

CHAPTER 3. PERMIT APPLICATION FOR ACTIVITIES OF STATE INTEREST

A. PERMITS REQUIRED

1. Any person desiring to conduct an activity of state interest, or engage in development of an area of state interest designated hereunder, designated hereunder shall first apply for and obtain a permit from the Board of County Commissioners.

B. PRE-APPLICATION PROCEDURE

1. A pre-application conference is required of all applicants. The pre-application conference shall be held between the applicant and the Administrator. The purpose of the conference is to provide an understanding of the applicable procedures, requirements and standards, and to provide information pertinent to the application and the geographical area affected by the Project.
2. At or before the pre-application conference, the applicant shall provide the Administrator with a written summary of the Project including:
 - a. The applicant's name, address, and phone number;
 - b. A map prepared at an easily readable scale showing
 - i. the boundary of the proposed activity;
 - ii. the relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams and existing structures;
 - iii. proposed buildings, improvements and infrastructure; and
 - c. Information that is sufficient for determining the nature of the proposal and the degree of impacts associated with it.
3. Any comments or commitments made by the Administrator or any member of the County staff during the pre-application conference are only preliminary in nature and should not be relied upon by applicant. Formal comments cannot be made by the Administrator or County staff until after the application is submitted and nearby property owners and referral agencies have had an opportunity to respond.

C. FONSI (Finding of No Significant Impact)

If requested by the Applicant, the Permit Authority may evaluate whether a Finding of No Significant Impact (FONSI) is warranted or that a 1041 Permit is required based upon review of the pre-application submittals and the information obtained at a public hearing. Such determination may be made by the Permit Authority at such time as sufficient information is provided by the Applicant after the public hearing.

1. Fees
Within ten (10) days of the pre-application meeting, the Administrator shall establish an estimate in an amount necessary to cover costs of determining whether a FONSI or a 1041 Permit is required. The estimate will include the costs of copying, mailing, publications, labor, overhead and retention of consultants, experts and attorneys that the County deems necessary to advise in making the determination.
2. Public Notice Requirements
 - a. Not later than thirty (14) days after receipt of sufficient information is submitted by the Applicant, the Permit Authority shall set a date for the public hearing on the application.

- b. The Administrator shall publish a notice of the date, time and place for the Permit Authority hearing. Such notice shall be published once in the County legal newspaper, not less than thirty (30) days or more than sixty (60) days before the date set for the hearing.
 - c. No less than seven (7) days before the hearing before the Permit Authority, the Administrator shall prepare a staff report that summarizes the request and comments from review agencies, if any, and public comment, if any, and that identifies whether a FONSI should be issued as per #3 below. A copy of the staff report shall be provided upon completion to the applicant.
3. FONSI
The Permit Authority may determine that a FONSI should be issued if the construction or operation of the Project, without mitigation, in its proposed location is unlikely to have any significant adverse impact to the County in consideration of the Permit Application Approval Criteria found in Chapter 4 and the other chapters relating to additional provisions for specific Matters of State Interest of these Regulations. If the Permit Authority makes a FONSI, the applicant does not need to submit a 1041 Permit application.
4. 1041 Permit Required
If the Permit Authority determines that a FONSI is not appropriate based upon review of the pre-application submittals and the information obtained at the hearing, then the applicant must obtain a 1041 Permit.

D. APPLICATION FEE

- 1. Within ten (10) business days after the pre-application conference, the Administrator shall establish an estimate of the amount necessary to cover costs of reviewing and processing the application, including the costs of copying, mailings, publications, labor, overhead and retention of consultants, experts and attorneys that the County deems necessary to advise it on the application.
- 2. Once the estimate is established, the Administrator shall notify the Applicant and the Permit Authority in writing of the fee and its amount. Until the fee is paid, the application shall be incomplete and shall not be further processed.
- 3. The amount of the fee determined under Section D.1 hereof may be increased at any time if it is determined by the Administrator that the fee is not sufficient to cover all costs associated with the application. If the Administrator so determines, s/he shall notify the applicant in writing of the amount of the increase. Not later than ten (10) days following the notice, the applicant shall pay the amount of the increase. If the increase is not timely paid, the application shall be deemed withdrawn by the applicant.
- 4. The Permit Authority may in its sole discretion waive all or a portion of the fees if the applicant demonstrates a special need or such waiver of fees is found to be in the best interests of the citizens of Clear Creek County.

