

RESOLUTION 2025-08

WHEREAS, on January 16, 2025, the Buffalo County Planning and Zoning Commission held a public hearing for amendments to the Buffalo County Zoning Regulations, Section 11.1 General; Section 11.2, Submission to Planning Commission; Section 11.3, Notice, with renumbering as necessary, regarding the binding recommendation of The Planning Commission.

That Commission voted favorably, but with reluctance, on a 5-0 vote, with one absence and no abstentions, to recommend that this Board adopt the proposed amendment, and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendments, and

WHEREAS, on February 25, 2025, this Board conducted a public hearing concerning proposed amendments to Buffalo County's Zoning Regulations and no parties appeared to oppose such proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the following amendment is adopted and added to the final draft of the proposed Zoning and Subdivision Resolutions, where applicable.

Amend the proposed Buffalo County Zoning Regulations with amendments noted in strikethrough for deletion of, red letters being the revisions recommended by The Planning Commission, and underlining for added and renumbering as necessary, as follows:

"11.1 GENERAL The regulations, restrictions and boundaries set forth in this Resolution may from time to time be amended, supplemented, changed or repealed, provided however that no such action may be taken until after public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county.

11.2 SUBMISSION TO PLANNING COMMISSION

An amendment may be initiated by the County Board of Commissioners by a motion of the County Board, by the Planning Commission by motion of a member of the Planning and Zoning Commission, or by written petition of any property owner addressed to the County Board of Commissioners. The County Board of Commissioners shall act on any petition prior to 90 120 days of date of receipt. Having once considered a petition, the County Board of Commissioners will not consider substantially the same petition or proposal for one year from date of rejection. If the amendment request is not acted upon by the County Board after 90 120 days of receipt, the proposal shall be deemed to be denied by the County Board.

All proposed amendments, except those initiated by the Planning Commission, shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall study the proposals to determine:

- A. The need and justification for the change.
- B. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property and on surrounding properties.
- C. When pertaining to a change in the district classification of property, the amount of undeveloped land in the general area and in the county having the same district classification as requested.
- D. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purpose of this Resolution and the Comprehensive Plan.

Within 45 60 days from the date that any proposed amendment is referred to it (unless a longer period shall have been established by mutual agreement between the County Board of Commissioners and the Planning Commission in the particular case), the Planning Commission shall submit its report and recommendation to the County Board of Commissioners.

A vote either for or against an amendment by a majority of all the Planning Commission members present shall constitute a recommendation of the Commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When amending zoning district boundaries, the Planning Commission and County Board where applicable and authorized may place conditions upon property sought to be re-zoned. (Resolution 9-14-04)

When the Planning Commission submits a recommendation of approval or disapproval of the proposed amendment, and the County Board agrees with the recommendation of the Planning Commission, then the County Board, may by simple majority vote, adopt the recommendation of approval or denial of the proposed all done by resolution.

When the Planning Commission submits a recommendation of approval or disapproval of the proposed amendment, and the County Board does not agree with the recommendation of the Planning Commission, then the County Board, by no less than two-thirds majority vote may modify the Planning Commission's recommendation and adopt the amendment as modified by the Board all done by resolution.

When the Planning Commission submits a failure to recommend ~~or to disapprove an amendment~~ then the County Board may take such action as it deems appropriate with the final decision of the County Board done by resolution.

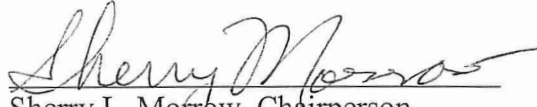
If the amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended.

11.3 Notice:

Notice of hearing for an amendment for hearing at the Planning Commission and/or Board of County Commissioners shall fix the time and place for the amendment hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any

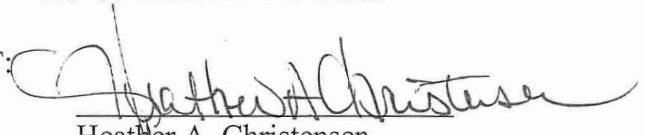
district. If the proposed amendment is not a general revision of an existing provision of this resolution, and will affect specific property, it shall be designated by legal description and general street location. In addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within three hundred (300) feet of the area proposed to be altered and an opportunity granted to interested parties to be heard. Also, in addition to the proposed notices, notice of the hearing shall also be posted ten (10) days in advance of the public hearing(s) concerning the property in a conspicuous place on or near the property to seeking action in the public hearing.”

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY 2025.


Sherry L. Morrow, Chairperson
Buffalo County Board of Commissioners

ATTEST:

(SEAL)


Heather A. Christensen
Buffalo County Clerk



Proposed Amendment Item #1A

Amend the proposed Buffalo County Zoning Regulations with amendments noted in strikethrough for deletion of, and underlining for added and renumbering as necessary, as shown below:

“AMENDMENT 11.1 GENERAL The regulations, restrictions and boundaries set forth in this Resolution may from time to time be amended, supplemented, changed or repealed, provided however that no such action may be taken until after public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ten days’ notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county.

