



MEMORANDUM

TO: Garfield County Board of County Commissioners
Planning Commission

FROM: Sheryl Bower, AICP, Community Development Director
Patrick Waller, AICP, Senior Planner
Glenn Hartmann, Principal Planner

DATE: March 25, 2020

SUBJECT: Draft Changes to Article 14 of the Land Use and Development Code regarding
Gravel and Mining Extraction Regulations in Garfield County

Background

On November 18, 2019, the Board of County Commissioners adopted a six-month moratorium on new or amended applications for gravel and mining extraction in Garfield County (Resolution 2019-58). The Resolution describes the Purpose of the Moratorium as cited below:

***2. Purpose.** The purpose of this Moratorium is to provide the Commission with proper tools to protect the public health, safety and welfare of the residents of Garfield County and to protect natural resources, environmentally sensitive lands, and to conserve and preserve the character of the County.*

Additionally, as part of the Moratorium Resolution, the BOCC directed Staff to review existing Land Use and Development Code regulations regarding gravel and mining extraction uses.

On January 29th the BOCC held a work session with staff and Barbara Green Esq, a consultant hired to assist staff with the development of regulations. At the work session, information was presented on existing codes, along with a discussion on how the County could utilize it's 1041 powers to adequately review significant mining operations.

1041 Powers are derived from State Statute and allow local jurisdictions to regulate Areas and Activities of State Interest. This can include the regulation of Mineral Resource Areas. The regulation can be applicable to uses on private property and federal property.

RECAP 1041 Regulations

The 1041 Section of the Land Use and Development Code functions as a stand-alone code section, covering process, criteria, and submittal requirements. The existing 1041 regulations include specific levels of review, depending on prescribed thresholds. It is possible for an application to be processed as either a Finding of No Significant Impact, a Minor Permit Review Process, or as a Major Permit Review Process. Specific Submittal Requirements are identified and waivers from this section are permitted with a decision by the Director as referenced in Sections 14-301, 14-302, and 14-303.

Garfield County has already adopted 1041 Regulations for the following Areas and Activities of State Interest:

Section 14-103 A. Areas of State Interest.

1. Areas around Airports and Heliports. Specifically, the outer extremities of the Imaginary Surfaces for the 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.

Section 14-103 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.
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.

At the January 29th Work Session, staff along with Ms. Green, identified a number of reasons why utilizing 1041 regulations would be an effective regulatory tool for considering mining operations **(with the exclusion of gravel and sand)**.

1. **The 1041 Section of the Land Use Code functions as a self-contained chapter.** Submittal Requirements, Processes, and Review Criteria are already identified within the chapter. This makes it easier for Staff, the Applicant, and the Public to understand what will be required in a 1041 Review process.
2. **The Section already exists in the Code.** The addition of a new Area and Activity of State Interest can be put into the existing framework. While Staff does anticipate some additional refinements to the 1041 section, the bulk of the process and requirements is already in place.
3. **1041 gives the County additional tools to address larger impacts that can be associated with large-scale mining projects.** The current Land Use Code has an Impact Analysis section that is a required submittal item for all Land Use Change Permit applications. This section requires the applicant to address a number of technical items.

The 1041 Regulations identify additional, more detailed, submittal requirements including a Socioeconomic Impact Analysis, Description of Technical and Financial Feasibility of the Project, and Environmental Impacts – that address Air Quality, Visual Quality, Surface Water Quality, Groundwater Quality, Water Quantity Floodplains, Wetlands, Riparian areas, Aquatic Animals and Habitat, Terrestrial Plant Life, Soils, Geological Conditions, and Natural Hazards. Of note, the existing regulations do allow for the Director to waive any required submittal items that are not applicable to a project.

The Review Criteria addresses items that are not included in other Sections of the Land Use and Development Code including criteria related to the financial burden on the County, Effects on the Economy, Maintenance of Recreational Experience, Alternatives Analysis, and finding of the associated Benefits Versus Loss of Resources. The Regulations also allow for additional use-specific standards to be included.

4. **Different tiers of process are available.** Garfield County's 1041 Regulations already has a tiered review process. Within a "reasonable time following the pre-application meeting and submittals" the Director shall make the initial determination of the appropriate level of review. This can include a Finding of No Significant Impact (FONSI), a Minor Permit Review, or a Major Permit Review. The one time that Garfield County has used its 1041

powers, was for the West Parachute Interchange. At that time it was determined that the project fell in to the Finding of No Significant Impact category.

Proposed Changes to Article 14: Areas and Activities of State Interest.

Below is a general description of proposed changes. The specific changes are shown in an edited Article 14 Document attached to this packet.

- Added “Mineral Resource Areas” to the list of “Areas of State Interest”.
- Proposed new definitions to clearly differentiate between gravel operations (still subject to Article 3 and 7-1002 of the LUDC) and Mining Operation (subject to Article 14).
- Under Division 3. Review Process for 1041 Permit.
 - Maintained the current 3 levels of review and relief.
 1. A Finding of No Significance for construction/operations that without mitigation are unlikely to have any significant adverse impacts.
 2. Major Permit Review, when the project is likely to have a significant adverse impact in 2 or more categories of standards (see Division 5, 1041 Permit Approval Standards or the project is likely to have severe adverse impact in any 1 category of standards.
 3. Minor Permit review for any project which falls between a Finding of no Significant Impact and a Major Impact.
 4. Provides for relief from the Directors determination, via a call up provision to BOCC.
- Under 14-401 Description of Submittal Requirements. This section provides a list of submittal requirements that would apply to any 1041 minor or major review. It should be noted that as a part of the process, staff would go through this list with the applicant and determining if everything specified is required. It is not staff’s intent to ask for information that is not pertinent to the review. Changes include:
 - More specific details provided on the types of information that should be supplied under each of the headings.
 - Under Air Quality, added a section on Greenhouse Gas Emissions Assessment and Mitigation Plan. Depending on the project, this may or may not apply to all projects occurring under designated Areas/Activities of State Interest.

- Created a requirement for input from the fire district and the creation of a fire protection plan.
- 14-412. New Section. This section outlines the additional submittal requirements applicable to mining operations in mineral resource areas. Again, depending on the scope of the project submittal, requirements can be waived. In review of this most recent draft, a need was identified to require applicants to provide information on caves and karst formations, this will be added to the next draft.
- Division 5. 1041 Permit Approval Standards. This section covers the permit approval standards applicable to any 1041 minor or major review. Most of the changes in this section resulted from information either being moved here from other sections or moved to other sections.
- Added 14-508 Additional Standards Applicable to Mining Operations in Mineral Resource Areas. This section identifies the standards that will be considered during review of mining operations.

Where would the Mineral Resource Areas be located?

Staff is proposing that mineral resource areas include the Rural, Public Lands (including Talus, Gentle Slopes, Escarpment, Plateau) and Resource Lands Zone Districts. Lands that would not be included are all other zoning districts, along with lands that fall into a municipality's Urban Growth Boundaries (except where urban growth boundaries are overlaid on public lands). Mining operations would not be permitted in Industrial Zoned lands because of the limited amount of land in the county designated as Industrial.

Attachments:

- Article 14 DRAFT Mining Standards
- Draft Mining Definitions

**DEFINITIONS APPLICABLE TO GARFIELD COUNTY MINING REGULATIONS
TO BE ADDED TO ARTICLE 15 OF THE LUDC.
DRAFT 03/10/2020**

Affected land means the surface of an area within the COUNTY where a mining operation is being or will be conducted, which surface is disturbed as a result of such operation. Affected lands include but shall not be limited to private ways, roads, except those roads excluded pursuant to this subsection, and railroad lines appurtenant to any such area; land excavations; prospecting sites; drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage or waste discharge areas; and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated.

Exploration means the act of searching for or investigating a construction materials deposit. "Exploration" includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes, and digging pits, cuts, or other works for the purpose of extracting samples prior to the commencement of development or extraction, and the building of roads, access ways, and other facilities related to such work. "Exploration" does not include:

- a. An activity that causes very little or no surface disturbance, such as airborne surveys and photographs, the use of instruments or devices that are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work that causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration activities; or
- b. Any single activity that results in the disturbance of a single block of land totaling one thousand six hundred square feet or less of the land's surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances may not exceed five acres statewide in any exploration operation extending over twenty-four consecutive months.

Geologic hazard means a geologic phenomenon which is adverse to past, current, or foreseeable construction or land and which constitutes a hazard to public health and safety or property if not avoided. The term includes but is not limited to:

- a. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
- b. Seismic effects;
- c. Radioactivity;
- d. Areas of ground subsidence; and
- e. Expansive rocks or soils.

Geothermal resource means the natural heat of the earth and includes:

- a. The energy that may be extracted from that natural heat;
- b. The material medium used to extract the energy from a geothermal resource; and
- c. Geothermal by-products.

