

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD JUNE 14, 2022.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

Charles Fryar–Chairman
Lori Anne Lau-Vice Chairman
Drew Erickson
Jess McMurray
Chris Guedes

ALSO, PRESENT:

Alan Skinner, City Planner/Engineer
Andrea Haderlie, Secretary
Mitch Hart, Councilmember

EXCUSED:

Gregg Haney, City Attorney
Damien Guthmiller
Tysen Hopkins

6:00 PM Chairman Fryar called the meeting to order. Commissioner Erickson moved to dispense by reading the May 10, 2022 minutes. He motioned for approving the minutes with a correction of the second paragraph correcting the spelling of Fryar. Commissioner Guedes seconded the motion. All in favor, motion carried.

Chairman Fryar asked if there were any updates for the Commission. City Planner/Engineer Skinner presented the Highland Way Subdivision preliminary plat of twelve lots and explained it is Phase 2 of the 3rd Addition to the Finlayson Subdivision owned by Ken Finlayson, who is working with Wade Clark on the development. The new plat is precisely like the original plat approved in 2002 and extensions given in 2019 and 2021. He commented the final plat needs signatures and recorded to move forward. He mentioned there had been interested in two or three lots already. He updated the Commission on Park Ridge Subdivision by Berry Oats; foundations have been poured, and they are working on basement floors and plumbing; he will be starting the next six foundations. Vice-Chairman Lau questioned whether construction had started on the Michael Vaughan townhouses. City Planner/Engineer Skinner mentioned he is getting engineering done with water lines and sewer profiles; he has not applied for a building permit.

Vice-Chairman Lau questioned using shipping containers as a building material. Would it be appropriate to have City Planner/Engineer Skinner read it over and get back to the Commission if he sees any problems with the IBC 2021 and have City Council adopt it into the city code. Chairman Fryar questioned if there is anything in the city code that prohibits shipping containers as a building material? City Planner/Engineer Skinner read 17.44.030 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 commented that it was added for residential for emergencies in 17.20.020 E. Temporary buildings and shipping containers necessary for use for

construction, damage mitigation, remodeling, restoration, and moving purposes shall be allowed on driveways, side yards, and back yards of the subject property upon the property owner obtaining a permit from the city for such purpose. Said permit shall be limited to a period of six months, but may be renewed for just cause as determined solely by the city upon application to the city for extension. Such temporary buildings or containers shall be subject to all setback restrictions and easements in accordance with this code. City Planner/Engineer Skinner mentioned right now, and they are prohibited. The Commission discussed adding it to the code at length to use it as a building material. Councilmember Hart said we could allow shipping containers in M-1 with conditional use. Commissioner McMurray questioned whether we want to allow them as a building material because if we don't, then there isn't anything else we need to do with it? City Planner/Engineer Skinner mentioned it is under conditional use under M-1-17.44.030 F. The Commission examined code 17.44.030 F. and found that it is currently written that it is not allowed in M-1 not even with a conditional use, and only with a conditional use in M-2.

Commissioner McMurray questioned whether we want to allow shipping containers to be used as a building material. Because if we want that, then we need to change it, and if we don't like it, then we don't need to change it? Vice-Chairman Lau mentioned that she is for changing the code to allow it as construction material. Chairman Fryar questioned whether it was talking about accessory buildings or at all. The Commission discussed allowing as a building material at length and noted the exception for permitted use of building material. Vice-Chairman Lau questioned if City Planner/Engineer Skinner could look into the 2021 IBC Code for shipping containers as a building material and inform the Commission of his findings or a copy of the code, or do we table the subject for now? Chairman Fryar mentioned that if we allow them to be used as a building material and follow the 2021 IBC Code, it should be okay. He commented that you could never tell what a building would look like; for example, going down to Bear Lake, some cabins look very old with rusty panels. He voiced we are trying to determine if it is a viable building material because, at that point, they will have to have engineering and blueprints. He questioned the Commission on what their thoughts were? Commissioner Erickson expressed that he was okay with it. Commissioner McMurray stated that it scares him; it could be done poorly; he has seen it done well. Councilmember Hart mentioned it could be considered; City Council approved a lease in the industrial park to allow Chris Evans to build his greenhouse out of shipping containers; you could allow it in M-1 as a trial and see how it goes with that project and restrict it anywhere else, and adapt it down the road and allow that under M-1 with conditional use. Vice-Chairman Lau questioned if it has to have engineering plans? Councilmember Hart stated the Commission could impose that in the conditions.

