

Madison County  
Commissioner Meeting Minutes  
June 29, 2022



**Attendees:**

Todd Smith, Commissioner Chairman  
Brent Mendenhall, Commissioner  
Douglas Smith, Commissioner  
Troy Evans, Deputy Prosecuting Attorney  
Kim Muir, County Clerk

**Instrument # 451156**

REXBURG, MADISON, IDAHO  
7-14-2022 12:18:26 PM No. of Pages: 14  
Recorded for : MADISON COUNTY  
KIM H. MUIR Fee: 0.00  
Ex-Officio Recorder Deputy AS

**ACTION ITEMS**

This meeting was streamed electronically.

Commissioner Doug Smith was excused from the meeting as he is out of town.

Pledge of Allegiance: By all

Invocation: Commissioner Mendenhall

**Calendar Discussion:**

Next Commission Meetings: July 11 and 25, 2022

**Schedule of Commissioners:**

Commissioner Mendenhall will sit in on the interviews for the University of Idaho Extension Educator position.

**Discussion Items:**

Commissioner Todd Smith attended two meetings this week for Eastern Idaho Regional Solid Waste District and gave an update. They are ready to submit application for USDA financing. The Board decided to hold off until the first of July to save on costs. The final interest rate will be 2.65%. Discussion is underway for a truck fleet and most agreeance to move forward. Teton County will decide by July 11 if they will be joining the District and there are still details to work out. Darby is doing well as Director. There will be a meeting July 13, 2022.

Commissioner Mendenhall attended the Eastern Idaho Public Health Board Meeting and used the proxy given him to vote "yes" to approving the budget. Commissioner Dance was elected as Chairman and Commissioner Mendenhall was retained as Vice Chair.

Commissioner Todd Smith reported on the rodeo held this past weekend. The rodeo sold out both Friday and Saturday nights and was enjoyed by all who attended. There are a few issues that will be discussed further.

A letter from East Idaho Solid Waste was received. There were no violations noted on the inspection and everything passed. Darby and Sonnie are to be commended for a job well-done.

**Contracts/Documents:**

Review and sign: After review and discussion, Commissioner Mendenhall made a motion to approve Resolution #484, Amended Comp Plan for Ray McDougall. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

Review and sign: Computer Arts Annual Agreement

After review and discussion, Commissioner Mendenhall made a motion to approve the Computer Arts Contract for FY 2023, based on Paul Sorensen, IT, recommendation. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

Review and sign: Ordinance #460 Solid Waste District fee change

After review and discussion, Commissioner Mendenhall made a motion to approve Ordinance #460 Solid Waste District fee change. Commissioner Todd Smith seconded and voting was unanimous. The motion passed. A public hearing on this was heard previously.

Review and sign: University of Idaho budget amendment

After review and discussion, Commissioner Mendenhall made a motion to approve University of Idaho budget amendment. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**Routine Matters:**

After review and discussion, Commissioner Mendenhall made a motion to approve the claims presented by the Clerk. The grand total of claims was \$1,698,536.19. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the meeting minutes of June 13, 2022. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**Personnel Actions:**

<u>Employee Name</u>	<u>Position</u>	<u>Salary/Wage</u>	<u>Change</u>
<b>Sheriff:</b>			
Wyatt Courtney	Detention Reserve	\$10.65/hr	New Hire
Paul Lloyd	Detention Reserve	\$10.75/hr	Resignation
Johnathon Magill	Detention Reserve	\$10.65/hr	Resignation
Christy Julian	Detention Reserve	\$10.75/hr	Resignation
Jessica Jensen	Detention Reserve	\$10.65/hr	Resignation
Mosese Fatafehi	Detention Reserve	\$11.40/hr	Resignation
Carter Boice	Detention Reserve	\$10.82/hr	Resignation
Abigail Peterson	Detention Reserve	\$10.93/hr	Rehire
Derek Fredericksen	Detention	\$22.79/hr	Resignation
<b>D-7:</b>			
Holly Cruz	Counselor	\$47,500.00 Salary	Raise
<b>Court Clerk:</b>			
Angeline Christiansen	Deputy Court Clerk	\$15.00/hr	Raise
Ann Marie Sorensen	Chief Deputy	\$27/hr.	Promotion
Brenda Stoor	Election Director	\$25.40/hr.	Reallocation
<b>Mosquito:</b>			
Abbi Bagley	Seasonal	\$11.00/hr	New Hire
Graham Clawson	Seasonal	\$11.00/hr	Rehire

