

***TOWN COUNCIL***

***MEETING***

***PACKET***

**December 3, 2018**



## Town Council

**Agenda**  
**Monday, December 3, 2018**  
**Town Hall, Council Chambers**  
**450 So. Parish Avenue**  
**7:00 PM**



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**MISSION STATEMENT**—*The mission of the government of the Town of Johnstown is to provide leadership based upon trust and integrity, commitment directed toward responsive service delivery, and vision for enhancing the quality of life in our community.*

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*Members of the audience are invited to speak at the Council meeting. Public Comment (item No. 5) is reserved for citizen comments on items not contained on the printed agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position. If you wish to speak at the Town Council meeting, please fill out a sign-up sheet and present it to the Town Clerk.*

- 1) **CALL TO ORDER**
  - A) Pledge of Allegiance
- 2) **ROLL CALL**
- 3) **AGENDA APPROVAL**
- 4) **RECOGNITIONS AND PROCLAMATIONS**
- 5) **PUBLIC COMMENT (three-minute limit per speaker)**

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*The “Consent Agenda” is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to have an item discussed or if there is public comment on those ordinances marked with an \*asterisk. The Council member may then move to have the subject item removed from the Consent Agenda for discussion separately.*

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- 6) **CONSENT AGENDA**
  - A) Town Council Meeting Minutes November 19, 2018
  - B) **2<sup>nd</sup> Reading** – Ordinance Number 2018-154 – Amending Section 17-230 of the Johnstown Municipal Code to Add Subsection (b) Imposing Impact Fees on Behalf of the Front Range Fire Rescue Fire Protection District
  - C) Resolution 2018-18, Committing Funds to CDOT for I-25, US-34, 402 Interchanges
  - D) Resolution 2018-22, Affirming the Town’s Commitment to Enter Into An Intergovernmental Agreement with the Colorado Department of Transportation Related to Disposal of the Interstate 25 East Frontage Road From State 60 to Ronald Reagan Blvd
  - E) Water Agreement Between Town of Johnstown and Keto Colorado Enterprises, LLC
  - F) Appointment of Planning Commissioner
- 7) **TOWN MANAGER REPORT**
- 8) **TOWN ATTORNEY REPORT**
- 9) **OLD BUSINESS**
- 10) **NEW BUSINESS**
  - A) **Public Hearing** – The Villages at Johnstown (Hwy 402/I-25) Preliminary Plat
  - B) **Public Hearing** - The Villages at Johnstown (Hwy 402/I-25) Amended Performance Standards
  - C) Intergovernmental Agreement for the Assessment, Collection, and Remittance of Emergency Services Impact Fees for Front Range Fire Rescue Fire Protection District
  - D) Resolution No. 2018-19, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Johnstown, Colorado for the Calendar Year Beginning on the First Day of January, 2019 and Ending on the Last Day of December, 2019
  - E) Resolution No. 2018-20, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2019 Budget Year
  - F) Resolution 2018-21, A Resolution Levying General Property Taxes for the Year 2019 to Help Defray the Costs of Government for the Town of Johnstown, Colorado for the 2018 Budget Year
  - G) Discussion – Purchasing Policy
  - H) Discussion – FY 2019 Council Goals & Objectives

**11) EXECUTIVE SESSION**

A) An executive session for a conference with the Town attorney pursuant to C.R.S. Section 24-6-402(4)(b) to discuss possible litigation between the Town of Johnstown and Thompson Crossing Metro District.

**11) COUNCIL REPORTS AND COMMENTS**

**12) MAYOR'S COMMENTS**

**13) ADJOURN**

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**WORK SESSION**

1) Representatives from Waste Management



**NOTICE OF ACCOMODATION**

If you need special assistance to participate in the meeting, please contact the Town Clerk at (970) 587-4664. Notification at least 72 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to the meeting.

## **AGENDA ITEM 6A-F**

### **CONSENT**

### **AGENDA**

- **Council Minutes – November 19, 2018**
- **2<sup>nd</sup> Reading – Ordinance No. 2018-154**
  - **Resolution 2018-18**
  - **Resolution 2018-22**
- **Water Agreement – Keto Colorado Enterprises, LLC**
  - **Appointment of Planning Commissioner**

## TOWN COUNCIL AGENDA COMMUNICATION

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**AGENDA DATE:** December 3, 2018

**ITEM NUMBER:** 6A-F

**SUBJECT:** Consent Agenda

**ACTION PROPOSED:** Approve Consent Agenda

**PRESENTED BY:** Town Clerk

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**AGENDA ITEM DESCRIPTION:** The following items are included on the Consent Agenda, which may be approved by a single motion approving the Consent Agenda:

- A) Council Meeting Minutes – November 19, 2018
- B) **2<sup>nd</sup> Reading** – Ordinance Number 2018-154, Amending Section 17-230 of the Johnstown Municipal Code to Add Subsection (b) Imposing Impact Fees on Behalf of the Front Range Fire Rescue Fire Protection District
- C) \*Resolution 2018-18, Committing Funds for Improvements to the Interstate 25 and U.S. Highway 34 State Highway 402 Interchanges as Part of the Colorado Department of Transportation’s North I-25 Design-Build Project
- D)\*\*Resolution 2018-22 Affirming the Town’s Commitment to Enter Into An Intergovernmental Agreement with The Colorado Department of Transportation Related to Disposal of the Interstate 25 East Frontage Road From State 60 to Ronald Reagan Blvd
- E)\*\*\*Water Agreement Between Town of Johnstown and Keto Colorado Enterprises, LLC
- F)\*\*\*\*Appointment of Planning Commissioner

\*The Town Council previously approved an amendment to an intergovernmental agreement between the Town and the State of Colorado, for the use and benefit of CDOT, committing \$6,000,000 toward the cost of the improvements to the Interstate 25 and U.S. Highway 34 and State Highway 402 interchanges, which payment is due December 31, 2020. The Town Council approved Resolution No. 2017-11, on December 4, 2017, committing \$2,000,000 from the unassigned fund balance for the General Fund. Resolution No. 2018-18, sets aside and commits another \$2,000,000 from the unassigned fund balance of the General Fund.

\*\* On October 29, 2018, the Colorado Department of Transportation met with the Town Council in a work session to discuss the possibility of the Town taking ownership of the East Frontage Road. Generally the Town Council was receptive to this ownership, provided the conditions of the roadway would be acceptable to the Town including overlaying of certain road areas of the Frontage Road, bridge improvements on the Frontage Road to pass the 100-year storm, and engineering design of High Plains Boulevard would be included. The resolution included affirms and memorializes that Johnstown is receptive to ownership of the road contingent upon an approved IGA between the two parties under mutually beneficial conditions.

\*\*\*When Keto Colorado Enterprises (“Keto”) annexed property into the Town of Johnstown (“Town”), Keto entered into an Annexation Agreement, committing to dedicate all water rights appurtenant to the property at the time of development. The attached Water Agreement between the Town and Keto permits Keto to exchange up to 120 units of Colorado Big Thompson Project (“CBT”) water that is appurtenant to the property for shares of the Consolidated Home Supply & Ditch Reservoir Company (“Home Supply”). Keto would be permitted to exchange up to 22.5 CBT units for each adjudicated Home Supply share and up to 18 CBT units for each un-adjudicated share. Keto would then be required to dedicate the Home Supply shares to the Town at the time of development and, with respect to the un-adjudicated shares, pay the water court transfer fee required in the Code (See Paragraph 3). The remaining provisions of the Annexation Agreement remain in full force and effect. The Town Water Engineer provided the calculation for the water exchange and the Town Attorney drafted the Water Agreement.

\*\*\*\*Commissioner and Chair Jim Dowling resigned his position effective September 12, 2018. Mr. Dowling’s four-year term of office would nominally expire on August 21, 2021. The position vacancy was posted on the Town’s website, and advertised in the Johnstown Breeze. The Planning and Zoning Commissioners met with a candidate, Jason Grentz and the consensus was to recommend his appointment. A copy of Mr. Grentz’s application is in the Council packet.

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**LEGAL ADVICE:** The entire Consent Agenda may be approved by a motion of the Town Council approving the Consent Agenda, which automatically approves each and every item listed on the Consent Agenda. If a Council member wishes to have a specific discussion on an individual item included with the Consent Agenda, they may move to remove the item from the Consent Agenda for discussion.

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**FINANCIAL ADVICE:** N/A

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**RECOMMENDED ACTION:** Approve Consent Agenda

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**SUGGESTED MOTION:**

**For Approval:** I move to approve the Consent Agenda.

**For Denial:**

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**Reviewed:**

\_\_\_\_\_  
**Town Manager**

**COUNCIL  
MINUTES**

The Town Council of the Town of Johnstown met on Monday, November 19, 2018 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor James led the Pledge of Allegiance.

### Roll Call

Those present were: Councilmembers Lebsack, Lemasters, Mellon, Molinar Jr., Tallent and Young

Also present: Matt LeCerf, Interim Town Manager, Avi Rocklin, Town Attorney, Aaron Sanchez, Commander, John Franklin, Town Planner and Diana Seele, Town Clerk/Treasurer

### Agenda Approval

Councilmember Mellon made a motion seconded by Councilmember Lemasters to approve the Agenda as submitted. Motion carried with a unanimous vote.

### Consent Agenda

Councilmember Lebsack made a motion seconded by Councilmember Mellon to approve the removal of Item 6D Keto Water Agreement and approve the amended Consent Agenda for the following items:

- November 5, 2018 Town Council Meeting Minutes
- Payment of Bills
- October Financial Statements
- Water and Sewer Service Agreement for Brakes Plus at 2534
- Agreement between Town of Johnstown and Johnstown Milliken Chamber of Commerce

Motion carried with a unanimous vote. Councilmember Tallent abstained due to Item 6F.

### New Business

#### A. Public Hearing – Presentation of 2019 Proposed Budget –

Mayor James opened the Public Hearing at 7:20 p.m. and having no public comments closed the hearing at 7:41 p.m. Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve the 2019 proposed budget. Motion carried with a unanimous vote. Councilmember Tallent abstained.

B. Public Hearing (First Reading) Ordinance No. 2018-154, Amending Section 17-230 of the Johnstown Municipal Code to Add Subsection (b) Imposing Impact Fees on Behalf of the Front Range Fire Rescue Fire Protection District - This request is from the Front Range Fire Protection District for Council to approve Ordinance 2018-154, which will impose impact fees on their behalf to help offset the projected impact that new development has on the District's Capital Facilities.

Mayor James opened the Public Hearing at 7:42 p.m. and having no public comments closed the hearing at 7:44 p.m. Councilmember Lemasters made a motion seconded by Councilmember Young to approve Ordinance No. 2018-154 to permit for the charging and collection of impact fees imposed on behalf of the Front Range Fire Rescue Fire Protection District. Motion carried with a unanimous vote.

C, Consider Approval of Amendment No. 2 to Agreement Between the Town of Johnstown and Adolfsen & Peterson Construction – Johnstown Community Recreation Center Construction Project – Amendment No. 2 establishes the Design Development costs. This aspect of the project is for the structural, electric, mechanical, plumbing and other miscellaneous components. The Guaranteed Maximum Price and Exhibit A.2 of Amendment No. 2 was reviewed by Mr. LaCouture, owner's representative. Councilmember Lebsack made a motion seconded by Councilmember Lemasters to approve Amendment No. 2 (including Exhibit A.2) to the Agreement between the Town of Johnstown and Adolfsen & Peterson Construction in an amount not to exceed \$17,861,342.00, and authorize the owner's representative (Mr. LaCouture) with approval from the Town Manager, to approve change orders in an amount not to exceed five percent (5.0%) of the contract amount and, authorize the Mayor to sign the Amendment.

Motion carried with a unanimous vote.

D. Consider (1) Resolution Adopting Freedom Parkway Access Control Plan and (2) Intergovernmental Agreement Regarding Freedom Parkway Access Control Plan - Freedom Parkway is the working name for the east-west roadway from Hwy 402 at I-25 east to Weld County Road 49, which roadway is known as Hwy 402, Larimer County Road 18 and Weld County Road 54. Larimer County, Weld County, City of Evans, City of Greeley, City of Loveland, Town of Milliken, Town of Kersey and Town of Johnstown have portions of the road in their respective jurisdictions. The Access Control Plan is consistent with the Town's right of way and access standards. At present, the Town has annexed properties along the western portion of the Parkway (County Road 18), from County Road 3 west to County Road 7, including The Villages at Johnstown, 402 Exchange and Mountain View Farms. The Intergovernmental Agreement Regarding Freedom Parkway Access Control Plan requires that each participating entity adopt a resolution approving the plan. Councilmember Mellon made a motion seconded by Councilmember Lebsack to Approve Resolution No. 2018-17, Adopting Freedom Parkway Access Control Plan. Motion carried with a unanimous vote. Councilmember Lemasters made a motion seconded by Councilmember Young to approve the Intergovernmental Agreement regarding the Freedom Parkway Access Control Plan and authorize the Mayor to sign it. Motion carried with a unanimous vote.

There being no further business to come before the Council the meeting adjourned at 8:12 p.m.

Mayor

Town Clerk/Treasurer

# **ORDINANCE**

**No. 2018-154**

**TOWN OF JOHNSTOWN, COLORADO**

**ORDINANCE NO. 2018-154**

**AMENDING SECTION 17-230 OF THE JOHNSTOWN MUNICIPAL CODE TO ADD SUBSECTION (b) IMPOSING IMPACT FEES ON BEHALF OF THE FRONT RANGE FIRE RESCUE FIRE PROTECTION DISTRICT.**

**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**, impact fees are one-time payments that fund the construction and expansion of public facilities needed to accommodate new development, as determined by level of service standards, with the intent being that new development pay for its proportionate share of the capital costs of additional infrastructure capacity needed to serve the new development; and

**WHEREAS**, pursuant to C.R.S. § 29-20-104.5 (“Impact Fee Act”), the Town has the authority to impose an impact fee as a condition of issuance of a development permit to fund expenditures incurred by fire and emergency services providers for capital facilities needed to serve new development and a fire and emergency services provider is thereafter authorized to receive and spend the impact fees imposed by the Town for the purposes described in the Impact Fee Act; and

**WHEREAS**, by Ordinance 2018-151, the Town Council adopted Section 17-230 of the Johnstown Municipal Code (“Code”), and amended related provisions of the Code, to codify the Town’s ability to collect impact fees on behalf of fire and emergency services providers; and

**WHEREAS**, the Front Range Fire Rescue Fire Protection District (“District”) is a political subdivision of the State of Colorado, formed pursuant to Title 32, Colorado Revised Statutes, to provide fire suppression, fire prevention, emergency medical, emergency rescue and other related services to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction, which includes property lying within the Town’s jurisdictional boundaries, and is thus a fire and emergency services provider as contemplated by the Impact Fee Act; and

**WHEREAS**, prior to the Town’s imposition of an impact fee on behalf of a fire and emergency services provider, the Town is required to confer with the fire and emergency service provider to assess whether an impact fee should be imposed and, in its discretion, enter into an intergovernmental agreement with the fire and emergency services provider for the collection of the impact fee; and

**WHEREAS**, on November 5, 2018, the District submitted material to Town Council and requested that the Town impose impact fees on its behalf and enter into an intergovernmental agreement with the District; and

**WHEREAS**, the District represented that it obtained an impact fee study dated October 10, 2018, to evaluate the nexus between new development within the District's jurisdictional boundaries and the projected impact that such development has on the District's Capital Facilities ("Nexus Study"); and

**WHEREAS**, based on the Nexus Study, the District is requesting that the Town impose the following impact fees on its behalf: \$1,087.00 per single family or two-family home, \$692.00 per multi-family home and \$0.60 per square foot for non-residential uses; and

**WHEREAS**, after duly considering the District's request, the Town Council desires to impose an impact fee on the District's behalf and to enter into an intergovernmental agreement with the District for the assessment and collection of impact fees, wherein the District will be required to periodically update the Nexus Study to ensure, among other requirements, that the District's impact fees remain reasonably related to the impacts of both new residential and non-residential development on the District's capital facilities; and

**WHEREAS**, the impact fees herein described are legislatively adopted, generally applicable to broad classes of property and, based on the Nexus Study, no greater than necessary to defray the projected impacts on capital facilities caused by proposed development; and

**WHEREAS**, based on the foregoing and based on the Nexus Study, the Town Council desires to amend Section 17-230 of the Johnstown Municipal Code to add Subsection (b) and impose impact fees on behalf of the District.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO:**

**Section 1.** Section 17-230 shall be amended to include Subsection (b), which shall read as follows:

**Sec. 17-230. Fire and emergency services provider facilities development fee.**

(b)–Front–Range Fire Rescue Fire Protection District. All residential and nonresidential development within the jurisdictional boundaries of the Front Range Fire Rescue Fire Protection District shall be subject to the payment of a fire and emergency services provider facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

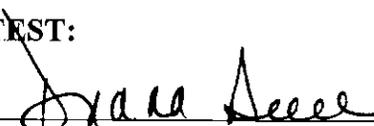
RESIDENTIAL	
UNIT TYPE	FEE PER DWELLING UNIT
Single Family or Two-Family	\$1,087.00
Multi-Family	\$692.00
NON-RESIDENTIAL	
UNIT TYPE	FEE PER SQUARE FOOT
Any Non-Residential	\$0.60

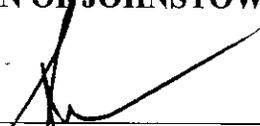
**Section 2.** Publication and Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this 19<sup>th</sup> day of November, 2018.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By:   
Diana Seele, Town Clerk

By:   
Scott James, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_ day of \_\_\_\_\_, 2018.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Scott James, Mayor

# **RESOLUTION**

**No. 2018-18**

**TOWN OF JOHNSTOWN, COLORADO  
RESOLUTION NO. 2018-18**

**COMMITTING FUNDS FOR IMPROVEMENTS TO THE  
INTERSTATE 25 AND U.S. HIGHWAY 34 AND STATE HIGHWAY 402  
INTERCHANGES AS PART OF THE COLORADO DEPARTMENT OF  
TRANSPORTATION'S NORTH I-25 DESIGN-BUILD PROJECT**

**WHEREAS**, the Town of Johnstown, Colorado 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 Colorado Department of Transportation ("CDOT") is constructing improvements to Interstate 25 in Northern Colorado, which includes improvements to the Interstate 25 and U.S. Highway 34 and State Highway 402 interchanges ("North I-25 Design-Build Project"); and

**WHEREAS**, by Resolution No. 2017-07, the Town Council affirmed its support for including the interchange improvements in the scope of the North I-25 Design-Build Project and indicated its intent to contribute funds toward the cost of the interchange improvements; and

**WHEREAS**, on or about August 7, 2017, the Town Council approved an amendment to an intergovernmental agreement between the Town and the State of Colorado, for the use and benefit of CDOT, committing Six Million Dollars (\$6,000,000) toward the cost of the interchange improvements ("Amended IGA"); and

**WHEREAS**, the Amended IGA provides that the Six Million Dollars (\$6,000,000) is due on or before December 31, 2020; and

**WHEREAS**, by Resolution No. 2017-11, the Town Council committed Two Million Dollars (\$2,000,000) from the unassigned fund balance of the General Fund toward payment of the cost of the interchange improvements; and

**WHEREAS**, to ensure sufficient funds are available in the 2020 calendar year and because budgeting for that time period would be premature, the Town Council desires to set aside and commit an additional Two Million Dollars (\$2,000,000) for the eventual payment to the State of Colorado; and

**WHEREAS**, the Town Council has determined that Two Million Dollars (\$2,000,000) should be committed from the unassigned fund balance of the General Fund to support the payment to the State of Colorado for the interchange improvements.

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

1. The Town Council hereby sets aside and commits Two Million Dollars (\$2,000,000) in support of the payment to the State of Colorado for the construction of improvements to the Interstate 25 and U.S. Highway 34 and State Highway 402 interchanges, which is due on or before December 31, 2020.

2. To satisfy the commitment, the Town Council hereby commits Two Million Dollars (\$2,000,000) from the unassigned fund balance of the General Fund.

PASSED, SIGNED, APPROVED, AND ADOPTED this \_\_\_ day of December, 2018.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Scott James, Mayor

# **RESOLUTION**

**No. 2018-22**

**TOWN OF JOHNSTOWN, COLORADO  
RESOLUTION NO. 2018-22**

**AFFIRMING THE TOWN'S COMMITMENT TO ENTER INTO AN  
INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO  
DEPARTMENT OF TRANSPORTATION RELATED TO DISPOSAL  
OF THE INTERSTATE 25 EAST FRONTAGE ROAD FROM STATE 60  
TO RONALD REAGAN BOULEVARD**

**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**, Interstate 25 ("I-25") is the primary north-south highway connection for Northern Colorado, including the Town of Johnstown ("Town"), with traffic flows also served by an adjacent frontage road; and

**WHEREAS**, on November 5, 2018, representatives of the Colorado Department of Transportation ("CDOT") made a presentation to Town Council, indicating that the department has a long standing approach of disposing of frontage roads as communities develop and local streets improve access; and

**WHEREAS**, consistent with its policy, CDOT represented that it desires to dispose of the I-25 East Frontage Road from State Highway 60 to Ronald Reagan Boulevard ("East Frontage Road"), and requested that, subsequent to CDOT undertaking certain improvements to the East Frontage Road and other related benefits to the Town, the Town agree to assume the obligations related to the East Frontage Road; and

**WHEREAS**, to effectuate the foregoing, CDOT seeks to execute an intergovernmental agreement with the Town; and

**WHEREAS**, CDOT recognizes that a portion of the East Frontage Road is not currently within the jurisdictional boundaries of the Town; and

**WHEREAS**, assuming the Town and CDOT are able to negotiate a mutually-acceptable intergovernmental agreement, the Town approves of CDOT's disposal of the East Frontage Road and agrees to undertake the obligations related to the roadway.

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

1. The Town Council hereby makes the affirmations stated in the recitals set forth above.

2. Assuming the Town and CDOT are able to negotiate a mutually-acceptable agreement whereby CDOT agrees to undertake certain improvements to the East Frontage Road and provide other related benefits to the Town, the Town Council supports CDOT's disposal of the I-25 East Frontage Road from State Highway 60 to Ronald Reagan Boulevard and agrees to enter into an intergovernmental agreement with CDOT related to disposal of the East Frontage Road.

3. This Resolution shall be effective as of the date of its adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this \_\_\_ day of December, 2018.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Scott James, Mayor

**WATER  
AGREEMENT**

**WATER AGREEMENT  
BETWEEN TOWN OF JOHNSTOWN AND  
KETO COLORADO ENTERPRISES, LLC**

THIS WATER AGREEMENT ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between THE TOWN OF JOHNSTOWN, a Colorado home rule municipal corporation ("Town"), and KETO COLORADO ENTERPRISES, a Colorado limited liability company ("Keto"), collectively referred to as "the Parties."

**WITNESSETH:**

**WHEREAS**, Keto is the owner of a parcel of land situated in the Town of Johnstown, County of Weld, State of Colorado, the description of which is set forth on **Exhibit A** attached hereto and incorporated herein by this reference (the "Property"); and

**WHEREAS**, on or about September 18, 2006, the Town and Keto entered into an Annexation Agreement, referred to as the Keto 161 Annexation ("Annexation Agreement"); and

**WHEREAS**, subsequent to execution of the Annexation Agreement, Keto annexed the Property into the Town; and

**WHEREAS**, the Annexation Agreement provides that Keto "shall offer to the Town for dedication all water rights and lateral ditch company rights appurtenant to the Property. Further, [Keto] shall dedicate to the Town all appurtenant water rights no later than the date of approval of the final plat of the first phase of the project;" and

**WHEREAS**, among potentially other water rights and lateral ditch company rights, Keto owns units of the Colorado Big Thompson Project ("CBT units") that are appurtenant to the Property; and

**WHEREAS**, when the opportunity arises, Keto desires to trade one-hundred and twenty (120) of his CBT units for shares of the Consolidated Home Supply Ditch & Reservoir Company ("Home Supply shares") and then dedicate the Home Supply shares to the Town; and

**WHEREAS**, based on the terms and conditions set forth in this Agreement, the Town agrees that Keto may exchange the CBT units appurtenant to the Property for Home Supply shares.

**NOW, THEREFORE**, in consideration of the mutual agreements, covenants, promises, representations, and warranties hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Recitals.** The Recitals are incorporated into the Agreement as if fully set forth herein.

2. **Water Rights Exchange.** Pursuant to the terms of this Agreement, Keto may sell, trade or exchange: (1) up to 22.5 CBT units appurtenant to the Property for each Home Supply share changed to municipal uses; or (2) up to 18 CBT units appurtenant to the Property for each Home Supply share not changed to municipal uses. Keto shall provide written notice to the Town prior to the sale, trade or exchange contemplated herein and shall promptly provide notice subsequent to the consummation of the transaction, which notice shall include identification by certificate number of the acquired Home Supply share(s).

3. **Dedication of the Home Supply Shares.** As a condition of this Agreement, Keto agrees that the obligations contained in Paragraph 9 of the Annexation Agreement shall extend to the newly-acquired Home Supply shares and that the Home Supply shares shall be dedicated to the Town no later than the date of approval of the final plat for the first phase of the development of the Property. Consistent therewith, absent written approval of Town Council, Keto shall not be entitled to sell, transfer or convey the Home Supply shares to a third party. Keto further understands and agrees that, if Home Supply shares are dedicated to the Town that have not been changed to municipal uses, Keto shall be obligated to pay the water court transfer fee required by the Town Water Rights Dedication Ordinance, Chapter 13, Sections 13-61 through 13-72, inclusive, of the Johnstown Municipal Code, as amended.

4. **Water Credit.** Upon dedication of the Home Supply shares contemplated by this Agreement and the dedication of all other water rights and lateral ditch company rights appurtenant to the Property, the Town shall provide a raw water credit to Keto toward satisfaction of the raw water requirements for development of the Property, in the amount set forth in the Johnstown Municipal Code, as amended from time to time. Keto understands and agrees that the water that is dedicated to the Town pursuant to the Annexation Agreement and pursuant to this Agreement may not be sufficient to satisfy the raw water requirements for the development.

5. **Annexation Agreement.** Except as modified herein, the Annexation Agreement shall remain in full force and effect and Keto, among the other requirements contained in the Annexation Agreement, shall remain obligated to dedicate to the Town all appurtenant water rights no later than the date of approval of the final plat of the first phase of the development.

6. **Notices.** All notices, demands, or other documents required or desired to be given, made or sent to either Party under this Agreement shall be made in writing, shall be deemed effective upon receipt and shall be personally delivered or mailed postage prepaid, certified mail, return receipt requested as follows:

TO KETO:  
Keto Colorado Enterprises, LLC  
Attn: Eric Keto

TO THE TOWN:  
Town of Johnstown  
Attn: Town Clerk

12 Granison Road  
Weston, MA 02493

450 S. Parish Ave.  
Johnstown, CO 80534

The addresses for notices may be changed by written notice given to the other Party in the manner provided above. Notice may also be sent via e-mail delivery and shall be effective upon confirmation of receipt of the email.

7. **Successors and Assigns.** Upon written notice and approval of the Town, Keto may assign this Agreement to a developer of the Property or to a successor entity.

8. **Amendment or Modification.** No amendment or modification of this Agreement shall be of any force or effect unless in writing and signed by the Parties hereto with the same formality as this Agreement.

9. **Waiver.** The waiver of any breach of any of the provisions of this Agreement by either Party shall not constitute a continuing waiver of any subsequent breach by said Party, concerning either the same or any other provision of this Agreement.

10. **Headings for Convenience Only.** Paragraph headings and titles contained herein are intended for convenience and reference only and are not intended to define, limit or describe the scope or intent of any provision of this Agreement.

11. **Choice of Laws and Venue.** This Agreement and the rights and obligations of the Parties hereto shall be governed by the laws of the State of Colorado. Venue for any claim, proceeding or action shall be in Weld County, State of Colorado.

12. **Entire Agreement.** Except with respect to the Annexation Agreement, this Agreement constitutes the entire agreement between the Parties related to the subject matter hereof and any prior agreements pertaining thereto whether oral or written have been merged or integrated into this Agreement.

13. **Findings.** The Town hereby finds and determines that execution of this Agreement is in the best interests of the public health, safety and general welfare of the citizens of the Town and the provisions of this Agreement are consistent with the laws, regulations and policies of the Town.

14. **No Presumption.** Each party acknowledges that it has obtained, or has had the opportunity to obtain, the advice of legal counsel of its own choosing in connection with the negotiation and execution of this Agreement and with respect to all matters set forth herein. In the event of any dispute, disagreement or controversy arising from this Agreement, the parties shall be considered joint authors and no provision shall be interpreted against any party because of authorship.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the Parties have executed this Water Agreement the day and year first above written.

**KETO COLORADO ENTERPRISES, LLC**

By: Eric Keto  
Eric Keto, Managing Member

STATE OF Massachusetts )  
COUNTY OF Middlesex ) ss.

SUBSCRIBED AND SWORN to before me this 31 day of October, 2018,  
by Eric Keto, as Authorized Person of Keto Colorado Enterprises, LLC.

WITNESS my hand and official seal.



[Signature]  
Notary Public

My commission expires: 10/24/2019

458 Boston Post Rd Weston  
Address

ATTEST:

**TOWN OF JOHNSTOWN, COLORADO**  
**a municipal corporation**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Scott James, Mayor

**APPOINTMENT OF  
PLANNING  
COMMISSIONER**

RECEIVED

OCT 29 2018

Town of Johnstown

Town of

# Johnstown

## ADVISORY COMMITTEE, BOARD OR COMMISSION APPLICATION

(Please type or use black ink)

I REQUEST APPOINTMENT TO: The Planning & Zoning Commission  
(Please complete one application for each desired appointment)

NAME: Jason Grentz

MAILING ADDRESS: 354 River Rock Dr.

Johnstown, CO 80534

(please include zip code)

RESIDENCE ADDRESS: Same

PHONE NUMBER: Home: \_\_\_\_\_

Work: Same

HOW LONG HAVE YOU LIVED IN JOHNSTOWN? 13 years

OCCUPATION & EMPLOYER: Real Estate Agent at C3 Real Estate Solutions

VOLUNTEER AND/OR WORK EXPERIENCE: Rotary, 4-H, Habitat for Humanity  
3+ years Realtor, 15 years at Verizon Wireless

1. Are you presently serving on Town Council or on an appointed committee, board or commission? If so, which one (s)?

No

2. Why do you wish to be appointed?

I want to be a bigger part of my community.

3. List any abilities, skills, or interests which are applicable to the position for which you are applying:

Realtor, working towards Appraisal license, community service and involvement, a do-it-yourselfer

4. Are you committed to attending meetings? Yes

5. Are you committed to serving an entire term? Yes

6. Please specify any activities which might create a serious conflict of interest if you should be appointed to a particular board, commission or committee. (If unsure, please call the Town Manager at 970-587-4664)

None

7. Although you are not required to have extensive knowledge or experience related to the board, commission or committee, please list any licenses, certificates or other specialized training applicable to the board, commission or committee for which you are applying.

Real Estate license, working towards Appraisal license

8. Additional information or references you believe may be helpful in considering your application.

I just want to do more in my community and Scott James told me this is a good place to do it.

9. If you are not appointed at this time, are you interested in serving in the future? Yes

10. May we contact you in the future if a vacancy opens? Yes

[Signature]  
Signature

10/26/18  
Date

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

(Advisory board, commission or committee application, cont'd)

QUESTIONNAIRE

Please type or use black ink in answering the following questions. Answers must be limited to this one page.

1. What interests you most / least about the position?

Being more involved in the town. Gaining knowledge about current and future plans and developments, being able to help mold the town.

2. What do you like most / least about the Town of Johnstown?

I love Johnstown. It's safe and friendly. I have been able to meet many people and have lots of local friends and connections.

3. What would you like to see the Town accomplish in the next two (2) years?

The rec center of course but that's already going, I know this isn't the town directly but a new High School to support our growth and youth.

4. What is your philosophy on growth?

I think it is great if planned and at a slow and steady pace.

5. What changes would you like to see occur in the Town of Johnstown?

No changes, just continue the path. Stay debt free while adding more services.

6. Why should you be appointed?

I have continued to be more and more involved in the community. I feel like I have a good grasp of what's going on and my career path leads well to this position.

Application and questionnaire must be returned to the Town Clerk's Office, 101 Charlotte Street, Johnstown, CO 80534.

**AGENDA ITEM 7**

**TOWN MANAGER**

**REPORT**

TOWN OF JOHNSTOWN  
MEMORANDUM

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TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Interim Town Manager

DATE: December 3, 2018

CC: Town Staff  
Local Media

SUBJECT: Departmental Report

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Upcoming Town Council Work Sessions – If there are topics that the Council would like staff to schedule for discussion, please let me know. The following topics are recommended for Council discussion (all meetings will be held in the Town Council Chambers unless otherwise indicated):

- 12/03/2018 – Regular Town Council Meeting
  - 12/10/2018 – Work Session (None Scheduled)
  - 12/17/2018 – Regular Town Council Meeting
  - 12/24/2018 – Work Session (None Scheduled)
  - 01/07/2019 – Regular Town Council Meeting
- 

**Police Department**

\*Note – The Police Department is broken into two teams, blue side and red side.

*Training:*

- November 21, 2018 blue side received Pressure Point Control Techniques Training from 8:00 a.m. to 4:00 p.m.
  - Handcuffing
  - Escort, Joint Locks
  - Pressure Points
  - Defensive Counter Strikes
  - Shoulder Pin
  - Impact Weapons
  - Weapon Retention/Disarming
- November 21, 2018 blue side received recertification training in Less Lethal from 4pm to 6 pm.
  - Classroom review
  - Practical examination at the range (firing live rounds from a shotgun at a stationary target)

- Written test
- November 21, 2018 blue side received recertification training in Oleoresin Capsicum (Pepper Spray Compliance Techniques) which consisted of both classroom review/training and a written test.

*Community Policing, Outreach & Miscellaneous Items:*

- November 16, 2018 Officer D. Perry and Officer J. Wood assisted the Loveland Police Department with their criminal interdiction night. The purpose of the operation was to target the sale and transport of illegal narcotics and other crimes related to criminal activity. The targeted areas were any place within the City of Loveland to include HWY 34 within Johnstown town limits. Our officers worked in conjunction with Loveland Police Department, their Street Crimes Unit, members of the Northern Colorado Drug Task Force, Larimer County Parole Officers and Loveland/LCSO K9 officers
  - Officer Perry and Wood assisted with two warrant arrests and two drug related arrests.

**Administration**

- *Finance Director* – The Finance Director position is being advertised on the following web sites: Government Finance Officer Association (GFOA), Colorado Municipal League and the Town of Johnstown. The last day to remit a letter of interest and resume is November 30, 2018.
- *Public Works Director* – The Town received 9 applications. Staff is reviewing the applications and will set up interviews during the week of December 3<sup>rd</sup>.
- *Planning Director* – The Planning Director position is being advertised on the following web sites: American Planning Association (APA), Colorado Municipal League and the Town of Johnstown. The last day to remit a letter of interest and resume is December 7, 2018.
- *Thompson River Park & Recreation District (TRPR)* – Matt reached out to the Executive Director of TRPR to meet and learn about the services delivered to the community by the district.
- *Weld County RE-5J School District* – Matt met with Superintendent Leslie Arnold to discuss future development in the community of Johnstown as they continue planning efforts related to district wide capital needs.
- *Waste Management* – Diana and Matt will meet with Waste Management on Thursday the 29<sup>th</sup>. At this time they will also be asked to attend the Council Meeting on the 3<sup>rd</sup> of December to provide a report during a work session about their fee requests.

**Planning Department**

- *Building Permit Software* – Currently the Town utilizes excel spreadsheets for building permitting issuance and tracking purposes. This archaic method makes it difficult to issue, track, and close individual and historical permits in the community. We will be looking at an affordable option and demoing a comprehensive permitting system designed by ProCode next week to help streamline processes and improve software reliability and design.

## **Public Works Department**

### ***Streets***

- *Holiday Decorations* – Crews have completed installing Christmas decorations in preparation for the holiday season including the Johnstown Jingle on the 9<sup>th</sup> of December.
- *Senior Center Parking Lot* – Parking lot lights at the senior center facility were changed over to LED for lower electric costs and a brighter white light for visibility.
- *Road Grading* – Town Street Crew graded 8 miles of gravel roads in Town.
- *Winter Weather* – Street Crew came in on Saturday and Sunday's storm and salted streets as needed to mitigate slippery conditions.
- *Town Hall* – Street Crew reset the timer for parking lot lighting which should be working throughout the night.

### ***Water & Wastewater Treatment Plant***

- *KH Roofing* – The contractor, KH Roofing is working on the DAF building this week, and expects to begin work on filter building next week (December 3<sup>rd</sup>). Completion of the project is still expected by the end of the calendar year.
- *Security Gate at Water Plant* - Town and Country Fence is working on the two gate installs at the water plant. Completion of this work for security purposes is expected by the end of the week.
- *Central WWTP* – There are two blowers at the Central WWTP located at the MBBR portion of the treatment process which is responsible for meeting discharge limits for ammonia removal. While the primary blower is working, our backup blower is not functioning due to the bearing being stripped. We repaired this about 6 months ago and are now having the company Advanced Mechanical who repaired it the first time to review this issue to determine what occurred.
- *Low Point WWTP* - We have made repairs to one blower at Low Point and had a second rebuilt blower installed as well. While checking the second blower for proper operations, we noted it is pulling too many amps due to a failing compressor. Neglecting this will burn out the rebuilt motor again. We have contacted Gardner Denver pumps to look into this issue and provide a cause and solution.
- *Temporary Fan Press* – The Town's order for the fan press to be installed at the Low Point Treatment Center has been delayed until the week of December 16<sup>th</sup>. In lieu of liquidated damages, the vendor has provided the Town with their demo model to use until delivery is made on the new unit.

**AGENDA ITEM 10A**

**PRELIMINARY PLAT**

**(The Villages at Johnstown)**

**(Public Hearing)**

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**TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** December 3, 2018

**ITEM NUMBER:** 10A

**SUBJECT: \*Public Hearing-** The Villages at Johnstown (Hwy 402/I-25) Preliminary Plat

**ACTION PROPOSED:** Consider The Villages at Johnstown (Hwy 402/I-25) Preliminary Plat

**PRESENTED BY:** Mr. John Franklin, Town Planner

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**AGENDA ITEM DESCRIPTION:** The applicant, J-25 Land Holdings, LLC has submitted a request for approval of The Villages at Johnstown (Hwy 402/I-25) Preliminary Plat for a 246±-acre parcel of land generally located east of I-25 and South of Larimer County Road 18 (Hwy 402 extended). Proposed amendments to The Villages at Johnstown Performance Standards (Design Guidelines) will be considered next on the agenda.

The zoning for the property is Planned Unit Development- Mixed Use, PUD-Residential and PUD-Industrial. The development is subject to the R&D, and Cross Annexation Agreement, approved in 2002. The Villages at Johnstown Preliminary Plat was approved in 2005. As no final plats were approved in the intervening years the preliminary plat has expired. The applicant has updated the preliminary plat document including a new street layout for the east single family residential parcel.

Surrounding land uses include the following: north – State Hwy 402, vacant, low density residential; south – agricultural; east – agricultural, and west – I-25 East Frontage Road. The property is in two drainage sub-basins and slopes gradually to the north and east.

The Preliminary Plat review process serves to identify development issues, and to determine possible means to resolving those issues ahead of the major effort and expense of final platting and detailed civil engineering. The Preliminary Plat allows large parcels to be subdivided and developed in a logical, phased manner. Issues identified during this preliminary process are not expected to be fully resolved, and often become the foundation for special provisions in the development agreement(s) to follow. Development issues for The Villages include: the capacity of the Low Point Wastewater Treatment Plant; construction by The Villages of a new off-site gravity sewer main in County Road 3; dedication of County Road 3 right of way adjoining the property and provision of a 30’ buffer, and the extent of pavement improvements on County Road 3E to County Road 18 and, per Larimer County, possibly south to County Road 16.

The Planning and Zoning Commission held a public hearing and, upon review, voted 3 for and 1 against to recommend approval of The Villages at Johnstown Preliminary Plat subject to conditions, as follows:

1. Comments from Town staff, Town Engineer, Traffic Engineer and outside agencies shall, with the first final plat, be resolved, or addressed as special development provisions in the public improvement development agreement(s) presented to Town Council for consideration.
2. During final plat review, the Developer will need to work with the Town to confirm [Low Point] wastewater treatment plant capacity for each filing.
3. Street names will be finalized with the Developer and approved by the Town prior to submittal of the first final plat.
4. Public comments regarding [County Road 3E] traffic and streets be considered.

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**LEGAL ADVICE:** N/A

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**FINANCIAL ADVICE:** N/A

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**RECOMMENDED ACTION:** The Planning and Zoning Commission has recommended approval of The Villages at Johnstown Preliminary Plat, subject to certain conditions being satisfied.

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**SUGGESTED MOTIONS:**

**For Approval:** I move to approve The Villages at Johnstown Preliminary Plat (subject to the following conditions..).

**For Denial:** I move to deny approval of The Villages at Johnstown Preliminary Plat.

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**Reviewed:**

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**Town Manager**

**PLANNING AND ZONING  
COMMISSION**

**SUMMARY MINUTES**

**SUMMARY MINUTES  
PLANNING & ZONING COMMISSION  
WEDNESDAY, October 24, 2018  
COUNCIL CHAMBERS  
450 S. PARISH AVE.**

1. **CALL TO ORDER:** *Vice Chair Montez opened the meeting at 7:00 pm.*
2. **ROLL CALL:** *Present were Commissioners Kioovsky, Eady, Montez and Storms. Absent was Commissioner Kingsolver. [Note: Commissioner Geisendorfer resigned]*
3. **PUBLIC COMMENTS REGARDING ITEMS NOT ON THE AGENDA:** *None.*

**4. PUBLIC HEARINGS: Amended preliminary Plat and Performance Standards – The Villages at Johnstown:** *Vice Chair Montez opened the hearing at 7:05pm. Town Planner Franklin introduced the item and presented the staff's report. Russell Hall, Keith Thompson, and Mark Hunter Esq. discussed the proposed project and answered questions from the Commissioners. Mr. Hall addressed the engineering, Mr. Thompson the Performance Standards. Mr. Hunter advised that the owner would ask Council to allow the east end of the property to use the Johnson's Corner Interceptor and that the Town will be asked to pay for the CR 3 gravity sewer.*

*Commissioner Questions:*

*The DRC will function how? (The DRC will review projects for compliance with the Performance Standards.*

*Are the amendments to the Standards enhancements since 23005 and why should Town approve? (Conforms more closely to Town –wide Design Guidelines, and builder requirements; clearer language.)*

*Why is Village East not connected to LCR 3? (Concern with through traffic)*

*Where is 30' buffer along CR 3? (Was not fully extended)*

*Vice Chair Montez called for public comment.*

*Public Comment:*

*In favor: None*

*Opposed:*

- *Michael Sidi, 26? 40 S. CR 3E: 3E intersection with CR 18 is very dangerous. Fronts on 3E. Concerned about higher traffic levels and increased traffic noise. The Extraction drill site to the southeast may be in the High Plains Blvd. alignment.*
- *Dirk Banks, 2279 S. CR 3E: Traffic is heavy south of development; County has mentioned the need for paving. Requested copy of Larimer County letter/contact.*
- *Jay Wade, [not intelligible] E. CR 18: 3E is a blind intersection with CR 18.*
- *Virginia Johnson, 7166 E. CR 16: Concerned about need for south 3E paving to CR 16. Blind hill on 3E, dangerous.*
- *Marsha Buckley, 6163 E. CR 18: Is Gard lateral ditch preserved?(yes)*

*Vice Chair Montez closed the hearing at 8:15 pm. and called for discussion and motions.*

*A. Amended Preliminary Plat: Commissioner Storms stated that the amended preliminary plat was not a correct submittal; that a new Outline Development Plan and then new Preliminary Plat should be submitted. Town Planner Franklin stated that the intent was the same only the old layout was indeed changed, and that the ODP was very general and both plat versions were consistent.*

*Motion by Commissioner Kiovsky, seconded by Commissioner Eady to recommend approval of the Villages at Johnstown Amended preliminary Plat with the following condition(s):*

- 1. Comments from Town staff, Town Engineer, Traffic Engineer and outside agencies shall, with the first final plat, be resolved, or addressed as special development provisions in the public improvement development agreement(s) presented to Town Council for consideration.*
  - 2. During final plat review, the Developer will need to work with the Town to confirm wastewater treatment plant capacity for each filing.*
  - 3. Street names will be finalized with the Developer and approved by the Town prior to submittal of the first final plat.*
  - 4. Public comments regarding traffic and streets be considered.*
- 3 in favor. 1-against (Storms)*

*B. Amendments to Performance Standards:*

*Motion by Commissioner Kiovsky, seconded by Commissioner Eady to recommend approval. Unanimous.*

## **5. NEW BUSINESS:**

**A. Approval of Minutes of September 12, 2018:** *Motion by Commissioner Kiovsky, seconded by Commissioner Storms to approve the minutes as presented. Unanimous.*

**B. County Referrals:** *None.*

**6. STAFF REPORT:** *Town Planner Franklin discussed the following:*

**A. Recent Town Council Actions:**

**B. Applications in Review:**

**C. Project and Program Updates:** *I-25/Hwy 402 Interchange schedule; CDOT interest in High Plains Blvd.*

**7. COMMISSIONERS' ITEMS:** *Commissioner Geisendorfer will be missed by all.*

**8. ADJOURN:** *Vice Chair Montez adjourned the meeting at 9:08 pm.*

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*Respectfully submitted by John Franklin, Town Planner, as Secretary to the Commission.*

**STAFF REPORT  
TO  
PLANNING AND ZONING  
COMMISSION**

## AGENDA MEMORANDUM

**TO:** Johnstown Planning and Zoning Commission  
**FROM:** John Franklin, Town Planner  
**DATE:** For October 24, 2018  
**SUBJECT:** Amended Preliminary Plat and Performance Standards – The Villages at Johnstown

### PROPERTY DATA:

**Applicant:** J-25 Land Holdings, LLC

**Owner(s):** Same

**Location:** South of Hwy 402 (CR 18) and east of I-25

**Property Size:** 246± acres

**Current Zoning/Land Use(s):** PUD- MU Planned Unit Development – Mixed Use

**Surrounding Zoning/Current Land Use:**

North: 402 Exchange Business Park PUD/ Larimer County Road 18, Vacant

South: Larimer County FA/ agriculture

East: Larimer County FA/ agriculture

West: I-25

**Comprehensive Plan Designation:** Gateway Center – Employment Commercial and Residential

**Summary of Application:** This is a request for approval of an amended preliminary subdivision plat and amendments to the Performance Standards (Design Guidelines). The amended preliminary plat features a re-aligned street layout in the eastern area. The amended Standards features changes to the residential guidelines. Preliminary engineering was also updated and reviewed.

**Prior Actions:** The property was annexed as the R&D and Cross Annexations and zoned PUD-MU, PUD-R and PUD-I, in 2002. An Outline Development Plan was approved at that time. The Villages Preliminary Plat and Performance Standards were approved in 2005.

**Existing and Proposed Land Use(s):** The property is currently in agriculture and is zoned for commercial, industrial and single family and multi-family residential uses. West Village Central Village and East Village are general development designations.

### Technical Analysis

**Relationship to Town Vision and Strategic Plan:** The community envisions a range of commercial employment and housing opportunities.

**Public Health and Safety Impacts:** Major roadways adjoining the property require separation and/or screening from residential development.

**Water:** A 20" water main is located in Larimer County Road 3E. Water mains shall be sized and looped to provide adequate pressure and redundancy. Non-potable irrigation is not proposed at this time.

**Sanitary sewer:** The property is located in the Low Point Wastewater Treatment Plant service area, with the western portion of the property located in a gravity sewer sub-basin served by the Johnson's Corner Interceptor. The eastern portion of the property will need to be served by a new gravity sewer, with a small area requiring a (private) lift station. Use of the Johnson's Corner Interceptor is subject to a reimbursement agreement. The Town Engineer has noted that additional development in the Low Point Wastewater Treatment Plant service basin will necessitate expansion of the plant.

**Stormwater:** The property is located in two sub-basins which drain to the Big Thompson River. Private, stormwater detention ponds are proposed in the west portion of the property, and in the northeast corner of the east portion. The detained runoff will be released at historic rate. A Stormwater Development Fee of \$1100 per platted acre will be due with each final plat.

**Traffic, access and streets:** Primary access is planned from Larimer County Road 18 (major arterial), the I-25 east frontage road (minor arterial), and from Larimer County Road 3E (minor arterial). Collector and local streets shall also conform to Town standards.

CDOT, with contributions from the Town of Johnstown and City of Loveland, will reconstruct the Hwy 402 Interchange in the next two years. The current signalized ramps and frontage road intersection will become roundabouts. The Interstate will travel under County Road 18, changing the visibility of the commercial area. The east frontage road through The Villages is to be moved east as previously planned and will be transferred to the Town, improved to Town standards and used for commercial access in addition to through traffic.

The Town received comments from Larimer County Engineering Department. Larimer County has jurisdiction over the south portion of County Road 3E, and states that the development will require paving of the road. The developer will improve 3E abutting the property and extending north to CR 18.

On County Road 18, the Town is working with Larimer and Weld Counties, Loveland and other municipalities on an Access Control Plan and improvement standards. The proposed Villages layout is consistent with the proposed Plan and standards.

**Mineral Interests and Operations:** Mineral interest owners have not been disclosed. Extraction Oil and Gas, Inc. has drilled horizontal wells beneath the property from a location to the south and east. There are no known surface use agreements regarding drilling operations which would affect the property.

**Metropolitan Districts:** The developer intends to employ a metropolitan district to finance infrastructure.

**Parks and Open Space:** Private parks and open space are proposed. An internal trails system will be maintained as private open space, with connections where available to nearby local and regional trails. The Parks Trails and Open Space Master Plan envisioned a neighborhood park and possibly school site east of LCR 3E.

**Schools:** The property is within the Thompson School District. No school site is called out, and cash-in lieu of school site dedication will be due with building permits.

**Residential development:** The outline development plan envisioned a mixed density development with higher density residential near the center and west end. The Performance Standards call for no more than 15%-20% of the single family single family homes at a minimum 1400 sq.ft. of floor area. Minor changes to the Standards generally conform to the Town-Wide Design Guidelines

**Design standards:** The Villages Performance Standards. The amended Standards specifically modify the residential architectural standards, also and address grammar, typos and duplications.

