

- (a) Whether the Project uses readily available conservation techniques.
- (b) Whether the Project recycles water to the greatest extent allowed by law.

(10) The Project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services. The determination of whether the Project will result in excess capacity or create duplicate services may include but is not limited to the following considerations:

Formatted: Font: Not Bold

- (a) Whether the Project creates overlapping or competing service areas.
- (b) Whether the Project differs significantly from the provider's facility plan.
- (c) Whether the Project impacts other water and wastewater permits.
- (d) Whether the activity will not create proliferation of special districts, or overlapping of the boundaries of special districts.

GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

CHAPTER 5

SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY

Article 1 General Provisions

- 5.101 Designation of Activity of State Interest
- 5.102 Purpose and Intent
- 5.103 Definitions
- 5.104 Applicability; Prohibitions
- 5.105 Review, Notification and Final Action

Formatted: Space After: 0 pt

Article 2 Permit Application and Procedures

- 5.201 Application Submission Requirements
- 5.202 Review Criteria

GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

Article 1 General Provisions

5.101 Designation of Activity of State Interest

- (1) The following activity of state interest is hereby designated: site selection and construction of major facilities of a public utility. No person may engage in development, including construction, expansion, reoperation, relocation or other significant change in use of such activity wholly or partially within unincorporated El Paso County without first obtaining a permit pursuant to these Regulations.
- (2) The issuance of a permit for this activity is contingent upon the subsequent approval of the major facility by the Public Utilities Commission, Colorado Department of Public Health and Environment, U.S. Environmental Protection Agency, or other regulatory agencies, where required by appropriate statute or regulation.

5.102 Purpose and Intent

The purpose and intent of these Regulations contained in this Chapter 5 are:

- (1) To regulate the site selection and construction of major facilities of a public utility to prevent significant deterioration or degradation of existing air and water quality in El Paso County;
- (2) To avoid or reduce conflicts with the El Paso County Master Plan;
- (3) To regulate the site selection and construction of major facilities of a public utility to preserve the health and welfare of the citizens of El Paso County; and
- (4) To avoid or reduce incompatible uses adjacent to County roads and County trails and to avoid unreasonable or burdensome expenditure of public resources by minimizing impacts by public utilities to said County roads and County trails.

5.103 Definitions

For the purpose of this Chapter, the following definitions shall apply:

- (1) *Appurtenant facilities* means any building, structure or other property which is incidental to, and customarily found in connection with, major facilities of public utilities and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such major facilities.
- (2) *Major facilities of a public utility* means transmission lines, power plants, substations, pipelines, and storage areas of utilities as herein separately defined.
- (3) *Pipeline* means any pipeline and appurtenant facilities thereto, designed for, or capable of, transporting natural gas, manufactured gas, or other petroleum derivatives.

- (4) *Power plant* means any of the following:
- (a) Any fossil fuel, biofuel, or similar electrical energy generating facility or addition thereto with a generating capacity of fifty (50) megawatts or more, and any appurtenant facilities.
 - (b) Any solar or wind electrical energy generating facility or addition thereto with a generating capacity in excess of five hundred (500) kilowatts, and any appurtenant facilities.
 - (c) Any nuclear or hydropower electrical generating facility of five hundred (500) kilowatts or more.
- (5) *Public utilities* mean those utilities as defined by Section 39-4-101 and Section 40-1-103, C.R.S.
- (6) *Storage area* means any facility, including appurtenant facilities, designed to store eighty million (80,000,000) cubic feet or more of natural or manufactured gas, or thirty-five thousand (35,000) barrels or more of petroleum derivatives, or any expansion or series of expansions of an existing storage facility to accommodate eighty million (80,000,000) cubic feet or more of natural or manufactured gas, or thirty-five thousand (35,000) barrels or more of petroleum derivatives.
- (7) *Site selection and construction* means and includes the initial site selection and construction of a facility as well as any subsequent relocation, reconstruction or upgrade of such facility.
- (8) *Substation* means any facility designed to provide switching, voltage transmission, or voltage control required for the transmission of electricity at one hundred fifteen (115) kilovolts or more, but does not have as a primary purpose the transformation of voltage to fifty (50) kilovolts or less for distribution purposes.
- (9) *Transmission line* means any electric transmission line and appurtenant facilities used to transmit electricity.

5.104 Applicability, Prohibitions

- (1) This Chapter 5 shall apply to the site selection and construction of all major facilities of a public utility wholly or partially within the unincorporated territory of El Paso County.
- (2) Unless approval has been granted pursuant to the El Paso County Engineering Criteria Manual at Chapter 4 and Sections 5.3 and 5.5, no electric transmission line or pipeline shall be constructed, located, relocated, reconstructed, enlarged or upgraded within 105 feet of the centerline of any County road with a current or proposed classification as arterial or expressway, as set forth in the El Paso County Major Transportation Corridors Plan and in the El Paso County

Engineering Criteria Manual, except to cross such road at or near a perpendicular angle or to provide service to an individual utility customer.

- (3) A Permit is not required under this Chapter for the following activities: repair or storm damage, reframing, pole replacement, re-conductor and maintenance in the normal course of business without increasing the voltage rating of the transmission line, or reconstructing, upgrading or replacing substation equipment inside an existing substation or within an existing substation fence.
- (4) A permit under this Chapter 5 is required to construct, locate, relocate, reconstruct, enlarge or upgrade any electric transmission line and appurtenant facilities used to transmit electricity at 115 kilovolts or more at any location within the unincorporated area of El Paso County.
- (5) A permit under this Chapter 5 is required to construct, locate, relocate, reconstruct, enlarge or upgrade any pipeline and appurtenant facilities of twelve (12) inches or more in diameter which creates a hoop stress of twenty (20) percent or more at their specified minimum yield strength.
- (6) This Chapter shall not apply to interstate natural gas pipeline facilities regulated preemptorily by the Federal Energy Regulatory Commission (FERC), or its successor, provided the following requirements and procedures are complied with by persons or entities proposing to site and construct the interstate natural gas pipeline facility whenever site selection and construction of such facility will be partly located within El Paso County.
- (7) The requirements of these Regulations shall not be deemed to waive the requirements of Section 40-5-101, et seq., C.R.S., if applicable, that a public utility obtain a certificate of public convenience and necessity.

5.105 Review, Notification and Final Action. Notwithstanding Section 2.02 and Article 4 of Chapter 2 of these Regulations, the Director shall notify the applicant of any additional information required to render an application ~~for an Administrative Approval or a Permit~~ complete within 28 days of initial submittal of the application, and the Director and the Permit Authority, as appropriate, shall take final action on the application within 90 days of the date a complete application is received.

Article 2 Permit Application and Procedure

5.201 Application Submission Requirements

In addition to the materials listed at Section 2.303, all applications to locate or construct a major facility of a public utility shall be accompanied by the following information, in the number required by the Director:

- (1) Vicinity map showing the proposed site and the surrounding area. The Project area to be shown shall be defined as follows:

- (a) If a power plant is proposed, the area within fifty (50) miles radius from the site;
 - (b) If new transmission lines or pipelines are proposed, provide a map showing all existing transmission lines and pipelines for a distance of two (2) miles radius beyond any reasonable alternative studied.
 - (c) For upgrades of existing transmission lines or gas pipelines, a map showing all existing transmission lines and pipelines within one (1) mile on either side of the proposed alignment.
 - (d) For all other major facilities of a public utility, the area within ten (10) miles radius of the site if another major facility is proposed.
- (2) Type of facility - specify where applicable:
- (a) The voltages and lengths of transmission lines.
 - (b) Type of poles used, with graphic depictions.
 - (c) Power source and generating capacity.
 - (d) The functions and sizes of substations.
 - (e) The diameters and lengths of pipelines.
 - (f) The capacities of the storage tanks and types of petroleum derivative to be stored.
 - (g) Corridor locations and dimensions.
 - (h) Service area.
- (3) Resource area (e.g., source of power being generated or transmitted, source of petroleum derivative being transported).
- (4) Projected development schedule.
- (a) Specify timetable for planning (e.g., federal permits, other State permits, local zoning, etc.).
 - (b) Estimate beginning and completion of construction and beginning of operation of facility.
- (5) Hazards and emergency procedures:
- (a) Describe hazards, if any, of fire, explosion and other dangers to the health, safety and welfare of employees and the general public.

