

IN THE IOWA DISTRICT COURT FOR WARREN COUNTY

DANIEL KING, SUSAN KING, SARAH HOOVER, TIM HOOVER, DENNIS MORGAN, PATRICIA MORGAN, CHARLIE WALTERS, MONA WALTERS, KAREN KREHLIK, WILLIAM COX, DUSTY CHAPLINE, HOWELL FAMILY TRUST, DEWAYNE JENKINS, JENNIFER JENKINS, KATHRYN MORRIS, WADE PETERSON, LAURIE PETERSON, HELEN R. REED TRUST, SK5 LLC, CHARLOTTE WICKETT, Plaintiffs, v. WARREN COUNTY BOARD OF SUPERVISORS AND WARREN COUNTY, Defendant.	CASE NO. CVCV041202 RULING ON PETITION FOR WRIT OF CERTIORARI
---	---

This matter came before the Court for hearing on June 30, 2026, on Plaintiffs' Petition for Writ of Certiorari challenging the decision of the Warren County Board of Supervisors to rezone four parcels of land from A-1 (Agricultural) to C-2 (General Commercial-Highway Service Districts). Plaintiffs appeared by attorneys, Sarah K. Franklin and Spencer Willems of Dentons Davis Brown PC. Defendants appeared by attorney, Kelly Verwers Meyers, Assistant Warren County Attorney. The court, having reviewed the certiorari record returned by Defendants (Exhibits A through JJ), the parties' briefs and appendices, and the arguments of counsel, and being otherwise fully advised in the premises, now enters the following ruling.

PROCEDURAL HISTORY

On or about August 13, 2025, New Pioneer Gun Club ("NPGC" or "New Pioneer"), a 501(c)(7) non-profit corporation, submitted applications to the Warren County Zoning Department to rezone four parcels of land—Parcel Nos. 27000320240, 27000320260, 27000320840, and 27000320860 (collectively, "the Parcels" or "the Subject")—from A-1 (Agricultural) to C-2 (General Commercial-Highway Service Districts). (Ex. F).

The Warren County Planning and Zoning Commission (“Zoning Commission”) held a noticed public hearing on the application on September 10, 2025, and voted 3-1 to recommend approval of the rezoning to the Warren County Board of Supervisors (“Board” or “WCBOS”). (Exs. A, B, C, E, P). On October 7, 2025, following a noticed public hearing lasting nearly four hours, the Board voted unanimously to rezone the Parcels from A-1 to C-2 and, by separate unanimous vote, waived the second and third readings of the rezoning ordinance pursuant to Iowa Code § 331.302(6)(a). (Exs. Q, R, JJ). The Board issued no written findings of fact in support of its decision. (Ex. JJ).

Plaintiffs filed their Petition for Writ of Certiorari on November 5, 2025. On November 6, 2025, this Court entered an Order issuing the Writ and directing Defendants to return all records and proceedings related to the October 7, 2025, rezoning within 30 days of service. The Warren County Sheriff served Defendants on November 12, 2025. Defendants answered on December 2, 2025, and returned the record on December 12, 2025, filing Exhibits A through JJ.

Pursuant to the Court's February 20, 2026, scheduling order, Plaintiffs filed their Brief on April 15, 2026; Defendants filed their Resistance and Brief in Support on May 13, 2026; and Plaintiffs filed their Reply Brief on June 16, 2026. Hearing was held June 30, 2026, and the matter was taken under advisement.

FINDINGS OF FACT

The Applicant and the Property

NPGC is a private, members-only shooting sports club organized under section 501(c)(7) of the Internal Revenue Code that charges fees for membership. (Ex. J). It has existed for more than sixty years and, prior to acquiring the Subject property, operated in Waukee, Iowa. (Exs. J, S). The rezoning application was signed by NPGC and the then-owner of the property, Gary Hunter of GM Hunter AG Inc. (Ex. F). The four Parcels total 146.8 acres and are located south of Highway G76, east of Interstate 35, and west of the incorporated City of New Virginia, Iowa. (Ex. G).

The Proposed Use

NPGC's application described its intent to conduct year-round shooting activities, to build a clubhouse for member use and an event center, and to erect ancillary structures including a space to sell ammunition and living quarters for an on-site manager. (Ex. F, p. 007; Exs. J, K, S).

Character of the Surrounding Area

The land immediately abutting the Parcels to the north, south, east, and west is zoned A-1 (Agricultural). (Ex. G). Outside of pockets of development at the Interstate 35 interchange and the edge of New Virginia, the land along Highway G76 is zoned A-1. (Ex. G). The photographs included in the Zoning Administrator's Findings of Fact demonstrate that the Parcels were used for agricultural purposes prior to the rezoning. (Ex. F, pp. 11, 22, 32, 43). The commercially zoned parcels relied upon by Defendants are concentrated at the Interstate 35 interchange approximately one mile away, or are small parcels tightly confined to Highway G76. (Exs. FF, G).

The Applicant's Timeline

Emails between County officials and NPGC representatives reflect that the applicant set the timeline for the application process. A September 11, 2025, email among county officials states that one of NPGC's principals "cannot have the [Board of Supervisors] hearing any later than Oct. 7th." (Pltfs. App. 005).

Notice and the September 10, 2025, Zoning Commission Hearing

Notice of the Zoning Commission's public hearing was published in the County's designated newspapers and mailed to adjacent owners. (Exs. A, B, C). At the start of the September 10, 2025, hearing, a county official read verbatim from a pre-authored document, the "Findings of Fact/Recommendation," recommending approval of the rezoning. (Ex. F, pp. 8-43; Ex. P, p. 1). The Findings of Fact consist of a series of answers to questions marked "Yes," "No," or "Unsure," without analysis or discussion of the merits. (Ex. F, pp. 8-43). The Findings of Fact state "Unsure" on whether the rezoning would "protect property values of adjacent landowners" (Ex. F, pp. 8, 19, 30, 40); state, without any explanation or rationale, that the proposed rezoning

is not spot zoning; fail to answer question 22, which analyzes the proposed district in the context of the Land Use Plan, for two of the four parcels (Ex. F, pp. 10, 21); and conclude that “[t]his location is on pavement, does not have much development in the area and is where the County would like to see these types of businesses located” (Ex. F, pp. 10, 21, 31, 42), notwithstanding that the Parcels themselves are undeveloped agricultural land and only a portion of one parcel abuts Highway G76. After approximately two hours of public comment, the Commission voted 3-1 (one member absent) to recommend approval. (Ex. P, pp. 6-7).

