



Lyons Area Urban Renewal Plan

Town of Lyons, Colorado

November 2015

Prepared for:

Lyons Urban Renewal Authority (LURA)
Town of Lyons Board of Trustees

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Lyons Area Urban Renewal Plan

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Lyons Area Urban Renewal Plan

Town of Lyons, Colorado

1.0 Introduction

1.1 Preface

This Lyons Area Urban Renewal Plan (the “**Plan**” or the “**Urban Renewal Plan**”) has been prepared for the Town of Lyons (the “**Town**”). It will be carried out by the Lyons Urban Renewal Authority (the “**Authority**” or “**LURA**”), pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, 1973, as amended (the “**Act**”). It has been prepared to satisfy the requirements of § 31-25-107(1), C.R.S., that an urban renewal plan be adopted by the governing body of the municipality before an urban renewal authority undertakes an **Urban Renewal Project** (as defined later in this **Plan**). The administration and implementation of this **Plan**, including the preparation and execution of any documents implementing it, shall be performed by the **Authority**.

1.2 Blight Findings

Under the **Act**, an urban renewal area is a blighted area, which has been designated as appropriate for an **Urban Renewal Project**. In each urban renewal area, conditions of blight, as defined by the **Act**, must be present, and in order for the **Authority** to exercise its powers, the **Town Board** (as defined later in this **Plan**) must find that the presence of those conditions of blight, “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.” C.R.S. § 31-25-103(2).

The Lyons Area Conditions Survey (the “**Survey**”), prepared by RickerCunningham, dated November, 2015, and presented to the **Authority** under separate cover, demonstrates that the Lyons Urban Renewal Area (herein referred to as the “**Area**” and “**Plan Area**”) and as defined in the **Survey** (therein referred to as the “**Survey Area**”), is a blighted area under the **Act** whereas 11 of 11 factors were found to be present within its boundaries.

1.3 Other Findings

As such, the **Area**, as described in more detail in Section 1.4 below, will be eligible for one or more urban renewal activities and undertakings authorized by the **Act** to be advanced by the **Authority**. To this end, it is the intent of the **Town Board** in adopting this **Plan** that the **Authority** has available to it any and all powers authorized in the **Act** which are necessary and appropriate to accomplish the objectives stated herein. Further, it is the intent of this **Plan** that the **Authority** exercises these powers for the elimination of qualifying blighting conditions in the **Area** and furtherance of the goals and objectives of the community's general plan. Because powers conferred by the **Act** are intended to advance improvements for which public money may be expended, the intent of this **Plan** is in the public interest and a necessity. Such finding is a matter of legislative determination by the **Town Board**.

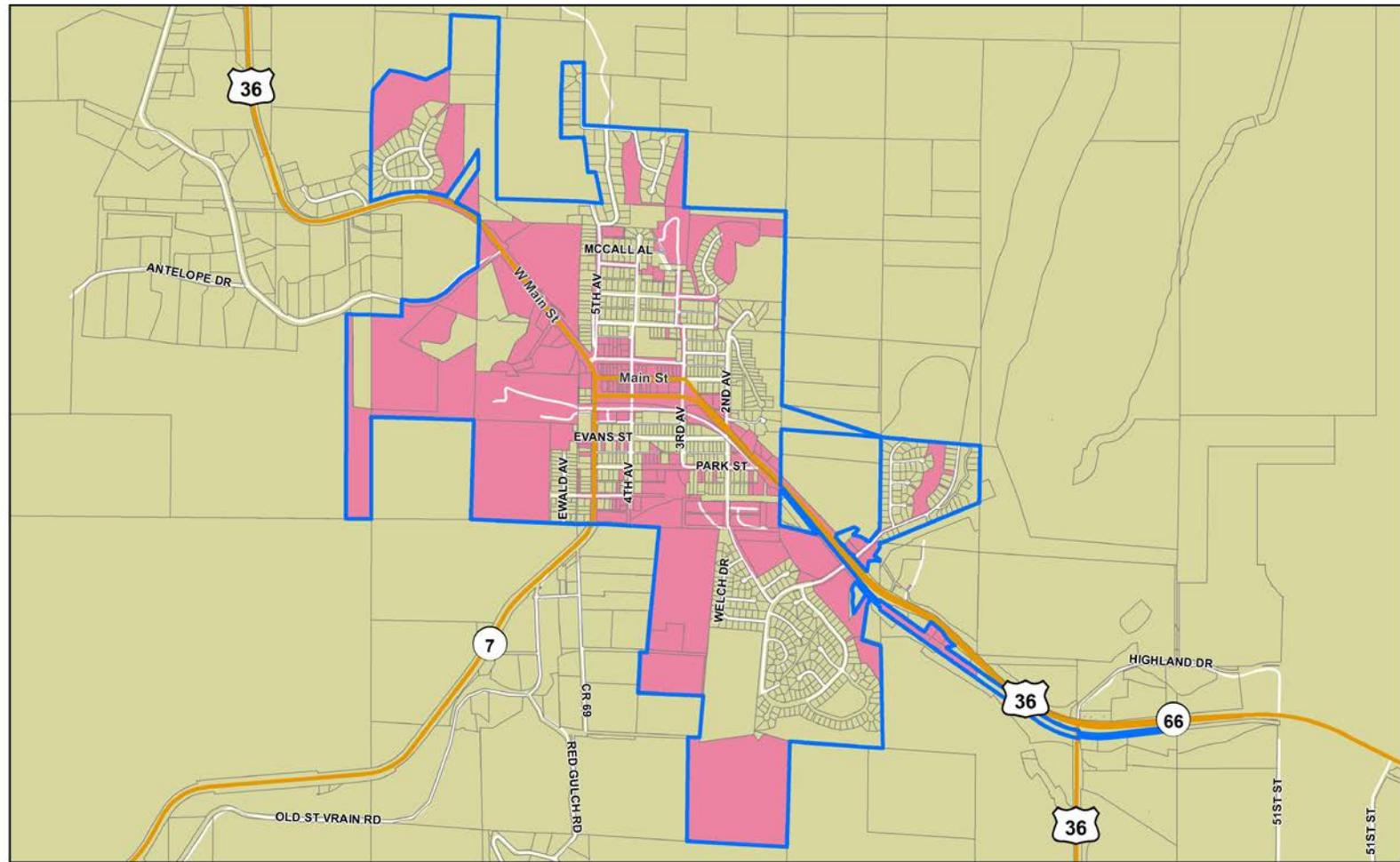
1.4 Urban Renewal Area Boundaries and Characteristics

