



Town of Johnstown

TOWN COUNCIL WORK SESSION

450 S. Parish, Johnstown, CO

Monday, November 08, 2021 at 6:00 PM

MISSION STATEMENT: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.

AGENDA

CALL TO ORDER

AGENDA ITEMS

- [1.](#) Home Rule Charter Amendment
- [2.](#) Impact Fee Report
- [3.](#) Tree Board Meeting
- [4.](#) Water Purchase Letter

ADJOURN

AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (970) 587-4664 within 48 hours prior to the meeting in order to request such assistance.



Town of Johnstown

TOWN COUNCIL WORKSESSION COMMUNICATIONS

AGENDA DATE: November 8, 2021

SUBJECT: Home Rule Charter Amendment

ACTION PROPOSED: Work Session Discussion Only

ATTACHMENTS:

1. Proposed Home Rule Charter Amendment
2. Initiative Petition 2022
3. Marijuana Excise Tax Information

PRESENTED BY: Matt LeCerf, Town Manager
Avi Rocklin, Town Attorney

WORK SESSION DESCRIPTION:

Recently the Town was presented with an Initiative Petition which may appear on the ballot in April 2022 during our regularly scheduled election depending on when it is returned to the Town, whether the petitioners acquire the appropriate number of signatures and whether, if the signatures are appropriate, Town Council desires to adopt it. The initiative seeks to permit medical and retail marijuana business establishments within the Town of Johnstown and implement regulations related thereto, including, but not limited to, the creation of a licensing authority, the requirements to obtain a license and pay a license fee and guidelines regarding the location of business establishments, signage and advertising. For your information, an initiative petition is permitted to seek legislative, not administrative, action. A copy of this petition for initiative is included in with this work session and memo. This petition for initiative was presented to the Town Clerk by individuals who are not residents of the Town of Johnstown.

Based on this petition, it was requested that Staff draft a Home Rule Charter Amendment to require that the proponents of an initiative and referendum petitions be represented by three registered electors of the Town of Johnstown. Enclosed is a draft copy of an ordinance that could be presented to Town Council for consideration to facilitate including this on the ballot in April 2022.

Considering the petition initiative regarding marijuana is already being circulated and provided the appropriate signatures are received meriting placement of this question on the ballot, Town Council may want to consider asking the community to support an excise tax on the sale of marijuana in April 2022. In addition, if the petition representatives would be willing to withdraw the petition, the Town Council may

The Community That Cares

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want to consider referring a ballot question to the voters asking whether the citizens desire to allow the sale of marijuana in the Town. In that manner, if the voters desire to permit the sale of marijuana, the Town Council could thereafter adopt an implementing ordinance. Enclosed is information and limits other communities have placed on the sale of retail/recreational marijuana.

Staff will be available to answer any questions related to this topic or gather and investigate these items more thoroughly as directed by Town Council.

Reviewed and Approved for Presentation,



Town Manager

TOWN OF JOHNSTOWN, COLORADO**ORDINANCE NO. 2021-****AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 5, 2022, A CHARTER AMENDMENT TO REQUIRE THAT THE PROPONENTS OF INITIATIVE AND REFERENDUM PETITIONS BE REPRESENTED BY THREE REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN**

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Article 7 of the Johnstown Home Rule Charter (“Charter”) addresses, among other matters, initiative and referendum proceedings; and

WHEREAS, Section 7.1.A and Section 7.2.A of Article 7 provide, respectively, that initiative and referendum proceedings may be commenced, except as otherwise provided in the Charter, pursuant to state statutes, ordinances or applicable laws that establish the procedures; and

WHEREAS, Section 31-11-106(2), C.R.S., provides that each initiative or referendum petition “shall designate by name and mailing address two persons who shall represent the proponents thereof in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed;” and

WHEREAS, pursuant to the state statute, the petition representatives do not need to be citizens or registered electors of the concerned municipality; and

WHEREAS, the Town Council desires to submit a proposed Charter amendment to the registered electors of the Town to require that the proponents of initiative and referendum petitions be represented by three registered electors of the Town; and

WHEREAS, Section 1.8 of Article 1 of the Charter provides that proceedings to amend the Charter may be initiated by, among other means, the adoption of an ordinance by the Town Council submitting the proposed amendment to a vote of the registered electors of the Town; and

WHEREAS, the Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

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

Section 1. The Town Council hereby submits and refers to the registered electors of the Town a proposed amendment to Section 7.1 of Article 7 of the Charter to provide a new Subsection 7.1.B and renumber the subsequent subsections, to read in its entirety as follows:

Section 7.1. Initiative.

- A. The initiative power, reserved by Article 5, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the Town as to Town legislation which is subject to the initiative power. Any initiated measure shall be in the form of an ordinance. The measure shall be initiated pursuant to the state statutes, ordinances or applicable laws which establish procedures for a municipal initiative, except as otherwise provided in this Charter and in ordinances consistent with this Charter.
- B. *Each initiative petition shall designate by name and mailing address three registered electors of the Town who shall represent the proponents thereof in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.*
- C. The initiative petition shall be signed by registered electors of the Town equal in number to at least fifteen (15) percent of the total number of electors of the Town registered to vote at the last general municipal election.
- E. The Town Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.
- F. The Town Clerk shall not count as valid any signature on an initiative petition if more than ninety (90) days have elapsed between the date the form of the petition was approved by the Town Clerk and the date of the signature.

Section 2. The Town Council hereby submits and refers to the registered electors of the Town a proposed amendment to Section 7.2 of Article 7 of the Charter to provide a new Subsection 7.2.B and renumber the subsequent subsections, to read in its entirety as follows:

Section 7.2. Referendum.

- A. The referendum power, reserved by Article 5, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the Town as to Town legislation which is subject to the referendum power. Such legislation shall be referred pursuant to the state statutes, ordinances or applicable laws which establish procedures for a municipal referendum, except as otherwise provided in this Charter and in ordinances consistent with this Charter.
- B. *Each referendum petition shall designate by name and mailing address three registered electors of the Town who shall represent the proponents thereof in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.*
- C. A referendum petition shall be signed by registered electors of the Town equal in number to at least ten (10) percent of the total number of electors of the Town registered to vote at the last regular municipal election.
- D. The Town Clerk shall not count as valid any signature on a referendum petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.

Section 3. The question of amending the Charter for the purposes stated herein shall be submitted to the registered electors of the Town in substantially the following form:

SHALL SECTIONS 7.1 AND 7.2 OF ARTICLE 7 OF THE JOHNSTOWN HOME RULE CHARTER BE AMENDED TO REQUIRE THAT THE PROPONENTS OF INITIATIVE AND REFERENDUM PETITIONS BE REPRESENTED BY THREE REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN?

___ YES

___ NO

Section 4. The election shall be a general municipal election conducted by mail ballot on April 5, 2022. Pursuant to Section 6.4 of Article 6 of the Charter, the Town Clerk is hereby authorized to be in charge of all activities and duties related to the election. In addition, the officers and employees of the Town are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Ordinance.

Section 5. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 6. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the 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 Charter. 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 ____ day of _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PETITION FOR INITIATIVE 2022

WARNING:**IT IS AGAINST THE LAW:**

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A
REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.
TO BE A REGISTERED ELECTOR YOU MUST
BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

SUMMARY OF PROPOSED INITIATIVE:

This initiative seeks to permit medical and retail marijuana business establishments within the Town of Johnstown and implement regulations related thereto, including, but not limited to, the creation of a licensing authority, the requirements to obtain a license and pay a license fee and guidelines regarding the location of the business establishments, signage and advertising.

AN INITIATIVE TO STRICTLY REGULATE, CONTROL AND PERMIT A LIMITED NUMBER OF STATE-AUTHORIZED MEDICAL/ RETAIL MARIJUANA BUSINESSES WITHIN THE TOWN OF JOHNSTOWN AND TO ESTABLISH REASONABLE RESTRICTIONS ON THE SIGNAGE AND ADVERTISING OF THESE BUSINESSES TO MATCH STATE REGULATIONS

WHEREAS Amendment 20&64 of the Colorado State Constitution, title 44, article 10 was approved by Colorado voters in 2000 and 2012 respectively, permitting municipalities to license and regulate marijuana businesses.

WHEREAS the Colorado Legislature in 2018 enacted the Colorado Marijuana Code permitting municipalities to license and regulate medical and retail marijuana businesses in order to provide marijuana and related products in a safe, professional and quality-controlled manner.

WHEREAS, it is the intent and desire of the citizens of the Town of Johnstown that the Town Council of the Town of Johnstown, Colorado, adopt AN INITIATIVE TO STRICTLY REGULATE, CONTROL AND PERMIT A LIMITED NUMBER OF STATE-AUTHORIZED MEDICAL/ RETAIL MARIJUANA BUSINESSES WITHIN THE TOWN OF JOHNSTOWN AND TO ESTABLISH REASONABLE RESTRICTIONS ON THE SIGNAGE AND ADVERTISING OF THESE BUSINESSES TO MATCH COMMUNITY NEEDS or, if the within Initiated Ordinance is not adopted by the Town Council in the form presented herein, that the within Initiated Ordinance be referred in the form presented herein to the registered electors of the municipality at a special election, specifically the April 2022 coordinated election as provided by law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, OR THE REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN:

ARTICLE XI MEDICAL/ RETAIL MARIJUANA

Sec. 6-200-10 Purpose

The purpose of this Article is to implement the provisions of Article 10 of Title 44, C.R.S., known as the Colorado Marijuana Code.

Sec. 6-200-20 Incorporation of state law.

The provisions of the Colorado Marijuana Code, and any rules and regulations promulgated thereunder, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article.

Sec. 6-200-30 Definitions.

(a) The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Applicant shall mean any person or entity who has submitted an application for a license or renewal of a license issued pursuant to this Article. If the applicant is an entity and not a natural Person, *applicant* shall include all persons who are the members, managers, officers, directors and shareholders of such entity. *Colorado Marijuana Code* shall mean Title 10, Article 44 of the Colorado Revised Statutes and any rules or regulations promulgated thereunder.

Cultivation or cultivate shall mean the process by which a person grows a marijuana plant.

Financial interest shall mean any ownership interest, including, without limitation, a membership, directorship or officer ship; or any creditor interest, whether or not such interest is evidenced by any written document.

License shall mean a document issued by the Town of Johnstown officially authorizing an applicant to operate a retail marijuana business pursuant to this Article.

Licensee shall mean the person to whom a license has been issued pursuant to this Article.

Medical/Retail marijuana business or business shall mean a medical/retail marijuana store, optional premises medical/ retail marijuana cultivation facility, or medical/ retail marijuana products manufacturing facility, medical/ retail marijuana testing facility, and licensed hospitality businesses as defined in the Colorado Marijuana Code.

Marijuana paraphernalia or paraphernalia shall mean devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers, related tools, water pipes and vaporizers.

Place of worship or religious assembly shall mean a building containing a hall, auditorium or other suitable room used for the purpose of conducting religious services or meetings of the occupants of such structure.

(b) In addition to the definitions contained in Subsection (a) of this Section, other terms used in this Article shall have the meaning ascribed to them in Article 10, Title 44 of the Colorado Marijuana Code, and such definitions are hereby incorporated into this Article by this reference.

Sec. 6-200-40 Creation.

There shall be and is hereby created a Medical/ Retail Marijuana Licensing Authority, hereafter referred to in this Article as the "Authority".

Sec. 6-200-50 Composition.

The Authority shall be a person appointed by the Town of Johnstown Manager.

Sec. 6-200-60 Functions.

(a) The Authority shall have the duty and authority pursuant to the Colorado Marijuana Code and this Article to grant or refuse licenses; to grant or refuse transfers of ownership or location of the license; and levy penalties against licensees in the manner provided by law.

(b) The Authority shall have all the powers of a Local Licensing Authority as set forth in the Colorado Marijuana Code.

(c) The Authority shall have the power to promulgate rules and regulations concerning the procedures for hearings before the Authority.

(d) The Authority shall have the power to require any applicant or licensee to furnish any relevant information required by the Authority.

(e) The Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by the District Court of the State.

Sec. 6-200-70 License required.

It shall be unlawful for any person to establish or operate a medical/ retail marijuana business in the Town of Johnstown without first having obtained from the Town of Johnstown and the State a license for each facility to be operated in connection with such business. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Section.

Sec. 6-200-80 Requirements of application for license; payment of application fee; denial of license.

(a) A person seeking a license pursuant to the Colorado Marijuana Code and the provisions of this Article shall submit an application to the Town of Johnstown on forms provided by the State and Town of Johnstown. At the time of application, each applicant shall pay a nonrefundable application fee to be set by resolution by the town council for each license issued to defray the costs incurred by the Town of Johnstown for background investigations and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present a suitable form of identification.

The applicant shall also provide the following information on a form approved by, or acceptable to, the Authority, which information may be required for the applicant and all persons having a financial interest in the retail marijuana business that is the subject of the application or, if the applicant is an entity, having a financial interest in the entity:

- (1) name, address, date of birth;
- (2) an acknowledgment and consent that the Town of Johnstown, may conduct a background investigation, including a criminal history check and that the Town of Johnstown will be entitled to full and complete disclosure of all financial records of the medical/ retail marijuana business, including records of deposit, withdrawals, balances and loans;
- (3) if the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
- (4) if the applicant is not the owner of the proposed licensed premises, a statement from the owner of such property authorizing the use of the property for a retail marijuana business;
- (5) a copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, the proposed licensed premises;
- (6) a "to scale" diagram of the proposed licensed premises, no larger than 11" x 17", showing, without limitation, building layout, all entry ways and exits to the proposed licensed premises, loading zones and all areas in which retail marijuana will be stored, grown, manufactured or dispensed;
- (7) a comprehensive business operation plan for the retail marijuana business which shall contain, at a minimum, the following:
 - a. a security plan meeting the requirements of this Article,
 - b. a general description of all products to be sold,
 - c. a plan for exterior signage that is in compliance with all applicable requirements of this Code and the Land Use Code, including photographs and/or illustrations of proposed signage; and
- (8) any additional reasonable information that the Town of Johnstown Manager determines to be necessary in connection with the investigation and review of the application.

(b) All retail marijuana businesses shall obtain other required permits or licenses related to the operation of the medical/ retail marijuana business, including, without limitation, any development approvals or building permits required by this Code and the Land Use Code.

(c) Upon receipt of a completed application, the Town of Johnstown Manager may circulate the application to all affected service areas and departments of the Town Mead to determine whether the application is in full compliance with all applicable laws, rules and regulations.

(d) The Town of Johnstown may, prior to issuance of the license, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Article or other provisions of this Code or the Land Use Code.

Sec. 6-200-90 Denial of application.

The Authority may deny any application that does not meet the requirements of the Colorado Marijuana Code or this Article. The Authority may deny any application that contains any false, misleading or incomplete information.

Sec. 6-200-100 Persons prohibited as licensees.

No license shall be issued to, held by, or renewed by any applicant who does not have the applicable State license.

Sec. 6-200-110 Location and Selection Criteria.

(a) No medical/ retail marijuana center shall be issued a license if, at the time of application for such license, the proposed location is:

- (1) within one thousand (1,000) feet of any full time private or public preschool, elementary, secondary, vocational or trade school, college or university;
- (2) within one thousand (1,000) feet of any public playground;
- (3) within five hundred (500) feet of:
 - a. any licensed child care center,
 - b. any place of worship or religious assembly,
 - c. any public park, pool, or recreation facility,
 - d. any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation or treatment center, or
- (4) within the boundaries of any residential zoned district;

(b) The location criteria contained in subsection (a) of this Section shall apply to all proposed changes in the location of an existing license.

(c) The distances described in Subsection (a) above shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated in Paragraphs (a)(1), (a)(2) and (a)(3) above to the nearest portion of the building or unit in which the retail marijuana center is located.

Sec. 6-200-120 Inspection fee.

(a) Upon issuance of a license, and upon renewal thereafter, the licensee shall pay to the Town of Johnstown a reasonable fee in an amount determined by the Town of Johnstown Manager to be sufficient to cover the cost of inspections conducted pursuant to this Article.

(b) The inspection fee required under Subsection (a) of this Section shall be due and payable prior to or upon issuance of each license and upon the renewal of any such license and shall not be refundable.

Sec. 6-200-130 Signage and advertising.

All signage and advertising for a medical/ retail marijuana center shall comply with all applicable provisions of the State Code and the Land Use Code.

(a) The prohibition's set forth in this Section shall not apply to political speech or any signage advocating the passage or defeat of a Town of Johnstown or state ballot measure.

(b) Violation of this Section shall result in a \$100 fine per day per violation. Such fine shall be levied on the licensee by the Authority upon the Authority finding by a preponderance of the evidence a violation of this Section. Repeated and continuous failure to comply with the requirements of this Section shall be considered by the Authority in any action relating to the issuance, revocation, suspension or nonrenewal of a license.

Sec. 6-200-140 Warning signs.

All warning signs at the premises shall comply with the requirements of the Colorado Marijuana Code and all applicable rules and regulations promulgated thereunder.

Sec. 6-200-150 Security requirements.

