

**SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 16: Bylaws**

DEVELOPMENT CODE REVISIONS CHAPTER 16¹			
CASE #	RESO #	SECTION/DESCRIPTION	DATE
		Regional Planning Commission Bylaws	March 9, 1987 (original date of adoption) Amended October 15, 1991 Amended March 26, 2001 Amended March 11, 2002 Amended May 22, 2007
		Board of Adjustment Bylaws	May 26, 1987 (original Date of Adoption) Amended June 13, 1988 Amended October 15, 1991 Amended March 26, 2001 Amended March 11, 2002 Amended December 15, 2003 Amended May 22, 2007
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¹ The Sections referenced above were the Sections in effect at the time the Development Code was amended. Subsequent amendments to the Development Code may have resulted in section numbers being modified and may no longer be applicable.

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16000: REGIONAL PLANNING COMMISSION BYLAWS

16001: Establishment of Regional Planning Commission, Duties and Membership

The Countywide Planning Commission and the Basin Planning Commission bylaws are hereby established as provided by Colorado Revised Statutes (“C.R.S.”) 30-28-105 et seq. for the unincorporated area of Summit County. The Countywide Planning Commission and the Basin Planning Commissions shall have all the duties and responsibilities of a county planning commission pursuant to C.R.S. 30-28-101 et seq. for the unincorporated area of Summit County, Colorado. The Countywide Planning Commission and the Basin Planning Commissions shall have all the duties and responsibilities as outlined in the Summit County Land Use and Development Code (“Development Code”).

The Countywide Planning Commission shall consist of nine (9) regular members, and may have up to two alternate members, with the alternate members serving as a regular member when a regular member is absent. Of the nine (9) regular members, there shall be one representative from each of the four Basin Planning Commissions. There shall also be five (5) “at-large” members appointed by the Board of County Commissioners (“BOCC”).

- A. Basin Planning Commissions basin boundaries are established in Chapter 2 of the Development Code (“Development Code”). The membership of each Basin Planning Commission shall be composed as follows:
1. **Lower Blue Planning Commission:** shall consist of seven regular members, and may have a maximum of two alternative members¹. Any town located within the Lower Blue Planning Basin, as defined by Chapter 2 of this Code, which is party to the Regional Planning Commission IGA shall appoint one member as provided for herein. All other members shall be “at-large” members².
 2. **Snake River Planning Commission:** shall consist of seven regular members, and may have a maximum of two alternative members¹. Any town located within the Snake River Planning Basin, as defined by Chapter 2 of this Code, which is party to the Regional Planning Commission IGA shall appoint one member as provided for herein. . All other members shall be “at-large” members².
 3. **Ten Mile Planning Commission:** shall consist of seven regular members, and may have a maximum of two alternative members¹. Any town located within the Ten Mile Planning Basin, as defined by Chapter 2 of this Code, which is party to the Regional Planning Commission IGA shall appoint one member as provided for herein. All other members shall be “at-large” members².
 4. **Upper Blue Planning Commission:** shall consist of seven regular members, and may have a maximum of two alternative members¹. Any town located within the Upper Blue Planning Basin, as defined by Chapter 2 of this Code, which is party to the Regional Planning Commission IGA shall appoint one member as provided for herein. All other members shall be “at-large” members².

16002: Terms for the Countywide Planning Commission and Basin Planning Commissions

Initial terms for new Commission members shall be for one year. All other membership terms for the RPC shall be of three years duration, beginning on April 1 of the year of appointment. The maximum total term in office shall be twelve consecutive years, subject to reappointment by the Board subject to Section 4 below. Terms of office for the Countywide Planning Commission and the Basin Planning Commissions shall be staggered so that approximately one-third of the members’ terms expire each year. Vacancies within a member’s term shall be filled for the remainder of the term.

¹ Alternate members may serve as a regular member when a regular member is absent.

² “At-large” members can live within a town within the basins or within the unincorporated area of the basin.

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16003: Qualifications

Each member, including alternates, must be a resident of Summit County for at least one year prior to appointment. To qualify as a resident of Summit County, the residence of a person shall be the location of the principal or primary home or place of abode of that person. In determining what is the principal or primary place of abode of a person, the following circumstances relating to the person shall be taken into account: business pursuits, employment, income sources, residence for income or other tax purposes, voter registration, existence of any other residences and the amount of time spent at each residence, motor vehicle registration, and the provisions of Colorado Revised Statute Section 1-2-102, as it may be amended from time to time.

A Basin Planning Commission member shall reside within the boundaries of the basin under the jurisdiction of the respective commission of which he or she is a member, the boundaries of which are defined by Chapter 2 of the Development Code.

16004: Method of Nomination and Appointment

Commission members shall be nominated and appointed according to the following procedures:

