

**TOWN OF LYONS
BOULDER COUNTY IGA TASK FORCE MEETING**

MEETING
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

ZOOM LINK:

<https://us02web.zoom.us/j/82051695817?pwd=BDRfQUVjLSazYoJZMLpO6bSawatthm.1>

AGENDA
July 25, 2024
12:00 PM – 1:30 PM

I. Roll Call

II. Approve Agenda

III. Approve Min From 16-July-24 Meeting

Documents:

DRAFT - IGA TASK FORCE MINUTES AND ATTACHMENTS - 7.16.24.PDF

IV. Opening Discussion (10 Min)

A. Presentation Structure Overview & Direction,

B. Presentation Dates Pending (19-Aug or 2-Sept)

V. New Data Submissions For Review / Discussion:

Documents:

IGA PRESENTATION OUTLINE V2 24JUL24.PDF
DRAFT LYONS - BOCO IGA TEXT_CONSENSUS.PDF
EAB IGA INPUT V5 DRAFT.PDF
IMPACT OF CHANGE TO PPA NO DEVELOPMENT.PDF
DRAFT IGA C FISHER EDITS V1.PDF
VS DM TASK FORCE QNA 23JUL2024.PDF
TOWN DOCS UTILITY PLAN IMPACTING IGA INCLUSION SITES FISHER
(V1).PDF

VI. Discuss Topics – Initial Review Of Recommendations Topics

1. Review/Edit the "General/Specific Recommendations" – Key Points Only
2. Edits to Draft IGA Document
3. IGA Map Discussion – Review initial draft of two recommendations "A" and "B"
4. Support Documents List – (What support data is should be added to BoT presentation deck – first review)

VII. Summarize Action Items

VIII. Set Agenda For 1-Aug Meeting 12:00-1:30 (Tentative Agenda Topic: Second Review Of Recommendations And Presentation Outline)

IX. Adjournment

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MINUTES

July 16, 2024

12:00 PM – 1:30 PM

I. Roll Call - Julie Jacobs, Jen Wingard, Wendy Miller, Martin Soosloff, Sonny Smith, Cindy Fisher, Douglas Mathews, Charles Stevenson, Dave Hamrick (BoT liaison), Andrew Bowen (staff liaison), Hannah Hippley (BoCo)

II. Approve Agenda – Motion, second, agenda approved unanimously

III. Approve Min From 9-July-24 Meeting – Motion, second, approved unanimously without revision.

IV. Opening Roundtable Discussion (15 Min) – Task Force Recommendation Process / Categories.
DM – Q about Jen’s role as an alternate - she replaces anyone who cannot attend or who does not vote during a meeting. Abstention from vote – unless there is a direct conflict of interest, members are required to vote and not abstain. Can ask more questions or engage in more dialogue if needed, but must vote if in attendance.

Process discussion – DM has talked with most members over the last couple weeks to determine a path forward for making recommendations. Task force represents a good cross-section of the town and represents many viewpoints, which is a good thing and makes it hard to come to consensus on some issues. Group is clearly divided on some issues and this should be reflected in our recommendations – a simple majority may not really represent the views of the group. We need to acknowledge the differences – if there are areas where we are pretty equally divided, we can put forth 2 recommendations for those topics, let the BoT sort it out and solve the dilemma. WM – we should outline how many member voter for or against each recommendation so the BoT knows what the majority agreed upon. CS – likes the approach and maybe we wait to vote on all of it at the end rather than vote mid process which can be divisive. SS – our positions may change week by week as we get additional information, which supports voting later in the process. CS – agrees that providing 2 different perspectives is a good idea, but also to try to identify any commonalities in addition to any differences – be sure we outline what we do agree on as well. It is valuable to outline what the consensus points are as we proceed so we have a list of what we agree upon.

V. IGA Document WORKSHOP: (45 Min) IGA Document Discussion – Edits / Key Items. The language in the IGA document needs to be clear and actionable – not everything has to be in the

draft IGA, some things can be separate recommendations to the BoT. 3 main “buckets” of recommendations we can provide – general process recommendations to the BoT; specific recommendations about the content of the IGA itself; specific recommendations about the map.

Areas of general agreement:

Importance of preserving ecology and rural nature of Lyons through intentional and careful growth that does not disrupt overall ecology. There are already some proposed revisions to IGA that outline this specifically – both urbanization potential and rural nature need to be recognized and outlined.

Focus on creating a sustainable year-round economy for Lyons.

Hazard and unnecessary risks – all agree that these risks and hazards need to be addressed in some way but may not agree on how they need to be addressed (through annexation process or through IGA task force).

Making a meaningful impact on housing availability and affordability for all housing in addition to specific affordable or attainable housing goals.

All have very general agreement on these 4 issues, just some disagreement on means to get to these ends.

Task force members brief discussion of their recommended changes.

JW general principles – wants to add back the history into the new draft - what changed and why with a date. Recitals section from 2012 IGA should be added back in. More specific definitions should be in the new draft. Want purpose and intent to be outlined in the new IGA. Specific information about utilities and permits was in the old draft. Zoning needs to be better defined. Get rid of everything about specific parcels if we are not talking about every parcel.

DM – reminder that if we determine that something does not belong in the IGA itself, it can be part of a separate set of recommendations made to the BoT.

CW – can’t provide big bucket feedback, look at the edits she made and provided to the group. If we can say why things changed, this would be helpful. Want to outline exactly why each change was made and this should all be in the actual IGA. Outlined a general sense of mistrust in the town and government.

DM – example of a property that is on the map right next to the Carpenter parcel, went from rural preservation to developable to undevelopable on the map – why was this change made? CS – capture the anomalies on the map and ask for transparency on them, create a list of these and have the BoT address them.

WM – has provided her big bucket concepts to the group. Feels like the annexation process addresses all of the big bucket issues we have agreed upon as important. Putting these in the IGA is redundant but if it is how we can make progress, then add it if it makes people happy. We need to look at the big picture of the town, thinks we need some zoning considerations, some changes to the map, all outlined in her written comments. Identifying broader potential uses for each parcel – not just housing or commercial development, can be used for utilities, roads, etc., so broaden our conversation to include this as well.

Q from CS – is it possible to have a tool for quickly assessing if a parcel is annexable or not? It is just not that simple. New development can actually help solve current problems, have to look at the actual proposal and the details before you can assess this accurately.

JJ – Outlining her purpose of being on this task force, giving voice to the people whose voices are not heard, who don't have time or resources to attend meetings, review agendas, provide feedback. Residents of Old North are in a very different position than those on the edge of town, they often are literally on the edge – living paycheck to paycheck, housing insecurity always on the horizon, properties could be sold and redeveloped and there are literally no options for one bedroom housing that is affordable, people worried about being displaced, not about traffic or views. These voices are just as important as those from facebook or those who have time to attend meetings. Agree with WM that annexation process addresses hazards and risks, utility, traffic, and other concerns, use the process that is in place and don't replace expertise with fear-based opinions. Keep the IGA full of actual actionable items, not warm and fuzzy meaningless language.

JW – can we require that commercial developers include workforce housing? Possibly, this may be something to consider.

MS – a big question might be how specific to get. We may want to be broad in scope when we put language in the document about affordable housing specifically, infill is important but those options are limited. Re: the map, feels like we can't take away a property owner's right to try to annex – who are we to stop them from at least trying to apply for annexation? We should not remove parcels because they have the right to try to do what they want with their property and things will change over the next 10 years. Transparency is a stumbling block – can we somehow shine light on the underlying process?

WM – comment about the BoT – seems to be a mistrust of the BoT – we all had the chance to vote and anyone can run, it is a tremendous amount of work and these people have chosen to take on this role. Talk to your Trustees, give them more credit than we are giving them, don't presume bad intent. There is a lot of institutional knowledge being applied to these decisions.

CS comment about state control over local land use – we want to try to retain local control.

Documents:

1. JW. IGA DOCUMENT COMMENTS AND REVIEW.PDF
2. DM 2012 VS DRAFT 2024 IGA COMPARISON V1 DM.PDF
3. JJ DRAFT LYONS - BOULDER COUNTY CDP IGA TEXT DRAFT_2-27-24 - REVISIONS.PDF
- 4 CS DRAFT RECOMMENDATIONS FOR BOARD OF TRUSTEES FROM IGA TASK FORCE MEMBER C STEVENSON (DRAFT 2).PDF
- 5 CF IGA DRAFT EDIT C. FISHER 16JULY2024.PDF
6. CITIZEN COMM TO IGA TASK FORCE E SEACAT JULY 24.PDF
7. R BRAKENRIDGE IGALYONS AREA COMPREHENSIVE DEVELOPMENT PLAN INPUT.PDF

VI. Property “Pro – Con” Discussion Notes For Review (Requested From 9-Jul-24 Meeting) – no time to address today but members can review on their own.

Documents:

8 CF PROPERTY PROS AND CONS HOMEWORK JULY 9 2024.PDF

9. DM IGA PROPERTY PRO CON DM V1 8JUN24.PDF

VII. Summary Of Action Items – MS will help put together the areas of agreement and conceptualize them. All members should review the feedback provided by other members prior to the next meeting to try and be more informed so we can proceed with specific recommendations.

VIII. Set Agenda For 25-July Meeting 11:00-12:30 (Tentative Agenda Topic: Finalize Map Recommendations, Review Initial Draft Recommendations)

IX. Adjournment – motion and second to adjourn – 1:30.

IGA Document Comments and Review (discussion notes)

By. Jen Wingard

Date: 15-Jul-25

I have done more detailed work in the Word doc that i distilled from the 2012 IGA and the current draft IGA. I represent more than my assigned neighborhood as I have solicited feedback from everyone who wants to talk about it from across town and also from the parcels not yet incorporated by listed in the "map".

Here is a synopsis:

1. Parcels that could be annexed: those landowners want to provide direct input on their needs/wants/etc.
2. The draft IGA gutted much of the history and "beef" of the 2012 document. Put back the necessary language that will help future residents and boards and administrators to understand how we got to where we are today. (On a personal note: in the pharma industry which is highly regulated we are required to have a table at the end of the document that describes the revision changes and why they were made. This is so important to future readers. We should do it.)
Add back history, purpose and intent, town utilities considerations, implementation procedures,
3. There is no rhyme or reason listed why some properties were listed as no development or as rural preservation and are now different. Either explain it or gut it from the new draft and put more generic terms around what may or may not be developed and why. Add more definitions and allowances for things that are less than low/medium/high density (e.g.
4. Remove all references to specific parcels unless they are addressed elsewhere (e.g. Cemex). The current draft DICTATES that these parcels CANNOT be annexed unless the affordability and density requirements are met. (does not even seem legal)
5. Add generic language about attainable housing (and add definitions!) for times when a developer wants to increase density on a property etc.
6. Go back to a 10 year term instead of 20. Sounds like a lawyer or procrastinator wrote that section.

Difference in 2012 vs Draft 2024 IGA V1 DM

- 1) Purpose of IGA** – The wording used to define goals changes the focus of 2012 IGA vs the 2024 IGA as follows:

Section Recitals, Pg 1 (first paragraph) 2012 IGA: “... *to plan for and regulate land use in order to minimize negative impacts on surrounding areas and to protect the environment.*”

Recitals, Pg 1 bottom (7th section) states “...to preserve Lyons’ unique and individual character through the orderly development within a newly defined Lyons Planning Area (the LPA).

Section 1.2, Pg 2 related to urban development in LPA “...avoid sprawl”

NOTE: Sprawl defined by Websters: “the spreading of urban development on undeveloped land near a more or less populated city”

The remainder of section 1 (1.1 – 1.6) of 2013 plan outlines the key requirements including community buffer, view corridors, etc.

2024 Draft IGA section A, C, E replace section 1 of 2012 IGA but was augmented by expanded definitions in section C to state “development plan that recognizes the urbanization potential of certain land in the county near Lyons and the rural character of adjacent land.”

Note: Urbanization defined by Websters: “to cause to take on urban characteristics”; “to impart an urban way of life (to urbanize migrants from rural areas)”

- 2) Economic Development** – Focus on a “commercially-based” economy was removed in 2024 draft

Section 1.1.1. pg. 2 of 2012 IGA: “...must transition from a residential development-based economy to a commercially-based economy...”

Mix Use: This section goes on to define and encourage use of Mix-use development to concentrate any significant additional housing development...” (NOT included in 2024 Draft). Further, section 1.1.2, 1.1.3, 1.1.4 add clarity to the balance of such development with community character, historical preservation and property owners rights.

- Suggest we bring this back which will drive Mix-Use development as that is the only way to lower commercial rental prices while at the same time, adding urban, lower cost housing options.

2024 Draft (section E) does “encourage the natural and well-ordered development in Lyons” (but without the clarity offered in 2012 section 1.1).

3) **Maintain Community Buffer:**

Section 1.3 Pg 3 of 2012 IGA: “This IGA is intended to keep the LIA [Lyons Interest Area] / RPA [Rural Preservation Area] and the land outside the LPA rural in character to preserve a community buffer.”

Comp Plan and 2024 Draft IGA (page 2) map, several of the area as RPA are now defined as PPA and density definitions were added that increase density significantly over prior plans / maps. Definition of Low/Medium = 12 households per acre (min 6, max 12) – which is approx. twice to three times current density around these areas, Medium/High Density 3r4= 16 HH per acre (min 12, max 16)

4) **AA/Senior Housing:** other than density number, 2024 draft does not clearly define housing goals for AA/Senior housing.

Section 10.1.5, Pg 7 of 2012 IGA: “Identify & implement programs to enhance opportunities for senior housing and affordable housing within the Town and in the LPA.”

5) **Map Changes** – Review changes in map from 2012 to 2023 Comp Plan and then to the new Draft 2024 IGA

- Rural Preservation Areas [RPA] in 2024 draft = land “where Lyons may not annex parcels and where the town or the county may purchase land for open space preservation”. Review what has changed

- Map inconsistent with 2023 Lyons Thrive Comprehensive plan – why?

6) **Density** - The addition of density to 2024 plan (page 2) -- It is good that these density details have been added to specific parcels as it offers clarity. The question is are the density measures assigned correct (consistent, economically feasible, appropriate related to risk factors, etc.) for each of the properties in questions.

7) **5-Acre Rule:**

Section 3.1.1 Pg3, 2012 IGA “...town agrees that it will only annex parcels in their entirety, not portions of parcels, into the town....”

Section 3, page3-4 Draft 2024 IGA - Several parcels included in the Draft 2024 map show that only part of the property are targeted for annexation / development with the balance of the land being reverted back to BC as non-confirming. Also there is a possibility that a land could be sub-divided in advance so that only less than 5 acres would be annexed (avoiding a vote by citizens)

Good Things in 2024 IGA Draft:

- 1) Section 8 (Partnerships) outline goals consistent with the Comprehensive Plan and more specifically outlines area of focus such as affordable housing, grant processing, improved work with Regional Transportation authority, etc.

- 2) Section 15 on auto renewal a good add (so we are not “forced” to update after 10 years unless the community wants to do so)
- 3) Section 9-14 boiler plate

DRAFT EDITS BY J. Jacobs July 16 2024

**LYONS PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement (“Agreement”) is entered into by the Town of Lyons, a Colorado statutory municipal corporation (“Lyons” or the “Town”), and Boulder County, a body politic and corporate of the State of Colorado (the “County”) (individually a “Party” and collectively, the “Parties”) as of the date of the latest signature below.

RECITALS

- A. The Parties are authorized by §§ 29-20-101 et seq., C.R.S., and encouraged by Colorado Constitution, article XIV, section 18(2), to enter into intergovernmental agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a “comprehensive development plan;” and
- B. In December 2002, the Parties entered into a Comprehensive Development Plan Intergovernmental Agreement (the “Original IGA”) for a period of ten years which, among other things, defined the Lyons Planning Area as the area the Town may annex and develop. The Original IGA was amended in 2005 and again in 2011. The parties entered into a new Comprehensive Development Plan Intergovernmental Agreement (the “2012 IGA”) in 2012, which replaced the Original IGA. That term of the 2012 IGA has been extended several times and ends in November 2024.
- C. The Parties agree that an intergovernmental agreement to replace the 2012 IGA, providing a comprehensive development plan that recognizes both the urbanization potential of certain lands in the County near Lyons and the rural character of adjacent lands in the County, along with restrictions on development or purchase of open space lands in those areas as defined in this Agreement, is in the best interests of the residents of each of the Parties for the preservation of the character and potential of those areas; and
- D. The Parties agree that designating portions of Boulder County to remain in Boulder County’s jurisdiction and in a rural character as defined in this Agreement is in the economic and civic interests of their residents and meets the goals of the Boulder County Comprehensive Plan and the Lyons Comprehensive Plan; and
- E. Consistent with municipal annexation, utility service, and land use laws of the State of Colorado, as well as with the Comprehensive Plans of both Parties, this Agreement is intended to (i) encourage the natural and well-ordered development of Lyons and the County; (ii) promote planned and orderly growth in the affected areas and prevent sprawl by encouraging clustered development where appropriate; and (iii) promote

the economic viability of the Parties, including building a thriving year-round economy in Lyons through encouraging development of commercial, mixed-use, and workforce housing; and

- F. The Parties have previously entered into the CEMEX Area Comprehensive Development Plan Intergovernmental Agreement (“CEMEX Area IGA”), a complementary IGA that addresses development and preservation issues for the portions of the Lyons Comprehensive Plan as adopted in 2023 (“LCP”) area not contained within this IGA. For the purposes of this IGA, LPA refers to all portions of the overall Lyons Planning Area that are not separately addressed in the CEMEX Area IGA. This IGA and the CEMEX Area IGA together represent a shared vision of appropriate development for the areas covered by the IGAs for their respective durations; and
- G. The Parties have each held duly noticed public hearings for consideration of this Agreement and the comprehensive development plan terms it contains for the subject lands as defined in the Agreement and depicted on the map attached as Exhibit A; and
- H. The Parties are authorized to perform the functions described in this Agreement by article 20 of title 29, part 1 of article 28 of title 30, part 1 of article 12 of title 31, and parts 2 and 3 of article 23 of title 31, C.R.S.; and
- I. The Parties desire to enter into this Agreement to plan for land uses in a mutually binding and enforceable comprehensive development plan.

DEFINITIONS

The Town. The area within the current municipal boundaries of the Town of Lyons, as depicted on Exhibit A.

Potential Annexation Area or PAA. The lands surrounding the Town, depicted on Exhibit A, within which the Town may annex parcels and within which the County agrees not to purchase lands for open space preservation, subject to the terms of this Agreement.

Rural Preservation Area or RPA. The lands outside the PAA in unincorporated Boulder County, depicted on Exhibit A, where Lyons may not annex parcels and where the Town or the County may purchase lands for open space preservation, subject to the terms of this Agreement.

Estate Residential District/Very Low Density. One unit per gross acre (minimum and maximum).

Low Density. Six units per gross acre (minimum and maximum).

Medium Density. Twelve units per gross acre (six minimum and twelve maximum).

High Density. Sixteen units per acre gross (twelve minimum and sixteen maximum).

AGREEMENT

1. Lyons Planning Area (LPA) Comprehensive Development Plan

This Agreement, including Exhibit A, is adopted to set forth the Lyons Planning Area (“LPA”) Comprehensive Development Plan as that term is used in § 29-20-105(2)(a), C.R.S. The LPA constitutes the Town, the PAA and the RPA. The Agreement governs the Parties’ use of lands and procedures within the LPA.

2. Potential Annexation Area (PAA).

- (a) The PAA shown on Exhibit A is in the County’s regulatory jurisdiction but may be annexed to Lyons in the future. With its approval and adoption of this Agreement, the Board of County Commissioners for Boulder County determines that a community of interest exists between lands in the PAA and Lyons.
- (b) Lyons agrees that it may annex only lands within the PAA, as depicted on Exhibit A. Lyons agrees that it will not annex lands outside the PAA.
- (c) The County agrees that it will not make any open space acquisitions inside the PAA, except for lands subject to existing or prior approval for such acquisitions from Lyons.
- (d) Areas designated “No Development Area” on Exhibit A have been determined to be inappropriate for development. Therefore, structures and/or development are prohibited in these areas, with the exception of the following:
 - a. The No Development Area on the Boone Parcel (Parcel 120307000058) and the Walters Parcel (Parcel # 120307000013) shall have no development except for utility facilities, access, emergency access, passive recreation, and structures associated with those uses.
 - b. The No Development Area on the Loukonen parcel (Parcel # 120320000038), may be utilized to provide vehicular and utility access to Area B shown on Exhibit A.
 - c. The Loukonen Area C No Development Area (a portion of Parcel # 120320000038 as shown on Exhibit A) shall have no development except for RV/tent camping, and associated access and parking consistent with the regulations of the Town or the County.
- (e) When parcels are annexed which contain No Development Areas, the Town, prior to final plat recordation or other final approval for any development on those parcels, must ensure that the property owners grant to the County and to the Town a Conservation Easement pursuant to Article 30.5 of Title 38 of the Colorado Revised Statutes, in a form acceptable to both the County and the Town, which prohibits structures and development in the No Development Area of the properties as provided above.

