



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
September 14, 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/j/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

Minutes, August 24, 2026

Presentations (15 Min)

County Commission Update

Public Hearings

- 1. Ordinance, Land Use Code Amendments**

Andrew Jackson, Planning and Zoning Director

General Business - Action Items - Discussion And Consideration Of Approval

2. Review Of Bylaws, Resolution

Andrew Jackson, Planning and Zoning Director

Discussion Items

3. Ancillary Documents/Aides

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 may be 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 Grand County Commission's Office, 125 East Center Street, Moab, Utah; (435) 259-1346.

MINUTES OF THE GRAND COUNTY PLANNING COMMISSION
Monday, August 24, 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
Mary Hofhine
Aaron Lindberg
Robert O'Brien
Sara Kimmerle

Members Absent:

Randy Day

Staff Present:

Andrew Jackson, P&Z Director
Lisa Cenicerros
Trish Hedin, Commission Liaison

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

Citizens to Be Heard 5:31 p.m.
None.

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

Approval Of Meeting Minutes 5:32 p.m.
August 10, 2026

Motion: R. O'Brien moved to approve the August 10, 2026 minutes; S. Kimmerle provided the second.
The motion passed 6-0-0.

Yeas – 6

M. Schafer
A. Lindberg
S. Kimmerle
J. Klaes
R. O'Brien
M. Hofhine

Nays - 0

Abs - 0

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.

Public Hearings 5:35 p.m.
None.

**General Business – Action Items - Discussion and Consideration of Approval
Discussion Items**

1. Annual Obligations 5:36 p.m.

A. Jackson presented. There was discussion.

2. Roberts Rules of Order 6:00 p.m.

A. Jackson presented. There was discussion.

3. Synchronizing the Future Land Use Plan and Land Use Code 6:17 p.m.

A. Lindberg began the discussion.

4. Land Use Code Section 8 – Workshop 6:43 p.m.

A. Jackson presented. There was discussion.

5. Bylaws – Workshop 7:16 p.m.

A. Jackson presented. There was discussion.

Future Considerations 7:37 p.m.

Extension of term for one of three Planning Commissioners; revisit Ordinance 708; adopt revised Bylaws; public hearing for Land Use Code Section 8 on 9/28/2026; Land Use Code update from Sunrise.

Adjourn 7:36 p.m.

Motion: R. O'Brien moved to adjourn; A. Lindberg provided the second. The motion passed with a vote of 6-0-0.

Yeas – 6

J. Klaes

M. Schafer

A. Lindberg

S. Kimmerle

M. Hofhine

R. O'Brien

Nays - 0

Abs - 0



AGENDA SUMMARY

Planning Commission Meeting

Date: September 14, 2026

Title: Ordinance, Land Use Code Amendments

Fiscal Impact:

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

Presenter(s): Andrew Jackson, Planning and Zoning Director

Department: Planning and Zoning

Legal Review: Not Applicable

Approved and within budget? Not Applicable

Budget Number:

Recommended Motion:

I move to approve the revised Land Use Code and forward a favorable recommendation to the County Commission.

Background:

Attachments:

1. Staff_Report_LUC_Ordinance_9-14-2026_FINAL
2. Notice_of_Public_Hearing_LUC_9-14-2026_1
3. Ordinance_LUC_Amendments_9-14-2026_2
4. Change_Register_LUC_9-14-2026_FINAL(1)
5. LUC_8_1_Redline_9-14-2026_FINAL(2)



AGENDA SUMMARY/STAFF REPORT
Grand County Planning Commission Meeting
Date: September 14th, 2026

AN ORDINANCE AMENDING ARTICLES 8, 9, AND 10 OF THE GRAND COUNTY LAND USE CODE TO ASSIGN PRELIMINARY SUBDIVISION APPLICATIONS PROPOSING MORE THAN FIVE LOTS TO THE PLANNING COMMISSION AS THE ADMINISTRATIVE LAND USE AUTHORITY, AND TO CONFORM THE PLANNING COMMISSION PROVISIONS TO UTAH CODE TITLE 17, CHAPTER 79

Presenter(s): Andrew Jackson, Planning and Zoning Director **Department:** Planning and Zoning

Legal Review: Pending — to be completed before County Commission consideration **Approved and within budget?** Not Applicable

Action: Public hearing and recommendation to the County Commission

DRAFT — not yet in effect. The ordinance described in this report has not been adopted. The Land Use Code in force is the published Code.

1. Plain English Summary: This ordinance would put the larger preliminary subdivisions back in front of the Planning Commission. The Planning Commission would decide a preliminary subdivision application proposing more than five lots at a public meeting. An application proposing five lots or fewer would stay with the Planning Director, who would continue to handle every final subdivision application. The ordinance would also bring Land Use Code § 8.1 into compliance with changes to state law, fix citations broken by the 2025 recodification of Title 17, and state the expiration of two overlay districts while keeping their text in the Code for the projects permitted under them. Staff recommends that the Planning Commission recommend approval to the County Commission.

2. Planning Commission Motion: *Having considered the staff report and recommendation, public comments, testimony, and the Land Use Code, and finding that the proposed ordinance is consistent with the General Plan, brings the Land Use Code into compliance with Utah Code § 17-79-301, and affords the public an opportunity to be heard on preliminary subdivision applications proposing more than five lots, I move to recommend approval of the ordinance to the County Commission.*

3. Background: Ordinances 708 and 711 (2024), both adopted December 17, 2024 and containing identical text, adopted an administrative subdivision review process to comply with S.B. 174 (2023) and H.B. 476 (2024). When it was adopted, this Commission understood that it retained authority over preliminary plats. The ordinance as drafted assigned that authority to the Planning Director. This ordinance restores that authority for the applications where it matters most, those proposing more than five lots, and leaves smaller land divisions on the administrative track Ordinance 708 created.

Separately, Utah Code § 17-79-301(3)(a), effective May 6, 2026, requires the ordinance establishing a county 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, to state when a member must recuse, to define the authority of the planning commission, and to include rules of order. Those additions are required, not optional. Title 17, Chapter 27a was also recodified as Chapter 79 effective November 6, 2025, and § 8.1 still cites the repealed numbering.

36 **4. Staff Analysis:** The proposed ordinance does five things:

37 • **Who decides a preliminary plat:**

38 The Planning Commission becomes the administrative land use authority for a preliminary subdivision
39 application proposing more than five (5) lots. The Planning Director remains the administrative land
40 use authority for a preliminary application proposing five (5) or fewer lots, and for every final
41 subdivision application regardless of size.

42 • **How those applications are heard:**

43 An application that comes to the Planning Commission is placed on a regular agenda and acted upon
44 in a public meeting. Action is taken in a public meeting, not a public hearing, and no public hearing is
45 required or held for a preliminary or final subdivision application. The Planning Commission receives
46 public comment, if any, at the meeting.

47 • **Scheduling, review cycles, and appeals:**

48 Scheduling provisions keep the Commission's action inside the review-cycle timelines the Code already
49 adopted for subdivisions. A decision on a preliminary subdivision application may be appealed to the
50 Hearing Officer within thirty (30) days.

51 • **Compliance with Utah Code § 17-79-301:**

52 New § 8.1.3(F) states the removal authority and procedure, the three statutory causes for removal,
53 the deliberation safe harbor, and recusal. Quorum and the vote threshold both become a majority of
54 the appointed regular members, replacing a fixed four affirmative votes that a Commission with
55 unfilled seats cannot reach.

56 • **Conforming amendments outside § 8.1:**

57 The Article 10 definition of "Land Use Authority" is replaced to track Utah Code § 17-79-102; the
58 Summary of Land Use Authority at § 9.1.5 is conformed; six provisions using "the Commission" without
59 a modifier are corrected; § 7.3.2 substitutes the County Engineer for the Planning Commission on
60 street extensions; and the Alternative Dwelling Overlay District and the High-Density Housing Overlay
61 District, both expired, are addressed.

62 **5. Two findings the Commission should know about:**

63 **Ordinance 708 was never codified.** Two ordinances were adopted December 17, 2024, with identical text,
64 Ordinance 708 and Ordinance 711, and neither appears in the published Land Use Code. Article 8 ends at §
65 8.4.3, Article 9 ends at § 9.17, and the five Article 10 definitions they added are absent. The most recent
66 ordinance credited anywhere in the Code is Ordinance 687. Section 4 of the proposed ordinance resolves the
67 duplicate by repealing Ordinance 711, which contains nothing Ordinance 708 does not, and directing the
68 Clerk/Auditor to transmit Ordinance 708 as amended for codification crediting that one number. The ordinance
69 governs whether or not it has been codified, but an applicant reading the Code finds the process the County
70 replaced, and the review-cycle deadlines run against the County. Codification is administrative, requires no
71 hearing, and should not wait on this ordinance.

72 **The staggered term schedule does not comply.** Two terms expire at the end of 2027, two at the end of 2028,
73 and three at the end of 2029. None expires in 2030, and because terms run four years, the empty year recurs
74 every fourth year. Staff recommends that the Planning Commission ask the County Commission to change the
75 term of one member appointed in 2026 to a five-year term expiring December 31, 2030. That single
76 appointment restores the stagger, and the County Commission makes the appointment.

77 **6. Staff Recommendation:** Staff finds that the proposed ordinance:

- 78 • Is consistent with the Grand County General Plan
- 79 • Brings the Land Use Code into compliance with Utah Code § 17-79-301(3)(a)
- 80 • Conforms the Code's citations to the 2025 recodification of Title 17
- 81 • Affords the public an opportunity to be heard on the subdivisions large enough to change a
82 neighborhood, while leaving smaller land divisions on an administrative track

- 83 • Does not alter the development standards applicable to any application
- 84 • Is not detrimental to the public health, safety, or welfare

85 **Staff recommends that the Planning Commission recommend approval of the ordinance to the County**
86 **Commission.**

87 **7. Attachments:**

- 88 • Land Use Code § 8.1 Redline, Version 9-14-2026
- 89 • Consolidated Change Register, Version 9-14-2026
- 90 • Notice of Public Hearing
- 91 • Ordinance 708 (2024), as executed

PUBLIC NOTICE OF PUBLIC HEARING
GRAND COUNTY PLANNING COMMISSION
September 14th, 2026, 6:00 PM or later

Description/Agenda

NOTICE IS HEREBY GIVEN that the Grand County Planning Commission will hold a Public Hearing on Monday, September 14th, 2026, at 6:00 p.m. or later. The hearing will be held in person at the Grand County Commission Chambers, 125 E. Center St., Moab, UT 84532, and virtually via Zoom.

All interested parties are encouraged to attend in person or electronically. Instructions for participating via Zoom will be included in the meeting agenda, which will be posted on the County's website at least 24 hours prior to the meeting.

PURPOSE OF HEARING

The purpose of this hearing is to solicit public input on a proposed ordinance amending Article 8, Article 9, and Article 10 of the Grand County Land Use Code ("LUC"). The proposed ordinance would designate the Planning Commission as the administrative land use authority for a preliminary subdivision application proposing more than five (5) lots, conform LUC § 8.1 to Utah Code Title 17, Chapter 79, and make related conforming amendments elsewhere in the LUC.

The County Commission enacts a land use regulation under Utah Code § 17-79-501. Under Utah Code § 17-79-502 and LUC § 9.2, the Planning Commission reviews a proposed amendment to the text of the Land Use Code, holds a public hearing, and forwards a recommendation to the County Commission.

Following the public hearing, the Planning Commission will consider forwarding a recommendation on the proposed ordinance to the Grand County Commission.

APPLICABILITY

This is an amendment to the text of the Grand County Land Use Code. It is not a rezone and does not amend the zoning map. No parcel is rezoned, no boundary is changed, and no legal description applies. The amendments apply throughout unincorporated Grand County to the procedures identified below.

SUMMARY OF THE ORDINANCE

Plain English Summary:

This ordinance changes who reviews a preliminary subdivision plat when the subdivision is a large one. Today the Land Use Code assigns preliminary and final subdivision review to the Planning Director. Under the ordinance, a preliminary plat proposing more than five lots would go to the Planning Commission, which would act on it in a public meeting where the public may comment. A preliminary plat proposing five lots or fewer would stay with the Planning Director, who would continue to handle every final plat. A decision on a preliminary plat may be appealed to the Hearing Officer within thirty days.

The ordinance also updates the section of the Code that governs the Planning Commission itself. State law changed twice: the county land use act was renumbered from Title 17, Chapter 27a to Title 17, Chapter 79 in November 2025, and a 2026 amendment now requires the County's ordinance to state the causes for removing a Planning Commission member, to say that deliberating on an application in a meeting is not cause for removal, and to say when a member must step aside. The ordinance makes those changes, corrects the citations, and fixes the quorum and voting rule so a Planning Commission

with unfilled seats can still act. It also addresses two overlay districts that expired on their own terms and are still printed in the Code.

Development standards do not change. No property is rezoned, no use is added or removed, and no fee is changed. What changes is who decides a preliminary plat, when the public gets to be heard on one, and whether the Code matches state law.

A complete copy of the proposed ordinance is available for public review during regular business hours at the Grand County Planning Department, 59 North 200 East, Moab, Utah, and at the Grand County Commission Office, 125 East Center Street, Moab, Utah, and at the Grand County Main Library 257 E Center St, Moab, Utah, and will be available at least 24 hours prior to the public hearing.

NOTICE OF POSTING

Notice was posted within the Grand County limits on September 4th, 2026, at the Grand County Courthouse, the Grand County Library, on the Utah Public Notice Website (www.utah.gov/pmn), and on the County's website (www.grandcountyutah.gov).

NOTICE OF SPECIAL ACCOMMODATIONS (ADA)

In compliance with the Americans with Disabilities Act, individuals with special needs who wish to attend County meetings are encouraged to contact the County at least two (2) business days in advance.

T.D.D.: 435-259-1346

Relay Utah: 711

Spanish Relay Utah: 1-888-346-3162

NOTICE OF ELECTRONIC PARTICIPATION

Grand County allows electronic participation in meetings, allowing individuals to provide testimony via telecommunications.

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DRAFT — not yet adopted. The County Commission hearing date, the vote, and the ordinance number are left blank. The Planning Commission hearing is set for September 14, 2026.

WHEREAS, the previously named Grand County Council adopted the Grand County Land Use Code ("LUC") on January 4, 1999, with Ordinance No. 299, as amended; and

WHEREAS, Utah Code § 17-79-301(3)(a), effective May 6, 2026, requires the ordinance establishing a county 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, to state when a member must recuse, to define the authority of the planning commission, and to include rules of order and procedure; and

WHEREAS, Ordinance No. 708 (2024) established an administrative subdivision review process to comply with S.B. 174 (2023) and H.B. 476 (2024), and the County Commission finds it appropriate that a preliminary subdivision application proposing more than five (5) lots be acted upon by the Planning Commission in a public meeting; and

WHEREAS, Utah Code § 17-79-705(1)(a) includes a county planning commission within the definition of an administrative land use authority, and § 17-79-705(6) permits review of a preliminary subdivision application in a public meeting; and

WHEREAS, the Grand County Planning Commission held a duly advertised and noticed public hearing on the proposed amendments on September 14, 2026, reviewed the amendments, the staff report, and public comment, and voted to forward the amendments 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 amendments on _____, 2026, and after reviewing the full record, including the Planning Commission recommendation, the staff report, and public testimony, finds that adoption of the amendments:

- Brings the LUC into compliance with Utah Code § 17-79-301(3)(a);
- Conforms the LUC's citations to the 2025 recodification of Title 17;
- Is consistent with the Grand County General Plan; and
- Is in the best interest of the public health, safety, and welfare.

SECTION 1: PLAIN ENGLISH SUMMARY

This ordinance changes who reviews a preliminary subdivision plat for large subdivisions. Today the Land Use Code assigns preliminary and final subdivision review to the Planning Director. Under this ordinance, a preliminary plat proposing more than five lots goes to the Planning Commission, which acts on it in a public

meeting where the public may comment. A preliminary plat proposing five lots or fewer stays with the Planning Director, and the Planning Director continues to handle every final plat. A decision on a preliminary plat may be appealed to the Hearing Officer within thirty days.

The ordinance also updates the section of the Code that governs the Planning Commission itself. State law changed twice: the County Land Use Act was renumbered in November 2025, and a 2026 amendment now requires the County's ordinance to state the causes for removing a Planning Commission member, to say that deliberating on an application in a meeting is not cause for removal, and to say when a member must step aside. The ordinance makes those changes, corrects the citations, and fixes the quorum and voting rule so a Planning Commission with unfilled seats can still act. It also addresses two overlay districts that expired on their own terms and are still printed in the Code.

Development standards do not change. No property is rezoned, no use is added or removed, and no fee is changed.

SECTION 2: FINDINGS OF FACT AND CONCLUSIONS

Based upon the amendments, 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 enact land use regulations under Utah Code Title 17, Chapter 79.
2. Only the County Commission may enact a land use regulation. Utah Code § 17-79-501(1).
3. Utah Code § 17-79-301(3)(a), effective May 6, 2026, requires the ordinance establishing the Planning Commission to address removal, the deliberation safe harbor, recusal, the authority of the Planning Commission, and rules of order. The amendments to LUC § 8.1.3 are required, not discretionary.
4. Title 17, Chapter 27a was recodified as Title 17, Chapter 79 effective November 6, 2025. LUC § 8.1 and several related sections cite the repealed numbering.
5. Utah Code § 17-79-301(3)(a)(ix) requires the ordinance establishing the Planning Commission to include rules of order and procedure for use in a public meeting. The Planning Commission Bylaws are adopted by resolution and state that they are advisory guidelines without the force of law, so a rule of order resting only in the Bylaws does not satisfy that requirement. The amendment to LUC § 8.1.3(E)(1) adopts Robert's Rules of Order Newly Revised (12th ed.), authorizes supplemental rules of order and procedure in the Bylaws, and preserves the Open and Public Meetings Act savings clause of Utah Code § 17-79-301(3)(b).

B. SUBDIVISION REVIEW

6. Ordinance No. 708 (2024) and Ordinance No. 711 (2024), both adopted December 17, 2024 and containing identical text, established the administrative subdivision review process now found at LUC §§ 8.5 and 9.18.
7. Utah Code § 17-79-705(1)(a) includes a county planning commission within the definition of an administrative land use authority, and § 17-79-705(3)(b)(i) requires a single administrative land use authority for preliminary review, so the designation is made by stage rather than shared.
8. Utah Code § 17-79-705(6) permits review of a preliminary subdivision application in a public meeting, and § 17-79-705(7) permits but does not require a public hearing at the preliminary stage.
9. A preliminary subdivision application proposing more than five (5) lots presents questions of layout, access, and infrastructure that warrant action by a public body in a public meeting at which the Planning Commission receives public comment, if any is offered.
10. A preliminary subdivision application proposing five (5) or fewer lots, and every final subdivision application, remains with the Planning Director as the administrative land use authority.

11. The review cycles and timelines of LUC § 9.18.4 and Utah Code § 17-79-706 run without regard to the Planning Commission's meeting calendar, and the amendments include scheduling provisions so the County remains within them.

C. NATURE AND EFFECT OF THE AMENDMENTS

12. The amendments are legislative in character and are enacted by ordinance.

13. A decision of the Planning Commission acting as the administrative land use authority is an administrative act. Utah Code § 17-79-801(3).

14. The amendments do not alter the development standards applicable to any application, rezone any property, add or remove any use, or change any fee.

D. GENERAL PLAN CONSISTENCY

15. The amendments are consistent with and implement the Grand County General Plan.

E. PUBLIC HEALTH, SAFETY, AND WELFARE

16. Adoption of the amendments promotes the public health, safety, and welfare by bringing the LUC into compliance with state law and by affording the public an opportunity to be heard on preliminary subdivision applications proposing more than five lots.

F. PLANNING COMMISSION RECOMMENDATION

17. The Grand County Planning Commission held a duly noticed public hearing on September 14, 2026.

18. After considering the amendments, the staff report, and public comment, the Planning Commission recommended approval of the amendments to the Grand County Commission.

G. PUBLIC PROCESS

19. The Grand County Commission held a duly noticed public hearing on _____, 2026.

20. All required notice and hearing procedures under Utah Code Title 17, Chapter 79, including § 17-79-502, and under County ordinance were followed.

21. The Commission considered all written and oral testimony presented in the record.

H. CONCLUSIONS

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

1. The amendments bring the LUC into compliance with Utah Code § 17-79-301(3)(a) and conform its citations to Title 17, Chapter 79.
2. The amendments are consistent with the Grand County General Plan.
3. The amendments promote logical, efficient, and orderly land use and subdivision review.
4. The amendments are not detrimental to the public health, safety, or welfare.
5. Adoption of the amendments is in the best interest of Grand County.

SECTION 3: ADOPTION OF THE AMENDMENTS

Articles 8, 9, and 10 of the Grand County Land Use Code are amended as set forth in Exhibit A, attached hereto and incorporated herein by reference. The sections identified in Exhibit A shall read in their entirety in the form stated there.

SECTION 4: EFFECT AND INTERPRETATION

The amendments do not alter the development standards applicable to any land use application, and nothing in this ordinance creates a vested development right or an entitlement to approval of any application. An application deemed complete before the effective date of this ordinance shall be reviewed by the land use

authority designated at the time the application was deemed complete, unless the applicant consents in writing to review under this ordinance. If this ordinance conflicts with state law, state law controls.

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 passage, and not before a copy is deposited with the Clerk/Auditor and a short summary is published, as provided by Utah Code § 17-64-502.

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

Those voting aye: _____

Those voting nay: _____

Those absent: _____

GRAND COUNTY COMMISSION

Melodie McCandless, Chair

ATTEST:

Gabriel Woytek, Clerk/Auditor

Exhibit A: Amendments to Articles 8, 9, and 10 of the Grand County Land Use Code.

CHANGE REGISTER
LAND USE CODE § 8.1 AND RELATED AMENDMENTS
Grand County Planning Commission
Version 9-14-2026

DRAFT — not yet in effect. Every change listed in this register is proposed. None has been adopted, and nothing in this register is itself an amendment.

PURPOSE AND HOW TO READ THIS REGISTER

This register lists every amendment proposed to the Grand County Land Use Code, in three rounds, with the reason for each. The Round 2 items have been merged into the redlines and are shown there in green.

Round 1 is the August 6, 2026 layer, shown in the redlines as blue underline for text added and ~~red strikethrough for text deleted~~.

Round 2 is the August 24 layer, shown in green with the same convention. **Round 3** is the current layer, shown in purple. In the quick reference, green marks a rule the Bylaws or the Code impose that differs from the Robert's Rules default. Round 4, added September 9, 2026, is shown in orange with the same convention.

Nothing in this register is itself an amendment. It is a reading aid for the workshop and the public hearing.

Round 1 — August 6, 2026

Provision	Change	Reason
8.1.2	Statement added that the Commission has no legislative authority and that only the County Commission may enact; land use authority limited to applications the Code assigns to the Commission.	Utah Code §§ 17-79-501(1) and 17-79-801(3).
8.1.3(A)	Non-voting liaison members permitted; “ex-officio” replaced with “liaison” throughout; liaison members do not count toward quorum and may not vote.	Prevents liaison members from inflating the quorum denominator.
8.1.3(B)(1)	Corrective terms of other than four years authorized to restore the stagger.	Terms currently expire two, two, and three across 2027 to 2029, leaving none in 2030.
8.1.3(B)(2)	Staff must notify the County Commission of each expiring term by September 1.	Gives the appointing authority time to act before the term lapses.
8.1.3(B)(5)	Removal cross-referenced to the causes and procedures in Subsection F.	Consolidates removal in one place.
8.1.3(E)	Officer election made annual and unconditional; “last item” corrected to “first item”; “Chairman” to “Chairperson.”	Matches Bylaws § 3.2(a). The appointment trigger fails in years with no appointments.
8.1.3(E)(3)	Minutes are the responsibility of the County through the Planning Department staff.	Conforms to Bylaws § 5.9 and to practice.
8.1.3(E)(4)	Vote threshold changed from four members in attendance to a majority of the appointed regular members.	Four affirmative votes were required regardless of how many seats were filled.
8.1.3(E)(9)	New. Electronic participation under Utah Code § 52-4-207 and Resolution 2944; participants count toward quorum and vote.	Matches Bylaws §§ 5.15 to 5.17.

Provision	Change	Reason
8.1.3(F)	New subsection: removal authority and procedure, three statutory causes for removal, the deliberation safe harbor, and recusal.	Required by Utah Code § 17-79-301(3)(a), effective May 6, 2026. Not optional. Subsection (3)(a) also requires the ordinance to define the authority of the Planning Commission and to include rules of order and procedure for use in a public meeting; § 8.1.2 as amended and § 8.1.3(E)(1) as amended satisfy those.
8.1.4(C)	Citation corrected from Title 17-27-204 to Utah Code § 17-79-403.	Recodification. § 17-79-403 carries forward former § 17-27a-403.
8.1.4(E)-(G)	New duties to recommend delegation to a land use authority and an appeal authority and to recommend application processes; catch-all renumbered to G; closing sentence requires a public hearing before recommending on the General Plan, a General Plan amendment, or a land use regulation.	Utah Code § 17-79-302(1)(c)-(d) and (2). Both duties were missing.
8.2.4	Citations changed from §§ 17-27a-701 and 17-27a-702 to §§ 17-79-1001 and 17-79-1002.	Recodification, corrected in one action.
9.18.8(A)	Citation changed from 17-27a-507(5)(d) to § 17-79-812(4)(d).	The engineer appeal panel moved subsections when the water exaction provisions were re-enacted as § 17-79-813.

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19 **Round 2 — Version 9-14-2026**

Provision	Change	Reason
8.1.2	Retitled “Advisory Role; No Land Use or Legislative Authority.” The designation of the Commission as the land use authority is repealed rather than qualified, and replaced with a statement that the Commission is an advisory body and is not the land use authority for any application.	The heading and first sentence are what an applicant reads first, and they said the opposite of what the Code does. Land use authority and legislative authority are different things and the Commission holds neither.
8.1.3(B)(1)	Directive added: at the first expiration after the effective date, the County Commission shall appoint for a corrective term.	Authority alone will not restore the stagger. The empty year recurs in 2030, 2034, and every fourth year after.
8.1.3(A)	The number of liaison members is capped: “one (1) or more” becomes “one (1) or two (2).”	An open-ended number allows enough County Commission members to attend as liaisons to make up a quorum of the County Commission, which would convert a Planning Commission meeting into a County Commission meeting for purposes of the Open and Public Meetings Act. A cap of two keeps the number well below that threshold.
8.1.3(E)	Same change as Bylaws § 3.2(a): officer terms begin immediately after the election, and the election is postponed when an expired seat has not yet been filled.	Keeps the two documents identical on officer elections.
8.1.4(B)	“To hear, recommend or determine” changed to “To hear and recommend on.”	When Round 2 was drafted no provision of the Code specified a matter the Planning Commission determines, so “determine” granted a decision power pointing at nothing. Round 3 supplies one: the Planning Commission approves preliminary plats proposing more than five (5) lots as the Administrative Land Use Authority. That authority is stated in (H), not by the deleted word.

Provision	Change	Reason
10.2	Definition of “Land Use Authority” replaced to track Utah Code § 17-79-102, including the provision that where no designation has been made the legislative body is itself the land use authority.	The existing definition names the Planning Commission, contradicting § 9.1.5, and cites § 17-27a-103, which no longer exists.
9.1.5	Entry added for subdivision applications under § 9.18. Superseded by Round 3, which assigns preliminary subdivision applications proposing more than five (5) lots to the Planning Commission as Administrative Land Use Authority, and all other subdivision applications to the Planning Director.	Ordinances 708 and 711 created those sections but the summary table was never conformed.
8.3(A)	Cross-reference to “Section 9.18, Zoning development permits” replaced.	No section of the published Code governs zoning development permits at § 9.18. Once those provisions are codified there, the reference will point to the subdivision chapter and appear correct.
7.3.2	“the Planning Commission” replaced with “the County Engineer.”	The only provision in the Code giving the Commission an approval, buried in the street standards and absent from § 9.1.5. Section 7.3.1 already routes street construction to the County Engineer.
3.2.3, 4.6.2, 4.7.5, 4.9.2, 4.9.6, 6.13.6	The unmodified term “the Commission” replaced with “the County Commission” where the County Commission is intended.	§ 8.1.1 defines “Commission” to mean the Planning Commission, so every unmodified use elsewhere reads as this Commission.
4.9	The County Commission to determine whether §§ 4.9.1 through 4.9.8 are repealed or carried forward with an express notation of their sunset.	The Alternative Dwelling Overlay District expired November 15, 2023 under § 4.9.7 but remains printed with only a code reviser's footnote.
8.1.1, throughout	The shorthand “or ‘Commission’” is struck from the § 8.1.1 definition and the term is spelled out where used.	Same reason as the Bylaws. Quotations of the existing Code text in the Related Amendments block are left as they read, so they continue to quote accurately.
Ordinance 708	Exhibit A to be transmitted for codification into Articles 8, 9, and 10.	None of the ordinance appears in the published Code: Article 8 ends at § 8.4.3, Article 9 at § 9.17, the five Article 10 definitions are absent, and the most recent ordinance credited anywhere is 687.

20 **Round 3 — Version 9-14-2026**

Provision	Change	Reason
8.1.2	Rewritten again: the Planning Commission is the land use authority as to preliminary subdivision applications proposing more than five (5) lots, and § 9.1.5 assigns that application type to it.	Follows from the designation in § 8.5.1. Round 2 stated the Planning Commission was not the land use authority for any application; that is no longer accurate.
8.1.3(A)	Liaison members capped at one (1) or two (2).	An open-ended number would allow enough County Commission members to attend as liaisons to constitute a quorum of the County Commission, converting a Planning Commission meeting into a County Commission meeting under the Open and Public Meetings Act.
8.1.3(B)(3)	Liaison members are appointed rather than elected, and the subsection now records that in January of each year the County Commission determines its board and commission assignments and approves those assignments by vote.	A County Commissioner is not elected to a liaison seat by colleagues; the assignment is made and then approved. “Elected” also collided with the Planning Commission's own officer elections in the same section.

