



AGENDA

PLANNING AND ZONING REGULAR MEETING

Monday, March 06, 2023 at 7:00 PM

CAREY CITY HALL, 20482 MAIN STREET, CAREY, IDAHO

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE CONSENT AGENDA ITEMS

1. Attached are the Meeting Minutes from January 3rd, 2023

ACTION ITEMS

2. Swearing in of Alex Simpson as new Planning and Zoning Commissioner for the City of Carey.
3. Motion to set time to adjourn meeting for 10 pm at the latest. This means that if we reach this designated time the meeting will be adjourned and all remaining items on the agenda will be Tabled for the Next Meeting (majority vote) or Postponed Indefinitely (dismissed completely, majority vote). The time to adjourn can be amended and requires a 2/3 vote. If, after you have already passed a set time to adjourn, you would like to extend or proceed past that time; make a motion to "extend set time of adjournment" or "dismiss time of adjournment". (majority votes).

Discussion

4. Complete and priorities the list of actions to be reviewed by commission in 2023. This has been requested by the City Council and will be reported to them upon completion.
5. Add the following definition into the City Ordinances:
Human occupancy/habitation: a structure designed for eating, sleeping, living, cooking and other daily living uses.
6. Edit Zone Ordinance 2.2 from:
2.2 AGRICULTURAL BUILDING: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.
Amended To:
2.2 AGRICULTURAL BUILDING: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. CAN BE USED TO MAINTAIN AND SERVICE PERSONAL FARM RELATED EQUIPMENT. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public
7. Adding the following to Ordinance 6.4:
Tri-plex housing complexes, Four-plex housing complexes
So that it reads as follows:
6.4 CONDITIONAL USES. Conditional uses in this district are limited to: 6.41 Childcare facilities; Carey Zoning Ordinance 2022 Edition 15 6.42 Public facilities, and public utility and public service facilities for the protection and welfare of the surrounding area, provided business offices and repair and storage facilities are not included; 6.43 Mobile home parks. 6.44 Schools; 6.45 Tri-plex housing complexes and Four-plex housing complexes.
8. It is proposed that we discuss the merits of lowering the minimum acreage requirement for the Agricultural/Low Residential districts from 1 acre to .5 acres to accommodate more development and growth within city limits.

- [9.](#) Attached is the proposed ordinance for renewable energy use within our City.
10. Delete the following ordinance from Subdivision ordinance since it conflicts with Ex Parte non-communication regulations:
3.3 PRE-APPLICATION MEETING. A person desiring to subdivide property may request a preapplication meeting with the Commission. The purpose of the pre-application meeting is to provide the applicant with an opportunity to preview the proposal to and receive comments from the Commissioners. At the time of requesting the meeting, the person shall pay a such pre-application fee as established by resolution of the Council. No decisions or binding commitments can be made by the Commission at the pre-application meeting.
- [11.](#) Update local fire code ordinance to align with state and national regulations. Also edit languages for greater accessibility.

NEXT MEETING SCHEDULE

12. Next scheduled meeting is April 3rd, 2023, 7 pm, City Hall
13. Public Hearing:
-Human Habitation Definition
-Ag Structure Amend
-High Density Conditional Use
-Renewable Energy Ordinance
-Ag/LR Minimum Requirement
-Delete Subdivision Ord for Pre-Application Meeting
-Fire Code Adoption

ADJOURNMENT

Sidnee Rose Hill/ Planning and Zoning Administrator

MEETINGS ARE OPEN TO ANY INTERESTED PARTICIPANTS. MEMBERS OF THE PUBLIC AND THE PRESS ARE WELCOME AND ENCOURAGED TO ATTEND. SHOULD YOU DESIRE TO ATTEND A MEETING, AND NEED A REASONABLE ACCOMMODATION TO DO SO, PLEASE CONTACT SIDNEE HILL IN ADVANCE BY CALLING 208-720-9981, EMAIL: pandzadmin@cityofcarey.org OR WRITING TO 20482 N. MAIN ST., CAREY, IDAHO 83320.

Posted: Month DD, 20YY Carey City Hall, Ireland Bank and Carey Post Office Bulletin Board

**MINUTES OF A REGULAR MEETING
OF THE CAREY PLANNING AND ZONING
COMMISSION CAREY, IDAHO**

January 3, 2023

COMMITTEE MEMBERS IN ATTENDANCE: Adam Lichuk and Jamie Patterson

CITY STAFF IN ATTENDANCE: Sidnee Hill, Dabny VanHook, Kurt Eldredge and Tess Cenarrusa.

1. **CALL TO ORDER:** Meeting was called to order at 7:03 p.m. by Adam Lichuk.

2. **PLEDGE OF ALLEGIANCE:** Led by Chairman Adam Lichuk.

