

APPROVED

CITY OF GRACE
PLANNING & ZONING COMMISSION
CONDITIONAL USE PERMIT HEARING & REGULAR MEETING
HELD ON NOVEMBER 9, 2023, AT 7:00 P.M.

Chairman Pristupa called the public hearing for Conditional Use Permit #2023-226, held on November 09, 2023, to order at 7:00 p.m.

Chairman Pristupa welcomed those present to the Conditional Use hearing for Vertical Bridge/Coal Creek Consultants. Chairman Pristupa asked those present to state their names for the record.

PRESENT: Scott Rasmussen, Sheldon Mayne, Jacob Rynes, Mark Crabb, Ralph Spackman, Loy Raye Phillips, Dave Pristupa.

Chairman Pristupa stated the reason for the Conditional Use hearing. Vertical Bridge, C/O Coal-Creek Consulting, petitioner is requesting approval of Conditional Use Permit # 2023-226 to allow construction in the I (Industrial) Zone of a 195 ft. tall communications and public utility facility consisting of a self-support tower, space for multiple equipment and backboard within a 6 foot chain link fenced compound. The legal description: Township 10 South, Range 40 East of the Boise Meridian, Section 12: beginning at a point 1460 feet west of the northeast corner of the northwest quarter of Section 12 and running thence west 165 feet thence south 330 feet thence 165 feet; thence north 330 feet to point of beginning. The address of the parcel is 400 W. Center, Grace, ID.

PRESENTATION BY APPLICANT:

Mr. Rynes stated that he is here on behalf of Vertical Bridge. Vertical Bridge is a tower company contracted by T Mobile to build the 195' tall self-support tower on West Center Street on the RNR property. The goal is to increase the coverage of the T Mobile service in the City of Grace and surrounding areas and approaches to town. Mr. Rynes stated that the tower is designed as a multi carrier tower that can support other carriers and private carriers that can come on later, up to and including Verizon, AT&T, Dish Network, and any additional potential carrier such as broadcaster services. The tower itself will be able to be used to increase public response time in the surrounding area. In addition to the coverage, it would improve RTC mobile users as well other customers as they come up. The goal would be to improve coverage as other towers would not be built with this location on the west side. It would increase capacity not just providing coverage for phone calls, but would add data, cellular, internet streaming or home internet service.

Mr. Rynes stated that Vertical Bridge would cover all costs as far as the construction and maintenance to the site, and the traffic. After being built it would average one vehicle trip per month for maintenance to make sure the site is operating as it needs to be. Mr. Rynes stated that access to the tower would be provided by RNR as well as utilities from a third carrier. There is a third party easements which is RNR enterprises. In addition, Vertical Bridge is conducting an environmental regulatory FCC & FAA survey. The first phase one of the environmental survey study which was returned with no further recommendations and no known concerns or areas of the tower. The next step would be for the foundation of the tower and structure of the tower to be built to accommodate the soil. Mr. Rynes stated there was no issue with the FAA for airspace concerns. Mr. Rynes stated that once the report is received from the FCC if there is any concerns with any possible interference or emission standards Vertical Bridge would comply.

Chairman Pristupa asked if there were any questions?

Sheldon Mayne:

Mr. Mayne stated his concern was that there had not been a lot of studies done on the effect that cell towers have on watts and radiation. Mr. Mayne asked how many watts was the tower going to put out and how much radiation? Mr. Mayne is concerned about the health risk of the tower because there has not been much study done with the FCC. Mr. Mayne stated that the FCC wants the tower for communications. Mr. Mayne stated that there might be a better location further away from my house. Mr. Mayne stated that there is no set thing from the FCC safety wise. The tower is 250' from the front door of my home. Mr. Mayne stated that the health risk to his family is a concern. Mr. Mayne stated that there is no study that has been done. Mr. Mayne stated that cigarettes were not an issue when they first came out either but down the road there was an issue. Mr. Mayne stated that it is his concern for the health of the families in the area. Could the tower be moved down by the treatment plant for a better location which is 400 meters away. Mr. Mayne stated that it is his concern for the health issues of the tower being close to his home.

Chairman Pristupa stated that Mr. Rynes would have a chance for rebuttal.

Chairman Pristupa stated that there were 22 letters sent and 20 were mailed to citizens within 300' and only 7 were returned. Chairman Pristupa stated that the responses from the returned letters are as follows:

Sheldon Mayne	Do not support the applicant's request. Comments: Would think another location could be found. My main concern is human exposure to radio frequency fields.
Stanley Christensen	Neutral
Kelley Anderson	Neutral Comments: Map was useless. Section 12 from the description was not identified, nor was the location for the proposed tower.
Linda Facer	Do not support the applicant's request. Comments: I do not want an ugly cell phone tower in my front yard. It will make our city ugly. Put it in a field away town.
Kent Corbett/ ACC Storage	Neutral
Loy Raye Phillips	Neutral
Riley Crookston, Superintendent City of Grace	Neutral

That is all the responses returned for the hearing.

