

Valley County Planning & Zoning
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STAFF REPORT: Vacation of Portion of Corral Creek Road,
a Public Road Right-of-Way

HEARING DATE: March 27, 2023

TO: Board of County Commissioners

STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director

LOCATION: Portion of Corral Creek Road from the existing green gate location to
the junction with Horsethief Road in Sections 13, 14, 15, and 22,
T.13N, R.4E, Boise Meridian, Valley County, Idaho

REQUEST: Vacate Public Road Right-of-Way

Corral Creek Road from Highway 55 through to Horsethief Road was validated by the Board of County Commissioners as a public right-of-way by Ordinance 90-2 on July 23, 1990. Corral Creek Road was re-validated by the Board of County Commissioners as a public right-of-way by Ordinance 20-01 on November 25, 2019.

On January 23, 2023, Teia Golden requested the Valley County Board of Commissioners determine if Corral Creek is a public or private road. A motion passed that Valley County establish Corral Creek from the green gate north as a private driveway that was created for logging.

On February 13, 2023, the Board approved Resolution 23-06 Corral Creek Road setting a public hearing in order to vacate the public right-of-way in accordance with Idaho Code 40-203 so as to abandon and vacate a portion of Corral Creek RD to be changed from a public road to a private ranch driveway with easements to adjoining properties.

On February 21, 2023, an email was received from Vince Scott, Vice President, DF Development, that they were okay with the vacation of Corral Creek RD (called Corral Ranch Road in email). This was prompted by an email from staff informing DF Development of the impending vacation of public right-of-way and requesting if they would like to include the portion of Corral Creek RD right-of-way that went through DF Development property (email dated February 20).

The Board is holding a public hearing in order to vacate a portion of Corral Creek Road from the existing green gate location to the junction with Horsethief Road in Sections 13, 14, 15, and 22, T.13N, R.4E, Boise Meridian, Valley County, Idaho

This portion of road travels through properties currently owned by Alpha Ranch LLC, Joseph E. Kennedy, and DF Development LLC.

If the Board of County Commissioners finds that the proposed abandonment and vacation of a portion of Corral Creek Road is in the public interest, changes will be made to the records including the Official Road Name List, Official Road Name Maps, Valley County GIS maps, and Assessor's records.

FINDINGS:

1. Legal notice was posted in the Star News on March 2, 2023, and March 9, 2023. Potentially affected agencies were notified on February 23, 2023. Property owners along Corral Creek Road were notified by fact sheet sent February 23, 2023. The site was posted on March 16, 2023. The notice and application were posted online at www.co.valley.id.us on February 23, 2023. The notice fact sheet was also posted at Post Offices and libraries in Cascade, Donnelly, McCall, and Yellow Pine.

2. Agency comment received:

Tom Reinhardt, Cascade Medical Center CEO, does not see any public benefits from privatizing the road. If it stays as a public road, people could use it to get to Horsethief. Why would the public willingly give that up? (February 23, 2023)

3. Public comment received:

Vince Scott, DF Development, confirmed on February 21, 2023, that they are okay with the vacationing of Corral Creek RD as a public road.

Comment letters from the following were received on March 20, 2023, stating the roadway in question is a private road. It was rebuilt in the early to mid-1970's by Boise Cascade in an agreement with Hugh Kennedy. It has been used for logging and ranching purposes. There has always been a locked gate in place and use allowed only to a few individuals.

- 1) William Kennedy, 4736 N Buckboard AVE, Boise
- 2) Joseph P. Kennedy, 63 W Prospector Drive, Cascade
- 3) Leonard and Leslie Irwin, Cascade
- 4) Joe and Tracey Kennedy, 11004 Highway 55
- 5) MaryKay Kennedy Rigsby, 10055 W Tanglewood DR, Boise,
- 6) Brittney Kennedy, 23 Kennedy Lane, Horseshoe Bend
- 7) Milo Kennedy, 23 Kennedy Lane, Horseshoe Bend
- 8) Tom Olson JR, 21 Warner DR, Cascade
- 9) Sadie Nase (Kennedy)
- 10) Tim and Tina Shaw, 49 Corral Creek RD
- 11) Theresa Phifer, 2282 Thompson RD, Homedale
- 12) Nick Mayers, 2282 Thompson RD, Homedale
- 13) Jim Kennedy, 8523 North Idaho Road, Post Falls

Duane Peterson, was Valley County Road Superintendent for twenty years and worked for J I Morgan Logging for 24 years. He commented on the history of the roadway and believes the Country road ends at the green gate. (March 20, 2023)

Samuel Parry of Givens Pursley LLP representing Joe and Tracey Kennedy responded in support of vacating any public interest in the road and clarifying that the road is not public. There is no substantial or competent evidence that the road is public; information in support of this is included. (March 20, 2023)

Samuel Parry of Givens Pursley LLP representing DF Development responded in support of vacating any public interest in the road and clarifying that the road is not public. There is no substantial or competent evidence that the road is public; information in support of this is included. (March 20, 2023)

4. Idaho State Statute:

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)removed, not applicable
- (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.

