

CITY OF GRACE  
PLANNING & ZONING COMMISSION  
CONDITIONAL USE PERMIT HEARING AND REGULAR MEETING  
HELD MAY 18, 2021

Chairman Pristupa call the public hearing to order for Conditional Use Permit #2021-221 at 7:00 p.m. on May 18,2021.

Chairman Pristupa asked those present to state their name for the record:

Courtney Smith, Doug Wood, La Grande Smith (POA for Earline Williams), Neal Curry, Robert Orth, Bruce Nelson, Jackie Barthlome, Malynda Seiler, Chuck Watson, Colleen Fluckiger, Kim Welch, Loy Raye Phillips, Dave Pristupa, Kathy Tillotson.

**PURPOSE OF HEARING:** Chairman Pristupa stated the purpose of the hearing is to review the request for Conditional Use Permit #2021-221 for Neal Curry living at 114 W. 10<sup>th</sup> S., Grace, ID a temporary sawmill. The address of the parcel is 945 S. 2<sup>nd</sup> W., Grace, ID.

Chairman Pristupa stated that Mr. Curry would be given time to present why a request for a conditional use permit. Those wanting to comment will be given three minutes for comments to support, not to support or neutral for the conditional use permit after Mr. Curry's comments.

Neal Curry: It is already down. (Temporary sawmill, use to cut materials to be used on various projects on property described above (Turner Subdivision Block 1, Lots 10-1/2 11)). It is to use the sawmill on our property to build new structures. The 6' fence, garage, gazebo, greenhouse, and attachment to home. Basically, said it is in town, it is to saw lumber for our use.

**COMMENTS:**

Jackie Barthlome: In looking at this conditional use permit the only thing that should be on the conditional use permit is the sawmill. Mr. Curry is talking two different parcels of land. The conditional use should only be for the two lots for the sawmill. In city ordinance number 3-1-6 (A) the only place for a sawmill is in I (industrial) zone.

La Grande Smith: Thank you very much. On behalf of my mother (Earline Williams) and myself which I will be the custodian much of the time now across the street from Neal and Emily. I have to tell you that this does not bother me at all. In fact, sometimes, I cannot hear it. It is just a small portable sawmill and is just a temporary thing. I understand that he is going to help fence some of the neighbors with some of the supplies that he makes. I am very, very supportive of allowing use of the sawmill. It will help the family with their disabled child. Mr. Smith stated that in his opinion this would help them to be able to finish working on their home, garage area, fencing, etc. I respectfully submit that the proposal be passed.

Chuck Watson: Mr. Watson stated that he had questions referring to the R-2 (residential) zone. Mr. Watson stated that when he approached the city to put in a sawmill, he was told flat out no in the residential area where he lives. Mr. Watson stated that he checked with the city first. His question is what is, Mr. Curry was going to do with all the sawdust in the city. Yes, it would help a lot but there will be a lot of sawdust produced from the milling of lumber and scrap. It is personal use, is the scrap going

to be used for personal use? If it is for personal use, you cannot help your neighbor. Referring to the county requirements. The sawmill should be in the industrial park, and he looked at the industrial park and decided with the sawdust and scrap it would not be a good fit. Mr. Watson stated that his sawmill is a hundred yards from his mom's home, and she is constantly complaining about the sawdust in her home. Mr. Watson stated that his view on this is no because someday he might want to run for Mayor and with the outside people moving into the City of Grace there is going to be a problem. Mr. Watson questioned what Mr. Curry was going to do with the sawdust and the scrap? Mr. Watson stated he was all for a man making a living, but the sawmill in the city limits no. Mr. Curry stated it was to improve his property. Chairman Pristupa reminded Mr. Curry that he would be allowed to rebuttal.

Doug Wood: Mr. Wood stated that he had written yes on the sign in sheet in case those making comments had any questions.

