PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION WILL MEET FOR A REGULAR MEETING IN THE

Grand County Commission Chambers 125 East Center Street, Moab, Utah
August 10, 2026 - 5:30 PM

Call To Order

Youtube Link

Join Zoom Meeting
Zoom Link

Meeting ID: 420 993 8173

Find Your Local Number: Https://Us02web.Zoom.Us/U/Kenwhyag3

Citizens To Be Heard

We are receiving public comments by phone and online through Zoom. Dial: (669) 900 - 6833 Meeting ID: 420 993 8173 Planning Commission Zoom Link When joining the meeting, you will be placed in a waiting room and be added to the meeting by the moderator. Your comments will be recorded and on YouTube. (Unmute for public comment: *6)

Ex Parte Communications And Disclosures

Approval Of Meeting Minutes

July 27, 2026 Meeting Minutes

August 3, 2026 Meeting Minutes

Presentations (15 Min)

County Commission Update

Public Hearings

General Business - Action Items - Discussion And Consideration Of Approval

Discussion Items

1. **Land Use Code, Section 8 Work Session**
   Andrew Jackson, Planning and Zoning Director

Future Considerations

Adjourn

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend Grand County Commission meetings/hearings and other Grand County Boards, Commissions, or Committees are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at:(435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

It is hereby the policy of Grand County that elected and appointed representatives, staff and members of the Grand County Commission meetings/hearings and other Grand County Boards, Commissions, or Committees may participate in meetings through electronic means. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions,questions and answers, and voting.

At the Grand County Commission meetings/hearings and other Grand County Boards, Commissions, or Committees any citizen, property owner, or public official may be heard on any agenda subject. The number of persons heard and the time allowed for each individual maybe limited at the sole discretion of the Chair. On matters set for public hearings there is a three-minute time limit per person to allow maximum public participation. Upon being recognized by the Chair, please advance to the microphone, state your full name and address, whom you represent, and the subject matter. No person shall interrupt legislative proceedings.

Requests for inclusion on an agenda and supporting documentation must be received by 5:00 PM on the Tuesday prior to a regular Commission Meeting and forty-eight (48) hours prior to any Special Commission Meeting. **Information relative to these meetings/hearings may be obtained at the GrandCounty Commission's Office,125 East Center Street, Moab, Utah; (435)259-1346.**

MINUTES OF THE GRAND COUNTY PLANNING COMMISSION
Monday, July 27, 2026 at 5:30 p.m. – 125 E. Center St., Moab, UT 84532

The Grand County Planning Commission held its regular meeting on the above date, with attendees participating in person and remotely via Zoom, https://us02web.zoom.us/j/4209938173
Meeting ID: 420 993 8173

YouTube recording of the meeting can be viewed at
https://www.youtube.com/@GrandCountyUtahGovernment
Previous recordings archived at www.grandcountyutah.gov/AgendaCenter

Sara Kimmerle

Members Present:

Megan Schafer, Vice Chair

Mary Hofhine

Aaron Lindberg

Robert O'Brien

Randy Day

Jerry Klaes, Chair

Members Absent:

Staff Present:

Andrew Jackson, P&Z Director

Lisa Ceniceros

Trish Hedin, Commission Liaisons

Call to Order 5:30 p.m.
Planning Commission Chair Klaes called the meeting to order.

Citizens To Be Heard 5:30 p.m.
None.

Ex Parte Communications and Disclosures 5:31 p.m.
None.

Approval Of Meeting Minutes 5:31 p.m.
July 13, 2026
Motion: R. O'Brien moved to approve the July 13, 2026 minutes; M. Schafer provided the second. The motion passed 6-0-1.

Yeas – 6
M. Schafer
A. Lindberg
R. Day
J. Klaes
R. O'Brien
M. Hofhine

Nays - 0

Abs - 1
S. Kimmerle

Presentations (15 min.) 5:32 p.m.
None.

County Commission Update 5:32 p.m.
County Commission Liaison Hedin provided updates on items recently heard by the County Commission and other items of interest. There was discussion.
Public Hearings 5:52 p.m.

None.

General Business – Action Items - Discussion and Consideration of Approval

Discussion Items

1. Land Use Code Audit Update 5:52 p.m.
A. Jackson presented. There was discussion.

2. Planning Commission Bylaws 6:57 p.m.
A. Jackson presented. There was discussion.

Future Considerations 7:47 p.m.
Planning Commission Bylaws work session at next meeting, with a Public Hearing August 24, 2026.
It was requested to have someone from legal at the Special Meeting on August 3, 2026.

Adjourn 7:48 p.m.
Motion: R. O'Brien moved to adjourn; R. Day provided the second. The motion passed with a vote of 7-0-0.

Yeas – 7	**Nays - 0**	**Abs - 0**
J. Klaes		
A. Lindberg		
R. Day		
M. Schafer		
M. Hofhine		
R. O'Brien		
S. Kimmerle		

MINUTES OF THE GRAND COUNTY PLANNING COMMISSION
Monday, August 3, 2026 at 5:30 p.m. – 125 E. Center St., Moab, UT 84532

The Grand County Planning Commission held its regular meeting on the above date, with attendees participating in person and remotely via Zoom, https://us02web.zoom.us/j/4209938173
Meeting ID: 420 993 8173

YouTube recording of the meeting can be viewed at
https://www.youtube.com/@GrandCountyUtahGovernment
Previous recordings archived at www.grandcountyutah.gov/AgendaCenter

Members Present:

Jerry Klaes, Chair

Megan Schafer, Vice Chair (joined via Zoom at 5:36 p.m.)

Mary Hofhine

Aaron Lindberg (joined at 5:35 p.m.)

Robert O'Brien

Randy Day

Sara Kimmerle

Members Absent:

Staff Present:

Andrew Jackson

Lisa Ceniceros

Brian Martinez, Commission Liaison

Call to Order 5:30 p.m.
Planning Commission Chair Klaes called the meeting to order.

Ex Parte Communications and Disclosures 5:31 p.m.
None.

Public Hearings

1. **Moab City Water Tank Ordinance #725** 5:32 p.m.
   A. Jackson presented.

