



Planning Commission Regular Meeting

Town Board Room
807 Mountain Avenue
Berthoud, Colorado 80513
Thursday, July 9, 2026, at 6:00 PM

This is an **In-Person** meeting at the location and time noted above.

This meeting will be streamed live on YouTube. The live stream is accessible by visiting www.berthoud.org/stream.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Meeting Minutes**
 - A. June 11, 2026 Planning Commission Meeting Minutes
5. **Public Hearing(s)**
 - B. Consideration of amendment to Section 30-10-101 of the Berthoud Municipal Code regarding the Historic Preservation Advisory Committee.
6. **Regular Discussion**
 - C. **Proposition 123 Compliance** (Min)
 - D. **Comprehensive Plan update, Strategic Growth Element** (Min)
 - E. **Discussion with Town Attorney Nicholas Hartman** (Min)
7. **Report by Staff**
8. **Adjourn**

Individuals needing special accommodation may request assistance by contacting the Town Clerk at 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.



**Garden
Spot of
Colorado**

**Town of Berthoud Planning Commission
Town Hall
Board Room
807 Mountain Avenue, Berthoud, CO 80513
June 11, 2026 at 6:00 p.m.**

1. Meeting called to order – Chairperson Sigman at 6:01 p.m.
2. Pledge of Allegiance
3. Roll Call

The following Planning Commission members were present:

Stacy Sigman, Chair
Nick Semedalas, Vice Chair
Bryce Filho, Secretary
Marleene Buttice, Commissioner
Brandon Terrazas, Commissioner

The following Planning Commission members were absent:

Marc Hofmans, Commissioner
David Pond, Commissioner

The following staff members were present:

Anne Johnson, Community Development Director
Tawn Hillenbrand, Planning Manager
Bella Manzo, Planner

4. Approval of Minutes from May 28, 2026, were moved for approval with amendments by Commissioner Terrazas and a second to the motion was made by Commissioner Filho.
5. Work Session: Technical Assistance for Tablet and Email Addresses with Town IT Specialist Bryan Fister
 - a. This item was removed from the agenda.
6. Work Session: Planning Commission Roles and Responsibilities with CIRSA General Counsel Sam Light, Town Attorney Nicholas Hartman, and Town Community Development Director Anne Johnson.
 - a. Town Attorney Nicholas Hartman was absent from this work session.
 - b. CIRSA General Counsel Sam Light and Community Development Director Anne Johnson made a presentation beginning at 6:03 p.m.
 - c. The item concluded at 9:20 p.m.

7. Report by Staff:

- a. Planner Bella Manzo provided a reminder that the HPAC In-Person Historic Walking Tour is scheduled for 11:00 am on Saturday, June 13.
- b. Planning Manager Tawn Hillenbrand provided an update on progress being made on the Public Art Master Plan.
- c. The Berthoud Industrial Annexation and Zoning requests heard and recommended for approval by the Planning Commission on May 14, 2026 were heard by the Town Board of Trustees on June 9, 2026 and approved.

8. Adjourn

The meeting was adjourned by Motion of Commissioner Semedalas seconded by Commissioner Terrazas at 9:28 p.m.

Chairperson

Secretary

Planning Commission Information



Community Development Department

Meeting Date:	July 9, 2026
Agenda Title/Subject:	Consideration of amendment to Section 30-10-101 of the Berthoud Municipal Code regarding the Historic Preservation Advisory Committee.
Type of Item:	Regular Item
Purpose:	Consideration of amendment to Section 30-10-101
Presented by:	Anne Johnson

Attachments:

None

Background:

The Town has a number of ordinances established to govern Boards, Commissions and Committees. To reduce redundancies and clarify intent, the Municipal Code is being amended to adopt a new Section 4.9 to address specific duties pursuant to state law. One section of this new Section 4.9 covers the Historic Preservation Advisory Committee requiring an amendment to Section 30-10-101 to read as follows, "The Town of Berthoud recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. To further this goal, the Town has established a Historic Preservation Advisory Committee."

Update/Next Steps:

Planning Commission is being asked to recommend approval of the proposed language.

Fiscal Impact and Fund Source:

There is no negative fiscal impact to this request.

