



Town of Erie

645 Holbrook Street
Erie, CO 80516

Meeting Agenda Planning Commission

Wednesday, September 16,
2026

6:30 PM

Council Chambers

In Person Meeting
[Watch or Comment Virtually](#)
[Sign Up for Public Comment](#)

I. Call Meeting to Order and Pledge of Allegiance

II. Roll Call

III. Approval of the Agenda

IV. Approval of Minutes

A. Approval of Minutes for the September 2, 2026 Planning Commission Meeting

V. Public Comments

This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but if warranted, will place them on a future agenda.

VI. General Business

A. Planning Commission Follow-Up Discussion from the Joint Study Session with Town Council

B. Planning Commission By-Laws

VII. Staff Reports

This agenda item is reserved for specific items from Staff requiring Commission direction or just relaying important information.

VIII. Commissioner Reports and Discussion Items

This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda.

IX. Adjournment

Translation Services

Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or other accommodation should [email the Town Clerk's Office](#) or call 303-926-2710. Please submit requests at least 48 hours prior to the meeting.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión del Consejo, por favor [llame a la Ciudad](#) 303-926-2710. Por favor envíe sus solicitudes al menos 48 horas antes de la reunión.



Town of Erie

645 Holbrook Street
Erie, CO 80516

Planning Commission

Meeting Date: 9/16/2026

File #: 2026-193

Subject:

Approval of Minutes for the September 2, 2026 Planning Commission Meeting

Department: Planning - Land Use,

Presenter(s): Melinda Helmer, Business Operations Coordinator

Time Estimate: 0

Fiscal Summary:

Cost as Recommended:

Balance Available:

Fund:

Line Item Number:

New Appropriation Required:

Policy Issues:

The minutes are provided for Commission verification and approval to confirm the accuracy of the recorded decisions and discussions.

Staff Recommendation:

Approve the Meeting Minutes of the September 2, 2026 Planning Commission Meeting

Summary/Key Points:

The minutes are provided for Commission verification and approval to confirm the accuracy of the recorded decisions and discussions.

Background of Subject Matter:

N/A

Attachments:

1. Minutes



Town of Erie

645 Holbrook Street
Erie, CO 80516

Meeting Minutes Planning Commission

Wednesday, September 2,
2026

6:30 PM

Council Chambers

In Person Meeting
[Watch or Comment Virtually](#)
[Sign Up for Public Comment](#)

I. Call Meeting to Order and Pledge of Allegiance

Chair Sawusch called the meeting to order at 6:30 P.M.

II. Roll Call

The following Roll Call was conducted:

Present: 6 - Commissioners Braudes, Hemphill, Leef, Schatz, Dreckman (Vice Chair),
Sawusch (Chair)

Absent: 1 - Commissioner Booth (Excused)

III. Approval of the Agenda

Vice Chair Dreckman made a motion to approve the agenda for the September 2, 2026
Planning Commission Meeting. Commissioner Leef seconded the motion. The motion carried
unanimously.

IV. Approval of Minutes

- A. Approval of Minutes for the Aug. 19, 2026 Planning Commission Meeting
Commissioner Leef requested that one change be made to "Item A" in the General
Business portion of the meeting minutes pertaining to a question about lighting levels in
the open air garage. Commissioner Leef requested that the answer be changed to, "It
would not be on at night."

Commissioner Braudes made a motion to approve the minutes of the August 19, 2026,
Planning Commission Meeting as amended. Vice Chair Dreckman seconded the motion.
The motion carried unanimously.

V. Public Comments

There was 1 individual signed up for Public Comment.

During the Public Comment portion, the member of the public (Christiaan van Woudenberg)
mentioned previous work as a Board of Trustee member for the Town of Erie, which included
work in the 2019/2020 Title 10 Chapter 12 updates. He went on to comment on the 2026 Title
10, Chapter 12 updates, which included recommendations to double inspection fees and to
make it a requirement for equipment to be brought up to current standards.

VI. General Business

- A. A Resolution Recommending Town Council Revise Title 10, Chapter 12 - Regulations for Oil and Gas Operations
Staff members David Frank, Director of Environmental Services, and Ben Kellond, Environmental Analyst delivered a presentation, with support from outside counsel, Torie Jarvis (attended virtually), in support of a recommendation that Town Council revise Title 10, Chapter 12 of the Erie UDC, pertaining to Regulations for Oil and Gas Operations.

Commissioners questioned staff. The questions focused on clarifying the proposed revision requirements, enforceability, and legal implications, with particular concern about fees, legacy wells, noise, air quality, inspections, and whether certain provisions should be revised or retained. Questions included:

Q: Where are we less restrictive than our current code?

A: Notifications are less restrictive. The current 30-day notification period led to a lot of confusion about when work was happening.

Q: What is the difference between the per-site and per-well fees?

A: Some local governments use both site and well fees, but Erie hasn't seen as much activity of this type in town. The per-well fee makes the most sense for Erie.

Q: Can fees be used to incentivize shutting down low-producing wells?

A: Eliot Schaefer, Deputy Town Attorney, explained that we can't use fees to generate revenue; they can only be used to offset costs.