Motion: R. Day moved to open the public hearing; S. Kimmerle provided the second. There was discussion.

Motion: R. Day moved to send a favorable recommendation for Ordinance #725, with the minor corrections noted, to the County Commission; S. Kimmerle provided the second. The motion passed 7-0-0. 5:45 p.m.

Yeas – 7
M. Schafer
A. Lindberg
R. Day
S. Kimmerle
J. Klaes
R. O'Brien
M. Hofhine

Nays - 0

Abs - 0

DRAFT

Adjourn 5:45 p.m.

Motion: R. O'Brien moved to adjourn; R. Day provided the second. The motion passed with a vote of 7-0-0.

Yeas – 7	**Nays - 0**	**Abs - 0**
J. Klaes		
A. Lindberg		
R. Day		
S. Kimmerle		
M. Hofhine		
R. O'Brien		
M. Schafer		

DRAFT

AGENDA SUMMARY

Planning Commission Meeting

Date: August 10, 2026

Title:	Land Use Code, Section 8 Work Session	If this submission is from the general public you will need a commission sponsor, feel free to contact the Commission Administrators Office with any questions commadmin@grandcountyutah.net (435) 259-1342 or contact the Commissioners directly at commission@grandcountyutah.net	
Fiscal Impact:	n/a		
Presenter(s):	Andrew Jackson, Planning and Zoning Director	Department:	Planning and Zoning
Legal Review:	Not Applicable	Approved and within budget?	Not Applicable
		Budget Number:	n/a

Recommended Motion:

n/a

Background:

Cleaning up the bylaws to comply with State code and current practices.

Attachments:

1. PC_Workshop_Staff_Report_8-6-2026
2. LUC_8_1_Planning_Commission_Redline_8-6-2026
3. PC_Bylaws_Redline_8-6-2026(2)

GRAND COUNTY
— UTAH —

GRAND COUNTY PLANNING DEPARTMENT

PLANNING COMMISSION WORKSHOP — STAFF REPORT

To: Grand County Planning Commission
From: Andrew K. Jackson, AICP, CTP, Planning and Zoning Director
Date: August 10, 2026
Re: Proposed amendments to the Planning Commission Bylaws and Land Use Code § 8.1
Action: Discussion and possible action — see Recommended Motion below.

Purpose

This workshop is to walk through two redlined documents item by item and then set them for public hearing. Staff will present each change, the reason for it, and any open question. Commissioners should come prepared to flag anything they want drafted differently, because the drafts will be finalized on the direction given at this meeting. However, at the Commission's direction, we can have another work session. Staff recommends scheduling action at the next meeting, if that is the consensus.

Background

S.B. 284 (2026) amended Utah Code § 17-79-301, which now requires the ordinance establishing a planning commission to state the causes for removing a member, to provide that deliberating on a pending application in a meeting is not cause for removal, and to state when a member must recuse. Separately, the 2025 recodification of Title 17 moved the County Land Use, Development, and Management Act from Chapter 27a to Chapter 79, so citations throughout the Code and the Bylaws are out of date. The Bylaws have not been amended since Resolution 3263 (2021) and contain several provisions that conflict with the Land Use Code.

The two documents are being advanced together so the Code and the Bylaws say the same thing when they are done.

It is expected that LUC Section 8 will be renumbered to Section 2 with the updated land use code.

Discussion Items — Land Use Code § 8.1

1. New § 8.1.3(F), removal and recusal. Adds the causes for removal, the deliberation safe harbor, and the recusal standard required by state law. Also adds written notice and an opportunity to respond before removal, which is the County's own addition.
2. Quorum and voting. This is the item most likely to generate discussion, so it is set out in full below.

Land Use Code § 8.1.3(E)(4) sets the quorum at a majority of the appointed members but requires four affirmative votes to pass any motion, no matter how many members are appointed. Bylaws §§ V.10 and V.15 instead fix the quorum at four. With all seven seats filled, the two rules produce the same answer, which is why the conflict has gone unnoticed. It only appears when seats are vacant.

Seats filled	Quorum	Votes to pass (current)	Votes to pass (proposed)
7	4	4	4
6	4	4	4
5	3	4 — impossible	3
4	3	4 — impossible	3

At five or four members appointed, the Commission can lawfully convene but cannot lawfully act on anything — no application decided, no recommendation forwarded. Grand County has consistently seated a full Commission, so this is a latent defect rather than a present problem. It is worth fixing anyway. Two terms expire at the end of 2027, two at the end of 2028, and three at the end of 2029. Under § 8.1.3(B), an expiring member holds over only if that member asks in writing to remain. If two or three of the members whose terms expire in December 2029 do not submit that request and appointments have not been made, the Commission sits at four or five seats on January 1, 2030, without anyone having resigned. Extended vacancies on planning commissions elsewhere in the region show the scenario is not hypothetical.

The proposal ties both the quorum and the vote threshold to a majority of the appointed members, and conforms the Bylaws to the Code so only one document states the rule. With a full Commission, nothing changes in practice: four to convene, four to pass. Note that a bare quorum still has to be unanimous to pass a motion, which is true today and stays true.

The alternative, if the Commission prefers a firm floor, is to keep four affirmative votes and state that a quorum is never fewer than four. That is simpler to explain but leaves the Commission unable to act at all whenever three or more seats are vacant. Staff recommends the majority-of-appointed approach.

3. Staggered terms. The same schedule leaves no term expiring at the end of 2030, which does not satisfy § 8.1.3(B)(1), requiring at least one and no more than three terms to expire each year. The draft adds authority for the County Commission to make one appointment of other than four years to restore the stagger. Whether to exercise that authority, and for which seat, is a policy decision for the County Commission and is forwarded as a separate item for their direction rather than folded into the ordinance. The draft also requires staff to notify the County Commission of expiring terms by September 1.

4. Officer elections. Changed from the last item of business to the first, and made annual and unconditional. The former language required an election only after the County Commission appointed vacant seats, so in a year with no appointments — which the 2030 gap produces —

no election would be required and sitting officers would continue indefinitely. Elections were held in January 2026, so the trigger has not yet failed in practice.

