

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MAY 6, 2024

LAND USE HEARING

There was no Land Use Hearing held at 3: 00 p.m.

LAND USE HEARING

The Board of County Commissioners met at 6:00 p.m. with Rebecca Everette, Community Development Director. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were John Barnett, Environmental Planner, Community Development; Jenny Axmacher, Planning Manager; Steven Rothwell, Engineering; Lea Schneider, Environmental Health Planner; Frank Haug, Assistant County Attorney; Bill Ressue, County Attorney; and Deirdre O'Neill, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

Chair Kefalas explained that this is a continuation of the April 22, 2024, Thorton Water Project Segment F 1041 Permit 23-Zone3584 application hearing.

Rebecca Everette, Community Development Director gave a brief summarization of the hearing that took place on April 22, 2024, and at that hearing there was an introduction and overview of the process, staff and the applicant presentations, and they public testimony had begun. Tonight's proceedings will continue with public comment and then move into questions from the Commissioners to staff and the applicant. The Commissioners will then deliberate and make a possible decision. There is also a hearing date on Wednesday, May 8, 2024, if needed.

Chair Kefalas opened the hearing to public comment.

The following members of the public spoke in opposition to the 1041 Permit Application: Barry Feldman, Nancy York (online), Pat Crotzer (online), Loro Rock, John Norman Jr, Bobby Norman, James McCauley, Deborah Shulman, Doug Swartz, Michael Anthony, Jadelyn Lippmann, Edward Lanyon, Mary Beck, Gloria Edwards, Greg Brissey, Christine Pharr, John Norman II, Jessica Dallow, Elizabeth Lynch, Ava Baumann, Bryan Dougherty, Eva Stutz, Lori Feig-Sandoval, Alexander Ford, Brenda Carnes, Preston Brown (online), and Christa Novelli (online). Their collective concerns are environmental issues, not exploring all viable options, misinformation on the number and size of the proposed pipeline, no benefit to Larimer County, infringement of private and public property, impact on the dam at Windsor Reservoir #8, noise pollution, effects on wildlife, and wanting to explore the Poudre River option.

The following spoke in support of the 1041 Permit Application: Amber Graves (online). Rachel Badger and Leah Beniston. The three million dollars of funding support the health of the Poudre River and preserving acres of land for agriculture and open space. They stated that the Board should

trust their Planning Staff's support of the application and the useless spending of taxpayer dollars fighting this project is not in the best interest of Larimer County, solve problems and improve the prosperity of all its residents through collective reciprocity and collaboration. By possibly denying this application, the Board would be impacting the livelihood and ability for families to live closer to where they work and inadvertently exacerbating Colorado's housing attainability crisis along the front range.

Chair Kefalas closed public comment.

The Board took a brief recess.

The Board returned to session.

APPLICANT REBUTTLE

Todd Barnes, Communication Director for the City of Thornton. Mr. Barnes states that The City of Thornton agrees with the 76 conditions of approval and are open to hearing others, denying the application does nothing to improve the Poudre River, approving the application provides opportunities and benefits for Larimer County and river health. They are not agreeable to being forced into enhancing something not impacted by the project especially in such a way that knowingly degrade the quality of the water that is intended to be drinking water for Coloradoans just less than an hour away.

Mr. Barnes addresses the Poudre River alternative-this would result in a diminishment of Thornton's property rights and would require modification to Thornton's water rights, both are prohibited by statute.

Emily Hunt, Deputy Director, City of Thornton states that it is Thornton's intention to be a good regional partner in government and a good neighbor to your community. She identifies specific actions that they would commit to upon approval- improve the Poudre River Watershed, preserve open spaces and agriculture in Larimer County. They are also proposing an addition to Condition #8- *"In addition, the Applicant agrees to contribute the greater of \$3 million or the proceeds from the sale of these properties to a yet-to-be-established Poudre River Enhancement Fund or another fund identified by the county that is dedicated solely to the enhancement of the Poudre River."*

Carolyn White, attorney on behalf of the City of Thornton. Ms. White spoke of inconsistencies in some of the comments heard. Thornton's project avoids impacts to the Poudre River and an applicant cannot be expected to mitigate impacts that do not exist. While Thornton's project will not degrade the quality or quantity of water in the Poudre River, Thornton's commitment to a healthy Poudre River is indisputable.

