

**APPROVED**

CITY OF GRACE  
PLANNING & ZONING COMMISSION  
CONDITIONAL USE PERMIT HEARING & REGULAR MEETING  
HELD FEBRUARY 8, 2024, AT 7:00 P.M.

PRESENT: Chairman Dave Pristupa

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

Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: none

Chairman Pristupa called the hearing for Conditional Use Permit # 2024-228, for AGTURA, LLC to order at 7:16 p.m.

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

Kyle Bingham, Scott Rasmussen, Mark Crabb, Ralph Spackman, Loy Raye Phillips, Dave Pristupa

Chairman Pristupa stated there was no representation from AGTURA, LLC or citizens present.

Chairman Pristupa stated the reason for this hearing:

AGTURA, LLC, petitioner, is requesting approval of a Conditional Use Permit # 2024-228 to allow a seed cleaner and bins which includes a 65' grain elevator to feed bins while unloading trucks. City Ordinance 3-1-6: Regulations for the I (industrial) Zone: (B), (C). The legal description of the property is TR SW ¼ SW ¼, SEC.1,T10SR40 E. The address of the property is 20 Industrial Park RD., Grace, ID.

Presentation by applicant:

Not present

Chairman Pristupa stated that with no representation by applicant the Planning & Zoning Commission have a copy of the application. Chairman Pristupa stated that there are pictures of the application.

Commission Member Bingham asked that it be noted the seed cleaner and bins with the 65 foot elevator is already erected with no permit.

Commission Member Rasmussen asked if the height was 65 feet? Chairman Pristupa stated yes.

Description of existing use: Storage, sale, and distribution of grass seed in the I (industrial) Zone, adding a seed cleaner and bins which includes a 65 foot tall grain elevator to feed the bins while unloading trucks. The site is on the west end of the building. Agtura, LLC. has already done the construction. Chairman Pristupa questioned the wires holding the unit up. Commission Member Bingham stated he questioned starting without a permit. Chairman Pristupa stated that is a question that needs to be addressed, but there are no penalties in the ordinances that would allow a fine for not having a permit. Chairman Pristupa stated that this is something the Commission needs to address in the regular meeting. Estimated cost of the permit is \$80,000.00, it is an agricultural building in the I (industrial) Zone. The owner preforms the work on the structure on site.

Call for Comments:

Letters were sent out to property owners within 300 feet of the property:

Sheldon Mayne Supports Applicant's request.

Linda Facer Neutral

Supports Applicant's request.

City of Grace

Riley Crookston,

Superintendent Neutral

This is all the responses returned from the letters mailed, none of the other businesses responded.

Applicant's rebuttal: None

Adjourn: Chairman Pristupa adjourned the hearing at 7:20 p. m.

Chairman Pristupa called the regular meeting of the Planning & Zoning Commission held on February 8, 2024, to order at 7:21 p. m.

Invocation: Commission Member Spackman

Pledge of Allegiance: Clerk Phillips

Chairman Pristupa asked the Planning & Zoning Commission if they had read the minutes of the Conditional Use Permit hearing and the regular meeting held on January 11, 2024, and if there were any changes.

Motion to approve the minutes of the January 11, 2024, Conditional Use Permit Hearing #2024-227 for Kelly Anderson and the regular meeting of the Planning & Zoning Commission meeting was made by Commission Member Bingham. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

Report from City Council:

Commission Member Rasmussen stated that the city council had covered a lot of topics such as: Snow removal, some on Conditional Use Permit # 2024-227 for Kelly Anderson. Commission Member Rasmussen stated that Mr. Eric Bates is running for sheriff, he was an Idaho State Patrol Officer, and is letting everyone know that he is running for Sherrif of Caribou County. Approval for Kelly Anderson's Conditional Use Permit was tabled till later. City center street project for a \$1.3 or \$1.5 million grant to make sure that the bridge is twenty-four feet wide. Discussion was had that the bridge is 21 feet now and will go to 24 feet the bridge should be wider. Question was asked about second south? There is nothing being discussed on second south. Garbage cans were approved to be ordered. Discussion was had on getting a laptop and internet at the wastewater treatment plant, for Mr. Wright. The bid that the city had was \$10,000.00 to put the internet to the wastewater treatment plant, then the purchase of a laptop or computer and the programs. Commission Member Bingham asked if this would help with the live readings? Commission Member Rasmussen stated it would help with the water being tested for phosphate, phosphorus & bacteria. Discussion was had that Mr. Wright had been in training for a couple of days, the requirements are going to change, and Mr. Wright will have to test on a weekly basis rather than a monthly basis. Mr. Wright will need access to do this plus the testing. Question was if Mr. Wright had to get the testing and information required should the city hold off and put the internet line in as there is a question of where to put the line because of the changes at the wastewater plant project, and

