

MEETING AGENDA

LEWISTON PLANNING AND ZONING COMMISSION

MARCH 22, 2023 AT 5:30 P.M.

**COMMUNITY DEVELOPMENT DEPARTMENT BUILDING,
215 D STREET, 2ND FLOOR, LEWISTON, ID 83501**

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 Facebook page or the City's website at cityoflewiston.org

COMMISSION MEMBERS: Chair; Michael Busch, Vice Chair; Gabriel Iacoboni, Kathy Branson, Cynthia Ball, Kevin Kelly, Maureen Anderson, Open Position

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**AS A MATTER OF PUBLIC SERVICE AND GOVERNMENTAL TRANSPARENCY, THIS MEETING  
MAY BE RECORDED, STREAMED LIVE AND/OR ACCESSED AT A LATER TIME. NOTE THAT THIS  
MAY INCLUDE VIDEO AND AUDIO OF ALL PERSONS PRESENT.**  
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- 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. **APPROVAL OF MARCH 8, 2023 MEETING MINUTES (ACTION ITEM)**
- IV. **APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CONDITIONAL USE PERMIT APPLICATION CUP23-000002 BY TAUNIA HOSKING (ACTION ITEM):** The applicant requests conditional use permit approval to upsize the existing group daycare operation (care for 12 children maximum) to a Daycare Center, thirteen (13) children or more, on a 1.16 acre lot at 1827 Grelle Avenue, within the Suburban Residential, R1, Zoning District. In the R-1

Zone, Daycare Centers are allowed by Conditional Use Permit and subject to the special conditions of section 37-20.1(5) of the Lewiston City Code.

- V. PUBLIC HEARING ON LAND USE ACTIONS ANX23-000001, CPA23-000001, ZNC23-000001 BY GRECO LAND DEVELOPMENT, LLC AND ADOPTION OF THE REASONED STATEMENT FOR ZNC23-000001 (ACTION ITEM):** It is proposed that the undeveloped 14.27 acres known as Skyview Estates Phase III plat, as filed with Nez Perce County, and located generally south of Powers Avenue and east of 22nd Street, as depicted on the attached map, be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential and placed in the Suburban Residential, R1, Zoning District and amending the Lewiston Area of City Impact Map accordingly. Subject Property owners are Greco Land Development, LLC (14.19 acres) and Lewiston Orchards Irrigation District (.077 acres). **A previous public hearing on these land use actions was held on February 8, 2023. This is an additional public hearing on the same actions to include the Lewiston Orchards Irrigation District as a property owner.**

VI. STAFF-COMMISSION COMMUNICATIONS

- A.** Query of Commissioners for the April 12, 2023 meeting (Zone Change public hearing)

VII. ADJOURN (ACTION ITEM)

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access to the facility within which this meeting is being held, please contact City Planner, Joel D. Plaskon at least forty-eight hours in advance of the meeting at (208) 746-1318 extension 7202 or jplaskon@cityoflewiston.org.

March 8, 2023

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

Planning & Zoning meetings are recorded live. To view the full video, go to <https://livestream.com/accounts/11220190> and select Planning & Zoning.

I. CALL TO ORDER

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

COMMISSIONERS EXCUSED:

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

II. CITIZEN COMMENTS

Community Development Specialist Dawn Ortiz provided the Commission with a copy and verbal summary of an email received from Noah Prescott. This document can be found under appendix A of the March 8, 2023 minutes.

III. APPROVAL OF FEBRUARY 22, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Branson and Anderson moved and seconded, respectively, approval of the February 22, 2023 meeting minutes. The motion carried 6-0.

IV. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR ZONE CHANGE APPLICATION ZNC23-000002 BY DK HOLDINGS, LLC (ACTION ITEM):

Commissioners Branson and Anderson moved and seconded, respectively, to approval of reasoned statement ZNC23-000002. Motion passed 6-0.

V. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-000002 BY TAUNIA HOSKING FOR A DAYCARE CENTER, 13 OR MORE CHILDREN, AT 1827 GRELLE AVENUE (ACTION ITEM):

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

Assistant Planner Katie Hollingshead provided a verbal summary of the staff report with maps and photos so the commission can get geographically familiar with the area.

Commissioner Ball asked for clarification that the conditional use was to increase the number of children.

Staff Hollingshead stated yes.

Applicant Matt and Taunia Hosking, 1827 Grelle Ave, Lewiston, Id, owners of Auntie's Little Farm House Daycare, stated they have been in business for over 5 years with a group license. They have to turn families away repeatedly because they are not able to take more children unless they increase to a center. There is a very high need in Lewiston for daycares. They even have a waiting list; which parents are willing to wait over a year to get daycare. They help support the community by offering this service, because if parents are not able to have daycare allowing them to work how are these families supposed to put back into the community.

Commissioner Branson asked if the children are escorted to the school in the morning.

Applicant Hosking stated that either herself or her staff walk the children to school.

Commissioner Anderson asked if they also pick the children up from school.

Applicant Hosking stated that either herself or staff are at the school before school is released and are waiting for the children.

Caleb Brink, 721 7th Ave, Lewiston, Id, stated they are in favor of this conditional use permit. Their child goes to this daycare and it is more than a daycare, but more like a home. Their child is excited to go to Auntie's Little Farm House Daycare each day.

Charlie Zumwalt, 3603 18th St C, stated they are in favor of this conditional use permit. Her and her children love Auntie's Little Farm House Daycare and want it to stay open. They were not able to afford their previous daycare due to the transportation charges they were being charged. Auntie's Little Farm House Daycare does not charge this fee and the atmosphere is more like a home that provides learning and curriculum that enables the children to be prepared for when they enter kindergarten.

Nichelle Gilbertson, 1812 Cedar Ave, Lewiston, Id stated she opposes this conditional use permit. It was very difficult to hear Nichelle as she could not speak loudly. Staff did offer to read the letter she had submitted via email and she refused. Chair Busch did paraphrase what he was able to hear to confirm that she opposes the additional children be at the daycare.

Allisa Rudolf, 22950 Granite St, stated they reached out to 20 different daycares trying to find a daycare before they were introduced to Auntie's Little Farm House Daycare by some friends. She trusts Matt and Taunia Hosking to take care of her child and are worried that they will not be able to take their child that is on the way to this daycare.

Chantelle Southner, 1322 Cedar Ave, Lewiston, Id is in favor of this conditional use permit and stated Auntie's Little Farm House Daycare has been in operation for several years, there is plenty of parking to upgrade the daycare to a center. The Hoskings have made sure to meet all the City's requirements to become a center, they even take the extra step to spray their driveway to keep dust down. There have not been any noise complaints.

Rick Lundvall, 1826 Cedar Ave, opposes this conditional use permit. He stated that he has seen children over the current approved limit in the backyard already. His significant other works shift work and sleeps during the day, having over 20 kids and the staff yelling at the kids will make this difficult due to the noise. He is fine with the lesser number that has already been approved but does not agree with the increase.

Darren Tatton, 3529 6th St, is in favor of this conditional use permit. No matter where you are in the City you are going to get noise. Auntie's Little Farm House Daycare is only open until 6 pm. He lives next to the airport park and can hear kids until 11 pm sometimes.

Staff Hollingshead confirmed that all Commissioners present received the 10 submitted public comments provided in the packet. All Commissioners confirmed they did.

Staff Ortiz translated a voicemail from Ralph Rogers, 1830 Cedar Ave, Lewiston, Id who stated he was in favor of this conditional use permit.

Staff Ortiz also read in 3 emails received for public comment. 1 in favor and 2 opposing this conditional use permit. Please see appendix B for these emails.

Applicant Matt and Taunia Hosking, 1827 Grelle Ave, Lewiston, Id, stated the traffic does not bother the neighbor living off Cedar Ave as they only have one entrance to their home off Grelle Ave. As for the neighbor directly behind him, Mr. Hosking stated he drove around the block and stood in front of the neighbor's property and could not hear the children outside. Mr. Hosking stated that the daycare has a schedule and the children are not outside all day long and some of the children are infants and do not go outside. The Hoskings provided images taken from their backyard showing Mr. Lundvall's property; it shows that there is not much space for outside activities due to items placed on the property. Please see appendix C for these photos. The school does seem quieter

as it is close to 780 feet away. They provide a safe, clean and stable place for the children in their care. They want parents to feel good about dropping off their kids.

Commissioner Anderson asked what hours of operation does the daycare have.

