

LAND USE AUTHORITIES AND DECISION MAKING**Section 301—Land Use Authorities Provided:**

The Land Use Authorities identified by this Ordinance shall have responsibilities for administering and implementing the Richfield City General Plan and all Land Use Ordinances, including this Ordinance, as allowed by the Act and as provided herein.

Section 302—Richfield City Council:

1. **Powers and Duties.** For purposes of this Ordinance, the Richfield City Council (hereinafter “Council”) shall:
 - 1.1. Adopt the Richfield City General Plan, all elements thereof, and all amendments thereto.
 - 1.2. Adopt all Richfield City Land Use Ordinances, including this Ordinance, all provisions and requirements thereof, and all amendments thereto.
 - 1.3. Direct the Planning Commission to prepare the General Plan, any proposed plan element, any amendments thereto, and to submit such proposed plan, element, or amendments to the Council.
 - 1.4. Direct the Commission to prepare all Land Use Ordinances, including this Ordinance, Zoning Districts Maps, Official Maps, and all amendments thereto, and to submit such Land Use Ordinances and Maps, or amendments thereto, to the Council.
 - 1.5. Approve, approve with conditions, or deny all Conditional C-2 Use Applications.
 - 1.6. Act as an Appeals Authority, as provided by Chapter 26 herein.
 - 1.7. Render, or appoint a designee to render, a determination when an applicant asserts a deprivation of property rights, or has been subject to a taking of property without just compensation, or has asserted some other constitutional invalidity, as provided by Chapter 27 herein.
 - 1.8. Establish a fee schedule for all approvals, permits, and licenses required by the City’s Land Use Ordinances, including this Ordinance.

- 1.9. Take such other action(s) as authorized by this Ordinance or the Act and not expressly delegated to another Land Use Authority.
2. **Effective Date of Decisions.** All decisions of the Council, made under the authority of this Ordinance, shall take effect on the date of the meeting when the decision is made, unless a different date is designated in the rules of the Council, or a different date is designated by the Council at the time the decision is made.
3. **Council Meeting Minutes.** The approved minutes of Council meetings, attested to by a majority vote of the Council, shall constitute the official record of such meetings, and shall be filed in the Office of the City Recorder. All such records shall be available for public review and access in accordance with the laws of the State of Utah.

Section 303—Richfield City Planning Commission:

The Richfield City Planning Commission (hereinafter “Commission”) was heretofore created and established pursuant to the Act, or prior enactments thereof.

1. **Powers and Duties.** The Commission shall be an advisory body to the Council on legislative matters, including the City’s General Plan and Land Use Ordinances. The Commission shall:
 - 1.1. Prepare, or cause to be prepared, the General Plan, all elements thereof, and all amendments thereto, and to submit such plan, elements, or amendments to the Council.
 - 1.2. Prepare or cause to be prepared all Land Use Ordinances, including this Ordinance, all standards, and requirements thereof, and all amendments thereto, and to submit such ordinances, standards, requirements, and all amendments to the Council.
 - 1.3. Prepare or cause to be prepared all Official Maps, all standards and requirements thereof, and all amendments thereto, and to submit such maps, standards, requirements, and all amendments to the Council.
 - 1.4. Review and recommend approval or denial of all General Plan Amendment Applications and all Land Use Ordinance Amendment Applications to the Council.
 - 1.5. Review and approve, approve with requirements, or deny all Permitted P-2 Use Applications.
 - 1.6. Review and approve, approve with conditions, or deny all Conditional C-1 Use Applications.

