

CITY OF GRACE
PLANNING & ZONING COMMISSION
AMENDMENT CHANGE & CONDITIONAL USE PERMITS HEARINGS
REGULAR MEETING HELD
NOVEMBER 10, 2022, AT 7:00 P.M.

PRESENT: Chairman: Dave Pristupa
Commission Members: Scott Rasmussen, Mark Crabb, Ralph Spackman
Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Superintendent Riley Crookston, Larry Allen, Mike Ridenour, Ron Coombs, Tina Jensen, Brooks Jensen, Lacie Thomas, Cameron Thomas, Emma Morton, Kennedy Morton, Nellie Askew.

Chairman Pristupa called the Zoning Amendment Change hearing to order at 7:00 p.m. indicating the Planning & Zoning Commission had three issues to discuss asking everyone to make certain they had signed in.

Welcoming those present to the meeting.

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

Those in attendance were:

Larry Allen, Mike Ridenour, Ron Coombs, Tina Jensen, Brooks Jensen, Lacie Thomas, Cameron Thomas, Riley Crookston, Scott Rasmussen, Mark Crabb, Ralph Spackman, Loy Raye Phillips, Dave Pristupa, Emma Morton, Kennedy Morton, Nellie Askew.

The purpose of this hearing is for:

Zoning Map Amendment # 2022-01 for the City of Grace.

The City of Grace, applicant, and property owner, is requesting approval of a Zoning Map Amendment (ZMA) Change on one parcel of property from R-1 (residential) Zone to R-2 (residential) Zone to allow grazing of weeds and grass on .42 Acres of well property at 520 E. Center, Grace, Id. Legal description is T 10S R 40E, SEC 12.

Chairman Pristupa stated that the Applicant would have time to present the proposed ZMA Change and those in attendance would be given three minutes to comment.

Applicant presentation:

City Superintendent Crookston stated there had been a miscommunication on well # 1. Regarding the rules from the Department of Environmental Quality (DEQ) and the Department of Idaho Water Resource (DIWR). That the City of Grace cannot have animal on the well property. Superintendent Crookston stated that the city could not spray weeds on the property and there was discussion to place horses or goats in the area to keep the grass and weeds down.

Chairman Pristupa called for comments:

Ron Coombs stated that the city had hit the nail on the head doing the research on the well area. Mr. Coombs stated that there was a distance needed keeping animals away from the well. Mr. Coombs

stated that technically there should be a geographical survey done before anything is done on the property.

Chairman Pristupa stated all that requested to comment had replied.

Chairman Pristupa asked City Superintendent Crookston if there was any rebuttal? Superintendent Crookston stated there was no other comment.

Chairman Pristupa stated that the reason the issue was brought up is there are cities in the area that are grazing animals on city property and according to the rules it is being done illegally.

Chairman Pristupa stated there were thirty (30) letters sent out to property owners within three hundred (300') feet of the property and only seven (7) were returned.

Ryan Holt: Do not support the applicant's request. Comments:

1. Will the meeting held on November 10 be accessible by phone or video conference?
2. What is the property directly north (across center street) from my property zoned as? I believe there was a change made to it approximately 2 years ago. What zoning changes and restrictions were made to the property to allow grazing?
3. Who has requested the city to make this change, whose animal (s) will be on the property and what rate per animal unit will be charged?
4. How will these animals get water, are livestock allowed to utilize city water and what mechanism is in place for the city to be paid for those services?
5. Has the environmental risk been considered, are there any EPA, DEQ or other agency restrictions on having livestock near a well head? What environmental risks is the city taking in this respect?
6. There is currently a chain link fence around the property, it is locked for what I assume is security reasons to ensure the safety of the water supply for the city. Who will have access to the restricted area and is this a potential risk to water supply?
7. There are many other areas in this city that could use attention as it relates to weeds and general clean up to make it presentable. Entering town from the north is less than eye appealing. It seems there must be a better way to maintain or control the weeds on a property like this without turning my and others back yard into a pasture.
8. If there is damage to adjoining property or if it is devalued due to odor, manure, other cleanliness issues who will be responsible for that?

Tom & Elizabeth Burgard: Do not support the applicant's request. Comments: Response for public hearing 11/10/2022 regarding zoning map amendment from R-1 to R-2 to allow grazing on city well property. Against – Too many unanswered/unclear issues regarding the conditional use permit #2022-224 to allow grazing on city well property so why change the zone to R-2 to allow grazing? Why not just hire an additional staff member (if required) and the required equipment to maintain the property without grazing.

Kent Corbett: Do not support the applicant's request.

Carla Coombs: Do not support the applicant's request. Comments: What's the big deal about horse manure? Why are our neighbors so concerned about the manure from our horses getting into surface waters and groundwater? There are several reasons why manure and water don't mix. Manure that

washes overland and comes into contact with drinking water wells can leach down around well casings, transporting both nitrates and pathogens to groundwater. Horse lots within the 50 foot recommended isolation distance from well.

Brooks & Tina Jensen: Comments: Undecided until conditions of use are provided for public considerations.