The boundaries of the **Plan Area** were defined as narrowly as feasible to accomplish the objectives identified herein, including 175 legal parcels comprising approximately 417 total acres and rights-of-ways, all located within the municipal borders of the **Town** and Boulder County, Colorado, as shown in Figure No. 1, Map of Lyons Area Urban Renewal Area. Further, it is the intent of this **Plan** to include both structures and infrastructure within neighborhoods and throughout the community, as well as commercial and industrial properties along its transportation corridors, and public utilities serving the community. The authors of this **Plan** are unaware of any agriculturally-assessed properties within its boundaries.

1.5 Public Input

The **Authority** will consider the **Plan** at a regular meeting on November 23, 2015. The Town of Lyons Planning and Community Development Commission will discuss the **Plan** on December 14, 2015 to determine if it is consistent with the **Town of Lyons Comprehensive Plan**, adopted 2010 (the "**Comprehensive Plan**"); and, the **Town Board** will consider the findings of blight, documented in the **Survey**, and adoption of the **Plan**, at a public hearing on December 21, 2015. As required by the **Act**, every reasonable attempt was made to notify all property owners and owners of a business interest in the **Area** of the public hearing. The hearing notice appeared in the **Lyons Recorder** on November 19, 2015, the community's designated legal newspaper of general circulation, describing its purpose, as well as the date, time and location of the hearing.

Figure No. 1: Lyons Area Urban Renewal Area



0 0.25 0.5 Miles

Lyons Municipal Boundary Plan Area Boundary

↑
Date: Monday, December 14, 2015

2.0 Definitions

Act – means the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended. Unless otherwise stated, all capitalized and bolded terms herein shall have the same meaning as set forth in the **Act**.

Area or Urban Renewal Area – means the boundaries of the Lyons Area Urban Renewal Plan as depicted in **Figure No. 1**.

Authority – means the Lyons Urban Renewal Authority (the **Authority** or **LURA**).

Base Amount – means that portion of *property taxes* which are produced by the levy at the rate fixed each year by or for taxing entities upon the valuation for assessment of taxable property in a **Tax Increment Area** last certified prior to the effective date of approval of the **Plan**; and, that portion of *municipal sales taxes* collected within the boundaries of the **Tax Increment Area** in the twelve-month period ending on the last day of the month prior to the effective date of approval of the Plan.

Boulder County Impact Report – means the Lyons Area Urban Renewal Plan - Boulder County Impact Report prepared by RickerCunningham, dated November 2015, and presented to the **Authority** Board under separate cover.

Comprehensive Plan – means the Town of Lyons Comprehensive Plan, adopted 2010.

Cooperation Agreement – means any agreement between the **Authority** and **Town**, or any public body (the term “public body” is used in this **Plan** as defined by the **Act**) with respect to action to be taken pursuant to any of the powers set forth in the **Act** or in any other provision of Colorado law, for the purpose of facilitating public undertakings deemed necessary or appropriate by the **Authority** under this **Plan**.

C.R.S. – means the Colorado Revised Statutes, as amended from time to time.

Plan or Urban Renewal Plan – means this Lyons Area Urban Renewal Plan (the **Plan**).

Planning and Community Development Commission - means the **Planning Commission** of the Town of Lyons.

Redevelopment / Development Agreement – means one or more agreements between the **Authority** and developer(s) and / or property owners or such other individuals or entities as may be determined by the **Authority** to be necessary or desirable to carry out the purposes of this **Plan**.

Study Area – means the geographic area defined for the **Survey**.

Survey – means the Lyons Area Conditions Survey, prepared by Ricker/Cunningham, dated November, 2015 and presented to the **Authority** Board under separate cover.

Tax Increment – means that portion of property and / or municipal sales taxes in excess of the **Base Amount** set forth in Section 7.3.2 of this **Plan** allocated to, and when collected, paid into the **Authority's Tax Increment Revenue Fund**.

Tax Increment Areas – means one or more areas designated as a **Tax Increment Area**, as defined and pursuant to the procedures set forth in Section 6.12 of this **Plan**.

Tax Increment Finance (or Financing) (TIF) - means a financing mechanism which uses future revenues resulting from private investment within an established **Tax Increment Area** to fund improvements for the public benefit.

Tax Increment Revenue Fund - means a fund supervised by the **Authority** and the resources of which include incremental ad valorem property and municipal sales tax revenue resulting from investment and reinvestment in an established urban renewal area.

Town Board – means the **Board of Trustees** of the Town of Lyons.

Urban Renewal Project (or Project) – means, for purposes of this **Plan**, any and all undertakings and activities within the Area necessary or desirable to remedy or prevent blight. This includes but is not limited to "Projects" and actions identified in the Lyons Recovery Action Plan that tie back to goals in the **Comprehensive Plan**, all of which will also be advanced by this **Plan** and follow the **Comprehensive Plan** excerpts in **Appendix A**.

3.0 Plan Purpose

The purpose of this **Plan** is to reduce, eliminate and prevent the spread of blight, to advance the vision and priorities of the **Comprehensive Plan**, and to further local objectives expressed in adopted community plans with boundaries that coincide with the boundaries of the **Area**. Specific goals which undertakings and activities within the **Area** will advance are referenced

(verbatim) in the discussion that follows and in **Appendix A**.

3.1 Plan Approach - Eliminating Conditions of Blight

The **Authority's** approach to eliminating conditions of blight in the **Area** will be to actively promote investment within its boundaries and, when necessary, make resources available to assist property and business interests with financing meritorious undertakings and activities that otherwise would have been infeasible due to the presence of these adverse conditions.

