

CHAPTER 2. DESIGNATION OF MATTERS OF STATE INTEREST

A. MATTERS DESIGNATED

The designation process set forth in this Chapter 2 shall apply to the designation of any matter of state interest after the effective date of these Regulations. The designation process shall not apply to those matters of state interest designated by the Board of County Commissioners before the effective date of these Regulations, which designations shall remain in effect. Designations in effect are:

1. Site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems (originally denoted as two separate designations).
2. Site selection of rapid or mass transit terminals, stations, and fixed guideways.
3. Site selection of arterial highways and interchanges and collector highways.
4. Site selection and construction of major facilities of a public utility.
5. Site selection and development of new communities.
6. Efficient utilization of municipal and industrial water projects (originally denoted as "Site selection of and major extensions to municipal and industrial water projects").
7. Site selection and construction of airports.
8. Natural hazard areas.
9. Areas containing, or having a significant impact upon cultural resources.
10. Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

B. EXEMPTIONS

The portions of these Regulations or modification of existing permit authorized exclusively under Section 24-65.1-101, et seq., C.R.S. shall not apply to any development in an area of state interest or to any activity of state interest which meets any one of the following conditions:

1. As of May 17, 1974:
 - a. The development or activity is covered by a current building permit issued by Clear Creek County;
 - b. The specific development or activity was directly approved by the electorate of the state or of Clear Creek 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;
 - c. The specific development or activity is to be on land (I) which has been conditionally or finally approved by Clear Creek County for planned unit development or for a use substantially the same as planned unit development and the rights in such development plan remain vested; (II) which has been zoned by Clear Creek County for the use contemplated by such development or activity; or (III) with respect to which a development plan has been conditionally or finally approved by Clear Creek County and the rights in such development plan remain vested.

2. Other Exemptions:
As of the effective date of these Regulations, rights have vested pursuant to County regulations or statute to engage in the activity or pursue the development in an area of state interest.
3. Exempt major facilities of a public utility:
 - a. New natural gas or other petroleum derivative transmission lines that are designated to serve less than ten (10) year round dwelling units and are located entirely within an approved service area.
 - b. Extensions to natural gas or other petroleum derivative transmission line that:
 - i. have distribution or transmission lines that have an inside diameter of less than six (6) inches;
 - ii. are parallel to and located more than 100 feet from any other line;
 - iii. are located entirely within an approved service area.

D. DESIGNATIONS OF MATTERS OF STATE INTEREST

Designations, including amendments or revocations of designations, may be initiated in two ways:

1. By the Board of County Commissioners proposing, on its own initiative, with or without participation of the Planning Commission.
2. By recommendation of the Planning Commission to the Board of County Commissioners.

E. MORATORIUM PENDING DESIGNATION

After a recommendation from the Planning Commission for the designation or amendment of a designation of a matter of state interest, or after the Board of County Commissioners initiates the process for designation or amendment of a designation of a matter of state interest, no person shall engage in development in the area or conduct the activity described in the proposal until the Board of County Commissioners has held its public hearing with respect to the designation and issued its order relating thereto.

F. MORATORIUM FOLLOWING DESIGNATION

After a matter of state interest has been designated, no person shall engage in development in the designated area of state interest or conduct the designated activity of state interest until the designation and regulations for such area or activity are finally determined.

F. PLANNING COMMISSION PUBLIC HEARING

1. If the Planning Commission initiates consideration of a recommendation for the designation, amendment or revocation of the designation of a matter of state interest or regulations with respect thereto, or if the Planning Commission elects to consider a recommendation for the designation, amendment or revocation of the designation of a matter of state interest or regulations with respect thereto initiated by the Board of County Commissioners, it shall hold a public hearing therefor.
2. The Administrator shall publish notice of the Planning Commission hearing which shall include, at a minimum, the time and place of the public hearing, the place at which materials relating to the matter to be designated and any regulations for the administration thereof may be reviewed, the telephone number or address to which inquiries and comments may be directed, and a description of the matter of state interest proposed to be designated in sufficient detail to provide reasonable

notice as to the property to be included in the designation or the type of activity to be designated. Such notice shall be published once in a newspaper of general circulation in the County not less than fourteen (14) days before the date set for hearing.

G. BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING - PUBLIC NOTICE

1. The Board of County Commissioners shall hold a public hearing before designating and adopting regulations for any matter of state interest or amending or revoking said designation or regulations.
2. The Board of County Commissioners shall set a date for the public hearing.
3. The Administrator shall prepare a notice of the designation hearing, which shall include, at a minimum, the time and place of the hearing, the place at which materials relating to the matter to be designated and any guidelines and regulations for the administration thereof may be examined, the telephone number or address to which inquiries and comments may be directed, and a description of the area or activity proposed to be designated in sufficient detail to provide reasonable notice as to the property to be included in the designation or the type of activity to be designated.
4. The Administrator shall publish the notice once in a newspaper of general circulation in the County not less than thirty (30) days and not more than sixty (60) days before the date set for hearing.

H. MATTERS TO BE CONSIDERED AT DESIGNATION HEARING

At the designation hearing, the Board of County Commissioners shall consider such evidence as may appear appropriate, including, at a minimum, but not limited to:

1. The intensity of current and foreseeable development pressures;
2. The matter and considerations set forth in any applicable guidelines for identification and designation of matters of state interest;
3. Recommendations from state agencies and other referral agencies, if appropriate;
4. The boundaries of the proposed area of state interest;
5. 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; and
6. Any master plan or comprehensive plan pertaining to or affected by the area or activity under consideration.

The Board of County Commissioners shall hear testimony and receive evidence, including the Planning Commission recommendation, if any, and relevant testimony and documentary evidence presented.

I. RECORD OF DESIGNATION PROCEEDINGS

1. The Administrator will collect and preserve the following record of the public hearing, at a minimum:

- a. Notice of the hearing;
 - b. Certificate of publication of the notice;
 - c. Names and addresses of persons who presented written or oral statements, appearing as witnesses or offering documentary evidence;
 - d. Evidence of the identification of the matter of state interest proposed to be designated;
 - e. Written findings concerning each of the matters referred to in Section H above;
 - f. Written minutes of the Board of County Commissioners relating to the public hearing; and
 - g. The electronic recording of the public hearing, provided that the County is under no obligation to transcribe such recording unless paid for by the requesting party.
2. Any person may, at his own expense, provide for the recording and transcription of the hearing and a copy of the recording and transcript shall be furnished free of charge to the Board of County Commissioners and shall become part of the record.

J. ADOPTION OF DESIGNATION AND REGULATIONS

- 1. Within thirty (30) days after completion of the public hearing, the Board of County Commissioners may adopt, adopt with modification, or reject the proposed designation. If the designation and/or regulation thereof under §24-65.1-101, et seq., CRS, is rejected, the Board of County Commissioners may at its discretion regulate the matter under any other available land use control authority.
- 2. Such action shall be taken by written resolution.
- 3. Whenever the Board of County Commissioners finally determines that any matter is a matter of state interest, it shall be the Board's duty to designate such matter and adopt regulations for the administration thereof.
- 4. Each designation order adopted by the Board of County Commissioners shall, at a minimum:
 - a. Specify the boundaries of the designated area or the boundary of the area in which an activity of state interest has been designated.
 - b. State 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. Specify the regulations applicable to the designated matter of state interest.
- 5. The resolution shall be recorded in the office of the Clear Creek County Clerk & Recorder.

K. COMBINED DESIGNATION AND PERMIT HEARING

If a person proposes to engage in development in an area of state interest or to conduct an activity of state interest not previously identified, designated, or for which regulations for the administration thereof have

not been adopted, the Board of County Commissioners may hold one hearing for determination of identification, designation, and adoption of regulations for the administration thereof, as well as for granting or denying the permit. No permit that is granted at the conclusion of any such hearing shall authorize the applicant to engage in development or to conduct an activity until the identification and designation of the matter of state interest and adoption of regulations for the administration thereof are finally determined.