

APPROVED

CITY OF GRACE
PLANNING & ZONING COMMISSION
REGULAR MEETING HELD ON
AUGUST 12, 2021

PRESENT: Chairman: Dave Pristupa
Commission Members: Courtney Smith, Kim Welch (by phone)
Clerk: Loy Raye Phillips

OTHERS PRESENT: JoAnna Ashley, Caribou County Planning & Zoning Administrator
Curtis Peck, Fire Chief Grace Fire Department
Eldon Peck, Gloria Peck, Jackie Barthlome, Meloney Rasmussen,
Kenneth Rasmussen, Ryan Rasmussen

Chairman Pristupa called the regular meeting of the Planning & Zoning Commission held on August 12, 2021, to order at 7:03 p.m.

Invocation: Commission Member Smith

Pledge of allegiance: Clerk Phillips

Chairman Pristupa welcomed those in attendance to the regular meeting.

Chairman Pristupa asked if there were any amendments to the agenda. The commission had none.

Previous meeting minutes: Chairman Pristupa asked if the Commission Members had read the minutes of the May 18, 2021, meeting and if the Planning & Zoning Commission had any changes. The Commission Members had no changes.

Commission Member Smith made the motion to approve the minutes of the Conditional Use Permit hearing and the regular meeting held on May 18, 2021. Commission Member Welch seconded motion. Motion passed unanimously.

Report from City Council: Chairman Pristupa stated that the City Council had no assignments for the Planning & Zoning Commission. Chairman Pristupa stated that he informed the City Council that the Planning & Zoning would be working on updates to the Comprehensive Plan.

Zoning Business: JoAnna Ashley, Caribou County Planning & Zoning Administrator: Highline View Subdivision.

The Caribou County Planning & Zoning Commission held a hearing on August 4, 2021, for the Highline View Subdivision on the 50.4 acres submitted by KMR Construction south of the Burton Canyon Estate Phase 2 Subdivision.

Ms. Ashley: Stated she is the Caribou County Planning & Zoning Commission Administrator here on behalf of the Caribou County Planning & Zoning Commission. The Planning & Zoning Commission has issued the Department of Environmental Quality (DEQ) letter with the nitrate zone for sewer. Ms. Ashley

stated that there was an extensive discussion among the Commission Members in review of the standards of approval for a subdivision under 12.24.030. The staff found the following goals and objectives within the Comprehensive Plan support the application:

Goal 1:1. Encourage infill of existing city limits and impact areas rather than expansion into the rural areas to accommodate growth in the near future. This proposed subdivision is in the Grace City Area of Impact and abuts the city limits.

Goal 2. 5. Protect the agricultural lifestyle. Public utilities costs are decreased, and public safety is increased by this approach to clustering and consolidation of population. The proposed location is adjacent to a recently platted subdivision, Burton Canyon Estates, which is in the city limits of Grace and therefore would continue clustered housing.

Policy 2.1.7. Required subdivisions to create or obtain restrictive covenants to aid in the control of weeds, conditions of buildings, junk, and other items that effect subdivision appearance. The applicant states there will be Codes, Covenants & Restrictions (CC&Rs) placed on the Subdivision. Currently staff has not seen a draft version of this however, it is understood that the proposed CC&Rs will be the above requirements.

The staff report states that the report does not support the Comprehensive Plan of Caribou County. The conflict is outlined as follows, from the Caribou County Planning & Zoning Commission staff:

Goal 1:3. It is crucial to the entire county community that infrastructure be in pace to support, and economy driven increase in population... and utility extensions (or ease of access to them) should be in place. The proposed plan of individual septic systems and wells for each lot does not contribute t to the installation of infrastructure for these services.

Goal 2:3. Encourage rural-residential cluster development outside incorporated city limits that will encourage self-sustaining communities that may provide public utility water and sewer systems and promote ease of access to improve roadways. The utilization of individual wells and septic systems does not support this goal of encouraging "self-sustaining communities" as there will not be any public systems utilized.

Policy: 5.1.10: Continue to improve infrastructure capacity in the cities and county. – This individual septic and well approach does not contribute to the improvement of infrastructure in the County.

