IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket No. 52355

CHASIDY DECKER and ROBERT CALACAL,	)	
	)	**Boise, May 2026 Term**
Plaintiffs-Appellants,	)	
	)	**Opinion filed: November 9, 2026**
v.	)	
	)	**Melanie Gagnepain, Clerk**
CITY OF MERIDIAN and MAYOR ROBERT SIMISON, in his official capacity,	)	
	)	
Defendants-Respondents.	)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Jason D. Scott, District Judge.

The judgment of the district court is affirmed.

Runft Dindinger Kohler PLLC, Boise, and the Institute for Justice, Arlington, Virginia, for Appellants. Daniel L. Alban argued.

Moore Elia Kraft & Stacey, LLP, Boise, for Respondents. Peter Thomas argued.

MOELLER, Justice.

This appeal concerns the City of Meridian's ("the City") enforcement of its zoning regulations that prohibit the use of "mobile tiny homes" as secondary dwelling units. Robert Calacal, a residential homeowner, and Chasidy Decker, the owner of the tiny home in question, maintain that the district court erred in concluding that their substantive due process claims were nonjusticiable and that the City did not violate their equal protection rights based on selective enforcement of the Meridian City Code. For the reasons explained below, we affirm the district court.

I. FACTUAL AND PROCEDURAL BACKGROUND

In 2022, Calacal purchased a single-family residential property in Meridian, Idaho, that had recreational vehicle ("RV") hookups for water, power, and sewer. Calacal planned to rent the hookups on his property to tenants to offset his mortgage payments. After Decker signed a lease

with Calacal, she moved her mobile tiny home onto his property on May 18, 2022. The tiny home is 252 square feet and constructed with board and batten siding, batt insulation, blown-in fiberglass insulation, and metal roofing. It is built on a chassis and designed for above-ground utility hookups. *See* Figure 1, *infra*. Because of its mobile nature, it is certified as an RV by the Recreational Vehicle Industry Association.



Figure 1 – Decker's Mobile Tiny Home.

On May 19, 2022, the day after Decker's tiny home was installed, Calacal's neighbor formally complained about the tiny home by calling the City's code enforcement office. The neighbor also complained about an adjacent property on the same street that also had a mobile tiny home parked on it. The City's Code Enforcement Officer, Anthony Negrete, received the complaints and investigated both properties that same day. Negrete first encountered Decker and her boyfriend at that time and explained that the tiny home violated Meridian City Code because someone was living in it and it was not affixed to an improved foundation. On May 23, 2022, Negrete again explained this issue to Calacal during a phone call. Calacal agreed to make arrangements to move the tiny home and have Decker move into the single-family residence on the property. On May 31, 2022, Negrete returned to Calacal's home to discuss parking violations at his residence involving a black Jeep Renegade, but no progress was made on moving the tiny home.

Negrete also visited the second property from the neighbor's complaint but was unable to speak with the owners until May 23, 2022. Based on his observations from his May 19, 2022, inspection, he told the owners that nobody could live in the tiny home as a secondary dwelling unit ("SDU") because it was not affixed to an improved foundation. The owners stated that nobody lived in the tiny home and that the children merely used it as a playhouse. Negrete then explained that the tiny home must be behind a 6-foot privacy fence. The owners at that property repaired their fence and moved the tiny home behind the fence sometime between Negrete's call and June 10, 2022.

A few days later during another phone call, Calacal asked Negrete why he investigated his property for code violations. Rather than mentioning the neighbor's complaint, Negrete explained that he investigated the property because Calacal was a recent purchaser and that code enforcement typically inspects areas where properties have recently sold. Negrete later closed his investigation of the second property on June 9, 2022, based on his observation that the tiny home was behind the privacy fence and lacked utility connections to the home.

After observing that the Decker's tiny home remained and that Calacal and Decker had made no changes, Negrete sent notices of criminal violation and orders to abate to both Calacal and Decker on June 14, 2022. The notices stated that Decker's tiny home violated the following provisions of the City's code: Unified Development Code ("U.D.C.") sections 11-3A-20 (the "Residential Use Restriction") and 11-3C-4(A)(2)(c)(2).[1] U.D.C. section 11-3A-20 provides that "[n]o motor vehicle or trailer including, but not limited to . . . mobile tiny houses . . . , shall be used as a residence or as living quarters except within an approved recreational vehicle park," and U.D.C. section 11-3C-4(A)(2)(c)(2) requires that vehicles with expired registrations must be parked behind a six-foot fence. The notices stated that they had until August 1, 2022, to comply with the cited code provisions. At the later trial, Calacal and Decker disputed whether Negrete ever informed them of the violation for parking an unregistered vehicle before he issued the notices. The district court considered the testimony of all parties and determined that Negrete had "apprised Calacal of his concerns about parking violations when they met on May 31."

[1] Decker and Calacal take issue with Negrete's investigation and enforcement of the code provision that prohibits parking unregistered vehicles on side yards without a fence. Decker claimed Negrete failed to investigate neighboring properties that potentially violated this provision. However, they do not incorporate these facts in their substantive argument for their selective enforcement claim, so we do not address that issue.

