

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: XI. 4
Meeting Date: 18 SEPT 2023**

TO: Mayor Rogin and Members of the Board of Trustees
FROM: Lead Planner David Kimmett, AICP
DATE: September 14, 2023
ITEM: Boulder County Commercial Development Moratorium

 ORDINANCE
X **MOTION / RESOLUTION**
 INFORMATION

- I. REQUEST OR ISSUE:** Boulder County enacting a 6-month development moratorium on county-jurisdiction commercially-oriented parcels within a 3-mile radius of the Town of Lyons
- II. RECOMMENDED ACTION / NEXT STEP:** Potentially attend the Boulder County Board of County Commissioners (“BoCC”) hearing on the moratorium, schedule for September 19th at 11:45am, either in-person or virtually; see Attachment XI.4 – 6, below. Following the outcome of the BoCC hearing, decide whether and how the Board of Trustees would like to formally respond and or engage with Staff.
- III. FISCAL IMPACTS:** None.
- IV. BACKGROUND INFORMATION:** On September 5th, the BoCC adopted a 6-month development moratorium – meaning they will not accept applications for development proposals – for all “intense” use parcels within a three-mile radius of the Town of Lyons. By “intense,” those are parcels that are non-residential and non-agricultural in zoning, so effectively commercially-oriented parcels.
- V. LEGAL ISSUES:** None.
- VI. Commission Recommendations:** The PCDC, in a workshop session on September 12th, discussed at length the moratorium. Discussion involved my knowledge of the background, potential rationale, and potential implications. Being a new and unexpected item, my knowledge is limited to conjecture more or less.

The PCDC has no formal recommendation, but is interested in what transpires next. I encouraged commissioners to attend the BoCC hearing on the 19th if they can, cautioning them that any official statements made during the hearing will be made by either Mayor Rogin and or Town Administrator Simonsen.

VII. CONFLICTS OR ENVIRONMENTAL ISSUES: None.

VIII. SUMMARY AND ALTERNATIVES:

PRIMARY IS TO DETERMINE WHETHER MAYOR ROGIN (OR POTENTIALLY SOMEONE ELSE) SHOULD ATTEND THE MEETING, AND IF SO, SHOULD THAT PERSON SPEAK IN FAVOR OR AGAINST THE MORATORIUM. A motion should be made to assert a direction in light of the BoCC hearing transpiring tomorrow.

Of note immediately to me was that the Town was not informed of an impending moratorium, the rationale, the goals, the implications, nor any discussion therein, even though the moratorium is only within three miles of Lyons. As a planner, and in the spirit of our mutual interests as a municipality and a county, I find this disconcerting, even if the County feels that they are doing this for the benefit of Lyons...it is a top-down approach that is counter to good intergovernmental planning efforts.

Here is a direct quote from the County's press release (as can be seen in Attachment XI.4 - 2, below):

"The moratorium will allow the county to determine if the existing county zoning map and regulations meet the needs of Boulder County and the Lyons community."

Since the Town is not acquainted with the underlying principles of this moratorium, as I mentioned regarding the PCDC discussion on Tuesday evening, I can merely conjecture:

- CEMEX comes to mind as possibly the biggest reason. Perhaps there is a development proposal for CEMEX, or the County would like to emplace the moratorium to head off a potential development proposal for six months as they await more information from the State on the State-level CEMEX permitting issues. It is interesting to note that only a relatively small portion of the CEMEX properties are affected by this moratorium, specifically the most heavily-impacted area in and around the cement manufacturing facility. See Attachment XI.4 – 5.
- Potentially the ownership(s) of the parcels on the north side of the intersection of US 36 & SH 66 – Stephen Tebo, High Five LLC, Peacock Farm LLC – have mentioned development proposals to the County. Stephen Tebo has reached out to the Town a couple of times in 2023 to discuss potential annexation and redevelopment of his lot. See Attachment XI.4 – 5.
- Like CEMEX, the Loukonen Bros. land is only a portion of their entire landholding. I'm not sure why this portion was selected. See Attachment XI.4 - 5.
- It is interesting that this moratorium applies only to land around Lyons – none of the other Boulder County municipalities.
- It is interesting that this moratorium used our statutory 3-Mile Planning Area as the basis for the moratorium radius. That is our planning area, and is what is limited in scope when we are signatories to the Comprehensive Land Use IGA.

Attachments:

- XI.4 - 2 Boulder County Development Moratorium _BoCo press release of 9-5-23
- XI.4 - 3 Boulder County Development Moratorium _BoCo map
- XI.4 - 4 Boulder County Development Moratorium - Boulder Daily Camera of 9-7-23
- XI.4 - 5 BoCo Moratorium maps with ownership-georef_20230914

- XI.4 - 6 BOCC Public Hearing - Docket Z-23-0002_Lyons Area Zoning Map Amendment - Boulder County - public notice
- XI.4 - 7 Boulder County Land Use Code - Transitional T Zone District Regulations_20230914