

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD APRIL 13, 2021.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

Charles Fryar–Chairman
Rod Worthington-Vice Chairman
Robert Johnson
Tysen Hopkins
Demian Guthmiller
Drew Erickson

ALSO, PRESENT:

Jon Goode, Councilmember
Alan Skinner, City Planner/Engineer
Gregg Haney, City Attorney
Andrea Haderlie, Secretary
Jeremy & Tamara Jensen
Ronald Owens
Kristin Skinner

EXCUSED:

Lori Anne Lau
Demian Guthmiller

Due to the threat of COVID-19, physical distancing requirements, and the limited space in City Hall, the meeting was limited to a maximum of 16 in-person attendance but open to all public by GoTo Meeting and Telephone Conference. As a precaution, due to the threat of COVID-19, we are limiting attendance to public gatherings and access to City Hall.

6:02 PM Chairman Fryar called the meeting to order. Vice-Chairman Worthington moved to dispense with reading the March 9, 2021 minutes and approve the minutes as written. Commissioner Johnson seconded the motion. All in favor, motion carried.

6:05 PM Vice-Chairman Fryar opened the public hearing to consider the application of Jeremy Jensen, 171 N Main St, Soda Springs, Idaho, for a zoning reclassification to change the property owned by them from an (R-1) Single Family Residential Zone to a (C-1) Neighborhood Commercial Zone. The proposed reclassification will allow the 1.17 acres in Block 55 owned by the Jensen's to be used for additional multiple-family dwellings. The proposed reclassification would allow the owner of the property to apply for a conditional use for an additional four-plex unit on the property. And will include zoning reclassification for 161 N Main Soda Springs, Idaho, for a zoning reclassification to change the property owned by Forrest and Jennifer Gibson from an (R-1) Single Family Residential Zone to a (C-1) Neighborhood Commercial Zone.

Chairman Fryar questioned if any comments were received; Secretary Haderlie stated three comments were received in opposition from neighbors. Chairman Fryar encouraged Tamara Jensen to voice why they are pursuing the zoning reclassification. Mrs. Jensen, 135 Ranch loop Rd., Preston, ID, explained they own the property at 171 N. Main St. and are seeking a zoning change to conform to its historical use. They pay commercial taxes on the property; currently, they are using it commercially. This isn't about adding anything; currently, they would like the zoning change for its proper use. Commissioner Hopkins questioned Attorney Haney if there is a difference in tax for residential to commercial? The Gibson home at 161 N Main, by changing the zoning, is changing the tax on their home? City Engineer Skinner commented that their house that is zoned commercial, the tax amounts did not change. Attorney Haney stated it is taxed by its primary use.

Chairman Frayer opened the Public Hearing to the audience. Ronald Owens, 160 N. Main, submitted a letter and expressed his opposition to the zoning reclassification. He cautions the use and the land use map, and if it is rezoned, it changes the land use map. He has had conversations with the neighbors, and none of them want this zone change. The Gibson's have sold the property at 161 N. Main to Mr. Gibson's mother and have bought a house on the same street just a little way down the road on the east side of the street. Mr. Owens has found that he is opposed to the zoning change. He doesn't think that we need another four-plex behind the current four-plex. He

is concerned with more traffic, more people, noise, more stress on the road; they are in a low-density street, they lack sidewalks and curb, and there is currently more traffic due to the walking trail; if you rezone, it directly affects them; they have to deal with everything that comes up the street and has to come down. Under the community charter, it states that the community enforces ordinances within city limits, which calls for uniformity and development, including wide streets, setbacks, height restrictions, area requirements, parking, conditional uses; maintain a rural atmosphere that resident's value. He expressed we value the rural atmosphere and value the peace. Changing it to multifamily dwellings would drastically change the rural atmosphere for the current residents. Further, the city's future land use map identifies this area as residential. Mr. Owens referenced the city code 17.64.100 and referenced city code 17.20 -The purpose of the R-1 single-family residential zone is to preserve residential neighborhoods, prevent over-crowding of the land, and encourage the development of low-density areas which are best suited for residential purposes. He expressed the zoning change would have a negative impact on the residents and community. R-1 is a single-family dwelling and feels making it a C-1 will be drastic and severe to the neighborhood and is not in compliance with the current comprehensive plan the current zoning best suits the area. He recommends denying the zone change.

Kristen Skinner, 201 Torgeson Lane, questioned if this is just a zoning change and if there will be another public hearing? Chairman Fryar verified that it is the public hearing just for the zoning change. The day before, she went to the courthouse and found out that some property had been deeded back to her by the Jensen's; she questioned how much had been deeded back to her. The fence lines are not where they should be at this time. Her concerns are more with planning, and when they have the public hearing for a conditional use, she is torn, she would like to see growth within the City; her concerns come more with them building the new four-plex with plans, waterlines, and walls. She stated that she concerned about kids getting onto her property and being interested in the farm animals; she needs to protect herself because it is up against agriculture. Mrs. Skinner questioned if City Engineer Skinner had any concerns; he stated that their property before had a zone change and it didn't affect them then or currently being changed to a C-1. Vice-Chairman Worthington said he has to stop this and make sure we are not having any form of conflict of interest with City Engineer Skinner's current position. Mrs. Skinner stated that she would recuse City Engineer Skinner from her statements.