The October 7, 2025, Board Hearing

The Board held its public hearing on October 7, 2025, the last date acceptable to the applicant. (Pltfs. App. 005; Ex. Q). The hearing lasted nearly four hours, during which more than thirty individuals, including many Plaintiffs, made public comment, most in opposition. (Ex. JJ). Counsel appeared for opponents, including counsel for SK5, LLC, who presented a PowerPoint submitted to the Board (Ex. AA), and counsel for Plaintiffs Daniel and Susan King. (Ex. JJ, pp. 57-58). Residents raised concerns regarding continuous gunfire audible for miles, increased traffic on Highway G76, diminished property values, impacts on livestock, horses, and wildlife, drainage and lead contamination, and the loss of the quiet, rural character of the area. (Exs. AA, JJ; Amended Petition ¶¶ 48-74).

The Board's Deliberations and Vote

Following public comment, the Supervisors deliberated briefly. Supervisor Erickson cited economic opportunity and the commercial tax base. (Ex. JJ, p. 175, L. 6-17). Supervisor DeWitt cited future economic growth and stated he counted fifteen commercial properties in the area. (Ex. JJ, p. 176, L. 4-24). Supervisor McIntyre cited NPGC's safety record and support for children. (Ex. JJ, p. 186, L. 7-21). Supervisor DeKock stated he respected the Zoning Commission's recommendation and believed the location was where future commercial expansion was planned. (Ex. JJ, p. 188, L. 9-16). The Board then voted unanimously to rezone the Parcels and, by separate unanimous vote, waived the second and third readings pursuant to

Iowa Code § 331.302(6)(a). (Ex. JJ, pp. 190-191). The Board issued no written findings of fact and made no findings addressing spot zoning, the special use permit requirements of the County's ordinances, or the Future Land Use Plan designation of the Parcels.

The Comprehensive Plan

Warren County adopted its Comprehensive Land Use Plan, "Wonderful Warren," in 2024, less than two years before the rezoning, as a twenty-year framework to guide the County's future. (Ex. I, pp. i, 2). The Plan states that agricultural land is a "critical piece of the state's economy and Warren County's culture and should be preserved whenever possible." (Ex. I, p. 31). The Plan's Future Land Use Map (Map 4.1) designates all four of the rezoned Parcels, as well as the land to the north, west, and east, as "Agriculture + Open Space," with "Rural Commercial" growth anchored at and expanding gradually east from the Interstate 35 interchange. (Ex. I, pp. 64-65). The Plan's Opportunity Overlay Corridors indicate "areas more suitable for Future Land Use Plan Amendments." (Ex. I, p. 66). Only one of the four rezoned parcels, Parcel No. 27000320240, lies within the mapped Opportunity Overlay Corridor; the remaining three parcels, comprising the substantial majority of the 146.8 acres, including the land on which the shooting ranges will be located, lie outside it. (Ex. I, p. 66). The Parcels are categorized as Agricultural/Undeveloped on the Plan's Existing Land Use Map and are not abutted by any commercial development. (Ex. I, p. 105).

Analysis of the Comprehensive Plan in the Record

The only analysis in the certiorari record addressing the rezoning's consistency with the Comprehensive Plan is a memorandum authored by the applicant, NPGC. (Ex. T). That memorandum is premised on the assertion that the Parcels lie "within a designated Opportunity Overlay Corridor." (Ex. T, p. 1). As found above, three of the four parcels do not. The record contains no independent analysis by the Zoning Administrator, the Zoning Commission, or the Board of the rezoning's consistency with the Future Land Use Plan.

The County's Zoning Ordinances

Under the Warren County Zoning Ordinance in effect in 2025, A-1 districts are intended to “preserve the agricultural resources of the County and protect agricultural land.” (Warren Co. Ord. § 41.02; Pltfs. App. 036). Section 41.02(2)(V) provides that “private gun clubs, skeet shooting ranges, archery, and firearms ranges-Outdoor” may be permitted in the A-1 District, but only as a special use upon approval by the Board of Adjustment after notice and public hearing, and subject to enumerated conditions. (Pltfs. App. 039-041). Those conditions require, among other things, a certified design by a licensed engineer or architect ensuring health, safety, and welfare; methods of range cleanup and lead abatement and disposal; documentation of post-operation cleanup procedures, legal responsibility for environmental pollution, and financial ability to remediate; and potentially a bond or surety. (Warren Co. Ord. § 41.02(2)(V)(2)-(5); Pltfs. App. 040-041). Section 41.03(3) further requires the Board of Adjustment to consider whether the proposed use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining property; will not unduly increase congestion in the streets or public danger of fire and safety; will not diminish or impair established property values in adjoining or surrounding property; and is in accord with the intent, purpose, and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan. (Pltfs. App. 047). Section 41.11 provides that C-2 districts are intended to “provide for the commercial and highway service uses required to serve the general needs of the County and the highway traveling public” and that “only the use of structures or land” listed in the Ordinance are permitted in a C-2 district. (Pltfs. App. 074). Section 41.11 permits “commercial baseball fields, swimming pools, skating, golf driving ranges, or similar recreational uses and facilities,” but does not identify gun clubs, skeet shooting ranges, or firearms ranges. (Warren Co. Ord. § 41.11(3); Pltfs. App. 075).

The Permitting Path Not Taken

NPGC did not apply to the Board of Adjustment for a special use permit. It did not provide a certified engineering design, a traffic study, an analysis of impacts on surrounding property values, or independent environmental or noise studies. (Exs. F, S, W; Ex. JJ). The County points to NPGC's presentation materials, a lead management summary, and an unsigned memorandum of understanding as addressing the special use subjects. (Exs. S, W, X).

Plaintiffs

Plaintiffs are twenty owners of property adjoining or near the Parcels, including owners who farm adjoining land, board and train horses on adjoining land, draw water for cattle from drainage that crosses the Parcels, and reside directly across Highway G76 from the Parcels. (Amended Petition ¶¶ 48-74). Plaintiffs raised their objections at the public hearings and in written communications to the County. (Exs. AA, JJ).

