

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD ECEMBER 5TH, 2018.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Ross Harris - Acting Chairman
David Miles
Jeff Godfrey
Nolan Koller
JoAnna Ashley, Secretary

ALSO PRESENT: David & Aneta Smith John Godfrey
Keller Crane
Marlow Krogue
Elmo Krogue
Michael Steck

6:05 PM Acting David Miles called the meeting to order. 6:06 PM Acting Chari Ross Harris assumed chairing the meeting. Jeff Godfrey move to approve the November 7th, 2018 minutes seconded by David Miles. All in favor minutes approved.

6:20 PM Chairman Harris opened the Public Hearing give consideration of the application of Karlen Ashworth, Keith Krogue, Karen Hunt, Mayo J. Krogue Residuary Trust requesting approval of a variance of 116.5 acres to the 120-acre minimum lot requirement in the Agricultural Natural Resource Zone. The variance would allow a single-family dwelling, garage and accessory buildings necessary to be built upon the approximate 3.5 acres of the parcel. He asked Secretary Ashley to read the notice of public hearing. Jeff Godfrey recused himself from discussion or voting due to a conflict of interest.

Marlow Krogue said his father was Mayo Krogue and they plan to keep the agricultural land that they also own in the same vicinity and continue to use it for agricultural purposes. Elmo Krogue, who is Marlow's brother, said the land sits directly east of the China Hat store. He said the owner of the China Hat store has requested to buy the land and they have denied the request as they would like to see it developed as a single-family residence sell it to a family from southeastern Idaho. Marlow Krogue stated their family is committed to the agricultural way in Caribou County and state because of this they have scholarships that are awarded to students in Caribou and Bear Lake County for agricultural degrees. He said they are not developers and do not desire to see major development of any kind happen. Due to the size of the parcel, being 3.5 acres, it is not large enough for agricultural use but would be perfect for a single-family residence and it would be a compliment to the other residences currently in the area. He said their vision is to sell it to someone involved in agricultural. Elmo Krogue said they desire to have the land used to its highest and best use and feel a house would be that. David Miles asked who owned the houses to the north and it was stated John Godfrey owned the house.

Secretary Ashley said that Drew Dredge of 577 River Rd, Grace, ID stated he was appreciative of his all his neighbors out there and would be supportive of only a single-family house as long as there was no other major development.

Jeff Godfrey of 380 Mt View, Soda Springs, stated he was in opposition to the variance. They bought land in that vicinity from Bruce Dredge in 2013 with the idea the land out there was too small to develop houses on. They moved out there for the rural nature and feels that the land can still be used for agricultural land. He said he has noticed that any time someone builds a house in the county the new owners become upset with the dust and noise of the agricultural production. He stated he was granted a right of way on the east side of this property and had concerns that future land owners would complain about the dust and noise

caused by their farming.

John Godfrey, 2792 Hwy 34 said they already have issues with the campground that is currently located at the China Hat store. He said that three houses have been removed from their property as they try to clean it up. He feels that area is agricultural and more houses shouldn't be allowed as a result he is in opposition to approval of the variance.

Keller Crane 2799 Blackfoot River Rd, he stated that it is zoned for Agricultural and it should stay that way. He lives in a house across the road from the Krogue parcel and he does not want to see a family move in across the street from him and have them complain about his dogs or other things that are part of the joys and sounds of living in the country. He said he felt they were going for the wrong thing if they wanted to build houses on it and felt they should rezone it.

Marlow Krogue stated they are not asking to rezone it because they do not want to see a subdivision go in there. He stated that with the other houses out there the addition of another would complement them. Elmo Krogue asked Jeff Godfrey if they thought dust would be an issue for a homeowner on that lot, and Mr. Godfrey said he did as his road runs right along the east property line. Marlow Krogue stated he wanted to clarify that they only want one house, no more. He said Jeff Godfrey had been great to his Uncle Leonard and Jeff had approached them about purchasing the property but they feel it is a residential lot. He said they have really good relationships with people in that area and plan to continue to. He said that if the 3.5 acres was attached to the larger pieces of land they owned out there, there is no way they would look at selling the parcel; however, due to its size it's simply not useable for agricultural. He emphasized that the family really is behind agricultural.

Elmo Krogue stated that there is no animosity toward any of their neighbors now nor will there be, whatever decision is made.