Community Touchstones:

Committees and Commissions are composed of volunteers. Having a common location for the Board's expectations and statutory requirements is preferred over having disconnected Ordinances. The request is to provide guidance which strengthens Community Identity, Resiliency and Sustainability. Clear direction and expectations provide a transparent framework for volunteers to work within.

Recommended Action(s):

Staff recommends that Planning Commission recommend approval to the Town Trustees

of the proposed language in Section 30-10-101 as found in this informational memo.

Planning Commission Information



Community Development Department

Meeting Date:	July 9, 2026
Agenda Title/Subject:	Proposition 123 Compliance
Type of Item:	Regular Item
Purpose:	Provide information regarding outcomes experienced toward housing diversity through the Town's commitment to the first three years of Proposition 123.
Presented by:	Anne Johnson

Attachments:

None

Background:

In 2022, Colorado voters approved the concept of, and by doing so established the State Affordable Housing Fund (Proposition 123). The objective of Proposition 123 is to provide funds to local communities and counties to increase the availability of affordable housing by 3% annually (9% over the course of three years).

The Town of Berthoud "opted in" to Proposition on October 10, 2023, pledging to support a variety of housing products inclusive of affordable housing products. There is no financial commitment, nor was there a penalty imposed to Berthoud if the Baseline goal was not met after the first three years. By opting in, the Town furthered support to local non-profit housing provider Habitat for Humanity so that they have the opportunity to apply for funding open to their organization. Other non-profit organizations are eligible; however, Habitat for Humanity is the only one who is actively engaged in Berthoud.

Berthoud's first baseline established by the State in October, 2023 was approximately 20 affordable housing units each year over the commitment period, resulting in a total of 59 units. These housing units were required to come in at or below the Baseline value for ownership and rental units.

In August 2025, the State provided the Town with an updated and sliding calculator dependent upon the number of bedrooms in a housing unit. The change allowed the Town to count additional units and the result is that the Town's naturally occurring housing units (new construction, no deed restrictions) exceeded the total number required for compliance with Proposition 123. Through naturally occurring housing units, the Town was able to meet our Proposition 123 commitment with 174 building units which meet the sliding scale.

Due to the Town's commitment to Proposition 123, the Town was able to apply for several grants which resulted in the development of a Housing Diversity Steering Committee and community engagement surrounding housing diversity. A summary of the grants received, work produced and engagement is listed below:

- Late 2023: The Town was awarded a DOLA More Housing Now Grant (\$100,460) with local match requirements (\$25,115). The expected deliverables from the Housing Diversity Steering Committee included the development of the state-mandated Housing Needs Assessment/Housing Diversity Plan. The Steering Committee was composed of all the Planning Commissioners, two Trustees, the Thompson School District, Habitat for Humanity and the Loveland Housing Authority. The Steering Committee met for nearly one year to develop findings, engage the community, and create an Action Plan. The Action Plan is presented every year to illustrate how the Town is implementing the goals within the Action Plan. The Town Trustees adopted the Housing Diversity Plan by Resolution 07 (2025) on April 22, 2025. The adopted plan can be found on the Planning Website.
- May 27, 2025: The Town received a grant from the DOLA Local Planning Capacity program in the amount of \$41,600 with a local match of \$10,400. The direction of this grant was to deploy the Action Plan found in the Housing Diversity Plan listed below:
 - Develop a Fast Track guidebook for developments which include more than 50% attainable housing product. The Guidebook is currently on the Planning website.
 - Develop process flow diagrams to illustrate the difference between the standard land development, building and engineering processes compared to those of the Fast Track process. The process flow diagrams are on the Planning Website as is an animated video which provides narrative to the static workflows.
 - Review of opportunities regarding land and water banking was completed and presented to the Town Board on May 12, 2026.
- Fall 2024 through October, 2025: Town staff met with the development and building community to identify improvements to be made to the Town's development review process to encourage diverse housing. The re-write of the Land Use Code is the result of many meetings and feedback from the Planning Commission, the Town Board and the development/housing community.
- Summer, 2025: The Town is meeting with local builders and developers who have expertise in housing diversity. The intent of the local housing consortium is to share information and collaborate. The consortium meets 3-4 times each year.
- July 8, 2025: The Town Trustees expand Ordinance 847 via Ordinance 1355, further supporting the development of attainable housing in the Town of Berthoud.
- May 15, 2026: Due to the work performed toward meeting the Proposition 123 commitment, work deployed through the More Housing Now grant action plan, and the work delivered in the Local Planning Capacity grant, the Town was awarded a \$50,000 no-match grant to be used to assist a local non-profit housing developer, Habitat for Humanity. The Town Trustees approved staff's approach to the allocation on April 14, 2026. These funds need to be expended prior to August, 2027. Town and Habitat for Humanity staff have met to review the criteria and to commence the expenditures efficiently.