5. Liaison members. § 8.1.3(A) now allows one or more non-voting liaison members and states that a liaison does not count toward a quorum and may not vote. The section previously said non-voting but was silent on quorum, which matters because the quorum is now tied to the number of appointed members.
6. No legislative authority. § 8.1.2 states plainly that the Commission has no legislative authority, that it recommends on the General Plan and Code amendments. At the same time, the County Commission alone may enact; it is the land use authority only for applications this Code assigns to it, and such a decision is an administrative act.
7. "Ex-officio" replaced with "liaison" throughout, so the term is used consistently.
8. Applications assigned elsewhere. Confirms the Commission is advisory on legislative matters and is the land use authority only for the applications the Code assigns to it — not those assigned to the Administrative Land Use Authority under § 8.5.
9. New § 8.1.4(E) and (F). Adds the duties to recommend delegation of power to a land use authority and to an appeal authority, and to recommend application processes. A closing sentence adds the public hearing required before recommending on the General Plan or a land use regulation.
10. Citation updates for the recodification, including the General Plan citation and, at the end of the document, conforming citation amendments to § 8.2.4 (Hearing Officer) and § 9.18.8 (Appeals).

Discussion Items — Planning Commission Bylaws

1. Quorum conformed to the Land Use Code, tied to a majority of the appointed regular members.
2. New § III.2(d), removal of an officer by two-thirds vote. Written ballots removed from officer elections and candidate voting.
3. New § V.5(b), agenda preparation. Confirms the Chair, Vice-chair, and staff may meet to set the agenda without that being a meeting under the Open and Public Meetings Act, and limits the discussion to scheduling.
4. New §§ V.6(b) and (c), pre-meeting inquiries. Commissioners route questions and suspected errors to the Planning Director before the meeting; corrections go to the full Commission, not just the member who asked.
5. New § V.18, matters eligible for consideration. The Commission does not conduct pre-application review; concept plan review stays with staff under § 9.18.3.
6. Ex parte, § VI.4. Repairs a broken sentence and confirms that a Commissioner's factual or procedural question to staff is not an ex parte communication. The section is also narrowed from any communication about any issue coming before the Commission to a communication about the merits of a pending application, with an express carve-out for contact occurring in the ordinary course of a member's profession or employment. A new subsection (f) sets out what

disclosure requires and provides that, after disclosure and an opportunity for the applicant to respond, the member may participate unless recusal is separately required. Staff expects this to draw the most comment at the hearing, and it should be presented as narrowing an overbroad rule rather than as loosening an ethical standard.

7. Deliberation, § VI.5. Confirms that seeking factual, technical, or procedural information is not deliberation, and states that members may not deliberate outside a public meeting or use staff or a third party to carry another member's position on a pending matter.
8. Officer elections, § III.2(a), and quorum, §§ V.10 and V.15, conformed to the Land Use Code as amended.
9. Meeting materials, § V.6(a). Corrects current practice: regular packets are posted to the County website when members receive them, and the Library copy is provided for items set for public hearing.
10. Cross-references replacing restated Code language on attendance (§ VI.6) and removal (§ VII.3), so the two documents cannot drift apart when the Code is next amended.
11. Citation and housekeeping updates throughout.

Drafting Notes in the Documents

a. Utah Code § 17-79-301(3)(a)(v)(B) is a county provision, but it points to the Municipal Officers' and Employees' Ethics Act, which by its terms governs municipal officers. The county counterpart is Title 17, Chapter 70, Part 5. The municipal citation is reproduced in the draft as the statute reads, and these passages are set in bold italic in both documents.
b. The same conflict appears in the safe harbor, which reads "municipal staff" in the county section, and in § 17-79-812(4)(d), which speaks of appealing a "municipal requirement."
c. Sections 8.2.4 and 9.18.8 are amended by citation only. Neither section is reproduced in full in the attached redline.

Recommended Motion

> *"I move that the Planning Commission direct staff to (1) revise the draft amendments to the Planning Commission Bylaws and to Land Use Code § 8.1, including the related citations in §§ 8.2.4 and 9.18.8, as directed at this workshop; (2) prepare a draft resolution and a draft ordinance for the County Commission's adoption of those amendments; (3) return the revised drafts to the Planning Commission for a second workshop on August 24, 2026; and (4) schedule and publish notice of a public hearing before the Planning Commission on the proposed amendments, to be held no earlier than the Commission's first regular meeting in September 2026."*

If the Commission would rather move directly to hearing without a second workshop, the following may be substituted:

> *"I move that the Planning Commission direct staff to revise the drafts as directed at this workshop, prepare a draft resolution and a draft ordinance for the County Commission's*

adoption, and schedule and publish notice of a public hearing before the Planning Commission on August 24, 2026."

Either motion may also be split so that one document proceeds and the other returns later. The two do not have to move together, although staff recommends that they do, since several provisions in each cross-reference the other.

Procedural Notes

- **a.** The Land Use Code amendment is a land use regulation and requires notice under Utah Code § 17-79-205 before the Planning Commission public hearing. Under the recommended motion, notice would be published after the second workshop, when the text is settled, which leaves ample time before a September hearing. Staff will publish the Class A notice and post to the Utah Public Notice Website.
- **b.** The Bylaws are not a land use regulation and do not require the statutory land use hearing, but will be taken up at the same meeting so the two documents stay together.
- **c.** This item is noticed on the August 10 agenda as discussion and possible action, which permits the Commission to adopt the motion above. A motion directing staff is not a land use decision and does not itself require a public hearing.
- **d.** The Planning Commission recommends; the County Commission adopts. At the public hearing, the Commission acts by motion forwarding a recommendation on each document. The instruments themselves are the County Commission's: the Bylaws are adopted by resolution under Bylaws § VIII.1 and Ordinance 472 (2008), and the Land Use Code amendments by ordinance.

Next Steps

Staff will revise the drafts on the direction given at this workshop and return both documents for a second workshop on August 24, 2026. Following that workshop, staff will publish notice and bring the amendments to a public hearing, at which the Commission may forward a recommendation on each document to the County Commission.