ISSUES PRESENTED AND THE PARTIES' POSITIONS

Plaintiffs' Positions

Plaintiffs contend the Board acted illegally within the meaning of Iowa Rule of Civil Procedure 1.1401 in four principal respects:

1. Illegal spot zoning. Plaintiffs argue the rezoning created a small island of C-2 property surrounded on all sides by A-1 land, constituting spot zoning under *Little v. Winborn*, 518 N.W.2d 384, 387 (Iowa 1994), and *Jaffe v. City of Davenport*, 179 N.W.2d 554, 556 (Iowa 1970), and that the spot zoning is invalid under the three-factor test of *Perkins v. Board of Supervisors of Madison County*, 636 N.W.2d 58, 67 (Iowa 2001), because: (a) the rezoning is not germane to an object within the County's police power, benefiting only NPGC and its members, as in *Little*; (b) there is no reasonable basis to distinguish the Parcels from the surrounding agricultural land, which possesses no peculiar adaptability to commercial use, citing

Little, 518 N.W.2d 384, *Kane v. City Council of Cedar Rapids*, 537 N.W.2d 718 (Iowa 1995), *Keller v. City of Council Bluffs*, 66 N.W.2d 113 (Iowa 1954), and *Riniker v. Dubuque County*, No. 01-1964, 2002 WL 1842918 (Iowa Ct. App. Aug. 14, 2002), and distinguishing *Hogg v. City Council of Cedar Rapids*, 19 N.W.3d 316 (Iowa Ct. App. 2024) (table), 2024 WL 5153920; and (c) the rezoning is inconsistent with the County's Comprehensive Plan and with Iowa Code § 335.5's directive that zoning be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land, because the Future Land Use Map designated the Parcels as "Agriculture + Open Space" and three of the four Parcels lie outside the Opportunity Overlay Corridor. Plaintiffs rely additionally on *Webb v. Giltner*, 468 N.W.2d 838 (Iowa Ct. App. 1991), *Wolf v. City of Ely*, 493 N.W.2d 846 (Iowa 1992), and *Molo Oil Co. v. City of Dubuque*, 692 N.W.2d 686 (Iowa 2005).

2. Violation of the County's own ordinances. Plaintiffs argue that private gun clubs are permitted only as a special use in the A-1 district upon approval of the Board of Adjustment under Ordinance § 41.02(2)(V), subject to the conditions of §§ 41.02(2)(V)(2)-(5) and 41.03(3); that gun clubs are not a permitted use in the C-2 district under § 41.11; and that under the doctrine of *expressio unius est exclusio alterius*, *TLC Home Health Care, L.L.C. v. Iowa Department of Human Services*, 638 N.W.2d 708, 716 (Iowa 2002), the express inclusion of gun clubs in A-1 implicitly excludes them from C-2. Plaintiffs contend the County permitted an end-run around the special use permit process and its more rigorous conditions.

3. Unreasonable, arbitrary, or capricious action. Plaintiffs argue the decision was made without regard to the law or the underlying facts, *Riley v. Boxa*, 542 N.W.2d 519, 523 (Iowa 1996), citing an expedited process driven by the applicant's timeline, the Zoning Administrator's incomplete and erroneous Findings of Fact (including the "on pavement" statement, the "unsure" answer on property values, and the unexplained "not spot zoning" conclusion), the absence of written findings by the Board, the waiver of second and third readings, and the absence of independent studies on traffic, property values, noise, or lead

contamination. Plaintiffs cite *Baker v. Chartiers Township Zoning Hearing Board*, 677 A.2d 1274 (Pa. Cmwlth. 1996), as persuasive authority.

4. Quasi-judicial character. In reply, Plaintiffs argue the Board's decision was quasi-judicial under *Sutton v. Dubuque City Council*, 729 N.W.2d 796, 798 (Iowa 2006), because the application triggered a statutorily mandated public hearing, identifiable proponents and opponents formed, and the decision impacted a particular group of citizens more acutely than the public at large, rendering the absence of written findings a procedural deficiency.

Defendants' Positions

Defendants resist on the following grounds:

1. Presumption of validity and legislative function. Defendants argue the rezoning ordinance carries a strong presumption of validity, *Shriver v. City of Okoboji*, 567 N.W.2d 397, 401 (Iowa 1997); *Neuzil v. City of Iowa City*, 451 N.W.2d 159 (Iowa 1990); that Plaintiffs bear the burden of proving illegality, *Nash Finch Co. v. City Council*, 672 N.W.2d 822, 825 (Iowa 2003); that the Board's action on a rezoning application is legislative, not quasi-judicial, *Montgomery v. Bremer County Board of Supervisors*, 299 N.W.2d 687 (Iowa 1980); *Residential & Agricultural Advisory Committee, LLC v. Dyersville City Council*, 888 N.W.2d 24, 40 (Iowa 2016), such that no findings of fact are required; and that legislative zoning decisions are reviewed under the “fairly debatable” standard, under which courts will not second-guess the legislative body's balancing of competing community interests, *Dyersville*, 888 N.W.2d at 43; *Molo Oil Co.*, 692 N.W.2d 686; *Kane*, 537 N.W.2d at 724; *Jaffe*, 179 N.W.2d 554; *TSB Holdings, L.L.C. v. Board of Adjustment*, 913 N.W.2d 1, 10 (Iowa 2018); *Perkins*, 636 N.W.2d 58; *City of Grimes v. Polk County Board of Supervisors*, 495 N.W.2d 751 (Iowa 1993).

2. No spot zoning. Defendants argue no true “island” was created because fifteen other commercially zoned parcels exist in the surrounding growth corridor area, citing *Hogg*, and because a gun club was already a possible use of the property under A-1 zoning by special use

permit, citing *Ely v. City Council of the City of Ames*, 787 N.W.2d 479 (Iowa Ct. App. 2010) (table), 2010 WL 2598244.

