

**APPROVED**

CITY OF GRACE  
PLANNING & ZONING COMMISSION  
VARIANCE HEARING & REGULAR MEETING  
HELD ON JULY 13, 2023

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

OTHERS PRESENT: Peter Clegg, Bill VanDyke, Becca Sweers, Matt Loertscher

Chairman Pristupa called Variance Hearing # 2023-01 to order at 7:04 p.m. welcoming those in attendance.

Chairman Pristupa asked those in attendance to please state their names for the record.

Those in attendance: Scott Rasmussen, Peter Clegg, Bill VanDyke, Becca Sweers, Matt Loertscher, Mark Crabb, Ralph Spackman, Loy Raye Phillips, Dave Pristupa.

The purpose for this hearing is for:

Variance 2023-01 for Peter Clegg/Idahome One, LLC

Peter Clegg/Idahome One, LLC, is requesting a Variance to allow them to place a home on Parcel 533 and re-plat parcel 1 in Turner Subdivision on their property; between 9<sup>th</sup> S. and 10<sup>th</sup> S. on 4<sup>th</sup> W., Block 3, Lots 7 & 8. The property requires a 20' setback on a (corner lot) 10<sup>th</sup> W. to allow a setback of 18' which is 2' closer than allowed by Ordinance in an R-2 (Multiple-family residential) Zone Ordinance 3-1-4 Setback Requirements (B) 1& 2. To reduce the lot size to 6000 square feet from 7000 square feet which is 1000 square feet less than required by Ordinance R-2 (Multiple-family residential) Zone 3-1-4 (E.) 1 & 2 Area Requirements. The address of the parcel is 983 S. 4<sup>th</sup> W., Grace, Idaho.

Chairman Pristupa stated the applicant would be given time to present the proposed reason for the Variance and those in attendance would be given time to comment.

Chairman Pristupa turned the time over to Peter Clegg to present his comments.

Mr. Clegg asked if the Planning & Zoning Commission had the drawing of the proposed partial being discussed. Mr. Clegg stated that with the grant from the city on 4<sup>th</sup> W. which gave the property another 3,500 Square feet to our lot. Mr. Clegg stated that they would like to put another home on the lots in R-1 Residential. Mr. Clegg stated that there is enough property to do this if approved. In order to do this, we are asking for two variances. This would require a 20' setback on 10<sup>th</sup> S. and there would be an 18' setback on the corner lot which is 2' closer which would need a variance. This would give 5' setback on the other side for a neighbor.

Mr. Clegg stated that 4<sup>th</sup> W. is high and then dropping down to 10<sup>th</sup> S. which does not have much difference in terms of visibility coming around the corner. The other variance is asking for two separate lots. The current lot would have 7000 square feet minimum lot which is required. A variance for 1000 square foot less, making two lots it would only allow for 6000 square feet, which would allow two lots for two homes with a comfortable distance between homes.

If it was moved it would allow 10' from the front door of the other house. With the 6000 square foot lot it would be the proper distance between the two homes. Mr. VanDyke stated that it would allow better parking for both homes.

Mr. Clegg stated that the house being brought in would be 1000 Square feet which is fairly small compared to the other home, so the 6000 square foot lot would work giving plenty of yard. Question was asked if the house dimensions had changed? Mr. Clegg stated the house would be 76 feet by 14 feet.

Commission Member Crabb stated that Mr. Clegg didn't believe there was any issues with the intersection with the sideline of the of the view around the corner.

Chairman Pristupa stated that there is a 20 foot setback so that visibility on the corner is had. Mr. Clegg is asking for 18 feet from the corner. Commission Member Crabb stated that the 2 feet could be a problem. Commission Member Crabb asked who would police the setback area? Chairman Pristupa stated that Superintendent Crookston would check the setback. Chairman Pristupa stated that Superintendent Crookston will review the setting permit and the variance. Providing the re-plat is approved so that the variance would be in effect. Discussion was had on the city vacating the property between 10 W. and 9<sup>th</sup> S. selling it to the landowners who were adjacent to the property. Chairman Pristupa stated that without the re-plat the variance will not be in effect.

