

SECOND REGULAR SESSION

HOUSE BILL NO. 1485

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (118) (Sponsor), LIPKE, DIXON, CROWELL,
SCHLOTTACH, STEVENSON AND BISHOP (Co-sponsors).

Read 1st time February 12, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3715L.011

AN ACT

To repeal sections 251.160, 251.170, 251.180, and 251.190, RSMo, and to enact in lieu thereof four new sections relating to local planning.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 251.160, 251.170, 251.180, and 251.190, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 251.160, 251.170, 251.180,
3 and 251.190, to read as follows:

251.160. 1. For the purpose of sections 251.010 to 251.440, the following terms mean:

2 (1) "Director", the director of the department of economic development;

3 (2) "Governing body", the board, body or persons in which the powers of a local unit are
4 vested;

5 (3) "Local governmental units" or "local units" includes cities, villages, towns,
6 **unincorporated areas of counties adopting a plan**, and counties;

7 (4) "Population", the population of a local unit as shown by the last federal census or by
8 any subsequent population estimate certified as acceptable by the director;

9 (5) "State office", the department of economic development;

10 (6) "Transportation planning boundary", the portion of the boundary of a metropolitan
11 planning organization which is located in Missouri, as established pursuant to 23 U.S.C., section
12 134, which defines the area in which a metropolitan planning organization has responsibility for
13 transportation planning.

14 2. A regional planning commission may be created by the governor upon petition in the
15 form of a resolution by the governing body of a local governmental unit and the holding of a

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

16 public hearing on such petition. If the petition shall be joined in by the governing bodies of all
17 the local units in the proposed region, including the county commission of any county, part or
18 all of which is in the proposed region, the governor may dispense with the hearing. Notice of
19 any public hearing shall be given by the governor by mail at least ten days in advance to the clerk
20 of each local unit in the proposed region. If the governor finds that there is a need for a regional
21 planning commission, and if the governing bodies of local units within the proposed region
22 which include over fifty percent of the population as determined by the last decennial census of
23 the United States shall consent to the formation of such regional planning commission, the
24 governor may create the regional planning commission by order and designate the area and
25 boundaries of the commission's jurisdiction, taking into account the elements of homogeneity
26 based upon, but not limited to, such consideration as topographic and geographic conformations,
27 extent of urban development, the existence of special or acute agricultural, forestry, conservation
28 or other rural problems, uniformity of social or economic interests and values, park and
29 recreational needs, civil defense, or the existence of physical, social and economic problems of
30 a regional character.

31 3. Notwithstanding the provisions of section 64.530, RSMo, the creation of a regional
32 planning commission and a local unit's participation in and adoption of plans prepared by the
33 regional planning commission shall not require a referendum; except that, this provision shall
34 not extend to the adoption of county zoning laws or regulations under sections 64.620 to 64.690,
35 RSMo.

36 4. No provision of sections 251.010 to 251.440 shall be construed to impair or affect in
37 any way the legal existence, powers, or functions of any planning commission or other
38 organization, public or private, in such areas which heretofore has been constituted or designated
39 by resolutions approved by the governing bodies of the local units containing the majority of the
40 population of such area for the purpose of conducting comprehensive planning, including
41 transportation planning under or in conformity with the requirements of any statute of the United
42 States or any regulation issued thereunder; and any such previously constituted planning
43 commission or organization shall be governed in all respects by the resolutions of the governing
44 bodies of the local units which constitute such planning commissions or organizations, by the
45 provisions of this section, or by other applicable law.

46 5. A regional planning commission within a metropolitan statistical area of more than
47 five hundred thousand in population, which area does not contain a city not within a county, and
48 which commission is acting as a metropolitan planning organization pursuant to state and federal
49 law, may only change its transportation planning boundary with the concurrence of the governor.

251.170. 1. The office of administration is hereby designated as the official state
2 planning agency for the purpose of providing planning assistance to counties, **unincorporated**

3 **areas within counties**, municipalities, metropolitan planning areas, and regional planning
4 commissions herein created when requested by such local governmental unit or planning
5 commission to do so, and for such purposes is authorized to:

6 (1) Contract with public agencies or private persons or organizations for any purposes
7 of sections 251.010 to 251.440;

8 (2) Delegate any of its functions to any other state agency authorized to perform such
9 functions, except that responsibility for such functions shall remain solely with the state office;

10 (3) Require or receive reimbursement from any political subdivision or subdivisions or
11 regional planning commissions for the actual cost of planning assistance or planning work, when
12 such assistance or planning has been requested by the political subdivision or commission;
13 except that, no reimbursement shall be required or received for such costs to the extent that such
14 costs are covered by federal grants;

15 (4) **Provide technical assistance to local governments that request it for the**
16 **development of local planning ordinances and regulations;**

17 (5) **Encourage local governments to engage in planning, regulatory, and**
18 **development approaches that promote and encourage comprehensive planning;**

19 (6) **Prepare and distribute model ordinances, manuals, and other technical**
20 **publications that promote and encourage comprehensive planning. The office of**
21 **administration shall make all possible use of existing model ordinances, manuals, and other**
22 **technical publications that promote and encourage comprehensive planning and that were**
23 **prepared by regional planning commissions, local government entities, and other**
24 **organizations;**

25 (7) **Research and report upon the results and impact of activities funded by the**
26 **grants or other financial assistance;**

27 (8) **Support local planning efforts in communities with limited financial means;**

