



Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
February 28, 2024 - 5:30 PM
Bell Building – Second Floor Conference Room – 215 D Street
Lewiston, Idaho 83501

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's website at cityoflewiston.org.

I. CALL TO ORDER

II. CITIZENS COMMENTS

An opportunity for citizens to address the Commission with comments and/or questions about Planning and Zoning Commission-related matters that are not a public hearing action item on this agenda. Citizens are asked to limit their time to three minutes each. Citizen comments and testimony for public hearings may be made: in-person, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208)798-2570 and leaving a message. Citizen comments and testimony for public hearings submitted by email or phone will be forwarded to the Planning & Zoning Commission. If you would like your citizen comment to be read out loud during the meeting, please so indicate in your message. Testimony for public hearings that was submitted by email or phone and unable to be forwarded to the Planning & Zoning Commission prior to the meeting will be read out loud during the public hearing. Members of the public who wish to provide in person comment or testimony, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space, such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's website at cityoflewiston.org

III. ACTIVE AGENDA

A. APPROVAL OF FEBRUARY 14, 2024 MEETING MINUTES (ACTION ITEM)

B. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS APPROVING CONDITIONAL USE PERMIT APPLICATION CUP24-1 BY STEVE CARLTON (ACTION ITEM): : The applicant requests conditional use permit approval for small lot development on 17 building lots in the Carlton Hangar Subdivision, located on the east of 4th Street, north of the LifeCare Center at 325 Warner Drive, and south of Walker Field, in the Low Density Residential, R2, Zoning District. Small lot development is allowed by Conditional Use Permit, subject to the requirements of section 37-33 of City Code, standards for small lot development. - Action Item

IV. STAFF-COMMISSION COMMUNICATIONS

A. QUERY OF COMMISSIONERS FOR THE MARCH 13, 2024 MEETING (2 PUBLIC HEARINGS).

V. ADJOURNMENT - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact the Community Development Specialist at least forty-eight (48) hours in advance of the meeting at 208-746-1318, ext. 7265.

February 14, 2024

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Department Second Floor Conference Room at 215 "D" Street. Chair Ball called the meeting to order at 5:30 p.m.

I. CALL TO ORDER

COMMISSIONERS PRESENT: Cynthia Ball, Chair; Gabriel Iacoboni, Vice Chair; Maureen Anderson; Michael Busch; Kevin Kelly;

COMMISSIONERS EXCUSED: Kathy Branson;

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney; Mark Weigand, City Surveyor

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF JANUARY 24, 2024 MEETING MINUTES (ACTION ITEM)

Commissioners Busch and Anderson moved and seconded, respectively, approval of the January 24, 2024 meeting minutes with conditions. The motion carried 5-0.

B. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CONDITIONAL USE PERMIT APPLICATION CUP24-1 BY STEVE CARLTON (ACTION ITEM)

Chair Ball explained the public hearing process, opened the public hearing and asked for a staff presentation.

Staff Hollingshead provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area.

Commissioner Kelly asked if flag lots are allowed in small lot development.

Staff Hollingshead stated yes.

Commissioner Kelly asked if there would be any problem with regards to animal rights and surrounding properties owners wanting to have animal rights.

Staff Hollingshead stated that there would not be any negative impact on surrounding property owners' requesting conditional use applications for animal rights.

Vice Chair Iacoboni asked if any of the surrounding properties already had animals.

Staff Hollingshead stated not immediately adjacent to the property, but some to the north do.

There being no further questions for staff, Chair Busch asked the applicant for testimony.

Applicant Steve Carlton, 1103 Bryden Ave, Lewiston, Id. stated there are 14 lots to be developed with duplexes and the water/sewer and roads have been constructed already. Each lot has two separate services because they will be sold as condos. Already have a waiting list for these lots. All houses will be single-level with no steps.

Chair Ball asked for confirmation on the amount of lots.

Applicant Carlton stated only 14 lots will be used for duplexes.

Jennifer Tengono, Assistant Attorney asked the applicant to clarify how many lots they would like to be tied to the Conditional Use Permit.

Applicant Carlton stated they only plan for 14 because the other lots are the proper size for what the plan is to construct, but it is best to leave it as is with 17 lots requested for the Conditional Use Permit.