Kevin Bitton: Supports applicant's request.

Annette Christensen: Supports applicant's request. Comments: I believe grazing to be a great idea, instead of spraying chemicals. I support the zone change.

Chairman Pristupa asked City Superintendent Crookston if there was any rebuttal to the comments read? City Superintendent Crookston stated there was none.

Chairman Pristupa adjourned the Zoning Map Amendment Change hearing at 7:08 p.m.

Chairman Pristupa called the hearing to order on Conditional Use Permit #2022-224 to order at 7:09 p.m.

Chairman Pristupa read the purpose of the public hearing:

The City of Grace, petitioner, is requesting approval of a Conditional Use Permit #2022-224 for the City of Grace to allow grazing of animal in the R-2 (multi-family residential) Zone for the control of vegetation on the undeveloped portion of land of the .42 Acres on the city well property. The address of the property is 520 E. Center, Grace, Idaho. The legal description is T 10S R 40E, SEC 12, Grace, Idaho.

Chairman Pristupa stated that the City of Grace would present their application and then those in attendance could comment.

Superintendent Crookston stated that the Conditional Use Permit would not be allowed due to the denial on the Zoning Map Amendment Change # 2022-01 because of regulations for Well # 1 on the property.

Chairman Pristupa asked if there were any comments from those on the list that stated they would like to comment on the Conditional Use Permit #2022-224? There were no comments.

Chairman Pristupa stated that thirty (30) letters had been sent to property owners within three hundred (300) feet of the property and only seven (7) had responded (see attachment with CUP #2022-224).

Chairman Pristupa adjourned the hearing on Conditional Use Permit #2022-224 at 7:11 p.m.

Chairman Pristupa called the hearing to order on Conditional Use Permit #2022-223 to order at 7:11 p.m.

Chairman Pristupa read the purpose of the public hearing:

The City of Grace, petitioner, is requesting approval of a Conditional Use Permit # 2022-223 to allow grazing on property in the I (industrial) Zone. The address of the property is 325 N. 4th W., Grace, Idaho; legal description W ½, SW ¼, SEC 1, T 10S R 40E, B. M., 7 ½ Acres, Grace, Idaho.

Chairman Pristupa stated that the City of Grace would have time to present the purpose for the Conditional Use Permit and those in attendance would be give three minutes to comment.

Applicant Presentation:

City Superintendent Riley Crookston stated that the city was trying to get the proper paperwork done to allow grazing of the undeveloped area at the Wastewater Treatment Plant in the I (industrial) Zone. Superintendent Crookston stated that the city cannot get a mower in to mow most of the property and that grazing would help control the vegetation on the city property.

Chairman Pristupa called for comments:

Mike Ridenour stated a conditional use for grazing.

Chairman Pristupa asked the Planning & Zoning Commission if there were any questions? Commission Member Rasmussen stated he would like more information before commenting.

Chairman Pristupa stated that there had been fourteen (14) letters sent out to people within three hundred (300') feet of the property for the Conditional Use Permit and only three (3) letters had been returned.

Kent Corbett:	Neutral
Rocky Mountain Power:	Neutral
Mike Ridenour:	Supports applicant's request

Chairman Pristupa asked if there were any more comments? There were none.

Chairman Pristupa closed the hearing on Conditional Use Permit #2022-223 at 7:13 p.m.

Chairman Pristupa stated that the comments would be taken under advisement in the regular meeting of the Planning & Zoning Commission.

Regular Meeting of the Planning & Zoning Commission

PRESENT: Chairman Dave Pristupa

Commission Members: Scott Rasmussen, Mark Crabb, Ralph Spackman, Kyle Bingham

Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Emma Morton Southeastern Idaho Council of Government (SICOG), Kennedy Morton, Nellie Askew Caribou County Planning & Zoning Administrator, City Superintendent Riley Crookston, Larry Allen, Mike Ridenour

Chairman Pristupa called the regular meeting of the Planning & Zoning Commission meeting held on November 10, 2022, to order at 7:15 p.m.

Invocation: Commission Member Spackman

Pledge of allegiance: Clerk Phillips

Chairman Pristupa asked the Planning & Zoning Commission Members if they had reviewed the minutes of the September 8, 2022, meeting and if there were any changes?

Motion to approve the minutes of the September 8, 2022, regular meeting of the Planning & Zoning Commission was made by Commission Member Crabb. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

Chairman Pristupa stated that Commission Member Welch had attended the city council meetings in October and had sent notes referencing the meetings with the city council.

Information from the October 5, 2022, that the city council had discussed that the Impact area was being published in the Caribou County Sun on October 5, 2022, and October 13, 2022. Complaints on grazing the I (industrial) Zone and flooding on property on 218 W. 1st S., update on the sewer plant computers, hookup fees for water and update on ¾ inch and 1 inch meters were discussed.

