

LAND USE DECISION AND APPEAL PROCESS 2009

Utah League of Cities and Towns, Effective May 12 2009

(All information on matrix is subject to change each year by the Utah Legislature. Call ULCT to verify.)

DECISION TO BE MADE	ADVISORY BODY	DECIDING BODY	APPELLATE BODY	EXTERNAL APPEAL
Adoption or Amendments of General Plan	Planning Commission (public notice required at inception of the process and one public hearing and notice required prior to recommendation)	Legislative Body (public hearing optional)	District Court	30 days from decision by legislative body
Adoption of Land Use Ordinance/ Amendments to Land Use Ordinance	Planning Commission (public hearing and notice required)	Legislative Body (public hearing optional)	District Court	30 days from decision by legislative body
Annexation Policy Plan	Planning Commission (Public hearing and notice required)	Legislative Body (public hearing and notice required)	Appeal Authority as designated by Legislative Body then if needed on to District Court	30 days from decision by legislative body
Annexation Application	Planning Commission (Public hearing if required by local ordinance)	Legislative Body (public hearing and notice required)	Appeal Authority as designated by Legislative Body then if needed on to District Court	30 days from decision by legislative body
Appeal of Administrative Decision		Appeal Authority as designated by Legislative Body in municipal ordinance- must be a minimum of 10 days to appeal	Appeal Authority as designated by Legislative Body then if needed on to District Court	30 days from decision by Appeal Authority
Conditional Use Permit * Choice of process decided at local level	Land Use Authority as designated by Legislative Body in municipal ordinance (Planning Commission, or Administrator or City Council or combination of both)	Land Use Authority as designated by Legislative Body in municipal ordinance	Appeal Authority as designated by Legislative Body then if needed on to District Court	30 days from decision by Appeal Authority

DECISION TO BE MADE	ADVISORY BODY	DECIDING BODY	APPELLATE BODY	EXTERNAL APPEAL
Nonconforming Uses and Non Complying Structures	As designated by municipal ordinance. *need to allow rebuild provision in lieu of fire, etc..	Land Use Authority as designated by Legislative Body in municipal ordinance	Appeal Authority as designated by Legislative Body then if needed on to District Court	30 days from decision by legislative body
Subdivision Ordinance Approval	Land Use Authority as designated by Legislative Body in municipal ordinance (Public hearing and notice required)	Legislative Body (public hearing optional)	District Court	30 days from decision by legislative body
Subdivision Application and Plat Approval		Land Use Authority as designated by Legislative Body in municipal ordinance in a public meeting. No Public hearing required. Policy choice to hold one. *Approval process must include letter from culinary, sewer and fire authority.	Appeal Authority as designated by Legislative Body then if needed on to District Court	30 days from decision by legislative body
Vacation or changing a Subdivision Plat		Land Use Authority as designated by Legislative Body in municipal ordinance. Public hearing required to be held 45 days after application is filed. See law for requirement on hearing. *Public hearing requirement does not apply and a land use authority may consider at a public meeting an owner's petition to alter a subdivision plat if: (a) the petition seeks to join two or more of the owner's contiguous, residential lots; and (b) notice has been given to adjacent property owners and pursuant to local	Appeal Authority as designated by Legislative Body then if needed on to District Court	30 days from decision by legislative body

		ordinance.		
DECISION TO BE MADE	ADVISORY BODY	DECIDING BODY	APPELLATE BODY	EXTERNAL APPEAL
Vacating some or all of a public street, right of way or easement		Legislative Body (Public hearing and Notice required)	Appeal Authority as designated by Legislative Body then if needed on to District Court	
Variances		Appeal Authority as designated by Legislative Body in municipal ordinance	District Court	30 days from decision by legislative body

Notes:

1. Internal appeals timelines (one body to another) are designated by local ordinances with a default provision of 10 days. External appeals (District Court) are always 30 days from date of decision.

2. Special Exceptions are removed from state law as of May 2005. Need to consider as a use within a specific zone either conditional or permitted.