Gravel Extraction. [a loose rock mining process where sand, gravel, and similar materials are removed through excavation. Gravel extraction is not included in a Mining Operation subject to regulation under Article 14 of the LUDC.](#)

Mineral means an inanimate constituent of the earth, in solid, liquid, or gaseous state, which,

DEFINITIONS APPLICABLE TO GARFIELD COUNTY MINING REGULATIONS TO BE ADDED TO ARTICLE 15 OF THE LUDC

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when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or a construction material. "Mineral" does not include surface or groundwater subject to appropriation for domestic agricultural, or industrial purposes, nor does it include geothermal resources.

Mining Operation. the extraction of rock material from the earth using drilling and/or blasting. Operation also includes the following operations on affected lands: transportation, concentrating, milling, exploration, and other processing associated with the extraction of minerals. A mining operation does not include gravel extraction subject to regulation under Article 3 and Article 7, section 7-1002 of the LUDC. A mining operation does not include gravel extraction subject to regulation under Article 3 and Article 7, section 7-1002 of the LUDC.

Mine unit means a component of a mining operation including but not limited to processing, leaching excavation, open pit, storage, stockpile or waste units.

Mineral resource area means an area identified on the official County Mineral Resource Area Map and in which minerals are located in sufficient concentration in veins, deposits bodies, beds, seams, fields, pools, or otherwise as to be capable of economic recovery. "Mineral resource area" includes but is not limited to an area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

Tailings means finely crushed and ground rock residue and associated fluid discharged from an ore milling, flotation beneficiation and concentrating process.

Unstable or potentially unstable slope means an area susceptible to a landslide, a mudflow, a rock fall, or accelerated creep of slope-forming materials.

Wildfire hazard means a wildfire phenomenon which is adverse to past, current, or foreseeable construction or land use constituting a significant hazard to public health and safety or to property. The term includes but is not limited to:

- a. Slope aspect;
- b. Wildfire behavior characteristics; and
- c. Existing vegetation type.

**LUDC
2013**

GARFIELD COUNTY, COLORADO

Article 14: Areas and Activities of State Interest

03/17/2020 DRAFT REVISIONS: MINING OPERATIONS

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.*; and 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 will not affect the validity of this Code as a whole or any part other than the part declared invalid.

14-103. APPLICABILITY.

This Article will 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 will 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.
3. Mineral Resource Areas. The additional requirements and standards for Mineral Resource Areas in this Article shall only apply to Mining Operations in Mineral Resource Areas.

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.
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 will 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. 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.
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.

B. Exemptions in Mineral Resource Areas.

The additional requirements and standards for Mineral Resource Areas do not apply to development in Mineral Resource Areas other than Mining Operations.

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 will control.

B. Definitions.

~~All capitalized terms~~ in these Regulations 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 and Comprehensive Plan or other State, Federal, or local requirements. Nor will Federal, State, or local approval preempt or otherwise obviate the need to comply with this Article.

D. No Intent to Conflict.

This Article will 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 will serve as the Local Permit Authority. The BOCC will 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 will 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 will not be considered to be a Site Specific Development Plan and no statutory vested rights will 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 will apply to the Designation of any matter of state interest after the effective date of this Code. The Designation process will not apply to those matters of state interest designated by the BOCC prior to the effective date of this Code, which Designations will 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 will be considered by the BOCC at a Public Hearing.

1. Public Notice. The Director will publish a notice of the Public Hearing at least 30 days and not more than 60 days before the hearing, in a newspaper of general circulation in the County. The notice will include the time and place of the hearing, a general description of the 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 will 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 will 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 will be taken by resolution.
3. Upon adopting a Designation, the BOCC will adopt Regulations for its administration.

D. Record of Designation Proceedings.

The record of decision will 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 any phase of an application to be performed by an outside consultant and ~~may request comment by sent to~~ referral agencies ~~pursuant to section 4-101.C., Review by Referral Agency.~~
2. Applicant Responsible for Review Fees/~~Costs~~. 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 will begin with a pre-application conference between the Applicant and the Director or staff.

1. Procedure. The Applicant will make a request for a pre-application conference through the Community Development Department. At the conference, the Director will explain the regulatory process and requirements and begin to evaluate the appropriate level of review.
 - a. Scheduling of Pre-Application Conference. The Director will 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 will submit a brief explanation of the 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 will include appropriate staff to address potential issues raised by the project.

C. Determination of Level of Permit Review.

There are 3 possible levels of Permit Review for a project. The Director will make the initial determination of the appropriate level of Permit Review within a reasonable time following the pre-application meeting and submittals. The Director will 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 will 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 will determine whether the project should be subject to the Major Permit Review or Minor Permit Review provisions of this Article.
 - a. Major Permit Review. The Director will determine that Major Permit Review is required if:
 - (1) The 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 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.
 - b. Minor Permit Review. If the project does not warrant Major Permit Review, then it will be processed as a Minor Permit Review.
3. Call-up of Director's Level of Review Determination.
 - a. 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.
 - b. 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.

D. 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 project are such that a different level of review is required. If a different level of review is required, the Director will immediately notify the Applicant, the BOCC, and the County Attorney.

E. Determination of Completeness.

Within 30 business days of receipt of the application materials, the Director will determine whether the application is complete based on compliance with the permit application submittal requirements set forth in Division 4. -section 14-401, Description of Submittal Requirements.

1. Application is Not Complete. If the application is not complete, the Director will inform the Applicant of the deficiencies in writing and will 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 will be considered withdrawn and returned to the Applicant.

2. Application is Complete. If the application is complete, the Director will 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~~ 60 business days. The extension of time for determination of completeness will 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.

F. Evaluation by Director/Staff Review.

The Director will review the application to determine if the project satisfies the applicable standards set forth in Division 5 of this Article, 1041 Permit Approval Standards. The Director will 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.

G. 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 will have published a notice of Public Hearing in a newspaper of general circulation in the area that the project is located. The notice will 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 will 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 for a Minor Permit and a 500-foot radius for a Major Permit. The notice will include a Vicinity Map, the property's legal description, a short narrative describing the 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 will 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 will follow a form prescribed by the County.

14-302. MINOR PERMIT REVIEW PROCESS.

A. Outline of Process.

The Minor Permit Review will consist of the following procedures:

1. Pre-application conference;
2. Application;

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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 will be held in accordance with the provisions of section 14-301.B., Pre-Application Conference.
2. Application. The application materials are set forth in Division 4, Permit Application Submittal Requirements section 14-401, Description of Submittal Requirements.
3. Determination of Completeness. The Director will 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 will schedule the application for Public Hearing by the BOCC. A public notice of the hearing will be made pursuant to section 14-301.F., Notice of Public Hearing.
5. Evaluation by Director/Staff Review. Upon determination of completeness, the Director will review the application and prepare a staff report pursuant to section 14-301.H., Evaluation by Director/Staff Review.
6. Review and Action by the BOCC. Upon establishing proper public notice, the BOCC will consider the application at a Public Hearing.
 - a. Decision by Board. The BOCC will 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 will 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 will be denied.

14-303. MAJOR PERMIT REVIEW PROCESS.

A. Outline of Process.

The Major Permit Review will 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 will be held in accordance with the provisions of section 14-301.B., Pre-Application Conference.
2. Application. The application materials are set forth in Division 4, Permit Application Submittal Requirements ~~section 14-401, Description of Submittal Requirements.~~
3. Determination of Completeness. The Director will 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 will schedule the application for Public Hearing by the Planning Commission. Public notice of the hearing will be made pursuant to section 14-301.F., Notice of Public Hearing.
5. Evaluation by Director/Staff Review. Upon determination of completeness, the Director will 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 will consider the application at a Public Hearing.
 - a. Recommendation by Planning Commission. The Planning Commission will 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.
 - (1) Recommendation of Approval. If the application satisfies all of the applicable standards, the Planning Commission will 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 will recommend that the application be denied.
7. Schedule Public Hearing. The Director will schedule the application for Public Hearing by the BOCC.
 - a. Public notice of the hearing will be made pursuant to section 14-301.F., Notice of Public Hearing.
 - b. Public Hearing by the BOCC will be held within 45 calendar days of the date of the Planning Commission recommendation.
8. Review and Action by the BOCC. The BOCC will consider the application at a Public Hearing, upon proper public notice.
 - a. Decision by Board. The BOCC will 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 will 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 will 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 will require either a “technical revision” or a “1041 Permit Amendment.”

A. Submittals.

To request a technical revision, the Applicant will 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. A written description of the proposed changes to the project together with drawings and plans of the proposed changes; and
- 3.4. Additional Mitigation plans.

B. Determination of the Type of Whether Change is a Technical Revision or 1041 Permit Amendment.

The Director will 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 will 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 will 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 ~~will~~ 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 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. Waiver.

