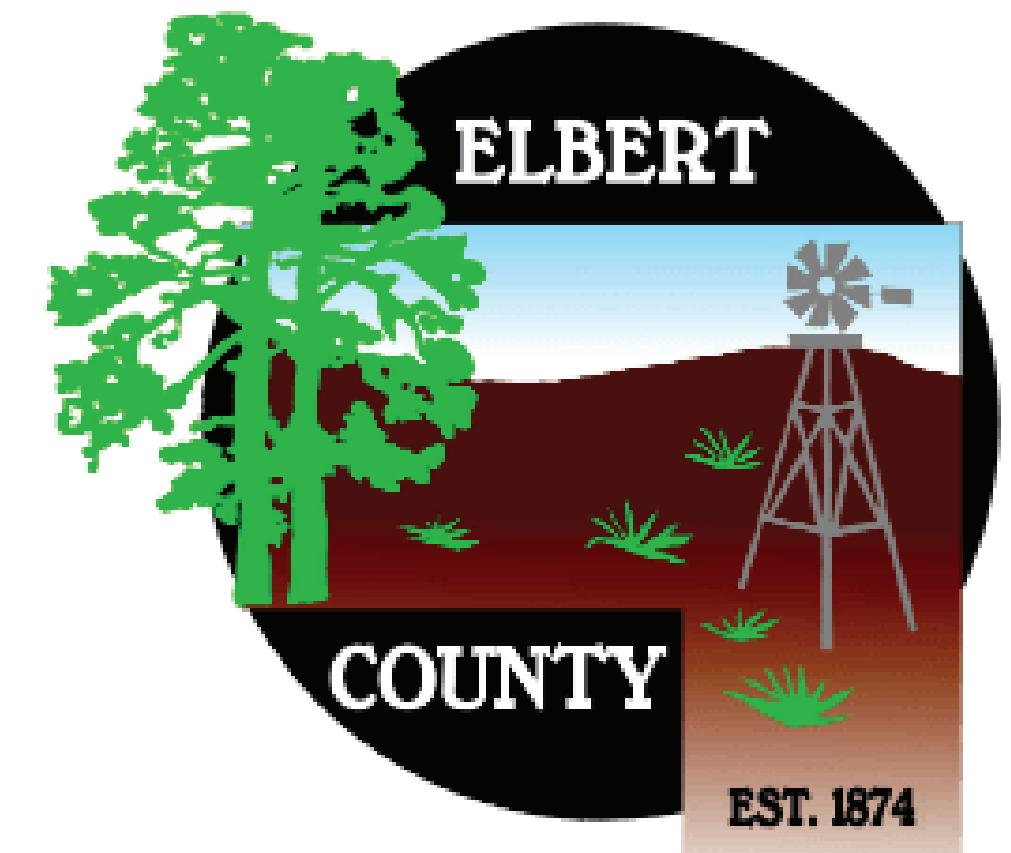


ELBERT COUNTY 1041 REGULATIONS



WELCOME

PUBLIC OPEN HOUSE

APRIL 14, 2022
5:00-6:30 PM

WHAT ARE 1041 REGULATIONS?

State-Enabled Power for Local Review of Large-Scale Projects

- Allows local governments to identify, designate, and regulate areas and activities of state interest through a local permitting process.
- The purpose is to give local governments a greater seat at the table with development projects occurring within their jurisdiction even when the project has statewide impacts.
- A local government must designate the areas or activities of state interest and adopt guidelines pursuant to state statutory procedures and limitations.

HOW TO PARTICIPATE?

1. Listen to a brief presentation at 5:15 PM.
2. Discuss your questions and concerns with the 1041 draft regulations in small groups.
3. Review the full draft 1041 regulations update online or hard copy at a table.
4. Fill out and submit a comment form.

Current copy of 1041 regulations available at:

www.ElbertCounty-CO.gov/166/Community-Development-Services

WHAT'S NEW IN THIS DRAFT?

ELBERT COUNTY
1041 REGULATIONS



To qualify as a 1041 Areas and Activities of State Interest, a potential project or its impact must truly be of statewide importance. The Draft 1041 Regulations aim to protect the health, welfare, and safety of the people and environment from the following types of projects:

MAJOR WATER AND SEWER FACILITIES

1. New domestic water treatment system that serves 10 or more single-family residences
2. New sewer treatment system that serves 10 or more single-family residences
3. New or extension to domestic water or sewer transmission line within a new easement greater than 30 feet, or greater than 20 feet adjacent to an existing easement
4. New or expanded water storage reservoir over 50 acres

NEW COMMUNITIES

1. New Communities

HIGHWAYS AND INTERCHANGES

1. State-supervised arterial highway, interchange, and collector (greenfield alignments or expansion of right-of-way by 10%) (CDOT projects)
2. Development of areas around arterial highways, interchanges, and collectors

