

## LEGISLATIVE BILL 601

Approved by the Governor March 24, 1982

Introduced by Nichol, 48

AN ACT to amend section 23-114.01, Revised Statutes Supplement, 1981, relating to counties; to change membership requirements for county planning commissions as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 23-114.01, Revised Statutes Supplement, 1981, be amended to read as follows:

23-114.01. (1) In order to avail itself of the powers conferred by section 23-114, the county board shall appoint a planning commission to be known as the county planning commission. The members of the commission shall be residents of the county to be planned and shall be appointed with due consideration to geographical and population factors. Since the primary focus of concern and control in county planning and land-use regulatory programs is the unincorporated area, by July 1, 1979, a maximum of two a majority of the members of the commission shall be residents of unincorporated ~~incorporated~~ areas; Provided, that this requirement shall not apply to joint planning commissions. As members of the commission, they shall serve without compensation except for reasonable expenses in an amount to be fixed by the county board with reimbursement for mileage to be made at the rate provided in section 23-1112 for county officers and employees and shall hold no county or municipal office, except that a member may also be a member of a city, village, or other type of planning commission. The terms of each member shall be three years, except that approximately one-third of the members of the first commission shall serve for a term of one year, one-third for a term of two years, and one-third for a term of three years. All members shall hold office until their successors are appointed. Members of the commission may be removed by a majority vote of the county board for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient cause upon written charges being filed with the county board and after a public hearing has been held regarding such charges. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by individuals appointed by the county board.

(2) The county planning commission shall prepare and adopt as its policy statement a comprehensive development plan and such implemental means as a capital improvement program, subdivision regulations, building codes, and zoning resolution; consult and advise with public officials and agencies, public utilities, civic organizations, educational institutions, and with citizens with relation to the promulgation of implemental programs; have the power to delegate authority to any of these named groups to conduct studies and make surveys for the commission; and make preliminary reports on its findings and hold public hearings before submitting its final reports. The county board shall not hold its public meetings or take action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, or zoning until it has received the recommendations of the planning commission.

(3) The commission may with the consent of the governing body, in its own name, make and enter into contracts with public or private bodies; receive contributions, bequests, gifts, or grants of funds from public or private sources; expend the funds appropriated to it by the county board; employ agents and employees; and acquire, hold, and dispose of property. The commission may on its own authority make arrangements consistent with its program; conduct or sponsor special studies or planning work for any public body or appropriate agency; receive grants, remuneration, or reimbursement for such studies or work; and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

(4) In all counties in the state, the county planning commission may grant conditional uses or special exceptions to property owners for the use of their property if the county board of commissioners or supervisors has officially and generally authorized the commission to exercise such powers and has approved the standards and procedures the commission adopted for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the county zoning regulations as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the county board of commissioners or supervisors may choose to retain for

itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the county zoning regulations. The county board of commissioners or supervisors may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and which will promote the public interest.

Sec. 2. That original section 23-114.01, Revised Statutes Supplement, 1981, is repealed.