There being no further questions for the applicant, Chair Busch asked for public testimony.

Staff Ortiz read an email opposing the CUP24-1 application. The email stated *"My wife and I are writing in opposition to the proposed conditional use application made by Steve Carlson for the Carlton Hangar Subdivision. I initially supported his application to the City with the stipulation that all City requirements were met, including lot sizes and number of housing units. At first, after reviewing Mr. Carlson's land plots and family dwellings, I could see some benefit. Now that has changed. Our neighborhood is a traditional neighborhood comprised of primarily owner-occupied homes on traditional sized lots. I am afraid that if the conditional use application goes through we will have a subdivision of tiny homes crammed onto small lots thus*

increasing the number of homes that could be built. More homes means more traffic on a street that is already extremely narrow at points.

We would be at the hearing to speak in person but unfortunately I am physically unable to do. Please consider our letter in opposition to Condition Use Application CUP24-1 and keep the subdivision to its initial design. Thank you.

Robert Kesler & Geraldie Kesler, 402 Warner Avenue, Lewiston, Idaho”

There being no further public comment, Chair Ball asked the applicant’s representative for a rebuttal.

Applicant Carlton stated there has been no change to the plan since day one. This is the exact same thing that they brought 4 years ago.

Commissioner Anderson asked if the proposed units were just two bedrooms.

Applicant Carltons stated no it was always three bedrooms.

Chair Ball stated the Conditional Use Permit is because the proposed footprints exceed the 40 percent lot coverage.

Staff Hollingshead clarified that the subdivision that comes in front of the commission is for the land division only, floor plans of structures are not provided. The conditional use permit requested for approval tonight is for Small Lot Development which allows a higher lot coverage than the Low Density Residential, R2, Zone.

Staff Tengono stated this is just a subdivision not a PUD.

Applicant Carlton stated the original PUD originally had offices in this location, but they decided not to do that and had it rezoned for single family and duplexes.

Chair Ball closed the public hearing.

After discussion of relevant criteria, Commissioner Anderson and Vice Chair Iacoboni moved and seconded, respectively, to direct staff to draft Reasoned Statement approving CUP24-1 with the follow condition the applicant follows the requirements for section 37-33 for small lot development of City Code. Motion passed 5-0.

IV. **PRELIMINARY PLAT - GLASPELL ADDITION (ACTION ITEM):**

City Surveyor Mark Weigand verbally summarized the request for the Planning and Zoning Commission.

Commissioners asked clarification questions to city staff.

Commissioner Busch and Kelly moved and seconded, respectively, to recommend approval of the Reasoned Statement with the condition notice to the applicant that this can be amended and not a final decision until it is approved by the City Council for SUP22-000009. The motion carried 5-0.

V. **STAFF-COMMISSION COMMUNICATIONS:**

A. Query of Commissioners for February 28, 2024 meeting.

All current commissioners plan to be in attendance for the February 28, 2024 meeting.

Staff Hollingshead stated that herself and City Planner Joel Plaskon would not be in attendance of the February 28, 2024 meeting. Commission Busch's last meeting will be March 13th, 2024 meeting. There will be an interview this Friday for a potential candidate to fill Busch's empty seat. The Steering Committee will be receiving the draft Comprehensive Plan to review.

Staff Tegono reminded staff of the Title 74 meeting held tomorrow February 15, 2024.

VI. **ADJOURN**

There being no further business, Commissioner Kelly and Vice Chair Iacoboni moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 6:46 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2024.

**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR GRANTING OR DENIAL OF CONDITIONAL USE PERMIT**

This document shall serve as memorialization of the rationale for the granting or denial of a Conditional Use Permit, which shall be based upon relevant criteria and standards, including the Lewiston Comprehensive Plan, Lewiston City Code, and Idaho Code. *See* I.C. § 67-6535.

