

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.

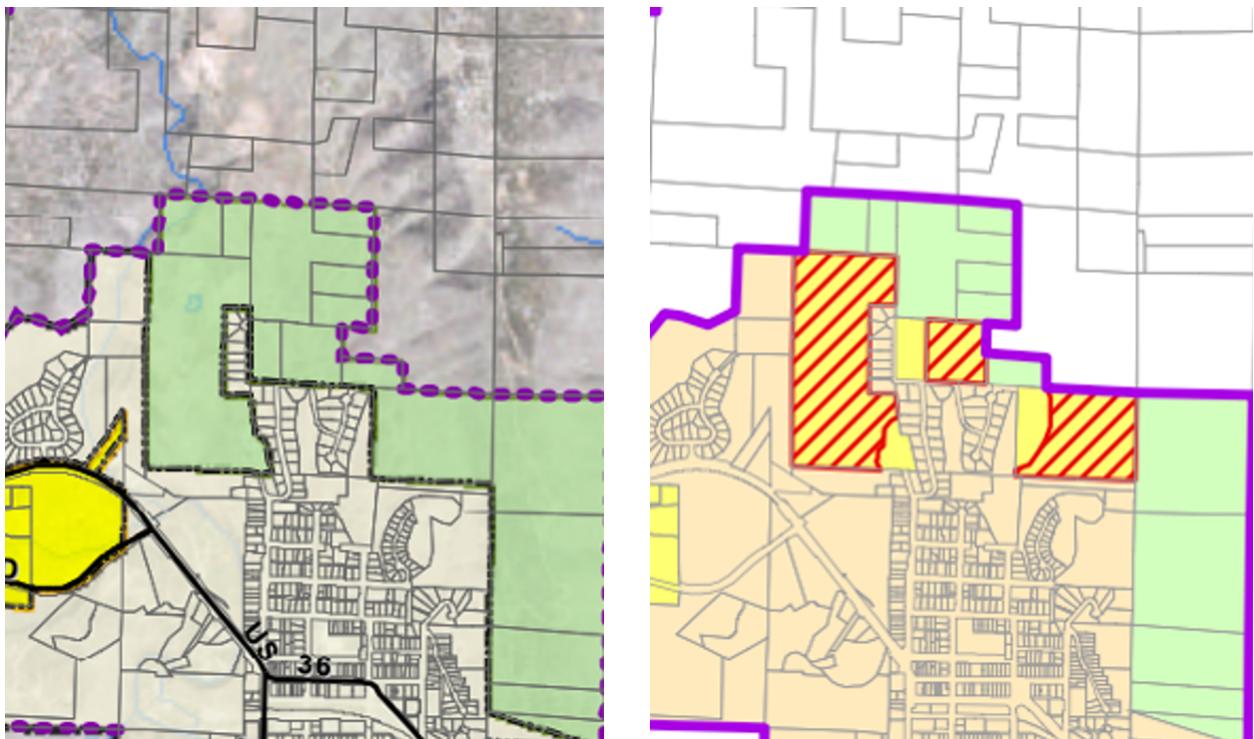
- 1) Lyons and two of its larger neighbors (Boulder and Longmont) all lost significant population from 2020 to 2023. But the motivation behind this new IGA map and text seems to be to facilitate annexation and new, housing-only developments for population growth. Even the densities are spelled out. This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

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