

ATTACHMENT A

**PARK COUNTY REGULATIONS
FOR
DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND
MUNICIPAL AND INDUSTRIAL WATER PROJECTS**

FINAL DRAFT FOR BOCC HEARING

UPDATED MARCH 11, 2026

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ARTICLE 1: GENERAL PROVISIONS

101. Title and Citation

These regulations are entitled and may be cited as the “Park County Regulations for Domestic Water and Sewage Treatment Systems and Municipal and Industrial Water Projects” or “Regulations.”

102. Purpose and Intent

These Regulations are intended to protect the health, safety, and general welfare of the public, and to protect the environment of Park County from adverse impacts through requirements that apply to the construction and operation of Domestic Water and Sewage Treatment Systems, Municipal Water Projects, Industrial Water Projects, and extensions thereof, as those terms are defined herein.

103. Findings

The Board of County Commissioners of the County of Park (“Board”) finds that:

- A. All applicable notice and public hearing requirements have been followed.
- B. These Regulations are necessary because of the intensity of current and foreseeable development pressures on and within the County.
- C. These Regulations are necessary to protect the health, welfare, and safety of the public and to protect the environment.

104. Authority

These Regulations are expressly authorized by, inter alia, C.R.S. § 24-65.1-101, et seq., and C.R.S. § 29-20-101, et seq. and any other express and implied powers delegated to Colorado counties under state or federal law.

105. Designated Matters of State Interest

The following designations are in effect as of the effective date of these Regulations and require a permit pursuant to these Regulations:

- A. Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems (“Domestic Treatment Systems”).
- B. Efficient utilization of municipal and industrial water projects and extensions thereof (“Municipal and Industrial Water Projects”).

106. Permit Required to Conduct Designated Matters of State Interest

No person may engage in the construction or development of Domestic Treatment Systems or Municipal or Industrial Water Projects wholly or partially in Park County, whether on public or private land, without first obtaining a Permit or a Finding of No Significant Impact (“FONSI”) under these Regulations.

107. Permit Authority Established

The Board is established as the Permit Authority for purposes of these Regulations.

108. Exemptions from Park County Regulations

Domestic Treatment Systems or Municipal or Industrial Water Projects that are regulated pursuant to these Regulations are exempt from the following Park County Regulations:

- A. Park County Regulations for 1041 Wildlife Habitat Areas, adopted by the Board on September 13, 1999, and the Park County Mineral Resource Area 1041, adopted by the Board in March 2020.
- B. Zoning and Use Regulations in Article V and Use and Development Standards in Article VII of the Park County Land Use Regulations.

109. Statutory Exemptions

Pursuant to C.R.S. § 24-65.1-107, these Regulations do not apply to any activity of state interest designated herein which meets any one of the following conditions *as of May 17, 1974*:

- A. The activity was covered by a current building Permit issued by the County;
- B. The activity had been approved by the electorate of the County; or
- C. The activity is to be on land:
 - 1. Which had been conditionally or finally approved by the County;
 - 2. Which had been zoned by the County expressly for the use contemplated by such activity; or
 - 3. With respect to which a development plan had been conditionally or finally approved by the County.

110. Interpretation with Other Local, State, and Federal Requirements

- A. Whenever the Board finds that the provisions of these Regulations are inconsistent with any other resolution, ordinance, code, regulation, other enactment, or master

plan of the County, the enactment imposing the more restrictive standards or requirements shall control.

- B. If the Board finds that any portion of these Regulations conflict with the statutory criteria in C.R.S. §§ 24-65.1-202 and 204, the more restrictive standards or criteria shall control.
- C. Other than activities that are expressly exempted as provided in Section 108 and 109, these Regulations do not exempt any activity from any other County or local, state, or federal requirements.
- D. Nothing in these Regulations shall be construed as:
 - 1. Enhancing or diminishing the rights of owners of property as provided by the Colorado Constitution or the Constitution of the United States;
 - 2. Modifying or amending existing laws or court decrees pursuant to the determination and administration of water rights.

111. Definitions

The words and terms used in these Regulations shall have the meanings set forth below unless the context requires otherwise:

ADVERSE. Unfavorable, harmful, or negative.

APPLICANT. Any Person, as defined herein, that submits an application for a Permit for a Project pursuant to these regulations.

AQUIFER RECHARGE AREA. Any area where surface water may infiltrate to a water-bearing stratum of permeable rock, sand or gravel. This definition includes wells used for the disposal of wastewater or toxic pollutants.

BOARD. The Board of County Commissioners of the County of Park.

COUNTY. The County of Park, Colorado.

DAY. A calendar day, which is the period from one midnight to the following midnight, unless otherwise specified in these Regulations.

DEVELOPMENT. Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

DOMESTIC TREATMENT SYSTEM. Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems.

DOMESTIC SEWAGE TREATMENT SYSTEM. A system, facility, or group of units and all components thereof with a design capacity of 2,000 gallons per day or more, or the equivalent thereof, used for the treatment of domestic sewage or for the reduction

and handling of solids and gases removed from such wastes, whether or not the facility or group of units is discharging into state waters; and any facility or on-site wastewater treatment system, regardless of design capacity, that discharges directly into state waters.

DOMESTIC WATER TREATMENT SYSTEM. A system for the provision of water for human consumption either directly or by exchange through pipes, reservoirs, or other constructed conveyances, with a design capacity of 15 or more service connections for single family equivalent dwelling units or the equivalent thereof, and all related components of such system.

EFFICIENT UTILIZATION. The employment of methods, procedures, techniques, and controls to yield the greatest possible benefits to the County, while promoting, where feasible and appropriate, the conservation of water and preserving water rights and water supply for future use and water demands of the County. Such benefits will include economic, social, aesthetic, ecological, agricultural, water supply, and recreational benefits.

FONSI. Finding of No Significant Impact pursuant to Article 2 of these Regulations.

IMPACT. Any significant alteration or significant change to the natural or human environment occurring in geographic areas within the County's jurisdiction resulting directly or indirectly from the Project or cumulatively in combination with other past, present, and reasonably foreseeable future development.

IMPACT AREA. Those geographic areas within the County's jurisdiction, whether on public or private land, in which any impacts are likely to be caused by the Project.

INCLUDING. Including without limitation.

INDUSTRIAL WATER PROJECT. A system and all components and extensions thereof that provides water for industrial uses, including water used for such purposes as fabricating, processing, washing, diluting, cooling, or transporting a product; incorporating water into a product; for sanitation needs within the manufacturing facility; or snowmaking.

MAJOR EXTENSION OF AN EXISTING DOMESTIC WATER TREATMENT SYSTEM. The increase in or expansion of existing domestic water service capacity or storage capacity with a design capacity of 15 or more service connections and all related components, or the equivalent thereof.

MAJOR EXTENSION OF AN EXISTING SEWAGE TREATMENT SYSTEM. An increase in existing water treatment service capacity or service capacity that either 1) discharges directly into state waters or 2) with a design capacity of 2,000 gallons per day or more, or the equivalent thereof.

MANAGER. The County Manager of the County of Park, or their designee.

MITIGATION. Steps, actions, measures, or activities that an Applicant may undertake to address known, anticipated, or reasonably foreseeable significant adverse impacts of the Project as identified in the application. The purpose of mitigation is to address significant impacts so that the Project will comply with the applicable Permit Approval Standards.

MONITORING PLAN. A plan that monitors the effectiveness of proposed mitigation that includes 1) proposed locations, frequency, and timing of monitoring; 2) the process for responding when established criteria are not met, established thresholds are exceeded, or mitigation is not effective; and 3) a process and time frame for reporting results and proposed responses to the County.

MUNICIPAL AND INDUSTRIAL WATER PROJECT. Municipal Water Projects, Industrial Water Projects, and extensions thereof.