Ms. White spoke about property owner outreach and feedback. All landowners were contacted, and one on one conversations were held with all property owners with the exception of three who could not be reached and were sent letters. In all, seventeen owners are along the alignment, the preferred alignment reflects the direct property owner input regarding siting of the pipeline on their properties. Thornton has been granted access to six of those properties (rights of entry) and physical surveys have been completed.

Ms. White reiterated that this application is for one pipeline. Several commenters had mentioned during public comment that Thornton is applying to build three pipelines, Ms. White stated that if approved, this application is for one pipeline only. Ms. White also mentioned that Thornton has communicated and collaborated with Larimer County residents who are directly impacted by the pipeline and Thornton's submittals and process far exceed what was provided by the approved NISP and Newt III applications. Thornton has provided evidence that its submittal meets or exceeds the applicable 1041 criteria, and all 76 conditions will be met to ensure that Thornton's project will meet or exceed the Land Use Code. Thornton would object to any delay in the proceedings of the appointment of a second working group. Thornton's application was submitted in November of 2023, and has been available for review for over one-hundred and fifty days.

Commissioner Shadduck-McNally requested to go into Executive Session with the county attorneys before starting with Commissioners question and answer portion of the hearing. Bill Ressue, County Attorney informed the Board that to go into Executive Session to discuss legal matters, first they would need to identify the topic of discussion without disclosing any confidential information and second, it would require a vote from the Board to go into Executive Session.

Commissioner Shadduck-McNally stated she had questions on the review criteria regarding benefits and purchase of land.

MOTION

Commissioner Stephens moved that the Board move into Executive Session pursuant to C.R.S 24-6-402(4)(b)-conference with an attorney for the purpose of receiving legal advice on specific legal questions for the scope of review criteria with respect to project benefits.

Motion carried 3-0.

The Board returned to session.

The Board moved into the question phase of the hearing.

The Board had questions regarding impacts to farming and roads. Ms. White stated that it is Thornton's intention to pay for and fully mitigate any damage to residential property. Ms. Hunt spoke about the Steidl property showing an overview of the original NISP alignment with the revised NISP alignment as well. There were also questions to staff on technical revisions or amendments to the 1041 permit. There was discussion on soil health, weed impacts and mitigation related to Mr. Steidl's farm and the obligation of Thornton to restore the site to pre-existing conditions. Thornton explained that the project is a low impact, passive use that is consistent with agricultural land use. The project is not anticipated to impact standard agricultural practices once the water pipeline is installed. Thornton and Thornton's design consultant will work with property owners on the location of above ground infrastructure if any are required. Topsoil will be removed and stockpiled separately away from other excavated material and will be replaced. Disturbed areas, including grade and existing infrastructure will be restored to preconstruction conditions.

There were questions on the Larimer County Canal, and it was stated that it is dry in the winter-the normal season is roughly mid to late May through August. Any remaining water is standing water and

evaporates throughout the winter months. Water Supply and Storage Company (WSSC) water rights do not allow for diversion in the winter.

Ms. Hunt also went over Thornton's Water Court Decree-Ditch Company Protections expressing that Ditch losses remain in the WSSC system which ensures that deliveries can be made to all shareholders. The 1986 agreement between WSSC and Thornton states that Thornton's operation cannot negatively impact other shareholders and that they construct check structures to ensure consistent water delivery.

The Board asked for clarification on condition number 76-will any safety concerns be addressed with the Commission of Dam Safety? Ms. White responded that as it relates to construction and proximity of a dam, The Division of Dam Safety is the ultimate authority. Gerald Simpson, Jacobs Engineering explained Thornton has always planned to coordinate the final design with the division and they have the final say and he went over some technical aspects on the right of way and easements with work limits.

In response to questions on carbon impacts and climate, Ms. White explained The City of Thornton plans to use the Envision Framework- it is a framework that includes 64 sustainability and resilience indicators organized around five categories:

- Quality of Life
- Leadership
- Resource Allocation
- Natural World
- Climate and Resilience

These indicators collectively become the foundation of what constitutes sustainability in infrastructure.

Chair Kefalas stated that due to the late hour, the hearing will continue Wednesday, May 8, 2024, at 6:00 pm. The Board adjourned at 10:10 p.m.

TUESDAY, MAY 7, 2024

ADMINISTRATIVE MATTERS MEETING

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

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

PUBLIC COMMENT: There was no public comment in person or on-line.

Chair Kefalas closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF APRIL 29, 2024:

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of April 29, 2024.

Motion carried 3-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF MAY 13, 2024: Ms. Martin reviewed the upcoming schedule with the Board. Commissioner Shadduck-McNally had some additions to her upcoming schedule.