**Landscaping:** Landscaping shall comply with Johnstown Landscape Standards and Specifications.

**Fencing and Screening:** The Performance Standards identifies residential fencing along arterials as having masonry columns. Rail fencing is specified along open space.

**Lighting and Street Furniture:** Decorative street lighting and signage is specified in the Performance Standards.

**Signage:** Entry signage is proposed.

**Phasing:** Multiple phasing is proposed.

**Attachments:** Application, preliminary plat, 2006 Performance Standards, proposed amendments, referral comments.

**Municipal Code Review Provisions:** reference Town PUD and Subdivision regulations.

**Crucial Referral Responses:** The Low Point Wastewater Treatment Plant will need to be expanded to serve growth in the overall service basin.

## Staff Report

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### **Technical Findings:**

1. The purpose of the preliminary plat process is to evaluate all known impacts and constraints that development may encounter on a specific property. Such concerns will either be resolved, or addressed as special requirements at time of final plat(s). The Performance Standards will govern land use and development quality through the Site Development Plan review process.
2. The property is annexed and zoned for residential, industrial and commercial development.
3. The amended preliminary plat is generally consistent with the Outline Development Plan.
4. The preliminary water, sanitary sewer and stormwater concepts are generally acceptable.
5. The street classifications and access to Larimer County Road 18, the I-25 frontage road and Larimer County Road 3 are generally acceptable, subject to final design.

### **Staff Recommendation:**

**Amended Preliminary Plat and Amended Performance Standards:** The Commission should consider recommending approval with conditions:

1. Comments from Town staff, Town Engineer, Traffic Engineer and outside agencies shall, with the first final plat, be resolved, or addressed as special development provisions in the public improvement development agreement(s) presented to Town Council for consideration.
2. During final plat review, the Developer will need to work with the Town to confirm wastewater treatment plant capacity for each filing.
3. Street names will be finalized with the Developer and approved by the Town prior to submittal of the first final plat.

### **Planning Commission Action:**

#### **A. Amended Preliminary Plat:**

##### **1. Recommendation:**

"I move that the Commission recommend approval of The Villages at Johnstown amended preliminary subdivision plat"

Or,

2. **Recommendation with Conditions:**

"I move that the Commission recommend approval of The Villages at Johnstown amended preliminary subdivision plat with the following condition(s):

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- etc. "

Or,

3. **Recommend denial:**

"I move that the Commission recommend denial of The Villages at Johnstown amended preliminary subdivision plat for the following reasons:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- etc. "

**B. Amendments to Performance Standards:**

1. **Recommendation:**

"I move that the Commission recommend approval of the amendments to The Villages at Johnstown Performance Standards"

Or,

2. **Recommendation with Conditions:**

"I move that the Commission recommend approval of the amendments to The Villages at Johnstown Performance Standards with the following condition(s):

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- etc. "

Or,

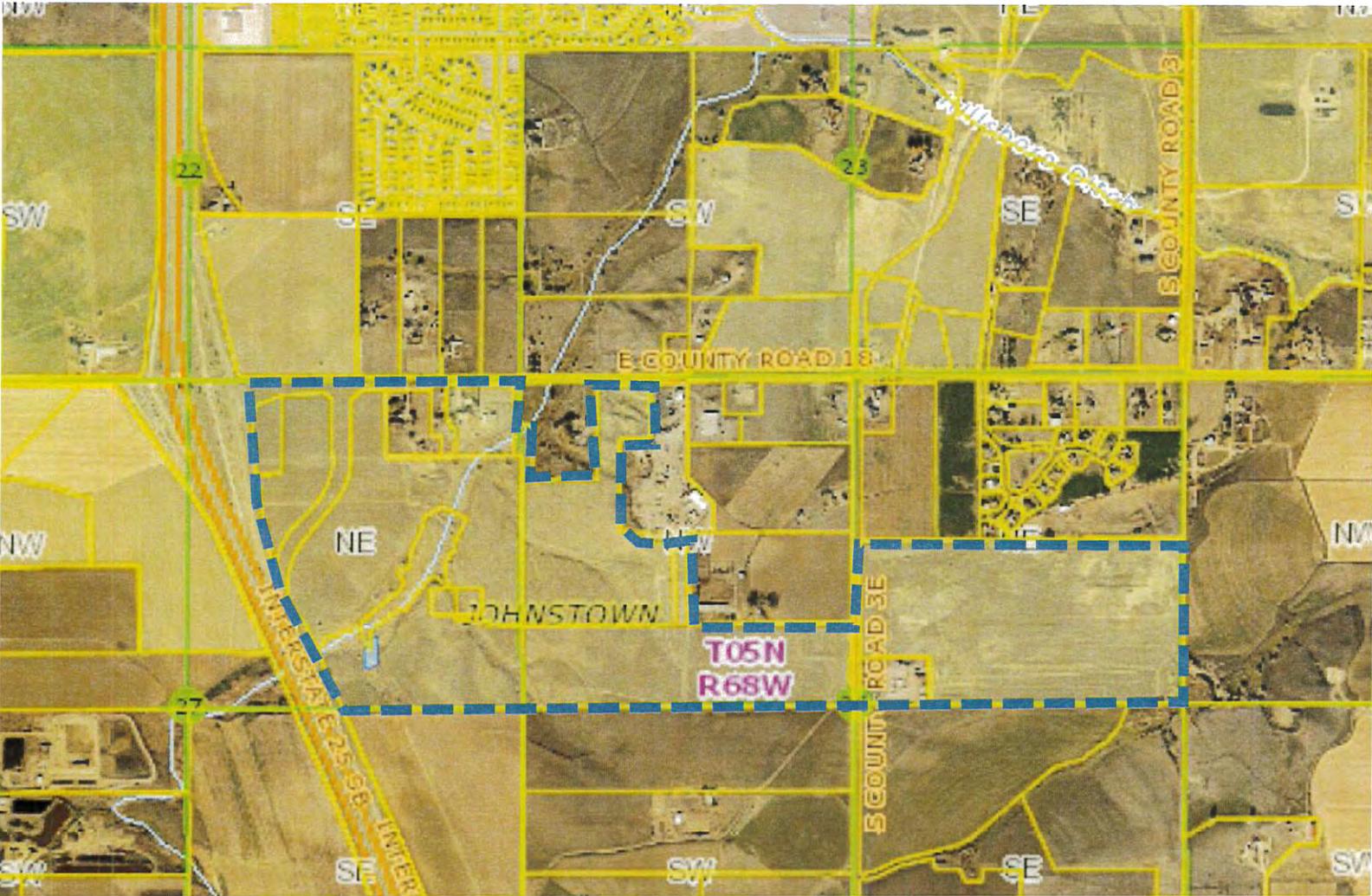
3. **Recommend denial:**

"I move that the Commission recommend denial of the amendments to The Villages at Johnstown Performance Standards for the following reasons:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- etc. "

# VICINITY MAP

The Villages at Johnstown – Vicinity Map



# APPLICATION

Town of

# Johnstown

450 S. Parish Ave. Johnstown, CO 80534  
Ph: 970-587-4664 Fax: 970-587-0141

## COMMUNITY DEVELOPMENT APPLICATION

Date: 3/5/18

Project Name: VILLAGES AT JOHNSTOWN FILING NO. 1

Application is for:  Annexation  Zoning  Subdivision  Other (please specify) PRELIMINARY PLAT

Landowner: J-25 LAND HOLDINGS LLC

Address: 16074 N. 78th Street, Ste B-104, Scottsdale, AZ 85260

Telephone: 480-295-7600 x1847

Authorized Representative: Roy Bade

Address: 16074 N. 78th Street, Ste B-104, Scottsdale, AZ 85260

Telephone: 480-295-7600 x1847 Fax Number: 480-304-3483; E-Mail: Roy.Bade@CaliberCo.com

### Landowner Authorization:

The undersigned affirms ownership of the property pertaining to this application, and hereby applies to the Town of Johnstown, Colorado for the above indicated development review process, and authorizes the individual or company stated as "authorized representative" to represent me/us in all aspects of said process.

[Signature]  
Signature of Landowner

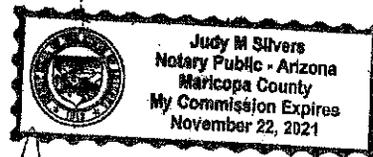
\_\_\_\_\_  
Signature of Landowner

ARIZONA  
STATE OF COLORADO )  
COUNTY OF MARICOPA ) ss

The foregoing application was subscribed and sworn to before me this 5<sup>th</sup> day of MARCH, 2018 A.D.,  
by Roy BADE

Witness my hand and official seal.

My commission expires: 11-22-2021



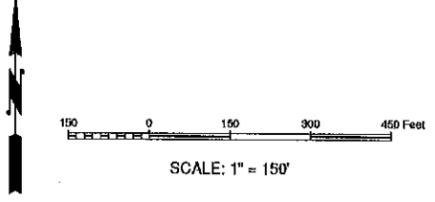
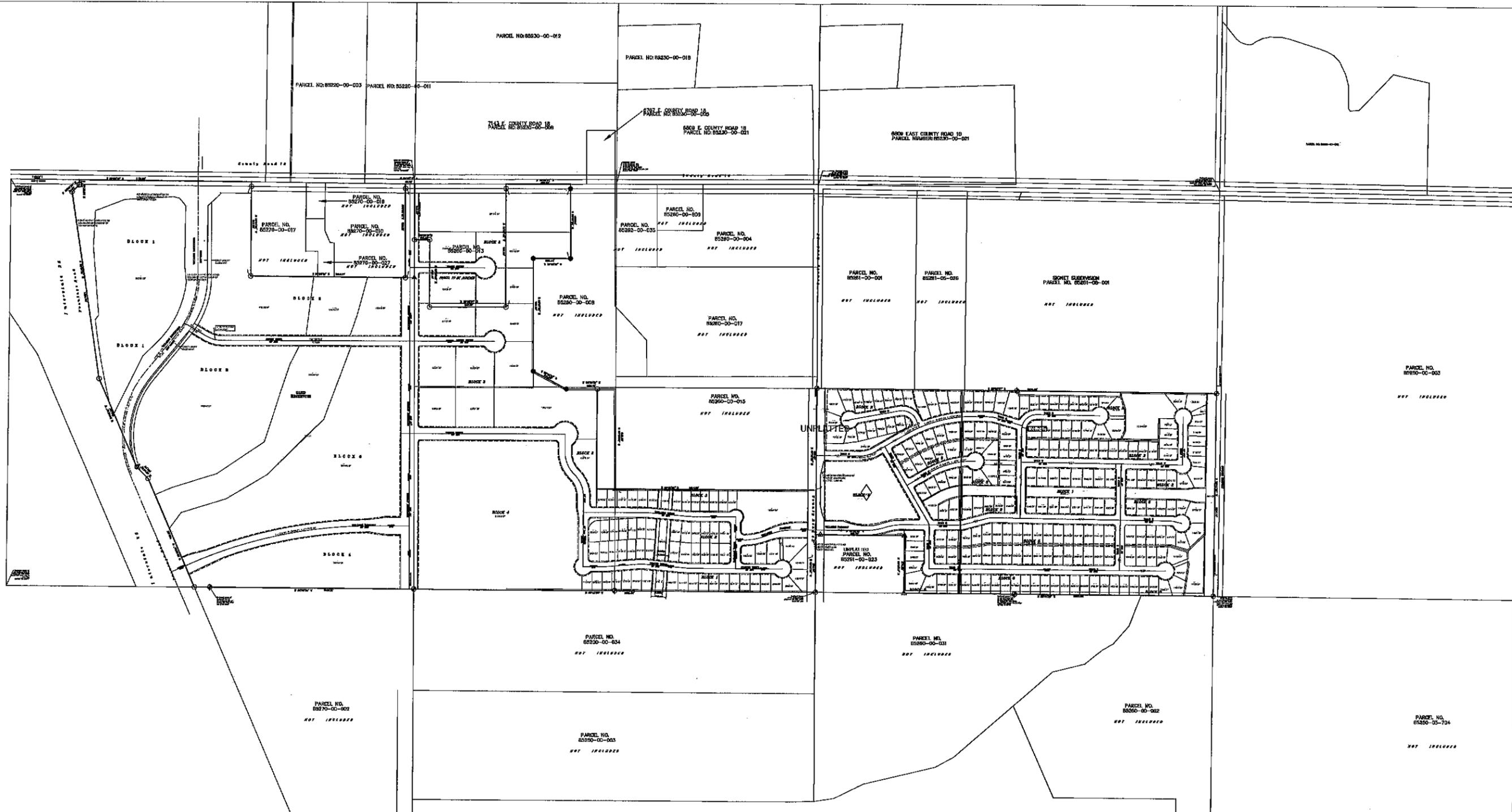
[Signature]  
Notary Public

**PRELIMINARY PLAT**

# THE VILLAGES AT JOHNSTOWN

## PRELIMINARY PLAT AMENDMENT NO. 1

A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2 OF SECTION 26, TOWNSHIP 05 NORTH, RANGE 68 WEST 6th PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.



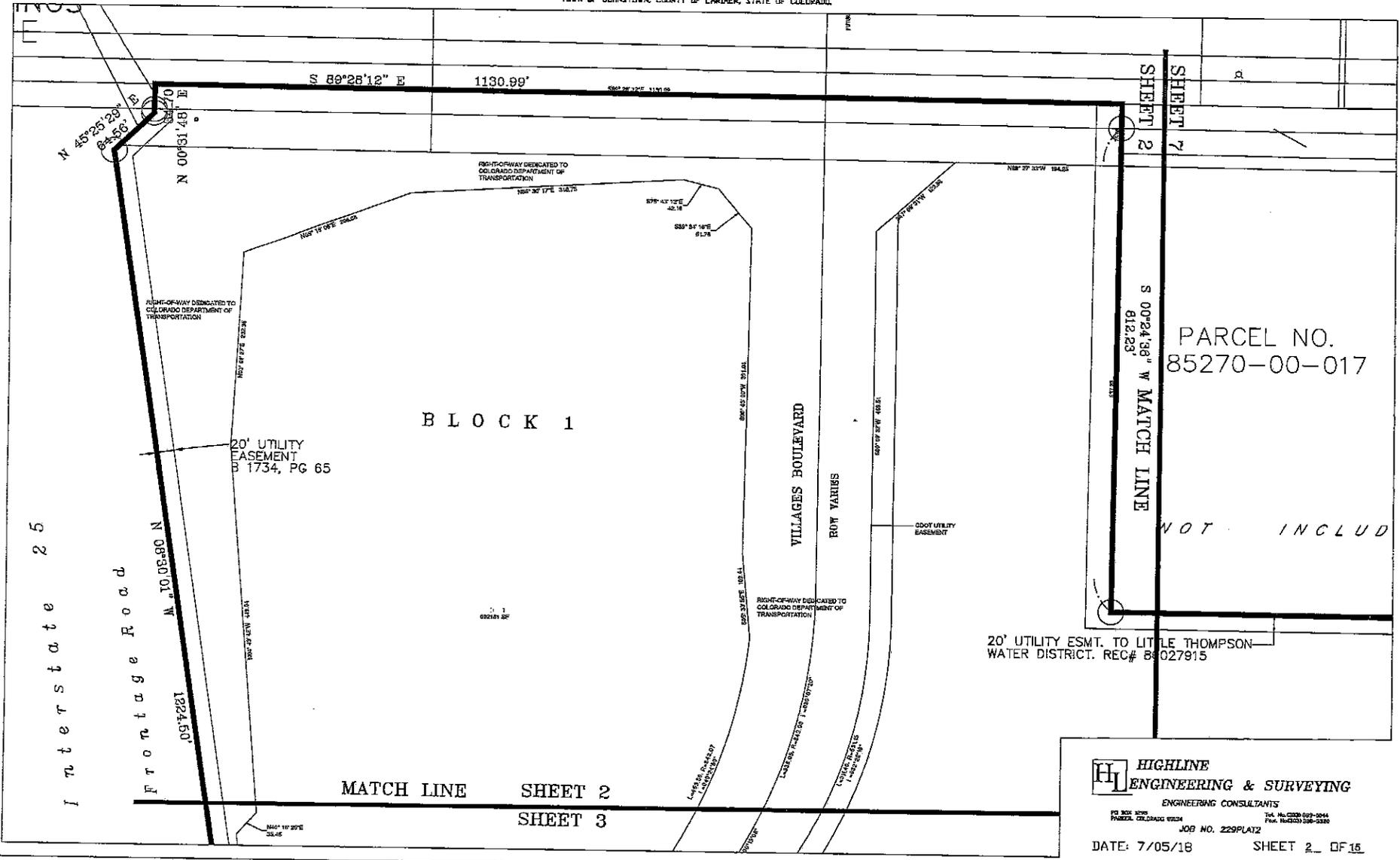
**HL** HIGHLINE  
ENGINEERING & SURVEYING  
ENGINEERING CONSULTANTS  
PO BOX 1295  
PARKER, COLORADO 80134  
Tel. No. 303 869-0444  
Fax. No. 303 988-3320  
JOB NO. 229PLAT2  
DATE: 7/05/18 SHEET 1 OF 1



**THE VILLAGES AT JOHNSTOWN**

**PRELIMINARY PLAT AMENDMENT NO. 1**

A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2 OF SECTION 26, TOWNSHIP 05 NORTH, RANGE 68 WEST 6th PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN COUNTY OF LARIMER, STATE OF COLORADO.



**HL** **HIGHLINE**  
**ENGINEERING & SURVEYING**

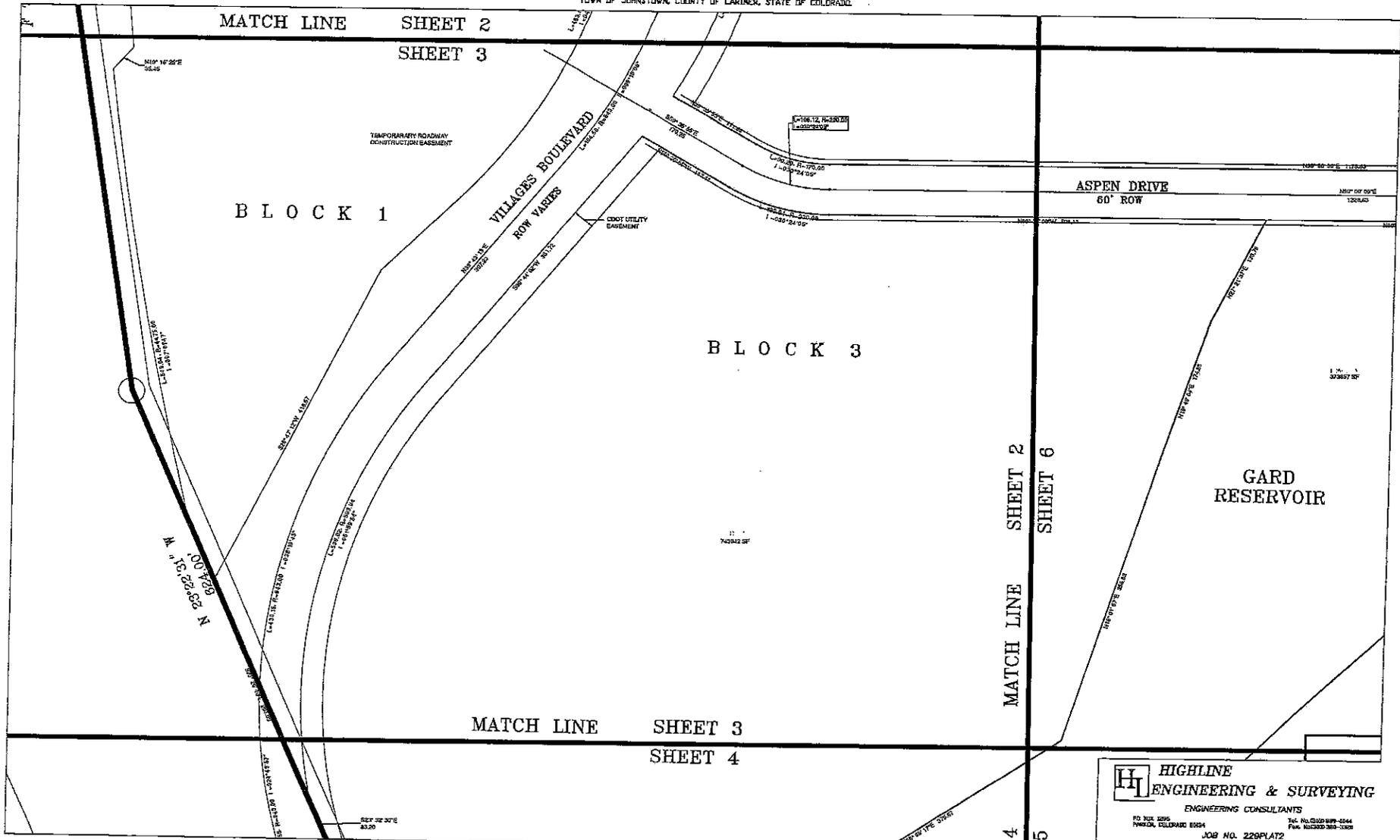
ENGINEERING CONSULTANTS  
PO BOX 5008  
FORD, COLORADO 80304  
TEL. NO. 303-522-5044  
FAX. NO. 303-526-2338

JOB NO. 229PLATZ  
DATE: 7/05/18  
SHEET 2 OF 15

# THE VILLAGES AT JOHNSTOWN

## PRELIMINARY PLAT AMENDMENT NO. 1

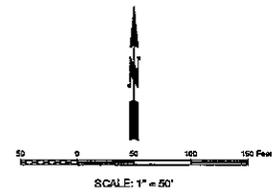
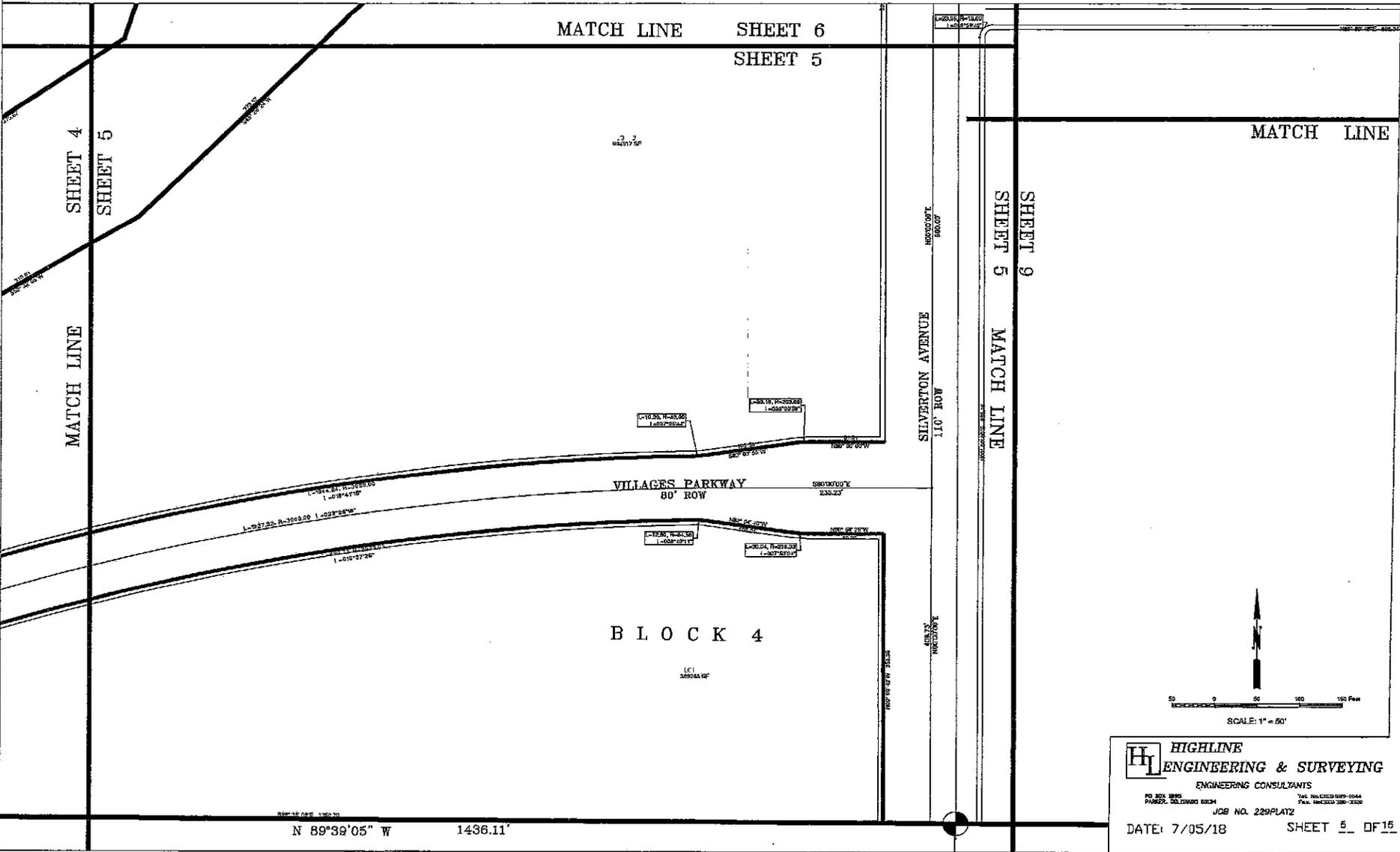
A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2 OF SECTION 26, TOWNSHIP 05 NORTH, RANGE 68 WEST 6th PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.



**HL HIGHLINE**  
**ENGINEERING & SURVEYING**  
ENGINEERING CONSULTANTS  
PO BOX 8285  
PINEBLA, COLORADO 80864  
TEL. NO. 303-899-8444  
FAC. NO. 303-858-3388  
JOB NO. 228PLAT2  
DATE: 7/05/18 SHEET 3 OF 15



THE VILLAGES AT JOHNSTOWN  
 PRELIMINARY PLAT AMENDMENT NO. 1  
 A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2  
 OF SECTION 26, TOWNSHIP 05 NORTH, RANGE 69 WEST 6TH PRINCIPAL MERIDIAN,  
 TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO



**HL HIGHLINE**  
**ENGINEERING & SURVEYING**  
 ENGINEERING CONSULTANTS  
 PO BOX 8888  
 PARKER, COLORADO 80434  
 PHONE: 303.841.8888  
 FAX: 303.841.8888  
 JOB NO. 229PLAT2  
 DATE: 7/05/18 SHEET 5 OF 15

THE VILLAGES AT JOHNSTOWN

PRELIMINARY PLAT AMENDMENT NO. 1

A PORTION OF THE NORTHEAST 1/4 OF SECTION E7 AND A PORTION OF THE NORTH 1/2 OF SECTION 26, TOWNSHIP 68 NORTH, RANGE 68 WEST 6th PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.

BLOCK 2

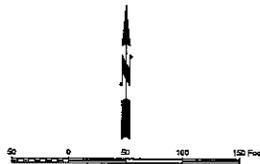
MATCH LINE SHEET 7

SHEET 6

ASPEN DRIVE  
60' ROW

PARCEL A  
103.137 AC.

GARD  
RESERVOIR



Standard : 1  
Info : 4492552.37

MATCH LINE SHEET 6

SHEET 5

N 89°52'27" E  
500.00'

MATCH LINE

ASPEN COURT  
60' ROW

SHEET 9

BLOCK 3

SCALE: 1" = 50'

**HL** HIGHLINE  
ENGINEERING & SURVEYING  
ENGINEERING CONSULTANTS

PO BOX 1200 PARKER, COLORADO 80134 TEL: 303.269.9834 FAX: 303.269.9835

JOB NO. 229PLAT2

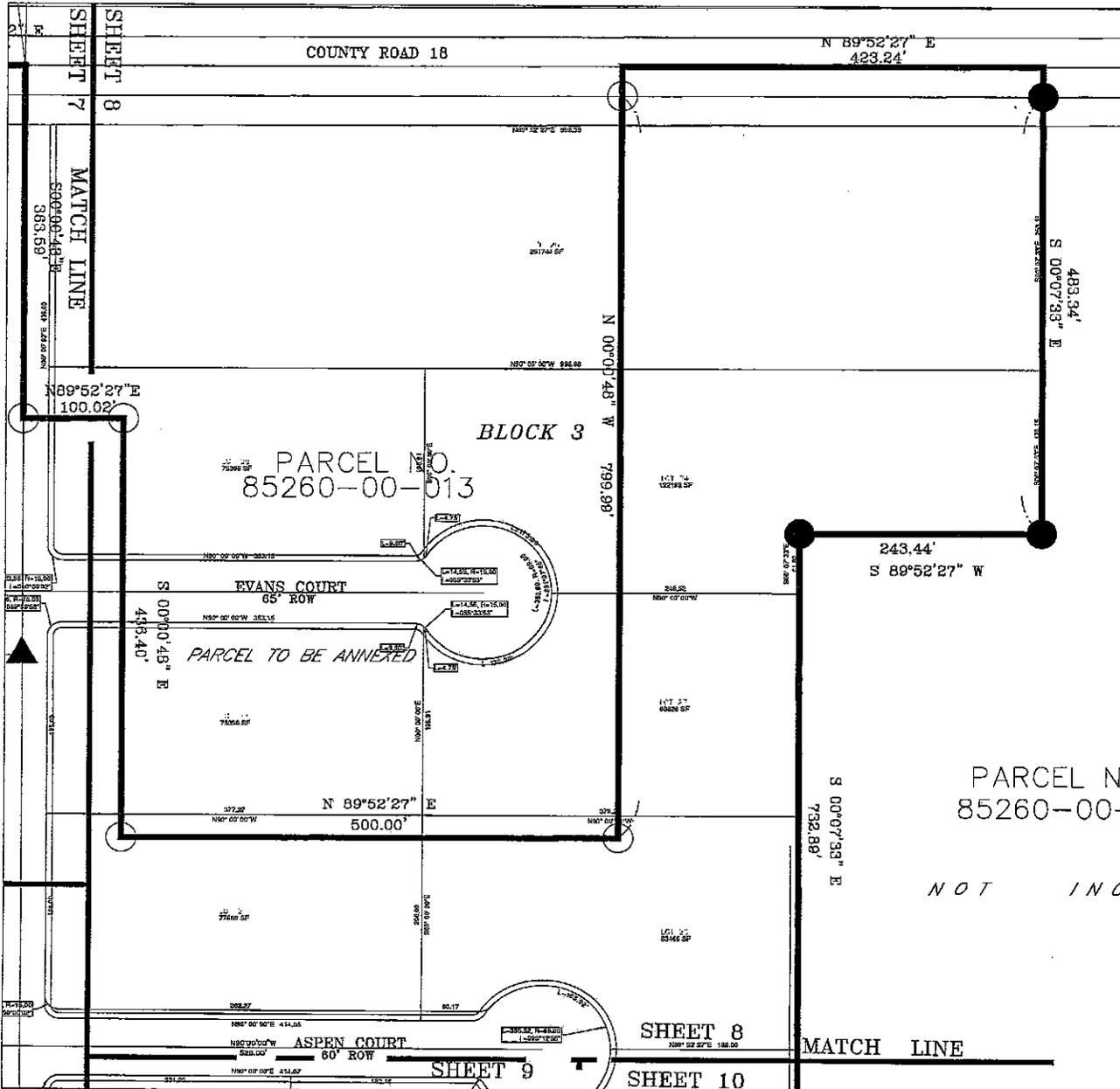
DATE: 7/05/18

SHEET 6 OF 15



THE VILLAGES AT JOHNSTOWN  
PRELIMINARY PLAT AMENDMENT NO. 1

4 JULY 2014 THE JOHNSTOWN PLAT SECTION 27 AND 28 TOWNSHIP 10 NORTH RANGE 11 WEST COUNTY OF GARFIELD, COLORADO  
AS SHOWN ON THE PLAT OF THE JOHNSTOWN PLAT SECTION 27 AND 28 TOWNSHIP 10 NORTH RANGE 11 WEST COUNTY OF GARFIELD, COLORADO  
AND THE PLAT OF THE JOHNSTOWN PLAT SECTION 27 AND 28 TOWNSHIP 10 NORTH RANGE 11 WEST COUNTY OF GARFIELD, COLORADO

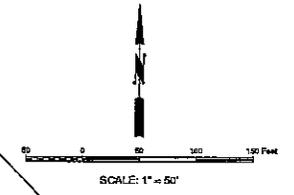


PARCEL NO.  
85262-00-035

NOT INCLUDED

PARCEL NO.  
85260-00-008

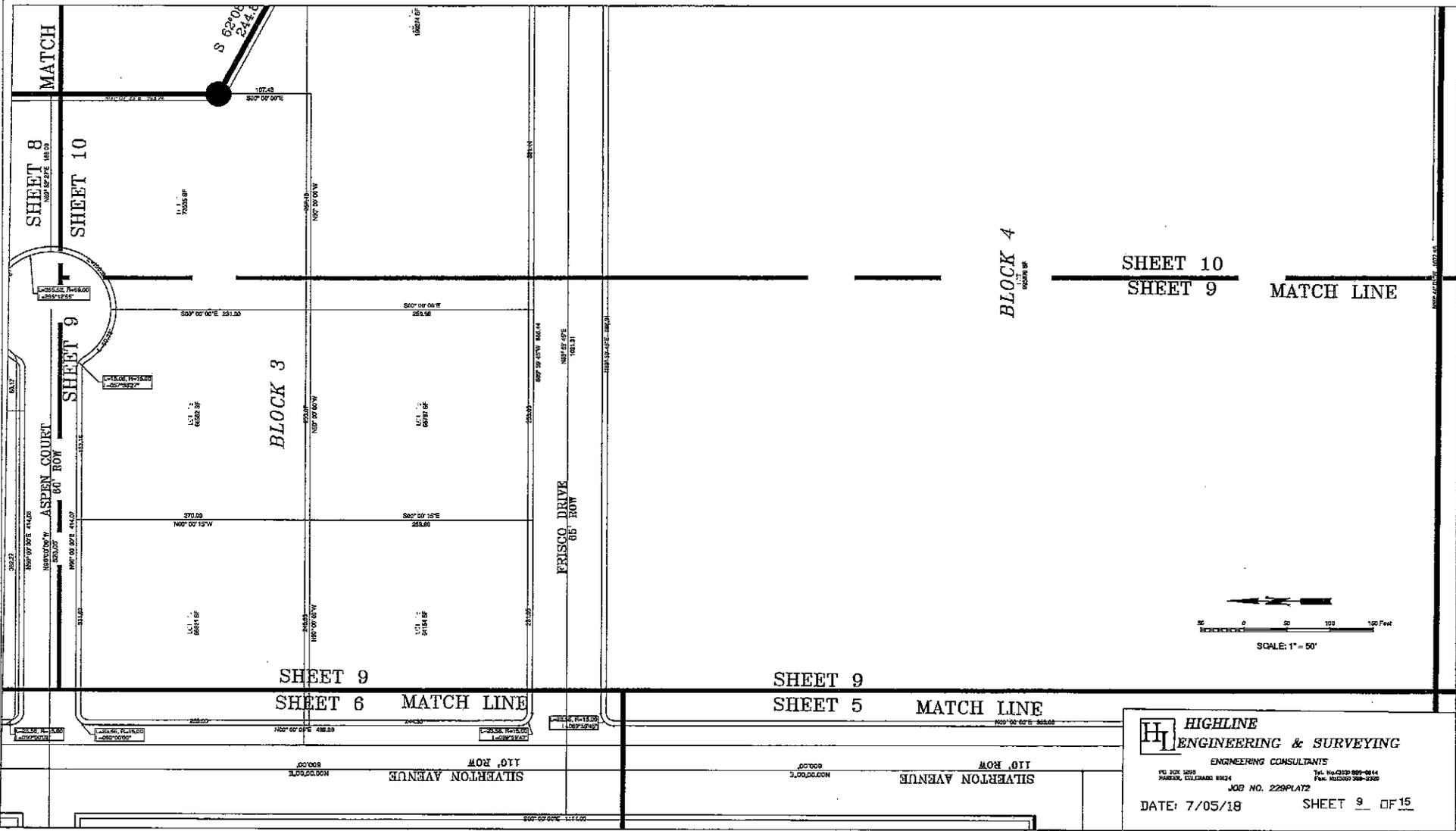
NOT INCLUDED



**HL** HIGHLINE  
ENGINEERING & SURVEYING  
ENGINEERING CONSULTANTS

824 BLUESTAR DRIVE  
PARKER, COLORADO 80138 TEL. NO. (303) 885-0044

**THE VILLAGES AT JOHNSTOWN**  
**PRELIMINARY PLAT AMENDMENT NO. 1**  
 A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2  
 OF SECTION 26, TOWNSHIP 05 NORTH, RANGE 68 WEST 6TH PRINCIPAL MERIDIAN,  
 TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.

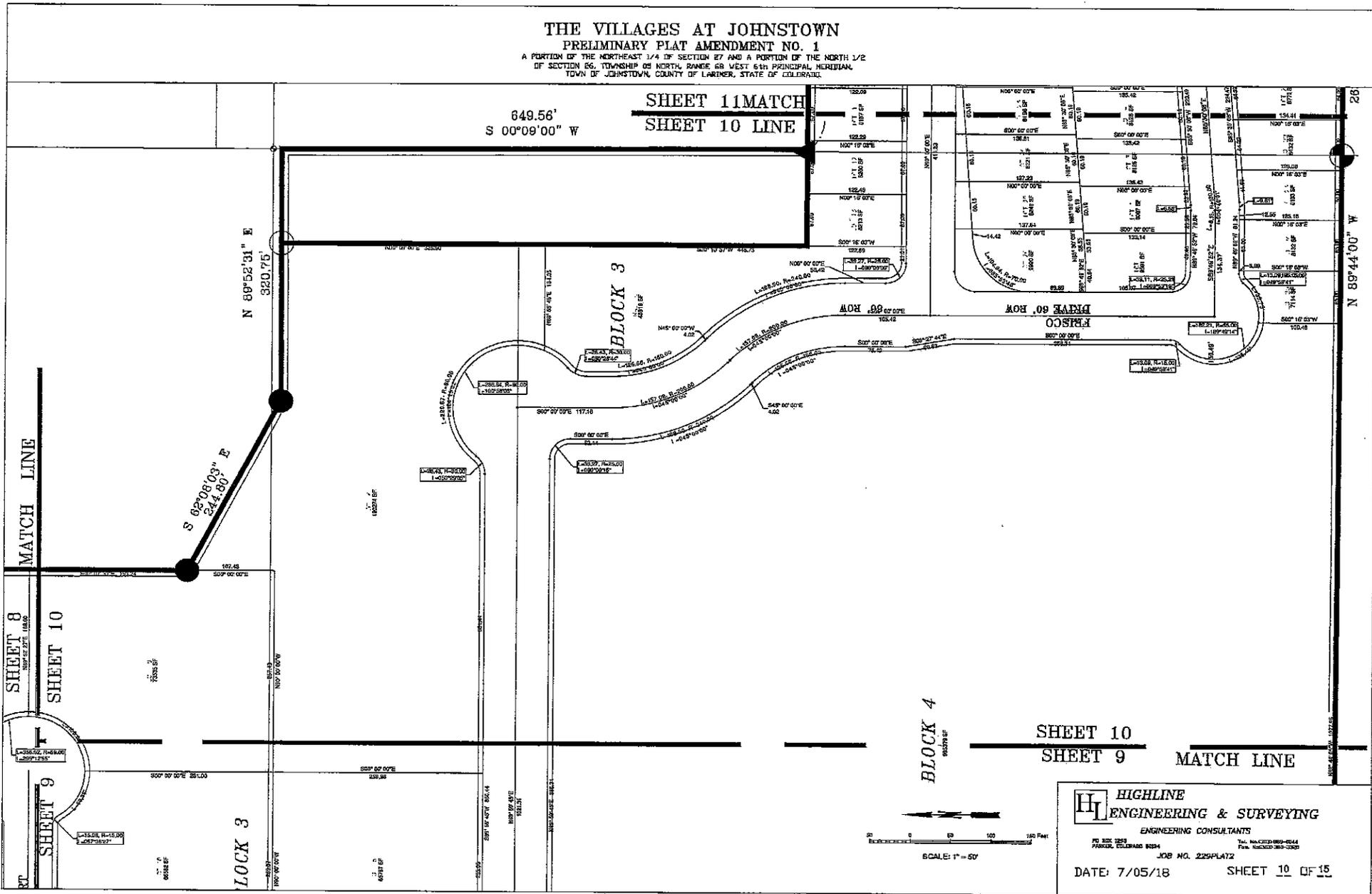


	<b>HIGHLINE</b> <b>ENGINEERING &amp; SURVEYING</b>
	<small>ENGINEERING CONSULTANTS</small>
<small>110 BUX 12015      PARKER, COLORADO 80424</small>	<small>TEL: 303.233.8899-8044      FAX: 303.233.2888-2320</small>
<b>JOB NO. 229PLAT2</b>	
<b>DATE: 7/05/18</b>	<b>SHEET 9 OF 15</b>

THE VILLAGES AT JOHNSTOWN

PRELIMINARY PLAT AMENDMENT NO. 1

A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2 OF SECTION 28, TOWNSHIP 28 NORTH, RANGE 68 WEST 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.



649.56'  
S 00°09'00" W

SHEET 11 MATCH  
SHEET 10 LINE

N 89°52'31" E  
320.76'

S 62°08'03" E  
244.80' E

MATCH LINE

SHEET 8  
SHEET 10

SHEET 9

BLOCK 3

BLOCK 4

SHEET 10  
SHEET 9

MATCH LINE

N 89°44'00" W

**HL** HIGHLINE  
ENGINEERING & SURVEYING

ENGINEERING CONSULTANTS  
PO BOX 2257  
FARROW, COLORADO 80734  
JOB NO. 225PLAT2

DATE: 7/05/18 SHEET 10 OF 15



**THE VILLAGES AT JOHNSTOWN**  
**PRELIMINARY PLAT AMENDMENT NO. 1**  
 A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2  
 OF SECTION 26, TOWNSHIP 05 NORTH, RANGE 68 WEST 6TH PRINCIPAL MERIDIAN,  
 TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.

SHEET 11 MATCH  
 SHEET 10 LINE

S 89°49'52" E 1314.82'

**BLOCK 3**

**DURANGO DRIVE**  
60' ROW

**BLOCK 2**

**VILLAGES PARKWAY**

**CORTEZ DRIVE**  
60' ROW

**CORTEZ DRIVE**  
60' ROW

**BLOCK 1**

N 89°44'00" W 2631.64'

MATCH LINE  
**COUNTY ROAD 9 E**  
 SHEET 12  
 SHEET 11  
 S 00°16'25" W 374.30'

Southwest corner  
 of the Northwest 1/4  
 of Section 28, T8N, R68W,  
 found 2.0" pipe



**HL HIGHLINE**  
**ENGINEERING & SURVEYING**  
 ENGINEERING CONSULTANTS

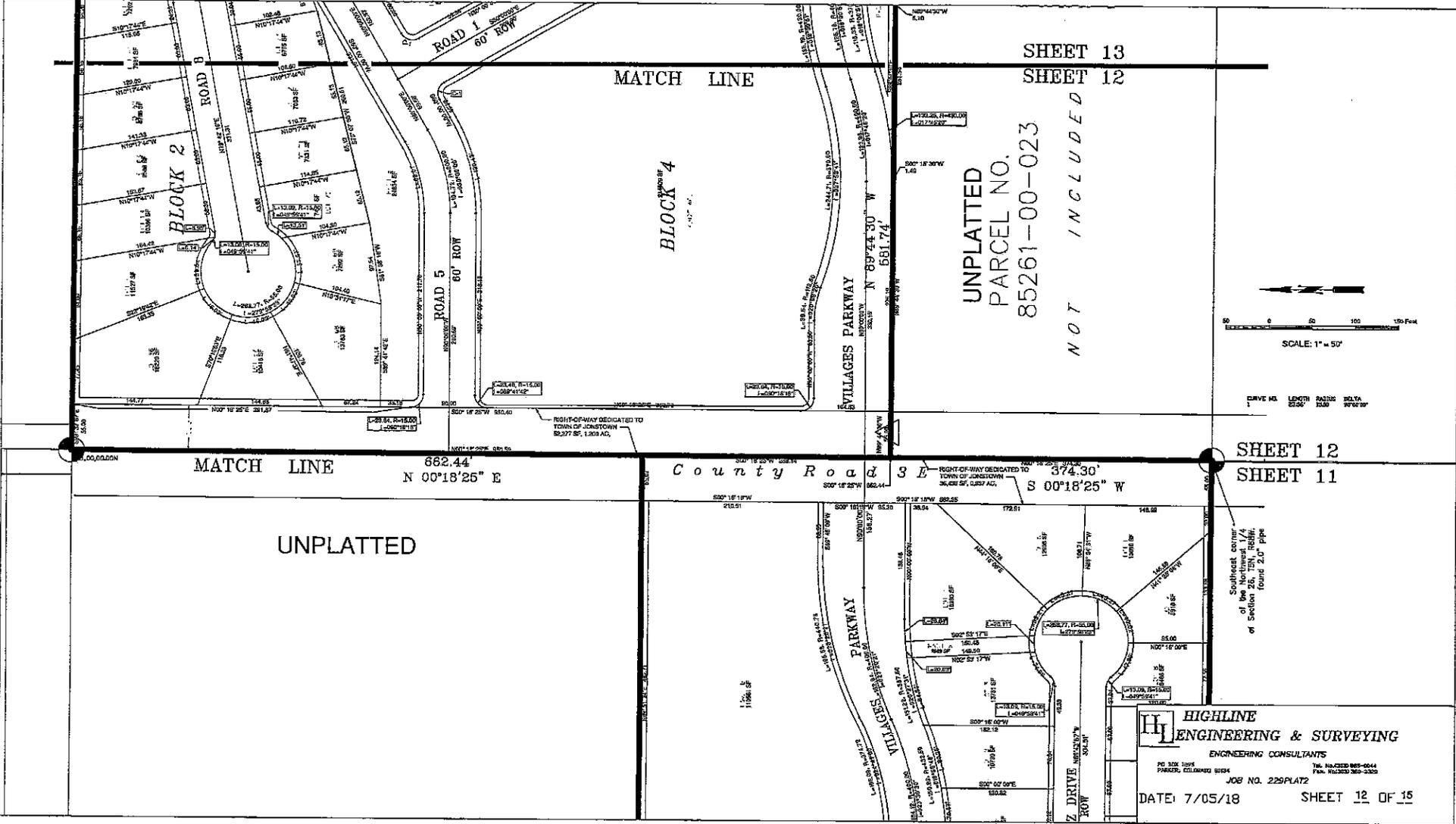
PO BOX 875  
 FORT COLLINS, CO 80520-0875  
 TEL: 970-223-3000  
 FAX: 970-223-3005

JOB NO. 229PLAT2

DATE: 7/05/18 SHEET 11 OF 15



**THE VILLAGES AT JOHNSTOWN**  
**PRELIMINARY PLAT AMENDMENT NO. 1**  
 A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2  
 OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 68 WEST 6th PRINCIPAL MERIDIAN,  
 TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO



SHEET 13  
 SHEET 12

UNPLATTED  
 PARCEL NO.  
 85261-00-023  
 NOT INCLUDED

SHEET 12  
 SHEET 11

UNPLATTED

**HIGHLINE**  
**ENGINEERING & SURVEYING**  
 ENGINEERING CONSULTANTS

PO BOX 1094      TEL. NO. 353-985-8644  
 PARKER, COLORADO 81054      FAX. NO. 353-350-3323

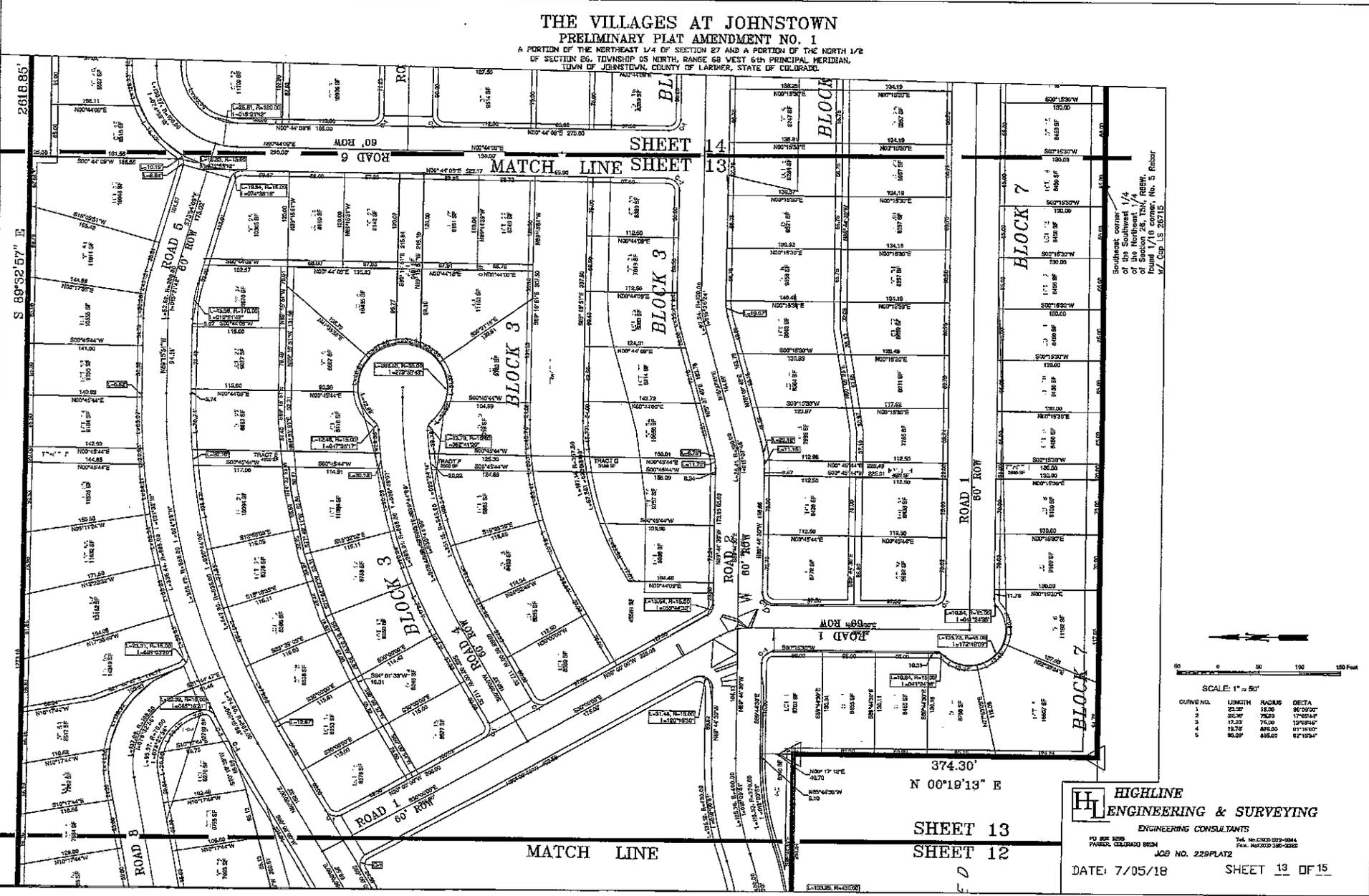
JOB NO. 229PLATZ  
 DATE: 7/05/18      SHEET 12 OF 15

Southwest corner  
 of Section 26, T25N, R68W  
 found 2.0" pipe

# THE VILLAGES AT JOHNSTOWN

## PRELIMINARY PLAT AMENDMENT NO. 1

A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2 OF SECTION 26, TOWNSHIP 05 NORTH, RANGE 69 WEST 63rd PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.



