



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 24, 2025

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Jenny Axmacher, Planning Manager. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also present were Kassidee Fior, Principal Planner, Ryane Oswandel and Christina Scrutchins, Planning Administrators; Samantha Mott and Danielle Reimanis, Planners, Community Development; Scott Benton, Environmental Planner; Connor Sheldon, Traci Shambo and Stephen Rothwell, Engineering; Leah Schneider, Health and Environment; Frank Haug, Assistant County Attorney; and Deirdre O'Neill, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

Chair Stephens announced that the public hearing discussion item continued from March 10, 2025, Platte River Power Authority Rawhide 1041 Permit 24-ZONE3715 would be discussed first and then move on to the three items on the Consent Agenda.

Chair Stephens read a statement that at the March 10, 2025, Land Use hearing, the Board of County Commissioners voted to continue the hearing to today's hearing date in order for the applicant to provide additional information pertaining to Conditions C and E and to provide climate impact analysis and its relation to the Comprehensive Plan. Since March 10, 2025, the applicant has asked for additional time to provide more information about those matters. As a result, at the request of the applicant, the matter is being further continued to the April 21, 2025, Land Use Hearing at 3 p.m.

The applicant will be required to provide a written update containing this information to the planning staff by the end of the day on March 28, 2025, which will in turn be made public by the end of day March 31, 2025. Additional public comments will be accepted in writing until April 21, 2025.

At the April 21, 2025, hearing, the applicant will be given 15 minutes to present, and the Board will allow for 45 minutes of public comment on the new information provided by the applicant.

PUBLIC HEARING DISCUSSION ITEMS CONTINUED FROM MARCH 10, 2025

1. **PLATTE RIVER POWER AUTHORITY RAWHIDE 1041 PERMIT 24-ZONE3715:**
This is a request for a 1041 review of a permit application for an activity of state interest to Article 10 of the Land Use Code for five new aeroderivative combustion turbines (proposed natural gas, with potential for future conversion) and related infrastructure including an ammonia storage tank,

wastewater storage tank, demineralized water tank, power distribution centers and a proposed water treatment facility. Also, included in the application are substation buswork additions, transmission upgrades, and construction staging, laydown and storage yards. The proposed construction area included approximately 30 acres that are included in the application as laydown areas.

MOTION

Commissioner Shaddock-McNally moved that File24-ZONE3715, for the Platte River Authority 1041, be continued until April 21, 2025.

Motion carried 3-0.

CONSENT ITEMS:

1. **DYER SUBDIVISION PRELIMINARY PLAT, FILE NO. 24-LAND442:** This is a request to adjust boundaries between one developed lot and one outlot, and to permit development of a single-unit residence on the existing outlot. No new lots are being created.

The applicant proposes a two-lot subdivision to make outlot A of the Parker Second subdivision a buildable lot, as well as adjusting a mutual property boundary with Tract B of the Parker MRD (File Number 95-EX0693) to ensure that the existing access point is divided along the common lot line. Outlot A is 5.53 acres, and it is currently vacant. The subject properties are located at 3851 South County Road 21, Loveland, as well as the unaddressed vacant lot to the south. They are both located approximately ½ of a mile northwest of Lonetree Reservoir.

Outlot A was created as part of the Parker Second subdivision, File Number 11-S3041. A note on the plat states that “Outlot A is not intended to be a single-family building lot. Outlot A was intended to be joined with the neighboring property to the North through the amended plat process prior to this subdivision. Due to extenuating circumstances the amended plat could not be completed at this time. New construction on outlot A is limited to agricultural support buildings only.” The recorded Findings and Resolution of the Parker Second subdivision (Reception Number 20120018648) indicates that the 5-acre outlot A was to be transferred to the adjacent Northerly lot (Tract B of the Parker MRD) as part of an estate settlement, as the land was located north of the existing ditch and would not make sense as a separate lot or as part of any of the other proposed lots as part of the Parker Second subdivision. The proposed amended plat was never completed, leaving outlot A as a standalone and separately transferrable parcel. While there is no information available in the Findings and Resolutions for the Parker Second subdivision or in Planning Division records regarding the restriction on residential structures on this lot, the applicant has provided information that this property was previously used by a relative at the time of the previous land divisions for agricultural purposes (cattle farming).

Approval of this request for a two-lot land division will make the vacant lot eligible to be developed and will adjust the lot line of an existing developed lot to accommodate the requirement for shared access.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Larimer County Planning Commission and the Development Services Team recommend approval of the Dyer Subdivision, File No. 24-LAND4442, subject to the following conditions:

1. The final plat shall be consistent with the approved preliminary plan and with the information contained in the Dyer Subdivision, File Number 24-LAND4442, except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Dyer subdivision.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Thompson R2-J school district fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of the building permit application shall apply.
3. The requirements of the fire code, building code (with regard to fire and life safety issues), and NFPA standards as adopted at the time of building construction must be met to the satisfaction of the Loveland Fire Rescue Authority.
4. Impact Fees will be due at the time of the building permit to the Loveland Fire Rescue Authority.
5. A building permit issued by Loveland Fire Rescue Authority is required for all new commercial structures, additions, alterations, and changes in occupancy. Permits must be obtained prior to commencement of construction. Plans for structures are required to be prepared and stamped/sealed by a Colorado Licensed Architect and Colorado Registered Engineers.
6. A residential fire sprinkler system will be required during the building permit phase for any new dwelling unless, at the time of the building permit, Loveland Fire Rescue Authority indicates in writing another viable fire suppression system can be provided such as a hydrant capable of producing the required flows/pressures and located within the required minimum distance of the dwelling
7. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high-water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.
8. Passive radon mitigation measures shall be included in the construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to the issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.
9. All necessary easements shall be in place and shown on the final plat according to Article 5.4 of the Land Use Code including those needed for any utility lines.
10. A Development Construction Permit is required prior to commencing improvements.
11. If one acre or more is disturbed by this proposal, the applicant will be required to obtain a permit for discharging stormwater associated with construction activities from the Colorado Department of Public Health and Environment (CDPHE). A plan and report that meets the requirements of this permit will be required prior to the issuance of the Development Construction Permit (DCP).

12. A septic permit will be required as part of the building permit process. Site and soil evaluations will be required to determine the placement and design of the future septic system

2. OLANDER FARMS-ROOT SHOOT MALTING AMENDED SPECIAL REVIEW, FILE NO. 21-ZONE3065: This is a request by the applicant of an Amended Special Review approval for a value-added agricultural facility.

The purpose of the Amended Special Review is to create the Master Plan of the existing Olander Farms and value-added Root Shoot Malting operation. The operation currently malts barley that is grown and harvested from the applicant's farm. Previous reviews for the site included the original Minor Special Review (15-Z1994) for value-added agriculture and the Special Review and Site Plan (20-ZONE2691) for the expanded square footage of the operation. It is understood that the operation is preparing for future growth requiring an Amended Special Review. The site will be further developed in three phases with three new buildings including a greenhouse (15,000sf) and two storage facilities (8,750sf each), 12 proposed grain bins, a 1,600sf covered delivery addition to the existing malting house (the previously proposed canopy has been removed), associated parking, loading zones, paved drive lane, and landscaping improvements.