6:30 PM Acting Chair Harris closed the public hearing. Nollan Koller said he felt like it came down to property owner rights. Given consideration of the size and location of the parcel it seems like a single-family residence would be the best use. Chairman Harris said he was in favor of the variance and felt that those were not in favor could have the opportunity to buy to control what happened on it, and further the parcel wasn't attached to any other fields for agricultural uses leaving it useless for agricultural purposes. Nollan Koller made a motion to recommend the Commissioners approve the variance of 116.5 acres for the Mayo J Krogue, Residuary trust to allow a single-family dwelling, garage and accessory buildings be built on the property, seconded by David Miles. All in favor, motion approved.

Voting showed

Aye:	Abstained:
Nollan Koller	Jeff Godfrey
David Miles	
Ross Harris	

Marlow Krogue thanked the commission for hearing all involved and for taking into consideration property owner rights.

6:35 PM Chairman Harris opened the public hearing to give consideration to the application of Beavertail Inc, requesting approval of a variance of 81 acres to the 120-acre minimum lot requirement in an Agricultural Natural Resource Zone. The variance would allow a single-family dwelling, garage and accessory buildings necessary to build upon the approximate 39 acres at the parcel. Secretary Ashley read the notice of public hearing and stated there were not comments received in advance.

David C Smith of 4732 Hwy 34, Wayan, said he is the president of Beavertail Inc. He stated that all of his property located further north, with the exception of this parcel. On this particular parcel there is a lava reef that runs through the middle of the parcel so it is not farmable further the lay of land is also not suitable for grazing. He felt like it would be a beautiful place to build a house and make use of the land. He said he spoke to Bruce Lake who owns land near this parcel and Mr. Lake had said he has no issue with a house being built on the parcel.

6:38 PM Closed the public hearing, David Miles stated he did not see any issues with approving the variance and the other Commission members agreed. David Miles moved to recommend the County Commissioner approve the variance of 81 acres to allow a single-family dwelling, garage and accessory buildings be built on the property, seconded by Jeff Godfrey. All in favor, motion approved.

6:40 PM Chairman Harris opened the public hearing to give consideration to the application of Bradford Hoopes of Four Star Limited Partnership requesting approval of a Conditional Use of Manufacturing Facility in the Agricultural Natural Resource Zone. The Conditional Use would allow a Pyrotechnics Manufacturing and Storage facility to be constructed. Secretary Ashley read the notice of public hearing and stated no other comments had been received in advance.

Michael Steck of 1173 S 250 W #206, St George UT 84770 said he is the attorney for Mr. Bradford Hoopes whom he said fell ill last night and was not able to attend. He asked the Commission to be considerate as he is naïve to who the neighbors are. He stated that he understood that a storage and manufacturing facility sounds big, scary and ominous. He provided pictures of what they are asking for and they showed metal crates, similar in style and shape to cargo shipping containers. He stated this type of facility is regulated by the Bureau of Alcohol, Tobacco and Firearms (ATF) and the category of explosive covers everything from dynamite to a fire works stand. He stated that his client has a license to manufacture machine guns and other weapons and is currently developing new and unique firearms for which patents are pending. For the intent of advertising he is desiring to use pyrotechnics to show case and add the wow-factor to the weapons they build. He said it is still in the early stages of development so a specific design is not yet available as they are at level 1 are first required by the ATF to see if they are in compliance with the laws in the County before they can take the formal request to the ATF. Mr. Steck said Mr. Hoopes is the son of the man who create 4 Star Investments and the family is supportive of the project. He said that in the images provided the largest image pictured is 8' x 40'. ATF strictly regulates the facility with monthly inspections and is subject to very stringent requirements. He stated his client feels like this would be a good use of the property due to its rural nature. He went on to explain that pyrotechnics is occur when two components are not volatile independently are mixed and then a reaction occurs and use Tannerite as an example. The facility there are proposing the chemicals would be stored individually so there would not be an active status of the chemicals with the intention to only be mixed when going to be in used or transferred for use.

