



Built On What Matters

Town of Frederick Planning Commission Agenda

Frederick Town Hall
401 Locust Street
Thursday, April 16, 2026

6:30 PM

Teams Meeting Information

Meeting ID: 229 286 565 79 Passcode: GXuhzM

Call to Order – Roll Call

Pledge of Allegiance

Approval of Agenda

Public Comment

This portion of the agenda is provided to allow members of the audience to provide comments to the Planning Commission. Please sign in and you will be called. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

Consent Agenda

Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Planning Commission member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- A. Approval of Minutes

Action Agenda

- B. Resolution 26-PCR-05 A Resolution of the Town of Frederick Planning Commission Setting the Posting Place for Town of Frederick Planning Commission Meeting Agendas. -
Emily Nitcher, Deputy Town Clerk

Discussion Items

- C. Commissioner Training -

Commissioner Reports

Other Business

Adjournment



Town of Frederick Planning Commission

Meeting Minutes
March 19, 2026

Teams Meeting Information :

Call to Order – Roll Call: At 6:35 pm Chairperson Moe called the meeting to order and requested roll call.

Present were Chairperson Moe, Vice Chair Conroy, Planning Commissioner Scott, Planning Commissioner Kelley, and Planning Commissioner Langford.

Also present were Planning Manager Ali Lommel, Deputy Town Attorney Christine Francescani, Senior Planner Audem Gonzales and Deputy Town Clerk Emily Nitcher.

Pledge of Allegiance:

Approval of Agenda: A resident requested that the Planning Commission extend the public comment time beyond three minutes per person. Chairperson Moe recommended increasing the limit to five minutes per speaker. The Commissioners agreed to allow five minutes per person.

Special Presentations:

Public Comment: There is no public comment not related to a public hearing this evening.

Staff Reports:

Consent Agenda: Motion by Commissioner Kelley and seconded by Vice Chair Conroy to approve the consent agenda.

Upon roll call vote, the motion passed unanimously.

Approval of Minutes:

Action Agenda:

Public Hearing to Consider the 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A) PUD Zoning Document

- Open Public Hearing
- Staff Presentation
- Applicant
- Public Comment
- Planning Commission Discussion and Questions
- Close the Public Hearing

Planning Commission Action on Resolution 26-PCR-03. : The public hearing opened at 6:42 pm.

Public Comment for this hearing has been extended from 3 minutes per person to 5 minutes per person.

Senior planner Audem Gonzales presented to the Planning Commission.

The applicant also presented to the Planning Commission.

Public Comment:
Keri Aasmundstad
Patrick Berrend
Cullen Aasmundstad
Jill Firkins
Mark Novak
Devona Gooras
Jolene Merritt
Heather Jagodinski
Carl Randolph
Tonie Wenger
Jon Jagodinski
Rhonda Swetnam
Broc Swetnam
Melanie Randolph
Cassandra Rogea

The Planning Commission took a 10-minute break to read the public comment that was submitted in writing.

The Public Hearing resumed at 8:31 pm.

The Planning Commission asked questions of staff and applicant and discussed the item.

The public hearing closed at 9:34 pm.

Motion by Commissioner Scott and seconded by Commissioner Kelley to approve Resolution 26-PCR-03 with the following conditions:

1. Minimum front setback of 15-feet.
2. Provide regulations requiring consistent architectural style, material, roof line massing and color.
3. Limit to 1 story and not to exceed 20-feet in height.
4. Provide appropriate screening on the east side.
5. East side buffer shall be 20-feet measured from the property line

Upon roll call vote, the motion passed unanimously.

Public Hearing to Consider a Resolution of the Town of Frederick Planning Commission Recommending Adoption of the 2026 Land Use Code, Amendment of the Town of Frederick Zoning Map, and Recommending Incorporation of the Land Use Code into the Municipal Code

- Open Public Hearing
- Staff Presentation
- Public Comment
- Planning Commission Discussion and Questions
- Close the Public Hearing

Planning Commission Action on Resolution 26-PCR-04. : The public hearing opened at 9:49 pm.