The property is located on the north side of Highway 60. It is just north of Weld County, and it is located outside of, but adjacent to the Loveland Growth Management Area. It is approximately 72.75-acres in size, and it is currently zoned RR-2 Rural Residential. In addition to the agricultural operation the 72.75-acre property also contains a single-family dwelling, a pivot-irrigated agricultural field, and an oil & gas well.

Value added agricultural processing is defined as: The processing and/or packaging of agricultural products, excluding the processing of fish, meat or game. Examples include but are not limited to the making of alfalfa pellets, herbal products, food products, wreaths, woolen products, cheese, and candles. Value added processing may include the sales of value-added agricultural products produced on the site.

No written comments from community members have been received for the Public Hearing Phase of this application.

REVIEW CRITERIA

To approve a Special Review application, the Board of County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable.

1. The proposed use has minimal impacts on existing and future development of the area.
2. Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.
3. The recommendations of referral agencies have been considered and adequately addressed.
4. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan.

5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS:

The Development Services Team recommends approval of the Olander Farms Root Shoot Malting Amended Special Review, File No. 21-ZONE3065, subject to the following conditions.

1. This Special Review approval shall automatically expire without a public hearing if the use does not commence within three years of the date of approval.
2. The site shall be developed consistent with the approved plan and with the information contained in the Olander Farms Root Shoot Malting Amended Special Review, File No. 21-ZONE3065 except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Olander Farms Root Shoot Malting Amended Special Review.
3. Failure to comply with any conditions of the Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of Commissioners.
4. This application is approved without the requirement for a development agreement.
5. In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved Special Review, applicant agrees that in addition to all other remedies available to the County, the County may withhold building permits, issue a written notice to applicant to appear and show cause why the Special Review approval should not be revoked, and/or bring a court action for enforcement of the terms of the Special Review. All remedies are cumulative and the County's election to use one shall not preclude use of another. In the event the County must retain legal counsel and/or pursue a court action to enforce the terms of this Special Review approval, applicant agrees to pay all expenses incurred by the County including, but not limited to, reasonable attorney fees.
6. County may conduct periodic inspections of the property and reviews of the status of the Special Review as appropriate to monitor and enforce the terms of the Special Review approval.
7. The Findings and Resolution shall be a servitude running with the property. Those owners of the Property or any portion of the property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of the Special Review approval.
8. A separate Site Plan Review process is not required, however prior to commencement of the expansion of the approved use on the property, the applicants will need to complete the site plan process. The final Site Plan documents must be submitted and approved. This includes the development construction plans, final site plan, landscape plan, drainage and erosion control report and plan, and developer acknowledgement. This includes the submittal of any final approved documents required as part of the Site Plan Review process such as development construction.
9. The owner must obtain building permits and pay the applicable fees associated with the building permits including Transportation Capital Expansion Fees (TCEF) if required by the Larimer County Engineering Department, which will be due at the time of building permit issuance.

10. The buildings will need to comply with the height and setback requirements for the zoning district unless they receive approval for variances through the Board of Adjustment.
11. The applicant shall maintain and keep current all licenses required by the Larimer County, the State of Colorado and the Federal government for this use.
12. The applicant must address the comments in the email from Scott Benton dated January 3, 2025.
13. The applicant must address the requirements in the comments provided by Little Thompson Water District in their email and attachments dated January 15, 2025.
14. Prior to building permit issuance for each phase, a PE stamped drainage certification will need to be submitted stating that the drainage improvements for the applicable phase were built in conformance with the approved drainage and construction plans.
15. Prior to building permit issuance for each phase, a PE stamped drainage certification will need to be submitted stating that the drainage improvements for the applicable phase were built in conformance with the approved drainage and construction plans.
16. A Development Construction Permit will be required prior to any construction associated with this expansion.
17. A future planning process would be required to allow distilling and/or brewing on the property as the Department of Health and Environment would require significant upgrades for wastewater treatment, as well as other site improvements along with other referral agencies.

3 BACON LAKE INTERCEPTOR 1041, FILE NO. 24-ZONE3726: This is a request for a 1041 review of a permit application for an activity of state interest pursuant to Article 10 of the Land Use Code for a proposed sanitary sewer interceptor and a water transmission line.

The Town of Berthoud requests approval of a 1041 Permit to conduct an Activity of State Interest. Berthoud has identified several needed improvements to adequately provide treated water and wastewater service to existing and future customers according to their Water and Wastewater Master Plan, principally between State Highway 287 and Berthoud's wastewater treatment facility along East County Road 6C. The specific request of this 1041 permit application pertains to the construction in unincorporated Larimer County of 3,750-feet (0.71 miles) of buried, co-located sanitary sewer interceptor and treated water transmission main referred to as the Bacon Lake Sewer Interceptor and Water Transmission Line Project (the Project). The Project proposes 140-feet of 30-inch sewer main pipe, 3,630-feet of 24-inch sewer main pipe, 3,460-feet of 16-inch treated water transmission pipe, and associated appurtenances. The Project is the first segment of a future loop which will be necessary to provide adequate water pressure and fire flow in the Farmstead Subdivision located in the southeast side of Berthoud, and portions of the overall project are located in Weld County and Berthoud town limits.

The proposed alignment would begin at the southeast corner of parcel 9413300001 (the Parsons property), cross 11 parcels, and terminate at the north side of State Highway 56 approximately 0.13 miles west of its intersection with County Line Road. Access to the site will be from existing access drives stemming from Highway 56 and easements on private property.

The proposed alignment within unincorporated Larimer County spans areas zoned RR-2 Rural Residential. Current land uses of the affected properties are rural residential and agricultural. The

impacts to the site and surrounding properties will be most intensive during the construction process, once operational the level of impact will be minimal.

Per Section 10.8.2.G.2 of the Land Use Code, a 1041 permit application may be approved only when the applicant has satisfactorily demonstrated that the proposed project, including all mitigation measures proposed by the applicant, complies with all the applicable criteria set forth in Articles 4 and 10. If the proposal does not comply with all the applicable criteria, the permit shall be denied, unless the County Commissioners determine that reasonable conditions can be imposed on the permit which will enable the permit to comply with the criteria.

If this 1041 Permit is approved, the next step would be for the applicants to go through the Technical Review process. Technical Review is an administrative process intended to ensure compliance with the development and design standards of the Land Use Code and to encourage quality development reflective of the adopted goals and objectives of the County. The Technical Review procedure ensures that the County has an opportunity to ensure compliance with all conditions of approval and mitigate potential impacts of development prior to issuance of a development construction permit.

