

TOWN OF LYONS
BOULDER COUNTY IGA TASK FORCE MEETING
MEETING

Zoom Only Meeting – Not live at town Hall

ZOOM LINK:

[https://us02web.zoom.us/j/82051695817?
pwd=BDRfQUVjLSazYoJZMLpO6bSawatthm.1](https://us02web.zoom.us/j/82051695817?pwd=BDRfQUVjLSazYoJZMLpO6bSawatthm.1)

AGENDA

August 28, 2024

1:00 – 2:00 PM

- I. Roll Call
- II. Approve Agenda
- III. Final Document Review And Approval
 - A. Discuss Any Final Edits Made or Requested to IGA Task Force Report
 - B. Review Reference Document List and any additions requested by Task Force
 - C. Discuss Presentation plan for Tue 3-Sept at 5:00PM to BOT
- IV. Vote On Key Items
 - A. Tally Task Force Vote Count on Recommendation A vs B Question 1: “Do you prefer (support) the general ideal in Option A or Option B as the recommendation to the BoT?” Both to be included in final report.
 - B. Tally Task Force Vote Count on Recommendation A vs B Question 1: “Do you prefer (support) the general ideal in Option A or Option B as the recommendation to the BoT?” Both to be included in final report.
- V. Summary Of Action Items Prior To Presentation
- VI. Adjournment
- VII. Documents

Documents:

IGA PRESENTATION WORKING DRAFT V27AUG24.PDF
LYONS SEWAGE WATER STORMWATER SUMMARY REPORT C
FISHER.PDF



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Working Draft V1
Not Final or intended for distribution
EDITS INCLUDED FROM JJ, DM, CF, CS
MS As of 27-Aug

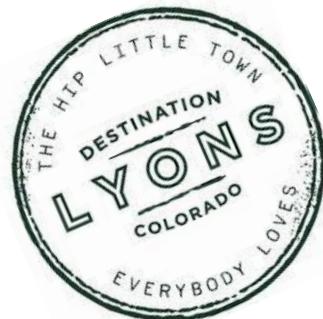
Citizen IGA Task Force Recommendations Report
submitted to Board of Trustees on 3-Sept-2024

"As for a meaningful conclusion, we will at least have engaged in a thoughtful, thorough, and well-intentioned discussion that reflects the difficulty of this whole process."

Quote from IGA Task Force Member

FROM C Stevenson: I'm strongly not in favor of this quote, and think it should either be removed or replaced. As the first opening statement that sets a tone for the whole presentation, I think it diminishes the strength of our ultimate recommendations, unnecessarily highlights group discord (of which we pushed through) and as a member of the audience reading this, could leave me ultimately thinking "great, *at least* they had a [redacted] discussion...". When it was much more than that - we worked hard to study, assess and find consensus... [redacted]

If you must keep it, I would propose adding a single sentence at the end that conveys the important consensus we found as a group, and the strength of the community-influenced recommendations that we arrived at. [redacted]





IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

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- (B) Recommendation on IGA Legal Document 12 -
- (C) Recommendations on IGA Map ("Exhibit A") xx

Reference Materials Used by Task Force

- (A) 2012 IGA Document
- (B) 2024 Draft IGA Document
- (C) Maps
 - i. 2012 IGA Map
 - ii. 2024 IGA Map
 - iii. Blue Line Map
 - iv. Fire Risk Map (source: XX)
 - v. Slope Line Maps (source: XX)
 - vi. ??
- (D) Town Historic Reports / Studies
- (E) Housing Density Data (related to IGA)
- (F) Citizen Inputs (letters)



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

What is the IGA and what is the purpose?

The “**IGA**”, **Intergovernmental Agreement**, formally the *Comprehensive Development Plan Intergovernmental Agreement* between Lyons and Boulder County (“BoCo”) is a legal agreement that defines the areas of potential growth (through annexation) outside of current town boundaries and defines the general intent of those properties.

Within the “Lyons Planning Area” (LPA), the properties that are eligible to apply for annexation consideration are referred to as the “Potential Annexation Areas” (PAA). This does NOT mean that annexation will be granted, and no specific time-lines are included for potential annexation of any parcels within the PAA. All annexation applications are the choice of the property owner, and not initiated by the Town.

Exhibit A (the map) of this agreement illustrates the LPA and the specific parcels identified in the specific parcels that make up the PAA .

In short, the IGA is a Land Use focused document that helps to guide the Town’s growth priorities and strategies. **Specifically, the IGA is intended to define what properties might be considered for future annexation and development and generally what should be the nature of that development.**

Further, the IGA provides direction and clarity on related development priorities and may impose specific requirements related to parcels within the proposed PAAs that help to meet the goals of the town (such as areas targeted for commercial or residential growth, or other such related requirements for consideration of annexation).

The IGA does NOT define any specific development plans but helps to establish parameters and requirements for the BoT and town staff. Further the IGA does NOT specially address any development activity or opportunities within the town limits.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

IGA Task Force – Who, What and Why?

Who?

The eight person Citizen Task Force was a selection by the Board of Trustees ("BoT") from 16 applications received. Members were selected to provide a diverse set of backgrounds, perspectives, representation from the various parts of town, a mix of home-owners and renters, and a mix of men and women.

The Task Force Members:

- Charles Stevenson – Confluence, Renter
- Cindy Fisher – Stone Canyon
- Douglas Matthews (chair) – Upper North Side
- Jen Wingard (alternate) – South Side,
- Julie Jacobs (scribe) – Lower North Side
- Martin Soosloff (vice chair) – South/West Side
- Sonny Smith – South Side, Renter
- * Wendy Miller – South Side, Business Representative

* Due to business obligations, Wendy was unable to attend or participate in Task Force meetings after 22-July and was not able to provide input to final report.

What was charter of the Task Force?

Because of the significant concerns raised by citizens of Lyons regarding the 2024 Draft IGA, the BoT and Mayor Rogin created a short-term (60 days) citizen Task Force to review the Draft IGA and make recommendations to the BoT. The nature of the review or recommendations was not pre-defined.

Given that the concerns expressed by citizens across the community were diverse and focused both on the transparency of the IGA development process as well as specific details of both the IGA Agreement itself and the related map of the Potential Annexation Areas ("PAA"), the Task Force chose to make a comprehensive review (and offer recommendations) on all three areas (*the process, legal agreement, and the map*).

Dissenting Views: Knowing that view and opinions were diverse across our community, the Task Force charter specifically called out that, if necessary, differing recommendations may be presented as the Task Force members felt were appropriate.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Our Mission / Process / Community Inputs / Data Collection:

On day one of the process, the Task Force established the following mission or steps in our efforts to reach reasonable alignment on our recommendations.

- Learn what properties are being discussed and what is the outlined use of each within the Draft 2024 IGA
- Understand what changed from prior 2012 IGA to Draft 2024 IGA in regard to (A) the Map, and (B) legal document (tone, direction, goals, etc.)
- Gain an understanding of what data, process, considerations went into those updates to the IGA map / document and offer any recommendations
- Determine if there are any other properties or areas of consideration, we (Task Force) feel need to be ADDED to the IGA
- Draft (then edit, debate and agree on) recommendation to the BoT on what areas of the IGA we feel need to be reviewed, revised or edited in general or specific ways

Process: Starting 6-June-2024, the Task Force met live for 1.5 hours per session on a weekly basis concluding our final formal meeting on Aug 21, 2024.

Community Inputs: While community inputs were critical to each member, we realized we were not in a position to effectively hold public hearings and/or process the data given the above constraints. For that reason, each Task Force member was charged to make individual out-reach to discuss the issues and concerns related to the IGA and the overall growth strategy of the town in the future. With a starting point of our local neighborhoods and expanding outward, there were efforts to discuss the topics and potential alternatives with as many citizens as each member was able in hopes of bringing back to the group insights, opinions, and potential directions.

Data Collection: Further, members collected data from past reports, studies, historical records, collected digital mapping data of flood zones, fire risk, blue-line, etc. Individuals on the Task Force collected and compiled data on such items as our utility network (as concerning future potential development), housing density comparisons, etc. As much as possible, we have included all data and documentation utilized as reference materials for the BoT to consider as they deliberate on the recommendations provided.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Challenges:

At the onset of this mission, our process was challenged by three factors:

- The Task Force members started the process with widely different levels of knowledge on the multitude of topics associated with the IGA.
- The understanding of citizen concerns were not universally agreed.
- The Task Force was working with a very short time frame (Targeted at 60 days).

Finding Common Ground:

The Task Force actively worked to find **Common Ground** where possible regarding the many complex and overlapping issues around the IGA and the overarching related topic of our town's future growth direction. That common ground informs the majority of the recommendation we present here to the BoT and Mayor.

That said, we did expose **Widely Different Perspectives** among the citizen Task Force (reflective of the community at large) on a few specific topics.

In a cooperative manner, these differences lead us to provide "alternative recommendations" or "diverse recommendations" in key areas (such the Rural Preservation properties selected on the IGA map for potential future annexation and residential development).

