

SUPREME COURT OF UTAH

McElhaney v. City of Moab

2017 UT 65 (2017) · No. No. 20160142 · Decided September 21, 2017

SUMMARY

The Utah Supreme Court held that, in an appeal involving an administrative land-use decision, it reviews the intermediate district court's decision without deference while applying the statutory standard governing the administrative decision. The court concluded that the Moab City Council failed to make sufficiently explicit findings of fact and conclusions of law supporting denial of a conditional use permit for a bed-and-breakfast facility. It vacated the district court's decision and remanded with instructions for the district court to remand the matter to the City Council for more detailed findings.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Pearce; Chief Justice Durrant; Associate Chief Justice Lee; Justice Durham; Justice Himonas
JURISDICTION	Utah
DECIDED	September 21, 2017
DOCKET	No. 20160142
DISPOSITION	vacated
PROCEDURAL POSTURE	Direct appeal from the district court's reversal of the Moab City Council's denial of a conditional use permit.
STANDARD OF REVIEW	The Supreme Court reviews the district court's decision in an appeal from a district court's review of an administrative order, affords no deference to the district court, and applies the statutory standard to determine whether the district court correctly assessed whether the administrative decision was arbitrary, capricious, or illegal. Under Utah's Municipal Land Use Development and Management Act, a land-use decision is upheld if supported by substantial evidence and not arbitrary, capricious, or illegal.
PRECEDENTIAL VALUE	Published, precedential Utah Supreme Court opinion
PARTIES	City of Moab, Moab City Council v. Jeramey McElhaney, Mary McElhaney

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Utah Supreme Court should review the district court's decision or the underlying municipal land-use decision when reviewing a district court's judgment on an administrative order.
2. Whether the City Council's denial of the conditional use permit was adequately supported by findings of fact and conclusions of law permitting meaningful appellate review.
3. Whether the district court erred by overturning the Council's decision rather than remanding the matter to the Council for adequate findings.

HOLDINGS

1. In an appeal of a district court's review of an administrative order, the Utah Supreme Court reviews the district court's decision, affords it no deference, and applies the governing statutory standard to determine whether the district court correctly evaluated the administrative decision.
2. A city council acting in an adjudicative land-use capacity must produce adequately detailed findings of fact and conclusions of law that identify the evidence and legal standards supporting its decision and permit meaningful appellate review.
3. When a municipal land-use decision lacks findings sufficient for meaningful appellate review, the reviewing court should remand the matter to the municipal body for additional findings rather than independently reconstructing the agency's reasoning and overturning the decision.

KEY QUOTATIONS

“Although this conflicts with what we did, but not necessarily with what we said, in Bennion, we clarify that in the appeal of an administrative order, we review the intermediate court’s decision.” (¶ 26)

“Simply stated, if a city council is going to sit as an adjudicative body, it needs to produce findings of fact capable of review on appeal.” (¶ 41)

“The district court correctly concluded that the Council failed to issue findings sufficient to support its denial of the McElhaney’s application for conditional use permit. But the district court erred in overturning the Council’s decision without remanding to permit the Council to craft findings of fact and conclusions of law capable of appellate review.” (¶ 42)

FACTUAL BACKGROUND

The McElhaney’s sought a conditional use permit to operate a bed and breakfast on property in Moab’s R-2 residential zone, where bed and breakfasts could be permitted conditionally. Neighbors raised concerns about traffic, noise, parking, lighting, drainage, property values, and neighborhood character. City staff investigated the

concerns, and the Planning Commission recommended approval subject to mitigation conditions. The City Council denied the permit by a 3-1 vote but did not issue explicit findings identifying the detrimental effects, explaining why they could not be mitigated, or connecting its conclusions to the applicable municipal-code criteria.

PROCEDURAL HISTORY

The Moab City Council denied the McElhaneys' application for a conditional use permit to operate a bed and breakfast in an R-2 residential zone. The McElhaneys appealed to the district court, which overturned the Council's decision after concluding that the record did not support the asserted traffic and noise concerns. The City and Council appealed to the Utah Supreme Court, which vacated the district court's order and remanded for further proceedings, including a remand to the Council for adequate findings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The district court's order is vacated. The case is remanded to the district court with instructions to remand the matter to the Moab City Council so that the Council may enter findings of fact and conclusions of law relevant to the governing conditional-use standards and adequate to permit meaningful appellate review.

CASES CITED

- Carrier v. Salt Lake County, 2004 UT 98, 104 P.3d 1208
- Bennion v. Utah State Board of Oil, Gas & Mining, 675 P.2d 1135 (Utah 1983)
- Utah Physicians for a Healthy Environment v. Executive Director of the Utah Department of Environmental Quality, 2016 UT 49, 391 P.3d 148
- Platts v. Parents Helping Parents, 947 P.2d 658 (Utah 1997)
- Alabama Public Service Commission v. Nunis, 39 So. 2d 409 (Ala. 1949)
- Kelly v. Kansas City, 648 P.2d 225 (Kan. 1982)
- Cook v. Iowa Department of Job Service, 299 N.W.2d 698 (Iowa 1980)
- Gourley v. Board of Trustees of South Dakota Retirement System, 289 N.W.2d 251 (S.D. 1980)
- Urban Council on Mobility v. Minnesota Department of Natural Resources, 289 N.W.2d 729 (Minn. 1980)
- Wyoming State Department of Education v. Barber, 649 P.2d 681 (Wyo. 1982)
- Merrill v. Department of Motor Vehicles, 458 P.2d 33 (Cal. 1969)
- Smith v. O'Keefe, 293 N.E.2d 142 (Ill. App. Ct. 1973)
- North Las Vegas v. Public Service Commission, 429 P.2d 66 (Nev. 1967)
- Norway Hill Preservation & Protection Association v. King County Council, 552 P.2d 674 (Wash. 1976)
- Bradley v. Payson City Corp., 2003 UT 16, 70 P.3d 47
- Maxfield v. Herbert, 2012 UT 44, 284 P.3d 647

- T-Mobile South, LLC v. City of Roswell, 135 S. Ct. 808 (2015)
- LaSal Oil Co. v. Department of Environmental Quality, 843 P.2d 1045 (Utah Ct. App. 1992)
- Adams v. Board of Review of Industrial Commission, 821 P.2d 1 (Utah Ct. App. 1991)
- Hidden Valley Coal Co. v. Utah Board of Oil, Gas & Mining, 866 P.2d 564 (Utah Ct. App. 1993)
- Milne Truck Lines, Inc. v. Public Service Commission, 720 P.2d 1373 (Utah 1986)
- Davis County v. Clearfield City, 756 P.2d 704 (Utah Ct. App. 1988)
- Ralph L. Wadsworth Construction, Inc. v. West Jordan City, 2000 UT App 49, 999 P.2d 1240

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