

Bond Case Briefs

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Arnold v. City of Stanley

Supreme Court of Idaho, Boise - February 2017 Term - May 12, 2017 - P.3d - 2017 WL 1968326

Property owners filed a petition for judicial review after their building permit application was denied by city council.

The District Court found in favor of city, and denied property owners' petition for rehearing. Property owners appealed.

The Supreme Court of Idaho held that:

- Denial of property owners' building permit application was not subject to judicial review under Local Land Use Planning Act, and
- Neither party was entitled to attorney's fees.

City council's denial of property owners' building permit application was not subject to judicial review under Local Land Use Planning Act (LLUPA); statutory phrase applying Act to "such other similar applications required or authorized pursuant to this chapter," did not include building permit applications, where LLUPA only mentioned building permits in a section related to development of land designated on a future acquisition map.

Neither party was entitled to attorney's fees in action brought by property owners who sought judicial review after their building permit application was denied by city council, where the question of whether building permit decisions were subject to judicial review under Local Land Use Planning Act (LLUPA) had not been previously decided by a court.