

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: IV.1.  
Meeting Date: February 23, 2022**

**TO: Mayor Angelo and Members of Board of Trustees**

**FROM: Philip Strom, Director of Community Development**

**DATE: February 17, 2022**

**ITEM: 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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X      ORDINANCE  
X      MOTION / RESOLUTION  
        INFORMATION

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**I. REQUEST OR ISSUE:**

To accommodate Planet Bluegrass's proposed improvements and use changes to their commercial operation on the Planet Bluegrass Farm and Ranch sites. Multiple requests are being made for the consideration by the Board of Trustees:

- 1. Conditional Use Review – Two Resolutions
  - o Planet Bluegrass Farm
  - o Planet Bluegrass Ranch
- 2. Amendment to the Amendable Letter or Understanding (ALU) – Two Resolutions
  - o Planet Bluegrass Farm
  - o Planet Bluegrass Ranch
- 3. Amendment to the Annexation Agreement for the Planet Bluegrass Farm – One Ordinance, Second Reading & Public Hearing

## **II. RECOMMENDED ACTION / NEXT STEP:**

### Conditional Use Review

Based on the criteria for review in the Lyons Municipal Code, staff and the Planning and Community Development Commission (PCDC) recommends the approval of the application with conditions, resulting in two resolutions, one to approve the revised Site Plan and Associated Keynotes for the Farm Site and one to approve the revised Site Plan and Associate Keynotes for the Ranch Site.

### Amendment to the Amendable Letter or Understanding (ALU)

Consider two resolutions, one to amend the ALU for the Farm Site and one to amend the ALU for the Ranch Site an Annexation Agreement with Planet Bluegrass for the Farm.

### Amendment to the Annexation Agreement for the Planet Bluegrass Farm

Consider an Ordinance Amending an Annexation Agreement with Planet Bluegrass for the Farm.

## **III. FISCAL IMPACTS:**

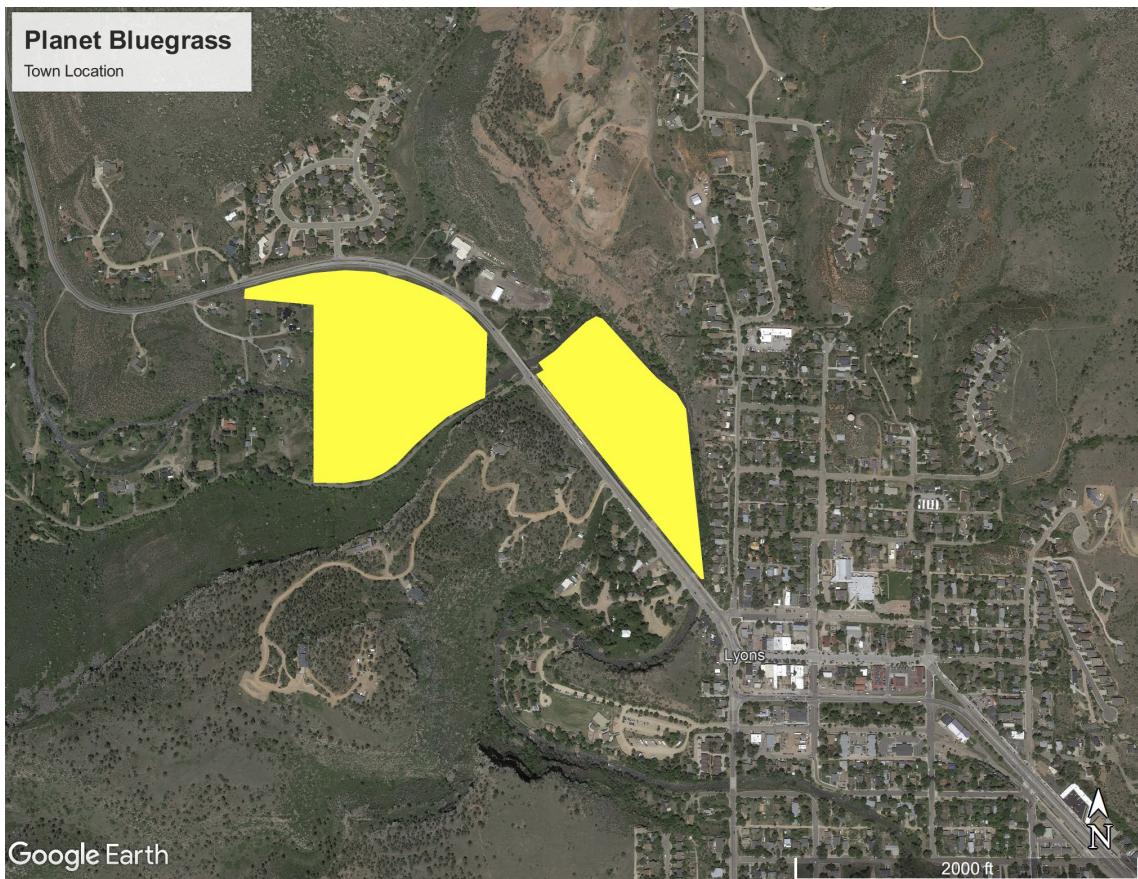
The proposed improvements would increase the opportunities for Planet Bluegrass to continue a successful operation which is anticipated to benefit the Town financially through lodging, sales, and property taxes.

