

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: VII.1
Meeting Date: June 17, 2024**

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Town Administrator Victoria Simonsen

DATE: June 13, 2024

ITEM: Noise and Music Comparisons

☐ ORDINANCE
☐ MOTION / RESOLUTION
☒ INFORMATION

REQUEST OR ISSUE: Mayor Rogin requested a comparison of noise, music, amplification and camping in the other three wedding venues in town. Attached are excerpts from the agreements with Planet Bluegrass and the Lyons Farmette. Staff could not locate any agreements regarding Lionscrest.

Planet Bluegrass Agreements that Reference Noise, Music, Amplification, and Camping

Resolution 2022-23 Keynotes

k. The conditional use will not create more noise, dust, odors, vibrations, lights, traffic, or parking than is customary for the zone district in which the conditional use is proposed, or that such increased impacts can be adequately mitigated.

D. All Events shall comply with the PBG Farm Property noise restrictions set forth in the Annexation Agreement.

Ordinance 1118 Annexation Agreement

Property Noise Restrictions. Any Major Event, Mid-Tier, or Minor Event occurring on the Property shall be subject to the following noise conditions:

- a. Outdoor music performed by live entertainment at events shall not include amplified instruments. Horns or percussion are not allowed. Woodwinds (e.g. clarinets, flutes, etc.) are allowed. One vocalist may use a microphone with amplification.
- b. Outdoor Disc Jockey (DJ) style performance of amplified recorded music is not allowed.
- c. Outdoor weddings:

I. During wedding ceremonies: the officiant and other members of wedding parties may use a microphone with amplification for readings, vows. Low level amplified recorded music or unamplified acoustic instruments only are allowed during the ceremony with one vocalist using a microphone with amplification.

II. Wedding ceremonies are to be concluded no later than 5:30 pm.

III. During cocktail hour and dinner, unamplified acoustic only instrumental music is allowed. The officiant and other members of wedding parties may use a microphone with amplification for toasts and announcements.

IV. After dinner music: unamplified acoustic only instruments are allowed with one vocalist using a microphone with amplification.

V. All music shall end by 10:00 pm.

VI. Outdoor low-level amplified recorded music, vocals, and public address system announcements, or any other noise generated at any wedding or other Major Event or Minor Events conducted on the Property shall be carefully limited to the minimum functional sound level. All uses conducted on the Property shall also comply with the noise restrictions set forth in Sec. 10-11-10 of the Lyons Municipal Code, as it may be amended from time to time. The Annexor or any person or entity holding a function on the Property shall immediately reduce or eliminate any amplified or other sounds when instructed to do so by a member of the Boulder County Sheriff's Office, other law enforcement or emergency services personnel or member of Town Staff.

(A) Time of Event. The Owner shall end and terminate the amplification associated with any performance at all Major Events no later than 10:30 p.m. on any Friday or Saturday and at 10:00 p.m. on any other day of the week. The parties recognize that there may be unusual circumstances beyond the control of the Owner that may require an extension of these closing hours by not more than 30 minutes. Such an extension shall require the prior explicit approval of the Town Administrator.

The owner shall end and terminate the amplification associated with any outdoor performance at a Mid-Tier event no later than 10:30 p.m. on any Friday or Saturday and 10:00 pm on any other day of the week. The parties recognize that there may be unusual circumstances beyond the control of the Owner that may require an extension of these closing hours by not more than 30 minutes.

The owner shall end and terminate the amplification associated with any outdoor performance at a Minor event no later than 10:30 p.m. on any Friday or Saturday and 9:00 pm on any other day of the week. The parties recognize that there may be unusual circumstances beyond the control of the Owner that may require an extension of these closing hours by not more than 30 minutes.

5) "Minor Event" shall mean and include only the following:

a. Any number of seminars, educational or academic functions, conferences, weddings, musical or theatrical performances, family, or group meetings, and similar functions with a maximum capacity of 500 people or less. (*Instead of 250 people or less*)

13. WILDFLOWER PAVILION. Maximum height: 35 feet. Maximum total floor area: 5,000 square feet. Maximum capacity of this theater shall be 500 paid patrons. Permitted uses limited to one or more of the following: (1) commercial music performance and other entertainment events such as weddings (*Instead of commercial music production studio*) (2) arts, crafts, music, or other similar use studio or workshop use (non-residential); (3) educational or classroom facilities (non-residential); (4) commercial office; and (5) commercial food preparation services for food items intended for sale or consumption within the site only. Accessory use may include the noncommercial indoor and secured storage of items intended for use within the Site or associated with Events or with other permitted **site** uses but prohibiting storage of flammable, hazardous, or explosive materials;

Camping

The purpose of this letter is to request concurrence with this Preble's meadow jumping mouse (*Zapus hudsonius preblei* [Preble's]) habitat assessment that suitable habitat is not present and that there is currently no means of connectivity with known occupied habitat from either upstream or downstream of the project site (figure 1). Additionally, we request concurrence that the use of the project area will not result in "**take**" and will have "**no effect**" on Preble's or any designated critical habitat(s). The proposed action is for Planet Blue Grass to allow limited camping within the project area for twelve (12) days per year during music festivals.

Currently the project area is used to store equipment associated with Planet Blue Grass with no other uses. The project area is mowed once or twice annually. Planet Blue Grass is requesting that the Town of Lyons allow limited camping within the project area for twelve (12) days per year during music festivals.

Lyons Farmette Agreements that Reference Noise, Music, Amplification, and Camping Res 2020-185 Development Plan

11. Proposed land uses and activities shall be conducted so that any noise generated on the property will not violate the Town's noise regulations in Chapter 10, Article 11 of this Code, so that any ground vibration created by the use of the property will be imperceptible without instruments at any point along the property line.

Lionscrest Agreements that Reference Noise, Music, Amplification, and Camping

No Agreements Found Related to Lionscrest or these Issues
Property and venue are currently for Sale