- A. **Solicitation for RPC Members:** When a vacancy occurs or when terms are expiring, the Planning Department shall notify the BOCC and advertise the vacancy and selection process at least one time in a newspaper of general circulation in the County. When the vacancy is for a town representative, the Planning Department shall notify the town of the vacancy and opportunity for the town to solicit candidates to submit applications to the County for the town appointment as provided for hereunder.
- B. **Advising Applicants During Selection Process:** It shall be the responsibility of the Planning Department to advise applicants of the time commitment required of planning commissioners for the review of staff reports and regular attendance at meetings. Applicants shall indicate their ability to meet this commitment prior to consideration of their candidacy by the BOCC.
- C. **Interviews:** If an RPC member does not want to be re-appointed, resigns, or if a member is removed by the BOCC as provided for in the commission Bylaws, the commission on which the departing member was seated shall interview all applicants for such vacancy at a regular meeting, special meeting or worksession. Such commission shall forward a recommendation on the appointment to the BOCC. The BOCC may interview any or all applicants prior to making an appointment. If an existing commission member is an applicant for a vacancy, only the BOCC will interview for such a vacancy rather than the RPC.
- D. **Appointment of Town Representatives:** When a vacancy exists or when terms are expiring for town representative positions, the solicitation of new members and advisement of candidates during the selection process shall be in accordance with provisions outlined above in subsections A and B. Additionally, the BOCC shall interview all applicants for town representatives and provide the town with one or more nominees for consideration by the town for appointment. Upon receipt of the list of nominees for town appointment, the town shall make the final appointment from the list of nominees provided from the Board in a timely manner. In the event that a town does not appoint any of the County nominees, the Board shall forward other nominees or may initiate efforts to solicit and interview additional candidates to nominate and present to the town for its consideration.
- E. **BOCC Appointment of Members:** The BOCC shall make an appointment as soon as practicable after the close of the application period. In making appointments to the RPC and in nominating town representatives as provided in subsection D, the BOCC shall strive to select individuals with varying professional and civic backgrounds from different geographic areas (i) within the County for the Countywide Planning Commission, and (ii) within each basin for the individual basin planning commissions.
- F. **Annual Review of Membership:** All members whose terms are expiring shall be notified in December prior to the expiration of the term and invited to re-apply. All terms which are expiring shall be advertised and appointments made pursuant to Subsections (A) and (B) above.

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G. **Oath of Office:** Prior to appointment, each candidate shall receive a copy of the Oath of Office for a planning commissioner. After appointment by the BOCC or towns, new members of a commission shall sign the Oath of Office prior to exercising the duties of a planning commissioner. The Oath of Office shall include a commitment to comply with any Code of Conduct adopted by the BOCC and to comply with the adopted bylaws for the RPC.

16005: Meetings

The Countywide Planning Commission and the Basin Planning Commissions shall hold regular monthly meetings at a place and time determined by each commission on the following days:

Countywide Planning Commission - First Monday of each month
Lower Blue Planning Commission - First Thursday of each month
Ten Mile Planning Commission - Second Thursday of each month
Snake River Planning Commission - Third Thursday of each month
Upper Blue Planning Commission - Fourth Thursday of each month

Any meeting date which falls on a holiday, or any meeting cancelled because a quorum could not be assembled for scheduled public hearings or new business items, shall be rescheduled by the Planning Department on behalf of a planning commission.

A regular commission meeting shall be cancelled if no business is scheduled for discussion. The Planning Department shall notify commission members if a meeting is to be cancelled.

Special meetings of a Basin Planning Commission, and meetings of the Countywide Planning Commission, can be scheduled by the chairman of a commission, by a commission itself or by the Planning Department as necessary. All meetings shall be open to the public and noticed in accordance with these Bylaws and the requirements of the Development Code.

16006: Election of Officers

Each Basin Planning Commission and the Countywide Planning Commission shall elect a chairman and a chairman pro tem (vice-chairman) by a formal motion each year at the commission's first regular meeting on or after April 1. The chairman and chairman pro tem shall serve for a one year term, and may be reelected for additional terms up to a total of four consecutive years for a specific office. If the chairman or the chairman pro tem are not attending a commission meeting, or cannot participate due to a conflict of interest, the commission shall appoint an interim chairman to run the meeting by a motion.

When a term for a Basin Planning Commission seat is expiring on the Countywide Planning Commission, the effected Basin Planning Commission shall recommend a member to serve as the basin representative to the Countywide Planning Commission. The recommendation for the Countywide Planning Commission appointment shall be forwarded to the BOCC who will make the appointment. The recommendation may include an individual or ranking of members as may be determined by the Basin Planning Commission.

16007: Formation of Committees

A Regional Basin Planning Commission or the Countywide Planning Commission may form citizen committees to examine particular issues, to conduct research and develop recommendations on matters of concern to the commission, or assist the commission in carrying out its duties. The purpose of such committees shall be to encourage greater involvement of citizens in the planning process, and to utilize individuals having special expertise and an interest in their community. Work requested of any committee shall be performed by its members, and shall

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not involve support from County staff unless such support is approved by the BOCC.

16008: Quorum and Vote

A majority of the regular membership of a planning commission shall constitute a quorum for the conduct of public hearings or taking action on any agenda items. A quorum is not necessary for a commission to conduct worksessions, continue agenda items or to talk about discussion items. Action may be taken by a majority of those present provided, however, that adoption of a master plan shall require the affirmative vote of a majority of the entire membership of the particular commission. For purposes of determining if a quorum is present, an alternate shall be counted when that member is serving as a regular member. In cases of a tie vote, the decision shall be deemed a denial of the motion before the commission. Other motions can be made on an application, and if a commission still has a tie vote after three (3) motions, the tie vote will be considered a denial of the application before a commission. Proxies cannot be used for any purpose. If a planning commission cannot maintain a quorum due to a member(s) inability to participate due to a conflict of interest, any public hearing or new business agenda item shall be continued to the next available meeting. If a quorum cannot be achieved because a commission member(s) has a conflict of interest on an agenda item, such member(s) may vote notwithstanding the conflict in order to achieve a quorum. Such conflict shall be disclosed on the record and, if the conflict involves a financial conflict of interest as described in Section 24-18-109, Colorado Revised Statutes (C.R.S.), the conflict shall also be disclosed in writing to the Colorado Secretary of State as provided in Section 24-18-110, C.R.S. prior to the member's participation. The record of voting on items shall indicate any planning commissioner(s) that abstained due to a conflict of interest.

