

SUPREME COURT OF ARKANSAS

MMSC, LLC, F/K/A MMSW, LLC v. Washington County, Arkansas;
Quorum Court of Washington County, Arkansas; Joseph K. Wood, in
His Official Capacity as County Judge; Dinah Dickerson; Caroline
Cox; Stephanie Foster; Marty Matlock; and the Highland
Community Association

MMSC, LLC, 2026 Ark. 56 (Ark. 2026) · No. CV-21-282 · Decided March 19, 2026

SUMMARY

The Supreme Court of Arkansas held that a county quorum court’s decision on a conditional-use permit was quasi-judicial because it applied existing zoning-ordinance criteria to the facts of the application. Accordingly, the circuit court erred by applying an arbitrary-and-capricious standard rather than conducting de novo review. The court reversed and remanded and vacated the court of appeals’ opinion, declining to reach the constitutional and moot issues.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Barbara W. Webb, Justice
JURISDICTION	Supreme Court of Arkansas
DECIDED	March 19, 2026
DOCKET	CV-21-282
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	MMSC appealed the circuit court's affirmance of the Washington County Quorum Court's denial of a conditional use permit. The Arkansas Supreme Court granted review after the court of appeals affirmed the circuit court.
STANDARD OF REVIEW	The Supreme Court reviewed the circuit court's selection of the applicable standard of review de novo because it presented a question of law. A conditional-use decision that is quasi-judicial or administrative is subject to de novo review; a legislative decision is reviewed only for arbitrariness, capriciousness, or unreasonableness.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential

PARTIES

MMSC, LLC, F/K/A MMSW, LLC v. Washington County, Arkansas, Quorum Court of Washington County, Arkansas, Joseph K. Wood, in his official capacity as County Judge, Dinah Dickerson, Caroline Cox, Stephanie Foster, Marty Matlock, The Highland Community Association

TOPICS

zoning standard of review administrative law municipal law appellate procedure

PRACTICE AREAS

zoning municipal law administrative law appellate procedure

QUESTIONS PRESENTED

1. Whether the Quorum Court's denial of MMSC's conditional use permit was a quasi-judicial act requiring de novo review by the circuit court or a legislative act subject only to arbitrary-and-capricious review.
2. Whether the circuit court properly declared Arkansas Code Annotated section 14-17-211 unconstitutional to the extent it required de novo review of county legislative zoning issues.
3. Whether the Quorum Court's denial of the conditional use permit was arbitrary and capricious.

HOLDINGS

1. A county quorum court's decision granting or denying a conditional use permit under an ordinance requiring application of specified criteria to the applicant's facts is quasi-judicial, not legislative, when the decision applies existing ordinance provisions rather than creating or amending law.
2. Because the Quorum Court acted in a quasi-judicial capacity, the circuit court was required to conduct de novo review rather than apply an arbitrary-and-capricious standard.
3. The court did not decide the constitutionality of Arkansas Code Annotated section 14-17-211 because that question was not essential to resolving the appeal.
4. The court did not reach whether the Quorum Court acted arbitrarily and capriciously because that issue became moot after the court determined that the circuit court applied the wrong standard of review.

KEY QUOTATIONS

“When we grant review of a decision by the court of appeals, we review the case as though the appeal had originally been filed in this court.” (2026 Ark. 56, at 2)

“The crucial test for determining what is legislative and what is quasi-judicial is whether the ordinance is one making a new law or executing a law already in existence.” (2026 Ark. 56, at 4)

“We found that it was “clear that a decision on a conditional use application requires an application of the facts to the existing provisions of the ordinance, and a judgment on whether the conditional use should be granted under the existing ordinance provisions.”” (2026 Ark. 56, at 6)

FACTUAL BACKGROUND

In 2018, MMSC, operating as Heritage Farms, sought a conditional use permit to operate a red-dirt surface mine on approximately twenty acres in an unincorporated area of Washington County. The property was zoned for agricultural and single-family residential uses, and the county zoning ordinance required evaluation of seven specified criteria for conditional uses. The planning board denied the permit, and the Quorum Court upheld the denial after applying the county's existing conditional-use provisions.

PROCEDURAL HISTORY

MMSC applied for a conditional use permit to operate a red-dirt surface mine. The Washington County Planning Board denied the application, and the Quorum Court upheld the denial through Ordinance No. 2019-26. The Washington County Circuit Court treated the matter as legislative, applied arbitrary-and-capricious review, found Arkansas Code Annotated section 14-17-211 unconstitutional to the extent it required de novo review of county legislative zoning issues, and affirmed the denial. The court of appeals affirmed, but the Arkansas Supreme Court reversed and remanded, vacating the court of appeals' opinion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for proceedings under the correct de novo standard of review. The Arkansas Court of Appeals' opinion was vacated.

CASES CITED

- Scoggins v. Medlock, 2011 Ark. 194, 381 S.W.3d 781
- Ark. Pub. Defender Comm'n v. Pulaski Cty. Circuit Court, 2010 Ark. 224, 365 S.W.3d 193
- City of Fort Smith v. McCutchen, 372 Ark. 541, 279 S.W.3d 78 (2008)
- PH, LLC v. City of Conway, 2009 Ark. 504, 344 S.W.3d 660
- Camden Cmty. Dev. Corp. v. Sutton, 339 Ark. 368, 5 S.W.3d 439 (1999)
- King's Ranch of Jonesboro, Inc. v. City of Jonesboro, 2011 Ark. 123
- Bolen v. Washington County Zoning Bd. of Adjustments, 2011 Ark. App. 319, 384 S.W.3d 33
- Williams v. St. Vincent Infirmary Med. Ctr., 2021 Ark. 14, 615 S.W.3d 721
- Citizens for a Better Pope Cty. v. Cross, 2020 Ark. 279, 606 S.W.3d 580 (per curiam)