- (b) Describe hazards, if any, of environmental damage and contamination due to solid waste, hazardous waste, petroleum products, hazardous, toxic, and explosive substances or materials used at, or activities taking place at, the proposed facility.
 - (c) Describe emergency procedures to be used in the event of fire, explosion or other event which may endanger the public health, safety and welfare.
- (6) The applicant shall supply an analysis of non-structural alternatives to the Project, such as conservation of energy use, no development or management (different scheduling, conservation programs, facility design, land trades etc.), if applicable.
- (7) The applicant shall supply an analysis of structural alternatives to the Project, such as alternate locations and routes, alternative types of facilities, use of existing rights-of-way, and joint use of rights-of-way with other utilities and upgrading of existing facilities.
- (8) Detailed description of the need for the proposed development or activity, including but not limited to:
 - (a) The present population of the area to be served and the total population to be served when the project is operating at full capacity.
 - (b) The predominant type of users or communities to be served by the proposal.
 - (c) The percentage of the design capacity at which the current system is now operating.
 - (d) If the proposal is for construction of a new facility and the capacity of that facility exceeds a ten-year projected increase in demand, a detailed explanation of the excess service capacity and the cost of the excess capacity.
 - (e) The relationship of the proposal to the applicant's long-range planning and capital improvement programs.
 - (f) A description of the user needs and user patterns to be fulfilled by the proposed Project.
 - (g) A description of the relationship of the Project to other existing and planned utility facilities of a similar nature, other communication or energy generation and transmission facilities, local government capital improvement programs and special district expansion programs.
- (9) Environmental impact analysis.
 - (a) Land use:

- (i) Specify how the proposed development will utilize existing easements or rights-of-way for any associated distribution or collector networks.
- (b) Information regarding other utility facilities:
 - (i) A map showing each existing major facility of a public utility within the County of the type proposed for development.
 - (ii) The design capacity of each such facility, the excess capacity of each such facility and the percentage of capacity at which each such facility operates.
 - (iii) Whether present facilities can be upgraded to adequately accommodate a ten-year projected increase in demand for services to be offered by the proposed project.
- (10) Applicants seeking a permit for the site selection and construction of a power plant shall submit, in addition to those requirements set forth above, a map locating and describing resource areas to be utilized as sources of energy.
- (11) Applicants seeking a permit for the site selection and construction of transmission lines or substations shall submit the following additional documents and information:
 - (a) Computer modeled electromagnetic field measurement within the proposed transmission line easement for that portion of the transmission line between substations or transition sites; and
 - (b) Measures taken to comply with the concept of prudent avoidance with respect to planning, siting, construction and operation of transmission lines, which may be those steps taken to comply with CCR 723-3 Section 3206(9)(b) or similar authority, for projects where other similar authority is applicable.

5.202 Review Criteria

A permit to conduct site selection and construction of a major facility of a public utility shall be approved if the Permit Authority, or in the case of an Administratively Approved Permit, the Director finds the application complies with the following criteria and the relevant criteria at Section 2.405. If the Permit Authority finds the application does not comply, the application shall be denied or may be approved with conditions.

- (1) All reasonable alternatives to the proposed action, including use of existing rights-of-way and joint use of rights-of-way wherever uses are compatible, have been adequately assessed and the proposed action represents the best interests of the people of this County and presents the best utilization of resources in the impact area.

Formatted: Font: Not Bold

(2) A satisfactory program to mitigate and minimize adverse impacts has been presented.

Formatted: Font: Not Bold

(3) Unless approval has been granted pursuant to the El Paso County Engineering Criteria Manual at Chapter 4 and Sections 5.3 and 5.5 no electric transmission line or pipeline shall be constructed, located, relocated, reconstructed, enlarged or upgraded within 105 feet of the centerline of any County road with a current or proposed classification as arterial or expressway, as set forth in the El Paso County Major Transportation Corridors Plan and in the El Paso County Engineering Criteria Manual, except to cross such road at or near a perpendicular angle or to provide service to an individual utility customer.

(4) Electric transmission lines and pipelines shall be located so as to discourage traffic congestion, incompatible uses, and expansion of the demand for government services beyond the reasonable capacity of the community or region, and to avoid unreasonable or burdensome expenditure of public resources.

(5) Major facilities of a public utility shall be administered so as to minimize disruption of the service provided by the utility and preserve desirable existing community patterns.

GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

CHAPTER 6

FLOODPLAIN NATURAL HAZARD AREAS

Article 1 General Provisions

- 6.101 Designation of Area of State Interest
- 6.102 Boundaries of Floodplain Natural Hazard Areas
- 6.103 Purpose and Intent
- 6.104 Definitions
- 6.105 Applicability
- 6.106 Relationship to Other Requirements

Article 2 Permit Applications and Procedures

- 6.201 Application Submission Requirements
- 6.202 Map Requirements
- 6.203 MDDP Report Requirements
- 6.204 Drawing Requirements
- 6.205 Review Criteria

GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

Article 1 General Provisions

6.101 Designation of Area of State Interest

The following area of state interest is hereby designated: floodplain natural hazard areas. No person may conduct development, as defined in Section 6.104, within such area without first obtaining a permit pursuant to these Regulations. No person may engage in development, as hereinafter defined, within the floodplain natural hazard areas of El Paso County described on **Exhibit D** without first obtaining a permit pursuant to these Regulations.

6.102 Boundaries of Floodplain Natural Hazard Areas

The boundaries of all floodplain natural hazard areas on the maps listed at **Exhibit D** shall be established by flood elevations. In the event of a conflict over the location of any such boundary as shown on the maps, reference shall be made to the flood elevation, which shall take preference over the boundaries shown on the maps.

6.103 Purpose and Intent

The purpose and intent of this Chapter shall be to:

- (1) Promote the public health, safety and general welfare and protect private property.
- (2) Regulate various floodplains constituting natural hazards of state interest, development of which are likely to cause the unreasonable or burdensome expenditure of public resources or which will pose a continuing and greater future danger to life and property without proper regulation of their use and occupation.
- (3) Protect floodplain areas from impact of increased stormwater discharge.
- (4) Minimize significant hazards to public health and safety or to property in flood hazard areas, to encourage open space activities such as agriculture and recreation, and to ensure that any combination of these activities is conducted in a mutually compatible manner.
- (5) Prohibit the placement of fill, materials and structures which would significantly obstruct flood flows and stormwater discharge to the potential damage of others or cause potentially damaging debris to be carried downstream.
- (6) Protect the public from the burden of avoidable financial expenditures for flood control and stormwater projects and flood relief measures.
- (7) Minimize damage to public utilities, roads, streets and bridges.
- (8) Protect the County and its residents from:
 - (a) Stream bank erosion;

- (b) Siltation;
- (c) Increased stormwater control costs for downstream development, local governments or communities;
- (d) Adverse impacts to the natural habitat of wetland animal and plant species;
- (e) Adverse impacts to aquatic species;
- (f) Adverse impacts on significant wildlife habitat or adverse impacts to threatened or endangered animal or plant species and/or their critical habitat; or
- (g) Adverse impacts to open space, conservation easements, regional or neighborhood parks, public trails, or County infrastructure including roads and drainage structures.

6.104 Definitions

As used in this Chapter, the following definitions shall apply:

- (1) *Development* means activity by a public or private entity, including municipal land use permitting of development activity, which results in increases or causes an increase in stormwater discharge, in volume, quantity, duration or frequency at any point within the areas described on the maps attached at Exhibit D in a manner that varies from pre-development conditions in an amount greater than the limits established at Section 6.105(3).
- (2) *Debris-fan floodplain* means a floodplain that is located at the mouth of a mountain valley tributary stream as such stream enters the valley floor.
- (3) *Drainage Basin Planning Study (DPBS)* means the study of a major drainage basin in El Paso County with respect to the long-term buildout of that basin and the general categories and location of mitigation measures for such impacts or drainage impacts on a basin-wide basis.
- (4) *Dry wash channel and dry wash floodplain* mean a small watershed with a very high percentage of runoff torrential rainfall.
- (5) *Floodplain* means an area adjacent to a stream, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which are thus 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.
- (6) *Mainstream floodplain* means an area adjacent to a perennial stream, which area is subject to periodic flooding.
- (7) *Master Development Drainage Plan (MDDP)* means the master plan for drainage for new development which identifies existing drainageways tributary to the new development which may include natural streams and/or existing facilities such as channels, ponds, bridges, culverts, and other man-made structures. The plan shall present alternative solutions for drainage problems identified in the DBPS for the basin, and for new drainage impacts which may be introduced by the new development. Downstream facilities must be thoroughly analyzed with respect to new development drainage impacts in terms of quantity, duration, and volume of runoff.
- (8) *Mudflow* means the downward movement of mud in a mountain watershed because of peculiar characteristics of extremely high sediment yield and occasional high runoff.
- (9) *Natural hazard area* means an area containing or directly affected by a natural hazard.
- (10) *Siltation* means a process which results in an excessive rate of removal of soil and rock materials from one location and rapid deposit thereof in adjacent areas.
- (11) *Thalweg* means the line defining the lowest points along the length of a river bed or valley.

6.105 Applicability

- (1) This Chapter applies to applications for permits to engage in development, as herein defined, in all designated floodplain natural hazard areas within El Paso County as described in Exhibit D. Development activities located anywhere within El Paso County, which result in increased stormwater discharge above the limits established at Section 6.105(3) at any point in unincorporated El Paso County within the designated areas shown on the maps at Exhibit D, are activities requiring an Administratively Approved Permit or a Permit under these Regulations, unless exempted below.