Calacal eventually erected a privacy fence at the property to block the tiny home and utility connections from visibility in early August, and Decker purportedly moved out of her tiny home on August 1, 2022. However, Decker returned to the tiny home to walk her dog (who was still in the tiny home) and retrieve personal items on the morning of August 2, 2022. She encountered Negrete, who told her that he did not believe she had moved out and warned her that Meridian code enforcement officers would periodically visit the property to ensure she had moved out of the tiny home. Decker then complained that Negrete had investigated her but did not investigate neighboring properties that had shipping containers and dilapidated vehicles parked in the grass. Negrete gave Decker several reasons for why he had not formally investigated these properties: (1) he reiterated that the other home subject to the neighbor's complaint was not in violation of the City's Code because nobody *lived* in the mobile tiny home; (2) it was not obvious that the homes with shipping containers and cars parked in the grass were violating the City Code because they could be valid, nonconforming uses; and (3) Decker's tiny home could not be a valid, nonconforming use because Calacal was a recent purchaser of the property and it was not possible for a new nonconforming use to be grandfathered as a permissible use.

On August 15, 2022, Decker and Calacal (collectively "the Property Owners") filed a complaint against the City. They later amended the complaint on May 30, 2023. The claims in the amended complaint relevant to this appeal challenged a number of provisions of the City Code governing the residential property and tiny homes:

- Decker's as-applied substantive due process challenge against U.D.C. section 11-4-3-12(H) (2010) (the "RV Park Only Restriction") (banning mobile homes as SDUs), U.D.C. section 11-4-3-12(B) (2010) (the "Unified Ownership Requirement") ("[SDUs] shall not be . . . segregated in ownership from the single-family dwelling unit"), and the Residential Use Restriction in U.D.C. section 11-3A-20 (mobile tiny houses may only be used as living quarters in RV parks);
- Calacal's as-applied substantive due process challenge against the same code provisions challenged by Decker; and
- The Property Owners' equal protection claims under the Idaho Constitution based on allegations of selective enforcement of the City Code by Negrete.

All parties filed competing motions for summary judgment, which the district court denied. The City claimed that principles of administrative exhaustion required the Property Owners to

apply for an SDU permit before the district court could entertain their claims because, without doing so, they lack standing. The district court, relying on *Park v. Banbury*, 143 Idaho 576, 581, 149 P.3d 851, 856 (2006), and *Owsley v. Idaho Indus. Comm'n*, 141 Idaho 129, 136, 106 P.3d 455, 462 (2005), determined that the City's exhaustion of remedies argument failed on summary judgment because exhaustion is not required if seeking the remedy would be futile. It reasoned that the RV Park Only Restriction (U.D.C. section 11-4-3-12(H) (2010)) and the Residential Use Restriction (U.D.C. section 11-3A-20) "flatly prohibit" citizens from using mobile tiny homes as SDUs on single home residential properties; thus, the Property Owners were not required to exhaust administrative remedies.

The district court held a six-day bench trial spanning from April 1, 2024, to April 17, 2024. At trial, the Property Owners questioned Negrete about the circumstances on which he relied for initiating investigations. Negrete explained that he generally began an investigation in response to a complaint filed online, on the phone, or in person. Negrete also stated that he was less likely to investigate a complaint about nearby properties made by a property owner he was currently investigating, or if his caseload was high. Relevant to Decker's comments about neighboring properties when they spoke on August 2, 2022, Negrete testified that he did not investigate the other alleged code violations on Calacal's street because he did not know whether they were conforming or nonconforming uses. The court ultimately found that "[Nagrete] didn't investigate possible code violations immediately next door to 1926 Leisure Lane after Decker pointed them out because she didn't ask him to. Decker 'didn't formally complain' about other perceived code violations on Leisure Lane—she was just 'compar[ing].' " (Second alteration in original).

The district court found Negrete's testimony to be credible. In its findings of fact and conclusions of law, the district court summarized Negrete's testimony explaining how he approached code violation investigations. Several factors affect a code enforcement officer's decision whether to investigate potential code violations, including: (1) seasonal caseloads (higher in the summer), which limit the ability to investigate properties without a formal complaint; (2) the lack of a formal complaint, which makes it difficult for officers to know how long a potential violation has existed; and (3) when it is not clear from a visual inspection whether a property has nonconforming use rights. Furthermore, determining whether a property's alleged violation is a permissible nonconforming use requires considerable time because an officer must review the following items: development and annexation agreements; the date the property was built; the

effective code provisions at the time of construction; and aerial photographs. Negrete stated these resource considerations usually prevented him from initiating an investigation without a formal complaint.

The district court dismissed both substantive due process challenges without prejudice as nonjusticiable because they were moot. It found that, even if the Property Owners were able to demonstrate that the Residential Use Restriction (U.D.C. section 11-3A-20) and the RV Park Only Restriction (U.D.C. section 11-4-3-12(H) (2010)) were unconstitutional as applied to them, their application for an SDU permit would still be denied because their lease arrangement would still violate the Unified Ownership Requirement (U.D.C. section 11-4-3-12(B) (2010)). Regarding the Property Owner's unified ownership claim under U.D.C. section 11-4-3-12(B) (2010), which requires an "applicant for a secondary dwelling unit [to] demonstrate that either the single-family dwelling or the secondary unit is occupied by the owner of the property," the district court found they failed to offer any evidence that the unified ownership provision was unreasonable, nor did they make any argument in their proposed findings of fact and conclusions of law that the provision was invalid as applied to them.

