

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

DEVELOPMENT CODE REVISIONS			
CHAPTER 10¹			
CASE #	RESO #	SECTION / DESCRIPTION	DATE
94-37	95-53	10504	06/12/95
01-079	02-74	Entire document revised	07/08/02
01-079	02-146	Minor amendment to Sections 10000, 10200 & 110300	12/16/02
04-029	04-68	Chapter 10: 1041 Regulations: 10000, 10200	08/23/04
04-077	05-99	Comprehensive Amendments to the Code	12/13/05
10-143	13-74	10200.B.2.d, 10200.C.5, 10200.K.1 and 2, and 10300.A.1.g.v	10/8/13

¹ The Sections referenced above were the Sections in effect at the time the Development Code was amended. Subsequent amendments to the Development Code may have resulted in section numbers being modified and may no longer be applicable.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

TABLE OF CONTENTS
CHAPTER 10

10000: INTRODUCTORY AND GENERAL PROVISIONS.....	4
A. Purpose and Intent	4
B. Authority	4
C. Definitions	4
D. Applicability	9
E. Exemptions	10
F. Relationship to Other Regulations	10
G. Severability	10
10100: DESIGNATION OF AREAS AND ACTIVITIES OF STATE INTEREST	11
A. Mailing List	11
B. Planning Commission Review	11
C. BOCC Review	11
10200: PERMIT APPLICATION PROCESS.....	11
A. Permit Required.....	11
B. Preapplication Meeting and Preapplication Submittal	12
C. Determination of Level of Permit Review.....	12
D. Application Submittal Requirements.....	13
E. Additional Submittal Requirements Applicable to Major Water and Sewer Projects	17
F. Additional Submittal Requirements Applicable to Major Facilities of a Public Utility.....	17
G. Additional Submittal Requirements Applicable to Solid Waste Disposal Sites.....	17
H. Additional Submittal Requirements Applicable to Airports	18
I. Additional Submittal Requirements Applicable to Arterial Highways, Interchanges and Collector Highways.....	18
J. Additional Submittal Requirements Applicable to Rapid or Mass Transit Facilities	18
K. Completeness Determination	19
10300: APPROVING AND ISSUING A PERMIT	19
A. Permit Review and Hearing Procedures	19
B. Conduct of Hearings and Hearing Record.....	21
C. Term of Permit	21
D. Renewal 21	
E. Permit Not Site Specific Development Plan.....	21
F. Permit Amendments and Technical Revisions	22
10400: APPROVAL CRITERIA.....	23
A. General Approval Criteria.....	23
B. Additional Criteria Applicable to New Major Water and Sewer Projects.....	24
C. Additional Criteria Applicable to Major Facilities of a Public Utility.....	24
D. Additional Criteria Applicable to Solid Waste Disposal Sites.....	24
E. Additional Criteria Applicable to Airports	25
F. Additional Criteria Applicable to Arterial Highways, Interchanges and Collector Highways	25
G. Additional Criteria Applicable to Rapid or Mass Transit Facilities.....	25
10500: FINANCIAL GUARANTEE	26
A. Financial Guarantee Required.....	26
B. Amount of Financial Guarantee.....	26
C. Estimate 26	
D. Form of Financial Guarantee	26
E. Release of Guarantee.....	27
F. Cancellation of the Financial Guarantee.....	27
G. Forfeiture of Financial Guarantee	27
H. Substitute of Financial Guarantee	27
10600: PERMIT ADMINISTRATION AND ENFORCEMENT	27
A. Enforcement and Penalties.....	27

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

B.	Permit Suspension or Revocation	28
C.	Transfer of Permits	28
D.	Inspection.....	28
APPENDIX A	28

**SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest**

10000: INTRODUCTORY AND GENERAL PROVISIONS

A. Purpose and Intent

The purpose of this chapter is to enact Regulations governing Areas and Activities of State Interest pursuant to C.R.S. § 24-65.1-101 et seq. as a means of ensuring that growth and development in Summit County are consistent with legitimate environmental concerns and occur in a safe, efficient and coordinated manner and, further, ensuring that adequate community services and facilities are provided in a manner consistent with the constitutional rights of property owners, community goals and protection of the public welfare.

B. Authority

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

C. Definitions

The words and terms used in these Regulations governing Areas and Activities of State Interest shall have the meanings set forth below. Where there is a conflict between these definitions and the definitions contained in Chapter 15 of this Code, these definitions shall control for purposes of this Chapter 10.

Adverse: Unfavorable, harmful.

Affected Party: Any person with an interest in the outcome of the permit decision for the Proposed Project.

Agricultural Lands: Any land used primarily for the production of crops or livestock, including irrigated meadows, irrigated and dry pasture, irrigation ditches, stock drive routes, lands used for barns, corrals and storage of crops or agricultural products, but not including lands used primarily for the production of commercial timber.

Applicant: A person submitting an application for a permit to engage in a development in a designated Area of State Interest or to conduct a designated Activity of State Interest, who is either the owner of the property to be developed, has written permission from the property owner for submittal of the project proposal or has authority to condemn the property.

Aquifer Recharge Area: Any area where surface water may infiltrate to a water-bearing stratum of permeable rock, sand or gravel. This definition will also include areas around wells used for disposal of wastewater or toxic pollutants.

Area Around a Rapid or Mass Transit Facility: An area immediately surrounding and directly affected by a rapid or mass transit facility as defined herein.

Arterial Highway: Any limited access highway that is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the Colorado Department of Transportation (“CDOT”).

BOCC: The Summit County Board of County Commissioners.

Building: Any structure having a roof supported by columns or walls and intended for supporting or sheltering any use or occupancy.

Building Permit: A permit which is issued by the Building Department prior to the erection, construction, alteration, moving, relocation or change of use of any building or structure.

Code: Summit County Land Use and Development Code.

Collection System: A network of pipes and conduits through which sewage flows to a sewage treatment plant.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

Collector Highway: A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation centers, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, CDOT. “Collector highway” does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

Planning Commission: A Basin Planning Commission or the Countywide Planning Commission.

Cost: The total monetary amount to be paid, including all amounts to be paid for land acquisition, capital improvements, construction, fixtures, equipment, labor, materials, operation, financing, debt service, planning, permitting and similar purposes.

County: Summit County.

Dedication: The conveyance or setting aside of land to the BOCC or its designee.

Designation: That legal procedure specified by C.R.S. §§ 24-65.1-401 et seq., 24-65.1-402 et seq., and 24-65.1-406 et seq., for designating Matters of State Interest. It also includes the revocation and amendment of such designations.

Determination: Determination of Level of Permit Review or Amendment by the Planning Director.

Development: Any construction, activity and/or ongoing operation that changes the basic character or the use of the environment in which the construction, activity or operation occurs.

Development Area: Those geographic areas within the County which will be developed or altered directly by construction or operation of the project.

Development Permit: Any Summit County land use permits or approvals of any kind, including building permits, conditional use permits, plat approvals, grading permits or land use permits.

Distribution System: A network of pipes and conduits through which water is piped for human consumption or a network of pipes and conduits through which water is piped in exchange or trade for water for human consumption.

Domestic Water and Wastewater Treatment System: A water supply system, water treatment plant, or wastewater treatment plant.

- (a) “Water supply system” means the system of wells, diversions, pipes, structures and facilities, including impoundments and their associated structures, through which a water supply is obtained, stored and sold or distributed for domestic uses; or the system of wells, diversions, pipes, structures and facilities, including impoundments, through which a water supply is obtained which will be used directly or by trade, substitution, augmentation or exchange, for water which will be used for human consumption or household use. In determining whether a project is a domestic water supply system, the BOCC will consider water rights decrees, pending water rights applications, intergovernmental agreements, water supply contracts and any other evidence of the ultimate use of the water.
- (b) “Wastewater treatment plant” means the facility or group of units, including any system of pipes, structures and facilities through which wastewater is collected for treatment, that is used for treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units discharges into state waters.
- (c) “Water treatment plant” means the facilities within the water supply system that regulate the physical, chemical or bacteriological quality of the water.

Dwelling: Any building or part thereof designed or used for private residential purposes.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

Dwelling Unit: Any building or portion of a building which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, intended for occupancy by not more than one (1) family and which has no more than one (1) kitchen.

Efficient Use of Water: The employment of methods, procedures, techniques and controls to encourage use of water for purposes, and in amounts, which will yield the greatest possible benefit to the greatest number of people, while promoting, where feasible and appropriate, the conservation of water in particular uses. Such benefits will include economic, social, aesthetic, ecological, agricultural and recreational benefits.

Environment: All natural physical and biological attributes and systems including the atmosphere, climate, geology, soils, groundwater, surface water, wetlands, vegetation, animal life, physical features, natural hazards, topography and aesthetics.

Fixed Guideway: A transportation facility consisting of a separate right-of-way or rail line for the exclusive use of rapid or mass transit vehicles.

Floodplain: An area adjacent to the stream, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

- (a) Mainstream floodplains;
- (b) Debris-fan floodplains; and
- (c) Dry wash channels and dry wash floodplains.