5. Valley County Code: 10-6-2: VACATIONS OF PLATS, PUBLIC RIGHTS OF WAY OR EASEMENTS: Not applicable – right-of-way not created by recordation of a subdivision plat in accordance with Idaho Code sections 50-1317 through 50-1325. See Idaho Code 40-203(4).

SUMMARY:

The Board should determine that 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.

- The green gate is not located on a property line. Thus, an access easement through RP13N04E222403 will be necessary for parcels located east of the current green gate location and west of the Horsethief Road. This is the responsibility of the landowner(s).

Staff's Recommended Motion:

I move to approve the Vacation of a portion of Corral Creek RD, a Public Road Right-of-Way, from [the SW corner of RP13N04E154805 where Corral Creek RD enters the parcel] or [green gate] and then east to the intersection of Corral Creek RD and Horsethief RD as shown on the attached maps; and authorize changes to the Valley County's records, including the Official Road Name List, Official Road Name Maps, Valley County GIS maps, and Assessor's records. This motion is made with the understanding that the abandoned and vacated portions of Corral Creek RD will be a private ranch driveway with easements to adjoining properties.

ATTACHMENTS:

- Proposed Resolution 23-09
- Resolution 23-06
- Board of County Commissioner Meeting Minutes – Jan. 23, 2023; and Feb. 13, 2023
- Letter from Brian Oakey, Valley County Chief Deputy Prosecutor, February 9, 2023
- Maps from Valley County GIS
- Topographical Map of Area – Portion of USGS Skunk Creek Summit, ID Map (2013)
- Assessor's Plats – T.13N R.4E Sections 13, 14, 15, 21, 22
- Picture of Green Gate taken January 26, 2023
- Responses

END STAFF REPORT

**RESOLUTION No. 23-09
DECLARATION OF VACATION
A PORTION OF CORRAL CREEK RD,
A PUBLIC RIGHT-OF-WAY**

Location: Portion of Corral Creek Road from the existing green gate location and then east to the junction with Horsethief Road in Sections 13, 14, 15, and 22, T.13N, R.4E, Boise Meridian, Valley County, Idaho.

Whereas, the current action is to vacate a portion of Corral Creek RD, a Public Road Right-of-Way, from [the SW corner of RP13N04E154805 where Corral Creek RD enters the parcel] or [green gate] and then west to the intersection of Corral Creek RD and Horsethief RD as shown on the attached maps; and,

Whereas, Corral Creek Road from Highway 55 through to Horsethief Road was validated by the Board of County Commissioners as a public right-of-way by Ordinance 90-2 on July 23, 1990; and, re-validated by the Board of County Commissioners as a public right-of-way by Ordinance 20-01 on November 25, 2019; and,

Whereas, on January 23, 2023, Teia Golden (representing Joseph Kennedy) requested the Valley County Board of Commissioners determine if Corral Creek RD is a public or private road, and then a motion passed that Valley County establish Corral Creek from the green gate north as a private driveway that was created for logging; and,

Whereas, on February 13, 2023, the Board approved Resolution 23-06 Corral Creek Road setting a public hearing in order to vacate the public right-of-way in accordance with Idaho Code 40-203 so as to abandon and vacate a portion of Corral Creek RD to be changed from a public road to a private ranch driveway with easements to adjoining properties; and,

Whereas, on February 21, 2023, an email was received from Vince Scott, Vice President, DF Development, that they were okay with the vacation of Corral Creek RD (called Corral Ranch Road in email) which was prompted by an email from staff informing DF Development of the impending vacation of public right-of-way and requesting if they would like to include the portion of Corral Creek RD right-of-way that went through DF Development property (email dated February 20); and,

Whereas, this portion of road travels through properties currently owned by Alpha Ranch LLC, Joseph E. Kennedy, and DF Development LLC; and,

Whereas, it has been determined that retaining the public right-of-way for use by the public is not in the public interest.

Therefore, the Board of County Commissioners hereby abandon and vacate Corral Creek RD, a Public Road Right-of-Way, from [the SW corner of RP13N04E154805 where Corral Creek RD enters the parcel] or [green gate] and then east to the intersection of Corral Creek RD and Horsethief RD as shown on the attached maps; and authorize changes to Valley County's records, including the Official Road Name List, Official Road Name Maps, Valley County GIS maps, and Assessor's records; and, authorize the Chairman to sign this resolution. This motion is made with the understanding that the abandoned and vacated portions of Corral Creek RD will be a private ranch driveway with easements to adjoining properties.