Rebuttal:

Chairman Pristupa asked Mr. Rynes if there were any evidence to Mr. Maynes concerns?

Mr. Rynes stated that regarding the health concerns the emissions from the broadcast tower. The FCC does have specific guidelines for exposure and general health of the community as well as those who work on the tower. As far as the guidelines go and due to the height of the tower at 195' any exposure from the tower to your home would be well below the maximum guidelines for the public. In addition,

the way the tower broadcasts out into a wide area and then down. In addition, when T Mobile started the process, it had to be done to FCC regulations. Vertical Bridge builds the tower, T-Mobile comes on and must make certain that it falls under the parameters, and conditions. Each carrier that attaches to the tower need to follow the FCC guidelines for use of the tower. Mr. Rynes stated that as far as commenting on the aesthetics with Vertical Bridge site putting the tower in that location because it is a tall tower trying to put it in a location with tall structures so that it did not stand out on its own. It would be within the surrounding structures and put it in the industrial area of the city. The tower in a field would be an option but the coverage adjustment that T-Mobile had those options did not meet the coverage goals and this is why the location was chosen. Keeping in mind to minimize the aesthetics of the tower itself.

Chairman Pristupa stated that T Mobile was originally going to place a small tower in Grace. There was a pending permit for one to be placed on a business in the city. This would have affected people coming and going to the businesses area and homes in the area. It would have been a low tower rather than a higher tower. The business owner decided not to place the tower on the building.

Commission Member Spackman asked what is the umbrella affect that the towers puts out. Does that mean there is no signal right underneath the tower? Mr. Rynes stated that it is a signal that goes out and bounces of each other. There is a signal that will broadcast down. The way this tower is built T Mobile wanted to spread the signal out as far as they can so that if there is another tower several miles away that picks up the signal farther down because the signal becomes weaker from this tower to the next tower which picks up the signal, so they overlap, hands the signal off to the next tower, which improves the coverage of the tower. To minimize any potential gaps in the area, there is no perfect system, but this is the optimum goal.

Mr. Mayne asked how many watts is the tower putting out? Mr. Rynes stated that there would be an EMS study, with the regulatory company and then they can produce that. Vertical Bridge builds the tower but does not have anything to do with the apparatus on the tower that is T Mobile.

Mr. Mayne stated that Vertical Bridge builds the tower. Is their other businesses that were going to use the tower? Mr. Rynes stated that other entities will be able to use the tower and will have to adapt to the conditions required by T Mobile. Mr. Rynes stated that if the city requests an EMF study be done and FCC and FAA rulings they will be followed.

Chairman Pristupa stated his question is once the tower is in place concerning high winds, it is not unusual to get 90 mph winds at times what is the effect on the tower in a vertical position? Mr. Rynes stated that if the building permit is approved Vertical Bridge can make the tower match the building code standards of the city or apply it to the county building code standards. Mr. Rynes stated that as far as the tower itself it is built with a little give like a tall tree, it will sway with the wind. The antenna itself the mount that T Mobile uses they are securely fastened to the tower. As far as the fall zone because of the self-support tower it will have more structure which is sturdier than a single pole structure, which by nature is a sturdier tower there is less concern with high winds.

Commission Member Crabb asked about the piece of ground the tower would be placed on. Discussion was had that it is owned by Randy and Rory Lloyd. Commission Member Crabb asked if the Lloyds would be receiving rent for the tower to be placed on the property. Discussion was had that there was a lease to place the tower on the property. Mr. Rynes stated that it would be a long term lease. Commission Member Crabb asked if there was other financial money for the city? Mr. Rynes stated that

there was none for the city. Chairman Pristupa stated that the only way the city would receive any financing from T Mobile is if the city assessed for services. Mr. Rynes stated that if there was any monies it would be through insulation taxes.

Commission Member Crabb asked what kind of money is received for the rent of the property on the ground? Mr. Rynes stated that the rent would be paid monthly, that most property owners would negotiate a lease. Commission Member Crabb asked what the amount received for the lease payment? Mr. Rynes stated that it depends on the location, if you resided in Boise there would be sufficiently more money, \$1,000 per month depending on the area the tower is located. Mr. Rynes stated that in a smaller area it is usually around \$1,000 - \$1,500 per month. Mr. Rynes stated there was no set rate. Commission Member Crabb commented that it would be a pretty prime spot, being on the edge of the city.