Geologic Hazard: A geologic phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

- (a) Avalanches, landslides, rock falls, mudflows and unstable or potentially unstable slopes;
- (b) Seismic effects;
- (c) Radioactivity; and
- (d) Ground subsidence.

Geologic Hazard Area: An area that contains or is directly affected by a geologic hazard.

Hazard: A significant source of risk, danger or peril resulting from natural phenomena or conditions including those precipitated or caused by activities of man.

Hearing: Public hearing.

Highway: State and federal highways and major county arterials.

Highway, arterial: A principal arterial road as defined in the Summit County Road and Bridge Design and Construction Standards that has an average daily traffic count of 5000 or greater.

Highway, collector: An arterial road as defined in the Summit County Road and Bridge Design and Construction Standards that has an average daily traffic count of at least 2500 but not more than 4999.

Impact: The direct or indirect effect or consequence resulting from development. The term shall include physical, environmental, economic, visual, auditory or social consequences or effects.

Impact Area: Those geographic areas, including the Development Area, in which any impacts are likely to be caused by the project.

Include: Including without limitation.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

Industrial: Any development of natural resources, business or trade, commercial activity, processing, fabrication, alteration or manufacture of raw or semi-processed materials, manufactured goods or any components thereof.

Interchange: The intersection of two (2) or more highways, roads or streets, at least one (1) of which is an arterial highway where there is direct access to and from the arterial highway.

Major Extension of an Existing Domestic Sewage Treatment System: Any modification of an existing Wastewater Treatment Plant, or any extension of existing sewage supply systems designed to serve an additional ten (10) single-family dwelling units or the equivalent thereof, regardless of whether such use is residential, commercial or industrial. See **Major Water and Sewer Project**.

Major Extension of an Existing Domestic Water Treatment System: Any modification of an existing Water Treatment Plant or any extension of existing Water Supply Systems to serve an additional ten (10) single-family dwelling units or the equivalent thereof, regardless of whether such use is residential, commercial or industrial. See **Major Water and Sewer Project**.

Major Facilities of a Public Utility:

- (a) Transmission lines, power plants and substations of electrical utilities; and
- (b) Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.

Major New Domestic Sewage Treatment System: Any new Wastewater Treatment Plant designed to serve ten (10) single-family dwelling units or the equivalent thereof, regardless of whether such use is residential, commercial or industrial. See **Major Water and Sewer Project**.

Major New Domestic Water Treatment System: Any new Water Treatment Plant or Water Supply System designed to serve ten (10) single-family dwelling units or the equivalent thereof, regardless of whether such use is residential, commercial or industrial. See **Major Water and Sewer Project**.

Major Water and Sewer Project: Major New Domestic Water and Sewage Treatment Systems; Major Extensions of Existing Domestic Water and Sewage Treatment Systems; and Municipal and Industrial Water Projects.

Mass Transit: A coordinated system of one (1) or more transit modes providing regular transportation to the general public, including but not limited to bus or rapid transit, but not including charter bus, school bus, sightseeing transportation.

Master Plan: A land use plan adopted by the County or a municipality within the County.

Matter of State Interest: An Area of or an Activity of State Interest, or both, as listed in C.R.S. §§ 24-65.1-201(1) et seq., 24-65.1-203(1) et seq.

Mitigation: An action that will have one or more of the following effects:

- (a) Avoiding an impact by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- (c) Rectifying the impact by repairing, rehabilitating or restoring the impact area, facility or service;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations;
- (e) Compensating for the impact by replacing or providing suitable biological and physical conditions and by replacing or providing suitable services and facilities.

Municipal or Industrial Water Project: Systems and all related components thereof that provide or may provide in the future, water supply, either directly or by trade, substitution, augmentation or exchange, for municipal or industrial uses. See **Major Water and Sewer Project**.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

Municipality: An incorporated city or town.

Natural Hazard: A natural phenomenon which so conflicts with construction or land use as to constitute a significant hazard to public health and safety or to property including, without limitation, geologic hazards, flood hazards and wildfire hazards.

Net Effect: The impact of an action after mitigation.

Permit Authority: The BOCC, or its designee.

Person: Any individual, limited liability company, partnership, corporation, association, company or other public or corporate body including the federal government, any political subdivision, agency, instrumentality, or corporation of the State or the United States.

Planning Department: The Summit County Planning Department.

Planning Director: The Director of the Summit County Planning Department or his designee.

Project or Proposed Project: The site selection, construction, development or operation of an activity or other Development proposed under these Regulations throughout its life cycle including all ancillary structures, facilities, improvements and activities and all integrated components thereof and any proposed land use directly related to such project if such project is to be located wholly or partially within the County. A project cannot be segmented to avoid the requirements of these Regulations. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the development must be considered together when reviewing the project hereunder and determining if it satisfies these Regulations.

Public Services and Facilities: Those services and facilities provided by a political subdivision of the State or by a federal agency.

Rapid or Mass Transit Facility: A station or terminal constructed to provide and facilitate passenger access and egress to a rapid or mass transit system, fixed guideways, dedicated highway lanes restricted to use by only mass transit vehicles, restricted dedicated flyovers and restricted dedicated access to terminals or stations or highway access and egress facilities restricted to use only by mass transit vehicles.

Rapid Transit: The element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway, rail trackage or monorail facility constructed solely for that purpose.

Recycling: The treatment and use of wastewater or water in a manner that will make it available for use again.

Service Area: The primary geographic area to be served by the Proposed Project.

Service Road: A street or road meeting County specifications running parallel to a county, State or federal highway used to provide ingress and egress to a development located adjacent to that highway.

Shelter: A building or structure designed primarily to provide a waiting area for transit passengers.

Significant: Deserving to be considered; important; notable and not trifling.

Significantly Degrade: To lower in grade or desirability to a significant, as opposed to a trifling, degree.

Significantly Deteriorate: To make inferior in quality or value to a significant, as opposed to a trifling, degree.

Site Selection, Rapid or Mass Transit Facility: The process for determining the location of rapid or mass transit facilities or the substantial expansion or relocation of an existing facility, by a recognized and bona fide mass transit

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

agency or authority, the County, the State or the federal government or any subdivision of each and/or any private entity or person.

Solid Waste Disposal Site: A site for the disposal of any garbage, refuse, sludge from a waste treatment plant and any other discarded material including solid, liquid, semisolid or contained gaseous materials resulting from domestic, industrial, commercial, mining/milling and agricultural activities.

Station and/or Terminal: A facility constructed to provide and facilitate passenger access to and from a rapid or mass transit system, including areas necessary for vehicle operations and parking areas for commuters and roadways connecting to the general road and street system of Summit County. "Stations" shall include any proposed regularly scheduled stop or planned optional or seasonal boarding point on a rapid transit system. Dedicated Park and Ride facilities with 50 or more parking spaces shall be deemed "stations" for the purposes of these regulations, with or without a shelter facility. Shelters alone, or as part of traditional bus stops, and pull-outs lacking 50 dedicated spaces are not considered "stations or terminals" for the purposes of these regulations.

Stream Segment: An identifiable lake or reservoir or a stretch of a stream or tributary defined on the basis of common classified uses and similar physical, chemical and biological characteristics, up to the point at which the use or characteristic changes to another.

Terminal: See "Station and/or Terminal."

Transportation Corridor: Any County or municipal street or road, any State or federal highway and any railroad operating as a common carrier.

Use: The purpose or activity for which a parcel of land, a building or structure is designed, arranged or intended or for which it is occupied or maintained.

Water Diversion: Removing water from its natural course or location or controlling water in its natural course or location, by means of a ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump or other structure or device.

Wildlife: Native or introduced wild vertebrates.

Wildlife Habitat: That natural or man-made environment which contains the elements of food, shelter, water and space in a combination and quantity necessary for the survival of one or more wildlife species.

