

AGENDA  
LARIMER COUNTY BOARD OF COMMISSIONERS  
Monday, August 17, 2020 / 6:30 P.M. / Hearing Room

**STAFF & APPLICANT PRESENTATIONS ONLY**

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\*\* Staff is adhering to the Larimer County Health Departments guidelines on social distancing and group sizes.

At this time 40 members of the public may be present for presentations from staff and the applicant. If you wish to **not** attend this meeting in person, please feel free to view it at <https://www.larimer.org/broadcast>.

Registration for Public Testimony beginning on August 24<sup>th</sup> is currently available at <https://www.larimer.org/planning/NISP-1041>.

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**SCHEDULED DATES FOR PUBLIC TESTIMONY**

Monday, August 24, 2020 at 2:00 p.m.

Monday, August 31, 2020 at 3:00 p.m.

Wednesday, September 2, 2020 at 6:30 p.m.

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A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

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C. PUBLIC HEARING ITEM:

1. **NORTHERN INTEGRATED SUPPLY PROJECT, FILE #20-ZONE2657**

**Staff Contact:** Robert Helmick, Planning; Lea Schneider, Health Department; Steven Rothwell, Engineering; Mark Peterson, County Engineer; Lesli Ellis, AICP CEP, Community Development Director

**Request:** 1041 Permit for:

- A. The siting and development of a water storage facility (Glade Reservoir), including recreational uses, facilities, and other appurtenances, in accordance with Section 14.4.K of the Larimer County Land Use Code, and
- B. The siting and development of four separate raw water line segments, including supporting facilities and appurtenances, in accordance with Section 14.4.J. of the Larimer County Land Use Code.

**Location:** Reservoir:

Northwest of Fort Collins along Highway 287 (US 287) north of State Highway (SH) 14. The dam is proposed approximately one mile north of Ted's Place. The reservoir will extend north about five miles to south of Bonner Peak. The recreation area is proposed southeast of the dam.

**Pipelines:**

- **Northern Tier Pipeline:** Commences at Glade Reservoir follows US 287 to CR 21, then east to Eagle Lake and SH 1, then south east to Grey Rock Road, then east to I-25, then south east to CR 52, then east to the County Line Pipeline.

- **Glade Release/Poudre Release Pipeline:** Commences at the reservoir and runs southwest to the Poudre River.
- **Poudre Intake Pipeline:** Withdraws water from the Poudre River upstream of the Mulberry Water Reclamation facility, then flows southeast to a settling pond and pump station south of Mulberry Ave. on Kingfisher Natural Area, then south and east to just north of the Poudre River, then crosses Summitview Ave. south of Sunrise Acres, then east south of Boxelder Estates to I-25, then southeast crossing Prospect Road to the Platte River Power Authority power line, then east to the county line.
- **County Line Pipeline:** Starting at the intersection of CR 1 or Weld County Road 13 and CR 52, then south following the alignment of the county line through the Towns of Timanth, Windsor and Johnstown to the south County line.

**Applicant:** Northern Integrated Supply Project Water Activity Enterprise  
220 Water Ave. Berthoud, CO 80513

**Owner:** Northern Colorado Water Conservancy District and numerous potential easement holders along the pipeline routes

**Development Services Team Recommendation:** The development review team recommends that the Larimer County Planning Commission recommend to the Board of County Commissioners Approval of the NORTHERN INTEGRATED SUPPLY PROJECT 1041, file #20 ZONE2657 subject to the conditions below.

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**TO VIEW ALL DOCUMENTS ACCESS THIS SITE**

<https://www.larimer.org/planning/NISP-1041>

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D. ADJOURN

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NEXT MEETINGS:

Monday, August 24, 2020 at 2:00 p.m.  
Monday, August 31, 2020 at 3:00 p.m.  
Wednesday, September 2, 2020 at 6:30 p.m

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*Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven business days' notice. Please email us at [beilbykm@larimer.org](mailto:beilbykm@larimer.org) or by calling 970-498-7719 or Relay Colorado 711. "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.*

1. **TITLE:****NORTHERN INTEGRATED  
SUPPLY PROJECT****REQUEST:**

1041 Permit for:

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**LOCATION:**

**Reservoir:** Northwest of Fort Collins along Highway 287 (US 287) north of State Highway (SH) 14. The dam is proposed approximately one mile north of Ted's Place. The reservoir will extend north about five miles to south of Bonner Peak. The recreation area is proposed southeast of the dam.

**Pipelines:**

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APPLICANT:

Northern Integrated Supply Project  
Water Activity Enterprise  
220 Water Ave.  
Berthoud, CO 80513

PROPERTY OWNER:

Northern Colorado Water  
Conservancy District and numerous  
potential easement holders along the  
pipeline routes

STAFF CONTACTS:

Robert Helmick, AICP, Planning  
Lea Schneider, Health Department  
Steven Rothwell, Engineering  
Mark Peterson, County Engineer  
Lesli Ellis, AICP CEP, Community  
Development Director  
Don Threewitt, AICP, Planning  
Manager

<u>FILE #:</u>	20-ZONE2657
<u>STAFF REPORT DATE:</u>	August 7, 2020
<u>LCPC HEARING DATES:</u>	June 24, July 8, and July 15, 2020
<u>BCC HEARING DATE</u>	August 17, 2020
<u>LCPC RECOMMENDATION:</u>	Planning Commission recommended approval by 4-2 vote
<u>NOTICE GIVEN:</u>	Published in paper of general circulation at least 14 days prior to hearing. First Class mailing – sent postcards to properties within half mile of the reservoir and within 500-feet of the proposed Northern Tier Pipeline, totaling approximately 1,200 notices. Posting on the Larimer County webpage no less than twenty-four hours in advance of the hearing.
<u>SITE DATA:</u>	
Total Development Area:	Reservoir and recreation: 1,600 Ac., including the reservoir, forebay, and pumping areas below the proposed dam. Recreation area: 170-acres. Proposed water pipelines: 35-miles in in new 60-foot wide permanent easements with a 40-foot temporary construction easement or existing rights-of-way in four separate alignments across the County
Existing Land Uses:	Developed single family residential, agriculture, vacant
Proposed Land Uses:	170,000-acre-foot water storage reservoir, four 32 to 54-inch waterlines, and appurtenant facilities, forebay, pumping facilities and visitor center and recreational facilities

Existing Zoning:	Reservoir: O-Open Pipelines: Zoning varies
Adjacent Zoning:	Reservoir: O-Open Pipelines: Zoning varies
Adjacent Land Uses:	Residential, agricultural
Services:	
Access:	US 287 & 14, CRs 52, 54 & 56, and Larimer CR 1/Weld CR 13
Water:	West Fort Collins Water District
Sewer:	wastewater treatment system
Fire Protection:	Poudre Fire Authority and Livermore Fire Protection District (north end), multiple for pipeline
No. Trips Generated:	Reservoir construction: 393-1,572 average trips/day (ATD) Recreational use: 1,150 ATD Pipeline construction: 82-300 ATD

## **MAPS AND REFERENCES**

### **Map References**

The maps presented in the application will be used for reference. Please see links below.

TM1 Attachment C ([Glade Unit/Complex Mapping](#))

TM1 Attachment A ([Recreation Concept Master Plan, Attachment A](#) and [p. 10 of Project Description](#)):

TM1 Attachment D (Conveyance Pipeline Mapping):

[County Line Pipeline Map Series, General](#)

[Poudre Intake Pipeline Map Series, General](#)

[Northern Tier and Poudre Release Pipeline Map Series, General](#)

This memo includes a summary of the Planning Commission hearings and recommendation.

### **LARIMER COUNTY PLANNING COMMISSION STAFF REPORT - ATTACHMENT A**

**Attachment A** contains the Planning Commission staff report of June 2020 regarding the Northern Integrated Supply Project application with completed analysis and recommendations. Those findings are not replicated in this cover memo.

### **SUMMARY OF PLANNING COMMISSION PUBLIC HEARING DISCUSSION AND RECOMMENDATIONS**

The Larimer County Planning Commission held a public hearing on this application which commenced on June 24, 2020, continued July 8, 2020, and concluded on July 15, 2020.

June 24 included a presentation by Larimer County staff, followed by a presentation by the applicant's team. At the conclusion of the presentations by the staff and applicant, the Larimer County Planning Commission identified several questions for staff and applicants. Questions covered technical feasibility and constructability, recreation use, impact of water levels on uses, agricultural impacts, the relationship of this project to the Thornton pipeline, and river flow impacts, among other topics. A complete summary of those questions can be found in the minutes in **Attachment F**.

Public testimony commenced on the evening of July 8, 2020. The public was able to register online for several weeks prior to the hearings and participate either remotely via Zoom or in person. Testimony began with seven presentations by organized groups: No Pipe Dream Corporation, Save Rural NoCo, Save the Poudre, Eagle Lake Homeowners Association, Brent Hawley, Dr. Tom Sale, and the Sierra Club Poudre Canyon Group. Six of the presentations included either PowerPoint or slide presentations. The speakers focused on the application not meeting some or all of the approval criteria, including Criterion 1 the Master Plan, Criterion 2 alternatives, and Criterion 10 Benefits, or focused on impacts to individual properties or neighborhoods.

During the non-group public testimony, 34 individual members of the public then testified either remotely or in person. Individual testimony focused on many topics of concern during the testimony, including the review criteria, appropriateness and need, environmental, visual, air, wildlife, and water quality impacts, individual property impacts from construction, the criteria regarding the master plan, alternatives, benefits and costs to the County, impacts to the river, and construction and operational impacts. One of the participants also testified in favor of the project.

### CRITERIA AND FINDINGS

Staff's analysis of the Review Criteria and Findings is located in the Larimer County Planning Commission staff report. (See **Attachment A**, pp. 9 to 22.) The staff determined that the applicant submitted a complete application meeting the requirements of Article 14 of the Larimer County Land Use Code and overall met the criteria and recommended approval with conditions. (See Summary and Recommendations in **Attachment A**, pp. 23-29.)

The hearings and public testimony did not alter staff's previous analysis and findings that the application meets the review criteria. However, staff identifies some topics that remain incomplete or unresolved after the Planning Commission hearing. Those include:

- Addressing neighborhood communication, construction operations, reclamation, and future limitations on easements for the applicant's identified preferred route of the Northern Tier pipeline to mitigate potential impacts in the Eagle Lake neighborhood and other residential areas.
- Addressing the concerns of the City of Fort Collins, a referral agency, related to mitigating impacts of acquiring easements and construction through the City Natural Areas north of the Poudre River and south of Mulberry Avenue. The concerns are articulated in the memo from the City in **Attachment C**.

During the rebuttal on July 15, the applicant provided a complete response to the issues of geology and hazards.

