

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: _____ Weekly Agenda Date: _____

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: _____

WORDING FOR AGENDA ITEM:

ACTION REQUIRED:

Approve Ordinance	Approve Resolution	Approve Motion
Public Hearing	Other: Informational	Attachments

EXECUTIVE SUMMARY:

BACKGROUND:

FINANCIAL IMPACT:

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☐

RECOMMENDATION:

ACTION REQUIRED / PROPOSED MOTION:

Minutes - Woodbury County Zoning Commission Meeting – January 24, 2022

The Zoning Commission (ZC) meeting convened on the 24th of January 24 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present:
County Staff Present:
Public Present:

Chris Zellmer Zant, Tom Bride, Barb Parker, Corey Meister
David Gleiser, Dan Priestley
None

Call to Order

Chair Chris Zellmer Zant formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 11/22/21 minutes were approved. Motion to approve: Parker. Second: Meister. Motion approved 3-0 with 1 Abstention: Zellmer Zant.

Election of Chair and Vice-Chair

Motion to nominate Chris Zellmer Zant as Chair for 2022: Parker. Second: Meister. Motion approved 4-0.

Motion to nominate Tom Bride as Vice-Chair for 2022: Meister. Second: Parker. Motion approved 4-0.

Public Hearing: Proposed Zoning Ordinance Amendments. Planning and Zoning Commission and Board of Adjustment (Sections 2.01.4 & 5).

Priestley offered background on the proposed amendments to the Woodbury County Zoning Ordinance to repeal and replace Subsection 2.01.4: Planning and Zoning Commission and Subsection 2.01.5: Board of Adjustment with revised language pertaining to the establishment, appointment and membership, rules of procedure, and powers and duties of both the Commission and Board. Since the 11/22/21 meeting, language was added to clarify the impact of terms limits on past and current service on the Commission and Board. Gleiser indicated that the language presented mostly comes from Iowa Code Chapter 335. He also indicated that the language is under review by Assistant County Attorney Joshua Widman. The Commissioner's weighed the impact of the proposed term limits. Bride asked, if the Board of Supervisors approve the amendment with terms limits, would the Zoning Commission have a say or not? Gleiser affirmed that the Commission is required to make its formal recommendation to the Supervisors for use in their required public hearing, and individual Commission members may also attend the Board's public hearings to speak on said matters. However, the Supervisors ultimately have the discretion to approve or deny any proposed amendment and may do so with or without incorporating the Commission's recommendation. Bride suggested following the gender balance language in the ordinance, when following a good faith effort to recruit applicants has failed, a previous board member could be appointed. Zellmer Zant suggested taking the term limits out. Meister inquired if someone could continue serving until the position is filled. Meister also offered concerns about recruitment as well as the experiences of serving with members under positive and possibly negative conditions. Gleiser asked what the consensus of the Commission is as it relates to this ordinance change. Gleiser indicated that the Commission could recommend a proposal with term limits, or a version with exceptions to the term limits, or a version without term limits. Zellmer Zant suggested removing the term limits. Bride suggested using similar language as to the gender balance requirement. After discussion, there was consensus amongst the Commission to recommend adding the following language to address term limits on the boards. *"The Board of Supervisors may appoint any qualified applicant regardless of terms or years served, after making a three-month good faith effort to appoint a new Commissioner."* Following the public hearing, a motion was made by Parker to recommend to the Board of Supervisors the approval of the proposed ordinance amendments including the revised language pertaining term limits. Second: Bride. Motion approved 4-0.

Discussion/Action: Proposed Rules of Procedure for The Woodbury County Planning and Zoning Commission

Gleiser indicated that these are the bylaws and codifies past practices including routine administrative procedures. It addresses electronic participation. It assures that Commissioners and Board Members will be at meetings person but would recognize practical difficulties if they needed to call into the meeting. This language was adapted from the Board of Supervisors rules of procedure. Zellmer Zant inquired if the Commissioners approve the language. Bride inquired about abstaining and the difference between abstaining for a conflict of interest versus another issue. Gleiser indicated that through past recommendations from attorneys, it is the personal individual decision to make the choice to abstain. Abstaining can have the effect as a "nay" and is not a vote. Motion to recommend adoption of the rules of procedures: Bride. Second: Meister. Motion approved 4-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Adjourn

Meeting adjourned at 6:58 PM.

WOODBURY COUNTY, IOWA

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO REPEAL AND REPLACE SUB-SECTION 2.01.4 ENTITLED "PLANNING AND ZONING COMMISSION" AND SUB-SECTION 2.01.5 ENTITLED "BOARD OF ADJUSTMENT" WITH REVISED LANGUAGE PERTAINING TO THE ESTABLISHMENT, APPOINTMENT AND MEMBERSHIP, RULES OF PROCEDURE, AND POWERS AND DUTIES OF BOTH THE PLANNING AND ZONING COMMISSION AND THE BOARD OF ADJUSTMENT.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGUAGE AMENDMENT BE MADE:

Amendment #1 –

Beginning on page 5: remove Sub-Section 2.01.4: Planning and Zoning Commission and replace with the following:

