

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD JANUARY 10, 2023.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

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

ALSO, PRESENT:

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

EXCUSED:

Tysen Hopkins

6:02 PM-Chairman Fryar called the meeting to order. ***Vice Chairman Lau moved to dispense by reading the December 13, 2022, minutes and motioned, approving the minutes as written. Commissioner McMurray seconded the motion. All in favor, motion carried.***

Chairman Fryar opened the discussion for Elections to select a chairman and vice chairman. The Commission briefly discussed the election to keep Commissioner Fryar Chairman and Commissioner Lau as Vice Chairman. ***Commissioner McMurray motioned to keep things the same Commissioner Fryar as Chairman and Commissioner Lau as Vice Chairman. Commissioner Guedes seconded the motion. All in favor, motion carried.***

Secretary Haderlie opened the discussion for the February meeting on the 14th, Valentine's Day. She questioned the Commission to have the meeting as scheduled, cancel the meeting, or reschedule the meeting. Chairman Fryar asked whether we have anything else looming in the future. City Planner Skinner stated that not at this time. Vice Chairman Lau and Commissioner McMurray said they would not attend the February meeting. Commissioner Erickson voiced it would be easier to skip the meeting and roll into March 14th for the next meeting. ***Vice Chairman Lau motioned to miss the February meeting. Commissioner McMurray seconded the motion. All in favor, motion carried.***

Vice Chairman Lau commented that after reading all those minutes for 2021, we must not have been particularly clear on or when we came to a consensus on a specific change because many things are proposed or discussed. We never decided on much of this stuff, but to deal with it today instead of the second, third, fourth, or fifth time. She mentioned we've never firmly told our staff that this is what we want, and then occasionally when we did say this is what we want. It didn't make it to the document, and that's on us for not coming back and saying it didn't make it into the document. Chairman Fryar voiced that part of it is not everyone's always here at all the meetings and then sometimes the discussion starts with a question, and then it ends 30 minutes later, rehashing the whole thing. Vice Chairman Lau questioned can we, as a group and our staff ask for clarification. Because of some of the changes, she could propose all sorts of things, and they can be great ideas, and they can be

lousy ones, but she would like the Commission to know she wants it and we've got to change it, or we're not ready to change it, or we decided not to change it. Chairman Fryar commented that we'd repeatedly talked about the church and school. He mentioned he would try to help steer us away from certain things that have been already discussed and check on to the next one so we can get more accomplished and not go around about being over and over again.

City Planner Skinner voiced that if you make a motion and vote on it is recorded. Secretary Haderlie commented that if you propose a change, you should make a motion that you're proposing to get it moving. Vice Chairman commented that we've been hesitant and want to make the motions at the end like we're finalized with it. However, when we reach a consensus, we need to be abundantly clear, and if we have not yet got an agreement, then it's still up for discussion as long as the chairman will entertain it. Chairman Fryar voiced that he thinks a lot of these things we probably didn't want, and if we had a list of five or eight definitions and examples and made a motion.

Now, we're done, then move to number two, number three, and then unless there's some specific issue, probably go back and revisit the first one until potentially the very last day when we approve the whole thing, and everyone feels good about it. Commissioner McMurray mentioned you guys said it took two years for the paint on the shipping containers; if you read through these minutes, he feels he is reading what happened last week. The same discussion, what he called an accredited, same debate was had back on October 12, and he wanted it to be directed to the State Board of Education. He felt like we keep doing the same thing; if we could find common ground and move on with it, it would speed things up considerably. Chairman Fryar voiced that we can all hash through one thing at a time and get it done, and in theory, if there's a specific reason, there's no reason to go back unless something happens or something weird. As a general rule, that should be what we shoot for. Commissioner Evans commented that when we finalize, we need to make a motion, vote on it, and then be done with it; that way, we know we're done with it. Secretary Haderlie mentioned that the Commission would make motions to amend certain parts when you amend the code. But at the very end, the Commission will review everything that has been compiled and amended then the Commission will make a motion to move it to City Council or the Planning and Zoning workshop. Vice Chairman Lau commented that some groups will instigate and wants to go back to something already being discussed and revised and that we, as a Commission, have to have a majority of the people present to agree to go back. She mentioned that it doesn't have to be formal but can be an informal thing that we try to do.