Q: Why was the control of hydrocarbon emissions provision struck?

A: We no longer have any.

Q: Why was the access to well pads provision struck?

A: The language was duplicative.

Q: How do the Standards and Operations sections relate to each other?

A: They are very similar, but some provisions apply to new facilities.

Q: Where does the definition of low-producing facilities come from, and how is it measured?

A: The definition comes from ECMC and is based on production amounts.

Q: How does Erie compare to other municipalities with low-producing wells?

A: We are a bit above average.

Q: Are all existing operations, wells, facilities, etc. in compliance with these regulations?

A: No.

Q: Do these regulations cover injection wells?

A: Yes, but there are some that would not be covered, such as a reverse osmosis deep injection well.

Q: Can you explain how the guarantee works for new facilities under 10-12-5?

A: Outside legal counsel, Torie Jarvis, explained that, in general, an operator would

deliver a bond or letter of credit, usually for access roads, and the requirements would be spelled out in an agreement.

Q: Under 10-12-10. H.1., noise is “deemed to be impossible.” How would it ever be impossible to reduce noise?

A: Outside legal counsel explained that this applies only to new and existing facilities and that there are constitutional restrictions that the Town must abide by.

Q: Under 10-12-4, do we have anything related to the Richter scale? I thought this was no longer in use.

A: You are right. We should make that change.

Q: The definition includes “minor modification,” but it is vague. Can we tighten this up?

A: Yes, we can. We can look at ECMC but still leave some flexibility for interpretation. Outside legal counsel noted that the last sentence can be made more precise to add clarity.

Q: On page 35, why remove the provision regarding control of hydrocarbon emissions just because we don’t currently have any? Should we leave it in just in case?

A: We can consider leaving it in. There aren’t a lot of areas where they could feasibly locate, but we could leave it in because technology could change and make them quieter.

Q: On page 68, noise levels above a certain level and amount of time exceed our noise nuisance standards under 6-10-14 and aren’t consistent. How should this be addressed?

A: These provisions are for extremely low-frequency noises and are more related to vibrations. We could remove them from this section and move them to the general municipal code section so they would apply to any industry. Outside legal counsel noted that Rule 423 from ECMC was not borrowed from either.

Q: For LDAR, what can we reference regarding “modern leak technologies”?

A: That is a fair point, but there is concern that putting it in the code would necessitate changing the code too often.

Q: The enforcement provisions reference the municipal code. Will that be presented to us?

A: Eliot Schaefer explained the general structure of the code, including civil and criminal provisions, the process, and adjudication. The maximum fine is around \$2,600. The Town could also go to court and obtain an injunction.

Q: We often get emails about spills. What are we doing about enforcement today?

A: A lot of what we see today involves historic sites. We are in constant contact with those operators and ECMC.

Q: How often do we fine operators?

A: We haven’t. That is a new aspect of the proposed code.

Q: There are a lot of wells that should be plugged and abandoned (P&A). How do we address that?

A: That is a larger discussion beyond this UDC update. There are some things we can do through ECMC and other mechanisms we can explore, but it is challenging.

Q: Are inspections coordinated with the counties?

A: The counties inspect the unincorporated areas, and we will conduct inspections within our boundaries. We do read each other's reports.

Q: Regarding cumulative impacts, there are a lot of existing operators, and any new permits are being "punished" by these legacy operators. How is this addressed?

A: Most of the cumulative impact analysis is conducted through the environmental justice lens, focusing on who is being impacted. There are no cumulative impacts provisions in the permit portion.

Q: Is there a mechanism for expediting cleanup?

A: There is some language that encourages cleanup to be completed as quickly as possible.

Q: On page 52, the financial guarantee can be used to cover costs. Can the guarantee be used to mitigate noise nuisance?

A: Outside legal counsel explained that it is difficult to speak to this hypothetical situation and that they would have to conduct research should it arise.

Q: On page 64, how is the air quality provision enforceable?

A: That could be asked about a lot of things. Generally, it is compliance-based.

Q: Do they have the authority to enforce?

A: The Deputy Town Attorney explained that the 2025 code changes authorize peace officers to issue citations. The Town Manager has the authority to establish who is a peace officer.

Q: Operators have to submit a report on action advisory days to the Environmental Services Director. Is this required for every single day?

A: No. It would be one report summarizing and outlining their standard operating procedure (SOP) for ozone action days.

Q: What happens if operators don't do anything?

A: A conversation with the operators would be the starting point. Then the Town would move to enforcement.

Q: Regarding LDAR inspections, how often do they occur?

A: They are permitted through CDPHE, and the frequency varies from semi-annual to monthly.

Q: Regarding complaints, what happens if the same person calls every day?

A: Someone could potentially leverage the complaint process to be a nuisance.

Q: Regarding stormwater, why would we allow them a stormwater permit?

A: We have to permit any disturbance over an acre under our MS4 requirements.

Q: When is the fee schedule being adopted?

A: The fee schedule will be adopted with the budget.