MUNICIPAL WATER PROJECT. A system and all the components thereof through which a municipality derives its water supply from either surface or subsurface resources, or which otherwise serves a municipality, including extensions thereof.

PERMIT AUTHORITY. The Board of County Commissioners of the County of Park ("Board").

PERSON. Any individual, entity, partnership, corporation, association, company, municipality, or other public or corporate body of the federal government, or any political subdivision, agency, instrumentality, or corporation of the State of Colorado or the United States.

PROJECT. The construction and operation of a proposed activity for which a Permit is sought under these Regulations, including all ancillary structures, facilities, improvements, and activities, and all integrated components thereof.

SIGNIFICANT. Deserving to be considered, important, notable, worthy of consideration, and not trifling or trivial.

SIGNIFICANTLY DEGRADE. To lower in grade or desirability to a significant degree, as opposed to a trifling or trivial degree. "Cause significant degradation" has the same meaning.

SIGNIFICANTLY DETERIORATE. To make inferior in quality or value to a significant degree, as opposed to a trifling or trivial degree. "Cause significant deterioration" has the same meaning.

WETLANDS. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands may include wet meadows, shallow marshes, willow stands, wet forested areas associated with high groundwater or

snowmelt, peatlands, fens, irrigated lands, and other areas along watercourses or where groundwater is near the ground surface. Wetlands that satisfy this definition are protected by these Regulations, whether or not they are subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or the State of Colorado under the Colorado Dredge and Fill Control Regulation, 5 C.C.R. 1002-87.

ARTICLE 2: STEPS IN PERMIT APPLICATION PROCESS

201. Permit or FONSI Required

- A. Any person requesting to develop a Domestic Treatment System or a Municipal or Industrial Water Project wholly or partially within the County, whether on public or private land, must first obtain a Permit or a Finding of No Significant Impact from the Board.
- B. A Project cannot be phased or segmented to avoid the requirements of these Regulations. All phases or elements of the Project must be part of the Permit application.
- C. The County shall not issue a building permit for a Domestic Treatment System or a Municipal or Industrial Water Project until the County has issued a Permit for such activities.

202. Consultants to Assist in Review.

- A. The Manager may engage technical or legal consultants to assist in reviewing pre-application materials, determining if the application is complete, reviewing and processing a complete application, and conducting the hearing.
- B. The Applicant shall pay all costs of technical or legal consultants.

203. Pre-Application Conference

- A. Before submitting an application for a Permit or a request for a Finding of No Significant Impact under these Regulations, the Applicant shall meet with the Manager, other staff, and any appropriate consultants in a Pre-Application Conference.
- B. The purpose of the Pre-Application Conference is to allow the Applicant and the County to discuss the Project informally and to coordinate the County review process with other relevant agencies before a substantial commitment of time and money is made. Topics of discussion may include:
 - 1. The location and nature of the Project.
 - 2. Project impacts and potential mitigation.
 - 3. The content and scope of application materials.
 - 4. Request to waive the requirement to submit any application materials in Article 3 that would not be relevant to whether the application complies with these Regulations.

5. Any authorizations, permits, or other terms and conditions that state, federal, or local agencies have or may impose.
 6. Whether the Applicant may request, and is eligible for, a FONSI.
- C. Before the Pre-Application Conference, the Applicant shall provide the Manager with a Pre-Application Fee and the following pre-application materials, to the extent available:
1. Pre-Application Fee of \$5,000 pursuant to Subpart D herein.
 2. The Applicant's name and contact information. If the Applicant is not the property owner, the name and contact information for the property owner or their representative.
 3. Name and qualifications of the person(s) submitting the pre- application materials.
 4. Description of the Project, including source of water, areas and number of units or people to be served by the Project, and explanation of existing Municipal or Industrial Water Projects and/or Domestic Treatment Systems that fulfill the same or similar function(s) as the Project.
 5. Map prepared at an easily readable scale showing the location of the Project; the Impact Area; and natural and man-made features such as roads, streams, wetlands, floodplains, existing structures in the Impact Area, and elevation contours of 10' at most.
 6. Description and approximate location of proposed buildings, site improvements, and infrastructure.
 7. Information that is sufficient for discussing the degree of adverse impacts associated with the Project.
 8. Description of the alternatives that were considered for the Project and how the Project complies with these Regulations.
- D. Pre-Application Fee.
1. The Applicant shall submit a Pre-Application Fee of \$5,000 before the Pre-Application Conference.
 2. The Manager will deposit the Pre-Application Fee in an interest-bearing account and shall use the account to pay costs of processing the application.
 3. The Manager will maintain accurate records of the manner in which the Pre-Application Fee is used during the Pre-application Conference and pre-application review and coordination with the Applicant and will provide such records and inform the Applicant of the remaining balance upon request.

4. The Pre-Application Fee shall cover the cost of processing a request for a Finding of No Significant Impact.
5. The Manager will apply any unused portion of the Pre-Application Fee toward the Application Fee in Section 302, or in the event the Applicant does not submit an application, the Manager will return the unused portion of the Pre-Application Fee to the Applicant upon request.

204. Finding of No Significant Impact (FONSI)

An Applicant may request that the Manager issue a Finding of No Significant Impact as part of, or after, the Pre-Application Conference and payment of the Pre-Application Fee. The Manager may issue a Finding of No Significant Impact (FONSI) for the Project in accordance with this Section if the Manager determines that the Project will satisfy FONSI criteria based on the Pre-Application Conference and any additional information requested by the Manager.

A. Criteria for FONSI.

1. The Manager may issue a FONSI if the Manager finds that the construction and operation of the proposed Project, in its proposed location and without mitigation, will satisfy the standards in Article 4 of these Regulations.
2. The Manager may impose conditions on the FONSI as necessary to ensure the construction or operation of the Project will satisfy the standards in Article 4.
3. If the Manager issues a FONSI, then the Applicant does not need to obtain a Permit under these Regulations.
4. A FONSI under these Regulations does not exempt a Project proponent from compliance with any applicable special use or conditional use requirements, building permits, or other County, state, or federal requirements.

B. Notice of Manager's FONSI Determination.

1. The Manager shall notify the Applicant by US mail and email, and the Board and County Attorney by email, of its determination to issue or not to issue a FONSI, along with the rationale for their decision.
2. If the Manager issues a FONSI, they shall publish notice of the FONSI once in a County newspaper of general circulation not more than 14 days before the effective date of the determination. The notice shall describe the Project and the rationale for issuing such FONSI.

- C. Call-up of a FONSI Issuance.
1. Within 28 days after publication of the Manager's FONSI decision, the Board may decide at a regular or special meeting that it wishes to reconsider the FONSI.
 2. If the Board chooses to reconsider the FONSI, it shall do so at the next meeting of the Board for which it can accomplish proper notice.
 3. At the reconsideration meeting, the Board will take into account the criteria for a FONSI and the Manager's rationale for such FONSI, and may, in its own discretion, confirm or set aside the Manager's FONSI.
- D. Effective Date of FONSI. The FONSI will be effective within 14 days of publication of the Manager's FONSI decision, unless the Board decides to call up the FONSI decision. If the Board confirms the Manager's FONSI, the FONSI will be effective within 14 days of the Board's decision to do so.
- E. Permit Required if No FONSI. If the Manager or Board determines that a FONSI is not appropriate, the Applicant must obtain a Permit under these Regulations.
- F. Notice of Initiation of Project Construction. If a FONSI is issued, the Applicant shall notify the County and the public of the date that Project construction will begin as follows.
1. The Applicant shall notify the Manager by mail or email at least 30 days before initiating Project construction.
 2. The Applicant shall publish, or shall cause the County to publish, notice in a newspaper of general circulation in the County at least 14 days before initiating Project construction.
 3. The Applicant will post a sign at all access points to the site of the Project that includes a description of where additional information may be obtained about the Project at least 14 days before initiating Project construction.

