

Lyons Area Conditions Survey

Town of Lyons, Colorado

November 2015

Prepared for:

Lyons Urban Renewal Authority (LURA)
Lyons Board of Trustees

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Lyons Area Conditions Survey

Town of Lyons, Colorado

1.0 Introduction

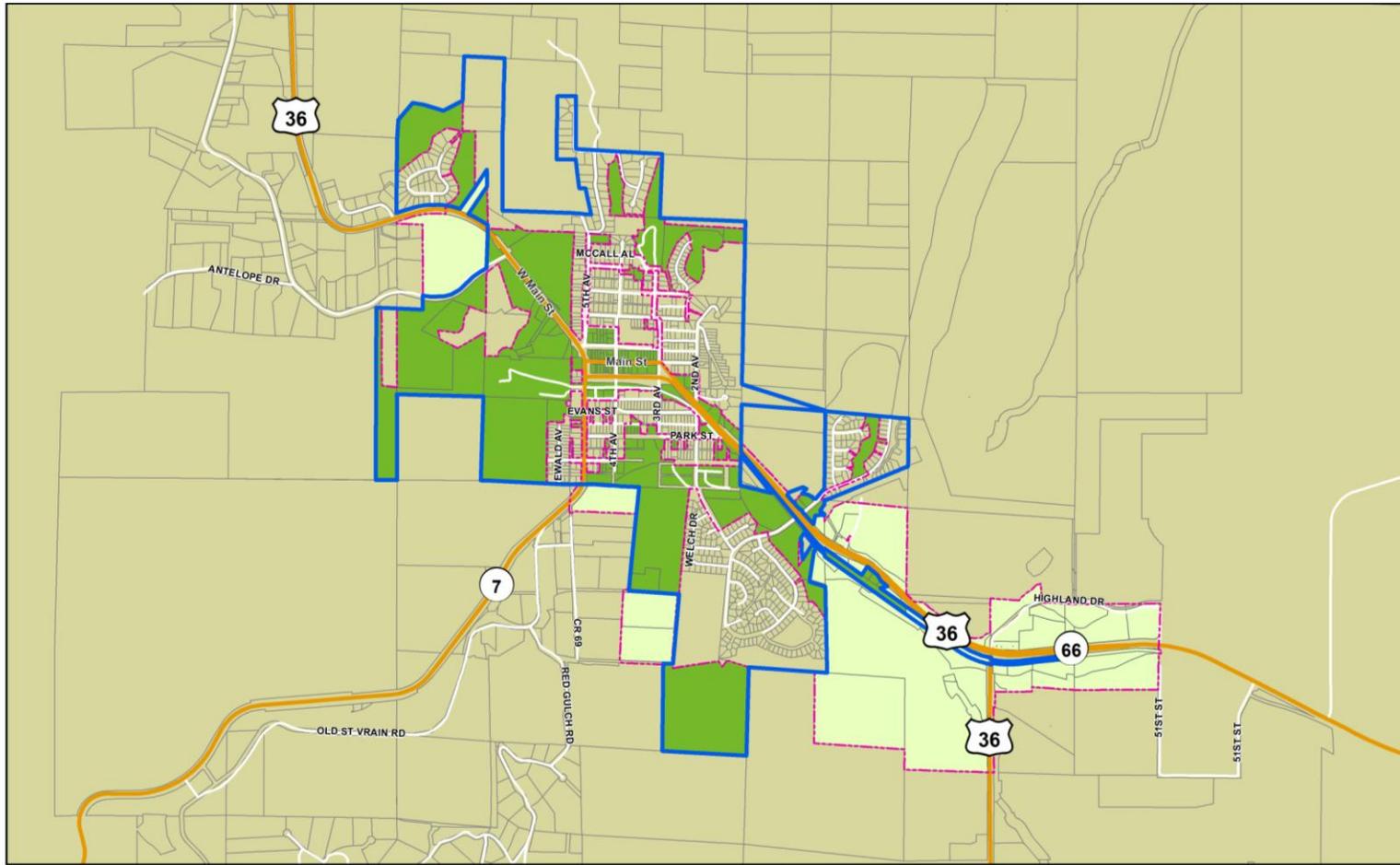
The following report, the Lyons Area Conditions Survey (the "Survey") was prepared for the Lyons Urban Renewal Authority (the "Authority") and the Town of Lyons Board of Trustees (the Board) and submitted in November 2015. The purpose of this work was to analyze conditions within a defined Survey Area (also referred to here as "the Survey Area" or "Area") located within the Town of Lyons, Colorado, in order to determine whether factors contributing to blight are present and whether the Area may, therefore, be considered eligible as an urban renewal area under the provisions of the Colorado Urban Renewal Law (the "Law" or "Statute").

The Survey Area includes approximately 222 legal parcels and right-of-way areas, comprising approximately 743 acres, located in the Town of Lyons and Boulder County, Colorado. **Figure 1** on the following page illustrates the extent of the Survey Area which includes parcels both within and outside of the municipal boundaries; and, every attempt was made to notify all property owners of record that the Survey was being conducted.

This Lyons Area Conditions Survey represents a necessary step in the determination of blight and establishment of an urban renewal area with the intent of addressing the conditions outlined herein. As such, it is also an important step in advancing goals set out in the Town of Lyons Comprehensive Plan, adopted in 2010 (the "Comprehensive Plan"), and other community planning documents, particularly those related to infill development, redevelopment and commercial corridor revitalization.

Establishment of an urban renewal plan area, after a declaration of blight, will allow the Town of Lyons, through its urban renewal authority, to use designated powers to assist in mitigating blighting conditions, improving and completing infrastructure, and advancing private investment within its boundaries in a timely manner and consistent with the goals and intentions of the Comprehensive Plan.

Figure 1: Survey Area Boundaries



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 Date: Wednesday, November 04, 2015

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 Miles

- Lyons Municipal Boundary
- Survey Area Boundary
- Survey Area Parcels Within Municipal Boundary
- Survey Area Parcels Outside of Municipal Boundary

2.0 Definition of Blight

A determination of blight is a cumulative conclusion based on the presence of several physical, environmental, and social factors defined by state law. In reality, blight is often attributable to a multiplicity of conditions, which, in combination, tend to contribute to the phenomenon of deterioration of an area. For purposes of this Survey, the definition of a blighted area is based upon the definition articulated in the Colorado Urban Renewal Law, as follows:

“Blighted area” means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- (a) Slum, deteriorated, or deteriorating structures;*
- (b) Predominance of defective or inadequate street layout;*
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- (d) Unsanitary or unsafe conditions;*
- (e) Deterioration of site or other improvements;*
- (f) Unusual topography or inadequate public improvements or utilities;*
- (g) Defective or unusual conditions of title rendering the title non-marketable;*
- (h) Existence of conditions that endanger life or property by fire or other causes;*
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;*
- (j) Environmental contamination of buildings or property;*
- (k.5) Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements;*
- (l) If there is no objection of such property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, “blighted area” also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or*

constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

Source: Colorado Revised Statute 31-25-103(2).

