

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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