Southeast corner 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 26, T15N, R69W, T15N, R69W, N1/2 S 26718 W/4 Sec. 26, T15N, R69W, N1/2 S 26718

SCALE: 1" = 50'

CURVE NO.	LENGTH	RADIUS	DELTA
1	23.97	15.00	92°30'00"
2	33.37	75.00	17°00'00"
3	13.25	75.00	12°00'00"
4	15.72	875.00	07°10'00"
5	30.29	885.00	07°19'31"

374.30'  
N 00°19'13" E

SHEET 13  
SHEET 12

**HL HIGHLINE**  
**ENGINEERING & SURVEYING**  
ENGINEERING CONSULTANTS

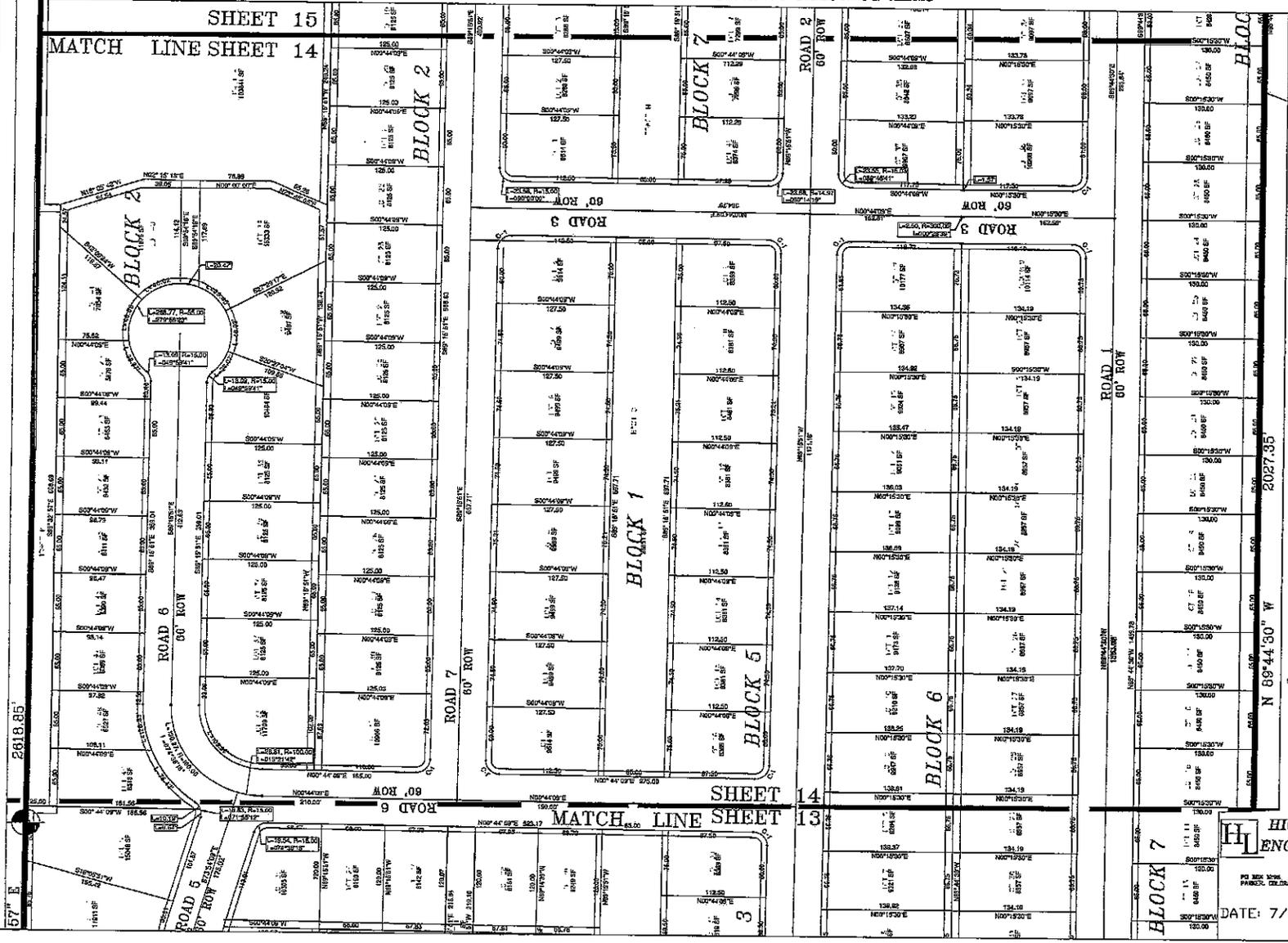
PL. BOX 5028  
FORD, COLORADO 80534  
JOB NO. 229PLAT2

DATE: 7/05/18 SHEET 13 OF 15

**THE VILLAGES AT JOHNSTOWN**  
**PRELIMINARY PLAT AMENDMENT NO. 1**  
 A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2  
 OF SECTION 28, TOWNSHIP 05 NORTH, RANGE 69 WEST 6TH PRINCIPAL MERIDIAN,  
 TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.

SHEET 15

MATCH LINE SHEET 14



N  
2027.95

N 89°44'30" W

SCALE: 1" = 50'

CURVE NO.	LENGTH	RADIUS	DELTA
1	22.26	15.00	57°02'00"
2	17.28	78.00	17°04'47"
3	13.80	78.00	13°08'48"

**HL HIGHLINE**  
**ENGINEERING & SURVEYING**  
 ENGINEERING CONSULTANTS  
 800 15TH ST. SUITE 100  
 PARKER, COLORADO 80464  
 TEL: 303.840.8044  
 FAX: 303.840.3055  
 JOB NO. 229PLAT2  
 DATE: 7/05/18  
 SHEET 14 OF 15

**THE VILLAGES AT JOHNSTOWN  
PRELIMINARY PLAT AMENDMENT NO. 1**

A PORTION OF THE NORTHEAST 1/4 OF SECTION 27 AND A PORTION OF THE NORTH 1/2  
OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 69 WEST 6TH PRINCIPAL MERIDIAN,  
TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.

FUTURE ROADWAY  
120' ROW

S 00°44'09" W 1316.14'

120' ROW

60' ROW  
ROAD 7

60' ROW  
ROAD 7

60' ROW  
ROAD 2

60' ROW  
ROAD 2

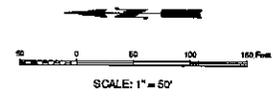
SHEET 15  
MATCH LINE SHEET 14

BLOCK 2

BLOCK 2

BLOCK 7

CURVE NO.	LENGTH	RADIUS	DELTA
1	23.50'	15.00'	80°00'00"
2	17.20'	25.00'	17°30'00"
3	23.80'	75.00'	12°00'00"
4	23.80'	100.00'	13°12'00"
5	28.20'	150.00'	11°28'00"
6	12.80'	18.00'	48°11'00"
7	14.17'	70.00'	68°34'00"
8	14.20'	15.00'	12°18'00"



SECTION 27 AND A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 69 WEST 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO, marked "LS 17382"

**HIGHLINE**  
**ENGINEERING & SURVEYING**

ENGINEERING CONSULTANTS  
10 200 1255 PAVEN, COLORADO 80544 TEL. NO. 303.889-8844 FAX. NO. 303.283-2325

DATE: 7/05/18 SHEET 15 OF 4

**REFERRAL COMMENTS**

**AND**

**APPLICANT RESPONSES**



**CHRISLAND**  
real estate companies

Chrisland Real Estate Companies  
3665 John F Kennedy Parkway  
Building 2, Suite 202  
Fort Collins, CO 80525

(970) 663-3150  
[www.ChrislandRealEstateCompanies.com](http://www.ChrislandRealEstateCompanies.com)

October 18, 2019

Town of Johnstown  
John Franklin, Town Planner  
Jim Dowling, Chair, Planning Commission  
Terry Eady, Vice Chair, Planning Commission  
Paul Kingsolver, Planning Commissioner  
Lila Montez, Planning Commissioner  
Larry Storms, Planning Commissioner  
Cody Geisendorfer, Planning Commissioner

Via email to [jfranklin@townofjohnstown.com](mailto:jfranklin@townofjohnstown.com)

**Re: Amended Preliminary Plat and Performance Standards – The Villages at Johnstown**

Dear John and Planning Commissioners:

Greetings. I regret that I will be out of town and not able to attend the October 24, 2018 Planning Commission Meeting regarding the above reference items.

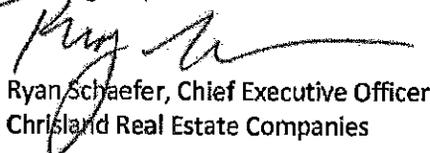
I am pleased to share that the Applicant J-25 Land Holdings, LLC has engaged Chrisland, Inc. to assist in the marketing of the East Villages portion of The Villages at Johnstown. My team at Chrisland and I have always appreciated the opportunity to work with the Town at 2534 and are pleased to have another opportunity to do so in this instance.

I have reviewed the Amended Preliminary Plat for the East Villages and the revised Performance Standards, specifically with the East Villages and the Single Family Residential Use in mind. I found both documents to be consistent with other high quality residential communities in Johnstown and elsewhere throughout Northern Colorado, including multiple new residential subdivisions in Fort Collins and Windsor.

The changes as reflected in these documents will allow The Villages and Johnstown and the Town of Johnstown to deliver much needed single family residential lot inventory in a manner that is consistent with market demand. This will help support the needs of our growing community, its employers, and retail establishments. Furthermore, the attached two graphs from MetroStudy, illustrate the low supply of single family lots in Larimer and Weld Counties (40% of pre-recession levels) and how those low inventory levels are translating into higher pricing and lower attainability. I believe that decreased housing attainability (increasing housing costs) is a real detriment to the "American Dream" and quality of life of present and future generations in Northern Colorado.

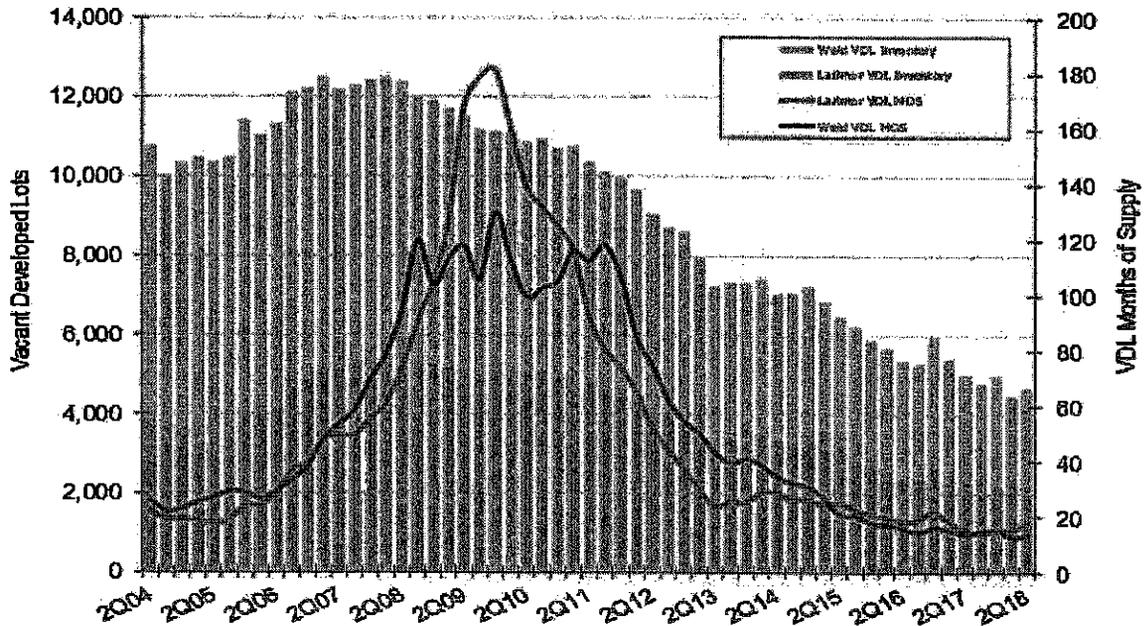
Thank you for your continued service to the community and I appreciate the opportunity to voice my support for this project.

Best regards,

  
Ryan Schaefer, Chief Executive Officer  
Chrisland Real Estate Companies

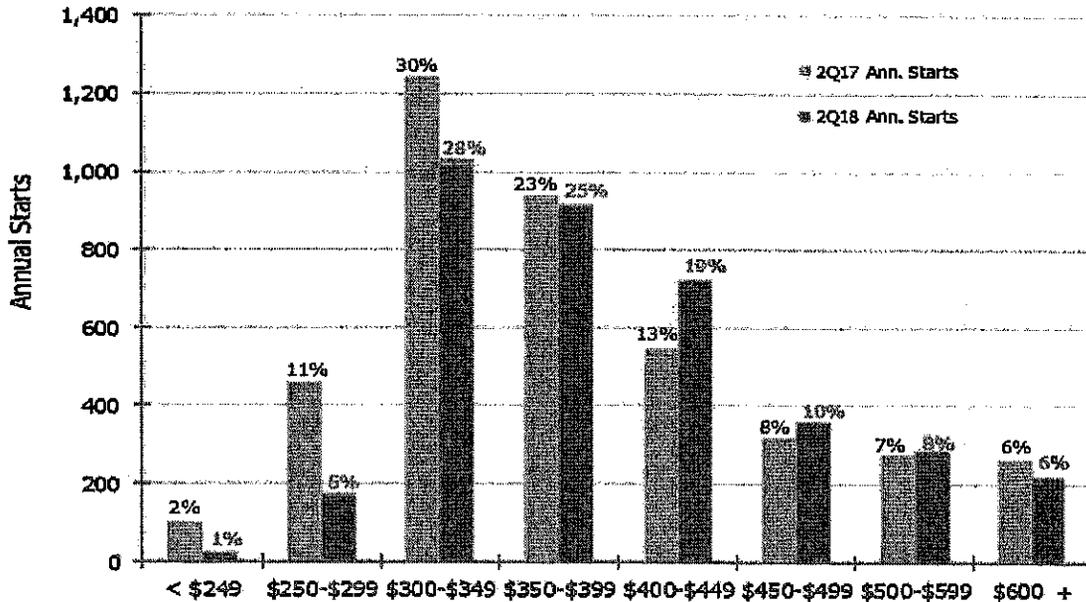
# Northern Colorado Market

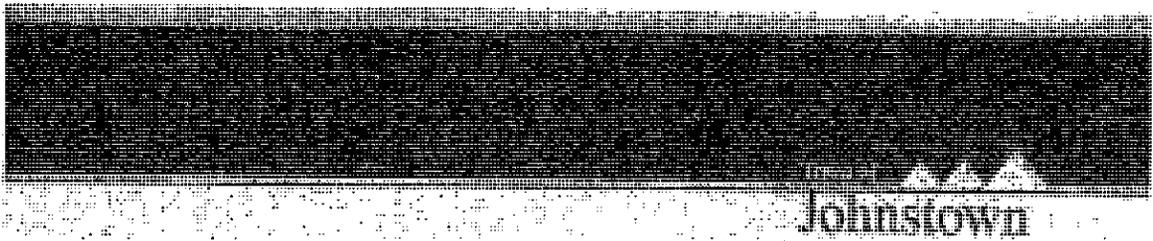
Vacant Developed Lot Supply (SFD) 4,670 VDL -7% v 2Q17; 13.6 Month Supply



# Northern Colorado Market

Annual Starts by Price Range 2Q17 v. 2Q18 (SFD)





September 20, 2018

J-25 Land Holdings, LLC  
Attn: Roy Bade  
16074 N. 78<sup>th</sup> St., Suite B-104  
Scottsdale, AZ 85260

Re: Villages at Johnstown – amended Preliminary Plat and Design Guidelines

Review of the proposed amended Preliminary Plat and Design Guidelines is substantially complete – comments are as follows:

1. Amended Preliminary Plat:

- a. Revised street layout: The revised layout is acceptable. The development is responsible for its share of High Plains Blvd. (LCR 3) right of way and improvements. Improvements to High Plains may be deferred so long as we have a surety or cash in lieu deposit. The alignment of the west frontage road is acceptable and subject to the final CDOT plans for the Hwy 402 Interchange. The Town has agreed to maintain the segment of the frontage road within the property, and will work with you on widening to arterial standards and driveway access.
- b. Street names: It is customary for each development to have a unique ‘theme’ for street names, to assist first responders and repair and maintenance personnel in knowing generally where an address may be located. A list of prospective themes is attached. Street names will be coordinated with Larimer County Emergency.
- c. Town Engineer comments shared earlier are attached.
- d. Town Traffic Engineer comments are attached.
- e. Loveland Fire Rescue Authority comments which were shared earlier are attached. (I do not yet find where Johnstown signed an addressing agreement)
- f. Larimer County comments are attached.
- g. Comments from the Thompson Crossing Metro District No. 1 attorney are attached.

2. Design Guidelines: Comments were provided earlier. The revised amendments are acceptable. Please provide an updated cover and revised pages.

Please contact the parties making comments, work to address the issues, and report on any changes or conclusions. If possible, please respond to all comments in writing, and provide a

copy to me, as the information will be included in the Staff Report to the Planning and Zoning Commission. I will schedule a public hearing before the Planning and Zoning Commission once we have this information, understanding that some items will take the form of obligations in a development agreement at time of final plat.

Sincerely,

A handwritten signature in black ink, appearing to read "John Franklin". The signature is stylized with a large initial "J" and a long horizontal stroke extending to the right.

John Franklin, Town Planner

Attachments

Copy with attachments to:  
Town Advisors  
Referral Agencies



Sept. 11, 2018

Mr. John Franklin  
Town of Johnstown  
450 S. Parish Avenue  
Johnstown, CO 80534

RE: Villages At Johnstown  
Amended Preliminary Plat Referral  
TTG Job. No. 127-095 (18001183.06)

Dear Mr. Franklin,

We have reviewed the referral package submittals for The Villages at Johnstown, in response to your referral request dated 8/3/18.

The following documents for review were provided directly from Highline Engineering, and all were prepared by Highline Engineering:

- **Preliminary Plat Amendment Plan Set** (15 Sheets, Dated 7/15/18).
- **Preliminary Drainage Report(s)**: Initial Submittal (Dated 7/14/18), Rec'd 7/31/18; Revised Submittal (Dated 8/14/18), Rec'd 8-15-18.
- **Water & Sanitary Sewer Study**: Initial Submittal (Dated 3/14/18, Revised 7/20/18).
- **Sanitary Sewer – Preliminary Construction Plans (Middle & East Villages)**: Initial Submittal (21 Sheets, Dated 7-18-18) Rec'd 7/31/18.
- **Preliminary Utility Plans for Water and Sanitary (West Center & East Village)**: Initial Submittal – 18 Sheets – Dated 7-15-18, Rec'd 7/31/18.
- **Preliminary Construction Plans for Roadways and Grading (Center and East Villages)**: Initial Submittal (15 Sheets, Dated 7-1-18) Rec'd 7/31/18.
- **Preliminary Construction Plans for Roadways and Grading (West Village)** Initial Submittal (20 Sheets, Dated 7-15-18), Rec'd 7/31/18.

We have the following comments:

#### GENERAL COMMENTS:

1. **Submittals Not "Signed/Sealed":**

None of the submitted plans sets and/or the Drainage Letter appear to have been signed/sealed by the appropriate professional engineer(s)/architect(s). All of the documents should be appropriately signed/sealed prior to Town approvals.

2. **Preliminary Review Meeting:**

Our preliminary review of the above noted documents led to a rather lengthy meeting with Mr. Randy Hall, of Highline Engineering, on August 20, 2018. A copy of the preliminary discussion items from that meeting, which previously has been provided, is not included herein. However, if desired, an additional copy of those notes can be appended to this letter. During the August

20, 2018 meeting, Mr. Hall advised that the documents as submitted were intended more as conceptual planning documents and were not intended as final engineering submittals. Indeed, the submittals were not ready for full Town Engineering review or approvals. Once we realized that the documents were not ready for more thorough review, we curtailed subsequent detailed review.

**3. Site Location:**

The Project consists of approximately 250 acres (245.6+/- acres per the proposed replat legal description, or 253 acres +/- per the preliminary drainage report) located at the SE corner of I-25 and LCR 18 (Hwy 402). The overall development area is envisioned as three "Villages" (See attached Figure #1):

- **West Village:** Approximately 85+/- acres, between I-25 and proposed future Silverton Avenue. This Village currently is proposed to be primarily commercial development.
- **Center Village:** Approximately 90+/- acres, between Silverton Avenue and LCR 3E. This Village is proposed to be a mix of industrial, multi-family and single-family development.
- **East Village:** Approximately 76+/- acres, between LCR 3E and future LCR 3. This Village is proposed to be single-family development.

**4. Public Water:**

The preliminary plans indicate a proposed public water main network within and throughout the development area. A detailed review of the water main network was not conducted at this juncture. However, the following general observations and/or concerns were noted:

- a. The Town's Water Master Plan (J-U-B Engineers, 12-1-2015) anticipated a general water system backbone of 12-inch mains along section lines, 10-inch mains along half-section lines and 8-inch mains for the rest of the distribution system. (\* NOTE: The minimum sizes may need to be increased on a case by case basis, to be determined by the water system modeling for the development.) The Master Plan "backbone" considerations/sizing did not appear to have been implemented in the Villages at Johnstown plans.
- b. The proposed Villages at Johnstown water main system has not been adequately modeled to date, so final required layout and sizing remain to be determined. The modeling would need to demonstrate that adequate supply and pressures would occur throughout the development to meet or exceed the minimums required (e.g. minimum 40 psi residual during peak hour demand conditions, and minimum 20 psi residual during maximum day demand + ISO fire flow).
- c. The submitted preliminary Water and Sanitary Sewer Study indicates potential water demands based on factors not consistent with the Town's Published standards. The potential demands range as follows (from those indicated in the submitted information, to the higher values estimated using the report information and the Town standards):
  - i. Average Day Demand: 360 gpm to 400 gpm
  - ii. Peak Daily Demand: 430 gpm to 666 gpm
  - iii. Peak Hour Demand: 865 gpm to 1110 gpm.
  - iv. Peak Day + Fire Flow: Not defined – to be determined.



- d. Per the Town Water Master Plan, the Villages at Johnstown would be supplied off the single 20" transmission main servicing the Town's West Zone and North Tank Zone. The Project area falls within the West Zone. Projected available Peak Hour Zone pressure in the Villages area (per the Master Plan modeling) is projected to fall between 80-90 psi.
- e. Based on the Master Plan document, the Town Water Treatment Plant and associated system would appear to have sufficient capacity to meet the projected water demands for the Villages. However, as pointed out in the Master Plan, due to lack of adequate system redundancy (e.g. the single 20" transmission main and shortage of system storage capacity), the potential exists for loss of pressure/supply and/or firefighting capacity in the event of a main failure and/or of a breakdown of the treated water pump(s) at the treatment plant.
- f. The information submitted to date does not appear to address whether the Villages at Johnstown has (will have) sufficient water rights available to support the proposed development.

5. **Public Sanitary:**

The preliminary plans as proposed were based upon the following general concept for sanitary servicing of the proposed Villages development:

- **West Village:** This area would be served by gravity sewers, discharging by gravity into the Johnson's Corner sewer main.
- **Center Village:** The industrial, multi-family and approximately the west half of the single-family portion would be served by gravity sewers, flowing west and into the Johnson's Corner sewer main. The east half of the single-family portion would gravity flow east into the East Village system.
- **East Village:** The East Village single family residential development would be served by gravity sewers flowing east and north, to a proposed lift station at the NE corner of the East Village. From that lift station, a 4" force main was proposed back to the west, to discharge into the Center Village gravity system – again ultimately discharging into the Johnson's Corner sewer main.

A detailed review of the preliminary civil construction plans was not conducted at this juncture. However, a review of the general concepts proposed was made, and the following observations and/or concerns were noted:

- a. **Johnson's Corner Sewer Main:** The Johnson's Corner Sewer Main was designed and installed (2009) to eliminate the private Johnson's Corner treatment facility. The main was sized to convey the Johnson's Corner flows and future flows from a specifically identified additional service area (e.g. the Johnson's Corner Sewer Service Area -JCSSA). Flows from this JCSSA flow to the Town's Low Point Wastewater Treatment Plant (LPWWTP). Per the 2008 JCSSA Sewer Reimbursement Agreement, only the West Village and approximately the west half of the Center Village (approximately 153 acres +/- of the proposed Villages at Johnstown development area) was included within the JCSSA. (See attached Figure 2). The remaining portion of the Center Village and East Village area (98 acres +/-) was not included within the JCSSA. Accordingly, the current proposal to direct all



of the Villages at Johnstown sewerage flows into the Johnson's Corner Sewer Main would not be in conformance with the JCSSA agreement and sewer design, and therefore would not be recommended.

- b. **Gravity Main to LPWWTP:** The Villages at Johnstown plans show a "future" gravity sewer in the LCR 3 alignment north to the LPWWTP. The plans indicate flows from the Villages lift station (proposed to be at the NE corner of the East Village) would be transferred over to this gravity line "when the gravity line is constructed". The Villages plans do not, however, indicate when or by whom that proposed gravity line would be constructed. Since the flows from the Villages lift station should not be directed into the Johnson's Corner Sewer, perhaps the "future" gravity main north to the LPWWT should be constructed before, or concurrent with/as part of, the Villages at Johnstown development.
- c. **Lift Station:** The Town generally prefers to avoid, when possible, the need for additional sanitary lift stations. Due to the topography of the area, to eliminate the proposed East Village lift station a significant section (approximately 1700 feet) of the required gravity sewer would need to be at depths between 20' to 48' deep. Sewer this deep is not appropriate, nor acceptable to the Town. Accordingly, the proposed Villages lift station will be necessary. However, the lift station should be located near the SE corner of the East Villages (as opposed to the current proposed NE corner location). The lift station would pump the flows to a manhole on the southern end of the gravity main, at the NE corner of the East Village. From there, a gravity main (approximately 4700 l.f.) at nominal depth could be installed north up the LCR 3 Road alignment to the LPWWTP. This Villages Lift Station should be designed to readily be expandable in the future to accept additional gravity flows from future development(s) to the south.
- d. **Low Point WWTP Capacity:** The LPWWTP currently has a rated/permitted\* capacity of 0.5 mgd (\* per Colorado Department of Health and Environment (CDPE) permit). The plant was designed to be incrementally expandable (in 0.5 mgd increments). Based on existing flows and organic loadings influent to the Plant, approximately 50%-60% of the existing Plant capacity already is being utilized.

The submitted preliminary Water and Sanitary Sewer Study indicates projected Villages at Johnstown wastewater generation based on factors not consistent with the Town's Published standards. The potential Villages at Johnstown wastewater flow range (from that indicated in the submitted information, to the higher value estimated using the report information, Town standards and appropriate Peaking Factors) is estimated as from 0.73 mgd up to 1.22 mgd.

Under either calculation scenario, the Villages at Johnstown sewerage demand would exceed the current LPWWTP capacity - even exclusive of other existing and planned LPWWTP demands. Significant expansion of the LPWWTP would be required before, or concurrent with, the proposed Villages at Johnstown development.



**6. Stormwater:**

The Villages at Johnstown development area falls within two identified major drainage basins in Johnstown: 1) The Gard Lateral Basin; and 2) The Johnson's Corner Basin. The Villages at Johnstown Preliminary Drainage Report identifies several drainage sub-basins within the Villages development and proposes stormwater detention facilities to provide water quality and detention. Although specific details provided to date are not yet approvable, the general stormwater management concept(s) proposed are reasonable and appear to be in general conformance with Town requirements.

**7. Site Access:**

The submitted Villages at Johnstown plans show a proposed internal roadway system connecting the West Village to the I-25 Frontage Road in two locations, and to LCR 18 by way of the Frontage Road and a proposed new north-south 2 lane (initial phase) Minor Arterial (shown as proposed Silverton Avenue). The west half of the Center Village (with 457+/- proposed multi-family units) is shown with three connections to the proposed Silverton Avenue. The east portion of the Center Village (with 64+/- single family homes) is shown with one connection to Silverton Avenue and one connection to LCR 3E. (LCR 3E currently is an unimproved 2 lane gravel roadway). The East Village (with 98 +/- single family homes) has two connections to the west to LCR 3E and none to the east to future LCR 3.

The Town Transportation Master Plan (Figure 11 – See attached Figure 3) shows LCR 3 ultimately planned as a Major Arterial (120' ROW, initially 2 lane paved, and ultimately 4 lane paved with median) roadway, and LCR 3E as a Minor Arterial (110' ROW, initially 2 lane paved, and ultimately 4 lane paved with paved center turn lane). Consideration should be given to whether LCR 3E should be required to be upgraded to at least the Interim Arterial (2 lane, paved) status prior to or concurrent with development of Central and/or East Village areas. Additionally, the efficacy of possibly approving some, or all, of the 98+/- East Village residential development with access only west to (improved) LCR 3E should be evaluated. The Town and/or the Loveland Fire Rescue Authority may wish to consider requiring construction of LCR 3, from LCR 18 south to at least the southeast corner of the East Village, either prior to or current with development of the East Village area.

We recommend the Town also obtain and consider comments from the Town's Transportation/Traffic Engineer (Charles Buck, FHU) and from Carie Dann, Deputy Fire Marshal with Loveland Fire Rescue Authority.

**OTHER SPECIFIC COMMENTS:**

As noted in the opening section of this letter, our initial review of the preliminary engineering submittals generated rather significant comments, which were provided directly to Highline Engineering. Final engineering approval of the engineering documents generally is not required for Preliminary Plat Amendment approval. However, prior to future associated Final Plat Approval(s) for the Villages at Johnstown development(s), the applicable Engineering Documents must be acceptable for final Town Engineering Approvals.



Relative to the current Town consideration for an Amended Preliminary Plat for the Villages at Johnstown, we have raised several "big picture" items/concerns, including:

- Capacity issues and necessary expansion of the Low Point Wastewater Treatment Plant.
- Applicable sanitary sewer service area for the East Village and east portion of the Central Village, and potential need for construction of a new gravity sanitary main up LCR 3 to the LPWWTP.
- Confirmation that adequate Water Rights exist (or will exist) to accommodate the proposed Villages at Johnstown development(s).
- Confirmation that the Johnstown water system and the proposed Villages water distribution system can provide the required pressures, flows and fire protection for the Villages development(s).
- Confirmation that adequate transportation (road) connections are proposed/will be provided to support the Villages development(s) - in particular the residential portions of the Center and East Villages areas.

### **RECOMMENDATION**

We recommend the items addressed in our comments above, in particular the bulleted "big picture" items summarized in the immediately preceding section, be addressed to the Town's satisfaction prior to consideration of approval for the Amended Preliminary Plat for the Villages at Johnstown.

If there are any questions regarding any of our comments, or if further clarification is desired, please contact us.

Sincerely,

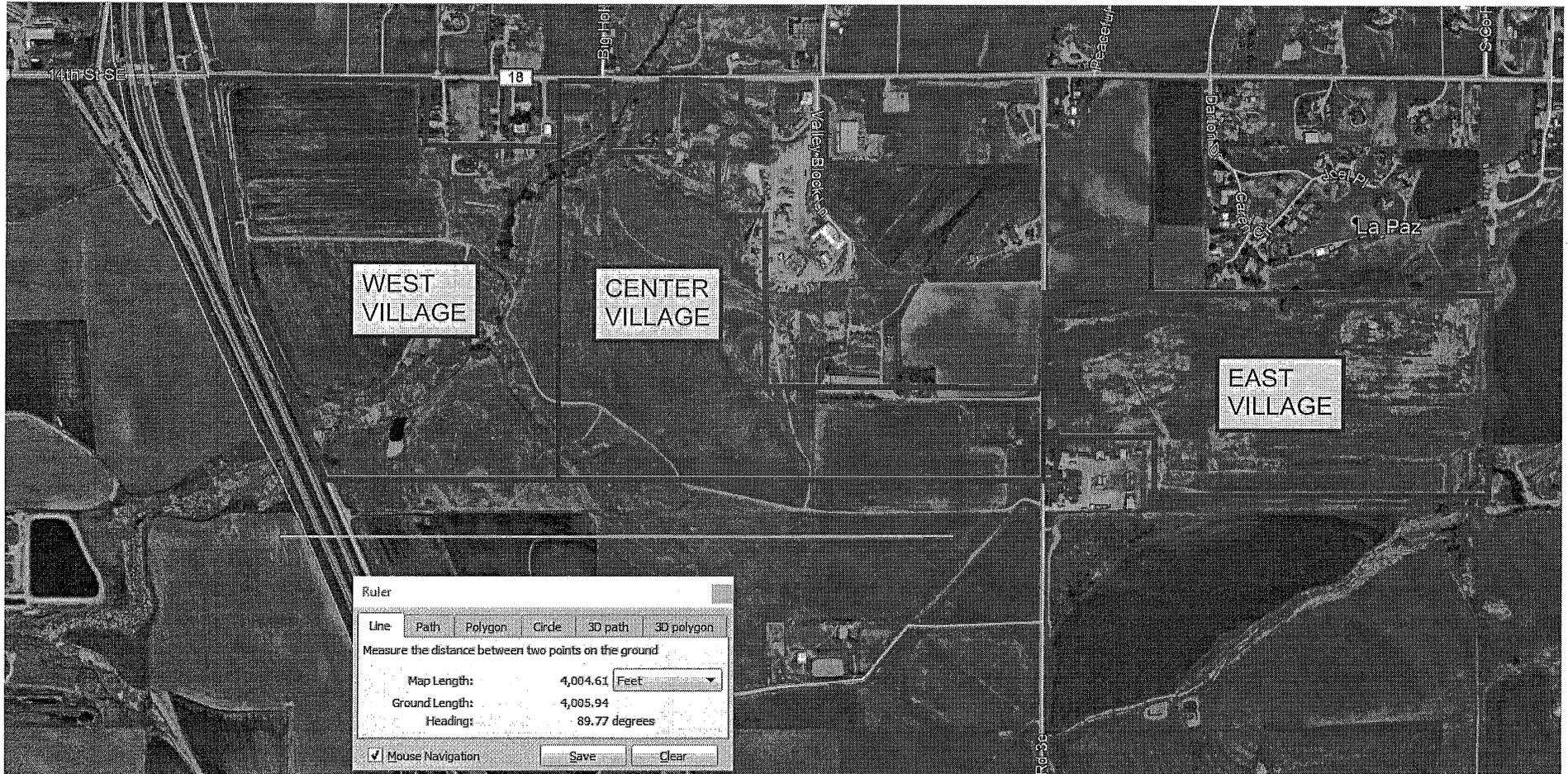
TTG, as Town Engineer for Johnstown



Gregory A. Weeks, PE, LEED ® AP  
As Town Engineer, Town of Johnstown, CO.

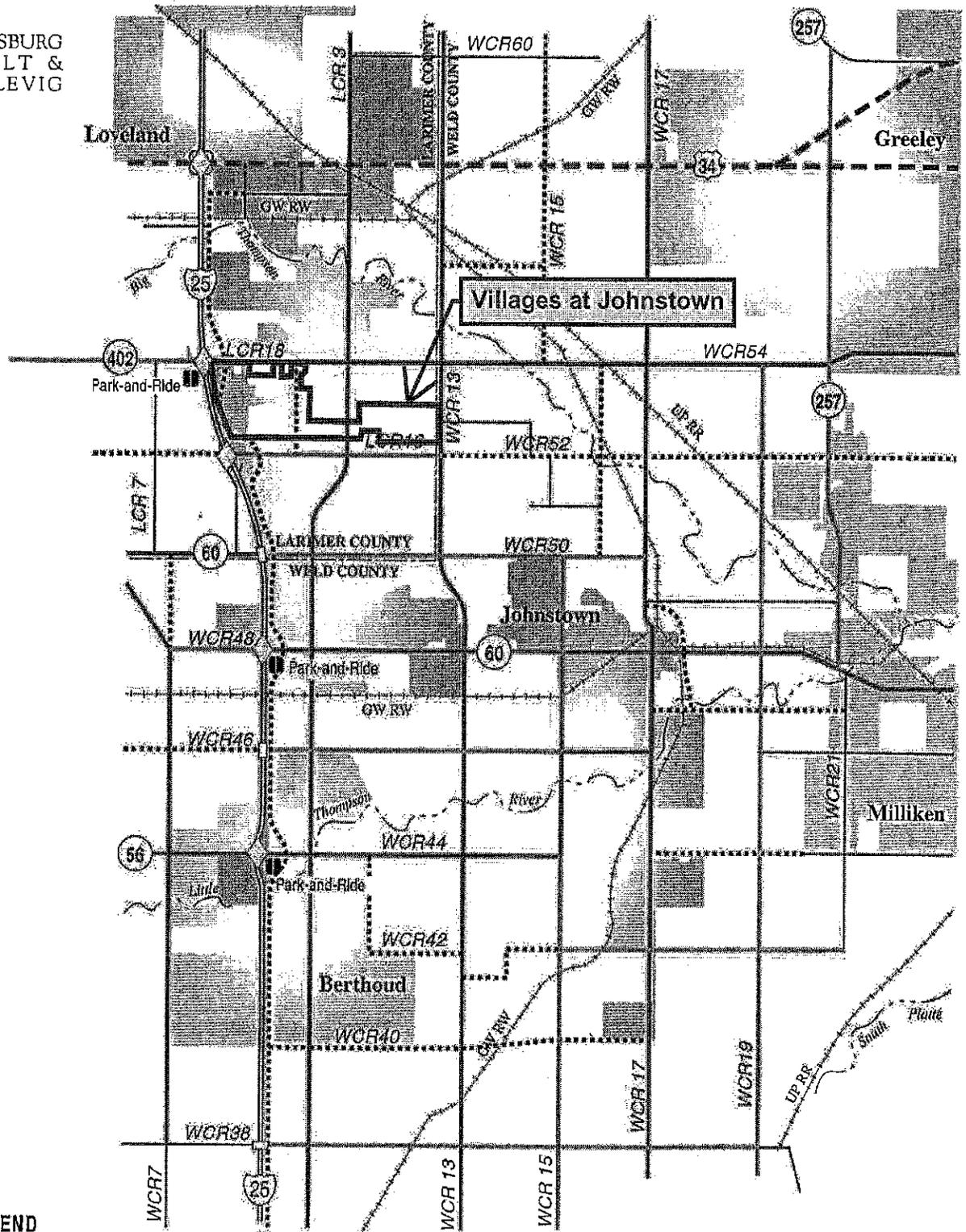
cc: Randy Hall, Highline Engineering. (via email)  
Carie Dann, LFRA (via email)  
Charles Buck, FHU (via email)





**FIGURE # 1**  
**Boundary Schematic of**  
**Villages at Johnstown**





**LEGEND**

- = Freeway
- = Expressway
- = Regionally Significant Corridor - Major Arterial
- = Major Arterial
- = Minor Arterial
- = Interchange



**FIGURE # 3**  
**Roadway Plan - Figure 11 From Town**  
**Transportation Master Plan.**



## MEMORANDUM

**TO:** John Franklin  
**FROM:** Charles M. Buck, P.E., PTOE  
**DATE:** September 19, 2018  
**SUBJECT:** Traffic and Transportation Review  
Villages at Johnstown – Amended Preliminary Plat.  
FHU Reference No. 199201-01

I have reviewed the submittal materials provided for Villages at Johnstown. I have reviewed these materials from the perspective of traffic engineering and transportation planning but not general civil or utility engineering. I have the following comments:

- A traffic study was not submitted. The traffic study on file is dated 10/24/2001. An updated traffic analysis is needed for this development.
- The 2001 traffic study estimated approximately 33,000 vehicle trips per day at buildout of the development, with between 1,800 and 3,400 trips during the peak hours. Significant roadway improvements would be required to accommodate this level of traffic impact, including the following:
  - CR 18 is shown as a Regionally Significant Corridor - Major Arterial in the Town's Transportation Master Plan (TMP). Widening of CR 18 to four (or potentially six) through-lanes. This will require ROW dedication and a rebuilding of the interchange at I-25/State Highway 402 (currently only two-lanes under the bridge) – this will involve a 1601 process and coordination with the Town of Johnstown, Larimer County, CDOT and FHWA. Relocation of the east frontage road will likely be needed. Signals at all full-movement intersections will be required.
  - The east frontage road is shown as a Minor Arterial in the TMP. Widening to four-lanes will be required. Access to the frontage road is subject to the State Highway Access Code. CDOT approvals for access will be required. Signals are likely to be needed at all full-movement accesses.
  - CR 3E is shown as a Minor Arterial in the TMP. It is currently a gravel-surfaced, two-lane road. Paving is required at 400 vehicle trips per day, per Larimer County criteria. This road may require upgrading to the interim cross section prior to any access connection to this development, subject to current traffic data. Access to CR 3E will need to meet the Town's spacing criteria.
- Internal site roadways will also need to meet Town criteria.
- The updated traffic study will need to address development phasing and what improvements are required for each phase.

The above comments constitute my review of this proposed development. Due to the conceptual level of the submittal, the comments are high level. Please call if you have any questions or if you need additional information.



410 E. 5th Street  
Loveland, CO 80537

phone 970.962.2471  
fax 970.962.2922

TO: John Franklin, Town Planner, Town of Johnstown, Colorado

FROM: Carie Dann, Deputy Fire Marshal, Loveland Fire Rescue Authority, phone 970.962.2518, email [carie.dann@cityofloveland.org](mailto:carie.dann@cityofloveland.org)

RE: LFRA Review Comments for The Villages at Johnstown, Filing 1 – Amended Preliminary Plat Approval

CC: Greg Weeks, Town Engineer, Town of Johnstown, Colorado  
Charles Buck, Engineer, Felsburg Holt & Ullevig, Centennial, Colorado  
Ben Butterfield, GIS, LETA911, Loveland, Colorado  
Traci Shambo, Larimer County Engineering Department, Fort Collins, Colorado

DATE: September 11, 2018

*These comments pertain to the Amended Preliminary Plat Referral for The Villages at Johnstown, an approximately 250-acre consisting of three "Villages:" West Village, Center Village and East Village. West Village is shown as approximately 85 acres and will be commercial development; Center Village is approximately 90 acres combines commercial, multi-family and single-family development; East Village is approximately 76 acres and will be single-family residential.*

*The development is located east of Interstate 25, south of Larimer County Road 18, approximately a half mile north of Larimer County Road 16 and west of Larimer County Road 3; Larimer County Road 3E, an unpaved public road, is located within the project. The development is located in the Loveland Fire Rescue Authority jurisdiction and is served by Town of Johnstown Water.*

*In addition to the comments contained in this review, additional site and utility requirements and comments will be provided when specific lots are submitted for review within the development process.*

*Because vehicular traffic will affect Larimer County roads (particularly Larimer County Road 3E), it is recommended the applicant contact Traci Shambo, Civil Engineer with Larimer County Engineering, at [Tshambo@Larimer.org](mailto:Tshambo@Larimer.org).*

#### CORRECTIONS

***Loveland Fire Rescue Authority will enforce the 2012 International Fire Code and its accompanying local ordinances. All fire department comments contained in this document and any future reviews, shall remain active until acknowledged by the applicant and resolved with LFRA. PLEASE NOTE SEVERAL CORRECTIONS MUST BE MADE IN ORDER TO OBTAIN APPROVAL FROM LFRA. WHILE SOME COMMENTS MAY SEEM GENERAL IN NATURE, THEY APPLY SPECIFICALLY TO THIS PROJECT.***

#### PLAN REVIEW FEE

1. Per the LFRA Board-approved fee structure, a \$200 review fee is required for this project. The applicant should contact Kristi Coleman at LFRA (phone 970-962-2497) about payment options.

#### LFRA FIRE CODE DEVELOPMENT GUIDE

2. Fire Code requirements for site design are detailed on the Loveland Fire Rescue Authority website, at [www.LFRA.org](http://www.LFRA.org). Most of the requirements in this plan review letter, as well as additional requirements, can be found in the Fire Code Development Guide. The guide can be found at:  
<http://lfra.org/our-services/community-safety-fire-prevention/services-construction-development/getting-started/>

#### INTERNATIONAL FIRE CODE REQUIREMENTS

3. The requirements of the Fire Code, Building Code (with regard to fire and life safety issues), and NFPA standards adopted at the time of building construction must be met.

#### PROJECT PHASING

4. Please provide a timeframe for overall development of the project. If the project is phased, the owner/applicant shall document the process with and receive approval from LFRA in advance, in order to meet minimum life-safety and property-protection requirements. This is particularly a concern regarding multiple approved vehicle access roadways and minimum fire flow to all lots.

#### ADDRESSING

5. Street names shall meet specifications set forth in the Larimer County Rules of the Streets (<http://www.larimer.org/streets/rules.htm>) and the countywide IGA *Standardization of Road Naming Criteria* (document provided with this review). See comments 6-7 below regarding requirements from the *Standardization of Road Naming Criteria*.
6. All municipalities in Larimer County have signed an IGA with LETA911 to adhere to common road-naming practices, *Standardization of Road Naming Criteria*. This document/IGA specifies that once a street name is used anywhere in the county, it cannot be used again, even if the "suffix" (street, drive, court, etc.) is different. The following street names are already in use in Larimer County (and coincidentally, LFRA) and are not allowed to be used:
  - Aspen
  - Silverton
  - Frisco
  - Evans
  - Durango
  - Cortez
  - Village is not currently in use. However, per the IGA, once it is used for a street name, it cannot be reused. Thus, there can be a Village Boulevard or Village Parkway, but not both. One of the streets will have to be renamed.

Please consult the list of used (unavailable) street names in Larimer County:

<https://www.larimer.org/engineering/subdivisions-and-road-names/streets#/streets>

7. All municipalities in Larimer County have signed an IGA with LETA911 to adhere to common road-naming practices, *Standardization of Road Naming Criteria*. This document/IGA specifies that when a street makes a directional change of approximately 90 degrees, the street name shall change. A directional change of approximately 90 degrees shall mean a horizontal curve where a reduction in the design speed is required (i.e., a sharp turn vs. a sweeping curve). This requirement affects the following roadways as currently shown on the plat:
  - Road 2 east of Road 1, should continue the name of the road to the west (currently shown as Villages Parkway)
  - Road 5 east of the north-south section of Road 6, should continue the Road 5 name (the east-west Road 6, must be Road 5)
  - Where Road 1 makes a 90-degree turn, it needs a new road name
  - Where Road 7 makes a 90-degree turn, it needs a new road name

EMERGENCY VEHICLE ACCESS REQUIREMENTS

8. Two points of sustained access must be provided to each development and each lot (when lots are developed). If two approved roadways cannot be provided and the cul-de-sac exceeds 400 feet, all occupiable structures beyond 400 feet from the entrance to the cul-de-sac (measured from the centerline of the last road providing access) are required to be protected by an approved fire-sprinkler system. PLEASE NOTE: In the East Village, at least one additional approved road that is a public street or equivalent in design to a public street will be required to provide a second vehicular access to the approximately 212 residential lots east of what's shown as Road 1 on the plat. A "Future Roadway" is shown east of East Villages but no information is provided as to how East Villages will be connected to an approved, second access road. The 400-foot dead-end length may also apply to the commercial lots in the West and Center Villages but that cannot be determined based on the documents provided in this submittal.
9. Where two access roads are required, they must be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or development to be served, measured in a straight line between accesses. The fire code official may reduce the required separation when all buildings served by the access roads are equipped throughout with an automatic sprinkler system and the site constraints do not allow full separation.
10. Traffic calming devices shall be prohibited unless approved by the fire code official. This includes but is not limited to speed bumps, speed humps, speed cushions, traffic circles and neckdowns.
11. Minimum turning radii is 25 feet inside, 50 feet outside.
12. Minimum cul-de-sac bulb width is 100 feet.
13. Access roadways within the City of Loveland UGA shall be finished by an application of an all-weather driving surface of hot mix asphalt or concrete pavement over a flexible base capable of supporting a design wheel load of 18,000 pounds (GVW 80,000 pounds minimum). This applies to all types of access roadways (emergency access, second access, etc.).
14. Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet, exclusive of shoulders, and an unobstructed vertical clearance of not less than 13 feet, 6 inches. This includes public streets, private streets, private drives and parking lot drive aisles. An Emergency Access Easement may be required to be dedicated on non-public roadways.

15. Roads 20 to 26 feet wide shall be posted on both sides as a fire lane. Roads 26 to 32 feet wide shall be posted on one side as a fire lane. Refer to LCUASS Drawing 1418.
16. If the streets in these developments are public streets, they meet Fire access requirements and are not required to be Emergency Access Easements. When any commercial lots are developed and access is provided via private drives, or if any residential streets are private streets, Emergency Access Easements may be required internal to the lots in order to meet access requirements for emergency vehicles.
17. To be considered within access for emergency vehicles, approved Emergency Access Easements may be required to be dedicated via plat or separate documents. The EAE must be of an approved width, an all-weather surface, capable of supporting 40 tons, designated by approved signage, maintained in an approved condition by the owner, and maintained unobstructed at all times.