REVIEW CRITERIA

A 1041 permit application may be approved only when the applicant has satisfactorily demonstrated that the proposed project, including all mitigation measures proposed by the applicant, complies with all of the applicable criteria set forth in this article. If the proposal does not comply with all the applicable criteria, the permit shall be denied, unless the Board of County Commissioners determine that reasonable conditions can be imposed on the permit which will enable the permit to comply with the criteria.

DEVELOPMENT SERVICES TEAM RECOMMENDATION

The Development Services Team recommends approval of the Bacon Lake 1041 Permit, File No. 24-ZONE3726, subject to the following conditions:

General Conditions

1. The final plans shall be consistent with the approved preliminary plan and with the information contained in the Bacon Lake 1041 Permit, File No. ZONE3726, except as modified by the conditions of approval or an agreement between the county and the applicant.
2. The applicant will be required to go through the post-approval Technical Review to address any outstanding items raised in the referral agency comments. All temporary easements and main staging areas will be reviewed as well.
3. The applicant shall allow access to Larimer County staff and consultants for inspections and construction observation throughout the project and for the terms of the construction and revegetation.
4. Clearance surveys for nesting birds will be required two weeks prior to tree removal or ground clearing activities conducted from February to August in order to satisfy Migratory Bird Treaty Act requirements. Colorado Parks and Wildlife will be consulted during the Technical Review

process to satisfy temporal buffering, spatial buffering, and monitoring requirements regarding applicable wildlife resources, including raptor and migratory bird resources if active nests are found.

5. At the Technical Review phase, a development agreement may be necessary if it is determined that it is needed to document agreed upon construction and post-construction elements. This could include the requirement to post collateral.
6. Changes, other than a technical revision as defined by the Areas and Activities of State Interest Section of the Land Use Code, to these materials would constitute an amendment to the project except otherwise described below. Reconsideration by the Board of County Commissioners or Larimer County Development Director shall only amend the portion of the pipeline alignment for that particular land parcel and will not reopen the entire 1041 permit.

Health

7. The applicant shall create a fugitive dust and emissions control plan as part of Technical Review that addresses all requirements of both County and State Health Departments.
8. The applicant shall create a Noise Mitigation Plan as part of Technical Review that will address all requirements of the Larimer County Noise Ordinance and the County Health Department.
9. On-site wastewater treatment systems (OWTS) and other private, on-site services, utilities, and infrastructure for residences (wells, gas storage tanks, irrigation systems, etc.) within 10 feet of the pipeline construction corridor (combined permanent and temporary easements of 50 feet) shall be identified on the final design plans, as well as identified in the field prior to construction.
10. Creation and implementation of an Emergency Utility Plan or equivalent plan that outlines Berthoud's or respective contractors' responsibilities, when and how they will provide temporary utilities or alternative accommodations in the event of damage to property private or public utilities (this may also be addressed in the easement agreements for the permanent and temporary construction easements).
11. Berthoud and/or respective contractors shall be responsible for immediate repair/replacement of damaged utilities (public and private) and all associated costs experienced by properties.

Engineering

12. Berthoud and/or respective contractors shall be responsible for immediate repair/replacement of damaged utilities (public and private) and all associated costs experienced by properties.
13. Maximum open trench lengths will be defined in consultation with Larimer County during Technical Review and Construction Permitting.
14. The applicant shall submit phasing plans if applicable, including planned workdays and hours, to be reviewed and approved by the Larimer County Engineering Department.
15. The applicant shall be responsible for arranging and paying all costs of:
 - a) utility relocations and irrigation company requirements necessary to accommodate the sewer interceptor, water transmission line, and appurtenances.

- b) the replacement of existing storm drainage infrastructure, culverts, roadway signage, pavement striping/symbols, landscaping and property fencing necessary to accommodate the sewer interceptor, water transmission line, and appurtenances.
 - c) damage or relocation of private property services as necessary to accommodate the sewer interceptor, water transmission line, and appurtenances if a reasonable alternative is not possible.
16. The applicant shall submit to Larimer County a Traffic Control and Management Plan for review and approval by the County Engineer prior to construction addressing traffic control devices/personnel (warning signs, flaggers, traffic control supervisors, etc.), any specific delay times, adjacent neighboring property owner notifications, and use and placement of message boards. The Traffic Control and Management Plan will include requirements to provide safe and acceptable access for emergency responders, mail and package delivery, garbage pickup, and school bus stops. The Traffic Control and Management Plan will also identify all proposed access points.
 17. The applicant shall reimburse Larimer County for reasonable costs associated with County-provided construction observation/ inspection staff and/or independent, supplemental geotechnical or materials testing deemed appropriate by the County Engineer or Community Development Director for purposes of quality assurance/ control. The applicant shall also reimburse Larimer County for time and expenses incurred with Project coordination, design review, permit review and processing and related Project activities during the duration of Project construction and closeout for the work conducted in unincorporated Larimer County.
 18. The applicant shall invite Larimer County staff to attend regularly scheduled coordination meetings during construction - at a frequency to-be-determined - to understand planned construction activities and stay abreast of issues arising from construction impacts to County infrastructure or the public.
 19. The applicant shall provide the Larimer County Community Development Department with a public information contact with a phone number and email address that the public can contact to ask questions, express concerns or for project updates.
 20. Whenever it is necessary to cross, close, or obstruct roads, driveways, and walks, whether public or private, the applicant will provide and maintain suitable and safe detours or other temporary expedients for accommodation of public and private travel, emergency vehicles, delivery services, garbage pickup, school bus stops, etc.
 21. The applicant shall be required to designate planned haul routes. The existing surface condition of all planned haul routes will need to be evaluated prior to construction. If it is determined by the County Engineer that there has been an acceleration in deterioration of the roadway surface during or after construction as a result of construction traffic, equipment, or hauling, the applicant will be required to restore the roadways to their prior condition. This may include the need for regrading and resurfacing.
 22. Once pipeline construction activities have been completed, Private Driveways and Shared Access Roads shall be restored to a condition matching or exceeding their pre-construction condition.
 23. The applicant shall develop and provide Larimer County with accurate as-built horizontal and vertical survey data (state plane coordinates and elevations in NAVD 88) and GIS shapefiles describing the locations of the facilities and all appurtenant structures.

Construction Permitting

24. The applicant will be required to comply with County floodplain regulations. A Floodplain Development Permit will be required before construction.
25. The applicant shall be required to obtain any additional State, Federal, or Local permits necessary for construction. When applicable, the applicant or its contractors will be required to obtain other Larimer County-issued permits as well. These could include, but are not limited to, Building Permits, ROW permits, and/or Utility Permits.
26. The applicant must obtain a Larimer County Development Construction Permit for the planned construction activities.
27. The applicant shall obtain a stormwater discharge and construction dewatering permit from the Colorado Department of Public Health and Environment for construction at drainage crossings and land disturbances of one acre or more. The permit will include preparing a Stormwater Management Plan and Best Management Practices to prevent stormwater runoff and sediment in disturbed areas from reaching nearby waterways or leaving the site. Multiple state permits may be required for the different project areas. No plastic-welded erosion control materials will be permitted in the plan to minimize unintended entanglement of wildlife species.

