

HB 1832 -- MISSOURI COUNTY PLANNING ACT

SPONSOR: Cooper (120)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 11 to 0.

This bill establishes the Missouri County Planning Act. In its main provisions, the bill:

- (1) Allows for the establishment of a county planning commission comprised of appointed members to prepare a comprehensive plan for the county. The planning commission may be established either directly by the county commission or by voter petition and approval;
- (2) Specifies the powers and duties of the planning commission;
- (3) Specifies the elements of the comprehensive plan and the procedures for its consideration, hearing, and adoption by the planning commission and the county commission;
- (4) Authorizes the planning commission to recommend subdivision regulations after a public hearing and authorizes the county commission to adopt the regulations;
- (5) Authorizes the planning commission to adopt a major street plan for all unincorporated areas of the county in accordance with the transportation element of the comprehensive plan;
- (6) Authorizes the planning commission to recommend zoning regulations for all unincorporated areas of the county in accordance with the comprehensive plan after a public hearing and authorizes the county commission to adopt the regulations upon voter approval;
- (7) Requires counties that have adopted zoning regulations under the bill to appoint a county board of zoning adjustment to hear and decide appeals of zoning decisions and applications for variances. The hearing and appeal procedures are specified;
- (8) Specifies that violations of any regulations adopted under the bill are misdemeanors and authorizes certain counties to impose fines for these violations;
- (9) Authorizes the grandfathering of actual lawful uses of property in existence on August 28, 2008;
- (10) Authorizes counties to enter into cooperative agreements with public or private entities for the exercise and performance

of the established planning powers, duties, and functions; and

(11) Specifies that nothing contained in the bill will affect the existence or validity of a county ordinance or order adopted prior to August 28, 2008.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill will eliminate some of the widespread confusion caused by the fact that there are at least four different statutory procedures for establishing county planning and zoning. Allowing a county to put an actual plan before the voters makes more sense than expecting the voters to support an amorphous concept. The bill will promote responsible development.

Testifying for the bill were Representative Cooper (120); Bruce Wiggins, Missouri Planning Association; Kingdom of Callaway Chamber of Commerce; Marty Wilson; St. Louis Home Builders Association; Missouri Association of Counties; American Institute of Architects of Missouri; County Commissioners Association of Missouri; and Johnson County Economic Development Corporation.

OPPOSERS: Those who oppose the bill say that it takes the decision whether to have a planning commission away from the people; and if the current approval process takes longer, it is because it has an educational component.

Testifying against the bill was Missouri Farm Bureau.