E. APPLICATION

- 1. An application for a Permit shall be submitted to the Administrator.
- 2. An application for a Permit shall not be accepted unless it is complete and is in form and content

as required by state law and these Regulations, and the appropriate fees have been paid. If the application is determined incomplete by the Administrator, the Administrator shall specify what additional information is required. When a submitted application is determined to be complete, the Administrator shall note upon the application the date it is considered complete.

3. The Administrator shall determine the number of copies of the application required, and the applicant shall provide such copies before the application is formally scheduled for hearing.

F. APPLICATION SUBMITTAL REQUIREMENTS

The Administrator may waive one or more of the submittal requirements when the submittal information would not be relevant to whether the Project complies with the Permit Application Approval Criteria. Additional materials may be required under chapters applicable to a particular type of Project.

1. Application:
 - a. The application must include an application form designating any persons authorized to act as agent for the applicant in connection with the application, exhibit the applicant's signature, and supply all required information. The form shall be accompanied by all fees, maps, plans, and reports required by these Regulations.
 - b. The signature on an application form evidences the applicant's approval of and concurrence with all statements and commitments contained in the application.
 - c. The application shall provide a written description of the development or activity, including any capital improvements plan, facilities plan, or other planning document which the applicant has prepared for its use, covering at a minimum a period of five years from the date of application.
2. Information describing the applicant.
 - a. The names, addresses, telephone, email address and fax number, organizational 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, 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.
 - e. Written qualifications of report preparers.
3. Information describing the Project (*Site Selection of Arterial Highways and Interchanges and Collector Highways may skip this section*).
 - a. Plans and specifications of the Project in sufficient detail to evaluate the application against the Permit Application Approval Criteria.
 - b. Descriptions of alternatives to the Project considered by the applicant.

- c. Schedules for designing, permitting (including federal, state, or other local permitting), constructing and operating the Project, including the estimated life of the Project.
 - d. The need for the Project, including a discussion of alternatives to the Project that were considered and rejected; 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.
 - f. List of adjacent property owners within 300 feet of the project and their mailing addresses (See Chapter 10(A)(1)(a) for additional requirements).
4. Property rights, other permits and approvals.
- a. A list of all other federal, state and local permits and approvals that will be required for the Project, together with any proposal for coordinating these approvals with the County permitting process. Include copies of all permits or approvals that have been obtained, and copies of applications for all such permits or approvals that have been applied for but not yet obtained at time of this permit application.
 - 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 statements required for the Project.
 - c. Description of the water to be used by the Project and alternatives, including: the source, amount and quality of such water; the applicant's right to use the water, including adjudicated decrees and applications for decrees; proposed points of diversion and changes in the points of diversion; and the existing uses of the water. If an augmentation plan for the Project has been decreed or an application for such plan has been filed in the court, the applicant must submit a copy of that plan or application.
 - d. The planned access to the project site and the means the applicant intends to use to obtain a legal right to utilize such access, including copies of any access or right-of-way agreements which have been entered into by the date of the application for such access.
 - e. The names and addresses of persons or entities with an interest in any real property proposed to be physically disturbed or crossed by the activity or development which is the subject of the application, excluding mineral interests but including those holding mortgages, judgments, liens, easements, contract rights, rights-of-way, reservations, exceptions or other encumbrances, at least to the extent shown in the records of the County Clerk and Recorder or of which applicant has actual knowledge.
 - f. If the application anticipates new surface development, it shall include written certification of compliance with the provisions of Article 65.5. of Title 24, CRS, that require examination of public records to determine the existence and identity of owners and lessees of severed mineral interests in the property covered by the application. The application shall inform the County of the results of such examination. If such examination reveals the existence of any such owners or lessees, the application shall

include a complete list of the names and addresses of such persons and describe the severed mineral interests owned or leased by each. Public hearing on the application will not be held unless the applicant furnishes the County with signed certification confirming that the applicant has, at least thirty (30) days before the public hearing, transmitted to the Administrator and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, CRS.

