

RESOLUTION NO. 2020-11

A RESOLUTION AMENDING THE GUIDELINES AND REGULATIONS FOR THE ADMINISTRATION OF AREAS AND ACTIVITIES OF STATE INTEREST OF THE COUNTY OF OTERO, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Otero, Colorado (hereinafter "the Board") is authorized by, inter alia, Section 24-65.1-101, et seq., C.R.S., and Section 29-20-101, et seq., C.R.S., to adopt regulations for the protection of the public health, safety, and welfare of the inhabitants of Otero County; and

WHEREAS, Section 24-65.1-101, et seq., C.R.S., grants authority to local governments, including counties, acting by and through their boards of county commissioners to designate matters of state interest and to adopt regulations for the administration thereof; and

WHEREAS, on May 18, 2004, following notice and public hearing pursuant to Section 24-65.1-404, C.R.S., the Board, acting by Resolution No. 2004-15, designated the following matters of state interest within the County of Otero, State of Colorado: (a) efficient utilization of municipal and industrial water projects; (b) site selection and construction of major new water treatment systems and major extension of such systems; (c) areas containing or having a significant impact upon natural resources of statewide importance; and (d) site selection and construction of major facilities of a public utility; and

WHEREAS, the Board also adopted the "Guidelines and Regulations For Areas and Activities of State Interest of the County of Otero, State of Colorado," constituting Chapter 1 (administrative regulations), Chapter 2 (permit authority), and Chapters 3, 4, 5, and 6 (regulations for administration of matters of state interest), including Exhibits A, B, C and D thereto (hereinafter the "Regulations"); and

WHEREAS, on August 14, 2006, following notice and public hearing pursuant to Section 24-65-1.401, C.R.S., the Board amended the Guidelines and Regulations for the Administration of Areas and Activities, of the County of Otero, State of Colorado (Resolution No. 2006-013); and

WHEREAS, on April 21, 2017, following notice and public hearing pursuant to Section 24-65-1.401, C.R.S., the Board further amended the Guidelines and Regulations for the Administration of Areas and Activities, of the County of Otero, State of Colorado (Resolution No. 2017-04); and

WHEREAS, on December 17, 2020, the Board conducted a public hearing pursuant to Section 24-65.1-401, C.R.S., for the purpose of considering additional amendments to the Guidelines and Regulations; and

WHEREAS, notice of the public hearing was published in the La Junta Tribune-Democrat on November 13, 2020; was published in the Rocky Ford Daily Gazette on November 13, 2020; was posted at the Otero County Courthouse, 13 West 3rd Street, La Junta, Colorado on November 13, 2020, and was placed on the Otero County website with Zoom information so the public could join in the hearing; and

WHEREAS, the Board further made available for public inspection for the four-week period concluding on December 11, 2020, the proposed amendments to the Regulations, along with the notice of hearing; and

WHEREAS, the public hearing was conducted on December 17, 2020, and testimony was taken from any and all persons desiring to appear and give such testimony and present evidence; and

WHEREAS, the Board has taken into consideration:

1. The intensity of current and foreseeable development pressures in Otero County, Colorado; and
2. The hearing record presented at the May 18, 2004, public hearing; and
3. The hearing record presented at the August 14, 2006, public hearing; and
4. The hearing record presented at the April 21, 2017, public hearing; and
5. Testimony and exhibits presented at the December 17, 2020, public hearing;

NOW THEREFORE, BE IT RESOLVED, by the Otero County Board of County Commissioners:

1. The hearing record before the Board at the May 18, 2004, public hearing, including all testimony and exhibits presented therein, is hereby fully incorporated by reference into the record of the December 17, 2020, hearing.
2. The hearing record before the Board at the August 14, 2006, public hearing, including all testimony and exhibits presented therein, is hereby fully incorporated by reference into the record of the December 17, 2020, hearing.

3. The hearing record before the Board at the April 21, 2017, public hearing, including all testimony and exhibits presented therein, is hereby fully incorporated by reference into the record of the December 17, 2020, hearing.
4. The Guidelines and Regulations for Areas and Activities of State Interest of the County of Otero, State of Colorado, are hereby amended as set forth in **Exhibit A**, attached hereto and fully incorporated herein by this reference.
5. As amended hereby, copies of the Guidelines and Regulations shall be made available for public inspection and copying at the office of the Board.

DONE and signed this 17th day of December, 2020.

ATTEST:

BOARD OF COUNTY
COMMISSIONERS OF OTERO
COUNTY, STATE OF
COLORADO:


Clerk & Recorder


Keith Goodwin, Chairman



EXHIBIT A

AMENDMENT TO REGULATIONS FOR THE ADMINISTRATION OF AREAS & ACTIVITIES OF STATE INTEREST OF OTERO COUNTY, COLORADO

1. Amend Section 3.303, to add a new subsection (20) and renumber the current subsection 20. The new subsection 20 shall read as follows:

- (20) For construction traffic that will use a County road, describe the anticipated types of vehicles, number of each type, anticipated number of trips per day per each type, County roads to be used, and the percentage of the construction traffic that will travel on each road.

The current subsection 20 shall become subsection 21 and shall be amended to read as follows:

- (21) For each alternative site or expansion area for which a permit is being sought by the applicant, the information specified in subsections (1) through (20) of this Section. An application need not meet the identified submission requirements for other than the particular development alternative for which a permit is being sought in order for the application to be considered complete, but the description of alternative sites and expansion areas must be sufficiently detailed so as to adequately inform the Permit Authority.

2. Amend Section 3.304, (1) (i), to read as follows:

- (i) The construction of structures, buildings, and improvements associated with the proposed development will not significantly impact existing or proposed communities and will not create an undue financial burden on existing or future residents within the proposed development area as concerns construction traffic.

3. Amend Section 4.304, subsection (8) (f), to add a heading and a subsection (8) (f) (ii) as follows:

- (f) Transportation/Construction Traffic
 - (i) Described what impact the proposed development will have upon the need for and supply of public transportation in this County.
 - (ii) For construction traffic that will use a County road, describe the anticipated types of vehicles, number of each type, anticipated number of trips per day per each type, County roads to be used,

and the percentage of the construction traffic that will travel on each road.

4. Amend Section 4.306 to add subsection (1) (t), as follows:
 - (t) The proposed development or its associated collector or distribution system or new service areas will not create an undue financial burden on existing or future residents within the development area and source development area and new service areas as concerns construction traffic.
5. Amend Section 6.103 "Definitions", subsection (7) to read as follows:
 - (7) "Pipelines" mean any pipeline and appurtenant facilities designed for, or capable of, transporting natural gas or other petroleum derivatives of ten (10) inches diameter or larger ~~or~~ any pipeline that utilizes or disturbs more than five (5) acres of land during installation or repair of said pipeline.
6. Amend Section 6.303, subsection (2) (a) (ix) (E) to amend the heading and add a subsection 5, which shall read as follows:
 - (E) Existing Transportation Network/Construction Traffic.
 5. For construction traffic that will use a County road, the anticipated types of vehicles, number of each type, anticipated number of trips per day per each type, County roads to be used, and the percentage of the construction traffic that will travel on each road.
7. A subsection (3) shall be added to Section 6.303, and shall read as follows:
 - (3) The requirements of Section 5.303(6)(f) (revegetation plan) of these Guidelines and Regulations are incorporated herein by this reference and must also be met.
8. Amend Section 6.304 to add subsection (1) (t), as follows:
 - (t) The proposed development will not create an undue financial burden on existing or future residents within the facility site or expansion area as concerns construction traffic.