

HB 40 – REVISING APPOINTMENT OF BOARD OF ADJUSTMENTS FOR CONSERVATION DISTRICTS WITH ORDINANCES

Purpose:

HB 40 revises the method for the appointment of a board of adjustment, which is required when a conservation district has adopted a land use ordinance.

Currently, the Department of Natural Resources and Conservation must appoint three members to board of adjustment each year for each conservation district ordinance. Under HB 40, the Department would appoint a board of adjustment only when a variance request has been requested.

The number of members (three) remains the same, but the terms will be revised to the members serving until they have reached a final decision on the variance rest.

Current law sets the terms for three years.

Background:

Conservation districts are authorized to adopt land use ordinances after a referendum of the affected individuals. When an ordinance is adopted, the Department must appoint a board of adjustment to hear variance requests from individuals claiming great practical difficulties or unnecessary hardship in the way the ordinance affects them. Under current law, the Department must appoint a person every year to sit on a board of adjustment, even when no variance request exists.

Three conservation districts currently have ordinances, which means under the current law nine citizens would sit on three boards of adjustment with no business before it.

The request for change makes the appointments more manageable.

Conservation districts have had ordinances in place since the 80s and no petition for a variance has ever been filed.