4. CONSENT AGENDA:

ABATEMENTS

- 1. PETITION FOR ABATEMENT OR REFUND OF TAXES - R1380354-Gunney, Stacey Vanderheiden -Tax Year 2023**
- 2. PETITION FOR ABATEMENT OR REFUND OF TAXES - R0250597-Newlin, Dennis Donn-Tax Year 2023**
- 3. PETITION FOR ABATEMENT OR REFUND OF TAXES - R1639976-Timnath Ranch Investments LLC-Tax Year -2023**
- 4. PETITION FOR ABATEMENT OR REFUND OF TAXES- R1677076 – Arnold Family Holdings LLC – Tax Year 2023**
- 5. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1314629 – American Storage Leasing of Ft Collins/NKA Fort Collins Mobile Storage Inc – Tax Year 2023**
- 6. PETITION FOR ABATEMENT OR REFUND OF TAXES – R 1005596 – Turner, Ronnie and Rhonda G – Tax Year 2023**
- 7. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1598937 – Kokkin, Kirsten – Tax Year – 2023**
- 8. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1589785 – Vanthuynne, Julius A – Tax Year 2023**
- 9. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0503711 -Gamble, Rachel and Mazan Maxwell – Tax Year 2023**
- 10. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0423696 – Welsh, Dennis – Tax Year 2023**

11. PETITION FOR ABATEMENT OR REFUND OF TAXES -R0023868 – Cordona, Julia G -Tax Year 2023
12. PETITION FOR ABATEMENT OR REFUND OF TAXES - R1507273 – Fegel, Jason G and Katherine E – Tax Year 2023
13. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0008257 – Foster Marilyn A – Tax Year 2023
14. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1615639 – Guerrero Martin Jr – Tax Year 2023
15. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1343246 – Hartzell, Lloyd J – Tax Year 2023
16. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1641765 – KMAC Holdings LLC – Tax Year 2022
17. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1639709 - Koltun, Svetlana – Tax Year – 2023
18. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0328910 – Root, John A – Tax Year – 2023
19. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0761621 – Schreiber, Mark and Tiffany R – Tax Year 2023
20. PETITION FOR ABATEMENT OR REFUND OF TAXES – R16248480 – Thurman, Robert and Barbara – Tax Year 2023
21. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0094137 – Van Cleave, Wendy F – Tax Year 2023
22. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1427148 – Isenhour, Steven Todd – Tax Year 2023
23. PETITION FOR ABATEMENT OR REFUND OF TAXES- R1151398 – McCrane, Seven – Tax Year 2023
24. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1548476 – Woods, Joy – Tax Year 2023
25. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1569821 – Long, Brendan K – Tax Year 2023
26. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0573876 – Query, Gregory M and Peri Ann

27. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0763446 – Clifton, Mari – Tax Year 2021/2022
28. PETITION FOR ABATEMENT OR REFUND OF TAXES - R0703559 – Henry, Shane D and Marcie – Tax Year 2023
29. PETITION FOR ABATEMENT OR REFUND OF TAXES - R1642805 – Jiang, Weiqin and Zhu Zonglian – Tax Year 2023
30. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1450751 – Mulroney, Thomas and Marcia – Tax Year 2023
31. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1587174 – Suchy, Carole A – Tax Year 2023

AGREEMENTS

1. GRANT AGREEMENT- THIRD AMENDMENT TO LARIMER COUNTY RENTAL ASSISTANCE GRANT PROGRAM TWO BETWEEN NEIGHBOR TO NEIGHBOR AND LARIMER COUNTY FOR ADMINISTRATIVE OF EMERGENCY RENT ASSISTANCE 2 PROGRAM (ERAP)
2. CONTRACT FOR ELECTRIC SERVICE AND Poudre Valley Rural Electric Association, Inc Non-Exclusive Right-of-Way Easement
3. GOCO Grant Agreement- Heaven's Door Ranch Acquisition Project
4. Development Agreement for Taylor Planned Land Division, File No. 21-LAND4135

APPOINTMENTS

1. RECOMMENDED REAPPOINTMENT TO THE ESTES VALLEY PLANNING ADVISORY COMMITTEE – Drew Webb and David Converse
2. RECOMMENDED APPOINTMENT TO THE PLANNING COMMISSION – Nick Cassidy and Jon Weiss
3. RECOMMENDED REAPPOINTMENT TO THE PLANNING COMMISSION – Patrick Rowe