Mrs. Jensen explained she does not feel it would add more traffic to North Main and that there has been more parking made in the back of the complex, the tenets should not be double parking, and if there is, please call them and let them know. They would like their property rezoned to conform with the current use; if it ever catches on fire and loses their investment building, they cannot rebuild the four-plex per the city code. If they lost the building, it would be very detrimental to them.

(See attached copy of Public Notice)

Chairman Fryar closed the Public Hearing at 6:40 PM and opened it up to discussion before the Commission. Vice-Chairman Worthington questioned Mrs. Jensen if she had seen the letter from Mr. & Mrs. Young? He recommended that it be read out loud; Secretary Haderlie read the letter out loud. Mr. Jensen thanked the Commission for the consideration. He explained in the future, before more approvals, it would require them to apply for a conditional use permit. They would like to protect their interests for what it is being used for, and that they would be able to rebuild if ever there was a fire, also mentioned that if there is parking issues or tenants parking in front of the neighbor's houses or mailboxes to please let him know there is additional parking in the back of the complex. He stated multifamily units are not an allowed use in an R-1 Zoning. Councilmember Goode commented there seems to be confusion that R-1 is strictly residential; that is not the case; if you look in the city code, permitted uses are Single-family dwellings; Home gardening and other horticultural uses not operated as a commercial enterprise and where no building is involved, excluding livestock; Schools; Churches. Conditional uses for R-1 Club or lodge of a

service, fraternal or community nature when not operated for profit; Rest and convalescent home; Building for governmental or public utility functions; Hospitals; Office or clinic of a medical, professional, administrative or healing character; Parks and playgrounds; Group daycare facility. Attorney Haney stated parking is not currently the issue; the complex was built in the 1980s, and parking should have been addressed then. Chairman Fryar questioned if the apartment complex is destroyed, the property must be rebuilt as current code R-1 Single Family residence; the four-plex would not be rebuilt. Vice-Chairman Worthington voiced that this four-plex was put in and considered R-1 in what year? He questioned when was the zoning ordinance in place for the City? City Engineer Skinner stated the city code was adopted in 1978, but the zoning adopted he does not know. When were building permits first issued? Attorney Haney mentioned the real issue is that the apartment complex is there and, in an R-1. The Commission discussed at length the pros and cons of the zoning reclassification and rebuilding the complex if lost to a fire. Vice-Chairman Worthington voiced it was established in the 1980s. We need to be consistent with the land owners' interest; it needs to be changed for his property interests; ultimately, it comes down to the property owner's value. We seem to be cleaning up a lot of different things here as a Commission. We need to be able to protect the property owners' rights and replace what they already have. Commissioner Johnson voiced his concern to change R-1 to a C-1; it varies the potential of the property, it would allow that property to be used in such a way that some of the neighbors may not like; with the consideration of the opposed neighbors, he is inclined to oppose the zoning change to C-1. Commissioner Hopkins questioned; can you not insure the property as commercial? Mr. Jensen stated it is insured, but if the total loss of the complex, the current zoning would not allow the complex to be rebuilt; it would only allow a single-family residence to be rebuilt.

Vice-Chairman Worthington motioned as per the request located at 161 N Main and 171 N Main to recommend City Council change from R-1 Zone to C-1 Zone to match existing C-1 up to 171 N Main. Commissioner Hopkins second the motion. All voted for the motion except for one opposed, Commissioner Johnson. Motion carried. Public Hearing Closed at 7:25 PM. Chairman Fryar mentioned that this is not the final decision, and they can still voice their opinions at City Council Meeting on May 5, 2021.

Attorney Haney wanted to discuss with the Commission Chapter 17.64 amendment. He pointed out that the amendment to one public hearing and a public working for the Commission instead of a public hearing. He mentioned we are trying to save the applicant costs for these public hearings. He stated in the future, it could change, and we might not have a local paper; the Idaho Code allows us to post notices on our website and in City Hall. The Commission discussed it at length transparency and newspapers becoming a thing of the past. Attorney Haney will amend chapter 17.64 from the previous meetings he was absent from, and the public hearing will follow.

City Engineer Skinner updated the Commission of a proposed subdivision in Finlayson Subdivision of Lot 4 & 5 Park Ridge Subdivision; they proposed building 18 twin homes totaling 36 new homes. They will share a common wall at each garage. They will be individually owned. The May Planning and Zoning will have two public hearings for this subdivision for a conditional use for multifamily dwellings and a variance. The front porch will be within the setback 6 Feet. There will be a total of three rows of housing with a new city street. The developer plans to build six houses a year until complete.

6:58 PM Vice-Chairman Worthington motioned to adjourn the meeting. Commissioner Erickson seconded the motion. All in favor, motion carried.