



May 16, 2023

1041 Regulations

Local participation,
Transparency & Improved
Environmental Outcomes



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City Comprehensive Plan

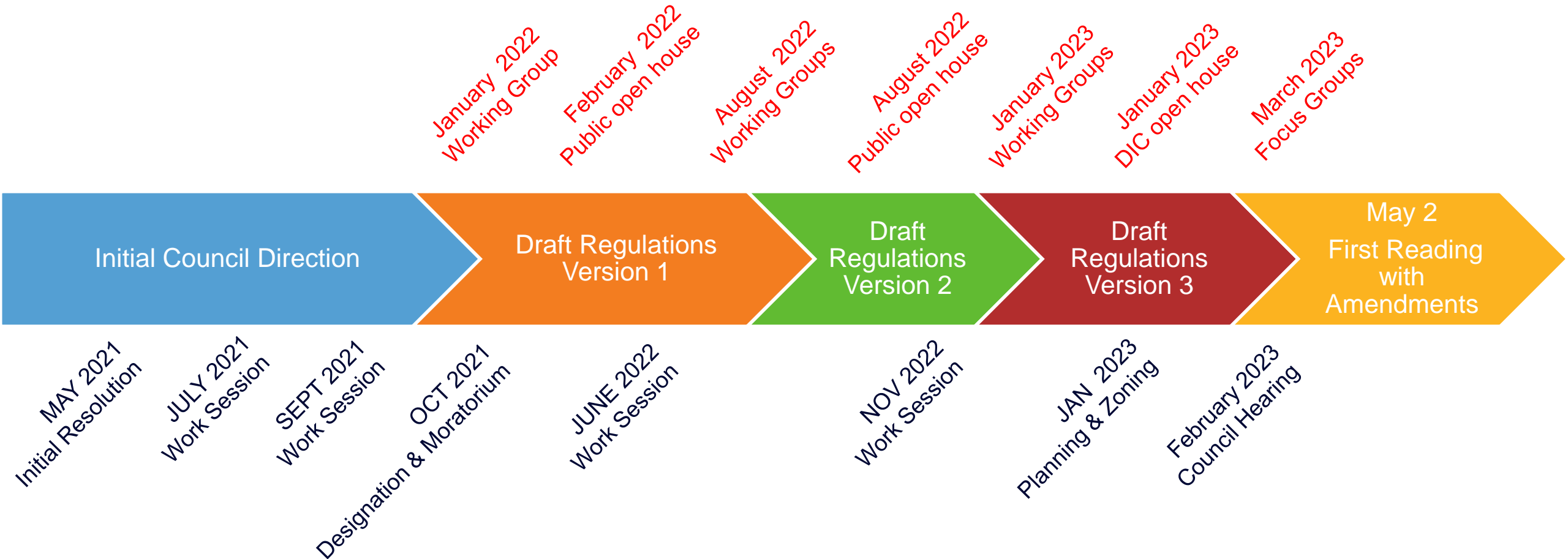
Conserve, protect and enhance natural resources and high-value biological resources throughout the GMA by directing development away from natural features to the maximum extent feasible.

