

Landowner's (Applicant) Rights

The Utah Municipal Land Use and Development Act contains several specific statutory rights of the land owner or applicant for development approval. These rights probably existed as a matter of law before they were spelled them out specifically in the Act, but because of perceived abuses by municipalities the Legislature decided it was necessary to include them in the statutes. They should be considered part of the land owner's "bill of rights" when it comes to applications to develop land. The following are specific applicant rights contained in the Act.

Every applicant is entitled to notice of the date time and place of any public meeting or hearing that is held to consider his or her land use application. This notice must include a copy of any staff report prepared by the city or town about the application. The notice must be at least three business days before the meeting. This time period can be waived by the applicant. The applicant is also entitled to be notified of any final action taken on the application.¹

An applicant is entitled to have his or her application approved if the application conforms to the requirements of the city or town ordinances in effect on the day a complete application is submitted and all fees are paid.² The intent of this is to freeze the applicant's rights in the ordinances in existence when the application is filed and to clarify that approval of a compliant application is mandatory and not discretionary by the city or town.

An applicant for a land use development approval is entitled to a reasonably quick determination if his or her application is complete. After waiting a reasonable time the applicant can request in writing a determination of the completeness of the application and the city or town must respond within 30 days by either saying the application is complete or telling the applicant in what ways it is deficient.³ In addition an applicant has the right to a reasonably quick decision on his or her completed application and can, after a reasonable time, request in writing the decision, and the city or town must then process the application within 45 days of the written request. The purpose of these provisions is to force the city or town to process the applications in a timely manner.

An applicant for the subdivision of property has the right to approval of the subdivision if the application meets the city or town's ordinances.⁴ A land owner's application to subdivide his or her land should be treated by the city or town not as a request for permission but as a request for the rules on how to do it. It is not discretionary with the city or town on whether a land owner can or can not subdivide.

¹ Utah Code 10-9a-202.

² Utah Code 10-9a-509.

³ Utah Code 10-9a-509.5.

⁴ Utah Code 10-9a-10-9a-603(2).

All applicants for land use development approval must be provide with the right to appeal the final decision of the land use authority and the right to appeal any interpretation of municipal land use ordinances.⁵ This requires the city or town to designate in the city's or town's ordinances one or more appeal authorities to decide these issues. The intent of this is to provide the applicant with a way to have a fair impartial review of any final land use decision, with full rights of due process, at the city or town level, without having to go to court to get it.

⁵ Utah Code 10-9a-701.