Approved by the Board of County Commissioners of the County of Valley, State of Idaho, on this 27th day of March 2023.

Board of Valley County Commissioners

Elting G. Hasbrouck, Chairman

State of Idaho)
)SS
County of Valley)

On this ____ day of _____, 2023, before me, _____, the undersigned, a Notary Public in and for said State, personally appeared Elting Hasbrouck known to be the person whose name subscribed to the within Instrument, and acknowledged to me that he, she, they executed the same.

Notary Public, Residing at Cascade, Idaho
My Commission Expires: _____

Valley County Board of Commissioners

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Instrument # 455497
VALLEY COUNTY, CASCADE, IDAHO
2-13-2023 03:47:38 PM No. of Pages: 2
Recorded for : DOUGLAS MILLER
DOUGLAS A. MILLER Fee: 0.00
Ex-Officio Recorder Deputy **NA**
Index to: COUNTY MISC

RESOLUTION 23-06

A RESOLUTION OF THE VALLEY COUNTY BOARD OF COMMISSIONERS (BOARD) OF VALLEY COUNTY, STATE OF IDAHO DECLARING THEIR INTENTION TO ABANDON AND VACATE A PORTION OF CORRAL CREEK ROAD.

WHEREAS, on January 23, 2023, the Board made a motion proclaiming their intention to abandon and vacate that portion of Corral Creek Road that passes through property currently owned by Joseph E. Kennedy starting at the gate marking the western most boundary of parcel RP13N04E150006 and then traveling north and east where it exits parcel RP13N04E142405 as a public right-of-way; and,

WHEREAS, the Board desires to process the abandonment and vacation of the previously validated public right-of-way in accordance with Idaho Code § 40-203(1); and,

WHEREAS, Corral Creek Road, from Highway 55 through to Horsethief Road, was validated by a previously seated Board of County Commissioners, as a public right-of-way by ordinance 90-2, on July 23, 1990; and,

WHEREAS, Corral Creek Road, was re-validated by a previously seated Board of County Commissioners, as a public right-of-way by ordinance 20-01 on November 25, 2019; and,

WHEREAS, Corral Creek Road was validated under processes adopted within Title 5 of the Valley County Code which is unrelated to the Idaho Local Land Use Planning Act and Title 9 of the Valley County Code; and,

WHEREAS, no portion of Corral Creek Road is in a subdivision;

WHEREAS, no real property adjoining Corral Creek Road will be without access to a public right-of-way as a result of this proposed action;

WHEREAS, the Board is required to hold a public hearing following the adoption of RESOLUTION 23-06 and intends to issue a written order following said public hearing.

WHEREAS, if the Board finds that the proposed abandonment and vacation of that portion of Corral Creek Road is in the public interest it shall cause its findings of fact, conclusions of law

Valley County Board of Commissioners

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**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
January 23, 2023**

**PRESENT: ELTING HASBROUCK (CHAIRMAN)
SHERRY MAUPIN (COMMISSIONER)
NEAL THOMPSON (COMMISSIONER)
GABRIELLE KNAPP FOR DOUGLAS MILLER (CLERK)**

Rheta Clingan led the Pledge of Allegiance.

Senior Deputy Auditor, Rheta Clingan presented the commissioners with Fiscal Year 2023 claims and board order claims. The commissioners had questions regarding the claims that were presented and Senior Deputy Auditor, Rheta Clingan responded accordingly.

Fiscal Year 2023 Claims

General Fund	\$85,336.06
Road & Bridge	\$106,660.31
Airport	\$14,125.00
District Court	\$1,670.82
Health	\$98,000.00
Junior College	\$1,200.00
Revaluation	\$460.57
Solid Waste	\$152,324.55
Weeds	\$772.99
Tort	\$119,299.42
Waterways	\$944.23
McCall Snowmobile	\$13,195.68
Cascade Warm Lake Snowmobile	\$679.10

Board of County Commissioners Meeting
January 23, 2023
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Highway District Resolution for LHTAC. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed to approve the City County or Highway District Resolution for LHTAC.

Commissioner Maupin made a motion to approve the Local Federal-aid STBG-Bridge 2023 Application. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed to approve the Local Federal-aid STBG-Bridge 2023 Application.

Building Director, Annette Derrick provided the commissioners with an update on her office.

University of Idaho Extension Educator, Melissa Hamilton provided an overview of the office's recent events. Melissa had her staff introduce themselves and give an update on what they are working on.

Court Services Director, Skip Clapp explained the process of picking up run aways. Skip gave an overview of what is going on in the court services office. He informed the commissioners that he will be working at the winter carnival this weekend.

Planning & Zoning Director, Cynda Herrick gave an overview of her department. She discussed the list she is compiling of short-term rentals.

