

TOWN OF LYONS
BOULDER COUNTY IGA TASK FORCE MEETING
WORKSHOP / MEETING

MINUTES

LYONSTOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

ZOOM LINK:

[https://us02web.zoom.us/j/82051695817?](https://us02web.zoom.us/j/82051695817?pwd=BDRfQUVjLSazYoJZMLpO6bSawatthm.1)
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August 21, 2024

- I. Roll Call - Doug Matthews, Julie Jacobs, Martin Soosloff, Cindy Fisher, Charles Stevenson, Sonny Smith, Jen Wingard, Andrew Bowen, Hannah Hippley, Barney Dreistadt
- II. Approve Agenda – motion, second, agenda approved unanimously
- III. Approve minutes from 8.13.24 meeting – motion, second, minutes approved unanimously
- IV. Discussion Topics/Recommendation Discussion
 - a. Final review of presentation outline / latest edits – review of presentation and outline with new revisions. We will set a firm deadline for additional information to be submitted and a final vote on the presentation before the BoT meeting. General discussion among members of exactly what will be presented and in what format. Discussion of the 2 options that will be presented related to the map, whether there will be a vote for each versus just presenting both as options with equal weight. Will consider whether to include a vote on this as we vote on the full presentation or just mentioning the informal show of hands for the 2 map options to show that there was a fairly even split among task force members. Discussed changing the order of the primary areas of concern and moving some information to the recommendation section rather than areas of concern section. Significant discussion on specific recommendations. Combine 4 and 5 about understanding changes and studying history. HH identified an inaccuracy in the description of what the IGA does – it does no supersede other directives, this needs to be corrected.
 - b. Review final edits to IGA document to be presented – no additional comments on the draft.
 - c. Discuss recommendation presentation layout/reference documents to include. Members will review and send feedback to DM

- d. Presentation plan for 3 Sept.
- V. Summary of Action Items – provide any additional information or supporting documentation to DM by Monday night for inclusion in final packet. Zoom meeting on the 28th at 1:00 to vote on final edits.
- VI. Adjournment – 1:38 pm

DRAFT

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. The Task Force held Widely dDdifferent pPerspectives on the different issues within the IGA leading 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.~~

ii. Primary Areas of Concern

- 1. A lack of Ccommunity trust exists in the IGA process and for the BoT and BoCo as stakeholders in the process.
- 2. Concerns ~~of impact~~ for development and potential impact on environmentally sensitive lands
- 3. Concerns for Health and Safety risk (fire, access/egress, flood, stormwater run-off, etc.) associated with the potential development outlined in the IGA
- 4. Citizens want to assure that any future annexation / development be prioritized to address the towns defined housing needs, follow the principles outlined in the Lyons Comprehensive plan, and that each support a goal of housing affordability / availability in a realistic, measurable, and feasible way.
- 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. Consider impact of density as related to (risk factors, achievement of housing affordability and increased housing availability goals, and compatibility with existing neighborhood 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. (THIS POINT MERGED WITH #4)~~
- ~~8-7.~~ Continue to prioritize infill (redevelopment) within the core of Lyons in order to meet the defined affordable/attainable housing goals of the town
- ~~9-8.~~ Continue efforts to maintain local control over the towns expansion, annexation and development processes
9. Future annexation should support Lyons' need to support transition from a residential development-based economy to a commercially-based economy including ensuring adequate workforce housing to support commercial needs.
10. The Town's true housing goals and especially the goals for Affordable Housing remain unclear to many citizens (true housing goal numbers, affordable housing goals, measures, etc.). If new affordable housing is stipulated for residential development, the metrics previously used to set housing costs (AMI) and a reasonable site selection criteria should be part of the assessment to assure affordability can be achieved.

iii. Research findings are included in this document as reference materials for the BoT to consider as they deliberate on the recommendations provided.

3) Recommendations to Board of Trustees

The Task Force has divided the recommendation to the BoT into three, inter-related sections for consideration:

- (A) ~~g~~General recommendation on the IGA ~~development review~~ process,
- (B) ~~s~~Specific edits and questions related to the actual IGA document and
- (C) A divided recommendation for how to address the IGA Map related ~~to the IGA~~ document.