## **IV. BACKGROUND INFORMATION:**

### **Summary of Property**

Address:	500 W. Main Street (Ranch) 19680 N. St. Vrain Drive (Farm)
Current Zoning:	Commercial Entertainment (CE-1) Zoning District
Property Owner:	Planet Bluegrass, LLC (Planet Bluegrass)
Owner Rep.:	Rosi Dennett, Front Range Land Solutions

### **Town Location & Context**



Aerial of Planet Bluegrass Farm



Aerial of Planet Bluegrass Ranch



Zoning District Map

## **V. OVERVIEW OF AGREEMENTS BETWEEN PLANET BLUEGRASS AND THE TOWN:**

### **Summary**

In total there are five documents (not including amendments) controlling the use of the Ranch and Farm Properties by Planet Bluegrass:

- 1999 Site Plan (Ranch) and Keynotes to the Site Plan
- 1999 Amendable Letter of Understanding (Ranch)
- 2017 Annexation Agreement (Farm)
- 2017 Site Plan (Farm) and Keynotes to the Site Plan
- 2017 Amendable Letter of Understanding (Farm)

At various times, most of the above documents have been amended by the Town. Each of the above categories of documents has a unique process for amendment. The categories of documents are 1) Site Plan and Keynotes; 2) Amendable Letter of Understanding; and 3) Annexation Agreement. The improvements and use changes proposed by Planet Bluegrass require amendments to the source documents.

### **Conditional Use Process for Amending Site Plan and Related Keynotes**

Section 16-17-20 of the LMC provides that all developments not classified as minor building permit applications must obtain either site plan or development plan approval before they may obtain a building permit. Due to the complexity of the Planet Bluegrass Ranch and Farm developments, the Site Plans for these properties contain extensive “Keynotes” which further describe the uses and restrictions on uses of the properties.

Rewards to Planet Bluegrass Site Plans, including Keynotes, require the applicant to follow the conditional use process. LMC Section 16-3-220(h) refers to the Town’s conditional use process which is detailed in LMC Sec. 16-7-20. - Conditional use review process.

### **Amendment Process for Amendable Letter of Understanding (Resolution Process by Board of Trustees)**

An Amendable Letter is a requirement of the Town’s CE-1 zoning which both the Ranch and Farm Properties are zoned. Pursuant to Lyons Municipal Code (“LMC”) Section 16-3-220(f), the Amendable Letter is intended to provide an “understanding between the applicant and the Town specifying further details of the entertainment to be provided.” Both the Ranch and Farm Properties have an Amendable Letter of Understanding, and an amendment will require a resolution for each Amendable Letter of Understanding.