Attachments

1. Planning Commission Bylaws — Redline, dated August 6, 2026
2. Land Use Code § 8.1, Planning and Zoning Commission — Redline, dated August 6, 2026

Notice. The Planning Department prepared this document with the assistance of artificial intelligence tools used to support formatting, clarity, and flow. All analysis, findings, and recommendations are the work and professional judgment of the Planning Department and are its sole responsibility.

REDLINE — Grand County Land Use Code

§ 8.1 Planning and Zoning Commission (complete subsection)

Conforming amendments for the 2025 Title 17 recodification, consistency with the Bylaws, and the removal/recusal requirements of Utah Code § 17-79-301 (S.B. 284, eff. 5/6/2026)

REDLINE dated August 6, 2026

Legend: ~~strikethrough text~~ = deleted; underlined text = added.

Compliance note. *Utah Code § 17-79-301(3)(a), effective May 6, 2026, requires the ordinance establishing the Planning Commission to state the causes for removing a member, including three specified grounds, to provide that deliberating on a pending application in a meeting is not cause for removal, and to state when a member must recuse. The additions to § 8.1.3 are required, not optional. The ethics cross-reference and* ***the word "municipal" in the safe harbor*** *are reproduced as the statute reads.*

§ 8.1. PLANNING AND ZONING COMMISSION.

§ 8.1.1. Planning and Zoning Commission Created.

There is hereby created an advisory board known as the Planning and Zoning Commission ("Planning Commission" or "Commission").

§ 8.1.2. Land Use Authority.

The Planning Commission is hereby designated as the land use authority for purposes of performing the powers and duties described in this section. The Planning Commission has no legislative authority. As to the General Plan, amendments to the General Plan, and amendments to this Code, the Planning Commission reviews and makes recommendations to the County Commission, which alone may enact. The Planning Commission acts as the land use authority only as to those specific applications this Code assigns to it, and not as to an application this Code assigns to another land use authority, including the Administrative Land Use Authority designated in § 8.5. A decision of the Planning Commission acting as the land use authority is an administrative act.

> *[Only the County Commission may enact a land use regulation, Utah Code § 17-79-501(1). A land use decision is an administrative act, § 17-79-801(3).]*

§ 8.1.3. Organization.

A. Number and Appointment. The Planning Commission shall consist of 7 members who shall be appointed by the County Commission. In addition to the 7 regular members, the County Commission may choose to appoint one (1) or more non-voting~~, ex-officio~~ liaison members of the County Commission to serve as ~~a liaison~~liaisons between the County Commission and the Planning Commission. A liaison member does not count toward a quorum and may not vote. County Commission members may not serve as regular members of the Planning Commission.

B. Term of Office.

1. The term of office for regular Planning Commission members shall be staggered so that the terms of at least one (1) member and no more than three (3) members expire each year. As the term of each regular member expires, the vacancy thus created shall be filled by a majority vote of the County Commission for a term of 4 years, so as to maintain the

succession of staggered terms of service. Notwithstanding the four-year term required by this Subsection, the County Commission may appoint one or more members to an initial term of less than or more than four years when necessary to establish or restore the succession of staggered terms required by this Subsection.

[Two terms expire at the end of 2027, two at the end of 2028, and three at the end of 2029. No term expires at the end of 2030, so the schedule does not meet the requirement that at least one expire each year. One appointment of other than four years restores the stagger. That appointment is the County Commission's to make.]

2. Terms of all regular members begin on January 1st and expire on December 31st of the 4th year following appointment. County staff shall notify the County Commission of each expiring term no later than September 1 of the year in which the term expires. If the County Commission has not appointed a new member(s) to the Planning Commission at the expiration of term, the current Planning Commission member(s) will remain on the Planning Commission, if the Planning Commission member(s) whose term(s) is expiring expresses in writing their desire to remain on the Planning Commission until replaced by appointment of the County Commission.
3. ~~The ex-officio~~A liaison member shall be elected by the County Commission and shall continue to serve until replaced by appointment of the County Commission. The term of office for ~~the ex-officio~~a liaison member shall not extend beyond that member's term as a member of the County Commission.
4. If a vacancy occurs other than by expiration of term, the County Commission by majority vote shall appoint a new member to fill the unexpired term.
5. Planning Commission members may be removed for cause from office by 2/3 vote of the County Commission prior to the expiration of the appointed term, in accordance with the causes and procedures in Subsection F.

C. Method of Appointment.

1. County staff shall publish notice of Planning Commission vacancies in accordance with state statutes and local ordinances and policies. The published notice shall list the number of vacancies, general requirements for service, and an application due date.
2. All statements of interest and qualifications received shall promptly be referred to the Planning Commission for consideration and recommendation.
3. The Planning Commission shall interview candidates and make recommendations to the County in accordance with adopted County policy at a regular meeting or at a special meeting scheduled for this purpose.

D. Qualifications. Each Planning Commission member shall be a resident and a registered voter of Grand County for at least 2 years prior to serving on the Planning Commission.

E. Officers and Procedures. The Chair and Vice-chair shall be elected annually as the ~~last~~first item of business at the first regular meeting of ~~the year after the County Commission appoints vacant seats~~each calendar year. Their term shall start the meeting following the election.

[Matches Bylaws § III.2(a). The old language called for an election only after the County Commission filled vacant seats. In a year with no appointments the condition never occurs, no election is required, and the sitting officers continue. The election is now annual.]

1. The ~~Chairman~~ Chairperson shall preside over meetings. In the event a question over procedures arises, Robert's Rules of Order shall prevail.
2. The Planning Commission shall create and fill other offices as it deems necessary.
3. The recording of minutes of all Planning Commission meetings shall be the responsibility of the ~~County~~County, through the Planning Department staff.
4. A majority of the appointed regular members of the Planning Commission shall constitute a quorum to do business, and the affirmative vote of ~~at least 4 of the members in attendance~~a majority of the appointed regular members shall be necessary to pass any motion.

[The vote threshold now matches the quorum. Four affirmative votes were required no matter how many members were appointed, so a Commission with fewer than seven seats filled could convene but could not act. Bylaws §§ V.10 and V.15 match this subsection.]

