

Franklin County Commissioners

April 22, 2026 at 6:30 p.m.

Attendance: Commissioner Chair Robert Swainston, Commissioner Zan Bowles, Commissioner Zach Stewart, Sheriff Cuyler Stoker, and Clerk Camille Larsen. County Attorney Vic Pearson - excused.

1. Pledge of Allegiance

2. Public Hearing - Propose to Dissolve Twelve (12) Herd Districts. Robert Swainston welcomed everyone in attendance. Zach Stewart explained the Commissioners have been requested to dissolve the herd districts in the County. Zach Stewart made the motion to open the Public Hearing. Zan Bowles second. Vote was unanimous.

Yance Bosen, Committee Member, explained the Commissioners formed a Committee and they met with Vic Pearson, County Attorney. Because of how the herd districts had been formed, there is a lot of confusion on how to enforce the cattle at large. After meeting as a Committee, they recommended to the Commissioners to dissolve the herd districts and have a county-wide ordinance to enforce animals-at-large. The recommended ordinance contains definition of animals and enforcement. The intent of the Committee is protect all parties involved.

Against

Robert Swainston asked for testimonies against. Tyler Olson listened to the intro and has a few things. Asked the Commissioners if he could ask a question, has the County received the petition of the 50% of each district. The herd district in Weston Canyon works because the owners keep their cattle in. He stated the herd district law is effective according to the way they are effective.

Jason Godfrey, owns open property in Weston Canyon. Jason Godfrey appreciates the Commissioners effort. He had two things to discuss. First, when he first heard about the dissolving of the herd districts he was not happy, but after talking to Commissioner Swainston and looking at the ordinance, now appreciates the effort. He owns over 1000 acres and did not receive a petition to sign. Second, concerned about the liability with wrecks and who is responsible and the ordinance does not cover everything on the liability part. There is a crop liability and the FDA requirements to test for E. Coli, who is liable if can=t sell their cows? Herd districts, when act correctly, act as a third party between the cattleman and the owner. Also, when there is a legal fence and the cattle run through the fence, who is liable to repair the fence?

Gay Pace, lives in Cub River area. Gay Pace is not for or against, but it is not feasible for all property owners to put in a fence to fence out the cows. The cows have done a lot of damage around her property and has to call the owners to come get them out. There are bulls and she has to use a broom to scare them away. Don=t feel like we caused the problem and should not be taxed to build fences to keep them off the property. She appreciates the Commissioners listening to her.

Blair Gregerson, doesn=t know if for or against it. Asked a question, if you have land and cattle, you maintain your fence? However, the neighbor rents out their ground and the cattle get over on his ground and get into his pasture and fight with his cows. Is there any recourse a person can take? If there was a herd district and they would come

talk to the land owners to have them fence.

Neutral

Robert Swainston asked for neutral comments. Dirk Bowles, commented about having sat in the Commissioner position and this issue has come up the last 15 years, he commends the current Commissioners and Committee to getting to this point and encourage to move forward one way or another. The current herd districts are confusing, some are not legal, they cannot have government property in the district.

Steve Fuller, Preston, Idaho. He has comments for both public hearings. He doesn't understand the particular ordinance and reason to do away with herd districts. Concerned about the paragraph in the ordinance talking about the tort claims, it seems to be inconsistent with Idaho Law.

Burton Tew, commented he is just here to learn.

Claude Richins, Oxford, Idaho. Stated he is against. He lives in a herd district, and with the growth happening in the County, why does the County need a herd district. One thing he is against is herding the cattle down the highway.

Robert Swainston asked for further comments for Neutral. No further comments made.

In Favor

Robert Swainston asked for In Favor comments. Scott Wangsaard stated he is for dissolving the herd districts. The number one reason is the confusion it causes. The herd districts currently in the County are not formed according to the 1990s law. He is fine with herd districts if they follow the Idaho Law. Idaho is an open range state and if do not want to be part of, need to change the law, or create the herd districts to make them correct. Scott Wangsaard has cattle in two districts, Weston and Fairview. If a property owner does not want cows on their lawn, according to the open range law, the owner needs to fence them out.

Yance Bosen. The Committee wants to clear up the confusion and has worked with Brand Inspection and Sheriff to gather cows and they have a hard time enforcing the current herd districts. By eliminating herd districts and adopting an ordinance it will help the law enforcement to do their job and help the confusion. The current districts have not been active or set up properly to be enforced.

Julie Marx, did not mean to mark she wanted to make comments.

Jeremy Bingham. Expressed he is against the open range in the forest areas. Idaho State Law states you are to fence around the forest land. For years and years they have written letters to land owners to fence out. A herd district that borders a forest does not work. This is a good thing to move out of and move forward.

Ken Hobbs. He is in favor of dissolving the districts, everyone in the district should be treated equally and be equally represented by the County.

David Bosen, lives in Preston, Idaho. Doesn't have a lot to add. Wanted to clear up, he saw the petitions several times and members of the committee had to leave the committee and they were replaced. He echos past Commissioner Bowles, very grateful for those on

the Committee. In favor to dissolve the herd districts, as they were set up wrong. It is very wise decisions to have an ordinance hearing after. No cattle owners wants their cattle out. Need to dissolve the herd districts and go according to law, painful to put up good money to fence. Doing something is better than doing nothing.

Kimberly Hobbs. In favor of dissolving herd districts. The herd districts are not in effect today. They create a lot of contention between people. Not saying the ordinance is perfect yet, things have been brought up and need to look at them. This has been worked on for so many years. She was not raised a farmer, but has seen over the years a lot of changes. Don=t understand how the herd districts could cost them more money. As development continues, Idaho Law can help. As cattle owners we don=t want them in the road especially at the price they are today.

Brock Alder, lives east of Preston. His concern is to keep open range, appreciate those that have issues on either side, but we live in an agricultural state and farms are getting bombarded. Need to protect agriculture. Too many people think their food at the grocery stores are made in the back. No one wants their cows to get out, you can even build a cement wall, and they will still get out. In favor of dissolving.

Burton Tew. Commented that he is a victim of open range. He has hit a black cow at night with six kids in the car, the car was totaled. They could have all been killed.

Lora Johnson=s remarks were read. She agrees with the abolishing of herd districts for the County. And agree with the proposed Franklin County Ordinance 2026-XX-XX Livestock Control and Fencing and Enforcement. With some caveats in regards to cattle guard requirements for County roads with gates and adjoining property owners.

Amy Haycock remarks were read. She is against dissolving the herd districts, open range is not something she wants. They have livestock and keep livestock out of other people=s private property. Stated the Beckstead cows have, multiple times, damaged their property and scared their children. Believes the statement the County must tax the property owners in a herd district is false. If Becksteads could keep their cows contained she would care less. Agrees with protecting ranchers and livestock and being a good neighbor and steward of livestock.

Robert Swainston asked for further comments. No comments. He appreciates everyone coming out and their input.

At 7:29 p.m. Zan Bowles made the motion to close the public hearing to dissolve 12 herd districts. Zach Stewart second. Vote was unanimous.

3. **Public Hearing - Propose to Adopt the Livestock Control Ordinance.** Zach Stewart made the motion to open the Public Hearing for the proposal to adopt the livestock ordinance. Zan Bowles second. Vote was unanimous.

Yance Bosen presented the proposed livestock ordinance. The Committee recommended to dissolve the herd districts and adopt the proposed livestock ordinance. The Committee contacted other counties that have a livestock ordinance. It is the best place to start with is this ordinance, if you read the Idaho State Fencing Code and add the ordinance on, felt the best to start with an ordinance to protect all three parties, motorists, livestock owners, and property owners. The ordinance is much better than what the

County has currently, it is more specific and more County oriented. Rules against letting people run cattle and not fixing their fence.

Cuyler Stoker was invited to discuss the proposed ordinance. The intention of the Sheriff Office is not to go out and hammer down on cattle owners, we understand that cattle get out. For the most part, people are trying to do their best. The intention behind this is to try and give clarification to those who have the attitude that herd law allows them to do this so I will take advantage of everyone else. Seeking to find ways to protect everybody from those that are habitually out of compliance and make zero effort to make things better. Right now with Idaho Law, there is zero mechanism for the Sheriff to enforce. A person will have to sue the livestock owner civilly.

Against

Robert Swainston asked for those who are against. Tyler Olson is still is confused and there is some confusion that open range means if your cow gets on road you are not liable and in herd district it changes the equation, make it so the owner of the cattle is liable if there is a wreck. Not sure if understood. If want to protect safety, than creating one herd district for the entire county is the way to go. That is what Canyon County did prior to the changes of the State Statute. By you enacting this ordinance you will not be able to infect open range only. You can regulate areas that are not open range. Benewah County enacted their ordinance before the State Statute was changed. Look at Power County, there are several exemptions. Don=t know how will regulate open range county wide. With more growth open range doesn=t quite fit. Other counties are going with zone rather than requiring fencing. In the draft ordinance it talks about fencing that the custodian is someone that actually has livestock. The custodian is to fence and if there are two people that citizens adjoining they both have animals, they both have to fence. If one does not have animals, they don=t have to participate with that fence. Issues with it could work some adjustments. I wouldn=t approve it, there are problems legally you could have.

Scott Wangsgaard is against adopting the ordinance as how it is. There is some work to be done and defining for open range, and the custodian word. Who is responsible if I fix half of the fence and the neighbor doesn=t fix their half of the fence? Want to keep it a rural lifestyle. Don=t need to change to the way it is in Boise.

Rick Hydrick, lives in Cub River Canyon and the Mapleton Herd District. States he went neutral, but leans toward in favor of the draft ordinance. Appreciate the work being done and the team efforts. There is some confusion about wording of the ordinance and has some suggestions. Referred to Idaho Code 25-2218 outside of villages and herd districts. If the herd districts are dissolved, the geographical is not, he believes Mapleton is a village, and how than do the dissolved herd districts protect the property owner expense to fence out livestock. Definitely sounds like the open range is not being repealed, the ordinance is meant to supplement the open range concept. The protection of the non-livestock owners and villages needs to be defined. Finally two years ago, cattle were visiting adjoining property, stomping on the gardens, getting water out of the pond, and juicy manure. Took photos and showed the livestock owner that they were his cows. The

owner told him this is open range. That isn't correct, it is a herd district. It is important to adopt and protects all involved. Thanked the Commissioners for their time.