D. Applicability

1. **Areas and Activities of State Interest:** These Regulations shall apply to the designation and regulation of any Area or Activity of State Interest in the unincorporated areas of the County that has been or may hereafter be designated by the BOCC, unless expressly exempted herein. More specifically, these Regulations shall apply to:
 - a. Site selection and construction of a Major New Domestic Water and Sewage Treatment System.
 - b. Major Extensions of an Existing Domestic Water and Sewage Treatment System.
 - c. Efficient utilization of a Municipal and Industrial Water Project.
 - d. Site selection and construction of a Major Facility of a Public Utility.
 - e. Site selection and development of a Solid Waste Disposal Site.
 - f. Site selection of an airport.
 - g. Site selection of an Arterial Highway, Interchange and/or Collector Highway.
 - h. Site selection of a Rapid or Mass Transit Terminal, Station or Fixed Guideway ("Rapid or Mass Transit Facility").
2. **Public and Private Lands:** These Regulations shall apply to all Matters of State Interest designated as such by the County whether located on private or public lands within the unincorporated areas of the County.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

E. Exemptions

1. **Statutory Exemptions:** The provisions of this Chapter 10 shall not apply to any development in an Area of State Interest or any Activity of State Interest if any one (1) of the following is true:
 - a. As of May 17, 1974,
 - i. The specific development or activity was covered by a current building permit issued by the County; or
 - ii. The specific development or activity was directly approved by the electorate of the State or the County, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity; or
 - iii. The specific development or activity is to be on land which has been finally approved by the County, with or without conditions, for Planned Unit Development (“PUD”) or land use similar to a PUD; or
 - iv. The specific development or activity is to be on land which was either zoned or rezoned, with or without conditions, for the use contemplated by such specific development or activity; or
 - v. The specific development or activity is on land with respect to which a development plan has been conditionally or finally approved by the appropriate governmental authority.
 2. **Specific Exemptions:** The provisions of this Chapter 10 shall not apply to any of the following:
 - a. Replacement of an existing water diversion structure without change in the point of diversion or point of use of the water or yield from the diversion.
 - b. Irrigation facilities used for agricultural purposes.
 - c. The specific activity is the extension of water or sewer service into areas that were zoned, platted or otherwise approved for development prior to August 23, 2004 where the primary purpose of the extension is to serve such pre-existing or approved development rights.
 - d. Upgrades to existing water and sewer treatment facilities that are required maintenance or otherwise required by federal, state or county regulations, including repairing and/or replacing old or outdated equipment or installing new equipment, provided the improvements do not expand levels of service beyond design capacity and further provided that the upgrade does not alter the location of the existing facility.

F. Relationship to Other Regulations

1. **Inconsistencies or Conflict with Other County Regulation:** If any of the provisions of these Regulations is deemed to be inconsistent or in conflict with the provisions of any other County regulations or requirements, then the more stringent regulation or requirement shall apply.
2. **Compliance with Other Regulations:** Compliance with these Regulations does not waive the requirement to comply with any other applicable State, local or federal law or regulation.
3. **Coordinated Review and Permitting:** Any applicant for a permit under these Regulations that is also subject to the regulations of other State or federal agencies may request that the County application and review process be coordinated with that of the other agency. 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.
4. **Coordinated Permit Conditions:** The County, to the extent practicable, will attempt to coordinate its approval of the application, including the terms and conditions of such approval, with that of other agencies as appropriate.

G. Severability

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

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

10100: DESIGNATION OF AREAS AND ACTIVITIES OF STATE INTEREST

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

A. Mailing List

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

B. Planning Commission Review

The Planning Commission, prior to the public hearing before the BOCC, shall review and make a recommendation on the proposed designation of a Matter of State Interest.

1. **Designation of Areas of State Interest:** The Planning Commission shall review any proposed designation of an Area of State Interest. Notification of the review shall be given in accordance with Chapter 13 of the Summit County Land Use and Development Code. In addition, notice shall be sent to all persons on the mailing list pursuant to Section 10100.
2. **Designation of Activities of State Interest:** The Planning Commission shall review any proposed designation of an Activity of State Interest. Notification of the review shall be given in accordance with Chapter 13 of the Summit County Land Use and Development Code. In addition, notice shall be sent to all persons on the mailing list pursuant to Section 10100.

C. BOCC Review

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

1. **Public Hearing and Notice:** The BOCC shall hold a public hearing prior to designating any Matter of State Interest with notice, stating the time and place of the hearing and the place at which relevant materials may be examined. Notice shall be published once at least 30 days and not more than 60 days before the hearing in a legal newspaper of general circulation in the County. Written notice of such public hearing shall be sent to all persons on the mailing list pursuant to Section 10100.A at least 30 days and not more than 60 days before the hearing.
2. **Action:** Within 30 days after completion of the public hearing, the BOCC shall take action by resolution to adopt, adopt with modifications or reject the particular proposed Designation and guidelines for a Matter of State Interest.
3. **Findings:** Any resolution for action shall be accompanied by findings taking into consideration:
 - a. The intensity of current and foreseeable development pressures.
 - b. The reasons why the particular area or activity is of State Interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity and the advantages of development of such area or conduct of such activity in a coordinated manner.
 - c. Applicable policies of any Master Plan.
 - d. The guidelines adopted and issued by the Colorado Land Use Commission.

10200: PERMIT APPLICATION PROCESS

A. Permit Required

1. **Matter Requires a Permit:** No person may engage in a designated Activity of State Interest or engage in development in a designated Area of State Interest without either first obtaining a permit, a permit

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

amendment or a Finding Of No Significant Impact (“FONSI”) under these Regulations. No permit shall be issued for any activity that does not comply with these Regulations.

2. **No Development Permit Unless Compliance with These Regulations:** No Development Permit shall be issued by the County for a designated Activity of State Interest or for development in a designated Area of State Interest without the applicant having first obtained a FONSI or having first or contemporaneously obtained a permit under these Regulations.

B. Preapplication Meeting and Preapplication Submittal

1. **Preapplication Meeting:** Before submitting an application to the County for a permit under these Regulations, any person seeking to engage in an activity or development subject to these Regulations shall meet with the Planning Director. At that meeting, the Planning Director shall explain the regulatory process and requirements and begin to evaluate the Level of Permit Review that will be required.
2. **Preapplication Submittal:** Following the preapplication meeting, any person seeking to engage in an activity or development subject to these Regulations shall initially submit a request for a Level of Permit Review Determination, which request shall include the following:
 - a. A signed request form including the applicant’s name, address and phone number.
 - b. A map prepared at an easily readable scale showing:
 - i. Boundary of the proposed activity.
 - ii. Relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams and existing structures.
 - iii. Proposed building, improvements and infrastructure.
 - c. A written summary of the project that is sufficient for determining the Level of Permit Review that will be required for the application, including an analysis of each approval standard contained in Section 10400 of these Regulations.
 - d. A preapplication fee in an amount indicated on the Summit County Development Review Fee Schedule will be used to cover costs related to the staff time required to make the Director’s Determination of whether a project is exempt, warrants a FONSI, or a permit is required.

C. Determination of Level of Permit Review

1. **Three Possible Levels of Permit Review:** There are three (3) possible Levels of Permit Review for a Proposed Project: a FONSI; a minor permit review; and a major permit review. The Planning Director shall make the initial Determination of the appropriate Level of Permit Review based upon the preapplication meeting and submittals.
 - a. The Determination of Level of Permit Review shall be made by the Planning Director within a reasonable time (not to exceed 30 days) following the preapplication submittal.
 - b. Within five (5) days of the Determination of Level of Permit Review, the Planning Director shall provide notification of the Determination to (i) the applicant by phone and letter, and (ii) the BOCC, the County Manager and the County Attorney by e-mail and phone.
 - c. A notice of the Determination of the Level of Permit Review shall be published in the legal notice section of a legal newspaper of general circulation as soon as practicable.
2. **Finding of No Significant Impact (“FONSI”):** Based upon review of the preapplication submittals and the information obtained at the preapplication meeting, the Planning Director may determine that no significant impacts are likely to occur from the Proposed Project and therefore a permit under these Regulations will not be necessary. The Planning Director may make a FONSI if:
 - a. The construction or operation of the Proposed Project, without additional mitigation, in its proposed location is unlikely to have any significant adverse impact to the County in consideration of all of the approval criteria in Section 10400 of these Regulations, or
 - b. The Proposed Project has been reviewed and approved by the County in conjunction with a development application for a rezoning, PUD modification, subdivision or conditional use permit, subsequent to August 23, 2004 and the following requirements have been satisfied:
 - i. The Proposed Project is located entirely within the boundaries of such development application;
 - ii. The Approval Criteria in Section 10400 of these Regulations have been satisfied in the course of the development application approval process; and

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- iii. No additional mitigation is necessary.
- 3. **Major and Minor Permit Review:** If the Planning Director determines that a FONSI is not appropriate based upon review of the preapplication submittals and the information obtained at the preapplication meeting, then the Director shall determine whether the Proposed Project should be subject to the Major Permit Review or Minor Permit Review provisions of these Regulations.
 - a. **Major Permit Review:** The Planning Director shall determine that Major Permit Review is required if:
 - i. The Proposed Project is likely to have a significant adverse impact in two (2) or more categories of criteria as described in Section 10400; or
 - ii. The Proposed Project is likely to have severe adverse impact in any one (1) category of criteria as described in Section 10400.
 - b. **Minor Permit Review:** The Planning Director shall determine that Minor Permit Review is required unless the Proposed Project is determined to warrant Major Permit Review.
- 4. **Reconsideration of Planning Director's Determination of Level of Permit Review:**
 - a. **Call-up by the BOCC:** The BOCC may, at its discretion, review and amend any Determination of the Planning Director at the next regularly scheduled meeting of the BOCC for which proper notice can be accomplished following receipt of the notice of the Determination.
 - b. **Request for Reconsideration:** Within seven (7) days after publication in the newspaper of a Determination by the Planning Director, any Affected Party may request that the BOCC reconsider the Planning Director's Determination at the BOCC's next regularly scheduled meeting for which proper notice can be accomplished following the request. The BOCC shall review the Determination based on the provisions of this Section 10200.
- 5. **Change in Level of Permit Review:** At any time prior to the final decision by the BOCC on the application for a permit under these Regulations, the Planning Director may decide that information received after the conclusion of the determination of level of permit review process indicates that the nature and scope of the impacts of the Proposed Project are such that a different Level of Permit Review is required.
 - a. If a different level of permit review is required, the Planning Director shall:
 - i. Notify the applicant immediately.
 - ii. Notify the BOCC, the County Manager and the County Attorney.
 - b. A decision by the Planning Director to change the Level of Review shall be subject to the reconsideration provisions in Section 10200.C.4.