LIQUOR LICENSES

1. LIQUOR LICENSE NEW ISSUANCE – HORSETOOTH TAVERN LLC DBA HORSETOOTH TAVERN LLC – HOTEL & RESTAURANT – FORT COLLINS, COLORADO

2. **LIQUOR LICENSE RENEWAL-RAWAH RANCH LLC DBA RAWAH RANCH-HOTEL & RESTAURANT-GLENDEVEY, COLORADO**

MISCELLANEOUS

1. **EDGE AIR INC STIPULATION AS TO TAX YEAR 2023 VALUE**

RESOLUTIONS

1. **FINDINGS AND RESOLUTION APPROVING THE CLHS ENTERPRISES LLC REZONING**
2. **FINDINGS AND RESOLUTION DENYING THE CROWN CASTLE APPEAL, 24-GNRL0550**
3. **RESOLUTION OF THE LARIMER COUNTY BOARD OF COMMISSIONERS EXPRESSING INTENT TO PROVIDE FUNDING TO SUPPORT VETERANS' PLAZA OF NORTHERN COLORADO**

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for May 7, 2024.

Motion carried 3-0.

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

6. DISCUSSION ITEMS:

1. PROCLAMATION RECOGNIZING MAY 2021 AS ASIAN PACIFIC DESI HERITAGE MONTH: Lorenda Volker, County Manager, announced that the Equity, Diversity and Inclusion Board reviews proclamations and matters of importance to bring before the Board of County Commissioners. Karen Wong Brown approached the Board thanking the Commissioners for acknowledging Asian Pacific DESI Heritage Month. As a first-generation Chinese Immigrant, Ms. Brown wished to thank all of her ancestors who came before her for providing her with a solid foundation for her culture.

Commissioner Stephens read the proclamation stating that the recognition of Asian Pacific Islander Desi American (APIDA) Heritage Month began in 1977 to support the history and accomplishments of APIDA people in the United States. The APIDA consists of the entire Asian continent and the Pacific islands. The month of May was selected to honor a Japanese immigrant as an initial U.S. citizen on May 7, 1843, and to recognize the anniversary of the finale of the original Transcontinental Railroad on May 10, 1869, primarily built by Chinese immigrants.

The APIDA community has risen above cultural obstacles, language barriers, discrimination, and violence, these Americans still experience intensified fear and deprivation. Thus, we ask Larimer County citizens to rebuke hate based on race, religion, or ethnicity, and honor the hard work, perseverance, and dynamic culture of the APIDA community. We recognize the significance of inclusion and strive to create an amicable and safe climate for all Larimer County residents.

In recognition of APIDA Heritage Month, the county of Larimer is planning a festive family-friendly celebration to honor the cultural and visionary influences of APIDA with music, dancing, crafts and food to be held at the Loveland Public Library on May 18, 2024.

The Board spoke on how honored they are in signing this proclamation and stating that the APIDA community has a long history of active participation in Larimer County including teachers, doctors, business owners, restaurant workers, colleagues and friends enormously contributing to the health, growth, and well-being of our community. The Board spoke about the internment camps during WWII, including Camp Amache in Colorado with over 7,000 detainees. The Board thanked Ms. Brown for her years of volunteering in the community and serving on board and how she makes our community a better place.

MOTION

Commissioner Stephens moved to approve the Proclamation recognizing May 2024 as Asian Pacific Islander Desi Heritage Month

Motion carried 3-0.

The Board took a brief recess.

The Board returned to session.

2. READ AND SIGN THE PROCLAMATION RECOGNIZING MAY AS OLDER AMERICANS' MONTH: Erin Alt, Program Manager for Larimer County Office on Aging and staff explained that May is Older Americans Month, a time for us to recognize and honor Larimer County older adults and their immense influence on every facet of American society. Older Americans improve our communities through intergenerational relationships, community service, civic engagement, and many other activities. This year's theme, "Powered by Connection," emphasizes the profound impact of meaningful interactions and social connection on the well-being and health of older adults in our community. We are reminded of the profound impact that older adults have on our lives. As part of the celebration of this year's "Older Americans Month", the Board presented awards to outstanding caregivers and senior volunteers. Older adults provide an invaluable role in shaping families and society as a whole. Ms. Alt reminded us that aging is not just about growing older but growing wiser while continuing to make meaningful impacts in our communities.

