

TOWN OF LYONS BOARD OF TRUSTEES MEETING  
VIRTUAL MEETING  
LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO

**ZOOM LINK:**

[https://us02web.zoom.us/j/81302897050?  
pwd=OFI3YXNIYTF6bjJaQWY0VDJidERwQT09](https://us02web.zoom.us/j/81302897050?pwd=OFI3YXNIYTF6bjJaQWY0VDJidERwQT09)

**Meeting ID: 813 0289 7050**

**Passcode: 620447**

**Dial by your location**

**+1 312 626 6799**

**Meeting ID: 813 0289 7050**

DRAFT AGENDA  
**TUESDAY, MARCH 15, 2022**

**6:00 PM BOARD OF TRUSTEES SPECIAL  
MEETING**

I. General Business

I.1. Planet Bluegrass - Updated Cover Sheet & Utilities Memo For All Agenda Items

Documents:

[SUPPLEMENTAL\\_COVER\\_SHT\\_PB\\_ALLAGREEMENTS\\_FARM-  
RANCH\\_REV1.PDF](#)  
[ATTACH16\\_UTILITIES MEMO.PDF](#)

“The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at [hr@townoflyons.com](mailto:hr@townoflyons.com) as soon as possible, but no later than 72 hours before the scheduled event.”

Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: IV.1.  
Meeting Date: March 15, 2022

TO: Mayor Angelo and Members of Board of Trustees  
FROM: Philip Strom, Director of Community Development  
DATE: March 14, 2022  
ITEM: Supplemental Information to the General Business, Ordinances, and Public Hearings of the Town of Lyons, Colorado for a Conditional Use Review, Amending Amendable Letters of Understanding, and Amending the Annexation Agreement with Planet Bluegrass Farm, LLC for the Ranch and Farm Properties

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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I. **REQUEST OR ISSUE:**

Based on the feedback received from the Board of Trustees at the Public Hearing February 22, 2022, Planet Bluegrass has revised their proposed improvements and use changes to their commercial operation on the Planet Bluegrass Farm and Ranch Sites. A letter response has been provided as Attachment 1 summarizing and detailing the changes. Additionally, an update Site Plan for the Farm Site has been provided as Attachment 2. The applicant has provided both the redline and clean versions of the agreements that have been revised due to the proposed changes (Attachments 8 thru 15) after the February 22, 2022, Public Hearing.

II. **SUMMARY OF PROPOSED CHANGES:**

Planet Bluegrass is proposing improvements and changes to meet anticipated needs for the site for the next ten years summarized below:

- Change in use and associated improvements of the Farm's South Grazing Area for Major Event camping for a maximum of 600 people per day and storage.
- Relocated the temporary pedestrian bridge to allow campers to access the South Grazing Area from the main parking area.
- Addition of a permanent vehicular bridge connecting the main property to the south grazing area
- Additional storage facilities for organization and concealment of operational equipment and materials during events.
- ~~Accessory Dwelling Unit ADU intended to house staff and not to be used for Short-Term Rental.~~

- Increase Mid-tier Events at the Ranch to a maximum of 3,000 attendees with a maximum of ~~40~~5 events
- Utilize Farm for parking of Mid-tier Events
- Improvements to the Ranch to improve operations
- Ratification of Keynote amendments from the Release and Settlement of Agreement to Amend Planet Bluegrass Keynotes and Amendable Letters of Understanding executed June 23, 2021 (Settlement Agreement)

#### Site Plan Changes

##### *Farm Site Plan (See numbering on Farm Site Plan)*

1. Existing single family residence with attached garage
2. Existing Barn
3. Existing Shed
4. Parking and overnight tent camping area - north campground (4.2 acres)
5. South grazing area - wetlands (2.8 acres)
6. Parking area (7.4 acres)
7. Access point and gate structure
8. Event Parking/Wedding venue (1.2 acres)
9. Cattle protection shed
10. Existing farm and parking area
11. Future bathhouse structure
12. Future cattle sheds
13. Future permanent bridge
14. Temporary bridge
15. Future perimeter fences
16. Future temporary or permanent storage structure (location change)
- ~~17. Future temporary or permanent accessory dwelling unit~~

