

APPROVED

CITY OF GRACE
PLANNING & ZONING COMMISSION
REGULAR MEETING HELD ON
OCTOBER 17, 2024

PRESENT: Chairman: Ralph Spackman
Commission Members: Scott Rasmussen, Sherry McCurdy, Larry Thomas
Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Meloney Rasmussen, Ryan Rasmussen, Doug Wood

Chairman Spackman called the regular meeting of the Planning & Zoning Commission held on October 17, 2024, to order at 7:03 p.m.

Invocation: Chairman Spackman

Pledge of Allegiance: Clerk Phillips

Chairman Spackman asked the Planning & Zoning Commission members if they had read the minutes of the previous meeting and if there were any corrections or changes.

Motion to approve the minutes of the regular Planning & Zoning meeting held on September 12, 2024, was made by Commission Member McCurdy. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

Report from City Council:

Commission Member McCurdy stated that there had been a discussion on the property at 171 W. 1st N. Information was given on the Mitigation plan for the city.

Chairman Spackman stated there is a list for the potential new zoning committee members. Chairman Spackman asked that one thing the Planning & Zoning Commission should do is to consider a person that would be interested in replacing him on the commission. Chairman Spackman stated that he did not know how much longer he could remain on the commission but to keep it in mind. Commission Member Rasmussen asked if a name should be submitted for Chairman Spackman's position on the Planning & Zoning Commission tonight? Chairman Spackman stated that it is something to keep in mind because there are several things not available.

Chairman Spackman asked the Commission to review the list of the potential people on the east side of the city. Names listed as preference were Karen Kladis, Brent Painter, Kent Corbett. Next on the list were Kent Corbett, Kenneth Hamp, Chad Corbett. Decision was made to ask Karen Kladis to be on the Planning & Zoning Commission for the east side of the city.

Chairman Spackman asked the Commission to review the list of the potential people in the Impact Area. Commission Member Rasmussen stated that Andrew Simonson would be a good choice. Chairman Spackman stated that there were four for Simonson, one for Lee Wilkerson, two for Landon McNeil. Decision was that Andrew Simonson be asked to be on the Planning & Zoning Commission for the Impact Area. Commission Members were okay with those potential members in the second slot. Names to be listed on the list would be Andrew Simonson, Lee Wilkerson, and Landon McNeil.

Clerk Phillips ask the Planning & Zoning Commission if the Planning & Zoning Commission Members were comfortable with the corrections that have been done on the zoning map to this point? Chairman Spackman stated that it is not up to the commission at this point to recommend any zoning changes, because that entails more than just stating that the Planning & Zoning is going to change the zones. First the Planning & Zoning Commission does not have the authority to make the change. Secondly the Planning & Zoning Commission had better know what and why it is being done which could cause problems. Chairman Spackman stated that the map does need to be corrected. Chairman Spackman stated that he had discussed this with Mayor Bartholome stating that the Planning & Zoning Commission were just verifying which zones were indicated on the map and which ones were not as indicated. Several that are indicated as R-2 (multi-family) Residential, and the tax records show the property as agricultural. Making the city council aware that the yellow needs to be changed to green and some needs to be changed to commercial because that is what they are on the tax records. Commission Member McCurdy stated that the commission is aware of this. Chairman Spackman stated that actuality is what the city is after, what this should be or what this might be, that it needs to be descriptive and accurate as the Planning & Zoning Commission can make the corrections.

The City Council makes the final decision on the zoning changes to the map. Chairman Spackman stated that if the map was presented with the first section done that the Commission would have to see what the city sent back there might be more clarifications needed.

Motion was made by Commission Member Rasmussen that the Planning & Zoning Commission sends the first corrections from One Mile Road to 4th west to the city council. Motion was seconded by Commission Member Thomas. Motion passed unanimously.

Burton Canyon Phase 2, Rezone Lot 11:

Chairman Spackman turned the time to Ryan Rasmussen to present information on what he wants to do with Lot 11 in the Burton Canyon Phase 2 subdivision.

Mr. Rasmussen stated that he would like to build a duplex or a four plex in the subdivision which is lot 11. Mrs. Rasmussen asked if a Variance could be used for Lot 11 in an R-1 (Single Family Residential).

