

PLANNING COORDINATION

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: LeRay McAllister

AN ACT RELATING TO CITIES, COUNTIES, AND LOCAL TAXING UNITS;
AUTHORIZING THE ESTABLISHMENT OF A COUNTY DEVELOPMENT
COORDINATION COMMITTEE; PROVIDING FOR COMPOSITION AND OPERATION
OF COMMITTEE; REQUIRING GOVERNMENTAL ENTITIES TO GIVE NOTICE WHEN
DEVELOPING PLANS THAT MAY AFFECT AIR QUALITY, TRANSPORTATION, LAND
USE, OR WATER RESOURCES; ~~§ [AND] §~~ MAKING CONFORMING CHANGES ~~§ AND~~
MAKING TECHNICAL CHANGES § .

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

~~§ [10-9-303, as last amended by Chapter 23, Laws of Utah 1992]~~~~10-9-204, AS ENACTED BY CHAPTER 235, LAWS OF UTAH 1991~~~~[17-27-303, as last amended by Chapter 23, Laws of Utah 1992]~~~~17-27-204, AS LAST AMENDED BY CHAPTER 3, LAWS OF UTAH 1997, SECOND SPECIAL~~**SESSION §**

ENACTS:

11-38-101, Utah Code Annotated 1953**11-38-102**, Utah Code Annotated 1953**11-38-201**, Utah Code Annotated 1953**11-38-202**, Utah Code Annotated 1953**11-38-203**, Utah Code Annotated 1953**11-38-204**, Utah Code Annotated 1953**11-38-205**, Utah Code Annotated 1953**11-38-206**, Utah Code Annotated 1953

- 24 **11-38-207**, Utah Code Annotated 1953
- 25 **11-38-208**, Utah Code Annotated 1953
- 26 **11-38-209**, Utah Code Annotated 1953
- 27 **11-38-301**, Utah Code Annotated 1953

- 1a -

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

2 § [~~Section 1. Section 10-9-303 is amended to read:~~

3 ~~10-9-303. Plan adoption.~~

4 ~~(1) (a) After completing a proposed general plan for all or part of the area within the~~
5 ~~municipality, the planning commission shall schedule and hold a public hearing on the proposed~~
6 ~~plan.~~

7 ~~(b) The planning commission shall provide:~~

8 ~~(i) reasonable notice of the public hearing at least 14 days before the date of the hearing;~~

9 ~~and~~

10 ~~(ii) the notice required under Section 11-38-301.~~

11 ~~(c) After the public hearing, the planning commission may make changes to the proposed~~
12 ~~general plan.~~

13 ~~(2) The planning commission shall then forward the proposed general plan to the~~
14 ~~legislative body.~~

15 ~~(3) (a) The legislative body shall hold a public hearing on the proposed general plan~~
16 ~~recommended to it by the planning commission.~~

17 ~~(b) The legislative body shall provide:~~

18 ~~(i) reasonable notice of the public hearing at least 14 days before the date of the hearing;~~

19 ~~and~~

20 ~~(ii) the notice required under Section 11-38-301.~~

21 ~~(4) After the public hearing, the legislative body may make any modifications to the~~
22 ~~proposed general plan that it considers appropriate.~~

23 ~~(5) The legislative body may:~~

24 ~~(a) adopt the proposed general plan without amendment;~~

25 ~~(b) amend the proposed general plan and adopt or reject it as amended; or~~

26 ~~(c) reject the proposed general plan.~~

27 ~~(6) (a) The general plan is an advisory guide for land use decisions.~~

28 ~~(b) The legislative body may adopt an ordinance mandating compliance with the general~~
29 ~~plan.]~~

29a Section 1. Section 10-9-204 is amended to read:

29b 10-9-204. Powers and duties.

29c The planning commission shall: §

§ (1) prepare and recommend a general plan and amendments to the general plan to the legislative body as provided in this chapter;

(2) recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the legislative body as provided in this chapter;

(3) administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the legislative body;

(4) recommend subdivision regulations and amendments to those regulations to the legislative body as provided in this chapter;

(5) recommend approval or denial of subdivision applications as provided in this chapter;

(6) advise the legislative body on matters as the legislative body directs;

(7) hear or decide any matters that the legislative body designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;

(8) GIVE NOTICE UNDER SECTION 11-38-301 WHEN REQUIRED BY THAT SECTION;

[(8)] (9) exercise any other powers[:] DELEGATED TO IT BY THE LEGISLATIVE BODY; AND

[(a)] (10) EXERCISE ANY OTHER POWERS that are necessary to enable it to perform its [function; or (b) delegated to it by the legislative body] FUNCTIONS. §

Section 2. Section **11-38-101** is enacted to read:

CHAPTER 38. INTERLOCAL PLANNING COORDINATION ACT

1 **Part 1. General Provisions**

2 **11-38-101. Title.**

3 This chapter is known as the "Interlocal Planning Coordination Act."

4 Section 3. Section **11-38-102** is enacted to read:

5 **11-38-102. Definitions.**

6 As used in this chapter:

7 (1) "Committee" means a County Development Coordination Committee established under
8 Section 11-38-201.

