

BOISE, MONDAY, NOVEMBER 10, 2025, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**MICHAEL BUDIG, TODD BRINKMEYER,)
JOHN STOCKTON, and PRIEST LAKE)
CABIN OWNERS' ASSOCIATION, INC., an)
Idaho non-profit corporation,)**

Petitioners-Appellants,)

v.)

**BONNER COUNTY BOARD OF)
COMMISSIONERS,)**

Respondent,)

and)

TRICORE INVESTMENT, LLC,)

Intervenor-Respondent.)

Docket No. 51870

Appeal from the District Court of the First Judicial District of the State of Idaho,
Bonner County. Barry McHugh, District Judge.

Givens Pursley LLP, Boise, for Appellants.

Bonner County Prosecutor's Office, Sandpoint, for Respondent Bonner County
Board of Commissioners.

Featherston Law Firm Chtd., Sandpoint, and Roberts Freebourn, PLLC, Spokane,
Washington for Respondent Tricore Investment, LLC.

This appeal concerns two issues regarding judicial review of decisions made under Idaho's Local Land Use Planning Act ("LLUPA"). Specifically, whether the approval of two contemporaneous and contiguous Minor Land Division ("MLD") Applications is subject to judicial review under Idaho Code section 67-6521(1)(a)(i): (1) under the clause "such other similar applications required or authorized" or (2) as "an application for a subdivision." Tricore Investment, LLC ("Tricore") is the owner of three parcels of land on Priest Lake. In August 2021, Tricore submitted two applications at the same time for MLDs for two of its back parcels, each divided into eight contiguous lots. The applications were conditionally approved by Bonner

County Staff before being approved by the Board of County Commissioners and signed by the Commissioner Chairman. While both applications were evaluated by Bonner County Staff together, they came before the Board at different times. The Petitioners, among others, timely petitioned for reconsideration, claiming that the applications were filed as an attempt to circumvent the process under LLUPA by passing an eight-lot parcel as two four-lot minor land divisions. The petition for reconsideration was denied. The Petitioners then timely petitioned for judicial review.

The appeals of both application approvals were consolidated and heard on oral argument before the district court. The district court vacated the MLDs and remanded them back to the Board, finding that requirements under Idaho Code section 67-6535 had not been met. The Board petitioned for rehearing, arguing that the MLD Applications were exempt from those requirements. Tricore also moved for reconsideration, arguing that MLDs are not subject to judicial review under LLUPA. The district court granted reconsideration and vacated its prior decision. After briefing and oral argument on these issues, the district court found that it did not have jurisdiction over the petitions for judicial review. The district court found: (1) the two MLD Applications were not for a subdivision, because there was no code expressly prohibiting filing multiple MLD Applications instead of a single subdivision application and (2) the MLD Applications did not fall under “such other similar applications required or authorized,” holding that phrase only includes applications LLUPA specifically identifies.

On appeal, the Appellants first argue that the MLD Applications are “such other similar applications required or authorized” under LLUPA, because MLD Applications are like those specifically listed in the statute and are applications authorized under LLUPA. Next, they argue that the district court’s interpretation of the “residual clause” is incorrect under various canons of statutory construction. Finally, the Appellants argue that the separate MLD Applications should be considered for their substance as a subdivision, because they were filed by the same party on the same day.

The Respondents maintain that the clause is not a residual clause, but is limited by the structure of the sentence to include only applications “required or authorized pursuant to this chapter.” Next, the Respondents argue that the MLD Applications are not subject to judicial review because they were not authorized by LLUPA. Finally, they assert that the law in effect at the time the applications were submitted did not prohibit multiple MLD Applications on contiguous land, so they should not be considered as subdivisions in substance.