

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF WEBER COUNTY, UTAH, ESTABLISHING ONE OR MORE ADMINISTRATIVE HEARING OFFICERS AS APPEAL AUTHORITIES FOR LAND USE DECISIONS, VARIANCES, AND APPEALS, IN ACCORDANCE WITH UTAH CODE § 17-79-10**

**WHEREAS**, under Utah Code § 17-79-Part 10, Weber County (“County”) is required or authorized to designate an “appeal authority” by ordinance to hear land use appeals and variances; and

WHEREAS, County wishes to provide a fair, efficient, and quasi-judicial process for land use appeals and variances in conformity with state law;

**NOW, THEREFORE**, the Board of County Commissioners of Weber County ordains as follows:

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**SECTION 1. UPDATE TO THE WEBER COUNTY CODE OF ORDINANCES**

Title 101 General Provisions

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Chapter 101-1 Creation, Implementation, Amendment, And Effect

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Sec 101-1-4 Conflict

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinance or laws, but shall prevail notwithstanding such provisions which are less restrictive.

~~Where a conflict exists between various provisions of this ordinance, the board of adjustment shall rule on which provision applies.~~

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Sec 101-1-6 Rules Of Construction

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(b) *Usage; general rules of construction.* The following general rules of interpretation shall apply:

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(5) Where appropriate to the context, words and terms defined in ~~U.C.A. 1953, §17-27a-103~~ Utah Code §17-79-102 shall apply here.

~~(10) Determinations as to the meaning of a word or a term shall be the responsibility of the planning director, whose decision may be appealed as provided herein.~~

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#### Sec 101-1-14 Certain Ordinances Not Repealed Or Affected By Adoption Of Code

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(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

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(12) Any zoning ordinance or amendments thereto, and any ordinance establishing an Appeal Authority, ~~board of zoning appeals~~ or planning commission, including joint commissions;

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#### Chapter 101-2 Definitions

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#### Sec 101-2-2 Ap-Definitions

*Appeal authority.* The term "appeal authority" means a person, hearing officer, board, commission, agency, or other body designated to decide an appeal of a decision of a land use application, ~~or variance,~~ or fee charged in accordance with Utah Code Ann. §17-79-804.

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#### Sec 101-2-9 H Definitions

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***Hazardous waste.*** The term "hazardous waste" means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transferred, disposed of, or otherwise managed.

**Hearing Officer.** The term "hearing officer" means an administrative law judge or similarly qualified person appointed under this ordinance to serve (1) as an Appeal Authority for decisions applying and interpreting this Land Use Code and Zoning Maps and for applications for

variances from the requirements of this Land Use Code and (2) to provide recommendations from fees charged in accordance with Utah Code Ann. §17-79-804 to the Appeal Authority.

**Heliport.** The term "heliport" means an area designed to be used for the landing or takeoff of helicopters, which may include terminal facilities and facilities for maintenance, loading and unloading, refueling, and storage. A heliport may operate as a private commercial business for use by those who have received permission from the owner/operator, but may not operate for use as a public heliport.

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Sec 101-2-13 Lot Definitions

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*Lot of record.* A lot of record is defined as any one of the following circumstances:

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(g) A parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County appropriate Appeal Authority Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record; or

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Sec 101-2-23 V Definitions

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*Variance.* The term "variance" means a waiver or modification of the requirements of a land use ordinance set forth in this Land Use Code. ~~relaxation by the board of adjustment, of the dimensional regulations of the Land Use Code where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant or previous owners, a literal enforcement of the Code would result in unnecessary and undue hardship, other than an economic nature or self-imposed hardship. A self-imposed hardship created by a previous owner is considered to run with the land.~~

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Title 102 Administration

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Sec 102-1-4 Notice Of Decision