Commented [JJ1]: I recommend a re-review of the no development area of the Boone Parcel to ensure that the size of the development area is appropriate and truly below the 5 acre size that would trigger a vote. If it is an accurate representation, then I think it should stay as is; if there is a reasonable way to make it larger than 5 acres, the map should be revised accordingly.

- (f) Lyons agrees that the PAA cannot expand within Boulder County.
- (g) Any property currently inside the Town that becomes disconnected will be treated as PAA.

3. Rural Preservation Area (RPA).

- (a) The RPA will remain in the County's regulatory jurisdiction for the term of this Agreement.
- (b) With its approval and adoption of this Agreement, Lyons determines that there is no community of interest between the RPA and Lyons during the term of this Agreement, and Lyons will not annex lands in the RPA.
- (c) Lyons affirms that it is not currently pursuing annexations within the RPA.

4. Lands outside the Lyons Planning Area (LPA).

Excepting the area covered by the CEMEX Area IGA, which is addressed in a separate IGA, the Parties agree that lands outside the LPA will remain in the County's regulatory jurisdiction. Lands outside the LPA may be acquired by either Party for open space preservation.

5. Special Provisions.

- (a) Lyons agrees that it will only annex lands in the PAA over which the County owns a conservation easement after the County releases the conservation easement or if the easement terminates upon annexation by its terms. The Parties intend this Agreement be the sole jointly adopted comprehensive development plan related to County conservation easement lands in the PAA.
- (b) The County will refer in writing any discretionary development applications within one mile of Town limits, and any amendment to the Boulder County Comprehensive Plan affecting such parcels, to the Town. Said referrals will be sent according to the timing set forth in the Boulder County Land Use Code.
- (c) The Town shall refer in writing to the County any application for annexation and any proposed amendments to the Lyons Comprehensive Plan.
- (d) If applications for annexation of the following parcels, as shown in Exhibit A, for the purpose of creating new residential developments on such parcels are submitted for consideration, said parcels may only be annexed by the Town if the development proposal expands the supply of affordable and workforce housing, as appropriate for each parcel, in accordance with the Lyons Comprehensive Plan and if the following stated affordability and density requirements are met by the proposed residential development on each parcel:

Commented [JJ2]: The intent here is to require some appropriate level of workforce and affordable housing in any new residential proposal without getting overly specific on any one parcel as well as to ensure that any new residential development includes more than one dwelling per parcel.

a. The Boone Parcel (Parcel # 120307000058).

- ~~i. At least 25% of the total number of units constructed on site must qualify as Middle Tier Residential (60% -120% AMI); and~~
- ~~ii. At least 25% of the total number of units constructed on site must qualify as Affordable Residential (30-60% AMI) and must be permanently affordable rentals or deed restricted for sale units.~~
- ~~iii.i. Low or Medium Estate Residential District/ Very Low Density is required prohibited.~~

b. The Carpenter Parcel (Parcel # 120307000031).

- ~~At least 25% of the total number of units constructed on site must qualify as Middle Tier Residential (60% -120% AMI); and~~
- ~~i. At least 25% of the total number of units constructed on site must qualify as Affordable Residential (30-60% AMI) and must be permanently affordable rentals or deed restricted for sale units.~~
- ~~ii.i. Estate Residential District/ Very Low Low or Medium Density is required prohibited.~~

c. The Connor Parcel (Parcel # 120318100001).

- ~~i. At least 30% of the total number of units constructed on site must qualify as Middle Tier Residential (60% -120% AMI); and~~
- ~~ii. At least 30% of the total number of units constructed on site must qualify as Affordable Residential (30-60% AMI) and must be permanently affordable rentals or deed restricted for sale units.~~
- ~~iii.i. Estate Residential District/ Very Low Low or Medium Density is required prohibited.~~

d. The Hawkins Parcel (Parcel # 120320200001).

- ~~i. At least 50% of the total number of units constructed on site must qualify as Middle Tier Residential (60% -120% AMI); and~~
- ~~ii. At least 25% of the total number of units constructed on site must qualify as Affordable Residential (30-60% AMI) and must be permanently affordable rentals or deed restricted for sale units.~~

~~iii.i.~~ Low. Medium or High Density is required.

Commented [JJ3]: This will exclude E and EC residential districts, but still allow more flexibility in density.

e. The Harkalis Parcel (Parcel # 120319101001).

~~i. At least 100% of the total number of units constructed on site must qualify as Affordable Residential (30-60% AMI) and must be permanently affordable rentals or deed restricted for sale units.~~

~~ii.i.~~ Low. Medium or High Density is required.

f. The Loukonen Area A (a portion of Parcel # 120320000038 as shown on Exhibit A).

~~At least 75% of the total number of units constructed on site must qualify as Middle Tier Residential (60%-120% AMI); and~~

~~At least 25% of the total number of units constructed on site must qualify as Affordable Residential (30-60% AMI) and must be permanently affordable rentals or deed restricted for sale units.~~

i. Low. Medium or High Density is required.

g. The Loukonen Area B (a portion of Parcel # 120320000038 and as shown on Exhibit A).

~~i. At least 30% of the total number of units constructed on site must qualify as Middle Tier Residential (60%-120% AMI); and~~

~~At least 30% of the total number of units constructed on site must qualify as Affordable Residential (30-60% AMI) and must be permanently affordable rentals or deed restricted for sale units.~~

~~ii.i.~~ Low. Medium or High Density is required.

h. Prior to annexation of the above listed parcels, a final and unappealable annexation plan must be approved by Lyons, which shall include the affordability and density requirements listed in subsections a-g above.

i. Lyons shall confirm that the annexing property owner has satisfied all of Town's annexation requirements incorporating the affordability and density requirements listed in subsections a-g of this section 5(d).

6. Regional Housing Partnership

The Parties recognize that addressing housing affordability is a regional concern and agree to

continue to participate in the Regional Housing Partnership and work collaboratively along with other jurisdictions to address this issue.

7. Implementation Procedures

The Parties agree to take all necessary steps to adopt procedures, plans, policies, and ordinances or conduct other proceedings necessary to implement and enforce this Agreement. In doing so, each Party will give the other sufficient advance notice to enable the other Party to comment on the planned action if so desired.

8. Partnerships

The Parties recognize and acknowledge the need for intergovernmental cooperation on important local and regional land use matters and to achieve common goals. In accordance with the LCP, the Town and the County agree to cooperate in good faith to:

- (a) Identify and implement programs that assist the Town in meeting its affordable housing goals within the Lyons Planning Area.
- (b) Collaborate on identifying potential grants that support housing, transportation, stream quality, stormwater management, infrastructure, electrification, hazard mitigation, trails, and recreation.
- (c) Work with the Regional Transportation District, Denver Regional Council of Governments, and Colorado Department of Transportation to improve Lyons multimodal transportation systems, transportation safety, electric opportunities, and reduction of emissions (Z-Trips / RTD / Lyons Flyer).
- (d) Collaborate on trails connecting the Town to Boulder County Open Space and other areas in the County.
- (e) Share geographic information system data, maps and expertise;
- (f) Continue to collaborate on recycling and compost facilities.
- (g) Enforce nuisance ordinances to improve the appearance of properties in the LPA.

9. Amendments

This Agreement contains the entire agreement between the Parties and, with the exception of the CEMEX Area IGA, supersedes and replaces any other or prior agreements concerning the same subject matter including the 2012 IGA. Any annexation, property acquisition, or land use or development that does not comply with this Agreement is prohibited without an amendment to the Agreement agreed to by the Parties.

Amendment of the Agreement requires approval by resolution or ordinance approved and adopted by the governing body of both Parties after notice and hearing as required by law. No

action inconsistent with this Agreement may be taken by any Party before this Agreement is amended as required in this Section 9.

10. Non-severability

If any portion of this Agreement is held by a court in a final, non-appealable decision to be per se invalid or unenforceable as to any Party, the entire Agreement shall be terminated, the Parties understanding and intending that every portion of the Agreement is essential to and not severable from the remainder.

11. Beneficiaries

The Parties, in their corporate and representative governmental capacities are the beneficiaries of this Agreement.

12. Enforcement

Any one or more of the Parties may enforce this Agreement by any legal or equitable means, including specific performance, declaratory and injunctive relief. No other person or entity will have the right to enforce the provisions of this Agreement.

13. Indemnification

Each Party agrees to be responsible for its own actions or omissions, and those of its officers, agents and employees in the performance or failure to perform work under this IGA. By agreeing to this provision, neither Party waives or intends to waive, as to any person not a party to the IGA, the limitations on liability that are provided to the Parties under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq.

14. Governing Law and Venue

This Agreement will be governed by Colorado law, and venue for any dispute involving the Agreement will be exclusively in Boulder County.

15. Term and Effective Date

This Agreement will become effective when signed by authorized representatives of the governing bodies of each of the Parties. Unless otherwise stated in this Agreement, the Agreement shall remain in effect for a period of 20 years from the effective date unless terminated earlier by written agreement of the Parties pursuant to terms of this Agreement or extended as provided below.

At 10 years after the current effective date, the effective date of the Agreement will automatically update to that date 10 years after the previous effective date. In order to avoid automatic extension, a Party must hold a duly noticed public hearing at least 90 days before the date 10 years after the current effective date and make such determination. The current effective date will then remain in place. Notices of the hearing and subsequent Party action must be provided to the other Party.

16. Party Representatives

Referrals and notices required by this Agreement will be made to the following:

For Boulder County:

Director, Community Planning & Permitting Department
PO Box 471
Boulder, CO 80306

For Lyons:

Town of Lyons
Town Administrator
P.O. Box 49
432 Fifth Avenue
Lyons, Colorado 80540

Changes of name or address for Party representatives will be made in writing, mailed as stated in this Section 16.

THIS AGREEMENT made and entered into as of the latest date set forth below.

TOWN OF LYONS

By: _____
Mayor

Attest:

Town Clerk

Approved as to form:

Town Attorney

BOULDER COUNTY
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Chair

Attest:

Approved as to form:

Clerk to the Board

County Attorney

DRAFT

DRAFT 2 Recommendations for Board Of Trustees
from IGA Task Force Member Charlie Stevenson (with Confluence neighbor edits/review)

These 6 recommendations are meant to broadly represent the priorities of the confluence citizens and renters, and general profile of a Lyons citizen.

Four Overall Recommendations to BoT On Development and IGA Process

1. Communicate to the town that the BoT will think creatively to ensure that only cool, intentional and aligned projects will be pursued with any future development of any parcel in the town, avoiding characterless sprawl and environmental/rural degradation that isn't in the interest of our citizens and town culture.
2. Clarify that the priority of the BoT/town is to address the housing needs of the population by FIRST finding and accelerating appropriate infill development of the necessary housing units in the existing town boundaries and on currently blighted downtown properties, and in the downtown core BEFORE seeking development of housing units elsewhere or in the parcels identified in the current draft of the IGA.
3. Communicate to citizens that while the State has been clear and forceful about the policies they want to see municipalities adopt, we understand the typical Lyons resident and voter has the opinion that local control is more likely to achieve the cultural outcomes the community wants, and what is best for its own interests. State guidance is being reviewed carefully, and the BoT and Task Force are focusing on what Lyons needs to do *differently*, to maintain the uniqueness and features that make it so special.
4. Before finishing the IGA draft, adopt and utilize a simple, intentional and transparent assessment process to determine if parcels are a fit to be considered for any type of development that considers the Lyons Thrive Comprehensive Plan and known needs of the greater community outlined in the 4 points below:
 - a. Would development of the parcel ecologically impact the area or impact the rural and natural characteristics of our community? (drainage, wildlife corridors, viewshed from valley floor, rural and natural "feel") If YES to ANY, remove parcel.
 - b. Would development of the parcel create fire/flood hazard or unnecessary risk to the new or existing neighborhoods? If YES to ANY, remove parcel.
 - c. Will development of this parcel make meaningful impact for the town's housing and attainable housing goals (150-300 new housing units by 2035) so that rental prices are maintained/decreased and housing prices are affordably stabilized or decreased? If YES, add the parcel (of course, considering the first two points a/b in this process first)
 - d. Did we notify the community and transparently share this process early stage and its final results in a timely manner, so that we (BoT/town leadership) are held accountable to this intentional process and trust is maintained in the town leadership? If NO, start process over, including this messaging.

- i. This notification/accountability mechanism needs to be further discussed and developed.

Three Recommendations to EDIT the 2024 IGA Draft

- 5. Ensure the overall language that aligned the Original 2012 IGA with the Lyons Thrive Comprehensive plan is included/preserved:**
 - a. Include the 2-3 sentences the task force identified that preserve ecology and character of the town (stripping out the “urbanization potential” language”)**
 - i. “To plan for and regulate land use in order to minimize negative impacts on surrounding areas and to protect the environment.”
 - ii. “Parties intent is to preserve the rural quality of the land.”
 - iii. “To preserve Lyons’ unique and individual character through the orderly development”
- 6. Remove the parcel-specific zoning and density requirements, and include some broad language that applies to all parcels in the IGA that establishes that the annexation and potential development needs to be in line with the current growth needs of the town, whether it be for affordable housing, conservation of land, other commercial zoning or utility infrastructure development, etc. Density considerations would then follow and be based upon the actual capabilities of the parcel and the appropriateness.**
- 7. Specific Parcel Recommendations**
 - a. Remove any parcel that doesn't meet the common sense criteria outlined in Recommendation #2 above.
 - b. Include any parcel for potential annexation that does meet the criteria outlined in Recommendation #2 above.
 - c. If there are other parcels in town that would meet the criteria above, include them in the draft:
 - i. Lyon’s Dog Park could be re-included IF concessions for an additional dog park(s) is created elsewhere AND/OR some of the trail systems are opened to on-leash dogs.

**LYONS PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement ("Agreement") is entered into by the Town of Lyons, a Colorado statutory municipal corporation ("Lyons" or the Town"), and Boulder County, a body politic and corporate of the State of Colorado (the "County") (individually a "Party" and collectively, the "Parties") as of the date of the latest signature below.

RECITALS

- A. The Parties are authorized by SS 29-20-101 et seq., C.R.S., and encouraged by Colorado Constitution, article XIV, section18(2), to enter into intergovernmental agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a "comprehensive development plan;" and
- B. In December 2002, the parties entered into a Comprehensive Development Plan Intergovernmental Agreement ("Original IGA") for a period of ten years which, among other things, defined the Lyons Planning Area as the area the Town may annex and develop. The Original IGA was amended in 2005 and again in 2011. The parties entered into a new Comprehensive Development Plan Intergovernmental Agreement (the "2012 IGA") in 2012, which replaced the Original IGA. That term of the 2012 IGA has been extended several times and ends in November 2024.
- C. The Parties agree that designating portions of Boulder County to remain in Boulder County's jurisdiction and in a rural character as defined in this Agreement is in the economic and civic interests of their residents and meets the goals of Boulder County Comprehensive Plan and Lyons Comprehensive Plan, and
- D. The Parties agree that it is in the best interest of the residents of both communities to enter into a new IGA in order to preserve Lyons' unique and individual character through the orderly development within the newly defined Lyons Planning Area ("LPA"). The LPA contains a Primary Planning Area ("PPA") / Potential Annexation Area ("PAA") where annexation and development may occur in accordance with the provisions of

this IGA. It also includes areas designated as Rural Preservation Area (RPA) where the Parties' intent is to preserve the rural quality of the land;

- E. The Parties have previously entered into the CEMEX Area Comprehensive Development Plan Intergovernmental Agreement ("CEMEX Area IGA"), a complementary IGA that addresses development and preservation issues for the portions of the Lyons Comprehensive Plan as adopted in 2023 ("LCP") area not contained within this IGA. For the purposes of this IGA, LPA refers to all portions of the overall Lyons Planning Area that are not separately addressed in the CEMEX Area IGA. This IGA and the CEMEX Area IGA together represent a shared vision of appropriate development for the areas covered by the IGAs for their respective durations; and
- F. The Parties have each held duly noticed public hearing for consideration of this Agreement and the comprehensive development plan terms it contains for the subject lands as defined in the Agreement and depicted on the map attached as Exhibit A; and
- G. The Parties are authorized to perform the functions described in this Agreement by article 20 of title 29, part 1 of article 28 of title 30, part 1 of article 12 of title 31, and parts 2 and 3 of article 23 of title 31, C.R.S.; and
- H. The Parties desire to enter into this Agreement to plan for land uses in a mutually binding and enforceable comprehensive development plan.

1. PURPOSE AND INTENT

1.1. Implementing Comprehensive Plans. This IGA is designed to implement the goals and policies set forth in the Parties' respective comprehensive plans.

1.1.1. The LCP emphasizes that in order for Lyons to become economically sustainable, it must transition from a residential development-based economy to a commercial-based, localized economy. To this end, Lyons will strive to preserve and expand employment opportunities, reduce retail leakage, attract visitors, and encourage new commercial, light-industrial and mixed-use development in the PPA while concentrating any significant additional housing within its current Town limits or within mixed-use areas with commercial being the predominant land use in these areas.

1.1.2. The LCP adopts as one of its guiding principles articulation the Town's interest in expanding the development potential in the area by proactively engaging with private and government stakeholders to make collaborative land use decisions.

1.1.3. The LCP emphasizes proactively planning for the future and balancing the demands of environmental and economic sustainability with community character, historical preservation and property owners' rights.

1.1.4. The Boulder County Comprehensive Plan, as amended from time to time, (the “BCCP”) seeks to protect agricultural lands, channel growth to municipal planning areas and consider environmental and natural resources in land use decisions.

1.2 Recognizing Future Urban Development is Appropriate in the LPA. This IGA intends to direct future urban development within the PPA to: avoid sprawl, ensure the provision of adequate urban services, maximize the utility of funds invested in public facilities and services, distribute fairly and equitably the costs of government services among those persons who benefit therefrom, extend government services and facilities in an efficient logical fashion, simplify the governmental structure of the affected areas, and reduce and avoid, where possible, conflict between Parties.

1.3 Maintaining Community Buffer. This IGA is intended to keep the RPA and the land outside the LPA rural in character to rural in character to preserve a community buffer.

1.4 Protecting View Corridors and Allowing Only Compatible Development in the LPA. This IGA acknowledges the importance to both Parties of protecting sensitive natural area, maintaining view corridors, enforcing nuisance ordinances and ensuring that the new development is compatible with the character of both Lyons and adjoining County properties.

1.5 Fostering Intergovernmental Cooperation. This IGA encourages the Parties to collaborate to achieve common goals, including becoming more socially, economically and environmentally sustainable and supporting the public and private provision of cultural, educational, social and healthcare services in the LPA.

1.6 Encouraging Transparent and Timely Decisions. This IGA is intended to encourage transparent, open communication between the Parties and to ensure that decisions pertaining to this IGA are made in a timely and efficient manner.

2.0 LYONS COMPREHENSIVE DEVELOPMENT PLAN (IGA). (DEFINITIONS)

2.1 IGA Plan Defined. This IGA, including the Map attached hereto as Exhibit A, shall be known as the IGA Plan (as distinguished from the Lyons Comprehensive Plan, LCP). The IGA Plan shall govern and control the LPA.

2.2 **Lyons Planning Area** or LPA. **The area shown on Exhibit A,** which constitutes the Town,

the Potential Annexation Area-Primary Planning Area (the “PAA” and “PPA”, respectively) and Rural Preservation Area (“RPA”). The Map indicates six portions of the PAA-PPA that are designated as “No Development Areas.”

2.3. The Town. The area within the current municipal boundaries of the Town of Lyons, as depicted on Exhibit A.

2.4 Lyons Planning Area or LPA. The area shown on Exhibit A, which constitutes the Town, the PAA and the RPA.

2.5 Potential Annexation Area or PAA. The lands surrounding the Town, depicted on Exhibit A, within which the Town may annex parcels and within which the County agrees not to purchase lands for open space preservation, subject to the terms of this Agreement.

2.6 Areas designated “No Development Area” on Exhibit A have been determined to be inappropriate for development. Therefore, structures and/or development are prohibited in these areas.

DISCUSSION: Should there be any mandated uses, as currently in the draft (mid p 3).

