



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
April 10, 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.

III. ACTIVE AGENDA

A. APPROVAL OF MARCH 27, 2024 MEETING MINUTES

B. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS APPROVING ZONE CHANGE APPLICATION ZNC24-1 BY 3D STOUT LLC

IV. STAFF-COMMISSION COMMUNICATIONS

A. QUERY OF COMMISSIONERS FOR THE APRIL 24, 2024 MEETING (JOINT WORK SESSION WITH CITY COUNCIL).

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.

March 27, 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; Kathy Branson via Zoom; Shaunita Cable

COMMISSIONERS EXCUSED: Emily Wolf;

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney;

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF MARCH 13, 2024 MEETING MINUTES (ACTION ITEM)

Commissioners Kelly and Iacoboni moved and seconded, respectively, approval of the March 13, 2024 meeting minutes with conditions. The motion carried 5-0-1 with Commissioner Cable abstaining.

B. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS APPROVING ZONE CHANGE APPLICATION ZNC24-2 BY JOE GRECO (ACTION ITEM):

Commissioner Anderson moved to approve the reasoned statement of relevant criteria and standards as written. Commissioner Branson provided the second. Motion carried 5-0-1 with Commissioner Cable abstaining.

C. CONTINUATION OF PUBLIC HEARING FROM MARCH 13, 2024 AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR APPLICATION ZNC24-1 BY 3D STOUT LLC (ACTION ITEM):

Chair Ball explained the public hearing process and opened the public hearing.

Assistant City Attorney Tengono provided a verbal summary answering the question that had been posed by Commissioner Branson regarding adjacent property owners having to consent to a rezone application before it can be approved. Tengono stated that neither city code nor state code have such a

requirement. Tengono also stated that the staff report for Annexation application ANX24-1, which was also presented at the March 13, 2024 meeting, did describe the annexation process and that the language from state code regarding Category A annexations does say that all property owners who are being annexed into the city limits, under a Category A annexation, do have to consent to the annexation. Tengono provided that there might have been some confusion between the two separate applications and that the consent to annexation did not apply to zone change application ZNC24-1.

Assistant City Attorney Tengono then addressed the noticing requirements from both the State of Idaho and City of Lewiston code and reviewed the process that city staff undertakes to ensure that noticing for public hearings is properly completed and timely.

Chair Ball asked the Commission if they had any questions for staff. Chair Ball asked Assistant Planner Hollingshead some clarifying questions regarding staff's internal process for preparing notices for mailing and posting the subject properties. Hollingshead walked the Commission through the steps that she and Community Development staff follow to ensure timely and complete noticing of public hearings. Commissioner Anderson asked if the subject property had been posted and Staff Hollingshead stated yes, and showed the Commission a photo of the subject property that had been presented at the March 13, 2024 meeting that clearly showed the sign posted on the subject property. Commissioner Branson asked to see the maps with the adjacent residential home. Staff Hollingshead asked the Commission if they would like her to repeat her presentation and staff report.

Staff Hollingshead reviewed the staff report and presented photographs and maps of the subject property to the Commission. Hollingshead reviewed the topography of the site, the surrounding uses and zoning designations.

The Commission discussed the topography and elevations of the subject property and the surrounding properties.

Chair Ball closed the public hearing and the Commission discussed and deliberated the criteria for the reasoned statement.

Commissioner Anderson moved to direct staff to draft a reasoned statement of relevant criteria and standards approving ZNC24-1. Vice Chair Iacoboni provided the second. Motion passed 5-0-1 with Commissioner Cable abstaining.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for April 10, 2024 meeting.

All current commissioners plan to be in attendance for the April 10, 2024 meeting. Staff Hollingshead also let the Commission know that the April 24th, 2024 meeting would be a work session for the Commission to review the draft of the new Comprehensive Plan.

V. ADJOURN

There being no further business, Vice Chair Iacoboni and Commissioner Branson moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 6:23 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
ZONING DISTRICT BOUNDARY CHANGE/REZONE**

This document shall serve as memorialization of the rationale for the granting or denial of a zoning district boundary change/rezone, 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:
ZNC24-1

II. APPLICANT'S NAME AND ADDRESS:
3D Stout, LLC
Doug Stout, Manager
2858 Hwy 95
Genesee, ID 83832

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
Tax parcel RPL15350010010, generally located north of the Old Spiral Highway, south of the city limits line and immediately west of 1520 Vastview Drive.

