

**10-9a-703 Appealing a land use authority's decision -- Panel of experts for appeals of geologic hazard decisions.**

- (1) The applicant, a board or officer of the municipality, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.
- (2)
  - (a) An applicant who has appealed a decision of the land use authority administering or interpreting the municipality's geologic hazard ordinance may request the municipality to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
  - (b) If an applicant makes a request under Subsection (2)(a), the municipality shall assemble the panel described in Subsection (2)(a) consisting of, unless otherwise agreed by the applicant and municipality:
    - (i) one expert designated by the municipality;
    - (ii) one expert designated by the applicant; and
    - (iii) one expert chosen jointly by the municipality's designated expert and the applicant's designated expert.
  - (c) A member of the panel assembled by the municipality under Subsection (2)(b) may not be associated with the application that is the subject of the appeal.
  - (d) The applicant shall pay:
    - (i) 1/2 of the cost of the panel; and
    - (ii) the municipality's published appeal fee.

Amended by Chapter 326, 2008 General Session