

**Urban Renewal Plan for  
Eastern Corridor Urban Renewal Area  
Lyons, Colorado**

Prepared for:

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*Background information and other data have been furnished to DGC Consulting (DGC) by Lyons Urban Renewal Authority, Town of Lyons, and/or third parties, which DGC has used in preparing this report. DGC has relied on this information as furnished, and is neither responsible for nor has confirmed the accuracy of this information.*

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## 1.0 Introduction

### 1.1 Preface

This Eastern Corridor Urban Renewal Plan (the “Plan” or the “Urban Renewal Plan”) has been prepared for the Town of Lyons, Colorado, a statutory town of the State of Colorado (the “Town”). The Plan will be carried out by the Lyons Urban Renewal Authority (the “Authority” or “LURA”), pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended to date (the “Act”). The administration and implementation of this Plan, including the preparation and execution of any documents implementing it, shall be performed by the Authority.

### 1.2 Blight Findings

Under the Act, an urban renewal area is a blighted area, which has been designated as appropriate for an urban renewal project by the Board of Trustees (“Board” or “Town Board”) of the Town. In each urban renewal area, conditions of blight, as defined by the Act, must be present, and in order for the Authority to exercise its powers, the Board must find that the presence of those conditions of blight substantially impair or arrest the sound growth of the municipality or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare.

In 2015, a condition study was performed for a large area of approximately 743 acres and 222 legal parcels, as presented in the Lyons Area Conditions Survey, prepared by Ricker/Cunningham, dated November 2015 (the “2015 Survey”). The 2015 Survey found 11 of 11 actors of blight to be present within the Lyons Area Conditions Survey boundaries, and was approved by the Town Board. The Lyons Area Urban Renewal Plan, focusing on the central part of Lyons, was approved by the Town Board in 2015. It did not include the eastern corridor along US-36 which was studied in the Lyons Area Conditions Survey, and is addressed in this Plan.

Anticipating the potential creation of this Plan for the eastern corridor, the Authority contracted with DGC Consulting in November 2018 to conduct a limited scope survey of the eastern corridor (“2018 Eastern Corridor Limited Conditions Survey” or “2018 Limited Survey”). Based on the 2018 Limited Survey and review of the 2015 Survey, DGC confirmed that seven blight factors are present within the proposed Lyons Eastern Corridor Urban Renewal Area, which is comprised of 22 legal parcels and 94.17 acres. As detailed in the 2018 Limited Survey, this does not mean that the 11 factors identified in 2015 do not still exist, but rather, that the 2018 Limited Survey identified seven factors, which is sufficient to support a finding of blight in the Lyons Eastern Corridor Urban Renewal Area .

The presence of seven factors observed in the 2018 Limited Survey exceeds the minimal threshold of four factors necessary to declare the area blighted. This will allow the Town to declare the area blighted in order to approve this Plan and form a new urban renewal area, according to the Act. The Lyons Eastern Corridor Urban Renewal Plan is based on the most recent findings.

### **1.3 Other Findings**

The Area (defined in Section 1.4) is appropriate for an urban renewal project to be carried out by the Authority. The activities and undertakings that constitute the urban renewal project as defined in the Act include, without limitation, demolition and clearance of existing improvements, site preparation, installation of needed public improvements, relocation of and provision of new utilities, parking improvements, traffic improvements, and life safety measures. Such actions are necessary to eliminate unsafe conditions, obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of blight.

As required by §31-25-107(4)(g) of the Act, this Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the Town, for the redevelopment of the Urban Renewal Area by private enterprise.

It is the intent of the Town Board in adopting this Plan that the Authority exercises all powers authorized in the Act which may be necessary, convenient or appropriate to accomplish the objectives of this Plan, except that the use of the power of eminent domain is not authorized. It is the intent of this Plan that the Authority may exercise all such powers as may now be possessed or hereafter granted for the elimination of qualifying conditions in the Area.

The powers conferred by the Act are for public uses and purposes for which public money may be expended and police powers exercised. This Plan is in the public interest and necessity -- such finding being a matter of legislative determination by the Town Board.

### **1.4 Urban Renewal Area Boundaries**

The Lyons Eastern Corridor Urban Renewal Area (the “Urban Renewal Area” or the “Area”) is comprised of 94.17 acres in eastern Lyons and includes parcels located in unincorporated Boulder County. The Area is irregular in shape but includes parcels that adjoin or are near to US-36.

The Area is depicted and shown on [Appendix A: Lyons Eastern Corridor Urban Renewal Area and Legal Description](#).

## **2.0 Definitions**

2015 Survey or Lyons Area Conditions Survey – has the meaning given to such term in Section 1.2 above.

2018 Limited Survey or 2018 Eastern Corridor Limited Conditions Survey – has the meaning given to such term in Section 1.2 above.

Act – has the meaning given to such term in Section 1.1 above.

Area or Urban Renewal Area – has the meaning given to such term in Section 1.4 above.

Authority – has the meaning given to such term in Section 1.1 above.

Available Property Tax Increment Revenues – means all Property Tax Increment Revenues available pursuant to the Tax Increment Financing provisions of the Act not payable to taxing bodies pursuant to agreements, if any, with the Authority or otherwise as provided in §31-25-107(9.5) of the Act. In the event that an agreement is reached with a taxing body pursuant to § 31-25-107(9.5) of the Act after the Effective Date of Plan Approval, the Property Tax Increment Revenues generated by said taxing body's mill levy shall become Available Property Tax Increment Revenues, and the addition of such revenue shall not be a substantial modification to this Plan. Upon approval of this Plan the Available Property Tax Increment Revenues are irrevocably pledged to payment of Bonds for the Duration of the Urban Renewal Project as provided in Section 7.0 below.

Base Valuation Revenues – means the revenues produced by the base valuation for taxable property and municipal sales and use taxes as provided in Section 7.0 of this Plan.

Bonds – shall have the same meaning as in §§31-25-103(3) and 109 of the Act, and, without limitation, specifically includes all revenues pledged to the Authority, including Available Property Tax Increment Revenues, and further pledged to pay Project costs pursuant to Redevelopment/Development Agreements or other reimbursement agreements between the Authority and owners and developers.

Town – has the meaning given to such term in Section 1.1 above.

Town Board – means the Board of Trustees of the Town.

Lyons Comprehensive Plan (or Comprehensive Plan) – means Lyons Comprehensive Plan, adopted 2010, as such plan has been or may be amended from time to time.

