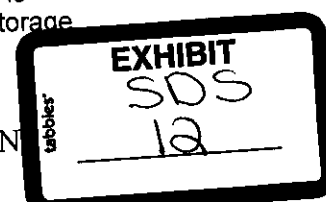


Title 17 LAND USEChapter 17.164 LOCAL REGULATIONS OF SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MAJOR EXTENSIONS OF EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS**17.164.030 Approval Criteria.**

A permit for the conduct of site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems shall be issued by the Board of County Commissioners following a public hearing upon the application for such a permit, provided that each of the following criteria are satisfied:

- A. There is sufficient existing and projected need to warrant and support the proposed activity.
- B. New domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
- C. Major extensions of domestic water and sewage treatment systems will not create growth and development which is incompatible with and cannot be accommodated by the local financial capacity of the area or residents to be served.
- D. Major extensions of domestic sewage treatment systems will not overburden the existing systems and current and projected future demand for the service can be met within existing and proposed capacity.
- E. The activity can be supported by water possessed by the applicant of sufficient quality to meet the State's drinking water standards and in sufficient quantity to fulfill existing and projected future demand.
- F. The activity will not create proliferation of special districts, or overlapping of the boundaries of special districts.
- G. Environmental impacts including, but not limited to, agricultural productivity potential, aquatic life, stream standards, groundwater, and in-stream water quality related to the proposed activity have been identified and will be mitigated or compensated for.
- H. The proposed activity will not make demands upon natural resource, including, but not limited to, water, energy resources, and unique environmental areas, which demands are excessive when compared with the value of the activity.
- I. The proposed activity does not conflict with the Pueblo Regional Development Plan, Water Quality Management Plan, or other duly adopted plans of the County of Pueblo.
- J. All natural hazards affecting the proposal, including, but not limited to, floods, expansive and corrosive soils, unstable geologic features, such as mudflows, landslides and avalanches have been avoided or compensated for by the activity.
- K. The activity will not conflict or create any conflict with the surrounding lands either as they exist currently or as proposed by local plans and programs previously approved by the governing body of the territory of local government in which the proposed activity lies.
- L. The proposed activity is the best alternative available for the provision of water and/or sewer service to the geographical area affected by the proposal.
- M. Economic impacts including, but not limited to, taxable property, agriculture, NPDES permitted facilities, and recreation related to the proposed activity have been identified and will be mitigated or compensated for.
- N. **Additional permit for a major new domestic water supply system or major extension of an existing domestic water supply system.** When the component water supply system for a major new domestic water system or major extension of an existing domestic water system is proposed to be developed for a new or increased diversion per year, or new or increased storage



capacity, of 500 acre-feet or more, the additional criteria set forth in §17.172.130, which are incorporated by this reference, shall be satisfied as part of this designation and the activity will require a permit for a Municipal Water Project pursuant to §17.172.010 et seq.

O. Documentation that prior to site disturbance for the Project, the applicant will have obtained all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.

This issuance of a permit allowing the activity shall, however, in no way constitute an exemption from zoning and other land use regulations, health regulations, or procedural requirements. In the case of this activity, the issuance of a permit is contingent upon the subsequent approval of the proposal by the Colorado Water Quality Control Commission and/or the Colorado Department of Public Health and Environment, where required by appropriate statute or regulation.

Title 17 LAND USEChapter 17.172 REGULATIONS FOR EFFICIENT UTILIZATION OF MUNICIPAL AND INDUSTRIAL WATER PROJECTS**17.172.130 Approval Criteria**

A. A Permit to conduct the designated activity of a municipal or industrial water project shall be approved if the Project complies with the following general criteria and any additional applicable criteria in Section 17.164 (Domestic Water and Sewer Systems). If the Project does not comply with any one or more of these criteria, the Permits shall be denied or may be approved with conditions.

B. In determining whether the Project complies with these criteria, or if conditions should be imposed, the Permit Authority may utilize the considerations in Appendix "A".

(1) Documentation that prior to site disturbance for the Project the applicant will have obtained all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.

(2) The Project will not impair property rights held by others.

