



1041 FONSI SUBMITTAL GUIDE

CITY OF FORT COLLINS DEVELOPMENT REVIEW
PLANNING DEPARTMENT

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Table of Contents

| | |
|--|----|
| Definitions and Abbreviations | 4 |
| 1041 Pre-Application Area and Activity Review..... | 5 |
| Development Review Application | 5 |
| FONSI Submittal Checklist | 6 |
| Applicant Agreements and Certifications..... | 8 |
| FONSI Submittal Guide..... | 9 |
| Section 1.0 1041 Program Information | 9 |
| 1.1 Purpose | 9 |
| 1.2 1041 Applicability | 9 |
| 1.3 1041 Process..... | 11 |
| 1.3.1 Step 1. 1041 Screening Tool..... | 12 |
| 1.3.2 Step 2. Letter of Determination | 12 |
| 1.3.3 Step 3. Pre-Application Meeting (Area and Activity Review) | 13 |
| 1.3.4 Step 4. Application Submittal..... | 13 |
| 1.3.5 Step 4: Determination of Completeness | 14 |
| 1.3.6 Step 5: City Review and Public Outreach..... | 14 |
| 1.3.6 Step 6: FONSI Determination | 14 |
| 1.3.7 FONSI with Conditions | 15 |
| 1.4 Additional Considerations | 15 |
| 1.5 Fees | 16 |
| Section 2.0 Application Requirements | 17 |
| 2.1 1041 Development Review Application | 17 |
| 2.2 FONSI Submittal Checklist..... | 17 |
| 2.3 FONSI Application Fee..... | 17 |
| 2.4 Applicant Agreements and Certification Statements | 17 |
| 2.5 Project Report Narrative | 17 |
| 2.5.2 Submittal Requirement #5: Siting and Design Alternatives Analysis..... | 19 |
| 2.6 Vicinity Map..... | 20 |
| 2.7 GIS Shapefile | 20 |
| 2.8 Ecological Characterization Study (ECS)..... | 21 |
| 2.8.1 Wildlife Management Plan | 21 |
| 2.8.2 Prairie Dog Management Plan | 22 |
| 2.9 Wetland Report | 23 |

| | | |
|-------------|--|----|
| 2.10 | Historic and Cultural Resources Study..... | 23 |
| 2.10.1 | Certificate of Appropriateness | 24 |
| 2.11 | Analysis of Disproportionately Impacted Communities..... | 24 |
| 2.12 | Conceptual Mitigation Plans..... | 25 |
| 2.13 | Federal, State, and Local Permits or Regulatory Reviews..... | 26 |
| 2.14 | 1041 Plan Set..... | 26 |
| Section 3.0 | Submitting the FONSI Application | 27 |
| Section 4.0 | Additional Considerations | 28 |
| 3.1 | Impacts within a City-Owned Natural Area | 28 |
| 3.2 | Other Permits..... | 29 |
| 3.3 | FONSI Issued with Conditions | 29 |

Definitions and Abbreviations

Community Development and Neighborhood Services (CDNS): the department responsible for implementation and review of the 1041 regulations in the City of Fort Collins.

Disproportionately Impacted Communities (DIC): a community that is in a census block group where the proportion of households that are low income, that identify as minority, or that are housing cost-burdened is greater than 40% as such terms are defined in Section 24-4-109(2)(b)(II), C.R.S., as amended.

Ecological Characterization Study (ECS): a comprehensive ecological characterization study/report of the entire project area plus any additional area within the specified buffer radius, prepared by a City-approved professional qualified in the areas of ecology, wildlife biology or other relevant discipline. The ECS is required if the development site contains, or is within five hundred (500) feet of, a natural habitat or feature (as listed in 5.6.1), or if it is determined by the Director, upon information or from inspection, that the site likely includes areas with wildlife, plant life and/or other natural characteristics in need of protection.

Finding of No Significant Impact (FONSI): a determination that a proposed project does not have the potential for significant impacts, as described in the City's 1041 Technical Review Manual.

Land Use Code (LUC): a set of regulations established by the City that outlines how land can be developed and used within the community, ensuring that all growth and development is consistent. The Land Use Code acts as a guide for all future development within the City of Fort Collins.

Limits of Disturbance (LOD): the boundary within which all construction, excavation, materials and equipment storage, stockpiling, grading, landscaping, decommissioning activities, and all related activities will occur.

Prairie Dog Management Plan (PDMP): a document, prepared by a qualified professional, that details the management of prairie dogs on a project site. This includes removal (if necessary) and measures to prevent recolonization.

Right of Way (ROW): the legal right of passage over another person's ground or property; the land used by a public utility (as for a transmission line).

Wildlife Management Plan (WMP): a document, prepared by a qualified professional, that details the management of the project in regard to wildlife on or near the project site.

1041 Development Project: is a set of development plans, reports, and construction documents in accordance with this master requirements list that are reviewed under the applicable City review process in Article 6 of the Land Use Code.

1041 Final Development Plan is a document which the City requires when a 1041 determination or permit is issued with conditions. The Plan details mitigation measures and the steps the applicant will take to manage the site after construction and through closeout. 1041 Final Development Plans are not covered in this submittal guide, but resources are available to assist applicants on the [1041 webpage](#).

1041 Plans: are reviewed through an Application submitted to the City for approval of a proposed use, which depicts the details of the proposed development project. The "1041 Plans" includes a set of engineering and landscape plans and supporting information as required with this submittal requirements list during the City review process.

1041 Pre-Application Area and Activity Review Development Review Application

| | | | |
|---|--|--|----------------------------|
| Applicant/Owner Information | | | |
| Applicant Name/Contact: | | | |
| Applicant Organization: | | | |
| Address: | | | |
| City: | State: | Zip Code: | |
| Telephone: | Email: | | |
| Consultant/Engineer Information | | | |
| Name: | | | |
| Organization: | | | |
| Address: | | | |
| City: | State: | Zip Code: | |
| Telephone: | Email: | | |
| Project Information | | | |
| Project Name: | | | |
| Project Type: 1041 FONSI Determination | | | |
| Submittal Date: | <input type="checkbox"/> New Submittal | <input type="checkbox"/> Revision: Review Round _____ | |
| Development Review Coordinator | | | |
| Project Specific Information | | | |
| Total Project Area (include entire LOD, both inside and outside City limits) | | Total Project Area Within City Limits | |
| Will the Project Increase the Rated Capacity per CDPHE? (select one): YES <input type="checkbox"/> NO <input type="checkbox"/> | | | |
| Easement Calculations | Temporary Easements | | Permanent Easements |
| Total Length of NEW Easements | LF | | LF |
| Total Width of NEW Easements | LF | | LF |
| Total Length of EXISTING Public Easements to be Used | LF | | LF |
| Total Width of EXISTING Public Easements to be Used | LF | | LF |
| Are Any Above-ground Facilities Proposed | YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, describe: | | |
| For DRC Use Only | | | |
| Total Development Area | SQFT | Total Development Area | ACRES |
| Total Width of Additional Proposed Right-of-Way (include both temporary and permanent easements) | LF | Length of Additional Proposed Right-of-Way (include both temporary and permanent easements) | LF |
| Total Area of Additional ROW Impact in City Limits (ROW Width x ROW Length) | SQFT | | |
| Total Area of Impact in City Limits (ROW Impacts + Facility Impacts) | ACRES | | |
| List All Parcel Numbers Impacted By The Project <i>(use a separate sheet if necessary)</i> | | | |

FONSI Submittal Checklist

Note: All checklist items are required unless City staff indicate otherwise on the checklist. The FONSI review fee is due at the Pre-Application Meeting when the applicant receives their project-specific checklist.

