

HCS HB 487 -- MISSOURI COUNTY PLANNING ACT

SPONSOR: Deeken (Cooper, 120)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Government Affairs by a vote of 6 to 0.

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

(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 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;

(8) Specifies that violations of any regulations adopted under the substitute 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, 2007;

(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) Clarifies that nothing contained in the substitute will affect the existence or validity of a county ordinance or order adopted prior to August 28, 2007.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill makes changes to the planning and zoning codes which haven't been updated since the 1920s. The bill does not affect zoning, but rather planning by allowing local counties to plan development. Counties will be able to form planning commissions voluntarily and without a vote or adoption of the citizens of the county. Issues such as fire code safety, road upkeep, and property value disputes will not have to be submitted as ballot issues for counties.

Testifying for the bill were Representative Cooper (120); Bruce Wiggins; Donald Kritzer; Kingdom of Callaway Chamber of Commerce; and American Institute of Architects of Missouri.

OPPOSERS: Those who oppose the bill say that the bill takes control away from landowners. Landowners in rural areas do not see a need for planning, and the proper way to solve county planning issues is to provide education and planning programs. Landowners in rural areas do not like to be told how to manage or plan development of their property.

Testifying against the bill was Missouri Farm Bureau.

OTHERS: Others testifying on the bill say municipalities want clarification that the bill will not provide counties with planning power in the municipally incorporated areas.

Testifying on the bill was Missouri Municipal League.