

**Caribou County Planning & Zoning Commissions Meeting  
Minutes of July 2, 2014**

The Caribou County Planning & Zoning Commission met in regular session on July 2, 2014, at 7:00 p.m. Those in attendance were Loren Smith, Gail George, Scott Shuler and David Miles, Planning & Zoning Board Members. Also in attendance were Krista Christensen, Planning & Zoning Secretary, and Ryan Ragain and Rick Shrader as presenters.

Loren Smith opened the meeting. The June 4, 2014 meeting minutes were reviewed. Gail George motioned to accept the minutes. Scott Shuler 2nded the motion. All were in favor.

Ryan Ragain was approved for a Conditional Use Permit in April 2013, for Wyoming West Outfitters to establish a seasonal wall tent camp for fishing, white water rafting, horseback riding and target shooting, located on the Jenkins property on State Line Road 1 mile on the Idaho side with the condition that it would be revisited in one year's time. Ryan Ragain has been invited by the board to provide them with a status update. Ryan Ragain was given the floor.

Mr. Ragain informed the board that he has not gotten his business started yet. The delay was mainly due to a shortage of ammunition in the country and personal set-backs and delays with land owners.

Mr. Ragain passed out the proposed lease agreement. Attachment A was a map of the lease property. Attachment B was a letter from the property owner. He has been working out a few details with the lease agreement, namely; 1) Paragraph 23, Choice of Law and Venue: Still trying to determine whether they are within the law; 2) Paragraph 8, Trash Removal: they have a couple of items they still need to agree upon.

Mr. Ragain is very excited to open the business in June 2015. The Lease Agreement should be signed by the end of this month.

Loren Smith asked if anything had been changed on the Conditional Use Permit. Mr. Ragain responded that nothing had been changed.

Scott Shuler asked what his intentions were as far as weed control on the property. Mr. Ragain said he had not considered that and asked for suggestions. Mr. Shuler informed Mr. Ragain that per Idaho Code Mr. Ragain would be responsible for weed control. Mr. Shuler, as the County Weed Superintendent, offered Mr. Ragain his assistance, if needed.

Loren Smith stated to Mr. Ragain that the Conditional Use Permit required that the progress be reviewed by the Planning and Zoning Commission one time each year, and that it was necessary for progress to be made each year and presented at the review, otherwise the permit would be rescinded. Mr. Smith said he believed that Mr. Ragain has shown that progress has been made. Gail motioned to extend the Conditional Use Permit for one year. David Miles seconded the motion. All were in favor. Mr. Ragain will be invited back in one year to update the committee.

The floor was given to Rich Shrader regarding an application for a building permit relating to property in Niter. Mr. Shrader explained that the property has been in the family for almost 100 years. He explained a bit of history on the property: The Clegg family purchased an 80 acre plot of land in 1920. In 1926 Joe Clegg subdivided the property and sold 8 acres of land to Charlie Hubbard, who built a barn on the property. Morris Clegg bought the property in 1969 for farmland. In 1997, Kent Clegg purchased 26 of the 80 acres, then purchased the remainder of the 80 acres in 2001 to bring the entire 80 acres of land back together. In 2007, Rick Shrader purchased 2.2 acres, with water rights, from the Clegg family.

Several documents were passed out. Maps were reviewed. Mr. Shrader explained that there is a forest service easement that runs through the property.

Mr. Shrader explained that it is his understanding that there is a provision regarding displaced property and, if you have a development that is unfit for farming use, you can get approval to build on that land. He added that they would not interrupt any farm land/farm use. He is inquiring as to whether the board approves of his building a home on the property as being an appropriate use of the 2.2 acres.

Loren Smith informed Mr. Shrader that since there was a forest service access, he would need to contact the forest service to see how that forest service road will affect him. Mr. Smith also asked if Mr. Shrader has gone through all the requirements in a letter Mr. Shrader received from Ralph Hopkins, County Building Inspector. Mr. Smith also asked why he considers his property displaced.

Mr. Shrader responded saying that his land is not part of farmland, the forest service road makes a division between his property and the farmland, there is a sink hole on the property and the property is on a hill.

Mr. Clegg interjected that the property was given to Charlie Hubbard to build a barn because it was not usable land. Then the Clegg family bought it back for the water rights. He said they have never irrigated above the forest service road because it is a steep hill and not of use as farmland. The family wanted to keep the land as a family farm and they assumed the property would all qualify for a split.

Mr. Shrader asked whether the committee believed his 2.2 acres would be considered displaced property.

Loren Smith replied saying that the board could not make that decision tonight without doing more research. Mr. Smith wants to look at the property. He added that the split comes off 8 acres and that variances are only to be given as a hardship.

Mr. Shrader said he was not actually asking for a variance.

Mr. Smith said the property is zoned as agricultural property and that the committee needs time to look into the matter further.

Mr. Shrader was looking for clarification from a legal standpoint: he understands that currently the rule applies to 120 acres, however, he wondered if he would be approved if he purchased the entire 8 acres, since it was a stand-alone parcel well before the law was created.

Scott Shuler inquired as to whether there was enough water on the property.

Mr. Shrader responded that the water line has already been improved from ½ inch to 1.25 inches, and will support the property, as well as the property to the north. Kent Clegg added that when he sold 2.2 acres, there was a house that he moved and quit claimed the water rights. There are 13 hookups and only 4 homes that are still on the system.

Mr. Shrader said the water from the line is used by them and the Spealmans. He informed the committee that he would resolve the forest service issue. The land will be sized and positioned as to where the barn was sitting. He said the land was purchased with the intent to build a home; that they currently have their builder on hold. They would like to resolve the matter, if possible, quickly, so they can resume building. They would like to keep their family here in Caribou County and keep the family roots here.

Mr. Smith informed him that the committee will look into the matter further and invite Mr. Shrader back next month. He said that looking into the matter as displaced property would be the most expeditious, and that a variance would be at least 3 months out.

Mr. Shrader asked if the committee wanted to see a forest service easement. He said he would contact Krista with that information, once obtained. Mr. Smith informed Mr. Shrader that the forest service documentation should state that the public can utilize the road. Mr. Shrader was invited to return to the August meeting.

Rick Shrader was dismissed.

Other business was discussed.

Scott Shuler informed the committee that the Commissioners were very pleased with the committee's proposal regarding the gravel pit, which Scott presented at the Commissioners meeting in June.

The August meeting was discussed. Due to the County Fair being held the first week of August, the Planning and Zoning Commission will meet on August 13, 2014 at 7:00 p.m. for a regular meeting.

Gail George made a motion to close the meeting. Scott Shuler seconded the motion. All were in favor and the meeting is adjourned.

