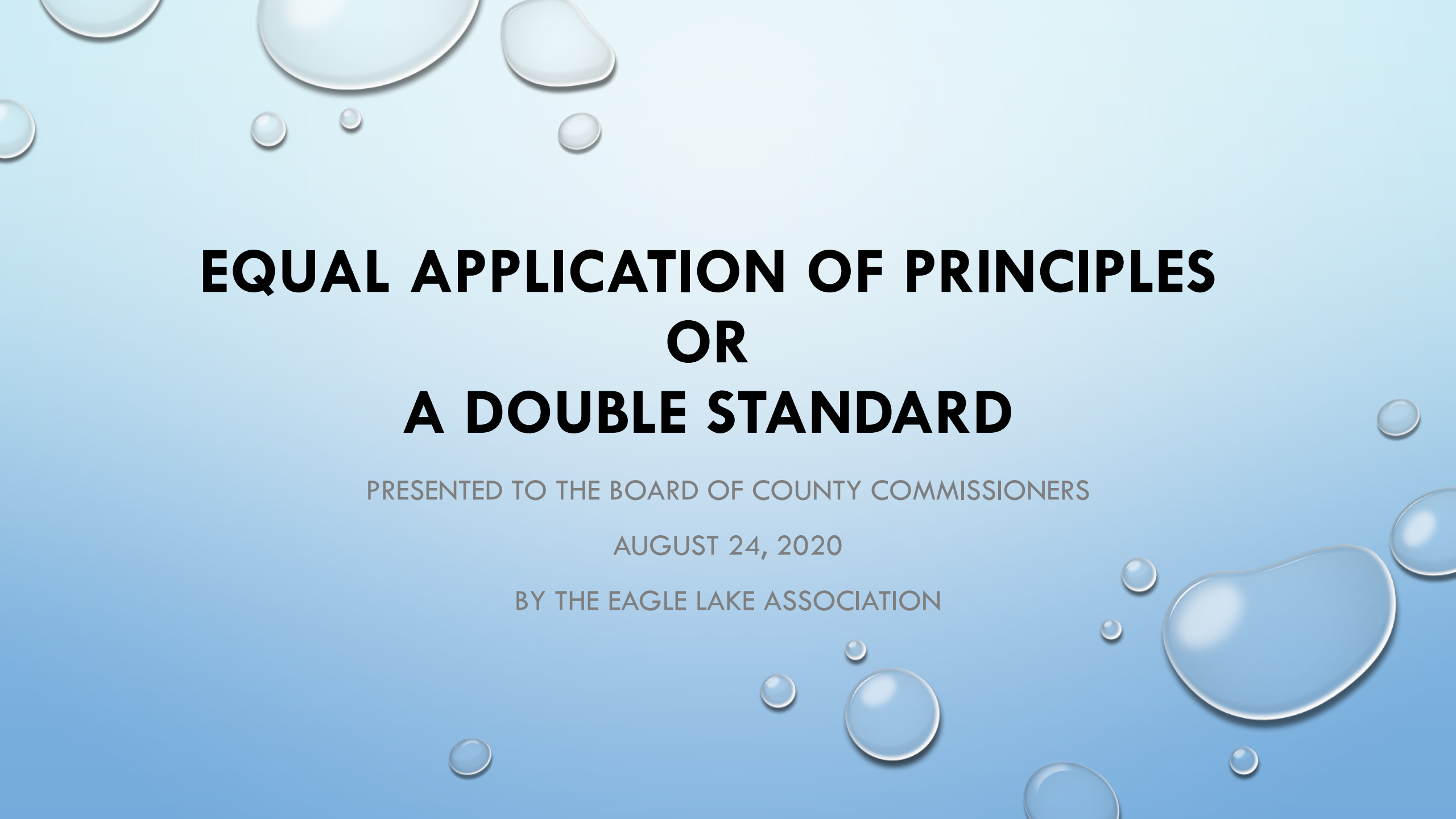




EAGLE LAKE HOA PRESENTATION

SPEAKER: MARK HEIDEN,
PRESIDENT, EAGLE LAKE ASSOCIATION



The background of the slide is a light blue gradient. It is decorated with numerous realistic water droplets of various sizes. Some droplets are at the top left, some are scattered in the middle, and a large, prominent one is on the right side. The droplets have highlights and shadows, giving them a three-dimensional appearance.

EQUAL APPLICATION OF PRINCIPLES OR A DOUBLE STANDARD

PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS

AUGUST 24, 2020

BY THE EAGLE LAKE ASSOCIATION

EAGLE LAKE PETITION

- Signed by 83 Households
- No Advance Communication
- Intrusion on Private Property
- Negative Economic Impact
- Alternate Routes Available
- Lack of Due Process

Petition to Larimer County Board of County Commissioners

Petition

Petitioners are homeowners in the Eagle Lake Subdivision, Larimer County Colorado.

