

Bond Case Briefs

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Baker v. Carlson

Supreme Court of Utah - November 28, 2018 - P.3d - 2018 WL 6239919 - 2018 UT 59

Challengers filed petition for extraordinary relief, seeking to prevent appearance on ballot of resolution adopting developer's proposal to amend site development master plan (SDMP) and resolution approving developer's proposal to amend agreement for development of land (ADL).

The Third District Court entered summary judgment for city in part and for challengers in part. Parties appealed.

The Supreme Court of Utah held that:

- Resolution approving developer's proposal to amend SDMP was referable, but
- Resolution approving developer's proposal to amend ADL was not referable.

Resolution approving developer's proposal to amend site development master plan (SDMP) was generally applicable, as required for resolution to be referable; SDMP applied to all present and future parties that met its terms, and any developer could have developed land under already-approved SDMP if developer could also execute required ADL with city.

Resolution approving developer's proposal to amend agreement for development of land (ADL) was administrative in nature and was thus not referable; ADL was simply a contract between four parties setting forth obligations of those parties, and city did not weigh broad, competing policy considerations in approving ADL.