The Task Force recommendations on the IGA Process along with our collective summary of the citizens key concerns (see next page) are intended as a guide or frameworks for the BoT to follow in their formal review, revision and execution of an updated IGA with BoCo.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Primary Areas of Citizen Concerns:

The Task Force felt that the primary concerns around the Draft IGA, as expressed by the citizens, were best summarized as follows:

- **Concerns about trust and transparency.** A lack of community trust exists in the IGA process and for the BoT and BoCo as stakeholders in the process.
- **Concern about housing needs.** Citizens want to assure that any future annexation / development be prioritized to address the Town's defined housing needs, follow the principles outlined in the Lyons Comprehensive plan, and support a goal of housing affordability / availability in a realistic, measurable, and feasible way.
- **Concern about clarity of housing goals.** The Town's true housing goals and especially the goals for Affordable / Workforce Housing remain unclear to many citizens (housing goal numbers, affordable housing goals, measures, definitions, etc.).
- **Concerns for development of environmentally sensitive lands.** Citizens are concerned about the ecological impact on wildlife, preservation of critical habitat, migration routes, wildlife buffer zones, view-scape, and retaining of the rural character described in Lyons Thrive.
- **Concerns for safety risks.** Potential higher density development in some areas outlined in the 2024 Draft IGA, present increased risk of wildfire, access/egress difficulties, flood from storm water runoff resulting from disrupted natural drainage and reduced infiltration, etc.
- **Concerns about appropriately recognizing the topographic and natural constraints.** Citizens want assurance that development decisions recognize Lyon's many natural features and infrastructure constraints (such as flood zone, blue line, steep slopes, large drainage basins, rocky terrain, etc.), combined with citizens desire to protect such as items as sightlines, wildlife preservation, and limiting light pollution, that together present significant limits to appropriate sites for development and growth.
- **Density Concerns.** Concerns exist regarding the impact of density (as outlined in the Draft IGA) as related to risk factors, achievement of our overall housing affordability goals, and compatibility with existing developments.
- **Economic development concerns.** Future annexation should support a commercially-based economy including ensuring adequate workforce housing to support commercial needs.
- **Concerns about development priorities.** Citizens wish to prioritize infill (redevelopment) within the core of Lyons to meet the defined housing goals of the town.
- **Concerns about State/County overreach.** Citizens want BoT and Staff to continue efforts to maintain local control over the town's expansion, annexation and development processes.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Recommendations to Board of Trustees:

The Task Force has presented the recommendation to the BoT into three, inter-related sections for consideration:

- (A)** Recommendation on the IGA development process,
- (B)** Specific edits to the actual, legal IGA document,
- (C)** Two alternative recommendation for how to address the designations of specific property on the draft IGA Map ("Exhibit A").





IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

IGA Process

Recommendations

Notes: This set of recommendations covers both specific steps and general areas of process control that are intended to help the BoT address the “Primary Areas of Citizen Concerns” as outlined earlier in this document.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

A. Recommendation on the IGA process:

1) Improve Transparency of IGA Process:

While the BoT's formation of the citizen IGA Task Force is a great sign of understanding and openness to the community, the Task Force would recommend continued, public acknowledgement by the BoT of the concerns expressed by the community. Renewed vigor is needed in both words and actions to demonstrate and re-assure the community that the BoT and BoCo are committed to improving transparency in the IGA process.

2) Recommendation To the Community:

The Task Force feels that the challenge of the IGA is not assigned only to the BoT or Town Staff but rather, the community at large.

We call on citizens across Lyons to get involved, get informed, engage in open, civil dialogue with neighbors, BoT members; learn the facts, understand the trade-offs being considered, and make your views heard in a constructive and useful way.

While views and perspectives will differ, all must assume good intentions of our elected officials and community members. To reach a successful outcome, all involved should focus on facts, avoid "fake-news", assumptions or accusations. Collectively we must remain united as a town, open-minded, civil.

3) Extend the IGA Deadline:

Advise BoCo of the need to extend the current 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 allow adequate opportunities for public input/comment on an "updated" IGA.

4) Gain a clear understanding of the properties in the IGA, understand what changed from 2012, and study historical information.

It is recommended that the BoT start with a visit to each PAA property as a group, to gain an understanding of the basic risk factors and the potential development opportunities.

The BoT should also then study the wealth of history and documentation that is available related to development in Lyons including studies such as the Lyons Primary Planning Area Master Plan (known as the "3-Mile Plan"), The Stormwater Master plan 2017, historic and recent development experience (such as the Summit development), and consider the topographic reality faced.

Changes from prior IGA should be clearly understood. The BoT should then consider the longer-term potential uses, the risk factors, and needs of the community, to apply a broad, holistic view of what is best for the community.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

A. Recommendation on the IGA process – Continued

5) Proactively engage with property owners and neighboring property owners.

Proactively engaging with private landowners, neighboring landowners, citizens within and just outside of town limits, and government stakeholders to make collaborative land use decisions while keeping in mind the longer-term goals and possibilities over the life of this 10 to 20-year agreement.

6) Assure Landowner Agreement to Designation Changes.

As part of this review process, the IGA should not redesignate lands from Rural Preservation to PAA if the landowner(s) objects. At the very least, if such property is to be re-designated into the PAA, it should be done so without restrictions of future development (other than as already defined by Town of Lyons existing codes and standards).

(Note: The Task Force did not have unanimous consensus on this recommendation. See IGA Map recommendation option B for more insight and background)

7) Development and Annexation Should Be Prioritized Where Consensus Has Been Found:

In multiple studies and surveys, the Eastern corridor has time and again presented the highest potential for growth and development. (See “Lyons Primary Planning Area Master Plan” known as the “3-Mile Plan”).

With the Eastern corridor being close to utilities, below the blue-line, above flood zone, with lower wildlife interface risk, the BoT and staff should prioritize efforts on the development and integration of this area into Lyons. Such development will help us address both our commercial and residential housing goals in a singular, united and widely supported way.

8) Immediate Opportunities:

First and foremost, prioritize making progress on developing and re-developing land in the core of Lyons to revitalize the center of town, especially considering housing for different populations of current and future residents. As for new development, immediately prioritize the support of the Tebo annexation in the East Corridor, to assure that the housing type and density in the annexation area will support the towns housing goals.

9) Define Lyon's Real Housing Goals / Establish Metrics for Future Annexation / Development:

Clarify and publish specific Affordable/Attainable/Workforce Housing 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 rather than perpetuating the inconsistencies among prior stated goals (such as the Housing Futures Report vs. Lyons Comp Plan or Prop 123 goals). Town should consider using “rent to income ratio” in addition to AMI to assure affordability is met.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

A. Recommendation on the IGA process – Continued

10) Follow these Basic Guiding Principles:

The Lyons Community Survey Results used in the Town of Lyons Comprehensive plan 2021, identified several common themes that should be kept in mind while refining the IGA:

- (a) **Wildfire mitigation:** The growing risk that wildfires pose to the community was a consistent worry among respondents (pg. 5)
- (b) **Natural environment:** Many respondents came to Lyons due to its natural beauty and believe that it is important to protect the environmental resources surrounding the town. (pg. 5)
- (c) **Conservation and Redevelopment:** Many respondents worried that building new housing might disrupt the natural beauty and unique habitats around Lyons. Some of these respondents suggested limiting sprawl and focusing on redevelopment Downtown, while other respondents suggested limiting new housing development in Lyons altogether. (pg.8)
- (d) **Growth:** Many respondents felt that continued population growth and the development of the Eastern corridor would help keep Lyons' business community thriving, other survey contributors worried that continued growth would alter the small-town character and negatively impact the environment. (pg. 5)
- (e) **Affordable housing:** While most respondents agreed that the cost of housing was a major concern, the community was split on whether Lyons should build more affordable housing, on where it should go, and what it should look like. (pg.5). Many respondents noted the need for more affordable housing options and there was a desire for creative solutions. Respondents noted a particular need for housing that very low-income residents could afford. (pg. 8)
- (f) **Diverse housing types:** Respondents noted that housing diversity could help create more affordable housing options. For example, tiny homes, manufactured homes, duplexes, townhomes, communal living, and apartments were all mentioned by respondents as potential options for exploration and consideration. (pg.8)



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

IGA Legal Document

Recommendations for Edits

Notes: The following recommended edits to the Draft 2024 IGA document have been suggested and compiled in unison with the citizen IGA Task Force inputs and presented as "Red-Line" edits for clarity.

The intent of these changes were to clarify the draft IGA in terms of intent and direction of the Town of Lyon's potential annexation area and growth strategies.

A "clean" version with the edits and the original draft document are included in the reference documents section of this report.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

B. Recommendation for Edits or Updates to the Draft 2024 IGA Legal Document

The following is a summary of the recommended edits to the Draft 2024 IGA document and where appropriate, reasoning for these edits:

1) **Recitals:**

Section C: Add clarity to goals to both recognize urbanization potential AND protect the rural nature of the town.

Section E (subsection (i) through (v)): Clarify and expand on "intent" of IGA agreement by bringing back into the agreement key principles from 2012 IGA.

2) **Definitions:** Remove density definitions as not necessary in this document. Added wording to reference back to existing town zoning and existing density requirements.

3) **Section 2 related to PAA:**

Section 2(d): clarify intent of "No Development Area" shown on map (Exhibit A) and remove references to specific properties.