While the conclusion of whether an area constitutes a legally “blighted area” is a determination left to municipal legislative bodies, this Survey provides a detailed documentation of the aforementioned physical, environmental and social factors as they exist within the boundaries defined herein. Note: It is not legally necessary for every factor to be present in an area in order for it to be considered “blighted”. In addition, a given factor need not be present on each and every parcel or structure to be counted, but rather, only needs to be present somewhere in the area as a whole. In other words, the presence of one or more well-maintained, buildings or parcels does not necessarily preclude a finding of blight for the area¹. Rather, an area qualifies as blighted when *four* or more factors are present (or *five* factors, in cases where the use of eminent domain is anticipated). As explained in Section 5.0 of this report, all 11 (eleven) of the 11 possible factors were found to be present within the Area.

With this understanding, the Lyons Area Conditions Survey presents an overview of factors within the Survey Area sufficient to make a determination of blight. Section 5.0 (Summary of Findings) provides conclusions regarding the presence of qualifying conditions in the Survey Area; however, the Lyons Town Board will make a final determination as to whether the Area constitutes a “blighted area” under the Colorado Urban Renewal Law.

3.0 Study Methodology

Ricker|Cunningham personnel conducted field investigations during the Fall of 2015 for the purpose of documenting conditions within the categories of blight listed above and described in greater detail below. Pertinent Geographic Information Systems (GIS) data from the Town of Lyons was also obtained and subsequently analyzed. Finally, discussions with Town of Lyons and Boulder County Staff, along with representatives of

¹ While not clearly addressed in Colorado Urban Renewal law, this interpretation has been favored by the courts.



various public entities, were conducted and collectively the results of these efforts are discussed herein.

Whereas the 11 factors listed in the Law (see Section 2.0 of this report) contain few details or quantitative benchmarks to guide the conditions survey process, Ricker|Cunningham has developed a checklist of more specific categories of blighting conditions within each statutory factor to aid in their identification and characterization. This checklist has been used in nearly 80 urban renewal conditions surveys for more than 40 communities in Colorado, and the Southern and Western United States.

(a) Slum, deteriorated, or deteriorating structures

This factor is said to be present when the physical condition of structures in the area present specific life-safety concerns. Sub-categories include deterioration or absence of the following:

- Roof
- Walls fascia board and soffit
- Foundation
- Gutters and downspouts
- Exterior finish
- Windows and doors
- Stairways and fire escapes
- Mechanical equipment
- Loading areas
- Fences, walls and gates
- Other non-primary structures

(b) Predominance of defective or inadequate street layout

This factor is said to be present when the layout (or non-existence) of streets or roads creates problems for health, safety, welfare or sound development. Sub-categories include inadequate or elevated:

- Vehicular access
- Internal circulation
- Driveway definitions and curb cuts
- Parking layout
- Traffic accident history

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness

This factor is said to be present when lot size or configuration inhibits or is likely to inhibit sound development. Sub-categories include inadequate or unsafe:

- Lot shape or layout
- Vehicular access - parcels with poor access are usually found to have both category (b) and (c) present
- Lot size

(d) Unsanitary or unsafe conditions

This factor is said to be present when safety hazards and conditions are likely to have adverse effects on the health or welfare of persons in the area due to problems with a lack of infrastructure. Sub-categories include the presence of:

- Poorly lit or unlit areas
- Cracked or uneven sidewalks
- Hazardous contaminants
- Poor drainage
- Flood hazards
- Steep slopes
- Unscreened trash or mechanical equipment
- Pedestrian safety issues
- High crime incidence
- Lack of fire protection
- Vagrants, vandalism and graffiti

(e) Deterioration of site or other improvements

This factor is related to factor (a), and said to be present when land and/or structures have been either damaged or neglected. Sub-categories include the presence of, deteriorating or lack of:

- Billboards
- Signage
- Poorly maintained properties, streets, and other public improvements
- Trash, debris and weeds
- Parking surfaces, curbs and gutters
- Landscaping

(f) Unusual topography or inadequate public improvements or utilities

This factor represents the combination of two formerly separate factors. To that end, it is said to be present when the topography is incompatible with development (hilly, sloped, etc.) or properties are lacking complete public infrastructure. Sub-categories include the presence of, deteriorating or lack of:

- Slopes or unusual terrain
- Street pavement
- Curb and gutter
- Street lighting
- Overhead utilities
- Sidewalks
- Roads
- Water and sewer service
- Storm water quality and drainage improvements

(g) Defective or unusual conditions of title rendering the title non-marketable

This factor is said to be present when there are problems with the marketability of property titles, including unusual restrictions, unclear ownership, etc. Due to the expense of title searches, this blight factor is typically not examined unless developers or land owners provide documentation of known problematic title issues. (No sub-categories).

(h) Existence of conditions that endanger life or property by fire or other causes

This factor is said to be present when site and / or building maintenance or use issues exist that may threaten site users. This factor also includes potential threats from fire or other causes. Sub-categories include the presence of:

- Fire safety problems
- Hazardous contaminants
- High frequency of crime
- Floodplain and flood hazards

(i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities

This factor is said to be present when primary improvements, specifically those described in the context of factors (a) and (d) above, as well as property, poses a danger to the extent that habitation and/or daily use is considered unsafe. Sub-categories include the presence or lack of:

- Hazardous contaminants
- Fire safety infrastructure
- Unsafe building facilities
- All of the factors listed under (h) above

(j) Environmental contamination of buildings or property

This factor is said to be present when there exist threats from chemical or biological contamination. Unlike category (i) above, this factor can be said to exist even when such contamination does not pose a direct health hazard, so long as it causes other problems (i.e. inhibits development). Sub-categories include the presence of:

- Hazardous contaminants

(k.5) Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

This factor is said to be present when properties or their improvements are underutilized; or, there is a disproportionate amount of public service being provided. For instance, properties generating frequent calls for police or fire service or code enforcement often require more than their share of services. Sub-categories include the presence of:

- High frequency of fire calls
- High crime incidence
- Site and building underutilization
- All of the factors listed under (d) and (h) above

4.0 Survey Area Description

The Survey Area includes approximately 222 legal parcels comprising approximately 743 acres. As reflected in **Table 1** below, property owners (residential and non-residential) in the Area are largely local, with nearly 61% located in Lyons. Fifteen percent are located in Longmont, 9% in Boulder, approximately 7% in Boulder, and the balance located either out of state or in another Colorado community. Ownership patterns that favor local ownership are a positive indicator for redevelopment initiatives, as these individuals and entities tend to have a more vested interest in maintaining and improving their properties when the resources to do so are more readily available.