2.7 Rural Preservation Area or RPA. The lands outside the PPA in unincorporated Boulder County, depicted on Exhibit A, where Lyons may not annex parcels and where the Town or the County may purchase lands for open space preservation, subject to the terms of this Agreement.

DISCUSSION: The DENSITIES seem to be a large area of controversy (mid p 3). OUT, IN, OR MODIFY

3.0 ANNEXATION AND DEVELOPMENT OF PROPERTY. (AGREEMENT)

3.1 Lyons Planning Area (LPA) Comprehensive Development Plan

This Agreement, including Exhibit A, is adopted to set forth the Lyons Planning Area (“LPA”) Comprehensive Development Plan as that term is used § 29-20-105(2)(a), C.R.S. The LPA constitutes the Town, the PAA, and the RPA. The Agreement governs the Parties’ use of lands and procedures within the LPA. The Town may annex into its corporate boundaries any and all property located within the PPS, including the No Development Areas, in accordance with state and local laws governing annexation. The town agrees that it will only annex parcels in their entirety, not portions of a parcel, into the Town, unless mutually agreed to by the Parties. By

executing this IGA, the County finds and declares that a community of interest exists between the Town and all property located within the PPA. The County will cooperate with Town efforts to annex land in the PPA.

3.2 Potential Annexation Area (PAA).

3.2.1 The PAA Shown on Exhibit A is the County's regulatory jurisdiction but may be annexed to Lyons in the future. With its approval and adoption of this Agreement, the Board of County Commissioners for Boulder County determines that a community of interest exists between lands in the PAA and Lyons.

3.2.2 Lyons agrees that it may annex only lands within the PAA, as depicted on Exhibit A.

Lyons agrees that it will not annex lands outside the PAA.

3.2.3 The County agrees that it will not make any open space acquisitions inside the PAA, except for lands subject to existing or prior approval for such acquisitions from Lyons.

3.2.4 Areas designated "No Development Area" on Exhibit A have been determined in appropriate for development. Therefore, structures and/or development are prohibited in these area.

DISCUSSION: Some exceptions were made in the Draft p.3

3.2.5. When parcels are annexed which contain NO Development Areas, the Town, prior to final plat recordation or other final approval for any development on those parcels, must ensure that the property owners grant to the County and to the Town a Conservation Easement pursuant to Article 30.5 of Title 38 of the Colorado Revised Statutes, in a form acceptable to both the County and the Town, which prohibits structures and development in the No Development Area of the properties as provided above.

3.2.6 Lyons agrees that the PAA cannot expand within Boulder County.

3.2.7 Any property currently inside the Town that becomes disconnected will be treated as PAA.

3.3 Rural Preservation Area (RPA).

3.3.1 The RPA will remain in the County's regulatory jurisdiction for the term of this Agreement.

3.3.2 Within its approval and adoption of this Agreement, Lyons determines that there is no

community of interest between the RPA and Lyons during the term of this Agreement, and Lyons will not annex lands in the RPA.

3.3.3 Lyons affirms that it is not currently pursuing annexations with the RPA.

3.4 Land outside the Lyons Planning Area (LPA)

3.4.1 Excepting the area covered by the CEMEX Area IGA, which is addressed in a separate IGA, the Parties agree that lands outside the LPA will remain in the County's regulatory jurisdiction. Lands outside the LPA may be acquired by either Party for open space preservation.

3.5 Developing Areas with Constraints.

3.5.1 When evaluating development applications within their respective areas of responsibility, both Parties will consider the impact of proposed development on the floodway, natural areas, wildlife habitat, steep slopes, and historically-and archaeologically-significant areas, and will require impacts to be reasonably mitigated.

3.6 Promote Quality Design and Development.

3.6.1 The Town will promote quality architecture and landscaping that is done in an environmentally sensitive manner.

3.7 Special Provisions.

3.7.1 Discuss draft 5(a)

3.7.2 The County will refer in writing any discretionary development applications within one mile of Town limits, and any amendment to the Boulder County Comprehensive Plan affecting such parcels, to the Town. Said referrals will be sent according to the timing set forth in the Boulder County Land Use Code.

3.7.3 The Town shall refer in writing to the County any application for annexation and any proposed amendments to the Lyons Comprehensive Plan.

3.7.4 THE BIG DISCUSSION draft section 5. (d)

Special conditions for annexation of each property

Begins bottom of page 4- bottom page 6.

3.8 Regional Housing Partnership

- 3.8.1.** The parties recognize that addressing housing affordability is a regional concern and agree to continue to participate in the Regional Housing Partnership and work collaboratively along with other jurisdictions to address this issue.

3.9 Implementation Procedures

- 3.9.1** The Parties agree to take all necessary steps to adopt procedures, plans, policies, and ordinances or conduct other proceedings necessary to implement and enforce this Agreement. In doing so, each Party will give the other sufficient advanced notice to enable the other Party to comment on the planned action if so desired.

4.0 Partnerships.

4.1 The Parties recognize and acknowledge the need for intergovernmental cooperation on important local and regional land use matters and to achieve common goals. In accordance with the LCP, the Town and the County agree to cooperate in good faith to:

- 4.1.1 Identify and implement programs that assist the Town in meeting its affordable housing goals within the Lyons Planning Area.
- 4.1.2 Collaborate on identifying potential grants that support housing, transportation, stream quality, stormwater management, infrastructure, electrification, hazard mitigation, trails, and recreation.
- 4.1.3 Work with the Regional Transportation District, Denver Regional Council of Governments, and Colorado Department of Transportation to improve Lyons multimodal transportation systems, transportation safety, electric opportunities, and reduction of emissions (Z-Trips / RTD / Lyons Flyer).
- 4.1.4 Collaborate on trails connecting the Town to Boulder County Open Space and other areas in the County.
- 4.1.5 Share geographic information system data, maps and expertise;
- 4.1.6 Continue to collaborate on recycling and compost facilities.
- 4.1.7 Enforce nuisance ordinances to improve the appearance of properties in the LPA.

Continue adding the remainder of page 7 – 9 of the DRAFT document to finish.

To IGA Task Force
From Resident, E. Seacats
RE: Forwarded Conversation
Subject: Resident Opposition to Connor Parcel Annexation

From: **Elizabeth Seacat** <elizabethseacat@gmail.com>
Date: Mon, Mar 11, 2024 at 9:09 PM
To: <TOL_BOT@townoflyons.com>

Hello Board of Trustees,

I want to share my opposition to the annexation of the Connor Parcel because I believe that it does not meet the ***Annexation Criteria*** that is documented in the Adopted 2023 Comp Plan on page 120 <https://www.townoflyons.com/DocumentCenter/View/2430/2023-Adopted--Lyons-Thrive-Comprehensive-Plan>.

Criteria 1: Conservation and Hazard Mitigation – “Annexations should maintain a compact footprint, preserve environmentally sensitive lands, wildlife corridors, and riparian areas, and minimize risk from natural hazards.”

1.1 Wildfire Hazard – On pg. 184 of the Comp Plan Hazards Map, there are many areas of red on this map noting severe wildfire risk in our community – and this includes the areas that surround the Connor parcel and the Connor parcel itself. The annexation of the Connor parcel for any kind of development will remove a natural barrier to obstruct the spread of fire to the adjacent Steamboat Valley and Longs Peak Drive neighborhoods. Fire runs uphill and will quickly and violently spread out of control. We all talk about this fire risk in our community – it is of paramount importance and cannot be ignored. To put our neighbors who live in these areas further in harm’s way with this unnecessary development, is wrong and does not meet the *Annexation Criteria*.

1.2. Wildlife Hazard – On pg. 182 of the Comp Plan Critical Wildlife Habitats, shows three Eagle Nests Colorado boundaries – one which covers the top of Longs Peak Drive. In my personal experience living on Longs Peak Drive for 26 years and living directly across from the Connor parcel,

this boundary should also encompass the Connor parcel. Additionally, the number of deer on the Connor parcel (and the Longs Peak Drive parcel) is both astounding and spectacular. It is my experience that the Connor parcel is a wildlife habitat. The deer are so prevalent on the Connor parcel, that over the years - and as recently as 2020, I have witnessed Hunters that would arrive on Connor's property, they would stoop, lay down, and hide on his land to hunt, shoot at, and kill deer. I do realize this is a "right-by-use". However, the point that I want to make clear is that the Connor parcel is abundant with wildlife and needs to be protected from any kind of development. To ignore this sensitive area does not meet the *Annexation Criteria*.

Criteria 2: Maintain Levels of Service – “Allow for the efficient expansion of services and infrastructure, while maintaining the levels of service currently provided to residents and properties within the municipal boundary.”

2.1 - On pg. 118 of the Comp Plan it states that the Three-mile plan must state **HOW** the municipality will provide adequate public facilities, services and utilities to the newly annexed areas **WHILE MAINTAINING** adequate levels of service in the remainder of the jurisdiction. As a resident within this town, I find it hard to understand how and why our town can include the annexation of the Connor parcel into the IGA without performing due diligence to document and explain the financial costs and the service level impacts that will be imposed on our community. As a resident, I want to know ahead of time including the Connor annexation into the IGA, what the impact will be to my property taxes, and what the impact will be on my electric and water bill, and other services. What are the true costs and benefits to our town for this specific annexation **before** we include it in the IGA?

2.2 - On pg 50 of the Comp Plan under the Principal ***Infrastructure and Services***, the **Blue Line** is specifically stated and defined as “The Town Municipal Code sets the maximum elevation that will be served by water or wastewater at 5,450 ft.” As Andrew mentioned during the Feb 12 PCDC meeting, the Connor parcel is above the Blue Line. My interpretation of the Blue Line rule which was introduced in 1959 is twofold:

1-Establishes the maximum elevation level that water/wastewater services will be delivered

--And--

2-To make it more difficult for developers to build in the foothills to protect our beautiful hillside/mountain views

As a resident, I want to know ahead of including the Connor annexation into the IGA, what the impact of these costs will be to us town residents.

Moving Forward - Before Moving Forward with the IGA Annexation Proposal, my request to the Board of Trustees and PCDC is to **SERIOUSLY CONSIDER** the important comments made by Commissioner Hamreck during the February 12 PCDC meeting. This is the meeting whereby Lead Planner Andrew Bowan presented to the PCDC board detailed information about discussions that he and Administrator Simonsen have had with Boulder County Staff pertaining to the **annexation of the Connor/Boone/Carpenter/and other parcels into town**. After Andrew's presentation, the PCDC board was asked if they have any questions:

Commissioner Hamrick responded and I quote:

(1:16 Marker) Comment 1: "Housing Study. Maybe I misunderstood the whole intent of the Housing Study. It almost seems like those numbers are being put up here (referencing Andrew's presentation) as something attainable, which I never felt they were. I felt like it was an exercise to go through in order to meet some, set some goals for prop 123 and all that stuff. Anyway, it seems like this is getting twisted around."

(1:18 Marker) Comment 2: "**Some of these properties up higher in elevation to me, should be completely out of scope. These are people wanting to put their properties in and cash out.** I am going to get in the weeds, but really want to understand what does it cost to develop those properties from the towns perspective? - it just seems like a losing deal from our perspective. Infill, and all that – Loukenon, and others down closer to town, yea, that makes sense."

(1:19 Marker) Comment 3: "If you look at the growth of the town over the last 20 to 30 years, it's nothing. In some areas, it has actually decreased. Those numbers were derived, I believe, from Boulder County which we know has grown - throwing in Longmont and some of these other high growth areas – so, it skews everything in my opinion."

(1:19) Marker Comment 4: "This just seems disingenuous with the County and the Town working together saying "oh, let's get these lots under 5 acres so we don't have to take it to vote." It just seems slimy in my opinion."

Thank you for your consideration.

Elizabeth Seacat

129 Longs Peak Dr

Lyons, CO 80540

1:26 PM Sat Mar 9
lc4rd.org 49%

641 3rd Avenue	Aaron Caplan	Victoria Simonsen	Steve McCloskey (owner)	nothing yet	I reviewed his informal house plan concept and it meets setback and access from 3rd Avenue requirements; possibly additional review following the Building Department review. He needs to install sidewalks!	O:\COMMUNITY DEVELOPMENT\2_Current Development\641 3rd Ave
1022 Horizon Drive	2 Alex Painter	Victoria Simonsen	Lee Dunning (daughter of Jonathan Connor, owner); Danie Lefevre (realtor representative)	they would like to be a BoT agenda item	Danie is the public spokesperson for the Lee Dunning effort to migrate their parcel to being considered Municipal Influence Area (MIA) in the new IGA. They have presented to the PDCC, and spoke briefly during Audience Business a couple of months ago before the BoT. They have an affordable housing concept that, thought the land is challenging, they feel adamant about pursuing.	O:\COMMUNITY DEVELOPMENT\2_Current Development\1022 Horizon Drive
1117 5th Avenue / Boone Parcel	2 Victoria Simonsen	Michael Markel (developer)		unsure	Mr. Markel, and the Boone Family, would like this ~60ac parcel to be reconsidered for the forthcoming IGA as an MIA, rather than Rural Preservation Area, similar to the 1022 Horizon Drive parcel above. This has been subject to a COFA records request and subsequent meeting by and with the neighbors who live on Vasquez Drive and Steamboat Valley Drive	O:\COMMUNITY DEVELOPMENT\2_Current Development\1117 5th Avenue
4033 Ute Hwy (Mud Hut)	2 Alex Painter	Phoenix Sparks (owner of Mud Hut)		Await Phoenix's move	Phoenix wants to build a bigger Mud Hut sign...the current one is small and hard to see, especially with the Everyday Gas sign being so big. She understands that she would need a CDDT permit if she encroaches into the ROW.	O:\COMMUNITY DEVELOPMENT\2_Current Development\4033 Ute Hwy
4559 Ute Highway / 4602 Highland Drive	Victoria Simonsen and Aaron Caplan	Alex Painter	Charles Hester of Tebo Properties; Stephen Tebo (owner)	await Tebo Properties next move	I supplied Mr. Hester with annexation information in September; Mr. Hester was picking up where another Tebo associate left off in February. Tebo had recently acquired the parcel to the north as well (Pheasant Farm), bringing the total acreage to 4.75 at this important intersection	O:\COMMUNITY DEVELOPMENT\3_Current Development\4545-4559 Ute Hwy (Tebo Properties)
4617 Highland Drive	Alex Painter		Geralyn Gibson (Lyons area resident) had expressed interest in annexability; Patrick Chung (Boulder realtor) had expressed interest in annexability	none		
13051 W. Foothills Hwy	Victoria Simonsen	Mike and Dean Loukonen		none	The Loukonens have expressed interest in annexing and re-developing their land into housing, commercial, and possibly RV site areas. One issue is the current 2012 IGA specifically calls out how the Loukonens land can be used -- we need to make sure that the future long term IGA allows for creative use/zoning should Lyons annex it	O:\COMMUNITY DEVELOPMENT\3_Planning_Regional - State of Federal Planning Local-Region\Boulder\IGA 2012 IGA Review of Lyons Resolutions, specifically the 2012-20A Comprehensive Development Plan IGA - 18 April 2023\0731 has a redline comment on the Loukonen land



ANNEXATION CRITERIA

Lyons will consider future annexations using the following criteria, in addition to the standards listed in Chapter 15 of Lyons Municipal Code:

- **Located within the Planning Area.** All annexations should occur within the Lyons Planning Area as shown on the Future Land Use Map.
- **Conservation and Hazard Mitigation.** Annexations should maintain a compact footprint, preserve environmentally sensitive lands, wildlife corridors, and riparian areas, and minimize risk from natural hazards.
- **Maintain Levels of Service.** Allow for the efficient expansion of services and infrastructure, while maintaining the levels of service currently provided to residents and properties within the municipal boundary.
- **Consistency with Comprehensive Plan.** Annexations should advance the visions, goals, and policies of the Comprehensive Plan, including opportunities to diversify the Town's economy, provide affordable or workforce housing, and support tourism.
- **Municipal Code Requirements.** Annexations must meet the detailed requirements listed in Chapter 15 of the Municipal Code and all other relevant Town policies.
- **Regional Coordination.** Annexations will be evaluated in coordination with Boulder County and follow the policies outlined in all current Intergovernmental Agreements (IGAs).



Comments Regarding the Draft Lyons Area Comprehensive Development Plan (IGA)

The draft IGA is a major expansion of land available for annexation into Lyons and breaks up some county Agriculture (A)-zoned properties into buildable and unbuildable parcels. It also adds use restrictions on many properties; restrictions that could be inappropriate and counterproductive.

Some might consider that this new IGA does not actually affect any current landowner use. But the language of this Draft is clear. For example: “Areas designated “No Development Area” on Exhibit A have been determined to be inappropriate for development. Therefore, structures and/or development are prohibited in these areas...”

This and other IGAs define areas of possible annexation and no annexation, but that is a different task than newly prohibiting structures and development on these properties. The wording needs to be changed! It might make most sense to remove the “no development” restrictions and the apparent subdivisions of some large parcels: for which no application for such changes have actually been made.

Other changes are also needed!

Let's start with general issues.

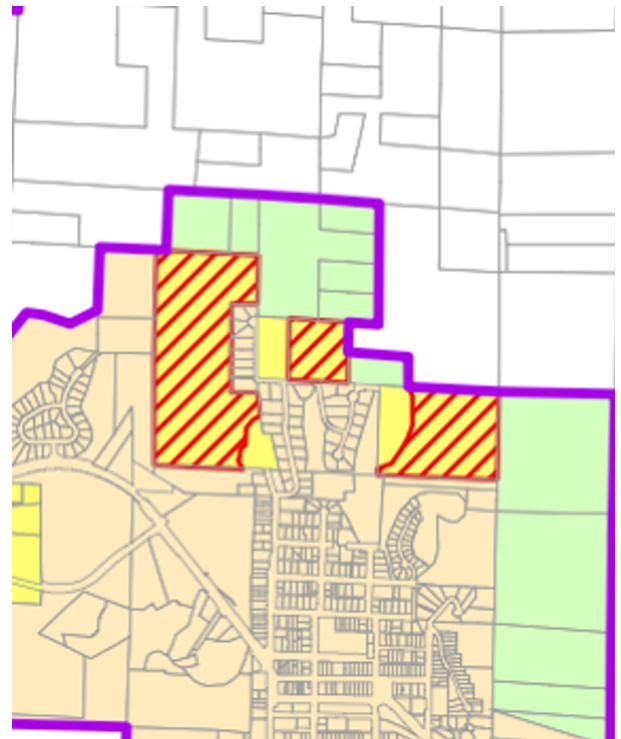
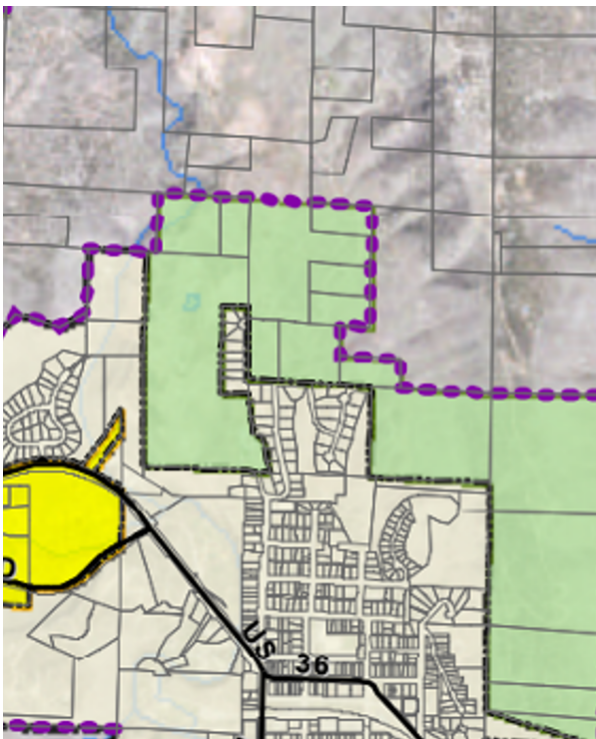
- 1) Lyons and two of its larger neighbors (Boulder and Longmont) all lost significant population from 2020 to 2023. But the motivation behind this new IGA map and text seems to be to facilitate annexation and new, housing-only developments for population growth. Even the densities are spelled out. This on land where the existing IGA does not allow it. Why were these properties off-limits in the existing IGA? What has changed? Shouldn't any changed circumstances motivating an expansion of annexable areas in Lyons be spelled out in the IGA?
- 2) Large parts of presently A-zoned county parcels are to be designated as no-development areas but would also be newly available for annexation into Lyons. This whether the present or future landowner wants annexation to occur or not. Their property will now be on the map as potentially to be annexed, and with detailed housing densities prescribed. Also, any approved annexations into town under this IGA would be “unappealable”.