Presentation by staff.

Public Comment:

No public comment.

Comments and questions by the Planning Commission.

The public hearing closed at 10:25 pm.

Motion by Commissioner Scott and Commissioner Kelley and seconded by Commissioner Langford to approve Resolution 26-PCR-04, with the following conditions:

1. Garages associated with single-detached dwellings, paired homes and multiplex over one story shall incorporate fifty (50) percent or greater of the garage area below a second story living area.
2. Vocational Schools shall be permitted in the HI-Flex and LI-Flex zoning districts by Conditional Use.
3. Add wording in the case of fire or other natural causes destroying a downtown single-dwelling detached structure that it can be rebuilt as it was before to maintain the character of downtown.
4. PUD standards shall require renderings and sketches to show the intended proposed building products (types) including roof forms, massing, architecture and other design related elements.
5. Include language stating at the discretion of the director, the fifty (50) percent garage door maximum for single-detached dwellings may be increased up to (60) percent when proposing a third car garage.
6. Include language stating garages abutting a multi-dwelling unit shall have direct access to the unit they abut.
7. Incorporate technical updates and changes to the language in the Land Use Code before the Board of Trustees public hearing.

Upon roll call vote, the motion passed unanimously.

Discussion Items:

Commissioner Reports:

Other Business: Upcoming Meeting:
April 16, 2026.

Adjournment: There being no further business of the planning commission, Chairperson Moe adjourned the meeting at 10:34 pm.



Built On What Matters

Kristie Conroy, Vice
Chairperson
Rebecca Langford,
Commissioner

TOWN OF FREDERICK

Planning Commission

Staff Report

Tracy Moe, Chairperson

Nathan Scott,
Commissioner
Roger Kelley,
Commissioner

Resolution 26-PCR-05 A Resolution of the Town of Frederick Planning Commission Setting the Posting Place for Town of Frederick Planning Commission Meeting Agendas.

Agenda Date: Planning Commission April 16, 2026

Attachments: 1. PC Resolution 26-PCR-05 Posting Places

Reviewed By:

Action Type

- 4) Information: Items that require no specific action and are provided for informational purposes only.
- 2) Administrative: Actions of routine nature that implement policies/directions or effectuate the functioning of government; such as contract approvals/granting of licenses and permits/etc.

Strategic Plan Alignment:



EFFECTIVE, EFFICIENT & STRATEGIC GOVERNMENT OPERATIONS - As an employer of choice, the Town of Frederick will lead the region in a culture of efficiency, innovation, and strategic partnerships in all municipal services to far exceed the community's expectations and exemplify the fact that Frederick is Built on What Matters, its people.

1.1 Develop and implement a strategy for delivering a parks, streets and downtown "win" including assessing available political capital.

1.2 Complete an update to the Municipal Code in connection with 2.5 below.

Summary Statement:

Colorado Revised Statutes requires, annually, the Town adopt a resolution setting the posting places for the Planning Commission meeting agendas. With the passage of HB19-1087, local governments are authorized to post meeting notices on their website only.

Detail of Issue/Request:

The attached resolution designates the Town of Frederick website as the posting place for all meeting agendas and notices. Previously, state statute required that notices be posted in three places to meet noticing requirements. With the passage of HB19-1087, local governments are now able to post all meeting notices on the website exclusively. This allows all notices to be accessible for free and at any time instead of only when locations are open to the public.

There have been questions in the past as to why the Town of Frederick doesn't post legal notices in the Carbon Valley Consumer Report. The Carbon Valley Consumer Report only publishes once a month and publication would not be efficient for scheduling and processing of applications, notices required by statutes, and other requirements under Colorado law. The Longmont Times Call has the highest general circulation in the Town of Frederick and publishes legal notices daily. The staff recommend that the Times Call continue to be the designated newspaper for publication of legal notices for the town.

