

**LUDC
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GARFIELD COUNTY, COLORADO

Article 14: Areas and Activities of State Interest

Article 14

AREAS AND ACTIVITIES OF STATE INTEREST

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ARTICLE 14: AREAS AND ACTIVITIES OF STATE INTEREST

DIVISION 1. GENERAL.

14-101. PURPOSE AND INTENT.

Upon enacting House Bill 1041 in 1974, the state legislature identified several general types of land areas and land use activities that could potentially affect “state interests.” The law authorized counties to designate and regulate certain areas and activities within their respective jurisdictions that fall within those general categories of state interest. The purpose of this Article is to facilitate the identification, designation, and administration of matters of state interest consistent with the statutory requirements and the criteria set forth in C.R.S. § 24-65.1-101, *et seq.*

14-102. AUTHORITY AND SEVERABILITY.

A. Authority.

This Article is authorized by, *inter alia*, C.R.S. §§ 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.

B. Severability.

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

14-103. APPLICABILITY.

This Article shall apply to the Designation and regulation of any area or activity of state interest wholly or partially in the unincorporated areas of Garfield County, whether on public or private land, that has been or may hereafter be designated by the BOCC.

A. Areas of State Interest.

1. Areas around Airports and Heliports. Specifically, the outer extremities of the Imaginary Surfaces for the particular Airport or Heliport, including all lands, water, airspace, or portions thereof which are located within this boundary. If the Noise Impact Boundary extends beyond the outer extremities of the Imaginary Surfaces, the Imaginary Surfaces shall be extended to incorporate the Noise Impact Boundary for purposes of this Article.
2. Areas around Rapid or Mass Transit Facilities, Terminals, Stations, or fixed guideways.

B. Activities of State Interest.

1. Efficient utilization of municipal and industrial water projects.
2. Site Selection and development of Solid Waste Disposal Sites except those sites specified in C.R.S. § 25-11-203(1), sites designated pursuant to Part 3 of Article 11 of Title 25, C.R.S., and hazardous waste disposal sites, as defined in C.R.S. § 25-15-200.3.
3. Site Selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems.

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4. Site Selection and construction for Arterial Highways, Interchanges, and Collector Highways.
 5. Site Selection and construction for Rapid or Mass Transit Terminals, Stations, or guideways.
 6. Site Selection for public Airport or Heliport location or expansion.

14-104. EXEMPTIONS.

A. Statutory Exemptions.

This Article shall not apply to any development in the above identified areas or activities of state interest if any one of the following is true as of May 17, 1974:

1. The specific development or activity was covered by a current Building Permit issued by the County.
2. The specific development or activity was directly approved by the electorate of the State or the County, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity.
3. The specific development or activity is on land which has been finally approved, with or without conditions, for a PUD or land use similar to a PUD.
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.

14-105. INTERPRETATION WITH STATUTES, OTHER ENACTMENTS, AND COMPREHENSIVE PLAN.

A. More Restrictive Standards Apply.

Whenever the provisions of this Article are found to be inconsistent with the statutory criteria for the administration of matters of state interest, or any other resolution, ordinance, code, regulation, or intergovernmental agreement, the enactment imposing the more restrictive standards or requirements shall control.

B. Definitions.

All capitalized terms will have the meaning set forth in Article 15 or the meaning set forth in state law. In the event of a conflict between a Code definition and a state law definition, the state definition will control.

C. Compliance Matters.

Nothing in this Article exempts an Applicant from compliance with any other applicable County requirements or other State, Federal, or local requirements. Nor shall Federal, State, or local approval preempt or otherwise obviate the need to comply with this Article.

D. No Intent to Conflict.

This Article shall not be applied to create an operational conflict with any State or Federal law or regulations.

E. Coordinated Review and Permitting.

Any Applicant for a Permit under this Article that is also subject to the regulations of other State or Federal agencies may request that the County application and review process be coordinated with that of the other agency. The County will attempt to eliminate redundant application submittal requirements and will coordinate its review of the application with that of other agencies as appropriate. To the extent practicable and

appropriate, the County will also attempt to coordinate the terms and conditions of approval with that of other agencies.

14-106. PERMIT REQUIRED.

A. Permit Authority.

The BOCC shall serve as the Local Permit Authority. The BOCC shall exercise all powers and duties granted it by this Code.

B. Permit Required Prior to Engaging in Designated Activity or Development in Designated Area.

No person may engage in a designated activity of state interest, or engage in development in an area of state interest, without first obtaining either a permit (hereinafter "1041 Permit" or "Permit") or a "Finding of No Significant Impact" under this Article.

C. Term of Permit.

Approval of a 1041 Permit shall lapse after 12 months, unless:

1. Activities described in the Permit have substantially commenced; or
2. The BOCC specifies a different time period in which Building Permits must be obtained or activities must commence.

D. Renewal.

A 1041 Permit may be renewed following the same procedure for approval of a new application set forth in Division 4 of this Article. The BOCC may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with this Article.

E. 1041 Permit Not A Site Specific Development Plan.

1041 Permits issued under this Article shall not be considered to be a Site Specific Development Plan and no statutory vested rights shall inure to such permit.

DIVISION 2. DESIGNATION OF AREAS AND ACTIVITIES OF STATE INTEREST.

14-201. APPLICABILITY OF DESIGNATION PROCESS.

The Designation process set forth in this Article shall apply to the Designation of any matter of state interest after the effective date of this Code. The Designation process shall not apply to those matters of state interest designated by the BOCC prior to the effective date of this Code, which Designations shall remain in effect.

14-202. INITIATION OF DESIGNATION REQUEST.

Designations and amendments or revocations of Designations of areas or activities of state interest may be initiated by the BOCC.

14-203. DESIGNATION PROCESS.

A. Public Hearing by BOCC.

A request for Designation of an area or activity of state interest shall be considered by the BOCC at a Public Hearing.

1. **Public Notice.** The Director 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 shall include the time and place of the hearing, a general description of the Designation requested, and the place at which relevant materials may be examined.

B. Matters to be Considered at Designation Hearing.

At the Designation hearing, the BOCC shall consider such evidence as may appear appropriate, including the following considerations:

1. The intensity of current and foreseeable development pressures;
2. The reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
3. Boundaries of the proposed area of state interest; and
4. Conformity with the Comprehensive Plan.

C. Adoption of Designation and Regulations.

Within 30 days after completion of the Public Hearing, the BOCC shall take action by resolution to adopt, adopt with modifications, or reject the proposed Designation and Regulations interpreting and implementing its guidelines for an area or activity of state interest.

1. If the BOCC rejects the Designation and/or proposed Regulations, the BOCC may at its discretion regulate the matter under any other available land use control authority or it may reject regulation of the matter entirely.
2. The BOCC action shall be taken by resolution.
3. Upon adopting a Designation, the BOCC shall adopt Regulations for its administration.

D. Record of Designation Proceedings.

The record of decision shall include the following materials:

1. Certificate of publication of the Public Hearing notice;
2. The minutes of the Designation Hearing;
3. Written findings concerning each of the considerations set forth in section 14-203.B., Matters to be Considered at Designation Hearings; and
4. The recorded resolution adopting the Designation and Regulations.

DIVISION 3. REVIEW PROCESS FOR 1041 PERMIT.

14-301. COMMON REVIEW PROCEDURES.

A. Consultants and Referral Agencies.

The following provisions apply to all 1041 Permit applications.

1. Consultant and Referral Agency Review. The Director may authorize all or a portion of the review of an application to be performed by an outside consultant, and may request comment by referral agencies pursuant to section 4-101.C., Review by Referral Agency.
2. Applicant Responsible for Review Fees. The costs of consultant and referral agency reviews are the responsibility of the Applicant. The costs of consultant and referral agency reviews shall be paid pursuant section 4-101.C., Review by Referral Agency, and section 4-101.D., Evaluation by Director/Staff Review.

B. Pre-Application Conference.

An application for a 1041 Permit shall begin with a pre-application conference between the Applicant and the Director or staff.

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1. Procedure. The Applicant shall make a request for a pre-application conference through the Community Development Department. At the conference, the Director shall explain the regulatory process and requirements and begin to evaluate the appropriate level of review.
 - a. Scheduling of Pre-Application Conference. The Director shall schedule a pre-application conference to be held within 20 days of receipt of a request for a pre-application conference.
 - b. Materials. At or before the pre-application meeting, the Applicant shall submit a brief explanation of the proposed project, including the following materials:
 - (1) The Applicant's name, address, and phone number.
 - (2) Map prepared at an easily readable scale showing:
 - a. Boundary of the proposed activity;
 - b. Relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams, and existing structures; and
 - c. Proposed building, improvements, and infrastructure.
 - (3) Written summary of the project that is sufficient for determining the appropriate level of review.
 - c. Participants. In addition to the Community Development Department staff, participants in the pre-application conference shall include appropriate staff to address potential issues raised by the proposed project.