Sidnee Hill asked Chairman Lichuk to move item #4a to swear in the new commission members. Tess Cenarrusa swore in new commissioners, Dawna Loose and Kathryn Cunningham.

3. **MINUTES PENDING APPROVAL:** November 7, 2022.

Dawna Loose made a motion to approve the minutes of the November 7, 2022 regular planning and zoning meeting with the correction of Ruben Rivera made the motion to adjourn, not Aaron Cook, Jamie Patterson 2nd. Passed

4. **NEW BUSINESS:**

b. Approve next years meeting schedule. *Action item Dawna reported that she will not be in town on February 6th, but she could do the 1st of February. Jamie said that is a conflict for her. It was discussed that everyone could make a meeting on January 30th. Changing September 4th to the 5th because of the Labor Day holiday.

Dawna Loose made a motion to change the February 6, 2023 meeting to January 30, 2023 and the September 4, 2023 meeting to September 5, 2023, Jamie Patterson 2nd. Passed

5. **PUBLIC HEARING**

a. Explanation of Public Hearing Process by City Staff. Sidnee Hill explained how the process of the public hearing will work. Applicant will go first, followed by staff

report, public comment and then commission will deliberate.

- b. Olsen Variance Request. Dean and Terra Olsen are requesting to vary from Zoning Ordinance 7.42 that requires a minimum lot width of 55 feet, so as to be able to build a permitted use building, for the Commercial district, on the lot at 20440 Main St. which is only 51 feet wide. All other setback requirements can be met.

Dean Olsen reported that the lot was subdivided before the city was a city. The property is only 51 feet wide. There is nothing else that the property can be used for. They can meet the setbacks and the parking requirements. Their plan is to put storage units on the property. Sidnee Hill gave the staff report that there are only 6 lots in the city with the width of 51 feet, all but 2 have buildings on them. All other criteria for this lot can be met except for the 55 feet width minimum in the Commercial zone. The Mayor requested that a condition be put on that they cannot sell their two lots separately. They plan to put storage units on both lots. Chairman Lichuk opened public comment. Summer Patterson is in favor of approving the variance without conditions. It is expensive to do a lot line shift and when starting a business expenses are high. She believes the two lots can work separately as is. Chairman Lichuk closed public comment. Commission is in favor of the variance and does not want to put any conditions on the variance request.

Adam Lichuk made a motion to approve the Olsen variance with no conditions, Dawna Loose 2nd. Passed

- c. Zone Ordinance Amendment: Proposed Additions underlined and italicized. Zoning Ordinance definitions 2.2: Agricultural building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. Add: Can be used to maintain and service personal farm related equipment. These structures shall not be a place of human habitation. Add: with sleeping quarters or a place..... Sidnee explained that this is a staff request for change. Chairman Lichuk opened public comment. No public comment. Chairman Lichuk closed public comment. Commission asked why are we adding sleeping quarters? They believe not a place of human habitation already says that and do not believe that the sleeping quarters needs to be added. You can have a bathroom, laundry room and a prep kitchen in the ag building. Commission would like to have a definition of human habitation.

Kathryn Cunningham made a motion to take out with sleeping quarters, Dawna Loose 2nd. Passed.

Adam Lichuk made a motion to table and continue the public hearing to next month with a definition of human habitation, Jamie Patterson 2nd. Passed.

- d. Fire Code Ordinance updates. This was initiated by city staff and the fire chief. Updates to local fire code to meet latest (2018) state statutes and federal regulations. Sidnee reported that the state fire code is updated every 3 years. Fire Chief Richard Kimball suggested wording of amending and adopting the most recent International

fire code. This is a way that we do not have to redo the ordinance every 3 years. We can redo the ordinance if there is a major change. His suggestion was to take out the fireworks and to adopt the state statute. Commission would like to look over the ordinance a little more before making a decision.

Dawna Loose made a motion to table and continue the public hearing until the next meeting, Adam Lichuk 2nd. Passed

6. DISCUSSION ITEMS:

- a. What should be the permitted uses in Commercial zone? Jamie said that we had discussed this at a prior meeting. She has in her book we changed: 7.21-deleted business and professional; 7.23-deleted tourist homes; 7.24-deleted foundries (move to light industrial); 7.25-deleted commercial nurseries & building supply (move to light industrial); 7.27-deleted repair. They deleted repair because it was already in the automotive section. Repair can also be jewelry, furniture and other items. Sidnee explained that other cities used the district use matrix to show what is permitted. Commission likes the idea of the matrix. Use this for all zones. Table 6) a & b to the March meeting.
- c. What key issues and items would you like to resolve in 2023? Chairman Lichuk reported that they had already made a list when they had a joint meeting with City Council. Tess will find those minutes and get them to Sidnee.
- d. Additional items for February agenda. The agenda is going to be full
- e. Meeting review. Dawna suggested getting the information sooner, maybe 2 weeks before the meeting, Jamie says she always forgets a pen, have extra pens at the meeting. Commission said that Sidnee did a great job and the meeting flowed smoothly.