~~The Director may waive one or more of these submittal requirements when the submittal information would not be relevant to a determination as to whether the project complies with the approval criteria.~~

AB. Application Form.

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

1. Ownership. The application ~~will~~ 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 ~~will~~ 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 ~~will~~ 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 ~~will~~ 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 ~~will~~ 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, the land owner, and other representatives;
 - 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~~
 - c. 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.

BC. 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.
 - a. Descriptions of alternatives to the project that were considered by the Applicant and reasons why they were rejected.
 - b. Justification that the alternative is the least detrimental practicable alternative.
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~~A narrative description explaining how the project is in conformance with the County's Comprehensive Plan, municipal master plans, and any other applicable plans within the Impact Area.
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.~~
 - a. Vicinity Map. Location of the project shown on USGS quadrangle map. The map shall clearly show the project site boundaries and all property within a 3-mile radius of the site.
 - b. Site plan.

A detailed map of the project site at a scale determined by the Director. The site plan shall include:

 - (1) North arrow, scale, and legal description of the site;
 - (2) Area of the site and clearly identified boundary lines, corner pins, and dimensions of the site and land survey data to identify the site including section corners, distance and bearing to these corners, quarter corners, township, range;
 - (3) Topographic contours at vertical intervals sufficient to show the topography affecting the site;
 - (4) Parcels and land use within one mile of the proposed activity, identified by zoning, size and use;
 - (5) Locations of special district boundaries, municipal watershed boundaries, municipal boundaries and boundaries of residential subdivisions within one mile of the property;
 - (6) Proposed and existing Transportation Corridors identified by location and dimension, and Forest Service, Bureau of Land Management, and private roads on-site and within one mile of the boundaries of the site;
 - (7) Location of all fire, police and emergency response service facilities nearest to the project;
 - (8) Easements recorded or historically used, and proposed easements that provide access to or across, or other use of the property, shown by approximate location, dimension, use, and grantee;

- (9) All existing and proposed structures and appurtenant facilities, shown by location and dimension; and
- (10) Significant features including:
 - (a) Existing and proposed utility lines;
 - (b) Natural and artificial drainage ways, ditches, streams, lakes, ponds and wetlands;
 - (c) Dams and reservoirs;
 - (d) Floodways and floodplains located in or within 3 miles of the site, and approximate flooding limits based on information available through the County;
 - (e) Vegetative cover;
 - (f) Rock outcrops, soil types, geologic features, and hazards;
 - (g) Any on-site or off-site feature that influences the project;
 - (h) Proposed areas of disturbance shown by location and dimension; and
 - (i) Existing and proposed impervious surface areas shown by location and dimension.
 - (j) The County may require, or the Applicant may choose to submit, a more detailed version of all or part of the site plan at a map scale suitable to show the particulars of the project.

- 6. Plans and Specifications. Detailed plans and specifications of the project.
- 7. Project Schedules and Phasing. 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.

CD. Property Rights, Permits, and Other Approvals.

- 1. A list ~~and copies~~ of all other Federal, State, and local ~~P~~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. Applicant shall provide the County with copies of the permits, approvals, and licenses upon issuance.
- 2. Copies of all official Federal and State consultation correspondence prepared for the project; ~~a description of all Mitigation required by Federal, State, and local authorities;~~ and copies of any draft or final environmental assessments or impact statement required for the project.
- 3. Description of the water to be used by the project, including: amount of water required; the source; amount; ~~and the~~ quality of ~~such the source~~ 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~~shall submit a copy of that plan.
- 4. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the project.

5. Description of all mitigation and financial security required by Federal, State, and local authorities; and copies of any draft or final environmental assessments or impact statements prepared for the project.

DE. ~~Description of Technical and Financial Feasibility Assessment of the Project~~ Assessment of the technical and financial feasibility of the project, the Applicant's financial capability to pay for all phases of the project, and the Applicant's right and expertise to any technology required for the project, certified by a professional engineer:

1. The estimated construction costs for each phase of development. ~~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~~ Description of debt and equity at each phase of development, debt retirement schedule and sources of funding to retire debt.
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~~ Estimated cost of proposed mitigation measures and permit conditions, estimated reclamation costs and schedule.

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 will be limited to the Impact Area and will include the following information:~~

4F. Land Use.

a1. Description of existing land uses within and adjacent to the Impact Area.

b2. Description of impacts and Net Effect ~~that of~~ the project ~~would have~~ on land use patterns.

2G. Local Government Services.

a1. 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.

b2. 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.

3H. Housing.

a1. Description of existing seasonal and permanent housing available to house employees during each phase of the project including number, condition, and cost of dwelling units.

b2. Description of the impact and Net Effect of the project on the availability of affordable housing during all ~~—construction and operation phases stages~~ of the project.

4I. Financial Burden on County Residents.

- a1.** 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.
- b2.** Description of Impacts and Net Effect of the project on financial burdens of residents.

5J. Local Economy.

- a1.** Description of the local economy including, but not limited to, revenues generated by the different economic sectors and the value or productivity of different lands.
- b2.** Description of impacts and Net Effect of the project on the local economy and opportunities for economic diversification.

6K. Recreational Opportunities.

- b1.** Map depicting the location of present and potential recreational uses ~~such as including~~ fishery stream segments, access points to recreational resources, hiking and biking trails, hunting, and wilderness areas.
- a2.** Description of present and potential recreational uses including, but not limited to, the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
- e3.** Description of the impacts and Net Effect of the project on present and potential recreational opportunities and revenues to the local economy derived from those uses.

L. Agricultural Impact Assessment and Protection Plan. A description of agricultural lands and operations in the Impact Area and a plan to:

- 1. Avoid contributing to loss of agricultural land, including farm or ranch land, or any other vegetated land.
- 2. Minimize impacts on agricultural operations, including irrigation water, water delivery systems and irrigation schedules.
- 3. Avoid impacts to livestock, grazing permits or leases, or grazing permittees or lessees.

8M. Areas of Cultural, Paleontological, Historic or Archaeological Importance.

- a1.** Map and/or description of all sites of cultural, paleontological, historic, or archaeological interest.
- b2.** Documentation of approval from the State Historic Preservation Office regarding any historical or cultural resources potentially affected by the project.
- e3.** Description of the impacts and Net Effect of the project on sites of cultural, paleontological, historic, or archaeological interest.

9N. Nuisance. Descriptions of noise, glare, dust, fumes, vibration, and odor levels caused by the project.

F. ~~**Environmental Impacts.**~~

~~Description of the existing natural Environment and an analysis of the impacts of the project to the natural Environment. These descriptions shall be limited to the Impact Area, and shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the project in comparison to existing conditions. The analysis shall include a description of how the Applicant will comply with the applicable approval standards set forth in Division 5 of this Article.~~

O. **Air Quality.**

1. A map and/or Description of the airsheds ~~to that will~~ be affected by the project, including the seasonal pattern of air circulation and microclimates.
2. Map and/or description of the ambient air quality and State air quality standards of the airsheds ~~to that will~~ be affected by the project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants, and other chemicals, temperature effects, and atmospheric interactions.
3. Greenhouse Gas Emissions Assessment and Mitigation Plan. An assessment and plan for greenhouse gas emissions prepared by a professional engineer with expertise in greenhouse gas emissions control. The assessment shall identify and quantify the greenhouse gas emissions attributable to the Mining Operation, and proposed mitigation.
34. Descriptions of the impacts and Net Effect ~~that of~~ the project ~~would have~~ on air quality during both construction and operation, and under both average and worst case conditions.

P. Visual Quality.

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

Q. Surface Water Quality.

1. Map and/or description of all surface waters to be affected by the project, including:
 - a. 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;
 - b. Existing condition of streams and water bodies affected by the project; and
 - c. Classification of streams and water bodies affected by the project.
2. Description of water quality data monitoring sources.
3. Descriptions of the immediate and long-term impact and Net Effects ~~that of~~ the project ~~would have~~ on the quantity and quality of surface water under both average and worst case conditions.

R. Groundwater Quality.

1. Map and/or description of all groundwater, including any aquifers. At a minimum, the description should include:
 - a. Seasonal water levels in each subdivision of the aquifer affected by the project;
 - b. Artesian pressure in aquifers;

- c. Groundwater flow directions and levels;
 - d. Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources;
 - e. For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity;
 - f. Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices;
 - g. Existing groundwater quality and classification; and
 - h. Location of all water wells and their uses.
2. Description of the impacts and Net Effect of the project on groundwater.

S. Water Quantity.

- 1. Map and/or description of existing stream flows and reservoir levels.
- 2. Map and/or description of existing ~~Colorado Water Conservation BOCC held minimum~~ instream flows.
- 3. Descriptions of the impacts and Net Effect ~~that of~~ the project ~~would have~~ on water quantity.
- 4. Statement of methods for efficient utilization of water.