5. The Planning Commission may establish additional rules and procedures to govern its operation.
6. Regular Planning Commission meetings shall be twice a month unless there are mitigating circumstances, such as a lack of quorum, lack of items to be discussed, holidays, or other circumstances. All meetings shall be public and shall abide by the open meeting law according to state statutes.
7. Failure of any appointed member to attend 3 unexcused consecutive meetings of the Planning Commission may be cause for written notification that his/her position will be vacated.
8. Any officer elected by the Planning Commission may be removed by two-thirds (2/3) vote of the total membership when, in its judgment, the best interest of the program will be served.
9. Members and the public may participate in Planning Commission meetings by real-time electronic means as provided by Utah Code § 52-4-207 and the current Ordinances and Policies established by the County Commission, including Grand County Resolution 2944. A member participating by real-time electronic means counts toward the quorum and may participate and vote.

[New. Matches Bylaws §§ V.14 through V.16 on electronic participation and voting.]

F. Removal and Recusal. This subsection is adopted to satisfy Utah Code § 17-79-301(3)(a).

1. Removal authority and procedure. A Planning Commission member may be removed from the Planning Commission for cause by a two-thirds (2/3) vote of the County Commission prior to the expiration of the appointed term. Before removal, the member shall be given written notice of the cause and an opportunity to respond.

2. Causes for removal. The causes for which a member may be removed include:
    a. using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;
    b. violating a provision of ***Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act***; and
    c. acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias, or an unacceptable risk of impermissible bias, in the member's administrative or quasi-judicial duties.

*[Causes required by § 17-79-301(3)(a)(v). Conflict in state code: Subsection (3)(a)(v)(B) is a county provision, but it points to **Title 10, Chapter 3, Part 13, the Municipal Officers' and Employees' Ethics Act**, which by its terms governs municipal officers and employees. The county counterpart is Title 17, Chapter 70, Part 5, Disclosure Duties Applicable to All County Officers, §§ 17-70-501 through 17-70-511, formerly Title 17, Chapter 16a. The municipal citation appears above as the statute reads. Bylaws § VII.3 carries the same note.]*

3. Deliberation not cause for removal. A member deliberating about a specific pending land use application in a Planning Commission meeting with County staff, an elected official, or the land use applicant is not cause for removing the member from the Planning Commission.

*[Safe harbor required by § 17-79-301(3)(a)(vi). The county section reads **"municipal staff"**. "County staff" is used here as the evident intent.]*

4. Recusal. A member shall recuse himself or herself from participating in, commenting on, or voting on a land use application when the member has a conflict of interest under the County Officers and Employees ethics provisions or Grand County Ordinance 462, when the member has a personal or financial interest in the application, or when the member's participation would create actual impermissible bias or an unacceptable risk of impermissible bias in an administrative or quasi-judicial matter.

[Recusal required by § 17-79-301(3)(a)(vii). Written to the broader standard in Bylaws § VI.3: participating in, commenting on, or voting on.]

§ 8.1.4. Powers and Duties.

The Planning Commission shall have the following powers and duties:

A. To recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein under this Code consistent with the policy guidance of the General Plan and the laws of the State of Utah to the County Commission and to recommend approval or denial of zoning changes and regulations under this Code;

B. To hear, recommend or determine any matter relating to zoning, planning or subdivision control as they may be specified or required under this Code or applicable laws of the State of Utah;

C. To make and recommend a General Plan for the physical development of the County subject to the approval of the County Commission, which in the Planning Commission's judgment bears

relation to the planning of Grand County (~~Title 17-27-204 of the Utah Code~~Utah Code § 17-79-403);

[Citation updated for the 2025 recodification. Section 17-79-403, General Plan Preparation, carries forward former § 17-27a-403 and governs the Planning Commission's preparation and recommendation of the General Plan. Section 17-79-401 requires the plan and places that duty on the County. Section 17-79-404 covers the public hearing and transmittal to the legislative body.]

D. To conduct an annual review of the Grand County General Plan for the purpose of determining what is important to the community and whether or not amendments should be considered; and

E. To review and make a recommendation to the County Commission on an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application, and on an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of a land use authority;

F. To review and make a recommendation to the County Commission on application processes, which may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested, and which shall protect the right of each land use applicant and adversely affected party to require formal consideration of any application by a land use authority and to appeal a land use authority's decision to a separate appeal authority; and

~~E.~~G. To exercise the duties and powers as may be now or hereafter conferred by this Code and the applicable laws of the State of Utah.

Before making a recommendation to the County Commission on the General Plan, an amendment to the General Plan, or a land use regulation, the Planning Commission shall hold a public hearing as required by Utah Code § 17-79-302(2).

RELATED AMENDMENTS OUTSIDE § 8.1

§ 8.2.4. Hearing Officer — Conforming Citation Amendments.

The following citation amendments to § 8.2.4 are made by this ordinance so that the recodification citations throughout the Land Use Code are corrected in a single action. No substantive change to § 8.2.4 is intended or made, and the text of § 8.2.4 is otherwise unchanged. Wherever they appear in § 8.2.4:

A. ~~Utah Code § 17-27a-701~~ Utah Code § 17-79-1001; and

B. ~~Utah Code § 17-27a-702~~ Utah Code § 17-79-1002.

[Former § 17-27a-701, Appeal Authority Required, is now § 17-79-1001. Former § 17-27a-702, Variances, is now § 17-79-1002.]

§ 9.18.8. Appeals — Conforming Citation Amendment.

Section 9.18.8, adopted by Ordinance No. 708 (2024), cites a section of the Utah Code that has been renumbered. In § 9.18.8(A):

A. ~~Utah Code 17-27a-507(5)(d)~~ Utah Code § 17-79-812(4)(d).

[Former § 17-27a-507 is now § 17-79-812, Exactions. The engineer appeal panel moved from Subsection (5)(d) to (4)(d) when the water exaction provisions were pulled out of that section and re-enacted as § 17-79-813. A second municipal and county conflict appears here: § 17-79-812(4)(d)(i) and (ii) are county provisions but refer to appealing a ***"municipal requirement"*** *and a* ***"municipal specification"****.]*

GRAND COUNTY PLANNING COMMISSION BYLAWS

Grand County, Utah

REDLINE — proposed amendments to the bylaws adopted by Resolution 3263 (2021) August 6th, 2026

Legend: ~~strikethrough text~~ = deleted; underlined text = added.