Separate electronic PDFs of ALL submitted materials (must be in PDF format unless indicated otherwise and named as listed below).

| Staff Code | Applicant Validation | Item Name (Naming Convention) and Description |
|-----------------------|--------------------------|--|
| 1. Application | | |
| REQUIRED | <input type="checkbox"/> | 1041 FONSI Development Review Application Completed and signed by an authorized representative of the organization/entity applying. See Section 1.3.3 in the FONSI Submittal Guide. |
| Staff Notes: | | |
| REQUIRED | <input type="checkbox"/> | 1041 FONSI Submittal Checklist Signed & completed; contact your DRC with questions. |
| Staff Notes: | | |
| REQUIRED | <input type="checkbox"/> | Applicant Acknowledgements and Certifications See Section 2.4 of the FONSI Submittal Guide. |
| Staff Notes: | | |

| Technical Reports, Studies and Other Required Documentation | | |
|--|--------------------------|---|
| Separate Electronic PDFs for All Submittal Materials (see Step 3, Application Submittal for additional information) | | |
| 2. Project Report | | |
| REQUIRED | <input type="checkbox"/> | 2. Project Report See Section 2.5 of the FONSI Submittal Guide. The Project Report must include at minimum, the following sections: |
| | <input type="checkbox"/> | Project Description Refer to LUC 6.27.6.3 and Section 2.5 of the FONSI Submittal Guide. |
| | <input type="checkbox"/> | 30% Siting and Design Alternatives Analysis Refer to LUC 6.27.6.3(B)(4) and Section 2.5.2 of the FONSI Submittal Guide. |
| | <input type="checkbox"/> | Wetland Report Refer to LUC 5.6.1(O) and Section 2.9 of the FONSI Submittal Guide. |
| | <input type="checkbox"/> | Disproportionately Impacted Communities (DIC) Analysis Refer to LUC 6.27.6.5(A)(8) and Section 2.11 of the FONSI Submittal Guide. |
| | <input type="checkbox"/> | Conceptual Mitigation Plans Refer to Section 2.12 in the FONSI Submittal Guide. See also MITIGATION under Plan Sheets |
| | <input type="checkbox"/> | List of Other Federal, State, Local Permits or Regulatory Reviews See Section 2.13 of the FONSI Submittal Guide. |
| Staff Notes: | | |
| 3. Ecological Characterization Study | | BUFFER REVIEW AREA: _____ |
| REQUIRED | <input type="checkbox"/> | Ecological Characterization Study (ECS) Refer to LUC 5.6.1 and Section 2.8 of the FONSI Submittal Guide. |
| REQUIRED | <input type="checkbox"/> | Site Inventory Map Identifies and depicts all resources and environmental conditions present (as identified in the ECS) that have the potential to be impacted by the proposed project. |
| Staff Notes: | | |
| 4. Wildlife Management Plan and/or Prairie Dog Management Plan | | |
| If the ECS finds wildlife (including prairie dogs) within the review buffer, a Wildlife Management Plan and/or Prairie Dog Management Plan will be required. | | |
| REQUIRED | <input type="checkbox"/> | Wildlife Management Plan See Section 2.8.1 of the FONSI Submittal Guide. |

| Technical Reports, Studies and Other Required Documentation, continued | | |
|---|--------------------------|--|
| Staff Code | Applicant Validation | Item Name and Description |
| REQUIRED | <input type="checkbox"/> | Prairie Dog Management Plan See Section 2.8.2 of the FONSI Submittal Guide. |
| Staff Notes: | | |
| 5. Historic and Cultural Resources Survey | | BUFFER REVIEW AREA: _____ |
| REQUIRED | <input type="checkbox"/> | Historic and Cultural Resources Survey Refer to LUC 6.27.6.3(B) and Section 2.10 of the FONSI Submittal Guide. |
| WAIVED | <input type="checkbox"/> | Certificate of Appropriateness See Municipal Code Chapter 14, Article III, Section 14-51 and 2.10.1 of the FONSI Submittal Guide. |
| Staff Notes: | | |
| 6. Vicinity Map | | BUFFER REVIEW AREA: _____ |
| REQUIRED | <input type="checkbox"/> | Vicinity Map See LUC 6.27.6.3 and Section 2.6 of the FONSI Submittal Guide. |
| Staff Notes: | | |
| 7. ArcGIS Shapefile | | |
| REQUIRED | <input type="checkbox"/> | ArcGIS Shapefile Include if not submitted during Pre-Application Review. No CAD files will be accepted. See Section 2.7 of the Submittal Guide. |
| Staff Notes: | | |
| 8. 1041 Plan Sheets and Notes The following Plan sheets and notes may be required as supporting documentation for a FONSI application. See Section 5.0 of the FONSI Submittal Guide and the Formatting and Submittal Requirements for 1041 Plan Sheets document. | | |
| REQUIRED | <input type="checkbox"/> | 1041 Permit Site Map |
| REQUIRED | <input type="checkbox"/> | Landscape Plan/Revegetation Plan |
| REQUIRED | <input type="checkbox"/> | Conceptual Mitigation Plan |
| REQUIRED | <input type="checkbox"/> | Utility Plan |
| REQUIRED | <input type="checkbox"/> | Drainage/Erosion Control Plan |
| REQUIRED | <input type="checkbox"/> | Other: |

This checklist and application form requires information from, and provides guidance to, applicants for 1041 FONSI determinations, pursuant to the City of Fort Collins Regulations for Areas and Activities of State Interest (the "Regulations"). This application is supplementary to, and not in replacement of the specific and detailed requirements of the Regulations. Any conflict between the requirements of the Regulations as generally described in the application form, and the Regulations themselves, shall be resolved in favor of the Regulations.

Applicant Agreements and Certifications

Fee Acknowledgement

Each pre-application area or activity review application and development application for a permit submitted must be accompanied by the fees established pursuant to Section 6.3.3(D). All costs incurred in the third-party consultant review shall be borne by the applicant in addition to the City's internal application review fees.

Applicant agrees to pay the cost of:

- The Director retaining third-party consultants necessary to assist the Director in making a FONSI determination pursuant to Section 6.27.6.5;
- The Director retaining third-party consultants necessary to assist the Director with the completeness review of any submitted application pursuant to Section 6.27.6.8;
- The Director retaining third party consultants necessary to assist City staff in reviewing a complete permit application or City Council in rendering a decision on a permit.

I have reviewed the City of Fort Collins 1041 Applicant Agreement for Fees and have included the necessary fees with my submittal. I understand that submittals made without payment will result in an incomplete submittal, will not be reviewed and will result in added review time.

Document Acknowledgement

I have reviewed the City of Fort Collins FONSI Submittal Guide and 1041 Regulations. All documents submitted are complete and the City of Fort Collins 1041 Regulations Application For Permit have been incorporated into the plans. I understand that submittal requirements not sufficiently addressed or deferred may result in an incomplete submittal and/or added review time.

Property Acknowledgement

The applicant has obtained, or will obtain, all property rights, easements, permits and approvals necessary for the proposed project, including surface, mineral and water rights. The applicant is responsible for securing such rights, permits and approvals prior to obtaining a 1041 determination or permit.

Applicant Name (Print):

Signature:

Date:

Organization:

Address:

Email:

Phone:

FONSI Submittal Guide

Section 1.0 1041 Program Information

1.1 Purpose

The purpose of the City's 1041 program is to ensure City participation in the review and approval of development plans of statewide significance that pass through and impact City residents, businesses, neighborhoods property owners, resources and other assets. More information about the specific goals and purposes of the program can be found in the City's [Land Use Code](#) (LUC), [Article 6](#), Section 6.27.1.2 Purpose and Findings.

The FONSI Submittal Guide should be used to complete the FONSI Pre-Application Area and Activity Review, the required technical reports and studies.

1.2 1041 Applicability

The City of Fort Collins City Council made the decision to regulate three (3) types of projects under the City's 1041 program:

1. Site Selection, Construction and Major Existing Extensions of Domestic Sewage Treatment Systems
2. Site Selection, Construction and Major Extensions of Domestic Water Treatment Systems
3. Site Selection and Construction of Arterial Highways and Interchanges and Collector Highways

There are specific threshold criteria for each project type that serve to clarify for applicants whether a project will or will not require a 1041 review. Tables 1 through 3 list the criteria for each type of project. If the threshold/criteria is met or exceeded, a 1041 review is required. Project threshold criteria are also listed in the LUC Section 6.27.1.8.

| Domestic Water | | |
|---|---|---|
| Site Selection, Construction and Major Extensions of Domestic Water Treatment Systems | Included Infrastructure/Facilities | <input type="checkbox"/> Wells <input type="checkbox"/> Ditches <input type="checkbox"/> Distribution Mains <input type="checkbox"/> A new Water Treatment Plant and/or associated infrastructure <input type="checkbox"/> Water Diversion/Diversion Structures <input type="checkbox"/> Water Reservoirs <input type="checkbox"/> Water Storage Tanks |
| | 1041 Regulations APPLY if the Project | <ul style="list-style-type: none"> • Will require a new public right-of-way or easement ≥ 30-feet in width and 1,452 linear feet in length in the aggregate for the proposed development plan; • Requires a new easement (or utilizes an existing easement) within any City Natural Area or conserved area that is ≥ 30 feet wide and 1,452 feet long <i>in the aggregate</i> for the proposed development plan; • Involves a major extension or expansion of an existing domestic water treatment facility or capacity for storage, that will result in a material change; • Involves an extension or upgrade of existing transmission mains, distribution mains, or new pump stations that will result in a material change. |
| | 1041 Regulations DO NOT Apply for the following activities | <ul style="list-style-type: none"> - Any maintenance, repair or adjustment to existing facilities (provided there is no material change); - Relocation or enlargement of an existing pipeline within the same public right-of-way or easement (provided it is < 30-feet wide and $< 1,452$ feet long); - A new pipeline or facility within an existing public right-of-way; - A new pipeline or facility within easements that are < 30 feet wide and $< 1,452$ feet long; - A new pipeline or facility constructed partially within an existing public right-of-way and partially within adjoining easements that are < 30-feet wide and $< 1,452$ feet long. |
| | | |