Update/Next Steps:

Staff has submitted the number of naturally occurring units (new construction) to the State's Proposition 123 portal. The Town has provided information to the State about the ability to share the number of units which meet Proposition 123 goals, in excess of our baseline commitment. Should the Town Trustees determine they would like to understand what participation in the

next three-year commitment entails, staff will bring commitment information to the Town Board prior to the November 1, 2026 commitment deadline.

Fiscal Impact and Fund Source:

There is no fiscal impact to the Town in consideration of this request.

Community Touchstones:

This set of findings illustrates the Town’s commitment to supporting developers and housing builders to access funding opportunities. The commitment to Proposition 123 also enabled the Town to access funding for planning work as described previously. Access to housing was the goal of this commitment which supports the touchstones of sustainability, resiliency and helps to build community identity.

Recommended Action(s):

There is no action requested at this time for the first three-year commitment period. This agenda item is informational. Staff will be asking the Trustees to determine if they'd like to have staff investigate what participation in the next three-year commitment will entail.

Planning Commission Information



Community Development Department

Meeting Date:	July 9, 2026
Agenda Title/Subject:	Comprehensive Plan update, Strategic Growth Element
Type of Item:	Regular Item
Purpose:	Consideration of an update to the 2021 Comprehensive Plan for inclusion of a Strategic Growth Element required by SB-24-174/State Statute prior to December 31, 2026
Presented by:	Lakin Dickson, Anne Johnson

Attachments:

None

Background:

With the passage of SB24-174, Colorado Revised Statutes now that require municipal, county, and regional comprehensive plans include a Strategic Growth Element, and that these elements must be updated on no less than a 5-year basis. There are no exemptions for the Strategic Growth Element in statute, and this must be completed by December 31, 2026.

Strategic growth discourages sprawl and promotes the development or redevelopment of vacant and underutilized parcels in urban areas to address the municipality's demonstrated housing needs and mitigate the need for extension of infrastructure and public services to develop natural and agricultural lands for residential uses.

When developing a strategic growth element in local or regional comprehensive plans, Colorado Revised Statutes 30-28-106 (3)(a.5)(III) and 31-23-206(1.5)(d) require that the community must:

- Describe existing and potential policies and tools to promote strategic growth and prevent sprawl;
- Analyze vacant and underutilized land near transit or job centers for potential infill or redevelopment; and
- Analyze undeveloped land that is under consideration for future development, including its infrastructure needs, service needs, and long-term fiscal impacts.

This element is comprised of policies and tools to promote strategic growth and prevent sprawl, an analysis of underutilized sites and designated uses that help address housing needs, description of the public benefits, and an analysis of undeveloped parcels and an assessment of the general feasibility of the area. Describing the long-term fiscal impact will be included in the addendum by a consultant.

The Town of Berthoud also participated in the Neighborhood Center pilot program in early 2026. The Neighborhood Center pilot program supports part of the Town's requirements under SB-24-174 for adopting a Strategic Growth Element into the Town's Comprehensive Plan. The format of this addendum conforms to the requirements of the Strategic Growth Element and where applicable, the Neighborhood Centers program is introduced to further support a pedestrian-oriented, mixed-use neighborhood with proximity to transit, and the Town's commitment to housing diversity and Proposition 123.

Community Development has coordinated closely with representatives from the Division of Local Affairs (DOLA) who are managing SB24-174 requirements. DOLA representatives are continuing to update outlined requirements for the Strategic Growth Element and have reviewed drafts of the Town's element as it progresses and is completed before December 31, 2026.

Update/Next Steps:

Staff plan to bring the draft to Planning Commission by the third quarter of 2026 for consideration as a new Section 6 of the Town's 2021 Comprehensive Plan.

