

**AGENDA**  
**BOARD OF COUNTY COMMISSIONERS**  
**WELD COUNTY, COLORADO**  
**WEDNESDAY, SEPTEMBER 27, 2023**  
**9:00 A.M.**

**2023-2852**

**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

**READ ORDINANCE BY AUDIO:** Read Code Ordinance #2023-12 by audio

**AMENDMENTS TO AGENDA:**

**APPROVAL OF CONSENT AGENDA:**

**PRESENTATIONS:**

- 1) Colorado Public Health Association (CPHA) 2023 Lillian Wald Award, Department of Public Health and Environment – Cynthia Horn, Lead Nurse Practitioner [2023-2854]

**WARRANTS:**

- 1) General Warrants – September 26, 2023 [2023-2855]

**NEW BUSINESS:**

- 1) Consider Contract ID #7402 Independent Contractor Agreement for Legislative Proposal Drafting and authorize Department of Human Services to sign – Technical Assistance Collaborative, Inc. [2023-2856]
- 2) Consider Contract ID #7403 2023-2024 Low-Income Energy Assistance Program (LEAP) Outreach Incentive Program Agreement and Plan, and authorize Chair to sign [2023-2857]
- 3) Consider Contract ID #7405 2024-2026 Community Services Block Grant (CSBG) Program Application and Plan, and authorize Chair to sign [2023-2858]
- 4) Consider Contract ID #7364 Subaward Agreement for the DRIVE SMART Weld County Young Driver Traffic Safety Project and authorize Chair to sign and submit electronically [2023-2859]
- 5) Consider Memorandum of Understanding for Adult Treatment Court (ATC) Program with Various Entities and authorize Department of Justice Services to sign [2023-2860]

**PLANNING:**

- 1) 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*) [2023-2861]
  - Legals.....[2023-2862]
  - Correspondence.....[2023-2863]

**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](mailto: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](mailto:ctb@weld.gov).

**ADJOURN:**

**PUBLIC HEARINGS  
BOARD OF COUNTY COMMISSIONERS**

- 10:00 AM - Docket #2023-62, PL2885 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0019, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Michael Boulter Farms, LLC, c/o CBEP Solar 26, LLC [located north of and adjacent to County Road 44; east of and adjacent to County Road 45] (Planner – Kim Ogle) [2023-2734]
- 10:00 AM - Docket #2023-63, PL2886 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0020, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Robert and Allison Johnson [located north of and adjacent to County Road 66; approximately 0.5 mile west of County Road 49] (Planner – Kim Ogle) [2023-2747]
- 10:00 AM - Docket #2023-61, PL2199 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0018, for Open Mining (topsoil) and employee and equipment parking associated with operations outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Korwell Land Holdings, LLC [located north of and adjacent to County Road 40; east of and adjacent to County Road 35] (Planner – Kim Ogle) [2023-2697]

# CONSENT AGENDA

## SCHEDULE OF ADVISORY BOARD MEETINGS:

Sep 27 -	Greeley Housing Authority	4:30 PM
Oct 2 -	Weld County Fair Board	6:00 PM
Oct 3 -	Planning Commission	1:30 PM
Oct 4 -	Weld County Community Development Block Grant Advisory Committee	3:00 PM
Oct 5 -	Island Grove Park Advisory Board	4:00 PM
Oct 9 -	Juvenile Community Review Board	12:00 PM
Oct 12 -	Weld Faith Partnership Council	7:30 AM
Oct 12 -	Area Agency on Aging Advisory Board	9:00 AM

## 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.

- Oct 4 - Emergency Ordinance #259-A, In the Matter of a Supplemental Appropriation for the Year 2023
- Oct 9 - Second Reading of Code Ordinance #2023-19, In the Matter of Repealing and Reenacting, with Amendments, Chapter 3 Human Resources of the Weld County Code (*Holiday Addition*)
- 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*)
- Oct 23 - Final Reading of Code Ordinance #2023-19, In the Matter of Repealing and Reenacting, with Amendments, Chapter 3 Human Resources of the Weld County Code (*Holiday Addition*)
- 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.

- Oct 4 - Docket #2023-64, PL2887 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0021, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Dave Weinmeister, c/o CBEP Solar 13, LLC [located north of and adjacent to County Road 54; approximately 0.5 mile west of County Road 49] (Planner – Kim Ogle) 10:00 AM
- Oct 4 - Docket #2023-65, PL2888 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0022, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Michael Morgan, c/o CBEP Solar 15, LLC [located south of and adjacent to County Road 54; west of and adjacent to County Road 27] (Planner – Kim Ogle) 10:00 AM
- Oct 4 - Docket #2023-66, PL2889 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0023, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Thomas and Marjorie Brown, c/o CBEP Solar 27, LLC [located north of and adjacent to County Road 54; west of and adjacent to County Road 47] (Planner – Kim Ogle) 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
- Dec 20 - 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) – *(Cont'd from 8/23/2023)* 10:00 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
- Jan 10, 2024 - 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 9/6/2023)* 10:00 AM

**COMMUNICATIONS:**

Persons who wish to submit written comments on any topic may do so any time by emailing: [askthecommissioners@weld.gov](mailto: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](mailto:ctb@weld.gov).

