



February 7, 2023

1041 Regulations

Local participation,
Transparency & Improved
Environmental Outcomes



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Senior Environmental Planner



City Comprehensive Plan

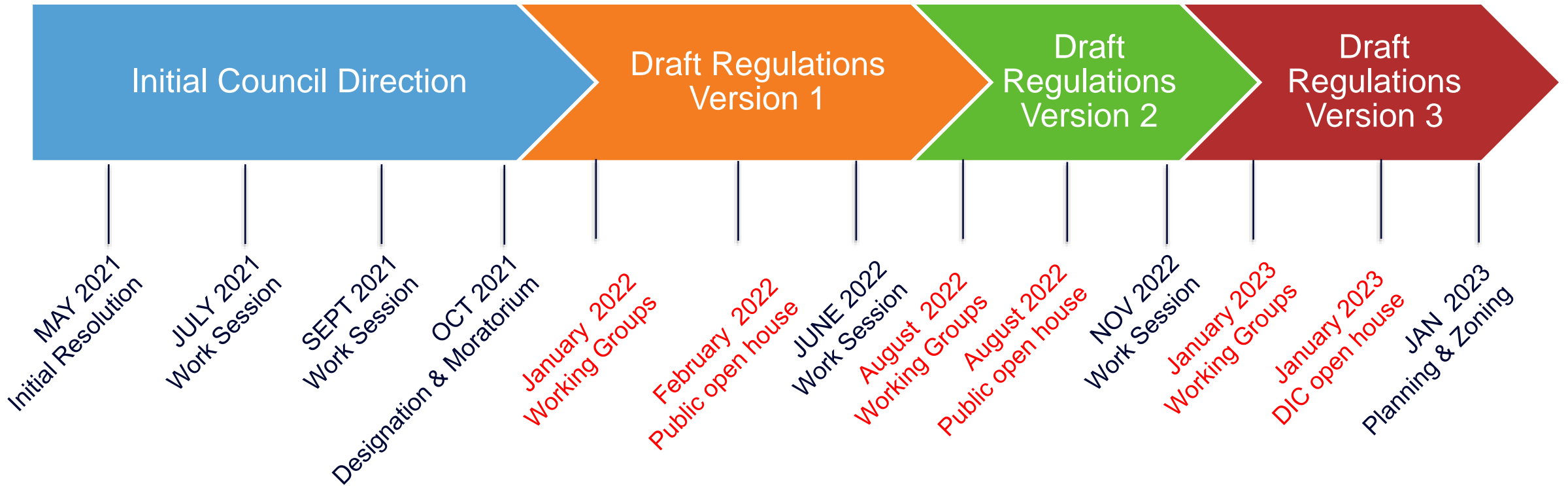
Conserve, protect and enhance natural resources and high-value biological resources throughout the GMA by directing development away from natural features to the maximum extent feasible.

