



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 10, 2025

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Kassidee Fior, Principal Planner. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also present were Lesli Ellis, Community, Planning, Infrastructure and Resource Director; Danielle Reimanis, Scott Benton, Laura Culleton, Ryane Oswandel, and Christina Scrutchins, Community Development; Steven Rothwell, Traci Shambo, and David Pringle, Engineering; Lea Schneider and Ashton Brodahl, Health and Environment; Frank Haug and Christine Luckasen, County Attorney's Office; and Lindsey Jones, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

The Board did not wish to remove any items from the Consent Agenda. No members of the public wished to remove any items from the Consent Agenda.

PUBLIC HEARING CONSENT ITEMS:

1. TABLED ITEM FROM FEBRUARY 24, 2025: THE RIDGE AT LEGACY FARM APPEAL, FILE NO. 25-GNRL0563 (ADDENDUM – CORRECTED ATTACHMENTS):

The subject property, also known as Lot 2 of the Manning Minor Land Division (MLD), is zoned RR-2 Rural Residential and located at 7601 E. County Road 16 in Johnstown, Colorado. This property is 36.25 acres in size and currently contains several accessory agricultural buildings.

The Manning MLD was approved by the Board of County Commissioners on August 10, 2015. The Manning MLD was a request to use the minor land division process to split existing improvements from an agricultural parcel. This approval included a condition which stated, "the newly created agricultural parcel (lot 2) will continue to be eligible for new accessory agricultural buildings only. No other development of the larger parcel will be allowed until an appropriate development review application has been approved by the County."

On August 21, 2015, the property owners submitted a request for an appeal to allow a one lot subdivision of lot 2 of the Manning MLD rather than the required conservation development on a parcel greater than 30 acres. On October 12, 2015, the Board of County Commissioners conducted a public hearing in which they approved this appeal request under File Number 15-G0292.

The Findings and Resolution for the Manning Appeal states that an application for development of the site must be submitted within three years from the date an exception is approved, or the exception will automatically expire. Because no action was taken on this application to move forward with a one

lot subdivision, this appeal expired in 2018. The current property owners were unaware of the expiration date of the 2015 appeal.

On January 2, 2025, the current property owner applied for a new appeal request to apply for the one lot subdivision process rather than a conservation development as their previous request had since expired. Notice of this application was sent to twenty property owners within 500 feet of the property on January 14, 2025. No neighbor comments have been received.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Ridge at Legacy Farm Appeal, File #25-GNRL0563 subject to the following conditions:

1. The Ridge at Legacy Farm Appeal Extension Request shall automatically expire without a public hearing if the preliminary plat application is not submitted by March 10, 2028.
2. The applicant will be responsible for obtaining all applicable permits and complying with all applicable standards and regulations as development occurs on the site.
3. Any further division of the property shall be required to follow the appropriate process required by the Larimer County Land Use Code.
4. The subdivision plat shall include a building envelope for any proposed structures.

2. CANTOR BOUNDARY LINE ADJUSTMENT AND APPEAL, FILE NO. 24-LAND4427: The subject properties are located at 801 and 813 Hernia Hill Trail, in Bellvue, Colorado. The parcels are known as Parcel Number 834000044 and 834000039 and are a total of 19.45 acres in size. 801 Hernia Hill Trail is developed with an existing 2-story, single-unit residence and an accessory outbuilding. 801 Hernia Hill Trail ("lot 1") is served by an existing well and on-site wastewater treatment system (OWTS), while 813 Hernia Hill Trail ("lot 2") is currently vacant but is also served by an existing well.

The applicant has submitted a concurrent boundary line adjustment and appeal application. The boundary line adjustment application seeks to adjust the common lot line between 801 and 813 Hernia Hill Trail in order to provide the appropriate setback for the existing single-unit detached dwelling on 801 Hernia Hill Trail, which currently does not meet Land Use Code setback requirements with a setback of approximately 0-feet (i.e., on the shared lot line). Due to the proposed boundary line adjustment, the property at 801 Hernia Hill Trail is proposed to become 11.036 acres in size, while the property at 813 Hernia Hill Trail would become 8.441 acres.

The Review Criteria for boundary line adjustments contained in Article 6.5.7.D.1 of the Land Use Code state that to approve a boundary line adjustment, amongst other matters, it must be demonstrated that the resultant lots will meet the required minimum lot size of the applicable zoning district. If either or both lots are nonconforming with respect to minimum lot size, the adjustment must not increase the nonconformity. As the applicant has indicated that they cannot revise the boundary line adjustment request to address the existing deficient setback and meet the minimum lot size requirements, they have submitted a concurrent appeal request seeking relief from Article 2.3.3

(Lot and Building Standards) of the Larimer County Land Use Code, which requires a minimum lot size of 10 acres in the O-Open zoning district.

Notification of the application and of the public hearing was sent to 33 residents/property owners within 500 feet of the subject property. No neighborhood comments were received as of the date of this report. The Board of County Commissioners is only considering the lot size appeal. If the lot size appeal is granted by the Board of County Commissioners, the boundary line adjustment can be approved administratively by the Community Development Director or their designee.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Cantor Boundary Line Adjustment Lot Size Appeal, File No.24-LAND4427, subject to the following conditions:

1. The proposed concurrent boundary line adjustment associated with File Number 24-LAND4427 must be approved.
2. All existing septic system components, including the septic tank and leach field, shall be encompassed entirely within the property line of lot 1. The proposed common lot line between lot 1 and lot 2 shall be setback a minimum of 10 feet from the septic system components.

3. MILLER HOLT REVOCABLE LIVING TRUST EASEMENT VACATION, FILE NO. 24-LAND4423: The subject property is located at 2121 Charro Avenue in Longmont, Colorado and is also known as lot 12 of the Horseshoe Park Subdivision 3rd Filing. The property is 1.89 acres in size and is currently developed with a single unit detached residence, as well as accessory structures including a garage/shed, shed, and one-story metal shop.

The applicant/property owner is requesting to vacate the 15-foot-wide utility easement serving Poudre Valley Rural Electric Association that bisects the subject property in order to permit the construction of a new, attached 2-car garage to the northeast of the existing dwelling, following the conversion of the existing garage into an addition to the existing dwelling. A copy of the applicant's project description, a site map showing the existing and proposed structures, and the proposed plat showing the easement to be vacated were included in the application.

