

**CHAPTER 2 \***  
**REVIEW AND DECISION-MAKING BODIES**

**§2.1 | Board of County Commissioners**

2.1.1 | Powers and Duties

The Board of County Commissioners' powers and duties under this Land Development Code are set out in this subsection.

- A. Land Development Code Amendments  
The Board of County Commissioners shall be responsible for reviewing Land Development Code amendment applications and for taking the final action to approve or deny such applications (see Section 3.3).
- B. Rezoning  
The Board of County Commissioners shall be responsible for reviewing rezoning applications and for taking the final action to approve, approve with conditions, or deny such applications (see Section 3.4).
- C. Administrative Reviews  
The Board of County Commissioners shall be responsible for hearing appeals of the Planning Director's decision on Administrative Reviews, and for taking the final action on such appeals (see Section 3.5).
- D. Major Subdivisions
  - 1. Concept Plans  
The Board of County Commissioners shall be responsible for reviewing appeals of Major Subdivision Concept Plan applications. (see Sec. 3.6.3).
  - 2. Final Plans  
The Board of County Commissioners shall be responsible for reviewing appeals of the Planning Director's decision on Major Subdivision Final Plans, and for taking the final action on such appeals (see Sec. 3.6.4).
- E. Planned Unit Developments
  - 1. Concept Plan and Rezoning  
The Board of County Commissioners shall be responsible for reviewing PUD Concept Plan and Rezoning applications, and for taking the final action to approve, approve with conditions, or deny such applications (see Section 3.7).
  - 2. PUD Final Plan  
The Board of County Commissioners shall be responsible for hearing appeals of the Planning Director's decision on PUD Final Plans and for taking the final action on such appeals (see Section 3.7).
- F. Conditional Use Permits  
The Board of County Commissioners shall be responsible for reviewing Conditional Use Permit applications and for taking the final action to approve, approve with conditions, or deny such applications (see Section 3.8).
- G. Vacations of Rights-of-Way  
The Board of County Commissioners shall be responsible for reviewing right-of-way Vacation applications and for taking the final action to approve, approve with conditions, or deny such applications (see Section 3.10).

H. Written Interpretations

The Board of County Commissioners shall be responsible for hearing appeals of the Planning Director's decision on Written Interpretations and for acting to uphold or overturn the Planning Director's decision (see Section 3.14).

§2.2 | Planning Commission

2.2.1 | Appointment

The Board of County Commissioners shall appoint a Planning Commission consisting of at least three (3) and no more than nine (9) members, plus three (3) alternates. The term of each member shall be three (3) years, and all terms of office shall be staggered so that approximately one-third of the members' terms expire each year. All members completing their terms shall serve until formally replaced by the Board of County Commissioners.

2.2.2 | Officers and Rules

The Board of County Commissioners shall adopt bylaws governing the election of officers and all other matters pertaining to the Commission's rules and procedures.

2.2.3 | Powers and Duties

The Planning Commission's powers and duties under this Land Development Code are set out in this subsection.

A. Master Plan Amendments

The Planning Commission has the statutory duty to adopt a Master Plan for unincorporated Mesa County. The Planning Commission shall be responsible for taking final action to approve, approve with conditions, or deny proposed text and map amendments to the Mesa County Master Plan (see Section 3.2).

**Commentary**  
Under Colorado Law, the Planning Commission, rather than the Board of County Commissioners, has the statutory duty to adopt and amend master plans.

B. Land Development Code Amendments

The Planning Commission shall be responsible for reviewing Land Development Code amendment applications, and for recommending that the Board of County Commissioners approve, approve with conditions, or deny such applications (see Section 3.3).

C. Rezoning

The Planning Commission shall be responsible for reviewing rezoning applications, and for recommending that the Board of County Commissioners approve, approve with conditions, or deny such applications (see Section 3.4).

D. Planned Unit Development Concept Plan and Rezoning Applications

The Planning Commission shall be responsible for reviewing PUD Concept Plan and Rezoning applications, and for recommending that the Board of County Commissioners approve or deny such applications (see Section 3.7).

E. Conditional Use Permits

The Planning Commission shall be responsible for reviewing Conditional Use Permit applications, and for recommending that the Board of County Commissioners approve, approve with conditions, or deny Conditional Use Permit applications (see Section 3.8).

F. Other Matters

The Planning Commission shall also have such duties as determined by the Board of County Commissioners. In addition, it shall have all the powers and duties provided for in the following Sections of C.R.S.: Article 28 of Title 30 (County Planning, Zoning, Subdivision); Article 65.1 of Title 24 (Areas of State Interest); Article 67 of Title 24 (Planned Unit Development); Article 20 of Title 29 (Local Government and Land Use Control Enabling Act), and Article 11 of Title 30.

G. Plan Implementation

The Planning Commission shall actively promote implementation of the Mesa County Master Plan, through its powers and duties as set out in this section.