A. ~~General and Specific~~ Recommendation on the IGA process:

1) Acknowledge Issues / Improve Transparency: We recommend that the Mayor and BoT make a formal announcement that acknowledges the mistrust and frustration that was created in the IGA process thus far, and take responsibility for it. Further, let the community know that the BoT and BoCo are committed to going through the process transparently and with the community's needs and long term goals at the forefront. That said, convey that this is a community-based process that requires citizen input and effort, and invite them to get involved in the variety of ways that they can.

2) To the Community: The challenge of the IGA are not assigned only to the BoT or Town Staff but rather, the community at large. ~~We encourage community members to get involved, get informed, speak to neighbors, BoT, others.~~ Assume good intentions of our elected officials and community members. Avoid "fake-new", assumptions or accusations. Remain united as a town, open minded, civil.

3) 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,

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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.

2)3) Extend the IGA Deadline: Advise BoCo of the need 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.

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3)4) BoT to Gain a Clear Understand Changes in IGA and specific Properties featured: 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. Proactively engaging with private landowners, neighboring land ownerslandowners, 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. Keep in mind longer-term goals and possibilities over the life of this 10-year agreement. (DISCUSS “carefully consider” addition from JJ – Changes “...should not redesignate...” to “...should carefully consider redesignating...”)

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4)5) Study and Consider Historic Information and Goals: 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 and understand the topographic reality. Changes from prior IGA should consider the longer-term potential uses and needs of the community, and should take a broad, holistic view of what is best for the community as a whole. 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. (NOTE: CUT THIS THIS SECTION AS IT OFFERED LITTLE ADVISE AND WAS NEGATIVE IN TONE OR IMPLICATION)

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5)6) Development and Annexation Should Be Prioritized Where Consensus Has Been Found: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. (See “Lyons Primary Planning Area Master Plan” known as the “3-Mile Plan”). Being close to utilities, below the blue-line, above flood zone, with lower wildlife interface risk, the BoT and staff should concentrate-prioritize efforts on the development and integration of the eastern corridor into Lyons. Such development will help us address both our commercial and residential housing goals in a singular, united and widely supported way.

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6)7) Immediate Opportunities: First and foremost, prioritize making progress on developing and re-developing land in the core of Lyons to revitalize the center of town, especially considering housing for different populations of current and future residents.

As for new development, immediately prioritize the support of the Tebo annexation in the East Corridor, receiving assurances to assure that the housing type and density in the annexation area will support the towns housing goals.

7)8) Define Real Goals / Establish Metrics: ~~(JJ WORKING ON WORDING FOR THIS SECTION)~~ Clarify and publish specific to the town our real

Affordable/Attainable/Workforce 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 rather than perpetuating the inconsistencies among prior stated goals (such as the Housing Futures Report vs. Lyons Comp Plan or Prop 123 goals). vs allowing the ongoing debate to distract from those efforts.

8)9) Guiding Principles: The Lyons Community Survey Results used in the Town of Lyons Comprehensive plan 2021, identified several common themes that should be kept in mind while refining the IGA:

- (a) Wildfire mitigation: The growing 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. (pg. 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. (pg.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. (pg. 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. (pg.5). Many respondents noted the need for more affordable housing options and there was a desire for creative solutions. Respondents noted a particular need for housing that very low-income residents could afford. (pg. 8)
- (f) Diverse housing types. Respondents noted that housing diversity could help create more affordable housing options. For example, tiny homes, manufactured homes, duplexes, townhomes, communal living, and apartments were all mentioned by respondents as potential options for exploration and consideration. (pg. 8)

B. Specific Recommendations to IGA Document: (See "redline" version submitted by IGA Task Force with suggested changes to the IGA Document)

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The following is a summary of the recommended edits made to the IGA Document and where appropriate, reasoning for these edits:

1) Recitals:

Section C: Add clarity to goals to both recognize urbanization potential AND protect the rural nature of the town.

Section E (subsection (i) through (v): Clarify and expand on “intent” of IGA agreement by bringing back into the agreement key principles from 2012 IGA.