Commissioner Schatz ended by making comments that suggested permit expiration provisions be restored, that the definition of "Minor Modification" be clarified, that the notice radius be kept in place and that the noise provisions not be moved to the Municipal Code.

Commissioner Schatz made a motion to approve the recommendation to Town Council to revise Title 10, Chapter 12 — Regulation for Oil and Gas Operations, as recommended by staff. Vice Chair Dreckman seconded the motion. The motion carried unanimously.

VII. Staff Reports

Darryll Wolnik, Planning Manager, gave updates on Short Term Rentals and the UDC update, noting that the RFP closes on Friday, 9/4.

VIII. Commissioner Reports and Discussion Items

Chair Sawusch noted that the Erie High School Homecoming Parade will overlap with the start time of the next Planning Commission Meeting on September 16th and to plan accordingly.

IX. Adjournment

Commissioner Braudes made a motion to adjourn the meeting. Vice Chair Dreckman seconded the motion. Chair Sawusch adjourned the meeting at 8:19 P.M.



Town of Erie

645 Holbrook Street
Erie, CO 80516

Planning Commission

Meeting Date: 9/16/2026

File #: 2026-238

Subject:

Planning Commission Follow-Up Discussion from the Joint Study Session with Town Council

Department: Planning - Land Use,

Presenter(s):

Time Estimate: 60

Fiscal Summary:

Cost as Recommended:

Balance Available:

Fund:

Line Item Number:

New Appropriation Required:

Policy Issues:

Discussion item only

Staff Recommendation:

Discussion item only

Summary/Key Points:

The Chair has requested time for the Commission to discuss follow-up items resulting from the Joint Study Session with Town Council.

Background of Subject Matter:

Attachments:

1. Past Agenda Items and Timeline
2. Roles and Responsibilities Memo from Staff
3. Memo from Commissioner Schatz

Historical Agenda Items for Reference

Feb 2021: Erie Planning Commission Training ([link](#))

Sept 2021: Planning Commission Study Session ([link](#))

April 2023: Ordinance amending Section 3-1-3 related to Comp Plan Responsibility ([link](#))

July 2023: Ordinance amending process for Creating, Adopting, Amending Comp Plan ([link](#))

October 2024: Joint Study Session between Board of Trustees and Planning Commission ([link](#))

Sept 2025: Planning Commission - Discussion of Planning Commission Roles & Responsibilities ([link](#))

Sept 2025: Town Council – Discussion of Planning Commission Roles & Responsibilities ([link](#))

June 2026: "Intro to Erie: Town Hall 101" Informational Presentation ([link](#))

July 2026: Planning Commission Discussion in Preparation of Joint Study Session with Council ([link](#))

July 2026: Joint Study Session between Town Council and Planning Commission ([link](#))



MEMO

To: Town Council and Planning Commission
From: Kelly Driscoll, Planning and Development Deputy Director
Date: August 24, 2026
Subject: Planning Commission Roles and Responsibilities
CC: Town Management, Sarah Nurmela, Darryll Wolnik, Eliot Schafer, Breena Meng

At the joint Study Session on July 21, 2026, Planning Commission and Town Council discussed the Commission’s Roles and Responsibilities. Following the joint Study Session, the Acting Town Manager directed staff to compile research on Planning Commission Roles and Responsibilities of similar municipalities. The findings are presented in this memo.

Overview

Ten municipalities were selected for characteristics such as similar size, growth rate, or proximity to Erie. Except for Firestone and Frederick, all are Home Rule municipalities. The municipality most closely aligned to Erie in population, growth rate, governance, and population density is Windsor. Other communities show partial alignment with some notable differences. Brighton, Littleton, and Golden share some similarities with Erie in population and governance but differ in density and growth rates. See Table 1 below for an overview.

Table 1: Peer Communities Overview

COMMUNITY	POPULATION	HOUSEHOLDS	POPULATION DENSITY (PER SQ MI)	2026-2031 COMPOUND ANNUAL GROWTH RATE (POPULATION)	GOVERNANCE	FULL-TIME STAFF
ERIE	40,388	13,753	1,880	2.24%	Home Rule	253
BRIGHTON	46,741	15,624	2,150	0.97%	Home Rule	394
FIRESTONE	19,269	6,550	1,386	3.64%	Statutory	141
FREDERICK	17,286	5,944	1,137	1.68%	Statutory	136
GOLDEN	39,093	15,265	243	0.39%	Home Rule	301
LAFAYETTE	33,053	12,915	3,571	1.48%	Home Rule	281
LITTLETON	45,549	20,537	3,610	0.57%	Home Rule	425
LOUISVILLE	20,565	8,406	2,578	0.06%	Home Rule	200
SUPERIOR	14,863	5,601	3,779	0.86%	Home Rule	62
WHEAT RIDGE	35,881	16,031	3,826	0.71%	Home Rule	275
WINDSOR	44,902	16,309	1,707	2.30%	Home Rule	180

Sources: Business Analyst Online 2026, ESRI; 2026 Adopted Budgets of each municipality

Roles and Responsibilities

During the joint Study Session, discussion focused on the potential expansion of the Planning Commission's roles and responsibilities, accompanied by an interest in understanding the duties assigned to planning commissions in comparable communities. Table 2 below gives an overview of peer community Planning Commission roles and responsibilities as they relate to Land Use/Development Review. In the table below, "R" denotes a Review/Recommendation responsibility, "D" means Decision, and "A" means Appeals.