Legal Comments:

Not Applicable.

Alternatives/Options

The Planning Commission may choose to approve the resolution or deny the resolution. The Planning Commission may also require additional posting places and/or change the newspaper for legal publications.

Financial Considerations

Not Applicable.

Staff Recommendation

Staff recommends the Planning Commission adopt the resolution as presented.

Community Impact

26-PCR-05

**A RESOLUTION OF THE TOWN OF FREDERICK PLANNING COMMISSION
ESTABLISHING THE POSTING PLACE FOR TOWN OF FREDERICK PLANNING
COMMISSION MEETING AGENDAS FOR 2026**

WHEREAS, C.R.S. § 24-6-402(2)(c) requires that the Town of Frederick designate public place(s) for posting notice of meetings of any local public body, at the first public meeting of the year as defined by the statutes; and

WHEREAS, C.R.S. § 24-6-402 (2)(c) also requires the notice of the meeting to be posted no less than 24 hours prior to the holding of the meeting; and

WHEREAS, C.R.S. § 24-6-402(2)(c) provides that it is the intent of the General Assembly to transition from posting meeting notices in physical locations to posting notices on a website; and

WHEREAS, C.R.S. § 24-70-101, *et seq.* provides for the publication of legal notices in a newspaper of general circulation within the municipality; and

WHEREAS, the Longmont Daily Times-Call has the highest numbers of circulation of a newspaper within the Town; and

WHEREAS, the Town of Frederick Planning Commission wishes to establish posting places for the year 2026; and

WHEREAS, the Town of Frederick Planning Commission wishes to affirm that it is appropriate to publish all legal publications for the Town of Frederick Planning Commission in the newspaper with the highest general circulation within the Town for the Year 2026, which is the Longmont Daily Times-Call.

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE
TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. The posting places for Town of Frederick Planning Commission Meeting Agendas will be as follows:

Town of Frederick Website, www.frederickco.gov

Section 2. The Longmont Times-Call is designated as the official newspaper for the publication of legal notices

Section 3. Effective Date. This resolution shall become effective immediately upon adoption.

Section 4. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 5. Certification. The Town Clerk shall certify the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

This resolution was approved this 16th day of April, 2026 by a vote of ___ to ___.

Tracy Moe, Chairperson, Planning Commission



Agenda

- Types of Planning Commission Meetings
 - Work Sessions
 - Legislative Proceedings
 - Quasi-judicial Proceedings
- Public Hearings on Quasi-judicial Projects

Potential Trainings Upcoming

- Colorado Open Records Act
- Colorado Open Meetings Law
- Amendment 41 Gift Ban
- Overall Development Process



Work Sessions

- Meetings for:
 - Education
 - Feedback and Discussion
 - On processes
 - On codes
 - On bylaws
 - Discussion

Legislative Proceedings

- Making general policies and rules that apply generally
 - general updates to the municipal code
 - Comprehensive Plan updates
- Prohibition on ex parte communications does not apply here
 - It is ok for interested parties and the public to lobby boards on legislative matters

Preparing for a Public Hearing

- What type of decision am I being asked to make?
- What are the applicable review standards?
- Does the staff report identify any key issues?
- Was a neighborhood meeting conducted by the applicant and what were its results?
- What was the recommendation of the Planning Commission?
- Do I have all of the information I need from staff?
- What concerns do I have regarding the application based on the staff report and applicable review standards?



Quasi-judicial Proceedings

- In limited circumstances, the Planning Commission acts similarly to a judge in a court of law, *i.e.*, quasi-judicial capacity
- This is even when the PC is not the final decision maker on an application
- Key characteristics of quasi-judicial proceedings:
 - Notice;
 - Applying existing criteria/ordinances;
 - To the facts of a specific property;
 - At a public hearing;
 - And a reasonable opportunity for interested persons to present evidence and argument

Quasi-judicial Proceedings

- Examples of Quasi-Judicial Applications:
 - Rezoning (including to a PUD)
 - Preliminary Plat
 - Final Plat
 - Conditional Uses



Quasi-judicial Proceedings:

- Due Process: special protections and safeguards apply to ensure a fair hearing for the applicant where property rights are at stake
- PC must apply the applicable criteria and base its decision based solely upon the record of the proceedings
 - Staff and applicant reports and presentations
 - Community input received from notice of the hearing: letters, emails, etc.