Section 2(e) and 2(f): Add requirement that annexation and development application specifically assess and mitigate key risk factors (from 2012 IGA) and dictate that new development be sited to protect natural areas.

4) **Section 3 related to RPA:** Dictates that RPA areas are to remain rural for duration of IGA.

5) **Section 5(d), Special Provisions:**

Added and clarified the requirement that any new residential development must expand the supply of affordable and workforce housing in support of Town's defined goals.

Removed the specific references to individual parcels, (to allow for flexibility to update the Map if needed over time) and removed the property specific density and affordable housing requirements on each referenced property.

6) **Section 7 related to Implementation Process:** Kept requirement from 2012 IGA that the BoT shall study and make approval / disapproval determinations on any County requested zoning changes within LPA .

Note: The above summarized recommended edits to the Draft 2024 IGA document were unanimously agreed by the citizen IGA Task force



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Red-Line Edits to Draft 2024 IGA (Pg 1)

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~~potential of these 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 avoid urban sprawl by encouraging clustered development where appropriate and



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Red-Line Edits to Draft 2024 IGA (Pg 2)

consistent with existing development;

(iii) promote the importance to both Parties of protecting sensitive natural areas, maintaining view corridors, enforcing nuisance ordinances and ensuring that new development is compatible with the character of both Lyons and the adjoining County properties;

(iv) promote the economic viability of the Parties, including building a thriving, year-round economy in Lyons through encouraging development of new commercial, light industrial, mixed-use, workforce housing, and senior housing;

(v) emphasizes proactive 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.

E-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

F-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

G-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

H-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.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Red-Line Edits to Draft 2024 IGA (Pg 3)

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. This Agreement is intended to keep RPA and the land outside LPA rural in character to preserve a community buffer.

Any annexation or development will follow the Town of Lyons zoning, Comprehensive Plan, and Town codes related to density requirements.

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 utility facilities, access, emergency access, passive recreation, and structures associated with those uses.
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.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Red-Line Edits to Draft 2024 IGA (Pg 4)

~~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.~~

~~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.~~

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.

(e) When evaluating annexation and 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.

(f) New residential annexation and development or neighborhoods should be designed and sighted to protect significant natural areas, wildlife habitat and avoid locations or significant risk of natural hazards such as wildfire and stormwater run-off.

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

(f)(h) 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. RPA represent areas that are expected to remain rural for the duration of this Agreement, unless otherwise agreed by the Parties.

(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).



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Red-Line Edits to Draft 2024 IGA (Pg 5)

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 application for annexation of The following parcels, as shown in Exhibit A, for the purposes of creating new residential development 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, supports the Town of Lyons defined housing goals and utilizes density that is congruent and compatible with existing development and the defined housing goals. stated affordability and density requirements are met by the proposed residential development on each 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. Low or Medium Density is required.

b. The Carpenter Parcel (Parcel # 120307000031):



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~~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. ~~Low or Medium Density is required.~~

e. ~~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. ~~Low or Medium Density is required.~~

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. ~~Medium or High Density is required.~~

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. ~~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~~



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~~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. ~~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. ~~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.

~~Where the County seeks to approve zoning changes within the LPA after referral as provided herein, the Board of Trustees shall respond by resolution, approval or disapproving such change or suggesting conditions or approval.~~

8. Partnerships



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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



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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



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

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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:

Approved as to form:

Town Clerk

Town Attorney

BOULDER COUNTY
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Chair

Attest:

Approved as to form:

Clerk to the Board

County Attorney



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IGA Map ("Exhibit A")
With Task Force Recommendations

Notes: This section includes a copy of the Draft 2024 IGA map (Exhibit A) and a summary of the changes made to the map from the 2012 IGA map followed by the Task Force recommendations related to those changes.



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Summary of Changes made from 2012 IGA map to the Draft 2024 IGA Map as referenced on the following pages:

Reference	Location Description	Details of Change
A	"Boone" parcel	Changed from RPA to PAA with No Development zone on all but approx. 5 acres
B	"Carpenter" parcel	Changed from RPA to PAA
C	"Walters" parcel	Changed from RPA to PAA with No Development zone on entire parcel
D	"Connor" parcel	Changed from RPA to PAA with No Development zone on all but approx. 5 acres
E	"Hawkins" parcel	Changed only in development overlay requirements
F	Unidentified parcels	Changed from RPA to not included in Lyons PPA
G	"Blue Mountain" parcel	Changed from PPA to RPA (currently used as commercial lot)
H	Loukenen Parcel A,B, C	Changed from RPA to PAA with No Development zone increased across a majority of parcel
I	"Harkalis" parcel	Changed from RPA to PAA

KEY:

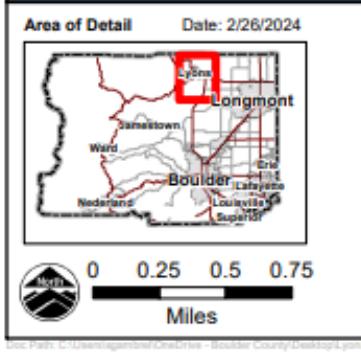
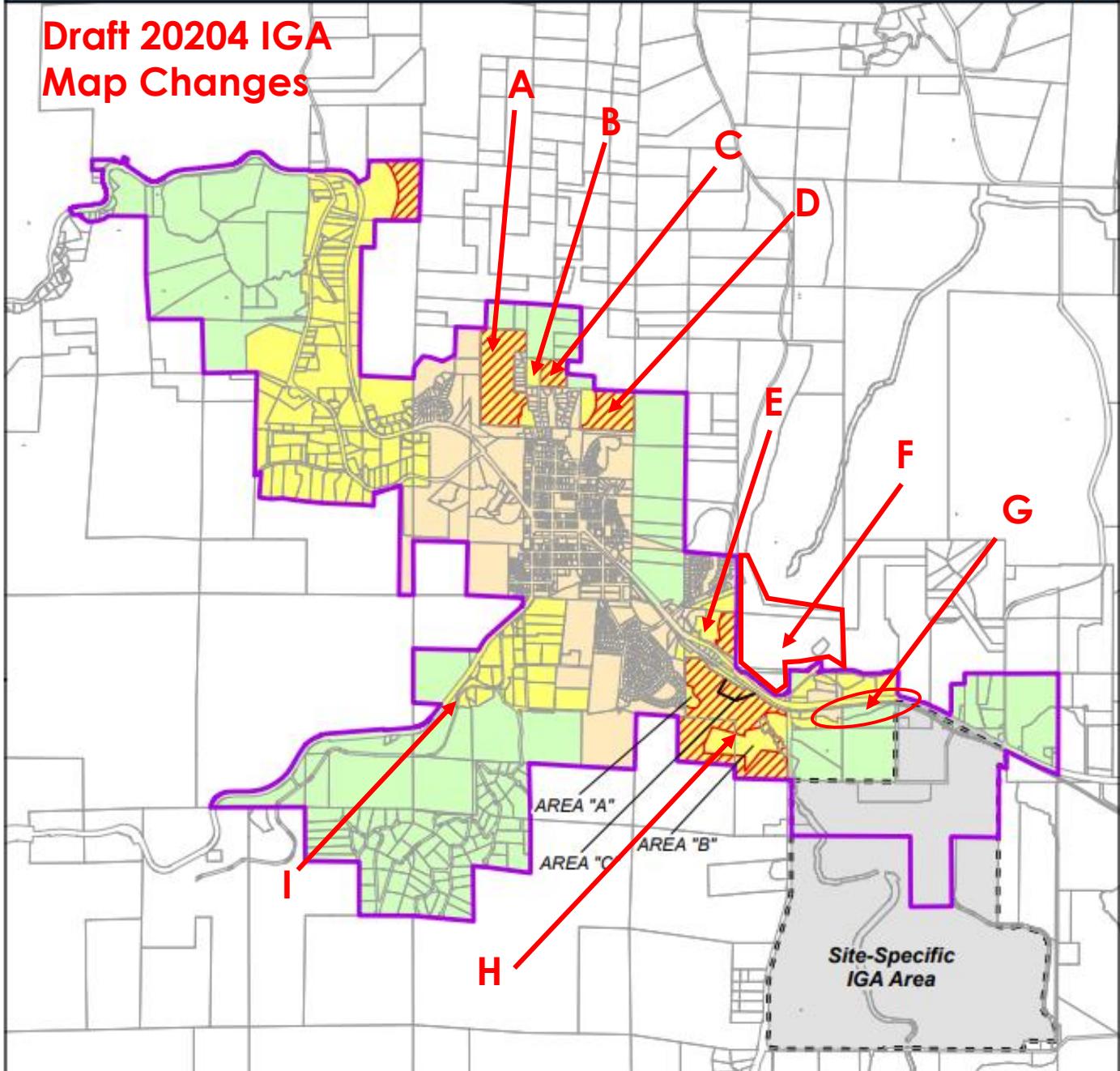
RPA = Rural Preservation Area