Information from the October 19, 2022, city council meeting that a public hearing was held on the Impact Area and the city council passed the ordinance and map as written. Discussion was had on changing an R-1 (residential) to an R-2 (Multi-Family residential) or A (agriculture) Zone because of the location of property. There were several setting permits presented to the city council. The city council received information from Paul Gritton on alternate communication radios. Mr. Gritton also stated that there would be an Amateur Radio Class held on November 14 & 15, 2022 for those interested in obtaining a license. The city council passed Resolution # 2022-3 for water rates and Resolution # 2022-4 for sewer rates that will go into effect on October 1, 2022.

The city council has asked the Planning & Zoning Commission to check on ordinances for tiny homes and if there are any in the city. The city council also expressed a concern about sheds with porches being moved in and the property owners wanting to hook to sewer and water. Concern was discussed that these would be turned into living quarters. The city is wanting to know if there is any ordinances or rules governing the issue of the tiny homes. The city council discussed what ordinance would protect the city from the use of motorhomes or recreational trailers as homes.

Information that the City of Grace Christmas party would be held on November 28, 2022.

Chairman Pristupa turned the time to Emma Morton from Southeastern Idaho Council of Government (SICOG) to update the Planning & Zoning Commission on the Comprehensive Plan.

Ms. Morton stated that the Commission need to think about imagining Grace in the year 2025 prompting thoughts to look down the road. Keeping the intent to come up with ideas in the next week or two with ideas to input public photos in the official document, also there will be questions taken to the public. Ms. Morton would also appreciate any photos of the city and add some illustrations of what Grace City is like. Things that could be improved or things the commission would like to include. Chairman Pristupa stated that there is a citizen who does arial photography. Ms. Morton stated that there was a copy of an arial copy taken from the city website.

Ms. Morton stated that there are four pages listing current element from 2013 to 2017 language. The document breaks the comprehensive plan down from 2013 language and 2017 language, adds a column for the updates that are being worked on.

Element 1: This element is the Executive Summary of the Comprehensive Plan as updated 2023.

Element 2: Evaluate most recent amendment to the Local Planning Act and update accordingly. Rewrite the purpose of this section; update language as relevant to current zoning ordinances/city ordinances. Ms. Morton stated that there would be a review of the local planning act.

Element 3: Update new information and evaluate growth to see if there is an increase or a decrease and what is impacting growth or decrease in population.

Element 4: School and transportation: There will be an update on the new elementary school for the five million (5M) bond, also the three hundred (300K) and the one hundred fifty (150K) supplemental levy and the new street crossing on main street.

Element 5: Economic Development: An update on the background; determine the need for a new policy statement, updating the tables with new information from Department of Labor (DOL), the strategy to add the Future Farmers of America (FFA), Business Professionals of America (BPA), and Serendipity, Community Serve. Add the 2021 grinder installation, the 2021 \$6.6M Department of Wastewater bond and update the goals and objectives.

Element 6: Land Use: Update the acreage of the City; update elementary school information. Re-evaluate Goals #1. objectives and strategies. Goal #2. Will utilize comparison of opinion polls from the 2016 to 2022. Goal # 3 will need an update on the Zoning maps. Goal # 5 add neighborhood recommendations; re-prioritize the infill housing strategy in Goal # 4. Update the wish list with 2022/2023 visioning event information and the 2022 opinion poll. The Council needs to review Imagine the City of Grace 2025 statement and recommend updates. Update maps and zoning districts.

Element 7: Natural Resources: Need to add “noteworthy spots” section. Evaluate natural resource prevalence and update information.

Element 8: Public Services, Facilities, and Utilities: Update and add grinder installation, 2021 \$3.2M Wastewater Bond and 2010 \$6.6M Drinking Water Bond to Goals and Objectives. Work with Keller Engineering most recent facility section. Include recent projects and phase capital improvements plan. Include issues with Supervisory Control and Data Acquisition (SCADA) system and avenues toward repair and funding. Update Fire Department and Emergency Technicians. Rename the medical clinic and dental clinic; add section on fiber optic (Century link). Include executive summaries the Drinking Water facility plan and Wastewater facility plan. Ms. Morton wants to review the Fire Departments rating of 6.

Element 9: Recreation: Add Caribou Golf Course, includes private RV spots, T-Ball recreation option. Update community service section.

Element 10: Hazardous Areas: Review County’s Multi-jurisdictional Hazard Mitigation Plan and update section as relevant; include potential funding needs/resources.

Element 11: Transportation: Update the miles of streets in City jurisdiction; including Pocatello Regional Transportation (PRT) demand service option and potential marketing plans to better publicize PRT availability.

Discussion was had that the PRT bus does serve this community. Discussion was had that a schedule of the time and use of the PRT bus need to be addressed.

Element 12: Housing: There are new subdivisions in the city, need to get more information from County Inspector. Make sure City Zoning Code aligns and update as needed to account for affordable housing priority. Include section on potential routes to affordable housing with partner and funding resources.

Element 13: Community Design and Special Sites: Need to add in phase 11 Burton Canyon (29) lots. Evaluate section on signage to notable sites. Add Chesterfield, Enders Hotel, Montpelier Oregon Trail Museum to the #5 Goals and Objective Section.

