Town of Johnstown

May 19, 2023

Mr. JD Padilla
6037 Johnstown, LLC
Via email: jd@postmoderndevelopment.com

From May 9, 2023 – May 13, 2023, the Town of Johnstown ("Town") experienced a significant weather event consisting of both hail and consistent rainfall. During the event, the property owned by 6037 Johnstown, LLC, commonly known as the Purvis property, had significant erosion due to failure of the erosion sediment control methods on the property. The outcome resulted in substantial impacts to adjacent property owners. Given this situation, the Town is becoming increasingly concerned with the current condition of the property. The Town communicated with you on several occasions starting on April 30, 2023, related to our concerns.

The Town is aware that a Storm Water Management Permit (SWMP), COR 417546, was issued by the Colorado Department of Health and Environment. The permit requires stabilization of the property pursuant to *Section iii. Stabilization Requirements*. It is the Town's strong opinion that you have not complied with the stabilization requirements. We are asking for your immediate attention to come into compliance to implement and establish temporary stabilization as per the permit. Continuing to allow dirt, silt and other material to leak off your site is not acceptable.

While I am aware that you have mentioned that a sale is imminent, based on internal information with our development review team, the civil design still has not been approved. This means that, regardless of whether a sale is made of the property, there are still elements related to engineering and infrastructure approvals that need to be approved by the Town prior to the construction and installation of any infrastructure. We believe that stabilization and security and being a good neighbor to adjacent property owners is paramount and necessary for positive community relations. While the Town wants you in the community, we also do not want adverse impacts to adjacent existing community members.

To reiterate, the Town is seeking stabilization in compliance with the SWMP COR417546 to begin immediately upon the Purvis property. As we look forward, when infrastructure does begin taking shape, we are also asking for the first phase of development, regardless of where it is, to include the installation of vegetation stabilization entries as applicable approved in the site development plan to be required on the attached map in the shaded area. If you have any questions, please contact me at your convenience and I look forward to seeing positive stabilization activity begin no later than May 25, 2023.

Thank you for your cooperation in this important community matter and your conscious efforts to be a cooperative and collaborative community partner.

Regards,

Matt LeCerf
Town Manager

Cc: Mayor and Johnstown Town Councilmembers
Avi Rocklin, Town Attorney
Doug Gossett, Town Engineer
Kim Meyer, Planning Director

Enclosures

COLORADO
Department of Public Health & Environment

CERTIFICATION TO DISCHARGE
UNDER
CDPS GENERAL PERMIT COR400000
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Certification Number: **COR417546**

This Certification to Discharge specifically authorizes:

Owner 6037 Johnstown LLC
Operator Crow Creek Construction LLC
to discharge stormwater from the facility identified as

Purvis Farms

To the waters of the State of Colorado, including, but not limited to:

South Platte River

Facility Activity :	Residential Development
Disturbed Acres:	110 acres
Facility Located at:	North East Corner of Colorado Blvd and Highway 60 Johnstown CO 80534 Weld County Latitude 40.339187 Longitude -104.939648
Specific Information (if applicable):	

Certification is issued and effective: 7/18/2022
Expiration date of general permit: 3/31/2024

This certification under the permit requires that specific actions be performed at designated times. The certification holder is legally obligated to comply with all terms and conditions of the permit.

This certification was approved by:
Meg Parish, Section Manager
Permits Section
Water Quality Control Division

firefighting activities or picked up from the site (i.e. in a gutter, sediment basin, etc.) after active emergency response is complete, the permittee must ensure the remaining water containing pollutants is properly removed and disposed of in order to minimize pollutants from discharging from the site, unless infeasible.

iii. Stabilization Requirements

The following requirements must be implemented for each site.

(a) Temporary stabilization must be implemented for earth disturbing activities on any portion of the site where ground disturbing construction activity has permanently ceased, or temporarily ceased for more than 14 calendar days. Temporary stabilization methods may include, but are not limited to, tarps, soil tackifier, and hydroseed. The permittee may exceed the 14-day schedule when either the function of the specific area of the site requires it to remain disturbed or physical characteristics of the terrain and climate prevent stabilization. The SWMP must document the constraints necessitating the alternative schedule, provide the alternate stabilization schedule, and identify all locations where the alternative schedule is applicable on the site map. Minimum inspection frequency and scope, as directed in Part I.D., must be followed for temporarily stabilized areas.