3.2 Plan Approach - Advancing Local Objectives

The **Authority's** approach to advancing local objectives will be to ensure the Plan's vision aligns with that of the community; and to further stated goals and objectives, both as expressed in the **Comprehensive Plan** and presented below.

3.2.1 Plan Vision *(taken verbatim)*

As per the Comprehensive Plan - it is intended to be a guide for accomplishing the community's aspirations of becoming an economically, socially and environmentally sustainable community that values and supports education, the arts, recreation and quality of life.

Based on an expressed focus on becoming a "greener," more sustainable community and in strengthening Lyons' economy -- the Town's Economic Development Council (EDC) expressed the following vision, "By the end of 2008, the Town of Lyons will have laid the foundation to become economically and environmentally sustainable through the approval of the steps proposed herein [in the EDC's Interim Report to the Board of Trustees] by the Board of Trustees and the implementation of those steps by year end 2010." To this end, one of the EDC's key recommendations was to expand the eastern end of the Town's commercial zone to help strengthen its financial position. With this in mind, the PCDC closely examined the properties in that area and outlined the importance of incorporating gateway areas in the Highway 36 corridor into the community plan.

Guiding Principles

Chart Our Future

Economic Sustainability

Quality of Life, Social Well-Being, Sustainability

Environmental Sustainability

3.2.2 Plan Goals and Objectives

While an overriding goal of the **Plan** is to facilitate investment in the **Area** sufficient to fund public improvements, particularly those that serve to mitigate conditions of blight, in order to effectively advance local objectives, development within its boundaries will need to reflect intentions expressed in the general plan for the community. The following offers a description of goals (*taken verbatim*) identified to advance the stated vision, with those that will be furthered through implementation of this **Plan** presented in **red**.

<u>Land Use and Growth:</u>	Ensure that the built environment contributes to Lyons’ identity and is consistent with the proposed 2010 Lyons Planning Area Map and the Sustainable Design and Development Principles.
<u>Economic Development:</u>	Create an environment in which local business can prosper. Leverage the Town’s history, natural setting, unique retailers and relationship with the music and arts community to attract tourists.
<u>Town Services:</u>	Provide adequate, safe and efficient public utilities and services in a manner that supports the community’s goals.
<u>Culture, History and Education:</u>	Support the advancement of education and culture in the community.
<u>Environment:</u>	Protect and promote Lyons’ unique natural environment and resources and lead the community towards environmental sustainability.
<u>Housing:</u>	Recognize and accommodate the housing needs of a diverse population.
<u>Parks, Trails and Recreation:</u>	Balance the quality of life benefits that parks, trails and open lands contribute to the community with fiscal responsibility.
<u>Transportation:</u>	Develop an integrated mobility system that is safe and easily accessible to all travelers.

3.3 Plan Implementation

As the **Plan's** administrator, the **Authority** will seek to advance this vision and these goals through completion of undertakings and activities which leverage private investment and reinvestment within its boundaries. Specifically, the **Authority** will work in cooperation with the **Town** to advance investment in the public realm (roadways, parks, open space and trails), encourage development consistent with or exceeding existing standards; and, judiciously use limited resources which benefit the community at-large.

All development in the **Area** shall conform to municipal codes and ordinances and any site-specific regulations or policies which might impact improvements within its boundaries, all as are in effect and as may be amended from time to time. Although the **Act** authorizes the **Authority** to *"regulate land uses, establish maximum or minimum densities, and institute other building requirements in an urban renewal area"*, within this **Plan Area**, the **Authority** anticipates that these will be the responsibility of the **Town**.

4.0 Blight Conditions

Before an urban renewal plan can be adopted by the **Town**, the proposed urban renewal area must be determined to be "blighted" as defined in Section 31-25-103(2) of the **Act**, which provides that *"in its present condition and use, the presence of at least four (or five in cases where the use of eminent domain is anticipated) of the following factors (see below) 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."* Statutory factors include:

- (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 nonmarketable;
- (h) The 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) The 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; or
- (l) If there is no objection by the 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 Section 31-25-103(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.

The general methodology for conducting the **Survey** is to: (i) define the **Study Area**; (ii) gather information about properties, infrastructure and other improvements within the same; (iii) evaluate evidence of blight through field reconnaissance, review of aerial photography, discussions with representatives of various **Town** departments; and, (iv) record observed and documented conditions listed as blight factors in the **Act**.

Among the 11 qualifying factors identified in the **Act**, the **Survey** showed the presence of all of the following 11 blight factors in the **Area** which is the subject of this **Plan**, and reflected herein as **Figure No. 1**:

- (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 nonmarketable;
- (h) The 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; and

- (k5) The 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.

5.0 Plan Relationship to Other Community Documents

5.1 Plan Conformity

As supported by specific references presented herein, implementation of this **Plan** will further the principles and objectives of the **Comprehensive Plan** (and any subsequent updates) with respect to promotion of commercial offerings within the community's downtown / main street area and transportation corridors, employment opportunities within its industrial areas, and the provision of resources to replace housing and attract interest in the delivery of a greater variety of residential product offerings. In addition, and as stated previously, development in the **Area** shall comply with all regulations, including the current municipal code and other rules, regulations, and policies promulgated pursuant thereto. Any planning documents that might impact development in the **Area** including, but not limited to, **Town**-approved water and wastewater, and roadway improvements; parks, recreation and open space plans; and, any applicable **Town** design standards that are in effect and may be amended from time to time. Finally, conditions of blight within the **Area** will be remedied by improvements, public and private, and funded in part by incremental revenues, to the extent deemed appropriate by the **Authority**, in consultation with the **Town** and affected property owners.

5.2 Consistency with the Comprehensive Plan

As explained earlier, a general plan for the **Town** known as the Town of Lyons Comprehensive Plan, was adopted in 2010. The **Authority**, with the cooperation of the **Town**, private enterprise and other public bodies will engage in undertakings and activities in order to eliminate the identified conditions of blight while also implementing the goals of the **Comprehensive Plan** and all other relevant **Town**-adopted plans for the **Area**. Key elements of the **Comprehensive Plan** which this **Plan** will advance are described in detail in **Appendix A**.

