

RESOLUTION NO. _____

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF LA PLATA, STATE OF COLORADO**

**RESOLUTION DESIGNATING MATTERS OF STATE INTEREST INCLUDING
ACTIVITIES OF STATE INTEREST OF LA PLATA COUNTY, COLORADO AND
ADOPTING REGULATIONS FOR ACTIVITIES OF STATE INTEREST IN LA PLATA
COUNTY**

WHEREAS, pursuant to C.R.S. §§ 30-11-101(1)(e) and (2), 30-11-103, and 30-11-107(1)(e), the Board of County Commissioners of La Plata County, Colorado (hereinafter “Board” or “County”), has the legislative authority to manage the business and concerns of the County and to exercise such other and further powers as are conferred by law when deemed by the Board to be in the best interests of the County and its inhabitants, and is further authorized by *inter alia*, C.R.S. §§ 30-28-101, *et seq.*, C.R.S. §§ 30-28-201, *et seq.*, and C.R.S. §§ 29-20-101, *et seq.*, to adopt regulations for the protection of the public health, safety, and welfare of the inhabitants of La Plata County; and

WHEREAS, the Board has specific authority to consider and designate matters of state interest including areas and activities of state interest and to adopt guidelines and regulations for administration of areas and activities of state interest in La Plata County pursuant to the Areas and Activities of State Interest Act, C.R.S. §§ 24-65.1-101, *et seq.*; and

WHEREAS, in conformance with the requirements of C.R.S. §§ 24-65.1-404(2)(a), on August 16, 2019 legal notice was published in *The Durango Herald* of a hearing to be held on September 17, 2019 at which time the Board would consider designating certain activities of state interest, pursuant to C.R.S. §§ 24-65.1-101, *et seq.*, to consider and approve conforming amendments to the La Plata County Land Development Code; and adopting a new Chapter 69 to the La Plata County Code titled “Regulations for Activities of State Interest”. Said notice provided that materials relating to this matter, including draft proposed “Regulations for Activities of State Interest” were made available online at the following web address: <http://lpccds.org/planning>. In compliance with statute, copies of the same were made available on August 16, 2019, for public examination at the La Plata County Planning Department at the following address: 211 Rock Point Drive, Durango, Colorado 81301. An updated redline draft was also made available for public examination online and at the Planning Department; and

WHEREAS, on September 17, 2019, the Board conducted a public hearing to consider designation of the matters of state interest and adoption of guidelines and regulations for the administration thereof, at which hearing various witnesses and exhibits were heard and presented for the Board’s consideration, and testimony was taken from the general public and any and all persons desiring to appear and give such testimony and present evidence; and

WHEREAS, based on the evidence, testimony, exhibits, and presentations by County representatives, the general public, any and all interested persons, and comments by the County Commissioners,

THE BOARD DOES FIND AS FOLLOWS:

1. That proper publication and public notice were provided and required by law for the hearing before the Board.
2. That the public hearing as required before the Board was extensive and complete, that all pertinent facts, matters, and issues were submitted, and that the general public and all interested persons were heard at the hearing.
3. That all exhibits, if any, were received into evidence.
4. That the Board incorporated by reference and received into evidence the documents and testimony of the public hearing on September 17, 2019, which included the following:
 - a. The August 14, 2019, draft Regulations for Activities of State Interest of La Plata County and the September ____, 2019 revised redline draft Regulations for Activities of State Interest including Exhibits attached thereto or referenced therein.
 - b. Presentation and exhibits, along with oral presentations submitted by County representatives.
 - c. Exhibits and comments presented by the general public and all interested persons.
5. That growth and development pressures are increasing in La Plata County, and as a result, the demand for development in the activities specified in State law and in those activities the Board is designating has increased.
6. The Board is designating activities of state interest that it finds are matters of public interest and adopting regulations the purpose of which is to ensure that growth and development in the county occur in a safe, efficient, planned and coordinated manner; and further ensure that adequate community services and facilities are provided in a manner consistent with the constitutional rights of property owners, community goals and protection of the public welfare.
7. That the Board has taken into consideration the following:
 - a. The intensity of current and foreseeable development pressures within the County;
 - b. Applicable guidelines for designation issued by state agencies;
 - c. All the testimony, evidence, and documents taken into evidence at the hearing; and

- d. Reasons why the particular matters are of state interest, the dangers that would result from uncontrolled development, and the advantage of development in a coordinated manner.
8. The following are the Activities of State Interest that the Board finds are matters of state interest:
 - a. Site selection and construction of major new domestic water and sewage treatment systems.
 - b. Major extensions of existing domestic water and sewage treatment systems
 - c. Site selection and construction of major facilities of a public utility
 - d. Efficient utilization of municipal and industrial water projects
 - e. Site selection and development of solid waste disposal sites
 - f. Site selection of airports
 - g. Site selection of arterial highways, interchanges and collector highways
 - h. Site selection and development of new communities
9. That based on the above considerations, the Board has determined that it would serve the best interest of the public and is in the best interests of the health, safety, and welfare of the citizens of La Plata County to approve and adopt the proposed designation of activities of state interest and the proposed “Regulations for Activities of State Interest.”
10. That all requirements of law have been met.

NOW THEREFORE, BE IT RESOLVED AND ORDERED:

1. That the following matters of state interest are hereby designated as matters of state interest within La Plata County, Colorado:
 - a. Site Selection and Construction of Major New Domestic Water and Sewage Treatment Systems.
 - b. Major Extension of Existing Domestic Water and Sewage Treatment Systems.
 - c. Site Selection and Construction of Major Facilities of a Public Utility.
 - d. Efficient Utilization of Municipal and Industrial Water Projects.
 - e. Site Selection and Development of Solid Waste Disposal Sites.
 - f. Site Selection of Airports.
 - g. Site Selection of Arterial Highways, Interchanges and Collector Highways.

h. Site Selection and Development of New Communities.

2. That the September ____, 2019 redline version of the “Regulations for Activities of State Interest,” as further amended during the hearing and incorporated herein by this reference are hereby approved and adopted as Chapter 69 of the La Plata County Land Use Code and are fully incorporated herein by this reference.
3. That all of the above designations and “Regulations for Activities of State Interest,” shall apply to all unincorporated territory of La Plata County, Colorado, except where specifically indicated therein.
4. That a copy of the above-adopted “Regulations for Activities of State Interest” shall be kept in the office of the La Plata County Planning Department and made available there and online for public inspection.
5. That the County Attorney’s Office is authorized to make additional form and style-type revisions including but not limited to spelling, numbering, statutory references and other conforming-type revisions, but not revisions that are substantive in nature.

BE IT FURTHER RESOLVED, the effective date of the designations of activities of state interest and the “Regulations and Activities of State Interest” shall be December 2, 2019.

DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this 17th day of September 2019.

(SEAL)
ATTEST:

BOARD OF COUNTY COMMISSIONERS
LA PLATA COUNTY, COLORADO

Clerk to the Board

Julie Westendorff, Chair

Distribution:
Clerk to Board
Planning Department

Clyde Church, Vice- Chair

Gwen Lachelt, Commissioner