

KEYNOTES TO SITE PLAN FOR PLANET BLUEGRASS FARM

AS APPROVED BY THE TOWN OF LYONS BOARD OF TRUSTEES

APRIL 1, 2017

The following keynotes supplement the Site map for the property owned by Craig Ferguson and zoned within the CE-1 Zone District, Town of Lyons, commonly referred to as "The Planet Bluegrass Farm", bearing the legal description set forth in the attached Exhibit A.

*EXHIBIT "A"*

*A portion of the Northwest Quarter, Section 18, Township 3 North, Range 70 West of the 6th P.M., described as follows:*

*Beginning at a point on the West line of said Northwest Quarter, said point being a stone with a cross chiseled on top, from whence the West Quarter corner of said Section 18 bears South a distance of 1313.65 feet; thence South 86°20' East a distance of 396.00 feet; thence South a distance of 1096.47 feet to a point on a fenceline, said fenceline being the Northerly right of way boundary of the Old North St. Vrain Road; thence along said boundary fenceline the following courses and distances: South 80°56'15" East a distance of 97.07 feet; North 88°23'30" East a distance of 214.50 feet, North 71°31' East a distance of 101.32 feet, North 60°27'18" East a distance of 140.74 feet, North 45°05' East a distance of 286.37 feet, North 53°28'24" East a distance of 130.58 feet, North 59°48'08" East a distance of 155.21 feet, North 60°18'57" East a distance of 336.15 feet to a point on the Southerly right of way boundary of Colorado State Highway No. 66, thence along said right of way boundary 0.5 feet South of the right of way fenceline and approximately parallel to said fenceline, the following courses and distances; North 37°38'30" West a distance of 103.72 feet to a fence corner on the Northerly bank of North St. Vrain Creek, North 37°38'30" West a distance of 203.92 feet, North 41°56'30" West a distance of 121.28 feet, North 49°45' West a distance of 191.84 feet, North 58°39'30" West a distance of 160.58 feet, North 68°12' West a distance of 190.08 feet, North 77°09'30" West a distance of 137.92 feet, North 84°02' West a distance of 140.29 feet, South 89°26' West a distance of 121.08 feet, South 82°18'30" West a distance of 136.02 feet, South 76°31'10" West a distance of 145.00 feet, South 74°05'30" West a distance of 268.02 feet to a point on the West line of the aforementioned Northwest Quarter of Section 18; thence South a distance of 25.59 feet to the Point of Beginning.*

*County of Boulder,*

*State of Colorado.*

*Excepting therefrom that portion of subject property deeded to Department of Transportation, State of Colorado by Warranty Deed recorded April 7, 2006 at Reception No. 2768625.*

These Keynotes describe the permitted uses and the general development provided as a use by right for the Property. These Keynotes are part of the Site Plan and the Site Plan constitutes the zone district.

#### Purpose of Site and the CE-1 Zone District

The Site is within the CE-1 (Commercial Entertainment) Zone District. In accordance with the regulations governing the CE-1 Zone District (Lyons Municipal Code Sec. 16-3-220) the CE-1 District is intended to provide opportunities for entertainment related activities and uses including but not limited to: (a) passive entertainment such as concert and stage performances; (b) education, training and research related to the entertainment based function of the site; (d) the sale of food or beverages as an activity related to the entertainment based function of the site;

(e) on-site residence, business and office space for staff, tenants and/or owners as related to the business activities and the construction, maintenance, operation, expansion and security of the site; and (f) retail and mail order sales of products produced on-site and other arts, crafts and gift items related to approved on-site functions. A "site plan" is required for property within the CD-1 Zone District.

The Farm is intended to function as a year round farm and will feature educational activities and classes, farm to table dinners and weddings. On those days Planet Bluegrass is allowed to host a major event pursuant to the keynotes of the other property held by Craig Ferguson, directly east of The Farm and described in Exhibit B. The Keynotes for that property currently zoned CE-1 are attached hereto as Exhibit C.

