

**APPROVED**

CITY OF GRACE  
PLANNING & ZONING COMMISSION  
REGULAR MEETING HELD  
JUNE 13, 2024, AT 7:01 P.M.

PRESENT: Vice Chairman Bingham

Commission Members: Scott Rasmussen, Ralph Spackman, Mark Crabb

Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Jackie Barthlome, Sherry McCurdy, Larry Thomas, Esau Medina

Vice Chairman Bingham called the regular meeting of the Planning & Zoning Commission to order at 7:01 p.m.

Invocation: Commission Member Rasmussen

Pledge of Allegiance: Clerk Phillips

Vice Chairman Bingham welcomed Sherry McCurdy and Larry Thomas and thanked them for attending.

Vice Chairman Bingham turned the time to Mayor Jackie Barthlome to administer the oath of office to Sherry Lynn McCurdy to serve on the Planning & Zoning Commission.

Vice Chairman Bingham welcomed Planning & Zoning Commission Member McCurdy. Vice Chairman Bingham stated that Mr. Thomas would be approved and sworn in at the city council meeting on June 19, 2024.

Vice Chairman Bingham asked if the Planning & Zoning Commission had read the minutes of the regular meeting held on May 9, 2024, and if there were changes or corrections? There were none.

Motion to accept the minutes of the May 9, 2024, regular meeting of the Planning & Zoning Commission was made by Commission Member Rasmussen. Motion was seconded by Commission Member Crabb. Motion passed unanimously.

Report from City Council:

Vice Chairman Bingham stated that this will be his last meeting of the Planning & Zoning Commission as he has accepted a position on the Grace City Council. Vice Chairman Bingham stated that contracts were approved for the wastewater project, some road projects and setting permits were approved.

Impact Area:

Discussion was had that there are changes that have been made and there will be an update to the impact area. Vice Chairman Bingham stated that work was done on the Impact Area in 2023, thinking it was all done and approved by the Caribou County Commissioners and the City of Grace.

Vice Chairman Bingham stated that the State Legislature made changes to the Impact Area statutes with Senate Bill Number 1403. (RELATING TO PLANNING & ZONING: AMENDING SECTION 67-6509 and AMENDING SECTION 67-6526, IDAHO CODE TO REVISE PROVISIONS REGARDING AREA OF IMPACT). Discussion was had on the change which will move from Rich Road to Gibson Lane. Commission Member Rasmussen stated that it would change the airport. Discussion was had that the area would be basically the same as Caribou County Planning & Zoning Administrator Ashley had put the parameters. Commission Member Rasmussen questioned if the state and the federal government would protect the springs, wondering if the springs were grandfathered. Vice Chairman Bingham stated that the state and federal government are aware that the City of Grace has water rights to the springs and are on government property. Commission Member Rasmussen was concerned about timber being cut above the springs. Discussion was had on keeping livestock and wildlife out of the springs. Vice Chairman Bingham asked the Clerk to send the information sent from Mrs. Askew to the Planning & Zoning Commission concerning the springs and the letter from Mr. Duncan, USFS (United States Forest Service). Discussion was had if the springs are fenced; Clerk Phillips will talk to Superintendent Crookston concerning the fencing and send the information to the Planning & Zoning Commission with the information from Mrs. Askew. Commission Member Rasmussen discussed the pipe that runs through private property delivering water from the springs to the city, with concerns that the pipe may need to be looked at due to the age and corrosion of the pipe, if grants can be found to update the pipeline which would be a great project for improvement to the water system.

Vice Chairman Bingham asked if another meeting needed to be held with the Caribou County Planning & Zoning Administrator? Discussion was had that it might be a good idea to find out where the county is on the Impact Area. Commission Member Spackman asked if the County Commissioners wanted any input from the city as to what is needed. Vice Chairman Bingham asked that information needs to come from Mrs. Askew on what the next step needs to be taken. Discussion was had by the Planning & Zoning Commission that the original Impact Area began at the Rich Road. The County Commissioners left it there last year instead of changing it to Gibson Lane because of the airport.