A commission member may not vote on minutes for a meeting a member did not attend. A member may not vote on a project which has been heard at a series of meetings, where that member has not been present at all meetings where the project was considered unless that member has listened to the recording of the meetings(s) from which they were absent.

16009: Notice and Minutes of Meetings

In addition to any specific notice for individual items required by applicable statute, resolution or regulations, each commission shall post the agenda of its regular meetings and any special meetings in a designated public place within the County's facilities unless other locations are approved by the Countywide Planning Commission or a Basin Planning Commission, with such agendas posted no less than twenty-four hours prior to the meeting. The public place or places for such posting shall be determined by a commission at its first regular meeting of each calendar year. If a commission fails to designate the public place(s) for the required posting at its first regular meeting, these Bylaws hereby establish that a commission's agenda will be posted on the public bulletin boards in the Old County Courthouse and the County Commons Building. The Planning Department shall also make a good-faith effort to post the Countywide Planning Commission's and the Basin Planning Commission's initial agendas for its regular meetings in a newspaper of general circulation in the County at least five days before the meeting. However, failure to publish a commission's agenda as described herein shall not provide grounds for a challenge to the meeting or invalidate any action taken.

Each commission shall keep a recording and a written summary of motions for each of its regular meetings and any special meetings. The summary of motions shall be prepared by the Planning Department, and presented to the appropriate commission for approval. The summary of motions shall include but not be limited to: members attending the meeting, members absent from the meeting, time the meeting started, any action taken on previous summary of motions, the board members who had dissenting votes when a majority makes a decision on an application, and any board member who abstained from hearing an agenda item and the reason for such. The recordings and approved summaries of motions shall be maintained as public records in the Planning Department. If a technical failure occurs in the recording of a meeting, including but not limited to electrical shorts, broken equipment, bad recordings and power failure, the failure to record a meeting due to such technical failure shall not necessarily provide grounds for a challenge to the meeting or invalidate any action taken. Any known technical

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failures shall be documented in a commission's summary of motions.

16010: Notice and Conduct of Site Visits, Work Sessions

The following procedures shall be used in giving notice of commission site visits, work sessions, discussion items, and consent agenda, and how these sessions are conducted:

A. **Site visits:** Visits by a planning commission to a project site are for the purpose of acquainting commissioners with its physical layout, its relation to surrounding properties and uses, to help them in visualizing the proposed development project and in identifying possible impacts. Site visits may be scheduled after a project has been submitted for review but before the commission's meeting, at the discretion of the Planning Department; or a commission may request a site visit be scheduled after considering a project but before rendering a decision. The Planning Department, and not the applicant, is responsible for scheduling site visits for a planning commission. Site visits scheduled and conducted by the Planning Department are not considered ex parte contacts {see Section 7}. Applicants shall be notified of site visits to their project site, and such visits shall be open to them and to any member of the public. In addition, notice of site visits shall be given by one of the following methods:

1. Notice may be published in a newspaper of general circulation at least five days prior to the visit; or
2. Site visits to projects which will be discussed at a particular commission meeting may be listed on that meeting's agenda, and the agenda is posted in accordance with the provisions of these bylaws; except that, if a commission continues its discussion of a project for the purpose of conducting a site visit, and the commission announces the date, location and time of the visit at the meeting when the item is continued, then no additional notice is required.

Individual members may visit sites on their own with or without staff present, provided no applicants or other representatives of the applicant are present. No notice of individual member's site visits is required.

If any relevant information is obtained and considered by a member as a result of any site visit, but such information has not been discussed at the public hearing, such information shall be disclosed prior to any decision so that all participants at such hearing may be confronted with all facts that influence the disposition of the case and have an opportunity to respond.

- B. **Work sessions:** Work sessions provide an opportunity for project proponents to obtain informal comments from a planning commission on development proposals and possible alternatives; or for a commission and the planning staff to discuss policy issues. No formal action is taken at work sessions because such an application is not a formal development application. As such, nothing expressed by a planning commission or the planning department can be considered to provide any guarantees, warranties, approvals or be binding in any nature. The purpose of a work session is merely to provide a project proponent an informal opportunity to discuss potential issues and concerns of a general nature with a planning commission prior to submitting a formal application. Work session items may be included on a regular meeting agenda or a special meeting may be called. Work session items shall be recorded in the same manner as regular items before a commission. The Planning Department shall include a written summary of the issues discussed and any direction given in the commission's summary of motions.
- C. **Discussion Items:** Discussion items provide an opportunity for a commission to discuss planning issues and provide informal comments. Since these sessions are for discussion purposes and not decision making, no formal notice is required other than being listed on the Commission's agenda.
- D. **Consent Agenda:** The Commission may, at any regularly scheduled meeting, establish a consent agenda at a point established in the regular meeting agenda. Matters called up on the consent agenda may be considered in gross or without debate or amendment, subject to the process for more detailed review and consideration of any particular item on such consent agenda should such review be necessitated in accordance with the process set forth below in Section 14.D of these bylaws.

