STAFF REPORT FOR ROAD VACATION UNDER I.C. § 40-203 and 40-203A
SUBJECT ROAD: the road or right-of-way known as "N7000W"
PREPARED FOR: BoCC October 26, 2026 Public Hearing

PROCEDURAL BACKGROUND:
On August 24, 2026, Eddyline Ranch, LLC submitted a Road Vacation/Abandonment/Addition Application requesting to vacate a portion of N7000W, beginning at County road W4000N and continuing north approximately 1.14 miles. Pursuant to Idaho Code § 40-208(7), the road vacation process under Idaho Code § 40-203 and 40-203A is the prescribed process for the evaluation, determination and vacation of legal status or width of a public road.

REQUIREMENTS FOR NOTICE OF PUBLIC HEARING:
In accordance with the requirements of Idaho Code § 40-203(1)(d), (e) and (f), notice of this public hearing was published in the Teton Valley News on September 30, 2026 and October 21, 2026 and notice to adjacent landowners was mailed on September 8, 2026.

OVERVIEW OF ROAD VACATION PROCEEDING:
Where there is doubt as to the legal status of a road proposed for vacation, the BoCC may undertake a combined road validation proceeding and abandonment/vacation proceeding under Idaho Code § 40-203 and 40-203A, in which the BoCC first determines whether the road is a public road and, if so, may then also determine whether it may be in the public interest to abandon or vacate the road. Full text of applicable code is attached as **Exhibits 2 and 3**.

1. Road Validation: Does a public right-of-way exist?

A public road or right-of-way must be found to exist before it can be abandoned. Creation of a road generally occurs under one of the two classifications: (1) creation by formal action or (2) creation by prescription.

a. Creation by Formal Action – Under state statute and common law, creation by formal action can take place in a number of ways, including the following: formal declaration and recording by the county or highway district, blanket legislative declaration, common law dedication, dedication by plat, conveyance by the landowner, condemnation.

b. Creation by Prescription: In Idaho, a public road or right of way may be created if it is used by the public and maintained at public expense for a period of five (5) years. § I.C. 40-202(3). There is no statutory requirement that the five years of use or maintenance be consecutive or continuous, nor that it be for the entire length of the road. *Id. See also Tomchak v. Walker,* 104 Idaho 446, 448, 700 P. 2d 68, 70 (1985).

2. Road Vacation/Abandonment: If a public right-of-way exists, should it be abandoned?

If the Road is not validated as a public right of way, discussion of abandonment or vacation is unnecessary. In the event the Road is validated as a public right of way, the BoCC must "decide whether the abandonment and vacation of the highway or public right of way is in the public interest of the highway jurisdiction affected but the abandonment or vacation." I.C. § 40-203(1)(h). "No highway or public right-of-way or parts thereof shall be abandoned and vacated so as to leave any real property adjoining the highway or public right-of-way without access to an established highway or public right-of-way. The burden of proof shall be on the impacted property owner to establish this fact." I.C. § 40-203(2).

At the hearing, the BoCC shall consider all information in the record and shall accept testimony from all persons or entities having an interest in the proposed validation. I.C. §§ 40-203A(2)(e) and 40-203(1)(g).

After the hearing, the BoCC shall cause any order or other resolution of the validation proceeding to be recorded in the County records and shall cause the official map of the County highway system to be amended as required to reflect any order or other resolution of the validation proceeding. I.C. § 40-203(1)(j).

LOCATION AND HISTORY OF ROAD:

Based on staff review of county records:

1. LOCATION: The Road is currently shown on the county GIS Map as N7000W. It is located in Sections 2 & 3 T5N, R44E and Sections 34 & 35 T6N R44E, Teton County and lies within a 50-foot strip of land through property currently owned by Eddyline Ranch, LLC, Parcel No. RP05N44E020700. **See Exhibit 4 – N7000W Validation/Vacation Exhibit.**
2. COUNTY ROAD MAP: The Road is shown on the Official Road Map of Teton County adopted on November 22, 2017. The Road is shown to be approximately 1.5 miles long and runs between W4000N and W5500N. **See Exhibit 5 – 2017 County Road Map**
3. PRIOR OFFICIAL FINDINGS:
    a. Beginning July 17, 2006, the Teton County Board of County Commissioner held a series of public hearings to validate all roads in Teton County prior to adoption an official County Road Map ("the 2006 Road Hearings"). **See Exhibit 6 – 2006 Road Hearing Records (portion).**
    b. N7000W is shown on the Quadrant B exhibit. The exhibit has the road labeled as B-58. **See Exhibit 7 – Quadrant Map.**
    c. For each road formally adopted to the County Road Map at the 2006 Road Hearings, the minutes of the 2006 Road Hearings document that the road description was read, comments from Road and Bridge, any public comments and whether the Board of County Commissioners motioned to include or exclude such road from the County Road Map. The minutes of the 2006 Road Hearing include discussion and adoption of N7000W. Motion was amended to only include 0.5 mile of road section between W400N and W450N now referenced as W4000N and W4500N. N7000W is discussed and the ½ mile section approved on Page 37 of the 2006 Road Hearing minutes. **Exhibit 8 – B58 Resolution Minutes**

4. CREATION BY FORMAL ACTION: The County recognizes the 2006 resolution of the Teton County Board of County Commissioners as having formally adopted W7000N as a county road beginning at N4000W and continuing ½ mile north and the same has not been abandoned.
5. CREATION BY PRESCRIPTION: The County records available demonstrate the following:
    a. PUBLIC USE: Until recently developed as part of the Eddyline Subdivision, N7000W was an unimproved road with limited to no public use.
    b. PUBLIC MAINTENANCE: The County is not in possession of, nor has it found, any records documenting the use of public funds to maintain the Road.
6.

PUBLIC COMMENT:

No public written comments were received as of 5:00 PM, Tuesday, October 20, 2026, the deadline for inclusion in the hearing packet set forth in the notice for this hearing.

STAFF RECOMMENDATION:

The Applicant, Eddyline Ranch, LLC is proposing to vacate the current county road N7000W beginning at W4000N and running approximately 1 mile north. Since the approved County-road limits terminate ½ mile north of W4000N vacation would only be for validated limits determined by Road Vacation/Abandonment section above. Future connectivity would require right-of-way acquisition for an additional 2.3 miles north, connecting with Ards Road, a county road.

County staff recommends that the BoCC approve the vacation of N7000W consistent with the road limits determined during the Vacation/Abandonment portion of this public hearing.

PROPOSED MOTIONS:

The following motions could be made to recommend validation/vacation of the Road:

A. CONTINUATION

I move to continue the hearing for the Vacation of the Road Known as N7000W to a future BoCC agenda in order to obtain additional information on the following issues:

1. …….

B. ROAD NOT VALIDATED

Having concluded that the Right of Way at Issue identified on Exhibit 3 (the "Road"), was not created as a public road beyond ½ mile north of W4000N, I move not to validate the Road beyond these limits as a public right of way and remove the Road from the County road map based on the following findings:

1. ……..

C. ROAD VALIDATED

Having concluded the Right of Way at Issue identified on Exhibit 3 (the "Road"), was created a public road from W4000N and continuing ½ mile north, was created as a public road, I move to validate the Road as a public right of way based on the following findings:

1. ……

D. ROAD VACATION/ABANDONMENT

Having concluded that the Right of Way at issue identified on Exhibit 3 (the "Road"), was created as a public road, I move to abandon/vacate N7000W beginning at W4000N and proceeding ½ mile north and remove the same from the county road map based on the following findings:

1. ….

