

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>
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 IGA LYONS 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 MediumEstate Residential District/ Very Low Density is requirprohibited.
- 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 requirprohibited.
- 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 requirprohibited.
- 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, 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 (“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 **S 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 Bowen 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."

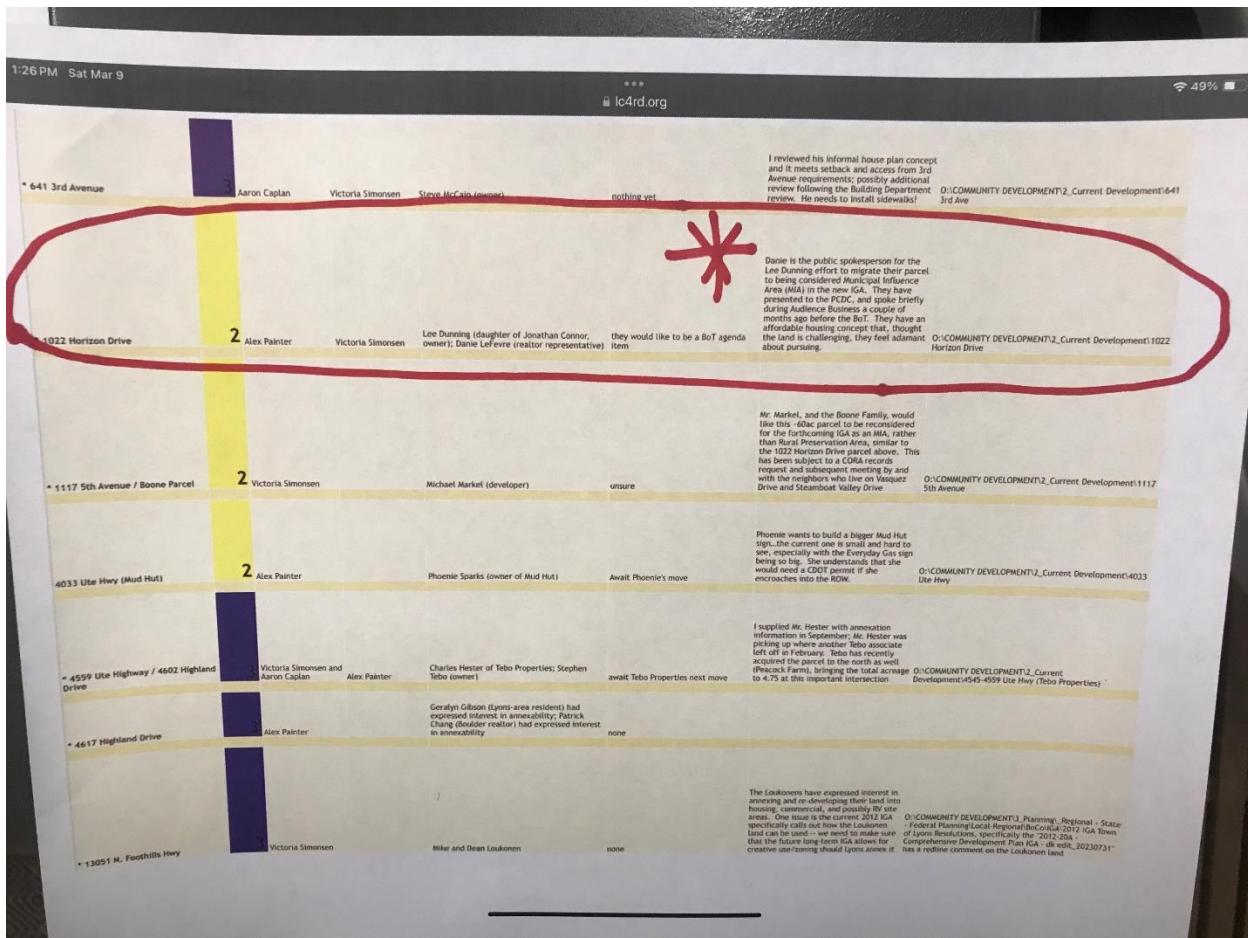
(1:19) Marker Comment 4: "This just seems disingenuous with the County and the Town working together saying "oh, let's get these lots under 5 acres so we don't have to take it to vote." It just seems slimy in my opinion."