Brennen Hess	Seasonal	\$11.00/hr	New Hire
Zackary Wilburn	Seasonal	\$11.00/hr	New Hire
Cassidy Bradley	Seasonal	\$11.00/hr	Rehire
<b>Fair Grounds:</b>			
Grace Lerwill	Seasonal	\$13.50/hr	Rehire
Amanda Stubbs	Seasonal	\$13.00/hr	New Hire
<b>Road and Bridge:</b>			
Edward Buchta	Operator		Retirement

After review and discussion, Commissioner Mendenhall made a motion to approve the personnel actions. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**Public Comment:** Rebecca Siddoway, regarding Yellowstone Safari Park. Her parents live across the street from the park and are raising animals. The game farm will have caged wolves across from her sheep which is a concern for her. She questions how the farm will be raising animals without a permit and believed they were building on property that did not belong to them. They are hibred wolves and believes the animals will have typical animal tendencies. She believes there should be a traffic study and should this go through a public comment process. She would like to the see Fish and Game and sewer permits. She wonders if this just a gateway to bigger and better things? She feels the developers have kept neighbors in the dark.

**Executive Session:** Employee and indigent matters. Chairman Todd Smith made a motion to go into Executive Session at 9:10 a.m. Idaho Code §74-206 (1)(b) employee matters, (d) exempt records - AnnMarie Sorensen, Indigent Clerk and (f) litigation matters. A roll call vote was taken as follows: Commissioner Todd Smith – yes, Commissioner Mendenhall – yes. The motion passed. Commissioner Todd Smith returned to open session at 9:52 a.m.

After review and discussion, a motion was made by Commissioner Mendenhall to sign an Approval on Indigent Case No's. 2013033. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**Jess Tanner, Budget Discussion:**

Jess Tanner came in to review her budget. She discussed the increases to her expenses and commented that the Supreme Court will be increasing the amount they contribute.

**P & Z Matters:**

**Bryant Harris, CUP Findings of Fact, Accessory Building w/living space:**

The property is on 2 acres of land on County Line Road. There is a home there currently. This would be in addition to that home.

After review and discussion, Commissioner Mendenhall made a motion to approve the CUP Findings of Fact application from Bryant Harris as proposed in application materials received April 21, 2022. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**Lane Arnold, Zone Change from Transitional Agriculture to Mater Planned Community:**

This is the first request P&Z has had of this type to rezone into Master Planned Community. It is designed for large planned scale vs. a regular subdivision. There are concerns that this is some of the best farming soil being converted into residential uses.

After review and discussion, Commissioner Mendenhall made a motion to approve the application from Lane Arnold to change the zoning on approximately 309 acres of land from Agriculture and Trans Ag to Master Planned Community as proposed in application materials received May 4, 2022. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

Commissioner Mendenhall asks if there is any room for rebuilding the dugway road to this project. He is concerned that this is not a plausible access, especially for emergency vehicles, for this project.

**Lane Arnold, Ordinance Zone Change from Transitional Agriculture to Mater Planned Community:**

After review and discussion, Commissioner Mendenhall made a motion to approve the CUP Findings of Fact application from Lane Arnold for the zoning map changes. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

Kendall Ballard, Renewal for FY2023 budget year:

Kendall presented insurance rate quotes for medical, dental and life policies for county employees. If Select Health is selected as the medical provider they would include in the contract that the price would not increase more than 9% in upcoming years. Commissioner Mendenhall asks Kendall for a history of Select Health. A final decision on insurance carrier and charges to employees will be on the next agenda.

Bradley Petersen, Updates and requests for floodplain and economic development: This matter was moved to the July 11<sup>th</sup> agenda because the shortness of time.

Jared Sommer, representing his game ranch:

Jared felt the meeting requested by neighbors was to file a grievance and they chose not to attend. The Sommer family has now decided to address the controversy. This property was for sale for a long time before the Sommer family purchased the property. S & S 1 is the Sommer Family. Trevor Einerson was the listing agent. Farm ground is being developed all over the county. The P& Z Administrator, Bradley Petersen, at the time was consulted in early 2021. They also consulted their attorney and made sure all T's were crossed and I's dotted. Compliance was confirmed over 1 year ago. Jared referred citizens to a case for a preserve that was sent to the Idaho Supreme Court. The family has been in contact with the Idaho Dept. of Ag and Idaho Dept. of Fish and Game. All restrictions and requirements are being maintained. Danielle McInnes called Jared asking him to meet with neighbors, but he knew it would be all complaining and didn't respond.

