

Chapter 1
ADMINISTRATIVE REGULATIONS

Article 1
INTRODUCTORY AND GENERAL PROVISIONS

1-101 Title and Citation

- (1) These various chapters and articles that are organized into a comprehensive set of regulations are entitled and may be cited as the “Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand, State of Colorado”.
- (2) This Chapter 1 is entitled and may be cited as the “Administrative Regulations”.

1-102 Purpose and Findings

- (1) The purpose of these regulations is to facilitate identification, designation, and administrations of matters of State interest consistent with the statutory requirements and criteria set forth in §24-65.1-101, et seq., C.R.S., 1973, and Guidelines for Identification and Designation approved by the Colorado Land Use Commission.
- (2) The governing body finds that:
 - (a) The notice and public hearing requirements of §24-65.1-404, C.R.S., 1973 have been followed;
 - (b) These regulations are necessary because of the intensity of current and foreseeable development pressures on and within the County of Grand;
 - (c) These regulations were adopted after taking into consideration applicable guidelines adopted and issued by the Colorado Land Use Commission;
 - (d) These regulations apply to the entire unincorporated territory of the County of Grand;
 - (e) These regulations interpret and apply to any regulations adopted for specific areas of State interest and specific activities of State interest, which have been or may be designated by the Board of County Commissioners of the County of Grand.

1-103 Authority

These regulations are authorized by, inter alia. §§24-65.1-101, et seq., 30-28-101, et seq., 30-28-201, et seq., 29-20-101, et seq., and 24-32-111, C.R.S., 1973.

1-104 Applicability

These guidelines and regulations shall apply to all proceedings concerning identification and designation of and developments in any area of State interest or any activity of State interest, which has been or may hereafter be designated by the Board of County Commissioners of the County of Grand.

1-105 Exemptions

The portions of these regulations authorized exclusively under §24-65.1-101, et seq., C.R.S. 1973, shall not apply to any development in an area of State interest or any activity of State interest if, on May 17, 1974:

- (1) The specific development or activity was covered by a current building permit issued by the County of Grand;
- (2) The specific development or activity was directly approved by the electorate of the state or the County of Grand; provided that, approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity;
- (3) The specific development or activity is on land which had been finally approved, with or without conditions, for planned unit development or for a use other than a subdivision, substantially the same as planned unit development;

- (4) The specific development or activity is on land which was either zoned or rezoned in response to an application which specifically contemplated said specific development or activity; or
- (5) The specific development or activity is on land with respect to which a final plat for a subdivision had been approved, with or without condition, pursuant to the provisions of sections 2-11 of chapter 81, Session Laws of Colorado 1972, codified at §§30-28-101, 110, 133, 136, and 137, C.R.S. 1973.

1-106 **Interpretation with Other Enactments and Plans**

Whenever the provisions of these guidelines and regulations are found to be inconsistent with any other resolution, ordinance, code, regulation, other enactment or master plan of the County of Grand, the enactment imposing the more restrictive standards or requirements shall control.

- (1) In the event that these guidelines and regulations are found to be less stringent than the statutory criteria for administration of matters of State interest set forth in §§24-65.1-202, 204, C.R.S. 1973, the statutory criteria shall control.

1-107 **Maps**

- (1) Each map referred to in designations and regulations for any particular matter of state interest adopted by the Board of County Commissioners of the County of Grand is deemed adopted therein as if set out in full.
- (2) Maps referred to in any such designation and regulation shall be filed with and be available for inspection at the office of the Clerk and Recorder of the County of Grand and shall also be available for inspection in the office of the administrator.

1-108 **Duties of the Administrator**

Unless otherwise specifically provided, it shall be the duty of the administrator to perform all functions set forth in all regulations for matters of state interest.

1-109 **Severability**

If any section, clause, provision, or portion of those regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare.

1-110 **Definitions**

The words and terms used in these guidelines and regulations for administration of areas and activities of state interest shall have the meanings set forth below unless the context requires otherwise:

- (1) **Administrator:** The Permit Authority.
- (2) **Designation:** Only that legal procedure specified by §§24-65.1-101, et seq., C.R.S. 1973. It is carried out by the Board of County Commissioners.
- (3) **Development:** Any construction or activity, which changes the basic character or the use of the land on which the construction or activity occurs.
- (4) **Layman’s description:** A general, non-legal description and the popular name, if any, of the tract of land upon which the activity or development is to be conducted. The term “general description” means “layman’s description.”
- (5) **Legal description:** Any description from which it is possible to locate accurately on the ground the boundaries of the land being described.
- (6) **Matter of state interest:** An area of state interest or an activity of state interest or both.
- (7) **Permit Authority:** The Board of County Commissioners, or the designee thereof.

- (8) **Person:** Any individual, partnership, corporation, association, company, or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality, or corporation of the state or the United States Government.
- (9) **Receipt of application:** The time at which the completed application is accepted by the Permit Authority.
- (10) **Regulation:** Both regulation and guideline as the terms are used in §24-65.1-101, et seq., C.R.S. 1973.
- (11) **Technical step:** in identification of an activity of state interest is the act of formulating a plan or program for the administration of any one of the activities of state interest in a specific jurisdiction consistent with the criteria of §24-65.1-204, C.R.S. 1973. An identification of an area of state interest is the act of viewing and preparing a description of the land within the borders of which is located that area of state interest.

Article 2
DESIGNATION OF MATTER OF STATE INTEREST

1-201 Board of County Commissioners of the County of Grand to Make Designations

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

- (1) The Board of County Commissioners shall at its discretion designate and adopt regulations for the administration of any matter of state interest.
- (2) If the Colorado Land Use Commission submits a formal request to the Board of County Commissioners with regard to a specific matter, which the Colorado Land Use Commission considers to be of state interest within the County of Grand, the Board of County Commissioners shall publish notice and conduct a hearing pursuant to §24-65.1-407 (1) (a), C.R.S. 1973.

1-202 Moratorium

After the Board of County Commissioners has received a formal request to take action with regard to a specific matter which the Colorado Land Use Commission considers to be of state interest within the Board's jurisdiction, no person shall engage in development in the area or conduct the activity specifically described in said request until the Board of County Commissioners has held its hearing and issued its order relating thereto.

1-203 Public Hearing Required

- (1) The Board of County Commissioners shall hold a public hearing before designating any matter of state interest and adopting regulations for the administration thereof. Said hearing shall be held not less than thirty (30) days nor more than sixty (60) days after the giving of public notice of said hearing.
- (2) In the event that the Colorado Land Use Commission submits a formal request to take action, such public hearing for designation shall be held within ninety (90) days after receipt of the formal request.

1-204 Notice of Public Hearing, Mailing List, Publication

- (1) The administrator shall prepare a notice of the designation hearing which shall include:
 - (a) The time and place of the hearing.
 - (b) The place at which materials relating to the matter to be designated and any guidelines and regulations for the administration thereof may be examined.
 - (c) The telephone number where inquiries may be answered.
 - (d) A description of the area or activity proposed to be designated in sufficient detail to provide reasonable notice as to property, which would be included. The notice should include, when practicable, both the legal description of the property as well as any general or popular names of the property.

- (2) The administrator may maintain a mailing list of the names of those persons requesting that their names and addresses be placed on the list and paying an annual fee, the amount of which shall be determined from time to time by the Permit Authority. In order to have his name and address retained on said mailing list, the person shall resubmit his name and address and pay such fee before January 31 of each year.
- (3) At least thirty (30) days, but no more than sixty (60) days before the public hearing, the administrator shall publish the notice in a newspaper of general circulation in the County, and shall mail the notice by first class mail to each of the following:
 - (a) The Colorado Land Use Commission and other State and Federal agencies, as deemed appropriate in the discretion of the administrator.
 - (b) Persons on the mailing list.
 - (c) In the discretion of the administrator, members of the news media and any other person considered to be likely to be affected by the proposed designation.
 - (d) If any other local governmental jurisdiction would be directly or indirectly affected, the proposed designation similarly may be mailed to such government and to the regional Planning Commission and/or Council of Governments.

1-205 Matters to be Considered at Designation Hearings

- (1) At the public hearing described above, the Board of County Commissioners shall consider such evidence as may appear appropriate including, as a minimum:
 - (a) The intensity of current and foreseeable development pressures;
 - (b) The matters and considerations set forth in any applicable guidelines for identification and designation;
 - (c) Model regulations issued by the Colorado Land Use Commission and other State agencies;
 - (d) The boundaries of the proposed area;
 - (e) 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; and
 - (f) Any master or comprehensive plan pertaining to or affected by the area or activity under consideration.
- (2) The Board of County Commissioners shall hear testimony and receive evidence, including:
 - (a) The recommendations of the County Planning Commission; and
 - (b) Relevant testimony and documents presented.

1-206 Record of Designation Proceedings

- (1) The administrator will collect and preserve the following record of the public hearing, as a minimum:
 - (a) Notice of the hearing;
 - (b) Certification of publication of the notice;
 - (c) Names and addresses of persons who presented written or oral statements;
 - (d) Evidence of the identification of the matter of State interest proposed to be designated;

- (e) Written findings concerning each of the matters referred to in 1-205(1), above.
- (2) Any person may, at his own expense, provide for the recording of the hearing and transcription thereof, provided, however, that a copy of the recording or transcript thereof, if transcribed, shall be furnished free of charge to the administrator and shall become part of the records.

1-207 Adoption of Designation and Regulations

- (1) At the conclusion of such hearing, or within thirty (30) days thereafter, the Board of County Commissioners may adopt, adopt with modification, or reject the proposed designation which was the subject of public hearing; if designation and regulation under §24-65.1-101, et seq., C.R.S. 1973, is rejected, the Board of County Commissioners may regulate the matter under any other available land use control authority or it may reject the regulation of the matter entirely.
- (2) Such action shall be taken by resolution.
- (3) In the event that the Board of County Commissioners finally determines that any matter is a matter of State interest, it shall be the Board's duty to designate such matter and adopt regulations for the administration thereof.
- (4) Each designation order adopted by the Board of County Commissioners shall, as a minimum:
 - (a) Specify the boundaries of the designated area of state interest or the boundary of the area in which an activity of state interest has been designated.
 - (b) State 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) Specify the regulations applicable to the designated matter of state interest.

1-208 Submission of Material to Land Use Commission

Upon adoption of a designation order, all relevant materials including the record of any public hearing relating to the designation and regulations, as described in 1-206, above, shall be forwarded by the Board of County Commissioners to the Colorado Land Use Commission for review. If within thirty (30) days after receipt of a designation order and regulation the Land Use Commission has notified the Board of County Commissioners that modification of the designation or regulations is required, the Board of County Commissioners shall, within thirty (30) days after the receipt of the recommended modifications:

- (1) Modify the original order in a manner consistent with the recommendations of the Colorado Land Use Commission and resubmit the order to the order to the Colorado Land Use Commission, or
- (2) Notify the Colorado Land Use Commission that the Colorado Land Use Commission's recommendations are rejected and the reasons therefore.

1-209 Recording of Notice of Designation

A notice of the designation shall be certified by the Board of County Commissioners to the County Clerk and Recorder for filing in the same manner as any document affecting real property.

1-210 Effect of Designation – Moratorium until Final Determination

After a matter of state interest is designated pursuant to Section 1-207, no person shall engage in development in such area and no such activity shall be conducted until the designation and regulations for such area or activity are finally determined as required by §24-65.1-404(4), C.R.S., 1973.

Article 3
PERMITS

1-301 Permits Required after Designation; Receipt of Application Form

- (1) Any person desiring to engage in a development in a designated area of State interest or to conduct a designated activity of State interest must obtain a permit from the Permit Authority.
- (2) An application shall not be accepted unless it is complete. If the application is considered incomplete by the Permit Authority, the Permit Authority shall specify what additional information is required. When a submitted application is considered to be complete by the Permit Authority or the applicant, the Permit Authority shall note upon the application the date and hour of its receipt.
- (3) When the applicant seeks a permit to engage in development in more than one (1) area of State interest and/or to conduct more than one (1) activity of State interest and/or to engage in development in one area of State interest and to conduct one activity of State interest, the application may be completed for all such activities or developments and may be reviewed by the Permit Authority in one consolidated hearing.

1-302 Application Fee

The application shall be accompanied by an application fee in the amount (s) set forth in the regulation (s) for the matter (s) of state interest involved in the application or in such lesser amount as may be determined by the Permit Authority.

1-303 Notice of Permit Hearing

Not later than thirty (30) days after receipt of a completed application for a permit, the Permit Authority shall set and publish notice of a date, time, and place for a hearing on said application. Such notice shall be published once in a newspaper of general circulation in the County of Grand, not less than thirty (30) days nor more than (60) days before the date set for hearing and shall also be given to other persons and entities in the same manner as set forth above for the notice of a designation hearing in 1-204.

