

# ATTACHMENT F

## LARIMER COUNTY PLANNING COMMISSION

### Minutes of June 24, 2020

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The Larimer County Planning Commission met in a special session on Wednesday, June 24, 2020, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Dougherty, Wallace, Jensen, Miller, and Stasiewicz physically attended with Commissioner Dougherty presiding as Chairman. Commissioner, Barnett, Johnson, and Choate attended virtually. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Rob Helmick, Senior Planner; Daylan Figgs, Natural Resource Director, Steven Rothwell, Civil Engineer II; Mark Peterson, County Engineer; Ken Brink, DNR Program Manager and Frank Haug, Assistant County Attorney II. Larimer County staff that attended virtually were Laurie Kadrich, CPIR Director; Lea Schneider, Environmental Health Planner, and Matt Lafferty, Principal Planner.

#### **COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE:**

None

#### **COMMENTS BY THE PUBLIC REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA:**

None

#### **AMENDMENTS TO THE AGENDA:**

None

#### **PLANNING COMMISSION COMMENTS:**

Chairman Dougherty gave thanks and gratitude from the Planning Commission to Commissioner Wendy True. Commissioner True will complete her Planning Commission term on June 30, 2020.

Commissioner Johnson, Choate, and Dougherty recused themselves from the Northern Integrated Supply Project case due to possible conflicts of interest.

Commissioner Wallace continued the hearing as acting chair.

#### **DISCUSSION ITEMS:**

#### **ITEM #1 – NORTHERN INTEGRATED SUPPLY PROJECT, FILE #20-ZONE2657:**

Mr. Threewitt stated the application was submitted on February 21, 2020. Staff determined the application complete on March 18, 2020 and notified the applicant by a letter. Tonight's hearing will be presentations by staff and applicant only and public testimony will be on July 8, 2020, with deliberation, recommendation, and motion to follow.

Mr. Threewitt, Mr. Helmick, Mr. Figgs, Mr. Rothwell, Ms. Schneider, and Ms. Ellis gave a presentation for the Northern Integrated Supply Project (NISP). The presentation included the following:

1. Introduction of 1041 regulations and Process (Mr. Threewitt)

**BCC 08/17/20** of application and history (Mr. Helmick)

**NISP**

3. Referral agency and public comments (Mr. Helmick)
4. Recreation component (Mr. Figgs)
5. Review criteria and analysis (Mr. Threewitt)
6. Construction impacts (Mr. Rothwell)
7. Health and safety impacts (Ms. Schneider)
8. Overall findings and staff recommendation (Mr. Threewitt)
9. Conditions of approval (Ms. Ellis)

### **Introduction of 1041 regulations and Process (Mr. Threewitt)**

Mr. Threewitt presented the following topics: Chapter 14 of the Larimer County Use Code purpose and applicability; and Chapter 14 of the Larimer County Land Use Code 14.10A, 14.10B, 14.10C, and 14.10D.

### **Overview of application and history (Mr. Helmick)**

Mr. Helmick presented the following topics: Application submitted (February 21, 2020); Determined complete (March 18, 2020); Internal analysis, agency referrals, and public comment period (March 18, 2020 – June 24, 2020); notice provided; Planning Commission Hearing (June/July 2020); and Board of County Commission Hearing (August 2020)

Mr. Helmick stated NISP Water Activity Enterprise 1041 permit application request the following: Reservoir and Conveyances.

The Glad Reservoir is 10 miles northwest of Fort Collins, and just north of the intersection of US 287 and SH 14. It would be five miles long, 250 feet deep, and would have the capacity to store 170,000 acre-feet of water. The surface area at full capacity will be approximately 1,000 acres (2.5 square miles). The dam's height would be 275 feet and would include a spillway structure, low level inlet/outlet works, and a multi-level inlet/outlet tower. A reconstructed diversion for the Poudre Valley canal that will take the water to a forebay reservoir which can store up to 2,000 acre-feet, from which water will be pumped by 40,000 horsepower pumps.

Mr. Helmick stated the applicant's request is for a water storage reservoir and associated facilities and pipelines for the conveyance of water diverted from the Poudre River to Front Range participants in the project. The water delivery from the proposed project will serve 15 participants, which include the Fort Collins Loveland water district.

The four pipeline segments include the following: Northern Tier = 17 miles, Glade/Poudre Release = 1.3 miles, Poudre River intake = 7.0 miles, and County Line = 10.2 miles.

### **Referral agency and public comments (Mr. Helmick)**

Mr. Helmick mentioned the project history and permitting for the associated documents and the County's role, permits, and approvals (pending or required). Over 30 agencies were referred, and the internal agencies included: County Engineering, Road & Bridge, Environmental Health, and Department of Natural Resources. Notice was sent to over 1,200 property owners within 500-feet of pipelines and a half mile of the reservoir site.

### **Recreation component (Mr. Figgs)**

Mr. Figgs gave a brief explanation regarding the comments made by the Department of Natural Resources (DNR). He then discussed the recreation review of the 2017 Reservoir Parks Master Plan that included six-questions for the recreation proposal, what the recreational proposal includes comments made, and the funding.