§2.3 | Board of Adjustment

2.3.1 | Creation and Appointment

A Board of Adjustment is hereby created pursuant to C.R.S. Article 28 of Title 30 (County Planning, Zoning, Subdivisions). The Board of County Commissioners shall appoint a Board of Adjustment consisting of five (5) members and two (2) alternates, with representation to the extent possible from all segments of the County. Members shall be appointed by the Board of County Commissioners for terms of three (3) years, excluding any term served by appointment to fill a vacancy. Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners upon written charges and after a public hearing. Alternate members shall serve only in the absence of a regular member of the Board of Adjustment. All members completing their terms shall serve until formally replaced by the Board of County Commissioners.

2.3.2 | Officers and Rules

The Board of Adjustment shall adopt bylaws which shall govern the election of officers and all matters pertaining to the Board's rules and procedures.

2.3.3 | Powers and Duties

The Board of Adjustment's powers and duties under this Land Development Code are set out in this subsection.

A. Zoning Variances

The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Zoning Variance applications (see Section 3.12).

B. Accessory Dwelling Variances

The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions or deny applications to exceed the maximum size allowed by the Code for an accessory dwelling.

C. Appeals of Administrative Decisions

In all matters where appeal powers have not been specifically assigned to the Planning Commission or Board of County Commissioners, the Board of Adjustment shall be responsible for hearing appeals of administrative decisions and for taking the final action to uphold or overturn the administrative official's decision related only to the enforcement of the zoning requirements of this Land Development Code in Chapters 4 and 6 (see Section 3.15).

§2.4 | Floodplain Board of Appeals

2.4.1 | Creation and Appointment

A Floodplain Board of Appeals is hereby created. The Board of County Commissioners shall appoint a Floodplain Board of Appeals consisting of no more than seven members who are qualified by experience and training to pass on matters pertaining to regulation, such as hydrologists, hydro geologists, civil engineers, and hydrological engineers. Members shall be appointed by the Board of County Commissioners for terms of three years.

2.4.2 | Powers and Duties

The Floodplain Board of Appeals' powers and duties under this Land Development Code are set out in this subsection.

A. Floodplain Development Permits

The Floodplain Board of Appeals shall be responsible for hearing appeals of the Floodplain Administrator's decisions on Floodplain Development Permits, and for taking the final action to uphold or overturn the Floodplain Administrator's decision (see Section 3.9).

B. Floodplain Variances

The Floodplain Board of Appeals shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Floodplain Variance applications (see Section 3.13).

§2.5 | Floodplain Administrator

2.5.1 | Designation of Floodplain Administrator

The Public Works Director shall designate a staff person who shall serve as the Floodplain Administrator.

2.5.2 | Powers and Duties

The Floodplain Administrator's powers and duties under this Land Development Code are set out in this subsection.

A. Floodplain Development Permits

The Floodplain Administrator shall be responsible for reviewing Floodplain Development Permits to determine if the permit requirements of this Land Development Code have been satisfied and for acting to approve, approve with conditions, or deny such permits. In so doing, the Floodplain Administrator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by federal or state law.

B. Interpretations

The Floodplain Administrator shall be responsible for making interpretations regarding boundaries of the Flood Prone, Flood Fringe, and Floodway Districts.

C. Reports to Floodplain Board of Appeals

The Floodplain Administrator shall be responsible for preparing reports in support of the Floodplain Board of Appeals' hearings on appeals and Floodplain Variances.

D. Other Matters

The Floodplain Administrator other powers and duties are listed below:

1. The Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development or activities in flood hazard Zone A are administered in accordance with this Land Development Code.
2. In riverine situations, the Floodplain Administrator shall notify adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency. In such situations, the Floodplain Administrator shall also ensure that maintenance is provided within the altered or relocated portion of said watercourse so that flood carrying capacity is not diminished.
3. From all Floodplain Development Permit applicants, the Floodplain Administrator shall obtain and record the actual elevation of the lowest floor, including basement, of all new or substantially improved structures.
4. For new or substantially improved flood-proofed structures, the Floodplain Administrator shall obtain and record the actual elevation to which the structure has been flood-proofed and shall maintain all flood proofing certifications required by this Land Development Code.
5. The Floodplain Administrator shall maintain public records of all Floodplain Development Permits that have been approved or denied, which may in turn be submitted to the Federal Emergency Management Agency as required.
6. When a FEMA-mapped floodway has not been designated, the Floodplain Administrator must require that new construction, substantial improvements, or other development (including fill)

shall not be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (1/2) foot at any point within the community.

## §2.6 | Stormwater Administrator

### 2.6.1 | Designation of Stormwater Administrator

The Public Works Director shall designate a staff person who shall serve as the Stormwater Administrator.

### 2.6.2 | Powers and Duties

The Stormwater Administrator's powers and duties under this Land Development Code are set out in this subsection.

