



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

- AGENDA DATE:** August 15, 2022
- SUBJECT:** Resolution 2022-37 Approving a Use by Special Review for a Solar Facility on the SunCatcher Property
- ACTION PROPOSED:** Hold Public Hearing and Consider Resolution 2022-37 Approving a Use by Special Review for a Solar Facility on the SunCatcher Property
- ATTACHMENTS:**
1. Resolution 2022-37
 2. Vicinity Map
 3. Site Plan
 4. Landscape Plan
 5. Dust & Weed Management Plan
 6. Decommissioning Plan
 7. PZC Agenda Memorandum for Use by Special Review
- PRESENTED BY:** Kim Meyer, Planning & Development Director
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AGENDA ITEM DESCRIPTION:

The applicant, Pivot Energy, requests approval of a Use by Special Review for a 44-acre SunCatcher Solar facility, to be built in two phases and intended as a long-term (20-40 year), interim use which is in conformance with the SunCatcher Outline Development Plan.

The property is located on the southwest corner of Telep Ave and Weld County Road 46, south of The Granary subdivision. (Attachment 2) It is encompassed within the project areas of the SunCatcher Annexation, Outline Development Plan (ODP), and Subdivision that preceded this project to hearings. The facility footprint is proposed to be constructed in two phases on the southwest 44 acres of the site, north of the floodplain, with farming operations continuing on the remaining portions until future development occurs. (Attachment 3-6) The site plan provides for fire district-approved access and turnaround, and underground collection line, and open wildlife fencing.

The Town 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

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the process of annexation, zoning, outline development plan, and subdivision, to create the SunCatcher ODP that allows a solar facility as an “interim” use, with a USR (Use by Special Review) process.

The Planning & Zoning Commission (PZC) held a public hearing on July 13, 2022, to consider this Use by Special Review project (USR22-0001). 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 with no conditions.

One item of discussion has arisen with Staff since the PZC hearing in July, related to the submitted decommissioning plan (Attachment 6) and a possible bonding requirement to ensure that sufficient funds are available in the future for the removal of these panels, piers and other infrastructure. Staff would like to request that this be added as a condition of approval for this USR project, and that an estimate of decommissioning be provided for review, and that bonding or other Town-accepted performance obligation mechanism, with an escalator clause, be in place prior to receiving permits for this facility. This may also be provided in two parts, to match the phasing proposed in the plan.

RECOMMENDED FINDINGS:

The Council finds this Use by Special Review for a Solar Facility on the SunCatcher Property to be 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.

LEGAL ADVICE:

Resolution, including these Findings and noted Condition, was prepared by the Town Attorney.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Approve Resolution 2022-37 approving a Use by Special Review for a Solar Facility on the SunCatcher Property.

SUGGESTED MOTIONS:

For Approval

I move that the Town Council approve Resolution 2022-37.

For Denial

I move that the Town Council deny Resolution 2022-37.

Reviewed and Approved for Presentation,



Town Manager