- 1.7. Review and recommend approval, approval with conditions, or denial of all Conditional C-2 Use Applications to the Council.
 - 1.8. Review and recommend approval, approval with requirements, or denial of all Subdivision Applications to the Council, as authorized by the Subdivision Ordinance.
 - 1.9. Review and recommend approval, approval with requirements, or denial of all Petitions for Annexation to the Council.
 - 1.10. Review and recommend approval, approval with requirements, or denial of all Applications to establish an Agricultural Protection Area.
 - 1.11. Act as an Appeals Authority, as provided by Chapter 26 herein.
 - 1.12. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of Applications, and for any other purposes deemed necessary by the Commission, provided that such bylaws, policies, and procedures are approved by the Council before taking effect.
 - 1.13. Advise the Council on other matters, as the Council may direct.
- 2. Commission Membership, Appointment, Terms, Removal, and Vacancies.**
- 2.1. The Commission shall consist of seven (7) members.
 - 2.2. Commission members shall be appointed by the Mayor, with the advice and consent of the Council.
 - 2.3. Members of the Commission shall be residents of the City. No member of the Commission shall be an elected official or employee of the City
 - 2.4. All members of the Commission shall serve at the pleasure of the Mayor and Council for a term of three (3) years. No member shall serve more than three (3) consecutive terms. Terms shall begin on February 1 of each calendar year. Members' terms are to be staggered to so that no more than two (2) terms shall expire each year on February 1. A Commission member shall not be automatically reappointed to a second or third term, but shall serve until replaced.
 - 2.5. Commission members may be removed by the Mayor, with the advice and consent of the Council, without cause.

2.6. A Commission member may be removed by the Mayor, with the advice and consent of the Council, if three (3) consecutive or twenty-five (25) percent of the Commission meetings in a calendar year are missed. If the absence of a Commission member is due to an extended illness or vacation, the Commission member is responsible to provide written notice to the City Administrator. If such notice is given, these removal requirements do not apply.

2.7. Commission vacancies occurring for any reason shall be filled by the Mayor, with the advice and consent of the Council. Vacancies on the Commission occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.

3. Quorum and Necessary Vote.

3.1. No meeting of the Commission shall be called to order, nor may any business be transacted without a quorum consisting of at least four (4) members of the Commission being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the Commission. All actions of the Commission shall require the vote of a majority of the total members of the Commission. The Commission shall transmit reports of its decisions and recommendations to the Council. Any member of the Commission may also make a concurring or dissenting report or recommendation to the Council.

4. Effective Date of Decisions.

4.1. All decisions of the Commission shall become effective on the date of the meeting when the decision is made unless a different date is designated in the rules of the Commission, or the Commission designates a different date when the decision is made.

5. Meetings, Hearings, and Procedure.

5.1. The Commission shall establish a regular meeting schedule.

5.2. Special meetings may be requested by a majority vote of the Commission, or by the chair of the Commission.

5.3. When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify all interested parties and all members of the Commission of the date when the Commission will hear the rescheduled matter.

6. Commission Organization.

- 6.1. At an annual organizational meeting to be held the first regular meeting in March, and at other times as required, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.
- 6.2. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.

7. Commission Compensation.

- 7.1. Members of the Commission may serve with or without compensation, and the Council may fix compensation for members of the Commission, based on necessary and reasonable expenses. The Council shall provide for reimbursement to Commission members for actual expenses incurred, upon presentation of proper receipts.

8. Commission Members Volunteers.

- 8.1. Members of the Commission shall be deemed "volunteers" for the purposes of City Ordinances, rules, regulations, and policies concerning personnel, provided however, Commission members shall be included in the definition of "employee" for the purposes of the Utah Governmental Immunity Act.

9. Commission Recording Secretary.

- 9.1. The City Administrator shall assign the City Recorder to act as the Recording Secretary to serve the Commission. The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The minutes of all meetings of the Commission shall be filed in the Office of the City Recorder. All such records shall be available for public review and access in accordance with the laws of the State of Utah.

Section 304—Richfield City Board of Adjustment:

The Richfield City Board of Adjustment (hereinafter the "BOA") was heretofore created and established pursuant to the Act, or prior enactments thereof.