After reviewing the evidence and considering the application, the Land Use Authority, as designated by this Land Use Code, shall make its findings and decision. It shall then send a ~~notice of decision~~ Final Written Decision to the applicant at the address or e-mail address given in the application. A ~~notice of decision~~ Final Written Decision ~~can be~~ is a written notice of decision signed by the Land Use Authority or their designee as requested by the Land Use Authority or a copy of the written administrative approval signed by the planning director or their designee. ~~or a copy of the approved minutes.~~ A decision by the Land Use Authority is final at the time the Final Written Decision is sent. ~~A decision by the Land Use Authority is final at the time the notice of decision is sent.~~ The planning division shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. ~~If a notice of decision is not sent, and the decision was made in a meeting where minutes are kept, the decision shall be final on the date the minutes from the meeting are approved by the land-use authority. The planning division shall also mail notice of any decisions to any person or agency, who in writing, requested such notification before the decision was rendered. Unless the land authority's final decision specifies otherwise, the land use authority's decision is subject to requirements and conditions stated in the staff report, and if applicable, listed in the meeting minutes.~~

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#### Sec 102-1-7 Appeals

Appeals from ~~administrative decisions~~ decisions of a Land Use Authority applying this Land Use Code ~~decisions~~ shall be submitted to the planning division not more than 15 calendar days after the date of the ~~written notice of decision~~ Final Written Decision in accordance with ~~section~~ Section 102-3-5. Appeals from ~~administrative decisions~~ decisions of a Land Use Authority applying this Land Use Code shall be heard by the ~~appropriate Appeal Authority~~ board of adjustment.

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#### Chapter 102-3 Appeal Authorities

##### Sec 102-3-1 Purpose and Intent

The purpose of this ordinance is to:

- (a) Establish one or more Hearing Officers to (1) serve as the Appeal Authority for land use decisions applying and interpreting this Land Use Code and Zoning Maps and variances from the requirements of this Land Use Code, and (2) provide recommendations from fees charged in accordance with Utah Code Ann. §17-79-804 to the County Commission;
- (b) Establish the County Commission as the Appeal Authority for fees charged in accordance with Utah Code Ann. §17-79-804.

- (c) Provide procedural clarity, due process, and a record-based appeal mechanism in line with Utah Code Title 17, Chapter 79, Part 10; and
- (d) Ensure that decisions are supported by findings of fact and conclusions of law, and that judicial review may proceed only after administrative exhaustion.

Sec 102-3-2 Appointment of Hearing Officers

- (a) The County Commission shall appoint one or more individual(s) to serve as Hearing Officers.
- (b) The Hearing Officer(s) shall have demonstrated no less than five years of experience in the realm of land use law and be an attorney licensed by the State of Utah.
- (c) Hearing Officers serve at the discretion of the County Commission.
- (d) If more than one Hearing Officer is appointed, they shall be used in rotation, unless otherwise determined for a particular case or based on their availability.
- (e) If an appointed Hearing Officer has a conflict of interest or is otherwise unavailable for a case, the County Commission may appoint an alternate Hearing Officer for that case.

Sec 102-3-3 Jurisdiction / Authority

- (a) Hearing Officer(s)
  - (1) The appointed Hearing Officer(s) shall serve as the Appeal Authority for:
    - a. Variances. Requests for variances from the requirements of this Land Use Code;
    - b.
    - c. Appeals. Appeals from decisions of the Land Use Authority applying this Land Use Code;
  - (2) The Hearing Officer is not authorized to hear an appeal of the enactment of a land use regulation.
  - (3) The Hearing Officer is not authorized to hear an appeal which is not authorized under CLUDMA.
  - (4) The Hearing Officer is not authorized to hear an appeal of any decision unless the decision is a Final Written Decision made by the Land Use Authority as indicated in Sec. 102-1-4.

- (5) Upon request of the County Commission, the Hearing Officer shall provide recommendations on appeals of fees charged in accordance with Utah Code Ann. §17-79-804.
- (b) The County Commission shall serve as the Appeal Authority for fees charged in accordance with Utah Code Ann. §17-79-804.
- (c) An Appeal Authority shall act in a quasi-judicial capacity.

Sec 102-3-4 Criteria, Standard of Review, and Scope.

(a) Variances.