2) Definitions: Remove density definitions as not necessary in this document. Added wording to reference back to existing town zoning and existing density requirements.

3) Section 2 related to PAA:

Section 2(d): clarify intent of “No Development Area” shown on map (Exhibit A) and remove references to specific properties.

Section 2(e) and 2(f): Add requirement that annexation and development application specifically assess and mitigate key risk factors (from 2012 IGA) and dictate that new development be sited to protect natural areas.

4) Section 3 related to RPA: Dictates that RPA areas are to remain rural for duration of IGA.

5) Section 5(d), Special Provisions: Added and clarified the requires that any new residential development must expand the supply of affordable and workforce housing in support of Town’s defined goals. Also removed the property specific density and affordable housing requirements on each specific property.

6) Section 7 related to Implementation Process; Kept requirement from 2012 IGA that the BoT shall study and made approval / disapproval determinations on any County requested zoning changes within LPA.

C. Map Recommendations – Specific 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~~ determinations about

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annexation and development 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~~It does not make sense to 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 open, creative, and 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~~ individuals feel about each parcel at one point in time, 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.

Properties will change ownership, technologies will develop that will increase options and opportunities for development, and unanticipated changes will occur – the only constant is change, and it is vital that we not limit our options for the next decade by taking an overly conservative approach on the potential for development of parcels surrounding Lyons.

(JJ NOTE: INCLUDE DATA ABOUT ANNEXATION HISTORY – JJ WORKING TO COLLECT THIS DATA)

Option B: Recommends that the BoT apply reasonable standard and deliberation to consider appropriateness of possible annexation / development of parcels before the IGA Map (exhibit A) is solidified.

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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 were 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.

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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.

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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:

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- 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

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- 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.

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○ **Location Factors:**

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- 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.

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- 1) **Maintain Rural Preservation Areas (RPA):** To maintain community buffers, protect wildlife corridors and minimize increase health and safety risk, is it recommended that all Rural Preservation parcels remain unchanged unless significant benefit to Town can be demonstrated.
- 2) **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.

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Rationale:

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.

- 3) **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.

Rationale:

- (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.

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- 4) **ADDRESS???** Referenced as “Hawkins Parcel (parcel #120320200001). It is recommended that the approximately two acres on the west of this property be considered for commercial use vs residential use if developed at all. All other area of this property to remain RPA.

Rationale:

- (a) Residential development would be put significant traffic pressure on the Strong Canyon area and along 36 in an already high risk traffic zone. Traffic considerations should also be strongly considered, as this area is well known to the town and county sheriff as an area of congestion and traffic accidents (Circle K to McConnel traffic light).
- (b) The Hawkins property receives drainage from most of the Stone Canyon drainage basin; additionally, in the newly released floodplain map. The lower portion lies within the 100-year floodplain. Drainage exits the Hawkins property under the Ute Highway and enters, untreated into the St. Vrain River.

- 5) **Loukonen Area B** Parcel # 120320000038 (as shown on IGA Map Exhibit A) should be prioritized for potential development of both Residential and Commercial (and/or Mixed Use)

Rationale:

This area is below blue line, above flood zone and is surrounded by natural buffers. This large area has access to transportation corridors, close access to utilities and may be easily connected and integrated into the overall town.

- 6) **Loukonen Area A** Parcel # 120320000038 (as shown on IGA Map Exhibit A) should remain unimproved or utilized for functional open space (park land).

Rationale:

- (a) This area is in high fire and flood zone and therefore not suitable for residential development.
- (b) This area is restricted by limited access (not enough room for access roadway).

**LYONS PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement (“Agreement”) is entered into by the Town of Lyons, a Colorado statutory municipal corporation (“Lyons” or the “Town”), and Boulder County, a body politic and corporate of the State of Colorado (the “County”) (individually a “Party” and collectively, the “Parties”) as of the date of the latest signature below.