(b) Final stabilization must be implemented for all construction sites covered under this permit. Final stabilization is reached when (1), (2), and (3) below are complete:

(1) All construction activities are complete.

(2) Permanent stabilization methods are complete. Permanent stabilization methods include, but are not limited to, permanent pavement or concrete, hardscape, xeriscape, stabilized driving surfaces, vegetative cover, or equivalent permanent alternative stabilization methods. The division may approve alternative final stabilization criteria for specific operations. Vegetative cover must meet the following criteria:

a. Evenly distributed perennial vegetation, and

b. Coverage, at a minimum, equal to 70 percent of what would have been provided by native vegetation in a local, undisturbed area or adequate reference site, and

(3) The permittee must ensure all temporary control measures are removed from the construction site once final stabilization is achieved, except when the control measure specifications allow the control measure to be left in place (i.e. bio-degradable control measures).

(c) Final stabilization must be designed and installed as a permanent feature. Final stabilization measures for obtaining a vegetative cover or alternative stabilization methods include, but are not limited to, the following as appropriate:

(1) Seed mix selection and application methods;

(2) Soil preparation and amendments;

(3) Soil stabilization methods to provide adequate protection to minimize erosion (e.g. crimped straw, hydro mulch or rolled erosion control products);

(4) Appropriate sediment control measures as needed until final stabilization is achieved;

(5) Permanent pavement, hardscape, xeriscape, stabilized driving surfaces;

(d) Other alternative stabilization practices as applicable.

b. Maintenance

The permittee must ensure that all control measures remain in effective operating condition and are protected from activities that would reduce their effectiveness. Control measures must be maintained in accordance with good engineering, hydrologic and pollution control practices. Observations leading to the required maintenance of control measures can be made during a site inspection, or during general observations of site conditions. The necessary repairs or modifications to a control measure requiring routine maintenance, as defined in Part I.E., must be conducted to maintain an effective operating condition. This section is not subject to the requirements in Part I.B.1.c below.

c. Corrective Actions

The permittee must assess the adequacy of control measures at the site, and the need for changes to those control measures, to ensure continued effective performance.

When an inadequate control measure, as defined in Part I.E., is identified (i.e., new or replacement control measures become necessary), the following corrective action requirements apply. The permittee is in noncompliance with the permit until the inadequate control measure is replaced or corrected and returned to effective operating condition in compliance with Part I.B.1 and the general requirements in Part I.B.3. If the inadequate control measure results in noncompliance that meets the conditions of Part II.L., the permittee must also meet the requirements of that section.

i. The permittee must take all necessary steps to minimize or prevent the discharge of pollutants from the permitted area and manage any stormwater run-on onto the site until a control measure is implemented and made operational and/or an inadequate control measure is replaced or corrected and returned to effective operating condition. If it is infeasible to install or repair the control measure immediately after discovering the deficiency, the following must be documented in the SWMP in Part I.D.5.c and kept on record in accordance with the recordkeeping requirements in Part II.

(a) Describe why it is infeasible to initiate the installation or repair immediately; and

(b) Provide a schedule for installing or repairing the control measure and returning it to an effective operating condition as soon as possible.