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



- Easement size thresholds
- Exemptions
- FONSI

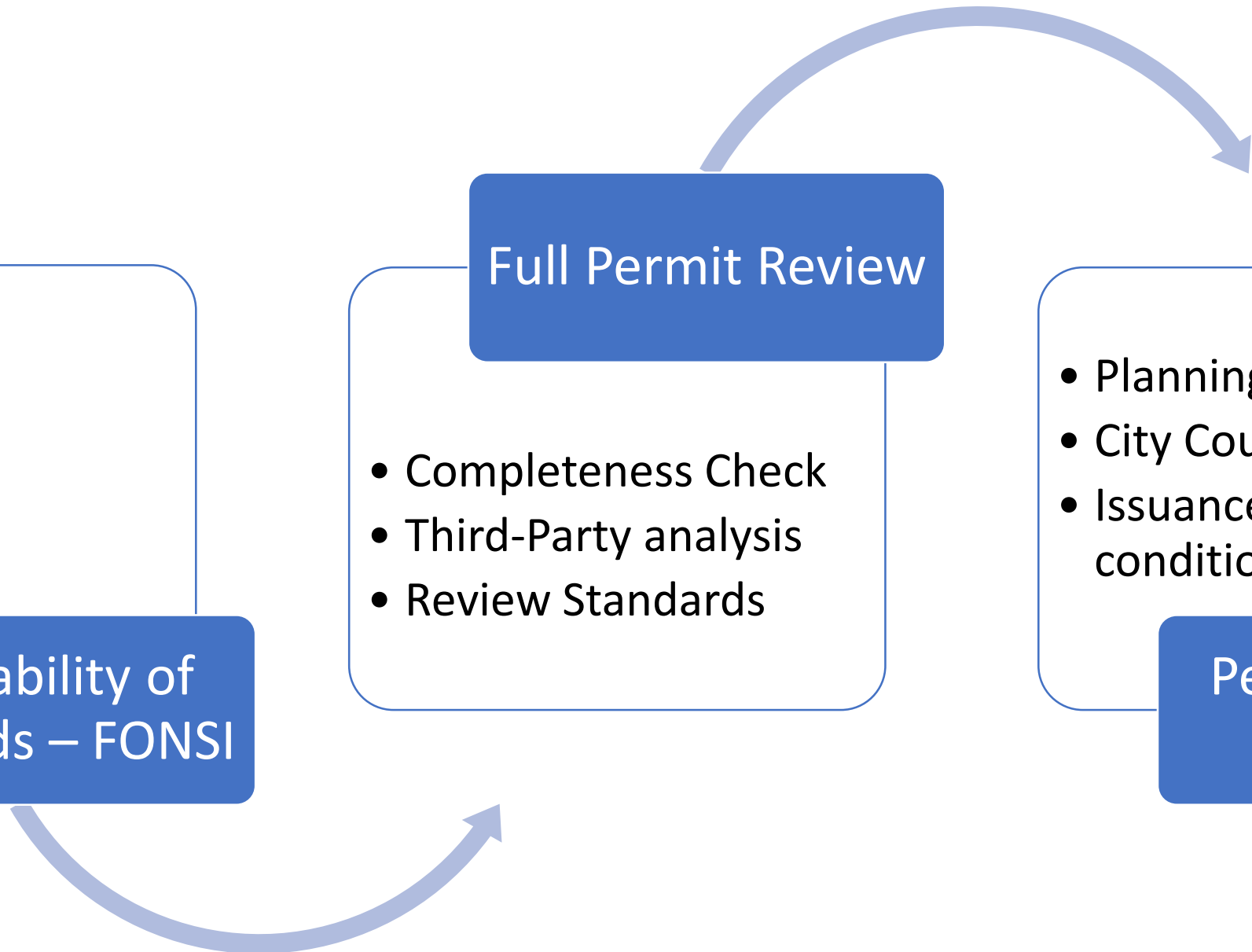
Applicability of Standards – FONSI

- Completeness Check
- Third-Party analysis
- Review Standards

Full Permit Review

- Planning and Zoning
- City Council
- Issuance of a permit; conditions

Permit Decision Making



Council Adopted Changes – Already Reflected in Ordinance

- Amend the Code to remove pipe-size diameter and exclude projects within existing public Right of Way
- Amend the Code to add a definition that redefines the Applicability of Standards determination FONAI to a FONSI, Impact, Cumulative impacts, Significant

Council Adopted Changes – Shown in the Attached Mark Up Ordinance

- Conforming changes related to the updates to the definitions and applicability of standards determination
- Add conceptual submittal document that summarizes the potential for a significant impact.
- Move neighborhood meeting requirements to after review of the applicability of standards (i.e., FONAI determination)
- Extend comment period during the pre-application activity review.

Two Additional Amendments for Council Consideration During Second Reading

Staff recommended changes

	Council Decisions
1.	Delete reference to Council Pre-Application Hearing Regarding Areas and Activities of State Interest.
2.	Mitigation guarantee if FONSI issued.