Commission Member Rasmussen asked if the structure would be on a foundation such as a poured foundation with footings?

Mr. Clegg stated that it would not be a poured foundation but would be sitting on piers, which apply to the HUD standard approved foundation. Question was asked if the home would be anchored? Mr. Clegg stated that it would be anchored and staked to the ground. Discussion was had that the R-2 (Multiple-family residential) area in the Turner Subdivision had several mobile homes.

Clarification on the zoning area was had. Mr. Clegg stated it was R-1 (single-family residential) Zone and the area is an R-2 (multiple-family residential) zone and R- 2 (multiple-family residential) follows the guidelines of R-1 (single-family residential) Zone. Mr. Clegg stated that with the re-plat the home can be placed on a 6000 square foot lot. With the re-plat this would work because of the R-2 (multiply-family residential) Zone.

Chairman Pristupa stated as per the ordinance the Planning & Zoning is required to send out letters to property owners within 300 feet.

There was a total of 12 letters mailed and only one returned. Letters were mailed to the following:

Mark & Debra Covert	Erica Alvarez	Quain Peterson
Daneal & Cathy Walker	Nancy T. Nichols	Jayson Wayne Erickson
Dale & Lisa Lemmon	Cleone Rodriguez, Estate	Corbin Curry
Neal & Emily Curry	Varley Farms/Norm Johnson	Helena Chemical
City of Grace, Superintendent Crookston		

Chairman Pristupa stated that only one letter was returned.

City of Grace, Riley Crookston, Superintendent                      Neutral on applicant's request.

Chairman Pristupa stated that the neighbors had no opinion at this time.

Commission Member Spackman asked if the comments or letters were to be replied to in a certain amount of time? Discussion was had that the comment period closed on July 12, 2023, at 3:00 p.m. Chairman Pristupa stated that typically there would have been a percentage of the letters returned with comments.

Chairman Pristupa asked if there were any other comments.

Chairman Purstupa adjourned the hearing at 7:17 p.m.

Chairman Pristupa called the regular meeting of the Planning & Zoning Commission held on July 13, 2023, to order at 7:19 p.m.

PRESENT: Chairman Dave Pristupa

Commission Members: Scott Rasmussen, Mark Crabb, Ralph Spackman

Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Peter Clegg, Bill VanDyke, Becca Sweers, Matt Loertscher

Invocation: Commission Member Crabb

Pledge of Allegiance: Clerk Phillips

Chairman Pristupa excused Commission Member Bingham.

Chairman Pristupa asked the Commission Members if they had reviewed the minutes of the June 15, 2023, Planning & Zoning Commission regular meeting and if there were any changes or corrections.

Motion to approve the minutes of the regular meeting held on June 15, 2023, was made by Commission Member Crabb. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

City Council report:

Commission Member Rasmussen presented information on the Comprehensive Plan and Ms. Morton was going to do some updates. The City Council would decide if there would be a joint hearing and let the Planning & Zoning Commission know of the decision.

Chairman Pristupa attended the July meeting for Commission Member Crabb. The City Council agreed to hold a joint hearing on the Comprehensive Plan. There will be a date set with Southeast Idaho Council of Governments, Inc. (SICOG) for the hearing. There was no business for the Planning & Zoning Commission.

Chairman Pristupa stated that there had been some updates on the Comprehensive Plan and Ms. Morton had updated the information.

Chairman Pristupa stated that Scott Buxton had presented a photo that would be added to the Comprehensive Plan.

Variance Hearing 2023-01:

Chairman Pristupa opened the meeting for discussion on Variance # 2023-01. Commission Member Crabb stated that if Superintendent Crookston approved the setting permit that would be fine.

Commission Member Rasmussen questioned since the Elementary School was built that 4<sup>th</sup> West and 10 S. has become quite a congested area from both ends entering the area, would be busy and could impact your home. Commission Member Rasmussen stated that there will be a lot of traffic and a lot of noise from the traffic. Chairman Pristupa asked Mr. Loertscher if it would cause a problem with the city crew to plow snow if changed. Chairman Pristupa asked if it was anticipated to widen the road? Mr. Loertscher state that he had no information on that. Chairman Pristupa stated that this is something to look at while there is a discussion on the variance. Mr. Clegg stated that the right of way is 25’.

Discussion was had with Mr. Clegg on the 5’ setbacks, 10’ setbacks on the rear yard and 10’ setback on the front yard from the porch to the right of way. Mr. Clegg stated that the house would be at least 18’ from the corner and 5’ from the property line, the porches are well within the 20’ setback on the west side. Mr. Clegg stated that with the variance there is at least 30’ between the house and the property line and another 25’ to the other house. Commission Member Spackman stated that between the houses there will be 50’. Chairman Pristupa stated that currently there is 50’ from the existing house to the proposed house. Discussion was had that if there is 18’ removed from the property in the Turner Subdivision which will require a re-plat for the new house is there still 10’ for the back of the new house to the property line and the proper setback for the existing house. Mr. Clegg stated there would be enough room for the proper setback requirements. Mr. VanDyke stated that there was the proper amount of room required for the two homes. Commission Member Rasmussen stated that the drawing showed 45’ between the two structures. Mr. Clegg stated there would be 44’ between the two homes when moving the property line for the new home. Commission Member Rasmussen asked where the utility lines to the property were located. Mr. Clegg stated that the utility lines were in the alley on the east side. Discussion was had on the utility lines coming from the from the front.

Chairman Pristupa asked for a motion to approve the variance contingent to the re-plat hearing with the approval of the variance.

Commission Member Crabb made the motion to approve the variance with the stipulation that a re-plat is done to the property. Motion seconded by Commission Member Rasmussen. Motion passed unanimously.

Chairman Pristupa stated that Variance 2023-01 would be taken to the City Council meeting on July 19, 2023.

Chairman Pristupa thanked Mr. Clegg and Mr. VanDyke for their attendance at the meeting.

Chairman Pristupa stated that Ms. Askew, Administrator of the Planning & Zoning Commission is unable to attend this meeting.

Chairman Pristupa moved on to the next item of business with the Caribou County Fair board. An Amendment to the RV Conditional Use Amendment.

Chairman Pristupa stated that Caribou County asked and received a Conditional Use Permit several years ago to allow the county to have RVs parked at the Caribou County Fairgrounds. There are some concerns

from a citizen, so the Caribou County Fair Board are asking for an amendment to the Conditional Use Permit (date issued 13 May 2005).

Ms. Sweers asked if the Commission Members had a copy of the Conditional Use Permit? Ms. Sweers stated that the Fair Board would like to amend some items on the conditional use permit.

Ms. Sweers stated that the Fair Board would like to remove item No. 8, completely from the conditional use permit, item No. 9 would be amended to have the RV park open from April 1 to November 31 weather permitting, item No. 10 would be amended to say there is no limit of occupancy to be allowed to park in the RV Park and to remove the item.

Commission Member Crabb asked if this was the case it was brought to the Planning & Zoning Commission? There was a complaint from a citizen. Fair Board Member Loertscher stated that the complaint was brought to the attention of the Fair Board. In reading the conditional use permit the Fair Board realized that they were not following the Caribou County RV Park permit. This is why the Fair Board has come to amend the conditional use permit so the RV Park can be utilized like it should be, it does fund the Caribou County Fair with the funds from the park of \$7,000 to \$8,000 a year if it is used as it is now being used, which is not in compliance with the conditional use permit. Discussion was had that the 14 days was used because of the forest service. Mr. Loertscher stated that he was not aware of why the rule was made but it is a rule that the forest service uses, which is where the idea may have come from, not sure if it was a recommendation made by the Planning & Zoning Commission or the City Council when the permit was issued.

Chairman Pristupa stated that currently there are 16 spaces, is there any anticipation of expanding the RV Park beyond 16 spaces?

Mr. Loertscher stated that the present time there is no expansion planned to add to the RV Park, unless there is an upgrade to the facilities because there is only a 400 amp service. If an upgrade were done it would cost a substantial amount of money to add. The answer would be no to expansion. Chairman Pristupa stated that it is something that could be proposed later and apply for a new Conditional Use Permit.

