

# 1041 PERMIT APPEAL PROCESS GUIDE

## Purpose

State Statutes allow local governments to designate certain areas and activities of state interest and require permits for development involving those areas and activities. This is a discretionary approval process by the Board of County Commissioners. An appeal from the 1041 Permit requirements is allowed upon approval of the Board of County Commissioners based upon a finding by the County Commissioners that the purpose and intent of the regulation is met.

## Review Criteria

The Board of County Commissioners shall consider each of the following review criteria and make findings pertaining to each one which, in their discretion, applies to the appeal.

1. Approval of the appeal will not subvert the purpose or intent of Section 14;
2. The development or activity has received approval through a state or federal permitting process which has utilized review criteria substantially the same as those contained in this regulation, and which has afforded a similar or greater amount of input by affected citizens and property owners of Larimer County;
3. In the case of siting and development of a new domestic water or sewer transmission pipeline, evidence has been provided that:
  - a. the proposed pipeline is located entirely on property owned by the entity proposing the activity and/or within easements or rights-of-way that have been acquired from willing sellers, or
  - b. the proposed pipeline is located entirely within a Special District organized under C.R.S. Title 32, or a Public or Local Improvement District organized under C.R.S. 30-20-Parts 5 and 6, and
    - (1) the pipeline is intended to provide water or sewer service to properties located within that District in Larimer County; and
    - (2) written notice of all scheduled public meetings of the District concerning the siting and development of the new pipeline has been given to all property owners who may be directly affected by the activity, and to the County Commissioners, not less than fourteen (14) days prior to the meeting.

## OVERVIEW – 1041 PERMIT APPEAL PROCESS (see Section 14.7 of the Larimer County Land Use Code)

Phase 1 Initiation of Appeal	Phase 2 Internal/External Review	Phase 3 Public Hearing
<p><b>Purpose</b> Formal written application of appeal.</p> <p><b>Estimated Time Frame</b> Applications will be scheduled for Board of County Commissioner review within 60 days.</p> <p><b>Note:</b> The County Commissioners may refer the appeal to the Planning Commission for a recommendation. The County Commissioners decision to refer an appeal will be made within 14 days of the date the appeal was submitted.</p> <p><b>Development Review Fee</b> \$600</p> <p><b>Steps</b></p> <ol style="list-style-type: none"> <li>1. Pre-Application Conference</li> <li>2. Application Submittal \$</li> <li>3. Internal/External Review</li> <li>4. Board of County Commissioners Hearing</li> </ol>	<p><b>Purpose</b> The application materials are sent to internal and external reviewing agencies for comment.</p> <p><b>Estimated Time Frame</b> 21 days* *Review agencies may request additional review time in writing</p> <p><b>Internal Review</b> Internal review may include comments from agencies such as Engineering, Health, Building, Open Lands, etc.</p> <p><b>External Review</b> External review may include comments from agencies such as city, fire, water, sewer, CDOT, etc.</p>	<p><b>Board of County Commissioners Hearing</b> The Commissioners will consider all Staff and public input, then vote to approve, approve with conditions, or deny the 1041 Permit Appeal application.</p> <p><b>Note:</b> If the Board of County Commissioners referred the application to the Planning Commission, their recommendation will also be considered.</p> <p><b>Next Step</b> Approval of a 1041 Permit Appeal by the Board of County Commissioners will typically result in the requirement for a Location and Extent Review application to be processed.</p>