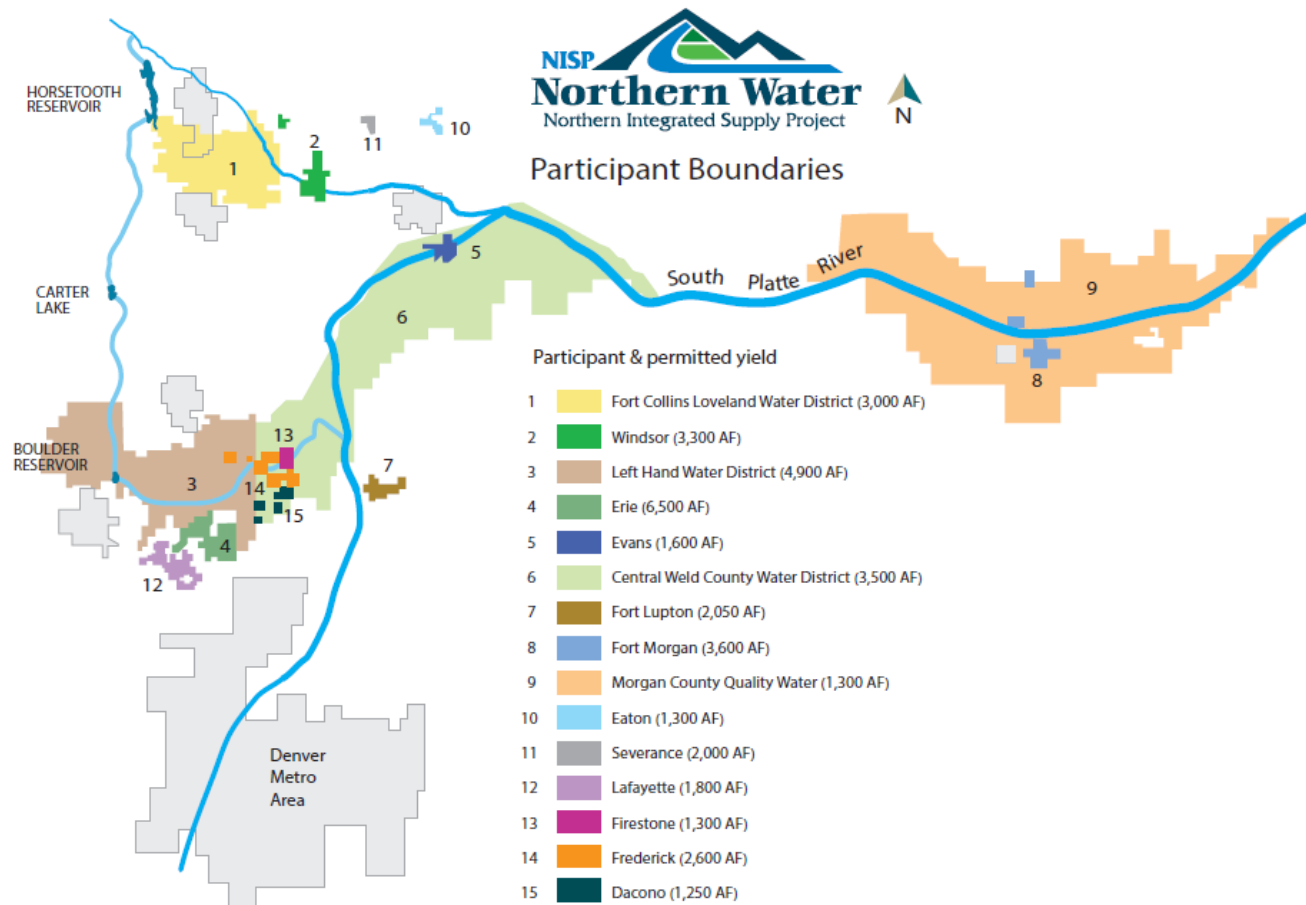
This petition is directed to the Larimer County Board of County Commissioners, Commissioner Steve Johnson, Commissioner Tom Donnelly, and Commissioner John Kefalas.

The Subject of this petition is the Northern Water (NISW) 1041 application in front of the Board of County Commissioners for approval of a reservoir and associated pipelines.

Objections to Approval of The Project

Eagle Lake Subdivision is home to 88 home owners consisting of young families and retirees. NISW has targeted our subdivision for the pipeline with no advance or meaningful communication with our Association Board or our residents. We strongly protest this plan on the grounds that the pipeline route they have proposed will endanger our homes, lives, animal

SPREAD THE FUNDING TO MOVE THE ROUTE



Business

[Resources](#) [Partners](#) [Local Business News](#) [Fast Facts](#) [Meet Our Team](#)

[fcgov.com](#) → [programs](#) → [business](#)

Metro Districts

[Background](#) [Policy](#) [Fort Collins Metro Districts](#) [Resources](#)

Metropolitan districts are quasi-governmental entities with taxing authority that are used to finance necessary public infrastructure and services that the City cannot otherwise provide. A metro district is a type of special district derived from Colorado's Special District Act (Title 32, Article 1, Colorado Revised Statutes [↗](#))

In Fort Collins, Metro Districts are formed to enhance the quality of development in the City. Metro districts enable development to deliver several City objectives and public benefits such as environmental sustainability, critical public infrastructure, affordable housing, and public spaces. The City's previous Metro District policy, adopted in 2008, was created to support commercial development. The Metro District policy was revised in 2018 to also address the changing residential development market conditions.

