

GRAND COUNTY, UTAH ORDINANCE NO. _____

AN ORDINANCE OF GRAND COUNTY, UTAH, ADOPTING THE WATER USE AND PRESERVATION ELEMENT OF THE GRAND COUNTY GENERAL PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Grand County (the “County”) is authorized to engage in land use planning and to adopt and amend a general plan under the County Land Use, Development, and Management Act, Utah Code Title 17, Chapter 79; and

WHEREAS, Utah Code §17-79-403, as amended by Senate Bill 110 (2022) and Senate Bill 76 (2023), requires a county general plan to include a water use and preservation element, and Utah Code §17-79-401(6) directs a county whose general plan does not include a compliant water use and preservation element to amend its general plan to comply with Section 17-79-403; and

WHEREAS, the County does not own or operate public water systems, and the Water Use and Preservation Element (the “Element”) was prepared in cooperation with the Grand Water and Sewer Service Agency, the Thompson Special Service Water District, and the Arches Special Service District; and

WHEREAS, the Grand County Planning Commission held a duly advertised and noticed public hearing on the proposed Element on June 22, 2026, reviewed the Element, the staff report, and public comment, and voted to forward the Element to the Grand County Commission with a recommendation for approval; and

WHEREAS, the Grand County Commission held a duly advertised and noticed public hearing on the proposed Element on _____, 2026, and after reviewing the full record, including the Planning Commission recommendation, the staff report, the Element, and public testimony, finds that adoption of the Element:

- Complies with Utah Code §17-79-403;
- Is consistent with the Grand County General Plan;
- Aligns land use decisions with available water resources; and
- Is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF GRAND COUNTY, UTAH, AS FOLLOWS:

SECTION 1: PLAIN ENGLISH SUMMARY

This ordinance adds the Water Use and Preservation Element (06-01-26 Edition) to the Grand County General Plan. State law requires the County's general plan to include a water element like this one. The Element is a planning guide, not a regulation. It looks at how growth affects water use and systems and identifies ways to use less water in new and existing development, as well as in the County's own operations. It does not regulate private property, grant water

rights, or guarantee water service. Those matters remain governed by state law and the local water providers.

SECTION 2: FINDINGS OF FACT AND CONCLUSIONS

Based upon the Element, the staff report, the record of proceedings before the Planning Commission and County Commission, and the evidence and testimony presented at duly noticed public hearings, the Grand County Commission hereby adopts the following Findings of Fact and Conclusions:

A. STATUTORY AUTHORITY AND REQUIREMENT

1. Grand County is authorized to engage in land use planning and to adopt and amend a general plan under Utah Code Title 17, Chapter 79.
2. Utah Code §17-79-403 requires a county general plan to include a water use and preservation element.
3. Utah Code §17-79-401(6) directs a county whose general plan does not include a compliant water use and preservation element to amend its general plan to comply with Section 17-79-403.
4. The Element addresses each matter required by Utah Code §17-79-403, including:
 - The effect of permitted development and patterns of development on water demand and water infrastructure;
 - Methods of reducing water demand and per capita consumption for future development;
 - Methods of reducing water demand and per capita consumption for existing development; and
 - Opportunities for the County to modify its operations to eliminate practices or conditions that waste water.

B. PREPARATION AND COORDINATION

5. The County does not own or operate public water systems.
6. The Element was prepared in cooperation with the Grand Water and Sewer Service Agency, the Thompson Special Service Water District, and the Arches Special Service District.
7. The Element is based on a review of County planning documents, water provider system data, state planning guidance, and other technical resources.

C. EXISTING CONDITIONS

8. Grand County lies in an arid high-desert environment where water availability is limited and depends largely on groundwater recharged by snowpack in the La Sal Mountains.
9. The County experiences steady population growth and significant seasonal demand associated with tourism and recreation, both of which increase water demand.

10. Outdoor irrigation with culinary water is the largest and most controllable component of water demand and the primary driver of peak system stress.

D. NATURE AND EFFECT OF THE ELEMENT

11. The Element is a policy and coordination document intended to guide land use planning, development review, interagency coordination, and capital planning and is not a regulatory ordinance.
12. The Element does not allocate or administer water rights, authority over which is vested in the Utah Division of Water Rights.
13. The Element does not guarantee water availability or service, create vested development rights or entitlements, or obligate any water provider to deliver service.

E. GENERAL PLAN CONSISTENCY

14. The Element is consistent with and implements the Grand County General Plan.
15. The Element provides a framework for aligning development with available water resources, together with goals, policies, and a phased implementation strategy.
16. The Element advances General Plan goals related to responsible growth, resource protection, and infrastructure reliability.

F. PUBLIC HEALTH, SAFETY, AND WELFARE

17. Adoption of the Element promotes the public health, safety, and welfare by aligning land use decisions with available water resources and by promoting the conservation and efficient use of a limited resource.

G. PLANNING COMMISSION RECOMMENDATION

18. The Grand County Planning Commission held a duly noticed public hearing on June 22, 2026.
19. After considering the Element, the staff report, and public comment, the Planning Commission recommended approval of the Element to the Grand County Commission.

H. PUBLIC PROCESS

20. The Grand County Commission held a duly noticed public hearing on _____, 2026.
21. All required notice and hearing procedures under Utah Code Title 17, Chapter 79 — including the class A notice requirement of Utah Code §63G-30-102 — and County ordinance were followed.
22. The Commission considered all written and oral testimony presented in the record.

I. CONCLUSIONS

Based on the foregoing Findings of Fact, the Grand County Commission concludes that:

1. The Element complies with Utah Code §17-79-403 and satisfies the requirement of Utah Code §17-79-401(6).

2. The Element is consistent with the Grand County General Plan.
3. The Element promotes logical, efficient, and orderly land use and the conservation of limited water resources.
4. The Element is not detrimental to the public health, safety, or welfare.
5. Adoption of the Element is in the best interest of Grand County.

SECTION 3: ADOPTION OF THE WATER USE AND PRESERVATION ELEMENT

The Water Use and Preservation Element of the Grand County General Plan (06-01-26 Edition), attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted as a component of the Grand County General Plan.

SECTION 4: EFFECT AND INTERPRETATION

The Element shall be interpreted and applied as a policy guide for land use planning, development review, interagency coordination, and capital planning, and not as a regulatory ordinance. Nothing in the Element or this ordinance creates vested development rights, an entitlement to water service, or a guarantee of water availability; allocates or administers water rights; or obligates any water provider to deliver service. In the event of a conflict, state law and water rights administration shall control, and a water provider's determination regarding its capacity and service shall prevail. The Element does not amend the Grand County Land Use Code; any amendments to the Land Use Code to implement the Element shall be adopted separately in accordance with applicable law.

SECTION 5: SEVERABILITY

If any provision of this ordinance is held invalid or unconstitutional, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 6: EFFECTIVE DATE

This ordinance shall take effect fifteen (15) days after publication, as provided by Utah Code §17-53-208.

ADOPTED by the Grand County Commission in public meeting this _____ day of _____, 2026, by the following vote:

That voted aye: _____

That voted nay: _____

Absent: _____

GRAND COUNTY COMMISSION

Melodie McCandless, Chair

ATTEST:

Gabriel Woytek, Clerk/Auditor

Exhibit A: Water Use and Preservation Element of the Grand County General Plan (06-01-26 Edition).