5.3 Correlation with Other Community Plans

Implementation of this **Plan** will be consistent with objectives expressed in all **Town**-adopted and accepted plans that speak specifically to improvements in the **Area**.

6.0 Authorized Authority Undertakings and Activities

Whereas the **Act** allows for a wide range of activities to be used in the furtherance of the goals of an urban renewal plan, it is the **Authority's** intent to provide financial assistance and deliver public improvements only as shown to be necessary, in partnership with property owners and other affected parties, in order to accomplish the objectives stated herein. Partnerships and other forms of cooperative agreements are an essential component of the **Authority's** strategy for preventing the spread of and eliminating existing blighting conditions. Representative undertakings of the **Authority** in the furtherance of this **Plan** are described as follows.

6.1 Complete Public Improvements and Facilities

The **Authority** may, or may cooperate with others to, finance, install, construct, and reconstruct any public improvements. Additionally, the **Authority** may, or may cooperate with others to, demolish and clear existing improvements for the purpose of promoting the objectives of the **Plan** and the **Act**.

Whereas public improvements or investment should, whenever possible, stimulate directly and indirectly desired private sector investment, it is the intent of this **Plan** that the combination of public and private investment that occurs in the **Area** will benefit properties within its boundaries, as well as the community at-large.

As described in Section 4.0 of this **Plan**, 11 qualifying conditions of blight are present within the **Area**, for which the following representative **Urban Renewal Projects** and undertakings (by factor) will remedy through completion of these improvements and actions:

- (a) **Slum, deteriorated, or deteriorating structures** -- repairs to commercial structures, facades, fencing and ancillary structures; and, demolition of the same;
- (b) **Predominance of defective or inadequate street layout** -- curb and gutter, and driveway enhancements; pedestrian, bicycle and trail connections; and safety improvements;
- (c) **Faulty lot layout in relation to size, adequacy, accessibility, or usefulness** -- vehicular access and other roadway improvements, pedestrian and safety improvements, acquisition and consolidation of parcels;
- (d) **Unsanitary or unsafe conditions** -- enhanced lighting within public rights-of-way, pedestrian improvements within public spaces; and, any required off-site improvements deemed reasonable and for the public benefit;
- (e) **Deterioration of site or other improvements** -- paving and parking improvements, and landscaping;

- (f) **Unusual topography or inadequate public improvements or utilities** -- grading to improve drainage and developable acres; completion of onsite roadways, utility lines, and infrastructure including water and wastewater, and increase infrastructure capacity; undergrounding of non-region-serving utility lines; as well as, other offsite improvements which impact development within the property;
- (g) **Defective or unusual conditions of title** rendering the title nonmarketable -- mitigation of impacts associated with the presence of underground wells, and infrastructure within existing pipeline and utility easements;
- (h) The existence of **conditions that endanger life or property by fire or other causes** -- vehicular and non-vehicular roadway improvements, flooding mitigation, funding for the cleanup of environmental contaminants;
- (i) **Buildings (and sites)** 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 -- see remedies under Factor a above;
- (j) **Environmental contamination of buildings or property** -- removal of environmental contaminants; and
- (k5) The 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 -- participation in eligible expenses (as per the Statute) that make development in the **Area** feasible.

6.2 Complete Other Improvements and Facilities

To the extent that non-public improvements in the **Area** may be required to accommodate development and redevelopment and still benefit the public, the **Authority** is hereby authorized to assist in the financing or construction of such improvements to the extent authorized by the **Act**.

6.3 Promote Development and Redevelopment

A key concept associated with implementation of the **Plan** is a commitment to prioritize public investments that serve to catalyze and make feasible private investment that generates resources to fund the same. The potential impact of this investment on Boulder County resources and services is quantified in the Lyons Area Urban Renewal Plan – Boulder County Impact Report which was submitted to the Board of County Commissioners of Boulder County as required by the **Act**. A copy of the **Plan** was provided to the St. Vrain Valley School District, and all documents required by the **Act** presented to the **Authority** Board under separate cover.

6.4 Adopt Standards

As stated earlier, all development shall conform to applicable rules, regulations, policies, other requirements, and standards of the **Town** and any other governmental entity with jurisdiction in the **Area**. While the **Act** allows for the adoption of standards and requirements applicable to projects undertaken in an urban renewal area, in the context of this **Plan**, it is the **Authority's** intention that investment in the **Area** conform to **Town**-approved documents.

6.5 Modify the Plan

The **Authority** may propose, and the **Town Board** may make, modifications to this **Plan** as may be necessary provided they are consistent with the **Comprehensive Plan** and any subsequent updates. Additionally, any such amendments made in accordance with this **Plan** and as otherwise contemplated, must also be compliant with the **Act**. Finally, the **Authority** may, in specific cases, allow non-substantive variations from the provisions of this **Plan** if it determines that a literal enforcement of the provision would constitute an unreasonable limitation beyond the intent and purpose stated herein.

6.6 Review the Plan

An ongoing process of review is recommended as a mechanism to allow those parties responsible for administering and implementing key projects within its boundaries to periodically evaluate its effectiveness and potentially make adjustments. Modifications may be developed from suggestions by the **Authority**, property and business owners, and **Town** staff operating in support of the **Authority** and advancement of this **Plan**.

6.7 Provide Relocation Assistance

In the event it is necessary to relocate or displace any businesses or other commercial establishments as a result of any property acquisition, the **Authority** shall adopt relocation policies consistent with the **Act**, for payment of relocation expenses. Such expenses may include moving expenses, actual direct losses of property for business concerns, and goodwill and lost profits that are reasonably related to relocation of the business, resulting from its displacement for which reimbursement or compensation is not otherwise made.

6.8 Demolish, Clear and Prepare Improvements

The **Authority** may, on a case-by-case basis, elect to demolish or cooperate with others to clear buildings, structures and other improvements within the **Area** in an effort to advance activities and undertakings deemed consistent with the vision stated herein. Additionally, existing **Development** or **Cooperation Agreements** may require such demolition or site clearance to: eliminate unhealthy, unsanitary, and unsafe conditions, obsolete uses deemed detrimental to the public welfare; and, otherwise remove and prevent the spread of deterioration.

