

THE FOLLOWING IS A WORKING DRAFT OUTLINE OF THE PRESENTATION AND RECOMMENDATION FROM THE CITIZEN'S LYONS IGA TASK FORCE TO THE BOARD OF TRUSTEES (BoT). THIS IS INTENDED AS A WORKING OUTLINE ONLY TO BE REFINED BY THE COLLECTIVE TASK FORCE...

## 1) Overview

- A. What is the IGA and why do we have one?
- B. Task Force – who and why?
  - i. Why: Significant citizen concern about the process and direction of the Draft IGA lead to the BoT creating a citizen task force to review and provide recommendations.
  - ii. Who (how selected, criteria, etc)....
- C. Process used by task force
  - i. Meeting/Discussion dates and process
  - ii. Individual Research and data collection
  - iii. Discussion, debate....

## 2) Executive Summary / Key Findings

- i. **Widely different perspectives** to the issues lead to alternative recommendations in key areas (*such as properties selected on the map for potential future annexation*)
- ii. **Research findings** included in this document as reference materials for the BoT to consider as they deliberate on the recommendations provided.
- iii. **Primary Areas of Concern**
  - 1. Community trust in the IGA process Transparency of the process
  - 2. Concerns of impact for development on environmentally sensitive lands
  - 3. Health and Safety risk (fire, access/egress, flood, stormwater run-off, etc)
  - 4. Feasibility of proposed development to meet the housing goals outlined in the draft IGA
  - 5. Concerns related to natural constraints (i.e. flood zone, blue line, wildlife corridors, Urban/Wildlife interface, buffer zone, etc)
  - 6. Compatibility of density with existing developments
  - 7. It is important that any future annexation / development be prioritized to address the towns defined housing needs and that each support a goal of housing affordability??
  - 8. Continue to prioritize infill to meet the defined affordable/attainable housing goals of the town
  - 9. Continue efforts to maintain local control over the towns expansion, annexation and development processes

8-10. Future annexation should support Lyons' need to transition from a residential development-based economy to a commercially-based economy.

### 3) Recommendations to Board of Trustees

The Task Force has divided the recommendation to the BoT into three, inter-related sections for consideration: **(A)** general and specific recommendation on the IGA review process, **(B)** specific edits and questions related to the actual IGA document and **(C)** divided recommendation for how to address the IGA Map related to the document.

#### A. General and Specific recommendation on the process (NOTE: This section should include any items that does not fit into the IGA document but that we want to recommend)

- 1) To the Community:** The challenge of the IGA are not assigned only to the BoT or Town Staff but rather, the community at large. Get involved, get informed, speak to neighbors, BoT, others. Avoid “fake-new”, assumptions or accusations. Remain united as a town, open minded, civil. (note: What we want to say here is that citizen involvement and inputs in this process is critical. There is no reason to try to assign blame but rather, we, the people, need to be the drivers behind our Town’s direction by being more engaged. How do we more clearly articulate this matter to defuse the issues?)
- 2) Extend Deadline:** Advise BoCo of Need to Extend IGA development deadline: With the current IGA set to expire in November 2024, an extension will be needed to allow the current BoT time to properly re-engage in the review process, to appropriately study the data available, to clarify the goals of the IGA and to execute the needed planning for that document’s execution
- 3) Understand Changes and Properties in the IGA:** NEW: VBoT, as a group, should visit each property in the IGA that was changed to understand why that change was made, learn the properties, understand the basic risk factors and potential opportunities for development.
- 4) Focus on what is agreed:** In multiple studies and surveys, the eastern corridor has time and again presented the highest potential for growth and development. Being close to utilities, below the blue-line, above flood zone, with lower wildlife interface risk, the BoT and staff should concentrate efforts on the development and integration of that area into Lyons. Such development will help us address both our commercial and residential housing goals in a singular, united and widely supported way.
- 5) Immediate Opportunities:** Prioritize immediately the support of the LeboTiboo annexation with necessary grants and support to assure that the Town receives the housing type and density required to support the towns housing goals.  
Chose easier to develop land to keep housing affordability.
- 6) Define Real Goals:** (JJ WORKING ON WORDING FOR THIS SECTION) Clarify and publish to the town our real Affordable/Attainable Housing (“A/AH”) goals and clarify how those goals are measured (i.e. do we include ADUs, do we include only deed restricted A/AH properties, etc). Clarification of those goals will help unite the efforts toward solutions vs allowing the ongoing debate to distract from those efforts.