Recreation Director, Larry Laxson briefed the commissioners about the snow grooming program. Larry reported that he has held 15 interviews for the snowmobile board. Larry gave an update on the grants they are working on.

Building Director, Scott Clingan provided the commissioners with an update of the recycle baler. Scott presented a contract for a new baler. They will have our attorney look at the contract. The commissioners asked him to work on that to get it on the agenda next week. Scott gave an update on all other projects the buildings and grounds department is working on.

Road Director, Jeff McFadden presented an update for the road department. Jeff discussed parking issues on Boulder Lake Road. Jeff discussed the transportation plan with parametric that he started working on this week.

Teia Golden, a real estate agent requested the commissioners determine if Corral Creek is public or private road. Many members of the public gave their feedback and history of the road. Cynda Herrick gave her professional opinion on the road. Chairman Hasbrouck made a motion that Valley County establish Corral Creek from the green gate north, as a private road. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed that Valley County establish Corral Creek from the green gate north, as a private road.

Chairman Hasbrouck presented the commissioner meeting minutes of January 9, 2023 and January 17, 2023. Commissioner Thompson made a motion to approve the commissioner meeting minutes of January 9, 2023 and January 17, 2023. Commissioner Maupin seconded the motion. No further discussion, all in favor. Motion passed to approve the commissioner meeting minutes of January 9, 2023 and January 17, 2023.

The commissioners recessed for lunch at 12:02 a.m.

Valley County Board of Commissioners

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IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS CASCADE, IDAHO February 13, 2023

PRESENT: **ELTING HASBROUCK (CHAIRMAN)**
 NEAL THOMPSON (COMMISSIONER)
 DOUGLAS MILLER (CLERK)

Excused Absence: **SHERRY MAUPIN (COMMISSIONER)**

Chairman Hasbrouck led the Pledge of Allegiance.

Chairman Hasbrouck presented the commissioners' agenda for February 13, 2023. Commissioner Thompson made a motion to approve the commissioners' agenda for February 13, 2023. Chairman Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve the commissioners' agenda for February 13, 2023.

Senior Deputy Auditor, Rheta Clingan presented the commissioners with Fiscal Year 2023 claims and board order claims. The commissioners had questions regarding the claims that were presented and Clerk, Douglas Miller and Senior Deputy Auditor, Rheta Clingan responded accordingly.

Fiscal Year 2023 Claims

General Fund	\$ 218,518.52
Road & Bridge	\$ 299,227.29
District Court	\$ 3,658.94
Fairgrounds	\$ 35,079.04
Election	\$ 298.15
Indigent	\$ 1,800.00

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February 13, 2023
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discussion, all in favor. Motion passed to approve the US Board on Geographic name for Candice Creek.

The commissioners recessed for lunch at 12:04 p.m.

The commissioners returned from lunch at 1:00 p.m.

Krassel District Ranger, Dave Hogen from the Payette National Forest presented to the commissioners regarding the Profile Creek Bridge Culvert project. He also presented on the Zena Creek water diversion special use permit. He explained the permitting process. He also briefly discussed a few prescribed burns (Bald Hill and Fourmile Projects) that were scheduled for the spring, but advised they would do a more in-depth presentation on wildland fire pre-season preparedness to the commissioners later. McCall District Ranger, Jennifer Blake presented on a few projects including the Granite Goose Creek Drainage project. She advised that it was a 40,000-acre collaborative project and described all the work that would be conducted. She discussed the scoping of the project that would be submitted for comment. She advised that a portion of the area would be stewardship project that might involve private property if the property owner was interested. She explained the recreation improvements that would be included to upgrade trails and trail heads. She also advised of proposed ATV Trails that might be constructed. Recreation Director, Larry Laxson provided comments to the commissioners regarding the proposed project.

Chairman Hasbrouck opened the Public Hearing for Zon-22-01 14141 Highway 55 at 1:30 p.m. Chairman Hasbrouck asked if the commissioners had any ex-parte communication or conflict of interest. All commissioners advised that there was no ex-parte communication or conflict of interest. Chairman Hasbrouck asked to hear a staff report. McCall City Planner, Brian Parker provided a staff report to the commissioners regarding ZON-22-01 14141 Highway 55 which is a rezoning application.

Chairman Hasbrouck wanted to make sure that the record reflected that the McCall Planning & Zoning commission unanimously approved the application.

Chairman Hasbrouck asked if there was anyone in the audience who wanted to provide testimony to the commissioners related to ZON-22-01 14141 Highway 55. The record will reflect that there was no one in attendance to present to the commissioners.

Chairman Hasbrouck closed the Public Hearing at 1:34 p.m. and brought the matter back to the commissioners for deliberations. Chairman Hasbrouck made a motion to approve ZON-22-01 14141 Highway 55. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed to approve ZON-22-01 14141 Highway 55.