(1) Criteria. The Appeal Authority may grant a variance only if it can find that all of the following apply:

- a. Unreasonable hardship. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.
  - 1. Relation to property. In determining whether or not enforcement of the ordinance would cause an unreasonable hardship, the Appeal Authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
  - 2. Self-imposed or economic. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- b. Special circumstances. There are special circumstances attached to the property that do not generally apply to other properties in the same zone. In determining whether or not there are special circumstances attached to the property, the Appeal Authority may find that special circumstances exist only if the special circumstances:
  - 1. relate to the hardship complained of; and
  - 2. deprive the property of privileges granted to other properties in the same zone.

- c. Substantial property right. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
  - d. General plan and public interest. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
  - e. Spirit of the law. The spirit of the land use ordinance is observed and substantial justice done.
- (2) Burden of proof. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (3) Run with the land. Variances run with the land.
- (4) Use variance not allowed. The Appeal Authority may not grant a use variance.
- (5) Application of additional requirements. In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:
- a. Mitigate any harmful affects of the variance; or
  - b. Serve the purpose of the ordinance standard or requirement that is waived or modified.

(b) Appeals of Land Use Decisions.

- (1) Standard of review. The Appeal Authority shall determine whether a Land Use Authority's decision is supported by substantial evidence in the record. Subject to Section 102-3-5(a)(2), the record shall be comprised of the approved minutes from the relevant meeting, findings, orders, and if available, a recording of the relevant meeting unless the parties request a true and correct transcript of that meeting.
- (2) Determination of correctness. The Appeal Authority shall:
- a. Determine the correctness of the Land Use Authority's interpretation and application of the plain meaning of the land use regulations; and
  - b. Interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
- (3) Burden of proof. The applicant bears the burden of proving that the Land Use Authority's decision was in error.

(c) Appeals of Land Use Fees.

- (1) The Appeal Authority shall determine whether a fee charged in accordance with Utah Code Ann. §17-79-804 reflects only the reasonable estimated cost of:
  - a. Regulation;
  - b. Processing an application;
  - c. Issuing a permit; or
  - d. Delivering the service for which the applicant or owner paid the fee.
- (2) The Appeal Authority may seek a recommendation from a Hearing Officer regarding the fee prior to reaching their final decision.

#### Sec 102-3-5 Hearing, Notice, and Record

- (a) Quasi-judicial hearing procedures. Hearings shall be conducted by the Appeal Authority in a quasi-judicial manner.
  - (1) A hearing held by the Appeal Authority is not a Public Hearing as the term is defined in Utah Code § 17-79-102, but rather a quasi-judicial hearing.
  - (2) The Appeal Authority shall allow oral arguments pertaining only to the record from the applicant and any adversely affected party or affected entity as those terms are defined in Utah Code §17-79-102. Prior to the hearing, the Appeal Authority in their discretion may allow these participants to submit a brief pertaining to the record. The Appeal Authority may only accept briefs pertaining to the record.
  - (3) As a quasi-judicial entity, a Hearing Officer is not a Public Body as the term is defined in Utah Code § 52-4-103.
- (b) Notice. The planning division shall give written notice of an Appeal Authority meeting to:
  - (1) The applicant; and
  - (2) Any adversely affected party or affected entity whose property interest may be materially impacted (e.g., abutting property owners).
  - (3) The County may post notice on the State’s public meeting notice website.
- (c) Record of the Appeal Authority. The planning division shall maintain the written record of each Appeal Authority.

#### Sec 102-3-6 Time for Appeals / Filing Deadlines

- (a) Variance Application. An application for a variance shall be submitted to the planning division during office hours in accordance with the division's submittal requirements.
- (b) Land Use Decision Appeal Application. An application for an appeal shall be filed with the planning division in writing within 15 calendar days of the Land Use Authority's Final Written Decision. The filing shall include:
  - (1) A written notice of appeal;
  - (2) The grounds for appeal (i.e., what error is alleged); and
  - (3) Supporting documentation, arguments, and evidence for the appeal, which shall not include any information not already a part of the public record for the case.
- (c) Land Use Fee Appeal Application. An application for an appeal of a fee charged in accordance with Utah Code Ann. §17-79-804 shall be filed with the planning division in writing within 15 calendar days of receiving a fee determination by the Land Use Authority. The filing shall include:
  - (1) A written notice of appeal;
  - (2) The ground for appeal and
  - (3) Any supporting documentation.
- (d) Application Fee. No application for an appeal or variance shall be deemed complete until after the applicable fee has been paid pursuant to Title 16 Chapter 2. If payment of the fee cannot be received by the planning division at the time of the application's filing (weekend filing, payment system errors, etc.), the payment shall be made as soon as the planning division makes it allowable.
- (e) Application Expiration. Applications shall expire 18 months from the date of their submittal.