#### PLANNING COMMISSION SUGGESTED REVISIONS TO CONDITIONS

In response to the applicant's request and request by the Planning Commission to review them, staff proposed two revised conditions at the July 15 hearing. The applicant accepted the revised conditions at the hearing, and the Larimer County Planning Commission incorporated them as part of their recommendation to the Board of County Commissioners. Those two revised conditions are noted here:

##### **Project wide 2.d Condition.**

*Prior to construction, the applicant shall obtain all permits, permissions, and licenses necessary to cross all affected irrigation companies and other utility and infrastructure that are impacted by this project –either at the reservoir or due to pipelines crossing their facilities.*

##### **Pipeline 2.b Condition.**

*The approval of pipeline(s) alignments anticipates that there may be minor deviations from said alignment, 100 feet or less on either side of the approved alignment to accommodate field issues without reconsideration of the approval. Significant alterations to the route, 100-feet or more on either side of the approved alignment or alignment changes on private property without explicit the approval of the landowner, shall be evaluated by the County prior to commencing activity and may be subject to reconsideration by the Board of County Commissioners.*

The Larimer County Planning Commission also added a Recreation condition regarding any agreement regarding recreation use/development at Glade Reservoir. It is proposed to be added to Condition 1.a. in the Recreation Facility Conditions.

##### **New Recreation Facility Condition Proposed:**

*To seek negotiations to attempt to add a 35-year management plan with a 25-year option to extend.*

Staff slightly reordered some of the conditions that were incorrectly organized in the Planning Commission memo to move Project Wide Condition 3.f to under Pipelines as 2.e. That change is included in the conditions below.

#### PLANNING COMMISSION RECOMMENDATIONS

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.



This motion passed as a 5-1 vote, with Commissioners Jensen, Miller, Pontius, Stasiewicz and Barnett voting in favor, voting in favor and Commissioner Wallace voting against.

Then, Commissioner Jensen moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Larimer County Planning Commission recommends that the Board of County Commissioners Approve of the NORTHERN INTEGRATED SUPPLY PROJECT 1041, FILE #20-ZONE2657 subject to the conditions outlined in the memo and the new condition of approval, and accepting the change of wording for the other two conditions as discussed.

#### **PUBLIC COMMENT FOR BCC IN THIS REPORT**

Since the Larimer County Planning Commission hearing, staff has continued to receive numerous public comments on this application directed to the Board of County Commissioners for their hearings. Comments received since the Planning Commission hearing are included as **Attachment D**. These new comments are principally in opposition to the request and identify issues with need, appropriateness, flows in the river, who benefits and other alternatives.

#### **DEVELOPMENT SERVICES TEAM RECOMMENDATION**

Staff advances the previous staff report, findings and recommendation, and the Planning Commission recommendation with new and revised conditions. Staff recommends that the Board of County Commissioners approve the 1041 permit. The suggested motion is below.

#### **SUGGESTED MOTION:**

I move that the Board of County Commissioners Approve the NORTHERN INTEGRATED SUPPLY PROJECT 1041, file #20 ZONE2657 subject to the conditions as outlined below.

#### **RECOMMENDED CONDITIONS (INCLUDING NEW AND MODIFIED LANGUAGE)**

##### **PROJECT WIDE CONDITIONS**

This set of conditions applies to all components of the reservoir and pipelines.

##### ***1. General***

- a. The activity authorized by this 1041 Permit, and any plans, reports, permits, and applications submitted for review and approval after the approval of this 1041 Permit application shall be consistent with the plans, reports and information contained in Northern Integrated Supply Project file # 20-ZONE2657, unless modified by the conditions of approval as set forth by the Board of County Commissioners.

- b. Prior to the issuance of the 1041 Permit for this project, a Development Agreement memorializing shall be prepared and recorded, which document shall include all relevant verbal and written representations and commitments made by the applicant that are part of the public record for the application. Said development agreement shall also include a phasing and project outline.
- c. All technical reports, plans or documents required as part of the conditions contained herein will be submitted to the Larimer County Community Development Department for referral to the applicable County Departments and referral agencies. The review period of such plans and reports will not exceed 21 working days, unless requested in writing by the referral agencies and approved by the Community Development Director.

## ***2. Development Review and Construction Permitting***

- a. Prior to any construction, the applicant shall obtain all necessary local, state, and federal permits and approvals. Such approvals and permits could include, but are not limited to:
  - i. Site Plan Review and other technical review as noted,
  - ii. Building Permits,
  - iii. Floodplain Development Permits,
  - iv. Development Construction Permits,
  - v. Access Permits,
  - vi. Heavy equipment and vehicle oversize/overweight permits,
  - vii. Right-of-Way Permits, and
  - viii. Stormwater Permits.
- b. Prior to any construction, the applicant shall submit a Traffic Control and Management Plan. The Plan shall address the traffic control topics identified in the comments received from Larimer County Engineering Department as prepared by Steven Rothwell and dated May 9, 2020.
- c. Crossings, closures, or obstructions to roads, driveways, and walks, whether public or private, will require the applicant to 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.
- d. Prior to construction, the applicant shall obtain all permits, permissions, and licenses necessary to cross all affected irrigation companies and other utility and infrastructure that are impacted by this project – either at the reservoir or due to pipelines crossing their facilities.
- e. Permit, the applicant shall:
  - i. Provide a pre-construction video and inventory of the pre-construction condition of all roads to be used for construction traffic. When construction is complete, or if during construction the County Engineer requires for safety reasons, the applicant shall return the roads used for construction traffic to their pre-construction condition.

- ii. Provide notification of the completion of a website for the project. Said website shall provide workday updates regarding construction activity, including traffic impacts and routes for the upcoming workday and workweek. The website shall also provide a public information contact, including contact information, for the public to contact for project questions, concerns or for updates.
- iii. Provide documentation demonstrating compliance with the Colorado Department of Public Health & Environment Air Pollution Control Division (APCD) construction permitting process. This would include the appropriate APCD applications, any required emissions analysis, and the Fugitive Dust Control Plan for dust mitigation during construction.
- iv. Submit for review and approval an Air Quality Management Plan for construction demonstrating how emissions from equipment and mobile sources not operating under APCD permits shall be minimized.
- v. Submit applicable engineering design documents and construction plans for the applicable portion, phase, or component of the project. The applicant shall reimburse Larimer County for time and expenses incurred with Project coordination, design review, permit review and processing.
- vi. Submit a Geotechnical Report. This report shall be utilized to monitor identify mitigation measures for groundwater impacted by construction activities. Additionally, the report will be used to determine trench backfill and compaction specifications, subgrade mitigation and pavement design for areas disturbed by the pipeline installation.
- vii. Submit for review and approval a Wetland Mitigation Plan for any disturbances to existing wetlands as defined by Section 8.2 of the Land Use Code. Where wetlands on City of Fort Collins Natural Resources properties are disturbed or impacted, the plan shall demonstrate conformance with the City of Fort Collins Environmental Protection standards as noted in the City of Fort Collins referral comments dated May 13, 2020.
- viii. Submit for review and approval a Wildlife Conservation Plan for any disturbances to wildlife as defined by Section 8.4 of the Land Use Code.
- ix. Provide documentation that applicable fire and emergency response providers have been consulted with and that their standards have been complied with.
- x. Submit a Haul Routing Plan for the applicable portion/phase/component of the project.
- xi. Submit a Noise Mitigation Plan outlining monitoring and control methods to be utilized during construction that will ensure compliance with the construction noise levels and timing found in the Larimer County Noise Ordinance. Temporary exceptions to the construction noise levels shall be requested in writing at least 72 hours prior to the noise disturbance and shall be approved by the Community Development director after

consultation with the Engineering Department and Department of Health and Environment.

- f. The applicant shall be required to comply with the Larimer County floodplain regulations and shall also adhere to the requirements noted in the applicants Attachment C - Memo regarding NISP Floodplain Review Comments.

### **3. Construction**

- a. All construction activities associated with the approval of this 1041 Permit shall be in compliance with all required Larimer County, state, and federal permits (including but not limited to: right-of-way construction permit, Stormwater permit, floodplain permit, groundwater discharge permit, etc.).
- b. Authorized Larimer County staff, including consultants, shall be allowed access for construction observations and inspections throughout the construction life of the Project, and for follow-up/warranty inspections after construction has ceased.
- c. The applicant shall reimburse Larimer County for reasonable costs associated with County-provided construction observation/ inspection staff and/or independent, supplemental geotechnical or materials testing deemed appropriate by the County Engineer for purposes of quality assurance/ control. The applicant shall also reimburse Larimer County for time and expenses incurred with Project coordination, design review, permit review and processing and related Project activities during the duration of Project construction and closeout for the work conducted in unincorporated Larimer County.
- d. 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.
- e. As-built construction plans, coordination meetings, inspections, material and construction testing, and similar engineering requirements as noted in the Larimer County Engineering referral comments as prepared by Steven Rothwell and dated May 9, 2020 shall be provided by the applicant.
- f. In the event that septic systems and/or well components are damaged during construction activities, the applicant will be responsible for immediate repair/replacement and all associated costs to prevent extended disruption of the property owner's normal access to and use of such facilities.
- g. Acceptable workdays and hours for the project are subject to approval by the County Engineer after consultation with the County Department of Health and Environment and Community Development in consideration of potential nuisance issues such as noise or traffic.
- h. The applicant shall develop and provide Larimer County with accurate as-built horizontal and vertical survey data (state plane coordinates and elevations in NAVD 88) and GIS shapefiles describing the location of the pipeline and all appurtenant structures.
- i. Construction noise levels for all phases shall comply with the Larimer County Noise Ordinance with any exceptions to be evaluated by Larimer County.

## RESERVOIR CONDITIONS

This set of conditions applies to all the reservoir and its associated facilities, not including the recreation facility which is addressed below.

### **1. *Next Steps***

- a. The site plan review application for the Glade Unit shall include the expanded Poudre Valley Canal (PVC), forebay, glade pump station, electrical/control building, surge building, buried conduits, utilities (including power supplies, water lines and septic system components), and other components of the reservoir site.

### **2. *Development Review***

- a. Prior to any construction of Glade Unit, the applicant shall demonstrate that the traffic, safety access concerns regarding the re-alignment of US 287 as identified in the comments from the County Engineering Department as prepared by Steven Rothwell and dated May 9, 2020 have been addressed to the satisfaction of the County Engineer.
- b. Prior to any construction of Glade Unit, the applicant shall demonstrate that all transportation safety concerns for the intersection of the US 287 (re-aligned) and County Road 21 as identified in the comments from the County Engineering Department as prepared by Steven Rothwell and dated May 9, 2020 have been addressed to the satisfaction of the County Engineer.

### **3. *Noise***

- a. To address operational noise, the applicant shall submit a predictive noise analysis demonstrating that the Glade Unit facilities will comply with the residential noise levels required by the Larimer County Noise Ordinance and shall identify any mitigation measure necessary to achieve such compliance.

### **4. *Other***

- a. Prior to any construction of the Glade Unit, the applicant shall provide a Well Water Monitoring Plan for water wells found in the east ½ of Section 10, all of Sections 11 and 12, those portions of Sections 13 and 14 lying north of Highway 14, and the NE ¼ of Section 15 of Township 8 North, Range 70 West. The Plan will address potential contamination as the result of trichlorethylene levels in the vicinity of the historic F.E. Warren Missile Silo. The plan will be prepared and managed by a third-party entity and will be funded by the applicant.

## RECREATION FACILITY CONDITIONS

This set of conditions applies to the recreation facility only.

### **1. *Development Review***

- a. Prior to any construction of the Glade Unit, the applicant shall enter into a legally binding agreement with the County outlining a timeline for the Recreational

Development Plan. The agreement shall address the funding, operations management and maintenance comments provided by the Department of Natural Resources in their referral comments as prepared by Larimer County Department of Natural Resources, dated May 15, 2020. Any agreement should consider an initial term of 35 years with a renewal term of 25 years.

- b. All recreational facilities to be constructed at the Glade Unit shall require approvals as required by the Larimer County Land Use Code.
- c. To address operational noise, the applicant shall submit a predictive noise analysis demonstrating that the Glade Unit facilities will comply with the residential noise levels required by the Larimer County Noise Ordinance and shall identify any mitigation measure necessary to achieve such compliance.

### PIPELINES CONDITIONS

This set of conditions applies to the pipelines only.

#### **1. Development Review**

- a. In locations where the conveyance pipeline is located outside of the existing County ROW, it shall do so in a manner to either:
  - i. Be located outside of the ultimate ROW width corresponding to the functional classification of the roadway, or
  - ii. Obtain and convert to a Larimer County road right-of-way easement for any additional pipeline easement widths falling within the ultimate roadway ROW.
- b. Pipelines crossing a Larimer County road right-of-way shall generally only be perpendicular to the road right-of-way, no diagonal crossing will be allowed at intersections.
- c. The applicant shall submit a Geotechnical Report. This report shall be utilized to monitor identify mitigation measures for groundwater impacted by construction activities. Additionally, the report will be used to determine trench backfill and compaction specifications, subgrade mitigation and pavement design for areas disturbed by the pipeline installation.

#### **2. Construction**

- a. Acceptable workdays and hours for the project are subject to approval by the County Engineering Department.
- b. The approval of pipeline(s) alignments anticipates that there may be minor deviations from said alignment, 100 feet or less on either side of the approved alignment to accommodate field issues without reconsideration of the approval. Significant alterations to the route, 100-feet or more on either side of the approved alignment or alignment changes on private property without explicit the approval of the landowner, shall be evaluated by the County prior to commencing activity and may be subject to reconsideration by the Board of County Commissioners.
- c. If a relocation of the pipeline(s) should in the future be desirable to accommodate some other or enlarged use of the County road right-of-way by any party or entity other than the County, and provided that applicant agrees to such relocation, then all expenses of such relocation shall be paid for entirely by the party or entity

desiring such relocation; provided, however, that if the relocation is to be made at the request of the County to accommodate changes in or improvements of public roadways or associated infrastructure, and not for purposes of accommodating any third party, then the applicant shall provide for pipeline relocations on a reasonable schedule established by the County Engineering Department.

- d. 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.
- e. The applicant shall be responsible for arranging and paying all costs of:
  - i. utility relocations and irrigation company requirements necessary to accommodate the water pipeline in the road ROW.
  - ii. the replacement of existing storm drainage infrastructure, culverts, roadway signage, pavement striping/symbols, landscaping and property fencing necessary to accommodate the water pipeline in the ROW.
  - iii. damage or relocation of private property services as necessary to accommodate the water pipeline corridor if a reasonable alternative is not possible.

## **ATTACHMENTS**

- A. Staff report to the Larimer County Planning Commission, June 2020
- B. NISP 1041 Permit Application
  - a. Original application (Feb. 2020) includes links to federal and state reviews and reports
  - b. Supplemental Application Materials
- C. Agency Referral Comments
  - a. Larimer County Engineering Department
  - b. Larimer County Health Department
  - c. Larimer County Department of Natural Resources
  - d. Larimer County Building division
  - e. City of Fort Collins
  - f. Town of Timnath
  - g. Poudre Fire Authority
  - h. Loveland Fire Rescue Authority
  - i. Windsor Severance Fire Rescue
  - j. Boxelder Sanitation District
  - k. South Fort Collins Sanitation
  - l. Fort Collins Loveland Water
  - m. CDOT
- D. Public comments for BCC received since the July 15, 2020 LCPC hearing through August 6, 2020

- E. Public comments received for Planning Commission hearing
  - a. Public Comments through June 9, 2020 (part of staff report)
  - b. Addenda (Comments received after the staff report and submitted as addenda)
    - i. 1 public comment and NISP communication June 9-June 24
    - ii. 2 public comment June 24 - July 8
    - iii. 3 public comment and NISP communication July 8 - July 15
- F. Minutes of the Larimer County Planning Commission June 24, July 8 and July 15, 2020.



# ATTACHMENT A

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**LOCATION:**

**Reservoir:** Northwest of Fort Collins along Highway 287 (US 287) north of State Highway (SH) 14. The dam is proposed approximately one mile north of Ted's Place. The reservoir will extend north about five miles to south of Bonner Peak. The recreation area is proposed southeast of the dam.

**Pipelines:**

- **Northern Tier Pipeline:**  
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Withdraws water from the Poudre River upstream of the Mulberry Water Reclamation facility, then flows southeast to a settling pond

and pump station south of Mulberry Ave. on Kingfisher Natural Area, then south and east to just north of the Poudre River, then crosses Summitview Ave. south of Sunrise Acres, then east south of Boxelder Estates to I-25, then southeast crossing Prospect Road to the Platte River Power Authority power line, then east to the county line.

- **County Line Pipeline:** Starting at the intersection of CR 1 or Weld County Road 13 and CR 52, then south following the alignment of the county line through the Towns of Timanth, Windsor and Johnstown to the south County line.

APPLICANT:

Northern Integrated Supply Project  
Water Activity Enterprise  
220 Water Ave.  
Berthoud, CO 80513

PROPERTY OWNER:

Northern Colorado Water Conservancy  
District and numerous potential  
easement holders along the pipeline  
routes

STAFF CONTACTS:

Robert Helmick, AICP, Planning  
Lea Schneider, Health Department  
Steven Rothwell, Engineering  
Mark Peterson, County Engineer  
Lesli Ellis, AICP CEP, Community  
Development Director

FILE #:

20-ZONE2657

NOTICE GIVEN:

Published in paper of general circulation at least 14 days prior to hearing. First Class mailing – sent postcards to approx. 1,200 properties within half mile of the reservoir and within 500-feet of the proposed Northern Tier Pipeline. Posting on the Larimer County webpage no less than

twenty-four hours in advance of the hearing.

SITE DATA:

Total Development Area:

Reservoir and recreation: 1,600 Ac., including the reservoir, forebay, and pumping areas below the proposed dam.  
Recreation area: 170-acres.  
Proposed water pipelines: 35-miles in in new 60-foot wide permanent easements with a 40-foot temporary construction easement or existing rights-of-way in four separate alignments across the County

Existing Land Uses:

Developed single family residential, agriculture, vacant

Proposed Land Uses:

170,000-acre-foot water storage reservoir, four 32 to 54-inch waterlines, and appurtenant facilities, forebay, pumping facilities and visitor center and recreational facilities

Existing Zoning:

Reservoir: O-Open  
Pipelines: Zoning varies

Adjacent Zoning:

Reservoir: O-Open  
Pipelines: Zoning varies

Adjacent Land Uses:

Residential, agricultural

Services:

Access:

US 287 & 14, CRs 52, 54 & 56, and Larimer CR 1/Weld CR 13

Water:

West Fort Collins Water District

Sewer:

wastewater treatment system

Fire Protection:

Poudre Fire Authority and Livermore Fire Protection District (north end), multiple for pipeline

No. Trips Generated:

Reservoir construction: 393-1,572 average trips/day (ATD)  
Recreational use: 1,150 ATD  
Pipeline construction: 82-300 ATD

## **MAPS AND REFERENCES**

### **Map References**

The maps presented in the application will be used for reference. Please see links below.

TM1 Attachment C ([Glade Unit/Complex Mapping](#))

TM1 Attachment A ([Recreation Concept Master Plan, Attachment A](#) and [p. 10 of Project Description](#)):

TM1 Attachment D (Conveyance Pipeline Mapping):

[County Line Pipeline Map Series, General](#)

[Poudre Intake Pipeline Map Series, General](#)

[Northern Tier and Poudre Release Pipeline Map Series, General](#)

### **Acronyms Used in this Report**

ACOE	Army Corps of Engineers
APCD	Air Pollution Control Division (State of Colorado)
APEN	Air Pollutant Emission Notice
AQCC	Air Quality Control Commission (State of Colorado)
CDOT	Colorado Department of Transportation
DNR	Larimer County Department of Natural Resources
FEIS	Final Environmental Impact Statement
FWMEP	Fish and Wildlife Mitigation and Enhancement Plan
GMA	Growth Management Area
IGA	Intergovernmental Agreement
LCDHE	Larimer County Department of Health and Environment
LFRA	Loveland Fire Rescue Authority
NEPA	National Environmental Protection Act
NHPA	National Historic Preservation Act
NISP	Northern Integrated Supply Project
NISP WAE	Northern Integrated Supply Project Water Activity Enterprise
ROW	Right of Way
SCHPO	State of Colorado Historic Preservation Office

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### **PROJECT DESCRIPTION/BACKGROUND:**

The proposed application is for a water storage reservoir (Glade 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 consist of water districts and municipalities within Larimer County (County), including Town of Windsor and the Fort Collins-Loveland Water District, and the rest outside of the County. The water to be stored in the reservoir is a combination of the Grey Mountain water right and a series of exchanges with ditch companies downstream utilizing South Platte River rights.

Pursuant to the National Environmental Protection Act (NEPA) the Northern Integrated Supply Project Water Activity Enterprise (NISP WAE) has completed an Environmental Impact Statement (EIS) process, which was initiated in 2004. The initial Draft EIS was completed in 2010 and was followed by a supplemental Draft EIS that was completed in 2015. The Final EIS (FIES) was completed in 2019, with the Record of Decision expected in 2020. Larimer County was a cooperating agency with the Army Corps of Engineers (ACOE) in the federal permitting process. The application materials provide details regarding the FEIS process and report and the other permits and reviews conducted to date and provide links to most of those documents in Technical Memo No. 1, Project Description ([link here](#)). The applicant submitted the FEIS, including Vol. 2 with alternatives analysis, as part of this permit process as well as the additional agency requirements – a Fish and Wildlife Mitigation and Enhancement Plan and Section 401 Colorado Water Quality Certification as required by the Clean Water Act. The application includes the documents previously approved or pending as a part of the record for this application. Links to those documents are noted here:

- *Final Environmental Impact Statement – Northern Integrated Supply Project:* (<https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/EIS-NISP/>)
- *Fish and Wildlife Mitigation and Enhancement Plan* (NISP): (<https://www.northernwater.org/Kentico/getmedia/ee3c1a4c-dcc6-4083-a462-67047e4ce704/2017-State-Fish-and-Wildlife-Mitigation-and-Enhancement-Plan.pdf>)
- *WQ-NISP 401 Certification:* <https://www.colorado.gov/pacific/cdphe/wq-nisp-401>

It was the original intent of the NISP WAE to pursue an Intergovernmental Agreement (IGA) with Larimer County for the proposed requests. The County and NISP WAE executed a Memorandum of Understanding (MOU) in the fall of 2016 which anticipated the completion of the IGA in 2017 prior to the completion of the FEIS. The timing of that process could not be followed for a variety of reasons, and in December of 2019 NISP WAE withdrew from the IGA process and initiated the 1041 permit application with a pre-application conference.