Commission Member Rasmussen stated that this goes back to Mr. Maynes concerns. You talk about heat measures within 300', that the exposure would be low at that point. What is the minimum? What would be the minimum that you cannot have a home that close to the structure? Mr. Rynes stated that with this tower at 195' high you could have a home right underneath the tower, because the tower is so high. The waves would disperse to the point it would not be at the threshold of the FCC regulations. Commission Member Rasmussen stated that the home would be safer closer to the tower. Mr. Rynes stated that from the studies done the waves go out and dissipates quickly from the immediate radius. Chairman Pristupa stated that in cities the towers are placed 60' – 70' in the air at the maximum, with houses all the way around them. Mr. Rynes stated that generally the setbacks on those property lines are set at every one foot from the property line, so if there is a 60' tower would have to be 60' back from the closest house.

Commission Member Rasmussen stated that the company he worked for had a lot of radiation issues, after spending 33 plus years it is a concern.

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

Chairman Pristupa adjourned the Conditional Use Hearing at 7:20 p.m.

Chairman Pristupa called the regular meeting of the Planning & Zoning Commission to order at 7:21 p.m.

PRESENT: Chairman Dave Pristupa

Commission Members: Scott Rasmussen, Mark Crabb, Ralph Spackman

Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Jacob Rynes, Sheldon Mayne

Invocation: Commission Member Rasmussen

Pledge of Allegiance: Clerk Phillips

Chairman Pristupa asked if the Commission had reviewed the minutes of the previous meeting and if there were any changes or corrections? There were no changes.

Motion to approve the minutes of the September 14, 2023, Conditional Use Permit hearing and the regular meeting was made by Commission Member Rasmussen. Motion was seconded by Commission Member Crabb. Motion passed unanimously.

Report from City Council:

Commission Member Crabb had nothing to report from the council. Chairman Pristupa and Commission Member Crabb will change assignments to the city council meeting to be held on November 15, 2023.

Commission Member Rasmussen stated that he had some information from the October 18, 2023, city council meeting. Commission Member Rasmussen stated that as far as the meeting there were permits for alcohol, and fines set for parking in alleys. Commission Member Rasmussen stated that there is concern on a complete update on the map for the zoning areas in the city. Commission Member Rasmussen stated that the City Council would like the Zoning Commission to go through the map and update the agriculture area and bring it up to date. The Map in question was made by Shepard Engineering. Commission Member Rasmussen stated that there were things discussed which were really needed.

Commission Member Crabb asked if an engineering company would have to redo the map? Commission Member Rasmussen stated that the city council stated that the Planning & Zoning Commission could go through the map and make the changes, stating that this could be a future area for agriculture. Commission Member Rasmussen stated that it needs to be updated to help someone who might be interested in selling a home. Chairman Pristupa stated that Mr. Kendall was in the city office and discussed the 6.2 acres which he owns which is in R 1 (residential) Zone. Commission Member Rasmussen stated that he had no water rights.

Chairman Pristupa stated that the Zoning Commission have another Amendment change coming from the Grace School District. The School District is asking to change from R 1 (residential) Zone to a C (Commercial) for the use of a storage container. Discussion was had on the Grace School District going from the canal behind the old elementary school to fence on the bus compound.

Commission Member Rasmussen wants input from the Commission on the update on the areas of zoning in the city. Chairman Pristupa stated that there are other areas that are listed as agriculture that are not agriculture anymore. There are areas that are R 1 (residential) Zone that should be R 2 (multiple-family residential) Zone, areas that are R 2 (multiple-family residential) which should be R 1 (residential) Zone.

Commission Member Crabb stated that it should be done by an engineering firm. Discussion was had on having Keller and Associates doing an update and/or using Hudson and Associates. Commission Member Rasmussen stated that the Planning & Zoning need to be aware of the situation on the zoning areas in the City of Grace whenever it is convenient for the agenda. Commission Member Spackman stated the area east of A Plus business the back lot should be an industrial zone. Discussion was had that the lot is R 1 (residential) Zone. Commission Member Spackman stated that these are things that need to be looked at and corrected. Commission Member Spackman stated that there is contention going on with the lot right now. Chairman Pristupa stated that originally there would have been storage units on the lot and the neighbors went ballistic. This may be something that comes up in discussion. Discussion was had on where Caribou County was going to build the new building, it will be built on Center Street, it will be a 4-H and other county entities.

Chairman Pristupa asked if the Commission Members had any more discussion regarding Conditional Use Permit # 2023-226, Vertical Bridge/Coal Creek Consulting, any questions, or concerns?

Question was asked if Mr. Mayne was 300' from the tower? Mr. Mayne stated yes. Chairman Pristupa stated that Mr. Mayne was measuring linear feet from the tower, so the residence would be closer to 380' or 390' from the actual signal tower. You look at the three dimensional aspects. Discussion was had on issues with cell phones presently because of the service located on Baldy mountain.

Chairman Pristupa stated there was a tower placed in the Bancroft area by the substation which improved the signal in the area. It would be nice to have cross patterns of towers so limitation of 90 percent of the lost signals for cell phones. Discussion was had on company's like Verizon, AT&T, T Mobile require towers for communication. Discussion was had on service dropping the signal in areas when you leave the area to travel due to no cross feed. There are issues for people in different locations where the signal is not available.

Commission Member Rasmussen stated that how companies use the umbrella which overlap to other towers for service. Where is the next tower for T Mobile, what is going to add to the system? Mr. Rynes stated that Vertical Bridge is working on another tower in Franklin for T Mobil which is a similar situation. When T Mobile purchases a unit, they work with the justice department to increase coverage and compacity in rural areas. There is a lot of work being done on the other side of the state in Owyhee County.

Commission Member Rasmussen asked if Franklin and Grace would be close enough for the two towers to overlap? Mr. Rynes stated that coverage could be increased between the two and T Mobile has sites in Idaho Falls, Blackfoot and along the highways. Mr. Rynes stated that those are the sites that Vertical Bridge is working on, there might be other companies working on other sites.

Chairman Pristupa stated that going south to Preston there is a 6 mile area without coverage for cell service, there are a few areas without service. Discussion was had on changes that could be made in the future with satellites being placed. Discussion was had on a Starlight tower placed in the Chesterfield area. The starlight is a different system than being discussed. It is mainly for internet. Commission Member Spackman stated it was a booster type station.

Chairman Pristupa asked the Commission Members if there was another questions or any other concerns? Chairman Pristupa stated that the Commission appreciated concerns about the emissions, and that T Mobile will provide the city with a document showing the effects of how far out the emissions would affect. Commission Member Rasmussen asked Mr. Rynes about when would Vertical Bridge start construction on the tower. Commission Member Rasmussen asked if it would be a year from now? Mr. Rynes stated that if the Conditional Use Permit was approved this evening there are plans in the works to start as soon as possible, 30-45 days. If the building permit is approved and cleared and all regulatory concerning FAA & FCC permits Vertical Bridge would start as soon as possible, weather permitting. Possibly the second quarter starting in 2024 depending on the weather.

Chairman Pristupa stated that the Planning & Zoning Commission will make a recommendation and then send it to the City Council next week. Chairman Pristupa stated that the city council will approve or disapprove the Conditional Use. The City of Grace uses a setting permit for structures rather than a building permit. The setting permit requires that the tower is on the property and setback properly. The City of Grace does not have a building inspector which would deal with safety on structures within the

city. If the city had a building inspector, he may ask what is the possibility of the structure falling and causing problems? Discussion was had on towers using guide wires supporting the structure. Mr. Rynes stated that the tower was not designed to use guide wire. Commission Member Crabb asked how tall the structures were that the tower was going to be built by? Mr. Mayne stated that it would be about 95' taller than the existing structure. The reason for the conditional use permit is because of the height of the tower. The city has a height restriction in the industrial zone, this exceeds the height requirement.

Commission Member Rasmussen asked Mr. Rynes what type of lighting system the tower will have, like for the crop duster that flies here. Mr. Rynes stated that when the FAA gives Vertical Bridge the recommendations the lighting will be as specified by FAA. There will be lighting allowed for aircraft. Commission Member Rasmussen asked if there was a noise emitted from the lights?

Commission Member Crabb stated that a tower this size in this valley with a flashing light on top would show up. Chairman Pristupa stated that usually there is a red light or a red and white light that blink. There are towers outside of McCammon that have lights on the hill. There is no sound emitted from those towers.

Chairman Pristupa opened the discussion on the Checklist For Findings of Fact- Conditional Use Permit #2023-226.

The Proposed conditional use is necessary for the public convenience at that location.

Commission Member Crabb stated no, does there need to be more cell towers in the valley.

Chairman Pristupa asked if it was going to be a convenience for T mobile users? Commission Member Rasmussen asked if this would bring more options for the community. T Mobile is less expensive than Verizon. Wondering if there would be any type of competition. Commission Member Rasmussen stated that he understands Mr. Maynes situation due to my home being on the other side of the tower. Mr. Mayne stated that there were schools south of the tower. Commission Member Crabb stated that it would be the focal point when you drive over Fish Creek Summit there will be this big tower sitting in our valley. Commission Member Crabb stated there should be no big tower built.

