

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

TO: Members of Board of Trustees
FROM: Matthew Manley, AICP
DATE: April 25, 2017

ITEM: **Resolution 2017-55 - A RESOLUTION APPROVING A NEIGHBORHOOD LOT LICENSURE HANDBOOK RELATING TO LICENSE AGREEMENTS FOR PROPERTIES ACQUIRED BY THE TOWN THROUGH FEDERAL BUYOUT PROGRAMS**

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

The *DR.BOP Neighborhood Licensure Handbook* is the first of two deliverables from Design Concepts for the *Use & Management Plan for Newly Acquired Properties*. The shorter timeline for the adoption of this portion of the plan was intentional so that these neighboring property owners could begin to utilize and improve these spaces this growing season. The final plan is to be completed by the end of June – which would be too late in the season for gardening and other plantings that could improve the productivity and aesthetics of these vacant parcels/portion of parcels that have sat dormant since the spring of 2016 when the properties were purchased and the structures were removed.

The *DR.BOP Neighborhood Licensure Handbook* is intended to guide the process through which neighboring property owners will have opportunities to enter into a revocable license agreement for the restricted use of some buy-out properties as identified through the planning process. These buy-out properties are primarily those that are tucked in between existing residences and/or other spaces within the newly acquired properties where a public use would be inappropriate. Opening these spaces up for limited private use is a sign of good faith between the Town and the community. The idea is that neighboring property owners will have an interest in maintaining and having some limited control over these areas that are otherwise Town-owned and deed-restricted as open/passive recreation space. The possibility of other community-based entities taking on the management of these spaces (Adopt-a-BOP) has also been introduced as a potential option.

As the planning process unfolded, it became apparent that this idea of licensing the use of these smaller parcels was not completely necessary as a strategy for the long-term care and maintenance of the properties. Initially, the strategy was seen as a necessary step that would help the Town to offset the expenses and resources that would be needed to maintain these newly acquired properties. However, as the dialogue evolved, it became apparent that a through “baseline treatment” of the parcels would be a sufficient strategy. The baseline treatment includes: clearing & regarding the sites, soil testing, amending the soil, reestablishing the sites with native grasses, shrubs and trees. This treatment would be a low maintenance, cost effective and ecologically sensitive strategy that would help to reestablish the riparian corridor, and improve water quality while helping to mitigate noxious weeds and stormwater runoff.

It is recommended by staff that the application of this baseline treatment be the goal for all areas of the buy-out properties that remain under the management of the Town. But despite having identified this baseline treatment as an optimal strategy for the buy-out properties, Town staff still felt as though there was an important opportunity to provide neighboring property owners with an option to utilize and improve the productivity of these adjacent spaces for uses such as: gardening, landscaping, beautification, play space, etc. Any portions of a buy-out property that are not licensed will eventually receive the baseline treatment.

A grant application that would fund the baseline treatment and some initial elements for the larger buy-out properties was submitted in March 2017. These funds would be used towards:

- General Site Work on the Buy-Out Properties: grading, clearing/grubbing, top soil amendment, drought-resistant/weed-resistant native grass seed mix, rainwater re-infiltration basins, and irrigation equipment.
- Connectivity: primary and secondary off-street trails, on-street markings, wayfinding signage.
- Recreation Features, Site Furnishings, & Landscaping: children's natural play areas, water access points, gathering spaces, interpretive signage, benches, bike racks, additional re-vegetation and landscaping features

Formalizing the use restrictions for these smaller lots and buffer areas will help the Town and the community to clearly understand what is allowed and what is not allowed and what each party's responsibilities are. While most of the restrictions in the Neighborhood Licensure Handbook are related to the FEMA & HUD deed-restrictions, Town Code, and Floodway/Floodplain regulations, the Handbook does include additional use restrictions that are based on the public feedback which was received during the planning process and administrative input from Town Staff. It should be understood that the Board of Trustees will be establishing Town policy with the approval of this Neighborhood Licensure Handbook.

Applicants approved to license and use a buy-out lot must enter into a license agreement with the Town of Lyons. This is a legal contract that defines the terms of neighborhood lot licensure and gives the licensee the right to use a licensed lot in a manner approved by Town staff. The Revocable License Agreement will serve as the binding agreement between the Town and the applicant. License agreements will be customized for each license applicant to reflect approved site uses on a case by case basis.

A Sample License Agreement & Summary has been included as an addendum to the Neighborhood Licensure Handbook. This Addendum summarizes the Sample License Agreement required for use of a license lot. The Sample Agreement and Summary serve to provide the public with an understanding of what the legal arrangement will entail. Some of the important aspects of this agreement include a list of allowed uses and prohibited uses, details on responsibilities, articulation of how and when a license can be revoked, insurance requirements, and statements related to liability.

Attachments:

1. Map – Lots that could be licensed
2. Resolution 2017-55
3. DR.BOP Neighborhood Licensure Handbook
4. Sample & Summary of Revocable License Agreement

ATTACHMENT 1



ATTACHMENT 2
RESOLUTION 2017-55

ATTACHMENT 3
DR.BOP NEIGHBORHOOD LICENSURE HANDBOOK

ATTACHMENT 4
SAMPLE REVOCABLE LICENSE AGREEMENT & SUMMARY