Table 1. Domestic Water Project Threshold Criteria to Determine 1041 Applicability

| Domestic Sewage (Wastewater) | | |
|--|--|---|
| Site Selection, Construction and Major Extensions of | Included Infrastructure/Facilities <i>See definitions in LUC 6.27.1.9</i> | <input type="checkbox"/> Lift Stations <input type="checkbox"/> Interceptor Mains <input type="checkbox"/> Collector Sewers <input type="checkbox"/> A new Wastewater Treatment Plant and/or associated infrastructure |
| | | <ul style="list-style-type: none"> • Involves construction of new systems/facilities that result in a material change; |

| | | |
|---------------------------------|--|--|
| Sewage Treatment Systems | 1041 Regulations <u>APPLY</u> if the Project: | <ul style="list-style-type: none"> • Involves construction or modification of existing systems that result in a material change • Requires new or expanded easements ≥ 30 feet wide and $\geq 1,452$ feet long in the aggregate for the proposed development plan • Requires a new easement (or utilizes an existing easement) within any City Natural Area or conserved area that is ≥ 30 feet wide and $\geq 1,452$ feet long <i>in the aggregate</i> for the proposed development plan. |
| | 1041 Regulations <u>DO NOT</u> Apply for the following activities | <p>Regular maintenance, repair and/or adjustment;</p> <p>The relocation or enlargement of an existing pipeline within the same easement (provided it is < 30-feet wide and $< 1,452$-feet long);</p> <p>A new pipeline or facility within an existing public right-of-way;</p> <p>A new pipeline or facility within easements that are < 30-feet wide and $< 1,452$-feet long;</p> <p>A new pipeline or facility constructed partially within an existing public right-of-way and partially within adjoining easements that are < 30-feet wide and $< 1,452$-feet long;</p> <p>Any sewage system facility that does not increase the rated capacity from the Colorado Department of Public Health and Environment.</p> |

Table 2. Domestic Sewage (Wastewater) Project Threshold Criteria to Determine 1041 Applicability

| Highways | | |
|---|---|--|
| Site Selection and Construction of Arterial Highways and Interchanges and Collector Highways | Included Infrastructure/Facilities <i>See definitions in LUC 6.27.1.9</i> | <input type="checkbox"/> Highways (both state and federal) <input type="checkbox"/> Arterial Highways: Any limited access highway that is: <ul style="list-style-type: none"> <input type="checkbox"/> Part of the federal-aid interstate system <input type="checkbox"/> Constructed under the supervision of the CDOT <input type="checkbox"/> Any private toll road constructed or operated under the authority of a private toll road company. <input type="checkbox"/> Collector Highway: A major thoroughfare that: <ul style="list-style-type: none"> <input type="checkbox"/> Serves as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers; and <input type="checkbox"/> Is/was constructed under guidelines and standards established by, or under the supervision of, the CDOT. <input type="checkbox"/> Interchanges |
| | 1041 Regulations <u>APPLY</u> if the Project: | <ul style="list-style-type: none"> • Includes the determination of a specific corridor or facility location which is made at the conclusion of a corridor location study in which: • Construction of an arterial highway, interchange or collector highway is proposed; or • Expansion or modification of an existing arterial highway, interchange or collector highway is proposed that would result in either one or both of the following: <ul style="list-style-type: none"> - An increase in road capacity by at least one (1) vehicle lane through widening or alternative lane configuration; - Expansion or modification of an existing interchange or bridge |
| | 1041 Regulations <u>DO NOT</u> Apply for the following activities | <p>Arterial highways do not include a city street or local service road, or a county road designed for local service and constructed under the supervision of local government.</p> <p>Collector highways do not include a City street or local service road, or a county road designed for local service and constructed under the supervision of local government.</p> |

Table 3. Highway Project Threshold Criteria to Determine 1041 Applicability

1.3 1041 Process

The 1041 process is made up of steps that allow the City to determine if a proposed project has the potential of impacting public health, safety, welfare, the environment, natural resources, and historic, cultural and wildlife resources.

All projects begin as a **FONSI Review**; this is the initial review process which determines, based off the information included in the FONSI submittal package, if a project will have significant impacts. Impacts are any direct or indirect negative effects or consequences resulting from development that may or may not be avoidable or fully mitigated. This process includes a public notice period before an administrative decision by the Director of Community Development and Neighborhood Services (CDNS). The application is reviewed to determine if there will be impacts to the following FONSI review criteria listed in 6.27.6.5:

1. Is the project located wholly or partly on, under, over or within an existing or planned future City natural area or park, whether developed or undeveloped?
2. Is the project located wholly or partly on, under, over or within a City-owned, non-right-of-way, property or current or anticipated City building site, whether developed or undeveloped?
3. Is the project located within a buffer zone of an existing natural habitat or feature, as defined in Land Use Code Section 5.6.1?
4. Is the project located within a buffer of a high priority habitat as identified by Colorado Parks and Wildlife?
5. Does the project have the potential to significantly impact a natural feature as defined by the Land Use Code?
6. Does the project have the potential to significantly impact natural habitat corridors identified by the City's Natural Areas Department?
7. Does the project have the potential to significantly impact historic or cultural resources within a two hundred (200) foot outer boundary of the proposed development plan?
8. Does the project have the potential to significantly impact disproportionately impacted communities?

There are three outcomes for the Director's FONSI Determination:

1. **Permit Not Required:** The project can proceed as a FONSI (Finding of No Significant Impact) without a permit. However, the proposed development plan may be subject to a different Land Use Code development review process.
2. **Permit Not Required, with Conditions:** The project can proceed as a FONSI without a permit; however, the FONSI contains conditions that must be satisfied before the determination will be signed. The applicant must prepare and implement a 1041 Development Plan to satisfy any conditions of their determination. They must also provide the City a guarantee in the form of a development bond, performance bond, letter of credit, cash, certificate of deposit or other City-approved means to guarantee the completion of all mitigation to be constructed as shown on the approved development plan.
3. **Permit Required:** If a FONSI is determined not to be appropriate, a Full Permit will be required. The Director shall provide information to the applicant including additional scope of analysis needed for the Full Permit review.

Full Permits require additional data, research and review, including designing mitigation measures to minimize impacts. They require a neighborhood meeting and are presented to the Planning & Zoning Commission. The Commission will then provide a recommendation to City Council, who will either approve, approve with conditions, or reject the permit. Two Council hearings are required to approve a Full Permit. A Full Permit Application Guidance Manual will be updated in the future to include information on Full Permit applications, including required documentation and review criteria.

Use the Table 4 below to estimate 1041 permitting timelines. More information on each step can be found in the Application Guide.

| Step No. | Process and Required Action | Responsible Party | | Approximate Timeline |
|--|--|-------------------------------------|-------------------------------------|---|
| | | Applicant | City | |
| FONSI REVIEW | | | | |
| 1. | Complete the 1041 Screening Tool | <input checked="" type="checkbox"/> | <input type="checkbox"/> | n/a |
| 2. | Conceptual Meeting (Pre-Application Area and Activity Review Meeting) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | n/a |
| 2a. | <ul style="list-style-type: none">Project-specific FONSI Submittal Checklist (given to applicant at meeting) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | n/a |
| 2b. | <ul style="list-style-type: none">Applicant submits FONSI fee of \$25,000 (see Section 1.5) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | n/a |
| 3. | Application Submittal (includes all information on the checklist and all required technical reports and studies) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | n/a |
| 4. | Rounds of Review and Determination of Completeness (City will notify the applicant when this determination is made) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 14 days (regulatory time clock starts) |
| 5. | City Review and Public Notice | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 15 days |
| 6. | FONSI Determination | <input type="checkbox"/> | <input checked="" type="checkbox"/> | ≤ 29 days |
| 6a. | Appeal Period (An appeal period of 14 days must expire before a FONSI determination can be finalized) | <input type="checkbox"/> | <input type="checkbox"/> | 15 days |
| Total Number of Days for FONSI Determination | | | | 44 Days |
| FULL PERMIT REVIEW | | | | |
| 7. | Full Permit Meeting & Payment of Full Permit Fees | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 14 days |
| 8. | Neighborhood Meeting and Public Comment Period (applicants are expected to be present at this meeting) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 15 days |
| 9. | Application Submittal | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Timely application is expected |
| 10. | Rounds of Review and Determination of Completeness | <input type="checkbox"/> | <input checked="" type="checkbox"/> | ≤ 60 days (regulatory time clock starts) |
| 11. | City Review | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 90 days |
| 12. | Planning & Zoning Commission Hearing | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 13. | City Council Hearing and Project Determination | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Total Number of Days for Full Permit Determination | | | | ≥ 180 Days |

Table 4. 1041 Review Process

1.3.1 Step 1. 1041 Screening Tool

The 1041 Screening Tool is an interactive, GIS-based program that applicants can use to determine if 1041 regulations will apply to their project. Applicants may experiment with different alignments and locations to determine their preferred site and the corresponding applicability of 1041 requirements. **Please note that the City does not provide analysis to determine 1041 exemptions outside of the online screening tool; this is the responsibility of the applicant.** City staff are available to answer process related questions; contact your DRC with any questions.

