

THE FOLLOWING IS A QUESTION AND ANSWER COMMUNICATION BETWEEN TOWN ADMINISTRATOR SIMONSON AND IGA TASK FORCE CHAIR DOUGLAS MATTHEWS. THE ONLY EDITS OF THIS COMMUNICATION HAVE BEEN IN FORMATTING FOR EASIER REVIEW AND ELIMINATION OF SOME BACK AND FORTH DIALOG BETWEEN QUESTIONS AND ANSWERS:

From: Victoria Simonsen <vsimonsen@townoflyons.com>
Sent: Tuesday, July 23, 2024 2:56 PM
To: Douglas Matthews <matthews.douglas.d@gmail.com>
Cc: David Hamrick <dhamrick@townoflyons.com>; Andrew Bowen <abowen@townoflyons.com>
Subject: RE: IGA Questions (per your offer of clarity)

Good afternoon. See comments below.



Victoria Simonsen
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Please note that my email may be subject to the Colorado Open Records Act.

From: matthews.douglas.d@gmail.com <matthews.douglas.d@gmail.com>
Sent: Tuesday, July 16, 2024 10:37 PM
To: Victoria Simonsen <vsimonsen@townoflyons.com>
Cc: David Hamrick <dhamrick@townoflyons.com>
Subject: IGA Questions (per your offer of clarity)

Hello Victoria,

Thanks again for the open dialog today after the IGA Task Force meeting.

I do wish to take you up on your offer to help provide clarity on some of the many important "why" questions that remain open. While these have been asked, I do realize that they were not directed to you specifically, so you may not be aware of the question that I have been working to address since the start of this process.

As mentioned, in the absence of data or insight about what went into key decisions related to the IGA, we have tried to use available resource to piece things together. Clarity on these topics will greatly influence the direction of the task force and our recommendations to the BoT. I tried to break things down into three main categories:

- 1. Property Selection:**
 - a. For the properties added / subtracted / changed on the IGA map (from 2012 to 2014), other than the fact that some owners are looking to sell their land, what selection criteria went into determining which properties were targeted for consideration of annexation?

VS ANSWER: We first discussed any properties that had inquired about annexation in the past few years. (The three on the north side made regular contact with the town over the past several years asking when the IGA would be opened so they could include their properties in the planning area. We also looked at properties adjacent to the current town limits (e.g., Harkalis) and could possibly connect to utilities.

The only property removed (I believe) was above Highland Drive. The area north of the Highland Ditch does not have an access point, except over the Boulder County open space to the north. This was recently purchased by a new owner, and they were more interested in keeping this native and developing the low ground below and allowing this hillside to join the rest of the site as rural preservation.

- b. What evaluation criteria went specifically into the decision to change some parcels from Rural Preservation to available for annexation? That is, why was one Rural Preservation property vs another?

VS ANSWER: *It was included upon the request of the property owner, it's adjacency to town limits, and the consent of the county to consider it.*

- c. To the east of the Carpenter property, is 346 Steamboat Valley Road -- referenced as "Walters (Parcel # 120307000013)" - Owner is Matt Hanley, who I spoke with again last week. He reported having no knowledge of why this parcel was selected to move from "Rural Preservation" to "Potential Annexation / No development". This parcel is larger, very developable, and has far less slope than the Carpenter parcel (except for drainage to the east edge). What decision making process went into the selection and designation changes to this particular parcel? Any insight to how this happened without discussions with the property owner (or perhaps there were discussion and I have been misinformed)?

VS ANSWER: *The property owner did not request annexation, and we did not pursue it. The east half of this property is a significant drainage system that runs through the center of Lyons. It is not appropriate for development. It was marked as potential for annexation because of its location. It certainly could be annexed if/when desired. The town is more interested in a utility easement on the northern edge to create a water loop between Vasquez and Horizon. This would increase water pressure, flows and quality to the north side. We would also like to keep the option of pursuing a major storm water mitigation grant in the future for consideration of a retaining structure for heavy rain events.*

The IGA is between the County and the Town. We do not necessarily meet with every property owner at the time of the IGA because they change. This is a very high-level view of what the community needs to consider for its long-term planning and sustainability. We did not meet with every property owner in Apple Valley and the South St. Vrain and get their permission to include them on the previous maps. This is a planning document. It is not a map of what the town is going to do. It is a snapshot of what may be feasible and allowed in the future based on our infrastructure and

needs. Our town has never used eminent domain to take a property (that I know of). It is at the request of the property owners.

- d. When residents of town (inside or outside the boundaries) ask "If decisions can change Rural Preservation land to developable, on what is perceived as high-risk, highly environmentally sensitive land (example: Connor Parcel), what is to prevent the efforts to build on other rural preservation land in the future?" Note: This seems to be the driving concern of folks on Apple Valley Road, many in upper steamboat valley and some within Stone Canyon.

VS ANSWER: *We want to be able to show what may be an option acceptable to the county and town, and what is not. Again, property owners have rights. If they want to change their use, they can request it. As we have learned from many years of development, the only way to guarantee that something won't be developed, is to buy it yourself.*

- e. The large parcel (sorry, I haven't found owner name) on North side of eastern corridor, just above Highland Drive, was removed from the town planning area. Is it a correct assumption that that was the "trade-off" with BoCo (moving that outside our planning area) to allow us to develop other rural preservation lands? This was the implication I received from my discussions with Dale Case but without specific confirmation.