Policy: 11.1.5: Ensure infrastructure is in place to support business expansion and residential expansion. –This individual septic and well approach does not contribute to having infrastructure to support residential expansion.

Policy 11.1.7: Encourage the placement of subdivisions in areas of impact and cities where they have access to public services, roads, and do not significantly or adversely impact existing surrounding uses. --"The purposed subdivision would be in proximity of public services, however the plan for individual wells and septic systems does not utilize the public services."

The Caribou County Planning & Zoning Commission asked the Rasmussen's if they would be willing to meet with the City of Grace again to discuss alternative options to get the subdivision connected to the city sewer.

Ms. Ashley stated that the Commission moved to approve the application as long as the five items in the Comprehensive Plan that are not in support of the application are addressed with Grace City Council to see if there is another way to have the subdivision connect to the City's sewer system.

Ms. Ashley stated that in looking at the City of Grace's code to connect to the sewer, annexation would be required and having a conversation about another option being available to connect to the sewer. With the concern of not wanting to annex is there a middle ground to connect to the City's sewer.

Ms. Ashley stated that Grace City Ordinance 2-3A-14: Sewer Line Extensions for undeveloped areas within the existing corporate limits could work around the entertained connection to the sewer (see attachment 2-3A-14).

Ms. Ashley stated that she had looked for options if the city was to entertain connecting to the sewer system. In 2018 in the City of Soda Springs installed a lift station which added two hundred homes to the sewer for a cost of \$750,000.00. There was a developmental agreement developed with the City of Soda Springs. If the City of Grace were to allow a lift station, there could be a developmental agreement put in place for the lift station and the Highline View Subdivision which is binding.

The north boundary of the Highline View Subdivision abuts to the city limits on the Burton Canyon Phase 2. If annexation of subdivisions on the two other sides of the proposed Highline View Subdivision were to be annexed into the city the subdivision would have to be annexed at that time. That could be part of the developmental agreement.

Caribou County has an optional Development Agreement that can be attached to an application to help regulate development (See attachment Development Agreement Template). Discussion was had on a subdivision in Soda Springs that has been connected to the city water system. The Caribou County Planning & Zoning commission discussion to see if there is a meet in the middle solution to tie into the city sewer without having to annex at this time. There would be an agreement with options, fee agreement and conditions to the agreement and require annexation at a later date.

Mr. Rasmussen asked Ms. Ashley if it were two future subdivisions bordering the Highline View. Ms. Ashley stated that it would be three sides bordering the subdivision. Discussion was had that at the present time there is only one subdivision bordering the Highline View subdivision. Discussion was had that development would be on the east and west of subdivision. Discussion was had that it would not affect KMR Construction in what they are doing but it would affect the homeowners which would be paying city taxes and fees.

Discussion was had on the homeowners being taxed when they take ownership of the property. The County only taxes the contractor 25 percent of the tax on the property until developed and sold. Discussion was had that the contractor was taxed on the 50.4 acres with a substantial reduction on the taxes as long as the parcel is being developed in residential areas.

Mr. Rasmussen stated that he had two different bids from engineering firms for putting in a lift station, they are bids since the hearing. One is from a public work contractor and the bid came in at \$120,000.00 and one came in at \$125,000.00. These bids were for the lift station. Then it would require the piping to the nearest manhole. And the pipe would have to go another eight hundred feet (800') down through the subdivision which was figured to be another \$8,500.00 to \$110,000.00 besides the manholes. The

vertical lift depending on how deep it goes in the subdivision it would be six feet (6') to ten feet (10') and would either require a fifteen feet (15') vertical or twenty feet (20') vertical.

There was discussion on lift pumps having to be installed in some of the homes in the Phase 1 of the Burton Canyon Estates subdivision. Mr. Rasmussen stated that things in the Phase 2 Burton Canyon Subdivision were in place and could not be changed. Discussion was had on if there was going to be a lift station outside of the homes in Phase 2 of the Burton Canyon Subdivision.

