

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, NOVEMBER 4TH, 2021.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Wendy Pelayo - Chairwoman
Glayd Christensen – Vice-Chairman
Nolan Koller
JoAnna Ashley, P&Z Admin

ABSENT: Scott Hayden, Regan Phillips

ALSO PRESENT: Dave Pristupa James Ackerman
Robyn Thomas Scott Rasmussen
Kim Welch

7:00 PM Acting Chairwoman Pelayo opened the meeting and asked if there was a motion on the minutes from September 2nd, 2021. Glayd Christensen moved to approve the October 7th, 2nd 2021 minutes, seconded by Nolan Koller. All in favor, motion approved.

Mrs. Ashley provided an overview of the meeting held March 5th, 2020 with Grace Planning & Zoning pertaining to the Area of Impact agreement between the city and the County. This meeting was a follow up regarding that discussion and how the City and County would like to proceed. Items that had previously been discussed for revision included, removing the three-mile restriction of Confined Animal Feeding Operations (CAFO) from the Area of Impact (AOI); changing the northern boundary from Rich Road to Telford Road; and adjusting the process for approval of building permits.

Dave Pristupa, Chairman of the Grace Planning & Zoning Commission provided a draft version of a map for the proposed AOI boundary. The city would like to keep the northern boundary at Rich Road to provide a larger buffer to the city against growth or uses that could negatively impact the city. The Commissions discussed the topic of boundary change further. Grace City Councilwoman Robyn Thomas said that their attorney had advised them that they should keep the boundary where it currently is for a variety of reasons. They weighed the pro and cons of moving the boundary. An alternative to keeping the boundary as is or move it to Telford Road, would be to move the northern boundary to be in alignment with Gibson Lane which is halfway between the two. It was agreed the option would be reviewed further with Grace City Council and Caribou County Commissioners.

There was further discussion and review of the currently adopted ordinance which governed the AOI. See attached for the final revisions that resulted from this discussion.

Chairwoman Pelayo turned the time over to discuss proposed revisions to the County Code that would be coming before the Commission next month as a public hearing for formal adoption. The revisions pertained to eliminating the requirement for ETPS (nitrate reducing) septic systems for lots under five acres, adopting a formal solar energy ordinance, allowing additional installation methods for manufactured homes and agricultural land splits being governed under the minor land division provision. The Commission agreed with the proposed changes and had no further questions.

6:58 PM Glayd Christensen moved to adjourn, seconded by Nolan Koller. All in favor, meeting adjourned.

ORDINANCE NO. DRAFT

AN ORDINANCE OF CARIBOU COUNTY, IDAHO, ADOPTING THE CARIBOU COUNTY COMPREHENSIVE PLAN, ZONING ORDINANCE, SUBDIVISION ORDINANCE, AND OTHER RULES AND REGULATIONS MUTUALLY AGREED UPON BETWEEN THE COUNTY AND THE CITY FOR THE AREA OF CITY IMPACT FOR THE CITY OF GRACE, IDAHO; REPEALING ORDINANCE NO. 2009-01; WAIVING THE RULE REQUIRING THREE SEPARATE READINGS OF THE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Board of County Commissioners of Caribou County, Idaho, pursuant to Ordinance 84-2, and the Mayor and City Council of the City of Grace, Idaho, pursuant to Ordinance No. 195, did by mutual agreement and separate ordinance adopt an area of city impact for the City of Grace, County of Caribou State of Idaho, which area is described as follows:

****The changes outlined below in yellow would take effect if the north boundary was changed to align with Gibson Ln. ****

Beginning at the Northeast Corner of Section **3032**, Township 9 South, Range 41 East, B.M.; thence running West to the Northwest Corner of Section **2635**, Township 9 South, Range 40 East; thence running South to the Southwest Corner, Section 2, Township 10 South Range 40 East; thence running East to the point of intersection of the Turner Road and the Bear River; thence running in a Southwesterly direction along Bear River to the West boundary line of Section 11, Township 10 South, Range 40 East; thence running South to the Southwest Corner, Section 14, Township 10 South, Range 40 East; thence running East to the Southeast Corner, Section 16, Township 10 South, Range 41 East; thence running in a Northerly direction along the West boundary line of the National Forest bordering the proposed area of the City Impact to the point of beginning.

