

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4995-03  
Bill No.: SB 1160  
Subject: Counties: County Planning Act  
Type: Original  
Date: March 30, 2006

---

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials of the **Missouri Department of Transportation** assume no fiscal impact.

Officials of the **Office of State Court Administrator** assume no fiscal impact on the Courts.

Officials of the **Missouri Department of Conservation** assume this proposal would have no fiscal impact.

Officials of the **Department of Economic Development** assume no fiscal impact to their department.

Officials of the **Department of Elementary and Secondary Education** assume no fiscal impact.

Officials of the **Department of Natural Resources** assume no fiscal impact.

ASSUMPTION (continued)

Officials of **Hickory County** assume if they would adopt the provisions of this proposal they would have costs associated with staffing the Commission.

Officials of **Sullivan County** assume counties could have significant fiscal impact.

**Oversight** assumes this proposal as written, would have no fiscal impact to local governments.

**Oversight** assumes if a county were to adopt the provisions of this legislation they would have fiscal impact from costs related to planning, staffing, and enforcement of county ordinances, and would realize income from violation fines.

**Oversight** assumes this proposal is permissive and would require action by the county's governing body with voter approval before fiscal impact would be realized.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This act creates the Missouri County Planning Act. Nothing in this act shall affect the existence or validity of a county ordinance or order adopted prior to August 28, 2006.

ESTABLISHMENT, POWERS, AND OPERATION OF PLANNING COMMISSIONS

This act allows any county to create, adopt, amend, and carry out a county plan. Any County

Commission may establish and appoint a Planning Commission.

DESCRIPTION (continued)

If s specified percentage of voters sign a petition to form a Planning Commission, the election authority would place the question before the voters on the ballot. This act contains petition and ballot language. If the voters approve the formation of a commission, one would be formed and have the same rights as other Planning Commissions.

The County Commission would appoint members to the Planning Commission, and would, by resolution, ordinance, or order, establish the procedures for membership, compensation, terms, vacancies, and removal. Once formed, the commission would elect officers and adopt rules.

The Planning Commission would have various powers, including preparing and reviewing comprehensive plans, preparing subdivision, zoning, and other regulations, reviewing plat applications, public improvements for accordance with the comprehensive plan, and zoning regulations, appointing employees, other powers delegated to it by the County Commission, and other powers necessary to perform the required duties.

COMPREHENSIVE PLAN

The purpose of a comprehensive plan is to guide and accomplish the coordinated, efficient, and orderly physical development of the county. The Planning Commission may determine the applicability to the county of certain elements, such as land use, transportation, housing, community facilities, economic development, natural, cultural, or historical resources, human services, community design, and sustainability. The comprehensive plan developed by the commission may contain policies regarding any of these elements.

During the process of developing a plan, the commission shall accept and consider public comments. The commission must provide public notice and hold at least one public hearing prior to adopting a plan. The Planning Commission by a majority vote may adopt a comprehensive plan as a whole by a single resolution. The commission may also adopt portions of the plan at different times.

Upon adoption, the plan must be properly filed. A record of the public involvement must be attached to the resolution approving the plan. The plan may be adopted by the County Commission by resolution. The Planning Commission may periodically review and amend the comprehensive plan. Amendments to the plan may be prepared at any time.

DESCRIPTION (continued)

SUBDIVISION REGULATIONS

Under this act, the Planning Commission may recommend, and the County Commission may adopt, regulations governing the subdivision of land. In lieu of immediate installation of work required by the regulations, the commission may accept bond for the County Commission, which provides for the construction of such improvements within a certain period of time.

Before adopting or amending subdivision regulations, the Planning Commission must provide notice and hold a public hearing. A County Commission may hold a public hearing, but no separate hearing is required for the adoption of subdivision regulations by the County Commission after receiving the Planning Commission's recommendation.

After subdivision regulations are adopted, no subdivision plat shall be recorded until it is approved by the Planning Commission, unless the commission does not act within 30 days. The County Commission may overrule the rejection of a plat by the Planning Commission after a public hearing. Any municipality may protest the action of the Planning Commission and further action must be taken by the County Commission. At the request of a municipality, a Planning Commission may subject subdivision plats to its regulations.

