



# COUNTY 1041 POWERS 201

## FROM A PLANNER'S PERSPECTIVE

ELIZABETH GARVIN | CLARION ASSOCIATES

# AGENDA



- What is a Planner's Perspective?
- Update Areas and Activities Designations
- Create a Clear Process
- Use All of Your Regulatory Tools
- Clarify How to Assess Information from Other Agencies or Processes

# WHAT IS A PLANNER'S PERSPECTIVE?

## 1041 Review is Good for:

- **Big picture:** Allowing comprehensive review of projects that can significantly impact the community, especially for environmental, hazards, and technical impacts
- **Tailored results:** Establishing project/site-specific development conditions or mitigation requirements
- **Input:** Creating a venue for community engagement around specific projects

## 1041 Review is Not Great for:

- **The basics:** Setting or applying basic, repeatable standards for projects that can be addressed fully by the land use code
- **Containing costs and expectations:** Expansive documentation and county-wide public comment can complicate project design and lengthen the review and decision-making process

# UPDATE AREAS AND ACTIVITIES DESIGNATIONS

## WHY?

- Allows the county to ensure regulations match expectations
- You have more time to consider options when there isn't an active project waiting for review
- The public is pretty involved in planning right now and big projects capture their interest

# SHOULD YOU EXPAND YOUR ACTIVITIES LIST?



- Site selection and construction of **major new domestic water and sewage treatment systems** and major extension of existing domestic water and sewage treatment systems,
- Site selection and development of **solid waste disposal sites** except those sites specified in section 25-11-203(1), Colorado Revised Statute, sites designated pursuant to part 3 of article 11 of title 25, Colorado Revised Statute, and hazardous waste disposal sites, as defined in section 25-15-200.3, Colorado Revised Statute,
- Site selection of **airports**,
- Site selection of **rapid or mass transit terminals, stations, and fixed guideways**,
- Site selection of **arterial highways and interchanges and collector highways**,
- Site selection and construction of **major facilities of a public utility**,
- Site selection and development of **new communities**,
- Efficient utilization of **municipal and industrial water projects**,
- Conduct of **nuclear detonations**, and
- The use of **geothermal resources for the commercial production of electricity**.

# SHOULD YOU EXPAND YOUR AREAS LIST?



- **Mineral resource** areas,
- **Natural hazard** areas,
- Areas containing, or having a significant impact upon, **historical, natural, or archaeological resources** of statewide importance, and
- **Areas around key facilities** in which development may have a material effect upon the key facility or the surrounding community.

**NOTE:** Check to see if AREAS have or can be mapped before choosing this route.



# CREATE A CLEAR PROCESS

## WHY?

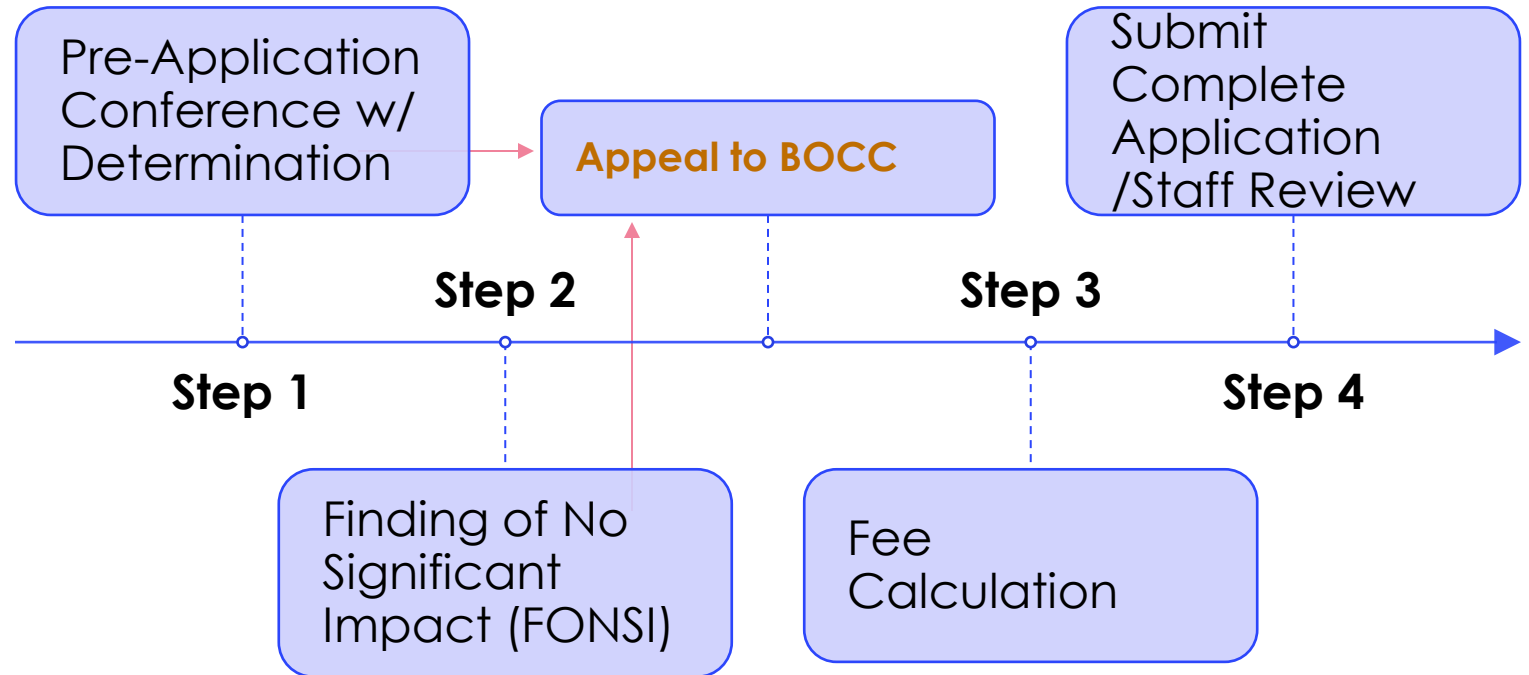
- Establish predictable requirements for applicants
- Give planning staff clear instructions about intent and expectations
- Think through “what ifs” before they create problems