C. Determination of Level of Permit Review.

There are 3 possible levels of Permit Review for a proposed project. The Director shall make the initial determination of the appropriate level of Permit Review within a reasonable time following the pre-application meeting and submittals. The Director shall notify the BOCC of the level of review within 5 days of the determination.

1. Finding of No Significant Impact. Based upon review of the pre-application submittals and the information obtained at the pre-application meeting, the Director may make a Finding of No Significant Impact and determine that a 1041 Permit is not necessary.
 - a. The Director may make a Finding of No Significant Impact if the construction or operation of the activity, without Mitigation, in its proposed location is unlikely to have any significant adverse impact to the County. The Director's decision shall take into consideration the approval standards set forth in Division 5 of this Article.
2. Major and Minor Permit Review. If the Director does not make a Finding of No Significant Impact, then the Director shall determine whether the proposed project should be subject to the Major Permit Review or Minor Permit Review provisions of this Article.
 - a. Major Permit Review. The Director shall determine that Major Permit Review is required if:
 - (1) The proposed project is likely to have a significant adverse impact in 2 or more categories of standards as described Division 5, 1041 Permit Approval Standards; or
 - (2) The proposed project is likely to have severe adverse impact in any 1 category of standards as described in Division 5 of this Article, 1041 Permit Approval Standards.

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- b. Minor Permit Review. If the proposed project does not warrant Major Permit Review, then it will be processed as a Minor Permit Review.

D. Call-up of Director's Level of Review Determination.

1. Call-up by the Board. The BOCC may, at its discretion, call-up the Director's determination at the next regularly-scheduled meeting of the BOCC for which proper notice by inclusion on the BOCC agenda can be accomplished, following the date of written notice of the determination of level of Permit Review. The BOCC may approve, modify, or reject the Director's determination based on the criteria in section 14-301.C.
2. Request for Call-up. Within 10 days of the date of written notice of the Director's determination, the Applicant may request that the BOCC call up the determination at its next regularly-scheduled meeting for which proper notice can be accomplished by inclusion on the BOCC agenda. The BOCC may approve, modify, or reject the Director's determination based on the criteria in section 14-301.C.

E. Change in Level of Permit Review.

At any time prior to the final decision by the BOCC, the County may decide that information received since the pre-application conference indicates that the nature and scope of the impacts of the proposed project are such that a different level of review is required. If a different level of review is required, the Director shall immediately notify the Applicant, the BOCC, and the County Attorney.

F. Determination of Completeness.

Within 30 business days of receipt of the application materials, the Director shall determine whether the application is complete based on compliance with the submittal requirements set forth in section 14-401, Description of Submittal Requirements.

1. Application is Not Complete. If the application is not complete, the Director shall inform the Applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the Applicant fails to correct the deficiencies within 60 calendar days, the application shall be considered withdrawn and returned to the Applicant.
2. Application is Complete. If the application is complete, the Director shall certify it as complete and stamp it with the date of determination of completeness.
3. Extension of Time for Determination of Completeness. The Director may authorize an extension of time to complete the review for determination of completeness up to an additional 30 business days. The extension of time for determination of completeness shall be based upon the following considerations:
 - a. Scope of Application. The scope of application is sufficient to require additional time for the Director to review the application for a determination of completeness.
 - b. Staff Workload. The Department's workload due to the volume and scope of pending applications justifies the need for an extension of time.

G. Evaluation by Director/Staff Review.

The Director shall review the application to determine if the proposed project satisfies the applicable standards set forth in Division 5 of this Article, 1041 Permit Approval Standards. The Director shall prepare a staff report discussing issues raised by staff and referral agencies, whether the standards have been satisfied, Mitigation

requirements, recommended conditions of approval, and additional information pertinent to review of the application.

H. Notice of Public Hearing.

1. Notice by Publication. At least 30 calendar days but no more than 60 calendar days prior to the date of a scheduled Public Hearing, the Applicant shall have published a notice of Public Hearing in a newspaper of general circulation in the area that the proposed project is located. The notice shall follow a form prescribed by the County.
2. Notice to Adjacent Property Owners. At least 30 calendar days but no more than 60 calendar days prior to the date of a scheduled Public Hearing, the Applicant shall send by certified mail, return receipt requested, a written notice of the Public Hearing to the owners of record of all adjacent property within a 200-foot radius. The notice shall include a Vicinity Map, the property's legal description, a short narrative describing the proposed project, and an announcement of the date, time, and location of the scheduled hearing(s).
3. Proof of Notice. At the Public Hearing, the Applicant shall provide proof of publication and notification of Adjacent Property Owners.
4. Notice to Airport Sponsor. If an application involves areas around Airports or Heliports, or the site selection of an Airport or Heliport, then Applicant must also send by certified mail, return receipt requested, a written notice of the Public Hearing to the Airport Sponsor. The notice shall follow a form prescribed by the County.

14-302. MINOR PERMIT REVIEW PROCESS.

A. Outline of Process.

The Minor Permit Review shall consist of the following procedures:

1. Pre-application conference;
2. Application;
3. Determination of completeness;
4. Evaluation by the Director/Staff review; and
5. Public Hearing and decision by the BOCC.

B. Review Process.

1. Pre-Application Conference. A pre-application conference shall be held in accordance with the provisions of section 14-301.B., Pre-Application Conference.
2. Application. The application materials are set forth in section 14-401, Description of Submittal Requirements.
3. Determination of Completeness. The Director shall review the application for determination of completeness in accordance with the provisions of section 14-301.G., Determination of Completeness.
4. Schedule Public Hearing. Upon a determination of completeness, the Director shall schedule the application for Public Hearing by the BOCC. A public notice of the hearing shall be made pursuant to section 14-301.F., Notice of Public Hearing.
5. Evaluation by Director/Staff Review. Upon determination of completeness, the Director shall review the application and prepare a staff report pursuant to section 14-301.H., Evaluation by Director/Staff Review.

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6. Review and Action by the BOCC. Upon establishing proper public notice, the BOCC shall consider the application at a Public Hearing.
 - a. Decision by Board. The BOCC shall approve, approve with conditions, or deny the application based upon compliance with the applicable standards in Division 5 of this Article, Permit Approval Standards.
 - (1) Approval of Application. If the application satisfies all of the applicable standards, the application shall be approved. The application may be approved with conditions determined necessary for compliance with applicable standards.
 - (2) Denial of Application. If the application fails to satisfy any 1 of the applicable standards, the application shall be denied.

14-303. MAJOR PERMIT REVIEW PROCESS.

A. Outline of Process.

The Major Permit Review shall consist of the following procedures:

1. Pre-application conference;
2. Application;
3. Determination of completeness;
4. Evaluation by the Director/Staff review;
5. Public Hearing and recommendation by the Planning Commission; and
6. Public Hearing and decision by the BOCC

B. Review Process.

1. Pre-Application Conference. A pre-application conference shall be held in accordance with the provisions of section 14-301.B., Pre-Application Conference.
2. Application. The application materials are set forth in section 14-401, Description of Submittal Requirements.
3. Determination of Completeness. The Director shall review the application for determination of completeness in accordance with the provisions of section 14-301.G., Determination of Completeness.
4. Schedule Public Hearing. Upon a determination of completeness, the Director shall schedule the application for Public Hearing by the Planning Commission. Public notice of the hearing shall be made pursuant to section 14-301.F., Notice of Public Hearing.
5. Evaluation by Director/Staff Review. Upon determination of completeness, the Director shall review the application and prepare a staff report pursuant to section 14-301.H.
6. Review and Recommendation by the Planning Commission. After proper notice, the Planning Commission shall consider the application at a Public Hearing.
 - a. Recommendation by Planning Commission. The Planning Commission shall recommend approval, approval with conditions, or denial of the application based upon compliance with the applicable standards set forth in Division 5 of this Article, Permit Approval Standards.

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- (1) Recommendation of Approval. If the application satisfies all of the applicable standards, the Planning Commission shall recommend that the application be approved. The Planning Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.
 - (2) Recommendation of Denial. If the application fails to satisfy all of the applicable standards the Planning Commission shall recommend that the application be denied.
 7. Schedule Public Hearing. The Director shall schedule the application for Public Hearing by the BOCC.
 - a. Public notice of the hearing shall be made pursuant to section 14-301.F., Notice of Public Hearing.
 - b. Public Hearing by the BOCC shall be held within 45 calendar days of the date of the Planning Commission recommendation.
 8. Review and Action by the BOCC. The BOCC shall consider the application at a Public Hearing, upon proper public notice.
 - a. Decision by Board. The BOCC shall approve, approve with conditions, or deny the application based upon compliance with the applicable standards in Division 5 of this Article, Permit Approval Standards.
 - (1) Approval of Application. If the application satisfies all of the applicable standards, the application shall be approved. The application may be approved with conditions determined necessary for compliance with applicable standards.
 - (2) Denial of Application. If the application fails to satisfy any 1 of the applicable standards, the application shall be denied.