then purchase the equipment that is needed, to do the state reports, and so the city is aware of the water being discharged into the Bear River. Commission Member Rasmussen stated that if the city is caught in default outside of the numbers required, sometimes the city is above the numbers or below the numbers. If this happens the City would be forced to put in a state of the art sewer plant. Commission Member Crabb asked about what buildings were being built. Commission Member Rasmussen stated that it was just brought up by the mayor at the meeting. Commission Member Crabb asked if it was something that would be state of art? Commission Member Bingham stated that it would triple or double the amount of testing. Besides the city must identify the homes with copper or lead pipes to their homes. Commission Member Rasmussen stated that in other council meetings there was talk of putting in a new system where there are certain settling ponds and then it can be sprinkled. This would eliminate this whole discharge which puts the city at a different level for requirements. The ground was tested and did not have percolation and then allow the use of property and to have enough property to spread out and sprinkle. Commission Member Rasmussen stated that parking on 3<sup>rd</sup> South having concerns by a resident that the city was not pushing enough snow to the south and were pushing too far to the north. The property is very close to the property line. Nothing illegal being done at this point and time.

Commission Member Rasmussen stated that the city council discussed approving a new auditor. The city has received a couple of bids to choose from. The cost will be more than what the city has been paying but that is due to the sewer project.

Commission Member Rasmussen stated that Councilmember Tillotson had presented an Incentive Program that had to do with scheduling, staffing, compensation, seemed to be identical. There is apparently some concerns. The Supervisor when his day off is scheduled and is called in and works straight time, and everyone else is working overtime on their day off, which is time and one half, and the comp time when it can be taken off later and how the city is possibly looking into if the employee worked some comp time and wanted money some of the comp time could be sold for actual cash on hand. Discussion was had that the employees were not necessarily in favor of this.

The employees like their time off to be with their families. The employees get time and one half comp time when they go over time. The Superintendent only gets time for overtime per hour. Commission Member Rasmussen stated that the Superintendent is a working supervisor. The city council are going to determine if they will allow comp time and one half for the supervisor.

Commission Member Rasmussen stated that snow removal was tabled, and code enforcement is basically needed whether it is issuing fines like a barking dog. A contract would be needed with the sheriff department that would enable the city to move forward so the city employees do not have to put themselves in interference with the community. There is a protocol that the sheriff and the attorney needs to follow. The city needs to follow protocol and there needs to be something in writing to involve the sheriff and the attorney.

Commission Member Spackman stated that earlier the city had tabled a request on a contract with the county on enforcement. Discussion was had that several years ago that Sherriff Wells came with a proposal that he wanted the city to pay a huge fee and a contract for the sheriff's department to come into the city to enforce anything and the city said no. Discussion was had that the citizens were paying county taxes and city taxes so the sheriff should represent within the city limits. It is our codes they are asked to enforce so there needs to be an agreement to enforce the codes. This is the part needing to be taken care of to enforce the codes.

Commission Member Bingham stated that at the last budget meeting there was a line item for a code enforcement person and then tabled the issue, what is the person going to do when not enforcing codes. Chairman Pristupa stated that with a contract the code enforcement person is paid so many hours a week and when the work is done on the committed hours the person can go do whatever they would like to do. They are under contract to enforce codes. Commission Member Crabb stated that the information was appreciated.

Zoning business:

CASE # CONDITIONAL USE PERMIT 2024-228 AGTURA, LLC  
CHECKLIST FOR FINDINGS OF FACTS – CONDITIONAL USE PERMIT

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

No

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

Is seed being treated at the plant? A Safety Data Sheet (SDS) sheet would be required. Will require an SDS for any chemicals being used. Require location and list be given to the city in case of a spill on site. Is a dryer being used? Is Natural Gas or electrical being used for the dryer? Has Agtura, LLC gotten an electrical permit from the State of Idaho, did they use a Contracted Electrician as required by law on a commercial business? Has the Fire Chief been notified? \*Need Fire Chief to review location. Would be nice to know if called to the facility for a fire as to what you will be getting into at the plant. If a dryer is used there will be some heat somewhere.