7. NEXT MEETING SCHEDULE:

- a. January 30, 2023
- b. March 6, 2023
- c. April 3, 2023

6. ADJOURNMENT.

Adam Lichuk made a motion to adjourn, Dawna Loose 2nd.
Meeting was adjourned at 9:00 p.m.

Adam Lichuk-Chairman

ATTEST:

Sidnee Hill-P & Z Administrator

To the City of Carey Council;

Below is the combined priority list from Staff and Planning and Zoning Commission on actions and decisions we wish to make in the 2023 year.

- Alternative Energy zoning regulations, building requirements and application
- Residential Density clarification
- Commercial & Lt. Industrial Design Review
- Sidewalks
 - Where should they be
 - Approve Typical for each sidewalk
 - Create master sidewalk plan with typical types
- Codify City Code
- Nuisance/Public Safety/Animal/Dog Ordinances
- Update City Fire and Building Code
- Park and Rec Plan Review
- Accessory Dwelling Units
- Subdivision Ordinances Review
 - Development standards meet needs and mitigate future costs for city
- Comprehensive Plan Review
 - Expanding Commercial and Lt Industrial to south or west?
-

RENEWABLE UTILITIES FACILITIES

PURPOSE AND INTENT:

The purpose and intent of this chapter is to promote safe, effective use of residential alternative energy facilities installed to reduce the on site consumption of utility supplied electricity and to provide a regulatory scheme for the construction and operation of alternative energy facilities in the city, subject to reasonable restrictions, which will preserve scenic assets and protect the public health, safety, and welfare.

DEFINITIONS:

1. **RENEWABLE ENERGY FACILITIES SYSTEMS (RES):** systems where energy is produced from sources like the sun and wind.

RESIDENTIAL SOLAR COLLECTOR SYSTEM: A net metered solar collector system, as defined in this chapter, that produces no more than twenty-five (25) kW.

2. **ROOFTOP WIND ENERGY FACILITY:** A wind energy facility mounted to the top of a structure to which it is an accessory. Overall height is measured from grade to highest point on the WEF.

3. **SOLAR COLLECTOR MOUNTS:** Mounting arrangements that hold various devices for the absorption of solar radiation for the heating of water or buildings or the production of electricity.

A. **Building Integrated Photovoltaics (BIPV) Mount:** A solar collector system that is integrated into the structure of a building. Common BIPV applications include carports, awnings, and curtain walls.

B. **Ground Mount:** A solar collector system where an array is mounted onto the ground. The most common type of ground mount is a wedge structure constructed from steel supports anchored in concrete footings. The remainder of the structure is built from aluminum or galvanized steel.

C. **Pole Mount:** A solar collector system that consists of an array that is mounted on top of a single steel pole, which is ground mounted. This type of installation can be manually adjustable, so that the pitch of the array at different times of the year can be changed.

D. **Roof Mount:** A solar collector system with an array of solar panels located on the roof of a structure. In most cases this array will be attached directly to the structural members of the building, does not extend past the plane of the roof, nor blocks solar access to neighbors.

5. **SOLAR COLLECTOR SYSTEM:** A system that is comprised of photovoltaic collectors designed to convert solar energy into electric energy or plate type collectors designed to use solar energy to heat air, water, or other fluids for use in hot water or space heating or other applications. A solar collector system's primary purpose shall be limited to supplying or offsetting energy needs of residences and businesses and shall not exceed the residential peak production capabilities as defined by Idaho Power.

6. WIND ENERGY FACILITY (WEF): A wind energy conversion system consisting of a turbine or generator and typically blades and a tower and associated control or conversion electronics which provides electrical power intended for residential or farm and associated outbuildings and on site uses.

7. WIND ENERGY FACILITY TIP HEIGHT: The height above grade of the fixed portion of the tower plus the blade radius at its highest point.

ZONING REGULATIONS:

The placement, use or modification of a Renewable Energy System as allowed by law within the City of Carey by a permittee, is subject to the provisions of this title.

A. Rooftop Wind Energy Facilities (WEF):

1. One or more rooftop WEF up to an overall height of forty feet (40') is a conditional use within districts A/RL and LI subject to section 9-3A-6, "Conditional Use Permit Procedure", of this chapter.

2. No rooftop WEF shall be permitted within the RH, C, or AV

B. Freestanding Wind Energy Facilities: No freestanding WEF shall be permitted within A/RL, AV, C, LI or RH Districts.

C. Wind Energy Facilities Permitted Uses:

1. Installation of an anemometer, or related devices, for not less than twelve (12) months for the purpose of determining feasibility of a wind energy generating site. The anemometer may not be installed at a WEF height greater than permissible for that zoning district.