IV. DATE OF PUBLIC HEARING:
March 13, 2024 and March 27, 2024

V. NAME OF HEARING BODY:
Lewiston Planning and Zoning Commission

VI. NATURE OF APPLICATION:
Rezone subject property from Agricultural Transition, F-2, Zone to Light Industrial, M-1, Zone

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of ZNC24-1 to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

Neighbor, Mitchell Sutton, attended the March 13, 2024 public hearing and indicated that while his neighbor received notice of the public hearing and the application, he had not. The public hearing was continued until March 27, 2024 to allow City staff to investigate whether actual notice of the public hearing was mailed to Mr. Sutton. On March 27, 2024, Assistant City Attorney Jennifer Tengono provided testimony to the Commissioners that she had received information from Assistant City Planner Katie Hollingshead that detailed notes were kept about the process taken to mail the public hearing notices to ensure they were done in accordance with Lewiston City Code and Idaho Code. She indicated that the public hearing notices were prepared and sent to City Hall for mailing on February 16, 2024. To prepare the public hearing notices, Katie and her staff typically prepare the notices and put together a list of all the names and addresses the public hearing notices were mailed to. This process was followed and the list was included with the public packet posted on the City's website along with the Agenda notice. Additionally, Jennifer stated that she had reviewed City Hall's batch mailing system and determined that the date the notices were most likely sent was on February 20, 2024. She stated this is an educated guess based upon the specific department code (CD – Planning and Zoning) that was used and because that was the only day the total number of items mailed exceeded the number of public hearing notices that would have been sent for this meeting. There were no other dates with that batch mailing code or another Community Development batch mailing code that had at least the same number. She also confirmed that the property was properly posted and the Tribune published the public hearing notice on February 25, 2024. Katie also pointed out the signs that were posted in the photographs depicting the property. Based upon the information provided, the Commission determined the notices were likely sent properly.

IX. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this zoning district boundary change/rezone:

1. The proposed rezone is in general conformance with the Lewiston Comprehensive Plan. Applicable commentary:

The Comprehensive Plan (Plan) states, under Chapter 6, GOAL (LU-20.0): "Encourage and promote the growth and development of the industrial sector of the Lewiston economy," GOAL (LU-21.0): "Provide adequate land for new and expanding industrial uses," Neighborhood No. 1, North Lewiston: "c. Industrial Land Use. The Port of Lewiston is the largest owner of land used for industrial purposes in North Lewiston, being located west of US 12 with property both on the waterfront as well as on the lower bench of Lewiston Hill (the 'Wall Property'). Their tenants include a mix of timber related firms, grain storage and shipping, trucking and other distribution. The Port leases property to tenants and does not sell. Public infrastructure is in place for the property on the 'flats' and is being installed to serve the Wall property. Also in this area are located short term asphalt batch plants and rock crushers being used for site development."

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC24-1

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The Plan's desired future land use for the subject property is industrial, with neighboring properties already being zoned in the Light Industrial (M-1) Zone that contain a trucking sales company, mini storage facility, and a scrap metal salvage company. There are a low number of residential dwellings in this area, and in general it's a low traffic area (as far as residential traffic). There is one neighboring residential dwelling, but that property is located approximately 60 feet higher in elevation than the flattest portion of the subject property. The subject property is currently vacant land, some of which is utilized for cattle grazing. The applicant also owns 18.04 acres of property to the north and 84.31 acres of property to the northwest. The City has a relatively small amount of land zoned M-1 available for light industrial uses. There are pockets of M-1 Zoned properties in North Lewiston, along the levy on the south side of the Clearwater River, along portions of the river in East Lewiston, along Snake River Avenue, and southeast of the airport along Airpointe Place. As stated in the Plan, North Lewiston is the preferred location for industrial zoned properties and the subject property's close proximity to the Port's property lends itself to creating a compact industrial area with easy access to Down River Road and State Highway 128. Down River Road and State Highway 128 are truck routes and classified as Principal Arterial streets.

It was noted by the Commission that a large portion of the properties in the surrounding area are already in or looking at going to the M-1 Zoning District. The Commission noted that there are a lot of areas in the City in which the Plan encourages industrial developments and the subject property falls within one of those identified areas. They also noted that the transition to M-1 would complement the neighboring properties, and the subject property is in an otherwise obvious area where rezoning to an industrial use is envisioned. The Commission also noted that the Port owns much of the industrial property in that particular area, but allowing the subject property to rezone opens up the possibility of private property being opened for industrial development as well.

2. The subject property is at least as well suited or is better suited for the proposed zoning district than the existing zoning district. Applicable commentary:

The rezone is supported by Goal LU-21.2: "Assure that adequate land is available for new and expanding industrial uses..." The Plan's desired future land use for the subject property is industrial, with neighboring properties already being zoned in the M-1 Zone that contain a trucking sales company, mini storage facility, and a scrap metal salvage company. North Lewiston is the preferred location for industrial zoned properties and the subject property's close proximity to the Port's property lends itself to creating a compact industrial area with easy access to Down River Road and State Highway 128. Down River Road and State Highway 128 are truck routes and classified as Principal Arterial streets. The subject property has varying topography, with Old Spiral Highway sitting at 970 feet and the flat "farm field" portions of the lot sitting at 1030 feet in elevation. There is one neighboring residential dwelling, but that property is located approximately 60 feet higher in elevation than the flattest portion of the subject property.