Commissioner Shaddock-McNally read the proclamation expressing that through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge. Communities benefit when people of all ages and abilities. And backgrounds have the opportunity to participate and live independently. Larimer County must ensure that older Americans have the resources and support needed to stay involved in their communities-reflecting our commitment to inclusivity and connectedness.

MOTION

Commissioner Shadduck-McNally moved the Board of Conty Commissioners to approve the Proclamation recognizing May as Older Americans Month.

Motion carried 3-0.

The Board thanked Ms. Alt and her team for all their hard work and stated that it is a great time to remind us how older Americans bring value to our lives and that the richness they bring is invaluable. We need to continue to recognize social isolation, especially amongst our older generation, and the detrimental effect it can have on our citizens. Older Americans helped build this great nation of ours and growing old is a triumph and the Board wanted to acknowledge the Office on Aging and the importance of supporting one another. Older Americans should be treated with empathy and respect. They offer unique contributions with their inspiration and unwavering spirit.

The Board took a brief recess.

The Board returned to session.

3. PROCLAMATION RECOGNIZING MAY 10, 2024, AS CHILDCARE PROVIDER APPRECIATION DAY: Lorenda Volker, County Manager announced that it is a pleasure to recognize Childcare Providers. These providers make it possible for parents to participate in the work force to provide for their families. They are the unsung heroes of our community.

Heather O'Hayre, Human Services Director stated that these caregivers both in-home and in childcare facilities become part of our families. Childcare Provider Appreciation Day provides an opportunity to recognize, honor, and celebrate the childcare providers in our community. Organizations nationwide are recognizing Childcare Providers on this day. Childcare has provided a safe, nurturing place for the enrichment and development of millions of children nationwide and is a vital force in our economy. Larimer County recognizes that childcare has been and continues to be a lifeline for families, communities, and the economy and we recognize that nurturing, responsive and culturally appropriate early childcare and education provides a solid foundation for our children's ongoing success, and impacts a wide variety of outcomes, including educational attainment and long-term health, wellness and stability.

Commissioner Stephens read the proclamation providing an opportunity to recognize, honor, and celebrate the childcare providers in our community. Childcare programs, which are mostly small business, run and are staffed by mostly women, continue to recover from the health and financial hardships stemming from the pandemic to meet the needs of more families. The future depends on the quality of early childcare experiences provided to young children today.

MOTION

Commissioner Stephens moved to approve the Proclamation recognizing May 10, 2024, as Childcare Provider Appreciation Day.

Motion carried 3-0.

The Board understands that quality childcare providers create safe, healthy learning environments and are knowledgeable about the developmental stages of children, and need support as they learn and grow. The need for high quality childcare services represents an invaluable commitment to our children's future. The Board is committed to finding solutions to affordable, high quality childcare services and express their heartfelt gratitude to childcare providers and urge all members of our community to recognize childcare providers for their important work and invaluable contributions to our community.

The Board took a brief recess.

The Board returned to session.

4. **PROCLAMATION RECOGNIZING MAY 6-10, 2024, AS ECONOMIC DEVELOPMENT WEEK:** Evan Wendlandt, Economic Development approached the Board to announce the week of May 6-10, 2024, as National Economic Development Week. It was created by the International Economic Development Council in 2016 in order to increase awareness of local programs and services that create jobs, advance career development opportunities, and increase quality of life among our communities. The Economic Development Department is putting together a week of activities including local social media campaigns and educational opportunities. He wishes to raise awareness for Economic Development Week, here in Larimer County and to state the work that the team within the Economic Development Department does in partnership with our community partners across the region.

Commissioner Shadduck-McNally read the proclamation asserting that economic development is a process that is strengthened by the critical partnership between economic professionals and local government leadership to promote a shared vision for developing resilient communities. Larimer County is a place where economic partners, such as the City of Fort Collins, City of Loveland, Town of Estes Park, Town of Wellington, Town of Laporte, Town of Berthoud, Town of Windsor, Town of Red Feather Lakes, Northern Colorado Regional Economic Development Initiative, Larimer Small Business Development Center, Local Chambers of Commerce's, NoCo REDI, Larimer County, and many others, work together to ensure our collective economic health efforts provide a supportive environment that helps companies thrive and brings visitors to enjoy our beautiful community. Economic development enhances equity by using economic tools and development of programs and policies that include the interest of the entire community to help build an inclusive economy. Economic partners also promote economic well-being, resilience, and quality of life for their communities.