Table 1
Survey Area Property Ownership

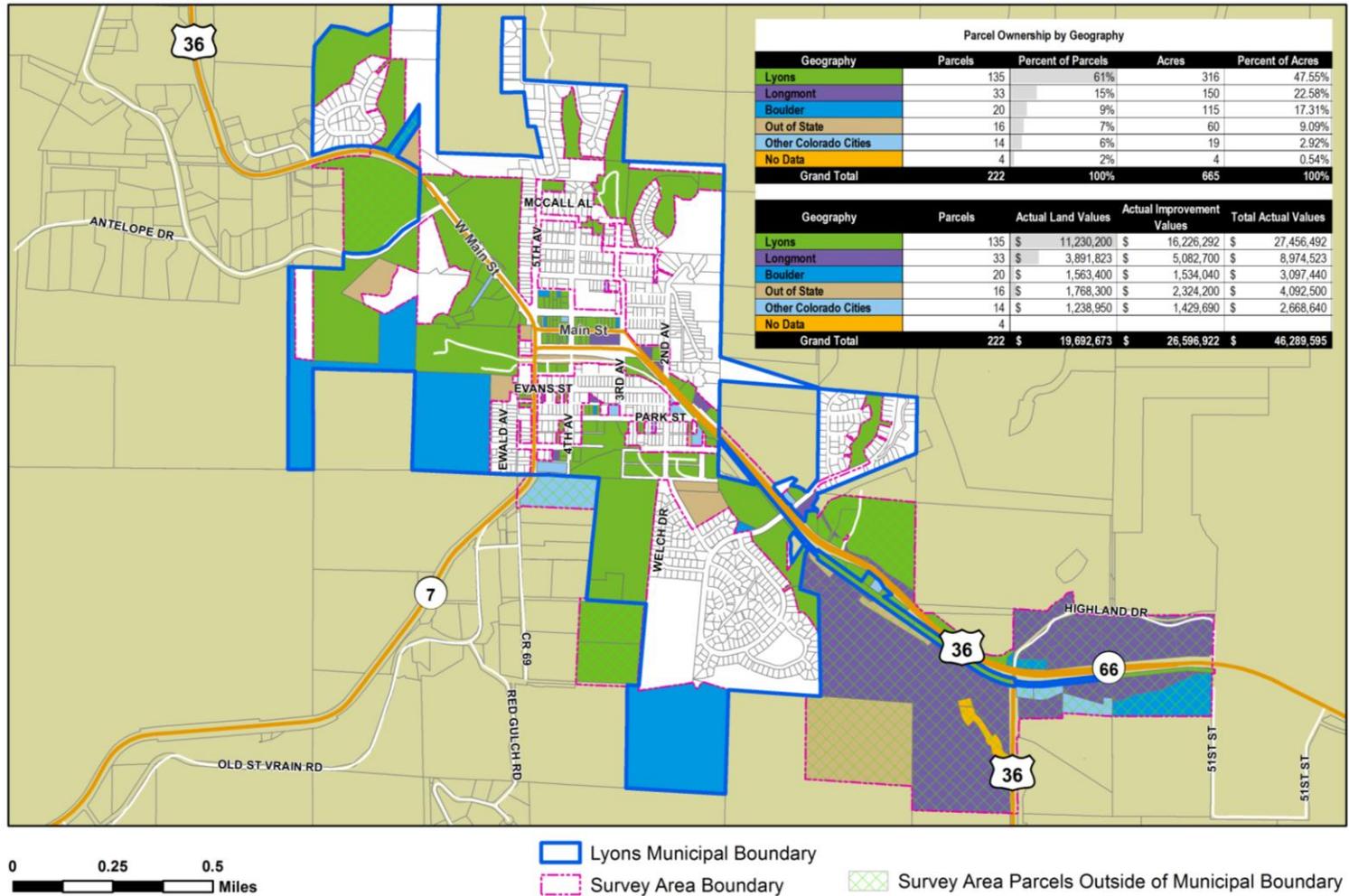
Ownership Locale	Total Parcels	% of Total	Total Value	% of Total
Lyons	135	60.8%	\$27,456,492	59.3%
Longmont	33	14.9%	\$8,974,523	19.4%
Boulder	20	9.0%	\$3,097,440	6.7%
Out of State	16	7.2%	\$4,092,500	8.8%
Other Colorado Cities	14	6.3%	\$2,668,640	5.8%
No Data	4	1.8%	--	0.0%
Total	222	100.0%	\$46,289,595	100.0%

The zoning map presented in the Comprehensive Plan, zoning districts present within the Area include those listed below.

Zoning Classifications Among Parcels within the Survey Area

- A-1: Agricultural
- A-2: Agricultural
- E: Estate Residential
- EC: Estate Residential
- R-1: Low Density Residential
- R-2: Medium Density Residential
- R-2A: Medium-High Density Residential
- R-3: High Density Residential
- B: Business
- C: Commercial
- CE: Commercial Entertainment
- LI: Light Industrial

Figure 2: Survey Area Property Ownership



Date: Wednesday, November 04, 2015

- GI: General Industrial
- M: Municipal
- C-PUD: Commercial PUD Overlay
- PUD-MU: PUD Mixed-Use
- CD: Commercial Downtown
- CEC: Commercial East Corridor
- POS: Parks and Open Space

5.0 Summary of Findings

It is the conclusion of this report that, within the Survey Area, there are conditions that *"...substantially impair or arrest the sound growth of the municipality, retard the provision of housing accommodations, or constitute an economic or social liability, and are a menace to the public health, safety, morals, or welfare..."* [Colorado Revised Statute 31-25-103(2)]. Further, that these conditions are sufficient in number to meet required thresholds for designation of the area "blighted". Specifically, evidence of eleven (11) of the possible 11 blight factors were found to be present. A description of conditions related to each statutory factor are presented below. Where data was available, the general location of these conditions is provided, using planning areas identified in the Comprehensive Plan whenever possible.