3. Any spot zoning was valid. Alternatively, Defendants argue that even if the rezoning is spot zoning, it is valid under *Perkins* and *Lime Lounge, LLC v. City of Des Moines*, 4 N.W.3d 642 (Iowa 2024), because: (a) the rezoning is germane to the County's broad police power, *Kelly v. Story County Sheriff*, 611 N.W.2d 475 (Iowa 2000); Iowa Code § 335.1, in promoting recreation, tourism, youth shooting sports, education, and economic development, as recognized in *Dyersville*, *Perkins*, *Jaffe*, *Shriver*, and *Montgomery*, and that *Little* is distinguishable; (b) the Parcels have distinguishing characteristics, frontage on paved Highway G76, proximity to the I-35 interchange, proximity to fifteen other C-2 parcels and to New Virginia, location in the identified growth opportunity corridor, contiguity and lack of development, and natural buffering features, that make them reasonably suited for commercial development, citing *Montgomery*, 299 N.W.2d at 696, *Woodward v. Monona County Board of Supervisors*, 825 N.W.2d 327 (Iowa Ct. App. 2012) (table), 2012 WL 5536458, *Hogg*, and *Keller*; and (c) the rezoning is consistent with the Comprehensive Plan, which requires only “full consideration” of the problem presented, *Dyersville*, 888 N.W.2d at 45 (quoting *Iowa Coal Mining Co. v. Monroe County*, 494 N.W.2d 664, 669 (Iowa 1993)), and which identified this corridor for growth and articulates goals of expanding recreation and tourism.

4. The special use permit was not the required path. Defendants argue a special use permit under § 41.02(2)(V) would cover only a gun range and would not permit the public-facing event center and retail shop; that C-2 zoning, which allows C-1 retail uses and highway-service commercial uses, is the appropriate district for NPGC's intended use; and that NPGC has in any event provided the substantive information the special use conditions would require.

5. The process was proper. Defendants argue all notice and publication requirements were met, the hearing was scheduled in the evening for public accessibility, the timeline followed the ordinary monthly meeting cycle, waiver of the second and third readings was

expressly authorized by Iowa Code § 331.302(6)(a) upon unanimous vote, and the record reflects extensive information received and genuine deliberation.

Issues for Decision

1. What standard of review applies to the Board's October 7, 2025, rezoning decision.
2. Whether the rezoning constitutes spot zoning and, if so, whether it is valid under the three *Perkins* factors.
3. Whether the rezoning violated the Warren County Zoning Ordinance because a private gun club may be established only by special use permit in the A-1 district upon approval of the Board of Adjustment.
4. Whether the Board's decision was otherwise unreasonable, arbitrary, or capricious

CONCLUSIONS OF LAW AND ANALYSIS

Standard of Review

A party may commence a certiorari action when the party claims an inferior tribunal, board, or officer, exercising judicial functions, exceeded proper jurisdiction or otherwise acted illegally. Iowa R. Civ. P. 1.1401. An illegality is established if the board has not acted in accordance with a statute, if its decision was not supported by substantial evidence, or if its actions were unreasonable, arbitrary, or capricious. *Perkins*, 636 N.W.2d at 64 (*quoting Norland v. Worth County Compensation Board*, 323 N.W.2d 251, 253 (Iowa 1982)). The district court may “reverse or affirm, wholly or partly, or may modify the decision brought up for review.” Iowa Code § 335.21. “With a certiorari proceeding, the district court finds the facts anew only to determine if there was illegality not appearing in the record made before the board.” *TSB Holdings*, 913 N.W.2d at 10. A board's action must be upheld if supported by any competent and substantial evidence, *Montgomery*, 299 N.W.2d at 692, but if the facts found do not provide substantial support for the board's decision, the illegality of the board's action is established. *Lang v. Linn County Board of Adjustment*, 817 N.W.2d 31 (Iowa Ct. App. 2012), (table), 2012 WL 1438986 aff'd, 829 N.W.2d 1 (Iowa 2013).

The court is mindful that a zoning ordinance, including any amendment made to it, carries a strong presumption of validity, *Shriver*, 567 N.W.2d at 401, that Plaintiffs bear the burden of proving illegality, *Nash Finch Co.*, 672 N.W.2d at 825, and that where the reasonableness of a zoning decision is fairly debatable, the Court will not substitute its judgment for that of the zoning authority. *Jaffe*, 179 N.W.2d at 559; *Kane*, 537 N.W.2d at 724. But the presumption of validity and the fairly debatable standard protect judgment calls; they do not immunize decisions made in contravention of state statute, the County's own ordinances, or the County's own comprehensive plan. A decision is arbitrary or capricious when it is made without regard to the law or the underlying facts. *Riley*, 542 N.W.2d at 523. Spot zoning "for the benefit of the owner and contrary to the comprehensive plan is unreasonable." *Jaffe*, 179 N.W.2d at 556; *Little*, 518 N.W.2d at 388. For the reasons that follow, Plaintiffs have carried their burden.

The Character of the Board's Decision

Plaintiffs contend the Board's decision was quasi-judicial under *Sutton v. Dubuque City Council*, 729 N.W.2d 796, 798 (Iowa 2006), in which the Iowa Supreme Court explained that a zoning decision is quasi-judicial where the zoning application triggered a statutorily mandated public hearing, a readily identifiable set of proponents and opponents formed and weighed in on the process, and the decision impacted a particular group of citizens more acutely than the public at large. Each of those indicia is present here: NPGC's application triggered mandatory public hearings (Exs. A, D, Q, R); readily identifiable proponents and opponents formed, appeared by counsel, and weighed in (Exs. AA, JJ); and the decision impacts the adjoining and nearby landowners, the Plaintiffs, far more acutely than the public at large. (Amended Petition ¶¶ 48-74). Defendants respond, on the authority of *Montgomery*, 299 N.W.2d 687, and *Dyersville*, 888 N.W.2d at 40, that a rezoning is a legislative act for which no findings of fact are required.

The court need not definitively resolve the characterization, because the rezoning cannot stand under either framework. Whether legislative or quasi-judicial, a zoning decision must

comport with both state and local law, and it is arbitrary or capricious when it fails to do so. *Riley*, 542 N.W.2d at 523. Even under Defendants' preferred legislative framing, the fairly debatable standard protects only "a judgment call on which reasonable people could disagree," *Dyersville*, 888 N.W.2d at 43; it does not shield a decision that constitutes invalid spot zoning under *Little* and *Perkins*, that authorizes a use the County's own ordinance prohibits in the C-2 district, and that contravenes the comprehensive plan the County adopted less than two years earlier. The court notes, however, that the quasi-judicial indicia identified in *Sutton*, and the total absence of findings by the Board addressing spot zoning, the ordinance's special use requirements, or the Future Land Use Plan, bear on the arbitrariness analysis in Division E below.