Commission Member Rasmussen asked Mr. Rynes if this tower is denied is there any backup plans for an area out of town the tower could be built? Chairman Pristupa stated that Vertical Bridge needs a power source and access to fiber optics. Mr. Rynes stated that he cannot speak for T Mobile, but I can speak for Vertical Bridge. Vertical Bridge went with this option due to the cost for the carrier. There is a threshold that needs to be covered for all parties involved. If the tower is to remote and costs too much to bring the power and fiber optics to the site it is a problem. Commission Member Crabb asked Mr. Rynes if Vertical Bridge was going to make the tower at T Mobile costs? Vertical Bridge has been contracted by T Mobile to build the tower. T Mobile is doing all the upfront work. At Vertical Bridges cost. Vertical Bridge is paying for everything, T Mobile puts their antennas on the tower. T Mobile rents from Vertical Bridge. Mr. Mayne asked if there were no government issues will there be broadband for the small communities because of no government funding. Mr. Rynes stated that the government only does fiber optic. Chairman Pristupa stated that a government grant was used to install fiber optic into Niter, etc.

Chairman Pristupa stated that the Commission was still on the first item. Commission Member Crabb says no. Commission Member Spackman stated that it is probably not necessary at this point, but convenient, also it is futuristic. Commission Member Spackman says yes.

Commission Member Rasmussen stated as far as progress goes land lines are almost nonexistent, there are still land lines in use, that a lot of households are just cellular. Commission Member Rasmussen asked about the future if the city was going to end up with a tower that was not being used anymore. Commission Member Crabb stated there are items not being used and left littering the city, not cleaning up the mess left behind. Commission Member Rasmussen asked Mr. Rynes if Lloyd's were contracting with Vertical Bridge? Mr. Rynes stated that there is a contract with Lloyd's, that the lease was with Vertical Bridge. Commission Member Rasmussen asked if there is a game plan if the tower was not being used? Does the tower have to be replaced or removed? Mr. Rynes stated with the lease between Vertical Bridge and Lloyd's there is restoration language in the contract. Mr. Rynes stated that if the lease expires and the tower is no longer being used the equipment would have to be removed at a specific time. Mr. Rynes stated that as far as the city's responsibility there could be conditions that if the tower is no longer being used then it must be removed by a specific time, separate from the lease that Vertical Bridge has. Chairman Pristupa stated that the city could require a condition to remove the tower when not in use. Commission Member Crabb asked for the definition of the word "use", so this is no longer an active cell tower, they don't have to remove the tower. Commission Member Crabb stated that as the Commission moves forward this is a concern. Commission Member Rasmussen asked if later with the use of satellites would everyone change to satellite phones or will there still be cell phones in use.

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

Chairman Pristupa stated that is what our discussion has been on. Commission Member Rasmussen asked if we are protected? Mr. Rynes stated that FCC regulations the citizens are protected.

Commission Member Spackman stated that T Mobile is relying on the FAA for the guidelines.

Chairman Pristupa asked if T Mobile had to come to the city before they can attach their equipment to the tower or is that all part of the same package? Mr. Rynes stated that T Mobile would have to get a separate permit to place the antennas. Mr. Rynes stated that Vertical Bridge is asking for approval of the tower. Any equipment that T Mobile or other carriers place on the tower is a condition for approval. Commission Member Rasmussen asked if there was a limit on how many carriers can place antennas on the tower so there is not an overload for the tower? Mr. Rynes stated that there is a structural limit, that the antennas could not exceed based on capacity. Mr. Rynes stated that whenever there is a new carrier wanting to attach to the tower which is Vertical Bridge, Vertical Bridge must make sure that the tower is capable of the extra equipment. The last thing Vertical Bridge wants to deal with is a tower that collapses. Commission Member Rasmussen asked if the city had any control over the number of carriers? Commission Member Rasmussen asked back to the guide wires, is there room to place guide wires on the tower in that area without interfering with the activity in the area? Chairman Pristupa stated that the tower is designed not to have any guide wires. Commission Member Rasmussen asked if the city had any control over not adding antennas to the tower? Chairman Pristupa stated that it would be up to the city council if the issue is presented. Mr. Rynes stated that this would be something that a building inspector would review and approve the addition to the tower.

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

Chairman Pristupa stated there would be no reason why the addition of the tower would lower the value of the property, because of the grain bins in the area. Commission Member Spackman asked how far the grain bins from the tower? Mr. Rynes stated they were 40' from the nearest structure.

Commission Member Spackman asked how tall is the structure? Mr. Mayne stated that the one

structure was 40' and one is 100'. Mr. Rynes stated that there is the adjacent property with steel bins. Mr. Mayne stated that the center tower on the Scoular bins is at 100'.

The proposed conditional use is designed by this code as listed conditional use in the zoning district in which the property in question is located. Yes,

The effect of the conditional use on the County's Comprehensive Plan, Chairman Pristupa stated that there is no effect. The city's comprehensive plan would allow more citizens to have better signal for those with T Mobile in area of the city.

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

Chairman Pristupa stated that the access would be in and out, assuming that when the materials for the tower are delivered, the materials would be in 40' lengths or 20' lengths? Mr. Rynes stated that materials would be 20' lengths. The traffic would not be blocked when the materials are delivered.