Lyons Recovery Plan (or Recovery Plan) – means Lyons Recovery Action Plan, adopted March 2014, as such plan has been or may be amended from time to time.

Lyons Primary Planning Area Master Plan (or LPPA) – means Lyons Primary Planning Area (LPPA) Master Plan, adopted 2016, as such plan has been or may be amended from time to time.

Cooperation Agreement – means any agreement between the Authority and Town, or between the Authority and any public body (the term “public body” being used in this Plan is as defined by the Act) respecting action to be taken pursuant to any of the powers set forth in the Act or in any other provision of Colorado law, for the purpose of facilitating public undertakings deemed necessary or appropriate by the Authority under this Plan.

County Treasurer – means the Boulder County Treasurer.

C.R.S. – means the Colorado Revised Statutes, as amended from time to time.

Duration – means the entire twenty-five (25) year time period authorized by §31-25-107(9) of the Act.

Effective Date of Plan Approval – means the date this Plan is approved by resolution of the Town Board.

Impact Report – means the Lyons Eastern Corridor Urban Renewal Area Tax Forecast and County Impact Report, prepared by DGC Consulting, dated April 2019.

District (or Districts) – means a metropolitan district which is a quasi-municipal corporation and political subdivision of the State of Colorado organized under the Colorado Special District Act, 32-1-101, et seq., C.R.S., as from time to time amended, or a business improvement district which is a quasi-municipal corporation and political subdivision of the State of Colorado organized under the Colorado Business Improvement District Act, 31-25-1201, et seq., C.R.S., as from time to time amended, or any successor District or Districts thereto as may be approved by the Town.

Increment Valuation Revenues – means the revenues produced by the increment valuation of taxable property and municipal sales and use taxes as described in Section 7.0 of this Urban Renewal Plan.

Plan or Urban Renewal Plan – has the meaning given to such term in Section 1.1 above.

Pledged Revenues – means any and all revenues available to the Authority, including, without limitation, Available Property Tax Increment Revenues, Sales Tax Increment Revenues and Use Tax Increment Revenues, any revenues available to the Authority from Districts, or any other source that are pledged by this Plan or otherwise to the payment of Bonds of the Authority.

Project or Urban Renewal Project – means all activities and undertakings described in §31-25-103(10), C.R.S., and otherwise authorized by the Act as required for the Duration of the Project to complete development and redevelopment of the Urban Renewal Area, including, without limitation financing and construction of all public and private improvements and payment of all financing obligations included in the definition of Bonds.

Property Taxes – means, without limitation, all levies to be made on an ad valorem basis by or for the benefit of any public body upon taxable real and personal property in the Area.

Property Tax Increment Revenues – means the property tax revenues allocated to the Authority pursuant to §31-25-107(9) of the Act and Section 7.0 of this Plan.

Redevelopment / Development Agreement – means one or more agreements between the Authority and developer(s) and / or property owners or such other individuals or entities as may be determined by the Authority to be necessary or desirable to carry out the purposes of this Plan.

Sales Tax Increment Revenues – means Town or other sales tax revenues allocated to the Authority pursuant to §31-25-107(9) of the Act and Section 7.0 of this Plan.

Tax Increment Financing or TIF – means tax allocation financing described in §31-25- 107(9) of the Act as in effect on the date this Plan is approved by the Town Board. Tax Increment Financing shall be required for the full Duration to carry out all activities and undertakings to complete the Urban Renewal Project, including, without limitation, payment of all Bonds.

Use Tax Increment Revenues – means Town use tax revenues allocated to the Authority pursuant to §31-25-107(9) of the Act and Section 7.0 of this Plan.

### 3.0 Purpose of the Plan

The main public purpose of this Plan is to reduce, eliminate and prevent the spread of blight within the Area through redevelopment by private enterprise. The Plan sets goals to achieve this through implementing established objectives for the Area and assisting with the eligible costs of redevelopment, promoting economic growth and private investment through the tools available within the context of urban renewal tools, laws, and guidelines, including, without limitation, Tax Increment Financing.

Establishment of the Urban Renewal Area will take advantage of improving conditions and the development cycle by focusing urban renewal efforts in the Area for the Duration in accordance with the mandates of the Act.

### 4.0 Blight Conditions

Before an urban renewal plan can be approved and adopted by the Town Board, the area must be found and declared to be a “blighted area” as defined in § 31-25-103(2) of the Act. The Act provides that, in order for blight to be present within the area, at least four specific blight factors must be present in the area, and that such area, in its present condition and use substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

- a. Slum, deteriorated, or deteriorating structures;
- b. Predominance of defective or inadequate street layout;
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- d. Unsanitary or unsafe conditions;
- e. Deterioration of site or other improvements;
- f. Unusual topography or inadequate public improvements or utilities;
- g. Defective or unusual conditions of title rendering the title nonmarketable;
- h. The existence of conditions that endanger life or property by fire or other causes;
- i. Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- j. Environmental contamination of buildings or property;

- k.5 The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.

In 2015, a condition study was performed for a large area of approximately 743 acres and 222 legal parcels, as presented in the Lyons Area Conditions Survey, prepared by Ricker/Cunningham, dated November 2015 (the "2015 Survey"). The 2015 Survey found 11 of 11 actors of blight to be present within the Lyons Area Conditions Survey boundaries, and was approved by the Town Board. The Lyons Area Urban Renewal Plan, focusing on the central part of Lyons, was approved by the Town Board in 2015. It did not include the eastern corridor along US-36 which was studied in the Lyons Area Conditions Survey, and is addressed in this Plan.

Anticipating the potential creation of this Plan for the eastern corridor, the Authority contracted with DGC Consulting in November 2018 to conduct a limited scope survey of the eastern corridor ("2018 Eastern Corridor Limited Conditions Survey" or "2018 Limited Survey").

Based on the 2018 Limited Survey and review of the 2015 Survey, DGC confirmed that seven blight factors are present within the proposed Lyons Eastern Corridor Urban Renewal Area, which is comprised of 22 legal parcels and 94.17 acres. As detailed in the 2018 Limited Survey, this does not mean that the 11 factors identified in 2015 do not still exist, but rather, that the 2018 Limited Survey identified seven factors, which is sufficient to support a finding of blight in the Lyons Eastern Corridor Urban Renewal Area .