Poudre Valley Rural Electric Association, Xcel Energy, Little Thompson Water District, and Horseshoe Park Water (Ditch) Company are the utility providers that service this property. All utility providers have signed the utility check sheet.

Notification was provided to 67 residents/property owners located within 500 feet of the subject property or in surrounding subdivisions. No neighbor comments have been received as of the date of the report.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Miller Holt Revocable Living Trust Easement Vacation, File Number 24-LAND4423, subject to the following conditions:

1. The property will be subject to all restrictions, covenants, and conditions set forth in the plat of record for the Horseshoe Park Subdivision 3rd Filing.
2. 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 this plat modification – easement vacation approval.

4. **JOHNSTOWN 1041 RAW WATER PIPELINE, FILE NO. 24-ZONE3722:** The Town of Johnstown (Johnstown) requests approval of a 1041 Permit to conduct an Activity of State Interest as follows:

Land Use Code Section 10.3.1.I: Site selection and development of new or extended domestic water or sewer transmission lines which are contained within new permanent easements greater than 30 feet, or within new permanent easements greater than 20 feet that are adjacent to existing utility or other easements for infrastructure or projects described under Larimer County's 1041 regulations or to service an additional development density of 25 or more residential units or the equivalent thereof in other uses. Domestic water transmission lines include those used to transport both raw and treated water. This designation includes appurtenant facilities on pipelines. This designation shall not include the maintenance, repair, adjustment or removal of an existing pipeline or the relocation, replacement, or enlargement of an existing pipeline within the same easement or right-of-way, provided no additional permanent property acquisitions are required. The designation shall also not include the addition, replacement, expansion, or maintenance of appurtenant facilities on existing pipelines.

Johnstown seeks to construct a delivery system to convey raw water 10 miles to the Town's new water treatment plant (WTP). The specific request of this 1041 permit application pertains to the construction of 4 miles of buried 30-inch diameter pressurized pipe, a new pump station, and associated appurtenances located within unincorporated Larimer County. The proposed raw water pipeline (RWP) would be capable of conveying up to 21 million gallons of raw water per day (mgd).

The proposed pump station is located adjacent to the existing pump station at the northern end of Lonetree Reservoir, and the proposed RWP would begin at the pump station and terminate at the Town's WTP. The project's proposed alignment is located within both Larimer and Weld Counties, Berthoud town limits, and terminates in Johnstown. Access to the site will be at various locations along Pine Hill Dr., Larimer County Road (LCR) 17, LCR 15H, State Highway 60, and easements on private property.

The proposed pump station and RWP alignment within unincorporated Larimer County spans areas zoned RR-2 Rural Residential, UR-2 Urban Residential, IL Industrial Light, and MHP Manufactured

Home Park. Current land uses of the affected properties are residential, rural residential, recreational (golf course), and agricultural. The complete 10-mile alignment weaves in and out of the Town of Berthoud and Berthoud Right of Way (ROW). The impacts to the site and surrounding properties will be most intensive during the construction process, and 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 Article 10. 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. If the Board of County Commissioners determine at the public hearing that sufficient information has not been provided to allow them to determine if the applicable criteria have been met, the Board may continue the hearing until the specified additional information has been received.

The Board of County 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 is signed.

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 Larimer 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 building permit.

The applicant notified property owners within 500 feet of the proposed project on May 17th, 2024, and conducted a public meeting on June 11, 2024, which 25 residents attended.

Notice of this 1041 permit application was sent to property owners within 500 feet of the proposed project by the County and posted on the County's Public Input website. To date, four public comments have been received from community members or their representatives expressing concern for potential disturbance along LCR 14/42nd Street, landscape screening around the proposed pump station, and potential impacts to their property and future developments by the proposed alignment.

This application was also sent out to referral agencies for their review and comments. Comments were received from: Larimer County Engineering Department, Larimer County Department of Health and Environment, Larimer County Planning – Environmental, Larimer County Building Department, Larimer County Department of Natural Resources – Weed District, Colorado Department of Public Health and Environment, Colorado Department of Transportation, Town of Loveland, Loveland Fire Rescue Authority, and Little Thompson Water District.

The following referral agencies were contacted, but no comments have yet been received: Division of Water Resources, Colorado Parks and Wildlife, Town of Berthoud, Berthoud Water District, and Burlington Northern Santa Fe Railroad.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Johnstown Raw Water Pipeline 1041 Permit, File No. 24-ZONE3722, 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 Johnstown Raw Water Pipeline 1041 Permit, File 24-ZONE3722, 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 Johnstown Raw Water Pipeline 1041 Permit.
2. The applicant will be required to go through the post-approval Technical Review to address any outstanding items raised in the referral agencies' comments. All temporary easements and main staging areas will be reviewed as well.
3. The applicant shall submit a construction schedule, including planned workdays and hours, to be reviewed and approved by Larimer County Engineering and Health Departments.
4. The applicant shall allow access to Larimer County staff and consultants for inspections and construction observation throughout the project and for the term of the construction and revegetation.
5. 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 with buffers extending into the project area.
6. 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.
7. 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.
8. 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.

9. If relocation of the pipeline should be desirable in the future 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 made at the request of the County to accommodate changes in, or improvements to, public roadways or associated infrastructure and not to accommodate any third party, the applicant shall provide for pipeline relocations at their own cost on a reasonable schedule established by the Larimer County Engineering Department.
10. 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 Community Development Director shall only amend the portion of the pipeline alignment for that particular land parcel and will not reopen the entire 1041 permit.
 - a. The pipeline shall be installed within 100 feet on either side of the centerline of the approved project route in the application, which provides an installation envelope of 200 feet. If the applicant determines a pipeline needs to or should be installed outside of the 200-foot envelope such a deviation may occur without further review or approval by Larimer County only if all the following conditions are met:
 - i. The deviation will not move the location of the pipeline from one property to a different property.
 - ii. The property owners where the deviation will occur must consent in advance of the deviation.
 - iii. The deviation demonstrates compliance with all other review criteria and conditions of approval.