28 (9) **Support planning efforts that include one or more units of local government or**
29 **planning agencies working together;**

30 (10) **Make grants to units of local government to develop, update, administer, and**
31 **implement plans, land development regulations, development incentives, market feasibility**
32 **studies, and environmental assessments that promote and encourage the principles of**
33 **comprehensive planning.**

34 2. From all regional planning commissions to which it provides planning assistance
35 pursuant to this section, the office of administration shall gather information to identify
36 expenditures of such commissions which are or would be eligible to be used to generate
37 matching funds under block grant programs, including but not limited to community
38 development block grant programs. The office of administration shall report any such

39 expenditures which are so eligible to the department of economic development within thirty days
40 of determining that such expenditures are so eligible. The department of economic development
41 shall provide the office of administration with information deemed necessary by the
42 commissioner of administration to implement the provisions of this subsection. For any fiscal
43 year in which a regional planning commission which receives planning assistance from the office
44 of administration does not provide the office of administration with information necessary to
45 implement the provisions of this subsection, the office of administration shall not distribute
46 general revenue funds to that regional planning commission in the following fiscal year. Any
47 regional planning authority shall have thirty days to cure any alleged defect prior to the
48 withholding of any funds.

49 **3. The office of administration may promulgate rules establishing standards and**
50 **procedures for determining eligibility for the grants, regulating the use of funds under the**
51 **grants, and requiring periodic reporting of the results and impact of activities funded by**
52 **the grants. No rule or portion of a rule promulgated pursuant to the authority of this**
53 **section shall become effective unless it has been promulgated pursuant to chapter 536,**
54 **RSMo.**

55 **4. No individual grant disbursed after August 28, 2004, under the state and regional**
56 **planning and community development act shall have a duration of more than twenty-four**
57 **months. The office of administration, in the determination of grantees, may also seek an**
58 **even balance of grants within metropolitan regions.**

59 **5. In any county, unincorporated area within a county, or municipality receiving**
60 **assistance under the state and regional planning and community development act to write**
61 **or revise a plan, any land-use arrangements for residential, commercial, industrial, public,**
62 **or other purposes made within five years after such plan is adopted shall be consistent with**
63 **the new or revised plan.**

251.180. Comprehensive planning, state and regional, shall include, but not be limited
2 to, the planning for the following:

- 3 (1) Public water systems;
- 4 (2) Storm water drainage and flood control systems;
- 5 (3) Sanitary sewerage systems;
- 6 (4) Integrated transportation systems;
- 7 (5) Orderly land-use arrangements for residential, commercial, industrial and public and
8 other purposes;
- 9 (6) Local, area-wide and state governmental services coordinated with federal
10 governmental services insofar as may be feasible;
- 11 (7) Solid waste disposal systems or facilities;

- 12 (8) Educational facilities;
- 13 (9) Open space, park and recreational areas;
- 14 (10) Improved standards of community aesthetics and facilities design;
- 15 (11) General living conditions and environmental health;
- 16 (12) Community health and hospital needs and related facilities; [and]
- 17 (13) The coordination of planning activities for all federal assistance and grant-in-aid
- 18 programs, which require comprehensive planning as prerequisites for eligibility;
- 19 **(14) Natural resources;**
- 20 **(15) Community goals and standards;**
- 21 **(16) Police and fire facilities;**
- 22 **(17) Housing;**
- 23 **(18) Telecommunications infrastructure;**
- 24 **(19) Economic development;**
- 25 **(20) Public participation in the community;**
- 26 **(21) Natural hazards;**
- 27 **(22) Agriculture and forest preservation;**
- 28 **(23) Human services;**
- 29 **(24) Community design; and**
- 30 **(25) Historic preservation.**

251.190. The state office shall have the following functions and powers:

- 2 (1) To provide general planning assistance to and for any county, municipality, or
- 3 regional planning commission when requested by such local governmental unit or planning
- 4 commission to do so;
- 5 (2) To contract for, receive and utilize grants or other financial assistance made available
- 6 by the state or federal government or from any other source, public or private, for performing the
- 7 functions of the state office. Nothing in this section shall prevent or impair the powers of the
- 8 regional commissions or other state agencies or local governmental units to contract for, receive
- 9 or utilize grants directly from the federal or local governments or from any other source, public
- 10 or private;
- 11 (3) To provide assistance and coordination upon request in matters relating to planning
- 12 to state agencies and to local and regional planning units. All present governmental units who
- 13 engage in planning activities, including but not limited to state agencies, other than the planning
- 14 activities of the division of commerce and industrial development, which are transferred to the
- 15 state office created herein, planning agencies or commissions of local governmental units who
- 16 are supported by local, state or federal funds, shall in no way be affected, prevented or impaired
- 17 in such planning activities;

18 (4) To develop a comprehensive state plan;

19 (5) **To employ or retain private not-for-profit entities, regional planning**
20 **commissions, local government entities, and universities to advise, prepare, or conduct the**
21 **preparation of the model ordinances, manuals, and other technical publications;**

22 (6) **To distribute any model ordinances, manuals, and other technical publications**
23 **prepared under the state and regional planning and community development act to all**
24 **counties and municipalities, regional planning commissions, the Missouri state library, all**
25 **public libraries in this state, and to other organizations and libraries at the office of**
26 **administration's discretion;**

27 (7) To perform such other functions and activities consistent with the general purposes
28 of sections 251.150 to 251.440.