D. Application Submittal Requirements

Permit application requirements are the same for major and minor Permit Review, except where "major only" is indicated. The Planning Director may waive one (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.

- 1. **Application Fee:**
 - a. The application shall be accompanied by an application fee in a manner set forth in these Regulations.
 - b. The application fee will be set by the County and shall reflect the cost of reviewing and processing the application package, including costs of copying, mailings, publications, labor and overhead, all hearings and meetings on the application package and the retention of such consultants, experts and attorneys as the County deems advisable to aid the County during the permit application and approval process.
 - c. The application package must be accompanied by payment of the application fee for either a major permit review or a minor permit review. The County will establish and administer a schedule for such application fee, provided however, the Planning Director may increase the application fee depending on the complexity of the proposal. The actual costs incurred by the County to process the application shall be deducted from the application fee. The Planning Department staff shall keep an accurate record of the actual time and other costs required for the processing of the application and additional billings shall be made commensurate with the additional costs incurred by the County. At no time will the application fee balance fall below 50 percent ("50%") of the applicable application fee. If the balance falls below the minimum balance, the County may cease processing the application package, pending

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- receipt of additional installments bringing the balance to at least the minimum amount. The amount of the initial payment and the minimum balance required may be reduced upon a finding by the Planning Director that the application processing and costs are likely to be less than the minimum amount set by these Regulations.
- d. The County will deposit that portion of the application fee which is not necessary to cover current costs and expenses in an interest-bearing account. The County will obligate, encumber or use such funds, from time to time, at its discretion, when necessary to cover the cost of processing the application. Interest earned on the account will belong to the applicant and will be applied by the County toward subsequent installments of the application fee.
 - e. The County will maintain accurate records of the manner in which the application fee is used and will make such records available for inspection by the applicant and the public at reasonable times as determined by the County.
 - f. Any portion of the application fee submitted by the applicant or any interest earned on such fee pursuant to paragraph (d) of this section which is not necessary to cover the cost of processing the application package will be reimbursed to the applicant after the hearing process has been completed.
 - g. The County will take no action on the application package until all fees and expenses related to the application review process have been paid.
2. **Information Describing the Applicant:**
 - a. The names, addresses, email address, fax number, organization form and business of the applicant, and if different, the owner of the project.
 - b. The names, addresses and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the project.
 - c. Authorization of the application by the project owner, if different than the applicant.
 - d. Documentation of the applicant's financial and technical capability to develop and operate the project, including a description of the applicant's experience developing and operating similar projects.
 3. **Information Describing the Project:**
 - a. Detailed plans and specifications of the project.
 - b. Descriptions of alternatives to the project that were considered by the applicant.
 - c. Schedules for designing, permitting, constructing and operating the project, including the estimated life of the project.
 - d. The need for the project, including existing/proposed facilities that perform the same or related function, and population projections or growth trends that form the basis of demand projections justifying the project.
 - e. Description of all conservation techniques to be used in the construction and operation of the project.
 4. **Property Rights, Permits and other Approvals:**
 - a. A list and copies of all other federal, State and local permits and approvals that have been or will be required for the project, together with any proposal for coordinating these approvals with the County permitting process.
 - b. Copies of all official federal and State consultation correspondence prepared for the project; a description of all mitigation required by federal, State and local authorities; and copies of any draft or final environmental assessments or impact statement required for the project.
 - c. Description of the water to be used by the project and alternatives, including the source, amount, the quality of such water, the applicant's right to use the water, including adjudicated decrees, applications for decrees, proposed points of diversion and the existing uses of water. If an augmentation plan has been filed in court, the applicant must submit a copy of that plan.
 5. **Regional Water Quality Management Plan:** Provisions of the applicable regional water quality management plan that apply to the project and assessment of whether the project would comply with those provisions.
 6. **Technical and Financial Feasibility of the Project (*Applicable to Major Review Only*):**
 - a. The estimated construction costs and period of construction for each development component.
 - b. Revenues and operating expenses for the project.
 - c. The amount of any proposed debt and the method and estimated cost of debt service.
 - d. Details of any contract or agreement for revenues or services in connection with the project.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- e. Description of the persons 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.
- f. Cost of all mitigation measures proposed for the project.
7. **Land Use:**
 - a. Description of existing land uses within and adjacent to the Project Impact Area.
 - b. Description of provisions from local land use plans that are applicable to the project and an assessment of whether the Project will comply with those provisions.
 - c. Description of impacts and net effect that the project would have on land use patterns.
8. **Local Government Services:**
 - a. Description of existing capacity of and demand for local government services including roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, housing and other services necessary to accommodate development.
 - b. Description of the impacts and net effect of the project on the demand for local government services and the capability of local governments to provide services.
9. **Financial Burden on County Residents (*Applicable to Major Review Only*):**
 - a. Description of the existing tax burden and fee structure for government services, including but not limited to assessed valuation, mill levy, rates for water and wastewater treatment and costs of water supply.
 - b. Description of impacts and net effect of the project on existing tax burden and fee structure for government services applicable to County residents and property owners.
10. **Local Economy (*Applicable to Major Review Only*):**
 - a. Description of the local economy including but not limited to revenues generated by the different economic sectors, and the value or productivity of different lands.
 - b. Description of impacts and net effect of the project on the local economy and opportunities for economic diversification, including the number and types of jobs created.
11. **Recreational Opportunities (*Applicable to Major Review Only*):**
 - a. Description of present and potential recreational uses, including the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
 - b. Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, hiking and biking trails and wilderness areas.
 - c. Description of the impacts and net effect of the project on present and potential recreational opportunities and revenues to the local economy derived from those uses.
12. **Environmental Impact Analysis:** Description of the existing natural environment and an analysis of the impacts of the project to the natural environment. Descriptions in this section shall be limited to the Impact Area and shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the project in comparison to existing conditions. The analysis shall include a description of how the applicant will comply with the applicable Approval Criteria in Section 10400.
 - a. **Air Quality**
 - i. Description of the airsheds to be affected by the project, including the seasonal pattern of air circulation and microclimates.
 - ii. Map and description of the ambient air quality and State air quality standards of the airsheds to be affected by the project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants and other chemicals, temperature effects and atmospheric interactions.
 - iii. Descriptions of the impacts and net effect that the project would have on air quality during both construction and operation under both average and worst case conditions.
 - b. **Visual Quality**
 - i. Map and description of ground cover and vegetation, forest canopies, waterfalls and streams or other natural features.
 - ii. Description of viewsheds, scenic vistas, unique landscapes or land formations.
 - iii. Map and description of buildings, structure design and materials to be used for the project.
 - iv. Descriptions of the impacts and net effect that the project would have on visual quality.
 - c. **Surface Water Quality**
 - i. Map and description of all surface waters, including applicable State water quality standards, to be affected by the project.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- ii. Descriptions of the immediate and long-term impact and net effects that the project would have on the quantity and quality of surface water under both average and worst case conditions.
- d. **Groundwater Quality and Quantity**
 - i. Map and 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.
 - h) Location of all water wells and their uses.
 - ii. Description of the impacts and net effect of the project on groundwater.
- e. **Wetlands and Riparian Areas**
 - i. Map and description of all floodplains, wetlands and riparian areas to be affected by the project, including a description of each type of wetlands, species composition and biomass.
 - ii. Description of the source of water interacting with the surface systems to create each wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.).
 - iii. Description of the impacts and net effect that the project would have on the floodplains, wetlands and riparian areas.
- f. **Terrestrial and Aquatic Animals and Habitat**
 - i. Map and description of terrestrial and aquatic animals, including the status and relative importance of game and non-game wildlife, livestock and other animals; a description of streamflows and lake levels needed to protect the aquatic environment; description of threatened or endangered animal species and their habitat.
 - ii. Map and description of critical wildlife habitat and livestock range to be affected by the project including migration routes, calving areas, summer and winter range and spawning beds.
 - iii. Description of the impacts and net effect that the project would have on terrestrial and aquatic animals, habitat and food chain.
- g. **Terrestrial and Aquatic Plant Life**
 - i. Map and description of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
 - ii. Descriptions of the impacts and net effect that the project would have on terrestrial and aquatic plant life.
- h. **Soils, Geologic Conditions and Natural Hazards**
 - i. Map and description of soil, geologic conditions and natural hazards, including but not limited to soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history and wildfire hazard areas.
 - ii. Descriptions of the risks to the project from natural hazards.
 - iii. Descriptions of the impact and net effect of the project on soil and geologic conditions in the area.
- 13. **Nuisance:** Descriptions of noise, glare, dust, fumes, vibration and odor levels caused by the project.
- 14. **Areas of Paleontological, Historic or Archaeological Importance:**
 - a. Map and description of all sites of paleontological, historic or archaeological interest.
 - b. Description of the impacts and net effect of the project on sites of paleontological, historic or archaeological interest.
- 15. **Hazardous Materials Description:**
 - a. Description of all hazardous, toxic and explosive substances to be used, stored, transported, disturbed or produced in connection with the project, including the type and amount of such substances, their location and the practices and procedures to be implemented to avoid accidental release and exposure and any foreseeable impacts to the environment of such substances.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- b. Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment measures.
- 16. **Balance Between Benefits and Losses** (*Applicable to Major Review Only*):
 - a. Description of foreseeable benefits to the County created by the project.
 - b. Description of foreseeable losses of natural, agricultural, recreational, range or industrial resources within the County and loss of opportunities to develop those resources in the future.
- 17. **Monitoring and Mitigation Plan:**
 - a. Description of all mitigation for the Project.
 - i. Describe how and when mitigation will be implemented and financed.
 - ii. Describe impacts that are unavoidable that cannot be mitigated.
 - b. Description of methodology used to measure impacts of the project and effectiveness of proposed mitigation measures.
 - c. Description, location and intervals of proposed monitoring to ensure that mitigation will be effective.

