

**GRAND COUNTY, UTAH
ORDINANCE 475 - A, 2008**

BOA ALTERNATE POSITIONS

WHEREAS, the Grand County General Plan (General Plan) was adopted by the Grand County Council on August 5, 1996 with Resolution 2301 and updated April 6, 2004 with Resolution 2654;

WHEREAS, the Grand County Land Use Code was adopted by the Grand County Council on January 4, 1999 with Ordinance 299 and amended through February 19, 2008 with Ordinance 468 for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

WHEREAS, due to unexpected vacancies, scheduling conflicts, and recusals, the Board of Adjustment has recommended approval of two alternate positions to help ensure a fully seated Board for all meetings;

WHEREAS, the Grand County Planning Commission reviewed this item in a public hearing on September 10, 2008 and recommended approval;

WHEREAS, the Grand County Council has heard and considered all evidence and testimony presented with respect to the amendments and has determined, subsequent to said public hearing that the adoption of this ordinance is in the best interests of the citizens of the Grand County, Utah.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF GRAND COUNTY, UTAH, THAT the Grand County Land Use Code is hereby amended by the repeal and re-enactment of **Section 8.2, Board of Adjustment**, to read as follows:

8.2.1 Board of Adjustment Created

There is hereby created a board known as the Board of Adjustment.

8.2.2 Appeal Authority

The Board of Adjustment is hereby designated as the appeal authority for purposes of performing the powers and duties describe in this section.

8.2.3 Number and Appointment

The Board of Adjustment shall consist of 5 regular members and 2 alternate members who shall be appointed by the County Council. No member of the County Council or Planning Commission shall serve on the Board of Adjustment.

A. Term of Office

1. Term of office for regular Board members shall be staggered so that the term of at least one regular member and no more than two regular members' terms expire each year. As the term of each regular and alternate member(s) expires, the vacancy thus created shall be filled by a majority vote of the County Council for a term of 4 years.
2. Terms of office for all Board of Adjustment members begin on January 1st and expire on December 31st of the 4th year following the year of appointment. At the expiration of said term, including any terms expiring after the adoption of this section, the successor shall be appointed by the County Council so as to maintain the succession of staggered terms of service. All Board members shall continue to serve as voting members of the Board until replaced by appointment of the County Council.
3. If a vacancy occurs other than by expiration of term, the County Council by majority vote shall appoint a new member to fill the unexpired term.

4. Board members may be removed for cause from office by 2/3 vote of the County Council prior to the expiration of the appointed term.

B. Method of Appointment

1. In November of each year (early as possible), the County Administrator shall cause notice of appointment(s) to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without requirement for publication) in Grand County. The Planning Department shall be responsible for the costs involved with the advertisement. Such notice shall state the nature and term of the appointment(s) to be made, the qualifications for such appointment, request written statements of interest and qualifications, and establish a deadline for submittal of such statements, which time shall not be earlier than 15 days from the date of publication.
2. The County Administrator shall receive all letters of interest and review them to determine if the applicable qualifications are met. Those that are qualified will be forwarded to the Board of Adjustment for consideration and recommendation.
3. The Board of Adjustment shall interview all qualified applicants at its regular meeting or at a special meeting scheduled for this purpose in December of each year and shall forward its recommendation(s) for consideration by the County Council within 30 days of receipt of the applications. The County Council may attend the interviews.

C. Qualifications

Each Board of Adjustment member shall be a legal Grand County resident.

D. Officers and Procedures

1. Members of the Board shall elect from their members a Chairman to serve for a term of one year and may adopt such rules as may be necessary for the conduct of its business.
2. The Chairman shall preside over meetings. In the event, a question over procedures arise, Robert's Rules of Order shall apply.
3. The recording of the minutes of the Board of Adjustment meetings shall be the responsibility of the staff.
4. The Board of Adjustment may adopt rules to govern its proceedings and conduct of the business before the Board provided, however, that such rules are not inconsistent with this Code or Statutes of the State of Utah.
5. Meetings of the Board of Adjustment shall be called by the Chairman, and at such other times as the Board may determine. Such Chairman or, in his or her absence, the vice Chairman shall administer oaths and compel attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. Minutes of its proceedings shall be kept by the staff showing the vote of each member upon such question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board of Adjustment and shall be a public record.
6. The concurring vote of 3 members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the County Staff, or to decide in favor of the Applicant on any matter upon which the Board is required to act under this Code or to grant any Variance authorized by this Code.
7. The filing fee for every application or petition to be submitted to the Board of Adjustment shall be calculated to cover the cost of legal publications, accumulation of data, administrative cost and all other costs incurred by the County in the review and processing of the application or as provided for in the fee schedule adopted by resolution of the County Council. In the event any person appealing to said Board of Adjustment is dissatisfied with the ultimate decision of said Board of Adjustment, the expense of reproducing the record before that Board shall be at the expense of the Appellant.

APPROVED by the Grand County Council in open session this 21st day of October, 2008, by the following vote:

Those voting aye: Ciarus, McNeely, Graham, Lewis, Greenberg, Holyoak

Those voting nay: _____

Absent: Langianese

ATTEST:

Grand County Council



Diane Carroll, Clerk/Auditor



Gene Ciarus, Chair