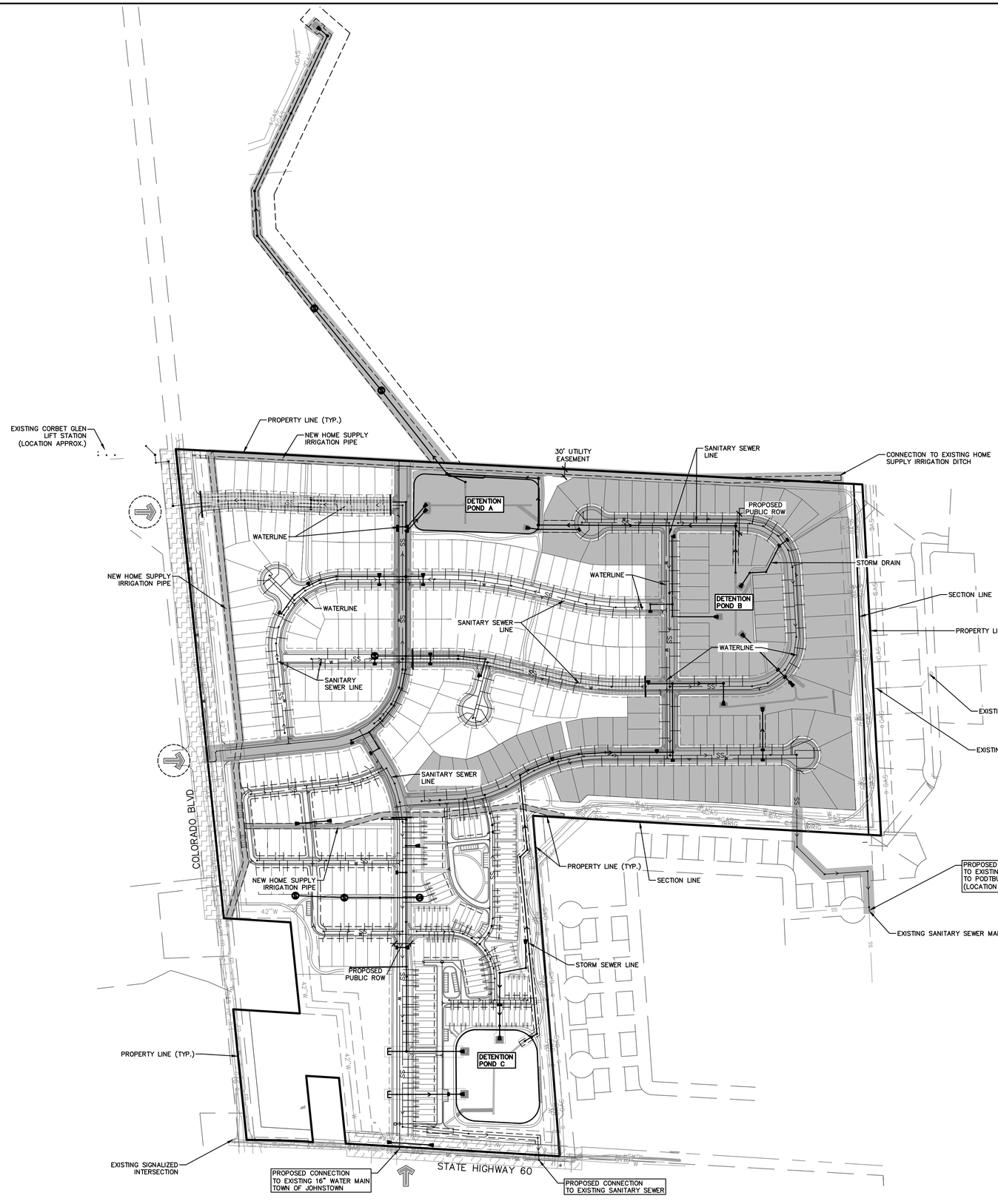
ii. If applicable, the permittee must remove and properly dispose of any unauthorized release or discharge within and from the permitted area (e.g., discharge of non-stormwater, untreated stormwater containing pollutants, spill, or leak not authorized by this permit.) The permittee must also clean up any contaminated surfaces, if feasible, to minimize discharges of the material in subsequent storm events, including water remaining from the response that contains pollutants after active emergency firefighting response is complete.

2. Discharges to an Impaired Waterbody

a. Total Maximum Daily Load (TMDL)

If the discharge from the site of permit coverage flows to or could reasonably be expected to flow to any water body for which a TMDL has been approved, and stormwater discharges associated with construction activity were assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, the division may:

i. Ensure the WLA is implemented properly through alternative local requirements, such as by a



LEGEND

	EXISTING	PROPOSED
SANITARY SEWER	SS	SS
POTABLE WATER	W	W
THORNTON RAW WATER	42"W	
STORM DRAIN	SD	
PROPERTY BOUNDARY		
PRIVATE DRIVE		
RIGHT-OF-WAY		
EASEMENT LINE		
PLANNING AREA BOUNDARY		

INITIAL SITE WORK/GRADING

ALL AREA WITHIN THE PROPERTY BOUNDARY WILL HAVE COMPLETED SITE GRADING TO CREATE COMPLETE GENERAL CLEARING, GRUBBING, AND GENERAL EARTHWORK FOR INITIAL SITE BALANCE FOR DIRT. THIS STEP WILL INCLUDE PERIMETER EROSION CONTROL FOR RUNOFF PROTECTION, DUST, AND DIRT TRACKING.