The Rezoning Is Illegal Spot Zoning

1. The Rezoning Is Spot Zoning

"Spot zoning results when a zoning ordinance creates a small island of property with restrictions on its use different from those imposed on the surrounding property." *Little*, 518 N.W.2d at 387 (*quoting Jaffe*, 179 N.W.2d at 556). The determination is straightforward here. The four Parcels were rezoned from A-1 to C-2 while every parcel actually surrounding them, north, south, east, and west, was and remains zoned A-1. (Ex. G). The County's own maps, including the enhanced maps included in its Resistance, depict precisely what *Little* and *Jaffe* describe: an island of commercial property in a sea of agricultural land. In *Little*, the Iowa Supreme Court had no difficulty concluding that the rezoning of farmland surrounded by A-1 land to permit a private shooting range "would create an island of property with restrictions on its use different from those imposed on surrounding property." 518 N.W.2d at 388. The same conclusion follows here.

The County's contrary argument, that "the four parcels at issue were not spot zoned" because "the surrounding area contain[s] 15 other commercially zoned properties," is unpersuasive. The parcels surrounding the Subject are zoned A-1. The C-2 parcels the County

invokes are concentrated at the Interstate 35 interchange approximately one mile away or are small parcels tightly confined to Highway G76; none abuts the Subject Parcels. (Exs. FF, G; Ex. I, p. 105). The County's reasoning contains no limiting principle: if commercial parcels a mile distant defeat a spot zoning claim, the doctrine would be read out of Iowa law. Nor does *Hogg* assist the County. There, the rezoned parcel was “surrounded by varying types of zoning classifications” and was “uniquely adaptable as a rail yard next to the railroad.” *Hogg*, 2024 WL 5153920, at 8-10. Here, the Subject is not flanked by varied zoning designations; it is flanked on all sides by A-1. Finally, Ely's observation that the continuation of a pre-existing nonconforming use is not spot zoning, 2010 WL 2598244, is inapposite: there was no pre-existing gun club use on these Parcels to continue, they were row-crop agricultural land. (Ex. F, pp. 11, 22, 32, 43). The rezoning is spot zoning.

2. The Rezoning Is Not Germane to an Object Within the Police Power

Spot zoning is not per se illegal, *Perkins*, 636 N.W.2d at 67; *Baltimore v. Dallas County*, 4 N.W.3d 720 (Iowa Ct. App. 2024), (table), 2024 WL 469637, but to be valid it must satisfy three requirements: (1) the new zoning must be germane to an object within the police power; (2) there must be a reasonable basis for making a distinction between the spot zoned land and the surrounding property; and (3) the rezoning must be consistent with the comprehensive plan. *Perkins*, 636 N.W.2d at 67-68; *Lime Lounge*, 4 N.W.3d 642. Each case turns on its own peculiar facts. *Perkins*, 636 N.W.2d at 68. The rezoning here fails all three requirements; failure of any one would suffice.

Zoning decisions are an exercise of the police power to promote the health, safety, order, and morals of society, *Montgomery*, 299 N.W.2d at 692, exercised through decisions made “in accordance with a comprehensive plan” and designed “to promote health and the general welfare.” Iowa Code § 335.5; *Molo Oil Co.*, 692 N.W.2d at 691. A valid exercise of the police power requires “reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view of

conserving the value of buildings and encouraging the most appropriate use of land.” *Molo Oil Co.*, 692 N.W.2d at 691.

Little v. Winborn controls this issue. In *Little*, the Davenport Shooting Association obtained the rezoning of 223 acres of A-1 farmland to permit development of a private shooting range, over the objections of adjacent landowners concerned about noise bothersome to livestock and increased activity in the area. 518 N.W.2d at 385. The Iowa Supreme Court held: “We discern no object within the police power that would justify rezoning this property. The rezoning of this parcel is not related to the public health, safety, morals or general welfare designed to serve the best interests of the community as a whole. Only the owner of the property and its members would receive any benefit from rezoning this land.” *Id.* at 388. The facts here are materially indistinguishable, and in one respect more stark, as the shooting association in *Little* proposed to take only five acres out of agricultural production, while the rezoning here converts 146.8 acres of agricultural land to commercial use.

NPGC is a private, members-only club that charges fees for membership. (Ex. J). Its clubhouse and event space will be rented at a cost; its retail shop will sell goods at a price; its ranges will serve its members. Whatever incidental benefits may flow to individuals who pay for access, those payments inure to the benefit of New Pioneer, not to Warren County and not to the residents who must live beside the facility. The County's evidence of public benefit consists of generalized aspirations: testimony from shooting enthusiasts and coaches that youth teams may use the facility, a mayor's expression of support, and supervisors' hopes for the tax base. As in *Little*, such assertions do not transform a private club's relocation into an object of the police power “designed to serve the best interests of the community as a whole.” 518 N.W.2d at 388. The rezoning here is also the kind of discriminatory classification *Keller* condemns: “restrictions not bearing alike on all persons living in the same territory under similar conditions and circumstances is discriminatory and will not be upheld.” 66 N.W.2d at 116. And it mirrors *Riniker*, where the Court of Appeals affirmed the denial of a commercial rezoning of agricultural

land because the rezoning would “inure solely to the benefit” of the owners and because “it is generally undesirable to have residential and commercial uses mixed together on adjacent lots in indiscriminate fashion.” 2002 WL 1842918.

Defendants' reliance on *Dyersville* is misplaced. There, the Iowa Supreme Court upheld a rezoning where the record showed the council “weighed all of the information, reports, and comments available to it in order to determine whether rezoning was in the best interest of the city as a whole.” 888 N.W.2d at 43. As detailed above, this record shows the opposite: a process run on the applicant's timeline, findings that were incomplete and erroneous, no independent analysis of the comprehensive plan, and no findings by the Board at all. Moreover, the recreational complex in *Dyersville* was consistent with the community's planning; the rezoning here contradicts the County's own Future Land Use Plan adopted less than two years earlier. The first *Perkins* factor is not satisfied.