Element 14: Agriculture: Add quinoa to crop types. Add goats to livestock.

Element 15: Plan Implementation: Review task list with the Planning & Zoning Commission to rewrite and re-prioritize and rewriting the strategy.

Ms. Morton discussed what the Planning & Zoning Commission need to do in the next few weeks. Keeping in mind the type of event and the time to hold the event. Evening would probably work better. Discussion was had on looking at the school calendar to see what is going on with the school activities. Discussion was had finding an adequate date and then forwarding the date to Ms. Morton.

Discussion was had on finding a facility for the community meeting. Ms. Morton indicated that if the Planning & Zoning Commission wanted to hold the meeting at the city office, or the school it would work.

Ms. Morton stated for the opinion poll there would be a paper printed and sent to the citizens. Discussion was had on getting the information out to the citizens and getting a better response.

Ms. Morton asked the Planning & Zoning Commission to get a date, time, and facility within the next week or two. Ms. Morton stated that the meeting would be about one to two hours long. Ms. Morton stated that information would be given to the Planning & Zoning Commission and the City Council.

Ms. Morton stated that in two to three weeks there would be a summary ready on the Comprehensive Plan update.

Chairman Pristupa thanked Ms. Morton for coming and bring the information and direction needed to proceed.

Chairman Pristupa turned the time to Nellie Askew Caribou County Planning & Zoning Administrator.

Ms. Askew stated she would like to give the Planning & Zoning Commission an update on the Area of Impact.

Ms. Askew stated that because of the Caribou National Forest there were questions of them being involved on the east boundary with the location of the city springs. Chairman Pristupa stated that the Planning & Zoning Commission had not talked to the Forest Service directly.

Chairman Pristupa stated that the city springs were put in place before the forest service existed. Planning & Zoning had not talked to the forest service due to the need to have a hearing which would involve the forest service. All the Impact Area plan concerning the springs is if someone wanted to go mine around the springs. There are other properties in the area of the springs. The City would like to have the right to protect the springs but indicating that mining not be done.

Ms. Askew stated that in looking at water rights the difficult thing is that the city does not own the water they own the right to the water. Ms. Askew stated that she had visited with the Bureau of Land Management and the United States Forest Service on the water rights. The BLM and the USFS states there is The Idaho Stream Channel Protection Act that protects the national forest. The Idaho Stream Channel Protection Act requires that the stream channels of the state and the environment be protected against alteration for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality. This means IDWR must approve in advance any work being done within the beds and banks of a continuously flowing stream. The Area of Impact as presented not saying that it is a no, but with the BLM and USFS the county does not have the same application. In discussing the Area of Impact with the BLM and USFS there is a completely different application, with the Idaho Stream Protection Act in place for the government. Discussion was had on the City of Grace and the BLM and USFS being government entities. There has been times in this country when oil drilling, mining operation permits were issued and the USFS have allowed this to happen. The city would like to have the ability to know that the springs are protected.

Ms. Askew stated that because of a federal application the county will have minimal jurisdiction on the boundary of land not owned or having a say over the land. The BLM and the USFS can allow the use of the springs but permission to go there is needed because it is their ground. The federal government has to be part of the negotiation process because it is their ground. Yes, the public hearing would be a notice but the BLM and USFS have to be included in the application process.

Ms. Askew stated that contact had been made with the District Ranger Mike Duncan and is waiting to hear from District Ranger Duncan and the BLM. At this point the Area of Impact is on hold until there is an answer from them.

Ms. Askew stated that the Area of Impact is to allow growth to build houses and connect to the city. The national forest defeats the purpose of growth.

Chairman Pristupa stated that it was not to encompass the forest ground. It also includes agricultural ground that is currently inside the impact area.

Ms. Askew stated the new impact area map lines the forest service ground.

Discussion was had on the gravel pit on the east side of town that fits in the impact area. The area of impact is actually going below the forest service ground.

Discussion was had on the Area of Impact using the Bear Lake and Caribou County line being no different than the Caribou County line going through the forest service ground. Ms. Askew stated that even though the County line goes through the forest service ground the county does not have any say on the use of the ground. Ms. Askew stated that the purpose is important because the city water is important.

Ms. Askew stated that the City of Grace had approved the Area of Impact Ordinance and Area of Impact Map at their last meeting on October 19, 2022. Chairman Pristupa stated that this was done so the City of Grace, the Planning & Zoning Commission could move on with negotiations with the Caribou County Planning & Zoning Commission and the Caribou County Commissioners. Discussion was had that the city council had to approve the ordinance and map to move on to meet with the Caribou County Planning & Zoning Commission to hash out the new ordinance and map. Informing the county of what the City of Grace proposes to legally protect the city springs.

Ms. Askew stated that with the ground not belonging to the county further negotiations are needed.

Planning & Zoning has been working on this for approximately three years and due to COVID it has been a process. The city has to approve the ordinance and map, the county has to approve the ordinance if there is any changes the Planning & Zoning Commissions would have to meet to agree on the changes.

Chairman Pristupa stated that the City of Grace had water rights long before the NSFS was in existence. DEQ and IDWR states there is a certain boundary that needs to be maintained around the springs, protecting from wildlife contaminating the springs. There is a lot of concerns, and the city does not want destruction to the water system.

Ms. Askew stated that in discussing the issue with Steve Walker wanting to see what the process would be to protecting the ground. Ms. Askew asked Mr. Walker what the plans were for logging, mining, and building on the land. Ms. Askew stated that Mr. Walker stated there is no plans at this time. Ms. Askew stated that she understands the concerns the city has, wanting to make certain things are done correctly.

Ms. Askew stated that she was excited to work with the Planning & Zoning Commission getting to know each of you.

Discussion was had on the City of Grace expanding eastward, getting additional citizens, making sure that there is adequate water for the growth of the city.

Ms. Askew asked about the potential for growth in the City of Grace?

Superintendent Crookston stated that with the wastewater system the city could double in population. Water is difficult to study.

Ms. Askew stated that there are more citizens building out in the county. Concern was had on recharging the systems to replenish the aquifer. There has been more new homes built since 2010, this last year 2022 there have been 37 new homes built. Question is how can homes be allowed for growth in a manner that does not affect the water systems? At the present the citizens are being encouraged to hook on to the city water systems.

Discussion was had that the City of Grace has 29 new homes going in on a new subdivision and 10 new homes in the county area.

Ms. Askew asked if the City of Grace is willing to annex? Discussion was had that the contractor was not willing to annex when it was proposed. The contractor did not want the use of a lift station to hook to the wastewater system of the city. Discussion was had that the city council has been working on an

ordinance for subdivisions to annex property connecting to the city and require the contractor to hook into a wastewater lift station if property borders the City.

Discussion was had with the county that anything that borders the city will be annexed. The property being proposed would be on one border and the property has to be annexed.

Ms. Askew asked if the property had to be on a community system, several plats need to be on a community system and development property lines to be annexed.

Chairman Pristupa stated that the county and city ordinance state if your development sits against a city boundary line the property has to be annexed into the city.

Chairman Pristupa stated that the city had gone through the same issue with septic systems. No one really has a rule on septic systems. The county had listed a nitrate septic system in their ordinance (#901). There is no law that stated a nitrate septic system is required. Ms. Askew stated that with 5 acre lots there is a problem with many septic systems because there is so many. Discussion was had on controlling the e-coli when the neighbor above contaminates the neighbors well below.

Commission Member Rasmussen had a question on moving the impact area border. In your studies and research that you have done have you found anything that would resemble the City of Grace having the rights, what rights does the city have?

Ms. Askew stated a water right is an authorization to use water in a prescribed manner, not to own the water itself. Without diversion and beneficial use, there is not water right. Ms. Askew stated that there is a right to maintain and use the water. Discussion was had on the Bear River adjudication. This water will be part of the adjudication. The older water deeds will have seniority to the water rights.

Ms. Askew stated that the IDWR is going through all the water deeds to check on the water rights. Citizens have lost their water rights because they thought they had the right to the water from 20 to 30 years ago. This has become a very touchy subject.

Commission Member Rasmussen stated that this could cause a bottleneck for the community. Discussion was had on the city having filed on eleven (11) springs.

Ms. Askew asked if the city mainline was on agricultural ground. Discussion was had that the city water line runs across agricultural property and the city knew about where the mainline went. Discussion was had that the line could possibly be found by witching. Discussion was had that the city is aware that the water line that carries water from the springs to the tank needs to be addressed. Discussion was had if the city had written access to cross the agricultural property to repair the pipeline. Ms. Askew stated that she would check all the tax deeds and see if the city has an easement for the water line. Chairman Pristupa thanked Ms. Askew for going through the tax deeds which would help the city with an easement. Discussion was had that the line was put in around the 1940's or 1950's. Water has been pulled from the springs since 1906 and discussion was had on how often the pipe had been changed since then. Discussion was had that the agricultural land had changed hands several times.

City Council Member Allen stated that Glenn Sorensen had owned the property. Discussion was had that the Scout cabin was donated by the Sorenson's. City Council Member Allen stated that Mathis Lowe

had owned the property on the bench and had owned all the bench for many years, at the present time the Lloyd Brothers own the property on the bench.

Commission Member Rasmussen stated that Mathias Lowe's wife last name was Burton, and the Burton Canyon was named after the Burton family.

Ms. Askew stated that the county comprehensive plan has a lot of history, there is a lot of history for Caribou County.

Chairman Pristupa asked if there were any other questions for Ms. Askew? Clerk Phillips asked if there was any reason why Chairman Pristupa could not work with the Caribou County Planning & Zoning Administrator as well as the Planning & Zoning Commission Members as far as continuing with the Area of City Impact? Ms. Askew stated that it would be beneficial for the Commission to be involved. Ms. Askew asked Clerk Phillips to forward her the emails of the Planning & Zoning Commission. It would be beneficial because the Area of Impact is the Planning & Zoning responsibility to be involved for the city.

