

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: First Workshop Session  
Meeting Date: 02 OCT 2023**

**TO:** Mayor Rogin and Members of the Board of Trustees  
**FROM:** Alexander Painter, Planner II  
**DATE:** 09/28/2023  
**ITEM:** Information on Amending the 2017 DRBOP Plan

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☐ ORDINANCE  
☐ MOTION / RESOLUTION  
☒ INFORMATION

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I. **REQUEST OR ISSUE:** Information on Amending the 2017 “Land Use and Management Plan for Deed Restricted Buy-Out Properties (DRBOP)” to allow a large orchard at 124 4th Ave.

II. **RECOMMENDED ACTION / NEXT STEP:** Amend the DRBOP Plan to allow a Large Orchard in replacement of a mini orchard.

III. **FISCAL IMPACTS:** None

IV. **BACKGROUND INFORMATION:**

The applicant, Glen Delman of Lyons has recently submitted a DRBOP application for a large orchard which would require an amendment to the DRBOP from its current use:

- The proposed project will serve to the community,
- The proposed use for this property would be to develop a large orchard,
- There will be no permanent structures on this property,
- Multiple non-profit and volunteer agencies will assist in this project,
- The proposal is in alignment with the 2023 Comprehensive Plan.

Mr. Delman has 10 years of experience of working with orchards and has a passion for nature and giving back to his community. The Community Development Department accompanied Mr. Delman on a walk to multiple DRBOP properties to determine which property would best serve the idea for an orchard. It was decided that 124 4th Ave is the property that would best accommodate Mr. Delman’s proposal, it has access to water from a nearby fire hydrant, the property is flat and spacious with little to no interference of vegetation, and it will receive the correct amount of sun light needed for this type of project. Mr. Delman will not be maintaining this property alone, there are residents and volunteer groups who are willing to help through the planting and growing process, as well as help

maintain the property. Lyons Community Farm Project and Simply Bee Conservation will be working alongside Mr. Delman at this property for years to come.

Planner Painter has reviewed the DRBOP application materials and finds the application deemed complete; as such, Staff consents to approval as proposed change of use. Staff also finds that the DRBOP property aligns with 2023 Comprehensive Plan aspirations:

- Policy PR-1.5: Buy-out properties: Support ongoing efforts to weave buy-out properties in the Confluence area into the existing parks and open space system or convert them to other uses through the implementation of recommendations contained in DRBOP. Ensure future uses or activities proposed for buy-out properties outside of the Confluence area are compatible with open space lands and the functions of the floodplain.

#### **About This Amendment:**

The DRBOP Plan is a living document that is designed to fit the Town's needs and wants for the multiple buy out properties. Being that the DRBOP Plan is a living document, the Board of Trustees are allowed to amend the "Land Use and Management Plan for Deed Restricted Buy-Out Properties (DRBOP)" to allow various approved FEMA uses on different DRBOP properties.

From the preface page V (which is the 11<sup>th</sup> page) of the original DRBOP Plan:

The DRBOP Plan is intended to be a living document. It outlines a vision for the future of the St. Vrain River confluence rooted in public input, community guidance, and professional expertise. Nonetheless it represents a snapshot in time and should be used as a reference, a resource to build upon. It has been developed to anticipate future needs and account for a shifting landscape, as often as possible. While the intent may be valid in years to come, specifics may be modified and informed by new town dynamics.

As stated in the current 1<sup>st</sup> Amended Version of the DRBOP Plan on page 5:

The Plan was based on existing conditions and was developed to fit existing and future Town needs. As new conditions and ideas emerge, it is important that the plan remain flexible. To remain an effective guiding document the Plan must be updated to reflect the evolving vision for the buyout properties. The Plan must become a living document that is updated from time to time. Minor updates such as those that clarify intent or fix grammar can be undertaken by staff as needed. Major updates should include an extensive public process to elicit community guidance similar to the process for the DRBOP Plan. Only a living document can continue to reflect the spirit of the Town.

#### **V. LEGAL ISSUES: None**

- VI. **Commission Recommendations:** On September 12, 2023, the PCDC approved Resolution 2023-05 to amend the 2017 DRBOP Plan to allow for a Large Orchard at the DRBOP property at 124 4<sup>th</sup> Ave

The PCDC found that it would be a great location for a community orchard and to create an access trail that leads to the orchard.

- VII. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None

- VIII. **SUMMARY AND ALTERNATIVES:**

**PROPOSED MOTION:**