Is the application necessary for the public convenience?

Chairman Pristupa stated that the public would have use of T mobile.

In the case of existing nonconforming use, will a conditional use permit make the use more compatible with surroundings?

Chairman Pristupa stated that the city has a height restriction the conditional use permit would allow a taller structure within the city limits.

Will the conditional use be detrimental to the essential character of the district in which it is located?

Chairman Pristupa stated that it would not change the character of the area. Over the years the elevators have had antennas on the top of the buildings to broadcast from, it would not have any detrimental effect in the area. Mr. Mayne stated that Scoular had an antenna for farmers to use on their equipment. Changes have advanced through the years, the use of GPS, satellites, and tracking devices. Mr. Rynes stated that farmers would have access for use (see attachment Findings of Facts).

Discussion was had that the Commission could add conditions to the conditional use permit as to how, when and what can be added if the commission approves the permit. Chairman Pristupa stated that the conditions go to the city council for approval or disapproval. Chairman Pristupa stated that this commission cannot make the conditions binding only make considerations, the city council makes the conditions binding.

Commission Member Rasmussen asked if this permit had been presented to the City of Grace? The permit cannot be presented to the city council until there is a hearing and published in the Caribou County Sun. Commission Member Crabb asked if the citizens of the valley will have a chance to weigh in on the permit?

Chairman Pristupa stated that this hearing was published in the paper, any citizen has the right to come to the city to look at the proposal, and if there are concerns, they are allowed to come to the hearing. to explain if the citizen is in favor or against. The citizens have been notified and the citizen have the opportunity to attend the hearing. Commission Member Rasmussen asked if it was only through the paper, because there are people who do not take the paper. Commission Member Crabb stated he did not know anything about it until he received the Planning & Zoning Commission email. Chairman

Pristupa stated that the legal entity says it is to be published in the paper for notification to the community.

Chairman Pristupa stated that the city has a website and are on Facebook, it is on the agenda posted at the post office that there is a hearing. The height of the tower needs to be that high because of the structures around where it is being built. Commission Member Rasmussen asked if Mr. Rynes was going to attend the city council meeting when the proposal is presented? Commission Member Crabb stated that he would like to understand what is really going on. Discussion was had on citizens notified within 300' of the tower. Mr. Mayne stated that people in Soda Springs were aware of the tower, word gets around by word of mouth.

Mr. Rynes stated that as far as T Mobile they provided for an area map which is sparsely covered, it will cover a larger area of phone use. If AT&T were to add service later which would add a new carrier for service, Verizon has a tower that could move from there to the tower here in Grace. The city should expect increasing coverage. Chairman Pristupa stated that the advantage of having a tower at this location is that it would eliminate the use of a generator. Mr. Rynes stated that he had no information on how many T Mobile customers were in the Grace area.

Chairman Pristupa asked the Planning & Zoning Commission for conditions to be proposed to the conditional use permit if the permit is approved? Chairman Pristupa asked if the Commission wanted to add that cell phone companies that applied to attach to the tower need to provide safety information as to their signals?

Commission Member Spackman stated that FAA and FCC rules be used, and the city be notified with information to make certain that the contractual part show the reclamation of the tower, if at any time the tower becomes unused it needs to be removed.

Commission Member Rasmussen asked Mr. Mayne if he felt better with the information received did it answers any of your concerns? Mr. Mayne stated that there has been a very small amount of testing done on the radio frequency field of the waves, that the businesses have requirements to follow. Mr. Mayne stated that Mr. Rynes stated the waves go straight out but there is still a concern. Mr. Mayne stated that he did feel somewhat better but down the road if there are more antennas added that would be a concern.

Mr. Rynes stated that there are safety requirements that the carrier can provide when attached to the tower. Mr. Mayne stated that he felt better that the carrier is required to do the study before attaching antennas to the tower.

Commission Member Rasmussen stated that it has shocked me as long as cell phones have been in use, that there hasn't been more studies done. Discussion was had on the information that the government, FAA and FCC felt that should not be released. In Missouri there is a school built on a landfill site that all the Manhattan projects radiation was deposited into, in the 1940's and now the substance is starting to leach up in the area. There have been an increased number of cancer and there is no legislation done to clean up the site properly. All materials must be removed where does it go for proper disposal? These things go on because government documents are not released to the public. There are Universities doing work on what the effect of the radiation is on the public. What is the effect of the cell phone that each person uses? Once these affects are found on the use of the cell phones what are the effects of

the tower? What is the effect of the microwave towers that have been in use for years? Microwaves were used as communication towers.