(a) Slum, deteriorated, or deteriorating structures

There are numerous instances of dilapidated structures, largely concentrated in neighborhoods located in the central portion of the town, near Main Street; and, commercial structures located along its commercial corridors including U.S. Highway 36 and State Highway 7. Conditions observable from either a right-of-way, space available to the public, or aerial photography, include damage to roofs and exterior finishes, foundations, outside stairways, fences, and ancillary structures such as sheds or other storage facilities. While there may exist adverse conditions within existing buildings, it is not RC's practice to examine the interior of buildings, unless explicitly invited to do so by the existing owner or their representative. Further, no attempt was made to determine if structures considered deteriorating for the purposes of this effort, were a dereliction of current codes, and / or requiring lawful intervention, since this is not required by the Law. Rather, observations were made by experienced professionals who then rendered an objective opinion based on extensive experience with similar assignments in communities throughout the Western United States.

(b) Predominance of defective or inadequate street layout

Predominance of defective or inadequate street layout can be considered present when existing roads are insufficient (in capacity or condition) to accommodate safe vehicular and non-vehicular movement; the streets that are in place are deteriorating or substandard; or, there are a lack of streets. Resources used as a basis for this determination, in addition to physical observations, include the Town of Lyons 2012-2016 Capital Improvement Plan -- Roadways, dated December 2011, and Chapter 11, Article 11, of the municipal code specifically related to required roadway and pedestrian improvements associated with new development and redevelopment. Based on review of this information, there were numerous instances of streets located throughout the community, including within its residential neighborhoods, along its commercial corridors, and serving employment (industrial) zones, that lack accommodations for safe vehicular and non-vehicular movement and which can be considered *inadequate*. Specific accommodations that are absent and required by the code include: paving; curbs, gutters and drainage pans; adequate sidewalks and lighting; bicycle lanes; parking to support adjacent uses; and, clearly marked curb cuts. As explained in Chapter 11 - Streets, Sidewalks and Public Property, Article 11 - Design Standards and Criteria, Section 17-11-90 (a) - Sidewalks and Pedestrian Access, of the municipal code, "Sidewalks shall conform to the adopted construction standards and specifications of the Town. All sidewalks and associated curb and gutter shall be designed and constructed to allow for the safe and convenient movement of handicapped individuals and shall meet all federal and state requirements and standards for accessibility, including curb ramps ... on all arterial streets, residential collector streets and residential local streets. Further, local streets must be 4' to 6' wide, and collector and arterial streets 5' to 6' wide. **Table 2** summarizes specific roadway and other infrastructure improvements that are either lacking or in need of repair, by location, within the Survey Area.

As is the case in many communities, roadways constructed before street standards are established are not required to be "brought up to municipal standards" until a specific "trigger" or action is taken, such as significant development or redevelopment on an adjacent parcel. However, once the identified action is taken, these types of improvements can be costly and potentially threaten the financial feasibility of a development project. For this reason, as well as other functional and practical reasons, the presence of these conditions is considered a detriment to the sound development of the community and a blighting factor under the Act.

Table 2
Survey Area Roadway and Infrastructure Conditions

Location	Curb & Gutter	Paving	Curb Cuts	Striping	Lighting	Sewer Line	Water Line	Other
Prospect Street -- 4th to 5th Ave		X		X				
Park Street -- 2nd to 3rd Ave		X		X		X	X	
Evans Street -- 3rd to River		X		X		X	X	
Stickney Street -- 3rd to 4th		X		X		X	X	
Stickney Street -- 4th to 5th		X		X		X	X	
Longs Peak -- 3rd to End	X	X		X		X	X	
2nd Ave -- SVC Bridge to Park St		X		X				
2nd Ave -- Hwy 36/66 to Old Main		X		X				
2nd Ave -- Old Main to High St		X		X				
2nd Ave -- High St to 1st Ave		X		X				
3rd Ave -- Park Dr to Evans St		X		X			X	
3rd Ave -- Evans St to Railroad Ave		X		X			X	
4th Ave -- Broadway to Main St	X	X		X				
5th Ave -- High St to Stickney St		X		X				
Eagles Nest Dr -- Eagle Canyon to End	X	X		X				
Eagles Canyon -- Entry to Eagles Nest Dr	X	X		X				
Prospect St -- 5th Ave to End	X	X		X				
Meiley St -- 5th to Ewald		X		X				
Park Dr -- 4th to 5th Ave		X		X				
Park St -- River to 5th Ave		X		X				
Evans St -- 3rd to Highway		X		X				
Seward St -- 3rd to 4th Ave		X		X				

Source: Town of Lyons 2012-2016 Capital Improvements Plan.

Regardless of whether existing roads within the community are locally, versus privately-owned and / or maintained, a lack of improvements and disrepair has a direct impact on its users and the value of parcels within its boundaries, and can serve as a deterrent to investment and reinvestment within affected properties. As evidenced in the statistics presented in **Table 3** below, inadequate roads and streets cannot only impact property values, and compromise an area's quality of life, but perpetuate a pattern of accidents, necessitating a disproportionate share of municipal services and manifesting an unsafe environment for vehicles, pedestrians and bicycles. Total traffic accidents in the Survey Area, over the past six years, have continued to increase. Based on discussions with representatives of the Boulder County Sheriff's Department, the location of these traffic accidents most frequently occurred in locations where roadway improvements were deficient.

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness

Because faulty streets often produce faulty lots, particularly when they impact vehicular access, properties within the Survey Area that suffer from conditions associated with Factor (b) also suffer from Factor (c) for the reasons explained above; recognizing that the severity of their impact can be different for commercial, versus residential properties. For instance, commercial properties

that lack access and visibility are at a significant competitive disadvantage to those with these characteristics. In fact, in some cases, a lack of either or both can render a property with limited or no value. Similarly, commercial properties that are too small to accommodate necessary levels of parking also suffer from a competitive disadvantage. There are numerous instances of parcels, within both established residential neighborhoods and along its commercial corridors, with limited access, many of which are either irregular in shape or inadequate in size to support redevelopment consistent with the code. While these conditions can be less impactful to residential parcels, depending on building codes related to setbacks and lot coverage, they almost always have a significant impact on commercial parcels. In addition to access for vehicles, this factor also considers access for non-vehicular movement, specifically, pedestrians and bicycles. As expressed in the Comprehensive Plan, supporting connections to local and regional trails are a priority for Lyons's residents and frequent visitors, and their absence a significant concern and detriment to private investment.