PAA = Potential Annexation Area

PPA = Primary Planning Area



Draft 20204 IGA Map Changes

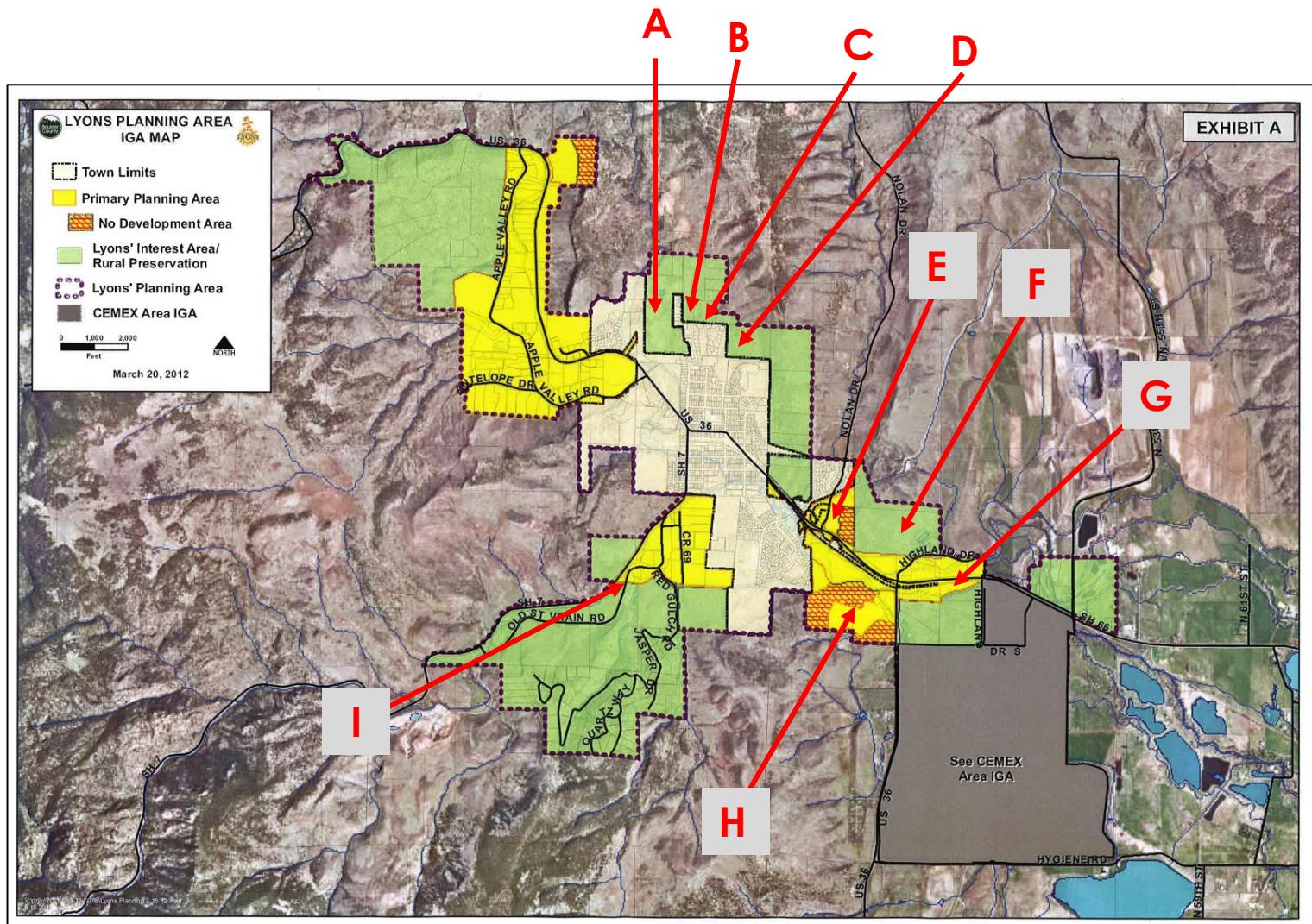




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2012 IGA Map for Reference:





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C. Recommendations to the map (Exhibit A) of the Draft 2024 IGA related to the Primary Planning Area (PPA), specifically to the parcels included in the PAA:

The 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 for the Task Force 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 (recommendations) would be presented for the BoT.

The primary question came down to WHEN should particular parcels be assessed for inclusion in the PAA of the IGA and evaluated for potential future annexation.

Recommendations: The Task Force therefore offers these two alternative recommendations summarized below with rationale and details expanded on the following pages:

Option A Summary:

Recommends that the BoT keep all areas (properties) as defined on the Draft 2024 IGA map (Exhibit A) and allow the Town's annexation process to make determinations about annexation and development when and if such annexation application is presented by a property owner.

Option B Summary:

Recommends that the BoT apply a reasonable site selection criteria and that deliberation be applied to consider the appropriateness and inclusion of each parcel added to the PAA for potential future annexation and development **before** the finalized IGA map (Exhibit A) is solidified.



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IGA Map Recommendation - Option A:

Option A recommends that the BoT keep all areas as defined on the Draft IGA map 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 BoT's personal opinions and limited understanding of these issues is not appropriate.

It does not make sense to limit the town's options and the options of private landowners who may want to apply for annexation for the next 10 years based on what may be outdated and incomplete information. It makes more sense to be open, creative, and dynamic in our approach and base decisions on what is known at the time of the application and on objective data rather than on personal perspectives of how individuals feel about each parcel at one point in time.

Further, it is important to note that including a parcel on the IGA map does not mean that the parcel will be annexed, it simply allows for the potential annexation of such parcels. Upon review of the 2012 IGA map, it was determined that only 2 of the parcels on that map have been annexed in the last 12 years, demonstrating that the map is simply outlining possibilities, not certainties.

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. Properties will change ownership, technologies will develop that will increase options and opportunities for development, and unanticipated changes will occur – the only constant is change, and it is vital that we not limit our options for the next decade by taking an overly conservative approach on the potential for development of parcels surrounding Lyons.



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IGA Map Recommendation - Option B:

Summary: Option B recommends that the BoT apply a reasonable site selection criteria and that deliberation be applied to consider the appropriateness and inclusion of each parcel added to the PAA for potential future annexation and development before the finalized IGA map (Exhibit A) is solidified.

To guide the BoT's property considerations, the Task Force has recommended a "General PAA Site Selection Criteria" as a starting point for the BoT assessment efforts. Such a criteria should be applied to make PAA inclusion determinations.

Further, using the above approach, site specific recommendations are summarized in the table below. Also provided in this report are details, rationale, and general data supporting each site recommendation.

Map Ref.	Location Description	Recommendations for 2024 IGA Map
A	"Boone" parcel	High risk zone not suitable for density development. May offer non-vertical development (infrastructure) or low water using light commercial opportunities.
B	"Carpenter" parcel	High risk zone not suitable for density development. May offer non-vertical development (infrastructure) opportunities.
C	"Walters" parcel	This parcel should be removed from Lyons PAA and returned to Rural Preservation. Reference the "Land-Owner Impact Recommendation" included and related specifically to this parcel.
D	"Connor" parcel	Maintain parcel as Rural Preservation or remove it from the Lyons Planning Area.
E	"Hawkins" parcel	The approximately two acres on the west of this property should be considered for commercial use vs residential use if developed at all. The remainder of property should remain RPA.
F	Unidentified parcels	Understand why, when and under what terms this parcel was move within Lyons PPA (as RPA), to being excluded from the Lyons PPA.
G	"Blue Mountain" parcel	Gain an understanding why (and potential impact) this changed from PPA with commercial activity, to Rural Preservation designation in the 2024 IGA.
H	Loukenen Parcel A,B,C	Area A: Remain as unimproved or utilized for functional open space (park land)
		Area B: Prioritize for potential development consideration of both Residential and Commercial (and/or Mixed Use)
		Area C: Remain unimproved and designated as PAA, No Development Area as sensitive ecological area
I	"Harkalis" parcel	Remain as PAA without specific designations; assess owners interests



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IGA Map Recommendation - Option B:

Rationale Behind Recommendation:

As a legal document, the IGA provides direction to the Town and the BoT on future land use. Given that this important agreement is legally binding, vs. the Town's advisory documents, such as the Lyons Thrive Comprehensive plan (2023), it is imperative that each parcel of land targeted as possibilities for future annexation and development, first be evaluated by the BoT for appropriateness for inclusion in the PAA.

Simply deferring to a future annexation process ignores the function and intent of the entire IGA development process. The annexation process is ill suited for dealing with cumulative development impacts from multiple properties that share similar constraints. The annexation process is intended to address the merits and drawbacks of an individual annexation application. Cumulative impacts are best understood, considered and addressed within what the Town uses as **the Comprehensive Development Plan** and land use directives that the IGA defines.

Even a simple and widely accepted annexation process is costly in terms of real dollars, time, energy and focus (*opportunity cost*) to the landowner, the Town, and in the Community. A knowingly controversial annexation process over sensitive, rural preservations land will not only take a significant amount of time, energy and focus away from the BoT, PCDC, town staff and citizens, but it will continue to create significant division within the community.

It is reasonable to demand that the BoT would apply the high level of readily available knowledge, expert inputs, historical data, and critical reasoning before endorsing and changing a specific parcel from Rural Preservation to PAA for potential future development in the IGA document.