Back up Slides

1041 permit Applicant	Project
Northern Water	NISP
Fort Collins Loveland Water District	Foothills Tank Storage
Fort Collins Loveland Water District	Zone 5 Transmission
Boxelder Sanitation District	Boxelder Interceptor
ELCO	TBD
Fort Collins Utilities	2 potential projects in the next 10 years
CDOT	Mulberry Interchange

How is the process clear and predictable?

- ✓ Evaluate significant impacts + mitigation
- ✓ Staff provides scope of analysis to the third-party reviewer during the application completeness check.
- ✓ Application checklist sets clear expectations on how significant will be evaluated.
- ✓ Customer tools include Natural Resources Inventory, public facing maps, and GIS tools to clearly identify critical areas of protection.

Evaluate Impacts to:

- 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

STANDARDS:

The proposed development plan shall not have a significant impact...

- The standards shall be evaluated for significant impacts within the geographic context of the development plan, and relate to the magnitude, duration or likelihood of such an impact.

COUNCIL Decision:

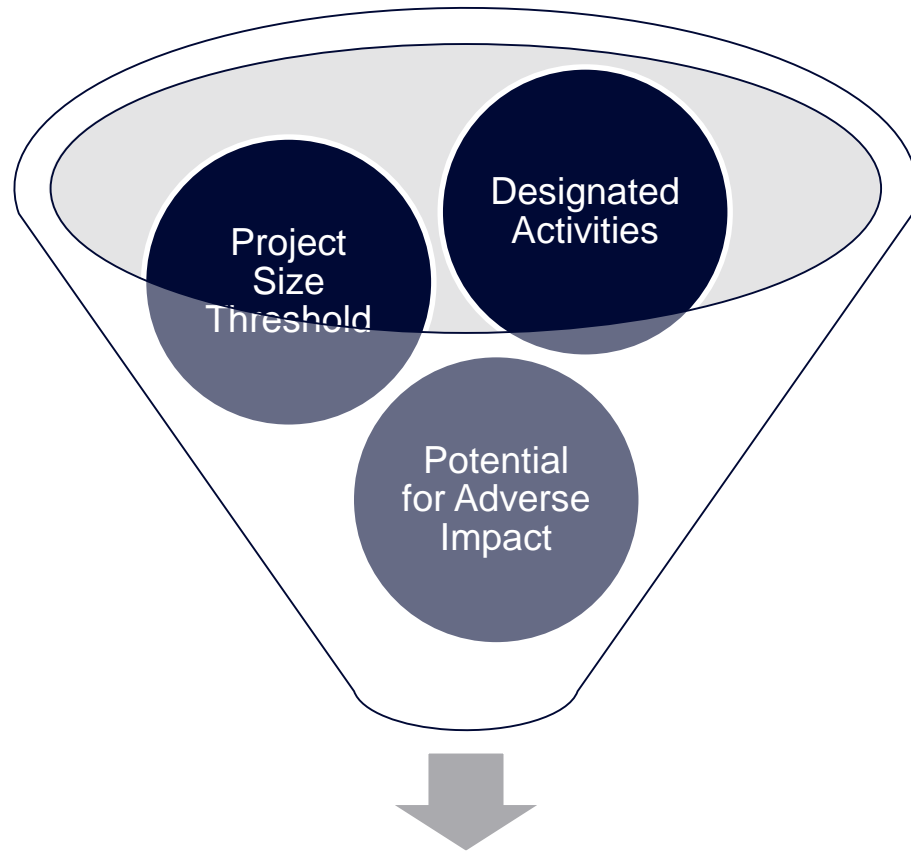
A permit may only be approved if...

- The development plan has no significant impacts; or
- Proposed mitigation** measures sufficiently offset the impacts; or
- Council imposed conditions demonstrate compliance with the standards.