2. General repair, maintenance, replacement or upgrade of equipment of an existing WEF provided that any equipment replaced does not violate the conditions of administrative or conditional use permit approval.

3. All WEF systems will be subject to setback requirements as outlined by their zoning district.

D. Solar Collector Systems: The placement, use or modification of a solar collector system shall be an allowed use in all zoning districts, provided the system meets zoning standards set out in subsections 1 through 8 of this section:

1. Photovoltaic solar collector panels are certified by the Solar Collector And Certification Corporation (SRCC);

2. Collector system panels and mounts are installed per manufacturer's specifications;

3. BIPV and roof mounted solar panels systems will be enabled with rapid shut-off capabilities.

4. A licensed engineer has reviewed mounting plans to ensure the roof's structural integrity is maintained and that it meets the international building code standards for wind loads and has provided a structural analysis report included in the Renewable Energy Permit.

5. BIPV and roof collector mounted panels do not exceed five feet (5') from the top of a structure.

6. Ground and pole mounted solar collectors are firmly anchored and:

a. Do not exceed fifteen feet (15') above grade ¹ ; or

b. Collector panels located on isolated slopes do not exceed twenty feet (20') above grade

7. All solar collection systems will be subject to the setback requirements as outlined in their specific zoning district.

8. Repair, maintenance, replacement or upgrade of equipment to an existing solar collecting system installed prior to adoption of this chapter shall not be required to obtain a solar collector permit. The following shall be found to be true prior to issuance of a solar collector permit:

Notes

- 1 1. Pole mounts need 4 feet of snow clearance. Panels are on average 5 feet x 3 feet; sometimes they will stack 2 panels on 1 pole mount. Jon Riley of Whole Energy Solar indicates the majority of pole mounted systems will not need to be more than 15 feet high, as measured from the top of the panel.

CONDITIONAL USE PERMIT PROCEDURE:

A. Whenever there is a request that requires a Conditional Use Permit for an alternative energy system, the Commission shall make recommendations to the Council which shall make the final decision. Both entities shall hold a duly noticed public hearing on the application at its earliest convenience. The procedures as outline in Chapter 12 of this ordinance shall be followed.

B. The Conditional Use Application shall be submitted in tandem with the Renewable Energy Permit.

RENEWABLE ENERGY PERMIT PROCEDURE:

Application Form and Fee: Application for an alternative energy system shall be made on a form furnished by the administrator and shall be filed by the applicant(s). Fees resulting from the technical review by the city engineer or other qualified person as designated by the city are the responsibility of the applicant, and shall be paid prior to approval. No application shall be certified as complete unless it includes the following minimum information in sufficient detail for the Building Department Representative to determine compliance with the standards of evaluation as set forth in this chapter. Based upon site specific circumstances, and upon

appropriate findings, the city staff may require additional information in order to render a decision on an application. Further, the administrator may waive certain submittal requirements based upon site specific condition and appropriate findings.

A. Site Plan: Site plan drawn to scale of no less than one-inch equals twenty feet (1"=20'), specify the following:

1. Standard drawings of the WEF energy structure, if applicable, including design and dimensions of tower, base, footings, and guywire anchors. Overall height from natural grade to tip of extended blade, location of substation(s), electrical cabling from WEF to the substation(s), ancillary equipment, buildings, and structures shall be included.
1. Depiction and explanation of land use on subject property and adjacent property including location and height of surrounding structures, power transmission lines, and trees.

B. Structural Analysis:

1. The structural analysis is a certification that the structure wall and/or existing roof members are adequate to support the weight of the alternative energy system in addition to base design criteria as outlined in IBC, NDS, ASCE/SEI, CBC, IRC and the latest edition of the building codes for the State of Idaho. This analysis must be conducted by a professionally licensed engineer.

C. ADMINISTRATIVE REVIEW OF APPLICATION:

The administrator shall review the application submittal for compliance to the submittal requirements set forth herein. In the event the application is not complete, the administrator shall advise the applicant of the corrective action needed. In the event the data required for the administrator to certify the application as complete is not filed within one year (365 days) from the date the application as complete is not filed with the City of Carey building department, the application shall be null and void. One time only, the administrator, at his/her discretion, may approve one extension of time within which materials may be submitted upon receipt of a written request by the applicant giving in detail the reason additional time is required to file said materials under this section, said approval shall be in writing and for a specific period of time not to exceed one year (365 days).

