

## SUMMARY STATEMENT

*City of Ririe v. Gilgen, Docket No. 48558*

The Idaho Supreme Court vacated a district court decision after holding a city does not have standing to petition the district court for judicial review of a county decision granting a land use permit within the city's area of impact. The Jefferson County Board of Commissioners ("the County") granted Appellant Tina Gilgen a conditional use permit that allowed her to place a mobile home on real property she owned with her husband, Kelly Gilgen, in Jefferson County. The Gilgen property fell within the City of Ririe's area of impact ("AOI"). The City of Ririe ("the City") petitioned for judicial review, asserting that the County erroneously approved Gilgen's application by applying Jefferson County zoning ordinances within the AOI instead of City ordinances, which would have resulted in a denial of Gilgen's application. After the County filed a notice of non-objection, the district court entered an order granting the City's petition, reversing the County's original decision, and remanding the matter to the County. On remand, the County issued an amended decision that denied Gilgen's application for a conditional use permit. Several months later, Gilgen filed three motions for reconsideration from the district court's order remanding the case, alleging the district court did not have jurisdiction to consider the City's petition. Each of the motions was denied. Gilgen appealed.

The Idaho Supreme Court held no statute allowed the City to petition the district court for judicial review of the County's decision under the Idaho Administrative Procedures Act. Although the Court recognized that conditional use permits are typically reviewable under the Local Land Use Planning Act ("LLUPA"), the Court concluded that the City was not an affected person having a bona fide interest in real property warranting review under LLUPA. The Court vacated the district court's judgment and remanded the matter to the district court for an entry of dismissal.

***\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\****