

The following table summarizes general feedback from public comments, and working group meetings since the November 7, 2022 City Council work session:

Version-Two Regulations Feedback Themes	
Timeline to review before adoption of the regulations	<ul style="list-style-type: none"> • Not enough time to review version-three of the draft regulations • Question about the urgency and the problem that the city is trying to solve • Support for 1041 regulations as a long overdue policy discussion
Geographic Based Thresholds	<ul style="list-style-type: none"> • Geographic Based Thresholds do not account for disproportionately impacted communities (DIC). • Without project size thresholds applicability for projects casts too wide a net and will capture too many projects. • General support to move geographic based thresholds into review standards as opposed to definitions.
FONAI Determination	<ul style="list-style-type: none"> • General support for FONAI review by Director • Neighborhood meeting should be required prior to FONAI determination • More prescriptive language related to pre-application submittal requirements • Bar to achieve a FONAI is too high
Definitions of Development	<ul style="list-style-type: none"> • Concern for projects within existing rights-of-way and easements. Especially when Stormwater is not covered by regulations and has a similar impact. • Concerns that any maintenance, repair, adjustment are covered • City Projects should be exempt if they have already been approved through the Budgeting for Outcomes (BFO) process.

Staff has further detailed comments from working group members related to the version-two draft regulations in the table below and how staff has addressed stakeholder comments in version-three of the regulations ahead of Council first reading. Detailed notes from working groups are provided as an attachment to this memo.

Version-Two Feedback	How has Staff Addressed Feedback within Version-three of the 1041 regulations?
Suggest looking at specific scope and size thresholds instead of geographic limitations (i.e. pipe sizes and whether it's new or a replacement).	Staff has updated the definitions to include project size thresholds similar to Larimer County regulations. Previously proposed geographic based thresholds have been incorporated into the common review standards.
The bar is too high for achieving a FONAI and its likely that all projects will be reviewed through a full permit	The Director's decision includes a consideration for mitigation which incentivized the applicant to avoid natural features or mitigate for the potential disturbance.
Concerns that regardless of the analysis by staff, public comments and recommendations by third-parties, Council may make their decision without weighing all the facts.	Staff has provided a development plan review process that incentives applicants to work with staff to reach a recommendation for approval. There is also an optional preapplication hearing with Council to seek specific direction early in the review.
Not enough time to review version-three regulations	Staff has provided version-three of the draft regulations within the Planning and Zoning Commission material ahead of the Council materials
Review pass-through fees, permit fees, inspection fees so that there isn't "triple dipping" or overlap between fees for topic experts.	Staff is proposing to administer the full 1041 permit review process through a third-party contract until we can have better data to propose a new permit fee. With the information available to staff through a recent request for information (RFI), staff plan to issue a request for proposal (RFP) shortly after the adoption of the code for an on-call contractor servicing third party permit review of all phases of the 1041 permit review; including conceptual, FONAI, and full permit review.
Remove subjectivity from the application review process by providing more details to the submittal requirements and processing procedures.	Staff has added additional definition to the submittal documents required at pre-application and FONAI review; including details for an initial cumulative impacts review.
Concerns about the definition of development including work within ROW	Staff has updated definitions to exclude any maintenance, repair, adjustment; and excludes existing pipeline or the relocation, replacement, or enlargement of an existing pipeline within the same easement or right-of-way.
The consultant's responsibilities should be clearly defined when reviewing a full permit.	As a part of the FONAI determination, Staff will provide details related to additional study needed. Scope of work and submittal documents will be provided through an application checklist.
Staff should consider adding the definition of Natural Resources.	C.R.S 24-65.1-104. includes a definition for "natural resources" and so staff do not recommend adding a new definition that might create confusion. In this way, staff recommend using the existing definition for "natural feature" already being used within the LUC. also, staff suggest adding geographic areas identified by Colorado Parks and Wildlife and City Natural Area for its high priority habitat.
Financial Security Language is too weak	In addition to the financial security language, City Council may approve a permit with conditions of approval.
Regulations do not account for construction activities outside the jurisdiction that have an adverse impact on City-owned assets within the jurisdiction.	Staff recommend common review standards that review adverse impacts and mitigation within the City's jurisdiction. Staff do not recommend prescribing mitigation measures outside of city limits.