Health:

11. The applicant shall create a fugitive dust and emissions control plan as part of the Technical Review that addresses all requirements of both County and State Health Departments.
12. The applicant shall create a noise mitigation plan as part of the Technical Review that will address all requirements of the Larimer County Noise Ordinance and the County Health Department.
13. 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.
14. Creation and implementation of an emergency utility plan or equivalent plan that outlines Johnstown'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).
15. Johnstown and/or respective contractors shall be responsible for immediate repair/replacement of damaged utilities (public and private) and all associated costs experienced by properties.
 16. The applicant shall provide proof that the pump station and any exterior equipment (HVAC/air intakes, exhaust ventilation, air handling units, etc.) shall comply with the County's residential nighttime noise threshold by remaining below 50 dBA due to continuous operation.

Engineering:

17. 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.
18. The final design and any alignment adjustments during construction that would move the pipeline 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 Right-of-Way, it shall do so in a manner either:
 - a. located outside of the ultimate right-of-way width corresponding to the functional classification of the roadway, or
 - b. obtained and converted to a Larimer County Road Right-of-Way easement for any additional pipeline easement.
19. Final design plans and specifications for alignments within the County's Right-of-Way must be prepared for review and approval by the Larimer County Engineering Department.
20. The applicant shall submit phasing plans if applicable, including planned workdays and hours, to be reviewed and approved by the Larimer County Engineering Department.
21. Material test reports must be submitted to and approved by Larimer County for any work to occur within the County Right-of-Way.
22. The applicant must provide information on how the proposed pipeline sections within County Right-of-Way will be accessed for maintenance and operation.
23. 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 the road right-of-way or that will directly affect the traveling public.
24. 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 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.
25. Any additional subsurface investigations that may be required by other local and state governments, federal agencies, or impacted utilities, including irrigation and water storage or delivery companies, shall be made available to Larimer County for review.
 26. Maximum open trench lengths will be defined in consultation with Larimer County during Technical Review and construction permitting.
 27. During construction, the applicant shall stabilize, resurface, and repave, if applicable, all areas disturbed or damaged during construction and operation within the Larimer County Road Rights-of-way (ROW). This condition also applies to any project appurtenances, such as utility connections, located within the County ROW.
 28. The applicant shall be responsible for arranging and paying all costs of:
 - a. utility relocations and irrigation company requirements necessary to accommodate the pump station, raw water pipeline, and appurtenances.
 - b. the replacement of existing storm drainage infrastructure, culverts, roadway signage, pavement striping/symbols, landscaping and property fencing necessary to accommodate the pump station, raw water pipeline, and appurtenances.
 - c. damage or relocation of private property services as necessary to accommodate the pump station, raw water pipeline, and appurtenances if a reasonable alternative is not possible.
 29. 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.
 30. Unless otherwise approved by Larimer County Engineering, all proposed roadway crossings shall be completed using the specific construction method proposed in the traffic impact report. Any proposed open-cut road crossing shall be flow-filled to a depth of two feet below the roadway's final surface. Unless otherwise approved, full roadway closures for mainline numbered County roadways will not be permitted.
 31. 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.
 32. 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. This also includes reclamation, revegetation, and landscaping inspections and monitoring.
33. During the design process for those portions of the alignment to be within County Right-of-Way, a geotechnical subsurface investigation shall be submitted to Larimer County to determine the required trench backfill and compaction specifications, subgrade mitigation and pavement design for areas disturbed by the pipeline installation. Any additional subsurface investigations required by other local and state governments, federal agencies, or impacted utilities, including irrigation and water storage companies, shall be made available to Larimer County for review.
 34. 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.
 35. Heavy equipment traffic will be subject to all weight limit restrictions along adjacent roadways and will obtain oversize/overweight permits.
 36. The applicant shall develop and provide Larimer County with accurate as-built horizontal and vertical survey data (state plane coordinates and elevations in North American Vertical Data 88) and Geographic Information System shapefiles describing the locations of the facilities and all appurtenant structures.

Construction Permitting:

37. 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.
38. The applicant shall adhere to Larimer County MS4 regulations for all applicable work within the most up to date Larimer County MS4 boundary.
39. 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.
40. The applicant must obtain a Larimer County Development Construction Permit for the planned construction activities.
41. 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 or other forms of financial security.

42. 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.

Post Construction Requirements (Closeout, Operation, and Maintenance):

43. 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.
44. 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 a one-time extension from the Board of County Commissioners 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 Land Use Code and the original permit.
45. 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.

The Board commented on the Johnstown 1041 Raw Water Pipeline, File No. 24-ZONE3722, stating that their hope is that the submitter will work closely with Colorado Parks and Wildlife (CPW) regarding mule deer and nesting bird habitat mitigation as provisioned in conditions of approval 5 and 6.

The Board also commented that they received a memo regarding the Cantor Boundary Line Adjustment and Appeal, File No. 24-LAND4427. The original hearing packet included conditions of approval, but moving forward this item would become an Administrative Matters decision. The Cantor Boundary Line Adjustment and Appeal, File No. 24-LAND4427 will be approved without any conditions of approval at this time.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda subject to the conditions in the staff reports and further moved to authorize the Chair to sign the Findings and Resolutions.

Motion carried 3-0.

PUBLIC HEARING DISCUSSION ITEMS:

1. PLATTE RIVER POWER AUTHORITY RAWHIDE 1041 PERMIT 24-ZONE3715:

Kassidee Fior, Principal Planner, gave a presentation on this discussion item. Ms. Fior began by offering a general explanation of 1041 regulations, which give local governments the authority to regulate matters of statewide concern. These regulations pertain to the development of regional transportation and utility infrastructure, including a variety of regulated activities such as new and converted power plants, reservoirs, and pipelines. Ms. Fior also gave an overview of the typical 1041 process, noting that this process has a shortened timeline in comparison to other types of Land Use applications.

Ms. Fior described the Platte River Power Authority (PRPA) request for approval of five new aeroderivative combustion turbines and related infrastructure including an ammonia storage tank, wastewater storage tank, demineralized water tank, power distribution centers and a proposed water treatment facility through the 1041 Permit process. Also included in the application are related substation buswork additions, transmission upgrades, and construction staging, laydown and storage yards. The proposed construction area includes approximately 30 acres of the existing 4,590 acre site, with approximately 32 additional acres included as laydown areas. Ms. Fior gave an overview of the site location and the access, water, sewer, and fire protection plans for this construction project.