The Board appreciates the staff bringing this proclamation forward and this is an example of work with our partners in identifying key job and industry sectors where there is a great demand and to give residents a level of financial security instead of living paycheck to paycheck. The Board appreciates that there is an emphasis on reaching out to all different sectors of our community, including small businesses, and helping people with disabilities find employment.

MOTION

Commissioner Shadduck-McNally moved to approve the Proclamation recognizing May 6 – 10, 2024 as Economic Development Week.

Motion carried 3-0.

The Board took a brief recess.

The Board returned to session.

5 **PROCLAIM MAY 2024 AS NATIONAL FOSTER CARE APPRECIATION MONTH:** Angela Mead, Deputy Division Manager, Larimer County Department of Human Services and staff and representatives of Foster and Adoptive Families of Colorado (FAFLC) recognized the importance of foster care for abused and neglected children and professes their profound appreciation to those who dedicate their lives to fostering children. In 2023, the state of Colorado had 3,346 children cared for by foster families. In Larimer County, we have 237 children placed in foster care. It is estimated that in 2023 there were 391,000 children living in foster care nationwide. Foster care provides a traumatized child with a safe and loving family environment. Foster Parents play an essential role in supporting birth parents in their journey toward reunification when children are removed from their home. We recognize the rewards and challenges that come with this role. We are very fortunate in Larimer County to have many dedicated foster parents who provide the necessary care to prevent congruent care.

Ms. Mead wishes to recognize a community agency for their extraordinary efforts in supporting foster families. This year we are recognizing Foster & Adoptive Families of Larimer County (FAFLC). They are 100% volunteers. Their purpose is to promote and improve the welfare of children, with special interest in fostering, kinship, guardianship, and adoptive children in Larimer County. Ms. Mead also introduced the winners of the Foster Parents of the Year, Monica, and Marvin Bodinstall who have taken in over 70 children since 2010. Every year during the month of May our Nation recognizes those individuals who provide foster care to abused and neglected children and at-risk youth.

Katie Montoya, FAFLC spoke of the services that her organization provides for children including clothing, food, school supplies and activities. They continue to advocate for issues that are in the best interest of children.

Commissioner Stephens read the proclamation reiterating that the County of Larimer recognizes that every child deserves a loving, stable and permanent home and that there are children in our communities who may not have a safe and stable family and may be experiencing great difficulty and hardship. Foster Care Appreciation Month provides an opportunity to recognize the dedication, commitment, and compassion of foster parents, social workers, advocates, and volunteers who work tirelessly to support children and families in Larimer County.

Foster parents open their hearts and homes to provide love, stability, and care for children in need, allowing them and their families to heal, reconnect, and grow. In Larimer County, of the 188 children in out of Home Care on a daily average, 168 of those children are in a family setting with either kin or foster parents. Larimer's more than seventy-six foster families, provide nurturing and supportive homes in which children's emotional, physical, social needs and meaningful connections are provided by a caring adult or family dedicated foster families are a vital and limited resource to support children and families in need, especially foster parents who match the ethnic, cultural and identity makeup of

children entering care, and who are allies, are culturally competent, and willing to care for older youth, children with special needs, and sibling groups.

Foster Care Appreciation Month provides an opportunity to recognize the dedication, commitment, and compassion of foster parents, social workers, advocates, and volunteers who work tirelessly to support children and families in Larimer County.

The Board expressed their gratitude to Ms. Mead and Ms. Montoya for all they do in taking care of children who have experienced trauma as well as recognizing foster parents like the Bodinstalls for their compassion in opening their hearts and homes and selfless dedication to these at-risk children. Foster families are a vital and limited resource. Every child needs a champion in their lives who will not give up on them.

MOTION

Commissioner Stephens move to approve the Proclamation recognizing May 2024 as National Foster Care Appreciation Month.

Motion carried 3-0.

The Board took a brief recess.

The Board returned to session.

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

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

9. **LEGAL MATTERS:** None requested.

With there being no further business, the Board adjourned at 11:15 a.m.

WEDNESDAY, MAY 8, 2024

LAND USE HEARING

The Board of County Commissioners met at 6:00 p.m. with Rebecca Everette, Community Development Director. Chair Kefalas presided. Commissioner Shaddock-McNally and Commissioner Stephens were present. Also present were John Barnett, Environmental Planner, Community Development; Jenny Axmacher, Planning Manager; Steven Rothwell, Engineering; Lea Schneider, Environmental Health Planner; Frank Haug, Assistant County Attorney; Bill Ressue, County Attorney; and Deirdre O'Neill, Deputy Clerk.