Post Construction Requirements(Closeout, Operation and Maintenance)

28. The applicant must provide information on how the proposed pipeline sections will be accessed for maintenance and operation.
29. The site shall be fully reclaimed and revegetated following construction to County and landowner specifications to minimize impacts to soil health and structure, erosion, agricultural, and visual impacts. The reclamation and revegetation plan shall be provided at the Technical Review phase to address concerns regarding soil handling, stockpiling practices, soil amendments (if needed), decompaction and seedbed preparation, final grading for irrigated agricultural fields, weed management pre-, during-, and post-construction, monitoring and establishment of success criteria, and establishment of screening/buffering from nearby properties. The plan must specifically address the different affected areas – upland, wetland/riparian/mesic, and agricultural.
30. Substantial progress must commence within three years after permit approval unless otherwise approved by the Board of County Commissioners, or the approval shall lapse. The three-year period shall commence upon the completion of all required additional permitting by other agencies or when a final decision is rendered for any appeals or litigation.
31. Following the three-year period, the terms of the original approval shall continue to apply, and the applicant must continue to abide by the terms of all approvals, permits, and conditions that were part of the original approval. An applicant may request from the Board of County Commissioners a one-time extension of up to three years for the 1041 permit. An extension request shall be made in writing prior to the expiration date of the original permit. The Board of County Commissioners may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with the LUC and the original permit.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the items on the Consent Agenda for Monday, March 24, 2025, subject to the conditions in the staff report and further authorizes the Chair to sign the Findings and Resolutions.

Motion carried 3-0

The Board adjourned at 3:10 pm.

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m. with Jenny Axmacher, Planning Manager. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also present were Christina Scrutchins and Ryane Oswandel, Planning Administrators; Scott Benton, Environmental Planner; Danielle Reimanis; Planner; Stephen Rothwell and Traci Shambo, Engineering; Leah Schneider, Health and Environment; Frank Haug and Christine Luckasen, County Attorney's Office; and Deirdre O'Neill, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING DISCUSSION ITEM

1. **HALLIGAN WATER SUPPLY PROJECT 1041 PERMIT, FILE NO. 24-ZONE3697:**
This is a request of a 1041 permit application for state interest activity under Article 10 of the Land Use Code for the Halligan Reservoir expansion, involving a new dam and partial demolition of the old dam, reconstruction of the North Poudre Canal Diversion, construction of fish passage at the Fort Collins intake diversion structure at Gateway Park, and supporting infrastructure improvements.

Jenny Axmacher, Planning Manager, presented this 1041 permit to the Board of County Commissioners. Ms. Axmacher stated that Halligan Reservoir is situated approximately 25 miles northwest of Fort Collins, with the dam located in Township 11 North, Range 71 West, Section 34 (Southwest and Northwest quarters). The proposed work includes activities around the existing dam, the North Poudre Canal Diversion located approximately 3.5 miles southeast of the dam, and the Gateway Natural Area along the Main Stem of the Cache la Poudre River. Temporary construction areas include access roads to the dam, with the west side accessed from Highway 287 and the east side accessed from Cherokee Park Road (County Road 80C).

The Halligan Water Supply Project (HWSP), proposed by the City of Fort Collins through Fort Collins Utilities, seeks to increase municipal water storage by enlarging the Halligan Reservoir on the North Fork of the Cache la Poudre River, located approximately 25 miles northwest of Fort Collins. The project involves replacing the existing 114-year-old dam with a new structure approximately 200 feet downstream. This replacement would raise the reservoir elevation by 25 feet, increasing the storage capacity by 8,200 acre-feet to a total of 14,600 acre-feet and expanding its surface area from 253 to 391 acres.

Ms. Axmacher also stated that the project involves removal of the existing overhead power lines serving the existing Halligan dam. It is anticipated that the replacement dam will be powered locally by solar, micro-hydro power, and diesel generators. There will be temporary construction areas including temporarily widening roads to allow for construction vehicle access, construction staging areas, concrete batching plant, and possible quarry for concrete aggregates. There will also be construction of fish passage around Fort Collins intake diversion structure at Gateway Park.

Ms. Axmacher went over noteworthy impacts and mitigation with the Board of County Commissioners (BOCC). These include impacts on roadways, test quarry impacts (noise and dust), reduction in on-site wetlands and wildlife habitats. The applicant has proposed off-site mitigation through the purchase of wetland mitigation credits and habitat preservation in excess of the requirements.

Per the Project Description, the purpose for the HWSP is to support City of Fort Collins's water projections requiring approximately 7,900 acre-feet per year to meet 2065 municipal and industrial demands. The HWSP will also provide a storage reserve for emergency water supply improving the water system reliability and flexibility as well as increasing drought security and climate change.

The HWSP proposes the use of municipal water rights historically associated with now-developed agricultural lands. Water releases from the enlarged reservoir would flow into the North Fork and travel approximately 24 miles to the Main Stem of the Cache la Poudre River for diversion at Fort Collins' intake facilities. The project includes operational measures to enhance base flows in the North Fork and the reconstruction of the North Poudre Canal Diversion to ensure bypass of reservoir releases, with the potential for a fish passage. The increased flows would not have a significant impact further downstream such as in the City of Fort Collins.

Additional project elements include constructing the new dam and related infrastructure, removing existing power lines to transition to renewable and backup power sources, building operational facilities, adding fish passage at Gateway Park, and establishing temporary construction areas, widened roads, and permanent access roads. A Final Environmental Impact Statement, issued by the U.S. Army Corps of Engineers in October 2023, documents the current conditions and potential impacts of the project, along with mitigation measures to address ecological and wildlife concerns.

REVIEW CRITERIA

Article 10.9 requires that all 1041 permits meet the Development Standards outlined in Article 4.0. Staff find that the project as proposed, in combination with the conditions of approval, further technical review should the proposed project be approved, and other municipal, state, and federal permitting requirements meets the Article 4.0 criteria.

According to Section 10.9.1 of the Land Use Code, the following 22 criteria are required to be met by all 1041 permits:

- A. The project will mitigate impacts to property held by others.

