

CITY OF GRACE
PLANNING & ZONING COMMISSION
REGULAR MEETING HELD ON
APRIL 8, 2021

PRESENT: Chairman David Pristupa
Commission Members: Kim Welch, Kyle Bingham, Colleen Fluckiger
Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Larry Allen, Richard Smith, Shelley Reeves, Riley Crookston, Doug Wood,
Robyn Thomas

Chairman Pristupa called the regular meeting of the Planning & Zoning Commission to order at 7:02 p.m.

Invocation: Commission Member Welch
Pledge of Allegiance: Clerk Phillips

Amendment to agenda: Chairman Pristupa stated that fire ordinances are being mentioned around the state and would like to discuss information. Commission Member Welch made the motion to amend the agenda to place Fire Ordinance discussion for small businesses. Motion was seconded by Commission Member Bingham. Motion passed unanimously.

Previous Meeting Minutes: Chairman Pristupa asked if the Commission Members had read the minutes of the regular meeting held on March 11, 2021 and if there were any changes. Motion to approve the minutes of the March 11, 2021 regular meeting of the Planning & Zoning Commission was made by Commission Member Bingham. Motion was seconded by Commission Member Welch. Motion passed unanimously.

Report from City Council: Chairman Pristupa stated there was no business for the Planning & Zoning Commission from the April 7, 2021 City Council meeting. Chairman Pristupa informed the city council that he would purchase the plastic to hang the new maps. Chairman Pristupa stated that there would be a meeting on April 27, 2021, at 6:00 p.m. in the Grace City Hall for the citizens of Grace with information on a levy for updates needed at the sewer plant and that there would be a bond levy vote on May 18, 2021. Chairman Pristupa stated that there would be a flyer delivered to each citizen with information.

Zoning Business: Richard Smith questions on zoning.

Mr. Smith stated he had questions on rezoning on fourth north. Discussion was had that the area was an A (agricultural) zone. Discussion was had on three areas in the agriculture zone. A-1 (agriculture) parcels with one acre or more, A-2 (agriculture) parcels with one-half (1/2) acre to .99 acre and A-3 (agriculture) parcels with less than one-half (1/2) acre. Discussion was had that if you owned a one-half (1/2) acre parcel in the agricultural area a house could be built.

Mr. Smith discussed having 1.3 acres in the agriculture area. Mr. Smith asked what the possibility would be to divide the acres into one-fourth parcels to build. Discussion was had that anything that size would

be under the A-3 (agriculture) parcels with less than one-half (1/2) acre would be residential. Which would allow one animal unit on the parcel.

Mr. Smith questioned if the parcels were divided into five parcels would this be a possibility and build on each lot. Discussion was had on going to the Assessor and having the parcels adjusted. When the property is divided it would then fall under A-3 (agricultural) less than one-half (1/2) acre parcel. Discussion was had that access to each parcel would be required. Mr. Smith stated there were two on the front and the back had a road on first east that accessed the property.

Mr. Smith asked if he were unable to break the parcels into five could he put a duplex on the rear property and the homes on the front property? Discussion was had that the property falls under the R-1 (residential) and R-2 (residential) and that a duplex can be built.

Mr. Smith discussed an easement that goes between the property that must remain open. Mr. Smith asked if that is where the connections for the water and sewer would be for the property?

Superintendent Crookston stated the connections would be made in the easement. Mr. Smith asked if there were enough connections for water and sewer?

Mr. Smith asked about the water and sewer connections needing to know the cost of a hook up to the systems. Clerk Reeves stated that the hook up for water was fifteen hundred dollars (\$1,500.00) for a three-quarter hook up and one thousand dollars (\$1,000.00) for sewer. Discussion was had on the gas and the power being furnished by Rocky Mountain Power and Intermountain Gas doing the connections to the property.

Mr. Smith stated on the cities regulation for housing that there was a setback and would like to know where the setback starts. Is it from the center of the road or the property line? In some places the property line is the center of the road and would like to know where the city considers the proper line to start from. Discussion was had on a survey on file.

Mr. Smith asked about the setback on the corner lots. Discussion was had that corner lots would maintain a twenty foot (20') side yard/lot adjacent to the street which intersects the street which the building fronts.

Mr. Smith asked about the permit needed to build. Clerk Reeves stated it is one hundred dollars (\$100.00) for the city and if the home was modular there would be a hundred dollar (\$100.00) fee from the county to inspect the modular home. Clerk Reeves stated that if it were a modular home it would need to be inspected. Mr. Smith asked if it would be possible to place modular homes on the parcels and not have a foundation under the home. Discussion was had that the modular or mobile home would be set on foundation supports (3-5-5 Mobile Home (C)).

Commission Member Welch stated that a modular home needed a cement foundation as required by the factory. Discussion was had on a manufactured home being delivered on wheels and set on the lot. Mr. Smith asked if either one could be an option. Discussion was had that R-2 (residential) requirements would apply to a modular or manufactured home.

Mr. Smith thanked the Planning & Zoning Commission for their time. Chairman Pristupa thanked Mr. Smith for coming to the Planning & Zoning meeting.

Conditional Use Permit for meat processing: Chairman Pristupa stated that Matt Loertscher was asking about a conditional use permit to put in a meat processing business. Part of his property is in the city and part is in the county. Mr. Loertscher wanted information on restrictions if a conditional use permit would be required. Mr. Loertscher is not in attendance. Chairman Pristupa tabled the meat processing business item until next meeting.

Attorney Wood stated that Deputy Clerk Phillips called his office on this issue. Attorney Wood stated the question in the ordinance was if he needed a conditional use permit due to the language of the ordinances. Attorney Wood stated as he looked at the ordinance and thought about it, if he were Mr. Loertscher's attorney with the language in the ordinance and the fact that there is a question he would advise his client to go ahead and get a conditional use permit to show that the Planning & Zoning Commission and the city had considered this issue and addressed it.

Impact Area: Chairman Pristupa stated that there are maps developed and an ordinance in a preliminary form. The only area that would be changed is the area north of the City of Grace. At the present time the impact area goes to Rich Road. Chairman Pristupa gave information why the area of impact went to Rich Road because the City of Grace owned the airport north of town. The Planning & Zoning Commission brought the area of impact down to the Telford Road because the City of Grace does not own the airport and cannot supply water or sewage to the area. Commission Member Welch stated that even for those on Telford Road it would be difficult to furnish water and sewer. Chairman Pristupa stated that the City had to have some distinguishing line and Telford Road makes the impact area square. The impact area map was drawn up based on the change in the area. The gray area of the map is the suggested new impact area. The yellow area of the map is where the impact area was initially. Going east above the forest service ground above the city springs.

Discussion was had that the map was not correct and needed to be redone as the area of the city springs was not included in the impact area.

Question was asked how many hearings would be needed to do the ordinance and map correctly? Attorney Wood stated that two ordinances would need to be done and three hearings. A hearing for the city and a hearing for the county and a hearing for the county Planning & Zoning. Attorney Wood explained that the city would hold a hearing and then send it to the county Planning & Zoning Commission for a hearing and the Caribou Planning & Zoning Commission would send it to the County Commissioners. Attorney Wood stated he did not know specifically if an individual hearing had to be held for each item being corrected. Question was asked if the agenda for the hearing could be posted to hold the hearings on the same day? Attorney Wood stated that could be done. Discussion had to close the hearing on the map and open the ordinance hearing. Attorney Wood stated that would be possible due to the map being mentioned in the ordinance.

Clerk Phillips stated that some discussion had been had on leaving the area of impact the same and not shrinking the area prior to this meeting.

Attorney Wood stated that there are reasons for not shrinking the area of impact.

1. A city would not know what the future holds. Technology is going to come regarding the supply of water and power to property. The future could hold all kinds of possibilities that would make for more growth happen north of the city.

2. Similar to the above argument. It is a lot easier to reduce than it is to expand an area of impact. If you are expanding an area of impact you would have to negotiate with the county and impose city rules and ordinances in the county area then the rules of the county would be imposed on the impact ordinances.

