

No fee

**PARK COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS  
Resolution No. 2017- 55**

**A RESOLUTION AMENDING THE PARK COUNTY LAND USE  
REGULATIONS BY REPEALING AND REENACTING SECTION 1-  
204 THEREOF.**

**BE IT RESOLVED BY THE PARK COUNTY BOARD OF COUNTY  
COMMISSIONERS, THAT:**

Section 1-204 of the Park County Land Use Regulations is hereby repealed and reenacted to read as follows:

**Section 1-204 Review by Board of County Commissioners.**

- A. Every decision of the Board of Adjustment shall be subject to review by the Board of County Commissioners upon application of:
  - 1. The County Manager;
  - 2. Any member of the Board of County Commissioners;
  - 3. The applicant; or
  - 4. Any aggrieved person.
- B. Notice of an application for review shall specify the grounds thereof and shall be filed with the Director of Development Services within 10 days following the effective date of the decision or determination sought to be reviewed. Upon receipt of such notice or application, the Director shall cause notice to be given to the Chairman of the Board of Adjustment, the County Manager, and the applicant.
- C. The filing of a notice of application for review, stays all proceedings on the decision or determination and the enforcement or implementation thereof until the next regular meeting of the Board of County Commissioners; provided, however, that the provisions of this section shall not prevent the Board of Adjustment from receiving or acting upon a request for reconsideration.
- D. Upon the filing of the notice required by this Section, the Recording Secretary of the Board shall forthwith transmit to the County Manager all the papers constituting the record upon which the action sought to be reviewed was taken, including the papers transmitted to the Board

of Adjustment by an officer from whose decision or determination an appeal was taken in the first instance.

- E. At the next ensuing meeting of the Board of County Commissioners, the County Manager shall deliver the notice and papers to the Board of County Commissioners to be transmitted to the Board of County Commissioners which may, in its discretion, either grant or deny the application for review.
- F. If the application for review is denied the decision of the Board of Adjustment shall be deemed affirmed.
- G. If the application for review is granted the Board of County Commissioners may:
  - 1. Review the record of proceedings before the Board of Adjustment. Such review shall be limited to a determination as to whether the Board of Adjustment exceeded its jurisdiction or abused its discretion.
  - 2. If the record of proceedings before the Board of Adjustment is incomplete or otherwise insufficient to afford the basis for review, the Board of County Commissioners may remand the case to the Board of Adjustment with direction to rehear all or part of the case; or it may remand the case to the Board of Adjustment with directions to complete or supply the incomplete or insufficient portions of the record, or to make, enter, or clarify findings of fact, and thereupon to transmit the case back to the Board of County Commissioners for review. The finality of the decision or determination subject to review shall be suspended during the period of any remand to the Board of Adjustment under this Subsection.
- H. The Board of County Commissioners, in reviewing any decision or determination pursuant to this Section, may:
  - 1. Affirm the decision or determination.
  - 2. Reverse the decision or determination of the Board of Adjustment, in whole it in part, with or without modification.
- I. Whenever the Board of County Commissioners in review proceedings reverses or modifies a decision or determination by the Board of Adjustment, the decision of the Board of County Commissioners shall be reduced to writing and transmitted to the Board of Adjustment. Unless further proceedings are required pursuant to the decision of the

Board of County Commissioners the decision of the Board of County Commissioners shall be the final decision in the case.

- J. Any final decision of the Board of Adjustment or the Board of County Commissioners pursuant to this Section shall be reviewable pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Moved, seconded, and approved this 21<sup>st</sup> day of September 2017.



**PARK COUNTY BOARD OF COUNTY COMMISSIONERS**

  
 \_\_\_\_\_  
 Mike Brazell, Chairperson

  
 \_\_\_\_\_  
 County Clerk