

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD AUGUST 10, 2021.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

Charles Fryar–Chairman
Rod Worthington-Vice Chairman
Robert Johnson
Lori Anne Lau
Drew Erickson

ALSO, PRESENT:

Jon Goode, Councilmember
Gregg Haney, City Attorney
Andrea Haderlie, Secretary

EXCUSED:

Demian Guthmiller
Alan Skinner, City Planner/Engineer
Tysen Hopkins

6:00 PM Chairman Fryar called the meeting to order. Commissioner Johnson moved to dispense by reading the June 8, 2021 minutes and approving the written minutes. Vice-Chairman Worthington seconded the motion. All in favor, motion carried.

Chairman Fryar opened the discussion to review the Zoning code Chapter 17.20 R-1, 17.24 R-2, and 17.28 R-3. Secretary Haderlie explained City Planner/Engineer Skinner recommended that the Commission review Chapter 17.20 R-1, 17.24 R-2, and 17.28 R-3 and update as needed. Councilmember Goode expressed concern about 17.20.020 R-1 F. Schools because there is no definition in the city code and recommended to define schools. He mentioned an example of The Learning Tree Daycare; when they applied to have a daycare in the R-1 zoning, they could have had a school/preschool per the current code in an R-1 because it is not defined in the city code. He pointed out that "home occupations states as defined in Section 17.08.440." He stated that he could see that they could be broadly interpreted with the F. School and G. Church. Vice-chairman Worthington questioned if the preschool is defined in the city code because a preschool is not the same as a daycare. Councilmember Goode suggested that the Commission go over the code to see if the words could be misinterpreted with no definitions. Secretary Haderlie mentioned that ABC Factory Preschool has inquired about moving their preschool to their current home. It was decided that it is only a school, not a daycare facility, even though she has to apply for a daycare license through the State, and with the Zoning of R-1, it is a permitted use being a school. Councilmember Goode mentioned that a school has to be regulated by the State or governing powers that regulate education or a daycare. He believes that some terms could broadly be interpreted, which could cause some issues in the future. Commissioner Lau asked if the definitions could be pulled up on the screen for the Commission to review the definitions. Secretary Haderlie pulled the information on the TV screen for the Commission to read. Commissioner Lau mentioned that there are several different definitions for "daycare." Group daycare facility is a conditional use in R-1 but permitted in an R-2; an R-2, a daycare center, is a conditional use but permitted in an R-3. Councilmember Goode mentioned that they are all defined in the code, but a school or church

is not defined. The Commission compared each definition for "daycare."

- **17.08.262 - Daycare.** "Daycare" means the care and supervision provided for compensation during part of a twenty-four-hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes.
- **17.08.263 - Daycare center.** "Daycare center" means a place or facility providing daycare for compensation for thirteen or more children.
- **17.08.415 - Group Daycare facility.** "Group daycare facility" means a home, place, or facility providing daycare for three to twelve children.

Councilmember Goode mentioned nursery school definition is very similar.

- **17.08.590 - Nursery school.** "Nursery school" means an institution providing care, with or without instruction, for more than five children of preschool age.

Attorney Haney mentioned that it does not sound like a school it sounds like a daycare. Commissioner Lau voiced it could be either one. He stated it sounds like a preschool. The Commission discussed a nursery school could be both a preschool or a daycare. Chairman Fryar questioned if nursery school is attached to anything else in the code besides the definition? Councilmember Goode stated it is a permitted use in a C-1 17.32.020 - Permitted uses. E. Nursery school, school for students of art, dancing, dramatics, music, business, or secretarial work. He pointed out schools are permitted in an R-1, and no definition for a school. Chairman Fryar questioned wouldn't be considered a school; art, dance, music? Commissioner Lau mentioned that the difference in the 1980's and the difference now; schools would have been part of the unified school district, and these other schools called nursery schools verse today, referenced as a daycare or preschool. She mentioned as a Commission, and we need to decipher what the public would like them referenced as and where these are placed within the city; daycare/preschool is the new normal because it is forty years later. She also mentioned that we could designate it as a unified school district if we would like to define schools. Attorney Haney noted private schools would also be in the definition of a school, and it could be a school district or/and private school. Vice-Chairman Worthington read out loud the description of a school- A "school" includes all institutions of learning. Usually, it refers to lower levels of study and not universities, colleges, or other institutions of higher education. Councilmember Goode recommended adding a definition for school. Commissioner Lau suggested that instead of defining schools, we define what preschool and daycare are. That way, we don't write ourselves into a corner with schools. If we end up with a charter school, parochial school, it would be a better alternative. She mentioned adding definitions for dance schools and music teaching. Councilmember Goode recommended that preschools be a conditional use in the future because currently, preschools are in residential zoning areas, and neighbor input would be helpful. Chairman Fryar mentioned the differences between preschool and daycare seem similar. The Commission discussed in length that in the past, daycares ran preschools within the daycares, defining nursery schools vs. preschool, defining schools with instruction. Commissioner Lau stated that nursery schools are only allowed currently in Commercial zones and recommended that we decide if it would be permitted in residential

zoning. The decision is to allow or allow conditional use. Vice-Chairman Worthington mentioned schools are allowed in residential zones, and the State should have a definition that we can use. The Commission discussed the many definitions of daycares in the current code and zoning; conditional use due to it being a compensated service and giving the neighbors a chance to state concerns. The Commission requested additional information on daycares, preschools, nursery schools, adult daycares, what other cities are doing, and if a business license is issued or by conditional uses and State licensing. Commissioner Lau mentioned that the zoning map needs to be updated because some zoning designations do not coincide with the current use. Councilmember Goode questioned the Commission would be fair and appropriate to allow the accumulation of children with a conditional use in the residential district? Commissioner Johnson and Commissioner Erickson agreed that it is. Commissioner Erickson mentioned he agrees with conditional use for daycares due to the potential of overcrowding and too many daycares in a small area. The Commission would like some additional information on the requirements for licensing daycare/preschool in the State of Idaho, what other cities are doing for daycares, and if they have processes or evaluations. The Commission agreed to start with daycares and preschools, then move forward to the nursing home and adult daycare, and requested Secretary Haderlie to get additional information to review and what other cities have in their code.

Councilmember Goode mentioned churches needed a definition that would incorporate that the entity has nonprofit IRS identification; to lessen the potential for a fraudulent entity. Commissioner Lau disagreed that we are in search of a problem.

Commissioner Lau stated in 17.20.050 C. rear yard, prescriptive easement or written easement; she mentioned that it should apply to all of them for setbacks, not just the rear yard. The Commission agreed to take out of C. and add D. No building or structure shall be placed, constructed, or located in any prescriptive easement or on any written easement. The Commission agreed it applies to all setbacks, not just the rear yard.

Commissioner Lau questioned 17.20.060 because, in R-2 and R-3, there is not a minimum lot area. Secretary Haderlie mentioned that is the minimum lot area has to be for setbacks. Commissioner Lau questioned what the established building line is. Commissioner Johnson wanted to know what that means and requested Secretary Haderlie to find the definition for the established building line.

7:37 PM Commissioner Lau motioned to adjourn the meeting. Vice-Chairman Worthington seconded the motion. All in favor, motion carried.