The district court rejected the selective enforcement claim with prejudice because it found that the Property Owners did not establish that they were treated differently based on a distinction that fails the rational basis test. It explained that Negrete's misunderstanding of valid nonconforming use rights—that they extinguish upon a change in ownership—did not serve as the basis for his investigation of Calacal's property because (1) he investigated the property as a result of the neighbor's formal complaint and (2) his telling the Property Owners that he investigated the property because Calacal was a new owner was likely because he did not want to reveal that a neighbor had complained. The district court also found that Negrete rarely investigated code violations without a formal complaint and that, even if Decker did tell Negrete about the other violations on neighboring properties during their conversation on August 2, 2022, those statements did not amount to a formal complaint. The court concluded that Negrete's decision not to investigate the nearby properties for violations of the City's Code did not show unequal, selective enforcement because there was not a formal complaint to investigate. Following the court's entry of a judgment dismissing the amended complaint, the Property Owners appealed.

II. STANDARDS OF REVIEW

"Issues related to justiciability, such as mootness and standing, 'are questions of law, over which this Court exercises free review.' " *A.C. & C.E. Invs., Inc. v. Eagle Creek Irrigation Co.*, 173 Idaho 252, 260, 540 P.3d 349, 357 (2023) (quoting *Berglund v. Dix*, 170 Idaho 378, 384, 511 P.3d 260, 266 (2022)). "Likewise, 'the justiciability issues of ripeness and mootness may be freely reviewed.' " *Id.* (quoting *State v. Manley*, 142 Idaho 338, 342, 127 P.3d 954, 958 (2005)).

"When this Court considers a claim that a city ordinance is unconstitutional, we review the trial court's ruling *de novo* since it involves purely a question of law." *Sanchez v. City of Caldwell*, 135 Idaho 465, 467, 20 P.3d 1, 3 (2001) (citing *State v. Cobb*, 132 Idaho 195, 969 P.2d 244 (1998)). "There is a strong presumption of the validity of the ordinance." *Id.*

"This Court's 'review of a trial court's conclusions following a bench trial is limited to determining whether the evidence supports the findings of fact and whether the findings of fact support the conclusions of law.' " *Chester v. Wild Idaho Adventures RV Park, LLC*, 171 Idaho 212, 221, 519 P.3d 1152, 1161 (2022) (quoting *Burns Concrete, Inc. v. Teton County*, 168 Idaho 442, 456, 483 P.3d 985, 999 (2020)). "The province of weighing conflicting evidence and testimony, and judging the credibility of witnesses, belongs to the trial court." *Id.* (quoting *Latvala v. Green Enters., Inc.*, 168 Idaho 686, 694, 485 P.3d 1129, 1137 (2021)). "Factual findings are not clearly erroneous when they 'are supported by substantial and competent, though conflicting, evidence.' " *Id.* at 222, 519 P.3d at 1162 (quoting *Radford v. Van Orden*, 168 Idaho 287, 298, 483 P.3d 344, 355 (2021)). "Substantial and competent evidence exists if there is evidence in the record that a reasonable trier of fact could accept and rely upon in making the factual finding challenged on appeal." *Radford*, 168 Idaho at 298, 483 P.3d at 355 (citation modified).

III. ANALYSIS

As noted, the Property Owners maintain the district court erred when it dismissed the Property Owners' two substantive due process claims without prejudice because they were moot; thus, they were nonjusticiable. They further claim the court erred in dismissing their selective enforcement claim with prejudice, based on its finding that the Property Owners had not shown disparate treatment by the City resting on a classification that fails rational basis review. We will address each claim of error in turn.

A. While the district court properly dismissed the Property Owners' substantive due process claims as nonjusticiable, we affirm on ripeness grounds rather than on mootness.

The Property Owners devoted most of their argument on appeal to their contention that the substantive due process claims against the City's Code were justiciable and that the district court erred in concluding the Unified Ownership Requirement (U.D.C. section 11-4-3-12(B) (2010)) rendered their claims moot. We will first address justiciability and the provisions at issue generally, and then focus our analysis of the provisions through the most applicable doctrine—ripeness. Finally, we will explain why the City's reliance on administrative exhaustion is misplaced.

1. The Property Owners' justiciability argument and the challenged ordinances.

As the Property Owners contended at oral argument, removing one "roadblock"—the prohibitions on tiny homes as SDUs and using tiny homes outside of RV parks—is "enough for redressability" and "justiciability." The Property Owners argued that the ultimate relief they sought was "the ability to actually apply for a permit and not have it rejected." In essence, the Property Owners' argument appears to be a request that their application, as it pertains to the three City ordinances at issue, be pre-approved by this Court in the first instance.

The first code provision at issue for the Property Owners' substantive due process claims is the Residential Use Restriction, entitled "Travelling living quarters," which states:

> No motor vehicle or trailer including, but not limited to, travel trailers, fifth wheels, recreational vehicles, *mobile tiny houses* and/or motor coaches, shall be used as a residence or as living quarters except within an approved recreational vehicle park. No recreational equipment, including, but not limited to, tents, tepees, yurts, and/or huts, shall be used as a residence or as living quarters. (Ord. 19-1833, 7-9-2019)[.]

U.D.C. § 11-3A-20 (emphasis added).

