

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, APRIL 24, 2023

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Michael Whitley, Community Development Senior Planner. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Rebecca Everette, Community Development; Assistant County Attorney Frank Haug; Conner Sheldon, Engineering; Noel Udell, Department of Health and Environment; and Tessa Beaty, Deputy Clerk.

PUBLIC HEARING CONSENT ITEMS:

1. **MURPHY AMENDED PLAT AND EASEMENT VACATION, FILE NO. 22-LAND4294:** The applicant seeks to vacate a 15-foot-wide access and utility easement and combine seven contiguous lots (Lots 6, 7, 8, 9, 20 & 21, Block 7, Letitia Lake Subdivision plus an adjacent 1,460 (+/-) square foot parcel) into one 0.56-acre parcel.

The property is developed with a single-family home that was constructed in 1962, a two-story detached garage, and three smaller accessory buildings. The home and attached patio are constructed over four different parcels.

Combining the parcels and vacating the easement will allow for the construction of a new pole barn. The proposed location of the pole barn would require a setback variance. The variance would require a separate variance application which would be reviewed by the Board of Adjustment at a public hearing.

REVIEW CRITERIA:

The Larimer County Land Use Code (Article 6.5.7.D.3) allows for the approval of a lot consolidation if the following review criteria are met:

A. No additional lots will be created by the amended plat.

No new lots will be created. The applicant is proposing to consolidate seven separate parcels into one 0.56-acre lot.

B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by Article 5.2, Lot and Block Standards. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the lot consolidation must not increase the nonconformity.

The minimum lot size in the O – Open zoning district is 10 acres. The Letitia Lake Subdivision was recorded in 1928 which pre-dated the establishment of zoning and minimum lot sizes in unincorporated Larimer County. The existing parcels range in size from 1,460 square feet to 4,788 square feet. While the combined 0.56-acre parcel is smaller than the minimum lot size

in the Open zoning district, the proposed amended plat reduces the nonconformity by consolidating seven small parcels into one larger lot. The resultant lot complies with the lot depth-to-width of 3-to-1 and the width-to-depth ratio of 1.5-to-1 found in Article 5.2.1.A.7 of the Land Use Code.

- C. The amended plat will not create a nonconforming setback for any existing building; If approved, the amended plat will not create a nonconforming setback for any exiting building.
- D. The Amended Plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area; and the proposed amended plat is not anticipated to adversely affect access, drainage or rights-of-way serving the property or other properties in the area. There is an existing Poudre Valley Rural Electric Association overhead power line outside of the easement proposed to be vacated. The Poudre Valley Rural Electric Association does not object to the proposed amended plat with the condition that a new utility easement be dedicated on the final plat. The proposed easement would be 20 feet wide and centered on the overhead power line.
- E. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. Staff recommends a condition stating that any existing covenants, deed restrictions, other conditions of approval that currently apply to the individual lots will continue to apply to the new lot created by the consolidation. In reviewing a proposed plat modification, the County Commissioners shall also consider the following review criteria (Article 6.5.8.D.1):

In reviewing a proposed plat modification, the County Commissioners shall also consider the following review criteria (Article 6.5.8.D.1):

1. Vacation of Right-of-Way or Easement

- a. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services.
No right-of-way is being vacated as part of this request. The proposed vacation of the 15-foot access and utility easement would not leave any land without utility or drainage services or without access to Alpine Road which is a private road within an access easement.
- b. The recommendations of referral agencies have been considered; Recommendations of referral agencies have been considered and there are no unresolved concerns.
- c. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the County Commissioners approve the vacation. and No right-of-way is being vacated as part of this request.

- d. Right-of-way vacations must also meet requirements of C.R.S. § 43-2-303.