The following pages provide more specific areas of concern and recommend possible criteria and standards that the BoT may utilize for such an assessment.

Included Below:

- General PAA Site Selection Criteria
- Affordable/Attainable/Workforce Housing Site Selection Criteria
- Specific site recommendations and supporting data / rationale
- Land-Owner Impact Recommendation



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IGA Map Recommendation - Option B – Continued

General PAA Site Selection Criteria Recommendation:

The BoT should apply balanced and reasoned judgement and a basic site selection criterion when assessing parcels to be changed in the revised IGA.

When in doubt, the BoT should err on the side of conservation, protect our natural environment, retain buffer zones, and minimize health and safety risks for the citizens as outlined in the Town's comprehensive plan. Once developed, Rural Preservation land will never exist again.

Below is one recommendation for such criteria but the BoT may wish to include additional factors:

- Wildlife / Ecological Impact
- Health & Safety
 - Fire risk – House to house spread, elimination of defendable buffer zones
 - Access and Egress
 - Storm Water Run-off
 - Flood plain, flood zone, nuisance flooding risk
- Sight line/light pollution
- Blue Line presumption against development
- Traffic Impact to surrounding areas
- Maintain Urban and Rural Interface Buffer
- Development Feasibility / Financial Feasibility (from Town's perspective in terms of both development to meet Town's goals and ongoing maintenance of infrastructure)
- Development Compatibility (would development be congruent with the existing development in the area?)
- Cumulative Impact (what is the cumulative potential impact if multiple parcels in a given area were to be developed?)
- Benefit and support for Town's housing and growth goals



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IGA Map Recommendation - Option B – Continued

Affordable/Attainable/Workforce Housing Site Selection Criteria

Recommendation:

If a development plan is to include affordable/attainable/workforce housing, a defined site selection criteria should be used to assure that the location will support the community it is intended to serve and may be economically feasible. The development and site infrastructure cost are critical and proven factors that determine success or failure of such a project (reference the Summit Development cost history).

Below is one recommendation for such site selection criteria based on the Colorado Affordable Housing Developer's Guide (<https://developers-guide.chfainfo.com/predevelopment>).

- **Location Factors:**
 - **ADA Requirements:** does site have ADA-accessible infrastructure such as in sidewalks, curb cuts, accessible pedestrian signals
 - **Walkability (“Walk-Shed”):** Proximity / access to town, employment, and social services (via foot, bike, wheelchair, etc.)
 - **Evacuation** risk factors
 - **Site infrastructure cost / complexity** – can site support lower cost development (see physical factors below)
 - **Property size:** does site allow for scalable development and a variety of housing types (affordable, attainable, market rate)
 - **Target Population Needs:** Key considerations – seniors, homeless, families, people with disabilities and special needs, single people, workforce, people with specific income levels.
- **Market Feasibility:** Even a high-level, basic market study should be used to build an understanding of how the development on each selected site will fit into the community and what demands will be met. Such a market study is a key risk management tool and will help predict feasibility and whether a development is likely to be successful in meeting the goals.
- **Physical & Environmental Factors (which impact cost of construction):**
 - **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 cost to extend or add new / significant upgraded onsite infrastructure may be cost-prohibitive.
- **Regulatory Factors:** Does site match current zoning; type of projects (specific groups, do zoning classifications incentives housing affordability; public services required; public benefits vs risk; requirement of affordable housing units to be provided as part of new development.



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IGA Map Recommendation - Option B – Continued

Specific IGA Map Site Recommendations (base on above noted criteria):

- 1) **General: Maintain Rural Preservation Areas (RPA)** - To maintain community buffers, protect wildlife corridors and minimize health and safety risk, is it recommended that all Rural Preservation parcels remain unchanged.
- 2) **1117 5th Ave - Referenced as "Boone" Parcel** (Parcel #12037000058) - High risk zone , above blue-line, with difficult topography not suitable for density development. May offers non-vertical development (infrastructure) or low water using light commercial opportunities.
- 3) **430 Vasquez Ct. – Referenced as "Carpenter" Parcel** (Parcel #102307000031) –. High risk zone, above blue-line, not suitable for density development. May offers non-vertical development (infrastructure) opportunities.
- 4) **346 Steamboat Valley Road – Referenced as "Walters Parcel** (Parcel #120307000013)" in the Draft IGA (see section 2(d)(a) (Note that the reference does not tie to current owner name.) This parcel should be removed from Lyons PAA and returned to Rural Preservation.

Rationale:

This property owner has expressed no interest in annexation, has no plans to develop his land and wishes not be subject to possible condemnation of land for utility easements which would be possible if the designation of his land is changed. Further, placing such an unwanted restriction (No-Development Area) on a property owner(s) is not appropriate even if it were in the best interest of the town.

As noted above, if this (or other) properties were re-designated as PAA, they would be subject to the Town's condemnation powers for water, electrical, and access, etc., which may seriously degrade that property and surrounding lands.

See also the "Land-Owner Impact Recommendation" that relates specifically to this parcel.

- 5) **1022 Horizon Drive** – Referenced as "the Connor Parcel (Parcel # 120318100001)" in the Draft IGA (see section 5c). Maintain parcel as Rural Preservation or remove it from the Lyons Planning Area.

Rationale:

(a) The property is above the blue line and may require a referendum to supply water and utility upgrades (Water Distribution and Sanitary Sewer Collection System Capital Improvements Plan, Town of Lyons, CO January 2017) if referendum did pass.



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IGA Map Recommendation - Option B – Continued

Specific IGA Map Site Recommendations (base on above noted criteria):

1022 Horizon Drive (Connor) – Continued

(b) Quote: "The most significant flood hazard impacting downtown Lyons is runoff from Steamboat Valley." (Town of Lyons Stormwater Masterplan ICON Engineering, Inc., Nov. 2016). Most of the Connor parcel is very steep (west side Eagle Ridge), with large deep drainages. Development could likely cause adverse effects on stormwater drainage.

(c) The current access is a narrow dirt road and bridge across a deep, wildlife migration ravine. For safe evacuation it would likely require a second egress which would need to cross Tebo Park and Longs Peak HOA land. This egress would require 2 bridges to cross two deep ravines that are wildlife migration routes, or the road would have to cross high on the steep slope above.

(d) Removing the Connor property from the Rural Preservation designation would disconnect the wildlife corridor that exist via the 2012 IGA. Under the 2012 IGA, wildlife had a rural preservation/conservation easement corridor that connected across to the Boulder County Closed Area of the Dakota Ridge along the east side of Stone Canyon, and across to the west to Steamboat Mountain Open Space. Given the recent wildland fire on Ridge Road and Stone Canyon, wildlife is in need of habitat more than ever.

(e) Wildfire Risk and Difficulty in an emergency evacuation. The town maps show the area as severe wildfire risk. The traffic from Steamboat Valley all moves out through 5th Ave.

(f) Boulder County felt that the land was important enough to protect when the original home was built on this site in 2003 causing the owner to take extraordinary steps to minimize the impact on the home on the surrounding lands. The land has only become more important to the eco systems as an important wildlife corridor and a critical urban/wildlife interface buffer zone.

6) Referenced as "Hawkins" Parcel (parcel #120320200001). It is recommended that approximately two acres on the west of this property be considered for commercial use vs residential use if developed at all. The remaining area of this property should remain RPA.

Rationale:

(a) Residential development would put significant traffic pressure on the Stone Canyon Road and along Hwy 36 in an already high-risk traffic zone. Traffic considerations should also be strongly considered, as this area is well known to the town and county sheriff as an area of congestion and traffic accidents (Circle K to McConnel traffic light).



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IGA Map Recommendation - Option B – Continued

Specific IGA Map Site Recommendations (base on above noted criteria):

“Hawkins” Parcel – Continued

(b) The Hawkins property receives drainage from most of the Stone Canyon drainage basin; additionally, in the newly released floodplain map the lower portion lies within the 100-year floodplain. Drainage exits the Hawkins property under the Ute Highway and enters, untreated into the St. Vrain River.

- 7) **Map Reference “F. Unidentified parcel”** – Understand why, when and under what terms was this parcel move within Lyons PPA (as RPA), to being excluded from the Lyons PPA.
- 8) **4720 Ute Hwy – Referenced as “Blue Mountain”** (Parcel # 120307000013) - Gain an understanding why this changed from PPA with commercial activity, to Rural Preservation designation in the draft 2024 IGA
- 9) **Loukonen Area A** - (Parcel # 120320000038) as shown on IGA Map Exhibit A should remain unimproved or utilized for functional open space (park land).

Rationale:

- (a) This area is in high fire and flood zone and therefore not suitable for residential development.
- (b) This area is restricted by limited access (not enough room for access roadway).

- 10) **Loukonen Area B** – (Parcel # 120320000038) (as shown on IGA Map Exhibit A) should be prioritized for potential development of both Residential & Commercial (and/or Mixed Use)

Rationale:

This area is below blue line, above flood zone and is surrounded by natural buffers. This large area has access to transportation corridors, close access to utilities and may be easily connected and integrated into the overall town.

- 11) **Loukonen Area C** should remain unimproved and designated as PAA, No Development.