(d) Unsanitary or unsafe conditions

The condition of existing infrastructure and improvements, as well as the lack of the same, were both identified as contributing to unsafe conditions affecting properties and users of properties within the Area boundaries. For instance, locations within the community and Survey Area where sidewalks are either missing or inadequate, tended to be those where the greatest number of pedestrian and vehicular conflicts occurred. Overgrown and unkempt landscaping and foliage, while more unsanitary, can indirectly create an environment vulnerable to unlawful activity and foster a sense of neglect and dilapidation. Based on a visual inspection of properties within the Survey Area, there does not seem to be a specific concentration of degradation, but rather it occurs intermittently in both residential and non-residential areas.

Other conditions considered in the context of this factor include the presence of -- a flood zone or floodway, and significant slopes; environmental contamination; frequency of criminal activity which have declined over the last six years; and, infrastructure to protect persons and properties from fires and other causes.

Figure 3 illustrates the extent of a 100-year floodplain. As shown, nearly half of all parcels in the Survey Area are located within the flood zone. Despite the limited number of historical "flooding incidents" reflected in **Table 3**, and reported by the Boulder County Sheriff's Department and Town of Lyons, it is important to note that the Lyons community experienced its worst disaster after an historic rainfall triggered flash flooding St. Vrain Creek, destroying more than 200 homes, and damaging roads, bridges, infrastructure and utilities. Finally, whereas steep slopes often accompany waterways, and given their presence within the Survey Area,

there are frequent instances of slopes significant enough that they will require stabilization or retention with improvement of related properties.

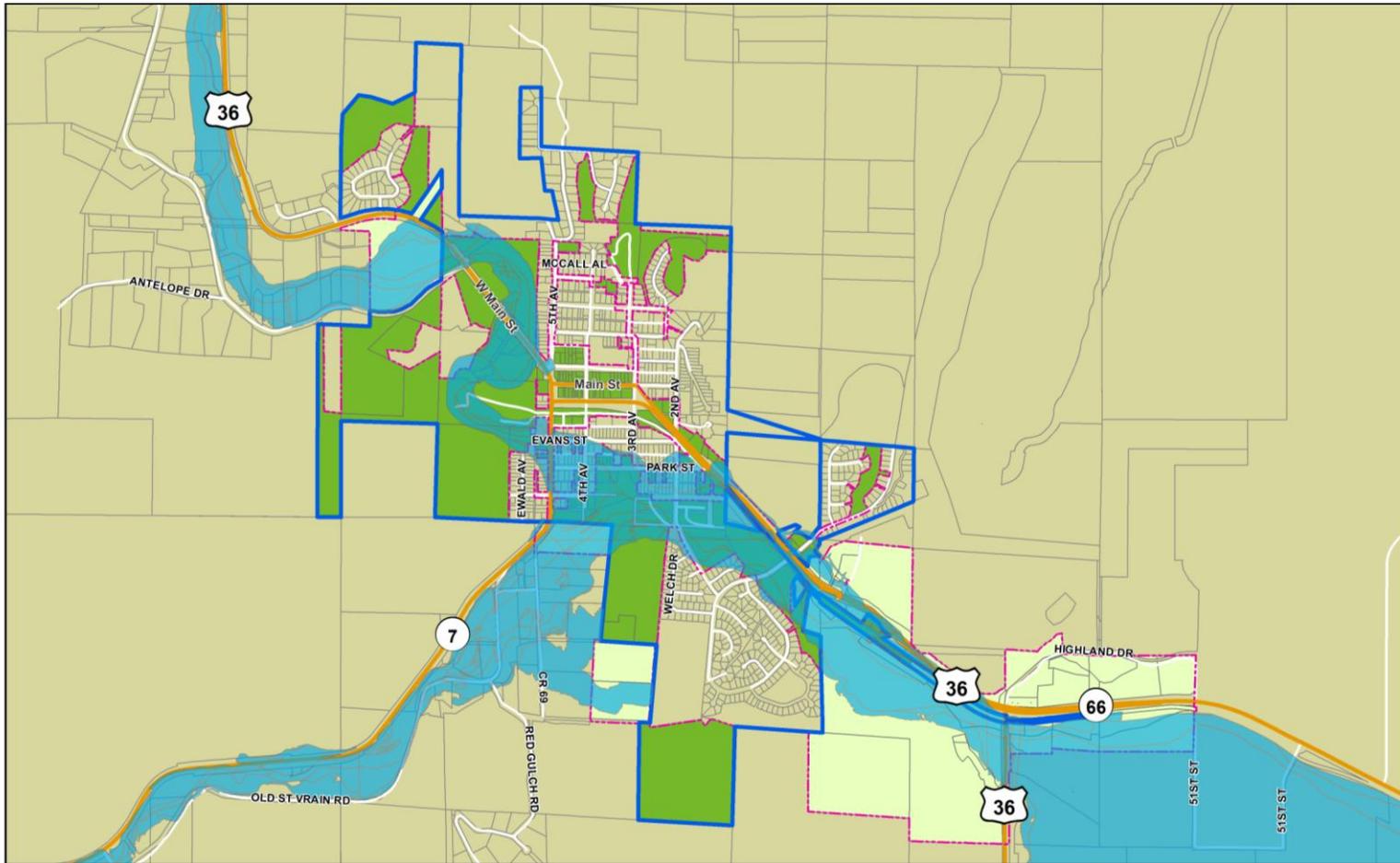
Table 3
Survey Area Accidents and Criminal Incidents