Chairman Pristupa stated that a concern is the amount of traffic. All together there is a total of thirty nine homes going in the area, using one small bridge on Burton Canyon Road. The increase would be seventy-eight vehicles or more coming out of the subdivision and there is only one exit, two if Merrill Road is used getting back to town.

Discussion was had on how many citizens would use Mingo Road to McPherson Canyon Road which is three miles around. Mingo Road is used by people coming to town which makes for an increase in traffic. Discussion was had on the concerns in the future with increase of the traffic. There may not be a need today but eventually there will be a need.

Mr. Rasmussen pointed out that he is only concerned with the ten lots, in the Highline View Subdivision wanting to know why this was brought up.

Discussion was had on this being something the city needs to consider. It is additional traffic that is going to be involved in the future and the citizens on 2nd South do not want a bridge crossing the canal, but it is the only place to tie into the phase 2 subdivision. This is something to think about for the future and no one is saying you need to build a bridge. The city needs to come up with future changes to be pro-active rather than re-active.

Discussion was had that at this point the County has a tentative approval of Planning & Zoning with approval from the Commissioners with the conditions.

Chairman Pristupa asked Mr. Rasmussen if he had had a chance to read those conditions and what Mr. Rasmussen thought about the conditions.

Mr. Rasmussen stated that basically his understanding was to see what the city council could agree too. What the city would do to add a lift station and water that the subdivision could tie into, without annexation. Because the engineer firm stated that they could not go 20 to 40 miles. Mr. Rasmussen stated that for the last several years people have come and want five acre lots, to have three or four horses.

Chairman Pristupa stated that the city had redone the A (agricultural) Zone. Chairman Pristupa explained that the area of agriculture had three zones. A-1 parcels one acre or more, A-2 parcels ½ acre to .99 acre, and A-3 Parcels less than ½ acre, the number of animals units can increase by requesting a conditional use permit from the city. If the property were annexed this would apply to the size of the lots in the subdivision.

Mr. Rasmussen stated that if the city would put in the lift station the expense of the pipe could be passed onto the homeowner. It would be a similar expense to them as putting in a septic system.

The cost of \$250,000 actual included the \$125,000 to the lift station. Question asked how many homes would the lift station handle? Mr. Rasmussen stated it was sized for ten (10) homes. Question was asked if it could be oversized for future expansion? If it were sized for ten homes none could be added to it in the future. Mr. Rasmussen stated that if more houses were added it would require a bigger system. If there were more houses added it would require a bigger line.

Chairman Pristupa asked Mr. Rasmussen if the city allowed the Highline View Subdivision to hook into the city water system is that something that could be considered. Mr. Rasmussen stated that due to his experience with the city water system this was not feasible due to low pressure to run three sprinklers on our lawn. Mr. Rasmussen stated a well had been drilled. With the cost involved the subdivision would stay with the wells.

Commission Member Smith stated with all that is on the table why not connect to the city water? Mr. Rasmussen stated that it would be something that could be entertained if the city water system could have an eight inch line to the subdivision and guarantee fifty-five pounds of water pressure or whatever is the standard pressure.

Commission Member Smith stated that people had concerns on the wells being drilled and more about the additional culinary wells to the aquifer or is the biggest concern about the septic systems contaminating the city wells.

Commission Member Smith stated that the biggest concern was the addition of contamination to the city well. Good faith forward to allow wells. Contamination of wells by adding sewer systems according to the DEQ the city is on the same water table, the concern would be a give and take situation with the addition of all the septic systems.

Mr. Rasmussen stated that sample tests were taken on each of the ten lots, and it is allowing the use of septic systems. Mr. Rasmussen stated that the state does not require nitrate reducing septic systems, but it is the county's requirement on less than five acres.

Discussion had on expansion going on in the City of Grace. Discussion was had on where the impact area lay. It uses two mile lane as the south border and to the top of the forest ridge line on the east.

Mr. Rasmussen stated that they were following county rules. With the County asking for forty acres (40) to build on it makes it difficult to purchase pivot corners to build on.