Rationale:

This area is environmentally sensitive, lies within the floodplain, is designated as critical wildlife habitat by Boulder County and includes habitat of the Preble's Meadow Jumping Mouse. The area should remain unimproved.

- 12) **Harkalis”** (Parcel #120319101001)- Remain as PAA without specific designations; assess owner's interests.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

IGA Map Recommendation - Option B – Continued

Land-Owner Impact Recommendation:

Consider Impact (positive/negative) on a land-owner:

Another concern with automatically re-designating lands from Rural Preservation to PAA (as proposed in the Draft IGA) is that some landowners within the PAA would be subject, against their wishes, "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." C.R.S. 38-1-101(4)(b)(I).

This would not be allowed if the lands remained in Rural Preservation. Thus, simply deferring to a future annexation process does not protect landowners from condemnation of their lands and does not consider the effect on the local community, environment, fire risk, and other issues related to condemnation.

At a minimum, the IGA should state that the Town will not force condemnation (be that for utility easements, roadways, etc.) on landowners in the PAA. Forcing condemnation on one set of property owners currently in BoCo to benefit others should not become Town policy.

Specific Parcel Concern: 346 Steamboat Valley Road, referenced as "Walters Parcel (Parcel #120307000013)" in the Draft 2024 IGA - see section 2(d)(a). Note that this reference does not tie to current owner name.

Rationale: The draft IGA suggest a redesignated of this parcel from RPA to PAA and adds a definition as a "No-Development Area". In this case, the current owner wishes to remain at RPA within BoCo.

Such an action to redesignate this parcel would give Town potential adversarial easement access for utilities or similar non-vertical infrastructure applications and would potentially de-value the property for the owner by restricting potential future annexation and development as an option (should that be the desires of current or future owner).

Stated another way, the Town should not make such a change without the owner's agreement **but if it is changed**, the Town should NOT put any additional restrictions on their ability to apply for annexation and development (assuming it follows the Town's normal codes and annexation processes).



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

Reference Documents and Exhibits

**SECTION NOT YET UPDATE OR
FORMATTED**

Notes: The following document and reference materials were reviewed by members of the Task Force during this exploration and review process.

Actual documents and/or links to the files are provided for each.



IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

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UPDATE OR
FORMATTED**

Document list:

1) Maps

- [Lyons Planning Area IGA Map 2016](#)
- [Lyons-Boulder County CDP IGA Exhibit A Map_DRAFT](#)
- [2024 Floodplain Remapping](#)
- [Boulder County Open Space and Conservation Easement map](#) Map illustrating the Boulder County Open Space and Conservation Easements. Upper right shows the Lyons area.

2) 2012 and 2024 Draft IGA Documents

- [IGA 2012](#) Text of the IGA 2012 Agreement
- [Lyons- Boulder County CDP IGA Draft 2-27-24](#)
- [Red-line copy of the 2024 Task force proposed Text for new IGA Agreement](#)
- [Clean copy of the 2024 Task force proposed Text for the new IGA Agreement](#)

3)

Community Inputs

- [Comments Regarding the Draft Lyons Area Comprehensive Development Plan \(IGA\), Robert Brakenridge](#)
- [Resident Opposition to Connor Parcel Annexation, Elizabeth Seacat](#)

1) Technical Reports and Studies

- [Water Distribution and Sanitary Sewer Collection System Capital Improvements Plan, Town of Lyons, CO January 2017](#)
- [Town of Lyons Stormwater Masterplan](#)
- [Blue Line Municipal Code](#)
- [Ecology Advisory Board Comprehensive Plan Input Statement Oct. 18, 2021](#)
- [Lyons-Environmental-Map-PDF \(townoflyons.com\)](#) Areas of Steep Slopes and Flood Plain
- [Sanitary Sewer System Expansion Feasibility Study Jan 17, 2017](#)

2) IGA Task Force – Summary of Data Collection

- [Northern Steamboat Valley: Stormwater and Sewage and Water Infrastructure impacts \(summary of Town of Lyons documents, Cindy Fisher\)](#)
- Stormwater and Floodwater: potential impact on the lower portion of the Hawkins Property, Cindy Fisher
- [Density Data Communication Planner Bowen and Douglas Matthews \(July 16-25, 2024\)](#)
- [Lyons Zoning Codes and Density](#)
- [Density Data from Andrew Bowen & Analysis Douglas Matthews](#)
- [Ecology Advisory Board Final Draft Input to the IGA Task Force](#)
- [Taskforce Questions answered by Victoria Simonsen](#)
- [History of Parcel Classification with regards to the IGA, Cindy Fisher \(Table, p.19\)](#)

Revised: 27 August 2024

- [Pros/Cons for Each Parcel in the Draft IGA Douglas Matthews 9-June-24 \(p.41-45\)](#)

- [Pros and Cons of the Proposed PAA Properties based on Physical Criteria, Cindy Fisher \(p. 38-40\)](#)

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IGA Task Force Report

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**SECTION NOT YET
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Document list:

3) IGA Task Force – Members’ Edits/Recommendations to

- [Jenn Wingard](#) (p.5-8)
- [Julie Jacobs](#) (p.9-19)
- [Charlie Stevenson](#) (p. 20-21)
- [Cindy Fisher](#) (p. 22-29)
- [Douglas Matthews Differences between 2012 & 2024 Draft IGA](#)

4) IGA Task Force – Site Visit Impressions (June 26, 2024)

- [Unlabeled Author](#) (p.5-6)
- [Charlie Stevenson](#) (p. 7)
- [Douglas Matthews](#) (p. 8-9)
- [Cindy Fisher](#) (p. 10-11)

5) Criteria Used?? How to get that data into this report? NO criteria was used?

6) Ed Russell

770 Steamboat Valley Road

*

https://www.fema.gov/sites/default/files/documents/fema_marshall-fire-mat-best-practices-wildfire-resilient-subdivision-planning.pdf

** <https://www.iconeng.com/SWMP/lyons-stormwater-masterplan/site/index.html>



Working Draft V1
Not Final or intended for distribution

Re

IGA Task Force Report

(Lyons Citizen Review of Draft 2024 IGA)

**SECTION NOT YET
UPDATE OR
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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, hear after 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.

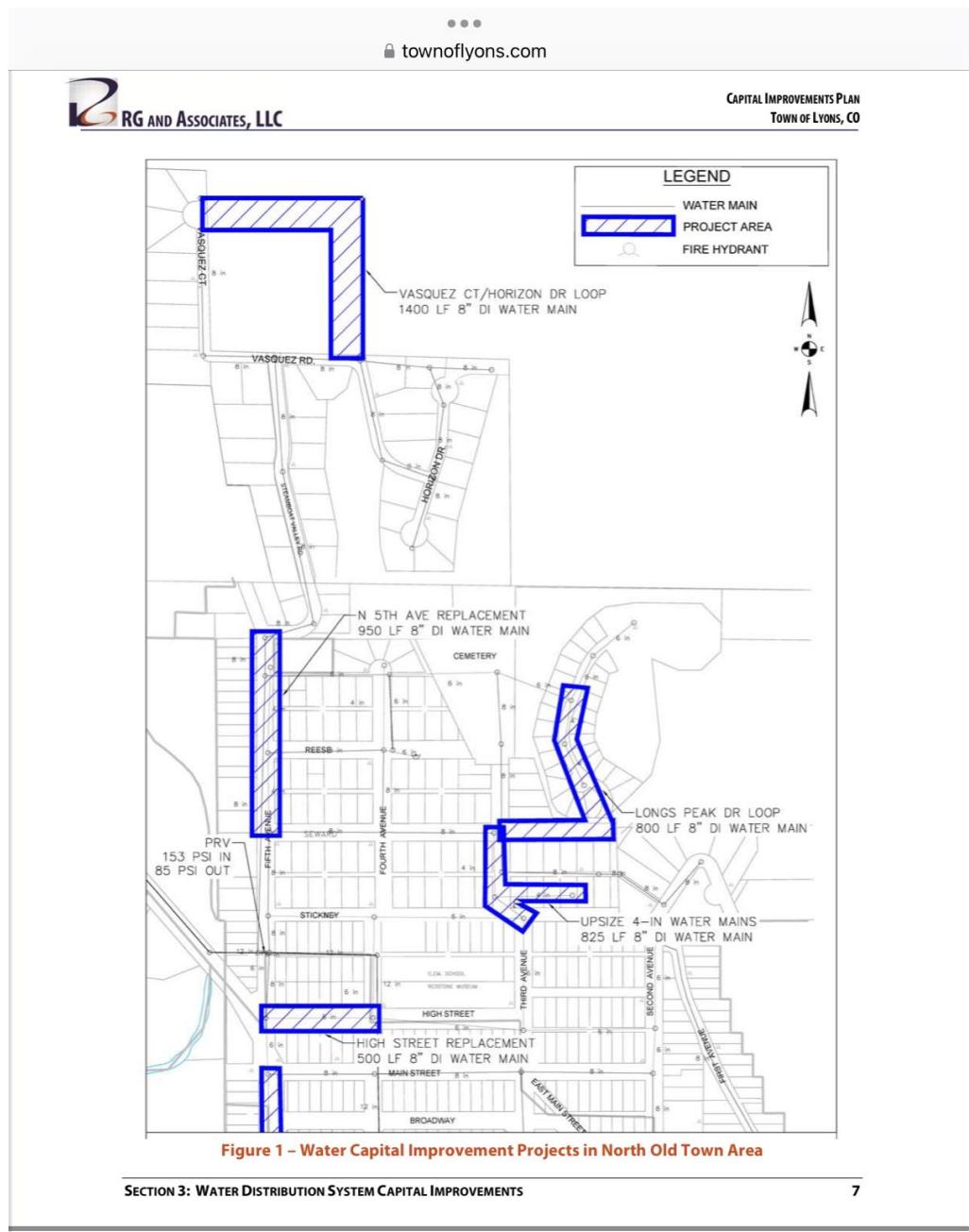


Figure 10 illustrates the pipe diameters in the Town. (WDSSCSIClplan p.31)

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.