Robert Orth: This is to advise my support for the reference to conditional use permit 2021-221 that is a personal hobby sawmill on his own property in a small town. This will be used by themselves on the property, especially to improve the property. This will improve said property and the neighborhood. I support the conditional use permit for the personal sawmill. It is for personal lumber to be used on his property where it improves the property and neighborhood. It is not a commercial sawmill it is a personal hobby farm. We have lived around these people for four years and never had an issue. It is not like the sawdust issue is going to be a problem it is not a commercial sawmill. Someone said that California and Utah were moving here. The reason we moved here is because it is an agricultural community and property owners should be able to do this. Mr. Orth questioned if he were going to have to get a conditional use permit to work on the boats he uses in Alaska in my yard because they are associated with my guide business.

REBUTAL: Mr. Curry asked Mr. Watson if he lived in town? Mr. Watson stated that he did. Mr. Curry stated that for purposes on my property for personal use, refers to his constitutional rights. Mr. Curry questioned why he should not be allowed to have the sawmill. The school right next to us, Helena is right next to us and there is agricultural land next to us and I live around nothing but industrial for me to be told I need to move to an Industrial area. Mr. Curry stated that the sawdust was his concern, and he would spread it in his yard so it would not be a fire hazard. Mr. Curry stated why is the sawdust your concern when the sawdust is spread on my property, and it is my property. This is definitely a concern for me. Mr. Curry stated that he owned a lot with a trailer and intends to build a house there. Mr. Curry stated that it does not devalue the property this makes no sense. Besides there are houses next to us that sold for more in the last year than what the property owners were asking, and I do not see how that could possibly be a concern.

Clerk Phillips asked Mr. Curry if when he purchased the property if he knew that the property was in an R-2 (residential) zone. Mr. Curry asked which lots? Clerk Phillips stated Lots 10 and 11. Mr. Curry stated that he did not. Mr. Curry stated that he knew it was residential but did not know that it had been changed.

Commission Member Fluckiger asked for those who live close to the sawmill do they have a problem with the sawdust. Mr. Curry stated no. Mr. Orth stated that it is not a commercial sawmill and I completely understand there is not a pile of sawdust or a fire hazard. Mr. Curry stated that there were three or four loads going through the saw not a hundred and it is not a commercial operation. There is not a three inch saw being used that would be making a big mess. Mr. Curry stated the sawmill was a 1 ¼ inch ban saw with a 9 and ¼ horsepower engine. Mr. Curry stated they have plans to use the sawdust

in our landscaping and use the materials this is the whole purpose of having the sawmill. Commission Member Fluckiger asked if it is temporary. Mr. Curry stated it would be temporary. Mr. Curry stated it would be four to five years to complete the project. There is already pressure put on me to complete the project.

Chairman Pristupa stated that he had asked for follow up questions not a discussion and brought the meeting back to order.

Chairman Pristupa stated there were letters received from property owners within three hundred feet (300') of the property. There was a total of 22 letters mailed and 13 letters were returned.

Letters of approval, neutral, or do not support request:

Jason & Rebecca Moss	Support applicant	
Bruce Nelson	Neutral & Support applicant	Comment: I don't care if people do their own thing on their own property, but people that ain't got anything to do with the problem to interfere stay out.
Tonya Mateos	Do not support applicants request	Comment: My feelings are if I ever want to sell my home, it won't sell very easy.
Corey Fountain	Support applicant's request	Comment: The said applicant is not a nuisance and is a good man trying to provide a safe environment for his family. This is America after all.
Randy Lester	Support applicant's request	
David Thompson	Supports applicant's request	Comment: People should be able to do what they want on their property. Others should keep their noses out of other people's business.
Jerry & Yvette Weeks	Support applicant's request	Comment: We support the conditional use permit for Neal Curry. Our hope is when he is finished with the fencing and building that the premises will be cleaned up and look nice. Including old automobiles, that are not being used.
Brent Austin	Do not support applicant's request	Comments: Don't need the noise, the mess, it's not a property for a logging venture. It will depreciate my property value.
Greg Prowell	Neutral	Comment: If it went to vote I would lean toward no.
Wayne Bredehoft	Support applicant's request	Comment: We are fine with the improvements.
Kaylee Bowman	Support applicant's request	

