

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD DECEMBER 13, 2022.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

Charles Fryar–Chairman
Jess McMurray
Chris Guedes
Colter Evans

ALSO, PRESENT:

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

EXCUSED:

Tysen Hopkins
Lori Anne Lau-Vice Chairman
Drew Erickson

6:03 PM-Chairman Fryar called the meeting to order and mentioned last month, the minutes were not approved because there was not a quorum. **Commissioner McMurray moved to dispense by reading the October 11, 2022, minutes. He motioned, approving the minutes as written. Commissioner Guedes seconded the motion. All in favor, motion carried.** Chairman Fryar welcomed Colter Evans and thanked him for joining Planning and Zoning Commission.

6:07 PM Chairman Fryar opened the public workshop to consider Ordinance 683 Amending in part Chapter 17.08.020 – Accessory Building clarifying what can be used as an Accessory Building in all City Municipal Zones and adopting a new Chapter and Section as Chapter 17.70 – Shipping/Cargo Containers as Accessory Buildings permitting placement in Single Family Residential Zone(R-1), Combined Residential Zone(R-2), Multiple Family Residential Zone(R-3), Neighborhood Commercial Zone(C-1), Community Commercial Zone(C-2), Service Commercial Zone(C-3), Agriculture Zone(A-1, A-2), Light Industrial Zone(M-1), and Heavy Industrial Zone(M-2), and in some instances placement would require a Conditional Use Permit pursuant to Chapter 17.68. Chairman Fryar questioned if any public comments were received; Secretary Haderlie stated no public input was received and no one attended the public workshop.

(See attached copy of Public Workshop Notice)

Chairman Frayer closed the Public Workshop at 6:09 PM and opened it up for discussion before the Commission. Chairman Fryar brought Commissioner Evans up to date on the proposed ordinance 683. Commissioner Guedes expressed 17.70.030 number eight (8) will need to be clarified for commercial use only abutting residential use. The Commission discussed at length the proposed ordinance and agreed it had all the amendments that had been agreed upon on all zoning designations. **Commissioner Guedes motion to recommend to City Council as approved with minor text changes as discussed on Ordinance 683 by the city attorney. Commissioner McMurray seconded the motion. All in favor, motion carried.**

City Planner/Engineer Skinner mentioned to the Commission to consider adding tiny

homes to the city code. He expressed there have been two developers that have come in to check the city code if they are allowed are not and if they can be installed on parcels or subdivided, or if they should consider multi-units for one parcel and if one owner can run it as a rental business. Attorney Haney suggested allowing tiny homes, you create a subdivision design for tiny homes; the closest thing we would have to it would be a mobile home park, the idea is that these old trailer home parks in town will eventually become a tiny home type of subdivision. He mentioned there are ordinances out there that are specifically for tiny homes, and subdivisions for tiny homes; people are downsizing their living spaces. The Commission requested Secretary Haderlie to forward a code example to the Commission to review for the next meeting for tiny homes.

Commissioner McMurray wanted to briefly discuss the proposed church definition for clarification from Attorney Haney because he was not present when it was previously added to the definitions. Commissioner Guedes mentioned church needs grammatical correction of quotations around "Church".