Table 2: Roles and Responsibilities of Peer Communities' Planning Commission

Land Use Application	Erie	Brighton	Firestone	Frederick	Golden	Lafayette	Littleton	Louisville	Superior	Wheat Ridge	Windsor
<i>Annexation</i>		R		R		R	R		R		R
<i>Comprehensive Plan</i>	R	R	R	D	R	R	R		R		
<i>Conditional Review Use</i>		D		R			D		D		R
<i>Final Plat</i>		A		R				R	R	R	R
<i>Floodplain Variance</i>							D				
<i>Land Use Code Amendments</i>	R	R	R	R			R			R	R
<i>Minor Subdivision</i>			R ²	R							
<i>Planned Building Groups</i>										D ⁶	
<i>Preliminary Plat</i>	R	R	R	R	R	R	D	R	R		D
<i>Site Plan</i>	D ¹	A				R ³	D ⁴	R ⁵	R		
<i>Special Review Use</i>	R		R		D	R		R			A
<i>Variance</i>					D						
<i>Zoning</i>	R	R	R	R	R	R	R	R	R	R	R

¹ Over 25k, or referred by Director

² Nonresidential only

³ For 5 or more residential units, commercial or industrial use, and 5 or more lots or parcels

⁴ Major Amendments only

⁵ 30 acres or more

⁶ More than 4 main structures on a single lot, or appeals of Director decision

Sources: Municipal codes of each municipality

All communities researched have their planning commissions make recommendations on zoning. A few municipalities designate their planning commissions as the decision-makers for certain discretionary uses, such as conditional review uses in Brighton, Littleton, and Superior, and special review uses in Golden. Windsor and Littleton's planning commissions are decision makers on preliminary plats, with the Town Board serving as the appeal body to the commission's decisions. Frederick is the only community where the planning commission is the decision-maker on the comprehensive plan. Brighton and Windsor have their planning commission serve as an appeal body for certain types of land use cases; this is most typically for appeals of administrative decisions. Over half (60%) of the communities examined have their planning commission making recommendations to Council on annexations. Annexations are legislative and typically have a concurrent zoning case.

Other Authority

Most (70%) of the communities reviewed authorize their planning commissions to initiate land-use code amendments. Half authorize their commissions to initiate Comprehensive Plan amendments. None of the communities researched have their planning commissions involved with Capital Improvements Planning (CIP). CIP is tied to the budgeting process, which falls under the responsibility of the legislative body. Most of the communities researched allow their Planning Commission to meet with other advisory boards. In practice this happens on a limited, ad-hoc basis.

Meeting Utilization

The number of meetings held out of total available from July 2025 to June 2026 was also investigated. Erie's utilization rate was the second highest at 67%, with Golden's 79% utilization rate being the highest due to increased meetings for a Comprehensive Plan update. See the chart below.