Sherry McCurdy Do not support applicant's request Comment:  
I have no issues with what he wants to build. But I believe the equipment and the process to cut the wood should not be done within a multi-family residential zone. Having all of that equipment in the area is hazardous for the kids in the neighborhood and is also an eye sore for the neighborhood and community. Cutting the necessary materials that he needs to complete the project should be done outside city limits or at least in a zone that allows such a process to be done.

Riley Crookston,  
Superintendent  
City of Grace Neutral

Chairman Pristupa stated that all comments have been entered and will close this hearing at 7:16 p.m.

Chairman Pristupa stated that the Planning & Zoning Commission would go into the regular meeting to discuss this Conditional Use Permit #2021-221 in more detail. Citizens are allowed to stay but will not be allowed to speak unless called upon.

Regular Meeting  
Planning & Zoning Commission Meeting  
Held on May 18, 2021

PRESENT: Chairman Dave Pristupa  
Commission Members: Courtney Smith, Colleen Fluckiger, Kim Welch  
Zoning Clerk: Loy Raye Phillips  
OTHERS PRESENT: Attorney Doug Wood, La Grande Smith

Chairman Pristupa called the regular meeting of the Planning & Zoning Commission held on May 18, 2021 to order at 7:17 p.m. for a decision on Conditional Use Permit #2031-221.

Invocation: Commission Member Smith  
Pledge of Allegiance: Clerk Phillips

ZONING BUSINESS: Decision on Conditional Use Permit # 2021-221 for Neal Curry.

Chairman Pristupa asked if any of the Planning & Zoning Commission members would like to look at the permit and application request at this time. Commission Member Smith asked for the application to review. Commission Member Fluckiger also reviewed the conditional use permit.

Chairman Pristupa opened discussion on the facts and findings for Conditional Use Permit #2021-221 Neal Curry sawmill.

Chairman Pristupa asked if the members of the Commission wanted to discuss any issues before the findings of facts are discussed.

Commission Member Fluckiger stated that she had gone back and forth several times on this issue. Mr. Curry is not running a commercial sawmill, but with an 18 inch blade we cannot say he is running a

sawmill. But the concern is the people who said no is probably the big machinery, the big logs that are against the ordinance. Verses him running a little saw. The saw is not a huge one which is creating all the mess. Commission Member Fluckiger stated that she is torn because he is not running a commercial saw.

Commission Member Smith stated that in justifying at what point does it become a commercial sawmill verses a private sawmill, a table saw in your garage or a plainer in the garage. Commission Member Fluckiger stated if the Planning & Zoning states that a citizen could not run a skill saw it is infringing and would not be something that should be done to the citizens. The machinery is absolutely an eyesore, and the logs are an eyesore. Commission Member Fluckiger stated that it is dangerous for the children in the neighborhood that the logs could be an attraction for them to climb on, he is running a small saw. Commission Member Fluckiger stated that Mr. Curry is not running a sawmill.

Commission Member Fluckiger stated that Mr. Curry has more support from the neighbors, than against. The Planning & Zoning Commission must follow the ordinance one hundred percent but her concern that if we say no to Mr. Curry running a skill saw. Discussion was had on Mr. Curry not running a skill saw. Commission Member Smith stated that Mr. Watson is running the exact same saw that Mr. Curry is using. Commission Member Smith stated that the No Trace Lumber is owned by Mr. Watson and the saw is the exact same saw. Commission Member Welch stated that the saw is an 18 inch band. Commission Member Smith stated that quite a bit of work can be done using a saw this size, a lot of people are buying this size sawmill because of the low purchase price initially and it is accurate. People using this size saw are in the woods or on a forty acre parcel, cutting commercial firewood and rough lumber. Discussion was had on an 18 inch saw blade. That an 18 inch log can go through the saw. Chairman Pristupa stated that a band saw for wood working is 6 inches to 8 inch opening which is used to build items for homes. Chairman Pristupa stated there is no problem with cutting wood, but the ordinance states sawmills are confined to I (industrial) zone. Commission Member Smith stated that the ordinance did not state private or commercial sawmill, it just said sawmill. Discussion was had on making adjustment on classification of what a sawmill is. The City Council would have to make the classification. What is the difference between private use sawmill and commercial use sawmill?

