

Supplemental Narrative – Verizon Conditional Use Permit Application

-- No Right to a View in Idaho --

34754 State Highway 41, Oldtown, ID 83822 – Parcel # RP55N06W127280A

No right to a view in the State of Idaho.

Under established Idaho Law, a neighboring property owner has no right to a view. See case law summary and references provided below:

- I. Fenwick v. Idaho Dept. of Lands, 144 Idaho 318 (2007): Neighboring property owner has no right to prevent changes in the use of adjoining property. (citing Sprenger, Grubb & Assocs., Inc. v. City of Hailey, 127 Idaho 576, 903 P.2d 741 (1995)).
- II. Covington v. Jefferson County, 137 Idaho 777 (2002): Neighboring property owner's rights not violated as a result of permitting and siting of landfill and asphalt plant across the street. (citing Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302, 122 S. Ct. 1465 (2002)).
- III. Newton v. MJK/BJK, LLC, 167 Idaho 236, 244-45, 469 P.3d 23, 31-32 (2020): Plaintiffs' "view is not a protected property interest," and plaintiffs "failed to produce any Idaho authority that creates a property interest in their view"). Further, even if the proposed tower was found to be an "eyesore" (and there has been no finding to that effect in this case), that would not be enough to sustain even a claim for private nuisance as long as the proposed tower served a useful purpose and was not built solely to obstruct a view. See generally, Hungate v. Bonner County, 166 Idaho 388 (2019).

In short, in Idaho, a property owner simply does not have the right to keep a neighbor (even an adjoining neighbor) from erecting structures simply because s/he may find those structures displeasing. Newton, 167 Idaho 236, 469 P.3d, 33 (citing McVicars v. Christensen, 156 Idaho 58, 62, 320 P.3d 948, 952 (2014)). The only way to preserve a view is to purchase or acquire a legally-recognized interest (e.g., an easement or ownership) in the property comprising the view.