

**MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD APRIL 12, 2022.**

**ROLL CALL SHOWED THE FOLLOWING PRESENT:**

Charles Fryar–Chairman  
Lori Anne Lau-Vice Chairman  
Robert Johnson  
Chris Guedes  
Tysen Hopkins

**ALSO, PRESENT:**

Mitch Hart, Councilmember  
Alan Skinner, City Planner/Engineer  
Andrea Haderlie, Secretary  
Gregg Haney, City Attorney  
Chris Evans  
Nita Weber

**EXCUSED:**

Damien Guthmiller  
Drew Erickson

***6:03 PM Chairman Fryar called the meeting to order. Vice-Chairman Lau moved to dispense by reading the March 8, 2022 minutes. She motioned approving the minutes as written. Commissioner Guedes seconded the motion. All in favor, motion carried.***

Chairman Fryar questioned Attorney Haney about spot zoning. Attorney Haney clarified if it went to court, they would look at two types of spot zoning. One: It complies with the comprehensive plan, meaning the goals were considered. He mentioned that they are only guidelines. Two: does it benefit one person individually, and does it act as a detriment to the community? Councilmember Hart said there is a practicality to it, and you do not want to make it a checkerboard of your town. Chairman Fryar mentioned that we are trying to be consistent and make the best decisions for the community. Vice-Chairman Lau said she was looking at the Idaho Land Use Handbook; they mentioned the type one and type two spot zoning. The Commission discussed at length the conversation at the previous city council meeting on April 6, 2022.

Chairman Fryar questioned City Planner/Engineer Alan Skinner about any new business. City Planner/Engineer Skinner mentioned that a few citizens would be submitting conditional uses. One is in C-2 zoning; it will not be a conditional use; it will only be building permits. The other two came and got the paperwork and have not returned it.

Chairman Fryar opened the discussion up to Ordinance 683. Vice-Chairman Lau mentioned the attendance of Christopher Evans and Nita Weber and questioned if they have any input on shipping containers. City Planner/Engineer Skinner said they are interested in the shipping container issue and may need to schedule public meetings. Councilmember Hart mentioned they would like some latitude and stack them.

Christopher Evans, the owner of Applegarth Apothecary Gift Shoppe, mentioned to the Commission that they are interested in leasing vacant lots in the industrial park and building a greenhouse out of four shipping containers; with chicken and rabbits. They would like to use

shipping containers as a building material for the greenhouse. He stated that you would not even know they were built out of shipping containers when it is finished. He mentioned that they are a lot more bang for the buck, and if they decide to move it down the road, it can be easily disassembled and moved. Chairman Fryar questioned how many shipping containers? Mr. Evans stated that it would be four twenty-foot containers on the bottom and four forty-foot containers for the greenhouse deck, leaving gaps on the bottom for doors; one side would be a greenhouse and the other a wet wall to cool the greenhouse. Vice-Chairman Lau questioned if they would have an architect draw up plans and stamp them? Mr. Evans mentioned that is the issue, and they do not want to draw up plans and pay for them and have them rejected by the city; this is why they are present. He mentioned they want a professional to help design it. He voiced they have kits with doors, windows, garage doors, or hook them together. All kits are done according to code, ordering them with the components and assembling them. Commissioner Johnson questioned wherein the industrial park. Mr. Evans commented on the empty lots between Lott Builders and M & R Sports. Commissioner Guedes commented he desires to bring industry and jobs with economic growth into Soda Springs. Mr. Evans mentioned they chose to locate the greenhouse in the industrial park because they can hook up to natural gas.

Nita Weber mentioned there would be adequate parking. She said they are frustrated that they have to go to Salt Lake City to purchase plants; there is an incredible shortage of greenery and plants in our area. There are a lot of stores like Home Dept. that bring in plants that are not for our climate and die off quickly. She mentioned the goal is to have a greenhouse with plants, vegetables, and food products for the community to grow themselves or get the finished product in the fall. She mentioned some of the plants they would grow year-round and be self-sufficient. People are coming from out of town to bring business into Soda Springs. She described the vision of how they will look and how the greenhouse would be in the center of the shipping containers. She commented about having rabbits and chickens utilize feces as fertilizer for the greenhouse.

Christopher Evans voiced this is a construction project using shipping containers as a building material, not a shipping container for storage.

Vice-Chairman Lau questioned if it is building material wouldn't that make it a primary structure and not an accessory building. In the International Building Code 2021 (IBC), Attorney Haney mentioned a section for shipping containers; the city would have to adopt that portion, and the city has only adopted the IBC 2018. Vice-Chairman Lau questioned if they are trying to use shipping containers as a building material, it is a different set of codes? City Planner/Engineer Skinner mentioned the definition 17.44.030 conditional use item F. Railroad box cars, motor vehicle cargo containers or other containers normally used for the shipment of freight, cargo or other items, by rail, ship or motor vehicular transportation, wherein the applicant desires to cause the same to be located upon property within the city for storage or other purposes. Said containers are specifically prohibited from being located within any other zone within the city or the area of city impact of the city, except as a conditional use in M-2 heavy industrial zone. He mentioned it's the only part of the code that says they are legal in M-2 with conditional use. Attorney Haney noted it states other uses. It could open the door. The Commission discussed section F. at length.

