

ORDINANCE ADOPTING GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

SEPTEMBER 21, 2021



AREAS AND ACTIVITIES OF STATE INTEREST ACT

§§ 24–65.1–101, *ET SEQ.*, C.R.S.

- Describes areas or activities which may be of state interest and establishes criteria for the administration of such areas and activities
- Encourages local governments to designate and regulate such areas and activities through local guidelines (“1041 regulations”)
- Grants local governments the authority to regulate projects that may otherwise be out of their jurisdiction or control

1041 REGULATIONS

- Establishes a permitting process to protect against the negative impacts of outside development on the Town's watershed and existing water, wastewater and transportation infrastructure
- Requires a permit applicant to demonstrate appropriate and reasonable mitigation efforts to protect Town infrastructure and assets
- 32 counties and 67 municipalities have adopted 1041 regulations since the adoption of the Act

WHY 1041 REGULATIONS ARE NEEDED IN CASTLE ROCK

- When urban level development in the unincorporated area of the county adjacent to or surrounded by the Town:
 - Already congested Town streets will experience the impact of additional vehicular traffic
 - Wells serving the development may impair the Town's existing wells and the Town's ability to utilize aquifer storage and recovery
 - Discharge of wastewater into the Town's watershed could threaten the safety of the Town's drinking water supply

WHY 1041 REGULATIONS ARE NEEDED IN CASTLE ROCK

- If development in the county is required to obtain a 1041 permit, it could be accomplished in accordance with Town standards:
 - The developer may be required to fund necessary improvements to the Town's street network and water and wastewater systems
 - Groundwater underlying the development could be dedicated to the Town to help serve future residents
 - The development could have access to a dependable supply of renewable water from the Town's water system

DESIGNATION OF AREAS OR ACTIVITIES OF STATE CONCERN

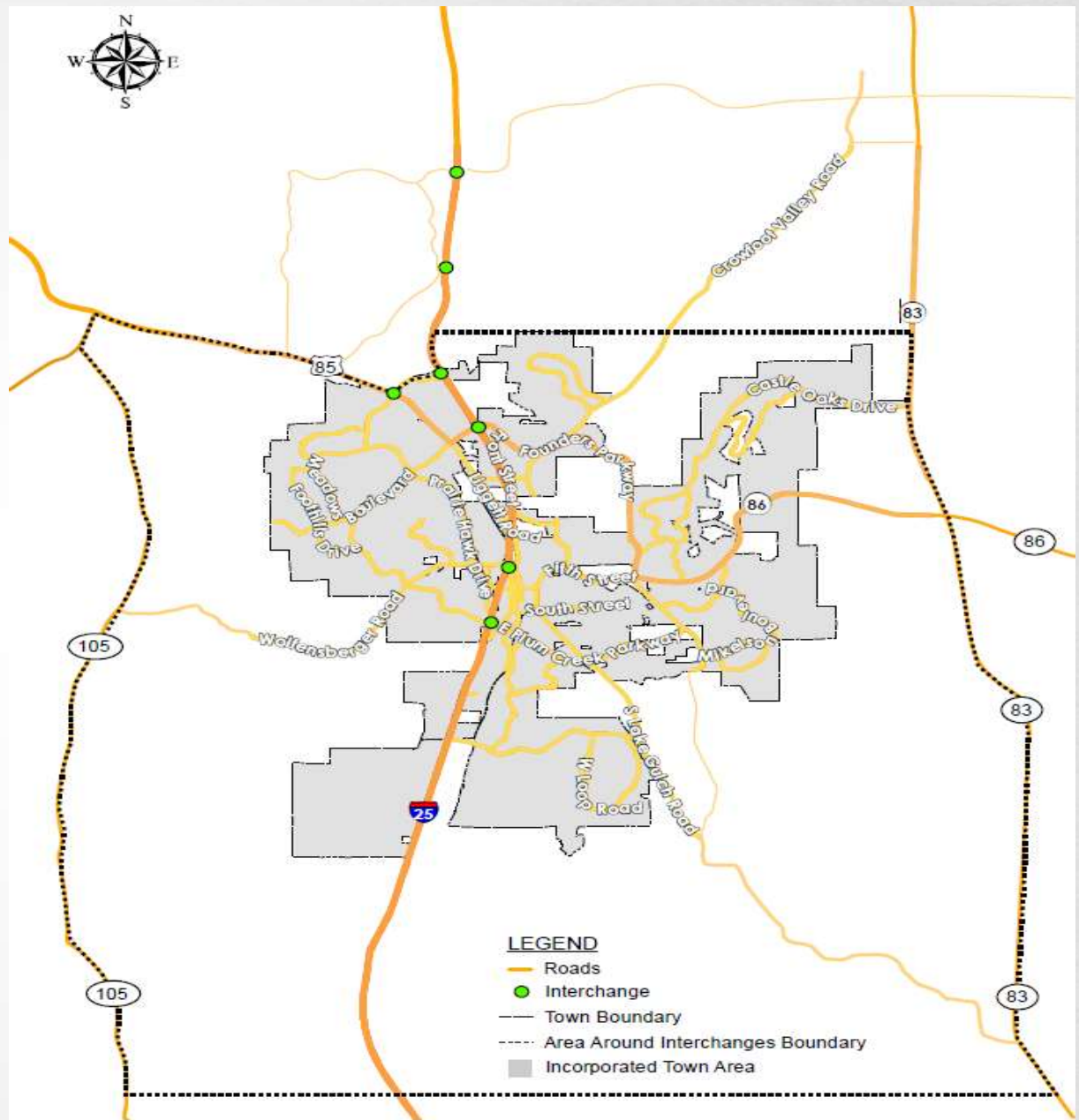
- Designation public hearing –Town Council must take into account:
 - All testimony, evidence and documents taken and admitted at the hearing;
 - The intensity of current and foreseeable development pressures in the Town;
 - The boundaries of the proposed area of state interest; and
 - Reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.

