



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Meeting Agenda Planning Commission

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Wednesday, May 6, 2026

6:30 PM

Council Chambers

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### In-Person Meeting

Link to Watch or Comment Virtually: <https://bit.ly/6May26PCMtg>  
To Sign Up for Public Comment: [www.erieco.gov/PublicComment](http://www.erieco.gov/PublicComment)

#### I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

#### II. ROLL CALL

#### III. APPROVAL OF THE AGENDA

#### IV. APPROVAL OF MINUTES

[2026-274](#) Approval of the April 1, 2026 Planning Commission Meeting Minutes

**Attachments:** [April 1, 2026 Planning Commission Meeting Minutes](#)

#### 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

[2026-265](#) A Resolution of the Planning Commission of the Town of Erie Recommending that the Town Council Adopt an Ordinance Consolidating all Provisions of the Erie Municipal Code Related to Penalties and Enforcement for Code Violations

**Attachments:** [Staff Report](#)  
[Resolution P26-08](#)  
[Ordinance](#)  
[Presentation](#)

[2026-267](#) Recognition of Commissioners Baham and Burns

**Attachments:** [Resolution No. 22-062](#)  
[Certificates of Recognition](#)

**VII. STAFF REPORTS**

*(This agenda items 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 at [TownClerk@ErieCO.gov](mailto:TownClerk@ErieCO.gov) 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 al [TownClerk@ErieCO.gov](mailto:TownClerk@ErieCO.gov) o 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

**Board Meeting Date: 5/6/2026**

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**File #:** 2026-274, **Version:** 1

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**SUBJECT:**

Approval of the April 1, 2026 Planning Commission Meeting Minutes

**DEPARTMENT:** Planning & Development

**PRESENTER(S):** Melinda Helmer, Secretary

**TIME ESTIMATE:** 0 minutes

*For time estimate: please put 0 for Consent items.*

**FISCAL SUMMARY:**

N/A

**POLICY ISSUES:**

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

**STAFF RECOMMENDATION:**

Staff recommends approval of the meeting minutes

**SUMMARY/KEY POINTS**

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

**ATTACHMENT(S):**

1. April 1, 2026 Planning Commission Meeting Minutes

# TOWN OF ERIE

*645 Holbrook Street  
Erie, CO 80516*



## Meeting Minutes

**Wednesday, April 1, 2026**

**6:30 PM**

**In Person Meeting**

**Link to Watch or Comment Virtually: <https://bit.ly/1APR26PCMtg>  
Council Chambers  
To Sign Up for Public Comment: [www.erieco.gov/PublicComment](http://www.erieco.gov/PublicComment)**

## Planning Commission

**I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG**

Vice Chair Braudes called the April 1, 2026 Planning Commission Meeting to order at 6:30pm.

**II. ROLL CALL**

Roll call:

- Commissioner Booth - present
- Commissioner Burns - present
- Commissioner Dreckman - present
- Commissioner Sawusch - present
- Commissioner Baham - present
- Vice Chair Braudes - present
- Chair Hemphill - absent/excused

A quorum was present.

**III. APPROVAL OF THE AGENDA**

Commissioner Burns moved to approve the agenda of the April 1, 2026 Planning Commission Meeting. The motion, seconded by Commissioner Dreckman, carried with all voting in favor thereof.

**IV. APPROVAL OF MINUTES**

[2026-241](#) Approval of the March 18, 2026 Planning Commission Meeting Minutes

**Attachments:** [March 18, 2026 Planning Commission Meeting Minutes](#)

Commissioner Booth moved to approve the March 18, 2026 Planning Commission Meeting. The motion, seconded by Commissioner Burns, carried with all voting in favor thereof.

**V. PUBLIC COMMENTS**

No public comments were taken.

**VI. GENERAL BUSINESS**

[2026-170](#) A Resolution of the Planning Commission of the Town of Erie Recommending Approval of the Spring Hill Preliminary Plat with Conditions

**Attachments:** [PC Resolution P26-07](#)  
[Staff Presentation](#)  
[Staff Report](#)  
[Applicant Presentation](#)  
[Proposed Preliminary Plat](#)  
[Parks and Open Space Exhibit](#)  
[Application and Narrative](#)  
[Additional Application Materials 1](#)  
[Additional Application Materials 2](#)  
[Additional Application Materials 3](#)  
[Neighborhood Meetings Summaries](#)  
[Public Notice Postings](#)  
[Public Comments](#)

Vice Chair Braudes announced Agenda Item 2026-170 A Resolution of the Planning Commission of the Town of Erie Recommending Approval of the Spring Hill Preliminary Plat with Conditions.

Vice Chair Braudes opened the Public Hearing at 6:33pm and turned it over to staff, and then the applicant, for a presentation.

Harry Brennan, Senior Planner provided an overview of the Spring Hill property, including background on the site, details of the development proposal, and the upcoming steps in the review process. He explained that the project covers 300 acres and includes 632 lots consisting of single-family homes, duplexes, and townhomes. Mr. Brennan also reviewed planned access and roadway connections, along with ongoing oil and gas mitigation efforts on the property. In addition, he outlined the Town's approval criteria relevant to this application.

John Prestwich of PCS Group who represents the Spring Hill project, provided a timeline overview of the Spring Hill project, noting that the property was annexed into the town in March 2014 and is now in the Preliminary Plat stage. He confirmed that no additional oil and gas operations will occur on the site and that coordination with operators will continue until all remaining work is completed. Mr. Prestwich reviewed the project's submittal history, addressed comments, drainage channel design, roadway adjustments, and off-site improvements. He also highlighted the 35 acres of dedicated parks and open space, along with several miles of trails and planned spinetrail connections throughout the development.