I. Floodplains, Wetlands and Riparian Areas.

- 1. 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.
- 2. Description of site features such as streams, areas subject to flooding, lakes, high ground water areas, topography, vegetative cover;
- 3. 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.
- 4. Description of the impacts and Net Effect ~~that of~~ the project ~~would have~~ on the Floodplains, Wetlands, and Riparian Areas.

U. Terrestrial and Aquatic Animals and Habitat Assessment.

- 1. 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.
- 2. 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.
- 3. Description of the impacts and Net Effect ~~that of~~ the project ~~would have~~ on terrestrial and aquatic animals, habitat, and food chain.

V. Terrestrial and Aquatic Plant Life Assessment.

1. Description of existing terrestrial and aquatic plant life, including type and density and threatened or endangered plant species and habitat.
2. Map and/or description indicating location of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
3. Descriptions of the impacts and Net Effect that of the project would have on terrestrial and aquatic plant life.

W. Soils, Geologic Conditions, and Natural Hazards Assessment.

1. Map and/or description of soils, geologic conditions, and natural hazards including, but not limited to:
 - a. soil types, Expansive or evaporative soils and risk of subsidence.
 - b. Drainage areas.
 - c. Unstable slopes including landslides, rock slides, and avalanche areas.
 - d. Debris fans, mud flows, rock slide areas.
 - e. Faults and fissures, seismic history.
 - f. , and Wildfire hazard areas.
 - g. Floodplains.
2. Descriptions of the risks to the project from natural hazards.
3. Descriptions of the impact and Net Effect of the project on soil and geologic conditions in the area.

G, X. 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.

Y. Fire Protection.

1. Letter from Fire Protection District or Department. A letter from the applicable fire protection district or department stating that the project has been adequately designed to handle the storage of flammable or explosive solids or gases and that the methods comply with the national, State, and local fire codes and that the fire protection provider has adequate resources to provide fire protection.
2. Fire Protection Plan. A plan approved by the County in consultation with the applicable fire protection district. The plan shall include:
 - a. Documetation of types of construction for all structures on-site.
 - b. Full disclosure of all types of chemicals to be used or stored on-

site, their locations, and information regarding safe exposure levels, fire risks, and treatment and suppression techniques.

HZ. 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.
 - 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.

IAA. 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.

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 will 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 will 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 will 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 will 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 will 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 will 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 will be based on the best information available and will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will require the following submittals:

A. Airport Layout Plan.

Airports will 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 will 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 will 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 will 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.

14-412. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO MINING OPERATIONS IN MINERAL RESOURCE AREAS.

In addition to the general submittal requirements in section 14-401, the following submittal requirements shall apply to Mining Operations in Mineral Resource Areas, including the extension or expansion of existing Mining Operations. The Applicant may submit materials submitted to Colorado Division of Reclamation Mining and Safety (DRMS) and State or Federal permitting agencies that are responsive to these requirements to avoid unnecessary duplication.

A. Waiver.

The Director may waive one or more of these submittal requirements when the information would not be relevant to a determination as to whether the project complies with the approval criteria.

B. Information Describing the Project.

1. Maps.

a. Site Plan. The site plan required in section 14-401.C.5.b shall also include the following, shown by location and dimension:

- (1) Leach ponds;**
- (2) Ore stockpiles including leach stockpiles;**
- (3) Waste rock piles and dumps;**
- (4) Ponds;**
- (5) Disposal systems;**
- (6) Pits;**
- (7) Tailings impoundments;**
- (8) Mills and other processing facilities;**
- (9) Water treatment facilities;**
- (10) Storage areas;**

(11) Borrow pits, topsoil, and topdressings storage;

(12) Staging areas;

(13) Existing and proposed roads that will be used for the Mining Operation, shown by location and dimension;

(14) All geothermal hot springs and spas located in the Impact Area and identification of the geothermal resources that provide the source water for each; and

(15) All other major facilities or structures.

b. Description of any abandoned or existing mine within five (5) miles of the affected lands, including a map showing the location and type of pits, stockpiles, adits, shafts, processing facilities, and other mine facilities and works.

c. A map showing surface and mineral ownership and name, address, and telephone number for each owner.

2. Project Description. Narrative description of the type and mineralization of ore body; the types and methods of proposed mineral extraction, stockpiling, and processing; the required mine units, facilities and infrastructure; the mining, stockpiling, processing and engineering techniques; the target minerals; the total number of tons to be extracted; the total number of tons to be stockpiled, stored or impounded in each mine unit; the total number of acres of land that will be disturbed and a breakdown of the disturbed acreage by type of disturbance, including each mine unit, road network, infrastructure and structure; and any other description necessary for a complete understanding of the proposed Mining Operation.

C. Reports, Plans and Assessments.

1. Mining Plan. A plan describing the Mining Operation, that includes:

a. Description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected land;

b. Earthmoving;

c. All water diversions and impoundments;

d. Size of area(s) to be worked at any one time.

e. Approximate timetable for the Mining Operation showing the relationship between mining and reclamation during the different phases of a Mining Operation. Information will include:

(1) Estimate of the periods of time which will be required for the various phases of the operation;

(2) Description of the size and location of each area to be worked during each phase; and

(3) Outline of the sequence in which each phase of the Mining Operation will be carried out.

f. Description of primary and secondary commodities to be mined and the intended use;

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- g.** Description of the intended use of all expected incidental products to be mined.
 - h.** Estimated 5-year interval mining plan including cross sections clearly showing each of the following:

 - (1)** Phasing of mining on a 5-year interval basis;
 - (2)** Depth and configuration of existing and/or proposed mining;
 - (3)** Quantity and location of topsoil removed and proposed location of any topsoil stockpile;
 - (4)** Quantity and location of overburden removed and location of any overburden stockpile; and
 - (5)** Existing contours and 5-year interval contours.
 - i.** A final mining plan including cross sections clearly showing the following:

 - (1)** Final depth and configuration of mining site;
 - (2)** Quantity and location of overburden, mining waste products and any by-products;
 - (3)** Final contours and cross sections of mining site;
 - (4)** Plan and cross sections for final placement of overburden.
- 2.** Extraction and Processing Plan. A description and maps showing:
- a.** Open pits and underground mining facilities including location, depth, size, acreage and geology.
 - b.** Material handling and processing facilities, including crushing, milling, concentrating, smelting and solvent extraction and electrowinning.
 - c.** Ancillary facilities, including sumps, tanks pipelines, transportation, and offices. The description will include the location, purpose, construction material, and dimensions and capacity.
 - d.** Storage and disposal facilities, including tailings, process water, and stormwater impoundments, drainage channels, leach pads, waste rock stockpiles, and slag and residue piles. The description will include the location, purpose, lining material and storage or disposal capacity;
 - e.** Process and domestic water, including the location, construction method and material, dimension and capacity of wells, meters and pipes
 - f.** A mass balance table describing the quantity of each type of material mined or disturbed each year, including but not limited to soil, overburden, barren water (less than 0.1% sulfur), waste, ore, tailings, and quantities of material disturbed for roads and site grading into and out of stockpiles.
- 3.** Storage, Disposal, and Maintenance of Ore Stockpile, Tailings, Waste Rock, and High Walls Plan. A plan, prepared by a professional engineer,
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for handling each material extracted, processed, stored, deposited, exposed or disposed, and each facility for such use, in a manner that will not cause or contribute to the contamination of surface or groundwater above applicable standards. The plan will take into consideration the amount, intensity, duration, and frequency of precipitation and the watershed area, including the topography, geomorphology, soils, and vegetation. Liners and secondary containment and leak detection will be required for all mine units that have the potential to discharge contaminants into groundwater and contaminate the groundwater above applicable standards.

4. Blasting Plan. A plan, prepared by a qualified blasting firm or engineer, that describes:

- a. Maximum weight of explosives to be detonated on each occurrence**
- b. Type of explosive agent;**
- c. Maximum pounds per delay;**
- d. Method of packing and type of initiation device to be used for each hole;**
- e. Blasting schedule; and**
- f. Measures to ensure that off-site areas will not be adversely affected by blasting.**

5. Air Quality.

a. Air Quality Modeling, Monitoring and Mitigation.

(1) Air Quality Modeling Plan. A plan for modeling to be conducted by a third-party consultant that provides for emissions inventories and air quality impact studies based upon proposed equipment use and project phases.

(2) Air Quality Monitoring Plan. A monitoring plan that provides for:

(a) Pre-development baseline ambient air quality testing completed by a consultant if approval from surrounding surface owners can be obtained.

(b) Air quality monitoring program conducted by a consultant mutually agreed to by both the Applicant and the County and paid for by Applicant. The program will require monitoring for all potential emissions, including initial air quality measurements and an ongoing monitoring program, including monitoring of dust from equipment and stockpiles, to ensure that during operation dust leaving the subject property does not exceed initial air quality levels.