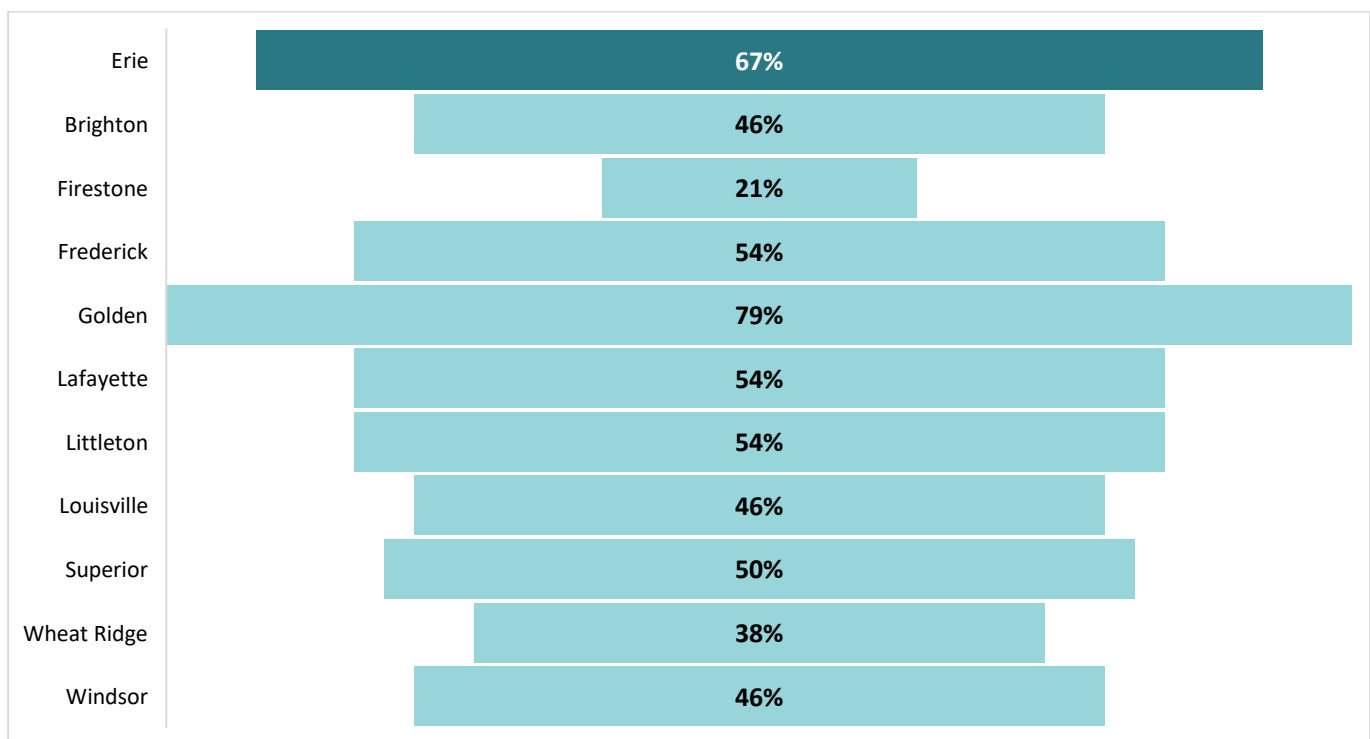


Figure 1: Meeting Utilization from July 2025 to June 2026

Considerations

Principal considerations in expanding the Planning Commission's roles include staff capacity, budgetary constraints, alignment with the 2027 Council Work Plan, the efficiency of entitlement processes, and long-term governance implications for both the Council and the Planning Commission. Any changes to Planning Commission's role will need to be captured in the Unified Development Code (UDC). A major update to the UDC will kick-off this fall and could address roles and responsibilities.

To: Andrew Sawusch, Chair, Town of Erie Planning Commission
From: Alex Schatz, Commissioner
Date: July 14, 2026
Subj: Planning Commission Roles

This memo lists roles for a Planning Commission at variance with the current authority of the Town of Erie Planning Commission.

As discussed by Erie's Planning Commission in recent meetings, there is a perception that light workload and/or underutilization presents an opportunity in Erie to enlarge the scope of the Planning Commission's role. As also discussed in those meetings, the Planning Commission's role is set by Chapter 10 of the Town Code; therefore, enlargement (or, for that matter, contraction) of the Planning Commission's role is a policy decision that must be acted upon by the Town Council as allowed by Charter and statute.

In general, the Planning Commission's role is divided between quasijudicial cases and other forms of review. Possibilities for enlargement of the Erie Planning Commission role are organized accordingly below.

This memo is preliminary and may be revised as more or better information becomes available.

Quasijudicial

Initial subdivision process. By current code, Erie's planning commission sees subdivision proposals only once, at preliminary plat. Frequently, planning commissions see subdivisions twice. That additional look may be on the front end (i.e., sketch plan, concept plan, ODP) or the tail end (i.e., final plan, final plat). In any event, particularly in a jurisdiction where final approval is vested in a body that does not typically engage in detailed land use review, a two-step public process provides for additional input and accountability.

Minor subdivisions. Minor subdivisions in Erie are currently classified as any division of land into ten lots or fewer, and subject to only administrative review. This is logical to the extent that impacts of smaller subdivisions are expected to be smaller and fewer than large subdivisions. However, as Erie matures, like many jurisdictions, and the opportunity and focus turns to infill and smaller available tracts, the potential for impacts must also be measured against preexisting conditions and perceived conflicts. Some minor subdivisions are likely to be approved under current regulations despite being controversial and impactful. Also, it is unclear the extent to which lot line adjustments, technical replatting, vacation of easements and so forth is eligible for treatment as a minor subdivision; some further articulation of those procedures may provide an opportunity to re-allocate final review between an administrative versus a planning commission process.

Special exceptions. Based on recent experience, the Town's process is particularly "light" on so-called special uses. Erie does not predominantly have particularly heavy/intense uses, for which special use review is typically deployed. For those special uses that are processed, Erie code currently requires council approval. Given Erie's existing and projected land use map, it would make sense to have an intermediate-intensity special use classification that is approved by the planning commission (per the original standard zoning enabling legislation). Adams County

provides an example where such uses are bifurcated (in that case, “special uses” are approved by the zoning board of adjustment (really old school per SZEa) and “conditional uses” are reviewed by the planning commission and approved by the elected board).

Call-ups, referrals, appeals, interpretations and non-conforming uses. Without delving into specifics, the planning commission is used in a variety of capacities to provide “second-look” review and other administrative relief. This can address criticism that there is insufficient review in difficult cases.

ADU. State law allowing ADUs in areas of single-family residential zoning allegedly applies to Erie. I have not researched the issue or the allowance for regulatory review of ADUs in that recent legislation; but assuming its general applicability, Erie should consider making the planning commission part of that review, depending on the circumstances. At present, examination and development of regulatory strategies, in conjunction with staff/consultants, seems appropriate.