Mrs. Hosking stated they are open 6am to 6pm.

Commissioners asked staff to bring up an aerial view of the lot so they can see the play area and surround area.

Mr. Hosking pointed out where the children play using an aerial map. He also pointed out that the play area is currently located behind the neighbor's shop, not the neighbor opposing the conditional use permit.

Commissioner Ball asked if the applicant has given any thought to providing additional noise buffering, such as shrubbery.

Mr. Hosking stated they are open to the thought as long as it is within reason.

Commissioner Kelly asked what the current height of the existing fence is.

Mr. Hosking stated it is 6 feet high.

After deliberation and discussion of relevant criteria, commissioners Kelly and Iacoboni moved and seconded, respectively, to direct staff to draft a Reasoned Statement approving CUP23-0000002 with the condition the applicant provide a reasonable landscape plan for additional sound mitigation with their business license. Motion passed 6-0

VI. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for March 22, 2023 meeting.

All current commissioners will be in attendance at the next meeting except Commissioner Branson and Anderson will not be in attendance. Staff Hollingshead stated there will be a public hearing at the March 22, 2023 meeting. There is also still an open seat for the Commission.

VII. ADJOURN

There being no further business, Commissioners Ball and Iacoboni moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 6:54 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.

Appendix A



Comments on New Developments in Lewiston Orchards

1 message

Noah Prescott <noahprescott@proton.me>

Sun, Mar 5, 2023 at 11:53 PM

To: "dortiz@cityoflewiston.org" <dortiz@cityoflewiston.org>

Dear members of the Planning and Zoning Commission,

In two recent meetings on February 9th and Feb 23rd, you approved zoning changes for two proposed developments in the Lewiston Orchards. While I am supportive of additional housing and approve of housing density, there are some additional items which should be considered in order to alleviate some potentially negative outcomes that may result from these changes.

A negative consequence I am concerned about is the undue burden these changes will place on the existing public infrastructure. While I am aware that the council did not believe undue burden would be added, I would like to present an alternate view for your additional consideration.

Both of these zoning changes are in the southeast corner of Lewiston. This area is primarily accessible through two options: Thain (and then to Burrell or Powers, depending on the development) or Lindsey Creek Road. In my opinion, Lindsey Creek Road is too far out of the way to be considered a viable option for most people, so I believe Thain will be the primary street used to travel to these new developments.

The locations proposed are approximately 1.5 miles from what could be considered "destination points" for residents. Destination points include grocery stores, meeting places, or small shopping venues. With a distance of 1.5 miles, it is assumed that all residents located in this new development will be required to drive to these destinations. These two proposals represent an additional 92 housing units. With the need to drive, this will result in a *minimum* of 92 additional cars injected into traffic, assuming only one car per household. As the average vehicle is 14 feet in length, Almost 1300 additional feet of vehicular traffic will be added to an already busy street.

There are solutions to this challenge, but it requires a different perspective in what our goals are for our community. Strong communities are built when we intentionally design them to allow for engagement. One way to do this is by creating "walkable areas." To quote the book *Walkable City* by Jeff Speck, "A good walk has to be **Safe, Comfortable, Interesting, and Useful**. It is not a good walk if it does not meet all the criteria." **Safe** means slow traffic or with other people. **Comfortable** means surrounded by trees or mid-to high-rise buildings. **Interesting** is defined by having other people around, or interesting scenery to look at. **Useful** means having a reason to walk. Walking allows us to engage in our neighborhoods, build relationships with others, and create connections. Not to mention the health benefits that walking brings.

We need to rethink the goals for how we build our communities, and there are a few things the Planning and Zoning Commission can do very quickly that will help strengthen our community into a *Strong Town*. There are some arguments to be made for a full-on zoning reform, but I believe we could start by replacing a good portion of R1 zoning within the core of Lewiston (Normal Hill) and the Orchards with a form- based, multi-use zone, similar to the new FIB along Main Street. The main reason for this is because we need to allow for single family homes to organically up-zone in denser, walkable areas. In addition, we need to allow small business to open in these areas so that people are able to access them through walking. Local businesses who are closely aligned with neighborhoods allow for the easy access of needs, in turn supporting small businesses.

Another option to improve our community is to remove parking minimums. Removing parking minimums has been shown to make it easier for local residents to create new small businesses in cities such as Sandpoint and Twin Falls. It's also incredibly wasteful, as that land does not financially contribute to either the business or to the city through tax revenue. I also want to add that for most large stores, 60% of the business's total footprint is allocated for parking. The former Shopko building in Lewiston has a plot size of 300,000 sq feet, of which 160,000 sq feet is parking. This land could be put to much better use; for example, an apartment building.

In summary, I propose that these zoning changes provide us an opportunity to rethink how we want to build our communities. I realize that it takes time to build these kinds of initiatives, but this is a great place to start. Let's strive for the goal of housing our residents in such a way that it enables them to live in walking distance from their main dwelling to destination points, sometimes called "15-minute cities." This will allow us to reduce the number of cars on the road, improve safety, and build tighter, more relational communities.

I hope this letter at least provides a new perspective. I will admit it's possible that I am misunderstanding the phrasing "undue burden on public infrastructure", but I would make the case that roads fit that bill.

Thank you for your time and all you do.

Sincerely,

Noah Prescott

Appendix B



Fwd: Letter from neighbor

1 message

Katie Hollingshead <khollingshead@cityoflewiston.org>

Mon, Mar 6, 2023 at 8:55 AM

To: Dawn Ortiz <dortiz@cityoflewiston.org>, Joel Plaskon <jplaskon@cityoflewiston.org>

Dawn,

Please add this email to the ones you will be reading into the record for the CUP on Wednesday.

Thank you,

Katie Hollingshead

Assistant Planner

City of Lewiston



T 208.746.1318 x 7261

F 208.746.5595

215 D Street

P.O. Box 617

Lewiston, ID 83501-1930

www.cityoflewiston.org

----- Forwarded message -----

From: **Taunia Hosking** <ALFHdaycare@outlook.com>

Date: Mon, Mar 6, 2023 at 8:53 AM

Subject: Letter from neighbor

To: Katie Hollingshead <khollingshead@cityoflewiston.org>

Taunia

Sent from my iPhone

Begin forwarded message:

From: Tara f <taralynnfowler29@gmail.com>

Date: March 5, 2023 at 1:57:53 PM PST

To: ALFHDAYCARE@outlook.com

To whomever it concerns

Our names are Clint and Tara Fowler. We live at [1908 Grelle Avenue, Lewiston Idaho](#). We are a few houses from Matt and Taunia's Daycare. We have known the Hosking family for many years. They are wonderful, hard working, honest, caring tax paying citizens. We are so lucky to have them as neighbors, but also with them providing an at home daycare for so many in need families in our area. The close proximity of being next to Camelot Elementary is wonderful for many working parents. Many are unable to transport their kids to and from school because of the demanding jobs we all have to take to provide for our families. This huge perk of being close to the school takes away worry for many parents. I have witnessed the teachers walking children to school. They impress me with the care, safety and watchful eye on the children. Its nice as a parent to drop your child off, knowing they are safe, and happy.

Living so close to their daycare hasn't caused any issues for us. We forget there is a daycare there. They keep it respectful of the neighborhood, with no issues. It is so hard to find care for many families. Our town could use more with the type of in-home care that is provided in this specific daycare.

We love having a daycare so close. I have family members that children attend here and they have nothing but wonderful positive things to report back. We find many daycare needs being met by many families in the valley by Matt and Taunia's hard work, dedication, love and care from their Daycare. Without their specific daycare many would be upset and misplaced. Our children are the most important job we have, this daycare helps achieve that goal of raising happy healthy children.

Thank you for your time,

Clint and Tara Fowler



Daycare 1827 Grelle Ave

1 message

Nikki G <n.gilbertson.091705@gmail.com>

Fri, Mar 3, 2023 at 12:58 PM

To: dortiz@cityoflewiston.org

I am responding to the notice of public hearing for increased amount of children at the daycare at 1827 Grelle Ave.

I am opposed to granting the permit for increasing the amount of children at the daycare business. This has a direct impact on this residential area, and my quality of life as this is where I can come home and relax in peace. We will see another increase in traffic, and noise, etc. Note that not all home owners work an 8-5 schedule.