FIREFIGHTING WATER SUPPLY

18. Water mains supplying hydrants must be looped whenever possible and be a minimum 8-inch diameter.
19. All hydrants shall be in place and operational prior to any combustible material being brought on site.
20. Note that hydrants must be set back a minimum of 3 feet from curb face and shall be at least three feet from vegetation at full maturity (with the exception of grass and ground cover), as well as fences, bushes, trees, walls or any other fixed or moveable object.
21. Hydrant placement shall meet the following criteria with distances measured by vehicular travel path: single-family and duplex – 600 feet to all parts of a structure with 600-foot spacing. Number of hydrants shall be as specified in the adopted International Fire Code. All hydrants shall be in place and operational prior to any combustible material being brought on site. PLEASE NOTE: Add the notation "FH" to the hydrant on the west end of Road 8, on sheet EV-0. Hydrant locations for the East Village and Center Village are adequate as shown, provided the lots served are one- or two-family dwellings. See comment 22 pertaining to the West Village hydrant layout.
22. Hydrant placement shall meet the following criteria with distances measured by vehicular travel path: Commercial/Multifamily – 400 feet to all parts of a structure with 350-foot spacing. Number of hydrants shall be as specified in the adopted International Fire Code. All hydrants shall be in place and operational prior to any combustible material being brought on site. Additionally, where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards. PLEASE NOTE: No hydrants are currently shown in the West Village; in West Village area, hydrants are required to be located at a minimum, every 1,000 feet;
23. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in the adopted International Fire Code. A reduction in required fire flow of up to 75% is allowed when the building is provided with an approved automatic sprinkler system.

24. However, the resulting fire flow shall not be less than 1,500 GPM. Per the Town Master Plan and review comments from Town Engineer Greg Weeks (dated 9-11-2018), due to lack of adequate water system redundancy (single 20-inch transmission main and shortage of storage capacity), the potential exists for loss of minimum fire flow in the event of a main failure and/or of a breakdown of the treated water pump(s) at the treatment plant.
  
25. The minimum fire flow and fire flow duration requirements for one- and two-family dwellings having a fire area that does not exceed 3,600 square feet shall be 1,000 GPM. Fire flow and flow duration for dwellings of this type having a fire area in excess of 3,600 square feet shall not be less than specified in the adopted fire code. Per the Town Master Plan and review comments from Town Engineer Greg Weeks (dated 9-11-2018), due to lack of adequate water system redundancy (single 20-inch transmission main and shortage of storage capacity), the potential exists for loss of minimum fire flow in the event of a main failure and/or of a breakdown of the treated water pump(s) at the treatment plant.

# LARIMER COUNTY | ENGINEERING DEPARTMENT

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5700, Larimer.org

## MEMORANDUM

**TO:** John Franklin, Johnstown Planning Department

**FROM:** Traci Shambo, Larimer County Engineering Department *TS*

**DATE:** September 14, 2018

**RE:** Johnstown Development Impacts to County Road 3E

Dear Mr. Franklin,

Our Department did not directly receive a referral on the proposed developments along County Road 3E, between County Road 18 and County Road 16. We were made aware of the development application when we were copied on the comments submitted from Carie Dan with Loveland Fire. We did not receive any details on the projects but it appears that the developments that are proposed on both sides of County Road 3E that will have impacts to the County's portion of County Road 3E.

We recognize that this project is different than a project subject to Larimer County regulations. However, the comments below are what we believe are essential comments to address when evaluating the project's impacts to the surrounding areas and maintaining adequate public facilities.

- County Road 3E between County Road 18 and County Road 16 is a treated gravel road with a paving threshold of 400 vehicles per day. This section of road will have significant capacity, structural, and fugitive dust impacts as a result of these developments. This section of County Road 3E will far exceed the paving threshold as a result of the developments and it cannot structurally support the amount of trips projected in the near future without paving the road. We suggest that Johnstown requires the developers to make all necessary off-site paving, widening and intersection improvements to maintain minimum level of service and safety standards. The County advocates for requiring developers to make all of these necessary improvements to the off-site road system prior to issuance of building permits or access permits to the road system.
- The portion of County Road 3E adjacent to the annexed property on the east side of the road does not appear to be annexed. Larimer County's request is





that the Town annexes the entire right of way of any Larimer County roads adjacent to property that is being annexed. It is beneficial and important for Johnstown to annex the entire stretch of County Road 3E as property annexation and development occurs since Johnstown can more efficiently coordinate with their developers on the specifications and timing of the required road improvements.

- Johnstown is better suited than the County to maintain urban level road improvements. We would ask the Town plans to take over the future maintenance commitment for County Road 3E, between County Road 18 and County Road 16. Prior to the commencement of construction of any site work, the County would like these agreements established.
- We have not yet had the opportunity to review the drainage plans for these sites. Since adjacent lands is still within unincorporated Larimer County, we ask that the drainage reports are routed to our office for review and reference. We would expect that the developed condition includes a defined legal and physical paths of flow for runoff through and from the development to an identified outfall and into the next major drainage or body of water and that there will not be adverse impacts on adjacent property in unincorporated Larimer County.
- The developments in this area pose a substantial change to the citizens and homeowners in this area. The County asks that Johnstown continues to do public outreach to these citizens and commits to making an effort to coordinate with them and mitigate their concerns where applicable and reasonable.
- County right-of-way construction permits are required for any work within County right-of-way. We ask that the off-site County Road improvement plans be routed to our office for our review as soon as they become available. As part of the Right-of-way permits, we will want to see established maintenance agreements between the Town and County for the road.
- County Engineering recommends that these land divisions be designed to permit the continuation of streets and pedestrian access into adjacent property. Connections allow a neighborhood traffic and pedestrian circulation system and improve emergency service access.

We hope that Johnstown will consider the comments above and look outside their town boundaries at the transportation and stormwater improvements needed to mitigate for the new developments impacts. Larimer County is available to discuss with Johnstown strategies to ensure that the capacity and safety of the County Road 3E is maintained as development occurs in the area.

# **2005 Staff Report**

Town of



# Johnstown

PLANNING DEPARTMENT

101 Charlotte St

Johnstown CO 80534

Phone-970-587-4664 Fax-970-587-0141

## MEMORANDUM

**TO:** Johnstown Planning and Zoning Commission  
**FROM:** John Franklin, AICP, Town Planner  
**DATE:** For August 10, 2005  
**SUBJECT:** Public Hearing – Villages at Johnstown – Preliminary PUD Plan, Design Guidelines and Preliminary Plat

### PROPERTY DATA:

**Applicant:** Larimer County 402, LLC

**Owner:** Same

**Location:** East of I-25, south of County Road 18.

**Property Size:** 245.61± acres

**Current Land Use(s):** Agricultural

**Surrounding Land Uses/Zoning:**

North: County Road 18, Agricultural/Larimer County A

South: Agricultural/Larimer County A

East: Agricultural/Larimer County A

West: I-25, agricultural/Larimer County A

**Comprehensive Plan Designation:** Commercial, Light Industrial, Residential

**Current Zoning:** PUD-MU Planned Unit Development – Mixed Use

**Background:** The property was annexed in 2002 as the R&D Development and Cross Annexations and zoned PUD-MU. An Annexation Agreement was approved at that time. The Outline Development Plan (copy attached) provides for Commercial, Light Industrial and Residential uses. The property slopes gradually to the west, north and northeast.

### Preliminary Development Plan

In this application, the Preliminary PUD Development Plan serves to describe the overall development and allocation of land uses including residential units to various parcels. The Design Guidelines address design features.

### Design Guidelines:

The Annexation Agreement calls for the Town and Owner jointly develop and agree to “Performance Standards” addressing design considerations including architectural, site planning, landscaping, streetscape, sign elements. Once approved, the Design Guidelines will be the basis for administrative approvals of final development plans. Final Subdivision Plats and related

Agreements are still subject to Town Board approval with recommendations from the Planning & Zoning Commission.

The Design Guidelines describe and provide for non-residential and (high-density) residential land uses. The Design Guidelines include:

- o An overall "Vision" for the development;
- o Description of the review process;
- o Process for appeals of DRC decisions to the Town Board;
- o Site Design guidelines
- o Architectural guidelines.

**Commercial:** Commercial, retail and office uses are proposed in the west end (North Village)

**Residential:** Single family and multi-family residential – a total of 611 dwellings are proposed in the south central and eastern portion of the property (West Village, East Village).

**Building Design and Materials:** In accordance with the Annexation Agreement, Design Guidelines for this development have been submitted for Town approval. All final designs and development plans are subject to DRC and JRC approval.

**Access, Traffic and Parking:** Access is plentiful. Primary access to the property is from I-25 Frontage Road, County Road 18 (arterial), 3E (major collector) and High Plains Blvd. (arterial). Major east-west and north-south collector streets through the development connect to the arterials. CDOT has specific requirements for the I-25 and the frontage road. The Traffic Engineer has reviewed a traffic analysis. Final street names shall be designated at final plat.

**Utilities:** A 10" and 12" looped water line network is required, extended from the 20" main in High Plains Blvd., and south of the property. The property is within the sewer service area of the Low Point Wastewater Treatment Plant. Stormwater flows to the north and east to be collected and detained in ponds and discharged to existing drainages at the historic rate of runoff.

**Parks and Open Space:** Town subdivision regulations require 10% of the gross platted area of a property, exclusive of streets, alleys and utility easements to be provided for parks and recreation areas. Two parks and recreation properties are proposed to be dedicated to the Town. The PUD regulations require 30% open space (areas with no building or paving) – to be determined at Final Development Plan.

**Schools:** The property is within the Thompson Valley School District. The District desires land for a school site, and school bus stops for the residential development. The applicant will need to provide the school site, or cash-in-lieu in accordance with the Town/District IGA.

**Landscaping:** Landscaping shall comply with Johnstown Landscape Standards and Specifications. Specific landscape concepts are proposed in the Guidelines. Final landscape design will be subject to DRC/JRC approvals.

**Lighting and Street Furniture:** Street light fixtures and benches waste receptacles and other street furnishings are proposed in the Design Guidelines, and will be subject to DRC/ JRC approvals.

**Fencing and Screening:** A wide variety of fences are proposed in the residential area. The Town will expect high quality fence designs including 30" masonry columns at 100' spacing along arterials. All fencing designs shall be subject to DRC/JRC approval.

**Signage:** Signage shall conform the Town Sign Code and Design Guidelines. A Master Signage plan is recommended for the property and especially the non-residential portion.

**Preliminary Plat:** The proposed preliminary plat encompasses the entire property and conforms to the preliminary PUD development plan. Subsequent final plats must substantially conform to the preliminary plat.

**Phasing:** Phasing by area has not yet been specified.

**Attachments:** Preliminary PUD Plan, Preliminary Plat, Design Guidelines, referral comments

**Municipal Code Review Provisions:** Please refer to attached preliminary PUD --MU zoning and development plan, and preliminary plat requirements.

**Crucial Referral Responses:** The School District has requested a school site.

**Applicant's Response:** Please see attached letter and attachments.

**Technical Analysis:** The level of preliminary site design and details in this application is comparable to previously approved Guidelines. The applicant has responded to Town staff/advisor comments. Due to an oversight of the Town Planner, the standard discussion of permitted/prohibited uses, and residential lot and dwelling unit sizes statistics have only recently been requested of the applicant. These items can and should be discussed with the applicant at the Commission hearing.

**Preliminary Plat:** The Preliminary Plat and related utility plans meets the requirements of the Subdivision Regulations.

**Staff Recommendation:** Based upon the above, staff recommends approval of the Villages at Johnstown -- Preliminary PUD Plan, Design Guidelines and Preliminary Plat with the following conditions:

1. The applicant provide information regarding permitted and excluded land uses in the PUD-MU district;
2. The applicant provides minimum, average and maximum single family lot size and minimum dwelling sizes for single family detached and multi-family residential.
3. The applicant address and resolve all comments by referral agencies with the first final plat application.
4. Internal street names are subject to Town approval with the first final plat application.

**Planning Commission Action:**

1. If the Commission desires to recommend approval:

“I move that the Commission recommend approval of the Villages at Johnstown – Preliminary PUD Plan, Design Guidelines and Preliminary Plat”

Or,

2. If the Commission desires to recommend approval with conditions:

“I move that the Commission recommend approval of the Villages at Johnstown – Preliminary PUD Plan, Design Guidelines and Preliminary Plat with the following condition(s):

a. \_\_\_\_\_

b. \_\_\_\_\_

etc. “

Or,

3. If the Commission desires to recommend denial:

“I move that the Commission recommend denial of the Villages at Johnstown – Preliminary PUD Plan, Design Guidelines and Preliminary Plat for the following reasons:

a. \_\_\_\_\_

b. \_\_\_\_\_

etc. “

**AGENDA ITEM 10B**

**AMENDED PERFORMANCE  
STANDARDS**

**(The Villages at Johnstown)**

**(Public Hearing)**

**TOWN COUNCIL AGENDA COMMUNICATION**

---

**AGENDA DATE:** December 3, 2018

**ITEM NUMBER:** 10B

**SUBJECT: \*Public Hearing-** The Villages at Johnstown (Hwy 402/I-25) Amended Performance Standards

**ACTION PROPOSED:** Consider The Villages at Johnstown (Hwy 402/I-25) Amended Performance Standards

**PRESENTED BY:** Mr. John Franklin, Town Planner

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**AGENDA ITEM DESCRIPTION:** The applicant, J-25 Holdings, LLC has submitted a request for approval of The Villages at Johnstown (Hwy 402/I-25) amended Performance Standards(Design Guidelines) for a 246±-acre parcel of land generally located east of I-25 and South of Larimer County Road 18 (Hwy 402 extended). The Preliminary Plat for The Villages at Johnstown was considered earlier on the agenda.

The zoning for the property is Planned Unit Development- Mixed Use, PUD-Residential and PUD-Industrial. The development is subject to the R&D, and Cross Annexation Agreement, approved in 2002. The Villages at Johnstown Performance Standards were approved in 2005. Surrounding land uses include the following: north – State Hwy 402, vacant, low density residential; south – agricultural; east – agricultural, and west – I-25 East Frontage Road. The property is in two drainage sub-basins and slopes gradually to the north and east.

The proposed amendments, presented in a red-marked review copy, include changes to the residential guidelines and also typographical and grammatical corrections.

The Planning and Zoning Commission held a public hearing and, upon review, voted unanimously to recommend approval of The Villages at Johnstown (Hwy 402/I-25) Amended Performance Standards.

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**LEGAL ADVICE:** N/A

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**FINANCIAL ADVICE:** N/A

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**RECOMMENDED ACTION:** The Planning and Zoning Commission has recommended approval of the The Villages at Johnstown (Hwy 402/I-25) Amended Performance Standards.

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**SUGGESTED MOTIONS:**

**For Approval:** I move to approve The Villages at Johnstown (Hwy 402/I-25) Amended Performance Standards (subject to the following conditions.).

**For Denial:** I move to deny approval of The Villages at Johnstown (Hwy 402/I-25) Amended Performance Standards.

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**Reviewed:**

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**Town Manager**

**The Villages Performance Standards  
with Proposed Amendments**

# THE VILLAGES AT JOHNSTOWN PERFORMANCE STANDARDS

t h o m p s o n   a r c h i t e c t s

J25, Land Holdings LLC



art - life - architecture

**Architecture**  
Interiors  
planning  
art  
furniture

telephone: 303 304 1030  
[www.thompsonarchitectsllc.com](http://www.thompsonarchitectsllc.com)



September 18th, 2018

# ACKNOWLEDGEMENTS

~~The Villages @ Johnstown~~The Villages at Johnstown welcomes you to the community.

## DESIGN REVIEW COMMITTEE

J-25 Land Holdings, LLC  
8901 E Mountain View Road, Ste 150  
Scottsdale, AZ 85258  
Telephone: 480-295-7600

## PREPARED BY:



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Issue Date: April 26th, 2006

Revised: 05.20.05, 07.29.05, 09.02.05, 09.28.05, 09.18.2018

**THIS DOCUMENT MAY NOT BE DUPLICATED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF THOMPSON ARCHITECTS INC.-LLC.**

## JOHNSTOWN DOCUMENTS:

TOWN OF JOHNSTOWN BUILDING AND ZONING CODES

CONTACT TOWN OF JOHNSTOWN AT 970.587.4664

# TABLE OF CONTENTS

<b>A. INTRODUCTION AND SUBMITTALS</b>	<b>3</b>
1. PURPOSE OF <del>THE VILLAGES @ JOHNSTOWN</del> <u>THE VILLAGES AT JOHNSTOWN</u> PERFORMANCE STANDARDS	
2. SUBMITTAL REQUIREMENTS	
<b>B. <del>THE VILLAGES @ JOHNSTOWN</del> <u>THE VILLAGES AT JOHNSTOWN</u>-BOUNDARIES</b>	<b>6</b>
1. <del>THE VILLAGES @ JOHNSTOWN</del> <u>THE VILLAGES AT JOHNSTOWN</u>	
2. <del>THE NORTH WEST VILLAGE:</del> MIXED USE / M.U.	
3. <del>THE INDUSTRIAL VILLAGE:</del> LIGHT INDUSTRIAL / L.I.	
4. <del>THE WEST-CENTER VILLAGE:</del> RESIDENTIAL WEST / R.W.	
5. <del>THE EAST VILLAGE:</del> RESIDENTIAL EAST / R.E.	
6. OPEN SPACE/TRAIL CORRIDOR	
<b>C. PLANNING</b>	<b>8</b>
1. SETBACKS	
2. USES, AMENITIES AND NON-PERMITTED USES	
3. SITE COVERAGE	
4. UTILITIES	
5. WATER QUALITY	
6. NON-POTABLE IRRIGATION	
7. DESIREABLE REQUIREMENTS	
<b>D. PARKING</b>	<b>11</b>
1. ACCESS	
2. CIRCULATION	
3. SERVICE, DELIVERY, EMERGENCY, AND UTILITY ACCESS	
4. PARKING LOTS	
5. PARKING STRUCTURES	
6. FUTURE PARKING	
7. MOTORCYCLE PARKING	
8. RV AND BOAT PARKING	

**E. PEDESTRIANS**

---

1. PEDESTRIANS
2. PEDESTRIAN CONNECTIONS THROUGH PARKING LOT
3. THE DISABLED
4. VEHICULAR SEPARATION
5. BICYCLE ROUTES AND BICYCLE PARKING

**F. TRANSPORTATION** **15**

---

1. TRANSIT DESIGN
2. STREETS

**G. ARCHITECTURAL** **15**

---

1. MASSING AND COMPATIBILITY
2. ALLOWABLE HEIGHTS
3. FORM
4. ROOFS
5. MATERIALS AND COLORS
6. ENTRANCES
7. SERVICE AREAS
8. CONSERVATION

**H. LANDSCAPING** **18**

---

1. GENERAL
2. LANDSCAPING STREETSCAPES
3. PARKING LOT LANDSCAPING
4. LANDSCAPING TRANSITIONS
5. LANDSCAPE WATER CONSERVATION
6. LANDSCAPE STANDARDS
7. MAINTENANCE
8. FENCES AND SCREENING

**I. LIGHTING** **22**

---

1. LIGHTING FIXTURES
2. DECORATIVE LIGHTING

**3. PARKING LOT, PEDESTRIAN, LANDSCAPE LIGHTING**

**J. SIGNAGE** **23**

---

1. MATERIALS
2. SHAPES AND SIZES
3. LOCATION
4. ILLUMINATION
5. TYPES

**K. FURNISHINGS** **25**

---

1. FURNISHINGS
2. MISCELLANEOUS FURNISHINGS

**L. ENVIRONMENTAL** **25**

---

**M. CONSTRUCTION** **26**

---

1. CONSTRUCTION STAGING
2. TEMPORARY FACILITIES
3. MAINTENANCE
4. CONSTRUCTION CONTROLS

**N. RESIDENTIAL** **27**

---

1. SUBMITTALS
2. ARCHITECTURAL STANDARDS
3. FENCES
4. RESIDENTIAL PHOTO EXAMPLES
5. MINIMUM SIZES

**O. COMMERCIAL PHOTO EXAMPLES** **29**

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# 1. INTRODUCTION

## A.1 PURPOSE OF ~~THE VILLAGES @ JOHNSTOWN~~ THE VILLAGES AT JOHNSTOWN PERFORMANCE STANDARDS:

~~...IMAGINE, BUILD, AND MAINTAIN A QUALITY OF LIFE AT THE VILLAGES @ JOHNSTOWN THE VILLAGES AT JOHNSTOWN...~~

The purpose of ~~The Villages @ Johnstown~~ The Villages at Johnstown Performance Standards is to provide private developers and owners, ~~as well as~~ public agencies, and service providers, the ~~methodology-procedures~~ for development of the area. ~~The Performance Standards and to outline principles-guidelines for each new-property owners, and the community-as-a-whole, in order to maintain value. The Performance StandardsThey are designed to protect are the prescription to guard the-quality of life, minimize adverse development, protect investments, encourage quality buildings, discourage less-attractiveundesirable buildings, and enhance security/ and safety for all users. The Performance Standards is are an outline for developers, owners, and builders, and apply appliesStandards apply to to all new, remodeled or demolished and proposed renovation projects throughout the Villages.~~

~~THE VILLAGES @ JOHNSTOWN~~ THE VILLAGES AT JOHNSTOWN PERFORMANCE STANDARDS ARE TO BE USED BY:

- All proposed developments
- Town of Johnstown and other local governments
- Sales and real estate personnel
- Economic development groups
- Owners within the ~~area~~ Villages
- Utility Providers

THE PURPOSE OF THE STANDARDS:

- Maintain ~~the vision, value~~ and aspire to ~~create-develop~~ a Village for the Johnstown community
- ~~Institute-Establish stability-consistency~~ of land uses and adjacencies
- Create economic strength as a planned community
- Establish a reference for developers, buyers, and Town officials
- ~~Foster Collaboration collaboration~~, teamwork and ~~assistance-sense of community~~
- ~~Supplement the Town of Johnstown's building and zoning codes, ordinances, and Town standards~~

~~The Performance Standards are the vehicle to maintain the vision for the Villages @ JohnstownThe Villages at Johnstown. It isThey are intended to set guidelines, and to supplement the Town of Johnstown building and zoning codes, ordinances, and Town~~

~~standards. The Performance Standards are to be used by owners and developers, as well as the city referral agencies and departments, during Design Review Community submittals, for approval.~~

## A.2 SUBMITTAL REQUIREMENTS

The property comprising ~~The Villages @ Johnstown~~ The Villages at Johnstown was annexed to the Town in 2000 subject to the terms and conditions of the R & D Development and Cross Annexation Agreement dated March 1, 2002. As part of that Annexation Agreement, (Section 36) Johnstown and the Property Owners agreed to develop ~~and agreed to~~ performance standards for the purpose of addressing design considerations. ~~These include including~~ architectural, site planning, landscaping, streetscape, and signage ~~elements-basics~~ for land uses ~~within~~ The Villages @ JohnstownThe Villages at Johnstown. ~~The Villages @ Johnstown Performance Standards are the performance standards as contemplated were developed during in the R & D Development and Annexation Agreement.~~

The following ~~information~~ outlines the ~~successive-processes-order~~ for submittals and approvals for development projects. Projects must first be submitted to ~~The Villages @ JohnstownThe Villages at Johnstown~~ -Design Review Committee ~~(DRC)-before prior to submitting-submission~~ to the Johnstown Review Committee, ~~(JRC)-for review.~~ After approval is gained by both, ~~the DRC and the JRC,~~ the project may be submitted for development and/or building permit application. For single family residential projects, refer to Section N for additional information.

**Design Review Committee (DRC):** The purpose of the DRC is to ensure that proposed developments ~~meet-adhere to the standards-guidelines as~~ established in the Performance Standards. ~~in-order This will to~~ maintain a consistency of planning and design for the entire project. ~~DRC Mmembers will-may~~ include a licensed Architect, Licensed Civil Engineer, Landscape Architect, Land Developer, and rotating professional. ~~The Villages @ JohnstownThe Villages at Johnstown~~ Performance Standards ~~legally-applyapply legally~~ to all land that is part of ~~The Villages @ JohnstownThe Villages at Johnstown~~, regardless of ownership, and are in addition to the zoning and land use regulations of local government. The Performance Standards and supporting documents are administered and enforced by the DRC.

**DRC Approval Process:** Any proposal to construct, modify or ~~demolish improvements~~ renovate within ~~The Villages @ Johnstown~~ The Villages at Johnstown must have plan approval from the DRC prior to ~~commencement project~~, and following DRC approval must also receive approval from the JRC. ~~The start.~~ The DRC's review and approval process also applies to site plans, landscape plans, photometric plans, building elevations, signage, changes in property use, and maintenance activities. ~~Upon DRC's plan submittal and approval~~ After approval by the DRC, the applicant may proceed ~~with to~~ the JRC, ~~submittal, but only~~ in strict compliance with the terms and conditions of the ~~DRC's~~ approval. The Town or DRC may perform periodic site inspections, both during development and on an ongoing basis ~~thereafter~~ to ensure compliance.

Projects are placed on a formal meeting agenda by the DRC only after applications have been submitted, and at least two weeks prior to ~~a~~ the a meeting. Formal presentations to the DRC are mandatory for most development ~~projects, projects, projects,~~ however, most details are reviewed through informal meetings with ~~the~~ DRC representatives.

This process is designed to expedite the preparation and approval of the plans for any a specific site where development is ~~contemplated~~ considered. There are three phases in the development approval process: ~~These include:~~

1. Pre-design Conference
2. Design Development (includes plans and elevations)
3. Final submittal

#### **DRC Required Documents:**

**Pre-Design Documents:** ~~provide~~ Provide Submit application and fees as applicable, and include Include site plan and building elevations of the proposed development, with a written description of the proposed use. Contact the DRC to schedule an appointment to review the planned development. Upon approval, ~~proceed~~ to the Design Submittal Phase.

**Design Submittal Documents:** ~~provide~~ Provide project schedule, phasing plans (if anticipated), alta survey, geotechnical report, traffic report, site plan, concept floor plan, colored building elevations, ~~(or colored rendering and elevations)~~, grading/utilities, ~~and~~ drainage plans, landscape plans, photometric plan, material and colored boards. Upon approval by DRC, submit the planning package to Johnstown, ~~and upon Town approval of planning documents proceed~~ Proceed to the Final Submittal Phase ~~after Town approval.~~

**Final Submittal Documents:** ~~provide~~ Provide Final-final civil plans, utility plans, hydrology study, off-site improvements plans, final-landscape and irrigation plans, (including irrigation plans) documents, final-architectural construction documents, final-structural documents, final-mechanical documents, final-plumbing documents, final-electrical documents, specifications, structural calculations, energy calculations, final material boards, signage package, and copy of permits from all Town agencies. An updated schedule for the projects ~~from~~ starts date to move in ~~date~~ will also be required.

Approval is contingent upon the submittal of materials, and payment of any designated fees or expenses, and a favorable review. A "Notice of Committee Action" letter from the DRC will be

sent to each applicant upon approval. This notice will state whether project approval or disapproval has been granted, and outline any conditions associated with the ruling.

Review fees will be required for all DRC submittals, and shall be paid on or before ~~for~~ the phase scheduled for review, ~~on or before said review.~~ If the The DRC may requires that the applicant attend additional meetings ~~with a DRC member or consultants~~ due to incomplete, inadequate, or improper submittals, ~~then the~~ The applicant shall be responsible for paying the full costs of such services. No written confirmation of a DRC action will be issued until all appropriate fees have been paid. A current schedule of fees is contained in the submittal procedures packet.

**Johnstown Review:** The Town will conduct their own review of the submittals, and may seek the assistance of ~~any~~ other Town employees or consultants whose expertise is deemed necessary. All Town subdivision and re-subdivision requirements, building codes, permits, fees, and other documents as adopted by the Town, ~~do~~ will apply.

**JRC Approval Process:** All individual developments in ~~The Villages @ Johnstown~~ The Villages at Johnstown shall be reviewed and approved by the Town, ~~pursuant to this approval process.~~ This The approval process shall ~~supersede and replace all other also meet~~ approval processes for land use developments set forth in the Town of Johnstown's Zoning Code.

#### **Pre-Application**

The applicant shall schedule a pre-application conference with the Town Planner prior to submittal of any project proposal.

#### **Final Development Plan Submittal and Process**

All development projects shall be submitted in compliance with the current Town of Johnstown Community Development Application requirements for Final PUD Development Plan. (Forms are periodically updated.) ~~Accompanying the~~ The application shall include ~~be~~ all required fees, as well as a certification from ~~The Villages @ Johnstown~~ The Villages at Johnstown DRC stating that the development ~~as proposed in the application~~ meets all the applicable standards and guidelines of ~~The Villages @ Johnstown~~ The Villages at Johnstown Performance Standards. If the Town determines that the application is complete, the application ~~shall~~ will then be reviewed by the JRC. If the Town determines that the application is incomplete, the Town shall specify in writing the specific ways in which the application is insufficient or incomplete.

The JRC ~~shall~~ will review the complete application for conformance with all ~~of~~ the applicable terms and conditions of ~~The Villages @ Johnstown~~ The Villages at Johnstown's Performance Standards. The JRC is comprised of the Town Manager, Town Planner, Town Attorney and Town Engineer. ~~Said~~ The review shall be completed within 45 calendar days of the ~~Town's~~ determination, ~~of if application is complete, completeness of the application.~~ Said The 45-day period may be extended in writing by the applicant. Review of the application by the JRC is administrative in nature, for the purpose of determining that the proposed development, as set forth in the application, complies with the terms and conditions of ~~The Villages @ Johnstown~~ The Villages at Johnstown Performance Standards.

**JRC Approval:** The JRC ~~shall~~ will approve the application if it complies with the applicable terms and conditions of ~~The Villages @ Johnstown~~ The Villages at Johnstown Performance

Standards, and other Town requirements. All subdivisions and re-subdivisions ~~and agreements~~ are to be approved in accordance with the Johnstown Subdivision Regulations.

**Additional Criteria & Updates:** In addition to the criteria herein, the DRC and the JRC may ~~promulgate develop~~ additional criteria, ~~that are not inconsistent~~ consistent with ~~the those already established.~~ ~~criteria set forth herein.~~ ~~From time to time~~ Occasionally, any of these additional criteria may be amended by action of the DRC and the Town. Changes in land use, or changes greater than the 20 percent dimensional criteria, that ~~shall will~~ become a permanent part of the design guideline document, shall constitute a major change, ~~and shall~~ This must be brought back to the Planning Commission and Town Board for review and approval.

**Variances:** The DRC and JRC may authorize variances from these criteria when circumstances such as topography, natural obstructions, hardship, aesthetic considerations, or environmental objectives ~~or considerations~~ may warrant, as long as they are not superseded by applicable JRC of Johnstown zoning regulations. ~~Such variances must be approved by the DRC and the JRC.~~ A variation of up to 20 percent in dimensional standard is allowed if it improves the project design, or an unreasonable hardship can be demonstrated.

**Final Plan Amendments:** Amendments to final plans must be approved by the DRC and the JRC.

Relationship to Other Documents: The Performance Standards establish the guiding principles for review and processing of each development. ~~There are other Other~~ documents ~~that were used as a reference for the Performance Standards, or may be referred to for information not found within the Performance Standards.~~ The version currently in effect when the Performance Standards were adopted shall apply.

- R & D Development and Cross Annexation Agreement – March 1, 2002
- Town of Johnstown Zoning Code
- Town of Johnstown Sign Code
- Town of Johnstown Comprehensive Plan – April 1, 2001
- Johnstown/Milliken Parks, Trails, Recreation and Open Space Plan – May 2003
- Town of Johnstown Landscape Standards and Specifications
- Johnstown Public Improvement Criteria and Construction Regulations – April 2004
- Johnstown Transportation Plan

#### **DRC and Town of Johnstown Forms Application:**

Application forms, fee schedules, and required check-list forms for each applicant are available from the DRC. Single Family Residential has a simplified submittal process. Contact the DRC directly for information and submittal applications requirements.

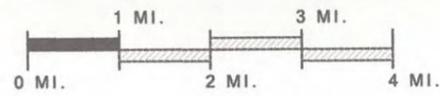
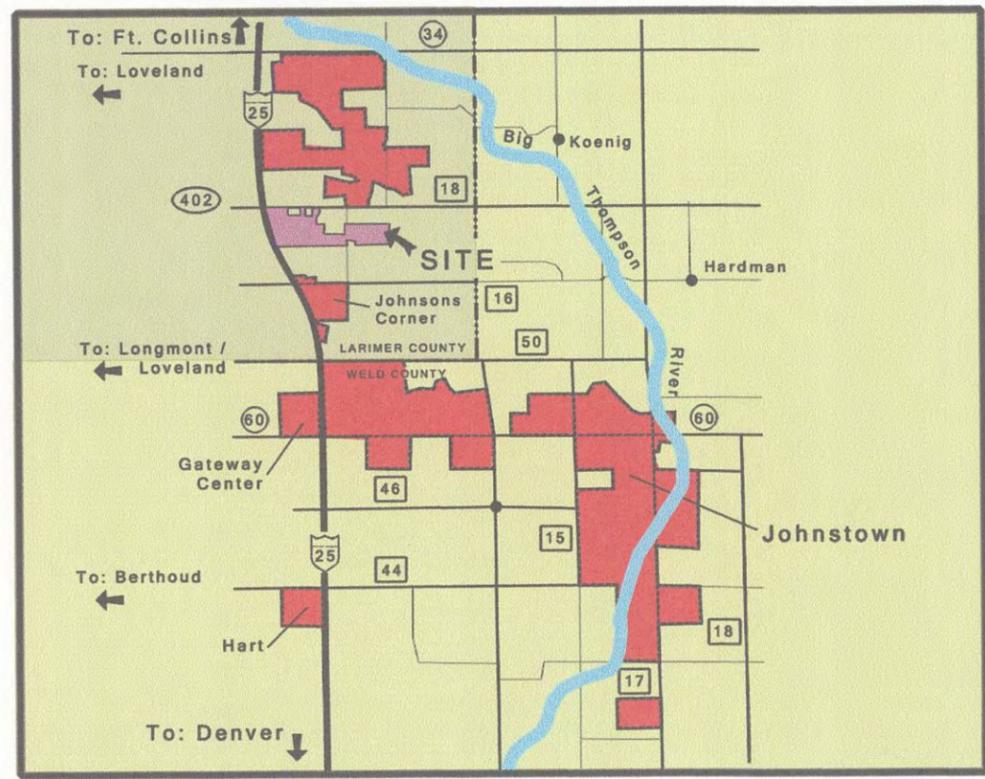
Contact the Town of Johnstown for Final Development Plan application packet.

spectacular views of the Colorado Rocky ~~ies.~~ Mountains. The site is ~~perfectly conveniently~~ located ~~to the~~ west of Johnstown, ~~The location is also south-south~~ of Greeley and Fort Collins, east of Longmont and Loveland, and north of Denver.

~~The Villages @ Johnstown~~ The Villages at Johnstown design criteria are enclosed in this Performance Standard ~~Booklet~~ booklet. ~~Other Additional typical~~ standards (such as road designs) are available from the Town of Johnstown. The ~~development- Performance standards- Standards~~ are based on a collaboration of collaborative-characteristic design principles, sound recommendations, ~~proposed features and requirements,~~ and strategic land uses ~~to in order to~~ achieve ~~a the~~ desired objectives for the Villages. Welcome to ~~The Villages @ Johnstown~~ The Villages at Johnstown.

## **B. THE VILLAGES @ JOHNSTOWN** **VILLAGES AT JOHNSTOWN** **BOUNDARIES**

~~The Villages @ Johnstown~~ The Villages at Johnstown are located along the I-25 corridor. The development has excellent ~~vehicular-vehicle~~ access. It is centrally located to major population areas, and is ~~ideally located for maximum visibility, it is centrally located to major population areas.~~ The land area ~~as you move to the~~ east is slightly elevated and ~~enjoys- provides~~



# VICINITY MAP

# VILLAGES

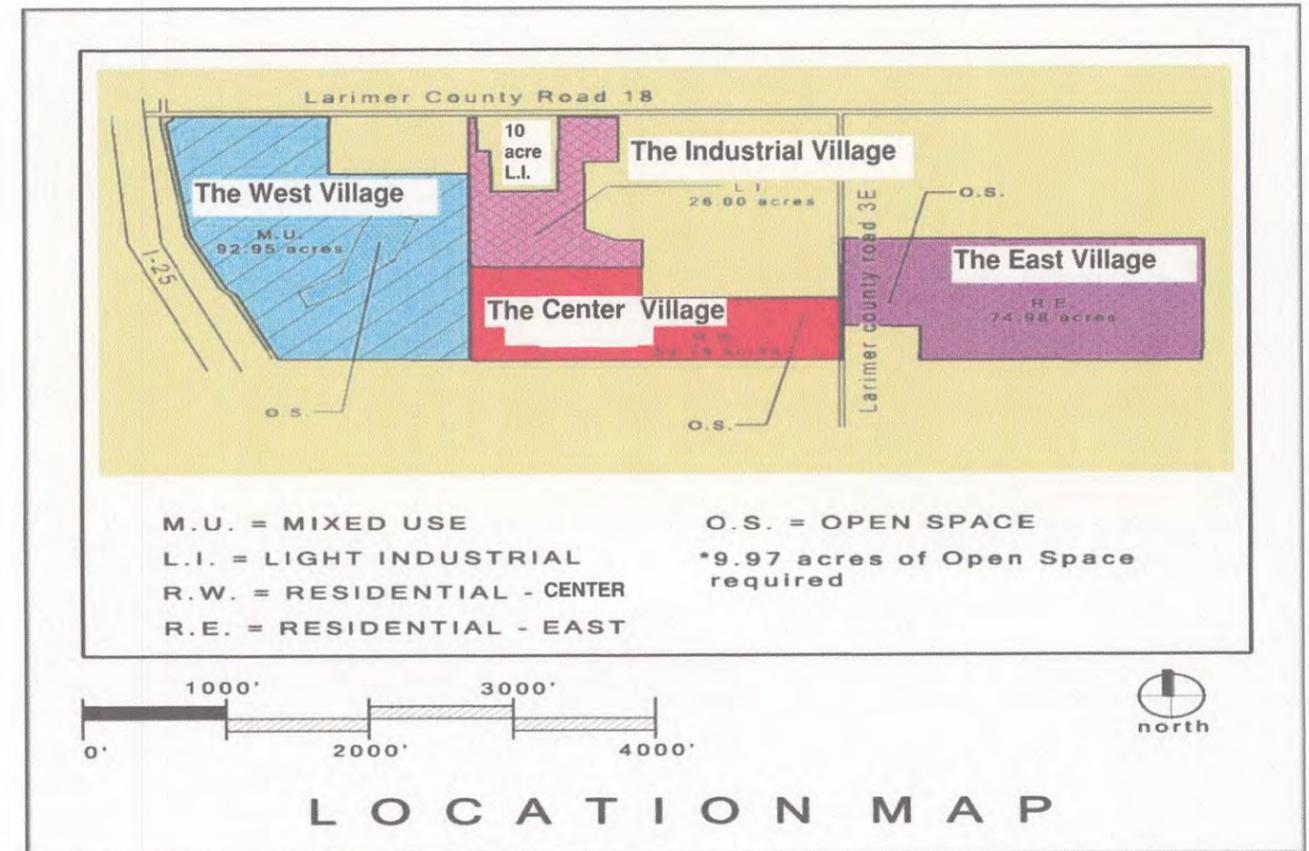
## B.1 MASTER PLAN FOR THE VILLAGES @ JOHNSTOWN THE VILLAGES AT JOHNSTOWN

It is the intent that ~~The Villages @ Johnstown~~ The Villages at Johnstown Performance Standards be the guideline for quality design for all land uses within the development. It is also the goal of the Performance Standards to allow professional planners, architects, and designers ~~as much flexibility within the general architectural aesthetics and quality standards intended.~~ For example, ~~the needs of Mixed Use/Commercial/Retail will be very different from the needs of the Residential area, and, therefore~~ Therefore, flexibility in specific land uses, design requirements, and development approaches should be ~~prescribed~~ evaluated for each project. Each intended use has unique goals to collectively support the overall theme of ~~The Villages @ Johnstown~~ The Villages at Johnstown.

## B.2 - 6

Within the annexed area, ~~five~~ the following land uses have been identified. ~~These relating relate~~ to the level of current planning studies, anticipated development schedules, and public/owner involvement in the planning process. ~~to date.~~ The Villages @ Johnstown The Villages at Johnstown community ~~has~~ includes:

- ~~THE NORTH WEST VILLAGE~~ : Contains approximately 93 acres of mixed use commercial, retail and office
- ~~THE INDUSTRIAL VILLAGE (L.I. (small single user sites or allowed combined lots.) xx36 acres~~
- ~~THE WEST CENTER CENTER VILLAGE~~ R.W. (Residential West) 53 acres ~~includes including~~ higher density residential uses and several ~~single~~ lots for single family uses
- ~~THE EAST VILLAGE~~ R.E. (Residential East) contains lower density residential, made up of primarily single family residential, ~~mixed in with some higher density living on 75 acres.~~
- Open ~~Sspace/ and Trail-trail~~ Corridors will be required throughout. Each development will be required to contribute their ~~pro-rata share~~ rated share to the open space.



Note: Acreage listed above is approximate.

# C. PLANNING

New projects must be ~~derived~~ designed to improve The Village @ Johnstown. ~~They~~ Projects must ~~also~~ be master planned to be ~~easily~~ accessible for ~~first-time users~~ visitors, ~~and year-round~~ all users, ~~as well as originate and provide well-situated circulation~~ Circulation must be well situated to for all modes of transportation. Designs must consider all aspects of neighboring parcels, (existing or proposed), and traffic ~~arteries~~ arterials. Proposals must respect the site's uniqueness. Common shared spaces may be created ~~by~~ through the a collection of buildings framing ~~the~~ centers of ~~activities~~ activities, pockets of spaces, exterior rooms ~~and or~~ other ~~effective~~ means to ~~utilize~~ space ~~space~~ utilization ~~methods~~.

New developments should respect the indigenous amenities, natural features and the relationships of buildings to each other. All types of circulation must be well ~~conceived~~ thought out. ~~Building and properties values, aesthetics and the Village goals must be maintained~~ adhered to ~~at all times~~. Grouping buildings ~~in order~~ to generate a sense of space, ~~create or centers, human spaces, meeting areas, and enhance pedestrian enhanced centers, or sense of places is a driving force with in the Villages~~. Creating physical ~~as well as~~ and visual connections between separate structures and sites are required to link the Village. Design for interaction within the Village is a driving force of the DRC. ~~Develop sites~~ Sites should be developed to provide order and compatibility, ~~and avoid the confusing building massing or stand-alone developments that don't relate to anything other than themselves to other areas~~. All proposals must respect wind direction, natural drainage, ~~ways,~~ sun angle ~~angle of the sun,~~ and microclimate ~~challenges~~ considerations.

## C.1 SETBACKS

Provide a thoughtful plan with respect to building setbacks and incorporated pedestrian links along major and minor streets. Setbacks are established to ensure an ample distance for a pleasant and functional pedestrian walkway, and provide landscape settings between buildings, streets, and adjacent parking. These setbacks will also act as a ~~planted~~ planned buffer to screen automobiles, large paving paved areas, and service areas, ~~by means of~~ through using a diverse ~~array~~ selection of planting materials.

~~Buildings surrounded~~ Surrounding buildings with ~~by~~ parking lots ~~is are~~ not allowed, ~~except with the exception of in~~ hardship cases or ~~provisions~~ for emergency vehicle routes, ~~of service~~. ~~Therefore, in~~ In these instances, a comprehensive plan with a well-conceived landscaped design must be submitted to the DRC. ~~for these hardship sites and/or for larger developments~~. ~~In most cases locating~~ Locating buildings to shield automobiles from public view is encouraged.

### Minimum Building Setbacks:

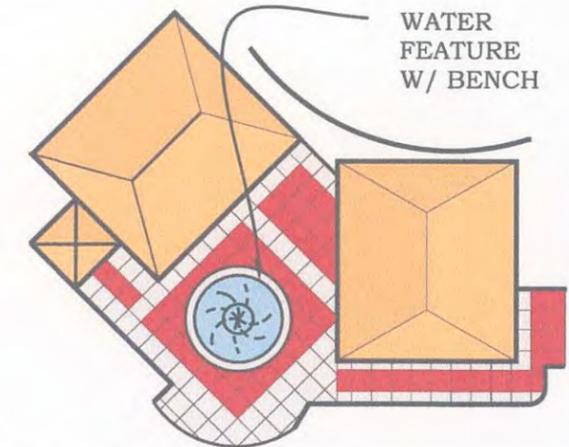
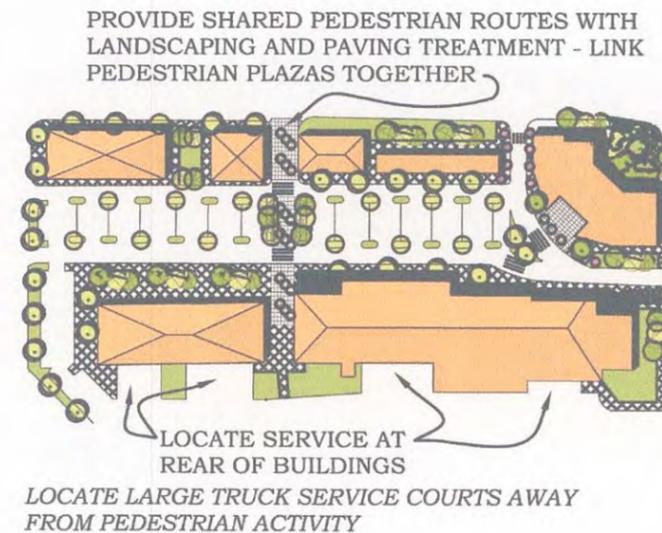
▪ Freeway / Highways	80'
▪ Major Arterial	30'
▪ Major Collector	30'
▪ <u>Frontage Road</u>	<u>20'</u>
▪ Minor Arterial	20'
▪ Minor Collector	20'
▪ Front	20'
▪ Side and Rear	10'
▪ Adjacent to Residential	50'
▪ Over 25,000 GSF	25'
▪ Multi Residential	20'
▪ Single Family	See page 28

### Minimum Parking Setbacks:

From all perimeter property lines or right-of-way: setback is 20' for front parking, 10' for side parking and 5' for rear property or lot lines. Parking setbacks shall be landscaped.

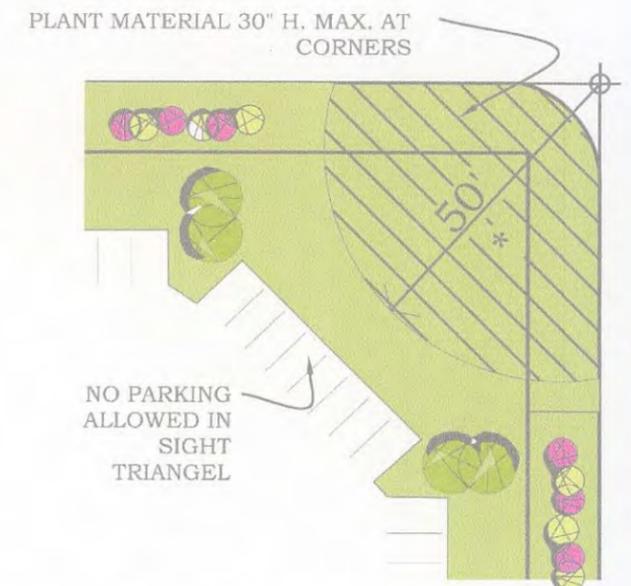
### Setbacks Reductions:

Setbacks ~~distances~~ for minor arterial and major collector property lines can be reduced to 20' minimum provided an abundance of year-a round foliage with winter color is utilized, ~~as an attractive buffering~~. Reduction ~~in setback~~ is ~~only~~ allowed ~~provided~~ providing that pedestrian links are safely designed, ~~to protect pedestrians~~ This can be accomplished through the use ~~by the use~~ of raised planters, screen walls or other acceptable solutions, ~~and landscaping techniques~~.



GROUP BUILDING TO CREATE CENTERS OF ACTIVITY - EXAMPLES: FOUNTAINS, PLAZAS, LANDSCAPING WITH SEATING AREAS, ETC.

~~The Villages @ Johnstown~~ The Villages at Johnstown will accept zero lot lines, and reduced setbacks ~~to for~~ "public spaces" based upon well-conceived and comprehensive planning solutions.



CORNER SITE TRIANGLES TYP - 50' AT ARTERIAL STREETS AND \* 30' FOR COLLECTOR STREETS.

Providing an abundance of pedestrian paths

and trail connections will ~~allow-increase~~ credits for reduced setbacks. Donating or granting land for approved open space and trails may reduce building setbacks by as much as 50% in commercial zones.

In all cases any reduction in setbacks must be approved by the DRC and the JRC.

## C.2 USES, AMENITIES AND NON-PERMITTED USES

### C.3 SITE COVERAGE

Landscaped areas, plazas, trails and exterior rooms are ~~intensely-greatly~~ encouraged, and will be a major feature of The Village @ Johnstown. These valued amenities will naturally ~~will~~ regulate the guidelines for design, ~~and The the following~~ impact will be as follows:

- ~~The areas~~ Areas including the "footprint" of buildings, asphalt or concrete paving, and the drive lanes of each parcel in the entire development cannot exceed 75%. Light Industrial may be increased to 85%.
- Required open space for residential parcels is 30%. Open space includes streetscapes, hardscapes, plazas, fountain areas, ponds, and areas such as ~~oversized~~ sidewalks with bench seating, ~~and is should~~ All areas should

### Uses:

In general, most uses are permitted within the Village. ~~The m~~Mixed use of commercial, ~~and~~ retail, ~~and~~ light industrial ~~and-along with~~ mixed use of residential densities allow for a wide range of uses and planning flexibility.

### Amenities:

~~The Villages @ Johnstown~~The Villages at Johnstown's beautiful ~~Rocky Mountain~~ surroundings, ~~such as the Colorado Rockies to the west, including plus proposed onsite proposed~~ ponds, ~~and~~ park settings as well as ~~the and~~ open spaces ~~space designs~~, are amenities ~~to be~~ enjoyed by all. Capturing vistas and creating built features to experience these amenities ~~from the streetscapes, plazas, exterior rooms, and buildings for all users will~~are be encouraged.

All new developments ~~are to~~ should be designed ~~to~~ protect ~~natural nature~~, ~~and manifest create~~ Create manmade features ~~in the that will~~ enhance the overall Villages at Johnstown concept, ~~for the Village~~.

~~be~~ pedestrian friendly. Larger developments may want to consider ~~dedicating~~ public land ~~dedication to for~~ parks and open ~~trails-system~~trail systems. Buildings with public "indoor spaces" may also ~~be-credited~~receive credit. ~~Indoor spaces and are~~ allowed to be considered ~~as~~ part of the open space requirement, if approved in advance by ~~The Villages @ Johnstown~~The Villages at Johnstown DRC and JRC.

- Shared, adjacent or abutting open spaces with adjacent property owners will allow a reduction in setback requirements. See section C.2.
- 10% of all single-family residential land ~~will-be~~are required ~~to be designated~~ as land used for parks and recreation.

### C.4 UTILITIES

Above ground utilities are generally unsightly.