Location and extent. As governed by Colorado statute (CRS 31-23-209), the location of certain deemed public facilities – utility facilities (i.e., substations, transmission lines) most commonly in practice – requires a hearing and approval by the municipal planning commission. Though the name and procedure varies in practice, it is unclear to me how Erie conforms with the statute. In practice, the statute is intended to expedite such public facility approvals.

Advisory – Current Planning

Initial zonings. Initial zonings are generally held to require conformity with the comp plan and the application of other rezoning criteria. It is unclear why this effectively quasi-judicial process benefits from bypassing the planning commission in Erie. Many jurisdictions treat initial zoning as the same procedure as rezoning, and the annexation process is no obstacle to planning commission review if that is the desired policy.

Text amendments. Many jurisdictions hold a public hearing before the planning commission for text amendments to land use regulations. In addition, there is some question whether the Erie Planning Commission could initiate studies of possible text amendments with some formal process to proceed (or desist) with council input.

Advisory – Long-Range Planning

Periodically review plans for consistency with Comp Plan. There is precedent where a planning commission annually reviews the municipal capital improvements plan for consistency with that jurisdiction’s comp plan. In such a role, the planning commission takes a more active role monitoring the sufficiency of fees and exactions, the distribution of municipal facilities, and the fulfillment of comp plan goals following development approval.

Develop functional and sub-area plans. As part of the comp plan process, additional studies, goals and objectives, and long-range plans may be appropriate. In Erie, open space and trails planning is, for example, tasked to that board. However, to the degree such plans are adopted into the comp plan, or more specific planning efforts are warranted, the planning commission may play either a supporting or leading role.

Other

Meet with other boards. This topic was mentioned and may require code amendment or further guidance. While collaboration between boards is typically constructive and even status quo for some boards, the quasi-judicial process and associated requirements to confine decisions to the record should be considered.

Leadership training. Leadership training appears to be consistent with current Erie code and budget. Lack of any established practice in Erie, however, warrants discussion of how to implement such training.



Town of Erie

645 Holbrook Street
Erie, CO 80516

Planning Commission

Meeting Date: 9/16/2026

File #: 2026-245

Subject:

Planning Commission By-Laws

Department: Planning - Land Use,

Presenter(s): Kelly Driscoll, Deputy Director of Planning & Development
Darryll Wolnik, Planning Manager

Time Estimate: 30

Fiscal Summary:

Cost as Recommended:

Balance Available:

Fund:

Line Item Number:

New Appropriation Required:

Policy Issues:

Title 3 of the Municipal Code allows boards and commissions to adopt by-laws after they are first approved by Council.

Staff Recommendation:

Informational item for discussion.

Summary/Key Points:

- Town Administration has been working to standardize all the Advisory Boards' processes, including By-laws.
- A draft of the Planning Commission By-laws is provided for discussion.
- Staff will take the Commission's feedback to Town Administration for consideration.
- Town Administration anticipates bringing all advisory boards' by-laws to Council

later this year.

Background of Subject Matter:

On Dec. 13, 2022, the Board of Trustees adopted Resolution No. 22–149 Rules of Procedure for the Planning Commission as was previously required by the Municipal Code.

The Town Council discussed changes to their Rules of Procedure and Code of Conduct at the Jan. 20, Feb. 24, and July 14, 2026, meetings. The Town Council Rules of Procedure apply to boards and commissions and was on Council's agenda for consideration and possible adoption on Sept. 22.

Attachments:

1. Draft Bylaws



Town of Erie

Bylaws of the Planning Commission

Revision/Review Date: _____	Approved by Commission: _____	Approved by Town Council: _____
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Bylaws of the Planning Commission.

Section 1. Introduction. These Bylaws ("Bylaws") of the Planning Commission ("Commission") are adopted pursuant to the authority stated in Title 3 of the Erie Municipal Code. These Bylaws replace any previous Bylaws for the Commission and the Rules of Procedure for the Planning Commission adopted by Town Council pursuant to Resolution No. 22-149.

Section 2. Office. The office of the Commission shall be considered the Erie Town Hall, 645 Holbrook Street, Erie, CO 80516, or such other place in the Town of Erie as the Town Manager may designate from time to time.

Section 3. Purpose and Duties.

- A. The Commission shall have the powers, duties and responsibilities set forth in Section 3-2-1 and Title 10 of the Erie Municipal Code.
- B. While the Town Council shall be responsible for the creation and adoption of the town's Comprehensive Plan, the Planning Commission shall advise the Town Council on the Comprehensive Plan as outlined in Title 10 of the Erie Municipal Code.

Section 4. Members

- A. **Number of Members.** The Commission shall consist of seven members whom the Town Council shall appoint.
- B. **Residency Requirement.** Members shall be residents of the Town at the time of their appointment and at all times while serving on the Commission (Erie Municipal Code 3-1-2).
- C. **Compensation.** Members shall serve without compensation.
- D. **Removal.** Pursuant to Section 10.01(5) of the Home Rule Charter and Section 3-1-2.E. of the Erie Municipal Code, following notice and an opportunity to be heard, the Town Council may remove any member for any of the following reasons, by a two-thirds affirmative vote of the Town Council then in office:
 - 1. A conflict of interest;
 - 2. A violation of law, regulation, or policy;

3. Nonattendance to duty, which shall include failure to attend three consecutive regularly scheduled meetings without a leave of absence approved by the board, committee or commission; or
4. Being a plaintiff or complainant in a lawsuit or administrative action against the town.

