



priority. Engineer Skinner stated it would be and would start with first updating and replacing some valves in order to schedule outages.

Councilmember Hart again brought up the need and his recommendation to schedule the Ender's lease reopening meetings and perform walk through inspections of the Enders Building and property. He noted it is a City asset that we need to make sure we have a long term plan for and he requested to receive a recommendation from staff on how to move forward. Engineer Skinner reported he had talked to the lessee, Mariah Lancaster, recently who plans to ask for an extension of the lease and the possibility of new signage. She would also like to open the hotel but is waiting on the effects of COVID to subside. Councilmember Hart is open to being sensitive to the COVID situation and suggested being proactive in getting the meetings and inspections set up.

The Mayor and Council reviewed an Area of Impact application received by the County requesting a variance to the height restriction for a proposed new home. The actual height being requested was reviewed and discussed. Councilmember Goode expressed his desire to have the height considered by the City and County Fire Departments in case of any concerns with firefighting safety. The Planning & Zoning Committee (P & Z) recommended the City Council forward to the County a recommendation of approval along with Councilmember Goode's concerns. Attorney Haney mentioned there are no neighbors right now but should consider if the height will block the views of future developments. Councilmember Goode moved to recommend to the County Commissioners that they thoroughly consider all safety aspects affected by the height of the building. Councilmember Lau seconded the motion. All in favor, motion carried.

The Mayor declared a public hearing open for the purpose of considering an amendment to the Zoning Ordinance of the City as contained in Chapter 17, specifically the accessory building definition 17.08.020 and the addition of a new section 17.70 to the Soda Springs Municipal Code regarding Shipping/Cargo Containers being allowed as Accessory Buildings in a Neighborhood Commercial Zone (C-1), Community Commercial Zone (C-2), Service Commercial Zone (C-3), Agriculture Zones (A-1, A-2), Light Industrial Zone (M-1), and Heavy Industrial Zone (M-2), which would require a Conditional Use Permit also relating to the placement and regulation of Shipping/Cargo Containers for temporary placement. Clerk Vorwaller noted the only comments received were questions submitted to the Planning and Zoning Committee from Jeff Langedyke. Councilmember Hart asked if the questions had been answered. Engineer Skinner explained the answers will depend on the decisions made regarding the proposed code amendment. The Mayor asked for comments from those in attendance.

Paige Byram, resident and owner, with her husband Brock, of Point S Tire and Soda Sip offered comments regarding the proposed code amendment. Mrs. Byram stated she is in favor of allowing shipping/cargo containers on commercially zoned property to help businesses have safe storage and keep property clean. She feels the City should accommodate what is already in place and move forward with the new regulations. She also stressed the importance of supporting local businesses.

Local resident, Ryan Carpenter offered comments on the proposed code amendment regarding shipping/cargo containers. He is in favor of the code amendment with a few minor changes. He feels it should have a grandfather clause allowing the containers that are already in place to remain. He feels it will be an unfair hardship on some to remove or comply with the new code and it's not unreasonable to allow them to remain where they are already. He also feels placement in residential zones may make sense and should be considered on a case by case situation. He noted that businesses were encouraged to clean up their properties which some did by storing items inside a container and were unknowingly breaking the law.

Local business owner, Dawn Perkins also offered comments. She explained that in 2000 her and husband Wayne Perkins of Perk's Electric put in cargo containers to store equipment in when they were asked to clean up their lot. They also used to have a semi-trailer and buses that are now gone. They currently operate three businesses and have six to ten employees and it would be easy for them to move out of town if these new rules are going to make it hard for them to continue to operate their businesses as they have. She suggested limiting shipping/cargo containers is short sided by the City because other areas are expanding the usage of storage containers. She feels this is unfair to business owners when no one knew they weren't allowed and they weren't told when they put them in.

Jared Davis, owner of the drive-in theatre offered that he agreed with the comments made. He feels the new code should have a grandfather clause to address the containers already placed. He feels this may have been rushed and the City needs to consider how this is really going to affect those who have used containers to help clean up their properties. He asked the Mayor and Council to consider the comments made and spend a little more time on what can be done to soften the blow to those who already have containers in place.

Josh Hansen added that he is in favor of allowing shipping/cargo containers and sees them as a good thing.

The public hearing was closed for the Mayor and Council's review and discussion. Mayor Robinson expressed that he is pro shipping container and in favor of allowing them in commercial zones. He feels this process may have been rushed and recommended the Council not take action on this ordinance in its current form. He feels it is heavy handed and would like further discussion on making it more acceptable to the business community who suffer every day recognizing the use of storage containers as a tool to help businesses survive a little longer. Councilmember Hart clarified the proposed code gives businesses with existing storage containers 120 days to apply for a conditional use permit and become compliant with the code. Councilmember Goode also explained it was not intended to make businesses get rid of the containers but just want them to get a conditional use permit. Attorney Haney reviewed the prior code currently in place that does not allow containers except in Industrial Zones and explained those illegally placed should be treated the same as new ones going forward and be required to get a conditional use permit. He also stated ignorance of the law is not an excuse for them being placed illegally. Attorney Haney noted the Planning & Zoning Commission recommended a change to the proposed

code amendment which he considers a material change and if the Council also wants to make changes it will require starting the process over and republishing. Other questions discussed included why it wouldn't be allowed to place items on top of the containers, the expense of painting the containers and whether the conditional use process would be per container or by property. It was also suggested that those already in place could just register them with the City instead of going through the conditional use process which will be a lot of extra expense and time spent on all the conditional uses. Councilmember Goode understands the P & Z's comments regarding containers already placed and would support establishing an inventory of those because the code wasn't enforced and then begin requiring the conditional use permits moving forward.