- B. The proposed project is consistent with any applicable intergovernmental agreements affecting land use and development.
- C. The applicant has adequately considered reasonable siting and design alternatives, including co-location when requested by Larimer County, or shown why such alternatives are not available or not feasible, and the proposed project is the best alternative available based on consideration of consistency with the Comprehensive Plan, Land Use Code, need, existing technology, cost, and impact on the site and surrounding property.
- D. The proposal is technically and financially feasible. The applicant has the necessary expertise and financial capability to develop and operate the proposed project for its intended design and functional lifespan in a manner consistent with all requirements and conditions.
- E. The proposed project incorporates and reflects the growth, development, and environmental and mitigation policies in the Larimer County Comprehensive Plan and regulations in Article 4.0, Development Standards to ensure that the development, to the greatest extent possible, has mitigated any impact on the environment and natural resources, and will not significantly degrade the environment or natural resources, or exacerbate or worsen climate change. Mitigation shall follow a hierarchy to first avoid impacts to resources of highest value, second minimize the impacts that are unavoidable and finally mitigate the impacts that occur. For purposes of this section, the term environment shall include:
 - 1. Air quality
 - 2. Surface water quality and stream and river health.
 - 3. Groundwater quality.
 - 4. The ecological and functional health of wetlands and riparian areas.
 - 5. Terrestrial and aquatic animal life.
 - 6. Terrestrial and aquatic plant life.
 - 7. Soils and geologic conditions.
 - 8. Visual quality
- F. The proposed project demonstrates how it mitigates impacts on rivers, streams, and wetlands to the greatest extent possible, including following a mitigation hierarchy to first avoid impacts to resources of highest value, second minimize the impacts that are unavoidable and finally mitigate the impacts that occur.
- G. The proposed project will not result in an unreasonable risk of releases of or exposure to hazardous materials.
- H. The proposed project will not have a significant adverse effect on or will adequately mitigate significant adverse effects on any adjacent existing land use and development patterns, such as neighborhoods or rural development, or adjacent natural resources.
- I. The proposed project will not have significant impact on natural resources of statewide importance, including critical habitat for threatened and endangered species.
- J. The proposed project will not adversely affect any sites and structures listed on the State or National Registers of Historic Places or identified through a Class 1 Cultural Resource Survey, when required.
- K. The proposed project will not significantly impact public health and safety.
- L. The proposed project will not be subject to risk of significant damage or harm to human life or structures from natural hazards including floods, wildfire, or geologic hazards.
- M. Adequate public facilities and services, including sufficiency of water supplies and wastewater treatment capacity, are available for the proposed project or will be provided by the applicant.
- N. The proposed project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

- O. The proposed project will not significantly degrade any current or foreseeable future sector of the local economy.
- P. The proposed project will not unduly degrade the quality or quantity of recreational opportunities and experience.
- Q. The planning, design, and operation of the proposed project will reflect principles of resource stewardship and conservation, which are characterized by but not limited to: energy efficiency, recycling or reuse, adaptive management, and conservation or mitigation strategies for forest, water, soil, and other applicable natural assets.
- R. The proposed project will not interfere with public views of scenic viewsheds, ridgelines, or vista; riparian tree canopies; or unique land formations, or that the potential interference has been adequately mitigated.
- S. The applicant will mitigate any construction impacts to county roads, bridges, and related facilities caused by the proposed project. Construction access will be re-graded and revegetated to minimize environmental impacts.
- T. The benefits, in terms of physical improvements, enhanced services, or environmental impacts, of the proposed project outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development.
- U. The application demonstrates that the costs to mitigate the proposed project are proportional to the benefits achieved from the mitigation.
- V. The recommendations of staff and referral agencies have been addressed to the satisfaction of the Board of County Commissioners. 10.10. Additional Specific Review Criteria and Standards.

Additional Review Criteria for Water and Sewer Projects:

- A. To the extent practicable, domestic water and wastewater treatment systems shall be consolidated with existing facilities within the area. The determination of whether consolidation is practicable shall include but not be limited to the following considerations:
 - 1. Distance to and capacity of nearest domestic water or wastewater treatment system.
 - 2. Technical, legal, managerial, and financial feasibility of connecting to existing domestic water or wastewater treatment system.
 - 3. Scope of the service area for existing domestic water or wastewater treatment system.
 - 4. Projected growth and development in the service area of existing domestic water or wastewater treatment system.
- B. The project will not result in duplicative services within the County.
- C. The project will be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
- D. Any project designed to serve areas within the County is designed to meet community development and population demands in those areas.
- E. Any project designed to serve areas within the County is designed to meet community development and population demands in those areas.
- F. The applicant shall demonstrate sufficient managerial expertise and capacity to operate the facility.

- G. Major extensions of domestic water and sewage treatment systems shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

DEVELOPMENT SERVICES TEAM RECOMMENDATION

The Development Review Team recommends approval of the application for a 1041 Permit for the Halligan Water Supply Project, File 24-ZONE3697, subject to the following conditions:

GENERAL CONDITIONS

1. Technical Review and approval are required prior to any construction at the site and prior to applying for any permits from the County.
2. All construction activities associated with the approval of this 1041 Permit shall comply with all associated regulations and obtain all required county, state, and federal permits. The applicant shall provide the County with a list of all pertinent permits to be obtained. This includes, but is not limited to, the Army Corp of Engineers, Colorado Division of Reclamation, Mining and Safety, Colorado Parks and Wildlife, Colorado Division of Water Resources Dam Safety Division, Colorado Geological Survey.
3. Failure to comply with any conditions of this 1041 approval may result in reconsideration of and possible revocation of the approval by the Board of County Commissioners.
4. Building permits must be obtained or substantial progress must commence within three years after permit approval unless otherwise approved by the Board of County Commissioners, or the approval shall lapse. The three-year period shall commence upon the completion of all required additional permitting by other agencies or when a final decision is rendered for any appeals or litigation.
5. The applicant shall provide final project construction plans showing reclamation or other agreed to mitigation for impacts to all easements.
6. The applicant shall provide written documentation showing the incorporation of the above proposed mitigation measures either into the HWSP design or other implementation as proposed.
7. The applicant shall provide the Final Wetland Mitigation Plan to Larimer County for review.
8. The applicant shall provide documentation of mitigation measures for the Gateway Park, the North Poudre Diversion, and access roads prior to final approval.
9. All proposed mitigation measures included in the FWMEP shall be included in the final project plans, where applicable, or submitted separately to Larimer County for verification of compliance. Examples include the proposed site-specific Integrated Weed Management Plan and MBTA buffers shown in the project plans or specifications.
10. All proposed mitigation measures included in EIS Chapter 4, Section 4.11.10 shall be included in the final project plans, where applicable, or submitted separately to Larimer County for verification of compliance.
11. The applicant shall submit a final Conceptual Mitigation Plan to Larimer County for review to show avoidance and minimization.
12. The applicant shall provide the USFWS Biological Opinion (BO) to Larimer County for review.

13. The applicant shall submit project construction plans showing off-grid operational elements as noted in the application.

HEALTH CONDITIONS-TECHNICAL REVIEW

14. The City of Fort Collins and/or respective contractors shall create a health and safety plan as described in the project description. At a minimum, a draft plan shall be submitted as part of future Technical Review.

CONSTRUCTION AND OPERATIONS COMPLIANCE

15. All construction activities associated with the approval of this 1041 Permit shall be in compliance with all applicable regulations and obtain all necessary permits as applicable under county, state, and federal agencies.
16. All operational activities to occur with the approval of this 1041 Permit shall be in compliance with all applicable regulations and as applicable under county, state, and federal agencies.