205. Permit Application Submittal

- A. Within 24 months following the Pre-Application Conference, the Applicant shall submit to the Manager an application for a Permit that includes the application materials that are identified in Article 3, including the Application Fee.
- B. If the Manager does not receive an application within 24 months of the Pre-Application Conference, the Manager shall refund any unused portion of the Pre-Application Fee, and the Applicant must request another Pre-Application Meeting. The Applicant may submit a written request detailing the need for an extension, and the Manager may grant such request in their sole discretion.

206. Completeness Determination on Permit Application

- A. The application is not final, and the County will issue no deadlines for application review, notices, or hearings, until the Manager has determined that the application is complete (“Completeness Determination”).
- B. The Manager will determine whether the application is complete based on whether the materials submitted as part of the application are responsive to the application material requirements in Article 3, including whether the Applicant has paid the Application Fee.
 - 1. If the application is not complete, the Manager will inform the Applicant in writing of the deficiencies and will set a deadline in which the Applicant must correct the deficiencies.
 - a. The Manager shall establish a deadline of at least 28 days by which the Applicant must correct deficiencies. An Applicant may request an alternate deadline, and the Manager shall determine the appropriate deadline in their sole discretion.
 - b. If the Applicant fails to correct the deficiencies before the stated deadline, the Manager will consider the application withdrawn unless the Manager determines that additional time is appropriate.
 - c. The Manager will take no further action on the application until the deficiencies are remedied.
 - 2. If the application is complete, the Manager will date-stamp the application with the date of the completeness determination and notify the Applicant in writing that the application is complete. The Manager’s determination that the application is complete starts the time for application review, setting the hearing date, noticing the hearing, and holding the hearing.
 - 3. The Completeness Determination does not constitute the approval or conditional approval of the Project or any other opinion of the Manager about the application.

207. Board Hearing Scheduled and Notice Published

- A. Not later than 30 days after the Manager deems the application complete, the Manager shall set and publish notice of the date, time, and place for a public hearing on said application.
- B. The Manager shall publish a notice of the hearing once in the County legal newspaper of record not less than 30 calendar days nor more than 60 calendar days before the date set for the hearing.
- C. The notice shall include:

1. The time and place of the hearing.
2. The telephone number or email address where inquiries may be submitted.
3. A short description of the Project, including the location, legal description, and area/size.
4. A short description of the proposed action to be considered by the Board at the hearing.

208. Referral of Application

At any time during the Permit process, the Manager may refer the application to any other local, state, or federal agencies that have expertise pertaining to or jurisdiction over the Project along with a deadline for offering comments.

209. Staff Report

- A. The Manager shall prepare a staff report that summarizes the application and comments from consultants, legal counsel, referral agencies, if any, and the public.
- B. The staff report shall identify any Permit Approval Standards that the Manager believes the Applicant has not satisfied. The Manager may recommend conditions to address any standard that the Applicant has not been satisfied.
- C. The Manager shall provide a copy of the staff report to the Board, the Applicant, and to the public upon request.

210. Board Public Hearing and Permit Decision

- A. At the public hearing, the Board will hear testimony and admit evidence which shall comprise the Hearing Record, including:
 1. Permit application.
 2. Staff testimony, staff report, and recommendations.
 3. Applicant testimony.
 4. Public testimony.
 5. Documents and comments on the Project received prior to the date of the hearing.
- B. At the close of the public hearing, the Board shall approve, conditionally approve, or deny the application. The burden of proof is on the Applicant to demonstrate that the Project complies with these Regulations. The Board's decision shall be based on the information on the Hearing Record.

1. The Board may approve the application if it finds that the Applicant has demonstrated that the Project will comply with each Permit Approval Standard in Article 4 of these Regulations.
2. The Board shall deny the application if the Board finds that the Project does not comply with any one of the Permit Approval Standards in Article 4 of these Regulations.
3. In lieu of denial, the Board may approve the application with conditions if the Board finds that such conditions are necessary to find that the application complies with each Permit Approval Standard.

211. Form of Board Decision.

The Board's decision shall be made by resolution and shall state the reasons for its decision and its findings. A copy of the resolution shall be recorded in the Office of the County Clerk and Recorder. The County shall transmit a copy of the resolution to the Applicant with contact information provided in the application or as such contact information may be updated.

212. Hearing Record.

The Hearing Record shall include the following:

- A. The application.
- B. Staff Report.
- C. Any written statements or documents submitted by any Person commenting on the application.
- D. Any County recording and transcript of the hearing.
- E. Written minutes of the Board hearing.
- F. The resolution of the Board granting, conditionally granting, or denying the application.

ARTICLE 3: APPLICATION MATERIALS

301. Application Materials Generally.

- A. All Materials Required Unless Waived.
 - 1. Request for Waiver. Prior to submittal of the application, an Applicant may submit a written request to the Manager for a waiver of the requirement to submit any of the following application materials.
 - 2. Waiver May be Granted. The Manager may grant a request for a waiver of the requirement to submit any application material(s) if the Manager determines in their sole discretion that, because of the scope, location, scale, or intensity of the Project, the material is not relevant to a determination as to whether the application satisfies the Permit Approval Standards in Article 4 of these Regulations.
- B. Materials Submitted to State or Federal Agencies. The Applicant may submit materials that have been prepared for state, federal, or local agencies to satisfy, in whole or in part, corresponding County application requirements. If such other materials are submitted, the application must identify with specificity the portion of such materials that are relevant to the required County application material for which it is submitted.
- C. References to Other Permits or Agreements. An Applicant may provide an Intergovernmental Agreement, requirements or conditions in another Permit, or other outside materials as evidence that the Project complies with the Permit Approval Standards in Article 4 of these Regulations.
- D. Scope of Application Materials. Unless otherwise stated, application materials should address both the construction and operation of the Project.

302. Application Fee.

- A. Application Fee Required. An Applicant shall submit the Application Fee of \$50,000 in certified funds as part of the application. The Manager may reduce this Application Fee if the Manager determines in their sole discretion that, because of the scope, location, scale, or intensity of the Project, a lower fee amount will reasonably cover all County costs of processing the application.
- B. Pre-Application Fee Balance Deducted. Any unspent Pre-Application Fee amount may be applied toward the Application Fee.
- C. Management of Application Fee.
 - 1. The Manager shall deposit the Application Fee in an interest-bearing account and shall use the account to pay costs of processing the application.

2. The Manager shall maintain accurate records of how the Application Fee is used and will make such records available for inspection by the Applicant and the public at reasonable times as determined by the County.
3. If the balance of the Application Fee falls below \$10,000, the Manager shall notify the Applicant, and the Applicant shall deposit the amount necessary to retain a balance of at least \$25,000 unless the Manager determines reduced amounts are appropriate.
4. Interest earned on the Application Fee account will belong to the Applicant. The County will apply interest toward the costs of processing the application or refund any unspent interest.
5. The County shall reimburse to the Applicant any portion of the Application Fee or any interest earned on such Fee that is not necessary to cover the cost of processing the application.

D. No Action Until Fees Paid.

1. The Manager will not deem the application complete until the Application Fee is paid.
2. The Board will take no action on the application until the Applicant pays all fees and expenses related to processing the application.

303. Applicant Information

- A. The names, addresses, organizational form, and business of the Applicant and, if different, the owner of the Project.
- B. The names, addresses, and qualifications of individuals who are or will be responsible for constructing and operating the Project.
- C. Authorization of the application submittal by the Project owner, if different than the Applicant.

