

SUMMIT COUNTY ADMINISTRATIVE APPEAL PROCEDURE

1. Commencement of Land Use Appeal. Summit County Code (the "Code") §§ 10-9-22 and 11-7-16 require that a land use appeal (the "Land Use Appeal") to a decision which has been documented in writing (the "Decision") and made by the Planning Commission, County Manager, and Director of Community Development (the "Final Land Use Authority") be filed within ten (10) calendar days of the date of such Decision (the "Land Use Appeal Deadline"). A Land Use Appeal must be in writing and must be signed by and include an email address of the Appellant (defined below). A Land Use Appeal must be filed with the Department of Community Development and must be accompanied by the payment of the appropriate fee. This Summit County Administrative Appeal Procedure will be provided to each Appellant at the time the Land Use Appeal is filed, the receipt of which will be acknowledged by signature of each Appellant.

2. Commencement of other Administrative Appeals. All other administrative appeals (the "Administrative Appeals") to the County Council which are provided for in the Code must be filed with the appropriate County department or elected official (the "Appropriate County Entity") from whose decision an Appellant is seeking an appeal within the time periods established therein (the "Administrative Appeals Deadline") and be made in writing, signed by and include an email address of the Appellant(s). Administrative Appeals must be accompanied by the payment of the appropriate fee. This Summit County Administrative Appeal Procedure will be provided to the Appellant(s) at the time the Administrative Appeal is filed, the receipt of which will be acknowledged by signature of the Appellant(s).

3. Parties to the Land Use Appeal or Administrative Appeal. The parties (the "Parties") to the Land Use Appeal or Administrative Appeal (together, the "Appeal") are as follows:
 - A. Land Use Appeal. The Parties are the Final Land Use Authority, any adversely affected person who is filing the Appeal (the "Appellant"), and the Party who filed the application seeking the County permit or decision, if different from the Appellant ("Applicant").

 - B. Administrative Appeal. The Parties are the County department or elected official from whom the Appeal is made in accordance with the Code, the Appellant, and the Applicant.

4. Service List. Within two (2) business days after the Land Use Appeal Deadline or Administrative Appeal Deadline (together, the "Appeal Deadline"), the Planning Department (in the case of a Land Use Appeal) and the Appropriate County Entity (in the case of an Administrative Appeal) shall email a list of email addresses of all Parties (the "Service List"). In addition to the Appellant(s) and Applicant, each Service List will include and be sent to the County Council, the Final Land Use Authority (in the case of a Land Use Appeal), the Appropriate County Entity (in the case of an Administrative Appeal), the Deputy County Attorney representing the Final Land Use Authority or the Appropriate County Entity, the County Attorney's Office paralegal, and the County Attorney. All Parties will be required to use

the Service List for all filings described below. The Service List is part of the official record of the proceedings (the "Record").

5. Initial Submission. Within seven (7) calendar days after the filing of the Appeal, each Appellant must email to the Service List its written materials for the Appeal ("Initial Submission"). This should include each Appellant's detailed designation of the Record, statement of issues, legal authority, arguments and all documentary evidence and exhibits for the Appeal.
6. Response. Within seven (7) calendar days after the service of the Initial Submission, the other Parties shall file responsive materials fairly meeting the issues raised in the Initial Submission. The Response should include each Party's additional designations of the Record, if any, legal authority, argument and all documentary evidence and exhibits for the Appeal.
7. Reply. Five (5) calendar days after the service of the Response ("Reply Deadline"), each Appellant may email to the Service List rebuttal evidence and arguments, as well as any other digital or electronic information that such Party wishes to present at the Appeal hearing (the "Hearing").
8. Page Limits. At the discretion of the Council Chair, page limits may be imposed upon the Response and Reply submissions. These will be discretionary and announced within 3 calendar days after the service of the Initial Submission. Page limits, if any, will be sent to the Service List.
9. No Late Submissions. No written or electronic materials will be accepted after the Reply Deadline. No exceptions.
10. Ex Parte Communications Prohibited. No Party shall have any direct or indirect ex-parte communications, including text and email, with any member of the County Council after the commencement of the Appeal.
11. Electronic Submissions Only. Summit County endeavors to be a paperless operation. No hard copies should be distributed.
12. Preparation and Publication of the Record. After the Reply deadline, the County Attorney's Office paralegal will paginate and index all submissions by the Parties for inclusion within the Record. The Record will be posted online five (5) calendar days prior to the Hearing together with the Agenda so as to accomplish any required public notice.
13. Requests for Continuances. Any Party may file a request to postpone the Hearing for good cause shown. The Chair of the County Council shall grant or deny the request and provide notice to the Service List. The continuance of a Hearing does not change the Initial Submission, Response and Reply deadlines set forth herein.

14. Hearings and Oral Presentation.

A. With respect to Land Use Appeals, per Code §§ 10-9-22 and 11-7-16, Hearings will be scheduled before the County Council within thirty (30) days of the Appeal Deadline.

B. With respect to Administrative Appeals, Hearings will be scheduled before the County Council within a reasonable time period after the Appeal Deadline.

C. Based on a review of the Record, the Chair of the County Council will set and publish time limits on the Agenda for oral argument by each Party, or, in the case of multiple Appellants, the Chair may limit argument per side. The Appellant(s) may use the entire allotted time for a presentation, or may reserve part of its designated time for rebuttal.

15. Continued Hearing Sessions and Additional Information. The County Council may, in its discretion, hold multiple Hearings on an Appeal and may request additional and further briefing and identify issues for further evidence and discussion.

APPROVED AND ADOPTED this 7th day of March, 2018.



COUNTY COUNCIL OF SUMMIT COUNTY, UTAH

Kim Carson

Kim Carson
Council Chair

ATTEST:

Kent Jones

Kent Jones
County Clerk

APPROVED AS TO FORM:

Margaret H. Olson

MARGARET H. OLSON
SUMMIT COUNTY ATTORNEY