

## SUMMARY STATEMENT

*Jutila v. County of Shoshone*

Docket No. 51313-2023

This case arises from the decision by the Shoshone County Board of Commissioners (“the Board”) to deny validation of a portion of West Fork Pine Creek Road (“the Road”). Paul Loutzenhiser requested that the Board validate the Road as a public road. After hearing public testimony and receiving evidence, the Board denied the request after concluding that the Road was not a public highway created or accepted by Shoshone County and that validation was not in the public interest.

Loutzenhiser, joined by Robert Jutila and North Idaho Trail Blazers Incorporated (collectively “Petitioners”), asked the Board to rehear the matter. The Board held another public hearing at which it accepted additional evidence. At the second public hearing, the Petitioners argued that meeting minutes from two Board meetings in 1909 showed that the Board had ordered that the Road be accepted as a public road. Petitioners also argued that the Road was a public road through public use and public maintenance. The Board again declined to validate the Road.

The Petitioners sought judicial review with the district court, which affirmed. Jutila appealed to the Idaho Supreme Court, arguing that (1) the Board meeting minutes from 1909 created a public road; (2) the Road was a public road through public use and public maintenance; and (3) validating the Road was in the public interest.

The Court affirm the district court’s decision affirming the Board’s denial of the petition for validation. The Court concluded that validating a public road required two findings: that a public road was created, and that validation is in the public interest. The Court held that the Board erred in determining that the 1909 meeting minutes did not establish a public road. The Court determined that, under the applicable 1909 statutes, the Board’s actions at that time made the Road as a public highway. The Court did not address Jutila’s alternative argument that the Road became a public road through public use and maintenance at public expense. However, the Court concluded that the Board’s determination that validation of the Road was not in the public interest was supported by substantial and competent evidence. Because the Petitioners failed to prevail on both elements required for validation, the Court affirmed the district court’s decision affirming the Board’s denial of the petition for validation.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*