3. There Is No Reasonable Basis for Distinguishing the Parcels From the Surrounding Property

In determining whether there is a reasonable basis for spot zoning, courts consider the size of the spot zoned, the uses of the surrounding property, the changing conditions of the area, the use to which the subject property has been put, and its suitability and adaptability for various uses. *Little*, 518 N.W.2d at 387; *Kane*, 537 N.W.2d at 723; *Jaffe*, 179 N.W.2d at 556. “The factor of primary importance is whether the rezoned tract has a peculiar adaptability to the new classification as compared to the surrounding property.” *Little*, 518 N.W.2d at 388; *Keppy v. Ehlers*, 253 Iowa 1021, 1023, 115 N.W.2d 198, 200 (1962). While the similarity of the land to the surrounding area is primarily for the county to decide, *Keller*, 66 N.W.2d at 116, courts uphold the rezoning only when “a reasonable board could conclude that the land is different.” *Montgomery*, 299 N.W.2d at 696.

In *Little*, the Court found the 223-acre parcel “contains farm ground and timber. It has no unique quality that makes it more suitable than the property surrounding it.” 518 N.W.2d at 388.

The same is true here. The Subject Parcels are 146.8 acres of farm ground and timber, indistinguishable in character from the agricultural parcels that surround it for miles along Highway G76. (Exs. F, G; Ex. I, p. 105). The distinguishing characteristics Defendants advance do not withstand scrutiny. Frontage on paved Highway G76 is shared by every parcel along that highway, including the properties of several Plaintiffs, and only a portion of one of the four parcels actually abuts G76; the argument proves far too much, for it would render virtually all agricultural land near any paved road in Warren County “peculiarly adaptable” to commercial use. Proximity to the Interstate 35 interchange is likewise an attribute of every parcel in the vicinity, including the surrounding A-1 land. Contiguity and lack of development describe ordinary farmland, not peculiar adaptability. And unlike *Hogg*, where the rezoned parcel “was uniquely adaptable as a rail yard next to the railroad” and was surrounded by varied zoning classifications, 2024 WL 5153920, at 8-10, there is no railroad or other natural or manmade component of this property that distinguishes it from its neighbors. *Montgomery and Woodward* are similarly inapposite: in each, the rezoned land bore distinguishing features and adjacencies the surrounding land lacked; here the Board identified none, and none appears in the record.

The record confirms what the maps suggest: the only characteristic that made these particular parcels “adaptable” to a gun club was that they had a willing seller and a willing buyer. No evidence was presented to the Board that this land is different from the surrounding agricultural property, and the Board made no finding that it is. A rezoning made “for the benefit of the owner” of land “similar in character and use to the surrounding property” is precisely the “piecemeal or haphazard zoning” that Iowa law condemns as “arbitrary, unreasonable and invalid.” *Jaffe*, 179 N.W.2d at 556. The second *Perkins* factor is not satisfied.

4. The Rezoning Is Contrary to the Comprehensive Plan

Iowa Code § 335.5 commands that county zoning ordinances “shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land.” Compliance with the comprehensive plan requirement means that zoning authorities have

given “full consideration to the problem presented, including the needs of the public, changing conditions, and the similarity of other land in the same area.” *Dyersville*, 888 N.W.2d at 45 (quoting *Iowa Coal Mining Co.*, 494 N.W.2d at 669). Comprehensive plans exist as a check on local boards, ensuring they act “rationally rather than arbitrarily in exercising their delegated zoning authority.” *Wolf*, 493 N.W.2d at 849. Zoning decisions should consider the county’s comprehensive plan and “promote the goals of that individualized plan.” *Webb*, 468 N.W.2d at 841. If it is shown that the supervisors did not consider the comprehensive plan, the decision will be invalidated. *Webb*, 468 N.W.2d at 842.

Warren County adopted “Wonderful Warren” in 2024, less than two years before this rezoning. (Ex. I, p. 2). The Plan declares that agricultural land “should be preserved whenever possible.” (Ex. I, p. 31). Its Future Land Use Map designates all four of the rezoned Parcels, and the land to the north, west, and east of them, as “Agriculture + Open Space,” and confines contemplated “Rural Commercial” growth to areas anchored on the Interstate 35 interchange, expanding gradually east. (Ex. I, pp. 64-65). The County, in short, had already decided, deliberately and recently, that this land was to remain agricultural. The rezoning of 146.8 acres of that land to general commercial use does not bend the Plan; it breaks it.

The record makes matters worse, not better, for the County. The only analysis in the certiorari record addressing the Plan is a memorandum authored by the applicant itself, and that memorandum rests on a demonstrably mistaken premise: that the Parcels lie “within a designated Opportunity Overlay Corridor.” (Ex. T, p. 1). In fact, only one of the four parcels lies within the Corridor; the remaining three, the substantial majority of the acreage, do not. (Ex. I, p. 66). If the Board approved the rezoning in the belief that the Parcels are within the Corridor, it acted on a mistaken fact; if it did not consider the Plan at all, its decision must be invalidated under *Webb*. Neither the Zoning Administrator’s Findings of Fact, which left the Land Use Plan question unanswered for two parcels and contain no Plan analysis for any (Ex. F, pp. 8-43), nor the Board’s deliberations supply the “full consideration” that *Iowa Coal* and *Dyersville* require. A

single supervisor's statement that he "looked at" the Plan (Ex. JJ, p. 188) cannot substitute for consideration of what the Plan actually says about this land, which is that it is to remain agricultural.

Nor can the Opportunity Overlay Corridor carry the weight Defendants place on it. By the Plan's own terms, the Corridors indicate "areas more suitable for Future Land Use Plan Amendments." (Ex. I, p. 66). The rezoning did not amend the Future Land Use Plan, and in any event three of the four parcels lie outside the Corridor altogether. The Plan's general goals of expanding recreation and tourism (Ex. I, pp. 51-52) cannot override its specific, mapped determination that these parcels remain "Agriculture + Open Space," particularly when § 335.5 makes preservation of agricultural land a statutory design requirement. As in *Little*, where the county's comprehensive plan sought to protect agricultural land from "scattered development" and the rezoning for a gun club was held invalid as contrary to that planning, 518 N.W.2d at 388, the rezoning here is contrary to the County's comprehensive plan. "Spot zoning for the benefit of the owner and contrary to the comprehensive plan is unreasonable." *Id.*; *Jaffe*, 179 N.W.2d at 556. The third *Perkins* factor is not satisfied.