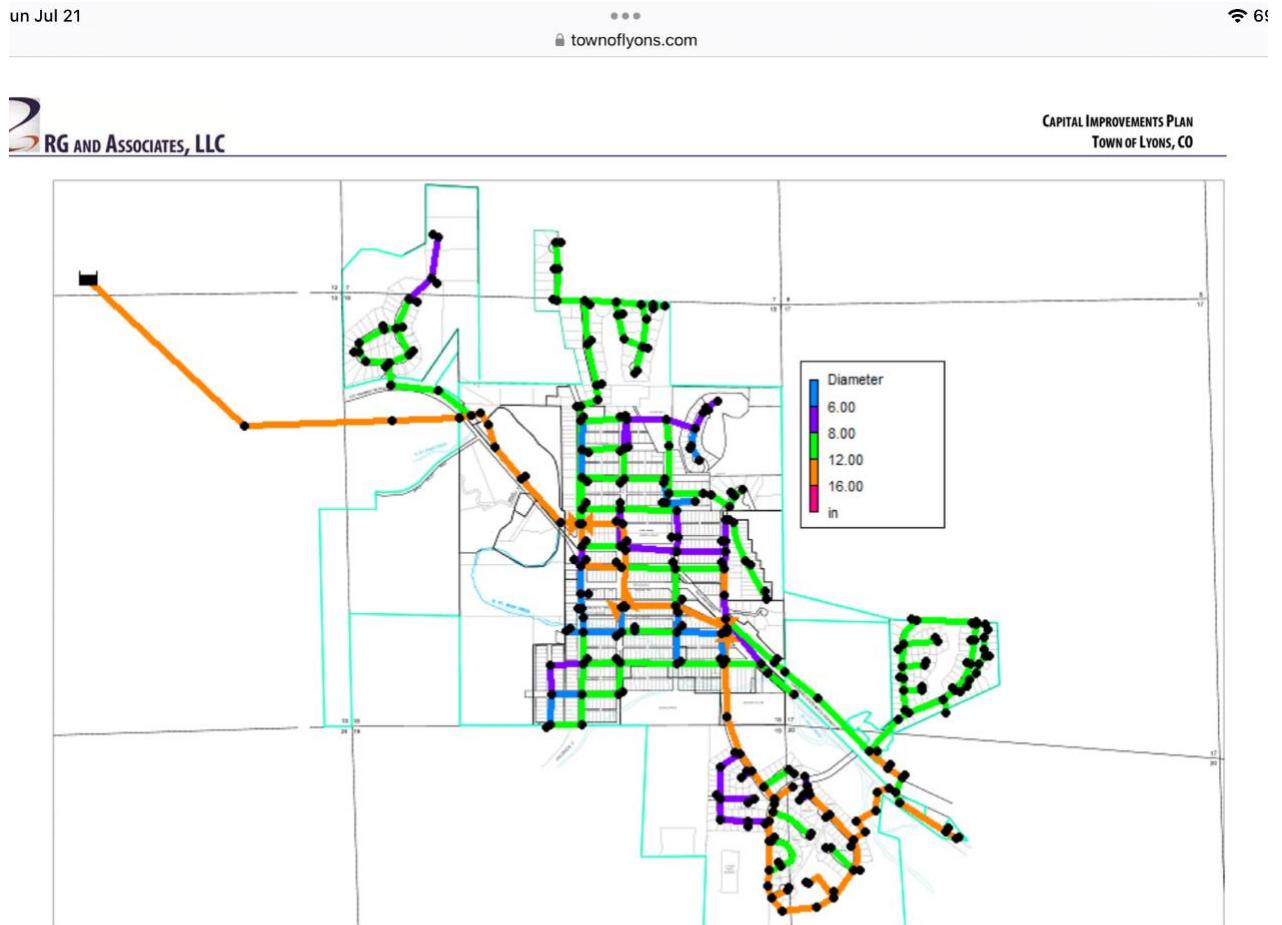


Figure 10 – Pipe Diameters in the Town of Lyons Distribution System

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)

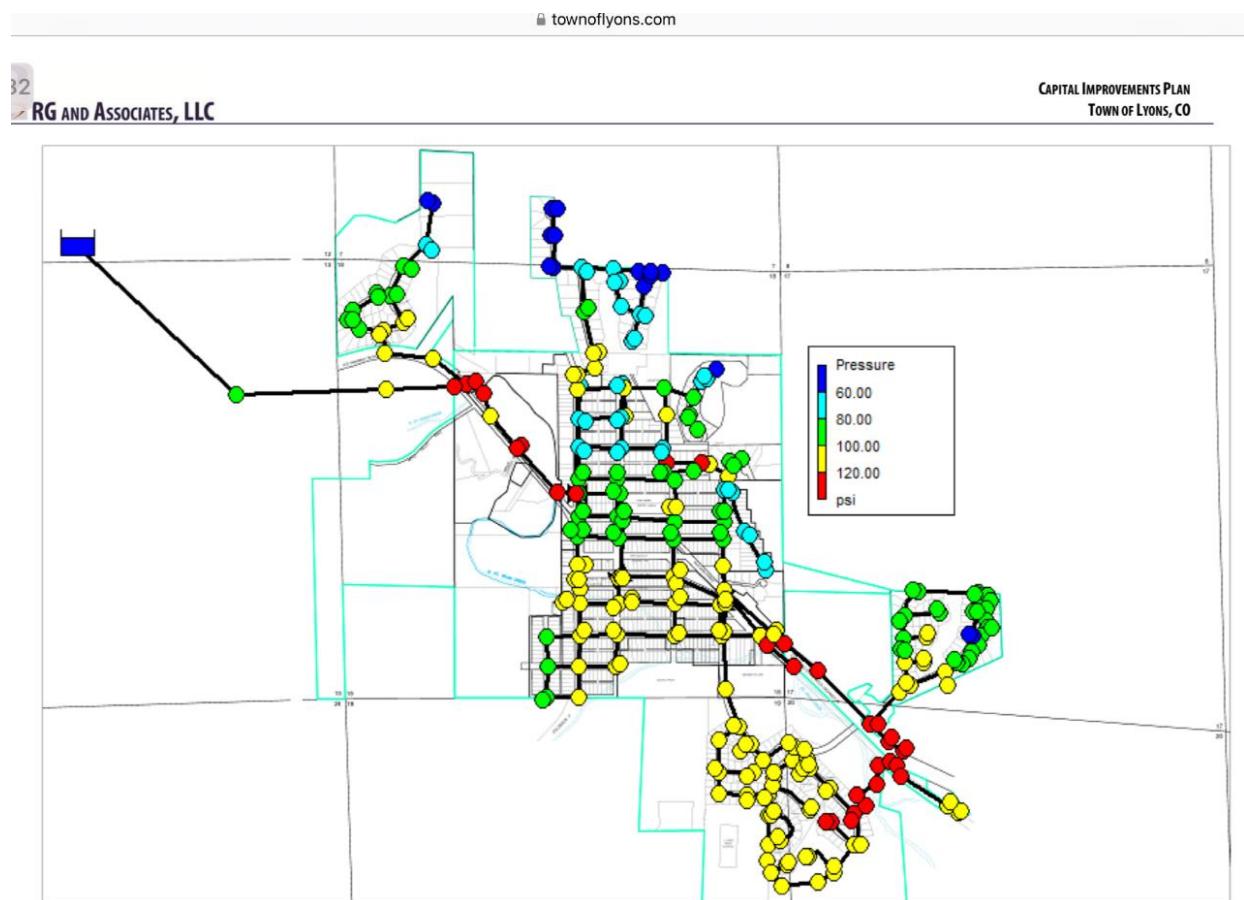


Figure 11 – Water Distribution System Pressures at Average Day Demand

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)