Chairman Hasbrouck began the discussion related to Resolution 23-06 Corral Creek Road. Chief Deputy Prosecuting Attorney, Brian Oakey presented on Resolution 23-06 Corral Creek Road and explained the process for the commissioners to vacate Corral Creek Road. He advised that the commissioners would have to have a Public Hearing to follow the guidelines of the process. Commissioner Thompson made a motion to approve Resolution 23-06 Corral Creek Road. Chairman Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve Resolution 23-06.

Ms. Tia Golden who was the real estate agent who is representing the Kennedy's presented provided testimony to the commissioners regarding Corral Creek Road. She believed that the resolution that was just approved had erroneous information. Chief Deputy Prosecuting Attorney, Brian Oakey explained that the purpose of the public hearing would be held to hear testimony to the commissioners.

Chairman Hasbrouck began the discussion related to the appointment of Valley County Fair Board Members. Mr. Carl Barrett who is the chair of the Valley County Fair Board presented a request to the commissioners to appoint Audrey Moats and Linda Stradley to the Valley County Fair Board. Ms. Audrey Moats and Ms. Linda Stradley introduced themselves to the commissioners and provided an explanation of why they are interested in being appointed to the Valley County Fair Board. Chairman Hasbrouck made a motion to appoint Ms. Audrey Moats and Ms. Linda Stradley to the Valley County Fair Board. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed to appoint Ms. Audrey Moats and Ms. Linda Stradley to the Valley County Fair Board.

Ms. Casie Carnes who is the Treasurer of the Valley County Fair Board presented an amended memorandum of understanding for the commissioners to consider. Casie advised that there was an addition that the fair board would like the commissioners to consider and specifically they are requesting that the commissioners would use the fair board as an advisory committee on any outside events held at or in the fairgrounds/arena before approving events. The commissioners discussed the proposed memorandum of understanding and proposed amendments that were requested by the Valley County Fair Board. Chief Deputy Prosecuting Attorney, Brian Oakey discussed the memorandum of understanding with the commissioners and explained the responsibility of Valley County when it is related to the Valley County Fairgrounds under Idaho Code. The commissioners proposed taking the time to review the memorandum of understanding that was provided and set the matter for approval later.

Emergency Services Manager, Juan Bonilla presented to the commissioners and provided the commissioners with an update of work that he had been conducted related to the all-hazardous mitigation plan. He discussed the county-wide fire protection plan and the Title III Funds that would be needed to fund the plan. He presented on the EMP Grant and explained the funding for the EMP Grant and how it can be utilized. Juan discussed the SHSP Grant and advised how the funding could be utilized to replace repeaters. He also informed the commissioners about a seminar that he attended with statewide emergency services managers. He advised that he was a presented and briefly described the conference. He reported that the state was completing the policy group requirements which would assist counties on being prepared for local emergency. He discussed that his contract was expired and Clerk, Douglas Miller informed the commissioners that the renewal of the emergency services contract was on the agenda for Tuesday, February 21, 2023.

Members of the Payette and Boise National Forest presented to the commissioners. Those in attendance were Mr. Brian Davis and Mr. Patrick Schon. He explained the program to the commissioners and wanted to provide a high-level view of the proposed Good Neighbor Authority agreement and provided the commissioners with the potential agreement for them to review. Mr. Schon discussed the goal and cross boundary work that could be conducted. Mr. Davis also provided an overview of the Good Neighbor agreement could be beneficial and how



VALLEY COUNTY PROSECUTING ATTORNEY'S OFFICE
BRIAN D. NAUGLE
PROSECUTING ATTORNEY

February 9, 2023

Tcia Golden
P.O. Box 4435
McCall, Idaho 83638

Sent via email: [REDACTED]

