

APPROVED

CITY OF GRACE
PLANNING & ZONING COMMISSION
REGULAR MEETING HELD ON
MAY 11, 2023

PRESENT: Chairman Dave Pristupa
Commission Members: Kyle Bingham, Mark Crabb

OTHERS PRESENT: Nellie Askew

Chairman Pristupa called the meeting to order at 7:00 p.m. excusing Commission Member Spackman and Commission Member Rasmussen.

Invocation was given by Chairman Pristupa

Pledge of Allegiance: Clerk Phillips

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

Chairman Pristupa asked if the Planning & Zoning Commission had read the minutes of the March 9, 2023, meeting and the minutes of the April 13, 2023, minutes and if there were any corrections or changes.

Commission Member Bingham made a motion to approve the March 9, 2023, minutes of the regular meeting and approve the minutes of the regular meeting and the Comprehensive Plan Input Community meeting held on April 13, 2023. Motion was seconded by Commission Member Crabb. Motion passed unanimously.

Report from City Council: Chairman Pristupa stated that at the City Council meeting a code enforcement officer was discussed. The City Council was concerned if there was enough work to hire an enforcement officer. The subject was tabled.

Zoning business: Impact Area Map Up-date: Chairman Pristupa welcomed Nellie Askew Administrator of the County Planning & Zoning Commission to the meeting and thanked her for coming.

Ms. Askew gave the Planning & Zoning Commission the following hand outs: Area of Impact Quick Guide, Area of Impact Caribou County & The City of Grace, Area of Impact City of Grace: Objectives and Scopes, First Objective: Identifying Land, Second Objective: Identifying Boundary, Third Objective: Identifying Zone (s)/Application/Fees, Fourth & Fifth Objective: Submit Draft/Ordinances Map, Sixth & Seventh Objective: Prepare Public Notice/Public Hearing, and Area of Impact Map.

Ms. Askew stated that this information would help the Planning & Zoning Commission to complete the Impact Area Plan and better understand the impact area.

Ms. Askew stated that the Area of Impact listed in the Requirements/short version states the Map: Identified an area of city impact within unincorporated area of the county. It would provide information

for guidelines, for plans, and ordinances for the impact area. It would list the trade area, geographic factors, areas that can reasonably be expected for future annexation into the city. Ms. Askew stated the guide would apply to what rules the city would like in the zone so it could be a mixture of both county and city or could create a set of rules for the annexation. Commission Member Crabb asked would the annexation be governed by the county or the city or both? Ms. Askew stated that this is for the Planning & Zoning Commission a guide for quick information, not necessarily a long process. Ms. Askew stated that this is to help make the drafting process as quick as possible and easy to implement.

Ms. Askew stated that there is a guideline of how to accomplish the area of impact listing those who will be involved in the process. A deadline starting with May 11, 2023, to move forward and possibly finishing by September 14, 2023, having everything ready for adoption.

Ms. Askew stated that it has been broken down as what the current boundaries are: North Boundary: Rich Road, East Boundary: Lines the Caribou National Forest with a portion covering forest ground, South Boundary: Two Mile Road, West Boundary: River Road connecting to Ivins Road.

Ms. Askew stated that the next section would be the goals. To establish a draft of one mile boundary, usually by statues the city can go one mile to three miles, realistically the city should stay within one mile. This is an achievable a goal for the City of Grace. The goal is to draft ordinances, application process and fee amount per application. Ms. Askew stated that there needs to be more research on the high density lots being one acre or one to five acres. Discussion was had the City of Grace having R 1 (residential) Zone, R 2 (residential) Zone, C (commercial) Zone, I (industrial) Zone, A (agricultural) A 1, A 2, A 3, Zones. Discussion was had on lot sizes for R 1 (residential) Zone. Discussion was had that the city does not have any standard lot size. Discussion was had that looking on the plat map that some of the lot sizes are different throughout the city. Discussion was had that some of the lots are fifty foot wide, some are twenty five foot wide. Standard single lot size should be twenty five feet by the length of approximately one hundred fifty feet to the alley way. Discussion was had that if it were standard a citizen would have to have approximately three lots to put a home on. The ordinances to build on a lot a home, etc., to be within a five foot setback on the side, ten foot setback on the rear, and twenty five foot setback on the on the front.

Ms. Askew stated that a combination of lot sizes if needed, some could be larger. The city could require certain areas that could build on bordering the city and could be connected to the city systems. These issues can be addressed as the need develops.

Discussion was had on an ordinance that was drafted by Joanna Ashley. Discussion was had on the City of Grace doing a new Subdivision Ordinance stating that lots connecting to the city must be annexed into the City of Grace and attached to the wastewater and water systems. The contactor building the subdivision would be required to put in a lift station for the wastewater system if needed.

