



# Town of Johnstown

## PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

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<b>DESCRIPTION:</b>	<b>Dove Solar LLC – Solar Array Project Use by Special Review</b>
<b>PROJECT NO:</b>	USR22-0002
<b>LOCATION:</b>	South of WCR 46.5 and the Little Thompson Reservoir, west of WCR 19
<b>APPLICANT:</b>	SunSolar (Applicant) / Archbishop of Denver (Owner)
<b>STAFF:</b>	Kim Meyer, Planning & Development Director
<b>HEARING DATE:</b>	February 15, 2023

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### ATTACHMENTS

- 1- Vicinity Map
- 2- USR Site Plan
- 3- USR Narrative
- 4- Decommissioning & Reclamation Plan
- 5- Dust and Weed Mitigation Plan

### PROJECT SUMMARY

The Applicant requests the approval of a Use by Special Review (Attachment 2) for approximately 30 acres of land that is also under concurrent consideration for annexation, zoning and an ODP with the Town of Johnstown - as the Archdiocese Annexation Nos. 1 and 2. The Dove Solar Outline Development Plan would allow for the use of a solar facility on the eastern half of that subject property.

### PROPERTY BACKGROUND

The property is located south of Weld County Rd (WCR) 46.5 and west of WCR 19. 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. (Attachment 1)

### 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.

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## **OIL & GAS**

COGCC (Oil & Gas) online maps show existing abandoned and plugged and abandoned wells on-site. These sites are also shown on the USR site plans.

## **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>)

The reservoir and surrounding areas of interest are located in the H-A zoning district area and will be undisturbed by the proposed solar use on the PUD-MU zoned area.

## **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.

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 USR project.

## **PROJECT DESCRIPTION & ANALYSIS**

The proposed USR applies to the 5,000 kW-AC solar array project use that Dove Solar is anticipating installing on this property. This array will consist of approximately 142 rows of over 11,000 modules. This non-reflective array equipment will be installed in the typical rows of arrays, with a maximum height of 10 feet at full tilt. The fencing will be an 8-foot tall game fence of 4x4 inch reinforced mesh. Native seed mix will be cultivated and maintained onsite post construction, with

The total project site, inside the fence, is a little over 30 acres in size, with overall dimensions of approximately 1183 feet wide (east-to-west) and just under 1300 feet north-to-south. This comprises the full frontage of the property along CR 19. The front fencing along the roadway is anticipated to be setback approximately 45-70 feet from the ultimate right-of-way, with another 30 feet to the nearest equipment.

The use would utilize the existing access from CR 19 and creates the needed hammerhead turnaround for the Fire District on-site. No utilities or additional accesses are needed to serve this use. Electrical cables serving the site will be buried underground.

The Use by Special Review would permit this use to continue for up to 40 years from the time the facility is complete and in operation. Any proposed change to the use or additional development plans would initiate a new review by the Town and our reviewing agencies at that time. At the time of decommissioning, the user is required to remove all equipment and improvements and return the site to its current undeveloped state.

The Site Plan is also accompanied by grading and stormwater plans that have been reviewed and approved by the Town Engineer, as well as a Project Narrative, Decommissioning & Reclamation Plan, and Dust and Weed Mitigation Plan (Attachments 3, 4 & 5).

This area of the Johnstown Growth Management Area is indicated for Low or Very Low Intensity and Density types of development. The use of the area for low intensity energy resource development is in alignment with this designation and intention. Staff has no outstanding concerns related to this proposed Dove Solar LLC – Solar Array Project Use by Special Review.

### **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 Dove Solar LLC – Solar Array Project Use by Special Review based upon the following findings, per JMC Sec 17-200:

1. The Special Use is in alignment with the Future Land Use Plan within the Area Johnstown Comprehensive Plan.
2. The Special Use will be compatible with existing surrounding and probably future land uses in the area.
3. The Special Use will not cause any unreasonable demand on Town services.
4. The Special Use will not unreasonable or adversely affect traffic flow in the surrounding area.
5. The Special Use has been designed to meet all Town codes, regulations and requirements for that type of development.
6. The Special Use provides a meaningful interim use, to up 40 years, to the subject property; which may then develop in accordance with future land use compatibility, and town plans and codes in place at that time.

#### **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 Dove Solar LLC – Solar Array Project Use by Special Review.

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

I move that the Commission recommend to the Town Council Denial of the Dove Solar LLC – Solar Array Project Use by Special Review.