PHASE I PUBLIC IMPROVEMENTS

AREA WITHIN THIS HATCH WILL HAVE ALL IMPROVEMENTS (WATER, SANITARY SEWER, STORM DRAIN, HOME SUPPLY IRRIGATION DISTRICT PIPE, SIDEWALKS, CURB/GUTTER, AND PAVING COMPLETED. THIS PHASE INCLUDES THE COMPLETION OF DETENTION POND A & B ALONG WITH THE APPROPRIATE LANDSCAPE ARCHITECTURE FOR SITE STABILIZATION.

PHASE I - TEMPORARY ALL WEATHER ACCESS

TWO ALL WEATHER ACCESS ROADS ARE PROPOSED. THE FIRST WILL CONNECT COLORADO BLVD TO METEORITE TRAIL. ALL UTILITIES UNDER THE ALL WEATHER ACCESS ROAD WILL BE INSTALLED. THE WATER WILL BE CONNECTED INTO THE WATER MAIN IN COLORADO BLVD, AND THE SANITARY WILL BE STUBBED FOR FUTURE CONNECTION. THE SECOND WILL CONNECT METEORITE TRAIL TO MALLONEE LANE. ONLY WATER WILL BE INSTALLED UNDER THIS ROAD. SANITARY AND STORM WILL BE STUBBED FOR FUTURE CONNECTIONS. THE ACCESSES WILL BE GRADED TO MATCH THE FINAL STREET DESIGN PLAN AND PROFILES. THE ACCESS MUST BE 24-FT WIDE AND DESIGNED TO ACCOMMODATE THE FIRE DISTRICT'S AND THE TOWN'S EMERGENCY VEHICLES. EMERGENCY BARRICADES & SIGNAGE WILL BE PLACED ON EACH SIDE, AS EACH TEMPORARY ALL WEATHER ACCESS ROAD WILL BE FOR EMERGENCY VEHICLE USE ONLY.

PHASE II - PUBLIC IMPROVEMENTS

AREA WITHIN THIS HATCH WILL HAVE ALL IMPROVEMENTS (WATER, SANITARY SEWER, STORM DRAIN, SIDEWALKS, CURB/GUTTER, AND PAVING COMPLETED. THE TWO ALL WEATHER ACCESS ROADS FROM PHASE I WILL BE TRANSITIONED TO A FULL BUILDOUT PAVED ROAD SECTION. ALL UTILITIES REMAINING IN VESTA DRIVE AND THORNTON LANE WILL BE INSTALLED TO FULL BUILDOUT CONDITIONS.

IT SHOULD BE NOTED THAT THE SANITARY SEWER CONNECTION AT COLORADO BOULEVARD MUST BE COORDINATED WITH THE TOWN AND THE TIMING OF THEIR CAPITAL IMPROVEMENT PROJECT.

PHASE III PUBLIC IMPROVEMENTS

AREA WITHIN THIS HATCH WILL HAVE ALL IMPROVEMENTS (WATER, SANITARY SEWER, SIDEWALKS, CURB/GUTTER, AND PAVING COMPLETED. THIS PHASE INCLUDES THE COMPLETION OF DETENTION POND C ALONG WITH THE APPROPRIATE LANDSCAPE ARCHITECTURE FOR SITE STABILIZATION.

PHASE I/II - ACCESS POINTS

THIS SYMBOL REPRESENTS THE ACCESS LOCATIONS CONSTRUCTED WITH PHASE I. THE ACCESS AREAS FROM COLORADO BOULEVARD WILL BE TEMPORARY ASPHALT FROM THE TYPICAL ROAD SECTION ON VESTA DRIVE & BALLENTINE BLVD TO THE EXISTING COLORADO BOULEVARD PAVEMENT. THIS WILL BE DONE SINCE THE COLORADO BOULEVARD PROJECT IS BEING DESIGNED AND CONSTRUCTED IN COORDINATION WITH ADDITIONAL WIDENING REQUESTED BY THE TOWN. THE IMPROVEMENT PLANS FOR COLORADO BOULEVARD ARE INCLUDED IN A SEPARATE PLAN SET. VESTA DRIVE WILL BE A TEMPORARY ALL WEATHER ACCESS ROAD FOR EMERGENCY VEHICLE USE ONLY IN PHASE I, AND TRANSITIONED TO A FULL BUILDOUT PAVED ROAD SECTION. ALL UTILITIES REMAINING IN VESTA DRIVE WILL BE INSTALLED TO FULL BUILDOUT CONDITIONS.

