

COUNTY AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill amends provisions related to a township planning commission.

Highlighted Provisions:

This bill:

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

- provides for the appointment of a township planning commission member in certain circumstances;

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

- makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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)(c)~~] (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 ~~[(ii) The]~~ (b) (i) Beginning with the 2012 general election, the election of planning
84 commission members under Subsection ~~[(3)(e)(i)]~~ (4)(a) shall coincide with the election of
85 other county officers during even-numbered years.

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

89 ~~[(f)(i)(A) The legislative body of each county in which a township reconstituted under~~
90 ~~Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection~~
91 ~~17-27a-306(1)(c)(i) is located shall enact an ordinance appointing each elected]~~

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

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

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

97 (5) (a) A legislative body described in Subsection (4)(a) shall on or before January 1,
98 2012, enact an ordinance that:

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

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

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

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

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

113 (ii) Subject to Subsection ~~[(3)(f)(iii)]~~ (6)(b)(iii), the legislative body of a county in

114 which a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or
 115 established under Subsection 17-27a-306(1)(e)(i) is located may enact an ordinance allowing
 116 each appointed member of the planning and zoning board of the former township, established
 117 under Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning
 118 commission of the reconstituted or reinstated township until the time that the member's term as
 119 a member of the former township's planning and zoning board would have expired.

120 (iii) If a planning commission of a township reconstituted under Laws of Utah 1997,
 121 Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(e)(i) has more than
 122 one appointed member who resides outside the township, the legislative body of the county in
 123 which that township is located shall, within 15 days of the effective date of this Subsection
 124 ~~[(3)(f)(iii)]~~ (6)(b)(iii), dismiss all but one of the appointed members who reside outside the
 125 township, and a new member shall be appointed under Subsection (3)(b) ~~[no later than August~~
 126 ~~16, 1997;]~~ to fill the position of each dismissed member.

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

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

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

142 attended.