

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1107

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, REFERRING 3 QUESTIONS TO THE REGISTERED ELECTORS OF THE TOWN OF LYONS PURSUANT TO C.R.S § 31-11-111(2) ON WHETHER: 1) THE CONSTRUCTION OF A SOLAR GENERATION AND BATTERY STORAGE FACILITY BE PERMITTED ON APPROXIMATELY ONE ACRE OF BOHN PARK SOUTHWEST OF THE BOHN PARK DIRT JUMP BIKE PARK IN THE TOWN OF LYONS BE PERMITTED, 2) THE CONSTRUCTION OF A SOLAR GENERATION AND BATTERY STORAGE FACILITY BE PERMITTED ON APPROXIMATELY ONE ACRE OF THE 10 ACRES OF THE LYONS DOG PARK, KNOWN AS LOT E BE PERMITTED; AND 3) THE CONSTRUCTION OF A SOLAR GENERATION AND BATTERY STORAGE FACILITY BE PERMITTED ON APPROXIMATELY 1 ACRE WITHIN THE 10 ACRES OF LAND DIRECTLY SOUTH OF THE LYONS DOG PARK, KNOWN AS LOT F BE PERMITTED

WHEREAS; pursuant to C.R.S. Section 31-11-111(2), the legislative body of the Town of Lyons (the “Town”) has the authority to, without receipt of any petition, submit any proposed or adopted ordinance or resolution or any question to a vote of the registered electors of the municipality; and

WHEREAS, Ordinance 959 of the Town, codified at Sec. 16-15-70 of the Lyons Municipal Code (“LMC”), provides that “[n]o ordinance revising the zoning of any portion of land currently zoned as Parks and Open Space District (POS) to any different zoning shall be effective unless and until the ordinance is referred to the registered electors of the Town at a regular or special election and such ordinance is approved by a majority of the registered electors voting thereon”; and

WHEREAS, Ordinance 959 was a petitioned ballot measure passed by a majority of electors in the Town; and

WHEREAS, the Town has submitted a grant application to the Department of Local Affairs (“DOLA Grant”) for the purposes of constructing a solar generation and battery storage facility; and

WHEREAS, the DOLA Grant identifies three locations where the solar generation and battery storage facility may be sited: 1) approximately one acre of Bohn Park southwest of the Bohn Park Dirt Jump Bike Park; 2) approximately one acre of the 10 acres of the Lyons Dog Park, known as Lot E; and 3) approximately one acre within the 10 acres of land directly South of the Lyons Dog Park, known as Lot F; and

WHEREAS, the preferred location of the Utilities and Engineering Board (“UEB”) for the proposed solar generation and battery storage facility is on approximately one

acre of Bohn Park southwest of the Bohn Park Dirt Jump Bike Park as specifically depicted in **EXHIBIT A**; and

WHEREAS, the Town would also desire feedback on whether it is permitted to construct the proposed solar generation and battery storage facility on approximately one acre of the Lyons Dog Park, known as “Lot E” and as specifically depicted on **Exhibit B**; and

WHEREAS, the Town would also desire feedback on whether it is permitted to construct the proposed solar generation and battery storage facility on approximately 1 acre within the 10 acres of land directly south of the Lyons Dog Park, known as “Lot F” and as specifically depicted on **Exhibit C**; and

WHEREAS, the Board desires to refer three questions on whether the solar generation and battery storage facility may be permitted to be sited on each of locations identified in the DOLA Grant and as described above; and

WHEREAS, each of the three questions concerning the three locations are not intended to be competing questions and that the registered electors may vote to select multiple locations as permitted to site solar generation and battery storage facilities; and

WHEREAS, pursuant to C.R.S. Section 31-11-111(2) the Board refers four questions to the registered electors of the Town for the November 2, 2021 Boulder County coordinated election as set forth in this ordinance.

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

Section 1. There is hereby submitted to the properly qualified and registered electors of the Town of Lyons three referred questions as follows:

TOWN OF LYONS REFERRED BALLOT QUESTION NO. XX

SHALL THE CONSTRUCTION OF A SOLAR GENERATION AND BATTERY STORAGE FACILITY BE PERMITTED ON APPROXIMATELY ONE ACRE OF BOHN PARK SOUTHWEST OF THE BOHN PARK DIRT JUMP BIKE PARK IN THE TOWN OF LYONS BE PERMITTED?

_____ YES

_____ NO

TOWN OF LYONS REFERRED BALLOT QUESTION NO. XX

SHALL THE CONSTRUCTION OF A SOLAR GENERATION AND BATTERY

STORAGE FACILITY BE PERMITTED ON APPROXIMATELY ONE ACRE OF THE 10 ACRES OF THE LYONS DOG PARK, KNOWN AS "LOT E" IN THE TOWN OF LYONS BE PERMITTED?

_____ YES

_____ NO

TOWN OF LYONS REFERRED BALLOT QUESTION NO. XX

SHALL THE CONSTRUCTION OF A SOLAR GENERATION AND BATTERY STORAGE FACILITY ON APPROXIMATELY 1 ACRE WITHIN THE 10 ACRES OF LAND DIRECTLY SOUTH OF THE LYONS DOG PARK, KNOWN AS "LOT F" IN THE TOWN OF LYONS BE PERMITTED?

_____ YES

_____ NO

Section 2. Each question concerning the three locations are not intended to be competing questions and that the registered electors may vote to select multiple locations as permitted to site solar generation and battery storage facilities.

Section 3. The ballot title for the ballot question contained in this Ordinance is hereby determined to be the text of the ballot question itself.

Section 4. Each elector voting at said election and desiring to vote shall indicate their choice by depressing the appropriate counter of the voting machine or by the appropriate marking upon paper ballots were used.

Section 5. The proper officials of the Town of Lyons shall give notice of the election, such notice shall be published in the manner and for the length of time required by law, and the ballots cast as such election shall be canvassed and the result ascertained, determined, and certified by law.

Section 6. If any section, paragraph, clause, or other portion of this Ordinance is for any reason held to be invalid or unenforceable the invalidity or unenforceability shall not affect any of the remaining portions of this Ordinance.

Section 7. The Board authorizes the Town Clerk to take all steps necessary to place the referred questions on the ballot for the upcoming November Boulder County coordinated election on November 2, 2021.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of

the Lyons Municipal Code.

**INTRODUCED AND PASSED ON FIRST READING THIS ____ DAY OF _____
2021.**

**INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON
SECOND READING THIS ____ DAY OF _____ 2021.**

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk