



The State Board of the Great Outdoors Colorado Trust Fund

**Board Meeting/Conference Call
February 25th Denver, Colorado**

Board Members Jacy Rock

Board Members Jason Brinkley, Tom Burke, Heather Carroll, John Howard, Peggy Montano, Dave
Via Phone: Palenchar, Chana Reed, Alan Schwartz, Jim Smith, Matt Sugar, Tom Swanson

Board Members Bill Kane, Mike King, Jody Rogers, Jim Spaanstra, Linda Strand
Not Present:

GOCO Staff Present: Lise Aangeenbrug, Todd Cohen, Julie Coutant, Jacqueline Grantz, Jake Houston,
 Josh Tenneson

Public Present: Dave Cosgrove (Town of Lyons), Victoria Simonson (Town of Lyons), Cody
 Humphrey (Town of Lyons)

Board Chair Heather Carroll called the meeting to order at 8:30 a.m.

I. Bohn Park

Mr. Houston presented the situation at Bohn Park in Lyons, Colorado. The Town of Lyons is examining a piece of park land that was acquired with GOCO funds in 1996; the 28.5 acre parcel was purchased for the development of Bohn Park. The Town of Lyons has gone through a formal examination process with Trestle Strategy Group to determine the most feasible location to replace affordable housing that was lost in the flood of September 2013. Twenty three locations were examined and the most feasible option is a 5-7 acre parcel within the 28.5 acres that GOCO helped acquire in 1996. Section 30 of that grant agreement provides a remedy for modification of land use. This option also includes GOCO's change of use policy. The policy lays out 5 stipulations for qualification; 1. The entity must own the property for 25 years. 2. Change of use must be for public purpose. 3. A compelling public need for the change of use. 4. No reasonable alternatives exist. 5. If the proposed change of use is outside of GOCO's mission, the property proposed for substitution shall have a fair market value of at least two times that of the original property. The Town is asking the GOCO Board to make an exception on the first requirement as they have only owned the parcel for 19 years. The GOCO change of use policy does identify affordable housing as an eligible public use. 90% of the Towns affordable housing was lost in the 2013 flood which speaks to the compelling need for replacement housing. The 2 to 1 fair market value replacement is used to discourage municipalities from frequently pursuing change of use and to maintain the integrity of the park land. Staff strongly discourages any change of use that results in loss of park land but recognize the unique circumstances driving this process. Staff recommendation is to place a conditional approval,

recommending the town satisfy the GOCO policy for replacement of 2 to 1 fair market value of park lands, requiring a fair market value assessment of the 5-7 acres in Bohn Park to determine the value. The replacement properties need to be identified and acquired within 18 months. The final condition of staff's recommendation is that the Town take the change of use to a public vote. Pending a favorable outcome of the public vote on March 24th the process may move forward. The Board has the option to vote on this today or to postpone a decision on the issue pending the public vote on March 24th. The town of Lyons needs to submit federal grant funding applications on March 2nd which makes the latter option not ideal.

Ms. Montano requested a summary of the citizen concerns that are against the project.

Ms. Simonsen answered that a group of citizens in town have formed a coalition called Save our Parks and Open Space. They have been vocal about not giving up the property for recovery housing; they are concerned it will start a precedent. Another concern is that the 'no net loss of park space' will not be realistic until the hazard mitigation buyout program is complete. Boulder County has pledged to assist Lyons in replacing the park land in the unlikely event that it doesn't go through. The citizens feel the parks take priority over people returning.

Ms. Aangeenbrug asked about the timing of the Federal Funding Request and the possibility to not submit the applications until after the vote.

Ms. Simonsen answered no. we were hopeful that funding for buyouts would have happened by now but they just haven't which is beyond our control.

Ms. Aangeenbrug asked what will happen to the applications if the town votes no.

Mr. Humphrey answered that they would go away. The DR funds are earmarked up to \$4million for this project, opening up about another \$14million of tax credits.

Ms. Simonsen noted that Trestle Strategy Group has been performing walk abouts and also set up a storefront in town for citizens to come in and get questions answered. If funding doesn't go through this round there will not be another opportunity. Without this project all housing will be market rate which is currently at an average median of \$485,000.

Ms. Carroll asked the specifics of the public process.

Ms. Simonsen answered that the Town went out for RFP and hired Trestle Strategy Group to conduct community engagement around the siting for housing projects. They were hired to look at 3 sites and ended up looking at 23 sites trying to find anything other than park space for this project. The group held public meetings, open houses, design meetings for input and they have met separately with the Save our Parks and Open Space group a couple of times.

Mr. Cosgrove mentioned that after the first public meeting it was clear that the citizens wanted more engagement and so we attended their community meetings as well.