Security measures at all licensed premises shall comply with the requirements of the Colorado Marijuana Code and all applicable rules and regulations promulgated thereunder.

Sec. 6-200-160 Report of disturbances and unlawful activity.

(a) All licensees and any agent, manager or employee thereof, shall immediately report to the Town of Johnstown Police Department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed premises.

(b) Failure to comply with the requirements of this Section shall be considered by the Authority in any action relating to the issuance, revocation, suspension or nonrenewal of a license.

Sec. 6-200-170 Labeling.

All medical /retail marijuana sold or otherwise distributed by the licensee shall be labeled in a manner that complies with the requirements of the Colorado Marijuana Code and all applicable rules and regulations promulgated thereunder.

Sec. 6-200-180 Prohibited acts.

(a) It shall be unlawful for any licensee to permit the consumption of alcohol beverages, as defined in the Colorado Liquor Code, on the licensed premises.

(b) It shall be unlawful for any licensee holding a medical/ retail marijuana center licensed, or for any agent, manager or employee thereof, to:

(1) sell, give, dispense or otherwise distribute retail marijuana or retail marijuana paraphernalia from any outdoor location ;

(2) sell, give, dispense or otherwise distribute retail marijuana to anyone under twenty-one (21) years of age.

(3) Sell, give, dispense or otherwise distribute more than one ounce (1) of retail marijuana to a legal consumer within a twenty-four (24) hour period of time;

(c) It shall be unlawful for any optional premises cultivation operation, testing facilities and Research and Development facilities to post or allow to be posted signs or other advertising materials identifying the premises as being associated with the use of medical/ retail marijuana.

(d) It shall be unlawful for any medical/ retail marijuana-infused products manufacturer, or hospitality business to post or allow to be posted signs or other advertising materials identifying the premises as being associated with the production or use of medical/ retail marijuana.

Sec. 6-200-190 Visibility of activities; control of emissions.

(a) All activities of medical/ retail marijuana businesses, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted out of public view per the provisions of the Colorado Marijuana Code.

(b) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a retail marijuana business must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a medical/ retail marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Sec. 6-200-200 Sales tax.

Each medical/ retail marijuana business shall collect and remit to the Town of Johnstown, sales and use tax on all medical/ retail marijuana, paraphernalia and other tangible personal property used or sold at the licensed premises.

Sec. 6-200-210 Inspection of licensed premises.

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Town of Johnstown Police Department and all other Town of Johnstown departments designated by the Town of Johnstown Manager for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state and local laws or regulations.

Sec. 6-200-220 Nonrenewal, suspension or revocation of license.

(a) The Authority may, after notice and hearing, suspend, revoke or refuse to renew a license for any of the following reasons:

(1) the applicant or licensee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Article or with any applicable State or local law or regulation;

(2) the applicant or licensee, or his or her agent, manager or employee, have failed to comply with any special terms or conditions of its license pursuant to an order of the State or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or

(3) the medical/ retail marijuana business has been operated in a manner that adversely affects the public health, safety or welfare.

(b) Evidence to support a finding under Subsection (a) of this Section may include, without limitation, a continuing pattern of disorderly conduct, a continuing pattern of drug-related criminal conduct within the premises of the medical/retail marijuana business or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the medical/ retail marijuana business, or an ongoing nuisance condition emanating from or caused by the retail marijuana business. Criminal conduct shall be limited to the violation of a state or Town of Johnstown law or regulation.

(c) The Authority shall conduct a review of all licenses at least annually and in addition to examining the factors enumerated in this subsection, may hold a hearing on each license at which the general public shall be invited to appear and provide testimony as to the effects of the license on the surrounding community and the town of Johnstown at large and the Authority may take such views into consideration when deciding whether to continue or renew such license.

Sec. 6-200-230 Violations and penalties.

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Article, any person, including, but not limited to, any licensee, manager or employee of a medical/ retail marijuana business, or any customer of such business, who violates any of the provisions of this Article, shall be guilty of a misdemeanor unless a different penalty is provided herein.

Sec. 6-200-240 No Town of Johnstown liability; indemnification.

(a) By accepting a license issued pursuant to this Article, the licensee waives and releases the Town of Johnstown, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of State or federal laws, rules or regulations.

(b) By accepting a license issued pursuant to this Article, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the Town of Johnstown, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the retail marijuana business that is the subject of the license.

Sec. 6-200-250 Other laws remain applicable.

(a) To the extent the State adopts in the future any additional or stricter law or regulation governing the sale or distribution of medical/ retail marijuana, the additional or stricter regulation shall control the establishment or operation of any medical/ retail marijuana business in the Town of

Johnstown. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

(b) If the State prohibits the sale or other distribution of marijuana through medical/ retail marijuana centers, any license issued hereunder shall be deemed immediately revoked by operation of law.

Sec. 6-200-260 Severability.

If any section, sentence, clause, phrase, word or other provision of this Article is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Article or the validity of this Article as an entirety, it being the legislative intent that this Article shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Sec. 6-200-270 Administrative regulations; Action by the Town Council.

(a) The Town of Johnstown Manager is authorized to promulgate such rules and regulations as are necessary to effectuate the implementation, administration and enforcement of this Article.

(b) The Town Council shall be permitted to lessen any restriction contained in this Article.

(c) Should the Town Council refer this Initiated Ordinance to the registered electors of the Town of Johnstown at a regular or special municipal election, this Initiated Ordinance shall take effect immediately upon certification by the designated election official that a majority of registered electors voted in favor of this Ordinance at such regular or special election.

(d) If any section, sentence, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance or the validity of this Ordinance as an entirety, it being the legislative intent that this Article shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

PETITION REPRESENTATIVES

Name	Address
1. Autumn Todd	3324 Riva Ridge Drive, Fort Collins, Co 80526
2. Tom Wilczynski	4255 Rainbow Lane, Loveland, Co 80538

WARNING:**IT IS AGAINST THE LAW:**

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**DO NOT SIGN THIS PETITION UNLESS YOU ARE A
REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE
TO BE A REGISTERED ELECTOR YOU MUST
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Do not sign this petition unless you have read or had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

SUMMARY OF PROPOSED INITIATIVE:

This initiative seeks to permit medical and retail marijuana business establishments within the town of Johnstown and implement regulations related thereto, including, but not limited to, the creation of a licensing authority, the requirements to obtain a license and pay a license fee and guidelines regarding the location of the business establishments, signage, and advertising.

1	Signature	Printed Name		Date of Signing
	Residence Address (Street & Number)	Town	County	
2	Signature	Printed Name		Date of Signing
	Residence Address (Street & Number)	Town	County	
3	Signature	Printed Name		Date of Signing
	Residence Address (Street & Number)	Town	County	
4	Signature	Printed Name		Date of Signing
	Residence Address (Street & Number)	Town	County	
5	Signature	Printed Name		Date of Signing
	Residence Address (Street & Number)	Town	County	

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Aguilar									Aguilar Municipal Code
Akron									Akron Municipal Code
Alamosa				√			5% sales tax on retail sales (not currently allowed)		Alamosa Municipal Code
Alma	√	√	√	√					Alma Municipal Code
Antonito	√								Antonito Retail Store
Arriba								Permanent moratorium.	Link to Town Ordinances
Arvada									Arvada Municipal Code
Aspen	√	√	√	√					Aspen Municipal Code
Ault									Ault Municipal Code, Chapter 9.34
Aurora	√	√	√	√	√		5% excise tax, 4% sales tax on retail with authority up to 10%		Aurora Marijuana Enforcement Division
Avon									Avon Municipal Code
Basalt	√						5% sales tax on retail marijuana		Basalt Municipal Code
Bayfield							\$10 per retail transaction (sales not currently allowed)		Bayfield Municipal Code
Bennett									Bennett Municipal Code
Berthoud	√						7% sales and excise tax on retail sales		Berthoud Municipal Code (Retail marijuana, not yet codified)
Bethune									
Black Hawk	√						5% sales on retail and medical		Black Hawk Municipal Code
Blanca		√	√				5% excise on sale or transfer of unprocessed retail marijuana		in CML files
Blue River									Blue River Municipal Code
Boone									
Boulder	√	√	√	√			5% excise tax, 3.5% sales tax		Boulder Municipal Code
Bow Mar									Bow Mar Municipal Code
Branson									
Breckenridge	√	√	√				5% excise tax on all sales of marijuana		Breckenridge Municipal Code
Brighton									Brighton Municipal Code
Brookside									Brookside Marijuana Ordinance
Broomfield	√			√	√		5% excise tax	Prohibition ordinance for cult and mfg set to repeal on 4/1/25	Broomfield Municipal Code
Brush									Brush Municipal Code
Buena Vista	√						5% sales tax with authority up to 15%	Approved by voters November 2020	Buena Vista Municipal Code
Burlington									Burlington Municipal Code
Calhan									Calhan Zoning Code
Campo									CML Files
Cañon City							5% excise and sales, authority up to 10%	Moratorium with Ordinance 7-2014	Canon City Ordinances
Carbonate									
Carbondale	√	√	√	√			sales tax 5%, excise tax 5%		Carbondale Municipal Code
Castle Pines									Castle Pines Zoning Ordinance Section 206
Castle Rock									Castle Rock Municipal Code
Cedaredge	√						5% sales tax	Approved by voters November, 2020	Cedaredge Municipal Code
Centennial									Centennial Municipal Code
Center								Defeated by voters 11/19	
Central City	√						5% on retail sales		Central City Municipal Code
Cheraw									
Cherry Hills Village									Cherry Hills Municipal Code
Cheyenne Wells									CML Files
Coal Creek									CML Files
Cokedale									
Collbran								Permanent moratorium	Collbran Municipal Code
Colorado Springs						√			Colorado Sprngs Municipal Code
Columbine Valley									
Commerce City	√	√	√	√			7% sales tax, 5% excise tax		Commerce City Municipal Code
Cortez	√	√		√					Cortez Municipal Code
Craig	√	√	√	√			up to 4% sales tax	Approved by voters 11/19	Craig Municipal Code
Crawford							5% sales with authority up to 10, 5% excise (sales not currently allowed)		Crawford Marijuana Ordinances
Creede									Creede Ordinance 375
Crested Butte	√		√	√					Crested Butte Municipal Code
Crestone	√						5% sales tax		CML Files
Cripple Creek									Cripple Creek Municipal Code
Crook									
Crowley									
Dacono									Dacono Municipal Code
De Beque	√	√	√	√			5% excise tax on sale and cultivation		Marijuana Page on De Beque Website
Deer Trail									
Del Norte									Del Norte Municipal Code
Delta							5% excise, 2% sales (sales not currently allowed)		Delta Municipal Code
Denver	√	√	√	√	√	√	5.5% sales tax, authorized up to 15%	approved delivery 4/21 to start by summer	Link to Denver's Marijuana Business Licenses Page
Dillon	√						5% sales tax; 5% excise		Dillon Municipal Code
Dinosaur	√	√	√	√			5% excise, 10% sales		Dinosaur Ordinance 3
Dolores	√	√	√	√			\$5 occupation tax per sales transaction; 5% excise	Approved by voters 4/20	
Dove Creek									
Durango	√			√			3% sales tax		Durango Municipal Code
Eads									
Eagle	√	√	√	√			2.5% sales and 2.5% excise each increasing .5%/year up to 5%		Link to Eagle Marijuana Regulations Page
Eaton									Eaton Municipal Code
Eckley								Voted down 11/2020	
Edgewater	√	√	√	√					Edgewater Municipal Code
Elizabeth									Elizabeth Municipal Code
Empire	√	√	√				\$5/transaction		Empire Ordinance 238
Englewood	√						3.5% with authority up to 5%		Englewood Municipal Code
Erie									Erie Municipal Code
Estes Park								Voted down 12/19	Estes Park Municipal Code
Evans									Evans Municipal Code
Fairplay									Fairplay Municipal Code
Federal Heights	√	√	√	√			5% sales tax with authority up to 10%, 5% excise tax with authority up to 10%		Federal Heights Marijuana Ordinance
Firestone									Firestone Municipal Code
Flagler									Prohibited (per email)
Fleming									
Florence				√			5% excise tax on wholesale		Florence Municipal Code
Fort Collins	√	√	√	√					Link to Fort Collins Marijuana Page

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Fort Lupton	✓						3.1% sales tax with authority up to 10%	Approved by voters November, 2020	Fort Lupton Municipal Code
Fort Morgan									Fort Morgan Municipal Code
Fountain									Fountain Municipal Code
Fowler									Fowler Municipal Code
Foxfield									Foxfield Municipal Code
Fraser	✓						5% sales tax		Fraser Municipal Code
Frederick									Frederick Municipal Code - Chapter 6
Frisco	✓	✓	✓				5% sales tax		Frisco Taxation Code
Fruita							5% excise tax		Fruita Ordinance 2013-13
Garden City	✓	✓	✓	✓					Garden City Municipal Code
Genoa									
Georgetown	✓		✓				\$5/transaction		Georgetown Municipal Code
Gilcrest									Gilcrest Municipal Code
Glendale	✓	✓	✓	✓		✓			Glendale Municipal Code
Glenwood Springs	✓	✓	✓	✓			sales tax: 5% up to 15%, excise tax: 5%		Glenwood Springs Municipal Code
Golden									Golden Municipal Code
Granada									
Granby									Granby Municipal Code - Chapter 16
Grand Junction	✓	✓	✓	✓			5% sales tax, up to 15%; 3% excise tax, up to 10%	Approved by voters April 2021	Grand Junction Municipal Code
Grand Lake									Grand Lake Municipal Code - Chapter 7
Greeley									Greeley Municipal Code
Green Mountain Falls									Green Mountain Falls Ordinance 01-2013
Greenwood Village									Greenwood Village Municipal Code
Grover									
Gunnison	✓	✓	✓	✓			5% sales tax, 5% excise tax		Gunnison Municipal Code
Gypsum									Gypsum Municipal Code
Hartman									
Haswell									
Haxtun									
Hayden	✓	✓					7.5% excise tax with authority up to 15%		Hayden Municipal Code
Hillrose									
Holly									Holly Marijuana Prohibition Ordinance
Holyoke									Holyoke Ord. 7-2016
Hooper									
Hot Sulphur Springs									Hot Sulphur Springs - Ordinance
Hotchkiss							2% sales tax (up to 10%) in event sales are permitted by election		CML Files
Hudson									Hudson Land Development Code - Chapter 16
Hugo									Hugo Ordinance 237
Idaho Springs	✓	✓							Idaho Springs Municipal Code
Ignacio									Ignacio Ordinance 308 - Permanent Ban
Iliff									
Jamestown								Permanent moratorium	Jamestown Ordinance 2013-01
Johnstown									Johnstown Ordinance 2016-143
Julesburg									
Keenesburg									Keenesburg Municipal Code
Kersey									Kersey Municipal Code
Kim									
Kiowa								Voted down 11/2020	Kiowa Municipal Code - Chp. 6
Kit Carson									
Kremmling									
La Jara									
La Junta									La Junta Municipal Code
La Salle									CML Files
La Veta	✓	✓	✓	✓					La Veta Municipal Code
Lafayette	✓	✓	✓	✓			sales and excise tax 5% up to 10%		Lafayette Municipal Code
Lake City									Lake City Municipal Code
Lakeside									
Lakewood	✓	✓						Approved by voters November 2020	Lakewood Municipal Code
Lamar									Lamar Municipal Code - Chp. 6
Larkspur									Larkspur Municipal Code
Las Animas	✓	✓	✓	✓			5.75% sales tax	Approved November 2018 election	
Leadville	✓	✓	✓	✓			5% excise tax, up to 10%		Leadville Municipal Code
Limon									Limon Municipal Code
Littleton	✓						Special 3% sales tax on retail	Approved by voters November 2020	Littleton Municipal Code - Chp. 21
Lochbuie									Lochbuie Municipal Code
Log Lane Village	✓	✓	✓	✓			5% excise tax		
Lone Tree									Lone Tree Municipal Code
Longmont	✓						3.5% sales tax; 3% excise tax with authority up to 15%		Longmont Marijuana Ordinance
Louisville	✓	✓		✓			5% excise tax on cultivation		Louisville Municipal Code
Loveland								Defeated by voters 11/19	Loveland Municipal Code - 7.65.20
Lyons	✓	✓	✓	✓			3.5% sales; 5% excise tax; both up to 10%		Lyons Municipal Code
Manassa									
Mancos	✓	✓	✓	✓			occupation tax up to \$10/transaction		Mancos Municipal Code
Manitou Springs	✓			✓			6%, authority up to 10%	cultivation and manufacturing prohibited	Manitou Springs Municipal Code
Manzanola									
Marble									Marble Ordinance 8-2014
Mead								Defeated by voters 11/19	Mead Municipal Code
Meeker									Meeker Municipal Code
Merino									
Milliken	✓	✓	✓	✓			occupation tax up to \$10/transaction		Milliken Municipal Code
Mintum									Mintum Municipal Code
Moffat	✓	✓	✓				2% sales tax first year, increasing to 5% in year two		CML Files
Monte Vista							18% excise tax, 18% sales tax		Monte Vista Municipal Code
Montezuma									Montezuma Ordinance 3-2014
Montrose									Montrose Ordinance 2321
Monument									Monument Municipal Code
Morrison									Morrison Municipal Code
Mountain View	✓	✓	✓	✓			5% sales tax		Mountain View Marijuana Ordinance
Mountain Village									CML Files
Mt. Crested Butte									Mt. Crested Butte Chp. 21
Naturita	✓	✓	✓	✓			2% sales tax, with authority up to 10; excise tax of 5%		
Nederland	✓	✓	✓				3.75% sales tax		Nederland Municipal Code
New Castle									New Castle Municipal Code
Northglenn	✓	✓	✓		✓		4% sales tax, up to 10%	Delivery approved June 2021	Northglenn Municipal Code