(3) The Project is consistent with relevant provisions of applicable land use and water quality plans.

(4) The applicant has the necessary expertise and financial capability to develop and operate the Project consistent with all requirements and conditions.

(5) The Project is technically and financially feasible.

(6) The Project is not subject to significant risk from natural hazards.

(7) The Project will not have a significant adverse effect on land use patterns.

(8) The Project will not have a significant adverse effect on the capability of local governments affected by the Project to provide services, or exceed the capacity of service delivery systems.

(9) The Project will not create an undue financial burden on existing or future residents of the County.

(10) The Project will not significantly degrade any current or foreseeable future sector of the local economy.

(11) The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.

(12) The planning, design and operation of the Project shall reflect principals of resource conservation, energy efficiency and recycling or reuse.

(13) The Project will not significantly degrade air quality.

(14) The Project will not significantly degrade existing visual quality.

(15) The Project will not significantly degrade surface water quality.

- (16) The Project will not significantly degrade groundwater quality.
- (17) The Project will not significantly degrade wetlands and riparian areas.
- (18) The Project will not significantly degrade terrestrial or aquatic animal life or their habitats.
- (19) The Project will not significantly deteriorate terrestrial plant life or plant habitat.
- (20) The Project will not significantly deteriorate soils and geologic conditions nor cause significant erosion, sedimentation, or flooding.
- (21) The Project will not cause a nuisance.
- (22) The Project will not significantly degrade areas of paleontological, historic, or archaeological importance.
- (23) The Project will not result in unreasonable risk of releases of hazardous materials.
- (24) The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing, commercial or industrial resources within the County or within areas which impact the County, or the losses of opportunities to develop such resources.
- (25) The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.
- (26) The Project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.
- (27) The Project shall be necessary to meet community development and population demands in the areas to be served by the Project.
- (28) Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
- (29) The Project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the Project, or to comply with regulatory or technological requirements.

Title 17 LAND USEChapter 17.172 REGULATIONS FOR EFFICIENT UTILIZATION OF MUNICIPAL AND INDUSTRIAL WATER PROJECTS**17.172.260 Appendix A - Criteria Guidance**

A. Following are considerations to help the applicant understand the types of things that the Permit Authority may consider on balance in determining whether a Project complies with the Permit Application Approval Criteria.

B. These considerations are not criteria that the Project must satisfy; they serve solely as guidance. The considerations are in regular type and the actual criteria that the considerations relate to are in bold type and underlined.

(1) **The Project is technically and financially feasible.**

The determination of technical and financial feasibility of the Project may include but is not limited to the following considerations:

- (a) Amount of debt associated with the Project.
- (b) Debt retirement schedule and sources of funding to retire the debt.
- (c) Estimated construction costs and construction schedule.
- (d) Estimated annual operation, maintenance and monitoring costs.

(2) **The Project is not subject to significant risk from natural hazards.**

The determination of risk from natural hazards to the Project may include but is not limited to the following considerations.

- (a) Faults and fissures.
- (b) Unstable slopes including landslides, rock slides and avalanche areas.
- (c) Expansive or evaporative soils and risk of subsidence.
- (d) Wildfire hazard areas.
- (e) Floodplains.

(3) **The Project will not have a significant adverse effect on land use patterns.**

The determination of effects of the Project on land use patterns may include but is not limited to the following considerations:

- (a) Whether the Project complies with and is consistent with applicable plans.
- (b) Likelihood that the Project will/will not cause or contribute to urban sprawl or "leapfrog" development.