Following the presentations, Vice Chair Braudes opened Public Comment at 7:05pm and asked if anyone was online or in-person wanting to give public comment on this agenda item.

Public Comment was taken from the following person(s):

Chris Nieves, 626 State Highway 52, expressed concerns about increased traffic generated by this development and other nearby projects. Specific concerns included the proposed traffic circle at Road 3 and discussions of an additional traffic circle at Road 3.5 related to the Shores at Plum Creek development. The

resident noted that higher traffic volumes could reduce traffic flow and emphasized support for development overall but urged consideration of long-term impacts on surrounding communities.

Julie DeMartino, a real estate agent that resides in Morgan Hill, raised several concerns related to the proposed development. Questions were asked about where future students would attend school and whether the project includes a pool or other amenities. Ms. DeMartino expressed significant concern about traffic impacts, stating that roundabouts in Erie have not functioned well and that a roundabout at this location may be dangerous. She also suggested considering alternative roadway designs to improve vehicle movement. Additional comments included concerns about Lennar as the sole builder, noting that the homes appear too similar, may be difficult to resell, and may not provide long-term market sustainability. Ms. DeMartino expressed a desire for more variety and unique housing options within the development.

Following public comments, both John Prestwich and Harry Brennan addressed some of the questions raised by the residents.

Vice Chair Braudes closed the Public Comment portion of the Public Hearing at 7:18pm.

Vice Chair Braudes brought it back to the Commission for questions and comments.

Some questions and comments included the following:

- Clarification regarding location of remediated soil contamination and multiple occurrences of contamination.
- Is there groundwater monitoring included?
- Regarding Annexation Agreement and current municipal code standard. There is a pocket park on the west side and it appears that there is a plugged and abandoned well. Does the park touch the 50 x 150 boxes (municipal code standard)?
- What are the Highway 52 plans with CDOT and widening this road?
- Does CDOT consider all neighborhoods or just the impact from this one development?
- The current level of service at County Road 3 and Highway 52 remains poor due to the lack of a signal, and CDOT's study timeline may be lengthy.
- Is any plan to increase capacity at the intersection leading into Highway 52.
- Will the installation of the double culvert box affect the flow of the irrigation ditch maintenance?
- NW corner entrance of the property - will it be a right-in, right-out?
- Connectivity to Morgan Hill
- Is the open space in this area usable for Erie residents?
- Boulder Lower Ditch lining
- OSTAB hadn't seen an updated plan since the 2021 plan
- Crusher fine trails: Town stopped using it because of the maintenance
- There is a detailed traffic plan
- Lot sizes and depth on slides - legends are different for the same lot
- Have we received comments from our Public Works Department regarding traffic plans at the North Water Treatment Facility and how they intersect the project?
- Has the town petitioned to have the access control points addressed? How do the new access point requirements come into play?

- Movement across the street in terms of the town's own facility and impacts regarding vehicles and machinery
- Current study shows that nothing is warranted at this location as it stands and additional studies would be required
- Does the town have to request CDOT to come back out to see if the site now warrants a signal? Will they initiate this on their own?
- Is the Frederick High School complete yet? Is the school on this property an elementary school?
- Approximately where is the groundwater located? This could affect foundations.
- Appreciates that the applicant accommodated the current oil & gas setbacks.
- Is ALLO listed as one of the internet providers?
- There was a note regarding FEMA and recorded floodplains statement in this area. Does staff concur?
- Can you elaborate on the commitments noted in terms of the neighborhood meeting regarding trail connection, landscaping, open space areas, and drainage maintenance.
- Is it on the neighboring property or this property?

Vice Chair Braudes closed the Public Hearing at 7:49pm and asked the Commission for any final deliberations.

Some Commissioner comments were that Highway 52 has long been a major concern, describing the traffic impact as the worst they have seen. They appreciated the applicant's efforts to work with CDOT despite the lack of planned widening and expressed concern about the proposed roundabout, recommending additional public outreach. The Commission commended the applicant for listening to residents, documenting commitments, and presenting a well-designed community with substantial open space. Some Commissioners echoed these points, acknowledged that the town has no control over CDOT's timelines or decisions, and expressed appreciation for the applicant's work throughout the process.

Commissioner Dreckman moved to approve Resolution P26-07, a Resolution of the Planning Commission of the Town of Erie Recommending Approval of the Spring Hill Preliminary Plat with Conditions. The motion, seconded by Commissioner Burns, carried with all voting in favor thereof.

The motion passes unanimously.

[2026-207](#)

A Resolution of the Planning Commission of the Town of Erie Recommending Approval to the Town Council of the Rezoning of the Sierra Vista property to Community Mixed Use (CMU) and Airport (AP)

**Attachments:** [Resolution P26-06](#)  
[Staff Report](#)  
[Staff Presentation](#)  
[CMU and AP Use table](#)  
[Applicant Presentation](#)  
[Applicant Submittals](#)  
[Combined Reviews](#)  
[Neighborhood Meeting Information](#)  
[Proposed Sierra Vista Zoning Map](#)  
[Proposed Sierra Vista Minor Subdivision](#)  
[PC Public Hearing Notices](#)  
[Broomfield Final Comment](#)

Vice Chair Braudes announced Agenda Item 2026-207, a Resolution of the Planning Commission of the Town of Erie Recommending Approval to the Town Council of the Rezoning of the Sierra Vista property to Community Mixed Use (CMU) and Airport (AP).

Vice Chair Braudes opened the Public Hearing at 7:53pm and turned it over to staff for a presentation.