Mrs. Rasmussen stated that it was two lots but when the decision was made not to put the street in because it only served one lot, they chose to put two lots together which made a bigger lot. Mrs. Rasmussen asked what is the difference between a Variance and a Zoning amendment?

Attorney Wood stated a Variance is an exception. Changing the zoning would change from a single family residential to a multi-family residential. A problem with the plot zoning issue and concern with spot zoning. Mrs. Rasmussen stated that in a previous discussion they could do three more lots 30, 31, 32 on the street which are not sold. Mrs. Rasmussen stated that lots 29,33,34,35 are all sold but not built on and we own lot 28. Mrs. Rasmussen stated that they did not want to change them all but if we had to, we could change lots (30,31,32). Attorney Wood asked if the lots were related to any other R2

(multi-family residential) Zones? Mr. Rasmussen stated no. Mrs. Rasmussen stated that it was just a corner lot. Discussion was had on the map showing the lot 11 in the Burton Canyon Subdivision Phase 2 (see attachment). Attorney Wood asked if all the lots listed on the map were listed as R 1 (Single Family Residential) Zones? Mrs. Rasmussen stated that they were all R1 (Single Family Residential). Attorney Wood asked if there were other lots that could be changed? Attorney Wood asked about lots 28,29,33,34,35 below the lot in question. Mrs. Rasmussen stated they were all sold. Attorney Wood asked Mrs. Rasmussen if the people that owned the lots would be upset if they find out you are building a multi-family unit. Mrs. Rasmussen stated that honestly these people that purchased the lots when cheap and now they are trying to resell the lots.

Attorney Wood stated that a process needs to be followed to give the owners notice. Mrs. Rasmussen stated that there would not be anyone having a problem with the variance. Attorney Wood stated that Mr. Rasmussen would apply with the Planning & Zoning Commission, who would send out a notice to the neighbors, stating that there is an application for a Variance on lot 11. Commission Member Rasmussen asked if a Variance was temporary. Attorney Wood stated that it would run with the property. Chairman Spackman stated that the State of Idaho states that spot zoning is illegal.

Mr. Rasmussen stated that there could be a variance. Attorney Wood stated that it would depend on the answer, there is not supposed to be spot zoning, which is illegal. Attorney Wood stated that maybe a variance would work better. Either way there is a notification sent to the property owners, then the property owners will have a chance to come and voice their opinion, not a court ordered objection. Question was asked how many more lots in the subdivision would be multi-family units. Mrs. Rasmussen stated there would only be one. Mr. Rasmussen stated that he would apply for a variance on lot 11 in the Burton Canyon Subdivision Phase 2. Mrs. Rasmussen stated that if everyone was okay with the change on lot 11, they could build a multi-family structure. Mrs. Rasmussen stated that there is no rentals in Grace, we own a duplex but there are a lot of people looking for rentals especially young couples.

Attorney Wood asked if this would be a four plex or a duplex. Mrs. Rasmussen stated that it would be a four plex. Attorney Wood asked if they were building it for themselves as an investment property? Mrs. Rasmussen stated yes. Mrs. Rasmussen stated that it would be nice to have rentals. Mrs. Rasmussen stated they had asked the people on a lot on 2nd South about buying the property to build a retirement facility and someone else purchased the property.

Attorney Wood asked about the logistic of the map. Discussion was had on Center Street and 8th East, Merrill Way.

Chairman Spackman asked if the Rasmussen's could provide ownership and contact information on the lots? Discussion was had that the notifications would go out to those property owners within 300 feet of Lot 11. Mr. Rasmussen will provide the application for the variance and a list of the property owners within the 300 feet of the property and Planning & Zoning will take care of the addresses etc. Mrs. Rasmussen stated that they owned most of the lots which are vacant.

Mrs. Rasmussen stated that she pays the bills, and Ryan takes care of the building side of the business. Mrs. Rasmussen stated that Kenneth had a question of what the difference between a variance and changing the zone, why can't we just do the variance. Chairman Spackman stated that when reading the rule knowing it was a spot zone and there was a state law already in place and just trying to change the

zone would have been a difficult thing. Mrs. Rasmussen stated that she just wanted to get a variance for lot 11.