1. Powers and Duties. The BOA shall:

- 1.1. Recommend to the Council and Commission amendments to the General Plan, any elements thereof, as the BOA considers necessary.
- 1.2. Recommend to the Council and Commission amendments to any Land Use Ordinance, including this Ordinance, and any amendments to any provision or requirements thereof, as the BOA considers necessary.
- 1.3. Recommend to the Council and Commission amendments to any Official Maps, all provisions and requirements thereof, as the BOA considers necessary.
- 1.4. Review and approve, approve with requirements, or deny all Variance Applications, with a finding of an unreasonable hardship, as required by the Act, and as provided by Chapter 23 herein.
- 1.5. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the BOA, for the consideration of Applications and for any other purposes deemed necessary by the BOA provided, that such bylaws, policies, and procedures shall be approved by the Council before taking effect.

2. No Authority. The BOA shall have no power, jurisdiction or authority to consider any of the following:

- 2.1. To hear any amendments, waivers or modifications to any of the standards governing the approval of any General Plan Amendment Application or any Land Use Ordinance Amendment Application.
- 2.2. To hear any amendments, waivers, or modifications to the General Plan, any element, provision, or map thereof, or any provision or requirement of any Land Use Ordinance, including this Ordinance, any Zoning Districts Maps, and any Official Maps.
- 2.3. To make any decisions or determinations that would have the effect of authorizing a use, which is not identified in the Tables of Uses, as provided by Chapter 16 herein.
- 2.4. To hear or decide any matter or Application not expressly identified by Section 304(1) herein.

3. BOA Membership, Appointment, Terms, Removal, and Vacancies.

- 3.1. The BOA shall consist of five (5) members, with two (2) alternate members.
- 3.2. BOA members shall be appointed by the Mayor, with the advice and consent of the Council.

- 3.3. Members of the BOA shall be residents of the City. No member of the BOA shall be an elected official or employee of the City
- 3.4. All members of the BOA shall serve at the pleasure of the Mayor and Council for a term of five (5) years. No member shall serve more than two (2) consecutive terms. Terms shall begin on February 1 of each calendar year. Members' terms are to be staggered to so that no more than two (2) terms shall expire each year on February 1. A BOA member shall not be automatically reappointed to a second term.
- 3.5. BOA members may be removed by the Mayor, with the advice and consent of the Council, without cause.
- 3.6. A BOA member may be removed by the Mayor, with the advice and consent of the Council, if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the City Administrator. If such notice is given, these removal requirements do not apply.
- 3.7. BOA vacancies occurring for any reason shall be filled by the Mayor, with the advice and consent of the Council. Vacancies on the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.

4. Quorum and Necessary Vote.

- 4.1. No meeting of the BOA shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the BOA. All actions of the BOA shall require the vote of a majority of the total members of the BOA. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the BOA.

5. Effective Date of Decisions.

- 5.1. All decisions of the BOA shall become effective on the date of the meeting when the decision is made unless a different date is designated in the rules of the BOA, or the BOA designates a different date when the decision is made.

6. Meetings, Hearings, and Procedure.

- 6.1. The BOA shall establish a regular meeting schedule.

6.2. Special meetings may be requested by a majority vote of the BOA, or by the chair of the BOA.

6.3. When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available BOA meeting. The Recording Secretary shall notify all interested parties and all members of the BOA of the date when the BOA will hear the rescheduled matter.

7. BOA Organization.

7.1. At an annual organizational meeting to be held the first regular meeting in March, and at other times as required, the members of the BOA shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.

7.2. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.

8. BOA Compensation.

8.1. Members of the BOA may serve with or without compensation, and the Council may fix compensation for members of the BOA, based on necessary and reasonable expenses. The Council shall provide for reimbursement to BOA members for actual expenses incurred, upon presentation of proper receipts.

9. BOA Members Volunteers.

9.1. Members of the BOA shall be deemed "volunteers" for the purposes of City Ordinances, rules, regulations, and policies concerning personnel, provided however, BOA members shall be included in the definition of "employee" for the purposes of the Utah Governmental Immunity Act.