Commissioner McMurray questioned what the 24-hour distinction is for. Attorney Haney commented it can't be a full-time day center that's 24/7, would not be a daycare center. Commissioner Guedes mentioned an orphanage would not be a daycare. Commissioner McMurray commented at my house, parents can drop the kids off at my house for less than 24 hours; that is babysitting care but if they stay overnight that is something different. Attorney Haney voiced It wouldn't be a daycare center. And if they spend more than 24 hours or at least 24 hours, these definitions wouldn't qualify for what they're doing. Secretary Haderlie questioned why are we defining babysitting, which has nothing to do with the zoning code. Attorney Haney voiced we discussed this back in the day, and he didn't recall the train of thought to break this up. He recalled this is language is from Lewiston, ID city ordinances. Commissioner McMurray mentioned he was trying to think of a situation where someone would be doing this. Chairman Fryar commented he wondered if there's a definition of a place you drop your kids off, and two days later pick them back up. Commissioner Guedes voiced he had a lady who when they needed it, would drop their child off and he would just hang out at her house and they paid her. He mentioned there was no license, there was just one kid. Attorney Haney mentioned daycare in this state is managed by the state of Idaho, and that we liked what Lewiston had written and where they had incorporated the idea that the state was managing these facilities rather than the local government and agree with the language that comes from the state; the state license them take care of all the requirements. He voiced that the only thing that the local government would determine is a conditional use hearing to allow it in residential areas. Commissioner Guedes questioned C. referenced license; D. does and E. there's not. He questioned why the jumping back between being licensed and then being silent on the license. Attorney Haney mentioned he would have to go back and look at what the Lewiston code had. Secretary Haderlie commented that she can print it right now for the Commission. The Commission discussed at length occasional babysitting, family and friend babysitting, with payment and without payment. The Commission requested Secretary Haderlie to forward the previous meeting minutes and a copy of the Lewiston Code to the Commission so they could go over why there are so many definitions for Daycares and discuss them at the next meeting. Secretary Haderlie commented the code already had these types of

classifications of family childcare, group childcare, and childcare. She explained this new definition completely wipes that out and makes it more complicated, the existing code was more simplified. She stated we had three different childcare definitions that we had to look at and with the amended version we have to look at seven different definitions. Attorney Haney recalled we were just trying to consolidate it all under one definition; that's why we got rid of these other definitions of different aspects of daycare; group daycare facility, nursing school; preschool all and all of those are gone. He mentioned renaming nursery school to preschool; the term nursery school is rarely used these days, it's more of an older utilization term; we were trying to update it to fit today's ideas. He would suggest we look at the minutes to see what our thought process was and what we were attempting to do. If we don't like it, we were not stuck with it we can change it. Commissioner Evans voiced it should be where it is at; out of a residence. Or is it done from a building on a commercial site would also differentiate how we would categorize them? Chairman Fryar mentioned ABC Factory preschool was allowed to move because it's a school, so it doesn't have to follow the conditional use permit. He explained it was kind of a loophole that we are trying to fix. Attorney Haney explained the new proposed definition for school, he doesn't think we should use the words K-12. Secretary Haderlie explained the preschool was already in an R-1 and there's nothing in the code that says it couldn't do what she was doing over here because the zoning code allowed it because it was never a daycare it has always been just a preschool. Chairman Fryar mentioned if you keep it under the umbrella of child care, it gives the conditional use permit of saying, ask your neighbors. The Commission discussed at length a preschool is licensed through the state and they have to hold a daycare license, the loophole and fixing it, the difference between a daycare and preschool, hours of operation, traffic, giving the neighbors a voice all the current daycares within the city all have a form of preschool with in their daycares. Secretary Haderlie explained code says in R-1 is a conditional use for a group daycare facility; then you go to the definition of a group daycare facility. A group daycare facility means a home place or facility providing care for three to twelve children. Currently, on the amended version, it is crossed out. She mentioned the Commission needs to remember the code is building on itself. Councilmember Hart explained under the umbrella you identify allowable uses, and then you define what that use is; what you're doing here is you're eliminating those uses and trying to fold it in under one umbrella and it's going to have a domino effect; the suggestion is you go back, do some homework, on why from the notes and the minutes of why you decided to do this and that'll provide context and you may decide not to do that. He voiced you have to recognize the fact that the way the codes are structured and built on each other, is pretty ingenious and you don't want to monkey with them too much, but things changed from the 80s to the 2020s and you have to kind of bring them up to date, and you have to be very conscious of what you doing. Commissioner Guedes mentioned defining a school they have to have a state license for K-12; not a preschool just a state-funded school. Attorney Haney voiced that forty years ago we didn't have to define what a school was and times have changed. The Commission briefly discussed the accreditation of a school and certification.

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