I had inquired about the proposed number of additional children for the daycare business. I was told the amount for the increase wasn't provided by the applicant nor does the City put a limit on the increased number of children associated with the permit, which states 13 or more. It is my understanding the fire department is the entity who approves the number of children based on their requirements for the facility. This could mean a lot more children, traffic and noise.

This also will effect a larger area of homeowners not just ones at the 300+ feet from the property or the whatever the ordinance requirements are for notification (I don't know what the specific rules are for notification).

Thank you for your time.

Nichelle Gilbertson
1812 Cedar Ave.



Fwd: conditional use permit application CUP23-000002

1 message

Rick lundvall <luckyrick777@gmail.com>
To: dortiz@cityoflewiston.org

Sat, Mar 4, 2023 at 9:42 PM

----- Forwarded message -----

From: **Rick lundvall** <luckyrick777@gmail.com>
Date: Sat, Mar 4, 2023 at 9:39 PM
Subject: conditional use permit application CUP23-000002
To: <dortiz@cityoflewiston.org>



To whom it may concern;

I am writing concerning the daycare located directly behind my home ran by Taunia Hostking. Last time I was sent a notice it was a conditional use permit for up to 6 children. I disagree with the expansion of this day care for the following reasons:

- 1) This daycare is located directly behind my home. When the weather is nicer out the children are outside all day long. I have to listen to yelling and screaming all day long, not only from the children but from the staff as well.
- 2) My significant other works night shift as a nurse and sleeps during the day which is impossible at times as the sound of screaming children permeate my home.
- 3) We are unable to use our pool or do activities outside due to hearing the constant yelling and screaming. It is impossible to enjoy anything due to the noise level.
- 4) Ours is a neighborhood of retired/elderly people and it is a shame that this is what we have to listen too.
- 5) We have a elementary school a half of a block away and they are quiet compared to this daycare.

If it is this noisy with up to 12 children, which to our knowledge was only supposed to be up to 6 then what will it be like with 13+ children. I built my home in this area due to it being a quiet neighborhood, and the fact that this is a residential area, this daycare has no consideration to the people who live here. The noise starts early in the morning and doesn't stop until 6 in the evening I do not agree with expanding this daycare.

Thank you for your time,

Rick Lundvall

Appendix C



Fwd: Letter from our neighbor

1 message

Katie Hollingshead <khollingshead@cityoflewiston.org>

Mon, Mar 6, 2023 at 10:00 AM

To: Joel Plaskon <jplaskon@cityoflewiston.org>, Dawn Ortiz <dortiz@cityoflewiston.org>

The applicant has requested that these pictures be added to the record as part of his rebuttal to the letter submitted by his neighbor.

I don't know that I've ever had someone send me rebuttal photos, so I'm not sure how to proceed.

Katie Hollingshead
Assistant Planner
City of Lewiston



T 208.746.1318 x 7261

F 208.746.5595

215 D Street

P.O. Box 617

Lewiston, ID 83501-1930

www.cityoflewiston.org

----- Forwarded message -----

From: **Matt Hosking** <hoskingholsters@outlook.com>

Date: Mon, Mar 6, 2023 at 9:08 AM

Subject: Letter from our neighbor

To: khollingshead@cityoflewiston.org <khollingshead@cityoflewiston.org>

Cc: Taunia Hosking <alfhdaycare@outlook.com>

Katie,

Please add these pictures to the record for the letter from Rick Lundvall.

This is his backyard, that he states has a pool, and they can't do outside activities in. He has no pool and the yard is one of the worst eyesores in our neighborhood. We've put up privacy net to keep noise down, which is minimal and to not have to see the disgust of his yard.

The only outside activities he does is drink and throw his cans around his yard, while yelling at his significant other into the hours of the night and blaring his music. We don't complain and mind our own business because that's the kind of people we are.









Matt Hosking
Hosking Holsters
Sent from my iPhone

**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:

CUP23-000002

II. APPLICANT'S NAME AND ADDRESS:

Matt & Taunia Hosking
1827 Grelle Avenue
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

1827 Grelle Avenue
Lewiston, ID 83501

IV. DATE OF PUBLIC HEARING:

March 8, 2023

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 to upsize the existing Group Daycare operation (authorized pursuant to CUP19-000002) to a Daycare Center (care for thirteen (13) children or more) at 1827 Grelle Avenue, which consists of approximately 1.45 acres, within the Suburban Residential, R-1, Zoning District. The operation of a daycare center is allowed as a conditional use under Lewiston City Code § 37-20(3), subject to the special conditions of § 37-20.1(5) of Lewiston City Code, in the applicable Suburban Residential, R-1, Zone.

VII. DECISION:

The Lewiston Planning and Zoning Commission **APPROVES CUP23-000002**, subject to the applicant complying with the conditions specified in section VIII below, as imposed by the Commission.

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:

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP23-000002

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The applicant will submit a reasonable landscape plan for additional sound mitigation as part of their business license application.

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: None.

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** 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 current group daycare operation permits up to twelve (12) children being cared for, whereas the proposed daycare center will permit the care for 13 or more children. The Commission discussed the likelihood that increasing the number of children cared for will likely create additional noise at the subject property. The Commission felt the applicant had already taken steps to mitigate noise created by the children by installing sight-obscuring fencing. The Commission also recognized that the subject property was in close proximity to both an elementary school and school fields that are utilized by the school during the day, and various groups for sports practices in the afternoons and evenings, which also generate noise created by children and spectators. As a condition of approval, the Commission requested the applicant submit a plan to add a reasonable amount of landscaping to further mitigate noise created by the children's outside activities with the application for their business license.

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:

Multiple public comments were received regarding the difficulty in finding daycare centers with available openings. The Business License Coordinator provided that seven (7) daycare providers in the City of Lewiston have closed since January 1, 2022. These closures further compound the need for additional daycare facilities or the expansion of existing facilities. Many daycare facilities, including the applicant's, have waiting lists with extensive wait times for openings. The City of Lewiston recognizes that reliable child care is a critical resource for working families.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP23-000002

Page 2 of 4

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 subject property consists of two lots containing approximately 1.45 acres, which includes a single family dwelling that currently operates a Group Daycare (7-12 children) pursuant to CUP19-000002. The subject property is surrounded by primarily single family dwellings and Camelot Elementary school, which is approximately half a block to the east. The applicant has already installed sight-obscuring fencing along the north and south property lines and has a large fenced play area for the children to play in. Three graveled parking areas are available for parents and staff to park during pick up and drop off times. The single family dwelling is located on a flag lot with the single family dwelling being more than 260 feet from the road, allowing for all pick up and drop off activity to be on private property and not in the right of way. The subject property is in a school speed zone which should provide a buffer to motorists entering and exiting the subject property.

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

The subject property is currently served by existing water and sewer services, and is regularly inspected by the Public Health Department and Fire Department for compliance with city, county, and state regulations. The proposed increase in intensity of use, from a Group Daycare to a Daycare Center will follow the same regulations and will not endanger the environment or public health or safety.

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

The proposed Daycare Center will be in conformance with the Comprehensive Plan. Specifically, the Plan states: "Chapter 6. Land Use. H. Desired Futures of Neighborhood Number Seven – East Orchards. 1. The plan must consider commercial development for the twenty year planning horizon and include selected commercial activity within this neighborhood. A. Provide locations for small-scale commercial uses at selected locations within the neighborhood to reduce the need for driving and to promote neighborhood identity." Additionally, the Comprehensive Plan Transportation Chapter identifies Grelle Avenue as a collector street. Higher intensity uses are generally most appropriately located on collector streets, as opposed to local residential streets.

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:

Political subdivisions were notified of the application and only those City departments, noted in the staff report, provided comments.

7. Lewiston City Code § 37-20(3) specifies that daycare centers are subject to the special conditions of Lewiston City Code § 37-20.1(5). The Planning and Zoning Commission has reviewed such special

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP23-000002

conditions and finds that CUP23-000002 is and/or will be, as appropriate depending on the special conditions in question, in compliance with such special conditions as follows:

- (a) A business license is required in accordance with Chapter 21 of the Lewiston City Code.
- (b) The size of the site is shown to be reasonable for the intended use.
- (c) Access to the site meets all applicable ordinances.
- (d) The surrounding property will not otherwise be adversely affected.
- (e) Off-street parking and pick-up/drop-off area shall be provided.