Ms. Fior explained that PRPA is a not-for-profit, community-owned public power generation and transmission utility that provides energy and services to the communities of Estes Park, Fort Collins, Longmont, and Loveland for delivery to their distribution utility customers. PRPA owns and operates Rawhide Energy Station, located about nine miles north of Wellington, Colorado. The applicants have indicated that the intent is that the new dispatchable turbines will complement renewable energy generation on an as-needed, on-demand basis when accounting for wind and solar source output. An evaluation of the Integrated Resource Plan (IRP) developed by PRPA is not part of this request. An IRP must be filed with the Western Area Power Administration (WAPA) and is approved by PRPA's Board of Directors rather than Larimer County.

In accordance with the requirements of §10.8, 1041 Permit Application and Review Process of the Land Use Code, a pre-application meeting was held on April 16, 2024, with a pre-submission meeting held on August 29, 2024. The application was submitted on October 17, 2024, and was deemed complete on December 13, 2024.

Ms. Fior explained how the public was notified of this application and how Staff has collected input from the public. Mixed feedback has been received as of March 10, 2025. Some reasons the public has given against approving this application are related to the use of additional natural gas, air quality concerns, and the desire to become carbon neutral by 2030. Some reasons given in favor of the application include the need for consistent and reliable power, ensuring protection of the environment, financial responsibility, and taking steps to decommission the existing coal power plant.

As part of the 1041 Permit Process, various Larimer County departments and external review agencies were requested to review the proposal and submit comments regarding the application. Based on the referral agency comments that were received, Staff have recommended a number of conditions of approval to be included if the project moves ahead. These conditions are intended to bridge any gaps between the submittal and the criteria that were identified during staff review, to help clarify how the project is to be implemented and operated, and to guide the Technical Review process. The applicant will also be required to comply with all applicable State requirements, including those of the Colorado Department of Public Health and Environment (CDPHE).

REVIEW CRITERIA

Ms. Fior gave an overview of the review criteria. A 1041 permit application may be approved only if the applicant has satisfactorily demonstrated that the proposed project, including all mitigation measures proposed by the applicant, complies with the applicable criteria set forth in Article 10 of the Larimer County Land Use Code. If the proposal does not comply with 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.

Lea Schneider, Environmental Health Planner, added some notes about current air quality in Larimer County and the ways in which this project could impact air quality.

Review Criteria for all 1041 Permits:

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 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 air quality, surface water quality and stream and river health, groundwater quality, the ecological and functional health of wetlands and riparian areas, terrestrial and aquatic animal life, terrestrial and aquatic plant life, soils and geologic conditions, and 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 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.

Additional Criteria for Power Plants

The following supplemental criteria are also required for 1041 permit applications regarding power plants:

- A. **Project Design and Location**
 - 1. Proposed transmission facilities have been identified and included as part of the power plant project.
 - 2. The facility site or expansion area is not in an area with general meteorological and climatological conditions which would unreasonably interfere with or obstruct normal operations and maintenance.
- B. **Hazardous Substances: The proposed project will not present an unreasonable risk of exposure to or release of toxic or hazardous substances within the impact area. The determination of effects of the project shall include the following considerations:**
 - 1. The means by which outdoor storage facilities for fuel, raw materials, equipment, and related items are adequately enclosed by a fence or wall.
 - 2. The likelihood of hazardous materials or wastes being moved off the site by natural causes and forces.
 - 3. Containment of inflammable or explosive liquids, solids, or gases.
- C. **Project Impact**
 - 1. The nature and location of the facility or expansion will not unduly interfere with existing easements, rights-of-way, other utilities, canals, mineral claims, or roads.
 - 2. Adequate electric, gas, telephone, water, sewage, and other utilities exist or shall be developed to service the site.
 - 3. The scope and nature of the proposed project will not unnecessarily duplicate existing services within the County.

- D. If the purpose and need for the proposed project are to meet the needs of an increasing population within the County, the area and community development plans and population trends clearly demonstrate a need for such development.**
- E. Criteria for Wind Power Plants (not applicable)**

Ms. Fior noted that much of the language in the Staff reports is phrased “as it appears”, or “Staff are of the opinion that...”, which means that Staff has made their best efforts to review technical documentation based on their expertise, and that their findings are entirely based on the information they were provided. Staff have found that, based on a review of the submitted documentation, the Article 4.0 development standards, the Article 10.9.1 criteria for all 1041 permit applications, and the Article 10.10.0 additional criteria for power plants, the proposed PRPA Rawhide 1041 Permit application satisfies all applicable criteria, subject to the implementation of the conditions of approval as recommended by Staff.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Ms. Fior explained that conditions of approval are included to guide the Technical Review process, to bridge a gap between the project and the criteria, and to clarify how the project is implemented and operated.

The Development Services Team recommends approval of the application for a 1041 Permit for the Platte River Power Authority Rawhide 1041 Permit File 24-ZONE3715, 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 be in compliance with all applicable regulations and obtain all required county, state, and federal permits.
3. Failure to comply with any conditions of this 1041 approval may result in reconsideration and possible revocation of the approval by the Board of County Commissioners.
4. This approval shall automatically expire unless the applicant takes affirmative action consistent with this approval within three years of the date of final approval.
5. 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.

6. At the time of Technical Review, the following shall be submitted for review, comment and approval by Larimer County Staff:
 - a. Floodplain Hydraulic/Hydrologic Modeling Report.
 - b. If required, a viewshed and simulation of potential visual impacts from Soapstone Prairie Natural Area.

Health Conditions:

Fugitive Emissions During Project Construction

7. Platte River Power Authority and/or respective contractors shall create a fugitive dust control plan specifically addressing controls used for the turbine construction project. The fugitive dust control plan shall be submitted as part of Technical Review.
8. Platte River Power Authority and/or respective contractors shall create an air quality management plan (or emission control plan) for reducing impacts of construction-activity-related air pollution emissions beyond the required dust control plan.
9. If required, the applicant shall obtain any applicable APEN before construction and comply with Colorado AQCC regulations during construction.

