

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 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.

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.

7.102 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) *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 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.

- (4) *Airport Influence Area* includes the Airport Noise Subzone, the Aircraft Navigation Subzone and the Accident Potential Zones I and II. 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.
- (5) *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.
- (6) *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.
- (7) *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.
- (8) *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.
- (9) *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:
 - (a) of the airport by larger or noisier aircraft;
 - (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);
 - (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.

7.103 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) The location and nature of existing or approved developments and land uses within the Airport Influence Area;
 - (e) The elevation or contours of the ground and elevation of existing structures within the Airport Influence Area.
- (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 avigation 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 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

- (1) 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 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.