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16011: Procedural Rules on Ethics and Conflict of Interest

Each of the commissions may adopt such rules as it deems appropriate to govern the conduct of its business. All planning commissioners shall abide by the applicable sections of the Standards of Conduct Act pursuant to C.R.S. 24-18-101, et seq., as amended. The holding of office on the Countywide Planning Commission and/or a Basin Planning Commission is a public trust, created by the confidence which the electorate reposes in the integrity of public offices. Therefore, the each commission member shall carry out duties for the benefit of the people of Summit County. A commission member shall not depart from the fiduciary duty to the residents of Summit County. In addition, planning commissioners shall abide by the following rules of conduct:

A. Conflict of Interest:

1. Definition of conflict of interest: commission members have the right and the obligation to vote on all questions before the board and to participate in the business of the board, except when a conflict of interest as defined in C.R.S.24-18-109 et seq., as amended, exists, or if an inability to participate in the decision exists as otherwise provided by law (bias, appearance of impropriety, etc.).
2. The BOCC has also determined that it is a conflict of interest for a member(s) to participate in an agenda item when that member provides referral agency comments to the Planning Department for the subject agenda item or when that member has otherwise drafted or created rules, regulations, or policies that are being used by such referral agencies to make comments on an agenda item under consideration.
3. The requirement in subsection (2) above shall not apply to town council members, town planning commissioners or board members of special districts within the County.
4. Responsibility for notification of potential conflict: Whenever a planning commission is considering a matter which raises a question of conflict of interest for a particular commission member, the commission member is responsible for contacting the Planning Department prior to the meeting, if possible, to alert the staff to their situation. If, in the staff's opinion, there is a potential conflict of interest, the County Attorney may be asked for an official opinion which shall be provided to the member prior to the meeting. Members are responsible for determining when a conflict of interest exists. Members are also responsible for alerting the planning commission chairman of the situation prior to commencement of the meeting if possible.
5. Conduct at meetings for commissioners having conflict of interest: If a commissioner has a conflict of interest on a particular item, the commissioner shall explain to the commission and the public in attendance of the conflict of interest, and shall retire to the back of the meeting room and not attempt to influence the decisions of the other members of the commission. The abstaining member shall not participate in either the discussion or voting on the item.
6. Minimizing conflicts: It is intended that situations resulting in conflict of interest for commission members be minimized. If, in the opinion of the BOCC, the Planning Department or the County Attorney, a commission member fails to abide by the standards for conflict of interest as stated herein, the member may be asked to appear before the BOCC to explain the situation. The BOCC may remove the member from the planning commission for failure to abide by the standards for conflict of interest.

B. Ex parte Contacts: Ex parte contacts are contacts between individuals seeking to influence the decisions of a planning commission and individual commission members outside the meeting forum. Such contacts include visits to sites proposed for development by one or more commissioners and the proponent of the development when they are unaccompanied by County planning staff and no prior public notice or announcement of the visit is given; meetings with project proponents separate from commission meetings; or telephone calls or letters which attempt to influence a commissioner's opinion on a project which will be subject to the commissioner's vote.

1. Planning commission members shall attempt to avoid ex parte conversations and communications concerning quasi-judicial proceedings of the planning commission. Should any such ex parte contacts occur where relevant information is obtained and considered by a planning commissioner, the ex parte contact and information obtained shall be disclosed at the public hearing or meeting so that participants at such hearing may be confronted with all facts that influence the disposition of the case and have an opportunity to respond.

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- C. **Rules of Ethics and Standards of Conduct:** Should the BOCC adopt separate rules of ethics or standards of conduct for commission members, each member shall abide by such rules or standards.
- D. **Open Meetings:** Meetings of the planning commission, including site visits and worksessions shall be open to the public pursuant to C.R.S. 24-6-401 et seq., except as provided by law. A commission may meet in Executive Session as allowed by law.
- E. **Open Records:** Information presented to the planning commission in carrying out its responsibilities, records of its meetings, and any other material resulting from the conduct of its activities shall be kept on file in the Planning Department, and shall be available for inspection by the public upon reasonable request, except as provided by law.

16012: Staff and Expenses

The County shall provide necessary staff support and supplies to the commissions and, within the amounts budgeted and appropriated for such staff and expenses, and pay all budgeted and approved expenses incurred.

16013: Removal

Any member of the planning commission may be removed from office by the BOCC for failure to attend regular meetings or otherwise failing to discharge the duties as a member, failing to abide by the rules for conduct of members, or ceasing to be a resident of the County or of the basin they represent. A member of the planning commission may also be removed if, because of personal, business or professional ties, a member is rendered ineffective as a commission member because that member is unable to participate in decisions on a substantial share of the matters before the commission due to conflict of interest, or due to the number of meetings missed. No planning commissioner shall be removed without first receiving confidential notice from the BOCC, and having an opportunity to discuss the situation with the BOCC.

16014: Conduct of Hearings

Where an individual has filed an application with a Basin Commission or the Countywide Planning Commission, and such application requires a public hearing, consideration of such shall be considered a quasi-judicial matter and shall be conducted as a public hearing in accordance with all applicable Colorado law, and with the following general process:

- A. **Call the Meeting to Order:** The chairman, vice-chairman or interim chairman shall call the meeting to order.
- B. **Review of Summary of Motions:** A commission shall make a decision on any summary of motions from the previous meeting(s).
- C. **Additions, Deletions, Changes of Order to the Agenda:** The Commission may determine if any additions, deletions or changes of order should occur.
- D. **Consent Agenda:** The Commission shall note the existence of any and all consent agenda items on the consent agenda portion of the agenda for a regularly scheduled meeting. Such matters listed on the consent agenda shall be taken up in order, unless properly objected to, in which case they are restored to the ordinary process by which they are placed in line for consideration on the regular agenda.
- E. **Opening Agenda Items:** For public hearings, consent agenda, new business, worksession or discussion items on the agenda, the chairman, vice-chairman or interim chairman of a commission will open the hearing or discussion on such items, with the following process generally used:
 - 1. **Planning Department Presentation:** The Planning Department shall present a verbal report to the commission.
 - 2. **Commission Questions of Staff:** A commission can ask any questions of staff.
 - 3. **Applicant Presentation:** The project proponent shall be afforded an opportunity to present the merits of the project to a commission.