The intent and scope of these Regulations is not to require permits for or otherwise directly regulate physical development activities in incorporated municipalities. Rather, these Regulations address, and require a permit for, the act of releasing increased stormwater discharge, above the limits established at Section 6.105(3), at any point in unincorporated El Paso County within the designated areas shown on the maps at Exhibit D. Often, however, such increased discharge to the unincorporated County is the result of development activities in incorporated municipalities. The Colorado courts have held that counties have the authority under the Areas and Activities of State Interest Act,

C.R.S. § 24-65.1-101, *et seq.*, to regulate impacts to the unincorporated areas of counties resulting from development or activities occurring within an incorporated municipality. See, *City of Colorado Springs v. Bd. of County Comm'rs Eagle County*, 895 P.2d 1105 (Colo.App.1994).

- (2) Any person seeking to undertake development in or affecting any designated or regulated floodplain natural hazard area as defined herein, shall first obtain an Administratively Approved ~~or a Permit~~ or a Permit pursuant to these Regulations.
- (3) The following development activities are subject to the requirements of these Regulations:
 - (a) Step One: Impervious Cover Calculation. Development activities resulting in an increase in impervious cover (degree of imperviousness) above the following levels are subject to these Regulations and proceed to Step Two.
 - (i) Residential development threshold: greater than 50% increase in impervious cover above existing conditions. Example: If a proposed residential development is designed/estimated to result in overall site imperviousness of 53%, and the pre-development overall imperviousness is determined to be 10%, the difference is 45%, implying a permit is not required.
 - (ii) Commercial development threshold: greater than 75% increase in impervious cover above existing conditions. Example: If a commercial fully developed overall site imperviousness is designed/estimated to be 85% and the pre-development overall imperviousness is determined to be 15%, the difference is 70%, implying a permit is not required.
 - (iii) Industrial development threshold: greater than 75% increase in impervious cover above existing conditions. Example: If a industrial fully developed overall site imperviousness is designed/estimated to be 85% and the pre-development overall imperviousness is determined to be 15%, the difference is 70%, implying a permit is not required.
 - (b) Step Two: Is total phased development greater than 10 acres?
 - (i) If No=> No additional review under these Regulations is required.
 - (ii) If Yes=> Does a Drainage Basin Planning Study (DBPS) for the respective basin exist?

If No=> City and/or County may require the development to complete a DBPS. If required, completion and approval through public hearing process of a DBPS will satisfy permitting for the development.

If Yes=> Provide a Master Development Drainage Plan (MDDP) for the entire phased development being proposed. (see Step Three below).

(c) Step Three: Master Development Drainage Plan

Development falling above the limits in Step One, and for which a Master Development Drainage Plan (MDDP) has been developed and approved (by the County or a municipality; as appropriate), are eligible to be processed for an ~~Administrative Approval~~Administratively Approved Permit under Section 2.202. When the ~~Administrative Approval~~Administratively Approved Permit is granted, no further action under these Regulations is required. If no MDDP is submitted or approved, or no ~~Administrative Approval~~Administratively Approved Permit is submitted or approved, or no ~~Administrative Approval~~Administratively Approved Permit is granted, a Permit is required under these Regulations, and an application must be submitted and reviewed as described in Chapter 2 and in Article 2 of this Chapter.

(d) Development within Incorporated Municipalities.

These Regulations apply to stormwater discharge at points in the unincorporated portions of El Paso County, which discharge is created by development, as herein defined, anywhere in the County including within incorporated municipalities. Either of the following options is available for application of the Regulations to these discharges to the unincorporated portions of the County:

- (i) Option 1. Single Municipal Permit. The municipality may submit an application to the County Development Services Department for a one-time, universal permit to address stormwater impacts to unincorporated portions of the County created by development within the incorporated municipality. The terms of such permit shall be negotiated between the municipality and the Permit Authority. The County Engineer, in consultation with the Development Services Director, shall provide review and approval of submitted engineering documents accompanying applications for permits under this option. The County Engineer will be signatory to review of all engineering design-related review documents and final permit documents issued.
- (ii) Option 2. County as Cooperating Permit Agency. Following review by the municipality's Engineer of a development proposed

within the municipality, and if the development exceeds the limits established in Steps 1 and 2, which development meets all of the municipality's drainage and stormwater criteria, the municipality's Engineer shall provide to the County Development Services Department a copy of the approved Master Development Drainage Plan (MDDP) for that development. Within three (3) business days of receipt of the approved MDDP, the Director of Development Services shall issue an ~~permit through~~ Administratively Approved Permit, which states that, based on the approved MDDP, there is a presumption that the development meets the criteria of these Regulations. Copies of the Administratively Approved Permit shall be forwarded to the developer and the municipality. If the developer does not receive acknowledgement of the ~~permit through~~ Administratively Approved Permit within three (3) business days of receipt, said permit is deemed automatically approved.

If a municipality does not exercise Options 1 or 2 above, the proponent of development (developer) within a municipality that will cause increased stormwater discharge in the unincorporated County above the limits established at Section 6.105(3) shall not be required to make application for a permit and no such individual permit shall be required.

6.106 Relationship to Other Requirements

The requirements of this Chapter 6 are in addition to those contained in the Pikes Peak Regional Building Code, and specifically without limitation, Section 313 thereof, pertaining to floodplains, and the City-County Drainage Criteria Manual and the El Paso County Engineering Criteria Manual.

Article 2 Permit Applications and Procedures

6.201 Application Submission Requirements

In addition to the materials listed at Section 2.303, applications for a permit to engage in development in any designated floodplain natural hazard area shall be accompanied by the following information, maps, requirements and data in the number required by the Director:

- (1) A complete application form.
- (2) A plan certified by a professional engineer, registered in the State of Colorado, locating the proposed development with respect to the following:
 - (a) The boundaries of the designated or regulated floodplain natural hazard area.
 - (b) Descriptions of any construction activity which would affect the hydraulic capacity of the floodplain.

- (c) Section 404 of the Federal Clean Water Act permit, if applicable.
- (3) The following maps or drawings:
- (a) A map showing the stream and channel, the designated floodplain natural hazard area surrounding the channel, the area to be occupied or affected, in terms of altered stormwater runoff flows, by the proposed development and all available flood elevation studies, water surface elevations and base flood elevations.
 - (b) A map with surface view showing elevations or contours of the ground, pertinent structures, fill or storage elevations, size location and spatial arrangement of all proposed and existing structures on the site, location and elevation of streets, water supply systems, sanitary facilities and soil types.
 - (c) Drawings showing the profile of the bottom of the channel at the thalweg and the water surface profiles described in such Paragraph a., above. The elevations of fill and structures must be shown. The applicant shall submit the elevation (in relation to mean sea level) of the lowest floor, including the basement, of the structure and, where the lowest floor is below grade on one (1) or more sides, the elevation of the floor immediately above.
- (4) The applicant shall submit evidence that the applicant has made adequate coordination with upstream, downstream or adjacent persons or communities and organizations that might be adversely affected by any development, fill, encroachment or alteration or relocation of a watercourse, including but not limited to, the Fountain Creek Watershed, Flood Control, and Greenway District.

6.202 Map Requirements

- (1) Verification shall be provided identifying the source of the topography and the date it was produced.
- (2) All maps required to be submitted with a permit application shall be of a scale sufficiently detailed to allow the Development Services Director and/or the Permit Authority to determine whether the proposed development and the topographic features of the land meet the requirements of these regulations. In no event shall the scale of these maps be less than one (1) inch equaling one hundred (100) feet.
- (3) All required maps shall show existing topographic contours at no greater than two (2) foot intervals.
- (4) All maps prepared by private contractors or consultants shall meet the following standards of accuracy: Ninety (90) percent of the contour lines must be within

one-half (½) contour interval and the remaining contour lines must be within one (1) contour interval.

- (5) All maps submitted by an applicant seeking a permit to develop a specific site shall show existing (dash line) and finished (solid line) elevation contours of the site at an interval of no greater than one (1) foot within a designated flood hazard area.

6.203 MDDP Report Requirements

- (1) Location and description of the proposed development stating the proposed land use acreage and adjacent features to the site.
- (2) Calculations for design peak flows from all off-site tributary areas
- (3) Calculations for design peak flows from all onsite contributing drainage areas
- (4) Discussion and analysis of existing downstream facilities with particular focus on facilities which will have inadequate capacity based on increase in runoff in terms of increase in peak flowrates, duration, and volume of runoff. Alternatives shall be identified for downstream improvements required to address potential impacts.
- (5) Discussion of drainage problems anticipated within the development and their solutions.

