

CHAPTER 167**(HB 322)**

AN ACT relating to land use planning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 100.193 is amended to read as follows:

- (1) The planning commission of each planning unit shall prepare and adopt the statement of goals and objectives to act as a guide for the preparation of the remaining elements and the aids to implementing the plans. The statement shall be presented for consideration, amendment, and adoption by each legislative body and fiscal court in the planning unit. ***The legislative bodies and fiscal courts shall take action upon the proposed statement of goals and objectives within ninety (90) days of the date upon which the legislative body or fiscal court receives the planning commission's final action upon such proposal. If no action is taken within the ninety (90) day period, the statement of goals and objectives shall be deemed to have been approved by operation of law.***
- (2) Each legislative body and fiscal court in the planning unit may develop goals and objectives for the area within its jurisdiction which the planning commission shall consider when preparing or amending the comprehensive plan. During its preparation and that of the other plan elements, it shall be the duty of the planning commission to consult with public officials and agencies, boards of health, school boards, public and private utility companies, civic, educational, professional, and other organizations, and with citizens.
- ~~(3)~~~~(2)~~ During the preparation of the statement of goals and objectives, and at least fourteen (14) days prior to any public hearing on the adoption, amendment, or re adoption of any element of the comprehensive plan, the planning commission shall give notice of the preparation of the statement or the hearing to the following public officials in each city and county adjacent to the planning unit:
 - (a) If the adjacent city or county is part of a planning unit, the notice shall be sent to the planning commission of that unit; or
 - (b) If the adjacent city or county is not part of a planning unit, the notice shall be sent to the chief executive officer of that city or county government.
- ~~(4)~~~~(3)~~ The notice required in subsection ~~(3)~~~~(2)~~ of this section, and a copy of the proposed comprehensive plan element, shall also be given to the regional planning council for the area in which the planning unit is located. The council shall coordinate the review and comments of local governments and planning commissions serving planning units affected by the proposal and make recommendations designed to promote coordinated land use in the regional planning council's area of jurisdiction.
- ~~(5)~~~~(4)~~ Any planning commission which is adopting, amending, or re adopting any element of the comprehensive plan may conduct a hearing to receive testimony from adjacent planning units, city or county governments, or the regional planning council of the affected area.

➔Section 2. KRS 100.197 is amended to read as follows:

- (1) All elements of the comprehensive plan shall be prepared with a view towards carrying out the statement of goals and objectives. The various elements may be adopted as they are completed, or as a whole when all have been completed. The planning commission shall hold a public hearing and adopt the elements. The comprehensive plan elements, and their research basis, shall be reviewed from time to time in light of social, economic, technical, and physical advancements or changes. At least once every five (5) years, the commission shall amend or readopt the plan elements. It shall not be necessary to conduct a comprehensive review of the research done at the time of the original adoption pursuant to KRS 100.191, when the commission finds that the original research is still valid. The amendment or re adoption shall occur only after a public hearing before the planning commission.
- (2) The elements of the comprehensive plan shall be reviewed by the planning commission at least once every five (5) years and amended if necessary. If the goals and objectives statement is proposed to be amended then the proposed amendments shall be submitted to the legislative bodies and fiscal courts in the planning unit for consideration, amendment, and adoption. ***The legislative bodies and fiscal courts shall take action upon the proposed statement of goals and objectives within ninety (90) days of the date upon which the legislative body or fiscal court receives the planning commission's final action upon such proposal. If no action is***

taken within the ninety (90) day period, the proposed amendments to the statement of goals and objectives shall be deemed to have been approved by operation of law. If the goals and objectives statement is not proposed to be amended, it shall not be necessary to submit it to the legislative bodies and fiscal courts for action. If the review is not performed, any property owner in the planning unit may file suit in the Circuit Court. If the Circuit Court finds that the review has not been performed, it shall order the planning commission, or the legislative body in the case of the statement of goals and objectives element, to perform the review, and it may set a schedule or deadline of not less than nine (9) months for the completion of the review. No comprehensive plan shall be declared invalid by the Circuit Court unless the planning commission fails to perform the review according to the court's schedule or deadline. The procedure set forth in this section shall be the exclusive remedy for failure to perform the review.

- (3) Within thirty (30) days after its adoption, amendment, or readoption by the planning commission, a copy of each element of the comprehensive plan shall be sent to public officials in adjacent cities, counties, and planning units, following the procedures provided in subsection ~~(3)(2)~~ of KRS 100.193.

Signed by Governor April 24, 2008.