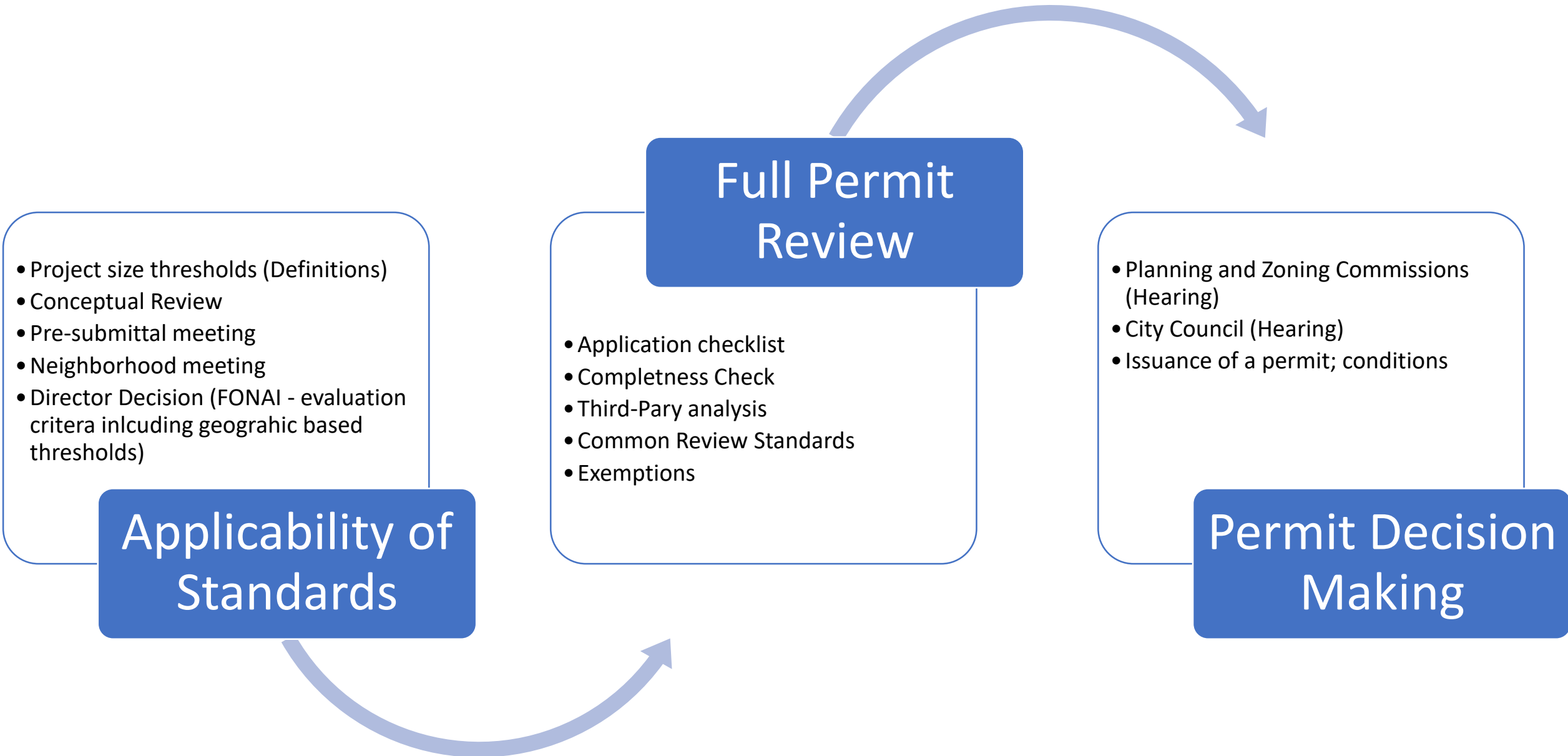
City Council Resolution

1041 Regulations may better allow the City to achieve its policy and regulatory goals in furtherance of the best interest of the citizens of Fort Collins.

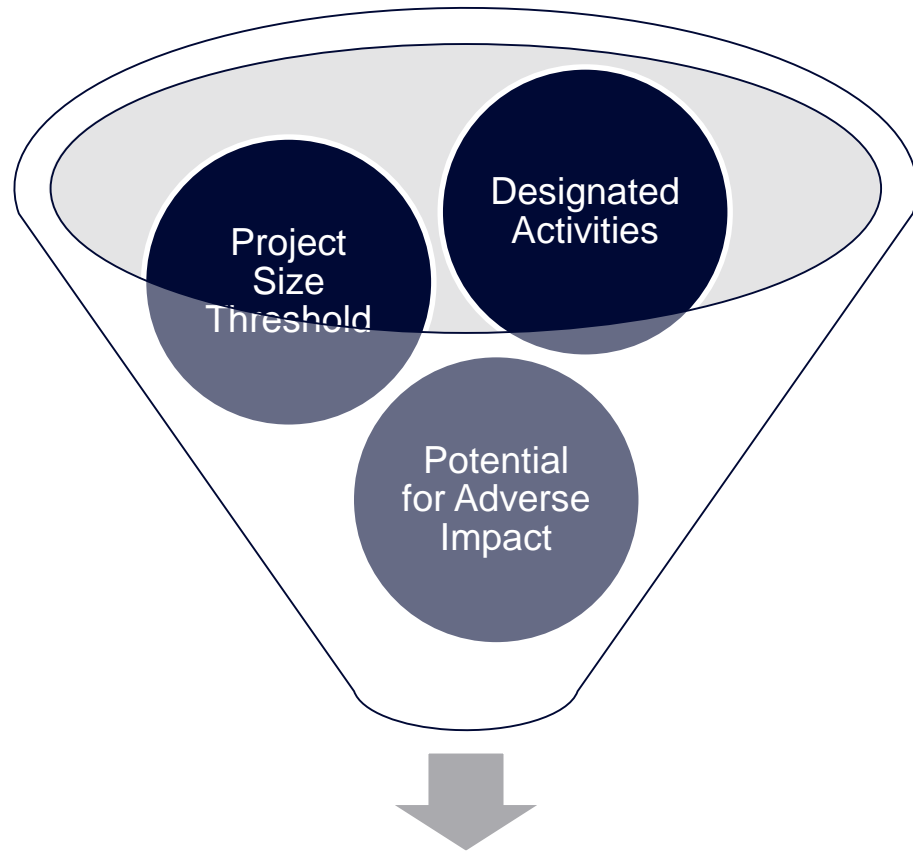
City Regulatory Goals

- ✓ Address deficiencies with the SPAR process
- ✓ Establish applicant predictability
- ✓ Establish a meaningful public process
- ✓ Incentivize project designs that avoid impacts to critical natural habitat and cultural resources.