Ms. Ashley stated that the answers to the questions asked by the city:

- There are ten Lots (10) as stated in the public notice.
- SEIPH and IDEQ: Ms. Ashley spoke with Allan Johnson of DEQ. He stated that the nitrate issue is still a concern.
- Fire prevention: EMS Eric Hobbs stated that the city and the County have a mutual aid agreement. The subdivision is under the jurisdiction of the County Fire Department. One fire hydrant needs to be available.
- Livestock is allowed on one or more acres in HDR zones. Mr. Rasmussen stated that there was water to lease for homeowners to irrigate the property.

Eldon Peck asked Mr. Rasmussen if he had enough shares of water to supply the property in the subdivision to water the extra property?

Mr. Rasmussen stated that he had allowed one and one half (1 ½) shares per acre, to water the five acre parcels without using the culinary water. The one and one half (1 ½) water shares are not offered to homes with the two and one half (2 ½) acre lots which takes the acres down to forty (40). Mr. Rasmussen stated that he had sixty-five shares. Mr. Peck asked if that was enough on a short water year? Mr. Rasmussen stated that the canal company stated they were at thirty-five percent (35%), just because there is water in the canal doesn't mean that we can use the water.

Commission Member Smith asked if the county was recommending a fire hydrant in the subdivision? Ms. Ashely stated it was requested by County Emergency Services. Question was asked where would the water come from? Mr. Rasmussen stated that there would be a fire hydrant on the Burton Canyon Estates Phase 2.

Chairman Pristupa turned the time to City of Grace Fire Department Chief Curtis Peck:

Fire Chief Peck stated the following:

Mutual aid

Grace Fire Department (GFD) cannot respond unless they are asked by the jurisdiction department GFD must be paged out by County Dispatch.

- There are times when GFD cannot respond to help
 - Being on another emergency
 - Needed resource is not capable of leaving the city limits

Even though there is a mutual aid, it does not automatically give access to the City of Grace water source.

- Grace water source emergency must be approved by City Mayor, City Superintendent, and Fire Chief. The mayor can sign off if it is an emergency.
 - Water is paid for by the taxpayers of Grace.
 - Would be serviced by water tankers. There is no way that a hydrant can be used from Burton Canyon Phase 2.
- As the water system stands, the Fire Department cannot hook directly from hydrant to pumper truck.
 - The distance is too far
 - Static loss too great

The Department of insurance and rating under the State Fire Marshall's Office determines fire ratings.

- Any address over ten (10) miles from the jurisdictional fire department automatically has a fire rating of ten (10). Your Phase 3 subdivision according to Eric Hobson is 12.2 miles away.
- If a fire rating of seven (7) is given, the fire insurance would be cut in half.
- There are some circumstances of Insurance Policy denial due to fire rating even though there is a mutual aid department close by.
- The City of Grace has a fire rating of six (6).

Due to:

The new water system

The pump testing performed on each truck.
The training that is provided.
The GFD'S response time to emergencies within the city limits.

Under county jurisdiction, the Highline View Subdivision will be taken care of by the Caribou County Fire Department.

The Caribou County Fire Department is one of the best departments, with the best leadership with a lot of experience and knowledge and amazing firefighters.

GFD has, and will continue to have, a great working relationship with the County Fire Department.

The GFD will do their best to help the county.

Fire Chief Peck stated his reason for presenting this is to clear up any misconceptions.

Gloria Peck asked for clarification what benefit would the subdivision get for not annexing the property into the City of Grace. Question asked as far as the fifty acres? Ms. Peck stated yes. Ms. Peck stated that Mr. Murdock had foresight to do the Phase 1 Subdivision seeing the possibility of future growth. Chairman Pristupa asked Mr. Rasmussen what his rational was for not annexing into the city.

Mr. Rasmussen stated taxes, curb gutter, water pressure and people wanting bigger lots and to provide those services, we have ten (10) lots that are five acres (5) each to do this.

Ms. Rasmussen stated that people like to have larger lots.

Mr. Ryan Rasmussen stated that one of the biggest concerns of annexing into the city is the water pressure.

Mr. Rasmussen stated that they were not trying to change anything but follow the county rules. Discussion was had on county rules being stiffer than city rules.