Outdoor spaces, courtyards, sitting areas, amphetheaters, ~~semi-private~~—and ~~public~~ pedestrian amenities should be designed to be easily accessible. Include manmade and natural amenities into ~~the~~ proposed concept and final construction documents. ~~These amenities should be accessible for all users and are a very important aspect in the Villages~~.

### Non-Permitted Uses:

Utilities such as ~~(but not limited to)~~ rooftop units, miscellaneous electrical equipment, satellite dishes, transformers, communication antennas etc. must be screened from view. All sign transformers are to be hidden from public view and no ~~exposed~~ conduit is allowed.

Screen ~~at~~ all transformers, utility equipment and other utility cabinets from ~~view-from~~ pedestrian views, building views, streets and adjacent property. Utilize green walls of densely placed plant materials or vertical screen walls that match building materials and finishes.

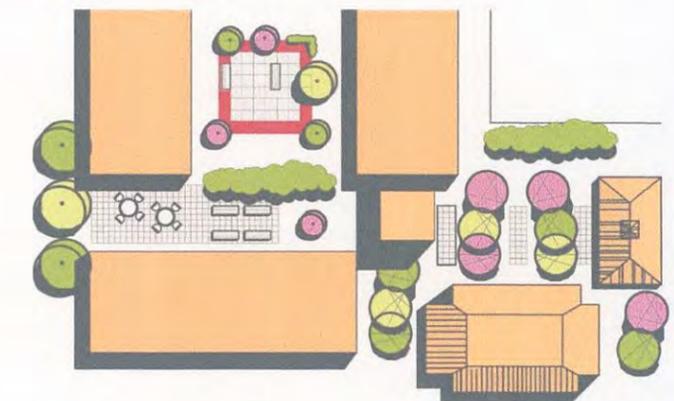
Truck ~~courts-service~~ service courts, delivery and storage docks are to be screened from pedestrian views, including views from

~~In any new development one can count on some undesirable uses.~~

~~Excluded uses in the~~Excluded uses in the Commercial and Light Industrial Villages are as follows:

- ~~H4 and H5 High-high~~ hazard manufacturing
- Meat packing
- ~~Dealerships for~~RV and Auto Sales dealerships
- Concrete Batch Plants
- Asphalt Batch Plants
- Packing Houses
- Foundries

sidewalks, trails, ~~and~~ public and private open plazas, streets and other amenities.



UTILIZE POCKETS OF EXTERIOR SPACE FOR OUTDOOR AMENITIES

~~It is required that a~~All trash enclosures and screen walls ~~must~~ match the primary building

materials ~~for-per the~~ individual sites. Wood screen walls for trash enclosures are not allowed. Landscaping should be incorporated with ~~all~~-screen walls for ~~an-overall~~a pleasing ~~aesthetic~~appearance.

### C.5 WATER QUALITY

~~Water quality will be required within the Villages.~~—Wherever possible, drainage collection systems ~~must-should~~ ~~strive-attempt~~ to be an amenity. ~~Planting-Planted~~ holding areas and ~~designing-designed~~ rock-scapes ~~can~~ ~~should~~ be visually pleasing. Minimizing runoff ~~and-endangering of-from~~ parcels and to land downstream is vital. Grouping detention areas and water quality ponds for regional collection is ~~an-amendable a preferred~~ solution. Creating planted features such as shallow pools of cattails and indigenous grasses can beautify detention areas. Ditches, swells, low holding ponds, ~~and~~ collection areas shall be planted to capture storm waters, and provide a means for water quality treatment.

Locate water quality systems away from primary elements such as buildings, ~~or~~-low-level pedestrian areas, and highly active ~~modes~~ ~~areas, of activities.~~

Design water collection systems ~~(ponds)~~-to simulate natural ponds, ~~in-lieu~~ ~~instead~~ of man-made tanks or pits.

### C.6 NON-POTABLE IRRIGATION

Non-potable water may be available to ~~The-the~~ ~~North-West~~ and Industrial Villages. Non-potable irrigation systems may be utilized provided that such collection systems are approved by the DRC and JRC (and must follow applicable Colorado laws). Residential developments are also encouraged to ~~capitalize~~ ~~on~~ ~~utilize~~ similar ~~devices-and~~ methods for water conservation programs. ~~In-all-cases-low~~ ~~Low~~ water landscaping and xeriscaping is encouraged for all developments.

### C.7 DESIREABLE DEVELOPMENTS

~~All-d~~Development for new ~~building,~~ ~~refurbished-and even-demolished-~~ ~~renovations~~ ~~future-buildings-or~~and land uses are required to be in keeping with the overall Village concept. ~~Here-are-some~~~~Following are a few~~ ~~the-requirements; for-desirable-developments:~~

- Address all types of transportation systems, including future ~~system~~ projections, for traffic related volumes.
- Provide roadway designs for initial and ~~ultimate-final~~ phases.
- Provide a safe network of systems that allow free movement ~~by-of~~ pedestrians ~~vs.from~~ automobile traffic.
- Provide effective and safe access connections to major roadways.
- Provide warning signs and directional signs to aid all modes of transportation and ~~pedestrians~~ ~~pedestrian traffic~~.
- Promote sustainable and green designs.
- Promote intelligent usage of water.
- Promote ~~and link~~ amenities ~~and-link~~

~~amenities-with-in~~ ~~within~~ the Village.

- Promote the use of bicycles.
- Promote the concept of work, live and play ~~all-in~~ ~~as part of~~ one community.

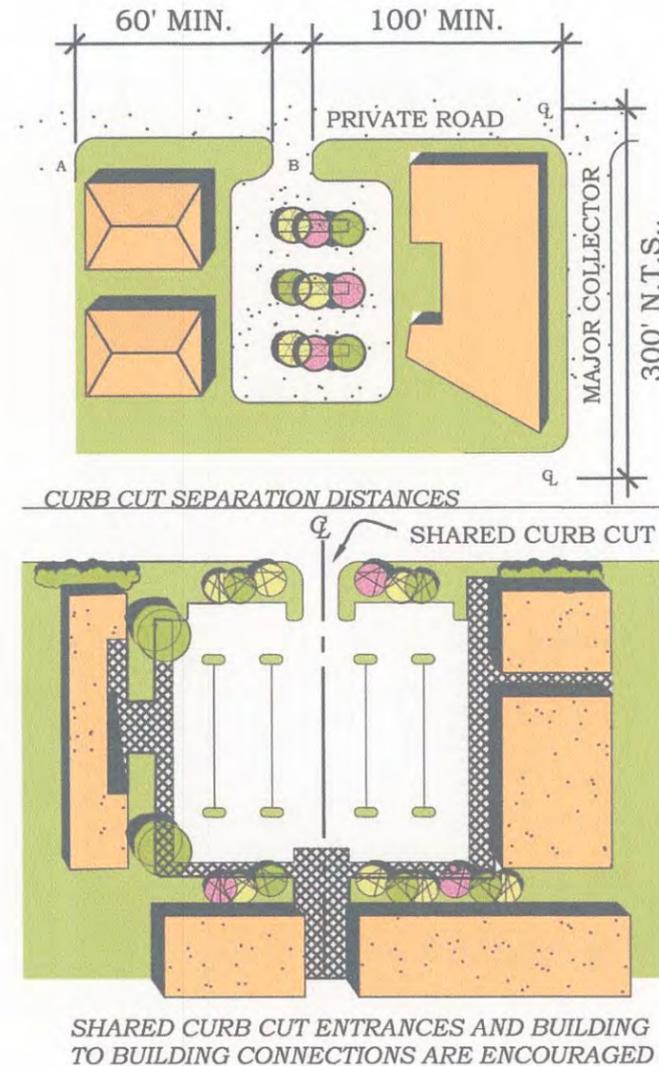
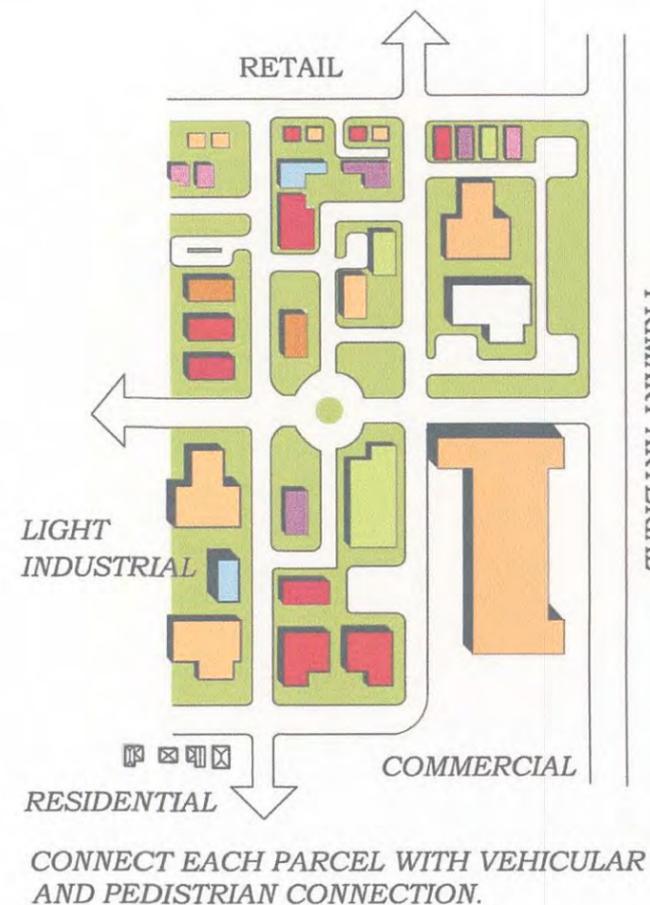
## D. PARKING

~~The Villages @ Johnstown~~The Villages at Johnstown's arterial streets, collector streets, drive lanes, curb cuts, ~~and on-site~~ vehicular circulation, and parking designs are an important design element in the Villages. This network of systems must be designed with safety as a principal ~~design~~ component. ~~This designs.~~ Bicycles and pedestrians should be given priority in the overall design and safety ~~concepts-plans~~ of each individual site design.

### D.1 ACCESS

Designers must ~~endorse-adhereconform to~~ the protection and welfare of the community. Parcels are encouraged to minimize the number of curb cuts ~~to new developments~~ from major roadways. Provide safe, clear and efficient service to each parcel, and utilize safety ~~methodologies methods-measures.~~ A comprehensive traffic analysis ~~to demonstrate demonstrating~~ access and ~~the traffic-impact analysis-of traffic~~ may be required.

Design elements including benches, ~~plazas,~~ water features, signs, brick paving, distinctive landscaping, rock walls, and featured lighting are to be incorporated into the ~~design~~ concept, ~~of designs.~~ Designs must be compatible within the Villages as a whole. Position curb cuts far enough apart to allow ample queuing, turning, deceleration ~~and-or~~ acceleration for vehicles. Develop adequate distances between curb cuts and corners for anticipated speed limits. The Village encourages common curb cuts between property owners, with access easements and connecting pedestrian routes. Shared parking concepts, and emergency drive lanes are also encouraged. For shared entries, develop clear lines of vision and ~~colored crosswalks.~~ ~~of colored-paved walkways.~~ ~~Minimize conflicts where ever possible.~~



### D.2 CIRCULATION

~~The network circulation~~Developments must provide a well-designed circulation plan. ~~This includes flow must provide for a well-designed-including all types of streets, drive lanes, trails, and service roadways.~~ A deliberate, protected, ~~and well-located~~ designed network of systems is paramount. ~~All criteria for mode-systems~~transportation methods ~~must-must~~ connect the Villages with peripheral land uses ~~by-through~~ paved roads, ~~and-concrete~~ sidewalks and/or

walking and biking trails.

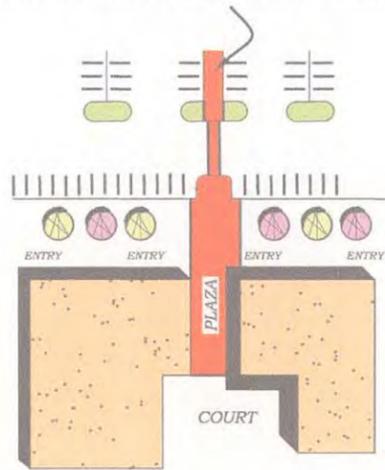
### D.3 SERVICE, DELIVERY, EMERGENCY AND UTILITY ACCESS

- Clearly marked routes for all access and services routes should be apparent, and directional signage must be provided. ~~Circulation-Safe circulation~~ for any facility ~~all facilities~~ should ~~be-safe-with~~ utilize proper turning radiuses ~~es provided~~ for fire trucks, ambulances, service trucks and delivery trucks. Inside and outside turning radiuses, as well as bumper and trailer swing paths must be clearly understood and designed into the development. Shared access is an excellent and efficient method, as ~~well as-is~~ aligning curb cuts with existing curb cuts across roadways. Screened service areas ~~with-in~~ building designs are encouraged. Wall screens and landscape screens ~~may-must~~ be provided to screen service areas and service doors from view.



USE BRICK PAVERS, RECESSED STONE AND COLORED CONCRETE IN PEDISTRIAN ROUTES AND DROP OFF AREAS.

PROVIDE PEDESTRIAN ROUTES FROM PARKING LOTS TO PEDESTRIAN PLAZAS



ARRANGE PARKING AISLES AND PEDESTRIAN APPROACH PERPENDICULAR TO BUILDING ENTRANCES.



SCREEN SERVICE AND DELIVERY AREAS FROM PUBLIC VIEW AND STREETS. USE LANDSCAPING, SCREEN WALLS OR CONFIGURE BUILDING TO SCREEN THESE SERVICES.

#### D.4 PARKING LOTS

Parking lots must be designed to-for the required number of spaces per the development's intended use, or possible future

use. All parking areas are to be surfaced with asphalt or concrete, and screened to the outside public. Trees and shrubs placed in "parking lot islands" are required for shading lots, and areas set aside for snow ~~is~~ ~~stacking~~ ~~are~~ encouraged.

~~Standard Parking parking standard~~ stalls are to be 9' wide by 18' long. In limited areas adjacent to appropriate landscaping, parking stalls may be reduced by 2'. Painted parking aisles perpendicular to buildings ~~in lieu of~~ ~~instead of~~ parallel parking is encouraged. Link large parking areas with pedestrian walks. Connect paths to buildings as well as the primary trail system and perimeter sidewalks. Sidewalks should connect to ~~modes of~~ transportation, ~~nodes~~, open space, parks and other pedestrian features. Cross walks should be of red ~~color~~ concrete paving with a 10" x 10" tooled pattern. Paths for pedestrians can be ~~completed with~~ ~~using~~ ~~complimented~~ using seating, path lighting, ~~lit~~ bollards, trellises, gazebos, playgrounds ~~and or~~ other amenities. Divide parking areas which accommodate more than 105 vehicles into smaller grouped lots. Larger projects with more than 400 cars will not be held to ~~the 105-car~~ ~~this~~ formula. ~~However, but they~~ will require a detailed parking scheme ~~that~~ ~~demonstrates~~ ~~demonstrating~~ landscape designs, ~~and~~ pedestrian amenities, ~~as well as~~ the use of ~~together with~~ landscape earth berms to reduce the "sea of asphalt" appearance ~~of~~ ~~parking~~ ~~lots~~. Use landscaping or other techniques to reduce the visual impact of large parking areas. Avoid travel lanes ~~in parking~~ ~~lots~~ in aligned configurations that ~~may~~ encourage speeding, posing a danger to pedestrians.

#### Minimum Parking Ratios:

Required parking ~~spaces are is~~ based on the type of building use. The following formulas for parking spaces per ~~gross square feet of area~~ ~~apply~~. ~~r~~ ~~(round~~ ~~Round~~ up to nearest whole number.) ~~gross square feet of area apply:~~

- Professional Offices 4 spaces/1000 GLF

- Showroom 2.5 spaces/1000 GLF
- Hotel or Motel 1 space/guest room plus 1 space/2 employees
- Retail Uses 5 spaces/1000 GLF
- Theaters and Restaurants 1 space/3 seats
- Warehouse 1 space per employee per shift
- Single Family 2 space per unit
- Townhomes 1.5 spaces per unit
- Condo 1.5 spaces per unit

Larger projects over 100,000 square feet may use a compact stall size of 8.5' x 15' with compact ~~spaces~~ not to exceed 30% of the total parking count. The DRC and JRC may allow reduced parking requirements ~~with by the use~~ ~~of~~ ~~shared~~ parking ~~concepts~~ ~~programs~~. For projects over 200,000 gross square feet, the ratio ~~vs of~~ ~~compacts~~ to standard ~~spaces~~ may be increased to 40%. Because there is ~~an~~ ~~extraordinarily~~ high degree of larger vehicles ~~on the road today~~ (SUVs, pickups etc.) ~~in~~ ~~Colorado~~, wherever possible, standard stalls spaces of 9' W. x 18' L. are encouraged.

~~Reduction in parking areas are suggested. Examples are Shared~~ ~~shared~~ parking spaces, parking and other parking reduction solutions are ~~encouraged, encouraged;~~ ~~i.e., such as~~ ~~shared parking concepts,~~ off hour/offset hours ~~concepts~~ ~~programs~~, etc.

Parking spaces for the disabled in accordance with ADA is required. Provide handicap routes with tactile warnings.

#### D.5 PARKING STRUCTURES

Underground structures and parking below buildings is ~~an~~ ~~acceptable.~~ ~~means of parking~~

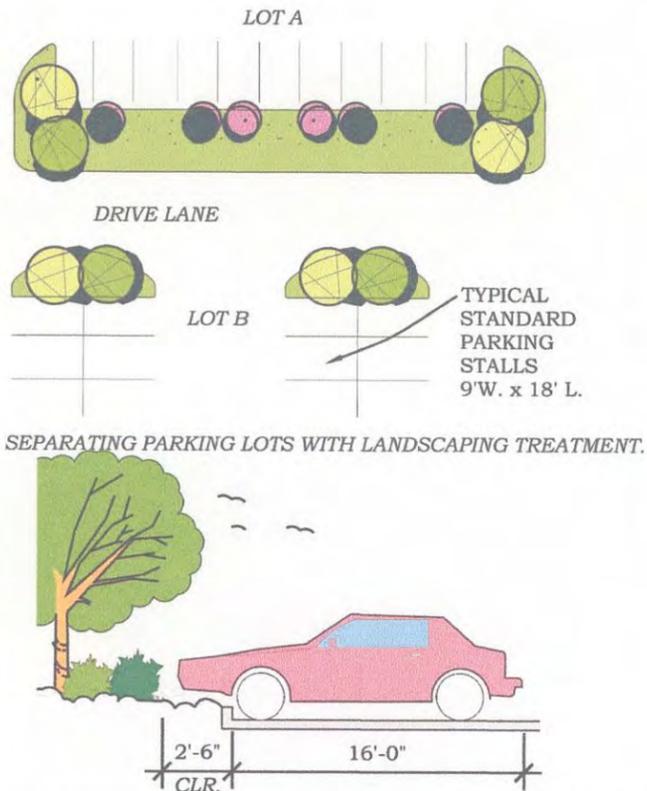
~~in the Villages.~~ For above ground and free-standing garages, ~~it is encouraged to provide~~ "open garages" ~~are encouraged.~~ ~~To secure (if required)~~ ~~if secure garages are required the,~~ ~~the~~ ~~garages must use green vinyl coated diamond wire mesh.~~ Provide ~~area wells and~~ open garages with light wells for natural light, and ~~include possible~~ plant materials, ~~on or inside~~ ~~garages.~~ Enclosed secure garages will require ventilation systems as well as fire suppression assemblies. All parking structures exposed to view must match ~~the~~ adjoining building finishes, or be approved by the DRC and JRC.

~~Garages may lessen land consumption, but in all cases w~~Where a parking structure is anticipated, ~~they it~~ may not encumber adjacent parcels. The visual impact of such structures will need to be carefully orchestrated in the overall design, and corridor views from other developments must not be hindered.

Above-ground garages and parking structures will be held to the same design and performance standards ~~which that~~ pertain to buildings. Linking ~~free standing free standing~~ parking structures to buildings ~~also must~~ ~~must also~~ meet performance standards as ~~it~~ ~~pertains~~ ~~pertaining~~ to pedestrian paths, landscaping and safety.

#### D.6 FUTURE PARKING

Allowing for parking phasing ~~(for successfully growing and thriving developments)~~ may be a necessity. In these cases, the DRC and JRC will require a master planning and phasing plan. ~~Implementing construction~~ ~~Construction~~ ~~in the field~~ must not disrupt existing day-to-day operations for the user ~~as well as or~~ the community. While phasing is a normal device to ~~planned~~ growth, minimizing the impact to ~~a~~ ~~the~~ development must be ~~truly~~ thought out prior to any improvements.

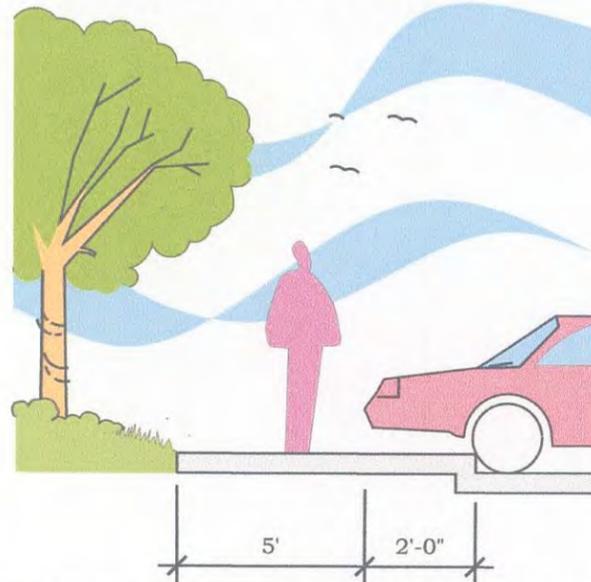


WHEN A PARKING SPACE CONNECTS TO LANDSCAPED AREAS, THE PARKING SPACE LENGTH MAY BE REDUCED BY 2'-0\".

### D.7 MOTORCYCLE PARKING

Motorcycle parking ~~may~~ should be provided in each development, and can reduce ~~parking~~ parking standard ~~parking~~ parking stall requirements. For every two motorcycle parking stalls, one car stall may be reduced. For a maximum of 5% standard parking stall reduction. Example: for every 100 standard sized parking stalls, 5 stalls may be omitted provided 10 motorcycle stalls are utilized. ~~Clearly sign~~ Use clearly worded signage in motorcycle areas, and paint stripe motorcycle parking stalls. Signs ~~must~~ must indicate ~~such~~ such stalls as "motorcycles parking only".

Boat and RV parking is permitted in the ~~East and West~~ Villages, provided that they are housed in a garage or other structure.



SIDEWALK WIDTHS SHOULD BE INCREASED BY 2'-0\" WHERE ADJACENT TO HEAD-IN-STALLS.



EXAMPLE OF A MEDICAL OFFICE BUILDING

## E. PEDESTRIANS

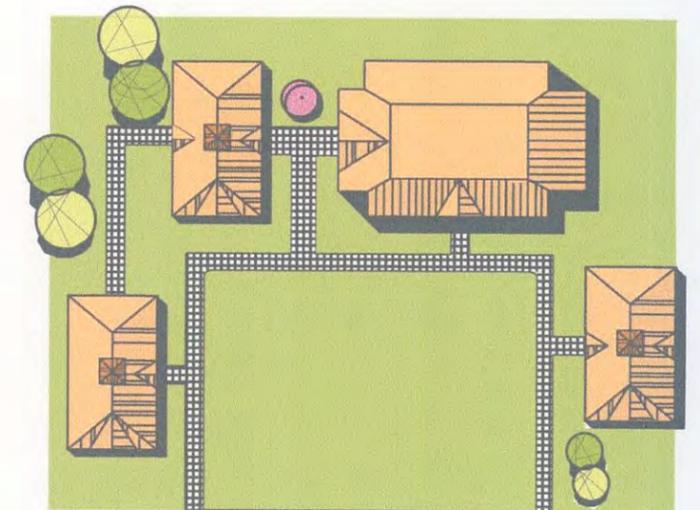
### E.1 PEDESTRIAN CIRCULATION

Walkways, trails and bicycle routes should be designed to create a pleasant experience in the Villages. Bike paths and bike parking ~~and paths routes~~ should be established to develop a network of accessible, safe and attractive experiences ~~for users, to of all modes of transportation, in the Villages.~~

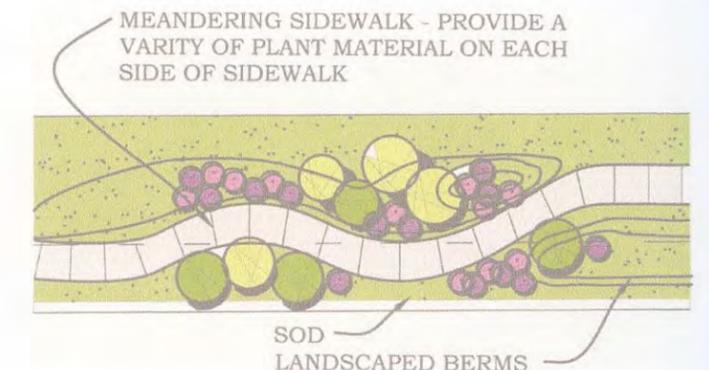
~~Separation~~ Separate ~~of well defined well defined~~ pedestrian and vehicle routes, utilizing ~~with~~ landscaping buffers, walls, planters, bollards ~~and or~~ other means ~~to protect of protecting~~ the public, ~~is mandatory. Defining~~ Define areas of pedestrian, ~~and bicycle, and~~ and vehicle interface ~~with using~~ using accent colored concrete, ~~and differentiating~~ Differentiate zones ~~with by~~ by changing ~~of the paving surfaces~~ material is a useful means of minimizing traffic conflicts. Other safety measures



PROVIDE OVERSIZED SIDEWALKS AT FRONT END PARKING - MIN. 7' WIDE.



PLACE SIDEWALKS TO LINK AREAS OF PEDESTRIAN TRAVEL.



MEANDERING SIDEWALKS - TYPICAL AT STREET SIDE

Connect buildings to buildings, and buildings to drop off and pick up zones. Locate pedestrian routes in sunny areas, ~~and~~ and not in areas that may develop ice problems during winter months. Design sidewalks to be a minimum of 5' wide and detached from all streets by providing a 6' wide (minimum) landscaped planting zone. Design designated drop-off areas outside of the traffic flows. Install 7' wide sidewalks at front end parking to accommodate "car nosing".

### E.2 PEDESTRIAN CONNECTIONS THROUGH PARKING LOTS

Bicycle and pedestrian paths thru private parking lots must be separated from automobiles. The separation of car and people are a primary safety requirement throughout the Villages. Sidewalks must clearly define pedestrian paths from parking zones to a building entry. All efforts to reduce the interfacing of automobile and the pedestrian traffic must be considered. Try to avoid pedestrians interacting with service areas and traffic zones. Clearly separate all vehicles of all kinds from the pedestrian as much as possible.

### E.3 THE DISABLED

The Villages must be accessible by all users. ADA standards will be in full effect and it is up to each development to meet these standards. Contact the International Code Council for the latest edition for ADA requirements and amendments. Provide parking for the disabled immediately adjacent to entrances. All aspects of the ADA are required and a written letter to the DRC is mandatory at the conclusion of construction verifying that ADA conformance has been met.

### E.4 VEHICULAR VEHICLE SEPARATION

Separate automobiles, motorcycles and truck traffic from pedestrians and bike paths whenever possible. If necessary, use site walls, earth berms and landscape features as tools to distinguish clear paths and routes. These devices, while necessary Separations, should also be architecturally pleasing, and designed as an asset to the Villages. Other devices may include raised curbs and walkways, masonry walls, bollards, control gates and operable gates with card readers. When applying these instruments methods of separation, utilize materials that will complement the building materials and meet the overall design concept implemented in the development. For example, site-install benches that are similar or match in color and style with trash receptacles, signage or pedestrian light bollards. Design walkways to include safety features such as bike racks with allowing for adequate dismounting space.

Strategically locate barriers such as raised planters to define paths or seating areas. The intent of these features is to prevent someone from jaywalking or taking a dangerous shortcuts.



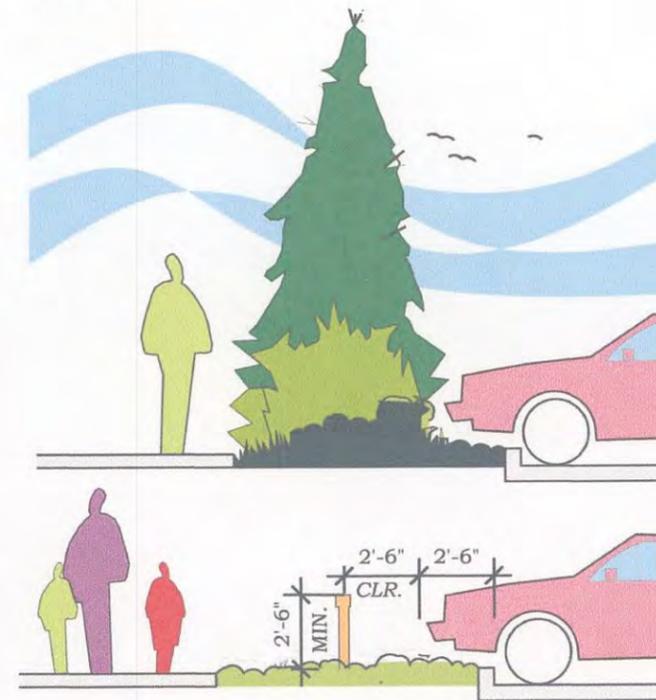
PROVIDE HANDICAP AND DIRECT ROUTES TO BUILDING ENTRANCES



PROVIDE MEANDERING SIDWALKS AT PERIMETER OF SITE.



PROVIDE LANDSCAPING BETWEEN PARKING AND BUILDINGS.



SCREEN PARKING LOTS AT PERIMETER OF SITES W/ LOW WALLS OR LANDSCAPE SCREENING.

### PARKING

The Villages endorse all primary and secondary modes of transportation. All developments are required to provide and identify bike routes and to provide bike routes that are functional, easy to use, pleasurable, and are sized sufficient for all users of the Villages. Bike routes are required to connect all aspects areas of the Villages, together, and to allow users to work and play in the same community. Bike Routes routes are required to be located at a minimum at both on one side of all public arterial streets, and interconnect the community as well as the and future communities developments at the Villages' perimeter. No bike paths are allowed within 200 feet of the I-25 right-of-way. Neighborhood trails must also be connected with parks, businesses, residential developments and Village amenities. Provide meandering routes away from streets that intermingle with interior green spaces, water features and resting areas. Each project must connect and utilize origin and destination directional routes to advance the "live and work" live/work/play community concept. Each development will be required to provide near-road and off-road bikeways bike paths and sidewalks as needed to maintain continuity and connection of the community regional system.

One bicycle space is required for every 30 vehicle parking spaces. Round up fractions to the nearest whole number. Bike racks must be located near major points of building entries and provided at points of interest such as water features, resting areas etc. Buildings over 100,000 G.S.F. will be allowed to reduce this requirement by 25% and buildings over 300,000 G.S.F. will be allowed a 50% reduction. Bicycle parking must be located in concrete paved areas not to exceed 2% slopes and racks must be pre-finished "U" in a "U" style and secured to the ground.

### E.5 BICYCLE ROUTES AND BICYCLE

## F. TRANSPORTATION

~~The Villages @ Johnstown~~The Villages at Johnstown are ideally located adjacent to the heavily traveled Interstate 25 corridor. This Interstate is the most traveled corridor in the Rocky Mountain region. Other major roads and connecting routes make the Villages an ideal location. ~~location ideal.~~ This development will encourage a well-connected community, as well as offering exceptional access and connections to the areas around them.

~~The Villages @ Johnstown~~The Villages at Johnstown is intended as a live/work/play community. Through the cooperative effort of the developer, community residents, the Town of Johnstown, and the DRC, the Villages can strive to support a self-sufficient community. The Villages will be a community in which you residents can live and can still be within reach of other cities, the lively I-25 corridor, s of nearby businesses, shops and the connecting residential communities.

### F.1 TRANSPORTATION DESIGN

All parcels and uses within ~~The Villages @ Johnstown~~The Villages at Johnstown will be united by new and future transportation systems. A network of linking transportation systems has been prescribed and is proposed as an integral element within the Villages. All arterial and collector streets are planned to benefit the largest to the smallest sizes of vehicles as well as transit related vehicles within the Villages.

### F.2 STREETS

Arterial streets in and around the Villages must meet the Town Transportation Plan specifications and be built for the developments' "initial phase" and "ultimate phase", initial and final phases. All roads must be designed to accommodate emergency vehicle access.

Emergency vehicles must be able to service the development freely and without obstructions. Overhead clearance for bridges must meet State state and Federal federal requirements. Canopies, roof overhangs, servicing drive through thru and portePorte cocheres may be lowered to 12' minimum provided no service utilities are proposed beneath them, otherwise Otherwise, they will be required to meet all code, zoning and judicial requirements.

## G. ARCHITECTURAL

The primary purpose of the Performance Standards is to establish and put into effect implement a "road map" for the development of a thriving community along the Interstate 25 corridor. Promoting and identifying the Villages as a community along the Interstate 25 corridor that will demonstrate forethought, a sense of charm and an achievement that all landowners will thrive within. The standards are to intended to provide meaningful and as well as flexible design solutions, and to develop the Villages as a thriving center. The Villages will develop over time and architectural Architectural solutions features play a key role in the community development. Thus, all architectural designs are subject to DRC and JRC approval.

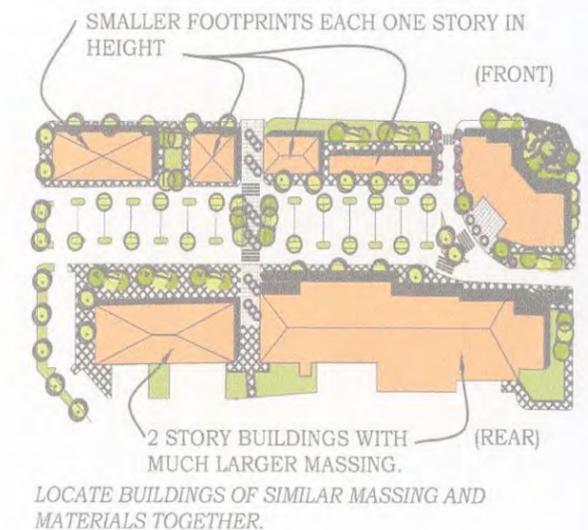
The Performance Standards will set the guidelines for the North, West, East East, West, Central and Industrial Villages. All proposed uses including but not limited to offices, professional campuses, multi tenant, low rise and mid rise buildings, motels, retail, recreation, light industrial, storage, multifamily and single family uses.

### G.1 MASSING AND COMPATIBILITY

Each structure ideally must relate to each other and be harmonious in harmony with adjacent structures. This being the case, the Villages also encourages individuality, thus, incorporate thoughtful sophisticated massing, scale and respect adjacent massing relationships. Buildings should be designed to invite a look inside. Single family development is encouraged to not be similar, but to appear as individual and stand-alone structures. Primarily t This will be true for custom homes, but also encouraged with tract style developments, as much as possible. High density housing developments must be designed to be sensitive to adjacent property, owners as well as provide a building scale that is in keeping with friendly to occupants adjacent buildings and views.

corridors.

Set building footprints so structures maintain preferred views for future and proposed buildings development. Position structures in groups to create usable useful and functional gathering spaces, plazas, courts, etc. Place Site entries and courts to maximize their solar orientation and effectiveness. Address topography and natural site conditions with useful massing such as through the use of walkout basements, sub-terrain levels and stepped building foundations. Provide desirable design features and use forms that provide shade and shadow lines as well as introduce creative massing, a sense of dimensionality and building up of forms. Embrace architectural compatibility as it relates to neighboring structure setbacks, landscaping, orientation, massing, details, features, textures and color, fenestration, height, parking schemes, shapes and building materials.



## G.2 ALLOWABLE HEIGHTS

Allowable heights throughout ~~The Villages @ Johnstown~~ The Villages at Johnstown vary within the development. ~~E, however, each building, structure or manmade element must address solutions designs that respect and relate to the "human scale". Structures must have an "architectural order" as a stand-alone building, as well as consideration to considering adjacent sites. The Villages would like to will extend some latitude with encourage creativity, however, if this order is not an acceptable solution by to the DRC and JRC then a general order of "top, middle and base" or a well-defined composition and balanced solution will be enforced required.~~ Structures should always be grounded and have a mass to the base of a structure softened by landscaping and people spaces. Heights are anticipated to fluctuate, thus, buildings over four stories must complete shadow studies and site analysis of the impacting of shading and shadow ground profiles.

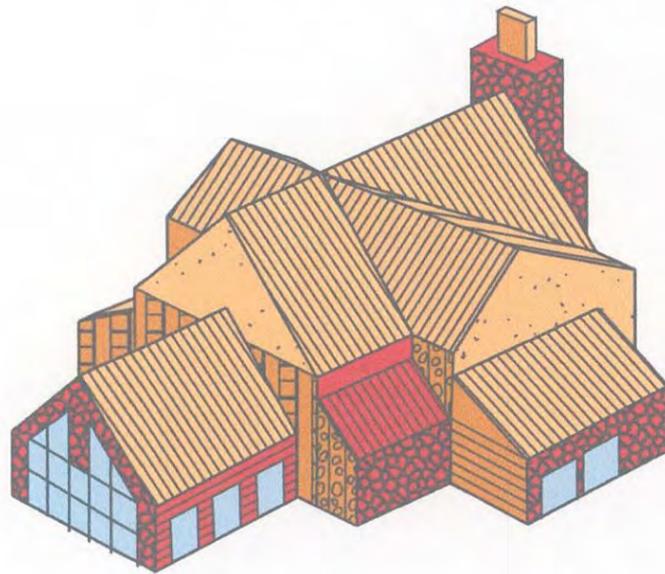
Structures adjacent to open spaces may take advantage of natural sunlight and air. Buildings must make every attempt to allow un-obstructed views to the Front Range ~~and for adjacent projects.~~ Designers must have an understanding of consider prevailing winds, and the impact of wind on designs. such as Examples include vestibule door operations, tunneling wind effects, lateral wind loads on fenestration, awnings, and roof uplifting. Buildings heights can also be impacted by topography and may necessitate walk out levels in lieu of with expensive earth retaining walls. Designs may encourage relationship, compatibility, transitioning, clustering and building up of massing as it pertains to individual as well as or groups of buildings, in the area.

In general, use the following maximum building heights:

- High Tech Research & Development: 6 stories
- Corporate Campus: 12 stories
- Corporate Offices: 10 stories
- Professional Offices: 7 stories

- Light Manufacturing: 2 stories
- Aviation and Distribution: 2 stories
- Commercial/Retail/Hotel: 13 stories

- Multi-Family Residential 6 stories
- Transit Stations 8 stories
- Single-Family Residential 3 stories



PROVIDE BUILDINGS OF INTEREST WITH ROOF FORMS, MASSING OR A VARIETY OF BUILDING MATERIALS.



PROVIDE A VARIETY OF ROOF FORMS.

massing at grade level. The human experience

## G.3 FORMS

Fit architectural forms and selected materials to the natural topography. Buildings must be designed as a balanced composition with forms and elements compatible to ~~humans as they experience the the human experience of the buildings, and spaces created. Neither symmetrical nor asymmetrical buildings are discouraged, however, b~~ Buildings must have a "sense of balance" as it pertains to form, massing, materials selection, and color. Elevations with a consistent spacing of columns, punched openings, loggias, ~~or engaged~~ wall elements that relate to passing vehicles and pedestrians ~~is an acceptable solution to can~~ address scale at grade. ~~The proposed facilities are expected to boost the ambiance of the Villages.~~ Simple, elegant detailing and designs solutions will enhance the community and be an asset to the Town of Johnstown. Celebrate architectural elements and utilize features that lift the human experience.

The pedestrian experience near the base of the building, as well as the approach to the building, is worthy of study. Pedestrians are drawn to elements that ~~express entry or~~ suggest direction of the path. Assist the user in defining areas of use that ~~"speak" and~~ relate to the pedestrian. Building mass should attempt to achieve a relationship with the human scale by transitioning down forms and providing warm colors and variations of texture. The building up of landscaping color, texture, and shapes can also make the pedestrian experience more pleasing. Use roof elements to shelter the pedestrian and ~~auto~~ automobile passengers at drop off points. ~~These r~~ Roof elements at grade levels can be an excellent device method to reduce scale ~~at to~~ the human level.

If possible, provide balanced compositional facades on buildings through the expression of their structural elements. Break down large walls with relief, recessed or applied functional architectural elements. This diminishes

massive facade expanses. As a general rule, as large plain elements can be unsightly. M massing should be reduced to increments of 40' -50' L.F. maximum (or less) both in height and width. as a general rule.

Provide a variety of architectural treatment in an effort to reduce large massive forms. At the lower levels introduce trellises, arches, engaged wall columns, arcades, canopies, and upscale detailing. Single story buildings over 100,000 GSF will be allowed larger wall surfaces if landscaping materials or other architectural devices are used to soften the massing. However, avoid blank walls where ever possible. If unavoidable, place blank walls at the rear of developments, away from public views.



EXAMPLE OF RETAIL

roof shapes and styles to consider, such as mansard, pyramid, gabled, gambrel, arched or asymmetrical. Provide protection from the sun in play areas, public pick-up and drop-off zones, and rest areas. Architectural detailing including finials, cornices, barge boards, brackets and snow guard standards are also encouraged.

#### G.4 ROOFS

Roofs are an important design element ~~to-in~~ the ~~inclusive-coordinated~~ appearance of the Villages. Each development must try to introduce an assortment of diverse roof forms. Parcels must also consider the vantage and viewpoints of other parcels. Views from taller surrounding buildings looking down on nearby roof forms should ~~see roof forms without not see~~ unsightly straps, rods, and kickers or false façades ~~and-or~~ fake roof elements.

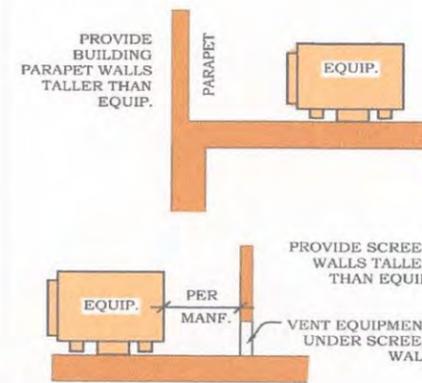
Blending of massing, pitch and directions on buildings create a "roofscape". Parapet and roof forms that are flat, without undulation or change in elevation are discouraged. A diversified mix and change of roof elevations provide relief to an otherwise plain and ordinary ~~solution design~~. Mingle scale, line, ~~and~~ volume, ~~and-fuse~~ forms to create individual characteristics to each new development. Exposed flat roofs are discouraged. ~~When-if~~ implementing flat roofs, ~~mask-disguise~~ them with attached elements such as awnings, dormers, oversized parapets with curves, or step up of facades and cornices. Construction materials must be of a durable quality. Utilize natural stone roof tiles, clay tiles, and concrete tile with pre-finished standing-seam, copper, synthetic cedar shingles. Incorporate a variety roof forms and roof materials, and screen all rooftop equipment. Capitalize on roof slopes, pitch, and roof cavities to conceal rooftop equipment. Provide decorative and innovative screens to shield equipment, and match screen materials to primary building façade materials. Exploit roof forms for features ~~that~~ establishing entry or vehicular drop-off zones. Use such roof elements for pedestrian protection from the elements interlaced with columns, arches, trellises, service protection etc. There are many

#### G.5 MATERIALS AND COLORS

All materials are to be long lasting and manufactured of sound quality or ~~generally of~~ enduring materials. Use complementing palettes of textures, finishes, colors and materials to meet the highest aesthetic standards. Materials must be approved by the DRC and JRC. Submittal of material boards and colored renderings will be required for all development. Warm, welcoming materials are ~~encouraged suggested~~. Individual architectural ~~design~~ schemes are encouraged in the Village. Each proposal will be reviewed on a case-by-case basis. It's been said that there are no such thing as bad colors, only bad combinations of color. When it comes to color, preferences are intensely personal, ~~and passionate. Each color palette will be reviewed on a case by case basis.~~



CREATE BUILDINGS THAT HAVE A SENSE OF HUMAN SCALE.



PROVIDE STONE, OR BRICK AT BASE OF ALL BUILDINGS

Construction material allowed:

- Brick
- Stone
- Textured concrete
- Masonry block
- Wood is appropriate only in limited details, and must be weather treated.
- Stucco with a high degree of detail is allowed above stone or brick wainscoting, and may not comprise more than 60 % of any building
- Pre-cast and site cast concrete with relief detailing is allowed provided other

materials such as stone, slate, or brick are used in combination with concrete. Brick mixed with ~~cmu~~ CMU masonry or stone is encouraged.

- Fabricated metal frame buildings are allowed, provided that they are "skinned" with a mixture of veneer materials listed above, are allowed provided they are approved Fabricated metal buildings are subject to approval by the DRC and JRC.
- High quality metal skins such as "Alucabond" (or similar systems) as trim or special features are allowed but must be pre-approved by DRC and JRC.

Select materials that reduce glare, and do not use materials that will ~~provide-create~~ "hot spots" or oil canning. No mirrors, reflective glass or snow-white colors are allowed. The Villages encourage the use of indigenous materials such as natural stone ~~and-or~~ masonry materials on the base. Materials can be used as a wainscoting to the buildings ~~in order~~ to architecturally anchor them to the ground, and prevent unsightly splash up of rain and moisture. Maximize the use of low or no maintenance building materials. Select materials that will stand the test of time.

Color is encouraged in the Villages but must be tastefully ~~interjected interspersed~~ into projects. ~~The use of color and the choice of the applicant to provide bright or primary color is subjective.~~ DRC and JRC approval must be given to proceed from the preliminary phase, and a colored rendering will be required to present "color proposals". Innovation and creative ~~solutions designs~~ are encouraged. Subdued or muted colors are more acceptable to the public. Warm palettes with indigenous materials are recommended.

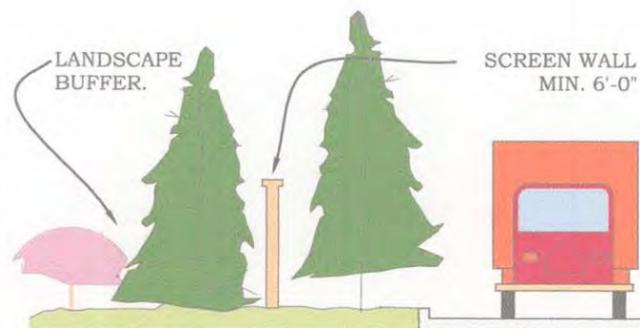
#### G.6 ENTRANCES

Entry must be visually identified for visitors. Primary elements or points of entry are encouraged to stand out, and be enhanced with architectural features. Entrances must be

visible to users from streets, approaching drive lanes and pedestrian paths. For commercial

## G.7 SERVICE AREAS

Truck courts, loading, outside storage and all service areas must be screened from public view. Screening may be made of structurally designed screen walls, landscaping, ~~and/or~~ building configurations. Locate service and trash pickup areas near service roads and minimize service interface with the public, pedestrians, parking areas and drive lanes. Screen walls must be softened by landscaping buffer zones and plant materials that will reduce the visual impact of these walls. Minimize the impact of service areas with neighboring buildings and views from these buildings into the service area.



SERVICE AND TRASH ENCLOSURES MUST HAVE SCREEN WALLS WITH LANDSCAPING.

When using landscaping for visual buffers, provide the correct density and layering of planting materials to adequately screen desired areas. Consider plant material performances, seasonal uses, and life expectancy will to ensure screening effectiveness.

~~developments,~~ ~~Entrances~~ entrances are ~~encouraged~~ suggested to be protected with

## G.8 CONSERVATION

All new development must try to conserve energy and resources to be sustainable. ~~Interfacing~~ Creating designs with passive and/or active solar designs is intelligent design. Employ site orientation, natural site factors and microclimate analysis for all development. These collective influences will maximize the use of solar gain for energy savings. Environmentally sound design will benefit all areas of ~~the Villages @ Johnstown~~ The Villages at Johnstown.

Possible concepts to be considered shall include, but are not limited to the following:

- Solar orientation
- Natural sunlight and day lighting
- Energy conservation
- Water conservation
- Passive design solutions
- Active design solutions
- Sun shading devices
- Microclimate factors
- Sustainable building materials
- Natural materials
- Recycled materials
- Building insulation
- Natural ventilation and smart technology
- Airtight building skins
- Glass shading coefficient
- Energy saving and smart technologies
- Grey water systems
- ~~Recycled materials~~

“cover” and be designed with an air lock or vestibules. ~~for commercial development.~~

# H. LANDSCAPING

## H.1 GENERAL

~~All landscaping is to be coordinated throughout The Villages @ Johnstown~~ The Villages at Johnstown will implement consistent plant material and landscape themes. Commercial, single family residential, and larger, multi-parcel projects must use harmonious landscaping. Landscape design is crucial for creating a consistent, high-quality community. A unified landscape plan creates a cohesive design development and creates a pleasant experience within the boundaries of the Villages. While unity is encouraged, individuality can still be utilized. Individual landscape treatments for sites must complement adjacent sites, streetscapes and encourage distinctive settings.

The minimum landscape area required within each building site is 20%. Landscaping must always be in compliance with landscaping standards and specifications available from Johnstown.

Landscaping must be included for all new commercial and residential developments. Landscaping is required to:

- Enhance the Villages
- ~~Provide pleasant colorful settings~~
- Define spaces, paths and provide separation
- Provide color and foliage
- Visually “soften” parking lots
- Improve the pedestrian experience
- Provide “Green-green screens”
- Provide scale and massing
- Beautify “hardscapes”
- ~~Define paths~~
- ~~Provide separation~~
- Reduce heat and provide shade

For all plant material designs, incorporate low water usage and conservation measures.

Identifying entry with signage, roof forms or architectural expression aids the user.

Include indigenous and ~~diminutive~~ low water consumption plant materials.