14-304. TECHNICAL REVISIONS AND 1041 PERMIT AMENDMENTS.

Any change in the construction or operation of the project from that approved by the BOCC shall require either a “technical revision” or a “1041 Permit Amendment.”

A. Submittals.

To request a technical revision, the Applicant shall submit the following information and materials to the Director:

1. A copy of the current 1041 Permit;
2. As-built drawings of the project;
3. Drawings and plans of proposed changes to the project; and
4. Additional Mitigation plans.

B. Determination of the Type of Amendment.

The Director shall make the initial determination whether a change is a technical revision or a 1041 Permit Amendment within 30 days following receipt of the request and necessary submittals. Within 5 days of the Director’s determination, the Director shall notify the Applicant and the BOCC, in writing, of the determination.

C. Technical Revisions.

A proposed change will be considered a “technical revision” if the Director, in his or her discretion, determines that there will be no increase in the size of the area affected by the project or the intensity of impacts of the project. The Director may determine that

even though the proposed changes will increase the size of the area affected or the intensity of the impacts, the impact is insignificant so as to warrant a technical revision finding. A change to a condition of approval will not be treated as a technical revision. Upon finding that the change is a technical revision, the Director shall approve the change to the 1041 Permit.

D. 1041 Permit Amendments.

Changes other than technical revisions are considered 1041 Permit Amendments. A 1041 Permit Amendment will be treated as a new application and processed according to Division 3 of this Article.

E. Call-Up of Director's Determination.

1. Call-up by the BOCC. The BOCC may, at its discretion, call up the Director's determination that a change is a 1041 Permit Amendment, rather than a technical revision at the next regularly-scheduled meeting for which proper notice by inclusion on the BOCC agenda can be accomplished, following the date of written notice of the determination. The BOCC may approve or reject the Director's determination based on the criteria in section 14-304.B.
2. Request for Call-Up. Within 10 days of the date of written notice of the Director's determination, the Applicant may request that the BOCC call-up the Director's determination at its next regularly-scheduled meeting for which proper notice can be accomplished by inclusion on the BOCC agenda. The BOCC may approve or reject the Director's determination based on the criteria in section 14-304.B.

DIVISION 4. 1041 PERMIT APPLICATION SUBMITTAL REQUIREMENTS.

The following submittal requirements shall apply to any application for a 1041 Permit. The Director may waive 1 or more of the submittal requirements when the submittal information would not be relevant to a determination as to whether the proposed project complies with the approval criteria. The professional qualifications for preparation and certification of certain documents required by this Article are set forth in section 4-203.A, Description of Submittal Requirements.

14-401. DESCRIPTION OF SUBMITTAL REQUIREMENTS.

A. Application Form.

Applicant shall obtain an application form from the Community Development Department.

1. Ownership. The application shall include a deed or other evidence of the owner's fee title interest in the land for which a 1041 Permit is requested.
2. Authorized Applicant. Completed application forms and accompanying materials shall be submitted to the Director by the owner, or any other person having a recognized fee title interest in the land for which a 1041 Permit is proposed, or by any agent acting through written authorization of the owner.
 - a. Authorized Agent. If the Applicant is not the owner of the land, or is a contract purchaser of the land, the Applicant shall submit a letter signed by the owner consenting to the submission of the application.
 - b. Applicant is Not the Sole Owner. If the Applicant is not the sole owner of the land, the Applicant shall submit a letter signed by all

other owners or an association representing all the owners, by which all owners consent to or join in the application.

3. Information About Applicant. The application form shall contain the following information describing the Applicant:
 - a. The name(s), address(es), email address(es), fax number(s), organization form(s), and business(es) of the Applicant, and if different, the owner of the project;
 - b. The names, addresses, and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the project;
 - c. Authorization of the application by the property owner, if different than the Applicant; and
 - d. Documentation of the Applicant's financial and technical capability to develop and operate the project, including a description of the Applicant's experience developing and operating similar projects.

B. Information Describing the Project.

1. Project Narrative. A narrative description of the project, including the location of the proposed facility by reference to its relationship to any physical features, intersections, towns, or other locations, that are generally recognized by the citizens of Garfield County.
2. Identification of Alternatives. Descriptions of alternatives to the project that were considered by the Applicant and reasons why they were rejected.
3. Project Need. The need for the project, including existing/proposed facilities that perform the same or related function and population projections or growth trends that form the basis of demand projections justifying the project.
4. Conformance with Comprehensive Plan. Evidence that demonstrates that the proposed project is in conformance with the Comprehensive Plan, municipal master plans, and any other applicable plans.
5. Maps. Detailed map(s) showing the location of the proposed facilities together with proposed or existing Transportation Corridors, zoning classification, and land use within 2,000 feet.
6. Plans and Specifications. Detailed plans and specifications of the project.
7. Project Schedules. Schedules for designing, permitting, constructing, and operating the project, including the estimated life of the project.
8. Conservation Techniques. Description of all conservation techniques to be used in the construction and operation of the project.

C. Property Rights, Permits, and Other Approvals.

1. A list and copies of all other Federal, State, and local Permits and approvals that have been or will be required for the project, together with any proposal for coordinating these approvals with the County permitting process.
2. Copies of all official Federal and State consultation correspondence prepared for the project; a description of all Mitigation required by Federal, State, and local authorities; and copies of any draft or final environmental assessments or impact statement required for the project.

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3. Description of the water to be used by the project, including the source; amount; the quality of such water; the Applicant's right to use the water, including adjudicated decrees, applications for decrees, proposed points of diversion, and the existing uses of water; and any alternative water sources available to the Applicant. If an Augmentation Plan has been filed in court, the Applicant must submit a copy of that plan.

D. Description of Technical and Financial Feasibility of the Project.

1. The estimated construction costs and period of construction for each development component.
2. Revenues and operating expenses for the project.
3. The amount of any proposed debt and the method and estimated cost of debt service.
4. Details of any contract or agreement for revenues or services in connection with the project.
5. Description of the person(s) or entity(ies) who will pay for or use the project and/or services produced by the development and those who will benefit from any and all revenues generated by it.
6. Cost of all Mitigation measures proposed for the project.

E. Socioeconomic Impacts.

A comprehensive Socioeconomic Impact Analysis that addresses the manner in which the Applicant will comply with the relevant approval standards in Division 5 of this Article. The Impact Analysis shall be limited to the Impact Area and shall include the following information:

1. Land Use.
 - a. Description of existing land uses within and adjacent to the Impact Area.
 - b. Description of impacts and Net Effect that the project would have on land use patterns.
2. Local Government Services.
 - a. Description of existing capacity of and demand for local government services including, but not limited to, roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate development within Garfield County.
 - b. Description of the impacts and Net Effect of the project to the capability of local governments that are affected by the project to provide services.
3. Housing.
 - a. Description of existing seasonal and permanent housing including number, condition, and cost of dwelling units.
 - b. Description of the impact and Net Effect of the project on housing during construction and operation stages of the project.
4. Financial Burden on County Residents.
 - a. Description of the existing tax burden and fee structure for government services including, but not limited to, assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.

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- c. Map and/or description of buildings and structure design and materials to be used for the project.
 - d. Descriptions of the impacts and Net Effect that the project would have on visual quality.
 - 3. Surface Water Quality.
 - a. Map and/or description of all surface waters to be affected by the project, including:
 - (1) Description of provisions of the applicable regional water quality management plan that applies to the project and assessment of whether the project would comply with those provisions;
 - (2) Existing condition of streams and water bodies affected by the project; and
 - (3) Classification of streams and water bodies affected by the project.
 - b. Description of water quality data monitoring sources.
 - c. Descriptions of the immediate and long-term impact and Net Effects that the project would have on the quantity and quality of surface water under both average and worst case conditions.
 - 4. Groundwater Quality.
 - a. Map and/or description of all groundwater, including any aquifers. At a minimum, the description should include:
 - (1) Seasonal water levels in each subdivision of the aquifer affected by the project;
 - (2) Artesian pressure in aquifers;
 - (3) Groundwater flow directions and levels;
 - (4) Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources;
 - (5) For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity;
 - (6) Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices;
 - (7) Existing groundwater quality and classification; and
 - (8) Location of all water wells and their uses.
 - b. Description of the impacts and Net Effect of the project on groundwater.
 - 5. Water Quantity.
 - a. Map and/or description of existing stream flows and reservoir levels.
 - b. Map and/or description of existing Colorado Water Conservation BOCC held minimum stream flows.
 - c. Descriptions of the impacts and Net Effect that the project would have on water quantity.
 - d. Statement of methods for efficient utilization of water.