Commission Member Fluckiger stated that Mr. Curry did state he was selling scrap, which changed it from private to public. Discussion had on Mr. Curry knowing the lots were in a residential area, Mr. Curry should have come to the city, asking if there would be a problem using a sawmill on the property, even before the lots were purchased it could have been checked out to what the ordinance allowed. Citizens have no idea if they live in an R-1 or R-2 (residential) zone. Being a residential area Mr. Curry should have come to the City and asked if there was a problem putting a sawmill on the property much like the other gentleman.

Commission Member Welch asked how long he planned on cutting lumber on the lots? Commission Member Fluckiger stated that Mr. Curry stated 4 to 5 years. Discussion was had on how long the sawmill has been on the property. Discussion was had at least a year.

Chairman Pristupa stated that the city had sent a letter to cease and desist from the city Attorney Mr. Curry did not comply. There have been two letters sent. Stating Mr. Curry could not use the sawmill until the legal portion is taken care of. If he had ceased and desist at the time Mr. Curry was first asked and allowed more discussion on the sawmill in a friendly manner.

Discussion was held on protocol for everything. Commission Member Smith stated that the Planning & Zoning Commission had witnessed the procedure with the gentlemen who wanted to put in a slaughterhouse. The citizen asked what he could do before building in the area and what would it take to put the slaughterhouse by his home. The research was done before starting up his business. That would make sense to anyone. Discussion was had on someone moving a restaurant next to their home because they have an empty lot, are they allowed to do so because the neighbors did not have a problem with the business being there. An R-1 or R-2 (residential) zones have ordinances which cover what is allowed in the area. Discussion was had on Mr. Curry wanting to make a living. Discussion was had on someone wanting to bring in four milk cows and have a milk and homestead and produce cheese, butter, and milk in a residential zone where most of the neighbors have no problem with the cows and their odor, but the other three people out of the twelve or so have a problem with the cows and odor. Discussion was had on the agricultural area allowing animals to do those things.

Commission Member Welch stated that the feeling is the citizens feel it is a personal attack on their freedoms, yet I agree, but there is an ordinance in place. It is nothing personal from the Planning & Zoning Commission. There are rules and regulations that the Planning & Zoning Commission have to follow. Commission Member Fluckiger asked about the citizens who do not want the conditional use permit because they have rights also. Discussion was had the citizens need to realize that it is not a vendetta. It is not personal the citizen can read the ordinances of the city for rules to abide by. Discussion was had on a business standpoint could Mr. Curry come back and say you allowed a conditional use permit in the area for small engines business. Commission Member Fluckiger stated that if the Planning & Zoning Commission say no to this conditional use permit will there be room for legal problems. Commission Member Fluckiger asked what makes the difference of a small engine business verse the sawmill, can he come back and say he has a business.

Attorney Wood stated that it depends on the type of business. Mr. Curry could come back and state the business in the R-2 (residential) zone. Mr. Wood stated that as long as the decision by the Planning & Zoning Commission was founded on granting or denying the facts surrounding by ordinance being specific on this conditional use permit is where you will protect yourselves and the city from legal proceedings.

Discussion was had on the fence, gazebo, garage, greenhouse, and attachment to the house are not part of the conditional use permit. These items need to be done by setting permit, but it is on his application and has nothing to do with the conditional use permit. Mr. Curry is wanting to use the sawmill on that part of the property. The city ordinances are very specific, the only place a sawmill can be used is in the I (industrial) zone. The Planning & Zoning Commission cannot change the ordinances, but the commission can consider a temporary conditional use where the lumber has to be cut in the next 45 days, and then the sawmill has to be removed off the property, cleaned up and is not allowed back on the property. This type of conditions can be done. The Planning & Zoning Commission has that latitude.