Section 5. Terms

- A. **Term of Members.** Each member shall be appointed for a staggered four-year term. Appointments are made in April of odd numbered years. A member's term of office shall commence May 1 and shall expire April 30 of the appointment years. Notwithstanding the foregoing, the Town Council may prescribe a shorter term at any time if necessary to preserve the stagger in terms.
- B. **Vacancies.** At or near the end of any member's term the Town Council shall advertise for interested applicants and consider all applicants regarding such vacancy. Members may reapply for vacant positions.
- C. **Appointments.** Per the Home Rule Charter, appointment authority shall rest with the Town Council. Appointments shall be made by majority vote. Appointments are made in April of odd-numbered years or as necessary to fill vacancies.

Section 6.Meetings

- A. **Schedule.** At the first meeting of each year, the Planning Commission shall set a regular monthly meeting schedule to include one meeting per month and one overflow meeting per month as needed. This will include the date, time, and location of meetings. In the event any regular meeting falls on a legal holiday observed by the Town of Erie, the Commission shall designate a new meeting time a minimum of one month prior to the holiday meeting date.
- B. **Open.** All meetings shall be open to the public and governed by the Colorado Open Meetings Law, C.R.S. § 24-6-401, et seq.
- C. **Notice.** All meetings shall be posted in accordance with state statutes and the Home Rule Charter.
- A. **Quorum.** A quorum shall be one-half of the total number of actual members of the Commission, rounded up to the nearest whole. In the absence of a quorum, no formal action shall be taken except to adjourn the meeting to a subsequent date.
- D. **Voting.** Except when expressly stated otherwise, all actions shall be approved by a majority of those members present.
- E. **Minutes.** The Commission shall keep minutes of its meetings and file such minutes with the Town Clerk.
- F. **Agenda.** At regular meetings the Commission will consider all matters properly brought before the Commission as scheduled agenda items. The agenda for all meetings shall be primarily devoted to the transaction of Town business requiring formal voting by the Commission.

- G. **Special Meetings.** The Chair or staff liaison may call special meetings if a decision is required for the transaction of Town business requiring formal voting by the Commission outside of the regular meeting schedule. Special meetings shall be open to the public and posted under the same requirements as regular meetings.
- H. **Cancelling a Meeting.** Any scheduled meeting may be cancelled by members or the Staff Liaison in the event there are no items for the Commission to discuss or in the event unforeseen emergent conditions exist which make conduct of the meeting impractical.
- I. **Virtual Attendance.** The conditions under which members of the Commission may attend virtually or have virtual meetings are outlined in the Town's Virtual Participation and Virtual Meeting Policy, as may be amended.
- J. **Study Sessions.** The Commission may meet in a study session, but no decisions can be made nor may any formal actions be conducted.
- K. **Executive Sessions.** The Commission may enter into executive session only when authorized by applicable law and approved by the Town Attorney. Executive sessions are only for a purpose permitted under the Colorado Open Meetings Law. An executive session may occur only during a properly noticed regular or special meeting and shall require the affirmative vote of two-thirds of the quorum present. Before entering executive session, the Commission shall announce the specific topic to be discussed and the legal basis for the executive session. Discussion during the executive session shall be limited to the announced topic, and only Commission members, Town staff, legal counsel, or other individuals whose participation is necessary for the stated purpose may attend.

Section 7. Conflict of Interest Any member of the Commission who has a financial, personal, or official interest in, or conflict (or appearance of a conflict) with any matter pending before the Commission, of such nature that it prevents or may prevent that member from acting on the matter in an impartial manner, will offer to voluntarily excuse themselves, leave the room, and refrain from discussion and voting on said item as a Commission member.

Section 8. Proceedings

The following shall be the regular order of business:

1. Call Meeting to Order
2. Roll Call and Verification of Quorum
3. Approval of the Agenda
4. Approval of Previous Meeting Minutes
5. Public Comment
6. General Business
7. Adjournment

Each formal action of the Commission required by law, Town ordinance, rule, or regulation shall be embodied in a formal motion or resolution entered, in full, in the minutes after a vote as provided in Section 6.

Section 9. Rules of Procedure The Town Council Rules of Procedure and Order ("Town Rules of Procedure") shall govern the Commission in all cases to which they are applicable. The

Town Council may choose to update and amend the Town Rules of Procedure from time to time.

Section 10. Officers

- A. **Election.** Election of Chair and Vice-Chair for the upcoming year shall be conducted at the first meeting following new appointments (generally the May meeting).
- B. **Offices.** Officers of the Commission shall consist of Chair, Vice-Chair, and Secretary. The staff liaison, or the staff liaison's designee, shall serve as the ex officio Secretary.
- C. **Presiding Officer.** The Chair shall preside at all meetings of the Commission. The Vice-Chair shall perform the duties of the Chair in the Chair's absence or inability to act. In the event of the absence or inability to act of both the Chair and Vice-Chair, the remaining members shall select some other member of the Commission to temporarily perform the duties of the Chair.
- D. **Secretary.** The Secretary shall record and submit minutes of all meetings to the Town Clerk. The Secretary shall attest all documents authorized to be executed by the Commission. The Secretary shall be responsible for posting all required notices and agendas.

