



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** April 17, 2023

**SUBJECT:** Resolution 2023-17 Approving a Use by Special Review for the Dove Solar Array

**ACTION PROPOSED:** Hold Public Hearing and Consider Resolution 2023-17 Approving a Use by Special Review for the Dove Solar Array

**ATTACHMENTS:**

1. Resolution 2023-17
2. Vicinity Map
3. Site Plan
4. USR Narrative
5. Dust & Weed Management Plan
6. Decommissioning Plan
7. PZC Agenda Memorandum for Use by Special Review
8. Staff Presentation

**PRESENTED BY:** Kim Meyer, Planning & Development Director

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### AGENDA ITEM DESCRIPTION:

The applicant, SunSolar, LLC, requests approval of a Use by Special Review for an approximately 31-acre solar array facility, intended as a 20-40 year interim use which would be in conformance with the Dove Solar Outline Development Plan. The property is west of Weld County Road 19, and north of Weld County Road 44, encompassing a total of 46.60 acres (Attachment 2).

The facility footprint is proposed to be constructed on the eastern portion of the parcel, pulling access from an existing oil & gas drive, and will continue farming operations on the remaining portions until future development occurs. (Attachment 3-4). The site plan provides for fire district-approved access and turnaround, and underground collection line, and open wildlife fencing.

The Johnstown Municipal Code does not mention a facility/use such as a solar farm within our zoning code, nor any development standards to apply thereto. Staff worked with the Applicant and Owner, through the process of annexation, zoning, outline development plan, and subdivision, to create the Dove Solar ODP that allows a solar facility as an “interim” use, with a USR (Use by Special Review) process. Based on review of a prior solar facility (SunCatcher), Staff required provision of a Dust and Weed mitigation plan, as well as a Decommissioning Plan that would remove the equipment and restore the property, minus some minor grading modifications, to its predevelopment state (Attachments 5 & 6). The Town Engineer

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reviewed and approved of the grading and drainage plans, which make minor changes to the grade, without significantly affecting the historical patterns or volumes.

The Planning & Zoning Commission held a public hearing on February 15, 2023, to consider this Use by Special Review project (USR22-0002). The Planning & Zoning Commission Agenda Memorandum (Attachment 7) provides additional background and analysis. The Commission approved a motion to recommend to Town Council approval of this Use by Special Review.

**RECOMMENDED FINDINGS:**

The Council finds this Use by Special Review for the Dove Solar Array to be 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.

**LEGAL ADVICE:**

Resolution was prepared by the Town Attorney.

**FINANCIAL ADVICE:**

NA

**RECOMMENDED ACTION:**

The Planning and Zoning Commission recommended, and Staff concurs, with a recommendation for Approval of Resolution 2023-17 Approving a Use by Special Review for the Dove Solar Array.

**SUGGESTED MOTIONS:**

**For Approval**

I move that the Town Council approve Resolution 2023-17.

**For Denial**

I move that the Town Council deny Resolution 2023-17.

*Reviewed and Approved for Presentation,*



Town Manager