STANDARDS OF EVALUATION:

The applicant has the burden of demonstrating compliance with each of the standards of evaluation as set forth in this section. The commission or hearing examiner shall review the application and determine if there is substantial evidence in the record to make a finding that either the proposal complies with each of the following standards of evaluation, or the specific standard is not applicable to the application:

- A. Administrative Standards:
 1. Compliance With International Building Code
 2. Compliance With National Electric Code

3. Utility Notification: No renewable energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.

4. Approved Wind Energy Facilities: WEF equipment must be approved under an emerging technology program such as the California energy commission, international electrotechnical commission or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. department of energy.

5. Federal Aviation Administration (FAA): WEF must comply with applicable FAA regulations and shall not be permitted within the airport vicinity overlay.

6. Siting Requirements: All parts of a REF, including guywire anchors, are subject to zoning setbacks. No REF shall be sited closer to a neighboring residence or neighboring building envelope than it is to the subject property's residence. Freestanding WEF shall be located a minimum of 1.1 times the overall height of the WEF from all inhabited structures on subject property, property lines, and roads. Wind energy facility blades shall be higher than twenty feet (20') above the ground. No blades may extend over parking areas, playgrounds, driveways or sidewalks.

7. Noise Requirements: Noise emitted from any REF shall not exceed sixty (60) decibels as measured from the nearest adjacent property line.

B. Design Standards:

1. Renewable energy facilities shall be a nonobtrusive color.
2. Renewable energy facilities shall not be artificially lit.
3. On site transmission and power lines between REFs shall, to the maximum extent practicable, be placed underground.
4. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers and substations.
5. Wind energy facilities shall not be used for displaying advertising.
6. If the applicant or landowner with respect to an application for a conditional use permit under this section is the state of Idaho, or any agency, board, department, institution, or district thereof, the commission or the board, in addition to all other applicable standards and criteria hereunder, shall take into account the plans and needs of the state, or any agency, board, department, institution or district thereof, as required by Idaho Code 67-6528.

9-3A-11: ABANDONMENT:

A. An RES that is out of service for a continuous one-year period will be deemed to have been abandoned. The administrator may issue a notice of abandonment to the owner of an AES that is deemed to have been abandoned. The owner shall have the right to respond in writing to

the notice of abandonment setting forth the reasons for operational difficulty and providing a timetable for corrective action, within thirty (30) days from the date of the notice. The administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

B. If the RES is determined to be abandoned, the owner shall remove the RES at the owner's sole expense within three (3) months of the date of the notice of abandonment. If the owner fails to remove the RES, the administrator may pursue a legal action to have the system removed at the owner's expense.



Renewable Energy Form

Please Include the Following:

- Site Plan
- Structural Analysis
- Application Fee: \$150
- Wind Resource Data (For WEF)

Owner: _____

Mailing Address: _____

Phone: _____

Contractor: _____

Mailing Address: _____

Registration No. (Mandatory) _____

Phone: _____

Type of System:

- Wind
- Geothermal
- Solar PV
- Solar Thermal
- Other

Energy Storage Device: Yes No Rapid Shutoff Enabled: Yes No

Weight of Entire Alternative Energy System: _____ Year structure was built: _____

Method of attachment to structure: _____

Street Address of Work: _____

Legal description of land: Lot # _____ Block # _____ Subdivision: _____

Zone: A/RL AV C LI RH

Estimated Cost of construction: _____

I hereby acknowledge that I have filled in this application accurately to the best of my knowledge and that I agree to comply with all City Ordinances and State laws regulating building construction to the City of Carey, Idaho.

X _____ Date: ____/____/____

Signature of Contractor/Owner/or Authorized Agent

Official Use Only

Signature of Dept. Of Idaho Fish and Game Administrator (WEF ONLY)

Signature of City Planning and Zoning Administrator _____

Signature of Carey Fire Representative _____

Public Work Director _____

Signature of City of Carey Building Department Representative _____

- Approved
- Denied

City Review Process: City staff will: 1) Review the required information on this form and included in attachments; 2) contact you with further questions or requirements; 3) Review if proposal meet zoning requirements; and 4) Approve the system or require identify structural or system problems to be remedied.

State permit: Electrical and plumbing permits from the State of Idaho are typically required. Please check with the Idaho Department of Building Safety.

Site plans should include positioning of alternative energy equipment, energy storage device (if applicable), and other notable structures within or adjacent to the lot.

The structural analysis is a certification that the structure wall and/or existing roof members are adequate to support the weight of the alternative energy system in addition to base design criteria as outlined in IBC, NDS, ASCE/SEI, CBC, IRC and the latest edition of the building codes for the State of Idaho. This analysis must be conducted by a professionally licensed engineer.