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: 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 document 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, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

An action or ruling by the Planning and Zoning Commission pursuant to the City of Lewiston Zoning Code may be appealed to the Lewiston City Council by the person who initiated the action before the Planning and Zoning Commission or by any person entitled to notice by mail of the action under section 37-184(b)(2) of the City of Lewiston Zoning Code. Such appeal must be filed within fifteen (15) calendar days after the Planning and Zoning Commission has adopted its written Reasoned Statement of Relevant Criteria and Standards. Written notice of the appeal must be filed with the City Clerk within such fifteen (15) day period. If an appeal is not filed and the fee required by section 37-188 of the City of Lewiston Zoning Code is not deposited with the City Clerk within such fifteen (15) day period, the decision of the Planning and Zoning Commission shall be final.

By: _____
Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP23-000002
Page 4 of 4

**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:
ZNC23-000001

II. APPLICANT'S NAME AND ADDRESS:
Greco Land Development, LLC
2206 Hemlock Avenue
Lewiston, ID 83501

Lewiston Orchards Irrigation District
1520 Powers Avenue
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
Approximately 14.27 acres known as Skyview Estates Phase III plat, as filed with Nez Perce County, and the Lewiston Orchards Irrigation District booster station that will service Skyview Estates Phase III plat, and located generally south of Powers Avenue and east of 22nd Street.

IV. DATE OF PUBLIC HEARING:
February 8, 2023 and March 22, 2023

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

VI. NATURE OF APPLICATION:
Rezone subject property from Area of City Impact (Nez Perce County) Suburban Residential, R-1A, Zone to City of Lewiston Suburban Residential R-1, Zone.

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of ZNC23-000001 to the Lewiston City Council.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC23-000001

Page 1 of 4

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None

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 subject property is in Lewiston Comprehensive Plan (Plan) Neighborhood Number 7, Area of City Impact, and recognized as being appropriate for annexation into the City of Lewiston for suburban residential development. The Plan provides, in relevant part, that "ACI's are transition areas between each city and the county and act as place holders for future annexation and eventual urban development." (Chapter 6.8). Further, the Plan states that "ACI's are important tools that help coordinate growth with the availability of services... to concentrate density to those areas best prepared to receive new developments." (Chapter 6.8).

The subject property is proposed to be located in Neighborhood Number 7, East Orchards, and designated on the Future Desired Land Use Map as Suburban Residential, which provides that serving utilities should extend public utilities to the city limits to allow proper development of vacant lands (Chapter 6.7.h.2). The subject property is adjacent to existing sewer utilities, and the applicant has installed and transferred ownership of a water booster station in conjunction with Lewiston Orchards Irrigation District (LOID) standards to serve the subdivision. The extension of the sewer utilities and addition of the water booster station are in conformance with the desired futures of Neighborhood Number 7, East Orchards, which the subject property will reside in.

The proposed rezone is also consistent with the Goal Statement of Chapter 6.8 of the Plan, Area of City Impact and Annexed Ares, which is: "To plan for and manage growth that protects private property rights, ensures adequate public facilities and services are provided at reasonable costs, encourage urban development within cities, and ensures that land is developed commensurate with its physical characteristics."

ZNC23-000001 is found to be consistent with the Lewiston Comprehensive Plan and will further the goals and objectives stated above in the Lewiston Comprehensive Plan.

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 subject property is adjacent to existing Suburban Residential, R-1, Zone on the north and west sides of the property. The purpose of the Suburban Residential, R-1, Zone is, "[t]o provide for agricultural or transitional area for suburban residential uses." (LCC Sec. 37-18).

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR ZNC23-000001

Page 2 of 4

All of the proposed lots within the subject property meet the dimensional and lot area standards of the Suburban Residential, R-1, Zone.

Further, the subject property is better suited for the proposed City of Lewiston Suburban Residential, R-1, Zone than the existing zoning designation because it will further the goals and objectives stated in the Plan. The subject property has thus been recommended by the Planning and Zoning Commission for annexation by City Council into the City of Lewiston.

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

The subdivision approved by Nez Perce County associated with ZNC23-000001 is for thirty-six (36) residential lots ranging in size from 10,813 square feet to 21,629 square feet, and the LOID booster station servicing the subdivision. The Suburban Residential, R-1, Zone allows single family dwellings on lots of 10,000 square feet and duplexes on lots of 15,000 square feet. (LCC Sec. 37-21). All proposed lots within the subdivision meet the lot size standards of the Suburban Residential, R-1, Zone. Two of the proposed lots classified as flag lots meet the standards required for that lot configuration. Properties to the north, west, and south of the subject property currently contain single family dwellings. The by right uses, conditional uses, and development standards of the proposed Zone are exactly the same as those applicable to the other properties in the neighborhood that are within city limits, and are substantially similar to those applicable to the other properties within the area that remain within the ACI.

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:

Political subdivisions were notified of the proposed rezone. City departments and the LOID provided comments. The Fire Department stated that access and water supply is to comply with the International Fire Code. The Public Works Department – Engineering Division had no objections. The LOID commented that the Developer had already installed a water booster station designed to meet the fire flow requirements of the Fire Department, and was currently serving both Phase I & II of the Skyview Estates development.

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 characteristics of the proposed rezone are similar in type and density to the existing surrounding neighborhood, and will be zoned Suburban Residential, R-1, Zone. The Developer has entered into an annexation agreement with the City, in which the City agreed to provide wastewater services to the Developer for the subject property, provided the Developer consented to annexing the subject property into the City of Lewiston. City sewer will be extended from Powers Avenue to serve the subject property. The LOID will provide

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC23-000001

Page 3 of 4

water to the subject property. Furthermore, the by right uses, conditional uses, and development standards of the proposed Zone are exactly the same as those applicable to the other properties in the neighborhood that are within city limits, and are substantially similar to those applicable to the other properties remaining within the ACI.

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: 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 document 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, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

An action or ruling by the Planning and Zoning Commission pursuant to the City of Lewiston Zoning Code may be appealed to the Lewiston City Council by the person who initiated the action before the Planning and Zoning Commission or by any person entitled to notice by mail of the action under section 37-184(b)(2) of the City of Lewiston Zoning Code. Such appeal must be filed within fifteen (15) calendar days after the Planning and Zoning Commission has adopted its written Reasoned Statement of Relevant Criteria and Standards. Written notice of the appeal must be filed with the City Clerk within such fifteen (15) day period. If an appeal is not filed and the fee required by section 37-188 of the City of Lewiston Zoning Code is not deposited with the City Clerk within such fifteen (15) day period, the decision of the Planning and Zoning Commission shall be final.

By: _____
Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony. This public hearing will be held at a meeting which may have additional public hearings on the agenda.

WEDNESDAY MARCH 22, 2023 at 5:30 P.M.
COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 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 Facebook page or the City's website at cityoflewiston.org.

Testimony for public hearings may be made: in-person at the meeting, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208) 798-2570 and leaving a message.

This public hearing will be to determine approval or denial of the following request:

LAND USE ACTIONS ANX23-000001, CPA23-000001, ZNC23-000001 BY GRECO LAND DEVELOPMENT, LLC: It is proposed that the undeveloped 14.27 acres known as Skyview Estates Phase III plat, as filed with Nez Perce County, and located generally south of Powers Avenue and east of 22nd Street, as depicted on the attached map, be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential and placed in the Suburban Residential, R1, Zoning District and amending the Lewiston Area of City Impact Map accordingly. Subject Property owners are Greco Land Development, LLC (14.19 acres) and Lewiston Orchards Irrigation District (.077 acres). **A previous public hearing on these land use actions was held on February 8, 2023. This is an additional public hearing on the same actions to include the Lewiston Orchards Irrigation District as a property owner.**

Any person (or persons) aggrieved, may support or oppose the Applicant's request. Persons receiving this notice are encouraged to provide testimony/comment.

For further information on the above zoning action, the public hearing process, or appeal process, please contact the Community Development Department at (208) 746-1318, ext. 7261 or khollingshead@cityoflewiston.org. Our offices are located at 215 'D' Street, Lewiston. Business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Notice of this public hearing was mailed on March 13, 2023 and 16 persons were noticed.

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 meeting coordinator at least forty-eight (48) hours in advance of the meeting at (208) 746-1318, ext. 7202.

