

Memorandum

Date: February 15, 2019
To: Town of Lyons Urban Renewal Authority (LURA)
From: David Cooper, DGC Consulting
Subject: Confirmation of Conditions in Proposed Eastern Corridor Urban Renewal Area, Town of Lyons, Colorado

The purpose of this memo is to report my findings for Task 1: Confirm Blight Conditions, which is part of my contract dated November 20, 2018, with the Town of Lyons Urban Renewal Authority (“LURA”). The scope of this task is to confirm whether conditions documented in the 2015 Lyons Area Conditions Survey (“2015 Conditions Study”), by Ricker Cunningham, are present within the proposed Eastern Corridor Urban Renewal Area, which is significantly smaller than the area studied in 2015. The Lyons Board of Trustees approved the 2015 Condition Study at a public hearing held December 21, 2015, and designated the original Study Area as “blighted” under Colorado Urban Renewal Law.

This question is important to LURA because it is contemplating establishing a new urban renewal area in the southeastern portion of the area that was studied in 2015.

Background:

Prior to meeting with the LURA Board on November 29, 2018, I reviewed a map of the proposed Eastern Corridor Urban Renewal Area, met with the Town of Lyons Town Planner, Paul Glasgow, and toured the area to observe current conditions and recent changes, if any. After the site visit, I reviewed the 2015 Conditions Survey and other data provided by the Town of Lyons.

The 2015 Conditions Survey documented blight conditions on 222 legal parcels and right-of-way areas, totaling 743 acres in the Town of Lyons and Boulder County, Colorado. The proposed Eastern Corridor Urban Renewal Area is smaller than the 2015 Urban Renewal Area. It is comprised of properties along both sides of approximately 6,500 linear feet of US-36 and US-66, between Stone Canyon Drive and a point about 1,500 feet to the east of North Foothills Highway (US-36). It includes 22 parcels totaling 72.63 acres, plus public land and public right-of-way for a total of 94.17 acres. The proposed Eastern Corridor Urban Renewal Area is illustrated in Exhibit A, which is attached. For the purposes of this memo it is also referred to as the Eastern Corridor Study Area (or “Study Area”).

The 2015 Conditions Survey identified 11 factors in the larger Lyons study area (page 22 in the 2015 Conditions Study).

“6.0 Summary of Factors

As explained earlier in this report, it is not legally necessary for every factor to be present in an area in order for it to be considered “Blighted”. In addition, a given factor need not be present on each and every parcel or structure to be counted, but rather, only needs to be present somewhere

in the area as a whole. As shown, 11 of the 11 total possible factors were present to a degree that appeared to likely have a significantly negative impact on the public's safety and welfare and impede the ability for sound growth and development”.

Observations:

I reviewed the findings in the 2015 Conditions Study and compared them with my field observations. The results are summarized below for each of the 11 blight factors. Note that my observations were limited to what I observed during the site visit and my review of available documents provided by the Town of Lyons. In some cases, I did not confirm factors that were cited in the 2015 Conditions Study. However, this does not mean that in my opinion, they are not present. Rather, my limited review did not find sufficient evidence to confirm the previous findings. A complete conditions study might reach similar conclusions as the 2015 Conditions Study.

The following summarizes my review and field survey:

Blight factors:

(a.) Slum, deteriorating or deteriorated structures – this factor was confirmed in the proposed Urban Renewal Area. Exterior visual survey confirmed the presence of deteriorated structures within the proposed Eastern Corridor Urban Renewal Area. Evidence of blight in this category includes damage to roofs and exterior finishes, foundations, outside stairways, fences and ancillary structures such as sheds or other storage facilities. Therefore, this blight factor is still present within the Study Area.

(b.) Predominance of defective or inadequate street layout – this factor was confirmed in the proposed Eastern Corridor Urban Renewal Area. The visual survey and review of GIS mapping identified significant highway frontage with poor or undefined access for vehicles. The irregular and long shape of several parcels and small size of others makes them difficult to serve with an interior road system. A lack of compliance with current Town plans, codes and regulations as discussed in the 2015 Conditions Study remains. Therefore, this blight factor is still present in the Study Area.



Photo 1 - State Highway and development along west frontage

(c.) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness – this factor was confirmed in the proposed Eastern Corridor Urban Renewal Area. The configuration of most parcels is influenced by their location along the State Highway. As a result, many are linear or of such shallow depth that they are unusable, unless they are combined with other parcels. Access and surface parking are particularly important for commercial parcels, and this tends to be absent or deficient. Therefore, this blight factor is still present in the Study Area.

(d.) Unsanitary or unsafe conditions – the limited survey and review did not confirm this factor in the proposed Eastern Corridor Urban Renewal Area.

