

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD JANUARY 11, 2022.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

Charles Fryar—Chairman
Robert Johnson
Drew Erickson
Chris Guedes

ALSO, PRESENT:

Mitch Hart, Councilmember
Gregg Haney, City Attorney
Alan Skinner, City Planner/Engineer
Andrea Haderlie, Secretary
Brock & Paige Byram

EXCUSED:

Damien Guthmiller
Tysen Hopkins
Lori Anne Lau

6:00 PM Chairman Fryar called the meeting to order. Commissioner Johnson moved to dispense by reading the December 14, 2021 minutes, approving the minutes as written. Commissioner Erickson seconded the motion. All in favor, motion carried.

Chairman Fryar welcomed Chris Guedes as the new Commission member. Chairman Fryar opened the election for nominations of Chairman and Vice-Chairman for the year. Commissioner Erickson nominated Charles Fryar for Chairman and stated that he is open-minded and welcomes discussion; he is the right person for the job. He mentioned that he appreciates someone that does not have to be right all the time. There were no other recommendations for Chairman. The Commission discussed tabling the election for Chairman and Vice-Chairman till the February 8th meeting due to the absence of three Commissioners. *Commissioner Guedes motioned to extend the chairmanship and table the elections for one month till February 2022. Commissioner Erickson seconded the motion. All in favor, motion carried.*

Chairman Fryar mentioned the citizen input meeting for February on shipping containers. Secretary Haderlie voiced they have a copy of the flyer to review to make necessary changes. Commissioner Johnson questioned where it would be posted. Secretary Haderlie stated it would be posted on the City's website, the Caribou County Sun, and the City's Facebook page. Commissioner Erickson complemented that on the right side of the flyer, he likes the questions for citizens to think about. Chairman Fryar is hopeful there is attendance from the citizens for input and their opinions on shipping containers.

Commissioner Guedes questioned where the Commission was in the process of the accessory buildings/shipping containers review since it was sent back to planning and zoning from City Council. Chairman Fryar updated Commissioner Guedes on the background of how long the planning and zoning commission worked on the ordinance. He stated the Commission held the public hearing to send it to City Council, and after being sent to the city council, they

decided Councilmember Lau would work on the ordinance. Councilmember Hart mentioned it was discussed with councilmembers. They came up with a list of recommendations. City Council then decided to reject the ordinance and remanded it back to planning and zoning with the guidance to refine. Commissioner Johnson voiced at the planning and zoning public hearing that some citizens were not happy with the ordinance and voiced their concerns and dislikes of the ordinance. Chairman Fryar stated there were strong opinions on both sides.

Councilmember Hart commented city council discussed what to do with the shipping containers that are already on property in city limits and what should be done about them; should they be spruced up; they did an informal inventory around the town of how many there were in a residential area and estimated that there are twelve to fifteen. Chairman Fryar mentioned that he was surprised at how many people in town had them, and he never saw them until he started looking for them after discussing them. He questioned what needed to be done to have them look as good as possible?

Commissioner Guedes voiced that he did some reading and wanted to convey his ideas. He mentioned that the International Building Code (IBC) has shipping containers as storage units or living units about IBC 2021 section 31.14. He said there was a question about safety in section 31.14.85; it would address structural like concrete foundations to be placed on and what you can and cannot do with shipping containers. City Planner/Engineer Skinner mentioned that it is in the 2021 IBC, but the city has only adopted the 2018 IBC at this time. Commissioner Guedes commented about shipping containers being under 200 sq. ft. requiring a permit; he stated that we should consider that cumulative. City Planner/Engineer and Secretary Haderlie commented it would require a zoning permit per the current code 200 sq. ft. or less. Commissioner Guedes mentioned that if someone wanted to install several containers, is it considered one structure, two structures, or three structures? Chairman Fryar voiced the current code they are not allowed at all. Commissioner Guedes mentioned if someone brought in two shipping containers and added a gable over the top and used it as a garage structure and it was 4000 sq. ft., would it be considered one structure? He questioned if the International residential code was used? City Planner/Engineer Skinner mentioned that it is not used. Commissioner Guedes voiced they have a section on siding and the use of siding on shipping containers. City Planner/Engineer Skinner expressed that we have discussed painting the shipping containers. Commissioner Guedes mentioned that they should have to paint the roof as a requirement.

Chairman Fryar commented that it has become popular to use shipping containers to build houses. Commissioner Guedes agreed that they should not have power and water when it is an accessory building, and they cannot turn it into an in-law suite.

Chairman Fryar questioned if City Council were leaning towards if it was approved in getting permission from every neighbor surrounding the proposed placement in residential or just notifying every neighbor? Councilmember Hart stated they debated it, and it landed as a notification to neighbors a certain radius rather than having neighbors sign off. Chairman Fryar questioned as the code currently needs a permit or conditional use in M1 and M2 Zoning? City Planner/Engineer Skinner and Secretary Haderlie stated a conditional use. Attorney Haney noted that the ordinance pinned down shipping containers for accessory uses. He also mentioned that old buses, ice cream trucks, and train cars are not allowed with this ordinance,

and right now, it is a hole in our code but the current accessory building.