THORNTON WATER PROJECT SEGMENT F 1041 PERMIT 23-ZONE3584

Chair Kefalas opened the meeting with the Pledge of Allegiance.

Rebecca Everett, Community Development Director gave a brief recap stating that tonight's hearing is a continuation that began on April 22, 2024, continued to May 6, 2024, and is continuing tonight, Wednesday, May 8, 2024, for the Thornton Water Project Segment F 1041 Permit 23-Zone3584 application hearing.

Several steps have been completed including staff and applicant presentation, public comment, applicant rebuttal and the start of Commissioners questions for applicant and staff. Tonight's hearing will continue with Commissioners questions, Applicant response, deliberations, and a decision by the Board of County Commissioner.

Continuation of questions from the Board of County Commissions:

The Board had several questions including clarifying why the Poudre River option is not a viable option. Emily Hunt, Deputy Director of Utilities, City of Thornton gave several reasons for this including it does not deliver the high-quality source of supply Thornton owns, it would be an increased risk to public health, it would require a new storage to be built, cannot operate year-round, and there is no administrative mechanism to shepherd water down the river. It would also create negative environmental impacts with increased energy usage and significant water loss. Some of the other questions asked by the Board were in relation to return water flows, water court decree, community benefits including the mitigating criteria as well as additional community benefits including 862 acres of land conserved with the Poudre River Enhancement Fund, conservation easements, air quality for engine idling, noise levels and construction lighting, wetlands, migratory birds, community outreach with landowners and irrigation companies.

Gerald Simpson, Jacobs Engineering, spoke about requirements of contractors, mitigation measures including idling times, emissions from construction vehicles, reducing green house gas emissions and reduced air pollutant emissions. There are no direct air pollutant emissions from an operational standpoint. The fugitive dust and emission control plans shall be submitted as part of the technical review process. Emission minimization and control measures are required by The Colorado Department of Public Health and Environment (CDPHE) for various types of equipment. Construction equipment will move around the site during construction. Construction work hours will typically be from 7:00 am-7:00 pm Monday through Saturday.

Mr. Simpson spoke about lighting during construction along the vicinity of the pipeline and not disrupting wildlife. The applicant is open to a condition of approval to address the Boards concern on lighting impacts while balancing safety.

Rebecca Everett, Community Development Director will coordinate to ensure the intent of protecting night skies and peak migratory timeframes is part of the application process.

Ms. Hunt spoke about the Northern Properties Stewardship Plan explaining that it is a complementary process to Thornton's agriculture to municipal water transfer. While Thornton's water will be in accordance with Thornton's water rights decree, it is a vision for the management and future land use

of Thornton's 18,000 acres with a community driven process. There was also discussion on a 24-hour phone number that residents can call for questions or concerns during the construction process.

Carolyn White, attorney representing The City of Thornton, wanted to remind everyone that if this permit is approved, Larimer County still has oversight of the project to make sure it complies with the criteria and conditions. Throughout this process, Thornton has demonstrated that the project meets or exceeds all of the criteria and the proposed benefits outweigh any impacts which are temporary and relatively minimal. The need for Thornton Water Project is two-fold: use high quality water to help manage the city's poorer water supplies and provide additional water to enhance the reliability of supplies to meet the demands of existing and future water customers. Water conservation and efficiency through demand management activities is a critical component to the City of Thornton's water system. This is a great example of local communities working together to solve regional issues.

Brett Henry, City of Thornton Manager, thanked the Commissioners, staff and the public for their engaged discussion and is respectfully asking for approval of the 1041 permit application.

The Board took a brief recess.

The Board returned to session.

Ms. Everett went over the staff proposed new conditions and changes.

Recommendation of Revision on condition 7

Reconstruction 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 pipeline 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 deviation may occur without further review or approval by Larimer County only if all of the following conditions are satisfied:
 - 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 consent in advance of the deviation.
 - iii. The change in pipeline alignment demonstrates compliance with all other review criteria and conditions of approval.

Revision to Condition 68

Topsoil shall be salvaged and used in disturbed areas, which will be revegetated where practicable. The applicant shall retain a local soil scientist, agronomist, and/or agricultural engineer to work with

impacted property owners of agricultural land to determine existing soil conditions, best management practices, and mitigation measures to implement, including the implementation of soil amendments, to protect and re-establish the soil health of the soil column (topsoil and subsoil) that will be impacted by construction activities. Those practices shall be included in the design and completed for review by staff during Technical Review

Condition 76

The applicant shall obtain any necessary approvals from the Dam Safety Branch of the Colorado Division of Water Resources related to Windsor Reservoir #8 and any other structures regulated by the Division, including high hazard dams, prior to the approval of the Technical Review.