1-304 Conduct of Permit Hearing

- (1) The Permit Authority shall conduct the public hearing in such a manner to afford procedural due process to the applicant as well as to any person who opposes issuance of the permit.
- (2) The Permit Authority shall hear testimony and receive evidence, including:
 - (a) The recommendations of the planning commission, if it is not the Permit Authority, and
 - (b) Relevant testimony and documents presented.
- (3) Although the Colorado Rules of Civil Procedure do not govern the conduct of the hearing, all persons appearing at the hearing, in person or by counsel, shall be afforded the right of cross-examination as well as reasonable opportunity to offer evidence in rebuttal. Any person engaging in cross-examination or offering evidence in rebuttal shall thereby become a party.
- (4) Any person may, at his own expense, provide for the recording of the hearing and transcription thereof, provided, however, that a copy of the recording or transcript thereof, if transcribed, shall be furnished free of charge to the administrator and shall become part of the record.
- (5) The administrator shall collect and preserve the following record of the public hearing:
 - (a) The permit application;
 - (b) Any written statements or documents presented in support of or in opposition to the permit application;

- (c) The names and addresses of all persons making oral or written statements, appearing as witnesses, or offering documentary evidence;
- (d) Any recording or transcript, if any, of the hearing as provided in subsection (4) above;
- (e) Written minutes of the Permit Authority relating to the public hearing;
- (f) The resolution of the Permit Authority granting or denying the permit application; and
- (g) A copy of the permit, if issued.

1-305 Approval or Denial of Permit Application

- (1) If the Permit Authority finds that there is not sufficient information concerning any material feature of a proposed development or activity, the Permit Authority may deny the application or it may continue the hearing until the additional information has been received. However, no such continuance may exceed sixty (60) days unless agreed to by the applicant.
- (2) The Permit Authority shall approve an application for a permit to engage in development in an area of state interest or for the conduct of an activity of state interest if the proposed development or activity complies with the provisions of the regulations governing such area or activity. If the proposed development does not comply with such regulations, the permit shall be denied.
- (3) The Permit Authority conducting a hearing pursuant to this section shall state, in writing, reasons for its decision, and its findings and conclusions.
- (4) The Permit Authority shall reach a decision on a permit application within one hundred twenty (120) days after the completion of the permit hearing, or the permit shall be deemed approved.

1-306 Combined Designation and Permit Hearing

If a person proposes to engage in development in an area of state interest or to conduct an activity of state interest not previously identified, designated, or for which regulations have not been adopted, the Board of County Commissioners alone may hold one (1) hearing for determination of identification, designation, and regulations as well as for granting or denying the permit. No permit that is granted at the conclusion of any such hearing shall be authority to engage in development or to conduct an activity until the identification, designation and regulations are finally determined.

1-307 Issuance of Permits

- (1) The permit shall be issued on the form adopted by the Board of County Commissioners.
- (2) The permit may be issued for an indefinite term, or for a specific period of years.
- (3) Copies or notice of the permit shall be sent to the Colorado Land Use Commission and, at the Board's discretion, may be sent to any regional planning commission in which the county may be located, and to any other person requesting a copy thereof on payment of the cost of reproduction.
- (4) A copy of the permit shall be certified by the Permit Authority to the County Clerk and Recorder for recording in the same manner as any other document relating to real property, and the certified copy of the permit shall be presented by the Permit Authority to the Clerk and Recorder for recording.

1-308 Financial Security

- (1) Before any permit is issued, the Permit Authority may, in its discretion, require the applicant to file a guarantee of financial security deemed adequate by the Permit Authority and payable to the County of Grand.
- (2) The purpose of said financial security guarantee shall be to assure that the applicant or permittee shall faithfully perform all requirements of the permit or applicable regulations adopted by the Board of County Commissioners.

- (3) The amount of said financial guarantee shall be established by the Permit Authority upon consideration of the following applicable criteria:
 - (c) The estimated cost of returning the site of the permitted development or activity to its original condition or to a condition acceptable to the County in accordance with standards adopted by the County for the matter of state interest for which the permit is being granted;
 - (c) The estimated cost of completing the permitted development or activity; and
 - (c) The estimated cost of complying with any conditions of the permit.
- (4) Estimated cost shall be based on the applicant's submitted cost estimate plus the Permit Authority's estimate of the additional cost to the County of bringing in personnel and equipment to accomplish any unperformed purposes of the financial guarantee. The Permit Authority shall consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The Permit Authority may require, as a condition of the permit, that the financial security shall be adjusted upon receipt of bids.
- (5) At least ten percent (10%) of the amount of the financial guarantee shall be in cash deposited with the County Treasurer and shall be placed in an earmarked escrow account mutually agreeable to the County and the applicant.
- (6) The financial guarantee may be released only when:
 - (a) The permit has been surrendered to the Permit Authority before commencement of any physical activity on the site of the permitted development or activity;
 - (b) The development or activity has been abandoned and the site thereof has been returned to its original condition or to a condition acceptable to the County in accordance with standards adopted by the County for the matter of state interest for which the permit is being granted.
 - (c) The project has been satisfactorily completed, or
 - (d) Applicable guaranteed conditions have been satisfied.
- (7) Any security may be cancelled by a surety only upon receipt of the Permit Authority's written consent which may be granted only when such cancellation will not detract from the purposes of the security.
- (8) If the license to do business in Colorado of any surety upon a security filed pursuant to this regulation is suspended or revoked by any state authority, then the applicant or permittee, within sixty (60) days after receiving notice thereof, shall substitute a good and sufficient surety licensed to do business in the state. Upon failure of the permittee to make substitution of surety within the time allowed, the Permit Authority shall suspend the permit until proper substitution has been made.
- (9)
 - (a) If the Permit Authority determines that a financial guarantee should be forfeited because of any violation of the permit or any applicable regulations adopted by the Board of County Commissioners, it shall provide written notice to the surety and to the permittee that the financial guarantee will be forfeited unless the permittee makes written demand to the Permit Authority within thirty (30) days after permittee's receipt of notice, requesting a hearing before the Permit Authority. If no demand is made by the permittee within said period, then the Permit Authority shall order the financial guarantee forfeited.
 - (b) The Permit Authority 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 Permit Authority statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the Permit Authority shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.
 - (c) The cash deposit described in subsection (5), above, may be used by the Permit Authority of the County in the event of the default or alleged default of the permit holder only for the purposes of recovering on the

surety or fulfilling the permit obligations of the permit holder. In the event that the ultimate reviewing court determines that there has been no default by the permit holder, that portion of any moneys expended by the County from the escrow funds relating to such default shall be replaced in the escrow account by the Board of County Commissioners immediately following such determination. The County may arrange with a lending institution, which provides money for the permit holder; that said institution may hold in escrow any funds required for said cash deposit. Funds shall be disbursed out of escrow by the institution to the County upon County's demand for the purposes specified in the section.

- (10) If the forfeitures results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, this County's attorney shall take such steps as he deems proper to recover such costs where recovery is deemed possible.

1-309 Review of Permit Authority Decision by the Board of County Commissioners

- (1) The provisions of this section shall apply only if the Board of County Commissioners is not the Permit Authority for the County or if the Board has designated some other person (s) or body to be the Permit Authority.
- (2) Any person affected by a decision of the Permit Authority may obtain review of that decision by the Board of County Commissioners by written notice of appeal which specifies the basis of objections and which is filed with the Permit Authority and the Board of County Commissioners not later than twenty (20) days after the Permit Authority makes the decision. The County Attorney is to be deemed a person affected by a decision of the Permit Authority and may bring an appeal pursuant to this section.
- (3) The Board of County Commissioners shall review the decision of the Permit Authority at a public hearing held within forty-five (45) days, or at the Board of County Commissioners' next regular meeting, after the Notice of Appeal is filed, whichever is later. If the Board of County Commissioners fails to reach a decision within one hundred twenty (120) days of filing of appeal, the appeal shall be deemed to be successful.
- (4) Notice shall be given and the public hearing shall be conducted in substantially the same manner as the permit hearing conducted by the Permit Authority. The Board of County Commissioners shall give due consideration to the reasons given in support of the Permit Authority's decision.
- (5) During the pendency of any appeal to the Board of County Commissioners and during any judicial review thereof, the Applicant may not engage in development or activity requested in the application, unless the permittee can obtain a court order permitting the development or activity under the provisions of the permit.
- (6) Any action seeking judicial review of the decision of the Board of County Commissioners shall be initiated within thirty (30) days after the decision is made, in the District Court in and for the County of Grand pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

1-310 Revocation or Suspension of Permits

- (1) When it comes to the attention of the Permit Authority that the provisions of any permit or the terms of any regulation for administration have been violated by the holder of the permit, the Permit Authority may temporarily suspend the permit for a period of thirty (30) days. Before making such a temporary suspension, the Permit Authority shall give the permit holder written notice of the specific violation and shall allow the permit holder a period of at least fifteen (15) days to correct the violations. If the permit holder does not concur that he is in violation, he shall, within fifteen (15) days of his receipt of such notice, show cause to the Permit Authority why temporary suspension should not be ordered. A hearing shall be held within said thirty (30) day period pursuant to subsection (2) below.
- (2) Either prior to or subsequent to a temporary suspension, the Permit Authority may permanently revoke or suspend the permit after conducting a public hearing in substantially the same manner and after substantially the same notice as for permit hearings, and if it finds:
 - (a) A violation of the provisions of the permit or any applicable regulation for administration which may have been adopted by this Board of County Commissioners; or

- (b) That the applicant has failed to take substantial steps to initiate the permitted development or activity within twelve (12) months from the date of the permit, or, if such steps have been taken, the applicant has failed to complete the development or activity with reasonable diligence.

Article 4
Administration, Enforcement, and Penalties

1-401 Enforcement and Penalties

- (1) Any person engaging in a development in a designated area of a state interest or conducting a designated activity of state interest who does not obtain a permit pursuant to these Regulations for administration, who does not comply with permit requirements, or who acts outside the authority of the permit, may be enjoined by the County or the Land Use Commission from engaging in such development or conducting such activity, and may be subject to such other criminal or civil liability as may be prescribed by law.

1-402 Mapping Disputes

- (1) Where interpretation is needed as to the exact location of the boundary of any designated area and where there appears to be a conflict between a mapped boundary and actual field conditions, the Permit Authority shall make the necessary determination of the boundary. Any person contesting the location of the boundary shall be given an opportunity to present his case to the Permit Authority.
- (2) The determination of the Permit Authority may be appealed to the Board of County Commissioners, which shall hold a hearing in substantially the same manner as the hearing permitted under section 1-309.

1-403 Inspection

- (1) The Permit Authority or its authorized representative is hereby empowered and directed to inspect and examine the use, occupation or development of or activity in each and every area or activity subject to these Regulations for the purpose of determining from time to time whether or not any use, occupation, development or activity is in violation of any of the provisions of this Regulation or of any permit issued or required pursuant to this or other applicable regulations.
- (2) If a violation shall be found to exist, said Permit Authority or its authorized representative shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable regulations; provided, however, that the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are set forth in the regulations; and provided further, be a defense to any alleged violation of this or other applicable regulations in any court action instituted seeking full compliance therewith.

EXHIBIT "2"
TO BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO
RESOLUTION NO. 1978-5-4

CHAPTER 2
PERMIT AUTHORITY

2-101 Purpose and Intent

The purpose of this Chapter 2 is to facilitate designation and administration of matters of state interest consistent with statutory requirements and criteria set forth in Article 65, Title 24, of Colorado Revised Statutes, 1973, as amended.

2-102 Findings

The Board of County Commissioners finds that:

- (1) The notice and public hearing required by law have been followed;
- (2) These regulations are necessary because of the intensity of current and foreseeable development pressures on and within the County;
- (3) These regulations were adopted after taking into consideration applicable guidelines adopted and issued by the Colorado Land Use Commission;
- (4) These regulations apply to the entire unincorporated portion of the County of Grand, State of Colorado.

2-103 Authority

These regulations are authorized by inter alia, §24-65.1-101, et seq., §30-28-101, et seq., §30-28-201, et seq., §29-20-101, et seq., and §24-32-111, Colorado Revised Statutes, 1973, as amended.

2-104 Permit Authority Established

- (1) The Grand County Permit Authority is hereby established, the members of which shall be the Board of County Commissioners.
- (2) The Permit Authority shall exercise all powers and duties granted it by Chapter 1 of the “Grand County Guidelines and Regulations of Areas and Activities of State Interest”, and as amended.

CHAPTER 3

SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS

Article 1

General and Introductory Provisions

3-101 Title and Citation

These various sections constituting Chapter 3 of the “Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand” may be cited as the “Regulations for Site Selection and Construction of Major New Domestic Water and Sewage Treatment Systems” of Grand County.

3-102 Purpose and Intent

The purpose and intent of the regulations contained in this chapter are as follows:

- (1) To insure that new domestic water and sewage treatment systems are constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems within this County.
- (2) To insure that site selection and construction of major new domestic water and sewage treatment systems are conducted in such a manner as to minimize environmental impacts associated with such development.
- (3) To insure that site selection and construction of major new domestic water and sewage treatment systems are planned and developed in a manner so as not to impose an undue economic burden on existing or proposed communities within this County.
- (4) To insure that municipal and industrial water projects shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.

