

## Boulder County Acquired Parcel Report

The Boulder County Acquired Parcel tour took place in the afternoon on October 8, 2019. Town's Staff, members of the Planning and Community Development Commission (PCDC), the Ecology Board, the Board of Trustees and Parks and Recreation Commission met with representatives from Boulder County and visited most of the acquired parcels<sup>1</sup>. Some PCDC members couldn't make it and we are hoping to schedule a follow-up tour in a week or so.

Based on a 2016 agreement with the Town the County agreed that the it would use federal funds to purchase and remediate the parcels and then offer any acquired parcels to the Town that are located in the Town's *municipal influence area*, an area defined in another agreement between the County and the Town<sup>2</sup>. To date the County has acquired, remediated and revegetated each parcel. The County found no significant environmental issue on any of the parcels. Boulder County has no plans for acquired parcels. The County is waiting to see if the Town is going to request ownership of any or all the parcels before making any plans or management decisions. If the Town elects to not take some of the parcels, the County's next step is to develop a plan for the buyouts.

Since Boulder County open space does not typically maintain subdivision open space parcels, if they are retained by Boulder County, they are not likely to be maintained for recreation nor are they likely to be open for public access. Boulder County Parks and Open Space is likely to manage the parcels, but maintenance may only address invasive species, illegal camping and fire concerns. These "subdivision open spaces" are not typically managed by the County. In general, dispersed open space parcels increase maintenance issues.

All together the 11 acquire parcels including the Martin parcel are 35 acres. To date, the Town of Lyons has no plan for any of the acquired parcels except the Martin Parcel at 109 CR 69, which is addressed in the 2019 Deed Restricted Buyout Property Plan, more commonly referred to as the DRBOP plan.

If maintained at a very low open space level in accordance with the open space maintenance guidelines in the 2016 Parks Flood Recovery Plan, the CRPA level of service standard for open space maintenance, maintenance of all of the acquire properties would be around 58 K per year, that only includes weed and litter control and does not include dead tree removal, the cost of mobilization (gas, vehicles, etc.), or administration time. It also does not include the potential problem associated with the region's growing transient population. It also has not evaluated fire mitigation that may be required including the pruning of trees near power lines.

On October 21<sup>st</sup> the Board of Trustees approved resolution 2019-111 A RESOLUTION OF THE TOWN OF LYONS, COLORADO ACCEPTING TRANSFER OF THE DEED OF THE MARTIN PARCEL FROM BOULDER COUNTY TO THE TOWN OF LYONS which includes about 9 acres of the 35 acres. The Town is planning to

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<sup>1</sup> The acquired parcels were purchased by Boulder County with federal funding as part of the Hazard Mitigation Grant Program aimed at mitigating hazard. That program requires the properties to be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetland management practices.

<sup>2</sup> <https://www.bouldercounty.org/property-and-land/land-use/planning/intergovernmental-agreements-iga/lyons-area-iga-renewal/>

annex the Martin Property and develop it for low impact recreational uses. There is no timeline for annexation or development.

The other acquired parcels remain under county control. Until they are annexed, they will remain under county land use regulations and code compliance. None of the apple valley parcels could be annexed without other annexations as they do not have 1/6<sup>th</sup> contiguity with the Town's municipal boundary, except perhaps 384 Apple Valley but that would require additional legal and planning review. Any significant change in land use on any of the apple valley parcels without annexation would require approval from Boulder County and the potentially from FEMA. Currently all the properties are zoned rural residential<sup>3</sup> which is a residential land use classification.

Boulder County is opened to considering additional options if the Town does not want to accept the parcels. They are open to a neighborhood leasing program so that neighbors who would like to can use and maintain the lots. They may also consider ecologically minded non-profits who could manage the land.

There are divergent opinions about acquisition in the Town. Some support the Board of Trustees accepting the parcels as the Town could maintain them, use them as an arboretum, or just to preserve and enhance the ecological value in Apple Valley and the region. Others concerns expressed include the Town budget expended for benefit of County residents. Others are concerned that prior to making any decision on acquisition Apple Valley residents should be brought into the discussion prior to acquisition.

PCDC, Acquired Parcel Working Group developed daft criteria to help start the discussion about each of the parcels. Criteria where not intended to be used to select which parcels for acquisition.