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6. Floodplains, Wetlands and Riparian Areas.
 - a. Map and/or description of all Floodplains, Wetlands (whether or not they are jurisdictional, Wetlands as defined by the Corps of Engineers), and Riparian Areas to be affected by the project, including a description of the types of Wetlands, species composition, biomass, and functions.
 - b. Description of the source of water interacting with the surface systems to create each Wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.) or Riparian Area.
 - c. Description of the impacts and Net Effect that the project would have on the Floodplains, Wetlands, and Riparian Areas.
 7. Terrestrial and Aquatic Animals and Habitat.
 - a. Map and/or description of terrestrial and aquatic animals including the status and relative importance of game and nongame wildlife, livestock and other animals; a description of streamflows and lake levels needed to protect the aquatic Environment; and description of threatened or endangered animal species and their habitat.
 - b. Map and description of critical wildlife habitat and livestock range to be affected by the project, including migration routes, calving areas, summer and winter range, spawning beds, and grazing areas.
 - c. Description of the impacts and Net Effect that the project would have on terrestrial and aquatic animals, habitat, and food chain.
 8. Terrestrial Plant Life. Map and/or description of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
 - a. Descriptions of the impacts and Net Effect that the project would have on terrestrial and aquatic plant life.
 9. Soils, Geologic Conditions, and Natural Hazards.
 - a. Map and/or description of soils, geologic conditions, and natural hazards including, but not limited to, soil types, drainage areas, slopes, Avalanche Areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.
 - b. Descriptions of the risks to the project from natural hazards.
 - c. Descriptions of the impact and Net Effect of the project on soil and geologic conditions in the area.
- G. Hazardous Materials Description.**
1. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.
 2. Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment structures.
- H. Monitoring and Mitigation Plan.**
1. Description of all Mitigation that is proposed to avoid, minimize, or compensate for adverse impacts of the project and to maximize positive Impacts of the project.

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

I. Additional Information May Be Necessary.

The Director may request that the Applicant supply additional information related to the project if the BOCC will not be able to make a determination on any of the approval standards without the additional information.

14-402. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO AREAS AROUND AN AIRPORT OR HELIPORT.

In addition to the submittal requirements in section 14-401, Description of Submittal Requirements, an application proposing to develop land use in areas around Airports and Heliports shall require the following submittals:

A. Location Map.

A map or drawing showing the location of the subject property in relation to Airport Imaginary Surfaces.

B. Elevation Profiles and Site Plan.

Elevation profiles and a Site Plan including:

1. Location of existing and proposed structures in relation to Airport/Heliport Imaginary Surfaces.
2. Height of all existing and proposed structures, measured in feet above mean sea level.

C. Written Agreements for Height Exception.

Written agreements from the Airport/Heliport Sponsor and the FAA, if a height exception is requested.

D. Declaration of Anticipated Noise Levels.

A declaration of anticipated noise levels for property located within Noise Impact Area Boundaries. For noise sensitive land use located in areas where the noise level is anticipated to be at or above 55 Ldn, the Applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

E. Avigation Easement.

An avigation easement dedicated to the Airport owner in a form acceptable to the Airport Sponsor. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the Airport for the public.

14-403. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO DEVELOPMENT IN AREAS AROUND RAPID OR MASS TRANSIT FACILITIES.

In addition to the submittal requirements in section 14-401, Description of Submittal Requirements, development in areas around Rapid or Mass Transit Facilities shall require the following additional submittals:

A. Traffic Relationships.

One or more maps at sufficient scale showing the location of the proposed development and its relationship to the Rapid or Mass Transit Station or Terminal and the Interchanges, streets, Highways, parking lots, and public facilities which are adjacent to or form an integral part of the operation of the Rapid or Mass Transit Facility.

B. Traffic Generation.

A narrative description of the motor vehicle, bicycle, and pedestrian traffic likely to be generated by the proposed development including, but not limited to, traffic generation at various times of the day, potential congestion, and potential demand for parking generated by the development.

C. Traffic Impacts.

A narrative description of the impacts of the proposed development to the Rapid or Mass Transit Facility.

D. Traffic Access.

Maps or diagrams illustrating the vehicular, pedestrian, and bicycle routes that can be utilized to gain access between the proposed development and the adjacent Rapid or Mass Transit Facility.

14-404. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO MUNICIPAL AND INDUSTRIAL WATER PROJECTS.

A. Efficient Water Use.

Description of efficient water use, recycling, and reuse technology the project intends to use.

B. Municipal and Industrial Water Projects.

Map and description of other municipal and industrial water projects in the vicinity of the project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure, and service plan boundaries and reasons for and against hooking on to those facilities.

C. Demand.

Description of demands that this project expects to meet and basis for projections of that demand.

14-405. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION OF SOLID WASTE DISPOSAL SITES.

[Placeholder for future Regulations, should any be adopted by the BOCC.]

14-406. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION OF MAJOR NEW DOMESTIC AND SEWAGE TREATMENT SYSTEMS.

[Placeholder for future Regulations, should any be adopted by the BOCC.]

14-407. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION OF MAJOR EXTENSIONS TO EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS..

[Placeholder for future Regulations, should any be adopted by the BOCC.]

14-408. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION FOR ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS.

In addition to the submittal requirements set forth in section 14-401, Description of Submittal Requirements, an application proposing Arterial Highways, Interchanges, or Collector Highways shall include the following information.

A. Traffic Patterns.

Description of how the project will affect traffic patterns as well as nonmotorized traffic.

B. Surrounding Land Uses.

Description of how the new roads will likely affect surrounding land uses and existing community patterns.

C. Traffic Demands.

Description of how new roads will serve community traffic demands.

D. Compliance.

Description of how new roads will comply with other local, State, and Federal regulations and master plans.

14-409. ADDITIONAL SUBMITTAL REQUIREMENTS FOR SITE SELECTION FOR RAPID OR MASS TRANSIT TERMINALS OR STATIONS.

In addition to the submittal requirements set forth in section 14-401, Description of Submittal Requirements, an application proposing Terminals or Stations associated with a Rapid or Mass Transit System shall include the following information.

A. Type of Mechanical Transit Conveyance.

Description of the type or types of mechanical transit conveyance that will be utilized to carry passengers to and from the Station or Terminal, and a description of the means of access to and from the Station or Terminal including pedestrian, bicycle, automotive, bus, carpool, gondolas, lifts, and other intermodal connections either existing or reasonably foreseen to be developed in the area.

B. Analysis of Passengers.

An analysis of the passengers that will utilize the proposed facility. Such analysis shall be based on the best information available and shall include:

1. Whether the passengers will be utilizing the Rapid or Mass Transit System to travel to and from employment or for some other purpose;
2. The number of automobiles that the passengers will drive to the Station or Terminal at or just before any scheduled departure;
3. The number of passengers that will likely ride only one way on any given day; and
4. The number of passengers that can be expected to bring baggage, recreational equipment, tools, or other material.

C. Anticipated Schedule.

The anticipated schedule of departures and arrivals at the Station or Terminal and the expected capacity of each transit unit. Separate figures shall be given for peak and off-peak hours, weekdays and weekends, and peak and off-peak seasons.

D. Maximum Length of Any Train.

The maximum length of any train that will serve the Station or Terminal, excluding propulsion units.

E. Basic Floor Plan and Architectural Sketches.

Basic floor plans and architectural sketches of each proposed building or structure together with a Site Map showing the relative location of each building or structure. Such plans and sketches shall show the location and length of platforms to be used to load and unload passengers.

F. Map of All Associated Roadways, Parking Areas and Other Facilities.

A map of all associated roadways, parking areas, and other facilities. Design details such as width, layout, traffic flow, pavement markings, and traffic control devices shall either be illustrated on the map or adequately described in supporting documents.

14-410. ADDITIONAL SUBMITTAL REQUIREMENTS FOR SITE SELECTION FOR FIXED GUIDEWAYS.

In addition to the submittal requirements set forth in section 14-401, Description of Submittal Requirements, an application proposing a fixed guideway shall include the following information:

A. Type of Motive Power.

Description of the type of motive power that will be used to propel transit vehicles along the guideway (e.g. diesel, electric, electrified third rail, catenary system).

B. Minimum and Optimum Width of Right-Of-Way.

Description of the minimum and the optimum width of the right-of-way necessary for the guideway, together with maps showing the proposed right-of-way, including its location within incorporated municipalities. Such maps or supporting documentation referring to the maps shall also indicate the maximum anticipated speed of transit vehicles along the various segments of the guideway.

C. Minimum and Maximum Passenger Capacity.

Description of the minimum and maximum passenger capacity of the transit vehicles that will travel on the guideway and the anticipated frequency or scheduling of guideway use.

