

## Larimer County Commissioners Work Session July 24, 2019

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**Tom Donnelly**

**13:55** Which partner entities are actually in Larimer County?

**14:14** What percentage of the homes in Fort Collins, maybe you don't know this, are served by Fort Collins Loveland water District?

Do you know that Mike?

I think our County Fairgrounds, is that right, are served by Fort Collins/Loveland Water?

**32:00** Your next slide, if you advance one more. Is that the red line is your preferred route?

For the commissioners edification, what county road would that align with?

**Steve Johnson**

**41: 50** Can you talk about the pros and cons of a 3rd party manager rather than having Larimer County be a manager? Was that considered?

Is Larimer County or Colorado Parks and Wildlife as a manager an option that is on the table?

**Johnson**

**1:05**

I think we would want to visit a little bit more on that, Leslie.

You mentioned there would be an event with the Planning Commission would hold to hear from folks. I mean it's kind of a chicken and egg thing. You can't really have a hearing before you have a document to comment on. But I think, speaking as myself, and I think the board, we'll want some type of an event with the public - an open house thing, probably less formal than a hearing with two-minute limits and all that. I think we would like an event like that too. I don't know where that would fit in the schedule. But maybe an open house format or an open discussion format where we can hear from citizens about their experiences with the input platform, which I think is very good. I think we would like that before we get to the public hearing stage. I think that would be a very good idea, just personally.

**Donnelly:**

**1:07**

The final item on the agenda is commissioner and director discussion. I don't know that there is much..the presentations were very good and very thorough. I think we all gained a much greater understanding of the projects and the areas where additional agreement and

conversation are needed. So is there anything on behalf of the board that they would like to ask the Northern board of directors...

I know we will have some closing comments....

**1:10 Johnson**

I can give you a kind of my opinion of that. We adopted, and I was going to say this, I will talk more about this when we get a chance to make my comments. We adopted 1041 regulations and the IGA possible route with specific criteria and specific areas that we have authority on - and we only really have legal authority on those areas that are outlined in our land use code 1041 regulations as I read it. I think as representatives of the citizens we always have the opportunity to express, convey, amplify concerns that we hear to the Northern board as well. That's kind of above and beyond and outside of the legal authority that our 1041 regulations give us. That's my understanding.

**Johnson**

**1:12:30**

Yeah, I guess two or three things I want to say. I really appreciate this meeting. I appreciate you guys sharing with us the outreach you have done, much more extensive than I was aware of. And I think very high tech and very transparent and I think very helpful for us to look at your blog and to see what kind of comments you have received as well. That's always helpful for us to get information in different ways.

This is a good meeting because this is really a new process for all of us. We've never gone through this process with the Northern before so we're kind of learning as we go along.

I have two or three things I want to say. One very simple thing - one thing that concerns me is to hear that we (it's a minor point and it's inside baseball for us but) occasionally we have done joint meetings with the planning commission where we adopt things that are pretty routine. Actually the comprehensive plan ended up being pretty routine because there was a lot of agreement on that and I think the joint hearing worked very well. We've done it on a couple other code things.

I don't think this would be a good thing for us to have a joint adoption hearing with the planning commission. And, I need to think more about that. But, you know, it's kind of John like we're in the legislature, when a bill goes through the House people have a chance to hear it and a chance to discuss it. It gets in the media and then its got to go through the Senate side and a lot of times we've had things come to us that people said, "Boy I didn't know there was a planning commission hearing. I didn't know, I didn't hear about this until I read about the planning commission hearing." Our legislative process kind of has that dual two chamber approach of two separate hearings. And I think there's a lot of advantage in that and something that's this complicated we may want to think about doing that separately because it gives the public two opportunities to testify. It gets them a chance to hear other points of view and then

sometimes people come to us and say, “You know, I heard something at Planning Commission that changed my mind.” And doing them both at the same time might not be the best process thing for us.

**1: 14 :22**

One of the big things for me is the recreation component. That is extremely important to me I live at the south end of Horsetooth Reservoir. I drive by the reservoir everyday. I walk over there weekly. It is the second most visited reservoir, I believe, in the state of Colorado.

Last weekend they had to stop boats from coming on to the reservoir. Boats were lined up. They couldn't go on to the reservoir until somebody else came off. Boats were turned away. It is overused. It's over-loved. The campground is always oversubscribed to during the summer months. People love Horsetooth Reservoir.

My house wouldn't be where it is today if we didn't have Horsetooth Reservoir. I can't imagine people living in Larimer County...I can't imagine being here without Horsetooth Reservoir. Everybody I know loves Horsetooth Reservoir, loves the recreational opportunities. Horsetooth Mountain Open Space, right by the reservoir, is our most visited Open Space. Frequently the parking lot is full by 930 on weekends and it's over-loved too

People in Larimer County love recreation. It's very important to them. We're a growing community. By 2050, just 30 years from now, there'll be 50% more, 55% more people here than there are now. That's equivalent to an entire new city of Fort Collins planted in Larimer County. And a big concern of our county is how do we provide quality of life. How do we provide environmental quality? How do we provide recreational opportunities that are good quality, better or the same as we have now when we have 150,000 more people here. So, this is an opportunity - I think probably one of the most important things this board of commissions will be involved in.

