

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

ROLL CALL SHOWED THE FOLLOWING PRESENT:

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

ALSO, PRESENT:

Andrea Haderlie, Secretary
Mitch Hart, Councilmember

EXCUSED:

Tysen Hopkins
Alan Skinner, City Planner/Engineer
Gregg Haney, City Attorney

6:05 PM-Chairman Fryar called the meeting to order and mentioned last month, and they could not approve minutes because there was not a quorum. ***Commissioner Guedes moved to dispense by reading the August 8, 2022, minutes. He motioned, approving the minutes as written. Commissioner Erickson seconded the motion. All in favor, motion carried.***

Vice-Chairman Lau explained from the last meeting she would like to discuss the definition of the dwelling unit, home occupation, school, and an inconsistency in the nursing home, rest home-convalescent homes. She pointed out the definition of dwelling unit possibilities. She formatted the list by putting the city code currently and proposed four alternate definitions from the law insider dictionary. She commented that the current definition of a dwelling unit is about the space you need for all necessary household employees and families. She questioned how many people have housekeepers anymore. She stated that a new dwelling unit must have a kitchen; it does not state bathrooms. Commissioner Guedes mentioned the city of Boise operating under the same state statutes; they've got all these definitions done. He explained residential uses one single-man, two-family, multi-family where they talked to answer that private property other than boarding, Bed and Breakfast, convalescent, adult, and child care facilities, adult care, small, medium and large childcare centers, and essentially just looking at their city code we could pick and choose because it is already written. The Commission discussed at length the four proposed definitions and decided to strike the current city code definition 17.08.340 but keep the last sentence of the existing code and replace it with: "Dwelling unit" Means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The term does not imply or include such types of occupancy as a lodging or boarding house, club sorority, fraternity, or hotel.

Chairman Fryar suggested that the two-family dwelling be crossed out "and occupied exclusively by" and leave the rest of the current code. It will be a building designed for two families. The Commission discussed at length the meaning of a detached building as an

independent building. The Commission concluded to discuss the legal language with Attorney Haney of "detached" and "attached." Vice-Chairman Lau mentioned clarifying designed and occupied; because most of these have been designed and occupied.

The Commission discussed 17.08.440. Home Occupations. Vice-Chairman presented several different examples to the Commission. The Commission discussed it at length and decided to strike the current code for home occupations and agreed to amend it to: "An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes."

Vice-Chairman Lau presented to the Commission alternate definitions for 17.08.655 School. She mentioned below those other definitions from the internet are then looked at in the proposal of possible definitions for school. The Commission discussed at length different types of schools and what would be included in the definition if it should be accredited. Vice-Chairman Lau questioned if they could make it even more generic and look at that first sentence in the LA proposal. After much discussion, the Commission agreed to strike the revised definition of school and use the LA Proposal of "School means a school or a portion of a school which provides facilities for teaching any grade for K through 12."

7:30 PM Commissioner Guedes motioned to adjourn the meeting. Commissioner Erickson seconded the motion. All in favor, motion carried.