DESIGNATION OF AREAS OR ACTIVITIES OF STATE CONCERN

Based upon the concerns expressed at tonight's meeting, Town staff recommends that the Town Council designate the following area of state interest:

- Areas around interchanges involving arterial highways as designated on the Areas Around Interchanges map

Areas Around Interchanges Map

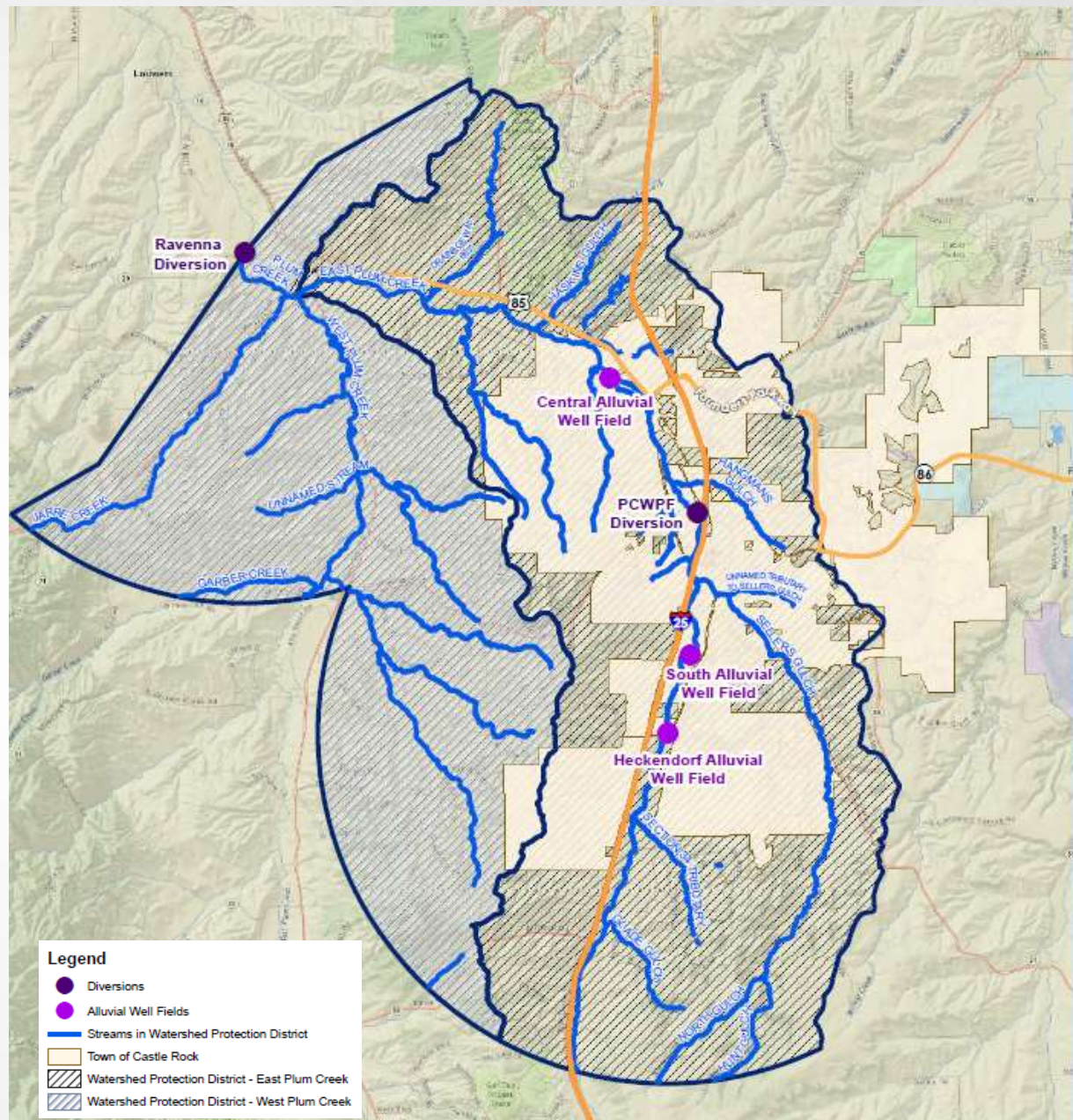


DESIGNATION OF AREAS OR ACTIVITIES OF STATE CONCERN

Based upon the concerns expressed at tonight's meeting, Town staff further recommends that the Town Council designate the following activities of state interest:

- Site selection of arterial highways and interchanges and collector highways located wholly or partially within the municipal boundaries
- Site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems located wholly or partially within the Watershed Protection District as designated on the Watershed Protection District map

Watershed Protection District Map



ADOPTION OF 1041 REGULATIONS

- Title 21 of the Castle Rock Municipal Code – Issuance of 1041 permits:
 - Each permit applicant is required to meet with the Town Manager prior to submitting an application
 - The purpose of the meeting is to discuss the location and nature of the proposed project, the degree of impacts associated with the proposed project, and mitigation proposed to offset such impacts
 - Following the meeting, the application and all accompanying materials are submitted to the Town, along with the application fee

ADOPTION OF 1041 REGULATIONS

- Once the application is determined to be complete, referrals are sent to the appropriate county, state, and federal agencies