Once the preferred alignment or location has been determined, the applicant should:

- Save a copy of the 1041 Screening Report;
- Fill out the 1041 FONSI Development Review Application;
- Write a brief narrative project summary describing the desired project location or alignment, proposed activities and operations and proximity to natural resources, historic and cultural resources and humanmade features.

Email the three (3) PDFs to DRCoord@fcgov.com and include the project name and “1041 Determination Request” in the title. A Development Review Coordinator will forward the request onto the appropriate staff, who will review submission and determine if 1041 Regulations apply to the project.

1.3.2 Step 2. Letter of Determination

If the City determines that a project does not meet the standards for 1041 review as listed in LUC 6.27, the applicant will be issued a Letter of Determination, stating that the proposed activity is exempt from 1041 requirements, provided there are no alignment or material changes made.

If the City determines that 1041 regulations apply to the project based on the language in LUC 6.27, the DRC will reach out to the applicant to schedule the Pre-Application Meeting.

1.3.3 Step 3. Pre-Application Meeting (Area and Activity Review)

The purpose of the Conceptual Meeting (also known as the Pre-Application Meeting) is for the City and the applicant to discuss specific project details, regulatory requirements and next steps. The City expects the project design to be at least 30% complete at this stage in the process, with locations, alignments and basic construction methods finalized. **The City will not discuss exemptions at the Pre-Application meeting; this is the applicant's responsibility and should be completed prior to this stage in the process.**

At the Pre-Application Meeting, the City will provide the applicant with a project-specific FONSI Submittal Checklist. This checklist also includes a guide which will assist the applicant in completing the various requirements for the FONSI application. ***Please note that site-specific regulations may vary; do not assume that the distances or buffer radius requirements listed in LUC 6.27.6.3 will be used for every project.*** The project specific checklist will contain the appropriate buffer distances for all required studies and analyses. Contact your DRC with any questions as you prepare your application materials.

The applicant is expected to provide the FONSI Application Fee of \$25,000 at the Pre-Application Meeting. The City will not provide the applicant with the project-specific checklist, nor provide feedback on any submittal documents, before the payment has been received. See Section 1.5 [Fees](#) for fee information.

After receiving the project-specific FONSI Application Checklist, the applicant should begin to prepare their application materials. Refer to Section 2 for a comprehensive list of information that should be prepared for the FONSI Application and instructions on ensuring that the application materials meet the intent of the City's requirements.

1.3.4 Step 4. Application Submittal

Once all of the required materials have been completed, the applicant may contact their DRC and officially submit the project for review. **Only complete submittals are accepted;** the City may return a submittal if any required materials or application fees are missing or insufficient. Applications may be submitted Monday through Wednesday only. Submittals received outside of this time will be held and processed the following week.

Refer to the project-specific FONSI Submittal Checklist (received during the Pre-Application Meeting) to ensure application materials are complete.

Please review the following considerations when preparing your application materials.

- Electronic Copies - All copies must be provided per City file naming and formatting standards and submitted electronically. See the separate document titled *"Formatting Requirements for 1041 Plan Sheets"*.
- Paper copies of plans and reports are not required during the 1041 review process.
- All plan elements shall be clearly drawn and labeled. A scale bar must be provided on all scaled drawings. Paper copies of plan sheets may be requested to complete a timely review, including instances where the drawing scale is not accurately depicted.
- The applicant must complete the [1041 FONSI Submittal Checklist](#) and sign the acknowledgments. Include all materials as required. All checklist items are required unless City staff indicate otherwise.

Your DRC will review the application submittal package and determine if all items on the FONSI Submittal Checklist are included. If so, the submittal package will be forwarded to City staff for review to make a Determination of Completeness. Please note that the City will not provide comments back on any submitted material until the checklist is deemed complete.

If four (4) or more rounds of review are required to deem an application complete, the applicant will be charged an "Additional Rounds of Review" fee of \$3,000. This fee covers the additional staff time needed to review and provide comments on the proposed project.

1.3.5 Step 4: Determination of Completeness

The Determination of Completeness is a fourteen (14) day routing to internal city reviewers to determine that the required application materials have been submitted and are complete and detailed enough to allow for comprehensive project review. If additional information is needed, the City will reach out to the applicant to coordinate. The application is not deemed “received” until the determination of completeness has been made; this step triggers official City review to begin.

1.3.6 Step 5: City Review and Public Outreach

The Determination of Completeness triggers two processes which take place over the next fourteen (14) days: City review and Public Outreach and Noticing. The City has twenty-eight (28) total days, from the date of determination of completeness, to review the project against the criteria listed in [LUC 6.27.6.5](#). During this time, the proposed project must also go through a public notice period, which allows interested parties to learn more about how the project may impact resources in the City.

1.3.6.1 Public Noticing and Outreach

The City will mail a “1041 Regulations – Public Notice Open Comment Period” letter to all owners and occupants within 1,000 feet in all directions from the project limits of disturbance. The City’s Municipal Code 2.2.6(A) also stipulates that the notification distances are “...*exclusive of public rights-of-way, public facilities, parks, or public open space) of the property lines of the parcel of land for which the development is planned*”. This means that if the 1,000-foot notification area touches any of the listed property types, the remaining distance will be applied beyond the public property. The project will also be listed on the City’s [Development Review webpage](#).

The public notice period will last fourteen (14) days (from the date of notification mailing) to allow anyone to submit comments for staff review consideration. Comments can be emailed or mailed to the City. No decisions or determinations will be made during the public notice period.

Following the fourteen (14) day public notice period, the City will record and review all of the received comments and attach them to the staff report for the project. Staff will also summarize the number of comments and categorize the content. This information allows the City to understand the public’s opinion of the project and consider that information when making a determination.

1.3.6.2 City Review

After the project has been deemed complete, City staff will begin reviewing the application submittal materials. LUC 6.27.6.5 contains the eight (8) evaluation criteria which the City uses to determine if a project can proceed with a Finding of No Significant Impact (FONSI). Keep in mind that the project cannot meet the criteria and proceed as a FONSI; mitigation would be needed to avoid or minimize the impact to the specific criteria.

1.3.6 Step 6: FONSI Determination

At least 14 days after the public notice period, the Director of Community Development and Neighborhood Services (CDNS) will consider the application materials and public comments in ultimately making a FONSI Determination. There are three possible outcomes at this stage:

- A **Finding of No Significant Impact (FONSI)**; the project may proceed without a permit
- A **Finding of No Significant Impact (FONSI) with conditions**; the applicant must satisfy certain conditions to receive a FONSI for the project.
- A FONSI is not appropriate, and the application must proceed with a **Full Permit**.

More information on each determination type can be found on the City’s [1041 webpage](#) and is linked in the resources box for this section.

1.3.7 FONSI with Conditions

A FONSI determination with conditions means that the City will issue a FONSI, provided certain conditions are met. These conditions are legally binding and will be recorded as such with the FONSI determination. To ensure that the specified conditions (or mitigation) are implemented and managed appropriately to meet the goals stated in the project determination, the City may require the following from the applicant:

1. Wildlife Management Plan and/or Prairie Dog Management Plan
2. Revegetation and/or Weed Management Plan
3. Successfully obtain any necessary easements

Prior to the issuance of the FONSI determination, the Applicant is required to provide the City an acceptable form of security or guarantee to ensure completion of the mitigation that meet City standards for acceptability. This security or guarantee can include an escrow, bond, or letter of credit.

The security must match the cost of mitigation, restoration, and landscape improvement efforts, which include plant material and irrigation system improvements, weed management, and a minimum of three years of monitoring and annual reporting equal to 125% of the cost. This security will be held until the improvements/mitigation are constructed and accepted by the City. The City will return the security to the Applicant after the site has been successfully closed out and has met the applicable standards set forth in the determination.

1.4 Additional Considerations

The burden of proof is on the applicant to show compliance with all applicable standards of the Regulations. To the extent a permit application may not comply with a particular standard, the applicant may demonstrate compliance with the standard by proposing mitigation measures that sufficiently offset the extent of noncompliance.

A permit application to conduct a designated activity of state interest or develop in a designated area of state interest may not be approved unless the applicant satisfactorily demonstrates that the development plan, in consideration of all proposed mitigation measures and any conditions, complies with all applicable standards.

Additional information may be requested from the applicant during the review process, if necessary, to address specific issues that arise. Please note that all application materials, once submitted, become a matter of public record.

1.5 Fees

1041 related fees are shown in the table below and are effective January 1, 2024. The FONSI Review fee is \$25,000. If the project proceeds to a full permit review, public noticing costs will be billed to the applicant after City Council's decision on the project. Payments can be made by check, debit/credit card or eCheck.

Please advise your Development Review Coordinator as to which payment method will be used. If choosing to pay on-line, your Development Review Coordinator will provide you with the project information and let you know when the fees are available to be paid.

| 1041 Review/Permit Type | Fee |
|--|-------------------|
| Pre-Application for FONSI Determination | \$25,000 |
| Full Permit | \$55,000 |
| Full Permit Public Noticing (includes public meeting) | Actual cost + 20% |
| Additional Rounds of Review Fee (applied only when a project requires 4 or more rounds of review) | \$3,000 |

Table 5. 1041 Permitting Fees

Check: Make payable to "City of Fort Collins". Mail to the Development Review Center, 281 N College Ave, Fort Collins, CO 80524, OR place in the blue drop box located at the west side of the building. Mark for the attention of your Development Review Coordinator, referencing your project. There are no convenience fees for check payments.

Credit Card: Processed online at fcgov.com/CitizenAccess. For charges less than \$2,500, there is a convenience fee of 2% + \$0.25. For charges greater than \$2,500, there is a convenience fee of 2.75%.

eCheck: Processed online at fcgov.com/CitizenAccess. There is a convenience fee of \$0.50 added to all payments.

Section 2.0 Application Requirements

The following sections provide details on how to complete all of the requirements for the **1041 FONSI Submittal Package**.

All checklist items on the **FONSI Application Checklist** are required unless City staff have indicated that the item is **(W)**aived, **(N/A)** Not Applicable or already **(R)**eceived. If the staff code is blank, then the item is required. Also remember to look at site specific requirements that may vary from the standard requirements. Any specific requirements will be listed under the “Staff Notes” column. Naming conventions for each file are as listed on the FONSI Submittal Checklist.

2.1 1041 Development Review Application

Complete the 1041 Development Review Application and have it signed by an authorized representative of the organization or entity applying.

2.2 FONSI Submittal Checklist

Check the “Applicant Validation” box when you have completed and attached each item.

2.3 FONSI Application Fee

Coordinate with your DRC to submit the FONSI Application Fee of \$25,000 at the Pre-Application Meeting. See Section 1.5 for additional information for payment information. Applicants will not receive a project-specific checklist until the FONSI application fee has been paid.

2.4 Applicant Agreements and Certification Statements

The Application Agreements and Certification Statements must be completed and signed by an authorized representative of the entity or organization applying.

2.5 Project Report Narrative

The project report should include a detailed project description (see Section 2.5.1) as well as a siting and design alternatives analysis (see Section 2.5.2). The report should also summarize the individual findings of the required technical studies and analyze all impacts (temporary, permanent and cumulative) to all features, habitats, resources and communities included in LUC 5.6.1 and 6.27. The report document rationale for why the project will have the stated impacts and whether the impacts are significant. Mitigation measures are required for any impacts and should be discussed in detail.

The City has also implemented additional specific review standards for the following project types:

- Section 6.27.9: Site Selection of Arterial Highways and Interchanges and Collector Highways
- Section 6.27.8.3: Site Selection and Construction of Major New Domestic Water or Sewage Treatment Systems and the Major Extensions of Such Systems

The applicant should refer to the specific code section for their project type to ensure that all standards have been met and discussed in the Project Report. The City uses the Project Report to determine if there are impacts associated with the project, and if so, how significant those impacts are. Please provide as much detail as possible in the Project Report to ensure timely review.

Narratives may be divided into topics/sections for clarity but should include a justification of choices made with the project location, construction method and impacts to resources from the project. With more complex projects that touch on many of the subjects described above, please use multiple headings to organize the information provided. The narrative can be an effective tool to communicate to all stakeholders or parties-in-interest how the project meets the applicant’s objectives while mitigating project impacts in accordance with code requirements, subarea plans and City Plan.

2.5.1 Project Description

The Project Description should be a detailed narrative that describes the proposed project, the preferred location, and the land and resources both in the project area and surrounding it. This information will be used to describe the project in the City's online review database. The Project Description also provides the necessary information the City needs to appropriately review the project for impacts. Include, at minimum, the following information:

- A. Location, including total area of the project (all jurisdictions) and total area within City limits;
- B. Size and accessibility of the project site;
- C. Describe the site including placement of the following (if applicable):
 - Proposed buildings;
 - Pipelines;
 - Staging areas and stockpiling areas;
 - Other structures;
 - Proposed parking areas;
 - Internal circulation system, including roads and trails; and
 - The total ground coverage of impervious areas (paved areas and structures) and pervious areas (uncompacted soil).
- D. Purpose and need for the project (i.e.: why the project is being proposed and what the goals of the project are);
- E. Rationale supporting why the preferred project site was selected (see also Section 2: Siting and Design Alternatives Analysis);
- F. Proximity to natural and humanmade features;
- G. Description of both current and historical land uses, density and development for the site and surrounding properties;
- H. Potential impact on surrounding areas including potential negative effects to environmental, public health, and/or safety, and proposed mitigation strategies to minimize impact;
- I. Detailed description of the type of construction and methods that will be used (i.e.: open trench cutting, horizontal boring, etc.) and where they will be used throughout the project location. Include construction operations schedule if work is expected to occur outside of the 7:00am to 7:00pm window;
- J. Projected development schedule including:
 - Estimates for permitting and design, the beginning and end of construction, start of operations and any potential issues that may affect the development plan timeline;
 - A list of all local, state and/or federal permits that will be required for the project and a timeline of when they are expected.
- K. Description of community policy considerations, including the review process and likely conformity of the proposed project with the policies and requirements of the Land Use Code Regulations and applicable City Plans;
 - See the City of Fort Collins Plan Directory link in Section 1: Application Resources.
- L. A discussion of potential impacts to natural resources, ecological habitats and features both on the project site and within a one half (1/2) mile radius surrounding the project site (1,000-foot radius from centerline for linear projects). Include a summary of the findings of the Ecological Characterization Study (ECS) and a discussion of how recommendations from the study will be incorporated into the project;
 - If there will be impacts to any features identified in the ECS, provide a description of how they are being avoided to the maximum extent practicable.

Application Resources

[City of Fort Collins Land Use Code \(LUC\)](#)

[Article 5: General Development and Site Design](#)

Article 5 applies to all construction within the City

5.6: Environmental Site Suitability

5.6.1: Natural Habitats & Features

5.6.1(D)(1): Ecological Characterization Study

5.6.1(N)(6): Prairie Dog Removal

[Article 6: Administration and Procedures](#)

6.27.1.8: Definitions

6.27.6.3: Pre-Application Area or Activity Review

6.27.6.5: Determination of FONSI Applicability

Other Resources

[City of Fort Collins Plan Directory](#)

See Transportation Master Plan, applicable Subarea Plans, Stormwater Plan, and/or Corridor Plan

[FC Maps](#)

[Natural Habitats and Features Map](#)

[Oil and Gas Well Data](#)

- M. A narrative discussion of potential impacts to historic and cultural resources both on the project site and within a one half (½) mile radius of the project site (1,000-foot radius from centerline for linear projects). Include a summary of the findings of the Historic and Cultural Study and a discussion of how recommendations from the study will be incorporated into the project;
- N. A narrative discussion of potential impacts to City Natural Areas, parks or other City property or assets;
- O. Types of water and wastewater treatment systems proposed (if applicable);
- P. Any additional information that details how the project application satisfies the FONSI review criteria in [LUC 6.27.6.5](#).
- Q. A narrative discussion of temporary, permanent, and cumulative impacts of the project area and areas within an assigned radius of the project limits of disturbance (LOD). Identify whether the proposed development plan has the potential for a significant impact or not. The review of significance must include specifics related to the scale, magnitude, duration and/or likelihood of the impact occurring.

See [LUC 6.27.6.3](#) Pre-Application Area or Activity Review for more information.

2.5.2 Submittal Requirement #5: Siting and Design Alternatives Analysis

A detailed, narrative Alternatives Analysis is required; City staff will provide the Applicant with the number of siting and design alternatives which should be explored during the Pre-Application Phase.

Unless specified by the Director of CDNS, three (3) siting and design alternatives are required; of the three alternatives:

- One must be the preferred location; and
- One must avoid all natural features and historic and cultural resources and avoid the need for mitigation to the maximum extent feasible.

The Alternatives Analysis should follow industry-standard methodology and provide a detailed description of the impacts of the proposed project and each alternative in comparative form. This comparison should provide clear rationale on why each alternative was/was not selected, what impacts were associated with each alternative, and why the preferred alternative was chosen.