Ms. Askew stated that research has been done on things that were not understood. Ms. Askew stated that there has been a house cleaning on the codes, if it were not something that a layman would understand then there needs to be a change made to the code so everyone understands what is required. Discussion was had on having legal counsel redraft the code to comply with the law, correct any language that is not correct. When it comes back from the Attorney then there is a hearing and then the ordinance is taken to the County Commissioners or City Council. Ms. Askew stated that the law is checked to make sure that the county is not overstepping on citizens, and not to overstep on ordinances that does not allow the same privilege for everyone.

Ms. Askew stated that there are seven objectives listed. The first objective is identifying the areas that could be connected to the City of Grace's community systems. Areas that would best grow for businesses. Objective of roads that have the highest potential for withstanding growth. If roads are used that are not overly developed it would be expensive to bring the roads up to standard. Discussion was had on one bridge that is used for two subdivisions, a county subdivision, Burton Canyon Road, and traffic from Mingo Road.

Ms. Askew stated everyone should have a copy of a map. Ms. Askew stated that there were trail markers on the current boundaries, there is a marker on Harwood Road which is the first objective. Establishing on the map which would be a boundary for Grace. The next thing would be to establish that line.

Discussion on Rich Road dealing with the airport on the Highway 34. At one time the City of Grace owned the airport. Discussion was had that there is a possibility that the airport could be purchased back from the private owner. Discussion was had that there was not another road to make a straight line. Ms. Askew stated that the line should be one mile keeping it a realistic goal, but realistically how long has this line been used. Question was asked how long has this boundary been here and how long has the City of Grace not owned the airport?

Ms. Askew would like to see a one mile line instead of the extra miles in the impact area. The city can annex in at any time for any decisions being made then the line can grow. If you set the lines out three miles and there is still nothing that has changed then the city needs to go from a wide area to a small area to start the accomplished project.

Discussion was had on the previous Planning & Zoning Commission and the City Council worrying about the Consolidated Animal Feed Operations (CAFO) being close to the city. This included the dairy farms south of the city. Ms. Askew stated the difficult thing is if the Planning & Zoning Commission extend the lines for control it defeats the purpose of the area of impact. Ms. Askew stated that there needs to be a realistic goal so that as the area is annexed in then the line can be increased and amended, but to start with the goal needs to be realistic not just setting lines to have control. Discussion was had on the line being square so that there was a point to relate to.

Discussion was had on the boundary on Turner Road which removed a scrap yard from the cities impact area. Chairman Pristupa stated that the city needs to be notified of something that is going on in the impact area such as construction, etc. the county should inform the city so if a septic system is being put in that might impact the city wells.

Ms. Askew stated she agreed that communication is important. The county and city should have communication on things going on close to the city and within the county impact area. Discussion was had that permits were not always sent to the city, but Mr. Larkins has since been sending the information to the city.

Ms. Askew stated that the purpose of the impact is so that the city is aware of what is going on and if there is no growth happening why have such a large area of impact boundary? Discussion was had on a subdivision being built close to the city boundary and the city council approved it. There was water available close to the area. The subdivision would need to have a lift station and pump. The city didn't want to put in the facility and neither did the contractor.

Ms. Askew stated that the county requires that those building on city boundaries be connected to all city services. Ms. Askew stated if a property owner goes to the Southeast Idaho Public Health (SIPA) before coming to the county Planning & Zoning Commission then there is nothing that can be done. Ms. Askew stated that the permits will not be signed which holds up the project until everything is done. Discussion was had on property owners doing what should be done which would have everyone on the same page. Discussion was had on laws that pertain to several different items and there are different rules to follow for each.

Chairman Pristupa stated that Airbnb's are required to go by stated building codes. Ms. Askew stated that there can be reasonable restrictions applied. Chairman Pristupa stated that they cannot be forced to comply. Ms. Askew stated that safety is the issue that applies to Airbnb's. Ms. Askew stated that it would be appropriate for everyone to be on the same page.

Question was asked if the impact area was established several years ago does it require being changed? Ms. Askew stated that the Comprehensive Plan should be updated every five years and it is way past time to make the correction. Ms. Askew stated that the city needs to set new boundaries that will benefit the city and assist the county in the impact area. The City of Grace can annex areas in as the economy grows and control how the city can grow. Annexation makes it possible to still grow at the speed the city is growing.