Applicability of Standards



Finding of Negligible Adverse Impact (FONAI) OR FULL PERMIT

Is the project subject to a Fort Collins 1041 permit?

1. Is the project designated by the Fort Collins Code?
 - Major new (expansion) domestic water system
 - Major new (expansion) sewage system
 - Highways & Interchanges
2. Does the project meet the defined project size thresholds?
 - If yes; neighborhood meeting & FONAI review
 - If no; no additional action
3. Does the project intersect with one of geographic thresholds?
 - if yes; no FONAI without mitigation
 - if no; no permit

Designated Activities and Defined Project Size



Domestic Water

- 12" diameter pipe and 1,320 linear feet
- new (or Expanded) easement of 30-feet or greater in width and 1,320 linear feet
- Increase the rated capacity from the Colorado Department of Public Health and Environment



Wastewater/Sewage

- 15" diameter pipe and 1,320 linear feet
- new (or Expanded) easement of 30-feet or greater in width and 1,320 linear feet
- Increase the rated capacity from the Colorado Department of Public Health and Environment

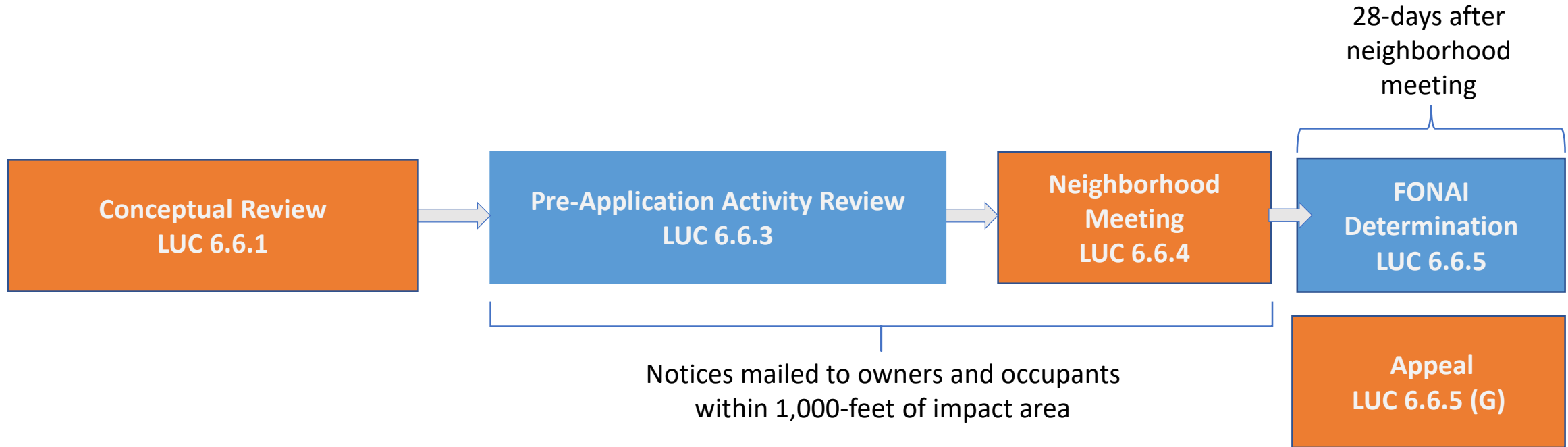


Highway Projects

- New Highways/ Interchanges/ Collector Highways
- Expansions by 1 Vehicular Lane
- Expansions of Interchanges or
- Bridges