**7) Study History:** The BoT should study the wealth of history and documentation that is available related to development in Lyons. Understand “why” on each change to the IGA map and document was made. The bar should be higher than the desires of the property owners / developer to sell or develop their property. 2012 IGA was developed with purpose, and the BoT need to understand why it was changed, what benefits were being pursued vs what risk factors are involved.

**5) — Reference Summit development learnings, feedback from developers (DM to summarized and included developer feedback).**

**8) Transparency during the IGA development process going forward:** Given the citizen concerns raised and the limited number of public discussion about during the Draft IGA process, the BoT is urged to assure a more robust, open and transparent process is used to review, discuss and refine any future version of the IGA. (prior to the citizen concerns).

**6) Subdivided Parcel Implications?** BEFORE setting IGA Map, clarify who owns (will own) a the “non-conforming” property (the divided property after the developable portion is subdivided from the “no-development” portion). Define what the implications (cost) are to the town and include the potential impact (positive/negative) if BoCo retains ownership of the undeveloped portion of a sub-divided parcel. (NOTE: This point was discussed and determined to be addressed in Annexation process so not needed here)

**7) Guiding Principles to follow (task force inputs needed on this one):** Include Items from 2012 IGA that are not actionable enough to keep in IGA but are good guiding principles. For example (section 1.1.2 with literary license): “...adopt as one of its guiding principles articulating the Town’s interest in expanding the development potential in the area by proactively engaging with private landowners, neighboring land owners, citizens within and just outside of town limits, and government stakeholders to make collaborative land use decisions.” (This is a good idea but hard to make concrete in practice for the IGA???)

## **B. Specific Recommendations:** (edits) to the legal document (see attached “Red Line”) (this section tbd following deeper deliberations)

## **C. Map Recommendations** – Specific and General Recommendation to the Lyons Primary Planning Area (PPA) Map that includes Potential Annexation Areas (PAA)

**IMPORTANT:** Challenge Faced: The approach and considerations as to what property should or should not be included in the PPA or PAA was the most difficult part of the process given the emergence of two different perspectives on the most appropriate approach to making

such determinations. As accounted for in the establishment of the Task Force, it was agreed that both perspectives would be presented for the BoT. The primary question came down to WHEN should particular parcels be assessed for potential annexation.

**Option A:** Keep all areas as defined on the Draft IGA and allow the Town's Annexation process to make that determination when and if such application is presented by a property owner:

*Draft Option A Text by JJ: Keep all areas as defined on the Draft IGA and allow the Town's Annexation process to make that determination when and if such application is presented by a property owner: We have a robust annexation process in place that addresses our identified issues of concern - utilities, water, traffic, hazard/fire risk, ingress/egress, etc. - that is based on current technologies and capacities at the time of the application. These determinations are made by experts in each area and focus on what is in the best interests of the Town at the time of each application, and these considerations will change over time. Replacing this expertise with BoT's personal opinions and limited understanding of these issues is not appropriate. Why limit the town's options and the options of private landowners who may want to apply for annexation for the next 10 years based on incomplete information? It makes more sense to be dynamic in our approach and base decisions on what is known at the time of the application and on objective data rather than on our personal perspectives of how we feel about each parcel right now. Removing parcels from the map limits our options for the next decade or more, and we can't possibly anticipate the changes that could occur over that time.*

**Option B:** BoT to apply reasonable standard to consider appropriateness of possible annexation / development of parcels before the IGA is solidified:

*Draft by DM 30-Jul-24:*

Given that the IGA supersedes all other directives to the town and the BoT, it is imperative that the parcels of land targeted as possible future annexation and development, should be first evaluated for reasonableness. It is recommended that the BoT apply, at least from a high level, the wealth of knowledge, expert inputs, readily available historical data, and a level of critical reasoning before endorsing the changes of a parcel from Rural Preservation to developable in the IGA document. It is vital that the basic considerations are made and that the implications of such a change are determined to be truly in the best interest of the community.

While robust, the annexation process, even when simple and widely accepted, is costly in terms of real dollars to the landowner and town, and in the form of opportunity cost to the community. A knowingly controversial annexation process over sensitive, rural preservations land will not only take significant amounts of time, energy and focus from the BoT, PCDC, town staff and citizens, it has been shown to create significant division within the community.