Chris LaRue, Principal Planner provided an overview of the project's zoning, noting that the property, annexed to the Town in 2012, is at the first step of the rezoning process. If the rezoning is approved, the project would proceed to Preliminary Plat with public hearings, followed by Site Plan and Final Plat, meaning the project is still in the early planning stages. He identified the site's location at Highway 7 and Bonanza Drive and explained that the existing zoning allows low density residential and community commercial uses, while the applicant is proposing AP (Airport-related and commercial uses) and CMU (Community Mixed Use). Access would come from Bonanza Drive, and developer commitments for Tract B include height limitations and buffering. Mr. LaRue also reviewed the approval criteria the applicant must meet, including future use considerations and required standards.

Heidi Majerik, the owner's representative of Gage Land Development, thanked the Commission and staff and introduced her team from Norris Design - Diana Rael, Becca Bailey, and Kevin Lovelace - in addition to Wyatt Carlson, the property owner.

Ms. Majerik and Ms. Rael provided an overview of the approval request, explaining the existing zoning and lot boundaries as well as the proposed changes associated with the rezoning. They outlined the application process, described the neighborhood engagement efforts, and summarized the concerns raised by nearby residents along with how those concerns were addressed. They noted that the applicant is requesting straight zoning with no special conditions and also responded to a neighbor's email regarding site access.

Vice Chair Braudes opened the Public Comment portion of the Public Hearing at 8:20pm and asked if there was anyone online or in-person to give public comments.

Public Comment was taken from the following persons:

Bryon Bednar, 280 Skylane Drive expressed concerns about the mixed-use zoning and the amount of discretion it gives the developer in determining future land uses, noted that the staff presentation did not address the mixed-use requirements in Section 10.2.4.A.6 of the code, recommended approving the rezoning only if it clearly satisfies the UDC, and also raised ongoing traffic concerns.

Tim Drnec, 3040 Cherokee Ct. stated that many of the issues relate to the Comprehensive Plan and that the proposed zoning is incompatible with it. They expressed concern about the 40-foot setback on the north side and the active taxiway easement, emphasizing the need to protect this area for safety and security. They also opposed placing higher density housing near the taxiway, noting worries about children and pets in that environment.

Johan Morris, Erie and HOA board member, agreed with a previous point that rezoning from Rural Residential to Mixed Use does not seem appropriate, stated that the aircraft easement does not provide an adequate buffer, and expressed surprise at the visuals shown, urging others to visit the area to see the significant grade change along Bonanza rather than assuming the terrain is flat.

Vice Chair Braudes closed the Public Comments portion of the Public Hearing at 8:29pm.

The applicant and staff addressed some of the concerns that were expressed by those that gave public comment.

Vice Chair Braudes brought it back to the Commission for any questions or comments.

Some questions/comments included the following:

- Was there any feedback on the Comprehensive Plan when choosing the zoning for this area?
- Can you elaborate on the outstanding questions and comments on the traffic study?
- Clarification on permitted uses under each category/parcel
- Is there a reason why CMU zone is split into two different parcels?
- Given some of the concerns along the easement and taxiway, is it possible to not have straight zoning?
- If the intent is to treat the parcels differently, is this the appropriate stage in the process to make that determination?
- This zoning is not as strict and is this something to address during the preliminary plat
- The CMU district limits to three stories in the UDC but not the FAA - can you clarify?
- What is the potential for how much residential can go in this project?
- Would there be residential in both zoning areas?
- Was there the ability to have 500 units in this area?
- Would the high density zoning have allowed the 500 units?
- Would the applicant like to address why the 2015-2016 application was withdrawn?
- Do we know where the airport avigation easement is?

- There is an avigation easement on the property, but that easement does not define the full extent of land that could be developed
- Within proximity of flight patterns and on airport premises, if we are now zoning this AP, does that force FAA review of this development at a later date?
- In 2015-2016, the major concern resulted in a determination and recommendation of denial and that's when the application was withdrawn.
- Staff reported no access to Highway 7 and now there is. Where was the access point?
- Bonanza was a thru street and residents used this access
- Soil analysis and over-excavation
- This item concerns zoning rather than site plan review, and the Commission must follow different requirements for each. There will be at least two additional opportunities for public comment as the project moves through the remaining stages of the process.
- Is there an RTD stop in the commercial uses/multi-family residential?
- Clarification: Easement and 40 ft. buffer - Would this be in addition?
- Transportation items to be addressed during the site plan review include the third submittal comments and a discrepancy identified in the traffic trip generator
- Have we addressed the comments on trip generation and the initial traffic impact study. If there is concern on trip generation calculated, has that been addressed?
- By preliminary plat, we should understand what is needed in certain areas regarding roundabouts, traffic, etc.
- CDOT has preliminary access via Highway 7. Assuming partial motion into the property is limited in movement?
- How is this submittal different from the initial 2015-2016 submittal?

Vice Chair Braudes closed the Public Hearing at 9:06pm and brought it back to the Commission for final deliberations.

The Commission thanked staff and the applicant for their responses and noted that this is a unique, long vacant property that aligns with the intent of the proposed zoning classification, even though there are existing residential homes to the north. They recalled that shifting to AP zoning on the west side had previously been viewed as beneficial for supporting airport needs and suggested staff confirm whether the site lies within or just outside the Airport URA. The Commission felt the proposed zoning could work, emphasized the importance of communicating with the Airport HOA for additional feedback, and expressed interest in seeing how the site develops. While acknowledging that the list of permitted uses can seem broad, they stressed the need to work collaboratively to ensure acceptable uses and to balance impacts on nearby residents. The Commission sympathized with neighbors' concerns but noted that the Commission must evaluate the request against the Comprehensive Plan, and that the Site Plan stage will involve a much more detailed review. For zoning purposes, they saw nothing that contradicts the standards the applicant would be required to follow.

Commissioner Burns moved to approve Resolution P26-06, a Resolution of the Planning Commission of the Town of Erie Recommending Approval to the Town Council of the Rezoning of the Sierra Vista property to Community Mixed Use (CMU) and Airport (AP). The motion, seconded by Commissioner Baham, carried

with all voting in favor thereof.