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4. **Commission Questions of the Applicant:** A commission can ask any questions of the proponent.
5. **Public Testimony:** The chairman, vice-chairman or interim vice-chairman shall open the public hearing or agenda item to the public for comments.
6. **Staff or Applicant Follow-up:** The chairman, vice-chairman or interim vice-chairman shall allow any staff or proponent comments to address specific issues raised by the public comments.
7. **Commission Comments:** Each commission will provide individual comments on the agenda item.
8. **Motion:** A commission will make a motion on each public hearing, new business or consent agenda item based on the criteria for decision outlined in the Development Code. A commission can make a motion to continue, approve, deny or table an agenda item depending upon any time limits established in the Development Code or State Statutes. If a statutory or Development Code time limit for a decision is reached, and a project proponent does not agree to tabling or continuing the agenda item, a commission shall either approve or deny the project with specific findings according to the required criteria for approval, along with any associated conditions for such. A motion to continue an agenda item to a certain date, time and location does not require any additional notice other than listing such continued item on the applicable meeting agenda.

16015: Countywide Planning Commission Communication with Municipalities

The Planning Department is primarily responsible for soliciting input on proposals before the Countywide Planning Commission from the municipalities in the County. The Planning Department shall send out referrals and other communication as is deemed necessary to the municipalities in the County. A Basin Planning Commission representatives on the Countywide Planning Commission is also responsible to provide towns within their basin with regular updates pertaining to the activities of the Countywide Planning Commission relative to the Commission's endeavors.

16016: Repeal

All previous bylaws or rules of procedure established for the Summit County Regional Planning Commission are hereby repealed and superseded.

16017: Severability

If any part of these bylaws is for any reason held invalid, such shall not affect the remainder of these bylaws.

16018: Effective Date

These bylaws shall be effective upon adoption by the BOCC . The validity of decisions rendered by the Countywide Planning Commission or a Basin Planning Commission prior to adoption of these bylaws shall not be affected by any inconsistencies with the provisions of these bylaws.

16100: BOARD OF ADJUSTMENT BYLAWS

16101: Establishment and Membership

The County Board of Adjustment ("BOA") bylaws are hereby established as provided by CRS 30-28-117 for the unincorporated area of Summit County. The BOA shall consist of five regular members and may have a maximum of two alternate members, appointed by the Board of County Commissioners ("BOCC"). Not more than half of the regular members and not more than half of the alternates appointed to the BOA may be at any time members of a Regional Basin Planning Commission.

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16102: Terms for BOA Members

Initial terms for new BOA members shall be for one year. All other membership terms for the BOA shall be of three years duration beginning on April 1 of the year of appointment. The maximum total term in office shall be twelve consecutive years, subject to reappointment by the BOCC pursuant to Section 3 below. Terms of office for BOA members shall be staggered so that approximately one-third of the member's terms expire each year. Vacancies within a member's term shall be filled for the remainder of the term.

16103: Appointment of BOA Members by the BOCC

- A. **Selection Procedure:** If a vacancy occurs or a term is expiring among the regular or alternate members of the BOA, an advertisement inviting applications for serving on the BOA shall be placed in at least one newspaper of general circulation in the County, allowing at least three weeks for applications. Candidates shall submit a letter of application or resume describing their qualifications and indicating how long they have been a resident of the County.
- B. **Appointment:** The BOCC shall make an appointment as soon as practicable after the close of the application period. The BOCC may conduct interviews of candidates, if the County Commissioners desire, prior to making an appointment. In making its appointments, the BOCC shall attempt to have represented the different geographic areas within the County and a variety of professional and civic backgrounds or concerns.
- C. **Interviews:** If a member does not want to be re-appointed, resigns, or if a member is removed by the BOCC as provided for in these bylaws, the BOA shall interview all applicants for a true vacancy at a regular meeting, special meeting or worksession. The BOA shall forward a recommendation on the appointment to the BOCC. The recommendation may include one individual or a ranking as may be determined by the BOA. If all members of the BOA want to be re-appointed when their terms are expiring, no interviews by the BOA will occur and interviews of members who want to be reappointed may be conducted by the BOCC.
- D. **Advising Candidates During Selection Process:** It shall be the responsibility of Planning Department to advise candidates applying for appointment to the BOA of the commitment required in terms of time needed for the review of staff reports and regular attendance at meetings or special meetings. Candidates shall indicate their ability to meet this commitment prior to consideration of their candidacy by the BOCC. Each new BOA member shall receive a copy of these bylaws upon appointment by the BOCC.
- E. **Oath of Office:** Prior to appointment, each applicant or re-appointed members of the BOA shall receive a copy of the Oath of Office. After appointment by the BOCC, each member shall sign the Oath of Office prior to exercising the duties of a BOA member.
- F. **Review of Bylaws:** Prior to appointment to the BOA, each member shall receive a copy of these bylaws.
- G. **Annual Review of Membership:** All BOA members whose terms are expiring shall be notified in December prior to the expiration of a term and invited to reapply. All terms which are expiring shall be advertised and appointments made pursuant to Subsection A above.

