APPEAL AUTHORITY

CODE TEXT AMENDMENT

APPEAL AUTHORITY

- Purpose
  - Clarify the appeal authority appeal process
- Proposed amendments
  - Time of appeal of an administrative decision would reduce from 30 days to 10 days which will match Utah law
  - Applicant would have 30 days to appeal the appeal authority's decision to district court
  - Appeal authority is required to issue a written decision within 30 days after the close of the appeal hearing

APPEAL AUTHORITY

A. *Except as provided in this Section, the City Council shall be the appeal authority of all non-variance land use decisions in which the City Council has not first acted as the land use authority. Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority. Appeal of such administrative decisions shall be made in writing to the City Council within 10 days of the administrative decision being issued in writing. The adversely affected party shall be required to present in its written appeal every theory of relief that the adversely affected party can raise in district court. The appellant has the burden of proving that the land use authority erred. The standard of review by the City Council shall be de novo. An adverse decision by the City Council acting as appeal authority may be appealed to district court within 30 days of the appeal authority's final decision, pursuant to Utah law.*

APPEAL AUTHORITY

A. *Appeal shall be made directly to district court of all non-variance land use decisions in which the City Council has acted as the land use authority. In acting as the land use authority, the City Council shall keep a written record of its proceedings in the form of minutes or other records.*

B. *Each appeal authority shall issue a written decision within 30 days after the close of the appeal hearing.*

POSSIBLE FINDINGS

- The proposed language will match State law.
- The proposed language clarifies the appeal timeline and process.
- The proposed language will better serve the City and the public by clarifying the process.