Ordinance of the City of Carey No. 2023- _____

An ordinance of City of Carey, Idaho amending and adopting the most recent International Fire Code (IFC) with changes amending and adopted by the State of Idaho, Blaine County Idaho, and City of Carey, Fire Code, by deleting it in its entirety and adopting a new Fire Code by which the most recent International Fire Code, including Appendices B, C, D, and F as published by the International Code Council along with amendments and additions, relating to local conditions are added including; requirements for Class A assembly for new construction, additions and re-roofs; providing a minimum requirements for water supply for subdivisions and re-plats; requiring driveways to meet the standards for fire apparatus access roads; providing a severability clause and an effective date.

Recitals

Whereas, the City of Carey City Council passed City of Carey ordinance relating to the most recent edition of the IFC..

Whereas, the state of Idaho has authorized local jurisdictions to adopt the 2018 edition of the International Fire Code and additional, locally relevant fire protection provisions in accordance with Idaho Code 41-253;

Whereas, the fire chief of Carey Rural Fire District and the City of Carey, in the interest of fire and life safety have collaborated to codify and standardize fire requirements for the welfare of their respective communities;

Whereas, the State of Idaho Department of Insurance has adopted the latest edition of the IFC by rule, see IDAPA 18.01.50

Whereas, the City of Carey Fire Protection ordinance is the minimum fire code standard for the protection of the health and welfare of the citizens and visitors;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CAREY, IDAHO, AS FOLLOWS:

The City of Carey Ordinance No. 2022-# shall be and the same is hereby repealed in its entirety and a new Fire Code Ordinance is adopted as a supplemental amendment to the most recent edition of IFC. The following text reflects amendments, changes, and alterations to the 2018 supplemental amendments to the most recent IFC .

Chapter

Public Health and Safety

Fire Protection Ordinance

12.2 Purpose: To promote public health, safety and general welfare of the community

12.21 Findings:

- A. The latest editions of the IFC and the most recent international building code (IBC) have been adopted by state law. The most recent IFC and IBC promote the public health, safety, and general welfare.
- B. The City of Carey is generally rural in character and water supplies are often limited.
- C. The district provides sufficient fire protection personnel and equipment to their constituents to enable a modification of the requirements of appendix B of the most recent IFC, based on the present level of service (i.e., water supply carrying capacity and personnel) of the city.
- D. Inside the Carey City limits the Carey Rural Fire District provides a sufficient level of service to protect occupancies up to a total floor area of four thousand (4,000) square feet. Without requiring a greater water supply on site.
- E. Within the water service area the fire flows provided by the city water system are deemed sufficient for residential structures.
- F. Additional requirements, review, and inspection promote the purposes of the most recent IFC , the most recent IBC and promote compliance with the requirements therein and with this chapter.

12.22 Modifications to fire code:

A. Exemption from Appendix B: Except as otherwise provided herein, the fire flow requirements as stated in appendix B of the most recent IFC all occupancies within the districts are not applicable because the development of full fire flow requirements is not practical at this time and because the occupancies within the city are sufficiently serviced by personnel, equipment, and city water system.

B. Water Supply or Sprinkler System for any Occupancy:

- In the City of Carey the construction of new square footage or an addition to an existing one or two family dwellings,, excluding agricultural buildings, including a remodel, which creates a total floor area of four thousand (4,000) square feet or greater, shall be connected to City of Carey water system, or may install an approved fire sprinkler system as set forth in NFPA standards 13, 13D, and 13R. The construction of any occupancy, excluding agricultural buildings, on new or existing buildings, including a remodel, which creates a total floor area of eight thousand (8,000) square feet or greater, shall install a fire sprinkler system set forth in NFPA standards 13, 13D, 13R and be connected to City of Carey water system.

For the purpose of calculating square footage for any group R-3 occupancy on the same lot of parcel, each building or portion of a building separated by one

or more firewalls or fire barriers when approved by the authority having jurisdiction, which comply with the provisions of section 706 Fire Walls or section 707 Fire Barriers of the most recent IBC, may be considered a separate building or fire area and may be considered independently from the total square footage of one or more group R-3 occupancies. In addition to installing sprinkler systems the applicable fire chief, fire code official or building official may, at their discretion, require additional fire mitigation measures including, but not limited to, fire walls or fire barriers constructed in accordance with section 706 Fire Walls or section 707 Fire Barriers of the most recent IFC.