Ms. Askew stated that the county is seeing massive growth. If the county can control the growth, then the county can control our way of life. If you give people a place to grow, by purchasing a lot close to the City of Grace and be connected to the city systems (water, sewer, garbage & power). The City of Grace can control its own growth making sure that the area of impact is utilized for its intended purpose.

Chairman Pristupa stated that the City of Soda Springs just approved a large subdivision. The area is a thirty acre parcel. Discussion was had on not having housing available for people in the cities or the county. Discussion was had on purchasing a forty acre parcel, the cost to purchase the acreage for a large amount of money and then build one home is quite expensive.

Ms. Askew stated that Planning & Zoning need to create areas that work for the City of Grace. To help create growth.

Ms. Askew stated that the next objective is to create a one mile line. The third objective is to identify desired zones within a one mile boundary. Multiple zones can be used in an area of impact. The zones could be listed as strictly industrial or where industrial businesses are allowed. Discussion was had that the I (industrial) Zone is full. Discussion was had on where the city could have an I (industrial) Zone.

Ms. Askew stated that this is just the first overview meeting to decide what needs to be accomplished. Ms. Askew stated that she would like to meet with the Commission next month after the commission has driven around the community and thought about what is needed and establish where a one mile line could be. Ms. Askew stated that the Planning & Zoning Commission live here and know what the community needs to grow and expand.

Discussion was had that the county allows people to build houses everywhere. There are houses on Harwood Road. There has been growth on the east side of the City of Grace. Concern from the city is that the wells on the east side of the city could be contaminated, the city water towers are on the east

side and the water line goes up into the canyon to bring the water from the springs to the city infrastructure.

Ms. Askew stated that it has already been established that the line cannot be moved to protect the springs. Mayor Bartholome and the District Ranger Duncan have been working on a plan to make sure there is no mining, etc. that is close to the springs. Discussion was had that the area of impact cannot include the federal ground. Ms. Askew stated that Mayor Bartholome is working with the Forest Service on getting the springs protected. Discussion was had that adjudication was being done and the city has rights to the springs.

Question was asked if the city would have protection of acres around the springs? Ms. Askew stated that the city had federal backing to help with protecting the springs, that the impact area line would have zero protection. Discussion was had that protecting the springs and water for the city is very important, but the line on the area of impact cannot go that route to protect the springs.

Ms. Askew stated that the fourth objective is to comply all the information from steps 1-3 and draft an ordinance and map. The city establishes a line and the zones needed and then put it into a draft that would become an impact agreement. Once the impact area agreement is semifinal it can be submitted to the Grace City Council and then it can be submitted to the county commissioners to view. The fifth objective after corrections, changes, and review and if there are changes that need to be done then the Planning & Zoning Commission can fix those changes and then re-submit the agreement. The sixth objective would prepare for public notification of individuals that are within the area of impact for their comments, concerns, and suggestions. Then the ordinance is prepared for adoption with the county and the City of Grace. The seventh objective would address when the public hearings would be held for the adoption of the Area of Impact.

Commission Member Crabb stated that the commission is talking about shrinking the area of impact. The commission needs to be careful that the city does not lose some rights. Ms. Askew asked Commission Member Crabb what rights are of concern? Commission Member Crabb stated the rights to the city springs. Ms. Askew stated that the rights are protected.

Ms. Askew stated that the city wells can be included in the impact area, so the city is aware of what is going on around the wells. Discussion was had on the line could be on Harwood Road. Ms. Askew stated it was not shrinking it was more of obtaining a goal. Once that goal is reached then the line can be moved. Discussion was had on the Planning & Zoning recommending information to the city council. Discussion was had on not taking the property owners rights away. There needs to be a working relationship between the county and the city. Communication needs to be between all parties involved.

Discussion was had that the information on building permits need to go to the city council, planning & zoning commission. Discussion was had that if the City of Grace Planning & Zoning commission were going to work with the county planning & zoning commission there needs to be communication between the parties.

Ms. Askew stated that the Area of Impact packet talks about each step. The information is to help move forward to complete the impact area. There are questions that asked what does the City of Grace want to accomplish in the next 5 to 10 years?

Discussion was had on Emma Morton from Southeast Idaho Council of Governments (SICOG) compiling the new information and should be done by May 31, 2023. Discussion was had on the Comprehensive Input meeting held with the community of April 13, 2023. Discussion was had on using the new information to better understand the community.

Ms. Askew stated that it is broken down as to what could be done in each zone. Question was asked if the city could put zones outside the line in the area of impact? Ms. Askew stated that there could be zones listed. There could be set rules for the entire area or there could be an area from this road to this road that would have to be connected to the city systems.