3-103 Definitions

- (1) **Major new domestic water system:** A system for provision to the public of piped water for human consumption or a system for the provision to the public of piped water which will be used in exchange for water for human consumption, if such system is proposed to service a population equivalent of twenty (20) single family dwelling units or the equivalent thereof in other uses.
- (2) **Major new domestic sewage treatment system:** A new sewage treatment system and collector system capable of treating the wastewater generated by twenty (20) or more people through domestic uses or the equivalent thereof in commercial and/or industrial needs.
- (3) **Domestic water and sewage treatment system:** A wastewater treatment plant, water treatment plant, or water supply system and any system of pipes, structures, and facilities through, which wastewater is collected for treatment.
 - (a) **Wastewater treatment plant:** The facility or group of units used for treatment of wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes.
 - (b) **Water supply system:** The system of pipes, structures and facilities through which a water supply is obtained, treated and sold or distributed for human consumption or the system of pipes, structures and facilities through which a water supply is obtained which will be exchanged or traded for water, which will be used for human consumption.
 - (c) **Water treatment plant:** The facility or facilities within the water supply system which can alter the physical, chemical or bacteriological quality of the water.
- (4) **Source area:** A geographic area or region where moisture falls and drains through natural processes to either streams or lakes or permeates to the groundwater table, analogous to catchment's basin or watershed.
- (5) **Collector system:** A network of pipes and conduits through which sewage flows to a sewage treatment plant.
- (6) **Distribution system:** A network of pipes and conduits through which water is piped to the public for human consumption or through which water is piped for exchange of trade for water which will be used for human consumption.
- (7) **Proposed development:** A major new domestic water or sewage treatment system, as defined in 3-103(1) and (2), and includes any proposed land development directly related to such system if such development is to be located wholly or partially within this County and if such development specifically generates the need for the system. (This definition includes development area.)
- (8) **Source development area:** That geographic area or region wholly or partially within this County which will be developed or altered in connection with the development of a major new domestic water of sewage treatment system, as defined in 3-102(1) and (2). The source development area may or may not be wholly or partially within the development area.

3-104 Authority

These Regulations are adopted pursuant to, inter alia, §24-65.1-101 et seq. and §29-20-101, et seq., C.R.S., 1973.

3-105 Applicability

- (1) These Regulations shall apply to the site selection for all major new domestic water and sewage treatment systems and construction thereof.
- (2) These Regulations shall not apply to expansion of existing domestic water of sewage treatment systems.

3-106 Nonconforming Uses

- (1) The provisions of this chapter shall not apply to or affect any development described in §1-105 of the Administrative Regulations adopted by this County, if these Regulations were adopted pursuant to only §§24-65.1, et seq., C.R.S., 1973.

- (2) The provisions of this chapter shall not apply to any nonconforming use existing on the date the area is designated or subjected to regulation, provided that, when such a nonconforming use, except seasonal uses, shall be discontinued, or a nonconforming structure is damaged or destroyed to the extent of at least fifty percent (50%) of the appraised value. Any reuse, reconstruction, or replacement of such structure shall be deemed a new use and shall be subject to the provisions of these regulations, except when detrimental to the public health and safety.

For the purpose of this section, seasonal uses shall include but not be limited to irrigation systems and recreational areas that operate less than six (6) months per year.

3-107 Relationship of Regulations to Other State and Federal Requirements

- (1) Nothing in these regulations shall be construed as exempting an applicant for a permit from any other requirements of this County or other State or Federal laws and regulations.
- (2) To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.
- (3) Permit requirements included in these regulations shall be in addition to and in conformance with all applicable state and federal water quality laws, rules and regulations, including, but not limited, to the following:
- (a) §25-8-704 (1)(a), C.R.S., 1973, sewage treatment plant site approval, which provides that no person shall commence the construction or expansion of any sewage treatment works intended to serve more than twenty (20) persons unless site location and the construction or expansion have been approved and designs therefore reviewed by the Colorado Water Quality Control Commission;
 - (b) §25-8-501, C.R.S., 1973, point source pollutant discharge permit;
 - (c) §208 (33 U.S.C. §1288) area wide wastewater treatment management planning;
 - (d) §303 (33 U.S.C. §1313) river basin water quality management planning;
 - (e) Disposal of sewage sludge (33 U.S.C. §1345);
 - (f) §32-1-201, C.R.S., 1963, Special District Control Act;
 - (g) 16 U.S.C. §661-666(c) (1970), the Fish and Wildlife Coordination Act;
 - (h) §102(c) (42 U.S.C. §4321, et seq.), the National Environmental Policy Act.

Article 2

DESIGNATION OF SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT PLANTS

3-201 Designation of Site Selection and Construction of Major New Domestic Water and Sewage Treatment Plants

The Board of County Commissioners having considered the intensity of current and foreseeable development pressures and applicable Guidelines for Identification and Designation adopted and issued by the Colorado Land Use Commission, it is the order of the Board of County Commissioners that site selection and construction of major new domestic water and sewage treatment systems be designated a matter of State interest and regulated pursuant to the provisions of this Chapter.

3-202 Boundaries of Area Covered by Designation

The site selection and construction of any major new domestic water and sewage treatment plants within the boundaries of this County shall be subject to this designation and regulation.

3-203 Reasons for Designation

Site selection and construction of major new domestic water and sewage treatment plants is hereby designated as a matter of State interest for the reasons stated in Section 3-102 of this Chapter.

Article 3
PERMIT APPLICATIONS AND PERMITS

3-301 Application Procedure

The procedures concerning permit applications, notice and conduct of permit hearings, review of Permit Authority decisions, and the issuance and content of permits to engage in site selection and development of major new domestic water and sewage treatment systems shall comply with the provisions set forth in Article 3 of the Administrative Regulations adopted by this County.

3-302 Prohibition on the Site Selection and Construction of Major New Domestic Water and Sewage Treatment Plants

- (1) No person may locate a major new domestic water or sewage treatment system wholly or partially within this County without first obtaining a permit pursuant to these regulations.
- (2) No local authority shall issue a building permit for purposes of selecting a site for or constructing a major new domestic water or sewage treatment plant without the applicant first having obtained a permit pursuant to these regulations.

3-303 Application for Permit

- (1) Any person seeking to locate or construct a major new domestic water or sewage treatment system wholly or partially in this County shall apply for a permit form the Permit Authority on the appropriate form prescribed by the Colorado Land Use Commission. (For sewage systems the site application form adopted by the Water Quality Control Commission will be completed and attached to the application form. If the site location is approved by the Permit Authority, the same form may be submitted for action by the Colorado Water Quality Control Commission).
- (2) Any application for a permit to locate or construct a major new domestic water or sewage treatment system shall be accompanied by nonrefundable certified funds in the amount of not more than ten percent (10%) of the total cost of the development, but shall not exceed the amount necessary to cover the costs incurred in the review and approval of the permit application, including all hearings conducted therefore.
- (3) An application for a permit to locate or construct a major new domestic water or sewage treatment system shall be accompanied by five (5) copies of the following documents and information:
 - (a) An abstract of the proposal indicating the scope and need for the development;
 - (b) Preliminary review and comment on the proposal by the appropriate agency of the Colorado Department of Natural Resources and the Colorado Department of Health within sixty (60) days;
 - (c) Alternative potential site locations and degree of feasibility of each;
 - (d) For each alternative site or expansion area being considered by the applicant, the information specified in §3-304 of these Regulations.
- (4) Any demographic data needed to fulfill the requirements of this regulation shall be consistent with those used for the 208 area wide waste treatment management planning.

3-304 Submission Requirements

- (1) **Proponents of Proposal**
 - (a) Names, addresses and businesses of all local or other interests proposing site selection and construction of a major new water or sewage treatment system.
 - (b) Name and qualifications of the person (persons) responding to the requirements detailed in this regulation.

(2) **Scope of Proposal**

- (a) Provide detailed plans of the proposal including proposed system capacity and service area plans mapped at a scale determined by the Permit granting Authority.
- (b) Provide a description of all existing or approved proposed domestic water or sewage treatment systems within the development area and source development area.
- (c) Detail the design capacity of each domestic water or sewage treatment system and the distribution or collection network in the development area and source development area.
- (d) Detail the excess capacity of each treatment system and distribution or collection network in the community or development area and source development area.
- (e) Provide an inventory of total commitments already made for current water or sewage services.
- (f) Detail the operational efficiency of each existing system in the development area and source development area, including age, state of repair, and level of treatment.
- (g) Detail the source, rights and quality of existing water supply.
- (h) Detail existing water utilization including historic yield from rights and use by category such as agricultural, municipal and industrial and supply obligations to other systems.

(3) **Demonstrate the need for a new water or sewage treatment system.**

- (a) Provide population trends for the development area and source development area, e.g., present population, population projections, and growth rates.
- (b) Specify the predominant types of developments to be served by the proposed new water or sewage treatment system.
- (c) Specify at what percentage of the design capacity the current system is now operating.

Water treatment system _____.

Wastewater treatment system _____.

- (d) Specify whether or not present facilities can be upgraded to adequately accommodate the ten (10) year projected increased need in treatment and/or hydraulic capacity.

(4) **Environmental impact analysis.**

(a) **Land Use:**

- (i) Provide a map (at an appropriate scale) detailing existing land uses of the proposed development, source development area, and the project service area including peripheral lands, which may be impacted. The land use map should include, but not necessarily be restricted to the following categories: residential, commercial, industrial, open space, outdoor recreation, agricultural, forest land and water bodies.
- (ii) All immediately affected public land boundaries should be indicated on the map. Potential impacts of the proposed development upon public lands will be visually illustrated on the map as well as described in textural form.
- (iii) Specify whether the proposed project conforms to Grand County's planning policies.
- (iv) Specify whether the proposed project conforms to regional and state planning policies.

- (v) Specify whether the proposed project conforms to federal land management policies.
 - (vi) Describe the present use of the land in the development area and source development area.
 - (vii) Detail the present zoning of the land in the development area and source development area.
 - (viii) Detail the agricultural productivity capability of the land in the development area and source development area (SCS classification).
 - (ix) Specify how the proposed development will utilize existing easements or rights-of-way for new associated distribution or collector networks.
 - (x) Specify if excess service capabilities created by the proposed development will generate sprawl or strip development.
 - (xi) Specify whether the demand for this project is associated with development within or contiguous to existing service areas.
- (b) **Water Resources:**
- (i) Describe and indicate on an appropriate map relevant surface water bodies (streams, lakes and reservoirs) and groundwater aquifers in the area and their uses. Describe the potential effects of the proposed project on the above-detailed water feature including the effects on present water quality and current uses.
 - (ii) On the same, or another appropriate map, indicate any floodplain associated with the proposed development. Documentation of historical flooding activity should be included. Detail potential, adverse impacts of associated floodplain.
 - (iii) Describe the potential adverse effects of the proposed development upon plant and animal life dependent upon the water resources in question.
- (c) **Air Quality:**
- (i) Detail the impact of the proposed development on ambient air quality of the area or community in question.
- (d) **Significant Environmentally-sensitive Factors:**
Identify and locate on a map of an appropriate scale the juxtaposition of any of the following features present in the proposed development and source development area and its environs and detail the potential impact of the proposed development upon each feature.
- (i) Marshlands and wetlands.
 - (ii) Groundwater recharge areas.
 - (iii) Potential natural hazards.
 - (iv) Forests and woodlands.
 - (v) Critical wildlife habitat.
 - (vi) Public, outdoor recreation areas.
 - (vii) Unique areas of geologic, historic and archeological importance.
- (e) **Visual Aesthetics and Nuisance Factors:**

Identify any significant deterioration of existing natural aesthetics, creation of visual blight, noise pollution or obnoxious odors, which may stem from development.

- (f) **Describe what impact the development will have upon transportation matters in the area.**
- (5) **Financial impact analysis of site selection and construction of major new water and sewage treatment facilities will include but not be limited to the following:**
 - (a) Review and summary of any existing engineering and/or financial feasibility studies, assessed taxable property valuations, property tax collection experience, and all other matters of aid in determining the feasibility of the new facility, including such as related to:
 - (i) Service area and/or boundaries.
 - (ii) Applicable methods of transmitting, storing, treating and delivering water, and collecting, transmitting, treating and discharging sewerage (including effluent and/or sludge disposal)
 - (iii) Estimated construction costs and period of construction of each new facility component.
 - (iv) Assessed valuation of the property to be included within the service area and/or boundaries.
 - (v) Revenues and operating expenses of the new facility including but not limited to historical and estimated property taxation, service charges and rates, assessments, connection and tap fees, standby charges and all other revenues of the new facility.
 - (vi) Amount and security of proposed debt and method and estimated cost of debt service.
 - (vii) Details of any substantial contract or agreement for revenues (as in “(v)” above) or for services to be paid, furnished or used by or with any person, association, corporation and governmental body.
 - (b) Provide a debt retirement schedule based upon anticipated service fees and tax base.
 - (c) Identification of the person, association, corporation and governmental body that will benefit by, use and will pay any or all of the revenues (as in “(v)” above).
 - (d) If the new water or sewage treatment system exceeds the proposed ten (10) year population growth needs as detailed by the appropriate region’s 208 planning demographic projections, then detail the excess service capacity and the cost of such excess capacity to the community.