After the BoCC's decision is made, the BoCC should direct the Public Works Director and Civil Deputy Prosecuting Attorney to prepare a written Findings of Fact and Conclusions of Law and Order for commissioner approval and recording in accordance with the law.

Prepared by:
Darryl Johnson, Public Works Director

Attachments:

Exhibit 1 - Road Vacation/Abandonment/Addition Application
Exhibit 2 - Idaho Code § 40-203A
Exhibit 3 - Idaho Code § 40-203
Exhibit 4 - N70000W Site Plan
Exhibit 5 - 2017 Road Map
Exhibit 6 – 2006 Road Hearing Record (portion)
Exhibit 7 – Quadrant B Map
Exhibit 8 – B58 Resolution Minutes
Exhibit 9 - Public Hearing Notice

$ 1100

Exhibit 1

ROAD VACATION / ABANDONMENT / ADDITION APPLICATION

Teton County, Idaho

The County Engineer is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by staff and then scheduled for the appropriate public hearing(s). It is recommended that the applicant review Idaho Code 40-203 and Teton County Code Section 9-7-1.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: ____**Eddyline Ranch LLC**_____

Applicant: ____Brandon Darnton, Principal_____E-mail: _____[email redacted]_____

Phone: (231) [phone redacted] _____ Mailing Address: [address redacted] [address redacted] [address redacted], Unit 5201B_____

City: ____Aspen_____State:__CO_____ Zip Code:__81612-4312____

Location:

Address: _____ Section: _____2__Township: _5N Range: __44E____

Parcel Number: ____RP05N44E020700_____

I, the undersigned, understand that the items listed below are required for my application to be considered complete and for it to be scheduled on an agenda for public meeting/hearing.

- Applicant Signature: _____ Date: 8/24/26

I, the undersigned, am the owner of the referenced property and do hereby give my permission to _____ to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

- Owner Signature: _____ Date: 8/24/26

Fees are non-refundable.

SECTION II. CRITERIA FOR RECOMMENDATIONS AND DECISIONS:

1. A site plan drawn to scale by a professional surveyor may be required showing:
   - Perimeter, dimensions and topography of the road/property.
   - The names and locations of all streets bordering the property.
   - The location of all easements or right(s)-of-way.
   - The location and dimensions of present and proposed structures.

on File Eddyline Ranch Subdivision master plan

2. Attach a narrative statement that addresses Title 40 of Idaho Code.
   - That granting the proposed vacation is in the public interest.
   - That the vacation will not leave real property adjoining the highway or public right(s)-of-way without access to the public highway or right(s)-of-way.
   - Reservation of easements or right(s)-of-way for public utilities or ditches and canals.
   - Name of landowner who originally dedicated the parcel to the public. (Fair market value may be imposed.)
3. Fees paid in accordance with current fee schedule.

SECTION III. SPECIFIC REQUIREMENTS FOR PUBLIC HEARING AND NOTICE:

- Notification of adjoining property owners: Property owners, utility companies, underground facilities, and irrigation companies adjoining the road shall be notified of this application 30 days prior to the public hearing date. This notice must include time, date, and place of the public hearing and will be mailed by staff.

  If a subdivision is adjacent to the application then all lot owners in the subdivision must be notified. If the property is within a subdivision the entire subdivision and any property within 300 feet of the exterior of the subdivision must be notified.

- Notice shall be posted on the property showing the time, date and place of the public hearings and a description of the action requested.

- These procedures are required to be completed prior to each public hearing in accordance with Idaho Code Section 40-203 as amended.

SECTION IV: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION V: PLANNING AND ZONING COMMISSION ACTION IF NECESSARY

SECTION VI: BOARD OF COUNTY COMMISSIONERS ACTION

Return Completed Form & Documentation to:

Teton County Engineer
Department of Public works
150 Courthouse Drive
Driggs, ID 83422

FAX: [phone redacted]

If you have questions about this application, you may call [phone redacted]

Narrative from Applicant in Support of Road Vacation/Abandonment

This narrative is provided in support of Eddyline Ranch LLC's application to Teton County for abandonment of N7000W (the "Proposed Abandoned Road") and pursuant to Idaho Statute §40-203. Eddyline Ranch LLC and its affiliate, STRR LLC, own properties (the "Applicant Properties") adjacent to the Proposed Abandoned Road.

The roadway within the Proposed Abandoned Road was never built by Teton County. Legal access is provided to the Applicant Properties on Eddyline Drive and Viewline Drive, both private roads. The applicant does not need the Proposed Abandoned Road [redacted]der to access the Applicant Properties. Viewline Drive is closest to the Proposed [redacted]ndoned Road but is not located entirely within the Proposed Abandoned Road right [redacted]ay. During the subdivision approval process with Teton County for Eddyline Ranch, [redacted]nty staff agreed that the Proposed Abandoned Road would be vacated. This has [redacted]happened as of the date of this application. The Proposed Abandoned Road does [redacted]provide connectivity with any other Teton County roads other than W4000N. Legal [redacted]ess to properties other than the Applicant Properties is provided elsewhere – for [redacted]mple, along N8000W.

[phone redacted]

[redacted]in the public interest to abandon the Proposed Abandoned Road as it causes [redacted]usion regarding legal access rights to properties adjacent to the Applicant [redacted]perties. The applicant has had repeated trespass issues along its private roads by neighbors purportedly thinking that they are using the Proposed Abandoned Road, when, in fact, they are using Viewline Drive, a private road owned by the applicant.

There are no public utilities within the Proposed Abandoned Road.

8/24/26

Exhibit 2

Idaho Statutes

TITLE 40
HIGHWAYS AND BRIDGES
CHAPTER 2
GENERAL PROVISIONS

40-203A. VALIDATION OF COUNTY OR HIGHWAY DISTRICT SYSTEM HIGHWAY OR PUBLIC RIGHT-OF-WAY. (1) Any resident or property holder within a county or highway district system, including the state of Idaho or any of its subdivisions, or any agency of the federal government, may petition the board of county or highway district commissioners, whichever shall have jurisdiction of the highway system, to initiate public proceedings to validate a highway or public right-of-way, including those which furnish public access to state and federal public lands and waters, provided that the petitioner shall pay a reasonable fee as determined by the commissioners to cover the cost of the proceedings, or the commissioners may initiate validation proceedings on their own resolution, if any of the following conditions exist:

(a) If, through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a highway or public right-of-way;

(b) If the location of the highway or public right-of-way cannot be accurately determined due to numerous alterations of the highway or public right-of-way, a defective survey of the highway, public right-of-way or adjacent property, or loss or destruction of the original survey of the highways or public rights-of-way; or

(c) If the highway or public right-of-way as traveled and used does not generally conform to the location of a highway or public right-of-way described on the official highway system map or in the public records.

(2) If proceedings for validation of a highway or public right-of-way are initiated, the commissioners shall follow the procedure set forth in section 40-203, Idaho Code, and shall:

(a) If the commissioners determine it is necessary, cause the highway or public right-of-way to be surveyed;

(b) Cause a report to be prepared, including consideration of any survey and any other information required by the commissioners;

(c) Establish a hearing date on the proceedings for validation;

(d) Cause notice of the proceedings to be provided in the same manner as for abandonment and vacation proceedings; and

(e) At the hearing, the commissioners shall consider all information relating to the proceedings and shall accept testimony from persons having an interest in the proposed validation.

(3) Upon completion of the proceedings, the commissioners shall determine whether validation of the highway or public right-of-way is in the public interest and shall enter an order validating the highway or public right-of-way as public or declaring it not to be public.