### **Amendment Process for Annexation Agreement**

On June 8, 2017, the Board approved Ordinance 1015, the ordinance which approved the Annexation Agreement – Planet Bluegrass Farm Annexation (the “Annexation Agreement”) between Planet Bluegrass Annex, LLC and the Town for the Farm Property. Section 22 of the Annexation Agreement provides that the Annexation Agreement may be amended by written agreement between the Town and Planet Bluegrass. Because the Annexation Agreement was originally approved via an ordinance, an amendment to the Annexation Agreement will require an Ordinance. The Ranch property does not have a corresponding Annexation Agreement.

## **VI. SUMMARY OF PROPOSED CHANGES:**

Planet Bluegrass is proposing improvements and changes to the approved uses 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 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 10 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 and Keynote Changes**

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

1. Bathhouse structure
2. Front gate archway structure
3. Three cattle sheds (15'x15') to main property (specific location TBD)
4. Permanent Vehicular bridge (specific location TBD)
5. Temporary pedestrian bridge relocation (specific location TBD)
6. Perimeter fence
7. Permanent or temporary storage structures
8. An ADU above permanent storage structure or as a separate building
9. Fence around the house

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

1. Convert multi-purpose structure to a 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 a storage facility
11. Cabin renovation and new dressing room facility with potential expansion
12. Reference to the underpass
13. Transformer/vault structure
14. Speaker hang structures

15. Up to 12 temporary yurts and/or tiny homes
16. Signage structure

*Farm Keynotes*

1. Change Keynote #5 on the south grazing area to include camping for up to 1,000 people in conjunction with Major Events (maximum 12 days per year) with no access from Apple Valley Road.

Ratification to Keynotes from previously BOT approved Settlement Agreement

*Ranch*

1. Amplification associated with any outdoor musical or theatrical performance constituting a Minor Event at the Ranch shall terminate no later than 10:30 p.m. on any Friday or Saturday and no later than 9:00 p.m. on any other day of the week. Amplification associated with any outdoor musical or theatrical performance may be extended an additional thirty minutes per day when required by an outdoor musical or theatrical performance. (Item IV-A-4 of Agreement)
2. Mid-Tier Events are those which involve more than 500 but less than 1,000 attendees paid at the Ranch. The 1,000-attendee maximum at Mid-Tier events is based on the estimated number of attendees and vehicles which can be accommodated at the Ranch, with little or no impact on the Town or Town residents. Up to 10 Mid-Tier Events may be held at the Ranch within any calendar year. No Mid-Tier Events may be held at the Farm. (Item IV-B of Agreement)
3. Amplification associated with any outdoor musical or theatrical performance constituting a Mid-Tier Event shall terminate no later than 10:30 p.m. on any Friday or Saturday and no later than 9:00 p.m. on any other day of the week. Amplification associated with any outdoor musical or theatrical performance may be extended an additional thirty minutes per day when required by an outdoor musical or theatrical performance. (Item IV-B-4 of Agreement)
4. To accommodate on-site parking necessary to keep Mid-Tier Events self-contained on the Ranch property and minimize impacts to the Town of Lyons residents, Keynote 4 is hereby amended to allow parking for up to 300 vehicles for Mid-Tier Events in the designated area and Keynote 5 is hereby amended to allow parking for up to 100 vehicles for Mid-Tier Events in the designated area. (Item IV-B-5 of Agreement)
5. The "patron days per calendar year" limitation in 1999 Keynote C93)(a)(iii) shall be eliminated. (Item IV-C-2 of Agreement)
6. The maximum number of Major Events shall be 8 per calendar year and the maximum number of event days shall be 12. (Item IV-C-3 of Agreement)
7. Total campground capacity for Major Events under 1999 Keynotes 4 and 5 shall be increased from 700 to 950. (Item IV-C-4 of Agreement)

*Farm*

8. The 2017 Farm Keynote 4 shall be amended to reduce the number of allowed campers from 950 to 700 and to increase the number of allowed vehicles from 150 to 400. (Item IV-C-5 of Agreement)