6.204 Drawing Requirements.

- (1) All regulatory floodplain and proposed areas inundated by 100-year recurrence interval
- (2) Existing topography
- (3) Location and size of open channels, bridges, culverts, storm sewers, and ponding areas
- (4) Identify all drainage areas/basins tributary to the development
- (5) Identify drainage sub-basins within the proposed development
- (6) Location of all proposed streets/highways classified as arterials or greater
- (7) Drawing scale shall be between 1"=50' to 1"=500"

6.205 Review Criteria

A permit to engage in development in or affecting a designated floodplain natural hazard area shall be approved if the Permit Authority, or, in the case of an Administratively Approved Permit, the Director, finds the application complies with the following criteria

and the relevant criteria at Section 2.405. If the Permit Authority or the Director, as appropriate, finds the application does not comply, the application shall be denied or may be approved with conditions.

(1) Adequate mitigation measures have been proposed, including financial security to guarantee the same, to mitigate the following:

Formatted: Font: Not Bold

- (a) Detention and/or retention of storm water;
- (b) Erosion and sediment control for any development related land disturbance or construction;
- (c) Any necessary measures including channel protection and engineered outfalls;
- (d) Water quality controls, including water quality capture volume and determination of the need for temporary and/or permanent best management practices (BMP); and
- (e) Adequate provision for maintenance of all drainage-related facilities required by the development.

CHAPTER 7

SITE SELECTION AND EXPANSION OF AIRPORTS

Article 1 General Provisions

- 7.101 Designation of Activity of State Interest
- 7.102 Purpose and Intent
- 7.103 Definitions
- 7.104 Applicability

Article 2 Permit Application and Procedure

- 7.201 Application Submission Requirements
- 7.202 Review Criteria

Article 1 General Provisions

7.101 Designation of Activity of State Interest

The following activity of state interest is hereby designated: site selection and expansion of airports. No person may engage in development, including site selection, construction, expansion, reoperation, relocation or other significant change in use of such activity wholly or partially within unincorporated El Paso County without first obtaining a permit pursuant to these Regulations.

7.102 Purpose and Intent

- (1) The purpose and intent of these regulations contained in this Chapter is to facilitate the administration of airport location and expansion by establishing requirements which must be met before an airport site may be selected or expanded.
- (2) Airport site selection or expansion shall be accomplished in such a manner as to minimize dangers to public health and safety or to property including dangers from aircraft crashes, aircraft noise, traffic congestion, and air pollution.
- (3) Airports shall be located and expanded in a manner which will minimize disruption to existing communities, will minimize the impact on existing community services, and will complement the economic and transportation needs of the state and the area.
- (4) Airport location or expansion decisions shall consider the type of development which will occur within the Airport Influence Area, as hereinafter defined, and the effects of such development on wildlife, historic sites, and the ability to provide services to such development.

7.103 Definitions

For the purpose of this Chapter, the following definitions will apply:

- (1) *Accident Potential Zone I (APZ-1) [Class A Runway Accident]* means an area 3000 feet wide extending 1500 feet either side of the centerline of the airport runway and 5000 feet long located beyond the Clear Zones at each end of the runway.
- (2) *Accident Potential Zone II (APZ-2) [Class A Runway]* means an area 3000 feet wide extending 1500 feet either side of the centerline of the airport runway and extending 7000 feet beyond APZ-1.
- (3) Aircraft means any FAA-certified vehicle used or designed for aviation or flight in the air, and includes helicopters
- (4) Airport means any municipal or county airport or airport under the jurisdiction of an airport authority. Airport includes an airport expansion and the associated Airport Influence ~~Area~~Zone. Airport also includes general aviation or reliever airports, and any area of land or water which is used or intended for the landing

and takeoff of aircraft, any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities, all with respect to its use for airport purposes. Airport does not include a personal airstrip as defined and regulated by Chapter 1 (definitions) and Table 5-1 (principal uses) of the El Paso County Land Development Code.

(4) —

(5) *Airport Influence Area* includes the Airport Noise Subzone, the Aircraft Navigation Subzone and the Accident Potential Zones I and II or, alternatively, similarly identified zones which are applicable to the airport in question. Such area is included as a part of the designated activity and development thereof is controlled under these regulations because of natural or man-made physical features, relationships to airport access, effects of secondary impacts, or other special circumstances found by the Board of County Commissioners.

(6) *Aircraft Navigation Subzone (ANAV)* means an area indicated at and above the ground as depicted on the Commercial Airport District Map or other maps adopted by the County for other airports.

(7) *Airport Noise Subzone (ADNL)* means the area indicated by lines of increasing projected annual average noise exposure (DNL) from 65 DNL to 70 DNL, 70DNL to 75DNL, and 75DNL to 80DNL. The boundary of the ADNL reflects the 65 DNL line.

(8) *Applicant* means any person, including a municipality, special district or authority, or a state or federal entity, proposing to locate or expand an airport, in this jurisdiction and who applies for a permit under the provisions of this regulation.

(9) *Clear Zone* means an area defined by Federal Aviation Administration (FAA) regulations that extends 3000 feet beyond the end of the runway, where the potential for aircraft accidents is considered measurable enough to warrant additional land use restrictions.

(10) ~~Site Selection means the process for determining the location of a new airport or the expansion or relocation of an existing airport. Expansion of an existing airport includes land acquisition, extension of runway(s), development or operational changes that will allow, or are likely to lead to any of the following:~~

Formatted: Indent: Hanging: 0.5"

(10) ~~(a) — of the airport by larger or noisier aircraft~~ Site Selection means the process for determining the location of a new airport or the expansion or relocation of an existing airport. Expansion of an existing airport also includes land acquisition, extension of runways and development or operational changes, and any development or operational change which allows, or is likely to lead to any of the following:

(a) Use of the airport by larger or noisier aircraft beyond that permitted for the airport by existing County studies or approvals;

(b) First time jet aircraft use;

- (c) Creation, alteration or expansion of any (i) Airport Navigation Subzone; (ii) Airport Noise Subzone; or (iii) Airport Accident Potential Zone or similarly identified zone(s) or, alternatively, similarly identified zones which are applicable to the airport in question;
- (d) Any significant increase in air or ground traffic that is likely to disrupt the environment, or cause an impact on the services of existing communities; or
- (e) Construction or alteration of runway lighting or marking that is not otherwise depicted on a County approved plan, to the extent such actions allow or are likely to allow (a) through (d) above, but not to include normal replacement of lighting or marking to conform to FAA requirements.

7.104 Applicability

These Regulations shall apply only to the site selection and expansion of airports as defined at Section 7.102.

Article 2 Permit Application and Procedure

7.201 Application Submission Requirements

In addition to the materials listed at Section 2.303, applications for a permit for site selection or expansion of an airport shall be accompanied by the following information, maps, requirements and data in the number required by the Director:

- (1) A plan (a/k/a airport layout or master plan) and related documents and studies, locating the proposed airport or expansion with respect to the following:
 - (a) The boundaries of the Airport Influence Area and of airport zones therein;
 - (b) The location of existing or proposed airport facilities, including towers, lights, terminals, hangars, aprons, parking areas, taxiways, and runways.
 - ~~(c) The location and elevation of existing and proposed streets, highways, transit routes, and fixed transit lines and trails within or directly adjacent to the Airport Influence Area;~~
 - ~~(d)(c)~~ The location and nature of existing or approved developments and land uses within the Airport Influence Area;
 - ~~(e)(d)~~ The elevation or contours of the ground and elevation of existing structures within the Airport Influence Area, as shown on current USGS contour maps at selected points to reasonably identify these features.
- (2) Flight pattern map and description of expected impact of the new or expanded airport on existing or approved development within the Airport Influence Area.
- (3) Description of potential public safety and property issues related to the airport and possible plane crashes.

- (4) Description of how the airport or airport expansion will affect existing communities, the environment and existing community services.
- (5) Description of how the airport or airport expansion will affect economic and transportation needs of the County and the area.
- (6) Description and copies of applicable FAA permits and approvals.
- (7) Description of how the proposed airport or airport expansion relates to existing airports.
- (8) Adequate proof, which may include legally sufficient executed aviation easements and/or disclosures, that the proposed airport or airport expansion will not result in a taking of private property rights, including invasion of airspace or air rights by glide paths of aircraft for take-off and landings.