Quasi-judicial Proceedings:

- Ex parte communication: Planning Commission must NOT consider any information received outside the record
- This rule promote fair and impartial decision making by ensuring disclosure of all evidence and argument at the hearing
- If contacted by members of the public, you can explain that you cannot engage and direct them to submit written comments, or attend the hearing and present testimonial evidence



Quasi-judicial Proceedings:

- Courts general hold that ex parte communication is improper and may provide legal grounds for overturning a decision
- Remedies:
 - If limited: disclosure on the record at the hearing regarding the nature and extent of communication, and determination that the Commissioner can remain a fair and impartial decision-maker
 - If extensive: recusal from the agenda item

Challenges to Quasi-Judicial Decisions

- Generally, if your decision is legally challenged, your hearing is “the hearing” and reviewing judges don’t “retry” the case
 - The decision is based upon a review of your record, including:
 - The procedures you used;
 - The evidence you considered; and
 - The reasons for your decision.



Challenges to Quasi-Judicial Decisions

- If overturned, most likely to be because:
 - the Commission made an arbitrary decision; or
 - deprived one or more participants of fundamental fairness



Tips for Legally Defensible Decision Making

- Decisions must be based on the review criteria; otherwise, decisions are at risk of being arbitrary and capricious and are subject to being overturned on challenge.
- Commissioners' role as a decision maker is to apply the facts presented to the review criteria, similar to how a judge would apply the evidence at trial to the relevant law.
- Individual comments and discussion should be limited to the information that was presented as part of the application, staff report, or during the public hearing.
 - If it's not part of the decision making criteria, best to avoid discussing it

Tips for Legally Defensible Decision Making, cont'd.

- Commissioners should be careful in scrutinizing an applicant's lawful business practices or financial motives if the proposed use is otherwise lawfully permissible, an appropriate use within the neighborhood and meets the review criteria.
- Don't rush to a bad decision. An application can always be referred back to staff for additional review and reconsideration by the Planning Commission.
- Public hearings with extensive public participation or complicated issues should include detailed findings based on the record of evidence presented.



Practical Tips for Running a Good Hearing*

- Stay focused on the matter and issues at hand and directly manage the crux issues to get the necessary and relevant information.
- Use opportunities to “recalibrate” if discussion is straying off topic/off task.
- Consider steps to manage the flow: e.g., don’t engage or allow others to engage in free-wheeling “back-and-forth” during staff, applicant, or public comments.
- Don’t stray the course for insistent questioners. Better to hold questions until a defined question period and to instead let the questioner know they’ve been heard and move on.

*Thanks to the Colorado Municipal League for these slide contents

*Practical Tips for Running a Good Hearing**

- Follow “best practices” for hearings:
 - Use your script and follow it throughout.
 - Use and expect civility; that applies to all meetings and participants.
 - Chair: Recognize and exercise your prerogative to maintain order.
 - Maintain formality and engagement; limit distractions.

*Thanks to the Colorado Municipal League for these slide contents

*Conditions of Approval – Dangers of Drafting at the Dais**

- Application may need to go back for renewed process
- Make conditions judiciously and only when obviously related to meeting the standards and review criteria
- Colorado Revised Statutes § 29-20-203(2)
 - No local government shall impose any discretionary condition upon a land-use approval unless the condition is based upon duly adopted standards that are sufficiently specific to ensure that the condition is imposed in a rational and consistent manner.

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Questions and Discussion

BUILT ON WHAT MATTERS
