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May 3, 2016

Lyons Planning and Community Development Commission (PCDC), Lyons Board of Trustees (BOT), Lyons Town Staff, Lyons Connie Sullivan  
432 5th Ave  
PO Box 49  
Lyons, CO 80540

Subject: River Bend temporary land use authorization extension

Dear PCDC, BOT, Town Staff, and Mayor Sullivan:

After last evening's extension of the 2nd reading for River Bend due to miss-filing of documents, this letter is an attempt to get clarity on the details. With the experimental changes to noise being tested this 2016 season, it seems prudent to wait and see if the noise reduction changes are acceptable to neighbors. In prior emails to Mr. Joseph, we asked if River Bend could be allowed to continue to operate under a temporary permit through the summer of 2016. Mr. Joseph replied that this is a question for the Town's attorney. We were going to ask it in the presence of the Town's attorney last night but that failed to be allowed. Our question is - can River Bend be allowed to continue to operate under a temporary permit?

If a temporary permit is not allowed for the 2016 season and if noise is still an issue after this summer's experiment, what are the neighbors' options going forward? Please provide details of the options. Could more restrictive language be added to their PUD-C? Could an enforceable noise ordinance be implemented?

An early Town's staff report and PCDC's 1st reading had language related to a noise ordinance. But, it was removed based on the option of the PCDC and Mr. Joseph stating that a noise ordinance is hard to enforce. But, in the same meeting, the PDCD and Mr. Joseph stated that they were not experts on noise. It seems that a multitude of communities across the nation have enforceable noise ordinances. So, it seems logical that some rational noise ordinance could be designed to work for the Town. It may come as a financial burden to any parties generating noise - be it River Bend or other venues around town. Could Town Staff and the Town's attorney please provide input into whether this is a rational direction to pursue to help ensure the neighbors' continued quality of life? Potentially enduring 3 to 6 hours of noise on Thursday, Friday, Saturday and Sunday evenings throughout the late spring, summer, and early fall is not acceptable.

The hours of operation for River Bend is our down time; it's our time to re-energize at our homes in peace. This directly impacts our quality of life. Permanent PUD-C zoning without first getting past the summer's noise experiment is not sensible without a plan-B that supports the neighbors. We are not in favor of the PUD-C until after the 2016 season's noise experiment is tested.

Respectively,  
Steve and Debbie Simms

