

# Article 2



## Administrative & Decision Making Bodies

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#### 2-100 Relationship to State Statutes and Adopted By-laws

The purpose of this Article is to provide an illustrative summary of the functions, responsibilities, and authority of various elected, appointed, and administrative officials and boards. In cases where regulations contained in this Article 2 conflict with regulations approved as part of a state statute, the state statute shall govern. In cases where regulations contained in this Article 2 conflict with the body's bylaws these regulations shall govern.

#### 2-200 Boulder County Board of County Commissioners

- A. Short Title
  - 1. The Boulder County Board of County Commissioners may also be referred to as the 'Board' or the 'Commissioners.'
- B. Selection and Term
  - 1. Each of the three members of the Board is elected by the registered voters of Boulder County in a general election. Although nominated from different districts, the Commissioners are selected through a county-wide vote.
  - 2. The term of each Commissioner is four years.
- C. Duties and Responsibilities
  - 1. Under state statute, the Board has the authority to adopt and amend zoning and Subdivision Regulations, specifically including, but not limited to, regulations regarding planned unit developments and areas and activities of statewide interest; enact ordinances compelling the removal of weeds and rubbish; adopt a building code; review service plans for proposed special districts; make decisions regarding ownership and maintenance of roads, as well as access to County roads based on the Transportation Standards; and enter into intergovernmental agreements to plan for and control land uses and development.
  - 2. The Board holds regularly scheduled meetings to take official action on these issues and any other matter which requires official Board action. Two members of the Board shall constitute a quorum necessary for official action.

## 2-300 Land Use Department Director

- A. Short Title
  - 1. The Land Use Department Director may also be referred to as the 'Director.'
- B. Duties and Responsibilities
  - 1. The Director is responsible for the administration of the Land Use Department, including, but not limited to, the processing of applications for comprehensive plan amendments, amendments to the land use regulations, and zoning and Subdivision Regulations approvals. The Director is authorized to enforce the County's zoning regulations under all applicable provisions of the County Planning Act such as C.R.S. §30-28-114, §30-28-124, and §30-28-124.5, to administer and enforce all provisions of the Land Use Code as provided therein, and to oversee the Boulder County Building Official in the administration of the County Building Code. In order to carry out these responsibilities, the Director also fulfills the roles of the Zoning Administrator and the Secretary to the Planning Commission and Board of Adjustment.

## 2-400 Boulder County Engineer

- A. Short Title
  - 1. The Boulder County Engineer may also be referred to as the 'County Engineer.'
- B. Duties and Responsibilities
  - 1. The County Engineer, is appointed by the Director of the Boulder County Transportation Department, and is responsible for the administration and/or enforcement of all floodplain and road access regulations, requirements, and provisions of this Code including, but not limited to, the Transportation Standards, floodplain development permits, letters of credit and performance guarantees, access, and right-of-way permits.

## 2-500 Boulder County Building Official

- A. Short Title
  - 1. The Boulder County Building Official may also be referred to as the 'Building Official.'
- B. Duties and Responsibilities
  - 1. The Building Official is responsible for the administration of the Boulder County Building Code, including, but not limited to, the issuance of building permits and conducting the necessary building inspections, the determination of hazardous or life threatening situations, and the withholding of building permits for the enforcement of zoning violations.

## 2-600 Boulder County Planning Commission

- A. Short Title
  - 1. The Boulder County Planning Commission may also be referred to as the 'Planning Commission.'
- B. Selection, Membership, and Term
  - 1. The Board of County Commissioners appoints nine Planning Commission members.
  - 2. All members must be residents of the County.
  - 3. The term of members is three years.
- C. Duties and Responsibilities
  - 1. The Planning Commission holds regularly scheduled meetings to take official action on rezoning requests, requests for approvals under the Subdivision Regulations, and special use applications, and to address any other related matters which require official Planning Commission action. The Planning Commission is responsible for the adoption of the Boulder County Comprehensive Plan and any amendments to that Plan.
  - 2. Five members of the Planning Commission shall constitute a quorum necessary for official action.
  - 3. The procedures followed by the Planning Commission are contained in Article 28 of Title 30, C.R.S., as amended, and in the official bylaws adopted by the Planning Commission.

## 2-700 Boulder County Long Range Planning Commission

- A. Short Title
  1. The Boulder County Long Range Planning Commission may also be referred to as the 'Long Range Planning Commission.'
- B. Selection, Membership, and Term
  1. The Long Range Planning Commission has 11 members; nine members appointed by the Board of County Commissioners and two members of the Planning Commission, selected by the membership of that body.
  2. All members must be residents of the County.
  3. The term of the nine Board appointed members is two years, while the term for the Planning Commission appointed members is one year.
- C. Duties and Responsibilities
  1. The Long Range Planning Commission is authorized to hold regularly scheduled meetings to discuss long range comprehensive planning matters brought to their attention by either the County Commissioners, Planning Commission, County staff, the public, or the membership of the Long Range Planning Commission.
  2. The procedures followed by the Long Range Planning Commission are contained in the official bylaws adopted by the Long Range Planning Commission.

## 2-800 Boulder County Board of Adjustment

- A. Short Title
  1. The Boulder County Board of Adjustment may also be referred to as the 'Board of Adjustment.'
- B. Membership, Selection, and Term
  1. The Board of County Commissioners appoints five regular Board of Adjustment members. Members of the Planning Commission may take the place of a regular Board of Adjustment member in the event of a temporary absence or vacancy; however, not more than two members of the Board of Adjustment may concurrently be members of the Planning Commission.
  2. All members must be residents of the County.
  3. The term of regular members is three years.
- C. Duties and Responsibilities
  1. The Board of Adjustment holds regular meetings to hear appeals of any order, requirement, decision, or determination made by the Land Use Director or County Engineer in administering or enforcing Article 4 related provisions (i.e., definitions in Article 18) of this Code, to hear appeals of the Director specified provisions of Article 12, and to consider certain variances from the requirements of Article 4 of this Code.
  2. The Board of Adjustment does not have the authority to grant any variance:
    - a. from uses permitted in the zoning district;
    - b. from the minimum lot size required or maximum gross density allowed in any zoning district;
    - c. from any definition;
    - d. from the height or yard requirements which may be obtained, or have been denied, through the approval of a special use;
    - e. which authorizes a substantial modification of a planned unit development or special use approved by the Board of County Commissioners; or
    - f. which will cause an increase in the base flood to occur.
    - g. from any provision of Article 12.
  3. In order for the Board of Adjustment to grant a variance, or to decide an appeal which overturns an official decision made in enforcing this Code, at least four members of the Board of Adjustment must vote in favor of the applicant or appellant.

## 2-900 Referral Agencies and Individuals

### A. Purpose

1. Any application to the Land Use Department is referred to the agencies responsible for the provision of services to or affected by the proposed development, and to individuals affected by the proposed development. The purpose of this referral is to define any conflict which the agencies or individuals may have with the proposal, and to allow for the resolution, to the extent possible, of these conflicts through the processing of the application.

### B. Responsibilities

1. It is the responsibility of the agency or individual receiving the referral to define any potential conflict with the proposal, or to provide other appropriate response to the application, and to return the referral response to the Boulder County Land Use Department within the specified time period. Any referral responses which are not received in a timely manner may not be included in the processing of the application. The lack of response to a referral shall be interpreted as no conflict with the proposal.