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Norwood	✓		✓	✓			2% sales tax, up to 10%; 5% excise tax	Approved by voters 4/20	
Nucla									
Nunn		✓					5% excise tax		CML Files
Oak Creek	✓	✓	✓	✓					Oak Creek Municipal Code
Olathe									Olathe Municipal Code, Title IV, Chapter 4
Olney Springs									CML Files
Ophir									
Orchard City							up to 5% sales tax, up to 5% excise tax, up to \$10 occupation tax for each sale transaction		Orchard City July 2017 Minutes
Ordway	✓		✓	✓					Ordway Municipal Code
Otis									Otis Ordinance 173
Ouray							5% with authority up to 10%		Ouray Council Minutes
Ovid									
Pagosa Springs	✓	✓							Pagosa Springs Municipal Code
Palisade	✓	✓	✓	✓			5% excise tax; Occupation tax of \$5.00 for each sales transaction that is less than \$100, \$10.00 for each sales transaction between \$100.00 and \$500.00 and \$25.00 for each sales transaction of \$500.00 or more		Link to Palisade Marijuana Information
Palmer Lake		✓					5% sales tax with authority up to 10% (sales not currently allowed); 5% excise tax with authority up to 10%		Palmer Lake Municipal Code, Section 5.40
Paoli									
Paonia	✓						excise and sales tax of 5%, both with authority up to 10%; \$5.00 occupation tax per sales transaction	Approved by voters November 2020	Paonia Ordinance 2017-12
Parachute	✓	✓	✓	✓	✓	✓	5% excise tax		Parachute Municipal Code
Parker									Parker Municipal Code
Peetz									CML Files
Pierce									CML Files
Pitkin									CML Files
Platteville									Platteville Municipal Code
Poncha Springs							5% sales tax; 5% excise tax (sales not currently allowed)		Poncha Springs Ordinance 2013-1
Pritchett									
Pueblo	✓	✓	✓	✓			8% excise tax with authority up to 15%		Pueblo Municipal Code
Ramah									
Rangley									
Raymer									
Red Cliff	✓	✓	✓	✓			5% sales tax, 15% excise tax		CML Files
Rico	✓	✓	✓	✓			10% sales and 10% excise on unprocessed retail marijuana sold or transferred from cultivation facility to retail facility		Rico Marijuana Ordinance
Ridgway	✓	✓	✓	✓					Ridgway Municipal Code
Rifle	✓	✓					5% excise tax		Rifle Municipal Code
Rockvale									
Rocky Ford	✓						6% sales tax with authority up to 8%		Rocky Ford Municipal Code
Romeo	✓	✓	✓	✓				Approved by voters November 2020	
Rye									
Saguache									Saguache Ordinance 2013-1
Salida	✓								Salida Municipal Code
San Luis	✓	✓	✓						San Luis Municipal Code
Sanford									
Sawpit									
Sedgwick	✓	✓	✓	✓			5% sales tax; 2% excise tax on cultivation; occupation tax of \$5-\$25 per wholesale manufacturing transaction		In CML files
Seibert									
Severance							7% sales tax (sales not currently allowed)		Severance Municipal Code
Sheridan							5% excise		Sheridan Municipal Code
Silt	✓	✓	✓	✓			3.5% retail sales		Silt Municipal Code
Silver Cliff									
Silver Plume	✓						4% and no greater than 8%		Silver Plume Ordinance 335/336
Silverthorne	✓	✓					5% excise tax on mj and products		Silverthorne Municipal Code
Silverton	✓	✓	✓	✓			1% sales tax and 3% excise tax		Silverton Municipal Code
Simla									Simla Municipal Code - Chp. 2
Snowmass Village	✓						5% sales tax, up to 15%		Ordinance 3, Series 2019
South Fork							5% sales tax		South Fork Ordinance 15-06
Springfield									
Starkville									
Steamboat Springs	✓	✓	✓	✓					Steamboat Springs Municipal Code
Sterling									
Stratton									CML Files
Sugar City	✓								
Superior					✓				Superior Municipal Code
Swink									
Telluride	✓	✓	✓	✓					Telluride Municipal Code
Thornton	✓			✓	✓		5% sales tax	Approved delivery April 2021	Thornton Municipal Code
Timnath									Timnath Municipal Code
Trinidad	✓	✓	✓	✓			5% sales tax		Trinidad Marijuana Licensing Application
Two Buttes									
Vail									Vail Municipal Code
Victor									Victor Municipal Code
Vilas									
Vona									
Walden									CML Files
Walsenburg	✓	✓	✓	✓			5% excise tax		Link to Walsenburg's Marijuana Page
Walsh									
Ward									
Wellington									In CML files
Westcliffe									Westcliffe Municipal Code
Westminster									Westminster Municipal Code
Wheat Ridge	✓	✓	✓	✓			3.5% sales tax		Wheat Ridge Municipal Code
Wiggins									Wiggins Marijuana Ordinance
Wiley									
Williamsburg									Prohibited by Chapter 2 Article II of Code
Windsor									Windsor Municipal Code
Winter Park							5% sales tax (sales not currently allowed)		Winter Park Municipal Code

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Woodland Park									Woodland Park Municipal Code
Wray									
Yampa									
Yuma							5% sales tax with authority up to 10 (sales not currently allowed)		Yuma Municipal Code

√	Permitted					
Totals:	89	64	58	57	7	4



Town of Johnstown

TOWN COUNCIL WORKSESSION COMMUNICATION

AGENDA DATE: November 8, 2021

SUBJECT: Town of Johnstown Impact Fees Study

ATTACHMENTS: 1. 2021 Impact Fee Report
2. Presentation

PRESENTED BY: Matt LeCerf, Town Manager

WORKSESSION ITEM DESCRIPTION:

In 2015, the Town of Johnstown contracted with BBC to perform an impact fee study for the establishment of impact fees on development. The impact fees were adopted by Council on second reading, December 21, 2015. The fee schedule associated with the impact fees were effective for a five-year period, increasing year by year until 2020. These fees that are currently in place have remained the same during the 2021 calendar year. In order to modify these fees, a new impact fee study update is highly advised and possibly required. The Town contracted with WEL Consulting to perform this work and evaluate our current impact fee structure.

In general, the impact fees are designed to address capital projects associated with the various categories we charge impact fees for and they are based on new development that occurs in the community. WEL Consulting has completed their study and a copy of their impact fee report is included as well as the presentation that will be made to Council during this work session. Staff desires to receive feedback regarding the proposed rate structures and determine if any adjustments or recommendations from Council are necessary based on the study to facilitate a formal agenda item at a future Council meeting. The impact fee adjustments would be scheduled to occur beginning in 2022 and would change on a small percentage basis each year, over a 5 year period.

Reviewed and Approved for Presentation,

Town Manager

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141



2021 Impact Fee Report

Town of Johnstown, Colorado



Impact Fee Report

Date: November 1, 2021

To: Matt LeCerf, Town Manager

By: Wesley LaVanchy, WEL Consulting, Inc.

Section I: Development Impact Fees Design Considerations

Introduction

The following report extends the previous BBC Consulting Report and subsequent recommendations on impact fees to the Board of Trustee dated 11/05/2015. This scope reexamines and extends the underlying calculations for the development impact fees for Johnstown, Colorado.

The following report describes impact fee design requirements and various fee design considerations specific to Johnstown. Subsequent sections document individual fee calculations and provide recommendations for the Town to consider. The fees noted here are intended to replace the Town's current fees last revised in 2015 and periodically adjusted for inflation. Development impact fees are sometimes referred to as capital expansion fees, system expansion fees, or, in the case of water and sewer utilities, plant investment fees.

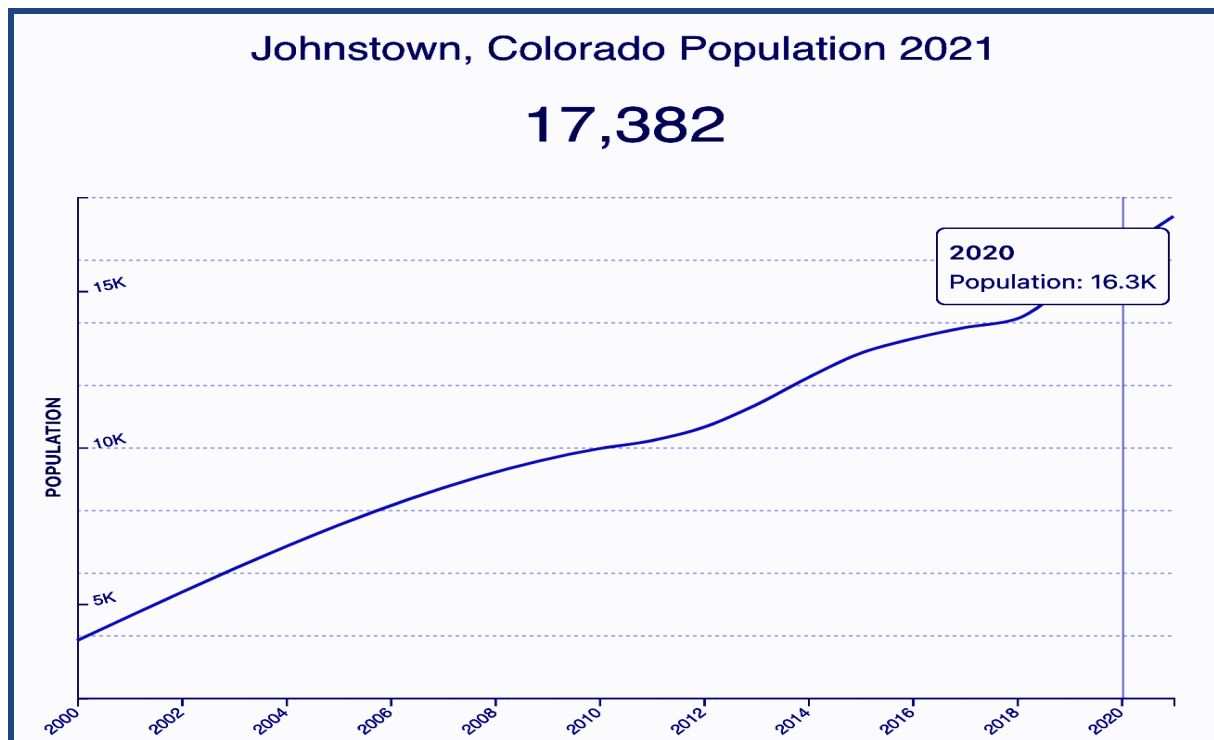
Development impact fees are one-time charges levied against new development to recover the costs of providing municipal capital facilities necessary to serve new development. As previously noted in the 2015 BBC Consulting report, impact fee amounts cannot be arbitrarily assigned. The maximum amount that a community can charge a new development for infrastructure needs and how those fees are imposed and spent is dictated

by Colorado Statutes and a series of United States Supreme Court decisions and related case law.

Considering these design and implementation requirements and the lengthy period since the last fee design effort, the Town retained WEL Consulting to update the previously adopted fee design assessment and prepare this report documenting the calculation of appropriate revised fees. The Town of Johnstown is one of multiple communities along Colorado's northern Front Range that have experienced significant residential and commercial growth for many years. In part by way of annexation and in part by general community development, Johnstown has nearly doubled its population over the past decade.

Currently (2021), the Town has approximately 17,000 residents living in 5,800 households. According to the assessor's records, Johnstown lies in two counties—the Town also has over 3.2 million square feet of non-residential land uses, including retail, commercial and industrial developments. In 2015 this was approximately 1.8 million square feet.

Figure 1.1



<https://worldpopulationreview.com/us-cities/johnstown-co-population>

Over the past five years, Johnstown has continued to annex multiple properties, construct new facilities, and significantly improve its public services level, changes that further reinforce the need for impact fee recalibration. To mitigate the impacts on existing community members, Johnstown, like many Colorado Front Range communities, imposes impact fees to support the expansion of public infrastructure for new growth.

Fee Design Considerations

As noted previously, impact fees are commonplace in Colorado. Over time, a reasonable consensus has emerged on how best to assure fee compliance with state statutes and federal court dictates. To develop fees, there are three essential components: (1) definition of appropriate community standards for each category of capital facilities; (2) calculation of proportional attribution to new growth; and (3) attribution of infrastructure capital investment requirements across residential and non-residential land uses. These fee design requirements and their resolution for this analysis are discussed below.

Determining Community Standards

The first fee design task involves determining appropriate capital standards for each category of infrastructure. Some state-enabling legislation describes capital standard criteria with considerable specificity; for instance, Idaho requires that a city use an endorsed capital improvements schedule and then dictates a process of attribution between growth-related and other investments. Colorado does not have this same detailed guidance. Facility standards, such as library space per household, can vary widely between communities; thus, it is not appropriate to use standards developed for other towns. The community standard definition process involves *documenting the replacement value of specific capital facilities and qualified equipment used for each infrastructure category and then defining that level of capital investment as the city's current capital standard.*

As noted in the 2015 report, for instance, a city of 2,000 homes with 20 acres of community park land and land values of \$20,000 per acre would have a park standard of 100 households per acre of park land (2,000 homes/20 acres). At \$20,000/acre, each existing residence would have an embedded park land investment of \$200 per home. This would be the community's current park land standard, and the amount of \$200 is what each new unit could be charged as a "buy-in" amount for a park fee.

Standards: In this instance (Johnstown), the consultants have updated the 2015 model, which used the Town's current facility investment as a basis for determining appropriate facility standards defensible and the most common approach to impact fee design. In this manner, new residents or commercial developments are only required to fund infrastructure needs at the same level as the current community has proven itself willing to support. New growth is not asked to improve or subsidize facility expansion. If the community chooses to improve its capital standards, those "betterment" costs will be the responsibility of all residents and businesses in the Town, not just new or future development. Current facility asset values were obtained mainly from the Town's most recent property and casualty insurance valuation information as reported to the Colorado Intergovernmental Risk Sharing Agency (CIRSA). All physical facility information includes estimates of furniture, fixtures, and durable equipment.

Proportionality & Attribution: One of the most challenging issues in designing fees is ensuring that fees only cover the proportional expansion caused by new development. The state statutes and various applicable court decisions require a demonstration of proportionality. In this instance, proportionality is reasonably and fairly derived by using existing town capital facility standards and then requiring new development to buy in at a rate necessary to replace the current standard of facility investment. As noted in the 2015 BBC, Consulting report, new growth simply replicates its proportional share of an existing facility standard. It is not material if these standards are lower or higher than the Town aspires to develop. The Town's current standards will be the standards to which new growth will be held accountable.