CREATE ENTRY PLAZAS WITH LANDSCAPING

## H.2 LANDSCAPING STREETSCAPES

Streets within ~~The Villages @ Johnstown~~ The Villages at Johnstown shall be accompanied with landscaped boundaries. These integrated green zones should be used at collector and arterial streets, intersections, monument signs, ground mounted signs, entries, and parks. Plant species, grouping, spacing, and height similarity must be a ~~forwarding~~ common theme in the Villages. Open space, parks and amenities should be ~~visually~~ landscaped as visual amenities, and are ~~and an~~ integral part of the overall Villages concept. A variety of “~~sub themes~~” smaller landscape themes can be used to ~~claim~~ express individuality, but caution should be taken to ~~ensure that~~ ensure that these themes do not overshadow the continuity of the community, ~~as a whole~~. ~~In all cases~~ Grading and material selection must perform together to create a variety of experiences varied landscape experience.

Streets should have trees planted in compliance with Johnstown landscape standards. All medians should be planted with trees and flowering perennials consisting of low shrubs, grasses and ground cover. Streets and roadways must have a flowering scheme plan that is in harmony with the Villages theme.

Detached and meandering sidewalks will be the standard throughout the Villages. Sidewalks are required to link every building, park, amenity and feature. In addition to trees, provide a variety of flowerbeds, perennials, mulch, rockscapes, ground cover and grasses.

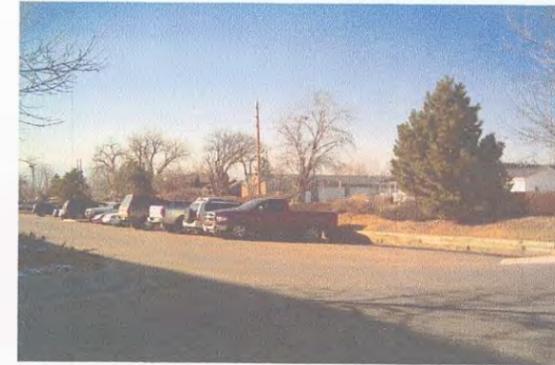
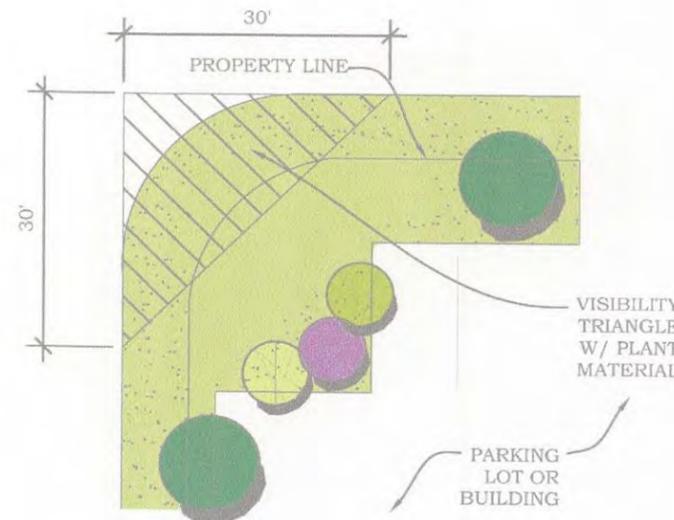
Attached walks are discouraged. They are only allowed at transitions between streets, pedestrian crosswalks and/or attached to plazas or entries to buildings.

Sidewalks near streets must embrace a combination of manicured and natural landscape beds. At primary entrances, signed medians and signed curb cuts, place a manicured flowering bed that enhances signage without blocking sign text or creating hazardous conditions. Landscaping should be low to the earth and not exceed 30" in height. In all cases landscaping should frame and aid assist in with the focus for signed elements.

At primary entries, designers are encouraged to provide an abundant level of plant materials, to provide providing color and texture throughout the year. Provide a "building up or structured massing" of landscape forms low to high, or a balanced assortment of plant material which enhances the experience of pedestrians, entering a building or exterior space. Provide landscaping landscaped pockets areas at entries, and at ground mounted project identification signage. Landscape, along the peripheral edge and bend with adjacent sites. Install a minimum of four types (or categories) of landscaping materials. Integrate the plant design with the entry sign and pedestrian path. Plantings should frame or provide a visual base for the signs and path. Sight triangles are necessary at every corner. Low plantings in the site triangle are required. Along private streets sight triangles are required at a min of 30'; at major or public streets site triangles are required to be 50'.

Sight lines must be unobstructed with low, mature plant materials no higher than 30", or provide trees with canopies that begin at 8' above roadway paving.

Sidewalks are required to be 10' wide and 6" deep of reinforced concrete at all arterial streets. Most other sidewalks will be required to be five feet 5' to eight 8' feet wide, and no sidewalk will be allowed less than five feet wide.



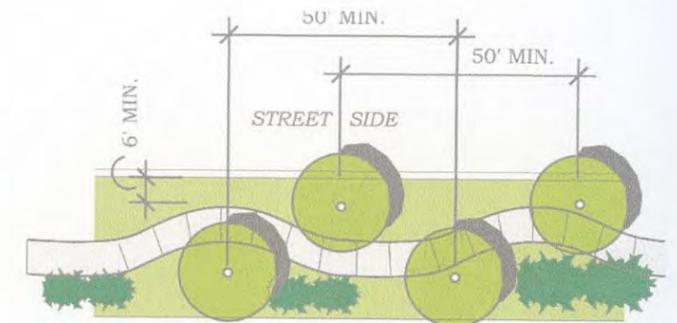
PAVING AREAS LOWER THAN PERIPHERAL ROADWAYS.



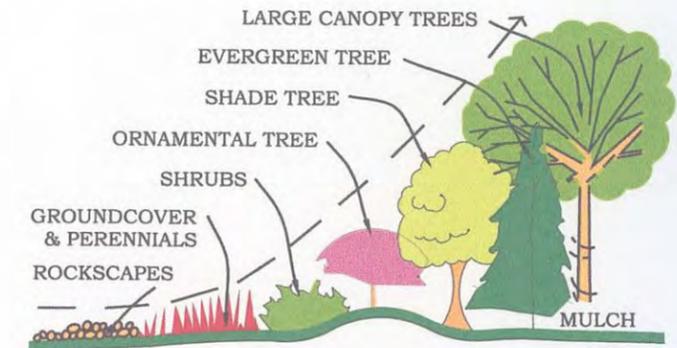
EXAMPLE OF STONE RETAINING WALL.



INVERTED 'U' STYLE BIKE RACK USED FOR AN ASSORTMENT OF BIKE TYPES AND SIZES.



TYPICAL TREE SPACING ALONG STREETS



UTILIZE AN ASSORTMENT OF PLANT MATERIALS AND A "BUILDING UP" OF PLANT MATERIALS. SHOWN ARE TYPES OR "CATEGORIES" OF LANDSCAPING.

### H.3 PARKING LOT LANDSCAPING

Disperse landscaping in parking lots to break up the "sea of pavingpavement" appearance, and This will also provide welcome shade. This landscaping will also break up the massing that parking areas ultimately create. Properly landscaped, parking lots can help reduce heat and provide some visually serenity. The parking at The Villages @ Johnstown The Villages at Johnstown must be designed and orchestrated to have a sense of continuity from one parcel to the next.

Where possible, provide landscape berms at perimeter streets vs. parking lots. If not possible, provide low screen walls or "screen walls of landscaping". All developments are required to screen parked vehicles from public view. Developments should encourage views of the architectural elements, in lieu of paved seas of asphalt and parked vehicles. If grading permits, place interior paved areas lower than peripheral roadways.

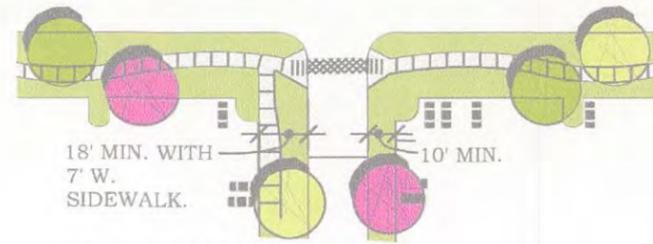
Rows of parking may not exceed 15 spaces. Each 15 spaces require a minimum of one tree. The trees must be in landscaped islands with curb and gutter not part of the perimeter zone. Each island is to be planted with an additional six low ~~shrubs~~ shrubs along with ground cover. Wherever 15 spaces face each other (in parallel) the island must double the formula for planted materials and must be a minimum of 10' W. x 36' L. Also utilize these islands with raised sidewalks with pedestrian connections. Islands are required to be 10' wide and in the event, sidewalks are located within a landscape island, they will be required to be 18' wide. Utilize landscaped islands and medians to improve pedestrian circulation, shading and breaking up constant rows of parking.

Incorporate 5' minimum wide sidewalks in strip islands with planting bed, ground cover and sod on each side of walk. For shared drive lanes, curb cuts and shared points of access provide a minimum of a 9' wide landscape zone without sidewalk, and 12' - 18' with sidewalk.

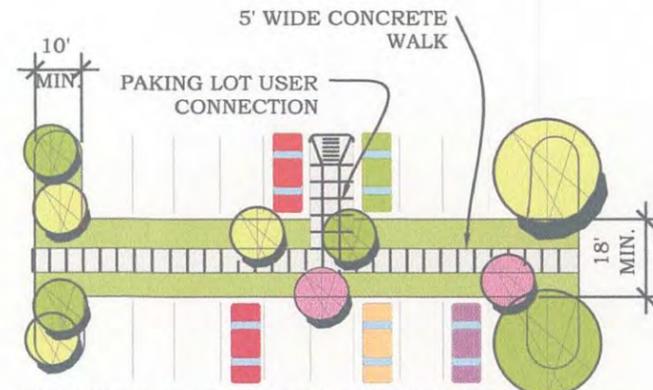
Landscape berms and medians that interface with car overhangs must utilize plant materials that will not mature above 6" high. Sidewalks that are integral with curb and gutter are required to be a minimum of 7' W. Plant blooming species with changing color adjacent to pedestrian walkways. Where medians do not have sidewalks, the medians may be reduced to 10' W. with sidewalk, medians are required to be 18' W. Wherever possible landscape slopes between parking or on adjacent hillside must not to exceed 3:1.



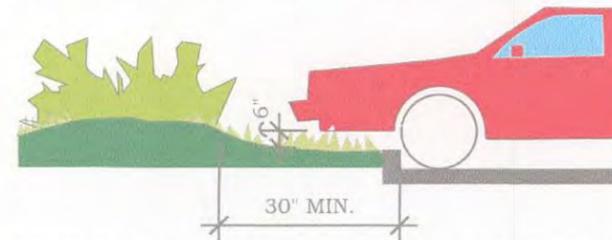
LANDSCAPE BETWEEN ALL DISSIMILAR USES.



LANDSCAPE BUFFERS AT CURB CUTS



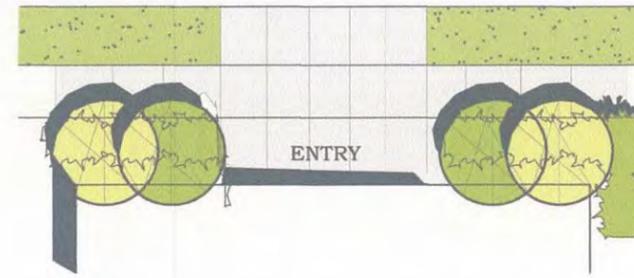
PROVIDE PEDESTRIAN PATHS THROUGH PARKING LOTS. LANDSCAPE EACH SIDE OF SIDEWALKS AND PROVIDE AUTOMOBILE USER CONNECTION TO 5' W. SIDEWALK.



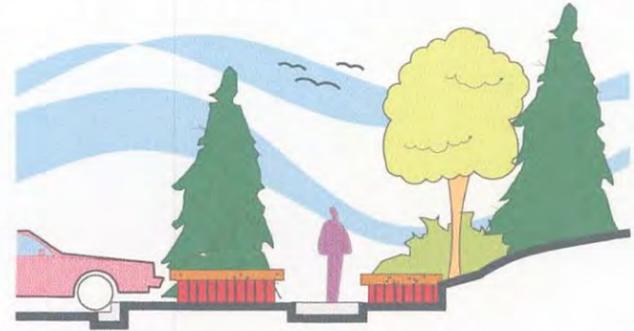
LOCATE PLANT MATERIAL WHICH GROWS 6" OR HIGHER 30" BACK FROM CURB TO PROTECT LANDSCAPING FROM VEHICLE DAMAGE.



EXAMPLE OF AN INDUSTRIAL BUILDING AND LANDSCAPING.



PROVIDE LANDSCAPING BETWEEN BUILDINGS AND SIDEWALKS AS MUCH AS POSSIBLE



USE SCREEN WALLS, RAISED PLANTERS OR OTHER DEVICES TO PROTECT LANDSCAPING FROM PEDESTRIANS AND AUTOMOBILES.



IN HARDSCAPES ADJACENT TO BUILDINGS USE TREE GRATES AND POTTED PLANTS

#### H.4 LANDSCAPING TRANSITIONS

Landscape "zones" between dissimilar uses and "visual landscape buffers" between similar uses are necessary buffers for the Villages. Compatible plant material can accomplish visual transitions, ~~and lessen potential differentiation between dissimilar uses.~~

This applies to landscaping between dissimilar uses, ~~include~~ including any change in occupancy, use, or zoning between buildings or parcels. (Example would be a retail building abutting an office building or industrial

building abutting an office building, etc.) In these cases, between buildings (doesn't include parking lots) provide a minimum of a 30' wide planting strip incorporating a 3' high berm containing a minimum of 1 tree for every 20 lineal feet of property line or a 3' high landscape screen that will retain winter color and incorporate a dense mixture of deciduous and evergreen shrubs. Another option would be to provide a 6' high fence in combination with landscape. Interface stone or brick columns at 100' O.C. Column materials should match the architectural elements in nearby buildings an 40% of the fence must be covered or in front with landscape. Fences ~~can not~~ cannot exceed 50% of the cumulative length of a parcel's boundary.

For Landscaping between similar uses, provide a minimum 15' wide "zone" containing 1 tree for every 30 lineal feet of property line and a landscaping screen hedge that includes a combination of evergreens and deciduous materials an average of 3' high.

#### H.5 LANDSCAPE WATER CONSERVATION

All landscaping designs should ~~endeavor attempt~~ endeavor to conserve water, ~~usage.~~ usage. Landscaped zones operating irrigation methods must take advantage of water conservation techniques by implementing low water management, sensors, ~~and~~ and selective plant species, and non-potable irrigation water systems.

Landscape architects should design planting strategies to minimize irrigation demands. Group analogous mixtures of low-~~water demanding~~ water indigenous and native materials away from primary entries, and heavily used pedestrian areas. Species must be disease and drought resistant. ~~Minimize ground covers (and plant materials) that require excessive water.~~ Integrate mulched zones and beds of plant materials which ~~assist and~~ assist limit excessive moisture loss. Prepare soil and planning beds to improve water absorption and to safeguard against moisture depletion.

## H.6 LANDSCAPE STANDARDS

Mass or align plant species for visual interest. ~~It is discouraged to plant individual plants that stand alone or do not associate with other plant materials. Concepts for landscape themes should harmonize and enhance thus providing visual interest to architectural schemes.~~ The planning schemes should accessorize, balance and complete a development.

Landscape development within ~~The Villages @ Johnstown~~ The Villages at Johnstown should fall into one of the following zones:

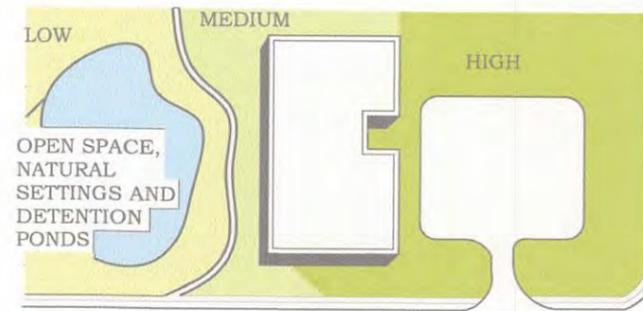
Zone One: Located at primary pedestrian plazas, walks, entry, sitting areas and primary ~~vehicular-vehicle~~ access points. This zone may require a high degree of maintenance, ~~watering,~~ ~~Use decorative schemes utilizing~~ with an assortment of species and variety of materials, including perennials and annuals with a maintenance program.

Zone Two: Located at perimeter of property along streets, drive lanes and secondary entries. This zone will require less maintenance, ~~water and less~~ familiar plant materials. ~~Plants and grasses requiring less care and a generally larger species (but are not limited to larger species).~~

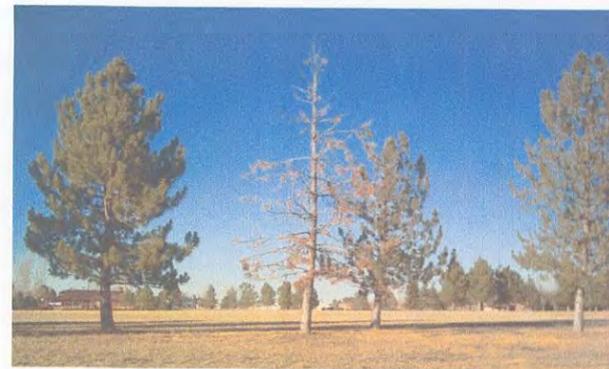
Zone Three: This area is located in susceptible areas near waterways, ponds and open natural settings. ~~Typical~~ Typically, these will be, open fields, meadows, wetlands, ~~earth-~~ foot trails and undisturbed areas. Deliberate attention must ~~be~~ taken in plant selection and materials for these areas. Select species of plants which endure seasonal changes, and provide diversity ~~and seasonal blooming activity.~~ Carefully place plants ~~which are~~ in visible areas to maximize interest and/or to alleviate erosion. Include a variety of wood and rock mulched to minimize erosion. ~~Enhance the pedestrian experience and provide a setting for the distant passing vehicle.~~

## H.7 MAINTENANCE

All owners, developers, and landlords are responsible for maintenance year-round. All landscaping must be vibrant, hearty, ~~and~~ vigorous and in a ~~healthy state~~ condition. ~~Materials that have been destroyed, dilapidated or plantings~~ Plant materials which have died must be immediately replaced with equal or higher quality, and must be of similar scale and quantity.



LANDSCAPING ZONES.



REPLACE DEAD LANDSCAPING AS SOON AS POSSIBLE.

## H.8 FENCES AND SCREENING

Screen walls, trash enclosures and fencing must be built of similar materials, matching the architectural materials of the adjacent buildings, ~~architectural finishes.~~ These walls should also be ~~tempered-softened~~ with a combination of landscaping and landscape screening.

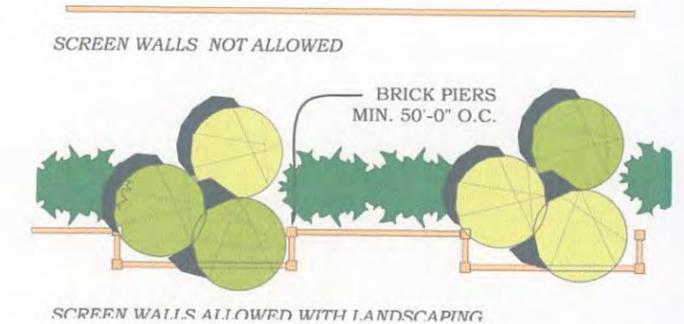
Earth retaining walls should be limited in height as much as possible. All zoning and building codes will be in effect for earth retaining wall systems or engineered walls. Avoid walls adjacent to pedestrian walks or drive lanes as much as possible. If unavoidable, provide handrails, guardrails and safety zones. Stagger small retaining walls in lieu of one massive wall.

Provide landscaping along retaining walls, fences, screens and enclosures. Enhance these walls with "green zones" of plant material. Undulate walls and create pockets of landscaping. ~~Break walls and use dense landscape screening.~~ Offset walls and create a pocket series of beds to provide a progression, succession and rhythm with the wall and landscaping features. Include architectural elements using columns, cornices, caps and inserts in walls for added architectural interest. Walls should be finished on all sides with durable and aesthetically pleasing materials. Brick and stone are encouraged and a combination of iron and steel decorative fencing can be considered.

Screen walls for trash, electrical transformers, or walls that screen electrical panels must be opaque. Landscaping is required at these walls but to a lesser degree. Wood, diamond-link and chain fences are not acceptable screening materials. All metals must be coated or finished at the factory.

All types of walls must be an integral design element with the architectural palette. Interface buildings, wall and topography to create visual interest and well thought out designs.

Design walls to appropriate heights for the task. Example screening large service trucks (~~semi-tractor~~ semi-tractor trailers) will require taller walls. Electrical transformers come in varieties of sizes and must be screened accordingly. All fencing and screen wall will be reviewed and must be approved by the DRC and JRC.



EXAMPLE OF TRASH ENCLOSURE WITH BOLLARD PROTECTION.

# I. LIGHTING

Site lighting must be incorporated for all commercial and residential parcels. Metal halide fixtures are the accepted type of light source for ~~The Villages @ Johnstown~~ The Villages at Johnstown. Lighting must be provided for the security and safety of all users, and is subject to approval by the DRC and JRC. ~~However, 1~~ Lighting provided for a particular site is not allowed to “spill” beyond the limits of its boundaries, and “blackout style” fixtures are required.

## I.1 LIGHTING FIXTURES

All lighting fixtures, standards, and bollard lighting must be of the same “pedigree” of fixtures. They should match in color, style and aesthetics and be compatible throughout the Villages. Consult the Town for footcandle requirements and provide a safe lighting environment for all users. DO NOT allow offsite lighting spills and/or glare to adjacent properties. Provide solutions that enhance pedestrian lighting. Site lighting should be provided at the minimum level (per Town Standards) to the degree which illuminates traffic movement zones and parking areas. Photometrics will be required with all submittals to the DRC and JRC.

Select standards and fixtures that are architecturally compatible with adjacent properties and architectural styles. ~~It's-It is~~ important to illuminate all high traffic zones where vehicles and pedestrians interface, as well as curb cuts and entries. Use cutoff style fixtures which are adjustable and shield light pollution.

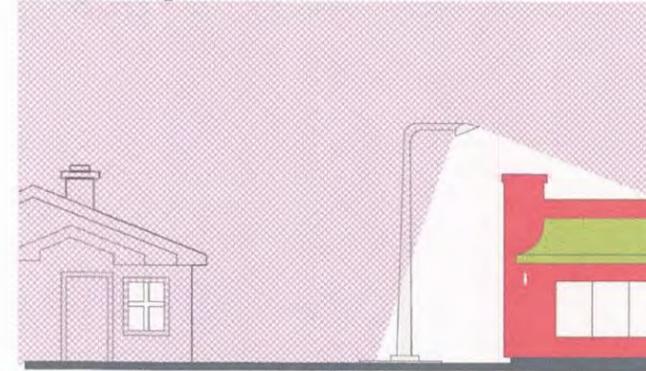
Lighting should be considered for safety first and illuminate sites without “over lighting” an area. Lights should also be placed on photo cells with a manually adjusted timer ~~turn-off~~ switch for all exterior light fixtures.

Poles and fixture heads should be architecturally ~~enchancing~~ enhancing, and compatible within a development.

Architectural lighting is allowed on buildings and may be allowed to cast upward and downward to create a “soft wash” lighting feature. However, these soft wash areas are not allowed to be overly bright and disturb adjacent properties. In no case will they be allowed adjacent to single family housing.

## I.2 DECORATIVE LIGHTING

Accent lighting and architectural lighting such as wall sconces, exterior torchieres, bollard lighting, ground lighting, in wall, stair riser light fixtures and other special lighting that accentuates building functions are acceptable in the Villages. These are allowed in the Villages provided that they are designed as a feature or to light an amenity, building ~~and-or~~ provide a concept that enhances the overall Villages experience.



PROVIDE PHOTOMETRICS FOR EACH NEW COMMERCIAL DEVELOPMENT. DO NOT ALLOW LIGHT TO “SPILL” OUTSIDE OF PROPERTY LINES.

Such lighting is allowed provided that it augments architectural or landscape features. Example would be a landscape bench sitting area, up lighting on landscaping features, spot lighting on entry facades, pedestrian plazas, specialty signage, art and other architecturally or site-specific elements of interest.

## I.3 PARKING LOT, PEDESTRIAN, LANDSCAPE LIGHTING

Parking lot light fixtures should be located in areas that shall not be a hazard to vehicle parking, and provide ~~the clearances~~ clearances necessary for pedestrian traffic. At perimeter areas locate light a minimum of 3’ deep into landscape zones thus preventing the nosing

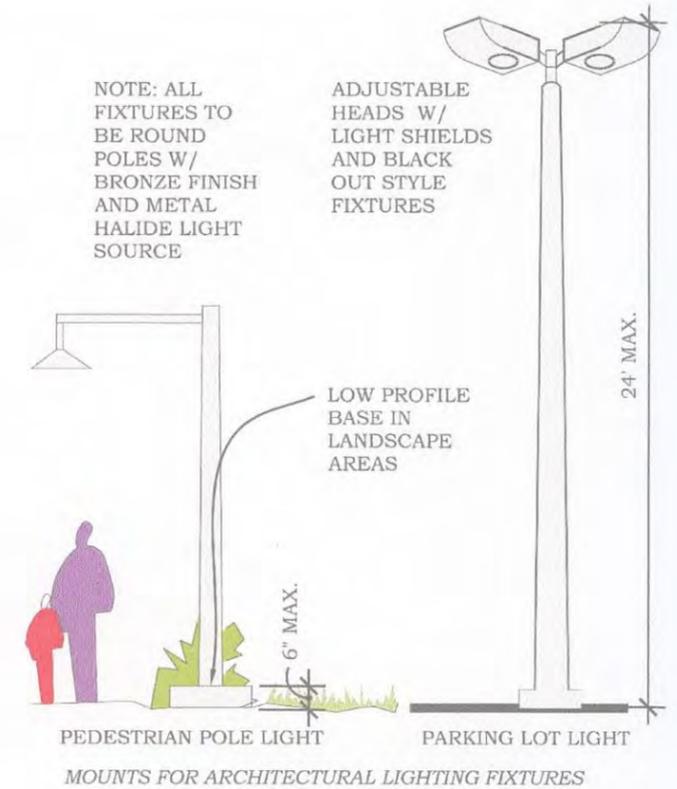
(overhang) of vehicles striking them. Locate light poles in parking lots at the “quadrant point at paint line intersections” (at the intersection of four stalls) to create as much clearance as possible for vehicles pulling into the parking space. Standards shall be unassuming as much as possible. Fixtures not call ~~attraction-attention~~ to themselves, ~~but they-They~~ must be positioned in locations to prevent damage to vehicles, and provide lighting for security and safety. All light sources are to be metal halide with uniform distribution of light levels.

Path lighting must be selected for the pedestrians, typically 4’ to 16’ H. In all cases select the appropriate footcandle to ensure a safe means of access. Use path lighting techniques for such areas as stairs, bike racks, railings, sloped walkways, site amenities, etc.

Implement lighted pedestrian bollards along path, pick-up zones and entrances. In all cases provide safety lighting at pedestrian-to-vehicle intersections.

Lighting may feature plantings, building elements, fountains and other amenity features by a number of lighting techniques and provide for a dramatic “after hour” concept.

Electrical engineers must take into consideration lighting for seasonal cycles of plant materials. Designers must consider lighting conditions as they relate to plant sizes at installation including sequence and finally the mature size of the plant to achieve the most ~~wanted~~ desirable lighting outcome. For landscaping areas only, concealed fixtures or black out style lighting is allowed. Provide lighting in ground vaults, buried in rock beds or screened by rock or plant formations. Control glare, and avoid damaging hot spots on live materials. Use only lights that are less susceptible to vandalism and require little maintenance. Lighting fixtures must be of high quality and impact resistant.



Public street lighting must adhere to the Town of Johnstown design standards. Location of lights must be positioned to maximize public safety and be a decorative “breakaway” davit style pole/ shaft assembly and are subject to DRC and JRC approval.



USE LIGHT BOLLARDS AT PEDESTRIAN ROUTES.

# J. SIGNAGE

Signs are a vital component of any development and ~~the Villages @ Johnstown~~The Villages at Johnstown understands the importance of signage to owners ~~as well as and users~~visitors. ~~These signs~~Signs must play an integral part of the Villages community. Signs should contribute to the visual correlation within the entire area. They must also be properly landscaped and lighted. All projects are required to include a signage program that includes project identification at each vehicular entry as well as address mounted signage, building mounted signage, handicap signage and tenant signage. All signs should take into consideration materials, shapes and size, illumination, style and font typeface, structure and compatibility.

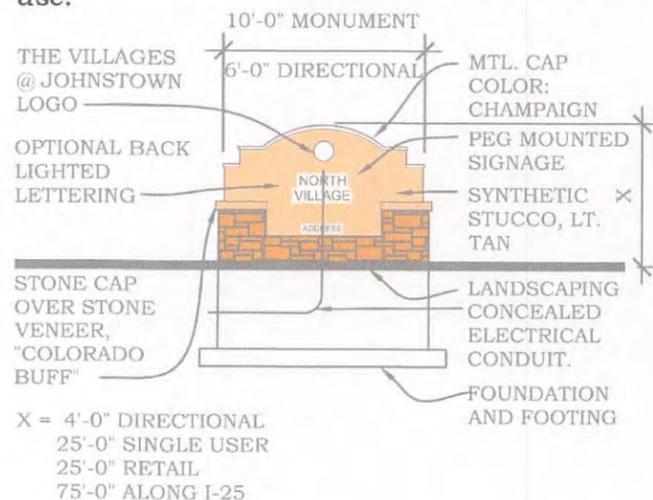
All signage ~~selections in for~~The Villages @ Johnstown~~The Villages at Johnstown~~ is required to be submitted to the DRC and JRC, and must meet signage codes for the Town of Johnstown. The most restrictive of interpretations shall govern.

## J.1 MATERIALS

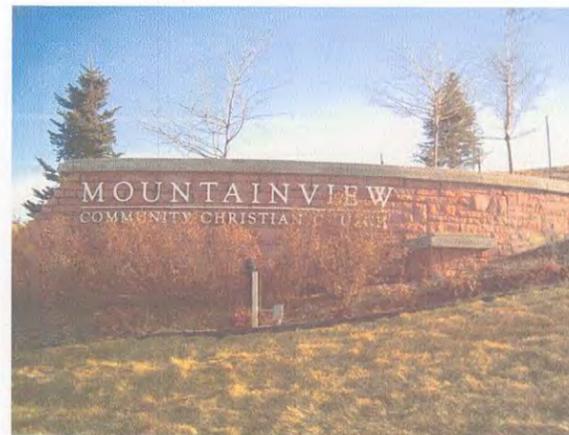
Signs shall be fabricated to be sturdy, self-supporting and able to withstand wind loads. Electrical transformers, switches and conduit must not be visible. Signs must be reflective of the architectural signature consistent with ~~a~~the development. All signs at points of entry and street curb cuts must follow the prototype sign (shown to the right). This sign consists of ~~"Colorado Gold" flagstone~~base with light tan stucco field and champagne cap. Specification can be obtained by the DRC. The "Villages @ Johnstown" logo must be on all projects with the exception of the individual single-family residence. The logo can be found on the cover page of this Performance Standard in the lower right-hand corner.

## J.2 SHAPES AND SIZES

The size of signage at street fronts and ~~projects~~major access points (curb cut) allows a variety of heights, depending on use of land or type of fonts utilized. All parcels are allowed a minimum of a 10' high sign which has a 10' setback. Monument signs are allowed to increase 1' in height for every additional 1' in setback. Thus, a sign 15' high has a 15' setback requirement. This formula determining sign heights may be used, however, there are maximum heights allowed by the Town. Please check your signage codes to determine allowable heights for your specific use.



Sign must be consistent in design concept, and style, ~~however~~however, height and width may be varied to meet the particular needs and objectives of the end user. It is encouraged that the style, general shape and concepts be carried throughout the applicant's signage program.



SIGNS WITH ALL STONE BASES ONLY ARE ALLOWED.



EXAMPLE OF RETAIL SIGNAGE

The following conditions shall apply to signage within ~~The Villages @ Johnstown~~The Villages at Johnstown: users/tenants are allowed a minimum of one sign per street side, ~~if so desired~~. Directional signs are allowed to help direct, and provide useful information to end users. Each sign must have the ~~"The Villages @ Johnstown~~The Villages at Johnstown Logo. In addition to the logo, text area shall not exceed 50 square feet per side (100 square feet per sign). This excludes address numbers which are to be located at the bottom of the sign, 4" above the stone base, centered, 6" high and champagne colored.

The allowable area for signage on a commercial building shall be computed by the Town of Johnstown signage codes.

Corner signs are limited to 1 per building elevations per ~~corner~~user/tenant. The maximum number of flush-mounted signs allowed for each freestanding building is to be determined by frontage, and each tenant is allowed a minimum of 200 square feet.

For multi-tenant retail buildings, if a tenant ~~wants~~requires signage on a monument sign then this area will be deducted from the allowable signage allowed by code. Example: tenant has determined they are allowed 200 square feet in signage. They then elect to have 40 square feet placed on a multi-tenant monument and use the remain 160 square feet to utilize individual surface mounted lettering on an electrical signage rail in the allowable sign band facade. In all cases sign codes and building codes must be met, and no exposed transformers or conduit is permitted, ~~by the Villages~~.

~~For all signs~~The designer must use uncomplicated-simple and readable fonts, and securely fasten signs. Logo signage is allowed, as well as corporate artwork, ~~and color~~. Displays must be clearly readable from a distance, and unobtrusive to others. Signage can be an interesting element in ~~design and design, and~~augment user's-the users, interaction with any facility-experience in the Villages.

~~In all cases a~~No roof signs will be permitted. Street signs and pole mounted signs are subject to DRC and JRC review and approvals.

### J.3 LOCATION

All monument signs have a 10'-0" minimum setback from property lines and must not be in the sight visibility triangle. The same visibility triangle requirements apply to private curb cuts along public streets. Signage must not be located in these sight triangles, but are encouraged to be located as nearby-as-near-as possible, to them.

Each sign must be easily discernable by moving traffic, as well as pedestrians, from across the street or approaching a building on foot or bicycle. Location plays a key role in communicating to the public, and signage locations must be utilized to maximize the legibility of each sign.

Monument signs must also be accompanied with by surrounding landscaping, including annuals mixed in with perennials with episodic bloom.

### J.4 ILLUMINATION

The use of individually peg mounted letters and numbers mounted 1" clear of the sign surface is encouraged. Use ground vault light sources directed at the sign surface or conceal the light source from pedestrians' and motorists' "lines of sight". Avoid light pollution and light spill outside of signage pedestals.

Flashing signs are not permitted under any circumstances. However, signs may change on a 30-minute cycle for retail signs only.

Back lighted-lit signs are allowed, however lettering-Lettering must be individual script, and boxes must match pedestal field materials, texturematerials texture and color. Example, if the monument pedestal field is a stucco beige, tan and a user wishes to use an aluminum box with cut out lettering, back lighted;lit, this is allowed however-with the exception that the box must be flush mounted in the pedestal and must-be finished in the same stucco tan color and texture. All illumination transformers and conduit must be concealed within the box, underground in a waterproof vault or remotely located inside a building.

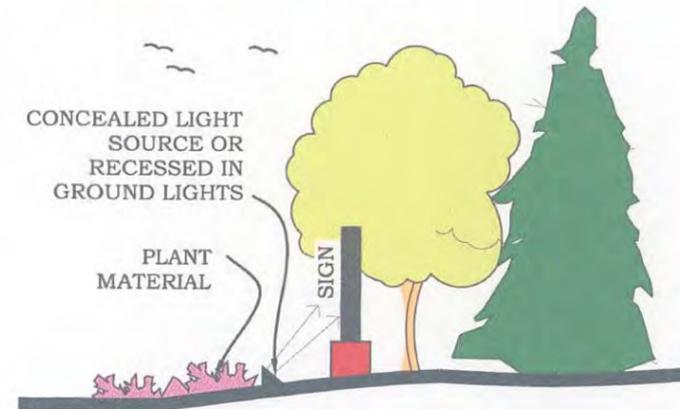
### J.5 TYPES

~~The Villages @ Johnstown~~ The Villages at Johnstown must have a consistent, approved signage program throughout the development. In general, designs of signs shall be of similar, compatible materials that reinforce the design and style of the Villages.

The following signs, styles and types ~~could~~ can be considered:

- Monument Signs:

These signs must be positioned along the primary roadway leading ~~an arrival~~ to a development. Monument signs are also required in center islands, at major points of vehicular entry, and in center landscaped islands servicing servicing residential neighborhoods. The monument sign's purpose is to make availabledisplay tenant name(s) and address. Miscellaneous directional signs, less than 24 S.F., may ~~also~~ be located on sites to provide single user businesses names and addresses, in This would be in lieu of monument scale signs, or may be used for directions.



ALL LIGHTS MUST BE SCREENED FROM VIEW WITH LANDSCAPING, ROCKSCAPES OR RECESSED IN THE GROUND. NO VISIBLE LIGHT SOURCES OR TRANSFORMERS ARE ALLOWED.

Signs may contain logo or "corporation scripted lettering". Multi-tenant buildings or complexes of several buildings may contain removable signage panels for individual users. For multiple tenant buildings such as retail centers, strip malls, flex offices, or multi-story, multi-tenant buildings, signage space ~~in-on~~ in-on a shared ~~monuments sign~~ monument signs can be utilized. ~~In any case a~~ All signs must be submitted to the DRC and JRC for approval, and the Town for

review, approval and permit. All monument signs must use individual letters and/or numbers.

- Flush Wall Mounted Signs:

Flush mounted signs on buildings are allowed provided they do not extend more than 7" from a building face or signage band. They must be "low profile", and integral with building facade. All flush mounted signs are encouraged suggested to ~~be-use~~ individual letters.lettering. Signs allowed corporate logos, colors and corporate style fonts. If corporate art uses script then script is allowed. However, in the event this is not the case then all letters shall be of individual characters.

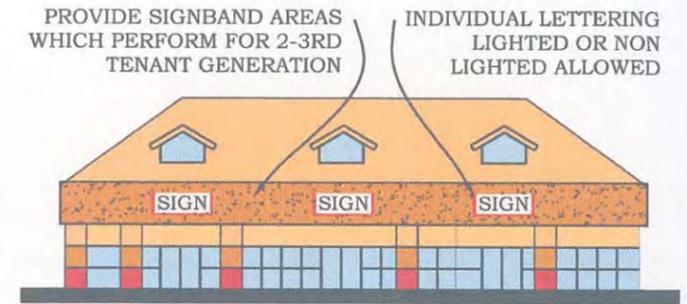
Flush mounted signs are allowed for retail, industrial and commercial use. Typically, these signs are located at grade levels for retail buildings, but are also allowed higher for multi-story mixed use or office buildings.

- Projecting Signs:

Signs may project from a building provided they are a minimum of 12 feet above the finished grade, floor, or slab below them. Signs may not be more than 8 S.F. on any side or extend beyond a surface more than 6 feet. All projected signs must meet ADA.

- Flashing Signs:

Flashing or kinetic signs are generally not allowed. However, the DRC and JRC may upon individual submittal approve of such a sign provided that they do not affect the safety of passing motorist. Signs are allowed with changing displays provide that the interval of change is 30 minutes or more.



SURFACE MOUNTED OR FLUSH STYLE SIGNAGE ALLOWED

- Surface Mounted Signs:

Surface mounted signs on buildings are allowed provided they are securely fastened to substrate. These are typically for address signs, and in some cases used in a sign band application. It is recommended that the letters be a minimum of 1" deep and contract on substrate surfaces.

- Miscellaneous Signs:

Some miscellaneous signs on buildings are allowed while others are not. For example, vinyl signs adhered to interior glass surfaces are allowed for suite address and identification. Signage to identifying service doors and dock doors are allowed for directional information. These signs must be limited in scale without calling too much attention.

Color wash, or paints applied to windows, is not allowed. However gold gilded lettering with addresses or name can be used, provided they do not exceed 8" in height.

- Pole Mounted Signs:

Pole mounted signs may be utilized for handicap parking, reserved parking, motorcycle parking, visitor parking, directional, and height restriction signage.



## K. FURNISHINGS

Site furnishings are encouraged with all public and private projects. Furnishings should be an attractive component within the development, and are subject to DRC and JRC approval. It is essential that all furnishing be similar in style and color. For this reason, all furnishings are to be pre-finished heather green unless otherwise approved by the DRC.—Furnishings are suggested to be factory finished, not painted in the field. This requirement will be enforced throughout The Villages @ Johnstown~~The Villages @ Johnstown~~, in both commercial developments and residential public areas.

### K.1 FURNISHINGS

Install benches that are visually attractive and comfortable to sit in. Outdoor seating should be available in rest areas, plazas, bus stops, areas of interest, or in areas that capture views. They may also be considered at building entries and pick up zones under porte cocheres or protected zones. Locate furniture in shady areas protected from the sun and out of areas that may freeze and become icy. Allow for a variety of arrangements and sizes. Design planters that allow seating areas that match the architectural building finishes.

Trash and miscellaneous receptacles must also match standard furnishings within the development. Select matching styles, finishes, textures and materials.

Utilize tree grates in areas where other landscaping designs are difficult to implement. This is a great way to “green up” large areas of concrete, plazas, sidewalks and expanses of paved areas.

Trees will add welcome shade. Landscape designers must consider canopy sizes at maturity, and not over-size or under-size trees for a particular application. Grates must also be traffic rated for paths used by maintenance or service vehicles.

Trash enclosures must contain metal dumpster bins with lids located near service entries. Protect enclosures with steel bollards filled with concrete, and paint a “safety color”. Place concrete slabs in all enclosures. Consult your geotechnical engineer and structural engineer for proper slab design. Always extend the concrete slab to support trash truck point and turning loads anticipated in these areas. Trash enclosures adjacent to non-paved areas should include plant material to aid in screening trash enclosures from view.

Small pedestrian trash receptacles are allowed provided that they are in keeping with the seating, benches and light bollards style etc. They must be secured in place, and a trash service program must be in place for daily trash pickup.

Bike racks must be “U” style which can accommodate several sizes and types of bicycles. They must be located to encourage use and ease of accessibility. Position them in activity areas within The Villages @ Johnstown~~The Villages @ Johnstown~~. Locate racks adjacent to primary entries, and allow ample space for dismount and passage around parked bikes.

### K.2 MISCELLANEOUS FURNISHINGS

Select furnishings which complement each other.

EXAMPLE OF PEG MOUNTED SIGN – PEG MOUNTED SIGNS ARE ENCOURAGED.

## L. ENVIRONMENTAL

conserve water resources. Selecting recycled building materials, and taking advantage of solar orientation are additional examples. Environmentally sound programs by all new applicants will be required to satisfy the DRC and JRC.

There are many people and types of uses in The Villages @ Johnstown~~The Villages @ Johnstown~~. The Villages have all the ingredients for stimulating economic growth in a self-sufficient community. The setting is ideal, overlooking the Rocky Mountains. Protecting the new development, its land and resources is an ongoing process. The key to the ongoing stability and quality of The Villages @ Johnstown~~The Villages @ Johnstown~~ area must be shared by all.

Each newly developed parcel should practice environmentally friendly practices. Respecting the environment, smart material selections, and respecting the natural surroundings will achieve an enduring value for all. The Villages @ Johnstown~~The Villages @ Johnstown~~ encourages sensible and environmentally conscious growth. Utilize and implement environmentally friendly programs, sustainable construction, energy conservation, and other “green” solutions. The Villages @ Johnstown~~The Villages @ Johnstown~~ encourages environmentally sound designs that will demonstrate a forward-thinking community.

All applicants are encouraged to submit an environmental plan for each development. Conservation of resources such as low water shower faucet heads and water closets help

Efficient systems such as computer operated/guided energy controls, recycled ceiling and flooring products, smart technologies and local materials are great ideas that can easily be incorporated. Applicants, developers and owners in The Villages @ Johnstown~~The Villages @ Johnstown~~ will be expected to “make a difference” in managing sustainable design concepts. Many systems and programs on the market today are cost efficient and may save upfront investments or long run operating cost.



## M. CONSTRUCTION

Construction and phasing of new work in ~~The Villages @ Johnstown~~The Villages at Johnstown requires ~~the~~ essential planning and execution. The development is vast in scale and ongoing construction ~~as well as~~ and maintenance will impact the community. Strategic planning and properly enacted construction methods are critical. ~~Construction will have a substantial impact on surrounding property owners.~~ All projects will be required to ~~enact proper procedures and~~ implement methods of construction ~~to that will~~ minimize the impact ~~that new improvements can encumber on existing neighboring properties.~~ on the community. Owners will ~~also~~ be responsible for ongoing operation, maintenance, and services that will ~~require solutions to~~ minimize any inconveniences to surrounding parcels. Each development will be required to meet with the DRC ~~and to validate review~~ construction procedures ~~from project start to finish, and criteria that protect the Town, DRC and the Villages community during all stages of construction.~~

### M.1 CONSTRUCTION STAGING

New and ongoing construction teams must ~~constantly devise conceived~~ implement strategies to guard against improper methods of construction, ~~and any hindrance to neighbors.~~ Schedules must be planned and adjacent Adjacent owners must be notified of short or long-term inconveniences during construction. It is mandatory that any parcel under construction ~~shall will~~ prepare and have accessible ~~for~~

~~examination by the DRC or Town~~ a "Construction Phasing Plan". This plan must ~~illustrate~~ outline the schedule of trade services, ~~outline~~ staging areas, erosion control methods, fire protection, emergency vehicular access, site services, vehicle delivery zones, parking controls, and general construction time frame. ~~charts.~~

### M.2 TEMPORARY FACILITIES

~~The Villages @ Johnstown~~The Villages at Johnstown will not allow temporary facilities other than temporary construction trailers and temporary sales offices. Each must obtain permits from the Town including temporary water, power and communication services. The Construction Phasing Plan must also include the placing and removal of temporary structures, construction trailers, signage, utilities, and schedule the repair, patching or landscaping of the temporary facilities.

### M.3 MAINTENANCE

Ongoing maintenance, operations, and site services are required to continually demonstrate the Villages quality of life.

### M.4 CONSTRUCTION CONTROLS

Implement a well-conceived construction control plan to manage dust, mud, contamination, etc. on and off site. All forms of construction debris must be kept to a minimum. Eliminate downwind fumes, gasses and construction debris. Minimize onsite trash. Do not allow materials off site and on adjacent property. Sites must be secured at all times during construction. Measures must be taken to provide protective structures to ensure pedestrians, workers and the public are protected from construction. Emergency access must be provided for fire and rescue, and emergency lanes must be clear for all emergency equipment at all times.

All sites must implement mud and debris control onsite and remove mud and debris off site. Contractors are requested to submit a cleanup schedule and will be required to minimize the construction impact to ~~The Villages~~ @ JohnstownThe Villages at Johnstown and the Town of Johnstown.

# N. RESIDENTIAL

## N.1 SUBMITTALS

The submittal process for Single Family and Multi-Family residential is very similar to the submittal process outlined in A.2, page 3. However, for the single family/single owners the process is abbreviated. To assist the applicant, a "Single Family Submittal Kit" from the DRC is available. This kit will outline the documents and drawings required for DRC submittals.

## N.2 ARCHITECTURAL STANDARDS

The items listed below are the Performance Standards for single family residential areas. Upon acceptance of the applicant's preliminary plans, elevations, and materials boards by the DRC and JRC, applicants may apply for a building permit to the Town of Johnstown.

Each applicant ~~may~~ must provide construction documents for custom-submittal home plans. Stock plans are ~~discouraged, discouraged~~ and modular or factory-built dwellings are not allowed. Multi-family plans will require approval of the DRC and JRC prior to applying for building permit. Plans must meet the design guidelines available from the Town of Johnstown.

Builders and owners are required to create a variety of architectural styles in the development. Encouraging diversity is preferred. No single family detached home model elevation should be repeated for a minimum of three lots on either side, or across the street. All homes must have the DRC and JRC approval, and permits from the town.

Site furniture please refer to Section K for this information.

Roofing shall be of simulated cedar shake shingle, simulated stone, stone, terracotta, concrete tile, or other approved materials

accepted by the DRC and JRC. In the case of asphalt shingles, a 40-year architectural shake style is required. Roofing materials shall be of earth tone colors and in the case of simulated shingles, may also include dark gray and dark green. Traditional terra cotta colored clay and concrete tiles (a variety of colors) are acceptable.

Side entry garages are preferred. Staggered front yard setbacks are highly encouraged to alleviate garages dominating the streetscape. A minimum of ~~60~~50% of the front façade of any home will be non-garage area for two-story homes and ranch style homes ~~40~~30%.

Trim will be required around the perimeter of all doors and windows on all four sides, unless replaced by brick or stone.

All plans will include brick, stone or stucco (optional) on front elevations.

The following minimum percentage will apply to stucco, brick and/or stone for single and multi-family.

- Front elevation: 30%
- Side elevation:     -Wrap all -sides 4'-0",  
e      consistent with front  
     elevation.
- Rear: Optional

The DRC and JRC may allow a modification to the percentage, and are allowed to view each proposal on a case by case basis.

The following maximum percentages of stucco are allowed:

- Side elevation: 50%
- Rear elevation: 80%

Percentage shall be calculated as a percentage less doors, windows and garage doors. Cantilevered areas where masonry cannot be attached shall be included in the calculation. The material needed to meet the minimum calculation shall be provided in an alternative location on the same façade.

Landscaping must be installed as soon as possible either during or immediately following

construction. Weather permitting, landscaping must be installed no later than five months, and not exceed one growing season. The lot shall be suitably landscaped with grass, shrubs and trees. It is the intent that each lot shall be fully landscaped. Plant material native to this climate, and the addition of sprinkler systems for areas requiring weekly mowing, are strongly encouraged. All lot landscaping plans must be approved by the DRC and architectural control committee prior to installation of materials. All landscaping shall be maintained by the property owner.

The dominant colors on homes are encouraged to be earth tones such as, beige, putty, taupe, browns, greens, slates and grays. Other colors will be subject to approval by the DRC and JRC.

There will be a variation in porch and covered entry design. Front porches must have a minimum depth of eight feet. All plans will have a covered entry, either built-in as part of the roof, or by means of a porch.

Owners and builders are encouraged to use a variation in roof massing and style, including but not limited to gable, hip, arched or a combination of these.

The following items will be allowed to encroach into the setback a maximum of 24": eaves, overhangs, fireplaces, and cantilevers, vents, projecting windows, decks and similar architectural features.

Decks under 30" in height, with or without a rail may encroach into the front setback a maximum of 5'. Covered decks and porches may extend 10' into front setbacks.

No deck shall be above the main level of the home, unless integrated into the home design through the support of at least two walls of the home, or, one wall with structural columns.

Stairs from a raised deck shall vary in treatment so that adjacent decks do not have identical stair treatment. This includes inset steps, horseshoe configuring and straight line (parallel) to departure from the deck. No second

story stairs shall be at right angles to the deck.

