

**GUIDELINES AND REGULATIONS FOR MATTERS OF STATE INTEREST
(Also known as “1041 Regulations”)**

CHAPTER 1. ADMINISTRATIVE PROVISIONS AND DEFINITIONS

A. TITLE AND CITATION

These Regulations are entitled and may be cited as the “Clear Creek County Guidelines and Regulations for Matters of State Interest.”

B. PURPOSE AND FINDINGS

1. The general purpose of these regulations is to facilitate identification, designation and administration of matters of state interest consistent with the statutory requirements and criteria set forth in §24-65.1-101, et seq., CRS.
2. The specific purposes of these Regulations are:
 - a. To promote the health, safety and general welfare of the citizens of, and to protect the environment of, Clear Creek County.
 - b. To protect the beauty of the landscape and natural scenic characteristics, to conserve natural and cultural resources including to preserve historical assets and resources, to protect and enhance wildlife habitat, air and water quality, and to conserve natural resources.
 - c. To promote safe, efficient and economic use of public resources in developing and providing needed community and area wide infrastructure, facilities and services in a manner that will not overload facilities of existing government service providers.
 - d. To ensure that new development will pay for itself to the maximum extent practicable, and to ensure that present residents of Clear Creek County will not have to subsidize new development through increased cost of public services and/or degradation of the quality of life.
 - e. To plan for and regulate the site selection, construction, expansion, and operation of matters of state interest to facilitate the planned and orderly use of land in accordance with their character and adaptability and as recommended by the Clear Creek County Master Plan.
 - f. To regulate the use of land on the basis of the financial and environmental impact thereof on the community or surrounding areas within the development area and source development area.
3. The Board of County Commissioners of Clear Creek County finds that:
 - a. The notice and public hearing requirements of §24-65.1-404, CRS, have been followed.
 - b. These regulations are necessary because of the intensity of current and foreseeable development pressures on and within Clear Creek County.
 - c. These regulations were adopted after taking into consideration applicable guidelines adopted and issued by the former Colorado Land Use Commission.
 - d. These regulations apply to the entire unincorporated Clear Creek County.

C. AUTHORITY

These regulations are authorized by, inter alia, §24-65.1-101, et seq., CRS, and §29-20-101, et seq., CRS.

D. APPLICABILITY

1. These Regulations shall apply to the designation and regulation of any area and activity of state interest wholly or partially in the unincorporated areas of Clear Creek County whether on public or private land that has been or may hereafter be designated by the Board of County Commissioners of Clear Creek County.
2. Designations in effect as of the date of these Regulations – originally adopted June 7, 1976 (“A Resolution and Order Concerning Matters of State Interest Under House Bill 1041 (1974)”), June 12, 1989 (R-89-36, “Adoption of A Clear Creek County Flood Damage Prevention Regulation, Flood Insurance Rate Maps”), August 19, 1997 (Res. 97-60, “Clear Creek County Review for Activities of State Interest”), January 6, 1998 (Res. 97-108, “Clear Creek County Review for Areas and Activities of State Interest”), September 19, 2006 (Res. 06-92, “Clear Creek County Review for Activities of State Interest”), March 7, 2007 (R-07-06, “Adoption of A Clear Creek County Flood Damage Prevention Regulation, July 14, 2010 (Res. 10-23, “Clear Creek County Review for Activities of State Interest”), July 9, 2012 (R-12-76, “Adoption of A Clear Creek County Flood Damage Prevention Regulation, December 3, 2012 (R-12-131, “Adoption of A Clear Creek County Flood Damage Prevention Regulation and December 9, 2019 (R-19-61, “Adoption of A Clear Creek County Flood Damage Prevention Regulation, – are:
 - a. activities of state interest
 - i. Site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems;
 - ii. Site selection of airports;
 - iii. Site selection of rapid or mass transit terminals, stations, and fixed guideways;
 - iv. Site selection of arterial highways and interchanges and collector highways;
 - v. Site selection and construction of major facilities of a public utility;
 - vi. Site selection and development of new communities; and
 - vii. Efficient utilization of municipal and industrial water projects; and
 - b. areas of state interest
 - i. Natural hazard areas;
 - ii. Areas containing, or having a significant impact upon cultural resources; and
 - iii. Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.
 - c. In adopting these Regulations, the Board of County Commissioners ratifies the prior designations and designates as matters of state interest those matters previously designated.
3. Any proposed development being processed for or requiring any other land use approval under the Clear Creek County Zoning Regulations, Subdivision Regulations, Transferrable Development Rights Regulations, Building Code, or Roadway Design and Construction Manual, is not thereby exempt from these Regulations.

E. INTERPRETATION WITH OTHER ENACTMENTS AND PLANS

1. Whenever the provisions of these Regulations are found to be inconsistent with or less stringent than any other resolution, ordinance, code, regulation, or other enactment, including the Clear

Creek County Master Plan, the enactment imposing the more restrictive standards or requirements shall control.

2. If these Regulations are found to be less stringent than the statutory criteria for administration of matters of state interest set forth in §§24-65.1-202, 204, CRS, the statutory criteria shall control.
3. Nothing in these Regulations shall be construed as exempting an applicant from any other applicable County requirements or other federal, state or local requirements.
4. No federal, state or local approval to carry out a development or activity shall preempt or otherwise obviate the need to comply with these Regulations.

F. MAPS

1. Each map referred to in the designation of any matter of state interest or in these Regulations is deemed incorporated herein as if set out in full.
2. Maps referred to in the designation of any matter of state interest or in these Regulations shall be filed with and be available for review in the Clear Creek County Planning Department and the office of the Clear Creek County Clerk & Recorder.

G. DUTIES OF THE BOARD OF COUNTY COMMISSIONERS

Unless otherwise specifically provided, it shall be the duty of the Board of County Commissioners to perform all functions set forth in these Regulations.

H. PERMIT AUTHORITY ESTABLISHED

1. The Board shall serve as the Permit Authority.
2. The Permit Authority shall exercise all powers and duties granted it by these Regulations.

I. SEVERABILITY

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