Attorney Wood stated that sometimes it is better to keep the larger area of impact just in case of the growth in the city.

3. The airport is private at the present time. If the city were to experience growth to a point where an airport would be needed, and the city decides to buy back the airport. The city would be doing an annexation to bring the property back into develop.

Question was asked if it would be easier to do an annexation if someone wants to build a development? Discussion was had on annexation happening in the area of impact.

Attorney wood explain that these are some of the arguments that he thought about and that there are probably a hundred more.

Discussion was had on reviewing the city impact area more because the future may change for the city.

Commission Member Welch stated that as a private citizen and a farmer we do not want that impact on the farm ground. Why should the city have a say on farm ground? The farmer is paying the taxes, purchased the property at inflated prices. It is a double edged sword. To the city it looks great for the normal citizen but for the citizen that owns the property it is not a great idea.

Attorney Wood stated that it is a double edged sword. Attorney Wood gave the example of someone coming in and offering the citizen fifty million dollars for the property, to build a development. The citizen owning the property would retire and sell to the developer, under the condition it can be developed, and now the citizen has a lot of work to do with options that are available.

Commission Member Welch stated that the ordinances of the county state presently forty acres (40) of tillable ground are required to build if it has been farmed. If it a piece of waste ground only five acres (5) would be needed to build. Discussion was had on keeping the septic systems and wells in compliance. Chairman Pristupa stated that the city ordinances do not apply to the impact area. The way the ordinance is written if someone wants to build in the impact area a county permit is required to build. The developer would be subject to the county rules. If it is in the area of city impact it is sent from the county to the city and the city reviews sending it back to the county. Attorney Wood stated that it is not written in stone. When the city of Soda Springs squared off the area of impact, they were able to get the county to agree that the cities ordinances would apply in the area of impact. Attorney Wood stated that this could be negotiated.

Discussion was had on a permit in the impact area being rejected by the city because the area of impact is eight miles outside of the city. Attorney Wood stated that this is why this discussion is being done. The Planning & Zoning commission and citizens are boots on the ground. Most of the development is going to be southeast or southwest that has been the movement. Attorney Wood discussed the possible consolidation of the schools placing the school at the highway intersection. Now there could be some interest in developing the area between the city and the new school. Theses are things that need to be thought about for the future.

Chairman Pristupa asked the Planning & Zoning Commission if it needed to be discussed at the next meeting or if the Commission wants to proceed with the ordinance?

Discussion was had on the Planning & Zoning Commission wanting to have the State Statute of 2002 used as a current agreement to this Statute at this point, if the legislature in 2022 changes that status, then the Commission want the ability to re-negotiate what the impact area is based either accepted or not accepted. Attorney Wood stated that the city is bound by the law that is in place at the time. The discussion was to remove that from the proposed impact area ordinance.

Chairman Pristupa asked for a motion to table the ordinance approval until the next meeting of the Planning & Zoning Commission.

Motion was made by Commission Member Welch to table the ordinance until the next meeting May 13, 2021. Motion was seconded by Commission Member Fluckiger. Motion passed unanimously.

Chairman Pristupa opened discussion on the difference between Variance and Conditional Use. Most of the Commission Members are new and would like Attorney Wood to clarify this for those members.

Commission Member Fluckiger asked for an example of a Variance. Discussion was had on a home built using a variance to allow the home to be built on a lot that was not 9,000 square feet as required by city ordinance (3-1-3 Regulations for the R-1 (single Family Residential) zone. (E) Area requirements).

Attorney Wood stated that when you have an area that is zoned for something specific commercial, versus residential and the citizen wants to put a meat packing business in a residential area. Decision should be made on how this is going to impact the area residents. Question should be asked does it apply to just the lot or does it apply to the whole residential zone? Is it lot specific or is it area specific? This would help if you were looking for a rezone or a conditional use permit.

Different zones are set up in the city to protect the citizens from items that belong elsewhere.

Question was asked about putting fire restrictions on conditional use permits for hair salons and nail salons if it would be proper to place on the conditional use permit giving the fire chief permission to enter the property as fire chief?