# CREATE A CLEAR PROCESS - 1041

- Which projects should be assessed for 1041 review?
- When should they be assessed?
- Who determines which projects require a 1041 permit?
- Can that determination be appealed?
- What changes to a project might trigger a permit re-assessment?

## Potential 1041 Project – Early Stages



# CREATE A CLEAR PROCESS – OTHER OPTIONS

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- A use that should be regulated? **Special or conditional use review** with use-specific standards
- Want to set standards for water or infrastructure facilities/use? **Subdivision or adequate public facilities regulations**
- Looking for a long-term approach to compliance and enforcement? **Development agreement**
- What are CDOT, public utilities, and your school district(s) up to? **Location and Extent Review**
- Right use in the right location but the neighbors hate it? **Buffering and screening standards, height transitions**
- Not quite sure where the hazards are? **Geotech review**, Colorado Geological Survey (CGS) Land Use Review will help you
- Traffic impacts on safety or road conditions? **Traffic impact analysis** with mitigation requirements
- Right use, wrong location? Create a **zoning district or overlay** to help direct future developers

# USE ALL OF YOUR REGULATORY TOOLS

## WHY?

- Not all “big” projects may need to go through 1041 review
- Some foundational standards should apply to all projects
- Don’t negotiate against yourself

# USE ALL OF YOUR REGULATORY TOOLS

## What might apply?

- Subdivision design
- Infrastructure requirements
- Street standards
- Outdoor lighting
- Parking
- Landscaping
- Use-Specific Standards

## What does that look like?

### Pueblo County

#### (2) Applicability of Other County Regulations

- (i) If a development or activity subject to these regulations is proposed as an integral part of a land division process, the applicant shall comply with this Chapter prior to obtaining Final Plat approval.
- (ii) No building permit shall be issued by the County for an activity or development subject to this Chapter without the applicant having first obtained a 1041 Permit and other associated required land use approvals.
- (iii) 1041 Permits issued under this Chapter shall not be considered to be a site-specific development plan and no statutory vested rights shall take effect under such permit. A 1041 Permit may specify a period of time for which the permit is valid, or state additional criteria related to future validity of the 10 Permit.

### Larimer County

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#### 10.6.1. Applicable Larimer County Regulations

- A. If a 1041 permit is required under this article, other procedural requirements (timing of application, application standards, etc.) of the Code shall not apply unless specifically stated in Article 10.0, or unless applied by the County Commissioners as conditions of approval. Other land use applications as noted in Article 6.0, *Review Procedures* may be applicable following the approval of an application under this Article 10.0. If an appeal to the requirement for obtaining a 1041 permit is granted pursuant to §10.7 below; all other applicable requirements of the Land Use Code shall apply.
- B. Compliance with these regulations does not waive the requirement to comply with other applicable local, state, or federal law or regulation. These regulations shall not be applied to create an operational conflict with any state or federal laws or regulations.
  1. Other development standards from Article 4.0 shall apply.
  2. To the extent practicable and appropriate, the County may coordinate its review and approval of the application, including the terms and conditions of such approval, with that of other agencies.

# CLARIFY HOW TO ASSESS INFORMATION FROM OTHER AGENCIES OR PROCESSES

## **WHY?**

- It might be helpful OR it might not
- In contentious cases, everything becomes public hearing fodder
- Setting generally applicable rules helps with consistency

# CLARIFY HOW TO ASSESS INFORMATION FROM OTHER AGENCIES OR PROCESSES

1. Can an applicant substitute documents or decisions used for state or federal processes?
2. Will the Board consider documents or decisions from other agencies as evidence for or against the project?
3. Who enforces requirements of non-county decisions or permits?
4. How will you interpret code language or requirement conflicts or gaps?



Source: Denver Post



THANK  
YOU!

Elizabeth Garvin, Esq., AICP  
Director, Clarion Associates  
[egarvin@clarionassociates.com](mailto:egarvin@clarionassociates.com)