### **Review Criteria and analysis (Mr. Threewitt)**

Mr. Threewitt presented an overview of the 12 review criteria in Larimer County Land Use Code Section 14.10.D and presented staff findings on Criterion 1- Plan Conformity and Criterion 2 – Alternatives as detailed in the staff

**Construction impacts (Mr. Rothwell)**

Mr. Rothwell presented the following analysis and findings: Conveyance Line, Alternative Analysis, Example Alignment Evaluation, Northern Preferred Alignments, and Criterion 9.

**Review Criteria and analysis continued (Mr. Threewitt)**

Mr. Threewitt presented the following topics: Criterion 3 - County Standards and Criterion 4 - Natural Resources Impacts, finding that the application met the criteria.

**Health and safety impacts (Ms. Schneider)**

Ms. Schneider presented the following topics: Criterion 6, air quality, noise, and drinking water also finding that the application met the criteria.

**Review Criteria and analysis continued (Mr. Threewitt)**

Mr. Threewitt presented the following topics: Criterion 7 - Hazards Risk; Criterion 8 - Adequate Public Facilities; Criterion 10 - Cost/Benefit Resources and AG Land; Criterion 11 - Balanced Mitigation; and Criterion 12 - Staff and agency recommendations and Board of County Commission Findings.

**Overall findings and staff recommendation (Mr. Threewitt)**

Mr. Threewitt presented the overall findings of meeting the 12 criteria in the 1041 regulations, staff recommendation in favor of recommending approval, and explained the role of the Planning Commissioners.

**Conditions of approval (Ms. Ellis)**

Ms. Ellis explained the project-wide and other conditions of approval recommended by staff for the reservoir, recreation facility, and pipelines.

**Planning Commission Questions for Staff**

Commissioner Jensen asked if the Glade Reservoir and Chimney Hollow will meet the demands of service and how long?

Mr. Figgs replied yes, and it is from now until 2040.

Commissioner Jensen asked if 25% of the funding could through grants or seek other options for funding?

Mr. Figgs confirmed there are ways to fund the remaining 25% of funding through grants, third parties, etc.

Commissioner Jensen asked for more information regarding the function, how the department is funded, and will the department be able to maintain it.

Mr. Figgs explained DNR is funded through the following: Open space tax - land conservations, and open land properties; Reservoir Parks - user fees, day passes, boat passes, camping fees, etc.

Mr. Figgs also stated that DNR is primarily funded through revenue and lottery funds. Glade Reservoir would need to support itself through revenue.

Chairwoman Wallace asked who would be responsible for the remaining 25% of the funding?

Mr. Figgs explained the portion of the funding should be NISP.

Chairwoman Wallace asked how the funding percentage was determined?

Mr. Figgs stated the percentage was determined when the project was first proposed as an Intergovernmental Agreement (IGA) and is based on how the percentage determinations are normally used with grant contract. The percentage determination could be discussed if needed.

Chairwoman Wallace mentioned her thought that NISP is giving the County more burdens than benefits.

Mr. Figgs stated it is a proposal and believes the Planning Commission can suggest otherwise.

Commissioner Jensen asked if flushing flows for fishery have been discussed by staff and who will be managing the river?

Mr. Figgs stated the fishery within the reservoir will be managed by Colorado Parks and Wildlife. Management of the river will be managed by an adaptive management plan.

Chairwoman Wallace wanted clarification on how the water will get back into the river from Glacier Reservoir.

Mr. Figgs explained the two ways to get the water back into the river, high flow, and low flow.

Chairwoman Wallace asked for clarification regarding NISP statement within the application that if the reservoir is not built, a loss of 40,000 acres of farmland. Did the County review the statement?

Mr. Helmick stated the Army Corps completed an analysis that is included in the final EIS along with other options.

Chairwoman Wallace asked if there was an analysis completed to determine how much farmland will be out of production?

Mr. Helmick stated they will investigate the conclusion of the analysis completed and address it during next week's hearing.

Commissioner Miller asked who owns the water, when was it purchased, how is it being accessed, where is the water coming from, how often will it need to be filled, and how long will it take to fill.

Mr. Helmick stated that NISP will address the question within their presentation.

Commissioner Jensen asked if CDOT's 287 realignment will be presented to the Planning Commission as an L&E?

Mr. Rothwell confirmed it is his understanding.

Commissioner Jensen had a concern regarding the rock-cut area of the realignment area and the impact it will have. He also wanted to know the elevation.

Mr. Peterson stated that the maximum depth is over 200 feet and the bottom width would be 80 feet. The side depends on the rock cut's formation.

Commissioner Jensen asked if the impact of Owl Canyon Road has been viewed during the construction and if/when 287 will be realigned?

Mr. Peterson stated it has not been viewed yet.

- **BREAK STARTED - 7:45**

- **BREAK ENDED - 7:55**

Commissioner Barnett asked for more information regarding the Mitigation Plan and further down the river.

Mr. Figgs stated that Northern could explain more in-depth.

Commissioner Barnett asked if the decision regarding alignment to the east of the hogback is decided?

Mr. Peterson stated that CDOT will not be moving further with that.

### **Applicant Presentation for Northern Water**

Brad Wind gave an introduction and a brief overview of the Northern Integrated Supply Project.

### **Project Overview and History (Stephanie Cecil - Water Engineer explained)**

Ms. Cecil presented the following topics: What is NISP? What is Water Secure? Environmental, Peak Flow Operation Program, Permitting History, and 1041 Areas and Activities of State Interest.

### **Public Engagement (Christie Coleman)**

Ms. Coleman presented the following topics: Overview - Inform and Engage: public outreach summary, online outreach, NISPTalk.com, direct mailing, multiple approaches to outreach, open house, and other outreach options

### **Conveyance and Pipelines (Stephanie Cecil)**

Ms. Cecil Presented The Following Topics: Conveyance Requirements - Poudre Flow: 18-25 CFS Year-Round, Increase Net Flow in The Poudre River Through Fort Collins; Healthy Poudre River: Northern Water is a member, Poudre Flow Analysis, Northern Water Experience, Easement Cross-Section, Easement/Right Of Way, Routing Criteria, Routing Analysis, Preferred Alignment, Local Coordination, Eagle Lake Subdivision; Easement Procedures, and Reclamation.

### **Recreation Commitments (Christie Coleman)**

Ms. Coleman presented the following topics: NISP Voluntary Commitments; Master Plan Agreements; Recreation Partnerships; Recreation Concept Master Plan; and Major recreation components, Visitor Center, fishing, boating ramp and boating, boat ramp and boating, camping, trails, trails system, fire management, Recreation Concept Master Plan; benefits to Larimer County; and Consistency with Larimer County's Master Plan.

### **1041 Criteria Adherence (Peggy Montaño)**

Ms. Montano presented the following topics: Larimer County Participation; Criteria 1 – The proposal is consistent with the Larimer County Comprehensive Plan Master Plan; Criteria 2 – The applicant has presented reasonable siting and design alternatives or explained why no reasonable alternatives are available; Criteria 3 – The proposal conforms with adopted Larimer County standards, review criteria and mitigation requirements concerning environmental impacts; Criteria 4 – The proposal will not have a significant adverse effect on or will adequately mitigate significant adverse effects on the land or its natural resources, on which the proposal is situated and on lands adjacent to the proposal; Criteria 5 – The proposal will not adversely affect any sites and structures listed on the State or National Registers of Historic Places; Criteria 6 – The proposal will not negatively impact public health and safety; Criteria 7 – The proposal will not be subject to significant risk from natural hazards including floods, wildfire or geologic hazards; Criteria 8 – Adequate public facilities and services are available for the proposal or will be provided by the applicant, and the proposal will not have a significant adverse effect on the capability of local governmental to provide services or exceed the capacity of service delivery systems; Criteria 9 – The applicant will mitigate any construction impacts to county roads, bridges and related facilities. Construction access will be regraded and revegetated to minimize environmental impacts; Criteria 10 – The benefits of the proposed development outweigh the losses of any natural resources or reduction of productivity of agricultural land as a result of the proposed development; Criteria 11 – The proposal demonstrates a reasonable balance between the costs to the applicant to mitigate significant adverse effects and the benefits achieved by such mitigation; and conditions.

### **Planning Commission Questions for the Applicant**

Commissioner Jensen asked to address the concern regarding other partners, project yielding over time.

Carl Brouwer stated there are conservation plans on record and more information can be addressed during the rebuttal hearing, and they do not have any plans to increase the yield.

Commissioner Jensen asked how the dust will be controlled?

Mr. Brouwer stated the ground is a clay material, but the applicant could complete studies if needed.

Commissioner Jensen asked for more information regarding the geologic faults, and mitigations.

Jennifer Williams stated the faults are geologically ancient faults, which are millions of years old with no sign of activity. They have been mapped, and those maps informed for the applicant's field investigations. They have also created a 3D model that will help with seepage and informing conditions downstream of the dam and have installed wells for monitoring.

Commissioner Jensen asked if the Poudre River is or is not affected.

Mr. Brouwer stated the Poudre River was designated as a Wild and Scenic river up to Poudre Park, and the last six miles were originally intended for a potential a reservoir site known as Grey Mountain reservoir.

Commissioner Jensen asked if the building of the channel will guarantee never building a dam on the Poudre River?

Mr. Bouwer stated the Grey Mountain water right decree will be removed and put to use at Glade, they do not have any plans place an on-channel dam but cannot speak for other parties in the future.

Commissioner Jensen asked if the filling of the reservoir will need to take place before recreational activity?

Mr. Brouwer stated it does not need to be filled before recreational activity.

Commissioner Jensen asked if the parking lot will be a convenient place for a park and ride option?

Mr. Brouwer stated it has been discussed and is in the plans for the project.

Commissioner Jensen asked why the process is a 25-year agreement for recreation and not a 45 or 50-year agreement?