## KEYNOTES

### General Terms and Conditions for the Site

The following general terms and conditions apply to the use of the Site and the Site Plan:

A. The Site is intended for use as a functioning farm as well as to support the uses allowed on that property zoned CE-1, (as described in Exhibit B), said uses as set forth in Exhibit C.

B. Unless otherwise defined in these Keynotes, all words and phrases shall be given the meaning provided by the Lyons Municipal Code and, where not defined in the Code, shall be given the common and ordinary meaning.

the following words and phrases shall have the meaning identified below:

(1) “Educational or Classroom facilities” or educational or classroom use” shall mean and include a facility available for an education purpose including general academic, cultural, and artistic instruction.

(2) “Major Event” shall mean a “Major Event” produced on that property described in Exhibit (B), hereinafter referred to as Planet Bluegrass, and defined by the Keynotes regulating the uses on that property, said uses as set forth in Exhibit C.

The Farm will be permitted to conduct the accessory uses contemplated by Key-note C (3) in Exhibit C, specifically including camping for up to 1,200 people and parking for up to 1,200 cars, as well as workshops and performances that coincide with the Major Events referred to above.

Upon application by the Owner made not less than 90 days prior to the date of commencement of a Major Event, the Board of Trustees may modify or alter the

restrictions provided by this section (3) where the Board finds that there will be no detriment to the health safety, and welfare of the public and that such modification or alteration is generally consistent with the Site Plan.

(3) “Minor Event” shall mean and include only the following:

Not more than sixteen (32) events in any one calendar year where fewer than 500 people are in attendance, for the purpose of seminars, educational or academic functions, conferences, weddings, musical or theatrical performances, “farm to table dinners” and similar functions.

Upon application by the Owner made not less than 90 days prior to the date of commencement of a Minor Event, the Board of Trustees may modify or alter the restrictions provided by this section (3) where the Board finds that there will be no detriment to the health safety, and welfare of the public and that such modification or alteration is generally consistent with the Site Plan.

(4) “Farm uses” shall mean these uses which are allowed in The Town of Lyons A-1 district:

Accessory building or use.

Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock, provided that the value of products produced and sold on the premises is at least sixty percent (60%) of the value of all products sold.

Grazing of livestock, including supplemental feeding, provided that such grazing is not a part of or conducted in conjunction with any dairy, feed yard or livestock.

Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

Single-family detached dwelling.

Except, however, that no structures shall be constructed that do not already exist on the subject property that are not provided for in this Site Plan.

- (5) "Owner" shall mean and include Planet Bluegrass Annex, LLC, it's legal heirs or descendants, and any person the subject property is transferred to.
- (6) "Site" shall mean the property legally described in the Site Map and these Key-notes.
- (7) "Site Plan" shall mean and include all of the following:
  - (a) The Site Map;
  - (b) These Keynotes;
  - (c) The text of the Commercial Entertainment (CE-1) Zone District regulations found at 16-3-220 of the Lyons Municipal Code;
  - (d) An "Amendable Letter of Agreement".
- (8) "Site Map" shall mean the 24 inch by 36 inch plat or map submitted with this Annexation Application and it's existing and proposed improvements in the form

approved by the Board of Trustees for the Town of Lyons with the approval of these Keynotes.

- D. Unless otherwise specifically noted in the Site Plan, all future, proposed, planned or new structures, buildings or renovations are to be completed and a certificate of occupancy issued on or before July 11, 2025. Failure to complete any future, proposed, planned, or new structures, buildings, or renovations and obtain a certificate of occupancy (if required) by the applicable deadline shall automatically void all approval for the structure and any permitted uses (s)
- E. This Site Plan shall remain effective and shall constitute the supporting documentation for the CD-1 Zone District for the Property until the property is rezoned in accordance with local and state law. In the event of a transfer of ownership which renders the site plan ineffective shall require that a new site plan be prepared and submitted for approval to the Town of Lyons prior to commencement of an Event.
- F. All structures shall conform to applicable uniform building standards adopted by the Town of Lyons and applicable federal and state accessibility standards.
- G. Occupancy of any structure is limited to the standard made applicable by local ordinance or state law.
- H. All applicable ordinances, resolutions and regulations of the Town of Lyons shall be applicable to all structures and uses within the site unless otherwise expressly stated by the Site Plan. No implicit waiver, release, or repeal of any otherwise applicable of the law is intended by the Site Plan. The Site Plan implements the CE-1 Zone District classification of the Site and does not constitute a “site specific development plan’s or a “subdivision plat” and does not create a “vested right” as these phrases are defined by

