

**Steps in the Adoption of Guidelines and Regulations for Administration of Matters of State Interest under CRS 24-65.1-101, et seq.**

**Gerald Dahl**

**Initiating the Process**

- Prepare draft regulations and guidelines for the administration of the matters of state interest.
- At a public meeting (not a hearing), the Board of Commissioners makes a finding that the County wishes to initiate the designation of matters of state interest pursuant to C.R.S. 24-65.1-101, et seq., and issues notice of the time and place of a public hearing for the designation of matters of state interest and adoption of regulations and guidelines for the administration thereof. C.R.S. 24-65.1-404(2)(a). **[draft version of finding and notice attached]**
- The notice must be published once at least 30 days and not more than 60 days before the public hearing in a newspaper of general circulation in the County. The notice should include:
  - the place at which materials relating to the matters to be designated and any guidelines and regulations for the administration thereof may be examined;
  - a telephone number where inquiries about the proposed regulations may be answered;
  - a description of the areas or activities proposed to be designated in sufficient detail to provide reasonable notice as to the property which would be included; and
  - the legal description of the property affected as well as any general or popular names of the property. **In your case, I assume that the legal description will read: “All unincorporated areas of Alamosa County”**

**Public Hearing**

**Procedure:** The public hearing should be conducted in the same manner as a public hearing for the adoption of other land use regulations. The adoption of guidelines and regulations for the administration of matters of state interest is a legislative function. It is most closely analogous to the adoption of a general zoning plan or amendments to the land use code. Public hearings associated with legislative deliberations are not required to afford the opportunity for cross-examination or rebuttal, although the Commissioners may choose to allow either or both.

**Testimony:** I have attached a **copy of the outline of testimony I prepared for Prowers County** (I do not have the Otero outline in electronic form). While there will be some differences, you should look this over and begin thinking about who you would like to have testify.

**Record of the Hearing:** The following items constitute the minimum record of the public hearing:

- Notice of the hearing/certification of its publication
- Names and addresses of persons who presented written or oral statements or who offered documentary evidence;

- Any written statements or documents presented in support of or in opposition to the proposed designation, including statements from staff;
- Any recording or transcript, if requested to be made by any person. **Note: you have asked if it is required that a court reporter transcript be made of the hearing. As you recall, we did not do this in Otero, Prowers or Bent Counties, but I would recommend it. I have listened to the tapes of those hearings, and they are hard to follow and to attribute names to speakers, etc. I believe that in the event of a challenge to the Regulations, the cost of having a reporter's transcript will be well worth it.**
- The order(s) of designation of matters of state interest;
- The regulations as adopted; and
- A map or maps depicting each area of state interest designated.
- **Note: I have attached a copy of the list of exhibits that were introduced in Prowers County. I don't have an electronic version from Otero County. While some of these exhibits will not be relevant, you should begin assembling those that will be helpful. Notice that you will need to have the map of areas historically irrigated, as it will also be Exhibit D to the Regulations themselves.**

#### **Designation Order**

- Either at the conclusion of the hearing or within 30 days after its completion, the local government may adopt, adopt with modifications, or reject the proposed designations and guidelines (regulations) for administration thereof. **The draft regulations I forwarded to you include the forms of designation order, which can be filled out and signed at the same time the regulations are adopted. This will satisfy the statutory requirement.** The County should use its standard form of resolution (as for land use actions) to adopt the Regulations.

#### **Post Adoption: Recording the Regulations**

- Record the entire copy of regulations with the Clerk and Recorder. Keep copies on file at the planning department and the Commissioners' office.