TENS OF MILLIONS FOR MITIGATION

Already committed by NISP to project:

Wildlife and fish mitigation and enhancement projects - **\$53M**

Recreation facility at glade reservoir - **\$21.8M**

Recreation funding - **\$16M**

Relocation of highway 287 - **\$100+ M?**



EAGLE LAKE HOA PRESENTATION

SPEAKER: MARK PELLOQUIN

MEMBER, EAGLE LAKE ASSOCIATION

BOARD OF DIRECTORS AND EAGLE LAKE RESIDENT



1041 BOCC FINDINGS AND RESOLUTION

3/25/19

- Iv. Standards of review and findings, 1.I

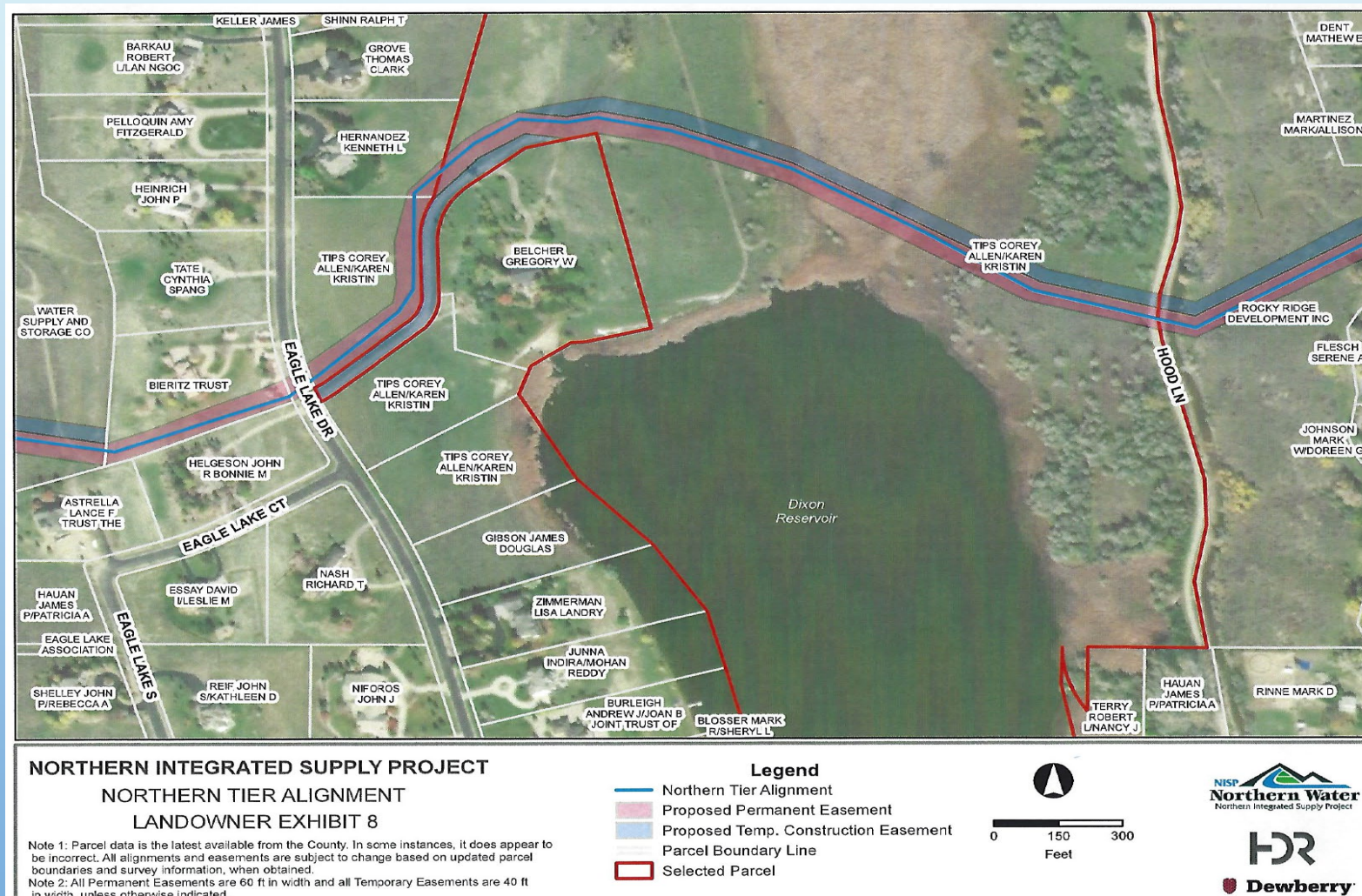
“The Master Plan identifies as one of it’s missions: ‘Larimer County is developing the partnership land use system to maintain and enhance our county’s quality of life and to be fundamentally fair to all our citizens and to respect their individual rights. The Master Plan has many themes and principles implicated by Thornton’s (*and NISP’s – our addition*) application, including:

C. Logical settlement patterns that reflect the existing character of Larimer County and **protect existing neighborhoods will be supported;**

D. The planning and development review process shall be fair, open and **predictable**, and meet the needs and interest of the community **without infringing on the rights of individuals.’**