ANX23-000001

Properties within 330' Boundary

OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
BLEWETT, BRETT &	BLEWETT, ANGELA	3707 23RD ST	LEWISTON	ID	83501
BRAUCHER, RUSSELL &	BRAUCHER, THERESA	3729 21ST STREET E	LEWISTON	ID	83501
CLARK, MICHAEL		2204 POWERS AVE	LEWISTON	ID	83501
CURTIS, SHAUN &	CURTIS, BRIANNE	2208 POWERS AVE	LEWISTON	ID	83501
ENSLEY, TAMARA		2211 POWERS AVE	LEWISTON	ID	83501
FISHER, RONALD &	FISHER, VIVIAN	503 S PEPPERHILL DR	NIXA	MO	65714
GROEFSEMA, JOHN &	GROEFSEMA, PEARL	2230 POWERS AVE	LEWISTON	ID	83501
HECKLER, CODY &	HECKLER, LINDE	3705 22ND ST	LEWISTON	ID	83501
HEIMGARTNER, DARICK &	HEIMGARTNER, LAURA	12175 HWY 129	ASOTIN	WA	99402
HOLLENBAUGH, DONALD &	HOLLENBAUGH, LORI	3722 22ND ST	LEWISTON	ID	83501
JEFFERS, JOHN		1715 RIPON AVE	LEWISTON	ID	83501
RASH, WAYNE &	RASH, CHERIE	3731 21ST ST E	LEWISTON	ID	83501
TIPPETT, DANNIEL &	RICHIE, LYNANN	2233 POWERS AVE	LEWISTON	ID	83501
WEBB, TIMOTHY &	WEBB, PAULA	2215 POWERS AVE	LEWISTON	ID	83501
WINKLE, LINDSAY &	HUDSON, RYAN	2135 RIPON AVE	LEWISTON	ID	83501

City of Lewiston



February 08, 2023

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

Planning & Zoning meetings are recorded live. To view the full video, go to <https://livestream.com/accounts/11220190> and select Planning & Zoning.

I. CALL TO ORDER

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

COMMISSIONERS EXCUSED: Kathy Branson;

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Kayla Herman, City Attorney; Brianne Drury, Assistant City Attorney; Jennifer Tengono, Assistant City Attorney

II. CITIZEN COMMENTS

None

III. APPROVAL OF JANUARY 25, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Kelly and Iacoboni moved and seconded, respectively, approval of the January 25, 2023 meeting minutes. The motion carried 4-0.

IV. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CONDITIONAL USE PERMIT APPLICATION CUP23-000001; AN APPLICATION BY FRANK NUDING TO INSTALL A BILLBOARD SIGN AT 2231 2ND AVE NORTH (ACTION ITEM):

Commissioners Iacoboni and Kelly moved and seconded, respectively, approval of reasoned statement CUP23-000001. Motion passed 4-0.

V. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR APPLICATIONS ANX23-000001, CPA23-000001, ZNC23-000001 BY GRECO LAND DEVELOPMENT, LLC (ACTION ITEM):

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

Assistant Planner Katie Hollingshead provided a verbal summary of the staff report with maps and photos so the commission can get geographically familiar with the area.

PLANNING AND ZONING COMMISSION MINUTES

February 08, 2023

Page 1

Commissioner Iacoboni asked how many houses are projected to be built for this project.

Staff Hollingshead stated the proposal provides 36 lots, but that only includes the lots within the City limits.

Commissioner Kelly asked if all lots will be hooked up to the sewer.

Staff Hollingshead stated only phase III and the previous annexed lots from other phases will be hooked up to the sewer.

The applicant did not provide any testimony.

Wayne Groefsema at 2230 Powers Ave, Lewiston, Id, asked if this annexation is approved, what impact will it have on the rest of the properties on Powers Ave. There was previous talk about the other phases being forced annexed into the City of Lewiston: will this happen?

Commissioner Ball asked if that annexation was to allow them to connect to the City sewer.

Mr. Groefsema stated he was denied a septic tank permit and had to annex into the City so they could connect to the City sewer and acquire their occupancy certification.

Commissioner Ball asked if all homeowners from Phase I were under the understanding they would be forced to annex into the City at a later date.

Mr. Groefsema said they were informed at a December 2018 meeting that they would be forced into annexation.

Larry Brisbin at 2224 Powers Ave, Lewiston, Id, Mr. Brisbin is still on a septic tank and does not want to connect to the City sewer system until possibly later down the road.

Staff Hollingshead address that forced annexation is not part of this current annexation.

Commissioner Ball stated that the homes not currently annexed were forced into annexation. These homes could still utilize their existing septic tank until there is a failure with the septic tank, then they would need to connect to the City sewer system. Commissioner Ball asked what is the cost for connecting to the sewer system.

Staff Hollingshead stated yes they could still use the septic systems and she does not know what the cost is as that is a Public Works fee.

There being no more public comment, Chair Busch closed the public hearing.

Commissioners Kelly and Ball moved and seconded, respectively, to recommend approval of ANX23-000001 to City Council. Motion passed 4-0.

Commissioners Iacoboni and Ball moved and seconded, respectively, to recommend approval of CPA23-000001 to City Council. Motion passed 4-0

After deliberation and discussion of relevant criteria, commissioners Ball and Kelly moved and seconded, respectively, to direct staff to draft a Reasoned Statement recommending approval of ZNC23-0000001 to City Council. Motion passed 4-0

Commissioners Kelly and Iacoboni moved and seconded, respectively, to recommend approval of the associated Area of City Impact map amendment to City Council. Motion passed 4-0.

VI. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for February 22, 2023 meeting.

Staff Hollingshead stated there will be a new Commissioner joining the Commission at the next meeting. The remaining open seat is being advertised on the City sites, but not receiving much interest. There will be a public hearing at the 2/22/2023 meeting.

All current commissioners will be in attendance at the next meeting.

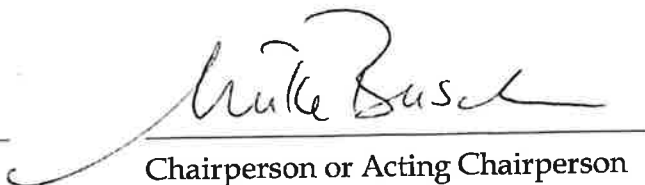
VII. ADJOURN

There being no further business, Commissioners Iacoboni and Ball moved and seconded, respectively, to adjourn. The motion carried 4-0 and the Planning and Zoning Commission adjourned at approximately 6:12 p.m.

RESPECTFULLY SUBMITTED,



Dawn Ortiz,
Recording Secretary



Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this 22 day of February, 2023.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony. This public hearing will be held at a meeting which may have additional public hearings on the agenda.

WEDNESDAY FEBRUARY 08, 2023 at 5:30 P.M.

COMMUNITY DEVELOPMENT DEPARTMENT BUILDING

2ND FLOOR MEETING ROOM,

215 D STREET LEWISTON, ID 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 Facebook page or the City's website at cityoflewiston.org.

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This public hearing will be to determine approval or denial of the following request:

APPLICATIONS ANX23-000001, CPA23-000001, ZNC23-000001 BY GRECO LAND DEVELOPMENT, LLC: The applicant requests that the undeveloped 14.27 acres known as Skyview Estates Phase III plat, as filed with Nez Perce County, and located generally south of Powers Avenue and east of 22nd Street, as depicted on the attached map, be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential and placed in the Suburban Residential, R1, Zoning District and amending the Lewiston Area of City Impact Map accordingly.

Any person (or persons) aggrieved, may support or oppose the Applicant's request. Persons receiving this notice are encouraged to provide testimony/comment.

For further information on the above zoning action, the public hearing process, or appeal process, please contact the Community Development Department at (208) 746-1318, ext. 7261 or khollingshead@cityoflewiston.org. Our offices are located at 215 'D' Street, Lewiston. Business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Notice of this public hearing was mailed on XXX, 2023 and XX persons were noticed.

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony on

Wednesday February 8, 2023 at 5:30 pm.

**COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 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 Facebook page or the City's website at cityoflewiston.org.

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FOR FURTHER INFORMATION AND TO SUBMIT TESTIMONY, contact the Community Development Department at (208) 746-1318, ext. 7261.

Hearing notice publication date: January 22, 2023.