7.202 Review Criteria

A permit for the conduct of site selection or expansion of an airport shall be approved if the Permit Authority, or in the case of an Administratively Approved Permit, the Director, the application complies with the following criteria and the relevant criteria at Section 2.405. If the Permit Authority finds that the application does not comply, the application shall be denied or may be approved with conditions:

- (1) Site selection and expansion of airports shall be administered to encourage land use patterns that will separate uncontrollable noise sources from residential and other noise-sensitive areas;
- (2) Site selection and expansion of airports shall be administered to avoid danger to public safety and health or to property due to potential 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 County;
- (4) There is sufficient existing and projected need to warrant and support the airport or airport expansion;
- (5) The nature and location of the airport site or expansion complies with all applicable provisions of the State Aviation Systems Plan, and other applicable municipal, regional, state and national plans;
- (6) The nature and location of the airport site or expansion is compatible with the existing and reasonably foreseeable economic and transportation needs of the County and of the area immediately servicing the airport, including mass transit facilities, trails, and stormwater infrastructure;
- (7) The nature and location of the airport site or expansion does not unduly or unreasonably impact existing community services;

- (8) The airport site or expansion is not in an area with meteorological and climatological conditions which would unreasonably interfere with or obstruct normal airport operations and maintenance;
- (9) The airport site or expansion is not in an area with unmovable obstructions which might interfere with any airport approach or clear zone, or assurances have otherwise been received that all removable obstructions will be eliminated from all airport approach or clear zones;
- (10) The benefits of the airport location or expansion outweigh the loss of any natural resources or agricultural lands rendered unavailable as a result of the proposed airport location or expansion, including development of the area around the airport;
- (11) Adequate electric, gas, telephone, water, sewage, and other utilities exist or can be developed to service the airport site or expansion;
- (12) Immediate and future noise levels in communities within the Airport Influence Area to be caused by the airport location or expansion and any anticipated future expansion will not violate any applicable local, state, or federal laws or regulations;
- (13) Adequate mitigation measures have been proposed, including financial security to guarantee the same, to mitigate the identified adverse impacts of the airport site or expansion;
- (14) The airport site or expansion will not place an undue burden on existing land uses in the area or on the communities of the region;
- (15) The airport site or expansion is designated to minimize the impacts of airport noise on nearby developments;
- (16) The airport site or expansion will contribute to the orderly development of the airport area and the region;
- (17) The airport site or expansion, and uses and activities associated with or generated by it, will not result in a taking of private property rights, including invasion of airspace or air rights by glide paths of aircraft for take-off and landings.

CHAPTER 8

**SITE SELECTION OF ARTERIAL HIGHWAYS AND INTERCHANGES
AND COLLECTOR HIGHWAYS**

Article 1 General Provisions

- 8.101 Designation of Activity of State Interest
- 8.102 Purpose and Intent
- 8.103 Definitions
- 8.104 Applicability; Exemptions

Article 2 Permit Application and Procedure

- 8.201 Application Submission Requirements
- 8.202 Review Criteria

Article 1 General Provisions

8.101 Designation of Activity of State Interest

- (1) The following activity of state interest is hereby designated: site selection of arterial highways and interchanges and collector highways. No person may engage in development, including site selection, construction, expansion, reoperation, relocation or other significant change in use of such activity wholly or partially within unincorporated El Paso County without first obtaining a permit pursuant to these Regulations.
- (2) The issuance of a permit for this activity is contingent upon the subsequent approval of the Colorado Department of Transportation or other regulatory agencies, where required by appropriate statute or regulation.

8.102 Purpose and Intent

The purpose and intent of these regulations contained in this Chapter 9 are:

- (1) To facilitate the local administration of site selection of arterial highways and interchanges and collector highways by establishing requirements which must be met before a site may be selected;
- (2) To ensure that community traffic needs are met;
- (3) To provide for the continuation of desirable community patterns;
- (4) To discourage expansion of demand for government services beyond the reasonable capacity of the community or region to provide such services as determined by the County;
- (5) To prevent direct conflicts with local, regional and state master plans;
- (6) To ensure that highway and interchange development is compatible with surrounding land uses;
- (7) To encourage the coordination of highway planning with community and development plans;
- (8) To discourage traffic hazards and congestion;
- (9) To minimize sources of traffic noise, air and water pollution; and
- (10) To protect scenic, natural, historical and archeological resources from destruction.

8.103 Definitions

For the purpose of this Chapter, the following definitions shall apply:

- (1) *Applicant* means any person, including a municipality, special district or authority, state, or federal entity, proposing to locate an arterial highway or interchange or collector highway.
- (2) *Arterial highway* means and includes:
 - (a) Any limited access highway which is part of the federal aid interstate system or any limited access highway constructed under the supervision of the Colorado Department of Transportation; and
 - (b) Any other publicly or privately financed highway which provides a connection between major developments or growth areas, whether or not designed to County standards, owned or maintained by the County, or tolled.
- (3) *Collector highway* means and includes:
 - (a) A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the Colorado Department of Transportation. Collector highway does not include a city street or local service road or a country road designed for local service and constructed under the supervision of local government; and
 - (b) Any other publicly or privately financed highway which collects or serves traffic from local streets or roads, whether or not designed to County standards, owned or maintained by the County, or tolled.
- (4) *Constructed under guidelines and standards established by or constructed under the supervision of the Colorado Department of Transportation* shall each include, without limitation, any of the below-listed forms of participation by the Colorado Department of Transportation:
 - (a) The Colorado Department of Transportation, or any entity formed directly or indirectly by it or the Colorado Transportation Commission, or formed by contract or agreement with it or the Colorado Transportation Commission (including, without limitation, any enterprise formed under Article 4 of Title 43, C.R.S., as amended, or nonprofit entity formed by such enterprise), and:
 - (i) Is an applicant;
 - (ii) Sells, leases, loans, donates, grants, conveys, assigns, transfers or otherwise provides any real or personal property or interests therein used or to be used in the proposed construction, modification or expansion of the arterial highway, interchange or

collector highway, including transfer or assignment of any contract to the applicant that may have been awarded for the proposed construction, modification or expansion of the arterial highway, interchange or collector highway;

(iii) Delegates authority to the applicant or is a signatory to any intergovernmental agreement or other form of contract, agreement, conveyance, delegation or authorization required for the applicant to construct, modify or expand the arterial highway, interchange or collector highway; or

(iv) Performs or funds any planning, design, study, construction, supervision or maintenance functions associated with all or any portion of the construction, modification or expansion of the arterial highway, interchange or collector highway.

(b) A state highway access permit from the Colorado Department of Transportation is necessary for access from the proposed construction, modification or expansion of the arterial highway, interchange or collector highway to a state highway.

- (5) *Corridor* means a strip of land within which an arterial or collector highway may be located.
- (6) *Historic site* is as defined in National Historic Preservation Act (16 U.S.C. § 470).
- (7) *Historic resource impact area* means an area within which development activities may have significant impacts upon historic resources of statewide or County importance.
- (8) *Historic resources* means properties, buildings and sites which have been officially included in the National Register of Historic Places, designated by statute or included in the State Register of Historic Places or a locally designated historic resource.
- (9) *Impact area* means that area within the County which is served or potentially served by a highway or which would be impacted, directly, indirectly or cumulatively, by the location of an arterial highway, interchange or collector highway.
- (10) *Interchange* means the intersection of arterial and/or collector highways, roads, or streets
- (11) *Limited access highway* means providing access connection with selected public roads and limited or no direct private access connections.
- (12) *Site selection* means the determination of a specific corridor or facility location which is made at the conclusion of the corridor location studies in which:
 - (a) Construction of an arterial highway, interchange or collector highway is proposed; or

- (b) Expansion or modification of an existing arterial highway, interchange or collector highway is proposed that would result in:
 - (i) An increase in highway capacity by at least one (1) lane through widening or alternative lane configurations, or an equivalent increase in capacity produced by access controls, technological or other types of highway improvements; or
 - (ii) The elimination of direct, at-grade, access from a public road or street to such existing arterial or collector highway; or
- (c) Expansion or modification of an existing highway is proposed which would result in a change in classification to collector highway or arterial highway as defined in this Chapter.

8.104 Applicability; Exemptions

- (1) This Chapter shall apply to the site selection of all arterial highways and interchanges and collector highways wholly or partially within the unincorporated territory of El Paso County, not associated with an application under the El Paso County Land Development Code.
- (2) A Permit is not required under this Chapter for the following activities:
 - (a) Arterial highways and interchanges and collector highways planned or constructed within the scope of an application under the El Paso County Land Development Code.
 - (b) Arterial highways and interchanges and collector highways owned, maintained, or constructed by El Paso County.
 - (c) Arterial highways and interchanges and collector highways included within funding categories A, B, or C of the Pikes Peak Rural Transportation Authority.