The Commission discussed at length railcars being allowed or not, the size of shipping containers, and zoning permits. Councilmember Hart expressed to the Commission to consider City Councils' recommendations and other refinements to the ordinance based on the public input at the next meeting. Commissioner Johnson stated he was against other doors and windows to shipping containers and found it unreasonable to require it. Commissioner Guedes questioned if there was a reason for the other door and window? Commissioner Johnson stated it was to improve safety. Commissioner Guedes asked whether it is ancillary to the fire code. He voiced that he agreed with Commissioner Johnson. Chairman Fryar agreed and stated that installing another door and window could compromise the structure. Councilmember Hart questioned whether the use of the structure would dictate that. He said it would not be feasible if it were a storage unit, but it may be necessary if used as an office. Chairman Fryar mentioned the discussion of putting a roof on shipping containers, being skeptical of it because what would it take for it to blow off. Commissioner Guedes commented with IBC they have contemplated these kinds of things; if you are going to do a roof, this is how you do it, the same thing with siding so that it does not blow off. Councilmember Hart expressed adding those requirements would make it expensive. He mentioned that people buy storage containers because they have been inexpensive. Commissioner Guedes noted his general thoughts are a homeowner would buy one put it in their backyard, paint it and make it pleasant without being told to do so with or without a permit or as a requirement. He voiced that a person that has six of them in his backyard would be looking to throw all their stuff back there, and that is who you would be trying to protect against with neighbors getting upset; there are two groups of people out there those that will paint and those that will not. Secretary Haderlie mentioned these are addressed in the code for how much percentage can be covered with buildings per lot. Commissioner Guedes noted that there could be no visible rust on shipping containers. He mentioned zoning is to protect against certain behaviors. Attorney Haney voiced that it's designed to maintain property values; as a planning and zoning commission, you must make sure it is in the code and maintain those values, as does the City Council. Councilmember Hart explained that we should always caution ourselves whatever requirements are imposed; you have to ask yourself; are you prepared to enforce them; or if you make your neighbors mad, it is easy to put restrictions on things, the tricky part of implementing it. Commissioner Erickson mentioned that isn't our job. Councilmember Hart expressed that is the problem and whose job is it; is it the city attorney, the policemen? Attorney Haney mentioned that many cities now have a code enforcement officer, but we do not. Commissioner Guedes voiced a nice shed can increase property value, but words on a shipping container would not fly.

Chairman Fryar opened the discussion to review the zoning code for R-1, R-2, and R-3 and the definitions. He brought Commissioner Guedes up to speed on what the Commission has been working on and which definitions have been amended in previous meetings. The Commission reviewed the amendments from the last meeting and was in agreeance on the changes made to the definitions of the previous meeting. Commissioner Guedes voiced that he recommends that Commissioner Lau be present to work on this discussion; she is very invested and passionate. Chairman Fryar commented that everything we have discussed has been

addressed and would agree to have Commissioner Lau here for her input. Secretary Haderlie pointed out Commissioner Lau wanted to discuss accessory dwellings, home occupations, and nursing home/assisted living. The Commission discussed possibly changing the wording for the accessory dwelling to the unattached dwelling unit.

The Commission discussed at length the accessory dwelling turning into a rental if the property sold, garages with living space above as accessory dwelling, and residency/occupancy permits. Chairman Fryar questioned the Commission if they would like to work on permitted uses and conditional uses of R1, R-2, and R-3 Zoning or wait till the next meeting when absent commission members are present. Chairman Fryar clarified that a permitted use is just allowed, and there are no other permits or conditional uses to get approved. Attorney Haney mentioned besides business licenses, additional permits or building permits per the city code. Chairman Fryar read R-1 single-family residential permitted uses and conditional uses out loud. Secretary Haderlie mentioned that the G. group daycare facility, the Commission will need to reword it to fit the new definitions. Chairman Fryar read through R-2 combined residential zone permitted uses and conditional uses out loud. Attorney Haney mentioned looking at mobile home parks and mobile home subdivisions because they are not the same; they are now called modular homes. The Commission discussed at length mobile home parks, mobile home subdivisions, how many mobile home parks are within city limits, and tiny homes. Chairman Fryar read through R-3 multiple-family residential zone permitted uses and conditional uses out loud. The Commission discussed at length there is not a lot of R-3 zoning with it the city and what R-3 is used for. Chairman Fryar mentioned he likes how our city is laid out, and the roads are decent and made for parking. He voiced he has visited many towns that the roads are not wide enough for two cars to drive down the road and are not made for parking.

7:28 PM Commissioner Erickson motioned to adjourn the meeting. Commissioner Guedes seconded the motion. All in favor, motion carried.