It was noted by the Commission that a large portion of the properties in the surrounding area are already in or looking at going to the M-1 Zoning District. Additionally, the topography and the nature of the adjacent zones make this rezone fit the environment that it is in. The subject property may be currently used for agricultural use, but it is within city limits and has access to city utilities. It is therefore better suited for industrial development than continued agricultural use. With the property abutting Port property that can only be leased, having property that could be sold to private developers would allow for new and expanding industrial uses in conformance with the Plan.

3. The proposed rezone **does not** present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity. Applicable commentary:

As stated in the Comprehensive Plan, North Lewiston is a preferred location for industrial zoned lands and the subject property's close proximity to Port owned and zoned property (one of the largest land owners of Industrial Zoned lands within the City) lends itself to creating a compact industrial area with easy access to Down River Road and State Highway 128 (truck routes). There are a low number of residential dwellings in this area, and in general it's a low traffic area (as far as residential traffic). The subject property is already next to an existing industrial area. The property has access to City services and infrastructure, if and when the property were to be developed for industrial uses. There was no testimony that there would be any foreseen immitigable impacts from this rezone. The subject property has access to a commercial truck route, and the neighboring properties that have homes on them are not in a residential zone. Additionally, public testimony revealed that the cattle currently grazing the subject property would still have ample grazing room after the rezone and would be relocated to adjacent properties.

The Commission highlighted that the subject property is located in the preferred location for industrial properties, and it would not negatively affect the area. Additionally, the Commission noted the lack of public comment and information that there would not be immitigable impacts as a result of the rezoning of the subject property. For example, Commissioner Anderson noted that the subject property is on a truck route, so the proposed use of the subject property for commercial/industrial uses would not be expected to slow traffic in the area because the nearby roads are already truck routes. As such, commercial traffic would not negatively affect existing services, since it already has such traffic. Lastly, they noted that even though there is a residential dwelling next door to the subject property, that property is located within a non-residential zone. Even with the transition of the subject property to an industrial use, the lower elevation of the flatlands of the subject property creates the likelihood that the residential property owner's views of the Lewiston Clarkston Valley will not be negatively impacted.

4. The effects of the proposed rezone **are not** anticipated to place undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction, including school districts. Applicable commentary:

The subject property has access to City services, infrastructure, and a commercial truck route. All political subdivisions providing services to the subject property were sent notice of this rezone, and none of them submitted any objection to it or comment or evidence that it would place undue burden on them. Again, Down River Road and State Highway 128 are truck routes and classified as Principal Arterial streets. The Transportation Chapter (10) of the Plan notes that the Old Spiral Highway is a Collector Road. Further, the subject property is not on a City of Lewiston bus route.

The Commission again noted that the biggest impact they see is truck traffic as a result of the proposed rezone. However, the roads that would be negatively affected are already truck routes. Further, the proposed rezone keeps this type of truck traffic on the north side of the City, away from the downtown area, and away from the residential neighborhoods. Further, the Commission put great weight on the lack of comment from the political subdivisions that could be affected by the proposed rezone. Had they had any concern about the proposed rezone, then they would have provided comment saying so.

5. The size, type, intensity, and density of development expected to occur on the subject property as a result of this rezoning **is** suitable for the area and **will not** unduly burden the neighborhood, public infrastructure, or environmental resources. Applicable commentary:

The applicant indicated that cattle will still have plenty of grazing room on neighboring properties owned by the applicant and its family members. There is already water and commercial truck route access, as well as access to the Port. The neighboring areas are not residential in nature and the proposed rezone will not change the character of the area. The Lewiston Zoning Code has provisions which mitigate adverse impacts from industrial development, as found and described in Lewiston City Code § 37-87. Further, topography will limit the scale of the development of the subject property. Access to commercial services, such as FedEx and the Port will draw business, which is a goal of the City.

The Commissioners noted that the subject property is close to services it may need in furtherance of industrial uses. The roadways are already accessible truck routes that promote the effective flow of commerce. The proposed rezone is suitable for the area, because it complements the industrial uses of the existing neighborhood. The Commission noted that it understood the concerns of the neighboring residential property owner, but the limitations found in the Lewiston City Code provided certain measures that would prevent certain uses of the property, so that it would be in conformance with the nearby property uses of the same zoning designation.

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 AND AFFECTED PERSONS: The Planning and Zoning Commission's recommendation to the City Council is not a final decision, and thus, shall not be subject to reconsideration or appeal.

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