Carl Wheeler, haven't read the ordinance and asked how does it work. I did put opposed not knowing. My question is if run cattle on state ground, BLM or forest ground, for example Immigration Canyon? Robert Swainston explained the County has no jurisdiction, but would fall under Idaho Fencing Law. The highway split the forest ground, how does that work in Franklin County? Going up to Twin Falls, the State Highway owned ground, their fences are a foot on the private land owner and the State Highway Department is out maintaining the fence line.

Neutral

Robert Swainston asked for neutral comments. Lynn Garner, runs a number of cows in the Oxford Clifton area and lives in Preston. The ordinance needs a little tweaking. Not a lot of people want their cows out. The Sheriff and Brand Inspector have been completely tied and don't have the ability to enforce them. This is a really good thing and just need to fine tune the ordinance.

Matt Webster likes the ordinance, that has some teeth to it for the penalties. Question though, is within five years, the city just got a big sewer plant they can't pay for, so if down the road, if get a real estate person as county commissioner or mayor, are they going to strong arm the police to enforce. What if the guys sheep get out, let's strong arm these guys. Are they that going to use the wording here to go after people? Likes the part to fine the guys who don't want to fix their fence.

Bruce Lamont, echos what the last guy said, little concerned and didn't know anything about this new ordinance and the five years. There is no one in this room that hasn't had a cow out in the last five years. Sheriff said the intent is not to go after it, but the law is the law, but eventually they will. That's where I am concerned. All for keeping cows off the road, but cows are cows and they will get out. Zach Stewart explained if you comply with the ordinance, have done the fencing and tried to keep your cows in, than you are not in violation of the ordinance.

Tyler Olson, question about the penalty for animals getting out but didn't state a penalty for not fencing part.

Janean Lamont, has a question on what do you consider good fencing and not good fencing? Coming out with virtual fencing, do you have to fence up or will those work? Robert Swainston stated Idaho Law requires a fence, but that could change.

Cuyler Stoker asked that any recommendations or tweaks, please email him.

In Favor

Robert Swainston asked for In-Favor comments. Burton Tew on the list, had left meeting. Claude Richins on the list, but had left the meeting.

Mark Schumann, Treasureton. Blessed to own or lease property along US Highway 34 and 36. Gene Love and several of the officers are great friends at all times of the day, dispatchers as well. Animals get out. He leases ground in Bear Lake County and he knew as soon as he leased that ground he was responsible for the fence. Also about driving the cows down the highway, that in the State of Idaho it is the right to farm and

can do that. Appreciate the County Commissioners. The officers have no teeth in the game the way it is now, to restrict or penalize the people at fault. The Department of Ag, the State Brand Inspector, encouraged us to encourage the County Commissioners to come up with an ordinance. He does appreciate this. If someone wants to speak with him afterwards, he would love it.

Roger J. Seamons, Jean Seamons, and Rusty Seamons remarks were read. Live in Treasureton. They are in favor of anything that will change the current open range policy. Have had multiple times over the last five years, cattle that have been on their property and has caused damage. At one point there were 50 cows on their property. Cows have been hit by cars and it is a matter of time before someone is killed. It should be required that the owner of the animals should be responsible for keeping them on their property. There have been many hours wasted by the police officers to drive out, sometimes multiple times a day with reports that cattle are out. We are in favor of having animal owners responsible to keep their cattle on their property. Please vote yes for passing the Livestock Control Ordinance, this is a step in the right direction.

Kaleb Galbraith, lives in Cub River were read. He has a neighbor who has horses, cows, pigs, and goats. The neighbor=s fencing is not adequate to keep the animals on their property and we=ve had several issues going back four years. The Livestock Control Ordinance is an appropriate ordinance for the current modern times we live in. As the custodian of those animals it should be their responsibility to keep them in so not to damage others property while also putting at risk the safety of motorists, bikers, and other people on the roadways.

JR Fellows, lives in Franklin. When the Committee was first formed, he was on it. Wants to thank the County Commissioners and the Committee for pressing forward. It will be great to have this ordinance and start with a fresh clean slate and move forward.

Jeremy Bingham, Cub River. Wanted to go back to the land bordering the forest, for example, if you put a herd district in Cub River next to forest service, it is the landowner=s responsibility to fence out, it is Idaho State Law. Is that correct, that it is not the cattle owners responsibility, but the land owner?

The Commissioners really appreciate the feedback and the comments and will take it under advisement. Won=t make a decision for a couple of weeks. The plan is to make some changes on the ordinance and will have another public hearing.

Zan Bowles made the motion to close the public hearing on the Livestock Ordinance. Zach Stewart second. Vote was unanimous.

Zan Bowles made the motion to adjourn at 8:07 p.m. Zach Stewart second. Vote was unanimous.

Attest, Camille Larsen

Robert Swainston, Chair