The alternatives should be drafted at approximately 30%; include at least one Vicinity Map of all alternatives, projected at an easily readable scale, showing the following. Multiple maps may be submitted provided the applicable information is included on each:

- A. The outline of the perimeter of the parcel proposed for the project site (for linear facilities, the proposed centerline and width of any corridor or easement to be considered);
- B. All property parcels;
- C. Location of all residences and businesses;
- D. Any abutting subdivision outlines and names;
- E. The boundaries, including City of Fort Collins limits, of any adjacent municipality or growth management area;
- F. Roads (clearly labeled);
- G. Any natural habitats or features (see [LUC 5.6.1\(A\)\(1\)](#) and 5.6.1(A)(2) and the City's [Natural Habitats and Features Map](#)) within ½-mile buffer radius surrounding the project site (for linear projects, use a 1,000-foot radius from proposed alignment corridor centerline);
- H. Any identified historic and cultural resources within a 200-foot buffer radius around the project site boundary (for linear projects, use 1,000-feet from the proposed alignment corridor centerline).

See [LUC 6.27.6.3](#) Pre-Application Area or Activity Review for more information.

2.6 Vicinity Map

A detailed Vicinity Map is required for the preferred siting and development plan. This can be accomplished with mapping applications or with AutoCAD. This map should be projected at an easily readable scale and include, at minimum, the following features:

- A. The outline of the perimeter of the parcel proposed for the project site (for linear facilities, the proposed centerline and width of any corridor or easement to be considered);
- B. All property parcels;
- C. Location of all residences and businesses;
- D. Any abutting subdivision outlines and names;
- E. The boundaries, including City of Fort Collins limits, of any adjacent municipality or growth management area;
- F. Roads (clearly labeled);
- G. Any natural habitats or features (see [LUC 5.6.1\(A\)\(1\)](#) and 5.6.1(A)(2) and the City's [Natural Habitats and Features Map](#)) within a half (1/2) mile buffer radius around the site (for linear projects, use a 1,000-foot radius from the proposed alignment corridor centerline);
- H. Any identified historic and cultural resources within a two hundred (200) foot buffer radius around the project site boundary (for linear projects, use a 1,000-foot radius from the proposed alignment corridor centerline).

For large, linear projects, more than one vicinity map may be needed to adequately show the details necessary for review. Multiple maps may be submitted provided the applicable information is included on each.

See Section 5.0 for 1041 Plan Set information and [LUC 6.27.6.3](#) Pre-Application Area or Activity Review.

2.7 GIS Shapefile

Include a GIS shapefile of the preferred siting and development plan and all alternative siting alternatives that were considered. This must include the Limits of Disturbance (LOD), any existing or proposed easements related to the project and information necessary to demonstrate the area and impact of the project. Coordinate with your DRC to transfer this data in the proper digital format.

2.8 Ecological Characterization Study (ECS)

LUC 5.6.1 requires that any time a development site contains, or is within, 500-feet of a natural habitat or feature, or if it is determined by the Director that the site likely includes areas with wildlife, plant life and/or other natural characteristics in need of protection, the developer/applicant provide the City with an Ecological Characterization Study (ECS). **The ECS must be performed by a City-approved, qualified professional in the area(s) of ecology, wildlife biology, or other relevant discipline.**

The ECS must include and describe, at minimum, all of the following for the project site and the specified review buffer:

- A. The wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
- B. The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
- C. Any prominent views from or across the site;
- D. The pattern, species and location of any significant native trees and other native site vegetation;
- E. The pattern, species and location of all non-native trees and vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
- F. The top of bank, shoreline and high-water mark of any perennial stream or body of water on the site;
- G. Areas inhabited by or frequently utilized by Sensitive and Specially Valued Species;
- H. Special habitat features;
- I. Wildlife movement corridors;
- J. The general ecological functions provided by the site and its features;
- K. Any issues regarding the timing of development-related activities stemming from the ecological character of the area; and
- L. Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features.

2.8.1 Wildlife Management Plan

If the ECS identifies any wildlife resources and/or habitat within the project area or its review buffer area, the applicant is required to complete a Wildlife Management Plan which outlines the steps which will be taken to avoid impacts to the resources. This could include management options such as a modified construction schedule to avoid foraging birds, or protective buffers to avoid impacts to nesting raptors. The applicant should work with their ECS contractor to identify wildlife management measures needed for the proposed project.

ECS Resources

[Natural Habitats and Features Map \(City\)](#)
[Colorado Parks & Wildlife Data: High Priority Habitat Data](#)
[CPW State Wildlife Action Plan \(2015\)](#)
[Prairie Dogs in the City of Fort Collins](#)
[Prairie Dog Management Flowchart \(City\)](#)
[Prairie Dog FAQ \(City\)](#)
[Living with Prairie Dogs, Trapping, Relocating or Lethally Removing Prairie Dogs \(CPW\)](#)
[Burrowing Owl Survey \(City/CPW\)](#)
[Raptor Buffer Guidelines \(City/CPW\)](#)
[Habitat and Restoration Guidance Documents \(City\)](#)
[IPaC \(USFWS Environmental Review Tool\)](#)
[National Wetlands Mapper \(USFWS\)](#)
[Colorado Wetlands Mapper \(CWIC\)](#)
[Colorado Wetland Inventory \(CNHP\)](#)
[Codex \(Colorado Conservation Data Explorer\)](#)
[Noxious Weed Management \(CDA\)](#)
[City of Fort Collins Stormwater Criteria Manual](#)
[Stormwater Criteria Manual Appendices](#)
Erosion Control Information: www.fcgov.com/erosion
For Stormwater or Floodplain questions, contact: waterutilitieseng@fcgov.com or 970-221-6689
[Natural Areas Easements](#)

2.8.2 Prairie Dog Management Plan

If the ECS identifies prairie dogs within the project area or the review buffer area, the ECS contractor should delineate and map the area (size) of each colony and the approximate number of burrows in the proposed LOD. They should then use this information to estimate the number of prairie dogs in the LOD. Please include a map of the identified colonies, their location in the overall LOD.

Using this information, the applicant will be required to complete a Prairie Dog Management Plan (PDMP). Prairie dogs are an important species in Fort Collins and the City has developed a decision-making flowchart to help applicants understand their site management options when prairie dogs are present on a site. The PDMP should detail how prairie dogs will be handled onsite, including removal operations (if needed), how the site will be maintained to prevent recolonization during construction, and, if appropriate, how the site will either encourage or discourage recolonization after construction.

LUC 5.6.1(N)(6) states: Before the commencement of grading or other construction on the development site, any prairie dogs inhabiting portions of the site within the LOD shall be relocated or eradicated by the developer. Prairie dog relocation shall be accomplished using methods reviewed and approved by the Colorado Parks and Wildlife Division. Following relocation or eradication activities, a report shall be provided to the City that documents when prairie dog removal occurred, the method(s) that were used to remove prairie dogs, measures taken to ensure that prairie dogs will not re-inhabit the site, and confirmation that no threatened or endangered species were harmed by removal activities.

The City follows Colorado Parks and Wildlife (CPW) guidance for the protection or humane removal of prairie dogs. If removal is the only option, the City prefers that the prairie dogs be trapped by an approved contractor and donated to either raptor centers or the Black Footed Ferret Recovery Program. Use the flow chart provided in Figure 1 to determine the best course of action for your project.