- A public hearing on the permit application is scheduled before the Town Council
- Notice of the hearing is given to the applicant and all interested parties
- A staff report is prepared for the Town Council to consider no less than seven days prior to the hearing

ADOPTION OF 1041 REGULATIONS

- A quasi-judicial hearing on the permit application is conducted before the Town Council
- If the standards in the 1041 regulations are satisfied, Town Council will approve the application
- If the application fails to satisfy any one of these standards, Town Council shall;
 - Deny the application; or
 - Approve the application with conditions determined necessary to comply with the applicable standards

ADOPTION OF 1041 REGULATIONS

Town staff recommends that the Town Council approve the ordinance adopting a new Title 21 of the Castle Rock Municipal Code entitled “Guidelines and Regulations for Matters of State Interest.”

PROPOSED MOTIONS

MOTION 1 -

“I move to designate the following area of state interest:

- *Areas around interchanges involving arterial highways as designated on the Areas Around Interchanges map presented at tonight’s meeting;*

And the following activities of state interest:

- *Site selection of arterial highways and interchanges and collector highways located wholly or partially within the municipal boundaries.*
- *Site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems located wholly or partially within the Watershed Protection District as designated on the Watershed Protection District map presented at tonight’s meeting.”*

PROPOSED MOTIONS

MOTION 1 -

“I move to approve the Ordinance as introduced by title.”