(c) Additional monitoring as needed to respond to emergency events. Applicant will provide site access to the County's third-party inspector as needed to allow air sampling to occur.

(3) Air Quality Mitigation Plan. A plan that demonstrates compliance with air quality standards in Division 5.

6. Odor Management Plan. A plan to mitigate the emission of detectable odors by the Mining Operation and to ensure that the Operation will not create a public nuisance.

7. Dust Suppression Plan. A plan for dust suppression and control on-site and for access roads and haul routes, including:

a. Minimizing the disturbed area.

b. Reducing vehicle speeds.

c. Instituting a high wind restriction on construction activities.

d. Sprinkling access and haul roads and other exposed dust-producing areas with water or chemical stabilizers using manufacturer's recommended application rates, avoiding over-application and preventing runoff of chemical stabilizers into any public right-of-way, storm drainage facility, or waterbody.

e. Planting vegetation appropriate for retaining soils or creating a wind break.

f. Installing cover materials during periods of inactivity or during local wind speeds greater than 30 miles per hour and properly anchoring the cover.

g. Placing wood chips, gravel or other effective mulches on vehicle and pedestrian use areas.

h. Maintaining the proper moisture condition on all fill surfaces.

i. Pre-wetting cut and fill surface areas.

j. Use of fabric fencing and truck tarps and installing entry and exit aprons, steel grates or other equivalent devices to remove bulk material from tires.

8. Groundwater Information for Mining Operations.

a. Locate on a map all tributary water courses, wells, springs, stock water ponds, reservoirs and ditches, on the affected land and within two (2) miles of the existing or proposed affected lands. On a site-specific basis, the Director may extend the distance beyond two (2) miles or reduce the distance below two (2) miles based on the location of the Mining Operation and the hydrogeology of the proposed mine location;

b. Identify all known aquifers and related subsurface water-bearing fracture systems within two (2) miles of the affected lands. In addition, using available data or information acceptable to the Director, provide the general direction and rate of flow of groundwater in these aquifers and fracture systems. On a case-by-case basis, the County may require hydrologic testing and analysis, where available information is inadequate to describe or address potential impacts to groundwater resources;

c. Describe all geologic media down to and including the upper most aquifer under proposed sites of material storage, stockpiles, waste

piles, disposal sites, solution containment facilities and other sites within the existing or proposed affected land where such subsurface materials and any associated waters have the potential to be contaminated by designated chemicals used in the extractive metallurgical process or by materials that are toxic or acid-forming, or that produce acid mine drainage;

d. Map locating known major fracture systems that affect rock formations under proposed sites of material storage, stockpiles, waste piles, disposal sites, solution containment facilities and other sites within the existing or proposed affected land where such fractures and any associated waters have the potential to be contaminated by toxic or acid-forming materials or designated chemicals used in extractive metallurgical process or that produce acid mine drainage; and

e. Describe and illustrate the hydrogeology of the area where surface or groundwater may be impacted by the Mining Operation. Include in the description and illustration, those geologic strata and fracture systems that have the potential to transmit groundwater.

9. Groundwater Baseline Quality Data for Mining Operations.

a. Indicate the existing and reasonably potential future groundwater uses on and within two (2) miles down-gradient of the affected land. On a site-specific basis, the Director may extend the distance beyond two (2) miles or reduce the distance below two (2) miles based on the location of the Mining Operation and the hydrogeology of the location of the Operation.

b. Submit, at a minimum, groundwater quality data collected during five (5) successive calendar quarters, or as specified by the Director, as may be necessary to adequately characterize baseline conditions. This baseline data will be sufficient to provide for the proper design of facilities, to serve as a basis for the evaluation of impacts of the Mining Operation, and to ensure the adequacy of proposed maintenance and mitigation.

10. Water Quality Monitoring and Mitigation Plan. A plan to mitigate adverse impacts to water quality, including:

a. An inventory and location of all water bodies within the Impact Area, and the current classifications and standards assigned to those water bodies.

b. An inventory of all water wells in the Impact Area. To the extent permission can be obtained, water wells both on- and off-site will be measured and logged for quantity and quality of water prior to permit approval to establish a baseline from which the impacts of the Mining Operation can be measured.

c. The baseline and process for monitoring changes to water quality associated with the Mining Operation. The plan will demonstrate how the mine will comply with the standards in Division 5 and include:

- (1) Key stream segments, other waterbodies, and groundwater to be monitored.
 - (2) Locations for and frequency of sampling and monitoring to establish baseline of existing conditions including existing water quality, aquatic life and macro-invertebrates, and groundwater data.
 - (3) Key indicators of water quality and stream health, and threshold levels that will be monitored to detect changes in water quality and health of the aquatic environment.
 - (4) Locations for and frequency of sampling and monitoring for key indicators of water quality and stream health, including but not limited to constituents associated with the Mining Operation.
 - (5) Locations for and frequency of sampling and monitoring to measure effectiveness of water quality mitigation during the life of the Mining Operation.
 - (6) Mitigation steps that will be implemented to avoid degradation of water bodies if monitoring of key indicators reveals potential water quality degradation.
- d.** A plan for mitigation of potential adverse impacts to water quality that includes best management practices for construction and operational phases of the mine such as:
- (1) Prohibition of routine vehicle and machinery maintenance within 300 feet of a waterbody.
 - (2) Requirement for all fueling to occur over impervious material.
 - (3) Prohibition of off-site discharge of fluids, except pursuant to an approved discharge permit.
- 11.** Water Availability Report. A report that includes a detailed description and analysis of the potable and non-potable sources of water for each phase of the operation, including:
- a. A description and analysis of the total demand for and uses of both potable and non-potable water, including fire protection.
 - b. Description of available water sources and water rights and the estimated impact of other water users who depend on sources that are the same or interconnected with those of the Mining Operation.
 - c. Description of the environmental impacts associated with each source of water.
 - d. Demonstration of how the water demand will change over the life of the Mining Operation, through closure and final reclamation, and how that changing demand will be met.
 - e. Demonstration of the availability of potable and non-potable water to meet all projected demands for 99 years. If final reclamation and closure of the Mining Operation is estimated to occur less or more than 99 years from the date operations commence, the

report will demonstrate water availability through the date of final reclamation plus ten (10) years.

12. Assessment of Impacts to Geothermal Spas and Hot Springs. An assessment of the adverse impacts to quality or function of spas and hot springs in the Impact Area that rely on geothermal resources.

13. Spill Prevention Control and Countermeasures Plan. A plan addressing spill prevention and countermeasures that includes:

a. Baseline assessment of conditions of the soils within the Impact Area.

b. Plan for monitoring conditions of the soil for the life of the Mining Operation and for sampling of the soil after the operation closes.

c. Measures, procedures and protocols for spill prevention, storage and containment.

d. Measures, procedures and protocols for reporting spills and storage to the County, State and Federal officials that provides for the following:

(1) Spills and releases of any size which impact or threaten to impact any waters of the State, residence or occupied structure, livestock, or public byway will be verbally reported to the County as soon as practicable, but not more than twenty-four (24) hours after discovery.

(2) Spills and releases of any size which impact or threaten to impact any water supply area will be verbally reported to the County immediately after discovery.

(3) Spills, chemical spills and releases will be reported in accordance with applicable State and Federal laws, including the Emergency Planning and Community Right to Know Act, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the Clean Water Act, as applicable. Applicant will provide the County with a copy of any self-reporting submissions that Applicant provides to any agency.

e. Measures, procedures, and protocols for clean-up and contingency and description of the financial security for these provisions. Impacts resulting from spills and releases will be investigated and cleaned up as soon as practicable.

f. County, or its designee, may undertake prevention, control, countermeasure, containment, and clean-up measures if the Applicant fails to comply with its obligations under the *Spill Prevention Control and Countermeasures Plan* and that the Applicant will pay all costs incurred by the County for any such measures.

14. Mine Waste Water and Hazardous Materials Management Plan. A plan that provides for:

a. Storage, use and maintenance of all fuel, chemicals, oil, grease and blasting agents in such a manner as to prevent accidental discharge into any surface or ground water.

