

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
 - 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
 - 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

- 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-news”, assumptions or accusations. Remain united as a town, open minded, civil.
- 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, and to allow for public input/comment on an “updated” Draft IGA.
- 3) Understand Changes and Properties in the IGA :** BoT, 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 Tebo annexation with necessary grants and support contingent upon the Town receiving assurances that the housing type and density in the annexation area will support the towns housing goals.
- 6) Define Real Goals / Establish Metrics : (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 (including studies such as the Lyons Primary Planning Area Master Plan (known as the “3-Mile Plan”), history, recent development experience (such as the Summit Development), study topographic reality) 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.

- 8) **Transparency during the IGA development process going forward:** Given the citizen concerns raised and the limited number of public discussion 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 and allow public comment on an “updated” draft IGA.

(NOTE: This point was discussed and determined to be addressed in Annexation process so not needed here)

- 9) **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.” As part of this, the IGA should not redesignate lands from Rural Preservation to PAA if the landowner(s) object,

The Lyons Community Survey Results used in the Town of Lyons Comprehensive plan 2021, identified several common themes:

- (a) Wildfire mitigation: The risk that wildfires pose to the community was a consistent worry among respondents (pg 5)
- (b) “Natural environment. Many respondents came to Lyons due to its natural beauty and believe that it is important to protect the environmental resources surrounding the town.” p. 5
- (c) “Conservation and Redevelopment. Many respondents worried that building new housing might disrupt the natural beauty and unique habitats around Lyons. Some of these respondents suggested limiting sprawl and focusing on redevelopment Downtown, while other respondents suggested limiting new housing development in Lyons altogether.” P.8
- (d) “Growth. Many respondents felt that continued population growth and the development of the eastern corridor would help keep Lyons’ business community thriving, other survey contributors worried that continued growth would alter the small-town character and negatively impact the environment.” p. 5
- (e) “Affordable housing. While most respondents agreed that the cost of housing was a major concern, the community was split on whether Lyons should build more affordable housing, on where it should go, and what it should look like.”p.5

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)

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: Recommends that the BoT keep all areas (properties) as defined on the Draft IGA Map (Exhibit A) and allow the Town's annexation process to make that determination when and if such annexation 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: Recommends that the BoT apply reasonable standard and deliberation 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 possibilities for future annexation and development, first be evaluated for appropriateness for potential development. Simply deferring to a future annexation process ignores the function of the entire IGA process. The IGA is the most appropriate time to determine whether developing future annexed properties are in the best interests of the Town. This is especially important in light of the recent Stone Canyon Fire given the precipice to town in and areas that was slated to be re-designated as PAA in the Draft 2024 IGA.

It is recommended that the BoT apply the high level of knowledge, expert inputs, readily available historical data, and critical reasoning before endorsing and changing a specific parcel from Rural Preservation to be 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 truly be in the best interest of the community.

Even a simple and widely accepted annexation process, is costly in terms of real dollars to the landowner, the Town, and in the Community. A knowingly controversial annexation process over sensitive, rural preservation land will not only take a significant amount of time, energy and focus away from the BoT, PCDC, town staff and citizens, but it will continue to create significant division within the community.

The BoT should apply balanced and reasoned judgement (using some defined criteria such as the example below). When in doubt, the BoT should err 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.

Another concern with automatically re-designating lands from Rural Preservation to PAA is that landowners within the PAA would be subject, against their wishes, "to condemnation for water works, light plants, power plants, transportation systems, heating plants, any other public utilities or public works, or for any purposes necessary for such uses." C.R.S. 38-1-101(4)(b)(I). This would not be allowed if the lands remained in Rural Preservation. Thus, simply deferring to a future annexation process does not protect landowners from condemnation of their lands, and does not consider the effect on the local community, environment, fire risk, and other issues related to condemnation.

At a minimum, the IGA should state that the Town will not force condemnation (be that for utility easements, roadways, etc.) on landowners in the PAA. Forcing condemnation on one set of property owners to benefit others in the PAA should not become Town policy.

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
- Blue Line presumption against development
- 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 site 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.

As noted above, if this (or other) properties were re-designated as PAA, they would be subject to the Town's condemnation powers for water, electrical, access, etc., which would seriously degrade that property and surrounding lands and properties.

- 2) 1022 Horizon Drive - Referenced as "the Connor Parcel (Parcel # 120318100001)" In the Draft IGA (see section 5c: Return the parcel back to Rural Preservation or remove it from the Lyons Planning Area.

Rational:

- (a) The property is above the blue line and may require a referendum to supply water and utility upgrades (Water Distribution and Sanitary Sewer Collection System Capital Improvements Plan, Town of Lyons, CO January, 2017) if referendum did pass.
- (b) The most significant flood hazard impacting downtown Lyons is runoff from Steamboat Valley." (Town of Lyons Stormwater Masterplan ICON Engineering, Inc., Nov. 2016. Most of the Connor parcel is very steep (West side Eagle Ridge), with large deep drainage. Development on the property could cause adverse effects on Stormwater drainage.
- (c) The current access is a narrow dirt road and bridge across a deep, wildlife migration ravine. For safe evacuation it would likely require a second egress which would need to cross Tebo Park and Longs Peak HOA land. This egress would require 2 bridges to cross two deep ravines that are wildlife migration routes, or the road would have to cross high on the steep slope above.
- (d) Removing the Connor property from the Rural Preservation designation would disconnect the wildlife corridor that exist via the 2012 IGA, Under the 2012 IGA, wildlife had a rural preservation/conservation easement corridor that connected across to the Boulder County Closed Area of the Dakota Ridge along the east side of Stone Canyon, and across to the west to Steamboat Mountain Open Space. Given the recent wildland fire on Ridge Road and Stone canyon, wildlife is in need of habitat more than ever.
- (e) Wildfire Risk and Difficulty in an emergency evacuation. The town maps show the area as severe wildfire risk. The traffic from Steamboat Valley all moves out through 5th Ave.