5. Description of the technical and financial feasibility of the Project (*Site Selection of Arterial Highways and Interchanges and Collector Highways may skip this section*).
 - a. The estimated construction costs and period of construction for each development component and the total mitigation costs for the Project.
 - 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.
 - 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.
6. Description of Decommissioning
Description of decommissioning and site reclamation, and cost estimate, including,
 - a. Identify all properties to be reclaimed in whole or in part.
 - b. Estimated costs of material removal, at surface and above and below ground to a depth of 18 inches.
 - c. Estimated costs of road repair, regrading, and revegetation.
 - d. Provide an estimate of time that decommissioning and reclamation will take.
7. Socioeconomic impacts
A comprehensive socioeconomic impact analysis that addresses the manner in which the applicant will comply with the relevant Permit Application Approval Criteria. The impact analysis shall be limited to the impact area and shall include the following information:
 - a. Land Use
 - i. A map and description of existing land uses and zoning within and adjacent to the impact area.
 - ii. 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.
 - iii. Description how the Project will utilize existing easements or rights-of-way for any associated transmission, distribution or collector networks.
 - iv. Description of the agricultural productivity capability of the land affected by the proposal.
 - v. Description of impacts to and mitigation with respect to public lands.

- vi. Description of impacts and net effect that the Project would have on land use patterns.
- b. Local Government Services
 - i. Description of existing capacity of and demand for local government services including but not limited to transportation, roads/ highways, mass transit, trails, schools, water and wastewater treatment, water supply, emergency services, health services, infrastructure, and other services necessary to accommodate development within Clear Creek County.
 - ii. Description of the impacts and net effect of the Project to the capability of local governments that are affected by the Project to provide services.
- c. Housing
 - i. Description of existing seasonal and permanent housing including number, condition and cost of dwelling units.
 - ii. Description of the impact and net effect of the Project on housing during construction and operation stages of the Project.
- d. Financial Burden on County Residents
 - i. 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.
 - ii. Description of impacts and net effect of the Project on financial burdens of residents.
 - iii. Description of estimated county taxes and other revenue to be generated by the County resulting from the project.
- e. Local Economy
 - i. 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.
 - ii. Description of impacts and net effect of the Project on the local economy and opportunities for economic diversification.
- f. Demographic information in the impact area, including:
 - i. Estimated current population number and density;
 - ii. Total employment, occupation types, and major employer locations;
 - iii. Family incomes;
 - iv. Population projections in increments, not to exceed a ten-year increment, for fifty (50) years. Data sources such as the Denver Regional Council of Governments, the U.S. Census, and the Colorado State Demographer's office should be used.
- g. Recreational Opportunities
 - i. Description of present and potential recreational uses, including but not limited to the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
 - ii. Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, hiking and biking trails, and wilderness areas.