BLK 43:

Commission Member Rasmussen stated that the concern on BLK 43 is some of the lots are listed as R 1 (residential) Zone and some of the lots are C (commercial) Zone and if there were a C (commercial) setting permit presented to build on the property which would include all BLK 43. Commission Member McCurdy asked if that was what the property owners were going to do? Commission Member Rasmussen stated that the property owners would like all BLK 43 to be the same. Vice Chairman Bingham stated that the property owners would like to have all the property be C (commercial) Zone. Discussion was had that research has been done from city records dated 1978, 1987, 1997 and 1986 when the Zoning Commission was organized. County records researched dated 1996, 1997, and 2003. Records of deeds were found dating 1974 and a deed of Policy of Title Insurance dated 1978 were referenced. Discussion was had why part of BLK 43 is R1 (residential) Zone and part of the lots are C (commercial) Zone if there needs to be a correction made and a hearing held to correct the change.

Vice Chairman Bingham stated that on the County tax records dated 1997 on the line the characteristic it is listed as item 42 as commercial. Commission Member Rasmussen stated that it could be grandfathered. Information from City Attorney Wood stated that where it has been on the county tax record at commercial it could be changed without a hearing but to be on the safe side a hearing might be best.

Vice Chairman Bingham stated that the paper trail states the property is commercial. Commission Member Spackman asked if anyone had checked in to the tax record from 2023? Commission Member Rasmussen stated that there has been a question on 6 inches into lot 9 BLK 44 and the west 6 inches of Lots 1, 2, 3, 4, and 5, inclusive of BLK 43. Discussion was had that the city Plat map shows an alley going through the property. Discussion was had that a survey needs to be done to make sure the property is within the correct lots 10 through 18. Discussion was had that Mr. Christensen had come to the city office and requested information for a surveyor. The surveyor contacted Clerk Phillips and requested information on BLK 43. Information was sent to the surveyor May 30, 2024.

Commission Member Rasmussen asked what Commission Member McCurdy's term was going to be? Commission Member McCurdy will serve a three year term starting with June 13, 2024, and Commission Member Thomas will serve a four year term starting when sworn in on June 20, 2024, at city council meeting.

Vice Chairman Bingham stated that it might be an idea to put out a notice and see who would be interested in serving on the Planning & Zoning Commission. Discussion was had that no one knows when there is an opening coming up for a new member. Commission Member Rasmussen stated that the information of openings are not available and was not aware that Vice Chairman Bingham had been appointed to the city council until tonight. Commission Member Spackman stated that city councilmember Fluckiger had moved. Commission Member Rasmussen stated that the citizens of the city aren't given information on changes. Vice Chairman Bingham stated that the Grace Fire Department sign has information posted and is available if someone stopped to read the board. Commission Member Rasmussen stated it would be a good idea to put out a notice. Discussion was had on putting the information in the newspaper, on face book and the city website, and the Grace Fire Department sign.

Vice Chairman Bingham stated that updates need to be assigned for the Planning & Zoning Commission attendance at city council meetings. Decision was made to wait until Mr. Thomas was sworn in at the next city council meeting. Commission Members were given updated Idaho Open Meeting Law Manual dated January 2023 to replace the 2018 manual.

Vice Chairman Bingham stated there are three things that the Planning & Zoning Commission have not heard back from the city council on. The items are ADU's, short term rentals, or code enforcement. Commission Member Spackman stated that those items had been tabled. Vice Chairman Bingham stated that the county had passed a short term rental and the Planning & Zoning Commission had presented the counties code and the city tabled the code. These are unfinished business from the Planning & Zoning Commission that need to be finished.

Vice Chairman Bingham stated that the Planning & Zoning Commission has access for a new updated map labeled City Grace Map that has address, water lines, fire hydrants which would have any new address numbers, etc. added. A previous discussion that was had with Keller & Associates about a new map to replace the November 2000 map with the lot sizes, street, and alley dimensions. Vice Chairman Bingham stated that Mr. Richins would like the Planning & Zoning Commission to reach out and let him know what type of map was needed and there is one that has most of the sewer, water and hydrants available. Vice Chairman Bingham stated that Keller & Associates have several options on maps that are more up to date.

Vice Chairman Bingham asked if there was any other business? Commission Member Spackman asked if the Planning & Zoning Commission were going to work on updating the map? Discussion was had that Vice Chairman Bingham had suggested the map be divided into 4 sections and update each section individually adding the new property and make changes as each section was done. Vice Chairman Bingham suggested the Planning & Zoning Commission wait until Mr. Thomas is approved.