Provision	Change	Reason
8.1.3(E)	Officer terms begin immediately after the election; the election is postponed when a seat whose term expired has not been filled; and a Chair or Vice-chair pro tempore is elected if an incumbent officer is no longer a member.	Members appointed for the new year should have a vote in choosing the officers who preside over them. The pro tempore provision covers the case the holdover sentence cannot reach.
8.1.3(E)(I)	Rules of order stated affirmatively: the Planning Commission shall conduct its meetings in accordance with Robert’s Rules of Order Newly Revised (12th ed.); the Planning Commission may adopt supplemental rules of order and procedure in its Bylaws, which control over Robert’s Rules to the extent of any conflict; and the subsection does not affect the duty to comply with the Open and Public Meetings Act.	Utah Code § 17-79-301(3)(a)(ix) requires the ordinance establishing the Planning Commission to include rules of order and procedure for use in a public meeting. The existing sentence applied only “in the event a question over procedures arises” and named no edition. The Bylaws are adopted by resolution and state that they are advisory guidelines without the force of law, so the rules in the Bylaws that displace a Robert’s Rules default — the second required on every motion, the two-thirds vote to suspend a rule, the three-minute comment limit — need an ordinance basis. This gives them one and reproduces the savings clause of § 17-79-301(3)(b).
8.1.3(F)(4)	Recusal cross-reference changed from Grand County Ordinance 462 to Ordinance 593 (2019).	Ordinance 593, adopted July 16, 2019, repealed and replaced Ordinance 462 (1997). Conformed to the same correction in Bylaws § 6.3.
8.1.4	New subsection (H): the Planning Commission serves as the Administrative Land Use Authority and approves preliminary subdivision plats proposing more than five (5) lots, under §§ 8.5.1, 9.4, and 9.18. A parallel clause added to (B) in an earlier draft is struck, so the authority is stated once.	Conforms the powers and duties section to the designation made in § 8.5.1. On these applications the Planning Commission decides rather than recommends, so the powers and duties section must say approve, not “hear and recommend.”
8.5.1, 8.5.2	The Planning Commission, rather than the Planning Director, is the Administrative Land Use Authority for preliminary subdivision applications proposing more than five (5) lots. The Planning Director is the Administrative Land Use Authority for preliminary subdivision applications proposing five (5) or fewer lots and for all final subdivision applications. In § 8.5.2 a new subsection B states the Planning Director’s duty to review and act upon the preliminary applications assigned to him; former B and C are relettered C and D.	Policy decision of the Planning Commission. When Ordinance 708 was adopted in December 2024 the Planning Commission understood that it retained authority over preliminary plats; the ordinance as drafted assigned that authority to the Planning Director. This amendment restores what the Planning Commission understood the arrangement to be. The new § 8.5.2(B) closes a gap: rewriting former A for the Planning Commission left § 8.5.1 designating the Planning Director for preliminary applications of five (5) or fewer lots with no corresponding duty stated in the duties section.
9.4.3.C, 9.4.3.D, 9.4.4, 9.4.5.A	Action on the preliminary plat is taken by the Planning Commission; the Planning Director gives notice of the decision within 10 days with a statement of appeal rights; the Planning Commission applies the adopted standards.	Conforms the preliminary plat procedure to the new designation.
9.4.6, 9.4.7 (new)	New sections on scheduling and review cycles, and on public meeting and public comment: an application proposing more than five (5) lots is acted upon by the Planning Commission in a public meeting, not in a public hearing; no public hearing is required or held on a preliminary or final subdivision application; the Planning Commission receives public comment, if any is offered, at that meeting.	Keeps the process inside the review-cycle limits the Code adopted for subdivisions. Utah Code § 17-79-705(6) permits preliminary review in a public meeting and § 17-79-705(7) permits but does not require a hearing; taking the public meeting route gives the public a place to be heard without adding a hearing the statute does not require.

Provision	Change	Reason
9.12	A decision on a preliminary subdivision application is appealable to the Hearing Officer within thirty (30) days.	A land use decision requires an appeal authority separate from the body that decided.
9.1.5	The summary table now reads: Preliminary Subdivision Applications, more than five (5) lots — Planning Commission; all other subdivision applications — Administrative Land Use Authority (Planning Director).	Conforms the operative assignment table to §§ 8.5.1 and 9.4.
4.9 and the High Density Housing Overlay	The section now covers both expired overlay districts. Each states that the ordinance codified in it has expired and that its sections are of no further force or effect except as to a district approved before expiration, which remains subject to the standards, deed restrictions, occupancy requirements where applicable, and enforcement provisions in effect at the time of approval. The full text of both overlays is carried forward in the Code rather than repealed.	Both districts were printed in the Code with no statement in the text that they had lapsed. Carrying the text forward was the Planning Commission's direction: projects were permitted under both overlays, and repeal would leave the governing standards preserved in law but with no place in the Code to read them.

21 **Round 4 — Version 9-14-2026**

Provision	Change	Reason
9.1.5	Two further rows conformed. Minor Subdivision and Plat Amendments and Correction Plats move from the County Commission to the Administrative Land Use Authority (Planning Director). Amendments to plats of other lot types and correction plats under § 9.8.2 remain with the County Commission.	Ordinance 708 did not amend the table and Round 3 conformed only the Preliminary Plat and Final Plat rows. A minor subdivision is not more than three single-family lots and a petition to divide a platted single-family lot is a subdivision application, so both are land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes under Utah Code § 17-79-705(2)(a). Section 17-79-705(9)(b) bars requiring County Commission approval.
9.8.1	Citation changed from § 17-27a-608 to § 17-79-711. Added: a petition to amend a plat of single-family, two-family, or townhome lots, including a lot split, is a subdivision application under § 17-79-705; it is acted upon by the Administrative Land Use Authority at a public meeting noticed under § 9.1.8(A)(4); no preliminary application is required; no public hearing is required for a petition described in § 17-79-711(2); and a complying petition must be approved. Petitions that vacate or amend a public street or county utility easement, and amendments to plats of other lot types, stay with the County Commission.	Section 17-79-705 contains no exception for an amendment to an existing plat. Section 17-79-207 requires notice of at least one public meeting for a subdivision amendment, and § 17-79-711 supplies the amended-plat procedure and the no-hearing categories; the Administrative Land Use Authority acting at a noticed public meeting satisfies all three. A street or easement vacation requires the § 17-79-208 hearing before the County Commission.
9.3.2, 9.3.3, 9.3.4, 9.3.5	The land use authority for minor subdivisions is the Administrative Land Use Authority (Planning Director). The Zoning Administrator transmits a compliance report in place of a recommendation to the County Commission Chair; the Planning Commission review of a denial is replaced by an appeal to the Hearing Officer; a complying application must be approved at a noticed public meeting with no hearing; the 90-day recording deadline runs from the land use authority's signature; § 9.3.4 names the same bodies.	A minor subdivision is by definition not more than three single-family lots and is within § 17-79-705. Subsections (8) and (10) require approval of a complying application, and (1)(b) excludes the County Commission from the definition of an administrative land use authority.

Provision	Change	Reason
9.5.1(K), 9.5.2(D)	The plat approval certificate and the final plat review subsection name the Administrative Land Use Authority in place of the County Commission; the Planning Director's signature is the certificate of approval; action on the final plat is taken within the § 9.18 review cycles; the decision states the standard of § 17-79-705(10) and the right to appeal.	Cascade from the Round 3 change to the Final Plat row of § 9.1.5. Without it the certificate block calls for a signature from a body that no longer acts on the plat, and the County Recorder would look for it. The reference in D.1 to authorizing agreements now points to the subdivision improvements agreement and financial guarantee that § 9.5.3(B) already requires.
9.1.8(A)(4)	Citation changed from § 17-27a-207 to § 17-79-207.	Recodification. The section governs notice of an amendment to a subdivision. The mailing-radius and sign-standard gap it leaves is Question 4 below.
9.12.2	The Planning Director acting as the Administrative Land Use Authority is added to the decisions the Hearing Officer may hear.	Round 3 added the Planning Commission in that capacity but not the Planning Director. Decisions on preliminary applications of five (5) or fewer lots, final plats, minor subdivisions, and plat amendments would otherwise have no stated appeal authority.
7.4.4 (new)	New section stating the exaction standard for trails, sidewalks, and shared use pathways: no dedication or construction may be required unless the land use authority determines in writing that there is an essential link to a legitimate governmental interest and that the requirement is roughly proportionate, in nature and extent, to the impact of the proposed development. A trail alignment shown on an adopted plan is not by itself a basis for the requirement. The frontage sidewalk standard of § 7.4.1(A) is preserved. Purchase, voluntary agreement, and impact fees remain available.	Utah Code § 17-79-812(2) permits a subdivision exaction only on an individualized determination for the development proposed. The Code presently treats a plan designation as the trigger, which produces a requirement that falls on one parcel and not on a neighboring parcel of the same size and traffic. Section 17-79-812(3) gives the applicant an appeal on the exaction alone.
7.4.1(A)	A trail may be required in lieu of a sidewalk only where a sidewalk is required by the subsection, and only where the trail is no more burdensome than the sidewalk it replaces.	Where the average lot size is more than ½ acre no sidewalk is required, so a trail imposed "in lieu" would be a new exaction rather than a substitution.
7.6.8	The mandatory trail easement becomes discretionary and is exercised under § 7.4.4. The Planning Commission reference is conformed to the land use authority.	A dedication of land is an exaction under § 17-79-812. An adopted plan is not the individualized determination the statute requires.
9.3.1(B)(3)	A planned shared use pathway is no longer itself a criterion for approval of a minor subdivision; a trail is a required improvement only where required under § 7.4.4. The Zoning Administrator reference is conformed to the land use authority.	Same exaction standard. A minor subdivision already requires public improvements to be in place under (B)(2), so this criterion reaches only frontage improvements.
9.1.10(A)(2)	The list of five named recipients is replaced with the statutory standard: notice goes to each affected entity as defined in Utah Code § 17-79-102. The Planning Department maintains and annually updates a list of entities that have filed a plan or a request for notice. Notice to the state planning coordinator and the association of governments is identified as a Part 4 General Plan obligation, not a subdivision notice. The plat-amendment service-provider notice, the canal company notice, and the § 7.3.10 Highway Access Permit are preserved.	UDOT and a school district are affected entities only on one of the three statutory conditions, and the state planning coordinator and association of governments are not affected entities at all. The County does not notice these three, so the existing sentence states a requirement the County does not meet. No entity has filed a plan or a request for notice with the County, so none presently qualifies on those conditions.

Two items are policy choices rather than corrections and should be resolved before the public hearing. A third, the treatment of the two expired overlay districts, is recorded here as resolved. A fourth, added in Round 4, concerns notice of a subdivision amendment.

1. Quorum and the vote threshold. Both are a majority of the appointed regular members, so they resolve to the same number at every size and a bare quorum can act only unanimously. The alternative is a vote threshold of a majority of the members present and voting, with quorum unchanged. Bylaws §§ 5.11 and 5.16 and Land Use Code § 8.1.3(E)(4) would move together.

2. Where the public comment limits live. The Bylaws state at § 2.1(e) that they are advisory and have no force of law, so limits resting there are practice rather than rule. If the Commission intends them to bind, they belong in Land Use Code § 9.1.

3. The expired overlay districts. Resolved. The Planning Commission directed that §§ 4.7.1 through 4.7.11 and §§ 4.9.1 through 4.9.8 be carried forward in the Code with the sunset stated in the text rather than repealed, because projects were permitted under both overlays and the standards that governed them must remain available to read. The redline states the expiration in §§ 4.7.10 and 4.9.7 and preserves the standards, deed restrictions, occupancy requirements, and enforcement provisions in effect at the time of approval for any district approved before expiration. One item remains: § 4.9 carries two different sunsets, § 4.9.7 and § 4.9.2, and both should not survive.

4. Notice of a subdivision amendment. Utah Code § 17-79-207 requires, for an amendment to a subdivision, notice of the date, time, and place of at least one public meeting, given at least ten calendar days in advance either by mail to the record owner of each parcel within parameters the County specifies or by a sign posted on the property. Section 9.1.8(A)(4) adopts the statute by reference and specifies neither a mailing radius nor a sign standard for an administrative item; § 9.1.8(A)(1) supplies a sign standard for legislative items only, and § 9.1.8(B) requires the applicant to file an affidavit that the notice was given. The Commission should decide whether to specify a mailing radius, adopt the sign method with the § 9.1.8(A)(1) standard, or both, and whether the same choice should apply to minor subdivisions, for which the Code specifies no third-party notice at all.

ACTION OUTSIDE THESE DOCUMENTS

Codification of Ordinance 708. Two ordinances were adopted December 17, 2024 with identical text, Ordinance 708 and Ordinance 711. Section 4 of the proposed ordinance repeals Ordinance 711 as a duplicate and leaves Ordinance 708 as the operative instrument, so the Code credits one number. Codification of Ordinance 708 as amended is an administrative act, requires no hearing, and should not wait on this ordinance. The § 9.18.8(A) citation amendment in the redline amends a section that is not in the published Code until the transmittal is made. Ordinances adopted after 687 are worth checking against the published Code at the same time.

The corrective appointment. **The Planning Commission recommends that the County Commission change the term of one member appointed in 2026 to a five-year term expiring December 31, 2030. That single appointment restores the stagger. The appointment itself is the County Commission's to make at the first term expiration after the effective date.**

Notice of the comment limits. Whichever document carries them, the limits should appear on the agenda and in the public hearing notice so a commenter learns of them before the hearing rather than at the podium.

Subdivision amendments and minor subdivisions in process. Until this ordinance takes effect, §§ 9.1.5 and 9.8.1 as published route a plat amendment and a minor subdivision to the County Commission, while Utah Code § 17-79-705(9)(b) bars requiring its approval of a final plat for single-family, two-family, or townhome lots. State law controls where the two conflict. Applications of those types received before the effective date will be processed under Utah Code § 17-79-705, with the Administrative Land Use Authority designated by Ordinance 708 acting at a public meeting noticed under § 9.1.8(A)(4).

Andrew K. Jackson, AICP, CTP

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)

Version 9-14-2026

DRAFT — not yet in effect. These proposed amendments to the Grand County Land Use Code have not been adopted. The Code in force is the Code as published. Marked text shows what is proposed, not what governs today.

Legend: ~~strikethrough text~~ = deleted; underlined text = added. Green text = Round 2 amendments, Version 8-24-2026; green underline = added, green strikethrough = deleted. Purple text = Round 3 amendments, Version 9-14-2026; purple underline = added, purple strikethrough = deleted. Orange text = Round 4 amendments, Version 9-14-2026; orange underline = added, orange strikethrough = deleted.

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.~~ § 8.1.2. Advisory Role; No Land Use or Legislative 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 is an advisory body. It is not the land use authority for any land use application. 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. Land use authority for each application type is assigned in § 9.1.5 and § 8.5. The Summary of Land Use Authority at § 9.1.5 assigns no application type to the Planning Commission. Section 8.5.1 designates the Planning Commission as the Administrative Land Use Authority for a preliminary subdivision application proposing more than five (5) lots, and the Summary of Land Use Authority at § 9.1.5 assigns that application type to the Planning Commission. The Planning Commission is the land use authority only as to that application type. A decision of the Planning Commission acting as the land use authority is an administrative act.~~

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 is an advisory body. It is not the land use authority for any land use application. 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. Land use authority for each application type is assigned in § 9.1.5 and § 8.5. The Summary of Land Use Authority at § 9.1.5 assigns no application type to the Planning Commission. Section 8.5.1 designates the Planning Commission as the Administrative Land Use Authority for a preliminary subdivision application proposing more than five (5) lots, and the Summary of Land Use Authority at § 9.1.5 assigns that application type to the Planning Commission. The Planning Commission is the land use authority only as to that application type. 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).]

[Round 3. The Round 2 language stated that no application type is assigned to the Planning Commission. That is no longer accurate once § 8.5.1 designates the Planning Commission as the Administrative Land Use Authority for preliminary subdivision applications proposing more than five

(5) lots. Utah Code § 17-79-705(1)(a) expressly includes a county planning commission within the definition of an administrative land use authority. Section 17-79-705(9)(b) continues to bar planning commission approval of a final plat, so the designation reaches the preliminary stage only.]

§ 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~~ one (1) or two (2) 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. Upon the first expiration of a regular member's term following the effective date of this ordinance, the County Commission shall appoint for a corrective term of other than four years as necessary to restore the succession of staggered terms required by this Subsection, so that at least one and no more than three terms expire in each calendar year.

[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, and because terms run four years, the empty year recurs in 2034 and every fourth year after. The Planning Commission recommends that the County Commission change the term of one member appointed in 2026 to a five-year term expiring December 31, 2030. One five-year appointment 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 shall be appointed by the County Commission. In January of each year the County Commission determines its board and commission assignments and approves those assignments by~~

86 vote. A liaison member continues to serve until replaced by appointment of the County
87 Commission. The term of office for ~~the ex-officio~~ liaison member shall not extend
88 beyond that member's term as a member of the County Commission.

- 89 4. If a vacancy occurs other than by expiration of term, the County Commission by majority
90 vote shall appoint a new member to fill the unexpired term.
- 91 5. Planning Commission members may be removed for cause from office by 2/3 vote of the
92 County Commission prior to the expiration of the appointed term, in accordance with the
93 causes and procedures in Subsection F.

94 C. Method of Appointment.

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

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

105 E. Officers and Procedures. The Chair and Vice-chair shall be elected annually as the ~~last~~first item of
106 business at the first regular meeting of ~~the year after the County Commission appoints vacant~~
107 ~~seats~~each calendar year. ~~Their term shall start the meeting following the election. Their term~~
108 shall start immediately after the election. If a regular member's term expired at the end of the
109 preceding calendar year and the County Commission has not yet appointed a member to that
110 term, the election shall be postponed to the first regular meeting after the appointment is made
111 and the appointee is seated. The incumbent Chair and Vice-chair continue to serve until their
112 successors are elected. If the election is postponed under this subsection and the incumbent
113 Chair or Vice-chair is no longer serving as a member of the Planning Commission, the remaining
114 members shall elect a Chair pro tempore or Vice-chair pro tempore, as needed, at the first
115 regular meeting of the calendar year. A member elected pro tempore holds the office and
116 exercises its full authority until the postponed election is held.

117
118 *[Matches Bylaws § 3.2(a). The old language called for an election only after the County Commission*
119 *filled vacant seats. In a year with no appointments the condition never occurs, no election is required, and*
120 *the sitting officers continue. The election is now annual.]*

- 121 1. The ~~Chairman~~ Chairperson shall preside over meetings. In the event a question over
122 procedures arises, Robert's Rules of Order shall prevail. The Planning Commission shall
123 conduct its meetings in accordance with Robert's Rules of Order Newly Revised (12th
124 ed.). The Planning Commission may adopt supplemental rules of order and procedure in
125 its bylaws, which shall control over Robert's Rules of Order to the extent of any conflict.
126 This Subsection does not affect the Planning Commission's duty to comply with the Utah

127 Open and Public Meetings Act, Utah Code Title 52, Chapter 4.

128 [Round 3. Utah Code § 17-79-301(3)(a)(ix) requires the ordinance establishing the Planning Commission to
129 include rules of order and procedure for use in a public meeting. The Bylaws are adopted by resolution and
130 state that they are advisory guidelines without the force of law, so a rule of procedure resting only there
131 does not satisfy the ordinance requirement. This addition adopts a named edition, gives the Bylaws'
132 supplemental rules an ordinance basis, and reproduces the savings clause of § 17-79-301(3)(b).]

- 133 2. The Planning Commission shall create and fill other offices as it deems necessary.
- 134 3. The recording of minutes of all Planning Commission meetings shall be the responsibility
- 135 of the ~~County~~County, through the Planning Department staff.
- 136 4. A majority of the appointed regular members of the Planning Commission shall constitute
- 137 a quorum to do business, and the affirmative vote of ~~at least 4 of the members in~~
- 138 ~~attendance~~a majority of the appointed regular members shall be necessary to pass any
- 139 motion.

140 *[The vote threshold now matches the quorum. Four affirmative votes were required no matter how*
141 *manymembers were appointed, so a Planning Commission with fewer than seven seats filled could*
142 *convene but could not act. Bylaws §§ 5.11 and 5.16 match this subsection.]*

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

160 *[New. Matches Bylaws §§ 5.15 through 5.17 on electronic participation and voting.]*

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

- 162 1. Removal authority and procedure. A Planning Commission member may be removed
- 163 from the Planning Commission for cause by a two-thirds (2/3) vote of the County
- 164 Commission prior to the expiration of the appointed term. Before removal, the member
- 165 shall be given written notice of the cause and an opportunity to respond.
- 166
- 167 2. Causes for removal. The causes for which a member may be removed include:

- 168 a. using public funds for a political purpose under Title 20A, Chapter 11, Part 12,
169 Political Activities of Public Entities Act;
170 b. violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers’
171 and Employees’ Ethics Act; and
172 c. acting with the intent to influence a land use decision or an appeal of a pending
173 land use application in a manner that creates actual impermissible bias, or an
174 unacceptable risk of impermissible bias, in the member’s administrative or quasi-
175 judicial duties.

176 *[Causes required by § 17-79-301(3)(a)(v). Conflict in state code: Subsection (3)(a)(v)(B) is a*
177 *county provision, but it points to Title 10, Chapter 3, Part 13, the Municipal Officers’ and Employees’ Ethics*
178 *Act, which by its terms governs municipal officers and employees. The county counterpart is Title 17,*
179 *Chapter 70, Part 5, Disclosure Duties Applicable to All County Officers, §§ 17-70-501 through 17-70-511,*
180 *formerly Title 17, Chapter 16a. The municipal citation appears above as the statute reads. Bylaws § 7.3*
181 *carries the same note.]*

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

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

- 188 4. Recusal. A member shall recuse himself or herself from participating in, commenting on,
189 or voting on a land use application when the member has a conflict of interest under the
190 County Officers and Employees ethics provisions or Grand County Ordinance 462593
191 (2019), when the member has a personal or financial interest in the application, or when
192 the member’s participation would create actual impermissible bias or an unacceptable
193 risk of impermissible bias in an administrative or quasi-judicial matter.

194 *[Recusal required by § 17-79-301(3)(a)(vii). Written to the broader standard in Bylaws § 6.3:*
195 *participating in, commenting on, or voting on.]*

196 § 8.1.4. Powers and Duties.

197 The Planning Commission shall have the following powers and duties:

- 198 A. To recommend the boundaries of the various zoning districts and appropriate regulations to be
199 enforced therein under this Code consistent with the policy guidance of the General Plan and the
200 laws of the State of Utah to the County Commission and to recommend approval or denial of
201 zoning changes and regulations under this Code;
- 202 B. ~~To hear, recommend or determine any matter~~ To hear and recommend on any matter relating to
203 zoning, planning or subdivision control as they may be specified or required under this Code or
204 applicable laws of the State of Utah; ~~and to review and act upon preliminary subdivision~~
205 ~~applications proposing more than five (5) lots as the Administrative Land Use Authority under §§~~
206 ~~8.5.1 and 9.4;~~

207 [Drafting note. The clause added here in an earlier draft is struck. Subsection (B) states what the
208 Planning Commission hears and recommends on. The authority to approve a preliminary plat

proposing more than five (5) lots is a decision rather than a recommendation and is stated once, in Subsection (H). Carrying it in both places would leave two texts to keep in agreement.]

- 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

- G. To serve as the Administrative Land Use Authority for the review and approval of preliminary subdivision applications proposing more than five (5) lots as provided in §§ 8.5.1, 9.4, and 9.18, and to apply the adopted standards of this Code in acting upon such applications; and

- ~~E.H.~~ 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. Powers and Duties. — Hearing Officer citation amendments.

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative board or official in the enforcement of the ordinance codified in this section pursuant to Section 9.13 of this Code and ~~Section 17-27a-701, Utah Code Annotated 1953, as amended~~Utah Code § 17-79-1001.

- B. To permit variance or modifications of the height of structures, yard, area, and parking regulations pursuant to Section 9.14 of this Code and ~~Section 17-27a-702, Utah Code Annotated 1953, as amended~~Utah Code § 17-79-1002.

[Round 1. Former § 17-27a-701, Appeal Authority Required, is now § 17-79-1001. Former § 17-27a-702, Variances, is now § 17-79-1002. Subsection C is unchanged.]

§ 7.3.2. Street Layout. — Amendment.

Unless otherwise approved by the ~~Planning Commission~~County Engineer, provisions shall be made for the extension of streets and in accordance with the requirements of the Grand County Transportation Plan and Grand County Construction Standards.

B. Conform to a plan for a neighborhood or planned unit development approved by the ~~Planning Commission~~County Engineer to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where...

[Round 2. Street extension and layout are engineering determinations, and § 9.1.5 assigns no application of this kind to the Planning Commission. These are the only two places in the Code that give the Planning Commission an approval outside § 8.1.]

§ 4.7.10. Expiration of High Density Housing Ordinance. — Amendment.

The ordinance codified in this section shall automatically expire after 300 HDHO lots or units have been approved or after two years, whichever occurs first. A record of the number and location of HDHO lots and units approved shall be kept on file within the ~~Community Development Department~~Planning Department at all times. The ordinance codified in this section has expired. Sections 4.7.1 through 4.7.11 are of no further force or effect except as to a High Density Housing Overlay District approved before expiration, which remains subject to the development standards, deed restrictions, and enforcement provisions in effect at the time of approval.

[Round 3. § 4.7 was adopted by Ord. 591 (2019) and amended by Ord. 622 (2021), and expired by its own terms. Sections 4.7.1 through 4.7.11 remained printed in the Code with nothing in the text saying they had lapsed. At the Planning Commission's direction the text is carried forward rather than repealed, because High Density Housing Overlay Districts were approved before expiration and the standards that govern them must remain available to read. The department name is also out of date.]

§ 4.9.7. Expiration of Alternative Dwelling Overlay Ordinance. — Amendment.

The ordinance codified in this section shall automatically expire after 150 ADO units have been approved or one year after adoption, whichever occurs first. A record of the number and location of ADO units approved shall be kept on file within the Planning and Zoning Department at all times. The ordinance codified in this section has expired. Sections 4.9.1 through 4.9.8 are of no further force or effect except as to an Alternative Dwelling Overlay District approved before expiration, which remains subject to the development standards, occupancy requirements, deed restrictions, and enforcement provisions in effect at the time of approval.

[Round 3. § 4.9 was adopted by Ord. 668 (2022) and expired by its own terms. The district carries two different sunset provisions: this section, which expires after 150 ADO units or one year after adoption, and § 4.9.2, which states the district will expire upon November 15, 2023, or when 150 dwelling units have been approved. Whichever governs, the district has lapsed, but both should not survive. Sections 4.9.1 through 4.9.8 remained printed in the Code with only a code reviser's footnote. At the Planning Commission's direction the text is carried forward rather than repealed, because Alternative Dwelling Overlay Districts were approved before expiration and the standards, occupancy requirements, and deed restrictions that govern them must remain available to read.]

§ 9.18.8(A). Appeals. — Citation amendment.

A. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance

with ~~Utah Code 17-27a-507(5)(d)~~ Utah Code § 17-79-812(4)(d) to review and approve or deny the final revised set of plans.

[Round 1. Section 9.18.8 was adopted by Ordinance No. 708 (2024) and again by Ordinance No. 711 (2024). Former § 17-27a-507(5)(d) is now § 17-79-812(4)(d). Note that § 17-79-812(4)(d)(i)-(ii), a county provision, refers to appealing a “municipal requirement” and “municipal specification.”]

§ 10.2. Definitions. — Land Use Authority.

Land Use Authority ~~The Grand County Planning Commission serving in the roles prescribed in Utah Code-17-27a-103-A~~ A person, board, commission, agency, or other body, including the County Commission, designated by the County Commission to act upon a land use application; or, if the County Commission has not designated a land use authority, the County Commission. Land use authority for each application type is assigned in § 9.1.5 and § 8.5.

[Round 2. The existing definition names the Planning Commission as the land use authority for every application and cites a repealed section. The replacement tracks Utah Code § 17-79-102 and points to the operative assignment table.]

§ 8.3(A). Zoning Administrator. — Cross-reference correction.

A. Issue Zoning Development Permits. The Zoning Administrator shall issue Zoning Development Permits as required by ~~Section 9.18, Zoning development permits~~ Section 9.16, Site Plan Reviews, prior to the issuance of any Building Permit.

[Round 2. The Code has no § 9.18 titled “Zoning development permits.” Ordinances 708 and 711 place the single-family, two-family, and townhome subdivision procedure at § 9.18, so the existing cross-reference will point at the wrong section once those are codified. The correct reference should be confirmed before adoption.]

§ 9.1.5. Summary of Land Use Authority. — Table amendments.

Land use authority for the respective land use review procedures is described below:

SUMMARY OF LAND USE AUTHORITY		
Application Type	Land Use Authority	Reference
Interpretations of Text and Zoning Map	Zoning Administrator	Section 9.2.8
Zoning Map (Rezoning) and Text Amendments	County Commission	Section 9.2 Article 4
Preliminary Plat	~~Zoning Administrator~~ <u>Planning Commission for a preliminary subdivision application proposing more than five (5) lots; Administrative Land Use Authority (Planning Director) for all others</u>	Section 9.4; <u>§§ 8.5, 9.18</u>
Final Plat	~~County Commission~~ <u>Administrative Land Use Authority (Planning Director)</u>	Section 9.5; <u>§§ 8.5, 9.18</u>
Minor Subdivision	~~County Commission~~ <u>Administrative Land Use Authority (Planning Director)</u>	Section 9.3; <u>§§ 8.5, 9.18</u>
Recreational Subdivisions	County Commission	Section 9.7
Plat Amendments and Correction Plats	~~County Commission~~ <u>Administrative Land Use Authority (Planning Director) for an amendment to a plat of single-family, two-family, or townhome lots; County Commission for all others</u>	Section 9.8; <u>§§ 8.5, 9.18</u>

SUMMARY OF LAND USE AUTHORITY		
Application Type	Land Use Authority	Reference
Lot Line Adjustments	Zoning Administrator	Section 9.9
Conditional Use Permits	County Commission	Section 9.10
Appeals of Administrative Decisions	Hearing Officer	Section 9.12
Variances	Hearing Officer	Section 9.13
Sign Permits	Zoning Administrator	Section 9.14
Temporary Use Permits	Zoning Administrator	Section 9.15
Site Plan Reviews	Zoning Administrator	Section 9.16
Certificates of Occupancy	Building Official	Section 9.17
Building Permits	Building Official	--

[Rounds 2 and 3. The table is the operative assignment provision. Utah Code § 17-79-705(9)(b) bars requiring Planning Commission or County Commission approval of a final plat, so the Final Plat row cannot remain with the County Commission. Where § 9.18 applies, §§ 8.5 and 9.18 govern and control over the Preliminary Plat and Final Plat rows.]

[Round 4. The table is reproduced in full so the amended rows can be read against the rows that do not change. The Round 3 amendments to the Preliminary Plat and Final Plat rows are carried into it in purple. Ordinance 708 did not amend this table, and Round 3 conformed only the Preliminary Plat and Final Plat rows. A minor subdivision is by definition not more than three single-family lots, and a petition to divide a platted lot into single-family, two-family, or townhome lots is a subdivision application; both are land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes under Utah Code § 17-79-705(2)(a), which contains no exception for an amendment to an existing plat. Section 17-79-705(9)(b) bars requiring County Commission approval, so neither row can remain with the County Commission. Correction plats under § 9.8.2 and amendments to plats of other lot types are not reached by § 17-79-705 and remain with the County Commission. The Recreational Subdivisions row is unchanged.]