- I. **APPLICATION NUMBER:**
CUP24-1
- II. **APPLICANT'S NAME AND ADDRESS:**
Steve Carlton
1103 Bryden Ave
Lewiston, ID 83501
- III. **IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:**
Carlton Hangar Subdivision
Block 1, Lots 1-9
Block 2, Lots 1, 2, 10, 11, 13, and 14
Block 3, Lots 1 and 5
Lewiston, ID 83501
- IV. **DATE OF PUBLIC HEARING:**
February 14, 2024
- V. **NAME OF HEARING BODY:**
Lewiston Planning and Zoning Commission
- VI. **NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:**
The applicant requests Conditional Use Permit approval for small lot development (even though the lots meet the minimum lot size of the zone) on 17 building lots in the Carlton Hangar Subdivision, located on the east side of 4th Street, north of the Life Care Center at 325 Warner Drive and south of Walker Field, in the Low Density Residential, R-2, zoning district.
- VII. **DECISION:**
The Lewiston Planning and Zoning Commission **APPROVES CUP24-1 with the conditions identified below in Section VIII.**
- VIII. **CONDITIONS OF APPROVAL:**
Pursuant to Lewiston City Code § 37-160, the Planning and Zoning Commission may impose conditions upon approval of a conditional use permit. This conditional use permit is subject to the

following conditions: **Small lot development is subject to the requirements of section 37-33 of City Code, standards for small lot development.**

IX. TERMINATION OF CONDITIONAL USE PERMIT:

Pursuant to Lewiston City Code § 37-160, authorization of a conditional use permit shall be void after twelve (12) months unless:

- (1) A building permit pursuant thereto has been applied for;
- (2) Where no building permit is required, the intent of the conditional use has been fulfilled; or
- (3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

Testimony was received from Robert Kessler and Geraldine Kessler, who live near the Carlton Hangar Subdivision on Warner Avenue. They objected to the proposed small lot development because they do not want a subdivision of “tiny homes” crammed onto small lots. They state this will increase the number of homes that can be built and increase the overall amount of traffic the subdivision will create. They state that the neighborhood is a “traditional” neighborhood compromised of primarily owner-occupied dwellings on traditional sized lots. They indicated they wanted the City to keep the subdivision to its initial design for the lots.

In rebuttal, the Applicant, Steve Carlton provided testimony that indicated that nothing had changed from the original plans for the subdivision concerning its development. He stated that the primary reason he was seeking the CUP was to allow him to add another bedroom (roughly another 150 square feet) to the duplexes on those lots, which increases lot coverage more than what is permissible outright. He stated that he did not intend to build “tiny homes” on the lots and that all the other development standards for the zone have been met.

Assistant City Planner, Katie Hollingshead, further noted that the Applicant’s subdivision application did not include building plans, and such plans were not required at that time, but the lots were large enough for duplexes. Whether or not the individual who owns the lot ends up building a lot is up to the property owner. In this instance, the Applicant intends to build duplexes on the lots identified in the application as being suitable for the three bedroom duplexes. She also noted that the only development standard at issue is the lot coverage due to the larger duplex size. The proposed CUP will allow the Applicant to increase the lot coverage and allow for smaller lot sizes, but the Applicant indicated that he was not intending to increase the number of lots on the property, merely increase the lot coverage.

XI. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this conditional use permit:

1. The proposed use **will not** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary:

The subject property is a recently approved 29 lot subdivision known as the Carlton Hangar Subdivision. Previously, the subject property was zoned as a Planned Unit Development that contained only commercial uses (a large professional and medical office complex). The Applicant had the subject property rezoned from the Planned Unit Development Zone to the Low Density Residential, R-2, Zone ("R-2 Zone") because of his desire to maintain a residential feel to the neighborhood. Additionally, the Applicant's proposal is for 17 of the 29 lots in the subdivision to be developed under the Small Lot Development standards. The subject lots meet the 10,000 minimum lot size required for duplexes, but CUP permit approval is required to allow for larger, three bedroom duplexes that will cover more than 40% of the lot (but less than the 60% maximum lot coverage allowed for Small Lot Development), the maximum lot coverage allowed by right in the R-2 Zone. The remaining 12 lots of the subdivision meet the minimum standards of the R-2 Zone and will be developed as single family dwelling lots. The Applicant further clarified that he was not intending to reduce the current lot sizes, and each of the identified lots will remain their existing sizes.

