

SUMMARY STATEMENT

Hill v. Blaine County
Docket No. 50088-2022

The Idaho Supreme Court affirmed the district court's decision affirming in part and reversing in part Blaine County's denial of Jeffrey "Jae" Hill's approach and encroachment permit application.

Appellant Jeffrey "Jae" Hill sought an approach and encroachment permit to repair and maintain Imperial Gulch Road ("IGR"), which allows access to his property. Prior to applying for the approach and encroachment permit, Hill filed a petition with Respondent Blaine County, pursuant to Idaho Code section 40-203A, to validate IGR. Blaine County, through the Blaine County Board of County Commissioners ("the Board"), issued a "Validation Decision" that stated that evidence established that IGR was a county road, public highway, and federal land right-of-way, but that validation of IGR was not in the public interest.

Several months later, Hill applied for an approach and encroachment with Blaine County. The Board denied the permit application, finding that the Board did not have the authority to issue the permit because the road had not been validated as a public road pursuant to the Validation Decision. Hill appealed to the Board to change its decision, arguing that the Validation Decision had unambiguously declared IGR as a public road because the Validation Decision stated that IGR was a county road, public highway, and federal land right-of-way. The Board denied Hill's appeal, finding that the Validation Decision did not declare IGR a public road. The Board concluded that, while the Validation Decision found that evidence established that IGR was a public road, it also found that it was not in the public interest to validate IGR. Consequently, the Board determined that IGR had not been validated.

Hill then filed a petition for judicial review with the district court. Greenhorn Owners Association, Inc., which represents landowners that would be impacted by the repair and maintenance of the road, intervened in the matter. The district court agreed with the Board's conclusion that the Validation Decision had not validated IGR as a public road because it was not in the public interest, and therefore the Board properly denied Hill's permit on that basis. However, the district court concluded that the Board erred when it concluded that it lacked authority to consider Hill's permit application as an application to maintain and repair a public easement. As a result, the district court remanded the case back to Blaine County to reconsider the application.

Hill appealed the district court's conclusion that the Board properly denied his permit application because the Validation Decision had not validated IGR. Hill argued that the Board's determination in the Validation Decision that the evidence established that IGR was a public road was enough to validate the road. The County responded that for IGR to be validated, the Board must have determined both that IGR was a public road and that it was in the public interest to validate it. Because the Board had determined that it was not in the public interest to validate IGR, the County argued that IGR had not been validated.

The Idaho Supreme Court began its decision by examining the effect of validation. The Court held that "validation" is a determination that a county has accepted jurisdiction over a

highway or right-of-way. Using this definition of validation, the Court held that, to validate IGR pursuant to Idaho Code section 40-203A, which governs validation proceedings, the Board was required to find both that IGR was a public road and that it was in the public interest for the Board to validate the road. Because the Board concluded in the Validation Decision that it was not in the public interest to validate IGR, the Court held that the Board had not validated IGR. Therefore, the Court held that the district court correctly determined that the County did not have the legal authority to consider Hill's permit application under his validation theory.

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