Chairman Pristupa asked if any of the Commission Members had any questions for Ms. Sweers and Mr. Loertscher. Commission Member Crabb asked if the Fair Board were going to allow people to stay there for seven months? Mr. Loertscher stated that it would be their spot for seven months, except for the week of the fair. They are required to move so that the vendors who support the fair have a place to camp. Chairman Pristupa asked if there was a lease agreement that they must vacate during the fair? Mr. Loertscher stated that at the present time there is no other activities scheduled. The Fair Board meets and allows other activities at the fairgrounds and the residents of the park would be compensated for the termination of the lease if moved for the activity. Discussion was had on improving the fairgrounds and adding a new building. Mr. Loertscher stated that the fair board is not putting a new building on the property, it will be the Caribou County Extension. It is the county itself that is putting in the new building for multiple use.

Commission Member Crabb asked if they reserve any of these 16 spots for people to just show up to park? Mr. Loertscher stated that there is a camp host who manages how the park is used. The RV park is first come first served. Mr. Loertscher stated that Mr. Steadman, himself, and the camp host go through to make sure if there is a reservation that there would be a spot to accommodate or repaired

before the reservations are made. Commission Member Crabb asked if there was a spot for someone just traveling through, for a night or two. Mr. Loertscher stated that those traveling through can pull in and park if an RV spot is open.

Discussion was had on a campground west of town.

Mr. Loertscher stated that there are places on the fairgrounds in the area of the barns where an RV can park for anyone coming through that has power and water available. Ms. Sweers stated that it is very helpful having a host in charge of the RV Park. Mr. Loertscher stated that the Caribou County Fair has a web page that can be googled. If anyone is looking for information on the area it shows up with the community. Ms. Sweers stated that when looking at Caribou County Fairgrounds the RV Park is one of the first things that comes up for information.

Commission Member Rasmussen asked who is responsible for the plowing of the snow the city or the county? If the date is moved to April 1 who is going to remove the snow? Mr. Loertscher stated that the county is responsible for plowing inside the RV Park. Ms. Sweers stated that is why weather permitting is to be added to the amendment.

Commission Member Crabb asked if the Sheriff does the policing? Mr. Loertscher stated that there is not a resident that lives at the RV Park but there is a camp host. Mr. Loertscher stated that the Fair Board will take care of finding a camp host to oversee the park. Commission Member Rasmussen stated that he was not aware of the situation and wondered if there was a complaint as to why this is being amended at this time, was it a city complaint or was it a residence complaint? Mr. Loertscher stated that it was a citizen's complaint. That we had a permit, and that Caribou County were parking the RVs for more than 14 days.

Chairman Pristupa stated that the Fair Board had three changes to amend on the conditional use permit. Chairman Pristupa called for a motion to amend the conditional use permit for Caribou County and Caribou County Fair Board.

Commission Member Spackman made the motion to amend the conditional use permit removing no. 8, amend No. 9 to allow RV parking from April 1 to November 31 weather permitting, No. 10 to remove numbers of days of RV parking and remove. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

Chairman Pristupa stated that the amendment would go to the city council on July 19, 2023.

Commission Member Rasmussen stated that the campground had been a major improvement to the community and keeps the fairgrounds looking nice.

Chairman Pristupa stated that if help is needed to call.

Commission Member Spackman stated that as a side thought every time, he goes by the Caribou County Fair sign on main street it is brown and does not stand out and would suggest it be painted so it could be recognizable when citizens pass by. Mr. Loertscher stated that it will be suggested to the Fair Board. Discussion was had that maybe a student or someone needing a service project could add some color to the sign.

Chairman Pristupa thanked Ms. Sweers and Mr. Loertscher for attending the meeting.

Chairman Pristupa asked the Commission Members if they had received the packet that Ms. Askew gave to the Commission?

Chairman Pristupa stated that one of the items Ms. Askew wanted the Planning & Zoning to do was to set objectives that would be completed on the first objective, second objective, third objective type items.

FIRST OBJECTIVE:

- first objective would be to identify areas surrounding Grace with the greatest potential for annexation.
- Residential growth.
- Identify areas capable of connection to Graces' community systems (water, sewer, power).
- Areas that are best for business growth (industrial and commercial).
- Roads that have the highest potential for withstanding growth.