304. Project Information

- A. Detailed plans and schedules for designing, permitting, constructing, and operating the Project, including the estimated life of the Project.
- B. Location of and schematic engineering design drawings for the Project, including all collection, treatment, or distribution systems, and other physical components of the Project.
- C. For any municipal or industrial water project, description of the operational regime for the Project, including the rate and amount of water estimated to be stored, pumped, diverted, and/or released by the Project generally and at peak times. This

description should include changes to the operational regime of existing collection, treatment, or distribution systems that would impact Project operations in Park County.

- D. For Domestic Treatment Systems, a description of the type of treatment proposed including the source of the water for treatment purposes and timing of proposed discharges.
- E. For Projects that will serve water to the County, a map and description of the proposed service area, system capacity, treatment methods and technologies, proposed budget, service plan and service area of the system.

305. Property Rights, Permits, and Other Approvals

- A. A list and copies of all federal, state, and local permits and approvals that have been or will be required for the Project and any proposal for coordinating these processes with the County permitting process.
- B. Description of the Applicant's right to use the water associated with the Project, including adjudicated decrees, applications for decrees, and judicially-decreed augmentation plans.
- C. Copies of all official federal and state consultation prepared for the Project.
- D. Description of mitigation or permit conditions imposed by federal or state authorities.
- E. Copies of any draft or final environmental assessments or impact statement required for the Project.
- F. Description of property rights, easements, and rights-of-way agreements that are necessary for the Project and the status for obtaining the same.

306. Technical and Financial Feasibility

A description of the technical and financial feasibility of the Project, including:

- A. The estimated construction costs and period of construction for each phase or component of the Project
- B. The estimated mitigation costs for the Project.
- C. A description of the persons or entity(ies) who will pay for or use the Project and/or services produced by the Project.
- D. For Projects that will serve water to the County, details of any contract or agreement to serve water.

- E. For Projects that will serve water outside the County, a description of the area to be served and a description of the contracts or agreements with entities to serve water to the extent useful to determine financial feasibility.
- F. Documentation of financial and technical capabilities of the Person proposing the Project in order to demonstrate that the Project will be completed in a reasonable length of time and will comply with County requirements.

307. Surface Water Quality and Quantity Assessment

- A. Baseline. Map and description of surface waters in the Impact Area sufficient to establish a baseline against which to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:
 - 1. Streamflow rates and reservoir levels for average, wet, and dry years and a rationale for the appropriateness of the representative year types and period of record.
 - 2. Timing, duration, frequency, and amounts of flushing flow and channel maintenance flows.
 - 3. Any target flows for agricultural, ecological, municipal, domestic, industrial, and recreational uses and current ability of the affected stream segments to meet target flows, as may be available in local plans.
 - 4. Existing or proposed instream flow water rights affected by the Project.
 - 5. Gold medal and quality waters, as designated by Colorado Parks and Wildlife (CPW), or other waters receiving special designation in Park County.
 - 6. Current Water Quality Control Commission use classifications and designations and surface water quality data collected during three recent, representative, and successive years or as is sufficient to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation.
 - 7. An assessment of whether the Project is consistent with Colorado's Water Plan and the South Platte Basin Implementation Plan, or comparable plans as the names may be revised.
- B. Impact Assessment. Assessment of adverse impacts of the Project to surface water quantity and quality in the Impact Area in average, wet, and dry years, including:
 - 1. Changes in the timing, duration, frequency, and amounts of flows necessary for existing and projected agricultural, ecological, municipal, domestic, industrial, and recreational uses.
 - 2. Point source and nonpoint source pollutant loads.

3. Patterns of water circulation; temperature; substrate conditions; extent and persistence of suspended particulates; and clarity, odor, color, or taste of water.
 4. Applicable Water Quality Control Commission narrative and numeric water quality standards.
 5. Stream segments and waterbodies that are impaired, including any segments listed on the Colorado Department of Public Health and Environment's List of Impaired Waters or Monitoring and Evaluation List (5 CCR 1002-93).
 6. Sediment loading to waterbodies.
 7. Trophic status and eutrophication rates in lakes and reservoirs.
 8. Timing, duration, frequency, and amounts of flushing flows and channel maintenance flows.
- C. Mitigation and Monitoring Plan. A plan for mitigating any identified adverse impacts to surface water quantity and quality, and a Monitoring Plan.

308. Groundwater Assessment

- A. Baseline. Map and description of groundwater resources and existing conditions of groundwater that may be affected by the Project, sufficient to establish a baseline against which to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation. The baseline should include water quality, soil permeability characteristics, aquifer recharge rates, groundwater levels, and a description of other groundwater users in the Impact Area.
- B. Impact Assessment. Assessment of adverse impacts of the Project to groundwater levels and water quality and how such changes would impact other users of aquifers.
- C. Mitigation and Monitoring Plan. A plan for mitigating any identified adverse impacts to groundwater levels and water quality, and a Monitoring Plan.

309. Floodplains, Wetlands, and Riparian Areas Assessment

- A. Baseline. Map and description of all floodplains, wetlands, and riparian areas in the Impact Area sufficient to establish a baseline against which to evaluate Project impacts. The baseline should identify the present structural and functional values of wetlands and riparian areas, including aquatic and riparian species composition, diversity, biomass, productivity, filtering, and nutrient uptake capacities.
- B. Impact Assessment. Assessment of adverse impacts of the Project to floodplains, wetlands, and riparian areas.

- C. Monitoring and Mitigation Plan. A plan for mitigating any identified adverse impacts to floodplains, wetlands, and riparian areas, and a Monitoring Plan.

310. Wildlife and Wildlife Habitat Assessment

- A. Consultation with CPW. The Applicant shall consult with Colorado Parks and Wildlife (“CPW”) in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section and shall provide documentation of such consultation.
- B. Baseline. Map(s) and description of existing wildlife and wildlife habitat in the Impact Area sufficient to establish a baseline against which to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:
 - 1. The status and relative importance of each wildlife species.
 - 2. Any species listed as threatened or endangered under the Endangered Species Act or listed by CPW as State Threatened or Endangered, Species of Special Concern, or Species of Greatest Conservation Need.
 - 3. Critical wildlife habitat including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitats, U.S. Fish and Wildlife Service Critical Habitat, and endangered species habitat.
 - 4. Movement patterns and migration corridors.
- C. Impact Assessment. Assessment of adverse impacts of the Project to wildlife and wildlife habitat.
- D. Mitigation and Monitoring Plan. A plan for mitigating any identified adverse impacts to wildlife and wildlife habitat, and a Monitoring Plan.

311. Terrestrial Plant Assessment and Revegetation/Weed Management

- A. Baseline. Map(s) and description of existing plant life in the Impact Area, including the type, density, and threatened or endangered status of plant species and maps and description of areas of the site that the Project will disturb sufficient to establish a baseline against which to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation.
- B. Impact Assessment.
 - 1. Assessment of adverse impacts of the Project to terrestrial plant life in the Impact Area, including changes in advancement or succession of threatened or endangered species and desirable and less desirable plant species, including noxious weeds.
 - 2. An assessment of Project-related surface disturbances and operations that may impact vegetation and weed propagation.

C. Mitigation and Monitoring Plan.

1. A plan for mitigating any identified adverse impacts to terrestrial plant life, and a Monitoring Plan.
2. A plan for weed management that includes ongoing weed control at all locations disturbed by the Project and along access roads.
3. A plan for revegetating disturbed areas and managing weeds, and a Monitoring Plan. Revegetation provisions that include:
 - a. Limiting disturbance of existing vegetation to no more than thirty (30) calendar days prior to commencement of initial site disturbance.
 - b. Providing for revegetation of areas that have been filled, covered, graded or otherwise disturbed as soon as practicable.
 - c. Requiring site-specific native seed mix or other seeds agreed to by the County
 - d. Demonstrating how topsoil from disturbed areas will be stockpiled on-site for redistribution over the completed final grade. Stockpiling will conform to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

312. Stormwater Management Plan

A plan for detaining stormwater run-off on site during construction and operation of the Project. The applicant may submit a copy of the Colorado Water Quality Control Division Stormwater Permit and *Stormwater Management Plan* to meet this requirement. If unavailable upon application submission, the Manager may defer this application material and recommend the Board adopt the application material as a condition of the Permit.