Eldon Peck: If the city gives the use of a lift station where is the incentive to annex into the city. Why not annex into the city where there are the resources already in place.

Discussion on if a developmental agreement application were to be filled out between the Rasmussen development, the city, and Caribou County it becomes a binding contract that would say you are in the county but if someone buys property behind you and develops the property the city could annex. That is a possibility the city could request the development be annexed into the city limits. Property owners on the 50.4 acres have no way to say no because the agreement is binding in a court of law.

Discussion was had that in the existing phase 1 of Burton Canyon Subdivision property owners cannot drill wells on their own property. This is binding in the deed.

Discussion was had on a parcel of land by lot 10 in the Burton Canyon Subdivision Phase 1 being used as a right of way which is owned by the city. That piece of ground is for public use. It is deeded ground and cannot be sold. Discussion was had on the possibility of putting a paved road connecting to Mingo Road. The city maintained the sixty foot (60') right of way because it can eventually be used as a road.

Discussion was had that the city owns the property, it is a city right of way and would have to waive the right for it to be used as a road.

Ms. Peck stated that her question was still not answered. Chairman Pristupa stated that if the Developmental Application Agreement was between the city, Rasmussen, and the county it becomes a binding contract and stays with the property. Stating the Subdivision is in the county now and someone buys the property behind Highline View Subdivision and annexes the property it is possible that the city could annex the Highline View Subdivision into the city. The property owners would not have a way to say no to the annexation.

Discussion was had on the paving of the road in the subdivision if it were to be annexed. Question asked Mr. Rasmussen are the roads going to be paved? Mr. Rasmussen stated that the roads in the subdivision would be built to Caribou County specifications, will be a graveled road and at this point there is no plan to pave the roads. Discussion was had on the roads being similar to the one build in Madsen Subdivision.

Chairman Pristupa stated at this point the only item of concern of Mr. Peck is if the subdivision is going to use the sewer system and water system. How will the funds be collected? Mr. Rasmussen stated monthly fees.

Discussion on rates outside the city limits being charged double. Mr. Rasmussen stated it was done while Mayor Titcomb was in office. Mr. Rasmussen state it would increase each time the city took an increase and then it changed going back to the original.

Mayor Barthlome stated that when the city got the water grant all citizens had to be charged the same, base rate of \$33.07 on the water system and then pay for water usage. Ms. Rasmussen stated only those in the city limits. Mayor Barthlome stated anyone on city water outside the city limits pays the same as those inside the city limits. A fee of \$33.07 base pays the payment on the loan. Discussion was had on the bond and how it is being paid. Mayor Barthlome stated there is a rate of \$.59 per thousand gallons for water being used.

Ms. Ashley stated the citizens pay more for the use of the sewer system.

Mayor Barthlome stated that water systems and sewer systems have to stand on their own. Money collected for water goes into the water fund and the sewer money collected goes into the sewer fund. Property taxes maintain the infrastructure, city parks, and fire department. Mayor Barthlome stated that grants are used for improvements which have matching requirements of 50/50 from government agencies.

Chairman Pristupa stated that the city had presented a letter to the county which is in the minutes.

Chairman Pristupa stated that the Planning & Zoning Commission can give information to the city council that Ms. Ashley has provided this evening, so the city council can let the county approve or disapprove the permit for the Highline View Subdivision.

Chairman Pristupa stated that the Planning & Zoning Commission does not make the final decision. The city council makes the decision.

Concerns are the emergency services; the traffic being increased on Mingo Road and the bridge.

Chairman Pristupa stated that Ms. Ashley would take the information to the city council meeting.

Impact Area Map & Ordinance:

Chairman Pristupa stated that the Planning & Zoning Commission have been working on the impact area map because the county had asked the commission to do so. The Planning & Zoning commission have been working on the Impact Area for one and one half (1 ½) years.

Ms. Ashley asked what the commission was going to recommend? Chairman Pristupa stated the Commission would supply a recommendation to the city council at their next meeting. The Planning & Zoning commission will not make a recommendation yes or no.

