

1 **PLANNING COMMISSION AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Waldrip**

5 Senate Sponsor: David G. Buxton

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to county planning commissions.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ allows certain counties with more than one planning advisory area each with a
13 separate planning commission to dissolve each planning commission and establish a
14 countywide planning commission by ordinance; and

15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **17-27a-301**, as last amended by Laws of Utah 2019, Chapter 510

23 **63I-2-217**, as last amended by Laws of Utah 2019, Chapters 136, 252, 327, 384, 510
24 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 384

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

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

28 **17-27a-301. Ordinance establishing planning commission required -- Exception --**
29 **Ordinance requirements -- Planning advisory area planning commission --**

30 **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 planning advisory area.

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

36 (i) municipalities;

37 (ii) planning advisory areas [~~with their own planning commissions~~] each with a
38 separate planning commission; and

39 (iii) mountainous planning districts.

40 (c) (i) Notwithstanding Subsection (1)(a), and except as provided in Subsection
41 (1)(c)(ii), a county that designates a mountainous planning district shall enact an ordinance,
42 subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over
43 the entire mountainous planning district, including areas of the mountainous planning district
44 that are also located within a municipality or are unincorporated.

45 (ii) A planning commission described in Subsection (1)(c)(i):

46 (A) does not have jurisdiction over a municipality described in Subsection

47 [10-9a-304\(2\)\(b\)](#); and

48 (B) has jurisdiction subject to a local health department exercising its authority in
49 accordance with Title 26A, Chapter 1, Local Health Departments and a municipality exercising
50 the municipality's authority in accordance with Section [10-8-15](#).

51 (iii) The ordinance shall require that:

52 (A) members of the planning commission represent areas located in the unincorporated
53 and incorporated county;

54 (B) members of the planning commission be registered voters who reside either in the
55 unincorporated or incorporated county;

56 (C) at least one member of the planning commission resides within the mountainous
57 planning district and another member is a resident of a municipality located within the

58 mountainous planning district; and

59 (D) the county designate up to four seats on the planning commission, and fill each
60 vacancy in the designated seats in accordance with the procedure described in Subsection [~~(7)~~]
61 (8).

62 (2) (a) Notwithstanding Subsection (1)(b), the county legislative body of a county of
63 the first or second class that includes more than one planning advisory area each with a
64 separate planning commission may enact an ordinance that:

65 (i) dissolves each planning commission within the county; and

66 (ii) establishes a countywide planning commission that has jurisdiction over:

67 (A) each planning advisory area within the county; and

68 (B) the unincorporated areas of the county not within a planning advisory area.

69 (b) A countywide planning commission established under Subsection (2)(a) shall
70 assume the duties of each dissolved planning commission.

71 [~~(2)~~] (3) (a) The ordinance described in Subsection (1)(a) or (c) or (2)(a) shall define:

72 (i) the number and terms of the members and, if the county chooses, alternate
73 members;

74 (ii) the mode of appointment;

75 (iii) the procedures for filling vacancies and removal from office;

76 (iv) the authority of the planning commission;

77 (v) subject to Subsection [~~(2)~~] (3)(b), the rules of order and procedure for use by the
78 planning commission in a public meeting; and

79 (vi) other details relating to the organization and procedures of the planning
80 commission.

81 (b) Subsection [~~(2)~~] (3)(a)(v) does not affect the planning commission's duty to comply
82 with Title 52, Chapter 4, Open and Public Meetings Act.

83 [~~(3)~~] (4) (a) (i) If the county establishes a planning advisory area planning commission,
84 the county legislative body shall enact an ordinance that defines:

85 (A) appointment procedures;

- 86 (B) procedures for filling vacancies and removing members from office;
- 87 (C) subject to Subsection [~~(3)~~] (4)(a)(ii), the rules of order and procedure for use by the
88 planning advisory area planning commission in a public meeting; and
- 89 (D) details relating to the organization and procedures of each planning advisory area
90 planning commission.
- 91 (ii) Subsection [~~(3)~~] (4)(a)(i)(C) does not affect the planning advisory area planning
92 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- 93 (b) The planning commission for each planning advisory area shall consist of seven
94 members who shall be appointed by:
- 95 (i) in a county operating under a form of government in which the executive and
96 legislative functions of the governing body are separated, the county executive with the advice
97 and consent of the county legislative body; or
- 98 (ii) in a county operating under a form of government in which the executive and
99 legislative functions of the governing body are not separated, the county legislative body.
- 100 (c) (i) Members shall serve four-year terms and until their successors are appointed and
101 qualified.
- 102 (ii) Notwithstanding the provisions of Subsection [~~(3)~~] (4)(c)(i), members of the first
103 planning commissions shall be appointed so that, for each commission, the terms of at least one
104 member and no more than two members expire each year.
- 105 (d) (i) Each member of a planning advisory area planning commission shall be a
106 registered voter residing within the planning advisory area.
- 107 (ii) Subsection [~~(3)~~] (4)(d)(i) does not apply to a member described in Subsection [~~(4)~~]
108 (5)(a) if that member was, prior to May 12, 2015, authorized to reside outside of the planning
109 advisory area.
- 110 [~~(4)~~] (5) (a) A member of a planning commission who was elected to and served on a
111 planning commission on May 12, 2015, shall serve out the term to which the member was
112 elected.
- 113 (b) Upon the expiration of an elected term described in Subsection [~~(4)~~] (5)(a), the

114 vacant seat shall be filled by appointment in accordance with this section.

