BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS

PUBLIC MEETING

Gross Reservoir Community Impact Mitigation Fund
Phase I Distribution

Thursday, June 29, 2023 @ 3 p.m.

Attendee Link: https://boco.org/BOCC-GrossReservoir
Call-in information: 1-833-568-8864, Webinar ID: 161 585 4353

AGENDA

- Staff Introductory Remarks
- Community Advisory Working Group Presentation and Recommendations
- Staff Presentation and Recommendations
- Board Deliberation/Decision
- Next Steps

SECTION 2. OF THE SETTLEMENT AGREEMENT STATES THAT:

2. Boulder County is concerned that numerous households in the vicinity of the Project may experience an increase in noise, light, and/or dust generated by various aspects of the Project. Residents and other road users may also be impacted by traffic delays and traffic noise.

*2.1. Denver Water will provide $5,000,000 for a fund to mitigate noise, light, and air impacts to households near the Project. Boulder County will administer the fund and will develop standards or formulas for the fund that ensure a fair and equitable distribution of the money based on the expected **type** and **severity** of the noise, light, and/or air impacts to eligible households.*

INTRODUCE WORKING GROUP

Gross Reservoir Community
Advisory Working Group

WORKING GROUP MEMBERSHIP

Membership and Selection Process

- 12 members representing different impacted geographic locations
- Application process, blindly evaluated

WORKING GROUP MEMBERS	
Name	***Geographic Location***
Sunday Antley	Chute Road/ Juniper Heights
Brian Campbell	State Highway 72 and Gross Dam Road intersection
Paul Ewald	South of State Highway 72
Don Ferguson	Miramonte
John Gleason	Tunnel Road 19/ Lichen Lane
Mary Hainstock	Flagstaff Road/Pika
Katrina Harms	Lazy Z/ Bonnie Road
Jennifer Macoskey	North of State Highway 72/View of Gross Dam Expansion Project
Anna McDermott	Lakeshore/ North Shore
Chris Passarelli	Coal Creek Canyon Drive/ State Highway 72
John Stevens	Gross Dam Road
Ed Wiegand	Lakeshore/ North Shore

WORKING GROUP PURPOSE AND SCOPE OF WORK

Purpose

- Weigh different scenarios, interests, and collective impacts (and anomalies) from both a scientific and subjective standpoint
- Make a recommendation to Boulder County about what the community feels is the most equitable and fair way to distribute money from the Fund

Scope

- Focus on the first round of compensation to mitigate construction impacts
- Focus on discussions and analyses related to the distribution of the Fund rather than the merits/demerits of the Project

COMMUNITY/PUBLIC PARTICIPATION W/WORKING GROUP

- Listened and observed Working Group meetings
- Provided written comments and phone conversations
- Attended community meeting Saturday, April 29,
- Participated in Boulder County community surveys

WORKING GROUP PRESENTATION

- Anna McDermott, Lakeshore / North Shore neighborhood
- Chris Passarelli, Coal Creek Canyon

WORKING GROUP & STAFF RECOMMENDATIONS

Staff recommends that **without changing the results from Pinyon's analysis and while incorporating the Working Group's methodology:**

1) Direct higher payments to households with significant, direct, mitigatable impacts;

2) Group houses that: a) have lower rankings, b) are situated away from Project, and c) experience few, low, or infrequent impacts from the Project;

3) Award equal payments (to be determined by the Board) to homes in the lower impact categories.

RATIONALE

- Agreement asks Boulder County to give **households with highest direct, mitigatable impacts enough money** to do something about the sound, lighting, dust, and air effects from the Project.
- Project coordinator's job to do full, boots-on-the-ground assessment of all eligible households and point out critical observations from a full year of close contact with the Denver Water project.
- Households with the greatest daily impacts/households NEED and are more likely to be able to use the Mitigation Fund money for actual mitigation measures.
- There are many streets and roads that have few to no (or low) *daily* impacts.

RATIONALE (CONT'D)

- Most homes ranked below a 2.0 have one factor–either a low air OR a low noise ranking–not both.
- Pinyon's modeling work initially noted that homes with rankings in the 3-5 range were the houses to focus on due to greater overall impacts from light, sound, and air pollution effects.
- Boots-on-the-ground observations indicate low/negligible impacts for nearly 200 homes in the Pinyon analysis.
  - ➢ Just too far away and out of sight from the Project

HIGH VS. LOW IMPACT AREAS

High Impact Areas

- Coal Creek Canyon (north facing)
- Gross Dam Rd./offshoots
- Juniper Heights/Chute
- Lakeshore/Northshore
- Lichen/Tunnel 19
- Miramonte
- Upper Flagstaff

Low Impact Areas

- Lower Flagstaff
- Pika Neighborhood (Pika/Puma/Cougar/Bison)
- South of CO 72 (except direct line of sight)
- Wondervu Facing Project (Jennie Ln./Ramona Rd.)
- Wondervu No Line Of Sight

SUMMARY

- Group clusters of the houses listed in the Pinyon report that show lower rankings together and list them as areas with lesser impacts compared to their highly impacted neighbors.