The six blight factors are listed below:

- a. Slum, deteriorating or deteriorated structures
  - b. Predominance of defective or inadequate street layout
  - c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
  - e. Deterioration of site or other improvements
  - f. Unusual topography or inadequate public improvements or utilities
  - j. Environmental contamination of buildings or property
- k.5 The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

The presence of seven factors observed in the 2018 Limited Survey exceeds the minimal threshold of four factors necessary to declare the area blighted. This will allow the Town to declare the area blighted in order to approve this Plan and form a new urban renewal area, according to the Act. The Lyons Eastern Corridor Urban Renewal Plan is based on the most recent findings.

## 5.0 Plan's Relationship to Local Objectives and Appropriate Land Uses

### 5.1 Plan Conformity

As supported by specific references presented herein, implementation of this Plan will further the principles and objectives of the Comprehensive Plan (and any subsequent updates) with respect to promotion of commercial offerings within the community's transportation corridors, employment opportunities within its industrial areas, and the provision of resources to replace housing and attract interest in the delivery of a greater variety of residential product offerings. In addition, and as stated previously, development in the Area shall comply with all regulations, including the current municipal code and other rules, regulations, and policies promulgated pursuant thereto.

Any planning documents that might impact development in the Area including, but not limited to, Town-approved water and wastewater, and roadway improvements; parks, recreation and open space plans; and, any applicable Town design standards that are in effect and may be amended from time to time. Finally, conditions of blight within the Area will be remedied by improvements, public and private, and funded in part by Available Property Tax Increment Revenues to the extent deemed appropriate by the Authority, in consultation with the Town and affected property owners, and phased as the market allows.

### 5.2 Consistency with Comprehensive Plan

As explained earlier, a general plan for the Town known as the Town of Lyons Comprehensive Plan, was adopted in 2010. The Authority, with the cooperation of the Town, private enterprise and other public bodies will engage in undertakings and activities in order to eliminate the identified conditions of blight while also implementing the goals of the Comprehensive Plan and all other relevant Town-adopted plans for the Area. Key elements of the Comprehensive Plan which this Plan will advance are described in detail in Appendix B.

### 5.3 Relationship to Other Community Plans

Implementation of this Plan will be consistent with objectives expressed in all Town-adopted and accepted plans that speak specifically to improvements in the Area. The Lyons Recovery Action Plan, adopted in 2014, includes policies supportive of redevelopment in the Eastern Corridor Urban Renewal Area. Excerpts are included in Appendix C. The Comprehensive Plan was also supplemented by the Lyons Primary Planning Area (LPPA) Master Plan, adopted in 2016. Key elements are included in Appendix D.

## 6.0 Authorized Urban Renewal Undertakings and Activities

The Act allows for a wide range of activities to be used in the implementation of an urban renewal plan. The Authority is authorized to provide both financial assistance and improvements in partnership with property owners and other affected parties in order to accomplish the objectives stated herein. Public-

private partnerships and other forms of cooperative development, including Cooperation Agreements, will be essential to the Authority's strategy for preventing the spread of blight and eliminating existing blighting conditions. Without limitation, undertakings and activities of the Authority in the furtherance of this Plan as described as follows.

## **6.1 Undertakings and Activities to Remedy Blight**

As described in Section 4.0 of this Plan, seven qualifying conditions of blight were identified in the proposed Urban Renewal Area. Implementation of this Plan by providing urban renewal resources for public and private improvements will remedy many of the following conditions:

(a) Slum, deteriorated, or deteriorating structures – OBSERVED

Several private structures exhibited exterior deterioration in terms of walls, foundations, eaves, finishes, windows and doors, and ancillary structures. Urban renewal resources can be used to demolish and clear these buildings, allowing new public and private improvements to be constructed that will help to eliminate these blight factors.

(b) Predominance of defective or inadequate street layout – OBSERVED

Parcels exhibited poor vehicle access, non-existent or substandard driveways, and poor or non-existent parking lot layouts. Much of this was due to a lack of curb and gutter along the street right-of-way. Taken as a whole, the area exhibited a predominance of defective and inadequate street layout. Urban renewal resources focused on private development and public improvements will help to eliminate these blight factors.

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness - OBSERVED

The site survey and review of GIS property lines shows that several of the parcels fronting the highway are poorly suited for development – extremely narrow, deep, or otherwise configured to make planning for commercial development difficult. Urban renewal resources focused acquisition and consolidation of parcels, re-platting, vehicular access and other roadway improvements, pedestrian and safety improvements, and public improvements will help to eliminate these blight factors.

(e) Deterioration of site or other improvements – OBSERVED

The 2018 Limited Survey documented widespread deterioration of site and other improvements. These included deteriorated/lack of on-site parking lot paving, curb and gutter, sidewalks, outdoor lighting, and surface drainage facilities. In addition, there were numerous examples of lack of site maintenance, non-conformance to development regulations, deteriorated signage, and deteriorated site improvements such as fencing and walls. Urban renewal resources focused on private development and public improvements will help to eliminate these blight factors.

(f) Unusual topography or inadequate public improvements or utilities – OBSERVED

There were widespread examples of inadequate public improvements or utilities in the public right-of-way. This included lack of public water, sewer, and storm sewer outside of Town boundaries, poor site grading that prevented surface drainage, deteriorated/lack of street pavement, curb and gutter, overhead lighting, and sidewalks. Urban renewal resources focused on improvements in the public right-of-way will help to eliminate these blight factors.

(j) Environmental contamination of buildings or property – OBSERVED

Several environmental reports exist for the waste water treatment facility, which is located in the Urban Renewal Area. These reports, dating from 2011, noted soil contamination that required further testing and asbestos in buildings. An asbestos survey noted the presence of asbestos within buildings that would need to be remediated if buildings are renovated or demolished in the future. Urban renewal resources could be used for remediation to help eliminate these blight factors.

(k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements – OBSERVED

Many of the parcels are undeveloped or have low intensity uses. These conditions are likely to change if sewer is extended to serve them and they are annexed to the Town. Urban renewal resources that help stimulate private development and which are used to construct public improvements will help to eliminate these blight factors.

## **6.2 Project Development Plan**

The primary goal of this Plan is to eliminate the current conditions of blight in the Urban Renewal Area and prevent those conditions from reoccurring. There is no currently contemplated redevelopment of the Area; however, the Authority is authorized to approve any uses for the Area that eliminate blight and are consistent with the Comprehensive Plan, supporting community and subarea plans, and applicable zoning, including, without limitation, mixed use development, including residential, commercial, hotel, retail, office, industrial, cultural, and public uses.