Re: Corral Creek Road Designation

Dear Ms. Golden,

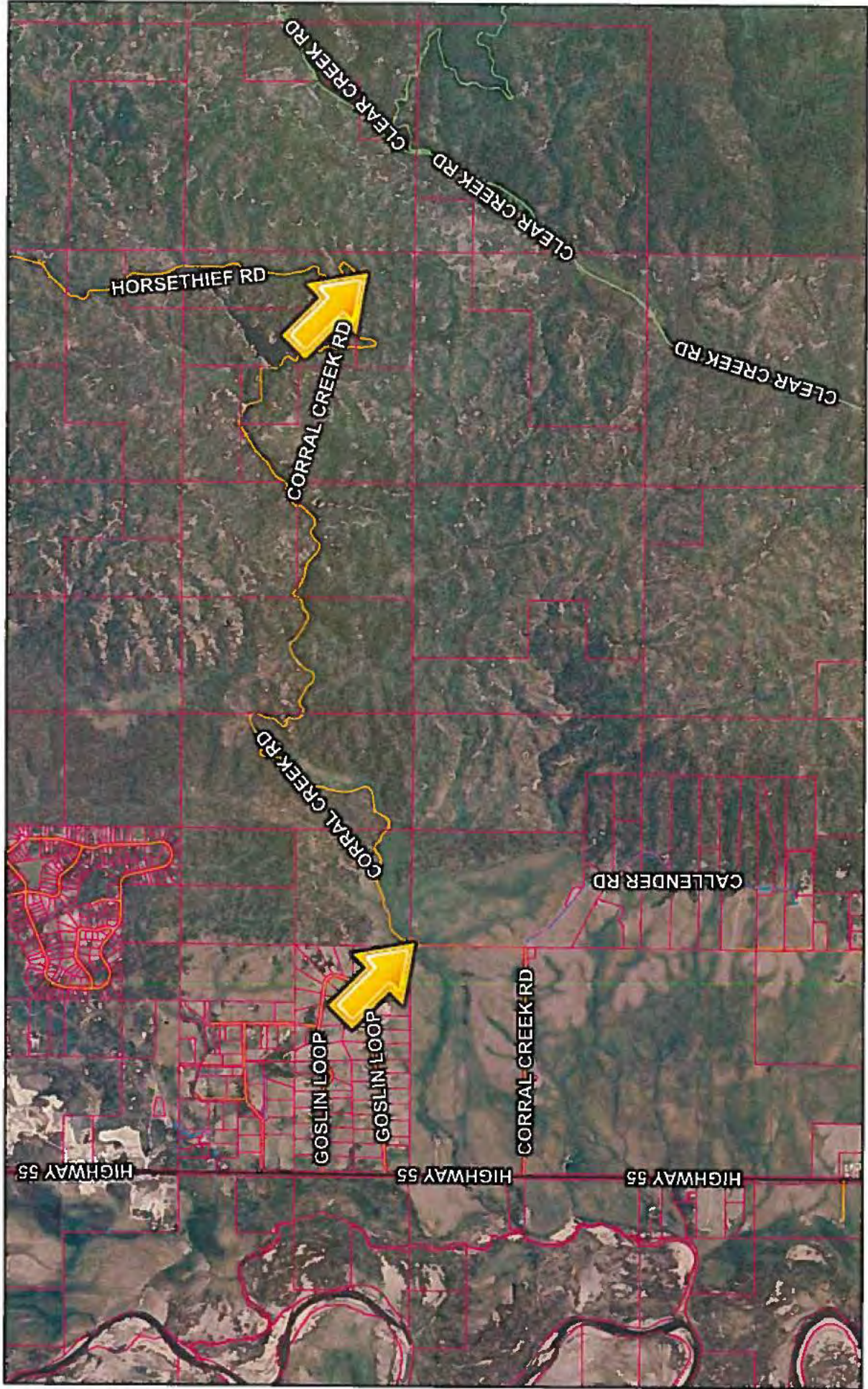
On January 23, 2023,

The purpose of this letter is to clarify the proper legal steps that are required to modify or change the legal status of Corral Creek Road from public to private. Following the discussion with the Board of County Commissioners ("Board") on January 23, 2023, regarding the section of Corral Creek Road in question, I have discussed with them the required next steps. They agree that these additional steps are required by Idaho law. It is important to Valley County, and I am sure to the prospective buyer, that all the necessary legal formalities are followed to ensure future problems are avoided.

As Cynda Herrick, Valley County Planning and Zoning Director has previously informed you, Valley County validated Corral Creek Road from its point of origin at Highway 55 to its terminus where it intersects with Horsethief Road as a public highway. The status of this road as public is clearly marked on the Planning and Zoning map (official road name map) and the Valley County Assessors map as a public road. According to county records, this public road validation occurred in 1990 and was memorialized by the adoption of Valley County Ordinance 90-2. Corral Creek Road was included in a subsequent re-validation of public rights-of-way on November 25, 2019, memorialized by Ordinance 20-01. I understand from listening to your testimony and that of the Kennedy Family that this public road designation is disputed where the road crosses the Joseph E. Kennedy property.