- (c) Significant changes in the amount of impervious surfaces.
 - (d) Contiguity of development associated with the Project to existing growth centers.
 - (e) Changes to unique land forms.
 - (f) Changes in the amount of character of open space.
 - (g) Changes to traffic patterns, road capacity and congestion.
- (4) **The Project will not have a significant adverse effect on the capability of local governments affected by the Project to provide services, or exceed the capacity of service delivery systems.**

The determination of the effects of the Project on local government services may include but is not limited to the following considerations:

- (a) Existing and potential financial capability of local governments to accommodate development related to the Project.
 - (b) Current and projected capacity of roads, schools, infrastructure, housing, and other services necessary to accommodate development, and the impact of the Project upon the current and projected capacity.
 - (c) Changes caused by the Project in the cost of providing education, transportation networks, water treatment and wastewater treatment, stormwater drainage, channel stabilization, bridges, emergency services, or other governmental services or facilities.
 - (d) Changes in short or long term housing availability, location, cost or condition.
 - (e) Need for temporary roads to access the construction of the Project.
 - (f) Change in demand for public transportation.
 - (g) Reduction in the amount of water available for future water supply in the County.
- (5) **The Project will not create an undue financial burden on existing or future residents of the County.**

The determination of the financial effects of the Project may include but is not limited to the following considerations:

- (a) Changes in assessed valuation.
- (b) Tax revenues and fees to local governments that will be generated by the Project.
- (c) Changes in tax revenues caused by agricultural lands being removed from production.
- (d) Changes in costs to water users to exercise their water rights.

- (e) Changes in costs of water treatment or wastewater treatment.
 - (f) Effects on wastewater discharge permits.
 - (g) Changes in total property tax burden.
 - (h) Changes in costs to prevent stream channel erosion or sedimentation, or the costs of bridging streams.
- (6) **The Project will not significantly degrade any current or foreseeable future sector of the local economy.**

The determination of the effects of the Project on the economy may include but is not limited to the following considerations:

- (a) Changes to projected revenues generated from each economic sector.
 - (b) Changes in the value or productivity of any lands.
 - (c) Changes in opportunities for economic growth and diversification.
- (7) **The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.**

The determination of effects of the Project on recreational opportunities and experience may include but is not limited to the following considerations:

- (a) Changes to existing and projected visitor days.
 - (b) Changes to duration of kayaking and rafting seasons.
 - (c) Changes in quality and quantity of fisheries.
 - (d) Changes in instream flows or reservoir levels.
 - (e) Changes in access to recreational resources.
 - (f) Changes to quality and quantity of hiking trails.
 - (g) Changes to the wilderness experience or other opportunity for solitude in the natural environment.
 - (h) Changes to hunting experiences.
- (8) **The Project will not significantly degrade air quality.**

The determination of effects of the Project on air quality may include but is not limited to the following considerations.

- (a) Changes to seasonal ambient air quality.
- (b) Changes in visibility and microclimates.
- (c) Applicable air quality standards.

(9) **The Project will not significantly degrade existing visual quality.**

The determination of visual effects of the Project may include but is not limited to the following considerations:

- (a) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
- (b) Interference with viewsheds and scenic vistas.
- (c) Changes in appearances of forest canopies.
- (d) Changes in landscape character types of unique land formations.
- (e) Compatibility of building and structure design and materials with surrounding land uses.

(10) **The Project will not significantly degrade surface water quality.**

The determination of effects of the Project on surface water quality may include but is not limited to the following considerations:

- (a) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
- (b) Applicable narrative and numeric water quality standards.
- (c) Changes in point and nonpoint source pollution loads.
- (d) Increase in erosion.
- (e) Changes in sediment loading to waterbodies.
- (f) Changes in stream channel or shoreline stability.
- (g) Changes in stormwater runoff flows.
- (h) Changes in trophic status or in eutrophication rates in lakes and reservoirs.
- (i) Changes in the capacity or functioning of streams, lakes or reservoirs.
- (j) Changes in flushing flows.
- (k) Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.

(11) **The Project will not significantly degrade groundwater quality.**

The determination of effects of the Project on groundwater quality may include but is not limited to the following considerations:

- (a) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

- (b) Changes in capacity and function of wells within the impact area.
- (c) Changes in quality of well water within the impact area.

(12) **The Project will not significantly degrade wetlands and riparian areas.**

The determination of effects of the Project on wetlands and riparian areas may include but is not limited to the following considerations:

- (a) Changes in the structure and function of wetlands and riparian areas.
- (b) Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
- (c) Changes to aerial extent of wetlands and riparian areas.
- (d) Changes in species' characteristics and diversity.
- (e) Transition from wetland to upland species.
- (f) Changes in function and aerial extent of floodplains.