Chairman Pristupa thanked Ms. Askew for coming and discussing the issues on the Area of Impact.

Chairman Pristupa opened discussion on the hearings for the Zoning Map Amendment Change and the Conditional Use Permits.

Chairman Pristupa asked for a discussion on the Zoning Map Amendment Change #2022-01 for changing the Zone from R-1 (residential) Zone to R-2 (Multi-Family residential) Zone.

Chairman Pristupa asked if the Commission Members had the Finding of fact check list?

Chairman Pristupa brought information discussed for Commission Member Bingham. Superintendent Crookston stated that the city could not put any animals on the .42 Acres within 50 feet of the well. The Zoning Map Amendment Change for the zone and the Conditional Use Permit #2022-224 will be mute but the process should be done.

Case # 2022-01

Check List for Findings of Fact-Zoning Map Amendment Change

(1). The proposed special use is necessary for the public convenience at that location

It is not necessary

(2). The proposed special use is so designed, located, and proposed to be operated that the public Health, safety and welfare will be protected.

No

(3). The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it located and;

No change to the value of the property

(4). The proposed special use is designated by this code as listed special use in the zoning district in which the property in question is located.

Requesting a change in the zoning district. If the special use is allowed, it would be changed from R -1 (Residential) Zone to R-2 (Multiple-Family residential) Zone.

(5). The effect of the special use on the County's Comprehensive Plan

None

(6.) The effect of development would have on schools, traffic, streets, shopping, public utilities, and adjacent properties.

No applicable application

(7). Is the application necessary for the public convenience

None

(8). In the case of an existing nonconforming use, will a special use permit make the use more compatible with surroundings

None

(9). Will the special use be detrimental to the essential character of the district in which it is located

Yes

Chairman Pristupa asked for discussion on #2022-01 ZMA Change. There was no discussion.

Chairman Pristupa asked for a motion on #2022-01.

Motion to deny the ZMA Change #2022-01 from R-1 (Residential) Zone to R-2 (Multi-Family) Zone was made by Commission Member Rasmussen. Motion was seconded by Commission Member Bingham. Motion passed unanimously.

Chairman Pristupa stated that with the failure to pass ZMA Change #2022-01 that the grazing on the well property at 520 E. Center would have the same effect as discussed on ZMA Change asking the Commission Members to entertain a motion on Conditional Use Permit #2022-224.

Motion was made by Commission Member Bingham that Conditional Use Permit # 2022-224 to allow the City of Grace to graze the .42 Acres on the well property be denied. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

Chairman Pristupa asked for discussion on the proposed Conditional Use Permit #2022-223 for grazing on the I (industrial) Zone.

Case Number 2022-223

Checklist for Findings of Facts-Conditional Use Permit

(1). The proposed conditional use is necessary for the public convenience at that location

The CUP is to allow animals to be in an I (industrial) Zone. Discussion was had that there is no physical way to mow all the property. It is necessary.

(2). The proposed conditional use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected

Concern of the fencing enclosing the city property to keep animals contained and to protect the citizens from animals getting loose.

(3). The proposed conditional use will not cause substantial injury to the value of the other property in the neighborhood in which it is to be located; and

The property is in an I (Industrial) Zone.

(4). The proposed conditional Use is designated by this code as listed conditional use in the zoning district in which the property in question is located.

Property is in the I (industrial) Zone. A CUP is needed to allow animals on the property.

(5). The effect of the Conditional Use on the County's Comprehensive plan

None

(6). The effect of development would have on schools, traffic, streets, shopping, public utilities, and adjacent properties

Would it have any effect on the Wastewater Plant?

(7). Is the application necessary for the public convenience

None

(8). In the case of an existing nonconforming use, will a conditional use permit make the use more compatible with surroundings

Yes

(9). Will the conditional use be detrimental to the essential character of the district in which it is located

No

Chairman Pristupa asked for a motion on Conditional Use Permit #2022-223 for the Industrial Zone.

Commission Member Crabb made a motion to accept the Conditional Use Permit #2022-223 to allow the City of Grace to graze the 7 ½ Acres in the Industrial Zone. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

Chairman Pristupa stated that the City Council would be notified of the results of the public hearing held for the Zoning Map Amendment Change and the Conditional Use Permits.

Chairman Pristupa stated that the City Council would set the conditions on the Conditional Use Permit not the Planning & Zoning Commission. The Planning & Zoning Commission does not make any decision beyond approving or disapproving the permits. The City Council will set the fees for the pasture, make a contract with citizen, watering of animals, and set the conditions of the pasture.

Commission Member Rasmussen asked Superintendent Crookston who would do the fencing and maintaining of the fence? Superintendent Crookston stated that who puts the cows or horses on the I (industrial) zone property will be responsible for the fence.

Setting Permit Fees:

Chairman Pristupa stated that the Commission has been mulling increasing of fees over for several meetings. Chairman Pristupa gave information to bring the Commission up to date.

