

**APPROVED**

CITY OF GRACE  
PLANNING & ZONING COMMISSION  
REGULAR MEETING HELD ON  
APRIL 11, 2024, AT 7:00 P.M.

PRESENT: Vice Chairman Kyle Bingham  
Commission Members: Scott Rasmussen, Ralph Spackman, Mark Crabb  
Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Peter Clegg, Larry Allen, Gloria Peck, Stanley Christensen

Vice Chairman Bingham called the regular meeting held on April 11, 20 to order at 7:00 p.m. excusing Chairman Pristupa.

Invocation: Commission Member Crabb

Pledge of Allegiance: Clerk Phillips

Vice Chairman Bingham asked if the Planning & Zoning Commission had read the minutes of the previous meeting and if there were any corrections.

Motion to approve the minutes of the February 8, 2024, Conditional Use Permit # 2024-228 public hearing and regular meeting 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 he had attended the City Council meeting held on April 3, 2024, and the council had approved the 65 foot elevator.

Zoning Business:

Vice Chairman Bingham turned the time to Mr. Clegg.

Mr. Clegg introduced Stanley Christensen stating that he and Mr. Christensen had been discussing the lot on 4<sup>th</sup> west between 1<sup>st</sup> S. and 2<sup>nd</sup> S. Mr. Clegg stated that in looking at the zoning map there was some confusion.

Discussion was had that there had been a discussion held on the zone being R 1 (residential) Zone and so many feet next to a commercial.

Mr. Clegg stated that in discussion with Stanley he has owned the property many years buying the property and warehouse from the potato growers. Mr. Clegg stated that it should be commercial. Mr. Clegg stated that he has a picture of a zoning map when you zero in on the map it shows orange. Mr. Christensen wanted to know when it got changed? Mr. Clegg stated that it shows the property as commercial. Discussion was held on the zoning map hanging on the wall showing that part of BLK 43

was C (commercial) Zone and the other part was R 1 (residential) Zone. Mr. Clegg stated that it is orange and should be commercial.

Mr. Clegg stated that his point is that the property is commercial. Discussion was held on the date of the map being used on the wall. Vice Chairman Bingham stated that the map was dated November 2000. Mr. Christensen stated that he was wondering when the zone got changed. Discussion was had that there were new homes in the area. Vice Chairman Bingham stated that if the map is from the sixties and zoned in the nineties there could have been a change. Mr. Clegg asked who would have changed the zone without Mr. Christensen being notified?

Mr. Clegg asked Stanley when he bought the property? Mr. Christensen stated he could not remember the date. Commission Member Rasmussen asked if anyone had researched when the Zoning Ordinance was adopted or changed?

Commission Member Spackman stated that instead of arguing do the research and then visit the request again. Vice Chairman Bingham stated that the map on the wall is the one being used presently.

Commission Member Rasmussen asked Mr. Clegg if he wanted BLK 43 I (industrial) Zone or C (commercial) Zone? Mr. Clegg stated that it was I (industrial) Zone. That way he and Mr. Christensen had discussed putting in storage units and if it were C (commercial) Zone there could be put either R 1 (residential) or R 2 (multifamily residential). Commission Member Rasmussen stated that it would work as an R 1 (residential) or R 2 (multifamily residential). Commission Member Rasmussen asked if commercial and industrial were the same? Vice Chairman Bingham stated the commercial and industrial are not the same.

Mr. Clegg asked where the commercial was on the map. Clerk Phillips stated that commercial were all marked green on the map.

Commission Member Rasmussen asked if there could be research done on when the city became a co-corporate city and when the zoning areas were adopted. Commission Member Rasmussen wondered about having research done on a combination of items.

Mr. Clegg stated that BLK 43 needs to be rezoned. Mr. Clegg stated that when he talked to Clerk Reeves it was stated that there could not be a change. Vice Chairman Bingham stated that there is a procedure to rezone an area and that there has not been any zone changes while he has been on Planning & Zoning.

Mr. Clegg stated that the steps begin with the Planning & Zoning and a recommendation is made to the city council, then the city council approves or disapproves. Mr. Clegg stated that property owners within the area need to be notified of the change. Vice Chairman Bingham stated that property owners within three hundred feet (300') need to be notified and a hearing held.

Mr. Clegg wanted to know the difference between industrial and commercial, he has been unable to find any information in the city code on the rules.

