

**APPROVED**

CITY OF GRACE  
PLANNING & ZONING COMMISSION  
REGULAR MEETING HELD ON  
DECEMBER 9, 2021

PRESENT: Chairman Dave Pristupa  
Commission Member: Kyle Bingham, Scott Rasmussen, Kim Welch  
Zoning Clerk: Loy Raye Phillips

Chairman Pristupa called the regular meeting of the Planning & Zoning Commission held on December 9, 2021, to order at 7:02 p.m.

Invocation: Commission Member Rasmussen

Pledge of Allegiance: Clerk Phillips

Chairman Pristupa asked if there were any amendments to the agenda? The Planning & Zoning Commission had none.

Chairman Pristupa asked the Planning & Zoning Commission if they had read the minutes of the October 14, 2021, regular meeting and if there were any changes.

Commission Member Welch made the motion to approve the minutes of the Planning & Zoning Commission regular meeting held on October 14, 2021. Motion seconded by Commission Member Rasmussen. Motion passed unanimously.

Chairman Pristupa asked the Planning & Zoning Commission if they had read the minutes of the November 11, 2021, regular meeting.

Chairman Pristupa stated that the meeting on November 11, 2021, went as per the agenda because Allan Johnson from Department of Environmental Quality (DEQ) and City Attorney Wood were here. There were a lot of ideas, and answers to questions. Example the Impact Area, Attorney Wood stated to leave it as is, the County Commissioners asked it to be left as presented. Allan Johnson stated that the only ones who have the authority to regulate septic systems is the Health Department. Commission Member Rasmussen stated that it was a surprise of how little authority the DEQ has. Discussion was had on not having any laws. If a violation is made the problem is turned over to the agency in charge. Basically, the county wants to go with five acres or more needing to have a normal septic system, anything less than five acres has to be on a community septic system which is ten houses in a given area outside the city or bordering the city or annexed to the city hooking on city sewer. Attorney Wood has not replied on the corrections to the substantial compete. Commission Member Welch asked if this would affect the Highline Subdivision. Discussion was had that this would not affect the subdivision. Discussion was had on the Highline Subdivision being grandfathered in at this point. The property on the new subdivision will be on non-nitrate septic systems. The County is going to change the ordinance. Anything bordering the city the county will have to require annexing into the city. Then the subdivision or permits will have to follow city guidelines. Chairman Pristupa asked the commission to read the information and highlight any questions to be discussed at the next meeting.

Motion to approve the minutes of the Planning & Zoning Commission regular meeting held on November 11, 2021, made by Commission Member Bingham. Motion seconded by Commission Member Rasmussen. Motion passed unanimously.

Chairman Pristupa stated that the City Council did not have an assignment for the Planning & Zoning Commission.

Chairman Pristupa stated that the Impact Area Ordinance and map will be presented at the City Council meeting to be held on December 15, 2021, for approval. When approved the Planning & Zoning Commission will take it to the county. Once the City Council approves the ordinance there will be no changes made to the new ordinance.

Chairman Pristupa stated that Ordinance 2021 is concerning the impact area and the information was discussed at the November 11, 2021, meeting. Discussion was had on where the area of city limits are and where the city impact area is. Discussion of the city limits being on the north side of Mingo Road being in the county. The Phase 1 Burton Canyon and the Phase 2 of the Burton Canyon Subdivision are included in the city limits. Discussion was had on the Madsen Subdivision not being in the city limits. The impact map has a little jog that excludes Viehweg's Junk yard not being in the impact area.

Range and Townsite area of the ordinance is staying the same as purposed in the new 2021- Ordinance (see attachment).

A change has been made to Section 2: (A): remove or within a three mile radius of the exterior boundary of the impact area.

(B): remove and the city shall jointly approve applications for building permits in the area of city impact in accordance with internal procedures adopted by them for building permits within their jurisdiction.

Remove in (B) Upon receipt of an application for a building permit the county.  
This is removed because the City of Grace does not have the authority in the impact area. It should state by the county building inspector.

Section 2: (B) Correction to read.

The county upon approval of an application for a building permit. Shall immediately cause a copy to be delivered or sent by facsimile or email to the City Clerk.

If either the city or the county disapprove an application for building permit, the permit shall be denied by the county building inspector.

Add to Section 2: (D):

Application for subdivision within the area of impact which share a border with the city boundary of Grace shall be required to annex into the city. Ordinances for subdividing and the County shall have no further authority on the matter.

Section 2: (E): remove and the city

Commission Member Bingham asked how far down the road could these lots be annexed into the city?

Discussion was had that the property behind the Highline Subdivision could be annexed into the city it would make sense to annex the fifty acres into the city. Discussion was had that even if the lots are five acres. If a sewer system were being developed to handle the new area the fifty acres would be added to the system. Discussion was had on eminent domain. Discussion was had that if the city did annex a new parcel behind the subdivision, it would take away the grandfather issue.

Section G: Commission Member Welch stated that the ordinance should be changed on the elevation part of the well section. Commission Member Welch stated that any septic system should be located fifty to one hundred feet away from the well. Commission Member Welch stated that in reading rules from the Environmental Protection Agency (EPA). The EPA states that septic systems should be a minimum fifty feet to hundred feet from the well. Discussion was had that the further away from the septic system the better. Discussion was had on taking the higher elevation out and adding the new wording. Higher elevation means absolutely nothing on a well. Discussion was had that drilling twenty feet or more would put the well in the same water aquifer. Discussion was had that if a parcel sat on a rock formation it could change the flow or make the flow even with each other. Commission Rasmussen stated that a definition of higher ground indicates a well could not be in a low spot or swale where some contaminate could flood into the well.