- Distribute equal payments to each group on an upward sliding scale:
  - Since small discernments in rankings of one neighbor's house to the next do not seem plausible when the impacts overall are so similar

CALCULATIONS

Tier 1: 0.1 to 2.0 (total ranking) one factor,* no view = **$2,000**
(with view** = **$6,000**) **(~190 homes w/out view)**

Tier 2: 0.1 to 2.0 (total ranking) two factors = **$3500**
(with view = **$6,000 (i.e., no change from Tier 1)**) **(~25 homes w/out view)**

Tier 3: 2.1 to 2.5 (total ranking) = **$10,000**
(~25 homes)

Tier 4: 2.6 and above (total ranking) = calculations from the Working Group's recommended methodology **(Approx. value of $14K up to $26K) (~140 homes)**

***Factor = air or noise ranking above "0"**

Note: For households with direct views of Denver Water's construction areas – Recommend additional money for these houses to mitigate lighting and view impacts with blackout curtains or blinds. No change between 1st and 2nd tiers for visual/lighting amounts. **(~20 homes = $6,000)

ADDITIONAL ANOMALIES

Address	Proposed Adjustment	Reasoning for Adjustment
187, 215, 275, 281, 329, 385, 423, 487, 491, 341, 475 Lakeshore Park Rd	Adjust the residences' air quality ranking to 2.4	These houses sit right on the rim of the the North Shore neighborhood looking directly out onto the Denver Water construction operations ("the Project"). These homes have a front row seat of all visual, noise, and air quality aspects of the Project. Neighbors across the street and further away from the rim houses have air rankings of 2.1 to 2.7, and total rankings higher than the rim houses. The Pinyon report's rankings for the rim houses range from 1.0 to 1.5. Recommend adjusting AQ rankings for all these addresses to 2.4 to put them in the same range as other nearby houses.
16 and 51 Crescent Lake Rd.	Adjust the noise ranking from a 4.4 and 4.6, respectively, to a 5	These two properties are situated in the same direct uninterrupted line of sight to the new intersection at SH 72 and Gross Dam Rd as the house in between them at 25 Crescent Lake Rd. Recommend that these noise rankings to adjusted to 5.0 to match the noise ranking at 25 Crescent Lake Rd. with the same noise experience.
724, 910, 1182 Chute Rd.	Adjust air and noise rankings to match immediate neighbors (see Reasoning for specifics)	These properties should have similar results for noise and air rankings as the neighbors directly to the west on the road due to geographic factors and proximity to air and noise sources. **Adjust 724 Chute**: AQ from 2.9 to 3.2; Noise from 0 to 3.5; **910 Chute**: Leave AQ ranking at 2.9; adjust Noise from 0 to 2.9; **1182 Chute**: Leave AQ ranking at 2.9; adjust Noise from 0 to 2.7.
234, 256, 332, 390 Lakeshore Park Rd.	Adjust the air quality ranking from a 1.4-1.6 to 2.1	These properties should have the same result for air quality rankings (2.1) as the households surrounding them due to geographic factors and historical experience with previous pollution sources.

WHY THESE TWEAKS TO THE WORKING GROUP RECOMMENDATIONS?

- We did not allocate enough time for Working Group to consider low rankings compared to high impacts
- Recommendations fall more appropriately to Boulder County staff to put forward rather than asking Working Group to deliberate them.
- Making a recommendation to put more money towards the more heavily impacted areas results in less money being directed to lower ranked households
  - ➢ Could be an uncomfortable recommendation coming from Working Group — all members live in the highly impacted communities.

RECOMMENDATIONS

Staff recommends that the Board of County Commissioners:

1) Adopts the Working Group's recommendations outlined in the Working Group Report with the following changes:

   a. Without changing the results from Pinyon's analysis and while incorporating the Working Group's methodology for payments to households that are most impacted, adopt the payment tier calculations on Slide #14;

   b. Remove the "Allocating Interest Earnings Recommendation";

   c. Add and approve anomalies (slide #15) that were identified by Working Group members after the Report was finalized.

(continued on next slide)

PROCEDURAL RECOMMENDATIONS

2) Put $50,000 into an escrow account (for Phase 1) for any unexpected changes to status of addresses. (Put unspent money towards Phase 2 funding)
3) Set a deadline for property owners to complete the necessary paperwork and claim their allotted Phase 1 payout amount (Deadline: April 30, 2024)
4) Authorize staff to finalize the list of eligible households and work with Office of Financial Management to collect required household tax information and generate payments for eligible households according to the approved methodology.

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AGENDA

- Staff Introductory Remarks
- Community Advisory Working Group Presentation and Recommendations (slides)
- Staff Presentation and Recommendations
- **Board Deliberation/Decision**
- **Next Steps**
  - Finalize individual household payment amounts and collect required tax information from eligible recipients. (Funds will be distributed as 1099-G payments, per IRS regulations.)
  - Begin distributing checks to Gross Reservoir residents who have completed all required paperwork.

Boulder County

Board of County Commissioners