- iii. 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.
 - h. Areas of Paleontological, Historic or Archaeological Importance
 - i. Map and/or description of all sites of paleontological, historic or archaeological interest.
 - ii. Provide a state historical site survey form completed by a qualified professional acceptable to the State Historic Preservation Officer for all cultural resources affected by the Project.
 - iii. Describe the mitigation to be undertaken to preserve designated resources that may be impacted.
 - iv. Provide plans and procedures for notification to the State Historical Society, State Archaeologist, and to applicable local historical societies/organizations upon discovery of historical or archaeological resources during the implementation of the Project.
 - v. Description of the impacts and net effect of the Project on sites of paleontological, historic or archaeological interest.
 - i. Nuisance
 - Description of noise, glare, dust, fumes, vibration, and odor levels caused by the Project (See additional requirements in Chapter 9(A)(10)).
- 8. Environmental Impacts
 - 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. That analysis shall include a description of how the applicant will comply with the applicable Permit Application Approval Criteria.
 - 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/or 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, and under both average and worst case conditions.
(See additional requirements in Chapter 9(A)(11))
 - b. Visual Quality
 - i. Map and/or description of ground cover and vegetation, forest canopies, waterfalls and streams and other natural features.
 - ii. Description of viewsheds, scenic vistas, unique landscapes or land formations.
 - iii. Description of any significant deterioration of existing natural aesthetics, creation of visual blight which may arise from the Project.
 - iv. Identify and describe any structures (including structure design and materials), excavations and embankments that may be visible from off-site.
 - v. Descriptions of the impacts and net effect that the Project would have on visual quality.

- vi. Visual simulations of how the completed project will look from significant locations such as populated locations, designated scenic byways, historic districts and national historic landmarks.
- c. **Surface Water Quality**
 - i. Map and/or description of all surface waters to be affected by the Project, including:
 - (a) Description of provisions of the applicable regional water quality management plan that applies to the Project and assessment of whether the Project would comply with those provisions.
 - ii. Existing data monitoring sources.
 - iii. 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**
 - i. Map and/or description of all groundwater, including any aquifers. At a minimum, the description should include:
 - (a) Seasonal water levels in each subdivision of the aquifer affected by the Project.
 - (b) Artesian pressure in aquifers.
 - (c) Groundwater flow directions and levels.
 - (d) Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
 - (e) For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity.
 - (f) Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
 - (g) Existing groundwater quality and classification.
 - (h) Location of all water wells and their uses.
 - e. **Water Quantity**
 - i. Map and/or description of existing stream flows and reservoir levels.
 - ii. Map and/or description of existing Colorado Water Conservation Board held minimum stream flows.
 - iii. Descriptions of the impacts and net effect that the Project would have on water quantity.
 - iv. Statement of methods for efficient utilization of water to be employed in the Project (see Chapter 7(A)(1) for Municipal and Industrial Water Projects).
 - f. **Floodplains, Wetlands and Riparian Areas**
 - i. Map and/or description of all floodplains, wetlands, and riparian areas to be affected by the Project, including a description of the types 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.

- g. Terrestrial, Aquatic, and Avian Animals and Habitat
 - i. Map and/or description of terrestrial, aquatic, and avian 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 calving/spawning beds.
 - iii. Description of the impacts and net effect that the Project would have on terrestrial and aquatic animals, habitat and food chain.
 - iv. Where appropriate, surveys for bats, raptors, and general avian use shall be conducted.
 - v. The description shall indicate whether a post construction wildlife mortality study will be conducted and, if not, justification why such a study does not need to be conducted.

- h. Terrestrial and Aquatic Plant Life
 - i. Map and/or 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.

- i. Soils, Geologic Conditions and Natural Hazards
 - i. Map and/or description of soils, geologic conditions, and natural hazards, including, but not limited to, soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.
 - ii. Map and/or description of any flood hazard area associated with the Project. Documentation of historical flooding activity on the parcel where the activity or development will be located, and on other property affected by the Project. Detail potential, adverse impacts related to the associated flood hazard area.
 - ii. Descriptions of the impacts and net effect of the Project on soil and geologic conditions in the area.

- j. Hazardous Materials
 - i. 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.
 - ii. Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment structures.
 - iii. Describe any health and safety hazards, including exposure to hazardous materials, which may result from the Project.

9. Monitoring and Mitigation Plan

- a. Description of all mitigation that is proposed to avoid, minimize or compensate for adverse impacts of the Project and to maximize positive impacts of the Project.
 - 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.