§ 8.5.1. Designation of Authority. — Amendment.

8.5.1 Designation of Authority: The ~~Planning Director, or their designee, shall serve as the Administrative Land Use Authority for the purposes of reviewing and approving preliminary and final subdivision applications as required under Article 9.~~ Planning Commission shall serve as the Administrative Land Use Authority for the review and approval of a preliminary subdivision application proposing more than five (5) lots. The Planning Director, or their designee, shall serve as the Administrative Land Use Authority for the review and approval of a preliminary subdivision application proposing five (5) or fewer lots and of all final subdivision applications. Each is the single administrative land use authority for the applications assigned to it.

[Round 3. Policy decision of the Planning Commission. Utah Code § 17-79-705(1)(a) includes a county planning commission within the definition of an administrative land use authority. Section 17-79-705(3)(b)(i) requires designation of a single administrative land use authority for the review of preliminary applications.]

§ 8.5.2. Duties and Responsibilities. — Amendment.

~~A. Per Section 9.18.3, Review preliminary subdivision applications.~~ A. Review and act upon preliminary subdivision applications assigned to the Planning Commission under § 8.5.1, in a public meeting as provided in §§ 9.4.6 and 9.4.7.

B. Review and act upon preliminary subdivision applications assigned to the Planning Director under § 8.5.1.

~~B-C.~~ Evaluate final subdivision applications administratively to ensure compliance with county ordinances and state laws.

~~C-D.~~ Ensure all subdivision applications adhere to the maximum number of review cycles and timelines specified in 9.18. The Planning Director shall administer the review cycles and timelines for both stages and shall schedule preliminary subdivision applications for Planning Commission action in a public meeting under §§ 9.4.6 and 9.4.7.

[Round 3. Section 9.18.3 is the staff-level pre-application meeting, which is not the review step former subsection A was describing. Former A applied to the Planning Director as the sole administrative land use authority. Because § 8.5.1 now splits the designation, the duty is stated twice: A for the applications assigned to the Planning Commission and B for those assigned to the Planning Director. Without B, § 8.5.1 would designate the Planning Director for preliminary applications of five (5) or fewer lots while this section stated no corresponding duty. Former B and C are relettered C and D and are otherwise unchanged.]

§ 9.4.3. Application Review Procedures. — Amendments to subsections C and D.

C. Action by ~~Zoning Administrator~~the Land Use Authority. Following review of the preliminary plat and other materials submitted for conformity thereof to these regulations, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the ~~Zoning Administrator shall either recommend approval or denial and the conditions of such approval, if any, or if recommending denial, shall express its recommendation for denial and its reasons therefor.~~Land Use Authority shall approve, approve with conditions, or deny the preliminary plat. If the preliminary subdivision application complies with the applicable County ordinances and Utah Code § 17-79-705, the Land Use Authority shall approve it.

D. Notice of Decision. The ~~Zoning Administrator~~Planning Director shall provide notice of the decision to the applicant within 10 days of the decision, with a statement of the right to appeal to the Hearing Officer under § 9.12.

[Round 3. Subsection C stated a recommendation, which no longer fits an administrative land use authority that decides. Utah Code § 17-79-705(8) requires approval of a complying application, which is why the standard of decision is stated.]

§ 9.4.4. Issues for Consideration. — Amendment.

The ~~Zoning Administrator~~Land Use Authority shall, in its action on the preliminary plat, consider Article 7, Subdivision Standards, the physical arrangement of the subdivision, and determine the adequacy of street right-of-way and alignment, the street standards of Grand County, the existing street pattern in the area and with all applicable provisions of the General Plan. The ~~Planning Commission~~Land Use Authority shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

[Round 3. This section already referred to two different bodies in consecutive sentences, the Zoning Administrator and the Planning Commission. Both become the Land Use Authority, whichever § 8.5.1 assigns.]

§ 9.4.5. Effect of Preliminary Plat Approval. — Amendment to subsection A.

A. Not Approval of Final Plat. Conditional approval of a preliminary plat shall not constitute approval of the

final plat or vest the applicant with any legal rights in the subdivision proposal. Rather, it shall represent confirmation by the ~~Zoning Administrator~~Land Use Authority that the preliminary plat is consistent with the requirements of the Land Use Code.

[Round 3. Subsection B, Lapse of Approval, is unchanged.]

§ 9.4.6. Scheduling and Review Cycles. — New section.

The Planning Director shall place a preliminary subdivision application proposing more than five (5) lots on the public meeting agenda of the next regular Planning Commission meeting that allows the County to complete review within the timelines required by § 9.18 and Utah Code § 17-79-706, and may schedule a special meeting where necessary. The Planning Director shall transmit a staff report identifying each applicable standard and stating whether the application complies. A review cycle is not extended by the Planning Commission's meeting schedule, and an application not acted upon within the applicable review cycle is immediately eligible for appeal under § 9.18.8. The Planning Commission may continue action only with the applicant's written consent and only for a period that does not cause the County to exceed a review cycle.

§ 9.4.7. Public Meeting and Public Comment. — New section.

A preliminary subdivision application proposing more than five (5) lots shall be placed on the agenda of a regular meeting of the Planning Commission and acted upon by the Planning Commission in a public meeting. Action on a preliminary subdivision application is taken in a public meeting and not in a public hearing, and no public hearing is required or shall be held on a preliminary or a final subdivision application. The Planning Commission shall receive public comment, if any is offered, at the public meeting, in accordance with the Planning Commission's rules of procedure. Public comment is advisory, and its volume or content is not a basis for denial of, or a condition upon, an application that complies with the adopted standards of this Code.

[Round 3. Utah Code § 17-79-705(6) permits preliminary review in a public meeting and § 17-79-705(7) permits but does not require a public hearing at the preliminary stage. These sections take the public meeting route. The scheduling provision is necessary because the review cycles of § 17-79-706 run without regard to the Planning Commission's meeting calendar.]

§ 9.1.8(A)(4). Public Notice Requirements. — Citation amendment.

4. Subdivision Amendment (Administrative). Notice of public meetings on approval or denial of land use decisions shall be provided as required in Utah Code § ~~17-27a-207~~17-79-207.

[Round 4. Former § 17-27a-207, Notice for an Amendment to a Subdivision, is now § 17-79-207. The section requires notice of the date, time, and place of at least one public meeting, given at least ten calendar days before the meeting either by mail to the record owner of each parcel within parameters the County specifies or by a sign posted on the property. This Code specifies no mailing parameters and no sign standard for an administrative item; § 9.1.8(A)(1) supplies a sign standard for legislative items only. Whether to specify a mailing radius, adopt the sign method, or both is a policy question for the Planning Commission and is listed in the Change Register.]

§ 9.1.10(A)(2). Required Applicant Notices — Notice of Meetings and Hearings. — Amendment.

2. All affected entities, including but not limited to school districts, utilities, special districts, UDOT, and the AOG state planning coordinator shall be notified when considering the General Plan or amendments to the General Plan or multi-unit residential, commercial, industrial or subdivision approvals. The County shall provide notice to each affected entity, as defined in Utah Code § 17-79-102, when considering the General

Plan, an amendment to the General Plan, or a multi-unit residential, commercial, industrial, or subdivision approval.

a. The Planning Department shall maintain a list of the entities that qualify as affected entities by reason of having filed with the County a general or long-range plan, or a request for notice for the current calendar year, and shall update the list at the beginning of each calendar year. Notice under this Subsection shall be provided to each entity on the list and to any other entity whose services or facilities are likely to require expansion or significant modification because of the intended use of the land.

b. Notice to the state planning coordinator and to the association of governments in which the County is located is governed by Utah Code Title 17, Chapter 79, Part 4, and is not required by this Subsection.

c. This Subsection does not affect the notice to each affected entity that provides service to an owner of record required by Utah Code § 17-79-711(1)(c) for an amendment to a plat, the notice to a canal owner or operator required by Utah Code § 17-79-703, or the Highway Access Permit required by § 7.3.10 for a subdivision with direct access to a state highway.

[Round 4. "Affected entity" is defined at Utah Code § 17-79-102 and is a closed list of entity types, each of which qualifies only if its services or facilities are likely to require expansion or significant modification because of the intended use of the land, or it has filed with the County a general or long-range plan, or it has filed a request for notice during the same calendar year. The struck sentence names five recipients as though all were affected entities. The Utah Department of Transportation and a school district qualify only on one of those three conditions. The state planning coordinator and the association of governments are not affected entities under the definition at all; they receive the General Plan and amendments under Part 4, which is a different obligation and remains in force. The County does not presently notice these three, so the existing sentence states a requirement the County does not meet. Stating the statutory standard rather than a list makes the obligation track the entities that have actually filed, and Subsection (a) makes maintaining that list a department duty so the obligation can be met. Subsection (c) preserves three notices that arise elsewhere and are not affected by this amendment. As of the date of this redline no entity has filed a general or long-range plan with the County and no entity has filed a request for notice, so no entity presently qualifies as an affected entity under those two conditions.]

§ 7.4.1(A). Sidewalks and Trails — Applicability. — Amendment.

A. This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. Subdividers shall be required to build sidewalks along both sides of all streets adjacent to building sites in all residential zone districts and in the NB, Neighborhood Business District, and the GB, General Business District, except where the average lot size is more than ½ acre. In addition, subdividers shall be required to build sidewalks along both sides of Highway 191 in the HC, Highway Commercial District within one (1) mile of Moab City limits. Alternatively, the Planning and Zoning Commission may require trails in lieu of sidewalk requirements, where trails are more appropriate to serve the proposed use and site. A trail may be required in lieu of a sidewalk only where a sidewalk is required by this Subsection, and only where the trail is not more burdensome to the applicant than the sidewalk it replaces. This Subsection does not authorize a trail requirement where no sidewalk is required.

[Round 4. A substitution presupposes an existing obligation. Where the average lot size is more than ½ acre no sidewalk is required, so there is nothing for a trail to be required in lieu of, and a trail imposed in that circumstance would be a new exaction rather than a substitution. The land use authority named in the existing sentence is not conformed here because § 8.5.1 assigns the application, and the amendments to § 9.4.4 state the standard the land use authority applies.]

§ 7.6.8. Trail Easements. — Amendment.

When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission land use authority finds that a trail easement can better serve the proposed development than a sidewalk, a 15 feet wide easement shallmay be provided sufficient for public trail construction, maintenance and access purposes in accordance with the provisions of Section 7.4. A trail easement, and the construction of a trail, may be required only as provided in § 7.4.4.

[Round 4. As written, this section makes the appearance of a trail alignment on an adopted plan the sole trigger for a mandatory dedication. A dedication of land is an exaction under Utah Code § 17-79-812, which requires an individualized determination for the specific development, and an adopted plan is not that determination. The mandatory “shall” becomes “may,” exercised under the standard stated in new § 7.4.4. The reference to the Planning Commission is conformed to the land use authority, consistent with the amendments to §§ 9.1.5 and 8.5.1.]

§ 7.4.4. Trail and Sidewalk Exactions. — New section.

A. Standard. The County shall not require an applicant to dedicate land for, or to construct, a trail, sidewalk, or shared use pathway as a condition of approval of a subdivision unless the land use authority first determines in writing that:

1. there is an essential link between a legitimate governmental interest and the requirement imposed; and
2. the requirement is roughly proportionate, both in nature and extent, to the impact of the proposed development.

B. Individualized Determination. The determination required by Subsection A shall be based on the impacts of the specific development proposed. The designation of a trail alignment on the Grand County Nonmotorized Trails Master Plan, the General Plan, or any other adopted plan does not by itself establish either the essential link or rough proportionality, and is not by itself a basis for requiring a dedication or construction.

C. Written Findings. The determination shall be in writing, shall state the impact of the proposed development that the requirement addresses, and shall be included in the record of the decision. A requirement imposed without the written determination required by this Section is void.

D. Sidewalks Required by § 7.4.1. A sidewalk required by § 7.4.1(A) along the frontage of the property being subdivided is a generally applicable standard of this Code and is not subject to Subsection A. This Section applies to any requirement to dedicate land for, or construct, a sidewalk, trail, or pathway beyond that standard.

E. Alternatives. Nothing in this Section limits the County from acquiring a trail corridor by purchase, by voluntary agreement with the owner, or from funding trail construction through impact fees imposed under § 6.13 and Utah Code Title 11, Chapter 36a.

F. Appeal. An applicant may appeal a requirement imposed under this Section as provided in Utah Code § 17-79-812(3) and § 9.12.

[Round 4. Utah Code § 17-79-812(2) permits a subdivision exaction only if the County determines that there is an essential link between a legitimate governmental interest and the exaction and that the exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development. The statute requires that determination to be made for the development in front of the County. The Code presently treats a trail alignment shown on an adopted plan as itself the trigger, in § 7.6.8 and in § 9.3.1(B)(3). A plan designation records where the County would like a trail; it is not evidence that a

particular subdivision generates the need for that segment, and it produces requirements that fall on one parcel and not on a neighboring parcel of the same size and traffic. Subsection D preserves the frontage sidewalk standard of § 7.4.1(A), which applies by district and lot size to every subdivision alike. Subsection F states the appeal already provided by § 17-79-812(3), under which an applicant may appeal an exaction to the appeal authority.]

§ 9.3.1(B)(3). Minor Subdivisions — Criteria for Approval. — Amendment.

3. Where sidewalk, curb and gutter are required by Article 7 ~~or a shared use pathway is planned, per the most recently adopted Grand County Nonmotorized Trails Master Plan,~~ or where a trail or shared use pathway is required under § 7.4.4, such improvements shall be installed by the applicant prior to ~~Zoning Administrator's~~ the land use authority's approval or the applicant shall provide for costs of materials and installation of such improvements in the form of an escrow agreement or completion assurance bond with an improvement agreement in accordance with Section 9.5.3, Responsibility for Payment for Installation Costs.

[Round 4. The struck language made a planned pathway alignment, by itself, a criterion for approval of a minor subdivision, which § 7.4.4 does not permit. A trail remains a required improvement under this Subsection where it is required under § 7.4.4. The reference to the Zoning Administrator's approval is conformed to the land use authority under § 9.3.2 as amended. Note that a minor subdivision requires public improvements to be in place already under Subsection (B)(2), so this Subsection reaches only frontage improvements.]

§ 9.3.2. Land Use Authority. — Amendment.

The ~~County Commission~~ Administrative Land Use Authority designated in § 8.5.1 for final subdivision applications shall be the land use authority for minor subdivisions, subject to the requirements of this section.

[Round 4. A minor subdivision is not more than three (3) single-family lots, § 9.3.1(A), and is a subdivision application for single-family dwellings under Utah Code § 17-79-705(2)(a). Section 17-79-705(1)(b) excludes the County Commission from the definition of an administrative land use authority and § 17-79-705(9)(b) bars requiring its approval of a final plat.]

§ 9.3.3. Review and Approval Process. — Amendments to subsections A, C, and D.

A. Zoning Administrator Determination of Completeness and ~~Recommendation of Approval or Denial~~ Report. A Zoning Administrator, in consultation with applicable County departments, shall review the application for minor subdivision and deem it complete or request additional information within 30 days or within a reasonable time thereafter. Upon a determination of completeness, a Zoning Administrator shall ~~make a recommendation for approval or denial of the minor subdivision to the Chairperson of the County Commission~~ transmit the application to the land use authority under § 9.3.2 with a report identifying each criterion for approval in Subsection 9.3.1(B) and stating whether the application complies.

~~C. Review by Planning Commission. In the event of a denial of a minor subdivision by the Zoning Administrator, such application shall be placed on the next Planning Commission agenda, upon request of the applicant, for final review and action in accordance with the requirements of this section. The Planning Commission shall make a recommendation for approval or denial to the County Commission, at a public meeting.~~ C. Appeal. A decision approving, conditioning, or denying a minor subdivision may be appealed to the Hearing Officer under § 9.12.

D. Approval by the ~~County Commission. The County Commission~~ Land Use Authority. The land use authority

under § 9.3.2 shall take final action to approve, approve with conditions or deny minor subdivision applications at a public meeting noticed under § 9.1.8. If a minor subdivision application complies with the criteria for approval in Subsection 9.3.1(B) and the other applicable requirements of this LUC, the land use authority shall approve it. A public hearing is not required.

[Round 4. Conforms the minor subdivision procedure to § 9.3.2 as amended. Utah Code § 17-79-705(8) and (10) require approval of a complying application, which is why the standard of decision is stated. Former subsection C sent a denied applicant to the Planning Commission for a recommendation to the County Commission; a decision of an administrative land use authority is appealed to the appeal authority under § 9.12. Subsection B is unchanged.]

§ 9.3.4. Items for Consideration. — Amendment.

The Zoning Administrator, ~~Planning Commission (if necessary) and County Commission~~ and the land use authority under § 9.3.2 shall, in taking action on the minor subdivision, consider consistency with the criteria for approval of minor subdivisions in this section, consider the physical arrangement of the lots in the minor subdivision, and determine the adequacy of street rights-of-way or easements, improvements and alignment relative to the street standards of Grand County, the existing street pattern in the area, the need for connections between neighborhoods and developments and with all applicable provisions of the General Plan. The Administrator shall also ascertain that adequate rights-of-way for future roads and trails are provided, easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

[Round 4. Conforms the bodies named in this section to § 9.3.2 as amended. The Planning Commission review of a denied minor subdivision is removed by the amendment to § 9.3.3(C).]

§ 9.3.5. Recordation Action Following Approval. — Amendment.

The owner of land on which the minor subdivision approval has been obtained shall prepare and submit a nonerasable mylar copy and a digital copy of the final minor subdivision plat (including all lines, bearings, corners, etc., necessary to describe the subject lot(s) or parcel(s), and all easements), in the latest version of AutoCAD, or other format compatible with the County GIS. If the ~~Zoning Administrator~~ land use authority under § 9.3.2 has approved and signed a certificate of written approval on the minor subdivision, the minor subdivision becomes the instrument to be recorded in the office of the County Recorder when all requirements have been met. The subdivider shall pay the record filing fee. If for any reason the minor subdivision has not been recorded within 90 days of ~~both the Zoning Administrator's and County Commission Chair's signature~~ the land use authority's signature, the approving actions shall be deemed void.

[Round 4. Follows from § 9.3.2 as amended. The certificate of approval on a minor subdivision plat is the certificate in § 9.5.1(K) as amended below.]

§ 9.5.1(K). Final Plat Submittal Requirements — Approval Certification. — Amendment.

K. Approval Certification. Certification of approval by the ~~County Commission~~ Administrative Land Use Authority and County Engineer, in the following form, shall be placed on the final plat:

APPROVED this _____ day of _____, 20_____, by the ~~County Commission of Grand County, Utah~~ Administrative Land Use Authority of Grand County, Utah

Chair Planning Director

APPROVED this _____ day of _____, 20_____, by the Grand County Engineer

600 _____ Engineer
601 _____ County Recorder

602 [Round 4. Follows from the Final Plat row of § 9.1.5 as amended in Round 3 and from § 8.5.1. Once the
603 Planning Director is the land use authority for final plats, a certificate calling for the County Commission
604 Chair's signature would require a signature from a body that no longer acts on the plat, and the County
605 Recorder would look for it. The County Engineer's and County Recorder's certificates are unchanged.]

606 **§ 9.5.2(D). Application Review Procedures — Review by County Commission. — Amendments.**

607 D. Review by County CommissionAdministrative Land Use Authority.

608 1. Action by County CommissionAdministrative Land Use Authority. A Zoning Administrator shall submit the
609 final plat to the County CommissionAdministrative Land Use Authority, along with any preliminary plat
610 conditions established by a Zoning Administratorthe land use authority that approved the preliminary plat,
611 preliminary plat, and an appropriate recommendation. The County CommissionAdministrative Land Use
612 Authority shall consider all proposals with respect to the dedication of rights-of-way for public use, the
613 construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals,
614 shall authorize the establishment of agreements for samerequire the subdivision improvements agreement
615 and financial guarantee provided in § 9.5.3(B). The County CommissionAdministrative Land Use Authority
616 shall act on the final plat within a reasonable amount of time after a Zoning Administrator makes a-
617 recommendation, or within a reasonable time thereafterwithin the review cycles and timelines of § 9.18 and
618 Utah Code § 17-79-706.

619 2. Review in Phases. An owner or subdivider, at his or her option, may obtain approval of a portion or a
620 section of a subdivision provided he or she meets all the requirements of this LUC with reference to such
621 portion or section in the same manner as is required for a complete subdivision. In the event a subdivision
622 and the final plat thereof is approved by the County CommissionAdministrative Land Use Authority in
623 phases, each final plat of each phase is to carry the name of the entire subdivision, but is to bear a
624 distinguishing letter, number or subtitle.

625 3. Approval by County CommissionAdministrative Land Use Authority. After the County-
626 CommissionAdministrative Land Use Authority has determined that the plat is in proper form, that any
627 conditions of the preliminary plat are satisfied, that the arrangement of the development proposed for the
628 property being subdivided is consistent with zoning regulations, and that the subdivision complies with the
629 provisions of this LUC, it shall act to approve the plat. If the final plat complies with the requirements of this
630 LUC, Utah Code § 17-79-705, and the preliminary plat approval, the Administrative Land Use Authority shall
631 approve it.

632 4. Disapproval by County CommissionAdministrative Land Use Authority. A Zoning Administrator shall
633 provide a copy of the decision to the applicant within 10 days of the final decision, with a statement of the
634 right to appeal to the Hearing Officer under § 9.12. Final plats that are disapproved by the County-
635 CommissionAdministrative Land Use Authority shall be returned to the subdivider by a Zoning Administrator
636 with an attached statement of the reasons for such action.

637 5. Action Following Approval. A Zoning Administrator shall provide a copy of the decision to the applicant by
638 mail within 10 days of the County Commission'sAdministrative Land Use Authority's final decision.

639 a. Certification of Approval. (1) In no case shall additions, corrections, or modifications of any kind be made
640 to the final plat other than signatures required after the final plat has been approved by the County-
641 CommissionAdministrative Land Use Authority. (2) The County Commission Chair'sAdministrative Land Use

Authority's signature shall serve as the certificate of approval on the final plat.

c. Recordation of Plats. (1) The final plat for any subdivision located within Grand County shall be filed of record by the developer in the plat records of Grand County, but only after the ~~County Commission~~Administrative Land Use Authority has officially acted upon the final plat with reference to improvements, dedications and utilities, all fees (including recording and review fees) shall have been paid by the developer, and the developer has completed and the County has inspected and accepted required improvements or posted a completion assurance in compliance with subsection D.5.b of this section. (2) If for any reason the final plat has not been recorded within 24 months of ~~County Commission~~Administrative Land Use Authority approval, the approving actions shall be deemed void and a new application for final plat will need to be processed through the County.

[Round 4. Follows from the Final Plat row of § 9.1.5 as amended in Round 3 and from § 8.5.1. Utah Code § 17-79-705(9)(b) bars requiring County Commission approval of a final plat, and § 17-79-705(10) requires approval of a complying final application. Subsection D.5.b, completion of required public improvements or submission of completion assurance, is unchanged. The reference in D.1 to authorizing agreements is replaced with a reference to the subdivision improvements agreement and financial guarantee that § 9.5.3(B) already requires, so the land use authority applies an existing requirement rather than creating a new one.]

§ 9.8.1. Plat Amendments. — Amendment.

Subdivision amendments shall be subject to all requirements of this LUC regarding final plats and Utah Code ~~§ 17-27a-608~~17-79-711, as amended. A petition to amend a plat of single-family, two-family, or townhome lots, including a petition to divide one or more of the petitioner's lots, is a subdivision application within the meaning of Utah Code § 17-79-705 and shall be acted upon by the Administrative Land Use Authority designated in § 8.5.1 for final subdivision applications, at a public meeting noticed under § 9.1.8(A)(4). A preliminary subdivision application is not required. A public hearing is not required for a petition described in Utah Code § 17-79-711(2), and the Administrative Land Use Authority shall approve a petition that complies with this LUC and Utah Code § 17-79-711. A petition to amend a plat of any other lot type, and a petition that includes a vacation, alteration, or amendment of a public street or county utility easement, shall be acted upon by the County Commission.

[Round 4. Utah Code § 17-79-705 applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes and contains no exception for an amendment to an existing plat; a division of a platted lot is a subdivision, and "Subdivision Application" as defined in Article 10 by Ordinance 708 is a land use application for the subdivision of land. Section 17-79-711 supplies the procedure for the amended plat, the notice to affected entities, and the categories of petition for which no public hearing is required; § 17-79-207 requires notice of at least one public meeting for an amendment to a subdivision. The Administrative Land Use Authority acting at a noticed public meeting satisfies all three. A vacation or amendment of a public street or county utility easement requires the hearing and notice of § 17-79-208 before the County Commission, which is why those petitions stay with it. Former § 17-27a-608 is now § 17-79-711.]

§ 9.12.2. Application for Appeal. — Amendment.

The Hearing Officer shall have jurisdiction to hear appeals of administrative decisions of the County Commission, the Planning Commission acting as the Administrative Land Use Authority under § 8.5.1, the Planning Director acting as the Administrative Land Use Authority under § 8.5.1, or Zoning Administrator. An aggrieved person affected by such decision shall file an appeal within 30 days after the decision has been

rendered by the County Clerk/Auditor.

[Round 3. A decision on a preliminary subdivision application is an administrative act and requires an appeal authority separate from the body that decided.]

[Round 4. Adds the Planning Director acting as the Administrative Land Use Authority. Round 3 added the Planning Commission in that capacity but not the Planning Director, so decisions on preliminary applications of five (5) or fewer lots, final plats, minor subdivisions under § 9.3, and plat amendments under § 9.8.1 would otherwise have no stated appeal authority.]

§ 3.2.3(11). Commercial Use Standards — Interference with Public Safety Telecommunications.

Before the introduction of new service or changes in existing service, telecommunication providers shall notify ~~the Commission~~the Zoning Administrator at least 10 calendar days in advance of such changes and allow ~~the Commission~~the Zoning Administrator to monitor interference during the testing process. At ~~the Commission's~~the Zoning Administrator's discretion, such new service or changes may be required to obtain a new permit.

[Round 2. The body intended here is not stated in the surrounding text. Receiving notice, monitoring interference during testing, and deciding whether a new permit is required are administrative acts, which is why the Zoning Administrator is used. This is one of two places among these six where the intended body is a judgment call rather than a reading of the sentence.]

§ 4.6.2. Applicability. — -OAO District.

The regulations set forth in this section may be applied to real property located within the -OAO boundaries shown on Exhibit A to the ordinance codified in this section upon application to and approval by the County Commission pursuant to the provisions herein. When approving or denying an -OAO District application, ~~the Commission~~the County Commission shall consider and make findings related to the impact of the proposed development on:

[Round 2. The preceding sentence in the same paragraph names the County Commission as the approving body, so the reference is to the County Commission.]

§ 4.7.5(2)(g). High Density Housing Overlay — Development Standards.

g. The County Commission may waive, or modify, any, or all, of these requirements when ~~the Commission~~the County Commission finds it is infeasible to comply due to physical or other constraints on the lot.

[Round 2. The same sentence names the County Commission as the body that may waive or modify. Note that § 4.7 has expired by its own terms under § 4.7.10; this amendment matters only if § 4.7 is carried forward rather than repealed.]

§ 4.9.2. Applicability. — Alternative Dwelling Overlay District.

The regulations set forth in this section may be applied to real property located within Grand County, codified in this section upon application to and approval by the County Commission pursuant to the provisions herein. ... When approving or denying an ADO District application, ~~the Commission~~the County Commission shall consider and make findings related to (1) the relative availability of workforce housing and affordable housing...

[Round 2. The preceding sentence names the County Commission as the approving body. Note that § 4.9 has expired by its own terms under § 4.9.7; the Planning Commission has directed that § 4.9 be carried forward, so this amendment applies.]

726 **§ 4.9.6(A). ADO District Application — Procedure.**

727 A. Procedure. A preliminary “intent to apply” application shall be submitted to the Planning and Zoning
728 Department for review by ~~the Commission~~the Planning Commission. Intent to apply applications will be
729 screened for compatibility with approval criteria in Section 4.9.2.

730 [Round 2. This is the second judgment call. Section 4.9.6(D) makes the County Commission the Land Use
731 Authority for an ADO District application, but this subsection describes a preliminary screening step that
732 precedes the full application, which is the kind of review the Planning Commission performs. Section 4.9
733 has expired in any event.]

734 **§ 6.13.6(D). Impact Fees — Review and Modification.**

735 D. Review and Modification. Unless ~~the Commission~~the County Commission determines some other time
736 period is appropriate, the County shall at least once every 5 years commencing from the date of the original
737 adoption of the “Grand County Facilities and Impact Fee Facilities Plan,” dated November 2014, review the
738 development potential of the...

739 [Round 2. Adopting and revising an impact fee facilities plan is a legislative act of the County Commission
740 under Utah Code Title 11, Chapter 36a, so the reference is to the County Commission.]

741 **Codification of Ordinance 708 (2024).**

742 Exhibit A to Ordinance No. 708 (2024), as amended by this ordinance, shall be transmitted for
743 codification into Articles 8, 9, and 10 of this Code. Ordinance No. 711 (2024), which contains identical
744 text, is repealed as a duplicate so that the Code credits one ordinance.

745 [Ordinances 708 and 711 were both adopted December 17, 2024 to comply with S.B. 174 (2023) and H.B.
746 476 (2024), and contain identical text. Its Exhibit A created § 8.5, created § 9.18, and added five
747 definitions to Article 10. None of it appears in the published Code: Article 8 ends at § 8.4.3, Article 9 ends
748 at § 9.17, the five definitions are absent, the phrase “Administrative Land Use Authority” appears
749 nowhere, and the most recent ordinance credited anywhere in the Code is Ordinance 687. The ordinance
750 governs whether or not it has been codified, but an applicant reading the Code finds the process the
751 County replaced, and the review-cycle deadlines in § 9.18.4 run against the County. Codification is an
752 administrative act and need not wait on adoption of this ordinance.]



AGENDA SUMMARY

Planning Commission Meeting

Date: September 14, 2026

Title: Review of Bylaws, Resolution

Fiscal Impact:

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

Presenter(s): Andrew Jackson, Planning and Zoning
Director

Department: Planning and Zoning

Legal Review: Not Applicable

Approved and Not Applicable
within budget?

Budget Number:

Recommended Motion:

I move to approve the Bylaws and forward the Resolution to the County Commission.

Background:

Updating the Planning Commission Bylaws to reflect recent changes to State law.