Fiscal Impact and Fund Source:

There is no negative fiscal impact to the Town in amending this document. Due to staff performing the majority of tasks in-house there is a cost savings. Staff may need outside consultant work for the fiscal analysis component.

Community Touchstones:

Consideration of the amendment request does not negatively impact community touchstones. Consideration of approval of the request does provide support for promoting development near transit or job centers, addressing housing needs, and offering continued community-wide engagement and collaboration when strengthening the Town's commitment to strategic growth with a priority toward pedestrian connectivity and housing diversity.

Recommended Action(s):

There is no action needed.

Planning Commission Information



Community Development Department

Meeting Date:	July 9, 2026
Agenda Title/Subject:	Discussion with Town Attorney Nicholas Hartman
Type of Item:	Presentation
Purpose:	Follow-up to the CIRSA presentation provided to Planning Commission on June 11, 2026.
Presented by:	Nicholas Hartman

Attachments:

1. Land Use Presentation Abridged

Background:

Planning Commission received a presentation regarding roles, responsibilities and tools for Planning Commissioners on June 11, 2026. The Town Attorney was not able to attend and is offering this session as a follow-up for local questions.

Update/Next Steps:

Fiscal Impact and Fund Source:

Community Touchstones:

Recommended Action(s):

The background of the slide is a dark, almost black, topographic map. The map features white contour lines that represent elevation. On the left side, there are several concentric, roughly circular contour lines, suggesting a hill or a circular depression. The lines are more irregular and spread out towards the right side of the image. The overall aesthetic is clean and technical, typical of a professional presentation or book cover.

Making Good Choices

A Guide to Making Good Land Use Decisions (and other things)

(Abridged)

Agenda

- Approvals and Motions
- Comp Plan
- Public Comment
- *Ex Parte* communications
- Code of Ethics, briefly
- *Not covered today:*
 - Legislative v. Quasi-judicial
 - CORA
 - OML
 - Running Meetings Generally

What does a good meeting look like?



Decisions follows a clear and consistent framework



Decisions are based upon the record and the applicable criteria



Orderly, respectful public testimony



User-friendly and welcoming

Bad Meetings

Sloppy mix of public, applicant and public body debate

Negotiations and dealmaking on the fly

Confusing conclusions and decisions

Drafting Solutions in a Meeting

- + Negotiations and conditions on the fly
 - + Appeasement and placation vs. substance-based, deliberative decisionmaking
- + Remember: consensus, not unanimity
- + Make conditions thoughtfully and only when obviously related to meeting the standards and review criteria.
- + Conditions should be objective, measurable, realistic and attainable.

Meeting Tips

- + Use of electronics during meeting:
 - + Only when necessary and directly related to the matter.
- + Side conversations
 - + Be respectful and courteous.
- + Time limits on applicant presentations and public comment
 - + Enforce uniformly
- + Making clear and timely motions
 - + Best practice: Motion > Second > Vote.

Quasi-Judicial Decisions



In a quasi-judicial proceeding, you are acting like a **judge**.

Don't put too much weight on the "quasi"!

Quasi-Judicial Decisions

The Big Mistake

Ex Parte Communications

Timing: When an application is filed.

“Outside the hearing” contact with someone or something regarding the subject matter of the public hearing

“I talked with someone about...”

“I saw on Facebook...”

Strictly prohibited!



Quasi-Judicial Decisions

Ex Parte Communications

Includes information gathering outside the hearing – site visits, Google research, etc.

Be careful about discussions that occur with the public during any recess or beforehand, including on social media.

Respect your roll and the public

Remember: it is also about appearances.



Quasi-Judicial Decisions

How to Deal with Inquiries from the Public

- + Stop the conversation as soon as you can
- + Explain to the individual that if you continue the discussion with them, you will have to recuse yourself and not be a part of the decision
- + Encourage them to make written comment or attend the meeting



Quasi-Judicial Decisions

Acceptable Outside Information

Information based upon your personal knowledge or experience, as long as you are not prejudging the application prior to the public hearing.

“I believe the Comp Plan suggests housing here,” vs. “I hate malls.”