Vice Chairman Bingham stated there are two Ordinances one for the C (commercial) Zone: 3-1-5: Regulations for the C (Commercial) Zone: The zones regulated to fulfill general shopping center needs and travel or highway related service requirements in the community. (Ord. 207, 3-1-7-1987, (A through

G) and one for the I (industrial) Zone 3-1-6: Regulations for I (Industrial) Zone: The I areas in which industrial uses may locate, substantially free from residential or retail commercial activities. (Ord 207, 3-1-7,1987), (A through G). Vice Chairman Bingham stated that all the of the Grace City ordinances are on the city website for citizens convenience.

Mr. Christensen asked that research be done to find out when the area was zoned. Mr. Clegg stated that there would probably be storage units built on the property. Mr. Clegg stated that they have been trying to figure out how to build affordable housing. Mr. Clegg stated that they would not build affordable housing there because of the size of the lots but if storage units were built it would work for Mr. Christensen.

Commission Member Rasmussen asked the clerk to do the research on the following items: When the Village of Grace became a city, and when the areas were placed into zones. Mr. Clegg stated that the map he has states that it is commercial and wondered if there were old zoning maps that could help? Discussion was had that there would be research done on the zoning. Mr. Clegg stated that Mr. Christensen had not approved the change of the zone. Mr. Clegg stated that there needs to be something legal to make the correction with the property owner to zone their property. Mr. Clegg stated that if Mr. Christensen bought the property as commercial, he should have been notified of the change. Discussion was had that when Mr. Christensen purchased the property it may not have been zoned commercial and there needs to be research done. Mr. Clegg stated that the information he has indicates that Mr. Christensen purchased the property as commercial and he should be allowed to use the property as commercial. Vice Chairman Bingham stated that the problem is that the Planning & Zoning Commission cannot use just Mr. Cleggs opinion. Mr. Clegg stated that he was aware that research needs to be done to state what the zone is, and if the zone was changed without Mr. Christensen's knowledge. Commission Member Spackman stated there needs to be research done to make sure the zone is correct and to give the Planning & Zoning Commission time to do the research. Vice Chairman Bingham asked Mr. Christensen to bring any items he found which would help the clerk and could be forwarded to the Planning & Zoning Commission.

#### Other Business:

Vice Chairman Bingham stated that Chairman Pristupa had been working on getting maps for the Commission to work on the zoning.

Discussion was had on the map legends and the zoning areas and colors. Commission Member Rasmussen stated that the area out by the Jensen property has a trailer park. Vice Chairman Bingham stated that first the issue with the zone with the school needs to be addressed. Discussion was had that the zone of the school would remain as R 1 (residential) Zone. Question was asked about the section where the old elementary school was removed. The amendment change on the property to be made commercial was denied and the property was left as R 1. Commission Member Rasmussen stated that the school would do a conditional use permit for the use of the storage shed. Discussion was had on the commercial building on south main being commercial. Discussion was had that the building housed a cheese factory, tire shop and a drive-in. Discussion was had that there was a railroad depot on center street and was removed. Vice Chairman Bingham asked the Commission what Chairman Pristupa wanted the done with the map? Commission Member Rasmussen stated that the city council wants to update the zones, there are zones that should be changed. There are property owners who are not shown on the map and need to be added. Commission Member Rasmussen stated that about a year ago at a city council meeting a discussion was had that referenced an area that has not been addressed. Commission Member Rasmussen stated that it could have been when the city was addressing the issue

of storage containers. Commission Member Rasmussen stated that he has some thoughts on an issue on Main Street, asking the commission if they had looked at the large garbage cans on the property? Those cans look ugly painted like they are and make the community look bad, at least the business could have used stencils to make it look better. Discussion was had that the city has a sign that can be attached to the can to inform the citizens that the cans are not for others to use. Commission Member Rasmussen stated that he was not opposed to a storage container being placed on property, but he feels that the trash cans painted red look like graffiti paint which looks trashy.

Commission Member Crabb asked if the Planning & Zoning Commission could take the map, get in a vehicle, and drive to each area, and make the changes. Discussion was had that if the Planning & Zoning Commission were to drive, they would all have to go together, possibly making it a Planning & Zoning meeting.

Commission Member Rasmussen discussed the property at 911 S. Main Street of a house and the barn. Discussion was had that the barn is not part of the city. Discussion was had that when Monta Vista was being developed the property owner did not want his home or the barn to be part of the city and it was left as county property. Commission Member Rasmussen questioned if it could be updated and changed? Vice Chairman Bingham stated that the house and barn have nothing to do with the city and nothing can be done to change it because it is in the county. Commission Member Spackman stated that in the rules or regulations any property that is on boundary of the township can be annexed into the township.