The second applicable code provision is the RV Park Only Restriction (U.D.C. section 11-4-3-12(H) (2010)), which states, "Manufactured and mobile homes, and recreation vehicles shall be prohibited for use as a secondary dwelling unit."[2] U.D.C. § 11-4-3-12(H) (2010). The Property Owners emphasize that "[i]nvalidating th[ese] carve-out ban[s] on mobile tiny homes thus would remove 'one substantial legal roadblock' to securing secondary-dwelling-unit approval for Decker's mobile tiny home" under the redressability standard articulated in *Idaho State Appellate Public Defender v. Fourth Judicial District Court*, 173 Idaho 214, 225, 540 P.3d 311, 322 (2023)

[2] Effective November 18, 2025, the City amended U.D.C. section 11-4-3-12 via Ordinance No. 25-2102. The ordinance amended both subsections (B) and (H). Neither party has raised an argument based on the amendments in this appeal.

("Redressability requires a showing that 'a favorable decision is *likely* to redress [the] injury, not that a favorable decision will *inevitably* redress [the] injury.' " (citation omitted)).

The final provision at issue for the Property Owners, the Unified Ownership Requirement, states:

> Owner occupancy. To create and maintain a secondary dwelling unit, the property owner shall reside on the property for more than six (6) months in any twelve (12) month period. *The applicant for a secondary dwelling unit shall demonstrate that either the single-family dwelling or the secondary unit is occupied by the owner of the property.* Owner occupancy is demonstrated by title records, vehicle registration, voter registration or other similar means. *Secondary dwelling units shall not be subdivided or otherwise segregated in ownership from the single-family dwelling unit.*

U.D.C. § 11-4-3-12(B) (2010) (emphasis added). This is the ownership provision in the code that the district court found the Property Owners failed to address at trial and in their proposed findings of fact and conclusions of law.

2. Ripeness is the governing justiciability doctrine.

We need not delve into the Property Owners' redressability argument because we affirm the district court's decision to dismiss the Property Owners' substantive due process claims without prejudice, albeit on different justiciability grounds. The district court relied upon mootness and explained that the Unified Ownership Requirement (U.D.C. section 11-4-3-12(B) (2010)) dictated that the Property Owners' claims would fail, regardless of their success in defeating the other code provisions. While the Unified Ownership Requirement might have barred relief had the Property Owners filed an application, they never did. Therefore, we must look to ripeness rather than mootness as the applicable justiciability doctrine that resolves the Property Owners' claims.

Ripeness "asks whether there is any need for court action at the present time." *A.C. & C.E. Invs., Inc. v. Eagle Creek Irrigation Co.*, 173 Idaho 252, 261, 540 P.3d 349, 358 (2023) (citation omitted). "In other words, the ripeness doctrine concerns the timing of a suit and asks whether a case is brought too early." *Id.* (citation modified). This concept is distinct from the other justiciability doctrines discussed in the proceedings and in the appellate briefing, including mootness, administrative exhaustion, and redressability. We conclude that mootness does not apply here because "[a]n action is moot when 'the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.' " *W. Oil & Gas Ass'n v. Sonoma County*, 905 F.2d 1287, 1290 (9th Cir. 1990) (alteration in original) (quoting *Nw. Env't Def. Ctr. v. Gordon*, 849 F.2d 1241, 1244 (9th Cir. 1988)). Although a dispute is not moot while the "controversy still

smoulders," it may still fail to satisfy ripeness principles where "further factual amplification is necessary." *Id.* at 1291. An unripe dispute "not clearly framed by the record before" a court renders it "too speculative for resolution[.]" *Id.* As a result, mootness typically only applies when events subsequent to the initial filing of a legal claim dictate that "the issues presented are no longer live[.]" *Frantz v. Osborn*, 167 Idaho 176, 180, 468 P.3d 306, 310 (2020).

Ripeness and exhaustion are "distinct legal theories" that "serve at a minimum to postpone judicial consideration of claims that are otherwise cognizable in court." *Ticor Title Co. v. F.T.C.*, 814 F.2d 731, 734–35 (D.C. Cir. 1987). In the administrative context, ripeness "is concerned primarily with . . . the competence of the courts to resolve disputes without further administrative refinement of the issues." *Id.* at 735 (quoting E. Gellhorn & B. Boyer, *Administrative Law and Process* 316–19 (1981)). In contrast, "[t]he exhaustion doctrine emphasizes the position of the party seeking review . . . [by] ask[ing] whether he may be attempting to short circuit the administrative process . . . ." *Id.* (quoting E. Gellhorn & B. Boyer, *supra*, at 316–19 (1981)); *see also Regan v. Kootenai County*, 140 Idaho 721, 724, 100 P.3d 615, 618 (2004) ("[T]he doctrine of exhaustion generally requires that the case run the full gamut of administrative proceedings before an application for judicial relief may be considered."). Put simply, these "overlap[ping]," though distinct doctrines, both serve as gatekeepers at the outset of a legal claim. *See Ticor Title Co.*, 814 F.2d at 735. Although the City raises "administrative exhaustion" as an alternative ground, it is distinct from ripeness. We will address it separately below.

Finally, this Court analyzes redressability (the crux of the Property Owners' argument on appeal) under the legal doctrine of standing. Standing requires "that a court has the ability to order the relief sought, which must create a substantial likelihood of remedying the harms alleged." *Tucker v. State*, 162 Idaho 11, 24, 394 P.3d 54, 67 (2017). Thus, although redressability sounds in standing, the record here does not establish—with the certainty standing demands—whether relief is available. This is due to the undeveloped, pre-application posture of this dispute; however, the administrative uncertainty at the heart of this case is the very essence of the ripeness doctrine.