11.2 SUBMISSION TO PLANNING COMMISSION

An amendment may be initiated by the County Board of Commissioners by a motion of the County Board, by the Planning Commission by motion of a member of the Planning and Zoning Commission, or by written petition of any property owner addressed to the County Board of Commissioners. The County Board of Commissioners shall act on any petition prior to ~~90~~ 120 days of date of receipt. Having once considered a petition, the County Board of Commissioners will not consider substantially the same petition or proposal for one year from date of rejection. If the amendment request is not acted upon by the County after ~~90~~ 120 days of receipt, the proposal shall be deemed to be denied by the County Board. If the amendment request is not adopted in some form by the County Board after one (1) year after date of receipt or initiating motion derived from the County Board or Planning Commission, the proposal shall be deemed denied by the County Board.

All proposed amendments, except those initiated by the Planning Commission, shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall study the proposals to determine:

- A. The need and justification for the change.
- B. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property and on surrounding properties.
- C. When pertaining to a change in the district classification of property, the amount of undeveloped land in the general area and in the county having the same district classification as requested.
- D. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purpose of this Resolution and the Comprehensive Plan.

Within ~~45~~ 60 days from the date that any proposed amendment is referred to it (unless a longer period shall have been established by mutual agreement between the County Board of Commissioners and the Planning Commission in the particular case), the Planning Commission shall submit its report and recommendation to the County Board of Commissioners.

A vote either for or against an amendment by a majority of all the Planning Commission members present shall constitute a recommendation of the Commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When amending zoning district boundaries, the Planning Commission and County Board where applicable and authorized may place conditions upon property sought to be re-zoned. (Resolution 9-14-04)

When the Planning Commission submits a recommendation of approval or disapproval of the proposed amendment, and the County Board agrees with the recommendation of the Planning Commission, then the County Board, may by simple majority vote, adopt the recommendation of approval or denial of the proposed all done by resolution.

When the Planning Commission submits a recommendation of approval or disapproval of the proposed amendment, and the County Board does not agree with the recommendation of the Planning Commission, then the County Board, by no less than two-thirds majority vote may modify the Planning Commission's recommendation and adopt the amendment as modified by the Board all done by resolution.

When the Planning Commission submits a failure to recommend ~~or to disapprove an amendment~~ then ~~then~~ County Board may take such action as it deems appropriate with the final decision of the County Board done by resolution.

If the amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended

11.3 Notice:

Notice of hearing for an amendment for hearing at the Planning Commission and/or Board of County Commissioners shall fix the time and place for the amendment hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district. If the proposed amendment is not a general revision of an existing provision of this resolution, and will affect specific property, it shall be designated by legal description and general street location. In addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within three hundred (300) feet of the area proposed to be altered and an opportunity granted to interested parties to be heard. Also, in addition to the proposed notices, notice of the hearing shall also be posted ten (10) days in advance of the public hearing(s) concerning the property in a conspicuous place on or near the property to seeking action in the public hearing."

RESOLUTION 2025-09

WHEREAS, on January 16, 2025, the Buffalo County Planning and Zoning Commission held a public hearing for amendments to the Buffalo County Subdivision Regulations, Section 9.03, Amendments, regarding the procedural nature of subdivision resolution amendments.

That Commission voted favorably, on a 6-0 vote, with one absence and no abstentions, to recommend that this Board adopt the proposed amendment, and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendments, and

WHEREAS, on February 25, 2025, this Board conducted a public hearing concerning proposed amendments to Buffalo County's Subdivision Regulations and no parties appeared to oppose such proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the following amendment is adopted and added to the final draft of the proposed Zoning and Subdivision Resolutions, where applicable.

Amend the proposed Buffalo County Subdivision Regulations with amendments noted in strikethrough for deletion of, and underlining for added and renumbering as necessary, as follows:

“Sec. 9.03 AMENDMENTS. Amendments to substantive issues in this Resolution and fees are amended as follows: The procedure for the consideration and adoption of any such proposed amendments, excepting changes for fees, shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified.

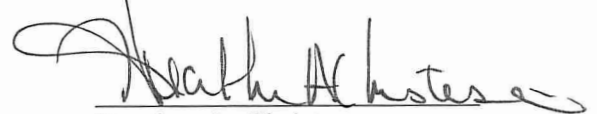
A. Subdivision Resolution Amendments for matters other than fees: Suggested amendments to this subdivision resolution shall be initiated by the County Board of Commissioners by a motion of the County Board, by the Planning Commission by motion of a member of the Planning and Zoning Commission, or by written petition of any property owner addressed to the County Board of Commissioners by written application, filed in the Office of the County Clerk, or Office of the Zoning Administrator. Upon receipt of such application, the Zoning Administrator shall forward the application to amend to the Planning Commission for its recommendation. Upon public hearing with notice as prescribed in this Resolution, the Planning Commission shall forward its recommendation to the County Board, within ~~thirty (30)~~ sixty (60) days. Upon public hearing, the County Board may allow, deny, or allow with modifications, the proposed amendment all done in resolution form.

B. Fee Amendment Fees referred to this Resolution can be reviewed and amended by County Board at public hearing without need of submission of the same to the Planning Commission.”

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY 2025.


Sherry L. Morrow, Chairperson
Buffalo County Board of Commissioners

ATTEST:


Heather A. Christensen
Buffalo County Clerk

(SEAL)