## **6.3 Complete Public Improvements and Facilities**

The Authority may undertake certain actions to make the Area more attractive for private investment. The Authority may, or may cause others, including, without limitation, one or more Districts to install, construct, and reconstruct any public improvements. The Authority may, or may cause others to, demolish and clear buildings and existing improvements for the purpose of promoting the objectives of the Plan and the Act. Additionally, the Authority may, or may cause others to, install, construct and

reconstruct any other authorized improvements, including, without limitation, other authorized undertakings or improvements for the purpose of promoting the objectives of this Plan and the Act.

#### **6.4 Modify the Plan**

The Authority may propose, and the Town Board may make, modifications to this Plan as may be necessary; provided, however, any modification of the Plan shall (a) comply with the provisions of the Act, including §31-25-107(7); (b) not impair Pledged Revenues or the ability of the Authority to pay any outstanding Bonds, including any reimbursement obligations of the Authority; or (c) not impair the ability of the Authority or any party to any then-existing agreement to fully perform their respective covenants and duties under any such agreement. The Authority may, in specific cases, allow non-substantive variations from the provisions of this Plan if it determines that a literal enforcement or application of the provision would constitute an unreasonable limitation beyond the intent and purpose stated herein.

#### **6.5 Provide Relocation Assistance**

While it is not anticipated as of the date of this Plan that acquisition of real property will result in the relocation of any individuals, families, or business concerns; if such relocation becomes necessary, the Authority will adopt a relocation plan as necessary to comply with applicable provisions of the Act.

#### **6.6 Demolish, Clear and Prepare Improvements**

The Authority is authorized to demolish or cooperate with others to clear buildings, structures and other improvements within the Area in an effort to advance projects deemed consistent with the vision stated herein. Such demolition or site clearance is necessary to eliminate unhealthy, unsanitary, and unsafe conditions; eliminate obsolete uses deemed detrimental to the public welfare; remove and prevent the spread of blight; and facilitate redevelopment of the Area by private enterprise.

#### **6.7 Acquire and Dispose of Property**

It is not expected that the Authority will be required to acquire property to carry out the Project. However, if the Authority determines such acquisition is necessary, it is authorized to acquire any such property by negotiation or any other method, except that the Authority is not authorized to acquire property by eminent domain. Properties acquired by the Authority by negotiation may be temporarily operated, managed and maintained by the Authority if deemed in the best interest of the Urban Renewal Project and the Plan. Such property shall be under the management and control of the Authority and may be rented or leased pending its disposition for redevelopment.

The Authority may sell, lease, or otherwise transfer real property or any interest in real property subject to covenants, conditions and restrictions, including architectural and design controls, time restrictions on development, and building requirements in accordance with the Act and this Plan.

## **6.8 Enter into Redevelopment / Development Agreements**

The Authority may enter into Redevelopment / Development Agreements or other contracts with developer(s) or property owners or such other individuals or entities determined to be necessary to carry out the purposes of this Plan, including the further pledge by the Authority of Pledged Revenues to pay eligible costs pursuant to the Act or any other applicable law. Further, such Redevelopment/Development Agreements, or other contracts, may contain terms, provisions, activities, and undertakings contemplated by this Plan and the Act. Any existing agreements between the Town and private parties or the Authority and private parties that are consistent with this Plan are intended to remain in full force and effect, unless all parties to such agreements agree otherwise.

## **6.9 Enter Into Cooperation Agreements**

The Authority is authorized to enter into such Cooperation Agreements as may be required by the Act, including tax sharing agreements. The Authority may also use the mediation and other provisions of the Act when necessary to provide adequate financing to carry out this Plan. This paragraph shall not be construed to require any particular form of cooperation.

## **6.10 Other Project Undertakings and Activities**

Other Project undertakings and activities deemed necessary by the Authority to carry out the Plan may be undertaken and performed by the Authority or pursuant to agreements with other parties or public bodies in accordance with the authorization of the Act and any applicable law or laws.

## **7.0 Project Financing**

The Authority is authorized to finance the Project by any method authorized by the Act or any other applicable law, including without limitation, appropriations, loans or advances from the Town; federal loans and grants; state loans and grants; interest income; pay as you go arrangements; annual appropriation agreements; agreements with public and private parties or entities including, without limitation, Districts; issuance of Bonds; sale of securities; Tax Increment Financing (including both property, sales and use tax increments); loans, advances and grants from any other available source.

Any financing method legally available to the Town, the Authority, any private developer, redeveloper or owner may be used to finance in whole or in part any lawful cost or financial obligation, including without limitation, the cost of public improvements described, authorized or anticipated in the Act or Plan or in any manner related or incidental to the redevelopment of the Area. Such methods may be combined to finance all or any part of the Project. Any financing method authorized by the Plan or by any applicable law, including without limitation, the Act, may be used to pay the principal of and interest on and to establish reserves for Bonds and all forms of indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Authority or the Town to finance the Project in whole or in part.

The Authority is authorized to issue Bonds, including notes or any other financing instruments or documents in amounts sufficient to finance all or part of the Project. The Authority is authorized to borrow funds and to create indebtedness in carrying out this Plan. The principal, interest and any

premiums due on or in connection with such indebtedness may be paid from Tax Increment Financing revenue or any other funds available to the Authority, including, without limitation, Pledged Revenues.

The Project may be financed by the Authority under the Tax Increment Financing provisions of the Act. Property taxes levied after the Effective Date of Plan Approval upon taxable property in the Area each year by or for the benefit of each specific public body that levies Property Taxes on taxable property in the Urban Renewal Area or all or a portion of municipal sales and use taxes collected within the Area, or both such taxes, shall be divided for a period not to exceed twenty-five (25) years after the effective date of this allocation provision, as follows:

### **7.1 Base Valuation Revenues**

That portion of the taxes which are produced by the levy at the rate fixed each year by or for each such specific public body upon the valuation for assessment of taxable property in the Area last certified prior to the Effective Date of Plan Approval or, as to an area later added to the Area, the effective date of the modification of the Plan, and, subject to Town Board approval, that portion of municipal sales taxes, not including any sales taxes for remote sales as specified in §39-26-104(2), C.R.S., and use taxes collected within the boundaries of the Area in the twelve-month period ending on the last day of the month prior to the Effective Date of Plan Approval, or, both such portions, must be paid into the funds of each such public body as are all other taxes collected by or for said public body.