Having described the contours of these justiciability doctrines, we will first address the most applicable one: ripeness. "The traditional ripeness doctrine requires a petitioner or plaintiff to prove 1) that the case presents definite and concrete issues, 2) that a real and substantial controversy exists, and 3) that there is a present need for adjudication." *Noh v. Cenarrusa*, 137

Idaho 798, 801, 53 P.3d 1217, 1220 (2002). We have described a justiciable controversy as one that is

> distinguished from a difference or dispute of a hypothetical or abstract character; from one that is academic or moot. The controversy must be definite and concrete, touching the legal relations of the parties having adverse legal interests. It must be a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion *advising what the law would be upon a hypothetical state of facts*.

Davidson v. Wright, 143 Idaho 616, 620, 151 P.3d 812, 816 (2006) (alterations omitted) (emphasis added) (citation omitted).

In *Davidson*, which involved a citizen's ballot initiative, we further explained that the "substance of [the] proposed initiative will not be ripe for judicial review unless or until passage by the voters brings up the problem of enforcing a potentially invalid law. Until then, any judgment on the merits of this case would be an academic discussion on a hypothetical set of facts." *Id.* at 621, 151 P.3d at 817 (citation omitted); *see also Associated Taxpayers of Idaho, Inc. v. Cenarrusa*, 111 Idaho 502, 502, 725 P.2d 526, 526 (1986) (Donaldson, C.J., specially concurring) ("Petitioners' action attacking the constitutionality of the proposed initiative [before the election] is premature and presents no justiciable controversy at this time."). We have held that a breach of fiduciary duty claim for the dilution of shares by the *possible* issuance of additional stock was "a difference or dispute of a hypothetical or abstract character." *A.C. & C.E. Invs., Inc.*, 173 Idaho at 262, 540 P.3d at 359 (citation modified).

3. The Property Owners' pre-application challenge is too speculative to be ripe.

The evidence presented by the Property Owners at trial, as well as the unusual posture of this case (a pre-application, as-applied challenge to city ordinances) demonstrate why the Property Owners' claims were not ripe for adjudication. Here, the City was never faced with enforcing a purportedly invalid ordinance because the dispute was based on a hypothetical set of facts never set in motion by the filing of an application. While we acknowledge that the City enforced the Code against the Property Owners and required removal of Decker's tiny home, the Property Owners never sought a permit for an SDU before moving the tiny home on the property. Regardless of the physical qualities of any potential SDU, a citizen must still seek and secure an SDU permit before using a structure as an SDU. However, because the Property Owners never filed an application, the City employees responsible for reviewing SDU applications against

building codes and zoning codes never reviewed Decker's tiny home or her proposed plans connecting the tiny home to utilities or modifying its foundation.

(a) The record suggests that the outcome of filing an SDU application pursuant to the City Code is far from certain.

The Property Owners ask this Court to rule on the constitutionality of the City's Code as part of an as-applied challenge to an ordinance regarding an SDU application they never submitted, thereby rendering it purely hypothetical. As discussed above, this sounds like a not-so-veiled request for this Court to "pre-approve" an unfiled application. The Property Owners put great emphasis on the confusing and, at times, legally unsound testimony of City officials that opined that a permit application for Decker's tiny home would be "rejected" immediately. However, this testimony was contradictory and based upon lay interpretations of regulations and code provisions that this Court can read and discern for itself.

Setting aside the apparent inconsistencies, the City's building official's testimony depicted a holistic review process by which his department analyzes a permit application's compliance with the International Residential Code ("I.R.C."). Although he explained that the *planning* department first reviews an application for compliance with the U.D.C. (planning and zoning codes), he responded, "I do not know the regulations directly under planning and zoning." This testimony demonstrates that the building official's opinion as to whether the Property Owners' SDU application would automatically be denied is not reliable because he does not know the U.D.C. provisions. Likewise, the City's planning supervisor also testified that the planning department "want[s] to give [applicants] a comprehensive review regardless of whether or not one regulation isn't met . . . ." This testimony reveals the likely outcome that the Property Owners' SDU application may not be initially "denied" for failing to comply with the City's Code; rather, it may start a collaborative and efficient process to bring the SDU application into compliance with the Code.

As the attorneys for both sides agreed during oral argument, the City's application process is a dynamic and "iterative process where the City works cooperatively with the permit applicant." In light of this acknowledgment, it is difficult to square the Property Owners' contention that, on the one hand, they want to participate in this process, while on the other hand, they filed a complaint against the City to bypass the process without attempting to work with the City by filing an application.

The testimony of the City's employees that enforce building and zoning codes does not conclusively show whether Decker's hypothetical application would satisfy the planning department and proceed to a review under the building department. Nor do we know if Decker's application would be "denied" with feedback for minor modifications, which she could rectify and resubmit. Thus, our review of the record shows that the Property Owners rely on a theory that does not present a "real and substantial controversy" or a "present need for adjudication." *Noh*, 137 Idaho at 801, 53 P.3d at 1220. The Property Owners' speculation that they *might not* get approved for a permit, successfully challenge the Unified Ownership Requirement in another proceeding, or be able to work with the City to secure approval despite the RV Park Only Restriction (U.D.C. section 11-4-3-12(H) (2010)) and the Residential Use Restriction (U.D.C. section 11-3A-20) is a "remote contingency . . . not sufficient to satisfy the requirements for a justiciable controversy." *Wylie v. State, Idaho Transp. Bd.*, 151 Idaho 26, 34, 253 P.3d 700, 708 (2011). Even if we accept the Property Owners' framing of the trial testimony, it has little persuasive value to this Court because it contemplated a nonexistent application and is subordinate to our de novo review of the text of the ordinances.