3-305 Waiver of Submission Requirements

- (1) The permit authority may waive any part but not all of the submission requirements imposed by this regulation upon petition of the applicant that full compliance with the submission requirements would be unreasonably burdensome for the applicant and that the proposed development will have an insubstantial impact on the surrounding area. Such a waiver may be granted, after due consideration by the permit authority, upon a written determination that the information to be submitted is sufficient for the permit authority to arrive at a permit decision in full compliance with the law and these regulations and that the proposed development will have and insubstantial impact on the surrounding area. If the permit authority decides to waive any part of the submission requirements, such a decision may be immediately re-viewable by the Board of County Commissioners pursuant to an appeal brought in accordance with §1-409 or by the Board’s own motion entered at its next regularly scheduled meeting or twenty (20) days after the permit authority’s decision, whichever is later. The Board may reinstate all or part of the submission requirements waive by the permit authority. Provided however, that nothing herein is to be construed as limiting the Board’s power to reverse the permit authority’s grant or denial of a permit for waiver of any of the submission requirements, which the Board considers necessary when a later appeal is brought pursuant to §1-409 objecting to the permit authority’s ultimate decision.
- (2) The petition shall be considered and the decision rendered by the permit authority at a public hearing held in compliance with the provisions of Section 403 of the Administrative Regulations adopted by this jurisdiction.

3-306 Approval of Permit Authority

- (1) A permit application for site selection and construction of a major new domestic water or sewage treatment system shall be approved if the proposed development complies with the following criteria:
 - (a) New domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of communities within this County within the development area and source development area;
 - (b) The proposed development does not conflict with an approved local master plan or other applicable regional, state or federal land use or water plan;
 - (c) The proposed development does not adversely affect either surface or subsurface water rights of upstream or downstream users;
 - (d) Adequate water supplies, as determined by the Colorado Department of Health, are available for efficient operational needs;
 - (e) Existing domestic water treatment systems servicing the area must be at or near operational capacity;
 - (f) Existing domestic sewage treatment facilities servicing the area must be at or greater than eighty percent (80%) of operational capacity;
 - (g) The scope and nature of the proposed development will not compete with existing water and sewage services or create duplicate services;
 - (h) Age of existing water and sewage systems operational efficiency, state of repair or level of treatment is such that replacement is warranted;
 - (i) Area and community development and population trends demonstrate clearly a need for such development;
 - (j) Existing facilities cannot be upgraded or expanded to meet waste discharge permit conditions of the Colorado Water Quality Control Division;
 - (k) Appropriate easements can be obtained for any associated collector or distribution system that will serve existing and proposed needs;
 - (l) Such development will not encourage strip development or leapfrog-development;
 - (m) The benefits of the proposed development outweigh the losses of any natural resources or agricultural lands rendered unavailable as a result of the proposed development;
 - (n) The proposed development will not decrease the quality of peripheral or downstream surface or subsurface water resources below that designated by the Colorado Water Quality Control Commission as established on January 15, 1974 and effective June 19, 1974;
 - (o) The proposed development or its associated collector or distribution system will not be subjected to potential natural hazards;
 - (p) The proposed development or its associated collector or distribution system or new service areas will not violate federal or state air quality standards;
 - (q) The proposed development or its associated collector or distribution system will not significantly deteriorate aquatic habitats, marshlands and wetlands, groundwater recharge areas, steeply sloping or unstable terrain, forests and woodlands, critical wildlife habitat, big game migratory routes, calving grounds, migratory

ponds, nesting areas and the habitats of rare and endangered species, public outdoor recreation areas, and unique areas of geologic, historic, or archaeological importance;

- (r) The proposed development or its associated collector or distribution system will not significantly degrade existing natural scenic characteristics, create blight, or cause other nuisance factors such as excessive noise or obnoxious odors;
 - (s) The proposed development or its associated collector or distribution system will not create an undue financial burden on existing or future residents within the development area and the source development area. The cost of securing an adequate supply of water for existing and future needs of the residents shall be considered in determining whether an “undue financial burden” will result;
 - (t) The development site of a major new domestic water or sewage treatment system is not subject to significant risk from earthquakes, floods, fires or other disasters, which could cause a system operational breakdown.
- (2) The permit shall be denied if the applicant fails to satisfy all the criteria outlined in 3-306 (1).

Article 4

ADMINISTRATION, ENFORCEMENT AND PENALTIES

3-401 Administration, Enforcement and Penalties

The provisions of this regulation and any permits issued hereunder shall be administered and enforced according to the provisions of the Administrative Regulations adopted by this County.

3-402 Severability

If any section, clause, provision, or portion of these regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby and is hereby declared to be necessary for the public health, safety and welfare.

EXHIBIT “4”

TO BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO, RESOLUTION NO. 1978-5-4

CHAPTER 4

MAJOR EXTENSIONS OF EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS

Article 1

GENERAL AND INTRODUCTORY PROVISIONS

4-101 Title and Citation

These various sections constituting Chapter 4 of the “Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand” may be cited as the “Regulations for Major Extensions of Existing Domestic Water Supply and Sewage Treatment Systems” of Grand County.

4-102 Purpose and Intent

The purpose and intent of the regulations contained in this Chapter are as follows:

- (1) To insure that anticipated growth and development that may occur as a result of major extensions of domestic water and sewage treatment systems can be accommodated within the financial and environmental capacity of the development area and source development area to sustain such growth and development.
- (2) To insure the planned and orderly land use development that may occur as a result of major extensions of domestic water and sewage treatment systems within the development area and source development area.
- (3) To regulate the use of land on the basis of the financial and environmental impact thereof on the community or surrounding areas within the development area and source development area.

4-103 Definitions

- (1) **Domestic water and sewage treatment system:** A wastewater treatment plant, water treatment plant, or water supply system and any system of pipes, structures, and facilities; through which wastewater is collected for treatment.
 - (a) **Wastewater treatment plant:** The facility or group of units used for treatment of wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes.
 - (b) **Water supply system:** The system of pipes and structures and facilities through which a water supply is obtained, treated and sold or distributed for human consumption or the system of pipes and structures and facilities through which water is obtained which will be exchanged or traded for water which will be exchanged or traded for water which will be used for human consumption.
 - (c) **Water treatment plant:** The facility or facilities within the water supply system, which can alter the physical, chemical or bacteriological quality of the water.
- (2) **Major extension of an existing domestic water treatment system:** The expansion of existing domestic water treatment plants or any extension of existing water supply systems to service an additional population equivalent of twenty (20) single family dwelling units or the equivalent thereof in other areas.
- (3) **Major extension of an existing sewage treatment system:** Any modification of existing sewage treatment plant to increase hydraulic capacity or upgrade treatment capability or any extension of existing main collector sewer lines or any increase in capacity of existing main sewer lines or any extensions to service a population of twenty (20) or more people or the equivalent thereof in other uses.
- (4) **Source area:** A geographic area or region where moisture falls and drains through natural processes to either streams or lakes or permeates to the groundwater table, analogous to catchment's basin or watershed.
- (5) **Collector system:** A network or pipes and conduits through which sewage flows to a sewage treatment plant.
- (6) **Distribution system:** A network of pipes and conduits through which water is piped to the public for human consumption or a network of pipes and conduits through which water is piped to the public in exchange or trade for water for human consumption.
- (7) **Proposed development:** A major extension of an existing domestic water or sewage treatment system as defined in 4-103 (2) or (3) and includes any proposed land development related to such system if such development is to be located wholly or partially within this County and if such development specifically generates the need for a major extension of an existing major water or sewage treatment system. The term "development area" as used in this regulation, is included within the meaning of "proposed development".
- (8) **Source area development:** That geographic area or region wholly or partially within this County which will be developed or altered in connection with a major extension of existing domestic water and sewage treatment systems, as those terms are defined in 4-102 (2) and (3). The source development area may or may not be the same as the development area.

4-104 Authority

These regulations are adopted pursuant to, inter alia, §24-65.1-101, et seq., and §29-20-101, et seq., C.R.S., 1973.

4-105 Applicability

- (1) These regulations shall apply to the site selection and construction of all major extensions of existing domestic water and sewage treatment systems.

4-106 Non-conforming Uses

- (1) The provisions of this Chapter shall not apply to or affect any development described in §1-105 of the Administrative Regulations adopted by this County, if these regulations were adopted pursuant to only §§24-65.1-101, et seq., C.R.S., 1973.
- (2) The provisions of this chapter shall not apply to any nonconforming use existing on the date the area is designated or subject to regulation, provided that, when such a nonconforming use, except seasonal uses, shall be discontinued, or a nonconforming structure is damaged or destroyed to the extent of at least fifty percent (50%) of the appraised value, any reuse, reconstruction, or replacement of such structure shall be deemed a new use and shall be subject to the provisions of these regulations, except when detrimental to the public health and safety. For the purpose of this section, seasonal uses shall include but not be limited to irrigation systems and recreational areas that operate less than six (6) months per year.

4-107 Relationship of Regulations to Other State and Federal Requirements

- (1) Nothing in these regulations shall be construed as exempting an applicant for a permit from any other requirements of this County or other State or Federal laws and regulations.
- (2) To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.
- (3) Permit requirements included in these regulations shall be in addition to and conformance with all applicable state and federal water quality laws, rules and regulations, including but not limited to, the following:
 - (a) §§25-8-704(1) (a), C.R.S., 1973, sewage treatment plant site approval which provides that no person shall commence the construction or expansion of any sewage treatment works intended to serve more than twenty (20) persons unless site locations and the construction or expansion have been approved and designs therefore reviewed by the Colorado Water Quality Control Commission.
 - (b) §25-8-501, C.R.S., 1973, point source pollutant discharge permit.
 - (c) §208(33 U.S.C. §1288) area wide wastewater treatment management planning.
 - (d) §303(33 U.S.C. §1313) river basin water quality management planning.
 - (e) Disposal of sewage sludge (33 U.S.C. §1345).
 - (f) §32-1-201, C.R.S., 1973, Special District Control Act.
 - (g) 16 U.S.C §661-666(c) (1970), The Fish and Wildlife Coordination Act.
 - (h) §102(c) (42U.S.C. §4321 et seq.), The National Environment Policy Act.

Article 2

DESIGNATION OF MAJOR EXTENSIONS OF EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS

4-201 Designation of Major Extensions of Existing Domestic Water and Sewage Treatment Systems

The Board of County Commissioners having considered the intensity of current and foreseeable development pressures and applicable Guidelines for Identification and Designation adopted and issued by the Colorado Land Use Commission, it is the order of the Board of County Commissioners that major extensions or existing domestic water and sewage treatment systems be designated a matter of state interest and regulated pursuant to the provisions of this Chapter.

4-202 Boundaries of Area Covered by Designation

Major extensions of existing domestic water and sewage treatment systems wholly or partially within this County shall be subject to this designation and regulation.

4-203 Reasons for Designation

Major extensions of existing domestic water and sewage treatment systems is hereby designated as a matter of State interest for the reasons stated in Section 4-102 of this Chapter.

Article 3
PERMIT APPLICATIONS AND PERMITS

4-301 Application Procedures

The procedures concerning permit applications, notice and conduct of permit hearings, review of permit authority decisions, and the issuance and content of permits to engage in major extension of existing domestic water and sewage treatment systems shall comply with the provisions set forth in Article 4 of the Administrative Regulations adopted by this jurisdiction.

4-302 Prohibition of Major Extensions of Existing Domestic Water and Sewage Treatment Systems

- (1) No person may engage in a major extension of a domestic water or sewage treatment system wholly or partially within this County without first obtaining a permit pursuant to these regulations.
- (2) No local authority shall issue a building permit for purposes of a major extension of an existing domestic water or sewage treatment system without the applicant first having obtained a permit pursuant to these regulations.

4-303 Application for Permit

- (1) Any person seeking to develop a major extension of an existing domestic water or sewage treatment system wholly or partially within this County shall apply for a permit from the Permit Authority on the appropriate form prescribed by the Colorado Land Use Commission. (For sewage systems the site application form adopted by the Water Quality Control Commission will be completed and attached to the application form. If the site location is approved by the Permit Authority, the same form may be submitted for action by the Colorado Water Quality Control Commission.)
- (2) Any application for a permit to construct a major extension of an existing domestic water or sewage treatment system shall be accompanied by non-refundable certified funds in the amount of not more than ten percent (10%) of the total cost of the development, but shall not exceed the amount necessary to cover the costs incurred in the review and approval of the permit application, including all hearings conducted therefore.
- (3) An application for a permit to develop a major extension of an existing domestic water or sewage treatment system shall be accompanied by five (5) copies of the following documents and information:
 - (a) An abstract of the proposal indicating the scope and need for the development.
 - (b) Preliminary review and comment on the proposal by the appropriate agency of the Colorado Department of Natural Resources and Colorado Department of Health within sixty (60) days.
 - (c) Alternative potential site locations and degree of feasibility of each.
 - (d) For each alternative expansion being considered by the applicant, the information specified in §4-304 of these regulations.
- (4) Any demographic data needed to fulfill the requirements of this regulation shall be consistent with those used for the 208 area wide waste treatment management planning.