9 (2) "Governmental entity" means:

10 (a) the entities listed under Subsection 36-21-1(1);

11 (b) the legislative branch; and

12 (c) each board serving an entity under Subsection (1)(a) or (b) if the board's authority
13 includes planning or advising regarding planning.

14 (3) "Member entity" means a county that has adopted an ordinance under Subsection
15 11-38-201(1) and an entity under Subsection 11-38-201(2) that has elected to participate on the
16 committee.

17 Section 4. Section **11-38-201** is enacted to read:

18 **Part 2. County Development Coordination Committee**

19 **11-38-201. County Development Coordination Committee -- Establishment -- Entities**
20 **invited to participate.**

21 (1) A county legislative body may adopt an ordinance establishing a County Development
22 Coordination Committee.

23 (2) If a county legislative body adopts an ordinance under Subsection (1), the county
24 legislative body shall invite to participate on the committee:

25 (a) each municipality located within the county;

26 (b) each school district located within the county;

27 (c) each county service area located within the county and created under Title 17A,
28 Chapter 2, Part 4, County Service Area Act, to provide planning and zoning functions; § [and] §

29 (d) each special service district under Title 17A, Chapter 2, Part 13, Utah Special Service
30 District Act, that provides public utilities within the county § ; AND

30a **(e) EACH TOWNSHIP LOCATED WITHIN A COUNTY § .**

31 Section 5. Section **11-38-202** is enacted to read:

1 **11-38-202. Composition of committee.**

2 Each committee shall be composed of:

3 (1) one person selected by the county legislative body from the countywide planning
4 commission or county planning staff;

5 (2) one person selected by the county legislative body from the planning commission of
6 each township located within the county;

7 (3) one person selected by the legislative body of each municipality that elects to
8 participate in the committee, from the municipal planning commission or planning staff;

9 (4) one person selected by each school district that elects to participate in the committee;

10 (5) one person from each county service area described in Subsection 11-38-201(2)(c) that
11 elects to participate in the committee; and

12 (6) one person from each special service district described in Subsection 11-38-201(2)(d)
13 that elects to participate in the committee.

14 Section 6. Section **11-38-203** is enacted to read:

15 **11-38-203. Purposes of committee.**

16 The purposes of the committee are to:

17 (1) provide a forum among local jurisdictions for disclosure, discussion, and coordination
18 of county and local general plans, transportation modes and facilities, commercial or subdivision
19 development, proposed annexations, incorporations, or townships, extension of public services,
20 and other development and environmental issues;

21 (2) allow member entities to coordinate future urban growth;

22 (3) provide for introduction by member entities of proactive proposals for greater
23 efficiency and economy through interlocal agreement within the county;

24 (4) provide a forum by which local jurisdictions may coordinate with their association of
25 governments, state and federal government agencies, and special districts with regard to land use,
26 long-range planning, provisions of public services, and other development activities; and

27 (5) gather and maintain as a permanent collection the current plan documents and land use
28 regulations of local, state, and federal jurisdictions within the county.

29 Section 7. Section **11-38-204** is enacted to read:

30 **11-38-204. Policies and procedures.**

31 (1) The committee shall adopt policies and procedures for the conduct of its meetings and

1 business.

2 (2) The policies and procedures adopted by the committee shall include a provision that
3 allows the county or an entity under Subsection 11-38-201(2) that has elected to participate in the
4 committee to call a special committee meeting with reasonable notice at least 14 working days
5 prior to the date of the meeting.

6 Section 8. Section **11-38-205** is enacted to read:

7 **11-38-205. Committee meetings.**

8 (1) The committee shall meet regularly at least four times a year and shall publish annually
9 and display publicly a schedule of the time and place of their regular meetings.

10 (2) Each committee meeting shall comply with Title 52, Chapter 4, Open and Public
11 Meetings.

12 (3) The committee shall invite to committee meetings appropriate associations of
13 government, state agencies, and federal land management agencies operating within the county
14 and encourage their participation in the meetings.

15 Section 9. Section **11-38-206** is enacted to read:

16 **11-38-206. Committee staff -- Budget -- Expenses.**

17 (1) The committee may secure staff support and suitable accommodations for committee
18 meetings through the funding provided under Subsection (3).

19 (2) The committee shall annually prepare a budget projecting committee expenses for the
20 following year.

21 (3) The committee may:

22 (a) require member entities to share on a proportionate basis the expenses incurred by the
23 committee in performing its functions; or

24 (b) adopt any other method for paying the expenses incurred by the committee in
25 performing its functions.

26 Section 10. Section **11-38-207** is enacted to read:

27 **11-38-207. Records.**

28 (1) The committee shall require committee staff to keep minutes of the proceedings of all
29 regular and special committee meetings.

30 (2) The committee is encouraged to obtain and make available for display at each
31 committee meeting a map of the entire county at a suitable scale showing:

1 (a) the current boundaries of all member entities;

2 (b) the boundaries of lands within the county owned by the state or federal government,
3 including state parks, Bureau of Land Management lands, and national forests; and

4 (c) all freeways, arterial and collector streets, railroads, and major natural features.

