



Planning Commission Minutes – September 28, 2023, at 6:00 p.m.

1. Call to Order – The Planning Commission convened a regular meeting on Thursday, September 28, 2023. Chairperson Anderson called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance

3. Roll Call – Members Present: Karen Anderson (Chairperson)
Jon Van Benthem (Secretary)
Abigail Smith (Commissioner)
Brett Wing (Commissioner)
Nick Semedalas (Commissioner)

Members Absent: Melissa Feldbush (Commissioner)

Staff present: Anne Johnson (Community Development Director)
Teri Reger (Planning Technician)

4. Approval of Minutes – Minutes from August 24, 2023, Planning Commission Meeting.

MOTION made by Commissioner John Van Benthem to APPROVE the Minutes for August 24, 2023.

SECONDED by Brett Wing.

With those all in favor, THE MOTION CARRIED.

5. Public Hearing: Wireless Telecommunications Facilities Code

Introduced by Community Development Director Anne Johnson and presented by Ken Fellman from Kissinger & Fellman, P.C. on a consideration of repealing and replacing Section 30-3-111 of the Berthoud Municipal Code to update the Wireless Communications Facilities Code Ordinance 1325 (2023).

Public Comment was opened at 7:01 p.m.

Public Comment was closed at 7:01 p.m.

MOTION made by Jon Van Benthem to APPROVE the proposed changes to Chapter 30, Section 30-3-111 of the Berthoud Municipal Code. This recommendation of approval is outlined in the attached Ordinance 1325 (2023) and includes supporting information in the Ordinance attachment.
SECONDED by Nick Semedalas. With all in favor, THE MOTION CARRIED.

6. Public Hearing: Amendment to Chapter 30 of Berthoud Municipal code (Land Development)

Community Development Director Anne Johnson introduced proposed amendments to the following Sections of Chapter 30 of the Berthoud Municipal Code: 30-1-116 regarding the definition of storage containers as storage units and Marijuana Businesses (also Sections 30-3-111, 30-3-112, 30-1-117 and 30-3-104); and clarifying land use application processing requirements throughout Chapter 30 via Ordinance 1326 (2023).

Public Comment was opened at 8:00 p.m.

Lynn Larsen has a role with the alcohol & marijuana board and wanted to point out that the terminology in the Town Code should reflect terminology in the State regulations.

Public Comment was closed at 8:07 p.m.

MOTION was made by John Van Benthem to continue Section 2 of Ordinance 1326 until the October 12, 2023, Planning Commission meeting. SECONDED by Abigail Smith. With all in favor, THE MOTION CARRIED.

MOTION was made by Abigail Smith to forward a recommendation of approval of Ordinance 1326 as presented to the Board of Trustees with the following exceptions:

- **Section 2 regarding regulations for marijuana facilities to be presented at the October 12, 2023, Planning Commission meeting;**
- **Section 4, Table 3.10 to insert the final terminology for marijuana facilities.**
- **Section 5, Section 30-3-112 to insert the final terminology for marijuana facilities.**
- **Section 5, Section 30-3-112.B.7.a to insert the final terminology for marijuana facilities.**
- **Section 5, Section 30-3-113 to insert the final terminology for marijuana facilities.**
- **Section 6, Table 1.1 to insert the final terminology for marijuana facilities into the land use table.**
- **Section 6, Table 1.1 to insert a line item to the notice table as follows:**

	Hearing	Publication	Mailed Notice	Post Sign
<u>Small Cell Wireless Telecommunications Facilities</u>	<u>NA</u>	<u>NA</u>	<u>Yes, to property owners within 500 feet within 15 days following approval as a courtesy notice</u>	<u>NA</u>

SECONDED by Brett Wing. The motion with all in favor, THE MOTION CARRIED.

7. Reports by Staff

- **Tawn Hillenbrand is at the Colorado APA Conference.**
- **The Town Board approved the Flood Mitigation Code and Wave 1 of the Code Cleanup on September 26, 2023.**
- **The Town Board approved the Ludlow Annexation and Zoning on September 26, 2023.**
- **Winter Holiday Dinner for Planning Commission will be held on December 14, 2023, at 5pm before the Planning Commission meeting that evening at Town Hall.**
- **In October the Planning Commission will see Wave 3 of the Code cleanup then there will be a break from the clean up until February.**
- **Chris Kurtz was appointed to the Town Board of Trustees and will need to fill his spot on the Planning Commission as well as appoint a new Vice Chair.**

8. Adjourn –

The meeting was adjourned at 8:32 p.m.


CHAIRPERSON


SECRETARY