Motion passes unanimously.

**VII. STAFF REPORTS**

Kelly Driscoll, Deputy Director of Planning & Development noted that staff has been working with the Clerk's Office as they have been recruiting for the advisory boards. The Clerk's Office has been working with CIRSA for onsite training on May 4, 2026 at 6pm here in the Council Chambers. There will be a quasi-judicial portion of the training. Clerks office will record it if you're unable to make it. The Clerk's Office will send out notifications,.

**VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS**

Commissioner Sawusch asked staff what the next meeting for Planning Commission looked like as far as agenda items go.

Kelly Driscoll noted there would be an item on the agenda regarding non-functional turf and state compliance.

Vice Chair Braudes asked about the April 15, 2026 Planning Commission meeting agenda items.

**IX. ADJOURNMENT**

Commissioner Booth to adjourn the April 1, 2026 Planning Commission Meeting. The motion, seconded by Commissioner Dreckman, carried with all voting in favor thereof.

Vice Chair Braudes adjourned the April 1, 2026 Planning Commission Meeting at 9:18pm.

**Translation Services**



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Planning Commission

**Board Meeting Date: 5/6/2026**

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**File #:** 2026-265, **Version:** 1

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**SUBJECT:**

A Resolution of the Planning Commission of the Town of Erie Recommending that the Town Council Adopt an Ordinance Consolidating all Provisions of the Erie Municipal Code Related to Penalties and Enforcement for Code Violations

**DEPARTMENT:** Planning & Development

**PRESENTER(S):** Melinda Helmer, Business Operations Coordinator

**TIME ESTIMATE:** 15 minutes

*For time estimate: please put 0 for Consent items.*

**FISCAL SUMMARY:**

N/A

**POLICY ISSUES:**

Provide reason for why this item is before Planning Commission.

**STAFF RECOMMENDATION:**

Staff recommend that the Planning Commission adopt the resolution recommending that the Town Council Adopt an Ordinance Consolidating all Provisions of the Erie Municipal Code Related to Penalties and Enforcement for Code Violations.

**SUMMARY/KEY POINTS**

Town staff identified areas of the Erie Municipal Code within Title 10 that need amendment to align with Colorado Supreme Court Case ruling formalizing said ruling in the Town's Municipal Code.

The only revisions to Title 10 involve relocating and formalizing existing language to ensure consistency and compliance.

**BACKGROUND OF SUBJECT MATTER:**

This recommendation to Town Council is to update municipal code language to ensure compliance with recent Colorado Supreme Court decisions and to consolidate provisions to one central location in Section 1-4-4 of the Erie Municipal Code.

**ATTACHMENT(S):**

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**File #:** 2026-265, **Version:** 1

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1. Staff Report
2. PC Resolution P26-08
3. Ordinance
4. Presentation

**TOWN OF ERIE**  
**PLANNING COMMISSION MEETING**  
**April 15, 2026**

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**SUBJECT:**           **Resolution P26-08**  
A Resolution of the Planning Commission of the Town of Erie  
Recommending that the Town Council Adopt an Ordinance  
Consolidating all Provisions of the Erie Municipal Code Related  
to Penalties and Enforcement for Code Violations

**PURPOSE:**           Unified Development Code amendment to align with recent  
Colorado Supreme Court decision and formalizing language in  
UDC

**CODE REVIEW:**    Erie Municipal Code, Title 10

**DEPARTMENT:**    Planning and Development

**PRESENTER:**       Melinda Helmer, Business Operations Coordinator

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**STAFF RECOMMENDATION:**

Staff recommend that the Planning Commission adopt the resolution recommending that the Town Council Adopt an Ordinance Consolidating all Provisions of the Erie Municipal Code Related to Penalties and Enforcement for Code Violations

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

Town staff identified areas of the Erie Municipal Code within Title 10 that need amendment to align with Colorado Supreme Court Case ruling formalizing said ruling in the Town’s Municipal Code.

**PROPOSED CHANGES:**

The proposed amendment does not change the intent or content of the municipal code. Its purpose is to update language to ensure compliance with recent Colorado Supreme Court decisions and to consolidate all sentencing-related provisions one central location in Section 1-4-4 of the Municipal Code.

The court rulings clarified how municipal codes must address sentencing authority. Incorporating those requirements into Section 1-4-4 brings the Town into alignment with state law and ensures our code is formally structured in accordance with those decisions.

Centralizing these provisions in the Code improves clarity and efficiency for both the public and staff by placing all enforcement and penalty requirements in one section, making future updates easier and ensuring consistency throughout the code.

The only revisions to Title 10 involve relocating and formalizing existing language to ensure consistency and compliance. Planning Commission must review and provide recommendation to Town Council on proposed changes to Title 10. Town Council is the decision maker for all changes to the municipal code.

The Town Council public hearing for the proposed UDC amendments is scheduled for May 12, 2026.

### **Approval Criteria**

Section 10-7-18(C)(9) of the Erie Municipal Code states the following approval criteria when considering amendments to the text of the UDC:

1. The proposed amendment will promote the public health, safety, and general welfare; and
2. The proposed amendment is generally consistent with the Town's Comprehensive Master Plan and the stated purposes of this UDC; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

Staff find these amendments necessary and recommend that the Planning Commission adopt Resolution No. P26-08 recommending that the Town Council Adopt an Ordinance Consolidating all Provisions of the Erie Municipal Code Related to Penalties and Enforcement for Code Violations.