Attorney Wood asked if anyone knew if Mr. Curry had investigated the ordinances before putting on the sawmill. Attorney Wood stated that Mr. Watson had investigated the ordinance when he wanted to put in a sawmill. Discussion was had that Mr. Curry had not looked into the ordinance for the R-2 (residential) zone uses.

Discussion was had on the limited area for the I (Industrial) zone in the city. Discussion was had on going into the county where a conditional use permit is needed and dealing with the county rules.

Commission Member Welch stated that Mr. Watson had to get a conditional use permit from the county to put his sawmill out in Turner.

Attorney Wood stated it was just not a law and order situation and is not zero sum game being played here. Are there other alternatives available and could he take his timber to Mr. Watson, or Soda Springs or Chesterfield to saw? There are several options to explore and has Mr. Curry done this?

Commission Member Smith stated if the sawmill were just being utilized for personal projects which is an option could he receive a discount for hauling in his own lumber? The Planning & Zoning Commission are not saying that you cannot help your daughter, if you can't do it at a discount rate there are a lot of different options. Commission Member Fluckiger stated that maybe he could rent a lot or land to put his sawmill on. Discussion was had if it were in the county, he would still need a conditional use permit. Discussion was had on I (industrial) zone having ground that could be negotiated to rent or purchase.

Attorney Wood suggested to place the sawmill on places where other sawmills were already established. Attorney Wood stated that this permit sounds like this is more of a permit of convenience, right by his home, in the back yard which is very convenient. Attorney Wood stated that the way the ordinance is written the Planning & Zoning Commission are on point because it does not distinguish between commercial use or private use for a sawmill. A definition of a sawmill is where you turn timber into boards. Attorney Wood stated that one of the letters brought up the concern of the children. There was no mention of fencing it off or no protection listed in the conditional use permit. When I sent my letter and talked to the Clerk it is not just this ordinance that this commission has to consider. It is also Idaho law, one of the Idaho laws is a nuisance law. Attorney Wood asked to read Idaho Statutes, Title 18-5901 Crimes & Punishments: Chapter 59, Public Nuisance:

Attorney Wood read the following:

PUBLIC NUISANCE DEFFINED. Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, stream, canal, or basin, or any public park, square, street, or highway, is a public nuisance. Attorney Wood stated it is a public nuisance.

Attorney Wood stated that the letters have to be considered. How many letters came back and stated this would infringe on my free usage and enjoyment of property. Commission Member Fluckiger stated two letters that stated no were from Mr. Austin, and Ms. Mateos who shares lots with Mr. Curry. Attorney Wood stated that it is the Planning & Zoning Commissions responsibility is to take all these items into consideration in making your determination. Attorney Wood stated that the Commission can grant the permit stating Mr. Curry has had it on the property this long, it hasn't been an issue, giving Mr. Curry 90 days to cut what can be done, but even that comes with some risk in that 90 days children are playing on the logs and one of them gets hurt then you are dealing with parents who come and say the city ordinance states this is an industrial zone only activity, what were you thinking. When you look at the scales the commission will have to balance all these things out and weigh them.

Discussion was had that the Planning & Zoning Commission were not trying to infringe upon Mr. Curry's rights. The Commission Members are trying to stay within the code and keep the community safe. Chairman Pristupa stated that the Planning & Zoning commission did not write the ordinance. Attorney Wood stated that he hoped the Commission would not take this as personal. Mr. Watson was told no

flat out. It is something to give consideration and finding your reasons with facts and concerns in the ordinance itself to make a determination.