No right-of-way is being vacated as part of this request

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Murphy Amended Plat and Easement Vacation, File Number 22-LAND4292 subject to the following conditions:

1. The final plat shall reflect the corrections noted in the Larimer County Surveying staff's comments dated December 9, 2022.
2. The final plat shall include a 20-foot-wide utility easement centered on the Poudre Valley Rural Electric Association's overhead power line.
3. All conditions shall be met and the final resolution of the County Commissioners recorded by October 24, 2023, or this approval shall be null and void.
4. The resultant lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the Murphy Amended Plat and Easement Vacation, File Number 22-LAND4292 subject to the four conditions noted above and authorize the Chair to sign the plat when the conditions are met, and the plat is presented for signature.

Motion carried 3-0.

With there being no further business, the Board recessed at 3:05pm.

LAND USE HEARING

The Board of County Commissioners reconvened at 6:30 p.m. with Michael Whitley, Community Development. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Rebecca Everette, Community Development; Steven Rothwell, Engineering; Assistant County Attorney Frank Haug; Noel Udell, Department of Health and Environment; and Tessa Beaty, Deputy Clerk.

DISCUSSION ITEMS:

1. NEWT WATER TRANSMISSION PROJECT PHASE 3 1041 PERMIT, FILE NO. 22-ZONE3370

A 1041 permit application for an activity of state interest pursuant to Article 10 of the Land Use Code for a 3.4-mile stretch of 42-inch water transmission pipeline line within a 40- foot-wide permanent easement

PROJECT DESCRIPTION/BACKGROUND:

The NEWT Pipeline is jointly owned by North Weld County Water District (NWCWD) and the Eastern Larimer County Water District (ELCO).

This Phase 3 of the project is a 5.4-mile stretch of 42-inch water transmission pipeline line within a 40-foot-wide permanent easement. The western two miles of the project is located within the City of Fort Collins.

In unincorporated Larimer County, the pipeline is proposed from approximately one-half mile east of I-25 to the Larimer/Weld County line within a corridor approximately one-half 5 mile north and on-half mile south of E. Vine Street/E. County Road 48.

This Phase 3 of the NEWT Project is proposed to connect the previously constructed Phase 1 (2010) and Phase 2 (2015) pipelines to the districts' water distribution systems and is being review as a 1041 permit under Article 10 of the Larimer County Land Use Code. A 1041 permit is required for new or extended domestic water transmission lines within new permanent easements greater than 30 feet.

According to the applicants' project description, the NEWT Pipeline Project (including this third phase) is needed to supply potable water to the service areas of both water districts to meet current and future water demands based on local and regional land use planning and subsequent 30-year utility master planning work completed in 2019 and 2020.

The completed project will provide the districts with an increase in transmission capacity to convey treated water from the Soldier Canyon Filter Plant (SCFP) to the districts' distribution systems. The completed project will also provide redundancy that will help mitigate risks associated with operating the existing and aging transmission lines.

The applicants' project description includes additional details regarding the project's history and purpose.

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 of the applicable criteria set forth in Article 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 the County Commissioners determine at the public hearing that sufficient information has not been provided to allow it to determine if the applicable criteria have been met, the Board may continue the hearing until the specified additional information has been received.

The Commissioners shall adopt a written decision on a 1041 permit application within 90 days after the completion of the permit hearing. The 1041 permit will be in the form of a findings and resolution signed by the Board of County Commissioners. The effective date shall be the date on which the findings and resolution are signed.

Notice of this application was sent to property owners within 500 feet of the proposed pipeline route. To date, two property owners have contacted the Planning office to ask questions, but no property owners have objected to the request.