SECOND OBJECTIVE:

- Identify a one (1) mile boundary that would include those potential annexation areas.

Chairman Pristupa state that what the Planning & Zoning Commission were working on with Joanna Ashley, Supervisor of the Caribou County Planning & Zoning Commission, and City Council had most of the Impact Area done just before COVID and it was put aside. Discussion was had that Rich Road to the north is the current boundary. Ms. Askew would like to have the boundary moved to a mile outside of the city. This would put the line through the airport. Commission Member Crabb stated that the airport would be one half in and one half out. Chairman Pristupa stated that Gibson Lane would be the west boundary. The city council felt that Rich Road would be a better segment line that is known exactly where it is east and west. The city council indicated that it should not be changed.

Commission Member Rasmussen stated that it should remain where it is at. Commission Member Rasmussen stated that if it is moved in to the one mile from the city and had to be moved out for growth it would be a waste of time and money, suggesting leaving the boundary at the Rich Road.

Discussion was had that it would take a lot of work to move it out again as the county would be involved in adding to the impact area for an increase.

Commission Member Crabb asked why Ms. Askew was wanting to move the line to one mile. Chairman Pristupa stated that Ms. Askew is going by the state directives on impact area for one mile outside the city limits. In rural areas there are different reasons for not using the one mile line. One concern that has been discussed is the Consolidated Feed Operations (CAFO) for feed lots being in the impact area. A feed lot could be built if a citizen bought the property on the north of the one mile impact area. There could be a feed lot built in the area unless the county ordinances are followed. Is there guarantees that things will be changed with the Caribou County Planning & Zoning and the commissioners.

Chairman Pristupa stated that on the east side the Planning & Zoning Commission had recommended boarding the Forest Service. Ms. Askew is asking for one mile which does not include the water towers, wells, and water lines across private property.

Chairman Pristupa stated that the city is supposed to be working with the Forest Service to have some type of regulations to protect the springs from any development, mining, etc. close to the springs. Ms. Ashley and Ms. Askew were concerned because you cannot enclose the springs in the impact area because it is federal property.

Chairman Pristupa stated that in looking at the map which included the Forest Service, and the Bureau of Land Management they would need to inform the city if any mining or building, etc. is being done on the property. Discussion was had on protecting the eleven springs that the city has the use of water rights.

Commission Member Crabb stated that the area of city impact should be left alone.

Commission Member Rasmussen felt that the highline trail on the east side should be the east boundary following the ridge line.

Chairman Pristupa stated because it is Forest Service owned property we cannot use the ridge line, so the impact area should border the Forest Service on the east side. Discussion was had not to shrink the area. It does not affect the people in the impact area. The city needs to protect the water for the city. What the impact area does if a property owner is going to build something on their property the county would send a building permit to the city to review to see if it affects the water lines or the springs. Doing a check and balances. It has nothing to do with stopping or permitting people building on their property. The city can protect their interest of the springs and water being delivered to the city.

Chairman Pristupa stated that if a property owns property which borders the city boundaries the property will need to be annexed into the city. Which protects the homeowner because there is water, sewage services. The Highline Subdivision and the Madsen Subdivision are grandfathered.

On the second objective today's date will be written in and the statement to leave the impact area from Rich Road on the north and the east side bordering the Forest Service and Bureau of Land Management.

Commission Member Spackman asked if on the maps if there was any location of the water line from the springs to the city that are marked? Discussion was had that from the water tower to where Jason Stoddard lives there is a water line across the property that feeds off the springs. Superintendent Crookston has indicated that the line needs to be replaced but with the cost of pipe is around \$15.00 per foot. Question was asked if the pipe was wood? The pipe is a tar wrapped steel line.

Chairman Pristupa stated in doing a search of the city springs the Village of Grace showed rights to the springs in 1905. The Forest Service was not in enforce until 1910. There is adjudication on the Bear River being done at the present time, so the city needs to be active.

Commission Member Spackman stated that these items should be a high priority, it will cost more and more people will move here. Commission Member Crabb asked if the pipe coming from the springs was 6 inch or 8 inches? Chairman Pristupa stated that Superintendent Crookston would know the size of the pipe. Commission Member Rasmussen stated that the city was bonded for water and sewer at the present time and there was also a school bond that the community is paying for. Commission Member Spackman stated that priorities need to be set for the city to make improvements on the water system that delivers the water.



