



STAFF REPORT FOR ROAD VALIDATION / VACATION UNDER I.C. § 40-203 and 40-203A
SUBJECT ROAD: the road or right-of-way known as "N1000S"
PREPARED FOR: BoCC July 14, 2025 Public Hearing

PROCEDURAL BACKGROUND:

On March 2, 2025, Driggs Acquisition, LLC submitted a Road Vacation/Abandonment/Addition Application requesting to vacate N1000W beginning approximately 340 feet south of Indian Sunset Drive and continuing south into the Tributary subdivision. 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 June 11, 2025 and July 2, 2025 and notice to adjacent landowners was mailed on May 15, 2025.

OVERVIEW OF ROAD VACATION PROCEEDING:

Where there is no doubt as to the legal status of a road proposed for vacation, the BoCC determines whether it may be in the public interest to abandon or vacate the road. Full text of applicable code is attached.

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

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 N1000W. It is located in Sections 22 & 23 T5N R45, Teton County and lies within a 50 foot strip of land through property currently owned by Driggs Acquisition, LLC, Parcel No's RP05N45E220011, RP05N45E233000, RP05N45E232401, and RP05N45E233603.
2. COUNTY ROAD MAP: The Road is shown on the Official Road Map of Teton County adopted on November 22, 2017.
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").
 - b. N1000W is shown on the Quadrant C exhibit. The exhibit has the road labeled as C-18 but all tables and discussions in the minutes refer the road as C-19. as part of the 2006 Road Hearings.
 - 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 N1000S.

PUBLIC COMMENT:

No public written comments or exhibits were received as of 5:00 PM, Wednesday, July 9, 2025, the deadline for inclusion in the hearing packet set forth in the notice for this hearing.

STAFF RECOMMENDATION:

N1000W south of the EE-DAH-HOW Subdivision is located entirely on property owned by Driggs Acquisition LLC. The road currently provides a remote access to the Tributary PUD. Tributary is a private gated community. Currently, N1000W at the south end of EE-DAH-HOW Subdivision is gated. The PUD gated status and interior road configuration eliminates the possibility of connectivity from EE-DAH-HOW Subdivision to Bates Road.

County staff recommends that the BoCC approve the vacation of N1000W south of the southern boundary of the EE-DAH-HOW Subdivision.

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 N1000W to a future BoCC agenda in order to obtain additional information on the following issues:

1.

B. ROAD VACATION/ABANDONMENT

I move to vacate N1000W south of the southern boundary of EE-DAH-HOW subdivision as presented 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:

Road Vacation/Abandonment/Addition Application

Idaho Code § 40-203A

Idaho Code § 40-203

Public Hearing Notice