

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD AUGUST 9, 2022.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

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

ALSO, PRESENT:

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

EXCUSED:

Tysen Hopkins

6:00 PM-Chairman Fryar called the meeting to order. ***Vice-Chairman Lau pointed out the first paragraph on page three; “he explained they want to do something that looks untasteful.” It should be “tasteful.” She motioned to approve the minutes with that minor correction. Commissioner Guedes seconded the motion. All in favor, motion carried.***

Vice-Chairman Lau questioned which Davis came and talked to the city about a man camp in the industrial park. City Planner /Engineer Skinner mentioned Shane Davis, owner of Ridge Top Construction, has been leasing the lots, and it would be an RV and Cabin rentals; if he decides to proceed, it will have to come before planning and zoning first and have to be approved through a conditional use permit.

Vice-Chairman Lau questioned if there was an updated version of 683. Attorney Haney mentioned no, not yet; he is trying to figure out how to integrate it with the rest of the code. Chairman Fryar noted the last thing they needed to work on was what to do with the Shipping containers that were placed illegally.

Vice-Chairman Lau voiced a difference in the chart; C-1, C-2, & C-3 for those residential, it says 10 Allow, and then 20 needs conditional use. *She questioned if they should match all residential use 10 ft allowed/ larger than 10 ft requires a conditional use permit. The Commission agreed that all residential uses would be treated the same.*

The Commission discussed what to do with the illegally placed shipping containers. City Planner/Engineer Skinner mentioned there are 1-10 ft., 34-20 ft., 18-40 ft., in town, residential, commercial, and manufacturing. Chairman Fryar mentioned none of them were placed legally. City Planner/Engineer Skinner commented they have doubled since we started this ordinance. Commissioner McMurray explained it is not asking too much to have them come and justify the illegal placement; for example, if they bought the property that way and have a special meeting scheduled, then make a recommendation here today based on that. Vice-Chairman Lau mentioned she proposed to give them X number of months or days at the last meeting and

charge them the placing fee to have Allen go and check that they're not on the easements and setbacks. She explained that would happen the 20 ft. in a commercial zone. Secretary Haderlie mentioned Zoning Permits are 100.00. Vice-Chairman Lau said citizens would pay for the building inspector to see where they are placed, tell us the problems with it for the conditional use permit and if it is a 40 ft, they will have to come to talk to us. The Commission discussed at length treating them equally, painting shipping containers, fees for placement, and the fees for a conditional use permit. City Planner/Engineer Skinner commented there are three 40 ft. at the gun range, and it is zoned agriculture. Chairman Fryar questioned how many of these are residential versus commercial. City Planner/Engineer Skinner mentioned primarily commercial. The Commission discussed at length fees for placement, how many times the building inspector visits the site, deadlines for illegally placing shipping containers to comply with the code, penalty for non-compliance, commercial properties will require a conditional use permit, is the permit for per property or shipping container, shipping containers placed on utilities must be moved, the city's responsibility to notify the property owners of the ordinance by mailing a letter, majority of violations being on commercial properties and 2-20 ft in residential use, enforcement of the code with the criminal law or civil law, liens, enforcement through title searches. Attorney Haney read Chapter 17.80.020 - Violation—Penalty. A. Any person, firm, or corporation violating any of the provisions of this title is guilty of a misdemeanor and is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued or permitted. B. Upon conviction of any violation of any of the provisions of this title, such person shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months or both such fine and imprisonment. Commissioner McMurray stated we're set for enforcement; we use it and don't redo it.

Commissioner Guedes recommended the city send a letter to all twenty-six properties with shipping containers, notify them of what is permitted and not permitted, and attach the permits needed for each of their property's building and/or conditional use permits. The Commission agreed to the recommendation.

Commissioner Guedes wanted to discuss two points, 17.70.030, number three, page three, and bottom page three. "All signage on the container shall be removed, and the container painted a color scheme compatible with the adjacent surrounding properties." He recommended it be changed to "compatible with the associated property." After much discussion, the Commission agreed.

Commissioner Guedes mentioned number seven "materials stored inside the container should only include items normally associated with the business use of the property." He questioned if this doesn't cover residential. Attorney Haney commented No, it never was intended to allow them anywhere in residential. Chairman Fryar voiced you could probably just strike number seven. Attorney Haney mentioned we have to restrict it to nonflammable hazards; no gasoline, no gunpowder, that thing stored in shipping containers.

Secretary Haderlie questioned Attorney Haney are you going to rewrite this completely? Or are you going to add to this? Attorney Haney voiced he is not comfortable with the format he initially used and will change it and integrate it with the rest of the code.

Vice-Chairman Lau questioned number eight "Containers may be placed subject to the

requirements in the applicable zoning district in which the container is placed. At no time shall the containers be placed between the main structure and the public street.” The Commission discussed this at length and did not decide on this subject.

Vice-Chairman Lau mentioned number four, and we said anybody could ask for up to 45 ft. Number four states 40 ft. that will need to be changed to 45 ft.

Vice-Chairman Lau voiced we need to delete number twelve; she asked isn't that what we decided? Chairman Fryar mentioned it is an accessory building, and you cannot add utilities like sewer and water without having occupancy. Attorney Haney noted you could hook power to accessory buildings, that's it; you can't turn them into residences; they're not built to be lived in. The Commission discussed at length and agreed to keep number twelve as written.

Vice-Chairman Lau mentioned Chris wants the letters sent to the 26 property owners. She thinks that's a fabulous idea, but we need to make sure there's a letter in the newspaper because there may be somebody who's not on our list. She mentioned the whole point is to make everybody aware.

7:25 PM Commissioner Erickson motioned to adjourn the meeting. Commissioner Guedes seconded the motion. All in favor, motion carried.