WHEREAS, the City of Grace, Idaho, is required by separate ordinance to provide for the application of plans and ordinances for the area of city impact, and

WHEREAS, public hearings for the purpose of adopting plans and ordinances for said area of city impact were held pursuant to law.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY, IDAHO, AS FOLLOWS:

Section 1: That the presently existing Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and other ordinances relating to the zoning and subdivision process of Caribou County, Idaho, shall apply to the area of city impact and shall govern all transactions related thereto except as specifically set forth in this ordinance. Enforcement of said ordinance and the rules and regulations adopted herein shall be the responsibility of Caribou County.

Section 2: The following rules and regulations shall also apply within the area of city

impact:

- A. No feed lot operations, dairy farms, pig farms or CAFO operations (as defined in Section 67-6529C, Idaho Code) or similar type operations shall be permitted in the impact area ~~or within a three mile radius of the exterior boundary of the impact area.~~
- B. ~~The county, and the city shall jointly approve applications for building permits in the area of city impact in accordance with internal procedures adopted by them for building permits within their jurisdictions.~~ upon approval of an application for a building permit, shall immediately cause a copy to be sent to the City Clerk for the City's records.
- C. If application is made ~~to~~ for a conditional use permit, variance, amendment to the zoning ordinance or a subdivision within the area of city impact, such application shall be submitted to the county, and the county shall immediately forward a copy of said application to the city for its review, input and recommendations. ~~In addition, the county shall provide the city with copies of any preliminary or final plat or other documentation relating to the subdivision as may be required by the county.~~ The city shall be given thirty days after receipt of said documents for its review and recommendations to the county. Review by the city shall be limited to ensure that compliance ~~is being made by the developer with the county subdivision~~ with the County's ordinances and to make other suggestions as the city deems necessary for the proposal ~~ed subdivision.~~ However, the county's ruling on the application shall be final.
- D. Applications for subdivisions within the area of impact which share a border with the city boundary of Grace or are within 300 feet of the city boundary of Grace, shall be required to annex into the city. After which time the developer will proceed according to the City's ordinances for subdividing and the County will have no further authority on the matter.
- ~~E. Streets in proposed subdivisions, or new streets constructed by the county within the area of city impact shall line up with existing city streets to ensure conformity for future development and expansion of the city.~~
- ~~F. The procedure adopted for applications for subdivisions within the area of city impact shall also be followed by the county and the city for conditional use permits or variances to the zoning ordinance within the area of city impact.~~
- G. Any well drilled upon property within the area of city impact shall be placed and located upon property having a higher elevation to ensure that contamination does not occur to said well. Septic tanks located within the area of city impact shall be required to have a nitrate reducing capability as dictated by the district health department.
- H. The latest version of the International Building Code and the International Residential Code, Parts I - IV and IX, Appendix E, and Appendix J together with the County fee schedule for building permits shall apply within the area of city impact. All inspections shall be conducted by the

county building inspector. All fees for building permits shall be the property of the County.

Section 3: All applications for zoning permits, subdivision permits, building permits, or other permits related to the ordinances adopted for the area of city impact shall be made to Caribou County, Idaho, and the procedures for approval or disapproval of any such application shall be as is provided by county ordinance except as modified by the provisions contained in this ordinance.

Section 4: Caribou County, Idaho, shall not have the power to change, amend, modify or otherwise alter any ordinances applicable to the area of city impact without the consent of the City of Grace, Idaho. If the parties cannot agree as to a modification, then the procedure for modification of the same as set forth in Section 67-6526, Idaho Code, shall be followed by the county and the city.

Section 5: Ordinance No. 09-01, ordinance of Caribou County, Idaho, is hereby repealed.

Section 6: The rule requiring that this ordinance be read on three (3) separate occasions is hereby waived.

Section 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.