

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, HELD SEPTEMBER 14, 2021.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

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

ALSO, PRESENT:

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

EXCUSED:

Charles Fryar–Chairman
Demian Guthmiller
Tysen Hopkins

6:12 PM Vice-Chairman Worthington called the meeting to order. Commissioner Johnson moved to dispense by reading the August 10, 2021 minutes and approving the written minutes. Commissioner Erickson seconded the motion. All in favor, motion carried.

Vice-Chairman Worthington opened the continued discussion amending the Zoning Code for R-1, R-2, and R-3. Secretary Haderlie mentioned that there is a copy of the definitions in the meeting packet for reference. City Planner/Engineer Skinner pointed out in R-3 permitted use B. Multiple-family dwellings limited to not more than six units; and R-3 under a conditional use E. Multiple-family dwelling in excess of six units and C-1 Conditional use states J. Multiple-family dwelling. He questioned if the Commission would keep it the way it is written or allow for them to be permitted use; or if they would like to clarify the language. Vice-Chairman Worthington questioned the Comprehensive Plan would support the way that it is written? We want growth, and that is part of it. City Planner/Engineer Skinner commented you want to make it available. Commissioner Lau mentioned bottom of page five that multiple-family dwellings limited to not more than six units are permitted, so that is not a conditional use. Seven or more multifamily units are conditional use. City Planner/Engineer Skinner mentioned that in C-1 multifamily dwelling without listing the number of units. Commissioner Lau questioned why they are a conditional use in C-1? Councilmember Goode said they are likely conditional use because the city code builds on itself, and it makes sense to clarify. City Planner/Engineer Skinner voiced that with Clyde Nelson, the previous City Attorney, you are not allowed to put an R-3 in the middle of a C-1 and that you could change that residential zone to a C-1, but you couldn't make an R-3 off by itself. He mentioned the previous public hearing for changing the R-1 to a C-1 because there was a C-1 around it and extending the C-1. City Planner/Engineer questioned the Commission what they would like to do, leave it as written or amend it? The Commission discussed at length R-3 Zoning and placement on the Zoning Map.

City Planner/Engineer Skinner mentioned the new Park Ridge Subdivision; they have installed a sign with the new subdivision of 18 twin homes equaling 36 units to be sold individually. Barry Oates and Kenneth Finlayson had to have a conditional use and variance for the twin homes to be built. They will be breaking ground soon and start building houses.

Vice-Chairman Worthington mentioned having the City Planner/Engineer following up with the storage units in Finlayson Subdivision that are Jeff's Storage about installing sidewalks around the storage facilities.

The Commission discussed at length R-3 Zoning and placement on the Zoning Map. Vice-Chairman Worthington agreed that C-1 J. Multiple-family dwelling should have more definition added; it should read Multiple-family dwelling in excess of six units. The Commission agreed to revisit when they work on C-1. Councilmember Goode mentioned clarifying the definitions and the code will lessen the confusion later on; having public input on daycares and preschools is beneficial and having conditional uses for these types of facilities/businesses. He mentioned we don't have a school or church defined in the City Code; there was confusion on daycares, nursery schools, and preschools. He voiced cleaning up the language and defining so there is no misinterpretation of the City Code. Vice-Chairman Worthington mentioned the ABC Factory has moved from their previous house on 4th South to their home on 2nd South, it is a preschool, and they have interpreted that a school is permitted in an R-1 because the previous house was in an R-1 also; he mentioned that some of the neighbors were concerned about the new location and traffic. He questioned how big the school could be? This is an example of why there needs to be a definition. With the excess of student numbers and go by what the State Code allows, not sleeping or eating. Councilmember Goode stated to fine-tune schools, churches, preschools, and daycares, there should be clarity, and they cannot manipulate the system. Vice-Chairman Worthington questioned how do they define church? Church definition is: for religious purposes for worship. Attorney Haney mentioned a supreme court case that explained what a church is. He will find the definition for reference because they must meet a particular criterion to be considered a church. Secretary Haderlie mentioned that in some of the city codes she reviewed, adult content is not allowed in specific zoning. Commissioner Lau said maybe that is a way to do this, have generic adult content, or sell adult content is not permitted in residential zoning. She mentioned that she would be happy to add that to the code instead of defining a church. Councilmember Goode stated adding "for religious purposes for worship" for the definition of churches and add adult activity is not allowed; he feels it is an excellent way to protect citizens that live in residential zones. Commissioner Lau voiced that we could also do the same for commercial; she thinks we could legally restrict it in residential zones. Attorney Haney mentioned prohibiting it around schools and because in our town, the schools are all in residential zones. Commissioner Lau said banning around parks, schools, and daycares. Attorney Haney commented on any place that kids gather. Commissioner Lau agreed.

