



## LAND USE DECISION AND APPEAL PROCESS 2007

*Utah League of Cities and Towns 2007*

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DECISION TO BE MADE	ADVISORY BODY	DECIDING BODY	APPELLATE BODY	EXTERNAL APPEAL
<b>Adoption or Amendments of General Plan</b>	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
<b>Adoption of Land Use Ordinance/ Amendments to Land Use Ordinance</b>	Planning Commission (public hearing and notice required )	Legislative Body (public hearing optional)	District Court	30 days from decision by legislative body
<b>Annexation Policy Plan</b>	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
<b>Annexation Application</b>	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
<b>Appeal of Administrative Decision</b>		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
<b>Conditional Use Permit</b>  * 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

<b>DECISION TO BE MADE</b>	<b>ADVISORY BODY</b>	<b>DECIDING BODY</b>	<b>APPELLATE BODY</b>	<b>EXTERNAL APPEAL</b>
<b>Nonconforming Uses and Non Complying Structures</b>	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
<b>Subdivision Ordinance Approval</b>	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
<b>Subdivision Application and Plat Approval</b>	Planning Commission (public hearing and notice required) *If you choose to acknowledge the state subdivision exemption for 10 lots or less then no hearing or notice is required by state law. *Approval process must include letter from culinary, sewer and fire authority.	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
<b>Vacation or changing a Subdivision Plat And/ Or Amendment to Platted Street ( vacating or altering)</b>	Planning Commission review required if they are not designated as the Land Use Authority. If they are the Land Use Authority then they can also take final action. If not then recommendation from PC required within 30 days to the designated Land Use Authority. (public hearing and notice required)	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
<b>Variances</b>		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 prohibited as of May 2005. Need to consider as a use within a specific zone either conditional or permitted.