4-304 Submission Requirements

(1) Proponents of Proposal

- (a) Names, addresses and business of all local and other interests proposing site of a major expansion of a domestic water or sewage treatment system.

- (b) Name and qualifications of the person (persons) responding to the requirements detailed in this regulation.

(2) Scope of Proposal

- (a) Provide detailed plans of proposal including proposed system capacity and service area plans mapped at an appropriate scale.
- (b) Provide a description of all existing or approved proposed systems within the development area and source development area.
- (c) Detail the design capacity of each treatment system, and distribution or collection network in the community or development area and source development area.
- (d) Specify the excess capacity of each treatment system and distribution or collection network in the community or development area and source development area.
- (e) Provide an inventory of total commitments already made for current water or sewage services.
- (f) Detail the operational efficiency of each existing system in the development area and source development area, including age, state of repair and level of treatment.
- (g) Detail the source, rights and quality of existing water supply.
- (h) Detail water utilization including historic yield from rights and uses by category such as agricultural, municipal and industrial and supply obligations to other systems.

(3) Demonstrate the need for a major expansion of a domestic water or sewage treatment system.

- (a) Provide population trends for the development area and source development area, e.g., present population, population projections and growth rates.
- (b) Specify the predominant types of developments to be served by the proposed extension water or sewage treatment system.
- (c) Specify at what percentage of the design capacity the current system is now operating.

Water treatment system _____.

Wastewater treatment system _____.

- (d) Specify whether or not present facilities can be upgraded to adequately the ten (10) year projected increased need in treatment and/or hydraulic capacity.

(4) Environmental impact analysis

(a) Land Use:

- (i) Provide a map (at an appropriate scale) detailing existing land uses of the proposed development, source development area and the project service area, including peripheral lands, which may be impacted. The land use map should include, but not necessarily be restricted to the following categories: residential, commercial, industrial, extractive, transportation, communication and utility, institutional, open space, outdoor recreation, agricultural, forest land and water bodies.
- (ii) All immediately affected public land boundaries should be indicated on the map. Potential impacts of the proposed development upon public lands will be visually illustrated on the map as well as described in textual form.
- (iii) Specify whether the proposed project conforms to this County's planning policies.

- (iv) Specify whether the proposed project conforms to regional and state planning policies.
 - (v) Specify whether the proposed project conforms to federal land management policies.
 - (vi) Describe the present use of the land in this development area and source development area.
 - (vii) Detail the present zoning of the land in the development area and source development area.
 - (viii) Detail the agricultural productivity capability of the land in the development area and source development area. (SCS classification.)
 - (ix) Specify how the proposed development will utilize existing easements or rights-of-way for new associated distribution of collector networks.
 - (x) Specify if excess service capabilities created by the proposed development will generate sprawl or strip development.
 - (xi) Specify whether the demand for this project is associated with development within or contiguous to existing service areas.
- (b) **Water Resources:**
- (i) Describe and indicate on an appropriate map relevant surface water bodies (streams, lakes and reservoirs) and groundwater aquifers in the area and their uses. Describe the potential effects of the proposed project on the above-detailed water feature including the effects on present water quality and current uses.
 - (ii) On the same, or another appropriate map, indicate any floodplain associated with the proposed development. Documentation of historical flooding activity should be included. Detail potential, adverse impacts of associated floodplain.
 - (iii) Describe the potential adverse effects of the proposed development upon plant and animal life dependent upon the water resources in question.
- (c) **Air Quality:**
- (i) Detail the impact of proposed development on ambient air quality of the area or community in question.
- (d) **Significant Environmentally-Sensitive Factors:**
Identify and locate on a map of an appropriate scale the juxtaposition of any of the following features present in the proposed development and source development area and its environs and detail the potential impact of the proposed development upon each feature.
- (i) Marshlands and wetlands.
 - (ii) Groundwater recharge areas.
 - (iii) Potential natural hazards.
 - (iv) Forests and woodlands.
 - (v) Critical wildlife habitat.
 - (vi) Public, outdoor recreation areas.
 - (vii) Unique areas of geologic, historic and archaeological importance.

- (e) Visual aesthetics and nuisance factors.
 - (f) Describe what impact the development will have upon transportation patterns in the area.
- (5) Financial impact analysis of major extensions of existing domestic water and sewage treatment facilities will include but not be limited to the following:
- (a) Review and summary of any existing engineering and/or financial feasibility studies, assessed taxable property valuations, property tax collection experience, and all other matter of aid in determining the feasibility of the extension, including such as related to:
 - (i) Service area and/or boundaries.
 - (ii) Applicable methods of transmitting, storing, treating and delivering water and collecting, transmitting, treating and discharging sewerage (including effluent and/or sludge disposal).
 - (iii) Estimated construction costs and period of construction of each major extension component.
 - (iv) Assessed valuation of the property to be included within the service area and/or boundaries.
 - (v) Revenues and operating expenses of the new facility including but not limited to historical and estimated property taxation, service charges and rates, assessments, connection and tap fees, standby charges and all other revenues of the new facility.
 - (vi) Amount and security of proposed debt and method and estimated cost of debt service.
 - (vii) Details of any substantial contract or agreement for revenues (as in “(v)” above) or for services to be paid, furnished or used by or with any person, association, corporation and governmental body.
 - (b) Provide a debt retirement schedule based upon anticipated service fees and tax base.
 - (c) Identification of the person, association, corporation and governmental body that will benefit by, use and will pay any or all of the revenues (as in “(v)” above).
 - (d) If the major extension capacity exceeds the proposed ten (10) year population growth needs as detailed by the appropriate region’s 208 planning demographic projections, then detail the excess service capacity and the cost of such excess capacity to the community.

4-305 Waiver of Submission Requirements

- (1) The permit authority may waive any part but not all of the submission requirements imposed by this regulation upon petition of the applicant that full compliance with the submission requirements would be unreasonably burdensome for the applicant and that the proposed development will have an insubstantial impact on the surrounding area. Such a waiver may be granted, after due consideration by the permit authority, upon a written determination that the proposed development will have an insubstantial impact on the surrounding area. If the Permit Authority decides to waive any part of the submission requirements, such a decision may be immediately re-viewable by the Board of County Commissioners pursuant to an appeal brought in accordance with §1-409 or by the Board’s own motion entered at its next regularly scheduled meeting or twenty (20) days after the permit authority’s decision whichever is later. The Board may reinstate all or part of the submission requirements waived by the Permit Authority. Provided however, that nothing herein is to be construed as limiting the Board’s power to reverse the permit authority’s grant or denial of a permit for the waiver of any of the submission requirements, which the Board considers necessary when a later appeal is brought pursuant to §1-409 objecting to the permit authority’s ultimate decision.
- (2) The petition shall be considered and the decision rendered by the permit authority at a public hearing held in compliance with the provisions of Section 403 of the Administrative Regulations adopted by this County.

4-306 Approval of Permit Application

- (1) A permit application for a major extension of existing domestic water or sewage treatment system shall be approved if the proposed development complies with the following criteria:
- (a) 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 development area and source development area to sustain such growth and development;
 - (b) The proposed development does not conflict with an approved local master plan or other applicable regional, state or federal land use or water plan;
 - (c) The proposed development does not adversely affect either surface or sub-surface water rights of upstream or downstream users within the development area and source development area;
 - (d) Adequate water supplies as determined by the Colorado Department of Health, are available for efficient operational needs;
 - (e) Existing domestic water treatment systems servicing the area must be at or near operational capacity;
 - (f) Existing domestic sewage treatment facilities servicing the area must be at or greater than eighty percent (80%) of operational capacity;
 - (g) The scope and nature of the proposed development will not compete with existing water and sewage services or create duplicate services;
 - (h) Age of existing water and sewage systems, operational efficiency, state of repair or level of treatment is such that replacement is warranted;
 - (i) Area and community development and population trends demonstrate clearly a need for such development;
 - (j) Existing facilities cannot be upgraded or expanded to meet waste discharge permit conditions of the Colorado Water Quality Control Commission;
 - (k) Appropriate easements can be obtained for any associated collector or distribution system that will serve existing and proposed needs;
 - (l) Such development will not encourage strip development or leapfrog development;
 - (m) The benefits of the proposed development outweighs the losses of any natural resources or agricultural lands rendered unavailable as a result of the proposed development;
 - (n) The proposed development will not decrease the quality of peripheral or downstream surface or subsurface water resources below that designated by the Colorado Water Quality Control Commission as established on January 15, 1974 and effective June 19, 1974.
 - (o) The proposed development or its associated collection or distribution system will not be subject to potential natural hazards;
 - (p) The proposed development or its associated collector or distribution system or new service areas will not violate federal or state air quality standards;
 - (q) The proposed development or its associated collector or distribution system will not significantly deteriorate aquatic habitats, marshlands and wetlands, groundwater recharge areas, steeply sloping or unstable terrain, forests and woodlands, critical wildlife habitat, big game migratory routes, calving grounds, migratory ponds, nesting areas and the habitats of rare and endangered species, public outdoor recreational areas, and unique areas of geologic, historic, or archaeological importance;

- (r) The proposed development or its associated collector or distribution system will not significantly degrade existing natural scenic characteristics, create blight, or cause other nuisance factors such as excessive noise or obnoxious odors;
 - (s) The proposed development or its associated collection or distribution system will not create an undue financial burden on existing or future residents within the development area and source development area. The cost of securing an adequate supply of water for existing and future needs of the residents shall be considered in determining whether an “undue financial burden” will result;
 - (t) The development site of a proposed major extension of an existing domestic water or sewage treatment system is not subject to significant risk from earthquakes, floods, fires or other disasters which could cause a system operational breakdown;
 - (u) Any proposed domestic water treatment and distribution system is capable of providing water meeting the requirements of the Colorado Department of Health;
- (2) The permit shall be denied if the applicant fails to satisfy all the criteria outlined in 4-306(1).

Article 4
ADMINISTRATION, ENFORCEMENT AND PENALTIES

4-401 Administration, Enforcement and Penalties

The provisions of this regulation and any permits issued hereunder shall be administered and enforced according to the provisions of the Administrative Regulations adopted by this County.

4-402 Severability

If any section, clause, provision, or portion of these regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby and is hereby declared to be necessary for the public health, safety and welfare.

EXHIBIT “5”
TO BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY COLORADO
RESOLUTION NO.1978-5-4

CHAPTER 5
MUNICIPAL AND INDUSTRIAL WATER PROJECTS

Article 1
GENERAL AND INTRODUCTORY PROVISIONS

5-101 Title and Citation

These various sections constituting Chapter 5 of the “Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand” may be cited as the “Regulations for Municipal and Industrial Water Projects” of Grand County.

5-102 Purpose and Intent

The purpose and intent of regulations contained in this chapter shall be to:

- (1) Insure that municipal and industrial water projects are developed in a manner so as to emphasize the most efficient use of water including to the extent permissible under law, the recycling and reuse of water.
- (2) Insure that urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
- (3) Insure that municipal and industrial water projects are developed in such a manner so as not to pollute rivers, streams, lakes, reservoirs, ponds and aquifer recharge areas within the source development area.

5-103 Definitions

- (1) **Aquifer recharge area:** Any area where surface waters may infiltrate to a water-bearing stratum of permeable rock, sand or gravel. This definition will also include wells used for disposal of wastewater or other toxic pollutants.

- (2) **Efficient use of water:** The employment of methods, procedures, techniques, and controls to insure that the amount of water and purpose for which water is used in this County will yield the greatest possible benefit to the greatest number of people. Such benefits will consider, but not be limited to economic, social, esthetic, environmental and recreational.

- (3) **Municipal and industrial water project:** A system and all integrated components thereof through which a municipality or industry derives its water supply from either surface or subsurface sources. This includes a system and all integrated components thereof through which a municipality or industry derives water exchanged or traded for water it uses for its own needs.

“Municipal and industrial water projects” also means storm water and wastewater disposal systems of a municipality or industry.

- (4) **Recycling:** The treatment of wastewater in a manner that will replenish its quality to the standard established by the Colorado Department of Public Health where permissible by Colorado water law.

- (5) **Source development area:** That geographic area or region wholly or partially within this County which will be developed or altered in connection with the development of a municipal or industrial water project as these terms are defined in §5-102 (3).

5-104 Authority

These regulations are adopted pursuant to inter alia §§24-65.1, et seq., and §29-20-101, et seq., C.R.S., 1973.