Type of Incident	Total Incidents					
	2010	2011	2012	2013	2014	2015 YTD
Fire/Flood						
Agricultural	0	1	0	0	0	0
Structure	4	1	1	2	1	1
Vehicle	1	1	2	1	0	0
Warning	0	0	5	0	0	0
Wildlands	1	4	5	4	1	1
Other	1	0	0	0	0	1
Hazardous Materials	0	0	0	1	0	0
Flood Report	0	0	0	2	0	0
Subtotal Fire/Flood	7	7	13	10	2	3
Traffic						
Accident Unknown	14	15	10	9	11	2
Traffic Complaint	1	2	0	0	1	0
Traffic Offense	17	17	32	32	35	27
DUI	21	24	17	25	26	22
Subtotal Traffic	53	58	59	66	73	51
Criminal						
Arson	4	3	1	2	0	1
Assault	15	7	11	1	9	8
Burglary	16	16	7	10	15	10
Child Abuse/Pornography	1	1	0	2	0	1
Criminal Mischief	15	16	21	12	10	12
Criminal Trespass	14	21	6	5	6	13
Felony Menacing	2	2	2	3	1	4
Harassment	10	14	16	8	11	10
Improper Sexual Contact	0	1	1	0	0	1
Kidnapping	0	1	1	0	0	0
Other Felony	4	0	1	3	1	2
Robbery	0	0	0	1	1	0
Sex Assault	5	2	2	2	1	1
Theft	23	32	25	32	16	11
Weapons Violation	2	1	3	0	0	0
Subtotal Criminal	111	117	97	81	71	74
Subtotal Fire/Traffic/Criminal	171	182	169	157	146	128
Town Total -- All Incidents	422	457	411	387	427	349
Fire/Traffic/Crim % of Total	41%	40%	41%	41%	34%	37%

Source: Town of Lyons.

In terms of the presence of environmental contamination, and as presented in **Table 4** below, there are 15 properties within the Survey Area being monitored by the Environmental Protection Agency (EPA). While experience shows that properties clean of environmental contaminants, yet located adjacent to contaminated parcels, are frequently affected, however no documentation was available to confirm this speculation, therefore these properties were not included in the total. No information was provided regarding the capacity and condition of fire protective equipment, and based on the data presented in **Table 3**, there do not appear to be a notable frequency of fire-related events.

Figure 3: 100-Year Flood Zone



0 0.25 0.5
Miles

Floodplain
 Survey Area Boundary
 Lyons Municipal Boundary
 Survey Area Parcels Outside of Municipal Boundary

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(e) Deterioration of site or other improvements

In the context of commercial, industrial, and multi-family properties, this Factor (e) generally considers the absence or condition of parking, and presence and condition of landscaping and signage, based on expectations of zoning. As explained above, among properties where landscaping was present, whether consistent or inconsistent with the code, its quality and condition varies widely from parcel to parcel. In addition, there are several properties that based on their zoning, should have landscaping and do not. In these instances, there is often a high frequency of unsanitary conditions such as weeds and unscreened trash, as well as remnant infrastructure, potentially left over from recent flooding events.

(f) Unusual topography or inadequate public improvements or utilities

Parcel topography, along with the condition and presence of infrastructure and utilities are considered in the context of this Factor (f). Slopes, when taken together with the unstable soils that often accompany them, frequently suffer from the impacts of flooding and poor drainage, which is the case here as properties in the Survey Area with significant slopes are most often associated with waterways. Steep slopes, while a potential threat to the physical integrity of structures and safe movement of pedestrians and bicycles, can also be significantly more expensive to improve. Extraordinary costs associated with the presence of slopes and waterways can result from cutting, compressing and retaining soils; in addition to relocating and replacing them, when legally protected. Regarding their impact on development economics in general, slopes effectively render portions of properties undevelopable, increasing the overall unit cost and potentially rendering development and redevelopment projects infeasible.

Infrastructure in the Survey Area, roadway and utility, suffer from both a lack of capacity and adverse conditions. **Table 2** identifies specific infrastructure improvements that are needed by location within the Survey Area, as reported by the Town of Lyons 2012-2016 Capital Improvement Plan, including repaving, and construction of curbs, gutters and drainage pans. Not identified, yet observed, are frequent instances of damaged sidewalks and sidewalks that are more narrow than what is required by the code. Water and sewer line repairs are noted by roadway segment in this report, while needed water and wastewater capital improvements are identified in the Town of Lyons Water and Wastewater Capital Improvement Plan, dated October 2011. That report explains that the Town purchases treated water from Longmont, but controls the water storage and distribution systems, both of which have aging infrastructure that continues to

deteriorate. Proposed, and unfunded collection and distribution system improvements identified in that plan that are necessary to address their deficiencies include three major pipeline replacement projects, two pipeline repair projects, a pipeline replacement project, and installation of a booster station and water main looping system. Wastewater, too, is purchased from Longmont, while the Town maintains the distribution and related systems, and water storage tank. With the Town approaching service area build-out, a new water and wastewater treatment facility are needed.

A final condition considered here includes the presence of overhead utility lines. While allowed and not unusual, particularly in the more established areas of a community including along transportation corridors, they are considered a visual and functional condition which contributes to blight. Overhead utilities are visible along both of the Area's principal commercial corridors, U.S. 36 and State Highway 7, as well as within the blocks surrounding Main Street, and within most of its residential neighborhoods.

(g) Defective or unusual conditions of title rendering the title non-marketable

This Factor (g) is said to be present when there are problems with the marketability of property titles, due to unusual restrictions such as the presence of utility and / or infrastructure easements, or unclear ownership. According to the Colorado Oil and Gas Conservation Commission, there is at least one known oil well located within the Survey Area, Anderson No. 1, and three additional well heads located outside, yet proximate to its boundaries. Oil wells often carry with them easements which effectively limit the total developable acreage of a property, and can be among the most costly and complicated to resolve in order to make a property ready for development. Not only is the title work expensive, but so too is the engineering required to either eliminate or mitigate associated impediments within the site. Acquisition of the mineral rights, an alternative to engineering mitigation, can also be costly. For these reasons, circumstances resulting from title constraints are often an encumbrance to development, and therefore a qualifying condition in the context of this Factor (g). **Figure 4** illustrates the location of oil and gas sites located within and adjacent to the Survey Area.

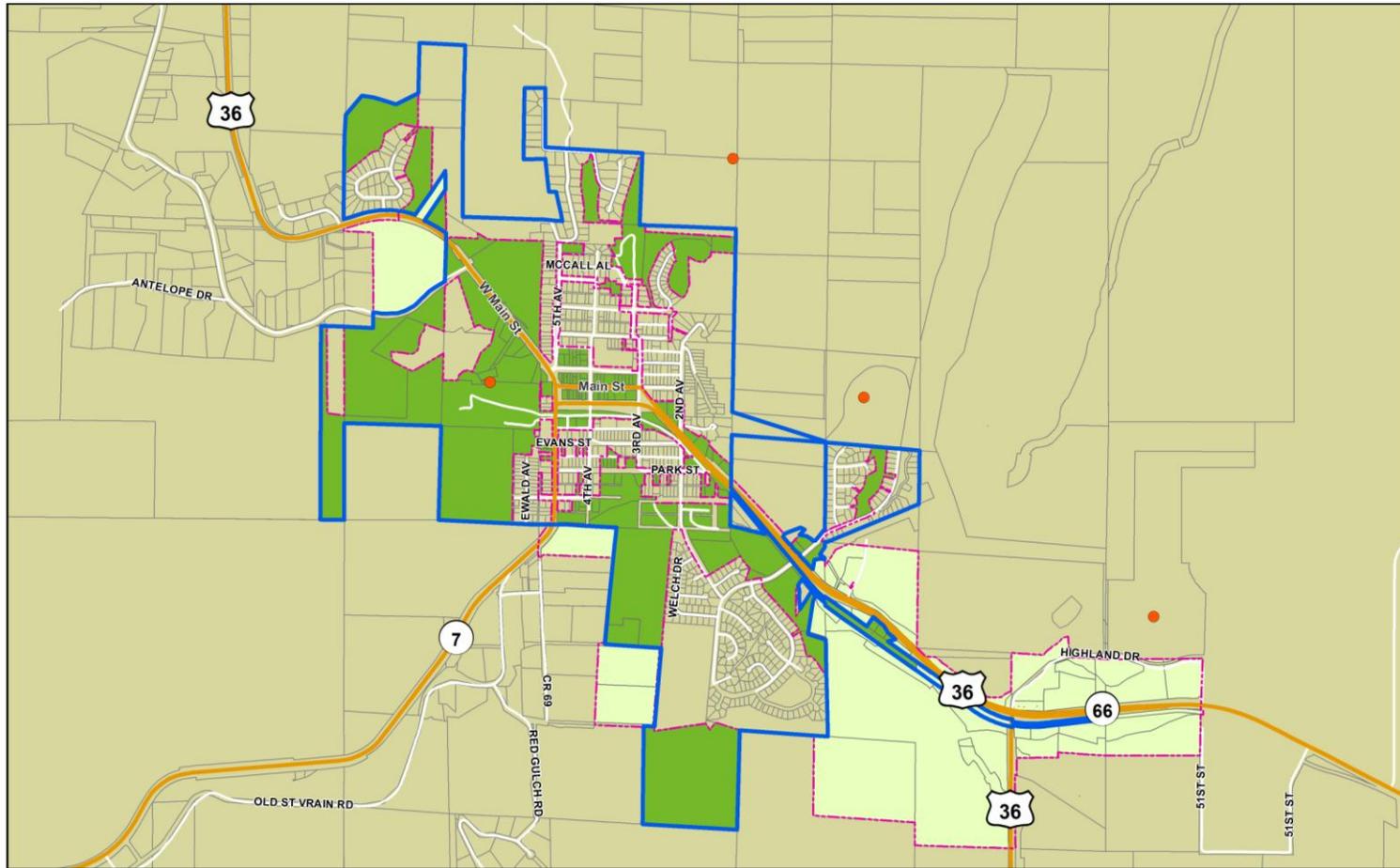
(h) Existence of conditions that endanger life or property by fire or other causes

The presence of conditions that endanger properties within the Study Area have been discussed previously in the context of Factors (a) .. deteriorating structures,



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Figure 4: Survey Area Oil and Gas Well Heads



0 0.25 0.5
Miles

● Wells

▭ Lyons Municipal Boundary
▭ Survey Area Boundary

▭ Survey Area Parcels Within Municipal Boundary
▭ Survey Area Parcels Outside of Municipal Boundary

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Date: Wednesday, November 04, 2015

and (d) .. unsanitary or unsafe conditions, specifically related to: a lack of site and / or building maintenance, insufficient infrastructure to allow for save movement and use, environmental threats such as flood zones and contamination; and, a lack of protective equipment from fires and other causes.

(i) Buildings that are unsafe or unhealthy for persons to live or work in

The presence of unsafe buildings are discussed above in the context of Factor (a) .. deteriorating structures, and Factor (d) .. unsanitary conditions specifically related to a lack of infrastructure to protect structures from fire. However, other threats to persons within buildings include adverse conditions addressed throughout this Section 5.0 and summarized in conjunction with the presence of Factor (h) above.

(j) Environmental contamination of buildings or property

Specific conditions considered in the context of this Factor (j) include those primarily associated with the presence of chemical and / or biological contaminants. As reported earlier and reflected in **Table 4** below, 15 parcels located within the Survey Area, have conditions present that are either under review or being monitored by the EPA. Unlike Factor (i), this factor can be said to exist even when the reported contamination does not necessarily pose a direct health hazard to users of the property; but, rather, when associated conditions present a threat or potential threat that pose an obstacle, even financial, to property investment and reinvestment.

**Table 4
Survey Area Property Owners of EPA-Monitored Sites**

Facility Name	Address	City	County	State	Zip
CDOT - LYONS MAINT FACILITY	19711 N ST VRRAIN DR SH 7	LYONS	WELD	CO	80540
ROCKY MOUNTAIN INSTRUMENTS	1040 5TH AVE	LYONS	BOULDER	CO	80540
PEERLESS TYRE CO INC	4065 UTE HIGHWAY	LONGMONT	BOULDER	CO	80503-9126
REXOCO STORES LTD NO 30	355 MAIN ST	LYONS	BOULDER	CO	80540
LYONS FLOOD REPAIR	LYONS	LYONS	BOULDER	CO	80504
LYONS TOWN OF	1098 2 AVE	LYONS	BOULDER	CO	80549
PIONEER PLATING	428 MAIN ST	LYONS	BOULDER	CO	80540
HIGHLAND DITCH HEADGATE	4108 UTE HWY	LONGMONT	BOULDER	CO	80503
MARTIN MARIETTA MTRLS - LYONS PIT	56 UTE RD	LONGMONT	BOULDER	CO	80501
NORTH ST VRRAIN PIPELINE FLOOD REPAIR	PARK ST AND UTE HWY	LYONS	BOULDER	CO	80540
PEERLESS TYRE CO. INC. #811	4065 UTE HWY	LONGMONT	BOULDER	CO	80503
LYONS WWTF	198 2ND AVENUE	LYONS	BOULDER	CO	80540
KLERONOMOS HOME	224 MAIN STREET	LYONS	BOULDER	CO	80540
VALERO RETAIL HOLDINGS, INC. #635	4206 UTE HIGHWAY	LYONS	BOULDER	CO	80540
HOLNAM INC	4324 UTE HWY	LONGMONT	BOULDER	CO	80503

Source: Environmental Protection Agency and Ricker|Cunningham.

