

# PUBLIC OPEN HOUSE

ELBERT COUNTY

1041 REGULATIONS UPDATE

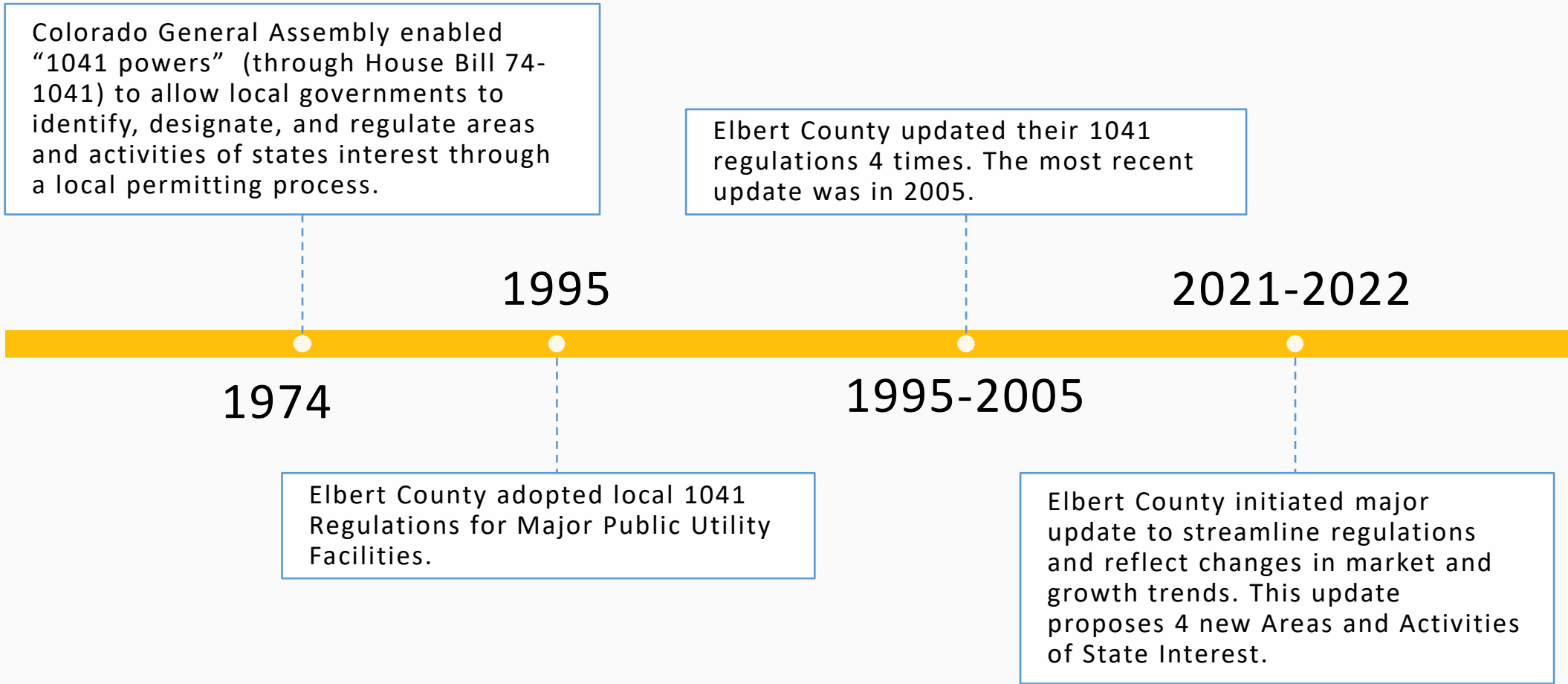
Elbert County, CO  
Thursday, April 14 @ 5:00PM



# Meeting Format for Tonight

1. Welcome and Sign-In
2. Short Presentation
3. Small Group Discussions with County Staff and Consultant





# History of 1041 Regulations in Elbert County

# 1041 Regulations Overview

## 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

# 1041 Intent and Outcomes

- Role is regulatory not advisory
- Influence site selection 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)

# Areas of State Interest

## Mineral Resource Areas

- Gravel Mining

## Natural Hazard Areas

- Flood
- Geologic
- Wildfire

## Historical/Natural/ Archaeological Resource Areas

- Irrigated Areas

## Areas Around Key Facilities

- Highways
- Airports
- Utility Infrastructure
- Mass Transit

# Activities of State Interest

Domestic  
Water/Sewer  
Treatment Systems

Municipal/  
Industrial Water  
Projects

Public Utilities

New Communities

Highways and  
Interchanges

Mass Transit

Airports

Solid Waste  
Disposal

Geothermal  
Resources

Nuclear Detonation

# Elbert County 1041 Regulations

## Activities Currently Regulated

Public Utilities

New Communities

## Proposed Activities and Areas to Regulate

Public Utilities

Highways and Interchanges

New Communities

Areas around Highways/ Interchanges

Areas around Mass Transit

Water/Sewer Projects

Mass Transit

## Activities and Areas NOT Proposed to Regulate

Airports

Geothermal Resources

Solid Waste Disposal

Nuclear Detonation



Questions  
We're Asking  
Tonight

What would you like the County's  
streamlined 1041 regulations to  
achieve?

Questions  
We're Asking  
Tonight

Where should the regulations be  
**more flexible or more specific?**

# Questions We're Asking Tonight

Elbert County strives to calibrate regulations to the size or impact of the project –less stringent regulations apply to smaller projects; the most rigorous regulations apply to project of statewide importance.

What should **elevate a project to a 1041 permit** compared to the County's existing simple, permit, site plan, subdivision, or special use by review process? Are there thresholds based on a facility's ***dimensions*** (height, width, acres, etc.) and/or ***impact*** (magnitude, duration, extent, etc.)?

Questions  
We're Asking  
Tonight

Should we retain a distinction  
between **Major vs Minor** 1041  
Permit Applications? If so, what are  
the meaningful distinctions?

Questions  
We're Asking  
Tonight

How should the regulations address a project's end-of-life in terms of **decommissioning** and **financial security**, and for which Activities of State Interest?

# Questions We're Asking Tonight

The Approval Criteria in Section M serve both as a backstop to preventing **undesirable impacts** – what the County does not want – and as a gauge of a **project's benefits** – what the County does want. Does each criteria represent what you want or don't want?

# SMALL GROUP DISCUSSIONS

By Activity of State Interest

