

AGENDA
BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO
MONDAY, AUGUST 21, 2023
9:00 A.M.

2023-2447

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commissioner Mike Freeman, Chair
Commissioner Perry L. Buck, Pro-Tem
Commissioner Scott K. James
Commissioner Kevin D. Ross
Commissioner Lori Saine

MINUTES: Approval of Minutes of August 7, 2023

[2023-2286]

AMENDMENTS TO AGENDA:

APPROVAL OF CONSENT AGENDA: See Items #1 and #2 Under 'Consent Agenda-Miscellaneous' – Partial Vacations of Recorded Exemptions

(Clerk's Note: moved Item #2 Under 'Consent Agenda-Miscellaneous' (Partial Vacation of Recorded Exemption) to New Business as Item #5

WARRANTS:

1) General Warrants – August 18, 2023

[2023-2449]

NEW BUSINESS:

- 1) Consider Contract ID #7314 Lease Agreement for Chase Building (822 7th Street, Suite 550, Greeley) and authorize Chair to sign – Greeley-Weld County Economic Development Action Partnership, Inc., dba Upstate Economic Development [2023-2450]
- 2) Consider Extension of Emergency Temporary Closure of CR 8 Between CRs 49 and 51 [2023-2451]
- 3) Consider Temporary Closure of CR 18 and Market ST Intersection Between CRs 57 and 59 [2023-2452]
- 4) Consider Itemized List of Legal Holidays During Calendar Year 2024 [2023-2453]
- 5) Partial Vacation, VAC23-0043, of Two-Lot Recorded Exemption, RE-1733, for Removal of Lot B – Theodore Buderus, Daniel Buderus, Julie Ann Buderus, and Susan Buderus [2023-2455]

PUBLIC COMMENT:

Each individual speaker is allowed, and must strictly adhere to, a three-minute period of time in which to direct comments to the Board of County Commissioners. The Chair may immediately refer any comment to staff for resolution, schedule a work session, or limit the duration depending on the Board's schedule. Personal attacks against Board members, administrative staff, or employees will not be recognized. The Board will not accept comments regarding matters which are scheduled to be considered at a future public hearing, such as a land use hearing. In that event, the speaker will be asked to give their testimony at that hearing, either in person or in writing. Persons who wish to submit written comments on any topic may do so any time by emailing: askthecommissioners@weld.gov, by mailing such comments to the Weld County Clerk to the Board, P.O. Box 758, 1150 O Street, Greeley, CO 80632, or by emailing: ctb@weld.gov.

ADJOURN:

**PUBLIC HEARINGS
BOARD OF COUNTY COMMISSIONERS**

* No Public Hearings Scheduled for August 21, 2023 *

CONSENT AGENDA

SCHEDULE OF ADVISORY BOARD MEETINGS:

Aug 22 -	Board of Public Health	9:00 AM
Aug 22 -	Regional Communications Advisory Board	10:30 AM
Aug 22 -	Community Corrections Board	12:00 PM
Aug 23 -	Greeley Housing Authority	4:30 PM
Sep 4 -	HOLIDAY	CLOSED
Sep 5 -	Planning Commission	1:30 PM

ITEMS SCHEDULED FOR FUTURE BOARD MEETINGS:

This is not a complete listing of items scheduled for future Board Meetings; however, it is a listing of those items which are deemed to have interest to various citizens. All Board Meetings begin at 9 AM.

- Aug 23 - Final Reading of Code Ordinance #2023-09, In the Matter of Repealing and Reenacting, with Amendments, Chapter 23 Zoning of the Weld County Code (*Limited Event Permits*)
- Aug 23 - Final Reading of Code Ordinance #2023-10, In the Matter of Repealing and Reenacting, with Amendments, Chapter 3 Human Resources of the Weld County Code (*Concealed Carry*)
- Aug 28 - Final Reading of Code Ordinance #2023-13, In the Matter of Repealing and Reenacting, with Amendments, Chapter 21 Areas and Activities of State Interest, Chapter 23 Zoning, and Chapter 29 Building Regulations of the Weld County Code (*Oil and Gas Equipment/Telecommunication Towers*)
- Sep 6 - Final Reading of Code Ordinance #2023-11, In the Matter of Repealing and Reenacting, with Amendments, Chapter 7 Emergency Medical Services of the Weld County Code (*Ambulances*)
- Sep 27 - First Reading of Code Ordinance #2023-12, In the Matter of Repealing and Reenacting, with Amendments, Chapter 23 Zoning of the Weld County Code (*Floodplain Regulations*)
- Oct 16 - Second Reading of Code Ordinance #2023-12, In the Matter of Repealing and Reenacting, with Amendments, Chapter 23 Zoning of the Weld County Code (*Floodplain Regulations*)
- Nov 8 - Final Reading of Code Ordinance #2023-12, In the Matter of Repealing and Reenacting, with Amendments, Chapter 23 Zoning of the Weld County Code (*Floodplain Regulations*)

FUTURE PUBLIC HEARINGS:

All future Hearings are publicly noticed and will begin following the adjournment of the regular Board Meeting.

- Aug 23 - Docket #2023-40, PL2877 - Change of Zone, COZ23-0001, from the A (Agricultural) Zone District to the C-3 (Business Commercial) Zone District, PV East, LLC [located north of and adjacent to County Road 20; approximately 0.30 mile east of County Road 19] (Planner – Maxwell Nader) 10:00 AM
- Aug 23 - Docket #2023-38, PL2875 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0012, for a Commercial Recreation Facility and Event Facility outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Regional Transportation District, and Jeffrey and Rachel Rummer, c/o Colorado Railbike Adventures, LLC, c/o Robert Rummer [located west of and adjacent to County Road 3; approximately 0.25 mile south of County Road 10.5] (Planner – Maxwell Nader) – (*Cont'd from 6/28/2023*) 10:00 AM
- Sep 6 - Docket #2023-33, PL1373 - A Site Specific Development Plan and Use by Special Review Permit, USR22-0018, for Open Mining (sand, gravel and stone), employee and equipment parking associated with operations outside of subdivisions and historic townsites, in the A (Agricultural) Zone District, Loveland Ready-Mix Concrete, Inc. [located north of and adjacent to County Road 48.5; west of and adjacent to State Highway 257] (Planner – Kim Ogle) – (*Cont'd from 6/7/2023*) 10:00 AM

FUTURE PUBLIC HEARINGS (CONT'D):

- Dec 6 - Docket #2022-63, PL0048 - Show Cause Hearing, PCSC22-0010, to determine whether or not the applicant is in compliance with certain Development Standards contained in Use by Special Review Permit, USR-413, for Aircraft Storage and Salvage, in the A (Agricultural) Zone District, Paul Page [located east of and adjacent to County Road 1.5; north of and adjacent to Cheesman Street] (Planner – Diana Aungst) – *(Cont'd from 6/7/2023)* 9:00 AM
- Jan 10, 2024 - Docket #2023-10, PL0674, Probable Cause Hearing, PCSC22-0021, to consider setting a Show Cause Hearing to determine whether or not the applicant is in compliance with certain Development Standards contained in Use by Special Review Permit, USR11-0004, for an Oil and Gas Support Facility (water hauling) and any Use Permitted as a Use by Right, Accessory Use, or Use by Special Review in the Commercial or Industrial Zone Districts (maintenance and fabrication of new and existing trucks) in the A (Agricultural) Zone District, Donn Foster and Mary Lee Hardy, c/o Foster Trucking, Inc., [located south of and adjacent to State Highway 263 (8th Avenue); approximately 0.5 mile east of County Road 47] (Planner – Kim Ogle) – *(Cont'd from 7/12/2023)* 9:00 AM

COMMUNICATIONS:

Persons who wish to submit written comments on any topic may do so any time by emailing: askthecommissioners@weld.gov, by mailing such comments to the Weld County Clerk to the Board, P.O. Box 758, 1150 O Street, Greeley, CO 80632, or by emailing: ctb@weld.gov.