Question was asked to Commission Member Rasmussen about why the area of the farms around the City of Grace are R 1 (residential) Zoned yellow? Commission Member Rasmussen stated that the map needs to be cleaned up, is there a reason the area is different, some of this area would be part of the chemical property. Discussion was had that some of the area should be industrial. Discussion was had on the area boarding One Mile Road.

Mrs. Peck asked if she could interject some information on the previous discussion on the property at 911 S. Main, the property of the house and barn were to be left as county and the rest would go residential that the property owners did not want to pay city taxes.

Vice Chairman Bingham stated that the property owners could be asked if a change could be made to the property, but they cannot be forced to change.

Commission Member Crabb asked how do you take this map and adopt the zones?

Commission Member Rasmussen asked if the Commission could see a benefit of R 1 (residential) Zone verse R 2 (multifamily residential) Zone? The area still looks like R 2 (multifamily residential) Zone because of the trailer park but the area next to the trailer park maybe does not need to be R 2 (multifamily residential) Zone.

Commission Member Rasmussen stated that the black line going through the area of agriculture ground was a sewer line. Discussion was had on the homes along the canal having lots that could be built on.

Commission Member Rasmussen asked if it would benefit the Planning & Zoning Commission to meet with the Grace City Council and asked what they would suggest before proceeding to make the zone changes and then the city can just state that they don't like the way the Planning & Zoning Commission

has made the changes to the map. Should the Planning & Zoning Commission go to the city first to see what they suggest, really and truly is the Commission just flying blind. There are many things that need to be cleaned up, is that a waste of our time if the city council says no to the changes.

Discussion was had to meet with the city council and get ideas for the changes. Vice Chairman Bingham stated that he could ask the council at their next meeting if it would be possible to meet with them at a Planning & Zoning Commission meeting to recommend what changes they felt needed to be made.

Question was asked if the city council would have enough interest to make suggestions or does the city want the Planning & Zoning Commission to just fly blind updating the zones?

Commission Member Crabb asked if there was a computer program somewhere? Discussion was had there are two more maps on file here and the map can be found at the courthouse. Commission Member Spackman stated that any maps or material at courthouse are protected.

Discussion was had on the westside of Center street of property owned by Rocky Mountain power and farmed by the Johnson Farms and there are more areas of Rocky Mountain shown on the map.

Commission Member Spackman stated that he would like to see on the eastside of town the water line coming from the springs to be identified and marked on the map. Commission Member Rasmussen stated that if there were sewer lines they should be identified as well. Discussion was had on the sewer and water lines closer to the city. Commission Member Rasmussen asked where the lift station was on the map? It needs to be identified. Commission Member Rasmussen stated that the area that includes the farm ground owned by Stoddard's, and Johnson's being left for future development a possibility.

Commission Member Spackman stated that another area the Planning & Zoning Commission was asked to deal with was an industrial area. Discussion was had on the area for industrial. Discussion was had on the new subdivision east of Helena Chemical. Vice Chairman Bingham reminded the Planning & Zoning Commission that those lots are in the county. Commission Member Rasmussen asked if it would be a good idea either the Planning & Zoning Commission go meet with the city council at one of their meetings or the city council come to meet with the Planning & Zoning Commission at one of our regular meetings? Commission Member Spackman stated that the Planning & Zoning Commission does not know until the question is asked. Commission Member Rasmussen stated that he would like more information before the Planning & Zoning Commission just starts and not knowing what is wanted. Vice Chairman Bingham stated that the city might want something different than what the Planning & Zoning Commission suggests before the Planning & Zoning Commission wastes the time let's all get on the same page.

Vice Chairman Bingham stated that he has the assignment to attend city council on April 17, 2024, and will ask if the city council would come meet at our regular Planning & Zoning Commission meeting or the Planning & Zoning Commission meet with the city at one of the city council's regular meetings where the city meets twice a month.

Vice Chairman Bingham stated that on April 17, 2024, would be the next city council meeting and he is assigned to attend the meeting. Commission Member Spackman has the assignment for May 1, 2024, and May 15, 2024.

Vice Chairman Bingham stated that the next Planning & Zoning Commission meeting will be May 9, 2024.

Vice Chairman Bingham asked if the Commission Members had any other business? The Commission had none. Vice Chairman Bingham asked for a motion to adjourn. Motion to adjourn the regular meeting of the Planning & Zoning Commission was made by Commission Member Crabb. Motion was seconded by Commission Member Spackman. Motion passed unanimously.

Meeting adjourned at 7:46

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ZONING CLERK

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

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