Fig 1.2: Land Use Allocation - Town of Johnstown

Land Use	Amount	Percent
<u>Nonresidential (SF)</u>	3,256,802	23%
Retail	808,725	6%
Office	286,224	2%
Industrial/Other	2,161,853	15%
<u>Residential</u>	10,908,880	77%
Units	5,757	

Provided by Town of Johnstown

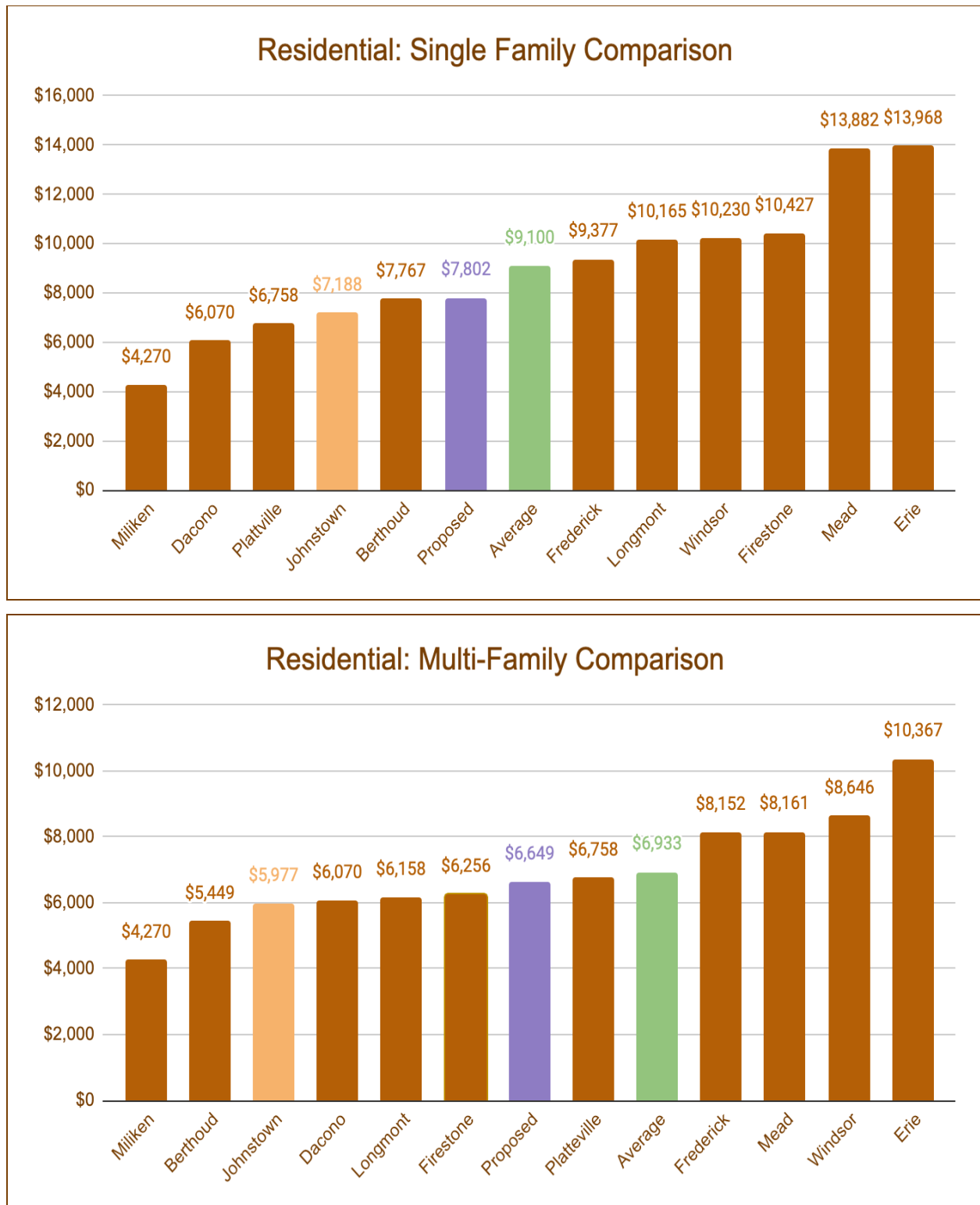
Over time, the Town may raise facility standards, and future fees will need to be adjusted to represent these service standard changes. Applicable Colorado statutes dictate that all forms of development that influence municipal capital expansion needs (e.g., residential, industrial, and commercial) can only be charged for their proportional share of capital expansion costs. In addition, impact fees cannot be charged to only one form of land use. If one form of land use were arbitrarily exempted from impact fees, all other contributors would not have a reasonable expectation of seeing facility expansion completed, and other developments would potentially be paying a disproportionate share of costs. Therefore, standard impact fee design dictates that all forms of land uses be allocated a share of growth associated costs in proportion to each land use's impact on capital facility use. As explained in the 2015 report, some particular land uses do not affect the need for new capital expansion in a given category due to its very nature. For example, most impact fee systems do not charge commercial or industrial property a fee for recreational system expansion because new commercial development does not significantly affect the need for parks and recreation expansion.

As noted in the BBC, Consulting report, the Town cannot waive fees unless the fund is reimbursed from other sources, such as the general fund, or the developer/owner is making other contributions to system expansion by different mechanisms that exceeds the calculated requirements. *Reducing or waiving fees for affordable housing is expressly allowed under Colorado statutes.* Fees should be updated periodically; most communities complete a comprehensive update of fees every five years. Inflationary adjustments are recommended on an annual basis.

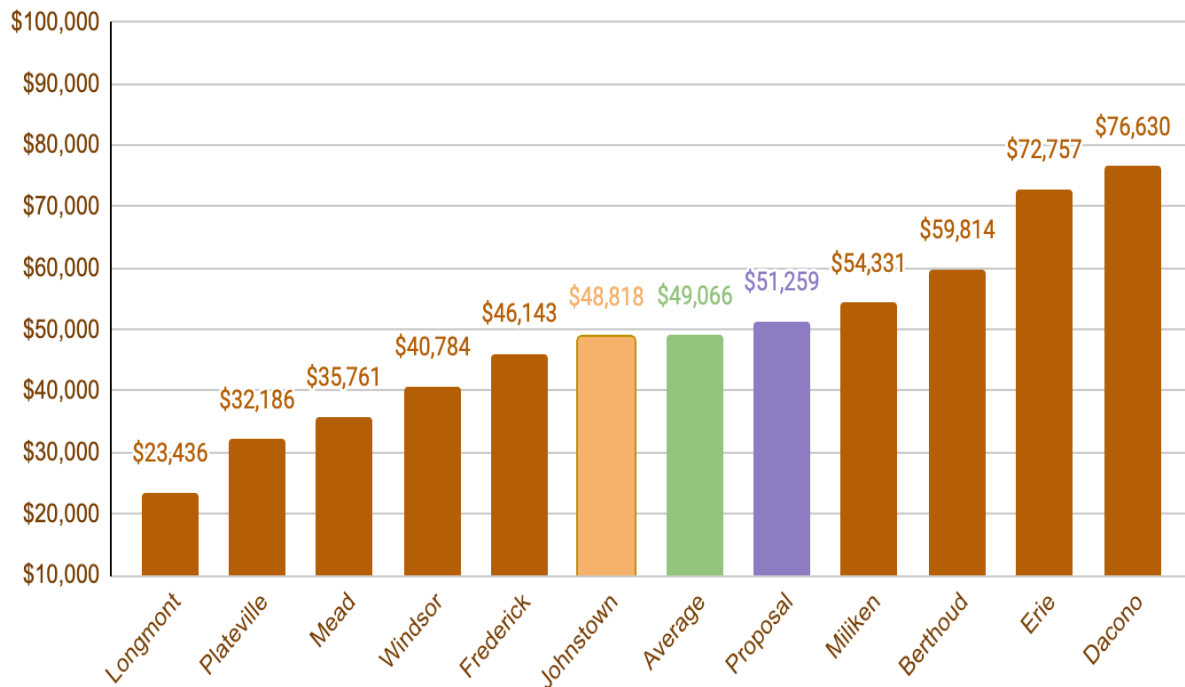
Currently, Johnstown charges impact fees on new development in five categories of capital investment. Johnstown charges two categories of impact fees for residential development and three categories of fees for commercial, retail, and industrial development. The Town's current fee schedule does not differentiate non-residential development building size or use categories but allocates a per square foot cost to the structure for proportionality purposes.

Comparison of Regional Impact Fees

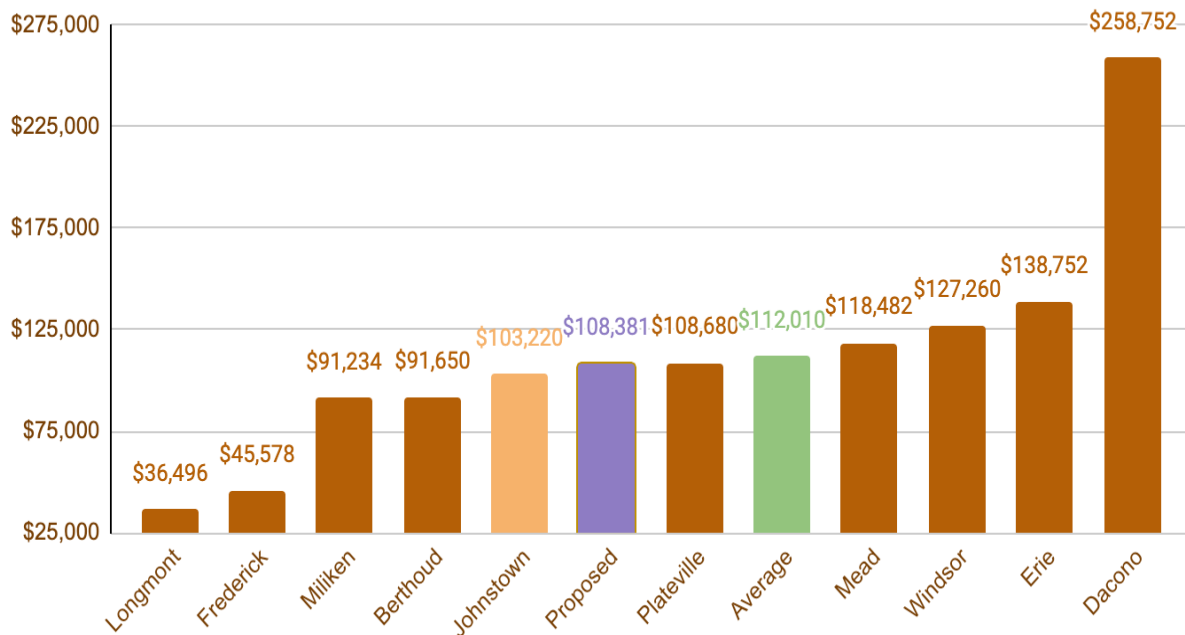
To manage growth so that it mitigates its impacts on existing community members, Johnstown, like many Colorado Front Range communities, imposes impact fees to support the expansion of public infrastructure for new growth. Below is a regional comparison of impact fees.

Figure I-3: 2019 Regional Comparisons of Various Aggregate Types Impact Fees

Non-Residential - Retail (7,700 Sq Ft.)



Non-Residential - Office (26,000 Sq Ft.)



Section II: Outcomes from 2021 Update Analysis

Currently, Johnstown charges impact fees on new development in five categories of capital investment. Johnstown charges two categories of impact fees for residential development (single family and multi-family) and three categories of fees for non-residential development (commercial, retail, and industrial development).

Figure: 1-4 Current Impact Fees

Current Impact Fees (2021)						
	Parks & Recreation	Library & Cultural	Public Facilities	Police	Roads	Total
Residential (per unit)						
Single Family	\$1,194	\$1,148	\$1,589	\$733	\$2,777	\$7,441
Multi Family	\$1,016	\$977	\$1,352	\$624	\$2,363	\$6,332
Residential (per square foot)						
Retail			\$0.74	\$0.68	\$4.92	\$6.34
Office			\$0.74	\$0.25	\$2.98	\$3.97
Industrial / Other			\$0.74	\$0.25	\$1.92	\$2.91

In calculating current allowable impact fees, the current facility investment was used as a basis for determining appropriate facility standards. This current facility standard is the most defensible and the most common approach to impact fee design. Current facility asset values were obtained mainly from the Town's most recent property and casualty insurance valuation information as reported to the Colorado Intergovernmental Risk Sharing Agency (CIRSA). All physical facility information includes estimates of furniture, fixtures, and durable equipment. The capital standard-setting process also addresses the following three refinements.

Figure 1-5: Permissible Impact Fees

Allowable Fees (full recovery per revised study)						
	Parks & Recreation	Library & Cultural	Public Facilities	Police	Roads	Total
Residential (per unit)						
Single Family	\$3,739	\$1,293	\$4,081	\$759	\$3,552	\$13,423
Multi Family	\$3,185	\$1,101	\$3,476	\$647	\$3,026	\$11,435
Residential (per square foot)						
Retail			\$1.99	\$1.11	\$5.57	\$8.67
Office			\$1.99	\$0.30	\$3.09	\$5.38
Industrial / Other			\$1.99	\$0.30	\$1.97	\$4.26

New residents or commercial developments are only required to *buy-in* to the current community investment level and fund infrastructure needs at the same level. If the community chooses to improve its capital standards, those "betterment" costs will be the burden of all residents and businesses in the Town, not just new or future development. Below is the proposed level of investment *buy-in that* will be required for 2022 pending approval by the Board of Trustees. It is in most cases a 5% increase or less depending on the amount of allowable fees that can be recovered

Proposed Impact Fees Figure: 1-6

Proposed Fees (2022)						
	Parks & Recreation	Library & Cultural	Town Facilities	Police	Roads	Total
Residential (per unit)						
Single Family	\$1,254	\$1,205	\$1,668	\$770	\$2,916	\$7,813
Multi Family	\$1,067	\$1,026	\$1,420	\$655	\$2,481	\$6,649
Residential (per square foot)						
Retail			\$0.78	\$0.71	\$5.17	\$6.66
Office			\$0.78	\$0.26	\$3.13	\$4.17
Industrial / Other			\$0.78	\$0.26	\$2.02	\$3.06

5 Year Impact Fee Schedule - All Funds

To ensure newly adopted impact fees stay relevant in an environment of rapidly escalating prices and inflation, a 5-year plan is being proposed to adjust fees at an annual 5% rate incrementally. This is due to rapidly rising construction and material prices as demonstrated by the percent change in engineering news records construction cost index.

Figure: 1-7 Five Year Impact Fee Schedule - All Funds

Parks & Trails						
	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$1,194	\$1,254	\$1,316	\$1,382	\$1,451	\$1,524
Multi Family	\$1,016	\$1,067	\$1,120	\$1,176	\$1,235	\$1,297
Residential (per square foot)						
Retail						
Office						
Industrial / Other						

Library & Cultural						
	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$1,148	\$1,205	\$1,266	\$1,329	\$1,395	\$1,465
Multi Family	\$977	\$1,026	\$1,077	\$1,131	\$1,188	\$1,247
Residential (per square foot)						
Retail						
Office						
Industrial / Other						

Town Facilities						
	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$1,589	\$1,668	\$1,752	\$1,839	\$1,931	\$2,028
Multi Family	\$1,352	\$1,420	\$1,491	\$1,565	\$1,643	\$1,726
Residential (per square foot)						
Retail	\$0.74	\$0.78	\$0.82	\$0.86	\$0.90	\$0.94
Office	\$0.74	\$0.78	\$0.82	\$0.86	\$0.90	\$0.94
Industrial / Other	\$0.74	\$0.78	\$0.82	\$0.86	\$0.90	\$0.94

Police						
	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$733	\$770	\$808	\$849	\$891	\$936
Multi Family	\$624	\$655	\$688	\$722	\$758	\$796
Residential (per square foot)						
Retail	\$0.68	\$0.71	\$0.75	\$0.79	\$0.83	\$0.87
Office	\$0.25	\$0.26	\$0.28	\$0.29	\$0.30	\$0.32
Industrial / Other	\$0.25	\$0.26	\$0.28	\$0.29	\$0.30	\$0.32

Roads						
	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$2,777	\$2,916	\$3,062	\$3,215	\$3,375	\$3,544
Multi Family	\$2,363	\$2,481	\$2,605	\$2,735	\$2,872	\$3,016
Residential (per square foot)						
Retail	\$4.92	\$5.17	\$5.42	\$5.70	\$5.98	\$6.28
Office	\$2.98	\$3.13	\$3.29	\$3.45	\$3.62	\$3.80
Industrial / Other	\$1.92	\$2.02	\$2.12	\$2.22	\$2.33	\$2.45

Section III - Affordable Housing Alternative

According to a new law in Colorado, cities are allowed to require the construction of more affordable housing. HB21-1117 says that municipalities can specifically require that new developments include a certain number of units that will have more affordable rents, though the law doesn't define what is "affordable."

Municipalities can decide whether to use this new power, also known as inclusionary zoning. They also must provide at least one other option to the developer. For example, instead of building affordable units, a developer might be allowed to pay a fee instead. And cities that want to require new affordable units also must embrace other policies that make it easier to build housing. See Appendix for comparison.

Figure 1-8: Affordable Housing Alternative & Comparisons

Single-Family	≥ 2,500 Sq Ft.	\$500
Multi-Family	≥ 2 Bedroom	\$350
Retail	≥ 30,000 Sq Ft	\$1.00 Sq. Ft.

Denver	Sq Ft Cost
Winter Park	Sq Ft Cost
Loveland	Sale Tax Allocation
Ft Collins	Real Estate Transfer Tax

APPENDIX

Section III: Development Impact Fees Calculations (Allowable)

This section provides calculations for development impact fees in five infrastructure categories: police services, parks and recreation, public facilities, streets, and libraries. The Fees calculated here are the maximum permissible fees for each category of land use. The Johnstown Town Council may choose to lower or eliminate any fee as long as all land uses are subject to the same adjustment. The cost differentiation between single-family and multi-family is based on the U.S. Census data on the proportional allocation nationwide. The single-family fee is weighted 16 percent more than the multi-family fee because, according to U.S. Census data, single-family residences have 16 percent more residents per dwelling unit than multi-family units.

Police Services Fee

The Johnstown Police Department is responsible for public safety and the safe flow of traffic through the community. The department contracts with Weld County for dispatch services. The Johnstown Police Department operates out of the Johnston police headquarters located near the town hall and a substation.

