

ITASCA COUNTY PLANNING COMMISSION AND BOARD OF ADJUSTMENT  
BYLAWS AND RULES OF PROCEDURE

ARTICLE I            Name of Board: Itasca County Planning Commission and Board of Adjustment

ARTICLE II           Purpose: The Itasca County Planning Commission and Board of Adjustment shall adopt rules, herein described, for the transactions of its business which shall not be inconsistent with nor contrary to the statutes of the State of Minnesota nor the Itasca County Zoning Ordinance.

ARTICLE III           Authorization: The authorization for the establishment of this Planning Commission and Board of Adjustment is set forth under Minnesota Statutes, Section 394.21 to 394.37 and the Itasca County Board of Commissioners Resolution #02/95/10.

ARTICLE IV           Membership: Regular members shall consist of five persons to be appointed by the County Board of Commissioners and to include all of the following:

1. At least two of the members shall reside in the unincorporated area of the County;
2. Of the five members, there shall be one residing in each of the five Commissioner Districts;
3. No elected officer of the County nor any employee of the Board of Commissioners shall serve on said board; and
4. No member shall have received during the two years prior to appointment any substantial portion of income from business operations involving the development of land within the County.

Appointments: In the first appointment two members of said Board shall be appointed for three calendar years, two members for two calendar years and one member for one calendar year. Each calendar year shall be presumed to run from the date of the first regular meeting of the County Board of Commissioners in a given calendar year.

Vacancies: An appointment to fill a vacancy shall be made by the County Board and shall be only for the unexpired portion of the term. Such appointment shall be made at the earliest possible convenience of the County Board.

Vacancies in each position shall be declared by the County Board under any of the following conditions:

1. Death of a member;
2. Resignation of a member; or
3. Removal of member for cause as provided in the Itasca County Zoning Ordinance and/or bylaws and rules of procedure.

Removal for Cause: The Itasca County Board of Commissioners shall remove any member upon the occurrence of nonperformance of duty or misconduct in office, including any of the following conditions as reported to the County Board by either the Chairperson of the Planning Commission and Board of Adjustment or the Environmental Services Administrator:

- A. Failure of the regular member to attend three consecutive regular meetings or to attend four consecutive regular and special meetings.
- B. Attendance at several regular or special meetings for such a short length of time as to render the member's services of little value to the County. The County Board of Commissioners shall make judgment on such matters after receiving a report from the Planning Commission and Board of Adjustment Chairperson or the Environmental Services Administrator as provided in this Section.
- C. Violation by the member of any land use control ordinance adopted by the County pursuant to Minnesota Statutes 394.21 to 394.37, and all acts amendatory thereof.
- D. Any change in residency status from unincorporated to incorporated and/or Commissioner District, if the change causes the makeup of the Board to be inconsistent with the Itasca County Zoning Ordinance and/or said bylaws and rules of procedure.

Ex-Officio Members: These members shall serve at the pleasure of the County Board and shall have non-voting privileges.

Advisory Members: These members may be appointed by the Planning Commission and Board of Adjustment to provide technical assistance as needed.

ARTICLE V

Officers – Organization and Procedures: The officers of the Planning Commission and Board of Adjustment shall consist of a Chairperson, Vice-Chairperson and Secretary. The Secretary need not be a member of said Board.

Chairperson: The Chairperson shall supervise the affairs on the Board. He or she shall preside at all meetings and shall appoint such committees and subcommittees of such size as may be necessary to carry out the purpose of said Board.

Vice-Chairperson: The Vice-Chairperson shall perform such duties as may be delegated to him or her by the Chairperson. In the absence or disability of the Chairperson, he or she shall perform all duties and exercise all powers of the Chairperson.

Secretary: The Secretary shall be appointed and shall perform duties as delegated by the Chairperson. The Environmental Services Department shall prepare the agenda of the meetings, maintain a permanent record of the meetings; conduct all official correspondence, arrange proper legal notice, attend to correspondence and such other duties as requested by the Board.

ARTICLE VI

Election of Officers: At the January meeting, the Chairperson shall appoint a nominating committee which will make nominations for the election of officers at the annual organizational meeting held on the second Wednesday in February.

Nominations: Nominations shall be received from the nominating committee and from the floor if any, and the election of officers specified above shall follow immediately thereafter.

Majority Vote: A candidate receiving a majority vote on the entire membership of the Planning Commission and Board of Adjustment shall be declared elected and shall serve for one year or until his or her successor shall take office. All officers shall be eligible for re-election.

Vacancies: In office vacancies shall be filled immediately by regular election procedure or at a special meeting called for that purpose.

ARTICLE VII

Meetings: Meetings shall be held on the second Wednesday of each month in the County Board Room of the Courthouse.

The Recording Secretary shall notify all members, regular, ex-officio and advisory, in advance of the meeting. In the event of a conflict with holidays or other events, a majority at any meeting may change the date of said meeting.

Quorum: Quorums shall consist of a majority of members. The number of votes necessary to transact business shall be a majority of the members present.

Special Meetings: The Chairperson may call special meetings. It shall be the duty of the Chairperson to call a special meeting when requested to do so by a majority of members of the Board. The Recording Secretary shall notify all members, regular, ex-officio and advisory in advance of such special meeting as required by the open meeting law.

Open to Public: All meetings or portions of meetings at which official action is taken shall be open to the general public.

Roberts Rules of Order: Unless there is a two-thirds vote to suspend, Roberts Rules of Order shall govern the proceedings at said meeting.

Compensation: Members may be compensated with an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Planning Commission and Board of Adjustment and in the conduct of the business of said Board.