10. BOA Recording Secretary.

10.1. The City Administrator shall assign the City Recorder to act as the Recording Secretary to serve the BOA. The Recording Secretary shall keep the minutes of all proceedings of the BOA, which minutes shall be the official record of all proceedings before the BOA, attested to by a majority vote of the members of the BOA. The minutes of all meetings of the BOA shall be filed in the Office of the City Recorder. All such records shall be available for public review and access in accordance with the laws of the State of Utah.

Section 305—Richfield City Zoning Administrator:

The City Administrator, with the advice and consent of the Mayor and Council, shall designate a person to carry out the administrative and interpretation responsibilities of the City's Land Use Ordinances, including this Ordinance. The person so designated shall be known and is referred to herein as the "Zoning Administrator."

1. **Powers and Duties.** The Zoning Administrator shall:
 - 1.1. Ensure all procedures and provisions of the City's Land Use Ordinances, including this Ordinance, are consistently and equitably applied.
 - 1.2. Approve, approve with requirements, or deny the following Applications:
 - 1.2.1. All Temporary T-1 Use Applications.
 - 1.2.2. All Seasonal S-1 Use Applications.
 - 1.2.3. All Permitted P-1 Use Applications.
 - 1.3. Render interpretations of the text of this Ordinance, as provided by Section 202 herein.
 - 1.4. Determine and render a written determination of a Zoning District Boundary Application, as provided by Section 203 herein.
 - 1.5. Carry out all other functions, duties, and actions, as may be necessary to administer this Ordinance, and as may be identified herein.

Section 306—Richfield Development Review Committee:

1. **Establishment.** A Development Review Committee (hereinafter identified as the "DRC") may be established and created by the City Administrator, with the advice and consent of the Mayor and Council.
2. **Purpose.** The purpose of the DRC is to assure that any proposed use, activity, building, or structure is consistent with the General Plan and complies with all requirements of the City's Land Use Ordinances, including this Ordinance, and all other applicable ordinances and requirements.
3. **Membership.** The DRC shall consist of persons representing City Departments, and other persons, as may be designated by the City Administrator, responsible for reviewing and coordinating Applications for any approval, permit, or license.
4. **Powers and Duties.** The DRC shall act under the direction of the City Administrator and shall have the following duties and responsibilities:

- 4.1. Before a Land Use Authority considers any P-2, C-1, or C-2 Use Application, the DRC shall review the Application to determine compliance of the Application with the General Plan and all applicable Ordinances, including this Ordinance.
- 4.2. The DRC shall provide a report to the Land Use Authority identifying compliance of any P-2, C-1, or C-2 Use Application with the General Plan and all applicable Ordinances, including this Ordinance, prior to a review and decision by a Land Use Authority.
- 4.3. The DRC may provide a report to the Zoning Administrator for any T-1, S-1, or P-1 Use Application identifying compliance with the General Plan and all applicable Ordinances, including this Ordinance, prior to review and decision by the Zoning Administrator.
- 4.4. The DRC may provide a report to a Land Use Authority for any General Plan matter, including all elements thereof, and all amendments thereto.
- 4.5. The DRC may provide a report to a Land Use Authority for any Land Use Ordinance matter, including this Ordinance, all provisions and requirements thereof, and all amendments thereto
- 4.6. .The DRC may provide a report to a Land Use Authority for any Official Map matter, including all provisions and requirements thereof.
- 4.7. The DRC may provide a report to the BOA for any Variance Application.
- 4.8. The DRC may provide a report to a Land Use Authority for an Application for any approval, permit, or license.
- 4.9. The DRC may present findings for consideration by a Land Use Authority in the review and decision of any Application for any approval, permit, or license.
5. **Conduct of Meetings.** The DRC shall establish procedures for the conduct of DRC meetings, the scheduling of meetings, field trips, and any other DRC matters, such procedures being approved by the City Administrator before taking effect.

Section 307—Support:

The officers and staff of the City shall provide support and assistance to the City's Land Use Authorities, as may be required from time to time.

Section 308—Public Meetings and Public Hearings:

All meetings and hearings of all Land Use Authorities, identified herein, shall comply with the provisions of this Ordinance, and all other applicable Ordinances for such meetings and hearings, and the requirements of the laws of the State of Utah for open and public meetings.