To further illustrate why rendering a decision on these substantive due process claims is fraught with abstract speculation, we summarize a dispute addressed by the parties below and on appeal. The City contends that the parties and the district court misunderstood the interplay between the I.R.C. and the U.D.C. The City enforces the requirements of the I.R.C. (building code) pursuant to an Idaho statute: Idaho Code section 39-4109. The I.R.C. has a provision for "alternative means and methods" that allows for a tiny home to be placed on a variety of foundations, which would enable the tiny home to qualify as a stationary home under the building code. *See* Int'l Code Council, Inc., *International Building Code* § 104.11 (2021). The U.D.C. (planning code) contains language for "alternative compliance" that the City claims does not apply to SDUs and merely addresses alternative ways to satisfy planning and zoning code provisions. Hypothetically, if a tiny home were no longer "mobile" under the I.R.C. because it was affixed to a permanent foundation (concrete, tie-downs, etc.), it might come into compliance under the U.D.C. because it would no longer be subject to the limitations of the U.D.C. The City explained in its brief:

> While it is undisputed that the [C]ity prohibits "mobile" tiny homes from being utilized as secondary dwellings, it is also undisputed that the IRC—the building codes that apply in Meridian—allow a "mobile" tiny home to be secured to "mobile

> home type" foundations, such as tie downs, and that, in such a scenario, the structure would now satisfy building codes under "alternative means and measures." In such a scenario, the structure would no longer be a "mobile" tiny home and the [C]ity would then ensure that the tiny home complied with other building requirements and the planning department would assess setbacks and other UDC requirements.

Although witnesses testified about the I.R.C., the U.D.C., and the application process for SDUs, we are left with competing theories from the parties about how the City would apply these provisions to the Property Owners' application for an SDU. Would Decker be willing to affix her tiny home to a more permanent foundation to satisfy the I.R.C.? If she did so, would the cost be so prohibitive as to raise a constitutional claim? Would using tie downs satisfy the U.D.C. upon the City's review? We cannot answer these questions. Although the parties in this appeal also cannot definitively answer these questions, they have freely offered their predictions.

Returning to the Unified Ownership Requirement discussed above, the Property Owners further argue that it does not render their claims moot because of the planning supervisor's testimony at trial. He testified, "I don't think that's necessary" when asked whether the Unified Ownership Requirement (U.D.C. section 11-4-3-12(B) (2010)) required the owner of the residence to own the SDU. However, the Property Owners omit his following testimony, where he explained: "we don't want to make it appear that this is a duplex on a property. It is really meant to be held under single ownership and be maintained by that property owner." The statement that unified ownership of the SDU and the residence may not be required conflicts with the official's later testimony expressing a goal of eliminating separate ownership and the plain text of the code provision.[3] Simply put, as with the other provisions of the City Code, we cannot determine whether the Unified Ownership Requirement would preclude the Property Owners' SDU application for the tiny home because they never filed an application.

[3] Regardless of the planning supervisor's interpretation of the Unified Ownership Requirement, it was merely one piece of evidence the district court considered in rendering its conclusion. That testimony alone does not show the district court erred or improperly interpreted the weight of all evidence at trial. *See Rowley v. Fuhrman*, 133 Idaho 105, 107, 982 P.2d 940, 942 (1999) ("Since it is the province of the trial court to weigh conflicting evidence and testimony and to judge the credibility of the witnesses, 'the trial court's findings of fact will be liberally construed in favor of the judgment entered.' " (quoting *Sun Valley Shamrock Res., Inc. v. Travelers Leasing Corp.*, 118 Idaho 116, 118, 794 P.2d 1389, 1391 (1990))). In addition, the legal conclusion contained in this *testimony* on the Unified Ownership Requirement was not a legal conclusion we rely upon, particularly when offered to evaluate a hypothetical application. *See Ballard v. Kerr*, 160 Idaho 674, 694–95, 378 P.3d 464, 484–85 (2016) (in the context of expert witness testimony).

We are also skeptical of the Property Owners' statement at oral argument that Decker might be willing to add Calacal to the title of her tiny home to satisfy the ownership ordinance. In conjunction with this *hypothetical concession*, they devote pages of their brief to policy arguments about the ability of tiny homes to address larger societal issues, such as the housing crisis. Moreover, asking this Court to just assume Decker might hand over title to her *home* to Calacal in order to avoid the unity of title problem and only address the merits of the remaining code provisions is a speculative leap of faith that we are not willing to make. Instead, we will decide this matter with our feet firmly grounded in the record before us.

(b) The authorities cited by Property Owners are distinguishable.