The Planning Commission, after a hearing, may vacate any plat of a subdivision of land.

REVIEW OF PUBLIC IMPROVEMENTS

After a Planning Commission adopts a comprehensive plan, no street, public improvement, or public utility may be constructed in a location within the plan, without approval by the commission. The act outlines a procedure for the aggrieved party to follow if the commission does not approve the construction.

MAJOR STREET PLAN

A Planning Commission may adopt a major street plan for all areas of the county in accordance with the transportation element of a comprehensive plan. The county may by ordinance establish building lines on any public street identified in the street plan.

ZONING REGULATIONS

A Planning Commission may recommend, and the County Commission may adopt, zoning

regulations. The act describes what the zoning regulations may include and what they may regulate.

#### DESCRIPTION (continued)

The regulations must define the boundaries of zoning districts or other areas where the regulations differ from one another. One appointed person shall be responsible for interpreting the zoning ordinances.

Under this act, farm buildings and farm structures that are not designated as flood plains are exempt from zoning regulations.

#### ZONING PROCEDURES

After recommendations from the Planning Commission, the County Commission may adopt the regulations. The county may submit the question of adopting zoning regulations to the voters prior to adoption.

The Planning Commission must provide notice and shall hold a public hearing on proposed zoning regulations. The act provides how the commission shall approve recommendations and the procedure of the County Commission when either approving or overruling the commission's recommendations.

The County Commission or Planning Commission may make changes to the regulations or boundaries of zoning districts in accordance with the comprehensive plan. A procedure is established for amending such regulations.

#### BOARD OF ZONING ADJUSTMENT

Any County Commission, which has adopted a zoning map and regulations, shall appoint a County Board of Zoning Adjustment. The board shall consist of 5 residents with not more than two being residents of incorporated areas. After the initial members having staggered terms, the members shall serve four-year terms.

The board shall have the following powers and it shall be its duty to:

- (1) Hear and decide appeals about errors of law or any determination made by officials regarding zoning regulations;
- (2) Hear and decide matters referred to it or matters it is required to determine under the zoning

regulations; and

(3) Authorize a variance from the strict application of a regulation when it causes a property owner to endure an unreasonable hardship.

#### DESCRIPTION (continued)

The board shall elect a chair and adopt rules of procedure. Meetings of the board shall be open to the public. This act outlines who may bring appeals and when such appeals may be brought before the board. With limited exceptions, an appeal shall stay all proceedings in furtherance of the action appealed. Any person aggrieved by a decision of the board may petition the Circuit Court for relief.

#### VIOLATIONS AND PENALTIES

Any violation of any regulation adopted under the authority of this act shall be a misdemeanor with each day of the offense considered a separate offense. Any County Commission that has appointed a County Counselor may impose a civil fine for each violation under this act. The fines will be payable to the county general revenue fund and go towards paying the costs of enforcing this act. The County Commission, Planning Commission, or any property owner whose property is affected, may bring an action to enforce the regulations.

No land owner within a platting jurisdiction of a county that has adopted subdivision regulations may transfer such land before the plat has been approved by the County Commission or Planning Commission and properly recorded. Each improper transfer is a violation and may be enjoined by the county.

The county may designate a zoning inspector to examine and serve violation orders. The act sets out the penalties for persons who refuse to comply with such orders.

#### MISCELLANEOUS PROVISIONS

Counties may enter into agreements with other public or private organizations, agencies, or bodies to perform planning duties and functions and adopt plans prepared pursuant to cooperative agreements. The County Commission may adopt regulations created pursuant to such agreements.

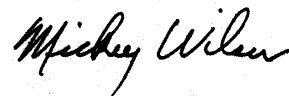
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Department of Transportation  
Office of the State Court Administrator  
Missouri Department of Conservation  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Natural Resources  
Hickory County Commission  
Sullivan County Commission

NOT RESPONDING

**Oversight** sent response request to the County Commissions of : Bates, Butler, Boone, Cass, Lafayette, Laclede, Webster, Pemiscot, Warren, and many other counties and have received no response.



Mickey Wilson, CPA  
Director  
March 30, 2006