The Commission determined that the proposed development will be cohesive with the existing neighborhood and the level of detail provided by the applicant in their application submission show dedication to building a quality product that will enhance the surrounding neighborhood. The Commission noted that properties to the east are mostly single family dwellings with a few duplexes and multi-family dwellings. Ms. Hollingshead noted that the subdivision itself meets all City standards and criteria for development, but that the Applicant wished to increase the lot coverage to permit development of three bedroom duplexes, which is permissible upon grant of the CUP for the R-2 Zone. The Commission agreed that the larger three bedroom units proposed by the applicant would be desirable to families and that the small lot development design standards found in Lewiston City Code § 37-33 would provide for attractive looking homes and pleasant streetscapes.

2. The proposed use **is** a public necessity **and is** justified by the applicant and deemed to be of benefit to the public. Applicable commentary:

The subject property is a recently approved 29 lot subdivision known as the Carlton Hangar Subdivision. The Applicant's proposal is for 17 of the 29 lots in the subdivision to be developed under the Small Lot Development standards. The subject lots meet the 10,000 minimum lot size required for duplexes, but CUP permit approval is required to allow for larger, three bedroom duplexes that will cover more than 40% of the lot (but less than the 60% maximum lot coverage allowed for Small Lot Development), the maximum lot coverage allowed by right in the R-2 Zone. The Applicant provided information that the proposed lot coverages for the affected lots range between 40%-46% of the total lot size. The Applicant further clarified that he was not intending to reduce the current lot sizes, and

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each of the identified lots will remain their existing sizes. The remaining 12 lots of the subdivision meet the minimum standards of the R-2 Zone and will be developed as single family dwelling lots.

The Commission agreed that there is a lack of housing supply in Lewiston and the addition of the proposed duplexes in this subdivision would be a welcome supply of new housing. The applicant testified that he is fielding a large number of calls in regards to building homes on these lots and the preferred home size is that of the three bedroom, two bath room unit, which is shown in the application materials. Again, the Commission noted that lot coverage was the only issue identified as a result of the CUP application, and that the Applicant's proposed development otherwise met all City standards and criteria for development. The Commission also felt that the proposed development fit with Chapter 1 from the Comprehensive Plan; A Vision for Lewiston in 2020, which states, "First, people of all income groups have safe and adequate housing available; residential areas are protected from commercial incursion. A variety of housing types are provided throughout the community while respecting the development pattern of the neighborhood in which they are located." The Commission felt the centralized location of the development was a good use of existing land and encouraged infill development rather than continued sprawl.

3. The character of the proposed use, if developed according to the plan as submitted, **will** be in harmony with the area in which it is to be located. Applicable commentary:

The proposed subdivision is located on bare land that was recently subdivided into 29 building lots. Property to the east are mostly single family dwellings with a few duplexes and multi-family dwellings in the vicinity. The Commission felt that the addition of residential homes to the existing residential neighborhood would be in harmony with the area in which it is located. The Commission further agreed that the mix of single family homes and duplexes was both a good fit for the neighborhood and met the goals and objectives of the Comprehensive Plan. Specifically, the Commission felt Goal LU-14.0, "Provide for an appropriate mix of housing types in each of the City's eight planning neighborhoods.", and Objective LU-14.1, "Review and revise zoning designations, as appropriate, to assure that adequate land (both developed and undeveloped) is available for both single family and multi-unit residential development." were met with the proposed development. Further, the Commission noted that the development of both single family dwellings and duplexes was an efficient use of the land, which allowed for infill on the edges of the existing neighborhood.

4. The proposed use **will not** endanger the environment or the public health or safety. Applicable commentary:

The Commission agreed that the proposed development will not endanger the environment or public health or safety. The subdivision has already installed public utilities such as water and sewer services, along with road extensions for both Warner Avenue and Park Drive and curb, gutter and sidewalk. Further, the Commission took notice that lot coverage was the only issue identified as a result of the proposed development, and that the Applicant's proposed development otherwise met all City standards and criteria for development. There were concerns expressed about the increased traffic from having smaller lots. However, the Applicant has indicated that he was not intending to create more

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lots than there are currently, merely he was intending to have more lot coverage to permit him to build three bedroom duplexes instead of only two bedroom duplexes.