#### Sec 102-3-7 Final Decision

- (a) If the Appeal Authority finds that the Land Use Authority's decision was legally or factually flawed, the Appeal Authority shall issue a final decision including corrected findings of fact and conclusions of law.
- (b) The Appeal Authority shall not substitute its policy judgments for the discretion of the Land Use Authority beyond the scope allowed by ordinance and statute.

#### Sec 102-3-8. Final Decision and Effect

- (a) A decision of the Appeal Authority becomes final on the date the written decision is issued.
- (b) The Appeal Authority's written decision shall be transmitted in writing to the applicant.
- (c) If the Appeal Authority has decided in favor of a variance request, the approval is valid for a period of 18 months. If an approved variance request has not been acted upon within this time frame, the approval shall expire and become void.
- (d) If the Appeal Authority has made an interpretation to the Zoning Map or Zoning Ordinance, the interpretation is valid until an amendment to the Zoning Map or Zoning Ordinance is made which changes the conditions upon which the interpretation or decision was made.

#### Sec 102-3-9. Judicial Review

- (a) A party may seek district court review of the Appeal Authority's decision, only after exhausting administrative remedies, in accordance with Utah Code § 17-79-1009.
- (b) A petition for court review must be filed in district court within 30 calendar days after the Appeal Authority's decision is final.

#### Chapter 102-3 Board of Adjustment Sec 102-3-1 Purpose and Intent

~~The purpose and intent of this chapter is to establish rules and procedures, consistent with state code, which govern the board of adjustment in considering appeals from decisions applying and interpreting this Land Use Code and Zoning Maps, and variances from the requirements of this Land Use Code. The board of adjustment serves as the county's final arbiter of issues involving the interpretation or application of this Land Use Code.~~

#### Sec 102-3-2 Board Membership And Organization

- (a) ~~The board of adjustment shall consist of five members and two alternate members from the unincorporated area of the county.~~
  - (1) ~~Board members shall be appointed by a simple majority vote of the county commission.~~
  - (2) ~~Board members shall serve for a term of five years, and expirations of terms shall be staggered so that an overlapping of terms occurs.~~
  - (3) ~~Any vacancy occurring on the board shall be filled via appointment by a simple majority vote of the county commission. Any vacancy occurring because of~~

~~resignation, removal, disqualification, or other reason shall be filled for the unexpired term of the vacating member.~~

~~(b) The board of adjustment shall annually elect a chairperson and vice chairperson from its membership. Each officer shall hold office for a one year period and not longer than two years consecutively.~~

~~(c) Members of the board of adjustment shall be subject to all applicable county ordinances regarding conflicts of interest and ethics. A violation of these provisions shall be grounds for removal from the board of adjustment. The county commission may remove or replace any board member for cause. Removal or replacement of a board member requires a majority vote of the full county commission in a public meeting.~~

#### ~~Sec 102-3-3 Duties And Powers Of The Board~~

~~The board of adjustment shall have the following duties and powers:~~

~~(a) To act as the appeal authority from decisions applying and interpreting this Land Use Code and Zoning Maps.~~

~~(b) To hear and decide variances from the requirements of the Land Use Code.~~

#### ~~Sec 102-3-4 Decision Criteria And Standards~~

~~(a) Appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.~~

~~(1) The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.~~

~~(2) The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.~~

~~(3) The appellant has the burden of proof that the land use authority erred.~~

~~(4) All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.~~

~~(5) Appeals to the board of adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.~~