Mr. Brouwer stated it is what they had started but would be willing to extend the agreement.

Chairwoman Wallace asked if the cities will be paying for the construction through revenue bonds or will continue to pay as construction is being completed.

Mr. Bouwer stated the construction will be paid through bonds and joint financing during construction.

Chairwoman Wallace asked how the number of acres of agriculture that would be saved was determined?

Mr. Bouwer stated an analysis was completed independently by the Army Corps of Engineers and their third-party contractors. Northern also completed an analysis that was concluded with similar acreage.

Chairwoman Wallace asked if there was consideration given to the amount of expansion the cities will have to do in order to pay for the revenue bonds? It will take a certain amount of agricultural land out of production for this growth.

Mr. Bouwer stated there would be some amount but does not have the amount at this time.

Chairwoman Wallace asked if there is an agreement amongst the participants that they will not expand.

Mr. Bouwer stated it is an individual Land Use issue and he is not able to answer that.

Chairwoman Wallace asked if there is a plan in place if there is a 10-year drought?

Mr. Bouwer stated there would be restrictions in place.

Chairwoman Wallace asked for clarification regarding Water Secure and how will it help irrigated agriculture?

Greg Dewy stated it to make sure the agriculture has enough water for all the crops and the County. They would compensate the residents that will be affected during the construction, introduce a new water supply for ditch companies to use in exchange an amount of water from the Poudre into Glade Reservoir.

Chairwoman Wallace asked if there is a way to mitigate the water quality?

Mr. Dewy stated the water quality will be different but of the same quality.

Commissioner Miller wanted confirmation that the reservoir will store high water run off that Colorado would have passed on to other states.

Mr. Dewey stated they can store the water due to flood rights. If the rights are not used for this project other parties that are next in line with the water right could potentially store the water for their use.

Commissioner Jensen asked why the water could not be directed to Windsor to accomplish the same outcome of the project? How will you address storm water?

Ms. Cecil stated they completed a study to determine where and how much water to take out of the river and explained the concerns.

Chairwoman Wallace asked if there are any plans in the future between Larimer County and Northern Water with Glade Reservoir that will be similar to the Open Space Program?

Mr. Wind confirmed there will be a similar program.

Commissioner Jensen asked if there are any plans that can allow hydroelectric power for the future?

Mr. Brouwer stated the pump will be powered by hydroelectric. The water could be reversed through the pumps to create more energy.

Commissioner Barnett asked how far down stream could the discharged flow and could it be extended?

Mr. Bouwer explained concerns regarding other Water Plant run-offs, storm water run-off, and ground water run-offs.

### **RECESSED:**

With there being no further business, the hearing recessed at 9:55 p.m. and was continued to July 8, 2020.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.

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Nancy Wallace, Acting Chair

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Jeff Jensen, Acting Secretary



## LARIMER COUNTY PLANNING COMMISSION

### Minutes of July 8, 2020

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The Larimer County Planning Commission met in a special session on Wednesday, July 8, 2020, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Wallace, Jensen, Miller, and Pontius physically attended with Commissioner Wallace presiding as Chair. Commissioner, Barnett, and Stasiewicz attended virtually. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Matt Lafferty, Principal Planner; Frank Haug, Assistant County Attorney II; Katie Beilby, Office Supervisor; and Christina Scrutchins, Recording Secretary. The Larimer County Staff that attended virtually were Rob Helmick, Senior Planner; Mark Peterson, County Engineer; Steven Rothwell, Civil Engineer II; Daylan Figgs, Natural Resources Director; Lea Schneider, Environmental Health Planner.

**ITEM #1 – NORTHERN INTEGRATED SUPPLY PROJECT, FILE #20-ZONE2657:** Mr. Threewitt gave a brief recap of the application.

Ms. Ellis gave a brief overview of the process for the night's hearing.

#### **PUBLIC COMMENT IN OPPOSITION:**

- **Group Public Comment In-person:** No Pipe Dream Corporation: Mike Foote – Presenter (for Warren Lemerich, Karen Wagner, Wyvonne Wittreich, Marina Mayer, and Scarket Delia); Save Rural NOCO, John Dettenwanger – Presenter (for Grant Campbell, Jacqueline Voss, Linda Griego, Joel Meeter, and Marilyn Hasler); Save the Poudre, Gary Woker – Presenter (for Cordelia Stone, Jennifer Sunderland, Doug Swartz, Mark Easter, and Barry Noon); Brent Hawley – Presenter (for Sarah Kalert, Jan Rothe, Ron Bright, Alan Mikesky, and Victor Fuentes Escobar); Dr. Tom Sale Group – Presenter (for Dr. Sally Sutton, Dr. Joe Scalia, Dr. Jens Blotvogel, Dr. Andrea Hanson, and Patrick Haas).
- **Group Public Comment Virtually:** Sierra Club Poudre Canyon: Megan Thorburn – Presenter (for Katie Reptsis, Cory Carroll, Ted Manahan, Charles Kopp, and Carol Jones).
- **Individual Public Comment In-person:** Bonnie Helgeson, Kay Mikesky, Karen Kalavity, Schyler King, Patrick Crotzer, Rodger Ames, Barry Feldman, Karyn Coppinger, Greg Belcher, James McCauley, Jill Canterly, John Hasler, Robert Kitchell, Mike Chiropolos, Craig Kling, Janice Bright, Betsy Cox, Gina Janett, Patricia Young-Buckert, Tara Parr, and Elizabeth Linch.
- **Individual Public Comment Virtually:** Jean Grove, Julia Klein, Nancy York, David Roy, Jerrold Pault, Ashley Waddell, Serena Bieritz, Lori Nielson, Roberta Norman, and Philip Friedman.