313. Erosion and Sediment Control Plan

A plan for grading, erosion, and sediment control for the Project that includes the following. If unavailable upon application submission, the Manager may defer this application material and recommend the Board adopt the application material as a condition of the Permit.

- A. A map and description of areas of soil disturbance and cut and fill and a map depicting existing (solid lines) and proposed (dashed lines) contours at two-foot intervals or other contour intervals approved by the Manager.
- B. Narrative description and scaled drawings of specific erosion and sediment control measures, including approximate locations of drainage facilities and drainage patterns on-site and in the Impact Area; and wetlands or other water bodies

receiving storm runoff from the site. Typical erosion control measures should be depicted using standard map symbols.

- C. Construction schedule, indicating the anticipated starting and completion time periods of the site grading and/or construction phases including grading, the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures. This shall include the expected date on which final stabilization will have been completed.
- D. Estimated total cost of the required temporary soil erosion and sediment control measures, to determine performance guarantees for the proposed plan.
- E. Calculations made for determining rainfall runoff and sizing of any sediment basins, diversions, conveyance, or detention/retention facilities.

314. Air Quality Assessment

- A. Baseline. Description of current air quality conditions in the Impact Area sufficient to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation, including ambient air quality, visibility, and state air quality standards of the airsheds to be affected by the Project.
- B. Impact Assessment. Assessment of adverse impacts of the Project to air quality and visibility under both average and worst-case conditions.
- C. Monitoring and Mitigation Plan. A plan for mitigating any identified adverse impacts to air quality and a Monitoring Plan.

315. Visual Quality Assessment

- A. Baseline. A map and description of key scenic resources in the Impact Area, including scenic vistas and viewsheds, designated scenic byways, public areas, and recreational facilities and trails.
- B. Impact Assessment. Assessment of adverse impacts of the Project to the visual quality of key scenic resources in the Impact Area.
- C. Mitigation Plan. A plan for mitigating adverse impacts to visual quality of key scenic resources.

316. Soils, Geology, and Natural Hazards Assessment

- A. Baseline. A map and description of the soils, geologic conditions, and natural hazards that will affect the Project or will be affected by the Project, including topography, soil morphology, soil productivity, natural drainage, avalanche areas, rockslide areas, landslide/earthflow area, mud flows and debris fans, unstable and

potentially unstable slopes, special seismic considerations, areas of high radioactivity, subsidence areas, expansive soils and rock, soil erosion potential, and wildfire hazard areas.

- B. Impact Assessment. Assessment of the adverse impacts of the Project to soils, geologic conditions, and natural hazards; and risks to the Project from geologic conditions and natural hazards.
- C. Mitigation and Monitoring Plan. A plan for mitigating any identified adverse impacts to soils and geologic conditions within the Impact Area, a plan for mitigating the risk of natural hazards to the Project, and a Monitoring Plan.

317. Land Use Patterns Assessment

- A. Baseline.
 1. An assessment of existing land uses in the Impact Area sufficient to establish a baseline against which to evaluate Project impacts and ensure the adequacy of proposed mitigation.
 2. Description of the County Strategic Master Plan and other relevant land use plans adopted by the County, municipalities, and state or federal land managers, and an assessment of whether the Project will comply with those provisions.
- B. Impact Assessment. Assessment of the adverse impacts of the Project to land use patterns in the Impact Area.
- C. Mitigation Plan. A plan for mitigating any identified adverse impacts to County land use patterns.

318. Housing Assessment

- A. Baseline. A description of the workforce associated with the Project, including resident and nonresident workers and associated salary ranges.
- B. Impact Assessment. Assessment of the adverse impacts of the Project on overall housing availability, including whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and an assessment of the potential to displace existing residents.
- C. Mitigation Plan. A plan for mitigating any identified adverse impacts to housing in the County.

319. Nuisance Assessment

- A. Impact Assessment. An assessment of noise, glare, dust, fumes, vibration, and odor predicted to be caused by construction or operation of the Project.

- B. Mitigation and Monitoring Plan. A plan for mitigating any identified nuisances caused by construction or operation of the Project and a Monitoring Plan that addresses each nuisance.

320. Public Services and Facilities Assessment

- A. Baseline. A description of the existing public services and facilities impacted by the Project sufficient to establish a baseline against which to evaluate Project impacts and ensure the adequacy of proposed mitigation, including emergency services, law enforcement, roads, water and wastewater treatment, water supply, infrastructure, and other services necessary to accommodate the Project.
- B. Impact Assessment. Assessment of the adverse impacts of the Project on public services and facilities in the Impact Area.
- C. Mitigation Plan. A plan for mitigating any identified adverse impacts to public services and facilities.

321. Development and Population Demands

For Projects that will serve water to the County, an assessment of whether the Project is necessary to meet projected community development and population demands in the area to be served by the Project and an assessment of the area's existing financial and environmental capability to sustain growth and development from the Project.

322. Existing Domestic Water and Sewage Treatment Systems and Municipal and Industrial Water Projects in the County

For Projects that will serve the County, an assessment of whether the Project will result in the proper utilization of existing and proposed facilities and systems, including those that perform the same or related function as the Project, including:

- A. Map and description of existing Domestic Water and Sewage Treatment Systems and Municipal and Industrial Water Projects that are in the area to be served by the Project, including their capacity and existing service levels and reasons for and against connecting to those facilities.
- B. If the Project is a replacement or expansion of an existing system serving the County, explanation of the necessity of replacement or expansion.
- C. Map and description of water and/or management agencies in the area to be served by the Project and reasons for and against consolidation with those agencies.

323. Efficient Utilization of Project.

A description of water conservation and efficiency techniques that the Project will utilize, including water use, recycling, and reuse technology that will be deployed.

324. Road Improvements and Maintenance Plan

In addition to access or road use permits that may be required from the County, a plan for improvements and maintenance of County roads and County rights-of-way, infrastructure, or facilities necessitated by the construction and operation of the Project which includes the following. The plan may be preliminary and should identify a proposed process for finalizing the plan and notifying the County.

- A. Description of necessary upgrades and ongoing maintenance practices on proposed construction routes, including whether the applicant or the County will conduct such upgrades and maintenance. Maintenance practices may include dust suppression, snow and ice management, grading, and any pothole patching, repaving, crack sealing, or chip sealing necessary to maintain an adequate surface.
- B. Description of necessary upgrades or ongoing maintenance for any County rights-of-way, drainage structures, stormwater infrastructure, or other County infrastructure or facilities impacted by the Project, including whether the applicant or the County will conduct such upgrades and maintenance.
- C. Estimated costs of ongoing maintenance and repair and of any necessary improvements required in order for the Project to proceed.

325. Traffic Assessment

- A. Baseline. Description of the existing traffic conditions of all road segments in the Impact Area that the Applicant has identified as construction routes or permanent access routes for the Project, sufficient to form a baseline against which to evaluate Project impacts and ensure the adequacy of proposed mitigation, including trips generated by vehicle type on average and at peak times and the existing level of service for those road segments.
- B. Impact Assessment. Assessment of the adverse impacts of the Project on existing traffic conditions of all road segments in the Impact Area that the Applicant has identified as construction routes or permanent access routes for the Project.
- C. Mitigation Plan. A plan for mitigating any identified adverse impacts associated with traffic conditions of all road segments in the Impact Area that the Applicant has identified as construction routes or permanent access routes for the Project.