Commissioner McMurray questioned what definition we are on. Commissioner Guedes opened the discussion to childcare and daycare. Secretary Haderlie pointed out that on 17.08.263 daycare, there is F. family home preschool and G. preschool center, but there is a proposed definition for preschool 17.08.633. She questioned the Commission do you want all three of them? Commissioner Evans asked whether to move all under preschool. Secretary Haderlie stated it depends on whether you want to keep it or if you like what it says.

Commissioner McMurray asked what the real difference between preschool and daycare is. Vice Chairman Lau stated that from the city's and state's standpoint if your kids are five or older, you're probably treated as a private school; if your kids are under five, you fall into the daycare. Commissioner McMurray mentioned that the daycare facility Lewiston code went

with the number of people. Secretary Haderlie pointed out the paper from the Department of Welfare and licensing and exemptions, and she highlighted the need for a license and exemption from a license. Chairman Fryar questioned if the ABC Factory was exempt from the license.

Secretary Haderlie stated no because she has two groups. They teach kids three and four-year-olds, and another group she teaches four and five-year-olds. The health and welfare states in the printout that the operation of a private or religious school for educational purposes for children older than four years of age or a religious kindergarten are exempt from a license unless they receive compensation. Commissioner Evans suggested we follow the state rules, utilize the Lewiston code, and use the number of children. Vice-Chairman Lau said she compared the current city code to the state code, which is identical. She stated she is not sure why we even went away from what we had initially; we think it'd be a lot simpler for the daycare part if we use the definitions simply, even most family childcare, group childcare, and, say, childcare one to six, childcare seven and 12, childcare 13 or more. She mentioned that the only difference in the city code is that a group daycare facility started with three kids. Where's the state said seven, with the city being more restrictive? Chairman Fryar commented on mirroring the one to six, seven to Twelve, and thirteen plus and then trying to get all the groups to fall under whichever category, whether they call themselves a preschool or daycare, as long as it fits in one of those three categories. Vice-Chairman Lau suggested that a preschool is a business that provides custodial care or organized learning and educational experiences for more than seven children and then added the sentence for zoning purposes, they will be treated the same as daycares of the same size to make a distinction because there was no definition for a preschool. The Commission discussed at length why it needs to be defined and how to describe it.

Commissioner McMurray mentioned finishing the definition of a school and its being accredited. The Commission discussed how to word school- school means a public or private school, which provides facilities for teaching any grade from kindergarten through 12th grade and is accredited. The Commission discussed at length who it would be accredited by, like the State of Idaho, accredited by the Northwest Accreditation Commission. Councilmember Hart cautioned the Commission to use as few words as possible to accomplish your intention, but if you use too many words, you're going to box yourself into a corner, and you're going to be back to where you're at right now. Commissioner Guedes suggested "School" Means a public or private school or that portion of a public or private school which provides facilities for teaching any grade from kindergarten through grade twelve and is accredited by a State of Idaho Board of Education approved organization. **Commissioner Evans motioned to accept "School" Means a public or private school or that portion of a public or private school which provides facilities for teaching any grade from kindergarten through grade twelve and is accredited by a State of Idaho Board of Education approved organization. Commissioner McMurray seconded the motion. All in favor, motion carried.**

Secretary Haderlie asked the Commission if they would like to keep the amended version or revert to the current city code. Commissioner Evans suggested slightly changing it by going to a daycare or childcare instead of a daycare or childcare facility, and then we list out the number of children. Secretary Haderlie clarified Do you want to keep any of the amended

versions? Commissioner Evans stated in my opinion, no, he thinks we've simplified it like childcare and the three number years number and go by making a mockup of it and simplify it. ***Vice Chairman Lau motioned that we eighty-six the definition amendments for daycare centers that we have on pages five and six in bright yellow and revert to the original city code. Commissioner Evans seconded the motion. All in favor, motion carried.***