Discussion was had that adding the condition the cell phone companies that apply for use of the tower would have to provide an EMF study as part of the condition to use the tower. Commission Member Crabb stated that you build the tower then the units are attached is the study done on the tower? The study is done before the unit is attached to the tower. Mr. Rynes stated that as part of the conditions the study would have to be included for their equipment. Commission Member Spackman stated that conditions should make sure that it is not inclusive to add units, will that increase the EMF. Chairman Pristupa stated that each company that added to the tower would be required to have a permit and present an EMF study for the existing conditions. Commission Member Spackman asked does this make it inclusive and a grandfathered unit? Mr. Rynes stated that the City of Grace sets the conditions for every entity that attaches an antenna to the tower or any new modification to the tower. Commission Member Rasmussen asked what is the overall condition of the tower? Mr. Rynes stated that in this case T Mobile has done the survey required and any new project would have to come to the city council for a new setting, and provide an updated report, which would show what it was like before and this is what it looks like now. Chairman Pristupa stated that if AT&T or Verizon were to place an antenna on the tower, they would be required to show an accumulative to the EMF study. Chairman Pristupa stated that these are conditions the Commission can set in their conditions.

Commission Member Rasmussen stated that he wasn't really concerned about the tower, but if there are safety, health, and welfare precautions for the community to be addressed it would be fine. Mr. Rynes stated that possibly in two years T Mobile will hire Vertical Bridge to upgrade this site and Vertical Bridge would like to have a good relationship with the City of Grace.

Chairman Pristupa stated that the information Vertical Bridge provided helped the Commission to ask the questions. For example, if the Caribou County Emergency Service wanted to add to the Vertical Bridge tower the county would be required to contact Vertical Bridge to place an antenna which would cover the dead spots where there is no service available. There are a lot of things that could be beneficial, but the aesthetics are an issue. Discussion was had that it would improve the area because the structure needs to be taken care of. Mr. Mayne asked about the state of the structure that the tower is being built by and the condition of the structure. Commission Member Rasmussen asked Mr. Mayne if it bothered him to have the tower that close to his home? Mr. Rynes stated that in the discussion with RNR information was presented of what was being looked at and RNR was agreeable to the proposal. Mr. Rynes stated that Vertical Bridge has built close to old granaries and silos. Commission Member Rasmussen thanked Mr. Rynes for the time spent in doing the study on the location and not placing it on the corner, there were other places it would have stuck out more. Mr. Rynes stated that the company had been here in Grace several times and looked everywhere, city park, fairgrounds, out by the substation, any spot that would meet coverage and the best place to build the tower.

Chairman Pristupa asked for any other further discussion. The Commission had none.

Chairman Pristupa listed the conditional to be added to the conditional use permit:

1. FAA and FCC conditions attached to the tower. What would be required on the tower.
2. If any time the tower becomes unused it must be reacclimated and/or removed.
3. EMF studies by cell phone companies must be provided by each provider. To also show accumulative antenna analysis.

Chairman Pristupa asked if there were any other items to add to the conditions on the permit? There were none.

Chairman Pristupa asked for a motion to approve the conditional use permit 2023-226.

Motion was made by Commission Member Spackman to approve Conditional Use Permit #2023-226 with conditions. Motion was seconded by Commission Member Rasmussen. Chairman Pristupa asked those in favor of approving Conditional Use Permit # 2023-226 Vertical Bridge with conditions.

Commission Member Spackman Yea

Commission Member Rasmussen Yea

Chairman Pristupa Yea

Commission Member Crabb Nay

Chairman Pristupa stated that Commission Member Crabb's reasons were noted it is not something that needs to be ignored. Commission Member Crabb stated that not everyone that has to look at the tower is unhappy, better cell phone service will be nice.

Chairman Pristupa stated that the Conditional Use Permit #2023-226 will be presented at the city council meeting to be held Wednesday, November 15, 2023, at 6:00 p.m. inviting Mr. Rynes to be at the meeting. Mr. Rynes stated that he would be in attendance, thanking the Commission for asking for information on the tower.

Chairman Pristupa thanked Mr. Rynes for coming and answering the questions and concerns. Chairman Pristupa thanked Mr. Mayne for attending the hearing and the meeting with his concerns.

Commission Member Rasmussen stated that there is a concern that the citizens are not aware of the tower and has a concern for the value of the homes and property when the tower is in place.

Commission Member Rasmussen stated that there was an incident in the Preston area where a natural gas substation a football field away and the property value plummeted considerably. Discussion was had on the risk of explosions from the station. Commission Member Crabb stated that the grain elevator was in poor shape and needs some work.

Chairman Pristupa stated that the Christmas Party for the city would be held on December 11, 2023, at 6:00 p.m. at the Legion Building. Mayor Barthlome would like a head count of those Commission Members who plan on attending the dinner. Chairman Pristupa stated that the dinner would be privately catered. Chairman Pristupa stated it would husband and wife as before. Check your calendars and call the office with a yes or no on attendance. Please notify the office by December 1, 2023.

Chairman Pristupa stated that there will be a Zoning Map Amendment Change hearing held on December 14, 2023.

Chairman Pristupa ask the Commission Members to think about officers to be elected. Chairman Pristupa stated that AIC states that the Commission Members can serve two full terms. If appointed to replace another Commission Member you serve the rest of the term of the member whose place you were taking.

Chairman Pristupa stated that Ordinance 1-9-1 (C): Term of Office: Three (3) members of the commission shall be appointed for a term of three (3) years and two (2) members shall be appointed for

a term of four (4) years. Vacancies occurring otherwise than through the expiration of terms shall serve more than two (2) full consecutive terms without specific concurrence by two-thirds (2/3) of the city council adopted by motion and recorded in the minutes.

Chairman Pristupa stated that the terms need to be checked to see where the members are in their term on the commission. The terms of the Commission were listed as follows:

Dave Pristupa	Feb 15, 2023	3 year term	Feb 15, 2026
Ralph Spackman	Oct 06, 2022	3 year term	Nov 02, 2025
Kyle Bingham	Jun 17, 2020	4 year term	Jun 06, 2024
Mark Crabb	Jan 05, 2022	4 year term	Jul 01, 2024
Scott Rasmussen	Sep 01, 2021	3 year term	Sep 01, 2024

Commission Member Crabb asked if he was the Commission Member for the Impact Area of the city? Chairman Pristupa stated that Commission Member Crabb is the member for the Impact Area. Commission Member Crabb stated his replacement would have to come from the area of impact.

Discussion was had on the impact area that the city can only make recommendations. The permit to build in the impact area comes from the county and the city can make recommendations. The city can state there is a water line in the area where the citizen wants to build the home, and this is an area that needs to be protected for the city on the building permit being issued by the county.

Chairman Pristupa stated there has been an issue come up on the Setting Permit Guidelines. There is no information that there are other agencies that require inspectors to check the building and property, examples are an electrical inspector, and a plumbing inspector. The State Electrical Inspector stopped by the city office because a citizen built a home and did not have the proper electrical permit and inspection on the new home. The home was never permitted for an electrical permit or inspected. Commission Member Crabb asked if the plumbing had been inspected? Discussion was had that if the plumbing was done by Rigby Plumbing there would have been a permit.

Chairman Pristupa stated that after discussion with the Zoning Clerk a clarification needs to be added to the Setting Permit Guidelines that the homeowner building a home needs to have Idaho State Electrical and Idaho State Plumbing permits and inspections done on the new homes. Commission Member Crabb stated that there are three separate permits required. Chairman Pristupa stated that if the home was using city utilities there would be no septic required. Commission Member Rasmussen asked that if an existing homeowner were to redo plumbing or electrical themselves is that okay. Commission Member Crabb stated that there would be a permit required. Chairman Pristupa stated that if there was a change of a light fixture or plug in there would be no inspection required. Commission Member Spackman stated that permits are required for changes on service panels, and several citizens have asked for help in doing the electrical for new builds and they are required to go through the process for the electrical permit and inspections.

Discussion was had on where the information should be placed on the guidelines.

Commission Member Spackman stated that the information needs to be right under Grace City Staff and in bold letters. Adding the State required permits on new homes: Electrical, Plumbing, HVAC (heating, ventilation, air conditioning) (see attachment).

Chairman Pristupa stated that by putting it on the front people will be made aware that these inspections are required, and those permits are applied for from the State of Idaho. Commission

Member Spackman stated that the permits can be found online, and when the homeowner receives the application, it states when the inspections are due. The inspector wants to see everything wired. Chairman Pristupa stated you have the initial, stub out that the inspector want to see any GFI that are weathered exterior.

Chairman Pristupa stated that when a homeowner comes to apply for a building permit and are given a setting permit guideline, they probably don't think these items are needed to build. The setting permit states that the structure is going to be within setbacks. The purpose of the City of Grace is to provide information to the new and established residents of what the citizen can do and can't do under the law.

Commission Member Crabb stated that his experience with the electrical inspectors is they want to see as much as possible, and the inspectors will work with the owner. Commission Member Crabb suggested that email be added to line 6 on the setting permit guidelines (see attachment).

Chairman Pristupa stated that the Commission assignments for the city council meetings are:

Commission Member Bingham: December 6, 2023, and December 20, 2023.

Chairman Pristupa: November 15, 2023, January 3, 2024, and January 17, 2024.

Chairman Pristupa asked if there was any further business? The Commission Members had none.

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

Adjourned at 8:50 p.m.

ZONING CLERK

APPROVED: _____
CHAIRMAN/CO CHAIRMAN

DATE: _____