City of Lewiston

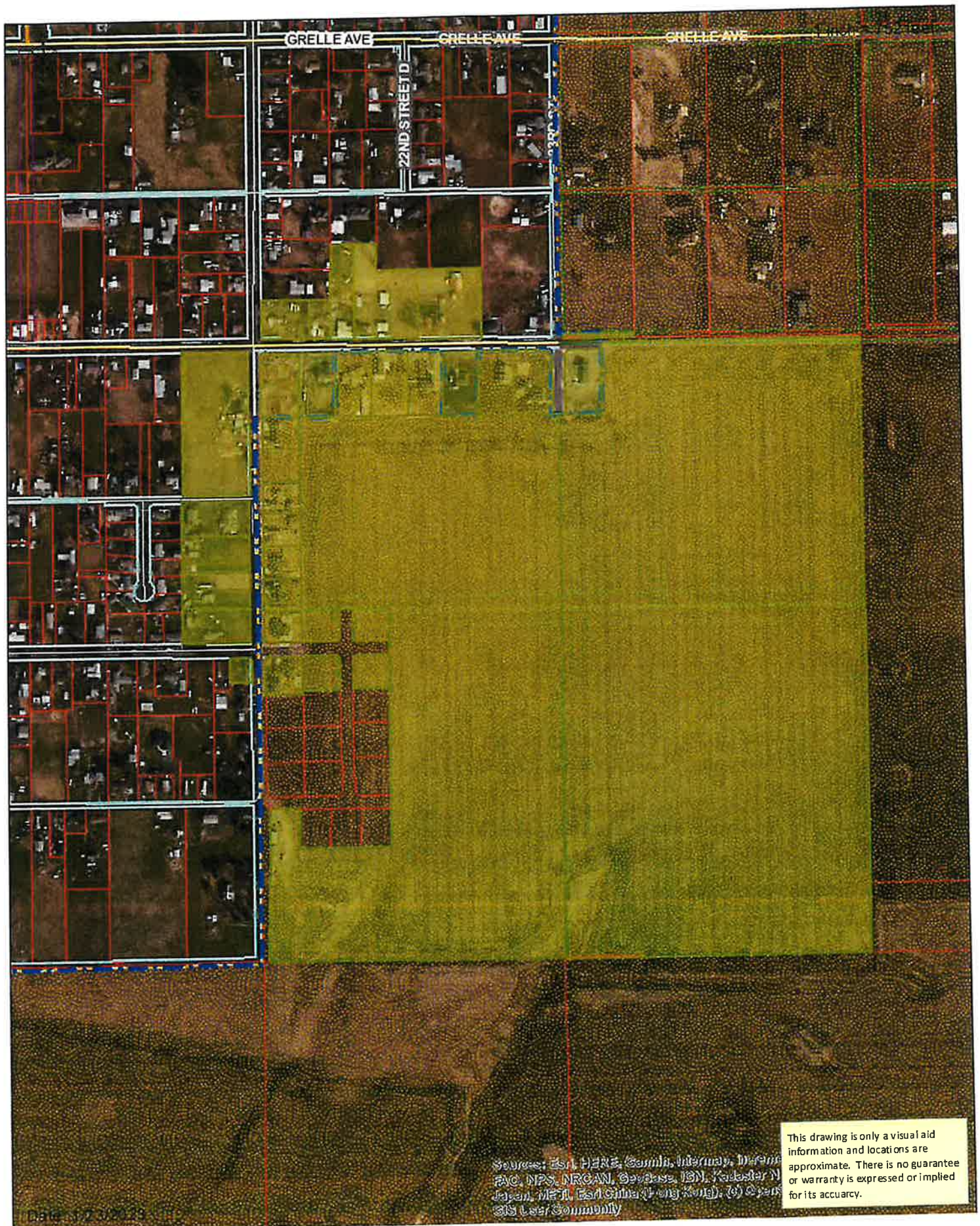


ANX23-000001

Properties within 330' Boundary

OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
BLEWETT, BRETT &	BLEWETT, ANGELA	3707 23RD ST	LEWISTON	ID	83501
BRAUCHER, RUSSELL &	BRAUCHER, THERESA	3729 21ST STREET E	LEWISTON	ID	83501
CLARK, MICHAEL		2204 POWERS AVE	LEWISTON	ID	83501
CURTIS, SHAUN &	CURTIS, BRIANNE	2208 POWERS AVE	LEWISTON	ID	83501
ENSLEY, TAMARA		2211 POWERS AVE	LEWISTON	ID	83501
FISHER, RONALD &	FISHER, VIVIAN	503 S PEPPERHILL DR	NIXA	MO	65714
GROEFSEMA, JOHN &	GROEFSEMA, PEARL	2230 POWERS AVE	LEWISTON	ID	83501
HECKLER, CODY &	HECKLER, LINDE	3705 22ND ST	LEWISTON	ID	83501
HEIMGARTNER, DARICK &	HEIMGARTNER, LAURA	12175 HWY 129	ASOTIN	WA	99402
HOLLENBAUGH, DONALD &	HOLLENBAUGH, LORI	3722 22ND ST	LEWISTON	ID	83501
JEFFERS, JOHN		1715 RIPON AVE	LEWISTON	ID	83501
RASH, WAYNE &	RASH, CHERIE	3731 21ST ST E	LEWISTON	ID	83501
TIPPETT, DANNIEL &	RICHIE, LYNANN	2233 POWERS AVE	LEWISTON	ID	83501
WEBB, TIMOTHY &	WEBB, PAULA	2215 POWERS AVE	LEWISTON	ID	83501
WINKLE, LINDSAY &	HUDSON, RYAN	2135 RIPON AVE	LEWISTON	ID	83501

City of Lewiston





ANX23-000001

~~ANX23-000001~~

CPA23-000001

ZNC23-000001

STAFF USE ONLY

Case Number: _____

Hearing Date: _____

APPLICATION FOR VOLUNTARY ANNEXATION

By submitting this application to the City of Lewiston, you are entering a quasi-judicial process. As such, you must not discuss the application with any member of the Lewiston Planning and Zoning Commission, or the Lewiston City Council, before or outside of the public hearing at which this matter will be heard.

PROPERTY OWNER/APPLICANT INFORMATION

Property

Owner

Name:

Greco, Joe Greco Land Development
Last First M.I.

Address:

2206 Hemlock Ave

Street Address

Lewiston

City

ID

State

83501

ZIP Code

Phone:

208-750-1056

Email:

joe@greco-construction.com

***IF ADDITIONAL PROPERTY OWNERS, THEN PROVIDE THEIR INFORMATION ON THE
ADDITIONAL PROPERTY OWNER INFORMATION PAGE (PAGE 3)***

PROPERTY INFORMATION

Tax Parcel

Number(s): _____

Subdivision Name:
(if applicable)

Skyview Estates Phase III

Block: _____

Lot: _____

OR attach a metes and bounds description if the subject property cannot be completely described by Lot and Block of a subdivision.

Property Acreage: 14.19 Acres more or less.

NATURE OF YOUR REQUEST

The current Comprehensive Plan Designation of this property is: Area of City Impact

The **proposed** Comprehensive Plan Designation of this property is: Low density residential

The current zoning of this property is: R-1A-Suburban Residential AC1

The **proposed** zoning of this property is: R1, Suburban Residential

Annexation is requested in order to/because (describe the reason/purpose):

per annexation agreement

PROPERTY OWNER CERTIFICATION AND CONSENT TO VOLUNTARY ANNEXATION

The property owner(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge and agrees to enter into an "Irrevocable Consent to Annexation Agreement" (separate document to be produced by the City for the applicant to sign) for the annexation of the subject property to the City of Lewiston, whereby such annexation shall be binding upon subsequent purchasers, heirs, or assigns of lands addressed in this consent, to wit:

Property owner(s): 1) Joe Greco  1-11-2023
Printed Name Signature Date
2) Traci Greco  1-11-2023
Printed Name Signature Date
3) _____
Printed Name Signature Date
4) _____
Printed Name Signature Date

ADDITIONAL PROPERTY OWNER INFORMATION

Provide Information of Any Owner of the Subject Property to be Annexed Not Already Listed on Page 1.

Property
Owner
Name:

none

Last First M.I.

Address:

Street Address

City State ZIP Code

Phone:

Email:

Property
Owner
Name:

Last First M.I.

Address:

Street Address

City State ZIP Code

Phone:

Email:

Property
Owner
Name:

Last First M.I.