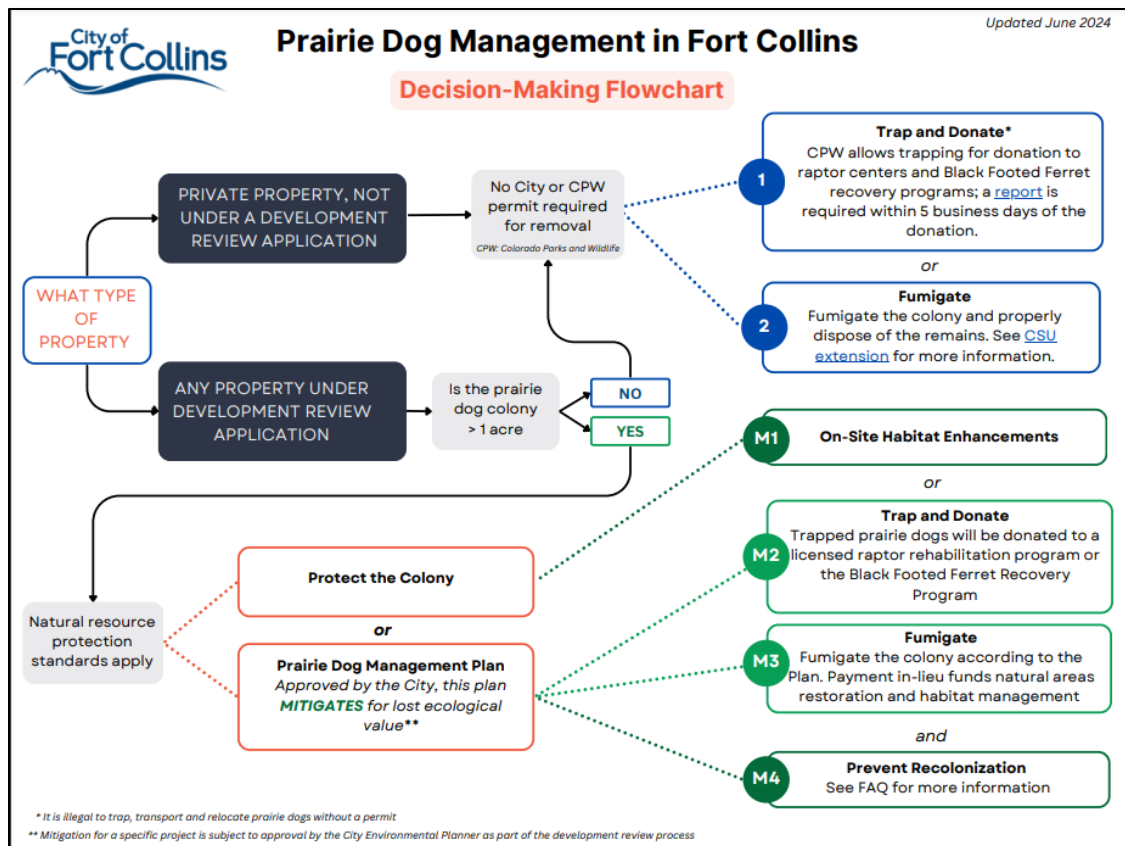


Figure 1. Prairie Dog Management Decision Making Flowchart

2.9 Wetland Report

[LUC 5.6.1\(O\)\(1\)](#) *If a proposed development will disturb an existing wetland, the developer/applicant must provide the City a written statement from the U.S. Army Corps of Engineers that the development plan fully complies with all applicable federal wetland regulations as established in the federal Clean Water Act.*

The City requires that wetland boundary delineations for both non-jurisdictional wetlands and jurisdictional wetlands, in accordance with the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual and the appropriate Regional Supplement and classified according to the U.S. Fish and Wildlife Service wetland classification system. In establishing the boundaries of a wetland, the applicant should use soil samples, vegetation analysis and hydrological evidence. If at least one of the required criteria for wetland delineation, hydric soil, hydrophytic vegetation, or hydrology is present on the development site, the Applicant shall communicate the criterion or criteria in the ECS.

The wetland report must include, at minimum, the following:

1. A description of all jurisdictional and non-jurisdictional waters on or adjacent to the project site and identifying if the waters are Waters of the State or Waters of the U.S. Include all applicable data sheets and locations of data points.
2. A clearance letter from the US Army Corps of Engineers that either waives 404 regulations or states what Section 404 permits will be required.

The Wetland Report may be included with the site ECS but must be summarized in the Project Report (see Section 2.5). Please attach additional materials (including data sheets) or agency correspondence as needed.

2.10 Historic and Cultural Resources Study

Proposed projects must not have the potential to impact historic or cultural resources. To this effect, the City may require that the applicant hire a qualified contractor to complete a Historic and Cultural Resources Survey. Site specific requirements will be included on your FONSI Submittal Checklist. Ensure that the Historic and Cultural Resources contractor is clear on the requirements for the study, as well as the requirements specified in the LUC [Section 5.6.1](#) and [Section 6.27](#).

Historical and Cultural Resource studies must be performed by qualified individuals who meet the [U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology](#). Site specific requirements will be listed in your FONSI Submittal Checklist, but at minimum, the study should look at cumulative impacts on historic and cultural features within 200-feet of the proposed project boundary for each of the three (3) siting alternatives.

Historic and Cultural Resources

[City of Fort Collins Historic Resources Planning Map](#)

[U.S. Department of the Interior Professional Qualification Standards for Archaeology](#)

The study should also include documentation and determinations of Fort Collins landmark eligibility for resources within a specified distance of the project site boundary (or alignment centerline for linear projects) for each of the three (3) siting alternatives. The specific distance will be communicated during the Pre-Application Meeting. Please note that all final determinations of eligibility for designation as a Fort Collins Landmark shall be made at the reasonable discretion of City Historic Preservation staff after reviewing the cultural and historic resource survey and such determinations are not subject to appeal.

After the study has been completed, the applicant should include in their Project Report narrative a discussion of the findings of the study, a summary of any resources that were located through the study, and how the project will impact those resources. If there are impacts to historic or cultural resources, the applicant should identify potential mitigation measures to avoid or minimize the impact. If there are impacts to historic or cultural resources, a Certificate of Appropriateness, pursuant to Chapter 14 of the Code of the City of Fort Collins, will be required; this allows proposed alterations to any designated historic or cultural resource that may be affected by the proposed project plan. The Certificate is handled by the City's Historic Preservation Department.

2.10.1 Certificate of Appropriateness

The City's Historic Preservation Department requires that any project which proposes alterations to any designated historic or cultural resource (or has the potential to affect such resources) apply for a Certificate of Appropriateness. Activities which require the Certificate of Appropriateness include, but are not limited to:

- Alterations of any land surface, including the addition or removal of any improvement to or from any land surface, that is within, or part of any designated resource.
- Exterior alterations, including windows or siding replacement, or partial or total demolition of any designated resource listed in Municipal Code Chapter 14, Article III, § 14-51, Subsection a.
- Alteration of any interior space of a designated resource listed above in Subsection (a) that is readily visible from any public street, alley, park or other public place.

This includes Fort Collins landmarks or contributing or non-contributing resources within Fort Collins landmark districts, whether designated on the Colorado State Register of Historic Properties or the National Register of Historic Places and any Fort Collins landmark on a development site, or to any portion of the development site located within a Fort Collins historic district.

City staff will discuss Historic and Cultural Resource requirements with the applicant at the Pre-Application Area and Activity Review meeting. Requirements will be included on the project-specific FONSI Submittal Checklist.

2.11 Analysis of Disproportionately Impacted Communities

The City requires that proposed 1041 projects analyze impacts to Disproportionately Impacted Communities. Disproportionately Impacted Communities, or DIC, are defined in LUC 6.27.1.8 as a community that is in a census block group where the proportion of households that are low income, that identify as minority, or that are housing cost-burdened is greater than 40% as such terms are defined in Section 24-4-109(2)(b)(II), C.R.S., as amended.

To complete the DIC analysis, use the provided resource to determine if the proposed project area falls within a census block group that meets the criteria listed in the definition. Identify impacts of the project (temporary, permanent, cumulative) that may affect the DIC and if impacts are present, provide conceptual mitigation to avoid or minimize the impacts to the maximum extent feasible. Provide data and figures as needed to support the narrative. Claims of no impact to DIC in and around the project area must be supported by valid data from reliable sources. Summarize the findings in the Project Report and include documentation in an appendix if needed.

**Resources to Analyze for
Disproportionately Impacted
Communities**

[COEnviroScreen](#)

2.12 Conceptual Mitigation Plans

Mitigation, as defined by LUC 6.27.1.8, means avoiding a significant impact or minimizing impacts by limiting the degree, magnitude, or location of the action or its implementation. It is a legal commitment to restore, create, or enhance an area to accommodate for loss of function due to unavoidable development impacts. The Project Report will include a narrative discussion of temporary, permanent, and cumulative impacts (see definition of 'impact' in LUC 6.27.1.8) of the project within an assigned radius of the project limits of disturbance (LOD). The report should also identify whether the proposed development plan has the potential for a significant impact and include specifics related to the scale, magnitude, duration and/or likelihood of the impact occurring.

Mitigation planning should be based on the following premise:

1. **Avoid** impacts whenever feasible (Ex: changing a pipeline alignment to avoid a wetland);
2. **Minimize** impacts that cannot be completely avoided by limiting the degree of the action and/or its implementation (Ex: decreasing the length/width of a right-of-way);
3. **Mitigate** for unavoidable impacts by repairing, rehabilitating or restoring the affected environment (Ex: restoring prairie dog habitat on-site or restoring an aquatic buffer along a nearby waterway).

From this analysis, the applicant should craft a Conceptual Mitigation Plan which provides a narrative, systematic demonstration that impacts were identified, analyzed and mitigated appropriately. The Plan should also include approaches for improving resource management outcomes and establish a framework for monitoring, annual reporting and overall adaptive management of the site's mitigation measures from construction through site closeout.

The principle of adaptive management is important for mitigation measures because it recognizes and prepares for the uncertainty of ecosystems and natural events or disturbance.

