

1 **GRAND COUNTY, UTAH ORDINANCE NO. _____**

2 **AN ORDINANCE OF GRAND COUNTY, UTAH, AMENDING ARTICLES 8, 9, AND 10 OF THE GRAND**
3 **COUNTY LAND USE CODE TO DESIGNATE THE PLANNING COMMISSION AS THE ADMINISTRATIVE LAND**
4 **USE AUTHORITY FOR PRELIMINARY SUBDIVISION APPLICATIONS PROPOSING MORE THAN FIVE LOTS,**
5 **AND TO CONFORM THE PLANNING COMMISSION PROVISIONS TO UTAH CODE TITLE 17, CHAPTER 79;**
6 **REPEALING ORDINANCE NO. 711 (2024) AS A DUPLICATE OF ORDINANCE NO. 708 (2024); AND**
7 **PROVIDING AN EFFECTIVE DATE.**

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

10 **WHEREAS,** Grand County (the “County”) is authorized to enact land use regulations under the County Land
11 Use, Development, and Management Act, Utah Code Title 17, Chapter 79; and

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

14 **WHEREAS,** Title 17, Chapter 27a of the Utah Code was recodified as Title 17, Chapter 79, effective November
15 6, 2025, and portions of the LUC continue to cite the repealed numbering; and

16 **WHEREAS,** Utah Code § 17-79-301(3)(a), effective May 6, 2026, requires the ordinance establishing a county
17 planning commission to state the causes for removing a member, to provide that deliberating on a pending
18 application in a meeting is not cause for removal, to state when a member must recuse, to define the authority
19 of the planning commission, and to include rules of order and procedure; and

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

24 **WHEREAS,** Ordinance No. 711 (2024) was adopted the same day as Ordinance No. 708 (2024) and contains
25 identical text, so that a single set of Land Use Code provisions is carried by two ordinance numbers, and the
26 County Commission finds it appropriate to repeal the duplicate so that one ordinance is credited in the Code;
27 and

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

31 **WHEREAS,** the Grand County Planning Commission held a duly advertised and noticed public hearing on the
32 proposed amendments on September 14, 2026, reviewed the amendments, the staff report, and public
33 comment, and voted to forward the amendments to the Grand County Commission with a recommendation
34 for approval; and

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

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

42 **THE COUNTY LEGISLATIVE BODY OF GRAND COUNTY ORDAINS AS FOLLOWS:**

SECTION 1: 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 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 states in the text that two overlay districts have expired on their own terms. The text of both is kept in the Code, because projects were permitted under them and the rules that applied to those projects still govern them. Finally, it repeals Ordinance 711, which was adopted the same day as Ordinance 708 in 2024 and says exactly the same thing, so that a single ordinance number carries the subdivision provisions. Repealing the duplicate changes no rule and removes nothing from 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) were both adopted December 17, 2024 and contain identical text. Ordinance No. 708 established the administrative subdivision review process at LUC §§ 8.5 and 9.18 and the related Article 10 definitions. Ordinance No. 711 adds nothing to Ordinance No. 708 and duplicates it in full, so its repeal removes no substantive provision from the Land Use Code.

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: REPEAL OF ORDINANCE NO. 711 (2024)

Ordinance No. 711 (2024) is repealed. Ordinance No. 708 (2024), as amended by this ordinance, remains in full force and effect and is the operative ordinance for the provisions the two ordinances share. This repeal is directed solely at the duplicate ordinance number and does not repeal, amend, or otherwise affect any provision of the Land Use Code adopted by Ordinance No. 708 (2024), except as those provisions are amended by Section 3 of this ordinance. The Clerk/Auditor is directed to transmit Ordinance No. 708 (2024), as amended by this ordinance, for codification into Articles 8, 9, and 10 of the Land Use Code, and to credit Ordinance No. 708 (2024) as the source of those provisions.

SECTION 5: 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. In the event of a conflict between this ordinance and state law, state law shall control.

SECTION 6: 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 7: 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.