#### **Public Opposed:**

- The NISP project, is unnecessary, has the appearance of inevitability, is a waste of money to everyone involved, and appears to want to hoard water.
- The NISP project shows to be overwhelming with the amount of information and is taking an insufficient approach while using old and misleading data.
- The Northern Tier alignment is similar to the Thornton pipeline project that was rejected.
- NISP seems to have little knowledge that reservoirs are not designed for this type of project.
- NISP does not meet LUC 14.10 (D) (1) due to likely uses of eminent domain and the likelihood of “buy and dry.”

- NISP does not meet LUC 14.10 (D) (4) due to due to eminent domain, the number of properties that would be affected, and the lack of cumulative affect analysis.
- NISP does not meet LUC 14.10 (D) (11) due to not meeting a reasonable balance, and modern alternative routes are not being considered.
- NISP application does not meet LUC 14.10 (A) due to the Water Secure program appearing to not be complete and sufficient.
- What would happen and how will it be managed if there are other entities that would want to propose and build a pipeline co-located or closely located where the Northern Water is proposing?
- Hauling routes from the construction will be through unsafe ditch roads and private roads that would be disturbing to residents by creating noise and air pollution.
- NISP's project design for the route, pipeline, power source, water exchange, and the dam seem to have flaws.
- Flaws within the design could cause an increase in flooding during peak flows, failure to the pipeline and its structure, leakage from the dam, or warmer water that causes harm to the wildlife within the river.
- The Poudre River will have a negative impact due to pollution from waste, toxins, and heavy metals, creating an unhealthy river.
- Climate change would possibly cause future droughts, an increase in wildfires, and during the low peaks the reservoir would be a dirty water dessert, and wind would blow dust into the air.
- The Water Secure program is not supported by farmers causing it to fail.
- The Poudre River is already 63% drained and potentially not be able to keep the reservoir full.
- If the reservoir's level is always fluctuating, the recreational activities would not have a way to have a safe access.
- NISP is trying to get the project approved before notifying and speaking to the property owners and not answering any of the public's questions.
- NISP would be doing a disservice to the residents with negative impacts (short and permanent), and impacting livelihood with residents not being able to place landscaping or buildings above an easement.
- Residents' wells would have to be moved.
- Negative impacts would affect the environment, agriculture, wildlife, and wildlife habitats.
- There is a lack of any voluntary easements by private property owners and threat of eminent domain.
- Residents will no longer have the peace and quiet to enjoy the beautiful sites and wildlife.
- Residents' property values could be reduced.
- Residents will be disturbed by the increase in traffic, recreational activity, and are left wondering if it will be monitored if the reservoir is approved.

### **PUBLIC COMMENT IN FAVOR:**

#### **Individual Public Comment In-person:**

- Paul Rennemeyer

#### **In Favor:**

- NISP will provide water for the Town of Windsor, helping it diversify and balance its water portfolio and add resiliency, while the Town reduces water use by an additional ten percent within 10 years. It will provide new water supply for municipal users without buying or drying regional agricultural land through Water Secure. The project will provide water supply and improvements for ditch companies. It also provides recreational opportunities. Water storage included in the Master Plan will help firm up Windsor's water supply.

**PLANNING COMMISSION QUESTIONING:**

Commission Barnett:

1. What information do we know about the North Fork fault and the Bellevue fault?
2. How will the North Fork faults and the Bellevue faults interact with the added fluctuate weight?
3. Would like more information regarding the feasibility of putting the Monroe Ditch underwater?
4. Are there other feasible routes to avoid Eagle Lake residential area?
5. Had concerns regarding priorities of the low water rights and the analysis on how the reservoir may not fill or not be feasible to be used for recreation.
6. Would like more information regarding drought and climate change.
7. Would like for the wind erosion to be addressed.

Commissioner Stasewicz:

1. What obstacles would the Glade Reservoir be confronted with?
2. What will the Glade Reservoir be placed on top of?
3. Concerns regarding the Glade Reservoir not being filled enough for recreational activity.
4. What is the true reason for the Glade Reservoir?
5. Would like more information regarding the water monitoring.
6. Would like more information regarding the funding percentage agreement between Larimer County and Northern.
7. How will the construction affect the residents?

Commissioner Miller:

1. Why did Northern decide to create a reservoir instead of wells?
2. Could Northern use the CBD ditch system to fill the reservoir?