### **7.2 Increment Valuation Revenues**

That portion of Property Taxes or, subject to Town Board approval, all or any portion of said sales taxes and use taxes, or both, in excess of the base amount of property taxes, sales taxes or use taxes paid into the funds of each such public body as provided above must be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the Bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the Authority for financing or refinancing, in whole or in part, the Urban Renewal Project, or to make payments under an agreement executed pursuant to §31-25-107(11) of the Act.

The use of Sales Tax Increment Revenues and/or Use Tax Increment Revenues may only occur after the Town Board's receipt of a financing plan outlining the proposed amounts and purpose for which the Sales Tax Increment Revenues and/or Use Tax Increment Revenues is to be used and after the Town Board approves a Cooperation Agreement between the Authority and the Town setting forth the allocation of the Sales Tax Increment Revenues and/or Use Tax Increment Revenues between the Town and the Authority for the proposed redevelopment. Any pledge of Sales Tax Increment Revenues and/or Use Tax Increment Revenues by the Authority in a Redevelopment / Development Agreement shall not be authorized until the Cooperation Agreement between the Town and the Authority identified above is approved by the Town Board. The approval of such Cooperation Agreement by the Town and the Authority is hereby found by the Town not to be a substantial modification of this Plan, an addition of a new Urban Renewal Project, an alternation of the Plan Area, a change in the mill levy or sales tax component of the Plan (up to 100% of the municipal Sales Tax Increment Revenues and/or Use Tax

Increment Revenues being hereby authorized by the Plan), nor an extension of the Plan or the duration of a specific Urban Renewal Project, regardless of when such Cooperation Agreement may be approved.

Unless and until the total valuation for assessment of the taxable property in the Urban Renewal Area exceeds the base valuation for assessment of the taxable property in the Urban Renewal Area, as provided above, all of the taxes levied upon the taxable property in the Urban Renewal Area must be paid into the funds of the respective public bodies. Unless and until the respective municipal sales and use tax collections in the Urban Renewal Area exceed the respective base year municipal sales and use tax collections in the Urban Renewal Area, as provided above, all such sales and use tax collections must be paid into the funds of the municipality.

When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property or the total municipal sales and use tax collections, or both, in the Urban Renewal Area must be paid into the funds of the respective public bodies, and all moneys remaining in the special fund that have not previously been rebated and that originated as property tax increment generated based on the mill levy of a taxing body, other than the municipality, within the boundaries of the Urban Renewal Area must be repaid to each taxing body based on the pro rata share of the prior year's property tax increment attributable to each taxing body's current mill levy in which property taxes were divided pursuant to provision. Any moneys remaining in the special fund not generated by property tax increment are excluded from any such repayment requirement. Notwithstanding any other provision of law, revenues excluded by §31-25-107(9)(a)(II) of the Act are not intended to be included in Available Property Tax Increment Revenues.

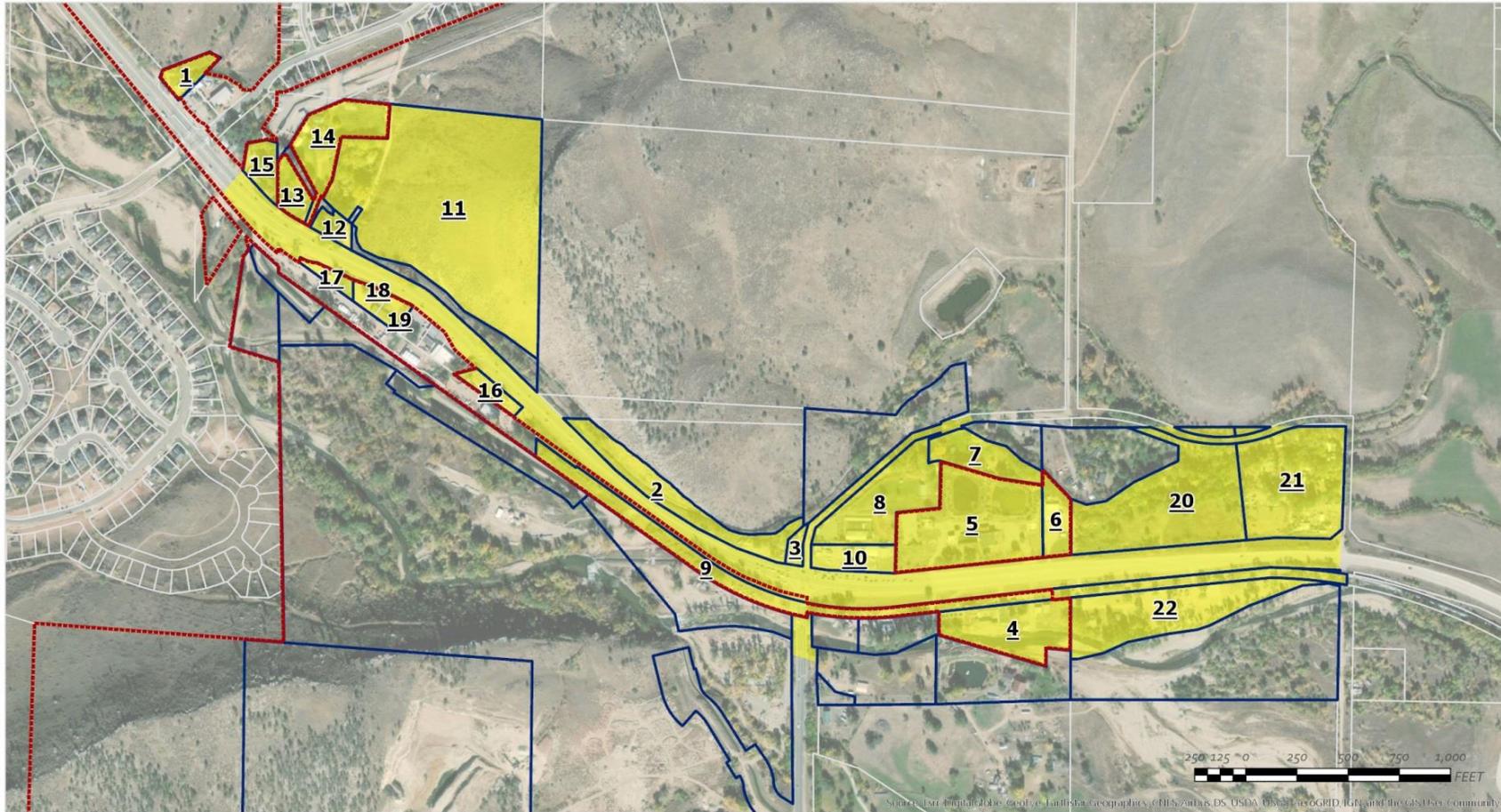
The Increment Valuation Revenues are irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with such Bonds, including any loans, advances and other indebtedness incurred by the Authority to finance the Urban Renewal Project, but excluding any offsets collected by the County Treasurer for return of overpayments or any reserve funds reserved by the Authority for such purposes in accordance with §31-25-107(9)(a)(III) and (b) of the Act, and also excluding a reasonable amount each year as determined by the Authority for payment of maintenance and operating expenses associated with administering the Plan, carrying out the Urban Renewal Project, and maintaining the existence of the Authority.