5-105 Applicability

- (1) These regulations shall apply to development of municipal and industrial water projects wholly or partially within this County.

- (2) Any person seeking to develop a municipal or industrial water project shall obtain a permit pursuant to these regulations prior to seeking any other permit, rezoning or other action by this County.

5-106 Nonconforming Uses

The provision of this Chapter shall not apply to or affect any development described in §1-105 of the Administrative Regulations adopted by this County, if these regulations were adopted pursuant to only §§24-65.1-101, et seq., C.R.S., 1973.

5-107 Relationship to Other Requirements

- (1) Nothing in these regulations shall be construed as exempting an applicant for a permit from any other requirements of this County or other State or Federal laws and regulations.

- (2) To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

Article 2
DESIGNATION OF MUNICIPAL
AND INDUSTRIAL WATER PROJECTS

5-201 Designation of Municipal and Industrial Water Projects

The Board of County Commissioners having considered the intensity of current and foreseeable development pressures and applicable Guidelines for Identification and Designation adopted and issued by the Colorado Land Use Commission, it is the

order of the Board of County Commissioners that municipal and industrial water projects be designated a matter of State interest and regulated pursuant to the provisions of this Chapter.

5-202 Boundaries of Area Covered by Designation

Development of municipal and industrial water projects within the boundaries of this County shall be subject to this designation and regulation.

5-203 Reasons for Designation

Development of municipal and industrial water projects is hereby designated as a matter of State interest for the reasons stated in §5-102 of this Chapter.

Article 3
PERMIT APPLICATION AND PERMITS

5-301 Application Procedure

The procedures concerning permit applications, notice and conduct of permit hearings, review of permit authority decisions, and the issuance and content of permits to engage in development of a municipal or industrial water project shall comply with the provisions set forth in Article 4 of the Administrative Regulations adopted by this County.

5-302 Prohibition of Development of Municipal and Industrial Water Projects

- (1) No person may engage in development of a municipal or industrial water project in this County without first obtaining a permit pursuant to these regulations.
- (2) No local authority shall issue a building permit for purposes of developing or construction of a municipal or industrial water project without the applicant first having obtained a permit pursuant to these regulations.

5-303 Application for Permit

- (1) Any person seeking to engage in development of a municipal or industrial water project in this County shall apply for a permit from the permit authority on the appropriate form prescribed by the Colorado Land Use Commission.
- (2) Any application for a permit to engage in development of a municipal or industrial water project shall be accompanied by nonrefundable certified funds in the amount of not more than ten percent (10%) of the total cost of the development but shall not exceed the amount necessary to cover the costs incurred in the review and approval of the permit application including all hearings conducted therefore.
- (3) Any application for a permit to engage in development of a municipal or industrial water project shall be accompanied by five (5) copies of the following documents and information:
 - (a) An abstract of the proposal indicating the scope and need for the development.
 - (b) Preliminary review and comments on the proposal by the Colorado Health Department and Colorado Department of Natural Resources within sixty (60) days.
 - (c) Alternative potential site locations and degree of feasibility of each.
 - (d) For each alternative site or expansion area being considered by the applicant, the information specified in §5-304 of these regulations.
- (4) Any demographic data needed to fulfill the requirements of this regulation shall be consistent with those used for the 208 area wide wastewater treatment management planning.

5-304 Submission Requirements

- (1) Proponents of Proposal

- (a) Names, addresses and businesses of all interests proposing the development of a municipal or industrial water project.
 - (b) Name and qualification of persons responding to the requirements of this regulation.
- (2) A detailed report on the proposed municipal or industrial water project to include:
- (a) Location and scope of the proposed project.
 - (b) Current and future needs for such development.
 - (c) Inventory of existing water projects presently serving the municipality or area in question and excess service capacity of each project.
 - (d) Population trends, projections and growth rates (if a municipal project).
 - (e) Primary source of proposed water resource.
- (3) Verification that the proposed water project will not conflict with Federal, State, regional or County planning policies or regulations applicable to land or water resources.
- (4) Detail proposed methods of insuring efficient use of water resources within the municipality or industrial area and the source development area. Such methods should consider metering of all users, examination of rate structures to discourage waste and recycling of water for reuse where permissible by Colorado water law.
- (5) In instances where municipal or industrial wastewater or storm water disposal methods are not subject to and regulated by other State and/or Federal statutes or regulations, detail the proposed methods by which storm waters or wastewaters will be prevented from contaminating aquifers.
- (6) Provide assurance that the proposed municipal or industrial water project is capable of supplying water of a quality to be determined by the Colorado Department of Health.
- (7) Identify and locate on a map of an appropriate scale the juxtaposition of any of the following features present in the source development area and detail the potential impact of the municipal or industrial water project upon each feature:
- (a) Marshlands and wetlands.
 - (b) Groundwater recharge areas.
 - (c) Potential natural hazards.
 - (d) Forests and woodlands.
 - (e) Critical wildlife habitat.
 - (f) Public, outdoor recreation areas.
 - (g) Unique areas of geologic, historic and archaeological importance.
- (8) Describe the potential adverse effects of the diversions of water from the source development area upon plant and animal life dependent upon the water resources in question.
- (9) Describe and indicate on an appropriate map relevant surface water bodies (streams, lakes, reservoirs, etc.) and groundwater aquifers in the source development area and their uses. Describe the affects of the diversion of water for the municipal or industrial water project on the above-detailed water feature (s) including the effects on present water quality, current and foreseeable uses.

- (10) Detail the present zoning of the land in the source development area.
- (11) Detail the agricultural productivity capability of the land in the source development area (SCS classification) and describe the potential effects of the diversion of water for the municipal or industrial water project on that agricultural productivity capability.

5-305 Waiver of Submission Requirements

- (1) The permit authority may waive any part but not all of the submission requirements imposed by this regulation upon petition of the applicant that full compliance with the submission requirements would be unreasonably burdensome for the applicant and that the proposed development will have an impact on the surrounding area. Such a waiver may be granted, after due consideration by the permit authority, upon a written determination that the information to be submitted is sufficient for the permit authority to arrive at a permit decision in full compliance with the law and these regulations and that the proposed development will have an insubstantial impact on the surrounding area. If the permit authority decides to waive any part of the submission requirements, such a decision may be immediately reviewable by the Board of County Commissioners pursuant to an appeal brought in accordance with §1-409 or by the Board's own motion entered at its next regularly scheduled meeting or twenty (20) days after the permit authority's decision whichever is later. The Board may reinstate all or part of the submission requirement waived by the permit authority. Provided however, that nothing herein is to be construed as limiting the Board's power to reverse the permit authority's grant or denial of a permit for the waiver of any of the submission requirements, which the Board considers necessary when a later appeal is brought pursuant to §1-409 objecting to the permit authority's ultimate decision.
- (2) The petition shall be considered and the decision rendered by the Permit Authority at a public hearing held in compliance with the provision of Section 304 of the Administrative Regulations adopted by this jurisdiction.

5-306 Approval of Permit Application

- (1) A permit application for development of a municipal or industrial water project shall be approved if the proposed development complies with the following criteria:
 - (a) The need for the proposed water project can be substantiated.
 - (b) Assurances of compatibility of the proposed water project with federal, state, regional and county planning policies regarding land use and water resources.
 - (c) Municipal and industrial water projects shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
 - (d) Provisions to insure that the proposed water project will not contaminate surface water resources.
 - (e) The proposed water project is capable of providing water pursuant to standards of the Colorado Department of Health.
 - (f) The proposed diversion of water from the source development area will not decrease the quality of peripheral or downstream surface and subsurface water resources in the source development area below that designated by the Colorado Water Quality Control Division on January 15, 1974 and effective June 19, 1974 or below stricter standards subsequently adopted.
 - (g) The proposed development and the potential diversions of water from the source development area will not significantly deteriorate aquatic habitats, marshlands and wetlands, groundwater recharge areas, steeply sloping or unstable terrain, forests and woodlands, critical wildlife habitat, big game migratory routes, calving grounds, migratory ponds, nesting areas and the habitats of rare and endangered species, public outdoor recreational areas, and unique areas of geologic, historic or archaeological importance.
- (2) The permit shall be denied if the applicant fails to satisfy all the criteria outlined above.

Article 4
ADMINISTRATION, ENFORCEMENT AND PENALTIES

5-401 Administration, Enforcement and Penalties

The provision of this regulation and any permits issued hereunder shall be administered and enforced according to the provisions of the Administrative Regulations adopted by this County.

5-402 Severability

If any section, clause, provision, or portion of these regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare.

EXHIBIT "6"
TO BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO
RESOLUTION NO. 1978-5-4

DESIGNATION OF AREA OF STATE INTEREST

Pursuant to C.R.S., 1973, §24-65.1-101, et seq., (1974 Colo. S.L., pp. 335-352), on _____, the Board of County Commissioners of Grand County, Colorado, designated portions of the following lands as a _____ area, and area of State interest: _____

No one may engage in development of said lands without a permit. Maps or other descriptive materials showing the precise boundary of the _____ area and procedures for obtaining a permit area available at the office of the Board of County Commissioners of Grand County in the Grand County Courthouse, Hot Sulphur Springs, Colorado.

DATED THIS _____ day of _____, 20____.

Chairman
Board of County Commissioners of
Grand County, Colorado

EXHIBIT "6"
TO BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO
RESOLUTION NO. 1978-5-4

DESIGNATION OF ACTIVITY OF STATE INTEREST

Pursuant to C.R.S., 1973, §24-65.1-101, et seq., (1974 Colo. S.L., pp. 335-352), on _____, the Board of County Commissioners of Grand County, Colorado designated major extensions of existing domestic water and sewage treatment systems as an activity of State interest. Such activities may not be conducted within Grand County without a permit.

Procedures for obtaining such a Permit are available at the office of the Board of County Commissioners, which is located in the Grand County Courthouse at Hot Sulphur Springs, Colorado.

DATED THIS ____ day of _____, 20 ____.

Chairman
Board of County Commissioners of
Grand County, Colorado

EXHIBIT "6"
TO BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO
RESOLUTION NO. 1978-5-4

DESIGNATION OF ACTIVITY OF STATE INTEREST

Pursuant to C.R.S., 1973, §24-65.1-101, et seq., (1974 Colo. S.L., pp. 335-352), on _____, the Board of County Commissioners of Grand County, Colorado designated site selection and construction of major new domestic water and sewage treatment systems as an activity of State Interest. Such activities may not be conducted within Grand County without a permit.

Procedures for obtaining such a permit are available at the office of the Board of County Commissioners, which is located in the Grand County Courthouse at Hot Sulphur Springs, Colorado

Dated this ____ day of _____, 20 ____.

Chairman
Board of County Commissioners of
Grand County, Colorado

EXHIBIT "6"
TO BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY COLORADO
RESOLUTION NO. 1978-5-4

DESIGNATION OF ACTIVITY OF STATE INTEREST

Pursuant to C.R.S., 1973, §24-65.1-101, et seq. (1974 Colo. S.L., pp. 335-352), on _____, the Board of County Commissioners of Grand County, Colorado designated municipal and industrial water projects as an activity of State Interest. Such activities may not be conducted within Grand County without a permit.

Procedures for obtaining such a permit are available at the office of the Board of County Commissioners of Grand County, which is located in the Grand County Courthouse at Hot Sulphur Springs, Colorado.

Dated this _____ day of _____, 20 _____.

Chairman
Board of County Commissioners of
Grand County, Colorado

EXHIBIT "6"
TO BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO
RESOLUTION NO. 1978-5-4

APPLICATION FOR A PERMIT
TO CONDUCT A DESIGNATED ACTIVITY OF STATE INTEREST
OR TO ENGAGE IN DEVELOPMENT
IN A DESIGNATED AREA OF STATE INTEREST

To: Permit Authority, _____
(Name of Jurisdiction)

Re: _____, a matter of state interest.