Chairman Pristupa stated that the vision for the Community is the comprehensive plan and research needs to be done to see if there are grants available from water resources that could be utilized. Some grants will provide money and the city has to match the grant money.

Chairman Pristupa stated that on objective 1 the city industrial park is full. Chairman Pristupa asked where would a parcel of land be that could be developed as industrial growth? The Planning & Zoning and city council should be involved in finding a location to add an industrial growth. Commission Member Rasmussen asked who owned the little piece of property east of the industrial park road? Discussion was had that it belonged to ACC Storage. Chairman Pristupa stated that all the property in the industrial area was under ownership. Commission Member Rasmussen asked who owned the property with the junk cars? Citizens had asked if it was a city issue or Planning & Zoning issue because it is an eyesore and needs to be fenced off. Chairman Pristupa stated that it was a city issue and is in violation of a city ordinance. Discussion was had that a conditional use permit is required for a salvage yard. Commission Member Rasmussen asked if there was a time limit on coming into compliance? Discussion was had on the salvage yard on Turner Road being annexed out of the impact area. Commission Member Rasmussen stated that the property on Turner Road would be classified as an environmental area for the county.

Chairman Pristupa asked the Planning & Zoning Commission members to think about areas where an industrial park could be zoned, when the Commission meets with Ms. Askew there could be suggestions made on being utilized as an industrial area. Discussion was had that there is still acreage along Helena Chemical. Discussion was had on if a disaster were to happen with the industrial area in the northwest area of the city where does all the smoke go? Commission Member Rasmussen asked if there was anyone interested in selling property that could be utilized as an industrial area? Chairman Pristupa stated that the Planning & Zoning Commission makes suggestions. Discussion was had on property zoned R-1 (single-family residential) and being in a A-1 (agricultural) zone, should the area behind the homes be considered A-1 (agriculture) Zone.

Chairman Pristupa asked the Planning & Zoning Commission to review the information for the next meeting with Ms. Askew on the impact area.

Chairman Pristupa reminded the Planning & Zoning Commission there is a Re-Plat hearing to be held on Thursday, July 27, 2023, at 7:00 p.m. Attorney Wood will be present to help with the legal issue as this has not been done before.

Commission Member Crabb asked about the re-plat not being done before Variance #2023-01 has been approved. Chairman Pristupa stated that it would be approved with the stipulation that the re-plat had to be approved.

Chairman Pristupa asked if the Commission Members had a current copy of the Comprehensive Plan. Ms. Morton had made the corrections to page 2. The addition of Clerk Shelley Reeves and SICOG. Community participants were 20 and the survey there were 59 responses. Chairman Pristupa stated that citizens had asked what was being done with the information they sent. Chairman Pristupa stated that they were informed there would be a public hearing and then if there are any changes at that time then Ms. Morton will make the corrections. Ms. Morton has posted a page from a citizen with thoughts that have been added to the plan just as the citizen had written with no correction to the verbiage. The corrections were done later in the plan.

Question was asked about the Existing Water Demand on page 26, average totals on daily maximum use and water use 2012 on page 26 and Summary of flow data and peaking factors on page 27 should these items be updated? Chairman Pristupa stated that there had been a pump rebuilt and more water from the springs. Chairman Pristupa suggested that Superintendent Crookston should be asked if there was any changes to the items.

Ms. Morton has set up the community meeting on the Comprehensive Plan hearing for August 16, 2023, at 6:00 p.m.

Assignments for the next City Council meeting: July 19, 2023, Commission Member Crabb  
August 1, 2023 & August 16, 2023, Chairman Pristupa

Re-Plat hearing to be held on July 27, 2023, at 7:00 p.m.

Variance hearing August 10, 2023, at 7:00 p.m.

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

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

Meeting adjourned at 8:35 p.m.

\_\_\_\_\_  
ZONING CLERK

APPROVED: \_\_\_\_\_  
CHAIRMAN/CO-CHAIRMAN

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