriation of a material flow rate and/or storage such that the River system will become materially over-appropriated.

A.4. The determination of the effects of the proposed activity 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 activity.
- 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.

A.5. The determination of the effects of the proposed activity 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.

A.6. The determination of effects of the proposed activity 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.

A.7. The determination of effects of the proposed activity 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.

A.8. The determination of visual effects of the proposed activity 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.
- f. Changes in appearances of grasslands, wooded areas, or riparian corridors.
- g. Changes from rural to urban landforms and structures.

A.9. The determination of effects of the proposed activity 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 waterbodies.
- f. Changes in stream channel or shoreline stability.
- g. Changes in streambed meander limits.
- h. Changes in stormwater 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.
- m. Increases in impervious surface areas.
- n. Changes in historic runoff patterns and velocity.
- o. Use of de-icers, solvents, and salts.
- p. Use of the Proposed Project to transport hazardous materials.

A.10. The determination of effects of the proposed activity 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, springs and other water sources within the impact area.
- c. Changes in quality of well, springs and other sources of water within the impact area.
- d. Draw-down of reservoir pressure or changes in recovery rate and reserves of nonrenewable water for water users.

A.11. The determination of effects of the proposed activity 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.
- g. Interference with flood control capacity.

A.12. The determination of effects of the proposed activity 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.
- A.13. The determination of effects of the proposed activity 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.
- A.14. The determination of effects of the proposed activity 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.
- A.15. The determination of the risks of a release of hazardous materials from the proposed activity 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 response plans.
 - d. Nature and extent of materials associated with the construction and operation of the Proposed Project.
- A.16. The determination of effects of the proposed activity 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 water for agricultural uses.
- A.17. The determination of the effects of the proposed activity on land use(s), which may include but is not limited to the following considerations:
- a. Land use policies reflected in land use plans.
 - b. Likelihood that the Proposed Project will/will not cause or contribute to urban sprawl or “leapfrog” development.
 - c. Significant changes in the amount of impervious surfaces.
 - d. Contiguity of development associated with the Proposed Project to existing growth centers.

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

ADOPTED this 15th day of October, 2007.

BY THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY, STATE OF COLORADO.

Nancy J. Stahoviak, Chairman

Vote: Nancy J. Stahoviak (yes)(no)(abstain)(absent)
Diane Mitsch Bush (yes)(no)(abstain)(absent)
Douglas B. Monger (yes)(no)(abstain)(absent)

ATTEST:

Kay Weinland, Routt County Clerk

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