Will these landowners be willing to accept without compensation large portions of their agricultural property suddenly being considered “no development areas”?

- 3) See graphic: showing a few of 11 properties identified in the draft IGA for possible annexation and housing. Old IGA land restrictions (left): green is “Rural Preservation”. New draft IGA (right): yellow is “Potential Annexation Area”. Ruled lines are the no development areas.

Two of the bright yellow areas are carved out of larger existing properties and are to be newly designated for annexation and development. These are big changes for the landowners and the neighbors. The red-ruled areas remaining on two of these parcels would become No Development Areas. These would be annexed also by Lyons, as part of the existing large parcels, but with required conservation easements and appropriate zoning. Who would fund, however, the care of these many acres of easement-protected, no-development private property now within Town of Lyons?

Or could the property be subdivided in advance, and only the yellow (developable) areas annexed into town and provided with town services? That still leaves begging the same question: who would own the remainder, who would pay for the improvements, such as roads, needed? Also, this scenario conflicts with language in the draft IGA in which the county is specifically prohibited from placing open space conservation easements on land within the potential annexation area.



- 4) For a specific example, in the draft IGA, consider the Boone Property (large, ruled, property on the left with a small yellow piece). This is owned by Mr. Boone's estate, and at present is for sale as a complete parcel. Advertised at \$4.9 million: "Rare opportunity for a big real estate play". But if this IGA were to go into effect, there would be: 1) use restrictions placed on the ruled part, 2) housing density and "permanent" affordability restrictions placed on the yellow piece. If the housing

density cannot be achieved, by whoever comes to own this property, then this area too is effectively unbuildable and cannot be annexed.

- 5) A very different example is the “The Harkalis Parcel” (also known as the “Beehive property”, and improved-commercial and agricultural property which is on the egress from Lyons on route 7. It is presently being used for honey production. Under the draft IGA, this would be newly restricted as annexable only if “At least 100% of the total number of units constructed on site qualify as Affordable Residential and are permanently affordable rentals or deed-restricted for sale units.” What if the owner and the town sought annexation, but for different reasons other than housing? It is along route 7; perhaps there are mixed use possibilities. And why would the new IGA want to rule out annexation of commercial property? If that is not the intent, then rewording of this text is needed.
- 6) A personal opinion. To be blunt: the present IGA draft, left as is, could be seen as a rejection of the town’s planning efforts over at least the past 10 years. Including work under some very pro-growth previous boards. Instead of careful language designed to encourage preservation of Lyons as a small town, near buildout, within its rural hinterlands in the foothills and along the rivers, it is a detailed blueprint for development of housing (only) developments wherever possible and whatever the present landuse. Even if conservation easements would need to be removed, even if development would be “above the blue line” in elevation, and require expensive new pumping and storage infrastructure. Even if the landowners themselves don’t want this future for their rural properties.

Does the IGA draft agree with the town’s Comp Plan? No. That Plan states: “The Town of Lyons intends to focus annexation and new development in the East St. Vrain area.” And this is to be specifically mixed use development: to make the annexations economically beneficial to Lyons. Instead, most of the parcels identified for possible annexation in the draft IGA are not in this area and, under the terms of this draft IGA, would be specifically prohibited from mixed-usage.

This drive to build housing-only is not what Lyons needs to thrive. This was also described by another of our major recent planning efforts: the Principal Planning Areas Plan: which recommended mixed use development along the “eastern corridor” as the best future to sustain the town economically. Where is this language in the new IGA? Why leave out one of the common threads underlying previous plans, including the existing IGA? Instead, the draft IGA turns its back on such recommendations and previous agreements, and specifically encourages housing-only development in the periphery of Lyons. This would add to the imbalance we already have between housing, which is a net cost to the town budget, and the business district, which is a net revenue generator. This is the kind of development the IGA process was designed to avoid, and which the existing IGA does avoid.

Recommendations:

- 1) Include this sentence from the old IGA: “The Town agrees that it will only annex parcels in their entirety, not portions of a parcel, into the Town, unless mutually agreed to by the Parties.”
- 2) Include this text from the old IGA (quoted and slightly edited): “Planning studies have concluded that in order for Lyons to become economically sustainable, it must transition from a residential development-based economy to a commercial-based, localized economy. To this end, Lyons will strive to encourage new commercial, light-industrial, and mixed-use development in the Potential Annexation Area while concentrating any significant additional housing within its current Town limits or within mixed-use areas”.
- 3) Add “due to constraints such as the blue line elevation limit and the need for commercial growth, future expansion of the town limits is expected to occur mainly along the ‘eastern corridor’ area of Lyons and the IGA.”
- 4) Remove most or all of the “no development” areas. Or if they are left on the map, change the IGA language from legally binding “prohibitions: to instead informational. Thus, their development would be unusually expensive or constrained by topography, viewshed obstruction, the blue line, and other factors.
- 5) Remove the text describing restrictions on the type of and density of housing to be allowed on various parcels. Such matters can be detailed by any parties requesting annexation and Town government. Leaving these restrictions in creates obstacles to economically-viable development and to Lyons annexations in the coming decades. At least in many cases, they are incompatible with previous planning efforts.
- 6) If the existing IGA’s Rural Preservation area is to be reduced, by incorporation of various large parcels into the new IGA’s Potential Planning Area, as shown on the draft map, please justify such changes for each parcel.

Respectfully provided to the Lyons IGA Task Force

July 8, 2024

Robert Brakenridge, 107 Bohn Ct, Lyons, CO

Email: Robert.Brakenridge@Colorado.edu

Pros and Cons of IGA properties (Fisher)			
Criteria	Boone	Carpenter	Connor
Blue Line (water availability)	Above Blue Line	Above Blue Line	Above Blue Line
Topography	Much is Steep 2024 estimate less than 5 acres to be developed	Central area an obvious important drainage	Most is very Steep, flanked by 2 deep drainage ravines
Fire danger	Severe SOURCE: Town of Lyons CWPP/Hazard identification& risk assessment 2017	Severe	Severe
Stormwater runoff potential downslope hazard	Dangerous for downslope stormwater runoff into town. The more roofs and parking area = greater risk	Dangerous for downslope stormwater runoff into town. The more roofs and parking area = greater risk	Dangerous for downslope stormwater runoff into town. The more roofs and parking area = greater risk
Access to property (i.e. crossing private property)	No Problems to Access	No Problems to Access	N is across private property & 1 lane bridge.To the S no road. Would have to cross private property, a park & then exit down narrow Longs Peak Drive
Traffic & Roads	5th Ave, Narrow, especially when cars are parked along road for large events Evacuation could be dangerous	5th Ave, Narrow, especially when cars are parked along road for large events Evacuation could be dangerous	Both 5th Ave and Longs Peak Drive are narrow and not constructed for large quantities of traffic
Wildlife considerations	Wildlife habitat	Wildlife habitat	Boulder County identifies the ravines as very important wildlife corridors. Acreage wildlife habitat
In keeping to the Neighborhood character	As proposed NO	As proposed NO	As proposed NO
Availability	Owner Requested	Owner Requested	Owner Requested
affordable/attainable potential	Suggested by current draft	Suggested by current draft	Suggested by current draft

Pros and Cons of IGA properties (Fisher)

Criteria	Hawkins	Loukenon	Shady Lane
Blue Line (water availability)	Above Blue Line (part)	A Flood? B below blue line C Flood Area	Below blue line
Topography	Much is Steep, only 2-5 acres suitable	A Flat but bedrock B Some flat areas but bedrock C Flat but bedrock	Flat
Fire danger	Severe	A Low B Low C Moderate to high	Low - Moderate
Stormwater runoff potential downslope hazard	Lower part potentially an issue for increased pollution in the irrigation ditches	A pollution to river B Uncertain, depends on what they do downslope C Potential river pollution	Potential pollution to irrigation ditches, the more roofs and parking the greater the risks
Access to property (i.e. crossing private property)	Both roads to the property currently cross private property Area of 66 well known for many accidents	A no problems known B No problems known C Access problems noted on site visit	No access or traffic problems known
Traffic & Roads	Access to and from 66 should be expected to be dangerous. Potentially create a lot of traffic on Stone Canyon Drive	A Could be challenging on 36 B Would be very challenging onto 36 C McConnel Dr adequate	Exit on and off 66 could be dangerous
Wildlife considerations	Unknown to me. Local area provides drinking water to wildlife coming down from the slopes and ridges	A & C lie along the river so likely used by Wildlife B is adjacent to important & fragile ecosystem of Boulder County Land (Hannah)	Unknown to me, but adjacent to Boulder County Land
In keeping to the Neighborhood character	As proposed NO	A fairly B Nothing currently there to conform to C currently bars and gas station Yes if you consider it commercial	Little currently to conform with
Availability	Owner Requested	Owner Requested	
affordable/ attainable potential	Suggested by current draft	Suggested by current draft	Suggested by current draft

Pros and Cons of IGA properties (Fisher)

Criteria	Harkalis/Beehive	Apple Valley
Blue Line (water availability)	Unsure	Some properties Flood
Topography	Moderate?	Side near river Flat Other side road variable
Fire danger	Severe	High to Severe
Stormwater runoff potential downslope hazard	unknown to me	locations near river will likely increase pollution
Access to property (i.e. crossing private property)	unknown to me	No known access issue
Traffic & Roads	Unknown to me	Road is narrow with a good deal of bike and runner activity, increased density could increase hazard. Turning onto it can be difficult
Wildlife considerations	Unknown to me	East side by river important to wildlife West side unknown to me but adjacent Boulder county open space so likely important to wildlife
In keeping to the Neighborhood character	High density would not conform the current neighborhood	No current recommendation on what the town proposes
Availability	Owner Requested	
affordable/ attainable potential	Suggested by current draft	

Town of Lyons, IGA TASK FORCE

IGA Task Force Discussion Notes

Pro/Con for each parcel in the Draft IGA

By Douglas Matthews 9-Jun-24

EAST CORIDOR (East of 36/66 intersection, N/S side of 66)

PROS

- Has strong commercial AND residential (mixed use) potential
- Prime access to roads (i.e. close to mass transit, easy access to essential services, etc.)
- “Green Field” development opportunity (per Bowen) – easiest and most economical area for development
- Close (easy) access to utilities, within blue-line, etc.
- Health & Safety - Outside floodplain (safe), lower fire risk, easy access/egress (evacuation)
- Wildlife – limited impact on wildlife corridor due to topography of the land behind (to north)
- Does not impact sight lines (although is important as visual entrance to town)
- Could improve look / feel of the current mix of buildings
- Could tie into additional future re-development on South side and further east of intersection over time

CONS

- Not yet connected to town (but will be with completion of pathways in development)
- Must be visually appealing as the entrance to Lyons (not a “con” but risk factor)

LOUKONEN (B) “Stone Yard”

PROS

- Has strong commercial AND residential (mixed use) potential (all housing types, Affordable, Attainable, Market Rate)
- Prime access to roads (i.e. close to mass transit, easy access to essential services, etc.)
- “Green Field” development opportunity (per Bowen) – easiest and most economical area for development
- Close (easy) access to utilities, within blue-line, - Sewer connection would have to be over (under) river (?)
- Health & Safety - Outside floodplain (safe), lower fire risk (but high risk to west), easy access/egress (evacuation), easy access to social services
- Wildlife – limited impact on wildlife corridor due to topography of the land behind (cliff to south)
- Does not impact sight lines
- Large area for scalable development (more financially feasible)

CONS

- Could be very costly property (due to property value and potential clean-up cost)

Town of Lyons, IGA TASK FORCE

- Borders on wildlife corridor to the south (above cliff face)

LOUKONEN (A) Near Summit Development

PROS

- Close to Summit Development (could be extension in theory)
- Could work as small single unit PUD (planned unit development)

CONS

- Access/Egress: No access easement for roadways (but could be a single parcel PUD), no secondary egress. Driveway access route between two homes (which are approx. 30 feet apart)
- Very high fire risk area (to west and south)
- Within flood plain zone
- Parcel size (approx. 2.5 acre) is small scale development in proven costly development areas (as learned from Summit development)

HAWKINS

PROS

- Has reasonable commercial AND/OR residential (mixed use) potential
- Prime access (i.e. close to mass transit, easy access to essential services, schools, etc.)
- Close (easy) access to utilities, within blue-line, etc.
- Health & Safety - Outside floodplain (safe), moderate fire risk, easy access (POOR Egress)
- Does not impact sight lines (although is important as visual entrance to town)
- Could improve look / feel of the current mix of buildings

CONS

- Wildlife – East side of property impact on wildlife corridor
- Currently a “nuisance flooding” zone – would increase risk and add to storm water run-off issues
- Very dangerous egress from property – would request exit via Stone Canyon
- East side of property may impact critical sight lines (Lookout Mountain hill side)
- Owners expressed lack of desire for annexation based on IGA constraints

HARKALIS (“Beehive Property”)

PROS

- Proximity to town and services

CONS

- Owners are said to have no interest in annexation (?)

Town of Lyons, IGA TASK FORCE

- Could have visual impact as you enter town (??)
- Very small parcel (approx. 0.25 acre) – development could be costly given scale of property

CONNOR

PROS

- Advantages for Owners of land

CONS

- Wildlife corridor – one of two prime wildlife corridors on north side of Lyons. Critical and environmental sensitive land (see various public reports on need to preserve steamboat valley)
- Access/Egress – Very difficult and costly access and egress options significantly impacting surrounding neighborhoods. 5th ave. already a risk factor for evacuation.
- Eliminates the designed natural buffer between town and rural Lyons (as per IGA and Comp Plan)
- Well above Blue Line (water huge issue)
- Health & Safety
 - Highest area for Fire Risk – with challenging access/egress – compounding risk that already exists in Steamboat Valley Area
 - Significant storm water runoff risk today will increase with development
- Slope lines well above max (25%) allowed by town ordinance (and significantly higher that appropriate for Affordable housing). Very difficult to build on this land and would require significant re-shaping of land (cost and environmental impact).
- Very expensive land and extreme development cost to create site infrastructure.
- Over 1 Mile from town (+250 ft elevation) along rural neighborhood without sidewalks or streetlights
- No easy access to essential services: Over 2 miles to school, (not on bus route), no postage delivery,
- Development would add to light pollution (against “dark sky” goals of Lyons)

CARPENTER

PROS

- Advantages to owner
- Close distance to utility

CONS

- Access/Egress –access and egress options significantly impacting surrounding neighborhoods. 5th ave. already a risk factor for evacuation.
- Well above Blue Line (water huge issue)

Town of Lyons, IGA TASK FORCE

- Health & Safety -- Highest area for Fire Risk – with challenging access/egress – compounding risk that already exists in Steamboat Valley Area
- Approx. 1 Mile from town (approx. +250 ft elevation) along rural neighborhood without streetlights
- No easy access to essential services: Over 2 miles to school, (not on bus route), no postage delivery,
- High slope-line make development difficult
- Significant storm-water run-off area (currently large holding pond for one home), would be greatly exacerbated with more roof-top impacting lower 5th ave homes

BOONE

PROS

- Has potential for either Residential or Commercial development (commercial with limited water needs most viable)
- Relative proximity to town better than other options

CONS

- Extreme development cost to create site infrastructure due to rock shelf in proposed development areas
- Access/Egress – Very difficult and costly access and egress options significantly impacting surrounding neighborhoods. 5th ave. already a risk factor for evacuation.
- Well above Blue Line (water huge issue)
- Health & Safety
 - Highest area for Fire Risk – with challenging access/egress – compounding risk that already exists in Steamboat Valley Area
 - Significant storm water runoff risk today will increase with development
- Not easy (walking) access to town, not on bus route, no postal delivery.
- Impact on 5th ave traffic significant
- Development would add to light pollution (against “dark sky” goals of Lyons)
- Very dangerous lands around development zone with risk factors associated with quarry areas (pools, etc).

XXXX STEAMBOAT VALLEY (Changed on map, not mentioned in text of IGA)

CONS

- The owner has no interest in changing from Rural Preservation and does not know why his property was changed as NO conversations or outreach was made by town staff or BoT during the draft IGA process.

Action: Remove this parcel from **the map**.

Conner Property: Connecting Horizon Dr. and Longs Peak, specifically for utilities and secondary evacuation route in case of fire. The existing structure could be mirrored and cut up into units for potential housing- either senior, affordable or attainable. In addition, it could be used as a community center, or even a Ute Museum and Nature Center.

Carpenter Property is important for utilities, particularly for the existing structures to tie in on Vasquez Ct, as well as a secondary evacuation route. It is also a good plot of land for multi unit structures that create density and could be condo/townhomes.

Boone Property is mostly nature preserve, as they have done little to mitigate the quarry, but could be used for water tower structure, parks, and higher density housing on the lower acreage. Can also tie into evacuation road system for northern part of town.

Harkalis property is important for safe pedestrian pathways to County Rd 69 (Old South) and connection to the trailhead. It is also a potential spot for small commercial space or apartment complex. Both sides of the highway need to have pedestrian paths.

Loukonen Property A is adjacent to LVP and could be used a myriad of ways, inc. a youth sport complex, pocket park, even mixed commercial.

Loukonen Property C is perfect for RV park and campground with a utilities easement to feed the remainder of the properties on the south side, as well as finish the all encumbered multi modal path to the Eastern Corridor.

Loukonen Property B is a work/live space focused on the arts. Commercial mixed use with all the AMI percentages from 30%-80% with single family dwellings, as well as higher density and store fronts, with the very furthest west subdivision being light industrial.

Hawkins Property is a commercial mixed use property.

I think Groover should be considered as a potential addition for the IGA. There are several properties on it that are large enough to do something with on a higher level, as well as the 1 property at 19617 N St Vrain Dr.

IGA TASK FORCE - OUTLINE V2 -- 24-July-2024

THE FOLLOWING IS A WORKING DRAFT OUTLINE OF THE PRESENTATION AND RECOMMENDATION FROM THE CITIZEN'S LYONS IGA TASK FORCE TO THE BOARD OF TRUSTEES (BoT). THIS IS INTENDED AS A WORKING OUTLINE ONLY TO BE REFINED BY THE COLLECTIVE TASK FORCE...

1) Overview

- A. What is the IGA and why do we have one?
- B. Task Force - who and why?
 - i. Why: Significant citizen concern about the process and direction of the Draft IGA lead to the BoT creating a citizen task force to review and provide recommendations.
 - ii. Who (how selected, criteria, etc)....
- C. Process used by task force
 - i. Meeting/Discussion dates and process
 - ii. Individual Research and data collection
 - iii. Discussion, debate....

2) Executive Summary / Key Findings

- i. **Widely different perspectives** to the issues lead to alternative recommendations in key areas (such as properties selected on the map for potential future annexation)
- ii. **Research findings** included in this document as reference materials for the BoT to consider as they deliberate on the recommendations provided.
- iii. **Primary Areas of Concern**
 - 1. Transparency of the process
 - 2. Concerns of impact for development on environmentally sensitive lands
 - 3. Health and Safety risk (fire, access/egress, flood, stormwater run-off, etc)
 - 4. Feasibility of proposed development to meet the housing goals outlined in the draft IGA
 - 5. Concerns related to natural constraints (i.e. flood zone, blue line, wildlife corridors, Urban/Wildlife interface, buffer zone, etc)
 - 6. Compatibility of density with existing developments
 - 7. ??

3) Recommendations to Board of Trustees

The Task Force has divided the recommendation to the BoT into three, inter-related sections for consideration: **(A)** general and specific recommendation on the IGA review process, **(B)** specific edits and questions related to the actual IGA document and **(C)** divided recommendation for how to address the IGA Map related to the document.

- A. **General and Specific recommendation on the process** (NOTE: This section should include any items that does not fit into the IGA document but that we want to recommend)
 - 1) **To the Community:** The challenge of the IGA are not assigned only to the BoT or Town Staff but rather, the community at large. Get involved, get informed, speak to neighbors, BoT, others. Avoid “fake-news”, assumptions or accusations. Remain united as a town, open minded, civil. (note: What we want to say here is that citizen involvement and

inputs in this process is critical. There is no reason to try to assign blame but rather, we, the people, need to be the drivers behind our Town's direction by being more engaged. How do we more clearly articulate this matter to defuse the issues?)

