

TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-37

**APPROVING A USE BY SPECIAL REVIEW FOR A SOLAR FACILITY
ON THE SUNCATCHER PROPERTY, LOCATED AT THE SOUTHWEST
CORNER OF TELEP AVENUE AND WELD COUNTY ROAD 46, COUNTY
OF WELD, STATE OF COLORADO, CONSISTING OF
APPROXIMATELY 44 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, TCA Microgrid Energy, LLC, a Florida limited liability company, d/b/a Pivot Energy (“Pivot Energy”), submitted an application to the Town for a use by special review for a solar facility on a portion of the development known as Suncatcher, owned by Sauer South, LLC, a Colorado limited liability company, and located at the southwest corner of Telep Avenue (Weld County Road 15) and Weld County Road 46, consisting of approximately 44 acres, County of Weld, State of Colorado, as more particularly described on Exhibit A attached hereto and incorporated herein by reference (“Property”); and

WHEREAS, by Ordinance No. 2022-234, the Town Council approved the annexation of the Property; by Ordinance No. 2022-235, the Town Council approved planned unit development – mixed use (PUD-MU) zoning of the Property; and, by Ordinance No. 2022-236, the Town Council approved the Outline Development Plan (“ODP”) for the Property; and

WHEREAS, the ODP provides that the Property may be used as a solar facility as an interim use, subject to the Town Council approval of a use by special review; and

WHEREAS, on July 13, 2022, the Planning and Zoning Commission held a public hearing and voted to recommend approval of the use by special review, subject to a condition; and

WHEREAS, on August 15, 2022, 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 conforming, 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, subject to a condition.

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

Section 1: Pivot Energy’s application for a use by special review for a solar facility on the Property is hereby approved subject to the following condition:

- a. Pivot Energy shall provide an appropriate and sufficient performance obligation based on Town-approved estimates to complete the Decommissioning Plan submitted, and which shall include an annual escalator equal 4.0%.

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 _____, 2022.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Hannah Hill, Town Clerk

By: _____
Gary Lebsack, Mayor