##### *Ranch Site Plan (See numbering on Ranch Site Plan)*

1. Convert multi-purpose structure to bathhouse and/or larger workshop area with expansion or reconstruction
2. West gate structure
3. Portico structures
4. Event fence and backstage fence
5. Seating retaining wall
6. Yurt
7. Future box office and ticket structure
8. Rebuild or expand garage for a box office and/or maintenance shop
9. Rebuild the Front Of House (FOH) structure
10. Addition of pavilion for storage facility
11. Cabin renovation and new dressing room facility with potential expansion
12. Reference to underpass
13. Transformer/vault structure
14. Speaker hang structures
15. Up to 12 temporary yurts and/or tiny homes
16. Signage structure

### **III. CONDITIONAL USE REVIEW CRITERIA:**

The staff responses for the criteria for review of this Conditional Use Review found in LMC Section 16-7-30 should be supplemented with the following responses:

**LMC Section 16-7-30(7) The conditional use minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and promotes green building standards.**

The applicant has responded to the referral response by the Ecology Advisory Board, specifically to address the concerns of the proposed development's impact to the South Side Grazing Area. Additional information has been provided to staff and relayed to the applicant regarding the Endangered Species Act requirements, see attachment 3. This information indicated specific requirements and permitting that may be required for the proposed uses on the South Grazing Area.

The applicant has reviewed the information and provided a response, see attachment 4, from a Certified Ecologist indicating that there is likely no suitable, occupied, or federally Designated Critical Habitat for Preble's Meadow Jumping Mouse (PMJM). Additionally, the letter indicates the U.S. Fish and Wildlife Service (USFWS) is aware of this and is not requiring habitat assessments prior to any projects. The applicant has requested concurrence from the USFWS on this determination, see attachment 5. As of the date of this staff recommendation, a response has not been received by USFWS.

Regarding the ecologically sensitive riparian and wetland habitats, the applicant has engaged a Wetland Ecologist to delineate the wetland area and mark the boundary to allow Planet Bluegrass to erect a temporary fence during events. The fence is proposed to be permeable to allow for movement of small animals and reduce the impact on the area. The Wetland Ecologist has provided a response in attachment 6.

**IV. THE AMENDMENT TO THE ANNEXATION AGREEMENT FOR THE PLANET BLUEGRASS FARM**

**Camping in the South Grazing Area**

Regarding the restriction of no camping on the South Grazing Area in the original Farm Keynotes, the meeting minutes from the 2017 Annexation of the Planet Bluegrass Farm have been included for the Board of Trustees review. The discussion regarding no camping on the South Grazing Area can be found in the June 8<sup>th</sup>, 2017, Meeting Minutes beginning on page 3, see attachment 7.

**Utilities**

The Town of Lyons Director has provided a memorandum summarizing his and the Utilities and Engineering Board's (UEB) review of the application in Attachment 16.

Electricity

The properties are not on Town electric and receive electricity through Longmont Power and Communications.

Wastewater

Section 18 of the Annexation Agreement states a sewer connection must be made when the *Property* is within 400 feet of a wastewater main or service line. However, this does not align with the LMC Sec. 13-4-60(b) which requires connection if any house, building, improvement or property used for human occupancy, employment, recreation, or other purposes is situated within 400 feet of a wastewater main or service line; the term *Property* is not included in the LMC requirement.

### Water Rights Dedication

The applicant requests the Board of Trustees exercise its discretion to determine if the water dedication requirement can be waived or deferred until improvements that would use additional water are constructed or an update to the Conceptual Plan with a use that would exceed the current ¾" tap capacity is requested.

The UEB reviewed the policy listed in LMC 17-14-10 (f) that applies to all areas to be developed and zoned for business, commercial and industrial development. The UEB noted this property is zoned Commercial Entertainment District (CE-1) and was unsure of the application to the CE-1 zoning district. The UEB would focus on the actual usage coming from any new facilities that might be built or from uses of the property.