D. Maximum Length of Any Train.

Description of the maximum length of any train that will travel upon the guideway with separate figures for the length of passenger carrying units and for propulsion units. Self-propelled units shall be considered as passenger units.

E. Maximum Proposed Grade.

The maximum proposed grade of the guideway and the maximum curvature. Proposed curves in excess of 10 degrees shall be indicated on the map.

F. Building or Structure Removal.

Description of all buildings or other structures that must be removed in order for the proposed guideway to be built.

G. Methods Planned to Prevent Collision.

Description of the methods planned to prevent collisions at points where the proposed guideway crosses other Transportation Corridors.

14-411. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION FOR AIRPORT OR HELIPORT LOCATION OR EXPANSION.

In addition to the submittal requirements in section 14-401, Description of Submittal Requirements, an application proposing to locate or expand an Airport or Heliport shall require the following submittals:

A. Airport Layout Plan.

Airports shall be developed in accordance with an FAA-approved Layout Plan, or a Layout Plan approved by the BOCC, complying with FAA Advisory Circular 150/5300-13A and the current Northwest Mountain Region Airport Layout Plan Checklist.

B. Heliport or Helistop Layout Plan.

Heliports and Helistops shall be developed in accordance with an FAA-approved Layout Plan, or a Layout Plan approved by the BOCC complying with FAA Advisory Circular 150/5390-2. The plan shall be sufficient to depict the design, the layout of existing and planned facilities and features, ground contours at 10-foot intervals, the Building Restriction Lines, the relationship of the Final Approach and Takeoff Area (FATO), the Touchdown and Lift-off Area (TLOF), the safety area and the Approach/Departure and Transitional Surfaces (as defined in FAA Advisory Circular 150/5390-2) to the land parcel(s) on which the Heliport/Helistop is to be located and to adjoining land parcels. Approach profiles shall depict the composite profile based on the highest terrain across the width and along the length of each approach surface (Helistop approach surface profiles are required for the inner 1,000 feet only).

C. Description of Effect.

Description of effect on State and local economic and transportation needs.

DIVISION 5. 1041 PERMIT APPROVAL STANDARDS.

Approval of a 1041 Permit shall be based on whether the proposed project satisfies the following approval standards.

14-501. GENERAL APPROVAL STANDARDS.

The following general standards shall apply to all applications subject to review under this Article:

A. Necessary Permits Will Be Obtained.

Documentation that prior to site disturbance associated with the proposed project, the Applicant can and will obtain all necessary property rights, permits, and approvals. The BOCC may, at its discretion, defer making a final decision on the application until outstanding property rights, permits, and approvals are obtained.

B. Expertise and Financial Capability.

The Applicant has the necessary expertise and financial capability to develop and operate the proposed project consistent with all requirements and conditions.

C. Technical and Financial Feasibility.

The proposed project is technically and financially feasible. This determination may include, but is not limited to, the following considerations:

1. Amount of debt associated with the proposed activity;
2. Debt retirement schedule and sources of funding to retire the debt;
3. Estimated construction costs and construction schedule;
4. Estimated annual operation, maintenance and monitoring costs; and
5. Market conditions.

D. Compatibility with Surrounding Land Uses.

The proposed operation will be located so as to mitigate cumulative impacts to roads, air, and water quality.

E. Risk From Natural Hazards.

The proposed project is not subject to significant risk from natural hazards. This determination may include, but is not limited, to the following considerations:

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1. Faults and fissures;
 2. Unstable slopes including landslides, rock slides, and Avalanche Areas;
 3. Expansive or evaporative soils and risk of subsidence;
 4. Wildfire hazard areas; and
 5. Floodplains.

F. Consistent Plans.

The proposed project will be in conformance with the Comprehensive Plan, municipal master plans, and any other applicable plan.

G. Effect on Local Government Services.

The proposed project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems. This determination may include, but is not limited, to the following considerations:

1. Existing and potential financial capability of local governments to accommodate development related to the proposed activity;
2. Current and projected capacity of roads, schools, infrastructure, housing, and other services and impact of the proposed activity upon the capacity;
3. Changes caused by the proposed activity in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities;
4. Changes in short- or long-term housing availability, location, cost, or condition;
5. Need for temporary roads to access the construction of the proposed activity;
6. Change in demand for public transportation; and
7. Change in the amount of water available for future water supply in the County.

H. Housing.

The proposed project will not have a significant adverse effect on housing availability or cost.

I. Financial Burden.

The proposed project will not create an undue financial burden on existing or future residents of the County. This determination may include, but is not limited to, the following considerations:

1. Changes in assessed valuation;
2. Tax revenues and fees to local governments that will be generated by the proposed activity;
3. Changes in tax revenues caused by agricultural lands being removed from production;
4. Changes in costs to water users to exercise their water rights;
5. Changes in costs of water treatment or wastewater treatment;
6. Effects on wastewater discharge Permits;
7. Inability of water users to get water into their diversion structures; and
8. Changes in total property tax burden.

J. Effect on Economy.

The proposed project will not Significantly Degrade any sector of the local economy. This determination may include, but is not limited to, the following considerations:

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1. Changes to projected revenues generated from each economic sector;
 2. Changes in the value or productivity of any lands; and
 3. Changes in opportunities for economic diversification.

K. Recreational Experience.

The proposed project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience. This determination may include, but is not limited to, the following considerations:

1. Changes to existing and projected visitor days;
2. Changes to duration of kayaking and rafting seasons;
3. Changes in quality and quantity of fisheries;
4. Changes in access to recreational resources;
5. Changes to quality and quantity of hiking trails;
6. Changes to the wilderness experience or other opportunity for solitude in the natural Environment;
7. Changes to hunting; and
8. Changes to the quality of the skiing experience.

L. Conservation.

The planning, design, and operation of the proposed project will reflect principles of resource conservation, energy efficiency and recycling or reuse.

M. Natural Environment.

The proposed project will not Significantly Degrade the natural Environment. For purposes of this section, the term Environment shall include:

1. Air quality;
2. Visual quality;
3. Surface water quality;
4. Groundwater quality;
5. Wetlands and Riparian Areas;
6. Terrestrial and aquatic animal life;
7. Terrestrial and aquatic plant life; and
8. Soils and geologic conditions.
 - a. The determination of effects of the proposed activity on air quality may include, but is not limited to, the following considerations:
 - (1) Changes to seasonal ambient air quality;
 - (2) Changes in visibility and microclimates; and
 - (3) Applicable air quality standards.
 - (4) The determination of visual effects of the proposed activity may include, but is not limited to, the following considerations:
 - (5) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features;
 - (6) Interference with view sheds and scenic vistas;
 - (7) Changes in appearances of forest canopies;
 - (8) Changes in landscape character types or unique land formations; and

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- (9) Compatibility of building and structure design and materials with surrounding land uses.
 - b. The determination of effects of the proposed activity on surface water quality may include, but is not limited to, the following considerations:
 - (1) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;
 - (2) Applicable narrative and numeric water quality standards;
 - (3) Changes in point and nonpoint source pollution loads;
 - (4) Increase in erosion;
 - (5) Changes in sediment loading to Water Bodies;
 - (6) Changes in stream channel or shoreline stability;
 - (7) Changes in stormwater runoff flows;
 - (8) Changes in trophic status or in eutrophication rates in lakes and reservoirs;
 - (9) Changes in the capacity or functioning of streams, lakes, or reservoirs;
 - (10) Changes in flushing flows; and
 - (11) Changes in dilution rates of mine waste, agricultural runoff, and other unregulated sources of pollutants.
 - c. The determination of effects of the proposed activity on groundwater quality may include, but is not limited to, the following considerations:
 - (1) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces;
 - (2) Changes in capacity and function of wells within the Impact Area; and
 - (3) Changes in quality of well water within the Impact Area.
 - d. The determination of effects of the proposed activity on Wetlands and Riparian Areas may include, but is not limited, to the following considerations:
 - (1) Changes in the structure and function of Wetlands;
 - (2) Changes to the filtering and pollutant uptake capacities of Wetlands and Riparian Areas;
 - (3) Changes to aerial extent of Wetlands;
 - (4) Changes in species' characteristics and diversity;
 - (5) Transition from Wetland to upland species; and
 - (6) Changes in function and aerial extent of Floodplains.
 - e. The determination of effects of the proposed activity on terrestrial or aquatic life may include, but is not limited to, the following considerations:
 - (1) Changes that result in loss of oxygen for aquatic life;
 - (2) Changes in flushing flows;
 - (3) Changes in species composition or density;

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- (4) Changes in number of threatened or endangered species;
 - (5) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals;
 - (6) Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species; and
 - (7) Changes to the aquatic and terrestrial food webs.
- f. The determination of effects of the proposed activity on terrestrial plant life or habitat may include, but is not limited to, the following considerations:
- (1) Changes to habitat of threatened or endangered plant species;
 - (2) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity;
 - (3) Changes in advancement or succession of desirable and less desirable species, including noxious weeds; and
 - (4) Changes in threatened or endangered species.
- g. The determination of effects of the proposed activity on soils and geologic conditions may include, but is not limited to, the following considerations:
- (1) Changes to the topography, natural drainage patterns, soil morphology, and productivity, soil erosion potential, and Floodplains;
 - (2) Changes to stream sedimentation, geomorphology, and channel stability;
 - (3) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs;
 - (4) Changes to Avalanche Areas, mudflows and debris fans, and other unstable and potentially unstable slopes; and
 - (5) Exacerbation of seismic concerns and subsidence.