Chairman Fryar expressed they will need to go down the list of each zoning and decide if it is allowed or not allowed or with a conditional use or without conditional use. He mentioned from the consensus of previous meetings citizens do not have a problem with shipping containers. They do not like the way they look. He voiced no one wants to look in their neighbor's yard and see a garbage can, and we have discussed painting, siding, doors, windows, and roofing. He asked if it could tie the IBC 2021 using shipping containers as building material to conform to the city code? City Planner/Engineer Skinner clarified it discusses shipping containers as a building material in commercial zones, and he does not believe it goes into residential zones; he has not gotten the copy of the IBC 2021 yet. Attorney Haney mentioned that ordinance 683 does not cover the use of shipping containers as building material; it covers shipping containers as accessory buildings.

Vice-Chairman Lau proposed to the Commission to table using shipping containers as building materials and just discuss them as accessory buildings. She presented the Commission to examine the four components of size allowed, location limitations, appearance requirements, connection to utilities, and decisions about commercial and residential uses for storage only and inhabitation. She mentioned addressing Commercial for more than storage (business operations occurring in the container/building.) The Commission discussed at length what to allow and what not to allow in commercial zones; what the proposed 683 ordinance covers; if the use is not for storage does the use become different; differences between a dwelling and accessory building; breaking down where to start with the accessory building ordinance 683; putting shipping containers uses on a schedule and work out the details.

Chairman Fryar opened the discussion for ordinance 683. Vice-Chairman Lau suggested that if we are going to separate agriculture from manufacturing/industrial and commercial, would the same standards be for C-1 through C-3 for storage. Then we need to decide does it work for agriculture or do we need to tweak it for the other zones? Chairman Fryar suggested where it says Commercial, industrial, and agriculture on the bottom of ordinance 683; where it says shipping containers are allowed as accessory buildings. He questioned how the Commission feels about shipping containers in these zones C-1 through A-2? He stated if we are and say we like the idea, but it needs a conditional use, or it does not need a conditional use, breaking it down. Vice-Chairman Lau voiced she does not have any opposition to the way it is written until it states it would require a conditional use permit; we need to be discussing having shipping containers in a commercial zone, including manufacturing/industrial and agriculture zones. Chairman Fryar questioned each Commissioner their opinions. Commission all agreed with yes. Chairman Fryar asked whether we keep them together with these rules, commercial versus industrial versus agriculture, or if they need to be separated from the different zones. Commissioner Guedes expressed to start with commercial zones first; let's not think of anything else and consider what we would recommend to the city council, then move on to the next one. Vice-Chairman Lau mentioned she had emailed an outline to the Commission to stay focused on what needs to be decided. Chairman Fryar questioned the Commission on what sizes should be allowed for a commercial for storage only. Commissioner Guedes explained semi-trucks carry the 40 ft. shipping containers, trains carry the 20 ft. shipping containers, and 10 ft. containers are available. Councilmember Hart mentioned establishing the subtle differences between commercial zones. He voiced that C-1 is highway and community shopping

areas, C-2 is general shopping and retail or highway-related services, and C-3 is more intense services that transition to semi-industrial. Chairman Fryar questioned where the commercial zones are. The Commissioner examined the zoning map for reference. The Commission considered the different zones and where they are placed and discussed them at length, looking at C-2 first, coverage limitations. Commissioner Guedes suggested C-2 allow 20 ft. or fewer shipping containers because 40 ft. is too big. The Commission discussed at length sizes allowed, location limitations, appearance requirements, and connecting to utilities. Commission broke it down, and utilizing the list Vice-Chairman Lau presented and the Commission decided as follows:

**1). Commercial for storage, only C-2 shipping containers are allowed.**

- **Sizes allowed: 20 ft. or less.**
- **Location limitations: C-2 shipping containers are allowed and must meet setbacks within the zoning designation of the rear yard.**
- **Appearance requirements: signage removed, rust-free, painted, sided, and has to be completed in 60 days; can only stack two high; no storage on top of shipping containers.**
- **Connection to Utilities: Can connect to electricity only.**

Vice-Chairman Lau recommended that City Council accept IBC 2021 on shipping containers. Commissioner Guedes mentioned that when you use a shipping container as a building material and no longer a shipping container, it will have new rules and building regulations by the IBC 2021. City Planner/Engineer Skinner mentioned residential use in a C-2 Zone. Commissioner Guedes stated we are calling it an accessory building and wouldn't address it; if it is C-2, they can have it in their back yard following the C-2 rules. Secretary Haderlie mentioned if it is C-2, the code will refer you back to residential codes R-3 code. The Commission discussed at length connecting power, sewer, and water. Commissioner Guedes mentioned having a solid foundation to set shipping containers on. He voiced adopting and referencing the IBC 2021 to add to the city code for those who would like to use shipping containers as building material. Commissioner Johnson suggested accommodating Christopher Evan's proposed greenhouse as soon as possible. Commissioner Hopkins agreed and it is a great idea.

***7:55 PM Commissioner Guedes motioned to adjourn the meeting. Commissioner Johnson seconded the motion. All in favor, motion carried.***