RECITALS

- A. The Parties are authorized by §§ 29-20-101 et seq., C.R.S., and encouraged by Colorado Constitution, article XIV, section 18(2), to enter into intergovernmental agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a “comprehensive development plan;” and
- B. In December 2002, the Parties entered into a Comprehensive Development Plan Intergovernmental Agreement (the “Original IGA”) for a period of ten years which, among other things, defined the Lyons Planning Area as the area the Town may annex and develop. The Original IGA was amended in 2005 and again in 2011. The parties entered into a new Comprehensive Development Plan Intergovernmental Agreement (the “2012 IGA”) in 2012, which replaced the Original IGA. That term of the 2012 IGA has been extended several times and ends in November 2024.
- C. The Parties agree that an intergovernmental agreement to replace the 2012 IGA, providing a comprehensive development plan that recognizes both the urbanization potential of certain lands in the County near Lyons and the rural character of adjacent lands in the County, along with restrictions on development or purchase of open space lands in those areas as defined in this Agreement, is in the best interests of the residents of each of the Parties for the preservation of the unique and individual character and rural quality of those lands~~potential of those areas~~; and
- D. The Parties agree that designating portions of Boulder County to remain in Boulder County’s jurisdiction and in a rural character as defined in this Agreement is in the economic and civic interests of their residents and meets the goals of the Boulder County Comprehensive Plan and the Lyons Comprehensive Plan; and
- E. Consistent with municipal annexation, utility service, and land use laws of the State of Colorado, as well as with the Comprehensive Plans of both Parties, this Agreement is intended to:
- (i) encourage the natural and well-ordered development of Lyons and the County;
 - (ii) promote planned and orderly growth in the affected areas and avoid urban sprawl by encouraging clustered development where appropriate and consistent with existing development;

- (iii) promote the importance to both Parties of protecting sensitive natural areas, maintaining view corridors, enforcing nuisance ordinances and ensuring that new development is compatible with the character of both Lyons and the adjoining County properties;
- (iv) promote the economic viability of the Parties, including building a thriving, year-round economy in Lyons through encouraging development of new commercial, light industrial, mixed-use, workforce housing, and senior housing;
- (v) emphasizes proactive planning for the future needs of the community while balancing the demands of environmental and economic sustainability with the community character, wildlife and ecological preservation, historic preservation and property owners' rights;

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F. The Parties have previously entered into the CEMEX Area Comprehensive Development Plan Intergovernmental Agreement ("CEMEX Area IGA"), a complementary IGA that addresses development and preservation issues for the portions of the Lyons Comprehensive Plan as adopted in 2023 ("LCP") area not contained within this IGA. For the purposes of this IGA, LPA refers to all portions of the overall Lyons Planning Area that are not separately addressed in the CEMEX Area IGA. This IGA and the CEMEX Area IGA together represent a shared vision of appropriate development for the areas covered by the IGAs for their respective durations; and

E.G. The Parties have each held duly noticed public hearings for consideration of this Agreement and the comprehensive development plan terms it contains for the subject lands as defined in the Agreement and depicted on the map attached as Exhibit A; and

F.H. The Parties are authorized to perform the functions described in this Agreement by article 20 of title 29, part 1 of article 28 of title 30, part 1 of article 12 of title 31, and parts 2 and 3 of article 23 of title 31, C.R.S.; and

G.I. The Parties desire to enter into this Agreement to plan for land uses in a mutually binding and enforceable comprehensive development plan.

DEFINITIONS

The Town. The area within the current municipal boundaries of the Town of Lyons, as depicted on Exhibit A.

Potential Annexation Area or PAA. The lands surrounding the Town, depicted on Exhibit A, within which the Town may annex parcels and within which the County agrees not to purchase lands for open space preservation, subject to the terms of this Agreement.

Rural Preservation Area or RPA. The lands outside the PAA in unincorporated Boulder County, depicted on Exhibit A, where Lyons may not annex parcels and where the Town or the

County may purchase lands for open space preservation, subject to the terms of this Agreement.
This Agreement is intended to keep RPA and the land outside LPA rural in character to preserve a community buffer.

Any annexation or development will follow the Town of Lyons zoning, Comprehensive Plan, and Town codes related to density requirements.

