

SUMMARY STATEMENT

Richardson v. Blaine County

Docket No. 49343

This dispute began when several property owners in Blaine County (the “County”) challenged the County’s grant of a modified conditional use permit. The permit allowed Idaho Power to install above-ground power lines, which the property owners argued was an impermissible modification of the original conditional use permit. Fifteen days after the County issued its decision regarding the modified permit, the property owners filed a motion to reconsider with the County. The County dismissed the motion for its failure to adhere to the fourteen-day reconsideration period defined in Idaho Code section 67-6535(2)(b), a provision of the Local Land Use and Planning Act (LLUPA). The property owners subsequently filed a petition for review in district court.

The property owners requested that the district court determine whether LLUPA required them to exhaust their administrative remedies by way of a timely motion to reconsider (*i.e.*, within fourteen days) before they could file a petition for judicial review. The Idaho Supreme Court held that the district court did not err when it concluded that Idaho Code section 67-6535(2)(b) requires an aggrieved party to file a timely motion to reconsider prior to filing a petition for judicial review. Because LLUPA controlled the administrative remedies question, the Court affirmed the district court’s conclusion that Idaho Rule of Civil Procedure 84(n) did not apply to its analysis of the motion for reconsideration.

The Idaho Supreme Court next affirmed the district court’s determination that, because the property owners had failed to timely file a motion to reconsider, they had also failed to exhaust their administrative remedies and their petition for review must be dismissed. The property owners were not entitled to attorney fees or costs on appeal because they did not prevail in their appeal.

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