*Ranch/Farm*

9. The Town Administrator may waive the 120-day advance notice requirement for Major Events but shall notify the BOT of such waiver as soon as practicable. (Item IV-C-6 of Agreement)

*Farm*

10. The 2017 Farm Keynotes, Section 5, will be amended as follows: Sunday lineups at the Farm for purposes of safely conducting vehicles to events at the Ranch shall be permitted and shall not count against the 12 Minor Events allowed in any one calendar year under Farm Keynote 5(a). Parking for Sunday lineups shall not commence earlier than 9:00 a.m. and lineup activities shall be completed no later than 5:00 p.m. The 2017 Farm Keynotes, Section 6, will be amended to add that: Vehicles shall not occupy the area referenced in 2017 Farm Keynote 6 sooner than 24 hours before commencement of a Major Event. (Item V of Agreement)

**VII. CONDITIONAL USE REVIEW:**

Public Review Process

Event	Date
Surrounding and Interested Property Ownership Notification	12/22/21
Notification Posted on Town of Lyons Website	12/22/21
Referral Requests sent to Referral Agencies	12/22/21
Public Hearing Notification Posted on front bulletin board of Town Hall	12/22/21
Public Hearing Notification Posted in the Times Call	1/2/22
Sign posted in front of site with Public Hearing Notification	1/3/22
Planning & Community Development Commission Public Hearing	1/24/22
Board of Trustees Public Hearing	2/23/22

Agency Referral Comments

Lyons Fire Protection District	No concern with the proposed use.
TOL Town Engineer	No concern with proposed development but additional details will need to be provided at time of initial Building Permitting
TOL Utilities & Engineering Board	No concern with proposed development but additional details will need to be provided at time of initial Building Permitting
CDOT	Can use existing State Highway Access Permit
TOL Ecology Advisory Board	Substantial concerns regarding the conditional use review proposed changes and does not support the current proposal. See attached referral response.

Criteria for Review / Staff Evaluation

The criteria for review of this Conditional Use Review are found in LMC Section 16-7-30, as follows:

**LMC Section 16-7-30**

**The Town shall use the following criteria to evaluate the applicant's request:**

**1) The conditional use shall satisfy all applicable provisions of the zoning regulations and subdivision regulations.**

The conditional uses proposed meeting the intent of the CE-1 Zoning District to provide for a wide variety of for-profit and/or not-for-profit entertainment activities and uses. Additionally, the proposed uses fall within the following Conditional Uses permitted:

- State, theatrical, concert and related performances, and the construction of required facilities for such, as specified in the site plan.
- The sale of food and beverages and the operation of restaurant services.
- Educational, teaching, training, research and learning facilities and functions related to the uses and purpose of the site.
- Office, business and residency structures and uses, as specified in the

site plan.

None of the uses proposed are Prohibited in the CE-1 Zoning District.

The Development Standards for the CE-1 Zoning District include:

- Minimum lot area: 5 acres
- Minimum setbacks all sides: 20 feet
- Maximum building height: 35 feet

All proposed structures are within the Development Standards.

**2) The conditional use shall conform with or further the goals, policies and strategies set forth in the Lyons Comprehensive Plan.**

The proposed improvements are in accordance with the Lyons Comprehensive Plan. Specifically, the following goals and objectives are met by the proposal.

LAND USE AND GROWTH GOAL: Ensure that the built environment contributes to Lyons' identity and is consistent with the 2010 Lyons Planning Area Map and the Sustainable Design and Development Principles. (p. 7)

*The proposed structures will be compatible with the existing stone and timber structures at Planet Bluegrass in accordance with the surrounding environment.*

ECONOMIC DEVELOPMENT GOAL 1: Create an environment in which local businesses can prosper. (p. 9)

*The proposed improvements enable Planet Bluegrass Festivals to thrive while providing the Town with additional revenue through lodging taxes, etc., and providing the public an opportunity to enjoy all that Lyons local businesses have to offer.*

Economic Development Objective 1.2: Improve Lyons' fiscal, regulatory and physical environment.