326. Emergency Preparedness and Response Plan

A plan that addresses preparedness and response for emergency events such as explosions, fires, toxic emissions, transportation of hazardous materials, and vehicle accidents or spills. The plan shall include proof of adequate personnel, supplies, and funding to implement the Plan. The plan may be preliminary and should identify a proposed process for finalizing the plan and notifying the County.

327. Hazardous Materials Management Plan

A management plan for the use, storage, transport, disturbance of, or production of hazardous materials that includes:

- A. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the Project, including type, amount, and location of such substances; the Material Safety Data Sheet (MSDS); the practices and procedures to be implemented to avoid accidental release and exposure; and any foreseeable impacts to the environment of such substances.
- B. Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment measures.
- C. Measures, procedures, and protocols for spill prevention, storage, and containment.
- D. Measures, procedures, and protocols for reporting spills and storage to County, state, and federal officials.
- E. Measures, procedures, and protocols for clean-up and contingency and description of the financial security for these provisions.
- F. If the plan is preliminary, discuss the proposed process for finalizing the plan and notifying the County.

328. Economic Assessment

- A. Baseline. Description of the economic conditions of the County and communities in the Impact Area, sufficient to establish a baseline against which to evaluate the economic impacts of the Project and ensure the adequacy of proposed mitigation, including existing revenues generated by the different economic sectors and the value, use, or productivity of different lands.
- B. Impact Assessment. Assessment of adverse impacts of the Project on the economy of the County and communities in the Impact Area that includes:
 - 1. Changes to projected revenues generated from each economic sector.
 - 2. Changes to employment characteristics.
 - 3. Changes in the value or productivity of any lands.
 - 4. Changes in opportunities for economic diversification.
- C. Mitigation Plan. A plan for mitigating any identified adverse impacts to the economy of the County and communities in the Impact Area.

329. Agriculture and Grazing Assessment

A. Baseline.

1. A description of agricultural lands, operations, and grazing on public and private lands in the Impact Area.
2. An assessment of the existing and potential County revenues and other economic benefits derived from such agricultural lands, operations, and grazing in the Impact Area sufficient to establish a baseline against which to evaluate the Project impacts and ensure the adequacy of proposed mitigation.

B. Impact Assessment. Assessment of the adverse impacts of the Project on agricultural resources and economic benefits derived from such resources in the Impact Area.

C. Mitigation Plan. A plan for mitigating any identified adverse impacts of the Project on agricultural resources and County revenues derived from such uses in the Impact Area.

330. Recreation and Tourism Assessment

A. Baseline. A map and description of the recreational and tourism uses on both public and private land in the Impact Area including visitor days and revenues sufficient to establish a baseline against which to evaluate the Project impacts and ensure the adequacy of proposed mitigation.

B. Impact Assessment. Assessment of the adverse impacts of the Project on recreation and tourism and County revenues derived from such uses.

C. Mitigation Plan. A plan for mitigating any identified adverse impacts of the Project on recreation and tourism and County revenues derived from such uses.

331. Assessment of areas of historical, paleontological, or archeological significance.

A. Baseline. A map and description of all areas historical, paleontological, or archeological significance in the Impact Area, sufficient to establish a baseline against which to evaluate the Project impacts and ensure the adequacy of proposed mitigation.

B. Impact Assessment. Assessment of the adverse impacts of the Project on areas of historical, paleontological, or archeological significance in the Impact Area.

- C. Mitigation Plan. A plan for mitigating any identified adverse impacts of the Project on areas of historical, paleontological, or archeological significance in the Impact Area.

332. Alternatives Analysis

A description of the alternatives in the County considered for the Project and how the Project is the practicable alternative that has the least adverse impact to the County.

ARTICLE 4: PERMIT APPROVAL STANDARDS

401. General Considerations

The burden of proof is on the Applicant to demonstrate that the Project complies with these standards. In making its determination as to whether the Applicant has demonstrated that the Project complies with these standards, the Board shall consider all evidence on the Hearing Record, including the application materials which include proposed mitigation and monitoring.

402. Necessary Property Rights, Permits, and Approvals

The Applicant has obtained or will obtain all property rights, permits, and approvals necessary for the Project. If the Applicant has not obtained all necessary property rights, permits and approvals, the Board may, at its discretion, require the Applicant to obtain all property rights, permits, and approvals necessary for the Project as a condition of the Permit or may defer approving the application until the outstanding property rights, permits, and approvals are obtained.

403. Technical and Financial Feasibility

The Project is technically and financially feasible.

404. Impairment of Property Rights

The Project will not have a significant adverse impact on private property rights in the County.

405. Surface Water Quality and Quantity

A. The Project will not significantly degrade flows, hydrology, water quality, and the capacity or functioning of streams, lakes, or reservoirs within the Impact Area. This determination shall include the following considerations:

1. Preservation of the current existing agricultural, ecological, municipal, domestic, industrial, and recreational users to access water supplies and maintenance of adequate water quality to continue such uses.
2. Changes to the natural hydrograph in average, dry, and wet years.
3. Sediment loading to waterbodies.
4. Stream channel or shoreline stability.
5. Flushing and channel maintenance flows.
6. Changes in concentrations of pollutants over baseline conditions.

7. Changes in total suspended solid concentrations.
 8. Changes to stream sedimentation, channelization, and geomorphology will be minimized unless implemented to improve aquatic habitat and water quality conditions
- B. The Project will not cause significant deterioration of aquatic life or aquatic habitat within the Impact Area.
 - C. Urban development, population densities, and site layout and design of storm water and sanitation systems associated with the Project shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas within the Impact Area.

406. Groundwater

The Project will not significantly degrade groundwater quality within the Impact Area, including aquifer recharge rates, groundwater levels, and aquifer capacity, and that the Project will not reduce the capacity, function, and quality of wells within the Impact Area.

407. Floodplains, Wetlands, and Riparian Areas

The Project will not significantly deteriorate floodplains, wetlands, and riparian areas in the Impact Area, including:

- A. Structure and function of wetlands and unique, rare, delicate, or irreplaceable riparian areas, vegetation, forests, or woodlands.
- B. Filtering and nutrient uptake capacities of wetlands and riparian areas.
- C. Aerial extent of wetlands and evolution of wetland species to upland species.

408. Wildlife and Wildlife Habitat

The Project will not significantly deteriorate wildlife, wildlife habitat, or wildlife movement patterns in the Impact Area.

409. Terrestrial Plants

The Project will not significantly deteriorate terrestrial plants in the Impact Area.

410. Revegetation and Weed Management

Areas disturbed by Project will be revegetated and maintained in conformance with the *Revegetation and Weed Management Plan*, and the Project will not result in the intrusion of noxious weeds or other invasive species.

411. Stormwater Management

Run-off shall be managed in accordance with the *Stormwater Management Plan* in order to minimize adverse impacts to water quality in the Impact Area. If applicable, the Applicant shall obtain a Stormwater Discharge Permit from the Colorado Department of Public Health and Environment, Water Quality Control Division.

412. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the *Erosion and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized within the Impact Area.

413. Air Quality

The Project will not significantly degrade air quality in the Impact Area.

414. Visual Quality

The Project will not significantly degrade existing visual quality of key scenic resources in the Impact Area.

415. Soils, Geologic Conditions, and Natural Hazards

- A. The Project is not subject to significant risk from natural hazards such as earthquakes, floods, wildfires, subsidence, expansive soils, avalanches, landslides, and other natural hazards.
- B. The Project will not significantly deteriorate soils and geologic conditions within the Impact Area, including significant deterioration to:
 - 1. Topography, natural drainage, soil morphology and productivity, soil erosion potential, and floodplains.
 - 2. Stream sedimentation, geomorphology, and channel stability.
 - 3. Lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
 - 4. Avalanche areas, mudflows and debris fans, unstable and potentially unstable slopes.
 - 5. Special seismic considerations and subsidence.