Article 2 Permit Application and Procedure

8.201 Application Submission Requirements

In addition to the materials listed at Section 2.303, applications for a permit to locate or engage in the site selection of an arterial highway, interchange or collector highway shall be accompanied by the following documents and information, in the number required by the Director:

- (1) A list of all reasonable alternative corridor locations for the proposed arterial highway, interchange or collector highway, including a no-action alternative.
- (2) For the proposed and each alternative corridor location considered, including the no-action alternative, the information specified below:

- (a) A general description of the proposal, with a discussion of the advantages and disadvantages of the alternative.
 - (b) A discussion of social, economic and environmental impacts. The level of analysis should be sufficient to adequately identify the impacts and appropriate mitigation measures, and address known and foreseeable public concerns.
 - (c) A location map showing the corridor and general area.
 - (d) Any corridor location proposal, study or other documentation which includes:
 - (i) Type, scale and appearance of the improvement;
 - (ii) Cost estimate, including mitigation costs;
 - (iii) Approximate timetable for construction and right-of-way acquisition;
 - (iv) Financing plan and tolling feasibility study, where appropriate;
 - (v) Plan and profile for the Project; and
 - (vi) Elevation drawings for any proposed structures.
 - (e) If a proposed alternative utilizes or affects a historic resource, or if the proposed alternative is located within a historic resource impact area, Applicant shall provide the following: a copy of the Section 4(f) evaluation required by 23 U.S.C. § 138; a copy of the Federal Highway Administration Section 4(f) approval; and a description of possible mitigation measures, including possible replacement measures, for the historic resource or the value of the historic resource.
 - (f) A description of noise abatement measures that are proposed for each alternative, including for each alternative the costs for construction, acquisitions, operations, and maintenance, decibel reduction effectiveness, and height, length, and material type for barriers or specification for other types of noise mitigation.
- (3) The local stormwater drainage and water quality impacts of the proposed arterial highway, interchange or collector highway, including attainment of state water quality standards and a description of permanent best management practices to be used to mitigate water quality impacts.
- (4) Demographic information in the impact area, including:
- (i) Current population and density;
 - (ii) Total employment, occupation types and major employer locations;

(iii) Average household income; and

(iv) Population projections in five-year increments over the next twenty (20) years.

- (5) Major traffic generators in the impact area.
- (6) The planned level of service of the proposed arterial highway, interchange or collector highway in relationship to projected user demand within the County or impact area, whichever is larger.
- (7) The approximate number of users of the proposed corridor or interchange location in terms of existing County residents, new County residents and non-County residents.
- (8) Plans for promoting or accommodating the use of multi-modal transportation.
- (9) Anticipated noise levels resulting from the arterial highway, interchange or collector highway using Federal Highway noise study criteria, Title 23 (Highways); Part 772 - Procedures for Abatement of Highway Traffic Noise and Construction Noise.
- (10) A description of resulting net shade and shadow impacts of the project.
- (11) A description of lighting impacts from headlights and streetlights.
- (12) The local air quality impacts of the proposed arterial highway, interchange or collector highway, including attainment of federal and state ambient air quality standards and risks to human health and the environment posed by air pollutants.
- (13) The impacts of the proposed arterial highway, interchange or collector highway on accessibility to and from existing public facilities, commercial and industrial facilities and residential areas within the County.
- (14) How the proposed arterial highway, interchange or collector highway and its impacts will be consistent with appropriate corridor studies, access management or control plans; and Pikes Peak Rural Transportation Authority projects.
- (15) How the proposed arterial highway, interchange or collector highway and its impacts will conform to any applicable state plans, goals, objectives and policies including but not limited to Pikes Peak Area Council of Governments (PPACG) and Central Front Range (CFR) plans, the Colorado Department of Transportation (CDOT) Statewide Transportation Plan and the Statewide Transportation Improvement Program (STIP).
- (16) The development potential that would result in the impact area and within the County with and without the completion of the proposed arterial highway, interchange or collector highway, measured in terms of land values, land availability, land use controls, vacancy rates, tax revenues and public expenditures, along with indices of accessibility to school/education, utility

service, other public and quasi-public services, local and regional amenities and employment opportunities and the demographic indices identified in Paragraph (2) above.

- (17) The increased demand that the potential development in the impact area described in Subparagraph (17) above will place on the following public services within the County: other roadways, mass transit, trails, bike paths and other transportation, housing, employment, schools, commercial services, health services, police and fire protection, solid waste disposal, water supply systems, wastewater collection and disposal systems, stormwater collection and release systems, power, military installations, communications, parks, open space and recreation, other public and quasi-public utilities and other planned public services.
- (18) Traffic Demand Modeling Study that describes the increased demand that the proposal will place on other arterial highways, interchanges, collector highways, and frontage roads, and showing consistency with the most current Major Transportation Corridor Plan model or the Pikes Peak Area Council of Governments (PPACG) model.
- (19) The impact, including but not limited to the impact on property values and other economic indicators, of the proposed arterial highway, interchange or collector highway on sensitive areas and key commercial tourist or visitor areas or districts within the County and the region.
- (20) Impacts of the proposed arterial highway, interchange or collector highway on the character of adjacent and impacted neighborhoods or developments, as well as the impacts of increased division or separation of neighborhoods caused by the proposed arterial highway, interchange or collector highway.
- (21) A description of impacts resulting from highway surface applications, such as chemicals, sand, etc.
- (22) A traffic operations and safety study that at minimum meets the criteria for the appropriate level of Traffic Impact Study as referenced in the Engineering Criteria Manual, or as otherwise required by CDOT.
- (23) All feasible alternatives for avoiding, minimizing, and/or mitigating adverse effects of the proposed arterial highway, interchange or collector highway identified in Paragraphs 16-20 above, including but not limited to effects on the level of public services, access to public services, division of existing communities, water quality, air quality, noise levels and scenic, historic, recreational, archeological or natural resources. Minimization and mitigation alternatives to be considered include, but are not limited to:
 - (a) Alternative locations, configurations and access for the arterial highway, interchange or collector highway, including but not limited to grade-separated interchanges and complete or partial construction below grade with cover and landscaping suitable for recreational use or for construction of County streets, bike paths or pedestrian walkways;

- (b) Alternative pavement types;
- (c) Alternative highway maintenance and snow removal methods;
- (d) Sound walls and other sound-mitigating techniques;
- (e) Berms;
- (f) Landscaping;
- (g) Speed control devices;
- (h) Limits on the use of compression brakes; and
- (i) Wildlife crossings and pedestrian bridges.

8.202 Review Criteria

A permit for the site selection of an arterial highway, interchange or collector highway shall be approved if the Permit Authority or, in the case of an Administratively Approved Permit, the Director, finds the application complies with the following criteria and the relevant criteria in Section 2.405. If the Permit Authority or the Director, as appropriate, finds the application does not comply, the application shall be denied or may be approved with conditions.

- (1) The proposed arterial highway, interchange or collector highway will be located so that community traffic needs are met.
- (2) The proposed arterial highway or interchange or collector highway will be located only in a corridor for which a clear and reasonable local and regional need has been demonstrated.
- (3) The location and access limitations for the arterial highway, interchange or collector highway will not isolate community neighborhoods from and, where practicable, will enhance access from community neighborhoods to public facilities including schools, military installations, hospitals, mass transit, pedestrian walkways and bikeways, recreational areas and open spaces.
- (4) The construction of the arterial highway and interchange or collector highway shall be phased to minimize interference with traffic movement.
- (5) The location and access limitations for the arterial highway, interchange or collector highway will not restrict access via other roadways, mass transit facilities, pedestrian walkways and bikeways, local commercial services, residential developments, business and employment centers, and public facilities including schools, hospitals, recreational areas and open spaces.
- (6) Reasonable alternative modes of transportation will be incorporated into the proposal.
- (7) If park-and-ride facilities are utilized, they shall be located in areas designated by the County.

- (8) The location of the proposed arterial highway, interchange or collector highway will not impede the delivery of essential community services and goods.
- (9) Desirable local and regional community land use patterns will not be disrupted by the location of the proposed arterial highway, interchange or collector highway.
- (10) The location and access limitations for the arterial highway, interchange or collector highway will not create safety hazards to motorists, pedestrians or bicyclists by causing or contributing to overuse, improper use or congestion, or cause unnecessary diversion of regional traffic onto other County roadways or inappropriate or inadequate connections to pedestrian and bicycle routes.
- (11) The proposed arterial highway, interchange or collector highway will be located so as to complement the efficient extension of planned public services, utilities and development in general, both regionally and within the County.
- (12) The site selection for the arterial highway, interchange or collector highway will adhere to the plan, process, procedure and requirements of the State and the Federal Highway Administration, and such construction, expansion or modification will be included in the then-current Pikes Peak Area Council of Governments Regional Transportation Plan, Central Front Range Plan (CFR), the Colorado Department of Transportation (CDOT) Statewide Transportation Plan and the Statewide Transportation Improvement Program (STIP), the County Major Transportation Corridor Plan and County corridor plans.
- (13) The proposed location of the arterial highway, interchange or collector highway will not result in the destruction, impairment or significant alteration of sensitive, key commercial, tourist or visitor areas or districts within the County.
- (14) The proposed location of the arterial highway, interchange or collector highway will not contribute to a negative economic impact to residential, commercial, tourist or visitor areas or districts within the County.
- (15) To the extent tolling is proposed, the use or level of tolling is appropriate in light of existing toll levels, if any, and any prior or projected public infrastructure investment.
- (16) The proposed highways shall be integrated into the regional transportation network.
- (17) The proposed arterial highway, or interchange or collector highway will not have a significant adverse impact on prime or unique farmland as defined by the U.S. Department of Agriculture, Natural Resources Conservation Service.
- (18) Land acquisitions and/or the relocation of uses and improvements will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
- (19) The benefits of the Project, including expected development in the regional and local surroundings of the Project area, will outweigh the social, fiscal, and environmental impact and the loss of any scenic, historical, archeological, or natural resources rendered unavailable as a result of the location of the Project.