****Excluded****

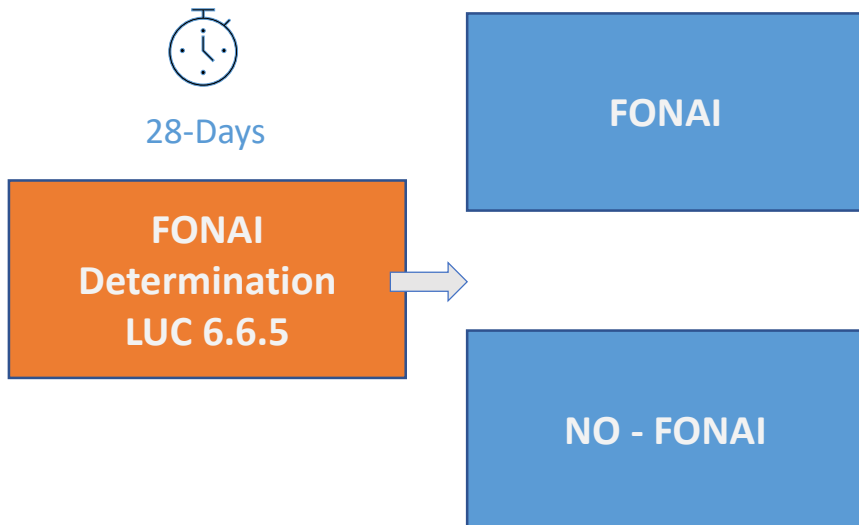
- (1) Any maintenance, repair, adjustment;
- (2) Existing pipeline or the relocation, or enlargement of an existing pipeline within the same easement;



Key Submittal Requirements

1. Three (3) siting and design alternatives (including feasibility)
2. Ecological Characterization Study (1/2-mile radius)
3. Cumulative Impacts Summary (1/2-mile radius)
4. Conceptual mitigation plans
5. Historic documentation pursuant to Chapter 14 of the Code

Finding of Negligible Adverse Impact Determination

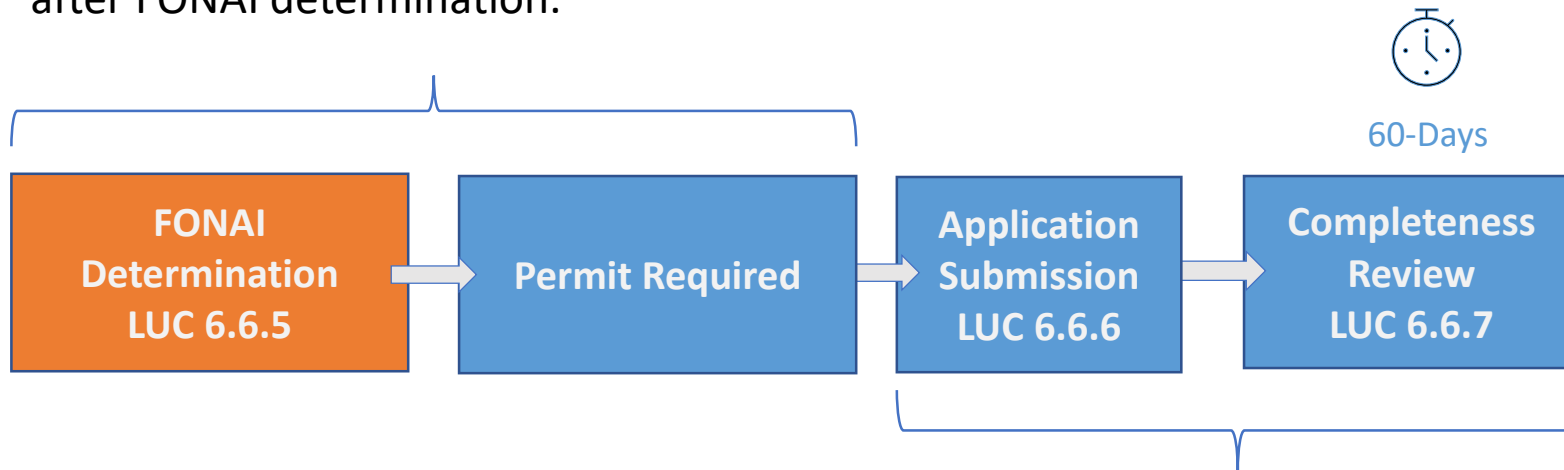


Has potential to adversely impact:

- City natural area or park
- City-owned property
- High Priority Habitat and Natural Habitat Corridors
- Natural habitat features and buffer zones
- Historic and cultural resources
- Disproportionally Impacted Communities

