

SUMMARY STATEMENT

Gem County v. Rouwenhorst

Docket No. 47668

This is an appeal from a district court sitting in its intermediate appellate capacity in which it reviewed an application for a rezone. John and Deborah Rouwenhorst (the Rouwenhorsts) on behalf of Desert Foothills Wet, LLC, and Desert Foothills Dry, LLC, submitted a rezoning application seeking to reclassify 696 acres in Gem County (the Property) from A-1, Prime Agriculture to A-2, Rural Transitional Agriculture. Although the Gem County Zoning Commission recommended approval of the rezone, the Board of County Commissioners (the Board) voted to deny the application. After unsuccessfully moving for reconsideration, the Rouwenhorsts petitioned for judicial review. The district court reversed the Board's denial of the rezoning application and awarded attorney fees and costs to the Rouwenhorsts. The Board appealed.

The Idaho Supreme Court held that the Board's decision was not arbitrary or capricious, and that it was supported by substantial and competent evidence. Accordingly, the Idaho Supreme Court reversed the district court's decision on judicial review and vacated the district court's order granting attorney fees and costs.

******This summary constitutes no part of the Court's opinion. It has been prepared by court staff for the convenience of the public.******