Thank you for your consideration.

Elizabeth Seacat

129 Longs Peak Dr

Lyons, CO 80540





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.

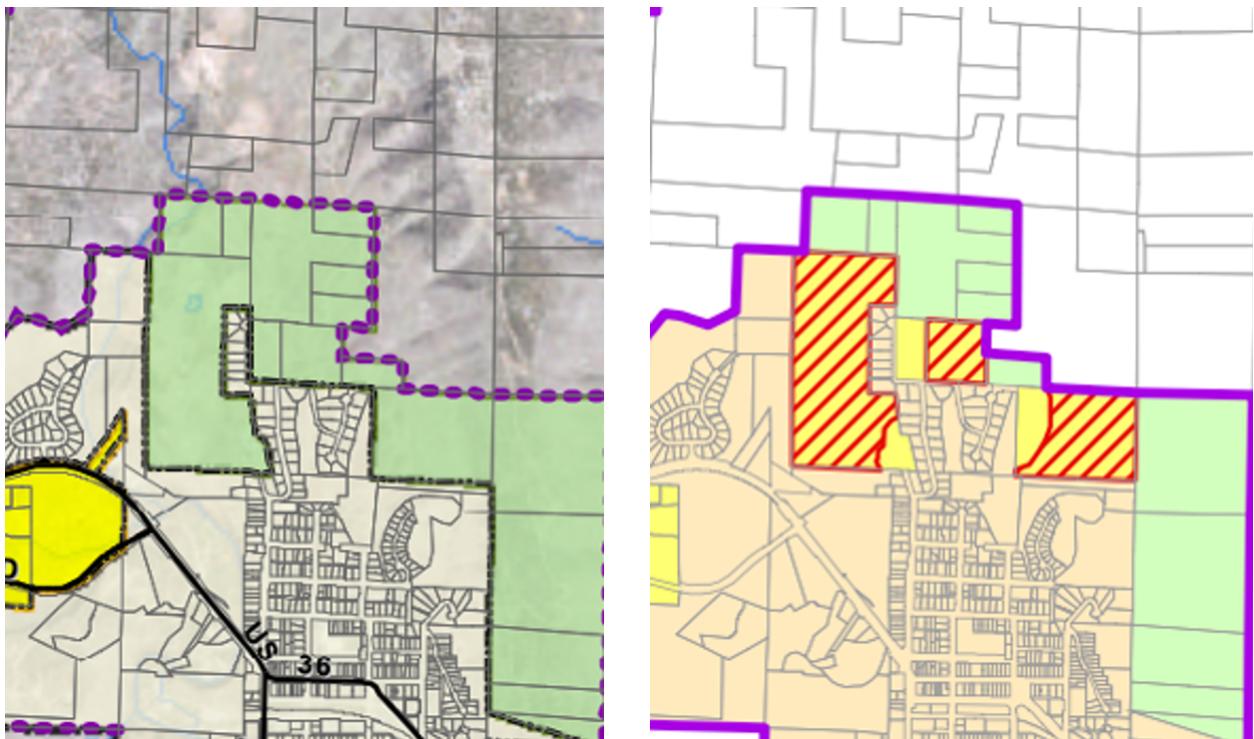
- 1) Lyons and two of its larger neighbors (Boulder and Longmont) all lost significant population from 2020 to 2023. But the motivation behind this new IGA map and text seems to be to facilitate annexation and new, housing-only developments for population growth. Even the densities are spelled out. This 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 CORRIDOR (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 a part)
- 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 than 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.