- b. Elimination of use of chemical mining processing such as heap leach mining unless the use of such materials or chemical mining process is essential and will not have an adverse impact upon the public health, safety, and welfare or the environment. Avoid transportation of such materials to the maximum extent feasible.
 - c. Disposal of mine wastes that may retain hazardous chemicals, heavy metal residues or radioactive material pursuant to applicable State or Federal regulations. Hazardous or radioactive mine wastes will not be used for backfilling.
 - d. Treatment, storage and disposal of non-hazardous mine wastes in accordance with local, State and Federal requirements. Non-hazardous mine wastes will be covered and graded to allow surface drainage and ensure long-term stability.
 - e. Location of mine waste piles or impoundments to prevent surface water runoff from entering the mines, waste piles or other structures. Any structures will divert surface water runoff from mine waste piles or impoundments containing water that has been contaminated during Mining Operations. Use of liners or other specific technologies or siting and design measures to prevent seepage of leachate from mine wastes into ground water.
15. Noise Assessment, Mitigation and Monitoring Plan. A survey of ambient noise levels and assessment of the noise impacts of the Mining Operation, and a plan for monitoring and mitigation of the impacts, including:
- a. An ambient noise survey for affected lands at baseline and during all phases of the Mining Operation, prepared by a qualified consultant. The survey shall include:
 - (1) Measurement of existing noise levels on the site and at locations both on- and off-site that may be affected by the operation.
 - (2) Documentation of the ambient noise level prior to beginning each phase of the operation.
 - (3) Identification of sources of noise by each phase of the operation.
 - b. A description of how the Mining Operation will comply with the standards in Division 5, including an assessment of the potential noise impacts and details of how the noise impacts will be mitigated.
 - (1) In determining noise mitigation, specific site characteristics will be considered, including but not limited to:
 - (a) Nature and proximity of adjacent development.
 - (b) Seasonal and prevailing weather patterns, including wind directions.
 - (c) Vegetative cover on and adjacent to the affected lands.
 - (d) Topography.

(2) Mitigation measures including but not limited to best management practices such as:

(a) Restrictions on hours of operation, enclosure of equipment and operations, buffering and screening, limitations on hours of truck traffic, and siting of operations away from sensitive uses and activities.

(b) Measures to control on-site noise generated by truck traffic used by the Mining Operation including restrictions on the use of jake brakes on- or off-site except in emergencies, banging of tailgates or use of horns on-site, and regulation of truck speeds. Such measures will be imposed pursuant to noise standards indicated in 14-508.M, Table 1, *Maximum Permissible Noise Levels for Mining Operations* except in contradiction of State or Federal regulations

(3) A program for periodic noise monitoring.

16. Grading, Erosion, and Sediment Control Plan. A plan that demonstrates how the project will be designed to meet the standards in Division 5, and includes:

a. Existing (dashed lines) and proposed (solid lines) contours at two-foot intervals.

b. Narrative description and scaled drawings of specific erosion and sediment control measures, including approximate locations of drainage facilities and drainage patterns on the affected land; and Wetlands or other water bodies receiving storm runoff from the affected land. Typical erosion control measures should be depicted using standard map symbols.

c. Construction schedule, indicating the anticipated starting and completion time periods of the site grading and/or construction phases including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.

d. Estimated total cost of the required temporary soil erosion and sediment control measures, to determine performance guarantees for the proposed plan.

e. Calculations made for determining rainfall runoff and sizing of any sediment basins, diversions, conveyance, or detention/ retention facilities.

17. Traffic and Road Impact Assessment and Mitigation Plan. A plan and assessment prepared by a certified traffic engineer that includes:

a. Description of the baseline condition of road segments that will be affected by the Mining Operation, including the existing physical condition, vehicle trips generated by vehicle type on the average and at peak times, and the existing level of service.

- b. Description of the projected condition of road segments that will be affected by the Mining Operation, including site trips generated and load impact by vehicle type on the average and at peak times.
 - c. Assessment of impacts to the level of service and physical condition of each road segment for each phase of the Mining Operation.
 - d. Description of any improvements necessary on existing roads to maintain the existing level of service and specifications to be used in the construction of new roads.
 - e. Description of any associated drainage and runoff conveyance structures with sufficient detail to evaluate structure sizing.
 - f. For each phase of the Mining Operation, proposed mitigation, including road improvements and repairs, funding, traffic signals, and other measures to ensure that the physical condition and the level of service for each road segment that will be affected by the Mining Operation is not degraded during any phase of the Operation.
- 18. Reclamation Plan. A detailed plan showing proposed reclamation with time schedules. The plan shall include:
 - a. Finish contours, grading, sloping; types, placement, and amount of vegetation.
 - b. Plans for land use after Mining Operation.
 - c. Copy of proposed reclamation submitted to DRMS.
 - d. Permit approval will be conditioned on receipt of the approved DRMS Reclamation Permit to County
- 19. Geologic and Natural Hazards Assessment and Mitigation Plan.
 - a. Geologic and Natural Hazards Report. A report detailing the natural and geological characteristics on-site, and within one (1) mile of the affected lands, prepared by a registered engineer or geologist. The report will include a geotechnical assessment of all geologic hazards that have the potential to affect the Mining Operation and which may be de-stabilized or exacerbated by the operation.
 - b. Geologic and Natural Hazard Mitigation Plan. A plan for mitigating impacts to the Mining Operation from geologic and natural hazards and impacts of the Mining Operation on geologic and natural hazards.
- 20. Lighting Plan. A plan for installation of down cast lighting or some other form of lighting that mitigates light pollution and spill-over onto adjacent properties; provided, however, that the plan shall provide for the use of lighting that is necessary for public and occupational safety.
- 21. Emergency Preparedness and Response Plan. A plan that addresses events such as: explosions, fires, toxic emissions, transportation of hazardous material, and vehicle accidents or spills. The plan must include proof of adequate personnel, supplies, and funding to immediately implement the emergency response plan at all times for each phase of

DIVISION 5. 1041 PERMIT APPROVAL STANDARDS.

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

14-501. GENERAL APPROVAL STANDARDS.

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

A. Necessary Property Rights, Permits and Approvals Will Be Obtained.

~~Documentation that prior to site disturbance associated with the, the~~ The Applicant ~~can and will~~ will obtain all necessary property rights, permits, and approvals for the project prior to any site disturbance project. 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 project consistent with all requirements and conditions.

C. Technical and Financial Feasibility.

The 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 project will be located and conducted in such a manner as to be compatible 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 project is not subject to significant risk from natural hazards. This determination may include, but is not limited to the following considerations:

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. Control of Fire Hazards.

The project will not create an unreasonable risk of fire hazard. Compliance with the Fire Protection Plan is required to satisfy this standard.

FG. Consistent Plans. Conformance with Plans.

The project will be in conformance with the County's Comprehensive Plan, municipal master plans, and any other applicable plans.

GH. Effect on Local Government Services.

The project will not have a significant adverse effect on the capability of local government to provide services or on 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 project.
2. Current and projected capacity of roads, schools, infrastructure, housing, and other services and impact of the project upon the capacity.
3. Changes caused by the project 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 phases of the project.
6. Change in demand for public transportation.
7. Change in the amount of water available for future water supply in the County.

HI. Housing.

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

IJ. Financial Burden.

The 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.

JK. Effect on Economy.

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

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.

KL. Recreational Experience.

The 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 ~~E~~environment;
7. Changes to hunting; and
8. Changes to the quality of the skiing experience.

LM. Conservation.

The project will ~~be~~ planned, designed, and operated ~~in a manner that reflects~~ principles of resource conservation, energy efficiency and recycling or reuse.

M. ~~Natural Environment.~~

~~(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~~

~~(9) Compatibility of building and structure design and materials with surrounding land uses.~~

~~a. 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;~~

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- ~~(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.~~
 - ~~b. — 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.~~
 - ~~c. — 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.~~
 - ~~d. — 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;~~
 - ~~(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.~~

~~e. 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.~~

~~f. 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. Air Quality.

1. The project will not significantly degrade air quality.
2. The determination of impacts of the project on air quality may include but is not limited to changes to seasonal ambient air quality, changes in visibility, and micro climates and applicable air quality standards.

O. Visual Quality.

1. The project will not significantly degrade visual quality.
2. The determination of visual effects of the Project may include but is not limited to:

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

P. Surface water quality

1. The project will not significantly degrade water quality.
2. The determination of impacts to water quality of the Project may include but is not limited to:
 - a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;
 - b. Applicable narrative and numeric water quality standards;
 - c. Changes in point and nonpoint source pollution loads;
 - d. Increase in erosion;
 - e. Changes in sediment loading to Water Bodies;
 - f. Changes in stream channel or shoreline stability;
 - g. Changes in stormwater runoff flows;
 - h. Changes in trophic status or in eutrophication rates in lakes and reservoirs;
 - i. Changes in the capacity or functioning of streams, lakes, or reservoirs;
 - j. Changes in flushing flows; and
 - k. Changes in dilution rates of mine waste, agricultural runoff, and other unregulated sources of pollutants.

Q. Ground water quality.

1. The project will not significantly degrade groundwater quality or functions.
2. The determination of impacts to groundwater of the project may include but is not limited to:
 - a. Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces;
 - b. Changes in capacity and function of wells within the Impact Area; and
 - c. Changes in quality of well water within the Impact Area.