6.9 Acquire and Dispose of Property

Acquisition of property by negotiation or any other method, including eminent domain, is authorized for use within the **Plan Area**. Properties acquired by entities other than the **Authority** may temporarily be operated, managed and maintained by the **Authority** if requested to do so by the acquiring entity and deemed in the best interest of the **Urban Renewal Project** and the **Plan**. Such property shall be under the management and control of the **Authority** and may be rented or leased pending its disposition for redevelopment.

The **Authority** may sell, lease, or otherwise transfer real property or any interest in real property subject to covenants, conditions and restrictions, including architectural and design controls, time restrictions on development, and building requirements in accordance with the **Act** and this **Plan**.

6.10 Enter Into Redevelopment / Development Agreements

The **Authority** may enter into one or more **Redevelopment / Development Agreements** or other contracts with developer(s) or property owners or such other individuals or entities determined to be necessary to carry out the purposes of the **Plan**. Further, such agreements, or other contracts, may contain terms and provisions deemed necessary or appropriate for the purpose of undertaking the activities contemplated by this **Plan** and the **Act**. Any existing agreements between the **Town** and private parties that are consistent with this **Plan** are intended to remain in full force and effect, unless all parties to such agreements agree otherwise.

6.11 Enter Into Cooperation Agreements

For the purpose of this **Plan**, the **Authority** may enter into one or more **Cooperation Agreements** with the Town or other public bodies pursuant to the **Act**. Whereas the **Town** and the **Authority** recognize the need to cooperate in the implementation of this **Plan**, these **Cooperation Agreements** may include without limitation the planning, financing, installation, construction and / or reconstruction of public or other eligible improvements. This paragraph shall not be construed to require any particular form of cooperation.

6.12 Creation of a Tax Increment Area

The boundaries of the **Urban Renewal Area** shall be as set forth in Section 1.4 and illustrated in **Figure No. 1**. It is the intent of the **Town Board** in approving this **Plan** to authorize the use of **Tax Increment Financing (TIF)** by the **Authority** as part of its efforts to advance the vision, objectives and activities described herein. Pursuant to the provisions of Section 31-25-107(9) of the **Act**, in approving this **Plan**, the **Town Board** hereby creates a single **Tax Increment Area** with the same boundary as the **Urban Renewal Area**. The **Authority** is specifically authorized to expend revenues generated by **Tax Increment** from property and sales tax, to the extent authorized by the **Act** and this **Plan**.

This **Plan** contemplates that the primary method of assisting with financing eligible expenses in the **Area** will be through the use of revenues from property **Tax Increment**. However, this **Plan** also contemplates, and upon the request of the **Authority** the **Town Board** may allocate, the use of revenues generated by **Tax Increment** from municipal sales tax. As such, pursuant to the provisions of Section 31-25-107(9) of the **Act**, in approving this **Plan**, the **Town Board** specifically authorizes the use of municipal sales **Tax Increment**. The use of municipal sales **Tax Increment** may only occur after the **Town Board's** receipt of a financing plan outlining the proposed amounts and purpose for which the municipal sales **Tax Increment** is to be used and after the **Town Board** approves a **Cooperation Agreement** between the **Authority** and the **Town** setting forth the allocation of the municipal sales **Tax Incremental** between the **Town** and the proposed redevelopment. Any pledge of municipal sales **Tax Increment** by the **Authority** in a **Development** or **Redevelopment Agreement** shall not be authorized until the **Cooperation Agreement** between the **Authority** and the **Town** identified above is approved by the **Town Board**. The approval of such **Cooperation Agreement** by the **Town** and the **Authority** is hereby found by the **Town** not to be a substantial modification of this **Plan**, an addition of a new **Urban Renewal Project**, an alteration of the boundaries of the **Plan Area**, a change in the mill levy or sales tax component of the **Plan** (up to 100% of the municipal sales **Tax Increment** being hereby authorized by the

Plan), nor an extension of the **Plan** or the duration of a specific **Urban Renewal Project**, regardless of when such **Cooperation Agreement** may be approved.

7.0 Project Financing

7.1 Public Investment Objective

A critical component to the success of any urban renewal strategy is participation by both the public and private sectors. Leveraging of resources is critical as no one entity, either public or private, has sufficient resources alone to sustain a long-term improvement effort. Possible public investments for which the **Authority**, with the support of the **Town**, may participate in include (but are not limited to): pedestrian improvements including construction of sidewalks, street lights, trail connections and other enhancements intended to improve safety for vehicular and non-vehicular movement; roadway improvements including curbs, gutters, street and traffic lights; environmental remediation; and, infrastructure for drainage, utilities, flood mitigation and others. The **Authority** may also provide financial assistance for select private expenditures considered eligible under the **Act**.

7.2 Financing Mechanisms

The **Authority** may finance undertakings pursuant to this **Plan** by any method authorized under the **Act** or any other applicable law, including without limitation of the following: issuance of notes, bonds and other obligations as defined in the **Act** in an amount sufficient to finance all or part of this **Plan**; borrowing of funds and creation of indebtedness; reimbursement agreements; and / or, utilization of federal or state loans or grants, interest income, annual appropriation agreements, agreements with public or private entities, loans, advances, and grants from any available source. The principal, interest, costs and fees on any indebtedness are to be paid for with any lawfully available funds of the **Authority**.

Debt incurred by the **Authority** may include bonds, refunding bonds, temporary bonds, notes, interim certificates or receipts, certificates of indebtedness, or any other obligation lawfully created.

7.3 Tax Increment Financing

Activities may be financed by the **Authority** under the **TIF** provisions of the **Act**. Such incremental revenues may be collected by the Authority for a period not to exceed the

statutory requirement, which is presently twenty-five (25) years, commencing after the effective date this **Plan** is adopted.