- 1) Planning Commission, Minutes from August 1, 2023
- 2) Department of Oil and Gas Energy, 1041 WOGLA Hearing Docket for August 24, 2023
- 3) Department of Planning Services, Addition to File PL0589, 1MJUSR21-76-298 – North Weld Gravel, RLLP, c/o C and H Aggregate, LLC
- 4) Board of County Commissioners, Letter to Colorado Economic Development Commission, dated July 26, 2023, Re: Support of Application Approval for Contribution Project Status within Weld County Enterprise Zone for Upstate Colorado Economic Development
- 5) Board of County Commissioners, Letters to City of Brighton Mayor Greg Mills, City of Greeley Mayor John Gates, City of Longmont Mayor Joan Peck, and City of Northglenn Mayor Meredith Leighty, dated August 9, 2023, Re: Request for Confirmation of Ongoing Entitlement Status
- 6) Board of County Commissioners, Letter to U.S. Department of Transportation, dated August 14, 2023, Re: Support of Morgan County's Rural Surface Transportation / INFRA Grant for Interstate 76 (I-76) Phase IV Regional Improvements for Safety and Efficiency (RISE) Project
- 7) Board of County Commissioners, Letter to Transportation Committee, dated August 15, 2023, Re: Support for Upper Front Range Transportation Planning Region (UFRTPR) Membership and Representation Concerning House Bill (HB) 23-1101-Colorado Department of Transportation (CDOT) Study
- 8) Town of Mead, Oath of Office for Karl Ford as Code Enforcement Official
- 9) PDC Energy, Inc., Letter dated August 3, 2023, Re: Notification of Completeness Determination on an Oil and Gas Development Plan Pursuant to Colorado Oil and Gas Conservation Commission (COGCC) Rule 303.e
- 10) Colorado Department of Homeland Security and Emergency Management, Department of Public Safety, Office of Grants Management, Letters dated June 16, 2023, Re: Two (2) Notifications of Award for 2021 and 2022 Homeland Security Grant Program Funds for Northeast All-Hazards Region, 2023 Award Allocation Details for Homeland Security Grant Program Funds for Northeast All-Hazards Region, and Grant Coordinator Financial Statements for 2021 and 2022
- 11) Colorado Department of Local Affairs, Division of Property Taxation, Memorandum dated August 1, 2023, Re: 2023 Final County Notice of Valuation for State Assessed Properties

COMMUNICATIONS (CONT'D):

- 12) Colorado Department of Local Affairs, Division of Property Taxation, Final Determination, Re: Calvary Chapel Windsor, Inc.
- 13) U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), Region VIII, Letter dated August 1, 2023, Re: Modified Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) Report, Effective July 28, 2023

PUBLIC REVIEW:

- 1) Colorado Department of Public Health and Environment, Air Pollution Control Division – Magpie Operating, LLC – Campion Pad, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 20WE0194 [2023-2424]
- 2) Colorado Department of Public Health and Environment, Air Pollution Control Division – Crestone Peak Operating, LLC – Bighorn 17H-P267 Battery, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 19WE0360 [2023-2425]
- 3) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Cecil USX T6N-R64W-S1 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 17WE0130 [2023-2426]
- 4) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Shoemaker T6N-R64W-S12 L03, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 19WE0239 [2023-2427]
- 5) Colorado Department of Public Health and Environment, Air Pollution Control Division – PDC Energy, Inc. – Rifle Falls 1 Sec HZ, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit Nos. 23WE0091, 23WE0092, and 23WE0093 [2023-2428]
- 6) Colorado Department of Public Health and Environment, Air Pollution Control Division – Mallard Exploration, LLC – Anderson/Shull Production Facility, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit Nos. 20WE0809, 20WE0810, 20WE0815, and 20WE0816 [2023-2429]
- 7) IHC Scott, Inc., Notice of Filing of Submittal to Colorado Department of Natural Resources, Division of Reclamation, Mining, and Safety, Application for 112(c) Construction Materials Extraction Operation – Bernhardt Sand and Gravel Pit [2023-2423]

