



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
October 13, 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

Presentations (15 Min)

County Commission Update

Public Hearings

General Business - Action Items - Discussion And Consideration Of Approval

Discussion Items

1. **Land Use Code Rewrite Update**
Daniel Jensen, Sunrise Engineering
2. Upcoming General Plan Updates - Housing Policy Draft
3. Data Center Moratorium — Expiration Date And Next Steps
4. **Land Use Code Amendment, Discussion Pertaining To Bylaws**

Future Considerations

Adjourn

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

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

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

Requests for inclusion on an agenda and supporting documentation must be received by 5:00 PM on the Tuesday prior to a regular Commission Meeting and forty-eight (48) hours prior to any Special Commission Meeting.

Information relative to these meetings/hearings may be obtained at the Grand County Commission's Office, 125 East Center Street, Moab, Utah; (435) 259-1346.



AGENDA SUMMARY

Planning Commission Meeting

Date: October 13, 2026

Title: Land Use Code Rewrite Update

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): Daniel Jensen, Sunrise Engineering

Legal Review: Not Applicable

Department: Planning and Zoning

Approved and
within budget?

Budget Number:

Recommended Motion:

Brief update, discussion only.

Background:

Attachments:

None



AGENDA SUMMARY

Planning Commission Meeting

Date: October 13, 2026

Title: Upcoming General Plan Updates -
Housing Policy Draft

If this submission is from the general public you will need a commission sponsor, feel free to contact the Commission Administrators Office with any questions commadmin@grandcountyutah.net (435) 259-1342 or contact the Commissioners directly at commission@grandcountyutah.net

Fiscal Impact:

Presenter(s):
Legal Review: Not Applicable

Department: Planning and Zoning
Approved and Not Applicable
within budget?
Budget Number:

Recommended Motion:

Background:

Attachments:

None



AGENDA SUMMARY

Planning Commission Meeting

Date: October 13, 2026

Title: Data Center Moratorium — Expiration
Date and Next Steps

If this submission is from the general public you will need a commission sponsor, feel free to contact the Commission Administrators Office with any questions commadmin@grandcountyutah.net (435) 259-1342 or contact the Commissioners directly at commission@grandcountyutah.net

Fiscal Impact:

Presenter(s):
Legal Review: Not Applicable

Department: Planning and Zoning
Approved and
within budget?
Budget Number:

Recommended Motion:

Background:

Attachments:

None



AGENDA SUMMARY

Planning Commission Meeting

Date: October 13, 2026

Title: Land Use Code Amendment, Discussion
Pertaining to Bylaws

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):

Legal Review: No

Department: Planning and Zoning

Approved and
within budget? Not Applicable

Budget Number:

Recommended Motion:

Background:

Attachments:

1. LUC_8_1_Redline_9-14-2026_FINAL(2)
2. PC_Bylaws_Redline_9-14-2026_FINAL (1)

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.]

GRAND COUNTY PLANNING COMMISSION BYLAWS

Grand County, Utah

REDLINE — proposed amendments to the bylaws adopted by Resolution 3263 (2021)

Version 9-14-2026

DRAFT — not yet in effect. These proposed amendments to the Planning Commission Bylaws have not been adopted. The Bylaws in force are those adopted by Resolution 3263 (2021). 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.

ARTICLE 1

Authority

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

ARTICLE 2

General Provisions

2.1. Applicable State Statutes, County Ordinances, and Policies

In these Bylaws, “Planning Commission” means the Grand County Planning Commission and “County Commission” means the Grand County Commission. Neither body is referred to as “the Commission” standing alone.