Attorney Wood stated he did not know if the salons would be subject to fires inspection. It can be put on the permit so that the person applying for the permit understands that they are doing this voluntary that there are certain things you agree to. Example was used as a driver on the road obeying the traffic rules.

Attorney Wood would recommend putting it on the conditional use permit as a courtesy. The person applying for the conditional use permit is asking to abide by a different set of standards. As a courtesy to them and may make the fire chief feel a little bit better. Discussion was had on a knock on the door from the fire department doing an automatic check on fire extinguisher being up to date.

Attorney Wood stated that a conditional use permit is more specific. Clerk Reeves stated that the variance stays with the lot and a conditional use permit goes with the person. Variance is a hardship on the property. Discussion was had on a handicap ramp being a conditional use as it goes with the person. Discussion was had on the five foot setback required on homes and someone needed to build closer than the five foot it would require a variance to encroach on the five foot measurement. Attorney

Wood stated that regulator rules are sometimes difficult to work with. Commission Member Welch stated that the ordinance allowed for a six foot (6') fence and the property owner wanted to put in a seven foot (7') fence a variance would be needed to raise the height of the fence. If a citizen wanted to put a goat on the property, then a conditional use permit would be required.

Discussion was had on needing a kennel permit for a service dog. Attorney Wood stated that if a permit were needed it would be a conditional use permit as it goes with the person.

Attorney Wood stated that there is a need to look at the ADA frequently asked questions on service animals. Hotels, restaurants, airports, and businesses have all had problems refusing service animals, but it also states that there is no mandate on ADA for government entity to change licensing, or requirements of the general nature to have the dogs vaccinated, licensed, etc. Discussion was had on having to have a kennel permit for three dogs. Attorney Wood stated that there might be an exemption under the American Civil Liberty Act where the dog still must be licensed. The kennel permit would not be required because that dog complied with the American Disability Act, certified as a service animal.

Comprehensive Plan: Chairman Pristupa stated that he would contact Southeastern Idaho Community of Government (SICOG) to come to our meeting to discuss update on the Comprehensive plan.

Other business: Chairman Pristupa discussed the copy of an ordinance from the City of Idaho Falls. Fire Departments do not have a policy to allow the department to enter small businesses for inspections. There are several cities that are starting to put a fire ordinance together to allow the fire departments to enter and inspect fire extinguishers, flammable materials, etc. without an ordinance the fire departments are not allowed to enter. Discussion was had on policing ordinances. The city employees have the responsibility of things being wrong discussing it with citizens but there is no permission given to go on the property. Discussion was had on figuring out how the city workers could have permission legally to enter private property.

Attorney Wood stated that first there needs to be an ordinance that gives the city the authority to enforce and personnel would be needed. Attorney Wood stated that the City Superintendent has a lot to be responsible for and probably have volunteer people that would do the enforcing.

Attorney Wood asked if any of the volunteer fire department would go police the fire code. Question could be asked of the fire department do you want to help prevent fires. Those members may not like to write citations but even to go around and inspect might help the businesses.

Discussion was had on the City of Grace being small and not requiring business licenses. How much do you need for a small city and would you want to add more? Ms. Thomas stated when opening her business that the fire department were asked to come and inspect the building. Discussion was had on having the fire department come by and make sure things are safe. Discussion was had on just having this conversation was a reminder to check fire extinguishers. Commission Member Fluckiger asked if it would make a difference with the insurance companies if you asked for an annual inspection.

Chairman Pristupa stated it is food for thought and it can be discussed with Fire Chief Peck to see what his thoughts are on the issue to do voluntary inspections on the businesses in the City of Grace and if asked by citizens to inspect their homes. Discussion was had on having a request form that the fire department could be asked by citizens to inspect homes and businesses.

Announcement: Planning & Zoning regular meeting will be held on May 13, 2021, at 7:00 p.m.

Chairman Pristupa asked for a motion to adjourn.

Motion to adjourn the Planning & Zoning Commission meeting was made by Commission Member Fluckiger. Motion was seconded by Commission Member Welch. Motion passed unanimously.

Adjourned: 7:58 p.m.

ZONING CLERK

APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

DATE: _____