Attachments:

1. Staff_Report_PC_Bylaws_9-14-2026_FINAL
2. Consolidated_Change_Register_9-14-2026_FINAL(1)
3. Change_Register_PC_Bylaws_9-14-2026_FINAL(1)
4. Resolution_PC_Bylaws_9-14-2026_FINAL(1)



AGENDA SUMMARY/STAFF REPORT
Grand County Planning Commission Meeting
Date: September 14th, 2026

**A RESOLUTION ADOPTING AMENDED BYLAWS FOR THE GRAND COUNTY PLANNING COMMISSION,
AMENDING THE BYLAWS ADOPTED BY RESOLUTION 3263 (2021)**

Presenter(s): Andrew Jackson, Planning and Zoning Director **Department:** Planning and Zoning

Legal Review: Pending — to be completed before County Commission consideration **Approved and within budget?** Not Applicable

Action: Recommendation to the County Commission

DRAFT — not yet in effect. The amendments described in this report have not been adopted. The Bylaws in force are those adopted by Resolution 3263 (2021).

1. Plain English Summary: These amendments update the Planning Commission's Bylaws. They fix citations broken by the 2025 recodification of state law, match the quorum and voting rules to the Land Use Code, spell out which body is meant wherever the Bylaws said only “the Commission,” convert the article numbers from Roman to Arabic, and write down several practices the Commission already follows. Staff recommends that the Planning Commission recommend approval to the County Commission.

2. Planning Commission Motion: *Having considered the staff report and recommendation, public comments, and the Bylaws, and finding that the proposed amendments conform the Bylaws to state law and to the Land Use Code and improve the clarity and administration of the Commission's proceedings, I move to recommend approval of the amended Bylaws to the County Commission.*

3. Background: The Bylaws were adopted by Resolution 3263 (2021). Bylaws § 8.1 provides that the Planning Commission reviews its Bylaws at the beginning of each calendar year and recommends amendments to the County Commission as provided in County Ordinance 674 (2023). The Bylaws are adopted by resolution rather than ordinance and are not a land use regulation, so no public hearing is required; the meeting at which the Commission acts is, of course, an open meeting.

4. Staff Analysis: The amendments fall into three groups:

- **Conforming to state law and the Land Use Code:**

Citations updated for the 2025 recodification; “County Council” corrected to “County Commission”; quorum and the vote threshold changed from a fixed four members to a majority of the appointed regular members; new § 5.4 requiring compliance with the Open and Public Meetings Act; § 6.5 conformed to Utah Code §§ 52-4-208 and 52-4-210 as amended in 2024; recusal and removal cross-referenced to the Land Use Code rather than restated, so the two documents cannot drift apart.

- **Making the Bylaws usable:**

Article and section numbers converted from Roman to Arabic to match the Land Use Code; every unmodified use of “the Commission” spelled out, with a naming provision at § 2.1; Land Use Code citations generalized so renumbering the Code does not require a bylaws amendment; new § 8.3 collecting the Commission's recurring annual obligations in a year-at-a-glance table.

36 • **Writing down current practice:**

37 Annual and unconditional officer elections, with terms beginning immediately after the election and a
38 pro tempore provision; staff corrections routed to the full Commission; minutes recording each vote
39 by member, with a roll call on land use matters; a three-minute limit on spoken comment; no pre-
40 application review by the Commission; ex parte narrowed and a carve-out confirming that talking to
41 Planning Department staff is not ex parte; rule suspension changed from unanimous to two-thirds.

42 **5. Two policy questions for the Commission:**

43 **The quorum and vote threshold are the same number.** Both are a majority of the appointed regular members,
44 so they resolve to the same figure at every membership size. A meeting attended by a bare quorum can act
45 only unanimously, and one abstention or recusal defeats the motion. That is defensible, but the Commission
46 should adopt it knowingly. The alternative is a threshold of a majority of the members present and voting.

47 **Where the public comment limits belong.** Bylaws § 2.1(e) states that the Bylaws are advisory guidelines
48 without the force of law, so a comment limit resting there is practice rather than an enforceable rule. If the
49 Commission intends the limits to bind, they belong in the Land Use Code.

50 **6. Staff Recommendation:** Staff finds that the proposed amendments:

- 51 • Conform the Bylaws to Utah Code Title 17, Chapter 79 and to the Land Use Code
52 • Remove an ambiguity that ran throughout the Bylaws between two different bodies
53 • Reduce the maintenance burden by citing the Land Use Code generally rather than by section
54 • Record practices the Commission already follows

55 **Staff recommends that the Planning Commission recommend approval of the amended Bylaws to the**
56 **County Commission.**

57 **7. Attachments:**

- 58 • Planning Commission Bylaws Redline, Version 9-14-2026
59 • Resolution adopting the amended Bylaws (draft)
60 • Consolidated Change Register, Version 9-14-2026

CONSOLIDATED CHANGE REGISTER
PLANNING COMMISSION BYLAWS · LAND USE CODE § 8.1 AND RELATED
AMENDMENTS
PARLIAMENTARY PROCEDURE AT A GLANCE
Version 9-14-2026

DRAFT — not yet in effect. Every change listed in this register is proposed. None has been adopted, and nothing in this register is itself an amendment.

PURPOSE AND HOW TO READ THIS REGISTER

This register lists every amendment proposed in the three documents before the Commission, in three rounds, with the reason for each. The Round 2 items have been merged into the redlines and are shown there in green.

Round 1 is the August 6, 2026 layer, shown in the redlines as blue underline for text added and red strikethrough for text deleted.

Round 2 is the August 24 layer, shown in green with the same convention. **Round 3** is the current layer, shown in purple. In the quick reference, green marks a rule the Bylaws or the Code impose that differs from the Robert's Rules default.

Nothing in this register is itself an amendment. It is a reading aid for the workshop and the public hearing.

PART 1 — PLANNING COMMISSION BYLAWS

Round 1 — August 6, 2026

Provision	Change	Reason
Art. I	Citations changed from Utah Code 17-27a-301 and 17-27a-302 to §§ 17-79-301 and 17-79-302. Reference to Grand County Ordinance 299 (1999) deleted.	2025 Title 17 recodification. The 1999 ordinance is the Land Use Code's enacting ordinance, not a source of Commission authority.
3.2(a)	Officer election made annual and unconditional; “the year after the County Council Commission appoints vacant seats” replaced with “each calendar year.”	The old trigger fails in a year with no appointments: no election is required and sitting officers continue indefinitely.
3.2(c), 4.3(a)	Written-ballot option deleted from both provisions.	A secret ballot on a public body's business is difficult to reconcile with the open meetings requirement that each member's vote be recorded.
3.2(d)	New. Officers may be removed by two-thirds of the total membership, cross-referenced to Land Use Code § 8.1.3(E)(8).	The Code carried the removal power; the Bylaws did not.
3.3(b)	Chair's agenda-setting authority cross-referenced to the new § 5.6.	Conforms the two provisions that address agendas.
4.2, 4.3	Grammar corrections; “Council” changed to “Commission.”	The County Council became the County Commission.
5.3	Citizen Planner Workshop reference broadened to “other training.”	Ties the requirement to the training rather than to one provider.
5.6(b)	New. Agenda-preparation meetings of the Chair, Vice-chair, and staff are not meetings or deliberations under the Open and Public Meetings Act; preparation is limited to selection, scheduling, order, and sufficiency of materials.	No quorum convenes, so the Act is not triggered. The limitation keeps the exclusion honest.
5.7(a)	Office address corrected to 59 North 200 East. Regular materials now posted to the County website; the Library copy is required only for items set for public hearing.	Conforms the Bylaws to actual practice.

Provision	Change	Reason
5.7(b)	New. Commissioners route technical questions and suspected factual errors to the Planning Director before the meeting; staff answers and issues corrections to the full Planning Commission. Drafted as two subsections and combined into one in Round 2.	Corrections reach every member rather than one, and the record shows the correction. The two halves state one obligation and read better together.
5.11, 5.16	Quorum changed from four members to a majority of the appointed regular members; the vote threshold changed from four members in attendance to a majority of the appointed regular members.	A fixed four made a Commission with unfilled seats able to convene but unable to act.
5.15, 5.16, 5.17	Electronic participation rewritten and tied to Utah Code § 52-4-207 and Grand County Resolution 2944; a member participating electronically counts toward quorum and votes fully.	The Bylaws were silent on whether an electronic participant counts.
5.18(a)	“makes a decision” changed to “decides.”	Plain language.
5.19	New. The Commission considers a development proposal only on an application the Planning Department has accepted as complete; the Commission conducts no pre-application review; comment on a matter not before the Commission binds nobody.	Commenting on a proposal before an application exists creates prejudgment exposure on the application that follows.
6.3	Retitled “Conflict of Interest and Recusal”; cross-referenced to Land Use Code § 8.1.3(F); recusal extended to personal or financial interest and to impermissible bias.	Conforms to Utah Code § 17-79-301(3)(a)(vii).
6.4	Ex parte narrowed to communications with an Interested Party concerning the merits of a pending application; professional-contact carve-out added at (a); staff-inquiry carve-out added at (e); disclosure-then-participate procedure added at (f).	The old text read as a bar on any discussion of any business, which is unworkable for members who practice in the community.
6.5	Seeking factual, technical, or procedural information declared not to be deliberation; members barred from deliberating outside a public meeting and from soliciting or conveying another member's position through staff or a third party.	Separates legitimate staff inquiry from vote-counting.
6.6	Attendance provision cross-referenced to Land Use Code § 8.1.3(E)(7).	Removes the risk of the two documents drifting apart.
7.3	Removal by the County Commission requires a two-thirds vote and follows the causes and procedures in Land Use Code § 8.1.3(F), with written notice and an opportunity to respond.	Utah Code § 17-79-301(3)(a) requires the establishing ordinance to state the causes. The Bylaws point to them rather than restating them.

19

20 Round 2 — Version 9-14-2026

Provision	Change	Reason
5.4 (new)	New section. All meetings shall be held in compliance with the Utah Open and Public Meetings Act, Utah Code Title 52, Chapter 4, including its requirements for public notice, agendas, minutes and recordings, electronic participation, and closed meetings.	The Bylaws addressed the Act only for noticing at § 5.1 and for annual training at § 5.3. This states the obligation as a whole. Inserting it rennumbers former §§ 5.4 through 5.18 as §§ 5.5 through 5.19; all cross-references in these documents are conformed.
5.8	Written comment should not exceed 400 words; it is not read aloud or summarized; late comment is excluded from the packet but entered on the record at the submitter's request, and may be read aloud within the time allowed for spoken comment.	The limits were practice with no written authority. Framed so the word count governs the packet and does not exclude material from the record.

Provision	Change	Reason
5.11	Quorum and voting table added, with a drafting note on the arithmetic. Operative text unchanged.	Quorum and the vote threshold resolve to the same number at every membership size, so a bare quorum can act only unanimously. The Commission should adopt that knowingly.
5.12	Minutes must record each vote by individual member; a roll call is mandatory on any land use application, land use regulation, General Plan matter, or amendment, and on the request of any member or the recording secretary.	Utah Code § 52-4-203(2)(a)(iv). On a voice vote the record depends on the secretary hearing each member distinctly.
5.14	Spoken comment limited to three minutes per person, in person or by real-time telecommunication, applied uniformly.	The section gave the Chair time control without a number.
3.2(a)	Officer terms now begin immediately after the election rather than at the following meeting. If a regular member's term expired at the end of the preceding year and the County Commission has not yet appointed to it, the election is postponed to the first regular meeting after the appointee is seated, and the incumbent officers continue to serve until successors are elected. If the election is postponed and an incumbent officer is no longer serving as a member, the remaining members elect a Chairperson or Vice-chairperson pro tempore, who holds the office with full authority until the postponed election is held.	Starting the term at the next meeting left the outgoing officers presiding over the remainder of the meeting at which they were replaced. The postponement lets members appointed for the new year vote for the officers who will preside over them, without reviving the defect that no election occurs at all in a year with no appointments. The pro tempore provision covers the case the holdover sentence cannot reach: an officer whose own term has ended and who is no longer on the Planning Commission has no office to hold over in, which would otherwise leave the body with no one authorized to preside.
6.4(b)	The definition of ex parte communication now states the term's plain meaning: a communication from one party, or on one side only, that the other parties are not present for and have no opportunity to answer.	Members were being asked to apply a Latin term the Bylaws never translated. The added sentence explains why the rule exists, which makes it easier to apply to a situation the definition does not squarely cover.
6.4(c), (e)	The staff carve-out is stated affirmatively: communication between a Commissioner and County Planning Department staff, or other County staff advising the Planning Commission, is not an ex parte communication, and County staff are not an Interested Party. The carve-out reaches any matter before the Planning Commission rather than only a pending application.	As drafted the carve-out covered an "inquiry... regarding an application," which left a member unsure whether a longer exchange with staff, or a question about a matter that is not yet an application, was covered. Naming the Planning Department and stating that staff are not an Interested Party removes the doubt.
8.2	Suspension or waiver of a rule of procedure changed from a unanimous vote of the members present to a two-thirds (2/3) vote.	Unanimity let a single member block a suspension the rest of the Planning Commission wanted, and it departed from the Robert's Rules default the Bylaws otherwise adopt at § 5.10.
Throughout	Every citation to a specific section of the Land Use Code replaced with a general reference to the Land Use Code (13 places, formerly §§ 8.1.3(E)(4), (E)(7), (E)(8), 8.1.3(F), (F)(2), (F)(3), (F)(4), and 9.18.3).	The Bylaws point to the Code for quorum, removal, recusal, attendance, and pre-application review. Citing section numbers means every renumbering of the Code requires a matching amendment here. A general reference does the same work and does not go stale.
2.1	New opening sentence: in these Bylaws "Planning Commission" means the Grand County Planning Commission and "County Commission" means the Grand County Commission, and neither is referred to as "the Commission" standing alone.	Makes the naming rule a stated provision rather than a drafting habit, so a later amendment does not reintroduce the ambiguity.

Provision	Change	Reason
Throughout	Every unmodified use of “the Commission” spelled out as “the Planning Commission” (77 places). The shorthand definition formerly in § 2.1 is struck.	The Bylaws referred to two different bodies and relied on a defined term to tell them apart. Spelling both out removes the ambiguity at the point of use, which is where a reader needs it. Two instances are left bare: the “County Council Commission” redline artifacts, which already read County Commission.
6.5	Utah Code §§ 52-4-208 and 52-4-210 stated, with the § 52-4-302 attorney-fee consequence; the section's own restrictions identified as Commission practice stricter than the Act requires.	§ 52-4-208 was repealed and re-enacted in 2024 and § 52-4-210 expressly permits member-to-member messages when the body is not convened. The Bylaws should not appear to misstate the Act.

21 **Round 3 — Version 9-14-2026**

Provision	Change	Reason
Throughout	Article and section numbers converted from Roman to Arabic: ARTICLE 1 through ARTICLE 8, and §§ 1.1 through 8.3. Every cross-reference in these Bylaws, the Land Use Code redline, the change register, the annual obligations memo, the quick reference, and the orientation handout was conformed.	Matches the numbering convention used in the Land Use Code and the rest of the packet. Roman numerals at the article level are harder to cite in the field and do not match the Code a commissioner reads alongside these Bylaws.
5.5	“the Chairperson” is now “the Chairperson of the Planning Commission.”	The section also names the Grand County Commission, so an unqualified “Chairperson” was ambiguous as to which body's chair may call a special meeting.
5.8	The sentence limiting written comment to 400 words is struck, and the late-comment sentence states that the submitter may read it aloud under § 5.14.	Removed at the Planning Commission's direction. The Wednesday deadline and the packet rule remain, as does the rule that staff does not read written comment aloud. A submitter of late comment may read it aloud personally at the meeting within the three-minute limit in § 5.14.
6.4(b)	The sentence defining an ex parte communication as one “from one party, or on one side only” is struck.	Removed at the Commission's direction. The operative definition earlier in the subsection is unchanged.
6.4(c)	“For the purposes of Planning Commission policy” is struck and “Interested Parties” is lowercased to “interested parties” throughout the subsection.	The lead-in added nothing, and capitalizing the term implied a defined term used elsewhere in the Bylaws, which it is not.
6.4(d)	Deleted. Former (e) and (f) become (d) and (e).	The disclosure requirement it stated is carried by the disclosure-and-participate procedure in what is now § 6.4(e).
6.3	Citation for the County conflict of interest policy changed from Ordinance 462 to Ordinance 593 (2019).	Ordinance 593, adopted July 16, 2019, repealed and replaced Ordinance 462 (1997). Same defect as § 8.1: the Bylaws in force cite an ordinance that no longer exists.
8.1	Citation for the by-laws amendment process changed from County Ordinance 472 (2008) to County Ordinance 674 (2023).	Ordinance 674, adopted May 2, 2023, repealed and replaced Ordinance 472. Resolution 3263 (2021) predates the repeal, so the citation was correct when adopted and is stale now.
8.3 (new)	New section, Annual Obligations of the Planning Commission, with the year-at-a-glance table running in calendar order from January 1 through December 31.	Bylaws § 2.2 requires each member to become familiar with the rules affecting the Planning Commission but never collects the recurring duties in one place. Placed in Article 8, which already governs annual review and amendment.

Provision	Change	Reason
Layout	Vestigial two-column section breaks removed, blank paragraphs before ARTICLE headings deleted, and every ARTICLE heading and subtitle centered between the margins.	The source carried hidden section breaks that forced pages early and left half-blank pages, and placed two section headings above their own ARTICLE titles.

PART 2 — LAND USE CODE § 8.1 AND RELATED AMENDMENTS

Round 1 — August 6, 2026

Provision	Change	Reason
8.1.2	Statement added that the Commission has no legislative authority and that only the County Commission may enact; land use authority limited to applications the Code assigns to the Commission.	Utah Code §§ 17-79-501(1) and 17-79-801(3).
8.1.3(A)	Non-voting liaison members permitted; “ex-officio” replaced with “liaison” throughout; liaison members do not count toward quorum and may not vote.	Prevents liaison members from inflating the quorum denominator.
8.1.3(B)(1)	Corrective terms of other than four years authorized to restore the stagger.	Terms currently expire two, two, and three across 2027 to 2029, leaving none in 2030.
8.1.3(B)(2)	Staff must notify the County Commission of each expiring term by September 1.	Gives the appointing authority time to act before the term lapses.
8.1.3(B)(5)	Removal cross-referenced to the causes and procedures in Subsection F.	Consolidates removal in one place.
8.1.3(E)	Officer election made annual and unconditional; “last item” corrected to “first item”; “Chairman” to “Chairperson.”	Matches Bylaws § 3.2(a). The appointment trigger fails in years with no appointments.
8.1.3(E)(3)	Minutes are the responsibility of the County through the Planning Department staff.	Conforms to Bylaws § 5.9 and to practice.
8.1.3(E)(4)	Vote threshold changed from four members in attendance to a majority of the appointed regular members.	Four affirmative votes were required regardless of how many seats were filled.
8.1.3(E)(9)	New. Electronic participation under Utah Code § 52-4-207 and Resolution 2944; participants count toward quorum and vote.	Matches Bylaws §§ 5.15 to 5.17.
8.1.3(F)	New subsection: removal authority and procedure, three statutory causes for removal, the deliberation safe harbor, and recusal.	Required by Utah Code § 17-79-301(3)(a), effective May 6, 2026. Not optional. Subsection (3)(a) also requires the ordinance to define the authority of the Planning Commission and to include rules of order and procedure for use in a public meeting; § 8.1.2 as amended and § 8.1.3(E)(1) as amended satisfy those.
8.1.4(C)	Citation corrected from Title 17-27-204 to Utah Code § 17-79-403.	Recodification. § 17-79-403 carries forward former § 17-27a-403.
8.1.4(E)-(G)	New duties to recommend delegation to a land use authority and an appeal authority and to recommend application processes; catch-all renumbered to G; closing sentence requires a public hearing before recommending on the General Plan, a General Plan amendment, or a land use regulation.	Utah Code § 17-79-302(1)(c)-(d) and (2). Both duties were missing.
8.2.4	Citations changed from §§ 17-27a-701 and 17-27a-702 to §§ 17-79-1001 and 17-79-1002.	Recodification, corrected in one action.
9.18.8(A)	Citation changed from 17-27a-507(5)(d) to § 17-79-812(4)(d).	The engineer appeal panel moved subsections when the water exaction provisions were re-enacted as § 17-79-813.

Round 2 — Version 9-14-2026

Provision	Change	Reason
8.1.2	Retitled “Advisory Role; No Land Use or Legislative Authority.” The designation of the Commission as the land use authority is repealed rather than qualified, and replaced with a statement that the Commission is an advisory body and is not the land use authority for any application.	The heading and first sentence are what an applicant reads first, and they said the opposite of what the Code does. Land use authority and legislative authority are different things and the Commission holds neither.
8.1.3(B)(1)	Directive added: at the first expiration after the effective date, the County Commission shall appoint for a corrective term.	Authority alone will not restore the stagger. The empty year recurs in 2030, 2034, and every fourth year after.
8.1.3(A)	The number of liaison members is capped: “one (1) or more” becomes “one (1) or two (2).”	An open-ended number allows enough County Commission members to attend as liaisons to make up a quorum of the County Commission, which would convert a Planning Commission meeting into a County Commission meeting for purposes of the Open and Public Meetings Act. A cap of two keeps the number well below that threshold.
8.1.3(E)	Same change as Bylaws § 3.2(a): officer terms begin immediately after the election, and the election is postponed when an expired seat has not yet been filled.	Keeps the two documents identical on officer elections.
8.1.4(B)	“To hear, recommend or determine” changed to “To hear and recommend on.”	When Round 2 was drafted no provision of the Code specified a matter the Planning Commission determines, so “determine” granted a decision power pointing at nothing. Round 3 supplies one: the Planning Commission approves preliminary plats proposing more than five (5) lots as the Administrative Land Use Authority. That authority is stated in (H), not by the deleted word.
10.2	Definition of “Land Use Authority” replaced to track Utah Code § 17-79-102, including the provision that where no designation has been made the legislative body is itself the land use authority.	The existing definition names the Planning Commission, contradicting § 9.1.5, and cites § 17-27a-103, which no longer exists.
9.1.5	Entry added for subdivision applications under § 9.18. Superseded by Round 3, which assigns preliminary subdivision applications proposing more than five (5) lots to the Planning Commission as Administrative Land Use Authority, and all other subdivision applications to the Planning Director.	Ordinances 708 and 711 created those sections but the summary table was never conformed.
8.3(A)	Cross-reference to “Section 9.18, Zoning development permits” replaced.	No section of the published Code governs zoning development permits at § 9.18. Once those provisions are codified there, the reference will point to the subdivision chapter and appear correct.
7.3.2	“the Planning Commission” replaced with “the County Engineer.”	The only provision in the Code giving the Commission an approval, buried in the street standards and absent from § 9.1.5. Section 7.3.1 already routes street construction to the County Engineer.
3.2.3, 4.6.2, 4.7.5, 4.9.2, 4.9.6, 6.13.6	The unmodified term “the Commission” replaced with “the County Commission” where the County Commission is intended.	§ 8.1.1 defines “Commission” to mean the Planning Commission, so every unmodified use elsewhere reads as this Commission.
4.9	The County Commission to determine whether §§ 4.9.1 through 4.9.8 are repealed or carried forward with an express notation of their sunset.	The Alternative Dwelling Overlay District expired November 15, 2023 under § 4.9.7 but remains printed with only a code reviser's footnote.

Provision	Change	Reason
8.1.1, throughout	The shorthand “or ‘Commission’” is struck from the § 8.1.1 definition and the term is spelled out where used.	Same reason as the Bylaws. Quotations of the existing Code text in the Related Amendments block are left as they read, so they continue to quote accurately.
Ordinance 708	Exhibit A to be transmitted for codification into Articles 8, 9, and 10.	None of the ordinance appears in the published Code: Article 8 ends at § 8.4.3, Article 9 at § 9.17, the five Article 10 definitions are absent, and the most recent ordinance credited anywhere is 687.

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Round 3 — Version 9-14-2026

Provision	Change	Reason
8.1.2	Rewritten again: the Planning Commission is the land use authority as to preliminary subdivision applications proposing more than five (5) lots, and § 9.1.5 assigns that application type to it.	Follows from the designation in § 8.5.1. Round 2 stated the Planning Commission was not the land use authority for any application; that is no longer accurate.
8.1.3(A)	Liaison members capped at one (1) or two (2).	An open-ended number would allow enough County Commission members to attend as liaisons to constitute a quorum of the County Commission, converting a Planning Commission meeting into a County Commission meeting under the Open and Public Meetings Act.
8.1.3(B)(3)	Liaison members are appointed rather than elected, and the subsection now records that in January of each year the County Commission determines its board and commission assignments and approves those assignments by vote.	A County Commissioner is not elected to a liaison seat by colleagues; the assignment is made and then approved. “Elected” also collided with the Planning Commission's own officer elections in the same section.
8.1.3(E)	Officer terms begin immediately after the election; the election is postponed when a seat whose term expired has not been filled; and a Chair or Vice-chair pro tempore is elected if an incumbent officer is no longer a member.	Members appointed for the new year should have a vote in choosing the officers who preside over them. The pro tempore provision covers the case the holdover sentence cannot reach.
8.1.3(E)(1)	Rules of order stated affirmatively: the Planning Commission shall conduct its meetings in accordance with Robert’s Rules of Order Newly Revised (12th ed.); the Planning Commission may adopt supplemental rules of order and procedure in its Bylaws, which control over Robert’s Rules to the extent of any conflict; and the subsection does not affect the duty to comply with the Open and Public Meetings Act.	Utah Code § 17-79-301(3)(a)(ix) requires the ordinance establishing the Planning Commission to include rules of order and procedure for use in a public meeting. The existing sentence applied only “in the event a question over procedures arises” and named no edition. The Bylaws are adopted by resolution and state that they are advisory guidelines without the force of law, so the rules in the Bylaws that displace a Robert’s Rules default — the second required on every motion, the two-thirds vote to suspend a rule, the three-minute comment limit — need an ordinance basis. This gives them one and reproduces the savings clause of § 17-79-301(3)(b).
8.1.3(F)(4)	Recusal cross-reference changed from Grand County Ordinance 462 to Ordinance 593 (2019).	Ordinance 593, adopted July 16, 2019, repealed and replaced Ordinance 462 (1997). Conformed to the same correction in Bylaws § 6.3.
8.1.4	New subsection (H): the Planning Commission serves as the Administrative Land Use Authority and approves preliminary subdivision plats proposing more than five (5) lots, under §§ 8.5.1, 9.4, and 9.18. A parallel clause added to (B) in an earlier draft is struck, so the authority is stated once.	Conforms the powers and duties section to the designation made in § 8.5.1. On these applications the Planning Commission decides rather than recommends, so the powers and duties section must say approve, not “hear and recommend.”

Provision	Change	Reason
8.5.1, 8.5.2	The Planning Commission, rather than the Planning Director, is the Administrative Land Use Authority for preliminary subdivision applications proposing more than five (5) lots. The Planning Director is the Administrative Land Use Authority for preliminary subdivision applications proposing five (5) or fewer lots and for all final subdivision applications. In § 8.5.2 a new subsection B states the Planning Director's duty to review and act upon the preliminary applications assigned to him; former B and C are relettered C and D.	Policy decision of the Planning Commission. When Ordinance 708 was adopted in December 2024 the Planning Commission understood that it retained authority over preliminary plats; the ordinance as drafted assigned that authority to the Planning Director. This amendment restores what the Planning Commission understood the arrangement to be. The new § 8.5.2(B) closes a gap: rewriting former A for the Planning Commission left § 8.5.1 designating the Planning Director for preliminary applications of five (5) or fewer lots with no corresponding duty stated in the duties section.
9.4.3.C, 9.4.3.D, 9.4.4, 9.4.5.A	Action on the preliminary plat is taken by the Planning Commission; the Planning Director gives notice of the decision within 10 days with a statement of appeal rights; the Planning Commission applies the adopted standards.	Conforms the preliminary plat procedure to the new designation.
9.4.6, 9.4.7 (new)	New sections on scheduling and review cycles, and on public meeting and public comment: an application proposing more than five (5) lots is acted upon by the Planning Commission in a public meeting, not in a public hearing; no public hearing is required or held on a preliminary or final subdivision application; the Planning Commission receives public comment, if any is offered, at that meeting.	Keeps the process inside the review-cycle limits the Code adopted for subdivisions. Utah Code § 17-79-705(6) permits preliminary review in a public meeting and § 17-79-705(7) permits but does not require a hearing; taking the public meeting route gives the public a place to be heard without adding a hearing the statute does not require.
9.12	A decision on a preliminary subdivision application is appealable to the Hearing Officer within thirty (30) days.	A land use decision requires an appeal authority separate from the body that decided.
9.1.5	The summary table now reads: Preliminary Subdivision Applications, more than five (5) lots — Planning Commission; all other subdivision applications — Administrative Land Use Authority (Planning Director).	Conforms the operative assignment table to §§ 8.5.1 and 9.4.
4.9 and the High Density Housing Overlay	The section now covers both expired overlay districts. Each states that the ordinance codified in it has expired and that its sections are of no further force or effect except as to a district approved before expiration, which remains subject to the standards, deed restrictions, occupancy requirements where applicable, and enforcement provisions in effect at the time of approval. The full text of both overlays is carried forward in the Code rather than repealed.	Both districts were printed in the Code with no statement in the text that they had lapsed. Carrying the text forward was the Planning Commission's direction: projects were permitted under both overlays, and repeal would leave the governing standards preserved in law but with no place in the Code to read them.

PART 3 — PARLIAMENTARY PROCEDURE AT A GLANCE

The quick reference is a staff handout, not an instrument the Commission adopts. It is listed here because it states rules to commissioners and must not contradict the Bylaws or the Code. The following changes conform it.

Provision	Change	Reason
Step 2, Second	A second is required, not optional.	Bylaws § 5.12. Robert's Rules would relax the requirement on a board this size; the Bylaws do not.
Step 5, Vote	A roll call is mandatory on land use matters; a voice vote is the default otherwise.	Bylaws § 5.12 as amended, and Utah Code § 52-4-203(2)(a)(iv).
Small-board note	Statement that a second is unnecessary replaced.	Same. The reference should not tell a commissioner a rule the Bylaws override.

