

1 **COUNTY AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Melvin R. Brown**

5 Senate Sponsor: Ralph Okerlund

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to a township planning commission.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires that on or before January 1, 2012, a county enact an ordinance providing
13 for the election of at least three members of a township planning commission;

14 ▶ provides for the appointment of a township planning commission member in certain
15 circumstances;

16 ▶ requires that on or before January 1, 2012, a county enact an ordinance designating
17 the elected seats of a township planning commission; and

18 ▶ makes technical corrections.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **17-27a-301**, as last amended by Laws of Utah 2008, Chapter 250

27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **17-27a-301** is amended to read:

29 **17-27a-301. Ordinance establishing planning commission required -- Exception --**
30 **Ordinance requirements -- Township planning commission -- Compensation.**

31 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance
32 establishing a countywide planning commission for the unincorporated areas of the county not
33 within a township.

34 (b) Subsection (1)(a) does not apply if all of the county is included within any
35 combination of:

- 36 (i) municipalities; and
- 37 (ii) townships with their own planning commissions.

38 (2) The ordinance shall define:

39 (a) the number and terms of the members and, if the county chooses, alternate
40 members;

41 (b) the mode of appointment;

42 (c) the procedures for filling vacancies and removal from office;

43 (d) the authority of the planning commission; and

44 (e) other details relating to the organization and procedures of the planning
45 commission.

46 (3) (a) If the county establishes a township planning commission, the county legislative
47 body shall enact an ordinance defining appointment procedures, procedures for filling
48 vacancies and removing members from office, and other details relating to the organization and
49 procedures of each township planning commission.

50 (b) The planning commission for each township shall consist of seven members who,
51 except as provided in Subsection [~~(3)(e)~~] (4), shall be appointed by:

52 (i) in a county operating under a form of government in which the executive and
53 legislative functions of the governing body are separated, the county executive with the advice
54 and consent of the county legislative body; or

55 (ii) in a county operating under a form of government in which the executive and
56 legislative functions of the governing body are not separated, the county legislative body.

57 (c) (i) Members shall serve four-year terms and until their successors are appointed or,
58 as provided in Subsection [~~(3)(e)~~] (4), elected and qualified.

59 (ii) Notwithstanding the provisions of Subsection (3)(c)(i) and except as provided in
 60 Subsection ~~[(3)(e)]~~ (4), members of the first planning commissions shall be appointed so that,
 61 for each commission, the terms of at least one member and no more than two members expire
 62 each year.

63 (d) (i) Except as provided in Subsection (3)(d)(ii), each member of a township
 64 planning commission shall be a registered voter residing within the township.

65 (ii) (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission
 66 of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established
 67 under Subsection 17-27a-306(1)(k)(i) may be an appointed member who is a registered voter
 68 residing outside the township if that member:

69 (I) is an owner of real property located within the township; and

70 (II) resides within the county in which the township is located.

71 (B) (I) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township
 72 planning commission from a list of three persons submitted by the county legislative body.

73 (II) If the township planning commission has not notified the county legislative body of
 74 its choice under Subsection (3)(d)(ii)(B)(I) within 60 days of the township planning
 75 commission's receipt of the list, the county legislative body may appoint one of the three
 76 persons on the list or a registered voter residing within the township as a member of the
 77 township planning commission.

78 ~~[(e)(i)]~~ (4) (a) The legislative body of each county in which a township reconstituted
 79 under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection
 80 17-27a-306(1)(e)(i) is located shall on or before January 1, 2012, enact an ordinance that
 81 provides for the election of at least three members of the planning commission of that
 82 township.

83 ~~[(i)]~~ (b) (i) ~~H~~ → **[The] Beginning with the 2012 general election, the** ← ~~H~~ election of
 83a planning commission members under Subsection ~~[(3)(e)(i)]~~

84 (4)(a) shall coincide with the election of other county officers during even-numbered years.

85 (ii) Approximately half the elected planning commission members shall be elected
 86 every four years during elections held on even-numbered years, and the remaining elected
 87 members shall be elected every four years on alternating even-numbered years.