- 2) **Extend Deadline:** Advise BoCo of Need to Extend IGA development deadline: With the current IGA set to expire in November 2024, an extension will be needed to allow the current BoT time to properly re-engage in the review process, to appropriately study the data available, to clarify the goals of the IGA and to execute the needed planning for that document's execution
- 3) **Focus on what is agreed:** In multiple studies and surveys, the eastern corridor has time and again presented the highest potential for growth and development. Being close to utilities, below the blue-line, above flood zone, with lower wildlife interface risk, the BoT and staff should concentrate efforts on the development and integration of that area into Lyons. Such development will help us address both our commercial and residential housing goals in a singular, united and widely supported way.
- 4) **Define Real Goals :** Clarify and publish to the town our real Affordable/Attainable Housing ("A/AH") goals and clarify how those goals are measured (i.e. do we include ADUs, do we include only deed restricted A/AH properties, etc). Clarification of those goals will help unite the efforts toward solutions vs allowing the ongoing debate to distract from those efforts.
- 5) **Study History :** What do we know (studies, history, experience, reality...) -Reference Summit development learnings, feedback from developers (DM to summarized and included developer feedback).
- 6) **Transparency :** Shine light on process... how to define? Include examples of how limited the exposure was to the development of the Draft IGA
- 7) **Subdivided Parcel Implications ?:** BEFORE setting IGA Map, clarify who owns (will own) a divided property after the developable portion is sub-divided from the "no-development" portion. Define what the implications (cost)are to the town and include the potential impact (positive/negative) if BoCo retains ownership of the undeveloped portion of a sub-divided parcel.
- 8) **Guiding Principles to follow:** Include Items from 2012 IGA that are not actionable enough to keep in IGA but are good guiding principles. For example (section 1.1.2 with literary license): "...adopt as one of its guiding principles articulating the Town's interest in expanding the development potential in the area by proactively engaging with private landowners, neighboring land owners, citizens within and just outside of town limits, and government stakeholders to make collaborative land use decisions." (This is a good idea but hard to make concrete in practice for the IGA???)

B. **Specific Recommendations :** (edits) to the legal document (see attached "Red Line") (this section tbd following deeper deliberations)

C. **Map Recommendations** - Specific and General Recommendation to the Lyons Primary Planning Area (PPA) Map that includes Potential Annexation Areas (PAA)

IMPORTANT: Challenge Faced : The approach and considerations as to what property should or should not be included in the PPA or PAA was the most difficult part of the process given the emergence of two different perspectives on the most appropriate approach to making such determinations. As accounted for in the establishment of the Task Force, it was agreed that both perspectives would be presented for the BoT. The primary question came down to WHEN should particular parcels be assessed for potential annexation.

Option A: Keep all areas as defined on the Draft IGA and allow the Town's Annexation process to make that determination when and if such application is presented by a property owner:

Draft Option A Text by JJ: Keep all areas as defined on the Draft IGA and allow the Town's Annexation process to make that determination when and if such application is presented by a property owner: **We have a robust annexation process in place that addresses our identified issues of concern - utilities, water, traffic, hazard/fire risk, ingress/egress, etc. - that is based on current technologies and capacities at the time of the application. These determinations are made by experts in each area and focus on what is in the best interests of the Town at the time of each application, and these considerations will change over time. Replacing this expertise with our personal opinions and limited understandings of these issues is not appropriate. Why limit our options and the options of private landowners who may want to apply for annexation for the next 10 years based on incomplete information? It makes more sense to be dynamic in our approach and base decisions on what is known at the time of the application and on objective data rather than on our personal perspectives of how we feel about each parcel right now. Removing parcels from the map limits our options for the next decade or more, and we can't possibly anticipate the changes that could occur over that time.**

Option B: BoT to apply reasonable standard to consider appropriateness of possible annexation / development of parcels before the IGA is solidified:

(WORKING DRAFT- INCOMPLETE - by DM)

As the elected trustees of the citizens of Lyons, it is recommended that you apply, at least from a high level, the wealth of knowledge, expert inputs, readily available historical data and a level of critical reasoning before endorsing the change of a parcel from Rural Preservation to developable in the IGA document. It is vital that the basic considerations are made and that the implications of such a change are determined to be truly in the best interest of the community.

While robust, the annexation process, even when simple and widely accepted, is both costly (in terms of real dollars to the landowner and town) and in the form of opportunity cost to the community. A knowingly controversial annexation process over sensitive rural preservations land will not only take significant amounts of time, energy and focus from the BoT, PCDC, town staff and citizens, it has been shown to create significant division within the community.

Prior to consideration of such an annexation process, it is reasonable that the BoT make to ask the question "WHY" and determine if there is more positive than negative answers to such a question. The BoT should apply reasoned judgement (using some defined criteria

such as the example below). When in doubt, the BoT should error on the side of conservative, protect our natural environment, and minimize health and safety risks for the citizens. Once developed, Rural Preservation land will never exist again.

(DRAFT CRITERIA)

- Include suggested Site Selection criteria to be used by Bot
- If A/AH goals are being applied to a potential parcel, use an independent and measurable Site Selection criteria to assure that the property is appropriately suited to support the population that A/AH is intended to help.
- Include table showing risk factors by property

DRAFT: General Site Selection Criteria to be applied

- o Wildlife / Environmental Impact
- o Health & Safety
 - Fire risk - House to house spread, elimination of defendable buffer zones
 - Access and Egress (especially in an emergency)
 - Storm Water Run-off
 - Flood plain, flood zone, nuisance flooding risk
- o Traffic Impact to surrounding
- o Maintain Urban and Rural interface buffer
- o Development feasibility (difficulties of construction, slope lines) - financial feasibility

DRAFT: For Affordable Housing - Site Selection Criteria -- Examine land and what meets goals developing affordable housing

- o **Location Factors :**
 - Consider where the site is located. (accessibility standard/ADA)
 - **“Walk-Shed”:** Proximity and assess to town and social services (via foot, bike, wheelchair, etc.)
 - **Accessibility Requirements:** Zoning, Location (will site support independence and is the location near services that would be used by residents like transportation access to job center and grocery stores), Infrastructure (does site have ADA-accessible infrastructure as in sidewalks, curb cuts, accessible pedestrian signals)
 - **Evacuation** risk factors
 - **Site infrastructure** cost / complexity - can site support lower cost development (see physical factors)
 - **Property size:** does it allow for scalable development and a variety of housing types (affordable, attainable, market rate)
 - **Target Population Needs:** Key considerations-homeless, families, people with disabilities and special needs, single people, workforce, people with specific income levels. See document for more information regarding financing.
- o **Market Feasibility:** Market study on housing needs assessment, Housing Development Models, Team and Roles. Market study is used to build an understanding of how your development on the selected site will fit into the community and what demands will be met. A new market study will need to be completed specific to each new development. This shows the feasibility and whether it is likely to be successful. This is a key risk-management tool. Need development description, location analysis, comparability analysis, site analysis.

○ **Physical & Environmental Factors:**

- **Slope:** Change in **Elevation**. Most site-selection guidance rules out 10% grade or higher due to cost (moving soil, stormwater management infrastructure, etc.)
- **Drainage / Hydrology** : must be considered.
- **Soil:** Conditions must be considered.
- **Environmental Consideration** : Natural and Human made (flood, fire, wildlife, etc.)
- **Parcel Size & Shape** : How development fits and connects with its surroundings.
- **Existing Utilities & Infrastructure** : Access to existing utilities and infrastructure important for new housing construction, where site improvements to extend or add new/significant upgraded onsite infrastructure may be cost-prohibitive.
 - capacity for additional hookups to existing infrastructure or utility lines.
 - Water lines, Sewer lines, Trash service, Electric, Gas, Broadband, Transportation Access, frontage roads, road access.

- **Regulatory Factors:** Current Zoning. Type of projects (specific groups, do zoning classifications incentives for housing affordability, services, public benefits, requirement of affordable housing units to be provided as part of new development).

LYONS PLANNING AREA COMPREHENSIVE DEVELOPMENT PLAN INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (“Agreement”) is entered into by the Town of Lyons, a Colorado statutory municipal corporation (“Lyons” or the “Town”), and Boulder County, a body politic and corporate of the State of Colorado (the “County”) (individually a “Party” and collectively, the “Parties”) as of the date of the latest signature below.

RECITALS

- A. The Parties are authorized by §§ 29-20-101 et seq., C.R.S., and encouraged by Colorado Constitution, article XIV, section 18(2), to enter into intergovernmental agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a “comprehensive development plan;” and
- B. In December 2002, the Parties entered into a Comprehensive Development Plan Intergovernmental Agreement (the “Original IGA”) for a period of ten years which, among other things, defined the Lyons Planning Area as the area the Town may annex and develop. The Original IGA was amended in 2005 and again in 2011. The parties entered into a new Comprehensive Development Plan Intergovernmental Agreement (the “2012 IGA”) in 2012, which replaced the Original IGA. That term of the 2012 IGA has been extended several times and ends in November 2024.
- C. The Parties agree that an intergovernmental agreement to replace the 2012 IGA, providing a comprehensive development plan that recognizes both the urbanization potential of certain lands in the County near Lyons and the rural character of adjacent lands in the County, along with restrictions on development or purchase of open space lands in those areas as defined in this Agreement, is in the best interests of the residents of each of the Parties for the preservation of the unique and individual character and rural quality of those lands; and
- D. The Parties agree that designating portions of Boulder County to remain in Boulder County’s jurisdiction and in a rural character as defined in this Agreement is in the economic and civic interests of their residents and meets the goals of the Boulder County Comprehensive Plan and the Lyons Comprehensive Plan; and
- E. Consistent with municipal annexation, utility service, and land use laws of the State of Colorado, as well as with the Comprehensive Plans of both Parties, this Agreement is intended to (i) encourage the natural and well-ordered development of Lyons and the County; (ii) promote planned and orderly growth in the affected areas and prevent sprawl by encouraging clustered development where appropriate and consistent with existing development; (iii) promote the economic viability of the Parties, including building a thriving year-round economy in Lyons through encouraging development

of new commercial, light industrial and, mixed-use, and workforce housing, and senior housing; and (iv) emphasizes proactively planning for the future needs of the community while balancing the demands of environmental and economic sustainability with the community character, wildlife and ecological preservation, historic preservation and property owners rights.

- F. The Parties have previously entered into the CEMEX Area Comprehensive Development Plan Intergovernmental Agreement (“CEMEX Area IGA”), a complementary IGA that addresses development and preservation issues for the portions of the Lyons Comprehensive Plan as adopted in 2023 (“LCP”) area not contained within this IGA. For the purposes of this IGA, LPA refers to all portions of the overall Lyons Planning Area that are not separately addressed in the CEMEX Area IGA. This IGA and the CEMEX Area IGA together represent a shared vision of appropriate development for the areas covered by the IGAs for their respective durations; and
- G. The Parties have each held duly noticed public hearings for consideration of this Agreement and the comprehensive development plan terms it contains for the subject lands as defined in the Agreement and depicted on the map attached as Exhibit A; and
- H. The Parties are authorized to perform the functions described in this Agreement by article 20 of title 29, part 1 of article 28 of title 30, part 1 of article 12 of title 31, and parts 2 and 3 of article 23 of title 31, C.R.S.; and
- I. The Parties desire to enter into this Agreement to plan for land uses in a mutually binding and enforceable comprehensive development plan.

DEFINITIONS

The Town. The area within the current municipal boundaries of the Town of Lyons, as depicted on Exhibit A.

Potential Annexation Area or PAA. The lands surrounding the Town, depicted on Exhibit A, within which the Town may annex parcels and within which the County agrees not to purchase lands for open space preservation, subject to the terms of this Agreement.

Rural Preservation Area or RPA. The lands outside the PAA in unincorporated Boulder County, depicted on Exhibit A, where Lyons may not annex parcels and where the Town or the County may purchase lands for open space preservation, subject to the terms of this Agreement.

Estate Residential District/Very Low Density. One unit per gross acre (minimum and maximum).

Country Estate (add definition and correct title from Town Code) - Density

Low Density. Six units per gross acre (minimum and maximum).

Medium Density. Twelve units per gross acre (six minimum and twelve maximum).

High Density. Sixteen units per acre gross (twelve minimum and sixteen maximum).

AGREEMENT

1. Lyons Planning Area (LPA) Comprehensive Development Plan

This Agreement, including Exhibit A, is adopted to set forth the Lyons Planning Area (“LPA”) Comprehensive Development Plan as that term is used in § 29-20-105(2)(a), C.R.S. The LPA constitutes the Town, the PAA and the RPA. The Agreement governs the Parties’ use of lands and procedures within the LPA.

2. Potential Annexation Area (PAA).

- (a) The PAA shown on Exhibit A is in the County’s regulatory jurisdiction but may be annexed to Lyons in the future. With its approval and adoption of this Agreement, the Board of County Commissioners for Boulder County determines that a community of interest exists between lands in the PAA and Lyons.
- (b) Lyons agrees that it may annex only lands within the PAA, as depicted on Exhibit A. Lyons agrees that it will not annex lands outside the PAA.
- (c) The County agrees that it will not make any open space acquisitions inside the PAA, except for lands subject to existing or prior approval for such acquisitions from Lyons.
- (d) Areas designated “No Development Area” on Exhibit A have been determined to be inappropriate for development. Therefore, structures and/or development are prohibited in these areas, with the exception of the following:
 - a. The No Development Area on the Boone Parcel (Parcel 120307000058) and the Walters Parcel (Parcel # 120307000013) shall have no development except for utility facilities, access, emergency access, passive recreation, and structures associated with those uses.
 - b. The No Development Area on the Loukonen parcel (Parcel # 120320000038), may be utilized to provide vehicular and utility access to Area B shown on Exhibit A.
 - c. The Loukonen Area C No Development Area (a portion of Parcel # 120320000038 as shown on Exhibit A) shall have no development except for RV/tent camping, and associated access and parking consistent with the regulations of the Town or the County.
- (e) When parcels are annexed which contain No Development Areas, the Town, prior to final plat recordation or other final approval for any development on those parcels, must ensure that the property owners grant to the County and to the Town a Conservation Easement

pursuant to Article 30.5 of Title 38 of the Colorado Revised Statutes, in a form acceptable to both the County and the Town, which prohibits structures and development in the No Development Area of the properties as provided above.

(f) When evaluating development applications, with in their respective responsibilities, both Parties will consider the impact of proposed development on floodways, stormwater run-off, natural area, wildlife habitat, steep slopes and historically and archaeologically-significant areas and will require impact to be reasonably mitigated before approval.

(g) New residential development or neighborhoods should be designed and sighted to protect significant natural areas, wildlife habitat and avoid locations or significant risk of natural hazards.

(h) Lyons agrees that the PAA cannot expand within Boulder County.

(i) Any property currently inside the Town that becomes disconnected will be treated as PAA.

3. Rural Preservation Area (RPA).

(a) The RPA will remain in the County's regulatory jurisdiction for the term of this Agreement.

(b) With its approval and adoption of this Agreement, Lyons determines that there is no community of interest between the RPA and Lyons during the term of this Agreement, and Lyons will not annex lands in the RPA.

(c) Lyons affirms that it is not currently pursuing annexations within the RPA.

4. Lands outside the Lyons Planning Area (LPA).

Excepting the area covered by the CEMEX Area IGA, which is addressed in a separate IGA, the Parties agree that lands outside the LPA a will remain in the County's regulatory jurisdiction. Lands outside the LPA may be acquired by either Party for open space preservation.

5. Special Provisions.

(a) Lyons agrees that it will only annex lands in the PAA over which the County owns a conservation easement after the County releases the conservation easement or if the easement terminates upon annexation by its terms. The Parties intend this Agreement be the sole jointly adopted comprehensive development plan related to County conservation easement lands in the PAA.

(b) The County will refer in writing any discretionary development applications within one mile of Town limits, and any amendment to the Boulder County Comprehensive Plan affecting such parcels, to the Town. Said referrals will be sent according to the timing set forth in the Boulder County Land Use Code.

(c) The Town shall refer in writing to the County any application for annexation and any proposed amendments to the Lyons Comprehensive Plan.

(d) If applications for annexation of the following parcels, as shown in Exhibit A, for the purpose of creating new residential developments on such parcels are submitted for consideration, not including any commercial development or continuation of existing use, said parcels may only be annexed by the Town if the development proposal expands the supply of affordable and workforce housing, as appropriate for each parcel, in accordance with the Lyons Comprehensive Plan and if the following density requirements are met by the proposed residential development on each parcel:

a. The Boone Parcel (Parcel # 120307000058).

i. Estate Residential District/ Very Low Density is prohibited.

b. The Carpenter Parcel (Parcel # 120307000031).

i. Estate Residential District/ Very Low Density is prohibited.

c. The Connor Parcel (Parcel # 120318100001).

i. Estate Residential District/ Very Low Density is prohibited.

d. The Hawkins Parcel (Parcel # 120320200001).

i. Low, Medium or High Density is required.

e. The Harkalis Parcel (Parcel # 120319101001).

i. Low, Medium or High Density is required.

f. The Loukonen Area A (a portion of Parcel # 120320000038 as shown on Exhibit A).

- i. Low, Medium or High Density is required.
- g. The Loukonen Area B (a portion of Parcel # 120320000038 and as shown on Exhibit A).

- i. Low, Medium or High Density is required.

6. Regional Housing Partnership

The Parties recognize that addressing housing affordability is a regional concern and agree to continue to participate in the **Regional Housing Partnership** and work collaboratively along with other jurisdictions to address this issue.

7. Implementation Procedures

The Parties agree to take all necessary steps to adopt procedures, plans, policies, and ordinances or conduct other proceedings necessary to implement and enforce this Agreement. In doing so, each Party will give the other sufficient advance notice to enable the other Party to comment on the planned action if so desired.

8. Partnerships

The Parties recognize and acknowledge the need for intergovernmental cooperation on important local and regional land use matters and to achieve common goals. In accordance with the LCP, the Town and the County agree to cooperate in good faith to:

- (a) Identify and implement programs that assist the Town in meeting its affordable housing goals within the Lyons Planning Area.
- (b) Collaborate on identifying potential grants that support housing, transportation, stream quality, stormwater management, infrastructure, electrification, hazard mitigation, trails, and recreation.
- (c) Work with the Regional Transportation District, Denver Regional Council of Governments, and Colorado Department of Transportation to improve Lyons multimodal transportation systems, transportation safety, electric opportunities, and reduction of emissions (Z-Trips / RTD / Lyons Flyer).
- (d) Collaborate on trails connecting the Town to Boulder County Open Space and other areas in the County.
- (e) Share geographic information system data, maps and expertise;
- (f) Continue to collaborate on recycling and compost facilities.
- (g) Enforce nuisance ordinances to improve the appearance of properties in the LPA.

9. Amendments

This Agreement contains the entire agreement between the Parties and, with the exception of the CEMEX Area IGA, supersedes and replaces any other or prior agreements concerning the same subject matter including the 2012 IGA. Any annexation, property acquisition, or land use or development that does not comply with this Agreement is prohibited without an amendment to the Agreement agreed to by the Parties.

Amendment of the Agreement requires approval by resolution or ordinance approved and adopted by the governing body of both Parties after notice and hearing as required by law. No

action inconsistent with this Agreement may be taken by any Party before this Agreement is amended as required in this Section 9.

10. Non-severability

If any portion of this Agreement is held by a court in a final, non-appealable decision to be per se invalid or unenforceable as to any Party, the entire Agreement shall be terminated, the Parties understanding and intending that every portion of the Agreement is essential to and not severable from the remainder.

11. Beneficiaries

The Parties, in their corporate and representative governmental capacities are the beneficiaries of this Agreement.

12. Enforcement

Any one or more of the Parties may enforce this Agreement by any legal or equitable means, including specific performance, declaratory and injunctive relief. No other person or entity will have the right to enforce the provisions of this Agreement.

13. Indemnification

Each Party agrees to be responsible for its own actions or omissions, and those of its officers, agents and employees in the performance or failure to perform work under this IGA. By agreeing to this provision, neither Party waives or intends to waive, as to any person not a party to the IGA, the limitations on liability that are provided to the Parties under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq.

14. Governing Law and Venue

This Agreement will be governed by Colorado law, and venue for any dispute involving the Agreement will be exclusively in Boulder County.

15. Term and Effective Date

This Agreement will become effective when signed by authorized representatives of the governing bodies of each of the Parties. Unless otherwise stated in this Agreement, the Agreement shall remain in effect for a period of 20 years from the effective date unless terminated earlier by written agreement of the Parties pursuant to terms of this Agreement or extended as provided below.

At 10 years after the current effective date, the effective date of the Agreement will automatically update to that date 10 years after the previous effective date. In order to avoid automatic extension, a Party must hold a duly noticed public hearing at least 90 days before the date 10 years after the current effective date and make such determination. The current effective date will then remain in place. Notices of the hearing and subsequent Party action must be provided to the other Party.