~~**Low Density.** Six units per gross acre (minimum and maximum).~~

~~**Medium Density.** Twelve units per gross acre (six minimum and twelve maximum).~~

~~**High Density.** Sixteen units per acre gross (twelve minimum and sixteen maximum).~~

AGREEMENT

1. Lyons Planning Area (LPA) Comprehensive Development Plan

This Agreement, including Exhibit A, is adopted to set forth the Lyons Planning Area (“LPA”) Comprehensive Development Plan as that term is used in § 29-20-105(2)(a), C.R.S. The LPA constitutes the Town, the PAA and the RPA. The Agreement governs the Parties’ use of lands and procedures within the LPA.

2. Potential Annexation Area (PAA).

- (a) The PAA shown on Exhibit A is in the County’s regulatory jurisdiction but may be annexed to Lyons in the future. With its approval and adoption of this Agreement, the Board of County Commissioners for Boulder County determines that a community of interest exists between lands in the PAA and Lyons.
- (b) Lyons agrees that it may annex only lands within the PAA, as depicted on Exhibit A. Lyons agrees that it will not annex lands outside the PAA.
- (c) The County agrees that it will not make any open space acquisitions inside the PAA, except for lands subject to existing or prior approval for such acquisitions from Lyons.
- (d) 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, with the exception of utility facilities, access, emergency access, passive recreation, and structures associated with those uses, the following:

~~a. The No Development Area on the Boone Parcel (Parcel- 120307000058) and the Walters Parcel (Parcel # 120307000013) shall have no development except for utility facilities, access, emergency access, passive recreation, and structures associated with those uses.~~

~~b. The No Development Area on the Loukonen parcel (Parcel # 120320000038), may be utilized to provide vehicular and utility access to Area B shown on Exhibit A.~~

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~~The Loukonen Area C No-Development Area (a portion of Parcel # 120320000038 as shown on Exhibit A) shall have no development except for RV/tent camping, and associated access and parking consistent with the regulations of the Town or the County.~~

When parcels are annexed which contain No Development Areas, the Town, prior to final plat recordation or other final approval for any development on those parcels, must ensure that the property owners grant to the County and to the Town a Conservation Easement pursuant to Article 30.5 of Title 38 of the Colorado Revised Statutes, in a form acceptable to both the County and the Town, which prohibits structures and development in the No Development Area of the properties as provided above.

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(e) When evaluating annexation and development applications, with in their respective responsibilities, both Parties will consider the impact of proposed development on floodways, stormwater run-off, natural area, wildlife habitat, steep slopes and historically and archaeologically-significant areas and will require impact to be reasonably mitigated before approval.

(f) New residential annexation and development or neighborhoods should be designed and sighted to protect significant natural areas, wildlife habitat and avoid locations or significant risk of natural hazards such as wildfire and stormwater run-off.

~~(e)~~(g) Lyons agrees that the PAA cannot expand within Boulder County.

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~~(f)~~(h) Any property currently inside the Town that becomes disconnected will be treated as PAA.

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3. Rural Preservation Area (RPA).

- (a) The RPA will remain in the County's regulatory jurisdiction for the term of this Agreement. RPA represent areas that are expected to remain rural for the duration of this Agreement, unless otherwise agreed by the Parties.
- (b) With its approval and adoption of this Agreement, Lyons determines that there is no community of interest between the RPA and Lyons during the term of this Agreement, and Lyons will not annex lands in the RPA.
- (c) Lyons affirms that it is not currently pursuing annexations within the RPA.

4. Lands outside the Lyons Planning Area (LPA).

Excepting the area covered by the CEMEX Area IGA, which is addressed in a separate IGA, the Parties agree that lands outside the LPA will remain in the County's regulatory jurisdiction. Lands outside the LPA may be acquired by either Party for open space preservation.