Provision	Change	Reason
Motions table, Suspend the rules	Vote required now cites Bylaws § 8.2 as amended; the figure remains two-thirds.	The Bylaws required unanimity, which conflicted with the Robert's Rules default. § 8.2 is amended to two-thirds, so the two now agree.
Recusal	Added: a member with a conflict may not attempt to influence other members or staff outside the meeting.	Bylaws § 6.3 reaches beyond stepping away from the table.
Ex parte	Predetermination bullet keyed to Bylaws § 6.5 as the stricter internal rule.	Distinguishes the statutory prohibition from the Commission's own practice.
Agenda discipline	Added: the Commission conducts no pre-application review, and amendments to a pending application require 14 days' written notice.	Bylaws §§ 5.19 and 5.18, and Land Use Code § 9.18.3.
Public comment	Limits keyed to Bylaws §§ 5.14, 5.8, and 5.7(a); "electronic means" changed to "real-time telecommunication"; the struck 400-word limit removed and the late-comment read-aloud rule added.	Conforms wording to the governing provisions.
Recommendation of approval with conditions	Model motion retitled and rewritten as a recommendation to the County Commission rather than an approval; note added that conditions must be stated in the motion, though the staff report may be adopted by reference.	The motion read "I move to approve," which the Planning Commission has no power to do. Bylaws § 5.12 supplies the requirement that conditions be stated.
Model motions	Land use authority note cites §§ 8.1.1 and 9.1.5, and now states the Round 3 exception: the Planning Commission is the Administrative Land Use Authority for preliminary subdivision applications proposing more than five (5) lots.	Reflects the Round 2 amendment.
Throughout	Bare references to "the Commission" spelled out as "the Planning Commission."	Matches the Bylaws and the Code.
Motions table, Suspend the rules	Two-thirds retained, now citing Bylaws § 8.2 as amended.	See the Bylaws § 8.2 row above.

30 **Round 3 — Version 9-14-2026**

Provision	Change	Reason
Item 12; land use authority note; conditions note	Each now states the preliminary subdivision exception: on a preliminary application proposing more than five (5) lots the Planning Commission is the Administrative Land Use Authority and its vote is the decision.	Round 3 makes the Planning Commission a decision-maker for one application type. The quick reference is what commissioners have in front of them while acting on a preliminary plat, so it cannot say the Commission decides nothing.
Public comment	The written comment paragraph rewritten, and a separate paragraph added on comment sent to a member directly.	The old wording read as though comment sent to one member was treated differently from comment in the packet. Nothing written is read aloud, whichever way it arrives.
Ex parte	Staff carve-out bullet added: communication with Planning Department staff is not ex parte.	Bylaws § 6.4(e). Staff are not a party to an application and are not an interested party.
Cross-references	All citations to the Bylaws converted from Roman to Arabic.	Conforms to the renumbered Bylaws.
Subdivisions row	Notes that under Land Use Code § 8.5.1 the Planning Commission is the Administrative Land Use Authority for preliminary subdivision applications proposing more than five (5) lots and decides rather than recommends.	Same reason as the quick reference.
Cross-references	Citations to the Bylaws converted from Roman to Arabic.	Conforms to the renumbered Bylaws.

31 **PART 4 — QUESTIONS FOR THE COMMISSION**

Two items are policy choices rather than corrections and should be resolved before the public hearing. A third, the treatment of the two expired overlay districts, is recorded here as resolved.

1. Quorum and the vote threshold. Both are a majority of the appointed regular members, so they resolve to the same number at every size and a bare quorum can act only unanimously. The alternative is a vote threshold of a majority of the members present and voting, with quorum unchanged. Bylaws §§ 5.11 and 5.16 and Land Use Code § 8.1.3(E)(4) would move together.

2. Where the public comment limits live. The Bylaws state at § 2.1(e) that they are advisory and have no force of law, so limits resting there are practice rather than rule. If the Commission intends them to bind, they belong in Land Use Code § 9.1.

3. The expired overlay districts. Resolved. The Planning Commission directed that §§ 4.7.1 through 4.7.11 and §§ 4.9.1 through 4.9.8 be carried forward in the Code with the sunset stated in the text rather than repealed, because projects were permitted under both overlays and the standards that governed them must remain available to read. The redline states the expiration in §§ 4.7.10 and 4.9.7 and preserves the standards, deed restrictions, occupancy requirements, and enforcement provisions in effect at the time of approval for any district approved before expiration. One item remains: § 4.9 carries two different sunsets, § 4.9.7 and § 4.9.2, and both should not survive.

PART 5 — ACTION OUTSIDE THESE DOCUMENTS

Codification of Ordinance 708. Two ordinances were adopted December 17, 2024 with identical text, Ordinance 708 and Ordinance 711. Section 4 of the proposed ordinance repeals Ordinance 711 as a duplicate and leaves Ordinance 708 as the operative instrument, so the Code credits one number. Codification of Ordinance 708 as amended is an administrative act, requires no hearing, and should not wait on this ordinance. The § 9.18.8(A) citation amendment in the redline amends a section that is not in the published Code until the transmittal is made. Ordinances adopted after 687 are worth checking against the published Code at the same time.

The corrective appointment. The Planning Commission recommends that the County Commission change the term of one member appointed in 2026 to a five-year term expiring December 31, 2030. That single appointment restores the stagger. The appointment itself is the County Commission's to make at the first term expiration after the effective date.

Notice of the comment limits. Whichever document carries them, the limits should appear on the agenda and in the public hearing notice so a commenter learns of them before the hearing rather than at the podium.

Andrew K. Jackson, AICP, CTP

Planning Director, Grand County

CHANGE REGISTER
PLANNING COMMISSION BYLAWS
Grand County Planning Commission
Version 9-14-2026

DRAFT — not yet in effect. Every change listed in this register is proposed. None has been adopted, and nothing in this register is itself an amendment.

PURPOSE AND HOW TO READ THIS REGISTER

This register lists every amendment proposed to the Planning Commission Bylaws, in three rounds, with the reason for each. The Round 2 items have been merged into the redlines and are shown there in green.

Round 1 is the August 6, 2026 layer, shown in the redlines as blue underline for text added and ~~red strikethrough for text deleted.~~

Round 2 is the August 24 layer, shown in green with the same convention. **Round 3** is the current layer, shown in purple. In the quick reference, green marks a rule the Bylaws or the Code impose that differs from the Robert's Rules default.

Nothing in this register is itself an amendment. It is a reading aid for the workshop and the public hearing.

PART 1 — PLANNING COMMISSION BYLAWS

Round 1 — August 6, 2026

Provision	Change	Reason
Art. I	Citations changed from Utah Code 17-27a-301 and 17-27a-302 to §§ 17-79-301 and 17-79-302. Reference to Grand County Ordinance 299 (1999) deleted.	2025 Title 17 recodification. The 1999 ordinance is the Land Use Code's enacting ordinance, not a source of Commission authority.
3.2(a)	Officer election made annual and unconditional; “the year after the County Council Commission appoints vacant seats” replaced with “each calendar year.”	The old trigger fails in a year with no appointments: no election is required and sitting officers continue indefinitely.
3.2(c), 4.3(a)	Written-ballot option deleted from both provisions.	A secret ballot on a public body's business is difficult to reconcile with the open meetings requirement that each member's vote be recorded.
3.2(d)	New. Officers may be removed by two-thirds of the total membership, cross-referenced to Land Use Code § 8.1.3(E)(8).	The Code carried the removal power; the Bylaws did not.
3.3(b)	Chair's agenda-setting authority cross-referenced to the new § 5.6.	Conforms the two provisions that address agendas.
4.2, 4.3	Grammar corrections; “Council” changed to “Commission.”	The County Council became the County Commission.
5.3	Citizen Planner Workshop reference broadened to “other training.”	Ties the requirement to the training rather than to one provider.
5.6(b)	New. Agenda-preparation meetings of the Chair, Vice-chair, and staff are not meetings or deliberations under the Open and Public Meetings Act; preparation is limited to selection, scheduling, order, and sufficiency of materials.	No quorum convenes, so the Act is not triggered. The limitation keeps the exclusion honest.

Provision	Change	Reason
5.7(a)	Office address corrected to 59 North 200 East. Regular materials now posted to the County website; the Library copy is required only for items set for public hearing.	Conforms the Bylaws to actual practice.
5.7(b)	New. Commissioners route technical questions and suspected factual errors to the Planning Director before the meeting; staff answers and issues corrections to the full Planning Commission. Drafted as two subsections and combined into one in Round 2.	Corrections reach every member rather than one, and the record shows the correction. The two halves state one obligation and read better together.
5.11, 5.16	Quorum changed from four members to a majority of the appointed regular members; the vote threshold changed from four members in attendance to a majority of the appointed regular members.	A fixed four made a Commission with unfilled seats able to convene but unable to act.
5.15, 5.16, 5.17	Electronic participation rewritten and tied to Utah Code § 52-4-207 and Grand County Resolution 2944; a member participating electronically counts toward quorum and votes fully.	The Bylaws were silent on whether an electronic participant counts.
5.18(a)	“makes a decision” changed to “decides.”	Plain language.
5.19	New. The Commission considers a development proposal only on an application the Planning Department has accepted as complete; the Commission conducts no pre-application review; comment on a matter not before the Commission binds nobody.	Commenting on a proposal before an application exists creates prejudgment exposure on the application that follows.
6.3	Retitled “Conflict of Interest and Recusal”; cross-referenced to Land Use Code § 8.1.3(F); recusal extended to personal or financial interest and to impermissible bias.	Conforms to Utah Code § 17-79-301(3)(a)(vii).
6.4	Ex parte narrowed to communications with an Interested Party concerning the merits of a pending application; professional-contact carve-out added at (a); staff-inquiry carve-out added at (e); disclosure-then-participate procedure added at (f).	The old text read as a bar on any discussion of any business, which is unworkable for members who practice in the community.
6.5	Seeking factual, technical, or procedural information declared not to be deliberation; members barred from deliberating outside a public meeting and from soliciting or conveying another member's position through staff or a third party.	Separates legitimate staff inquiry from vote-counting.
6.6	Attendance provision cross-referenced to Land Use Code § 8.1.3(E)(7).	Removes the risk of the two documents drifting apart.
7.3	Removal by the County Commission requires a two-thirds vote and follows the causes and procedures in Land Use Code § 8.1.3(F), with written notice and an opportunity to respond.	Utah Code § 17-79-301(3)(a) requires the establishing ordinance to state the causes. The Bylaws point to them rather than restating them.

18

19 Round 2 — Version 9-14-2026

Provision	Change	Reason
5.4 (new)	New section. All meetings shall be held in compliance with the Utah Open and Public Meetings Act, Utah Code Title 52, Chapter 4, including its requirements for public notice, agendas, minutes and recordings, electronic participation, and closed meetings.	The Bylaws addressed the Act only for noticing at § 5.1 and for annual training at § 5.3. This states the obligation as a whole. Inserting it renumbers former §§ 5.4 through 5.18 as §§ 5.5 through 5.19; all cross-references in these documents are conformed.

Provision	Change	Reason
5.8	Written comment should not exceed 400 words; it is not read aloud or summarized; late comment is excluded from the packet but entered on the record at the submitter's request, and may be read aloud within the time allowed for spoken comment.	The limits were practice with no written authority. Framed so the word count governs the packet and does not exclude material from the record.
5.11	Quorum and voting table added, with a drafting note on the arithmetic. Operative text unchanged.	Quorum and the vote threshold resolve to the same number at every membership size, so a bare quorum can act only unanimously. The Commission should adopt that knowingly.
5.12	Minutes must record each vote by individual member; a roll call is mandatory on any land use application, land use regulation, General Plan matter, or amendment, and on the request of any member or the recording secretary.	Utah Code § 52-4-203(2)(a)(iv). On a voice vote the record depends on the secretary hearing each member distinctly.
5.14	Spoken comment limited to three minutes per person, in person or by real-time telecommunication, applied uniformly.	The section gave the Chair time control without a number.
3.2(a)	Officer terms now begin immediately after the election rather than at the following meeting. If a regular member's term expired at the end of the preceding year and the County Commission has not yet appointed to it, the election is postponed to the first regular meeting after the appointee is seated, and the incumbent officers continue to serve until successors are elected. If the election is postponed and an incumbent officer is no longer serving as a member, the remaining members elect a Chairperson or Vice-chairperson pro tempore, who holds the office with full authority until the postponed election is held.	Starting the term at the next meeting left the outgoing officers presiding over the remainder of the meeting at which they were replaced. The postponement lets members appointed for the new year vote for the officers who will preside over them, without reviving the defect that no election occurs at all in a year with no appointments. The pro tempore provision covers the case the holdover sentence cannot reach: an officer whose own term has ended and who is no longer on the Planning Commission has no office to hold over in, which would otherwise leave the body with no one authorized to preside.
6.4(b)	The definition of ex parte communication now states the term's plain meaning: a communication from one party, or on one side only, that the other parties are not present for and have no opportunity to answer.	Members were being asked to apply a Latin term the Bylaws never translated. The added sentence explains why the rule exists, which makes it easier to apply to a situation the definition does not squarely cover.
6.4(c), (e)	The staff carve-out is stated affirmatively: communication between a Commissioner and County Planning Department staff, or other County staff advising the Planning Commission, is not an ex parte communication, and County staff are not an Interested Party. The carve-out reaches any matter before the Planning Commission rather than only a pending application.	As drafted the carve-out covered an "inquiry... regarding an application," which left a member unsure whether a longer exchange with staff, or a question about a matter that is not yet an application, was covered. Naming the Planning Department and stating that staff are not an Interested Party removes the doubt.
8.2	Suspension or waiver of a rule of procedure changed from a unanimous vote of the members present to a two-thirds (2/3) vote.	Unanimity let a single member block a suspension the rest of the Planning Commission wanted, and it departed from the Robert's Rules default the Bylaws otherwise adopt at § 5.10.
Throughout	Every citation to a specific section of the Land Use Code replaced with a general reference to the Land Use Code (13 places, formerly §§ 8.1.3(E)(4), (E)(7), (E)(8), 8.1.3(F), (F)(2), (F)(3), (F)(4), and 9.18.3).	The Bylaws point to the Code for quorum, removal, recusal, attendance, and pre-application review. Citing section numbers means every renumbering of the Code requires a matching amendment here. A general reference does the same work and does not go stale.

Provision	Change	Reason
2.1	New opening sentence: in these Bylaws “Planning Commission” means the Grand County Planning Commission and “County Commission” means the Grand County Commission, and neither is referred to as “the Commission” standing alone.	Makes the naming rule a stated provision rather than a drafting habit, so a later amendment does not reintroduce the ambiguity.
Throughout	Every unmodified use of “the Commission” spelled out as “the Planning Commission” (77 places). The shorthand definition formerly in § 2.1 is struck.	The Bylaws referred to two different bodies and relied on a defined term to tell them apart. Spelling both out removes the ambiguity at the point of use, which is where a reader needs it. Two instances are left bare: the “County Council Commission” redline artifacts, which already read County Commission.
6.5	Utah Code §§ 52-4-208 and 52-4-210 stated, with the § 52-4-302 attorney-fee consequence; the section's own restrictions identified as Commission practice stricter than the Act requires.	§ 52-4-208 was repealed and re-enacted in 2024 and § 52-4-210 expressly permits member-to-member messages when the body is not convened. The Bylaws should not appear to misstate the Act.

20 **Round 3 — Version 9-14-2026**

Provision	Change	Reason
Throughout	Article and section numbers converted from Roman to Arabic: ARTICLE 1 through ARTICLE 8, and §§ 1.1 through 8.3. Every cross-reference in these Bylaws, the Land Use Code redline, the change register, the annual obligations memo, the quick reference, and the orientation handout was conformed.	Matches the numbering convention used in the Land Use Code and the rest of the packet. Roman numerals at the article level are harder to cite in the field and do not match the Code a commissioner reads alongside these Bylaws.
5.5	“the Chairperson” is now “the Chairperson of the Planning Commission.”	The section also names the Grand County Commission, so an unqualified “Chairperson” was ambiguous as to which body's chair may call a special meeting.
5.8	The sentence limiting written comment to 400 words is struck, and the late-comment sentence states that the submitter may read it aloud under § 5.14.	Removed at the Planning Commission's direction. The Wednesday deadline and the packet rule remain, as does the rule that staff does not read written comment aloud. A submitter of late comment may read it aloud personally at the meeting within the three-minute limit in § 5.14.
6.4(b)	The sentence defining an ex parte communication as one “from one party, or on one side only” is struck.	Removed at the Commission's direction. The operative definition earlier in the subsection is unchanged.
6.4(c)	“For the purposes of Planning Commission policy” is struck and “Interested Parties” is lowercased to “interested parties” throughout the subsection.	The lead-in added nothing, and capitalizing the term implied a defined term used elsewhere in the Bylaws, which it is not.
6.4(d)	Deleted. Former (e) and (f) become (d) and (e).	The disclosure requirement it stated is carried by the disclosure-and-participate procedure in what is now § 6.4(e).
6.3	Citation for the County conflict of interest policy changed from Ordinance 462 to Ordinance 593 (2019).	Ordinance 593, adopted July 16, 2019, repealed and replaced Ordinance 462 (1997). Same defect as § 8.1: the Bylaws in force cite an ordinance that no longer exists.
8.1	Citation for the by-laws amendment process changed from County Ordinance 472 (2008) to County Ordinance 674 (2023).	Ordinance 674, adopted May 2, 2023, repealed and replaced Ordinance 472. Resolution 3263 (2021) predates the repeal, so the citation was correct when adopted and is stale now.

Provision	Change	Reason
8.3 (new)	New section, Annual Obligations of the Planning Commission, with the year-at-a-glance table running in calendar order from January 1 through December 31.	Bylaws § 2.2 requires each member to become familiar with the rules affecting the Planning Commission but never collects the recurring duties in one place. Placed in Article 8, which already governs annual review and amendment.
Layout	Vestigial two-column section breaks removed, blank paragraphs before ARTICLE headings deleted, and every ARTICLE heading and subtitle centered between the margins.	The source carried hidden section breaks that forced pages early and left half-blank pages, and placed two section headings above their own ARTICLE titles.

QUESTIONS FOR THE COMMISSION

Two items are policy choices rather than corrections and should be resolved before the public hearing. A third, the treatment of the two expired overlay districts, is recorded here as resolved.

1. Quorum and the vote threshold. Both are a majority of the appointed regular members, so they resolve to the same number at every size and a bare quorum can act only unanimously. The alternative is a vote threshold of a majority of the members present and voting, with quorum unchanged. Bylaws §§ 5.11 and 5.16 and Land Use Code § 8.1.3(E)(4) would move together.

2. Where the public comment limits live. The Bylaws state at § 2.1(e) that they are advisory and have no force of law, so limits resting there are practice rather than rule. If the Commission intends them to bind, they belong in Land Use Code § 9.1.

3. The expired overlay districts. Resolved. The Planning Commission directed that §§ 4.7.1 through 4.7.11 and §§ 4.9.1 through 4.9.8 be carried forward in the Code with the sunset stated in the text rather than repealed, because projects were permitted under both overlays and the standards that governed them must remain available to read. The redline states the expiration in §§ 4.7.10 and 4.9.7 and preserves the standards, deed restrictions, occupancy requirements, and enforcement provisions in effect at the time of approval for any district approved before expiration. One item remains: § 4.9 carries two different sunsets, § 4.9.7 and § 4.9.2, and both should not survive.

ACTION OUTSIDE THESE DOCUMENTS

Codification of Ordinance 708. Two ordinances were adopted December 17, 2024 with identical text, Ordinance 708 and Ordinance 711. Section 4 of the proposed ordinance repeals Ordinance 711 as a duplicate and leaves Ordinance 708 as the operative instrument, so the Code credits one number. Codification of Ordinance 708 as amended is an administrative act, requires no hearing, and should not wait on this ordinance. The § 9.18.8(A) citation amendment in the redline amends a section that is not in the published Code until the transmittal is made. Ordinances adopted after 687 are worth checking against the published Code at the same time.

The corrective appointment. The Planning Commission recommends that the County Commission change the term of one member appointed in 2026 to a five-year term expiring December 31, 2030. That single appointment restores the stagger. The appointment itself is the County Commission's to make at the first term expiration after the effective date.

Notice of the comment limits. Whichever document carries them, the limits should appear on the agenda and in the public hearing notice so a commenter learns of them before the hearing rather than at the podium.

Andrew K. Jackson, AICP, CTP

GRAND COUNTY, UTAH
RESOLUTION NO. _____ (2026)

A RESOLUTION ADOPTING AMENDED BYLAWS FOR THE GRAND COUNTY PLANNING COMMISSION

DRAFT — not yet in effect. This resolution is a draft prepared for the Planning Commission’s review. It has not been adopted, and the resolution number, date, and vote remain blank.

WHEREAS, the Grand County Planning Commission is established under Utah Code §§ 17-79-301 and 17-79-302 and Section 8.1 of the Grand County Land Use Code;

WHEREAS, the County Commission adopted Bylaws for the Grand County Planning Commission by Resolution 3263 (2021);

WHEREAS, County Ordinance 674 (2023) provides the process by which the Planning Commission recommends amendments to its Bylaws to the County Commission;

WHEREAS, Bylaws § 8.1 provides that the Planning Commission shall review its Bylaws at the beginning of each calendar year and recommend any amendments to the County Commission;

WHEREAS, Title 17, Chapter 27a of the Utah Code was recodified as Title 17, Chapter 79 effective November 6, 2025, and the Bylaws contain citations to the repealed numbering;

WHEREAS, Utah Code § 17-79-301(3)(a), effective May 6, 2026, requires the ordinance establishing a county planning commission to address removal and recusal, and the Bylaws should be conformed to the Land Use Code provisions adopted for that purpose;

WHEREAS, the Planning Commission reviewed the proposed amendments at its meeting of September 14, 2026, and forwarded a recommendation to the County Commission; and

WHEREAS, the County Commission finds that the amended Bylaws will improve the clarity, consistency, and administration of the Planning Commission’s proceedings;

NOW, THEREFORE, BE IT RESOLVED by the Grand County Commission as follows:

Section 1. Adoption.

The Bylaws of the Grand County Planning Commission are amended and restated in the form attached to this resolution as Exhibit A, which is adopted and incorporated by reference.

Section 2. Repeal of prior Bylaws.

The Bylaws adopted by Resolution 3263 (2021) are repealed and replaced by the Bylaws adopted in Section 1. Any resolution or portion of a resolution in conflict with this resolution is repealed to the extent of the conflict.

Section 3. Nature of the Bylaws.

The Bylaws are advisory guidelines governing the Planning Commission's internal proceedings. They are not adopted by ordinance and do not have the force of law. A deviation from the Bylaws during a meeting is not grounds for invalidating a hearing held at that meeting or a decision made at that meeting.

Section 4. Severability.

If any provision of the Bylaws adopted by this resolution is held invalid, the remaining provisions remain in effect.

Section 5. Effective date.

This resolution takes effect upon adoption.

PASSED AND ADOPTED by the Grand County Commission this _____ day of _____,
2026.

Melodie McCandless, Chair, Grand County Commission

ATTEST:

Gabriel Woytek, Grand County Clerk/Auditor

Vote:

Ayes: _____

Nays: _____

Absent or abstaining: _____

Attachment

Exhibit A — Bylaws of the Grand County Planning Commission, as amended



AGENDA SUMMARY

Planning Commission Meeting

Date: September 14, 2026

Title: Ancillary Documents/Aides

Fiscal Impact:

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

Presenter(s): Andrew Jackson, Planning and Zoning
Director

Department: Planning and Zoning

Legal Review: Not Applicable

Approved and Not Applicable
within budget?

Budget Number:

Recommended Motion:

Background:

Discussion.

Attachments:

1. Staff_Report_Reference_Materials_9-14-2026
2. Amendments Flowchart
3. Findings_Worksheet_9-14-2026_FINAL(2)
4. Legislative_Application_Processing_Schedule_2026-2027_Rev5
5. Legislative_or_Administrative_9-14-2026_FINAL(1)
6. PC_Annual_Obligations_Memo_9-14-2026_FINAL
7. PC_New_Commissioner_Orientation_9-14-2026_FINAL
8. Preliminary_Plat_Checklist_9-14-2026_FINAL
9. Roberts_Rules_Quick_Reference_PC_9-14-2026_FINAL
10. Site-Plan-Review-Checklist(1)(1)
11. Subdivision_Tip_Sheet_FINAL



AGENDA SUMMARY/STAFF REPORT
Grand County Planning Commission Meeting
Date: September 14th, 2026

COMMISSIONER REFERENCE MATERIALS ACCOMPANYING THE PROPOSED BYLAWS AND LAND USE CODE AMENDMENTS — NOT ADOPTED, PROVIDED AS AIDS TO THE PLANNING COMMISSION

Presenter(s): Andrew Jackson, Planning and Zoning Director **Department:** Planning and Zoning

Legal Review: Pending — to be completed before County Commission consideration **Approved** **and** Not Applicable **within budget?**

Action: None. Discussion and direction to staff.

DRAFT — not yet in effect. None of the thirteen documents described here is adopted or proposed for adoption. Each is a staff aid. Where they describe the pending amendments, they describe what is proposed, not what governs today.

1. Plain English Summary: Thirteen documents accompany the Bylaws and Land Use Code amendments: a parliamentary procedure quick reference, a new commissioner orientation, a memo on the Commission's annual obligations, a consolidated change register and the two standalone registers it combines, a legislative application processing schedule, a findings worksheet, a card on legislative versus administrative items, a preliminary subdivision review checklist, a process flowchart for legislative amendments, a subdivision application tip sheet, and a site plan review checklist. None is adopted. They carry no legal effect and create no rule. They are on the agenda so the Commission can review them, correct anything that misstates the Bylaws or the Code, and tell staff whether they are useful. No motion is required.

2. Planning Commission Motion (no action is required):

3. Background: Staff prepared these thirteen documents while drafting the Bylaws and Land Use Code amendments. They are staff work product, maintained by the Planning Department. They are not incorporated by reference into the Bylaws or the Code, and nothing in them binds the Commission, an applicant, or the public.

4. Staff Analysis: The thirteen documents are:

- **Parliamentary Procedure at a Glance (7 pages):**

How a motion works, quorum and voting arithmetic, ex parte contact and predetermination, agenda discipline, closed meetings, public comment, model motions, and a motions table. Black states current law or practice; red marks rules that depend on the pending amendments; green marks places where the Bylaws or the Code displace the Robert's Rules default. Two such places are worth noting: Bylaws § 5.12 requires a second on every motion, which Robert's Rules would

not require on a board this size, and § 8.2, as proposed, changes rule suspension from unanimous to two-thirds.

- **New Commissioner Orientation (3 pages):**

An inventory of the statutes, ordinances, resolutions, and rules affecting this body, with a column explaining why each matter. Bylaws § 2.2 requires each member to become familiar with these upon taking office but never says what they are. It carries two warnings a new member could not discover alone: Ordinance 708 governs subdivision review but is not in the published Code, and any citation to Title 17, Chapter 27a is stale.

- **Annual Obligations of the Planning Commission (3 pages):**

The seven things this body must do every year, with a year-at-a-glance table: elect officers, approve the meeting calendar, review the Bylaws, complete open meetings training, review the General Plan, interview candidates and recommend appointments, and watch the term schedule. Three of the seven have no natural trigger on an agenda — the Bylaws review, the open meetings training, and the annual General Plan review — and the General Plan review is the one most often missed. The same table appears as § 8.3 of the Bylaws redline; if the Bylaws are adopted with that section, this memo becomes its companion.

- **Change Registers (10 pages consolidated; 5 pages each for the Bylaws and for the Land Use Code):**

Every amendment proposed in the Bylaws and the Land Use Code, in three rounds, with the reason for each. A redline shows what changed but not why. Round 1 is the August 6 layer, shown in blue and red; Round 2 is August 24, in green; Round 3 is the current layer, in purple. The register is in the packet in three forms carrying the same content. The Consolidated Change Register covers both instruments together: Part 1 is the Bylaws, Part 2 is the Land Use Code, Part 3 conforms to the parliamentary procedure quick reference, Part 4 collects the policy questions, and Part 5 collects the items needing action outside these documents. The Change Register for the Planning Commission Bylaws and the Change Register for the Land Use Code are also in the consolidated register; they are repeated here as separate documents for ease of use, so a commissioner working from one redline can read the register for that instrument beside it without carrying the other. Each standalone register closes with the same questions for the Commission and the same action items.

- **Legislative Application Processing Schedule, September 14, 2026 – August 9, 2027 (2 pages):**

A two-page landscape calendar governing the routing of legislative land use applications — ordinances, zone changes, and general plan amendments — through the Development Review Team, Planning Commission, and County Commission. Each row is one processing cycle keyed to a submittal deadline; all other dates in the row calculate from that deadline. The schedule reflects a single structural change from prior practice: legal review by the County Attorney now occurs after the Planning Commission acts on an item rather than before it, so the attorney reviews the application with the recommendation in hand. Planning Commission hearing dates are unchanged. Page 1 displays the full 22-cycle calendar with a color key; Page 2 states the scheduling logic, assumptions, and flags. The schedule is a staff routing aid only. It is not adopted, has no legal effect, and does not bind the Commission, an applicant, or the public.

- **Findings Worksheet (3 pages):**

A fill-in form for use during deliberation rather than after it. Part 1 is the threshold questions every application must clear — completeness under § 9.1.6, notice, whether a hearing was required and

held, ex parte disclosure, conflicts and recusal, and whether a quorum survived the recusal. Part 2 lists all eleven § 9.2.5 criteria for a rezone or text amendment, each with room for the finding and for what in the record supports it. Part 3 applies only where the Commission is the land use authority and therefore depends on the pending amendments. The form exists because a conclusion is not a finding: on an administrative decision a court asks only whether the decision was arbitrary, capricious, or illegal, and answers from the record the Commission made. Staff attaches the completed worksheet to the minutes.

- **Legislative or Administrative? (2 pages):**

Two tables and a decision rule. The first contrasts legislative and administrative items across ten dimensions — who decides, the governing standard, the breadth of discretion, how public comment weighs, whether findings are required, the standard of review, and how the motion is phrased. The second contrasts an ordinance with a resolution, a separate question often confused with the first: legislative and administrative describe the kind of decision, while ordinance and resolution describe the instrument that records it. The General Plan is the case where the two diverge: it is legislative but adopted by resolution. The card exists because the most common error is applying legislative discretion to an administrative item, which is the habit a body acquires after years of only recommending. Under the pending amendments, the Commission decides preliminary plats of more than five lots, so the distinction stops being academic the day the ordinance takes effect.

- **Preliminary Subdivision Review Checklist (2 pages):**

An application-tracking form for the review cycles in § 9.18.4. The deadlines run against the County, not the applicant: four cycles cover the preliminary and final applications together, no cycle may exceed twenty business days, and a missed cycle makes the application immediately eligible for appeal. The form logs each cycle, the confirmations due before the meeting, the sequence at the meeting, and the deadlines after it — the 10-day written notice of decision with a statement of appeal rights, the 30-day appeal window to the Hearing Officer, and the six-month deadline for the final application. It also carries two rules that are easy to miss: the County gains an additional twenty business days within a cycle if the applicant does not respond within twenty, and a cycle is not complete until every review comment is addressed. The review-cycle limits do not apply to applications within constrained lands under § 9.18.2. The checklist reflects Ordinance 708 together with the pending amendments and is not in effect until those are adopted.