#### **Attachments:**

1. Staff Report
2. PC Resolution P26-08
3. Ordinance
4. Staff Presentation

**Town of Erie  
Planning Commission  
Resolution No. P26-08**

**A Resolution of the Planning Commission of the Town of Erie  
Recommending that the Town Council Adopt an Ordinance  
Consolidating all Provisions of the Erie Municipal Code Related to  
Penalties and Enforcement for Code Violations**

**Whereas**, the Planning Commission finds it in the best interest of the public health, safety and welfare to consolidate all provisions related to penalties and enforcement throughout the Erie Municipal Code and to comply with the recent Colorado Supreme Court decision *In re People v. Camp* and *In re People v. Simons*, 2025 CO 64 (Colo. Dec. 25, 2025).

**Now, Therefore be it resolved by the Planning Commission of the Town of Erie, Colorado, that:**

**Section 1.** Findings. Upon consideration of the ordinance, hearing the statements of Town staff and the public, and giving due consideration to the matter, the Planning Commission finds and determines as follows:

- a. The ordinance, as attached hereto, meets the applicable criteria set forth in Title 10 of the Erie Municipal Code (the "UDC"); and
- b. The ordinance is consistent with the Comprehensive Plan.

**Section 2.** Decision. Based on the foregoing findings, the Planning Commission hereby recommends that the Town Council adopt the ordinance as attached hereto.

**Adopted this 15<sup>th</sup> day of April, 2026.**

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Ben Hemphill, Chair

**Attest:**

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Melinda Helmer, Secretary

**Town of Erie  
Ordinance No. \_\_\_-2026**

**An Ordinance of the Town Council of the Town of Erie  
Consolidating all Provisions of the Erie Municipal Code Related to  
Penalties and Enforcement for Code Violations**

**Whereas**, the Town Council finds it is in the best interest of the public health, safety and welfare to consolidate all provisions related to penalties and enforcement throughout the Erie Municipal Code and to comply with the recent Colorado Supreme Court decision *In re People v. Camp* and *In re People v. Simons*, 2025 CO 64 (Colo. Dec. 25, 2025).

**Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:**

**Section 1.** Section 1-4-4 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**1-4-4 – General penalty.**

A. *Violations:* It is unlawful for any person to violate any provision of this Code.

B. *Penalty:*

1. A violation of any provision of this Code shall be punished by a fine not to exceed two thousand six hundred and fifty dollars (\$2,650), imprisonment not to exceed three hundred and sixty-four (364) days, revocation, withholding, or suspension of a license, permit, or franchise, abatement, restitution for actual damage or loss caused, administrative sanctions, or any combination thereof. The Municipal Court shall establish a schedule of fines, more particularly stating the maximum penalties for each criminal and noncriminal violation of the ordinances of the Town, which shall be posted in accordance with C.M.C.R. 210(b)(5).

2. Any violation for which a Town penalty exceeds a maximum penalty amount for an identical state law offense shall be instead subject to the maximum penalty amount established in C.R.S. §§ 18-1.3-501(1)(a.5) and 18-1.3-503(1.5).

3. A person charged with a noncriminal violation shall not be entitled to a trial by jury and shall not be subject to incarceration upon conviction. A person eighteen (18) years of age or older charged with a criminal violation may be entitled to a trial by jury upon meeting the requirements of C.M.C.R. 223.

4. A violation of the Model Traffic Code shall be subject to Section 6-11-12.

C. *Continuing violation:* A person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted by any such person.

D. *Voluntary pleas:* Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person to pleading to all of the fines and penalties applicable to the original charge.

E. *Noncriminal violations enumerated:* The following Sections of this Code are designated noncriminal violations.

4-9-10	Marijuana business violations
Title 5, Chapter 1	Nuisances
5-2-4	Erie Municipal Cemetery violations
6-2-1	Criminal attempt (where the counterpart violation is noncriminal)
6-2-2	Conspiracy (where the counterpart violation is noncriminal)
6-2-3	Complicity
6-2-4	Accessory to crime
6-4-7A	Knowingly projecting any missile at vehicles
6-4-7B	Knowingly projecting any missile at any building
6-6-3	Avoiding payment of admission fees
6-6-4D	Injury to or removal of street signs
6-6-4E	Defacing posted notice
6-6-7	After hours presence in Municipal facilities and grounds
6-6-8	Protection of gardens and crops
6-6-9A	Littering generally
6-6-9B	Truckloads causing litter
6-6-9C	Advertisements
6-6-10	Loitering on school grounds
6-6-14	Unlawful trash disposal
6-6-17	Unauthorized camping
6-7-3A	Dog license required
6-7-3B	Rabies vaccination required for dogs

6-7-3C	Restraint and control of dogs
6-7-3D1	Noisy dogs
6-7-3D2	Dogs damaging property
6-7-4C	Animal impoundment fees
6-7-8A	Animal excrement; littering
6-7-8B	Offensive animal premises
6-7-9	Dog parks
6-8-9	Misuse of Town services
6-9-2	Open alcohol containers
6-9-3A2, A3, A4	Underage possession, consumption or sale of alcohol
6-10-1	Fireworks
6-10-2	Abandoned containers, wells or cisterns
6-10-3A1, A2, B1, B2, D	Possession of marijuana
6-10-4	Possession of drug paraphernalia
6-10-5	Releasing toxic vapors
6-10-7	Snow and ice removal
6-10-8	Minors – cigarettes and tobacco products
6-10-9	Minors – curfew
6-10-10	Public urination
6-10-11B	Possession of marijuana accessories
6-10-18	Sitting or lying down in public rights-of-way
6-11-3	Motor scooters
6-11-4	Aircraft crossing Town streets and roadways
6-11-14	Golf cars
6-11-15	Providing false evidence of proof of motor vehicle insurance; penalty
6-12-3	Unlawful property conditions
6-12-6	Storage and removal of garbage and rubbish
6-12-7	Obstructing public ways with garbage and rubbish
6-12-8	Compost piles