5. Special Provisions.

- (a) Lyons agrees that it will only annex lands in the PAA over which the County owns a conservation easement after the County releases the conservation easement or if the easement terminates upon annexation by its terms. The Parties intend this Agreement be the sole jointly adopted comprehensive development plan related to County conservation easement lands in the PAA.
- (b) The County will refer in writing any discretionary development applications within one mile of Town limits, and any amendment to the Boulder County Comprehensive Plan affecting such parcels, to the Town. Said referrals will be sent according to the timing set forth in the Boulder County Land Use Code.
- (c) The Town shall refer in writing to the County any application for annexation and any proposed amendments to the Lyons Comprehensive Plan.
- (d) If application for annexation of The following parcels, as shown in Exhibit A, for the purposes of creating new residential development on such parcels are submitted for consideration, not including any commercial development or continuation of existing use, said parcels may only be annexed by the Town if the development proposal expands the supply of affordable and workforce housing, as appropriate for each parcel, supports the Town of Lyons defined housing goals and utilizes density that is congruent and compatible with existing development and the defined housing goals. stated affordability and density requirements are met by the proposed residential development on each parcel:

a. The Boone Parcel (Parcel # 120307000058).

- i. At least 25% of the total number of units constructed on site must qualify as Middle Tier Residential (60% 120% AMI); and
- ii. At least 25% of the total number of units constructed on site must qualify as Affordable Residential (30-60% AMI) and must be permanently affordable rentals or deed restricted for sale units.
- iii. Low or Medium Density is required.

b. The Carpenter Parcel (Parcel # 120307000031).

- At least 25% of the total number of units constructed on site must qualify as Middle Tier Residential (60% 120% AMI); and
- i. At least 25% of the total number of units constructed on site must qualify as Affordable Residential (30-60% AMI) and must be permanently affordable rentals or deed restricted for sale units.

~~ii. Low or Medium Density is required.~~

~~c. The Connor Parcel (Parcel # 120318100001):~~

~~i. At least 30% of the total number of units constructed on site must qualify as Middle Tier Residential (60%–120% AMI); and~~

~~ii. At least 30% of the total number of units constructed on site must qualify as Affordable Residential (30–60% AMI) and must be permanently affordable rentals or deed-restricted for sale units.~~

~~iii. Low or Medium Density is required.~~

~~d. The Hawkins Parcel (Parcel # 120320200001):~~

~~i. At least 50% of the total number of units constructed on site must qualify as Middle Tier Residential (60%–120% AMI); and~~

~~ii. At least 25% of the total number of units constructed on site must qualify as Affordable Residential (30–60% AMI) and must be permanently affordable rentals or deed-restricted for sale units.~~

~~iii. Medium or High Density is required.~~

~~e. The Harkalis Parcel (Parcel # 120319101001):~~

~~i. At least 100% of the total number of units constructed on site must qualify as Affordable Residential (30–60% AMI) and must be permanently affordable rentals or deed-restricted for sale units.~~

~~ii. Medium or High Density is required.~~

~~f. The Loukonen Area A (a portion of Parcel # 120320000038 as shown on Exhibit A):~~

~~At least 75% of the total number of units constructed on site must qualify as Middle Tier Residential (60%–120% AMI); and~~

~~At least 25% of the total number of units constructed on site must qualify as Affordable Residential (30–60% AMI) and must be permanently affordable rentals or deed-restricted for sale units.~~

~~i. Medium or High Density is required.~~

~~g. The Loukonen Area B (a portion of Parcel # 120320000038 and as shown on Exhibit A);~~

~~i. At least 30% of the total number of units constructed on site must qualify as Middle Tier Residential (60%–120% AMI); and~~

~~At least 30% of the total number of units constructed on site must qualify as Affordable Residential (30–60% AMI) and must be permanently affordable rentals or deed-restricted for-sale units.~~

~~ii. Medium or High Density is required.~~

~~h. Prior to annexation of the above-listed parcels, a final and unappealable annexation plan must be approved by Lyons, which shall include the affordability and density requirements listed in subsections a–g above.~~

~~i. Lyons shall confirm that the annexing property owner has satisfied all of Town's annexation requirements incorporating the affordability and density requirements listed in subsections a–g of this section 5(d).~~

6. Regional Housing Partnership

The Parties recognize that addressing housing affordability is a regional concern and agree to continue to participate in the Regional Housing Partnership and work collaboratively along with other jurisdictions to address this issue.

7. Implementation Procedures

The Parties agree to take all necessary steps to adopt procedures, plans, policies, and ordinances or conduct other proceedings necessary to implement and enforce this Agreement. In doing so, each Party will give the other sufficient advance notice to enable the other Party to comment on the planned action if so desired.