Condition 77

The applicant shall exercise due diligence to locate all known underground utilities and other underground facilities that may be impacted by the construction of the TWP and pothole them where appropriate and shall incorporate the results into their submittal for Technical Review.

Condition 78

The applicant shall minimize disturbance and mitigate all impacts to trees along the pipeline route. In the Technical Review submittal, the applicant shall accurately identify the locations, species, size and condition of all trees along the pipeline alignment, each labeled showing the applicant's intent to either remove, transplant or protect the tree. The applicant shall retain an ISA certified arborist to conduct a full tree inventory and evaluate the health of and make recommendations for the retention of significant trees where the drip line is within either the temporary or permanent easement of the pipeline. For trees proposed to be removed, the applicant shall demonstrate why it is technically infeasible to avoid impacts to the tree and its critical root zone. Where it is not feasible to protect and retain tree(s) or to transplant them to another on-site location, Thornton shall replace impacted trees, either on-site or off-site, in accordance with Sec. 18-537 of the City of Thornton's Development Code (Existing Plant Material). If avoiding impacts to trees results in greater impacts to County ROW, efforts should be made to minimize disruptions to road users and traffic patterns and shall comply with all other conditions of approval related to County Right of way.

Condition 79

For the portions of the TWP pipeline that are co-located with the NISP pipeline, the lateral separation between the two pipelines shall be minimized to the greatest extent feasible, and the applicant shall coordinate in good faith with Northern Water regarding simultaneous construction of the two pipelines along as much of the co-located route as possible.

Commissioners' requests:

Condition 80

An Air Quality Management Plan shall be provided at the time of technical review for the pumphouse and the pipeline which outlines best management practices to be implemented by the City of Thornton and associated contractors to reduce air pollutant emissions during construction.

Condition 81

An exterior Lighting Management Plan shall be provided at the time of technical review that outlines specific requirements and best management practices to be implemented by the City of Thornton and associated contractors related to lighting operations during pipeline construction, with the goal of minimizing light pollution, disturbance to nearby residents, and disturbance to migratory birds, and other wildlife. Lighting outside of the standard operating hours of 7:00 a.m-7:00 p.m. should be avoided and is subject to review and approval by Larimer County staff on a case-by-case basis. (could further limit between April 1-May 31 and September 1-October 31) and consult with the local Audubon society.

Condition 82

A Lighting Plan shall be provided for the pumphouse site at the time of technical review that complies with all exterior lighting standards in the Larimer County Land Use and Building Codes in effect at the time of that application. The lighting plan shall address how lighting would be controlled and operated to minimize light pollution, disturbance to nearby residents, and disturbance to migratory birds and other wildlife.

The applicants stated for the record that the new conditions of approval are acceptable.

DELIBERATION

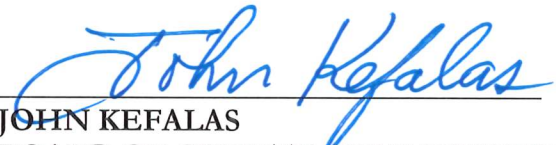
The Board gave their heartfelt thanks to the public for their robust comments. They also thanked the staff and the applicant for their engagement in this process. The Board believes the permit application meets the criteria set by the county's 1041 regulations that govern the permit process. The Board mentioned that this is not about Thornton's residents but how Larimer County's residents will be affected. They want to make sure the county's interests are protected. The Board stated that the Poudre River represents the lifeblood of our community and that this is a very difficult decision to make. The Board wished they could turn back the clock to have a deeper discussion about the pros and cons and have a discussion with the the City of Thornton to address its long-term municipal water needs. Along with conditions of approval, they believe this is the best option to protect the Poudre River while minimizing the impacts to landowners and communities and provided the county with a path forward.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the application for a 1041 Permit for the Thornton Water Transmission TWP Segment F 1041 Permit, File 23-ZONE3584 subject to the conditions in the Staff report including the new and revised as described prior to deliberation.

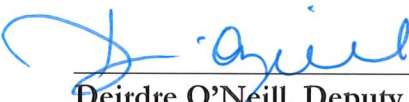
Motion carried 3-0.

The Board adjourned at 9:30 p.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:


Deirdre O'Neill, Deputy Clerk