- (20) The proposed location of the arterial highway, interchange or collector highway will not result in the destruction, impairment or significant alteration of historic properties or districts within the County and will not impair the function or historic integrity of a historic resource of statewide importance.
- (21) The proposed location and design of the arterial highway, interchange or collector highway does not cause lighting impacts from headlights or streetlights to nearby residential neighborhoods or other developments.
- (22) Noise levels caused by the arterial highway, interchange or collector highway will follow federal noise abatement criteria.

CHAPTER 9

SITE SELECTION OF RAPID OR MASS TRANSIT FACILITIES

Article 1	General Provisions
9.101	Designation of Activity of State Interest
9.102	Purpose and Intent
9.103	Definitions
9.104	Applicability; Exemptions
Article 2	Permit Application and Procedure
9.201	Application Submission Requirements
9.202	Review Criteria

Article 1 General Provisions

9.101 Designation of Activity of State Interest

The following activity of state interest is hereby designated: site selection of rapid or mass transit terminals, stations and fixed guideways (also collectively referred to herein as "rapid or mass transit facilities"). No person may engage in development, including site selection construction, expansion, reoperation, relocation or other significant change in use of such activity wholly or partially within unincorporated El Paso County without first obtaining a permit pursuant to these Regulations.

9.102 Purpose and Intent

The purpose and intent of these regulations contained in this Chapter are to:

- (1) Regulate the site selection of rapid or mass transit facilities to prevent significant deterioration or degradation of existing air and water quality in El Paso County;
- (2) Regulate the site selection of rapid or mass transit facilities to preserve the health and welfare of the citizens of El Paso County;
- (3) Avoid or reduce conflicts of rapid or mass transit facilities with the appropriate corridor studies, access management or control plans, and Pikes Peak Rural Transportation Authority funding list A, B, and C projects;
- (4) Encourage planned and orderly land use and development;
- (5) Ensure that rapid or mass transit facilities are located and developed in a manner designed to minimize congestion in the streets; to secure safety from fire, flood waters, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (6) Ensure that activities involving rapid or mass transit facilities are conducted with reasonable consideration as to the character of the area and its peculiar suitability for particular uses;
- (7) Conserve property values in the vicinity of rapid or mass transit facilities; and
- (8) Encourage that the burdens imposed by rapid or mass transit facilities are equally shared by the persons proposing or benefiting from them as well as the local governments included.

9.103 Definitions

For the purpose of this Chapter, the following definitions shall apply:

- (1) *Applicant* means any person, including a municipality, special district or authority, state, or federal entity, proposing to locate highway rapid or mass transit facility.

- (2) *Corridor means a specified area or route within which a transit alignment would be located.*
- (3) *Fixed guideway facility means any conventional or new technology which operates its own dedicated right of way and associated terminals, stations and maintenance facilities.*
- (4) *Impact area means that area within the County which is served or potentially served by a rapid or mass transit facility or which would be impacted, directly, indirectly or cumulatively, by the location of a rapid or mass transit facility.*
- (5) *Major travel corridor means a street or combination of streets which carry a large volume of traffic.*
- (6) *Mass transit means a coordinated system of transit modes providing transportation for use by the general public, including, but not limited to all types of vehicles and systems (such as rail, light rail and buses) and associated facilities and operational characteristics such as routing, shelters, stations, parking lots, park and ride facilities, maintenance facilities and associated land uses.*
- (7) *Rapid transit means the element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.*
- (8) *Shelters means a facility designed primarily to provide a waiting area for transit passengers.*
- (9) *Site selection means the process for determining the location of rapid or mass transit facilities or the expansion or relocation of an existing facility.*
- (10) *Station and/or terminal means a facility constructed to serve both passenger access and egress to a transit system as well as necessary vehicle operations.*

9.104 Applicability; Exemptions

- (1) This Chapter 10 shall apply to the site selection of all rapid or mass transit facilities wholly or partially within the unincorporated territory of El Paso County.
- (2) A Permit is not required under this Chapter for the following activities: site selection of rapid or mass transit facilities which are to be constructed, owned or maintained by El Paso County.

Article 2 Permit Application and Procedure

9.201 Application Submission Requirements

In addition to the materials listed at Section 2.303, applications for a permit for site selection of rapid or mass transit terminals, stations and/or fixed guideways shall be accompanied by the following documents and information, in the number required by the Director:

- (1) A list of alternative site locations considered for each of the facilities, including a no-action alternative.
- (2) For each alternative rapid or mass transit terminal, station and/or fixed guideway location being considered by the applicant, including the preferred alternative and the no-action alternative, provide the information specified below:
 - (a) A general description of the proposal, with a discussion of the advantages and disadvantages of each alternative.
 - (b) A discussion of social, economic and environmental impacts. The level of analysis should be sufficient to adequately identify the impacts and appropriate mitigation measures, and address known and foreseeable public concerns.
 - (c) A location map showing the corridor and general area.
 - (d) Any corridor location proposal, study or other documentation which includes:
 - (i) Type, scale and appearance of the improvement;
 - (ii) Cost estimate, including mitigation costs;
 - (iii) Approximate timetable for construction and right-of-way acquisition;
 - (iv) Financing plan and tolling feasibility study, where appropriate;
 - (v) Plan and profile for the Project; and
 - (vi) Elevation drawings for any proposed structures.
 - (e) If a proposed alternative utilizes or affects a historic resource, or if the proposed alternative is located within a historic resource impact area, Applicant shall provide the following: a copy of the Section 4(f) evaluation required by 23 U.S.C. § 138; a copy of the Federal Highway Administration Section 4(f) approval; and a description of possible mitigation measures, including possible replacement measures, for the historic resource or the value of the historic resource.
 - (f) A description of noise abatement measures that are proposed for each alternative, including for each alternative the costs for construction,

acquisitions, operations, and maintenance, decibel reduction effectiveness, and height, length, and material type for barriers or specification for other types of noise mitigation.

- (3) Location map showing the corridor, project area, and surrounding area. One or more maps at sufficient scale showing the location of the proposed development and its relationship to the rapid or mass transit terminal, station or fixed guideway, 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.
- (4) Demographic information in the impact area, including:
 - (i) Current population and density;
 - (ii) Total employment, occupation types and major employer locations;
 - (iii) Average household income; and
 - (iv) Population projections in five-year increments over the next twenty (20) years.
- (5) If the proposed facility is a fixed guideway, the application shall also include:
 - (a) Description of the type of motor power that shall be used to propel transit vehicles along the guideway and maximum anticipated speed of the transit vehicles along different segments of the system.
 - (b) Maps showing the proposed right-of-way and the plan to acquire the same.
 - (c) The minimum and maximum passenger capacity of the transit vehicles that will travel on the guideway and the anticipated frequency or scheduling of guideway use.
 - (d) 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.
 - (e) Identification of all buildings or other structures that must be removed in order for the proposed guideway to be built.
 - (f) A plan for preventing collisions at points where the proposed guideway crosses other multimodal transportation corridors.
 - (g) A study that describes and analyzes the effects of noise and vibration on neighboring property owners, with particular emphasis on residential land uses.

- (6) If the proposed facility is a station or terminal associated with a rapid or mass transit facility, the application shall also include:
- (a) A passenger impact analysis including:
 - (i) The number of vehicle trips associated with the station or terminal at or just before any scheduled departure;
 - (ii) The number of passengers that will likely ride only one way on any given day; and
 - (iii) The number of passengers that can be expected to bring baggage, recreational equipment, tools, or other material.
 - (b) The anticipated schedule of departures and arrivals at the station or terminal and the expected capacity of each transit unit.
 - (c) The maximum length of any train that will serve the station or terminal, excluding propulsion units.
 - (d) 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.
 - (e) A map of all roadways, parking areas with parking requirements, and other facilities showing details such as width, layout, traffic flow, pavement markings and traffic control devices.
 - (f) Identification of all buildings or other structures that must be removed in order for the proposed station or terminal to be built.
- (7) Description and copies of applicable Colorado Department of Transportation permits and approvals.

9.202 Review Criteria

A permit to locate a rapid or mass transit terminal, station, and/or fixed guideway shall be approved if the Permit Authority, or in the case of an Administratively Approved Permit, the Director, finds the application complies with the following criteria and the relevant criteria at Section 2.405. If the Permit Authority or the Director, as appropriate, finds the application does not comply, the application shall be denied or may be approved with conditions.