AIR EMISSIONS DURING CONSTRUCTION

17. City of Fort Collins and/or respective contractors shall create a fugitive dust control plan specifically addressing controls used for the various points of construction (quarry, batch plant, dam, demolition, land clearing/disturbing, haul routes, stockpiles, etc.) The fugitive dust and emission control plan(s) shall be submitted as part of future Technical Review.
18. In addition to the minimum controls required under permits issued by the Air Pollution Control Division, the mitigation listed below shall become conditions of approval for construction to minimize impacts while using the unpaved roads for the Project:
 - a. No off-site transport of visible emissions from dirt access and haul roads, staging areas and associated stockpiles/disturbed areas, and haul trucks during construction activities.
 - b. Water trucks shall be onsite to regularly apply water to dirt access and haul roads, staging areas and associated stockpiles/disturbed areas to prevent visible emissions.
 - c. No earthwork allowed during days of high wind of 30 miles per hour or greater.
 - d. Speed limit signs shall be posted on access roads and in active construction traffic areas restricting speeds to 15 miles per hour or less. (Posting signs on the east and west access roads may require further negotiations with the landowner/association if not recognized in associated agreements.)
 - e. Loaded haul trucks shall be covered during transport and storage to prevent visible emissions.

DAM DEMOLITION

19. The existing dam material shall be characterized to determine the proper means of disposal. Results shall be submitted as part of future Technical Review.
20. The City of Fort Collins and/or respective contractors shall create a demolition plan for the existing dam. The Plan shall include removals of hazardous materials (if confirmed through testing), means of demolition, disposal, and include a fugitive dust control plan. The Plan shall be submitted as part of future Technical Review.

NOISE

21. Construction noise levels shall comply with construction activity sound thresholds of the Larimer County Noise Ordinance. Any exceptions shall be evaluated by Larimer County Departments including Health, Planning, and Engineering.
22. An outreach plan shall be submitted as part of the Technical Review outlining how community concerns will be managed. As part of this plan, easily visible signage with contact information (phone number, email, and website if created) for addressing questions and concerns, shall be posted from LCR 80C and the various intersections along the west access road and the North Poudre Canal Diversion access road.
 - a. A noise mitigation plan shall be submitted as part of the Technical Review outlining control methods that will be implemented during construction when adjacent to and on residential properties to comply with the County Ordinance and minimize negative impacts on the residents in the area.
 - i. The Plan shall include more discussion on how low frequency sound/vibrations will be managed.
 - ii. The Plan shall also include the details of the outreach and communication plan/program. As part of this plan/program, easily visible signage with contact information (phone number, email, and website if created) for addressing questions and concerns, shall be posted in active construction areas.

ADEQUATE FACILITIES

23. A composting toilet or a Health Department approved alternative shall be installed as part of the operational support structure.

RECREATION

24. If Halligan Reservoir were to be improved to invite day use for public access and gathering (ex: parking, picnic areas, boat launch, etc.) additional criteria would apply and require Larimer County review.

FINAL DESIGN

25. This 1041 permit application will be subject to the Technical Review process following its approval
26. The applicant will be required to develop a construction plan and obtain approval/easements from any affected homeowners' associations (HOA) or individual residents who may be participating in a shared road maintenance agreement for the planned access routes.

PERMITTING

27. The applicant must obtain a Larimer County Development Construction Permit for the planned construction activities.
28. The applicant will be required to comply with County floodplain regulations and obtain a Floodplain Development Permit before construction.

29. When construction activity occurs within or impacts Larimer County Right-of-Way in any way, the applicant shall obtain and abide by the standards and conditions of the applicable County Right-of-Way Work Permit(s), per the Code of Ordinances and the Land Use Code. Construction plans detailing the work to be completed will need to be provided. Additionally, Traffic Control Plans, developed by a certified traffic control company, must be submitted for all work performed within road Right-of-Way or that will directly affect the traveling public.
30. Larimer County regulates access to its roadways to ensure safe and efficient traffic flow and proper roadside drainage. Access Permits will be required for any new access from Larimer County Right-of-Way regardless of whether they are to be used for temporary construction purposes or are to be permanent. Staff may also require an Access Permit for existing access points proposed for temporary construction or permanent access.
31. The applicant shall obtain a stormwater discharge and construction dewatering permit from the Colorado Department of Public Health and Environment for construction at drainage crossings and land disturbances of one acre or more. The permit will include preparing a Stormwater Management Plan and Best Management Practices to prevent stormwater runoff and sediment in disturbed areas from reaching nearby waterways or leaving the site. Multiple state permits may be required for the different project areas.
32. The applicant must obtain any additional State, Federal, or Local permits necessary for construction.

SCHEDULE AND INSPECTIONS

33. The applicant must submit a detailed construction schedule, including anticipated phasing, planned workdays and hours, and haul routes for construction traffic.
34. The applicant shall allow access to Larimer County staff and consultants for inspections and construction observation for the duration of construction.
35. The applicant shall provide a public information contact with a phone number and email address that the public can contact to ask questions, express concerns, or for project updates.
36. The applicant shall reimburse Larimer County for reasonable costs associated with County-provided construction observation/ inspection staff and/or independent supplemental materials testing, as deemed appropriate by the County Engineer or Community Development Director for quality assurance and quality control purposes. The applicant shall also reimburse Larimer County for time and expenses incurred with project coordination, design review, permit review, processing, and related project activities.

CONSTRUCTION-COUNTY ROADWAYS

37. Whenever it is necessary to cross, close, or obstruct roads, driveways, and walks, whether public or private, the applicant will provide and maintain suitable and safe detours or other temporary expedients for the accommodation of public and private travel, emergency vehicles, delivery services, garbage pickup, school bus stops, etc.
38. The applicant shall be required to designate planned construction access and haul routes. The existing surface condition of all planned haul routes will need to be evaluated before construction. The preconstruction surface condition inspection shall be conducted following the recent completion of the County's routine maintenance activities. If the County Engineer determines that the roadway surface has deteriorated more rapidly during or after construction due to construction traffic, equipment, or hauling, the applicant must restore the roadways to

- their prior condition. This may include regrading and/or resurfacing. The applicant shall reimburse the County for any maintenance work needed on County Road 80C outside of the County's regular maintenance schedule for the duration of the project's construction activities.
39. Material deliveries, including the importing of aggregate, shall prioritize the State Highway System and avoid County Roadways where possible.
 40. Heavy equipment traffic will be subject to all weight limit restrictions along adjacent roadways and will obtain oversized/overweight permits.

POST CONSTRUCTION REQUIREMENTS (CLOSEOUT, OPERATION, AND MAINTENANCE)

41. All disturbed areas must be regraded and revegetated to match or exceed their preconstruction condition
42. The applicant shall provide Larimer County with as-built construction drawings and certifications prepared by a Colorado-registered professional engineer.