16. Party Representatives

Referrals and notices required by this Agreement will be made to the following:

For Boulder County:

Director, Community Planning & Permitting Department
PO Box 471
Boulder, CO 80306

For Lyons:

Town of Lyons
Town Administrator
P.O. Box 49
432 Fifth Avenue
Lyons, Colorado 80540

Changes of name or address for Party representatives will be made in writing, mailed as stated in this Section 16.

THIS AGREEMENT made and entered into as of the latest date set forth below.

TOWN OF LYONS

By: _____
Mayor

Attest:

Town Clerk

Approved as to form:

Town Attorney

BOULDER COUNTY
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Chair

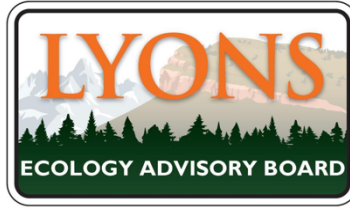
Attest:

Approved as to form:

Clerk to the Board

County Attorney

DRAFT



EAB Final Draft Input to the IGA Task Force

July 21, 2024

The Ecology Advisory Board has met and reviewed the Draft Lyons-Boulder County Intergovernmental Agreement. The following is the input of our 7 members as requested by the IGA Task Force Chair.

- 1) In a departure from the existing Boulder County/Lyons IGA, eight parcels are specifically identified and mapped in the Draft IGA as possible future sites of housing-only annexations. These are: the Boone, Carpenter, Connor, Hawkins and Harkalis parcels, and the Loukonen areas A, B, and C.

In our discussions, EAB members noted that these specifications are unusual, might be subject to legal challenges, and may be counterproductive. In the future, mixed-use or other development plans may be put forth. The IGA need not preclude such annexations with overly specific language allowing only sole-use for housing. We recommend removing such specifications from the IGA.

- 2) Text in the Draft also states: "...a final and unappealable annexation plan must be approved by Lyons, which shall include the affordability and density requirements listed in subsections a-g above." This sentence makes clear the intention to enforce the detailed housing specifications. EAB recommends this be removed.
- 3) Even though we disagree with inclusion of these future use details, EAB still evaluated certain ecological/environmental aspects of annexation of each parcel identified, as follows:

The Boone Parcel is a large (57 acre) parcel currently owned by the Boone estate heirs and is for sale. It includes an abandoned stone quarry that has been the subject of Boulder County solid waste dumping and noxious weeds and rubbish dockets; there is/was also a blacksmith shop and cistern. Most of the property would be newly mapped in the Draft as, for the most part, undevelopable but available for annexation to Lyons. The other, much smaller, portion of the property is to be mapped as annexable but for housing only.

EBA notes that the parcel is currently in the existing IGA's "Rural Preservation District" and is not-annexable. Lyons previously agreed to this for several reasons.

One is that the area is above the Town's "Blue Line": extending town utilities to this area would be much more expensive. A more general reason is that housing -only development at the periphery of our town would be urban sprawl instead of the compact, balanced, and economically-sustainable growth the existing IGA anticipates.

We also highlight that the anticipated use of the undevelopable portion of the land to provide road and utility access and passive recreation could require remediation of any environmental and groundwater issues at the quarry and blacksmith shop and cistern. The existing pond also provides a vital water source for waterfowl, migratory birds, and terrestrial mammals. Its ecological function would be significantly degraded by such development, which would hinder access to the water and further fragment the habitat. Finally, we stress that the Draft IGA language unwisely restricts its possible future uses.

EAB is opposed to Boone Property removal from the Rural Preservation District

- The Carpenter Parcel. This 5.3 acre agricultural property presently in the Rural Preservation area is also above blue line. There is one home on the parcel. With the new IGA, the landowner could request annexation but the housing specifications would require subdivision of the property. EAB considers such a change would not be beneficial to the Town. In general, the rural preservation area designation protects local drainages from urbanization and increased storm runoff, preserves habitat for wildlife, reduces urban warming effects, and reduces population exposure to wildfire. We see no justification or changed circumstances showing in the IGA to motivate changing this designation for this property.

EAB is opposed to Carpenter Property removal from the Rural Preservation District

- The Connor Parcel. This 30 acre property, in the same area as the above two, is also above the Blue Line. Again: EAB believes the rural preservation area has been a net asset for Lyons, has protected local drainages from urbanization and increased storm runoff, and preserved habitat for wildlife. We see no justification or changed circumstances showing in the IGA to motivate changing this designation for this property.

EAB is opposed to Connor Property removal from the Rural Preservation District

- The Walters property, 10 acres is newly defined in the Draft IGA as “undevelopable” but would be removed from the Rural Preservation District. An exception is allowed however for: “utility facilities, access, emergency access, passive recreation, and structures associated with those uses.”

In this regard, according to the current Draft IGA text, “County agrees not to purchase lands for open space preservation” in the Potential Annexation Area (which Walters would now be a part of). Therefore, according to the Draft IGS, this property cannot be developed and cannot become county open space, but it would now be annexable into Lyons. This is an unworkable outcome; who would own this property?

EAB is opposed to Walters Property removal from the Rural Preservation District

- The Hawkins Parcel was already in the annexable area and remains so in the Draft IGA: but housing density restrictions are to be newly imposed. However, it is also within a high flood risk area according to town’s stormwater master plan. The parcel may be better suited to mixed-use or commercial/business use (if the stormwater hazard issue is addressed).

EAB is opposed to housing-only restrictions being placed on the Hawkins Parcel.

- The Harkalis Parcel (the “beehive” property) is currently in a form of commercial (apiary) use which is highly beneficial to our local ecology, including the recent establishment nearby of a town orchard. The property is already in the annexable area, but the Draft IGA imposes new restrictions as it requires housing-only.

EAB is opposed to housing-only use restrictions being placed on the Harkalis Parcel.

- The Loukonen Area A is adjacent to LVP. It is situated adjacent to a steep bank down to the creek wetlands and floodplain and is a documented major wildlife migration route (local elk herd, and deer). It is part of a much larger property that is already available for potential annexation.

If landowner wishes to subdivide and annex, there is already a pathway for such applications. Zoning is established at the time of annexation, so housing densities can be determined then.

EAB is opposed to the IGA pre-empting the local zoning procedures by placing high and medium density housing restrictions on the Loukonen Area A.

- The Loukonen Area B includes also part of CEMEX-owned property and is already annexable. It is in industrial/commercial use (warehouses, office spaces, storage for cut stone, etc).

EAB is opposed to the IGA identifying the Loukonen Area B as only annexable for housing purposes. If landowner(s) wish to subdivide and annex, there is already a

pathway for such applications and mixed use or continued commercial/industrial uses may be desired by both parties.

- The Loukonen Area C is shown on the map as not developable but the text provides an exception for RV/tent camping, and associated access and parking. This area is within the regulatory floodplain and was heavily affected by the 2013 flood.

The river corridor in which this property sits has been designated a "critical wildlife habitat" by Boulder County and it includes Preble's Meadow Jumping Mouse (endangered species) habitat. RV park and campground development would fragment and/or remove this habitat. The present Draft IGA language also unwisely predetermines what sort of future use might be feasible and desirable. Instead of a commercial RV Park, for example, an Audubon Center or other educational facility might be an option, but such would be ruled out by the present language.

EAB is opposed to the Draft IGA text concerning development of the Loukonen Area C parcel.

4) Other Comments:

Conservation easements may be a sensitive topic for many residents and including for both the affected landowners and neighboring properties. Conservation easements, by definition, are legally binding and perpetual. They are established to remain in effect permanently. The present IGA Draft anticipates the establishment of more such town-owned and county-owned easements.

However, termination of such easements appears to also be anticipated. Thus:
"Lyons agrees that it will only annex lands in the PAA over which the County owns a conservation easement after the County releases the conservation easement or if the easement terminates upon annexation by its terms."

EAB is concerned that the IGA bars some landowners from seeking annexation into town unless they first obtain removal of the conservation easements or covenants. The purpose of the IGA overall is to support such protections. Parcels with such protections are not developable, and it would be appropriate and useful to show these restrictions on the IGA map.

EAB further notes that Lyons municipal code currently excludes using town-owned, easement-protected property for housing without a town vote. This ordinance was itself voted into effect by the Lyons electorate, which again indicates the concern that residents have about removals of conservation protections.

There is clearly also a need to provide for more flexibility for future land use and annexation than the present Draft allows. There could be cases where annexation into town with easements still intact would benefit the property owner and the town.

EAB recommends removing the sentence quoted above and identifying the easement-protected parcels on the IGA map.

Finally, the Draft IGA states that “(f) Lyons agrees that the PAA cannot expand within Boulder County.”

EAB supports such language and recommends that it be retained. However, the current Draft IGA expands the PAA over the existing one, without the need for such changes being explained.

In this regard, reducing the Rural Preservation District is unavoidably associated with environmental and ecological costs to the town. These include habitat loss, ecosystem fragmentation and degradation, restriction of wildlife migration, and reduction of valuable ecosystem services such as runoff detention and flood reduction. These environmental and ecological concerns motivating the 2012 IGA rural land protection are even more pressing today than they were over a decade ago. Therefore:

EAB urges that the Draft IGA be revised to either not expand the existing PAA or to explain and justify each expansion.

Respectfully submitted on behalf of EAB, July 21, 2024
Robert Brakenridge, Ecology Advisory Board Vice Chair

Topic: Impact on changing a parcel from “Rural Preservation” to “PPA/No Development”

If a property is changed from “Rural Preservation” to “PAA/No Development” (such as the “Walters” parcel), there's an exception in the IGA draft (p. 3, paragraph 2(d)a. : **"except for utility facilities, access, emergency access, passive recreation and structures associated with those uses."** Read that as **"a road, utility lines, and a water or sewer lift station if needed."**

One might ask, if the Walters say "No, we don't want to annex," (and there's no such thing as involuntary annexation), wouldn't that stop the Town from putting a road, utility lines or a lift station on the Walters property outside Town limits?

A review of C.R.S. 38-1-101(4)(b)(I) illustrates the following:

"(b) (I) Effective January 1, 2004, no home rule or statutory municipality shall either acquire by condemnation property located outside of its territorial boundaries nor provide any funding, in whole or in part, for the acquisition by condemnation by any other public or private party of property located outside of its territorial boundaries; ***except that the requirements of this paragraph (b) shall not apply to condemnation for water works, light plants, power plants, transportation systems, heating plants, any other public utilities or public works, or for any purposes necessary for such uses.***"

Therefore, it seems, that if a parcel is changed to PPA/No Development, it may be condemn for an easement for roads or utilities, or a small parcel to build a lift station, even if the owners refuse to be annexed.

In the past, the town could not do this on that particular parcel because doing so would conflict with the County's "Rural Preservation" status. But if that status changes to "PAA/No Development ***except for*** [utilities, roads, etc.]", then the Town could use its condemnation power under state law.

LYONS PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (“Agreement”) is entered into by the Town of Lyons, a Colorado statutory municipal corporation (“Lyons” or the Town”), and Boulder County, a body politic and corporate of the State of Colorado (the “County”) (individually a “Party” and collectively, the “Parties”) as of the date of the latest signature below.

RECITALS

- A. The Parties are authorized by SS 29-20-101 et seq., C.R.S., and encouraged by Colorado Constitution, article XIV, section18(2), to enter into intergovernmental agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a “comprehensive development plan;” and
- B. In December 2002, the parties entered into a Comprehensive Development Plan Intergovernmental Agreement (“Original IGA”) for a period of ten years which, among other things, defined the Lyons Planning Area as the area the Town may annex and develop. The Original IGA was amended in 2005 and again in 2011. The parties entered into a new Comprehensive Development Plan Intergovernmental Agreement (the “2012 IGA”) in 2012, which replaced the Original IGA. That term of the 2012 IGA has been extended several times and ends in November 2024.
- C. The Parties agree that designating portions of Boulder County to remain in Boulder County’s jurisdiction and in a rural character as defined in this Agreement is in the economic and civic interests of their residents and meets the goals of Boulder County Comprehensive Plan and Lyons Comprehensive Plan, and
- D. The Parties agree that it is in the best interest of the residents of both communities to enter into a new IGA in order to preserve Lyons’ unique and individual character through the orderly development within the newly defined Lyons Planning Area (“LPA”). The LPA contains a Primary Planning Area (“PPA”) / Potential Annexation Area (“PAA”) where annexation and development may occur in accordance with the provisions of

this IGA. It also includes areas designated as Rural Preservation Area (RPA) where the Parties' intent is to preserve the rural quality of the land;

- E. The Parties have previously entered into the CEMEX Area Comprehensive Development Plan Intergovernmental Agreement ("CEMEX Area IGA"), a complementary IGA that addresses development and preservation issues for the portions of the Lyons Comprehensive Plan as adopted in 2023 ("LCP") area not contained within this IGA. For the purposes of this IGA, LPA refers to all portions of the overall Lyons Planning Area that are not separately addressed in the CEMEX Area IGA. This IGA and the CEMEX Area IGA together represent a shared vision of appropriate development for the areas covered by the IGAs for their respective durations; and
- F. The Parties have each held duly noticed public hearing for consideration of this Agreement and the comprehensive development plan terms it contains for the subject lands as defined in the Agreement and depicted on the map attached as Exhibit A; and
- G. The Parties are authorized to perform the functions described in this Agreement by article 20 of title 29, part 1 of article 28 of title 30, part 1 of article 12 of title 31, and parts 2 and 3 of article 23 of title 31, C.R.S.; and
- H. The Parties desire to enter into this Agreement to plan for land uses in a mutually binding and enforceable comprehensive development plan.

1. PURPOSE AND INTENT

1.1. Implementing Comprehensive Plans. This IGA is designed to implement the goals and policies set forth in the Parties' respective comprehensive plans.

1.1.1. The LCP emphasizes that in order for Lyons to become economically sustainable, it must transition from a residential development-based economy to a commercial-based, localized economy. To this end, Lyons will strive to preserve and expand employment opportunities, reduce retail leakage, attract visitors, and encourage new commercial, light-industrial and mixed-use development in the PPA while concentrating any significant additional housing within its current Town limits or within mixed-use areas with commercial being the predominant land use in these areas.

1.1.2. The LCP adopts as one of its guiding principles articulation the Town's interest in expanding the development potential in the area by proactively engaging with private and government stakeholders to make collaborative land use decisions.

1.1.3. The LCP emphasizes proactively planning for the future and balancing the demands of environmental and economic sustainability with community character, historical preservation and property owners' rights.

1.1.4. The Boulder County Comprehensive Plan, as amended from time to time, (the “BCCP”) seeks to protect agricultural lands, channel growth to municipal planning areas and consider environmental and natural resources in land use decisions.

1.2 Recognizing Future Urban Development is Appropriate in the LPA. This IGA intends to direct future urban development within the PPA to: avoid sprawl, ensure the provision of adequate urban services, maximize the utility of funds invested in public facilities and services, distribute fairly and equitably the costs of government services among those persons who benefit therefrom, extend government services and facilities in an efficient logical fashion, simplify the governmental structure of the affected areas, and reduce and avoid, where possible, conflict between Parties.

1.3 Maintaining Community Buffer. This IGA is intended to keep the RPA and the land outside the LPA rural in character to rural in character to preserve a community buffer.

1.4 Protecting View Corridors and Allowing Only Compatible Development in the LPA. This IGA acknowledges the importance to both Parties of protecting sensitive natural area, maintaining view corridors, enforcing nuisance ordinances and ensuring that the new development is compatible with the character of both Lyons and adjoining County properties.

1.5 Fostering Intergovernmental Cooperation. This IGA encourages the Parties to collaborate to achieve common goals, including becoming more socially, economically and environmentally sustainable and supporting the public and private provision of cultural, educational, social and healthcare services in the LPA.

1.6 Encouraging Transparent and Timely Decisions. This IGA is intended to encourage transparent, open communication between the Parties and to ensure that decisions pertaining to this IGA are made in a timely and efficient manner.

2.0 LYONS COMPREHENSIVE DEVELOPMENT PLAN (IGA). (DEFINITIONS)

2.1 IGA Plan Defined. This IGA, including the Map attached hereto as Exhibit A, shall be known as the IGA Plan (as distinguished from the Lyons Comprehensive Plan, LCP). The IGA Plan shall govern and control the LPA.

2.2 **Lyons Planning Area** or LPA. **The area shown on Exhibit A,** which constitutes the Town,

the Potential Annexation Area-Primary Planning Area (the “PAA” and “PPA”, respectively) and Rural Preservation Area (“RPA”). The Map indicates six portions of the PAA-PPA that are designated as “No Development Areas.”

2.3. The Town. The area within the current municipal boundaries of the Town of Lyons, as depicted on Exhibit A.

2.4 Lyons Planning Area or LPA. The area shown on Exhibit A, which constitutes the Town, the PAA and the RPA.

2.5 Potential Annexation Area or PAA. The lands surrounding the Town, depicted on Exhibit A, within which the Town may annex parcels and within which the County agrees not to purchase lands for open space preservation, subject to the terms of this Agreement.

2.6 Areas designated “No Development Area” on Exhibit A have been determined to be inappropriate for development. Therefore, structures and/or development are prohibited in these areas.

DISCUSSION: Should there be any mandated uses, as currently in the draft (mid p 3).

2.7 Rural Preservation Area or RPA. The lands outside the PPA in unincorporated Boulder County, depicted on Exhibit A, where Lyons may not annex parcels and where the Town or the County may purchase lands for open space preservation, subject to the terms of this Agreement.

DISCUSSION: The DENSITIES seem to be a large area of controversy (mid p 3). OUT, IN, OR MODIFY

3.0 ANNEXATION AND DEVELOPMENT OF PROPERTY. (AGREEMENT)

3.1 Lyons Planning Area (LPA) Comprehensive Development Plan

This Agreement, including Exhibit A, is adopted to set forth the Lyons Planning Area (“LPA”) Comprehensive Development Plan as that term is used § 29-20-105(2)(a), C.R.S. The LPA constitutes the Town, the PAA, and the RPA. The Agreement governs the Parties’ use of lands and procedures within the LPA. The Town may annex into its corporate boundaries any and all property located within the PPS, including the No Development Areas, in accordance with state and local laws governing annexation. The town agrees that it will only annex parcels in their entirety, not portions of a parcel, into the Town, unless mutually agreed to by the Parties. By

executing this IGA, the County finds and declares that a community of interest exists between the Town and all property located within the PPA. The County will cooperate with Town efforts to annex land in the PPA.

3.2 Potential Annexation Area (PAA).

3.2.1 The PAA Shown on Exhibit A is the County's regulatory jurisdiction but may be annexed to Lyons in the future. With its approval and adoption of this Agreement, the Board of County Commissioners for Boulder County determines that a community of interest exists between lands in the PAA and Lyons.

3.2.2 Lyons agrees that it may annex only lands within the PAA, as depicted on Exhibit A.

Lyons agrees that it will not annex lands outside the PAA.

3.2.3 The County agrees that it will not make any open space acquisitions inside the PAA, except for lands subject to existing or prior approval for such acquisitions from Lyons.

3.2.4 Areas designated "No Development Area" on Exhibit A have been determined in appropriate for development. Therefore, structures and/or development are prohibited in these area.

DISCUSSION: Some exceptions were made in the Draft p.3

3.2.5. When parcels are annexed which contain NO Development Areas, the Town, prior to final plat recordation or other final approval for any development on those parcels, must ensure that the property owners grant to the County and to the Town a Conservation Easement pursuant to Article 30.5 of Title 38 of the Colorado Revised Statutes, in a form acceptable to both the County and the Town, which prohibits structures and development in the No Development Area of the properties as provided above.

3.2.6 Lyons agrees that the PAA cannot expand within Boulder County.

3.2.7 Any property currently inside the Town that becomes disconnected will be treated as PAA.

3.3 Rural Preservation Area (RPA).

3.3.1 The RPA will remain in the County's regulatory jurisdiction for the term of this Agreement.

3.3.2 Within its approval and adoption of this Agreement, Lyons determines that there is no

community of interest between the RPA and Lyons during the term of this Agreement, and Lyons will not annex lands in the RPA.

3.3.3 Lyons affirms that it is not currently pursuing annexations with the RPA.

3.4 Land outside the Lyons Planning Area (LPA)

3.4.1 Excepting the area covered by the CEMEX Area IGA, which is addressed in a separate IGA, the Parties agree that lands outside the LPA will remain in the County's regulatory jurisdiction. Lands outside the LPA may be acquired by either Party for open space preservation.

