

BOISE, IDAHO, FEBRUARY 14, 2024, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

JEFFREY JAE HILL, an individual,

Plaintiff-Appellant,

Docket No. 50088-2022

V.

**BLAINE COUNTY, a political subdivision of
the State of Idaho,**

Respondent,

and

**GREENHORN OWNERS ASSOCIATION,
INC., an Idaho non-profit corporation,**

Intervenor-Respondent.

Appeal from the District Court of the Fifth Judicial District of the State of Idaho,
Blaine County. Ned C. Williamson, District Judge.

Alturas Law Group, PLLC, Hailey, for Appellant.

Matthew Fredback, Blaine County Prosecuting Attorney, Hailey, for Respondent.

Lawson Laski Clark, PLLC, Post Falls, for Intervenor-Respondent.

This case arises from the denial of an approach and encroachment permit application. Appellant Jeffrey “Jae” Hill sought the permit to repair and maintain Imperial Gulch Road, which allows access to his property. Respondent Blaine County denied the permit application, finding that the County did not have the authority to issue the permit because the road had not been validated as a public road. Hill appealed to the County to change its decision, arguing that it had previously declared Imperial Gulch Road a public road.

Blaine County denied Hill's appeal, and Hill then filed a petition for judicial review with the district court. Greenhorn Owners Association, Inc., who represents landowners that would be impacted by the repair and maintenance of the road, intervened in the matter. The district court concluded that the County had not validated Imperial Gulch Road as a public road, and therefore

the County properly denied Hill's permit on that basis. However, the district court concluded that the County 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 appeals the district court's conclusion that the County properly denied his permit application because Imperial Gulch Road was not a public road. On appeal, Hill argues that (1) the district court erred when it determined that Blaine County had not declared Imperial Gulch Road a public road and that the County should have granted Hill's application for an approach and encroachment permit, and (2) Hill's substantial rights were prejudiced by the denial of his approach and encroachment permit application.