Ms. Simonsen mentioned the group in town called Lyons Stronger, a group of citizens that advocate for the displaced residents. Over \$150,000 has been spent only on public engagement since October 2014. This is the first issue since the disaster that has divided the community. The plan is to offset the housing project with 15 adjacent acres of land on the river front. Apple Valley has 24 additional acre parcels available.

Ms. Aangeenbrug asked for a description of the buyout situation.

Ms. Simonsen explained that 3 different grants are being worked on for the buyout. Hazard Mitigation Grant program, HMGP404, which includes 28 properties and it was submitted to the state on August 29th. The state submitted the grant application on February 11th; we have 45 days for FEMA to review. The land is currently single family residences that are in the flood plain the intent is to purchase properties and remove them from the flood plain. CDBG, Community Development Block Grant has been submitted for round 1 and \$1million was identified for Lyons which purchased 4 lots. The next round of CDBG funding is for 11 more properties. The intent for both programs is that the structures are removed; land is remediated and returned to nature. After 5 years you can add passive recreation amenities on the properties. Round 1 is locked in, round 2 is scheduled for May or June and the 28 parcels are at the Federal level undergoing review. The Town is confident all 2 grants will come to fruition it's just a matter of how quickly.

Ms. Rock asked if the 28 properties were contingent on the owners selling.

Ms. Simonsen added that all programs are voluntary and all 28 owners are part of the grant submission.

Mr. Howard asked if any citizens were in support of the project, and if the proposed housing gives any priority to displaced residents. Are the other properties not options or just not as good of options as Bohn Park and will the affordable housing be in the flood plain. It makes more sense for GOCO to vote after the public vote.

Ms. Simonsen explained that the Lyons Board of Trustees passed a preference policy that states people within Lyons area code will have first preference to the new housing for the first 3 years. The Lyons emergency fund has hired an advocate to work with displaced residents on their desire to come back. The preference policy has been written as broadly as possible to include the Fair Housing Act.

Mr. Humphreys noted that all units will be for rent not to own and the highest preference will go to those displaced by the flood. The funding options don't allow for these units to be purchased.

Ms. Simonsen added that Bohn Park was only chosen after an extensive site selection analysis. The Williams Property was a hopeful option but in order to annex a parcel more than 5 acres in Lyons requires a public vote and the timeframe did not allow for that. The amount that came through on the appraisal of the Williams property was not sufficient for the owner. The walkability of the property were also concerning. Bohn Park is the only option. GOCO's policies are written strongly enough that this will not become precedence. The flood plain in Lyons has changed dramatically since September 2013. The Bohn Park parcel is buildable, out of the 100 year flood plain. Postponing you decision until after the public vote is very understandable.

Ms. Aangeenbrug asked that if the Board says they will not vote today will the federal applications be impacted.

Mr. Humphreys answered that the applications are strong enough that placing an asterisk with 'contingent upon approval' shouldn't be a large issue because they are aware this has to be put through a vote.

Ms. Aangeenbrug stated that if a final decision wasn't needed today the next board meeting is April 16th.

Ms. Simonsen explained that waiting on a vote from the GOCO board will hurt the local vote. If GOCO does not support the project, the Lyons public vote will likely not go through.

Mr. Brinkley asked if there was a feeling on way or another to how the Town will vote.

Ms. Simonsen answered that it depends on what you feel is a good indicator. The Lyons Stronger group has only just started canvassing and the Save Our Parks and Open Space has been out for much longer. People visit the Trestle Group wanted more information rather than stating for or against. What people do think is unfair is that the people who are displaced, 57 mobile home owners and 44 in the buyout program, will not be able to vote in this election because they now live outside of the town.

Mr. Humphreys noted that Lyons is holding off their Parks Master Plan until after this vote so they know which parks can be included in the plan.

Mr. Houston presented the staff recommendation. Staff recommends a conditional approval of the change of use; 1. The town satisfies the GOCO policy for a 2 to 1 replacement of park lands based on current appraised values. 2. The replacement properties be identified and acquired within 18 months of this board meeting. 3. The change of use is contingent upon a favorable outcome of the March 24th Town Vote. If the Town does not meet all 3 requirements it will be required to repay the grant amount that was originally awarded plus interest. The repayment amount would be based on the grant amount and accumulated interest of 6%. With 20 years of ownership the repayment amount would be roughly \$80,000.

Ms. Carroll mentioned the Board vote should wait for the vote of the people.

Ms. Simonsen said the public will not be comfortable voting in favor if they think GOCO isn't okay with the project. The conditional vote is idea, over not voting.

Mr. Schwartz agreed the Board should let the Town know we will support the outcome of their vote.

Ms. Aangeenbrug suggested changing the staff recommendation to include, respecting the will of the people and support their March 24th vote.

Mr. Cohen offered issuing a statement instead of taking a vote.

The Board unanimously agreed to support the staff recommendation with added contingency of respecting the will of the people, as an issued statement to the Town of Lyons.

II. Adjourn

Meeting adjourned at 9:42a.m.