REVIEW CRITERIA:

- 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 impacts to the environment and natural resources, and will not significantly degrade the environment or natural resources, or exacerbate or worsen climate change. The 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, and
 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 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 a 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 is 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 view 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 re-vegetated 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 County Commissioners

SECTION 10.10.4 0 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. The project emphasizes the efficient use of water, including, to the extent permissible under existing law, the recycling, reuse, and conservation of water and will be consistent with any applicable Water Conservation Plan.
- 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 Services Team recommends approval of the NEWT Water Transmission Project Phase 3 1041 Permit, File 22-ZONE3370, subject to the following conditions:

1. The final plans shall be consistent with the approved preliminary plan and with the information contained in the NEWT Water Transmission Project Phase 3 1041 Permit, File 22-ZONE3370, 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 NEWT Water Transmission Project Phase 3 1041 Permit.
2. Alignment adjustments that would move closer to an existing structure, or that would move into an existing or future road right-of-way corridor (as determined by road functional

classification) will be subject to Larimer County Review. • In locations where the conveyance pipelines are located outside of the existing County ROW, it shall do so in a manner to either: • be located outside of the ultimate ROW width corresponding to the functional classification of the roadway or • obtain and convert to a Larimer County Road right-of-way easement for any additional pipeline easement widths falling within the ultimate roadway ROW.

3. Final design plans and specifications for alignments within the ROW will need to be prepared for review and approval by the Larimer County Engineering Department. Should it be discovered that the final design, in the County Engineer's opinion, deviates significantly from the conceptual alignment to change the nature of impacts of the pipeline within the permit limits, the County reserves the right to require that the design and alignment be modified to address infrastructure and property impacts as deemed necessary by the County Engineering Department.
4. A geotechnical subsurface investigation shall be submitted to Larimer County during the design process for those portions of the alignment to be within County ROW, to determine required trench backfill and compaction specifications, subgrade mitigation, and pavement design for areas disturbed by the pipeline installation.
5. The applicant shall provide Larimer County a pre-project video capturing existing conditions of the proposed water line installation corridor in and near the existing ROW.
6. Unless otherwise approved by Larimer County Engineering, all proposed roadway crossings shall be completed by the specific construction method proposed in the TIS. Any proposed open cut road crossing shall be flow-filled to a depth of 2-feet below the surface of the roadway. Design approval of these crossings shall be per the Code of Ordinances and the Land Use Code.
7. During construction, the applicant shall stabilize and repave all pavement areas disturbed or damaged during pipeline installation in accordance with the Larimer County Urban Area Street Standards for work areas within the Growth Management Area (GMA) or Larimer County Rural Area Road Standards for work areas outside the GMA as directed by the county. It is also expected that if pipeline construction activities involve more than 100 linear feet of disturbance, the applicant shall be responsible for pavement repairs and patching/overlay extending to the full limits (width) of the existing pavement.
8. The applicant shall submit phasing plans, including planned workdays and hours, to be reviewed by Larimer County Engineering Department. Maximum open trench lengths will be defined in consultation with the Larimer County Engineering Department.
9. Material test reports, as per Larimer County Standard, must be submitted to and approved by Larimer County for any work to take place within county right-of-way.
10. A pre-construction inventory of county roads to be used for construction traffic will be created and updated as needed by the applicant during construction, documenting pre-construction conditions and the work conducted by the applicant to return the roads to pre-construction conditions when construction is complete.
11. The applicant shall be responsible for arranging and paying all costs of • Utility relocations and irrigation company requirements necessary to accommodate the water pipeline in the

road ROW. • The replacement of existing storm drainage infrastructure, culverts, roadway signage, pavement striping/symbols, landscaping and property fencing necessary to accommodate the water pipeline in the ROW. • Damage or relocation of private property services as necessary to accommodate the water pipeline corridor if a reasonable alternative is not possible.