Turbine Construction and Overall Operational Noise

10. Turbine construction noise levels shall comply with construction activity sound thresholds as set out in the Larimer County Noise Ordinance. Any exceptions shall be evaluated by Larimer County including Health, Planning, and Engineering.
11. As stated in the Noise Analysis, the manufacturer's noise control mitigation shall be applied to ensure that the turbines and associated compressors will be in compliance with the Larimer County Noise Ordinance for residential property lines.
12. An outreach plan shall be submitted at the time of Technical Review, outlining how any community concerns will be managed. As part of this plan, easily visible signage with contact information for Platte River Power Authority and related contractors (phone number, email, and website, if created) for addressing questions and concerns shall be posted along East County Road 82 at the construction entrances.
13. Audible observation and sound monitoring and measuring shall be conducted by a third party within 30 days of commencing turbine operations in conjunction with the coal unit and current turbine operations to verify compliance with the County Noise Ordinance for nearby residential property lines. The report of the findings shall be provided to Larimer County Community Development and Health and Environment Departments for evaluation to determine if additional mitigation is necessary.

Air Quality

14. If the 1041 permit is approved, a report of how the AERMOD results differ based on 5 turbines rather than 6 turbines shall be provided at the time of Technical Review.

Hazardous Materials

15. At the time of Technical Review, a Hazardous Materials Management Plan shall be submitted for review, comment and approval by Larimer County Staff containing a list of chemicals that will be new to the project and site, relative quantities, estimated locations, and wastewater characteristics and systems to be installed. The plan shall also include detailed construction plans, operational conditions, safety and spill prevention and control measures for all aqueous ammonia, demineralized water, and wastewater systems and infrastructure.
16. At the time of Technical Review, an HMIA shall be submitted for review and comment by Larimer County staff in alignment with current hazardous material management plans.

Engineering Conditions:

Construction – Schedule and Inspection

17. The applicant must obtain a Larimer County Development Construction Permit for the planned construction activities. As applicable, the applicant or its contractors will also be required to obtain other Larimer County permits. These could include but are not limited to Building Permits and/or Floodplain Development Permits.
18. The applicant must submit a detailed construction schedule, including anticipated phasing, planned workdays and hours, and haul routes for construction traffic.
19. The applicant shall allow access to Larimer County staff and consultants for inspections and construction observation as appropriate.

Construction – County Roadways

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 the 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 the applicable County ROW 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 ROW or that will directly affect the traveling 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. Staff may

- also require an access permit for existing access points proposed for temporary construction or permanent access.
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 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 will be required to restore the roadways to their prior condition. This may include regrading and/or resurfacing.
 24. Heavy equipment traffic will be subject to all weight limit restrictions along adjacent roadways and will obtain oversized/overweight permits.

Construction – Drainage and Erosion Control

25. 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 the preparation of a Storm Water Management Plan and Best Management Practices to prevent stormwater 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.

Post-Construction Requirements (Closeout, Operation, and Maintenance)

26. All disturbed areas must be regraded and revegetated to match or exceed their preconstruction condition.
27. If required, the applicant shall submit an analysis of impacts on any County roads and repair any Project-caused damage.
28. The applicant shall provide Larimer County with as-built construction drawings and certifications prepared by a Colorado-registered professional engineer.

Wildlife and Vegetation Conditions:

29. A site-specific Stormwater Management Plan and Erosion and Sediment Control Plan shall be developed and submitted to the County for approval.
30. At the time of Technical Review, a Noxious Weed Management Plan must be submitted to the satisfaction of Larimer County Natural Resources.
31. During construction and post-construction, the applicant shall permit Larimer County to inspect the Project site for adherence to the Noxious Weed Management Plan and to survey for new weed populations.
32. At the time of Technical Review, additional information will be provided to the satisfaction of the Larimer County Environmental Planner or other staff, including but not limited to:
 - i. Stormwater and erosion control measures
 - ii. Soil salvage and topsoil management

- iii. Reclamation and revegetation measures
- iv. Management of noxious weed populations onsite
- v. Satisfaction of Migratory Bird Treaty Act requirements
- vi. Avoidance and/or remediation of existing PFA/C contamination
- vii. A lighting plan or alternative compliance plan, if required
- viii. Consultation with Colorado Parks and Wildlife regarding potential lighting impacts on both on- and off-site wildlife and Soapstone Prairie Natural Area, particularly black-footed ferrets and bats (Chiroptera)

The Board thanked Ms. Fior for explaining some of the complicated language within the application.

The Board asked Staff a series of questions regarding the conditions of approval, the Platte River Power Authority (PRPA) Integrated Resource Plan (IRP), noxious weed management on the site, air quality standard regulations, migratory bird and wildlife habitat impacts, the timeline for the retiring of the existing coal-fired plant, expected pollution levels during construction of the new equipment, cleanup of per- and polyfluoroalkyl substances (PFAS) at the site, PRPA's status as their own permitting authority, and the quasi-judicial manner in which Land Use hearings are conducted.

Ms. Fior, Ms. Schneider, and Frank Haug, Assistant County Attorney, responded to each of the Board's questions.

APPLICANT PRESENTATION:

Matt Tribby, Javier Camacho, Chris Wood, Jace Staponski, and Melie Vincent from Platte River Power Authority, as well as Jeremy Call of Logan Simpson, introduced themselves. Mr. Tribby began his presentation by noting that Platte River Power Authority (PRPA) is a not-for-profit and community-owned public utility owned by the four communities of Estes Park, Fort Collins, Longmont, and Loveland.

Mr. Tribby gave an overview of the proposed project at the Rawhide Energy Power Station. PRPA is proposing five new simple-cycle natural gas-fired aeroderivative turbines for at least 200 megawatts of dispatchable capacity and the potential for future hydrogen fuel blending. This project will also include an upgraded substation and infrastructure to improve reliability and facilitate larger renewable energy integrations effectively. This project is necessary to support additional renewable energy to meet demand as PRPA retires all of its coal-fired resources, and to maintain reliable power, particularly during extreme weather and low renewable energy generation periods.

Mr. Camacho explained the 2024 Integrated Resource Plan (IRP) and the relationship between PRPA and the Western Area Power Administration (WAPA). The IRP allows PRPA to address energy needs for the next 10-20 years and includes an action plan. The 2024 IRP was unanimously approved by the PRPA Board of Directors in July of 2024 and subsequently accepted by WAPA. Mr. Camacho emphasized the importance that was placed on community engagement during the creation of the IRP, including nearly 40 presentations across Larimer County.