88 ~~[(f)(i)(A) The legislative body of each county in which a township reconstituted under~~
 89 ~~Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection~~

90 ~~17-27a-306(1)(e)(i) is located shall enact an ordinance appointing each elected]~~

91 (c) If no person files a declaration of candidacy in accordance with Section 20A-9-202
92 for an open township planning commission member position:

93 (i) the position may be appointed in accordance with Subsection (3)(b); and

94 (ii) a person appointed under Subsection (4)(c)(i) may not serve for a period of time
95 that exceeds the elected term for which there was no candidate.

96 (5) (a) A legislative body described in Subsection (4)(a) shall on or before January 1,
97 2012, enact an ordinance that:

98 (i) designates the seats to be elected; and

99 (ii) subject to Subsection (6)(b), appoints a member of the planning and zoning board
100 of the former township, established under Laws of Utah 1996, Chapter 308, as a member of the
101 planning commission of the reconstituted or reinstated township. [Each]

102 (b) A member appointed under [this subsection shall be] Subsection (5)(a) is
103 considered an elected member.

104 ~~[(B)(F)] (6) (a)~~ Except as provided in Subsection ~~[(3)(f)(i)(B)(F)] (6)(b)~~, the term of
105 each member appointed under Subsection ~~[(3)(f)(i)(A)] (5)(a)~~ shall continue until the time that
106 the member's term as an elected member of the former township planning and zoning board
107 would have expired.

108 ~~[(H)] (b) (i)~~ Notwithstanding Subsection ~~[(3)(f)(i)(B)(F)] (6)(a)~~, the county legislative
109 body may adjust the terms of the members appointed under Subsection ~~[(3)(f)(i)(A)] (5)(a)~~ so
110 that the terms of those members coincide with the schedule under Subsection ~~[(3)(e)(ii)] (4)(b)~~
111 for elected members.

112 (ii) Subject to Subsection ~~[(3)(f)(iii)] (6)(b)(iii)~~, the legislative body of a county in
113 which a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or
114 established under Subsection 17-27a-306(1)(e)(i) is located may enact an ordinance allowing
115 each appointed member of the planning and zoning board of the former township, established
116 under Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning
117 commission of the reconstituted or reinstated township until the time that the member's term as
118 a member of the former township's planning and zoning board would have expired.

119 (iii) If a planning commission of a township reconstituted under Laws of Utah 1997,
120 Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(e)(i) has more than

121 one appointed member who resides outside the township, the legislative body of the county in
 122 which that township is located shall, within 15 days of the effective date of this Subsection
 123 ~~[(3)(f)(iii)] (6)(b)(iii)~~, dismiss all but one of the appointed members who reside outside the
 124 township, and a new member shall be appointed under Subsection (3)(b) ~~H~~→ [no later than August
 125 ~~16, 1997;~~] ←~~H~~ to fill the position of each dismissed member.

126 ~~[(g)(i)] (7)(a)~~ Except as provided in Subsection ~~[(3)(g)(ii)] (7)(b)~~, upon the
 127 appointment or election of all members of a township planning commission, each township
 128 planning commission under this section shall begin to exercise the powers and perform the
 129 duties provided in Section 17-27a-302 with respect to all matters then pending that previously
 130 had been under the jurisdiction of the countywide planning commission or township planning
 131 and zoning board.

132 ~~[(ii)] (b)~~ Notwithstanding Subsection ~~[(3)(g)(i)] (7)(a)~~, if the members of a former
 133 township planning and zoning board continue to hold office as members of the planning
 134 commission of the township planning district under an ordinance enacted under Subsection
 135 ~~[(3)(f)] (5)(a)~~, the township planning commission shall immediately begin to exercise the
 136 powers and perform the duties provided in Section 17-27a-302 with respect to all matters then
 137 pending that had previously been under the jurisdiction of the township planning and zoning
 138 board.

139 ~~[(4)] (8)~~ The legislative body may fix per diem compensation for the members of the
 140 planning commission, based on necessary and reasonable expenses and on meetings actually
 141 attended.

Legislative Review Note
 as of 2-16-11 3:51 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 434

SHORT TITLE: **County Amendments**

SPONSOR: **Brown, M.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.