The Available Property Tax Increment Revenues (as described and defined in this Plan) are immediately subject to the lien provided by the provisions of §11-57-208, C.R.S., effective as of the date this Plan is approved by the Town Board. Such pledge is necessary and required for the benefit of the Authority and private enterprise to carry out the Urban Renewal Project in accordance with the requirements of §31-25-107(4)(g) of the Act. Such Available Property Tax Increment Revenues are and shall be subject to the lien of such pledge for the Duration of the Project without any physical delivery, filing, or further act. The creation, perfection, enforcement and priority of the pledge of the Available Property Tax Increment Revenues as provided herein shall be governed by §11-57-208, C.R.S. The lien of such pledge on the Available Property Tax Increment Revenues shall have priority over any and all other obligations and liabilities of the Authority with respect to the Available Property Tax Increment Revenues.

## **8.0 Severability**

If any portion of this Plan is held to be invalid or unenforceable, such invalidity will not affect the remaining portions of the Plan.

**Appendix A: Lyons Eastern Corridor Urban Renewal Area Legal Description and Map**



-  Municipal Boundary
-  Other Parcel Boundary
-  Proposed Urban Renewal Area
-  Proposed Urban Renewal Study Area Parcel

**Town of Lyons  
Urban Renewal Area  
Eastern Corridor**



## **Appendix B: Excerpts from 2010 Lyons Comprehensive Plan**

Lyons Comprehensive Plan, adopted 2010 (excerpts taken verbatim, but formatted for emphasis). Policies summarized will be advanced by the Plan.

### **Guiding Principles**

#### Chart Our Future

- Balance the demands of trying to achieve environmental and economic sustainability with community character and historical preservation and the rights of property owners.
- Clearly articulate the Town's interests in expanding the Lyons' Planning Area (LPA) by proactively engaging with private and government stakeholders to make collaborative land use decisions.
- Improve and maintain our relationships with neighboring municipal and county governments.

#### Economic Sustainability

- Provide enough revenue for the Town to provide the quality of services desired by residents and businesses.
- Promote a business-friendly environment that encourages commercial and job growth.
- Transition from a residential development-based economy to a commercial-based, localized economy.
- Reduce retail leakage and attract Front Range day-trip tourists to support the local economy.
- Provide cost-efficient management of tax dollars and Town-owned assets.

#### Quality of Life, Social Well-Being, Sustainability

- Support the public and private provision of cultural, educational, social and healthcare services.
- Provide for transparency and clarity in Town decision-making and management of Town assets.
- Sustain Lyons' key characteristics, as defined by residents' vision and desires.

#### Environmental Sustainability

- Consider the net environmental costs and benefits of Lyons' government activities and decisions.
- Facilitate residents' and businesses' efforts to provide a net environmental benefit from their activities and operations through incentives, recognition and education.
- Follow the general principles in the Boulder County Sustainable Communities Initiative and the Boulder County Sustainable Energy Plan.

### **Our Goals**

- Land Use and Growth: Ensure that the built environment contributes to Lyons' identity and is consistent with the proposed 2010 Lyons Planning Area Map and the Sustainable Design and Development Principles.

- **Economic Development:** Create an environment in which local business can prosper. Leverage the Town's history, natural setting, unique retailers and relationship with the music and arts community to attract tourists.
- **Town Services:** Provide adequate, safe and efficient public utilities and services in a manner that supports the community's goals.
- **Culture, History and Education:** Support the advancement of education and culture in the community.
- **Environment:** Protect and promote Lyons' unique natural environment and resources and lead the community towards environmental sustainability.
- **Housing:** Recognize and accommodate the housing needs of a diverse population.
- **Parks, Open Space, Trails and Recreation:** Balance the quality of life benefits that parks, trails and open lands contribute to the community with fiscal responsibility.
- **Transportation:** Develop an integrated mobility system that is safe and easily accessible to all travelers.

### **Land Use and Growth**

**Objective 1.3:** Use land use planning tools (e.g., comprehensive plan, land use regulations) to help achieve a sustainable economy primarily through business and job growth.

- *LUG Strategy 1.3.1:* Define the means and the extent to which developers could create jobs and/or businesses along with residential development.
- *LUG Strategy 1.3.2:* Review and update annexation, zoning and subdivision regulations and fees to streamline the process and facilitate high quality residential and business development and support infill and redevelopment strategies that are consistent with the goals of this plan.
- *LUG Strategy 1.3.3:* Create a fact sheet that outlines the land use application process and includes review criteria to clarify the development process.

### **Economic Development**

**Objective 1.1:** Create space for local businesses.

- *ED Strategy 1.1.2:* Inventory and analyze Town-owned real estate and real property to ensure the highest and best use.
- *ED Strategy 1.1.3:* Analyze the current and future downtown area parking requirements and develop options to meet downtown businesses' future parking needs.
- *ED Strategy 1.1.4:* Work with stakeholders to promote appropriate zoning of properties consistent with the 2010 Lyons Planning Area Map.

**Objective 1.2:** Improve Lyons' fiscal, regulatory and physical environment.

*ED Strategy 1.2.1:* Evaluate the potential to use taxing districts and other tools to finance public improvements to benefit tourism and/or business development. *D Strategy 1.2.2:* Explore the feasibility of using a Transferable Development Rights (TDR) program to ensure that there is a good balance among residential development, commercial uses and the development of jobs.

- *ED Strategy 1.2.3:* Maintain infrastructure to support existing businesses and develop infrastructure plans for new business growth.

**Objective 1.3:** Promote business retention and the creation of new businesses in Lyons.

- *ED Strategy 1.3.1:* Support efforts to encourage entrepreneurship and to nurture businesses throughout the Lyons Planning Area.