7.3.1 Special Fund

In accordance with the requirements of the law, the **Authority** shall establish a **Tax Increment Revenue Fund** for the deposit of all funds generated pursuant to the division of incremental ad valorem property and municipal sales tax revenue described in this section.

7.3.2 Base Amount

The **Base Amount** includes that portion of property taxes which are produced by the levy at the rate fixed each year by or for each public body upon the valuation for assessment of taxable property in the **Tax Increment Area** last certified prior to the effective date of approval of the **Plan** (or future modifications); and, that portion of municipal sales taxes collected within the boundaries of the **Tax Increment Area** in the twelve-month period ending on the last day of the month prior to the effective date of approval of the **Plan** and paid to the public body, as are all other taxes collected by or for said public body.

7.3.3 Incremental Revenues

Incremental revenues, including that portion of said property, and if authorized by the **Town Board** municipal sales taxes, in excess of the **Base Amount** set forth in Section 7.3.2 above, shall be allocated to, and when collected, paid into the **Authority's Tax Increment Revenue Fund**. The **Authority** may use these funds to pay the principal of, interest on, and any other premiums due in connection with the bonds, loans or advances to, or indebtedness incurred (whether funded, refunded, assumed, or otherwise) by the **Authority**, for financing or refinancing, in whole or in part, any portion of an **Urban Renewal Project** considered eligible under the **Act**. Unless and until the total valuation for assessment of the taxable property in any **Tax Increment Area** exceeds the base valuation, all of the taxes levied upon taxable property in the **Tax Increment Area** shall be paid into the funds of the respective public bodies. Also, when such bonds, loans, advances and indebtedness, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the same taxable property shall be paid to the respective public bodies.

Further, the incremental portion of said taxes, as described in this subsection 7.3.3, may be irrevocably pledged by the **Authority** for the payment of, principal and interest on, and any premiums due in connection with such bonds, loans, advances and / or indebtedness incurred by the **Authority** to finance an **Urban Renewal Project** (as defined in the **Act**); except:

- (a) Any offsets collected by the County Treasurer for return of overpayments or any funds reserved by the **Authority** for such purposes in accordance with Section 31-25-107(9)(a)(III) and (b), **C.R.S.**
- (b) Any reasonable (as determined by the **Authority**) set-asides or reserves of **Tax Increment** paid to the **Authority** for payment of expenses associated with administering the **Plan**.

If there is any conflict between the **Act** and this **Plan**, the provisions of the **Act** shall prevail, and the language in the **Plan** is automatically deemed to conform to the statute.

7.4 Other Financing Mechanisms / Structures

The **Plan** is designed to provide for the use of **TIF** as one tool to facilitate investment and reinvestment within the **Area**. However, in addition to **TIF**, the **Authority** shall be authorized to finance implementation of the **Plan** by any method allowed by the **Act**. Whereas, the **Authority** is committed to making a variety of strategies and mechanisms available which are financial, physical, market and organizational in nature; it is the intent of this **Plan** to use these tools either independently or in various combinations.

The **Authority** and **Town Board** also recognize that Colorado law allows for the creation of additional political subdivisions within a municipality to fund improvements and provide other services within a defined geography. These entities include metropolitan, general improvement, and other special districts including business improvement districts. These have available to them certain taxing powers that can generate additional revenues to assist with redevelopment efforts. However, as such, they will require the support of property owners within their boundaries and in select instances, community at-large, prior to their collection.

Given the obstacles associated with infill development and redevelopment, the **Authority** believes that it is imperative that solutions be put in place which are comprehensive, flexible and creative; and, that the **Authority** may contract with the **Town** to administer these various resources.

8.0 Severability

If any portion of this **Plan** is held to be invalid or unenforceable, such invalidity will not affect the remaining portions of the **Plan**.

Lyons Area Urban Renewal Plan

Town of Lyons , Colorado

Appendix A:

Town of Lyons Comprehensive Plan, adopted 2010 and Lyons Recovery Action Plan, adopted March 2014 (*excerpts taken verbatim*)

Lyons Comprehensive Plan, adopted March / April 2010

(Excerpts Taken Verbatim – Elements described below will be advanced by the Plan)

Guiding Principles

Chart Our Future

- Balance the demands of trying to achieve environmental and economic sustainability with community character and historical preservation and the rights of property owners.
- Clearly articulate the Town's interests in expanding the Lyons' Planning Area (LPA) by proactively engaging with private and government stakeholders to make collaborative land use decisions.
- Improve and maintain our relationships with neighboring municipal and county governments.

Economic Sustainability

- Provide enough revenue for the Town to provide the quality of services desired by residents and businesses.
- Promote a business-friendly environment that encourages commercial and job growth.
- Transition from a residential development-based economy to a commercial-based, localized economy.
- Reduce retail leakage and attract Front Range day-trip tourists to support the local economy.
- Provide cost-efficient management of tax dollars and Town-owned assets.

Quality of Life, Social Well-Being, Sustainability

- Support the public and private provision of cultural, educational, social and healthcare services.
- Provide for transparency and clarity in Town decision-making and management of Town assets.
- Sustain Lyons' key characteristics, as defined by residents' vision and desires.

Environmental Sustainability

- Consider the net environmental costs and benefits of Lyons' government activities and decisions.
- Facilitate residents' and businesses' efforts to provide a net environmental benefit from their activities and operations through incentives, recognition and education.
- Follow the general principles in the Boulder County Sustainable Communities Initiative and the Boulder County Sustainable Energy Plan.

Our Goals

Land Use and Growth:

Ensure that the built environment contributes to Lyons' identity and is consistent with the proposed 2010 Lyons Planning Area Map and the Sustainable Design and Development Principles.

Economic Development:

Create an environment in which local business can prosper. Leverage the Town's history, natural setting, unique retailers

and relationship with the music and arts community to attract tourists.

Town Services:

Provide adequate, safe and efficient public utilities and services in a manner that supports the community's goals.

Culture, History and Education:

Support the advancement of education and culture in the community.

Environment:

Protect and promote Lyons' unique natural environment and resources and lead the community towards environmental sustainability.