VS ANSWER: *No. It was not a trade off for the north side. It was actually a trade off for the parcel south of Highland Ditch coming into the area and everything north of the ditch to rural preservation. The area on the south is adjacent to town limits, easier extension of utilities, etc.*

2. **Density Data Requirements:**

- a. What decision criteria went into the overlay or assignment of density requirements on specific parcels of land within the IGA? (understanding of course the higher density can lead to more housing affordability in general). When the "required" density levels are shown in some cases > 3x to 7x higher than current development in the area, how was that determination made, what criteria and/or risk factors were considered even from a basic level?

VS ANSWER: *Andrew responded to this question in a separate email. He based it on density allowed per zoning in the Lyons Municipal Code. There was also significant input from the county that if these lots could be considered for development, they wanted some reassurances that it would include housing affordability (and as you stated, often means higher density). I can tell you that staff did not make friends when trying to negotiate this issue. I kept telling them that all my research says that density should be in the core of town, not the edges. We negotiated as far as we could. At some point, we had to take the document to the Board for discussion and decision. Staff does not get a vote.*

Note: Based on data received by Planner Bowen, Steamboat Valley neighborhood density is 1.6 households/acre (the lowest) and Confluence &

2nd/McConnel are 4.7 households/acre (highest), north downtown and Stone Canyon are both 3.8/acre.

b. Do you personally feel that some basic criteria should be used to balance future development density with current development density?

VS ANSWER: *My personal opinion doesn't really matter. I think it is more important that the development is congruous to the neighborhood in size and aesthetics and embraces the environment. Since there are no longer occupancy limits allowed in Colorado, any house on the north side could house ten or more unrelated people and we couldn't do a thing. I do believe you could have a structure that looks and feels the same as many of the homes, but actually is a tri-plex with higher density than you are currently used to there but could fit in nicely with no disruption to your lifestyle.*

3. **Affordable / Attainable Housing Requirements:**

a. What considerations were made when applying the affordable/attainable housing requirements for each parcel? Note: Planner Bowen reported on 25-Jun-24 that "The idea of choosing a property on its appropriateness for affordable/attainable housing development was not part of staff's methodology..." Perhaps he was not in the loop on what actual consideration went into the development of these overlays in the draft IGA given that it occurred before he joined the town Staff?

VS ANSWER: *I concur with Andrew. The idea of affordability and density did not come up until well after the parcel discussions occurred. The topic was initiated by county staff.*

b. Do you personally feel that some basic site selection criteria should be considered when planning for or evaluating a requirement to include affordable/attainable housing?

VS ANSWER: *My personal opinion doesn't matter. From a public administrator perspective, ideally all developments should have a mix of housing types, styles and affordability. I don't like the idea of having separate neighborhood 'projects'. It polarizes communities and puts a scarlet letter on those who live there. I do believe that all neighborhoods should be evaluated for walkability, environmental concerns, parking and appropriate density, to name a few items.*

c. Is it fair to assume that parcels that had higher affordability/attainable housing requirements over another, were in some way seen as more appropriate, more feasible or that those properties had lower site infrastructure requirements? What considerations were made here?

VS ANSWER: *The county asked that all the parcels considered for annexation include a density and housing affordability criteria. We discussed neighborhood compatibility, design ideas, infrastructure, location, the owner's wishes, to name a few. What isn't in the IGA (but is in the Comp Plan) and was in our discussions, is that the highest, most appropriate place for density is in the core of town with infill and redevelopment opportunities, access to schools and transportation, etc. However, that was not the*

purpose of this IGA map. It was to identify the next 20 years of planning opportunities, not the area already approved for annexation and zoning.

4. **East Corridor Development:**

- a. Given the multiple studies and data targeting development toward the east corridor, now under annexation discussion with Tebo and others, why was NO density or affordable/approachable housing requirement applied to this important area within the IGA document?

VS ANSWER: *This was included in the last IGA. None of those properties were reopened or asked to have a housing affordability or density requirement. We work closely with the County already on this area and are in agreement with the plans that have been adopted over the years.*

- b. In discussion around the current annexation, are discussion being had related to trying to apply some of these requirements?

VS ANSWER: *The owner has not submitted his final plans for the area along Highland Drive other than to say that he would support affordable and/or multifamily housing in this area as he knows that it has been identified as an area that the community would support for denser housing.*

5. **Guess Work:** OK, this last one is just me asking a wild question. If not appropriate, let me know. Is there any truth to my personal hypothesis that the super high-density and unfeasibly high % of affordable/attainable housing requirement was an attempt to meet Prop 123 goals with the real knowledge that these could never be achieved by a developer? That is, was there some other political or optics goal at work here that perhaps I need to understand?

VS ANSWER: *The town did not include any of the north parcels with the intent to meet our Prop 123 goals. The only one that I recall being mentioned was the Harkalis. We thought we might be able to find a developer that would be willing to build a duplex or triplex on that property in the next couple of years to help meet our goals. I cannot speak on behalf of the county. Maybe they have goals that they are striving to meet, but we feel very strongly that we can meet our Prop 123 goal of ten units using existing properties within the town limits.*

Thanks again for your offer to help provide this level of transparency and clarity to these basic questions related to the draft IGA.

VS ANSWER: You're welcome. Hope it helps. Please don't hesitate to inquire further if needed. Victoria

Douglas Matthews