10. Maps

- a. The following are general requirements for any map or plan required as part of the application. Minimum requirements include:
 - i. The name of the proposed development or use and total number of acres under consideration;
 - ii. Because all maps and plans may be used for public presentation, the map scale and size should be large enough for effective presentation and should accurately illustrate the application;
 - iii. Name, address, and telephone number of the applicant, designer, engineer, surveyor, and any other consultants assisting in the preparation;
 - iv. Date of preparation, revision box, written scale, graphic scale, and north arrow for each map.

- b. Permit Map

The applicant shall submit a Permit Map with the application, and a final Permit Map following approval of the Permit. The Permit Map shall constitute a part of the Permit. (Additional requirements for Site Selection and Construction of Major Facilities of a Public Utility are identified at Chapter 10(A)(2)(b).

 - i. The map shall be delineated on reproducible material approved by the Administrator.
 - ii. The dimensions of the map shall be thirty-six (36) inches wide by twenty-four (24) inches high.
 - iii. The map shall include the legal description of the property under consideration.
 - iv. The map shall include certificates for the property owner's signature (excepting linear facilities), the Board of County Commissioners and the Clerk to the Board. The required content of the certificates shall be established by the Administrator.
 - v. The Permit Map shall contain a Vicinity Map.
 - (1) The exact scale of the vicinity map shall be determined at the time of the pre-application conference, taking into consideration the type and size of the Project, as well as the type and complexity of the information to be mapped.
 - (2) The vicinity map shall delineate all of the required information within a one-half-mile radius of the property (one thousand feet for linear facilities) on which the development or activity will occur.
 - (3) The following information will be shown on the vicinity map:
 - Section, township and range.
 - Scale and north arrow.
 - Outline of the perimeter of the parcel proposed for the site (for linear facilities, the proposed centerline and width of any corridor to be considered for the Project).
 - Existing land use in the impact area.
 - Locations and names of all key roads and water features (including water ditches).

- Locations of all residences within a one-half-mile radius, existing and proposed accesses to the Project, any abutting subdivision outlines and names, and the boundaries of any adjacent municipality.
 - Any other relevant information within a one-half-mile distance of the perimeter of the property as may be reasonably required by the Administrator to meet the intent and purpose of these Regulations.
- vi. The Permit Map shall contain a Site Plan.
- (1) The exact scale of the site plan shall be determined at the time of the pre-application conference, taking into consideration the type and size of the Project, as well as the type and complexity of the information to be mapped.
 - (2) The Site Plan shall outline the boundaries and identify the total acreage of the parcel being considered for the Project.
 - (3) The Site Plan shall include the location and identification of all of the following items which are presently existing within a two-hundred-foot radius of the boundaries of the Project area as well as within the area itself; it shall also include the proposed features and structures of the Project:
 - All public rights-of-way of record, including names.
 - All existing and proposed structures, utilities, earthwork and site modification including electrical lines, facilities and other types of existing and proposed utility infrastructure, above and below ground.
 - All utility easements or rights-of-way for telephone, gas, electric, water and sewer lines.
 - Water ditches.
 - Adjacent property lines and respective owners' names (may be shown on vicinity map instead).
 - All hydrographic features including streams, rivers, ponds, and reservoirs (including names).
 - Topography at two-foot contour intervals or at intervals as determined appropriate by the Administrator. (Linear facilities shall include appropriate topographic data derived from USGS maps or an equivalent database.)
 - Location of areas of moderate or severe soil limitations as defined by the Natural Resources Conservation Service or by a soil survey and study prepared by a soils engineer or scientist for the uses and associated structures proposed for the parcel.
 - Location and design of storm water management devices or structures.
 - Complete traffic circulation and parking plan showing locations and sizes.
 - Location, amount, size and type of any proposed landscaping, fencing, walls, berms or other screening.
 - Location of any natural hazard area.
 - Such additional information as may be reasonably required by the Administrator or the Permit Authority in order to determine that the application meets the Permit Application Approval Criteria.