Vice Chairman Lau presented the Commission with examples of the current code and the definitions of health and welfare. The Commission discussed at length each classification of daycare and the number of children for each type of daycare. Commissioner Guedes voiced let's start with daycare. It defines what daycare is, and you have to be compensated; they cannot be related to you and care within 24 hours; according to these, grandmas are paid to watch the grandkids that are not a daycare because it says you have to be paid for a child or children not related by blood marriage, or adoption meaning that's not a daycare. He mentioned it is about commercial aspects; the capitalist and the state call it a daycare center. Essentially daycare is the definition of Thirteen or more children; group daycare facility, seven to twelve children; and family daycare, zero to six; that's listed as a state definition of family daycare, providing daycare so you can be paid for less than six. The state definition is called family daycare, and that's where we get simple of mirroring the state. The Lewiston code says family childcare, and the state says a family daycare; Lewiston says group daycare instead of a group daycare facility and childcare center instead of daycares. He suggested we choose the same as the state does. ***Vice Chairman Lau motioned to change the following Proposed language for 17.08.633 Preschool--Preschool means a business engaged in providing regular custodial care and/or organized learning and educational experiences for more than seven children. For zoning purposes, they will be treated the same as daycares of the same size and remove both revised amendments of preschool definitions. Motion failed to be seconded.***

The Commission discussed at length adding preschool under the daycare definition. Commissioner Guedes stated he was comfortable deleting 633. Secretary Haderlie mentioned it had been added and had not been a definition before. Chairman Fryar suggested that under preschool, see daycare and hammer out the details on the daycare definition; then, we evaluate the size.

Commissioner Evans motioned 17.08.633 the proposed definition of preschool by crossing out and adding to Preschool-See also daycare center. Commissioner McMurray seconded the motion. All in favor, motion carried.

The Commission discussed the definition of 17.08.262 Daycare. ***Vice Chairman Lau moved to amend to daycare. The care and supervision provided for compensation during part of a twenty-four (24) hour day for a child or children not related by blood, marriage, adoption, or legal guardianship to the person or persons providing the care in a place other than the child's or children's own home or homes. Commissioner Evans seconded the motion. All in favor, motion carried.***

The Commission briefly discussed 17.08.263 Daycare center definition. ***Vice-Chairman Lau proposed 17.08.263-Day care center stays the same "Day care center" means a place or facility providing daycare for compensation for thirteen or more children. Commissioner Evans seconded the motion. All in favor, motion carried.***

The Commission discussed at length the number of kids per type of daycare and the

impact of each type. Commissioner McMurray suggested using the number system of three to six, Seven to Twelve, and Thirteen or more children. Commissioner Guedes voiced group daycare facilities to bring us up to the state definition says, and we added family daycare homes for zero to six. He mentioned that when we get to permitted use, we say that our one permitted use is a daycare for one to two children. We don't tell them they're in any of these groups. Then we haven't changed the city code; we're not saying anything other than what it is right here with three to seven children, except we're getting rid of this and the definition of bringing our definitions up. We don't say that whole family daycare is permitted. We don't say group daycares were permitted; we say daycare for one to two children is permitted.

Commissioner Guedes motioned to use Group Daycare Facility. A home, place, or facility providing daycare for seven (7) to twelve (12) children. Commissioner McMurray seconded the motion. All in favor, motion carried.

Commissioner Guedes motioned to add a new definition for family daycare home-a home place or facility providing daycare for six or fewer children. Commissioner McMurray seconded the motion. All in favor, motion carried.

At the March meeting, the Commission agreed to discuss the zoning designations and conditional use permits for daycares.

7:40 PM Commissioner Guedes motioned to adjourn the meeting. Commissioner Evans seconded the motion. All in favor, motion carried.