**Economic Development Strategy 1.2.4:** Explore ways to communicate that Lyons is a business-friendly community.

*Supporting needed improvements to a commercial business in Town is a positive message to others considering business opportunities in Lyons.*

Economic Development Objective 1.3: Promote business retention and the creation of new businesses in Lyons.

*Continuing to support needed improvements to the operation of Planet Bluegrass at this location ensures the longevity of a substantially beneficial business in Lyons.*

ECONOMIC GOAL 2: Leverage the Town's History, natural setting, unique retailers, and relationship with the music and arts community to attract tourists. (p. 10)

*Planet Bluegrass festivals actively celebrate the natural setting surrounding the site to attract tourists.*

CULTURE, HISTORY AND EDUCATION GOAL: Support the advancement of education and culture in the community. (p. 14)

Culture, History and Education Objective 1.5: Provide community events and activities that build on and strengthen Lyons' culture.

**Culture, History and Education Objective Strategy 1.5.1:**

Continue to work with the arts and music community to encourage artists of all ages in the community to submit appropriate art projects that may be incorporated into public spaces.

*Planet Bluegrass fosters musical opportunities to all ages with its public workshops during annual music festivals.*

ENVIRONMENTAL GOAL: Protect and promote Lyons' unique natural environment and resources and lead the community towards environmental sustainability. (p. 16)

Environment Objective 1.6: Reduce the amount of Lyons solid waste that is sent to landfills.

*Planet Bluegrass actively promotes recycling and composting waste at all events with numerous well-marked trash receptacles in key locations throughout the site.*

TRANSPORTATION GOAL: Develop an integrated mobility system that is safe and easily accessible to all travelers. (p. 22)

Transportation Objective 1.2: Increase mobility choices in Lyons to reduce environmental impacts and average vehicle miles traveled and to enhance the area's quality of life.

**Transportation Strategy 1.2.5:** Investigate ways to manage traffic during events to prevent accidents and major delays.

*By providing most of the camping associated with the Planet Bluegrass festivals on site, traffic generation to and from the venue is greatly reduced. Sufficient parking is already provided onsite with CDOT-approved traffic management plans in place during the Major Events.*

- 3) The conditional use shall be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

Public Utilities

The proposed development is anticipated to be adequately served by Town utilities. The applicant is open to exploring sanitary sewer alternatives because of the temporary nature of the use, such as an engineered septic system or a self-contained system that is pumped.

The Town of Lyons Director of Utilities and Utility and Engineering Board has reviewed the application and specifically requests the following prior to being included with the initial Building Permit Application:

- Full utility report by a licensed professional engineer comprehensive of all proposed structures

- Drainage report showing detailing:
  - Stormwater drainage impact to adjacent properties
  - Stormwater drainage into the North St. Vrain and associated required water quality measures.
- Projected water use calculations to confirm the  $\frac{3}{4}$ " water service at the Farm is adequate
- Note that ADU's are prohibited from direct connection to the Town utilities and a metered primary dwelling unit will need to provide utilities
- Any expansion to the sanitary sewer loads will need to be closely evaluated and may require reconstruction or replacement of the associate Eagle Canyon Lift Station that is almost 30 years old and was noted in the Town's 2016 Sanitary Sewer System Expansion Feasibility:
 

*"We recommend that should the Town plan for a sewer system in Apple Valley that the connection point be either at the existing Eagle Canyon lift station location, assuming it's rebuilt, or at a new lift station at the west end of Main Street."*

#### Fire Protection

The Lyons Fire Protection District (LFPD) responded to the referral request with no objections to what is being proposed.

#### Traffic Impact

The increase in Mid-Tier Events will increase the traffic, however, because there is no anticipated change to Major Events other than the location of camping, no significant change in traffic is anticipated. The change in the location of camping will contribute to reduced pedestrian crossings of US36. Previously the campers would need to cross US36 from the Riverbend camping location to the festival, however, the proposed Farm camping area allows campers to cross US36 by an underpass to the festival grounds below US36 rather than crossing at grade. CDOT has reviewed the application and confirmed the proposed changes in use while complying with the existing State Highway Access Permit if 29 event days per year are not exceeded and request this be a condition of approval.

