

SUMMARY STATEMENT

Sullivan v. Blaine County

Docket No. 50507

This appeal arose from the grant of a conditional use permit to Megan Gruver, owner of the Silver Bell Equestrian Center, located in the Wood River Valley of Idaho. In 2021, Gruver applied for a modification of a 2019 permit that had allowed her to operate an equestrian facility on her property. Her neighbor, Catherine Sullivan, opposed Gruver's proposed modifications, which included boarding up to 28 horses on the property, hiring another full-time employee, and holding up to three equestrian events per year at the center. After public hearings, Gruver's 2021 CUP issued despite Sullivan's objections. Sullivan appealed to the Board of County Commissioners, which approved the 2021 CUP with modifications. She then appealed to the district court, arguing that the Board erred under Idaho Code section 67-5279(3). Sullivan did not argue that the Board's decision to grant the permit prejudiced her substantial rights until her reply brief to the district court. The district court affirmed the issuance of the modified 2021 CUP, holding that Sullivan failed to show that the Board had erred, and she failed to show prejudice to her substantial rights to warrant reversal of the 2021 CUP.

Sullivan timely appealed to this Court. She argued on appeal that the district court erred by failing to reverse the Board's decision and invalidate the 2021 CUP. Sullivan claimed that Gruver's proposed use of the property is an "Agricultural Business" not a "Home Occupation" or an "Outdoor Recreational Facility," and is not permitted in the R-1 zone. Sullivan contends that the Board incorrectly interpreted and applied the Blaine County Code to approve the 2021 CUP and that the Board's decision was arbitrary and capricious. Sullivan maintains that the issuance of the 2021 CUP would decrease the value of her property and affect her use and enjoyment of her property.

The Idaho Supreme Court affirmed the district court's decision because Sullivan failed to show prejudice to her substantial rights based on the issuance of the modified 2021 CUP. It held that the district court acted within its discretion to decline to consider Sullivan's arguments related to prejudice on intermediate appeal and rejected Sullivan's arguments related to the categorization of the property as untimely. The Idaho Supreme Court awarded attorney fees on appeal to Blaine County under Idaho Code section 12-117(1) but declined to award attorney fees to Gruver because she was not an adverse party to Blaine County.

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