

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD NOVEMBER 9, 2021.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

Charles Fryar–Chairman  
Rod Worthington-Vice Chairman  
Robert Johnson  
Demian Guthmiller  
Tysen Hopkins  
Lori Anne Lau

ALSO, PRESENT:

Jon Goode, Councilmember  
Gregg Haney, City Attorney  
Andrea Haderlie, Secretary  
Alan Skinner, City Planner/Engineer  
Chris Guedes

EXCUSED:

Drew Erickson

6:05 PM Chairman Fryar called the meeting to order. Commissioner Johnson moved to dispense by reading the September 14, 2021 minutes and approving the written minutes. Vice-Chairman Worthington seconded the motion. All in favor, motion carried. The Commission discussed having Christmas dinner for the December 14<sup>th</sup> meeting. The Commission decided on Lee's BBQ to cater dinner.

Chairman Fryar opened the discussion to the definitions for the zoning code. Attorney Haney explained the old language has a line through it, and the new language is in bold print. The Commission looked over the new language. Commissioner Lau mentioned what has been previously discussed. Councilmember Goode voiced that those absent Commissioners should be brought up to date. Vice-Chairman Worthington brought absent Commissioners up to date on the previous discussions and stated it was in the previous minutes. He explained the conversation for daycare, nursery school/preschool, conditional use, church definition, and school definition.

Commissioner Lau mentioned family daycare center from the Lewiston code "Summer months or when public school is not in session, family child care facilities may allow up to a maximum for twelve children including the providers own children, without obtaining a city license for a group child care facility if there is at least one child care employee or adult volunteer in duty." She questioned whether we wanted to allow it or add it to the code. Councilmember Goode stated they had discussed the influx of six or fewer children does not seem like it would cause much of an issue. Still, if you have more than six, no matter the season, there is more potential for noise and traffic that would not typically exist in the residential areas. Commissioner Guthmiller agreed with Councilmember Goode and suggested we consider putting that under conditional use if the need arises. Attorney Haney mentioned that the numbers would be controlled by the state licensing. Vice-Chairman Worthington said that he does not think the state would dictate the season by the number of children in the

facility for state licensing. The Commission discussed issues at a city and residential level and considered a conditional use permit. Commissioner Lau pointed out in the definitions 17.08.415 Group daycare facility is still in the definitions but also new language under 17.08.263 daycare center. Attorney Haney stated that it should have been strike through because he missed it. The Commission discussed the number of kids, the size of the house, and what would be considered for the conditional use permit and public input. Commissioner Hopkins questioned does the city overrides the state statute? City Planner/Engineer Skinner mentioned the city could be more restrictive, but we have to meet the state minimums.

Commissioner Lau mentioned a few tweaks that she recommends for the new language for 17.08.263 (b) "Daycare center" means a place that provides regular scheduled care for more than 12 children, for periods of less than 24 hours. She recommended "a place" should be clarified and add "home, place, or facility." She mentioned that the daycare center that was struck stated "home, place, or facility." The Commission agreed to add "home, place, or facility."

Commissioner Lau mentioned (g) "Preschool center" means a building that provides regular custodial care and/or organized learning and educational experiences for more than 7+ children. She recommended replacing "building" with "home, place, or facility." The Commission agreed to add "home, place, or facility." She expressed concern that the new definition will write off the current preschool. Attorney Haney stated they would be grandfathered in; it would only apply when someone would like to open a new preschool. Vice-Chairman Worthington suggested making "G" for commercial use and applying for conditional use for residential areas. The Commission discussed at length. Commissioner Lau tabled her concern about the new definition writing off the current preschool.

Commissioner Lau recommended (f) "Family home preschool/nursery schools" to slash "nursery schools" because the term is no longer used. Attorney Haney will slash 17.08.590 nursery school and move to preschool to 17.08.633.

Commissioner Lau questioned the definition of school. Attorney Haney voiced that there was no definition for school, and now there is. Commissioner Lau expressed concern that she does not understand the definition. 17.08.655 – School; A place of general instruction in the arts and sciences including college, but excluding institutions such as business colleges or vocational schools, or whose primary purpose is the teaching of physical culture, music or dancing, unless a home occupation, trades, or industries, or the combination of any two (2) or more of these. As regulated by the State of Idaho School Board. She questioned the "unless a home occupation, trades or industries, or the combination of any two (2) or more of these." Attorney Haney commented that those would be considered a home occupation. The Commission agreed that it needs to be clarified. Commissioner Johnson recommended adding excluding before it. The Commission looked at the definition for Home Occupation 17.08.440. The Commission discussed at length rewording or taking out the last part of the sentence and linking home occupation to the school definition to cross-reference. Chairman Fryar suggested

rewriting it to: A place of general instruction in the arts and sciences, including college, but excluding institutions such as business colleges or vocational schools. As regulated by the State Board of education. See section 17.08.440-Home Occupation-whose primary purpose is the teaching of physical culture, music or dancing unless a home occupation, trades or industries, or the combination of any two (2) or more of these. Commissioner Lau agreed and suggested it read: A place of general instruction in the arts and sciences including college, but excluding institutions such as business colleges or vocational schools. As regulated by the State of State Board of education. Businesses whose primary purpose is the teaching of physical culture, music, or dancing, unless a home occupation, trades or industries, or the combination of any two (2) or more of these see section 17.08.440 Home Occupation. Commissioner Johnson agreed with Commissioner Lau.

Commissioner Lau questioned 17.08.225 Church or places of religious worship. The first sentence is okay; she does not understand the second sentence of the definition. It reads: For the purposes of this title, schools being operated for primarily nonreligious education and those portions of churches or places of religious worship which house such schools shall not be considered churches or places of religious worship. For example, she mentioned that the Presbyterian Church leases the rear building to a daycare facility and uses the church kitchen in the church to prepare meals every day. She questioned why we were doing this and the consequences for this establishment. Attorney Haney stated you could not make a law to effect something already in existence; they are grandfathered in. The Commission discussed at length the separation of a church to a school definition and no changes will be made to the definition of a church.

The Commission tabled adult content. The Commission agreed to discuss definitions for home occupations, and nursing homes for the next meeting.

7:35 PM Commissioner Hopkins motioned to adjourn the meeting. Commissioner Johnson seconded the motion. All in favor, motion carried.