They are going above the normal requirements as far as fencing and safety issues. They could combine to put 200 homes on this property which would increase the traffic more than the game ranch. This will be a seasonal facility. A person in Teton County has a farm much the same as this on Ag land. The county has not provided definition for this type of facility. His great-grandfathers were original homesteaders in the county and the family are longtime residents. He stated citizens will find this game farm to possess National Treasure. The Commissioners inquired about what happens to the animals during the off season? Jared said they will be maintained within the ranch and have received requirements for facilities in the off-season and are in the planning stages. He has an approved permit.

Floyd Saurey. He states he would rather see animals behind a fence than a bunch of houses.

Kirsten Ruebush, regarding Yellowstone Safari. Kirsten reviewed the definitions of Agriculture uses and reviewed the Land Use table. Game animals are defined as animals that can be hunted. Idaho Department of Agriculture defines elk as livestock. Madison County recognized a number of game farms deemed Ag pursuits and the ranches conform to this code. This is peculiar as an Ag use in which game animals are considered livestock. She feels the county can regulate this law. There are only a few other animals that are given that designation. Madison County does have the authority to regulate this in her opinion. Fish and Game states a permit was issued on June 17, 2022. Kirsten said there are currently 3 species of wildlife. 11 wolves, 2 bears and elk are on the premises. This does not meet the Madison County use for Agricultural land. Madison County has decided that wildlife and farming go in the wildlife code. This is a commercial exhibition facility. Wildlife is not listed in any zone anywhere and they understand that if it is not permitted, it is not legal.

There is leeway to define something close to something else. It is not a game ranch, it is wildlife instead of livestock area and it is a commercial entity. Straw mazes are not specified in Idaho Code. Straw mazes are not permitted in Madison County and maybe that needs to be taken care of. This is similar to Bear World and Bear World should have a commercial wildlife permit. This needs to be checked on. This has been an allowed use in a Commercial Zone. Fish and Game told them they could not give copies of the application without the owner's permission. Everything has to do with Madison County Ordinance currently. Proof of compliance is needed to receive the permit. Kirsten said it would be interesting to see proof of compliance and if there were errors made. Madison County needs to rectify the mistake if one was made. Safety concerns are not just complaints and should be considered. He has received a permit for this, but to say the state permit overrides County zoning is not correct. Madison County needs to look at certain uses and define them better. Ag zones only allow livestock, there is nothing that allows wildlife in Ag zones. She feels the park should be recognized in Commercial use and the process needs to take place. She cited further code asking what is the true intent and should zones stay according to the Zone use with the county. An open discussion should be had.

Commissioner Todd Smith stated this is not a public hearing and we don't regulate what kind of animal's people have, but a concern is that when it becomes commercial there should be a zone change. Commissioners will have further meetings with the P&Z administrator and the matter will be researched further. Kirsten's request is that this be sent back to P&Z for a zone change. It has never been to P&Z to begin with because a game ranch is permitted in agricultural zones. We don't know what the permit states from Fish and Game because those are kept confidential by F&G. Commissioner Todd Smith said it would be wise for Jared to make the Fish and Game application available for review and we do welcome letters. Gary Armstrong will review this matter further.

Commissioner Todd Smith made a motion to recess Commission meeting and reconvene Board of Equalization. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Present from the county were: Commissioner Todd Smith, Commissioner Brent Mendenhall, Troy Evans, Clerk Kim Muir, Deputy Clerk Karen Daniels and Shawn Boice and were previously sworn in.

Shawn Boice, Tax Cancellation for Kevin Fuller (HOE): This matter will be on the next agenda.

Those present were sworn in. Jeremy Hey, Gary Shewey, Kevin Frank and Emily Jorgensen.

**BOE, Taylor Corp DBA Artco:**

Reed Frizell joined by telephone and was sworn in. He asked why the difference between last year compared to this year's property tax. Gary Shewey explained it was the real property that increased. This is industrial property and is based on the trended factor approach provided by the State of Idaho. Predominately the change is in equipment and over time there has been a substantial change of equipment. Market changes and CPI have an impact and there is a substantial change in building values. Real property, land values and building improvements are reviewed annually per Tax Commission rules and regulations. A determination will be made at the next meeting and a letter will be sent. Shawn asks if we are agreeing to the \$12 million value.