12. The applicant shall allow access to Larimer County staff and consultants for inspections and construction observation throughout the Project and for the term 19 of the construction.
13. 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 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.
14. 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.
15. 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.
16. In the event that septic systems and/or well components are damaged during construction activities, the applicant will be responsible for immediate repair/replacement and all associated costs to prevent extended disruption of the property owner's normal access to, and use of, such facilities.
17. The applicant shall comply with maximum decibels for construction activities as outlined in the Larimer County Noise Ordinance. Any exceptions to these parameters must be approved by Larimer County. Construction activities shall not occur outside of the hours of 7 am to 7 pm. Exceptions for time-sensitive tasks shall be evaluated by Larimer County on a case-by-case basis.
18. The applicant shall submit a noise mitigation plan with the final design plans outlining control methods that will be implemented during construction amongst residences.
19. The applicant shall submit to Larimer County a Traffic Control and Management Plan for review 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.
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. When construction activity is taking place within or impacting Larimer County ROW in any way, the applicant shall obtain and abide by the standards and conditions of applicable County ROW permit(s), per the Code of Ordinances and the Land Use Code. Construction plans will need to be provided detailing the work to be completed. Additionally, Traffic Control Plans, developed by a certified traffic control company, must be submitted for all work performed within road ROW or that will directly affect the travelling public.
22. Larimer County regulates access to county roads to maintain safe traffic flow, road drainage facilities, and efficient use of the County's roads. Access Permits will be required for any new access from Larimer County ROW regardless of whether they are to be used for temporary construction purposes or are to be permanent.
23. 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 or resurfacing.
24. Heavy equipment traffic will be subject to all weight limit restrictions along adjacent roadways and will obtain oversize/overweight permits.
25. The applicant shall obtain a storm water discharge and construction dewatering permit from the Colorado Department of Public Health and Environment for construction at drainage crossings and for land disturbances of one acre or more, per Section 8.12 of the Land Use Code. These permits will include the preparation of a Storm Water Management Plan and Best Management Practices to prevent storm water runoff and sediment in disturbed areas from reaching nearby waterways or otherwise leaving the site. Multiple state permits may be required for the different project areas.
26. The applicant shall adhere to Larimer County MS4 regulations for all applicable work within the most up to date Larimer County MS4 boundary.
27. The applicant will be required to comply with county floodplain regulations. The requirements shown in the NEWT Floodplain Memorandum will need to be adhered to.
28. 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, Floodplain Development Permits, and/or Utility Permits.
29. 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 location of the pipeline and all appurtenant structures.
30. The applicant shall provide Larimer County with as-built construction drawings certified by a Colorado registered professional engineer, for all portions of the pipeline located in unincorporated Larimer County.

31. The applicant will be required to provide information that discusses how the proposed pipeline sections located within county right-of-way will be accessed for maintenance and operation.
32. If a relocation of the pipeline should in the future be desirable to accommodate some other or enlarged use of the County Road right-of-way by any party or entity other than the county, and provided that the applicant agrees to such relocation, then all expenses of such relocation shall be paid for entirely by the party or entity desiring such relocation. If the relocation is to be made at the request of the county to accommodate changes in or improvements of public roadways or associated infrastructure, and not for purposes of accommodating any third party, then the applicant shall provide for pipeline relocations at their own cost on a reasonable schedule established by the County Engineering Department. This condition is only applicable for instances where the pipeline is being proposed within the county's ultimate right-of-way.
33. Any disturbed wetlands shall be re-established according to the provided Wetland Mitigation Plan.
34. On-site wastewater treatment systems (OWTS) and other private, on-site services for residences along the Phase 3 corridor shall be identified as part of the final design plans and in the field prior to construction. Should private services or infrastructure be damaged during construction activities, the water districts and/or their contractor shall be responsible for the provision of temporary services and immediate repair/replacement with all associated costs in order to prevent extended disruption of the property owner's quality of life. If temporary services cannot be provided to mitigate the disruption/disturbance, property owners shall be provided temporary placement in alternative accommodations until repairs/replacements can be completed.
35. Documentation demonstrating application for compliance with the Air Pollution Control Division (APCD) land clearing Air Pollutant Emission Notice (APEN) and the permitting process shall be provided prior to commencement of construction of the pipeline. This 22 would include the appropriate APCD applications, any required emission analysis/modeling, and the Fugitive Dust Control Plan for dust mitigation during construction. In addition to the controls required by Colorado air quality regulations and permits issued by APCD, off-site transport of dust shall not occur from construction activities conducted on or adjacent to properties with residential uses. A water truck shall be on-site during operating hours and accessible on Sundays to regularly apply water to soils/stockpiles and control dust under hot, dry, and windy conditions as needed.
36. The applicant shall design and implement a communication plan for receiving and responding to concerns from the public during the construction and reclamation phases of the project.
37. The applicants shall consult with the Colorado Department of Parks and Wildlife prior to commencement of construction and shall follow their recommendations for minimizing disturbance to any species protected by the Migratory Treaty Act.
38. Building permits must be obtained or substantial progress must commence within three years after permit approval unless otherwise approved by the 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.