Discussion was had on the Highline View Subdivision being annexed into the city. That will be the city council's decision.

Impact Area:

Chairman Pristupa stated that the east side of the impact area goes to the forest service ground at the top of the ridge line. At one time the planning and Zoning Commission had discussed bringing the impact area closer to the city limits. The county has an additional buffer. After much discussion the Planning & Zoning Commission opted not to change the northern boundary from Rich Road. Basically, with the county protection the city is protected all the way out to highway 30 with the north border. This was done to prevent CAFCO's from encroaching into the area to protect the city. One of the concerns is that there is development now on Rich Road and Ivins Road. There will be three homes built. The impact area is to protect the city from encroachment and future development around the city.

Chairman Pristupa stated that there will be a map of the City of Grace and the Impact Area hung when this is approved. The City of Grace Map on the wall at the present time will not be removed because it has the measurements of the alley's, streets, and blocks.

Discussion was had on the development of the City of Grace and the subdivisions that have been platted to make the city. History shows how interesting it has been to grow the city. Discussion was had on several of the subdivisions that make up the city: Lloyd, Turner, Monte Vista, Burton Canyon Phase 1, Burton Canyon Phase 2, Fairview, and Burton are several of the subdivisions.

Chairman Pristupa stated the Impact Area Map coordinates: The southern border will be Two Mile Road to the forest ridgeline, the northern border will be Rich Road, west border will be Ivins Road to the Turner Road and Turner Road to River Road and connecting with Two Mile Road. Discussion was had on keeping the Viehweg scrap yard in the county area.

Chairman Pristupa asked for a motion to approve the Impact Area Map and Ordinance.

Motion made by Commission Member Welch to accept the boundaries of the forest ridgeline on the east to the Rich Road on the north and Ivins on the West to Turner on the west and Tuner to River Road and River Road to Two Mile Road as the boundaries for the City of Grace Impact Area. Motion was seconded by Commission Member Smith. Motion passed unanimously.

Chairman Pristupa stated this will be presented to the City Council and from there it will be taken to the Planning & Zoning Commission of the county. Ms. Ashley asked if there were any changes made to the ordinance and map. Discussion was had that the ordinance stated the same and the map was the same just a new number. Ms. Ashley stated that a public hearing would be held. Discussion was had that the City of Grace has to approve the map and ordinance at the city council meeting, then it will be brought to the Caribou County Planning & Zoning Commission in its entirety. Then the Caribou County Planning & Zoning Commission have to put their side together and then the City of Grace Planning & Zoning Commission and Caribou County Planning & Zoning Commission have to meet to make sure things are agreeable. Then the City Council has to approve if there are any changes to the ordinance and map and then it can be approved by the Caribou County Commissioners. One public hearing can be held for both the map and the ordinance.

MS. Ashley stated that it will be important to be able to pick a date that all parties can meet.

Other Business: Potential Zoning Members:

Chairman Pristupa asked for any additional names to be added to the potential zoning member list. Commission Member Welch stated that he would like the two names added that Commission Member Smith had stated which are Scott Rasmussen and Matt Peterson. Discussion was had that the Mayor Barthlome would like to get some of the citizens from the west side involved in the city. The Commission lost a member Colleen Fluckiger to the city council. Other names on list were Scott Rasmussen, Dana McCurdy, Kent Bailey, Drew Wright, Brian Stringham, Hailey Sherburne, Neil Spackman, and Matt Peterson. Discussion was had on adding Lori Kaye Evans, Mike Robison, Byron Shaw.

Discussion was had on putting the names in the order of what the Commission Members would suggest and giving it to Mayor Barthlome (see attachment).

Chairman Pristupa will go to City Council next week.

Commission Member Smith has the month of September 1, 2021, and September 15, 2021, at 6:00 p.m.

Chairman Pristupa asked if there was any more business to be discussed.

Motion to adjourn the regular meeting was made by Commission Member Smith. Motion was seconded by Commission Member Welch. Motion Passed unanimously.

Meeting adjourned at 8:25 p.m.

ZONING CLERK

APPROVED: _____
CHAIRMAN

DATE: _____