In February 2020, NISP WAE submitted the application for a 1041 permit for the site selection and development of a 170,000-acre-foot water storage reservoir and four 32 to 54-inch raw water lines. The request also includes appurtenant facilities to the proposed water storage reservoir and waterlines which include water diversions, pumping facilities, a forebay, and associated voluntary recreation and visitor uses.

**The Water Storage Reservoir (aka Glade Unit Complex) and Related Facilities:** The proposed reservoir will be located about 10 miles northwest of Fort Collins, and just north of the intersection of US 287 and SH 14 (Ted's Place). It will be five miles long, 250 feet deep, and have the capacity to store 170,000 acre-feet of water, which is slightly larger in capacity than Horsetooth Reservoir that is also in Larimer County. The reservoir surface area at full capacity will be approximately 1,600 acres (2.5 square miles). The dam will be approximately 275 feet high and constructed of zoned earth fill or zoned earth-rock fill and will include a spillway structure, low level inlet/outlet works, and a multi-level inlet/outlet tower. A reconstructed and expanded diversion for the Poudre Valley Canal will convey water to the forebay reservoir which can store up to 2,000-acre feet, from which water will be pumped by 40,000 horsepower pumps into the reservoir.

The applicant has included a recreation and visitor complex including camping and boat ramps as a part of the reservoir proposal. This will be located to the south of the reservoir just north of Ted's Place, east of the US 287 alignment adjacent to and including the KOA campground. The proposed boat ramps will be located at the reservoir's southeastern abutment.

The reservoir construction will require approximately seven miles of US 287 to be relocated. Generally the relocation will commence approximately one mile north of the intersection of US 287 and CR 21C (Overland Trail) and proceed north along the alignment of the former Holcim Quarry haul road and then cross over the hogback to reconnect with the existing highway approximately one-half mile south of Bonner Springs Ranch Road. The local road facilities are part of this 1041 review; the highway relocation has been a separate process and entails other review and approvals addressed later in this report.

**The Pipeline Segments:** According to the application materials, the preferred alignment includes four proposed waterlines that will carry water across Larimer County and deliver it to the southeastern corner of the County near Johnstown. The application labels the four pipelines as follows:

<b>Pipeline Name</b>	<b>Length (miles)</b>
Northern Tier	17.1
Glade/Poudre Release	1.3
Poudre Intake	7.0
County Line	10.2
<b>TOTAL</b>	<b>35.6</b>

The preferred routing for the pipelines appears in the application Technical Memo No. 1 Attachment D (Conveyance Pipeline Mapping) and are described in Technical Memo No. 5 (Legal Description).

The **Northern Tier Pipeline** will convey water from the reservoir by gravity in a 45 to 52-inch pipeline to follow US 287 to CR 21, then east through Eagle Lake subdivision to SH 1, then southeast to Grey Rock Road, then east to I-25, then southeast to CR 52, then east to the county line where it connects to the County Line Pipeline.

The **Glade Release/Poudre Release Pipeline** is a waterline that conveys 18-25 cubic feet per second (cfs) of water from the reservoir and reintroduces it to the Poudre River to accommodate stream flows through 13-miles of the Fort Collins area.

The water discharged into the river will then be withdrawn from the river (via the 32-inch **Poudre Intake Pipeline**) just upstream of the Mulberry Water Reclamation facility (aka wastewater treatment) near Woodard Governor to avoid contamination of the reintroduced water. The Poudre Intake Pipeline is proposed to be located on a route that is in part in City of Fort Collins and in part Larimer County that generally skirts City of Fort Collins Natural areas and subdivisions heading east to cross I-25 north of Prospect Ave., continuing east through or adjacent to the town limits of Timnath until it reaches the county line.

Once the Northern Tier and Poudre intake segments reach the county line, they will connect to the **County Line Pipeline** that will convey the water from CR 52 along the eastern county line to the southeasterly corner of the County near Johnstown. As part of previous review comments, it has been stated that the pipeline alignment along County Line Road will need to be established based on input and recommendations from the Towns of Timnath, Windsor, and Johnstown as well as Larimer and Weld Counties, with respect to the pipeline being located within or outside of the public road right-of-way.

To accommodate the location and construction of the proposed waterlines for the project, the applicant proposes a 100-foot-wide corridor along each of the four proposed waterline segments. The application indicates that these waterlines, when possible, will be located in existing road rights-of-way or within 60-foot-wide permanent waterline easements on private property. The application also indicates that to accommodate construction activities, additional temporary construction easements up to 40-feet in width adjacent to the permanent 60-foot wide easement may be necessary in certain areas, resulting in a 100-foot wide impact area.

The proposed pipeline alignments depicted in the application are intended to be specific alignments; however, some adjustments to the final siting may be necessary to allow for easement negotiations to address structure avoidance, utility conflicts, or owner preferences without revisiting the application. Any significant deviations from the approved route would require further review as set forth in the Land Use Code and proposed conditions of approval in this report.

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#### **1041 REGULATIONS AND REVIEW CRITERIA:**

Section 14.0 – Areas and Activities of State Interest (aka “1041 regulations”) of the Larimer County Land Use Code (Code) establish the requirements for review and permitting of the proposed activities of state interest as designed by the Board of County Commissioners.

For this application, Larimer County’s review process focuses on two specific designated matters of state interest as regulated in Section 14.4.

*Section 14.4.J. Siting 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 easements. Domestic water transmission lines include those used to transport both raw and treated water. 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.*

*14.4.K. Site selection and construction of a new water storage reservoir or expansion of an existing water storage reservoir resulting in a surface area at high water line in excess of 50*



*acres, natural or manmade, used for the storage, regulation and/or control of water for human consumption or domestic use and excluding a water storage reservoir used exclusively for irrigation. A water storage reservoir shall also include all appurtenant uses, structures and facilities, roads, parks, parking, trails and other uses which are developed as part of the water storage reservoir. This designation shall not include the maintenance and operation of irrigation ditches, canals or laterals nor shall it include the normal maintenance and operation of a reservoir solely used for irrigation or a reservoir serving both irrigation and domestic customers.*

For the evaluation of the designated 1041 activities noted above, Section 14.10 provides the procedural requirements and criteria for approval of a 1041 permit application. Specifically:

*14.10.A. The applicant must submit a complete and sufficient application that is consistent with the submittal requirements that are stated at the pre-application conference.*

*14.10.B. A 1041 permit application may be approved only when the applicant has satisfactorily demonstrated that the proposal, including all mitigation measures proposed by the applicant, complies with all of the applicable criteria set forth in this Section 14 [of the Larimer County Land Use Code]. If the proposal does not comply with all the applicable criteria, the permit shall be denied, unless the county commissioners determine that reasonable conditions can be imposed on the permit which will enable the permit to comply with the criteria.*

*14.10.C. If the county commissioners determine at the public hearing that sufficient information has not been provided to allow it to determine if the applicable criteria have been met, the board may continue the hearing until the specified additional information has been received. The commissioners shall adopt a written decision on the 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.*

Section 14.4 describes the role of the Planning Commission to “hold a hearing and provide a recommendation to the board on the proposed designation prior to the board hearing,” with notice no less than 14 days before the hearing. Following the hearing and recommendation, the Board of County Commissioners will hear and decide on this application.

The County’s development review team analyzes the proposed application considering the 12 review criteria found in Section 14.10.D. of the Code and focusing on the two specific 1041 designations (reservoir and pipelines) for each criterion. Specifically, the development review team evaluates the application with respect to those criteria to site and build:

- (1) a reservoir and related structures and facilities including the proposed voluntary recreation, and
- (2) the four proposed pipelines through Larimer County.

The 1041 regulations do not regulate highway siting, so while the reservoir necessitates realignment of 7-miles of US 287, that siting and construction activity will be analyzed and permitted through additional federal, state, and local governmental regulatory processes outside the 1041 process. The review of a Location and Extent application and the construction of the relocated highway will legally be the responsibility of the Colorado Department of Transportation (CDOT). Right of way acquisition, construction documents and plans, and the overall plan for relocation are being completed by the NISP WAE. The applicant has committed to ensuring access to the affected properties and preservation of the availability of individual wells for those properties.

Because Larimer County was a cooperating agency in the drafting and review of the EIS from the scoping through the issuance of the FEIS on the reservoir analysis, the development review team has not replicated the federal and state studies but notes where we have reviewed those documents and in instances where the subject is regulated by a county standard, conclude whether they meet Land Use Code standards and requirements. Analysis related to flow and river impacts are addressed through the EIS and other studies by the federal and state agencies and are not part of the 1041 regulations or county standards.

## **REVIEW CRITERIA FOR APPROVAL OF ALL 1041 PERMITS**

As noted above, Section 14.4 of the Land Use Code contains 12 review criteria for approval of a 1041 permit. This section provides information and analysis based on the review criteria for the proposed reservoir and associated recreation and pipelines.

### **Criterion 1: The proposal is consistent with the Master Plan (Comprehensive Plan) and applicable intergovernmental agreements affecting land use and development.**

The development review team has considered the 2019 Comprehensive Plan and finds that reservoirs and pipelines are not specifically defined within the framework of the Comprehensive Plan but there is a reasonable relationship and alignment with several of the broad policy goals, criteria, and metrics articulated in the Plan that makes the proposal generally consistent with the Comprehensive Plan and other plan elements such as the Parks Master Plan.

#### Proposed Reservoir

Although the Comprehensive plan does not contain specific policies about this type of proposal, the development review team finds the location and siting of the reservoir consistent with the Mountains and Foothills designation on the Framework Map and “essential questions” of: *“(1) How does the project adequately protect air and water quality, cultural and natural resources, and minimize fragmentation of the landscape? (2) How does the project avoid impacts to the open character of rural areas, unique or highly visible viewsheds, landforms and ridgelines? And (3) How does the project consider the natural terrain in its design and siting to minimize environmental impacts and avoid or reduce hazard risk to an acceptable level?”*

The reservoir has been through an extensive Federal and State level review. The development review team agrees that the federal and state analysis of the proposed plan and mitigation measures will adequately protect or mitigate for the environment while

maintaining an unfragmented land pattern with mitigation proposed. Changes will occur to the viewshed of Hook and Moore Glade, the valley north of Ted's Place between the first hogback and the foothills, but the proposed reservoir avoids additional changes to the prominent surrounding landforms. The natural terrain has formed the basin which the applicant proposes to utilize and will avoid risk from hazards.

The Watershed and Natural Resources component of the Comprehensive Plan addresses protecting water resources in the County with the overall objective of resiliency and health of our natural systems and community. Policy 3.4 states that the County should: "Collaborate with federal, state and municipal partners to secure and enhance in-stream flows that support important ecological and biological functions, recreational amenities, and enhance Larimer County quality of life." Policy 3.5 states that the County should: "Protect and provide adequate water resources for current and future uses in the County and explore options in partnership with other affected interests." However, many of the project's proposed water exchanges and agreements to preserve farmland and irrigated agriculture occur outside Larimer County and were secured before the policies of the Comprehensive Plan were formulated. Still, the NISP project includes two water providers in the County, and includes provisions reintroducing water into the Poudre River through the City of Fort Collins before it is re-withdrawn and piped to other locations.

The essential questions regarding air and water quality are addressed under the analysis of Criterion 6 below. Land fragmentation is addressed under Criterion 4, and protection of cultural resources are addressed under Criterion 5. Through a mix of mitigation and operational conditions of approval, these questions are satisfactorily answered.

The Larimer County Parks Master Plan and the Open Lands Master Plan reference the need for flat water recreation and recreational amenities as well as preserving open landscapes and habitat. Glade Reservoir is projected to add 1,600-surface acres to the recreation portfolio and contributes to future flatwater recreation demands as called for in Larimer County's Parks Master Plan.

#### Proposed Pipelines

The analysis conducted by the NISP WAE regarding the alternative analysis and the preferred pipeline alignment and support facilities and appurtenances address the principles in the Comprehensive Plan with respect to both the natural and manmade environment. The conveyances are mostly in the Urban/Rural Interface Frameworks areas of the Plan. As principally underground facilities, they will have little long-term impact to the existing or future development of those areas.

Certain segments of the conveyance routes are within the Growth Management Areas (GMA) of Fort Collins and Windsor, as adopted by Larimer County. The City of Fort Collins submitted comments regarding their concerns about the impact the Poudre Intake Pipeline will have on the natural areas adjacent to the East Mulberry Corridor Plan area and would like additional alternatives analysis and evaluation based on that subarea plan.

Windsor has not identified any issues related to pipelines within the Town's GMA, nor have Timanah or Johnstown that do not have GMAs within the County. Windsor and Timnath have agreements with the NISP WAE and obtain water service from Fort Collins Loveland Water District, a participant in the proposal.

**Criterion 2: The applicant has presented reasonable siting and design alternatives or explained why no reasonable alternatives are available.**

Proposed Reservoir

The EIS process includes a rigorous alternatives analysis of multiple alternatives (as described below) including a "No Action" alternative. The FEIS concludes that the Glade Reservoir site is the most appropriate and least impactful alternative when coupled with the appropriate compensatory mitigation. The development review team supports the ACOE's findings, and having been part of that alternative analysis, finds that it meets the requirements for evaluating and presenting reasonable siting and design alternatives according to this 1041 criterion. The impacts and alternatives relative to the Cache La Poudre River were evaluated as a part of the FEIS.

*From FEIS Chapter 2:* A total of 215 potential elements were screened, which included 15 reservoir rehabilitation sites, 35 reservoir enlargement sites, 147 new reservoir sites, 6 ground water aquifers, and 12 gravel lakes. Following the screening and evaluation of 215 potential elements, 11 elements (all new reservoirs) remained. Elements associated with reservoir rehabilitation, reservoir enlargement, ground water, and gravel lakes were eliminated. In addition, the ACOE evaluated and eliminated from detailed study alternatives suggested in comments on the EIS and FEIS. Alternatives suggested during the comment periods were eliminated because they did not meet the project's purpose and need and practicability screening criteria.

Proposed Pipelines

For the pipelines, the NISP WAE application discusses and analyzes alternatives to transfer the water to the Participants (Technical Memo No. 3). The approach was two tiered, with the first level being a routing screen followed by an evaluation against a set of criteria including major corridors, land use and residential impacts, environmental impacts, and county facilities. That analysis was further refined, and the applicant examined those alternatives from which the preferred alternatives were chosen. There are multiple alternatives for each pipeline segment, and the analysis has been documented in the application materials (Technical Memo 3 [Conveyance Routing Assessment](#) and [Appendix A Route Alternatives Analysis](#).) The development review team finds the alternatives analysis is adequate and the proposed alignments are reasonable and appropriately designed. Two segments may however need further study.

The Northern Tier (Travis Road to SH 1 segment in Appendix A, pp. 24-26) through the Eagle Lake subdivision has been the focus of many comments of concern because of potential construction timing, traffic, property damage, and other noted impacts. This segment is discussed further later in the report.

Additionally, the City of Fort Collins has indicated concerns with the Poudre Intake alignment and suggested there be further analysis of alignments outside of natural areas along Mulberry and environmental mitigation if the pipeline remains in the preferred location. Tradeoffs may include significant impacts to a larger number of properties if built in another location.

**Criterion 3: The proposal conforms with adopted county standards, review criteria and mitigation requirements concerning environmental impacts, including but not limited to those contained in Section 8 of this Code.**

Proposed Reservoir

The applicant has an approved plan entitled “Fish and Wildlife Mitigation and Enhancement Plan” (FWMEP) as required by state law (C.R.S. 37-60-122.2). The FWMEP was approved in 2017 by both the Colorado Parks and Wildlife Commission and the Colorado Water Conservation Board and addresses in detail the mitigation and enhancements agreed to by the applicant to address environmental impacts. The development review team finds the plan meets or exceeds the level of detail articulated in the Larimer County Land Use Code. Specifically related to the Code in Section 8:

- *Sec. 8.2. Wetland Areas. The purpose of this section is to protect wetlands, their buffer areas and their water sources from encroachment that would adversely affect the wetlands' ability to maintain water quality, provide wildlife habitat, provide flood protection and maintain other critical environmental functions. When encroachment cannot be avoided, this section provides for mitigation of the impacts resulting from the encroachment.*

Wetland areas affected by the proposal are both jurisdictional and non-jurisdictional. The permit from the ACOE will incorporate the permitting for all wetland impacts. Further wetland mapping will occur as a part of the Wetlands and Open Water Mitigation Plan, still being developed by the applicant as a part of the FWMEP. The Larimer County Department of Natural Resources (DNR) staff will participate and ensure that activities which occur in or around wetlands meet the requirement of the Code. ACOE permitting and the additional planning mapping will meet or exceed Section 8.2 of the Code.

*Sec. 8.3. Hazard Areas: The purpose of this section is to protect county residents and their property by securing safety from natural hazards.*

Low and moderate wildfire hazards exist in the state wildlife area to the west of the proposed reservoir, and access for recreation will be limited in that area which will help limit the potential for increased wildfire hazards due to recreation uses. Poudre Valley Fire would like to further review reservoir area access. Concerns about campground-related wildfire hazard has been expressed by nearby property owners. The development review team finds those can be mitigated. There are rock fall hazards identified along the eastern side of the reservoir site; however, this area will not be altered and therefore does not present a hazard. The FEIS notes two inactive faults and provides a procedure for addressing the geology during subsequent permitting by the State Engineer's Office

and later construction. The avoidance and mitigation of the on-site hazards and subsequent state permitting meets the Sec. 8.3 standard set forth in the Code.

*Sec. 8.4. Wildlife: The purpose of this section is to maintain and enhance the diversity of wildlife species and habitat in Larimer County and to plan and design land uses to be harmonious with wildlife habitat and the species that depend on that habitat for the economic, recreational, and environmental benefit of county residents and visitors.* The FEIS's environmental analysis for the preferred reservoir alternative identifies possible conflicts with both listed wildlife and other species of concern. Mitigation includes avoidance, seasonal limitations, construction scheduling, or prohibitions on activities. The FWEMP is comprehensive and was prepared and approved by the agency Larimer County relies on for review and analysis, and therefore it meets the Sec. 8.4 wildlife standard.

*Sec. 8.8. Irrigation Facilities: Irrigation is necessary for agricultural operations in the county. Development has the potential of disrupting the delivery of irrigation water. This section of the Code is intended to protect irrigation facilities from adverse development impacts.*

The Monroe Canal is proposed to be piped in essentially its current alignment as a "tunnel" through the reservoir site. The Poudre Valley Canal will be reconstructed, and a new diversion structure will be built to convey water to the forebay reservoir. Both of these irrigation companies will need to agree and approve these actions. Neither irrigation company has commented, and they will need to concurrence and grant permission for the reservoir to meet the standard.

*Sec. 8.11. Air Quality Standards: Developments must comply with all county, state and federal air quality standards and must reduce potential emissions where feasible.*

Given the potential disturbed area due to this proposal, an Air Pollutant Emission Notice (APEN) and Air Quality permit will be necessary which will require compliance with the state's Air Quality Control Commission (AQCC) regulations.

*Sec. 8.12. Water Quality Management Standards: Developments must comply with all county, state and federal water quality standards, including but not limited to, those regulating erosion and sedimentation, storm drainage and runoff control, solid wastes and hazardous substances.*

The FEIS and public commenters identify a water quality issue related to the old missile silo site which is addressed under Criterion 6. Additionally, the applicant will need to obtain stormwater quality permits for the construction impacts which will meet the water quality management standard in Sec. 8.12.

#### Proposed Pipelines

The applicant's Conveyance Routing Assessment analysis through their matrix evaluation identifies and evaluates a number of criteria that correlate with the standards of the Code, Section 8 standards. In reviewing the application, the development review team finds the following:

*Sec. 8.2. Wetland Areas (see purpose above):* Wetland areas affected by the proposed pipelines are both jurisdictional and non-jurisdictional. The Permit from the ACOE for NISP will incorporate the permitting for all wetland crossings or impacts. This permitting will meet or exceed the standard in Sec. 8.0.

*Sec. 8.3. Hazard Areas (see purpose above):* Review and approval by the Flood Review Board and issuance of the floodplain development permit(s) will meet the standard for Sec. 8.3 to protect residents and property from hazards.

*Sec. 8.4. Wildlife (see purpose above):* The NISP WAE's environmental analysis for the preferred route identifies possible conflicts with wildlife, both listed and other species of concern. Mitigation includes avoidance, seasonal limitations, prohibitions on activities and construction scheduling to avoid nesting birds and other seasonal conflicts. The proposed mitigation measures meet the Sec. 8.4 standard of the Code.

*Sec. 8.8. Irrigation Facilities (see purpose above):* There are multiple irrigation ditches which will need to be bored or cut for pipelines. The applicants will be required to cooperate and mitigate any issues with the respective ditch companies. If agreements or licenses are required, the NISP WAE must obtain them. The acquisition of and issuance or permits and permissions will meet Code Sec. 8.8 requirements.

*Sec. 8.11. Air Quality Standards (see purpose above):* Given the potential disturbed area of the proposed pipelines, an APEN and Air Quality permit will be necessary which will require compliance with the AQCC regulations and Code Sec. 8.11.

*Sec. 8.12. Water Quality Management Standards (see purpose above):* The applicant will need to meet this standard by obtaining stormwater quality permits that address the construction and other water quality impacts addressed in Code Sec 8.12.