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

- a. State statutes applying generally to public boards, members, and officials
- b. State statutes governing the activities of County Planning Commissions
- c. Grand County Ordinances and Resolutions
- d. The Grand County Land Use Code
- e. The bylaws of the Grand County Planning Commission as set forth herein. These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Planning Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

2.2. Familiarity with State Statutes, County Ordinances and Resolutions, and Rules Affecting the Planning Commission

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

ARTICLE 3
Officers and Election

3.1. Officers

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

3.2. Election

- a. The Chairperson and Vice-chairperson shall be elected annually as the first item of business at the first regular meeting of ~~the year after the County Council Commission appoints vacant seats~~ each calendar year. They shall serve for a term of one year or until their successors are elected. ~~Their term shall start the meeting following the election.~~ Their term shall start immediately after the election. If a regular member's term expired at the end of the preceding calendar year and the County Commission has not yet appointed a member to that term, the election shall be postponed to the first regular meeting after the appointment is made and the appointee is seated. The incumbent Chairperson and Vice-chairperson continue to serve until their successors are elected. If the election is postponed under this subsection and the incumbent Chairperson or Vice-chairperson is no longer serving as a member of the Planning Commission, the remaining members shall elect a Chairperson pro tempore or Vice-chairperson pro tempore, as needed, at the first regular meeting of the calendar year. A member elected pro tempore holds the office and exercises its full authority until the postponed election is held.
- b. If the office of the Chairperson or Vice-chairperson becomes vacant, the Planning Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
- c. Nominations shall be by oral motion. At the close of nominations, the Planning Commission shall vote by voice vote upon the names nominated for the office. ~~If requested by the Chair, written ballots may be used for voting purposes.~~
- d. Any officer elected by the Planning Commission may be removed from that office by a two-thirds (2/3) vote of the total membership of the Planning Commission when, in its judgment, the best interest of the Planning Commission will be served, as provided in Land Use Code § 8-1.3(E)(8) the Land Use Code.

3.3. Chair

The Chairperson has the following duties:

- a. The Chairperson presides at all meetings of the Planning Commission, maintaining order and decorum, and ~~insures~~ ensures that the procedures prescribed in the Grand County Land Use Code, Utah state code, and policies stated herein are followed.
- b. The Chairperson sets the agenda and may consult the Vice-chairperson and staff in doing so, as provided in § 5.6.
- c. The Chairperson may call special meetings at any time and in accordance with applicable state and County codes.
- d. The Chairperson may appoint up to three Planning Commission members to serve on a committee as needed.
- e. The Chairperson shall inquire regarding potential conflicts of interest and ex parte communication, regarding agenda items, at the beginning of a public meeting or hearing.

82 **3.4. Vice-chair**

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

86 **ARTICLE 4**

87 **Vacancies, Interviews, and Voting**

88 **4.1. Vacancies**

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

94 **4.2. Candidate Interviews**

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

102 **4.3. Voting**

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

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

111 **4.4. Recommendations to the County Commission**

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

114 **ARTICLE 5**

115 **Meetings and Organization**

116 **5.1. Open Meetings**

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

119 **5.2. Regular Meetings**

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

circumstances.

5.3. Annual Training

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

5.4. Compliance with the Open and Public Meetings Act

All meetings of the Planning Commission 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.

5.5. Special Meetings, Workshops, and Field Trips

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

5.6. Agendas

- a. Agendas shall be set at the direction of the Chairperson. Agendas for regular meetings shall be provided by staff to all members at least three days prior to the meeting.
- b. The Chairperson, the Vice-chairperson, and County staff may meet to prepare the agenda and to determine the scheduling and order of items. Because such a meeting does not convene a quorum of the Planning Commission, it is not a meeting or a deliberation under the Utah Open and Public Meetings Act. Agenda preparation is limited to the selection, scheduling, and order of items and the sufficiency of materials, and does not include consideration of the merits of any pending application or petition.

5.7. Meeting Materials

- a. Planning Department staff shall provide meeting materials to Planning Commission members by 5:00 p.m. the Friday before the Planning Commission meeting date unless extenuating circumstances exist. Meeting materials will be available for review by the public in the Planning Department at ~~125 East Center Street~~ 59 North 200 East, Moab, UT 84532 ~~and at the Grand County Library~~ and on the Grand County website, at the same time the materials are provided to Planning Commission members. When an item is set for public hearing, the materials for that item will also be made available at the Grand County Library by 5:00 p.m. the Friday before the Planning Commission meeting date.
- b. Commissioners are encouraged to review meeting materials upon receipt. To promote efficient public meetings and accurate staff presentations, a Commissioner should contact the Planning Director before the meeting regarding technical questions, requests for clarification, or suspected factual errors in a staff report. Staff shall endeavor to respond before the meeting. Staff shall provide any correction to a staff report, and any response of general significance to the Planning Commission's consideration of the item, to the full Planning Commission in writing before the meeting or orally at the start of the item.