16104: Qualifications

Each member, including alternates, must be a resident of Summit County for at least one year prior to appointment. To qualify as a resident of Summit County, the residence of a person shall be the location of the principal or primary home or place of abode of that person. In determining what is the principal or primary place of abode of a person, the following circumstances relating to the person shall be taken into account: business pursuits, employment, income sources, residence for income or other tax purposes, voter registration, existence of any other residences and the amount of time spent at each residence, motor vehicle registration, and the provisions of Colorado Revised Statute Section 1-2-102, as it may be amended from time to time.

16105: Removal of BOA Members

Any member of the BOA may be removed for cause by the BOCC. Reasons for removal of a member may include

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but are not limited to failure to attend regular meetings or otherwise failing to discharge the duties as a member, failing to abide by the rules of conduct of members, or ceasing to be a resident of the County. A member of the BOA may also be removed if, because of personal, business or professional ties, that member is rendered ineffective as a BOA member because a member is unable to participate in the decisions on a substantial share of the matters before the BOA due to a conflict of interest, or due to the number of meetings missed.

16106: Election of Officers for BOA

The BOA shall elect a chairman and a chairman pro tem each year at its first regular meeting on or after April 1. The chairman and chairman pro tem shall serve for a one-year term, and may be reelected for additional terms up to a total of four consecutive years for a specific office. If the chairman or vice-chairman cannot attend the meeting, or cannot participate due to a conflict of interest, the BOA shall elect an interim chairman.

16107: Scheduling of Meetings

The BOA shall have a schedule of regular monthly meetings at a place and time as established by the Planning Department. Special meetings shall be called either by the chairman, the BOA or by the Planning Department as deemed necessary. All meetings of the BOA shall be open to the public pursuant to C.R.S. 24-6-401 et seq. and noticed in accordance with these bylaws and the requirements of the Summit County Land Use and Development Code ("Development Code").

Any meeting date which falls on a holiday, or any meeting cancelled because a quorum could not be assembled for scheduled public hearings or new business items, shall be rescheduled by the Planning Department on behalf of the BOA. A regular BOA meeting shall be cancelled if no business is scheduled for discussion. The Planning Department shall use its best efforts to notify BOA members if a meeting is to be cancelled.

16108: Powers of the BOA

The BOA has the following powers with respect to appeals:

- A. **Review of Planning Department decisions on:**
 1. Administrative Relief
 2. Use Determinations; and
 3. Application and Interpretation of County Zoning Regulations.
- B. **Official Zoning Map Interpretations:** The BOA shall hear and decide, in accordance with the provisions of the County's Development Code, requests for interpretation of the zoning district boundaries when a property owner does not agree with the interpretation of the Planning Department.
- C. **Decisions on Other Special Questions:** The BOA is also authorized to make decisions on other special questions, or variances as may be authorized by the Development Code.
- D. **Variances from Zoning Regulations Other than Floodplain Regulations and Sign Regulations:** The BOA shall hear and decide, in accordance with the considerations, criteria and findings contained the Development Code, requests for variances from the County's Zoning Regulations, related design standards and other site plan requirements.
- E. **Exceptions to Floodplain Regulations:** The BOA shall hear and decide, in accordance with the considerations, criteria and findings contained the Section 4100 et seq. of the County's Development Code, requests for variances from the County's Floodplain Regulations. The BOA shall hear and decide, in accordance with the criteria contained in Section 4100 et seq. of the Development Code, appeals of any requirement, decision or determination made by the County Engineer in the administration or enforcement of the County's Floodplain Regulations.
- F. **Exceptions to Sign Regulations:** Requests for variances from the County's Sign Regulations, or appeals of any requirement, decision or determination made by the Planning Department in the administration or enforcement of the County's Sign Regulations.

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- G. **Review of Administrative Decisions:** The BOA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the administration or enforcement of the County's Zoning Regulations, except where such appeal authority is granted to another body by the provisions of the Development Code.

16109: Time and Form of Appeals and Variance Applications

The time within which appeals and variance applications shall be made, and the form and procedure for filing of appeals shall be as specified in the County's Development Code.

16110: Notice and Minutes of Meetings

In addition to any specific notice for individual items required by applicable statute, resolution or the County's Zoning Regulations, the BOA shall post the agenda of its regular meetings and any special meetings in a designated public place within the County's facilities unless other locations are approved by the BOA, with such agendas posted no less than twenty-four hours prior to the meeting. The public place or places for such posting shall be determined by the BOA at its first regular meeting of each calendar year. If the BOA fails to designate the public place(s) for the required posting at its first regular meeting, these Bylaws hereby establish that the BOA's agenda will be posted on the public bulletin boards in the Old County Courthouse and the County Commons Building. The Planning Department shall also make a good-faith effort to publish the BOA's initial agenda for its regular meetings in a newspaper of general circulation in the County at least five days before the meeting. However, failure to publish the BOA's agenda as described herein shall not provide grounds for a challenge to the meeting or invalidate any action taken.