Because if you think of the people that built Horsetooth Reservoir in the past and how important it is to our community they were visionaries. They thought 50, 100 years into the future. And this decision will impact our kids, our grandkids, generations into the future. And It's very important that it be done right, so the recreational opportunities are very important to me from my perspective.

**1:16:30**

The last thing I want to talk about is public participation. Public participation is extremely important to this Board of County Commissioners and and previous Boards of County Commissioners. The Board of County Commissioners with Tom and I and Lou adopted 1041 regulations that cover this very item that we're talking about today. Before Tom and I came into office this meeting wouldn't even have occurred. We wouldn't have public hearings. There would be one hearing in front of the planning commission that would be advisory to Northern Water and that's it. We decided, Tom, Lou and I decided, that we wanted to have a bigger voice

for the people we represent in that process so we put 1041 regulations into our land use code that are providing for exactly what we're doing here today. So that's how important this process is to us.

**1:17:18**

Now, we also have the opportunity for an IGA process and I've heard some people concerned that an IGA process diminishes that public participation. I would disagree.

The 1041 process is a very legally constrained....it's a court process essentially. It's technically a quasi-judicial process, but it's very much a court process. During..before the decision is made we are actually prevented by Colorado court rules from engaging in discussions with citizens about a pending hearing. Were prohibited in engaging from discussions with the applicant to relay what we've heard from citizens into a plan before it comes to that public hearing.

The IGA process is different. It's not a quasi-judicial process as I understand it, and correct me if I'm wrong. But we will have the opportunity for public discussion about and evolving an agreement. Our citizens meetings, John's community conversations, can talk about that agreement. That is impossible with the 1041 process because those are considered ex parte communications that are prohibited under Colorado court rules in a 1041 process.

So, I believe the IGA process, if done correctly, if done with transparency, if done with adequate opportunity for public input, actually allows us to hear more from citizens which is why we put these regulations in our land use code to begin with.

So that's what we're committed to. We will be looking for opportunities to have that input and that dialogue that can go into shaping the agreement. That agreement will have a full public hearing process but there will be opportunities to hear from citizens before we get to the hearings point. And we will have an opportunity to actually change the agreement based on what we've heard. That is a significant difference, I think a significant advantage to an intergovernmental agreement process over the formal legal court quasi-judicial process of an IGA so we can discuss with Northern like you're going to see over the next few months. I think that's a big advantage.

**Donnelly**

**1:20**

....the fact that you came out demonstrates the importance of this project and how much people care about this.

There's not a doubt in my mind that NISP will be probably one of the most important - the most important longest lasting legacies that any of you will enjoy as your tenure as board members here. And so the gravity of that is felt by the members of this board as well.

There will be very few things that will ever occur again that will have the impacts on our local economy, on efforts to keep housing affordable in northern Colorado, and on an issue that's very important to me actually, preservation of irrigated agriculture in Northern Colorado. There's very few things that will occur that will have as significant of an impact, positively, on those areas, I think, than the work that you do now

Commissioner Johnson is absolutely correct. We had an incident with a pipeline that was proposed by the City of Greeley in around 2008 just prior to our election to this board, to this body, where the county had not adopted 1041 regulations and that pipeline was allowed to go through without any kind of permitting process through the county, without any type of oversight from the county. So this Board of Commissioners at the time adopted these regulations to ensure that we would have a seat at the table, that our citizens would have a voice in what occurs here with regards to land use in their own communities.

**1:22:09**

I've mentioned and it's no secret that I think there are very many positives, there are many many positive aspects to this project. The thing we need to keep in mind and the Board needs to consider, and Northern needs to consider, is the how.

There's a what, what we're doing, build a reservoir, and a there's a how. How are we going to do that.

And so, unlike a project that the board very recently heard, I think there's some very key distinctions with this proposal. I was excited to hear that you'd done over 60 public meetings. I had a moment to look through your NISP talk website - pretty exciting stuff on there. And so, I'm grateful to see a much greater level of interaction with the public being done with regards to this project as it moves forward.

**1:23:53**

And because of that I'm very comfortable using this IGA process rather than a traditional, more traditional 1041 permitting process. I think we have tremendous outreach that's already occurred, more will come in the future, and I think that we will end up with a much more thoroughly vetted project than what we've seen in the past with similar, in similar types of permitting situations.

And so, I'm thrilled to see the good work that's done here. I'm glad to see the communication that's occurring and I look forward to seeing that occur additional conversations into the future and I look for additional interactions with the folks who are here today with regards to what's proposed here today ..so.. ..Board would you like to add anything to this at this time?