E. Additional Submittal Requirements Applicable to Major Water and Sewer Projects

In addition to the Submittal Requirements in Part 10200 D, above, the following additional requirements shall apply to Major Water and Sewer Projects:

- 1. Description of existing domestic water and wastewater treatment facilities in the vicinity of the project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
- 2. Description of other water and wastewater management agencies in the project area and reasons for and against consolidation with those agencies.
- 3. Description of how project may affect adjacent communities and users on wells.
- 4. Description of demands that this project expects to meet and basis for projections of that demand.
- 5. Description of efficient water use, recycling and reuse technology the project intends to use.
- 6. Description of how the project will affect urban development, urban densities and site layout and design of stormwater and sanitation systems.
- 7. Map and description of other municipal and industrial water projects in the vicinity and a discussion of how the project will compete with or duplicate those services in the County.

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

In addition to the Submittal Requirements in Part 10200 D, above, the following additional requirements shall apply to Major Facilities of a Public Utility:

- 1. Map and description of areas around the proposed major facilities of a public utility and likelihood of nearby activities disrupting utility services.
- 2. Description of how facilities will affect existing community patterns.
- 3. Description of applicable adopted master plans and whether facilities comply with those provisions.

G. Additional Submittal Requirements Applicable to Solid Waste Disposal Sites

In addition to the Submittal Requirements in Part 10200 D, above, the following additional requirements shall apply to Solid Waste Disposal Sites:

- 1. Analysis of capacity of existing landfills in the County and remaining life of existing landfill and the need for a new major solid waste disposal site.
- 2. Report on wind conditions for the site.
- 3. Description of potential pollution problems related to the site.
- 4. Description of efforts to recycle waste and conservation practices to be employed at the site.
- 5. Expected effect and impact on nearby property owners and on current land uses, compared with alternate locations.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

H. Additional Submittal Requirements Applicable to Airports

In addition to the Submittal Requirements in Part 10200 D, above, the following additional requirements shall apply to Airports:

1. Map and description of nearby land uses. Expected impact of new airport on those land uses and nearby property owners from noise and traffic.
2. Map and description of flight patterns as related to other land uses. Description of potential public safety and property issues related to the airport and plane crashes.
3. Description of how the airport will affect existing communities, the environment and existing community services.
4. Description of how the airport will affect economic and transportation needs of the state and the area.
5. Description of applicable adopted master plans and whether facilities comply with these provisions.

I. Additional Submittal Requirements Applicable to Arterial Highways, Interchanges and Collector Highways

In addition to the Submittal Requirements in Part 10200 D, above, the following additional requirements shall apply to arterial highways, interchanges and collector highways:

1. Description of how project will affect traffic patterns as well as non-motorized traffic.
2. Description of how the new roads will likely affect surrounding land uses and existing community patterns.
3. Description of how new roads will serve community traffic demands.
4. Description of how new roads will comply with other local, State and federal regulations and master plans.

J. Additional Submittal Requirements Applicable to Rapid or Mass Transit Facilities

In addition to the submittal requirements in Part 10200 D, above, the following additional requirements shall apply to Rapid or Mass Transit Facilities:

1. **Development in areas around Rapid or Mass Transit Facilities shall require the following additional submittals:**
 - a. One (1) 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. 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. A narrative description of the impacts of the proposed development to the Rapid or Mass Transit Facility.
 - d. Maps or diagrams illustrating the pedestrian and bicycle routes that can be utilized to gain access between the proposed development and the adjacent Rapid or Mass Transit Facility.
2. **Rapid or Mass Transit Facilities shall require the following additional submittals:**
 - a. A general narrative description stating whether the proposed facility is a station, terminal, fixed guideway or other Rapid or Mass Transit Facility. The narrative description shall give a description of the location of the proposed facility, including intersections, towns, existing and planned facilities and landmark features. The narrative description shall also describe the impacts of the facility, and associated activities, on the character of the area and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the unincorporated area of Summit County.
 - b. One (1) or more maps at sufficient scale, showing the location of the proposed facility together with proposed or existing transportation corridors, zoning classification and land use within 2000 feet.
 - c. **Fixed Guideways:** If the proposed facility is a fixed guideway, the application shall also include:

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- i. A description of the type of motive power that will be used to propel transit vehicles along the guideway and maximum anticipated speed of the transit vehicles along different segments of the system.
 - ii. Maps showing the proposed right-of-way.
 - iii. 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.
 - iv. The maximum proposed grade of the guideway and the maximum curvature. Proposed curves in excess of ten (10) degrees shall be indicated on the map.
 - v. Identification of all buildings or other structures that must be removed in order for the proposed guideway to be built.
 - vi. A plan for preventing collisions at points where the proposed guideway crosses other transportation corridors.
- d. **Stations and Terminals:** If the proposed facility is a station or a terminal associated with a rapid or mass transit system, the application shall also include:
- i. A passenger impact analysis including:
 - (1) The number of vehicle trips associated with the station or terminal at or just before any scheduled departure;
 - (2) The number of passengers that will likely ride only one (1) way on any given day; and
 - (3) The number of passengers that can be expected to bring baggage, recreational equipment, tools or other material.
 - ii. The anticipated schedule of departures and arrivals at the station or terminal and the expected capacity of each transit unit.
 - iii. The maximum length of any train that will serve the station or terminal, excluding propulsion units.
 - iv. 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.
 - v. A map of all roadways, parking areas and other facilities showing details such as width, layout, traffic flow, pavement markings and traffic control devices.
 - vi. Identification of all buildings or other structures that must be removed in order for the proposed station or terminal to be built.

K. Completeness Determination

1. An application shall not be accepted unless it is complete per the requirements of this Chapter 10. Within 30 working days after an application has been submitted or any supplements or additions thereto have been submitted, as appropriate, the Planning Director shall determine whether the application is complete per the requirements of this Chapter 10. If the Planning Director determines that the application is incomplete, then within 30 working days after the application (or any supplement or addition thereto) is submitted, the Planning Director shall specify in writing the additional information that is required. When the application is complete, the Planning Director shall note upon the application the date and hour of receipt.
2. For major electrical or natural gas facilities, the Planning Director shall, within 28 calendar days of the submission, notify the utility or authority submitting the application of any additional information that must be supplied by the utility or authority to complete the application. Such notice shall specify the particular provisions of these regulations necessitating submission of the required information. When the application is complete, the Planning Director shall note upon the application the date and hour of receipt.