Address:

Street Address

City State ZIP Code

Phone:

Email:

APPLICATION SUBMITTAL CHECKLIST

- | | | |
|--------------------------|--------------------------|--|
| YES | NO | 1) Two copies of the completed, signed paper application form each with the following attachments: |
| ☐ | ☐ | |
| YES | NO | |
| ☐ | ☐ | |
| YES | NO | A) A correct legal description of the property to be annexed, including its acreage; |
| ☐ | ☐ | B) A vicinity map identifying the subject property in relation to the existing city limit line and streets within one quarter mile (1,320 feet) of the subject property; |
| YES | NO | C) A detailed map identifying the subject parcel(s) requested for annexation, including property line dimensions, adjoining streets and the existing city limit line; |
| ☐ | ☐ | D) Supplemental property owner information sheet, if applicable |
| YES | NO | 2) Filing Fee payable to CITY OF LEWISTON. This fee will also pay for comprehensive plan land use designation and zoning associated with and necessary for annexation. |
| ☐ | ☐ | |
| YES | NO | |
| ☐ | ☐ | |

ANNEXATION AUTHORITY:
STATE OF IDAHO CODE AND LEWISTON ANNEXATION POLICY

Idaho Code Section 50-222 et seq. gives cities the authority to "annex lands which are reasonably necessary to assure the orderly development of Idaho's cities." It also states "annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section."

A private landowner may petition for annexation under Idaho Code Section 50-222(3)(a) entitled "Category A: Annexations wherein:

- (i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;
- (ii) Any residential enclaved lands of less than one hundred (100) privately-owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city's area of impact; or
- (iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section."

Idaho Code Section 50-222(5)(a): "Procedures for Category A Annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in Chapter 65, Title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed."

ANNEXATION APPLICATION PROCESS

1. Pre-application meeting to determine feasibility and desirability of annexation, as well as related comprehensive plan, zoning, public infrastructure, emergency service, and property development issues.
2. The applicant submits a completed application on the form provided to the Community Development Department requesting the annexation to the City of Lewiston. **All material included in the application must be provided at this time.** The representative of the Department reviews the application for completeness prior to further processing.
3. The Community Development Department sets the public hearing date for the application according to the public hearing schedule. The Planning and Zoning Commission holds public hearings on the second and fourth Wednesdays of each month. Completed applications must be submitted at least twenty (20) working days prior to the public hearing date. You will be notified of the hearing date when you submit your application.
4. The Community Development Department notifies by mail all residents within 300 feet of the property for which you are requesting annexation. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
5. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
6. The Community Development Department reviews the request for compliance with Idaho Code and prepares a recommendation for the Planning and Zoning Commission. The applicant will receive a copy of this report and recommendation in advance of the meeting.
7. A public hearing date is set before the Planning and Zoning Commission and a public hearing notice is published in the newspaper. Neighboring property owners are sent notice of the public hearing and the property is posted with a public hearing notice.

8. The Planning and Zoning Commission holds a public hearing on the request. The applicant is invited to speak as well as others who wish to provide testimony whether in support or opposition to the request. **It is strongly recommended that the applicant be in attendance at this meeting.**
9. The Planning and Zoning Commission will make a recommendation to the City Council.
10. The City Council holds a public hearing on the request subject to the same notice requirements as done at the Planning and Zoning Commission level. **It is strongly recommended that the applicant be in attendance at this meeting.**
11. If the City Council approves the annexation request, the City Attorney prepares an ordinance for annexation, a resolution for comprehensive plan land use designation, and an ordinance for zoning for the Council.
12. At subsequent public meetings, the City Council holds the first, second, and third readings of the ordinances and approves the resolution. Following the third reading and adoption of the ordinances, the ordinances are published in the newspaper after which the decisions become final.

[illegible][illegible]

753-
NOT FOR
RECORDING

Skyview Estates, Phase III
Nez Perce County, Idaho
Greco Land Development, LLC

Drafted By:	EW
Approved By:	WCD
The Project:	400' phase 2 p.m
Tab:	Layout
Plot Style:	cdt.dwt
Project:	K792-24-18
Date:	5/14/11

1	2
---	---



STAFF USE ONLY

Case Number: _____

Hearing Date: _____

APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

BY SUBMITTING THIS APPLICATION TO THE CITY OF LEWISTON, YOU ARE ENTERING A QUASI-JUDICIAL PROCESS. AS SUCH, YOU MUST NOT DISCUSS THE APPLICATION WITH ANY MEMBER OF THE LEWISTON PLANNING AND ZONING COMMISSION, OR THE LEWISTON CITY COUNCIL, OUTSIDE OF THE PUBLIC HEARING AT WHICH THIS MATTER WILL BE HEARD.

****NOTE: INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED****

APPLICANT INFORMATION

Full Name: Greco Land Development Date: 1.13.23
Last First M.I.

Address: 2206 Hemlock Ave
Street Address Apartment/Unit #
Lewiston ID 83501
City State ZIP Code

Phone: 208 413 2898 Email: wendy@greco-constry

Property Owner Name: Joe Greco Phone: 208 790-1056

Mailing Address: Same as above

PROPERTY INFORMATION

Street Address of Subject Property: _____

Subdivision Name: Skyview Estates Phase III Block: _____ Lot: _____

OR attach a metes and bounds description if not part of a subdivision.

NATURE OF YOUR REQUEST

The current Comprehensive Plan Designation of this property is: Area of City Impact

The **proposed** Comprehensive Plan Designation of this property is: Low Density Residential

Please provide a statement fully describing your request for a Comprehensive Plan Amendment. What conditions have changed in the area to cause the need to amend the Comprehensive Plan? How will the requested amendment address those changes?

see annexation agreement

APPLICANT'S CHECKLIST

In order to properly process your request for a Comprehensive Plan Amendment, please be sure to include the following material with your completed application:

- ☐ Completed and signed application, including supporting documents;
- ☐ Site Plan (11 x 17) or 8 ½ x 11) to scale;
- ☐ A correct legal description of the property;
- ☐ Filing fee payable to the City of Lewiston

APPLICANT'S CERTIFICATION

The applicant(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge.

Signature of Applicant: _____

W. Max Luyet

Date: _____

1.13.23

The Property Owner hereby authorizes this application:

Signature of Owner: _____

[Signature]

Date: _____

1.13.23

4. Describe how the effects of the proposed rezone are not anticipated to place undue burden upon delivery of services provided by any political subdivision (i.e. taxing entity) within the planning jurisdiction, including school districts.

5. Describe how 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.

6. If the subject property is located within a designated historic district, describe how the requested zone change will not be in conflict with the intents and purposes of Lewiston City Code Chapter 19.5, Historic Districts (A Certificate of Appropriateness from the Lewiston HPC is required).

APPLICANT'S CERTIFICATION

The applicant(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge.

Signature:  Date: 1.13.2023

The Property Owner hereby authorizes this application:

Signature:  Date: 1.13.23

**** INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED ****

QUESTIONS? Contact City Planner Joel Plaskon at 208-746-1318 x 7202

APPLICATION PROCESS

1. The applicant submits the completed application to the Community Development Department requesting the Zone change. The representative of the Department reviews the application for completeness prior to further processing.

ALL MATERIALS INCLUDED IN THE APPLICATION MUST BE PROVIDED AT THIS TIME. INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED.

PLEASE NOTE: By submitting this application to the City of Lewiston, you are entering a quasi-judicial process. As such, you must not discuss the application with any member of the Lewiston Planning and Zoning Commission and/or the Lewiston City Council outside of the public hearing at which this matter will be heard.

2. The Community Development Department sets the public hearing date for the application according to the public hearing schedule. The Planning and Zoning Commission holds public hearings on the second and fourth Wednesday of each month. The Commission will make a recommendation on a zone change application to the City Council, who will also conduct a public hearing on the matter and render the decision. The City Council holds public hearings on the second and fourth Monday of each month. **Completed applications must be submitted at least four weeks prior to the public hearing date.** You will be notified of the hearing date when you submit your application.
3. The Community Development Department notifies all residents within 300 feet of the property for which you are requesting the Zone Change. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
4. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
5. After all comments have been received, the Community Development Department prepares a staff report and recommendation for the Planning and Zoning Commission. You will receive a copy of this report and recommendation in advance of the meeting.
6. The Planning and Zoning Commission holds a public hearing on the request. The applicant is invited to speak as well as others who wish to provide testimony, whether in support or in opposition, to the request. **IT IS STRONGLY RECOMMENDED THAT YOU BE IN ATTENDANCE AT THIS MEETING.**
7. The Planning and Zoning Commission will make a recommendation to the City Council. This recommendation is forwarded to the City Mayor for submittal to the City Council.
8. The City Council sets a public hearing date, generally several weeks away to allow sufficient time for legal notice. The property owners who received notice for the Planning and Zoning public hearing will again receive notice of the City Council public hearing.
9. The City Council holds a public hearing on the request. If the City Council approves the PUD Amendment request. The City Attorney prepares an ordinance for the Council.
10. At subsequent public meetings, the City Council holds the first, second, and third readings of the Ordinance. Following the third reading and adoption of the Ordinance, the Ordinance is published in the newspaper, after which the PUD Amendment becomes final.