N. Nuisance.

The proposed project will not cause a nuisance as defined within this Code.

O. Areas of Paleontological, Historic or Archaeological Importance.

The proposed project will not Significantly Degrade areas of paleontological, historic, or archaeological importance.

P. Release of Hazardous Materials.

The proposed project will not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the BOCC's consideration shall include:

- 1. Plans for compliance with Federal and State handling, storage, disposal, and transportation requirements;

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2. Use of waste minimization techniques; and
 3. Adequacy of spill prevention and response plans.

Q. Benefits Versus Loss of Resources.

The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.

R. Best Alternative.

The proposed project represents the alternative that best complies with this Code.

S. Project Need.

The proposed project is needed within the County and/or area to be served.

14-502. ADDITIONAL STANDARDS APPLICABLE TO RAPID OR MASS TRANSIT FACILITIES.

In addition to the general standards set forth in section 14-501, the following additional standards shall apply to Rapid or Mass Transit Facilities:

A. Areas Around Rapid or Mass Transit.

Areas around Rapid or Mass Transit Facilities shall be administered to:

1. Promote the efficient utilization of the Rapid or Mass Transit Facility;
2. Facilitate traffic circulation patterns of roadways serving the Mass Transit Facility; and
3. Promote development that will include bike and pedestrian paths providing access to the Rapid or Mass Transit Facility.

B. Site Selection.

Site Selection of Rapid or Mass Transit Facilities.

1. Activities involving Rapid or Mass Transit Facilities shall be conducted with reasonable considerations to the character of the area and its peculiar suitability for particular uses.
2. Rapid or Mass Transit Facilities shall be located so as to preserve the value of buildings at the site and avoid demolition of businesses or residences to the extent possible. Proposed locations of Rapid or Mass Transit Facilities which will not require the demolition of residences or businesses shall be given preferred consideration over competing alternatives.
3. Rapid or Mass Transit Facilities shall be located in a manner that encourages the most appropriate use of land through the affected corridor.
4. A proposed location of a rapid or Mass Transit Terminal, Station, or Fixed Guideway that imposes a burden or deprivation on a local government cannot be justified on the basis of local benefit alone, nor shall a Permit for such a location be denied solely because the location places a burden or deprivation on one local government as required by C.R.S. § 24-65.1-204(4)(c).
5. Stations, Shelters, and Terminals shall be appropriately located to meet transit needs and to attract maximum ridership. The length of passenger platforms shall equal or exceed the maximum length of any train or other conveyance that will load and unload passengers at the Station.
6. Rapid or Mass Transit Facilities shall have adequate and safe ingress and egress for all transit modes.

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7. The location of Fixed Guideways shall maximize joint use of rights-of-way for trails and bikeways and other transportation alternatives.
 8. Rapid or Mass Transit Facilities shall be designed and located in a manner that will reduce traffic congestion and resulting air pollution.
 9. Rapid or Mass Transit Facilities shall be located and designed so as to minimize noise and to protect and preserve unique natural and cultural factors and visual amenities.
 10. Guideway design and location shall not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road except at intersections, nor shall guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway. In determining the right-of-way and corridor alignment for Rapid Transit, consideration shall be given to areas needed for snow storage along the guideway.
 11. The parking areas associated with a rapid or Mass Transit Terminal or Station shall be capable of holding a number of automobiles that equals the number of passengers expected to ride on peak periods multiplied by a factor of .75 unless the Applicant can demonstrate through studies that a lesser number is sufficient.
 - a. The required capacity for parking areas associated with a Terminal or Station may be modified based upon sufficient evidence of passenger loading from other forms of intermodal transfer (such as Amtrak, tour buses, regional surface buses, carpools, etc.).
 - b. The Applicant may initially provide a smaller number of parking spaces if the total area dedicated to potential parking expansion is shown to be large enough to accommodate the required number of parking spaces and the Applicant provides financial security acceptable to the BOCC which guarantees that the required number can be built if actual need is shown after operation begins.
 12. Access roads to a rapid or Mass Transit Station or Terminal shall be designed, constructed or improved to accommodate, during a 15 minute period, the maximum number of automobiles anticipated to arrive before the scheduled departure of the Mass Transit conveyance without causing cars to back up onto the public road serving the facility.
 13. The Manual on Traffic Control Devices shall apply to safety devices at intersections of a Fixed Guideway and other Transportation Corridors.

14-503. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION OF SOLID WASTE DISPOSAL SITES.

In addition to the general standards set forth in Section 14-501, the following additional standards shall apply to site selection of Solid Waste Disposal Sites:

A. State and Federal Regulations.

Demonstration of compliance with all applicable State and Federal laws and regulations.

14-504. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION OF DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS.

In addition to the general standards set forth in Section 14-501, the following additional standards shall apply to site selection of Domestic Water and Sewage Treatment Systems:

A. State and Federal Regulations.

Demonstration of compliance with all applicable State and Federal laws and regulations.

14-505. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION FOR ARTERIAL HIGHWAYS AND INTERCHANGES.

In addition to the general standards set forth in section 14-501, the following additional standards shall apply to site selection for Arterial Highways and Interchanges:

A. Areas Around Arterial Highways, Interchanges, and Collectors.

Areas around Arterial Highways, Interchanges, and Collector Highways shall be designed and administered to:

1. Encourage the smooth flow of traffic;
2. Foster the development of such areas in a manner calculated to preserve the smooth flow of such traffic;
3. Preserve desirable existing community patterns;
4. Minimize danger associated with Highway traffic; and
5. Encourage compatibility with non-motorized traffic.

B. Site Selection.

1. Arterial Highways and Interchanges shall be located and designed so that community traffic needs are met.
2. Arterial Highways and Interchanges shall be located and designed so that desirable community patterns are not disrupted.

14-506. ADDITIONAL STANDARDS APPLICABLE TO AREAS AROUND AIRPORTS AND HELIPORTS.

A. Protection of Public Health, Safety and Welfare.

Areas around Airports and Heliports shall be administered to avoid danger to public safety and health or to property due to aircraft crashes. In addition to the general standards set forth in section 14-501, the following standards apply to land use in areas around Airports and Heliports.

B. Prohibited Uses and Activities.

1. The following uses are prohibited in the Airport/Heliport Influence Overlay District.
 - a. Sanitary landfills; and
 - b. Water treatment plants.
2. No structures shall be allowed in the Runway Protection Zone (RPZ), except that accessory structures to Airport operations may be located in the RPZ based upon approval by the FAA. For purposes of this document, tee markers, tee signs, pin cups, and pins are not considered to be structures.
3. Public assembly facilities are prohibited in the RPZ.
4. High density uses shall be prohibited in Approach Surfaces.

C. Permitted Uses and Activities.

The following uses are permitted within the Airport/Heliport Influence Area Overlay to the extent that they are permitted by the underlying zone district, and the proposed use complies with applicable standards for the zone district, the use restrictions set forth in Table 3-303.A, Airport Overlay use Restriction and Table 3-303.B, Use Restrictions Based on Noise Levels.