Commissioner Lau questioned do we need to regulate dance classes, karate classes, and music lessons in residential? In the past, there have been multiple dance classes held in R-1 zoning. Vice-Chairman Worthington commented that it would depend on the volume of

attendance. He questioned Is it disruptive for the neighborhoods? Councilmember Goode voiced that if he were the neighbor, he would like to be at least able to have input due to concerns; having parking addressed and traffic, they should at least be able to express their concerns. Commissioner Lau questioned in the future; would preschools have to have a conditional use permit just like daycares? She mentioned preschools have more in attendance than daycares. Vice-Chairman Worthington noted that preschools have about thirty to thirty-five kids in attendance. Commissioner Johnson commented that it is a little intrusive having that many kids in an in-home preschool. Councilmember Goode voiced he is okay with them being in residential areas, but having a conditional use permit would be beneficial for public input. Vice-Chairman Worthington mentioned that it is a business; it is not a public school. Commissioner Johnson suggested that nursery schools, childcare, and preschools are permitted but must apply for a conditional use permit over a certain number. The Commission discussed McCall's daycare addendum and the details of simplicity, and they discussed Lewiston's, and it reads:

A preschool is a separate classification, defined as "a place of structured instruction where educational sessions last no longer than four (4) consecutive hours, not governed by the State Board of Education."

A family or group daycare facility operated within the operator's home does not count their own children when determining the classification of their facility. However, their children are counted in the child to staff ratio - point system.

Family Child Care: 1-6 children

Group Child Care: 7-12 children

Child Care Center: 13 or more children

Preschool: 13 or more children

The Commission discussed at length Lewiston's daycare/preschool business license and the process they have in place for those facilities. Group daycare, childcare center, and preschool require a conditional use permit and public hearing with the planning and zoning commission. Commissioner Lau voiced that if we do this, we are forcing more conditional use permits, which are not cheap. Secretary Haderlie mentioned that health and welfare have additional costs also by type of daycare facility. The Commission discussed at length the amounts of children, what type of facility is each considered. Vice-Chairman Worthington and Commissioner Johnson agreed they like the Lewiston daycare/preschool application because it has a lot of what the Commission is looking at for the city code. He also mentioned that he is for a conditional use permit because we need to know they are there in residential areas. Commissioner Johnson commented that we need to develop a maximum number to require a conditional use permit. Councilmember Goode mentioned that Lewiston's Family child care 1-6 children do not apply for conditional use. Only seven or more do. The Commission discussed at length knowing where the daycare facilities are, busing issues, conditional use.

Commissioner Lau mentions Preston's city code group daycares are allowed in A-1 low density, and A-2 high density; home preschools are allowed in C-1 and C-2 but not permitted in C-3. She mentioned 12 or more kids are allowed in A-1 for Preston city code; they also do

not define any bigger daycare. The Commission reviewed Preston's code on the television. The Commission discussed how aggressive as a Commission they would like to be, conditional uses, and stipulations for conditional use. Commissioner Lau recommended a set of rules they have to comply with and avoid conditional use; if they don't follow these rules, they will have to apply for conditional use. Attorney Haney questioned who would police it? The Commission discussed the pros and cons of having a conditional use and not having one, infringing on property owner rights and liberties.

Commissioner Lau voiced that everyone is unhappy that the preschool has been lumped in with schools; how do we want to separate it? She questioned lump them in with large daycare centers? She mentioned currently, under our current code, if preschools are lumped into daycare centers; our existing code, it would not be allowed in R-1 where it currently resides. Commissioner Lau asked the Commission, should a preschool be treated like a daycare with the same number of kids? She questioned if that was the solution? Commissioner Lau voiced she is for lumping daycares and preschools together just like the State of Idaho does. The Commission agreed that they like the way Lewiston has put it all together. Commissioner Lau questioned if we should not lump them together and extend the invite to the business owner of the preschool? Vice-Chairman Worthington pointed out that the Lewiston code follows the state code and defines it a little bit differently. He commented that whoever wrote the Lewiston code was very visionary.

Attorney Haney will amend the definitions for church, schools, daycares, and preschools.

7:55 PM Commissioner Lau motioned to adjourn the meeting. Commissioner Erickson seconded the motion. All in favor, motion carried.