



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

DESCRIPTION:	SunCatcher (Pivot Solar 20) Solar Farm as a Use by Special Review
PROJECT NO:	USR22-0001
LOCATION:	Southwest corner of Telep Ave (CR 15) and CR 46, approx. 44 acres
APPLICANT:	Pivot Energy (Sauer South, LLC / Owner)
STAFF:	Kim Meyer, Planning & Development Director
HEARING DATE:	July 13, 2022

ATTACHMENTS

- 1- Vicinity Map
- 2- Project Narrative
- 3- Site Plan
- 4- Landscape Plan

BACKGROUND & SUMMARY

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. The property is located on the southwest corner of Telep Ave and Weld County Road 46, south of The Granary subdivision. (Attachment 1) It is encompassed within the project areas of the SunCatcher Annexation, Outline Development Plan (ODP), and Subdivision that preceded this project to hearings.

The solar facility is included in the accompanying SunCatcher Outline Development Plan (ODP) as a Use by Special Review intended to be a long-term (20+ year), interim use for a solar facility. The facility footprint proposed to be located on the southwest 44 acres of the site with farming operations continuing on the remaining portions until future development occurs. See Attachment 3.

SURROUNDING ZONING & LAND USE

North:	PUD-R – The Granary Subdivision – single family residential, under construction
South:	A – Agricultural in Weld County – existing ag lands
East:	PUD-R – Undeveloped, existing ag lands
West:	A – Agricultural in Weld County – existing ag lands

LAND USE HISTORY

Historically, this property has been used for farming and continues as that use today.

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OIL & GAS

There are three existing plugged and abandoned wells on-site, per COGCC website. They are shown on the Site Plan (Attachment 3 – Sheet C.100); none interfere with this proposed facility.

IRRIGATION DITCHES

The Hillsborough ditch runs through the northern portion of this site. The proposed facility will not impact that current ditch alignment.

FLOODPLAIN

The Little Thompson River runs through this parcel, and has significant floodplain areas. Approximately 15.5 acres of the current parcel sits within the floodway and 1% (100-yr) regulatory floodplain. The facility is proposed to be built just north of that floodplain boundary.

PUBLIC NOTICE & AGENCY REFERRALS

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, June 23, 2022. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the various proposed SunCatcher projects – annexation, zoning, ODP, subdivision and USR. This USR project was referred to all Johnstown Review Committee members and Weld County.

NEIGHBORHOOD MEETING

No neighborhood meeting was held for this USR.

PROJECT DESCRIPTION & ANALYSIS

The proposed solar facility would be constructed in two phases, with the westernmost portion being built first – approx. 26 acres; with the intent to follow that with the remaining 18-acre phase 2. The site is located north of the 1% floodplain, south of the Hillsborough ditch and west of an existing gas line and easement that bisect the parcel. The main access will be a 26-foot access road from Telep Ave., utilizing an existing access, and built to fire code standards, including truck hammerhead turnarounds per Front Range Fire. As there are no occupied structures on the site, this access has been deemed adequate to meet code requirements. Minimal grading will occur and soils will be stabilized with a wildflower and native grass seed.

Per the Applicant, the "solar farm" will entail the construction of 17,000-20,000 solar panels mounted on single pole / single-axis tracking racks, set at no more than 10-feet from the existing grade at full panel extension.

Use. 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 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 underlying use for this planning area within that ODP is large lot residential, which is what the use may revert to as such time as the solar facility is decommissioned. The solar use was not considered as a fully "permitted use" to ensure the ODP maintains some limitations on location, size, equipment dimension, and would require an amendment to that USR if any substantial change were proposed to the facility.

Staff supports this use as a part of the growing Johnstown community. It is a relatively innocuous use, with minimal impacts to adjacent properties other than the potential visual impact of 44 acres of solar panels, and minimal impact to public services and infrastructure.

Screening. The proposal includes an 8-foot wildlife (woven wire fabric) fence around the site, for safety. The Landscape Plan includes only the wildflower and grass mix that will be planted under the racks, upon completion of construction. No solid/semi-solid screening is proposed.

Staff did request additional screening of the property, in keeping with similar visual-impact issues related to oil and gas facilities for which the Town typically requires solid 8-foot low maintenance metal fencing around facilities, and decorative “iron” around wellheads; as well as screening of other facilities where equipment and outdoor storage is visible from adjacent properties and rights-of-way. The Applicant has maintained that the open fencing and native/wildflower mix is a better fit in this rural area. Staff is concerned that the current pace of development in Johnstown will place residential uses adjacent in the very near future, and a public trail along the river, and that some type of vegetative or fenced screening along the perimeter would be appropriate, and has included this as a condition of approval for this USR.

Conclusion. There are no significant outstanding concerns remaining on this use or site plan. Minor “housekeeping” revisions are still anticipated prior to Council hearing, but nothing substantive.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Staff recommends that the Planning and Zoning Commission send a recommendation for Approval with Conditions to Town Council for the SunCatcher Solar (Pivot Energy) Use by Special Review based upon the following findings:

1. The proposed use is a low-impact use that is appropriate and compatible with anticipated development for this area of Johnstown in alignment with the comprehensive plan.
2. The proposed USR project meets all applicable Town standards and codes.

Recommended Motion: Motion to Approve with Conditions

Based on the application materials received, analysis and presentations at this hearing, and recommended findings, I move that the Planning & Zoning Commission recommend to the Town Council Approval with the following Conditions:

1. The Applicant shall revise the Landscape Plans, to the satisfaction of Town Staff, to soften the visual impact and provide adequate and appropriate screening of the perimeter of this project through the application of a mix of solid fencing, native/xeric, low-maintenance tall grasses and larger (6-10') shrubs (i.e., wavyleaf oak, mountain mahogany, pyracantha).

Alternate Motions:

Motion to Approve, as presented

Based on the application materials received, analysis and presentations at this hearing, and recommended findings, I move to recommend Approval to the Town Council for the SunCatcher Solar Farm Use by Special Review.

Motion to Recommend Denial

Based on the materials received, and analysis and presentations at this hearing, I move that the Planning & Zoning Commission recommend Denial to the Town Council for the SunCatcher Solar Farm Use by Special Review.