10300: APPROVING AND ISSUING A PERMIT

A. Permit Review and Hearing Procedures

1. **Major Permit Review Procedures**
 - a. **Staff Review and Staff Report:** The Planning Department shall review the application and prepare a report recommending approval, conditional approval, denial or continuance of the permit.
 - b. **Set Hearing Date:** The Planning Director shall set the hearing date not less than 30 days nor more than 60 days after receipt of a complete application.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- c. **Hearing Notice:** No later than 30 days after receipt of a complete application, the County shall publish notice of the hearing. Notice shall be published once in a legal newspaper of general circulation in the County, not less than 30 days nor more than 60 days before the date set for hearing. The County shall also mail notice of the hearing to those on the mailing list as described in Section 10100.A. The notice published in the newspaper shall include a location where the proposed major permit materials related thereto can be viewed.
 - d. **Notice to Property Owners:** Written notice of the public hearing shall also be delivered or mailed, first-class postage prepaid, to adjoining landowners within 300 feet of the entire boundary of the proposed activity, except that the Planning Director may extend the radius used for noticing based on the nature of the Proposed Project, its potential impacts and the general character of the area.
 - e. **Notice for Lineal Facilities:** When the hearing is for a lineal facility including but not limited to a transmission line, pipeline, or other lineal facility, notice of the hearing shall also be:
 - i. published at least once in a legal newspaper of general circulation in the county by means of an advertisement measuring at a minimum 24 square inches; and
 - ii. mailed to all homeowners associations registered with the Planning Department and all property owners having an interest in property which would be traversed by the route of the facility.
 - f. **Planning Commission Hearing and Recommendation:** Major permit applications shall be reviewed by the Planning Commission.
 - i. The Planning Commission shall conduct a hearing to determine whether the Proposed Project complies with the Approval Criteria in Section 10400.
 - ii. If the Planning Commission determines that the Proposed Project complies with all the applicable provisions of these Regulations, then it shall recommend that the BOCC approve the application. If the Planning Commission determines that the proposed activity does not comply with all the applicable provisions of these Regulations, then it shall recommend that the BOCC deny the application or approve the application with conditions to ensure compliance with the Regulations.
 - g. **BOCC Hearing and Decision:**
 - i. The BOCC shall conduct the hearing in accordance with Section 10300.B.
 - ii. If at the end of the hearing, after considering all information on the record, the BOCC finds that additional information is necessary for it to determine whether the Proposed Project will satisfy all of the Approval Criteria in Section 10400, the BOCC may deny the permit or continue the hearing, to accept additional information, for not more than 30 days unless the applicant agrees to a longer period.
 - iii. The BOCC may approve the application if it determines that the Proposed Project complies with all applicable provisions of these Regulations. If the BOCC determines that the application fails to comply with any one of the Approval Criteria, the BOCC, at its sole discretion, may either approve the permit application with reasonable conditions necessary to ensure compliance with the Regulations or deny the application.
 - iv. If the BOCC decides to approve the permit with conditions, the BOCC shall make written findings that each condition is necessary to ensure that the Proposed Project will comply with the Approval Criteria in Section 10400.
 - v. For major electrical and natural gas facilities, unless otherwise agreed to by the applicant, final decision by the BOCC shall be made within 90 days after submission of the application. If additional information is requested within the timeline as set forth in Section 10200K(2) above, the 90 days shall commence on the date that the application is deemed complete.
2. **Minor Permit Review Procedures**
- a. **Staff Review and Staff Report:** The Planning Department shall review the application and prepare a report making a recommendation of approval, conditional approval, denial or continuance of the permit.
 - b. **Set Hearing Date:** The Planning Director shall set the hearing date not less than 30 days nor more than 60 days after receipt of a complete application.
 - c. **Hearing Notice:** No later than 30 days after receipt of a complete application, the County shall publish notice of a hearing on the application. Notice shall be published once in a legal newspaper of general circulation in the county, not less than 30 days nor more than 60 days before the date set for hearing. The County also shall send notice to those on the mailing list as described in Section 10100.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- d. **Notice to Adjacent Property Owners:** Written notice to adjacent property owners does not have to be provided unless the Planning Director determines that adjacent property owners need to be notified based on the nature of the Proposed Project.
- e. **Planning Commission Referral:** The application shall be referred to the Planning Commission. The Planning Commission shall review the application and shall submit comments on the Proposed Project for the BOCC's consideration. The Planning Commission is not required to hold a formal public hearing for a minor permit review application.
- f. **BOCC Hearing and Decision:**
 - i. The BOCC shall conduct the hearing in accordance with Section 10300.B.
 - ii. If at the end of the hearing, after considering all information on the record, the BOCC finds that additional information is necessary for it to determine whether the Proposed Project will satisfy all of the Approval Criteria in Section 10400, the BOCC may deny the permit or continue the hearing, to accept additional information, for not more than 60 days unless the applicant agrees to a longer period.
 - iii. The BOCC may approve the application if it determines that the applicant has proven that the Proposed Project complies with all applicable provisions of these Regulations. If the BOCC determines that the applicant has failed to prove that the Proposed Project complies with any one of the Approval Criteria, the BOCC, at its sole discretion, shall deny the permit or approve the permit application with reasonable conditions necessary to ensure compliance with the Regulations.
 - iv. If the BOCC decides to approve the permit with conditions, the BOCC shall make written findings that each condition is necessary to ensure that the Proposed Project will comply with the Approval Criteria in Section 10400.

B. Conduct of Hearings and Hearing Record

- 1. Hearings shall be conducted in a manner to afford procedural due process to the applicant and any Affected Person. The rules of civil procedure do not apply to public hearings held pursuant to these Regulations.
- 2. The burden of proof is on the applicant to demonstrate with evidence on the record that the Proposed Project complies with all of these Regulations.
- 3. Any person may, at his own expense, provide for the recording of the hearing and transcription thereof, provided, however, that a copy of the transcript shall be furnished free of charge to the BOCC and become part of the record.
- 4. A copy of the resolution shall be signed by the BOCC and presented to the County Clerk and Recorder for filing and recording in the same manner as any document relating to real property.

C. Term of Permit

Approval of a permit shall lapse after twelve (12) months, unless:

- 1. Development permits for the Proposed Project for construction are obtained for commencement of construction, if such permits are required and remain in effect; or
- 2. Activities described in the permit have substantially commenced; or
- 3. The BOCC specifies in its resolution granting or denying the permit a different time period in which building permits must be obtained or activities must commence in its action.

D. Renewal

Permits issued under these Regulations may be renewed following the same procedure for approval of new permits. The BOCC may impose additional conditions at the time of renewal if necessary to ensure that the Project will comply with these Regulations.

E. Permit Not Site Specific Development Plan

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

Permits issued under these Regulations shall not be considered Site Specific Development Plans per Section 12700 et seq. of this Code and no statutory vested rights shall enure to such permit, unless the applicant has applied for and obtained a Site Specific Development Plan with respect to such permit (if the County has designated a permit issued under these regulations as a development approval for which a Site Specific Development Plan is available) or the applicant and the County have entered into a Development Agreement in respect of such permit, as appropriate.

F. Permit Amendments and Technical Revisions

Any change in the construction or operation of the Project from that approved by the BOCC shall require either a “permit amendment” or a “technical revision.” A proposed change will be considered a technical revision if the Planning Director 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. Provided, however, the Planning Director may determine that even though the proposed change will increase the size of the area affected or the intensity of the impacts, the impact is not significant as described in Section 10200.C.2, so as to warrant a determination of a “technical revision”. Changes other than technical revisions are considered permit amendments.

1. **Process for Determining if a Permit Change is an Amendment or a Technical Revision**
 - a. In order to obtain a Determination of the Level of Permit Amendment Review, the applicant shall first attend a preapplication meeting and submit a request for a Level of Permit Review Determination as described in Section 10200.B of these Regulations.
 - b. The Determination of Level of Permit Amendment Review shall be made by the Planning Director within a reasonable time (not to exceed 30 days) following the preapplication submittal.
 - c. Within five (5) days of the Determination of Level of Permit Amendment Review, the Planning Director shall provide notification of the determination to (i) the applicant by phone and letter, and (ii) the BOCC, the County Manager and the County Attorney by e-mail and phone.
 - d. A notice of the determination of the level of permit amendment review shall be published in the legal notice section of a legal newspaper of general circulation as soon as practicable.
2. **Reconsideration of Planning Director’s Determination of Level of Permit Amendment Review**
 - a. **Call-up by the BOCC.** The BOCC may, at its discretion, review and amend any determination of the Planning Director at the next regularly scheduled meeting of the BOCC for which proper notice can be accomplished following receipt of the notice of the determination.
 - b. **Request for Reconsideration.** Within seven (7) days after publication in the legal newspaper of a determination by the Planning Director, any Affected Party may request that the BOCC reconsider the Planning Director’s determination at the BOCC’s next regularly scheduled meeting for which proper notice can be accomplished following the request. The BOCC shall review the Determination based on the provisions of Section 10200.
3. **Permit Amendment Application Submittal Requirements and Process**
 - a. **Permit Amendments.**
 - i. A permit amendment will be reviewed as if it were a new permit application according to these Regulations.
 - b. **Technical Revisions.**
 - i. To obtain a technical revision, the applicant shall submit the following to the Planning Director:
 - aa. A copy of the current permit.
 - bb. As-built drawings of the project.
 - cc. Drawings and plans of proposed changes to the project.
 - dd. Additional mitigation plans.
 - ii. The Planning Director shall approve the technical revision to the permit if staff does not foresee changes in the intensity of the impacts caused by the proposed activity within 30 days of receipt of request for a technical revision.
4. **Change in Level of Permit Amendment Review:** At any time prior to the final decision on the application for a permit amendment under these Regulations, the County may decide that information received since the preapplication process indicates that the nature and scope of the impacts of the Proposed Project Amendment are such that a different Level of Permit Amendment Review is required.
 - a. If a different level of permit review is required, the Planning Director shall:
 - i. Notify the applicant immediately.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- ii. Notify the BOCC, the County Manager and the County Attorney.
- b. A decision by the Planning Director to change the Level of Review shall be subject to the reconsideration provisions in Section 10300.F.2.