Accessory structures as permitted by the DRC and JRC shall be architecturally compatible with the dwelling.

Accessory structures permitted: garages, work shelters, sheds (provided they match the house), gazebos, sun decks with shade trellis, observatories, arbors, weather protection shelters, green houses, pool houses and pools, outdoor barbecues, eating preparation and sitting areas.

Any element of construction, not specifically shown in graphic or written form shall conform to the requirements of International Residential Code.

No temporary building or structure shall be placed upon any lot, except by the developer or real estate company for use in connection with sales lots. Prior written consent of the DRC and permit from the Town of Johnstown is required. Consent for temporary buildings shall be granted only for a specific social, cultural, entertainment or recreational purpose of short-term duration.

## N.3 FENCES

Picket style fences will be allowed in front yards, not to exceed 36" in height. 6' high. Fencing is allowed at the rear and sides of the dwelling, and shall not extend beyond the front of the house. Fencing along arterial streets must be installed by developers. Fences bordering streets must be 6' high using decorative materials with masonry columns at 100' O.C. All fencing must be approved by the DRC and JRC.

Rear and side yard fencing for lots that are adjacent to open space, or parks for ~~the Villages @ Johnstown~~ The Villages at Johnstown shall be installed and maintained by homeowner, and shall be a 3-rail, 6' high opaque cedar fence with 4" wide planks. Installation of fencing is required prior to issuance of Certificate of Occupancy. All alternative fencing must be approved by the DRC and JRC.

All drive lanes, drive way and entry sidewalks must be paved with concrete, brick, stone or a combination of.

~~Vary single family detached home setbacks 3' lot to lot.~~ Home setback should vary in depth lot to lot for visual interest.

Building setbacks:

- Front: 20'-0" minimum clear of sidewalk or other pedestrian paths or property line with no sidewalks
- Side: 5'-0"
- Rear: 5'-0"

Garage setbacks:

- Front loaded garages allowed
- Rear: 5'-0"
- Side: 5'-0"
- Front: 10'-0" side loaded (only for multi-family residential)

All single-family garages must accommodate a minimum of two cars per household.

#### N.4 RESIDENTIAL PHOTO EXAMPLES



BRICK-STONE FRONT FACADE WITH 8' DEEP PORCH.

#### N.5 MINIMUM SIZES

Single family residences and multi-family housing will have requirements for minimum sizes allowed in the Village. These sizes are as follows:

Apartment units: 650 G.S.F.

*25% maximum allowed*

Single family home: 1,400 G.S.F.

*15 -20% maximum allowed*

**RESIDENTIAL PHOTO EXAMPLES**



*EXAMPLE OF BAY WINDOWS*



*EXAMPLE OF HOME WITH WITH COVERED FRONT PORCH*



*EXAMPLE OF COVERED ENTRANCE*



*EXAMPLE OF HOME WITH MASONRY*

**MULTI-FAMILY RESIDENTIAL PHOTO EXAMPLES**



**EXAMPLE OF STONE FACADE WITH COVERED ENTRY APARTMENTS**



**EXAMPLE OF HOME WITH RESIDENTIAL VILLAGE THE GARAGE LOATED AT THE REAR OF SITE WITH MULTI USES**



**EXAMPLE OF STONE FACADE WITH 8' DEEP PORCH. TOWNHOMES WITH SOLAR**

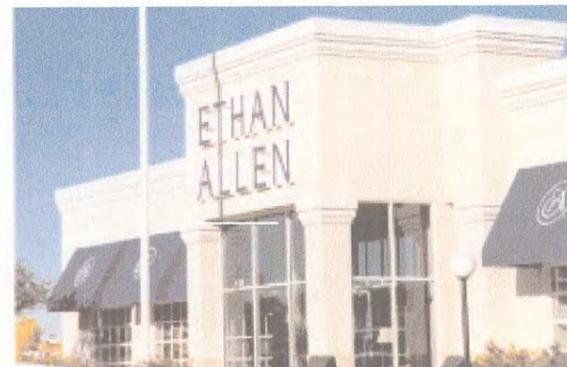


**EXAMPLE OF HOME WITH THREE STORY BRICK APARTMENTS STONE AND**

## RETAIL EXAMPLES



EXAMPLE OF BRICK AND SIGNAGE



EXAMPLE OF ONE STORY BUILDING WITH STUCCO AND AWNINGS



EXAMPLE OF BRICK WITH ROOF ELEMENTS AND MULTI-TENANT SCHEME

## OFFICE EXAMPLES



EXAMPLE OF MULTI-STORY AND MIXED MATERIALS ON EXTERIOR



EXAMPLE OF ONE-STORY WITH SIMULATED STONE WALLS



EXAMPLE OF TWO-STORY WITH BRICK ENTRY AND BRICK ON LOWER LEVEL

## INDUSTRIAL EXAMPLES



EXAMPLE OF TWO-STORY OFFICE SHOWROOM AND DISTRIBUTION



EXAMPLES OF OFFICE AND DISTRIBUTION CENTER



EXAMPLE OF BRICK BUILDING WITH ENTRY TOWER ELEMENTS

**AGENDA ITEM 10C**

**INTERGOVERNMENTAL  
AGREEMENT**

**ASSESSMENT, COLLECTION  
AND REMITTANCE OF  
EMERGENCY SERVICES IMPACT FEES**

**(Front Range Fire Rescue Protection  
District)**

**TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** December 3, 2018

**ITEM NUMBER:** 10C

**SUBJECT:** Consider Intergovernmental Agreement with the Front Range Fire Rescue Fire Protection District for the Assessment, Collection and Remittance of Emergency Service Impact Fees

**ACTION PROPOSED:** Approve Intergovernmental Agreement with the Front Range Fire Rescue Fire Protection District for the Assessment, Collection and Remittance of Emergency Service Impact Fees

**PRESENTED BY:** Matt LeCerf, Interim Town Manager

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**AGENDA ITEM DESCRIPTION:** In 2016, the Colorado General Assembly amended the Public Safety Fairness Act to permit a local government to impose impact fees for fire protection districts that provide fire protection, rescue and emergency services for new development. C.R.S. § 29-10-104.5. If a local government, in its sole discretion, elects to impose an impact fee, then the local government and the fire protection district are required to enter into an intergovernmental agreement. C.R.S. § 29-10-104.5(2)(c).

The Front Range Fire Rescue Fire Protection District (“District”) obtained an impact fee study which was presented to the Town Council on November 5, 2018. The information provided to Council included a recommendation to set the impact fees at 70% of the study’s calculation on new development in the area of the Town served by the District. Town Council directed Staff to bring the impact fee ordinance to the following Council meeting (November 19) with a final reading of the ordinance set for December 3, 2018. As part of enacting the impact fees (passage required by ordinance), an IGA permitting for the assessment, collection and remittance of the impact fee must also be approved between the Town and the District. Accordingly, the IGA presented for consideration achieves this objective.

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**LEGAL ADVICE:** The Intergovernmental Agreement for the Assessment, Collection and Remittance of Emergency Service Impact Fees was drafted by the District’s counsel and by the Town Attorney.

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**FINANCIAL ADVICE:** N/A

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**RECOMMENDED ACTION:** Approve Intergovernmental Agreement for the Assessment, Collection and Remittance of Emergency Service Impact Fees.

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**SUGGESTED MOTIONS:**

**For Approval:** I move to approve the Intergovernmental Agreement with the Front Range Fire Rescue Fire Protection District for the Assessment, Collection and Remittance of Emergency Service Impact Fees and authorize the Mayor to sign it.

**For Denial:** I move to deny approval of the Intergovernmental Agreement with the Front Range Fire Rescue Fire Protection District for the Assessment, Collection and Remittance of Emergency Service Impact Fees.

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**Reviewed:**

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**Town Manager**

**INTERGOVERNMENTAL AGREEMENT FOR THE ASSESSMENT, COLLECTION, AND  
REMITTANCE OF EMERGENCY SERVICES IMPACT FEES  
FOR FRONT RANGE FIRE RESCUE FIRE PROTECTION DISTRICT**

This intergovernmental agreement for the assessment, collection, and remittance of emergency services impact fees ("Agreement") is entered into by and between the Town of Johnstown ("Town") and the Front Range Fire Rescue Fire Protection District ("District"). The Town and the District are referred to collectively as the "Parties" or individually as a "Party."

**RECITALS**

**WHEREAS**, the Town is a home rule municipality of the State of Colorado ("State") and the District is a political subdivision of the State, formed pursuant to Title 32, Colorado Revised Statutes ("C.R.S.");

**WHEREAS**, the District was formed to provide fire suppression, fire prevention, emergency medical, emergency rescue, and hazardous materials services (collectively, "Emergency Services"), as well as other services, to the citizens and their property within its jurisdiction, and to individuals passing through its jurisdiction;

**WHEREAS**, the District's jurisdiction currently encompasses property that lies within the Town's jurisdictional boundaries;

**WHEREAS**, pursuant to § 29-20-104.5, C.R.S. ("Impact Fee Act"), the District is permitted to receive and spend impact fees or other similar development charges imposed pursuant to the provisions of, and for the purposes described in, the Impact Fee Act;

**WHEREAS**, the District obtained an Impact Fee Study dated October 3, 2018, to evaluate the essential nexus between new development within the District's jurisdictional boundaries and the projected impact that such development has on the District's Capital Facilities ("Nexus Study"). The Nexus Study quantified the impacts of both new residential and new non-residential development on the District's Capital Facilities;

**WHEREAS**, on October 10, 2018, the District's Board of Directors ("Board") adopted a Resolution approving an impact fee schedule at levels no greater than necessary to defray the impacts directly related to development within the District's jurisdiction as determined by the Nexus Study ("Impact Fee Schedule"). A copy of the approved Impact Fee Schedule is attached as Attachment 1; and

**WHEREAS**, in accordance with § 29-20-104.5(2)(c), C.R.S., the Parties desire to enter into this Agreement to define the District's impact fees, and the details of assessment, collection, and remittance, all in accordance with the requirements of the Impact Fee Act.

**NOW, THEREFORE**, in consideration of the mutual promises contained within this Agreement, the Parties hereby agree as follows:

## **AGREEMENT**

**1. Definitions.** In addition to the definitions provided elsewhere in this Agreement, the terms “Development Permit” and “Capital Facility(ies)” shall be defined as provided in § 29-20-103(1), C.R.S., and § 29-20-104.5(4), C.R.S., respectively, including any amendments thereto. The Parties agree that the Town’s issuance of a building permit constitutes a “preliminary or final approval of an application” as provided by § 29-20-103(1), C.R.S., such that, for purposes of this Agreement, a building permit issued by the Town is a “Development Permit.”

**2. Establishment of District Impact Fee.**

- a. The Town agrees to impose an impact fee on new development that currently is located within both the Town and the District, or that in the future becomes located within the Town and the District, in accordance with the attached Impact Fee Schedule, subject to inflation as set forth herein (“District Impact Fee”). The District Impact Fee shall be imposed on all new development for which a Development Permit application is submitted to the Town on or after the effective date of this Agreement as provided in Paragraph 4 below; provided, however, that the Town shall not be subject to the District Impact Fee for Town-owned developments. On January 1, 2020, and on January 1st of each year thereafter in which the District Impact Fee is in effect, the amount of the District Impact Fee per dwelling unit for residential development and/or per square feet of non-residential development may be automatically adjusted to account for inflationary increases as provided in Section 17-223 of the Johnstown Municipal Code, as amended from time to time.
  
- b. The District will update the Nexus Study no less frequently than every five (5) years (“Updated Nexus Study”). If the Updated Nexus Study recommends any changes to the Impact Fee Schedule, then the District Board may, after considering such recommendations, adopt a Resolution seeking an updated Impact Fee Schedule at a level no greater than necessary to defray the impacts of new development on the District’s Capital Facilities (“Updated Impact Fee Schedule”). The District shall thereafter submit to the Town a copy of: (i) the Updated Impact Fee Schedule; (ii) the Resolution seeking the Updated Impact Fee Schedule; and (iii) the Updated Nexus Study. Upon receipt and consideration of the foregoing, the Town may, in its discretion, adopt and impose the Updated Impact Fee Schedule as provided in the Impact Fee Act. In exercising its discretion, the Town may confer with the District with respect to the Updated Impact Fee Schedule, the Updated Nexus Study, or any other matter related thereto. Notwithstanding the foregoing, if the Updated Nexus Study recommends a decrease to all or any part of the Impact Fee Schedule, the Parties shall take the

requisite actions necessary to implement the Updated Impact Fee Schedule to reflect the recommended decrease.

- c. The Town retains the right to waive the District Impact Fee on the development of low- or moderate-income housing or affordable employee housing as defined by the Town, as provided in § 29-20-104.5(5), C.R.S., and the right to defer payment of the District Impact Fee until the issuance of a certificate of occupancy as provided in § 29-20-104.5(6), C.R.S. If waived, the Town shall not be required to backfill the District Impact Fee.

### 3. Procedures for Assessment, Collection, and Remittance.

- a. As part of its Development Permit application process, the Town shall require the developer of any proposed new development within the District's jurisdictional boundaries to confer with the District regarding whether, under the Impact Fee Schedule (or any Updated Impact Fee Schedule), a District Impact Fee is owed and, if owed, the amount of the District Impact Fee. The developer and the District may mutually determine whether an in-kind contribution will be made by the developer to the District in lieu of paying all or any portion of a District Impact Fee ("In-Kind Contribution"). The developer and the District shall sign an Impact Fee Form that is substantially the same as the form attached as Attachment 2, stating one of the following: (i) a District Impact Fee is not owed; (ii) a District Impact Fee is owed and the amount of the District Impact Fee; or (iii) the developer will make an In-Kind Contribution as described in the Impact Fee Form. The District shall be solely responsible for determining whether a District Impact Fee is owed and the amount of such District Impact Fee and/or whether an In-Kind Contribution will be accepted in lieu of a District Impact Fee.
- b. The developer shall submit the signed Impact Fee Form along with a check made payable to "Front Range Fire Rescue" in the amount of the District Impact Fee, if any is owed, with the other documentation required by the Town as part of the Development Permit application process. The Town shall hold the check until the Development Permit application is approved or denied.
- c. In the event the Town is required to collect the District Impact Fee at any time other than concurrently with the fees collected as part of the Development Permit application process, then the Town may assess an administrative fee of up to 2.0% of the District Impact Fee to cover the actual and reasonable costs related to the collection and remittance of District Impact Fees.
- d. For purposes of subparagraphs (a) through (c) of this Paragraph 3, the "Development Permit application process" shall be deemed to mean the Town's

building permit application process, unless the requirement to pay the District Impact Fee is deferred until the issuance of a certificate of occupancy as provided in subparagraph (c) of Paragraph 2.

- e. If the Town denies the Development Permit application, the developer shall not be required to pay a District Impact Fee or make an In-Kind Contribution to the District. In that case, the developer may obtain the check back from the Town. If the Town grants the application and issues a Development Permit, the Town shall notify the District, and the District may obtain the check from the Town.
- f. Notwithstanding the foregoing, if the developer will make an In-Kind Contribution in lieu of paying all or part of the District Impact Fee, then the Town shall notify the District if it grants the application and issues a Development Permit, and the District shall be solely responsible for receiving the In-Kind Contribution.
- g. The District shall not require a developer to provide any site-specific dedication or improvement to meet the same need for Capital Facilities for which the District Impact Fee is imposed. The District further agrees not to seek a District Impact Fee from a developer if the developer already is required to pay an impact fee or other similar development charge for another Capital Facility used to provide similar Emergency Services, or if the developer has voluntarily contributed money for such other Capital Facility.
- h. The District shall account for all District Impact Fees in accordance with Part 8 of Article 1 of Title 29, Colorado Revised Statutes.

**4. Effective Date and Term.** This Agreement shall be effective fourteen (14) days after the Town Council approves and adopts an ordinance on second reading amending Section 17-230(b) of the Johnstown Municipal Code to add the District Impact Fee, and shall continue in effect until terminated in accordance with its terms. Notwithstanding the foregoing, this Agreement shall not apply to developments, or portions thereof, within the Town that, prior to the effective date of this Agreement, have obtained a footing and foundation permit even if the developer has not yet obtained a Development Permit.

**5. Termination.**

- a. The Parties may at any time mutually agree in writing to terminate this Agreement.

- b. The District may at any time terminate this Agreement upon 30 calendar days' prior written notice to the Town.
- c. The Town may at any time provide written notice of intent to terminate this Agreement to the District. Upon receipt of the written notice, the Town and the District, or their authorized representatives, shall meet to discuss, in good faith, whether any amendments may be made to this Agreement or to the District Impact Fee upon which the Parties would mutually agree to continue this Agreement. If the Parties are unable to agree upon any such amendments, then the Town's notice of termination, if given in the first six months of a calendar year, shall be effective at the end of that calendar year and, if given in the second six months of a calendar year, shall be effective on December 31 of the calendar year after the year in which the notice is given.

- 6. Default.** If either Party defaults in its performance under this Agreement, the non-defaulting Party shall provide written notification to the defaulting Party of the default. The defaulting Party shall have the right to cure, or to make substantial efforts to cure, the default within 30 calendar days after the non-defaulting Party's notice of default is given. If the defaulting Party fails to cure, or to make substantial efforts to cure, the default within the 30-day period, the non-defaulting Party, at its option, may immediately terminate this Agreement or may elect to treat this Agreement as being in full force and effect. If the non-defaulting Party elects to treat this Agreement as being in full force and effect, then the non-defaulting Party shall have the right to bring an action for any remedy available to such Party in equity or at law; provided that any remedy of damages shall be limited to actual moneys owed and accrued interest.
- 7. Governmental Immunity.** Nothing in this Agreement shall be construed as a waiver of the limitations on damages or any of the privileges, immunities, or defenses provided to, or enjoyed by, the Parties under common law or pursuant to statute, including but not limited to the Colorado Governmental Immunity Act, §§ 24-10-101, C.R.S., *et seq.*
- 8. Defense of the Town.** To the extent permitted by law, the District shall indemnify and hold harmless the Town, its officers, agents, and employees from and against any and all claims, liabilities, costs, expenses, penalties, attorneys' fees, and defense costs (collectively, "Claims") arising from a denial of a certificate of occupancy or other Town-issued permit due to nonpayment of any District Impact Fee or failure to make an In-Kind Contribution or the failure of the District to comply with § 29-20-104.5, C.R.S. To the extent permitted by law, the District shall, at its own cost, investigate, handle, respond to, and defend against such liability, claims, or demands related thereto and shall bear all other related costs and expenses, including court costs and attorneys' fees. The District shall have the right to select legal counsel to represent it in connection with any Claims coming within this Paragraph 8.

**9. Entire Agreement.** This Agreement is the entire agreement between the Parties with respect to the matters covered by it, and supersedes any prior understanding or agreement, oral or written, with respect thereto.

**10. Notices and Requests.** Any notice permitted or required by this Agreement shall be in writing and shall be hand-delivered or sent by certified or registered mail, postage prepaid, return receipt requested, to the following addresses. Notices are effective upon receipt.

Town of Johnstown  
Attn: Town Manager  
450 S. Parish Avenue  
Johnstown, CO 80543

Front Range Fire Rescue  
Attn: Fire Chief  
101 S. Irene Avenue  
Milliken, CO 80543

**11. Financial Obligations of the Parties.** Any financial obligation of a Party under this Agreement is contingent upon budgeting, appropriation and availability of specific funds to discharge those obligations. Nothing in this Agreement constitutes a debt, a direct or indirect multiple fiscal year financial obligation, a pledge of a Party's credit, or a payment guarantee by one Party to the other.

**12. Dispute Resolution.** In the event of any dispute or claim arising from or related to this Agreement, the Parties shall use their best efforts to settle such dispute or claim through good faith negotiations with each other. If such dispute or claim is not settled through negotiations within thirty (30) days after the earliest date on which one Party notifies the other Party in writing of its desire to attempt to resolve such dispute or claim through negotiations, then the Parties agree to attempt in good faith to settle such dispute or claim by mediation conducted under the auspices of the judicial Arbitrator Group ("JAG") of Denver, Colorado or, if JAG is no longer in existence, or if the Parties agree otherwise, then under the auspices of a recognized, established mediation service within the State of Colorado. Such mediation shall be conducted within sixty (60) days following either Party's request therefor. If such dispute or claim is not settled through mediation, then either Party may institute a civil action in the District Court for Weld County.

**13. Miscellaneous.** Colorado law governs this Agreement. Jurisdiction and venue shall lie exclusively in Weld County District Court. This Agreement may be amended only by a document signed by the Parties. Course of performance, no matter how long, shall not constitute an amendment to this Agreement. If any provision of this Agreement is held invalid or unenforceable, all other provisions shall continue in full force and effect. Waiver of a breach of this Agreement shall not operate or be construed as a waiver of any subsequent breach of this Agreement. This Agreement shall inure to the benefit of

and be binding upon the Parties and their legal representatives and successors. Notwithstanding any other provision of this Agreement to the contrary, in no event shall either of the Parties be required to exercise any power or take any action which is prohibited by applicable law. Neither Party shall assign this Agreement. This Agreement is not intended to, and shall not, confer rights on any person or entity not named as a party to this Agreement. This Agreement may be executed in counterparts and by facsimile or electronic PDF, each of which shall be deemed an original and all of which shall constitute one and the same instrument.

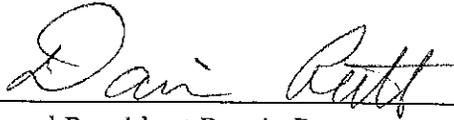
**[SIGNATURE PAGE IMMEDIATELY FOLLOWS]**

IN WITNESS WHEREOF, the Parties have executed this Agreement.

TOWN OF JOHNSTOWN, a home rule  
Municipality of the State of Colorado

FRONT RANGE FIRE RESCUE  
FIRE PROTECTION DISTRICT, a public  
entity of the State of Colorado

By: \_\_\_\_\_  
Mayor Scott James

By: \_\_\_\_\_  
Board President Darrin Rutt

Date: \_\_\_\_\_

Date: 11/14/2018

ATTESTED:

ATTESTED:

\_\_\_\_\_  
Town Clerk Diana Seele

\_\_\_\_\_  
Board Secretary Jim Young

**ATTACHMENT 1**

**FRONT RANGE FIRE RESCUE FIRE PROTECTION DISTRICT  
EMERGENCY SERVICES IMPACT FEE SCHEDULE**

**Effective: December 18, 2018**

<b>RESIDENTIAL</b>	
<b>UNIT TYPE</b>	<b>FEE PER DWELLING UNIT</b>
Single Family or Two-Family	\$1,087.00
Multi-Family	\$692.00
<b>NON-RESIDENTIAL</b>	
<b>UNIT TYPE</b>	<b>FEE PER SQUARE FOOT</b>
Any Non-Residential	\$0.60

No developer or landowner is required to provide any site specific dedication or improvement to meet the same need for capital facilities for which an impact fee is imposed pursuant to this schedule, and no impact fee will be imposed on a developer or landowner if that individual is already required to pay an impact fee or other similar development charge for another capital facility used to provide similar Emergency Services, or if the individual has voluntarily made a commensurate contribution of money for such other capital facility.

**ATTACHMENT 2**

**FRONT RANGE FIRE RESCUE FIRE PROTECTION DISTRICT  
IMPACT FEE FORM**

<b>DEVELOPER INFORMATION</b>			
Development Company		State of Incorporation	
Address			
Telephone		Fax	
<b>CONTACT PERSON</b>			
Name		Title	
Office Telephone		Cell Phone	
Email Address			
<b>DEVELOPMENT INFORMATION</b>			
Name of Development		Location (Address or Cross Streets)	
<b>RESIDENTIAL UNITS</b>		<b>NON-RESIDENTIAL USES</b>	
Single- or Two-Family (\$1,087.00 per unit)		Non-Residential Uses (\$0.60 per square foot)	
Multi-Family (\$692.00 per unit)		Total Square Feet:	
<b>IMPACT FEE DETERMINATION</b>			
Check One: <input type="checkbox"/> No impact fee owed or <input type="checkbox"/> Impact fee owed in the amount of: \$_____			
If applicable: <input type="checkbox"/> An in-kind contribution will be made in lieu of paying all or a portion of an impact fee. Description of the in-kind contribution (attach additional information if necessary) and amount of impact fee off-set:			

The developer must submit this signed Impact Fee Form with the other documentation required by the Town of Johnstown as part of its development permit application process. If the Town denies the application, the developer is not required to pay the Impact fee or make an In-Kind Contribution to the District. If the Town grants the application and issues a development permit, the developer must pay the Impact Fee and/or make the In-Kind Contribution, or enter into a written agreement with the District to make the In-Kind Contribution before the Town will issue a Certificate of Occupancy in connection with the development.

**DEVELOPER:**

**FRONT RANGE FIRE RESCUE  
FIRE PROTECTION DISTRICT:**

By: \_\_\_\_\_

By: \_\_\_\_\_, Fire Chief

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**AGENDA ITEM 10D**

**RESOLUTION NO.  
2018-19**

**SUMMARIZING EXPENDITURES  
AND REVENUES**

**FOR EACH FUND**

**TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** December 3, 2018

**ITEM NUMBER:** 10D

**SUBJECT:** Resolution No. 2018-19, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town Of Johnstown, Colorado for the Calendar Year Beginning on the First Day of January, 2019 and Ending on the Last Day of December, 2019

**ACTION PROPOSED:** Approve Resolution No. 2018-19

**PRESENTED BY:** Town Clerk/Treasurer

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**AGENDA ITEM DESCRIPTION:** On November 19, 2018 a public hearing was conducted by the Town Council to consider the adoption of the 2019 proposed budget.

Section 12.7 of the Town Charter, states, in part, the following:

"The Council shall adopt the budget for the next fiscal year by ordinance or resolution on or before the final day of the current fiscal year."

The adoption of the 2019 budget for the Town of Johnstown must be formalized and made official by approval of Resolution No. 2018-19.

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**LEGAL ADVICE:** N/A

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**FINANCIAL ADVICE:** N/A

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**RECOMMENDED ACTION:** Approve Resolution No. 2018-19.

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**For Approval:** I move to approve Resolution No. 2018-19, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Calendar Year Beginning on the First Day of January 2019 and Ending on the Last Day of December 2019.

**For Denial:** I move to deny approval of Resolution No. 2018-19, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Calendar Year Beginning on the First Day of January 2019 and Ending on the Last Day of December 2019.

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**Reviewed:**

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**Town Manager**

**A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES**

**RESOLUTION 2018-19**

**A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF JOHNSTOWN, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2019 AND ENDING ON THE LAST DAY OF DECEMBER, 2019.**

**WHEREAS**, the Town Council of the Town of Johnstown has appointed Diana Seele, Town Clerk to prepare and submit a proposed budget to said governing body at the proper time; and

**WHEREAS**, Diana Seele, Town Clerk has submitted a proposed budget to this governing body on December 3, 2018 for its consideration, and;

**WHEREAS**, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and;

**WHEREAS**, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

**NOW, THEREFORE, BE IT RESOLVED BY THE** Town Council of the Town of Johnstown, Colorado:

Section 1. That estimated expenditures for each fund are as follows:

General Fund	\$ 31,260,100
Water Fund	\$ 2,483,900
Wastewater Fund	\$ 2,074,000
Conservation Trust Fund	\$ 1,070,000
Impact Fee Fund	\$ 101,000
Drainage Fund	\$ 350,500
Use Tax Capital Improvement Fund	\$ 9,973,500
Contingent Fund	\$ 2,164,900
Community Recreation Center Fund	\$ 32,000,000
Equipment Replacement Fund	\$ 161,000
Johnson's Corner Capital Imp. Fund	\$ 144,300
Street Maintenance Fund	\$ 350,000
Library Fund	\$ 1,570,000
Total Estimated Expenditures	\$ 83,703,200

Section 2. That estimated revenues for each fund are as follows:

General Fund	
From unappropriated surpluses	\$18,454,100
From sources other than general property tax	\$ 6,791,000
From the general property tax levy	\$ 6,015,000
 Total General Fund	 \$31,260,100
 Water Fund	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	\$ 2,483,900
Total Water Fund	\$ 2,483,900
 Wastewater Fund	
From unappropriated surpluses	\$ 131,500
From sources other than general property tax	\$ 1,942,500
 Total Wastewater Fund	 \$ 2,074,000
 Conservation Trust Fund	
From unappropriated surpluses	\$ 820,500
From sources other than general property tax	\$ 249,500
 Total Conservation Trust Fund	 \$ 1,070,000
 Impact Fee Fund	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	101,000
 Total Impact Fee Fund	 \$ 101,000
 Drainage Fund	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	\$ 350,500
 Total Drainage Fund	 \$ 350,500
 Use Tax Capital Improvement Fund	
From unappropriated surpluses	\$ 8,658,500
From sources other than general property tax	\$ 1,315,000
Total Use Tax Capital Improvement Fund	\$ 9,973,500
 Contingent Fund	
From unappropriated surpluses	\$ 1,926,400
From sources other than general property tax	\$ 238,500
 Total Contingent Fund	 \$ 2,164,900

Community Recreation Center Fund	
From unappropriated surpluses	\$26,000,000
From sources other than general property tax	\$ 6,000,000
Total Community Recreation Center Fund	\$32,000,000
Equipment Replacement Fund	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	\$ 161,000
Total Equipment Replacement Fund	\$ 161,000
Johnson's Corner Capital Improvement Fund	
From unappropriated surpluses	\$ 20,200
From sources other than general property tax	\$ 124,100
Total Johnson's Corner Capital Improvement Fund	\$ 144,300
Street Maintenance Fund	
From unappropriated surpluses	\$ 30,900
From sources other than general property tax	\$ 319,100
Total Street Maintenance Fund	\$ 350,000
Library Fund	
From unappropriated surpluses	\$ 373,089
From sources other than general property tax	\$ 12,000
From the general property tax levy	\$ 1,184,911
Total Library Fund	\$ 1,570,000

Section 3. That the budget as submitted, amended, and herein above summarized by fund, hereby is approved and adopted as the budget of the Town of Johnstown, Colorado for the year stated above.

Section 4. That the budget hereby approved and adopted shall be signed by the Mayor and Town Clerk and made a part of the public records of the Town.

ADOPTED, THIS 3rd day of December, 2018.

TOWN OF JOHNSTOWN, COLORADO

ATTEST

BY:

Mayor

Clerk/Treasurer

**AGENDA ITEM 10E**

**RESOLUTION NO.  
2018-20**

**APPROPRIATING SUMS OF  
MONEY**

**TO VARIOUS FUNDS**

**TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** December 3, 2018

**ITEM NUMBER:** 10E

**SUBJECT:** Resolution No. 2018-20, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2019 Budget Year.

**ACTION PROPOSED:** Approve Resolution No. 2018-20

**PRESENTED BY:** Town Clerk/Treasurer

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**AGENDA ITEM DESCRIPTION:** An appropriation is the legal spending limit authorizing the expenditures set forth by the Town Council. The Council through an official action, either a resolution or ordinance, must enact the appropriation.

The budget is merely a financial plan for the coming year, while the appropriation is the legal authority to spend the money.

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**LEGAL ADVICE:** N/A

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**FINANCIAL ADVICE:** N/A

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**RECOMMENDED ACTION:** Approve Resolution No. 2018-20

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**For Approval:** I move to approve Resolution No. 2018-20, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2019 Budget Year.

**For Denial:** I move to deny approval of Resolution No. 2018-20, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2019 Budget Year.

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**Reviewed:**

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**Town Manager**

**RESOLUTION TO APPROPRIATE SUMS OF MONEY**

**RESOLUTION 2018-20**

**A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE TOWN OF JOHNSTOWN, COLORADO FOR THE 2019 BUDGET YEAR**

**WHEREAS**, the Town Council has adopted the annual budget in accordance with the Local Government Budget Law, on December 3rd, 2018 and;

**WHEREAS**, the Town Council has made provision therein for revenue in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

**WHEREAS**, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operations of the Town.

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

Section 1. That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

General Fund	\$ 31,260,100
Water Fund	\$ 2,483,900
Wastewater Fund	\$ 2,074,000
Conservation Trust Fund	\$ 1,070,000
Impact Fee Fund	\$ 101,000
Drainage Fund	\$ 350,500
Use Tax Capital Improvement Fund	\$ 9,973,500
Contingent Fund	\$ 2,164,900
Community Recreation Center Fund	\$ 32,000,000
Equipment Replacement Fund	\$ 161,000
Johnson's Corner Capital Imp. Fund	\$ 144,300
Street Maintenance Fund	\$ 350,000
Library Fund	\$ 1,570,000
Total Estimated Expenditures	\$ 83,703,200

ADOPTED THIS 3rd day of December, 2018.

**TOWN OF JOHNSTOWN**

BY:

Mayor

ATTEST

Town Clerk/Treasurer

**AGENDA ITEM 10F**

**RESOLUTION NO.  
2018-21**

**LEVYING GENERAL  
PROPERTY TAXES**

**TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** December 3, 2018

**ITEM NUMBER:** 10F

**SUBJECT:** Resolution No. 2018-21, A Resolution Levying General Property Taxes for the Year 2019, to Help Defray the Costs of Government for the Town of Johnstown, Colorado for the 2019 Budget Year.

**ACTION PROPOSED:** Approve Resolution No. 2018-21

**PRESENTED BY:** Town Clerk/Treasurer

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**AGENDA ITEM DESCRIPTION:** If a local government needs property tax revenue to balance its proposed budget, it must take official action, by ordinance or resolution, to set and certify a mill levy. It must then certify the mill levy to the Board of County Commissioners.

Based upon the Town's adopted 2019 budget, it is recommended that the mill levy for the Town of Johnstown for the 2019 budget year be set at 23.947 mills.

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**LEGAL ADVICE:** N/A

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**FINANCIAL ADVICE:** N/A

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**RECOMMENDED ACTION:** Approve Resolution No. 2018-21

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**For Approval:** I move to approve Resolution No. 2018-21, A Resolution Levying General Property Taxes for the Year 2019, to Help Defray the Costs of Government for the Town of Johnstown, Colorado for the 2019 Budget Year.

**For Denial:** I move to deny approval of Resolution No. 2018-21, A Resolution Levying General Property Taxes for the Year 2019, to Help Defray the Costs of Government for the Town of Johnstown, Colorado for the 2019 Budget Year.

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**Reviewed:**

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**Town Manager**

**RESOLUTION TO SET MILL LEVIES**

**RESOLUTION 2018-21**

**A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2019 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF JOHNSTOWN, COLORADO FOR THE 2019 BUDGET YEAR**

**WHEREAS**, The Town Council of the Town of Johnstown has adopted the annual budget in accordance with the Local Government Budget Law, on December 3rd, 2018, and;

**WHEREAS**, the amount of money necessary to balance the budget for general operation expenses is \$6,015,000, and;

**WHEREAS**, the amount of money necessary to balance the budget for the library operation expenses is \$472,500, and;

**WHEREAS**, the 2019 valuation for assessment for the Town of Johnstown, Colorado as certified by the County Assessors is \$266,426,485.

**NOW THEREFORE, BE IT RESOLVED BY THE** Town Council of the Town of Johnstown, Colorado:

Section 1. That the purpose of meeting all general operation expenses of the Town of Johnstown during the 2019 budget year, there is hereby levied a tax of 23.947 mills upon each dollar for the total valuation for assessment of all taxable property within the Town of Johnstown for the year 2018.

Section 2. That the Town Clerk/Treasurer is hereby authorized and directed to immediately certify to the County Commissioners of Weld County and Larimer County, Colorado, the mill levies for the Town of Johnstown, Colorado as herein above determined and set.

ADOPTED THIS 3rd day of December, 2018.

TOWN OF JOHNSTOWN, COLORADO

BY:

Mayor

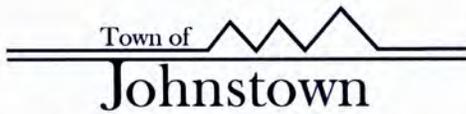
ATTEST

Clerk/Treasurer

**AGENDA ITEM 10G**

**DISCUSSION**

**PURCHASING POLICY**



# TOWN OF JOHNSTOWN

## MEMORANDUM

*INFORMATION ONLY*

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TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Interim Town Manager

DATE: November 5, 2018 (Initially Distributed)  
December 3, 2018

CC: Town Staff  
Local Media

SUBJECT: Purchasing Policy

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Enclosed for your review and feedback is an updated purchasing policy. Since starting for the Town as its Interim Manager one observation I have noted is the potential difficulty of expediting projects that have been budgeted in a given fiscal year. While to date there have not been any issues, the challenge exists with respect to the contract expense policy currently in place.

In 2017, the policy was changed and currently allows for the Manager to approve contracts of \$20,000 or less. Certainly there exists a responsibility upon us as staff to be able to plan accordingly, inclusive of having a general idea of what a projects timeline will be, but making changes to the purchasing policy also allows us as staff to be more efficient in processing the workflow and compress the timeline to complete projects. Attached for your consideration is a complete overhaul of the Town's purchasing policy that among other changes would permit for the administrative approval of contracts that are budgeted and do not exceed \$100,000. The changes that are proposed would still not permit for unappropriated funds to be spent and still allows the Council to hold the Manager accountable for maintain a balanced budget while delivering meaningful outcomes for the organization.

One of the more notable components new to the purchasing policy is the introduction of a local bidder preference. Currently, there may not be many applications to this portion of the policy, but as the community grows and more primary employers, inclusive of general contractors establish their businesses in Johnstown, this application will change.

This will be discussed for policy changes and feedback from the Council during the December 3, 2018 Council Meeting. We want to be sure that you are comfortable with the changes and the controls it provides to ensure we are good stewards of the tax payer dollars in all purchases made by the Town.

**The Community That Cares**

# Purchasing & Surplus Property Policies

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The purpose of this policy is to establish purchasing guidelines. These policies are applicable to all purchasing for the Town of Johnstown and are established to ensure that needed goods and services are obtained in a timely manner, at the lowest prices possible, consistent with acceptable quality standards.

Consistent with these objectives, a part of the Town's procurement activity is decentralized. In recognition of the cost of staff time and to reduce the cost of making small purchases, purchasing cards are issued to selected personnel as approved by the Finance Director and/or Town Manager. The purchasing card will be defined later in this manual.

Procedures which apply to purchases made directly by Town staff as well as the steps followed by the Finance Department are described below, along with the public purchasing law and ethical standards that shape the Town's purchasing activities.

From time to time, there may be revisions and/or additions to this policy, subject to the approval of the Johnstown Town Council.

1. Governing Laws and Policies. Procurements by the Town of Johnstown are governed by the policies and procedures adopted by the Town Council and by state law, and these purchasing policies further establish requirements for the Town's purchasing activities.
2. Conflict of Interest. No employee or official of the Town shall participate in a transaction, contract, activity, or service of the Town which has a direct or predictable effect on their financial interests or the financial interests of an immediate family member.
3. Personal Purchases. It is prohibited for an employee or official to make purchases for personal purposes or to receive special pricing from a vendor using the Town's name, account or reputation.
4. Payment Authorization. All requests for payment must be approved by the Department Head or Town Manager. Employees can not authorize payments to themselves. For purposes of this policy, unless otherwise modified by the Town Manager, "department heads" include those employees who report directly to the Town Manager. "Supervisory personnel" shall include both the Water and Wastewater Supervisor and Streets Supervisor.
5. Purchase Orders. A receipt or invoice shall be provided on all purchases. A purchase order is required for all purchases over \$300.00.
6. Purchasing Thresholds/Authority. Generally the purchasing thresholds detailed below will be applicable. (If there are grant funds involved, the thresholds may differ. Please refer to any grant requirements and proceed using the most restrictive standards.):
  - a. Under \$2,500. Small items in this category, used on a day to day basis, may be purchased with the approval of supervisory personnel without competitive bidding on each item. However, even on these items, periodic telephone inquiries should be made to be certain the purchases are secured from a local source at the lowest possible price for the quality needed. Items that are used on a day to day basis consist of office supplies and other items that routinely purchased. Department heads may authorize employees to purchase budgeted items.
  - b. \$2,500 - \$49,999.99. Purchases or contracts for services for the sum of \$10,000 to \$49,999.99 shall be secured on a competitive bid basis. This must be accomplished by securing at least three

informal bids, requests for proposals or through the formal bid process utilizing advertisement and specifications; whichever is most advantageous to the Town.

- c. **\$50,000 and higher.** Any item for services, projects, or equipment in this category shall be purchased through the formal bid process. Formal bids shall be secured by advertisement. Additionally, a random sample of vendors who qualify, or who have indicated an interest in bidding, shall be forwarded a copy of the specifications, when possible to ensure the best competitive bids for the Town.
  - a. Appropriated Items up to \$100,000 – Construction contracts and purchases can be approved by the Town Manager.
  - b. Appropriated Items up to \$10,000 - Construction contracts can be approved by department head and notification of the Town Manager.
  - c. Non-Appropriated Items exceeding \$25,000 – Must go before the Town Council and be approved and appropriated by resolution.

7. Local Purchasing Preference.

- a. If a local bidder is within five (5%) percent of the lowest bid from an out of town bidder on a construction or other formally bid project from \$0.00 - \$4,999.99, two (2%) percent on such project(s) from \$5,000.00 up to \$999,999.99, and within one percent on such project(s) from \$1,000,000.00 up to \$5,000,000.00, then the local bidder will be awarded the bid unless otherwise provided in this section.
- b. The local purchasing preference policy shall not apply in the following instances:
  - a. When purchases and/or contracts are funded in whole or in part by federal funds;
  - b. When purchases are more than \$5,000,000.00;
  - c. When purchases are not required to be formally bid, such as sole source procurements, emergency procurements and any other such procurements as defined in the Town procurement policy or the Town emergency management policy;
  - d. When professional services are procured through the issuance of requests for qualifications and/or requests for proposals, including design-build contracts; or,
  - e. When such preference is in conflict with any applicable state or federal laws, rules or regulations.
- c. The local purchasing preference policy shall not apply to private construction projects financed with public assistance, including, but not limited to, tax increment financing, redevelopment projects and enterprise zone redevelopment.
- d. “Local” is defined as a business operating within the corporate limits of the Town of Johnstown, with the majority of its primary business operations, including, but not necessarily limited to, production, operation, purchasing, billing, marketing, management, administration and ownership, occurring within the town limits. “Local” shall not include the following:
  - a. Those businesses with only a local Johnstown post office box;
  - b. Those businesses with a sales presence in the Town, but no physical business location within the Town limits
  - c. Home based businesses that merely take orders for products shipped from out-of town to their customers. Exceptions will be

considered on a case-by-case basis when a written request is submitted to the Town Manager.

- d. Notwithstanding the foregoing, the local bidder must otherwise meet all qualifications and procurement policy requirements of the Town, including, but not limited to, the “best bid” requirements, in order to be awarded a bid under this section.

8. Bid Guidelines.

- a. Correspondence with Vendors. All correspondence with vendors should be communicated through the department head responsible for overseeing the specific bid unless the bid specifications make it advisable to delegate authority to others.
- b. Formal Bid Notice. All formal bid purchases or formal contracts for services shall be advertised as follows:
  - a. All notices and solicitations of bids shall state the time and place of the bid opening. If required the request for bids will be published in the newspaper and posted on the Town’s website at least 10 days prior to the bid deadline. The request shall include an adequate description of the scope of work to be completed, any specifics which may be required of the vendor, including the amount of any bid bond, all contractual terms, and conditions application to the public project.
  - b. Notices and solicitations of bids shall include information that these are sealed bids and that they should be so identified on the envelope.
  - c. Notices and solicitations of bids shall plainly state to whom the sealed bid(s) should be addressed, and should be filed with the Town Clerk.
  - d. When advertising for proposals with federal funding, guidance will be followed as per CFR200.319 thru CFR200.322 and as amended from time to time to ensure proper competition of project awards. This also entails taking necessary affirmative action steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.
- d. Public Opening. All bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as may be specified by rules, together with the name of each bidder shall be entered on a record and open to public inspection. After the time of the award, all bids and requests for proposal documents shall be open to public inspection.
- e. Performance Bonds. Performance bonds, in cash or otherwise, or other acceptable financial assurance such as a letter of credit shall be requested if in the best interest of the Town or if otherwise required by law in such an amount as may be deemed sufficient to secure the execution of the contract or to furnish supplies.
- f. Technology and Advertising. The Town will use electronic means (i.e. internet, email, etc.) to inform potential vendors and may use technology to improve transparency and purchasing efficiencies for the Town. All available means for advertising the invitation to bid shall be used to the extent possible, to encourage full and open competition. When advertising for proposals with federal funding, guidance will be followed in CFR200.319 to ensure proper competition of project awards is encouraged. This also entails, for example, taking necessary affirmative steps to assure that the minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.
- g. Competitive Buying. Town policy requires quotes or bids to be obtained from as many providers as reasonably possible to ensure a competitive marketing atmosphere and advantageous pricing. Bids will be solicited when required by policy and also when it is found to be advantageous to do so. Any qualified provider may respond to a Town request for quote or bid.

- h. Awards. The Town of Johnstown reserves the right to reject any and all bids and waive any informality. The Town of Johnstown also reserves the right to select the lowest and/or best bidder as determined by the Town in its sole discretion. Bidders may be disqualified for past failure to follow proper change order processes or failure to complete projects in a timely and/or professional work like manner.

9. Exclusive Service. Sole source purchases may be made if it has been determined that there is only one good or service that can reasonably meet the need and there is only one vendor who can provide the good or service. Written justification for the sole source purchase must be retained with support for the purchase.

10. Emergency Purchases. In the event of natural disasters, accidents or other emergencies where health, safety or welfare of the community is at risk, the Town shall comply with the procurement requirements to the extent practicable, but this may be waived by the Town Manager. The Town Manager will notify the Town Council of any emergency immediately identifying the nature of the emergency and any purchase which may be required. Forms required herein for the purpose of authorizing and acquiring goods or services necessary for the immediate preservation of life, health, safety, welfare or property during a local disaster or emergency conditions shall not require compliance with bidding requirements set forth in this Policy and may be awarded on a sole-source basis. Documentation of procurement decisions in an emergency period is required to be retained, to support the urgency of the purchase and as justification for deviation of any Town policy. Once the Town is no longer operating in an emergency period, adherence to the approved procurement requirements is required. Careful consideration shall be given to procurement decisions made in an emergency period and when grant funds may be received. Federal procurement guidance currently available (at CFR200.319) indicates that purchases above the dollar threshold of a micro purchase, currently \$3,000, must also have three written quotes to support the cost reasonableness of the purchase. If, at any time, a purchase may have a grant implication, purchaser should follow guidance from the grantor.

11. Exemptions From Public Bidding. The Town recognizes the need to use outside sources for providing Professional Services, constructing Capital Projects (vendors and contractors) and for providing services for day to day operations and maintenance. The Town requires staff to solicit bids for any purchase of goods over \$50,000, per engagement or annually. This requirement may be waived by the Town Manager for ongoing service contracts where the past experience related directly to the Town is a compelling reason to continue a service contract from year to year. Selection of vendors, contractors or consultants may be based on past experience with the Town, knowledge of the Town and region, philosophy of the nature of the job, availability of time, quality of product, quality of service and material, maintenance, warranties, price and other such criteria as deemed appropriate for a particular public project. The Town recognizes the following exemptions for the Public Bid Process:

- a. Professional Services. This purchasing policy shall not apply to professional services and the requirements shall not be mandatory in the employment of professional services. Professional services include, but are not limited to the following: Attorneys, Bond Counsel, Certified Public Accountants/Auditors, Consultants, Engineers, Financial Advisors, Physicians and Real Estate Brokers. The Council may award these services as desired and at their discretion. The staff shall use the following criteria when applicable and necessary, based on a specific project that includes:
  - a. Past experience in performing the services requested.
  - b. Responsiveness to the needs of the Town, with respect to time to complete the project, the approach to the project, and anticipated design concepts offered.
  - c. Responsibility and experience in dealing with municipal governments and projects of similar size, scope, and nature.
  - d. The professional's engagement team, including the experience and resumes of key personnel assigned.

- e. Results of reference checks and past performance for other clients
- b. Design Build Services. This policy shall not apply to design-build specialty services so long as the project does not exceed \$100,000. If less than \$100,000, the following evaluation criteria shall apply:
  - a. A guaranteed maximum price must be agreed upon and any savings shall revert back to the Town if the final project cost is less than the guaranteed maximum price.
  - b. The Town shall have the option at any time to validate proposed costs and fees of the professional who must disclose all information used to arrive at the proposed costs and fees.
- c. Use of State Bids or Existing Contracts. This purchasing policy shall not apply if the purchasing department is able to piggy-back on a State Bid Award, GSA bid award, or other bid award by a local government entity where a public bid process has taken place. Appropriate verification of the bid must be provided, the cost does not exceed \$100,000, and is available in the budget.
- d. Waiver of Bidding Process. Notwithstanding the provisions of this policy, the Town may forego the bidding process altogether in certain specific instances that would be in the best interests of the Town provided that there is sufficient information and documentation to demonstrate that a waiver of the procedure would benefit the Town. Any deviations from the bidding process must have Town Manager approval, who shall then generate a report to the Town Council for the next Town Council meeting explaining the reasons for the waiver. It is intended that this process should be used infrequently and only when there is supporting information to demonstrate that the waiver would be in the best interests of the Town and not in any fashion compromise the integrity of the overall bidding policy of the Town.

12. Contract Authority. The Town Manager or department head shall have the power and duty to approve and execute, by signature, all contracts or agreements of, or on behalf of, the Town or its enterprises, subject to the following limitations.

- a. Amount to Exceed \$100,000. Contracts or agreements that exceed \$100,000 must be approved by the Council unless part of an annual contract and appropriated in the budget.
- b. Conveyances. No contract or agreement shall involve conveyances of interest in land, bonds, indentures, evidence of indebtedness, or proclamations, unless the authority to approve and execute such documents shall be granted by the Council.
- c. Intergovernmental Agreements. Such contract or agreement does not constitute an “intergovernmental agreement” under Colorado law.
- d. Delegation. The Town Manager may delegate the signatory authority for the approval and execution of contracts and agreements to department heads when the contractual matters fall within their area of responsibility.
- e. Appropriation. No contract shall be approved or executed unless funds for the payment of obligations under the contract or agreement are in the budget and have been approved by the Town Council. This section shall not prohibit the approval and execution of multi-year contracts or agreement where such agreements are legally permissible.
- f. Legal Review. Unless of a routine nature as determined by the Town Manager or the Town’s standard form of contractor/professional services agreement cannot be used, all contracts or agreements are subject to legal review.