- 1) Community Corrections Board, Agenda for September 26, 2023 [2023-2813]
- 2) Department of Oil and Gas Energy, Cancelled 1041 WOGLA Hearing Docket for September 28, 2023 [2023-2814]
- 3) Department of Planning Services, Addition to File RE-2352 – Foe Front Range Farms, LLC, c/o Roger Klingenberg [2023-2818]
- 4) Department of Planning Services, Addition to File RECX18-0004 – Fryer Livestock, LLC [2023-2819]
- 5) Department of Planning Services, Addition to File RE-142 – Yolks on You Chicken Farms, LLC, c/o Ryan Hostetler [2023-2820]
- 6) Department of Human Services, Email dated September 22, 2023, Re: Colorado Department of Human Services, Option Letter #1, concerning Contract for 2022 American Rescue Plan Act (ARPA) Grant Funds for Area Agency on Aging (AAA) [2023-2835]
- 7) Board of County Commissioners, Letter to Colorado Opportunity Scholarship Initiative, dated September 18, 2023, Re: Support for Colorado Opportunity Scholarship Initiative (COSI) Program Grant Application for the Weld County Bright Futures Program [2023-2815]
- 8) Little Thompson Water District, Notice of Meeting and Notice of Filing Petitions for Exclusion of Various Properties, dated September 15, 2023 [2023-2817]

**COMMUNICATIONS (CONT'D):**

- 9) Colorado Department of Human Services, Division of Child Welfare, Office of Children, Youth and Families, Notice of Grant Award, Re: Chafee Foster Care Independence Program (CFCIP) and Colorado Foster Care Youth Successful Transition to Adulthood Grant Program Combined Application and Plan for Federal and State Fiscal Years 2022-2023 [2022-2889]
- 10) Colorado Department of Local Affairs, Division of Property Taxation, Annual and Final Determinations, Re: Housing Preservation, Inc., dba Birchwood Manor; and Longmont Meals on Wheels, Inc., Soul Dog Rescue [2023-2816]

**PUBLIC REVIEW:**

- 1) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Frankie T4N-R65W-S4 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 17WE0150 [2023-2712]
- 2) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Lucci ST T5N-R64W-S1 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 23WE0392 [2023-2713]
- 3) Colorado Department of Public Health and Environment, Air Pollution Control Division – Bonanza Creek Energy Operating Company, LLC – State Antelope 14-24 Production Facility, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 23WE0415 [2023-2714]
- 4) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Y11 Waste Management Econode T2N-R64W-S11 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 18WE1277 [2023-2715]
- 5) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Aristocrat T3N-R65W-S2 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 18WE1085 [2023-2716]
- 6) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Shable FED T9N-R60W-S33 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 23WE0516 [2023-2717]
- 7) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Furrow FED T7N-R64W-S14 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 15WE1285 [2023-2718]
- 8) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Cecil USX T6N-R64W-S1 L03, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 23WE0100 [2023-2719]
- 9) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Chandler ST T3N-R64W-S15 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 18WE1327 [2023-2720]
- 10) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – G35 Centennial State Econode T4N-R65W-S35 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 18WE1093 [2023-2721]
- 11) Colorado Department of Natural Resources, Division of Reclamation, Mining and Safety, Notice of Consideration for Regular 112(c) Construction Materials Operation Reclamation Permit Application, M-2023-025 – IHC Scott, Inc. – Bernhardt Sand and Gravel Pit [2023-2423]

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

- 1) Approve Contract ID #7352 Lease Agreement for Office Space (822 7th ST, Suite 760, Greeley) – Witwer, Oldenburg, Barry and Groom, LLP [2023-2783]

**RESOLUTIONS (CONT'D):**

- 2) Approve Contract ID #7395 Amendment #1 to Lease Agreement for Improved Real Property for Office Space for Office of State Public Defender (822 7th ST, Suite 300, Greeley) [2023-2784]
- 3) Approve Contract ID #7410 Agreement for Professional Services for Additional Access Control Doors for Chase Building (822 7th ST, Greeley) Renovation Project – Long Building Technologies [2023-2785]
- 4) Approve Contract ID #7285 Agreement for Purchase of Certain Property for Public Road Improvements for CRs 76 and 35 Intersection Improvements Project – Brian and Vivian Foss [2023-2786]
- 5) Approve Contract ID #7389 Agreement for Purchase of Certain Property for Public Road Improvements for CRs 6 and 13 Intersection Improvements Project – Jordan and E. Marie Gutierrez [2023-2787]
- 6) Approve Temporary Closure of CR 7 Between CR 48 and SH 56 [2023-2788]
- 7) Approve Temporary Closure of CR 46 Between CRs 5 and 7 [2023-2789]
- 8) Approve Temporary Closure of CR 40 Between CRs 15 and 17 [2023-2790]
- 9) Approve Temporary Closure of CR 44 Between CR 35 and U.S. HWY 85 [2023-2791]
- 10) Approve Contract ID #7421 Amendment #4 to Loan Fund Grant Agreement – Colorado Enterprise Fund, Inc. [2023-2792]
- 11) Approve Reappointments to Weld County Fair Board [2023-2793]
- 12) Approve Reappointment to Greeley Housing Authority [2023-2794]

**ORDINANCES:**

- 1) 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*) [2023-2861]

**MISCELLANEOUS:**

- 1) Colorado Public Health Association (CPHA) 2023 Lillian Wald Award, Department of Public Health and Environment – Cynthia Horn, Lead Nurse Practitioner [2023-2854]
- \* 2) Recognition of Services, 19th Judicial District Attorney’s Office – Thomas Walde [2023-2864]
- \* 3) Division Order to Chevron U.S.A., Inc., (Johnson C30 Unit) [2023-2865]

\* **Signed this date**