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## **Sec. 138-66. Board of adjustment and appeals (BAA).**

- (a) *Establishment.* The board of adjustment and appeals (BAA) is established to be the approval authority for Type 2 processes.
- (b) *Composition.*
- (1) The BAA shall be composed of seven members, one each nominated by each member of the board of county commissioners and appointed by the board of county commissioners. The term of office shall be up to four years and shall run concurrently with the term of the nominating commissioner. The board of county commissioners may appoint two alternate members to the BAA to serve during the absence of any regular member. Alternate members shall serve four-year terms.
  - (2) A BAA member may be removed and replaced by the board of commissioners at will.
- (c) *Powers and duties.* The BAA shall have the power and duties to review and take action on the following:
- (1) *Application/review types.* The BAA shall have the authority to review and take action on any of the applications/requests designated to the Type 2 review as listed in Table 138-77.
  - (2) *Appeals.*
    - a. The BAA shall have the authority to review appeals from department reviews and/or the development review committee.
    - b. The BAA shall have the authority to review appeals from vested rights determinations made by the DRC per chapter 134, article V.
  - (3) *Adoption of procedural rules.* The BAA shall have the authority to adopt rules of procedure.
  - (4) *Other authority.* The BAA shall have authority to review and decide on such other matters as assigned by the board of county commissioners or county administrator from time to time.
- (d) *Quorum.* Four BAA members shall constitute a quorum.
- (Ord. No. 18-36 , § 3(Att. B), 10-23-18; Ord. No. 21-11 , § 6, 4-27-21)