**4) The conditional use shall not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.**

The proposed improvements will not adversely alter the character of the Commercial Entertainment District and will only further the future successful operation of Planet Bluegrass festivals at this location.

**5) The conditional use shall result in efficient on-site and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.**

Accommodating most of the camping during music festivals to onsite substantially reduces traffic impacts in the surrounding area. The primary parking area located on the main property of the Farm will continue to be managed by CDOT-approved traffic management plans during events.

**6) Potential adverse impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use shall be**

**mitigated through setbacks, architecture, screen walls, landscaping, site arrangement, or other methods.**

Fencing around the perimeter, screen walls, and landscaping are proposed to provide screening and buffering from neighboring properties.

**7) The conditional use minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and promotes green building standards.**

The applicant is required to meet all regulatory floodway/floodplain use requirements restrictions and a Town Floodplain Development Permit will be required for any improvements (temporary or permanent) in the floodplain/floodway. The applicant proposes the addition of camping in the South Grazing area will be carefully managed to protect the space through the same sustainable camping practices required at the Telluride Bluegrass Festival. The wetlands are proposed to be fenced off to prevent damage, adequate services will be provided for waste management, and patron vehicles will not be allowed into the campground. This will be no more than 12 days per year, offering the area time for recovery.

The proposed improvements are in previously disturbed areas and the temporary nature of the seasonal events onsite minimizes environmental impacts and mitigates impacts to wildlife and wildlife habitat. New structures will be constructed using green building standards. Mitigation of environmental impacts is proposed by the applicant through detailed care after each event to remove all waste and rehabilitate any areas impacted by tents, vehicles, and foot traffic. The applicant deems the sparse, seasonal nature of events will allow for flora to grow back between events.

The applicant claims that previously hosted “Mid-Tier” sized events have had limited environmental impacts compared to Major Events and the additional Mid-Tier Events proposed will not have a notable environmental impact on either property.

The applicant states the proposed improvements will decrease the environmental impacts of the uses. Permanent fences will keep patrons out of sensitive areas and focus the impact on designated areas. Most of our structures proposed will replace the use of temporary event infrastructure which reduces environmental impacts associated with using and building the temporary spaces for each event, such as noise, trampling, and ground disturbance. Additionally, the proposed improvements allow the applicant to focus on more efficient permanent infrastructure, such as built-in LED lighting and permanent bathrooms.

**8) The conditional use avoids placing unreasonable financial burdens on the Town.**

The proposed modifications do not create financial burdens on the Town, and the proposal relocates offsite camping during Major Events to the Farm reducing impacts to the Town.

**9) The applicant shall submit evidence that all applicable local, state and federal permits have been or will be obtained.**

Planet Bluegrass has been in operation for many years and has a long history of obtaining all applicable permits and will continue to do so.

**10) The conditional use will not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zoning district in which**

**the conditional use is proposed, or that such increased impacts can be adequately mitigated.**

The proposed improvements are consistent with the music venue that is Planet Bluegrass and are in accordance with the uses allowed in the Commercial Entertainment District. Over the years, additional mitigation measures have been added to the Planet Bluegrass site, such as an exterior fence, to minimize offsite impacts. The proposed camping use in the South Grazing Area of the Farm is bordered on the north by the North St. Vrain Creek, the south by Apple Valley Road, the east by State Highway 36, and the west by private property owners.

#### **Recommended Conditions of Approval**

1. Planet Bluegrass shall provide a full utility report by a licensed professional engineer comprehensive of all proposed structures included in the initial Building Permit application.
2. Planet Bluegrass shall provide a full drainage report by a licensed professional engineer comprehensive of all proposed structures included in the initial Building Permit application.
3. Annual event days cannot exceed 29 days to comply with the current State Highway Access Permit.
4. The applicant agrees to withdraw its proposal for yurts and a bathhouse from the south side of the river from the Application.
5. The applicant agrees to clean the port o johns in between festivals, as practical, and screen the port o johns to views of Apple Valley, to the best of the applicant's ability.

