

Bond Case Briefs

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McElhaney v. City of Moab

Supreme Court of Utah - September 21, 2017 - P.3d - 2017 WL 4216543 - 2017 UT 65

Applicants appealed from city council's denial of a conditional use permit to operate a bed and breakfast. The Seventh District Court reversed, and the city and city council appealed.

The Supreme Court of Utah held that 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.

While district court correctly concluded that city council failed to issue findings sufficient to support its denial of application for conditional use permit to operate a bed and breakfast, it 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. The council concluded that the proposed bed and breakfast use did not meet the criteria set forth in the city's municipal code but prepared no written findings of fact.