WILDLIFE AND VEGETATION CONDITIONS

43. A noxious weed management plan will be required as part of Technical Review along with the ability to inspect the project site periodically to look for adherence to the weed management plan and to survey for new populations.
44. Proof of acquisition of mitigation credits, specifically for Preble's Meadow Jumping Mouse and wetlands, as well as any Memorandum of Agreements regarding cultural, historic, and paleontological resources, must be provided to Community Development Staff.
45. The County reserves the right to have a third-party monitor, paid for by the applicant, and reporting to the County due to staff capacity limits.
46. The County will require site specific revegetation plans for all disturbed areas. The plans will need to address pre-, during-, and post-construction weed management, tailored seed mixes, establish success criteria based on reference areas, monitoring timeline and frequency, establish clear communication channels, and detail landowner input (where appropriate). The County is willing to look holistically at permit requirements to identify where there is overlap.
47. The applicant shall provide Larimer County with the 5-year annual monitoring reports for the establishment of wetlands along the banks of Halligan Reservoir
48. All applicable mitigation measures included in the Preble's Mitigation Plan and subsequent BO shall be incorporated into project plans and provided to Larimer County for review.
49. Provide Larimer County with monitoring reports upon request for the duration of the project's monitoring period for Preble's mitigation.
50. The applicant shall complete their IGA with Colorado Parks and Wildlife to solidify commitments in comprehensive Fish and Wildlife Mitigation and Enhancement Plan (FWMEP) required under Colorado law (Section 37-60-122.2, C.R.S.) for water development projects. A copy of the completed IGA will be provided to the County.

CULTURAL AND HISTORIC RESOURCES CONDITIONS

51. The submitted cultural resources survey report does not include the NPC Diversion due to access issues at the time of survey. A second report that covers this area must be submitted and reviewed as part of the technical review.

52. If cultural resources are found during Technical Review or construction, the applicant shall notify the County immediately, consult with the State Historic Preservation Office, and begin appropriate measures to preserve the cultural resource, including historic or archeological excavation, reasonable project redesign, or relocation activities. Any such mitigation efforts shall be taken in coordination with and with the approval of the County, or their designee.

The Board of County Commissioners (BOCC) had several questions for staff. They asked for an explanation of condition 19 (a)- “No off-site transport of visible emissions from dirt access and haul roads, staging areas and associated stockpiles/disturbed areas, and haul trucks during construction activities.” Leah Schneider, Health and Environment, explained the condition saying that visible dust cannot leave the property - the dust has to be contained onsite. The BOCC also inquired if this project would meet the new standards of night sky lighting. Ms. Axmacher let the Board know that this application was submitted prior to adoption of the Larimer County Land Use Code-Exterior Lighting Standards but during the technical review those can be evaluated against the current standards.

The Chair invited the applicant to make their presentation.

Nicole Poncelet-Johnson, One Water Executive Director, City of Fort Collins and Darren Parkin, Halligan Program Manager gave a brief overview of the City of Fort Collins water supply infrastructure. The purpose of the project is to meet water demands of current and future Fort Collins Utilities customers through 2065 and to increase reliability and resiliency of the water supply, especially in time of prolonged drought and climate change uncertainties.

Ms. Poncelet-Johnson stated that in addition to improving reliability, the project is the most cost-effective approach for improving the city’s water storage using an existing reservoir while also providing multiple environmental benefits. Several measures will be included in the project to avoid, minimize, and improve impacts on stream functions.

Mr. Parkin explained that if approved, the Halligan Water Supply Project will enlarge Halligan Reservoir, an existing reservoir on the North Fork of the Cache la Poudre River 25 miles northwest of Fort Collins, to provide a safe and reliable supply for Fort Collins Utility water customers. The project would more than double the capacity of the existing reservoir, providing about 8,200 acres of water storage utilities. Without more storage, water customers are vulnerable to interruptions in water availability and delivery, particularly during emergencies, drought and uncertainties associated with climate change.

Mr. Parkin clarified the overall impacts, mitigation and benefits to wildlife, wetlands and North Fork flow regime. Mr. Parkin briefly went over the long-range vision. In the 1980’s, the city acquired property around the reservoir. North Poudre Irrigation Company operated it and used it for seasonal irrigation water storage. In 2006, federal permitting began to enlarge the reservoir. And then in 2023, the U.S. Army Corps of Engineers issued a final Environmental Impact Statement.

Mr. Parkin also went over the existing dam compared to the replacement dam as well as the timeline of the project. The final design will be completed in 2026 with the construction commencing in 2026-2027. The project will be operational in 2029-2030.

The BOCC did have several questions for the applicants about North Poudre water and where it is utilized in the system. Donnie Dustin, Water Resource Engineer went over water rights and what is currently and historically stored in the reservoir.

Mr. Parkin answered questions on how water is released. Fort Collins would release its water from the enlarged reservoir into the North Fork below the dam. Fort Collins' releases would be conveyed approximately 24 miles in the North Fork to its confluence with the Main Stem of the Cache la Poudre River (Main Stem). Using an exchange, Fort Collins would then divert a like amount of water at either of the two Fort Collins intakes on the Main Stem, located approximately 0.6 river miles and 1.5 river miles upstream.

The BOCC had questions on road construction and the impact on traffic. Mr. Parkin informed the Board that a temporary culvert and road across the North Fork below the dam will likely be constructed to limit construction traffic from the west via Cherokee Park Road. Access road widths would be minimized to widths needed for construction, pursuant to agreements with landowners and conservation easement holders. Any disturbance areas along access roads would be regraded and revegetated following construction. Traffic would increase by an average of about 20 round trips per day over the construction period, including both truck trips and labor trips. During peak periods, traffic would increase by about 43 round trips per day. Most truck and other vehicle traffic would travel on U.S. Highway 287, between Fort Collins and Colorado Highway 14 at the mouth of the Poudre Canyon, and then on Colorado Highway 14 to the access road leading to the construction site.

Mr. Parkin made a statement saying that the City of Fort Collins believes they are fully mitigated on this project.

PUBLIC COMMENT

Chair Stephens opened the hearing for public comment.

Zach Thode spoke in support of this project and that it will now allow for a broader conversation on agricultural districts and how they can create a viable economy in a local area like Livermore and how the water portfolio could help enhance the City of Fort Collins mitigation program.

Bruce Walley had several questions on the expansion of Meadow Creek Road and on dredging the sediment out of the Halligan Reservoir and where that will go. Mr. Walley also asked how the public can see the 52 conditions of approval and on the concern of Native Americans.

Chair Stephens closed public comment.

Mr. Parkin did answer several of the questions that were posed to him, including that the Northern Cheyenne tribe will have a representative coming out to the project site so if anything is found during construction it will get returned to the rightful owners.

The Commissioners and staff had discussions on noise studies and concerns on night sky regulations during migration. Staff did state that if the Board of County Commissioners wish they could add a condition of approval limiting the use of lighting during specific migratory times.