Because the rezoning is spot zoning and fails each of the three *Perkins* requirements, it is invalid. *Perkins*, 636 N.W.2d at 67-68; *Little*, 518 N.W.2d at 388; *Lime Lounge*, 4 N.W.3d 642.

The Rezoning Contravenes the County's Own Zoning Ordinance

Independent of the spot zoning analysis, the rezoning must be invalidated because it authorizes a use of land that the County's own ordinance does not permit in the C-2 district, and because it was employed to circumvent the ordinance's mandatory special use permit process for gun clubs.

The text of the Ordinance is clear. Section 41.02(2)(V) expressly addresses "private gun clubs, skeet shooting ranges, archery, and firearms ranges-Outdoor": they may be permitted in the A-1 District, but only upon approval by the Board of Adjustment after notice and public hearing, and only subject to enumerated protective conditions, a certified engineering design

safeguarding health, safety, and welfare; range cleanup and lead abatement and disposal methods; documented post-operation cleanup procedures, legal responsibility for environmental pollution, and financial ability to remediate; and potentially a bond or surety. (Pltfs. App. 039-041). Section 41.03(3) further obligates the Board of Adjustment to consider whether the use adequately safeguards persons in adjoining property, will not unduly increase congestion or danger, will not diminish or impair established property values in adjoining or surrounding property, and is in accord with the intent, purpose, and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan. (Pltfs. App. 047). Section 41.11, by contrast, provides that “only the use of structures or land” listed in the Ordinance is permitted in a C-2 district, and its list of permitted uses nowhere includes gun clubs, skeet ranges, or firearms ranges. (Pltfs. App. 074-075).

The doctrine of *expressio unius est exclusio alterius*, “when certain items are listed, there is an inference that the exclusion of other items is intentional,” *TLC Home Health Care*, 638 N.W.2d at 716, confirms what the text says. The drafters of the Ordinance knew how to address gun clubs and shooting ranges: they did so expressly, in A-1, subject to Board of Adjustment review and specific environmental and property-value safeguards. Their inclusion of those uses in A-1, and their omission from C-2, was intentional. Section 41.11(3)'s allowance of “commercial baseball fields, swimming pools, skating, golf driving ranges, or similar recreational uses and facilities” does not fill the gap: an outdoor shooting range, with its continuous gunfire, its lead deposition, and its safety zones, cannot fairly be characterized as “similar” to a baseball field or golf driving range, and the Ordinance's separate, condition-laden treatment of shooting facilities in § 41.02(2)(V) demonstrates that the drafters did not regard them as generic recreation. Indeed, the County's own inclusion in its record return of excerpts from § 41.02's A-1 regulations (Ex. M) is a tacit acknowledgment that the Ordinance addresses gun clubs there and nowhere else.

Defendants' response, that a special use permit would not accommodate NPGC's event center and retail shop, making C-2 "the more appropriate zoning district," concedes the problem rather than solving it. If the use NPGC proposed could not be authorized through the process the Ordinance prescribes for gun clubs, the lawful remedy was to amend the Ordinance, not to evade it. The County is the master of its own ordinances and is charged with following them. By rezoning the Parcels to a district in which the principal proposed use, an outdoor shooting facility, is not a permitted use at all, the County did not select between "two available regulatory paths;" it placed the use outside the reach of the only regulatory path its Ordinance provides, and in doing so stripped away every substantive safeguard the Ordinance mandates for exactly this use: the certified safety design, the lead abatement plan, the financial assurance, and the Board of Adjustment's required findings on congestion, safety, and neighboring property values. (Pltfs. App. 040-041, 047).

Nor can NPGC's after-the-fact assurances cure the defect. Defendants point to NPGC's presentation materials, a lead management summary, and an unsigned memorandum of understanding (Exs. S, W, X) as demonstrating that NPGC "has provided all the information" a special use permit would require. But NPGC provided no certified design by a licensed engineer or architect, no traffic study, no analysis of impacts on surrounding property values, and no independent environmental study, and more fundamentally, nobody ever made the determinations § 41.03(3) requires. A promise to comply with a process is not compliance with the process, and an unsigned memorandum cannot retroactively sanction a procedure the Ordinance does not authorize. The rezoning was employed as an end-run around the County's own law. This is an independent ground on which the Board's action is illegal, and it is on its own sufficient to void the rezoning. *Riley*, 542 N.W.2d at 523.

The Board's Decision Was Unreasonable, Arbitrary, and Capricious

A decision is arbitrary or capricious when it is made without regard to the law or the underlying facts. *Riley*, 542 N.W.2d at 523. Irregularities in zoning procedures, including a showing that the governing body did not thoroughly review the proposed rezoning and that the rezoning was inconsistent with the comprehensive plan, evidence that a board's action was arbitrary and unlawful. *Baker*, 677 A.2d at 1278-79 (concluding on similar irregularities that the decision “was expedited to the detriment of the public interest”). The record here, viewed in its entirety, demonstrates a process that was expedited, incomplete, and untethered to the governing law.

The applicant set the timeline.

County emails show that the schedule for this application was dictated by New Pioneer: County officials were instructed that NPGC's principal “cannot have the [Board] hearing any later than Oct. 7th” (Pltfs. App. 005), and the hearing was held on precisely that date. While compliance with minimum notice periods is necessary, it is not sufficient; a process run to the applicant's deadline, culminating in the waiver of the second and third readings over a groundswell of opposition and pleas for further study, bespeaks accommodation of the applicant rather than deliberation for the public. The Court does not hold that the waiver authorized by Iowa Code § 331.302(6)(a) is itself illegal; it holds that the haste it reflects is evidence, together with the rest of the record, of a decision made without the thorough review the law contemplates. *Baker*, 677 A.2d at 1278.

The findings on which the decision rested were incomplete and erroneous.