(4) From any such decision, any resident or property holder within a county or highway district system, including the state of Idaho or any of its subdivisions, or any agency of the federal government, may appeal to

the district court of the county in which the highway or public right-of-way is located pursuant to section 40-208, Idaho Code.

(5) When a board of commissioners validates a highway or public right-of-way, it shall cause the order validating the highway or public right-of-way, and if surveyed, cause the survey to be recorded in the county records and shall amend the official highway system map of the respective county or highway district.

(6) The commissioners shall proceed to determine and provide just compensation for the removal of any structure that, prior to creation of the highway or public right-of-way, encroached upon a highway or public right-of-way that is the subject of a validation proceeding, or if such is not practical, the commissioners may acquire property to alter the highway or public right-of-way being validated.

(7) This section does not apply to the validation of any highway, public street or public right-of-way which is to be accepted as part of a platted subdivision pursuant to chapter 13, title 50, Idaho Code.

History:

[40-203A, added 1986, ch. 206, sec. 4, p. 514; am. 1993, ch. 412, sec. 5, p. 1509; am. 1995, ch. 121, sec. 3, p. 525; am. 2000, ch. 251, sec. 3, p. 713.]

How current is this law?

Search the Idaho Statutes and Constitution

Exhibit 3

Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 40
HIGHWAYS AND BRIDGES
CHAPTER 2
GENERAL PROVISIONS

40-203. ABANDONMENT AND VACATION OF COUNTY AND HIGHWAY DISTRICT SYSTEM HIGHWAYS OR PUBLIC RIGHTS-OF-WAY. (1) A board of county or highway district commissioners, whichever shall have jurisdiction of the highway system, shall use the following procedure to abandon and vacate any highway or public right-of-way in the county or highway district system including those which furnish public access to state and federal public lands and waters:

(a) The commissioners may by resolution declare their intention to abandon and vacate any highway or public right-of-way or to reclassify a public highway as a public right-of-way, where doing so is in the public interest.

(b) Any resident, or property holder, within a county or highway district system including the state of Idaho, any of its subdivisions, or any agency of the federal government may petition the respective commissioners for abandonment and vacation of any highway or public right-of-way within their highway system. The petitioner shall pay a reasonable fee as determined by the commissioners to cover the cost of the proceedings.

(c) The commissioners shall establish a hearing date or dates on the proposed abandonment and vacation.

(d) The commissioners shall prepare a public notice stating their intention to hold a public hearing to consider the proposed abandonment and vacation of a highway or public right-of-way, which shall be made available to the public not later than thirty (30) days prior to any hearing and mailed to any person requesting a copy not more than three (3) working days after any such request.

(e) At least thirty (30) days prior to any hearing scheduled by the commissioners to consider abandonment and vacation of any highway or public right-of-way, the commissioners shall mail notice by United States mail to known owners and operators of an underground facility, as defined in section 55-2202, Idaho Code, that lies within the highway or public right-of-way.

(f) At least thirty (30) days prior to any hearing scheduled by the commissioners to consider abandonment and vacation of any highway or public right-of-way, the commissioners shall mail notice to owners of record of land abutting the portion of the highway or public right-of-way proposed to be abandoned and vacated at their addresses as shown on the county assessor’s tax rolls and shall publish notice of the hearing at least two (2) times if in a weekly newspaper or three (3) times if in a daily newspaper, the last notice to be published at least five (5) days and not more than twenty-one (21) days before the hearing.

(g) At the hearing, the commissioners shall accept all information relating to the proceedings. Any person, including the state of Idaho or any of its subdivisions, or any agency of the federal government, may appear and give testimony for or against abandonment.

(h) After completion of the proceedings and consideration of all related information, the commissioners shall decide whether the abandonment and vacation of the highway or public right-of-way is in the public interest of the highway jurisdiction affected by the abandonment or vacation. The decision whether or not to abandon and vacate the highway or public right-of-way shall be written and shall be supported by findings of fact and conclusions of law.

(i) If the commissioners determine that a highway or public right-of-way parcel to be abandoned and vacated in accordance with the provisions of this section has a fair market value of two thousand five hundred dollars ($2,500) or more, a charge may be imposed upon the acquiring entity, not in excess of the fair market value of the parcel, as a condition of the abandonment and vacation; provided, however, no such charge shall be imposed on the landowner who originally dedicated such parcel to the public for use as a highway or public right-of-way; and provided further, that if the highway or public right-of-way was originally a federal land right-of-way, said highway or public right-of-way shall revert to a federal land right-of-way.

(j) The commissioners shall cause any order or resolution to be recorded in the county records and the official map of the highway system to be amended as affected by the abandonment and vacation.

(k) From any such decision, a resident or property holder within the county or highway district system, including the state of Idaho or any of its subdivisions, or any agency of the federal government, may appeal to the district court of the county in which the highway or public right-of-way is located pursuant to section 40-208, Idaho Code.

(2) No highway or public right-of-way or parts thereof shall be abandoned and vacated so as to leave any real property adjoining the highway or public right-of-way without access to an established highway or public right-of-way. The burden of proof shall be on the impacted property owner to establish this fact.

(3) In the event of abandonment and vacation, rights-of-way or easements shall be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in section 55-2202, Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

(4) (a) When a county or highway district is to consider the abandonment or vacation of any highway, public street or public right-of-way that was accepted as part of a recorded platted subdivision, such abandonment shall be accomplished pursuant to the provisions of this section.

(b) When a county or highway district is to consider the abandonment or vacation of any highway, public street, or public right-of-way that was accepted as part of a platted subdivision that has never been improved or developed, such vacation or abandonment may be approved through the dedication of a new highway, public street, or public

right-of-way without compensation as set forth in subsection (1)(i) of this section.

(c) When a county is to consider the abandonment or vacation of any private right-of-way that was accepted as part of a recorded platted subdivision, said abandonment or vacation shall be accomplished pursuant to the provisions of chapter 13, title 50, Idaho Code.

(5) In any proceeding under this section or section 40-203A, Idaho Code, or in any judicial proceeding determining the public status or width of a highway or public right-of-way, a highway or public right-of-way shall be deemed abandoned if the evidence shows:

(a) That said highway or public right-of-way was created solely by a particular type of common law dedication, such as a dedication based upon a plat or other document that was not recorded in the official records of an Idaho county;

(b) That said highway or public right-of-way is not located on land owned by the United States or the state of Idaho nor on land entirely surrounded by land owned by the United States or the state of Idaho nor does it provide the only means of access to such public lands; and

(c)(i) That said highway or public right-of-way has not been used by the public and has not been maintained at the expense of the public in at least three (3) years during the previous fifteen (15) years; or

(ii) Said highway or right-of-way was never constructed and at least twenty (20) years have elapsed since the common law dedication.

(6) All other highways or public rights-of-way may be abandoned and vacated only upon a formal determination by the commissioners pursuant to this section that retaining the highway or public right-of-way for use by the public is not in the public interest, and such other highways or public rights-of-way may be validated or judicially determined at any time notwithstanding any other provision of law. Provided that any abandonment under this section shall be subject to and limited by the provisions of subsections (2) and (3) of this section.

