

Having been duly posted on the 24th day of April, 2000 and the public having the opportunity to comment on the propriety of the following regulation, the regulation will be duly promulgated and become effective on the 2nd day of May, 2000.

**RE: ADMINISTRATIVE REGULATION NO. 01-2000
Zoning and Development Code**

ISSUED BY: /s/ David Varley
David Varley, Acting Community Development Director

4/24/00
Date

Topic:

Appeals from Planning Commission Decisions

Background and Purpose:

The purpose of this Administrative Regulation is to interpret, clarify and implement the provisions of §2.18 of the Grand Junction Zoning and Development Code (hereinafter the New Code). Chapter 2 of the New Code establishes development review and approval processes and procedures, including methods for requesting and conducting rehearing and appeals. Those processes became effective April 23, 2000.

Chapters 2 and 4 of the Code in effect prior to April 23, 2000, (hereinafter the Former Code), which will apply to certain projects until January 31, 2001, specify appeal procedures that are different than the New Code; one part of the Former Code requires an appeal be filed in 3 days from the date of the decision; another part of the Former Code requires that the appeal be filed within 30 days of the decision (See, 2-2-2C.3 and 4-4-2D.)

The appeals and appeal process provided by the Former Code has been confusing for the staff, the public, the Planning Commission and the City Council. The New Code remedies much of that confusion by providing only one appeal deadline. It is the purpose of this Administrative Regulation to reduce confusion attendant to appeals during the transition from the Former Code to the New Code by adopting the New Code appeal deadline for all appeals, both Former and New Code. The deadline provided in the New Code for perfecting an appeal, 10 days, shall apply to all Former Code appeals; all other former Code provisions concerning the conduct of an appeal shall apply.

To satisfy the purpose of this Administrative Regulation the Director of the Community Development Department does find and implement the following administrative interpretation.

RE: ADMINISTRATIVE REGULATION NO. 01-2000
Zoning and Development Code
Page 2 of 2

Administrative Interpretation:

Section 2.18 provides that any application for rehearing/appeal *shall be submitted within ten (10) calendar days of the action taken by the decision-maker.*

It is the considered opinion of the Director that utilization of this provision for all appeals is in the best interest of the City and its citizens.

The Former Code provides a 3-day and a 30-day period for different kinds of appeals. The 3-day appeal period has been criticized as being too short; the 30-day appeal period, in which to appeal a denial of zoning/rezoning has been criticized as being too long.

Because past practice has shown that appeals are generally taken much more quickly than 30 days and the appeal of a zoning denial is usually perfected by a landowner rather than a person not involved in the project, the Director finds that the reduction of the period, from 30 to 10 days, in which to perfect an appeal is insubstantial.

Because a 3-day appeal period is very short, the Director's experience is that appeals are often hasty and ill conceived. It is for these reasons that the Director determines that the 10-day appeal period of 2.18 shall apply to all appeals perfected after the effective date of the regulation.

The Director further finds that the elimination of confusion under the Former Code of which appeal period applies warrants the change in the period, to that provided in New Code section 2.18, in which to perfect an appeal.