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1. Public Assembly Facilities. Public assembly facilities may be allowed in Approach Surfaces if the potential danger to public safety is minimal.
 2. Residential. Residential structures shall be located outside Approach Surfaces unless no practicable alternatives exist.
 3. Golf Courses. Golf courses may be allowed conditioned upon the use of accepted management techniques to reduce existing Wildlife attractants and to avoid the creation of new wildlife attractants.
 4. Farm Use. Farming practices that comply with the recommendations of FAA Advisory Circular 150/5200-3A, Hazardous Wildlife Attractants on or Near Airports, shall be encouraged.
 5. Utilities.
 - a. In the RPZ, utilities, power lines, and pipelines shall be located underground.
 - b. In Approach Surfaces and Airport Direct and Secondary Impact Areas, the proposed height of utilities shall be coordinated with the Airport Sponsor and the BOCC.
 6. Wetland Mitigation, Creation, Enhancement, and Restoration. Wetland construction, enhancement, restoration, or Mitigation projects within the overlay district shall be subject to review under the Major Impact Review, and may be permitted based upon compliance with the applicable standards.
 - a. Location of Wetland Mitigation banks outside Approach Surfaces and areas regulated under this overlay district is encouraged because of the potential for increased air navigation safety hazards.
 - b. Wetland Mitigation, creation, enhancement, or restoration projects existing or approved on the effective date of these Regulations and located within areas regulated under this overlay area are recognized as lawfully existing uses.
 7. Water Impoundments in Approach Surfaces, Direct Impact Areas, and Secondary Impact Areas. Any use or activity that would result in the establishment or expansion of water impoundments in Approach Surfaces, Direct Impact Areas, and Secondary Impact Areas shall comply with the following requirements:
 - a. No new or expanded water impoundments of 1/4 acre in size or larger shall be permitted within an Approach Surface and within 5,000 feet from the end of a Runway.
 8. No new or expanded water impoundments of 1/4 acre in size or larger shall be permitted on land owned by the Airport/Heliport Sponsor that is necessary for Airport/Heliport operations.

D. Noise.

Land use proposed to be located within the Noise Impact Area Boundaries shall comply with the Airport Master Plan and FAA Regulations.

E. Avigation and Hazard Easement.

An avigation and hazard easement allowing unobstructed passage for aircraft and ensuring safety and use of the Airport for the public shall be provided and dedicated to the Airport Sponsor.

1. Recording. The avigation and hazard easement shall be recorded in the office of the County Clerk and Recorder.

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2. Applicant shall provide a copy of the recorded instrument prior to issuance of a Building Permit.

F. Declaration of Anticipated Noise Levels.

1. A declaration of anticipated noise levels shall be provided for any proposed Land Use Change, including division of land, or Building Permit application for property located within Noise Impact Boundary.
2. In areas where the noise level is anticipated to be at or above 55 Ldn, for construction of a noise sensitive land use such as hotel/motel, school, church, hospital, public library, or similar use, the Applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

G. Communications Facilities and Electrical Interference.

No use shall cause or create electrical interference with navigational signals or radio communications between an Airport/Heliport and aircraft.

1. Location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the Airport/Heliport Influence Area Overlay shall be coordinated with the BOCC and the FAA prior to approval.
2. The approval of cellular and other telephone or radio communication towers on leased property located within Airport Imaginary Surfaces shall be conditioned upon their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this requirement.

H. Outdoor Lighting.

Lighting other than that associated with Airport/Heliport operations shall comply with the following standards.

1. Lighting shall not project directly onto an existing Heliport, Runway or taxiway or into existing Airport Approach Surfaces.
2. Lighting shall incorporate shielding to reflect light away from Airport Approach Surfaces.
3. Lighting shall not imitate Airport lighting or impede the ability of pilots to distinguish between Airport/Heliport lighting and other lighting.

I. Use of Reflective Materials Prohibited.

No glare-producing material including, but not limited to, unpainted metal or reflective glass, shall be used on the exterior of structures located within an Airport Approach Surface or on nearby lands where glare could impede a pilot's vision.

J. Industrial Emissions That Obscure Visibility Prohibited.

No development shall, as part of its regular operations, cause emissions of smoke, dust, or steam that could obscure visibility within Airport Approach Surfaces. The BOCC shall impose conditions determined to be necessary to ensure that the use does not obscure visibility.

K. Height Restrictions.

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height restrictions of the underlying zone district are more restrictive than those of the overlay district, the underlying zone district height limitations shall control.

L. Penetration of Development into Imaginary Surface Area.

No structure or tree, plant, or other object of natural growth shall penetrate an Airport Imaginary Surface, except as follows:

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1. Structures up to 35 feet in height may be permitted in areas within Airport/Heliport Imaginary Surfaces, except those outside the Approach and Transitional Surfaces where the terrain is at higher elevations than the Airport Runway/Heliport surfaces such that existing structures and permitted development penetrate or would penetrate the Airport Imaginary Surface.
 2. Written agreement by the Airport Sponsor and the FAA shall be provided for other height exceptions requested.

M. Wetland Construction, Enhancement, Restoration, or Mitigation.

Wetland construction, enhancement, restoration, or Mitigation projects within the overlay district shall be shall comply with the following standards.

1. Wetland projects shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across Runways or Approach Surfaces; and
2. Wetlands projects that create, expand, enhance, or restore Wetlands that are proposed to be located within the overlay district and that would result in the creation of a new water Impoundment or expansion of an existing water Impoundment, shall demonstrate all of the following:
 - a. Off-site Mitigation is not practicable;
 - b. The Wetland project involves existing Wetland Areas regulated under the overlay district that have not been associated with attracting problematic wildlife to the Airport/Heliport vicinity;
 - c. The affected Wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge;
 - d. The resulting Wetlands are designed, and shall be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering, or roosting in areas across Runways or Approach Surfaces; and
 - e. The proposed Wetland project shall be coordinated with the Airport Sponsor, the BOCC, the FAA and FAA's Technical Representative, the Colorado Parks and Wildlife, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers as part of the Permit application.
 - f. Restrictions In RPZ, Approach Surface, and Impact Areas. The land use restrictions in the RPA, Approach Surface, Direct Impact Areas and Secondary Impact Area are identified in Table 14-506.M.

N. Separation of Noise-Sensitive Land Use.

Areas around Airports and Heliports shall be administered to encourage land use patterns that will separate uncontrollable noise sources from residential and other noise-sensitive areas. Within Airport or Heliport Noise Impact Boundaries, the following land use restrictions shall apply, based upon the noise levels identified in Table 14-506.N.

Table 14-506.M.: Use Restrictions, RPZ, Approach Surface, and Impact Areas.

P = Permitted L = Allowed with Limitations N = Use is Not Allowed	RPZ	APPROACH SURFACE ¹	DIRECT IMPACT AREA	SECONDARY IMPACT AREA
Public Airport	L	L	P	P
Residential	N	L ²	L	P
Commercial	N	L	L	P
Industrial	N	L	P	P
Institutional	N	L	L	P
Roads/Parking	L ³	P	P	P
Parks/Open Space	L	P	P	P
Athletic Fields	N	L	L	P
Mining	N	L	L	L

1. Within 10,000 feet from the end of the primary surface of a nonprecision instrument Runway, and within 50,000 feet from the end of the primary surface of a precision instrument Runway.
2. Residential densities within Approach and Transitional Surfaces should not exceed: (1) within 500 feet of the outer edge of the RPZ, 1 unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units per acre.
3. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.

Source: Model Public Use Airport Safety And Compatibility Overlay Zone (Visual and Instrument Approach Airports), Oregon Department of Aviation

TABLE 14-506.N.- USE RESTRICTIONS OF NOISE-SENSITIVE LAND USE

P = Permitted L = May be Allowed under Certain Circumstances N = Not Allowed LAND USE	YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) IN DECIBELS					
	<65	65-70	70-75	75-80	80-85	>85
	Residential Except Mobile Homes & Transient Lodging	P	L	L	N	N
Mobile Home Parks	P	N	N	N	N	N
Transient Lodging	P	L	L	L	N	N
Schools, Hospitals & Nursing Homes	P	L	L	N	N	N
Churches, Auditoriums & Concert Halls	P	L	L	N	N	N
Government Service	P	P	L	L	N	N
Transportation	P	P	L	L	L	L
Parking	P	P	L	L	L	N
Commercial Use	P	P	L	L	N	N
Wholesale & Retail – Building Materials, Hardware & Farm Equipment	P	P	L	L	L	N
Retail Trade – General	P	P	L	L	N	N
Utilities	P	P	L	L	L	N
Communication	P	P	L	L	L	N
Manufacturing & Production	P	P	L	L	L	N
Photographic & Optical	P	P	L	L	L	N
Agriculture (Except Livestock) & Forestry	P	L	L	L	L	L
Livestock Raising & Breeding	P	L	L	N	N	N
Mining & Fishing	P	P	P	P	P	P
Outdoor Sports Arenas & Spectator Sports	P	L	L	N	N	N
Outdoor Music Shells, Amphitheatres	P	N	N	N	N	N
Nature Exhibits & Zoos	P	P	N	N	N	N
Amusements, Parks, Resorts & Camps	P	Y	Y	N	N	N
Golf Courses, Riding Stables & Water Recreation	P	P	L	L	N	N

Source: AC150/5020-1.

14-507. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION OF AIRPORT OR HELIPORT LOCATION OR EXPANSION.

Airports and Heliports shall be located or expanded in a manner that will minimize disruption to the Environment, minimize the impact on existing community services, and complement the economic and transportation needs of the State and the area. In addition to the general standards set forth in section 14-501, the following standards shall apply to all applications proposing the location or expansion of an Airport or Heliport.