Figure 1-9: Data on the Johnstown police station and qualified capital equipment

Asset	Asset Value	Percent Fee Eligible	Fee Value
Police Station	\$3,181,100	100%	\$3,181,100
Police Equipment	\$350,000		
Firing Range	\$250,000		
Police Substation	\$447,000	100%	\$447,000
Police Vehicles	\$1,009,261	100%	\$1,009,261
Animals	\$16,000	100%	\$16,000
TOTAL	\$5,253,361		\$4,653,361

CIRSA 2021 Property & Casualty Report / Staff

Calculation of Impact Fee	
Replacement Value for Police Infrastructure	\$5,253,361
Current Land Use Distribution	
Residential	77%
Non-residential	
Retail	6%
Office	2%
Industrial / Other	15%
Cost by Land Use Category	
Residential	\$4,045,572
Non-residential	
Retail	\$299,917
Office	\$106,147
Industrial / Other	\$801,726
Current Land Use	
Residential (in dwelling units)	5,757
Nonresidential (in square feet)	3,256,802
Retail in square feet	808,725
Office in square feet	286,224
Industrial / Other in square feet	2,161,853
Adjustment for Demand for Police Service	
Retail	3
Office	1
Industrial / Other	1
Impact Fee by Land Use (Rounded)	
Residential	
Single Family Residential (Per Unit)	\$759
Multi-Family Residential (Per Unit)	\$647
Non-residential	
Retail	\$1.11
Office	\$0.30
Industrial / Other	\$0.30

As shown in prior Figure I-9, the full cost recovery amount for police impact fees are \$759 for a single-family residential unit, \$647 per multi-family unit. The single-family fee is weighted 16 percent more than the multi-family fee because, according to U.S. Census data, single-family residences have 16 percent more residents per dwelling unit than multi-family units. Non-residential police fees are \$1.11 per retail square foot and \$0.30 per office and industrial square foot.

Parks & Recreation Fee

Residents of Johnstown enjoy a system of approximately 102 acres of parkland across the Town. There are two classifications of parks within the Town. In addition, there is a new recreation center of which 50% of its value has been attributed to the park and recreation fee and the remaining portion to town facilities fees. This fee is based on the replacement value of existing recreational facilities and developed parks in the Town.

Figure 1-10: Data on the Johnstown community parks & recreation fee

Location	Acres	Asset Value	Percent Fee Eligible	Amount to Include in Fees
Community Parks				
Aragon Park	4.16	\$545,800	100%	\$545,800
Sunrise Park	10.37	\$619,800	100%	\$619,800
Town Lake Park	62.7	\$2,198,000	100%	\$2,198,000
Neighborhood Parks				
Parish Park	2.21	\$233,274	100%	\$233,274
Hays Park	2.07	\$216,800	100%	\$216,800
Clearview Park	6.46	\$240,000	100%	\$240,000
Rolling Hills Park	5.41	\$286,400	100%	\$286,400
Pioneer Ridge Park	8.75	\$395,000	100%	\$395,000
Recreation Center				
Building		*	100%	\$14,895,500
Equipment		*	100%	\$300,000
TOTAL	102.13	\$4,735,074		\$19,930,574

* Distributed between Parks / Recreation & Public Facilities

Calculation of Impact Fee	
Replacement Value for Infrastructure	100%
Current Land Use Distribution	
Residential	100%
Non-residential	0%
Cost by Land Use Category	
Residential	\$19,930,574
Non-residential	\$0
Current Land Use	
Residential (in dwelling units)	5,757
Nonresidential (in square feet)	
Retail in square feet	808,725
Office in square feet	286,224
Industrial / Other in square feet	2,161,853
Impact Fee by Land Use (Rounded)	
Residential	
Single Family Residential (Per Unit)	\$3,739
Multi-Family Residential (Per Unit)	\$3,185
Non-residential	0

As shown in Figure I-10, the amount permitted for parks and recreation impact fees are \$3,739 per single-family dwelling unit and \$3,185 per multi-family unit. The adjustment between single-family and multi-family fees again reflects the difference in the number of residents per dwelling unit. There are no parks and recreation impact fees applied to new non-residential development as it is not considered an impact to the system in this area.

Library and Cultural Impact Fee

The Glenn A. Jones, M.D. Memorial Library is located near the town hall and the police station. The 13,000 square foot building was built in 2005 and has amenities for all ages. The Town of Johnstown also owns a historic house that has since become a museum. The Parish House was built by the town founders in 1914 and was purchased by the Town in 1988. The museum has undergone extensive restoration and is furnished with antiques from the early 1900s. Although the Town owns the facilities, the Historical Society runs the museum. Currently, the funds are apportioned at 88.5% for the library assets and 11.5% of impact fee distribution for cultural assets.

Figure I-11: The Town's library and cultural assets

Location	Asset	Asset Value	Percent Fee Eligible	Amount to Include in Fees
Library				
400 S. Parish	Glenn A. Jones Library	\$3,061,000	100%	\$3,061,000
400 S. Parish	Collection Material	\$1,500,000	100%	\$1,500,000
Museum				
700 Charlotte Street	Museum	\$557,200	100%	\$557,200
701 Charlotte Street	Museum Garage	\$30,000	100%	\$30,000
TOTAL		\$5,148,200		\$5,148,200

Calculation of Impact Fee	
Replacement Value for Library & Culture	
Infrastructure	\$5,148,200
Current Land Use Distribution	
Residential	100%
Non-residential	0%
Cost by Land Use Category	
Residential	\$5,148,200
Non-residential	\$0
Current Land Use	
Residential (in dwelling units)	4300
Nonresidential (in square feet)	
Retail in square feet	3,256,802
Office in square feet	808,725
Industrial / Other in square feet	286,224
Impact Fee by Land Use (Rounded)	
Residential	
Single Family Residential (Per Unit)	\$1,293
Multi-Family Residential (Per Unit)	\$1,101
Non-residential	0

As shown in Figure I-11, library and cultural facilities impact fees are \$1,293 per single-family dwelling unit and \$1,101 per multi-family unit. There is no fee impact fee applied to new non-residential development.

Public Facilities Impact Fee

Most of these town offices are consolidated in the Johnstown town hall. Additional facilities include the public works building, community center, and various storage sites. The Town still owns two buildings, the old public works and library buildings that no longer fulfill specific town functions. These facilities are still assets for the Town and therefore are included in the calculation. Certain facilities, such as police facilities, are included in separate impact fee calculations.

Figure I-12: The Town's public facilities assets

Location	Asset	Asset Value	Percent Fee Eligible	Fee Value
101 Charlotte Street	Community Center	\$1,576,040	100%	\$1,576,040
Recreation Center	Building	\$14,895,500	100%	\$14,895,500
Recreation Center	Equipment	\$300,000	100%	\$300,000
17 N Parish	Public Works Facility	\$610,100	100%	\$610,100
450 S. Parish	Town Hall	\$5,397,100	100%	\$5,397,100
205 1st Street	Public Works Building	\$2,838,000	100%	\$2,838,000
206 1st Street	Public Works Storage	\$275,600	100%	\$275,600
1101 S Jay Street	Old Library Building	\$395,200	100%	\$395,200
202 N. Greeley	Other	\$1,500,000	100%	\$1,500,000
1101 S. Jay Ave	Other	\$460,400	100%	\$460,400
TOTAL		\$28,247,940		\$28,247,940

Calculation of Impact Fee	
Replacement Value for Public Infrastructure	\$28,247,940
Current Land Use Distribution	
Residential	77%
Non-residential	
Retail	6%
Office	2%
Industrial / Other	15%
Cost by Land Use Category	
Residential	\$21,753,516
Non-residential	
Retail	\$1,612,687
Office	\$570,762
Industrial / Other	\$4,310,974
Current Land Use	
Residential (in dwelling units)	5,757
Nonresidential (in square feet)	3,256,802
Retail in square feet	808,725
Office in square feet	286,224
Industrial / Other in square feet	2,161,853
Impact Fee by Land Use (Rounded)	
Residential	
Single Family Residential (Per Unit)	\$4,081
Multi-Family Residential (Per Unit)	\$3,476
Non-residential	
Retail	\$1.99
Office	\$1.99
Industrial / Other	\$1.99

As shown in Figure I-12, general public facilities impact fees allowed are \$4,081 per single-family dwelling unit, \$3,476 per multi-family unit, and \$1.99 per non-residential

square foot. As there is no basis for differentiating the impact of non-residential development, all non-residential uses are assessed the same amount. Since the public facility infrastructure serves general town needs, including administrative and public works functions, it is assumed to serve all land uses equally.

Street Impact Fee

The Town of Johnstown manages a system of local, neighborhood, arterial, and regional streets. The town requires developers to build internal "neighborhood" streets and enlarge adjacent arterial streets under certain conditions within new subdivisions. This policy mitigates immediate development impacts but does not address the off-site effects of new development and associated traffic on the limited capacity of shared arterial streets and intersections. The Town's street impact fee is designed to recover the off-site street system expansion costs associated with new development.

Johnstown has a street development master plan, and the public works department has completed a street maintenance study that provides an inventory of Town streets and lane miles of existing roadway. A share of Johnstown street traffic is associated with activities or residents outside of the Town; thus, traffic volumes and related congestion are impacted by exogenous factors beyond town boundaries and control.

Figure I-12: Street eligible cost calculations

Area	Miles	Lane Miles	Cost (\$M)	Local Traffic Percent	Exogenous Traffic	Fee Eligible Amount (\$M)
Local Streets	52.3	104.6	\$34,909,378	90%	10%	\$31,418,440
Collector	11.0	22.0	\$10,994,602	75%	25%	\$8,245,951
Arterial	16.7	33.4	\$16,599,831	75%	25%	\$12,449,873
Commercial / Industrial	5.8	11.6	\$5,788,299	15%	85%	\$868,245
I-25 CDOT Bridge Funding			\$6,600,000	85%	15%	\$5,610,000
Rural Highway	10	20.3	\$10,097,061	50%	50%	\$5,048,531
TOTAL	96	192	\$84,989,171			\$63,641,040

CDOT 2018 Unit Cost; Adjusted for inflation & curb, gutter, and sidewalk for all categories but rural/collector highway

The 105 lane miles of streets infrastructure serve both Johnstown residents and drivers passing through and shopping in the community. The portion of the traffic is not related to development within the Town and should not be included in the fee calculation. In order to account for this non-local use, a calculated percentage of the infrastructure value is removed from the fee eligible amount. The remaining amount, \$58,000,000 million, serves traffic related to land uses within the community.

The following Figure I-11 calculates the traffic volume resulting from existing Johnstown development. Traffic generation at peak hour, which is the best metric to reflect system capacity.

Figure I-13: Town's public facilities assets

Land Use	Existing Development	P.M. Peak Hours Trips *	Peak Period Trips	Percent Distribution	Distribution Weight *
Residential	5,757	0.74	4,260	29%	29%
Non-residential					
<i>General Retail per 1,000 sq ft.</i>	809	9.72	7,861	53%	37%
<i>General Office per 1,000 sq ft.</i>	286	2.44	698	5%	21%
<i>General Industrial / Other per 1,000 sq ft.</i>	2,162	0.90	1,946	13%	13%
TOTAL	9,014	13.80	\$14,765	100%	100%

* Reflect weekday pm peak hour trip rate

* Weight is to account for the mix of office/retail at Highway 34 / I-25 Johnstown

Calculation of Impact Fee	
Local Streets	\$31,418,440
Collector	\$8,245,951
Arterial	\$15,254,873
Commercial / Industrial	\$3,673,245
Rural Highway	\$5,048,531
Local Streets	\$31,418,440
Residential (Discounted Due to Developer Contr)	15%
Non-residential	
Retail	37%
Office	21%
Industrial / Other	13%
Collector	\$8,245,951
Residential	29%
Non-residential	
Retail	37%
Office	21%
Industrial / Other	13%
Arterial	\$15,254,873
Residential	29%
Non-residential	
Retail	37%
Office	21%
Industrial / Other	13%
Commercial / Industrial	\$3,673,245
Residential	29%
Non-residential	
Retail	37%
Office	21%

Industrial / Other	13%
Rural Highway	\$5,048,531
Residential	29%
Non-residential	
Retail	37%
Office	21%
Industrial / Other	13%
Impact Fee by Land Use (Rounded)	
Residential	
Single Family Residential (Per Unit)	\$3,552
Multi-Family Residential (Per Unit)	\$3,026
Non-residential	
Retail	\$5.57
Office	\$3.09
Industrial / Other	\$1.97

As shown above, the full allowable cost recovery transportation impact fees are \$3,552 per single-family unit, \$3,026 per multi-family unit. Non-residential fees are \$5.57 per square foot for retail, \$3.09 per square foot for office and \$1.97 per square foot for industrial/other.

Affordable Housing Fee Alternative

Figure I-14: Affordable Housing

Comparisons

Denver	Sq Ft Cost
Winter Park	Sq Ft Cost
Loveland	Sale Tax Allocation
Ft Collins	Real Estate Transfer Tax

Basic Options for Johnstown

Single-Family	> 2,500 Sq Ft.	\$500
Multi-Family	> 2 Bedroom	\$350
Retail	> 30,000 Sq Ft	\$1.00 Sq. Ft.

Town of Johnstown

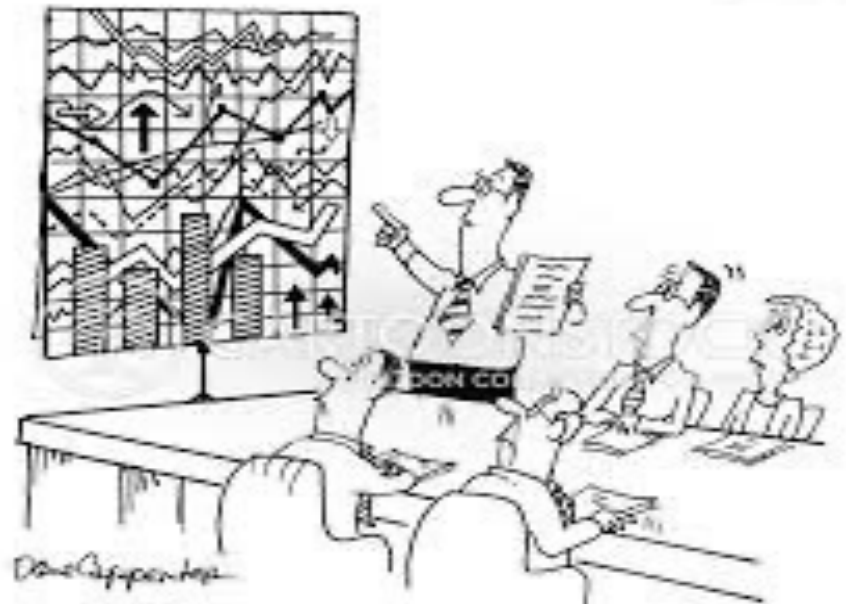
Impact Fee Update Briefing

WEL Consulting, Inc.



Agenda

- Introductions
- Purpose & Scope
- Overview of Impact Fees & Process
- Fees
- Comparisons
- Questions



"Now this chart should clear up any confusion you have with the report."

Purpose & Scope

- To Update & Refresh - 2015 BBC Consulting Study
 - Update list of community assets since last study
 - Update the costs associated with all assets since last study
 - Calculation of allowable impact fees based on methodology
 - Development of current fee recommendation and 5-year plan
- To Review Affordable Housing Concepts

Development Fee Approaches

Existing Standard

- Backward-looking
- Expansion of facilities at same standard serving existing development
- Unit cost of capacity for new development

Incremental

- Forward-looking
- Future facilities that add capacity for new development

System Standard Average

- Based on system value at planning horizon including existing and new facilities

Methodology

IMPACT FEE METHODOLOGY— CURRENT SERVICE STANDARD (“BUY-IN”)

- ▶ *Based on current per unit capital investment for existing land uses*

Advantages

- Legally secure
- Highest standard of fairness
- Comparatively simple data requirements

Disadvantages

- Based on replication of current facilities
- Not directly connected to future capital plans

Impact Fees

- One-time payments applied to new development projects
- Reflect the costs created by new development for the “buy in” to the current system
- Design requirements for proportionality

Land Use	Amount	Percent
<u>Nonresidential (SF)</u>	3,256,802	23%
Retail	808,725	6%
Office	286,224	2%
Industrial/Other	2,161,853	15%
<u>Residential</u>	10,908,880	77%
Units	5,757	

Impact Fees

- Purpose is for capital acquisition & expansion
- Applied against all land use types to the extent there are impacts
 - Residential (Single Family & Multi-Family)
 - Non-Residential (Retail, Office, Industrial)
- Must be a rational nexus between the amount of the fee and the cost to serve new development

Impact Fee Process

Item 2.

Evaluate Factors Affecting Capital Valuation & Community Standards

Update Community Assets Inventory

Update Cost Associated w/ Assets

Evaluation of Regulation Changes

Asset valuation represents implied investment & community standard

Current assets that meet standards are included in fee calculation

Capital investment distributed across all land use

Calculate impact fees

Approved plan

Impact Fee Example -Municipal Facilities

Item 2.