Mitigation is site-specific and determined based on a mitigation-to-impact ratio. The ratio is typically weighted to require a greater area of mitigation than the area of impact to make up for the loss of critical area function while a mitigation site is maturing. Successful mitigation plans will consider the following elements and be specific to the existing and proposed conditions at the project site:

- Accurate site characterization and impact analysis and assessment used to determine mitigation actions;
- Analyses are supported with credible, scientific information;
- Goals and objectives are clearly stated and the steps to achieve them are sequential and methodical, allowing for adaptive management as the site changes over time (until success criteria have been satisfied);
- Once achieved, the mitigation goals adequately compensate for the loss of resources (or impact to the resource);
- Discuss regular and ongoing maintenance that will restore and protect the mitigation site, including a minimum three (3)-year vegetation monitoring plan with measurable performance standards;
- Adaptive management plans including actions and corrective measures to be taken if monitoring indicates performance standards are not being met;

Mitigation plans should always include detailed design drawings and specifications for the mitigation site. Depending on the type of project, this may include site drawings, scaled cross- sections, final grade elevations, an overall landscape plan, a planting and/or seeding plan, a plant species list showing the number of each plant species, a seed composition list, and notes on proper site preparation (including temporary erosion and sediment control), plant installation, weed management, and temporary irrigation.

The Conceptual Mitigation Plan should be included and discussed in the Project Report. Attach any supporting information in an appendix to the report.

2.13 Federal, State, and Local Permits or Regulatory Reviews

Provide either a list or a narrative discussion of any additional City, county, state, and/or federal permits or regulatory reviews which will be required for the project. Please also include the current status (if under application), the timeframe in reference to the proposed development plan, and any other regulatory concerns or requirements that have the potential to affect the project timeline.

For wetlands, keep in mind that the City regulates both jurisdictional and non-jurisdictional wetlands. Refer to LUC 5.6.1(D)(2)(a). If a proposed development will disturb an existing wetland, the applicant is required to provide the City with a written statement from the U.S. Army Corps of Engineers that the project fully complies with all applicable federal wetland regulations as established in the federal Clean Water Act (LUC 5.6.1(O)(1)).

Include this discussion in the Project Report. If attaching additional information or a list as a separate document, include as an appendix to the Project Report. Table 6 shows an example method of listing regulatory permits and their applicability to the project.

| Rule/Regulation | Applicable to the Proposed Project (Y/N) | Explanation |
|---|--|---|
| FEDERAL: Endangered Species Act (ESA) | Yes | [Insert species name] has critical habitat within the project site and protective measures will be taken not to impact the habitat. |
| FEDERAL: Migratory Bird Treaty Act (MBTA) | Yes | Foraging and nesting songbirds are present in the shortgrass prairie habitat within the project area. |
| LOCAL: Prairie dogs are present on more than one acre of the project site | Yes | Include information on how the prairie dogs will be managed or humanely removed from the site in accordance with City regulations. |

Table 6. Example list of rules and regulations that apply to the proposed project

2.14 1041 Plan Set

Refer to your site-specific FONSI Submittal Checklist to determine which plan sheets are required with your application. The 1041 Plan Set may consist of the following sheets. Required notes and design/drafting requirements are covered in a separate document titled **Formatting and Submittal Requirements for 1041 Plan Sets**.

1. **1041 Permit Site Map:** these maps are intended to graphically display the location of existing and proposed development associated with the 1041 permit application.
2. **Landscape/Revegetation Plan:** this map is intended to show the existing vegetative communities present on the project site and how they will be revegetated after the project is complete. When selecting a seed mix or plants for your project site, remember the following:
 - Approved seed mixes are listed online [Natural Areas Tips & Techniques for Establishing Native Seed](#).
 - The Landscape Plan is provided on one or multiple pages and are separate pages than the site plan pages. Projects with small sites may fit on one landscape plan page; larger sites will require multiple landscape plan pages with match lines.
 - Plant material shall be selected from the [City of Fort Collins Recommended Plant List](#). Plant material must be adaptable to the physical conditions of the development plan and project location plan and must meet specifications of the American Association of Nurserymen (AAN) for number one grade.
3. **Drainage/Erosion Control Plan:** this sheet is intended to show the existing and proposed drainage onsite and any erosion control BMPs being proposed.
4. **Utility Plan:** this sheet is intended to show all utilities onsite, both existing and proposed. Water and sewer projects will need both plan and profile sheets for the proposed alignment.
5. **Conceptual Mitigation Plan:** this sheet is intended to show conceptual mitigation plans. For small projects with proposed vegetative mitigation, the conceptual mitigation sheet may be combined with the Landscaping/Revegetation Plan sheet if site conditions allow. The conceptual mitigation sheet should show all mitigation measures being proposed including but not limited to restoration, infrastructure additions/replacements, and/or revegetation.

Section 3.0 Submitting the FONSI Application

Once all of the application materials have been completed and compiled, the applicant may submit the application package to the City. Use the quick check list below to ensure that all materials are included prior to submitting to the City. See Section 1.3.4 of this manual for additional submittal instructions.

- ☐ **FONSI Submittal Checklist:** all required items are complete and included in the submittal.
- ☐ **Applicant Agreements and Certifications:** signed by the appropriate person.
- ☐ Refer to the reference document titled *"Formatting Requirements for 1041 Plan Sheets"* to ensure that site drawings and plans meet the submittal requirements.

The application should clearly describe the project, all project activities and include an honest and upfront analysis of potential impacts. Using Section 2 of this manual, include the required documentation and technical studies. If you have any questions during the process, please reach out to the DRC for the project.

Section 4.0 Additional Considerations

1041 development projects have the potential to impact other resources within the City of Fort Collins. The following sections detail the most common circumstances where additional considerations are needed during the 1041 permitting process.

3.1 Impacts within a City-Owned Natural Area

If a proposed project impacts or requires a new easement through a City-owned Natural Area, the applicant will be required to apply for a Natural Areas Easement. Easements, or right-of-way permission, must be granted by the City's Natural Areas Department (NAD) prior to any work or access to the Natural Area or conserved land. **The easement process can take 4-6 months and is separate and subsequent to the 1041 process; 1041 approvals are required before a project can receive a NAD easement.**

Natural Areas Easement Resources

<https://www.fcgov.com/naturalareas/easement>

[Natural Areas Easement Policy & Application](#)

Natural Areas Department collects separate fees for their easement, which are not included in the 1041 application fee (FONSI or Full Permit). A full list of fees associated with the Natural Areas Easement can be found on [Natural Areas Easement webpage](#).

The general policy of the City's Natural Areas Department is to avoid, to the maximum extent feasible, granting easements for activities that will adversely affect the use of the land for meeting the community's goals for natural area protection or community shaping. When easements are approved by ordinance of the City Council, the general policy is to minimize the impact on the natural area or the community, to the maximum extent feasible, by:

- Limiting the size and visibility of the affected area;
- Managing construction or other human activities with respect to timing, duration and frequency of occurrence; and
- Restoring affected areas to a condition that is equal to or better than the condition at the time the easement is granted.

City Planning staff work closely with the Natural Areas Department when a 1041 project will require a NAD easement. To the maximum extent feasible, staff will coordinate so that the required submittal materials can be used for both the 1041 permit and the NAD easement.

Applicants may work on their NAD easement concurrently with the 1041 process, but an easement request may not go to the Land Conservation Stewardship Board or City Council for approval until the 1041 process has been completed.

3.2 Other Permits

Although a 1041 permit or FONSI determination may be granted, other City approvals and/or permits may be necessary. This may include but is not limited to the following; links are provided for each department/permit:

| City of Fort Collins Departmental Contact Information | |
|---|--------------|
| Utilities Department www.Fcgov.com/stormwater <ul style="list-style-type: none">Floodplain Use Permit https://www.fcgov.com/utilities/business/builders-and-developers/development-forms-guidelines-regulations/erosion <ul style="list-style-type: none">Erosion and Sediment Control/Stormwater Permit | 970-221-6700 |
| Engineering Department https://www.fcgov.com/engineering/inspection <ul style="list-style-type: none">Public Right-of-Way Encroachment PermitExcavation Permit (i.e.: Street Cut Permit)Stockpiling Permit | 970-221-6605 |

Table 7. Contact Information for Additional City of Fort Collins Permits

These permits are handled through different City departments and often permitted as part of the development review process (not 1041); applicants are responsible for determining which, if any, additional permits will be required for their project. Regardless of additional permits needed, a 1041 permit, if deemed by the City as applicable, is required before any other permits may be attained.

3.3 FONSI Issued with Conditions

If the City determines that a FONSI is appropriate with supplemental conditions, the applicant will be responsible for creating a 1041 Final Development Plan. This Plan is a set of documents outlining how the mitigation measures will be successfully implemented. The City has created a reference document, titled 1041 Final Development Plan Resources, to assist applicants with preparing their Plan materials for submission.

Any time mitigation measures are required for a project the applicant must provide the City an acceptable form of security or guarantee to ensure completion of the mitigation that meet City standards for acceptability. This security or guarantee can include an escrow, bond, or letter of credit.

The security must match the cost of mitigation, restoration, and landscape improvement efforts, which include plant material and irrigation system improvements, weed management, and a minimum of three years of monitoring and annual reporting equal to 125% of the cost. This security will be held until the improvements/mitigation are constructed and accepted by the City. The City will return the security to the Applicant after the site has been successfully closed out and has met the applicable standards set forth in the determination.