**Criterion 4: The proposal will not have a significant adverse affect on or will adequately mitigate significant adverse affects on the land on which the proposal is situated and on lands adjacent to the proposal.**

#### Proposed Reservoir

The applicant has provided a summary of the commitments, mitigations, enhancements and permits they have obtained through the federal and state processes that preceded this application. The development review team evaluated these and finds they address the criteria and/or adequately mitigate the impacts. Specifically, the EIS and subsequent 404 permitting will address wetland and wildlife habitat impacts. The FWMEP commits the applicant to both mitigation and enhancements that address stream flow, fisheries, and wildlife. The 401 certifications determining that water quality will not be degraded also includes mitigation and long-term monitoring. The reservoir will inundate land upstream from the dam, an unavoidable consequence from building a reservoir. Recreational access and land preservation surrounding the reservoir will mitigate some of the impact from that inundation.

Landowners in Bonner Peak and along CR 29 have expressed concerns about noise from the recreational use, dust when water levels are low, changes in the character of the land, and concerns about traffic noise and headlights from the proposed relocated 7-miles of US 287 that is prompted by the proposed reservoir siting and construction.

#### Proposed Pipelines

The conveyances are mostly located in rural and undeveloped areas (much of Northern Tier) as well as significantly developed areas (i.e., parts of Northern Tier, the Poudre Intake Pipeline, and parts of County Line Pipeline). While there are some impacts to vegetation along the alignments, those impacts will be mitigated through the use of Best Management practices (BMP) and do not constitute a significant long-term impact on land affected or adjacent to the pipeline.

Neighbors and property owners have expressed concerns about the routing through the Eagle Lake subdivision, the time to construct (estimated up to 59-weeks from commencement to restoration), a congested corridor, narrow private roads, and the proximity of the pipeline to residences. The localized impacts to property and roads necessitate additional mitigation or further analysis of the Northern Route segment in that area. Other property owners have noted concerns about the alignment affecting their properties. As noted previously, the City of Fort Collins has concerns about ecological impacts of routing in natural areas.

### **Criterion 5: The proposal will not adversely affect any sites and structures listed on the State or National Registers of Historic Places.**

#### Proposed Reservoir

As a part of the FEIS technical studies (Sec. 4.19), the results of the 2018 Cultural Resources Study includes an inventory of sites and identifies over 100 sites as either resources, possible designations, or eligible resources. The ACOE analysis evaluated potential impacts of NISP to cultural resources, and a Programmatic Agreement for continuing National Historic Preservation Act (NHPA) compliance requires the NISP WAE take steps to protect resources during construction for identified resources and future discoveries on project lands. The State of Colorado Historic Preservation Office (SCHPO) is a signatory to the Programmatic Agreement. The development review team has evaluated these documents and finds that with the Programmatic Agreement, no adverse effect is likely to occur to sites and structures listed on the State or National Registers of Historic Places.

#### Proposed Pipelines

The ACOE analysis evaluated impacts of NISP conveyances on cultural resources. Compliance with the NHPA requires that steps be taken by the NISP WAE in the event of future discoveries on project lands through a Programmatic Agreement with SCHPO.

The environmental analysis did not identify historic structures along or in the preferred pipeline alignment that would be negatively affected by construction. The Programmatic Agreement with SCHPO will satisfy the county's standard.



**Criterion 6: The proposal will not negatively impact public health and safety.**

Proposed Reservoir

The Larimer County Department of Health and Environment (LCDHE) has identified two principal areas of concerns with noise impacts. The first is the impact from construction activities. The second is for uses related to the proposed recreation uses. Concerns regarding recreational noise and neighbor impacts have been expressed through numerous public comments, principally from Save Rural NoCo and Bonner Peak residents. The Health Department recommends conditions which require a predictive noise analysis and a mitigation plan to implement to assure the noise standards are met.

Air quality impacts from a variety of sources also have been noted as concerns, including air quality impacts from construction activities, nuisance dust from exposed shoreline when reservoir levels drop and emissions from recreational traffic and boating. Studies from the FEIS indicate there will be minimal air quality impacts from the Glade Unit and recreation, but construction activities for the entire project could have temporary increases of ozone precursors. LCDHE has requested an Air Quality Mitigation Plan to address and mitigate the impacts and emissions from these construction and other activities.

Additionally, a former Atlas missile silo is located south of the reservoir north of SH 14 in the area of the forebay. It had a hazardous material release which has been mitigated and is now at levels below the regulatory standard. The FEIS analysis and comments from ACOE indicate that the site will not be an impact to water quality. Larimer County does not regulate groundwater and relies on the ACOE to address this issue. However, due to concerns raised by residents in the area, LCDHE proposes a private well monitoring program as a condition of approval to measure and avoid impacts to nearby private water wells.

Proposed Pipelines

The pipelines do not result in public health or safety risks that cannot be mitigated. The LCDHE has identified the need and conditions for controlling noise and emissions. Air quality permitting and mitigation plans have been required to control these impacts. Controls on hours of operation to minimize impacts to noise sensitive sites and nearby properties and residents also will be necessary. Identifying potential affected water and sewer utilities (including wells and septic systems) on individual properties will be necessary to assure continued service and repair any compromised services during construction.

**Criterion 7: The proposal will not be subject to significant risk from natural hazards including floods, wildfire, or geologic hazards.**

Proposed Reservoir

The Natural Hazard Mitigation Plan ([Technical memo No. 8](#)) notes two inactive faults underlying the reservoir or dam. The permitting of the construction of the dam is under the authority of the State of Colorado Office of the State Engineer, Dam Safety. These faults have been determined to be inactive. Furthermore, the appropriate seismic analysis would influence the design and construction of the dam structure (4.6.3, 4.6.7 & 4.6.8 FEIS).

There is not a flood risk for the reservoir, as the site is not in a floodplain.

The lowest/moderate risk of wildfire and increased risk of wildfire from recreation have been analyzed, and wildfire mitigation strategies are identified. Past wildfires which have affected this immediate area were started either by residents or lightning, not the historic uses of hunting or recreation. Poudre Fire Authority notes that additional access may be necessary to fight fires and that emergency response to incidents on the west side of the reservoir remains a matter of concern. They note that the creation of Glade Reservoir appears to make the west side less accessible while increasing potential for incidents and therefore request additional access study, among other measures.

#### Proposed Pipelines

The proposed pipelines cross several floodplains. The Larimer County Engineering Department identifies the analysis necessary to permit these crossings. If properly permitted and constructed, the pipelines should not be subject to significant risk from a flood event. The preferred alignment has mitigated flood risks principally by avoidance, or there are no risk factors associated with the preferred alignment. The conveyance/pipeline routing is not affected by other hazards, such as wildfire or geologic hazards.

**Criterion 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 government to provide services or exceed the capacity of service delivery systems.**

#### Proposed Reservoir

The application notes there are existing adequate public facilities or additional facilities and service will be provided by the project resulting in no significant adverse effect to existing or new facilities. The reservoir will require a power line be relocated to provide power for the pumping facilities. The development review team has not received comments from power providers indicating there would be a service issue.

Potable water for future uses has been determined to be adequate for the recreational uses, and sewage disposal will be on-site by local and/or state approved wastewater treatment system(s). The details for water and sewer provision will be established as a part of the technical review for the construction of these facilities.

The proposed relocation of US 287 will create impacts to the local roadway network. The team will be requesting further analysis of the system and coordination with CDOT to assure traffic impacts to intersections and connections are addressed and that service is not impacted. Recognizing that there may be impacts to the county road network as a result of the relocation of US 287, engineering staff has requested the applicant perform a traffic study to focus on the roadways affected by this relocation. This study will guide cooperation with CDOT in the actual design and construction of the relocated highways and intersections mitigating impacts.

#### Proposed Pipeline

The pipeline represents a temporary construction impact that will be mitigated through compliance with construction and permitting standards and the pipelines will not require additional county services or facilities. Additionally, with adequate operational parameters and conditions to address access to properties during construction, there will not be significant adverse impacts to services and facilities.

**Criterion 9: The applicant will mitigate any construction impacts to county roads, bridges, and related facilities. Construction access will be re-graded and re-vegetated to minimize environmental impacts.**

#### Proposed Reservoir

The application indicates there are few impacts to county facilities as a result of the reservoir construction. The Engineering Department has completed a thorough analysis of the application and referenced analysis in the FEIS and provided comments in a memo dated May 19, 2020. The memo concludes that the applicant will (by actions committed to in the application or through proposed conditions) adequately mitigate impacts both from construction and from altered use to the County roadway system. Additionally, Engineering identified concerns with local material hauling or other construction traffic impacts to the county road network as a result of the reservoir and long-term changes in traffic distribution due to US 287 realignment. Due to a history of severe and fatal crashes, the increased usage of the CR 21 and US 287 intersection for traffic to/from the relocated US 287 is of concern from a traffic safety standpoint. The applicant with CDOT and Larimer County will need to evaluate and address public safety mitigations.

#### Proposed Pipelines

For the pipeline construction, which is proposed partly in unincorporated Larimer County ROW and mostly on private land easements outside of ROWs, the applicant will evaluate pre-construction conditions on county facilities and mitigate any construction impacts to return to pre-construction condition.

County Engineering suggests conditions of approval to address impacts and their mitigation for County roads and facilities as follows. For all the proposed pipelines, any locations where the applicant locates the pipeline outside of the existing County ROW, it shall do so in a manner to either: (a) be located outside of the ultimate ROW width corresponding to the functional classification of the roadway, or (b) obtain and convert to a Larimer County road right-of-way easement for any additional pipeline easement widths falling within the ultimate roadway ROW. A condition of approval has been proposed to ensure that the final design meets this requirement. County Engineering will also require that roadway crossings be performed to be generally perpendicular to County ROW. Diagonal crossings across intersections will not be allowed.

The applicant also will minimize environmental impacts. All additional construction impacts on private lands or natural areas will be mitigated and revegetated.

**Criterion 10: The benefits of the proposed development outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development.**

Proposed Reservoir

The FEIS and FWEMP include evaluation of the impacts of the reservoir on agricultural lands and natural resources. The footprint of the reservoir will impact approximately 150 acres of agricultural land. The applicant states the proposed reservoir (rather than the “No Action” alternative) prevents an estimated 60,000 acres of agricultural land from being removed from irrigated use and has initiated a WaterSecure program to assure the farms’ continued use and production. Larimer County staff commented on this topic in earlier stages of the EIS (2008) to support the concept.

*From FEIS Ch. 2.3: Agriculture-to-municipal transfers were considered in Northern Water’s No Action Alternative; eliminated from detailed study for action alternatives.*

The applicant has presented a suite of mitigation measures and enhancements where benefits may outweigh the losses to natural resources and agricultural lands, and the proposal may assist in preserving agricultural lands, in part through the NISP WaterSecure program.

