

Bond Case Briefs

Municipal Finance Law Since 1971

REFERENDA - UTAH

Mathews v. Tooele County

Supreme Court of Utah - August 7, 2025 - P.3d - 2025 WL 2265330 - 2025 UT 30

Sponsors of referendum to repeal site specific zoning ordinance, which had rezoned parcel in unincorporated area of county from agricultural to planned-community zoning, brought action against county and governor after county clerk rejected referendum petition due to lack of signatures.

After ordinance went into effect, and parcel became part of newly-incorporated city, the Third District Court granted summary judgment for county and granted governor's motion for judgment on the pleadings. Sponsors appealed.

The Supreme Court held that:

- Action was moot in light of incorporation of town and the parcel's location within the new town's boundaries, and
- Potential impact on developer's alleged vested rights in zoning ordinance did not save action from mootness.

Action by sponsors of referendum petition rejected by county clerk, which proposed to repeal site specific zoning ordinance rezoning parcel in unincorporated area of county from agricultural to planned-community zoning, in which sponsors sought declaration that petition was legally sufficient and that Governor's actions imposing COVID-19 restrictions, which allegedly hampered signature-gathering, violated their constitutional rights, and sought order requiring placement of the measure on the ballot, was moot in light of incorporation of town and the parcel's location within the new town's boundaries; town, not county, was the current entity regulating the parcel, and had enacted zoning ordinances affecting the property.

Issue of whether nonparty developer had vested rights under county site specific zoning ordinance, which had rezoned parcel in unincorporated area of county from agricultural to planned-community zoning, was not before the Supreme Court on appeal by sponsors of referendum to repeal the ordinance following summary judgment on their claim that county clerk improperly rejected their referendum petition due to lack of signatures, and thus alleged vested rights could not save appeal from being moot after town was incorporated and took over zoning of the parcel.

Referendum sponsors failed to establish that potential impact on developer's alleged vested rights in zoning ordinance, which had rezoned parcel in unincorporated area of county from agricultural to planned-community zoning, precluded finding that sponsors' action to repeal the ordinance was moot on grounds that town had been formed which encompassed and governed the parcel; sponsors made no legal argument in support assumption that any future successful referendum would strip developer of vested rights, or that vested rights would not remain intact if referendum would repeal the ordinance prospectively only, and any successful referendum would not have retroactive effect.

