

HCS SS#2 SCS SB 5 -- MISSOURI COUNTY PLANNING ACT

SPONSOR: Griesheimer (Sutherland)

COMMITTEE ACTION: Voted "do pass" by the Committee on Ways and Means by a vote of 6 to 3 with 1 present.

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

- (1) Requires the county commission to hold at least two public hearings before the establishment of a county planning commission comprised of appointed members to prepare a comprehensive plan for the county;
- (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) Requires voter approval before the county commission can accept and implement a comprehensive plan;
- (5) Authorizes the planning commission to recommend subdivision regulations after a public hearing and authorizes the county commission to adopt the regulations;
- (6) 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;
- (7) 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;
- (8) Requires counties that have adopted zoning regulations under the substitute 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;
- (9) Exempts property used for the raising of crops, livestock, orchards, forestry, and rice farming or temporary flood irrigation from any zoning regulations nor will they apply to certain underground mines;
- (10) Specifies that violations of any regulations adopted under the substitute are misdemeanors and authorizes certain counties

to impose fines for these violations;

(11) Authorizes the grandfathering of actual lawful uses of property in existence on August 28, 2009;

(12) 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

(13) Specifies that nothing contained in the substitute will affect the existence or validity of a county ordinance or order adopted prior to August 28, 2009.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that voter approval is required for the comprehensive plan. In every county without planning or zoning, a developer can buy the ground next to a farmer's fence and develop it anyway they want. The bill will give some protection to a property owner, including a farmer. County commissioners are not opposed to allowing residents more of a voice in planning. Twenty-eight out of 114 counties currently have planning. There is no mandate to require any county to do this, but the bill provides the option. Various interpretations of zoning rules have been made by attorneys and judges. The bill provides one consistent set of guidelines that requires public input. No other state requires the people to vote on the plan.

Testifying for the bill were Senator Griesheimer; Missouri Association of Counties; County Commissioners Association of Missouri; and American Planning Association, Missouri Chapter.

OPPOSERS: Those who oppose the bill say that the bill adds all new language to the statutes and is not a way to simplify the statutes. Currently, counties must vote to get planning and zoning. Half of the bill consists of zoning language. Currently, 14 of the 17 first classification counties have zoning while some counties have voted it down. There was confusion on what the bill did last year when it passed the House. The bill removes the up-front vote of the people, increases government costs and controls, and allows zoning boards to be paid and have a hired secretary, while some zoning boards do not currently get paid. The commission will be able to decide on too many rights of the people.

Testifying against the bill were Missouri Farm Bureau; and Ron Keaven.