- **Amendments — Process at a Glance (2 pages):**

A flowchart of the three legislative amendments the County Commission adopts — a rezone, a Land Use Code text amendment, and a General Plan amendment — running from the pre-application conference through the County Commission's final action, with the governing citation and the elapsed time for each step and the approved and denied outcomes at the end. Page 2 carries what an applicant should know before starting and a crosswalk from the former Title 17, Chapter 27a citations to Title 17, Chapter 79. This chart is an example rather than a finished set. Staff is developing a set of three documents for each land use application the County processes — a flowchart of the path, an applicant-facing tip sheet, and a staff-facing review checklist. The three that follow are the drafts furthest along. All are drafts. The Commission's comments on them will set the pattern for the rest, which is the main reason they are in the packet.

- **Subdivision Application Tip Sheet (2 pages):**

An applicant-facing companion to the flowchart, written for the person filing rather than for the Commission. It opens with the point applicants most often get wrong — a subdivision is an

administrative decision, so if the application complies the County shall approve it — and then walks the nine steps from pre-application meeting through recording, with the statutory deadline attached to each. Two sections carry the weight: Protections That Run in Your Favor, which collects the rules that bind the County rather than the applicant, and Common Causes of Delay. It closes with a crosswalk from the former Title 17, Chapter 27a citations to Title 17, Chapter 79.

- **Site Plan Review Checklist (9 parts, 9 pages):**

A staff-facing review form for site plan approval under Land Use Code § 9.16, which is a one-step administrative review by the Zoning Administrator with no hearing and no Planning Commission action. Nine parts run from applicability and authority through completeness, required content, zone conformance, the Article 6 development standards, overlays, agency referrals, the action and notice record, and post-approval minor changes. It is included here because it shows the second half of the pattern: each application type gets an applicant-facing tip sheet and a staff-facing review document, so the same standards are stated once to the public and once to the reviewer. Its closing notes flag a scrivener's error in § 9.16 and the limit on conditions, which is that § 9.16 is a compliance review and not a discretionary design review.

5. Staff Recommendation: Staff recommends that the Planning Commission:

- Review the thirteen documents and tell staff what is wrong or missing
- Take no formal action, since none of the documents is adopted
- If the Commission prefers to acknowledge them by motion, state expressly in the motion that they are not adopted and carry no legal effect

Staff will reissue all thirteen after the County Commission acts, with the red marking removed and the adopted text stated as current.

6. Attachments:

- Parliamentary Procedure at a Glance, Version 9-14-2026
- New Commissioner Orientation, Version 9-14-2026
- Annual Obligations of the Planning Commission, Version 9-14-2026
- Consolidated Change Register, Version 9-14-2026
- Change Register — Planning Commission Bylaws, Version 9-14-2026
- Change Register — Land Use Code § 8.1 and Related Amendments, Version 9-14-2026
- Legislative Application Processing Schedule, September 14, 2026 – August 9, 2027, Version 9-14-2026
- Findings Worksheet, Version 9-14-2026
- Legislative or Administrative, Version 9-14-2026
- Preliminary Subdivision Review Checklist, Version 9-14-2026
- Amendments — Process at a Glance, Version 9-14-2026
- Subdivision Application Tip Sheet, Version 9-14-2026
- Site Plan Review Checklist, Version 9-14-2026



1 BEFORE YOU APPLY

Applicant-controlled

1
Pre-application
conference — required

varies

LUC 9.1.2

2
Certified boundary
survey

varies

LUC 9.2.2

3
Assemble submittal
documents

varies

LUC 9.2.2 / 9.1.3

2 APPLICATION & STAFF REVIEW

About 6–9 weeks

4
Apply in portal;
completeness review

*no fixed
deadline*

LUC 9.1.6

5
Development
Review Team

2–3
weeks

Department practice

6
County Attorney
legal review

~30
days

Department practice

3 PUBLIC HEARINGS & DECISION

Meets twice a month

7
Notice published;
post sign

≥10
days

LUC 9.1.8 · 17-79-205

8
Planning Commission
public hearing →
recommendation

*twice
monthly*

LUC 8.1.4 · 17-79-302(2)

9
County Commission
public hearing →
final decision

45
days*

LUC 9.2.4 · 17-79-503

APPROVED Ordinance adopted; official zoning map amended.
Notice within 10 days. Challenge to the enactment: 30 days. 17-79-1009(5)

DENIED No rezone.
Review by petition to district court. 17-79-1009

*On the applicant's written request, the County Commission must take final action within 45 days — Utah Code § 17-79-805(2)(c)(ii). The completeness deadlines of § 17-79-805(1) do not reach a rezone: a petition to amend a land use regulation is not a “land use application” (§ 17-79-102(43)(b)).

All other times are Planning Department estimates, not guarantees. Total elapsed time depends on the Planning Commission and County Commission meeting calendars.

TO COMMENT: Written comment is due to the Planning Department by 5:00 p.m. the Wednesday before the meeting. Send it to the Department, not to individual members — Bylaws § V.7.

STATUTORY CROSSWALK Utah's County Land Use, Development, and Management Act was recodified effective November 6, 2025, from Title 17, Chapter 27a to Title 17, Chapter 79. Former §§ 17-27a-205, -302, -407, -502 and -503 are now §§ 17-79-205, -302, -407, -502 and -503. Former § 17-27a-509.5 is now § 17-79-805. Former § 17-27a-801 is now § 17-79-1009.



This chart covers the three legislative amendments the County Commission adopts: a zoning map amendment (rezone), a Land Use Code text amendment, and a General Plan amendment. For submittal requirements and the § 9.2.5 issues for consideration, see the Land Use Code & General Plan Amendments Tip Sheet.

What to Know Before You Start

- **Legislative and discretionary.** A complete, well-prepared application does not entitle an applicant to approval (Utah Code § 17-79-503).
- **The Planning Commission is advisory.** It is not the land use authority for any application and holds no legislative authority; only the County Commission may enact, and only by ordinance (Land Use Code § 8.1.2; Utah Code § 17-79-501(1)).
- **Not a “land use application.”** The 30-day completeness mechanism of § 17-79-805(1) and the vesting provisions of § 17-79-803 do not apply (§ 17-79-102(43)(b)).
- **A 45-day clock you can start.** After a reasonable period, on written request the County Commission must approve or deny a landowner’s petition within 45 days (§ 17-79-805(2)(b), (c)(ii)).
- **Review is in district court.** There is no appeal to the County’s land use appeal authority. A challenge to the enactment must be filed within 30 days if notice complied with § 17-79-205 (§§ 17-79-1009(3)(a), (5)).
- **Two public hearings, two sign postings.** The Planning Commission and the County Commission each hold one. The applicant posts the County-provided sign at least 10 days before each and files a notarized affidavit of notice before each (Land Use Code § 9.1.8).
- **Comment reaches the Commission through the Department.** Spoken comment is limited to three minutes. Written comment should not exceed 400 words and must reach the Planning Department by 5:00 p.m. the Wednesday before the meeting; material sent to individual members is not considered.
- **The General Plan track differs.** Notice runs under Utah Code § 17-79-204, the Planning Commission may modify the proposal after its hearing, and the Plan is an advisory guide unless an ordinance mandates compliance (§§ 17-79-404, 17-79-405).

Statutory citations reflect the recodification of the County Land Use, Development, and Management Act effective November 6, 2025, from Utah Code Title 17, Chapter 27a to Title 17, Chapter 79. This sheet is a summary and does not replace the Grand County Land Use Code; in any conflict, the Land Use Code and Utah Code control. Questions: Planning & Zoning Department, 59 North 200 East, Moab, Utah 84532.

FINDINGS WORKSHEET

Grand County Planning Commission

Version 9-14-2026

DRAFT — not yet in effect. Part 3 of this worksheet supports the preliminary subdivision authority proposed in the pending Land Use Code amendments, which reach only preliminary applications proposing more than five lots. Until those are adopted, the Planning Commission recommends on subdivision applications rather than deciding them. Parts 1 and 2 reflect the Code as it stands.

Why this exists. The record is what carries a decision forward. On an administrative item, the Code requires findings, and the findings have to rest on something in the record. On a legislative item, the County Commission is entitled to know the reasoning behind the recommendation it receives. In either case, a conclusion is not a finding. Say what in the record supports it. This worksheet is a staff aid and is not legal advice; questions about the legal effect of a decision go to the County Attorney.

How to use it. Fill it in during deliberation, not afterward. Staff attaches the completed worksheet to the minutes.

APPLICATION

Item	Entry	Item	Entry
Application		File no.	
Applicant		Date of meeting	
Type of application		Parcel or area	
Legislative or administrative?		Hearing required?	

PART 1 — THRESHOLD QUESTIONS (EVERY APPLICATION)

Question	Yes / No	Note
Application certified complete under § 9.1.6, and on what date?		
Public notice given under § 9.1.8?		
Hearing held as § 9.1.9 requires for this application type?		
Ex parte communications disclosed on the record?		
Conflicts disclosed; any recusal; quorum still present?		
Application conforms with the Land Use Code under § 9.1.1?		

PART 2 — LEGISLATIVE ITEMS: REZONING AND TEXT AMENDMENTS

Land Use Code § 9.2.5, Issues for Consideration. Section 9.2.5 directs both bodies to consider staff reports, the written and oral testimony presented, and the criteria below, and directs the County Commission also to consider the Planning Commission’s recommendation. At this stage, the Planning Commission is the body making that recommendation, so it considers the staff report, the testimony, and the criteria. Answer each one. “Not applicable” is an acceptable answer where the criterion does not bear on the application, but say so rather than leaving it blank.

	Criterion (§ 9.2.5)	Finding and what in the record supports it
A	Was the existing zone for the property adopted in error?	
B	Has there been a change of character in the area — installation of public facilities, other zone changes, new growth trends, deterioration, development transitions?	

	Criterion (§ 9.2.5)	Finding and what in the record supports it
C	Is there a need for the proposed use or uses within the area or community?	
D	Will benefits be derived by the community or area by granting the proposed rezoning?	
E	Is the proposal in conformance with the policies, intents, and requirements of the Grand County General Plan, specifically the plan's zoning map amendment guidelines?	
F	Should the development be annexed to a city?	
G	Is the proposed density and intensity of use permitted in the proposed zoning district?	
H	Is the site suitable for rezoning based on environmental and scenic quality impacts?	
I	Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; can any adverse impacts be adequately mitigated?	
J	Are adequate public facilities and services available for the type and scope of development suggested by the proposed zone? If utilities are not available, could they reasonably be extended? Is the applicant willing to pay for the extension?	
K	Does the proposed change constitute "spot zoning"?	

The Planning Commission does not act legislatively. It never enacts anything. On every legislative item — the General Plan, an amendment to the General Plan, a code amendment, a rezone — the Planning Commission holds the hearing, deliberates, and forwards a recommendation to the County Commission, which decides. Section 9.2.3 requires the hearing before the recommendation is made, and § 9.2.4 puts the decision with the County Commission. Only the County Commission may enact a land use regulation (Utah Code § 17-79-501(1); Land Use Code § 8.1.2). The Planning Commission is a recommending body on everything in this Part.

PART 3 — ADMINISTRATIVE ITEMS: APPLYING THE STANDARDS

Use this part when the Planning Commission is the land use authority rather than a recommending body. Under the pending amendments, this is a preliminary subdivision application proposing more than five lots. Add a row for each standard the Code applies and cite the section. "It complies" is a conclusion; name the evidence.

Standard (cite the section)	Evidence in the record	Finding

Standard (cite the section)	Evidence in the record	Finding

CONDITIONS

A condition must be tied to a standard in the Code or to an identified impact of this application, and it must be stated in the motion (Bylaws § 5.12). The motion may adopt the staff report conditions by reference.

Condition	Standard or impact it addresses

ACTION

Action	Vote	Basis
Recommend approval (legislative)		§ 9.2.5 criteria answered above
Recommend approval with modifications		State each modification in the motion
Recommend denial		State which criteria weigh against and why
Approve/approve with conditions (administrative)		Findings in Part 3; conditions stated in the motion
Deny (administrative)		State which standard is not met and the evidence
Continue to a date certain		State what information is needed and the date

Notice of the decision or recommendation goes to the applicant within 10 days (§ 9.2.3(C)). Record the vote by individual member (Utah Code § 52-4-203(2)(a)(iv)).

FOUR THINGS TO WATCH FOR

- **Answer all eleven criteria, not the three that are interesting.** Section 9.2.5 says the Commission shall consider them. A record that answers three and skips eight does not show the section was followed.
- **On an administrative item, denial needs more findings than approval.** Utah Code § 17-79-803 governs when an applicant is entitled to approval. A denial should identify the standard not met and the evidence in the record supporting that conclusion.
- **Public opposition is not itself a finding.** Comment can point to evidence, such as a drainage problem or an access conflict, and that evidence supports a finding. The volume of comment does not.
- **Criterion K is not a throwaway.** If the parcel is treated differently from its neighbors, say why the difference rests on something other than who owns it.

Grand County Planning Department · 59 North 200 East, Moab, Utah 84532

GRAND COUNTY, UTAH — LEGISLATIVE APPLICATION PROCESSING SCHEDULE

Page 1 of 2 — Schedule

ORDINANCES • ZONE CHANGES • GENERAL PLAN AMENDMENTS | Sep 14, 2026 – Aug 9, 2027 | PC: 2nd & 4th Mondays | CC: 1st & 3rd Tuesdays | Legal Review follows PC recommendation

Submittal Deadline	DRT Review	PC Hearing Notice	Planning Commission	Legal Review	CC Hearing Notice	County Commission	County Commission
<i>Mon; Fri if holiday</i>	<i>+1 calendar month</i>	<i>Fri, ≥10 days before PC</i>	<i>Review</i>	<i>+1 month after PC</i>	<i>Fri, ≥10 days before CC</i>	<i>Public Hearing</i>	<i>Action</i>
Mon Sep 14, 2026	Wed Oct 14, 2026	Fri Nov 13, 2026	Mon Nov 23, 2026	Wed Dec 23, 2026	Thu Dec 24, 2026	Tue Jan 5, 2027	Tue Jan 19, 2027
Mon Sep 28, 2026	Wed Oct 28, 2026	Fri Dec 4, 2026	Mon Dec 14, 2026	Thu Jan 14, 2027	Fri Jan 22, 2027	Tue Feb 2, 2027	Tue Feb 16, 2027
Mon Oct 19, 2026	Thu Nov 19, 2026	Fri Dec 18, 2026	Mon Dec 28, 2026	Thu Jan 28, 2027	Fri Feb 5, 2027	Tue Feb 16, 2027	Tue Mar 2, 2027
Mon Nov 2, 2026	Wed Dec 2, 2026	Thu Dec 31, 2026	Mon Jan 11, 2027	Thu Feb 11, 2027	Fri Feb 19, 2027	Tue Mar 2, 2027	Tue Mar 16, 2027
Mon Nov 16, 2026	Wed Dec 16, 2026	Fri Jan 15, 2027	Mon Jan 25, 2027	Thu Feb 25, 2027	Fri Mar 5, 2027	Tue Mar 16, 2027	Tue Apr 6, 2027
Mon Nov 30, 2026	Wed Dec 30, 2026	Fri Jan 29, 2027	Mon Feb 8, 2027	Mon Mar 8, 2027	Fri Mar 26, 2027	Tue Apr 6, 2027	Tue Apr 20, 2027
Mon Dec 14, 2026	Thu Jan 14, 2027	Fri Feb 12, 2027	Mon Feb 22, 2027	Mon Mar 22, 2027	Fri Mar 26, 2027	Tue Apr 6, 2027	Tue Apr 20, 2027
Mon Dec 28, 2026	Thu Jan 28, 2027	Fri Feb 26, 2027	Mon Mar 8, 2027	Thu Apr 8, 2027	Fri Apr 9, 2027	Tue Apr 20, 2027	Tue May 4, 2027
Mon Jan 11, 2027	Thu Feb 11, 2027	Fri Mar 12, 2027	Mon Mar 22, 2027	Thu Apr 22, 2027	Fri Apr 23, 2027	Tue May 4, 2027	Tue May 18, 2027
Mon Jan 25, 2027	Thu Feb 25, 2027	Fri Apr 2, 2027	Mon Apr 12, 2027	Wed May 12, 2027	Fri May 21, 2027	Tue Jun 1, 2027	Tue Jun 15, 2027
Mon Feb 22, 2027	Mon Mar 22, 2027	Fri Apr 16, 2027	Mon Apr 26, 2027	Wed May 26, 2027	Fri Jun 4, 2027	Tue Jun 15, 2027	Tue Jul 6, 2027
Mon Mar 1, 2027	Thu Apr 1, 2027	Fri Apr 30, 2027	Mon May 10, 2027	Thu Jun 10, 2027	Fri Jun 25, 2027	Tue Jul 6, 2027	Tue Jul 20, 2027
Mon Mar 15, 2027	Thu Apr 15, 2027	Fri May 14, 2027	Mon May 24, 2027	Thu Jun 24, 2027	Fri Jun 25, 2027	Tue Jul 6, 2027	Tue Jul 20, 2027
Mon Mar 29, 2027	Thu Apr 29, 2027	Fri Jun 4, 2027	Mon Jun 14, 2027	Wed Jul 14, 2027	Thu Jul 22, 2027	Tue Aug 3, 2027	Tue Aug 17, 2027
Mon Apr 19, 2027	Wed May 19, 2027	Thu Jun 17, 2027	Mon Jun 28, 2027	Wed Jul 28, 2027	Fri Aug 6, 2027	Tue Aug 17, 2027	Tue Sep 7, 2027
Mon May 3, 2027	Thu Jun 3, 2027	Fri Jul 2, 2027	Mon Jul 12, 2027	Thu Aug 12, 2027	Fri Aug 27, 2027	Tue Sep 7, 2027	Tue Sep 21, 2027
Mon May 17, 2027	Thu Jun 17, 2027	Fri Jul 16, 2027	Mon Jul 26, 2027	Thu Aug 26, 2027	Fri Aug 27, 2027	Tue Sep 7, 2027	Tue Sep 21, 2027
Fri May 28, 2027	Mon Jun 28, 2027	Fri Jul 30, 2027	Mon Aug 9, 2027	Thu Sep 9, 2027	Fri Sep 10, 2027	Tue Sep 21, 2027	Tue Oct 5, 2027
Mon Jun 14, 2027	Wed Jul 14, 2027	Fri Aug 13, 2027	Mon Aug 23, 2027	Thu Sep 23, 2027	Fri Sep 24, 2027	Tue Oct 5, 2027	Tue Oct 19, 2027
Mon Jun 28, 2027	Wed Jul 28, 2027	Fri Sep 3, 2027	Mon Sep 13, 2027	Wed Oct 13, 2027	Fri Oct 22, 2027	Tue Nov 2, 2027	Tue Nov 16, 2027
Mon Jul 19, 2027	Thu Aug 19, 2027	Fri Sep 17, 2027	Mon Sep 27, 2027	Wed Oct 27, 2027	Fri Nov 5, 2027	Tue Nov 16, 2027	Tue Dec 7, 2027
Mon Aug 2, 2027	Thu Sep 2, 2027	Fri Oct 1, 2027	Tue Oct 12, 2027	Fri Nov 12, 2027	Fri Nov 26, 2027	Tue Dec 7, 2027	Tue Dec 21, 2027

SCHEDULING LOGIC

- Submittal Deadline — Monday, or the preceding Friday where that Monday is a Utah state holiday.
- DRT Review — one calendar month after the submittal deadline (Development Review Team; target date, no fixed meeting day).
- PC Hearing Notice — Friday at least 10 calendar days before the Planning Commission meeting.
- Planning Commission Review — next 2nd or 4th Monday on or after one month past the DRT date. A holiday collision shifts the meeting to the following Tuesday (applies to Columbus Day, Oct 11/12, 2027).
- Legal Review — one calendar month after the Planning Commission meeting (County Attorney; target date, no fixed meeting day). Weekend dates shift forward to Monday; holiday dates shift to the next working day.
- CC Hearing Notice — Friday at least 10 calendar days before the County Commission hearing, issued after the PC recommendation is known and the Legal Review target date has passed.
- County Commission Public Hearing — first 1st or 3rd Tuesday at least one month after the PC meeting and at least one day after the Legal Review target date.
- County Commission Action — the next CC meeting (1st or 3rd Tuesday) after the public hearing.

CHANGE FROM PRIOR CALENDAR

- Legal Review has moved from between DRT Review and Planning Commission to between Planning Commission and County Commission. The County Attorney now reviews the application with the PC recommendation in hand rather than in advance of the hearing. PC meeting dates are identical to the prior calendar. Total elapsed time is approximately 127–141 days (vs. 148–162 on the prior calendar).

FLAGS

- PEACH ROWS — two submittal deadlines resolved to the same CC hearing date. Pairs: Jan 5 / Apr 6 / Jul 6 / Sep 7, 2027. Confirm both items can be co-agendized, or advance one to the next cycle.
- Columbus Day 2027 (Mon Oct 11) falls on a 2nd Monday PC meeting date. The meeting shifts to Tue Oct 12, 2027. Confirm whether the Commission meets, reschedules, or moves the item to Oct 27.

DISCLAIMER

- THESE DATES ARE MINIMUMS, NOT COMMITMENTS. They assume a complete application received at the submittal deadline, a clean review at every step, and no continuances. Most applications take longer — revisions, resubmittal, additional DRT comment, or an item tabled by either body will push a cycle to a later row.
- Verify all meeting dates against the adopted Planning Commission and County Commission calendars, and all processing steps against Land Use Code § 9.1.8 and Utah Code § 17-79-205, before relying on this schedule.

LEGISLATIVE OR ADMINISTRATIVE?

Which kind of item is in front of you, and what changes

Grand County Planning Commission

Version 9-14-2026

DRAFT — not yet in effect. The administrative authority described here for preliminary subdivision applications of more than five lots depends on the pending Land Use Code amendments and is not yet in effect.

Start here. The Planning Commission does not act legislatively. It never enacts anything. On every legislative item — the General Plan, an amendment to the General Plan, a code amendment, a rezone — the Planning Commission holds the hearing, deliberates, and forwards a **recommendation** to the County Commission, which decides. Only the County Commission may enact a land use regulation (Utah Code § 17-79-501(1)).

The one exception. Under the pending amendments, a preliminary subdivision application proposing more than five lots is different. There, the Planning Commission is the administrative land use authority, and its vote is the decision, appealable to the Hearing Officer. That applies only where the application proposes more than five lots; five or fewer stay with the Planning Director. It is not legislative authority. It is the authority to apply standards the County Commission already enacted.

THE TWO KINDS OF ITEMS

	Legislative item	Administrative item
What it is	Making the rule	Applying the rule
Examples	General Plan and amendments; Land Use Code text amendments; rezonings	Preliminary subdivision applications proposing more than five lots (pending amendments)
What we do	Hold the hearing, deliberate, and forward a recommendation	Hear the item and decide
Who decides	The County Commission	This Commission
The standard	Is this good policy for Grand County?	Does this application meet the standards already in the Code?
Discretion	Broad. Policy judgment is the job.	Narrow. If it complies, the applicant is entitled to approval.
Public comment	Weights as policy input	Points to evidence; volume is not evidence
Findings	Helpful; the record supports the recommendation	Required; the decision stands or falls on them
Ex parte contact	Less constrained, but disclose	Disclose on the record before participating
Review	Presumed valid; broad deference to the County Commission	Reviewed for arbitrary, capricious, or illegal on the record we made
Say it this way	"I move to recommend approval to the County Commission"	"I move to approve"

ORDINANCE OR RESOLUTION?

A second pair that gets confused with the first. Legislative and administrative describe the *kind of decision*. Ordinance and resolution describe the *instrument* the County Commission uses to record it. They line up most of the time, but not always, and the two questions are separate.

	Ordinance	Resolution
What it is	A county law of general application	A formal expression of the County Commission's will or a decision on a particular matter
Force of law	Yes. Binds everyone and is enforceable	Generally no, unless a statute gives it effect
Used for	Land Use Code text amendments; rezonings; the zoning map; anything that regulates conduct or property	Adopting the General Plan; approving a plat; adopting Planning Commission Bylaws; internal policy; interlocal agreements
Codified	Yes — it becomes part of the Land Use Code	No — it stands alone in the resolution book
Public hearing	Required for a land use regulation (Utah Code § 17-79-502)	Depends on the subject. Required for the General Plan; not required for the Bylaws
Amended or repealed by	Another ordinance	Another resolution
Our part	Hold the hearing and recommend	Usually recommend; sometimes nothing is required of us

Where the two pairs meet. A legislative decision is almost always recorded by ordinance, because it makes a rule that binds. An administrative decision is recorded by resolution or by a written decision of the land use authority, because it applies an existing rule to one property. The mismatch to watch for is the General Plan: adopting it is legislative, but it is adopted by *resolution*, not ordinance, because the plan guides rather than regulates.

Two live examples from this packet. The Land Use Code amendments are legislative and go forward as an **ordinance**, because they change the rule and will be codified. The Bylaws amendments are also legislative in character but go forward as a **resolution**, because the Bylaws govern this body's own proceedings rather than regulating the public, and § 2.1(e) says they are advisory guidelines without the force of law. Same Commission, same night, two different instruments.

WHY THE DIFFERENCE MATTERS

- **On a legislative item, “I don’t think this is right for the County” is a legitimate reason.** That is what policy judgment is. Say it, and say it on the record, because the County Commission is entitled to know the reasoning behind the recommendation it receives.
- **On an administrative item, that same sentence is a problem.** If the application meets the standards, the applicant is entitled to approval under Utah Code § 17-79-803. Disliking a project the Code allows is not a basis for denial. If the Code allows something the Planning Commission does not want, the answer is to recommend changing the Code.
- **The most common error is applying legislative discretion to an administrative item.** It happens when a board gains administrative authority and keeps the habits it built while it was purely advisory. I will flag it when I see it, and I expect the chair will too.

IF YOU ARE NOT SURE

Ask one question:

Am I being asked to change the rule, or to apply it?

Changing the rule is legislative, and we recommend. Applying the rule is administrative, and on a preliminary plat we decide. If it is still unclear, ask the chair or me before the motion is framed, not after.

Grand County Planning Department · 59 North 200 East, Moab, Utah 84532

MEMORANDUM

TO: Grand County Planning Commission
FROM: Andrew K. Jackson, AICP, CTP, Planning Director
RE: Annual obligations of the Planning Commission
VERSION: Version 9-14-2026

DRAFT — not yet in effect. Obligations in this memo that depend on the pending amendments are identified where they appear. The remainder state requirements already in force.

Several things the Planning Commission does are required every year, and most of them are easy to let slip because nothing prompts them. This memo collects them in one place, with the source for each, so the Commission and staff can put them on the calendar rather than remember them.

The authorities cited are the Planning Commission Bylaws and the Grand County Land Use Code as proposed to be amended, together with the Utah Code where it imposes the duty directly. Where an item is affected by the pending amendments, that is noted.

THE YEAR AT A GLANCE

When	What the Planning Commission does	Authority
January 1	New and reappointed members' terms begin.	Land Use Code
First regular meeting of the year	Elect Chairperson and Vice-chairperson, as the first item of business.	Bylaws 3.2(a); Land Use Code
First regular meeting of the year	Approve the Planning Commission meeting calendar for the year.	Bylaws § 5.2; Utah Code § 52-4-202
Beginning of each year	Review these Bylaws and recommend any amendments to the County Commission.	Bylaws 8.1
During the year	Every member completes Open and Public Meetings Act training.	Bylaws 5.3; Utah Code § 52-4-104
During the year	Conduct the annual review of the Grand County General Plan.	Land Use Code
By September 1	County staff notify the County Commission of each term expiring that year.	Land Use Code; Bylaws 4.1
Fall	Vacancy notice published; Planning Commission interviews candidates and forwards a recommendation to the County Commission.	Bylaws 4.1 through 4.4
December 31	Expiring terms end.	Land Use Code

THE OBLIGATIONS IN DETAIL

1. Elect a Chairperson and a Vice-chairperson

When. Annually, as the first item of business at the first regular meeting of the calendar year. Officers serve one year, or until successors are elected, and the term begins immediately after the election.

If appointments are pending. If a regular member's term expired at the end of the preceding year and the County Commission has not yet appointed to that seat, the election is postponed to the first regular meeting after the appointee is seated. The incumbent officers continue to serve until then. Members appointed for the new year should have a vote in choosing the officers who will preside over them. If

the election is postponed and an incumbent officer's own term has ended so that the person is no longer on the Planning Commission, the remaining members elect a Chairperson or Vice-chairperson pro tempore to serve with full authority until the postponed election is held.

Source. Bylaws § 3.2(a) and the Land Use Code.

Note. The pending amendments make this election annual and unconditional. The existing language calls for an election only in the year after the County Commission fills vacant seats, which means that in a year with no appointments, no election is required and the sitting officers simply continue. That is the defect the amendment corrects.

Also. If either office becomes vacant mid-year, the Planning Commission elects a successor from its membership to serve the unexpired term. Nominations are by oral motion, and the vote is by voice.

2. Approve the meeting calendar for the year

When. At the first regular meeting of the calendar year, with the officer election.

Source. Bylaws § 5.2, which sets regular meetings twice a month, and Utah Code § 52-4-202, which requires an annual notice of the Planning Commission's regular meeting schedule.

What it involves. Adopting the schedule of regular meetings for the year, including dates that shift for holidays. The Open and Public Meetings Act requires annual notice of the schedule, and the schedule drives the packet and notice deadlines and every other date in this memo.

Note. Approving the calendar as one item is cleaner than moving meetings one at a time through the year, and it gives applicants and the public a published schedule.

3. Review the Bylaws

When. At the beginning of each calendar year.

Source. Bylaws § 8.1.

What it involves. The Planning Commission reviews the Bylaws and recommends any amendments to the County Commission for approval, as provided in County Ordinance 674 (2023). The Planning Commission does not adopt its own Bylaws; the County Commission does.

4. Complete Open and Public Meetings Act training

When. Every year, every member.

Source. Bylaws § 5.3 and Utah Code § 52-4-104, which places the duty on the presiding officer to ensure that members are provided with annual training on the Act.

What satisfies it. Training provided by Grand County or an online equivalent. The Utah State Auditor publishes a free course that meets the requirement. Members are also encouraged to attend other planning training; the pending amendments broaden that from the Citizen Planner Workshop specifically to training generally, so the encouragement does not expire with a single provider.

Worth tracking. The statute makes this the presiding officer's responsibility, not each member's. Staff should keep a record of who has completed it and when, because the County has an obligation to be able to demonstrate compliance.

5. Conduct the annual review of the General Plan

When. Every year.

Source. The Land Use Code, in the Planning Commission's powers and duties.

What it involves. A review of the Grand County General Plan for the purpose of determining what is important to the community and whether amendments should be considered. It is a review, not an amendment: the outcome may be that no changes are proposed.

Note. This is the annual obligation most often missed, because unlike the officer election, nothing on the agenda forces it. If the review recommends amending the General Plan, a public hearing is required before the recommendation goes to the County Commission.