The City Council has asked the Planning & Zoning Commission to look at raising the setting permit fees for building in the city. Should the Commission look at having building permits instead of setting permits? Having the property inspected by an authorized building inspector? Questioning the fee increase for Setting Permits on homes, swing sets, storage units, sheds etc. Discussion has been had on working with the county and have the county building inspector inspect the homes. Discussion has also been had that the fee to build a house is \$100, swing sets, storage units, sheds are \$25, is the fee adequate? Is it necessary to raise the fees? Some discussion was had on increasing the fees for the city to hire a code enforcement officer. Under the city ordinance the code enforcement officer is the City Superintendent Crookston.

City Councilman Ridenour asked about two different charges of inspections being done on a manufactured home in the city.

Chairman Pristupa stated that in the State of Idaho, the County Building Inspector is authorized to inspect manufactured homes wherever the home is placed county or city. County Building Inspector Larkins has inspected several manufactured homes within the City of Grace this year. The County

Building Inspector inspects the manufactured homes to make sure they are placed on a permanent foundation. It is a state law that manufactured homes be inspected by a building inspector. The city does not have any control of the building inspector coming into inspect the manufactured homes. It was good that the building inspector came and inspected the manufactured home because the homeowner was going to put the home on a gravel bed, this would have created a problem not having a secure foundation. The first trip the county inspector made was to have the gravel removed because the home sat on bedrock, and the foundation would not be secure. The second trip was to make sure that the footings were correct and to check the home. The builder of the manufactured home and the homeowner are required to use the county building inspector to have approval that the home is complete.

Discussion was had on the homes being built in the Burton Canyon Phase 2. The material arrived, building was started, trusses were installed with no reinforcement, and the wind blew them down.

This is the concern that the Planning & Zoning Commission has about the building of homes without inspections being done. Discussion was had that there are citizens that feel the high dollar fees required to build are too expensive, but if a citizen is building a new home, it would be better to have it inspected by a building inspector to be assured that it done correctly.

Commission Member Spackman asked what kind of inspector comes in and does the inspection and is there a fee? Discussion was had that the fee is paid by the homeowner. The county inspector is following the uniform building code. Discussion was had on the plumbing inspector, electrical inspector coming in to do the inspection on plumbing and electrical, but nothing structural is inspected. Discussion was had that the City of Grace uses a setting permit and does not use a building code.

Discussion could be had with the county and the county building inspector on fees charged, could there be some income for the City of Grace if the county building inspector was used to inspect homes being built in the city? This might protect homeowners who are building new homes. The city could be more proactive instead of reactive.

The Planning & Zoning Commission could meet with the county and ask if the county building inspector could be used for the city. The Planning & Zoning Commission can then take the ideas to the city council. Then the city council can decide if this is what would work.

Commission Member Bingham asked if the city had decided to use a code enforcement officer if this would be the same as a building inspector? Commission Member Rasmussen stated that a code enforcement officer would enforce all the ordinances of the city but not the building of homes.

Superintendent Crookston asked if the setting permit guidelines could state that a survey is needed for buildings, fences, sheds, etc. on the setting permit. There are a lot of sheds that are set without a survey. Discussion was had on pinning mentioned on the permit. Superintendent Crookston stated that pins can be found but the question is are they correct?

Discussion was had that Chairman Pristupa is to attend the city council meetings in December. The setting permit guidelines could be reviewed, and the survey requirement added for the city council's approval. Discussion was had that surveys cost between \$400 and \$500 for small areas. City Councilman Allen stated that would be good insurance against future building. Discussion was had on a

fence that had been placed on another citizens property with permission from the property owner, what happens when the property is sold?

Tiny Homes or Mother in Law Homes:

Chairman Pristupa stated that the city council would like the Planning & Zoning to provide information on tiny homes, mother in law homes and air B n B's. These homes are becoming quite common as housing in other areas and are being rented out daily or on a weekly basis.

Chairman Pristupa stated that the Commission Members have information on tiny homes, etc., in their packet.

The State of Idaho does allow Accessory Dwelling Units (ADU's). These homes cannot be any smaller than 750 square feet not more than one bedroom, required to be hooked to the city water and wastewater system.

The information to use comes from the City of Boise ADU Code, Idaho Falls ADU Code, and one from Sandpoint, Idaho which is called the ADU fact sheet, and a copy of the Idaho State Code, definitions, sizes, ceiling heights, size of lot areas, pages of information on stand-alone homes.

Chairman Pristupa read for example from Sandpoint, Idaho, Fact Sheet. Accessory dwelling units are allowed in certain conditions in the Residential Single-Family, Residential Multi-Family, and Rural Residential RR-1 Zones. ADUs are only permitted accessory to detached single family dwellings, i.e., one-unit structures and two-unit structures (duplexes). ADU Fees: Fees below assume ADU is connecting to existing sewer/water. New connections to sewer/water mains require payment of connection fees in full. Fees: Sewer \$3,155, Impact Fee: \$1,947 (outside URA), \$1,708 (In URA), Addressing \$65.00. Construction Requirements: ADUs are to be site built; manufactured/modular housing tied to a permanent foundation is not permitted to be used as an ADU. Size restrictions: ADUs are not permitted to exceed 900 square feet in living space and shall not have more than one bedroom. Setbacks: Attached to primary dwelling and are required to meet setbacks. Standalone ADUs are required to be setback from the primary home. The ADUs are required to meet setbacks of the underlying zone district in which they are located in. Five feet from the rear and side lots. ADUs above a detached garage must meet the setbacks required in the underlying zone. Building materials must be the same and match the type and size and placement of the exterior of the primary dwelling unit.