The BoT should apply reasoned judgement (using some defined criteria such as the example below). When in doubt, the BoT should error on the side of conservation, protect our natural environment, retain buffer zones, and minimize health and safety risks for the citizens as outlined in the Town's comprehensive plan. Once developed, Rural Preservation land will never exist again.

**Site Selection Criteria to be applied:** The BoT should use a basic site selection criterion when assessing parcels to be changed in the revised IGA. The below is one recommendation for such criteria but the BoT may wish to include additional factors:

- Wildlife / Environmental Impact
- Health & Safety
  - Fire risk – House to house spread, elimination of defendable buffer zones
  - Access and Egress (especially in an emergency)
  - Storm Water Run-off
  - Flood plain, flood zone, nuisance flooding risk
- Sight line/light pollution
- Traffic Impact to surrounding areas
- Maintain Urban and Rural interface buffer
- Development feasibility / financial feasibility (*from Town's perspective in terms of both development and ongoing maintenance of infrastructure*)
- Development compatibility (*would development be congruent with the existing development in the area?*)
- Cumulative Impact (*what is the cumulative potential impact if multiple parcels in a given area were to be developed?*)

**For Affordable Housing – Site Selection Criteria –** If a development plan is to include affordable/attainable housing, a define site selection criteria should be used to assure that the location will best support the community it is intended to serve.

- **Location Factors:**
  - Consider where the site is located. (accessibility standard/ADA)
  - **“Walk-Shed”:** Proximity and assess to town and social services (via foot, bike, \ wheelchair, etc.)
  - **Accessibility Requirements:** Zoning, Location (will site support independence and is the location near services that would be used by residents like transportation access to job center and grocery stores), Infrastructure (does site have ADA-accessible infrastructure as in sidewalks, curb cuts, accessible pedestrian signals)
  - **Evacuation** risk factors
  - **Site infrastructure** cost / complexity – can sight support lower cost development (see physical factors)
  - **Property size:** does it allow for scalable development and a variety of housing types (affordable, attainable, market rate)
  - **Target Population Needs:** Key considerations-homeless, families, people with disabilities and special needs, single people, workforce, people with specific income levels. See document for more information regarding financing.
- **Market Feasibility:** Market study on housing needs assessment, Housing Development Models, Team and Roles. Market study is used to build an understanding of how your development on the selected site will fit into the community and what demands will be met. A new market study will need to be completed specific to each new development. This shows the feasibility and whether it is likely to be successful. This is a key risk-management tool. Need development description, location analysis, comparability analysis, site analysis.

- **Physical & Environmental Factors (which impact cost of construction):**
  - **Slope:** Change in Elevation. Most site-selection guidance rules out 10% grade or higher due to cost (moving soil, stormwater management infrastructure, etc.)
  - **Drainage / Hydrology:** must be considered.
  - **Soil:** Conditions must be considered.
  - **Environmental Consideration:** Natural and Human made (flood, fire, wildlife, etc.)
  - **Parcel Size & Shape:** How development fits and connects with its surroundings.
  - **Existing Utilities & Infrastructure:** Access to existing utilities and infrastructure important for new housing construction, where site improvements to extend or add new/significant upgraded onsite infrastructure may be cost-prohibitive.
    - capacity for additional hookups to existing infrastructure or utility lines.
    - Water lines, Sewer lines, Trash service, Electric, Gas, Broadband, Transportation Access, frontage roads, road access.
- **Regulatory Factors:** Current Zoning. Type of projects (specific groups, do zoning classifications incentives for housing affordability, services, public benefits, requirement of affordable housing units to be provided as part of new development).

**Specific IGA Map Recommendations:** These specific recommendations are made by the IGA Task Force related to specific properties.

- 1) 346 Steamboat Valley Road – Referenced as “Walters Parcel (Parcel #120307000013)” in the Draft IGA (see section 2(d)(a): Note reference does not tie to current owner name. This parcel should be removed from Lyons PAA and returned to Rural Preservation.

Rational: This property owner has expressed no interest in annexation, has no plans to develop his land and wishes to not be subject to possible condemnation of land for utility easements which would be possible if the designation of his land is changed. Further, placing such an unwanted restriction on this property owners is not appropriate even if it were in the best interest of the town.

- 2) Others???