Location	Asset	Asset Value	Percent Fee Eligible	Fee Value
101 Charlotte Street	Community Center	\$1,576,040	100%	\$1,576,040
Recreation Center	Building	\$14,895,500	100%	\$14,895,500
Recreation Center	Equipment	\$300,000	100%	\$300,000
17 N Parish	Public Works Facility	\$610,100	100%	\$610,100
450 S. Parish	Town Hall	\$5,397,100	100%	\$5,397,100
205 1st Street	Public Works Building	\$2,838,000	100%	\$2,838,000
206 1st Street	Public Works Storage	\$275,600	100%	\$275,600
1101 S Jay Street	Old Library Building	\$395,200	100%	\$395,200
202 N. Greeley	Other	\$1,500,000	100%	\$1,500,000
1101 S. Jay Ave	Other	\$460,400	100%	\$460,400
TOTAL		\$28,247,940		\$28,247,940

Impact Fee Example - Municipal Facilities

Calculation of Impact Fee	
Replacement Value for Public Infrastructure	Item 2. 40
Current Land Use Distribution	
Residential	77%
Nonresidential	
Retail	6%
Office	2%
Industrial / Other	15%
Cost by Land Use Category	
Residential	\$21,753,516
Nonresidential	
Retail	\$1,612,687
Office	\$570,762
Industrial / Other	\$4,310,974
Current Land Use	
Residential (in dwelling units)	5,757
Nonresidential (in square feet)	3,256,802
Retail in square feet	808,725
Office in square feet	286,224
Industrial / Other in square feet	2,161,853
Impact Fee by Land Use (Rounded)	
Residential	
Single Family Residential (Per Unit)	\$4,081
Multi Family Residential (Per Unit)	\$3,476
Nonresidential	
Retail	58 99
Office	99
Industrial / Other	\$1.99

Existing Impact Fee Areas

- Police
- Municipal Facilities
- Parks & Recreation
- Roads
- Library & Cultural



Current Impact Fees

	Parks & Recreation	Library & Cultural	Public Facilities	Police	Roads	Total
Residential (per unit)						
Single Family	\$1,194	\$1,148	\$1,589	\$733	\$2,777	\$7,441
Multi Family	\$1,016	\$977	\$1,352	\$624	\$2,363	\$6,332
Residential (per square foot)						
Retail			\$0.74	\$0.68	\$4.92	\$6.34
Office			\$0.74	\$0.25	\$2.98	\$3.97
Industrial / Other			\$0.74	\$0.25	\$1.92	\$2.91

Permitted Impact Fees

	Parks & Recreation	Library & Cultural	Public Facilities	Police	Roads	Total
Residential (per unit)						
Single Family	\$3,739	\$1,293	\$4,081	\$759	\$3,552	\$13,423
Multi Family	\$3,185	\$1,101	\$3,476	\$647	\$3,026	\$11,435
Residential (per square foot)						
Retail			\$1.99	\$1.11	\$5.57	\$8.67
Office			\$1.99	\$0.30	\$3.09	\$5.38
Industrial / Other			\$1.99	\$0.30	\$1.97	\$4.26

Recommended Impact Fees

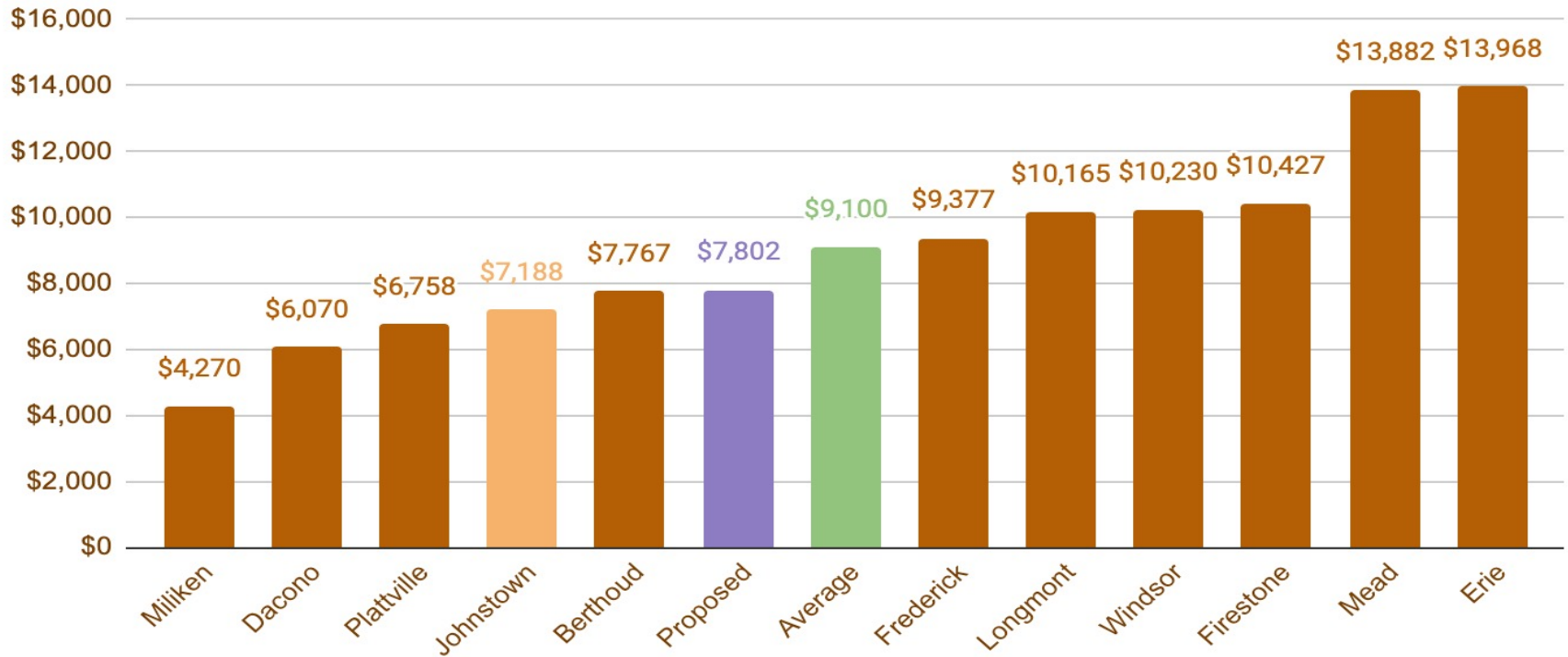
	Parks & Recreation	Library & Cultural	Town Facilities	Police	Roads	Total
Residential (per unit)						
Single Family	\$1,254	\$1,205	\$1,668	\$770	\$2,916	\$7,813
Multi Family	\$1,067	\$1,026	\$1,420	\$655	\$2,481	\$6,649
Residential (per square foot)						
Retail			\$0.78	\$0.71	\$5.17	\$6.66
Office			\$0.78	\$0.26	\$3.13	\$4.17
Industrial / Other			\$0.78	\$0.26	\$2.02	\$3.06

Comparisons

- Comparisons are provided to surrounding communities (2019)
- Level of service may be different between communities
- Stage of development may be different between communities
- Tax rates/construction costs are not factored into comparisons

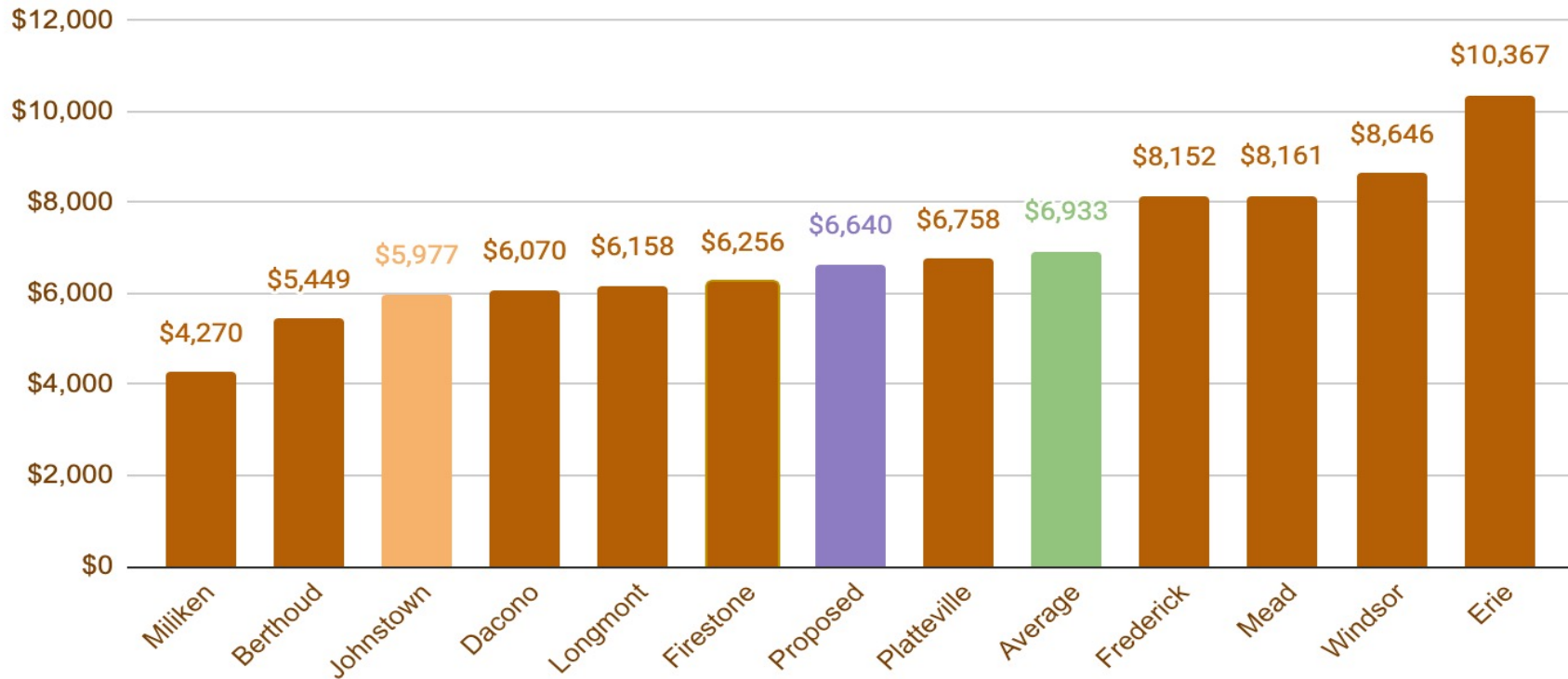
Residential: Single Family Comparison

Item 2.



Residential: Single Family

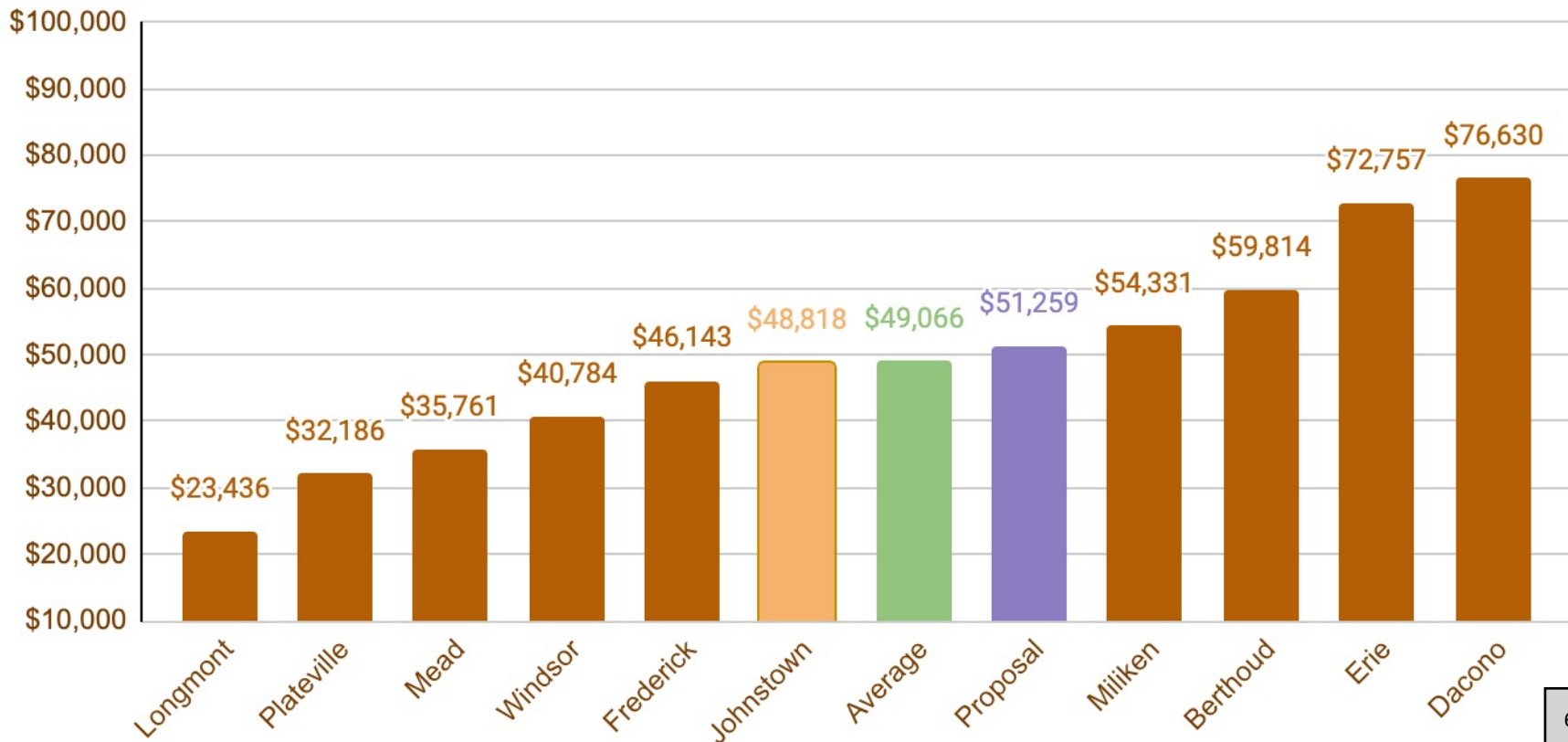
Residential: Multi-Family Comparison



Residential: Multi-family

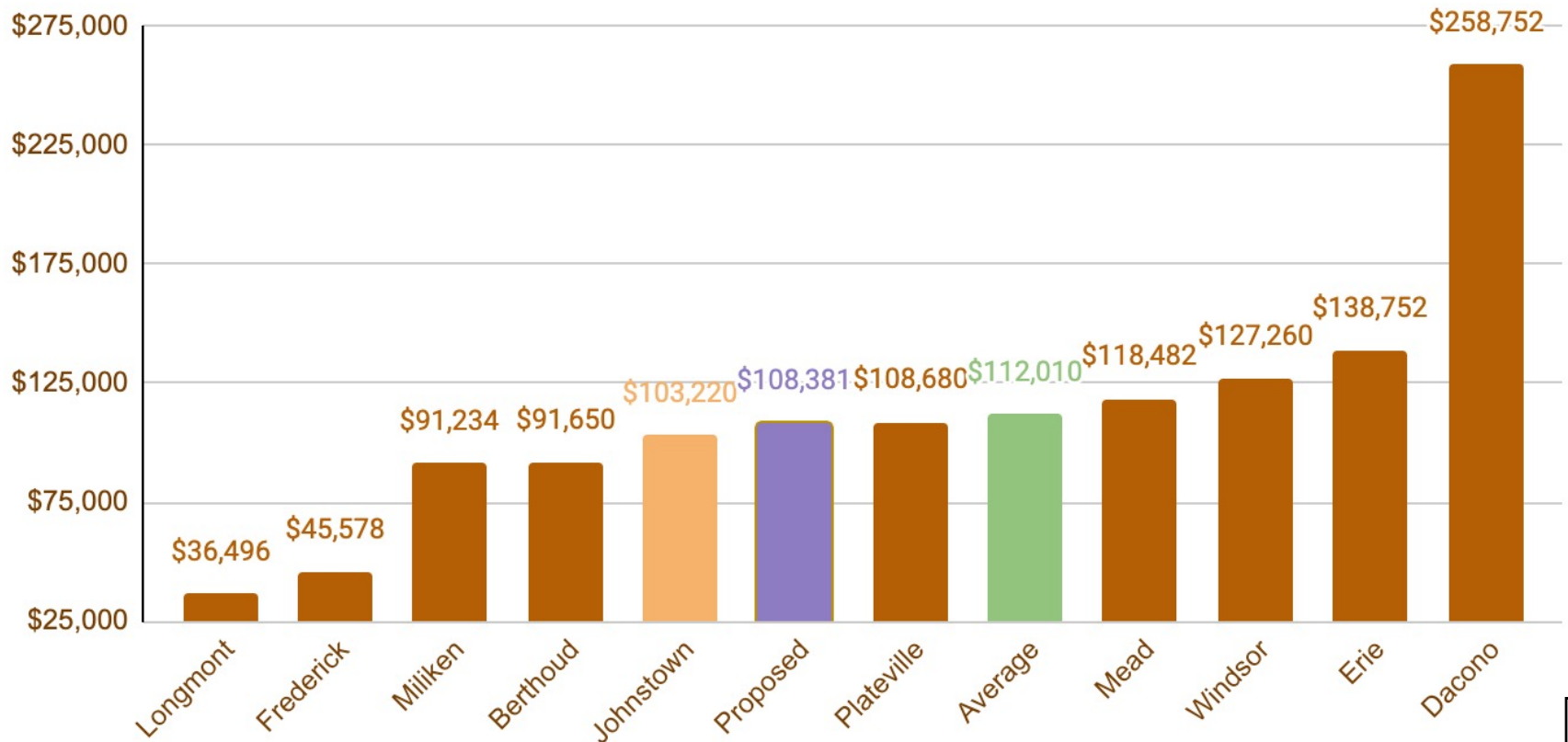
Nonresidential - Retail

Non-Residential - Retail (7,700 Sq Ft.)