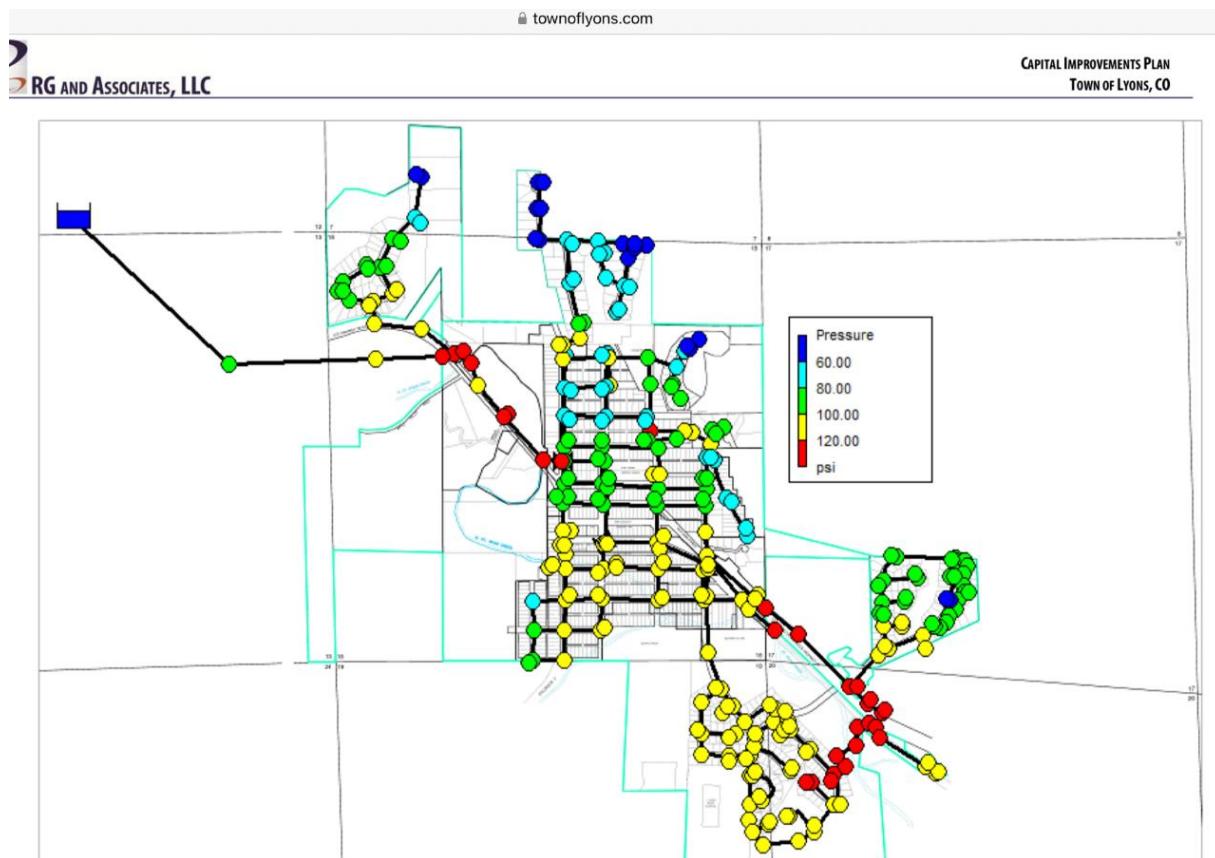


Figure 13 – Water Distribution System Pressures at Peak Hour Demand

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).

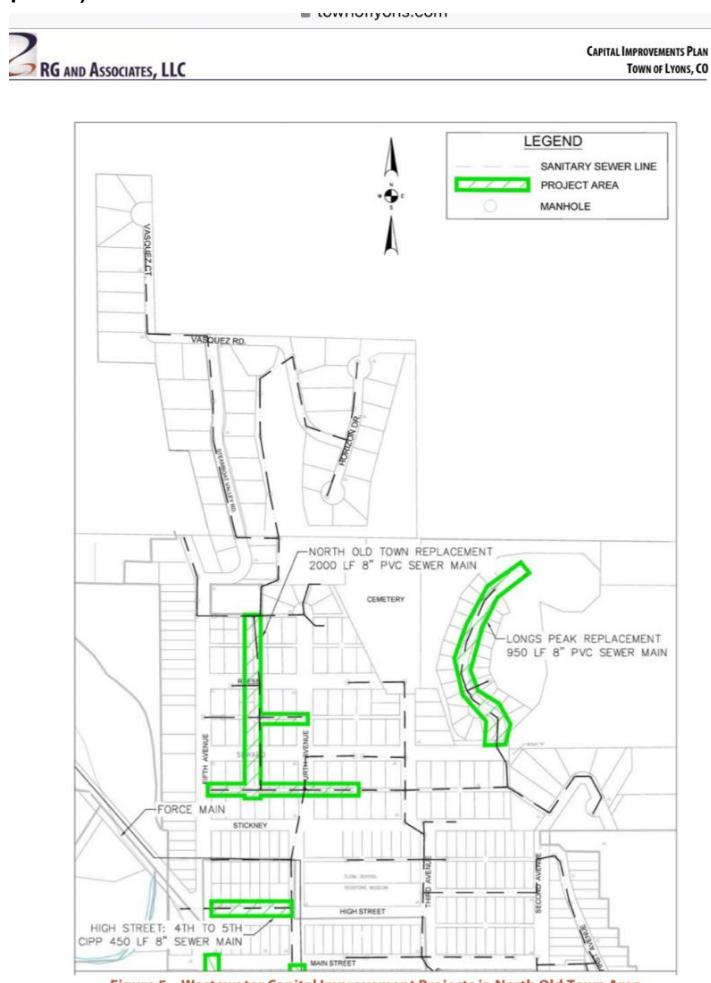


Figure 5 – Wastewater Capital Improvement Projects in North Old Town Area

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).**

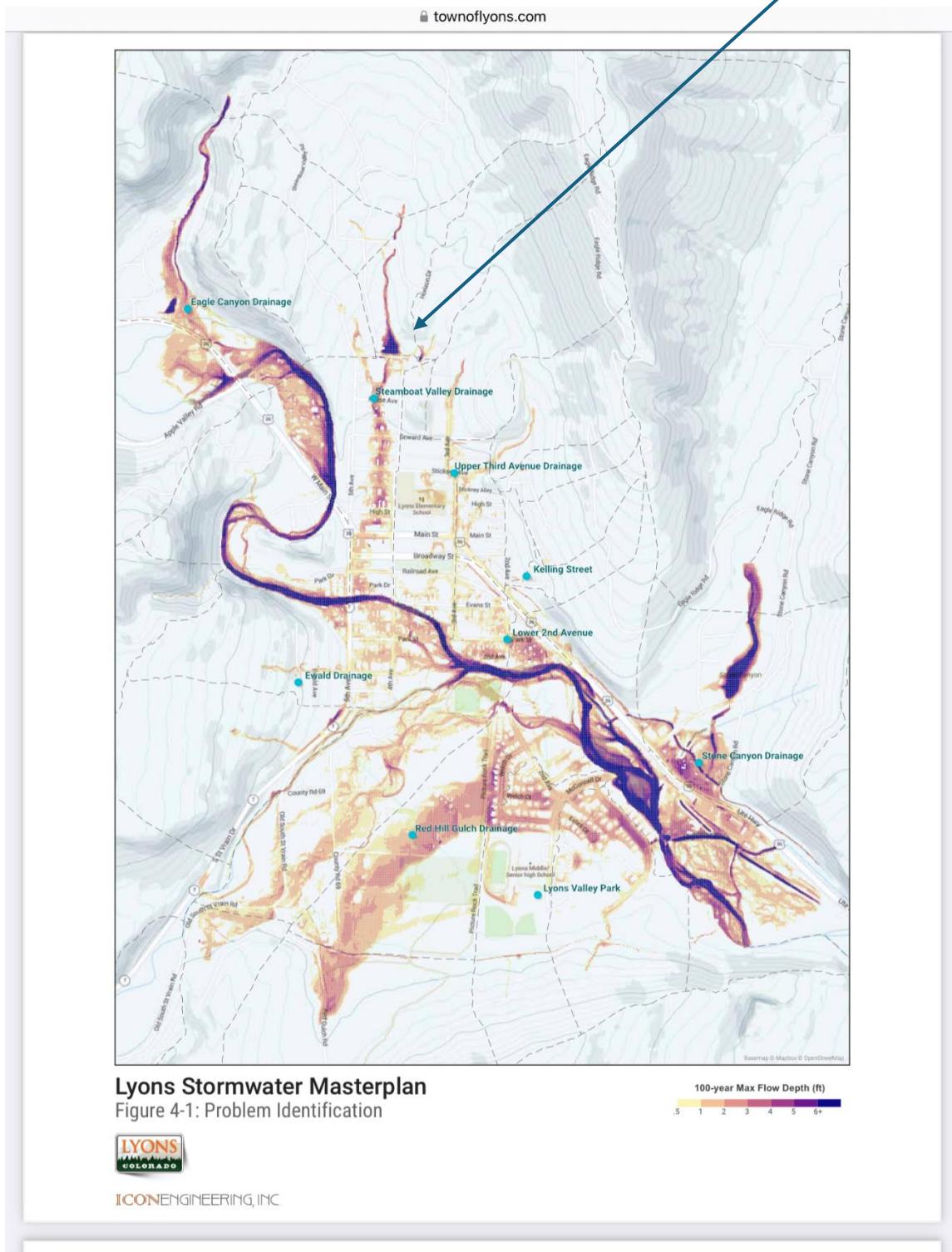
2) Steamboat Valley Drainage

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)