

Chapter 13
LAND USE AUTHORITY

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Section 22-13-1 Land Use Authority for All Land Use Applications. The Planning Commission shall serve as the Town's Land Use Authority, as defined in this Title and pursuant to Utah Code Ann. § 10-9a *et seq.*, as amended and supplemented from time to time, for all land use applications for all land within the Town's boundaries. The Land Use Authority shall hear, review and act on all such land use applications, and shall be the final decision-maker on such land use applications.

Section 22-13-2 Process. The Land Use Authority shall substantively review a complete land use application and shall approve, deny, or condition each application with reasonable diligence.

- a. For each land use application, the Town shall notify the applicant of the time and place of each public meeting and public hearing, if any, to consider the application, and the Town shall provide each applicant with a copy of each staff report regarding the application at least three (3) business days before any such public meeting and public hearing.
- b. The Land Use Authority shall hold a public meeting to review the land use application and, if required by Utah Code, shall hold a public hearing to review such land use application in a following Land Use Authority meeting. In preparation for and during any public meeting and public hearing, the Land Use Authority may request further information and may seek the advice or technical expertise of experts to assist in its decision.
- c. An applicant is entitled to approval of a land use application as required by Utah Code, except:
 - i. If before the application was submitted, the Town formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

- (a) In such event, the Town may hold the application for processing until after 180 days have passed since the proceedings were initiated; and shall process the application if the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

Section 22-13-3 Meetings. The Land Use Authority shall keep official minutes of its meetings, in accordance with Utah Code, and such minutes shall be stored with the Town Clerk. All meetings shall comply with Title 52, Chapter 4 (Open and Public Meetings) of the Utah Code, as amended.

Section 22-13-4 Decisions. All decisions of the Land Use Authority shall be included in the minutes. Where written findings are required, the findings shall be included and incorporated into the minutes. The Land Use Authority's decision on any matter is final when the decision is approved by a majority vote of Land Use Authority members. The decision shall be effective immediately upon adoption.

Section 22-13-5 Quorum Requirement. The Land Use Authority shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Land Use Authority.

Section 22-13-6 No Participation by Member of Land Use Appeal Authority. No member of the Land Use Appeal Authority shall participate or comment at any Land Use Authority proceedings.

Section 22-13-7 Voting. Actions of the Land Use Authority pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. In the event of a tie, the action does not pass and is not approved.