federal or state law. Amendments of applicable ordinances, resolutions, and regulations of a general nature shall be applicable to the Site and the Site Plan to the same extent applicable to other similarly situated property.

- I. The Site includes areas within the floodway and floodplain, Existing lawfully erected and lawfully existing structures and uses are recognized as nonconforming structures and uses is governed by provisions of the Lyons Municipal Code.
- J. Flammable, hazardous, or explosive liquids, gasses, or other materials shall be prohibited from storage or use within the Site other than the storage and use and limited quantities of flammable or hazardous materials reasonably necessary for the day-to-day maintenance and operation of the permitted uses and activities. Any such storage or use shall conform to all federal, state and local laws. The use of explosives, firearms, or handguns shall be prohibited within the Site, except for firearms or handguns in the possession of federal, state or local law enforcement personnel and expect for the use of fireworks or pyrotechnics directly associated with the conduct of a Major Event may be authorized where permitted by state or local law and only with the approval of the Town of Lyons Board of trustees.
- K. Any use, activity, improvement, and/or structure not otherwise explicitly described in the Site Plan is prohibited.
- L. No construction or improvement permitted in violation of any public or private easements within the Site.

- M. Except for structures or improvements proposed or planned for removal pursuant to the Site Plan, reasonable renovation and repair of any existing and newly constructed structures permitted in accordance with the applicable uniform construction standards adopted by the Town of Lyons.
- N. Emergency access to the Site to be made available at all times. Adequate drive width a minimum of fifteen (15) feet in width to be maintained into the center of the Site and adequate turn-around space to be maintained for emergency vehicles. not less than ten (10) days prior to the commencement of each and every Event, the Owner shall advise the Town of Lyons Chief of Police and the appropriate fire protection service provider or fire protection district concerning the location and layout of the emergency access route and turn-around.
- O. An amendment or approval of the attached form of Amendable Letter of Understanding and the standardized Lease Agreement which is consistent with these Keynotes shall not constitute an amendment of the Site Plan and may be processed and approved by the Board of Trustees in the same manner as approval of contracts and other agreements by the Town (by adoption of a resolution adopted at a publicly noticed meeting).

**THE FOLLOWING NUMERICAL KEYNOTE NUMBERS CORRESPOND TO NUMERICAL REFERENCES**

**ON THE SITE MAP:8**

1. Existing single family residence
2. Existing Barn
3. Existing Shed

4. Parking and Overnight Tent Camping Area – North Campground. This area shall be maintained for grazing and the accommodation of livestock; but, may be used for overnight camping if coinciding with a Major Event. A small parking lot may be created for the parking of up to twenty cars. All campers, vehicles and tents shall be removed within 48 hours following an Event.
5. Overnight Camping Area – South Campground. This area shall be maintained for grazing and the accommodation of livestock; but, may be used for overnight camping if coinciding with a Major Event. Unlike the North Campground, campers that require a license plate under state law will be allowed to camp in this area up to a maximum of 50 such campers. All campers, vehicles and tents shall be removed within 48 hours following an Event.
6. Parking area. This area shall be maintained primarily for grazing and the accommodation of livestock; but, may be used for overnight parking if coinciding with a Major Event. Up to 1,200 cars are allowed to park in this area.
7. Alternate Access to Site approved by CDOT permit #416017, authorizing 1000 vehicles daily - 10 days/year.