Quasi-Judicial Decisions

What to Do if You've Had a *Ex Parte* Communication

Best: Disclose and Recuse

Maybe: Possible to Disclose and Cure

Remember: Appearances!



Quasi-Judicial Decisions

Conflicts of Interest

Goes to prejudgment

- + Decision has effect on family member
- + Decision results in a direct personal or family economic gain or loss
- + Sometimes: Past experiences with applicant
- + Assess for yourself – always happy to discuss

Colorado Code of Ethics

C.R.S. § 24-18-101, *et seq.*

- + **(2)** A local government official or local government employee shall not:
 - + **(a)** Engage in a substantial financial transaction for his private business purposes with a person whom he inspects or supervises in the course of his official duties;
 - + **(b)** Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or
 - + **(c)** Accept goods or services for his or her own personal benefit offered by a person who is at the same time providing goods or services to the local government for which the official or employee serves, under a contract or other means by which the person receives payment or other compensation from the local government, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the official or employee does not receive any substantial benefit resulting from his or her official or governmental status that is unavailable to members of the public generally.
- + **(3)**
 - + **(a)** A member of the governing body of a local government who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter.
 - + **(b)** A member of the governing body of a local government may vote notwithstanding paragraph (a) of this subsection (3) if his participation is necessary to obtain a quorum or otherwise enable the body to act and if he complies with the voluntary disclosure procedures under section 24-18-110.
- + **C.R.S. §§ 24-18-109(2), (3)**

Quasi-Judicial Decisions

How to Make Good, Well-Reasoned Decisions

- + Review the packet, review criteria and prepare questions
- + Listen
- + Explain your decision – refer to facts and the criteria

Quasi-Judicial Decisions

Articulating the Basis for Your Decision

Variance Criteria for Design Standards, etc.
(Code § 30-5-110(2)):

* * *

2. To authorize variances from the terms of the Design Standards, Zoning, and Sign regulation sections of this Chapter, where the strict enforcement of this title would create a situation which would result in unreasonable application of these standards. When considering variances, the Board of Adjustment shall consider the following criteria:
 - a. The intent statements found in this Section have been met; and
 - b. The hardship was not created by the actions of the proponent; and
 - c. Such relief may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of this code; and
 - d. Provided that there are exceptional circumstances applying to the specific piece of property which do not generally apply to the remaining property in the same zoning area or neighborhood; and
 - e. That the requested variance shall not authorize any permanent use not permitted in the zoning district; and
 - f. In circumstances where the property owners affected most directly, e.g. neighbors, concur in writing with the variance that fact shall be given significant (but not conclusive) weight in favor of the request.

* * *

Need to explain the specific facts that support the satisfaction or failure to satisfy this condition.

For example, the property contains topography that limits its use.

Hardships are very difficult to prove. Simply because someone wants to do something – that is not a hardship.

Without the demonstration of a hardship, variance should not be granted

Comprehensive Plan

- + Non-binding
 - + "goals and objectives of..."
 - + "consistent with"
 - + "the vision of..."
- + Use to inform your decision and to *envision* the future of the Town.
- + Sec. 30-1-110
 - + "While this relationship [between the Comp Plan and Development Code] is reaffirmed, it is the intent of the Town of Berthoud that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan."

Motions Practice

- + Beware straw polls
- + Motions should always be in the affirmative, but this does not necessarily mean “for approval.”
 - + Unique to PC: You usually make recommendations
- + Motions for approval provide finality and clarity to the public without engaging in additional motions.
- + That doesn't mean you can't bring a motion to deny.
- + You may make or second a motion you are voting against.
- + This is all much more parliamentary than it is legal.

Motions Practice Examples

- + I make a motion to approve the rezone to residential. **Good!**
 - + This is the classic local government motion, regardless of general counts toward a vote.
- + I make a motion to deny the rezone to residential. **Good!**
 - + Could *potentially* create subsequent issues.
 - + Not always possible, given advisory nature of PC.
- + I make a motion to not approve the rezone to residential. **Bad!**
 - + This is a motion in the negative and should never be made.

The background features a series of white, dashed, wavy lines that create a sense of depth and movement, resembling a topographic map or a stylized landscape. The lines are irregular and flow across the black background, with some lines being more prominent than others.

Thank you!