Mr. Call discussed several of Larimer County's 1041 permit review criteria that were not already mentioned by Staff. Mr. Call showed the site location and where the new construction would occur. The site was selected based on land availability, minimal site constraints, availability of roads and utilities, and proximity to existing electrical infrastructure. The site enhances PRPA's ability to deliver energy across the region.

Mr. Tribby reviewed some of the alternatives that were considered, and explained that reliable grid operation requires energy, capacity, and flexibility. While wind and solar are excellent sources of energy, they are not able to provide capacity and flexibility, which must be procured from other sources for successful grid operation. It was determined that natural gas was the most reliable alternative energy source. This project will allow for the retirement of the coal-fired plant (Unit 1), which will deliver significant emissions reductions at Rawhide Energy Station.

Mr. Camacho explained that PRPA's responsibility is to provide power to the community. This project will provide turbine flexibility and grid reliability enhancements and will support a noncarbon future. Mr. Tribby shared that in 2018, PRPA's Board of Directors directed leadership to work toward a 100 percent noncarbon resource mix by 2030, while maintaining PRPA's three pillars of providing reliable, environmentally responsible, and financially sustainable electricity and services.

The Board asked why PRPA did not obtain an independent review from an entity such as the National Renewable Energy Laboratory (NREL) to alleviate public concerns. The Board had questions about the project, including how PRPA can guarantee that they will continue to pursue alternative energy sources after this project is complete, the possibility of utilizing green hydrogen power and battery storage systems as an alternative to gas power, the necessity of building new gas-powered turbines as opposed to utilizing the five already present at the site, and the timeline of the project.

The Board also had questions regarding PRPA's plan to join the Southwest Power Pool and whether the new turbines will truly be used to provide power to Estes Park, Fort Collins, Loveland, and Longmont, or whether they will be utilized to generate additional energy production to add to the Pool. Finally, the Board asked if PRPA has partnered with other utility providers as they transition away from coal power, and if that has factored into their decision to pursue gas power as the best alternative.

Mr. Camacho, Mr. Tribby, Ms. Vincent, and Mr. Staponski responded to the Board's questions and concerns.

PUBLIC COMMENT:

The following members of the public spoke in opposition to the application in person: Michael Foote, Barbara Krupnik-Goldman, Kevin Cross, Fred Kirsch, Crispin Hilliard, Mallory Eisenreich, Braden Bomgaars, Ed Behan, Cory Carroll, Susan McFaddin, Peggy La Point, Howard Goldman, Jacob Smoot, Sam Killmeyer, Jeff Borg, Marcia Woodland, Sarah Burke, Christina Swope, Erin Jones, Greg Zoda, Scott Denning, Jared Ross, Doug Henderson, Megan Bodin, Ashleigh Knapp, Pat Burger,

Aeran Lehnhoff, Ira Klages, and Jonah Salehi. Bill Althouse, Rick Casey, and Sam Ashbach also offered comments online.

Some reasons the commenters gave against approval of this application included concerns over PRPA's adherence to the Land Use Code and failure to answer questions clearly to prove that they will be held accountable going forward. Many commenters expressed concerns that PRPA did not obtain a reliable third party review of their Integrated Resource Plan (IRP). The biggest concerns for most commenters were related to air pollution and reliance on fossil fuels for energy production. Commenters did not understand why PRPA could not transition to fully renewable energy sources, and many did not agree that building gas turbines was a good alternative to decommissioning the coal-fired plant.

The following members of the public spoke in favor of the application in person: Dennis Sumner, City of Loveland Mayor Jacki Marsh, Joe Rowan, and Travis Walker. Commenters in favor of the application highlighted their confidence in PRPA's three pillars and their ability to balance priorities. PRPA is held accountable through their elected Board of Directors. Waiting for third-party reviews is not a feasible option because of the fast-approaching 2030 deadline for carbon reduction. Commenters noted that this is not a question of using either gas turbines or renewable energy. Both systems are needed to ensure reliability and financial responsibility. If reliable, constant power is not available at all times, lives could be at stake.

Chair Stephens closed public comment.

Mr. Tribby thanked all of the members of the public for coming out to raise their concerns and share their opinions. Mr. Tribby addressed some of the public's concerns regarding air pollution, particularly in relation to the air permit application being concurrently submitted by PRPA to the Colorado Department of Public Health and Environment (CDPHE). Although operations at the Rawhide Energy Plant will continue to create emissions, they will be controlled to extremely low levels.

QUESTIONS FOR APPLICANT AND STAFF:

The Board asked for clarification about the applicant's rebuttal regarding utilization of the new turbines during high ozone alert days and projected air quality and emissions. The Board asked whether operation of the new turbines could be limited as a condition of approval.

The Board also had questions regarding PRPA joining the Southwest Power Pool, including what is expected of market participants from a resource adequacy perspective when joining the Pool, and how PRPA is prioritizing meeting the criteria of the Larimer County Comprehensive Plan specifically for Larimer County residents and PRPA customers. Mr. Tribby, Ms. Vincent, and Jason Frisbie, PRPA CEO, responded to the Board and explained some of the challenges that must be accounted for when balancing both reliability and financial responsibility. Ms. Vincent also explained some of the benefits of joining the Southwest Power Pool and how this would contribute to better planning responsibility and accountability from PRPA.

The Board questioned whether gas turbines are just a crutch, or if PRPA can truly expect to stop using fossil fuels entirely in the future. Mr. Frisbie stated that as CEO, he hopes that the turbines will be shut down in the future and that hydrogen power will never be needed. The hope is that membership in the Southwest Power Pool and improvements to battery storage technology will continue to make reliance on fossil fuels less and less necessary. However, as PRPA transitions away from coal and enters a new era, it is impossible to put an exact date on total elimination of fossil fuel reliance since they do not have historical data to reference. Due to changes in the market after the COVID-19 pandemic, costs and manufacturing timelines are much greater than expected, and ultimately PRPA must find a way to meet the State deadline of 80 percent carbon reduction by 2030.