416. Land Use Patterns

The Project will not significantly degrade land use patterns within the Impact Area.

417. Housing

The Project will not significantly deteriorate the availability of housing nor cause the displacement of existing County residents during construction or operation of the Project.

418. Nuisance

The Project will neither cause a significant nuisance and will not significantly interfere with the use and enjoyment of property within the Impact Area.

419. Public Services and Facilities

The Project will not have a significant adverse impact on the current or future capability of existing County local government(s) to provide services or on the capacity of their service delivery systems.

420. Capacity of the Area to Sustain Development

For Projects that will serve the County, the growth and development anticipated as a result of the Project can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

421. Proper Utilization of Facilities and Orderly Development in the County

For Projects that will serve the County, the Project will be constructed in areas which will result in the proper utilization of existing treatment facilities and the orderly development of domestic water and sewage treatments systems of adjacent communities.

422. Duplicate Services or Facilities

Where the Project is a wholly new service or facility in the County, the Project will not duplicate existing services and facilities if such existing facilities or services have the legal and physical capacity or can be expanded or consolidated to provide additional services or facilities.

423. Efficient Utilization of Water

The Project will be planned, designed, and operated in a manner that emphasizes the most efficient use of water, including recycling and reuse.

424. Road Improvements and Maintenance

A. The owner will bear the cost of all road upgrades, repairs, and maintenance necessitated by Project construction.

- B. If the projected use of public roads by construction traffic will result in a need for increased roadway maintenance, the owner will enter into an agreement with the Board whereby the owner assumes responsibility for the repairs and additional road and bridge maintenance or reimburses the Board for repairs and maintenance.
- C. The owner will maintain financial assurance to secure the maintenance and repair obligations. The amount of such financial assurance will be determined by, and in the form approved by, the Board.

425. Traffic

- A. Construction traffic within the Impact Area will not significantly degrade local traffic conditions.
- B. All construction routes and permanent access routes within the Impact Area are designed to:
 - 1. Minimize impacts to the public and ensure the safety and quality of life of other users of the County transportation system and affected adjacent residents.
 - 2. Avoid, to the degree practicable, or mitigate impacts to residential areas, commercial areas, environmentally- and visually- sensitive areas, critical wildlife habitat, schools and other civic buildings, and already-congested locations.
 - 3. Accommodate truck and heavy equipment traffic, as applicable, and emergency and fire response.

426. Emergency Preparedness and Response

The Project shall be constructed and operated in conformance with the *Emergency Preparedness and Response Plan* to ensure that, in the event of an emergency, adequate practices, procedures, and infrastructure are in place to protect public health and safety and repair damage caused by emergencies.

427. Hazardous Materials

Hazardous materials will be managed in accordance with the *Hazardous Materials Management Plan* so that the Project will not result in an unreasonable risk of releases of hazardous materials.

428. Local Economy

The Project will not significantly degrade any segment of the County economy.

429. Agriculture and Grazing

The Project will not significantly degrade the quality or value of agricultural lands, operations, and grazing in the Impact Area.

430. Recreation and Tourism

The Project will not significantly degrade recreational and tourism opportunities in the Impact Area.

431. Areas of historical, paleontological, or archeological significance

The Project will not significantly degrade areas of historical, paleontological, or archeological importance within the Impact Area.

432. Least Detrimental Alternative

The Project represents the practicable alternative that has the least adverse impact to the County.

433. Compliance with Reports, Plans, and Studies

The Project will comply with all plans, reports, and studies required under Article 3 of these Regulations.

ARTICLE 5: PERMIT ISSUANCE, EXTENSION, TRANSFER

501. Permits Issued under these Regulations.

- A. Any Permit shall be issued in writing by resolution of the Board.
- B. The County Clerk and Recorder shall record a copy of any Permit.
- C. The Permit shall not be deemed a site-specific development plan subject to the vesting and notice requirements of C.R.S. § 24-68-103.
- D. A Permittee shall comply with all terms and conditions established in the Permit.
- E. The Permit is valid only for the construction and operation of the Project, as described in the application, together with the conditions of approval imposed by the Board. If the Board determines at any time that there are any material changes in the construction or operation of the Project from that described in the application, the Board shall suspend the Permit and hold a public hearing to determine whether new conditions will be required or if the Permit should be revoked.

502. Term of Permit

- A. The Board at its discretion may issue any Permit for the life of the Project, or for a specific period of years.
- B. If the Permittee has not initiated construction of within 12 months of Permit issuance, or a different time period as agreed to by the Permit Authority, or if construction of a permitted Project is delayed for more than 12 months from any approved construction schedule or a different time period as agreed to by the Permit Authority, the Permit shall be void and of no force and effect.

503. Progress Reporting

The Board may require a Permittee to submit progress reports in a form acceptable to the Manager at least annually, or more often as the County may require in a Permit. The purpose of the progress reports is to demonstrate that the Applicant is completing Project development with reasonable diligence and to describe the effectiveness of the proposed Project mitigation.

504. Transfer of Permits

Permits approved by the Board may only be transferred to another person or persons after notice and a public hearing before the Board. In approving a transfer, the Board must determine that:

- A. The proposed transferee can and will comply with all the requirements, terms, and conditions contained in the Permit, these Regulations, and any other applicable law or regulation.
- B. Such requirements, terms, and conditions remain sufficient to protect the health, safety, welfare, and the environment of the County.
- C. The proposed transferee can and will provide an adequate guarantee of financial security.

505. Technical Revision and Permit Amendment

- A. No Changes to Permit Without County Approval. A Permittee may not change the construction or operation of the Project from that which the Board approved in the Permit unless the County approves the change as a Technical Revision or Permit Amendment.
- B. Permit Amendment.
 - 1. A Permit Amendment shall be processed as a new permit pursuant to Articles 2 through 4 of these Regulations.
 - 2. A Permit Amendment is any change in the construction or operation of the Project from that approved in the Permit that is not a Technical Revision because the change increases the size of the Impact Area or the intensity of the impacts of the Project.
- C. Technical Revision. Upon request by the Permittee, the Manager may determine that a proposed change in the construction or operation of the Project from that which the County approved in the Permit is a Technical Revision because there will be no increase in the size of the Impact Area or the intensity of the impacts of the Project.
 - 1. To request a Technical Revision, the Permittee shall submit the following information to the Manager.
 - a. A copy of the current Permit and other County, state, or federal approvals.
 - b. Map(s) and schematic drawings of the Project.
 - c. A written description of the proposed changes to the Project together with construction drawings and plans where changes are contemplated.
 - d. A description of any changes to the mitigation and monitoring established by the Permit to ensure that the proposed Technical Revision complies with these Regulations and any other applicable state or federal law or regulations.

2. The Manager will make their determination as to whether a change is a Technical Revision based on the above materials and any additional information requested by the Manager.
3. If the Manager determines that a change is not a Technical Revision, the County shall process the change as a Permit Amendment.

ARTICLE 6: FINANCIAL SECURITY

601. Financial Security Required.

Before issuing any Permit pursuant to these Regulations, the Board shall require the Applicant to file a guarantee of financial security ("Guarantee"). The purpose of said Guarantee is to assure that the Applicant/Permittee will faithfully perform all requirements of the Permit and applicable regulations adopted by the Board.