5.8. Written Citizen Comment

Any citizen wanting to submit written information to the Planning Commission for inclusion in the Planning Commission meeting materials packet shall provide written comments to the Planning Department by 5:00 p.m. the Wednesday before the Planning Commission meeting date. All documents, including electronically transmitted material, should be submitted directly to the Planning Department. Materials sent to individual Planning Commission members will not be considered. ~~Written comment should not exceed 400 words.~~ Written comment is not read aloud or summarized at the meeting; it is provided to the Planning Commission in writing and is part of the record. Comment received after the deadline is not included in the packet. At the submitter's request it is entered into the record, and staff shall so state when the item is called. A submitter may also read late comment aloud within the time allowed for spoken comment under § 5.14.

5.9. Minutes

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

5.10. Rules of Order

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

5.11. Voting

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

The following table states the effect of this section at each membership size:

<u>Appointed regular members</u>	<u>Quorum</u>	<u>Affirmative votes to act</u>	<u>If only a bare quorum is present</u>
<u>7</u>	<u>4</u>	<u>4</u>	<u>All four present must vote yes.</u>
<u>6</u>	<u>4</u>	<u>4</u>	<u>All four present must vote yes.</u>
<u>5</u>	<u>3</u>	<u>3</u>	<u>All three present must vote yes.</u>
<u>4</u>	<u>3</u>	<u>3</u>	<u>All three present must vote yes.</u>

[Drafting note. Quorum and the vote threshold are the same fraction of the same denominator, so they resolve to the same number at every membership size: seven appointed, quorum four, four affirmative votes; five appointed, quorum three, three affirmative votes. A meeting attended by a bare quorum can therefore act only unanimously, and one no vote, one abstention, or one recusal defeats the motion. If the Planning Commission prefers a margin, the vote threshold can be set at a majority of the members present and voting while quorum remains a majority of the appointed regular members. Land Use Code § 8.1.3(E)(4)The Land Use Code would have to be amended in the same way.]

5.12. Motion

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

call vote. The minutes shall record each vote by individual member as required by Utah Code § 52-4-203(2)(a)(iv). The Chairperson shall conduct a roll-call vote on any recommendation or action concerning a land use application, a land use regulation, the General Plan, or an amendment to any of them, and on the request of any member or of the recording secretary.

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

5.13. Conduct During Public Meetings

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

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

5.14. Time Control

The Chairperson may control the time for debate on any issue. Spoken comment at a public hearing or during a general public comment period is limited to three minutes per person, whether given in person or by real-time telecommunication. The Chairperson shall apply the limit uniformly. Care should be taken to ~~insure~~ensure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The Chairperson may stop debate once he or she believes the issue has been adequately and fairly heard.

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

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

5.16. Quorum

~~Means~~ Quorum means the minimum number of ~~persons~~members required to act as a body. A quorum requires ~~4 (four)~~ a majority of the appointed regular Planning Commission members ~~whom must be present, as provided in Land Use Code § 8-1.3(E)(4)~~ the Land Use Code, who may be present in person or by real-time electronic means as provided by Utah Code § 52-4-207 and the ~~as per the~~ current Ordinances and Policies established for

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

5.17. Commissioner Participation by Real-Time Telecommunication

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

5.18. Request to Withdraw or Amend Applications or Petitions

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

5.19. Matters Eligible for Planning Commission Consideration

- a. The Planning Commission shall consider a specific development proposal only upon an application or petition that the Planning Department has accepted as complete and scheduled for Planning Commission action under the Land Use Code.
- b. The Planning Commission does not conduct pre-application review. Pre-application and conceptual review occur at the applicant's election and are conducted administratively by the Planning Department as provided in ~~Land Use Code § 9.18.3~~ the Land Use Code. Requests for pre-application or conceptual review shall be directed to the Planning Department. The Chairperson shall not place, and staff shall not schedule, a specific development proposal on a Planning Commission agenda before the Planning Department has accepted a complete application for that proposal.
- c. This section does not limit the Planning Commission's consideration of general plan elements, land use code amendments, work sessions on policy or procedure of general application, training, budget and work program items, candidate interviews, or other matters that do not involve a pending or prospective land use application, nor does it limit any matter referred to the Planning Commission by the County Commission.
- d. Any comment offered by the Planning Commission or by an individual member concerning a matter not before the Planning Commission under subsection (a) is not a decision, recommendation, approval, or determination of the Planning Commission, does not bind the Planning Commission or the County, and may not be relied upon by any person.