6. Interview candidates and recommend appointments

When. In the fall, once staff has identified the terms expiring at the end of the calendar year.

Source. Bylaws §§ 4.1 through 4.4, and the Land Use Code.

Sequence. County staff notify the Planning Commission of expiring terms and post notice of the vacancies in a newspaper of record. The Planning Commission interviews qualified candidates, giving each three minutes to introduce themselves, asking the same questions of every candidate, and voting on names in alphabetical order by last name. Staff tallies the votes, and the Planning Commission by motion forwards its recommendation, with any findings, to the County Commission. The Chairperson, or staff at the Chairperson's direction, presents it.

Note. The pending amendments add a deadline that does not exist today: staff must notify the County Commission of each expiring term no later than September 1 of the year the term expires. They also delete the written-ballot option for candidate votes, so the vote is by voice or a show of hands.

7. Watch the term schedule

When. Continuously, but it matters most when a term expires.

Source. The Land Use Code.

The requirement. Terms are staggered so that at least one and no more than three expire each year. Terms run four years, begin January 1, and end December 31.

Where the schedule stands. Two terms expire at the end of 2027, two at the end of 2028, and three at the end of 2029. None expires in 2030. That does not meet the requirement, and because terms run four years the empty year recurs in 2030, 2034, and every fourth year after unless it is corrected.

Note. The pending amendments authorize the County Commission to make a corrective appointment of other than four years and direct that it be made at the first expiration after the ordinance takes effect. The County Commission makes the appointment.

NOT ANNUAL, BUT EASY TO CONFUSE WITH THESE

- **Regular meetings twice a month.** A standing schedule, not an annual act, subject to mitigating circumstances such as lack of a quorum, lack of items, or holidays.
- **Conflict of interest and ex parte disclosure.** The Chairperson inquires about these at the beginning of each meeting, not once a year.
- **The moderate-income housing reports.** A reporting obligation of the County legislative body rather than of the Planning Commission, and one whose application depends on county population. It is mentioned here only so it is not assumed to sit with this body.

SUGGESTED PRACTICE

Three of these seven — the Bylaws review, the training, and the General Plan review — have no natural trigger on the agenda. The officer election happens because it is the first item of the first meeting; the interviews happen because a term is ending. The other three depend on someone remembering.

The simplest fix is to place them on the agenda at fixed points: The Bylaws review with the officer election at the first meeting of the year, the General Plan review at a set meeting in the fall, and a training reminder to members in the first quarter with staff tracking completion. None of that requires an amendment; it only requires the calendar.

Andrew K. Jackson, AICP, CTP

Planning Director, Grand County

NEW COMMISSIONER ORIENTATION
Statutes, Ordinances, Resolutions, and Rules Affecting the Planning Commission
Grand County Planning Commission
Version 9-14-2026

DRAFT — not yet in effect. This handout describes the Planning Commission Bylaws and the Land Use Code as proposed to be amended. Those amendments have not been adopted.

Why you are getting this. Bylaws § 2.2 requires each member, on taking office, to become familiar with the applicable statutes, rules, ordinances, and resolutions and to maintain that knowledge. It does not say what they are. This handout answers that.

Nobody expects a new member to read all of it before the first meeting. The short list below is what to read first.

If you read only four things

- **The Planning Commission Bylaws.** How this body operates: quorum, motions, public comment, ex parte contact, conflicts.
- **Land Use Code Article 9.** The procedures you will apply at every meeting.
- **Utah Code § 17-79-302.** What the Planning Commission is empowered to do. It is shorter than you expect.
- **Utah Code §§ 52-4-201 through -208.** The open meetings rules that constrain everything else.

PART 1 — STATE STATUTES

Title 17, Chapter 79 — County Land Use, Development, and Management Act

This is the governing act. It was recodified from Title 17, Chapter 27a effective November 6, 2025, so any document or training material citing a 17-27a section is out of date. The section numbers changed; most of the substance did not.

Citation	Subject	Why it matters to you
§ 17-79-102	Definitions	“Land use authority,” “land use application,” “adversely affected party.” Read this first; the defined terms are not what a lay reader expects.
§§ 17-79-201 to -211	Notice	What notice is required, to whom, and when. Defective notice is a common procedural challenge.
§ 17-79-301	Ordinance establishing the Planning Commission	Required contents, the causes for which a member may be removed, the safe harbor for deliberating in a meeting, and when a member must recuse.
§ 17-79-302	Powers and duties	What the Planning Commission recommends on, and the public hearing required before recommending on the General Plan or a land use regulation.
§§ 17-79-401 to -404	General Plan	§ 17-79-403 is preparation and recommendation; § 17-79-404 is the Planning Commission’s hearing on a proposed plan or amendment before it goes to the County Commission.
§§ 17-79-501, -502	Land use regulations	Only the County Commission may enact one. The hearing precedes enactment.

Citation	Subject	Why it matters to you
§§ 17-79-701 to -716	Subdivisions	Part 7. The Planning Commission is the Administrative Land Use Authority for preliminary subdivision applications proposing more than five lots (Land Use Code § 8.5.1) and decides those rather than recommending; five lots or fewer stay with the Planning Director. § 17-79-702 is its duty to recommend on a subdivision ordinance; §§ 17-79-705 to -706 govern review; §§ 17-79-711 to -713 cover plat amendments and vacations.
§ 17-79-801	Land use authority; nature of the decision	A land use decision is an administrative act. This is why findings matter and why the record matters.
§§ 17-79-812, -813	Exactions	What the County may require of an applicant, and the engineer appeal panel.
§§ 17-79-1001, -1002, -1006	Appeals, variances, due process	Where a decision goes after the Planning Commission, who hears a variance, and the due process owed an appeal participant.
§§ 17-79-209, -1009	Challenging notice; judicial review	A notice challenge must be brought within 30 days. No district court review until administrative remedies are exhausted.

Title 52, Chapter 4 — Open and Public Meetings Act

Second in practical importance only to the land use act. Most of what can go wrong procedurally goes wrong here.

Citation	Subject	Why it matters to you
§ 52-4-103	What is a “meeting”	Narrower than most people assume. Worth reading alongside §§ 52-4-208 and -210.
§ 52-4-104	Annual training	Required every year. The duty to see that it happens rests on the presiding officer.
§§ 52-4-201, -202	Open meetings and notice	Including the rule that no final action may be taken on a matter not on the noticed agenda.
§ 52-4-203	Minutes and recordings	The minutes must record each vote by individual member.
§§ 52-4-204, -205	Closed meetings	The grounds are narrow. For this body, realistically only pending litigation or a property transaction.
§ 52-4-207	Electronic participation	Read with Grand County Resolution 2944.
§§ 52-4-208, -210	Predetermination	A quorum may not act together outside a meeting to predetermine an action. A message to another member when the body is not convened is not itself a violation.
§ 52-4-302	Consequences	Action taken in violation is voidable, and a court may award the prevailing plaintiff attorney fees.

Other state law

Citation	Subject	Why it matters to you
Title 17, ch. 70, pt. 5	County officer disclosure duties	§§ 17-70-501 to -511, formerly Title 17, ch. 16a. The county conflict-of-interest statute.
Title 20A, ch. 11, pt. 12	Political Activities of Public Entities Act	Using public funds for a political purpose is a cause for removal.
Title 63G, ch. 2	GRAMA	Correspondence about county business is a public record, including from a personal account.

Citation	Subject	Why it matters to you
Title 11, ch. 36a	Impact Fees Act	Governs the impact fee facilities plan and its periodic review.
Title 13, ch. 43	Property Rights Ombudsman Act	An applicant may request a free advisory opinion; it can arrive mid-application.

A conflict in the state code, so it does not surprise you. Utah Code § 17-79-301(3)(a)(v)(B), a county provision, lists as a cause for removal a violation of the Municipal Officers' and Employees' Ethics Act, Title 10, Chapter 3, Part 13 — a statute that by its terms governs municipal officers. The county counterpart is Title 17, Chapter 70, Part 5. The Land Use Code and the Bylaws reproduce the citation as the statute reads and note the conflict.

PART 2 — COUNTY ORDINANCES, RESOLUTIONS, AND RULES

Instrument	Subject	Why it matters to you
Land Use Code	The document used at every meeting	Article 8 (decision-making bodies), Article 9 (administration and procedures), Article 10 (definitions). Article 9 is the one to know.
Ordinance 299 (1999)	Adopted the Land Use Code	The enacting ordinance, as amended since.
Ordinance 708 (2024)	Subdivision review process	Created § 8.5 (Administrative Land Use Authority) and § 9.18 (single-family, two-family, and townhome subdivisions). See the note below.
Ordinance 593 (2019)	County conflict of interest policy	Repealed and replaced Ordinance 462 (1997). Referenced in Bylaws § 6.3.
Ordinance 674 (2023)	Amending these Bylaws	The process the Planning Commission follows to recommend a bylaws amendment.
Resolution 3263 (2021)	Adopted the Planning Commission Bylaws	The Bylaws themselves are the document to read.
Resolution 2944	Electronic participation	Read with Utah Code § 52-4-207.
General Plan	Adopted by resolution, with its elements	The Planning Commission reviews it annually and recommends amendments.

Rules of procedure

- **The Planning Commission Bylaws.** Adopted by resolution rather than ordinance. The Bylaws say so themselves and state that they are advisory guidelines without the force of law, so a departure from them is not by itself a defect in a decision. That does not make them optional.
- **Robert's Rules of Order Newly Revised, 12th edition.** Adopted by the Bylaws for questions of procedure. Where the Bylaws or the Land Use Code say something different, they control and Robert's Rules yields. The Planning Department's quick reference marks the places where they differ.

PART 3 — TWO THINGS TO KNOW BEFORE YOU RELY ON THE PRINTED CODE

Ordinance 708 (2024) is not in the published Land Use Code. It was adopted December 17, 2024 and it governs, but it has not been codified. A reader of Article 9 finds the process the County replaced: there is no § 8.5 and no § 9.18 in the published Code, and the Summary of Land Use Authority still routes plats to the bodies that handled them before. Until the Code is updated, use the ordinance itself. A copy is in your packet.

Citations to Title 17, Chapter 27a are stale. Older staff reports, training materials, and parts of the Land Use Code still use the pre-2025 numbering. The substance usually carries forward; the number does not.

Where to find these

Utah Code: le.utah.gov. Land Use Code: the eCode360 link on the County website. Ordinances and resolutions: the Clerk/Auditor. Bylaws, General Plan, agendas, packets: the Planning Department. Open meetings training: the Utah State Auditor, free.

Ask. If something in a staff report does not look right, or you are unsure whether a contact counts as ex parte, raise it with the Chair or the Planning Director before the meeting rather than after. The questions that cause trouble are the ones nobody asked.

Grand County Planning Department · 59 North 200 East, Moab, Utah 84532

PRELIMINARY SUBDIVISION REVIEW CHECKLIST

Review cycles, deadlines, and the Planning Commission's action

Grand County Planning Commission

Version 9-14-2026

DRAFT — not yet in effect. This checklist reflects the subdivision process adopted by Ordinance 708 (2024) together with the pending Land Use Code amendments. The pending amendments have not been adopted.

Why the clock matters. The review-cycle deadlines in § 9.18.4 run against the County, not the applicant. If the County misses a cycle, the application becomes eligible for appeal. Four review cycles cover both the preliminary and the final application, and a cycle may not exceed twenty business days.

APPLICATION

Item	Entry	Item / Entry
Application		File no.
Lots proposed		Public meeting required? More than 5 lots = yes
Date deemed complete		Cycle 1 response due (20 business days)
Constrained lands?		If yes, the review-cycle limits do not apply (§ 9.18.2)

REVIEW CYCLE LOG

Four cycles cover the preliminary and final applications together. Log each one.

Cycle	County response sent	Applicant reply received	Cycle complete?
1			
2			
3			
4			

Two rules that are easy to miss. If the applicant does not submit a revised plan within twenty business days of the County's request, the County gets an additional twenty business days within that cycle. And if the applicant fails to address a review comment, the cycle is not complete, and the next cycle does not begin until every comment is addressed.

BEFORE THE MEETING

Confirm	Done	Note
Application deemed complete and the date recorded		
Preliminary plat conforms to § 9.4.1		
Subdivision improvement plans reviewed by the County Engineer		
Item scheduled to keep the County inside the review cycle (§ 9.4.6)		
Agenda item states the application with reasonable specificity		
Staff report and recommended conditions in the packet by 5:00 p.m. the Friday before the meeting (§ 5.7(a))		
Public meeting noticed if more than five lots (§ 9.4.7)		

AT THE MEETING

- Chair asks for conflict and ex parte disclosures before the item is presented.
- Staff presents; applicant presents; the public may comment at the meeting under our rules of procedure.
- Action is taken in a public meeting, not a public hearing. No public hearing is held on a preliminary or final subdivision application (§ 9.4.7).
- Deliberate against the standards in the Code, not against the volume of comment.
- Complete the findings worksheet as you go.
- State every condition in the motion, or adopt the staff report conditions by reference.
- Roll-call vote, recorded by member (Bylaws § 5.12; Utah Code § 52-4-203(2)(a)(iv)).

AFTER THE MEETING

Action	Deadline	By whom
Written notice of decision with a statement of appeal rights	10 days (§ 9.4.3)	Planning Director
Findings worksheet attached to the minutes	With the minutes	Staff
Appeal window to the Hearing Officer	30 days (§ 9.12)	Applicant or adversely affected party
Final subdivision application due	6 months (§ 9.18.6)	Applicant

If the County misses a cycle. Section 9.18.4 provides that the application becomes immediately eligible for appeal.

Grand County Planning Department · 59 North 200 East, Moab, Utah 84532

PARLIAMENTARY PROCEDURE AT A GLANCE

Grand County Planning Commission

Version 9-14-2026

Prepared for the Planning Commission by Andrew K. Jackson, AICP, CTP, Planning Director

DRAFT — not yet in effect. Passages printed in red state rules that depend on amendments to the Land Use Code and the Planning Commission Bylaws that have not been adopted, or practices that are not yet written into either document. They are accurate only once those amendments are adopted. Everything in black states current law or current practice.

Passages in green state a rule the Planning Commission's Bylaws or the Land Use Code impose that differs from what Robert's Rules would provide on its own. Where they differ, the Bylaws and the Code control and this reference follows them.

A note before you use this. I have watched a lot of meetings go sideways over thirty-five years, and almost none of them went sideways because somebody used the wrong motion. They went sideways because the record was thin, or because nobody said out loud what the Planning Commission was actually deciding.

Robert's Rules is a default, not a higher authority. Where our bylaws, the Land Use Code, or Utah law say something different, they control and Robert's Rules yields. Everything here serves two things at once: the majority's right to act, and the minority's and the public's right to be heard. Nothing on these pages is a reason to cut off a member, or a member of the public, who is speaking in order.

Bring this document with you to meetings. If you have questions during the meeting, ask the chair; the chair may also ask me. Please do not wait until the meeting is over to ask questions about a topic on the agenda.

THE LIFE OF A MOTION

1. Motion	Get recognized and say "I move that..." Frame it as an action, not a preference.
2. Second	Required. Bylaws § 5.12 provides that every decision is made by motion, made and seconded. A second means only that the matter is worth our time; it is not agreement, and I would not read it as one.
3. Chair states the question	"It has been moved and seconded that..." From that moment the motion belongs to the Planning Commission, not to the member who made it.
4. Debate	Confined to the pending motion. The maker speaks first if he or she wants to. On a board our size you may speak as often as you need to, except on an appeal.
5. Vote	Utah Code § 52-4-203(2)(a)(iv) requires the minutes to record each vote by individual member, so Lisa has to write down how every one of you voted. Bylaws § 5.12 makes a roll call mandatory on any recommendation or action concerning a land use application, a land use regulation, the General Plan, or an amendment to any of them; otherwise the default is a voice vote and Lisa may ask the chair for a roll call whenever one is unclear. On a roll call she reads the names and each of you answers aloud — "Avery." "Aye." "Morgan." "Nay." "JVar." "Abstain." — and she gives the tally to the chair. Answer with the word, not a nod; a nod does not make it into the minutes.
6. Chair announces the result	The chair states the summary: "The motion carried with Avery, Jordan, Taylor, and El-Don voting in favor, Morgan and Cameron voting opposed, and JVar abstaining." Until the chair announces it a member may still change a vote. After that, nothing is done until the chair says it is.

How our size changes things. Robert's Rules eases up for boards of about a dozen members or fewer (RONR 12th ed. § 49:21). We can discuss a matter informally before a motion is on the floor, nobody has to stand or wait to be formally recognized, a member may speak more than twice, and the chair may make motions, join the debate, and vote on everything without stepping down. Robert's Rules would not require a second on a board this size, but Bylaws § 5.12 does, and the Bylaws control. One footnote worth knowing: once debate has started, or once anyone has voted, a missing second no longer matters and a point of order about it comes too late.

What our size does not excuse is a vague motion. Informality in the discussion, precision in the motion.

QUORUM, VOTES, AND RECUSAL

Quorum

- Utah Code § 52-4-103(9) sets a quorum at a simple majority of the membership of a public body unless applicable law defines it otherwise. For us, the Land Use Code is what can define it otherwise. The bylaws cannot — they are advisory guidelines and are not adopted by ordinance.
- Pending.** We are amending Land Use Code § 8.1.3 and the bylaws to set quorum and the vote threshold at a majority of the appointed regular members, and to confirm that liaison members neither count toward quorum nor vote. Until those are adopted, the existing provisions govern.
- Without a quorum we can do three things: recess, adjourn, or fix a time to reconvene. That is the whole list.
- The quorum has to be present when the vote is taken, not just at roll call. If members leave, the chair should confirm the count before the next vote.

What counts as a majority

Once the amendments are in place, a motion passes only if a majority of all appointed regular members vote yes. That number does not move with attendance — seven appointed means four yes votes, every time. Robert's Rules would count only the votes actually cast, so three yes against two no would carry. Under our rule it does not.

Appointed regular members	Quorum	Yes votes to act	If only a bare quorum shows up
7	4	4	All four present must vote yes.
6	4	4	All four present must vote yes.
5	3	3	All three present must vote yes.
4	3	3	All three present must vote yes.

Read the last column carefully. Because quorum and the vote threshold are the same number at every size, a meeting attended by a bare quorum can act only unanimously. One no vote, one abstention, or one recusal at that table and the motion fails no matter how meritorious it is.

- Under that rule an abstention, an absence, and a recusal all do the same work as a no vote. Each one withholds a vote the motion needed.
- A tie fails. And a failed motion to recommend approval is not a recommendation of denial — it is no recommendation at all, and the file goes forward with that record unless somebody makes a different motion that carries.
- Two-thirds means two-thirds of the members voting, and it applies only where the table marks it: closing debate, limiting debate, suspending the rules.

Run the arithmetic when seats are vacant. Say two seats are open and only five regular members are appointed. Quorum is three, and action takes three affirmative votes — a majority of the five appointed, not a majority of the seven seats. That is the entire reason for tying the threshold to appointed members rather than to authorized seats: a vacancy should not paralyze the Planning Commission while the appointing authority works through it. If we measured against the seven seats, five appointed members would need four yes votes on everything, with no room for a single absence, abstention, or recusal.

- Three of you present is a bare quorum, and every one of the three has to vote yes for anything to carry. One recusal at that table and approval becomes arithmetically impossible. Say so on the record and continue the item rather than taking a vote that could never have passed.
- Four present with one abstention leaves three votes cast, and all three still have to be yes.
- Five present is the first point at which the Planning Commission has any margin: three yes carries, and two members cannot block it.
- The denominator changes the day a seat is filled or vacated. When a recommendation looks close, confirm the count of appointed regular members before the vote, not after.

Recusal and conflicts

- State the conflict on the record, step away from the table, and do not participate or vote. Sitting quietly through the debate is not recusal.
- Abstention is not a substitute for recusal, and recusal is not a way to duck a hard vote. If you can lawfully vote, vote.

- **Bylaws § 6.3 goes further than stepping away from the table.** A member with a conflict may not attempt to influence other members or staff outside the meeting either.
- **Do the arithmetic out loud.** With a threshold of a majority of appointed members, one or two recusals can make approval impossible even with a quorum in the room. When that happens, say so on the record and consider continuing the item. I would rather continue an application than let it die on a vote that could never have carried.

Ex parte contact and predetermination

- **What “ex parte” means.** From one party, or on one side only — a communication the other side is not present for and has no chance to answer. That is the whole problem with it, and it is why disclosure cures most of it: once it is on the record, the other side can respond.
- **Talking to Planning Department staff is not ex parte.** Bylaws § 6.4(e). Staff are not a party to an application and are not an Interested Party, so asking them a factual, technical, or procedural question about any matter before us is not an ex parte communication and does not have to be disclosed. Route those questions to the Planning Director before the meeting.
- **If someone contacts you outside the meeting about the merits of a pending application, disclose it on the record before you participate: who, when, and what was said. Disclose and participate. Do not conceal and vote. I have never seen anyone get in trouble for disclosing.**
- **Predetermination is the prohibited act.** Utah Code § 52-4-208 has four elements, and every one of them has to be present:
 - individuals who together make a quorum,
 - acting together outside a meeting,
 - in a concerted and deliberate way,
 - to predetermine an action the Planning Commission will take.
- Writing to one another is not the violation. Agreeing in advance how the Planning Commission will vote is.
- Utah Code § 52-4-210 states the other half plainly: nothing in the Act restricts a member from sending an electronic message to other members when we are not convened. One informational email is not a violation. A coordinated exchange among a quorum that settles how the vote will go is.
- Know what it costs. Final action taken in violation of § 52-4-208 is voidable under § 52-4-302, and it is the one open-meetings violation for which a court may award the prevailing plaintiff attorney fees and costs.
- Robert’s Rules arrives at the same place from the other direction: approval of a proposal obtained separately from every member, by telephone or in writing, is not the approval of the board (§ 49:16). It has to happen in the meeting.
- **Bylaws § 6.5 is stricter than the statute and says so.** It bars deliberating on a pending matter outside a public meeting and bars soliciting or conveying another member’s position, whether directly or through staff or a third party. Follow the Bylaws.

Agenda discipline

- The public may raise a topic that is not on the agenda and we may discuss it. We may not take final action on it unless it is listed under an agenda item and was included in the advance notice (Utah Code § 52-4-202(6)(b)-(c)).
- Agenda items have to carry reasonable specificity. “Other business” will not support an action, and I will not put one there.
- **We do not conduct pre-application review.** Bylaws § 5.19 limits us to proposals the Planning Department has accepted as complete. Pre-application and concept review are the applicant’s option and happen administratively under Land Use Code § 9.18.3. A comment any of us makes about a proposal that is not before us binds nobody and may not be relied on.
- **Amendments to a pending application arrive on a clock.** Bylaws § 5.18 requires a written request at least 14 days before the meeting. If one comes in later, staff reports it orally and we decide whether it needs reexamination — and we may continue the item rather than proceed.

Closed meetings

- A closed session takes an open, noticed meeting with a quorum, a two-thirds vote of the members present, and one of the purposes listed in Utah Code § 52-4-205. For this Planning Commission that realistically means pending or reasonably imminent litigation, or a property transaction. Nothing else.

- The reason, the location, and each member's vote by name go into the open-meeting minutes. No vote may be taken in the closed portion except the vote to return to open session, and no ordinance, resolution, contract, or appointment may be approved there (§ 52-4-204).

PUBLIC COMMENT

The limit: three minutes is the maximum for spoken comment, whether given in person or by real-time telecommunication (Bylaws § 5.14). Written comment has no length limit; the 400-word limit was struck at the Planning Commission's direction. Hold everyone to the same clock, never to the viewpoint, and a chair who stretches it for one side has handed the other side an issue.

Written comment: written comment goes to the Planning Department, not to us, and it must arrive by 5:00 p.m. on the Wednesday before the meeting to make the packet that goes out Friday (Bylaws §§ 5.7(a), 5.8). Staff does not read written comment aloud or summarize it at the meeting, whether it reached one of us or all of us. You read it yourself, in the packet, before you deliberate. Comment that sits in the record but that no member has actually read is a problem you cannot fix after the vote.

Comment sent to you directly: Bylaws § 5.8 provides that material sent to individual members is not considered. That does not mean it gets read aloud instead — it means it is not before the Planning Commission at all. Forward it to the Planning Department so it can be handled like any other comment, and do not rely on it in your deliberation until it is.

Late comment: comment that arrives after the Wednesday deadline does not make the packet. If the submitter wants it on the record it still goes on the record, and staff will say so when the item comes up. The submitter may also use their three minutes at the hearing to read it aloud.

LANGUAGE FROM THE CHAIR

Opening an item: "The next item is [item]. I'll ask staff for the report, then the applicant, then I'll open the public hearing."

Public hearing: "The public hearing is open. Please state your name and address for the record. Comments are limited to three minutes. ... Seeing no one further, the public hearing is closed."

Calling for a motion: "The matter is before the Planning Commission. Is there a motion?"

Stating the question: "It has been moved by Commissioner [name] and seconded by Commissioner [name] that [restate the motion in full]. Is there discussion?"

Taking the vote: "Seeing no further discussion, I'll ask the clerk to call the roll."

Announcing a failed motion: "The motion failed. The item remains before the Planning Commission — is there another motion?" Name the votes the same way you would on a motion that carried.

Restoring order: "Commissioner, I'd ask you to hold that until the motion is before us," or "We're on the amendment, not the main motion."

TWELVE THINGS I HAVE SEEN

1. **"Let's table it."** Almost every time I have heard it, the member meant postpone to a date certain. Laying a matter on the table is a device for interrupting business to handle something urgent, and it is not debatable. Postponing is debatable, is amendable, and sets a real return date. Use the right one.
2. **"I call the question."** Not a magic phrase, and it does not end debate by itself. It is a motion, it needs a second, it is not debatable, and it takes two-thirds. If someone calls it out during another member's remarks, let the speaker finish.
3. **"Friendly amendment."** There is no such thing once the chair has stated the question. The motion belongs to the Planning Commission at that point. Changing it takes unanimous consent or a formal amendment. The maker's blessing alone is not enough.
4. **Denying without findings.** If we cannot name the standard the application fails, we do not have a decision. We have an opinion. Findings are the record.
5. **Abstaining to avoid discomfort.** An abstention is not neutral under a majority-of-members threshold. It counts against the motion. Recuse for a conflict, otherwise vote.

- 165 6. **Treating silence as consent.** If nobody speaks, the chair still states the question and takes the vote. Nothing is
166 adopted by the absence of objection unless the chair asks for unanimous consent and hears none.
- 167 7. **Debating before there is a motion.** Our size permits informal discussion and it is often useful, but it drifts. When the
168 discussion starts circling, the chair should ask for a motion so the debate has something to attach to.
- 169 8. **Debating the applicant instead of the application.** Deliberation is confined to the standards in the Land Use Code and
170 the record in front of us. Personal history, rumor, and what a neighbor said in the parking lot are not in that record.
- 171 9. **Reopening public comment during deliberation.** Once the chair closes the public hearing, we deliberate. Comment
172 reopens only if the Planning Commission votes to reopen it, and questions to the applicant go through the chair.
- 173 10. **Closing the hearing by motion.** Not required. The chair opens and closes the hearing. Moving to close it is harmless if
174 that is our habit, but it is not a Robert's Rules requirement and it should never delay the close.
- 175 11. **Negative main motions.** "I move to deny" is permissible but makes a confusing record, because a failed motion to
176 deny is not an approval. Make the affirmative motion and let it fail if that is the will of the Planning Commission, then
177 follow with a motion to deny with findings.
- 178 12. **Confusing a recommendation with a decision.** The Planning Commission has no legislative powers. On general plan
179 matters, code amendments, rezones, and every other legislative question, our authority is to recommend to the
180 County Commission, and the County Commission decides. The exception is a preliminary subdivision application
181 proposing more than five lots, where we are the Administrative Land Use Authority and our vote is the decision. Say
182 "recommend approval," not "approve."
183

MOTIONS TABLE

Motion	What it does / when to use it	Second?	Debate?	Amend?	Vote needed
Main motion	Brings a matter before us. Only one is pending at a time.	Yes	Yes	Yes	Majority
Amend	Changes the wording of the pending motion. Has to be germane to it.	Yes	Yes	Yes (one further)	Majority
Substitute motion	Replaces the pending main motion wholesale. Technically an amendment. Vote first on whether to substitute, then on the substituted motion.	Yes	Yes	Yes	Majority
Divide the question	Splits a multi-part motion so we vote on each part separately.	Yes	No	Yes	Majority
Refer / send back to staff	Sends the item back to staff for more work. Say what you want done and when you want it back.	Yes	Yes	Yes	Majority
Postpone to a certain time (continue)	Carries the item to a fixed date. This is the right motion for a land use continuance.	Yes	Yes	Yes	Majority
Postpone indefinitely	Kills the matter without a direct vote on its merits. Rarely appropriate on an application the County has to act on.	Yes	Yes	No	Majority
Lay on the table	Sets an item aside briefly to handle something urgent. Not a way to kill or defer an item.	Yes	No	No	Majority
Previous question ("call the question")	Ends debate and goes straight to the vote.	Yes	No	No	Two-thirds
Limit or extend debate	Sets or lifts a time limit on discussion.	Yes	No	Yes	Two-thirds
Recess	A short break. We resume at the stated time.	Yes	No	Yes	Majority
Adjourn	Ends the meeting.	Yes	No	No	Majority
Point of order	"We are off the rails procedurally." Raise it when it happens, not afterward.	No	No	No	Chair rules
Appeal the ruling of the chair	Puts my procedural ruling to the body. Debatable, except on decorum, the rules of speaking, or priority of business, or when an undebatable motion is pending.	Yes	Usually	No	Majority sustains the chair; a tie sustains
Parliamentary inquiry / request for information	A question about procedure, or a request for facts from the chair or staff. Not a motion. The 12th edition renamed the old "point of information."	No	No	No	—
Division of the assembly	Anyone who doubts a voice vote may call out "Division," which forces a rising or roll call vote. Not the same thing as dividing the question.	No	No	No	One member's demand; no vote
Withdraw a motion	The maker asks to pull it back after the chair has stated it.	No	No	No	Unanimous consent; otherwise majority
Reconsider	Reopens a vote taken earlier in the same meeting. Only a member who voted on the prevailing side may move it.	Yes	Yes	No	Majority
Rescind or amend something previously adopted	Undoes or changes an action from an earlier meeting. Do not use it to revisit a recommendation the Planning Commission has already transmitted and the County Commission has acted on.	Yes	Yes	Yes	Two-thirds; or a majority with prior notice; or a majority of the entire membership
Suspend the rules	Sets aside a rule of procedure for one purpose. Cannot suspend the bylaws, the Land Use Code, or state law.	Yes	No	No	Two-thirds (Bylaws § 8.2 as amended)

Precedence. While a motion is pending, only a motion higher on this ladder may be made. Highest to lowest: adjourn → recess → question of privilege → lay on the table → previous question → limit debate → postpone to a certain time → refer → amend → postpone indefinitely → the main motion. Points of order, parliamentary inquiries, and appeals may be raised at any time.