RESOLUTIONS (Please see document for signature and/or execution date):

- 1) Approve Intergovernmental Agreement for Mail Ballot Drop-Off Box and Video Surveillance Recording System – Aims Community College, Fort Lupton Campus [2023-2409]
- 2) Approve Intergovernmental Agreement for Mail Ballot Drop-Off Box and Video Surveillance Recording System – Town of Severance [2023-2410]
- 3) Approve Contract ID #7300 Professional Development Agreement for Restorative Justice Education – Interagency Oversight Group of Weld County [2023-2411]
- 4) Approve Contract ID #7304 Individual Provider Contract for Purchase of Foster Care Services in a Foster Care Home – Ronna Brinkman [2023-2412]
- 5) Approve Customer Agreement for Fleet Electrification Advisory Program (FEAP) – Public Service Company of Colorado, dba Xcel Energy [2023-2413]
- 6) Approve Contract ID #7318 Application for 2023 Multimodal Project Discretionary Grant (MPDG), Mega Program for North Interstate 25, Segment 5 Improvements Project [2023-2414]
- 7) Approve Contract ID #7319 Amendment #1 to Intergovernmental Agreement for Construction of Improvements to “O” ST and 59th AVE Intersection – City of Greeley [2023-2415]
- 8) Approve Decommissioning and Reclamation Plan, and Accept Collateral for Site Specific Development Plan and Use by Special Review Permit, USR22-0007, for a Solar Energy Facility (SEF) in the A (Agricultural) Zone District – Willard and Linda Owens, c/o USS Picadilly Solar, LLC [2023-2416]

RESOLUTIONS (CONT'D):

- 9) Approve Decommissioning and Reclamation Plan, and Accept Collateral for Zoning Permit for Solar Energy Facility, ZPSF23-0001, Less than Five (5) Acres (5 Acre SEF) – SunShare, LLC, c/o Beau Scott [2023-2417]
- 10) Approve Termination of Road Maintenance Improvements Agreement for 1041 Weld Oil and Gas Location Assessment Permit, 1041WOGLA19-0052 – Highpoint Operating Corporation [2023-2418]
- 11) Approve Partial Vacation, VAC23-0041, of Three-Lot Recorded Exemption, RE-2352, for Removal of Lot C – Foe Front Range Farms, LLC, c/o Roger Klingenberg [2023-2419]
- 12) Approve 2MJUSR23-11-0027 – M & M Excavation Company, LLC [2023-2311]
- 13) Action of the Board Concerning USR23-0002 – D-Dart Ranch, Inc., c/o SunShare, LLC, dba Lincoln Solar, LLC [2023-2344]
- 14) Action of the Board Concerning RES23-0001 – Steve Maas [2023-2358]

MISCELLANEOUS:

- * 1) Partial Vacation, VAC23-0042, of Three-Lot Recorded Exemption, RE-2146, for Removal of Lot C – Theodore Buderus, Daniel Buderus, Julie Ann Buderus, and Susan Buderus [2023-2454]
- * 2) Contract ID #7320 Individual Provider Contract for Purchase of Foster Care Services in a Foster Care Home – Matthew and Yvette Berrelez [2023-2456]
- * 3) Contract ID #7321 Individual Provider Contract for Purchase of Foster Care Services in a Foster Care Home – Brent and Kourtni Dearborn [2023-2457]
- * 4) Contract ID #7322 Individual Provider Contract for Purchase of Foster Care Services in a Foster Care Home – George and Carly Aikens [2023-2458]
- * 5) Contract ID #7315 Road Maintenance Agreement According to Requirements During the Construction Period for Location Assessment for Pipeline Permit, LAP23-0007 – DCP Operating Company, LP [2023-2459]

* **Signed this date**