3.5 Developing Areas with Constraints.

3.5.1 When evaluating development applications within their respective areas of responsibility, both Parties will consider the impact of proposed development on the floodway, natural areas, wildlife habitat, steep slopes, and historically-and archaeologically-significant areas, and will require impacts to be reasonably mitigated.

3.6 Promote Quality Design and Development.

3.6.1 The Town will promote quality architecture and landscaping that is done in an environmentally sensitive manner.

3.7 Special Provisions.

3.7.1 Discuss draft 5(a)

3.7.2 The County will refer in writing any discretionary development applications within one mile of Town limits, and any amendment to the Boulder County Comprehensive Plan affecting such parcels, to the Town. Said referrals will be sent according to the timing set forth in the Boulder County Land Use Code.

3.7.3 The Town shall refer in writing to the County any application for annexation and any proposed amendments to the Lyons Comprehensive Plan.

3.7.4 THE BIG DISCUSSION draft section 5. (d)

Special conditions for annexation of each property

Begins bottom of page 4- bottom page 6.

3.8 Regional Housing Partnership

- 3.8.1.** The parties recognize that addressing housing affordability is a regional concern and agree to continue to participate in the Regional Housing Partnership and work collaboratively along with other jurisdictions to address this issue.

3.9 Implementation Procedures

- 3.9.1** The Parties agree to take all necessary steps to adopt procedures, plans, policies, and ordinances or conduct other proceedings necessary to implement and enforce this Agreement. In doing so, each Party will give the other sufficient advanced notice to enable the other Party to comment on the planned action if so desired.

4.0 Partnerships.

4.1 The Parties recognize and acknowledge the need for intergovernmental cooperation on important local and regional land use matters and to achieve common goals. In accordance with the LCP, the Town and the County agree to cooperate in good faith to:

- 4.1.1 Identify and implement programs that assist the Town in meeting its affordable housing goals within the Lyons Planning Area.
- 4.1.2 Collaborate on identifying potential grants that support housing, transportation, stream quality, stormwater management, infrastructure, electrification, hazard mitigation, trails, and recreation.
- 4.1.3 Work with the Regional Transportation District, Denver Regional Council of Governments, and Colorado Department of Transportation to improve Lyons multimodal transportation systems, transportation safety, electric opportunities, and reduction of emissions (Z-Trips / RTD / Lyons Flyer).
- 4.1.4 Collaborate on trails connecting the Town to Bould County Open Space and other areas in the County.
- 4.1.5 Share geographic information system data, maps and expertise;
- 4.1.6 Continue to collaborate on recycling and compost facilities.
- 4.1.7 Enforce nuisance ordinances to improve the appearance of properties in the LPA.

Continue adding the remainder of page 7 – 9 of the DRAFT document to finish.

THE FOLLOWING IS A QUESTION AND ANSWER COMMUNICATION BETWEEN TOWN ADMINISTRATOR SIMONSON AND IGA TASK FORCE CHAIR DOUGLAS MATTHEWS. THE ONLY EDITS OF THIS COMMUNICATION HAVE BEEN IN FORMATTING FOR EASIER REVIEW AND ELIMINATION OF SOME BACK AND FORTH DIALOG BETWEEN QUESTIONS AND ANSWERS:

From: Victoria Simonsen <vsimonsen@townoflyons.com>
Sent: Tuesday, July 23, 2024 2:56 PM
To: Douglas Matthews <matthews.douglas.d@gmail.com>
Cc: David Hamrick <dhamrick@townoflyons.com>; Andrew Bowen <abowen@townoflyons.com>
Subject: RE: IGA Questions (per your offer of clarity)

Good afternoon. See comments below.



Victoria Simonsen
Town Administrator
303-823-6622, ext. 19
vsimonsen@townoflyons.com

Please note that my email may be subject to the Colorado Open Records Act.

From: matthews.douglas.d@gmail.com <matthews.douglas.d@gmail.com>
Sent: Tuesday, July 16, 2024 10:37 PM
To: Victoria Simonsen <vsimonsen@townoflyons.com>
Cc: David Hamrick <dhamrick@townoflyons.com>
Subject: IGA Questions (per your offer of clarity)

Hello Victoria,

Thanks again for the open dialog today after the IGA Task Force meeting.

I do wish to take you up on your offer to help provide clarity on some of the many important "why" questions that remain open. While these have been asked, I do realize that they were not directed to you specifically, so you may not be aware of the question that I have been working to address since the start of this process.

As mentioned, in the absence of data or insight about what went into key decisions related to the IGA, we have tried to use available resource to piece things together. Clarity on these topics will greatly influence the direction of the task force and our recommendations to the BoT. I tried to break things down into three main categories:

1. Property Selection:

- a. For the properties added / subtracted / changed on the IGA map (from 2012 to 2014), other than the fact that some owners are looking to sell their land, what selection criteria went into determining which properties were targeted for consideration of annexation?

VS ANSWER: *We first discussed any properties that had inquired about annexation in the past few years. (The three on the north side made regular contact with the town over the past several years asking when the IGA would be opened so they could include their properties in the planning area. We also looked at properties adjacent to the current town limits (e.g., Harkalis) and could possibly connect to utilities.*

The only property removed (I believe) was above Highland Drive. The area north of the Highland Ditch does not have an access point, except over the Boulder County open space to the north. This was recently purchased by a new owner, and they were more interested in keeping this native and developing the low ground below and allowing this hillside to join the rest of the site as rural preservation.

- b. What evaluation criteria went specifically into the decision to change some parcels from Rural Preservation to available for annexation? That is, why was one Rural Preservation property vs another?

VS ANSWER: *It was included upon the request of the property owner, it's adjacency to town limits, and the consent of the county to consider it.*

- c. To the east of the Carpenter property, is 346 Steamboat Valley Road -- referenced as "Walters (Parcel # 120307000013)" - Owner is Matt Hanley, who I spoke with again last week. He reported having no knowledge of why this parcel was selected to move from "Rural Preservation" to "Potential Annexation / No development". This parcel is larger, very developable, and has far less slope than the Carpenter parcel (except for drainage to the east edge). What decision making process went into the selection and designation changes to this particular parcel? Any insight to how this happened without discussions with the property owner (or perhaps there were discussion and I have been misinformed)?

VS ANSWER: *The property owner did not request annexation, and we did not pursue it. The east half of this property is a significant drainage system that runs through the center of Lyons. It is not appropriate for development. It was marked as potential for annexation because of its location. It certainly could be annexed if / when desired. The town is more interested in a utility easement on the northern edge to create a water loop between Vasquez and Horizon. This would increase water pressure, flows and quality to the north side. We would also like to keep the option of pursuing a major storm water mitigation grant in the future for consideration of a retaining structure for heavy rain events.*

The IGA is between the County and the Town. We do not necessarily meet with every property owner at the time of the IGA because they change. This is a very high-level view of what the community needs to consider for its long-term planning and sustainability. We did not meet with every property owner in Apple Valley and the South St. Vrain and get their permission to include them on the previous maps. This is a planning document. It is not a map of what the town is going to do. It is a snapshot of what may be feasible and allowed in the future based on our infrastructure and

needs. Our town has never used eminent domain to take a property (that I know of). It is at the request of the property owners.

- d. When residents of town (inside or outside the boundaries) ask “If decisions can change Rural Preservation land to developable, on what is perceived as high-risk, highly environmentally sensitive land (example: Connor Parcel), what is to prevent the efforts to build on other rural preservation land in the future?” Note: This seems to be the driving concern of folks on Apple Valley Road, many in upper steamboat valley and some within Stone Canyon.

VS ANSWER: *We want to be able to show what may be an option acceptable to the county and town, and what is not. Again, property owners have rights. If they want to change their use, they can request it. As we have learned from many years of development, the only way to guarantee that something won’t be developed, is to buy it yourself.*

- e. The large parcel (sorry, I haven’t found owner name) on North side of eastern corridor, just above Highland Drive, was removed from the town planning area. Is it a correct assumption that that was the “trade-off” with BoCo (moving that outside our planning area) to allow us to develop other rural preservation lands? This was the implication I received from my discussions with Dale Case but without specific confirmation.

VS ANSWER: *No. It was not a trade off for the north side. It was actually a trade off for the parcel south of Highland Ditch coming into the area and everything north of the ditch to rural preservation. The area on the south is adjacent to town limits, easier extension of utilities, etc.*

2. Density Data Requirements:

- a. What decision criteria went into the overlay or assignment of density requirements on specific parcels of land within the IGA? (understanding of course the higher density can lead to more housing affordability in general). When the “required” density levels are shown in some cases > 3x to 7x higher than current development in the area, how was that determination made, what criteria and/or risk factors were considered even from a basic level?

VS ANSWER: *Andrew responded to this question in a separate email. He based it on density allowed per zoning in the Lyons Municipal Code. There was also significant input from the county that if these lots could be considered for development, they wanted some reassurances that it would include housing affordability (and as you stated, often means higher density). I can tell you that staff did not make friends when trying to negotiate this issue. I kept telling them that all my research says that density should be in the core of town, not the edges. We negotiated as far as we could. At some point, we had to take the document to the Board for discussion and decision. Staff does not get a vote.*

Note: Based on data received by Planner Bowen, Steamboat Valley neighborhood density is 1.6 households/acre (the lowest) and Confluence &

2nd/McConnel are 4.7 households/acre (highest), north downtown and Stone Canyon are both 3.8/acre.

- b. Do you personally feel that some basic criteria should be used to balance future development density with current development density?

VS ANSWER: *My personal opinion doesn't really matter. I think it is more important that the development is congruous to the neighborhood in size and aesthetics and embraces the environment. Since there are no longer occupancy limits allowed in Colorado, any house on the north side could house ten or more unrelated people and we couldn't do a thing. I do believe you could have a structure that looks and feels the same as many of the homes, but actually is a tri-plex with higher density than you are currently used to there but could fit in nicely with no disruption to your lifestyle.*

3. **Affordable / Attainable Housing Requirements:**

- a. What considerations were made when applying the affordable/attainable housing requirements for each parcel? Note: Planner Bowen reported on 25-Jun-24 that "The idea of choosing a property on its appropriateness for affordable/attainable housing development was not part of staff's methodology..." Perhaps he was not in the loop on what actual consideration went into the development of these overlays in the draft IGA given that it occurred before he joined the town Staff?

VS ANSWER: *I concur with Andrew. The idea of affordability and density did not come up until well after the parcel discussions occurred. The topic was initiated by county staff.*

- b. Do you personally feel that some basic site selection criteria should be considered when planning for or evaluating a requirement to include affordable/attainable housing?

VS ANSWER: *My personal opinion doesn't matter. From a public administrator perspective, ideally all developments should have a mix of housing types, styles and affordability. I don't like the idea of having separate neighborhood 'projects'. It polarizes communities and puts a scarlet letter on those who live there. I do believe that all neighborhoods should be evaluated for walkability, environmental concerns, parking and appropriate density, to name a few items.*

- c. Is it fair to assume that parcels that had higher affordability/attainable housing requirements over another, were in some way seen as more appropriate, more feasible or that those properties had lower site infrastructure requirements? What considerations we made here?

VS ANSWER: *The county asked that all the parcels considered for annexation include a density and housing affordability criteria. We discussed neighborhood compatibility, design ideas, infrastructure, location, the owner's wishes, to name a few. What isn't in the IGA (but is in the Comp Plan) and was in our discussions, is that the highest, most appropriate place for density is in the core of town with infill and redevelopment opportunities, access to schools and transportation, etc. However, that was not the*

purpose of this IGA map. It was to identify the next 20 years of planning opportunities, not the area already approved for annexation and zoning.

4. East Corridor Development:

- a. Given the multiple studies and data targeting development toward the east corridor, now under annexation discussion with Tebo and others, why was NO density or affordable/approachable housing requirement applied to this important area within the IGA document?

***VS ANSWER:** This was included in the last IGA. None of those properties were reopened or asked to have a housing affordability or density requirement. We work closely with the County already on this area and are in agreement with the plans that have been adopted over the years.*

- b. In discussion around the current annexation, are discussion being had related to trying to apply some of these requirements?

***VS ANSWER:** The owner has not submitted his final plans for the area along Highland Drive other than to say that he would support affordable and/or multifamily housing in this area as he knows that it has been identified as an area that the community would support for denser housing.*

5. **Guess Work:** OK, this last one is just me asking a wild question. If not appropriate, let me know. Is there any truth to my personal hypothesis that the super high-density and unfeasibly high % of affordable/attainable housing requirement was an attempt to meet Prop 123 goals with the real knowledge that these could never be achieved by a developer? That is, was there some other political or optics goal at work here that perhaps I need to understand?

***VS ANSWER:** The town did not include any of the north parcels with the intent to meet our Prop 123 goals. The only one that I recall being mentioned was the Harkalis. We thought we might be able to find a developer that would be willing to build a duplex or triplex on that property in the next couple of years to help meet our goals. I cannot speak on behalf of the county. Maybe they have goals that they are striving to meet, but we feel very strongly that we can meet our Prop 123 goal of ten units using existing properties within the town limits.*

Thanks again for your offer to help provide this level of transparency and clarity to these basic questions related to the draft IGA.

VS ANSWER: You're welcome. Hope it helps. Please don't hesitate to inquire further if needed. Victoria

Douglas Matthews

Town of Lyons Documents (sewage and water service, and stormwater management) Pertaining to the Suitability of Properties Proposed in the Draft 2024 IGA

Part 1: Northern Steamboat Valley

Contributed by Cindy Fisher

The Town of Lyons Blue line Ordinance, Sec 13-1-130 of the Municipal Code, for properties located wholly or partially above the blue line.

Blue line Ordinance:

a) Limit of Service. No water or wastewater service shall be provided by the Town Utility Departments to any property located wholly or partially above the blue line (5,450 ft. elevation), unless applied for and granted a variance from the Town. (Blue Line Ordinance).

(e) Granting of blue line variance.

“... the Board of Trustees may grant a blue line variance and may condition such variance **upon conditions necessary to ensure that the service will not detrimentally affect the health, safety or welfare of the residents of the proposed development or consumers of the public water and wastewater systems.** A blue line variance shall be a legislative act by the Board of Trustees, **shall be subject to public referendum** and shall be made by written resolution containing a legal description of the property affected by the variance and all terms and conditions of the variance....”(Blue Line Ordinance).

Document: Water Distribution and Sanitary Sewer Collection System Capital Improvements Plan, Town of Lyons, CO January 2017.

“The plan evaluates the town’s current water distribution system and wastewater collection system and identifies the improvements needed to both systems.”. (Water Distribution and Sanitary Sewer Collection System Capital Improvements plan, p. 1, hereafter WDSSCSCIplan)

The following recommendations were made. Cost estimates were for 2017. (WDSSCSCIplan p.1)

townoflyons.com

The proposed wastewater collection system improvements consist of four pipeline replacement projects, four pipeline repair projects, and a lift station replacement project. A summary of these capital improvement projects and their cost estimates are listed in Table 1.

Table 1 – Summary of Wastewater Capital Improvement Projects

Wastewater Capital Improvement Project	Cost Estimate
North Old Town Alleys - 4th Avenue to 5th Avenue	\$520,013
Meily Street - Ewald Avenue to 5th Avenue	\$168,396
Longs Peak Drive	\$359,208
Broadway from Park to 2nd	\$46,200
Broadway from 3rd to 5th	\$63,600
Park Drive from 4th to 5th	\$104,850
4th from Evans to Main Street	\$48,000
High Street- 4th Avenue to 5th Avenue	\$32,400
Eagle Canyon Lift Station	\$192,522
TOTAL	\$1,535,190

The proposed water distribution system improvements consist of five pipe replacement projects, pipe upsizing, and the rerouting of transmission line along St. Vrain Creek. A summary of these capital improvement projects and their cost estimates are listed in Table 2.

Table 2 – Summary of Water Distribution Capital Improvement Projects

Water Capital Improvement Project	Cost Estimate
3rd Avenue - Evans to Railroad	\$99,584
High Street - 4th Avenue to 5th Avenue	\$186,302
North 5th Avenue - Seward to Steamboat Valley Road	\$281,813
Vasquez Court / Horizon Drive Loop	\$318,994
Longs Peak Drive Loop	\$331,336
St. Vrain Creek	\$91,661
Upsize Four-inch Water Mains	\$903,304
TOTAL	\$2,212,994

This plan is intended to be a working document and should be updated regularly as part of the Town’s routine maintenance programs.

Water Capital Improvement Projects in North Old Town Area

You can see there are several areas that directly affect the IGA 2024 Draft proposed building areas. Several of the areas that provide water to northern Steamboat Valley are highlighted for waterline improvements in 2017. Figure 1. Water Capital Improvement Projects in North Old Town Area (WDSSCSCIplan p.7)

Adding more residences would further stress the system.

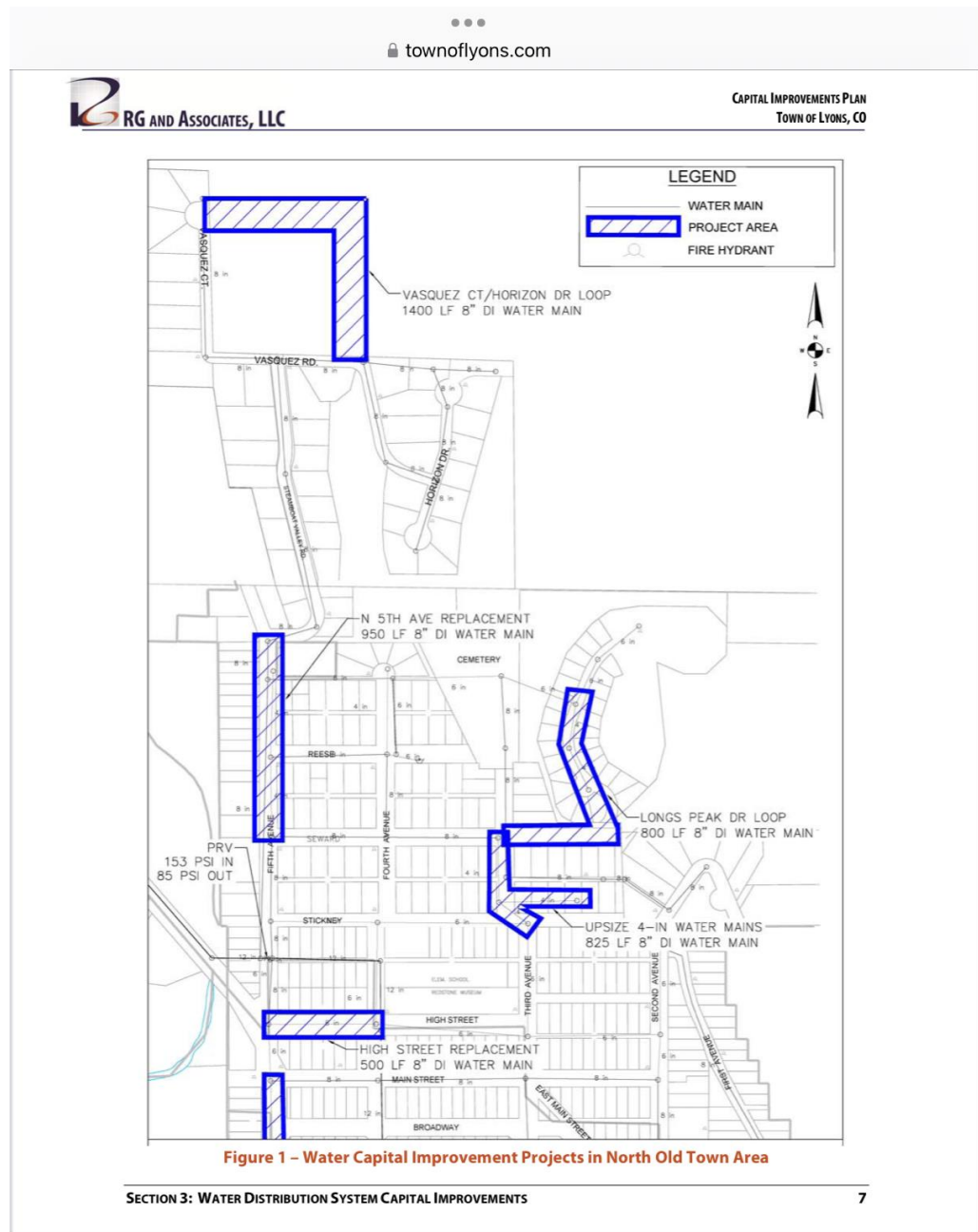


Figure 10 illustrates the pipe diameters in the Town. (WDSSCSCIplan p.31)

There are small diameter pipes leading up to the North Steamboat area and in Longs Peak Drive that negatively impact the delivery of water to the North.