ARTICLE I
Authority

The Grand County Planning Commission is authorized by ~~the~~ Utah Code Annotated ~~17-27a-301~~§ 17-79-301 and ~~17-27a-302~~§ 17-79-302 and by ~~Grand County Ordinance 299 (1999),~~ Section 8.1 of the Grand County Land Use Code. The Planning Commission exercises authority and assumes responsibilities delegated to it under these authorities.

ARTICLE II
General Provisions

II.1. Applicable State Statutes, County Ordinances, and Policies

The Grand County Planning Commission, hereinafter referred to as "the Commission," shall be governed by State statutes and County ordinances and policies including the following:

a. State statutes applying generally to public boards, members, and officials

b. State statutes governing the activities of County Planning Commissions

c. Grand County Ordinances and Resolutions

d. The Grand County Land Use Code

e. The bylaws of the Grand County Planning Commission as set forth herein. These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

II.2. Familiarity with State Statutes, County Ordinances and Resolutions, and Rules Affecting the Commission

Upon taking office, all members of the Commission shall familiarize themselves with applicable statutes and rules, ordinances and resolutions, and while in office shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

ARTICLE III
Officers and Election

III.1. Officers

The Officers of the Commission shall be a Chairperson and Vice-chairperson.

III.2. Election

a. The Chairperson and Vice-chairperson shall be elected annually as the first item of business at the first regular meeting of ~~the year after the County Council Commission appoints vacant seats~~each calendar year. They shall serve for a term of one year or until their successors are elected. Their term shall start the meeting following the election.

b. If the office of the Chairperson or Vice-chairperson becomes vacant, the Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor.

c. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote by voice vote upon the names nominated for the office. ~~If requested by the Chair, written ballots may be used for voting purposes.~~

d. Any officer elected by the Commission may be removed from that office by a two-thirds (2/3) vote of the total membership of the Commission when, in its judgment, the best interest of the Commission will be served, as provided in Land Use Code § 8.1.3(E)(8).

III.3. Chair

The Chairperson has the following duties:

a. The Chairperson presides at all meetings of the Planning Commission, maintaining order and decorum, and ~~insures~~ ensures that the procedures prescribed in the Grand County Land Use Code, Utah state code, and policies stated herein are followed.

b. The Chairperson sets the agenda and may consult the Vice-chairperson and staff in doing so, as provided in § V.5.

c. The Chairperson may call special meetings at any time and in accordance with applicable state and County codes.

d. The Chairperson may appoint up to three Commission members to serve on a committee as needed.

e. The Chairperson shall inquire regarding potential conflicts of interest and ex parte communication, regarding agenda items, at the beginning of a public meeting or hearing.

III.4. Vice-chair

The Vice-chair performs the duties of the Chairperson in the absence of the Chairperson, or duties as delegated by the Chairperson. In the event of temporary absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson for that meeting.

ARTICLE IV
Vacancies, Interviews, and Voting

IV.1. Vacancies

County staff shall notify the current Commission of those members whose terms will expire at the end of the calendar year. In cases where a vacancy is created during the middle of a board member's term (mid-term vacancy), County staff shall notify the Commission as soon as practically possible. County staff shall post a notice of Board vacancies, including mid-term vacancies, in a local newspaper of record.

IV.2. Candidate Interviews

The Commission shall interview qualified candidates and provide a recommendation to the County Commission. At the start of each interview, candidates will be given three minutes to briefly introduce themselves and to provide relevant information as to background and experience. During the interview process, Commissioners are ~~encourage~~ encouraged to ask questions which verify a candidate's experience and eligibility ~~of meeting~~ to meet the requirements of service. Commissioners shall ask the same questions of each candidate. After responding to those questions, Commissioners may ask the applicant additional clarifying questions if necessary.

IV.3. Voting

a. The Commission shall vote upon the names of candidates in alphabetical order, by last name. Each Commissioner shall be entitled to one vote for each vacancy. Commissioners shall vote by voice or a raise of hands. ~~If requested by the Chair, written ballots may be used for voting purposes.~~

b. Planning staff will tally the number of votes cast for each candidate and read this information back to the Commission. ~~Planning~~ The Planning Commission, by motion, will forward this recommendation, including any findings, to the County ~~Council~~ Commission for consideration.

IV.4. Recommendations to the County Commission

The Chairperson, or Planning staff as directed by the Chairperson, shall present the Commission's recommendation, including any findings, to the County Commission.

ARTICLE V
Meetings and Organization

V.1. Open Meetings

All regular meetings, special meetings, workshops, and field trips of the Commission are open to the public and will be noticed in accordance with the requirements of the Open and Public Meetings Act.

V.2. Regular Meetings

Regular Commission meetings shall be twice a month unless there are mitigating circumstances, such as a lack of a quorum, lack of items to be discussed, holidays, or other circumstances.

V.3. Annual Training

Commission members are required to attend an annual Open Meetings Training, as provided by Grand County or an online equivalent training. Commissioners are encouraged to attend ~~the Citizen Planner Workshop, as conducted by the Utah League of Cities and Towns or other entity~~ other training.

V.4. Special Meetings, Workshops, and Field Trips

Special meetings, workshops, and field trips for any purpose may be held at the call of the Chairperson or the Grand County Commission.

V.5. Agendas

a. Agendas shall be set at the direction of the Chairperson. Agendas for regular meetings shall be provided by staff to all members at least three days prior to the meeting.

b. The Chairperson, the Vice-chairperson, and County staff may meet to prepare the agenda and to determine the scheduling and order of items. Because such a meeting does not convene a quorum of the Commission, it is not a meeting or a deliberation under the Utah Open and Public Meetings Act. Agenda preparation is limited to the selection, scheduling, and order of items and the sufficiency of materials, and does not include consideration of the merits of any pending application or petition.