ARTICLE 6
Ethical Considerations

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

6.1. Serve the Public Interest

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

6.2. Support Citizen Participation in Planning

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

6.3. Conflict of Interest and Recusal

Recusal of Planning Commission members is governed by ~~Land Use Code § 8.1.3(F)~~the Land Use Code and this section. Planning Commission members shall adhere to Grand County policy as stated in Ordinance ~~462~~593 (2019), or any subsequent amendment thereof, regarding conflicts of interest. A member with a conflict of interest shall be required to disclose such conflict prior to consideration of the matter by the Planning Commission. A member with a conflict of interest may not attempt to influence other members or appointed staff outside the meeting. A member ~~with a conflict of interest~~ shall ~~be required to~~ recuse herself or himself from participating in, commenting on, or voting on the matter when the member has a conflict of interest, has a personal or financial interest in a land use application, or when the member's participation would create actual impermissible bias or an unacceptable risk of impermissible bias in an administrative or quasi-judicial matter, as provided in ~~Land Use Code § 8.1.3(F)~~the Land Use Code in which such conflict exists.

[Drafting note. Ordinance 462 (1997) was repealed and replaced by Ordinance 593 (2019), the Ethics and Conflict of Interest Policy, adopted July 16, 2019. Ordinance 593 § 4.1 requires written and oral disclosure, § 4.2 requires recusal after disclosure for a restricted conflict, and § 7.0 permits a body to suspend a provision more restrictive than state law by a two-thirds vote of the remaining members. The citation is corrected to the ordinance in force.]

6.4. Ex Parte Communication / Ensure Full Disclosure at Public Meetings

- a. A Planning Commissioner shall not ~~have any~~engage in ex parte ~~discussions regarding any business before the Commission~~communications as defined in subsection (b). A communication that occurs in the ordinary course of a member's profession or employment, and that does not concern the merits or likely disposition of a pending application, is not an ex parte communication under this section.
- b. For the purpose of Planning Commission policy, ex parte ~~discussions~~communications include any communication with ~~Interested Parties of any issue coming before the Planning Commission~~an Interested Party concerning the merits of a pending application outside of a public meeting, and prior to the Planning Commission's final decision. ~~An ex parte communication is one from one party, or on one side only: it is a communication the other parties to the matter are not present for and have no opportunity to answer.~~
- c. ~~For the purposes of Planning Commission policy, Interested Parties shall mean applicants~~interested parties shall mean applicants, representatives of applicants, investors, business partners, or any other party having a financial association with a land use application. ~~County staff are not an Interested Party.~~County staff are not an interested party.

- d. ~~An inquiry by a Commissioner to County staff regarding the factual, technical, or procedural aspects of an application is not an ex parte communication under this section.~~Communication between a Commissioner and County Planning Department staff, or other County staff advising the Planning Commission, is not an ex parte communication under this section. County staff are not a party to an application, and a Commissioner may ask staff about the factual, technical, or procedural aspects of any matter before the Planning Commission. Communication between an individual Commissioner and staff is not a meeting or a deliberation under the Utah Open and Public Meetings Act.
- e. A member who has had an ex parte communication shall disclose it at the beginning of the Planning Commission's consideration of the item, stating who the communication was with, when it occurred, and its substance. The Chairperson shall then afford the applicant and any other party present an opportunity to respond. Following disclosure and any response, the member may participate in the matter unless recusal is required under § 6.3 or~~Land Use Code § 8.1.3(F)(4)~~the Land Use Code.

6.5. Maintain Public Impartiality

Planning Commission members may seek information from other Planning Commission members, the counsel to the Planning Commission, staff serving the Planning Commission, or the staff of other departments or agencies advising the Planning Commission. Seeking factual, technical, or procedural information is not deliberation. Members shall not deliberate on a matter before the Planning Commission outside of a public meeting, and a member shall not solicit or convey another member's views or position on a pending matter outside of a public meeting, whether directly or through staff or a third party. Each member of the Planning Commission has an ethical duty to avoid making public statements for or against the merits of any application before the Planning Commission hearing is concluded and a decision or recommendation has been rendered. Deliberating about a specific pending land use application in a Planning Commission meeting with County staff, an elected official, or the land use applicant is a normal part of Planning Commission business and is not, by itself, cause for removal, as provided in~~Land Use Code § 8.1.3(F)(3)~~the Land Use Code. Utah Code § 52-4-208 prohibits individuals constituting a quorum from acting together outside a meeting, in a concerted and deliberate way, to predetermine an action to be taken by the Planning Commission at a meeting; final action taken in violation of that section is voidable under § 52-4-302, and a court may award a prevailing plaintiff attorney fees and costs. Utah Code § 52-4-210 does not restrict a member from transmitting an electronic message to other members at a time when the Planning Commission is not convened in a meeting. The restrictions stated in this section are adopted as Planning Commission practice and are stricter than the Act requires.

6.6. Faithful Attendance and Performance

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

359 **ARTICLE 7**

360 **Resignations and Removal of Membership**

361 **7.1. Resignations**

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

365 **7.2. Acceptance of Resignation**

366 The County Commission shall accept the resignation upon receipt thereof.

367 **7.3. Removal from Planning Commission**

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

374
375 *[The causes for removal are in ~~Land Use Code § 8.1.3(F)(2)~~the Land Use Code and are not repeated here, so*
376 *the two documents cannot drift apart when the Code is amended. Conflict in state code: Utah Code § 17-79-*
377 *301(3)(a)(v)(B) is a county provision but points to the***Municipal Officers' and Employees' Ethics Act,**
378 **Title 10, Chapter 3, Part 13,** *which by its terms governs municipal officers and employees. The*
379 *county counterpart is Title 17, Chapter 70, Part 5, Disclosure Duties Applicable to All County Officers, §§ 17-*
380 *70-501 through 17-70-511, formerly Title 17, Chapter 16a. ~~Land Use Code § 8.1.3(F)(2)~~The Land Use Code*
381 *carries the same note.]*

382 **ARTICLE 8**

383 **Adoption, Review, and Amendment of Bylaws**

384 **8.1. Annual Review and Amendment**

385 The bylaws will be reviewed by the Planning Commission at the beginning of each calendar year.
386 Amendments will be recommended to the County Commission for approval as per County Ordinance ~~472-~~
387 ~~(2008)~~674 (2023).

388 [Drafting note. Ordinance 472 (2008) was repealed and replaced by Ordinance 674 (2023), adopted May
389 2, 2023, which establishes the current process for adopting and amending the by-laws of County boards,
390 councils, commissions, and committees. The citation is corrected to the ordinance in force.]

391 **8.2. Waiving or Suspending Rules**

392 A rule of procedure may be suspended or waived at any meeting by ~~unanimous vote~~two-thirds (2/3) vote
393 of the Planning Commission members present unless such rule is set by state law or County ordinance.
394

8.3. Annual Obligations of the Planning Commission

The following obligations recur every year. They are collected here so they can be calendared rather than remembered; each is governed by the provision cited elsewhere in these Bylaws or in the Land Use Code.

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 a Chairperson and Vice-chairperson, as the first item of business.	§ 3.2(a); Land Use Code
First regular meeting of the year	Approve the Planning Commission meeting calendar for the year.	§ 5.2; Utah Code § 52-4-202
Beginning of each year	Review these Bylaws and recommend any amendments to the County Commission.	§ 8.1
During the year	Every member completes Open and Public Meetings Act training.	§ 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 notifies the County Commission of each term expiring that year.	Land Use Code; § 4.1
Fall	Vacancy notice published; the Planning Commission interviews candidates and forwards a recommendation to the County Commission.	§§ 4.1 through 4.4
December 31	Expiring terms end.	Land Use Code