Nonresidential - Office

Non-Residential - Office (26,000 Sq Ft.)



Affordable Housing Alternative

- According to a new law in Colorado, municipalities are allowed to require the construction of more affordable housing. HB21-1117 says that municipalities can specifically require that new developments include a certain number of units that will have more affordable rents, though the law doesn't define what is "affordable."
- Municipalities can decide whether to use this new power, also known as inclusionary zoning. They also must provide at least one other option to the developer. For example, instead of building affordable units, a developer might be allowed to pay a fee instead. And cities that want to require new affordable units also must embrace other policies that make it easier to build housing. See Appendix for comparison.

Affordable Housing Alternative

Single-Family	$\geq 2,500$ Sq Ft.	\$500 Unit
Multi-Family	≥ 2 Bedroom	\$350 Unit
Retail	$\geq 30,000$ Sq Ft	\$1.00 Sq. Ft.

Denver	Sq Ft Cost
Winter Park	Sq Ft Cost
Loveland	Sale Tax Allocation
Ft Collins	Real Estate Transfer Tax

Study Summary

- Fees presented are specific to Town's based on the Town's current asset valuation and investment
- Impact fees can only be used for “growth-related” projects
- The fees should be revisited and updated every 5-years in recognition of:
 - Changing demographics (residential vs non-residential)
 - Changes in the Town's infrastructure needs
 - Changes in the cost of infrastructure/equipment

Municipal Facilities Fees - 5 Year Phase

	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$1,589	\$1,668	\$1,752	\$1,839	\$1,931	\$2,028
Multi Family	\$1,352	\$1,420	\$1,491	\$1,565	\$1,643	\$1,726
Residential (per square foot)						
Retail	\$0.74	\$0.78	\$0.82	\$0.86	\$0.90	\$0.94
Office	\$0.74	\$0.78	\$0.82	\$0.86	\$0.90	\$0.94
Industrial / Other	\$0.74	\$0.78	\$0.82	\$0.86	\$0.90	\$0.94

Parks & Recreation Fees - 5 Year Phase

	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$1,194	\$1,254	\$1,316	\$1,382	\$1,451	\$1,524
Multi Family	\$1,016	\$1,067	\$1,120	\$1,176	\$1,235	\$1,297
Residential (per square foot)						
Retail						
Office						
Industrial / Other						

Police Fees - 5 Year Phase

	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$733	\$759	\$797	\$837	\$879	\$922
Multi Family	\$624	\$647	\$679	\$713	\$748	\$786
Residential (per square foot)						
Retail	\$0.68	\$0.71	\$0.75	\$0.79	\$0.83	\$0.87
Office	\$0.25	\$0.26	\$0.28	\$0.29	\$0.30	\$0.32
Industrial / Other	\$0.25	\$0.26	\$0.28	\$0.29	\$0.30	\$0.32

Street Fees - 5 Year Phase

	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$2,777	\$2,916	\$3,062	\$3,215	\$3,375	\$3,544
Multi Family	\$2,363	\$2,481	\$2,605	\$2,735	\$2,872	\$3,016
Residential (per square foot)						
Retail	\$4.92	\$5.17	\$5.42	\$5.70	\$5.98	\$6.28
Office	\$2.98	\$3.13	\$3.29	\$3.45	\$3.62	\$3.80
Industrial / Other	\$1.92	\$2.02	\$2.12	\$2.22	\$2.33	\$2.45

Library & Cultural Fees - 5 Year Phase

	Current	2022	2023	2024	2025	2026
Residential (per unit)						
Single Family	\$1,148	\$1,205	\$1,266	\$1,329	\$1,395	\$1,465
Multi Family	\$977	\$1,026	\$1,077	\$1,131	\$1,188	\$1,247
Residential (per square foot)						
Retail						
Office						
Industrial / Other						



Questions?



WEL Consulting, Inc.

wesley@welconsultinggroup.com



Town of Johnstown

TREE BOARD AGENDA 450 S. Parish, Johnstown, CO Monday November 8, 2021 at 6:00 PM

MISSION STATEMENT: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.

AGENDA

CALL TO ORDER

ROLL CALL

AGENDA APPROVAL

NEW BUSINESS

1. Town Approved/ Preferred Tree List
2. Trees Across Colorado Program
3. Tree City USA Application

ADJOURN

AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (970) 587-4664 within 48 hours prior to the meeting in order to request such assistance.



Town of Johnstown

TOWN COUNCIL WORKSESSION COMMUNICATION

AGENDA DATE: November 8, 2021

SUBJECT: Town Approved/ Preferred Tree List

ATTACHMENTS: 1. Town Approved/ Preferred Tree List

PRESENTED BY: Matt LeCerf, Town Manager

WORKSESSION ITEM DESCRIPTION:

Enclosed for your review is a recommended series of approved trees for installation on property on Town owned property. This list is representative of recommendations from the Colorado State Forestry Division and is used from other comparable communities in Northern Colorado. We would use this information as a basis for future tree installation in the community on Town owned property and in the instances that we provide tree vouchers or acquire trees for dissemination to individual property owners.

Details of the tree list include growth rates, adaptability, and use (location) of trees in various areas of Town owned property. We would also advocate for residents to follow these recommendations when inquiries are received.

Reviewed and Approved for Presentation,

Town Manager

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141



Town of Johnstown

APPROVED/PREFERED PLANT MATERIALS LIST

- A. Trees specifically **PROHIBITED** from Town of Johnstown regulated areas (discouraged from use elsewhere)**

Tree name	Any area	Streetscapes	Primary Greenways
Russian Olive	✓	✓	✓
Lombardy Poplar	✓	✓	✓
Siberian Elm	✓	✓	✓
Boxelder Maple	✓	✓	✓
Cotton-bearing Cottonwood	✓	✓	✓
Ash – any species	✓	✓	✓
Aspen	✓	✓	✓
Fruit-bearing trees*		✓	
Thorn-bearing trees*		✓	
Willow (all varieties)		✓	
Tree of Heaven		✓	
Cottonwood (all varieties)		✓	
Silver Maple		✓	
<i>*Trees that drop fruit or bear thorns will be allowed in streetscape areas only if the mature size of the tree does not come within 5' of bikepaths, walks or other pedestrian areas.</i>			

- B. RECOMMENDED trees for Town of Johnstown regulated areas**

Growth rate: **S** = Slow, **M** = Medium, **F** = Fast **Adaptability:** **H** = Hardy, **A** = Average, **M** = Marginal (Adaptability rating includes cold, soils, moisture tolerance & disease resistance)

Use: S-6 = Street tree in areas 6' maximum tree lawn width S-8 = Street tree in areas 8' minimum tree lawn width G = Greenway

Ornamental Trees

Tree Common name	Botanical name	Growth rate	Adaptability	Use
Alder, Thinleaf	Alnus tenuifolia	F	H	S-6, G
Birch, Native River	Betula fontinalis	M	A	G
Birch, Whitespire	Betula platyphylla japonica	M	A-M	G
Cherry, Bird (Mayday)	Prunus padus	S	H-A	S-6, G
Cherry, Canada Red	Prunus virginiana 'Schubert'.	M	H	G
Cherry, Montmorency	Prunus cerasus	M	A	G
Cherry, Sargent	Prunus sargentii	M	H	G
Crabapple, Adams	Malus 'Adams'	M	H-A	G

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Crabapple, Adirondak	Malus 'Adirondak'	M	H-A	G
Tree Common name	Botanical name	Growth rate	Adaptability	Use
Crabapple, Brandywine	Malus 'Brandywine'	M	H-A	G
Crabapple, Centurion	Malus 'Centurion'	M	H-A	G
Crabapple, Coralburst	Malus 'Coralburst'	M	H-A	G
Crabapple, David	Malus 'David'	M	H-A	G
Crabapple, Indian Magic	Malus 'Indian Magic'	M	H-A	G
Crabapple, Prairifire	Malus 'Prairifire'	M	H-A	G
Crabapple, Profusion	Malus 'Profusion'	M	H-A	G
Crabapple, Radiant	Malus 'Radiant'	M	H-A	G
Crabapple, Red Barron	Malus 'Redbarron'	M	H-A	G
Crabapple, Royalty	Malus 'Royalty'	M	H-A	G
Crabapple, Spring Snow	Malus 'Spring Snow'	M	H-A	S-6, G
Crabapple, Thunderchild	Malus 'Thunderchild'	M	H-A	G
Crabapple, White Cascade	Malus 'White Cascade'	M	H-A	G
Goldenrain Tree	Koelreuteria paniculata	S	M	S-8
Hawthorn, Crusader	Crataegus ambigua	S	H	G
Hawthorn, Russian	Crataegus ambigua	S	H	G
Hawthorn, Thornless Cockspur	Crataegus crus-galli inermis	S	H	G
Hawthorn, Washington	Crataegus phaenopyrum	S	H	G
Hornbeam, Pyramidal European	Carpinus betulus	M	H	S-6
Lilac, Japanese Tree	Syringa reticulata	M	A	S-6
Maple, Ginnala	Acer ginnala	S	H	S-6, G
Maple, Tatarian	Acer tataricum	S	H	S-6, G
Mountain Ash, European	Sorbus aucuparia	M	A	G
Oak, Gambel	Quercus gambelii	S	H-A	S-6, G
Pear, Aristocrat	Pyrus calleryana 'Aristocrat'	M	A	S-6
Pear, Autumn Blaze	Pyrus calleryana 'Autumn Blaze'	M	A	S-6
Pear, Chanticleer	Pyrus calleryana 'Chanticleer'	M	A	S-6
Pear, Redspire	Pyrus calleryana 'Redspire'	M	A	S-6
Pear, Stonehill	Pyrus calleryana 'Stonehill'	M	A	S-6
Plum, American	Prunus americana	S	H	G

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Plum, Newport	Prunus cerasifera	S	A	S-6
Tree Common name	Botanical name	Grown rate	Adaptability	Use
Redbud, Eastern	Cercis canadensis	S	M	S-6
Serviceberry, Autumn Brilliance	Amelanchier grandiflora 'Autumn Brilliance'	S	H	S-6, G
Serviceberry, Robin Hill	Amelanchier grandiflora 'Robin Hill'	S	H	S-6, G
Serviceberry, Saskatoon	Amelanchier alnifolia	S	H	S-6, G
Serviceberry, Shadblow	Amelanchier canadensis	S	H	S-6, G

Shade (Canopy) Trees

Tree Common name	Botanical name	Growth rate	Adaptability	Use
Catalpa, Western	Catalpa speciosa	S	H	S-8, G
Coffeetree, Kentucky	Gymnocladus dioica	S	H	S-8, G
Cottonwood, Lanceleaf	Populus acuminata	F	H	G
Cottonwood, Narrowleaf	Populus angustifolia	F	H	G
Cottonwood, Plains	Populus sargentii	F	H	G
Filbert, Turkish	Corylus columna	M	A	S-8, G
Hackberry, Western	Celtis occidentalis	M	H	S-8, G
Hornbeam, American	Carpinus caroliniana	M	H	S-8
Honeylocust, Imperial	Gleditsia triacanthos inermis 'Imperial'	M	H	S-8, G
Honeylocust, Shademaster	Gleditsia triacanthos inermis 'Shademaster'	M	H	S-8, G
Honeylocust, Skyline	Gleditsia triacanthos inermis 'Skyline'	M	H	S-8, G
Locust, Black	Robinia pseudoacacia	F	H	G
Locust, Purple Robe	Robinia pseudoacacia 'Purple Robe'	F	H-A	S-8, G
Maple, Hedge	Acer campestre	S	H	S-8
Maple, Autumn Blaze	Acer freemanii	M	M	S-8
Maple, Deborah	Acer platanoides 'Deborah'	S	A-M	S-8
Maple, Emerald Lustre	Acer platanoides 'Emerald Lustre'	S	A-M	S-8
Maple, Emerald Queen	Acer platanoides 'Emerald Queen'	S	A-M	S-8
Maple, Green Mountain Sugar	Acer saccharum 'Green Mountain'	S	A-M	S-8
Maple, Legacy	Acer saccharum 'Legacy'	S	A-M	S-8
Maple, Northwood	Acer rubrum 'Northwood'	M	M	S-8
Maple, Red Sunset	Acer rubrum 'Red Sunset'	M	M	S-8
Maple, Pacific Sunset	Acer truncatum 'Pacific Sunset'	S	A-M	S-8

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Linden, American	Tilia americana	M	H	S-8
Tree Common name	Botanical name	Growth rate	Adaptability	Use
Linden, Redmond	Tilia americana 'Redmond'	M	H	S-8
Linden, Glenleven	Tilia cordata 'Glenleven'	M	H	S-8
Linden, Greenspire	Tilia cordata 'Greenspire'	M	H	S-8
Oak, Bur	Quercus macrocarpa	S	H	S-8, G
Oak, Chinkapin	Quercus muehlenbergii	M	H	S-8, G
Oak, English	Quercus robur	M	H	S-8, G
Oak, Northern Red	Quercus rubra	M	A-M	S-8, G
Oak, Shingle	Quercus imbricaria	M	A	S-8, G
Oak, Shumard	Quercus shumardii	M	A	S-8, G
Oak, Swamp White	Quercus bicolor	M	H-A	S-8, G
Elm, American	Ulmus americana	F	H	S-8, G
Elm, Accolade	Ulmus japonica x wilsonii 'Accolade'	F	H	S-8, G
Elm, Frontier	Ulmus carpinifolia x parvifolia 'Frontier'	F	H	S-8, G
Willow, Niobe Weeping	Salix alba 'Tristis'	F	H	G
Willow, Peach Leaf	Salix amygdaloides	F	H	G
Willow, Prairie Cascade	Salix pentandra	F	H	G
Willow, Russian Golden	Salix alba vitellina	F	H	G



Town of Johnstown

TOWN COUNCIL WORKSESSION COMMUNICATION

AGENDA DATE: November 8, 2021

SUBJECT: Trees Across Colorado Tree Order

ATTACHMENTS: 1. Trees Across Colorado Tree Order

PRESENTED BY: Matt LeCerf, Town Manager

WORKSESSION ITEM DESCRIPTION:

Enclosed for your review is the approved Trees Across Colorado tree order for the Town of Johnstown. Trees Across Colorado is a program of the Colorado Tree Coalition. Every April, Trees Across Colorado (TAC) provides low-cost deciduous trees five to ten feet tall to groups across Colorado. Over the last twenty years, more than 25,000 trees have been planted in Colorado Communities!

Cost including shipping this year ranges from \$30-110 per tree. Volunteer time and bulk purchasing keeps tree prices low. A slight mark-up from the wholesale price benefits the Colorado Tree Coalition, a state-wide non-profit tree advocacy group, for their grants program, educational workshops and other CTC programs.

Staff was fortunate enough to secure 100 trees from Trees Across Colorado that will be given to residents on a first-come first-serve basis next spring. The approved tree order is attached. The tree delivery date is sometime before Arbor Day, at which point we will collect the trees and prepare for a tree give away event. Staff hopes to make this an annual event for residents.

Reviewed and Approved for Presentation,

Town Manager

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2022 Trees Across Colorado tree availability and order form 9.15.21

Trees must be ordered by Dec 15, 2021. Please order at least 20 trees. **Trees in short supply will be assigned on the basis of date ordered.** The sooner you order, the more likely you will get what you want. If a few species are short in spring 2022, we will notify groups as soon as the growers tell us. Trees must be picked up on a weekday (probably Thursday) in April, 2022 TBA. 50% payment due by Jan 10, 2022 to Colorado Tree Coalition, c/o G. Grant, remainder in April.

