



# Town of Johnstown

## PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

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<b>DESCRIPTION:</b>	Archdiocese Annexation Nos. 1 and 2 & Establishment of Zoning (HA-Holding Ag and PUD-MU)
<b>PROJECT NO:</b>	ANX22-0003
<b>LOCATION:</b>	South of WCR 46.5 and the Little Thompson Reservoir, west of WCR 19
<b>APPLICANT:</b>	Archbishop of Denver
<b>STAFF:</b>	Kim Meyer, Planning & Development Director
<b>HEARING DATE:</b>	February 15, 2023

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### ATTACHMENTS

- 1- Vicinity Map
- 2- Annexation Map
- 3- Zoning Map
- 4- COGCC Map

### PROJECT SUMMARY

The Applicant requests Annexation for approximately 82.6 acres of land in Weld County, in two “serial” annexations of 41.06 acres and 41.53. Establishment of zoning is proposed in two parts, with the eastern portion of the property, proposed to support a solar facility with PUD-MU (Mixed Use) zoning; and the western portion proposed to remain in ag production, with an H-A (Holding Ag) zoning district.

An Outline Development Plan as well as an application for a Use by Special Review (USR) for a Solar Facility have also been received and reviewed for this property. These will also be heard concurrently by Planning & Zoning Commission and the Town Council.

### PROPERTY BACKGROUND

The property is located south of Weld County Rd (WCR) 46.5 and west of WCR 19 (Attachment 1). The subject property is presently zoned A - Agricultural in unincorporated Weld County and is being used as farm land. It is bordered to the north by the Hillsborough/Little Thompson Reservoir, to the west by incorporated areas of Johnstown, with the rest being adjacent to unincorporated Weld County and adjacent to the Milliken Growth Management Boundary. The right of way for County Road 46 to the north and east, that just touches this parcel, is already annexed into Milliken.

*The Community That Cares*

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## **SURROUNDING ZONING & LAND USE**

North: A – Agricultural (Weld County), Hillsborough/Little Thompson Reservoir  
South: A – Agricultural (Weld County)  
East: A – Agricultural (Weld County)  
West: PUD (Johnstown) with Oil & Gas Well Pads

## **LAND USE HISTORY**

Historically, this property has been used for farming and continues as that use today.

## **OIL & GAS**

COGCC (Oil & Gas) online maps show existing abandoned and plugged and abandoned wells on-site, Attachment 4. These sites are also shown on the Annexation and Zoning maps, as well as an easement for a Kerr-McGee pipeline that bisects the property.

## **IRRIGATION DITCHES**

The Hillsborough/Little Thompson Reservoir, owned and managed by the Extension (Hillsborough) Ditch Company, is partially located on the northwest corner of this property. These are some emergent wetlands along the banks of that water body, identified by the Colorado Wetland Inventory as part of the Colorado Natural Heritage Program.

(<https://csurams.maps.arcgis.com/apps/webappviewer/index.html?id=a8e43760cb934a5084e89e46922580cc>)

## **FLOODPLAIN**

The subject property is not located in any floodplain area.

## **PUBLIC NOTICE & AGENCY REFERRALS**

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, January 26, 2023. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the project area. Full state-required annexation packets will be mailed to the county and all taxing districts in advance of the scheduled Council hearing on March 20, 2023.

This project was referred to the Johnstown Review Committee as well as Weld County, Milliken, the Weld RE-5J School District, Little Thompson Water, Xcel and TDS.

## **NEIGHBORHOOD MEETING**

No neighborhood meeting was held for this annexation and zoning.

## **PROJECT DESCRIPTION & ANALYSIS**

### **Annexation**

This 82.6-acre Annexation (Attachment 2) encompasses the full ownership of the Archdiocese in this immediate area, as well as extending across the full existing ROW for Weld CR 19. A dedication of additional ROW, to accommodate future arterial build-out along the parcel frontage, is included with the proposed annexation agreement that the Council will review concurrently with this Annexation request.

The annexation is being considered by the Town for the following reasons:

1. At least 1/6 of the area to be annexed for each individual annexation is contiguous to the Town of Johnstown boundary.

2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town is capable of providing water, sewer, and police service to the property.
4. The Town is authorized to annex the area without an election under Section 30(b) of Article II of the Colorado Constitution.

A Resolution finding Substantial Conformance with C.R.S. requirements and setting the public hearing was approved by Town Council on February 6, 2023.

### **Zoning & Development Standards**

The current zoning for the property is Agricultural in unincorporated Weld County. There are no known existing conditional uses or uses by special review that apply to the property.

The applicant requests two separate zones – H-A- Holding Ag and PUD-MU – upon annexation. (Attachment 3) Zone H-A would permit the owner to continue using the property for agricultural uses. The PUD zoning has an associated Outline Development Plan being proposed, as well, that would permit a solar facility to be developed on the site. Additional future development will be required to create subdivision plats and development plans, to be reviewed and approved by the Town through public hearing processes. Detailed engineering and construction plans are part of that future technical review.

This area of the Johnstown Growth Management Area is indicated for Low or Very Low Intensity and Density types of development. The continuation of agricultural uses into the future, as well as the use of the area for very low intensity energy resource development are in alignment with this designation and intention. Staff has no outstanding concerns related to this Annexation and Establishment of Zoning.

### **RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS**

Staff recommends that the Planning and Zoning Commission send a recommendation for Approval to Town Council for the Annexation and Establishment of H-A and PUD-MU Zoning based upon the following findings:

1. The area is contiguous to the Town of Johnstown along at least 1/6 of its boundaries.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town can adequately and efficiently provide utility and police services.
4. The property is eligible for annexation without election pursuant to the Colorado Constitution Article II, Section 30(b).

#### **Recommended Motion: Motion to Approve:**

Based on the application materials received, analysis and presentations at this hearing, and findings noted in this staff memorandum, I move that the Planning & Zoning Commission recommend Approval to the Town Council for the Archdiocese Annexation and Establishment of H-A and PUD-MU Zoning Districts for this property.

#### **Motion to Recommend Approval on Annexation, and modification of Zoning District:**

I move that the Commission recommend to the Town Council Approval of the Archdiocese Annexation and to Establish Zoning on the property.

#### **Motion to Recommend Denial:**

I move that the Commission recommend to the Town Council Denial of the Archdiocese Annexation and Establishment of Zoning.