10400: APPROVAL CRITERIA

A permit may be approved if the proposed activity complies with the following general criteria and any additional applicable criteria in sections 10400.B-G. In determining whether the proposed activity complies with the criteria, the BOCC shall take into consideration the construction, operation and cumulative impacts of the proposed activity.

A. General Approval Criteria

1. Documentation that prior to site disturbance associated with the Proposed Project, the applicant can and will obtain all necessary property rights, permits and approvals. The BOCC may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.
2. The Proposed Project considers the relevant provisions of the regional water quality plans.
3. *Applicable to Major Review only:* The applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.
4. *Applicable to Major Review only:* The Proposed Project is technically and financially feasible.
5. The Proposed Project is not subject to significant risk from natural hazards.
6. The Proposed Project is in general conformity with applicable master plans.
7. The Proposed Project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
8. *Applicable to Major Review only:* The Proposed Project will not create an undue financial burden on existing or future residents of the County.
9. *Applicable to Major Review only:* The Proposed Project will not significantly degrade any substantial sector of the local economy.
10. *Applicable to Major Review only:* The Proposed Project will not unduly degrade the quality or quantity of recreational opportunities and experience.
11. The planning, design and operation of the Proposed Project will reflect principals of resource conservation, energy efficiency and recycling or reuse.
12. The Proposed Project will not significantly degrade the environment. Appendix "A" includes the considerations that will be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:
 - a. Air quality.
 - b. Visual quality.
 - c. Surface water quality.
 - d. Groundwater quality.
 - e. Wetlands and riparian areas.
 - f. Terrestrial and aquatic animal life.
 - g. Terrestrial and aquatic plant life.
 - h. Soils and geologic conditions.
13. The Proposed Project will not cause a nuisance as defined within the Summit County Land Use and Development Code or as otherwise defined.
14. The Proposed Project will not significantly degrade areas of paleontological, historic or archaeological importance.
15. The Proposed Project will not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the BOCC's consideration shall include:
 - a. Plans for compliance with federal and State handling, storage, disposal and transportation requirements.
 - b. Use of waste minimization techniques.
 - c. Adequacy of spill prevention and response plans.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

16. *Applicable to Major Review only:* The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County or the losses of opportunities to develop such resources.
17. The Proposed Project is the best alternative available based on consideration of need, existing technology, cost, impact and these regulations.

B. Additional Criteria Applicable to New Major Water and Sewer Projects

In addition to the general criteria set forth in section 10400.A, the following additional criteria apply to New Major Water and Sewer Projects:

1. To the extent practicable, Domestic Water and Wastewater Treatment Systems shall be consolidated with existing facilities within the area. The determination of whether consolidation is practicable shall include but not be limited to the following considerations:
 - a. Distance to and capacity of nearest Domestic Water or Wastewater Treatment System.
 - b. Technical, legal, managerial and financial feasibility of connecting to existing Domestic Water or Wastewater Treatment System.
 - c. Scope of the Service Area for existing Domestic Water or Wastewater Treatment System.
 - d. Projected growth and development in the Service Area of existing Domestic Water or Wastewater Treatment System.
2. The Proposed Project will not result in duplicative services within the County.
3. The Proposed Project will be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
4. If the Proposed Project is designed to serve areas within the County, the Proposed Project is necessary to meet community development and population demands in those areas.
5. The Proposed Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.
6. Whether the Applicant can demonstrate sufficient managerial expertise and capacity to operate the facility.

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

In addition to the general criteria set forth in Section 10400.A, the following additional criteria shall apply to major facilities of a public utility:

1. Areas around major facilities of a public utility shall be administered so as to minimize disruption of the service provided by the public utility.
2. Areas around major facilities of a public utility shall be administered so as to preserve desirable existing community patterns.
3. Where feasible, major facilities of a public utility shall be located so as to avoid direct conflict with adopted local, State and regional master plans.

D. Additional Criteria Applicable to Solid Waste Disposal Sites

In addition to the general criteria set forth in Section 10400.A, the following additional criteria apply to major solid waste disposal sites:

1. Solid waste disposal sites shall be developed in accordance with sound conservation practices and shall emphasize, where feasible, the recycling of waste materials. Considerations shall include, but not be limited to the following:
 - a. Longevity and subsequent use of waste disposal sites.
 - b. Wind conditions.
 - c. The potential problems of pollution inherent in the proposed site.
 - d. The impact on adjacent property owners, compared with alternate locations.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

E. Additional Criteria Applicable to Airports

In addition to the general criteria set forth in section 10400.A, the following additional criteria apply to airports:

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

F. Additional Criteria Applicable to Arterial Highways, Interchanges and Collector Highways

In addition to the general criteria set forth in Section 10400.A, the following additional criteria apply to arterial highways, interchanges and collector highways:

1. Areas around interchanges involving arterial highways shall be administered to:
 - a. Encourage the smooth flow of traffic;
 - b. Foster the development of such areas in a manner calculated to preserve the smooth flow of such traffic; and
 - c. Preserve desirable existing community patterns.
2. Arterial highways and interchanges shall be located so that community traffic needs are met.
3. Arterial highways and interchanges shall be located so that desirable community patterns are not disrupted.

G. Additional Criteria Applicable to Rapid or Mass Transit Facilities

In addition to the general criteria set forth in Section 10400.A, the following additional criteria apply to Rapid or Mass Transit Facilities:

1. Areas around rapid or mass transit facilities shall be administered to:
 - a. Promote the efficient utilization of the rapid or mass transit facility.
 - b. Facilitate traffic circulation patterns of roadways serving the mass transit facility.
 - c. Promote development that will include bike and pedestrian paths providing access to the Rapid or Mass Transit Facility.
2. Rapid or Mass Transit Facilities shall be located so as to preserve the value of buildings at the site and avoid demolition of businesses or residences to the extent possible. Proposed locations of rapid or mass transit terminals, stations, and fixed guideways which will not require the demolition of residences or businesses shall be given preferred consideration over competing alternatives.
3. Rapid or Mass Transit Facilities shall be located and such activities conducted with reasonable consideration, among other things, as to the character of the area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the unincorporated area of Summit County.
4. Stations, shelters and terminals shall be appropriately located to attract maximum ridership to the extent feasible and to meet transit needs.
5. Rapid or Mass Transit Facilities shall have adequate and safe ingress and egress for all transit modes.
6. The location of fixed guideways shall maximize joint use of rights-of-way for trails and bikeways and other transportation alternatives.
7. Rapid or Mass Transit Facilities shall be designed and located in a manner that will reduce traffic congestion.
8. Guideway design and location shall not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road except at intersections, nor shall guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

9. The parking areas associated with a terminal or station shall be capable of holding a number of automobiles that equals the number of passengers expected to park at the terminal or station during peak periods.
10. Access roads to a station or terminal shall be designed and located 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.
11. The Manual on Traffic Control Devices shall apply to safety devices at intersections of a fixed guideway and other transportation corridors.
12. A proposed location of a Rapid or Mass Transit Facility that imposes a burden or deprivation on a local government cannot be justified on the basis of local benefit alone, nor shall a permit for such a location be denied solely because the location places a burden or deprivation on one (1) local government.

10500: FINANCIAL GUARANTEE

A. Financial Guarantee Required

Before any permit is issued under these Regulations, the BOCC may (but shall not be required to) require the applicant to file a guarantee of financial security deemed adequate by the BOCC and payable to the County. The purpose of the financial guarantee is to assure the following:

1. That the Proposed Project is completed and, if applicable, that the Development Area is properly reclaimed.
2. That the applicant performs all mitigation requirements and permit conditions in connection with the construction, operation and termination of the Proposed Project.
3. That increases in public facilities and services necessitated by the construction, operation and termination of the Proposed Project are borne by the permittee.
4. That shortfalls to County revenues are offset in the event that the Proposed Project is suspended, curtailed or abandoned.

B. Amount of Financial Guarantee

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

1. The estimated cost of completing the Proposed Project and, if applicable, of returning the Development Area to its original condition or to a condition acceptable to the County.
2. The estimated cost of performing all mitigation requirements and permit conditions in connection with the construction, operation and termination of the Proposed Project, including:
 - a. The estimated cost of providing all public services necessitated by the proposed activity until two (2) years after the proposed activity ceases to operate; and
 - b. The estimated cost of providing all public facilities necessitated by the proposed activity until all such costs are fully paid.

C. Estimate

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

D. Form of Financial Guarantee

The financial guarantee may be in the form of a Letter of Credit ("LOC") or some other form acceptable to the BOCC.

**SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest**

E. Release of Guarantee

The financial guarantee shall be released when:

1. The permit has been surrendered to the BOCC before commencement of any physical activity on the site of the permitted Project; or
2. The Project has been abandoned and either (a) the site has been returned to its original condition or (b) to a condition acceptable to the County; or
3. The Project has been satisfactorily completed; or
4. A phase or phases of the Project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with Project phasing and as determined appropriate by the BOCC; or
5. The applicable guaranteed conditions have been satisfied.

F. Cancellation of the Financial Guarantee

Any financial guarantee may be cancelled only upon the BOCC's written consent.

G. Forfeiture of Financial Guarantee

1. If the BOCC determines that a financial guarantee should be forfeited because of any violation of the permit, mitigation requirements, conditions or any applicable Regulations adopted by the BOCC, it shall provide written notice to the surety and the permittee that the financial guarantee will be forfeited unless the permittee makes written demand to the BOCC, within 30 days after permittee's receipt of notice, requesting a hearing before the BOCC. If no demand is made by the permittee within said period, then the BOCC shall order the financial guarantee forfeited.
2. The BOCC shall hold a hearing within 30 days after the receipt of the demand by the permittee. At the hearing, the permittee may present for the consideration of the BOCC statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the BOCC shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.
3. The deposit described above may be used by the BOCC in the event of the default of the permit holder for the purposes of recovering on the surety or fulfilling the permit obligation of the permit holder. In the event that any ultimate reviewing court determines that there has been a default by the permit holder, that portion of any moneys expended by the County from the escrow funds relating to such default shall be replaced in the escrow account by the permit holder immediately following such determination. The County may arrange with a lending institution, which provides money for the permit holder, that said institution may hold in escrow any funds required for said deposit. Funds shall be disbursed out of escrow by the institution to the County upon County's demand for the purpose specified in this section.
4. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County's attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible.

H. Substitute of Financial Guarantee

If the license to do business in Colorado of any business issuing or holding a financial guarantee pursuant to this regulation is suspended or revoked by any State authority, then the applicant shall immediately, after receiving notice thereof, substitute a good and sufficient financial guarantee from a business licensed to do business in Colorado. Upon failure of the permittee to make substitution within the time allowed, the BOCC shall suspend the permit and/or take such other enforcement action until proper substitution has been made.

10600: PERMIT ADMINISTRATION AND ENFORCEMENT

A. Enforcement and Penalties

1. Any person engaging in a development in the designated Area of State Interest or conducting a designated Activity of State Interest who does not obtain a permit pursuant to these Regulations, who does not comply

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

with permit requirements or who acts outside the jurisdiction of the permit may be enjoined by the County from engaging in such development and may be subject to such other criminal or civil liability as may be prescribed by law.

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

B. Permit Suspension or Revocation

1. The BOCC may temporarily suspend the permit for a period of 30 days for any violation of the permit or the applicable Regulations. The permit holder shall be given written notice of the violation and will have a minimum of 15 days to correct the violation. If the violation is not corrected, the permit shall be temporarily suspended for 30 days.
2. The County may revoke a permit granted pursuant to these Regulations if any of the activities conducted by the permittee violates the conditions of the permit or these Regulations or the County determines that the project as constructed or operated has impacts not disclosed in the application. Prior to revocation, the permittee shall receive written notice and be given an opportunity for a hearing before the BOCC. The BOCC may revoke the permit or may specify a time by which action shall be taken to correct any violations for the permit to be retained.

C. Transfer of Permits

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

D. Inspection

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

APPENDIX A

This Appendix provides examples of the types of concerns that the BOCC will take into consideration in determining whether an application for a permit has complied with the Approval Criteria contained in Section 10400.A of these Regulations.

GENERAL CONSIDERATIONS

A.1 The determination of technical and financial feasibility may include but is not limited to the following considerations:

- a. Amount of debt associated with the proposed activity.
- b. Debt retirement schedule and sources of funding to retire the debt.
- c. Estimated construction costs and construction schedule.
- d. Estimated annual operation, maintenance and monitoring costs.
- e. Market Conditions.

A.2 The determination of risk from natural hazards may include but is not limited to the following considerations:

- a. Faults and fissures.
- b. Unstable slopes including landslides, rock slides and avalanche areas.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- c. Expansive or evaporative soils and risk of subsidence.
 - d. Wildfire hazard areas.
 - e. Floodplains.
- A.3 The determination of the effects of the proposed activity on the capability of local government to provide services or to exceed the capacity of service delivery systems may include but is not limited to the following considerations:
- a. Existing and potential financial capability of local governments to accommodate development related to the proposed activity.
 - b. Current and projected capacity of roads, schools, infrastructure, housing and other services and impact of the proposed activity upon the capacity.
 - c. Changes caused by the proposed activity in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services or other governmental services or facilities.
 - d. Changes in short or long term housing availability, location, cost or condition.
 - e. Need for temporary roads to access the construction of the proposed activity.
 - f. Change in demand for public transportation.
 - g. Change in the amount of water available for future water supply in the County.
- A.4 The determination of the effects of the proposed activity on the financial burden of existing or future residents of the County may include but is not limited to the following considerations:
- a. Changes in assessed valuation.
 - b. Tax revenues and fees to local governments that will be generated by the proposed activity.
 - c. Changes in tax revenues caused by agricultural lands being removed from production.
 - d. Changes in costs to water users to exercise their water rights.
 - e. Changes in costs of water treatment or wastewater treatment.
 - f. Effects on wastewater discharge permits.
 - g. Inability of water users to get water into their diversion structures.
 - h. Changes in total property tax burden.
- A.5 The determination of the effects of the proposed activity on any substantial sector of the local economy may include but is not limited to the following considerations:
- a. Changes to projected revenues generated from each economic sector.
 - b. Changes in the value or productivity of any lands.
 - c. Changes in opportunities for economic diversification.
- A.6 The determination of effects of the proposed activity on recreational opportunities and experience may include but is not limited to the following considerations:
- a. Changes to existing and projected visitor days.
 - b. Changes to duration of kayaking and rafting seasons.
 - c. Changes in quality and quantity of fisheries.
 - d. Changes in access to recreational resources.
 - e. Changes to quality and quantity of hiking trails.
 - f. Changes to the wilderness experience or other opportunity for solitude in the natural environment.
 - g. Changes to hunting.
 - h. Changes to the quality of the skiing experience.

ENVIRONMENTAL CONSIDERATIONS

- A.7 The determination of effects of the proposed activity on air quality may include but is not limited to the following considerations:

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- a. Changes to seasonal ambient air quality.
 - b. Changes in visibility and microclimates.
 - c. Applicable air quality standards.
- A.8 The determination of visual effects of the proposed activity may include but is not limited to the following considerations:
- a. Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
 - b. Interference with viewsheds and scenic vistas.
 - c. Changes in appearances of forest canopies.
 - d. Changes in landscape character types or unique land formations.
 - e. Compatibility of building and structure design and materials with surrounding land uses.
- A.9 The determination of effects of the proposed activity on surface water quality may include but is not limited to the following considerations:
- a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
 - b. Applicable narrative and numeric water quality standards.
 - c. Changes in point and nonpoint source pollution loads.
 - d. Increase in erosion.
 - e. Changes in sediment loading to waterbodies.
 - f. Changes in stream channel or shoreline stability.
 - g. Changes in 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.
 - k. Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.
- A.10 The determination of effects of the proposed activity on groundwater quality may include but is not limited to the following considerations:
- a. Changes in aquifer recharge 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.
 - c. Changes in quality of well water within the impact area.
- A.11 The determination of effects of the proposed activity on wetlands and riparian areas may include but is not limited to the following considerations:
- a. Changes in the structure and function of wetlands.
 - b. Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
 - c. Changes to aerial extent of wetlands.
 - d. Changes in species' characteristics and diversity.
 - e. Transition from wetland to upland species.
 - f. Changes in function and aerial extent of floodplains.
- A.12 The determination of effects of the proposed activity on terrestrial or aquatic life may include but is not limited to the following considerations:
- a. Changes that result in loss of oxygen for aquatic life.
 - b. Changes in flushing flows.
 - c. Changes in species composition or density.
 - d. Changes in number of threatened or endangered species.

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 10: Areas and Activities of State Interest

- 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.
 - g. Changes to the aquatic and terrestrial food webs.
- A.13 The determination of effects of the proposed activity on terrestrial plant life or habitat may include but is not limited to the following considerations:
- a. Changes to habitat of threatened or endangered plant species.
 - b. Changes to the structure and function of vegetation, including species composition, diversity, biomass and productivity.
 - c. Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
 - d. Changes in threatened or endangered species.
- A.14 The determination of effects of the proposed activity on soils and geologic conditions may include but is not limited to the following considerations:
- a. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential and floodplains.
 - b. Changes to stream sedimentation, geomorphology and channel stability.
 - c. Changes to lake and reservoir bank stability and sedimentation and safety of existing reservoirs.
 - d. Changes to avalanche areas, mudflows and debris fans and other unstable and potentially unstable slopes.
 - e. Exacerbation of seismic concerns and subsidence.
- A.15 The determination of the risks of a release of hazardous materials from the proposed activity may include but is not limited to the following considerations:
- a. Plans for compliance with federal and State handling, storage, disposal and transportation requirements.
 - b. Use of waste minimization techniques.
 - c. Adequacy of spill prevention and response plans.