

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-89**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO RATIFYING THE BOARD
OF TRUSTEES' DECISION TO WAIVE OF THE WASTEWATER CONNECTION
REQUIREMENT FOR MUD HUT LLC AT 4033 UTE HIGHWAY**

WHEREAS, pursuant to Article XXV of the Colorado Constitution, the Town of Lyons Board of Trustees (the "Board") has the authority to establish and operate municipal utilities serving the Town of Lyons (the "Town") and pass rates, rules, and regulations governing the operation of those municipal utilities; and

WHEREAS, pursuant to that power the Board previously enacted Article 4, Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Wastewater Services" establishing a wastewater utility; and

WHEREAS, Board also previously enacted Section 60, Article 4, Chapter 13 of the LMC entitled "Connection to wastewater system mandatory"; and

WHEREAS, pursuant to LMC Subsection (c) of Section 13-4-60 the Board "may grant a waiver or exemption from, or postpone conformance with, this Section when the Board of Trustees finds that good cause exists for such waiver or exemption and that the public health, safety and welfare will not be unreasonably harmed by such waiver, exemption, or postponement;" and

WHEREAS, the Applicant, Mud Hut LLC, has requested a waiver of the requirements of LMC Section 13-4-60 as it pertains to the Applicant's proposed use of 4033 Ute Highway as a tenant; and

WHEREAS, the landowner of Mud Hut LLC's tenancy, the Supply Irrigating Ditch Company of Longmont, Colorado, has written in support of such waiver for the Applicant's use of 4033 Ute Highway (Boulder County APN 120317000043); and

WHEREAS, the Applicant has been working with Boulder County Public Health Department to ensure proper permitting of the existing on-site septic tank and BCPH's continued work on such permit depends upon the Board granting a wastewater connection requirement waiver; and

WHEREAS, a professionally-licensed third-party septic tank inspector has determined that the existing septic tank is functional for use and has passed inspection; and

WHEREAS, a professional third-party septic design engineering firm has crafted a user-specific plan for the Applicant's proposed use; and

WHEREAS, Town of Lyons Staff finds good cause to waive the codified mandatory wastewater connection requirement; and

WHEREAS, on September 19, 2022, the Board found good cause exists and approved a waiver; and

WHEREAS, the Board now desires to ratify its September 19, 2022, decision and memorialize it in the permanent records of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS THAT:

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board hereby ratifies the waiver of the mandatory wastewater connection requirement for Mud Hud LLC's proposed use of 4033 Ute Highway as determined on September 19, 2022.

Section 3. This resolution shall take effect upon adoption.

ADOPTED THIS 3rd DAY OF OCTOBER 2022.

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC – Town Clerk