



Town of Johnstown

PLANNING & ZONING COMMISSION REGULAR MEETING

7:00 PM, Wednesday, January 25, 2023

SUMMARY MINUTES

The meeting was called to order by Vice-Chair Grentz at 7:01 P.M. Roll call attendance was taken. Present were Commissioners Campbell, Flores, Grentz, Hatfield, Hayward, and Salo. Chairman Weber was absent due to illness.

Agenda was approved 6/0.

Minutes for November 30, and December 14, 2022, were approved with a Motion to Approve.

Motion: Hayward/2nd Hatfield

Vote 6/0

No general public comment.

The Public Hearing for **SUB20-0010 Thompson River Ranch Filing No. 13** was opened. Kim Meyer, Director of Planning & Development, presented an overview and the staff analysis for this proposed and Subdivision. Of note was a reference to Floodplain elements on the site as well as the housing types. Commissioner questions largely center around traffic capacity of High Plains Boulevard (LCR 3); concerns with the proximity of new residential areas to the wastewater treatment plant. One commissioner asked where a break in the sanitary sewer flow, with regard to homes and the floodplain and river. Meyer noted that the Town's Utilities Department did review the plans and did not indicate any concerns or issues with floodplain. The treatment plant has several fail-safes in place in case of an issue. Commissioners asked if the Town requires or provide any notification to potential buyers of wastewater treatment plant and potential odor, future major roadways, floodplain impacts, agricultural odors and similar. Staff noted that the Planners do get regular questions regarding these kind of issues from prospective homeowners and brokers. The Town does not require disclosure or notification.

Greg Saia, Oakwood, were available to represent the Applicant. No presentation was made by the Applicant. Commissioners asked some clarifying questions about modifications to the floodplain.

Commissioner Campbell felt this area isn't ready for homes and wants Staff to look into a process for notification of prospective buyers.

No Public Comment. Public hearing was closed.

Motion was made to Recommend Approval to the Town Council per findings and language provided in the staff memo, including the requested revisions, by C. Hayward / 2nd C. Flores

Vote: 5/1 (Campbell)

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The Public Hearing for **ZON22-0009 High Plains Estates ODP**, was opened. Kim Meyer presented an overview and staff's analysis for this proposed mixed density residential development, as discussed in the Staff Memo. The Commission asked about setbacks from the oil & gas to the east. Meyer noted that we have some basic setbacks in existing guidelines. Staff would be looking for the contaminated soil noted to be mitigated prior to construction.

Applicant's team included Tim Buschar, View Homes Land Division; Tess Hogan, Engineer; and Karen Henry, Henry Design Group. Buschar presented and updated concept plan that shows an updated 15' buffer, with 50' setback from P&A wells and more from the Cito oil & gas site. Applicant noted their intention to find some solutions with the adjacent developer on some ponding that has been reported along Veteran's Parkway. They also provided a cross-section elevation of southern buffer area from home to home. Buschar reviewed a general idea of the planned phasing and the types of homes from an existing line of homes being built. Related to the contaminated soil – it was found at 15-20' deep, and their environmental engineer believes it emerged from a sediment pond. The Applicant plans to follow the recommendation of their engineers with removal of the soil under right of way, and an impervious membrane under any foundation, to secure any remaining vapors. Commissioners asked about any requirement to disclose that contamination, the Applicant noted that would be up to the builder.

Public comment:

- Jeff Garcia, 4786 CR 50 – Immediately adjacent property. Wasn't aware of a proposed road next to the home. Concerned already about the safety of using his front yard with the amount and speed of traffic along the arterial.
- Keith Kennedy, 4325 Onyx Place – Concerned by the significant amount of drainage, just from the existing areas of development in the area. He noted water was 7' wide and 8" deep this summer after a big storm. Oil & gas facility has a compressor unit – there is a noise issue; how will the developer deal with that. HPB is used as side road from the interstate with lots of speeding traffic. Town needs better signage that T intersection at CR 50 (many have overshot).
- Sandra Stoner, 4998 CR 50 – Has a cow pasture. Traffic and speeding is common on CR 50. Noted that the Cito Trust Oil Facility lights shine in her bedroom window, and the compressor is loud.

Commission asked when interstate is closed for a wreck, is there a way to provide another route to avoid cut-through traffic through Town? Meyer noted that the Town, or any one municipality, is unlikely to fix the issue of backups on the interstate. We do take that into account as we look at overall transportation planning, and work with CDOT on planned closures, but we are limited in our ability to anticipate and respond to the daily situations that emerge.

Joe Stifter, View Homes, addressed the oil and gas setbacks and notes that they are meeting the Town's standards and those of COGCC. Many homes being built in Colorado experience some noise from roads, a school, or a railroad. Fence and landscaping may help to mitigate the noise, but may not be able to fully mitigate that impact. The stormwater issues will meet Towns standards, detention and flows will be calculated with the intent and purpose to manage and minimize impacts downstream.

Commissioner asked if the northern road connection can be moved west, away from the existing residence. Stifter noted specific intersection spacing that is needed, as well as the required alignment to the development to the north. Commissioners noted concerns related to oil and gas setbacks from the adjacent homes and the sound impact of that compressor – 215 feet feels too close.

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Commissioner discussion centered on resident concerns and issues that are troubling. Noise and proximity to the well site is a concern, and noise walls may need to be considered. Applicant offered to do a noise study with proposed mitigation options as part of the preliminary plan.

Public hearing was closed.

Motion was made to Recommend Approval to the Town Council per findings and language provided in the staff memo by C. Flores / 2nd C. Hayward

Conditions listed by Staff as well as provision condition to noise study.

Vote: 5/0/1 abstain - Hatfield

Agenda item was opened to introduce the Public Working Draft of the Land Use & Development Code. Meyer requested comments be provided to her for inclusion in forthcoming final draft.

Kim Meyer provided a brief department update. Michael Hall was introduced as the new Planner III in the department. Commissioners discussed several items of general interest including revisiting the discussion of providing notice or disclosures. Staff noted that there are so many possibilities for that – floodplain, adjacent planned & existing roads, ag noises/hours/dust/odor, mining, oil and gas – that it would be challenging to ensure every possible perceived nuisance is caught. Other commissioners noted current requirements for certain disclosures, and that due diligence is the owner & broker responsibility.

Meeting was adjourned at 9:19 P.M.

Town Staff present: Kim Meyer, Planning & Development Director; Michael Hall, Planner III

Respectfully Submitted

Accepted:

Kim Meyer, Director

Bruce Weber, Chair