- Location, grades, and dimensions of all temporary and permanent onsite roads.
- Location of all lighting with lighting descriptions.
- Location of meteorological towers and anemometers (if applicable).

11. Roads/Access

Plan for ingress and egress to the project site identifying the following:

- a. A map of the access route through the County
- b. A description of the access route through the County to include:
 - i. All state, County, municipal, and/or federal (USFS or other) roads
 - ii. An inventory of existing road conditions. Identify road surface materials stating type and amount of surface cover.
- c. Dust control procedures
- d. Road maintenance schedule or program
- e. If new access routes, or improvements to existing access routes are proposed that would be under the authority of the County Roadway Design and Construction Manual, the plan shall demonstrate that such routes conform to the relevant requirements identified in the County Roadway Design and Construction Manual.

12. Professional Qualifications

- a. A professional consultant may not be necessary for all applications. Only the following will require professional assistance:
 - i. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils, grading, roads, structures, transportation modeling, transportation planning, transit planning, air quality planning or modeling, floods and floodplains, and other civil engineering work must be certified by a registered Colorado Professional Engineer, or other qualified professional engineer exempted from licensing requirements by state statute.
 - ii. All documents containing land survey descriptions must be certified by a registered Colorado Professional Land Surveyor, or other qualified professional surveyor exempted from licensing requirements by state statute.
 - iii. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, an individual registered as a geologist by a state, or other qualified professional geologist exempted from licensing requirements by state statute.
- b. All documents described in the previous section submitted for review must show the formal education and relevant experience of the individual in charge of the work.

13. Additional Information as required by the Administrator or the Board because of issues specific to the Project.

The Administrator may request that the applicant supply additional information related to the Project if the Permit Authority will not be able to make a determination on one of the Permit Application Approval Criteria without additional information.

G. AGENCY REFERRALS AND ADJACENT PROPERTY OWNERS; NOTICE OF FILING

When a complete application is filed with the County, the Administrator shall send a copy of the complete application to and seek review comments from any local, state or federal agency that may have expertise in or an interest in impact that may be associated with the Project, including, but not limited to the agencies

listed below. Based on the specifics of the application, the Administrator may waive referrals that are not necessary to a complete review of the application, or refer the application to other agencies that he deems necessary or appropriate to a complete review of the application.

1. Clear Creek Fire Authority;
2. Clear Creek County Open Space Commission;
3. Colorado Geological Survey;
4. Colorado Public Utilities Commission;
5. Colorado Natural Areas Council;
6. Colorado Department of Public Health & Environment;
7. Colorado Division of Water Resources;
8. Colorado State Historical Society;
9. Colorado Division of Wildlife;
10. Colorado State Forest Service;
11. Colorado State Patrol;
12. Colorado Department of Transportation;
13. County departments;
14. Evergreen Fire Protection District;
15. Denver Regional Council of Governments;
16. Historic District Public Lands Commission;
17. Homeowners' associations which may be affected by the Project;
18. Local historic preservation agencies
19. Municipalities within three (3) miles of the Project area;
20. Natural Resources Conservation District (formerly Soil conservation Service);
21. Planning Commission (one copy for each member and associate member).
22. Special Districts which may be affected by the Project;
23. United States Forest Service;
24. Upper Clear Creek Watershed Association;
25. Upper Bear Creek Watershed Association.

Additionally, the Administrator shall send notice of the permit hearing to all adjacent property owners within 300 feet of the property for which the application is for. Additional notification to other affected property owners may be sent at the discretion of the Administrator on a case by case basis.

