

**Town of Erie
Ordinance No. 011-2023**

**An Ordinance of the Board of Trustees of the Town of Erie
Amending Section 3-1-3 of the Erie Municipal Code Related to the
Responsibility for Creating and Adopting the Town's
Comprehensive Plan**

Whereas, pursuant to C.R.S. § 31-23-202, each municipality is authorized, but not required, to create a planning commission;

Whereas, by Chapter 1 of Title 3 of the Erie Municipal Code, the Town created the Town of Erie Planning Commission (the "Planning Commission");

Whereas, the Planning Commission serves an important role in making recommendations for consideration by the Board of Trustees on land use matters;

Whereas, if a municipality opts to create a planning commission, pursuant to C.R.S. § 31-23-206, one of the planning commission's duties is to make and adopt a comprehensive plan (referred to as a "master plan");

Whereas, the Town's Comprehensive Plan is an important guide for land use and other matters in the Town and should reflect the vision for the Town as determined by the elected governing body of the Town, the Board of Trustees;

Whereas, pursuant to C.R.S. § 31-23-227(1), the Board of Trustees, as the elected governing body of the Town, may assume and exercise any of the powers and duties of the Planning Commission; and

Whereas, by authorizing the Board of Trustees to both create a Planning Commission and to assume and exercise any of the powers and duties of the Planning Commission, Part 23 of Title 31, C.R.S. clearly intends for the Board of Trustees to decide how best to handle local land use matters, including developing and updating a comprehensive plan;

Whereas, the Board of Trustees finds that the goals of the Town will be best achieved if the Board of Trustees assumes and exercises primary responsibility for the creation and adoption of the Town's Comprehensive Plan, and the Planning Commission advises the Board of Trustees by making recommendations on the Comprehensive Plan for consideration by Board of Trustees; and

Whereas, by taking this step, the Board of Trustees does not intend to modify any of the Planning Commission's other responsibilities, including reviewing various land use applications and making recommendations to the Board of Trustees.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, as follows:

Section 1. Section 3-1-3 of the Erie Municipal Code is hereby amended as follows:

Section 3-1-3 - Duties and functions generally.

A. The Planning Commission shall have all the powers, duties and responsibilities granted and provided set forth in Article 23 of Title 31 of the Colorado Revised Statutes except as otherwise provided by this Code, and shall follow the procedures therein set forth. In addition, the planning commission shall have the express duties, authority and jurisdiction hereinafter set out in this chapter and elsewhere in this Code.

B. The Board of Trustees shall assume and exercise the duties of the Planning Commission regarding the creation and adoption of the Town's Comprehensive Plan, as specified in C.R.S. § 31-23-206, as amended; provided that the Planning Commission shall advise the Board of Trustees on the Comprehensive Plan as outlined in Title 10 of this Code.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this 25th day of April, 2023.

Justin Brooks, Mayor

Attest:

Debbie Stamp, Town Clerk