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## Options for Review of Activities of State Interest and/or Public Projects in Larimer County

**Activities of State Interest-1041 Review:** State Statutes allow local governments to designate certain areas and activities of state interest and require permits for development involving those areas and activities. A 1041 Permit is required prior to conducting any activity that has been designated as a Matter of State Interest (power plants, solar energy power plants, transmission lines, pipelines, etc..).

**Public Projects-Location and Extent Review:** Other types of public projects, or public projects below the threshold for 1041 Review, may require Location and Extent (L&E) Review. Location and Extent Review is to determine if a public use, structure or utility proposed for location in unincorporated Larimer County conforms with the adopted Master Plan. Colorado Statutes require this procedure.



<b>1041 Permits for Designated Matters of State Interest</b> Land Use Code – Article 10	<b>1041 Permit Appeal</b> Land Use Code – Article 10	<b>Location and Extent Review</b> Land Use Code – Article 6.4.4.	<b>Other Private Projects</b>
<p>Land Use Code Article 10– <b>Areas and Activities of State Interest</b> includes regulations for activities that have been designated by the county as a <i>'a matter of state interest'</i> and requires approval of a 1041 permit, unless specifically exempted.</p> <p>Larimer County's <i>'designated matters of state interests'</i> are listed in Article 10, and include power plants, solar energy power plants, transmissions lines, substations, water, sewer and gas pipelines, gas storage facilities. Other activities which may be designated by the county from time to time.</p> <p><b>Purpose</b>  <b>Areas and Activities of State Interest</b> (1041 Permit) review is to facilitate the identification, designation and regulation of areas or activities of state interest consistent with applicable statutory requirements.</p>	<p>Land Use Code Article 10 – <b>Areas and Activities of State Interest</b> allows for an appeal process to the requirement for a 1041 permit.</p> <p>In addition to specific exemptions to the 1041 process, an <b>Appeal from 1041 Permit</b> requirements is allowed upon approval of the Board of County Commissioners based upon a finding by the County Commissioners that:</p> <ul style="list-style-type: none"> <li>the purpose and intent of the regulation is met,</li> <li>that 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, or</li> <li>in the case of the siting and development of a new domestic water or sewer transmission pipeline, evidence has been provided that meets the requirements listed in Land Use Code Article 10</li> </ul>	<p>Land Use Code Article 6.4.4. – <b>Location and Extent (Public Project Review)</b> is required by State Statute.</p> <p>Location and Extent Review is required for the following types of projects: public schools, public roads, public parks, trails and trailheads, public ways, grounds and spaces, public buildings and structures and utilities, whether public or privately owned. The Larimer County Planning Commission has adopted as policy thresholds (refer to the L&amp;E Procedural Guide) concerning which types of public projects will be brought before the Planning Commission for Location and Extent Review.</p> <p>Public uses that are listed as a <i>'designated matter of state interest'</i> that fall below the thresholds listed in Article 10 require Location and Extent Review.</p> <p><b>Purpose</b>  <b>Location and Extent</b> (L&amp;E) Review is used to determine if a public use, structure or utility proposed for location in unincorporated Larimer County conforms with the Larimer County Master Plan.</p>	<p>Privately developed uses that are listed as a <i>'designated matter of state interest'</i> that fall below the thresholds listed in Article 10 may be required to be located in a specific zoning district and/or be approved through another county approval process including Special Review, Minor Special Review, Special Exception, Site Plan Review or another appropriate county review process.</p> <p>Please refer to the following handout:</p> <p style="text-align: center;"><b>Options for Land Use in Larimer County:</b>            Special Review, Minor Special Review, Special Exception and Rezoning</p>
<p><b>1041 Permit Approval</b>            A 1041 Permit is required prior to conducting any activity that has been designated as a Matter of State Interest, unless the County Commissioners have granted an appeal to the requirement for a Permit or have adopted an intergovernmental agreement such that a 1041 Permit is not required.</p> <p>The Planning Commission and Board of County Commissioners evaluate each proposed use for compliance with the general permit requirements listed in Article 10 and additional specific review criteria listed in Article 10 of the Land Use Code, as applicable.</p> <p>The County Commissioners may impose 'conditions' when approving a 1041 Permit.</p> <p>This is a discretionary approval process by the County Commissioners.</p>	<p><b>1041 Permit Appeal Approval</b>            The Board of County Commissioners evaluate each appeal request for compliance with the review criteria for 1041 appeals listed in Article 10 of the Land Use Code, as applicable:</p> <ol style="list-style-type: none"> <li>Approval of the appeal will not subvert the purpose or intent of this Article 10.</li> <li>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.</li> </ol> <p>The County Commissioners may impose 'conditions' when approving a 1041 Permit Appeal.</p> <p><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.</b></p>	<p><b>Location and Extent Approval</b>  <b>Public projects (except schools).</b>            A proposed site location and development plan must be submitted to the Planning Commission for approval before construction or authorization of any public road, public park, trail or trailhead, public way, ground or space, public building or structure or utility, whether public or privately owned.</p> <p><b>Public schools.</b>            Prior to acquiring land or contracting for the purchase of land for a school site, the board of education must consult with and advise the Planning Commission in writing to ensure that the proposed site conforms to the adopted master plan as far as is feasible.</p> <p><b>Location and Extent Disapproval (or conditional approval).</b>  <b>County Funded Projects:</b> The County Commissioners are authorized to overrule the Planning Commission decision by a majority vote.</p> <p><b>Projects Funded by other entities:</b> The Planning Commission's disapproval may be overruled by the body or official having jurisdiction over the authorization and financing of the project by a majority vote. In the case of a utility owned by an entity other than a political subdivision, the Planning Commission's disapproval may be overruled by the Public Utilities Commission by not less than a majority of its entire membership.</p> <p><b>Public Schools:</b> The Board of Education has the authority to make final determinations as to the location of public schools and to erect buildings and structures.</p>	<p><b>Other Approval</b>            The Planning Commission and/or County Commissioners evaluate each proposed use for compliance with review criteria as applicable to the process outlined in the Land Use Code.</p>
<p><b>Steps in the 1041 Permit Review Process</b></p>	<p><b>Steps in the Appeal Process</b></p>	<p><b>Steps in the Location and Extent Review Process</b></p>	<p><b>Process</b></p>
<ol style="list-style-type: none"> <li>Pre-application conference</li> <li>1041 Permit Application and Review</li> <li>Planning Commission Hearing</li> <li>County Commissioner Hearing</li> <li>Final Development Plans upon approval (Conditions of Approval, Development Agreement, etc.)</li> </ol>	<ol style="list-style-type: none"> <li>Pre-application conference</li> <li>1041 Permit Appeal Application and Review</li> <li>Possible Planning Commission Hearing - if referred by County Commissioners</li> <li>County Commissioner Hearing</li> </ol>	<ol style="list-style-type: none"> <li>Pre-application conference</li> <li>Location and Extent Application and Review</li> <li>Planning Commission Hearing</li> <li>Final Development Plans upon approval (Conditions of Approval, etc.)</li> </ol>	<p>The steps in a review are determined by the specific process required.</p>