V.6. Meeting Materials

a. Planning Department staff shall provide meeting materials to Commission members by 5:00 p.m. the Friday before the Planning Commission meeting date unless extenuating circumstances exist. Meeting materials will be available for review by the public in the Planning Department at ~~125 East Center Street~~59 North 200 East, Moab, UT 84532~~ and at the Grand County Library~~ and on the Grand County website, at the same time the materials are provided to Commission members. When an item is set for public hearing, the materials for that item will also be made available at the Grand County Library by 5:00 p.m. the Friday before the Planning Commission meeting date.

b. Commissioners are encouraged to review meeting materials upon receipt. To promote efficient public meetings and accurate staff presentations, a Commissioner should contact the Planning Director before the meeting regarding technical questions, requests for clarification, or suspected factual errors in a staff report.

c. Staff shall endeavor to respond before the meeting. Staff shall provide any correction to a staff report, and any response of general significance to the Commission's consideration of the item, to the full Commission in writing before the meeting or orally at the start of the item.

V.7. Written Citizen Comment

Any citizen wanting to submit written information to the Planning Commission for inclusion in the Planning Commission meeting materials packet shall provide written comments to the Planning Department by 5:00 p.m. the Wednesday before the Planning Commission meeting date. All documents, including electronically transmitted material, should be submitted directly to the Planning Department. Materials sent to individual Commission members will not be considered.

V.8. Minutes

The recording of minutes of all Commission meetings shall be the responsibility of Planning Department staff. In the event staff is absent from any meeting, the Planning Department may send a designee.

V.9. Rules of Order

In the event a question over procedures arises, Robert's Rules of Order shall prevail.

V.10. Voting

Commission members shall make a good-faith effort to become knowledgeable on matters before the Commission. A quorum of the Commission shall consist of ~~four~~a majority of the appointed regular members, and the affirmative vote of ~~at least four members in attendance~~a majority of the appointed regular members shall be necessary to pass any motion, as provided in Land Use Code § 8.1.3(E)(4).

V.11. Motion

All decisions of the Commission shall be made in a public meeting by motion, made and seconded, and by voice vote. Any Commissioner may make or second a motion. If there is any ambiguity on any vote, or if the nature of the application or petition warrants, the Chairperson may conduct a roll-call vote.

Motions should be supported by reason and include findings. The person making the motion is encouraged to state the reasons and finding(s) supporting the motion at the time the motion is made. Any conditions for approval must be stated in the motion. The motion may refer to the staff report for details of the conditions for approval if the person making the motion desires to do so.

V.12. Conduct During Public Meetings

a. During all meetings and hearings, persons providing testimony shall proceed without interruption except by members of the Commission at the discretion of the Chairperson. All comments, arguments, and pleadings shall be addressed to the Chairperson, and there shall be no debate or argument between individuals in the audience. There shall be no debate or argument between individuals. The Chairperson shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons.

b. Any member of the Commission, Counsel to the Commission, or the Commission staff, upon recognition by the Chairperson, may direct any questions to the applicant, witness, or any person speaking from the audience for the purpose of eliciting relevant facts. The Chairperson or Commission members may call for relevant facts from staff and make appropriate comments relevant to the matter.

V.13. Time Control

The Chairperson may control the time for debate on any issue. Care should be taken to ~~insure~~ ensure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The Chairperson may stop debate once he or she believes the issue has been adequately and fairly heard.

V.14. ~~Citizen~~ Public, Applicant, and Other Participation by Real-Time Telecommunication

~~Participation by Citizens, Applicants, and Others per the~~The public, applicants, and others may participate by real-time telecommunication as provided by Utah Code § 52-4-207 and the current Ordinances and Policies established for such by the Grand County Commission, including Grand County Resolution 2944.

V.15. Quorum

~~Means~~ Quorum means the minimum number of ~~persons~~members required to act as a body. A quorum requires ~~4 (four)~~a majority of the appointed regular Commission members~~ whom must be present~~, as provided in Land Use Code § 8.1.3(E)(4), who may be present in person or by real-time electronic means as provided by Utah Code § 52-4-207 and the ~~as per the~~ current Ordinances and Policies established for

such by the Grand County Commission, including Grand County Resolution 2944. A member participating by real-time electronic means counts toward the quorum and may participate and vote fully.

V.16. Commissioner Participation by Real-Time Telecommunication

Planning Commissioner participation by real-time electronic means shall be permitted as provided by Utah Code § 52-4-207 and the ~~per the~~ current Ordinances and Policies established for such by the Grand County Commission, including Grand County Resolution 2944.

V.17. Request to Withdraw or Amend Applications or Petitions

a. Upon request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission ~~makes a decision~~ decides on the same.

b. An applicant, petitioner, or authorized agent may amend applications or petitions in any lawful manner on written request delivered to the Commission not less than 14 days prior to the scheduled public meeting. The purpose of this requirement is to assure that the amendment is properly evaluated and addressed in the staff report. In the event that an amendment to an application or petition is received less than 14 days before the public meeting addressing the same, the staff will orally report to the Commission at the public meeting the nature of the amendment. The Commission shall determine whether the nature of the amendment is such as to require reexamination by the County Attorney or staff. If reexamination of the amendment is deemed necessary, the Commission may proceed with the hearing or may continue it to a future date until it has received sufficient information and analysis to make the appropriate findings and conclusions associated with the amended application or petition.

V.18. Matters Eligible for Commission Consideration

a. The Commission shall consider a specific development proposal only upon an application or petition that the Planning Department has accepted as complete and scheduled for Commission action under the Land Use Code.

b. The Commission does not conduct pre-application review. Pre-application and conceptual review occur at the applicant's election and are conducted administratively by the Planning Department as provided in Land Use Code § 9.18.3. Requests for pre-application or conceptual review shall be directed to the Planning Department. The Chairperson shall not place, and staff shall not schedule, a specific development proposal on a Commission agenda before the Planning Department has accepted a complete application for that proposal.

c. This section does not limit the Commission's consideration of general plan elements, land use code amendments, work sessions on policy or procedure of general application, training, budget and work program items, candidate interviews, or other matters that do not involve a pending or prospective land use application, nor does it limit any matter referred to the Commission by the County Commission.

d. Any comment offered by the Commission or by an individual member concerning a matter not before the Commission under subsection (a) is not a decision, recommendation, approval, or determination of the Commission, does not bind the Commission or the County, and may not be relied upon by any person.