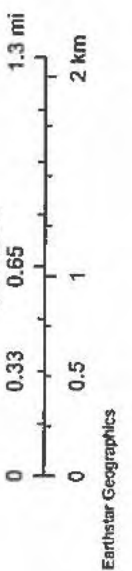
The Board has the legal authority to "exclude any highway or public right-of-way from the county or highway district system." Idaho Code § 40-202(5). In order to do this correctly, the Board must follow the procedures outlined in Idaho Code § 40-203 to legally vacate a county road previously validated as a public road or right of way. See Idaho Code § 40-203. The vacation of a public road directs the Board to declare its intention to abandon or vacate any highway or public right-of-way. This process was initiated by the motion and vote that occurred

Proposed Vacation of Corral Creek Rd R-O-W



February 22, 2023

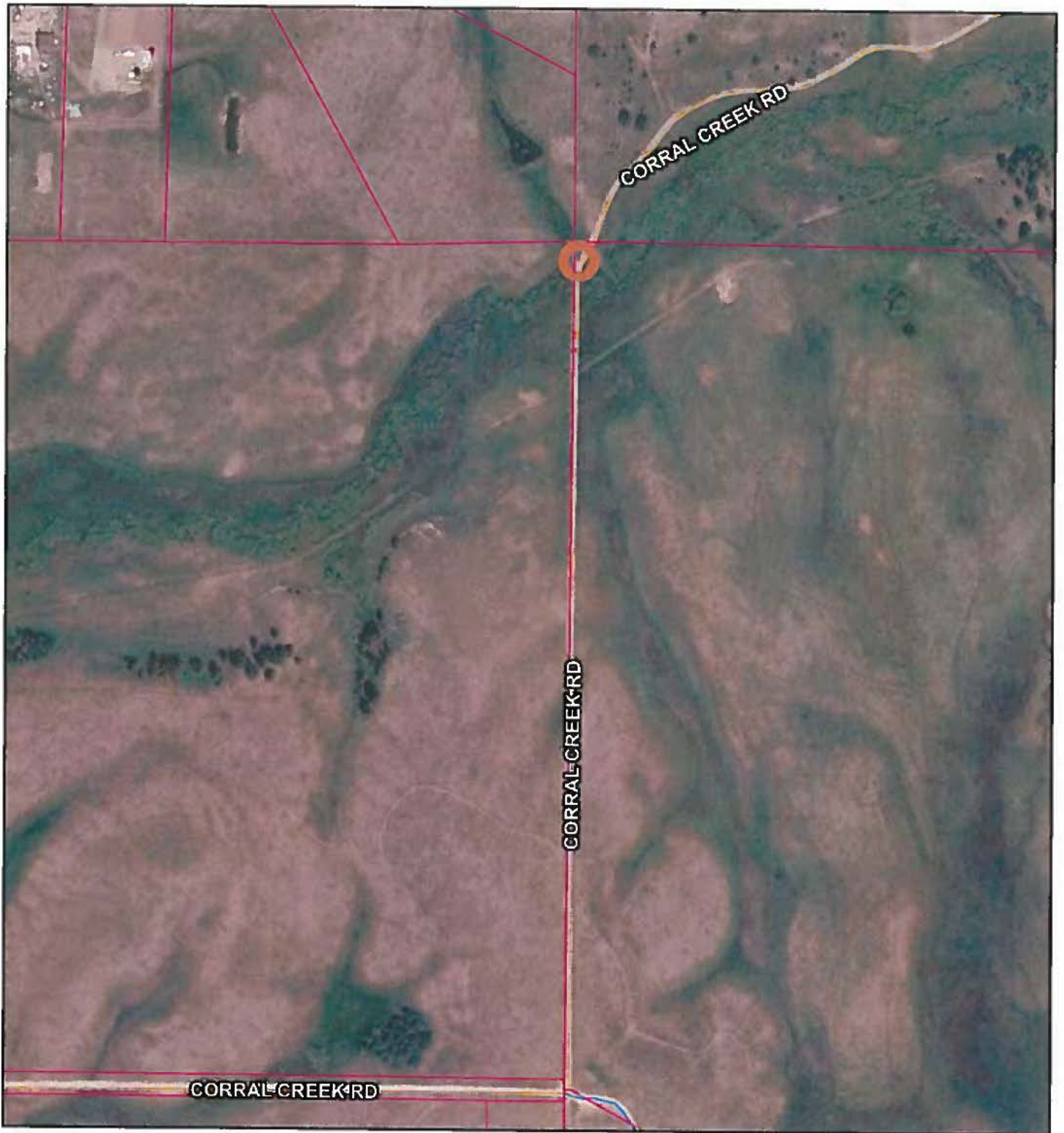
1:53,024



- Override 1
- Parcel Boundaries
- Roads
- USFS
- County Boundaries
- MAJOR
- PRIVATE
- VALLEY COUNTY
- URBAN/RURAL
- Override 1