~~(b) Variances from the requirements of the Land Use Code.~~

~~(1) Any person or entity desiring a waiver or modification of the requirements of the Land Use Code as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the board of adjustment for a variance from the terms of the Land Use Code.~~

~~(2) The board of adjustment may grant a variance only if the following five criteria are met:~~

~~a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.~~

~~1. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.~~

~~2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.~~

~~b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.~~

~~1. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.~~

~~c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.~~

~~d. The variance will not substantially affect the general plan and will not be contrary to the public interest.~~

~~e. The spirit of the land use ordinance is observed and substantial justice done.~~

~~(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.~~

~~(4) Variances run with the land.~~

~~(5) The appeal authority may not grant a use variance.~~

~~(6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:~~

~~a.—Mitigate any harmful effects of the variance; or~~

~~b.—Serve the purpose of the standard or requirement that is waived or modified.~~

#### ~~Sec 102-3-5 Procedure~~

~~The board of adjustment shall adopt rules and regulations, consistent with Utah state code and Weber County ordinances, for conducting its business and may amend such rules from time to time. Such rules may include policies and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the board.~~

#### ~~(a) Application and notice.~~

~~(1) Any person or entity wishing to petition the board of adjustment for an appeal or interpretation of the Land Use Code or Zoning Maps, or for a variance from the requirements of the Land Use Code may commence such action by completing the proper application and submitting it to the county planning division office. Applications must be submitted at least 30 days prior to the date of the meeting at which the application will be considered. The application must clearly explain the appeal, interpretation, or variance being requested, and must be accompanied by the required fee and applicable supporting information.~~

~~(2) After a complete application has been submitted and accepted, the planning division shall prepare a staff report to the board of adjustment, schedule a meeting of the board, and send notice to property owners within 500 feet of the parcel on which the request has been made. Notice may be sent to other interested persons or organizations upon written request.~~

~~(b) Meeting. The board of adjustment shall hold a public meeting to decide upon the appropriate action to be taken on an appeal, variance, or interpretation request. The concurring vote of at least three of the five board members is required to decide in favor of the request.~~

#### ~~(c) Decision and minutes.~~

~~(1) After the board of adjustment has made a decision, a notice of decision shall be prepared by the planning division, signed by the board of adjustment chair or the chair's designee, and sent to the appellant in accordance with section 102-1-4. This notice acts as the board's written decision for an appeal, variance, or interpretation request. Decisions of the board of adjustment shall be final at the time a notice of decision is issued.~~

~~(2) The minutes of all meetings of the board of adjustment shall be prepared and filed in the county planning division office. The minutes shall be available for public review and access in accordance with the Government Records and Access Management Act.~~

~~(d) Expiration.~~

~~(1) If the board has decided in favor of a variance request, the approval is valid for a period of 18 months. If an approved variance request has not been acted upon within this time frame, the approval shall expire and become void.~~

~~(2) If the board has made an interpretation to the Zoning Map or Zoning Ordinance, the interpretation is valid until an amendment to the Zoning Map or Zoning Ordinance is made which changes the conditions upon which the interpretation or decision was made.~~

~~(e) Appeal of decision. Appeals from decisions of the board of adjustment are made directly to the district court as designated in the state code.~~

Title 104 Zones

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Sec 104-1-2 Boundaries Of Zones

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(b) Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

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~~(4) Where the application of the above rules does not clarify the zone boundary location, the board of adjustment shall interpret the map.~~

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Title 108 Standards

Chapter 108-1 Design Review

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Sec 108-1-6 Planning Commission Approval

The planning commission, or the planning director, shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the

general objectives of this chapter, and shall give or withhold approval accordingly. Denial of approval by the ~~planning commission or~~ planning director may be appealed to the ~~appropriate planning commission, and denial by the planning commission may be appealed to the county commission~~ Appeal Authority.

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#### Chapter 108-4 Conditional Uses

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#### Sec 108-4-6 Appeal

The ~~Final Written Decision~~ decision of the ~~Land Use Authority~~ land-use authority for a Conditional Use Permit may be appealed to the appropriate Appeal Authority, in accordance with ~~€~~Title 102, eChapter 3 of this Land Use Code.