(e.) Deterioration of site or other improvements – this factor was confirmed in the proposed Eastern Corridor Urban Renewal Area. According to the 2015 Conditions Study and my observations, developed parcels in the Study Area tend to have poor or non-existent site improvements such as paved parking lots, curb and gutter, lighting, sidewalks, fencing, and landscaping. The undeveloped parcels, which predominate, lack any site improvements. Therefore, this blight factor is still present in the Study Area.

(f.) Unusual topography or inadequate public improvements or utilities – this factor was confirmed in the proposed Eastern Corridor Urban Renewal Area. According to Town Staff and the 2015 Conditions Study, most of the Study Area is not served by public water and sewer, which is necessary for urban development. The edge of the State Highway is designed for rural conditions and lacks curb, gutter, sidewalks, and lighting. Several parcels on the north side of the State Highway have steep slopes which will make portions undevelopable or difficult and expensive to develop. The St. Vrain Creek floodplain extends over much of the area south of the State Highway and this area has experienced extreme floods in the past. Therefore, this blight factor is still present in the Study Area.



Photo 2- Frontage on the west side of State Highway

(g.) **Defective or unusual conditions of title rendering the title nonmarketable** – the limited survey and review did not confirm this factor in the proposed Eastern Corridor Urban Renewal Area.

(h.) **The existence of conditions that endanger life or property by fire or other causes** – the limited survey and review did not confirm this factor in the proposed Eastern Corridor Urban Renewal Area.

(i.) **Buildings which 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** – the limited survey and review did not confirm this factor in the proposed Eastern Corridor Urban Renewal Area.

(j.) **Environmental contamination of buildings or property** – the Town of Lyons provided several environmental reports for the Ute Highway waste water treatment facility, which is located in the Study Area. These reports, dating from 2011, noted soil contamination that required further testing and asbestos in buildings. In an addendum letter dated March 2016, the environmental consultant noted that groundwater laboratory analytical results indicate that Colorado Groundwater Standards have not been exceeded and that no further action is required and support the No Action Determination request. The 2016 asbestos survey noted the presence of asbestos within buildings that would need to be remediated if buildings are renovated or demolished in the future. Therefore, environmental contamination of buildings or property within the Study Area demonstrates that this blight factor is still present in the Study Area.

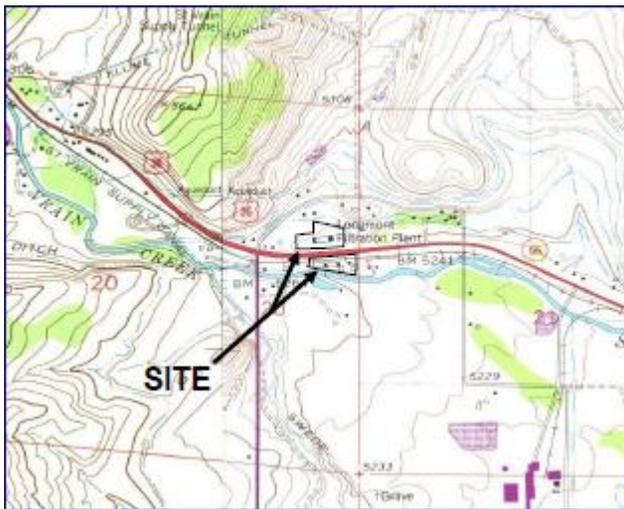


Figure 1 Error! No text of specified style in document.-1 Location of waste water treatment facility

(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** - this factor was confirmed in the proposed Eastern Corridor Urban Renewal Area. The vast majority of parcels are currently vacant and underutilized. This was confirmed by my 2018 visual observation and documented in the 2015 Conditions Study. The few developed parcels tend to be low density, consistent with rural strip development. Some parcels are likely to remain vacant and under-utilized due to their extremely narrow

configuration along both sides of the State Highway. Other parcels are currently vacant but may be developed when and if municipal services are available. Therefore, this blight factor is still present in the Study Area.

Conclusions:

Based on my field investigation and review of the 2015 Conditions Survey, I confirmed that seven blight factors are present within the proposed Eastern Corridor Urban Renewal Area, compared with 11 factors that were documented in the 2015 Conditions Survey. More detailed analysis might determine that additional factors are present, but that would require a new blight study which is beyond the scope of this review. In any case, the presence of seven factors exceeds the minimal threshold of four factors necessary to declare the area blighted. This will allow the Town of Lyons to declare the area blighted in order to form a new urban renewal area, according to Colorado Urban Renewal Law.

The seven confirmed factors are the following:

- (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