**BOE, Jeremy Hay:**

Jeremy presented information and pictures of the comps he was discussing. County records show a little higher square footage than actual. He presented comps on four homes. Commissioners don't feel the County assessment is out of line with residential increases this year.

Shawn presented the ranges he used. His opinion is that his assessment is correct. He will personally go measure his house to verify square footage. Shawn has to be within the 90-110%. The matter will be tabled until the Assessor can verify square footage and lower to \$130/sq. ft.

**BOE, Steven Boyce:** This matter will be discussed at a future meeting.

**BOE, Granite Peak Holdings LLC, Lance Wickham:**

Lance was sworn in. He is hoping to apply for the Developer Exemption, but the deadline was April 15 and is asking for forgiveness for his tardiness. Shawn states there were 18 developments the Assessor sent notices out to, notifying of opportunity to apply for the developer's exemption. A second letter was sent out a month before the April 15, 2022 due date. They received no application in time. They would qualify, but the late filing date is what is holding them up. Shawn mentions another option is to give a lesser deduction. Those applying on time get a 75% reduction. We need to be fair to all citizens of the county.

After review and discussion, Commissioner Mendenhall made a motion to approve the Developer's Exemption on a pro-rated basis. Assessment from January to June at full rate and July to December at a 60% exemption. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**BOE, Madison Section 42 Housing, Douglas S. John , Donegal LP and Main Street Station:**

He is asking that Madison County do the same as what has been done in other counties. Shawn will contact Shawna at the State Tax Commission to take the life depending on the equipment based on what it is. Shawn won't speak for Shawna or the State. We will take the life of the items and use that percentage. Gary Shewey spoke to say typical procedures is to use the life of the item. Gary serves several counties including Butte County. They have adjusted to the income approach. John asks how much capital improvement Mr. Boice used? Shawn states \$69,200 over the last 8 years. \$1,730 was taken out of the income stream. For Main Street Station Donegal. Shawna at the State Tax Commission will be contacted and a decision will be made on July 11, 2022.


Final decision on the BOE matters will be on the Agenda on July 11, 2022, and those decisions will be mailed to the property owners.

Commissioner Mendenhall made a motion to recess Board of Equalization and reconvene Commissioner meeting. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

Commissioner Todd Smith made a motion to adjourn the meeting at 2:23 p.m. Commissioner Mendenhall seconded and voting was unanimous.

Approved:

  
\_\_\_\_\_  
Todd Smith, Commission Chairman

  
\_\_\_\_\_  
Brent Mendenhall, Commissioner

Attest:

  
\_\_\_\_\_  
Kim Muir, County Clerk

C

C

C



## **Sommer Family Comments @ Commissioner Meeting on June 29, 2022**

As this is an air of grievance meeting / not a public hearing, and compliance with county ordinance of permitted use has already been determined, the Sommer family (those that could attend) have chosen to attend this meeting. We didn't need to, but as we have been disparaged in small and large circles, we as a family concluded it best to quell the venom as much as is possible. We recognize some will continue negative regardless of what we say or do. We have not gone door to door as have those opposing us in an effort to garner followers. We will not be ones to foster the contention. Additional details will be given as is chosen to share.

The property in discussion here was for sale long enough in 2020 and maybe even back into 2019, without a buyer, for the real estate listing to expire before S&S One LLC, an entity to which we have membership, acquired the property. We are aware of multiple financially capable individuals that considered the property but could not make the purchase financially viable. I find it interesting that the spouse of one of these financially capable buyers has expressed vocal opposition when they had more than adequate time to purchase the property long before S&S One LLC did. In fact, those in opposition had plenty of available time to acquire this property during that entire listing period that was probably a year or maybe even longer. We are not sure of the exact listing timing. Trevor Einerson, the listing agent, could answer this question.

All informed citizens are aware that land values have climbed so high that farm ground in the county is almost without exception being developed into lots and homes. The cost of land makes farming the land financially impossible. It is causing a substantial loss to our community ag business.

