

### Policy Issue

Distinct policy issues arise based on the size of a population; factors like the composition of an economy and the revenue generated by a population's tax base affect the amount and types of government services and regulations. To target certain policy issues that are population-based, the Legislature uses a classification system that classifies counties based on a county's population. There are six county classifications ranging from counties of the first class with the largest population to counties of the sixth class with the smallest population.

Over time, the Legislature has enacted various statutes that apply based on a county's classification (size); when a county reaches a certain population and crosses a classification threshold, new laws may apply, and other laws may no longer apply. Whether a classification transition is beneficial or burdensome to the county is dependent on a variety of factors and perspectives.

### Research Objective

After hearing concerns from certain counties regarding recent or upcoming classification transitions, the Political Subdivision Interim Committee requested research identifying each provision in statute that applies to any county classification. Staff compiled a digest of county classification statutes, and the key findings are summarized below.

### Findings

Counties of the first class have more unique provisions than any other county classification. Third-class counties share some provisions with first- and second-class counties, but share more with counties of the fourth-sixth class.

County classification is generally, but not exclusively, used in statute to:

- *regulate processes or establish standards - generally, additional processes or standards apply for counties with a larger population*, such as:
  - setting specific criteria for determining just compensation in a condemnation proceeding in a municipality within a first-class county;
  - prohibiting counties of the second-sixth class from adopting a land use ordinance requiring a property owner to revegetate or landscape a single-family dwelling unless certain hazards exist; and
  - requiring counties of the first and second class to adopt a water source protection ordinance;
- *authorize certain revenue or prioritize or target the distribution of public funds*, such as:
  - allowing counties of the third-sixth class to impose a local option sales and use tax for rural health care;
  - allowing counties of the fourth-sixth class to use up to one-third of the revenue from a transient room tax for solid waste disposal, emergency medical services, search and rescue activities, law enforcement, and road repair; and
  - giving first-class counties priority for a grant related to a homeless shelter that provides temporary shelter to at least 200 individuals per night; and
- *ensure diverse representation on governing boards or diverse public outreach*, such as:
  - requiring the Mental Health Crisis Line Commission to include an individual who represents a county of the first or second class;
  - requiring one member of the Utah Fire Prevention Board to be a fire executive from a fire department in a county of the third-sixth class; and
  - requiring sponsors of statewide initiatives to hold at least two of the seven geographically required hearings in a county of the first or second class, but not in the same county.