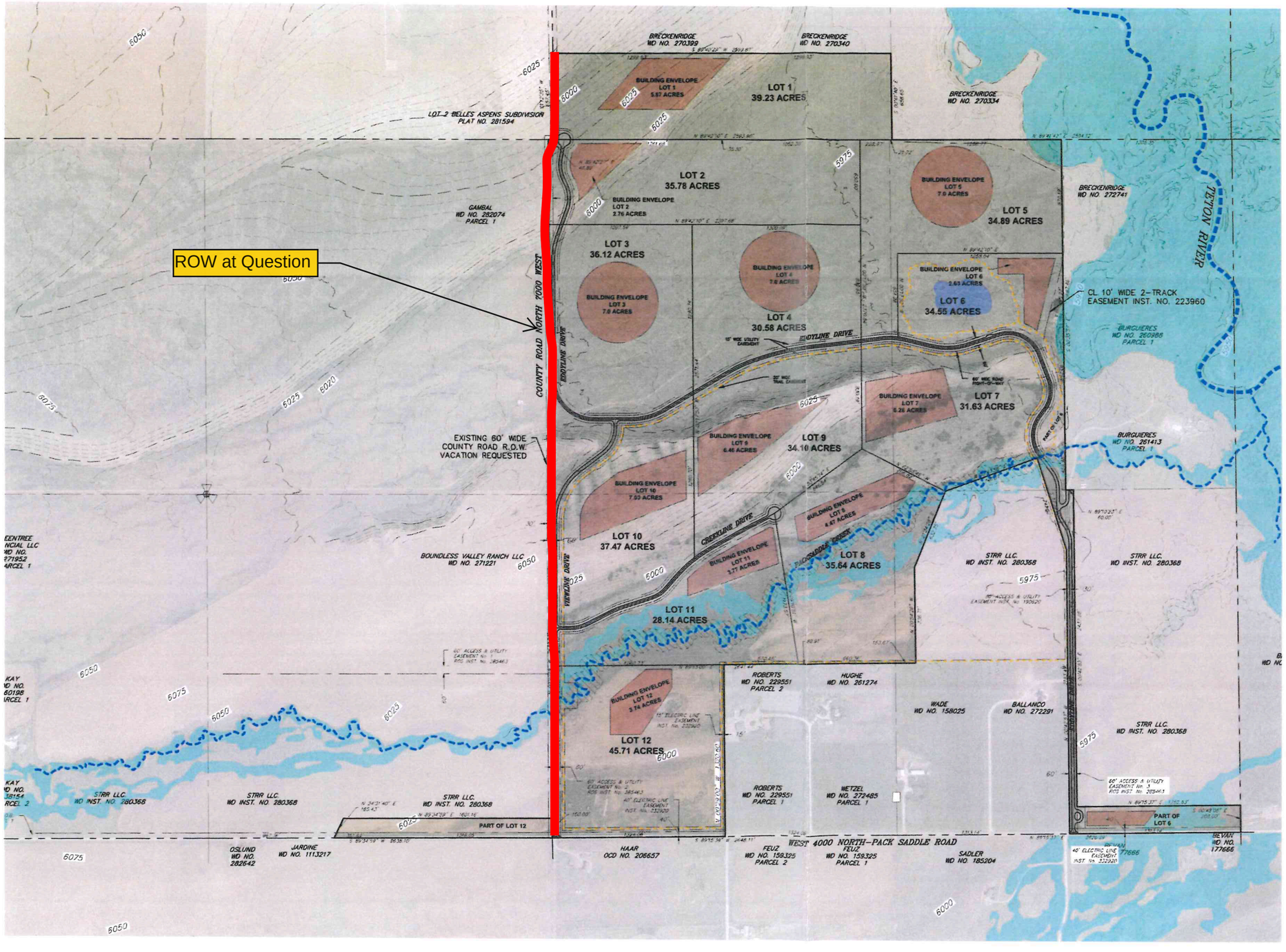
History:

[40-203, added 1985, ch. 253, sec. 2, p. 594; am. 1986, ch. 206, sec. 3, p. 513; am. 1986, ch. 328, sec. 4, p. 804; am. 1992, ch. 323, sec. 1, p. 959; am. 1993, ch. 412, sec. 4, p. 1507; am. 1995, ch. 121, sec. 2, p. 523; am. 2000, ch. 251, sec. 2, p. 711; am. 2013, ch. 239, sec. 4, p. 562; am. 2014, ch. 137, sec. 1, p. 372; am. 2021, ch. 179, sec. 1, p. 494.]

How current is this law?

Search the Idaho Statutes and Constitution

Exhibit 4



SITE DATA:

ZONE– RA 35
TOTAL ACREAGE– 423 ACRES TO BE SUBDIVIDED
NUMBER OF PROPOSED LOTS– 12
PROPOSED LOT SIZES – 28.14–45.71 ACRES (35 ACRE AVERAGE DENSITY)

PROPOSED ROADS:
- PRIVATELY OWNED AND MAINTAINED
- MEET COUNTY LOCAL ROAD STANDARDS
- DESIGNED WITH 22' TRAVELWAY
- 10% MAXIMUM GRADE
- 100' DIAMETER CUL-DE-SACS
- LOCATED WITHIN 60' MINIMUM ACCESS EASEMENTS
- 15' WIDE UTILITY EASEMENT ADJACENT TO EACH SIDE OF 60' ROAD EASEMENT
- 20' TRAIL EASEMENT

REQUIRED MINIMUM SETBACKS:
FRONT – 30'
SIDE – 30'
REAR – 40'
STREAM OR CREEK – 50'
LAKE OR POND – 50'
TETON RIVER – 100'
DELINEATED WETLAND – 50'

PROPOSED BUILDING ENVELOPES MEET OR EXCEED COUNTY MINIMUM SETBACKS

SEE PRELIMINARY PLAT FOR LOT DIMENSIONS, EASEMENTS AND RIGHT-OF-WAYS

LEGEND:

- EXISTING PROPERTY BOUNDARY LINE
- 5' CONTOURS
- TETON RIVER
- PACKSADDLE CREEK
- 50' CREEK SETBACK
- PROPOSED LOT LINES
- PROPOSED ROAD RIGHT-OF-WAY
- PROPOSED 15' UTILITY EASEMENT
- PROPOSED 20' TRAIL EASEMENT
- PROPOSED TRAIL
- PROPOSED BUILDING ENVELOPE
- DRAFT AREA OF HIGH FLOOD RISK FLOOD ZONE A (1% ANNUAL CHANCE)

400' 200' 0 400' 800'
SCALE: 1" = 400'
(22x34 SHEET)

HARMONY
DESIGN & ENGINEERING
[phone redacted] STE 305 • DRIGGS ID 83422
• www.harmonydesigninc.com

DRAWING IS TO SCALE IF PRINTED AT 22" x 34" FULL SCALE
1" = HALF SCALE

DATE: 1/08/2025
PROJ. #: 23047

REVISIONS:

PROJECT NAME
EDDYLINE RANCH
W 4000 N TETON COUNTY, ID
PRELIMINARY PLAT MASTER PLAN

SHEET #
S 1.1

Exhibit A

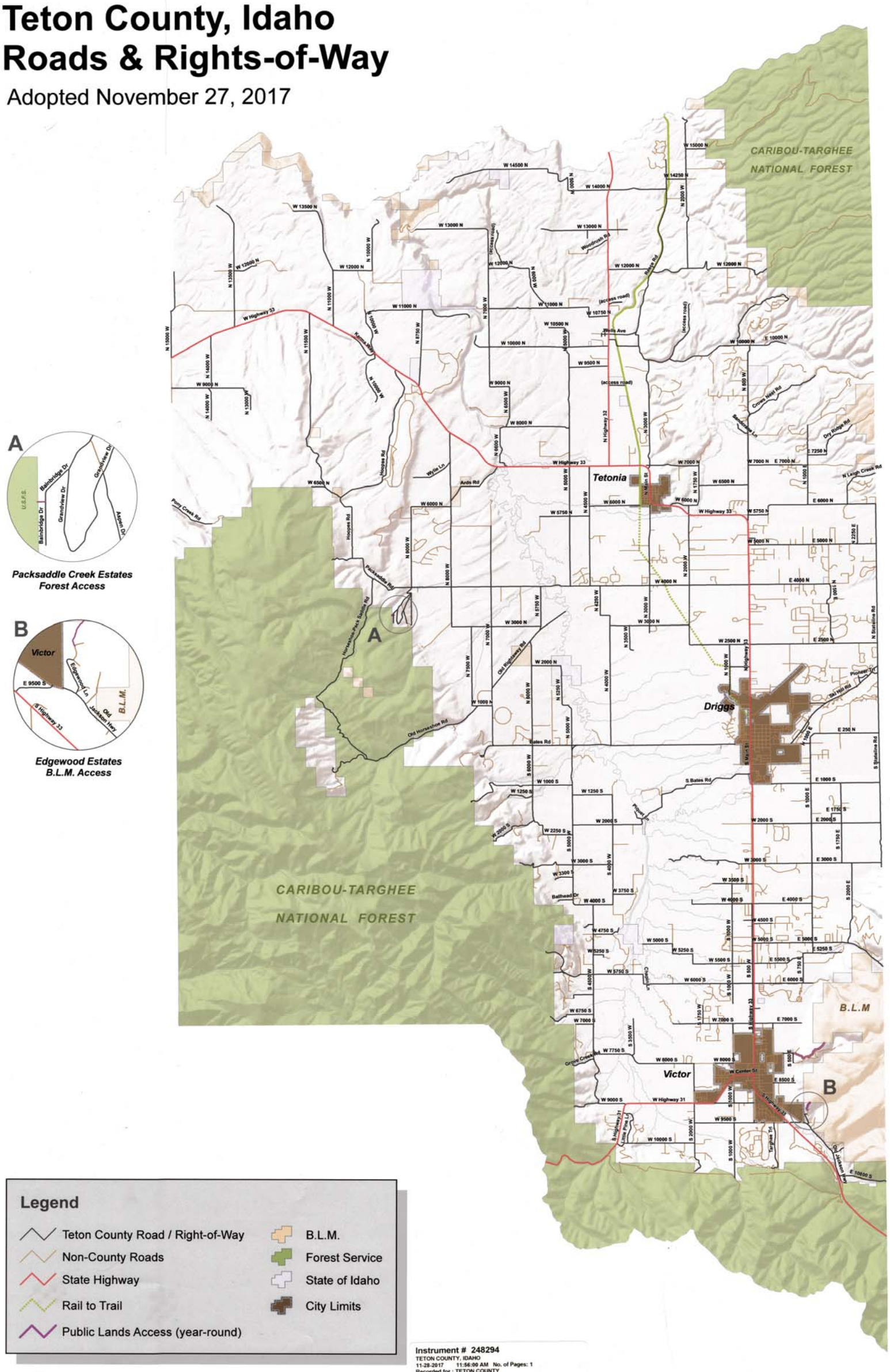
TETON COUNTY ROADS
& RIGHTS OF WAY
(ADOPTED 11/27/2017)

INST# 248294

Exhibit 5

Teton County, Idaho
Roads & Rights-of-Way

Adopted November 27, 2017



Packsaddle Creek Estates
Forest Access

Edgewood Estates
B.L.M. Access

Legend

- Teton County Road / Right-of-Way
- Non-County Roads
- State Highway
- Rail to Trail
- Public Lands Access (year-round)
- B.L.M.
- Forest Service
- State of Idaho
- City Limits

Instrument # 248294
TETON COUNTY, IDAHO
11-28-2017 11:56:00 AM No. of Pages: 1
Recorded for : TETON COUNTY
MARY LOU HANSEN Fee: 0.00
Ex-Officio Recorder Deputy
Index to: MAPS

Printed: November 22, 2017
Source: L:\Maps\Road & Bridge\CommissionerRoadMap2017.mxd

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STATE OF IDAHO
TETON COUNTY
ESTABLISHED 1915

This map was reviewed and approved by
the Teton County, Idaho Commissioners

Mark R Rubs
Chairman

Date: 11-27-17

Attested By:

Mary Lou Hansen
County Clerk

Date: 11-27-17

0 0.5 1 2 3 4
Miles
1:80,000

N

GIS
TETON COUNTY - IDAHO
GEOGRAPHIC INFORMATION
SYSTEMS

Exhibit 6

County Highways and Rights-of-Way

Adoption Report to Board of County Commissioners
Teton County, Idaho

June 16, 2006

Purpose of Report and Necessity of Hearing:

On August 22, 2005 the Supreme Court of the State of Idaho filed its decision in the cases of *Homestead Farms, Inc. vs Board of Commissioners of Teton County* and *Verla Ard Hall* and the *Hall Family Trust vs Board of Commissioners of Teton County*, which cases were consolidated for the purpose of reaching a decision. In that decision the Supreme Court concluded:

> "Therefore, this case is remanded to the Commissioners with instructions to make a determination of which roads within the County should be properly considered as public highways and right-of-way (if they have not previously done so) based upon objective evidence showing their public status. Once that determination has been made, the Commissioners may properly adopt a valid official map of the highway system in Teton County."

Idaho Code § 40-202 is entitled "Designation of highways and public rights-of-way". This section directs the commissioners to ". . . cause a map to be prepared showing the general location of each highway and public right-of-way in their jurisdiction. . . .". They are then required to give notice of their intention to adopt the map as the official map and specify the time and place at which all interested person may be heard. After this hearing the commissioners are to make any changes determined to be advisable and adopt the map as the official map of the highway system. Finally, the statute further provides that the official map shall be revisited every five (5) years to update and correct the map.

In an attempt to comply with I.C. § 40-202 the Teton County Board of Commissioners held hearings in 1991, 1996, and 2001. The above referenced Supreme Court case resulted from the hearing in 2001. In that year, 2001, the Commissioners selected a "Big Sky Map" and by colored pen, designated various types of roadways throughout the County, which they claimed to be public roadways within the meaning of I. C. § 40-202. The Commissioners gave public notice of their intent to adopt the map and conducted hearings in July 2001. The Commissioners gave the public until October 9, 2001, to petition for changes. Homestead Farms, Inc., Verla Ard Hall, and the Hall Family Trust objected to the map's inclusion of three (3) unimproved dirt roads crossing their properties. They contended there was no evidence supporting a finding that the roads crossing their properties were public roads, highways, or public rights-of-way. The Commissioners advised Homestead and Hall they would need to request vacation of the

roads. The final hearing was held on April 8, 2002, and the Commissioners adopted the Big Sky Map, reflecting several amendments, but still including the three disputed roads. In remanding the case back to the County Commissioners, the Supreme Court indicated:

> "Once again, the main problem that led to this dispute was the Commissioners' decision to include the subject roads on the official map apparently without initially making findings or providing evidence that the roads were public in the first place (although since there is no record, we don't know whether this was ever done). The decision to place roads on the county highway system map should be made only after a determination that a particular roadway occupies the status, in fact, of a public highway or right-of-way."

This report and the hearing, which has been scheduled for the 17th of July, 2006 is to comply with the Supreme Court Order. As indicated by the Supreme Court Remand Order, the purpose of the hearing and the procedure the community is now going through is to **determine which roads within the County should be properly considered as public highways and rights-of-way**. This procedure and the hearing on the 17th of July, **is <u>not</u> to adopt an official map of the highway system**. Once the Commission determines which roads are public highways and rights-of-way, it will then need to comply with I.C. § 40-202 and adopt an official map of the highway system.