Chairman Pristupa stated that comments would be listed on the finding of facts as the Commission goes through and then will try and determine what the Commission would like to present to the City Council for their meeting on May 19, 2021. Chairman Pristupa stated that the Planning & Zoning Commission does not have the final say on the conditional use permit. The Commission makes recommendations only and what this Commission discusses is our determination and is not necessarily binding. The City Council can reject it all even though this Commission says yes with temporary. The Planning & Zoning Commission may say the sawmill needs to be moved to the I (industrial) zone. The city could reject all suggestions made where it has been operated in a R-2 (residential) zone. Chairman Pristupa stated that this Commission has concerns for the family and we can be neutral in the decision.

CASE #2021-221 NEAL CURRY  
CHECKLIST FOR FINDINGS OF FACT—SPECIAL USE PERMITS

- (1) The proposed special use is necessary for the public convenience at that location.  
No, it is a private enterprise. Comments made in hearing with particle selling of wood products. Statement made that he is giving away the winnie edge.
- (2) The proposed special use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.  
Not as it is now. The saw itself is exposed to the public. The logs are exposed to the public. could be considered an enticement to children in the neighborhood to go and explore. It could be considered a nuisance. The logs are not chained just stacked and could shift at any time.
- (3) The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; and  
This is up for debate some say yes, some say no. Having the mill there would allow the appraiser to say this is a commercial business, should have been in an industrial area. And could lower the value of the property. This is a neutral thing presently. In the current climate and market everything has more value than it should no matter what and everything is inflated. It may not impact the value, but it might impact what a buyer is looking for a in a residential place. This may not be what they would want to find.
- (4) The proposed special use permit is designated by this code as a listed special use in the zoning district in which the property in question is located.  
The zone is an R-2 (residential) zone, which restricts the use of a sawmill. The City of Grace only allows sawmills in the I (industrial) zone.
- (5) The effect of the special use on the County's Comprehensive Plan.  
Technically, it has no effect currently unless he goes outside of the city limits. A conditional use permit would be required for the sawmill to be used in the county.
- (6) The effect of development would have on schools, traffic, streets, shopping, public utilities and adjacent properties.  
The two properties that are adjacent to the lots are opposing. The heavy machinery will have effect on the city streets because of the weight of the trucks. As far as the school it will be out in a week and necessarily will not be a problem. It will be the children that live in the area. Traffic would have no effect, nor shopping, utilities should not be affected. There is no indication of where the public utilities are directly in the subdivision. As long as nothing overhead is knocked down that would affect utilities, or the utilities could be buried.



- (7) Is the application necessary for the public convenience.  
No, it is not.
- (8) In the case of an existing nonconforming use, will a special use permit make the use more compatible with surroundings.  
A sawmill does not make it compatible in a residential area.
- (9) Will the special use be detrimental to the essential character of the district in which it is located.  
The heavy equipment, the sawmill, and the logs currently are detracting to the nature of the area.

Chairman Pristupa stated that based on the information discussed does any of the Commission Members have any input to add. Commission Member Smith stated that looking here as far as the zoning ordinances and our responsibilities, there is a feeling of being uncomfortable granting the conditional use by being bound by the ordinance. Unless the Commission want to make a special exception would leave it up to the City Council as it proceeds forward. Commission Member Welch and Commission Member Fluckiger agreed with Commission Member Smith. Attorney Wood stated that the Planning & Zoning Commission have to agree with the City of Grace ordinance. Also considering what kind of standards do you set for the city in your recommendations. If you recommend this conditional use permit to pass, then 6 months later someone comes with similar request to this one you have to balance and do the same thing here. Which is why it is important to take into consideration as to Mr. Watson's position and the citizen will feel slighted. If the city allowed for one, why not another.

Discussion was had on another option that Mr. Curry could have the sawmill where he is cutting the timber. Cutting the timber there before it is delivered to his lots in town.

Commission Member Fluckiger stated that she hoped Mr. Curry would understand that the Commission does support what he is trying to do for Taylee. That we as a Commission are grateful for what he is trying to accomplish, but it is following the rules.