Mr. Frisbee also emphasized that PRPA was never trying to hide anything by not pursuing an independent review of their data from the National Renewable Energy Laboratory. PRPA is doing its best to meet the request of citizens to shut down the coal plant, and numerous other utility providers have come to the same conclusion that natural gas is the best option at this time. The Board commented that obtaining an independent review would build trust with the public and would serve to confirm PRPA's findings.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(b): Conversations with an attorney to discuss legal requirements of an applicant regarding criteria C, D, and E for a 1041 permit application.

Motion carried 3-0.

The Board entered into Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(b): Conversations with an attorney to discuss legal requirements of an applicant regarding criteria C, D, and E for a 1041 permit application.

The Board returned to session.

M O T I O N

Commissioner Shadduck-McNally moved to continue the Platte River Power Authority Rawhide 1041 Permit 24-ZONE3715 discussion item until March 24, 2025, at 3:00 p.m. for the purpose of obtaining more information regarding review criteria C, D, and E, the additional review criteria for power plants criteria D, and the climate impact analysis and how it relates to the Larimer County Comprehensive Plan.

The Board asked the applicant if they are in favor of continuing this item, and they responded that they would be open to a continuance, or to adding a condition of approval that would allow the Board to come to a decision at this hearing.

Motion carried 3-0.

With there being no further business, the meeting was adjourned at 8:50 p.m.

TUESDAY, MARCH 11, 2025

ADMINISTRATIVE MATTERS MEETING

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

Chair Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: Mike Walsh addressed the Board to propose renaming Blue Mountain west of the new Chimney Hollow Reservoir to Sleeping Mammoth Mountain. In 2017, geotechnical investigations for the Chimney Hollow project unearthed the skeletons of both an adult and juvenile mammoth at the base of Blue Mountain. Mr. Walsh commented that renaming the mountain sets the stage for future tourism and education. This initiative will enhance Larimer County's identity while driving sustainable tourism and economic growth.

Chair Stephens closed public comment.

The Board thanked Mr. Walsh for bringing this matter to their attention. The Board offered to look into this initiative and to reach out to Mr. Walsh for more information. The Board also directed Mr. Walsh to speak with the Department of Natural Resources since they will be responsible for future use of the Chimney Hollow open space.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF FEBRUARY 24, 2025:

M O T I O N:

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of February 24, 2025.

Motion carried 3-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF MARCH 17, 2025: Ms. Martin reviewed the upcoming schedule with the Board. The Board made several additions to the upcoming schedule.

4. CONSENT AGENDA:

ABATEMENTS

1. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1681027 – CFAL CO Fire Aviation Leasing – Tax Year 2024
2. PETITION FOR ABATEMENT OR REFUND OF TAXES: R0009466 – Mike Labate and 16-9 LLC – Tax Year 2023
3. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1503774 – Shu Hua Yang – Tax Year 2024
4. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1669381 – ML Properties LLC – Tax Year 2022/2023
5. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1619994 – ML Properties LLC – Tax Year 2022/2023
6. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1619996 – ML Properties LLC – Tax Year 2022/2023
7. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1619998 – ML Properties LLC – Tax Year 2022/2023
8. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1620003 – ML Properties LLC – Tax Year 2022/2023
9. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1620005 – ML Properties LLC – Tax Year 2022/2023
10. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1620007 – ML Properties LLC – Tax Year 2022/2023
11. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1596260 – ML Properties LLC – Tax Year 2022/2023
12. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1619993 – ML Properties LLC – Tax Year 2022/2023
13. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1620009 – ML Properties LLC – Tax Year 2022/2023
14. PETITION FOR ABATEMENT OR REFUND OF TAXES: R1620008 – ML Properties LLC – Tax Year 2022/2023

15. PETITION FOR ABATEMENT OR REFUND OF TAXES: R0407500 – Westlake Shops LLC – Tax Year 2022/2023

AGREEMENTS

1. FORT COLLINS FIBER USE LICENSE AGREEMENT – LARIMER COUNTY – 2024-2029
2. STATE OF COLORADO CONTRACT MODIFICATION CONTRACT AMENDMENT #5
3. AMENDMENT #7 TO THE AGREEMENT FOR SERVICES
4. INTERGOVERNMENTAL AGREEMENT CONCERNING THE LIVERMORE CONSERVATION PROJECT
5. INTERGOVERNMENTAL AGREEMENT CONCERNING THE TRILBY 6.0MG TANK
6. AMENDMENT TO EXCESS CAPACITY CARRIAGE AGREEMENT AND CROSSING AGREEMENT
7. GRANT AWARD AGREEMENT – COMMUNITY WILDFIRE DEFENSE GRANT (CWDG)

APPOINTMENTS

1. RECOMMENDED FULL-TERM APPOINTMENT TO THE BEHAVIORAL HEALTH TECHNICAL ADVISORY COMMITTEE – Ashley Braund
2. RECOMMENDED FULL-TERM APPOINTMENT TO THE BEHAVIORAL HEALTH TECHNICAL ADVISORY COMMITTEE– Alison Ford
3. RECOMMENDED FULL-TERM APPOINTMENT TO BEHAVIORAL HEALTH TECHNICAL ADVISORY COMMITTEE – Savannah Naffziger
4. RECOMMENDED YOUTH APPOINTMENT TO THE BEHAVIORAL HEALTH CONSUMER ADVISORY COMMITTEE – Neveah Greene
5. RECOMMENDED APPOINTMENT TO THE SADDLEBACK PUBLIC IMPROVEMENT DISTRICT – Kevin Brookfield
6. RECOMMENDED MIDTERM APPOINTMENT TO THE BOARD OF APPEALS – Greg Fisher

7. **RECOMMENDED APPOINTMENT TO THE FOX RIDGE ESTATES PUBLIC IMPROVEMENT DISTRICT** – Reed Smedley
8. **RECOMMENDED APPOINTMENT TO THE PINEWOOD SPRINGS GENERAL IMPROVEMENT DISTRICT** – Jim Wendell
9. **RECOMMENDED MIDTERM APPOINTMENT TO THE MEADOWDALE HILLS GENERAL IMPROVEMENT DISTRICT** – Phil McLain
10. **RECOMMENDED APPOINTMENT TO THE MEADOWDALE HILLS GENERAL IMPROVEMENT DISTRICT** – Michael Aldridge
11. **RECOMMENDED MIDTERM APPOINTMENT TO THE ESTES VALLEY PUBLIC LIBRARY DISTRICT** – Peter Benton