6-13-3	Growth or accumulation of weeds and brush
6-13-4	Height of grasses
Title 7, Chapter 3	Trees and shrubs

F. *Criminal violations enumerated:* The following Sections of this Code are designated criminal violations.

1-4-13	Contempt of court
5-3-5H	Business license required (cultivation of medical marijuana)
5-3-6F	Registration required (cultivation of medical marijuana)
5-3-14A	Nuisance declared (cultivation of medical marijuana)
6-2-1	Criminal attempt (where the counterpart violation is criminal)
6-2-2	Conspiracy (where the counterpart violation is criminal)
6-2-3	Complicity (where counterpart violation is criminal)
6-2-4	Accessory to crime
6-3-2	Carrying a concealed weapon
6-3-3	Prohibited use of weapons
6-3-6	Carrying weapons in Town buildings, indoor facilities
6-4-1	Assault
6-4-3	Disorderly conduct
6-4-4	Harassment
6-4-5	Menacing
6-4-6	Reckless endangerment
6-4-7C	Knowingly projecting any missile at any person
6-4-7D	Knowingly projecting any missile at or against a bicycle
6-5-1	Public indecency
6-6-1	Theft
6-6-2	Fraud by check
6-6-4A	Criminal mischief
6-6-4B	Damage to public property
6-6-4C	Defacing public and private property

6-6-5	Tampering with utility meter
6-6-6	Trespass
6-6-12	Theft by receiving
6-6-13	Criminal tampering
6-6-15	Fire setting
6-7-7	Cruelty to animals
6-8-1	Failure to obey required court appearance
6-8-2	Resisting arrest
6-8-3	Obstructing emergency officials
6-8-4	Obstructing government functions
6-8-5	Escape
6-8-6	Refusing to aid police officers
6-8-7	False reports
6-8-8A	Impersonating a police officer
6-8-8B	Impersonating a public servant
6-8-10	Disrupting lawful assembly
6-8-11	Fail to obey lawful order
6-8-12	Threatening public official, Town employee
6-8-13	Public buildings; trespass, interference
6-9-3A1	Underage possession, consumption or sale of alcohol
6-9-6	Conduct prohibited in liquor establishments
6-10-3A3, A4, A5, B3, B4, B5	Possession of marijuana

G. *Presumption of noncriminal violation:* Any provision of this Code or any ordinance of the Town not specifically designated as noncriminal or criminal in nature shall be presumed to be noncriminal, provided there is no counterpart state statute for which, upon conviction, incarceration is possible.

**Section 2.** Section 1-4-5 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**1-4-5 – Juveniles.**

Any person who at the time of the commission of a violation was at least ten (10) years of age, but not eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code shall be punished by a fine of not more than one thousand dollars (\$1,000).

**Section 3.** Section 6-4-7 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**6-4-7 - Throwing missiles.**

A. It is unlawful for any person to knowingly project any missile at or against any vehicle or equipment designed for transportation of persons or property.

B. It is unlawful for any person to knowingly project any missile at or against any public or private building without the consent of the owner.

C. It is unlawful for any person to knowingly project any missile at any person, unless done with the knowledge and consent of such person during a recognized athletic game and with a ball, puck, or other object used in such game for such purpose.

D. It is unlawful for any person to knowingly project any missile at or against a bicyclist.

E. As used herein, "missile" means any object or substance.

**Section 4.** Sections 6-6-12, 6-6-13 and 6-6-14 of the Erie Municipal Code are hereby repealed in their entirety and reenacted as follows:

**6-6-12 - Theft by receiving.**

It is unlawful to receive, retain, loan money by pawn, or pledge on, or dispose of anything of value of another, knowing or believing that the thing of value has been stolen, and when he intends to deprive the lawful owner permanently of the use or benefit of the thing of value.

**6-6-13 - Criminal tampering.**

It is unlawful to tamper with property of another with intent to cause injury, inconvenience, or annoyance to that person or another person.

**6-6-14 – Unlawful trash disposal.**

It is unlawful to deposit, throw, or leave any litter, trash, or debris in the trash receptacle or container of a business intended only for use by the

business, unless the owner or operator of the business has granted express permission to deposit, throw, or leave the litter in the trash receptacle or container.

**Section 5.** Section 6-8-10 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**6-8-10 – Disrupting lawful assembly.**

It is unlawful for any person, intending to prevent or disrupt any lawful meeting, procession, or gathering, to significantly obstruct or interfere with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

**Section 6.** Section 6-8-12 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**6-8-12 – Threatening public official.**

It is unlawful for any person to communicate threats of violence, reprisal, or any other injurious act to any public official, Town employee, or agent, who is engaged in the performance of his or her official duties.

**Section 7.** Section 6-10-10 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**6-10-10 – Public urination.**

It is unlawful for any person to urinate in any public place where such conduct is likely to be viewed by any other person, unless such voiding is made into a receptacle that has been provided for that purpose that stores or disposes of the waste in a sanitary manner and that is enclosed from view of the general public.

**Section 8.** Section 6-11-12 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**6-11-12 – Violation and penalties.**

A. *Violation:* It is unlawful to violate any provision of this Chapter or the Model Traffic Code adopted by this Chapter.

B. *Civil traffic infractions:* The penalty for a civil traffic infraction shall be a fine not to exceed one thousand dollars (\$1,000).

