

September 11, 2025

APPEAL TO THE SPRING CITY BOARD OF ADJUSTMENT

Re: Appeal of Planning & Zoning Recommendation to Extend Commercial District (Ordinance 2025-04) on July 30th 2025 and City Council Adoption of Ordinance 2025-04 on August 7, 2025

1. Parties

- Complainant: Sonja Brown, resident of the county buffer zone neighboring Spring City and citizen of Utah, unlawfully denied her statutory and constitutional right to participate in the public hearing process.
- Respondents: Spring City Council, Planning & Zoning Commission, and city officials acting under their authority.

2. Jurisdiction

This appeal is brought pursuant to Spring City Municipal Code Chapter 10-3-4, which authorizes an aggrieved party to challenge a land use authority's decision before the Board of Adjustment within 45 days of the contested action.

The contested actions are:

- The Planning & Zoning Commission's public hearing held July 30, 2025.
- The City Council's adoption of Ordinance 2025-04 on August 7, 2025, extending the LC-1 Light Commercial Zone.

3. Background

On July 30, 2025, the Spring City Planning & Zoning Commission conducted a public hearing regarding rezoning and expansion of the LC-1 Light Commercial District.

During this hearing, Complainant Sonja Brown attempted to speak in opposition to the proposed rezoning. Two Planning & Zoning Commissioners, in concert with Councilmember Marty McCain, blocked her from speaking for nearly ten minutes. This deliberate suppression was conducted in a premeditated manner, with the clear intent to silence her testimony.

Only after citizens in attendance rose in protest and physically stood beside her was Ms. Brown reluctantly permitted to speak. However, due to the intimidation, disruption, and hostility of city officials, she was prevented from fully presenting her prepared remarks opposing the rezoning.

The suppression of Ms. Brown's testimony occurred in the presence of the Mayor, who remained silent and did nothing to ensure a lawful and fair hearing.

On August 7, 2025, the City Council subsequently adopted Ordinance 2025-04 without holding its own required public hearing.

4. Adverse Effects

- A. **Suppression of Free Speech and Participation:** Ms. Brown was unlawfully deprived of her statutory right to “a reasonable opportunity to comment” as required by Utah Code § 10-9a-103(51) (LUDMA).
- B. **Lack of Protective Oversight:** The coordinated obstruction made it unsafe for Ms. Brown to present her intended remarks, deterring not only her but also other citizens from freely participating in local government.
- C. **Defective Public Hearing:** A public hearing that excludes citizen input is procedurally defective and renders the resulting ordinance vulnerable to invalidation.
Loss of Procedural Due Process: Both LUDMA and the Open and Public Meetings Act (Utah Code § 52-4-302) guarantee the right of meaningful participation. Ms. Brown was deprived of this right.

5. Grounds for Appeal

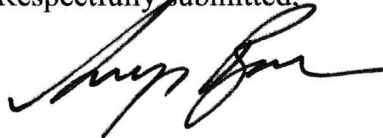
- A. **Suppression of Public Comment:** Utah’s courts have consistently held that defective hearings invalidate ordinances. The suppression of Ms. Brown’s voice was not an incidental disruption but a deliberate violation of her rights, carried out by both commissioners and a councilmember
- B. **Violation of LUDMA and Open Meetings Law:** LUDMA requires reasonable opportunity for public comment at duly noticed hearings. The Open and Public Meetings Act authorizes courts to void actions taken in violation of its provisions.
- C. **Failure to Hold a Lawful City Council Hearing:** The City Council adopted Ordinance 2025-04 without conducting its own statutorily required public hearing, in violation of Utah Code § 10-9a-205.
- D. **Arbitrary and Capricious Conduct:** The coordinated suppression of Ms. Brown’s testimony and the omission of a lawful Council hearing render Ordinance 2025-04 procedurally defective, arbitrary, and unlawful.

6. Relief Requested

The Complainant respectfully requests that the Board of Adjustment:

1. Invalidate Ordinance 2025-04 due to suppression of public comment and procedural violations of LUDMA and the Open Meetings Act.
2. Remand the matter back to P&Z and City Council with instructions to:
 - Hold new, properly noticed hearings at both the Planning and Zoning Commission and City Council levels.
 - Ensure that all citizens are permitted a fair, uninterrupted opportunity to speak.
 - Train city officials and commissioners on compliance with LUDMA, OPMA, and constitutional free speech rights.
3. Direct adoption of safeguards to prevent future suppression of citizen testimony, including mandatory procedures for ensuring fair hearings.
4. Recognize that suppression of dissenting voices is a grave violation of constitutional rights and undermines public trust in local government.

Respectfully submitted,



Sonja Brown

Resident of the County Buffer Zone and Utah Citizen

*Prepared with assistance from Counsel