~~1.—The board of adjustment is the appeal authority for conditional use permits.~~

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#### Chapter 108-14 Hillside Development Review Procedures And Standards

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#### Sec 108-14-11 Appeals

(a) Except as allowed in subsection (b) of this section, an appeal of any ~~Final W~~ritten Decision in the application of this chapter shall be appealed in accordance with Title 102 Cchapter 3 ~~Board of Adjustment~~ Appeal Authority, of this Land Use Code.

(b) ~~Pursuant to U.C.A. 1953, § 17-79-1003, w~~When a written decision provided under this chapter contains technical aspects, an applicant may request the county to assemble a panel of qualified professionals to serve as the ~~appeal authority~~ Appeal Authority for the sole purpose of determining those technical aspects.  
~~State Law reference—Related provisions, U.C.A. 1953, §17-27a-703(2).~~

(c) The technical aspects of the administration and interpretation of this chapter are decisions related to:

- (1) The acceptance or rejection of scope, techniques, methodology, conclusions or specific types of information presented in a study or report;
- (2) The review and recommendation of an acceptable study or report for the land use authority's consideration; or

(3) The interpretation or application of any technical provisions of a study or report that is required by this chapter.

(d) Unless otherwise agreed by the applicant and county, if an applicant makes a request under this subsection, the county shall assemble the panel consisting of:

- (1) One qualified professional designated by the county;
- (2) One qualified professional designated by the applicant; and
- (3) One qualified professional chosen jointly by the county's designated qualified professional and the applicant's designated qualified professional.

(e) A member of the panel may not be associated with the application that is the subject of the appeal.

(f) The applicant shall pay for one half the cost of the panel in addition to the county's appeal fee.

(g) The panel shall be governed by the same appeal provision of the Appeal Authority ~~board of adjustment~~ provided in title 102, Chapter 3 Board of Adjustment Appeal Authority, of this Land Use Code.

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#### Chapter 108-20 Forest Campgrounds

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#### Sec 108-20-22 Denial of Permit; Review

Any person, firm, or corporation whose application for a permit under the provisions of this section has been denied by the Land Use Authority ~~planning commission~~ may appeal such decision to the ~~board of county commissioners~~ appropriate Appeal Authority upon filing an appeal pursuant to this Land Use Code. ~~a written request therefore within ten days after notice of such denial. Such written request shall specify with reasonable particularity the grounds on which the applicant relies for a reversal of the planning commission's denial of the permit. The county commission may affirm, amend or reverse in whole or part the decision of the planning commission. The decision of the county commission shall be final.~~

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#### Chapter 108-22 Natural Hazard Areas

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#### Sec 108-22-9 Appeals

(a) Except as allowed in subsection (b) of this section, an appeal of any ~~written decision~~ Final Written Decision in the application of this chapter shall be appealed in accordance with Title 102, Chapter 3 Appeal Authority Board of Adjustment of this Land Use Code.

(b) ~~Pursuant to U.C.A. 1953, § 17-79-1003, w~~When a written decision provided under this chapter contains technical aspects, an applicant may request the county to assemble a panel of qualified professionals to serve as the Appeal Authority for the sole purpose of determining those technical aspects.

~~State Law reference Related provisions, U.C.A. 1953, § 17-27a-703(2)~~

(1) The technical aspects of the administration and interpretation of this chapter are decisions related to:

- a. The acceptance or rejection of scope, techniques, methodology, conclusions or specific types of information presented in a study or report;
- b. The review and recommendation of an acceptable study or report for the land use authority's consideration;
- c. The interpretation or application of any technical provisions of a study or report that is required by this chapter; or
- d. The modification of a natural hazard study area boundary.

(2) Unless otherwise agreed by the applicant and county, if an applicant makes a request under this subsection, the county shall assemble the panel consisting of:

- a. One qualified professional designated by the county;
- b. One qualified professional designated by the applicant; and
- c. One qualified professional chosen jointly by the county's designated qualified professional and the applicant's designated qualified professional.

(3) A member of the panel may not be associated with the application that is the subject of the appeal.