Commissioner Guedes commented it states rust-free on all zoning designations. He would like it to state *Free of Visible Rust*. Vice-Chairman Lau mentioned only the electricity on C-2, which then got carried over to other zoning designations. She stated she would like to revisit the subject; that would prevent, for; example, coffee shops. Chairman Fryar said we are discussing these as accessory buildings, where a coffee shop would be dwelling for a business. The Commission discussed at length occupancy for dwellings versus accessory buildings and allowing shipping containers in C-1 and C-2.

Vice-Chairman Lau questioned what about A-1 and A-2; she mentioned that there are shipping containers that you can purchase with refrigerator units? Commissioner Guedes thought shipping containers would be exempt from the size allowed. Secretary Haderlie pointed out that was what was decided the last meeting. Commissioner Guedes questioned why we would exempt A-1 and A-2? City Planner/Engineer Skinner mentioned that is what our code reads. The Commission examined the current code and discussed sizes allowed within the A-1 and A-2 zoning. A-1 code 17.52.070 accessory uses are permitted. City Planner/Engineer Skinner pointed out that each zoning designation has its accessory building sections, and they can be different in other designations and refer to ordinance 445. Chairman Fryar questioned if A-1 and A-2 should be similar to M-1 and M-2? Vice-Chairman Lau voiced that she agrees that Agriculture zones should be the same as Manufacturing/Industrial zones. After a lengthy discussion, the Commission agreed that the size allowed in A-1 and A-2 is 45 ft. or less. Allow 10 ft or less shipping containers on the one-acre designated area for residential uses.

The Commission discussed at length accessory use for commercial zones, if it is used for residential use, how it is regulated, and setbacks for commercial zones.

Chairman Fryar suggested that the Commission discuss residential first and decide from there on the other zones. Vice-Chairman Lau questioned if there could be a set of regulations for commercial, but if it is a residential C-1 or C-2 have different rules? Councilmember Hart explained that a conditional use could be used to regulate and put restrictions where needed.

Chairman Fryar questioned what the Commission wanted for R-1, R-2 & R-3. The Commission discussed sizes allowed, location limitations, and appearance requirements. Commissioner McMurray asked what size would be allowed in R-1? The Commission discussed 20 ft and decided that 20 ft is huge for an accessory building. Commissioner McMurray stated 10 ft or less; if it meets the appearance requirements, he is for allowing it. Commissioner Guedes questioned why 20 ft needs a conditional use permit? Vice-Chairman Lau is for 20 ft requiring a conditional use permit for R-1. The Commission discussed minimum lot sizes per the code for each residential zoning. Chairman Fryar suggested that 10 ft allowed/20 ft residential zones need a conditional use permit. Commissioner McMurray agreed.

Chairman Fryar suggested the same for commercial 10 ft allowed residential use/20 ft needs a conditional use permit. The Commission discussed it at length and agreed with Chairman Fryar's suggestion. Commissioner Guedes summarized the decisions on the different zoning designations; Residential zones- 10 ft allowed residential, 20 ft conditional use permit; C-1, C-2, C-3, 20 ft or less allowed/larger than 20 ft requires conditional use; any size allowed in M-1 and M-2; all zones free from visible rust. Commissioner McMurray stated on A-1 and A-2 that 45 ft or less is allowed, and if residential use, 10 ft is allowed. Chairman Fryar suggested any zoning being used as residential use 10 ft allowed. The Commission debated what should be allowed in A-1 and A-2 for residential use and discussed that shipping containers should meet setbacks within the zoning designation of the rear yard. Vice-Chairman Lau questioned why just the rear yard? Commissioner Guedes read 17.08.020 accessory building- "Accessory building" means a building which is subordinate to and incidental to the principal building on the same lot but does not include any building containing a dwelling unit as hereinafter defined, or which is used for human occupancy. Any person desiring to construct, build, or locate an accessory building or structure within a rear yard shall comply with all provisions of

the International Building Code and the International Residential Code as adopted by the city, shall not construct on any portion of a written easement or prescriptive easement, and shall obtain a building or a zoning permit from the city building inspector. All portions of the accessory building or structure such as eaves, steps or other protrusions from the building or structure shall be set back the required distance from the side or rear yard lot lines or easements.