**Mitigation is a defined standard and is reviewed objectively using an analogous reference site.

- Larimer County recently revised their 1041 regulations, which were adopted by the County Commissioners in January 2022
- Larimer County regulates a longer list of activities of state interest than currently proposed in Fort Collins, including:
 - Electric power plants
 - Nuclear power plants
 - Wind power plants
 - Electric transmission lines (69,000 volts+) and expansions of existing transmission lines
 - Electrical substations (69,000 volts+)
 - Natural gas transmission pipelines
 - Domestic water and sewer transmission lines
 - New or expanded water storage reservoirs
 - Solar energy power plants
 - State-owned and operated collector and arterial highways and interchanges
- Since 2021, only two 1041 applications have been received:
 - One domestic water transmission pipeline (NEWT 3) - *approved by the Board of County Commissioners in April 2023*
 - One large-scale solar facility - *still in completeness review*
- Because only one project has been reviewed under the new regulations, County experience has been limited so far. The first project that was reviewed did not have significant environmental impacts, so the review was pretty straightforward. For other upcoming projects, the County anticipates needing external consultant support to review technical studies.

Applicability of Standards



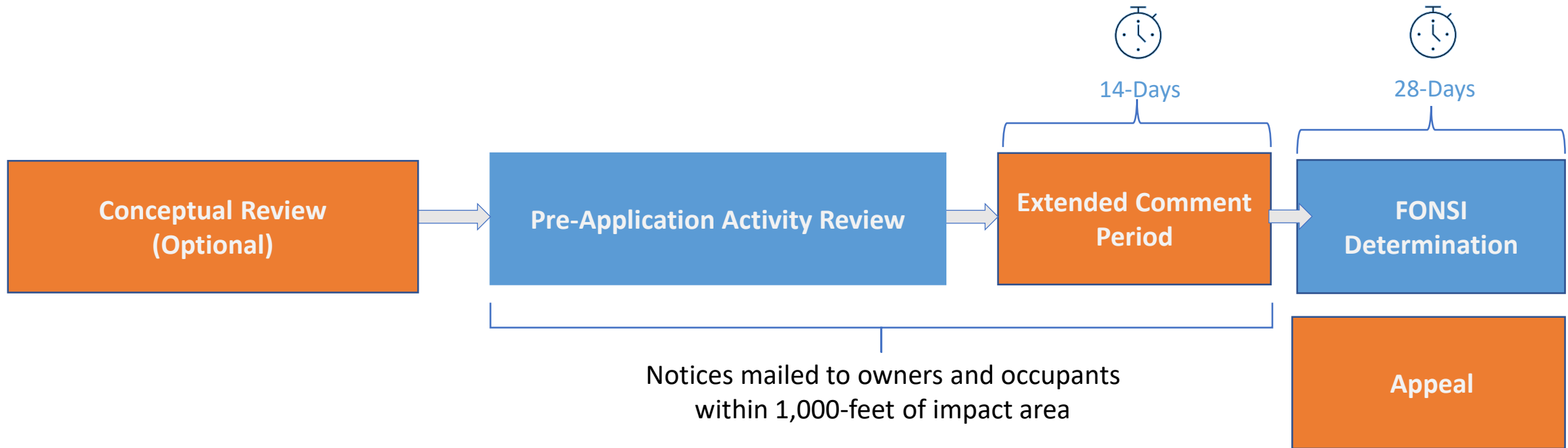
Finding of NO Significant
Impact (FONSI)

OR

FULL PERMIT

Is the project subject to a Fort Collins 1041 permit?