5 (3) Each member entity shall provide to the committee a copy of the entity's maps, plan
6 documents, and regulations relating to planning and land use.

7 (4) All minutes and records generated by or provided to the committee are public records,
8 and the committee shall keep and maintain them at a location determined by the committee and
9 shall provide them for a committee meeting upon request from a member entity.

10 Section 11. Section **11-38-208** is enacted to read:

11 **11-38-208. Report from member entities-- Presentation or report from others.**

12 (1) Each member entity is encouraged to make a report at each committee meeting of the
13 activities occurring or anticipated within the boundaries of the entity that might impact other
14 member entities.

15 (2) Under procedures adopted by the committee, the committee may request a presentation
16 by a public or private agency that is not a member of the committee and place the matter on the
17 meeting agenda.

18 (3) Reports from member entities, presentations by nonmember entities, and relevant
19 comments from the public shall be open for discussion and reaction by the committee members.

20 Section 12. Section **11-38-209** is enacted to read:

21 **11-38-209. Committee statement or recommendation -- Advisory nature --**

22 **Limitations.**

23 (1) The committee may, upon a vote of a majority of its members, make a statement or
24 recommendation to any member entity.

25 (2) The committee shall communicate each statement or recommendation adopted under
26 Subsection (1) in writing to the legislative or governing body of the member entity within 14
27 working days of the meeting at which the statement or recommendation was adopted.

28 (3) A statement or recommendation adopted by the committee under this Subsection (1):

29 (a) is advisory only;

30 (b) does not replace or override any policymaking authority of the member entity to which
31 it is directed; and

(c) may not be used as a condition of any development or permit approval.

Section 13. Section **11-38-301**

Part 3. Plans Affecting Air Quality, Transportation, Land Use, or Water Resources
11-38-301.

resources required -- Those who are to receive notice.

(1) Each governmental entity that prepares a plan that involves or can reasonably be
advance notice of the plan preparation and opportunity to participate in and provide input to the
plan preparation process.

(a) the public within the area affected by the plan;
(b) each other governmental entity that will be or may reasonably be expected to be

(c) each governmental entity adjacent to or sharing a boundary with the governmental
entity developing the plan; and

plan expects to seek a permit or other authorization during the course of implementing the plan.

~~§ Section 14. Section~~

~~17-27-303. Plan adoption.~~

~~(1) (a) After completing a proposed general plan for all or part of the area within the~~

~~(b) The planning commission shall provide~~

~~(i)~~ ~~;~~

~~(ii) the notice required under Section 11-38-301~~

~~(c) After the public hearing, the planning commission may make changes to the proposed~~
~~general plan.~~

~~legislative body.~~

~~(3) (a) The legislative body shall hold a public hearing on the proposed general plan~~

~~]~~

17-27-204. Powers and duties. §

31d township, as the case may be:

31e (a) prepare and recommend a general plan and amendments to the general plan to the county

31f legislative body as provided in this chapter;

31g (b) recommend zoning ordinances and maps, and amendments to zoning ordinances and

31h maps, to the county legislative body as provided in this chapter;

31i (c) administer provisions of the zoning ordinance, if specifically provided for in the zoning

31j ordinance adopted by the county legislative body;

31k (d) recommend subdivision regulations and amendments to those regulations to the county

31l legislative body as provided in this chapter;

31m (e) recommend approval or denial of subdivision applications as provided in this chapter;

31n (f) advise the county legislative body on matters as the county legislative body directs;

31o (g) hear or decide any matters that the county legislative body designates, including the

31p approval or denial of, or recommendations to approve or deny, conditional use permits;

31q (h) GIVE NOTICE UNDER SECTION 11-38-301 WHEN REQUIRED BY THAT SECTION;

31r ~~[(h)]~~ (i) exercise any other powers delegated to it by the county legislative body; and

31s ~~[(i)]~~ (j) exercise any other powers that are necessary to enable it to perform its functions.

31t (2) The planning commission of a township under this part may recommend to the legislative

31u body of the county in which the township is located:

31v (a) that the county legislative body support or oppose a proposed incorporation of an area

31w located within the township, as provided in Subsection 10-2-105(4); or

31x (b) that the county legislative body file a protest to a proposed annexation of an area located

31y within the township, as provided in Subsection 10-2-407(1)(b). §

1 § [_____]:
2 — ~~reasonable notice of the public hearing at least 14 days before the date of the hearing;~~
 and
4 _____.
5 _____
6 proposed general plan that it considers appropriate.
 — ~~(5) The legislative body may:~~
8 _____
9 — ~~(b) amend the proposed general plan and adopt or reject it as amended; or~~
 — ~~(c) reject the proposed general plan.~~
11 _____
12 — ~~(b) The legislative body may adopt an ordinance mandating compliance with the general~~
 ~~plan.] §~~

Legislative Review Note
as of 2-2-98 6:41 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

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