(13) **The Project will not significantly degrade terrestrial or aquatic animal life or its habitats.**

The determination of effects of the Project on terrestrial or aquatic life may include but is not limited to the following considerations:

- (a) Changes that result in loss of oxygen for aquatic life.
- (b) Changes in flushing flows.
- (c) Changes in species composition or density.
- (d) Changes in number of threatened or endangered species.
- (e) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.
- (f) Changes to habitat and critical habitat including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species.
- (g) Changes to the aquatic and terrestrial food webs.

(14) **The Project will not significantly deteriorate terrestrial plant life or plant habitat.**

The determination of effects of the Project on terrestrial plant life or habitat may include but is not limited to the following considerations:

- (a) Changes to habitat of threatened or endangered plant species.

- (b) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
- (c) Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
- (d) Changes in threatened or endangered species.

(15) **The Project will not significantly deteriorate soils and geologic conditions.**

The determination of effects of the Project on soils and geologic conditions may include but is not limited to the following considerations:

- (a) Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
- (b) Changes to stream sedimentation, geomorphology, and channel stability.
- (c) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
- (d) Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.
- (e) Exacerbation of seismic concerns and subsidence.

(16) **The Project will not cause a nuisance.**

The determination of nuisance effects of the Project may include but is not limited to the following considerations:

- (a) Increase in odors.
- (b) Increase in dust.
- (c) Increase in fumes.
- (d) Increase in glare.
- (e) Increase in heat.
- (f) Increase in noise.
- (g) Increase in vibration.
- (h) Increase in artificial light.
- (i) Increase in traffic impacts.

(17) **The Project will not result in unreasonable risk of releases of hazardous materials.**

The determination of the risk of release of hazardous materials caused by Project may include but is not limited to the following considerations:

- (a) Plans for compliance with federal and state handling, storage, disposal, and transportation requirements.
 - (b) Use of waste minimization techniques.
 - (c) Adequacy of spill prevention and response plans.
- (18) **The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.**

The determination of whether the Project emphasizes the most efficient use of water may include but is not limited to the following considerations:

- (a) Whether the Project uses readily available conservation techniques.
 - (b) Whether the Project recycles water to the greatest extent allowed by law.
- (19) **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:

- (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.
- (20) **The Project shall be necessary to meet community development and population demands in the areas to be served by the Project.**

The determination of whether the Project meets community development and population demands may include but is not limited to the following considerations:

- (a) Relationship to reasonable growth projections and local land use plans.
 - (b) Relationship to other water and wastewater provider's service area.
- (21) **Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.**

The determination of potential for pollution of the aquifer recharge areas by the Project may include but is not limited to the following considerations:

- (a) Proximity of urban development and population densities to aquifer recharge areas.
 - (b) Proximity of stormwater and sanitation systems to aquifer recharge areas.
 - (c) Changes in water quality in the aquifer recharge areas.
- (22) **The Project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the Project.**

or to comply with regulatory or technological requirements.

The determination of whether the Project is reasonably necessary may include but is not limited to the following considerations:

- (a) Relationship to reasonable growth projections and local land use plans.
 - (b) Relationship to other water and wastewater provider's service area.
 - (c) Whether the Project is not in compliance with regulatory or technological requirements or will not be in compliance in the near future.
- (23) **To the extent feasible, wastewater and water treatment facilities shall be consolidated with existing facilities within the area.**

The determination of whether consolidation is feasible shall include but is not limited to the following considerations:

- (a) Whether there is an opportunity for consolidation.
 - (b) The environmental, financial and social feasibility of consolidation.
- (24) **New domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.**

The determination shall include but is not limited to the following considerations:

- (a) Relationship to reasonable growth projections and local land use plans.
 - (b) Proximity to other water and wastewater provider's service area.
- (25) **The Project shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.**

The determination shall include but is not limited to the following considerations:

- (a) Relationship of the Project to approved land use plans for the area.
- (b) The environmental, financial and social impacts related to such development.