C. *Noncivil traffic offenses:*

1. Noncivil traffic offenses are as follows:

Model Traffic Code Section	Description of Offense	Points
1101	Speeding (25-39 mph over speed limit)	6
1101	Speeding (40+ mph over speed limit)	12
1105	Speed contest	12
1401	Reckless driving	8
1409	Compulsory insurance	4
1413	Eluding or attempting to elude police	12
1903	Failing to stop for school bus	6

2. An individual eighteen (18) years of age or older convicted of a traffic offense may be incarcerated for a period not to exceed three hundred and sixty-four (364) days, or fined by an amount not to exceed two thousand six hundred and fifty dollars (\$2,650), or both, and a juvenile under the age of eighteen (18) years at the time of the offense may be fined by an amount not to exceed one thousand dollars (\$1,000).

D. *Zone increases.* Penalties for traffic infractions and offenses in a designated maintenance, repair, or construction zone pursuant to Section 614, in a designated school zone pursuant to Section 615, or in a designated wildlife crossing zone pursuant to Section 616, shall be double the penalty for such violation as set forth above.

E. *Overweight vehicles:* Upon conviction, entry of a guilty plea, or a plea of *nolo contendere* to a violation related to the size, weight, or load of a vehicle or truck, the court may impose a fine not to exceed two thousand six hundred and fifty dollars (\$2,650) per count.

**Section 9.** Section 6-11-15 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**6-11-15 – False evidence of insurance.**

It is unlawful to offer, use, or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle insurance required by state and local law to a law enforcement officer, judge, prosecutor, or other Town employee with the intent to mislead that individual regarding the status of any motor vehicle liability

insurance policy, where such means, manner, type, or kind of proof of insurance is known or should be known by the person to be false, fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law.

**Section 10.** Section 6-11-19 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**6-11-19 – Engine compression or dynamic braking devices.**

It is unlawful to operate a motor vehicle in the Town with an engine compression or dynamic braking device engaged, including without limitation what are commonly referred to as "Jacob brakes" or "Jake brakes."

**Section 11.** Section 7-3-16 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**7-3-16 – Damage to trees.**

A. *Repair.* Any person who injures, damages (including by excessive pruning or topping), or destroys any tree located on Town property or within a public right-of-way shall repair said damage to the satisfaction of the Town arborist.

B. *Damages.* If the Town arborist deems a tree or other woody plant to be damaged beyond repair, the responsible person shall compensate the Town either the lost monetary value of the tree or other woody plant, as determined by the current edition of "The Guide For Establishing Values of Trees and Other Plants" by the Council of Tree and Landscape Appraisers, or the cost of replacing the tree, as determined by the Town arborist.

C. *Cost recovery.* Any person causing removal of any tree or other woody plant from Town property or public right-of-way without a permit shall reimburse the Town for three (3) times the appraised value of said tree or other woody plant.

**Section 12.** Section 9-2-2 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**9-2-2 – Sewer tap required.**

It is unlawful to construct, alter, or repair a building in the Town unless the sewer tap fee has been fully paid and satisfactory proof of such payment has been furnished to the Town.

**Section 13.** Chapter 10 of Title 10 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**Chapter 10. – Enforcement**

**10-10-1 – Violation and penalty.**

A. It is unlawful to erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any land, building, structure, or sign in violation of any provision of this UDC or any permit or other approval issued under this UDC.

B. Each day that a violation of this UDC occurs or remains uncorrected shall constitute a separate and distinct violation.

C. A violation of this UDC shall be subject to the penalties set forth in Section 1-4-4. In addition to the penalties set forth in Section 1-4-4, a violation of this UDC shall be subject to the following:

1. The Director may deny, revoke, or withhold all entitlements, including permits and certificates of occupancy, until the alleged violation is corrected. This provision shall apply whether or not the current owner or applicant is responsible for the violation.

2. With or without revoking permits, the Director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this UDC or of an entitlement or other authorization issued under this UDC. The stop work order shall be in writing and posted at the site of the work and shall specify the alleged violations. After the stop work order has been posted, no work shall proceed on the building, structure, or land covered by such order, except to correct the violation or comply with the order.

**Section 14.** Section 10-12-7 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**10-12-7 – Permit transfer and inspection.**

A. *Transfer of permits:* A permit may be transferred only with the prior consent of the Town Council. In approving any transfer, the Town Council must ensure: that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the permit and these regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

B. *Inspection and notifications to local government designee ("LGD"):*

1. *Inspection:*

a. The Town may enter and inspect any property subject to these regulations at reasonable hours for the purpose of determining whether the development is in violation of these regulations. The Town will attempt to provide reasonable notice of inspections, but reserves the right to conduct unannounced inspections.

b. Upon request, the operator shall make available to the Town all records required to be maintained by the following agencies: the Colorado Department of Public Health and Environment (CDPHE), including permits, Air Pollutant Emission Notices (APENs), and other documents; the Colorado Energy and Carbon Management Commission (ECMC); the Colorado Public Utilities Commission (PUC); the Occupational Safety and Health Administration (OSHA); and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

2. *Notification to LGD:* In addition to any notice required by state law, operators shall provide notice of the following to the Town's LGD:

a. Ten (10) days prior to removal of any tank or other equipment;

b. Thirty (30) days prior to activities associated with plugging and abandonment of any well;

c. Thirty (30) days following plugging and abandonment of a well, accompanied by a photograph of welded cap on well with API number of well, plaque, and GPS coordinates of the well;

d. Thirty (30) days prior to planned maintenance activities and workover activities; and

e. Thirty (30) days following maintenance activities taken in response to emergencies.

**Section 15.** Sections 1-4-6, 1-4-7, 1-4-16, 1-8-10, 1-9-15, 2-2-6, 2-11-5, 4-1-9, 4-5-8, 4-7-2, 4-12-3, 4-14-3, 4-15-9, 6-8-11(C), 6-11-4(C), 6-12-9, 6-12-10, 6-12-11, 6-12-12, 6-13-7, 7-3-14, 7-5-3, 7-6-16, 8-1-19, 8-2-13, 8-4-16, 8-5-11, 9-1-12, 10-10-2, 10-14-11, and 10-15-5 of the Erie Municipal Code are hereby repealed in their entirety.