Councilmember Lau offered his perspective as a member of the City Council. He struggles with treating a cargo/shipping container different than any other structure used as an accessory building. He pointed out some containers are as small as other shed types that don't require a building permit. Most containers would not be permanent and are needed quickly. We don't require a conditional use or painting of any other kind of shed and some may not like the shed their neighbor puts in but it is an allowed use. Councilmember Lau noted recent changes to the code to simplify requirements and relieve the burden on the amount of processes and applications required. He suggested set rules be established like the ratio of size and number per acreage and painting requirements and just have people register placement of the container and not require a conditional use. He also pointed out the historic struggle to enforce the codes we already have and don't see a logical reason why on this one building type we would have all these rules. As a business owner he could build a storage building cheaper but not fast enough and he may need a quicker solution. The conditional use process will defeat the purpose of wanting to use a container. Councilmember Hart agreed that Councilmember Lau had some good points and he is also struggling with these requirements. He agreed the existing ordinance on shipping containers was buried in the code and appreciates the P & Z's work but feels we may need to find a middle ground. Councilmember Lau suggested being consistent on how we treat all types of buildings including containers and unbury the code to make it clear to all.

Councilmember Goode asked if Councilmember Lau was just talking about commercial or if his opinion was they should be allowed in residential? He also pointed out the advantage of a conditional use is the neighbors get to have a say. Councilmember Lau reiterated his opinion that containers are the same thing as a shed which doesn't require a conditional use. Councilmember Goode strongly disagreed and stated a shipping/cargo container is not the same as a shed. Councilmember Lau expressed his opinion that containers are just a different style of building and either way the placement may block someone's view. He added he is negotiable on residential but not negotiable in commercial zones. Councilmember Hart understands everyone's intentions are good to want to clean up the City but he is unsure what is trying to be accomplished regarding this code. He suggested the Mayor hold a work meeting and work on clarifying what we want to do.

Attorney Haney stated he needs direction. Does the Council want to control placement and color through the conditional use process or not and who pays for the process?

Councilmember Lau asked how much do we want to control what the citizens can do. Are we pushing past where we should be governing? He suggested less restrictions more growth, more control less growth.

The Mayor tabled the discussion and asked all to work as a team to come up with what will be beneficial to our businesses. He felt it was good conversation and appreciated the comments submitted. Councilmember Hart stressed that the Council has an obligation to do their homework and not kick the can down the road forever.

Mayor Robinson declared a second public hearing open for the purpose of considering an amendment to the Zoning Ordinance of the City as contained in Chapter 13.24 – Solar Energy Systems, providing for the regulation of the installation and permitting of Solar Energy Systems within the City. This shall apply to all small scale solar energy systems (residential, commercial, multi-family, and condominium) modified or installed after this ordinance's effective date. The Clerk reported there were no written comments received. The Mayor asked for comments from those in attendance.

Paige Byram expressed her support for solar systems and solar management and feels it can be beneficial and successful if installed properly and the correct training is done.

Councilmember Lau asked what brought this up and caused us to want to have a solar ordinance. Engineer Skinner explained there have been a few people inquire about installing them and there was one that was already installed. The ordinance is needed to provide safety guidelines and a way for the City to track location and control if they are tied into the grid. He also mentioned the proposed code would not allow for net metering. It would just require solar systems to be registered and review placement of free standing systems. Councilmember Goode stated the P & Z recommended adoption of the proposed new code for solar systems.

Councilmember Hart introduced Ordinance #684 entitled AN ORDINANCE of the City of Soda Springs, Idaho, hereby creating and adopting Chapter 13.24 – Solar Energy Systems, providing for the regulation of the installation and permitting of Solar Energy Systems within the City. A motion was then made by Councilmember Lau and seconded by Councilmember Goode that the rules requiring ordinances to be read on three separate occasions be dispensed with and that the ordinance be read once by title only. A roll call showed the following vote:

Those voting aye:	Mitch Hart	Those voting nay:	none
	Robert Lau		
	Jon Goode	Absent:	none
	Scott Gambles		

Motion Carried.

Attorney Haney read Ordinance #684 by title. Councilmember Hart then moved to approve the adoption of Ordinance #684, seconded by Councilmember Lau. A roll call showed the following vote:

Those voting aye:	Mitch Hart	Those voting nay:	none
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Jon Goode  
Scott Gambles

Absent: none

Motion Carried.

Councilmember Hart moved to exit executive session, seconded by Councilmember Goode. All in favor, motion carried.

Councilmember Lau moved to adjourn the meeting at 7:25pm, seconded by Councilmember Goode. All in favor, motion carried.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL THIS 3RD DAY OF MARCH, 2021.

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Austin W. Robinson, Mayor

ATTEST:

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Tausha Vorwaller, Clerk