

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Meeting Date: May 1, 2017**

TO: Mayor Sullivan and Members of Board of Trustees

FROM: Matthew Manley, AICP

DATE: April 25, 2017

ITEM: **ORDINANCE NO. 1017, AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS ANNEXING TO THE TOWN OF LYONS CERTAIN REAL PROPERTY OWNED BY THE TOWN OF LYONS**

☒ ORDINANCE
☐ MOTION / RESOLUTION
☐ INFORMATION

I. ISSUE:

Ordinance No. 1017 approves the annexation of certain real property totaling approximately 9.78 acres ("Property") owned by the Town of Lyons in unincorporated Boulder County.

The Town of Lyons, acting on behalf of the Lyons Water Enterprise, is the sole owner of the Property, which it purchased from the City of Longmont (acting on behalf of the City of Longmont Water Utility Enterprise). The Property includes Longmont's decommissioned water treatment plant. The Town acquired the Property on April 25, 2017.

Because the Town is the sole owner, the annexation of the Property is exempt from the notice and hearing requirements under state law and is exempt from the annexation election requirement under the Town's Municipal Code, as long as the Board of Trustees finds that the Property is eligible for annexation pursuant to applicable state law requirements. Specifically: (a) the Property satisfies the (1/6) contiguity requirement; (b) no annexation proceedings concerning the Property have been commenced by another municipality; (c) the annexation of the Property will not result in the detachment of area from a school district; (d) the annexation of Property will not result in the extension of the boundaries of the Town of Lyons more than three miles; and (e) the Town of Lyons has a plan in place for Property.

II. BACKGROUND:

The Property consists of two parcels: (1) 4651 Ute Hwy is referred to as the "north parcel" and is approximately 6.45 acres; and (2) 4652 Ute Hwy is referred to as the "south parcel" and is approximately 3.33 acres.

Combined, the north parcel and south parcel are 9.78 acres and are situated in the heart of the Eastern Corridor. Future development within the Eastern Corridor was planned for as part of the recent Lyons Primary Planning Area (LPPA) Master Plan process. The LPPA Master Plan map is attached to this Agenda Cover Sheet as **Attachment 2**.

Initial plans for the Property include serving as the new location for the Town's Public Works building and locating a new lift station for the extension of sewer service to the Eastern Corridor. The LPPA Master Plan points out the potential market demand for commercial/mixed-use opportunities near the intersection of Highways 36 & 66. None of these goals may be achieved unless the Property is annexed into the Town of Lyons.

Upon annexation, the Town is planning to proceed with a subdivision of the Property and, following approval and recordation of the final plat, will proceed to establish the initial zoning of the Property. The proposed initial zoning is still under review by Town Staff, but the proposed initial zoning will correlate directly with the Town's current vision for the Property as articulated in the LPPA Master Plan and as discussed in additional detail below:

- **Utility Extension Project** – The utility extension project will provide municipal water and wastewater services to the Eastern Corridor. The annexation of the Property is critical to the success of the utility extension project. This project is being funded by an EDA grant. The grant requires that construction activities begin by June 2017. By bringing Property into the Town of Lyons, the location of the lift station and other parts of this project will not be subject to the Boulder County 1041 permitting process, which takes at least eight months on average and would potentially jeopardize the loss of EDA funding. The completion of the utility extension project is critical to the Town's goal of replacing its Public Works building and achieving economic development and affordable housing goals as a result of expanding the Town limits into the Eastern Corridor.
- **Public Works Building** – The 2013 flood destroyed the Town's Public Works building. The original location of the Public Works building is now deemed to be in the floodway. Therefore, the building cannot be rebuilt in the same location. The Town does not have any other Town-owned property that would serve as a viable site for the replacement building. After significant research and analysis, the Town submitted a list of proposed sites to FEMA to seek approval for funding a land purchase. The only site to meet FEMA's qualifications was the Property. The current plans anticipate that two (2) acres of property situated in the northeast portion of the north parcel (4651 Ute Hwy) will be retained by the Town for the new Public Works building, leaving the balance of the north parcel and south parcel to be used for other purposes (see below).
- **Commercial Mixed Uses** - Once the initial uses for the Property are established, the Town will also need to consider the long-term use of the remaining portions of the Property. Under state law, the Town must establish the initial zoning of the Property within 90 days of the effective date of the annexation. Based on market demand, a commercial or commercial mixed-use project is a likely outcome for the balance of the Property. Given the fiscal benefits of this type of land use, as based on the LPPA Master Plan, it would behoove the Town to accommodate these types of projects. The determination of initial zoning will be decided upon by the BOT after receiving a recommendation from the PCDC.

III. STAFF RECOMMENDATIONS AND NEXT STEPS:

Staff recommends adopting Ordinance No. 1017 on first reading and scheduling second reading for May 15, 2017 at 7:00 p.m.