There was a discussion on whether the proposed development of residential homes would require the addition of another bus stop to the area, but it was later determined that there was a sufficient bus stop nearby. Additionally, the Lewiston Independent School District did not provide any written objections to the proposed application.

5. The proposed use **will** be in substantial conformance with the Comprehensive Plan. Applicable commentary:

The proposed use is in substantial conformance with the Comprehensive Plan. The subject property is located in Neighborhood Number 5, West Orchards and has a future land use designation of low density residential. The Commission also found that the proposed infill development was in conformance with Chapter 1, A Vision for Lewiston in 2020, "Sixth, we are a compact urban community, preventing sprawl and efficiently using our land resources and infrastructure, understanding that the random spread of a community wastes valuable resources while adding little to the tax base. Development will be occurring next to already developed areas, rather than in a random, leapfrog pattern and will be developed to city standards."

The Commission also noted that the existing neighborhood contained a mix of single family dwellings, duplexes, and multi-family dwellings. They believed that the proposed larger duplexes would encourage more families to populate this area. The Commission felt that this proposed infill of development was an efficient use of existing land in accordance with Chapter 6, Land Use, Neighborhood Number Five – West Orchards, "Larger interior parcels of land should be identified for future infill residential development in a density consistent with that of surrounding homes. A. Site access must be improved with streets upgraded to current city standards, appropriate to the classification of the street. C. Curb, gutter and sidewalk must be provided at and approaching schools and parks to provide safe places for children and parents to walk. Curb, gutter and sidewalk must also be provided along all streets with a classification of collector or arterial."

6. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use. Applicable commentary:

The City's Engineering Division of the Public Works Department provided comment to city staff that "No objections to small lot development.". The Lewiston Fire Marshal provided no comments.

The Commission received information from the Assistant Planner that political subdivisions were solicited for comment, including the Lewiston Independent School District, and only City departments provided comments. No objections were received regarding ability to provide services from any other political subdivision. The Commission noted that had other political subdivisions wanted to object, they would have provided comment to that effect.

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Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could not take actions to obtain approval, the explanation is: Not Applicable.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could take actions to obtain approval, such actions might include: Not applicable.

NOTICE TO APPLICANT: An applicant or affected person may file a written request for reconsideration with the City Clerk to request that the Planning and Zoning Commission reconsider its final decision within fourteen (14) calendar days by 5:00 p.m. on the fourteenth (14th) day after the Planning and Zoning Commission has adopted this Reasoned Statement of Relevant Criteria and Standards. The written request for reconsideration shall include, at a minimum, the following information: (i) the name and address of the applicant or affected person requesting reconsideration, (ii) the specific deficiencies in the decision for which reconsideration is sought, and (iii) a description of any procedural injury or substantial harm to real property interest(s) suffered as a result of the decision, all in accordance with Lewiston City Code § 37-185(b)(1). A form may be obtained from the City Clerk. A request for reconsideration shall be a mandatory exhaustion of an applicant or affected person's administrative remedies prior to the filing of an appeal of the Planning and Zoning Commission's decision to the City Council.

Within fourteen (14) calendar days after the Planning and Zoning Commission has adopted its written decision on reconsideration, an applicant or affected person may file with the City Clerk a written notice of appeal to the City Council, in accordance with Lewiston City Code § 37-185(c). A form may be obtained from the City Clerk. The written notice of appeal shall include, at a minimum, the following information: (1) the name and address of the applicant or affected person, (ii) identification of the section(s) of the Lewiston City Code or applicable state or federal law(s) that has been incorrectly applied or violated and a description of how they have been incorrectly applied or violated, and (iii) a description of the real or potential prejudice to a substantial right of the applicant or affected person. The fee required by Lewiston City Code § 37-188 shall be deposited with the City Clerk within the fourteen (14)-day period. If an appeal is not filed and/or the fee required by Lewiston City Code § 37-188 is not deposited within the fourteen (14)-day period, then the decision of the Planning and Zoning Commission shall be final.

Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. The mailing of a signed and dated copy of this Reasoned Statement of Relevant Criteria and Standards by the City to the applicant shall constitute compliance with such notice requirement. An applicant denied an application or an affected person aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, as described above, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

By:

Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Office Supervisor