115 ~~[(5)]~~ (6) Upon the appointment of all members of a planning advisory area planning
116 commission, each planning advisory area planning commission under this section shall begin to
117 exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all
118 matters then pending that previously had been under the jurisdiction of the countywide
119 planning commission or planning advisory area planning and zoning board.

120 ~~[(6)]~~ (7) The legislative body may authorize a member of a planning commission to
121 receive per diem and travel expenses for meetings actually attended, in accordance with
122 Section 11-55-103.

123 ~~[(7)]~~ (8) (a) Subject to Subsection ~~[(7)]~~ (8)(f), a county shall fill a vacancy in a
124 planning commission seat described in Subsection (1)(c)(iii)(D) in accordance with this
125 Subsection ~~[(7)]~~ (8).

126 (b) If a county designates one or more planning commission seats under Subsection
127 (1)(c)(iii)(D), the county shall identify at least one and up to four cities that:

128 (i) (A) are adjacent to the mountainous planning district; and

129 (B) border the entrance to a canyon that is located within the boundaries of the
130 mountainous planning district and accessed by a paved road maintained by the county or the
131 state; or

132 (ii) exercise extraterritorial jurisdiction in accordance with Section 10-8-15.

133 (c) When there is a vacancy in a planning commission seat described in Subsection
134 (1)(c)(iii)(D), the county shall send a written request to one of the cities described in
135 Subsection ~~[(7)]~~ (8)(b), on a rotating basis, if applicable, for a list of three individuals, who
136 satisfy the requirements described in Subsection (1)(c)(iii)(B), to fill the vacancy.

137 (d) The city shall respond to a written request described in Subsection ~~[(7)]~~ (8)(c)
138 within 60 days after the day on which the city receives the written request.

139 (e) After the county receives the city's list of three individuals, the county shall submit
140 one of the individuals on the list for appointment to the vacant planning commission seat in
141 accordance with county ordinance.

142 (f) The county shall fill the vacancy in accordance with the county's standard procedure
143 if the city fails to timely respond to the written request.

144 Section 2. Section **63I-2-217** is amended to read:

145 **63I-2-217. Repeal dates -- Title 17.**

146 (1) Section **17-22-32.2**, regarding restitution reporting, is repealed January 1, 2021.

147 (2) Section **17-22-32.3**, regarding the Jail Incarceration and Transportation Costs Study
148 Council, is repealed January 1, 2021.

149 (3) Subsection **17-27a-102**(1)(b), the language that states "or a designated mountainous
150 planning district" is repealed June 1, 2021.

151 (4) (a) Subsection **17-27a-103**(18)(b), regarding a mountainous planning district, is
152 repealed June 1, 2021.

153 (b) Subsection **17-27a-103**(42), regarding a mountainous planning district, is repealed
154 June 1, 2021.

155 (5) Subsection **17-27a-210**(2)(a), the language that states "or the mountainous planning
156 district area" is repealed June 1, 2021.

157 (6) (a) Subsection **17-27a-301**(1)(b)(iii), regarding a mountainous planning district, is
158 repealed June 1, 2021.

159 (b) Subsection **17-27a-301**(1)(c), regarding a mountainous planning district, is repealed
160 June 1, 2021.

161 (c) Subsection **17-27a-301**~~(2)~~(3)(a), the language that states "[described in Subsection
162 ~~(1)(a)~~] or (c)" is repealed June 1, 2021.

163 (7) Section **17-27a-302**, the language that states ", or mountainous planning district"
164 and "or the mountainous planning district," is repealed June 1, 2021.

165 (8) Subsection **17-27a-305**(1)(a), the language that states "a mountainous planning
166 district or" and ", as applicable" is repealed June 1, 2021.

167 (9) (a) Subsection **17-27a-401**(1)(b)(ii), regarding a mountainous planning district, is
168 repealed June 1, 2021.

169 (b) Subsection **17-27a-401**(7), regarding a mountainous planning district, is repealed

170 June 1, 2021.

171 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
172 repealed June 1, 2021.

173 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
174 repealed June 1, 2021.

175 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
176 planning district" is repealed June 1, 2021.

177 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
178 district" is repealed June 1, 2021.

179 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is
180 repealed June 1, 2021.

181 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is
182 repealed June 1, 2021.

183 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
184 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

185 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
186 repealed June 1, 2021.

187 (15) Subsection 17-27a-605(1), the language that states "or mountainous planning
188 district land" is repealed June 1, 2021.

189 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
190 2021.

191 (17) On June 1, 2021, when making the changes in this section, the Office of
192 Legislative Research and General Counsel shall:

193 (a) in addition to its authority under Subsection 36-12-12(3):

194 (i) make corrections necessary to ensure that sections and subsections identified in this
195 section are complete sentences and accurately reflect the office's understanding of the
196 Legislature's intent; and

197 (ii) make necessary changes to subsection numbering and cross references; and

198 (b) identify the text of the affected sections and subsections based upon the section and
199 subsection numbers used in Laws of Utah 2017, Chapter 448.

200 (18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services
201 in a designated recreation area, is repealed June 1, 2021.

202 (19) On June 1, 2020:

203 (a) Section 17-52a-104 is repealed;

204 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
205 described in Subsection 17-52a-104(2)," is repealed;

206 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

207 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a
208 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was
209 in effect on March 14, 2018," is repealed; and

210 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a
211 pending process described in Section 17-52a-104, the attorney's report that is described in
212 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a
213 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,
214 2018," is repealed.

215 (20) On January 1, 2028, Subsection 17-52a-102(3) is repealed.