

Grantsville City Planning Commission Training

LUDMA • GLUDMC • OPMA • Best
Practices

March 2, 2026 | Tysen Barker, City
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Agenda

- LUDMA & GLUDMC
- Public Meetings
- Commission Conduct
- OPMA
- Case Studies
- Q&A

LUDMA & GLUDMC

- LUDMA governs authority
- GLUDMC implements locally
- City must follow its ordinances

Bradley v. Payson City

Hierarchy of Land Use Authority & Conflict of Law (Utah)

U.S. Constitution / Federal Law

Utah Constitution

State Statutes (LUDMA – Title 10-9a)

Local Ordinances (GLUDMC)

Administrative Decisions
(Planning Commission)

Conflict of Law Rules:

- Local ordinances must comply with LUDMA
- Courts apply 'correctness' review to legal interpretation
- Ordinance conflicts → ordinance invalid
- Failure to follow ordinance → reversible error (Bradley v. Payson City)
- Record + standards control judicial review

Scenario

A developer submits a complete subdivision application.

- At the time of submission:
 - GLUDMC allows the subdivision
 - Application meets all ordinance standards
- After submission:
 - City amends GLUDMC to impose stricter density limits
 - Planning Commission applies new ordinance and denies the application

Question: Is this legally defensible?

Utah Code 52-4-201; GLUDMC §1.18

Heat Map: Authority

● Ignore ordinance
“Bound by its ordinances”
(Bradley)

□ Misinterpret standards

□ Apply code as written

Public Meeting Requirements

- OPMA governs
- 24-hour notice
- GLUDMC 10-day hearing notice
- Mailing within 500 ft


Scenario


The Planning Commission schedules a public hearing for a subdivision approval.


- The City:
 - Posts the agenda online 24 hours in advance (OPMA compliant)
 - Publishes the hearing notice on the website
- However:
 - Fails to mail notice to property owners within 500 feet
 - Does not provide the required 10-day notice under GLUDMC
 - The Commission proceeds with the hearing and approves the subdivision

Question: Is this legally defensible?

Heat Map: Notice

 Defective
notice
Action invalid
(SUWA)

 Incomplete
agenda

 Full
compliance

Commissioner Conduct

- Avoid ex parte
- Disclose conflicts
- Decide based on record

Due Process Doctrine

Scenario

A controversial conditional use permit (CUP) application is pending.

- Prior to the public hearing:
 - A resident emails a commissioner opposing the project.
 - The commissioner responds and discusses concerns about traffic and compatibility.
 - Commissioner does not disclose communication.
- At the hearing:
 - Commissioner participates in discussion and deliberation.
 - Votes to deny the application.

Question: Is this legally defensible?

Due Process; GLUDMC §3.6(2)-(3) Ex Parte Contact

Heat Map: Conduct

⊘ Ex parte /
bias
Decision
vulnerable

⊘ Appearance
of bias

⊘ Disclosure &
recusal

OPMA Compliance

- Open meetings required
- No serial meetings
- Records required

Scenario

The Planning Commission schedules a regular meeting. The posted agenda (24+ hrs in advance with 10 day notice and proper mailings) includes: “Public Hearing and Possible Action: CUP – 1234 Main Street Auto Mechanic Shop Use”

- Agenda includes:
 - Type of application (CUP)
 - Lists the Property Address
 - Identifies the general use (auto mechanic shop)
- Does not include:
 - Detailed site plans
 - Staff analysis
 - Specific impacts (traffic, noise, etc.)

*Commission holds hearing and approves CUP.

Question: Is this legally defensible?

Scenario

The Planning Commission is reviewing a controversial subdivision.

- Commissioner A emails Commissioner B: “I don’t think this meets traffic standards.”
- Commissioner B forwards the email to Commissioner C with comments: “Agreed, I think we should deny.”
- Commissioner C replies to Commissioner D: “Looks like we’re all on the same page.”
- No single email includes a quorum, and no meeting is formally noticed.
- At the public meeting:
 - The Commission discusses the item
 - Votes to deny to the application

Question: Did an unlawful meeting occur under OPMA?

Heat Map: OPMA

 Serial meetings
Action voidable

 Agenda vagueness

 Transparency

Evidence & Findings

- Decisions must rely on record
- Public opinion is not evidence
- Findings required

Wadsworth v. West Jordan City

Scenario

A developer applies for a CUP that meets all listed GLUDMC standards.

At the public meeting:

- Staff report concludes all ordinance criteria are satisfied.
- No expert evidence contradicts the application.

Public comment includes:

- Concerns about traffic, noise, neighborhood character
- All adjacent property owners are outspokenly against the application

Commission action:

- Votes to deny to the application stating: “The proposed use is not compatible with the surrounding neighborhood;” and
- “Clearly no condition can be imposed that would appease the neighbors”

Question: Is the denial legally defensible?

Patterson v. Utah County; Wadsworth v. West Jordan City

Heat Map: Evidence

⊘ No substantial
evidence
Invalid (Wadsworth)

⊘ Weak findings
(Patterson)

⊘ Record-based
findings

Patterson v. Utah County; Wadsworth v. West Jordan City

Final Takeaways: Defensible Decisions

Follow the Law

Apply LUDMA &
GLUDMC
No personal
standards

Build the Record

Use only evidence
in the record

Make Findings

Standard + Facts +
Reasoning

Protect the Process

OPMA compliance
No ex parte
Proper notice

STAY OUT OF THE RED ZONE

Follow the ordinance • Build the record • Make findings • Protect the process