

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: Tony Rudman, resident and historic property owner within the Spring City National Historic District.
- Respondent: Spring City Planning & Zoning Commission (P&Z) and City Council (as adopting body).

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.

3. Background

- A. On July 30, 2025, Spring City Planning & Zoning held a public hearing regarding a proposal to rezone Main Street between 500–600 North to extend the LC-1 Light Commercial Zone.
- B. On August 7, 2025, Ordinance 2025-04 was adopted by the City Council, extending the LC-1 zone one block north to 600 North without holding a public hearing on pursuant to Utah Code 10-9a-205.
- C. The ordinance materially alters zoning within the boundaries of the Spring City National Historic District, listed on the National Register of Historic Places since 1978 and reaffirmed in 2022.
- D. The P&Z and Council could have addressed specific property use needs through the issuance of a **Conditional Use Permit (CUP)** within the existing zoning, rather than a broad rezoning.

4. Adverse Effects

A. Threat to Historic Designation

- The rezoning, together with infrastructure projects, commercial projects and density increases, directly threatens Spring City's eligibility for National Register status.

- Loss of designation would strip residents of access to federal and state tax credits, grants, and preservation incentives relied upon for millions in historic home restoration.

B. Economic Harm to Historic Property Owners

- Rudman and his wife invested over \$300,000 restoring their historic home in reliance on preservation protections.
- Loss of designation and incompatible commercial encroachment will reduce property value, undermine tourism, and eliminate financial tools that sustain preservation.

C. Damage to the Historic Landscape

- Rezoning invites incompatible uses (commercial parking, signage, and traffic) adjacent to the National Historic District’s streets, fences, and irrigation features.

D. Procedural Defects

- The City Council failed to hold its own statutorily required public hearing prior to adopting Ordinance 2025-04.
- The 2024 “General Plan” was never legally adopted by ordinance, rendering subsequent zoning actions void ab initio.

E. Conflicts of Interest

- Councilmembers of Spring City Council have not disclosed why they are interested in expanding the commercial district (rather than offering a Conditional Use Permit to the business owner, and they have not adequately addressed the use of “spot zoning” for the commercial district.

5. Grounds for Appeal

A. Spot Zoning

The rezoning constitutes unlawful spot zoning because:

- a. It targets a small parcel for commercial use inconsistent with the surrounding historic residential district.
- b. It benefits a particular property owner, while undermining the alleged legally adopted General Plan’s stated goal of preserving historic character.

- The extension northward is arbitrary and capricious in that it lacks demonstrated necessity and primarily benefits a limited group rather than the general welfare of the community.
- This type of spot zoning also violates Spring City's Municipal Code.

B. Inconsistency with the Alleged Legally Adopted General Plan & Historical Preservation Duties

- Utah Code § 10-9a-406 requires zoning to conform to a legally adopted General Plan. No such legally adopted General Plan exists.
- Utah Code § 9-8a-404 and NHPA § 106 require meaningful review of impacts on historic resources. No adequate review or consultation occurred.

C. Availability of Less Drastic Alternatives

- If a specific business use was contemplated, it could have been accommodated through a Conditional Use Permit within existing zoning, preserving residential stability without rezoning.

D. Procedural Concerns: Suppression of Public Comment

- Suppression of public comment during the July 30, 2025 public hearing at Planning and Zoning. Councilmember Marty McCain and other members of the Planning and Zoning Committee (under the supervision of Mayor Anderson, who did nothing to stop it), as official representatives of the city, participated in this unlawful suppression of public comment.
- Utah's Open and Public Meetings Act (Utah Code Ann. § 52-4-101 et seq.) and principles of due process guarantee the right of citizens to participate in properly noticed public hearings.
- By suppressing public comment, the Commission denied affected residents a meaningful opportunity to be heard, which undermines the legitimacy of the process and violates both statutory and constitutional requirements of fairness.

E. Procedural Concerns: Violations of LUDMA Public Hearing Requirements

LUDMA establishes mandatory procedures for rezoning, which include public hearings at two distinct levels:

- a. **Planning Commission Hearing:** The Planning Commission must first hold a public hearing and provide a recommendation to the City Council.

- b. **City Council Hearing:** The City Council, after receiving the Planning Commission's recommendation, must also hold its own public hearing before it can adopt or reject the rezoning ordinance.

In this case, Spring City held a Planning Commission public hearing but failed to hold a separate public hearing before the City Council.

The fact that the Planning Commission held a hearing does not satisfy the separate and distinct public hearing requirement. The public is entitled to be heard by both bodies before a final decision is made. By omitting the Council-level public hearing, the City violated LUDMA's procedural safeguards, rendering the ordinance unlawful.

6. Relief Requested

The Complainant respectfully requests that the Board of Adjustment:

1. Reverse the approval of Ordinance 2025-04 as unlawful spot zoning inconsistent with the alleged legally adopted General Plan and historic preservation laws.
2. Invalidate the ordinance due to failure to comply with LUDMA's statutory public hearing and notice requirements.
3. Remand the matter back to P&Z and the City Council the matter to P&Z and City Council with instructions to:
 - a. Hold proper hearings with full public participation;
 - b. Demonstrate compliance with state and federal historic preservation requirements; and
 - c. Consider alternatives such as Conditional Use Permits.
4. Require safeguards to ensure compliance with the Open and Public Meetings Act, LUDMA, and the National Historic Preservation Act.
5. Direct the City to adopt procedures ensuring full compliance with the Open and Public Meetings Act and LUDMA, guaranteeing all citizens a fair opportunity to participate in public hearings.
6. Direct recusal of conflicted councilmembers in any future zoning or bonding actions where they hold substantial personal interests, or in the very least, direct the councilmembers to disclose conflicts of interest in which they have financial interests or gains related to the rezoning.

The rezoning of one block north into the LC-1 zone undermines Spring City's historic integrity, jeopardizes its National Historic Register status, imposes unlawful financial burdens, and was adopted through procedurally defective and ethically compromised processes.

For these reasons, the Board should set aside Ordinance 2025-04 and restore lawful and transparent governance consistent with Utah law and Spring City's obligations as a nationally recognized Historic District.

Respectfully submitted,

Tony Rudman
Spring City Resident and Historic Property Owner