- **Water Supply and Sprinkler System Requirements:** The building permittee shall connect to City of Carey water system or: a) comply with NFPA standards 13, 13D or 13R; b) be connected to a water flow alarm; c) be provided with a fire department connection; and, d) be approved by the applicable fire chief, or fire code official. Any approved water flow alarm shall be supervised by a remote signaling station, approved by the applicable fire chief, or fire code official.
- **Water Supply For Subdivisions And Re-plats:** The construction of a new subdivision or a re-plat of an existing subdivision that creates five (5) or more new lots or parcels shall be connected to the City of Carey water system . Fire hydrant locations, pumper connections and distribution required for subdivisions shall be determined by the most recent IFC .Floor area requirements shall be complied with for the construction of any occupancy excluding agricultural buildings, on new or existing buildings including a remodel, which creates a total floor area of eight thousand (8,000) square feet or greater.
- **Fire Apparatus Access Roads and Driveways:** Approved fire apparatus access roads or driveways shall be provided for every facility building or portion of a building hereafter constructed or moved into or within Carey City limits. Approved fire apparatus access roads and driveways shall comply with the requirements of section 503 and appendix D of the most recent IFC and IDPA 18.01, 50.
- **Defensible Space:** Construction for any occupancy on a new or existing building, including remodels, within the county shall provide a minimum defensible space of thirty feet (30') surrounding any occupancy. Approved vegetation shall be maintained annually by the property owner to minimize fire fuel loads within this defensible space.

- **Class A Roof Assemblies Required In The City of Carey:** Class A roof assemblies are required on all new buildings. Class A roof assemblies are required for all reroofs over one thousand (1,000) square feet of roof area. Class A is not required when less than ten percent (10%) of the roof area is being repaired and additional areas are not subsequently repaired within five (5) years. Additions to buildings over one thousand (1,000) square feet of roof area require that the roof of the entire building be upgraded to a class A roof assembly.

For the purpose of this code, roof area shall be measured on a horizontal plane projection of all levels including overhangs and overlaps.

- **Address Numbers:** All residences shall exhibit approved legible address numbers in locations that are plainly visible from the highway, road, or street fronting the property. Address numbers shall be a minimum of four inches (4") in height and shall contrast with their background. Address numbers shall be posted a minimum of forty eight inches (48") above final grade and shall be maintained unobstructed and visible at all times.
- **Fire Protection Equipment:** All required fire protection systems and equipment, including standpipe systems, shall be installed by an approved licensed contractor, in the State of Idaho, for the type of equipment being installed. Licensed contractors shall provide certification and licensure documentation to the applicable fire chief, fire code official, or building official upon request. Submittal of construction documents, meeting the requirements of the most recent IFC section 105, for approval by the applicable fire chief, fire code official, or building official is required before commencing installation of any required fire protection system or equipment including standpipe systems.

C. Fireworks:

The use of fireworks, 1.4G (formerly known as class C, common fireworks) other than non-aerial common fireworks as defined by Idaho Code title 39 chapter 26 is prohibited. The use of special fireworks as defined by Idaho Code title 39 chapter 26 or fireworks 1.3G (formerly known as class B, special fireworks) requires a permit from the authority having jurisdiction. All use of fireworks must comply with and conform to all firework regulations as outlined in Idaho Code 39-26.

Fireworks, 1.3G for display fireworks, as defined by section 5602 of the 2018 IFC, shall meet all of the requirements of the 2015 IFC section 5608.

12.23 REVIEW, APPROVAL, INSPECTION, AND FEES:

- A. **Review of Building Permits:** Before any building permit is issued within the city, the applicable fire chief, and fire code official shall review the building permit application, along with copies of all building plans and specifications for any occupancy group to determine whether the building is designed to comply and shall certify on the building permit that the application is designed to comply with the most recent IFC and this chapter.
- B. **Applications: Review of Subdivision:** Before any preliminary or short plat for property within the City is considered pursuant to City of Carey Subdivision Ordinance of this code, the applicable fire chief, fire code official, and building official shall review the subdivision application, along with copies of all plans and specification, to determine whether the proposed subdivision will comply with the most recent IFC and this ordinance. Then the fire chief, fire code official, or building official shall forward to the commission, for a preliminary or short plat with their recommendations, including suggested conditions for their consideration. If there are considerations indicating an unusual susceptibility to group fires or conflagrations, the applicable fire chief, fire code official, and building official may require a fire flow greater than that required by the most recent IFC and this ordinance.
- C. **Approval of Building Permits and Subdivision Applications:** Compliance with the most recent IFC and this ordinance shall be established to the satisfaction of the applicable fire chief, or fire code official before the building official will issue a building permit, or before a preliminary or short plat is approved.
- D. **Inspection:**
- **Fire Safety Equipment:** The applicable fire chief, fire code official or building official is empowered to inspect fire safety equipment or materials as part of the approval of a building permit issued for the construction of any building. Any such fire safety equipment or materials shall not be concealed or covered during the course of the construction, repair or remodeling authorized by the building permit until the same has been inspected and approved by the applicable fire chief, fire code official, or building official. Any such fire safety equipment shall be inspected and approved by the applicable fire chief, fire code official, or building official before a framing inspection is approved by the building official. As a condition of a building permit, such fire safety equipment shall be inspected and approved by the applicable fire chief, fire code official, or building official before a final building inspection is approved by the building official.