Nollan Koller asked if there are any requirements for fire suppression for this type of storage. Mr. Steck stated that the design of the storage facility is to contain any blast so there would not be any shrapnel. Nollan Koller asked if there would be any testing or demonstrating at the facility. Mr. Steck stated that the ATF sees the storage and manufacturing of a product separate from the use or display of the product. This facility would be just for the use of storage and manufacturing. The use of the pyrotechnics in an active form would fall under a different license through ATF. David Miles asked if the intention was to use it only on that property or to sell it. Mr. Steck stated that Mr. Hoopes could have the items store there and then sell it after manufacturing but the process of which would be governed by the ATF. David Miles asked what is the intention of the business. Mr. Steck stated it would be for commercial display and the Tannerite type products but again for commercial use not a personal use. He said Mr. Hoopes' company is Utah Auto Ordinance and they design and create guns and currently have one that is going through patent. He said the current design pending patent is an AR-15 Gatling Gun which is not an automatic gun as it functions like a

Gatling on where the ammo is on a reel. Chairman Harris asked to clarify that Mr. Hoopes would not be manufacturing the chemicals for pyrotechnics. Mr. Steck clarified that the chemicals would not be stored as a manufactured product on site, only stored and then combined at the time of manufacturing for use elsewhere. David Miles asked how many containment storage units Mr. Hoopes is requesting to which Mr. Steck stated currently he is looking at only having one storage container to start and he believed it was an 8' x 20' size. He further added there are required setbacks for the facility itself and other stringent requirements that govern the facility. He explained the Hoopes Lane private road would be extended to meet the setbacks for ATF and a concrete pad poured to set the facility on as they are portable facilities that can be moved by a crane. Jeff Godfrey asked how far away it would be from homes and the road. Mr. Steck stated the minimum setback would have to be 450'. He stated the lot is 120 acres allowing enough space for the setback. Nollan Koller asked if the family is involved in the outfitting business. Mr. Steck stated he did not know all the family members nor their involvement in such things. Jeff Godfrey asked what kind of igniter would be used. Mr. Steck said he was not sure as the different chemical combinations would require different igniters.

7:04 PM Chairman Harris closed the public hearing. Chairman Harris said he could see how it could be an economic boost, but there is a lot of variables. Mr. Steck stated that the conditional can just be for the storage and manufacturing of the pyrotechnics and the use or display of them can be done elsewhere, but the ATF storage and manufacturing facility must be addressed before use and display can be considered, further to address Nollan Koller's concerns with fire mitigation the conditional use could require they comply with fire setbacks be in accordance with national standards and recommendations based on an 8' x 20' storage unit. Chairman Harris said he understands why Mr. Hoopes wants it located in the agricultural zone to provide distance away from residences in addition he felt that such an operation could provide employment in the County. Nollan Koller said he doesn't have an issue with the storage and manufacturing happening there, he has concerns about it being next to a national forest and the potential fire an explosion could cause. Jeff Godfrey said he felt the same as Nollan. David Miles move to recommend the Commissioners approve the request of Mr. Bradford Hoopes for a conditional use permit for an ATF designated Type 2 Magazine storage and manufacturing facility only, as predicated upon and in compliance with state and federal laws, seconded by Jeff Godfrey.

Voting showed:

Aye:	Nay:
David Miles	Nollan Koller
Jeff Godfrey	
Ross Harris	

After further discussion David Miles moved to revise the motion to a condition that that Mr. Hoopes will be required to present the finalized plans and approval from the ATF to the Commission and Commissioners prior to the beginning of construction. Nollan Koller added and another condition that they provide the Commissioners a list of all materials and chemicals that will be used and stored on the property. Nollan Koller said if the conditions were added he would be in favor of recommending the approval of the Conditional use. Chairman Harris seconded to amend the recommendation to the Commission to add the two additional conditions. All in favor, motion approved.

Chairman Harris turned the discussion to the revision of the Zoning ordinance. Secretary Ashley stated she had done quite a bit of research and been in contact with Bannock County's Planning and Zoning Administrator. She said they are experiencing issues as well with the current zoning code and recommended the Commission look at possibly using a combination of both Bannock County and Bonneville County's zoning code to address specifically the housing issue in the agricultural zone. She further stated she felt it was best to utilize Bannock County's definitions and list of uses as it was more complete than Caribou County. The Commission members discussed the information they provided and felt they would like to

move in that direction. Nollan Koller said he understands the frustration of the smaller parcels not being buildable lots in the agricultural zone especially when the parcel may not be suitable for agricultural purposes. The other Commission members agreed and wanted to look at how to address it.

8:55 PM David Miles moved to adjourn the meeting, seconded by Nollan Koller. All in favor, meeting adjourned.

Signed: _____:
Ross Harris, Acting Chairman

Signed: _____
JoAnna Ashley, Secretary