Section 11. Absences

- A. Any member who cannot attend the regularly scheduled meeting of the Commission shall notify the Chair and staff liaison of their intent to be absent.
- B. Nonattendance to duty, which shall include failure to attend three consecutive regularly scheduled meetings without a leave of absence approved by the Commission, may be considered as cause for removal from the Commission.

Section 12. Amending Bylaws

- A. Subject to final approval of Town Council, the Commission may recommend an amendment to these Bylaws at any regular meeting of the Commission, provided that notice of the proposed amendment or amendments is distributed to each member in writing a minimum of three days prior to the meeting.
- B. The affirmative vote of a majority of the Commission members present and voting shall be required for the Commission to recommend adoption of any amendment to these Bylaws.
- C. Any recommended amendments to these Bylaws approved by the Commission shall be submitted to the Town Council for final approval at a regular Council meeting. An amendment approved by the Commission shall not become effective unless and until approved by Town Council. If the Town Council does not approve an amendment approved by the Commission, the amendment shall not take effect and the existing Bylaws shall remain unchanged.

Section 13. Relationship to Town Council and Town Staff

- A. **Staff Liaison.** The Town Manager shall appoint a Town staff member to act as liaison to the Commission. Such liaison may advise the Commission, make recommendations, and bring items for discussion. Such liaison is not a member of the Commission, does

not vote on matters before the Commission, and may not be counted as a part of a quorum.

- B. **Relationship to Town Staff.** No Commission member shall direct or interfere with the work of any Town employee.
- C. **Reports.** The Commission shall annually prepare a written report which shall then be presented to the Town Council at a public meeting as required by the Erie Municipal Code.

Section 14. Public Hearings

- A. **Recording.** A record of any public hearing shall be made by electronic recording device.
- B. **Notice.** Notice of a public hearing shall be given in the manner and according to the procedures set forth in the Erie Municipal Code.
- C. **Rules of Evidence.**
 - 1. The Commission shall not be required to observe formal rules of evidence during hearings, but may consider any matter which is reasonably reliable and calculated to aid the Commission in reaching an accurate determination of the issues involved.
 - 2. Rulings on questions of admissibility will be decided by the Chair unless objected to by a member of the Commission, in which case the ruling shall be made by the Commission.
 - 3. The meeting agenda and all agenda-related materials constituting the meeting packet for the meeting at which the hearing is held shall be included within the record of the public hearing without further necessity for making an admission thereof. All other documents or other materials offered as exhibits shall be marked and identified for the record before offering them to Commission for admission into the record of the hearing.
- D. **Appearance.** Any party to a hearing may appear before the Commission in person or by attorney.
- E. **Testimony**
 - 1. All witnesses shall identify themselves by name and town/city of residence.
 - 2. The Chair may limit testimony or questioning that is repetitive, cumulative, argumentative, or not pertinent to the issues.
- F. **Commission Questions.** Members of the Commission may ask questions of any witness but shall refrain from entering into any argument or debate with any witness.
- G. **Applicable Standards.** In making decisions, the Commission shall apply the criteria set out in Town ordinances and other applicable laws.
- H. **Burden of Proof.** Unless otherwise required by law, the burden of proof is on the applicant to show that the application meets the criteria set out by Town ordinances and applicable state laws.

- I. **Order of Hearings.** The order of hearings shall be as follows unless revised by the Commission by vote at the hearing:
1. Chair opens public hearing, announces the subject matter of the hearing, and describes the procedure for conducting the hearing.
 2. Determination of compliance with public notice requirements.
 3. Commission member disclosures, if any, including conflicts of interest, ex parte (outside the hearing) contacts or other matter.
 4. The procedure for public hearings shall comply with the Unified Development Code, which generally requires:
 - i. Presentation by Town staff;
 - ii. Presentation by the applicant;
 - iii. Testimony of persons in attendance;
 - iv. Applicant response, if needed;
 - v. Staff response, if needed; and
 - vi. Commission questions of applicant and staff.
 5. Close the public hearing.
 6. Commission comments and decision on the merits of or take the matter under advisement.
- J. **Continuance.** Whenever, in the opinion of the Commission, a hearing cannot be completed at a reasonable hour on the original hearing date, or for other good cause as determined by the Commission, the Commission may continue the hearing to a later date. The Commission may also grant the applicant a requested continuance provided there is good cause.
- K. **Reopening Public Hearing.** No further evidence shall be presented or considered by the Commission after the hearing is closed, unless the hearing is reopened after all parties are notified and given an opportunity to be heard. Hearings will be reopened only when the Commission deems it necessary to provide justice or fundamental fairness or for other good cause.

Revision History

Date of Review	Responsible Party	Summary of Change(s)