Chairman Pristupa stated that Boise and Idaho Falls are different, but they have the same basic information on size, attachment apartment off the garage or house, or a standalone ADU. Discussion was had that basically the City of Grace would be discussing standalone ADU units.

Chairman Pristupa stated that the Planning & Zoning Commission needs to start working on what parameters the city would like to see on those units. Would it be required to be stick built on the lot? Is the ADU a rental unit or is it used for a family member to live in? These are things that need to be looked at as a commission. Would the city allow an Air B n B in the back yards?

Commission Member Spackman stated that the size of the tiny home needs to be considered. This would affect the amount of room on the property to build the tiny home. Commission Member Spackman asked about the trash and if someone would park an RV trailer and set it on cinder block to make it permanent. Commission Member Spackman stated that if the ADU was stick built it would eliminate the problem of a small trailer, as far as the septic it would need to be tied into the wastewater

system. Commission Member Spackman asked if the homeowner was going to be able to build over the existing sewer line or water lines and if power would go to the ADU. An Air B n B would increase the traffic in the area, will the alley ways be used as access to the rental? Discussion was had on parking being increased in the area.

Commission Member Spackman stated that the tiny home or mother in law homes were designed when grandma moved in with the family and more room was needed for the family. How will the city mandate the use of these homes? Does the city want the most restrictions and can anything outside of this can be controlled by Ordinances?

Commission Member Rasmussen stated that the city could lose control of these homes if there is not some type of ordinance.

Commission Member Spackman stated that as far as attached ADUs would not be too much of an issue because the homeowner could add on to the house.

Discussion was had on meeting the setbacks which would not be an issue because there many small lots within the city.

Discussion was had on going online and doing research on other communities for ideas to help with the ordinance.

Chairman Pristupa asked the Commission Members to find and bring ideas that would work for the city. Bring your ideas to the next meeting. Discussion was had that the Planning & Zoning Commission would not want something that could not be enforced and causes problems. Discussion was had that it would be difficult if the old hickory sheds were used as an ADU home. Commission Member Rasmussen stated that these homes should be stick built. Commission Member Spackman stated that these homes need to be on a foundation, or they might get by with a concrete slab or a permanent foundation.

Commission Member Bingham mentioned that as far as Air B n B's there are not many rules or laws. The renter can walk up to the house and enter. There have been incidents where someone walks into someone's home and are shot because they entered the wrong house, due to incorrect labeling of the property being rented. This is not a big issue in our community, but it probably will be in the future.

Commission Member Rasmussen stated that the Air B n B's are convenient. There is very little that regulates the aspects of this type of rental.

Commission Member Bingham stated that the City of Lava are putting more rules and regulations in for the Air B n B's being used in the city, and the City of Bancroft is placing more rules into the ordinances. Discussion was had that Bancroft had a lot of Air B n Bs outside the city limits but there are several listed on the Air B n B website inside the City of Bancroft.

Commission Member Spackman stated that it would be very easy to put in an outside entrance to the basement and rent it out. Discussion was had that it would be easy to make extra money. Discussion was had that the ordinance need to be in place to avoid trouble and unpleasant circumstances.

Discussion was had that the Planning & Zoning Commission want to be proactive not reactive.

Chairman Pristupa stated that when Commission Member Welch's term was completed Mr. Welch was the Vice Chairman. Chairman Pristupa asked the Commission Members to elect a new Vice Chairman.

Nominations are open. Discussion was had that it is nice to have someone that can cover when the Chairman is gone.

Commission Member Crabb stated that senior Commission members should be Vice Chairman. Commission Member Rasmussen stated that Commission Member Bingham should be nominated. Commission Member Crabb stated that it would be good for Commission Member Bingham to take the position.

Chairman asked if there were any other nominations? There were none. Chairman Pristupa asked for a motion. Motion was made by Commission Member Crabb to nominate Commission Member Bingham as Vice Chairman. Chairman Pristupa called for a vote. Motion passed unanimously.

Chairman Pristupa stated that the City Christmas Party is scheduled for November 28, 2022, at 6:00 p.m. at the legion hall. Commission Members and spouses are invited.

Chairman Pristupa stated that Commission Member Bingham is to attend the city council meeting on November 16, 2022.

Chairman Pristupa is scheduled city council meetings on December 7, 2022, and December 21, 2022.

Chairman Pristupa asked if there was any other business for discussion. There was none.

Chairman Pristupa asked for a motion to adjourn.

Motion to adjourn was made by Commission Member Bingham. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

Meeting adjourned at 8:44 p.m.

ZONING CLERK

APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

DATE: _____