



## Application for a Land Use Decision Appeal

### Overview:

Any person wanting to appeal a decision made by the Land Use Authority of Murray City as defined in section 17.16.010 of the Land Use Ordinance must apply for an appeal to be heard by the Hearing Officer. Hearing Officers hear and decide appeals of decisions made by a land use authority applying the city's land use ordinances.

The written appeal or request must, with specificity, allege the error in any order, requirement, decision, or determination made by the land use authority, by the administration or interpretation of the city's land use ordinances.

In review of an appeal, the Hearing Officer must evaluate the decision and conditions based on the record. The record is the information presented at the time an administrative decision was made and cannot include additional information brought forward at a later time that was not part of the evidence that was used to make a decision. The Hearing Officer may not accept or consider any evidence outside the record of the Land Use Authority unless that evidence was offered to the Land Use Authority and the assigned Hearing Officer determines that it was improperly excluded.

### Application Submittal:

Applicants may submit an application at any time. The Planning Division will schedule the application for review by the Hearing Officer on the next available Hearing Officer meeting. Incomplete applications may delay processing of the application and subsequent scheduling before the Hearing Officer.

The Hearing Officer meeting is held once a month on the second Wednesday of each month at 12:30 PM at the Murray City Hall, Poplar Room #151, located at 10 East 4800 South.

### Time to File for an Appeal:

An appeal of a land use decision must be filed with the City's Community and Economic Development Department within ten (10) calendar days from the date of a written decision issued by a land use authority. If a written appeal or request is not timely filed as provided, the decision of the land use authority shall be final.

An appeal may be filed within thirty (30) calendar days from the date of a written decision issued by a land use authority related to (a) the denial of a request for a reasonable accommodation under chapter 17.36; or (b) for the land use applicant only, the decision of a historic preservation authority regarding a land use application.

### Application Fee (non-refundable):

- Appeal application fee: \$100.00

### Application Process:

**Step 1. Contact the Planning Division:** Meet informally with a member of the planning staff to discuss your appeal request and review the issues, procedures and fees associated with the application.

**Step 2. Submit Application:** For all appeal applications, please submit the following information, ensuring each item is either checked off or marked 'NA' if not applicable. For each 'plan' submitted, include at least one (1) 11x17 copy (or larger if requested by staff) and a digital PDF.

Required for all applications:

1. Completed appeal of a land use decision application form.
2. Property Owner's Affidavit (i.e. a written statement made before a notary).
3. If the property owner is to be represented by an "agent" during meetings with the City, please complete and submit the Agent Authorization form.
4. Payment of application fee.
5. Written Statement. A written statement, no more than five (5) pages with one inch (1") margins, 12-point sans serif font, single spaced, that concisely:
  - a. explains the appellant's standing to appeal;
  - b. identifies the alleged error in the administration or interpretation of the city's land use ordinances that is grounds for the appeal; and
  - c. provides reasons the appellant claims the applicable decision was made in error.

Additional Information:

The applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.

**\*All plans submitted with the application will not be returned to the applicant and are the property of Murray City.\***

**Step 3. Attend the Hearing Officer Meeting:** The applicant will be sent a copy of the Hearing Officer agenda in advance of the meeting date. Information on the agenda will give the date, place, and time of the meeting. The applicant or an authorized representative must be in attendance at the meeting. If no representative is present the Hearing Office may move on to the next agenda item. It will be up to the applicant to reschedule another hearing date and pay the appropriate fee. An applicant may be tabled, or continued, if the Officer need additional information or time to consider the application.

**Step 4. Hearing Officer Decision:** Approximately one (1) week after the Hearing Officer meeting (Step 3), a copy of the report of the decision and findings will be available to the applicant at the Community and Economic Development Department offices.

**Appeal of Hearing Officer Decision:**

Murray City or any person directly aggrieved by any decision of the Hearing Officer may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the date of the decision of the Hearing Officer.

# APPEAL OF A LAND USE DECISION APPLICATION

Type of Appeal (check one):

Conditional Use Permit \_\_\_\_\_ Site Plan Review \_\_\_\_\_ Staff Determination \_\_\_\_\_

## Application Information

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Parcel Identification (Sidwell) Number: \_\_\_\_\_

Parcel Area(acres): \_\_\_\_\_ Zoning District: \_\_\_\_\_

## Appellant Information

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email Address: \_\_\_\_\_

## Property Owner's Information (If different)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email Address: \_\_\_\_\_

Describe the request in detail (use additional pages, or attach narrative if necessary):

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Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **For Office Use Only**

Project Number: \_\_\_\_\_ Date Accepted: \_\_\_\_\_

Planner Assigned: \_\_\_\_\_

### **Property Owners Affidavit**

I (we) \_\_\_\_\_, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

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Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

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County of Salt Lake

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

### **Agent Authorization**

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

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Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

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County of Salt Lake

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

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Notary public

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_