39. 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 the County Commissioners for a one-time, three-year extension of the 1041 permit. An extension request shall be made in writing prior to the expiration date of the original permit. The County Commissioners may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with this LUC and the original permit.
40. Approval of a permit shall lapse after the applicable term unless:
 - A. Development permits are obtained for commencement of construction, if such permits are required; and remain in effect, or
 - B. Activities described in the permit have substantially commenced.

Michael Whitely opened the hearing with a presentation about the proposed pipeline and its location. Mr. Whitely spoke about the need for new pipelines to create redundancy for aging transmission lines. Mr. Whitely then explained how the 1041 regulation works in this county. The current 1041 regulation was adopted in January 2022, and has 22 specific review criteria. Mr. Whitely touched on a couple of review criteria that describe the nature mitigation requirements and how this project works to minimize the impact to the environment. The last part of Mr. Whitley's presentation talked about why there is a large addendum attached to this permit. Usually, there are multiple reviews of the project, but due to the timeline of the 1041, the memorandum has been added to compensate.

The commissioners were given time to ask questions of Mr. Whitley. The commissioners asked questions about the total wetland area impacted and the noise and irrigation mitigation. The commissioners then invited Daniel Rice to give his presentation.

Daniel Rice, the applicant, gave a presentation about the project overview. Mr. Rice spoke about the history of this project and specifically phases one and two. Mr. Rice also answered some of the commissioner's questions about the irrigation mitigation process and how noise issues would be handled.

The commissioners asked a couple more questions regarding the flood plan review process. There was also discussion about communication with the Town of Timnath.

Commissioner Shadduck-McNally requested an addition to criteria 15. This addition would require a noise complaint response time of 24 hours. Commissioner Stephens and Kefalas agreed to this addition.

PUBLIC COMMENT: No one from the public addressed the Board. Chair Shadduck-McNally closed public comment.

MOTION

Commissioner Stephens moved that the Board of County Commissioners to Approve the NEWT Water Transmission Project Phat 3 1041 Permit, File 22-ZONE3370 subject to the conditions as outlined above. Along with the changes to conditions 15 and 37 as described by the commissioners.

Motion carried 3-0.

With there being no further business, the Board recessed at 7:30pm.

TUESDAY, APRIL 25, 2023

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with County Manager Lorenda Volker. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Sarah Martin and Tom Clayton, Commissioners' Office, and Tessa Beaty, Deputy Clerk.

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

1. PUBLIC COMMENT: No one from the public addressed the Board. Chair Shadduck-McNally closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF APRIL 17, 2023:

Commissioner Kefalas requests that three amendments are made to the minutes of April 17, 2023. The first amendment is the removal of the motion after the second discussion item as it was approved with the Consent Agenda. The second amendment was the inclusion of the word "opposition" in the motion made by the board regarding HB23-1249. The final amendment regards the clarification that the Executive Session took place on Wednesday, April 19, 2023.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of April 17, 2023.

