

## **Voluntary Courtesy Review Waiver and Acknowledgement**

*RE: Ogden Valley City – Temporary Land Use Ordinance 2026-07*

### **Purpose**

This Voluntary Courtesy Review Waiver and Acknowledgement (“Waiver”) allows an applicant to voluntarily submit draft or conceptual land use materials to the City for an informal, non-binding courtesy review by City staff **during an active land use moratorium** for the limited purpose of identifying apparent application completeness considerations once the moratorium is lifted and post-moratorium ordinances are adopted.

### **Relationship to Active Moratorium**

The Applicant expressly acknowledges and agrees that:

1. The City is operating under an **active temporary land use regulation / moratorium** adopted pursuant to Utah Code § 10-20-504.
2. During the moratorium, the City is not accepting, processing for approval, or approving land use applications subject to the moratorium, except as expressly authorized by the City Council and applicable law.
3. The courtesy review process is **not intended to, and shall not, allow circumvention of the moratorium** or create an exception to it.

### **Sunset of Courtesy Review Program**

The Applicant further acknowledges and agrees that:

1. The courtesy review process is **temporary and moratorium-dependent**.
2. Courtesy review shall be available **only until the City adopts the post-moratorium land use ordinances** that modify or replace the regulations giving rise to the moratorium.
3. The City may suspend or terminate courtesy review immediately upon adoption of post-moratorium ordinances or expiration of the moratorium, whichever occurs first, without obligation to continue review of previously submitted materials.

### **No Application Accepted or Submitted**

The Applicant expressly acknowledges and agrees that:

1. Submission of materials for courtesy review **does not constitute an application, submission, filing, or acceptance of a land use application** under Utah Code § 10-20-902.
2. Courtesy review shall not be construed as:
  - A submitted land-use application;
  - Acceptance of a land-use application;
  - A determination of completeness of a land-use application; or
  - Initiation of substantive review of a land-use application.
3. Any materials submitted during the moratorium are submitted **with the understanding that no application may be accepted until the moratorium is lifted and applicable ordinances are adopted.**
4. All submittals shall be entitled “Request for Courtesy Review”.

#### **No Vesting, Entitlement, or Freeze of Regulations**

The Applicant expressly waives and acknowledges that:

1. Courtesy review **does not vest any development rights** under Utah Code § 10-20-902.
2. Courtesy review **does not entitle** the Applicant to review or approval under land use regulations in effect at the time of courtesy review.
3. The City shall not accept application fees, completeness review fees, review deposits, or other application charges in connection with courtesy review, and any payment tendered shall be rejected or returned.
4. The City may apply **any land use ordinance, zoning regulation, or development standard lawfully in effect at the time a complete application is formally submitted and accepted**, including ordinances adopted after courtesy review and after the moratorium.

#### **No State-Mandated Timelines Triggered**

The Applicant expressly waives and acknowledges that:

1. Submission of materials for courtesy review **does not trigger any state-mandated timelines**, including but not limited to:

- The obligation to determine application completeness under Utah Code § 10-20-902;
  - The 30-day response requirement following a written request for a determination of completeness;
  - Any “reasonable diligence” obligation for substantive review;
  - Any timeline for approval, denial, or default action.
2. No appeal rights, deemed completeness provisions, or entitlement to written determinations arise from courtesy review.
  3. All courtesy review comments shall be labeled “Courtesy Review Only — Not an Application, Completeness Determination, Approval, or Vested Rights Determination.”

### **Informal and Non-Binding Nature of Staff Input**

The Applicant understands and agrees that:

1. Courtesy review consists solely of **informal, non-binding staff observations**.
2. Staff comments:
  - Are limited to the materials provided;
  - May change based on future submissions, ordinance adoption, or legal interpretation; and
  - Shall not bind the City, planning commission, appeal authority, or legislative body.
3. Reliance on courtesy review comments is **at the Applicant’s sole risk**.

### **No Obligation or Commitment by the City**

Nothing in the courtesy review process shall be interpreted to:

- Commit the City to accept a future application;
- Limit the City’s authority during or after the moratorium;
- Create a legal or equitable obligation to continue processing;
- Limit the City’s authority to adopt, amend, or repeal land use ordinances.

- Courtesy review does not determine, waive, defer, calculate, vest, or otherwise affect any impact fee, development fee, building permit fee, inspection fee, utility requirement, water dedication requirement, or other charge or requirement that may apply when a formal application is later submitted, accepted, reviewed, or approved.

**Release and Hold Harmless**

To the fullest extent permitted by law, Applicant releases the City from claims based on Applicant’s reliance on informal courtesy-review comments or Applicant’s assertion that courtesy review created a complete application, vested right, approval, entitlement, or statutory review deadline.

**GRAMA**

Materials submitted for courtesy review may constitute public records subject to disclosure under GRAMA unless a specific statutory classification or protection applies. The City does not agree to treat courtesy-review materials as confidential merely because they are preliminary, conceptual, or voluntarily submitted.

**Acknowledgement and Signature**

By signing below, the Applicant acknowledges that this Waiver is knowingly and voluntarily executed during an active land use moratorium and that no land use rights are created by courtesy review.

**Applicant Name:** \_\_\_\_\_

**Project / Property Address:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_