<u>Roads, Public Highways, and Rights-of-Way of Teton County</u>:

Attachment to this report please find a general legal description of roads in Teton County (Exhibit I) which are believed to be, or reasonably could be considered, Public Roads, Public Highways and Rights-of-Way. Exhibit I includes four sections, identified as Quadrants A, B, C and D. This delineation has been done for purposes of simplifying the hearing process. In addition, you will find Exhibit II, which are "drafts" of corresponding maps to each quadrant, identified as A, B, C and D.

A good faith effort has been made to include all of the roads within the County. However, at the hearing on the 17th of July, the public may be able to identify roads and rights-of-way that are not listed on the Exhibits; they may feels some of the roads and rights-of-way listed are not, in fact, Public Roads, Public Highways, or Public Rights-of-Way; or they may point out that although the roads do exist and are public, it is not properly described on the Exhibits.

<u>Sources of Information used to Prepare the Exhibits</u>:

In the preparation of these Exhibits the starting point was the county map generated at the hearing held on April 8, 2002. Notwithstanding the fact that the Supreme Court ruling indicated this map did not comply with the requirements of I.C. §

40-202, it is nonetheless, the most accurate visual depiction of the highways and rights-of-way in the County that is available to us. This map has been compared to the GPS generated map used by the Teton County Fire Protection District.

There was extensive consultation with Ralph Egbert of the County Road and Bridge Department. Mr. Egbert was able to identify those roads that are maintained by the County and those roads which are not. He was also able to make valuable comments on road usage, the condition of the roads, the status of the roads (paved, gravel, unimproved, etc.), and the frequency of maintenance.

A search of the Minutes of the Board of County Commissioners has been made to identify roads within the County that have been the subject of specific Vacation/Abandonment or Validation hearings. Comments have been received from each of the County Commissioners as well as citizens of the community who have called to assist us with valuable insight.

The work to create this report been accomplished by the combined efforts and staff of the County Commissioner's Office, the Planning and Zoning Department, Roads and Bridges and AW Engineering of Victor, ID. Thanks and appreciation to each of them for their outstanding efforts and accomplishments.

TETON COUNTY, IDAHO

BOARD OF COUNTY COMMISSIONERS

NOTIFICATION OF PUBLIC HEARING

June 16, 2006

Dear Property Owner,

This letter is to inform you that Teton County, Idaho will be conducting a public hearing on July 17, 2006, at 3:00 p.m. in the High School Auditorium. By order of the Idaho Supreme Court, the Teton County Commissioners have been ordered to validate all roads in Teton County prior to adopting an official County Road Map.

At the same hearing the Board of County Commissioners shall also hear any comments to abandon and vacate any highways or public right of ways. The comment form for road vacations may be obtained at the Teton County Planning and Zoning Department or downloaded from our website, www.tetoncountyidaho.gov.

If a contested road situation should arise, and it appears that it will take more than the allotted time, the Commissioners reserve the right to continue the hearing on that particular road until a future time that will allow for adequate discussion to complete the hearing. **As ALL roads in Teton County must be validated, the Commissioners will strictly enforce the following schedule:**

3:00 p.m. All roads and public right of ways located **North of 00 (Main & Little) & Ski Hill Road and East of Highway 33 and 32** **Northeast Teton County**

4:30 p.m. All roads and public-right of ways located **North of 400 North (Packsaddle Road) and west of Highway 33 and 32** **Northwest Teton County**

6:15 p.m. All roads and public right of ways located **South of 400 North and west of Highway 33** **Southwest Teton County**

7:45 p.m. All roads and public right of ways located **South of 00 (Main & Little) & Ski Hill Road** and east of Highway 33 **Southeast Teton County**

8:30 p.m. The Board of County Commissioners shall hear final comments from any members of the public who were not able to attend during the appropriate time scheduled

A Report to the Commissioners identifying the county roads will be available for the public to review. This document may be found in the county Clerk's Office (1st floor courthouse), beginning Friday, June 16, 2006.

Please contact the Board of County Commissioner's office at [phone redacted] for further information. If you require special assistance to attend the hearing, please notify the Commissioner's office 48-hours in advance.

[address redacted] [address redacted] [address redacted] [address redacted] ▪ Suite 1 ▪ Driggs ▪ Idaho ▪ 83422
Telephone: [phone redacted] ▪ Fax: [phone redacted]

COMMENTS FOR ROAD VACATION / ABANDONMENT / ADDITION REQUEST

DEADLINE is July 10th, 5:00 pm

The Road & Bridge staff will review this request for accuracy and make a recommendation. The Board of County Commissioners will hear comments at the Public Hearing, **Monday, July 17, 2006** commencing at 3:00pm at the Teton High School. The applicant may attach any additional information and documentation they feel is relevant.

I. PERSONAL DATA:

- Land Owner:
- Address:
- Telephone Number:

II. PROPERTY DATA:

- General Address:
- Legal Description:
- Reason for request:

Signature_____**Date**_____

Date Received_____

Please return this form to the Commissioner's Office

III. STAFF SUMMARY:

IV. BOARD OF COUNTY COMMISSION RECOMMENDATION:

☐ [address redacted] **Vacation** ☐ **Road Abandonment** ☐ **Road Addition**

_____ _____

Commissioner's Signature Date

THE ABC'S OF A PUBLIC "ROAD" & RIGHT-OF-WAY

"The decision to place roads on the county highway system map should be made only after a determination that a particular roadway occupies the status, in fact, of a public highway or right-of-way." **Supreme Court of the State of Idaho**

"At the hearing of July 17, 2006, the county cannot create new roads, highways, or rights-of-way where they do not now exist; nor, can the county eliminate roads, highways or rights-of way where they do exist. The sole purpose of this Public Hearing is to identify and legitimize the roads, highways and rights-of way in Teton County, Idaho, which now exist." **Teton County Commissioner Roger Hoopes**

Idaho Statutes Title 40, Chapter 1, defines a Highway and a Public Right-of-Way as follows:

40-109. DEFINITIONS -- H.

(5) **"Highways"** mean roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands or interests lawfully acquired, pedestrian facilities, and any other structures, works or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways.

40-117. DEFINITIONS -- P.

(5) **"Public highways"** means all highways open to public use in the state, whether maintained by the state or by any county, highway district, city, or other political subdivision. (Also see "Highways," section 40-109, Idaho Code)

(6) **"Public right-of-way"** means a right-of-way open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain, but may expend funds for the maintenance of, said public right-of-way or post traffic signs for vehicular traffic on said public right-of-way. In addition, a public right-of-way includes a right-of-way which was originally intended for development as a highway and was accepted on behalf of the public by deed of purchase, fee simple title, authorized easement, eminent domain, by plat, prescriptive use, or abandonment of a highway pursuant to section 40-203, Idaho Code, but shall not include federal land rights-of-way, as provided in section 40-204A, Idaho Code, that resulted from the creation of a facility for the transmission of water. Public rights-of-way shall not be considered improved highways for the apportionment of funds from the highway distribution account.

ORIGINAL

RESOLUTION #102306 Regarding Teton County Road System
Teton County Board of County Commissioners
Teton County, Idaho

October 23, 2006

WHEREAS the Supreme Court of the State of Idaho, on the 25th of August 2005 in the case of Homestead Farms Inc, vs. Board of Commissioners of Teton County and Verla Ard Hall and the Hall Family Trust vs. Board of Commissioners of Teton County, remanded the matter back to the Teton County Board of Commissioners with instructions to identify the roads in the County which should be included as part of the County Road System;

AND WHEREAS in compliance with the Order of the Supreme Court the Teton County Board of Commissioners held a public hearing on the 17th day of July, 2006 to determine which roads and rights-of-way in the County should be included as part of the County Road System;

AND WHEREAS in order to give the public adequate time to be heard and the Board of Commissioner adequate time to deliberate, said hearing was continued from time to time;

AND WHEREAS at the conclusion of the hearing the minutes from the hearing were compiled and reviewed by the Board of Commissioners, discussed at the regularly schedule Commissioners hearing on the 23rd day of October, 2006, and approved by the Board of Commissioners on that date.