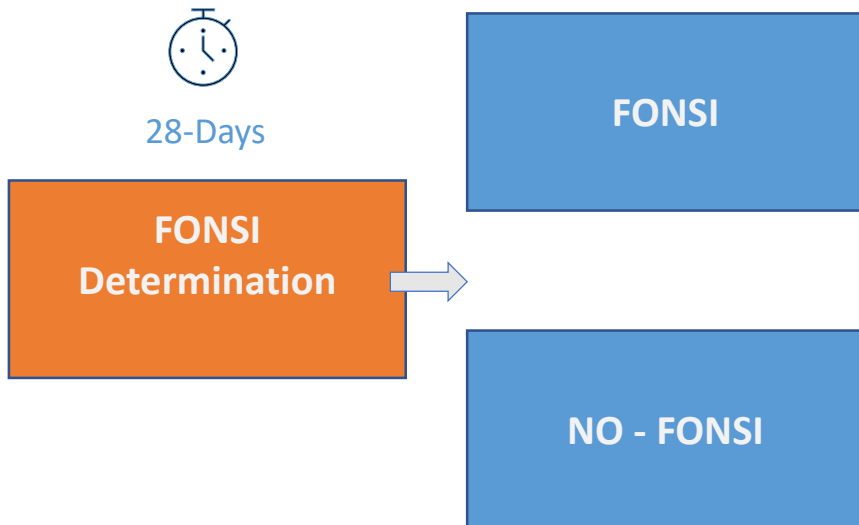
1. Is the project designated by the Fort Collins Code?
 Major new (expansion) domestic water system
 Major new (expansion) sewage system
 Highways & Interchanges
2. Does the project meet the defined project size thresholds?
 If yes; FONSI review
 If no; no additional action
3. Does the project intersect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



Key Submittal Requirements

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

Finding of No Significant Impact Determination

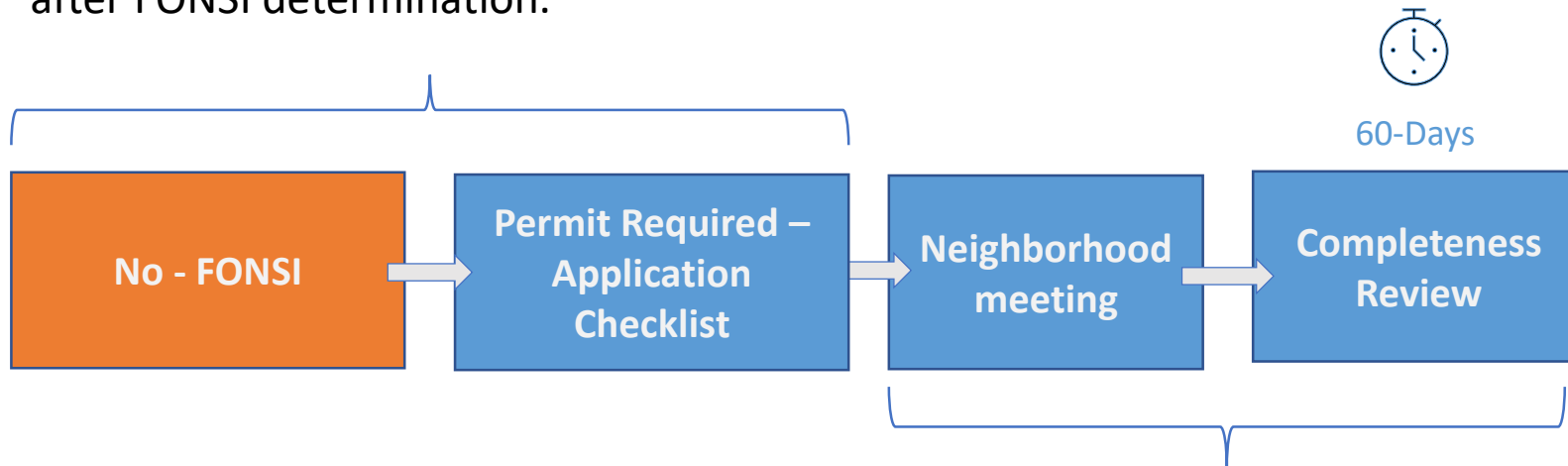


Has potential to adversely impact:

- 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

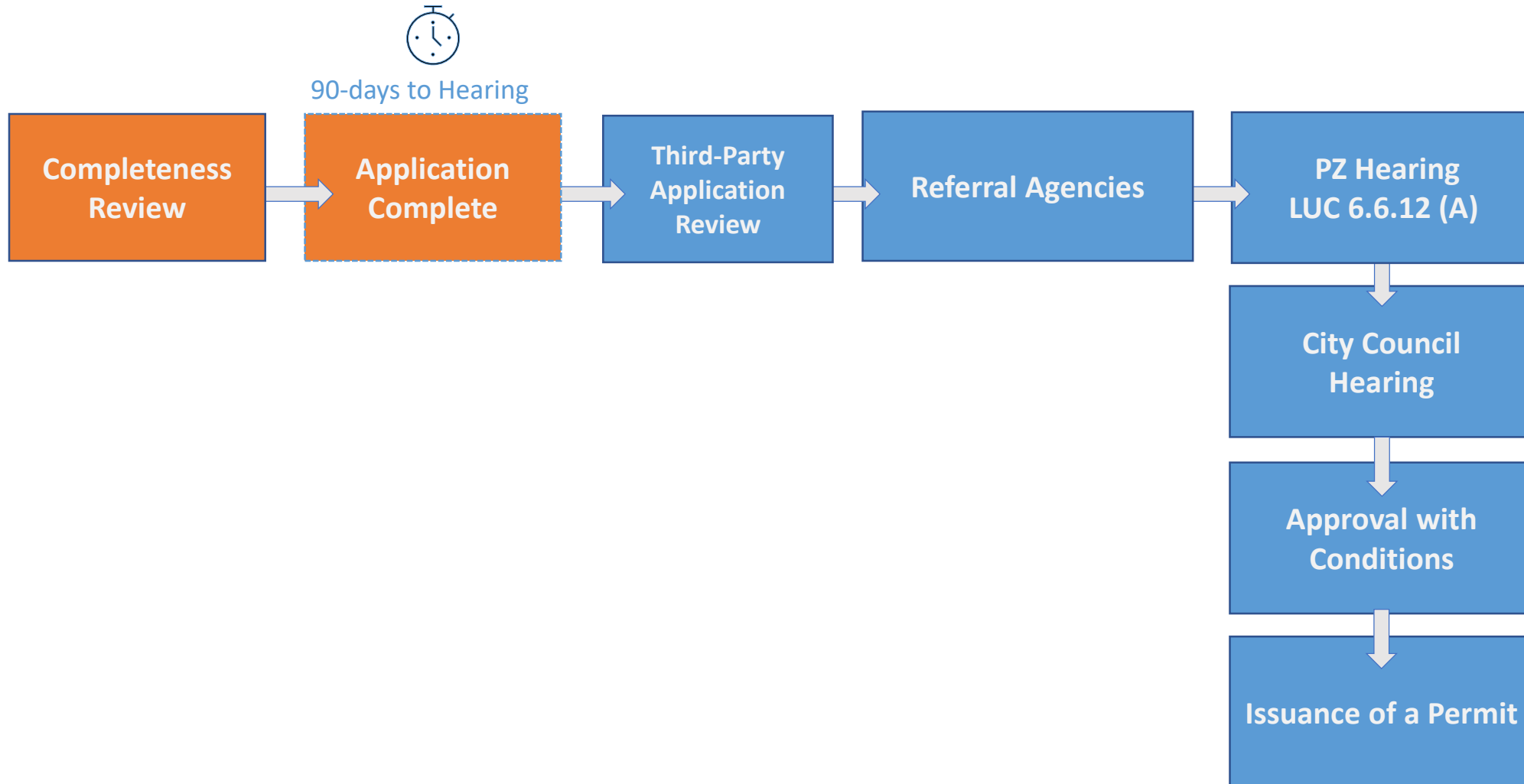
Permit Application Submittal 15-days after FONSI determination.



