

TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2023-17

APPROVING A USE BY SPECIAL REVIEW FOR SUN SOLAR, LLC FOR A SOLAR FACILITY TO BE KNOWN AS “DOVE SOLAR ARRAY” AND SITUATED IN PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 31 ACRES.

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is the governing body of the Town and is vested with authority to administer the affairs of the Town; and

WHEREAS, Sun Solar, LLC, a Colorado limited liability company, submitted an application to the Town for a use by special review for a 31-acre solar facility to be known as “Dove Solar” and situated in part of the North Half of the Northeast Quarter of Section 16, Township 4 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, consisting of approximately 46.60 acres, as more particularly described on Exhibit A attached hereto and incorporated herein by reference (“Property”); and

WHEREAS, by Ordinance No. 2023-244, the Town Council approved the annexation of the Property; by Ordinance No. 2023-245, the Town Council approved planned unit development – mixed use (PUD-MU) zoning of the Property; and, by Ordinance No. 2023-246, the Town Council approved the Dove Solar Outline Development Plan (“ODP”) for the Property; and

WHEREAS, on February 15, 2023, the Planning and Zoning Commission held a public hearing and voted to recommend approval of the use by special review; and

WHEREAS, on April 17, 2023, the Town Council held a public hearing and, after considering the Planning and Zoning Commission’s recommendation, reviewing the file, and conducting such public hearing, found that the special use is consistent with the Town’s Comprehensive Plan and compatible with existing surrounding and probable future land uses, and that the special use will not cause an unreasonable demand on the Town’s services, unreasonably affect traffic flow and parking or adversely affect the general public welfare; and

WHEREAS, based on the foregoing, the Town Council desires to approve the use by special review.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

Section 1: Sun Solar, LLC’s application for a use by special review for a solar facility to be known as “Dove Solar,” situated on approximately 31 acres of the Property as depicted on the

Use by Special Review (USR) – Dove Solar, LLC Site Plan dated January 31, 2023, is hereby approved.

Section 2: This Resolution shall be effective upon the effective date of the annexation of the Property.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of _____, 2023.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Hannah Hill, Town Clerk

By: _____
Gary Lebsack, Mayor

EXHIBIT A
PROPERTY DESCRIPTION

An area of land being a portion of the North Half of the Northeast Quarter (N1/2NE1/4) of Section Sixteen (16), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows;

COMMENCING at the North Quarter corner of said Section 16 and assuming the North line of the Northeast Quarter (NE1/4) of said Section 16 as monumented by a #6 rebar with a 3.25" aluminum cap stamped LS 7242 at the West end and a 2.5" aluminum pipe with a 3.25" aluminum cap stamped LS 13155 at the East end, as bearing South 88°26'46" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983 (2011), a distance of 2722.98 feet, with all other bearings contained herein being relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

THENCE South 88°26'46" East along said North line of the NE1/4 a distance of 1742.42 feet to the **POINT OF BEGINNING**;

THENCE continuing South 88°26'46" East along said North line a distance of 980.56 feet to the Northeast corner of said Section 16;

THENCE South 00°44'50" East along the East line of said N1/2NE1/4 a distance of 1296.20 feet to the North sixteenth corner of Section 16;

THENCE North 89°01'10" West along the South line of said N1/2NE1/4 a distance of 2714.42 feet to the Center North Sixteenth corner of Section 16;

THENCE North 01°04'34" West along the West line of said N1/2NE1/4 a distance of 269.30 feet;

THENCE South 89°01'10" East a distance of 1357.98 feet;

THENCE North 00°54'49" West a distance of 756.16 feet;

THENCE North 90°00'00" East a distance of 376.23 feet;

THENCE North 00°00'16" East a distance of 274.14 feet to the North line of the N1/2NE1/4 of said Section 16 and
to the **POINT OF BEGINNING**.

Said area of land contains 46.60 Acres (+/-2,029,784 sq.ft.) and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.