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

Should not cause injury.

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

Yes

(5). The effect of the Conditional Use Permit on the City's Comprehensive Plan.

None

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

None

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

No

(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

\*Require the report from the Fire Chief to be attached to the findings of facts.

Commission Member Rasmussen asked where the structure has been installed are there checks and balances as far as meeting code? Commission Member Crabb stated that there are no codes or inspections in the City of Grace that state one way or the other. Commission Member Spackman stated that industrial buildings, like the Agtura, LLC building falls under the state inspectors. Discussion was had on the building side there is not a state inspector. Commission Member Spackman stated that the Fire Chief should be involved. Chairman Pristupa stated that information could be had by contacting Mr. Larkin the County Building Inspector. Commission Member Spackman stated that if a citizen is doing commercial building work for someone but not sure if the citizen is doing it for their own business, you might not have to have an inspection but if a citizen is doing commercial work there must be a licensed contractor. Commission Member Crabb stated that the citizen could not get out of not complying with the state law for inspections. Chairman Pristupa stated that if a seed dryer is being used it may fall under commercial.

Commission Member Spackman stated that if it is over 5,000 square feet there would have to be a sprinkler system. Commission Member Bingham stated that he is aware of someone building one in Lava and their building will be 4,900 square feet and has a dryer.

Discussion was had on if the proper permit had been pulled from the state agencies. Discussion was had that questions about a licensed contractor could be obtained through the Caribou County Building Inspector. The ag industry may be able to build without having a licensed contractor. Commission Member Spackman stated that if there is a licensed electrician on the payroll then that would work.

Commission Member Rasmussen stated structurally is the structure secured so it could withstand a high windstorm? Chairman Pristupa showed pictures of the elevator and the bin looking from the west side, wires are going from the elevator to the side of the building.

Commission Member Crabb stated again there is no requirement on that issue. Commission Member Bingham stated that a building permit was not in place when Agtura, LLC built the bin or the elevator.

Chairman Spackman questioned if the Planning & Zoning Commission can authorize a setting permit on the facility? Chairman Pristupa stated the permit is within the property settings which is correct, but there are several questions and without anyone here to answer the questions it presents a problem.

Chairman Pristupa stated that Mr. Larkins does the permits for manufactured and modular homes for the city. Is there a state code that allows Mr. Larkin to do commercial inspections on industrial buildings?

Commission Member Rasmussen stated that assuming that this is a business and there are employees on the premises there should be OSHA standards in place. Discussion was had on it depends on how many employees are working at the facility. Commission Member Spackman stated that 5 employees working would require the rules of OSHA to be enforced. Commission Member Spackman stated it would depend on the type of business and if other people were hired as employees. Commission Member Spackman asked how much of this discussion is out our realm.

Chairman Pristupa stated that there is a state inspector that inspects the school shops, this could be a resource for questions.

Discussion was had on putting down the concerns and questions the Commission Members had on Conditional Use Permit 2024-228 and sending the questions to the city council to approve or disapprove. What are the Commission Members thoughts on the questions and recommendations.

Motion was made by Commission Member Spackman to recommend approval of Conditional Use Permit #2024-228 for AGTURA, LLC., as per the questions and recommendations. Motion was seconded by Commission Member Bingham. Motion passes unanimously.

Chairman Pristupa stated that Commission Member Rasmussen is assigned to the February 21, 2024, city council meeting. Commission Member Crabb is scheduled for city council meetings on March 6, 2024, and March 20, 2024.

Chairman Pristupa stated that the next meeting of the Planning & Zoning is scheduled for March 14, 2024. There is a possibility of canceling the meeting.

Chairman Pristupa stated that The Idaho Enterprise Newspaper came today and will be the Caribou County news. Discussion was had that the council liked the format of the paper, with several nice articles. Discussion was had on anyone that is a good writer in Caribou County should contact the paper for articles. The question was asked if pictures could be sent to the paper? The answer was yes pictures could be sent to the paper.

Chairman Pristupa asked for a motion to adjourn.

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

Adjourned at 7:38 p.m.

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ZONING CLERK

APPROVED: \_\_\_\_\_  
CHAIRMAN/CO CHARIMAN

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