- ED Strategy 1.3.2: Identify key businesses and employers in collaboration with the Lyons Area Chamber of Commerce that would fit well in Lyons, and create a recruiting plan to market the community to them.
- *ED Strategy 1.3.3: Work with local business groups and schools to encourage entrepreneurship.*
- *ED Strategy 1.3.4: Update the Land Use Code to ensure that: the Eastern Highway 36 Corridor is geared toward encouraging uses that will reduce retail sales leakage from Lyons; the permitting process is predictable and transparent; and that new development will be well-designed and have appropriate landscaping and buffering from nearby land uses that are less intense.*
- *ED Strategy 1.3.5: Complete a business inventory and sales tax leakage study to identify opportunities for improving the business mix.*
- *ED Strategy 1.3.6: Continue to implement the recommendations set forth in the Community Revitalization Partnership's (a.k.a. Downtown Colorado) July 28-29th, 2008 Report.*
- *ED Strategy 1.3.7: Work with local business groups and the Lyons Area Chamber of Commerce to understand the root causes of business failures.*
- Economic Development Objective 1.4: Enhance the community's appearance.
- *ED Strategy 1.4.1: Enhance Lyons' curb appeal by encouraging new buildings downtown to incorporate native Lyons building materials and architectural elements that fit with historic buildings downtown.*
- *ED Strategy 1.4.2: Clean up and enforce nuisance and beautification codes on Town controlled and commercial properties.*

Economic Development Objective 2.1: Increase Lyons' brand awareness and recognition.

- *ED Strategy 2.1.2: Create a wayfinding, roadway and parking system that can capitalize and leverage destinations such as the North and South St. Vrain Rivers which are not readily apparent from downtown.*
- *ED Strategy 2.1.3: Work with the Lyons Historical Society to develop and promote cultural heritage tourism related to Lyons' historic buildings and sites.*
- *Economic Development Objective 2.2: Make Lyons a retail and recreational destination for residents and visitors.*
- *ED Strategy 2.2.1: Focus on encouraging the development of lodging facilities.*
- *ED Strategy 2.2.2: Conduct a study to determine the best method(s) to prevent leakage in the local economy.*
- *ED Strategy 2.2.4: Form a St. Vrain River Task Force to devise a master plan for the river corridor. The plan should balance how to:*
  - Make the river more visible and connected to key local and regional destinations and leverage development opportunities along the river;
  - Improve recreational opportunities;
  - Maintain the health of the riparian corridor and enhance wildlife habitat; and
  - Achieve sustainability goals.
- *ED Strategy 2.2.5: Evaluate the benefits of and options for privatizing the planning, integration and execution of events in the Town and surrounding area to reduce the workload on Town staff.*

**Town Services**

Town Services Objective 1.1: Ensure that the Town has a long-term plan for providing water, wastewater and electrical services to residents and businesses in Lyons' planning area.

- *TS Strategy 1.1.2: Develop capital improvement plans for all Town utilities. The plans should:*

- 1) Define acceptable levels of service including baseline and regionally comparative rate analyses,
- 2) Describe capital improvement requirements,
- 3) Describe operations and maintenance requirements and
- 4) Address emergency planning needs.

Utilize these plans as the basis for annual budgeting, for risk and investment analysis and to seek funding from outside sources (e.g. grants).

- *TS Strategy 1.1.5: Explore alternate uses and the possible sale of the abandoned water treatment plant on Apple Valley Road.*

Town Services Objective 1.2: Keep Lyons safe and secure.

*TS Strategy 1.2.3:* Identify key areas of safety concern including crosswalk (or lack thereof) concerns, cycling routes on roads, school routes, sidewalk maintenance, etc.

### **Culture, History and Education**

Culture, History and Education Objective 1.3: Support efforts to preserve and enhance historic buildings and to educate people about Lyons' history and culture through programming, events and artistic expression.

- *CHE Strategy 1.3.2:* Partner with the Historic Designation Commission and Lyons Historical Society to pursue funding opportunities from the National Trust for Historic Preservation and the Colorado State Office of Archaeology and Historic Preservation to enhance Lyons' historic structures.

### **Environment**

Environment Objective 1.1: Lead local environmental efforts by developing a balanced, cost-effective sustainability plan.

E Strategy 1.1.1: Develop annually, in collaboration with the Sustainable Futures Commission, a strategic plan and list of priorities to address Town of Lyons and Lyons Planning Area sustainability issues in, as a minimum, the following areas:

- Energy and Climate Change (with specific focus on Boulder County Sustainable Energy Plan elements)
- Transportation
- Green Building Concepts (appropriate to Town of Lyons)
- Waste Minimization and Composting
- Air, Water, Light and Noise Pollution Prevention
- Sustainability and Permaculture Education
- Economic Localization
- Local Food Production and Distribution
- Invasive Species Control and Habitat Protection
- Water Conservation, Water Quality and Watershed Management
- An analysis of the options and costs of recommendations to achieve environmental sustainability (consider the Guiding Principles in this Comprehensive Plan )
- Redevelopment of underutilized commercial and industrial sites

## **Housing**

- Housing Objective 1.1: Promote safe, stable, diverse neighborhoods throughout Lyons that provide a range of housing options and link residents to destinations to learn, work, shop and recreate.
- Housing Strategy 1.1.2: Encourage denser housing (more homes per acre) near the center of Town to promote walking, help strengthen downtown and provide more housing options.
- Housing Objective 1.2: Increase opportunities for affordable housing.
- Housing Objective 1.3: Support the improvement of existing neighborhoods.

## **Transportation**

Transportation Objective 1.1: Continue to update and maintain Lyons' street and sidewalk system.

Transportation Strategy 1.1.2: Analyze traffic flow, traffic patterns and parking to provide recommendations to support economic development throughout the Town and the planning area

## **Sustainable Design & Development Principles**

The Town strongly encourages all new development or redevelopment to follow these principles to the extent practicable.

### Build for Everyone

- Create a flexible design that allows for updates and changes over time to ensure long-term viability and to promote individuality.
- Every neighborhood should have a variety of housing types and a mix of land uses. The goal is to design a strong neighborhood structure that can accommodate a range of uses and be flexible enough to adapt to change over time. For example, the size, type of unit and cost of residences should be diverse enough to allow residents to live in the area as their needs change.

### Fit within and Enhance the Environment

- Minimize the development's footprint. Preserve existing drainage patterns, minimize grading and impervious areas (building envelope, size of parking lots, roads, etc.).