Name of group/community/HOA/city placing this order: Johnstown revised						Date of this order: 9.16.21 3:30pm		
Common name	Scientific name	BR*/ APC**7 or APC**15	Height in feet (') or caliper in inches (")	Cost per tree incl. shipping	Number left in TAC order on date in top	Are more available from supplier?	Number of trees ordered by this group	Total cost
Maple, Hedge	<i>Acer campestre</i>	APC** #7	3/4 -1" (#7 pot)	75.00	40	???		0.00
Maple, Rocky Mountain	<i>Acer glabrum</i>	APC** #7	3/4 -1" (#7 pot)	75.00	23	???	10	750.00
Maple, Bigtooth	<i>Acer grandidentatum</i>	APC** #7	3/4 -1" (#7 pot)	75.00	25	???		0.00
Maple, Sensation Boxelder	<i>Acer negundo 'sensation'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	35	???		0.00
Maple, Hot Wings Tatarian	<i>Acer tataricum 'GarAnn'</i>	BR*	1"-1.50"	45.00	50	???		0.00
Maple, Hot Wings Tatarian	<i>Acer tataricum 'GarAnn'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	90	???		0.00
Maple, Norwegian Sunset Keithsform	<i>Acer trunc.x plat 'Norwegian Sunset Keiths'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	45	???		0.00
Maple, Pacific Sunset	<i>Acer trunc x plat 'Pacific sunset'</i>	BR*	1"-1.50"	55.00	55	???		0.00
Buckeye, Ohio	<i>Aesculus glabra</i>	APC** #7	3/4 -1" (#7 pot)	75.00	15	???		0.00
Horsechestnut, Autumn Splendor	<i>Aesculusxarnoldiana 'Autumn Splendor'</i>	APC #15	1"-1.25" (#15 pot)	110.00	25	???		0.00
Serviceberry, Autumn Brilliance	<i>Amelanchierxgrand. 'Autumn Brilliance'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	65	???		0.00
Hornbeam, American	<i>Carpinus caroliniana</i>	APC** #7	3/4 -1" (#7 pot)	75.00	35	???		0.00
Catalpa, Northern	<i>Catalpa speciosa</i>	APC** #7	3/4 -1" (#7 pot)	75.00	90	???	30	2250.00
Hackberry	<i>Celtis occidentalis</i>	APC** #7	3/4 -1" (#7 pot)	75.00	70	???	20	1500.00
Redbud	<i>Cercis canadensis</i>	APC** #7	3/4 -1" (#7 pot)	75.00	90	???		0.00
Yellowwood, American	<i>Cladrastis kentuckea</i>	APC** #7	3/4 -1" (#7 pot)	75.00	45	???		0.00
Filbert, Turkish	<i>Corylus colurna</i>	APC** #7	3/4 -1" (#7 pot)	75.00	41	???		0.00
Hawthorne, Thornless Cockspur	<i>Crataegus crus-galli 'Cruzam' Crusader</i>	APC** #7	3/4 -1" (#7 pot)	75.00	30	???		0.00
Beech, European Green	<i>Fagus sylvatica</i>	APC** #7	3/4 -1" (#7 pot)	75.00	24	???		0.00
Ginkgo, Autumn Gold	<i>Ginkgo biloba 'Autumn Gold'</i>	APC** #7	3/4 -1" (#7 pot)	95.00	10	???	0	0.00
Honeylocust, Skyline	<i>Gleditsia t. var. inermis 'Skycole'</i>	BR*	1"-1.50"	60.00	50	???	10	600.00
Coffeetree, Espresso Kentucky	<i>Gymnocladus dioica 'Espresso JFS'</i>	APC** #7	3/4 -1" (#7 pot)	80.00	100	???	10	800.00
Tuliptree	<i>Liriodendrum tulipifera</i>	APC** #7	3/4 -1" (#7 pot)	75.00	35	???		0.00
Maackia, Amur	<i>Maackia Amurensis</i>	APC** #7	3/4 -1" (#7 pot)	75.00	30	???		0.00
Osage Orange, White Shield	<i>Maclura pomifera 'White Shield'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	45	???		0.00
Crabapple, Robinson	<i>Malus 'Robinson'</i>	BR*	1" -1.50"	40.00	50	???		0.00
Crabapple, Spring Snow	<i>Malus 'Spring Snow'</i>	BR*	1" -1.50"	35.00	75	???	0	0.00
Hop Hornbeam, American	<i>Ostrya virginiana</i>	APC** #7	3/4 -1" (#7 pot)	75.00	20	???		0.00
Persian Ironwood	<i>Parrotia persica</i>	APC** #7	3/4 -1" (#7 pot)	75.00	20	???		0.00
Planetree, London 'Bloodgood'	<i>Platanus x acerifolia 'Bloodgood'</i>	BR*	1" -1.50"	50.00	50	???		0.00
Planetree, London Exclamation	<i>Platanus acer. 'Morton Circle'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	70	???		0.00
Chokecherry, Canada Red	<i>Prunus x virginiana 'Canada Red'</i>	BR*	1" -1.75"	50.00	50	???		0.00
Pear, Cleveland Select Flowering	<i>Pyrus calleryana 'Cleveland Select'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	100	???	20	1500.00
Oak, Swamp White	<i>Quercus bicolor</i>	APC** #7	3/4 -1" (#7 pot)	75.00	35	???		0.00
Oak, Gambel	<i>Quercus gambelii</i>	APC** #7	3/4 -1" (#7 pot)	75.00	30	???		0.00
Oak, Bur	<i>Quercus macrocarpa</i>	APC** #7	3/4 -1" (#7 pot)	75.00	100	???		0.00
Oak, Chinkapin	<i>Quercus muehlenburgii</i>	APC** #7	3/4 -1" (#7 pot)	75.00	100	???		0.00
Oak, English	<i>Quercus robur</i>	APC** #7	3/4 -1" (#7 pot)	75.00	30	???		0.00
Oak, Shumard	<i>Quercus shumardii</i>	APC** #7	3/4 -1" (#7 pot)	75.00	100	???		0.00
Cyprus, Bald	<i>Taxodium distichum</i>	APC** #7	3/4 -1" (#7 pot)	75.00	50	???		0.00
Linden, American Sentry	<i>Tilia, americana 'Sentry'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	20	???		0.00
Linden, Littleleaf Glenleven	<i>Tilia cordata, 'Glenleven'</i>	BR*	1" -1.50"	50.00	50	???		0.00
Linden, Silver Sterling	<i>Tilia tomentosa 'Sterling'</i>	BR*	1" -1.50"	55.00	50	???		0.00
Elm, Discovery	<i>Ulmus davidiana 'Discovery'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	45	???		0.00
Elm, Lacebark Allee	<i>Ulmus parvifolia 'Emer II'</i>	APC** #7	3/4 -1" (#7 pot)	75.00	20	???		

Questions? Contact Gertie Grant at 303-744-3882 or gertiegrant@estreet.net **Total Trees/\$ due** 100 7,400.00

BR* means "bare root" and MUST be ordered by groups (cities/communities/HOAs) in multiples of 5.

APC:** tree grown in a patented container where air prunes the roots fostering a dense fibrous root system.

APC** #7 are grown in a #7 container and are a little less than 1" caliper APC**#15 are grown in a #15 container and are 1-1 1/2" in cal



Town of Johnstown

TREE BOARD COMMUNICATION

AGENDA DATE: November 8, 2021

SUBJECT: Approval of the Town of Johnstown Tree City USA Application

ATTACHMENTS: 1. Tree City USA Application

PRESENTED BY: Matt LeCerf, Town Manager

WORKSESSION ITEM DESCRIPTION:

Enclosed for your review and approval is the Town of Johnstown's Tree City USA application. Staff completed the application which demonstrates the Town's commitment to the environment by meeting the four standards required for recognition:

1. Maintaining a tree board or department
2. Having a community tree ordinance
3. Spending at least \$2 per capita on urban forestry
4. Celebrating Arbor Day.

Tree City USA Communities focus on urban forests with advantages like helping to absorb carbon dioxide in the atmosphere, mitigating the effects of climate change, helping to absorb sounds of traffic, reducing energy costs up to 25% by shading buildings and protecting them from winter winds, and increasing home property values. Green space also plays a major role in improving mental and physical health.

With your approval, we will submit this application to the Colorado State Forester.

Reviewed and Approved for Presentation,

Town Manager

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141



SAVE & LOGOUT

What category best describes your community?*

Town

Mayor or Equivalent Information

*Mayor Name
*First

Gary

*Last

Lebsack

*Professional Title

Mayor

Mayors Address

*Address Line 1

PO Box 609

Address Line 2

*City

Johnstown

*State/Region

Colorado

*ZIP/Postal Code

80534

*Email Address

glebsack@johnstownco.gov

*Phone Number

☒ US/Canada ☐ Outside US

970-587-4664

US: 402-555-1212

City Forestry Contact

(This is the person from your community we will be reaching out to if we have any questions about the application.)

*City Forestry Contact’s Name

*First Name

Danielle

*Last Name

Gardner

*Professional Title

Executive Assistant

*Shipping Address for Recognition Materials

*Address Line 1

450 South Parish Avenue

Address Line 2

PO Box 609

*City

Johnstown

*State/Region

Colorado

*ZIP/Postal Code

80534

*City Forestry Contact's Email Address

dlgardner@johnstownco.gov

*Phone Number

☒ US/Canada ☐ Outside US

970-587-4664

US: 402-555-1212

☐

If my application is approved, I DO NOT wish to have my name and email included on the Tree City Usa member resource directory (only available to other recognized Tree City USA communities.)

Standard 1 - A Tree Board or Department

*Select which best describes your community

Community has both a Tree Board and a

*Tree Board Meeting Frequency

Annually

Chairperson

*Chairperson's Name

*First Name

Gary

*Last Name

Lebsack

*Professional Title

Mayor

*Chairperson's Address

*Address Line 1

PO Box 609

Address Line 2

*City

Johnstown

*State

Colorado

*ZIP/Postal Code

80534

*Email Address

glebsack@johnstownco.gov

*Phone Number

☒ US/Canada ☐ Outside US

970-587-4664

US: 402-555-1212

*How many additional Tree Board members are there?

5

Board Member 1

Board Member 1 Name

*First Name

Damien

*Last Name

Berg

*Board Member 1 Email

dberg@johnstownco.gov

Board Member 2

Board Member 2 Name

*First Name

Troy

*Last Name

Mellon

*Board Member 2 Email

tmellon@johnstownco.gov

Board Member 3

*Board member 3 name

*First Name

Jesse

*Last Name

Molinar

*Board member 3 Email

jmolinar@johnstownco.gov

Board Member 4

Board member 4 name

*First Name

Amy

*Last Name

Tallent

*Board member 4 Email

atallent@johnstownco.gov

Board Member 5

Board member 5 name

*First Name

Chad

*Last Name

Young

*Board member 5 Email

cyoung@johnstownco.gov

Please upload full name and email address for any additional tree board members.

Attachments

UPLOAD ATTACHMENT

NAME

CREATED DATE

Town Council Members

Nov 3, 2021 2:14:06 PM CDT

[Edit](#) [Visit](#) [Delete](#)

Department Chair/City Manager

Department Chair/City Manager Name

*First

Matt

*Last

LeCerf

*Professional Title

Town Manager

*Phone

☒ US/Canada ☐ Outside US

970-587-4664

US: 402-555-1212

Address

*Address Line 1

PO Box 609

Address Line 2

*City

Johnstown

*State/Region

CO

*ZIP/Postal Code

80534

*Email Address

mlecerf@johnstownco.gov

Standard 2 - A Community Tree Ordinance

*Date current tree ordinance was established

x 12/21/2020 ...

Our ordinance below*

- ☒ Uploaded files have not changed
☐ Our ordinance has been updated this past calendar year and I have updated.

* Attach File

Each applicant is required to upload their community's current tree ordinance.

Attachments

UPLOAD ATTACHMENT

NAME	CREATED DATE	
Ordinance 2020-187	Oct 27, 2021 11:16:40 AM CDT	Edit Visit Delete
Ordinance 2020-182	Nov 3, 2021 5:02:08 PM CDT	Edit Download Delete

Standard 3 - A community forestry program with an annual budget of at least \$2 per capita

Please answer the questions below with the full numerical amounts and do not use symbols or commas. (i.e. 5000.01 not \$5,000.01). If a category does not apply to you, please enter 0.

For a list of qualifying expenses, [click here](#).

* Community Population

17382

* Tree Planting and Initial Care

Include cost of tree purchases, labor and equipment for planting, planting materials, stakes, wrapping, watering, mulching, competition control, etc.

40418.82

* Tree Maintenance

Include pruning, insect and disease management, fertilization, watering, etc.

9800

* Tree Removal

Include cost of equipment, supplies, labor, etc.

6360

* Management

Include public education, professional training, memberships, salaries, street and park tree inventory.

12000

Utility Line Clearance

(If allowed by your state coordinator).

* Volunteer Time

Number of volunteer hours and other contributions from civic organizations.

Correct Examples:

- 10
- 12
- 284
- 3778

Incorrect Examples:

- 10 hrs
- 12 hours
- \$284.94
- 3,678

4

Other

Include any other expenses not mentioned.

Please specify other expenses (if applicable)

TOTAL Expenditure Per Capita: 3.95

TOTAL Expenditures: 68692.98

Community Tree Management Statistics

Please include only whole numbers below.

*Number of Trees Planted

115

*Number of Trees Pruned

200

*Number of Trees Removed

6

Attach Files

Annual work plan (if required by your state).

Attachments		UPLOAD ATTACHMENT
NAME	CREATED DATE	
No Data		

Supporting budget document(s).

Attachments		UPLOAD ATTACHMENT
NAME	CREATED DATE	
No Data		

Standard 4 - An Arbor Day Observance and Proclamation

Date observance was held

x 09/25/2021 ...

Did your community's Arbor Day celebration include any type of participation from K-12 schools?*

☒ Yes ☐ No

Attach Your Signed Arbor Day Proclamation*

Attachments		UPLOAD ATTACHMENT
NAME	CREATED DATE	
Arbor Day Proclamation	Nov 2, 2021 2:50:21 PM CDT	Edit Download Delete

Supplemental files

This can be a program from your Arbor Day events, photos, or press releases.

Attachments		UPLOAD ATTACHMENT
NAME	CREATED DATE	
Arbor Day Celebration	Nov 3, 2021 3:40:13 PM CDT	Edit Download Delete
Arbor Day Celebration	Nov 3, 2021 3:39:35 PM CDT	Edit Download Delete
Arbor Day Celebration	Nov 3, 2021 3:39:01 PM CDT	Edit Download Delete

How did you find out about the Tree City program?

The Town of Johnstown used to have Tree C

Signature Form

* Before you print off your signature form, all sections of the application must be complete.

To finalize your application, you will need to obtain a signature of your mayor or top city official. Your application requires the appropriate signature to be complete.

Click on the button below to populate your mayor signature page. (You will need to push this button anytime you make revisions to your application.)

POPULATE SIGNATURE PAGE

Download Mayor Signature Form

- Scan and upload the signature form
- Fax the signature form to the Arbor Day Foundation

☐ By checking the box, you are granting the Arbor Day Foundation and its assigns, licensees, successors, representatives, employees, program partners, and agents (collectively, the “Arbor Day Foundation”), the irrevocable and unrestricted right to use uploaded images from this application. You grant the Arbor Day Foundation the irrevocable right to use, copy, prepare derivative works from, distribute and publish the provided photographs in any medium or means of distribution, including print, social media sites such as Facebook and Twitter and in Arbor Day Foundation publications or on its website, for any lawful commercial or other purpose, and to register the copyright of such photographs throughout the world.By granting rights to the photos, you are representing that you own the rights to the uploaded pictures on this application and that Arbor Day Foundation has permission to use said photos.

Please press the submit button below, once your application is complete. A successfully submitted application will redirect you to a new page. If you are not redirected, please scroll to the top of your application to see a notification of what information is missing/incorrect in order to submit your application.

SUBMIT

© 2018 Arbor Day Foundation



2021 Tree City USA

Application for Certification

The Tree City USA award is in recognition of work completed by the community during the 2021 calendar year.

Primary Contact

Contact Name Danielle Gardner
Email Address: dlgardner@townofjohnstown.com
Phone Number: (970) 587-4664
Address: 450 South Parish Avenue
 Johnstown, CO 80534

Johnstown, Colorado Community Information

Select Which Best Describes Your Community: Community has both a Tree Board and a Department Chair/City Manager

Ordinance Date: Dec 21, 2020

[Ordinance Uploaded](#)

Per Capita Expenditure: NaN

Arbor Day Date: Sep 25, 2021

[Proclamation Uploaded](#)

As Mayor or Equivalent of the Community of Johnstown

Mayor or Equivalent Signature

Title

Date

Application Certification

To Be Completed By The State Forester:

Johnstown

The above named community has made formal application to this office. I am pleased to advise you that we reviewed the application and have concluded that, based on the information contained herein, said community is eligible to be certified as a Tree City USA community, for the 2021 calendar year, having in my opinion met the four standards required for recognition.

State Forester Signature

Title

Date



Town of Johnstown

November 8, 2021

To Whom It May Concern:

RE: Water Purchase

The purpose of this letter is to provide information regarding a possible acquisition of water and the yield values that would be accepted assuming the water is dedicated to the Town. In this instance, the purchase involves an acquisition of 5 Home Supply shares which are currently unchanged, and a 1/3 share of the Big Thompson Ditch Manufacturing Company (BTDMC).

If this water is purchased as a package and subsequently dedicated to the Town, we would provide a total volume of 59-acre-foot yield on this water. This is based on the 5 shares of Home Supply being dedicated to the Town and including a dry-up covenant which would establish a yield of 8 acre-feet per share totaling 40 acre-feet. The 1/3 BTDMC water share we would assign a value of 19 acre-feet on this water. Consequently, the 40 acre-feet and the 19 acre-feet provides 59 acre-feet of water.

Please note, this offer for the yield on this water is under the assumption that both and all water sources referenced in this letter are acquired and dedicated to the Town in one package. An option to provide a portion of the water or only a segment of the water is not permissible and will invalidate this offer.

If you have any additional questions, please contact me at your convenience.

Regards,

Matt LeCerf
Town Manager

cc: Tom Williamsen, Helton & Williamsen PC
Dan Gillham, Helton & Williamsen PC

The Community That Cares

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141