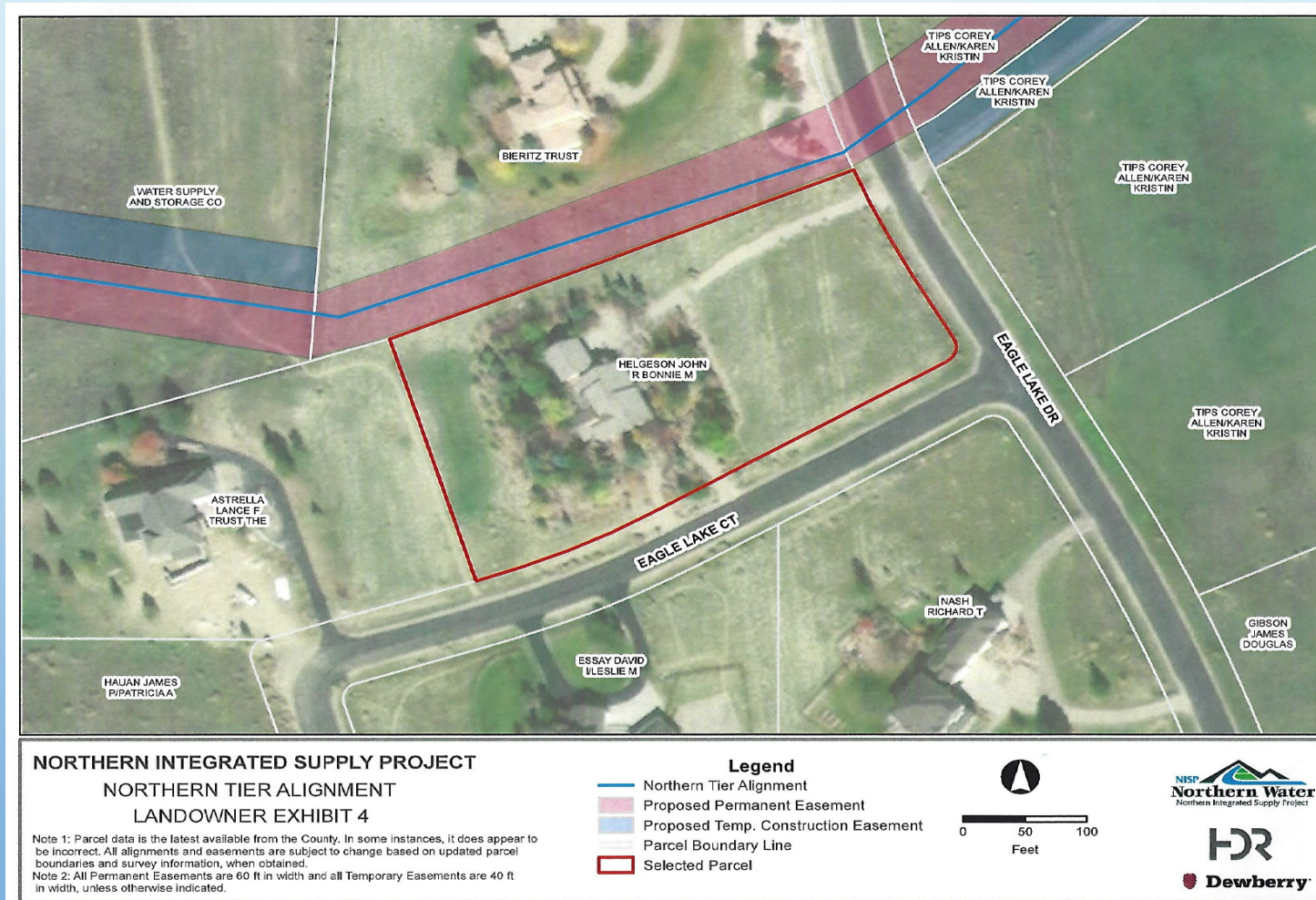
“Testimony was provided about the pipeline potentially splitting a private property in two, going through front or back yards, and traversing through significant amounts of private property.”

Findings and Resolution , Thornton Water Project, 1041 Permit Denial, Page 6



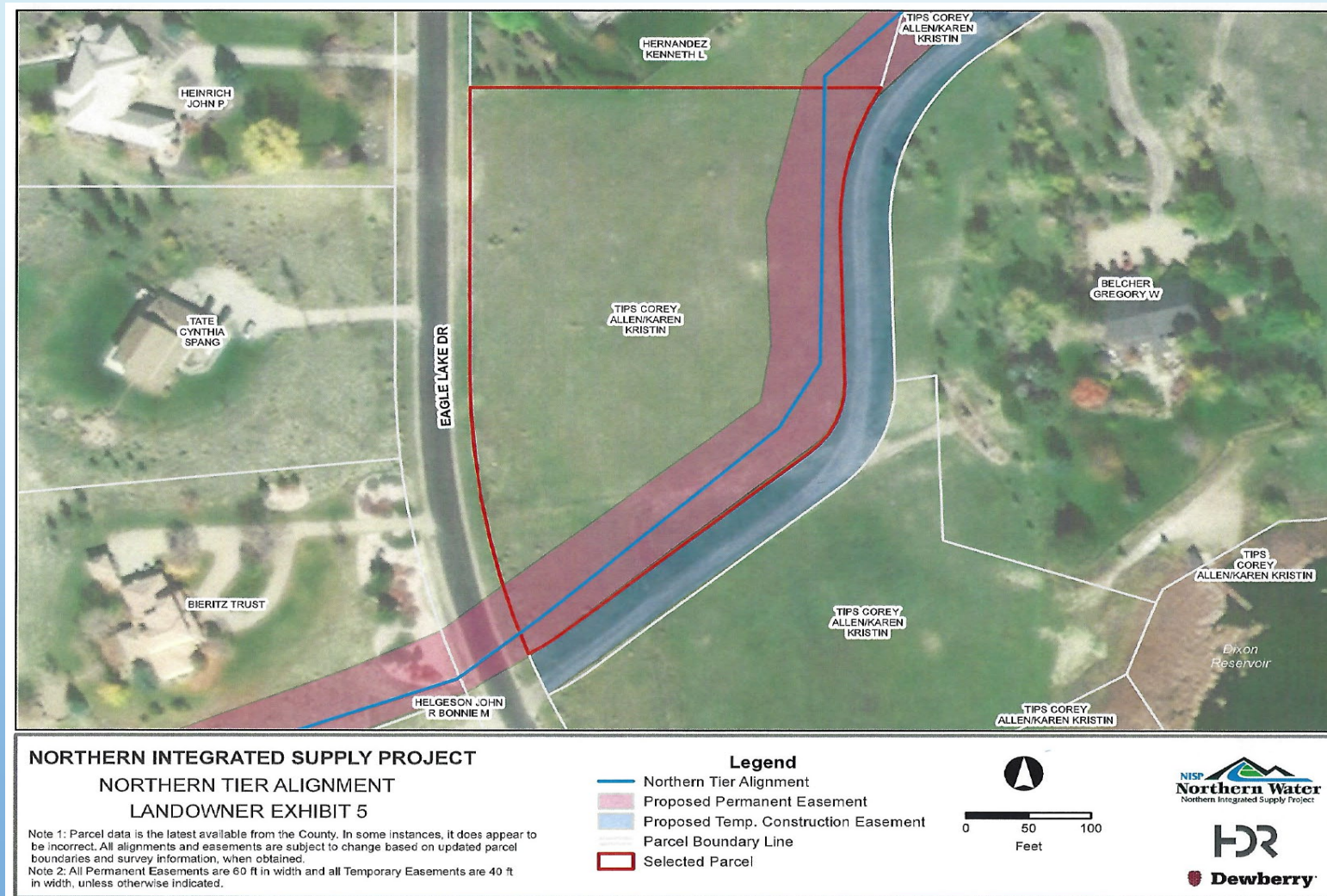
“Most of the alignment ...constructed in private easements...Unless a property owner is willing to sell his/her private property to Thornton, Thornton will be required to obtain the property by eminent domain – a process generally disfavored by property owners.”