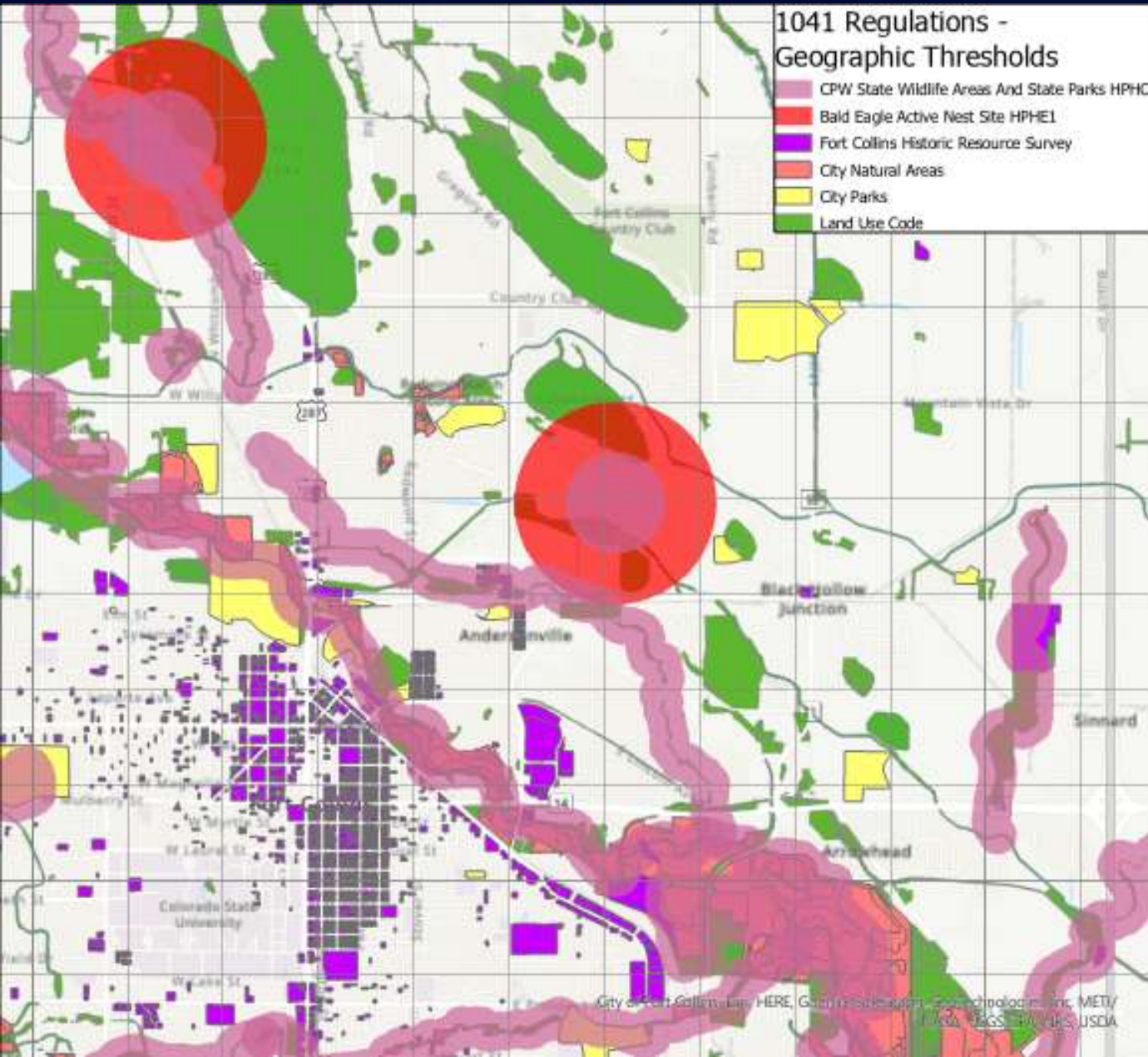
Administrative program design

- ✓ Submittal checklist provided by staff
- ✓ What makes an impact “significant”
- ✓ Additional analysis and third-party scope provided with FONAI determination

Full Permit Process



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 FONSI



The High Priority Habitat (HPH) table was developed by CPW to ensure that our land use development recommendations are consistent statewide.

- Aquatic Resources
- Migratory Birds
- Big Game