

SUMMARY STATEMENT
S Bar Ranch v. Elmore County, Idaho
Docket No. 47652

This matter concerned an appeal of several decisions made by the Elmore County Board of Commissioners (“the Board”) authorizing Cat Creek Energy, LLC, (“Cat Creek”) to develop an alternative energy project in rural Elmore County. In February 2017, the Board approved Cat Creek’s application for five conditional use permits (“CUPs”) subject to Cat Creek’s compliance with certain conditions, including the drafting and approval of a “development agreement.” The Board subsequently approved Cat Creek’s proposed development agreement in February 2018. S Bar Ranch (“S Bar”), opposed the project and filed a petition for judicial review in district court following several requests for reconsideration before the Board. The district court concluded that it could not review the Board’s 2017 order approving the CUPs because S Bar did not timely file a petition for judicial review of that order. However, the district court concluded it could consider S Bar’s challenge to the Board’s 2018 order approving the development agreement because S Bar timely filed its petition for judicial review of that decision. Ultimately, the district court upheld the Board’s 2018 order.

S Bar appealed that decision, arguing that the district court erred in concluding that S Bar had not timely filed its petition for judicial review of the 2017 CUP order and that the Board erred in a variety of ways. Cat Creek cross-appealed the district court’s denial of its request for attorney fees.

The Idaho Supreme Court affirmed the district court’s decision. The Court held that the 2017 CUP order was a final agency action that S Bar did not timely challenge. With respect to the Board’s 2018 order, the Court held that S Bar had failed to establish any grounds for relief under Idaho Code section 67-5279(3) and that the Board’s process in approving the 2018 order did not deprive S Bar of procedural due process. Further, the Court held that the filing of S Bar’s petition for judicial review did not deprive the Board of jurisdiction to take further action on the project. Finally, the Court held that the district court appropriately denied Cat Creek’s request for attorney fees.

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