Completeness Check

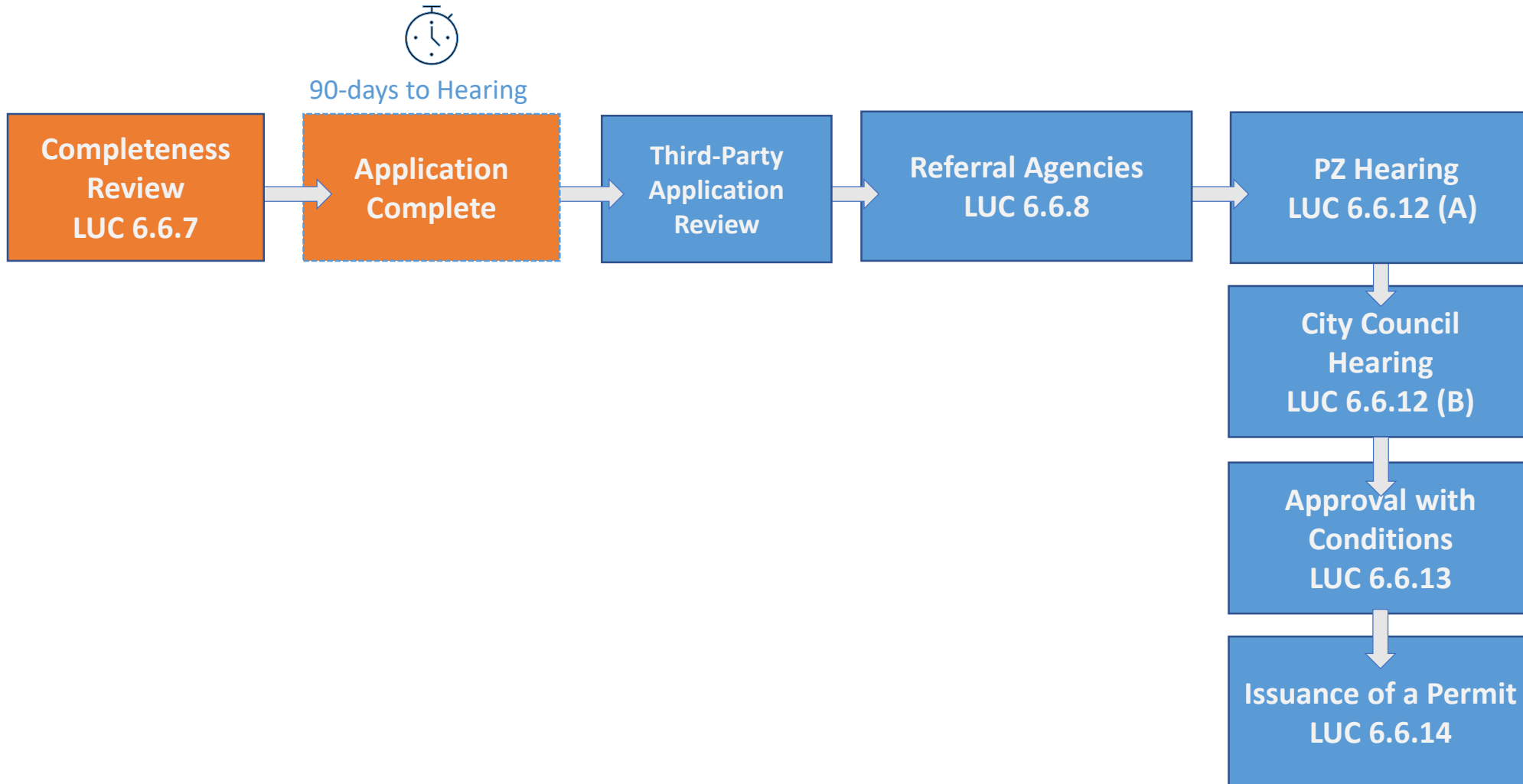
Permit Application Submittal 14-days after FONAI determination.



Administrative program design

- ✓ Submittal checklist provided by staff
- ✓ Additional analysis and third-party scope provided with FONAI determination

Full Permit Process



Back up Slides

Review Standards

- Consider anticipated adverse impacts + mitigation
- Conformance to City Plans and policies
- Natural hazard risk
- Nuisances
- Hazardous materials risk

Evaluate Impacts to:

- Local infrastructure and service delivery
- Recreational opportunities & experience
- Viewsheds & visual character
- Air quality
- Water quality
- Wetlands & riparian areas
- Terrestrial & aquatic animal life
- Terrestrial & aquatic plant life
- Other natural habitats & features
- Significant trees
- Historic & cultural resources
- Soils & geologic conditions
- Disproportionately impacted communities

1. Nonconforming Uses and Structures with the exception of enlargement or expansion of any such project
2. Any project previously approved by the Planning and Zoning Commission pursuant to the Site Plan Advisory Review (SPAR) process.
3. Proposed development plan otherwise subject to Development Review
4. Any proposed development plan issued a FONAI

- ✓ City Council is the sole decision maker (Including City projects)
- ✓ Project not covered by Article 6 may be subject to SPAR (including FONAI determination)
- ✓ Optional Pre-Application Area and Activity Proposal Review
- ✓ Cost of specialized consultants
- ✓ Notice required – 1000-foot mailer
- ✓ FONAI Appeal
- ✓ Definition of Development

2022 - 2023