13. Town Issued Purchasing Cards. This policy applies to all items procured by the use of a Town-issued Purchasing Card.

- a. Issuance. Town purchasing cards may only be issued to department heads or other personnel as authorized by the Town Manager and Finance Director.

- b. Legitimate Business Expenses. A purchasing card shall be used for purchases on behalf, or costs associated with, approved travel and proper Town business expenses. No cardholder may procure goods or services for personal purposes. Personal use of a purchasing card consists of an item that is not a legitimate business expense and must be reimbursed to the Town. Misuse of the card could subject an employee to discipline pursuant to the personnel policies of the Town. Department Heads may make available purchasing cards for purchases where time is of the essence to save the Town money; where credit card is the only or easiest form of payment accepted for a product or service; or when required for travel purposes. It is the responsibility of the Department Head to notify the Finance Department if an employee is no longer authorized to use the Town's purchasing card.
  - c. Purchasing Procedures. Purchases made with the purchasing card should follow all guidelines as stated in this Financial Policy document.
  - d. Travel Related Expenses. If a spouse or family member is accompanying the employee on a business trip, only employee's travel expenses may be charged to the card. Airline tickets or other travel expenses related to the family member must be paid by the individual at the time of purchase. It is not acceptable to reimburse the Town for those expenses. Personal expenses may not be charged to the hotel room and must be paid for separately. Hotel, car rental, parking, taxi, etc. receipts must be submitted to the Finance Department within a week of return from the business trip. Travel expenses for the employee will be reimbursed up to the maximum allowed for that location by U.S. General Service Administration ([www.gsa.gov](http://www.gsa.gov)). Mileage will be reimbursed at the published Internal Revenue Service (IRS) standard mileage rate. Mileage will only be reimbursed if no Town vehicle is available for use.
  - e. Monthly Statements. It will be the responsibility of the card holder to reconcile the monthly credit card statements and receipts. Original receipts must be submitted to the Finance Department within one week of purchase. Failure to do so will result in loss of purchasing card privileges.
14. Surplus Property Disposal. As items are purchased with public funds, the Town Manager must declare items to be surplus prior to disposal and said disposal must follow the provisions herein.
- a. De Minimis Valued Items. Non-capital material and supply items that are normally used up during the normal course of business and have individual value less than \$250 are exempted from the formal surplus disposal process. These items can be thrown away, destroyed, donated or sold with approval from the Town Manager or Finance Director.
  - b. Unusable Equipment. The disposal of capital equipment with a salvage value less than \$2,500 is exempted from the formal surplus disposal process. These items can be sold for salvage value without a declaration of surplus property, upon approval from the Town Manager or Finance Director.
  - c. Auction or Sale of Property (Formal). When the current value is deemed to exceed \$2,500, it can be offered at public auction or written bid. The bid must be advertised at least 10 days prior to sale. If no bids are received or if a determination is made that the market value of the property exceeds the offer of the highest bidder, all bids may be rejected and the appropriate Department Head and Finance Department may negotiate a sale.

**AGENDA ITEM 10H**

**DISCUSSION**

**2019 COUNCIL**

**GOALS & OBJECTIVES**



# TOWN OF JOHNSTOWN

## MEMORANDUM

*INFORMATION ONLY*

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TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Interim Town Manager

DATE: December 3, 2018

CC: Town Staff  
Local Media

SUBJECT: Town Council FY 2019 Strategic Goals and Objectives

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Following the October 15, 2018 Town Council Meeting, the Council conducted a work session focused on identification of the Strategic Goals and Objectives for the upcoming FY 2019. The Council discussed what I heard was 5 priorities, those being:

1. Water Resources & Planning
2. Economic Development
3. Affordable Housing
4. Employee Culture
5. Infrastructure Planning

Within each of 5 priorities, there are a number of goals and objectives communicated during the work session and formulated into meaningful milestones from which to measure the organizational effectiveness of the staff.

The Mayor will guide this discussion to be sure that the goals and objectives have been appropriately captured in this document. It is also important to note that there are a couple of recent and recurring items that I have included, that also can be wrapped around the 5 priorities of the Council.

Staff looks forward to your thoughts and constructive feedback of the planned work and outcomes for FY 2019.

**The Community That Cares**

# Johnstown Town Council 2019 Strategic Objectives

## DRAFT – October 15, 2018 Work Session

### Strategic Objective #1: **Water Resources & Planning**

**WHY:** The Town has a healthy portfolio of water. To ensure continued growth, the Town must have access to all of the water sources in the portfolio and make them available for municipal, consumptive use.

#### **MILESTONES/CHECKPOINTS:**

##### **1. Hillsboro Ditch Access:**

1. **Description:** The Town has water ownership in the Hillsboro Ditch they are currently not able to access. The Town consequently needs to evaluate the best method to access this water by either building a batch plant or constructing a water main to feed to the existing water treatment plant.
2. **Measured:** Analysis of alternatives presented to Town Council for direction to staff that will include recommendations and estimated financial costs of each alternative with 5 year projected operational costs.
3. **Date:** June 30, 2019 or sooner
4. **Does not include:** Design and construction costs - based on study and Council direction.
5. **Budget:** \$40,000 in FY2019

##### **2. Water Court Proceedings:**

1. **Description:** Begin Water Court proceedings for water desired to be changed to municipal and consumptive use. The water may include up to 100 shares of Home Supply Ditch and the Pulliam Water based on Town Water Counsel and Engineer recommendations.
2. **Measured:** Town Council will consider pros and cons presented by Town Staff, Water Counsel and Engineers related to consolidating a planned water court case that may include both the Home Supply Ditch and Pulliam Waters. Based on Council direction, we will proceed accordingly.
3. **Date:** Not later than March 4, 2019 Council Meeting
4. **Does not include:** Completion of water court proceedings (estimated 2.5 years) being fully adjudicated
5. **Budget:** FY2019 fund available for analysis. Additional funds may need to be appropriated for legal and engineering costs

# Johnstown Town Council 2019 Strategic Objectives

## DRAFT – October 15, 2018 Work Session

### Strategic Objective #2: **Economic Development**

**WHY:** Economic Development is critical to the long-term sustainability of our local community. The combination of retention and recruitment of businesses in our community ensures stability, improved and more diverse revenue sources,

#### **MILESTONES/CHECKPOINTS:**

##### **1. Town of Johnstown & Chamber Partnership:**

1. **Description:** Establish a relationship and enter into an agreement with the Chamber that focuses on economic development in our community
2. **Measured:** Presentation of an agreement between the Town and Chamber for Council consideration.
3. **Date:** End of 2018
4. **Does not include:** NA.
5. **Budget:** \$12,000 respectively for FY2018 and FY2019

##### **2. Urban Renewal Authority (URA) Exploration:**

1. **Description:** Urban Renewal is a tool that can be used as an economic development tool for development and redevelopment of property in the Town limits. Through the creation and use of Tax Increment Financing (TIF), incentives can be financed over a 25 year period for infrastructure improvements and development.
2. **Measured:** Provide the Board with an overview of Urban Renewal Law to educate the values of a URA and receive direction on if to move forward in the creation of the URA.
3. **Date:** June 30, 2019
4. **Does not include:** Creation of the Urban Renewal Authority
5. **Budget:** \$3,500 for legal support

##### **3. Primary Job Initiatives and Creation:**

1. **Description:** Primary job initiatives and creation are a critical component to long term fiscal health. By having these businesses in our community it creates a more diverse economy in Johnstown and has a multiplier effect on the other types of land uses in our community (new homes, other business types experience revenue growth, etc.)
2. **Measured:** Submit a minimum of 2 proposals through our economic development partner to compete for primary jobs in our community.
3. **Date:** December 31, 2019

# Johnstown Town Council 2019 Strategic Objectives

## DRAFT – October 15, 2018 Work Session

4. **Does not include:** Guarantee of the primary employer choosing Johnstown
5. **Budget:** Staff time

### 4. **Comprehensive Plan Update and Strategic Plan:**

1. **Description:** Both the Comprehensive Plan and the Strategic Plan have not been updated since 2006 and 2009 respectively. The landscape of the community has changed significantly over this time and making updates to these guiding documents is critical to provide clear direction by the community and for staff is imperative.
2. **Measured:** Begin the Comprehensive Plan process by issuing an RFP and selecting a consultant to facilitate the process. Completion will be in mid 2019.
3. **Date:** May 1, 2019
4. **Does not include:** Completion or adoption of the plans
5. **Budget:** FY 2019 appropriations will need to be made based on Council direction.

# **Johnstown Town Council 2019 Strategic Objectives**

## **DRAFT – October 15, 2018 Work Session**

### Strategic Objective #3: **Affordable Housing**

**WHY:** Housing in Northern Colorado has increased significantly since coming out of the recession. This make availability of housing extremely difficult for families just starting out in the workforce. By partnering with our Johnstown Housing Authority (JHA), there may be more opportunities to developing diverse and affordable housing types.

#### **MILESTONES/CHECKPOINTS:**

##### **1. Johnstown Housing Authority:**

1. **Description:** JHA has debt on the existing senior housing facility they currently operate with a suggested 11% interest on the debt.
2. **Measured:** Partner with JHA to explore, suggest and promote alternative financing options for the existing debt that provides for pursuing additional affordable housing options within the community.
3. **Date:** March 31, 2019
4. **Does not include:** Completion of refinancing.
5. **Budget:** NA – Staff time only

# Johnstown Town Council 2019 Strategic Objectives

## DRAFT – October 15, 2018 Work Session

### Strategic Objective #4: **Employee Culture**

**WHY:** The Town's most valuable assets are its employees. By focusing on employee culture, we are able to create a healthy work environment that results in higher productivity, more meaningful and greater outcomes, and a preferred local government that employees want to work at.

### **MILESTONES/CHECKPOINTS:**

#### **1. Human Infrastructure:**

1. **Description:** There are several director positions that will need to be hired in the next 90 days to fill vacancies, those retiring, or creation of new position to create a stronger human infrastructure and balance critical resources. These director positions include the Public Works Director, Finance Director, and Planning Director.
2. **Measured:** Complete hiring of all three (3) positions with positions filled and working for Johnstown.
3. **Date:** March 31, 2019
4. **Does not include:** NA
5. **Budget:** Appropriated in FY2019

#### **2. Upstaffing:**

1. **Description:** There may be the need for other employees in the 2019 fiscal year that have yet to be realized. Some of these may include economic development coordinator, Planner 1, public works staffing, and/or administrative staff. This will help to meet development community deadlines, ensure adequate customer service levels, and continue the forward momentum of Johnstown.
2. **Measured:** Presentations to Council for requested personnel as justified and approved.
3. **Date:** As necessary
4. **Does not include:** NA
5. **Budget:** FY2019 appropriations would need to be made if approved on a case by case basis.

#### **3. Employee Benefits:**

1. **Description:** While take home pay is the most notable aspect of an employees benefits, other aspects such as the personnel policy, health and wellness and retirement benefits, and investing in our employees with training and educational opportunities, are often overlooked as key

# Johnstown Town Council 2019 Strategic Objectives

## DRAFT – October 15, 2018 Work Session

elements that make up the employees' total package of incentives.

Evaluating these items helps to build employee morale and culture.

2. **Measured:** Review and update the personnel policies last updated in 2014 for Council review and consideration.
3. **Date:** May 6, 2019
4. **Measured:** Explore existing and alternative opportunities for health and wellness benefits for FY2020 consideration
5. **Date:** October 1, 2019 (FY2020 Work Sessions)
6. **Does not include:** Presenting of alternatives on both measured items, not approval (subject to Council approval and direction)
7. **Budget:** Staff time only

#### 4. Succession Planning:

1. **Description:** The result of retirement is a loss of institutional knowledge, leadership, departmental structure and culture unless we are proactive in preparing for this change. Making a deliberate and conscious effort to work on succession planning and leadership development within the organization should be utilized to ensure the Town is able to manage these transitions and opportunities.
2. **Measured:** Have all employees complete a goals assessment for their personal objectives to help begin evaluation of opportunities for education and leadership development within the organization. This will also allow us to identify gaps in the organization related to resignations and retirement.
3. **Date:** September 1, 2019
4. **Does not include:** Financial component for minimizing succession gaps
5. **Budget:** NA – Staff time only

# Johnstown Town Council 2019 Strategic Objectives

## DRAFT – October 15, 2018 Work Session

### Strategic Objective #5: **Infrastructure Planning**

**WHY:** Infrastructure comes in many different forms. For purposes of this objective, it is being considered for both our human infrastructure and our utility and network infrastructure. Planning for these elements is critical for long-term financial planning and to ensure that we have leaders who can implement the plans for strengthening our community.

### **MILESTONES/CHECKPOINTS:**

#### **1. Capital Improvement Plan:**

1. **Description:** The creation of a Capital Improvement Plan allows both the Council and the Staff to understand and know where the organization is going with respect to capital improvements in the community. It also provides a basis for designing a financial plan for how we are going to afford the capital projects called for in the plan.
2. **Measured:** Completion of the 2019-2028 Capital Improvement Plan (CIP)
3. **Date:** February 18, 2019
4. **Does not include:** Projects < \$5,000
5. **Budget:** Staff and Council time only

#### **2. Road Improvement Plan:**

1. **Description:** A portion of this plan will be included in the CIP, but we will also need to determine what the quality of the Town roads are to establish a priority level for major road maintenance and reconstruction. This document while it can be modified given changes in conditions and Council priorities, it will provide a general direction for long-term road maintenance.
2. **Measured:** Road Maintenance Plan Document presented to Board
3. **Date:** September 1, 2019
4. **Does not include:** Comprehensive financial plan for roads
5. **Budget:** FY2019 funds may need to be appropriated for road conditions survey

#### **3. Water System Master Plan Projects:**

1. **Description:** In 2016, the Council was presented with a Water System Master Plan. Components of this plan have still yet to be completed which necessitates attention to the plan and beginning incremental change

# Johnstown Town Council 2019 Strategic Objectives

## DRAFT – October 15, 2018 Work Session

2. **Measured:** Staff to review the document and provide the Council with an update on its progress and recommendations for next steps
  3. **Date:** Not later than May 31, 2019
  4. **Does not include:** Construction of a project
  5. **Budget:** FY2019 fund will need to be appropriated based on Council direction
4. **Water and Sewer Mapping and Expansion Plan:**
1. **Description:** Currently, the Town does not have a Geographic Information System with the Town's water and sewer utility mapped. This is a critical piece of infrastructure to understand the dynamics of bottle necks, pressure issues, maintenance concerns, as well as expansion opportunities for long-term planning.
  2. **Measured:** Map the Town's Water and Sewer Infrastructure
  3. **Date:** November 1, 2019
  4. **Does not include:** A Geographic Information System Software and associated personnel.
  5. **Budget:** FY2019 will need to be appropriated for the project mapping and future years for staffing and software equipment.
5. **402/I-25 Interchange/Frontage Road:**
1. **Description:** CDOT desires to dispose of the Frontage road along I-25 and have the Town take ownership of the road. In order to do this the Council needs to approve an IGA that works for both parties under the disposal and acceptance of this agreement. The agreements must include improvements to the bridge system on the frontage road to prevent future accessibility issues related to flood and other natural disaster items.
  2. **Measured:** Council considers an agreement or IGA to take ownership of the Frontage Road on East side of I-25.
  3. **Date:** January 31, 2019
  4. **Does not include:** Long-term maintenance items.
  5. **Budget:** Staff time only for the IGA/Agreement.
6. **LCR 3, WCR 50 and High Plains Boulevard:**
1. **Description:** The listed roadways are either unimproved or nonexistent and provide critical connection points to our transportation network. As part of these roadway improvements, collaboration and partnerships among various government entities in the area will be essential to making these critical roadway improvements.
  2. **Measured:** Updates related to potential agreements and financing the improvements to these roads.

**Johnstown Town Council 2019 Strategic Objectives**  
**DRAFT – October 15, 2018 Work Session**

3. **Date:** December 2019
4. **Does not include:** Construction, but may include components and direction related to the design of one or more the roadways
5. **Budget:** FY2019 will be staff time unless commitment are made by partnering governments; then appropriations may be requested for consideration.

**Johnstown Town Council 2019 Strategic Objectives  
DRAFT – October 15, 2018 Work Session**

## Town Manager Goal Timeline Overview

Priority #	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Notes
1. Accessing Hillsboro Ditch Water Analysis		X			
2. Water Court Proceedings	X				
3. Town of Johnstown & Chamber of Commerce Partnership					12/2018
4. Urban Renewal Law Education		X			
5. Primary Job Initiatives and Creation				X	
6. Comprehensive Plan Update & Strategic Plan Kick-Off		X			
7. Johnstown Housing Authority	X				
8. Human Infrastructure (Directors)	X				
9. Upstaffing	As Necessary and Presented to Council for Approval				
10. Employee Benefits & Personnel Policy Updates		X			
11. Succession Planning			X		
12. Capital Improvement Plan	X				
13. Road Improvement Plan			X		
14. Water System Mater Plan Projects		X			

**Johnstown Town Council 2019 Strategic Objectives  
DRAFT – October 15, 2018 Work Session**

<b>Priority #</b>	<b>Q1 2019</b>	<b>Q2 2019</b>	<b>Q3 2019</b>	<b>Q4 2019</b>	<b>Notes</b>
15. Water and Sewer Mapping				X	
16. 402/I-25/Frontage Road IGA	X				
17. LCR 3, WCR 50, High Plains Blvd.				X	

**OTHER ITEMS**

**COUNCIL GOALS:** These are items the Council would like for us to be considering as the organization moves forward.

- 1.

**AGENDA ITEM 11**

**EXECUTIVE SESSION**

# **WORK SESSION**

**(Representatives from  
Waste Management)**



**WASTE MANAGEMENT OF COLORADO**

5500 S. Quebec St. Ste 250  
Greenwood Village, CO 80111

August 17, 2018

Diana Seele  
Town of Johnstown  
450 S. Parish Ave.  
Johnstown, CO 80534

Re: 2018 Rate Adjustment

Dear Ms. Seele,

It has been a pleasure serving the citizens of the Town of Johnstown during the past year. We are continually striving to provide quality solid waste removal, disposal and recycling services to our customers. Waste Management sincerely values your patronage and looks forward to continuing our partnership.

Per the terms of our current Agreement with the Town, Waste Management would like to notify you of the scheduled rate increase effective September 1, 2018 (Billed October 1). The increase is representative of the negotiated rates in the "First Amendment to agreement between the Town of Johnstown and Waste Management of Colorado, Inc" dated November 7, 2016. There is also a provision for fuel in the agreement (section 13) but it did not meet the activation thresholds for this year.

Service Level One time per Month Collection	Current Rate	New Rate 9/1/2018
Weekly Trash Collection	\$10.82	\$11.14
Weekly Trash Collection (Senior Rate)	\$7.94	\$8.18
Additional Cart	\$3.00	\$3.09
Bi-weekly Recycling Collection*	\$7.62	\$7.85

\*Extraordinary Rate Request for Additional Taxes, Fees or Regulatory Costs:

Pursuant to section 14: Additional Taxes, fees or regulatory costs, in the event of any new increased fees, taxes, or surcharges are imposed by any governmental entity, or new regulations imposed which increase WM's operating cost, then in such event WM may request from Town an increase in its rates to cover such governmental action. Town shall act on such request within 30 days and if such request is denied WM may terminate this agreement 90 days after notice.



WASTE MANAGEMENT OF COLORADO

5500 S. Quebec St. Ste 250  
Greenwood Village, CO 80111

WM respectfully requests an extraordinary rate increase to cover increased costs, which have stemmed from the National Sword. As we have discussed over the past couple of months, the dramatic changes in the recycle industry related to contamination have caused a sharp decline in the value of recyclables and forced us to slow down our sort lines to meet these new contamination levels established by China on January 1st. This in turn has limited the markets to move commodities and increased our processing costs as we have added employees to work on the recycling sort lines to remove trash from recyclables.

Waste Management requests the increase outlined below to address reduced recycling commodity values and increased processing fees. We recognize that staff would like WM to brief the Town Council and we stand ready to do so.

Increased Residential Recycling Costs: \$2.30 (increase per month per home)

The monthly fees will be adjusted as follows:

	9/1/2018 Rate	TBD Ext. Rate
Single Family Recycle Residences	\$7.85	\$10.15

Attached is the extraordinary rate increase sheet which demonstrates how we calculated the extraordinary rate increase.

Because we recognize the unique nature of this request, I have attached additional materials to provide you with a deeper dive into what is happening in the market and why this is an unforeseen special circumstance.

Our goal continues to be to provide you with the highest quality, environmentally responsible service at fair and reasonable prices. To achieve this goal, Waste Management will continue to look for process improvements and programs to maximize value for the Town of Johnstown.

If you have any additional questions, please do not hesitate to call. I can be reached at (505) 235-3794.

Sincerely,

Frank Santiago  
Area Manager, Public Sector Solutions  
505.235.3794

# Johnstown

## Extraordinary Residential Rate Increase Request

	Variable		\$/Unit Impact	Source/Formula
Tons/Month	A	52		Source: 2017 Diversion Rpt
Billable Units (homes)	B	1,494		Source: WM Billing System
Tons/Home/Month	C	0.0345		A / B
Services/Month	D	4.33		Weekly Service(52/12)
lbs/Home/Service	E	15.92		A*2000 /(B*D)
<b>Material Stream Value</b>				
Commodity Value/Ton Sold - Current	F	\$ 73.24		Source: Attached Characterization Comparison
Commodity Value/Ton Sold - Prior	G	\$ 135.99		Source: Attached Characterization Comparison
Change/Ton	H	\$ (62.75)		F-G
Impact/Home/Month	I		\$ 2.16	-H/C
<b>Processing Cost</b>				
Processing Cost/Ton - Current	J	75.67		Source: Attached Operating Cost Summary
Processing Cost/Ton - Prior	K	74.81		Source: Attached Operating Cost Summary
Increase in Processing Cost/Ton	L	\$ 0.86		J-K
Impact/Home/Month	M		\$ 0.03	L*C
<b>Residual Change</b>				
Current %	N	20.3%		Source: Attached Characterization Comparison
Prior %	O	9.8%		Source: Attached Characterization Comparison
Change	P	10.5%		N-O
Current Residual Tons/Month	Q	10.45		N*A
Prior Residual Tons/Month	R	5.05		O*A
Change in Residual Tons	S	5.41		Q-R
Change in Tons/Home/Month	T	0.0036		S/B
Disposal Cost/Ton	U	\$ 29.30		Source: Attached Characterization Comparison
Impact/Home/Month	V		\$ 0.11	T*U
Total Impact/Home/Month	W		\$ 2.30	I+M+V

Johnstown

Characterization Summary using WMDN Resi SS avg, since individual audit data not available

Commodity	Mar-18		Compo sition	Per Ton Value
	Mkt Pricing	CRV Value		
OCC	\$ 82.80	\$ -	30.2%	\$ 25.01
ONP #8	\$ 98.00	\$ -	4.9%	\$ 4.80
Mixed Paper	\$ (27.43)	\$ -	13.9%	\$ (3.81)
Aluminum/UBC	\$ 1,328.20	\$ -	1.7%	\$ 22.58
Steel/Tin	\$ 200.89	\$ -	1.9%	\$ 3.82
HDPE Natural	\$ 765.00	\$ -	0.8%	\$ 6.12
HDPE Colored	\$ 366.00	\$ -	1.3%	\$ 4.76
PET	\$ 220.00	\$ -	3.9%	\$ 8.58
Mixed Rigids		\$ -	0.0%	\$ -
Mixed Plastics 3 - 7	\$ (29.30)	\$ -	2.9%	\$ (0.85)
LDPE Film		\$ -	0.0%	\$ -
Glass - Mixed	\$ 11.00	\$ -	18.0%	\$ 1.98
Scrap steel	\$ 130.00	\$ -	0.2%	\$ 0.26
Residue	\$ (29.30)	\$ -	20.3%	\$ (5.95)
<b>Composition Total</b>			<b>100.0%</b>	

Material  
Stream  
Value  
\$ 73.24

Commodity	Mar-17		Compo sition	Per Ton Value
	Mkt Pricing	CRV Value		
OCC	\$ 191.58	\$ -	23.3%	\$ 44.64
ONP #8	\$ 135.02	\$ -	25.1%	\$ 33.89
Mixed Paper	\$ 105.46	\$ -	10.1%	\$ 10.65
Aluminum/UBC	\$ 1,341.40	\$ -	1.2%	\$ 16.10
Steel/Tin	\$ 179.66	\$ -	2.0%	\$ 3.59
HDPE Natural	\$ 701.62	\$ -	0.7%	\$ 4.91
HDPE Colored	\$ 487.32	\$ -	2.5%	\$ 12.18
PET	\$ 215.00	\$ -	3.1%	\$ 6.67
Mixed Rigids	\$ 95.00	\$ -	0.0%	\$ -
Mixed Plastics 3 - 7	\$ 10.00	\$ -	2.7%	\$ 0.27
LDPE Film		\$ -	0.0%	\$ -
Glass - Mixed	\$ 15.00	\$ -	19.3%	\$ 2.90
Scrap steel	\$ 100.00	\$ -	0.2%	\$ 0.20
Residue	\$ (29.60)	\$ -	9.8%	\$ (2.90)
<b>Composition Total</b>			<b>100.0%</b>	

Material  
Stream  
Value  
\$ 135.99

Franklin St MRF  
Processing Cost/Ton

	Mar-18 YTD Actual	Mar-17 YTD Actual
Total Cost / Ton Processed	\$ 75.67	\$ 74.81
Labor / Ton Processed	\$ 43.95	\$ 46.95
Other Variable Cost / Ton Processed	\$ 10.94	\$ 14.32
Fixed Cost / Ton Processed	\$ 20.78	\$ 13.54
	-	-

*impact of slower line and adding a 2nd shift.*  
*impact of higher maintenance cost*



**WASTE MANAGEMENT OF COLORADO**

5500 S. Quebec St. Ste 250  
Greenwood Village, CO 80111

**Johnstown**

**Extraordinary Residential Rate Increase Request**

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**Johnstown**

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Mixed Plastics 3 - 7	\$ (29.30)	\$ -	2.9%	\$ (0.85)	\$ 10.00	\$ -	2.7%	\$ 0.27		
LDPE Film	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%	\$ -		
Glass - Mixed	\$ 11.00	\$ -	18.0%	\$ 1.98	\$ 15.00	\$ -	19.3%	\$ 2.90		
Scrap steel	\$ 130.00	\$ -	0.2%	\$ 0.26	\$ 100.00	\$ -	0.2%	\$ 0.20		
Residue	\$ (29.30)	\$ -	20.3%	\$ (5.95)	\$ (29.60)	\$ -	9.8%	\$ (2.90)		
<b>Composition Total</b>			<b>100.0%</b>				<b>100.0%</b>			

**Franklin St MRF**

**Processing Cost/Ton**

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impact of slower line and adding a 2nd shift.  
impact of higher maintenance cost

# RECYCLING NEWS BULLETIN

## July 2018



**RECYCLE OFTEN.  
RECYCLE RIGHT.™**

China notified the World Trade Organization a year ago of its intent to ban the import of 24 materials, including mixed waste paper and mixed plastics. While the news was met with skepticism at the time, over the past year China followed through with the ban, and the Chinese government implemented additional restrictions including announcing a **ban on all recyclables by 2020**.

**What are the effects of China's policy changes?** Impacted by basic supply and demand economic principles, recycling commodity markets plummeted due to the global over-supply of recyclables and simultaneous reduced demand, driven by China's restrictive import policies. These policies are creating challenges for recyclers and cities:

- China's 0.5% contamination limit elevated quality expectations for all buyers across the globe. It also increased recycling processing costs in Material Recovery Facilities (MRF's) as recyclers work to remove non-acceptable items.
- Recyclers have a hard time selling paper and plastics and many are carrying large inventories.
- MRF residual rates continue to increase due to the amount of non-recyclable materials from curbside programs.
- In short, these factors contribute to increasing the cost of community recycling programs.

**What can we do to adapt to the new reality and norms of recycling?**

Keep recycling the right things! A quote in a [recent article](#) notes that we should "keep calm and recycle." Recycling will survive this crisis. It will evolve and may look different in a few years, but recycling will continue.

The best thing we can all do is to evaluate and adapt our programs for today's environment:

- **Review your acceptable items list.** Does it include only those materials with viable recycling end markets? Are you emphasizing the three rules of Recycle Often. Recycle Right.®? Are you focusing on recycling all your empty plastic bottles, aluminum cans, paper and cardboard?
- **Review informative recycling education materials to recycle right.** Visit [Recycle Often. Recycle Right.com](#) to see all the recycling education resources for residents, businesses, municipalities, multi-family complexes and more.
- **Actively discuss the current state of recycling and consider adjusting recycling contracts.** New contract language needs to mitigate the risk associated with recycling services and the role of the global commodity market.

Recycling has weathered difficult times before. Although this situation is different since it stems from Chinese policy changes changing global market dynamics rather than economic supply and demand trends, we expect markets will eventually recover, albeit, the industry will likely look very different. Now more than ever it is imperative to collect materials with long-term market viability: cardboard, paper, aluminum, tin and plastic bottles (water/soda bottles and milk/juice jugs).

---

**Join us in the battle against recycling contamination. It takes all of us working together to educate consumers to the new realities of recycling.**

- **Become a Recycling Ambassador.** Share good recycling practices with Waste Management's education and outreach program, [Recycle Often. Recycle Right.™](#) Download educational materials that help consumers and businesses **reduce and eliminate contamination**.
- **Don't bag your recyclables!** We need to help consumers change their behavior and place their recyclable materials directly into their containers – no plastic bags! It's safer for workers and better for the environment.
- **Collaborate: Let's work together to make recycling work** to adjust the current recycling business model to reflect today's marketplace.

---

**Resources for Recycling Industry News**

[Recycle Often. Recycle Right.® Newsroom](#)

[WasteDive](#)

[Waste360](#)

[Resource Recycling](#)

[Waste Today](#)



**THINK GREEN.®**

# RECYCLING NEWS BULLETIN

May 2018



RECYCLE OFTEN.  
RECYCLE RIGHT.

As valued customers committed to recycling, we are providing this important recycling update.

## Overview

In recent years, almost 30% of all recyclables from across the globe were shipped to China, including over 50% of the world's recyclable mixed paper and plastics. On January 1, all mixed paper and mixed plastics were banned as an import into China. On March 1, China began enforcing a new 0.5% contamination limit on imported recyclables, then later in March implemented Operation Blue Sky, a screening effort at their ports to enforce their new policies.

China's new policies have been implemented in response to their aggressive new environmental goals, which include creating their own recycling collection programs. China has announced a plan to eliminate imports of all post-consumer recyclables by 2021, and they appear to be taking steps to move down this path.

## May 3, 2018 Update: Chinese Government Announces 30-day Inspection Suspension

On May 3, the Chinese Government announced that it has suspended inspections/certificates for all recyclables from the U.S. through June 4, 2018. Because all loads shipped to China must be certified, recyclables will not be able to be shipped from the U.S. to China during this time. **In other words, regardless of the material bans and the 0.5% contamination limit, no recyclables will ship from the U.S. to China for at least the next month.** It is apparent that China will not be easing up on their import restrictions soon.

## Impact of this Latest Announcement

The suspension of U.S. imports into China adds additional pressure on global markets, which ultimately impacts recycling programs in communities across the U.S. Some of the material that was being shipped to China (cardboard, some newspaper, sorted office paper) will now compete for the same markets that have been established for lower value mixed paper. Inevitably, some paper will likely be left without a market.

With this latest news, commodity pricing continues to fall. We have seen a 50% reduction in commodity values in the past several months, while processing costs have increased. Every community and every recycler is impacted.

## Keeping the Focus on Quality

Alternative markets - domestic and export - require high quality recyclable materials with little to no contamination. Waste Management (WM) is focused on reducing contamination to help move materials to end markets. Given continued market volatility, we must all work together on solutions. We all have a role - and a responsibility - to make recycling successful.

---

## THE BATTLE TO REDUCE RECYCLING CONTAMINATION

The sustainability of all recycling programs is dependent upon collecting **high quality recyclable materials** free of unacceptable materials. From an **environmental, economic and safety** perspective, addressing the quality of recycling is imperative and we must tackle this together. Here is what WM is doing, and how you can help:

- Waste Management's education and outreach program, [Recycle Often. Recycle Right](#)® website has tips and tools to help customers **reduce and eliminate contamination**. Practice and share these tips!
- We continue to **invest in technology** to process cleaner material, more **efficiently**. Send us clean materials!
- As allowable, WM will **enforce contract provisions** related to contamination to the fullest extent. We will also work closely with our customers to adjust the current recycling business model to reflect today's marketplace. We are seeking **cost recovery** as allowed, **charging for contamination** and **amending contract language**. Let's work together to eliminate contamination and make recycling work!

---

## Resources for Recycling Industry News

[Recycle Often. Recycle Right.® Newsroom](#)

[WasteDive](#)

[Waste360](#)

[Resource Recycling](#)

[Waste Today](#)



THINK GREEN.®

# Your Recycling Gets Recycled, Right? Maybe, or Maybe Not

Plastics and papers from dozens of American cities and towns are being dumped in landfills after China stopped recycling most “foreign garbage.”

Image



Bales of recyclable waste in Seattle. American waste managers are struggling to find plants to process their recyclables. Credit Wigan Ang for The New York Times

By [Livia Albeck-Ripka](#)

- May 29, 2018

Oregon is serious about recycling. Its residents are accustomed to dutifully separating milk cartons, yogurt containers, cereal boxes and kombucha bottles from their trash to divert them from the landfill. But this year, because of a far-reaching rule change in China, some of the recyclables are ending up in the local dump anyway.

In recent months, in fact, thousands of tons of material left curbside for recycling in dozens of American cities and towns — including several in Oregon — have gone to landfills.

In the past, the municipalities would have shipped much of their used paper, plastics and other scrap materials to China for processing. But as part of a broad antipollution campaign, China announced last summer that it no longer wanted to import “foreign garbage.” Since Jan. 1 it has banned imports of various types of plastic and paper, and tightened standards for materials it does accept.

While some waste managers already send their recyclable materials to be processed domestically, or are shipping more to other countries, others have been unable to find a substitute for the Chinese market. “All of a sudden, material being collected on the street doesn’t have a place to go,” said Pete Keller, vice president of recycling and sustainability at Republic Services, one of the largest waste managers in the country.

China’s stricter requirements also mean that loads of recycling are more likely to be considered contaminated if they contain materials that are not recyclable. That has compounded a problem that waste managers call wishful or aspirational recycling: people setting aside items for recycling because they believe or hope they are recyclable, even when they aren’t.

[Here’s a guide to avoiding “aspirational recycling.” First lesson: Don’t recycle greasy pizza boxes.]

In the Pacific Northwest, Republic has diverted more than 2,000 tons of paper to landfills since the Chinese ban came into effect, Mr. Keller said. The company has been unable to move that material to a market “at any price or cost,” he said. Though Republic is dumping only a small portion of its total inventory so far — the company handles over five million tons of recyclables nationwide each year — it sent little to no paper to landfills last year.

But for smaller companies, like Rogue Disposal and Recycling, which serves much of Oregon, the Chinese ban has upended operations. Rogue sent all its recycling to landfills for the first few months of the year, said Garry Penning, a spokesman.

Image



Credit Wqan Ang for The New York Times

Western states, which have relied the most on Chinese recycling plants, have been hit especially hard. In some areas — like Eugene, Ore., and parts of Idaho, Washington, Alaska and Hawaii — local officials and garbage haulers will no longer accept certain items for recycling, in some cases refusing most plastics, glass and certain types of paper. Instead, they say, customers should throw these items in the trash.

Theresa Byrne, who lives in Salem, Ore., said the city took too long to inform residents that most plastics and egg and milk cartons were now considered garbage. “I was angry,” she said. “I believe in recycling.”

Other communities, like Grants Pass, Ore., home to about 37,000 people, are continuing to encourage their residents to recycle as usual, but the materials are winding up in landfills anyway. Local waste managers said they were concerned that if they told residents to stop recycling, it could be hard to get them to start again.

It is “difficult with the public to turn the spigot on and off,” said Brian Fuller, a waste manager with the Oregon Department of Environmental Quality.

The fallout has spread beyond the West Coast. Ben Harvey, the president of E.L. Harvey & Sons, a recycling company based in Westborough, Mass., said that he had around 6,000 tons of paper and cardboard piling up, when he would normally have a couple hundred tons stockpiled. The bales are filling almost half of his 80,000-square-foot facility.

“It’s really impacted our day-to-day operations,” Mr. Harvey said. “It’s stifling me.”

Recyclers in Canada, Australia, Britain, Germany and other parts of Europe have also scrambled to find alternatives.

Still, across much of the United States, including most major cities, recycling is continuing as usual. Countries like India, Vietnam and Indonesia are importing more of the materials that are not processed domestically. And some waste companies have responded to China’s ban by stockpiling material while looking for new processors, or hoping that China reconsiders its policy.

Image

Republic Services collecting recycled materials in Kent, Wash. Credit: Wigan Ang for The New York Times

Americans recycle roughly 66 million tons of material each year, according to the most recent figures from the Environmental Protection Agency, about one-third of which is exported. The majority of those exports once went to China, said David Biderman, the executive director of the Solid Waste Association of North America, a research and advocacy group.

But American scrap exports to China fell by about 35 percent in the first two months of this year, after the ban was implemented, said Joseph Pickard, chief economist for the Institute of Scrap Recycling Industries, a trade group.

“It’s a huge concern, because China has just been such a dominant overseas market for us,” Mr. Pickard said.

In particular, exports of scrap plastic to China, valued at more than \$300 million in 2015, totaled just \$7.6 million in the first quarter of this year, down 90 percent from a year earlier, Mr. Pickard said. Other countries have stepped in to accept more plastics, but total scrap plastic exports are still down by 40 percent this year, he said.

“There is a significant disruption occurring to U.S. recycling programs,” Mr. Biderman said. “The concern is if this is the new normal.”

Curbside recycling is typically hauled by a private company to a sorting plant, where marketable goods are separated out. Companies or local governments then sell the goods to domestic or overseas processors. Some states and cities prohibit these companies from dumping plastic, paper and cardboard, but some local officials — including in Oregon, Massachusetts and various municipalities in Washington State — have granted waivers so that unmarketable materials can be sent to the landfill.

Recycling companies “used to get paid” by selling off recyclable materials, said Peter Spindelov, a policy analyst for the Department of Environmental Quality in Oregon. “Now they’re paying to have someone take it away.”

In some places, including parts of Idaho, Maine and Pennsylvania, waste managers are continuing to recycle but are passing higher costs on to customers, or are considering doing so.

“There are some states and some markets where mixed paper is at a negative value,” said Brent Bell, vice president of recycling at Waste Management, which handles 10 million tons of recycling per year. “We’ll let our customers make that decision, if they’d like to pay more and continue to recycle or to pay less and have it go to landfill.”

Image

CreditWiqan Ang for The New York Times

Mr. Spindelov said companies in rural areas, which tend to have higher expenses to get their materials to market, were being hit particularly hard. “They’re literally taking trucks straight to the landfill,” he said.

Will Posegate, the chief operations officer for Garten Services, which processes recycling for a number of counties in Oregon, said his company had tried to stockpile recyclables but eventually used a waiver to dump roughly 900 tons. “The warehouse builds up so much that it’s unsafe,” he said.

In California, officials are concerned that improperly stored bales of paper could become hazards during wildfire season, said Zoe Heller, the policy director for the state’s recycling department.

While China has entirely banned 24 materials, including post-consumer plastic and mixed paper, it has also demanded that other materials, such as cardboard and scrap metal, be only 0.5 percent impure. Even a small amount of food scraps or other rubbish, if undetected, can ruin a batch of recycling.

Some waste managers say that China’s new contamination standards are impossible to meet, while others are trying to clean up their recycling streams by slowing down their processing facilities, limiting the types of materials they accept or trying to better educate customers on what belongs in the recycling bin.

Image

Waste traveling along a conveyor belt to be sorted. CreditWiqan Ang for The New York Times

Mr. Bell, the Waste Management executive, said he had seen everything from Christmas lights to animal carcasses to artillery shells come through the company’s recycling facilities. “Most of our facilities get a bowling ball every day or two,” he said.

Some materials can ruin a load, he said, while others pose fire or health hazards and can force facilities to slow their operations and in some cases temporarily shut down. (And a bowling ball could do serious damage to the equipment.) Approximately 25 percent of all recycling picked up by Waste Management is contaminated to the point that it is sent to landfills, Mr. Bell said.

Recyclers have always disposed of some of their materials. But the percentage has climbed as China and other buyers of recyclable material have ratcheted up quality standards.

Most contamination, Mr. Bell said, happens when people try to recycle materials they shouldn't. Disposable coffee cups — which are usually lined with a thin film that makes them liquid-proof but challenging and expensive to reprocess — are an example. Unwashed plastics can also cause contamination.

“If we don't get it clean, we're not going to be able to market it, and if we can't market it unfortunately it's going to go to the landfill,” said Mr. Penning, the Rogue spokesman. In March, Rogue told customers to put everything in the trash except for corrugated cardboard, milk jugs, newspapers and tin and aluminum cans, which the company is finding domestic markets for, Mr. Penning said.

Rogue customers who make mistakes might see an “Oops” sticker the next time they check their recycling bin, he said.

In Eugene, similar restrictions have been imposed by the waste company Sanipac. These have not sat well with some residents. “Eugene is a very green city and people love their recycling here,” said Diane Peterson, a resident. “There are a lot of things like yogurt containers that we get all the time, and now we can't recycle them.”

Leah Geocariss, another Eugene resident, said the change had prompted her to try to consume less overall. “On the one hand, I hate it, because I don't want stuff to end up in landfill,” she said. “On the other hand, it's a wake-up call.”

“Recycling is the third R,” she said. “You have to reduce and reuse first.”



Workers at Cal-Waste Recovery Systems pre-sort raw recycling. The company has been struggling to sell its mixed-paper recycling to its usual customer, China. Max Whittaker for The Wall Street Journal

## **Recycling, Once Embraced by Businesses and Environmentalists, Now Under Siege**

Local officials raise fees and send recyclables to landfills as economics erode

Bob Tita  
The Wall Street Journal  
May 13, 2018 7:00 a.m. ET

The U.S. recycling industry is breaking down.

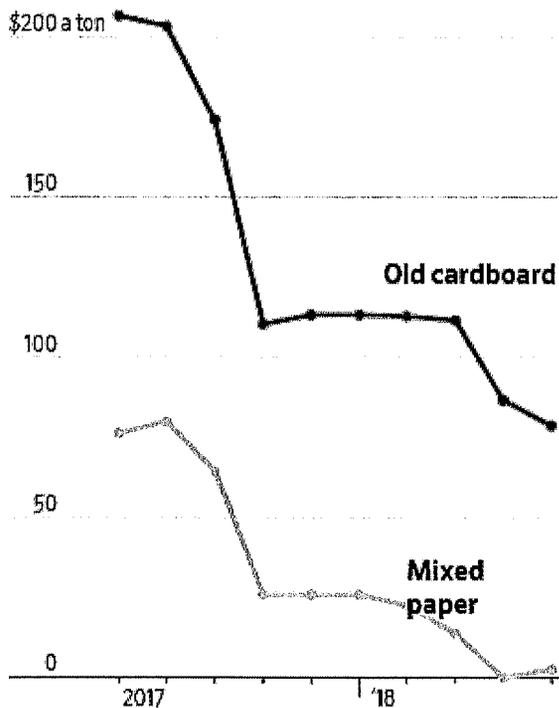
Prices for scrap paper and plastic have collapsed, leading local officials across the country to charge residents more to collect recyclables and send some to landfills. Used newspapers, cardboard boxes and plastic bottles are piling up at plants that can't make a profit processing them for export or domestic markets.

"Recycling as we know it isn't working," said James Warner, chief executive of the Solid Waste Management Authority in Lancaster County, Pa. "There's always been ups and downs in the market, but this is the biggest disruption that I can recall."

## Paper Loss

Prices for scrap paper and cardboard have plunged as China buys less recyclables from the U.S.

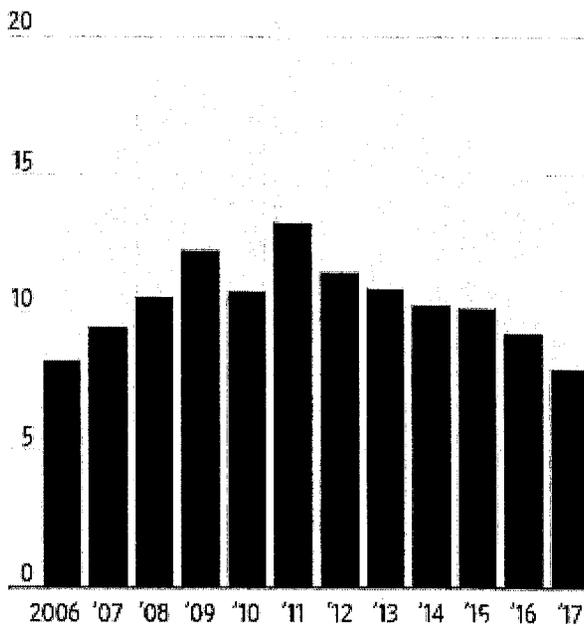
### U.S. average price for scrap paper



### U.S. recyclable exports from California ports

■ China    □ Other countries

25 million tons



Sources: Paper Stock Report (scrap); Cal Waste (recyclables)

U.S. recycling programs took off in the 1990s as calls to bury less trash in landfills coincided with China's demand for materials such as corrugated cardboard to feed its economic boom. Shipping lines eagerly filled containers that had brought manufactured goods to the U.S. with paper, scrap metal and plastic bottles for the return trip to China.

As cities aggressively expanded recycling programs to keep more discarded household items out of landfills, the purity of U.S. scrap deteriorated as more trash infiltrated the recyclables. Discarded food, liquid-soaked paper and other contaminants recently accounted for as much as 20% of the material shipped to China, according to Waste Management Inc.'s estimates, double from five years ago.

The tedious and sometimes dangerous work of separating out that detritus at processing plants in China prompted officials there to slash the contaminants limit this year to 0.5%. China early this month suspended all imports of U.S. recycled materials until June 4, regardless of the quality. The recycling industry interpreted the move as part of the growing rift between the U.S. and China over trade policies and tariffs.

The changes have effectively cut off exports from the U.S., the world's largest generator of scrap paper and plastic. Collectors, processors and the municipal governments that hire them are reconsidering what they will accept to recycle and how much homeowners

will pay for that service. Many trash haulers and city agencies that paid for curbside collection by selling scrap said they are now losing money on almost every ton they handle.

The upended economics are likely to permanently change the U.S. recycling business, said William Moore, president of Moore & Associates, a recycled-paper consultancy in Atlanta.



Cal-Waste Recovery Systems plans to invest more than \$6 million on new sorting equipment to produce cleaner bales of recyclables. PHOTO: MAX WHITTAKER FOR THE WALL STREET JOURNAL

“It’s going to take domestic demand to replace what China was buying,” he said. “It’s not going to be a quick turnaround. It’s going to be a long-term issue.”

The waste-management authority in Lancaster County this spring more than doubled the charge per ton that residential trash collectors must pay to deposit recyclables at its transfer station, starting June 1. The higher cost is expected to be passed on to residents though a 3% increase in the fees that haulers charge households for trash collection and disposal.

The additional transfer-station proceeds will help offset a \$40-a-ton fee that the authority will start paying this summer to a company to process the county’s recyclables. Before China raised its quality standards at the beginning of this year, that company was paying Lancaster County \$4 for every ton of recyclables.

Mr. Warner may limit the recyclable items collected from Lancaster County’s 500,000 residents to those that have retained some value, such as cans and corrugated cardboard. He said mixed plastic isn’t worth processing.

"You might as well put it in the trash from the get-go," he said.

Environmentalists are hoping landfills are only a stopgap fix for the glut of recyclables while the industry finds new markets and reduces contaminants.

"Stuff is definitely getting thrown away in landfills. Nobody is happy about it," said Dylan de Thomas, vice president of industry collaboration for the Recycling Partnership in Virginia. "There are very few landfill owners that don't operate recycling facilities, too. They'd much rather be paid for those materials."

Pacific Rim Recycling in Benicia, Calif., slowed operations at its plant early this year to meet China's new standard. But company President Steve Moore said the more intensive sorting process takes too long to process scrap profitably. Pacific Rim idled its processing plant in February and furloughed 40 of its 45 employees.

"The cost is impossible. We can't make money at it," Steve Moore said. "We quit accepting stuff."

China stopped taking shipments of U.S. mixed paper and mixed plastic in January. Steve Moore said mixed-paper shipments to other Asian countries now fetch \$5 a ton, down from as much as \$150 last year. Other buyers such as Vietnam and India have been flooded with scrap paper and plastic that would have been sold to China in years past.

Dave Vaccarezza, president of Cal-Waste Recovery Systems near Sacramento, Calif., intends to invest more than \$6 million in new sorting equipment to produce cleaner bales of recyclables.

"It's going to cost the rate payer to recycle," he said. "They're going to demand we make our best effort to use those cans and bottles they put out."



China stopped taking shipments of U.S. mixed paper and mixed plastic in January. Cal-Waste Recovery Systems workers sift through recycled trash. PHOTO: MAX WHITTAKER FOR THE WALL STREET JOURNAL

Sacramento County, which collects trash and recyclables from 151,000 homes, used to earn \$1.2 million a year selling the scrap to Waste Management and another processor

from scrap. Now, the county is paying what will amount to about \$1 million a year, or roughly \$35 a ton, to defray the processors' costs. Waste Management paid the county \$250,000 to break the revenue-sharing contract and negotiate those terms.

County waste management director Doug Sloan expects those costs to keep climbing. "We've been put on notice that we need to do our part," he said. The county hasn't yet raised residential fees.

'There's always been ups and downs in the market, but this is biggest disruption that I can recall.'

—James Warner, chief executive of the Solid Waste Management Authority

Some recyclers said residents and municipalities need to give up the "single-stream" approach of lumping used paper and cardboard together with glass, cans and plastic in one collection truck. Single-stream collections took hold in the waste-hauling industry about 20 years ago and continue to be widely used. Collecting paper separately would make curbside recycling service more expensive but cut down on contamination.

"We're our own worst enemies," said Michael Barry, president of Mid America Recycling, a processing-plant operator in Des Moines, Iowa, of single-stream recycling. "It's almost impossible to get the paper away from the containers."

Even relatively pure loads of paper have become tough to sell, Mr. Barry said, noting the domestic market for paper is saturated as well. He stockpiled paper bales at Mid America's warehouse, hoping prices would improve. They didn't. He has trucked 1,000 tons of paper to a landfill in recent weeks.

"We had to purge," he said. "There's no demand for it."

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