The Property Owners' other arguments on appeal further invite this Court to entertain abstract and speculative controversies. For example, they liken the denial of their hypothetical SDU application to *Ibrahim v. Department of Homeland Security*, 669 F.3d 983, 987, 992–93 (9th Cir. 2012), a federal appeal in which the appellant was permitted to proceed with her case disputing the government placing her on a no-fly list, despite the earlier revocation of her student visa, which barred entry to the United States. Significant factual differences lessen the utility of this comparison given the broad discretion granted to federal agencies to enforce immigration regulations. Removing the no-fly list "roadblock" in *Ibrahim* made redress far less speculative than in this case because Ibrahim's placement on the list was only one factor in the State Department's student visa determination. *See* 8 U.S.C. §§ 1104(a), 1201(i) ("[T]he consular officer or the Secretary of State may at any time, in his discretion, revoke such visa or other documentation."). Assuming Ibrahim successfully disputed the government's placement of her on the no-fly list, there was no regulation or law that independently dictated that her student visa remain revoked. Here, as the Property Owners concede, "[o]n this record, the most that can be said is that the pair's [SDU] application *might* ultimately be denied on a ground unrelated to the mobile nature of Decker's home." As explained above, we do not find this dispute ripe when there is not a fully developed record to determine how the City would enforce the Unified Ownership Requirement or how the other U.D.C. provisions would affect approval of the Property Owners' application. Again, it is uncertain whether an application under these circumstances would be flatly denied at the planning stage or resolved through negotiation.

We acknowledge that the City stipulated that it "does not perform (or allow its consultants to perform) the inspections and plan reviews necessary to issue [an SDU] permit for any mobile

tiny house" and that an application "would progress only to the point where the mobile nature of the proposed [SDU] is identified by the initial plan reviewer and would not progress past the initial plan-review phase[.]" But at this stage of the proceedings, where an application has not been filed, we do not know for certain upon what grounds a potential denial by the City might be based. The "initial plan-review phase" utilized by the City, as described by both parties, might include feedback on other provisions the Property Owners could address. For example, as recounted earlier, the parties agree the I.R.C. (building code) contains an "Appendix Q" with permissible foundation modifications to potentially remove the "mobile" nature of a dwelling. Thus, there is a plausible route whereby two of the code provisions at issue may be resolved upon the filing of an application.

Finally, the Property Owners' citation to *Wylie* further supports our conclusion that their substantive due process claims are not ripe. In *Wylie*, this Court found that the appellant's claim regarding the validity of an ordinance was not justiciable. 151 Idaho at 34, 253 P.3d at 708. This Court concluded that, even if the Meridian ordinance at issue in that case were determined to be invalid, the Idaho Transportation Department had already denied Wylie's encroachment permit, which blocked the ultimate relief he sought—direct road access to Chinden Boulevard for his property. *Id.* In short, Wylie faced two independent barriers to relief from his claimed injury: *the formal denial of his permit* for an encroachment and the binding development agreement that precluded direct highway access. *Id.* at 33–34, 253 P.3d at 707–08. The Property Owners argue that their case is different from *Wylie* because their appeal is not "a case where a separate statute so clearly bars the plaintiffs' end-goal that any relief would be impossibly 'speculative.' " Yet, as noted above, they acknowledge that their application "might ultimately be denied on a ground unrelated to the mobile nature of Decker's home." We agree that *Wylie* is factually distinguishable because no government entity has formally denied a permit application; however, that distinction does not aid the Property Owners because Wylie's claim was barred by a legal certainty—the formal denial of the permit. Whether the Property Owners' claim is barred is purely speculative at this point. Nevertheless, they essentially ask this Court to invoke its "powers of imagination" to make a ruling despite the reality that "[t]he operation of the statute is better grasped when viewed in light of a particular application." *Texas v. United States*, 523 U.S. 296, 301 (1998). Once again, we must decline the invitation to "imagine" that which the parties can determine for themselves by simply following the designated procedures.

As we have explained before, "[t]he purpose of the ripeness requirement is to prevent courts from entangling themselves in *purely abstract disagreements*." *A.C. & C.E. Invs., Inc. v. Eagle Creek Irrigation Co.*, 173 Idaho 252, 261, 540 P.3d 349, 358 (2023) (emphasis omitted) (quoting *State v. Manley*, 142 Idaho 338, 342, 127 P.3d 954, 958 (2005)). While the Property Owners have shown "there is a definite and concrete issue [they] want[] decided, [they] ha[ve] failed to demonstrate that an actual controversy exists." *ABC Agra, LLC v. Critical Access Grp., Inc.*, 156 Idaho 781, 784, 331 P.3d 523, 526 (2014). The Property Owners' stated relief they seek—the ability to apply for a permit and not have it rejected—is not only extraordinary, it is also improper under ordinary principles of ripeness because it would judicially bypass the role of local government. Accordingly, we hold that their substantive due process claims are not ripe for adjudication.

4. The City's alternative theory—administrative exhaustion—does not apply.

The City makes an alternative argument for affirming the district court on appeal. As noted above, it maintains that administrative exhaustion required the Property Owners to apply for an SDU permit before the district court could entertain their claims because without doing so, they lack standing. As explained earlier in this opinion, while exhaustion and ripeness are related doctrines that can overlap in applicability to certain disputes, they do not always coincide. *See Missouri v. Bowen*, 813 F.2d 864, 870 (8th Cir. 1987) ("These two doctrines should not be confused. Although they are related, in that courts employ both concepts in determining whether to inject themselves into the administrative process, the exhaustion doctrine focuses on procedure while the ripeness doctrine focuses on substance."). Ripeness asks whether the Property Owners' dispute is fit for judicial resolution, while exhaustion presupposes an administrative process already underway that a litigant seeks to bypass. Because no process ever commenced, there was nothing to exhaust; however, that same absence of an application is precisely what renders this dispute unripe. In sum, exhaustion does not apply here because the Property Owners never began an administrative process.