Discussion was had on combination zoning with the county and city. Ms. Askew stated that the agreement would be what is agreed to as what the city Planning & Zoning Commission and what the county would like, it would basically be creating a whole different area which have their own rule.

Discussion was had on development going east of the city. Rules can be stated if you bump this line it is required to have city services and it is required to be annexed. Ms. Askew stated that a forced annexation could be used but forced annexation does not always work. It makes people angry and causes problems. Ms. Askew stated that in looking at the taxes in the county the property owner pays property, school, and cemetery tax and if you live in the city there are property, school, city, cemetery, and library taxes. In looking at the overall expense of the taxes realistically the city property owners pay more than the county taxes. The benefit of annexation is that it increases the value of the property and increase the levy which then increase the city amenities. What happens when a subdivision is proposed? It causes the market value of the houses within the area of the subdivision to increase. The taxation on the property has increased and will increase next year. Ms. Askew stated that Assessor Cook explained that the industrial, retail, and commercial do carry the tax burden. If the commercial and industrial areas are increased, it would benefit the city.

Ms. Askew stated that the lines need to be established so that the Planning & Zoning commission could see what the area of impact would look like with the area around it, where the best growth would be.

Chairman Pristupa asked the clerk to make a note that Ms. Askew needs to be on the agenda for the next meeting of the Planning & Zoning Commission to be held on June 8, 2023.

Chairman Pristupa stated that the Planning & Zoning Commission want the City of Grace protected to allow communication with the county and state wise.

Ms. Askew asked if the city owned the ground around the wells? Chairman Pristupa stated that the wells were fenced, as well the water tanks. Discussion was had that the water being piped from the springs does not have any markings. Ms. Askew stated that there is no record of where the pipe is at this time. Discussion was had on putting a mini robot in the pipe to find where it laid and the expense of how much it would cost to repair the pipe. Ms. Askew stated that there are some grants for rural community systems available. Ms. Askew stated that these grants can be looked at to replace the pipe. It might be cost saving.

Chairman Pristupa stated that the City of Grace has a bond for improvements to the wastewater system. Discussion was had that the cost has increased and it is difficult to be cost effective. Citizens could become irritated if the bill goes up and nothing happens. Ms. Askew stated that it is very difficult to be making decisions for communities because people become irritated.

Ms. Askew stated that anyone is welcome to stop by the Planning & Zoning office at the courthouse. If you have questions, please call. Ms. Askew does a lot of research for the county to make sure the county is up to date and is willing to help if there is something the Planning & Zoning Commission needs help with.

Ms. Askew stated that she is helping the City of Bancroft. Discussion was had that the City of Bancroft adopted the International Code Council (ICC) building codes and there is not a licensed building inspector to enforce the code. Commission Member Crabb stated that Caribou County required him to have a building inspector when he built his home. Commission Member Crabb stated that he has been required to purchase county permits several times over the years. Discussion was had on having different inspectors such as: Plumbing, State Health Department, Water Resource, County Building Inspector, etc. Commission Member Crabb stated that he appreciated the inspectors coming in and inspecting his home which had been very helpful. Ms. Askew stated that Mr. Larkins has been very helpful to sit down with questions on issues that need to be discuss and how to find the proper result.

Chairman Pristupa thanked Ms. Askew for coming to the Planning & Zoning Commission meeting. Chairman Pristupa asked Clerk Phillips to email Ms. Askew a copy of the Ordinance 09-01 that Ms. Ashley sent to the Commission.

Chairman Pristupa opened discussion on City Code. Information on using the county building inspector to inspect the building of homes in the City of Grace. The fees are based on fees that the county would get 70% and the City of Grace would get 30% of the building permit fee. Discussion was had that the building inspector would not be a cost to the City of Grace. Commission Member Bingham stated that the 70-30% would be a good starting point. Discussion was had that the county would have all the documents from the International Code Council (ICC) building code. Discussion was had that the ICC permit fees are based off the current market values. As lumber and building materials drop the fees on the IBC do not change but with the ICC there is an adjustment based off the current cost of materials.

Commission Member Bingham asked why the cost goes off something that fluctuates and not based on the square footage instead of the cost of materials footprint? Discussion was had on square footage on the main level of the home and how high can it go on the square foot? Commission Member Crabb stated it would be the livable space.

Discussion was had on basing the square footage off pricing of the commodities. By using the ICC building code, it would save the cost on building a home. Discussion was had on basing the valuation from \$1 to \$500 fee. The first fee is based at \$23.50 for the first \$500, but for each additional \$100 would increase the dollar fee. Inspection fees outside of normal business hours would have a cost of approximately \$47 having a minimum charge for two hours. Other inspection and fees are listed per hour fee. Cost per square foot to figure value listed house at \$50 per square foot, garage at \$20 per square foot, unfinished basement \$20 per square foot and pole barn \$ 10 per square foot. Chairman Pristupa asked the Commission Members to review the information.