Commissioner Pontius:

1. Would like more information regarding the reports for the well monitoring near the project site.
2. Will there be new ecological impacts introduced that would have never been introduced before the reservoir?

Commissioner Jensen:

1. Are the 15 entities that are involved in the project, responsible enough with the water they have now?
2. Would like to have more discussion regarding a park and ride service.
3. Why is hydroelectric power not being considering with this project?
4. Would like for the 40-plus year agreement between NISP and Larimer County to be addressed.
5. Would like clarification regarding the construction plans for the residents that will be affected.
6. Would like more information regarding the impacts to the County during the construction.
7. Does Northern have plans to mitigate the construction and the living arrangements during the construction?
8. How will Northern mitigate any chemical bloom seeping into the ground?
9. Would like the historical sites that will be affected to be addressed.
10. Will the move of the transmission line require an additional 1041 process?
11. Would like more information regarding the highway that will be affected.
12. Will the mileage for the highway change if it is realigned?
13. Would like Northern to address why they can complete a project with the Wild and Scenic designation of the river in place.
14. Would like Northern to address the future impacts to the Poudre River.

Commissioner Jensen: (continued)

15. Would like to see a visual of what the Poudre River looks like when water is being placed back into the river.
16. Would like for County staff to address the new language that Northern suggested for the conditions of approval.
17. Would like for Northern to address the pipeline alignment, and why other options were not chosen.

Chairwomen Wallace:

1. Why is co-location not considered for this project?
2. Why is there no discussion for a water treatment plant to be placed further downstream?
3. Is Northern required to have all plans finalized before the reservoir is started?
4. Would like for the recreational activity for motorboats to be addressed and why it is necessary if there is not enough water to accommodate.
5. Is there a plan in place to measure the impact of future climate change?
6. Are there reasonable alternatives to the impacts for the project?

### **RECESSED**

With there being no further business, the hearing recessed at 10:00 p.m. and was continued to July 15, 2020.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.

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Nancy Wallace, Acting Chair

Jeff Jensen, Acting Secretary



# LARIMER COUNTY PLANNING COMMISSION

## Minutes of July 15, 2020

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The Larimer County Planning Commission met in a special session on Wednesday, July 15, 2020, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Wallace, Jensen, Miller, and Pontius physically attended with Commissioner Wallace presiding as Chair. Commissioner Stasiewicz and Barnett attended virtually. The Larimer County staff that physically attended were Don Threewitt, Planning Manager; Katie Beilby, Office Supervisor; Lesli Ellis, Community Development Director; Rob Helmick, Senior Planner; Steven Rothwell, Civil Engineer II; Mark Peterson, County Engineer and Frank Houg, County Attorney. The Larimer County Staff that attended virtually were Lea Schneider, Environmental Health Planner and Daylan Figs, Natural Resource Director.

### **ANNOUNCEMENTS:**

Chairwoman Wallace made comment regarding an email that was sent on July 15, 2020, before the hearing, stating members of the public did not get to participate in the Planning Commission Public Comment. She explained the members of the public will be able to participate during Public Comment for the Board of County Commission Hearing. She also made a statement that the Planning Commission voted on the County Master Plan regarding the parks with no reference to the Glade Reservoir.

Ms. Ellis provided information regarding the Northern Integrated Supply Project being scheduled for the Board of County Commission hearings starting August 17, 2020. A registration form will be available online for members of the public who have already or have not testified starting August 3, 2020. The upcoming Board of County Commission hearing are scheduled for the following dates and times: August 17, 2020 starting at 6:00 p.m., August 24, 2020 starting at 2:00 p.m. if continued, and August 31, 2020 starting at 3:00 p.m. if continued. If the Board of County Commissioners need more time, September 2, 2020, has been reserved to deliberate complete the hearing process.

### **ITEM #1 – NORTHERN INTEGRATED SUPPLY PROJECT, FILE #20-ZONE2657:**

Mr. Threewitt gave a brief recap of the application and the past Planning Commission hearings.

### **LARIMER COUNTY STAFF PUBLIC COMMENT REBUTLE:**

Mr. Rothwell stated questions regarding the technical details will be referred to Northern staff to answer.

Mr. Peterson stated questions regarding placing the reservoir under ground will be referred to Northern staff to answer.

Mr. Rothwell addressed the concerns regarding the net change in mileage to the center line for Highway 287 and the total project cost will be referred to Northern staff to answer.

Ms. Schneider presented two maps to help address the TCE Plume concerns and the design for the liner was referred to Northern staff to answer.

Mr. Figs stated that Meghan Flannigan and Zach \_\_\_ will be addressing for him.

Ms. Flannigan introduced Ken Brink to address the concerns regarding recreation at the reservoir, the determination for the 25% cost share, a park and ride, and economic benefits of recreation to Larimer County.

Mr. Brink stated that after much research and communication the 25% cost share is a reasonable agreement. The parking lot would be maintained and accommodate a park and ride service. Three important components to the Glade Reservoir would be a large enough land to accommodate camping, trailer boating, and hand launch boating. He also stated the water level concern will not have an effect to camping, or hand launch boating but a significant effect to motorized boating.