The Zoning Administrator's Findings of Fact, read verbatim into the record and relied upon at both stages, answered “Unsure” on whether the rezoning would protect the property values of adjacent landowners; declared the rezoning “not spot zoning” without a word of explanation, though that is a legal determination; left unanswered, for two parcels, the very question that analyzes the proposed district against the Land Use Plan; and asserted that “[t]his

location is on pavement” when the record photographs show 146.8 acres of undeveloped agricultural land, only a portion of one parcel of which abuts Highway G76. (Ex. F, pp. 8-43). The Board of Supervisors then adopted the Commission's recommendation without findings of its own, with supervisors citing generalized economic aspirations and, in one instance, a review of the Comprehensive Plan that the Plan's own maps contradict. (Ex. JJ, pp. 174-189; Ex. I, pp. 64-66).

The comprehensive plan was never independently analyzed.

As found above, the only Plan analysis in the record is the applicant's own memorandum, premised on the mistaken assertion that the Parcels lie within the Opportunity Overlay Corridor. (Ex. T; Ex. I, p. 66). A decision that either rests on a mistaken fact or reflects no consideration of the Plan at all is a decision “made without regard to the law or the underlying facts.” *Riley*, 542 N.W.2d at 523; *Webb*, 468 N.W.2d at 842. Defendants' reliance on the length of the October 7 hearing does not answer this point. The duration of a hearing measures the public's participation, not the Board's deliberation. In *Dyersville*, the rezoning was upheld because the council “weighed all of the information, reports, and comments available to it,” 888 N.W.2d at 43; here, the materials “available” to the Board on the dispositive legal questions, spot zoning, the Ordinance's special use mandate, and the Future Land Use Plan, were either absent, erroneous, or authored by the applicant.

No evidence answered the neighbors' concerns.

The County rezoned the Parcels without any traffic study, property value analysis, noise study, or independent environmental evidence to address the concerns raised by the surrounding landowners, the very showings the Ordinance would have required of NPGC in the special use permit process it evaded. (Pltfs. App. 040-041, 047). A board's action must be supported by competent and substantial evidence, *Montgomery*, 299 N.W.2d at 692, and where the facts do not provide substantial support for the board's decision, the illegality of the action is established. *Lang*, 2012 WL 1438986, citing *Martin Marietta Materials, Inc. v. Dallas County*,

675 N.W.2d 544, 551 (Iowa 2004) (*quoting Baker v. Bd. of Adjustment*, 671 N.W.2d 405, 413 (Iowa 2003)). On the questions that mattered, the peculiar adaptability of this land, the consistency of the rezoning with the Plan, and the lawfulness of the use in the C-2 district, the record contains no substantial supporting evidence at all.

In total, the County proceeded on the applicant's schedule, relied on incomplete and erroneous findings, conducted no independent analysis of its own comprehensive plan, disregarded the mandatory permitting process in its own Ordinance, and rezoned 146.8 acres of agricultural land with no intelligible explanation of why this land, as opposed to any other, warranted commercial classification. That is a decision made without regard to the facts and the law, and it was unreasonable, arbitrary, and capricious. *Riley*, 542 N.W.2d at 523.

The Court does not reach this conclusion lightly. The presumption of validity is real, *Shriver*, 567 N.W.2d at 401, and the Court is not to pass on the wisdom of the Board's policy preferences or substitute its judgment on matters fairly debatable. *Perkins*, 636 N.W.2d at 64; *Kane*, 537 N.W.2d at 724. The Board's desire to expand the County's tax base and to welcome new enterprise is a legitimate policy aspiration. But the fairly debatable standard presupposes a decision made within the law. Where a rezoning constitutes invalid spot zoning under *Little* and *Perkins*, authorizes a use the County's own ordinance excludes from the chosen district, and contradicts the comprehensive plan that Iowa Code § 335.5 requires zoning to follow, the decision is not a protected judgment call, it is an illegality, and Plaintiffs have proven it. *Nash Finch*, 672 N.W.2d at 825.

RULING AND ORDER

For the reasons set forth above, the Court concludes:

1. The rezoning of Parcel Nos. 27000320240, 27000320260, 27000320840, and 27000320860 from A-1 to C-2 constitutes spot zoning under Iowa law. *Little*, 518 N.W.2d at 387-88; *Jaffe*, 179 N.W.2d at 556.

2. The spot zoning is invalid because it is not germane to an object within the County's police power, there is no reasonable basis for distinguishing the rezoned Parcels from the surrounding agricultural property, and the rezoning is contrary to the Warren County Comprehensive Land Use Plan and Iowa Code § 335.5. *Perkins*, 636 N.W.2d at 67-68; *Little*, 518 N.W.2d at 388; *Jaffe*, 179 N.W.2d at 556.

3. The rezoning independently contravenes the Warren County Zoning Ordinance, which permits private gun clubs and outdoor firearms ranges only as a special use in the A-1 district upon approval by the Board of Adjustment, Warren Co. Ord. §§ 41.02(2)(V), 41.03(3), and does not permit such uses in the C-2 district, Warren Co. Ord. § 41.11. *TLC Home Health Care*, 638 N.W.2d at 716.

4. The Board's decision was not supported by substantial evidence on the dispositive questions and was unreasonable, arbitrary, and capricious. *Riley*, 542 N.W.2d at 523; *Montgomery*, 299 N.W.2d at 692; *Lang*, 817 N.W.2d 31.

IT IS THEREFORE ORDERED that the Writ of Certiorari is **SUSTAINED**. Pursuant to Iowa Code § 335.21, the October 7, 2025, decision of the Warren County Board of Supervisors rezoning Parcel Nos. 27000320240, 27000320260, 27000320840, and 27000320860 from A-1 (Agricultural) to C-2 (General Commercial-Highway Service Districts) is **REVERSED**, and the rezoning ordinance is declared **ILLEGAL, VOID, AND OF NO FORCE OR EFFECT**. The zoning classification of the four subject parcels is restored to A-1 (Agricultural). Nothing in this ruling precludes New Pioneer Gun Club from applying to the Warren County Board of Adjustment for a special use permit pursuant to Warren County Ordinance § 41.02(2)(V), or the County from pursuing any lawful amendment of its ordinances or comprehensive plan.

Costs of this action are assessed to Defendants.

IT IS SO ORDERED.



State of Iowa Courts

Case Number
CVCV041202

Case Title
DANIEL KING ET AL V WARREN CO BRD OF
SUPERVISORS
Type: ORDER FOR JUDGMENT

So Ordered

Michael Jacobsen, District Court Judge
Fifth Judicial District of Iowa

Electronically signed on 2026-08-19 14:40:41