ARTICLE VI
Ethical Considerations

The following ethical principles shall guide the actions of the Commission and its members.

VI.1. Serve the Public Interest

The primary obligation of the Commission and each member is to serve the public interest.

VI.2. Support Citizen Participation in Planning

The Commission shall ensure a forum for meaningful citizen participation and expression in the planning process, and assist in the clarification of community goals, objectives, and policies.

VI.3. Conflict of Interest and Recusal

Recusal of Planning Commission members is governed by Land Use Code § 8.1.3(F) and this section. Planning Commission members shall adhere to Grand County policy as stated in Ordinance 462, or any subsequent amendment thereof, regarding conflicts of interest. A member with a conflict of interest shall be required to disclose such conflict prior to consideration of the matter by the Planning Commission. A member with a conflict of interest may not attempt to influence other members or appointed staff outside the meeting. A member ~~with a conflict of interest~~ shall ~~be required to~~ recuse herself or himself from participating in, commenting on, or voting on the matter when the member has a conflict of interest, has a personal or financial interest in a land use application, or when the member's participation would create actual impermissible bias or an unacceptable risk of impermissible bias in an administrative or quasi-judicial matter, as provided in Land Use Code § 8.1.3(F)~~in which such conflict exists~~.

VI.4. Ex Parte Communication / Ensure Full Disclosure at Public Meetings

a. A Planning Commissioner shall not ~~have any~~engage in ex parte ~~discussions regarding any business before the Commission~~communications as defined in subsection (b). A communication that occurs in the ordinary course of a member's profession or employment, and that does not concern the merits or likely disposition of a pending application, is not an ex parte communication under this section.

b. For the purpose of Planning Commission policy, ex parte ~~discussions~~communications include any communication with ~~Interested Parties of any issue coming before the Planning Commission~~an Interested Party concerning the merits of a pending application outside of a public meeting~~,~~ and prior to the Commission's final decision.

c. For the purposes of Planning Commission policy, Interested Parties shall mean applicants, representatives of applicants, investors, business partners, or any other party having a financial association with a land use application.

d. Any ex parte communications or information, unsolicited or otherwise, shall be disclosed in a public meeting.

e. An inquiry by a Commissioner to County staff regarding the factual, technical, or procedural aspects of an application is not an ex parte communication under this section. Communication between an individual Commissioner and staff is not a meeting or a deliberation under the Utah Open and Public Meetings Act.

f. A member who has had an ex parte communication shall disclose it at the beginning of the Commission's consideration of the item, stating who the communication was with, when it occurred, and its substance. The Chairperson shall then afford the applicant and any other party present an opportunity to respond. Following disclosure and any response, the member may participate in the matter unless recusal is required under § VI.3 or Land Use Code § 8.1.3(F)(4).

VI.5. Maintain Public Impartiality

Commission members may seek information from other Commission members, the counsel to the Commission, staff serving the Commission, or the staff of other departments or agencies advising the Commission. Seeking factual, technical, or procedural information is not deliberation. Members shall not deliberate on a matter before the Commission outside of a public meeting, and a member shall not solicit or convey another member's views or position on a pending matter outside of a public meeting, whether directly or through staff or a third party. Each member of the Commission has an ethical duty to avoid making public statements for or against the merits of any application before the Commission hearing is concluded and a decision or recommendation has been rendered. Deliberating about a specific pending land use application in a Planning Commission meeting with County staff, an elected official, or the land use applicant is a normal part of Commission business and is not, by itself, cause for removal, as provided in Land Use Code § 8.1.3(F)(3).

VI.6. Faithful Attendance and Performance

Should circumstances arise where a Planning Commission member is unable to attend a scheduled meeting, the member shall be responsible for notifying the Chair or Planning Department staff as soon as possible. Failure of a member to attend three (3) unexcused consecutive meetings may be cause for written notification that the member's position will be vacated, as provided in Land Use Code § 8.1.3(E)(7). If circumstances prevent faithful attendance and performance of Planning Commission member duties, the member should resign from the Planning Commission.

ARTICLE VII
Resignations and Removal of Membership

VII.1. Resignations

Any member of the Commission must submit a signed letter of resignation specifying the effective date on which the member's service will cease. The letter of resignation shall be submitted to the County Commission Office.

VII.2. Acceptance of Resignation

The County Commission shall accept the resignation upon receipt thereof.

VII.3. Removal from Commission

The Planning Commission may request the resignation of a member for reasons of attendance and/or ethical considerations. The County Commission may remove a Commission member for cause ~~prior to the expiration of the appointed term~~by a two-thirds (2/3) vote prior to the expiration of the appointed term, in accordance with the causes and procedures set out in Land Use Code § 8.1.3(F), which require written notice of the cause and an opportunity for the member to respond before the County Commission acts.

*[The causes for removal are in Land Use Code § 8.1.3(F)(2) and are not repeated here, so the two documents cannot drift apart when the Code is amended. Conflict in state code: Utah Code § 17-79-301(3)(a)(v)(B) is a county provision but points to the **Municipal Officers' and Employees' Ethics Act, Title 10, Chapter 3, Part 13**, which by its terms governs municipal officers and employees. The county counterpart is Title 17, Chapter 70, Part 5, Disclosure Duties Applicable to All County Officers, §§ 17-70-501 through 17-70-511, formerly Title 17, Chapter 16a. Land Use Code § 8.1.3(F)(2) carries the same note.]*

ARTICLE VIII
Adoption, Review, and Amendment of Bylaws

VIII.1. Annual Review and Amendment

The bylaws will be reviewed by the Commission at the beginning of each calendar year. Amendments will be recommended to the County Commission for approval as per County Ordinance 472 (2008).

VIII.2. Waiving or Suspending Rules

A rule of procedure may be suspended or waived at any meeting by unanimous vote of the Commission members present unless such rule is set by state law or County ordinance.