Discussion was had on the options that Mr. Curry has available to have the timber cut for his projects. Attorney Wood stated that the concern is the City Council would deny the permit but to explore other options that we think are available. Commission Member Smith stated that if it were purely a private endeavor wanting to cut timber for his projects it would not be cutting into Mr. Curry trying to feed his family because he would be saving money on a project. Mr. Curry would not be supporting his family with the sawmill. Discussion was had on where Mr. Curry's revenue was coming from. Chairman Pristupa asked La Grande Smith if he were aware of Mr. Curry cutting logs for anyone else? Mr. Smith stated that he hauled logs for other people and cuts just for himself. Chairman Pristupa stated that he had talked to a few people in the community and there is talk going around that with the price of lumber going up that Mr. Curry was anticipating cutting additional lumber outside of his own project. Discussion was had that he had offered for sale scrap lumber to property owners that had wood burning stoves there is a source of income there. Discussion was had that the Planning & Zoning Commission were here to decide on the permit and not let the personal items or talk on the street sway this decision. The Planning & Zoning Commission is not vindictive there is a process to follow.

Chairman Pristupa called for a motion for Conditional Use Permit 2021-221 for Neal Curry a placement of a sawmill and disregard the fence, garage, gazebo, greenhouse on the permit because they are not conditional use items. Those items would be setting permits in the future, by obtaining the proper permit to follow city code. The setting permits are good for a year and can be renewed.

Commission Member Smith made the motion to deny Conditional Use Permit #2021-221 for Neal Curry. Conditions to be placed on the Conditional Use Permit #2021-221:

Remove the structures listed on the Conditional Use Permit

6' fence, garage, greenhouse, gazebo, additional to house

Apply for a setting permit when the structure is to be built which will need to be renewed yearly.

Planning & Zoning have listed other options for the milling of lumber. Contact other sawmill owners in the area of Bancroft, Soda Springs, and Grace to see if an agreement could be reached to rent for the cutting of lumber. Checking with property owners in the I (industrial) zone about property that is available to rent or possible purchase.

Property owners within Block 1 of the Turner Subdivision do not support Mr. Curry's sawmill.

The Planning & Zoning Commission Members are aware of the circumstance the Curry's have and appreciate the family in our community.

Motion seconded by Commission Member Welch. Motion passed unanimously.

Conditions being other options that may be available, that Mr. Curry could take advantage of.

Not denying what he wants to do. The sawmill is not allowed in R-2 (residential) Zone.

Commission Member Smith stated this is not an easy decision because the Commission Members love Neal and Emily and Taylee and would just like to let him proceed with his sawmill. Commission Member Fluckiger stated that it sets a precedence once the door is opened it cannot be closed.

Mr. Smith asked about the traffic on 1<sup>st</sup> W having an increase due to Mr. Lester's business. Chairman Pristupa stated that the Planning & Zoning Commission have to follow all the city code, the county code, and the state code, otherwise the city would end up in court. Traffic on that street has parents taking children to school, parents coming and going to and from work.

Discussion was had that Commission Member Fluckiger is to attend City council meeting on May 19, 2021. There will be a variance and two conditional use permits to present to the city council.

Chairman Pristupa asked if the Commission had any other business to discuss?

Chairman Pristupa stated that Committee Member Fluckiger would be attending City Council Meeting on May 19, 2021 at 6:00 p.m. Chairman Pristupa stated that if Commission Member Smith had any problems for the June 2, 2021, and June 16, 2021, meetings to give him a call and he would cover the meetings.

Announcement: The meeting for June 10, 2021, is cancelled.

Motion to adjourn the Planning & Zoning Commission meeting was made by Commission Member Welch. Motion was seconded by Commission Member Smith. Motion passed unanimously. Meeting adjourned at 8:12 p.m.

\_\_\_\_\_  
ZONING CLERK

APPROVED: \_\_\_\_\_  
CHAIRMAN

DATE: \_\_\_\_\_