Housing:

Recognize and accommodate the housing needs of a diverse population.

Parks, Open Space, Trails and Recreation: Balance the quality of life benefits that parks, trails and open lands contribute to the community with fiscal responsibility.

Transportation:

Develop an integrated mobility system that is safe and easily accessible to all travelers.

Land Use and Growth

Objective 1.3: Use land use planning tools (e.g., comprehensive plan, land use regulations) to help achieve a sustainable economy primarily through business and job growth.

LUG Strategy 1.3.1: Define the means and the extent to which developers could create jobs and/or businesses along with residential development.

LUG Strategy 1.3.2: Review and update annexation, zoning and subdivision regulations and fees to streamline the process and facilitate high quality residential and business development and support infill and redevelopment strategies that are consistent with the goals of this plan.

LUG Strategy 1.3.3: Create a fact sheet that outlines the land use application process and includes review criteria to clarify the development process.

Economic Development

Objective 1.1: Create space for local businesses.

ED Strategy 1.1.2: Inventory and analyze Town-owned real estate and real property to ensure the highest and best use.

ED Strategy 1.1.3: Analyze the current and future downtown area parking requirements and develop options to meet downtown businesses' future parking needs.

ED Strategy 1.1.4: Work with stakeholders to promote appropriate zoning of properties consistent with the 2010 Lyons Planning Area Map.

Objective 1.2: Improve Lyons' fiscal, regulatory and physical environment.

ED Strategy 1.2.1: Evaluate the potential to use taxing districts and other tools to finance public improvements to benefit tourism and/or business development.

ED Strategy 1.2.2: Explore the feasibility of using a Transferable Development Rights (TDR) program to ensure that there is a good balance among residential development, commercial uses and the development of jobs.

ED Strategy 1.2.3: Maintain infrastructure to support existing businesses and develop infrastructure plans for new business growth.

Objective 1.3: Promote business retention and the creation of new businesses in Lyons.

ED Strategy 1.3.1: Support efforts to encourage entrepreneurship and to nurture businesses throughout the Lyons Planning Area.

ED Strategy 1.3.2: Identify key businesses and employers in collaboration with the Lyons Area Chamber of Commerce that would fit well in Lyons, and create a recruiting plan to market the community to them.

ED Strategy 1.3.3: Work with local business groups and schools to encourage entrepreneurship.

ED Strategy 1.3.4: Update the Land Use Code to ensure that: the Eastern Highway 36 Corridor is geared toward encouraging uses that will reduce retail sales leakage from Lyons; the permitting process is predictable and transparent; and that new development will be well-designed and have appropriate landscaping and buffering from nearby land uses that are less intense.

ED Strategy 1.3.5: Complete a business inventory and sales tax leakage study to identify opportunities for improving the business mix.

ED Strategy 1.3.6: Continue to implement the recommendations set forth in the Community Revitalization Partnership's (a.k.a. Downtown Colorado) July 28-29th, 2008 Report.

ED Strategy 1.3.7: Work with local business groups and the Lyons Area Chamber of Commerce to understand the root causes of business failures.

Economic Development Objective 1.4: Enhance the community's appearance.

ED Strategy 1.4.1: Enhance Lyons' curb appeal by encouraging new buildings downtown to incorporate native Lyons building materials and architectural elements that fit with historic buildings downtown.

ED Strategy 1.4.2: Clean up and enforce nuisance and beautification codes on Town controlled and commercial properties.

Economic Development Objective 2.1: Increase Lyons' brand awareness and recognition.

ED Strategy 2.1.2: Create a wayfinding, roadway and parking system that can capitalize and leverage destinations such as the North and South St. Vrain Rivers which are not readily apparent from downtown.

ED Strategy 2.1.3: Work with the Lyons Historical Society to develop and promote cultural heritage tourism related to Lyons' historic buildings and sites.

Economic Development Objective 2.2: Make Lyons a retail and recreational destination for residents and visitors.

ED Strategy 2.2.1: Focus on encouraging the development of lodging facilities.

ED Strategy 2.2.2: Conduct a study to determine the best method(s) to prevent leakage in the local economy.

ED Strategy 2.2.4: Form a St. Vrain River Task Force to devise a master plan for the river corridor. The plan should balance how to:

- Make the river more visible and connected to key local and regional destinations and leverage development opportunities along the river;
- Improve recreational opportunities;
- Maintain the health of the riparian corridor and enhance wildlife habitat; and
- Achieve sustainability goals.

ED Strategy 2.2.5: Evaluate the benefits of and options for privatizing the planning, integration and execution of events in the Town and surrounding area to reduce the workload on Town staff.

Town Services

Town Services Objective 1.1: Ensure that the Town has a long-term plan for providing water, wastewater and electrical services to residents and businesses in Lyons' planning area.

TS Strategy 1.1.2: Develop capital improvement plans for all Town utilities. The plans should:

- 1) Define acceptable levels of service including baseline and regionally comparative rate analyses,
- 2) Describe capital improvement requirements,
- 3) Describe operations and maintenance requirements and
- 4) Address emergency planning needs.

Utilize these plans as the basis for annual budgeting, for risk and investment analysis and to seek funding from outside sources (e.g. grants).

TS Strategy 1.1.5: Explore alternate uses and the possible sale of the abandoned water treatment plant on Apple Valley Road.

Town Services Objective 1.2: Keep Lyons safe and secure.

TS Strategy 1.2.3: Identify key areas of safety concern including crosswalk (or lack thereof) concerns, cycling routes on roads, school routes, sidewalk maintenance, etc.

Culture, History and Education

Culture, History and Education Objective 1.3: Support efforts to preserve and enhance historic buildings and to educate people about Lyons' history and culture through programming, events and artistic expression.

CHE Strategy 1.3.2: Partner with the Historic Designation Commission and Lyons Historical Society to pursue funding opportunities from the National Trust for Historic Preservation and the Colorado State Office of Archaeology and Historic Preservation to enhance Lyons' historic structures.

Environment

Environment Objective 1.1: Lead local environmental efforts by developing a balanced, cost-effective sustainability plan.