Those with participation in S&S One LLC looked at all the permitted land uses within Ag Zoning. Game Ranch is a permitted use without need of conditional use permit or otherwise. No notification of planning and zoning or county commissioners was needed as the Planning and Zoning Administrator at the time (Brad Peterson—and I will also say that Troy Evans county attorney was also consulted by Brad Peterson when I came to address plans with Brad Peterson in his office early in 2021). We had reviewed all county information and knew we were in compliance with our plan. Meeting with Brad Peterson was confirmed validation.

Brad Peterson even met me at the property and physically inspected for a fencing permit, which has been a component to establish this game ranch.

We also went one step further. We consulted a trusted land use attorney. Without need to do so, we consulted him on our entire plans. After review of county code, he likewise responded with absolute allowance of this game ranch pursuit as planned. With every person having their own opinion, we wondered if a day such as this would come. We ensured all i's were dotted and t's crossed for details. This was all over one year ago in early 2021.

As there has been a change of the guard in the planning and zoning administrator position, Gary Armstrong has recently been brought up to speed. He likewise recognizes compliance which was affirmed over one year ago by Brad Peterson.



That is background. I will now address as concisely as possible individual points the opposition argues in their flyer:

1. I will go first to a disparagement of my family regarding the Preserve development and a second entrance in and out of that development. For sake of time (I could take 30 minutes alone or more on this subject), I will refer all citizens who desire to be an informed citizen to Idaho Supreme Court docket no. 48007. The case with this matter was appealed by the Preserve developer to The Idaho Supreme Court. The facts and ruling of the Idaho Supreme Court relate to easement law. This is an effort of the opposition to misinform and twist truth for their argument that is without relation to this discussion. I just noticed yesterday a posting by the county for the Preserve developer near the roadway by my home. We will be in attendance at that public hearing and will be making comment. More information will be presented at that public hearing on the 13<sup>th</sup> that will provide salient facts on this unrelated matter we are here today about.

2. The Idaho Department of Agriculture and the Idaho Department of Fish & Game have been engaged in our effort – both have – for over a year now. These two agencies communicate between each other but handle different game animals and have different approval processes. All appropriate communications and approvals have been maintained, continue to be maintained and will be maintained in the future. We will only possess game animals on the game ranch approved through the appropriate agencies.

3. The Sommer family has investment in farm land acreage. We farm the ground, have animals and maintain and will continue to maintain agriculture use of land we have investment in.

4. I received a text from Daniele Mclinnes regarding our game ranch plans requesting I accept an invitation to a question and answer session of maybe 50 or so people. I provided Daniele information on that phone call. The intent of her contact to me was to disagree and create invitation into the fray of public opinion. We are all witnesses to what has happened since that phone conversation validating the reason for our decline to enter what I will term the 'lions den' of public opinion with as many opinions as there are people.

Rest assured, no one has a more vested interest in the care, value, protection, and security of the animals that will be found within this game ranch than ourselves. And I mean no one! We are going above and beyond care requirements, fencing and security requirements. We chose early on to proceed with quality rather than speed. Quality is compromised and details are missed when speed is the focus.

5. Regarding traffic, I have seen the engineering data on at least one housing development in this county. The details in that engineering report indicate between 9 and 10 vehicle trips per home per day. With the land available at the Sommer family disposal on valued agricultural ground, we could combine to add upwards of 300 homes to the county. If you do the numbers on this based on the engineering data I've seen, that is between 2,700 and 3,000 traffic trips per day for all days of the year.

Compare that to what is stated in the flyer of upwards of 30,000 vehicle possibility in a season—this equates to an average of 150 vehicles per day for a 180 day season. This game ranch will not be open



year round. It is a seasonal location. The information in the flyer is stated in a way to create drama. The facts are – what we are doing is working to maintain the land in agricultural use. We don't live out in the agricultural part of this county to live in a city-like development.

6. The name of the permit for possessing game under Fish & Game jurisdiction is "Large Commercial Wildlife Facility permit". This is an apples and oranges discussion. Their designated name has nothing to do with Zoning. The opposition is attempting to mix the two which is a misrepresentation. A fellow in Teton County likewise possesses one of these permits and possesses from what I understand wildlife beyond what we do and will possess. He resides in the rural agricultural area in Teton County as do we here in Madison County. It is simply the name the Fish & Game has chosen for the permit to possess game animals.