- (1) Areas around rapid or mass transit facilities will be administered to:
- (a) Promote the efficient utilization of the rapid or mass transit facility.
 - (b) Facilitate traffic circulation patterns of roadways serving the rapid or 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 will be located so as to preserve the value of buildings at the site and avoid demolition of businesses or residences to the extent possible. Proposed locations of rapid or mass transit terminals, stations, and/or 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 will be located and such activities conducted with reasonable consideration, among other things, as to the character of the surrounding area as it relates to the Project area, 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 El Paso County.
- (4) Stations, shelters and terminals will be appropriately located to attract maximum ridership to the extent feasible and to meet transit needs.
- (5) Rapid or mass transit facilities will have adequate and safe ingress and egress for all transit modes and to maintenance and transit vehicle operations.
- (6) The location of fixed guideways will maximize joint use of rights-of-way for trails and bikeways and other transportation alternatives.
- (7) Rapid or mass transit facilities will be designed and located in a manner that will reduce traffic congestion.
- (8) Guideway design and location will not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road except at intersections, nor shall guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway.
- (9) The parking areas associated with a terminal or station will 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 will be designed and located to accommodate, during a fifteen (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) A proposed location of a rapid or mass transit facility that imposes a burden or deprivation on the County 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 local government.
- (12) Rapid or mass transit facilities will minimize the effects of noise and vibration on neighboring property owners, with particular emphasis on residential land uses.
- (13) Rapid or mass transit terminals, stations and fixed guideways will be located in a coordinated manner with other transportation systems existing or planned.

- (14) A positive impact on bus operations will be established before locating an exclusive bus lane in a major travel corridor. The location of an exclusive bus lane will be justified by a sufficient ridership level, an effective enforcement plan, and no significant increase in traffic congestion.
- (15) The proposed rapid or mass transit terminal, station and/or fixed guideway will be located so as to complement the efficient extension of planned public services, utilities and development in general, both regionally and within the County.
- (16) Noise levels caused by the proposed rapid or mass transit terminal, station and/or fixed guideway will follow federal noise abatement criteria.
- (17) The location and access limitations for the proposed rapid or mass transit terminal, station and/or fixed guideway will not isolate community neighborhoods from and, where practicable, will enhance access from community neighborhoods to public facilities including schools, military installations, hospitals, pedestrian walkways and bikeways, recreational areas and open spaces.

GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

EXHIBIT A, Page 1

ORDER OF
DESIGNATION OF ACTIVITIES
OF STATE INTEREST

Pursuant to Section 24-65.1-101, et seq., C.R.S., on June 6, 2013, the Board of County Commissioners of El Paso County designated the following as activities of state interest:

Efficient utilization of municipal and industrial water projects;

Site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems; and

Site selection and construction of major facilities of a public utility.

Such activities may not be conducted within the unincorporated area of El Paso County without a permit pursuant to these regulations. Procedures for obtaining such a permit are available at the Development Services Department, 2880 International Circle, Colorado Springs, Colorado 80910.

Date: _____

ATTEST:

County Clerk and Recorder

Chair
Board of County Commissioners
El Paso County, Colorado

[SEAL]

GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

EXHIBIT A, PAGE 2

**ORDER OF
DESIGNATION OF AREA
OF STATE INTEREST**

Pursuant to Section 24-65.1-101, et seq., C.R.S., on June 6, 2013, the Board of County Commissioners of El Paso County designated the following lands as an area of state interest:

Floodplain natural hazard areas of El Paso County shown on Exhibit D.

No one may engage in development on said lands without a permit pursuant to these regulations. Maps or other descriptive materials showing the precise boundary of the area and procedures for obtaining a permit are available at the Development Services Department, 2880 International Circle, Colorado Springs, Colorado 80910.

Date: _____.

ATTEST:

County Clerk and Recorder

Chair
Board of County Commissioners
El Paso County, Colorado

[S E A L]

Formatted: Normal, Centered, Space After:
12 pt

← Formatted: Normal, Centered, Space After:
12 pt

Exhibit B

APPLICATION FOR A PERMIT TO CONDUCT A
DESIGNATED ACTIVITY OF STATE INTEREST
OR TO ENGAGE IN DEVELOPMENT IN A
DESIGNATED AREA OF STATE INTEREST

To: Permit Authority, El Paso County

Re: _____
as a matter of state interest.

From: (Applicant's Name)
(Address)
(Telephone)

Date Submitted:

Date Received and Accepted as Complete:

1. Matter of State Interest.

The applicant requests that a permit be issued for each of the items checked below:

A permit to conduct one or more of the following matters of state interest:

- a. — Efficient utilization of municipal and industrial water projects
- b. — Site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems
- c. — Site selection and construction of major facilities of a public utility
- d. — Development in areas containing or having a significant impact upon floodplain natural hazard areas
- e. Site selection and expansion of airports
- f. Site selection of arterial highways and interchanges and collector highways
- g. Site selection of rapid or mass transit facilities

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.75" + Indent
at: 1"

Formatted: Font color: Auto

2. Proposed Activity or Development.

General description of the specific activity or development proposed:

3. Location of Development:

A general, nonlegal description and the popular name, if any, of the tract of land upon which the activity or development is to be conducted:

4. Legal Description.

The legal description, including the acreage, of the tract of land upon which the development or the activity is to be conducted, by metes and bounds or by government survey description: (attach additional sheets if necessary):

5. Owners and Interests.

Set out below the names of those persons holding recorded legal, equitable, contractual and option interests and any other person known to the applicant having any interest in the property described in paragraph 4, above, as well as the nature and extent of those interests for each person, provided that such recorded interests shall be limited to those which are recorded in the El Paso County Clerk and Recorder's Office, the land office of the Bureau of Land Management for this State, the Office of the State Board of Land Commissioners of the Department of Natural Resources, or the Secretary of State's Office of this State (attach additional sheets if necessary):

6. Submission Requirements.

Submission requirements described in the Guidelines and Regulations for Areas and Activities of State Interest of El Paso County for each of the activities or areas checked in paragraph 1 above, are attached to this application. Those attachments are identified, by letter or number, and described by title below:

7. Additional Information Required:

Attach any additional information required by the Guidelines and Regulations, and as may be required by the Development Services Department Director..

8. Duration of Permit.

The Applicant requests a permit for a period of _____ years.

9. Application Fee.

The required application fee is submitted herewith.

APPLICANT:

By: _____
(Name)
(Title)

GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

Exhibit C

PERMIT
ISSUED TO CONDUCT A
DESIGNATED ACTIVITY OF STATE INTEREST
OR
TO ENGAGE IN DEVELOPMENT IN A
DESIGNATED AREA OF STATE INTEREST
IN
EL PASO COUNTY, COLORADO

Pursuant to Guidelines and Regulations for Areas and Activities of State Interest of El Paso County heretofore adopted by the Board of County Commissioners, the County has received an application from _____ (hereinafter "Applicant") for a permit to conduct the following matter(s) of state interest:

and has approved that application.

This permit authorizes the Applicant:

1. To conduct the following activity / development: _____

2. On the following-described tract of land:

3. For the following period: _____; expiring _____, 20____

4. In accordance with the plans and/or specifications approved by the Permit Authority on _____, 20____, as well as the guidelines for administration adopted by the County for:

[insert matter of state interest]

5. On the condition that the Applicant proceeds in conformity with all applicable federal and state statutes, regulations and permits as well as all applicable local land use controls including, but not limited to, applicable comprehensive or master plans, subdivision regulations, zoning and building codes.

6. And on the following additional conditions:

This permit shall not be effective until the Applicant has filed the proper security with the Permit Authority, pursuant to provisions of the Administrative and Permit Regulations in the amount of (\$_____).

This permit is valid for use only by the Applicant and may not be transferred. In the event that the Applicant fails to take substantial steps to initiate the above development or activity

within twelve (12) months from the date of this permit or, if such steps are taken, in the event the Applicant fails to complete the development or activity with reasonable diligence, this permit may be revoked by the Permit Authority.

Date: _____, 20__

EL PASO COUNTY PERMIT AUTHORITY

By: _____

Chair

**Board of County Commissioners
El Paso County, Colorado**

ATTEST:

County Clerk and Recorder

GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

Exhibit D

MAPS OF EL PASO COUNTY FLOODPLAIN NATURAL HAZARD AREAS

The following maps are incorporated herein by reference:

- (1) Flood Insurance Rate maps published by FEMA and as contained within the Flood Insurance Study, El Paso County Colorado and Incorporated Areas, revised August 23, 1999, as such maps are from time-to time amended, supplemented or revised, and as the same are on file and available for public inspection at the offices of the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, Colorado.
- (2) Incorporated Outfalls Discharging Into Unincorporated El Paso County, April 30, 2013.