Findings and Resolution , Thornton Water Project, 1041 Permit Denial, Page 6



“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.”

How is the owner of the two parcels impacted here supposed to be able to sell those parcels for development as he plans with pipeline construction a disclosure to a potential buyer for the next 8 years?



A GROSS INFRINGEMENT OF A RIGHT TO PEACEFUL EXISTENCE AND QUIET ENJOYMENT OF THEIR PRIVATE PROPERTY



JOHN AND BONNIE HELGESON



SERENA AND TERRY BIERITZ



RESIDENCES BACKING TO PIPELINE CONSTRUCTION



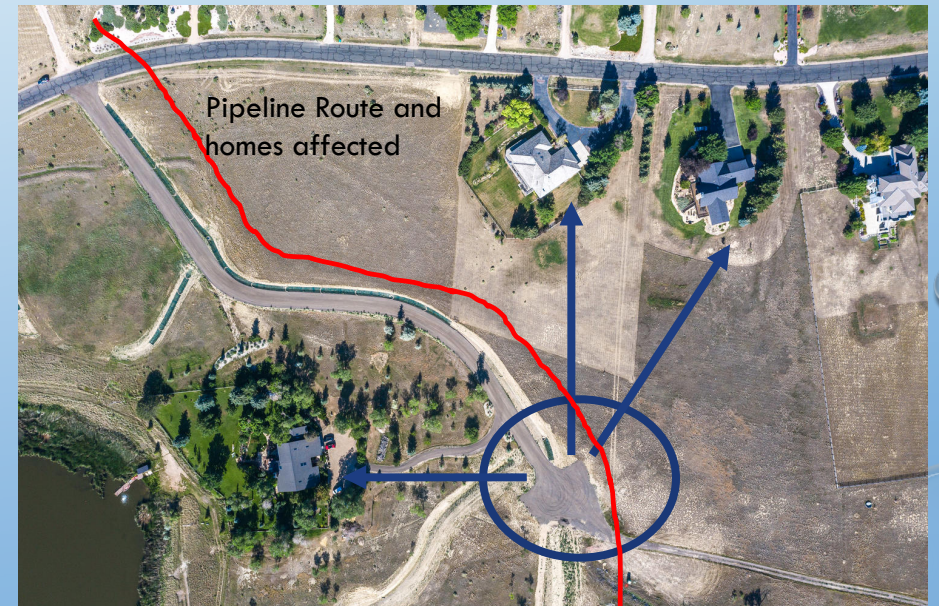
JEAN AND TOM GROVE –
RETIRED COUPLE



CHERYL LYNN AND KEN
HERNANDEZ –
RETIRED COUPLE



LESLIE VOGT AND GREG
BELCHER – RETIRED
COUPLE



DITCH ROAD DISASTER –

THE HAUAN FAMILY HOME IS ONLY FEET 30 FROM HOOD LANE



Does this look safe and passable for months by trucks and construction equipment?





EAGLE LAKE HOA PRESENTATION

SPEAKER: DENNIS PIERRO

VICE PRESIDENT, EAGLE LAKE ASSOCIATION

BOARD OF DIRECTORS AND EAGLE LAKE RESIDENT



The background is a light blue gradient with several realistic water droplets of various sizes scattered across the surface. The droplets have highlights and shadows, giving them a three-dimensional appearance.

ALTERNATE PIPELINE ROUTES AROUND EAGLE LAKE

NISP: “MINIMIZE NEGATIVE IMPACT WHERE WE CAN”

08/17/2020

NISP used a flawed “NISP-benefit” scoring system for Pipeline Route

NO PRIORITY or WEIGHT was given to Resident’s Personal Values in any of the 18 categories analyzed.