### Create Inviting Public Space

- Design projects to connect people to nature. Integrate natural features and amenities into the development and ensure that users have access to these amenities.
- Establish welcoming public spaces and destinations that encourage social interaction, appeal to people of all ages, interests and backgrounds and promote environmental sustainability.
- Public spaces such as parks, civic buildings and gateway landscapes should be highly visible from the public realm.

### Smart Street Design

- Every new street should be designed considering: the experience of the people who will use the streets, landscape features, vegetation, topography and adjacent land uses.
- Encourage Walking and Biking
- Provide a safe, convenient, well-defined bicycle network for both experienced and novice cyclists.

### Build to Create Enduring Value and Beauty

- Foster distinctive architecture and a strong sense of place.
- Preserve and restore significant historic structures and features when feasible.
- Conserve Natural Resources
- Encourage the reuse of existing buildings, mechanic systems, plumbing fixtures, etc. to extend the lifecycle of the building, showcase Lyons' historic character and to reduce energy use in the transport and construction of a new structure.

## **Appendix C: Excerpts from 2014 Lyons Recovery Action Plan**

**Lyons Recovery Action Plan, adopted March 2014** (Excerpts Taken Verbatim – Elements described below will be advanced by the Plan)

### **Arts, Culture and Historic Preservation**

**ACH 1.1.1:** Create a live-work development that can provide affordable housing for artists, as well as a space to incubate their trade and business.

### **Economic and Business**

**BIZ 1.1.1:** Obtain funds to help regenerate the economy of the Town of Lyons and its immediate surroundings by helping businesses recover from significant losses.

**BIZ 1.3.1:** Explore ways to communicate that Lyons is a business-friendly community and open for business.

**BIZ 2.2.1:** Work with the Lyons Historical Society to develop and promote cultural heritage tourism related to Lyons' historic buildings and sites.

### **Housing**

**HOU 1.3.1:** Encourage the development/construction of housing that is affordable by: a) virtue of the lot size, regulatory incentives, construction methodology and material usage, density; b) the use of financial subsidies and volunteer contributions.

**HOU 1.3.2:** Encourage the development/ construction of manufactured housing (including prefabricated, modular, and mobile homes).

**HOU 1.3.3:** Encourage the construction of alternative and sustainable housing developments with different ownership models.

### **Infrastructure**

**INF 2.2.1:** Develop and implement a capital improvement and maintenance plan for Lyons' transportation system that considers emergency and normal operating conditions, future land use, collector connections, street master plans, street connections and multi-modal transportation.

### **Parks & Recreation**

**P&R 2.1.2:** Repair former trails and assets (bridges, drainage structures, etc. including a priority on trail / bridge access from Bohn Park to downtown across the river).

**P&R 2.1.3:** Implement regional trail connections through partnerships.

### **Public Facilities**

**PUB 1.4.1:** Evaluate the options for a centrally located town municipal facility and either rehabilitate, remodel and flood proof the existing facility, or construct a new facility as either a standalone facility or as part of a new multi-use community building.

**PUB 1.4.2:** Inventory and analyze Town-owned real estate and real property to ensure the highest and best use. Develop a strategic plan for the use of underutilized Town-owned properties.

### **Stream**

**STR 1.1.1:** Re-vegetate the North, South, and combined St. Vrain Creek Corridor in Lyons.

**STR 1.1.2:** Improve Riparian Habitat and Bank Stabilization from the Confluence to McConnell Bridge.

**STR 1.1.3:** Restore and improve North, South and combined St. Vrain corridor in Lyons.

STR 2.1.2: Mitigate Highway 36 CDOT bridges near the Planet Bluegrass property.

STR 2.1.3: Mitigate channelization of the North St. Vrain from 5<sup>th</sup> Avenue to the confluence area.

*Strategy 1.1.1:* Develop annually, in collaboration with the Sustainable Futures Commission, a strategic plan and list of priorities to address Town of Lyons and Lyons Planning Area sustainability issues in, as a minimum, the following areas:

- Energy and Climate Change (with specific focus on Boulder County Sustainable Energy Plan elements)
- Transportation
- Green Building Concepts (appropriate to Town of Lyons)
- Waste Minimization and Composting
- Air, Water, Light and Noise Pollution Prevention
- Sustainability and Permaculture Education
- Economic Localization
- Local Food Production and Distribution
- Invasive Species Control and Habitat Protection
- Water Conservation, Water Quality and Watershed Management
- An analysis of the options and costs of recommendations to achieve environmental sustainability (consider the *Guiding Principles* in this Comprehensive Plan)
- Redevelopment of underutilized commercial and industrial sites

## **Appendix D: Excerpts from 2016 Lyons Primary Planning Area (LPPA) Master Plan**

**Lyons Primary Planning Area (LPPA) Master Plan, approved by the Town Board March 20, 2017** (Excerpts Taken Verbatim – Elements described below will be advanced by the Plan)

### **Guiding Principles**

*Guiding Principles are defined as. . .*

*“representing a broad philosophy that guides an organization or entity throughout its life in all circumstances, irrespective of changes in its goals, strategies or leadership at any level. In this application, they should be considered in instances where there is ambiguity between a specific land use or zoning request and the stated intent of a subarea development concept; as well as when considering an appropriate role for the Town when partnering to advance priority projects.”*

While the purpose of this Master Plan is to inform land use decisions in the LPPA, it is a policy rather than a regulating document. As such, additional resources are needed to protect the vision and ensure alignment among the Town’s regulating documents, particularly those that will inform development within its boundaries. Before any inconsistencies or gaps in the municipal code can be addressed, appointed and elected officials should rely on the intentions expressed herein, along with the parameters or guiding principles that are intended to serve as a reference for sound decision-making.

1. Planning and development will consider the value and significance of existing improvements and homes.
2. Land uses and product types will advance the Town’s goal for a more diverse economy (as expressed in the 2010 Comprehensive Plan).
3. New housing in the Planning Area will address the needs of residents at different life stages and income levels.
4. Investment will be high quality, distinctive, context-sensitive and consistent with the community’s existing character.
5. Mobility improvements in the Area will be both vehicular and non-vehicular and will connect to activity centers within the town.
6. Development will balance growth through efficient development partners.
7. The scale of development will balance economic feasibility with environmental sensitivity and its physical context.
8. Natural and open spaces will be integrated into new developments yet protected from potential adverse impacts.
9. The Town will partner with private owners and other property interests in delivering desired capital and infrastructure improvements to the Area.
10. Commercial and primary employment uses will be pursued in the near-term and encouraged to locate within the US 36 / CO 66 corridor.