Section 2: (G): Shall read:

Any well drilled upon property within the area of city impact shall be placed and located at least fifty feet (50') from the septic tank and the drain field will be one hundred feet (100') minimum to ensure that contamination does not occur to said well. Septic tanks located in the area of city impact shall be required to have a septic system as dictated by the Southeastern Idaho Public Health Department.

Section 2: (H): remove parts I, E IV, and IX, Appendix J.

The changes made tonight will be submitted to the City Council on December 15, 2021.

Discussion was had that Attorney Wood had given information that the Caribou County Commissioners wanted the Impact Area left as designated.

Chairman Pristupa stated that he had a letter from the Administrator of the Planning & Zoning Commission stating that the minutes of the November 4, 2021, meeting were not completed but there is a draft version of the Impact Area Ordinance completed that was sent to the Commissioners on Monday November 8, 2021. This is the ordinance that this Planning & Zoning Commission made the changes on.

Chairman Pristupa asked the Commission for a motion to approve the changes made in the 2021 Impact Area ordinance.

Commission Member Welch made the motion that the 2021 Ordinance be accepted with the changes being made as presented to the City Council. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

Chairman Pristupa stated that Attorney Wood has not sent back the information on the substantial complete ordinance or resolution.

Chairman Pristupa stated that a discussion was had with Mayor Barthlome that the city could make all the ordinances needed unless there is someone to enforce the ordinances. Mayor Barthlome stated that it had been discussed with the city council over the years and the city council felt there was no need for code enforcement.

Discussion was had that the Mayor does have the authority to appoint someone to enforce the codes of the city. Discussion was had that someone could be hired part time who would be able to enforce the code.

Discussion was had on what is substantial complete. Is it substantial complete when the walls are raised, and no finish work on the outside of the building? Substantial Complete on Phase 2 of Burton Canyon Subdivision states that the yard has to be done as well as the house within a year. Some type of brick or rock at least three feet high on the front. The subdivision has set rules on the covenants for the subdivision. Without the information from City Attorney Wood, it is difficult to do the substantial complete ordinance or resolution.

Commission Member Welch stated that the Planning & Zoning Commission had looked at the information found on the internet basically if it can be lived in it is complete. A stipulation was listed that a year would be given to be substantial complete. Completing the outside finish. Discussion was had as to where it states substantial complete on the outside. Does it state stucco, brick, vinyl, or siding, or something. A list needs to be provided or are other types of exterior finishes listed. Discussion was had on houses in the community that have only wrap on the exterior.

Chairman Pristupa stated that until the information is returned from City Attorney Wood it will be tabled. The information will be forwarded when received for the meeting in January.

There is a difference between a code inspector and a building inspector. A code inspector takes the ordinances the city has and reviews, studies, and goes through the city looking for the things in violation of the codes. Example of partial complete. The building inspector states the structure is livable but is it complete to city standard. Fines could be given to allow the completion of the building within six months. Citizen could be asked for an extension if there is a situation causing the building not to be complete. Discussion was had on ordinances being vital for the citizens.

Discussion was had that the Planning & Zoning Commission has to cover items that are in violation of the city code. This upsets citizens. The Planning & Zoning Commission enforces the ordinances when there is a discrepancy. Discussion was had that the Commission has to enforce the ordinances and codes that are set. Discussion was had that the ordinances are designed to protect the community.

Chairman Pristupa read a letter from Southeast Idaho Council of Governments, Inc. (SICOG) on the wastewater project, (see attachment).

Commission Member Welch stated that the improvement is needed for the sewer system. Discussion was had that there will be improvement in the system on the north and east sides of town, a generator being placed at a lift station, and repairs being made at the sewer plant.

Discussion was had that the water and sewer systems are self-sustaining and do not come out of the cities taxes. Discussion was had on having a budget set for the maintenance of the sewer and water when items need to be repaired. The city has two businesses the water department and the sewer

department. Chairman Pristupa stated that if there were any items or questions needing to be discussed pertaining to this letter to give your information to Clerk Reeves.

Potential Planning & Zoning Commission Members:

Chairman Pristupa stated that a list of people to serve on the Planning & Zoning Commission needs to come from the impact area. Commission Member Rasmussen asked if there was a particular age required such as retired. Discussion had that it would be nice to have someone without children involved in school activities on Thursday evenings to attend the Planning & Zoning meetings.

Chairman Pristupa stated that the Planning & Zoning Commission cannot visit with the individual, but a list of names will be given to Mayor Barthlome. Commission Member Welch stated that by having the impact area so far out you start bringing in people. Commission Member Welch stated that this is a complaint heard as to why the individual is in the impact area having no say on anything, no services, why should the city even have a say in what is going on with the property. Chairman Pristupa stated that all the City of Grace can do is recommend. The City does not state what can be done. All the City does is recommend what the city can request. Discussion was had on having an irrigation well drilled on property and hit the same water table that the city has a well on. The city has a right to comment.

Discussion was had on the Consolidated Animal Feed Operations (CAFCO) required by the county. The three mile limit was removed from the impact area from the city. The city does not have any right outside of the impact area of how things should be done.

Discussion was had that there are citizens on city water on the south end of the city south of the One Mile Road. Discussion was had that in a discussion with Mayor Barthlome it was indicated that other cities do not have the Planning & Zoning present a list. The list is not prioritized (see attachment).

Chairman Pristupa stated that the next order of business would be listing the commission member assignments to attend City Council meetings for the year of 2022. Discussion was had on making changes when the new member is appointed to the Planning & Zoning Commission.

Chairman Pristupa asked if there was any other business. The next Planning & Zoning Commission meeting is scheduled for January 13, 2022, at 7:00 p.m.

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

Meeting adjourned at 8:03 p.m.

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ZONING CLERK

APPROVED: \_\_\_\_\_  
CHAIRMAN OR VICE CHAIRMAN

DATE: -----