602. Amount of Guarantee.

- A. The Permit Authority shall establish the amount of the Guarantee based upon the following criteria:
 - 1. The estimated cost of restoring the Project site and Impact Area to original conditions or to conditions acceptable to the County as necessary to protect public health, safety, welfare, and the environment; and
 - 2. The estimated cost of complying with any Permit conditions.
- B. The Board shall base the amount of the Guarantee on the Applicant's submitted cost estimate plus the County's estimate of any additional cost of bringing in personnel and equipment to accomplish any unperformed obligations of the Guarantee.
 - 1. The Board shall consider the duration of the Project and compute a reasonable projection of increases due to inflation.
 - 2. The Board may, at its sole discretion, allow the Applicant to pay financial guarantees in phases that correspond with the specific need for the financial guarantee.
- C. The Board may review the Guarantee for adequacy at any time, but no less than once each calendar year. If the Board determines that the Guarantee is insufficient to perform the purpose of the Guarantee, the Board shall provide written notice to the Permittee.
 - 1. The Permittee shall post the additional Guarantee within 60 days from the date of the written notice. If the Permittee fails to provide the increased Guarantee within 60 days from the date of the written notice, the Board may schedule a public hearing for possible revocation of the Permit.
 - 2. The Permittee may request a public hearing to dispute the notice to increase the Guarantee. The Board shall schedule a public hearing on the matter and consider the Permittee's rationale.

603. Form of Guarantee

The Guarantee shall be in a form or combination of forms acceptable to the Board, which may include cash, federal certificates of deposit, and irrevocable letters of credit or other similar instruments.

604. Release of Guarantee.

The Board may cause the release of all or a portion of the Guarantee upon the request of the Permittee based on one or more of the following conditions:

- A. The Permittee surrendered the Permit to the Board before the commencement of any physical activity or disturbance associated with the Project.
- B. The Board determines that the Permittee abandoned the Project, and the Permittee returned areas impacted by the Project to their original or other acceptable condition.
- C. The Board determines that the Permittee completed the Project in compliance with the Permit.
- D. The Board determines that the Permittee completed a phase or phases of the Project in compliance with the Permit. The Board may allow partial release of the guarantee, consistent with Project phasing.
- E. The Board determines that the Permittee has satisfied applicable Permit conditions.

605. Forfeiture of Guarantee.

- A. If the Board determines that all or a portion of the Guarantee should be forfeited because the Permittee violated or failed to comply with any terms or conditions of the Permit or these Regulations, the Board shall provide written notice to the surety and the Permittee that the Permittee will forfeit the Guarantee unless the Permittee requests a hearing by the Board within 30 calendar days after the Permittee's receipt of the notice of violation or failure to comply.
- B. If the Permittee does not request a hearing, the Board shall order that all or a portion of the Guarantee forfeited.
- C. If the Permittee requests a hearing, the Board shall hold a public hearing within 60 days after the receipt of the request. At the hearing, the Permittee may present statements, documents, and other information for the Board's consideration with respect to the alleged violation. At the conclusion of the public hearing, the Board shall either withdraw the notice of violation or failure to comply or enter an order forfeiting all or a portion of the Guarantee.

- D. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the guarantee, the Board shall take such steps deemed necessary to recover such costs, including attorney fees, where recovery is deemed possible.

606. Substitute Guarantee.

If a surety holder suspends, cancels, or revokes a Permittee's Guarantee filed pursuant to this Section, the Permittee shall substitute a good and sufficient Guarantee within 28 days after receiving notice thereof. The County Attorney may extend the period for receiving the substitute Guarantee if the Permittee submits a written request detailing the need for such extension. If the Permittee fails to make a substitution in accordance with this Section, the County shall suspend the Permit until proper substitution has been made.

ARTICLE 7: ENFORCEMENT

701. Unlawful to Violate these Regulations.

Any person who violates these Regulations is subject to criminal or civil liability as may be prescribed by law. Each day during which such violation continues shall be deemed a separate offense.

702. All Legal Remedies Authorized.

The County may enforce violations of these Regulations by any legal or equitable means recognized by the Colorado Revised Statutes and Colorado Court Rules.

In addition to any other lawful remedies, the County may use any of the following methods of enforcement either individually or in combination. The County's enforcement authority and remedies set forth in these Regulations are cumulative and in addition to any other remedy provided by law.

- A. Inspect and order the removal or abatement of violations.
- B. Issue a cease and desist or stop work order mandating temporary suspension of any development activity within or associated with the violation or the Project.
- C. Withhold construction or building permit(s) or certificates of occupancy for the Project.
- D. Revoke or suspend the Permit. If the Manager determines that continued operation of the Project presents a significant imminent danger to the health or safety of the public, the Manager has the authority to order the immediate suspension of all operations of the Project pending further avoidance of the danger.
- E. Issue criminal or civil penalties as may be permitted by law.
 - a. Any Person violating these Regulations is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100 or by imprisonment in the county jail for not more than ten days, or by both fine and imprisonment.
 - b. Any Person violating these Regulations may be found civilly liable for such violation and, upon such finding, shall be subject to the imposition, by order of the county court, of a civil penalty in an amount of not less than \$500 nor more than \$1,000.
 - c. The County shall deem each day of a violation of these Regulations a separate violation, subject to continuing penalties.
- F. Assess the costs and expenses (including costs and expenses for administrative actions, publications, attorney fees, and court costs) that the county incurs in the

enforcement of these Regulations. The County may impose a lien for such costs and expenses against the Project as may be permitted by law.

- G. Demand payment, receipt, and County use of any applicable financial security.
- H. Enforce in a court of competent jurisdiction.

703. Administrative Enforcement Procedures.

- A. Notice and Opportunity to Cure Required. Prior to commencement of enforcement proceedings, the County shall first issue a written Notice of Violation and provide a reasonable amount of time, but in any event no less than 28 days from the date of the notice issuance, for the notice recipient to remedy the violation.
- B. Response to Notice. Any person who receives a Notice of Violation shall, prior to or within the time period stated in the Notice:
 - 1. Restore the property to compliance with these Regulations;
 - 2. Request an extension of time in which to achieve compliance with these Regulations. If the Manager does not respond to the timely request for extension, the lack of response shall constitute an extension for the requested time period or 28 days, whichever is shorter in duration; or
 - 3. Deliver to the Manager a written request for an appeal of the Notice of Violation.
- C. Appeal of Notice of Violation. Upon the notice recipient's request for an appeal of a Notice of Violation, the Board shall schedule a public hearing at the next meeting of the Board for which it can accomplish proper notice to determine whether the recipient has violated these Regulations and the appropriate remedy.
- D. Abatement of Violation. If the violation is not abated within the prescribed period, the County may cause the violation to be abated by its employees or by private contract, or by any other means provided by Colorado law. The costs of abating the violation shall be the responsibility of the violating party.

704. Inspection.

- A. Any Permit issued under these Regulations includes a grant of the Permittee's consent of the Manager's right to enter and inspect the project as may be necessary to determine compliances with the terms of the Permit, without prior notice to the Permittee.
- B. A reasonable attempt will be made to provide notice to the Permittee before the Manager enters and inspects, and in particular if the inspection involves high hazard dams.

- C. The Manager will conduct inspections during County business hours unless the Manager has reason to believe public health or safety is in imminent danger and could be jeopardized by any delay in obtaining permission to enter.

ARTICLE 8: PROCESS TO AMEND THESE REGULATIONS

801. Public Hearing by Board

Any amendments to these Regulations regarding areas or activities of state interest shall be made pursuant to a public hearing.

802. Public Notice of Public Hearing

The Manager shall publish a notice of the Public Hearing at least 30 days and not more than 60 days before the hearing, in a newspaper of general circulation in the County. The notice will include the time and place of the hearing, a general description of the regulations to be adopted or amended, and the place at which relevant materials may be examined.

803. Decision to Amend Regulations

After completion of the Public Hearing, the Board will adopt, adopt with modifications, or reject the proposed amendments.

804. Record of Proceedings

The record of decision will include the following materials:

- A. Certificate of publication of the Public Hearing notice.
- B. The minutes of the Public Hearing.
- C. The adopted Regulations.

[END]