

BOISE, MONDAY, NOVEMBER 2, 2020 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**JOHN and DEBORAH ROUWENHORST,)
husband and wife; DESERT FOOTHILLS)
DRY, LLC, an Idaho limited liability)
company; and DESERT FOOTHILLS WET,)
LLC, an Idaho limited liability company,)**

Petitioners-Respondents,)

v.)

**GEM COUNTY, a political subdivision of the)
State of Idaho; and GEM COUNTY BOARD)
OF COMMISSIONERS,)**

Respondents-Appellants,)

and)

DOES I-X, inclusive,)

Respondents.)

Docket No. 47668

Appeal from the District Court of the Third Judicial District, State of Idaho, Gem County. George A. Southworth, District Judge.

Erick B. Thomson, Gem County Prosecuting Attorney, Emmett, for Appellants Gem County and Gem County Board of Commissioners.

Stacey & Parks, PLLC, Boise, for Respondents John and Deborah Rouwenhorst, Desert Foothills Dry, LLC, and Desert Foothills Wet, LLC.

This is an appeal from a district court sitting in its intermediate appellate capacity in a land use proceeding. Below, John and Deborah Rouwenhorst (the Rouwenhorsts) submitted a rezoning application seeking to reclassify 696 acres in Gem County (the Property) from A-1 Prime Agriculture to A-2 Rural Transitional Agriculture. Although the Gem County Zoning Commission recommended approval, the Board denied the application. After unsuccessfully moving for reconsideration, the Rouwenhorsts petitioned for judicial review. The district court reversed the Board's denial of the rezoning application, and awarded the Rouwenhorsts attorney fees and costs. Gem County appealed.