From: _____
(Applicant's name)

(Address)

(Telephone)

Date Submitted: _____

Date Received: _____

1. Matter of State Interest.

The applicant requests that a permit be issued for each of the items checked below:

A permit to engage in development in one or more of the following areas of state interest:

- Mineral Resource areas
- Geologic hazard areas
- Wildfire hazard areas
- Flood hazard areas
- Historical and archeological resource areas
- Significant wildlife area habitats
- Shorelands of major publicly-owned reservoirs
- Areas around airports
- Areas around major facilities of a public utility
- Areas around interchanges involving arterial highways
- Areas around rapid or mass transit facilities

A permit to conduct one or more of the following activities of state interest:

- Site selection and construction of major new domestic water and sewage treatment systems
- Major extensions of existing domestic water and sewage treatment systems

- () Site selection and development of solid waste disposal sites
- () Site selection of airports
- () Site selection of rapid or mass transit facilities
- () Site selection of arterial highways and interchanges and collector highways
- () Site selection and construction of major facilities of a public utility
- () Site selection and development of new communities
- () Efficient utilization of municipal and industrial water projects
- () Conduct of nuclear detonations

2. Proposed Activity or Development.

General description of the specific activity or development proposed (attach additional sheets if necessary): _____

3. General Description.

A general, non-legal description and the popular name, if any, of the tract of land upon which the activity or development is to be conducted (attach additional sheets if necessary): _____

4. Legal Description.

The legal description, including the acreage, of the tract of land upon which the development or the activity is to be conducted, by metes and bounds or by government survey description: (attach additional sheets if necessary): _____

5. Owners and Interests.

Set out below the names of those persons holding recorded legal, equitable, contractual and option interests and any other person known to the applicant having an interest in the property described in paragraph 4, above, as well as the nature and extent of those interests for each person, provided that such recorded interests shall be limited to those which are recorded in the County Recorder's Office of this jurisdiction, the land office of the Bureau of Land Management for this State, the Office of the State Board of Land Commissioners of the Department of Natural Resources, or the Secretary of State's Office of this State. (Attach additional sheets if necessary): _____

6. Submission Requirements.

Submission requirements described in the regulations, which have been adopted by this jurisdiction for each of the activities or areas checked in paragraph 1 above, are attached to this application. Those attachments are identified, by letter or number, and described by title below:

7. Design and Performance Standards.

The attached analyses show that each of the design and performance standards set forth in the regulations for each of the activities or areas checked in paragraph 1 above, will be met. The individual analyses are identified by reference to the

appropriate paragraph or section numbers corresponding to each standard in the appropriate regulations adopted by this jurisdiction.

8. Master Plan.

a. Does the activity or development comply with the master plan of this jurisdiction?

Yes _____ No _____.

b. If it does not comply, please explain how it does not comply. _____

9. Additional Information Required by Local Government

Attach any additional information required by this jurisdiction.

10. Duration of Permit.

The applicant requests a permit for a period of _____

11. Application Fee.

An application fee of _____, (\$ _____),
accompanies this application.

APPLICANT:

By _____
(Name)

(Title)

**EXHIBIT “6”
TO BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO
RESOLUTION NO. 1978-5-4**

**PERMIT ISSUED TO CONDUCT
A DESIGNATED ACTIVITY OF STATE INTEREST**

OR

**TO ENGAGE IN DEVELOPMENT IN A
DESIGNATED AREA OF STATE INTEREST**

IN

THE COUNTY OF GRAND, STATE OF COLORADO

Pursuant to Administrative Regulations and Guidelines for Administration heretofore adopted by the Board of County Commissioners of Grand County, said County has received an application from _____
_____ (hereinafter called “Applicant”) for a permit involving the following matter(s) of State interest:

and has approved that application.

This permit authorizes the Applicant:

1. To _____

2. On the following described tract of land: _____

3. For the following period: _____

4. In accordance with the plans and/or specifications approved by the Permit Authority on the _____ day of _____, 20 _____, as well as the Guidelines for Administration adopted by Grand County for: _____

5. On the condition that the Applicant proceeds in conformity with all applicable Federal and State Statutes and Regulations as well as all applicable local land use controls including, but not limited to, master plans, subdivision regulations, zoning ordinance and building code.

This Permit shall not be effective until:

1. Applicant has filed the proper security with the Permit Authority, pursuant to the provisions of the Administrative Regulations of this jurisdiction in the amount of _____ (\$_____).
2. The designation of any guidelines for the appropriate matter(s) have been finally determined pursuant to C.R.S., 1973, §24-65.1-404.

This Permit is valid for use only by the Applicant and may not be transferred. In the event that the Applicant fails to take substantial steps to initiate the above development or activity within twelve (12) months from the date of this Permit or, if such steps are taken, in the event the Applicant fails to complete the development or activity with reasonable diligence, this Permit may be revoked by the Permit Authority.

Dated this _____ day of _____, 20_____.

Chairman
Permit Authority

STATE OF COLORADO
County of Grand

At a REGULAR meeting of the Board of County Commissioners for Grand County, Colorado,
held at the Court House in Hot Sulphur Springs on Tuesday, the 17th day of
August, A.D. 1999, there were present:

<u>James L. Newberry (Absent)</u>	Commissioner Chairman
<u>Robert F. Anderson</u>	Commissioner
<u>Duane E. Batley</u>	Commissioner
<u>Anthony J. DiCola</u>	County Attorney
<u>Lurline Underbrink Curran</u>	County Manager
<u>Sara L. Roseme</u>	Clerk of the Board

when the following proceedings, among others were had and done, to wit:

RESOLUTION NO. 1999-8- 5

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GRAND
COUNTY, COLORADO ESTABLISHING A "RIGHT TO FARM AND RANCH"
POLICY.

WHEREAS, Production Agriculture in Grand County is defined as property that has produced not less than \$5,000.00 of gross market value agricultural product (food and/or fiber) in four of the past five years. Property that has been deemed to be in production agriculture will no longer be considered as such, if sold for development of any kind. Family transfers for estate purposes, etc., that continue to function as an integral part of the property deemed to be in Production Agriculture, will continue to be defined as Production Agriculture; and

WHEREAS, pursuant to Article 3-5, Title 35, C.R.S., it is declared policy of the State of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products; and further that the general assembly recognizes that when nonagricultural land uses extend into agricultural areas, agricultural operations are forced to cease operations and many others are discouraged from making investments in farm improvements; and that it is the purpose of the Article to reduce the loss to the State of Colorado of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance. It is further recognized that units of local government may adopt ordinances or pass resolutions that provide additional protection for agricultural operations consistent with the interests of the affected agricultural community, without diminishing the rights of any real property interest; and

WHEREAS, the Board of County Commissioners has determined that it is desirable to establish and adopt by resolution a "Right to Farm and Ranch" Policy involving the elements of protection of agricultural operations, education of property owners and the public; and resolution of disputes; and

WHEREAS, the establishment and adoption of such a "Right to Farm and Ranch" Policy would serve and promote the public health, safety and welfare of the citizens of Grand County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Grand County, Colorado, that:

1. **Policy Statement.** It is the policy of the Board of County Commissioners of Grand County, as set forth herein that: Ranching, farming and all manner of agricultural activities and operations within and throughout Grand County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, open space, lifestyle and culture. Given their importance to Grand County, Northwestern Colorado, and the State, agricultural land and operations are worthy of recognition and protection. Notice is hereby given as follows:
 - a. Colorado is a "Right to Farm" State pursuant to C.R.S. 35-3.5-101, et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Grand County's agricultural operations as a normal necessary aspect of living in a County with a strong

rural character and a healthy ranching sector. Those with an urban sensitivity may perceive such activities, sights, sounds and smells only as inconvenience, eyesore, noise and odor. However, State law and County policy provide that ranching, farming and other agricultural activities and operations within Grand County shall not be considered to be nuisances so long as operated in conformance with law and in a non-negligent manner. Therefore, all must be prepared to accept noises odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads storage and disposal of manure predator control, on site storage and marketing of crops or livestock, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, pursuant to C.R.S. 35-5.5-101 and C.R.S. 35-5.5-104, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations.

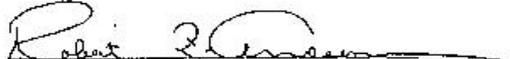
- b. In addition, all owners of land, whether Agricultural Business, Farm, Ranch or Residence, have obligations under State law and County regulation with regard to the maintenance of fences, livestock must be fenced out (open range) as pursuant to C.R.S. 35-46-106, et. seq. Irrigators have the right to maintain ditches through established easements that transports water for their use and said irrigation ditches are not to be used for the dumping of refuse. Landowners are responsible for controlling weeds, keeping pets under control, using property in accordance with zoning, and maintenance of resources of the property wisely (water, soil, animals, plants, air and human resources). Residents and landowners are encourage to learn about these rights and responsibilities and act as good neighbors and citizens of the County. It is not the intent of this policy to require Production Agriculture to be "open space."
2. The Board of County Commissioners hereby establishes a dispute resolution procedure with mediators to informally resolve breach of property right conflicts that may arise between landowners or residents relating to agricultural operations or activities.
 - a. Breach of property rights include, but are not limited to: trespass; harassment of livestock and livestock losses due to free roaming dogs, pursuant to C.R.S. 35-43-126; trespass by livestock and pets; penalties for disrespect of water rights, pursuant to C.R.S. 37-89-101; and open gates or breaking fences, pursuant to C.R.S. 36-46-107.
 - b. Mediators must be knowledgeable with regard to land use conflicts. The Board of County Commissioners will maintain a list of qualified mediators.
 - c. No attorney shall be present at a mediation unless such attorney is the mediator or a party directly involved with the mediation.
 3. Public Education and Information Campaign. The Board of County Commissioners, with the primary assistance of the Colorado State University Cooperative Extension, Grand County Office(s) and through the use of County Staff as needed, shall support efforts to educate and inform the public of the "Right to Farm and Ranch" Policy
 4. Property Owner Notification: The Board of County Commissioners shall notify the owners of land within the County by the following means:
 - a. Whenever, a building permit is issued for new construction in the unincorporated area of Grand County, the Building Department shall provide owner educational material.

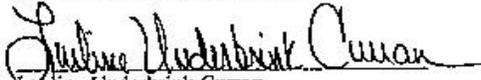
- b. The Board of County Commissioners shall initiate amendments to the County subdivision regulations to provide that notification of the Policy and the Policy Statement shall be made at the time of subdivision or related land use approval and note to the effect shall appear on any Plat outside municipalities urban growth areas so approved.

- 5. This resolution may be amended from time to time by the Board of County Commissioners, Grand County, Colorado.

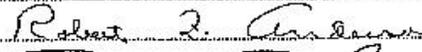
ADOPTED this 17th day of August, 1999.

BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO.


Robert F. Anderson, Chairman


Lorraine Underbrink Curran
County Manager
lmc@co.grand.wv.us

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

James L. Newberry (Absent)	Aye	
	Aye	
	Aye	Commissioners

STATE OF COLORADO }
County of Grand } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Hot Sulphur Springs, this _____ day of _____ A.D. 19____
County Clerk and ex-officio Clerk of the Board of County Commissioners.

At a REGULAR meeting of the Board of County Commissioners for Grand County, Colorado, held at the Court House in Hot Sulphur Springs on Thursday, the 21st day of December, A.D. 1999, there were present:

<u>JANIS L. NEWBERRY</u>	Commissioner Chairman
<u>ROBERT E. ANDERSON</u>	Commissioner
<u>RUANE E. HALLEY</u>	Commissioner
<u>ANTHONY J. RICOLA</u>	County Attorney
<u>LURLINE ANDERSON GURRAN</u>	County Manager
<u>SARA L. ROSSIGNOL</u>	Clerk of the Board

upon the following proceedings, among others were had and done, to wit:

RESOLUTION NO. 1999-12-3

A RESOLUTION PURSUANT TO C.R.S. § 24-68-102(4) SPECIFICALLY IDENTIFYING THE TYPE OR TYPES OF SITE SPECIFIC DEVELOPMENT PLAN APPROVALS WITHIN GRAND COUNTY'S JURISDICTION THAT WILL CAUSE PROPERTY RIGHTS TO VEST AS PROVIDED IN ARTICLE 68 TITLE 24 C.R.S.

WHEREAS, in light of amendments made to the existing vested rights statutes by HB99-1280, this resolution is adopted to establish a vested property right for a subdivision final plat, subdivision exemption final plat, outright exemption final plat, final cluster development plan or as otherwise agreed between the Board of County Commissioners and the landowners for a specific project or development:

DEFINITIONS

"Site Specific Development Plan"

A final plat which has been submitted to the county as part of a subdivision final plat, subdivision exemption final plat, outright exemption final plat, final cluster development plan or as otherwise agreed between the Planning Commission, Board of County Commissioners and the landowner(s) for a specific project or development, to establish a vested right pursuant to Article 68 of Title 24, C.R.S., and which describes with reasonable certainty the type and intensity of the proposed land use for a specific parcel or parcels of property.

"Development Agreement"

The agreement between the owner and county which specifies the terms and conditions of approval. This agreement implements the site specific development plan which establishes vested rights under Article 68 of Title 24, C.R.S.

VESTED RIGHTS

- (A) A vested property right may be established pursuant to Article 68 of Title 24, C.R.S., as amended, after the following events occur:
- (1) A site specific development plan is reviewed by the Planning Commission and approved by the Board of County Commissioners as part of a subdivision final plat (or amended final plat), subdivision exemption final plat (or amended final plat), outright exemption final plat (or amended final plat), final cluster development plan (or amended final cluster development plan) or as otherwise agreed between the Board of County Commissioners and the landowners for a specific project or development
 - (B) The Board of County Commissioners shall sign a resolution approving the final plat or final cluster development (or amended final plat or amended final cluster development plan) and associated site specific development plan request, and the Chairman of the Board shall sign a development agreement in a form acceptable to the County or a development agreement where warranted in light of all relevant circumstances is entered into by the Board of County Commissioners with the landowner, which by its terms

specifically grants a vested property right. Those circumstances may include but are not limited to the type and intensity of use, the size and phasing of the development, economic cycles, and market conditions. If these documents are signed on different dates, the date of the later signature shall be the date of establishment of the vested rights.