The applicant includes a voluntary commitment to provide a recreation component at Glade reservoir. The DNR has provided comments about the scope, scale, location, and character of the recreation proposal and recommends Larimer County share the cost of some recreational amenities, as noted in the attached DNR memo. Some of the proposed contributions are previous commitments as result of mitigation agreed to in other reviews (including FWMEP); some are voluntary.

Proposed Pipelines

No evidence or analysis presented indicates that the four segments of pipeline construction will cause a significant reduction in the productivity of agricultural lands. There will be some short-term disruption during construction. Adverse impacts to natural resources that have been identified are proposed for mitigation.

**Criterion 11: The proposal demonstrates a reasonable balance between the costs to the applicant to mitigate significant adverse affects and the benefits achieved by such mitigation.**

Proposed Reservoir

The application explains that the FWMEP commits more than \$53 million to the 54 mitigation and enhancement commitments identified in the application. Forty-three of those commitments, 80% of the identified improvements, will occur totally or partially in Larimer County. Those commitments are expected to cost more than \$49 million, indicating that approximately 90% of the plan’s funding will provide benefit to Larimer County. The full measures of the mitigation actions described in the FEIS and FWMEP including the proposed \$21.8 million recreation enhancement (shared 75 percent NISP WAE and 25

percent Larimer County, in Technical Memo No.4) demonstrate a reasonable balance between the adverse effects from the reservoir and the benefits achieved from the mitigation.

#### Proposed Pipelines

The development review team finds that the surface construction impact of the pipelines is temporary and that the property owner easement agreements will assure reclamation/restoration of the site and or compensate for any loss in use or use of the property. As noted elsewhere, property owners have expressed concerns, especially around Eagle Lake and near SH 1, that segments of the proposed alignment will create impacts on a temporary or permanent basis and may require further mitigation or realignment. Also previously noted, the City of Fort Collins has a concern about the Poudre Intake pipeline alignment and ecological impacts overall.

#### **Criterion 12: The recommendations of staff and referral agencies have been addressed to the satisfaction of the county commissioners.**

The development review team has evaluated the comments from referral agencies. The agency referral comments note concerns with the proposal and in some cases request additional analysis or alternatives to avoid impacts. The City of Fort Collins requests further evaluation of design alternatives, while other agencies provided conditions that have been incorporated into this report or are referenced. Furthermore, the agencies identify necessary permits, permissions, and coordination prior to next stages of design and construction.

The applicant will have an opportunity to respond to the referral agency comments prior to and during the hearings. At the hearing on June 24, 2020, staff will update the Larimer County Planning Commission about referral recommendations. The County Commissioners will evaluate the responses of the applicant to these recommendations at their hearings and determine whether recommendations have been addressed to their satisfaction.

#### Referral Process

The following agencies received a request from Larimer County for comments on the application for both the reservoir and the conveyances. Written responses are included in this report as Attachment C.

##### **Internal Referral Agencies**

- Engineering Department
- Road & Bridge
- Health Department
- Natural Resources Department

##### **External Referral Agencies**

- Colorado Division of Parks & Wildlife S of CR 38E/ CR 32
- Colorado Division of Parks & Wildlife N of CR 38E/32 \* Agency involved in the approval of the FWMEP
- Soil Conservation
- Division of Water Resources

- Colorado Department of Transportation
- Poudre Fire Authority
- Livermore Fire District
- Wellington Fire District
- Xcel Energy
- Fort Collins Sanitation District
- Boxelder Sanitation District
- North Weld County Water District
- ELCO Water District
- Northern Colorado water Association
- Town of Timnath
- City of Fort Collins
- City of Loveland
- Town of Windsor
- Town of Johnstown
- Poudre Valley REA
- Railroad – BNSF
- City of Greeley
- Railroad- Union Pacific
- Windsor Reservoir & Canal
- Water Supply & Storage
- Jackson Ditch
- Larimer Emergency Telephone Authority (LETA)
- North 40 News

#### Public Notice and Comments Received

Larimer County provided postcard notice of the application and of the hearing to more than 1,200 property owners along and within 500 feet of the conveyance (pipelines) route and within 0.5 miles of the reservoir site.

The magnitude and history of this project has generated a significant amount of public interest and comment. Copies of the written correspondence and e-mails received from the application submittal through June 9, 2020 have been provided in Attachment D. Approximately 300 public comments have been received, with many arriving in the final hours of June 9. The development review team will continue to read those comments, especially because many came in right before publication of this memo, in preparation for questions at the hearings.

Public comment topics include concerns about the need of the reservoir, impact to the Poudre River and ecological impacts, lifestyle and property impacts, geological impacts, noise and water quality impacts, and traffic and construction. Some comments also focused on the application completeness and hearing schedule and process, with early comments requesting extensions to the timeline. Also, several groups and organizations have provided written comments on behalf of their memberships (Save the Poudre, No Pipe Dream Corporation, and Save Rural NoCo Corporation) along with the many individual members of the public. Eagle Lake Association also commented, as referenced in this report.

## **OTHER FINDINGS AND INFORMATION**

### **US 287 REVIEW**

The US 287 relocation is not part of this 1041 review but is prompted by the reservoir location and has generated questions and comments. As is stated in Section 2.3.2.7 of the Final EIS, “the applicant’s Preferred Alternative includes the realignment of a segment of US 287 at the proposed Glade Reservoir site. CDOT is a state cooperating agency for the FEIS and is responsible for evaluation the proposed realignment of US 287. CDOT is responsible for ensure that the FEIS addresses CDOT’s environmental requirements. As a cooperating agency, CDOT will be responsible for selection of alternative alignments, analysis of impacts associated with the propose alternative alignments, and public involvement related to the proposed realignment of US 287.”

CDOT has since reviewed 14 potential alignments, which were made available for public comment as part of an open house and the EIS public comment periods. To adequately evaluate the alternatives, CDOT had a relocation study prepared that identified and screened reasonable alternatives that could be used to maintain the function and continuity of US 287. Both a Noise Impact Analysis and Visual Assessment were prepared as part of the US 287 Relocation Study. After analyzing the alternatives and public comments, CDOT eventually selected the western alignment (Alternative F/G) as their preferred alternative. See FEIS 2.3.2.7 for more specific details regarding CDOT’s selection process.

### **OTHER ISSUES:**

The application largely has either addressed and mitigated for the concerns identified or will through conditions of approval ensure compliance with county standards. Other issues for the 1041 permit that may need to be further studied or mitigated include.

- Northern Tier – Eagle Lake. With respect to the Northern Tier Conveyance alignment, the development review team finds that the construction activities and installation of the pipeline under residential properties may require further mitigation.
- City of Fort Collins comments should be addressed including environmental mitigation and consideration of the Mulberry Corridor Plan and possible further study of Poudre Intake alignment.
- Mitigation for hazards and geological faults are addressed in the FEIS studies and will require future permitting through state and federal agencies. The applicant may need to further describe how this mitigation will occur. Fire districts will require follow up coordination to address issues related to access to the north and west of the reservoir.

**As the development review team continues to review comments and identify new issues related to the 1041 regulations, the team will address them.**

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## **SUMMARY OF DEVELOPMENT REVIEW TEAM FINDINGS:**

The reservoir proposal has been extensively reviewed and evaluated through the Federal NEPA EIS process, including FWMEP and the CDPHE 401 Water Quality Plan. The development review team finds that the applicants have avoided and/or mitigated the environmental issues and have committed to minimizing the disruption(s) caused by the reservoir. Substantial mitigation and long-term monitoring are also a part of ongoing and future permitting.

The preferred pipeline alignment largely has minimal or mitigated impacts in Larimer County, and the combination of the Northern Tier and Glade Release/Poudre Release and Poudre Intake Pipelines (i.e., refined conveyance concept with some water being conveyed via the Poudre River) is an improvement overall from initial EIS alternatives. As noted above, several pipeline segments may need additional analysis or mitigation.

These findings are based upon review of the application materials, comments received, and other information provided as part of the submission, all of which are incorporated herein.

The NISP application for the water storage reservoir and its components, and the water conveyances and their appurtenant facilities meets the 1041 criteria as noted in the previous sections. In sum, the application:

1. Largely is consistent with the master plan (County's 2019 Comprehensive Plan) and applicable intergovernmental agreements affecting land use and development.
2. Has presented reasonable siting and design alternatives or explained why no reasonable alternatives are available, with additional notes about mitigation.
3. As presented in the FEIS and application, conforms with adopted county standards, review criteria and mitigation requirements concerning environmental impacts, including but not limited to those contained in the Land Use Code (Section 8), except where additional ecological analysis may be necessary as requested.
4. Generally will not have a significant adverse affect on or will adequately mitigate significant adverse affects on the land or its natural resources, on which the proposal is situated and on lands adjacent to the proposal, including mitigation for impacts in certain pipeline segments.
5. Will not adversely affect any sites and structures listed on the State or National Registers of Historic Places with the mitigation measures proposed.
6. Will not negatively impact public health and safety, including the additional mitigation measures as noted.
7. Considering the FEIS and application, will not be subject to significant risk from natural hazards including floods, wildfire or geologic hazards.
8. Has adequate public facilities and services available or will provide them, and the proposal will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
9. Will mitigate any construction impacts to County roads, bridges and related facilities. Construction access will be re-graded and re-vegetated to minimize environmental impacts.
10. Demonstrates that benefits outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposal and its mitigation measures.



11. Demonstrates a reasonable balance between the costs to the applicant to mitigate significant adverse affects and the benefits achieved by such mitigation.

The recommendations of staff and referral agencies, including recommended conditions of approval for further mitigation, have been outlined for consideration in this report first by the County Planning Commission and later by the Board of County Commissioners.

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### **DEVELOPMENT REVIEW TEAM RECOMMENDATION:**

The development review team recommends that the Larimer County Planning Commission recommend to the Board of County Commissioners Approval of the NORTHERN INTEGRATED SUPPLY PROJECT 1041, file #20 ZONE2657 subject to the conditions below.

### **RECOMMENDED CONDITIONS**

#### **PROJECT WIDE CONDITIONS**

This set of conditions applies to all components of the reservoir and pipelines.

#### ***1. General***

- a. The activity authorized by this 1041 Permit, and any plans, reports, permits, and applications submitted for review and approval after the approval of this 1041 Permit application shall be consistent with the plans, reports and information contained in Northern Integrated Supply Project file # 20-ZONE2657, unless modified by the conditions of approval as set forth by the Board of County Commissioners..
- b. Prior to the issuance of the 1041 Permit for this project, a Development Agreement memorializing shall be prepared and recorded, which document shall include all relevant verbal and written representations and commitments made by the applicant that are part of the public record for the application. Said development agreement shall also include a phasing and project outline.
- c. All technical reports, plans or documents required as part of the conditions contained herein will be submitted to the Larimer County Community Development Department for referral to the applicable County Departments and referral agencies. The review period of such plans and reports will not exceed 21 working days, unless requested in writing by the referral agencies and approved by the Community Development Director.