## ARTICLE VIII

Order of Business: Although the same members make up both the Planning Commission and Board of Adjustment, the meeting of the Planning Commission will be held, as set forth in this Article, and upon completion of all applicable business pertaining to the duties of the Planning Commission as addressed in the State Statutes and Zoning Ordinance, adjourn. Immediately following the Planning Commission meeting, the Board of Adjustment will hold their meeting, as set forth in this Article, and upon completion of all applicable business pertaining to the duties of the Board of Adjustment, adjourn.

Voting: The order of business at regular meetings shall be as follows:

- Call to order;
- Approval of the minutes;
- Old Business;

New Business;  
Miscellaneous discussion;  
Communications or reports; and  
Adjournment

At any hearing, a representative must be present in order for the Board to act on the case and any party may appear in person, or by agent. If no representative appears within a reasonable time period, after receiving due notice, said case will be rejected.

A motion from the floor must be made and passed in order to dispense with any item on the agenda. There is no discussion on a tabled motion. Each member, including the Chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. The majority vote of the members shall be sufficient to reverse or sustain any order, requirement, decision or determination. Any question on whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the Planning Commission and Board of Adjustment shall disclose such interest and either disqualify himself or herself or seek a ruling as stated above. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Planning Commission and Board of Adjustment shall decide the question pursuant to the above stated rule. A member who was not present at the hearing of any matter to come before the Board, may not vote on the same matter, nor any absent member record his vote upon any question. The members may inspect the premises involved in an application. Applicable public notice will be given as prescribed by Minnesota Statutes.

#### ARTICLE IX

Hearings: In addition to those required by law, the Planning Commission and Board of Adjustment may hold public hearings when it decides that such hearings will be in the public interest.

All appeals shall be submitted to the Planning Commission and Board of Adjustment in a timely manner. However, all the necessary public hearing procedures and processing of the written notices shall be carried out.

Notice of the time and place of such hearing, when on matters of widespread interest, shall be published once, in at least one newspaper of general circulation in the territorial jurisdiction of said Board at least ten days prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as deemed appropriate by the Board.

The Board may adjourn or continue to another date, a meeting that has not disposed of all applications or appeals for the day set, and no further public notice shall be necessary for such a meeting.

The matter before the Board shall be presented in summary by the Chairperson or by a member of the Board designated by the Chairperson and parties in interest shall have the privilege of the floor. All members of the public shall have ample opportunity to be heard orally, writing or by an authorized representative.

No record or statement shall be recorded or sworn as evidence for any court of law without notice to the parties.

The Planning Commission and Board of Adjustment shall keep a written public record of all of its transactions, findings and determinations on all matters referred to it and shall cause such record to be recorded as necessary pursuant to Minnesota Statutes.

#### ARTICLE X

Authority and Duty: As prescribed by Ordinance, public hearings shall be held before any zoning ordinance text amendment, zoning map amendment, conditional use application, preliminary subdivision, variance or other appeals may be approved or recommended for approval.

The Board shall take into consideration the Town Boards' recommendations when the Board's decisions directly affects land within the Township. The reasons for the Planning Commission's decision shall be stated in writing.

The Board shall always act with due consideration toward promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of the land and conserving property value, shall not permit any structure, building or use detrimental to a neighborhood and may prescribe appropriate conditions and safeguards in each case.

Variances: The Board of Adjustment may reverse, or affirm wholly or partly or may modify the order, requirement, including restrictions placed on nonconformities, decision or determination appealed from and to that end shall have all the power from the officer from whom the appeal was taken and may direct the issuance of a permit.

The decision on variances shall be final except that any department, board or person shall have the right to appeal within 30 days after the receipt of notice of the decision to District Court on questions of law and fact.

## ARTICLE XI

Judicial Review: The Planning Commission's determination on conditional use permits and decisions revoking conditional use permits shall be final. Any aggrieved person may obtain judicial review by obtaining a writ of certiorari from the District Court within 60 days after the aggrieved party shall have received due notice of the proceeding and decision sought to be reviewed and by serving said writ upon the Itasca County Auditor and any other adverse party within such period of 60 days.

All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision shall be final except that any aggrieved person or persons or any department, board or commission of the jurisdiction or of the State shall have the right to appeal within 30 days, after the receipt of notice of the decision, to the District Court in the County in which the land is located, on questions of law and fact. All decisions by the County Board of Commissioners pertaining to zoning ordinance text amendments and zoning mp amendments (rezones) and all decisions of the Planning Commission on planned unit developments and subdivisions shall be final. Judicial review under this section shall be initiated by a declaratory judgment action or injunction initiated within 30 days after the governmental unit makes the decision.

ARTICLE XII Previous Resolution/Bylaws and Rules of Procedures: Concerning previous existence of the Planning Commission and Board of Adjustment are hereby declared invalid.

ARTICLE XIII Amendments: These bylaws and rules of procedure may be amended, when necessary, by a majority vote of the entire membership of the Itasca County Planning Commission and Board of Adjustment. Said amendments shall be approved by the County Board of Commissioners.



Adopted this 7<sup>th</sup> Day of October, 2005

Attest:

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Byron Snowden III - Chairperson – Itasca County Planning Commission/Board of Adjustment

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Nadine Hopkins - Secretary – Itasca County Planning Commission/Board of Adjustment

Adopted this 25<sup>th</sup> Day of October, 2005

Attest:

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Russ Klegstad – Chairperson of the Itasca County Board of Commissioners

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Robert Olson – Clerk of the Itasca County Board of Commissioners

Summary: Adoption                      PC/BoA: 5/3/95; CB: 5/23/05

Amended Article XI: PC/BoA: 9/5/96; CB: 9/10/96 – Effective 1/1/97

Amended Articles IV, VII & XI: PC/BoA 10/7/05; CB 10/25/05 – Effective 12/1/05