E Strategy 1.1.1: Develop annually, in collaboration with the Sustainable Futures Commission, a strategic plan and list of priorities to address Town of Lyons and Lyons Planning Area sustainability issues in, as a minimum, the following areas:

- Energy and Climate Change (with specific focus on Boulder County Sustainable Energy Plan elements)
- Transportation
- Green Building Concepts (appropriate to Town of Lyons)
- Waste Minimization and Composting
- Air, Water, Light and Noise Pollution Prevention
- Sustainability and Permaculture Education
- Economic Localization
- Local Food Production and Distribution
- Invasive Species Control and Habitat Protection
- Water Conservation, Water Quality and Watershed Management
- An analysis of the options and costs of recommendations to achieve environmental sustainability (consider the *Guiding Principles* in this Comprehensive Plan)
- Redevelopment of underutilized commercial and industrial sites

Housing

Housing Objective 1.1: Promote safe, stable, diverse neighborhoods throughout Lyons that provide a range of housing options and link residents to destinations to learn, work, shop and recreate.

Housing Strategy 1.1.2: Encourage denser housing (more homes per acre) near the center of Town to promote walking, help strengthen downtown and provide more housing options.

Housing Objective 1.2: Increase opportunities for affordable housing.

Housing Objective 1.3: Support the improvement of existing neighborhoods.

Transportation

Transportation Objective 1.1: Continue to update and maintain Lyons' street and sidewalk system.

Transportation Strategy 1.1.2: Analyze traffic flow, traffic patterns and parking to provide recommendations to support economic development throughout the Town and the planning area

Sustainable Design & Development Principles

The Town strongly encourages all new development or redevelopment to follow these principles to the extent practicable.

Build for Everyone

- Create a flexible design that allows for updates and changes over time to ensure long-term viability and to promote individuality.
- Every neighborhood should have a variety of housing types and a mix of land uses. The goal is to design a strong neighborhood structure that can accommodate a range of uses and be flexible

enough to adapt to change over time. For example, the size, type of unit and cost of residences should be diverse enough to allow residents to live in the area as their needs change.

Fit within and Enhance the Environment

- Minimize the development's footprint. Preserve existing drainage patterns, minimize grading and impervious areas (building envelope, size of parking lots, roads, etc.).

Create Inviting Public Space

- Design projects to connect people to nature. Integrate natural features and amenities into the development and ensure that users have access to these amenities.
- Establish welcoming public spaces and destinations that encourage social interaction, appeal to people of all ages, interests and backgrounds and promote environmental sustainability.
- Public spaces such as parks, civic buildings and gateway landscapes should be highly visible from the public realm.

Smart Street Design

- Every new street should be designed considering: the experience of the people who will use the streets, landscape features, vegetation, topography and adjacent land uses.

Encourage Walking and Biking

- Provide a safe, convenient, well-defined bicycle network for both experienced and novice cyclists.

Build to Create Enduring Value and Beauty

- Foster distinctive architecture and a strong sense of place.
- Preserve and restore significant historic structures and features when feasible.

Conserve Natural Resources

- Encourage the reuse of existing buildings, mechanic systems, plumbing fixtures, etc. to extend the lifecycle of the building, showcase Lyons' historic character and to reduce energy use in the transport and construction of a new structure.

Lyons Recovery Action Plan, adopted March 2014

(Excerpts Taken Verbatim – Elements described below will be advanced by the Plan)

Arts, Culture and Historic Preservation

ACH 1.1.1: Create a live-work development that can provide affordable housing for artists, as well as a space to incubate their trade and business.

Economic and Business

BIZ 1.1.1: Obtain funds to help regenerate the economy of the Town of Lyons and its immediate surroundings by helping businesses recover from significant losses.

BIZ 1.2.1: Enhance Lyons' curb appeal by encouraging new buildings downtown to incorporate native Lyons building materials and architectural elements that fit with historic buildings downtown.

BIZ 1.3.1: Explore ways to communicate that Lyons is a business-friendly community and open for business.

BIZ 2.2.1: Work with the Lyons Historical Society to develop and promote cultural heritage tourism related to Lyons' historic buildings and sites.

Housing

HOU 1.3.1: Encourage the development/construction of housing that is affordable by: a) virtue of the lot size, regulatory incentives, construction methodology and material usage, density; b) the use of financial subsidies and volunteer contributions.

HOU 1.3.2: Encourage the development/ construction of manufactured housing (including prefabricated, modular, and mobile homes).

HOU 1.3.3: Encourage the construction of alternative and sustainable housing developments with different ownership models.

Infrastructure

INF 2.2.1: Develop and implement a capital improvement and maintenance plan for Lyons' transportation system that considers emergency and normal operating conditions, future land use, collector connections, street master plans, street connections and multi-modal transportation.

Parks & Recreation

P&R 2.1.2: Repair former trails and assets (bridges, drainage structures, etc. including a priority on trail / bridge access from Bohn Park to downtown across the river).

P&R 2.1.3: Implement regional trail connections through partnerships.

Public Facilities

PUB 1.4.1: Evaluate the options for a centrally located town municipal facility and either rehabilitate, remodel and flood proof the existing facility, or construct a new facility as either a standalone facility or as part of a new multi-use community building.

PUB 1.4.2: Inventory and analyze Town-owned real estate and real property to ensure the highest and best use. Develop a strategic plan for the use of underutilized Town-owned properties.

Stream

STR 1.1.1: Re-vegetate the North, South, and combined St. Vrain Creek Corridor in Lyons.

STR 1.1.2: Improve Riparian Habitat and Bank Stabilization from the Confluence to McConnell Bridge.

STR 1.1.3: Restore and improve North, South and combined St. Vrain corridor in Lyons.

STR 2.1.2: Mitigate Highway 36 CDOT bridges near the Planet Bluegrass property.

STR 2.1.3: Mitigate channelization of the North St. Vrain from 5th Avenue to the confluence area.

Lyons Area Urban Renewal Plan

City of Lyons , Colorado

Appendix B:

Lyons Area Urban Renewal Area Legal Description