7. Drive thru game ranches can be found in varied locations around the country. This is not a new concept hatched by the Sommer family. While the county has not provided definition, other such drive-thru game ranches in other states manifest likeness.

In conclusion, we meet county ordinance—this has been confirmed and reaffirmed, we are compliant with established law. In other words, our i's are dotted and our t's are crossed and have been from the inception. My Sommer family goes back to the homestead days in this county—two of my great grandfathers were some of the first residents of Madison County—we value this county, we value the land on which we all live and work to preserve as much as is in our capacity the agricultural nature that makes this county what it ~~is~~ has always been.

When the game ranch is ready to receive visitors, we welcome all to come. I will just say this, you will find this game ranch to possess a piece of national and even international agricultural treasure right here in Madison County. We invite you to come at that future time and see just what that is.



# Kristen Beubush references

## Madison County Code: Agricultural Zone and Uses

### 1) Sec 117-46 Zoning Districts Created

- For the purpose of promoting pride of ownership, health, safety, morals and general welfare within its area of jurisdiction, the county is divided into the following land *use designations*

### 2) Sec 117-48 Conformance Required – Lands Or Premises

- Lands or premises *shall be used*, unless otherwise provided in this part, only in conformity with the regulations herein set forth for the use designations in which such land or premises are located.

### 3) Sec 117-52 Agricultural (AG) Zone

- (a) *Scope and purpose.* The provisions of this section apply to the Agricultural (AG) Zone or designation. The purpose of the Agricultural (AG) Zone or designation is to provide for and protect agricultural lands and uses.

### 4) Section 101-2 Definitions

- Agricultural lands* means lands used primarily for *agricultural uses, which include the growing of crops, the raising of livestock, and other traditional farming activities.*
- Agricultural operation* includes any facility used in the production or processing of crops, timber, livestock, swine, poultry, livestock products, swine products or poultry products.
- Agriculture.* (1) The term "agriculture" means the tilling of soil, horticulture, raising crops, livestock, dairying, including all uses customarily accessory and incidental thereto.

### 5) Sec 117-52 Agricultural (AG) Zone

- (b) *Uses.* Permitted and conditional uses permitted in the Agricultural Zone are identified in section 117-51, land use table.

### 6) Sec 117-51 Land Use Table

[A madison.municipalcodeonline.com](#)

[Back](#)

**Sec 117-51 Land Use Table**

[Sec 117-51 Land Use Table](#)

**Legend for Land Use Table Uses**  
 P = Permitted use C = Conditional use Blank = Not permitted Not Listed = Not permitted  
 Please see planning & zoning administrator.

Zones AG = Agricultural AR = Agriculture/Recreation C = Commercial I-L = Light Industrial  
 I-H = Heavy Industrial MPC = Master Planned Community R = Residential TS = Town Site  
 TAG = Transitional

**Land Use Table**

Land Use	AG	AR	C	I-L	I-H	MPC	R	TS	TAG
Residential									

[A madison.municipalcodeonline.com](#)

[Back](#)

**Sec 117-51 Land Use Table**

**Agriculture**

Grain storage	P	P	CC	C		P
Livestock pen	P	P		C		P
Greenhouse, nursery (commercial)	P	P	PP	P		P
Stable, riding club, arena (commercial)	P	P	CP	P		P
Kennel, veterinary clinic	P	P	PP	P		P
Gun range, indoor	P	P	PP	P		C
Gun range, outdoor	P	P				
Game ranch	P	P				C
Agriculture-related structure	P	P	CC	P		C

**Automotive**

Gasoline station	P	PP	PP	P		P
------------------	---	----	----	---	--	---





## What is a “Game Ranch”

### 1) Sec 101-2 Definitions

- No definition for “game ranch.”

### 2) Sec 1-2 Definitions and Rules of Construction

- (a) All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the *true intent and meaning of the board of county commissioners may be fully carried out.*
- (d) ... [Words and phrases] as may have acquired a *peculiar and appropriate meaning in law* shall be construed and *understood according to such meaning.*

### 3) Idaho Statute Title 36, Fish and Game Department

- 36-201(a) Fish and Game Commission Authorized to Classify Wildlife as “Game” Animals and
- 36-3 Issue and Sell Licenses for hunting, trapping, and fishing

### 4) Idaho Statute Title 25, Animals

- 25-30, 25-36, 25-37 The Farming of Certain Wildlife/Game Animals are deemed an “Agricultural Pursuit;” these wildlife are designated “livestock,” the premises are called “farms” or “ranches,” and are placed under the *jurisdiction of the Idaho Department of Agriculture* instead of the Fish and Game Department.
- 25-37 Example: Elk-classified by Fish and Game as a “game animals”—when farmed, are deemed “livestock” and the premise in which they are farmed are called, “farms” or “ranches.”