1. **Parcel size** – in general, the larger the parcel the more activities and ecological value
2. **Minimal to no impact on neighbors / adjacent properties** – small properties with recreation or activities may create conflicts with adjacent neighbors.
3. **Quality and length of river access / frontage** – river access could be a potential recreational benefit for fishermen or floating
4. **Ease of vehicle access** – if a parcel is accessible by car, truck, RVs
5. **Ease of pedestrian / bike access**
6. **Potential for neighbor or other maintenance / lease** – are there groups options for leasing properties to other agencies
7. **Proximity to Lyons (i.e. potential for being part of Lyons)** –

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<sup>3</sup> County Land Use Code: <https://assets.bouldercounty.org/wp-content/uploads/2017/02/land-use-code-article-04.pdf>

8. **Below the blue line** – the blueline is an elevation above which the Town intends not to serve water service water and wastewater services
9. **Recreational potential** (community gardens, tubing access, picnicking, camping, fishing, etc.)
10. **Potential for expense offset with revenue generation** (special permit, camping, etc.)
11. **Potential for annexation contiguity** – if a property would provide annexation contiguity
12. **Habitat contiguity** – Although not specifically considered in the initial analysis, habitat fragmentation is a large problem. Small corridors could help protect the regional habitat

**Recommended next steps for the PCDC:**

- 1) Follow-up tour for PCDC members who couldn't attend the initial acquired parcel tour
- 2) Solicit and review recommendation from Town of Lyons boards and commissions who have a formal recommendation on accepting the acquired parcels (the PCDC received a recommendation from the Ecology Board)
- 3) Develop a draft recommendation identifying which parcels PCDC recommends with select bullet points recommending why selected
- 4) Staff and subcommittee review documentation for selected parcels
- 5) Subcommittee prepares formal PCDC letter recommending acquisition to the Board of Trustees
- 6) Full PCDC reviews recommended parcels and presents formal recommendation to PCDC
- 7) Trustees makes a formal request to the Board of County Commissioners

**Photos from the site visit:**



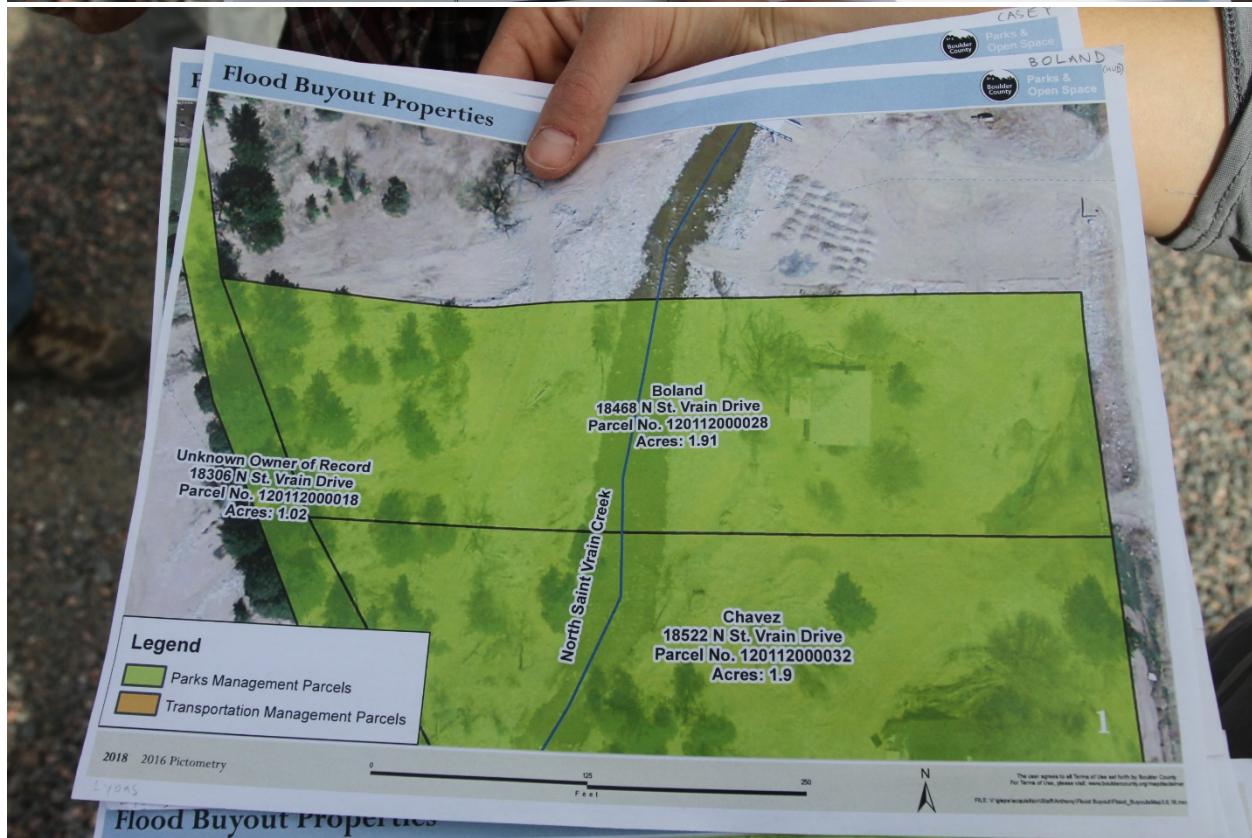
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