Example:

Required
Trench
Crossing

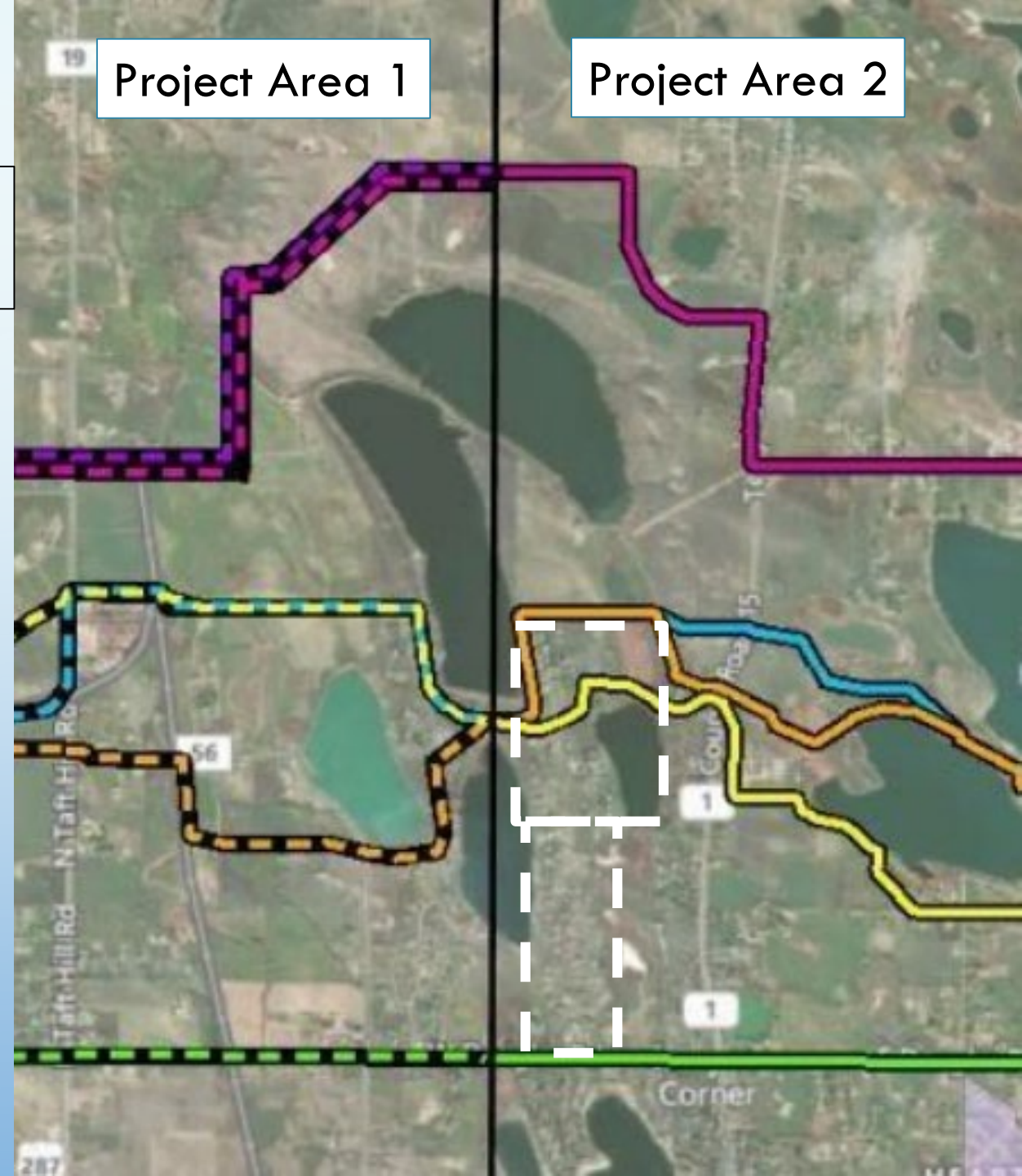
*NISP assumed
to be equal to*

Proximity to
Occupied
Dwelling

Existing
Utilities

*NISP assumed
to be equal to*

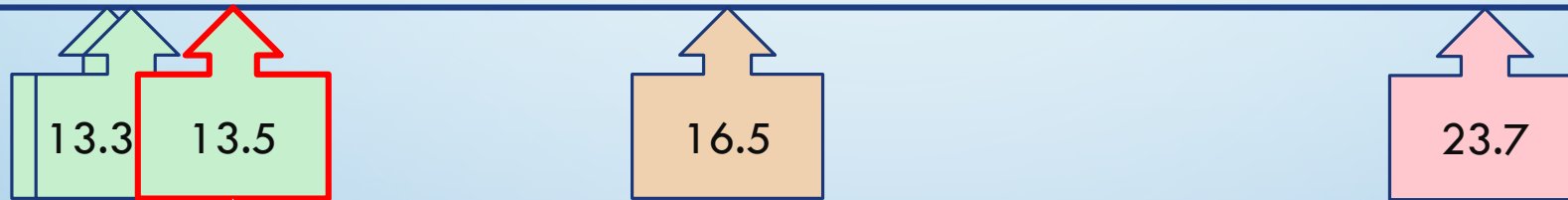
Easement
Difficulty
(#Parcels
Crossed)



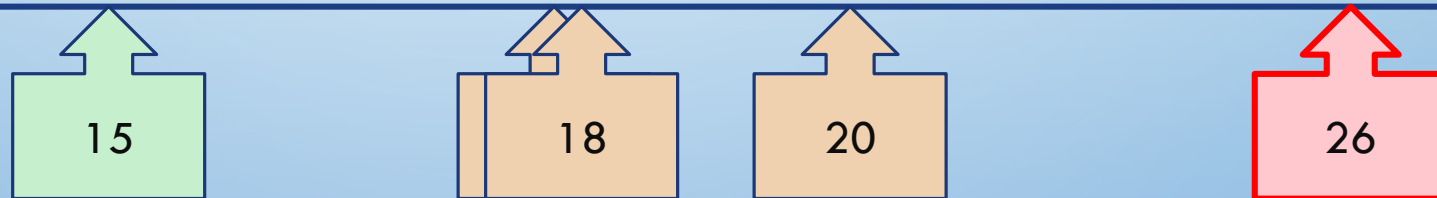
Who decided the acceptable level?