### 5) Madison County Agricultural Zones

- Madison County recognizes a number of “Game Ranches” raising Elk in Agricultural Zones.
- There are deemed Agricultural Pursuits by Idaho Statute 25-37, and these ranches conform to the purposes of the Madison County Agricultural Zones (Sec 117-52(a), 117-53 (1)(a), and 117-60(a)).
- Certain game animals are deemed “Livestock” by Idaho Statute Title 25, and meet the definition of a Madison Code the agricultural use of “raising of livestock.”
- This is the “peculiar and appropriate meaning in [Idaho] law” of “Game Ranch” as an agricultural use.

### 6) Sec 117-51 Land Use Table

- Madison County does not have the authority from the State of Idaho to classify any other wildlife or game animals as livestock or define the premises they reside on as “ranches.”
- Yellowstone Safari Park is permitted to farm or ranch only wildlife/game animals defined by Idaho as “livestock” as an Agricultural Use.



## What is the “Land Use” of the Yellowstone Safari Park?

### 1) 13.01.10.410, Idaho Administrative Code, Fish and Game Department

- The Fish and Game Department verbally stated they are in the process of issuing a permit for a “Large Commercial Wildlife Facility.” A public records request is pending to verify.
- 13.01.10.010. *Commercial wildlife facilities.* Any facility where the operator obtains, possesses, or propagates wildlife for any commercial purpose, including exhibition, education, entertainment, or sale--
- 13.01.10.410. *Large Commercial Wildlife Facilities.* A facility-specific license for commercial wildlife facilities housing “at least (3) or more species” of wildlife or “encompassing display or exhibit areas larger than (1) acre.
- *Not deemed an agricultural use*, this facility is not regulated under the Department of Agriculture. This application/permit also requires “proof of compliance with” county zoning ordinance. (13.01.10.400 Idaho Administrative Code) County Zoning can restrict uses to certain zones.

### 2) Sec 117-51 Land Use Table

- The Idaho Administrative Code defines this facility as “commercial.” The meaning of the use of this facility in Madison County must be “commercial” as well. (Sec 1-2 (d))
- The Land Use Table does not list a “Commercial Wildlife Facility,” as permitted in any zone designation. Not listed = Not permitted. (Sec 117-51, Legend for Land Use Table)