Ms. Flannigan wanted to state it was the county's understanding that the 25% cost share on the 1041 document, was not responsible for the full amount but will be a variety of other sources.

Commissioner Jensen asked if the 25-year lease agreement could be increased to a 50-year lease agreement.

Mr. Brink explained the agreement is a 25-year agreement with the option to extend another 25-year agreement.

Chairwoman Wallace asked how much revenue Horsetooth Reservoir produces?

Mr. Brinks stated that Horsetooth Reservoir produces enough revenue for operational costs.

Chairwoman Wallace asked if the reservoir is not full, how much will it affect motorized boating and if wakeless boating would be easier to manage with fluctuating water levels?

Mr. Brinks explained they have developed ways to move the curtesy dock sufficiently and there are facility designs to accommodate for the fluctuating water levels.

Chairwoman Wallace asked what impacts would affect the environment?

Mr. Brink stated the pollution from the boat motors are minimal and Larimer County has adopted the States standards for safe boating operations to help mitigate noise.

Chairwoman Wallace asked what the financial impact would be if the reservoir were restricted to wakeless boating and if it would be successful?

Mr. Brink stated it would be less likely the reservoir would be successful.

Mr. Helmick address the concerns regarding the roles between EIS and Larimer County as a cooperating agency, a powerline, colocation, and language on two conditions of approval. Larimer County looked to EIS to seek guidance in answering the criteria that was mentioned in the analysis. Larimer County participated principally commenting on content and County interests. The powerline will be moved onto property controlled by the applicant as well as only servicing the applicant. Larimer County staff believes the colocation is appropriate and reasonable as a policy position. If and when another proposal comes forward the county would recommend where feasible colocation be encouraged. New language was placed on the screen for the Projectwide 2.d and Pipeline 2.b conditions of approval. The concern regarding the pipeline impacts will be referred to Northern.

#### **NORTHERN WATER PUBLIC COMMENT REBUTLE:**

Brad Wind gave an opening presentation and included a guideline of the concerns Northern Water will address throughout their presentations.

### **Pipeline Easements and Routing (Jim Struble and Stephanie Cecil)**

Mr. Struble stated that Northern Water's real-estate group will work with every property owner in hopes of bringing negotiations to an amicable closing. During the permitting process, Northern has not acquired any easements related to NISP conveyance project. However, they have started the process of obtaining biometry's to access properties for footwork related to the proposed easements and the design of the project. Northern Water currently owns most of the Glade Reservoir property. An image was shown for a visual explanation of Northern Water, seeking to acquire a 60-ft easement.

Mr. Struble mentions that within Northern Water's Easement document, it is explained what will be done on the easement, what will be allowed and what will not be allowed within the easement. He also gave information regarding maintenance activities, composing a reclamation of the easement, and a temporary easement, the overlapping of the easements and a walk through of the easement acquisition process.

Commissioner Miller asked if trees are placed above the easement?

Mr. Struble stated there will be certain types of trees that can be placed above the easement so that they do not impact the pipes.

Ms. Cecil presented information regarding the notification process and additional reach out to the public and residents that will be impacted. She also addressed concerns regarding the aspect of the pipeline and why the chosen route for the installation of the pipeline was preferred over other routes. Images were shown for a visual explanation of the proposed routes, alternative routes, and the impact each route would encounter.

Commissioner Miller asked if a horse arena could be replaced over the easement.

Ms. Cecil stated horse arenas will be replaced over the easement.

### **Glade Reservoir Geology and Design (Greg Zamensky and Jennifer Williams)**

Mr. Zamensky introduced Jennifer Williams to address the concerns regarding the geologic.

Ms. Williams explained the design of the dam that will be part of Glade Reservoir, and addressed the North Fork fault, and the Bellevue fault.

Commissioner Jensen would like an explanation of similarities between Horsetooth Reservoir dams and the proposed Glade Reservoir dam to be addressed.

Ms. Williams explained there would be an embankment design similarity.

Mr. Zamensky addressed concerns and gave additional detailed information regarding the Munroe Canal bypass.

Chairwoman Wallace asked if the proposed canal carry the same amount as the Munroe Canal?

Mr. Zamensky stated the proposed canal was designed to accommodate the same amount of water as the Munroe.

Chairwoman Wallace asked if the proposed canal would carry the "free water" flow?

Mr. Zamensky stated the canal will function as proposed as it has historically along with an explanation of safety measures for the "free water" flow.

Commissioner Jensen asked for more information regarding water being left in the Munroe pipes when it is not flowing and what will happen when the Munroe pipes start to flow again.

Mr. Zamensky explained that the sitting water will be flushed out of the Munroe pipes at the beginning of a season and the water will not spoil.

Mr. Barnett asked what would happen as sediment comes into the system and potentially fills the sag where the pipe is located and how are they being maintained?

Mr. Zamensky stated they completed research regarding sediment and found there is not much that can be done to remove them from the existing canal and gave a more detailed explanation on how they will help mitigate sediment.