R. Wetlands and riparian areas.

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1. The project will not significantly degrade wetlands and riparian areas.
 2. The determination of impacts to wetlands and riparian areas of the project may include but is not limited to:
 - a. Changes in the structure and function of Wetlands;
 - b. Changes to the filtering and pollutant uptake capacities of Wetlands and Riparian Areas;
 - c. Changes to aerial extent of Wetlands;
 - d. Changes in species' characteristics and diversity;
 - e. Transition from Wetland to upland species; and
 - f. Changes in function and aerial extent of Floodplains.

S. Wildlife (Terrestrial and Aquatic)

1. The project will not significantly degrade terrestrial or aquatic life.
2. The determination of effects of the project on terrestrial or aquatic life may include, but is not limited to, the following considerations:
 - a. Changes that result in loss of oxygen for aquatic life;
 - b. Changes in flushing flows;
 - c. Changes in species composition or density;
 - d. Changes in number of threatened or endangered species;
 - e. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals;
 - f. Changes to habitat and critical habitat, including 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
 - g. Changes to the aquatic and terrestrial food webs.

I. Plant Life (Terrestrial)

1. The project will not significantly degrade terrestrial plant life or habitat.
2. The determination of effects of the Project on terrestrial plant life or habitat may include, but is not limited to, the following considerations:
 - a. Changes to habitat of threatened or endangered plant species;
 - b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity;
 - c. Changes in advancement or succession of desirable and less desirable species, including noxious weeds; and
 - d. Changes in threatened or endangered species.

U. Soils and Geologic Conditions

1. The project will not significantly degrade soils and geologic conditions.

2. The determination of effects of the proposed activity on soils and geologic conditions may include, but is not limited to, the following considerations:
 - a. Changes to the topography, natural drainage patterns, soil morphology, and productivity, soil erosion potential, and Floodplains;
 - b. Changes to stream sedimentation, geomorphology, and channel stability;
 - c. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs;
 - d. Changes to Avalanche Areas, mudflows and debris fans, and other unstable and potentially unstable slopes; and
 - e. Exacerbation of seismic concerns and subsidence.

NY. Nuisance.

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

OW. Areas of Cultural, Paleontological, Historic or Archaeological Importance.

The project will not ~~S~~significantly ~~D~~degrade areas of cultural, paleontological, historic, or archaeological importance.

X. Agricultural Resources.

The project will not cause a significant adverse impact on agricultural lands and agricultural operations. Compliance with any Agricultural Impact Assessment and Protection Plan is required to meet this standard.

PY. Release of Hazardous Materials.

The project will not result in unreasonable risk of releases of hazardous materials. Compliance with anythe Spill Prevention Control and Countermeasures Plan is required to satisfy this standard.

QZ. Benefits Versus Loss of Resources.

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

RAA. Best Alternative.

The project represents the alternative that best complies with ~~this Code~~ these Regulations and is the -least detrimental -practicable alternative.

SBB. Project Need.

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

CC. Compliance with Required Plans and Reports.

The project will comply with all plans and reports required by the County under Division 4, Permit Application Submittal Requirements.

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 will apply to Rapid or Mass Transit Facilities:

A. Areas Around Rapid or Mass Transit.

Areas around Rapid or Mass Transit Facilities will 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 will be conducted with reasonable considerations to the character of the area and its peculiar suitability for particular uses.
2. Rapid or Mass Transit Facilities will 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 will be given preferred consideration over competing alternatives.
3. Rapid or Mass Transit Facilities will 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 will 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 will be appropriately located to meet transit needs and to attract maximum ridership. The length of passenger platforms will 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 will have adequate and safe ingress and egress for all transit modes.
7. The location of Fixed Guideways will maximize joint use of rights-of-way for trails and bikeways and other transportation alternatives.
8. Rapid or Mass Transit Facilities will be designed and located in a manner that will reduce traffic congestion and resulting air pollution.
9. Rapid or Mass Transit Facilities will 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 will not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road except at intersections, nor will guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway. In determining the right-of-way and corridor alignment for Rapid Transit, consideration will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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;

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4. Minimize danger associated with Highway traffic; and
 5. Encourage compatibility with non-motorized traffic.

B. Site Selection.

1. Arterial Highways and Interchanges will be located and designed so that community traffic needs are met.
2. Arterial Highways and Interchanges will 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 will 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 will 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 will 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.

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 will 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, will be encouraged.
5. Utilities.
 - a. In the RPZ, utilities, power lines, and pipelines will be located underground.

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- b. In Approach Surfaces and Airport Direct and Secondary Impact Areas, the proposed height of utilities will 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 will 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 will comply with the following requirements:
 - a. No new or expanded water impoundments of 1/4 acre in size or larger will 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 will 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 will 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 will be provided and dedicated to the Airport Sponsor.

- 1. Recording. The avigation and hazard easement will be recorded in the office of the County Clerk and Recorder.
- 2. Applicant will 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 will 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 will 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 will 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 will 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 will be conditioned upon their removal within 90 days following the expiration of the lease agreement. A bond or other security will be required to ensure this requirement.

H. Outdoor Lighting.

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

1. Lighting will not project directly onto an existing Heliport, Runway or taxiway or into existing Airport Approach Surfaces.
2. Lighting will incorporate shielding to reflect light away from Airport Approach Surfaces.
3. Lighting will 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, will 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 will, as part of its regular operations, cause emissions of smoke, dust, or steam that could obscure visibility within Airport Approach Surfaces. The BOCC will 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 will 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 will control.

L. Penetration of Development into Imaginary Surface Area.

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

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 will 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 will be will comply with the following standards.

1. Wetland projects will 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, will 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 will 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 will 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 will 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 will 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	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

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
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 will 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 will apply to all applications proposing the location or expansion of an Airport or Heliport.

A. Airport Layout.

Airports will 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. Heliport Layout.

Heliports and Helistops will 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 will be conducted in compliance with Airport Rules and Regulations.

D. Storage of Materials.

All storage of materials will 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 avigation within Airport area of influence) prior to site disturbance associated with the 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 Heliport 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 Heliport site or expansion complements 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 Heliport site or expansion will 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 will be allowed and existing structures will be relocated.

14-508. ADDITIONAL STANDARDS APPLICABLE TO MINING OPERATIONS IN MINERAL RESOURCE AREAS

In addition to the general standards set forth in section 14-501, the following standards apply to Mining Operations in Mineral Resource Areas and the extension or expansion of existing Mining Operations in Mineral Resource Areas.

A. Air Quality.

The Mining Operation will not cause significant degradation of air quality from emissions, dust, or odor. Compliance with the *Air Quality Modeling, Monitoring and Mitigation Plan*; *Greenhouse Gas Emissions Plan*; *Odor Management Plan*; and *Dust Suppression Plan* is required to satisfy this standard.

B. Blasting.

Blasting associated with the Mining Operation will not cause a hazard to public health, safety, welfare or the environment. Compliance with the *Blasting Plan* is required to satisfy this standard. In addition:

1. Prior to blasting, Operator will provide to the County a copy of the current blasting explosive license issued to the Operator or contractor who will be conducting blasting activity. The license will be filed with the Community Development Department.
2. A schedule for blasting above ground, near population centers, will be provided to the Community Development Department a minimum of ten (10) days before the blasting is to occur.

C. Visual Quality.

The Mining Operation will not cause significant degradation of the viewsheds and scenic vistas of the Impact Area, taking into account the considerations in section 14-501.O. In addition:

1. The Mining Operation will be organized on the affected lands to minimize impact on adjacent land uses and protect established neighborhood character through installation of screen fences, berms, and/or landscape materials, as well as by the location of access points, lighting, and signage.
2. Visual screening will be in place prior to the commencement of each phase of the Mining Operation. Site preparation activity such as removal of overburden will be allowed prior to the construction of the visual screening if material will be used for the creation of the necessary screening.

D. Surface Water Quality.

The Mining Operation will not cause significant degradation of water quality, taking into account the considerations in section 14-501.P. Compliance with the *Water Quality Monitoring and Mitigation Plan* is required to satisfy this standard. In addition:

1. Mining Operations will not be conducted within 500 feet of the high water mark of any natural waterbody. This standard may be waived by the Director or the BOCC if the impact of the Mining Operation to water quality after mitigation will be minimal at a location closer than 500 feet.
2. The Mining Operation will minimize disturbance to the prevailing hydrologic balance within the Impact Area.
3. Impervious areas will drain to vegetated pervious buffer strips. Examples of potential techniques to be used in conjunction with vegetated pervious buffer strips are: infiltration devices, grass depressions, constructed wetlands, sand filters, and dry ponds.

E. Groundwater Resources.

The Mining Operation will not cause significant degradation of groundwater, taking into account the considerations in section 14-501.Q. In addition:

1. The Mining Operation will not adversely impact the water quality of domestic wells in the Impact Area.
2. The Mining Operation will not interfere with the function of wells in the Impact Area.