NOW THEREFORE, the minutes of the July 17, 2006 with its continuances having been approved, all of the public having been given adequate opportunity to comment, the Board of County Commissioners having thoroughly discussed and deliberated the matter, and findings of fact having been enumerated in each motion to approve or deny the status of a road or right-of-way;

IT IS HEREBY UNAMIOUSLY RESOLVED that the roads and rights-of-way approved in the minutes of the July 17th hearing be, and the same hereby are, adopted as part of the Teton County Road System;

AND IT IS FURTHER RESOLVED that the minutes of the July 17, 2006 meeting be appended to this Resolution and included as a part thereof as though fully set forth herein.

DONE, DATED, and UNAMIOUSLY RESOLVED this 23rd day of October, 2006.

Mark Trupp
Chairman

Jay Calderwood
Commissioner

Roger Hoopes
Commissioner

BOARD OF COUNTY COMMISSIONERS
TETON COUNTY
STATE OF IDAHO

ORIGINAL

Note: There were a total of 12 cassette tapes containing the audio portion of these hearings. Audio is available to the public in the form of a CD (each side of a cassette is a single CD). Minutes of July 24, August 14, September 11 and October 10 have been injected within the body of the main text of minutes from July 17th & 21st. These minutes and the accompanying legal descriptions wee prepared by:

Teton County Clerk Nolan Boyle & Deputy Clerk Dawn Felchle
Sunrise Engineering, Bob King

MINUTES OF THE TETON COUNTY COMMISSIONERS

17 July 2006
TETON COUNTY COURTHOUSE
89 NORTH MAIN, DRIGGS, IDAHO

Commissioners Present: Chairman Mark Trupp, Commissioners Jay Calderwood, and Commissioner Roger Hoopes

Road and Bridge personnel present: Foreman Ralph Egbert and Operator Clay Smith

Chairman Trupp opened the hearing by explaining the purpose and procedures for the hearing. He stated the county is here to verify county roads or right-of-ways that exist as part of the county road system. He read and explained the legal notice that was published in the Teton Valley News and also included with the assessment notices sent to all property owners in the county. He explained for the purposes of the hearing, all roads in the county were divided into four quadrants: A,B,C, and D, and then sequentially numbered. Each road will be announced by quadrant, number, and description of the road. (See attached maps and spreadsheets for location and description of each road). Teton County Road and Bridge (Ralph Egbert and Clay Smith) will provide comment based on their records and knowledge. (Note: Road and Bridge input is based on available records at the time of the hearing and the knowledge of current personnel). Comment will then be open to the public for that specific road.

Quadrant A

A1

- Chairman Trupp read the road description as presented in the attached spreadsheet
- Road and Bridge Comment: Graveled road with year-around maintenance
- Public Comment: None
- **Motion:** Commissioner Hoopes moved, based on statements and/or material presented, to accept this road into the county road system because the road is maintained by the public, used by the public, and serves a public purpose, Commissioner Calderwood seconded, motion carried unanimously.
- Action: Include the ¼ mile section of road beginning at 1035N/335W traveling SE, ending at 1000N/325W

Teton County Idaho Roads

[illegible]8	Unimproved road commencing at 400N & 700W **(T5N R44E Sec 2)**, traveling 1.6 miles N, ending at 550N & 700W **(T6N R44E Sec 35)**
B59	Unimproved road commencing at 400N & 625W, traveling .85 mile N, ending at 485N & 645W **(T5N R44E Sec 2)**
B60	Maintained gravel road commencing at 575N & 450W, traveling 2.25 miles W and S, ending at 525N & 625W **(T6N R45E Sec 31 and R44E Sec 36,35)**
B61	Maintained gravel road commencing at 700N & 450W (Hwy 33) **(T6N R45E Sec 30,31)**, traveling 3 miles S, ending at 400N & 450W **(T5N R45E Sec 5)**
B62	Maintained gravel road commencing at 600N & 275W (Hwy 33), traveling 1.75 miles W, ending 600N & 450W **(T6N R45E Sec 29,30)**
B63	Unimproved road commencing at 525N & 450W, making a 1 mile SW/SE loop, ending at 475N & 450W **(T6N R45E Sec 31 and T5N R45E Sec 6) FILE ATTACHED to Vacate**
B64	Unimproved road commencing at 600N & 400W, traveling .25 mile S, ending at 575N & 400W **(T6N R45E Sec 31)**
B65	Unimproved road commencing at 600N & 355W, traveling 1.3 miles SW, ending at 500N & 400W **(T6N R45E Sec 32)**
B65a	Unimproved road commencing at 555N & 375W, traveling .5 mile SE, ending 525N & 360W **(T6N R45E Sec 32)**
B66	Maintained paved road commencing at 610N & 300W **(T6N R45E Sec 29,32)** (Hwy 33), traveling 2.1 miles S, ending at 400N & 300W **(T5N R45E Sec 5)**
B67	Unimproved road commencing at 460N & 300W, traveling .4 mile W, ending 465N & 335W **(T5N R45E Sec 5) FILE ATTACHED**
B68	Maintained gravel road commencing at 575N & 200W (Hwy 33) **(T6N R45E Sec 33)**, traveling 1.25 miles S, ending 450N & 200W **(T5N R45E Sec 4)**
B68a	Unimproved road commencing at 450N & 200W (B68), traveling .5 mile S, ending 400N & 200W **(T5N R45E Sec 4)**
	B68 & B68a are all one road and ALL Maintained Gravel
B69	Maintained gravel road commencing at 575N & 125W (Hwy 33), traveling 1.2 miles S & E, ending 525N & 200W **(T6N R45E Sec 34)**
	R&B Issue: This is sub-division road going EW; and NE section is private with no bridge access over creek
B70	Maintained paved road commencing at 400N & 50W (Hwy 33), traveling 2.5 miles W, ending at 400N & 300W **(T5N R45E Sec 2,3,4)**
B71	Maintained gravel road commencing at 400N & 300W **(T5N R45E Sec 5,6)**, traveling 6 miles W, ending 400N & 900W (Packsaddle Rd) **(T5N R44E Sec 1,2,3,4)**
B72	Unimproved road commencing at 700N & 540W (Frontage Rd of Hwy 33), traveling .3 mile W, ending 700N & 570W **(T6N R44E Sec 25)**
	The following are ROAD REQUESTS:
[illegible]3	Maintained gravel road commencing at 275W & 600N (Hwy 33), traveling .25 miles S, ending at 275W & 575N **(T6N R45E Sec 33) FILE ATTACHED**
B74	Request to reinstate road that is currently connecting B48 and B46a at 800N 940W, traveling W . 6 mile, ending at 1000W & 800N **File Attached to Add See Request to Vacate B46a**