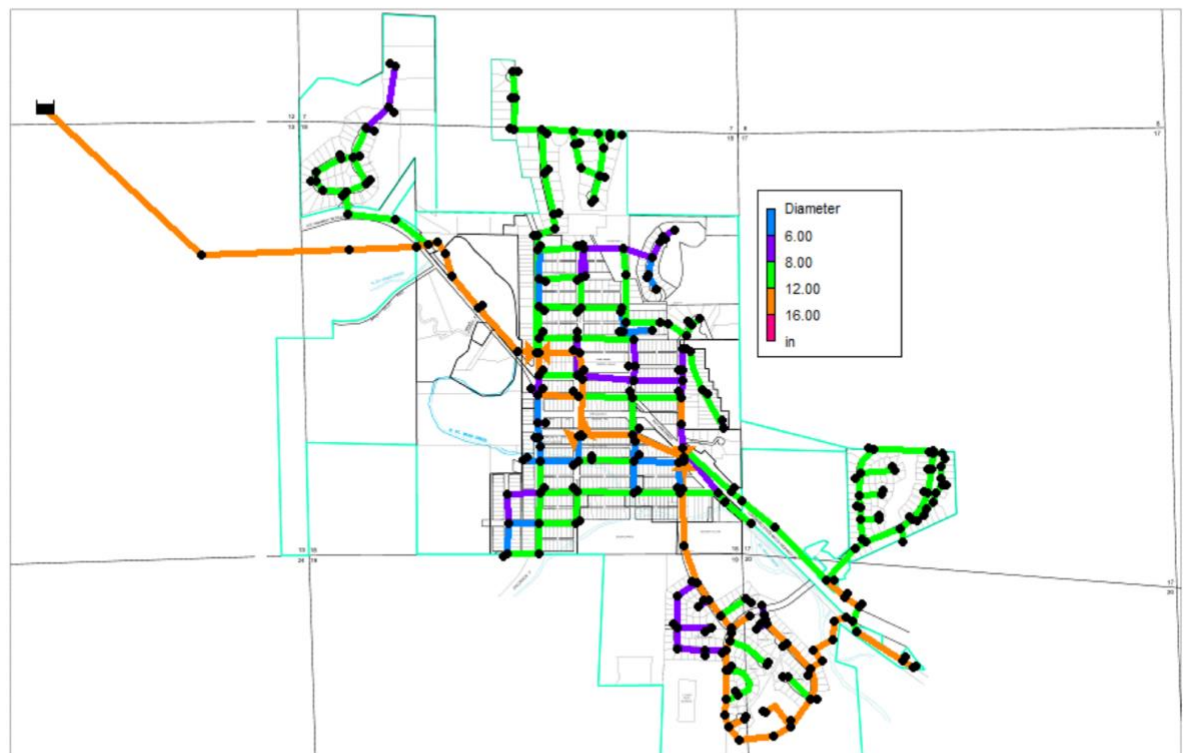
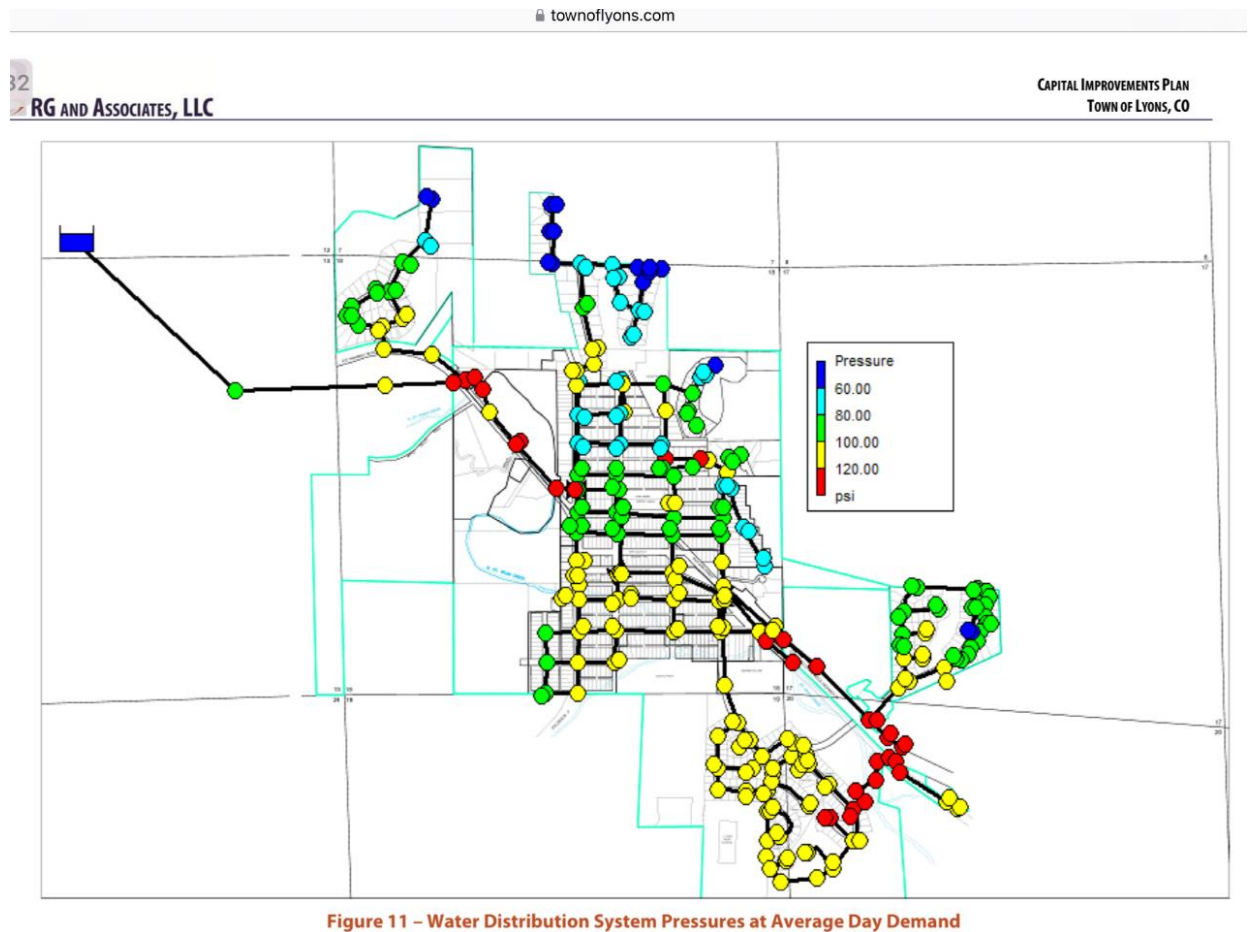
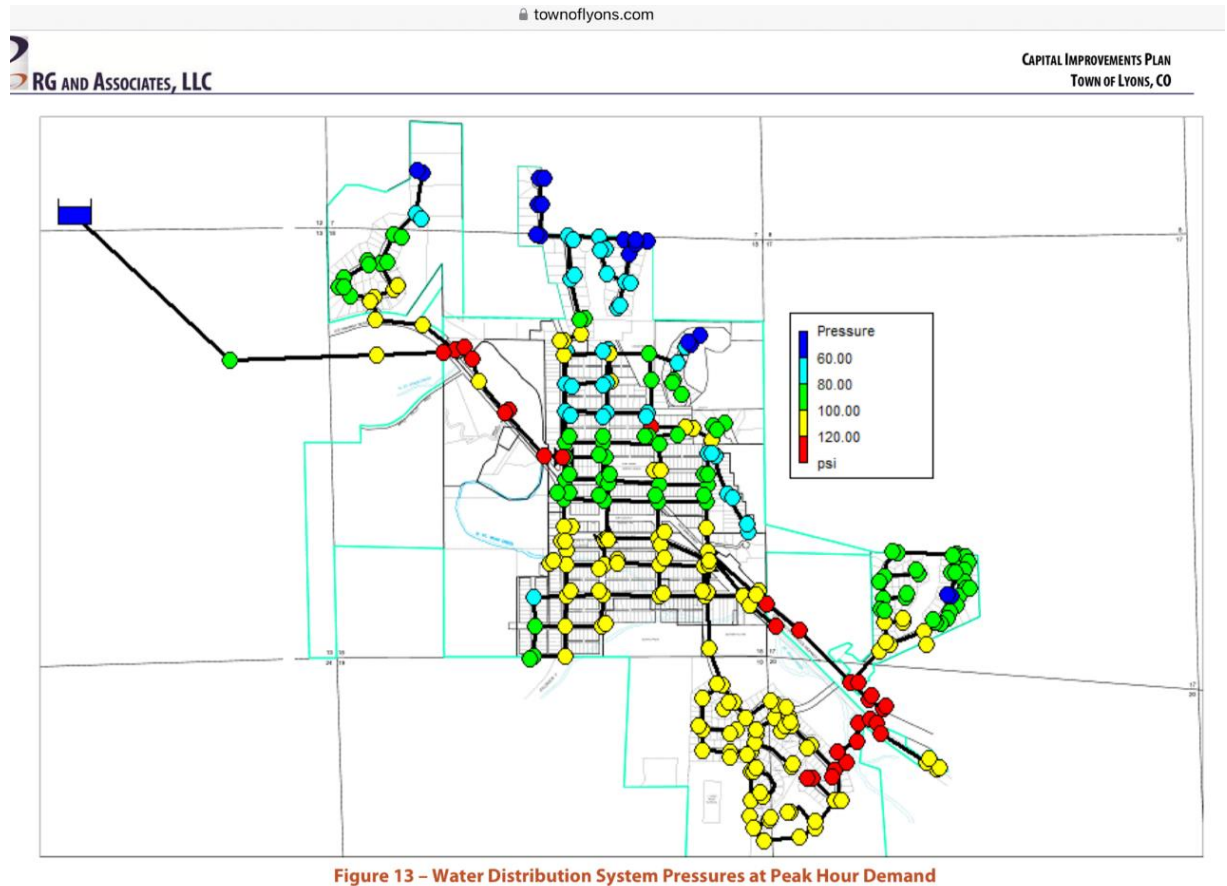


Figure 10 – Pipe Diameters in the Town of Lyons Distribution System

The result of the inadequate water pipe diameters is low water pressure in the Steamboat Valley and Longs Peak drive service areas, as modeled for average demand. See figure 11 below, for the system pressures at Average Day Demand. (WDSSCSCIplan p.34)



In the areas of North Steam Valley and Longs Peak Drive at times of peak hour demand, the pressure is further reduced, as modeled for peak hour demand. See figure 13 below, for the system pressures at Peak Hour Demand. (WDSSCSCIplan p.36)



A fire flow analysis model was conducted to determine pressures and head loss at areas throughout the Town. In most areas the pressures and head loss were acceptable. However, in locations where a hydrant is connected to a four-inch water main, or near the limit of the blue line service area, the hydrants would not be able to properly function in the event of a fire. (WDSSCSCIplan p.33)

Given that the Town has not had the funds to address the current water infrastructure issues, the prospect of adding additional residences to North Steamboat Valley, appears contrary to the text in the blue line ordinance (e), stating that projects should not detrimentally affect the health, safety or welfare of the residents.

Sanitary Sewer Collection System January 2017.

The sewage of north Steamboat Valley flows down into 4th Ave, where the report recommended replacing the current sewer main with 2000 linear feet of 8" PVC. (Water Distribution and Sanitary Sewer Collection System Capital Improvements Plan, Town of Lyons, CO January 2017, p.17).

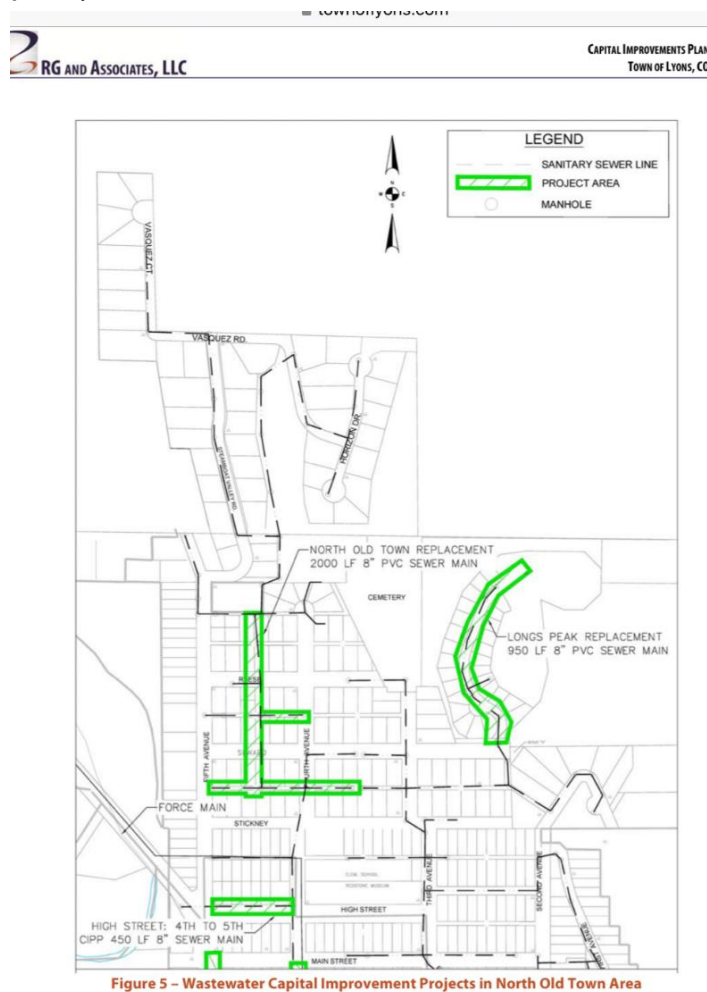


Figure 5 – Wastewater Capital Improvement Projects in North Old Town Area

Stormwater considerations

**Document: Town of Lyons Stormwater Masterplan ICON Engineering, Inc.
November 2016**

“The most significant flood hazard impacting downtown Lyons is runoff from Steamboat Valley.” p. 32

1) Inadequate Stormwater Infrastructure

“Existing drainage in the Town reflects open channel drainageways in combination with storm sewer conveyance for more urbanized areas. **Most of the Town’s existing drainage infrastructure is under-sized due to the increase in development within the Town during the 1990s.** The existing conveyance system has the capacity to convey nuisance flows, **but it does not have the capacity to convey even the minor (5-year) storm events.”** (page 7, 2.21 Project Area).

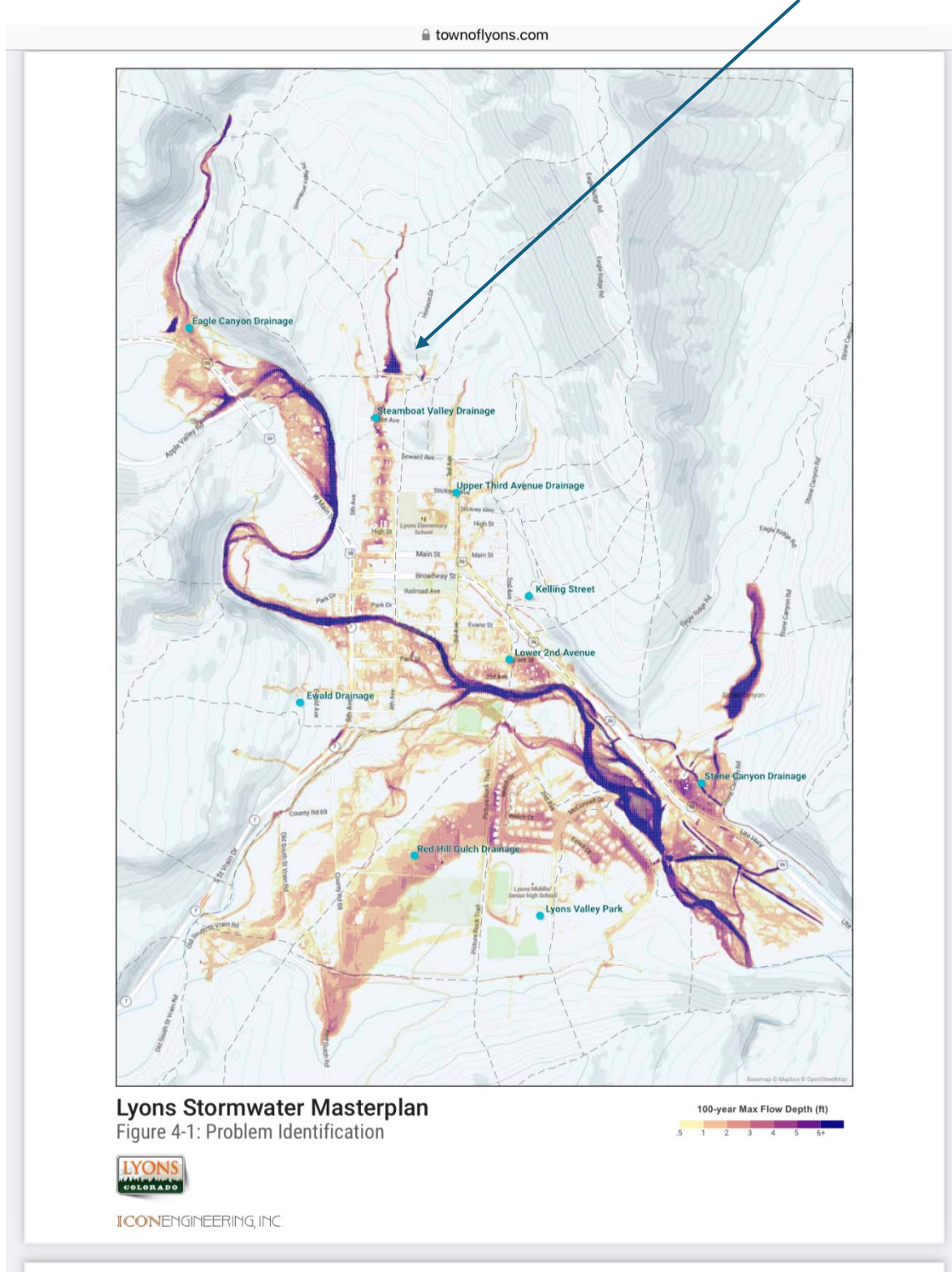
2) Steamboat Valley Drainage

2.3.9“The majority of the 370-acre watershed converges just upstream of downtown and is conveyed between 4th and 5th Avenue. In the upper reaches, the watershed consists of large lot residential and undeveloped properties. The lower third of the watershed is fully developed consisting of residential and commercial lots. In the lower downtown area, the watershed is bounded by 4th Avenue to the east and North St. Vrain Creek to the west. The watershed ranges in elevation from 6500 feet to 5335 feet.”

“The flow concentrates in the upper reaches in an open channel with an approximate slope of 16 percent. **The flow continues south into a private inadvertent storage area on the Russell property** upstream of the old railroad embankment. Downstream of the railroad embankment the drainageway is confined in a small open channel that conveys flow through backyards of private property. There are several

Figure 4.1 Problem identification. Map from model of 100-year flood. Town of Lyons Stormwater Masterplan ICON Engineering, Inc. November 2016.

Railroad embankment Russell property, 6' deep



roadway crossings within this reach including Vasquez Road, McCally Alley, Reese Avenue, Steward Avenue, and Stickney Avenue. A reportedly historic stone box culvert intercepts flow and conveys flow underneath downtown until the outfall location into North St. Vrain Creek. The slope is approximately four percent downstream of the railroad embankment” P. 13.

Hydrologic Analysis

4.3.9 Steamboat Valley

“The most significant flood hazard impacting downtown Lyons is runoff from Steamboat Valley. The runoff from the upper watershed concentrates behind the old railroad embankment. The area behind the old railroad embankment poses a significant flood hazard to downstream properties. Close observation on the stability and maintenance of this embankment is important to managing the risk of a breach or other failure during a storm event. This will require coordination with several private property owners. Downstream of the railroad embankment development within the natural drainage path has confined the runoff to an undersized open channel through private property. The lack of conveyance capacity of this channel and culvert roadway crossings between 4th Avenue and 5th Avenue creates a flooding hazard damaging private property. Any flow that is not intercepted by the historic stone culvert continues the surface flowing through backyards with additional impact to private property and structures.” p. 32

“The existing conveyance within Steamboat Valley does not have the hydraulic capacity to convey storms greater than the 5-year return period. More importantly, the materials (stone and open channel) and alignment (erratic with several sharp bends and constrictions) subjects the adjacent properties to additional risk from debris clogging.” (p. 32)