Discussion was held that the City of Soda Springs uses an employee which is working on getting certified for building inspections. Question was ask if Mr. Larkins had the time to do the building inspections for the City of Grace if the city and county could agree on a contract? Mr. Larkins has indicated he would have the time to do the building inspections for the city.

Discussion was had that with the building being done in the city there is a need for the safety on new homes being built.

Discussion was had on the damage done to structures due to the snow. There were water leaks into homes, roof collapsing, awnings, patio structures, carports, etc. that collapsed due to the snow load this winter. When houses are built there is insulation put in the ceilings and the heat does not rise to allow the snow to melt off the roof.

Discussion was had that the snow load for the county is 85 lbs. minimum. Manufactured homes are required to have a 40 lb. snow load. Building Inspector Larkins is looking forward to what is going on building in the county. The manufactured homes are built with a 40 lb. snow load. Commission Member Crabb stated that the pitch of the roof on manufactured homes need to be increased. Discussion was had that to increase the slope on the manufactured home roof is very expensive. Discussion was had on what would be good for the city to protect the citizens.

Discussion was had if this information needs to be presented to the city at the next council meeting a motion is needed.

Motion was made by Commission Member Crabb to present the Professional Services Agreement for Building Inspection Services to the city council at the May 17, 2023, meeting. Motion was seconded by Commission Member Bingham. Motion passed unanimously.

Chairman Pristupa will present the agreement information to the city council. The city would need to approve and have the attorney draw up a document with the county and then meet with the county commissioners for approval.

Commission Member Bingham asked if there needed to be a letter from the County Building Inspector that he would be available to do the inspections.

Discussion was had that the contract needs approval from the city council and then go to the county commissioners. The city attorney needs to draw up a document that the city council approves and then it would go to the county commissioners to see if it would be approved. The contract would be between the city and the county. The state code states that the city can hire a building inspector but do recommend that the county building inspector be used because they are certified.

Commission Member Crabb stated that most people do not have practical experience in building. Citizens do not understand the process needed to build properly.

Discussion was had on homes in the area that are not finished and being lived in and not paying taxes. Commission Member Crabb stated that citizens do this and not pay taxes because there has not been a residence of occupancy signed. Question was asked how the owner lived in the house if he did not have a residence of occupancy signed. Discussion was had that houses in the City of Grace are not required to have a certificate of occupancy. Discussion was had on not finishing basements. The assessor can tax you on a finished basement. There is an issue with the way building is done in this community.

Discussion was had that the citizen who is building the home pays for the inspection of the building it does not come out of the city's budget. The city will make money. This is something that is of value to the city.

Chairman Pristupa stated that contact had been made with the Idaho Counties Risk Management Program (ICRMP) for training of Planning & Zoning Commission. ICRIMP does not do training for Planning & Zoning, etc. anymore. Chairman Pristupa would like the Planning & Zoning Commission Members to have training on correct regulations that apply to zoning. The Association of Idaho Cities (AIC) do a training for Planning & Zoning. Chairman Pristupa passed out a power point presentation that AIC has used for training. There is a fee for the AIC to come and present the training. Discussion was had that AIC could do the Planning & Zoning- Area of City Impact and Annexations during business hours by zoom. This training was done at spring training with the cities in Idaho. Discussion was had of a video on AIC site.

Planning & Zoning Commission Member assignments for city council are:
Chairman Pristupa May 3, 2023, and May 17, 2023.
Commission Member Rasmussen June 7, 2023, and June 21, 2023.

Chairman Pristupa reminded the Planning & Zoning Commission that the next meeting would be held on Thursday June 8, 2023, at 7:00 p.m.

Discussion was had that the Planning & Zoning need to look at the information received from Ms. Askew and write down ideas and items so that when the Planning & Zoning meet on June 7, 2023, the first objective could be discussed. Discussion was had to look at the impact area suggested. Chairman Pristupa stated that he would like to ask the city council what their thoughts were on the area of city impact should be. The Planning & Zoning will try to get the information to finish the area of city impact.

Chairman Pristupa asked if the Planning & Zoning Commission had any other information to be discussed? There was none.

Motion was made by Chairman Pristupa that the regular meeting be adjourned. Motion was seconded by Commission Member Bingham. Motion passed unanimously.

Meeting adjourned at 8:17 p.m.

ZONING CLERK

APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

DATE: _____