SPRING CITY WORK MEETING FOR CITY COUNCIL, PLANNING AND ZONING, & BOARD OF ADJUSTMENT MINUTES
Thursday, July 16, 2026, 6:30 p.m.

The meeting was held in the Council room at Spring City Hall, 45 South 100 East, Spring City, Utah.

In Person Attendance: Dave McEwan, Sally Scott, Cami Christensen, Whit Allred, Michael Broadbent, James Baker, Becky Brunner, Cade Penney, Tim Clark, Rob Terry, Craig Paulsen, Tony Rudman, Liz Rudman, Ruth Ann McCain; Recorder.

Zoom Attendance: Dan Rasmussen, iPhone, Laurel Workman, Selicia MacKay, Ted's Notetaker, Kristen Mortensen, Andrew Skousen

Expression of Choice:

Roll Call: Paul Penrod – Mayor, Tim Clark – Board of Adjustment, Craig Paulsen – Zoning Administrator, Chris Anderson – City Council, Becky Brunner – Board of Adjustment, James Baker – City Council, Stan Soper – City Council arrived at 6:44 pm.

LUDMA Training, Rob Terry, Statewide Land Use Training Director

Rob Terry, Land Use Planning 101: State Law and Best Practices

Rob Terry (Statewide Land Use Training Director) delivered a land use training session to Spring City officials covering roles and responsibilities, ethics, legislative vs. administrative decisions, and planning tools. The session satisfied one hour of the state-required for planning commissions. Significant discussion arose around a local surge of subdivision applications submitted just before an ordinance change, vested rights, moratoriums, and variance criteria.

The following are points of discussion in the training.

Vested rights hard line: An application is vested only when it is complete (all required information submitted) and all fees paid; incomplete applications carry no vested rights.

Incomplete applications bypass appeal authority: No basis exists to appeal if no complete application was ever accepted.

Subdivision applications are administrative, not legislative: Single-family, two-family, and townhome subdivisions must follow an administrative process; city council may sign plat maps but must not deliberate approval/denial.

Public opinion cannot influence administrative decisions: Land use authorities may only consider fact-and evidence-based input when making administrative rulings.

Moratorium requires ordinance nexus: A moratorium is only legally defensible if the agency is actively considering an ordinance amendment; maximum duration is 180 days.

Roles:
Legislative body: decision-maker/law-maker.
Planning Commission: advisory/recommends - Land Use Authority: applies rules to application.
Board of Adjustment/Appeal Authority: hears appeals, variances.

Legislative vs. Administrative:
- Legislative = making/amending rules (zone changes, general plan, annexations).
- Administrative = applying existing rules (permits, variances, subdivision maps).

Variance criteria (all five must be met by applicant):
1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
3. Garanting the variance is essential to the enjoyment of a substantial property right possessed by other property in the dame zone;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the land use ordinance is observed and substantial justice done.

Unreasonable hardship not self-imposed or economic in nature; special circumstances unique to the property; enjoyment of rights held by others in the same zone; consistent with general plan and public interest; spirit of ordinance observed.

Ex parte communication:
Officials must not discuss pending applications with only one party outside a public meeting; copying all parties on correspondence is best practice.

Mr. Terry emphasized the importance of avoiding ex parte communication, which occurs when a public official receives information about a matter from only one side outside of an open and transparent process. He also shared that if a board member or public official hears facts, evidence, or opinions from one side of an issue, the other side should also have the opportunity to hear and respond to that information. Fairness and transparency are maintained by ensuring all parties are aware of and included in communications. Officials may gather factual information from staff to better understand an application or process, but they should avoid private discussions that could influence their decision-making outside of the public meeting process.

Utah Open Public Meetings Act (OPMA):
Violations can void all affected decisions with no statute of limitations.

Mr. Terry noted that every single decision that was made where you can establish that there was a violation of OPMA can be challenged. There is no 30-day limitation, as there are when challenging a board of adjustment, a plan and zoning decision. There's no limitation if you can establish there's a violation of the Utah Open and Public Meetings Act

Exhaustion of local remedies:
Items must be appealed locally before proceeding to district court.

Local Issues Discussed

- Subdivision application surge: Multiple applications submitted the day before ordinance change, some complete, some not; only complete applications are vested under the old rules.
- Action recommended: Review each application individually; send deficiency notices for incomplete ones referencing the old ordinance; notify applicants that resubmission must comply with new rules.
- Water moratorium question: Spring City considering halting new water connections due to declining spring/well output; advised that a moratorium requires a resolution tied to a specific ordinance under consideration, not a standalone pause.
- Board of Adjustment notices: If local ordinance notice requirements were followed, a hearing need not be reopened; reopening selectively creates precedent and inconsistency.
- Inbound emails from public: Determine whether the communication is a complaint, appeal, or application; respond based on process only; avoid deliberating substance across a potential quorum.

Adjournment: 8:43 p.m.

APPROVED