Earthstar Geographics

Green Gate Location

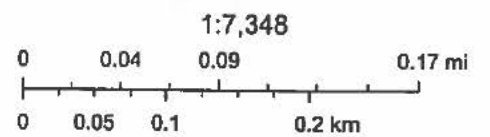


February 22, 2023

-  Override 1
-  PRIVATE
-  Parcel Boundaries
-  County Boundaries

Roads VALLEY COUNTY

 URBAN/RURAL





Maxar

Junction of Corral Creek RD and Horsethief RD



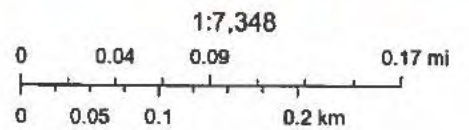
February 22, 2023

-  Override 1
-  Parcel Boundaries

County Boundaries
VALLEY COUNTY

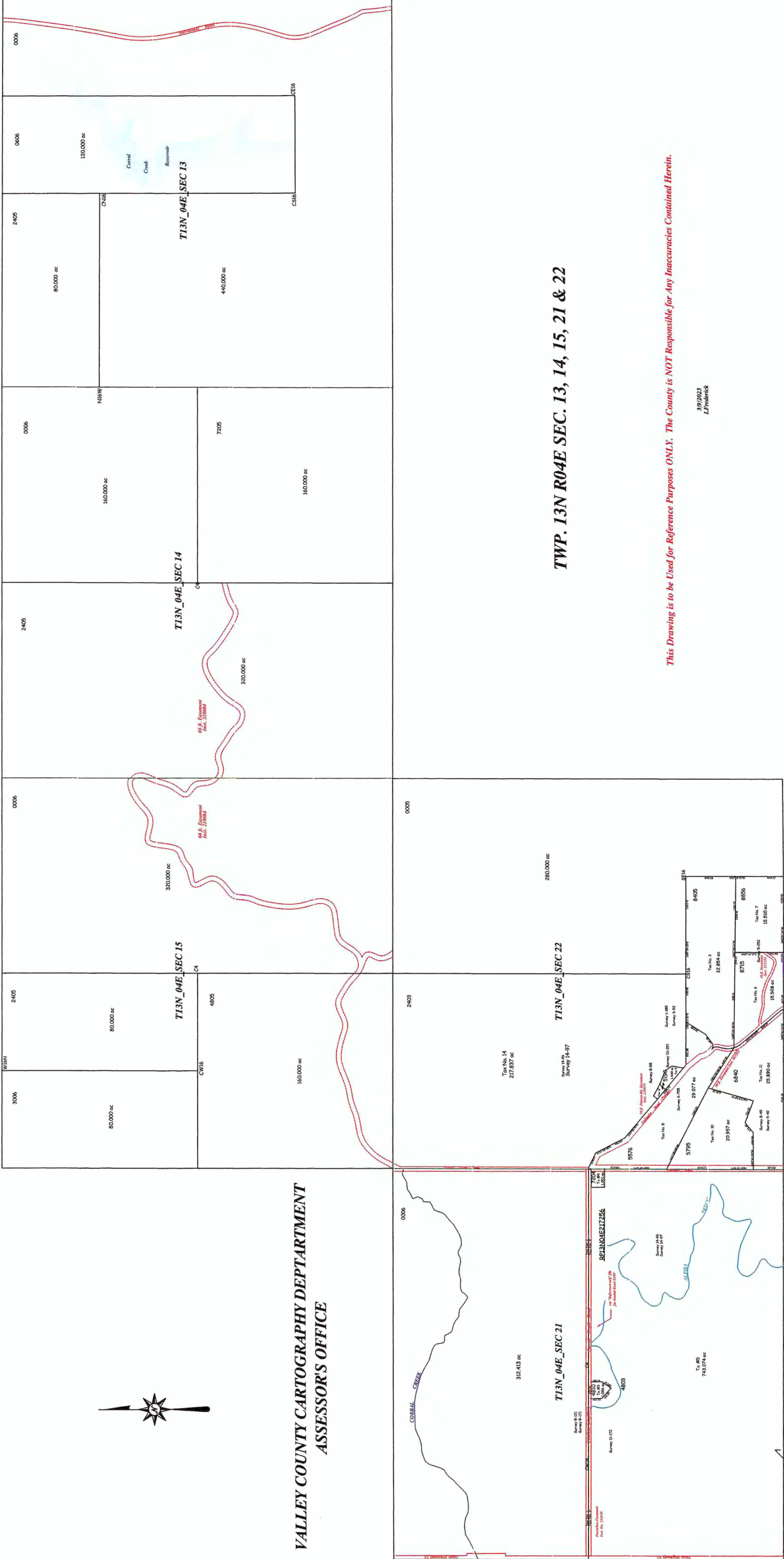
Roads

-  URBAN/RURAL



Maxar





**VALLEY COUNTY CARTOGRAPHY DEPARTMENT
ASSESSOR'S OFFICE**

TWP. 13N R04E SEC. 13, 14, 15, 21 & 22

This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccuracies Contained Herein.

3/9/2023
L.Fredrick

PUBLIC

NOTICE

PRIVATE PROPERTY
NO TRESPASSING

CATTLE RANCH
PLEASE CLOSE
THE GATE

KNIFE
LAMB

01/26/2023