A. Airport Layout.

Airports shall be developed in accordance with an FAA-approved Layout Plan, or a Layout Plan approved by the BOCC, complying with FAA Advisory Circular 150/5300-13A and the current Northwest Mountain Region Airport Layout Plan Checklist, with the exception that aircraft tie down dimensions need only be sufficient to provide adequate clearances for the aircraft to be tied down.

B. Helipport Layout.

Heliports and Helistops shall be developed in accordance with an FAA-approved Layout Plan, or a Layout Plan approved by the BOCC complying with FAA Advisory Circular 150/5390-2.

C. Fabrication, Service, and Repair Operations.

All fabrication, service, and repair operations shall be conducted in compliance with Airport Rules and Regulations.

D. Storage of Materials.

All storage of materials shall be within a building or obscured by fence.

E. Ability to Obtain Necessary Permits.

The Applicant can and will obtain all necessary property rights, Permits, approvals, and easements (including needed easements for drainage, disposal, utilities, and aviation within Airport area of influence) prior to site disturbance associated with the proposed project. The BOCC may, at its discretion, defer making a final decision on the application until outstanding property rights, Permits, and approvals are obtained.

F. Conflict with Existing Easements.

The location of the Airport or Helipport site or expansion will not unduly interfere with any existing easements for power or telephone lines, irrigation, mineral claims, or roads.

G. Relationship to Economic and Transportation Needs.

The location of the Airport or Helipport site or expansion compliments the existing and reasonably foreseeable economic and transportation needs of the State and of the area immediately served by the Airport, particularly Mass Transit Facilities.

H. Nuisance.

The location of the Airport or Helipport site or expansion shall not cause a nuisance as defined within this Code. The immediate and future noise levels in communities within the Airport area of influence to be caused by the Airport location or expansion and any anticipated future expansion will not violate any applicable local, State, or Federal laws or Regulations; provided that in any area with a potential noise level of CNR 110 or more, no structure shall be allowed and existing structures shall be relocated.

DIVISION 6. FINANCIAL GUARANTEE.

14-601. FINANCIAL GUARANTEE REQUIRED.

Before any Permit is issued under this Code, the BOCC shall require the Applicant to file a guarantee of financial security. The purpose of the financial guarantee is to assure the following:

A. Completion.

The proposed project is completed and, if applicable, that the Development Area is properly reclaimed.

B. Performance.

The Applicant performs all Mitigation requirements and Permit conditions in connection with the construction, operation, and termination of the proposed project.

C. Increases Borne By Permit Holder.

Increases in public facilities and services necessitated by the construction, operation, and termination of the proposed project are borne by the Permit holder.

D. Shortfall to County Revenues.

Shortfalls to County revenues are offset in the event that the proposed project is suspended, curtailed, or abandoned.

14-602. AMOUNT OF FINANCIAL GUARANTEE.

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

A. Estimated Cost of Completion.

The estimated cost of completing the proposed project and, if applicable, of returning the Development Area to its original condition or to a condition acceptable to the County.

B. Estimated Cost of Performing All Mitigation.

The estimated cost of performing all Mitigation requirements and Permit conditions in connection with the construction, operation, and termination of the proposed project, including:

1. The estimated cost of providing all public services necessitated by the proposed activity until 2 years after the proposed activity ceases to operate; and
2. The estimated cost of providing all public facilities necessitated by the proposed activity until all such costs are fully paid.

14-603. ESTIMATE.

Estimated cost shall be based on the Applicant's submitted cost estimate plus the BOCC's estimate of the additional cost to the County of bringing in personnel and equipment to accomplish any unperformed purpose of the financial guarantee. The BOCC shall consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The BOCC may require, as a condition of the Permit, that the financial security be adjusted upon receipt of bids to perform the requirements of the Permit and this Code.

14-604. FORM OF FINANCIAL GUARANTEE

A. Form Acceptable.

The financial guarantee may be in any form acceptable to the BOCC and payable to the County.

B. Guarantor or Surety.

If the form is a security such as a guarantee or letter of credit, the guarantor or surety shall be licensed to do business in Colorado. Should the license to do business in Colorado be suspended or revoked, the Applicant shall have 60 calendar days, or a time reasonable to the BOCC, after the BOCC receives notice thereof, to provide a substitute guarantee in a form and type acceptable to the BOCC. Should the 1041 Permit holder fail to make a substitution either prior to a lapse in licensure or within the time allowed, the BOCC shall suspend the Permit until proper substitution has been made.

C. Cash Deposited.

At least 10% of the amount of the financial guarantee must be in cash deposited with the County's treasurer and placed in an earmarked escrow account mutually agreeable to the BOCC and Applicant.

14-706. RELEASE OF GUARANTEE.

The financial guarantee may be released only when:

A. Surrender of Permit.

The 1041 Permit has been surrendered to the BOCC before commencement of any physical activity on the site of the permitted project; or

B. Project Abandonment.

The project has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County; or

C. Satisfactory Completion.

The project has been satisfactorily completed; or

D. Completion of Phase.

A phase or phases of the project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with project phasing and as determined appropriate by the BOCC; or

E. Satisfied Conditions.

The applicable guaranteed conditions have been satisfied.

14-606. CANCELLATION OF THE FINANCIAL GUARANTEE.

Any financial guarantee may be canceled only upon the BOCC's written consent, which may be granted only when such cancellation will not detract from the purposes of the security.

14-607. FORFEITURE OF FINANCIAL GUARANTEE

A. Written Notice.

If the BOCC determines that a financial guarantee should be forfeited because of any violation of the Permit, Mitigation requirements, conditions, or any applicable Regulations adopted by the BOCC, it shall provide written notice to the surety and the Applicant that the financial guarantee will be forfeited unless the Permit holder makes written demand to the BOCC, within 30 days after Permit holder's receipt of notice, requesting a hearing before the BOCC. If no demand is made by the Permit holder within said period, then the BOCC shall order the financial guarantee forfeited.

B. Public Hearing.

The BOCC shall hold a hearing within 30 days after the receipt of the demand by the Permit holder. At the hearing, the Permit holder may present for the consideration of the BOCC statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the BOCC shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

C. Disbursement.

The deposit described above may be used by the BOCC in the event of the default or allowed default of the Permit holder, only for the purposes of recovering on the surety or fulfilling the Permit obligation of the Permit holder. In the event that the ultimate reviewing court determines that there has been a 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 BOCC 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 deposit. Funds shall be disbursed out of escrow by the institution to the County upon County's demand for the purpose specified in this section.

D. Inadequate Revenue.

If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County Attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible.

DIVISION 7. 1041 PERMIT ADMINISTRATION AND ENFORCEMENT.

14-701. ENFORCEMENT AND PENALTIES.

A. Enjoinment.

Any person engaging in development in the designated area of state interest or conducting a designated activity of state interest who does not obtain a 1041 Permit pursuant to this Code, who does not comply with 1041 Permit requirements, or who acts outside the jurisdiction of the 1041 Permit may be enjoined by the County from engaging in such development, and may be subject to such other criminal or civil liability as may be prescribed by law.

B. Material Changes in the Construction or Operation.

If the County determines at any time that there are material changes in the construction or operation of the project from that approved by the County, the 1041 Permit may be immediately suspended and a hearing shall be held to determine whether new conditions are necessary to ensure compliance with the approval standards or if the 1041 Permit should be revoked.

14-702. 1041 PERMIT SUSPENSION OR REVOCATION.

A. Temporary Suspension.

The BOCC may temporarily suspend the 1041 Permit for a period of 30 days for any violation of the Permit or the applicable Regulations. The Permit holder shall be given written notice of the violation and will have a minimum of 15 days to correct the violation. If the violation is not corrected, the Permit shall be temporarily suspended for 30 days.

B. Revocation.

The County may revoke a 1041 Permit granted pursuant to this Code if any of the activities conducted by the Permit holder violates the conditions of the Permit or this Code, or the County determines that the project as constructed or operated has impacts not disclosed in the application. Prior to revocation, the Permit holder shall receive written notice and be given an opportunity for a hearing before the BOCC. The BOCC may revoke the 1041 Permit or may specify a time by which action shall be taken to correct any violations for the Permit to be retained.

14-703. TRANSFER OF 1041 PERMITS.

A 1041 Permit may be transferred only with the written consent of the BOCC. Consent shall be in the sole discretion of the BOCC. The BOCC shall ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the Permit, and this Code; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

14-704. INSPECTION.

The BOCC may enter and inspect any property subject to this Article at reasonable hours for the purpose of determining whether the activity is in violation of this Code.

14-705. JUDICIAL REVIEW.

Any action seeking judicial review of a final decision of the BOCC shall be initiated within 30 days after the decision is made, in the District Court in and for the County of Garfield, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.