#### ***2. Development Review and Construction Permitting***

- a. Prior to any construction, the applicant shall obtain all necessary local, state, and federal permits and approvals. Such approvals and permits could include, but are not limited to:
  - i. Site Plan Review and other technical review as noted,
  - ii. Building Permits,
  - iii. Floodplain Development Permits,

- iv. Development Construction Permits,
  - v. Access Permits,
  - vi. Heavy equipment and vehicle oversize/overweight permits,
  - vii. Right-of-Way Permits, and
  - viii. Stormwater Permits.
- b. Prior to any construction, the applicant shall submit a Traffic Control and Management Plan. The Plan shall address the traffic control topics identified in the comments received from Larimer County Engineering Department as prepared by Steven Rothwell and dated May 9, 2020.
  - c. Crossings, closures, or obstructions to roads, driveways, and walks, whether public or private, will require the applicant to 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.
  - d. Prior to construction, the applicant shall secure written confirmation from all affected irrigation companies that are impacted this project – either at the reservoir or due to pipelines crossing their irrigation ditches and facilities.
  - e. Prior to any construction activity associated with the approval of this 1041 Permit, the applicant shall:
    - i. Provide a pre-construction video and inventory of the pre-construction condition of all roads to be used for construction traffic. When construction is complete, or if during construction the County Engineer requires for safety reasons, the applicant shall return the roads used for construction traffic to their pre-construction condition.
    - ii. Provide notification of the completion of a website for the project. Said website shall provide workday updates regarding construction activity, including traffic impacts and routes for the upcoming workday and workweek. The website shall also provide a public information contact, including contact information, for the public to contact for project questions, concerns or for updates.
    - iii. Provide documentation demonstrating compliance with the Colorado Department of Public Health & Environment Air Pollution Control Division (APCD) construction permitting process. This would include the appropriate APCD applications, any required emissions analysis, and the Fugitive Dust Control Plan for dust mitigation during construction.
    - iv. Submit for review and approval an Air Quality Management Plan for construction demonstrating how emissions from equipment and mobile sources not operating under APCD permits shall be minimized.
    - v. Submit applicable engineering design documents and construction plans for the applicable portion, phase, or component of the project. The applicant shall reimburse Larimer County for time and expenses incurred with Project coordination, design review, permit review and processing.
    - vi. Submit a Geotechnical Report. This report shall be utilized to monitor identify mitigation measures for groundwater impacted by construction

activities. Additionally, the report will be used to determine trench backfill and compaction specifications, subgrade mitigation and pavement design for areas disturbed by the pipeline installation.

- vii. Submit for review and approval a Wetland Mitigation Plan for any disturbances to existing wetlands as defined by Section 8.2 of the Land Use Code. Where wetlands on City of Fort Collins Natural Resources properties are disturbed or impacted, the plan shall demonstrate conformance with the City of Fort Collins Environmental Protection standards as noted in the City of Fort Collins referral comments dated May 13, 2020.
- viii. Submit for review and approval a Wildlife Conservation Plan for any disturbances to wildlife as defined by Section 8.4 of the Land Use Code.
- ix. Provide documentation that applicable fire and emergency response providers have been consulted with and that their standards have been complied with.
- x. Submit a Haul Routing Plan for the applicable portion/phase/component of the project.
- xi. Submit a Noise Mitigation Plan outlining monitoring and control methods to be utilized during construction that will ensure compliance with the construction noise levels and timing found in the Larimer County Noise Ordinance. Temporary exceptions to the construction noise levels shall be requested in writing at least 72 hours prior to the noise disturbance and shall be approved by the Community Development director after consultation with the Engineering Department and Department of Health and Environment.
- f. The applicant shall be required to comply with the Larimer County floodplain regulations and shall also adhere to the requirements noted in the applicants Attachment C - Memo regarding NISP Floodplain Review Comments.

### **3. Construction**

- a. All construction activities associated with the approval of this 1041 Permit shall be in compliance with all required Larimer County, state, and federal permits (including but not limited to: right-of-way construction permit, Stormwater permit, floodplain permit, groundwater discharge permit, etc.).
- b. Authorized Larimer County staff, including consultants, shall be allowed access for construction observations and inspections throughout the construction life of the Project, and for follow-up/warranty inspections after construction has ceased.
- c. The applicant shall reimburse Larimer County for reasonable costs associated with County-provided construction observation/ inspection staff and/or independent, supplemental geotechnical or materials testing deemed appropriate by the County Engineer for purposes of quality assurance/ control. The applicant shall also reimburse Larimer County for time and expenses incurred with Project coordination, design review, permit review and processing and related Project activities during the duration of Project construction and closeout for the work conducted in unincorporated Larimer County.

- d. 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.
- e. As-built construction plans, coordination meetings, inspections, material and construction testing, and similar engineering requirements as noted in the Larimer County Engineering referral comments as prepared by Steven Rothwell and dated May 9, 2020 shall be provided by the applicant.
- f. The applicant shall be responsible for arranging and paying all costs of:
  - i. utility relocations and irrigation company requirements necessary to accommodate the water pipeline in the road ROW.
  - ii. the replacement of existing storm drainage infrastructure, culverts, roadway signage, pavement striping/symbols, landscaping and property fencing necessary to accommodate the water pipeline in the ROW.
  - iii. damage or relocation of private property services as necessary to accommodate the water pipeline corridor if a reasonable alternative is not possible.
- g. In the event that septic systems and/or well components are damaged during construction activities, the applicant will be responsible for immediate repair/replacement and all associated costs to prevent extended disruption of the property owner's normal access to and use of such facilities.
- h. Acceptable workdays and hours for the project are subject to approval by the County Engineer after consultation with the County Department of Health and Environment and Community Development in consideration of potential nuisance issues such as noise or traffic.
- i. The applicant shall develop and provide Larimer County with accurate as-built horizontal and vertical survey data (state plane coordinates and elevations in NAVD 88) and GIS shapefiles describing the location of the pipeline and all appurtenant structures.
- j. Construction noise levels for all phases shall comply with the Larimer County Noise Ordinance with any exceptions to be evaluated by Larimer County.

#### RESERVOIR CONDITIONS

This set of conditions applies to all the reservoir and its associated facilities, not including the recreation facility which is addressed below.

##### *1. Next Steps*

- a. The site plan review application for the Glade Unit shall include the expanded PVC, forebay, glade pump station, electrical/control building, surge building, buried conduits, utilities (including power supplies, water lines and septic system components), and other components of the reservoir site.

## **2. Development Review**

- a. Prior to any construction of Glade Unit, the applicant shall demonstrate that the traffic, safety access concerns regarding the re-alignment of US 287 as identified in the comments from the County Engineering Department as prepared by Steven Rothwell and dated May 9, 2020 have been addressed to the satisfaction of the County Engineer.
- b. Prior to any construction of Glade Unit, the applicant shall demonstrate that all transportation safety concerns for the intersection of the US 287 (re-aligned) and County Road 21 as identified in the comments from the County Engineering Department as prepared by Steven Rothwell and dated May 9, 2020 have been addressed to the satisfaction of the County Engineer.

## **3. Noise**

- a. To address operational noise, the applicant shall submit a predictive noise analysis demonstrating that the Glade Unit facilities will comply with the residential noise levels required by the Larimer County Noise Ordinance and shall identify any mitigation measure necessary to achieve such compliance.

## **4. Other**

- a. Prior to any construction of the Glade Unit, the applicant shall provide a Well Water Monitoring Plan for water wells found in the east ½ of Section 10, all of Sections 11 and 12, those portions of Sections 13 and 14 lying north of Highway 14, and the NE ¼ of Section 15 of Township 8 North, Range 70 West. The Plan will address potential contamination as the result of trichlorethylene levels in the vicinity of the historic F.E. Warren Missile Silo. The plan will be prepared and managed by a third-party entity and will be funded by the applicant.

## **RECREATION FACILITY CONDITIONS**

This set of conditions applies to the recreation facility only.

## **1. Development Review**

- a. Prior to any construction of the Glade Unit, the applicant shall enter into a legally binding agreement with the County outlining a timeline for the Recreational Development Plan. The agreement shall address the funding, operations management and maintenance comments provided by the Department of Natural Resources in their referral comments as prepared by Larimer County Department of Natural Resources, dated May 15, 2020.
- b. All recreational facilities to be constructed at the Glade Unit shall require approvals as required by the Larimer County Land Use Code.
- c. To address operational noise, the applicant shall submit a predictive noise analysis demonstrating that the Glade Unit facilities will comply with the residential noise levels required by the Larimer County Noise Ordinance and shall identify any mitigation measure necessary to achieve such compliance.

## PIPELINES CONDITIONS

This set of conditions applies to the pipelines only.

### **1. Development Review**

- a. In locations where the conveyance pipeline is located outside of the existing County ROW, it shall do so in a manner to either:
  - a. Be located outside of the ultimate ROW width corresponding to the functional classification of the roadway, or
  - b. Obtain and convert to a Larimer County road right-of-way easement for any additional pipeline easement widths falling within the ultimate roadway ROW.
- b. Pipelines crossing a Larimer County road right-of-way shall generally only be perpendicular to the road right-of-way, no diagonal crossing will be allowed at intersections.
- c. The applicant shall submit a Geotechnical Report. This report shall be utilized to monitor identify mitigation measures for groundwater impacted by construction activities. Additionally, the report will be used to determine trench backfill and compaction specifications, subgrade mitigation and pavement design for areas disturbed by the pipeline installation.

### **2. Construction**

- a. Acceptable workdays and hours for the project are subject to approval by the County Engineering Department.
- b. The approval of the pipeline(s) alignments includes minor deviations from said alignment, 50 feet or less on either side of the approved alignment to accommodate field issues without reconsideration of the approval. Significant alterations to the route, 50 feet or more on either side of the approved alignment, shall be evaluated by the County prior to commencing activity and may be subject to reconsideration by the Board of County Commissioners. All alignment changes on private property shall include the approval of the landowner.
- c. If a relocation of the pipeline(s) should in the future be desirable to accommodate some other or enlarged use of the County road right-of-way by any party or entity other than the County, and provided that applicant agrees to such relocation, then all expenses of such relocation shall be paid for entirely by the party or entity desiring such relocation; provided, however, that if the relocation is to be made at the request of the County to accommodate changes in or improvements of public roadways or associated infrastructure, and not for purposes of accommodating any third party, then the applicant shall provide for pipeline relocations on a reasonable schedule established by the County Engineering Department.
- d. 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.

**ATTACHMENTS**

- A. NISP 1041 Permit Application (Feb. 2020), which includes links to federal and state reviews and reports
- B. NISP Supplemental Application Materials
- C. Agency Referral Comments
  - a. Larimer County Engineering Department
  - b. Larimer County Health Department
  - c. Larimer County Department of Natural Resources
  - d. Larimer County Building division
  - e. City of Fort Collins
  - f. Town of Timnath
  - g. Poudre Fire Authority
  - h. Loveland Fire Rescue Authority
  - i. Windsor Severance Fire Rescue
  - j. Boxelder Sanitation District
  - k. South Fort Collins Sanitation
  - l. Fort Collins Loveland Water
  - m. CDOT
- D. Public comments received through June 9, 2020, including summary of comments.