H. NOTICE OF PERMIT HEARING

1. Not later than thirty (30) days after receipt of a complete application for a Permit, the Permit Authority shall set a date for the public hearing on the application.
2. The Administrator shall publish a notice of the date, time and place for the Permit Authority hearing. Such notice shall be published once in the County legal newspaper, not less than thirty (30) days or more than sixty (60) days before the date set for the hearing.
3. No less than seven (7) days before the hearing before the Permit Authority, the Administrator shall prepare a staff report that summarizes the application and comments from review agencies, if any, and public comment, if any, and that identifies whether the permit application adequately demonstrates that the Project will comply with each of the applicable Permit Application Approval Criteria. The Administrator shall include in his report the reason why any approval criterion has not been satisfied and may recommend conditions to ensure that the Project will satisfy each criterion. A copy of the staff report shall be provided upon completion to the applicant.

I. CONDUCT OF PERMIT HEARING

1. The Permit Authority shall conduct the hearing in a manner to afford procedural due process to the applicant and any person who opposes the issuance of the Permit.
2. The Permit Authority shall hear relevant testimony and receive relevant evidence and may impose reasonable time limits on presenters and witnesses.
3. All persons appearing as parties at the hearing shall be afforded the right of cross-examination and a reasonable opportunity to offer evidence in rebuttal.
4. 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 Permit Authority and become part of the record.

J. APPROVAL OR DENIAL OF THE PERMIT APPLICATION BY THE PERMIT AUTHORITY

1. The burden of proof shall be on the applicant to show compliance with the provisions of these Regulations.
2. If information presented at the hearing leads the Permit Authority to find that additional information is necessary for it to determine whether the Permit Application Approval Criteria herein have been met, the Permit Authority may continue the hearing for not more than sixty (60) days unless a longer period is agreed to by the applicant, or it may deny the Permit.
3. The Permit Authority may approve the application with reasonable conditions necessary to ensure compliance with the Regulations, if it determines that the applicant has proven that the Project complies with all applicable provisions of these Regulations. If the Permit Authority determines that the applicant has failed to prove that the Project complies with any applicable provision of these Regulations, the Permit Authority shall deny the Permit.
4. If the Permit Authority decides to approve the Permit with conditions, the Permit Authority shall make written findings that each condition is necessary to ensure that the Project will comply with the Permit Application Approval Criteria herein, and that each condition is necessitated by impacts caused by the Project.
5. The Administrator shall collect and preserve the following record of the public hearing:
 - a. the permit application;
 - b. The names and addresses of all persons making oral or written statements, appearing as witnesses, or offering documentary evidence;
 - c. All documentary evidence and written statements or testimony presented in support of or in opposition to the permit application;
 - d. 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;
 - e. The written minutes of the hearing;

- f. The resolution granting or denying the application;
 - g. The Permit, if issued.
6. A 1041 Permit may be granted subject to obtaining necessary approval from any approving authorities and to utility acceptance of any interconnection.

K. ISSUANCE OF THE PERMIT

- 1. The Permit shall be issued in writing by the Permit Authority.
- 2. The Permit may be issued for an indefinite period or for a term of years, depending on the nature of the Project.
- 3. The Permit is valid only for the construction and operation of the Project described in the application, together with conditions of approval, if any, imposed by the Permit Authority.
- 4. A copy of the Permit shall be certified by the Permit Authority and presented to the County Clerk & Recorder for recording in the same manner as any document relating to real property.
- 5. Upon reasonable notice, County officials or their designated representatives may enter land on which a 1041 Permit has been granted for the purpose of monitoring impacts related to the conditions of the Permit which may arise. Twenty-four (24) hours advance notice shall be deemed reasonable notice.

L. PUBLIC HEARINGS OF OTHER LAND USE MATTERS

In cases in which the development or activity must also comply with other provisions of the County zoning or subdivision regulations, the permit hearings required by these Regulations may be held at the same time as the public hearings on such other land use matters.

M. PERMIT AMENDMENT

- 1. Any material change in the construction or operation of a Project from that approved by the Permit Authority shall require a permit amendment or a new permit.
- 2. A permit amendment shall be processed like an original permit, following the regulations applicable at the time of the application for the amendment.