Ms. Axmacher stated that they could add an additional condition (53) that would potentially state that an exterior lighting management plan shall be provided at the time of technical review that outlines specific requirements and best management practices to be implemented by the City of Fort Collins relating to lighting operations during construction, with the goal of minimizing light pollution, disturbances to nearby residents, and disturbances to migratory birds and other wildlife. Lighting outside of the standard operating hours should be avoided and is subject to review and approved by Larimer County staff on a case-by-case basis. Lighting should be avoided during times of peak spring and fall migration as determined and agreed to by the applicant and Larimer County staff on an annual basis, in consultation with Colorado Parks and Wildlife and the local Audubon Society.

The Board agreed with adding condition number 53 in the final staff report.

The Board of County Commissioners thanked staff and the applicants for their hard work and announced that they are in support of this application. The Board feels that all review criteria have been met as well as the conditions of approval. The Board thanked the City of Fort Collins for their thorough presentation and application and their commitment to protecting the environment while looking at all viable options.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the application for a 1041 permit for the Halligan Water Supply Project 1041 PERMIT, FILE NO. 24-ZONE3697 subject to the conditions of approval recommend by the staff in the updated staff report with the removal of duplicate condition number 15 and the additional condition regarding lighting during peak bird migration that was discussed in the hearing for a total of 53 conditions.

Motion carried 3-0

The Board adjourned at 8:35 p.m.

TUESDAY, MARCH 25, 2025

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 10:30 a.m. with County Manager Lorenda Volker. Chair-Pro Shadduck-McNally presided. Commissioner Kefalas was present. Commissioner Stephens was excused. Also present were Sarah Martin and Tom Clayton, Commissioners' Office, and Deirdre O'Neill, Deputy Clerk.

Chair Pro-Tem Shadduck-McNally opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** No members of the public approached the Board.

Chair Pro-Tem Shadduck-McNally closed public comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF MARCH 17, 2025:**

MOTION:

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of March 17, 2025.

Motion carried 2-0.

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF March 31, 2025:** Ms. Martin reviewed the upcoming schedule with the Board. The Board made several additions to the upcoming schedule.

4. **CONSENT AGENDA:**

AGREEMENTS

1. **AMENDMENT TO GRANT AGREEMENT BETWEEN GRACE VILLAGE AND LARIMER COUNTY FOR COMMUNITY SERVICES CENTER WELLINGTON REGION**

APPOINTMENTS

1. **RECOMMENDED MIDTERM APPOINTMENT TO THE FOX RIDGE ESTATES PUBLIC IMPROVEMENT DISTRICT- Bruce Cairns**
2. **RECOMMENDED MIDTERM APPOINTMENT TO THE RIVIERA ESTATES PUBLIC IMPROVEMENT DISTRICT- Matthew Gustafson**

LIQUOR LICENSES

1. **LIQUOR LICENSE RENEWAL- BOYD LAKE MARINA INC - FERMENTED MALT BEVERAGE & WINE - LOVELAND, COLORADO**
2. **LIQUOR LICENSE RENEWAL - SWING STATION LLC DBA SWING STATION - FERMENTED MALT BEVERAGE & WINE - LAPORTE, COLORADO**
3. **LIQUOR LICENSE RENEWAL - MINI MART INC DBA LOAF N' JUG #750825 - FERMENTED MALT BEVERAGE & WINE - FORT COLLINS, COLORADO**
4. **LIQUOR LICENSE SPECIAL EVENT PERMIT 6% - ESTES PARK QUOTA - TASTE OF ESTES PARK - ESTES PARK, COLORADO**

RESOLUTIONS

1. **RESOLUTION ADOPTING THE UPDATE TO ARTICLE 4.10 EXTERIOR LIGHTING OF THE LARIMER COUNTY LAND USE CODE**

MISCELLANEOUS

1. **LARIMER COUNTY LEGISLATIVE POSITIONS**
2. **SADHU DENVER LLC (.261), 1620 WALNUT LLC (.1687) ET AL STIPULATION AS TO TAX YEAR 2023 VALUE**
3. **SADHU DENVER LLC (.261), 1620 WALNUT LLC (.1687) ET AL STIPULATION AS TO TAX YEAR 2024 VALUE**
4. **VENTUREPRO LLC STIPULATION AS TO TAX YEAR 2024 VALUE**
5. **VENTUREPRO LLC STIPULATION AS TO TAX YEAR 2023 VALUE**

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for March 25, 2025.

Motion carried 2-0.

5. COMMISSIONERS' GUESTS: The Commissioners did not have any guests.

6. DISCUSSION ITEMS:

1. APPROVAL OF THE PURCHASE OF THE D-DART RANCH CONSERVATION EASEMENT BY THE OPEN LANDS ADVISORY BOARD AT ITS FEBRUARY 27, 2025 MEETING: Justine Core, Engineering and Meegan Flenniken, Natural Resources introduced this easement conservation to the Board. This project includes Larimer County's acquisition of a 574-acre conservation easement on the D-Dart Ranch property in the Livermore Priority Area. This project will confer a variety of public benefits by protecting scenic, buffer, agricultural, and wildlife habitat values.

The project will receive funding support from Great Outdoors Colorado (GOCO), The Nature Conservancy, Gates Family Foundation, and a private donor. An Intergovernmental Agreement will formalize additional partnership funding support from the City of Fort Collins.

Initial Review of the project occurred in July 2024, by the Open Lands Advisory Board and the Board of County Commissioners, and on February 27, 2025, the Open Lands Advisory Board gave a final review and recommended the Resolution to the Board of County Commissioners for final review and approval. The Resolution approves the acquisition and authorizes Justin Core as Land Agent to sign closing documents on behalf of the Board.

At the recommendation of the Open Lands Advisory Board, staff seeks the Board of County Commissioners final approval of the acquisition of a conservation easement on the 574-acre D-Dart Ranch property. Such approval is a requirement of the purchase contract, of which the County and seller are parties.

The property possesses relatively natural wildlife habitat and native plant communities, significant open space, agricultural haying and grazing land and scenic and other aesthetics and ecological values of great importance.

Mr. Core announced the advantages of this easement including scenic values, buffer values, natural communities and wildlife habitat.

The Board thanked staff for all their hard work in preserving open space.

M O T I O N

Commissioner Kefalas moved that the Larimer County Board of County Commissioners approve the Resolution approving the acquisition of D-Dart Ranch Conservation Easement and Statement of Authority.

Motion carried 2-0.

7. COUNTY MANAGER UPDATE: County Manager Volker briefly detailed the events of the previous week.

8. COMMISSIONER ACTIVITY REPORTS: The Board detailed their attendance at events during the previous week.

Commissioner Shadduck-McNally briefly left the meeting.

9. **LEGAL MATTERS:** None requested

With there being no further business, the Board adjourned at 9:45 a.m.

Kristen Stephens

KRISTEN STEPHENS, CHAIR
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK & RECORDER

ATTEST:

Deirdre O'Neill

Deirdre O'Neill, Deputy Clerk