Section 309—Provision of Administrative Guidelines:

The Council may provide guidelines, standards, reference materials, forms, or other documents to assist the Land Use Authorities, Applicants, and the public in the administration, implementation, and interpretation of all Land Use Ordinances, including this Ordinance.

Section 310—Computation of Time:

Unless specifically provided by the requirements of this Ordinance as otherwise, all times, identified herein, shall be computed using calendar days, except that if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded and time computed to the next regular business day following the Saturday, Sunday or legal holiday. The time within which an act is to be done shall be computed by excluding the first day and including the last day.

Section 311—Fractional Numbers:

In determining compliance with the numerical requirements of this Ordinance any computation or measurement resulting in a fractional number, except density calculations shall be rounded to the nearest whole number. Density calculations shall be rounded down to the nearest whole number.

Section 312—Procedural Irregularities:

1. Validity of Action. Notwithstanding any provision of this Ordinance which sets forth a procedure for any matter herein, no decision, action, inaction or recommendation regarding the matter which is the subject of the procedure shall be void or invalid or set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) which pertains to an Application, notice, decision, finding, record, hearing, report, recommendation or any other procedural matter whatsoever unless:
 - 1.1. The procedure is required by State or Federal law; and

1.2. In an examination of the entire circumstances, including the evidence, the court is of the opinion that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:

1.2.1. Had the error not occurred the decision made pursuant to the procedure would have been different; and

1.2.2. Because of the error, the complainant suffered an injury for which relief must be given.

2. Presumption of Validity. The court shall presume that a decision or action taken pursuant to a procedure was done in good faith and shall not presume that an error is prejudicial, or that an injury occurred. The complainant shall have the burden of proof by a preponderance of the evidence to show that an error is prejudicial or that an injury occurred.

Section 313—Determination of Completeness of Land Use Applications:

As provided for by the Act, and Chapter 12 herein, the City Recorder shall determine a Land Use Application submitted and complete on the date when the Application is provided in a form that complies with the requirements of this Ordinance, as applicable, and all applicable Application fees have been paid.

Section 314—Continuing Validity of Land Use Application Approvals:

1. The validity of an approval of a Land Use Application shall terminate one hundred eighty (180) calendar days from the date of the approval by the Land Use Authority, unless an alternative date is specifically provided by the applicable Land Use Ordinance, or the Applicant has proceeded within one hundred eighty (180) days calendar from the date of approval with reasonable diligence to implement the approval.
2. The validity of an approval of a Land Use Application shall expire and shall be invalid and null and void after one hundred eighty (180) calendar days from the date of approval by the Land Use Authority, or after the expiration of the time provided by the alternative date, as provided by the applicable Land Use Ordinance.
3. An approval by a Land Use Authority shall be invalid and null and void if a use is conducted, or a building or structure is established in violation of any requirements of the City's Land Use Ordinances, including this Ordinance.

Section 315—Land Use Authority Compliance with Land Use Ordinances:

Each Land Use Authority, as identified herein, shall comply with all terms and standards of all applicable Land Use Ordinances, including this Ordinance.

Section 316—Land Use Approvals Required to Comply with Land Use Ordinances:

The approval of any Land Use Application shall continue to comply with all requirements, conditions, terms and standards of approval, as required by the Land Use Authority, and shall continue to comply with the requirements of all Land Use Ordinances, including this Ordinance.

Section 317—Acquiring Property:

1. The City may acquire property through purchase, gift, voluntary dedication, or eminent domain.
2. The City may require the dedication and improvement of a street or other public facility, if the street or other facility is found necessary by the City because of a Land Use Application approval.

Section 318—Exactions:

A Land Use Authority may impose an exaction, or exactions, on a Land Use Application if:

1. An essential link exists between a legitimate governmental interest and each exaction; and
2. Each exaction is roughly proportionate, both in nature and in extent, to the impact of the proposed development.