In addition to approving the annexation of the Property, Ordinance No. 1017 also authorizes the Town Administrator or her designee to subdivide the Property without adhering to the strict procedural requirements of the Town of Lyons Subdivision Regulations codified in Chapter 17 of the Lyons Municipal Code (the "Subdivision Regulations"). This is consistent with the exemption set forth in Section 17-1-50(b)(4) of the Subdivision Regulations which states, to wit, that "the Subdivision Regulations shall not apply to . . . [a]ny property owned by or leased to the Town where the Town is an applicant for subdivision approval, unless the Board of Trustees elects to subdivide the property in accordance with all or any portion of this Chapter."

The proposed Ordinance also authorizes the Mayor (or Mayor Pro Tem) to execute the final plat of the Property following review and approval of the final plat by the Town Administrator, the Town Engineer and the Town Attorney.

IV. FISCAL IMPACTS: N/A.

V. LEGAL ISSUES: None. Based upon findings set forth in this BOT Agenda Cover Sheet and the Ordinance, the Property is eligible for annexation to the Town of Lyons under Section 30(1)(c) of Article II of the Colorado Constitution and C.R.S. §§ 31-12-104(1)(a) and 31-12-105. The annexation of Property will not result in the extension of the boundaries of the Town more than three miles; and the Town has a plan in place for the area to be annexed.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

VII. PROPOSED MOTION:

"I MOVE TO APPROVE ORDINANCE NO. 1017, AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS ANNEXING TO THE TOWN OF LYONS CERTAIN REAL PROPERTY OWNED BY THE TOWN OF LYONS ON FIRST READING AND FURTHER MOVE THAT SECOND READING ON THE ORDINANCE BE SCHEDULED FOR MONDAY, MAY 15, 2017, AT 7:00 PM TO BE HELD AT TOWN HALL."

VIII. MOTIONS FOR DENIAL:

Staff recommends that the Board of Trustees confer with the Town Attorney prior to denying or continuing the annexation of the Property.

Attachments:

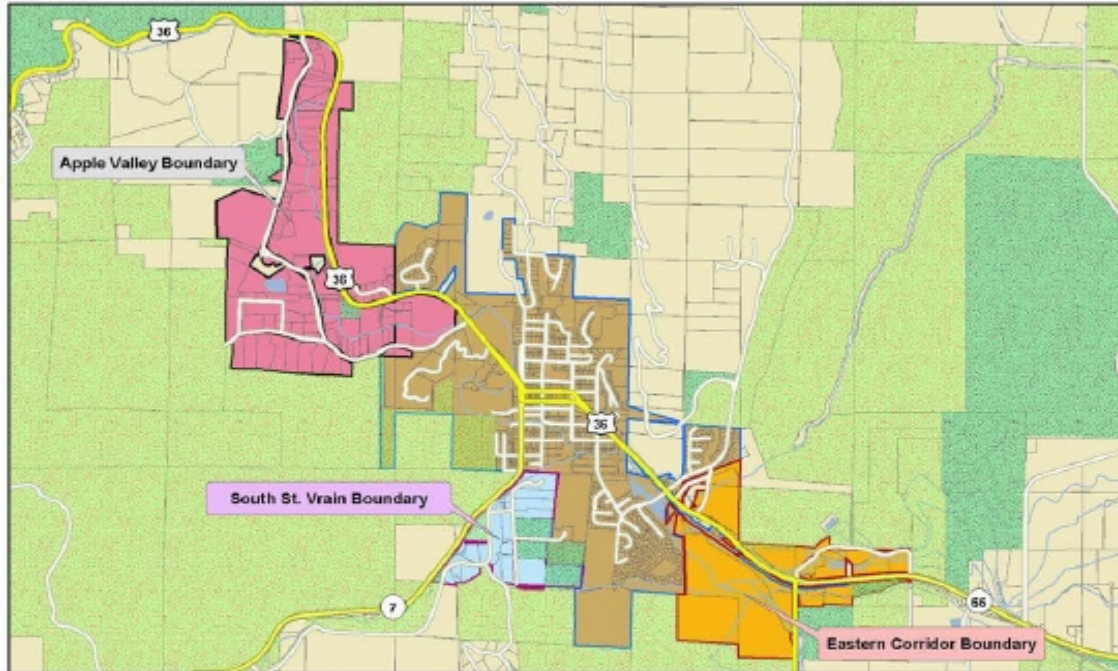
1. Ordinance No. 1017 (Annexation Ordinance)
2. LPPA Master Plan Map

ATTACHMENT 1
Ordinance No. 1017

ATTACHMENT 2

Lyons Primary Planning Area (LPPA) Master Plan

3-Mile Plan and Proposed Amendment to the Lyons Comprehensive Plan



PRIMARY PLANNING AREA MASTER PLAN



Kimley-Horn