

SUMMARY STATEMENT

Jordan v. Powers

Docket No. 51330-2023

This appeal concerns whether land continues to be subject to a subdivision's Covenants, Conditions, and Restrictions ("CC&Rs") following a boundary line adjustment and amended plat that removed the land from the subdivision and if so, whether the CC&Rs prohibited construction of a road. Aaron Powers owned a lot in the Sorenson Creek Subdivision that was subject to the Subdivision's CC&Rs. He also owned a large parcel of land adjacent to that lot, which was not part of the Subdivision. Powers planned to develop the adjacent parcel, but it had no direct access to a public road. Powers applied to Teton County for a boundary line adjustment and an amended plat map that would remove a 60-foot-wide strip of land from the Subdivision lot and add it to the large adjacent parcel. The strip of land would then connect the adjacent parcel to a public road. Powers planned to build a road across the strip of land. Teton County approved both requests.

Carl Jordan, a member of the Sorenson Creek Homeowners Association ("HOA"), filed a complaint in district court requesting a declaration that the Subdivision's CC&Rs prohibit Powers from building the road and an injunction preventing Powers from doing so. Powers filed a counterclaim for a declaration that the strip of land is not subject to the CC&Rs. The district court issued declarations that: (1) the strip of land remains subject to the CC&Rs; (2) the CC&Rs prohibit construction of a road; (3) Powers did not secure HOA approval to build the road as required by the CC&Rs; and (4) Powers violated the CC&Rs when he secured the boundary line adjustment and amended plat map. The district court granted a permanent injunction prohibiting Powers from making improvements on the strip of land without securing approval from the HOA "and/or" an amendment of the CC&Rs.

Powers appealed. He argued that because Jordan failed to seek judicial review of Teton County's decisions, those decisions are final. He contended that those decisions removed the strip from the scope of the CC&Rs. Alternatively, he argued that, even if the CC&Rs apply to the strip of land, they do not restrict his ability to build a road on it.

The Idaho Supreme Court affirmed in part and reversed in part. Relying on the plain language of the CC&Rs, the Court (1) affirmed the district court's declaration that the CC&Rs continue to apply to the strip of land; (2) reversed the declaration that the CC&Rs categorically prohibit building a road on the strip of land; and (3) affirmed the district court's declaration that the CC&Rs require Powers to obtain approval from the HOA design committee before building a road on the strip of land. The Court reversed the district court's declaration that Powers violated the CC&Rs when he secured the boundary line adjustment and amended plat map because the issue was moot. Finally, the Court reversed the injunction issued by the district court as overbroad and because it fails to comply with the requirements of Idaho Rule of Civil Procedure 65(d)(1).

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