Chairwoman Wallace asked if there has been any discussion with North Poudre regarding the operation process?

Mr. Zamensky stated there have been brief discussion but have not had an in-depth discussion yet.

Chairwoman Wallace clarified that the reason for her question was due to not seeing North Poudre on the referral list nor did she see any comments made with in their packet.

Mr. Wind explained that Northern Water owns the canal from its point of diversion up and though the vicinity that has created a relationship to communicated, and will continue to communicate, regarding the canal, how it is operated, and how to make appropriate investment for the system. He addressed the concern regarding the proposed bypass and gave information of its design, the TCE Plume, and ground water monitoring wells.

Commissioner Jensen asked how the forebay will be lined or how will it be isolated to the TCE contamination?

Mr. Zamensky stated that Northern is looking at alternatives in order to prevent migration of water flowing out, but have not made a decision yet regarding a liner system for the migration of water materials flowing in.

Mr. Zamensky addressed the concern regarding dust potential.

Commissioner Jensen asked if the surface of the Glade Reservoir similar to Horsetooths surface?

Ms. Williams stated there is more of a clay surface at the Glade Reservoir location.

Mr. Zamensky address the concern regarding hydroelectric power

**BREAK STARTED:** 7:55 p.m.

**BREAK ENDNED:** 8:00 p.m.

### **Response to Glade, recreation, Highway 287 Questions (Christie Coleman)**

Ms. Coleman addressed the concerns by showing images and gave detailed information regarding Highway 287 and how it will be sequenced during the project, how the existing KOA will be used during the construction, and how NISP will be funding the recreational plan.

Commissioner Jensen asked if Northern Water would consider a 35-year lease with the option to extend for another 25-year lease?

Ms. Coleman stated Northern Water has not discussed other lease agreements with their management team but would be willing to continue the possibility of other lease options to Board of County Commissioner hearings.

Ms. Coleman addressed more of concerns regarding wakeless boating, the Glade Reservoir, length of the projects hydrologic model, climate change, the impact of droughts, and water quality monitoring.

### **Mitigation and Enhancement Summary (Stephanie Cecil)**

Ms. Cecil addressed the concerns by showing images and gave more detailed information regarding the Mitigation and Enhancement Plan.

Commissioner Jensen asked where the water flow came from during the opening of the Fort Collins White Water Park.

Mr. Wind explained they have the option to deliver what is known as “late water” and Northern Water coordinated with the State to have the water flow delivered during the opening of the Fort Collins White Water Park.

Commissioner Miller asked if Northern Water could complete a water transfer into the Poudre River using the CBT project water?

Mr. Wind confirmed that most of the water is delivered into the Poudre River.

### **Alternatives Analysis and Conditions (Peggy Montañó)**

Ms. Montañó stated they accept the modified conditions received by Mr. Helmick and she also address the alternative concerns and included detailed information.

### **NISP Participant Conservation Programs (Christine Coleman)**

Ms. Coleman presented two videos. The first video was an example of one of conservation efforts being initiated by NISP participants, such as the Garden in a Box Program. Ms. Coleman followed with a power point presentation detailed information regarding positive impacts from conservation programs like the Garden in a Box. The second video showed NISP’s conservation programs with three additional NISP participants.

### **Closing Comments (Brad Wind)**

Mr. Wind closed the Northern Water’s presentation by expressing gratitude and a brief closing statement for recommendation of approval

Chairwoman Wallace asked if there are any limitation on Northern Water’s ability to proceed without the south component of the project?

Mr. Wind stated that the project is anticipated to be phased with possibility of a two-year delay in the south plat component.

## **DISCUSSION**

Commissioner Jensen, Miller, Barnett, and Chairwoman Wallace discussed additions to the accepted conditions earlier in the hearing.

### **MOTION:**

*Commissioner Jensen moved that the Planning Commission adopt the following Resolution:*

*BE IT RESOLVED that the Planning Commission add a condition of approval to seek negotiations to attempt to add a 35-year management plan with a 25-year option to extend.*

*Commissioner Miller seconded the motion.*

*Commissioner Barnett, Jensen, Miller, Pontius and Stasiewicz voted in favor of the motion.*

*Chairwoman Wallace voted in opposition of the motion*

*Motion passed 5-1.*

**MOTION:**

*Commissioner Jensen moved that the Planning Commission adopt the following Resolution:*

*BE IT RESOLVED that the Planning Commission recommend approval to the Board of County Commissioners adoption of the Northern Integrated Supply Project, File #20-ZONE2657, subject to the conditions, the added condition of approval and accepting the language for the revised two conditions of approval presented on July 15, 2020.*

*Commissioner Miller seconded the motion.*

*Commissioner Stasiewicz, Pontius, Miller, and Jensen voted in favor of the motion.*

*Commissioner Barnett and Chairwoman Wallace voted in opposition of the motion.*

*Motion passed 4-2.*

**ADJOURN**

With there being no further business, the hearing adjourned at 9:18 p.m.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.

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Nancy Wallace, Acting Chair

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Jeff Jensen, Acting Secretary