

*Effective 5/5/2021*

**17-27a-301. Ordinance establishing planning commission required --  
Exception -- Ordinance requirements -- Planning advisory area planning  
commission -- Compensation.**

- (1) (a) Except as provided in Subsection [\(1\)\(b\)](#), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a planning advisory area.
  - (b) Subsection [\(1\)\(a\)](#) does not apply if all of the county is included within any combination of:
    - (i) municipalities;
    - (ii) planning advisory areas each with a separate planning commission; and
    - (iii) mountainous planning districts.
  - (c) (i) Notwithstanding Subsection [\(1\)\(a\)](#), a county that designates a mountainous planning district shall enact an ordinance, subject to Subsection [\(1\)\(c\)\(ii\)](#), establishing a planning commission that has jurisdiction over the entire mountainous planning district.
  - (ii) A planning commission described in Subsection [\(1\)\(c\)\(i\)](#) has jurisdiction subject to a local health department exercising the local health department's authority in accordance with [Title 26A, Chapter 1, Local Health Departments](#), and a municipality exercising the municipality's authority in accordance with Section [10-8-15](#).
  - (iii) The ordinance shall require that members of the planning commission be appointed by the county executive with the advice and consent of the county legislative body.
- (2) (a) Notwithstanding Subsection [\(1\)\(b\)](#), the county legislative body of a county of the first or second class that includes more than one planning advisory area each with a separate planning commission may enact an ordinance that:
    - (i) dissolves each planning commission within the county; and
    - (ii) establishes a countywide planning commission that has jurisdiction over:
      - (A) each planning advisory area within the county; and
      - (B) the unincorporated areas of the county not within a planning advisory area.
  - (b) A countywide planning commission established under Subsection [\(2\)\(a\)](#) shall assume the duties of each dissolved planning commission.
- (3) (a) The ordinance described in Subsection [\(1\)\(a\)](#) or [\(c\)](#) or [\(2\)\(a\)](#) shall define:
    - (i) the number and terms of the members and, if the county chooses, alternate members;
    - (ii) the mode of appointment;
    - (iii) the procedures for filling vacancies and removal from office;

- (iv) the authority of the planning commission;
  - (v) subject to Subsection [\(3\)\(b\)](#), the rules of order and procedure for use by the planning commission in a public meeting; and
  - (vi) other details relating to the organization and procedures of the planning commission.
- (b) Subsection [\(3\)\(a\)\(v\)](#) does not affect the planning commission's duty to comply with [Title 52, Chapter 4, Open and Public Meetings Act](#).
- (4) (a) (i) If the county establishes a planning advisory area planning commission, the county legislative body shall enact an ordinance that defines:
- (A) appointment procedures;
  - (B) procedures for filling vacancies and removing members from office;
  - (C) subject to Subsection [\(4\)\(a\)\(ii\)](#), the rules of order and procedure for use by the planning advisory area planning commission in a public meeting; and
  - (D) details relating to the organization and procedures of each planning advisory area planning commission.
- (ii) Subsection [\(4\)\(a\)\(i\)\(C\)](#) does not affect the planning advisory area planning commission's duty to comply with [Title 52, Chapter 4, Open and Public Meetings Act](#).
- (b) The planning commission for each planning advisory area shall consist of seven members who shall be appointed by:
- (i) in a county operating under a form of government in which the executive and legislative functions of the governing body are separated, the county executive with the advice and consent of the county legislative body; or
  - (ii) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body.
- (c) (i) Members shall serve four-year terms and until their successors are appointed and qualified.
- (ii) Notwithstanding the provisions of Subsection [\(4\)\(c\)\(i\)](#), members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.
- (d) (i) Each member of a planning advisory area planning commission shall be a registered voter residing within the planning advisory area.
- (ii) Subsection [\(4\)\(d\)\(i\)](#) does not apply to a member described in Subsection [\(5\)\(a\)](#) if that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory area.

- (5) (a) A member of a planning commission who was elected to and served on a planning commission on May 12, 2015, shall serve out the term to which the member was elected.
- (b) Upon the expiration of an elected term described in Subsection [\(5\)\(a\)](#), the vacant seat shall be filled by appointment in accordance with this section.
- (6) Upon the appointment of all members of a planning advisory area planning commission, each planning advisory area planning commission under this section shall begin to exercise the powers and perform the duties provided in Section [17-27a-302](#) with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or planning advisory area planning and zoning board.
- (7) The legislative body may authorize a member of a planning commission to receive per diem and travel expenses for meetings actually attended, in accordance with Section [11-55-103](#).