- A. Stormwater Construction Permits – The Stormwater Permit Administrator shall be responsible for reviewing Stormwater Construction permits to determine if the permit requirements of this Land Development Code have been satisfied and for acting to approve, approve with conditions, or deny such permits. In so doing, the Stormwater Administrator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by federal or state law.
- B. Reports to Board of County Commissioners – The Stormwater Administrator shall be responsible for preparing reports for the Board of County Commissioners hearings on appeals.

## §2.7 | Planning Director

### 2.7.1 | Powers and Duties

The Planning Director's powers and duties under this Land Development Code are set out in this subsection.

- A. Master Plan Amendments  
The Planning Director shall be responsible for reviewing proposed text and map amendments to the Mesa County Master Plan, and for preparing a report to assist the Planning Commission in their consideration of such applications (see Section 3.2).
- B. Land Development Code Amendments  
The Planning Director shall be responsible for reviewing Land Development Code amendment applications, and for preparing a report to assist the Planning Commission and the Board of County Commissioners in their consideration of such applications (see Section 3.3).
- C. Rezoning  
The Planning Director shall be responsible for reviewing rezoning applications, and for preparing a report to assist the Planning Commission and the Board of County Commissioners in their consideration of such applications (see Section 3.4).
- D. Administrative Reviews  
The Planning Director shall be responsible for reviewing Administrative Review applications, and for acting to approve, approve with conditions, or deny such applications (see Section 3.5).
- E. Major Subdivisions
  - 1. General Meeting  
The Planning Director shall be responsible for conducting General Meetings, for preparing a report and for advising the applicant on the preparation of Concept Plan applications.

2. **Concept Plan**  
The Planning Director shall be responsible for reviewing Concept Plan applications, and for the final action to approve, approve with conditions, or deny such applications (see Sec. 3.6.3).
  3. **Final Plan and Final Plat**  
The Planning Director shall be responsible for reviewing Final Plan and Final Plat applications, and for acting to approve, approve with conditions, or deny such applications (see Sec. 3.6.4).
  4. **Thirty-five Acre Parcels Created by Plat**  
The Planning Director shall be responsible for reviewing thirty-five acre parcels created by plat, for zoning and access requirements.
- F. **Planned Unit Developments**
1. **General Meeting**  
The Planning Director shall be responsible for conducting General Meetings, for preparing a report, and for advising the applicant on the preparation of the Concept Plan and Rezoning applications.
  2. **Concept Plan and Rezoning**  
The Planning Director shall be responsible for reviewing PUD Concept Plan and Rezoning applications, and for preparing a report to assist the Planning Commission and the Board of County Commissioners in their consideration of such applications (see Section 3.7).
  3. **PUD Final Plan**  
The Planning Director shall be responsible for reviewing PUD Final Plan applications and for acting to approve, approve with conditions, or deny the PUD Final Plan (see Section 3.7).
- G. **Site Plans**  
The Planning Director shall be responsible for reviewing Site Plan applications, and for acting to approve, approve with conditions, or deny such applications (see Section 3.5.11).
- H. **Conditional Use Permits**  
The Planning Director shall be responsible for reviewing Conditional Use Permit applications, and for preparing a report to assist the Planning Commission and Board of County Commissioners in their consideration of such applications (see Section 3.8).
- I. **Vacations**  
The Planning Director shall be responsible for reviewing Vacation applications, and for preparing a report to assist the Board of County Commissioners in their consideration of such applications (see Section 3.10).
- J. **Administrative Adjustments**  
The Planning Director shall be responsible for reviewing Administrative Adjustment applications, and for acting to approve, approve with conditions, or deny such applications (see Section 3.11).
- K. **Zoning Variances**  
The Planning Director shall be responsible for reviewing Zoning Variance applications, and for preparing a report to assist the Board of Adjustment in its consideration of such applications (see Section 3.12).
- L. **Written Interpretations**  
The Planning Director shall be responsible for issuing Written Interpretations of the provisions of this Land Development Code (see Section 3.14).

## CHAPTER 2 | REVIEW & DECISION-MAKING BODIES

### M. Appeals of Administrative Decisions

The Planning Director shall be responsible for preparing reports to assist the Board of Adjustment or Board of County Commissioners in the consideration of appeals related to the enforcement of the zoning requirements of this Land Development Code in Chapters 4 and 6 (see Section 3.15).

### N. Other Matters

The Planning Director shall also have those powers and duties designated by the Board of County Commissioners, including the following:

1. Keeping copies of each application filed, each plat submitted, and each development permit issued, filed by legal description of the land to which the development permit applies, and also by name of applicant;
2. Providing professional planning staff assistance to the Board of Adjustment, Planning Commission, and Board of County Commissioners;
3. Conducting short term planning studies and analysis to aid in the orderly development of the County; and
4. Engaging in activities designed to improve the economic development of the County. Including: grant applications and administration; policy analysis and recommendation; and functional planning (open space, transportation, utility and energy facility planning).

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**