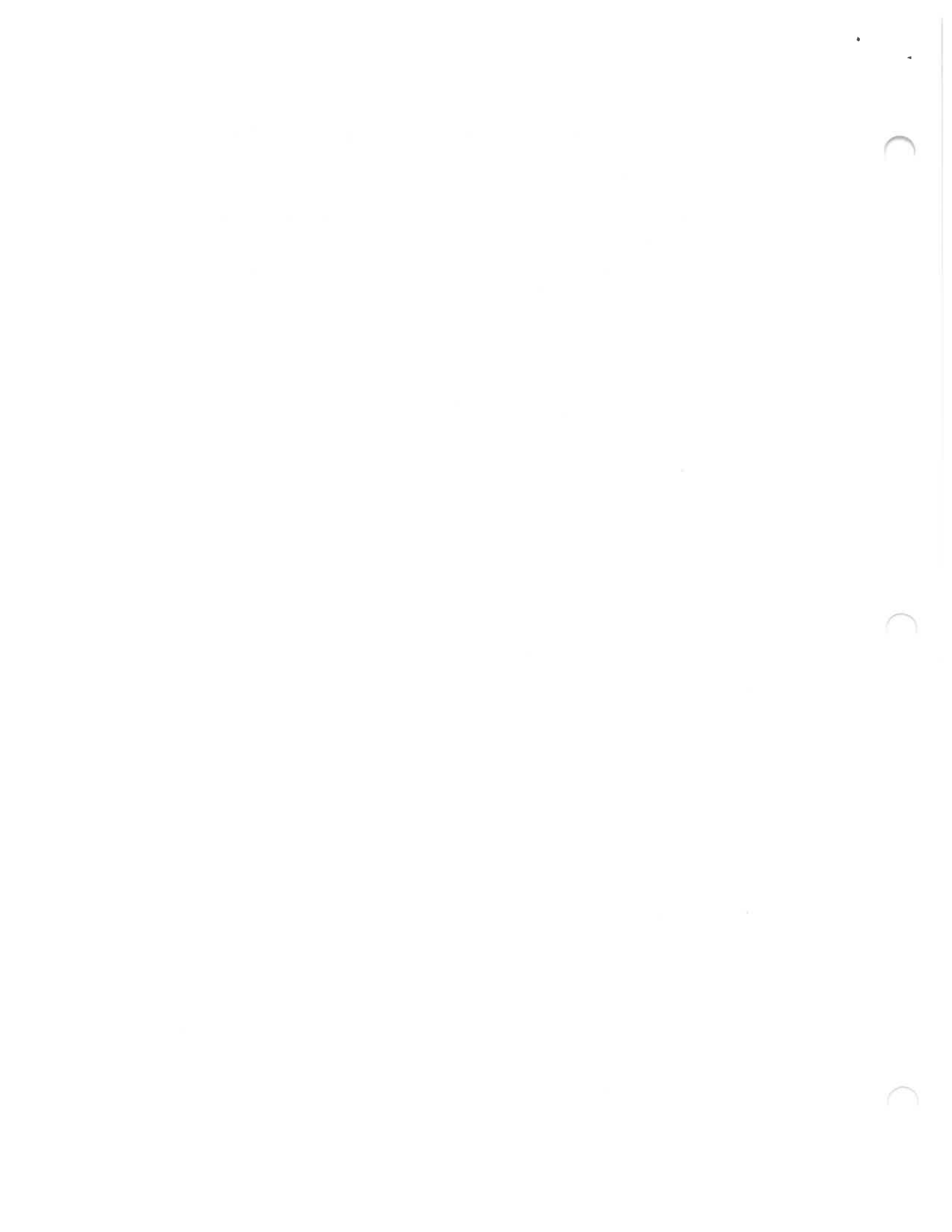
### 3) Sec 101-5 Intent

- ...Uses not specified within use designations are prohibited unless determined by the [Planning and Zoning] commission or its authorized representative to be similar in nature to those specified.
- There is no similar commercial or retail use specified in any of Madison Code.
- However, although undefined in Madison Code, Madison County has recognized and allowed a similar wildlife exhibition facility use in a Commercial Zone for at least 12 years. This is Bear World.
- If deemed similar in nature to Bear World’s Commercial use, this use could be allowed in a Commercial Zone in Madison County.

## First Step to Solution

### 4) Sec 101-14 Zone Change Application (process)

- Madison County Planning and Zoning commission or its authorized representative could, in writing, determine that the Yellowstone Safari Park is similar in nature to a currently recognized (although unspecified) use in a Commercial Zone.
- The landowners can then apply for and go through the process of a Zone Change from Agricultural Zone to Commercial Zone.
- Madison County may want to, first, adopt the Idaho State Definition of a Commercial Wildlife Facility as part of Code and decide if there are any additional regulations or conditions needed for such a facility.



TITLE 25  
ANIMALS  
CHAPTER 37

DOMESTIC CERVIDAE FARMS

25-3701. DOMESTIC CERVIDAE FARMING DEEMED AGRICULTURAL PURSUIT. It shall be lawful for any person, association or corporation to breed, own or control domestic cervidae, which are defined as fallow deer (dama dama), elk (cervus elaphus) or reindeer (rangifer tarandus), but shall not include red deer (urasian cervidae) or any subspecies or hybrids thereof, and hold such animal in captivity for breeding or other useful purposes on domestic cervidae farms or ranches, provided the premises have been registered with the division of animal industries. For the purposes of all classification and administration of the laws of the state of Idaho, and all administrative orders and rules pertaining thereto, the breeding, raising, producing, harvesting or marketing of such animals or their products by the producer or his agent shall be deemed an agricultural pursuit; such animals shall be deemed livestock and their products shall be deemed agricultural products; the persons engaged in such agricultural pursuits shall be deemed farmers, cervidae farmers, cervidae breeders or cervidae ranchers; the premises within which such pursuit is conducted shall be deemed farms, cervidae farms, or cervidae ranches.