The BOA shall keep a recording and written summary of motions for each of its regular meetings and any special meetings. The summary of motions shall be prepared by the Planning Department and shall include but not be limited to: the board members attending the meeting, the board members not attending the meeting, time the meeting started, the board members who had dissenting votes when an application is acted on by a majority of the BOA members, and any board member who abstained from hearing the variance or voting and the reason for such. The summary of motions shall be presented to the BOA for approval as to accuracy. The recordings and approved summaries of motions shall be maintained as public records in the Planning Department. If a technical failure occurs in the recording of a meeting, including but not limited to electrical shorts, broken equipment, bad recordings and power failure, the failure to record a meeting due to such technical failure shall not necessarily provide grounds for a challenge to the meeting or invalidate any action taken. Any known technical failures shall be documented in the BOA's summary of motions.

16111: Notice and Conduct of Site Visits, Work sessions and Discussion Items

The following procedures shall be used in giving notice of BOA site visits, work sessions and discussion items and how these sessions are conducted:

- A. Visits by the BOA to a site which is subject to an appeal or variance request are for the purpose of acquainting board members with the site's physical layout, its relation to surrounding properties and uses, and to help them in visualizing the effect of granting the appeal or variance. Site visits may be scheduled after an appeal or variance request is filed but before the BOA's meeting at the discretion of the Planning Director; or the BOA may request a site visit be scheduled after considering an appeal or variance request but before rendering a decision. The Planning Department, and not the appellant or applicant, is responsible for scheduling site visits for the BOA. Site visits scheduled and conducted by the Planning Department are not considered ex parte contacts. Appellants or applicants shall be notified of site visits to their property, and such visits shall be open to them and to any member of the public. In addition, notice of site visits shall be given by one of the following methods:

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1. Notice may be published in a newspaper of general circulation at least five days prior to the visit; or
2. Site visits to a particular property which is subject to an appeal or variance request may be listed on the meeting agenda when the appeal or variance request will be discussed, and the agenda is posted in accordance with the provisions of these bylaws ; except that, if the BOA continues its discussion of an appeal or variance request for the purpose of conducting a site visit, and the BOA announces the date, location and time of the visit at the meeting when the item is continued, then no additional notice is required.

Individual BOA members may visit sites on their own with or without staff present, provided no applicants or other representatives of the applicant are present. Notice of such site visits is not required.

If any relevant information is obtained and considered by a BOA member as a result of any site visit, but such information has not been discussed at the public hearing, such information shall be disclosed prior to any decision so that all participants at such hearing may be confronted with all facts that influence the disposition of the case and have an opportunity to respond.

- B. **Work sessions:** Work sessions provide an opportunity for project proponents to obtain informal comments from the BOA on development proposals and possible alternatives; or for the BOA and the planning staff to discuss policy issues. No formal action is taken at worksessions because a worksession is not a formal development application. As such, nothing expressed by the BOA or the Planning Department can be considered to provide any guarantees, warranties, approvals or be binding in any nature. The purpose of a worksession is merely to provide a project proponent an informal opportunity to discuss potential issues and concerns of a general nature with a planning commission prior to submitting a formal application. Worksession items may be included on a regular meeting agenda or a special meeting may be called. Worksession items shall be recorded in the same manner as regular items before the BOA. The Planning Department shall include a written summary of the issues discussed and any direction given in the commission's summary of motions.
- C. **Discussion Items:** Discussion items provide an opportunity for the BOA to discuss planning issues and provide informal comments. Since these sessions are for discussion purposes and not decision making, no formal notice is required other than being listed on the Commission's agenda.

16112: Quorum and Vote

A majority of the regular membership of the BOA shall constitute a quorum for the conduct of public hearings or taking action on any agenda item. A quorum is not necessary for the BOA to conduct worksessions, continue agenda items or to talk about discussion items. When a regular member is absent, an alternate member may serve in that member's place, and shall be considered as a regular member for the purpose of achieving a quorum and for voting. An alternate may also serve in place of a regular member when the regular member has been excused from considering a particular item because of a conflict of interest. The concurring vote of four members of the BOA shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or agency or to decide in favor of the appellant or applicant. If a concurring vote of at least four BOA members is not obtained in order to render a decision, an application shall be considered denied. Proxies cannot be used for any propose. The record of voting on items shall indicate any board member that abstained. If the BOA cannot maintain a quorum due to a member(s) inability to participate due to a conflict of interest, any public hearing or new business agenda item shall be continued to the next available meeting. If a quorum cannot be achieved because a commission member(s) has a conflict of interest on an agenda item, such member(s) may vote notwithstanding the conflict in order to achieve a quorum. Such conflict shall be disclosed on the record and, if the conflict involves a financial conflict of interest as described in Section 24-18-109, Colorado Revised Statutes (C.R.S.), the conflict shall also be disclosed in writing to the Colorado Secretary of State as provided in Section 24-18-110, C.R.S. prior to the member's participation.

16113: Conduct of Hearings

Where an individual has filed an appeal or an application for a variance with the BOA, consideration of such shall be considered a quasi-judicial matter and shall be conducted as a public hearing in accordance with all applicable

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Colorado law. The following procedure shall be used for conducting BOA meetings:

- A. **Call the Meeting to Order:** The chairman, vice-chairman or interim chairman shall call the meeting to order.
- B. **Review of Summary of Motions:** The BOA shall make a decision on any summary of motions from the previous meeting(s).
- C. **Additions, Deletions, Changes of Order to the Agenda:** The BOA may determine if any additions, deletions or changes of order should occur.
- D. **Opening Agenda Items:** For public hearings, consent agenda, new business, worksession or discussion items on the agenda, the chairman, vice-chairman or interim chairman the BOA will open the hearing or discussion on such items, with the following process generally used:
 1. **Planning Department Presentation:** The Planning Department shall present a verbal report to the BOA.
 2. **BOA Questions of Staff:** The BOA can ask any questions of staff.
 3. **Applicant Presentation:** The project proponent shall be afforded an opportunity to present the merits of the project to the BOA.
 4. **BOA Questions of the Applicant:** The BOA can ask any questions of the proponent.
 5. **Public Testimony:** The chairman, vice-chairman or interim vice-chairman shall open the public hearing or agenda item to the public for comments.
 6. **Staff or Applicant Follow-up:** The chairman, vice-chairman or interim vice-chairman shall allow any staff or proponent comments to address specific issues raised by the public comments.
 7. **BOA Comments:** The BOA may provide individual comments on the agenda item.
 8. **Motion:** The BOA will make a motion on each public hearing, new business or consent agenda item based on the criteria for decision outlined in the Development Code. The BOA can make a motion to continue, approve, deny or table an agenda item depending upon any time limits established in the Development Code or State statutes. If a statutory or Development Code time limit for a decision is reached, and a project proponent does not agree to tabling or continuing the agenda item, the BOA shall either approve or deny the project with specific findings according to the required criteria for approval, along with any associated conditions for such. A motion to continue an agenda item to a certain date, time and location does not require any additional notice other than listing such continued item on the applicable meeting agenda.

16114: Procedural Rules on Ethics and Conflict of Interest

The BOA may adopt such rules as it deems appropriate to govern the conduct of its business. All BOA members shall abide by the applicable sections of the pursuant to C.R.S.24-18-101 et seq., as amended. The holding of office on the BOA is a public trust, created by the confidence which the electorate reposes in the integrity of public offices. Therefore, the each BOA member shall carry out duties for the benefit of the people of Summit County. A BOA member shall not depart from the fiduciary duty to the residents of Summit County. In addition, BOA members shall abide by the following rules of conduct:

- A. **Conflict of interest:**
 1. Definition of conflict of interest: BOA members have the right and the obligation to vote on all questions before the board and to participate in the business of the board, except when a conflict of interest as defined in C.R.S.24-18-109 et seq., as amended, exists, or if an inability to participate in the decision exists as otherwise provided by law (bias, appearance of impropriety, etc.).
 2. The BOCC has also determined that it is a conflict of interest for a member(s) to participate in an agenda item when that member provides referral agency comments to the Planning Department for the subject agenda item or when that member has otherwise drafted or created rules, regulations, or policies that are being used by such referral agencies to make comments on an agenda item under consideration.
 3. The requirement in subsection (ii) above shall not apply to town council members, town planning commissioners or board members of special districts within the County.
 4. Responsibility for notification of potential conflict: Whenever the BOA is considering a matter which raises a question of conflict of interest for a particular board member, the board member is responsible for

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contacting the Planning Department prior to the meeting to alert the staff to their situation. If, in the staff's opinion, there is a potential conflict of interest, the County Attorney may be asked for an official opinion, which shall be provided to the member prior to the meeting. Members are responsible for determining when a conflict of interest exists. Members are also responsible for alerting the BOA chairman of the situation prior to commencement of the meeting.

5. Conduct at meetings for member having conflict of interest: If a member has a conflict of interest on a particular item, the member shall explain to the BOA and the public in attendance the conflict of interest, and shall retire to the back of the meeting room. The BOA member shall not participate in either the discussion or voting on the item.
 6. Minimizing conflicts: It is intended that situations resulting in conflict of interest for BOA members be minimized. If, in the opinion of the Planning Department, the BOCC or the County Attorney, a BOA member fails to abide by the standards for conflict of interest as stated herein, the member may be asked to appear before the BOCC to explain the situation. The BOCC may remove the member from the BOA for failure to abide by the standards for conflict of interest.
- B. **Ex parte contacts:** Ex parte contacts are contacts between individuals seeking to influence the decisions of the BOA and individual BOA members outside the meeting forum. Such contacts include visits to sites proposed for development by one or more board members and the proponent of the development when they are unaccompanied by County planning staff and no prior public notice or announcement of the visit is given; meetings with project proponents separate from BOA meetings; or telephone calls or letters which attempt to influence a member's opinion on a project which will be subject to the member's vote. BOA members shall attempt to avoid ex parte conversations and communications concerning quasi-judicial proceedings of the BOA. Should any such ex parte contacts occur where relevant information is obtained and considered by a member, the ex parte contact and information obtained shall be disclosed at the public hearing or meeting so that participants at such hearing may be confronted with all facts that influence the disposition of the case and have an opportunity to respond.
- C. **Open meetings:** Meetings of the BOA, including site visits shall be open to the public pursuant to C.R.S. 24-6-401 et seq., except as provided by law. The BOA may meet in Executive Session as allowed by law.
- D. **Open records:** Information presented to the BOA in carrying out its responsibilities, records of its meetings, and any other material resulting from the conduct of its activities shall be kept on file in the Planning Department, and shall be available for inspection by the public upon reasonable request, except as provided by law.

16115: Amendments to Bylaws

Any member of the BOCC, the BOA, or the Planning Department may propose amendments to these bylaws. An amendment must be approved by the BOCC to become effective.

16116: Severability

If any part of these bylaws is for any reason held invalid, such shall not affect the remainder of these bylaws.

16117: Effective Date

These bylaws shall be effective upon adoption by the BOCC. The validity of decisions rendered by the BOA prior to adoption of these bylaws shall not be affected by any inconsistencies with the provisions of these bylaws.