Motion passes 3 – 0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF MAY 1, 2023: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS:

- 1 AMENDMENT #1 TO INTERGOVERNMENTAL AGREEMENT FOR FUNDING OF CONSTRUCTION AND MAINTENANCE OF MINOR STRUCTURE 014-0.00-15H CROSSING THE HOME SUPPLY DITCH ON WEST COUNTY ROAD 14 AND SOUTH COUNTY ROAD 15H**
- 2 HIGH COUNTRY BEVERAGE CORP. SPONSORSHIP AGREEMENT**
- 3 CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND HOUSE OF NEIGHORLY SERVICES**
- 4 PROFESSIONAL SERVICES AGREEMENT (ADVISORY PROJECT SERVICES FOR THE RANCH P3 OPPORTUNITIES)**

LIQUOR LICENSES:

- 1 FINDINGS AND ORDER - GORDON CREEK TAVERN LLC D/B/A THE INN AT GORDON CREEK - RESTURANT LIQUOR LICENSE - LIVERMORE, COLORADO**
- 2 LIQUOR LICENSE SPECIAL EVENT 6% -AMERICAN LEGION WELLINGTON POST 176 – SPECIAL EVENT 6% - FORT COLLINS, COLORADO**
- 3 LIQUOR LICENSE RENEWAL – MINI MART INC DBA LOAF N JUG #750825 – FERMENTED MALT BEVERAGE AND WINE – FORT COLLINS, COLORADO**
- 4 LIQUOR LICENSE RENEWAL – REV ENTERPRISES INC DBA SANDY’S CONVENIENCE STORE – FERMENTED MALT BEVERAGE AND WINE – LOVELAND, COLORADO**
- 5 LIQUOR LICENSE SPECIAL EVENT 6% - MARC JR FOUNDATION – SPECIAL EVENT 6% - FORT COLLINS, COLORADO**
- 6 LIQUOR LICENSE RENEWAL – 1616 CHAMPA LLC DBA THE RIVER FORKS INN – TAVERN – DRAKE, COLORADO**
- 7 LIQUOR LICENSE RENEWAL – BEARTAGE CHATEAU LLC DBA COLORADO CHERRY COMPANY – BEER AND WINE – LYONS, COLORADO**

MISCELLANEOUS:

- 1 REQUEST TO ADD 3.0 FTE TO FACILITIES DEPT FOR ADDITIONAL SQUARE FOOTAGE**

RESOLUTIONS:

1 RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY 1, DEPUTY DISTRICT ATTORNEY FOR JACKSON COUNTY

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for April 25, 2023.

MOTION CARRIED 3 – 0

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

6. DISCUSSION ITEMS:

1. APPROVAL TO EXECUTE PURCHASE AGREEMENT FOR 50 ACRES OF VACANT PROPERTY ADDRESSED 2250 W. COUNTY ROAD 56, FORT COLLINS, COLORADO

Jennifer Johnson from Facilities, Planning, and Real Estate Manager spoke in encouragement to the approval of this purchase. Ms. Johnson explained the location of this land and spoke to how the purchasing price is ideal for this land. The Board thanked Ms. Johnson and her team. Ms. Johnson extended her thanks to Justin Whitesell, Emergency Operations Director, and his team. City Manager Volker spoke to the more work to come.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the purchase of 50 acres of vacant property addressed 2250 West County Road 56, Fort Collins, CO for \$870,000.

MOTION PASSED 3 – 0

8. COUNTY MANAGER UPDATE: County Manager Volker provided a brief overview of her activities this past week and her schedule for next week.

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

10. LEGAL MATTERS:

Executive Session pursuant to C.R.S. 24-6-402(4)(e) to determine positions, develop strategy, and instruct negotiators relative to an intergovernmental agreement with the Loveland Urban Renewal Authority and future tax increment financing revenue for the proposed Centerra South development. (No decision expected)

MOTION

Commissioner Stephens moved that the Board enter Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(e) to determine positions, develop strategy, and instruct negotiators relative to an intergovernmental agreement with the Loveland Urban Renewal Authority and future tax increment financing revenue for the proposed Centerra South development.

MOTION PASSED 3-0

With there being no further business, the Board adjourned at 10:40 a.m.

JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:

Tessa Beaty, Deputy Clerk