Owners or ownership interests of the identified properties are presented in **Table 4**, and their location illustrated in **Figure 5**.

(k.5) Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

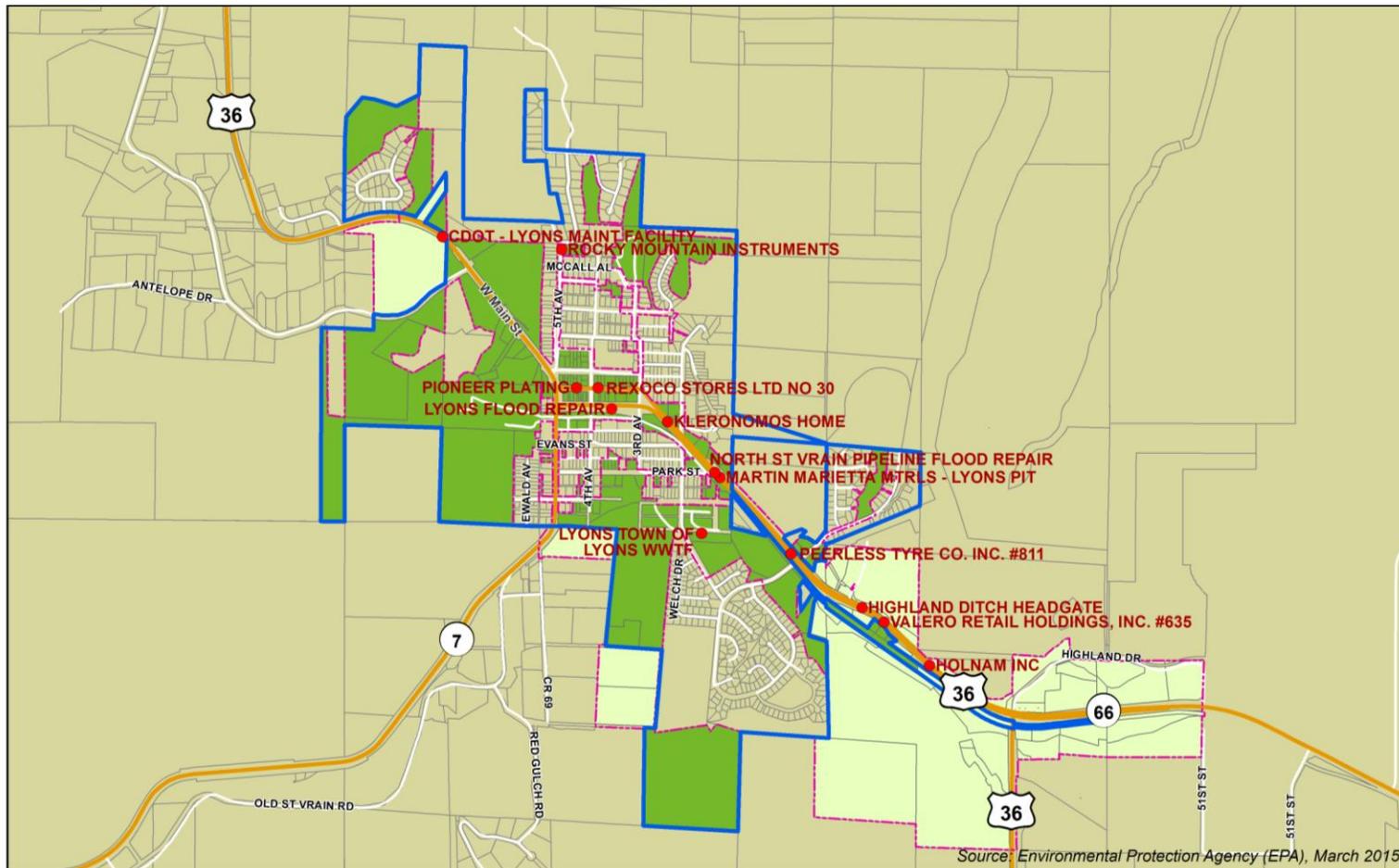
The Urban Renewal Law defines this Factor (k5) as having an adverse or blighting presence due to conditions related to either high levels of municipal services or underutilization of properties or building vacancy. Within the Survey Area, there exist conditions related to both service levels and under-utilization. While the number of criminal incidents in the Survey Area overall are declining, the frequency of traffic and related incidents are increasing, as are the number of calls for medical assistance. This latter category is within the top 10% of most frequently reported incidents in the Survey Area.

Under-utilized and vacant properties and buildings are visible throughout the Survey Area. For the purpose of this Survey, under-utilization of properties is quantified using Floor Area Ratio (FAR) and the relationship between land and improvement values, measures used by the American Planning Association (APA); while, actual facility vacancy rates and facility vacancy rates relative to the market average are used for buildings, a measure used by the Urban Land Institute (ULI). As was evident from visual inspection of properties within the Survey Area, there are numerous instances of vacant and unimproved parcels, even within more urbanized locations where there can be an expectation of continuous development. High vacancies in existing structures is considered a blighting condition as they tend to be a magnet for criminal activity, and due to the fact that they have a quantifiable impact on the performance of adjacent business operations. **Figure 6** demonstrates utilization patterns within the Survey Area and among properties located within its boundaries.

6.0 Summary of Factors

As explained earlier in this report, it is not legally necessary for *every* factor to be present in an area in order for it to be considered “blighted”. In addition, a given factor need not be present on each and every parcel or structure to be counted, but rather, only needs to be present somewhere in the area as a whole. As shown, 11 of the 11 total possible factors were found, to some extent, within the Survey Area. Additionally, all 11 factors were present to a degree that appeared likely to have a significantly negative impact on the public’s safety and welfare and impede the ability for sound growth and development.

Figure 5: Survey Area Sites Under Review by the EPA



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- | | | |
|---------------------------------------|---|---|
| <p>0 0.25 0.5
Miles</p> | <ul style="list-style-type: none"> Lyons Municipal Boundary Survey Area Boundary | <ul style="list-style-type: none"> Survey Area Parcels Within Municipal Boundary Survey Area Parcels Outside of Municipal Boundary • EPA Sites |
|---------------------------------------|---|---|



Ricker|Cunningham

Figure 6: Survey Area Site Utilization