LIQUOR LICENSES

1. **LIQUOR LICENSE TRANSFER OF OWNERSHIP – POUFRE’S PUB LLC DBA POUFRE’S PUB – HOTEL & RESTAURANT – BELLVUE, COLORADO**
2. **LIQUOR LICENSE TRANSFER OF OWNERSHIP – TRADING POST LTD DBA JAILHOUSE LIQUORS – RETAIL LIQUOR STORE – RED FEATHER LAKES, COLORADO**
3. **LIQUOR LICENSE RENEWAL – 1616 CHAMPA LLC DBA RIVER FORKS INN – TAVERN – DRAKE, COLORADO**
4. **LIQUOR LICENSE TRANSFER OF OWNERSHIP – HGC PTARMIGAN LLC DBA PTARMIGAN COUNTRY CLUB – HOTEL & RESTAURANT – FORT COLLINS, COLORADO**
5. **LIQUOR LICENSE TASTING PERMIT – SUPERMARKET LIQUORS INC DBA SUPERMARKET LIQUORS – FORT COLLINS, COLORADO**
6. **LIQUOR LICENSE RENEWAL – SENOR RAFAEL AT THE MEXICAN INN LLC DBA SENOR RAFAEL AT THE MEXICAN INN – HOTEL & RESTAURANT – LOVELAND, COLORADO**

MISCELLANEOUS

1. **RICHMOND AMERICAN HOMES OF COLORADO INC STIPULATION AS TO TAX YEAR 2024 VALUE**
2. **RICHMOND AMERICAN HOMES OF COLORADO INC STIPULATION AS TO TAX YEAR 2024 VALUE**

3. **STATEMENT OF AUTHORITY**

4. **LARIMER COUNTY LEGISLATIVE POSITIONS**

RESOLUTIONS

1. **RESOLUTION ADOPTING THE MANUFACTURED HOUSING PARK PRESERVATION (MHP-P) ZONING DISTRICT OF THE LARIMER COUNTY LAND USE CODE (DECEMBER 9, 2024)**
2. **RESOLUTION APPROVING THE DISPOSITION OF LOT 2B, FCLWD TRILBY TANK MLD NO. 24-LAND4440, AND QUIT-CLAIM DEED CONVEYING THE PROPERTY IN LARIMER COUNTY**
3. **FINDINGS AND RESOLUTION APPROVING THE SERELL RESORT CABIN ADMINISTRATIVE REVIEW AND APPEALS**
4. **RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR PAYMENT UNDER THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (BUREAU OF JUSTICE ASSISTANCE FISCAL YEAR 2024)**

MOTION

Commissioner Shadduck-McNally moved that Board of County Commissioners approve the Consent Agenda for March 11, 2025.

Motion carried 3-0.

5. **COMMISSIONERS' GUESTS:** The Board invited Larimer County Clerk & Recorder, Tina Harris, to share some exciting news from the Clerk & Recorder's Office. Clerk Harris wanted to share a meaningful new service that honors the nation's flag while strengthening community partnerships.

Clerk Harris explained that she partnered with the Scouting America Troop 97 to provide flag retiring boxes in three locations in Larimer County: the Recording Department at 200 West Oak Street in Fort Collins, the Vehicle Licensing Office at 201 Peridot Avenue in Loveland, and the Vehicle Licensing Office at 1601 Brodie Avenue in Estes Park. The public is encouraged to use these boxes to submit worn or damaged U.S. flags for proper retirement since it is considered undignified to throw them away. Scout Grey Sprister, an Eagle Scout in Troop 97, led this project with other Scouts as part of his Eagle Scout service project. When the boxes are full, the flags will be collected and retired according to proper U.S. flag etiquette.

Additionally, the Clerk & Recorder's Office has partnered with the Larimer County Department of Public Affairs to host two Larimer Unlocked: Life of the Ballot sessions. The sessions will occur on March 20, 2025, at 6:00 p.m. and on March 25, 2025, at 9:30 a.m. During these sessions, members of

the public will be able to tour the central ballot counting facility and will learn about the life of a ballot. Those who are interested in these sessions can register online at larimer.gov/unlocked.

The Board thanked Clerk Harris for sharing this news. The Board commended Scouting America Troop 97 for piloting this program and Clerk Harris for supporting them.

6. DISCUSSION ITEMS:

1. UPDATE THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN:

Lori Hodges, Director of Emergency Management, presented this discussion item regarding an update to the Comprehensive Emergency Management Plan. Ms. Hodges explained that the Comprehensive Emergency Management Plan consists of six base plans. The two plans that are up for revision today are the Emergency Operations Plan and the Recovery Plan. These changes are being presented following lessons learned from recent disasters, particularly the Alexander Mountain Fire.

The Board thanked Ms. Hodges for utilizing lessons learned to continue to improve Larimer County's emergency response capabilities. The Board asked Ms. Hodges to share some of the learnings that led to these updates. Ms. Hodges responded that the Emergency Management Plan is an "all hazards" plan, meaning that the processes that are followed focus on things that are needed for any emergency, regardless of the type of hazard, including resource management, public information management, policy direction, and partnerships with other agencies.

Ms. Hodges also mentioned that the Hazard Mitigation Plan is a 5-year plan that is up for renewal this year. The Larimer County Sheriff signs off on the six base plans along with the Board of County Commissioners.

County Manager Volker commented that there was a Work Session on February 24, 2024, which members of the public can watch online if they would like more information about these updates. Manager Volker emphasized that this plan is very practical and easy to understand. Manager Volker thanked Ms. Hodges and her department for their work on updating these plans.

Ms. Hodges also shared that all of the plans except for the Continuity of Government Plan are public and can be found at larimer.gov/emergency.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Resolution Adopting Updates to the Larimer County Comprehensive Emergency Management Plan.

Motion carried 3-0.

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.

9. LEGAL MATTERS: None requested.

With there being no further business, the meeting was adjourned at 10:00 a.m.



Kristin Stephens

KRISTIN STEPHENS, CHAIR
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK & RECORDER

ATTEST:

Lindsey Jones

Lindsey Jones, Deputy Clerk