Performance Metrics - Green	Performance Metrics - Yellow	Performance Metrics - Red
Lower ¼ of comparative alternatives	Middle ½ of comparative alternatives	Upper ¼ of comparative alternatives

COST
\$M



Parcels
Crossed



NISP SELECTED ROUTE!!

*Development
should pay its own
way!! Not Existing
Residents*

Findings and Resolution

Thornton Water Project, 1041 Permit Denial (2019)

You have already claimed this to be important in a similar project:

iv. 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.

Not Met.

[Portions] of Thornton's proposed routes are in areas with significant residential development. There will be adverse impacts to thirty-six properties on the east side of Reservoirs 3 and 4. '

**Do not allow NISP to quantify the scoring matrix
without **QUALIFYING** the input decision.**

NISP: “Minimize negative impact where we can” 08/17/2020

By considering resident’s personal values, scores can be improved through modifications () to the proposed routes.

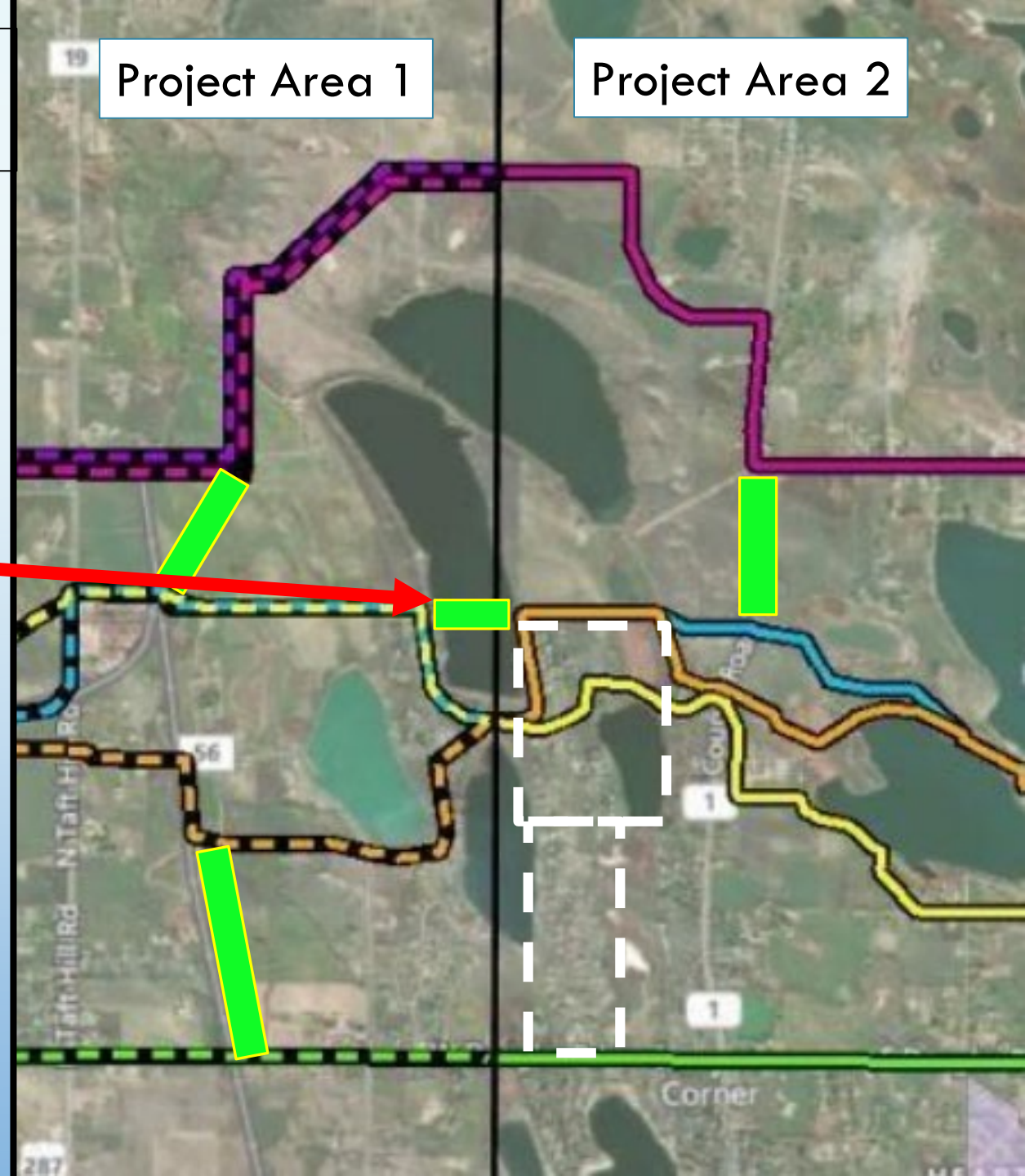
Eg: The Monroe Canal 9ft-diameter pipeline will run underneath Glade, why not here?

“...submerged pipelines are a common application. Pipelines run underwater all the time. In this case, we are creating a very robust pipeline.”

G. Zyminski, NISP consulting engineer comment to Planning Board, July 2020.

There is time to improve the pipeline evaluation process to prioritize resident personal values.

