

# **Bond Case Briefs**

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## **ZONING & PLANNING - IDAHO**

### **Reese v. City of Blackfoot**

**Supreme Court of Idaho, Boise, February 2023 Term - June 13, 2023 - P.3d - 2023 WL 3959031**

Neighbors filed petition for judicial review of city council's approval of landowners' application for planned unit development in "residential ranchette" zoning district.

The Seventh Judicial District Court dismissed petition, and neighbors appealed.

The Supreme Court held that neighbors failed to establish that city council's approval of application for planned unit development prejudiced a substantial right, even if city had violated its own code by approving the development.

Neighbors failed to establish that city council's approval of application for planned unit development prejudiced a substantial right, and thus court would affirm city council's decision even if city had violated its own code by approving the development; neighbors relied on minutes from hearing which described testimony focused on traffic, density of homes, parking availability, and other concerns, but such conclusory statements of harm did not establish prejudice in light of other factors limiting the potential harm, and neighbors failed to establish how an increase in the number of houses would negatively impact the property values in an already residential area.

Neighbors' appeal of city council's decision approving planned unit development, although unsuccessful, was not frivolous, unreasonable, or without foundation, and thus did not warrant award of attorney's fees; while city had violated its own code by approving the development, neighbors failed to show prejudice.