- (C) Once established, the vested right shall remain in effect for three years, unless the Board of County Commissioners determines, as part of the site specific development plan approval, that a longer period is warranted in light of relevant circumstances. Those circumstances may include but are not limited to the type and intensity of use, the size and phasing of the development, economic cycles, and market conditions. Any amendment to an approved site specific development plan shall not extend the three year vesting period unless the Board of County Commissioners expressly authorizes an extension based on the foregoing criteria.
- (D) No activity or use authorized by an approval granted under this resolution shall be allowed to commence unless a vested right is first established as required in this resolution, and all other post-approval requirements have been met.

A notice shall be published in a local newspaper of general circulation no later than 14 days after the Board of County Commissioners approve and sign the resolution (Development Agreement).

- (B) This notice shall advise the general public that a development agreement has been approved and that a vested property right has been created pursuant to this resolution.
- (C) The notice shall read as follows:

NOTICE

Notice is hereby given that on the _____ day of _____, 20____, the Grand County Board of County Commissioners approved by Resolution No. _____ a site specific development plan for the property and purpose described below, which approval may have created a vested property right pursuant to C.R.S. 24-68-101, et. seq.

Owner: _____
Legal Description: _____
Type and intensity of proposed use: _____
Published in [newspaper] (date) _____

The effective date of this Resolution is December 31, 1999.

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

James L. Newberg Aye
Robert J. Anderson Aye
Dwaine F. Dooly Aye

Commissioners

STATE OF COLORADO } ss.
County of Grand

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have herunto set my hand and affixed the seal of said County, at Fort Sulphur

Spring, this _____ day of _____, A.D. 19_____

County Clerk and ex-officio Clerk of the Board of County Commissioners.

Filed for record of 4:30 P M. Clerk MAY 17 1978
Reception No. 153648 Johnny Lou Patten

BOOK 245 PAGE 01

DESIGNATION OF ACTIVITY OF STATE INTEREST

Pursuant to C.R.S., 1973, §24-65.1-101, et seq. (1974 Colo. S.L., pp. 335-352), on Tuesday, the 16th day of May, 1978, the Board of County Commissioners of Grand County, Colorado designated municipal and industrial water projects as an activity of State interest. Such activities may not be conducted within Grand County without a permit.

Procedures for obtaining such a permit are available at the office of the Board of County Commissioners of Grand County, which is located in the Grand County Courthouse at Hot Sulphur Springs, Colorado.

DATED THIS 16th day of May, 1978.



Johnny Lou Patten
Grand County Clerk & Recorder

Elaine S. Carls
Chairman
Board of County Commissioners of
Grand County, Colorado

DESIGNATION OF ACTIVITY OF STATE INTEREST

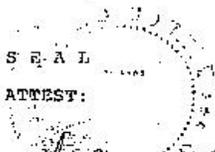
Pursuant to C.R.S., 1973, §24-65.1-101, et seq., (1974 Colo. S.L., pp. 335-352), on Tuesday, the 16th day of May, 1978 the Board of County Commissioners of Grand County, Colorado designated major extensions of existing domestic water and sewage treatment systems as an activity of State interest. Such activities may not be conducted within Grand County without a permit.

Procedures for obtaining such a Permit are available at the office of the Board of County Commissioners, which is located in the Grand County Courthouse at Hot Sulphur Springs, Colorado.

DATED THIS 16th day of May, 1978.

S E A L

ATTEST:


[Signature]
Grand County Clerk & Recorder

[Signature]
Chairman
Board of County Commissioners of
Grand County, Colorado

DESIGNATION OF ACTIVITY OF STATE INTEREST

Pursuant to C.R.S., 1973, §24-65.1-101, et seq., (1974 Colo. S.I., pp. 335-352), on Tuesday, the 16th day of May, 1978; the Board of County Commissioners of Grand County, Colorado designated site selection and construction of major new domestic water and sewage treatment systems as an activity of State interest. Such activities may not be conducted within Grand County without a permit.

Procedures for obtaining such a permit are available at the office of the Board of County Commissioners, which is located in the Grand County Courthouse at Hot Sulphur Springs, Colorado.

DATED THIS 16th day of May, 1978.



James E. Cobble
CHAIRMAN
Board of County Commissioners of
Grand County, Colorado

Barbara Lee Potter
Grand County Clerk & Recorder

At a regular meeting of the Board of County Commissioners for Grand County, Colorado, held at the Court House in Hot Sulphur Springs on Tuesday, the 15th day of May, A.D. 1978 there were present:

- ...Elwin E. Crabtree, Commissioner Chairman
- ...John E. Martling, Commissioner
- ...Herbert A. Ritschard, Commissioner
- ...Richard B. Doucette, County Attorney
- ...S.R. Broome, County Manager
- ...Rosella Simmons, Spac. Dep. Clerk of the Board

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 1978-5-4

A RESOLUTION AND ORDER DESIGNATING CERTAIN ACTIVITIES AS BEING OF STATE INTEREST; ADOPTING REGULATIONS AND GUIDELINES TO BE USED IN CONNECTION WITH MATTERS OF STATE INTEREST; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY AS THE GRAND COUNTY PERMIT AUTHORITY TO RECEIVE APPLICATIONS FOR DEVELOPMENT IN AN AREA OF STATE INTEREST OR FOR CONDUCT OF AN ACTIVITY OF STATE INTEREST AND TO EXERCISE OTHER POWERS GRANTED IT IN CONNECTION THEREWITH; ADOPTING CERTAIN FORMS TO BE USED IN DESIGNATING MATTERS OF STATE INTEREST AND A PERMIT APPLICATION AND PERMIT FORM FOR DEVELOPMENT IN OR CONDUCT OF A MATTER OF STATE INTEREST; AND ESTABLISHING A REASONABLE FEE FOR THE COST OF PROCESSING A PERMIT APPLICATION AND HEARINGS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners of Grand County, State of Colorado, is authorized pursuant to Article 65.1, Title 24 of the Colorado Revised Statutes, 1973, as amended, to establish and designate certain areas and activities of State interest;

AND WHEREAS, the Board of County Commissioners is authorized pursuant to Article 65.1, Title 24, of the Colorado Revised Statutes, 1973, as amended, to adopt guidelines and regulations for administration of areas and activities of State interest;

AND WHEREAS, the Board of County Commissioners is authorized pursuant to Article 65.1, Title 24, of the Colorado Revised Statutes, 1973, as amended, to establish and designate a local Permit Authority to receive applications for development in or conduct of matters of State interest and to exercise other powers in connection therewith;

AND WHEREAS, the Board of County Commissioners is authorized pursuant to Article 65.1, Title 24 of the Colorado Revised Statutes, 1973, as amended, to establish a reasonable fee for the cost of processing applications for development in or conduct of matters of State interest and the holding of hearings in connection therewith;

AND WHEREAS, a public hearing was scheduled and held on May 1, 1978 and continued to this date to consider this Resolution;

AND WHEREAS, public notice of such hearing was published in the Middle Park Times and the Sky-Hi News at least thirty (30) days prior to but within sixty (60) days of such hearing;

AND WHEREAS, copies of the proposed Guidelines and Regulations were made available to the public at the office of this Board of County Commissioners prior to public hearing;

AND WHEREAS, the intensity of current and foreseeable development pressures within the County and applicable guidelines adopted and issued by the Colorado Land Use Commission were considered;

AND WHEREAS, this Board has been granted general authority by the State Legislature to adopt land use regulations;

AND WHEREAS, the Board having considered all of the testimony, regulations, guidelines, exhibits and other evidence presented at said public hearing;

DOTH FIND AS FOLLOWS:

1. That the present and foreseeable intensity of growth and development of the County and resulting demands on its resources make new and innovative measures, including the adoption of the appended Regulations, necessary to encourage planned and orderly land use development; to prevent the waste of unplanned development; to provide for and protect the needs of agriculture, forestry, industry, business, residential communities, and recreation in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to conserve soil, water and forest resources; to protect the beauty of the landscape and to promote the efficient and economical use of public resources.

2. That the adoption of "Administrative Regulations" comprising Chapter 1 of the proposed "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand", in addition to the purposes and findings expressed in such "Administrative Regulations", are necessary to achieve the above objectives and promote the health, welfare and safety of the people of this County and for the protection of the environment of the County.

3. That the establishment of a Grand County Permit Authority and the adoption of Chapter 2 of the proposed "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand", in addition to the purposes and findings expressed in such Chapter 2, are necessary to achieve the objectives set forth above and to promote the health, welfare and safety of the people of this County and for the protection of the environment of the County.

4. That the designation of site selection and construction of major new domestic water and sewage treatment systems as an activity of State interest and adoption of "Regulations for Site Selections and Construction of Major New Domestic Water and Sewage Treatment Systems" comprising Chapter 3 of the proposed "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand", in addition to the purposes and findings expressed in such "Regulations for Site Selection and Construction of Major New Domestic Water and Sewage Treatment Systems", are necessary to achieve the above objectives and to promote the health, welfare and safety of the people of this County and for the protection of the environment of the County.

5. That the designation of major extensions of existing domestic water supply and sewage treatment systems as an activity of State interest and adoption of "Regulations for Major Extensions of Existing Domestic Water Supply and Sewage Treatment Systems" comprising Chapter 4 of the proposed "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand", in addition to the purposes and findings expressed in such "Regulations for Major Extensions of Existing Domestic Water Supply and Sewage Treatment Systems", are necessary to achieve the above objectives and to promote the health, welfare and safety of the people of this County and for the protection of the environment of this County.

6. That the designation of municipal and industrial water projects as an activity of State interest and adoption of "Regulations

for Municipal and Industrial Water Projects" comprising Chapter 5 of the proposed "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand", in addition to the purposes and findings expressed in such "Regulations for Municipal and Industrial Water Projects", are necessary to achieve the above objectives and to promote the health, welfare and safety of the people of this County and for the protection of the environment of this County.

7. That the adoption of the forms appended to this Resolution, specifically "Designation of Areas of State Interest", "Designation of Activity of State Interest", "Permit Application", and "Permit" will facilitate the designation and administration of matters of State Interest.

8. That a fee of ten per cent (10%) of the anticipated development cost of any specific designation activity will reasonably cover the cost of processing Permit Applications and hearings held in connection therewith but under no circumstances shall such fee be more than the actual cost of such processing and hearings.

9. That all requirements of law have been met, all public notices required have been given, and a public hearing has been held as required.

NOW THEREFORE, BE IT RESOLVED:

A. That Chapter 1 of the "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand" (said Chapter being attached hereto as Exhibit "1"), hereinafter to be cited as "Administrative Regulations" is adopted.

B. That Chapter 2 of the "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand" (said Chapter being attached hereto as Exhibit "2"), hereinafter cited as "Permit Authority" is adopted.

C. That the site selection and construction of major new domestic water and sewage treatment systems is designated as an activity of State Interest and Chapter 3 of the "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand" (said Chapter being attached hereto as Exhibit "3"), hereinafter cited as "Regulations for Site Selections and Construction of Major New Domestic Water and Sewage Treatment Systems" is adopted.

D. That the major extensions of existing domestic water supply and sewage treatment systems are designated an activity of State Interest and Chapter 4 of the "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand" (said Chapter being attached hereto as Exhibit "4"), hereinafter cited as "Regulations for Major Extensions of Existing Domestic Water Supply and Sewage Treatment Systems" is adopted.

E. That municipal and industrial water projects are designated an activity of State Interest and Chapter 5 of the "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand" (said Chapter being attached hereto as Exhibit "5"), hereinafter cited as "Regulations for Municipal and Industrial Water Projects" is adopted.

F. That all of the above designations and regulations shall apply to all unincorporated territory of the County of Grand, State of Colorado.

G. That the appended forms (attached hereto as Exhibit "6"), specifically, "Designation of Area of State Interest"; "Designation of Activity of State Interest"; "Permit Application", and "Permit" shall serve, until amended, as the official forms of Grand County to be used in connection with the designation and regulation of all matters of State interest.

H. That a fee of ten per cent (10%) of the anticipated development cost of any designated area or activity of State interest shall be assessed as the cost of processing all Permit Applications and to cover the cost of hearings held in connection therewith, provided however, that such fee shall not be greater than necessary to cover the reasonable costs of processing of all Permit Applications and the hearings held in connection therewith.

I. That a copy of the above specified forms, and the above adopted Regulations shall comprise Chapters 1, 2, 3, 4, 5 and the Appendix of the "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand" to be kept in the office of the Board of County Commissioners of the County of Grand, State of Colorado and available for public inspection.

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

Elwin E. Collier Aye
John E. Marshall Aye
Harbert A. Ritschard Aye

Commissioners

STATE OF COLORADO

County of Grand

ss.

[Signature] County Clerk and ex-officio Clerk of the Board of County Commissioners
In and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Hot Sulphur