How can BOCC help?: Postponement of the pipeline route decision to allow for this.






EAGLE LAKE HOA PRESENTATION

SPEAKER: KAREN WELLER

**FORMER PRESIDENT, EAGLE LAKE ASSOCIATION
BOARD OF DIRECTORS AND EAGLE LAKE RESIDENT**



1041 BOCC FINDINGS AND RESOLUTION

3/25/19

- Iv. Standards of review and findings, 1.I

“The Master Plan identifies as one of it’s missions: ‘Larimer County is developing the partnership land use system to maintain and enhance our county’s quality of life and to be fundamentally fair to all our citizens and to respect their individual rights. The Master Plan has many themes and principles implicated by Thornton’s (*and NISP’s – our addition*) application, including:

C. Logical settlement patterns that reflect the existing character of Larimer County and **protect existing neighborhoods will be supported;**

D. The planning and development review process shall be fair, open and **predictable**, and meet the needs and interest of the community **without infringing on the rights of individuals.’**

FACT CHECKING “DEMYSTIFYING THE PROCESS”

WHEN IMPACTED RESIDENTS HAVE BEEN CONTACTED (ONLY SINCE THE PLANNING COMMISSION HEARING)

- The two homeowners in Eagle Lake whose property will be crossed: **In the past two weeks.**
- The developer of the newly annexed parcels to Eagle Lake (Corey Tips) to cross his parcels and use his gravel road : **In the past two weeks.**
- The 4 homeowners in Eagle Lake whose properties are in close proximity and overlook the proposed pipeline construction and turnaround: **In the past two weeks.**
- The 3 property owners of the dirt road next to the Larimer Canal (Hood Lane) for permission to use it as a hauling route construction vehicle traffic: **Never (One owner called NISP themselves for clarification on their intentions once this all broke.)**
- The owner of the open land NISP proposes to cross north of Eagle Lake through wetlands there (Charlie Meserlian): **In the past two weeks.**
- The Eagle Lake Homeowner’s Association about an easement to use the Association’s private roads for construction vehicle access while building a bridge. **In the past week.**
- The Bridge to NoWhere: Water Supply Canal (nine different crossings) and Land for pipeline construction: **Never.**

RESIDENTIAL CONSTRUCTION APPROACH

- First Draft from NISP to County – May 2020
- Revised Draft to County – June 12, 2020
- First Planning Commission Hearing June 24, 2020

No advance communication to affected Stakeholders.



Date: June 12, 2020

To: Larimer County Planning Department

From: Randy Parks – Dewberry, Michael Gossett and Madeleine Harris - HDR

Subject: Northern Integrated Supply Project – Construction Approach in Residential Areas
– Revised June 2020

MEMORANDUM



Overview

Due to the proximity of the Northern Tier alignment to Eagle Lake Way/Grey Rock Drive, the design team developed a preliminary construction duration so that the impacts to the residents in this area were understood. The alignment was broken into several segments in order to manage construction traffic routing.

MEMORANDUM

Eagle Lake Subdivision

The scope of analysis and segments through Eagle Lake Subdivision are shown in Figure 2 below. The alignment through this area was broken into five segments.



Figure 2: Scope of analysis and segments through Eagle Lake Subdivision

"THE BOARD MAKES INITIAL VERBAL FINDING THAT THORNTON HAS INADEQUATELY ENGAGED THE PUBLIC IN AN EFFORT TO REACH A PREFERRED ALTERNATE AND ADDRESS ADVERSE IMPACT FROM THE PROJECT."

1041 BOCC FINDINGS AND RESOLUTION, 3/25/19

<u>Thornton Timeline</u>	<u>NISP Timeline</u>
1041 Filed – Jan 2018	1041 Filed – March 2020
Planning Commission Meetings – May 2018	NISP Submits Residential Construction Plan: June 12. Time to 1 st meeting: 12 days
BOCC Meetings July/Aug 2018	Planning Commission Meetings – June/July 2020
Larimer Water Projects Meetings – Aug to Nov 2018 (Including 2 public meetings)	BOCC Meetings Aug/Sept 2020
BOCC Meetings Dec 2018 – Feb 2019	
BOCC Decision Feb 2019	BOCC Decision Sept 2020
Time Elapsed: 1 Year 2 Mos.	Time Elapsed: 6 Mos.



EAGLE LAKE HOA PRESENTATION

SPEAKER: JOHN ROSECRANCE

MEMBER, EAGLE LAKE ASSOCIATION

BOARD OF DIRECTORS AND EAGLE LAKE RESIDENT



NORTHERN'S PROPOSAL – CONDITIONS NOT MET

- Does not meet Master Plan mission to “protect existing neighborhoods” and “enhance the quality of life and respect individual rights”.
- Intrudes on and crosses private property thus creating the need to use eminent domain.
- Does not support the Land Use Code Criteria C of “promote economic stability of existing land uses that are consistent with the Master Plan and protect them by incompatible or harmful land uses.”
- Lack of stakeholder outreach and plan specificity has denied residents due process.

OPTIONS FOR IMPROVED ROUTING

- Re – establish the Larimer Waters Project Working Group to give stakeholders an opportunity to work with northern on developing alternate routing to minimize residential impacts.
- Condition approval on a co-location strategy with other pipeline projects that will create alternate routing options that are affordable and feasible with combined resources of multiple entities.
- Put the burden of pipeline construction outside the boundaries of residential areas on the 15 NISP participants who are the pipeline beneficiaries in a “metro district” type of funding scenario.
- Deny the application. NISP has not met the necessary criteria for approval.