MOTIONS THAT HOLD UP

Land use motions fail on review because of what they leave out, not because of parliamentary form. Say what action we are taking, on what application, and on what basis. Do that and you have done the job.

Recommendation to the County Commission

"I move that the Planning Commission forward a recommendation of approval of [application / ordinance] to the Grand County Commission, based on the findings of fact set out in the staff report dated [date]."

On everything but one kind of application we recommend and the County Commission acts. Land Use Code § 8.1.1 creates this Planning Commission as an advisory board, and § 9.1.5 assigns most application types to the County Commission, the Zoning Administrator, the Hearing Officer, or the Building Official. The exception is a preliminary subdivision application proposing more than five lots: § 8.5.1 makes the Planning Commission the Administrative Land Use Authority for those, and our vote is the decision, appealable to the Hearing Officer. Five lots or fewer stay with the Planning Director.

Recommendation of denial

"I move that the Planning Commission forward a recommendation of denial of [application], based on the following findings: [state each one]."

Denial without findings on the record is the single most common reason a land use decision is reversed. If the findings are not in the staff report, speak them into the minutes before the vote.

Recommendation of approval with conditions

"I move that the Planning Commission forward a recommendation of approval of [application] to the Grand County Commission, subject to the conditions listed in the staff report, with the following modification: [state it]."

On a recommendation a condition travels with it; on a preliminary subdivision application of more than five lots we impose the condition ourselves. Each condition has to be tied to a standard in the Land Use Code or to an identified impact of the application; "I'd like them to..." is not a condition. Bylaws § 5.12: any condition must be stated in the motion, though the motion may adopt the conditions in the staff report by reference.

Continuance

"I move to continue [item] to the regular meeting of [date], and to direct staff to [specific task]."

Continue to a date certain. A continuance to no particular date leaves the applicant with no record of when the matter comes back, and that is a fairness problem before it is a procedural one.

Directing staff

"I move to direct staff to prepare [a resolution / an ordinance] implementing [the changes discussed], and to notice a public hearing for [date]."

Under Utah Code § 52-4-202(6)(c) the item has to be on the agenda and in the advance notice before we can take final action. A discussion-only item can be discussed. It cannot carry an action.

Amending a motion on the floor

"I move to amend the motion by [adding / striking / replacing] [exact words]."

State the words, not the intent. The chair restates the amendment, we debate and vote on the amendment, then debate and vote on the motion as amended.

Where the rules come from

In order of authority: Utah Code Title 17, Chapter 79 (County Land Use, Development, and Management Act) and the Open and Public Meetings Act, Utah Code Title 52, Chapter 4 (particularly §§ 52-4-103(5), 52-4-202, 52-4-203, 52-4-204, 52-4-208, and 52-4-210) → the Grand County Land Use Code, including § 8.1 → the Planning Commission Bylaws → Robert's Rules of Order Newly Revised (12th ed.). The bylaws are advisory guidelines and are not adopted by ordinance. They create no rights in an applicant, and a departure from them is not by itself a defect in a land use decision. The statutes and the Land Use Code are a different matter entirely.

Andrew K. Jackson, AICP, CTP

Planning Director, Grand County

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GRAND COUNTY PLANNING AND ZONING DEPARTMENT

SITE PLAN REVIEW CHECKLIST

Land Use Code § 9.16 — Administrative Review by the Zoning Administrator

FILE / PERMIT NO.	DATE RECEIVED
PROJECT NAME	PARCEL NO.
SITE ADDRESS	ZONE DISTRICT / OVERLAY(S)
APPLICANT	PROPERTY OWNER OF RECORD
PROPOSED USE (ART. 3 USE TABLE)	REVIEWING PLANNER

PART 1 — APPLICABILITY AND AUTHORITY

	REVIEW ITEM	FINDING / NOTE
☐	Project is a commercial or multifamily development, in any zone district, for which a building permit is sought. Site plan approval is required before a building permit may issue. <i>LUC § 9.16.1; § 9.16.4(C)</i>	
☐	Land use authority confirmed: Zoning Administrator. This is a one-step administrative review — not a Planning Commission or County Commission action, and no public hearing is required. <i>LUC § 9.1.5; § 9.16.2</i>	
☐	Confirm whether any companion approval is required and is being processed concurrently (conditional use permit, rezone/overlay, subdivision plat, variance, sign permit, temporary use permit). Simultaneous processing is at the applicant's risk. <i>LUC § 9.1.12; § 9.10; § 9.2</i>	
☐	If the site plan is required as a condition of a conditional use, overlay district, or development agreement, identify the approving instrument and confirm the site plan is consistent with it. <i>LUC Art. 4; § 9.10.6</i>	
☐	Municipal notice screen: residential >15 units at avg. density >1 unit/acre, or commercial cost projection >\$750,000, within a municipality's proposed annexation area — written notice to the municipality required; 90-day response window. <i>LUC § 9.1.11</i>	
☐	Affected-entity notice screen: multi-unit residential, commercial, or industrial approvals — notify school district, utilities, special districts, UDOT, and the AOG state planning coordinator. <i>LUC § 9.1.10(A)(2)</i>	

PART 2 — APPLICATION COMPLETENESS

No further processing occurs until deficiencies are corrected. If deficiencies are not corrected within a reasonable time, the application is deemed withdrawn. Certify completeness in writing and date it — that date drives the vesting analysis.

	REVIEW ITEM	FINDING / NOTE
☐	Application on the County form, signed by the current property owner of record for all property within the boundaries. <i>LUC § 9.1.3(A), (C)</i>	
☐	Preliminary title report from a licensed title company or attorney, dated within three months of submission, listing owner(s) and all liens, easements, and judgments of record. <i>LUC § 9.1.3(B)</i>	
☐	Statement of authority / corporate governing document where the applicant is an entity. <i>LUC § 9.1.3(G)</i>	
☐	Vicinity map locating the property relative to surrounding areas. <i>LUC § 9.1.3(F)</i>	
☐	Digital submission in a format compatible with County GIS (current AutoCAD or equivalent; State Plane – Utah Central Zone or Valley Coordinate System preferred; measurements in feet). <i>LUC § 9.1.3(D); § 9.16.3(O)</i>	
☐	Filing fee paid per the adopted fee schedule (nonrefundable, payable to “Grand County”). <i>LUC § 9.1.3(E)</i>	
☐	Adequate number of copies at a scale acceptable to the Zoning Administrator. <i>LUC § 9.16.3</i>	
☐	Any submittal item waived as irrelevant is documented in writing in the file, with the reason. <i>LUC § 9.1.3(C)</i>	
☐	Written certification of completeness issued and dated; if incomplete, written notice of specific deficiencies sent to the applicant. <i>LUC § 9.1.6</i>	
☐	Vesting noted: the application is subject to any LUC amendment initiated before certification of completeness. <i>LUC § 9.1.7</i>	

PART 3 — REQUIRED SITE PLAN CONTENT (§ 9.16.3)

Each lettered item below is a mandatory element of the site plan drawing unless expressly waived under § 9.1.3(C).

	REVIEW ITEM	FINDING / NOTE
☐	A. Parking, loading, and refuse areas. § 9.16.3(A)	
☐	B. Access ways, including points of ingress and egress. § 9.16.3(B)	
☐	C. Sidewalks and trails. § 9.16.3(C)	
☐	D. Fences and walls. § 9.16.3(D)	
☐	E. Location and dimensions of structures and signs. § 9.16.3(E)	
☐	F. Location and type of outdoor lighting. § 9.16.3(F)	
☐	G. Typical building elevations. § 9.16.3(G)	
☐	H. Landscaping and screening. § 9.16.3(H)	
☐	I. Topography. § 9.16.3(I)	
☐	J. Specific areas proposed for specific types of land use. § 9.16.3(J)	
☐	K. Lots or plots. § 9.16.3(K)	
☐	L. Any areas with slopes in excess of 30 percent. § 9.16.3(L)	
☐	M. Any areas in a natural drainage or the 100-year floodplain. § 9.16.3(M)	
☐	N. Existing and proposed easements; areas proposed for public dedication. § 9.16.3(N)	
☐	O. Building footprint(s), water and sewer lines, easements, and drainage improvements in digital format, if available. § 9.16.3(O)	
☐	P. North arrow and scale. § 9.16.3(P)	

PART 4 — UNDERLYING ZONE DISTRICT CONFORMANCE

	REVIEW ITEM	FINDING / NOTE
☐	Use is permitted by right in the zone district under the Use Table. If the use is conditional, a conditional use permit is required and site plan approval alone does not authorize it. LUC § 3.1; § 9.10	
☐	Any use-specific standards in Article 3 applicable to the proposed use are satisfied. LUC Art. 3	

	REVIEW ITEM	FINDING / NOTE
☐	Lot design standards met: minimum lot area, lot width, frontage, and depth. <i>LUC Art. 5</i>	
☐	Front, side, and rear setbacks met, including any increased setback triggered by adjacency to a residential district. <i>LUC Art. 5</i>	
☐	Maximum building height and maximum building/lot coverage met. <i>LUC Art. 5</i>	
☐	District-specific design requirements met (e.g., non-reflective siding, foundation type, minimum wall dimension, screening of rooftop and ground-mounted mechanical equipment). <i>LUC Art. 2</i>	
☐	Nonconformity check: existing nonconforming structures or uses on the site are identified, and the proposal does not expand or intensify the nonconformity. <i>LUC Art. 1 / Art. 3</i>	
☐	Density does not exceed that permitted in the underlying zone district. <i>LUC Art. 5; § 9.10.9</i>	

PART 5 — ARTICLE 6 GENERAL DEVELOPMENT STANDARDS

Article 6 compliance is the substantive core of § 9.16 review. Confirm each applicable standard on the face of the plan.

	REVIEW ITEM	FINDING / NOTE
☐	Off-street parking: required stall count for the use, stall and aisle dimensions, ADA stalls, surfacing, and loading areas. <i>LUC § 6.1</i>	
☐	Driveway and access: minimum driveway width for the number and type of units served; access tract standards where more than one residence or a nonresidential use is served; driveway connects to the street surface. <i>LUC § 6.1; Grand Construction Standards</i>	
☐	Parking lot lighting where the establishment operates after dark: minimum 0.5 foot-candle ground-level illumination at any point in the lot, arranged to reflect light away from adjoining residential areas. <i>LUC § 6.1</i>	
☐	Corner visibility / sight triangles at intersections and driveways. <i>LUC § 6.2.3</i>	
☐	Outdoor storage and refuse enclosures screened from off-site view. <i>LUC § 6.3.4(F); § 6.10</i>	
☐	Landscaping and screening: required landscape area, buffer and screening between the site and adjoining residential districts, and landscaping/screening of off-street parking serving MFR and nonresidential development. <i>LUC § 6.4; § 6.1</i>	
☐	Signs: location and dimensions shown; conformance with Article 6 sign standards; flashing, intermittent, moving, and electronic/digital display lighting prohibited; sign lighting directed so only the sign face is illuminated. A separate sign permit is required. <i>LUC § 6.5, § 6.5.4(H); § 9.14</i>	

	REVIEW ITEM	FINDING / NOTE
☐	Outdoor lighting: full cutoff / shielded fixtures, no light trespass onto adjoining property, and dark-sky conformance. <i>LUC Art. 6 (outdoor lighting)</i>	
☐	Drainage: detention/retention sized and located per County standards; drainage report or statement where required; downstream conveyance addressed. <i>LUC § 6.7, § 6.7(A)</i>	
☐	Floodplain and natural drainage: no encroachment into mapped FEMA 100-year floodplain or natural drainage without the applicable floodplain approval. <i>LUC Art. 6; § 9.16.3(M)</i>	
☐	Steep slopes: development on slopes exceeding 30 percent identified and addressed. <i>LUC Art. 6; § 9.16.3(L)</i>	
☐	General site planning standards: building orientation, circulation, and site layout. <i>LUC § 6.9</i>	
☐	Wildfire: defensible space and ignition-resistant siting/design where applicable. <i>LUC § 6.9.6</i>	
☐	Noise: mitigation standards for uses producing noise; buffering where adjacent to residentially zoned parcels. <i>LUC § 6.10, § 6.10.3(C)</i>	
☐	Dust control: all-weather, dust-proof surfaces for vehicle storage, parking, loading, and circulation areas where required. <i>LUC Art. 6</i>	

PART 6 — OVERLAY AND SPECIAL PURPOSE DISTRICTS (ARTICLE 4)

Check the zoning map for every overlay touching the parcel. Overlay standards are additive to the underlying district and are frequently the item missed at counter review.

	REVIEW ITEM	FINDING / NOTE
☐	–OAO, Overnight Accommodations Overlay — site plan consistent with the approved development agreement and master plan; note that OAO approval does not itself constitute site plan approval. <i>LUC § 4.6</i>	
☐	–HDHO, High Density Housing Overlay — deed restriction and Actively Employed Household requirements; confirm current availability of the overlay before relying on it. <i>LUC § 4.7</i>	
☐	–PUD — development within a PUD conforms to the approved master plan; LUC standards otherwise apply except as expressly modified by the approved PUD. <i>LUC Art. 4; § 9.2</i>	
☐	–WSPO, Water Source Protection Overlay — use is permitted within the overlay and conditions preventing chemical or pathogen contamination are met. <i>LUC Art. 4</i>	
☐	–AL, Airport Limitation District — height and use limitations near Canyonlands Field; Airport Zoning Commission review where applicable. <i>LUC Art. 4; Utah Code § 72-10-405</i>	
☐	Outfitter overlay standards, where applicable (screening, dust-proof surfaces, washing/vacuuming under roof, noise mitigation). <i>LUC Art. 4; § 6.10.3(C)</i>	
☐	Recorded development agreement, master plan, or plat note affecting the parcel identified and reviewed; conditions carried forward. <i>LUC Art. 4; § 9.5.1(P)</i>	

PART 7 — REFERRAL AND OUTSIDE AGENCY REVIEW

	REVIEW ITEM	FINDING / NOTE
☐	Grand County Engineer — grading, drainage, access, and construction standards.	
☐	Grand County Road Superintendent — driveway approach and right-of-way work.	
☐	Moab Fire Protection District — fire apparatus access, turnarounds, hydrant location and flow; alternate fire protection plan approved by the Fire Warden where hydrants are impractical. <i>LUC Art. 7</i>	
☐	Water and sewer provider (Grand County Water Conservancy District / Spanish Valley Water and Sewer Improvement District / other) — will-serve confirmation and connection requirements.	
☐	Southeast Utah Health Department — on-site wastewater or septic feasibility where no sewer connection is proposed.	
☐	UDOT — access permit for any access onto a state highway.	

	REVIEW ITEM	FINDING / NOTE
☐	County Attorney — where an easement, deed restriction, agreement, or legal instrument must be reviewed or recorded.	
☐	Building Official — coordination so zoning review is complete before the building permit issues. <i>LUC § 9.16.2, § 9.16.4(C)</i>	

PART 8 — ACTION, RECORD, AND NOTICE

	REVIEW ITEM	FINDING / NOTE
☐	Decision is based on the general development standards of Article 6 and the requirements of the underlying zone district. <i>LUC § 9.16.4(A)</i>	
☐	No waiver or variance granted. The Zoning Administrator has no authority to waive or vary any condition or requirement of the LUC in acting on a site plan. Dimensional relief requires a variance under § 9.13. <i>LUC § 9.16.4(B); § 9.13</i>	
☐	Decision reduced to writing, with the specific code sections relied upon and, if denied, a statement of the deficiencies. <i>LUC § 9.1.6; § 9.16.4</i>	
☐	Notice of decision provided to the applicant within 10 days of the final decision. <i>LUC § 9.1.10(B)</i>	
☐	Approved site plan stamped, dated, and signed; a copy placed in the permit file and transmitted to the Building Official. <i>LUC § 9.16.4(C)</i>	
☐	Applicant advised in writing of the 30-day appeal window to the Hearing Officer for administrative decisions. <i>LUC § 9.12.2</i>	
☐	Record retained consistent with GRAMA and the County's retention schedule. <i>Utah Code Title 63G, Ch. 2</i>	

PART 9 — POST-APPROVAL: MINOR CHANGES (§ 9.16.5)

A change may be authorized administratively only if it causes NONE of the following. If any box is checked, the change is not minor and a new site plan review is required.

	REVIEW ITEM	FINDING / NOTE
☐	A change in the character of the development.	
☐	An increase in the intensity of use.	
☐	A reduction in the originally approved separations between buildings.	
☐	An increase in the external effects, including outdoor lighting, on adjacent property.	
☐	A reduction in the originally approved setbacks from property lines.	
☐	An increase in the problems of circulation, safety, and utilities.	

	REVIEW ITEM	FINDING / NOTE
☐	An increase in the height of buildings.	
☐	An increase of more than 20 percent or 1,000 square feet, whichever is less, in ground coverage by structures.	
☐	A reduction in the off-street parking.	
☐	A change in the subject, size, lighting, or orientation of originally approved signs.	
☐	A decrease in the percentage of landscaping required.	

DETERMINATION

- ☐ APPROVED — the site plan conforms to Article 6 and the requirements of the underlying zone district. A building permit may issue in conformity with this approved site plan.
- ☐ APPROVED AS SUBMITTED, subject to the plan corrections noted (no waiver of any LUC requirement is granted).
- ☐ DENIED — the deficiencies identified above are not corrected. Written statement of reasons attached.

Reviewing Planner

Date

Zoning Administrator

Date

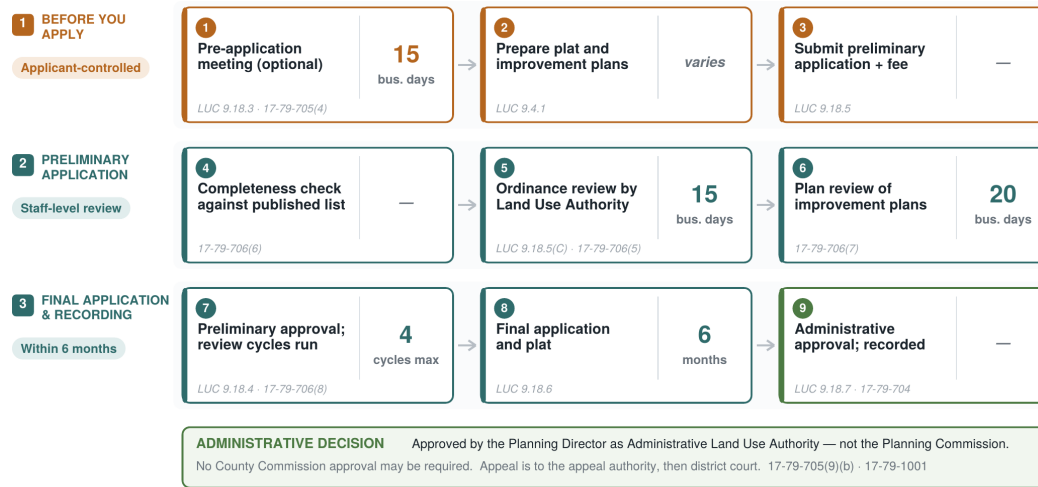
ADMINISTRATIVE NOTES FOR STAFF

1. Cross-reference conflict. Site plan review is codified at § 9.16 and certificates of occupancy at § 9.17 following Ordinance 646 (2021). Articles 2, 3, and 4 still direct the reader to “Section 9.17” for site plan requirements — a stale cross-reference from the pre-646 numbering. When citing in a determination letter or staff report, cite § 9.16 and note the scrivener’s error rather than repeating it. Flag this for correction in the pending Land Use Code rewrite.
2. Scope of authority. Section 9.16 is a compliance review, not a discretionary design review. Approval is required if the plan conforms; conditions beyond what the LUC already requires are not authorized under § 9.16.4(B). Where impact mitigation is genuinely needed, the correct vehicle is a conditional use permit under § 9.10 or an overlay/development agreement — not a condition attached to a site plan.
3. Applicability limits. Section 9.16.1 reaches commercial and multifamily development. Single-family and duplex construction, and interior work with no site change, are outside § 9.16 — zoning verification still occurs at building permit, but do not process those as site plan reviews.
4. Statutory citations. CLUDMA was recodified effective November 6, 2025 from Utah Code Title 17, Chapter 27a to Title 17, Chapter 79. The LUC text still carries 17-27a citations. Use 17-79 citations in any document leaving the office.
5. Waivers. Section 9.1.3(C) permits waiver of submittal items deemed irrelevant, but nothing permits waiver of a substantive standard. Keep the two distinct in the file — that distinction is what defends the decision on appeal.



A subdivision is an administrative decision. Unlike a rezone, a subdivision application is a **land use application** decided against fixed standards. If the application complies with the applicable ordinances and standards, the County **shall** approve it (Utah Code §§ 17-79-705(8), (10); 17-79-803(1)(a)(ii)). The Planning Director serves as the Administrative Land Use Authority for a preliminary subdivision application proposing five (5) or fewer lots and for every final subdivision application; the Planning Commission serves as the Administrative Land Use Authority for a preliminary subdivision application proposing more than five (5) lots and acts on it in a public meeting (Land Use Code §§ 8.5.1, 9.4). For subdivisions of single-family dwellings, two-family dwellings, or townhomes, the County may not require Planning Commission or County Commission approval of a final plat (Utah Code § 17-79-705(9)(b)). Because the decision is administrative, it is appealed first to the County's appeal authority, and only then to district court within 30 days of a final decision (§§ 17-79-1001, 17-79-1009(1), (2)(a)).

Process at a Glance



Business-day counts are statutory maximums for Grand County (population over 5,000) and run from the day a complete application is submitted — Utah Code § 17-79-706(5), (7). This chart covers subdivisions for single-family dwellings, two-family dwellings, and townhomes under Land Use Code § 9.18. Other subdivisions follow Land Use Code §§ 9.4 and 9.5. Review-cycle limits do not apply to property within identified geological hazard areas — Utah Code § 17-79-706(2); compare Land Use Code § 9.18.2 (constrained lands).

Does This Sheet Apply to You?

Land Use Code § 9.18 — and the review-cycle protections described here — applies to subdivisions for single-family dwellings, two-family dwellings, and townhomes. Other subdivisions follow the preliminary and final plat process in Land Use Code §§ 9.4 and 9.5. Two further limits are worth checking before you rely on the timelines below:

Where these provisions come from. Sections 8.5, 9.18, and the related Article 10 definitions were adopted by Ordinance 708 (2024) to comply with S.B. 174 (2023) and H.B. 476 (2024). They have not yet been codified in the published Land Use Code, so the ordinance governs until the transmittal is made. They govern the subdivisions described above regardless of the general plat provisions in §§ 9.4 and 9.5.

Geological hazard areas. The review-cycle restrictions do not apply to a subdivision application affecting property within identified geological hazard areas (Utah Code § 17-79-706(2)). Land Use Code § 9.18.2 states this exclusion in terms of constrained lands under Title 16, § 10.2 — ask staff which applies to your parcel.

Exemptions from the plat requirement. Some land divisions do not require a plat at all (Utah Code § 17-79-708). Raise this at the pre-application meeting before you pay for a plat you may not need.

Amending an existing subdivision. Changing a recorded plat is a subdivision amendment under Utah Code § 17-79-711, with its own notice requirements under § 17-79-207. It is not the process on this sheet.

Who Decides What

A subdivision of the type covered here is decided administratively:

Planning Director	Administrative Land Use Authority for a preliminary subdivision application proposing five (5) or fewer lots and for every final subdivision application. Reviews and approves at staff level (Land Use Code §§ 8.5.1, 8.5.2(B), (C)). The § 9.1.5 Summary of Land Use Authority reflects the split; where § 9.18 applies, §§ 8.5 and 9.18 control over the general Preliminary Plat and Final Plat entries in that table.
Planning Commission	Administrative Land Use Authority for a preliminary subdivision application proposing more than five (5) lots (Land Use Code §§ 8.5.1, 8.5.2(A)). Acts in a public meeting at which the public may comment; no public hearing is required. Its decision is administrative and is appealed to the appeal authority, not to the County Commission.
Planning Department staff	Holds the pre-application meeting, checks the application against the published complete-application list, and conducts ordinance and plan review.
County Engineer / DRT	Reviews subdivision improvement plans against County standards and specifications.
Appeal authority	Hears an appeal from the administrative decision (Land Use Code § 8.2.4; Utah Code § 17-79-1001).

Application and Approval Process

- 1. Request a pre-application meeting.** This meeting is optional, but if you request one the County must schedule it within 15 business days (Land Use Code § 9.18.3; Utah Code § 17-79-705(4)). Staff will provide the applicable land use regulations, a complete list of standards for the project, the preliminary and final application checklists, and feedback on your concept plan. Bring a concept plan that reflects the true scope of the division, including a street layout if internal streets are proposed.
- 2. Prepare the plat and improvement plans.** Have a licensed surveyor prepare the preliminary subdivision plat as outlined in § 9.4.1. If the County requires subdivision improvement plans—the civil engineering plans for required infrastructure and County-controlled utilities—submit them with either the preliminary or the final application, but the County may not require them with both (Utah Code § 17-79-706(3)).
- 3. Submit the preliminary subdivision application.** Submit the completed application form with an affidavit that you are the owner or are authorized by the owner, electronic copies of all plans in PDF, the preliminary plat, and the applicable fees (§ 9.18.5(A)). The County publishes the list of items that make an application complete — use it as your checklist (Utah Code § 17-79-706(6)).
- 4. Ordinance review — 15 business days.** No later than 15 business days after your application is deemed complete, the County must complete its review of the preliminary application (§ 9.18.5(C); Utah Code § 17-79-706(5)(a)). If subdivision improvement plans were submitted, plan review must be completed within 20 business days of the complete application (§ 17-79-706(7)(a)). Both counts assume Grand County's population remains above 5,000.
- 5. Review cycles — four maximum.** Review proceeds in cycles. A cycle is your complete submittal, the County's review, the County's response, and your reply addressing each required modification. A cycle may not exceed 20 business days, and the County may not require more than four cycles across the preliminary and final applications combined (§ 9.18.4(A); Utah Code § 17-79-706(8)(c)). If you do not submit a revised plan within 20 business days of a County request, the County gets an additional 20 business days within that cycle.
- 6. Respond in writing to every comment.** With each set of revised plans, you must provide a written explanation identifying your revisions and your reasons for declining any, with citations to the applicable standards and an index of requested revisions (§ 9.18.4(G)). **If you fail to address a comment, the review cycle is not complete, and the next cycle cannot begin.**
- 7. Preliminary approval.** If the preliminary application complies with the applicable ordinances and the statute, the Administrative Land Use Authority shall approve it (Utah Code § 17-79-705(8)). The Planning Commission acts on an application proposing more than five (5) lots at a public meeting where the public may comment; applications proposing five (5) or fewer lots stay with the Planning Director at staff level. The standard is the same either way. The authority may hold no more than one public hearing (§ 17-79-705(6), (7)).
- 8. Final subdivision application — within 6 months.** Submit the final application within six months of the preliminary approval, or you must start over with a new preliminary plat application (§ 9.18.6(A)). The final plat must conform substantially to the approved preliminary plat and include any required improvement plans (§ 9.18.6(B)). The final review is administrative, without additional public meetings or hearings unless appealed (§ 9.18.6(C)).
- 9. Administrative approval and recording.** The Administrative Land Use Authority carries out final plat approval (§ 9.18.7). A plat may not be recorded until it is approved and the approvals are entered in writing on the plat by the designated officers — **a plat recorded without the required signatures is void**, and a transfer of land under a void plat is voidable (Utah Code § 17-79-704(1), (3), (4)).

Protections That Run in Your Favor

Specific, cited comments. Every County request for additional information or modification must be specific, must cite the ordinance, standard, or specification requiring it, and must be logged in an index of requested modifications (§ 9.18.4(C); Utah Code § 17-79-706(8)(b)).

Waiver of unraised items. Unless it is necessitated by your own change to the plans, a change or correction not addressed or referenced in the County's plan review is waived — except one necessary to protect public health and safety or to enforce state or federal law (§ 9.18.4(D)).

No new revisions at the end. After you have responded to the final review cycle and complied with each modification requested in the previous cycle, the County may not require additional revisions unless you have materially changed the plan (§ 9.18.4(F)).

Remedy if the County misses a deadline. If the County fails to meet a review cycle, the application becomes immediately eligible for appeal (§ 9.18.4(A)(3)). If on the fourth or final review the County fails to respond or approve within 20 business days, then on your request the County must, within 10 business days, either assemble a three-engineer panel to decide a dispute over improvement plans — one engineer named by the County, one by you, and a third chosen by those two — or advise you in writing of the deficiency and of your right to appeal (§ 9.18.8; Utah Code § 17-79-812(4)(d)). You pay half the panel cost plus the published appeal fee.

Common Causes of Delay

An incomplete submittal. The clocks do not start until the application is complete. Work from the County's published complete-application list.

A response that skips a comment. An unaddressed comment stops the cycle from closing and blocks the next one — the single most common cause of a stalled subdivision.

A material change late in review. If you materially change the plan set or final plat, the County may restart review at the first review of the final application, limited to the portion the change substantially affects (§ 9.18.4(E)).

Letting the six months lapse. A final application filed more than six months after preliminary approval means a new preliminary plat application.

Statutory Crosswalk

Utah's County Land Use, Development, and Management Act was recodified effective November 6, 2025, moving from Utah Code Title 17, Chapter 27a to Title 17, Chapter 79. This tip sheet uses the current Chapter 79 numbering. Where the Grand County Land Use Code cites Title 17, Chapter 27a — including § 9.18.8, which cites former § 17-27a-507(5)(d) — it refers to the same provisions until the Land Use Code is amended. All citations below are to the Utah Code.

Subject	Current	Former	Subject	Current	Former
Definitions	17-79-102	17-27a-103	Entitlement to approval	17-79-803	17-27a-508
Notice, subdivision amendment	17-79-207	17-27a-207	Exemptions from plat requirement	17-79-708	17-27a-605
Plat required; approval	17-79-703	17-27a-603	Subdivision amendments	17-79-711	17-27a-608
Plat approval procedure	17-79-704	17-27a-604	Appeal authority required	17-79-1001	17-27a-701
Subdivision review and approval	17-79-705	17-27a-604.1	Exactions; engineer appeal panel	17-79-812	17-27a-507
Review of applications and plans	17-79-706	17-27a-604.2	District court review	17-79-1009	17-27a-801
Recording before improvements	17-79-707	17-27a-604.5			

This tip sheet is a summary and does not replace the Grand County Land Use Code; in any conflict, the Land Use Code and Utah Code control. Questions: Planning & Zoning Department, 59 North 200 East, Moab, Utah 84532.