Vice Chairman Bingham asked for nominations for Chairman of the Planning & Zoning Commission. Commission Member Rasmussen nominated Commission Member Spackman. Vice Chairman Bingham asked if there were any other nominations? Commission Member Crabb seconded the motion. Motion passed unanimously.

Discussion was had on the length of Commission Member Spackman's term. Commission Member Spackman's term will end November 2025. Vice Chairman Bingham asked Commission Member Rasmussen if he would extend his term. Commission Member Rasmussen stated he would not

Vice Chairman Bingham stated that Chairman Spackman can hold nominations for Vice Chairman at the July 11, 2024, Planning & Zoning meeting.

Vice Chairman Bingham stated that the assignments for the next city council meetings are June 19, 2024, Commission Member Crabb, Commission Member Rasmussen July 3 & July 17, 2024. Chairman Spackman August 7 & August 21, 2024.

Vice Chairman Bingham stated that the Planning & Zoning Commission could update the assignments for the city council meetings at their regular meeting in July. Vice Chairman Bingham stated that December and January assignments were needing to be changed.

Vice Chairman Bingham asked if there were any other business? Esau Medina stated that he had some questions.

Mr. Medina asked about the update on the zoning map. Mr. Medina asked if the map in the frame, is the most current zoning map of the city. Mr. Medina stated that in looking at the agenda the commission were going through and correcting the zoning map. Vice Chairman Bingham stated that the Planning & Zoning Commission would make updates and the changes would be presented to the Grace City Council for approval, and the city council would approve or disapprove of the changes.

Mr. Medina stated that he had purchased property in the C (commercial) Zone. Mr. Medina wanted to make sure that the property was commercial. Mr. Medina stated that as far as making changes what is the process of trying to get zones changed, He does not have anything in the works but would like information if needed to make a change.

Vice Chairman Bingham stated there is an application, fees, and signatures from property owners within three hundred feet (300'), a hearing set up through the Planning & Zoning Commission. There is a notification sent to the newspaper, and the hearing will be held fifteen days (15) after the application is submitted. Vice Chairman Bingham stated that Mr. Medina would present his information at the hearing, then there would be comments on his presentation, letters of citizens would be included, then a rebuttal to concerns and questions can be made, then the hearing is closed and the Planning & Zoning Commission will move into their regular meeting to discuss the information giving the Planning & Zoning Commissions input on the questions, information, Findings of Facts, and any stipulations that might be

necessary and then the Planning & Zoning Commission will give their recommendations to the city council for final approval.

Vice Chairman Bingham stated that the Planning & Zoning Commission could put stipulations on what the commission could see that would be acceptable. Commission Member Rasmussen reminded Mr. Medina that there is a conditional use permit that can be used in regards if there is something needed to correct a building issue, and the conditional use permit covers the property for the entire time of your ownership. Commission Member Rasmussen stated that if the property was sold the new owner would need to apply for a new conditional use permit.

Mr. Medina asked if the property could have a dual use? Commission Member Rasmussen stated that the paperwork would have to be submitted before a decision could be made and presented to the city council. Commission Member Rasmussen stated to remember the steps go through Planning & Zoning, but the city council will make the decision to say yay or nay. Discussion was had that the Planning & Zoning use a listing of Findings of Facts for questions pertaining to the issue and if there are items that need to be included on the permit. The permit and stipulations listed and sent to the city council. Vice Chairman Bingham stated the Findings of Facts are a guide.

Mr. Medina asked if the map would change. Vice Chairman Bingham stated that the corrections were just started at the May 9, 2024, meeting and the Planning & Zoning are trying to get the map up to date there are a few places that need to meet the correct zone. This will be a slow process because the Planning & Zoning Commission will make corrections in zoning areas, add additions, etc. then it will be presented to the city council for discussion and approval. Commission Member Rasmussen stated that the Planning & Zoning Commission were just trying to get the zones cleared up and add the new additions to the map. Discussion was had that the city needs to find an area for more industrial. There is not any place listed to add industry.

Mr. Medina asked if the map on the wall was the current map being used? Vice Chairman Bingham stated that the map is the one being used which is dated November 2000, the Planning & Zoning have inquired about an updated map. Commission Member Rasmussen stated that Mr. Medina could be informed when if any changes were going to be made to stay up to date.

Vice Chairman Bingham closed the meeting.

Adjourned: 7:55 p.m.

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ZONING CLERK

APPROVED: \_\_\_\_\_  
CHAIRMAN/VICE CHAIRMAN

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