**Section 16. 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 Town Council 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 17. Safety.** The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

**Section 18. Effective Date.** This Ordinance shall take effect 10 days after publication following adoption.

**Introduced, Read, Passed and Ordered Published this \_\_\_\_ day of \_\_\_\_\_, 2026.**

\_\_\_\_\_  
Andrew J. Moore, Mayor

**Attest:**

\_\_\_\_\_  
Debbie Stamp, Town Clerk



**ERIE**  
COLORADO

# Proposed UDC Changes to Title 10

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## Planning Commission

Melinda Helmer, Business Operations Coordinator

April 15, 2026



# Request

Amendments to Title 10 regarding Penalties and Enforcement

- Part of a larger change throughout municipal code to comply with recent state supreme court ruling
- Planning Commission's purview over Title 10
- Council is decision maker on all municipal code changes



## Overview

- Background
- Proposal
- Decision



## Background

Colorado Supreme Court Cases – December 2025

- People v. Camp
- People v. Simons

To align with 2025 CO 64, the Town needs to formalize language to bring our municipal code requirements into compliance.



## Proposal

- Repeal and reenact Chapter 10 of Title 10 Enforcement
- Repeal and reenact Section 10-12-7 Permit Transfer and inspection



## Overview

- ✓ Background
- ✓ Proposal
- Decision



## Approval Criteria – 10-7-18

- a. The proposed amendment will promote the public health, safety, and general welfare;
- b. The proposed amendment is generally consistent with the Town's Comprehensive Master Plan and the stated purposes of this UDC; and
- c. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.



## Public Notice

Neighborhood Meeting: Not Applicable

### PUBLIC NOTICE OF HEARING

Public Hearing is not required at Planning Commission for UDC changes



## Next Steps

The Town Council Public Hearing for these amendments is scheduled for May 12, 2026



# Staff Recommendation

## Adoption of Resolution P26-08

A Resolution of the Planning Commission of the Town of Erie Recommending that the Town Council Adopt an Ordinance Consolidating all Provisions of the Erie Municipal Code Related to Penalties and Enforcement for Code Violations



**ERIE**  
COLORADO

# Proposed UDC Changes to Title 10

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## Planning Commission

Melinda Helmer, Business Operations Coordinator

April 15, 2026



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Planning Commission

**Board Meeting Date: 5/6/2026**

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**File #:** 2026-267, **Version:** 1

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**SUBJECT:**

Recognition of Commissioners Baham and Burns

**DEPARTMENT:** Planning & Development

**PRESENTER(S):** Kelly Driscoll, Deputy Director of Planning and Development

**TIME ESTIMATE:** 10 minutes

**FISCAL SUMMARY:** N/A

**POLICY ISSUES:**

Informational item.

**STAFF RECOMMENDATION:**

Informational item.

**SUMMARY/KEY POINTS**

- Resolution No. 22-062 appointed Kiley Baham to seat five, and Tim Burns to seat three on the Planning Commission on May 17, 2022.
- Commissioner Baham and Burns' terms go through May 17, 2026.
- Commissioner Burns served as Vice Chair from July 5, 2023, to September 6, 2023.
- Commissioner Burns served as Chair from September 6, 2023, to July 2, 2025.

**BACKGROUND OF SUBJECT MATTER:**

Kiley Baham and Tim Burns were appointed to four-year terms via Resolution No. 22-062, on May 17, 2022. The attached certificates recognize their four years of service in the Town of Erie as Planning Commissioners.

Commissioner Burns served as Vice Chair of the Planning Commission from July 5, 2023, to September 6, 2023. And Chair from September 6, 2023, to July 2, 2025.

**ATTACHMENT(S):**

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**File #:** 2026-267, **Version:** 1

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1. Resolution No. 22-062
2. Certificates of Recognition

**Town of Erie  
Resolution No. 22-62**

**A Resolution of the Board of Trustees of the Town of Erie  
Appointing Members to the Planning Commission**

**Whereas**, the Planning Commission currently has four vacancies, and has received applications for appointment from Town of Erie residents and interviews were conducted on May 3, 2022, by the Board of Trustees, and:

**Whereas**, the Board of Trustees has decided that the top four applicants, as determined via Rank Choice Voting, shall fill such vacancies.

**Now therefore be it resolved by the Board of Trustees of the Town of Erie, Colorado that:**

**Section 1.** The Board of Trustees hereby appoints the following members to the Planning Commission for the following terms:

Sherril Booth for a term of 4 years from May 17, 2022 through May 17, 2026

Tim Burns for a term of 4 years from May 17, 2022 through May 17, 2026


Chris Baham for a term of 4 years from May 17, 2022 through May 17, 2026

Kyle Switkowski for a term of 2 years from May 17, 2022 through May 17, 2024 (to fill a vacancy).

**Adopted this 17<sup>th</sup> day of May, 2022.**

  
\_\_\_\_\_  
Justin Brooks, Mayor

**Attest:**

  
\_\_\_\_\_  
Debbie Stamp, Deputy Town Clerk



*With Deepest Appreciation*

*Christopher Baham*

*This certificate is in recognition of your extensive hours of volunteer service and dedication to the*

*Planning Commission*

*Please accept our humble thanks and heartfelt appreciation*

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*Mayor Andrew J. Moore*



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*Interim Town Manager*

*Meredyth Muth*

*With Deepest Appreciation*

*Tim Burns*

*This certificate is in recognition of your extensive hours of volunteer service and dedication to the*

*Planning Commission*

*Please accept our humble thanks and heartfelt appreciation*

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*Mayor Andrew J. Moore*



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*Interim Town Manager*

*Meredyth Muth*