### **V. ATTACHMENTS:**

1. Letter to Board of Trustees Summarizing Changes to Conditional Use Review Application
2. Revised Farm Site Plan
3. Information on Endangered Species Act Requirements
4. Planet Bluegrass Response Regarding Endangered Species Act
5. Preble's Meadow Jumping Mouse Habitat Assessment Request for Concurrence
6. Wetland Ecologists Letter
7. Meeting Minutes from the 2017 Annexation of Planet Bluegrass Farm
8. Revised Farm Keynotes – Redline
9. Revised Farm Keynotes - Clean
10. Revised Ranch Keynotes – Redline
11. Revised Ranch Keynotes – Clean
12. Revised Amendable Letter of Understanding for the Ranch – Redline
13. Revised Amendable Letter of Understanding for the Ranch – Clean
14. Farm Annexation Agreement – Redline
15. Farm Annexation Agreement – Clean
16. Memo Regarding Utilities from Town of Lyons Director of Utilities

11 Mar 2022

MEMO RE: Planet Bluegrass Farm Property Utilities



This property gets electricity through Longmont Power not the Town.

This property currently has a septic system. LMC Sec 13-4-60 (b) states - "Existing private waste systems to be eventually eliminated. The owner of any house, building, improvement or property used for human occupancy, employment, recreation or other purposes situated within the Town which is within four hundred (400) feet of a public wastewater line or wastewater main shall, at the owner's cost and expense, connect to such public wastewater line or main in accordance with the provisions of this Article." I note the code says any house, building, or improvement or property used for human occupancy. I interpret the last item to mean trailers, campers, tiny homes etc. not when the land is within 400'.

Section 18 of the annexation agreement states a sewer connection will be made when the Property is within 400' of a wastewater main or service line. I am not sure why this did not state when the existing house or any new building, improvement or property used for human occupancy, employment, recreation or other purposes situated within the Town is within 400' to match the code which is also mentioned in this section.

Water is the only current utility provided to this property by the Town. The current usage is just under the average residential usage of 3,000 gallons a month. As listed in the modified farm site plan there does not appear to be any additional usage that might bring the usage at this property over the 270,000 gallons allowed with a 3/4" tap. The Town could request the calculation on the total volume of water that the new bath house could use per day and multiply by 15 to determine the maximum additional water usage. There is also protection that additional water rights and service connection charges can be required if usage went over 270,000 gallons in a given year in LMC Section 17-14-10 (g) "The Town shall have no responsibility to provide water in excess of the maximum gallons for the tap size. In the event the maximum number of gallons is exceeded, water service to the property shall be subject to termination unless additional shares are transferred to the Town. Water uses that require more than the maximum number of gallons of water per year as indicated on the schedule above shall be assessed an additional water service charge of two dollars and seventy-five cents (\$2.75) per one thousand (1,000) gallons in excess of the base amount. This shall be in addition to the normal monthly service charges."

DOUBLE GATEWAY  
TO THE ROCKIES

With regard to water rights dedication for annexation, the Utility and Engineering Board did review the policy listed in LMC 17-14-10 (f). "Requirements for Business, Commercial or Industrial Development: All areas to be developed and zoned for business, commercial and industrial development shall dedicate and transfer one (1) acre-foot of water per acre of land annexed to the Town prior to final approval by the Board of Trustees of the annexation ordinance. However, the Board of Trustees may, at its discretion, agree to accept the water at the time the property is subdivided. In addition, additional water rights shall be required to be transferred to the Town prior to the issuance of a building permit based upon the type of use to be developed, tap size required and the potential consumption of water. The amount of additional water rights shall be based upon the ratio of the flow rate to the cross-sectional area of the tap as listed in the following schedule:"

The UEB noted this property is zoned Commercial Entertainment and not sure if that falls within the Business, Commercial or Industrial Development classification or not. It was noted in the annexation agreement the property owner was allowed to defer the dedication of water rights until future changes were made to the property. The UEB did not see the one-acre foot of water per acre annexed as a requirement to protect the Town's water rights for this development. They would focus on the actual usage coming from any new facilities that might be built or from uses of the property.

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