(4) The applicant shall pay for one half the cost of the panel in addition to the county's appeal fee.

(5) The panel shall be governed by the same appeal provisions of the Appeal Authority Board of Adjustment provided in Title 102, Chapter 3 Appeal Authority Board of Adjustment, of this Land Use Code.

Sec 16-2-5 Land Use Code Application Fees

The following are the fees for applications authorized by a county land use ordinance:

	Planning Division Fees		Engineering Division Fees		Surveyor's Office Fees	
	Base Fee	Size Fee	Base Fee	Size Fee	Base Fee	Size Fee
<b>Subdivisions, Easements, and Rights-of-Way</b>						
Large Subdivision Fee *	\$815.00	+\$25.00 per lot	\$385.00	+\$50.00 per lot	\$400.00	+\$25 per lot; or +\$50 per condo unit
Large Subdivision Re-review Fee	\$200.00	-	\$200.00	-	\$75.00 (See Section 45-4-3)	
Small Subdivision Fee **	\$520.00	+\$25.00 per lot	\$230.00	+\$25.00 per lot	\$400.00	+\$25 per lot; or +\$50 per condo unit
Small Subdivision Re-review Fee	\$200.00	-	\$200.00	-	\$75.00 (See Section 45-4-3)	

Subdivision Change Fee	\$250.00	-	\$100.00	-	\$100.00	-
Final Subdivision Time Extension Fee	\$225.00	-	-	-	-	-
Subdivision Lot Adjustment Fee	\$260.00	+\$25.00 per lot	\$115.00	+\$25.00 per lot	\$400.00	+25.00 per lot; or +\$50 per condo unit
Easement or Right-of-way Vacation or Right-of-way Dedication Fee	\$385.00	-	\$115.00	-	\$400 per plat; or \$150 per ordinance	
Cluster Subdivision Sketch Plan Endorsement Fee	\$150.00	-	-	-	-	-
Alternative Access Review Fee	\$350.00	-	-	-	-	-
<b>Conditional Use Permits</b>						
Conditional Use Permit with Design Review Fee ***	\$770.00	+\$30.00 per \$100k of project valuation	\$230.00	-	-	-
Conditional Use Permit without Design Review Fee ***	\$400.00	-	\$100.00	-	-	-

Conditional Use Permit Amendment with Design Review Fee ***	\$400.00	+\$30.00 per \$100k of project valuation	\$100.00	-	-	-
Conditional Use Permit Amendment without Design Review Fee ***	\$200.00	-	\$50.00	-	-	-
Conditional Use Permit Re-review Fee	\$150.00	-	\$25.00	-	-	-
Conditional Use Approval Extension Fee	\$100.00	-	-	-	-	-
<b>Design Reviews</b>						
Design Review Fee ***	\$450.00	+\$30.00 per \$100k of project valuation	\$50.00	-	-	-
Design Review Amendment Fee ***	\$270.00	+\$30.00 per \$100k of project valuation	\$30.00	-	-	-
Design Review Re-review Fee	\$100.00	-	\$25.00	-	-	-

Hillside Review Fee	\$425.00	+\$50 per lot or unit	\$175.00	+\$50 per lot or unit	-	-
<b>Appeal Authority</b>						
Variance Fee	<del>\$600</del> 1000.00	-	-	-	-	-
Appeal Fee ****	<del>\$500</del> 600.00	+1/2 direct cost of geologic review panel, if applicable	-	-	-	-
<b>General Permitting Fees</b>						
Exempt Building Land Use Permit Fee ***	\$30.00	-	\$20.00	-	-	-
Land Use Permit for Building Permit Fee ***	\$60.00	-	\$40.00	-	-	-
General Land Use Permit or Approval (not otherwise listed) Fee ***	\$60.00	-	-	-	-	-
Land Use Permit Re-review Fee	\$30.00	-	-	-	-	-
Rebuild Letter Fee	\$25 per hour + cost for copies	-	-	-	-	-

