



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

State of Utah  
Department of Commerce

## OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN Request for an Advisory Opinion

*Please return by regular mail to:*  
PO Box 146702  
Salt Lake City, UT 84114

*Or by fax or email to:*  
Fax: (801) 530-6338  
Email: [propertyrights@utah.gov](mailto:propertyrights@utah.gov)

*\* Please call the Office of the Property Rights Ombudsman before filling out this form to discuss whether your issue may be appropriate for an Advisory Opinion\**

\_\_\_\_\_  
Name of Person Requesting the Advisory Opinion

\_\_\_\_\_  
Name of Entity (if applicable)

\_\_\_\_\_  
Mailing Address, City, State, Zip Code (of property owner or the contact person)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Alternative Number

\_\_\_\_\_  
Email

The person making the request is:

Government Entity    Applicant    Other (Specify) \_\_\_\_\_

**Property:** Where is the property located? (Complete street address, if available)

\_\_\_\_\_

**Briefly state the question to be examined by this Advisory Opinion:**

If needed, attach an additional sheet describing the facts and issues that are the subject of this request.

**What government entity is involved?**

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Name

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Street Address, City, State, Zip Code

**Local Contact:** What official at that government entity should be contacted about this matter?

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Name

Title

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Telephone

Email

**Name of Property Owner:** Please give the owner as shown at the County Recorder's Office (be sure to be specific and note exact name of the trust, partnership, corporation, multiple owners, etc.).

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Name

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Street Address, City, State, Zip Code

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Telephone Number

Email

**Other Essential Parties** (attach additional sheets if necessary):

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Name

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Street Address, City, State, Zip Code

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Telephone Number

Email

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Nature of the Party's Interest

**Issues:** An Advisory Opinion is requested for the following issue(s):

- Impact Fees Act.
- Conditional use permits.
- Conditions and exactions on development.
- Whether an applicant is entitled to approval of a land use application because the application conforms to the local land use maps, zoning maps, and land use ordinances (vesting).
- Whether a local government entity has imposed on the holder of an issued land use permit a requirement that is not expressed in the land use permit, documents on which the land use permit is based, the state land use statutes, or the local ordinances.
- Whether a local government entity has withheld issuance of a land use permit because of the applicant's failure to comply with a requirement that is not expressed in the land use permit, documents on which the land use permit is based, the state land use statutes, or the local ordinances.
- Whether a local government is complying with the mandatory provisions of applicable land use ordinances.
- Whether a local government has provided substantive review within a timely manner and with reasonable diligence of land use applications, required improvements, and warranty work.
- Limits on fees for review and approving building plans.
- Nonconforming uses and noncomplying structures.
- Limits a local government has placed on the number of unrelated individuals allowed to occupy a residential unit.
- Whether a condemning agency is unlawfully occupying private property for a public purpose.

**Process:** At what stage is the local government entity in the process of reviewing this application or issue? Check all that apply:

- Staff or other local government officials are discussing the issue.
- A formal application has been filed and the staff are reviewing it.
- We have had a meeting before a planning commission.
- We have had a meeting before the city council, county commission, or county council.
- A final decision has been made by the final decision maker prior to an appeal.
- We are considering filing a local land use appeal from the final decision.
- We have filed an appeal but no hearing has been held.
- An appeals authority has announced a final decision, but has not reduced it to writing.
- The appeals authority has issued a final decision in writing.

NOTE: The Office of the Property Rights Ombudsman ("Ombudsman's Office") cannot accept a Request for an Advisory Opinion after a local appeals authority has issued a final decision. In addition, the Ombudsman's Office cannot accept a Request for an Advisory Opinion if no one filed a necessary appeal before the deadline to file and the local decision therefore cannot be appealed to an appeal authority or court. Those involved in requesting an Advisory Opinion must file timely appeals or the issues involved will be rendered moot. Please call the Ombudsman's Office for more information.

**Who is to Prepare the Advisory Opinion:**

An attorney from the Ombudsman's Office will prepare the Advisory Opinion at no additional cost (other than the \$150.00 application fee). Any party to an Advisory Opinion may request that an approved outside attorney prepare the Advisory Opinion. If an outside attorney is chosen, the parties must pay that attorney's charges and fees. A list of attorneys approved to prepare Advisory Opinions is attached.

In some circumstances, the Ombudsman's Office may choose to appoint an outside attorney to prepare an Advisory Opinion. In those cases, the parties must also bear the costs for the outside attorney. The Ombudsman's Office will not appoint an outside attorney unless it notifies the parties and they agree to pay the additional costs.

\_\_\_\_\_ **Please check here if you want the Advisory Opinion prepared by the Ombudsman's Office's attorneys.**

\_\_\_\_\_ **Please check here if you want to propose an attorney other than the Ombudsman's Office's attorneys to prepare the Advisory Opinion. If checked, we will call you to discuss.**

As the person making this request, I hereby understand and agree as follows:

- The Ombudsman's Office will work to mediate a solution to this dispute in lieu of issuing an Advisory Opinion, but the Ombudsman's Office will issue the opinion if the party requesting it prefers that the Ombudsman's Office issue it.
- If the Ombudsman's Office appoints a professional to provide the Advisory Opinion, I will pay an equal share of the cost of professional services with the other parties to the dispute and provide financial assurances of the payment.
- If the Ombudsman's Office determines that the issue is not appropriate for an Advisory Opinion, then none will be provided.

Please submit this form to the Office of the Property Rights Ombudsman, along with application payment in the amount of **\$150.00**, made payable to the Office of the Property Rights Ombudsman. The fee paid to initiate this opinion is non-refundable.

The Ombudsman's Office will consider this form and all submissions accompanying this form as a public record and will provide it to all other parties listed. If any party desires that the Ombudsman's Office keep any information provided to it confidential, that party must notify the staff attorneys at the Ombudsman's Office before providing such information.

I/we hereby request that the Office of the Property Rights Ombudsman provide mediation and/or arbitration of the matter(s) described in this request.	
Signed: _____	Date: _____
_____ Person making the request	

**Office of the Property Rights Ombudsman**  
**List of Attorneys Interested in Providing Advisory Opinions**

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The attorneys on the list have consented to have their names placed on it. The Utah Land Use and Eminent Domain Advisory Board ("Board"), which helps oversee the Office of the Property Rights Ombudsman ("Ombudsman's Office") in the Utah State Department of Commerce, has reviewed and approved each of these attorneys. Neither the Ombudsman's Office nor the Board can make specific representation as to qualifications, expertise, or impartiality of these attorneys. Before requesting that the Ombudsman's Office engage the services of a professional neutral, individuals should make their own investigations to determine which may be the best to assist in a specific case.

Nov 2018