MAJOR FACILITIES OF A PUBLIC UTILITY

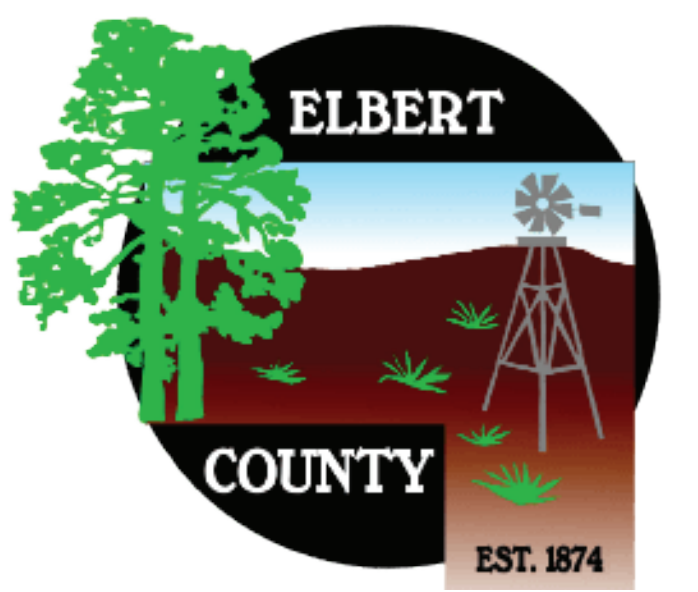
1. Wind Energy System in excess of three towers, with towers greater than 80 feet
2. Wind Energy System expansion
3. Three or more electrical transmission line structures taller than 100 feet carrying 115,000 volts or greater
4. Expansion of transmission line easement or right-of-way, or increased structural height, by 10% or more
5. Electrical substation or transition site of electricity of 115,000 volts or greater
6. New natural gas or petroleum derivatives pipeline greater than 10" in diameter
7. New storage facility of 50 million cubic feet for natural gas
8. New storage facility to hold more than 35,000 barrels of petroleum derivatives
9. Solar energy plant over 100 acres, or a subsequent expansion of more than 10%

RAPID OR MASS TRANSIT

1. Rapid or mass transit facility
2. Development of area around rapid or mass transit facility

WHAT'S NEW IN THIS DRAFT?

ELBERT COUNTY
1041 REGULATIONS



Solar Energy Generation

Type	Generation	Acreage	Permit
Solar Energy System, Accessory	<15 kilowatts	N/A	Simple Permit
Solar Energy System, Small Commercial	15 KW to 5 MW	1 to 100	Special Use by Review (SUR)
Solar Energy System, Medium Commercial	5 MW to 30 MW	100 to 200	Minor 1041
Solar Energy System, Large Commercial (Utility)	>30 MW	>200	Major 1041

Wind Energy Generation

Type	Generation	Acreage	Permit
Wind Energy System, Accessory	<15 kilowatts	1 Turbine, 80 feet or less	Simple Permit
Wind Energy System, Small	N/A	2 to 3 Turbines, 80 feet or less	Special Use by Review (SUR)
Wind Energy System, Commercial	N/A	>3 Turbines greater than 80 feet tall	Minor or Major 1041*

Major Water or Sewer Treatment Systems

Type	Determination	Permit
Major Domestic Treatment Water System	That serves 10-24 single-family dwelling units	Minor 1041
Major Domestic Treatment Water System	Serves 25 or more single-family dwelling units	Major 1041
Major Sewer Treatment System	That serves 10-24 single-family dwelling units	Minor 1041
Major Sewer Treatment System	Serves 25 or more single-family dwelling units	Major 1041

Note: Scope, scale of work, impact, and area of disturbance may also change permit level as identified by review

WHAT'S NEW IN THIS DRAFT?

ELBERT COUNTY
1041 REGULATIONS



Minor versus Major 1041 Permit Review

Procedures	Minor	Major
Application requirements	Information describing the project and potential impacts per ECZR Article XVI, J. Application Process	Minor 1041 items plus <ul style="list-style-type: none"> • Technical and Financial Feasibility of the Project, Existing Conditions, and Impacts • Financial Burden on the County Residents • Local Economy • Recreational Opportunities
Application Fee	Discounted	Full
Staff Review and Staff Report	Yes	Same
Set Hearing Date and Notice	No later than 30 days after receipt of complete application	Same
Notice to Property Owners	500+ feet	1,320+ feet
Notice for Lineal Facilities	500+ feet	1,320+ feet plus HOA and property interests
Approval Criteria	12 Criteria	Additional 7 criteria
Planning Commission	Referral comments	Hearing and Recommendation
BOCC Hearing	Yes	Yes

1041 OVERVIEW

ELBERT COUNTY
1041 REGULATIONS



Colorado General Assembly enabled “1041 powers” (through House Bill 74-1041) to allow local governments to identify, designate, and regulate areas and activities of states interest through a local permitting process.

Elbert County updated their 1041 regulations 4 times. The most recent update was in 2005.

1995

2021-2022

1974

1995-2005

Elbert County adopted local 1041 Regulations for Major Public Utility Facilities.

Elbert County initiated major update to streamline regulations and reflect changes in market and growth trends. This update proposes 4 new Areas Activities of State Interest.

WHY 1041? (PURPOSE AND INTENT)

- To implement the vision and policies of the Elbert County Comprehensive Plan
- To ensure that growth and development occur in an efficient, planned and coordinated manner
- To promote the health, safety, and general welfare of our people
- To protect scenic, natural, and cultural resources
- To protect property owners and current and future residents
(see other purposes in Section B)

1041 OUTCOMES

- Role is regulatory, not advisory
- Influence project location and design
- Authority to deny or revoke permit
- Enforcement and penalties
- Financial securities for impacts and restoration requirements
- Inspections, even on private property
- Equity/benefit analysis requirements (environmental and socioeconomic)