Exhibit 7

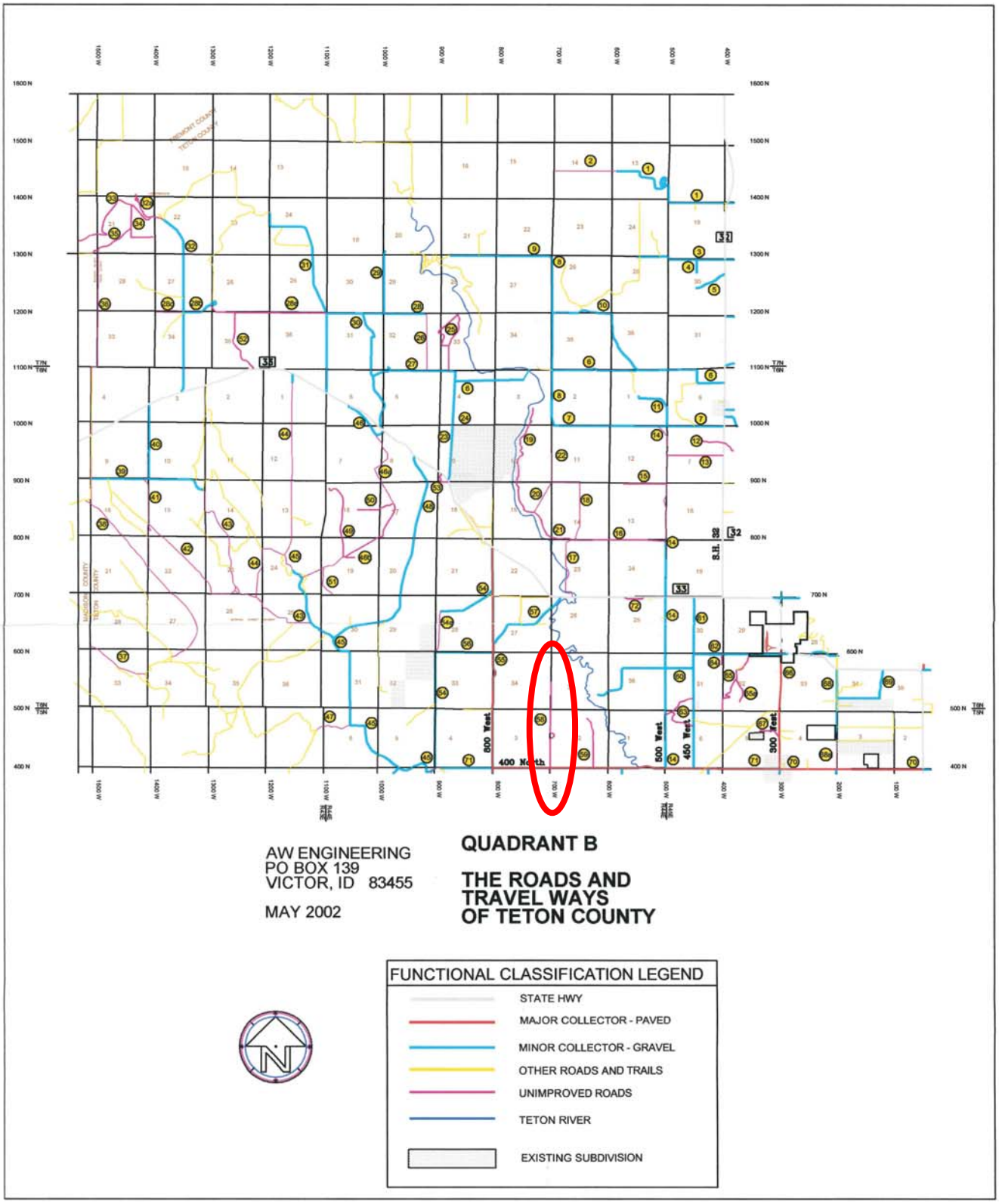

AW ENGINEERING
PO BOX 139
VICTOR, ID 83455
MAY 2002
QUADRANT B
THE ROADS AND
TRAVEL WAYS
OF TETON COUNTY
FUNCTIONAL CLASSIFICATION LEGEND
STATE HWY
MAJOR COLLECTOR - PAVED
MINOR COLLECTOR - GRAVEL
OTHER ROADS AND TRAILS
UNIMPROVED ROADS
TETON RIVER
EXISTING SUBDIVISION
400 North
800 West
450 West
900 West

Exhibit 8

- Public Comment: None
- **Motion:** Commissioner Hoopes moved, based on statements and/or material presented, to accept this road into the county road system because the road is maintained by the public, used by the public, and serves a public purpose, Commissioner Calderwood seconded, motion carried unanimously

B58 (1 & 6/10 mile)

- Chairman Trupp read the road description as presented in the attached spreadsheet
- Road and Bridge Comment: No knowledge of any maintenance
- Public Comment:
  - Bobbi Flora – keep open
  - Ray Breckenridge – never seen any county maintenance, private road

- **Motion:** Commissioner Calderwood moved, based on statements and/or material presented, to accept this road into the county road system because the road is maintained by the public, used by the public, and serves a public purpose, Commissioner Hoopes seconded, motion carried unanimously

Continuation of Public Hearing: Meeting called to order at 5PM, Monday, October 10th, 2006. Teton County Courthouse, Driggs, Idaho. *Tape 12/ CD #22*

B58

- Chairman Trupp asked the Commissioner's Assistant, Dawn Felchle, to read the legal description and the original motion of July 17, 2006:
  - *See above*
- Commissioner Deliberation:
  - Commissioner Trupp clarified the road is on the 1937 Map
  - Commissioner Hoopes maintains that from personal experience, what road is there, only goes North from 400N for ½ mile.
  - Reviewed record that there was no public comment regarding "land locking" a landowner.
- Motion: Commissioner Calderwood moved, based on the review of statements and/or material presented, to amend the original motion, and to have road B58 terminate at 450N, along the section line of sections 2 and 3, and to include this ½ mile section of road into the county road system because the road is maintained by the public, used by the public, and serves a public purpose. Commissioner Calderwood seconded, motion carried unanimously

B59

- Chairman Trupp read the road description as presented in the attached spreadsheet
- Road and Bridge Comment: No county maintenance, road exists
- Public Comment:
  - Tami VanOrden – access to her property
  - Ray Breckenridge – private road, no county maintenance
  - Tami VanOrden – fisherman's access

PUBLIC NOTICE
BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, IDAHO
October 26, 2026

Pursuant to established procedure, NOTICE IS HEREBY GIVEN that the Teton County Board of County Commissioners will hold a public hearing in the Commissioners' Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive in Driggs, Idaho on **Monday October 26, 2026** beginning at **9:00 am.**

9:00 am PUBLIC HEARING: Road Vacation/Abandonment/Addition Application: Eddyline Ranch LLC applied for a Road Vacation/Abandonment/Addition Application to vacate a portion of N 7000 W. A map of this proposed vacation is available on the Teton County website.

Location: Section 2 & 3 T5N R44E

ADJOURN

Documents and information on the proposal are available for public viewing in the Teton County Public Works Director's Office at the Courthouse between the hours of 9 a.m. and 5 p.m., Monday through Friday, and online at www.tetoncountyidaho.gov. To view these items, go to Departments & Services and select Public Works. Then select the "N 7000 W Vacation" item in the Additional Information Side Bar. For further information, contact Darryl Johnson at (208) 776-8222, djohnson@tetoncountyidaho.gov, or 150 Courthouse Drive, Driggs, ID 83422.

Written comments may be dropped off at 150 Courthouse Drive, Rm. 107 (Engineer's Office), Driggs Idaho 83422; faxed to (208) 776-6519; or emailed to djohnson@tetoncountyidaho.gov. Written comments must be received by **5:00 p.m., Tuesday October 20, 2026** to be incorporated into the packet of information provided to the Board prior to the hearing. Public comments at this hearing are welcome.

First Publication September 30, 2026
Second Publication October 21, 2026