PHASE III - ACCESS POINT

THIS SYMBOL REPRESENTS THE ACCESS LOCATION CONSTRUCTED WITH PHASE II & 3. IN PHASE II, A TEMPORARY, ALL WEATHER ACCESS FOR A SECOND POINT OF ACCESS TO THE SOUTH OF THIS DEVELOPMENT (ELWELL ROAD) WILL BE CONSTRUCTED. IN PHASE III, THE FULL BUILDOUT OF THE ROADWAY SECTION AND ACCESS WILL BE CONSTRUCTED. THE ACCESS AT HIGHWAY 60 IS A RIGHT-IN/OUT AND INCLUDED IN THIS PLAN SET AS OFFSITE HIGHWAY 60 IMPROVEMENTS. THIS WORK, SINCE WITHIN CDOT RIGHT-OF-WAY, MUST BE COORDINATED WITH CDOT.

COLORADO BOULEVARD IMPROVEMENTS

AREA WITHIN THIS HATCH INCLUDED ULTIMATE SIDEWALKS, CURB/GUTTER, STRIPING AND PAVING.

ALL PROPOSED ROADWAY AND UTILITY IMPROVEMENTS WITHIN COLORADO BOULEVARD RIGHT-OF-WAY WILL BE PROVIDED IN A SEPARATE PLAN SET AND SUBMITTAL TO THE TOWN OF JOHNSTOWN AS PART OF THE TOWN'S WCR 13 ROADWAY IMPROVEMENT PROJECT. THE SEPARATE WCR 13 PLANS WILL INCLUDE FINAL CONNECTIONS FROM PURVIS FARMS TO PROPOSED SANITARY AND WATER SYSTEMS WITHIN THE WCR 13 ROW THAT WILL BE DESIGNED AS PART OF THE TOWN'S WCR 13 IMPROVEMENTS.

THE PROPOSED ROADWAY DESIGN AND UTILITY CONNECTIONS WITHIN WCR 13 ROW THAT ARE SHOWN IN THIS PURVIS FARMS PLAN SET ARE INTENDED TO BE TAKEN AS CONCEPTUAL IN NATURE AND SHOULD NOT HOLD UP APPROVAL OF THE PURVIS FARMS PLANS AND PROJECT.

HIGHWAY 60 IMPROVEMENTS

AREA WITHIN THIS HATCH INCLUDED ULTIMATE SIDEWALKS (10FT TRAIL), CURB/GUTTER, STRIPING AND PAVING. THIS WORK IS WITHIN THE CDOT RIGHT-OF-WAY AND MUST BE COORDINATED WITH CDOT AND THE TOWN

EMERGENCY ACCESS WITH COLLAPSIBLE BOLLARDS PER JOHNSTOWN FIRE DEPARTMENT STANDARDS

NORTH

200 100 0 200 400

SCALE: 1" = 200'

FINAL

SANDERSON STEWART
Enduring Community Design

DRAWING HISTORY

DATE	DESCRIPTION
8/23/2021	1ST PUD - PDP SUBMITTAL
10/15/2021	2ND PUD - PDP SUBMITTAL
12/3/2021	3RD PUD - PDP SUBMITTAL
03/25/2022	4TH PUD - PDP SUBMITTAL
07/8/2022	6TH PUD - PDP SUBMITTAL
08-04-2022	FOR EARLY GRADING PERMIT
09/29/2022	7TH PUD - PDP SUBMITTAL
12/21/2022	8TH PUD - PDP SUBMITTAL

FILE: 20160_PHASING PLAN_PROD.DWG
PROJECT NO: 20160
CAD: ---
QUALITY ASSURANCE: CJS

PURVIS FARMS PUD
CONSTRUCTION DRAWINGS
JOHNSTOWN, COLORADO
PHASING PLAN - PHASE I

C3.1