For these reasons, we conclude that the City's alternative exhaustion theory provides no separate basis for affirmance.

B. The district court properly concluded that the Property Owners' equal protection rights were not violated because substantial and competent evidence supports the conclusion that Negrete did not engage in selective enforcement of the City's Code.

The Property Owners next argue that the City's position on nonconforming use rights is arbitrary and that its "enforcement against Decker and Calacal was shot through with an unequal—and arbitrary—classification." They contend that the district court's factual findings do not support its conclusion that they were *not* treated differently based on Calacal's status as a new owner. They emphasize Negrete's statements to Decker on August 2, 2022, where he claimed that the terms of the lease would have complied with the City's Code if it had been entered with the previous owner of the property.

Notwithstanding Negrete's statements, the district court concluded that the City did not investigate the Property Owners solely on the basis of Calacal's status as a new owner. The court defined "nonconforming use" and acknowledged that nonconforming use rights "aren't lost simply because the property is conveyed to a new owner." *See O'Connor v. City of Moscow*, 69 Idaho 37, 43–44, 202 P.2d 401, 404–05 (1949). It concluded that "Officer Negrete espoused a mistaken view of [nonconforming use rights] during his interactions with [the Property Owners]." To evaluate the Property Owners' equal protection claim, it reasoned that they must prove they were "intentionally . . . treated differently *based on* a distinction that fails the rational basis test." (Quoting *Terrazas v. Blaine County ex rel. Bd. of Comm'rs*, 147 Idaho 193, 205, 207 P.3d 169, 181 (2009) (emphasis added)).

Based on its findings, the district court concluded that "there [was] no good evidence that Officer Negrete's misunderstanding of nonconforming-use rights caused him not to investigate complaints about code violations at other properties . . . ." We conclude that this finding was supported by substantial and competent evidence. First, the fact that Negrete investigated both Calacal and the neighboring property at the same time for tiny home-related code violations showed the investigation was in response to the neighbor's formal complaint—not because he was singling out new owners for selective enforcement. This is the most compelling evidence supporting the district court's conclusion. Second, the court noted that no evidence showed Negrete thought the other property he investigated for tiny home code violations was under new ownership. Third, no evidence showed Negrete's decision not to investigate other neighboring properties on Calacal's street for code violations was based on the mistaken understanding about nonconforming use rights. Finally, the district court relied upon the testimony of Negrete and other

City officials describing why and when they initiate investigations. The court found Negrete's testimony credible and the parties in this appeal have not challenged that ruling. Negrete's explanation that his department almost always initiates investigations based on formal complaints was reasonable and showed that Negrete's decisions to investigate some properties and decline to investigate others were based on this operating procedure.

On appeal, the Property Owners argue that Negrete's mistaken view of nonconforming use rights means they were the "target[] of that undisputedly unequal classification." They do not convincingly explain how the evidence shows Negrete or the City targeted Decker's tiny home or Calacal's property based on that misunderstanding. In support of its conclusion, the district court echoed this reasoning by inferring that, although Negrete told Decker about the change of ownership issue, he likely made up those statements to protect the identity of the neighbor who filed the complaint. Even assuming this particular inference exceeded what the evidence at trial showed, we conclude that any error was harmless. The district court's ultimate finding—that Negrete investigated the Property Owners because of the neighbor's formal complaint and his plain-view inspection, not on an unconstitutional basis—is independently supported by substantial and competent evidence and will not be disturbed on appeal. A "trial court's 'findings and conclusions which are based on substantial although conflicting evidence will not be disturbed on appeal.' " *Strong v. Intermountain Anesthesia, P.A.*, 160 Idaho 27, 33, 368 P.3d 647, 653 (2016) (quoting *Sun Valley Shamrock Res., Inc. v. Travelers Leasing Corp.*, 118 Idaho 116, 118, 794 P.2d 1389, 1391 (1990)). "Substantial evidence is more than a scintilla of proof, but less than a preponderance." *Stephens v. Buell*, 175 Idaho 574, 585, 568 P.3d 471, 482 (2025) (quoting *Ehrlich v. DelRay Maughan, M.D., P.L.L.C.*, 165 Idaho 80, 83, 438 P.3d 777, 780 (2019)).

Here, we conclude that there was ample additional evidence, certainly more than a scintilla, to support the district court's findings. Therefore, we conclude that the Property Owners' assertion that Negrete's statements to Decker showed "the City singled out [Calacal] and Decker" because Calacal was a new purchaser are not borne out by the facts elicited at trial. Accordingly, we affirm the district court's ultimate finding that the neighbor's formal complaint—not selective enforcement of the City's Code—was the catalyst of the investigation of the mobile tiny home based on substantial evidence.

IV. CONCLUSION

We affirm the district court's dismissal without prejudice of the Property Owners' substantive due process claims. We also affirm the district court's dismissal with prejudice of the Property Owners' equal protection claims for selective enforcement. We award costs to the City as a matter of course under Idaho Appellate Rule 40(a) as the prevailing party on appeal.

Chief Justice BRODY, Justices BEVAN, ZAHN, and MEYER CONCUR.

(This matter was decided prior to the retirement of Justice Bevan and he participated fully.)