- **Water Supply or Sprinkler System:** As a condition of a building permit, a water supply shall be inspected and approved by the applicable fire chief, fire code official or building official before combustible construction is initiated. The permittee has the burden and obligation to submit written proof to the building official that the water supply has been inspected and approved. As a condition of a building permit, sprinkler system plans shall be inspected and approved by the applicable fire chief, fire code official or building official before a final building inspection is approved by the building official. The permittee has the burden and obligation to submit written proof to the building official that the sprinkler system has been inspected and approved
- **Fire Protection Maintenance:** All fire protection water supplies, fire protection equipment, access to occupancies and equipment, whether required or voluntarily installed, that would require a response by the fire department or be used by the fire department shall be maintained in operating condition at all time. Operating condition includes unobstructed access, maintenance, testing, and inspections as required by the applicable fire chief, fire code official or building official.
- **Fees:** The Carey Rural Fire district by resolution, adopt a fee schedule for reviewing building permit, subdivision, plat and conditional use permit applications. The fee for any application requiring fire district comment shall be in addition to the fees collected by the land use and building services department. (Resolution 2016-06)

12.24 Appeals:

- A. When the applicable fire chief, fire code official or building official disapproves of an application or refuses to grant a permit, or when there is a question as to the suitability of alternate materials and types of construction, or when there is a question of interpretation of the most recent IFC or this ordinance, the applicant or aggrieved party may appeal the decision of the applicable fire chief, fire code official or building official to the Carey City Council, as required by the most recent IFC.
- B. **Appeal Procedure:** A written notice of appeal, detailing all basis for appeal including the particulars regarding any claimed error or abuse of discretion, shall be filed with the City, the building department , before five o'clock (5:00) P.M. of the fifteenth calendar day after the decision of the fire chief, fire code official, or building official has been made. The failure to physically file a notice of appeal with the City within

the time limits prescribed by this section shall cause automatic dismissal of such appeal.

- C. **Conduct of Hearings:** The Carey City Council shall conduct a hearing for the appeal at City Councils next regular scheduled meeting. The City Council shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the applicable fire chief, fire code official, or building official, with a duplicate copy to the appellant within thirty (30) days after the hearing of appeal.
- D. **Idaho State Department of Insurance:** Pursuant to Idaho Code section 41-260, the Idaho state fire marshal's office may hear appeals from aggrieved parties in reference to this Idaho State statute after following the appeals procedure under subsections listed in 12.24

12.25 Penalties:

- A. Violations of the provision of this ordinance or the most recent IFC shall be an infraction, punishable as provided in section 1-4-1 of this code. Each day that such a violation occurs or continues shall constitute a separate criminal offense. Any violation of any provision of this chapter may also result in the filing of a civil complaint for civil damages, if applicable, imposed upon any person violating the most recent IFC or this ordinance. Whenever it appears that any person has engaged in any act or practice constituting a violation of the most recent IFC or this ordinance, the building official, applicable fire chief, or fire code official may issue a stop work order and the City Council may bring any action to enjoin any such acts or practices and to enforce compliance of the most recent IFC or this ordinance. Any civil action for injunctive relief or civil damages shall be in addition to the criminal penalties set forth in this chapter

12.26 Warning and Disclaimer of Liability:

- A. The degree of fire protection required by this ordinance is considered reasonable for regulatory purposes and is based on nationally accepted fire protection standards. This ordinance does not imply that persons or property will be fully or even partially protected from fire or damage. This chapter shall not create liability on the part of the City Council, City of Carey, or its employees, officers or agents, or fire department or its employees, officers or agents for any damage to persons or property following the adoption of this ordinance, including, but not limited to, reliance on this chapter or any administrative decision made hereunder.

FILING OF ORDINANCE. Within ten (10) calendar days following the effective date of this Ordinance, the City Clerk of the City of Carey, Idaho, is duly authorized and instructed to file with the recorder and auditor of Blaine County and with the Idaho State Tax Commission a copy of this Ordinance certified as to correctness under the corporate seal of the City of Carey.

SAVINGS AND SEVERABILITY. If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause, or phrase is declared by a Court of competent jurisdiction to be invalid, such actions shall not affect the validity of this ordinance as a whole or any part thereof other than the part declared invalid.

REPEALER CLAUSE. All City of Carey Ordinances or parts thereof which are in conflict herewith are hereby repealed.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its approval, passage, and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF CAREY, IDAHO, AND APPROVED BY THE MAYOR OF THE CITY OF CAREY on this _____ day of _____, 2016.

APPROVED:

Sara Mecham, Mayor
City of Carey

ATTEST:

Tess Cenarrusa City Clerk
City of Carey

Dated: _____.