Where the County seeks to approve zoning changes within the LPA after referral as provided herein, the Board of Trustees shall respond by resolution, approval or disapproving such change or suggesting conditions or approval.

8. Partnerships

The Parties recognize and acknowledge the need for intergovernmental cooperation on important local and regional land use matters and to achieve common goals. In accordance with the LCP, the Town and the County agree to cooperate in good faith to:

- (a) Identify and implement programs that assist the Town in meeting its affordable housing goals within the Lyons Planning Area.
- (b) Collaborate on identifying potential grants that support housing, transportation, stream quality, stormwater management, infrastructure, electrification, hazard mitigation, trails,

and recreation.

- (c) Work with the Regional Transportation District, Denver Regional Council of Governments, and Colorado Department of Transportation to improve Lyons multimodal transportation systems, transportation safety, electric opportunities, and reduction of emissions (Z-Trips / RTD / Lyons Flyer).
- (d) Collaborate on trails connecting the Town to Boulder County Open Space and other areas in the County.
- (e) Share geographic information system data, maps and expertise;
- (f) Continue to collaborate on recycling and compost facilities.
- (g) Enforce nuisance ordinances to improve the appearance of properties in the LPA.

9. Amendments

This Agreement contains the entire agreement between the Parties and, with the exception of the CEMEX Area IGA, supersedes and replaces any other or prior agreements concerning the same subject matter including the 2012 IGA. Any annexation, property acquisition, or land use or development that does not comply with this Agreement is prohibited without an amendment to the Agreement agreed to by the Parties.

Amendment of the Agreement requires approval by resolution or ordinance approved and adopted by the governing body of both Parties after notice and hearing as required by law. No action inconsistent with this Agreement may be taken by any Party before this Agreement is amended as required in this Section 9.

10. Non-severability

If any portion of this Agreement is held by a court in a final, non-appealable decision to be per se invalid or unenforceable as to any Party, the entire Agreement shall be terminated, the Parties understanding and intending that every portion of the Agreement is essential to and not severable from the remainder.

11. Beneficiaries

The Parties, in their corporate and representative governmental capacities are the beneficiaries of this Agreement.

12. Enforcement

Any one or more of the Parties may enforce this Agreement by any legal or equitable means, including specific performance, declaratory and injunctive relief. No other person or entity will have the right to enforce the provisions of this Agreement.

13. Indemnification

Each Party agrees to be responsible for its own actions or omissions, and those of its officers, agents and employees in the performance or failure to perform work under this IGA. By agreeing to this provision, neither Party waives or intends to waive, as to any person not a party to the IGA, the limitations on liability that are provided to the Parties under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq.

14. Governing Law and Venue

This Agreement will be governed by Colorado law, and venue for any dispute involving the Agreement will be exclusively in Boulder County.

15. Term and Effective Date

This Agreement will become effective when signed by authorized representatives of the governing bodies of each of the Parties. Unless otherwise stated in this Agreement, the Agreement shall remain in effect for a period of 20 years from the effective date unless terminated earlier by written agreement of the Parties pursuant to terms of this Agreement or extended as provided below.

At 10 years after the current effective date, the effective date of the Agreement will automatically update to that date 10 years after the previous effective date. In order to avoid automatic extension, a Party must hold a duly noticed public hearing at least 90 days before the date 10 years after the current effective date and make such determination. The current effective date will then remain in place. Notices of the hearing and subsequent Party action must be provided to the other Party.

16. Party Representatives

Referrals and notices required by this Agreement will be made to the following:

For Boulder County:

Director, Community Planning & Permitting Department
PO Box 471
Boulder, CO 80306

For Lyons:

Town of Lyons
Town Administrator
P.O. Box 49
432 Fifth Avenue
Lyons, Colorado 80540

Changes of name or address for Party representatives will be made in writing, mailed as stated in this Section 16.

THIS AGREEMENT made and entered into as of the latest date set forth below.

TOWN OF LYONS

By: _____
Mayor

Attest:

Town Clerk

Approved as to form:

Town Attorney

BOULDER COUNTY
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Chair

Attest:

Approved as to form:

Clerk to the Board

County Attorney

DRAFT