F. Water Quantity.

The Mining Operation will not cause significant adverse impact on water quantity.

1. The Mining Operation will not cause injury to existing decreed water rights.
2. The Mining Operation will not significantly increase or decrease stream flows or lake levels below pre-construction levels.

G. Adequate Water Supply, Reuse and Recycling.

1. Adequate and reliable water supply will be available for all phases of the Mining Operation and the source of supply will be the least detrimental to the environment among the available sources of supply.
2. Water used in by the Mining Operation will be reused and recycled to the maximum extent feasible.

H. Wetlands and Riparian Areas.

The Mining Operation will not cause significant degradation of the function or extent of wetlands and riparian areas, taking into account the considerations in section 14-501.R. In addition:

1. The Mining Operation will preserve the existing native vegetation within thirty-five feet (35') of the ordinary high water mark on each side of a waterbody.
2. The Mining Operation will preserve and retain wetlands in their natural state as drainage ways.

I. Geothermal Resources.

The Mining Operation will not cause significant degradation of the quality or quantity of geothermal resources that provide the source water for hot springs and spas within the County.

J. Spill and Releases Prevention and Response.

The Mining Operation will minimize risk to people and the environment from spills or releases. Compliance with the *Spill Prevention Control and Countermeasures Plan* is required to meet this standard.

K. Mine Waste Water and Hazardous Materials.

Mine waste water and hazardous materials will not have an adverse impact on the public health, safety, and welfare or the environment. Compliance with the *Mine Waste Water and Hazardous Materials Management Plan* is required to satisfy this standard.

L. Noise and Vibration.

The Mining Operation will not cause noise that interferes with the peaceful enjoyment of affected lands. Compliance with the *Noise Abatement, Mitigation and Monitoring Plan* is required to meet this standard. In addition:

1. The Mining Operation will not generate a ground vibration that is perceptible, without instruments, at any point along any boundary line of the affected land.
2. Noise from the Mining Operation at the boundary of any property that is nearest the Operation will not exceed statutory levels at C.R.S. 25-12-103 for residential, commercial and industrial. The levels set forth in Table 1, will also apply.

Table 1: Maximum Permissible Noise Levels for Mining Operation Affecting Parks, Opens Space, and Other Conservation Areas

<u>IMPACTED LAND USE</u>	<u>ALLOWABLE DECIBEL LEVELS BY TIME OF DAY</u>	
	<u>6:00 a.m. to 7:00 p.m.</u>	<u>7:00 p.m. to 6:00 a.m.</u>
<u>National Parks or Recreation Areas, Pubic Parks, Federal Lands Campgrounds, and Federally, State or Locally Dedicated Open Space or Conservation Areas</u>	<u>50 db(A)*</u>	<u>45 db(A)*</u>
<u>Wilderness Areas</u>	<u>40 db(A)*</u>	<u>40 db(A)*</u>
<u>*db(A): Decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute.</u>		
<u>Warning Devices Exempted: Devices required by MSHA or the US Department of Labor are exempt from this standard.</u>		

M. Surface Disturbance.

1. The Mining Operation will be located and constructed in a manner that minimizes site disturbance and the amount of cut and fill on the affected lands.
2. Size of structures and surface equipment for present and future operational needs will be minimized as much as possible without compromising safety concerns.

3. Existing vegetation will not be removed more than thirty (30) days prior to the commencement of initial site grading. Areas that have been filled, covered, or graded will be revegetated as soon as practicable. Site specific native seed mix will be used, with the exception of any landscaped areas. Mulching will be used to support vegetation growth.
4. In areas that must be disturbed by the Mining Operation, topsoil will first be stripped and stockpiled on-site for redistribution over the completed final grade. Stockpiling will conform to best management practices and will ensure that soil organisms in stockpiled soil remain viable until completion of the redistribution process.
5. Compliance with the *Grading, Erosion and Sediment Control Plan* is required to meet this standard.

N. Traffic, Roads, and Access.

The Mining Operation will not cause an adverse impact to the condition of roads, traffic patterns, or traffic levels of service. Compliance with the *Traffic and Road Impact Assessment and Mitigation Plan* is required to satisfy this standard. In addition:

1. Road Improvements, Damage and Maintenance.
 - a. The weight of trucks will not exceed road or bridge weight capacity on approved haul routes as established by the County or by Federal or State law.
 - b. Truck traffic may be limited on public roads during seasons when heavy vehicle use, weather conditions, or water saturation may result in significant damage.
 - c. All public roads and bridges necessary to accommodate the traffic and equipment related to the Mining Operation and to accommodate emergency vehicles will comply with County road and bridge standards.
 - d. The Operator will bear the proportionate cost of all road and bridge improvements, repairs, and maintenance necessitated by the Mining Operation.
 - (1) If the *Traffic and Road Impact Assessment and Mitigation Plan* shows the projected use of public roads by traffic and equipment related to the Mining Operation will increase traffic above existing levels of service, or result in a need for increased roadway maintenance, the Operator will enter into an agreement with the County whereby the Operator assumes responsibility for constructing the necessary road and bridge improvements to maintain the existing level of service, and the Operator provides for additional road and bridge maintenance or reimburses the County for such improvements and maintenance.
 - (2) The Operator will maintain financial assurance to secure its road construction, maintenance and repair obligations. The amount of such financial assurance will be determined by the County.

2. Haul routes.

a. Haul routes and traffic routes will be designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities and already congested locations. Alternative routes will be identified.

(1) When a proposed haul route includes streets within a municipality, the County will consult with the applicable municipal government to establish appropriate routes.

(2) When a proposed haul route is located near a developed area, the County will weigh the advantages of a shorter haul route with decreased haulage trips against other potential impacts to residential or tourist areas.

b. Timing of truck traffic will be controlled to prevent congestion or adverse noise impacts or safety risks.

3. Access Roads.

a. Access points to public roads will be located, improved and maintained to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.

b. Access roads will be improved a minimum distance of 200 feet on the access road from the point of connection to a public road. The access road will be improved as a hard surface (concrete or asphalt) for the first 100 feet from the public road and then improved as a crushed surface (concrete or asphalt) for 100 feet past the hard surface in the appropriate depth to support the weight load requirements of the vehicles accessing affected lands.

c. If an access road intersects with a pedestrian trail or walk, the Applicant will pave the access road as a hard surface (concrete or asphalt) a distance of 100 feet either side of the trail or walk and if necessary, replace the trail or walk to address the weight load requirements of the vehicles accessing the affected lands.

d. Temporary access roads associated with the Mining Operation will be reclaimed and revegetated to the original state within sixty (60) days after discontinued use of the temporary access roads.

4. Post Operational Access to Affected Lands. Access to the affected lands during post-Mining Operations will be restricted by fencing or other means if there are impoundments retaining water contaminated with harmful or hazardous materials or hazardous conditions remain present on the affected lands.

O. Restoration and Reclamation.

1. The Mining Operation will be approved by the Colorado Department of Reclamation Mining and Safety and/or the Bureau of Land Management or Forest Service prior to a final permit decision by the County.

2. Unless otherwise determined by the BOCC, the Mining Operation will be allowed to progress if the previous phases have been reclaimed within six (6) months after the commencement of the new phase. If the reclamation has not commenced in six (6) months, or has not been completed within

eighteen (18) months, Mining Operation on the property will stop until the reclamation/revegetation has occurred to the satisfaction of the County.

P. Lighting.

Lighting from the Mining Operation will not cause excessive glare or light to spill over onto adjacent property except as required for safety and emergency management. Compliance with the *Lighting Plan* is required to satisfy this standard.

Q. Compatibility.

The Mining Operation will not unduly interfere with other economic development efforts in the County. The Mining Operation will not cause significant adverse impact upon existing developed and dedicated conservation easements or other areas identified for residential, commercial institutional or industrial development by either the County or the municipalities in the Impact Area.

R. Compliance with State and Federal Regulations.

The Mining Operation will comply with all State and Federal laws and regulations applicable to Mining Operations.

DIVISION 6. FINANCIAL GUARANTEE.

14-601. FINANCIAL GUARANTEE REQUIRED.

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

A. Completion.

The 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 project.

C. Increases Borne By Permit Holder.

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

D. Shortfall to County Revenues.

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

14-602. AMOUNT OF FINANCIAL GUARANTEE.

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

A. Estimated Cost of Completion.

The estimated cost of completing the 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 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 will 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 will 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 will be licensed to do business in Colorado. Should the license to do business in Colorado be suspended or revoked, the Applicant will 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 will 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 will 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 will order the financial guarantee forfeited.

B. Public Hearing.

The BOCC will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will be in the sole discretion of the BOCC. The BOCC will 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 will 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.