

December 22, 2023

SPECIAL MEETING

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 22<sup>nd</sup> day of December, 2023.

IN THE MATTER OF ROLL CALL)

Donna Atwood, Clerk, called roll call: Gordon Wilkerson, present; Lyndon Haines, present; and Nate Marvin, present.

Lyndon Haines opened the meeting and Nate Marvin led the Pledge of Allegiance. Gordon Wilkerson gave the invocation.

IN THE MATTER OF RECONSIDERATION OF GATES ON GENTRY LANE)

Haines stated that there had been issues with the gates after the Monday meeting and that he had received pictures showing the gates closed Monday afternoon.

Tonya Moye addressed the Board and stated that the neighbors are the ones opening and closing the gates. Moye stated that at this time the gates are locked. Moye discussed her grazing practices and the need to move animals on her property to allow for the best use of the subject property with the Board.

Haines stated that the Board would want Moye to graze the property. The issue is the opening and closing of the gates. Haines stated that it is the neighbor's responsibility to fence the Moye's animals out of their property.

Moye stated she needs a window of time to be allowed to close the gates.

Haines stated that there needs to be a solution that will be the best for everyone. Haines stated that he was unsure that closing the gates for six hours at a time is the solution.

Moye stated that this section of road has had gates on it for the last 50 years. Moye wants a window of time to be able to fully use the property.

Haines stated the long-term solution is to re-route the road, the short-term decision is how to make the current situation work best for everyone.

Wilkerson stated he agreed with Haines, those who are disabled will have the same limitations as Tonya's father, Terry Moye. Wilkerson stated that if grazing is the issue, there is not a lot of grazing this time of year. This is not considered the growing season. There is still the issue of property rights for all those who live in the area. Wilkerson further stated that everything that has happened has been out of our (the Boards) control.

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The Commissioner's hands were tied behind their back. This is as big of a mess as you could possibly have. Wilkerson discussed the events that led up to Gentry Lane being mapped as a county road. Wilkerson stated that through research he has found that in order to include a road on a county map, it has to involve the landowners affected, and has to go to a public hearing. Wilkerson continued and stated that the statute was not in effect until 2013 which was after the road was added to the county map.

Haines stated that the long-term solution is to move the road, but that is not going to happen overnight. Haines stated that closing the gates for five or six hours is not doable.

Wilkerson stated that it has been established that this is a valuable piece of real estate for the Moye family, and the road needs to be in a different location. Wilkerson inquired how long the process would take and what is the process for moving the road.

Walker referred to Idaho Code 40-203a(6). The Commissioners shall proceed to determine and provide just compensation for the removal of any structure that, prior to creation of the highway or public right-of-way, encroached upon a highway or public right-of-way that is the subject of a validation proceeding, or if such is not practical, the commissioners may acquire property to alter the highway or public right-of-way being validated.

Wilkerson stated that he believed that Moye had sold access to the land. That access is not working for Moye any longer but are still obligated to access. Wilkerson stated that he did not believe that the county should have to buy the right-of-way. Moye should be obligated to find an access that does work for them on their property. Wilkerson stated that if the Moyes' were to move their access, the county may have to purchase additional footage beyond the original sixteen feet.

Odoms stated that the adopted design standards for a new roadway requires a minimum of sixty feet. Odoms stated that the county design standards would have to be followed if a new road were to be developed with proper width, drainage, and other requirements. There was discussion about re-locating the road. The group discussed signage, speed limits and persons stopping on the Moye property and threatening the Moye family.

Matt Thomas, Sheriff, informed Moye that people cannot stop on the roadway and be belligerent to her. It is not considered trespassing, but there is code to cover that type of incident. Thomas informed Moye that she would need to call in those incidents when they happen.

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There was discussion of the use of gates. Haines stated that it is not the county's job to fence property. Haines stated that Moye cannot close gates for hours at a time. Haines informed Moye that the gates can be closed temporarily to allow for the movement of livestock.

Wilkerson encouraged Moye to choose a time to move livestock that you believe will impede other people's rights the least.

Haines stated the county has the option to move the road per Idaho Code, but that does not mean the county will move the road.

Walker clarified that under the Washington County Code regarding Roads and Bridges there is a section where a person is allowed to seek written permission from the County Commissioners to place a gate across a public right-of-way or county road.

Haines stated that the Board will draft an agreement for Moye to review. The Board stated that they want Moye to succeed in her animal endeavors.

Motion by Lyndon Haines, seconded by Gordon Wilkerson and unanimously carried to recess at 10:13 a.m. until December 26, 2023 at 8:45 a.m.

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Chairman, Board of County Commissioners

ATTEST:

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Clerk

A full audio recording of the Commissioner Meeting is available at the Clerk's Office upon request.