Excavation or fill application fee	\$200.00	-	-	-	-	-
Building Parcel Designation	\$75.00	-	-	-	-	-
Buildable Parcel Determination	\$25 per hour + cost for copies	-	-	-	-	-
<b>Rezone, Ordinance or General Plan Amendment, or Master Plan</b>						
Rezone Fee	\$600.00	+\$5.00 per acre; or +\$10.00 per acre with a development agreement	-	-	\$30.00 per hour, if applicable	
Zoning Ordinance or General Plan Amendment Fee	\$1,000.00	+\$52.00 per page	-	-	\$30.00 per hour, if applicable	
Planned Residential Unit Development Fee	\$1,000.00	-	-	-	-	-
TDR Certification Fee	\$300.00	-	-	-	-	-
Zoning Development Agreement without a Rezone	\$600.00	+\$10.00 per acre	-	-	-	-
Zoning Development Agreement Amendment Fee	\$350.00 + \$20.00 per page; or \$150.00 per page, whichever is less		-	-	-	-

Planning Commission Work Session Fee	\$50.00	-	-	-	-	-
<b>Special Event Fees</b>						
Large Special Event (Over 200 people)	\$345.00	-	-	-	-	-
Small Special Event (200 or less people)	\$290.00	-	-	-	-	-
<b>General Administration Fees</b>						
Public Notice Sign	\$15.00	-	-	-	-	-
<b>Copies Fee</b>						
Black and White	\$0.30 per page	\$0.30 per page		-		
Color	\$1.00 per page	\$1.00 per page		-		
Outsourced Consultant Fees (When Allowed by Code)	Actual Cost	Actual Cost		-		
Fee <b>Modifications</b> Appeals	<del>The county commission can modify or waive fees for good and sufficient purposes on a case by case basis. Appeals of fees under this section described in Utah Code Ann. 17-79-804 shall be appealable to the handled in accordance with Part II Title 102 Chapter 3 of this Code of Ordinances of Weber County. -county commission</del>					
<p>* For up to five total (preliminary and final) reviews by each division, except as otherwise specified in Section 45-4-3. Every review thereafter is subject to a re-review fee.</p>						

\*\* For up to three total (preliminary and/or final) reviews by each division, except as otherwise specified in Section 45-4-3. Every review thereafter is subject to a re-review fee.

\*\*\* For up to two reviews. Every review thereafter is subject to a re-review fee.

\*\*\*\* 50% refundable if decision is ultimately reversed by the final decision making authority.

## **SECTION 2. EFFECTIVE DATE**

This ordinance shall become effective 15 days after its passage and upon the publication of a short summary of the ordinance in the *Standard Examiner* by the Clerk/Auditor's office in accordance with Utah Code §17-64-502.

The Clerk/Auditor's office is directed to publish a short summary of this ordinance in the *Standard Examiner* newspaper within 15 days after the date of its passage.

## **SECTION 3. ADOPTION.**

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2026, by the Weber County Commission.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By \_\_\_\_\_  
Gage Froerer, Chair

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

Commissioner Bolos voted \_\_\_\_\_  
Commissioner Froerer voted \_\_\_\_\_  
Commissioner Harvey voted \_\_\_\_\_

**SUMMARY OF WEBER COUNTY ORDINANCE NO. \_\_\_\_\_**

SUMMARY OF AN ORDINANCE OF WEBER COUNTY, UTAH, ESTABLISHING ONE OR MORE ADMINISTRATIVE HEARING OFFICERS AS APPEAL AUTHORITIES FOR LAND USE DECISIONS, VARIANCES, AND APPEALS, IN ACCORDANCE WITH UTAH CODE § 17-79-10

On \_\_\_\_\_, the Board of County Commissioners of Weber County adopted Ordinance No. \_\_\_\_\_, which updates the Weber County Code of Ordinances to establish one or more administrative hearing officers as appeal authorities for land use decisions, variances, and appeals, in accordance with Utah Code § 17-79-10.

Commissioners \_\_\_\_\_ voted in favor of this ordinance.

(If applicable) Commissioner \_\_\_\_\_ voted against this ordinance.

The complete text of the ordinance is available at the Weber County Clerk/Auditor's Office at 2380 Washington Blvd., Ogden, Utah