4. Planning and Zoning Commission

- A. Establishment. Pursuant to Chapter 335 of the Code of Iowa, a County Zoning Commission, consisting of five members, as previously established, is hereby continued.
- B. Appointment and Membership.
 - (1) The members of the Zoning Commission shall be appointed by the Board of Supervisors for terms of five years. Members may serve up to 2 terms on the Commission, whether the terms are successive or not. Terms of the Commissioners shall be staggered so that no more than two memberships expire on December 31 of any year. Vacancies shall be filled in the same manner for the remainder of an unexpired term. Commissioners with past service on the Zoning Commission prior to (insert effective date), regardless of the number of terms or years served, shall be eligible for appointment and membership on the Zoning Commission for up to 2 additional five-year terms. The Board of Supervisors may appoint any qualified applicant regardless of terms or years served, after making a three-month good faith effort to appoint a new Commissioner.
 - (2) Members of the Zoning Commission shall consist of eligible electors, as defined by Iowa Code section 39.3, who reside within the area regulated by the County Zoning Ordinance and shall not be officers or employees of any agency or department of the County. Iowa law requires all appointive boards, commissions, committees, and councils of a political subdivision to be gender balanced by using a fair and unbiased method of selecting the best qualified applicants. The Board of Supervisors may appoint any qualified applicant, regardless of gender, after making a three-month good faith effort to appoint a gender balanced Commission.
 - (3) Members of the Zoning Commission shall serve without compensation but may be reimbursed for the actual expenses incurred while performing their official duties, which shall be subject to the approval of the Board of Supervisors.
 - (4) Any member of the Zoning Commission may be removed for cause by the Board of Supervisors following a public hearing on written charges. Cause for removal may be found by the Board of Supervisors in any action or condition which it determines to be detrimental to the proper functioning of the Commission, including conflicts of interest, violations of laws or regulations pertaining to the role of the Commission, failing to carry out the duties of a member of the Commission, including failure to attend 50% or more

regular meetings in any twelve month period, or other conduct which casts doubt upon the integrity or effectiveness of the member.

- C. Rules of Procedure. The Commission shall organize itself and shall adopt and maintain, subject to the approval of the Board of Supervisors, Rules of Procedure in conformance with the provisions of this ordinance and the Iowa Code to govern the conduct of its business.
- D. Powers and Duties. The Zoning Commission shall have the following powers and it shall be its duty:
 - (1) To recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced in the districts within the area regulated by the County Zoning Ordinance.
 - (2) To, with due diligence, prepare a preliminary report and hold public hearings on the preliminary report before submitting the Commission's final report to the Board of Supervisors as provided in the County Zoning Ordinance and Subdivision Regulations.
 - (3) To recommend to the Board of Supervisors amendments, supplements, changes or modifications to the text or Zoning District Map of the County Zoning Ordinance. The Commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance.
 - (4) To recommend to the Board of Supervisors, the adoption of a comprehensive plan pursuant to Iowa Code Section 335.5, or amendments thereto.
 - (5) To contract with professional consultants, regional planning commissions, the economic development authority, or the federal government, for local planning assistance, with the approval of the Board of Supervisors.

Amendment #2 –

Beginning on page 7: remove Sub-Section 2.01.5: Board of Adjustment and replace with the following:

5. Board of Adjustment.

- A. Establishment. Pursuant to Chapter 335 of the Code of Iowa, a County Board of Adjustment, consisting of five members, as previously established, is hereby continued.
- B. Appointment and Membership.
 - (1) The members of the Board of Adjustment shall be appointed by the Board of Supervisors for terms of five years. Members may serve up to 2 terms on the Board, whether the terms are successive or not. Terms of the Board shall be staggered so that no more than two memberships expire on December 31 of any year. Vacancies shall be filled in the same manner for the remainder of an unexpired term. Members with past service on the Board of Adjustment prior to (insert effective date), regardless of the number of terms or years served, shall be eligible for appointment and membership on the Board of Adjustment for up to 2 additional five-year terms. The Board of Supervisors may appoint any qualified applicant regardless of terms or years served, after making a three-month good faith effort to appoint a new Board Member.
 - (2) Members of the Board of Adjustment shall consist of eligible electors, as defined by Iowa Code section 39.3, who reside within the area regulated by the County Zoning Ordinance and shall not be officers or employees of any agency or department of the County. Iowa law requires all appointive boards, commissions, committees, and councils of a political subdivision to be gender balanced by using a fair and unbiased method of selecting the

best qualified applicants. The Board of Supervisors may appoint any qualified applicant, regardless of gender, after making a three-month good faith effort to appoint a gender balanced Board.

- (3) Members of the Board of Adjustment shall serve without compensation but may be reimbursed for the actual expenses incurred while performing their official duties, which shall be subject to the approval of the Board of Supervisors.
 - (4) Any member of the Board of Adjustment may be removed for cause by the Board of Supervisors following a public hearing on written charges. Cause for removal may be found by the Board of Supervisors in any action or condition which it determines to be detrimental to the proper functioning of the Board, including conflicts of interest, violations of laws or regulations pertaining to the role of the Board, failing to carry out the duties of a member of the Board, including failure to attend 50% or more regular meetings in any twelve-month period, or other conduct which casts doubt upon the integrity or effectiveness of the member.
- C. Rules of Procedure. The Board of Adjustment shall organize itself and shall adopt and maintain, subject to the approval of the Board of Supervisors, rules of procedure in conformance with the provisions of this ordinance and the Iowa Code to govern the conduct of its business.
- D. Powers and Duties. The Board of Adjustment shall have the following powers and it shall be its duty:
- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Iowa Code Chapter 335, or of any ordinance adopted pursuant thereto.
 - (2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance.
 - (3) To authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed, and substantial justice done.

Dated this ____ day of _____ 2022.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

Keith Radig, Chairman

Jeremy Taylor, Vice Chairman

Rocky De Witt

Matthew A. Ung

Justin Wright

ATTEST

Patrick F. Gill, Auditor

Adoption Timeline:

Public Hearing and 1st Reading:

Public Hearing and 2nd Reading:

Public Hearing and 3rd Reading:

Adopted:

Effective: