

**GRAND COUNTY, UTAH
ORDINANCE NO. 663 (2022)**

**A TEMPORARY LAND USE REGULATION PROHIBITING THE ERECTION,
CONSTRUCTION, RECONSTRUCTION, OR ALTERATION OF ANY BUILDING OR
STRUCTURE OR ANY SUBDIVISION APPROVAL REQUIRING NEW WATER
CONNECTIONS WITHIN THE THOMPSON SPECIAL SERVICE DISTRICT
BOUNDARY**

WHEREAS, Utah Code § 17-27a-504 (1)(a) of the Utah Code authorizes Grand County to enact a temporary land use ordinance, *establishing a temporary land use regulation for any part or all of the area within the county if the legislative body makes a finding of compelling, countervailing public interest;*

WHEREAS, Utah Code § 17-27a-504 (1)(b) authorizes the *prohibition or regulation of the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval*, which regulation shall be temporary but is not expressly limited by time so long as compelling, countervailing public interest continues to justify it;

WHEREAS, the previously named Grand County Council (“County Council”) adopted the Grand County General Plan Update (“General Plan”) on February 7, 2012 with Resolution No. 2976;

WHEREAS, the County Council adopted the Grand County Land Use Code (“LUC”) on January 4, 1999 with Ordinance No. 299, as amended, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

WHEREAS, from time to time the County adopts ordinances to modify the LUC and General Plan so they align with current and future infrastructure capacity;

WHEREAS, the General Plan in chapter 3, vision 3.2 Ecology, Water and Air, in goal 2 states: *support efforts to understand water quantity and quality dynamics of the Glen Canyon, Spanish Valley fill, Castle Valley and Thompson aquifers;*

WHEREAS, pending a water study to evaluate the source capacity and compliance with State requirements of the Thompson Special Service District (the “SSD”), the Commission adopted Ordinance No. 640 on August 3, 2021 imposing a six-month moratorium prohibiting construction, subdivision approval, and other development within the Thompson SSD Boundary;

WHEREAS, due to the completed water study by Sunrise Engineering which found, in conformance with Utah drinking water rules and regulations, a 40% water deficit in the SSD’s water supply, the Commission adopted Ordinance No. 655 on February 1, 2022 imposing a six-month moratorium prohibiting construction, subdivision approval, and other

development within the Thompson SSD Boundary;

WHEREAS, the SSD has submitted a permit application to the Bureau of Land Management (“BLM”) in August 2020 to develop an additional spring on federal land, as modified in February and November 2021 upon request of the BLM, which agency is still reviewing the application for completeness before proceeding with an environmental assessment, an approximately six-month process;

WHEREAS, the SSD is also seeking to purchase additional water rights, but no such transactions have occurred;

WHEREAS, the SSD also intends to work with the Utah Division of Water Rights, Utah Division of Drinking Water, and the Utah Division of Environmental Quality to address issues with one of its existing water rights and assumptions used in the Sunrise Engineering report to potentially reduce its paper water deficit but the SSD has not yet made progress with these state agencies;

WHEREAS, the SSD, BLM, and the State of Utah anticipate such new source permitting/development and additional water rights analysis may take up to an additional six (6) months or more;

WHEREAS, there remains a number of pending and potential subdivision and building permit applications for property within the SSD that requires water availability and services under local and state law; and

WHEREAS, for the reasons articulated above, the Grand County Commission finds that compelling, countervailing public interests justify prohibiting the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval within the boundaries of the Thompson Springs Water District;

NOW, THEREFORE BE IT ORDAINED that the Grand County Commission hereby:

1. Finds that compelling, countervailing public interest justifies this temporary land use regulation for the reasons stated above;
2. Prohibits temporarily the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval requiring new water connections within the boundary of the Thompson Special Service District, as identified in *Exhibit A*; and
3. This temporary land use regulation shall begin August 1, 2022 and remain in effect until the County, in coordination with its referral agencies, determines that the SSD has developed sufficient additional source capacity to justify the termination of this regulation; provided, however, that the duration of this temporary land use regulation shall not exceed six (6) months.

To preserve the peace and health of the County, its residents, and its visitors, this Ordinance

shall take effect immediately upon publication in the *Times Independent*, pursuant to State law.

APPROVED by Grand County Commission in a regular public meeting on July 19, 2022 by the following vote:

Those voting aye: Clapper, Kovash, Hadler, Hedin, McGann, Stock

Those voting nay:

Those absent: Walker

**GRAND COUNTY
COMMISSION:**



Jacques Hadler, Chair

ATTEST:



Gabriel Woytek, Clerk/Auditor

THE STATE OF TEXAS, COUNTY OF DALLAS, this 15th day of May, 1906.

Before me, the undersigned authority, on this day personally appeared _____

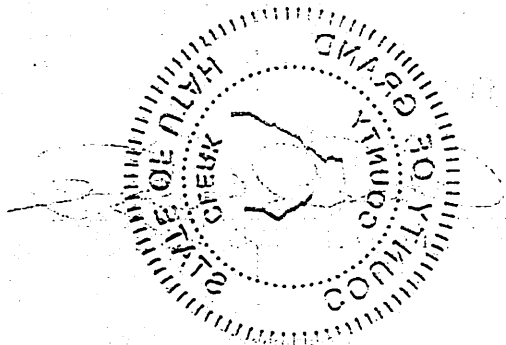
known to me to be the person whose name is subscribed to the foregoing instrument,

and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 15th day of May, 1906.

Notary Public in and for the State of Texas.

My commission expires _____



[Handwritten signature]
