

RESOLUTION NO. 223-A

A RESOLUTION AND ORDER VALIDATING A PUBLIC ROAD AND OR PUBLIC RIGHT OF WAY IN CAMAS COUNTY, IDAHO AS BEING IN THE PUBLIC INTEREST PURSUANT TO IDAHO CODE 40-203A.

WHEREAS the Board of County Commissioners received a Petition for Validation of a Public Highway from Scot and Margaret Horton to validate Fir Grove Road within Camas County, Idaho.

WHEREAS a public hearing pursuant to **Idaho Code §40-203 and 203A** to determine whether the proposed validation of Fir Grove Road is in the public interest was heard on December 9, 2024 at 10:00 a.m.

WHEREAS public comment and testimony by the petitioners and their counsel was made during the validation hearing in the legal description describing the particular location of Fir Grove Road and including petitioner’s property in the original Resolution 223.

WHEREAS Camas County Road and Bridge Supervisor Ted Strickler testified and provided evidence that Fir Grove Road has been on the County Master Road Map receiving fuel tax money for decades, and is considered a public highway.

WHEREAS the location of the road in question is as follows: Fir Grove Road beginning at the intersection of E-500S and Fir Grove Road to the terminus at the Camas-Gooding County Line, including along petitioner’s eastern property boundary line at Township 2 South, Range 14 East of the Boise Meridian, Section 11, the Northeast Quarter of the Southwest Quarter, Camas County, Idaho.

WHEREAS all public comment, testimony and written comments were in favor of validation.

WHEREAS this resolution shall supersede and replace Resolution 223 in its entirety.

BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR CAMAS COUNTY, the effective date of this resolution shall be from the date of its passage by a majority vote of the Board of County Commissioners, Camas County, Idaho.

Dated this 30th day of December 2024.

CAMAS COUNTY BOARD
OF COMMISSIONERS

Travis Kramer, Chairman

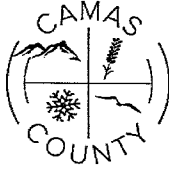
Marshall Ralph, Commissioner

Galen Colter, Commissioner

ATTEST:

Brianna Walter, Clerk

Instrument # 2024092743 # Pages: 5
CAMAS COUNTY, Idaho
Dec 30, 2024 3:46:51 pm Fee: \$
For: CAMAS COUNTY BOARD OF COMM
BRIANNA WALTER, Recorder
JSTOREY, Deputy



ORDER ADOPTING RESOLUTION NO. 223-A

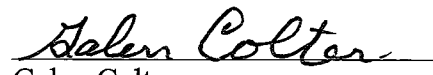
A RESOLUTION OF THE CAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

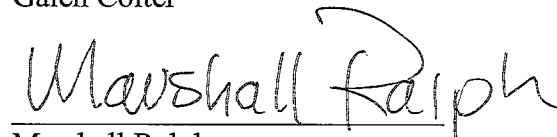
RESOLVED, that the Findings of Fact, Conclusion of Law, Decision and Order copied and attached hereto collectively as Exhibit 1, arising from the public hearing on the Petition of Camas County for the Validation of a Public Highway or Road within Camas County, Idaho, known as Fir Grove Road, which public hearing was held December 9, 2024, are hereby adopted.

DATED the 30th day of December 2024.

COMMISSIONERS:


Travis Kramer, Chair


Galen Colter


Marshall Ralph

Attest

Brianna Walter, Clerk

BEFORE THE CAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In the matter of a:

Hearing on Petition to validate a road in Camas County, Idaho known as Fir Grove Road.

On December 9, 2024, a hearing was held in the Camas County Courthouse to determine whether to validate Fir Grove Road as a public highway or public right of way by determining if it is in the public interest to do so. The road known as Fir Grove Road is located **beginning at the intersection of E-500S and Fir Grove Road to the terminus at the Camas-Gooding County Line, including along petitioner's eastern property boundary line at Township 2 South, Range 14 East of the Boise Meridian, Section 11, the Northeast Quarter of the Southwest Quarter, Camas County, Idaho.**

The public hearing was duly noticed by publication in the weekly Camas Courier and on the county website and letters were sent to all adjoining landowners as required by Idaho Code 40-203. At the hearing, present were the petitioners Scot and Margaret Horton, represented by counsel Kyle Bastian, multiple members of the public and county staff and officials. The record indicates that written and public comment was received both orally and in writing at the time of the December 9, 2024 hearing.

The following Findings of Fact were relied upon to reach the determination by the Camas County Board of County Commissioners (BOCC). If any of these Findings of Fact are deemed to also constitute Conclusions of Law, they shall be incorporated therein. The Findings of Facts consist of a summary of those facts and exhibits, if any, received by the BOCC as part of the underlying record in the instant case, or presented on the record at the public hearing in this matter, and which the BOCC have most heavily relied upon in reaching their determination in this case.

FINDINGS OF FACT

- A. Notice of the hearing and Intent to Validate Fir Grove Road in Resolution No. 223 was provided pursuant to Idaho statute to the petitioners, the current adjoining landowners, published in the Camas County Courier Newspaper and on the County website.
- B. Evidence was received by the petitioners and their attorney, that they desired Fir Grove Road to be validated **beginning at the intersection of E-500S and Fir Grove Road to the terminus at the Camas-Gooding County Line, including along petitioner's eastern property boundary line at Township 2 South, Range 14 East of the Boise Meridian, Section 11, the Northeast Quarter of the Southwest Quarter, Camas County, Idaho**

- C. Ted Strickler, Camas County Road and Bridge Supervisor spoke in favor of the validation stating that the road in question has been receiving fuel tax for many decades, has appeared on highway maps dating back over fifty years and there is no record of Fir Grove Road having been vacated or abandoned.
- D. The BOCC received no negative comments from the public on validating Fir Grove Road.

APPLICABLE LEGAL STANDARDS

A. ALL APPLICABLE STATUTES CONTAINED WITHIN IDAHO CODE, TITLE 40, CHAPTER 2, AND ANY CROSS REFERENCES CONTAINED THEREIN, TOGETHER WITH ANY LEGAL AUTHORITY CONTAINED IN THE RECORD.

B. SPECIFICALLY, IDAHO CODE 40-203A which provides:

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.

CONCLUSIONS OF LAW

The Board of County Commissioner for Camas County hereby finds that the underlying record supports the following conclusions:

1. Evidence was presented to support the County's validation of Fir Grove Road stated in specificity in Resolution 223 declaring the county's intention to validate Fir Grove and that it is in the best interest of the public.
2. Validation of Fir Grove Road allows Camas County to continue to receive fuel tax based on the mileage determination by ITD.
3. The county will maintain Fir Grove Road to Road & Bridge standards.
4. Furthermore, the commissioners shall cause a resolution to be recorded in the Camas County records and the official map of the highway system to be amended, if necessary, as affected by the validation of Fir Grove Road as a public highway.

DECISION

As a result of the Conclusions of Law outlined above, together with the Findings of Fact as applied, the Camas County Board of County Commissioners hereby determines that VALIDATION of Fir Grove Road as referenced herein, is hereby, GRANTED.

PETITIONERS AND THE PUBLIC ARE NOTIFIED THAT this order constitutes a final decision of the Board of County Commissioners in this matter. 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, and the procedures outlined therein.

DATED THIS _____ day of December 2024.

Travis Kramer, Chairman

Galen Colter, Commissioner

Marshall Ralph, Commissioner

Attested to by: _____
Brianna Walter, Camas County Court Clerk