#### **Summary and Alternatives**

- 1) A Resolution approving the Conditional Use Site Plan and Associated Keynotes.
- 2) A Resolution approving the Conditional Use Site Plan and Associated Keynotes with conditions.
- 3) A Resolution denying the Conditional Use Site Plan and Associated Keynotes.

#### **Proposed Motion**

"I move to approve the Conditional Use Review application by Planet Bluegrass for the Farm site." (Two resolutions are required, one for the Farm site and one for the Ranch site)

### **VIII. AMENDMENT TO THE ALU'S**

#### **Summary and Alternatives**

- 1) A Resolution approving the Amendment to the Amendable Letter of Understanding.
- 2) A Resolution approving the Amendment to the Amendable Letter of Understanding with additional amendments.
- 3) A Resolution denying the Amendment to the Amendable Letter of Understanding.

#### **Proposed Motion**

"I move to approve the amendment to the Amendable Letter of Understanding for the Farm site." (Two resolutions are required, one for the Farm site and one for the Ranch site)

### **IX. THE AMENDMENT TO THE ANNEXATION AGREEMENT FOR THE PLANET BLUEGRASS FARM**

#### **Summary of Request**

As discussed earlier, the Farm property was annexed into the Town and as subsequent Annexation Agreement for the Farm was approved via Ordinance 1015. Planet Bluegrass

has applied for certain changes to the Annexation Agreement as well as the Site Plan and Keynotes and Amendable Letter of Understanding (ALU) which are attachments to the Annexation Agreement. The changes to the Annexation Agreement have been proposed in a redline of the Annexation Agreement and a clean copy accepting all changes is included in the packet. Amendments to the Site Plan and Keynotes and ALU are being approved via separate approval processes prior to the amendment to the annexation agreement. The First Reading to consider the amendment to the annexation agreement for the planet bluegrass farm and continue to a public hearing was on February 2<sup>nd</sup>, 2022.

### **Water Rights Dedication**

#### Agreement Requirements

Section 19 of the annexation agreement the dedication of water rights to amend the Conceptual (Site) Plan. The required dedication and transfer is 1 acre-foot of water per acre of land annexed, which is 24.76 acres. This section also includes an additional dedication requirement to be determined by calculating the water use demands for such development that is in strict accordance with the Town Water Dedication Requirements, as reviewed and approved by the Town Engineer and Town Administrator.

#### Anticipated Water Use

Planet Bluegrass has projected based on historical water usage at the Farm and Ranch that the anticipated water uses at the Farm, which will primarily be used to support the Bathhouse during major events will be below the allowable 273,000 gallons per year allowed by the current water tap on site. Staff is in agreement with Planet Bluegrass's projected use, which will also be confirmed with the required full utility report prior to the initial Building Permit Application, which is a recommended condition of approval for the Conditional Use Review.

### **Municipal Services**

#### Agreement Requirements

Section 18 of the annexation agreement requires connection to the Town's wastewater line because the Town's wastewater line is located within 400 feet of the property per LMC Sec. 13-4-60(b).

Regardless of the amendment to the annexation agreement, this condition currently exists, and Planet Bluegrass is not connected to the Town's wastewater system, and it appears per the agreement they would be required to connect within 90 days of the Town's request. Staff recommends requiring a connection to the Town's wastewater system in conjunction with any new improvements to the site that anticipates wastewater production.

### **Summary and Alternatives**

1. Approve the Amendment for the proposed changes to the Annexation Agreement Contract.
2. Approve the Amendment for the proposed changes to the Annexation Agreement Contract with additional amendments.
3. Deny the Amendment for the proposed changes to the Annexation Agreement Contract.

### **Proposed Motion**

"I move to approve the Ordinance Amending an Annexation Agreement with Planet Bluegrass for the Farm."

**X. LEGAL ISSUES:**

The Town Attorney has reviewed and approved the agreements in form.

**XI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None known.

**XII. ATTACHMENTS:**

1. Referral Comments
2. Planet Bluegrass Water Use Estimates