He mentioned if they wish not to have it in the rear yard, they must apply for a variance. Commissioner Lau was for allowing accessory buildings on the side yard. Chairman Fryar agreed but would like to discuss it at a later time. Vice-Chairman Lau recommended adding to appearance requirements original signage removed by painting or has to be sided. She also suggested that if electricity is not regulated on other accessory buildings, remove it entirely from the excel sheet. Commissioner Guedes agreed and suggested that if there is interest in additional signage the owner would like painted on the side of the shipping containers, it must meet the sign code 17.63.

Please see the attached work sheet.

8:00 PM Commissioner McMurray motioned to adjourn the meeting. Vice-Chairman Lau seconded the motion. All in favor, motion carried.

6/14/2022

Shipping Containers/Accessory Bldgs.

C-1 Shipping containers

- **Sizes allowed: Residential use-10 ft allowed/20 ft needs a conditional use permit
Commercial Use-20 ft or less allowed/larger than 20 ft requires conditional use.**
- **Location limitations: must meet setbacks within the zoning designation of the rear yard.**
- **Appearance requirements: free of visible rust, original signage removed by painting or has to be sided, and has to be completed in 60 days; No stacking containers; no storage on top of shipping containers. after original signage removed signage or advertising must follow sign code 17.63**

C-2 shipping containers

- **Sizes allowed: Residential use-10 ft allowed/20 ft needs a conditional use permit
Commercial Use-20 ft or less allowed/larger than 20 ft requires conditional use.**
- **Location limitations: must meet setbacks within the zoning designation of the rear yard.**
- **Appearance requirements: free of visible rust, original signage removed by painting or has to be sided, and has to be completed in 60 days; No stacking containers; no storage on top of shipping containers. after original signage removed signage or advertising must follow sign code 17.63**

C-3 Shipping containers

- **Sizes allowed: Residential use-10 ft allowed/20 ft needs a conditional use permit
Commercial Use-20 ft or less allowed/larger than 20 ft requires conditional use.**
- **Location limitations: must meet setbacks within the zoning designation of the rear yard.**
- **Appearance requirements: free of visible rust, original signage removed by painting or has to be sided, and has to be completed in 60 days; No stacking containers; no storage on top of shipping containers. after original signage removed signage or advertising must follow sign code 17.63**

**Commercial for more than storage (business operations occurring in the container/bldg.)—
Tabled 6/14/2022**

Sizes allowed

Location limitations

Appearance requirements

Residential for storage

- **Sizes allowed: 10 ft allowed/up to 20 ft needs a conditional use permit**

- **Location/placement limitations: must meet area requirements & setbacks within the zoning designation of the rear yard.**
- **Appearance requirement: free of visible rust, original signage removed by painting or has to be sided, and has to be completed in 60 days; No stacking containers; no storage on top of shipping containers**

Residential for inhabitation (accessory dwelling, home office, craft room)—**Tabled 6/14/2022**

Sizes allowed

Location/placement limitations

Appearance requirements

Use as building materials – commercial –Tabled 6/14/2022

Height limit- stacking, ok?

Use as bldg. materials- residential—Tabled 6/14/2022

Height limit-stacking, ok?

Definition of accessory dwelling from HB 636 (Died in Local Gov't committee)

(2) For the purpose of this section, an "accessory dwelling unit" means a self-contained living unit subordinate to and on the same parcel as an owner-occupied homestead, as defined in section 63-701(2), Idaho Code, that includes its own cooking, sleeping, and sanitation facilities an discreated⁴ within or detached from the owner-occupied homestead, including but not limited to an attached or detached garage. "Accessory dwelling unit" does not include a motorhome, camper, recreational vehicle, tiny home on wheels, or other such similar dwellings on wheels.