Mr. Rasmussen thanked Attorney Wood and Planning & Zoning Commission for the information and will apply for the variance.

Discussion on the variance.

Attorney Wood stated that it depends on what the neighbors will state. Commission Member Rasmussen stated that if the neighbors take a stand and say no to the variance because everything was R 1 (Single Family Residential). The property owners do have a say about the change the variance could be denied. Attorney Wood stated that if you listed the property in the subdivision as R 1 residential some may not like to have the property values decreased, due to the multi-family home or trailer park. If the property owner came in and stated that we purchased this knowing it was R1 (Single Family Residential) we object for these reasons. We do not want a four plex or a duplex. Attorney Wood stated that a duplex may not be as sufficient as the four plex.

Clerk Phillips asked if the variance was passed what kind of problem is it going to create later?

Attorney Wood stated that anyone can asked for a variance, if granted or not it is up to the Planning & Zoning and then the City Council makes the final decision. Attorney Wood stated that a hearing is allowed to hear what the residents' concerns are of the change from R 1 residential to R 2 multi-family residential.

Commission Member Rasmussen stated that Mr. Rasmussen had stated it would be a four plex at most. Attorney Wood stated that it could be two or four. Chairman Spackman stated that it is an invested property. Attorney Wood stated that as an invested property they are looking to build rentals.

Chairman Spackman asked that a question might be if it would be a low income type rental or what is the going rate for rentals. Commission Member McCurdy stated it could be the type of people moving into the rental. Chairman Spackman stated it would be low income.

Attorney Wood stated that the questions being asked are great to ask at the hearing. If it is a four plex, is it being rented monthly or is it more like a town home, are they purchasing ownership. There are plenty of condos and town homes that are super nice homes and people live there permanently and so that would change the dynamics. These are some of the questions that might be asked.

Chairman Rasmussen stated that the apartments on 2nd N. would be similar to the four plex that is being discussed, the folks in that area are quiet, there are different regulations, through the government which would be a good question.

Chairman Spackman asked Attorney Wood where these questions are to be asked, are they to be part of the application for the variance. Attorney Wood stated that when Mr. Rasmussen files the application the letters will be sent and a hearing date set. At that point the people can voice their concerns and comments. Attorney Wood stated that the Planning & Zoning Commission could have questions, that are pertinent to the conversation.

Chairman Spackman stated that they still must pay heed to the covenants of the subdivision. Attorney Wood stated that the covenants are recorded with the county.

Clerk Phillips asked how the covenants go with the application when being sent to the property owners within 300 feet. Attorney Wood stated to look and see if there were anything in the covenants that would conflict with the change for the variance. An example would be you cannot have multiple cars parked in your driveway; they have to be parked in the garage. Attorney Wood stated the four plex would need multiply garages to accommodate the Covenants, Conditions, & Restrictions (CCR's) of the subdivision. Commission Member Rasmussen stated that vehicles cannot be parked on the street. Commission Member McCurdy stated cars cannot be parked on the streets in the wintertime. Chairman Spackman stated that maybe all the property owners are not aware of the covenants.

Attorney Wood stated an example would be it is a rental, but the Rasmussen's are still owners of the property, the owners abide by the CCR'S. Attorney wood stated it is more than a town house situation or a condo situation. Commission Member McCurdy stated that the owners would be responsible for who was living in the rental. Attorney Wood stated that using the vehicles as an example, four vehicles parked in the driveway, and it violates the covenants, the property owner is the enforcer of the CCR'S because it is their subdivision. Covenants should be read correspondingly with what the Planning & Zoning Commission decide.

Chairman Spackman stated that until the subdivision was completely populated there can be changes or modifications made at any time to the CCR'S. Each lot owner has a right.

Announcements: Planning & Zoning meeting November 14, 2024

Chairman Spackman asked for a motion to adjourn.

Motion was made by Commission Member Rasmussen to adjourn. Motion was seconded by Commission Member McCurdy. Motion passed unanimously.

Adjourned: 7:55 p.m.

CLERK

APPROVED: _____
CHAIRMAN/VICE CHAIRMAN

DATE: _____