APPLICANT'S CHECKLIST

- ☐ Completed and signed application with supporting documents;
- ☐ Filing fee payable to the City of Lewiston;
- ☐ A correct legal description of the property;
- ☐ A site plan (11" x 17" or 8 1/2" x 11") to scale

COMPREHENSIVE PLAN AMENDMENT APPLICATION PROCESS

1. The applicant submits the completed application form to the Community Development Department requesting the amendment to the Comprehensive Plan. **All materials included in the application must be provided at this time.** The representative of the Department reviews the application for completeness prior to further processing.
BY SUBMITTING THIS APPLICATION TO THE CITY OF LEWISTON, YOU ARE ENTERING A QUASI-JUDICIAL PROCESS. AS SUCH, YOU MUST NOT DISCUSS THE APPLICATION WITH ANY MEMBER OF THE LEWISTON PLANNING AND ZONING COMMISSION, OR THE LEWISTON CITY COUNCIL, OUTSIDE OF THE PUBLIC HEARING AT WHICH THIS MATTER WILL BE HEARD.
2. The Community Development Department sets the public hearing date for the application according to the public hearing schedule. The Planning and Zoning Commission holds public hearings on the second and fourth Wednesdays of each month. Completed applications must be submitted approximately four (4) weeks prior to the public hearing date. You will be notified of the hearing date when you submit your application. Because the State of Idaho limits the number of times each year a municipality may amend the comprehensive plan, your hearing dates may be delayed.
3. The Community Development Department notifies all residents, by mail, within 300 feet of the property for which you are requesting the Comprehensive Plan Amendment. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
4. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
5. After comments have been received, the Community Development Department prepares a staff report and recommendation for the Planning and Zoning Commission. You will receive a copy of this report and recommendation in advance of the meeting.
6. The Planning and Zoning Commission holds a public hearing on the request. You are invited to speak as well as others who wish to provide testimony whether in support or opposition of the request. **It is strongly recommended that you be in attendance at this meeting.**
7. The Planning and Zoning Commission will make a recommendation to the City Council. This recommendation is forwarded to the City Mayor for submittal to the City Council.
8. The City Council sets a public hearing date, generally several weeks away to allow sufficient time for legal notice. The property owners who received notice for the Planning and Zoning public hearing will again receive notice of the City Council public hearing.
9. The City Council holds a public hearing on the request.
10. If the City Council approves the Comprehensive Plan Amendment request, the City Attorney prepares an Ordinance for the Council.

11. At subsequent public meetings, the City Council holds the first, second, and third readings of the Ordinance. Following the third reading and adoption of the ordinance, the ordinance is published in the newspaper, after which the Comprehensive Plan Amendment becomes final.



STAFF USE ONLY	
Case Number:	_____
Hearing Date:	_____

APPLICATION FOR ZONE CHANGE

By submitting this application to the City of Lewiston you are entering a quasi-judicial process. As such, you must not discuss the application with any member of the Lewiston Planning and Zoning Commission, or the Lewiston City Council, outside of the public hearing at which this matter will be heard.

APPLICANT INFORMATION

Full Name: Greco Land Development Date: 1.13.23
Last First M.I.

Address: 2206 Hemlock Ave
Street Address

Lewiston ID 83501
City State ZIP Code

Phone: 208 413 2898 Email: wendy@greco-construction.com

Property Owner: Joe Greco Phone: 208-790-1056

Property Owner Mailing Address: Same as above

DESCRIPTION OF PROPERTY

Street Address of Subject Property: _____

Subdivision Name: Skyview Estates Phase III

Block: _____ Lot: _____

OR, if not part of a subdivision, attach a metes and bounds description

NATURE OF REQUEST

Change **FROM** Zone District: R-1A Suburban Residential-Ac1 **TO** Zone District: R1, Suburban Residential

The Planning and Zoning Commission shall evaluate a requested amendment to a zoning district to determine the nature and extent of the requested change. If it is an accord with the adopted comprehensive plan, the commission may recommend and the council may adopt or reject the requested change. The commission may request documentation of land use impacts, both existing and proposed, through studies, presentations, or other documents, and may require said documentation to be stamped and signed by professionals deemed qualified by the commission.

Please provide **WRITTEN** responses to the following questions:

1. What is the Comprehensive Plan Designation of the property and of the adjoining properties? Describe how the requested zoning classification conforms to the adopted Comprehensive Plan map and text.

See annexation agreement

2. Describe how the subject land is at least as well suited or is better suited for the proposed zoning district than the existing zoning district.

3. Describe how the proposed rezone does not present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity.

Instrument # 898172

NEZ PERCE COUNTY

3-15-2022 03:51:12 PM No. of Pages: 12

Recorded for : CITY OF LEWISTON

PATTY WEEKS

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: AGREEMENT/MISC

R. Lewis

(Above space for Recorder's use)

**IRREVOCABLE CONSENT TO ANNEXATION
AND UTILITY SERVICE AGREEMENT**

THIS AGREEMENT ("Agreement") is entered into by and between the City of Lewiston, an Idaho municipal corporation ("City"), and Greco Land Development, LLC, an Idaho limited liability company, its successors and assigns ("Developer"). City and Developer may also individually be referred to as "Party" or collectively as "Parties."

WHEREAS, Developer owns land located outside City limits and within City's area of city impact, which Developer desires to connect to City's wastewater utility;

WHEREAS, pursuant to Lewiston City Code § 36-2, City agrees to provide wastewater services to Developer for such real property, provided that Developer consents to annexation into the City of Lewiston of the real property connected to City's wastewater utility.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, it is hereby agreed that the forgoing are true and a part of this Agreement, and it is further agreed as follows:

1. Subject to the terms of this Agreement, City agrees to provide wastewater services to the real property owned by Developer described in Exhibit A, attached hereto and incorporated herein ("Property"). An illustration of the Property is attached hereto and incorporated herein as Exhibit B.

2. Developer shall have the right to connect the Property to City's wastewater system upon: (a) payment to City of all applicable charges and fees; and (b) Developer's full compliance

with the terms of this Agreement. Developer or its successors in interest shall bear all costs and expenses related to connecting the Property to City's wastewater system.

3. Prior to annexation of the Property, Developer or its successors in interest shall pay City one-and-one-half times (150%) City's adopted wastewater service fee, equity buy-in fees, and connection and inspection fees. Subsequent to annexation of the Property, Developer or its successors in interest shall pay City the then-currently adopted wastewater service fees and shall no longer be obligated to pay the increased fees recited herein.

4. Developer hereby irrevocably consents to annexation of the Property into the City of Lewiston. City may annex the Property in City's sole discretion in accordance with Idaho Code §§ 50-222 and 50-223; provided, however, City shall not take action to finalize such annexation until: (a) the Board of Nez Perce County Commissioners approves a final plat for the Property or any portion thereof, or (b) one (1) year from the Effective Date of this Agreement, whichever occurs first.

5. Prior to connecting the Property to City's wastewater system, Developer shall pay City the then-currently adopted City fees for annexation, comprehensive plan map amendments, and zone changes. Additionally, other lawful charges may be charged to Developer or its successors in interest, including, but not limited to, per-lot equity buy-in fees for sewer at the time of connection, and right-of-way permit fees.

6. In the event that Developer subdivides the Property, Developer shall install public improvements on the Property: (a) in accordance with the standards set by City and the Idaho Department of Environmental Quality, and (b) in compliance with detailed construction plans and specifications approved by the City Engineer or his or her designee. Such public improvements may include streets, curbs, sidewalks, pedestrian and bicycle ways, storm drainage, sanitary sewage disposal facilities, water lines, monuments, lot corners, electric utility lines, and street lights.

Additionally, such public improvements shall be subject to inspection and approval in the same manner as if the Property were located within the City's limits. If Developer does not develop the Property to City development standards, then City shall have no obligation to provide sewer service to the Property; provided, however, upon City's approval and acceptance of all such public improvements, City shall provide sewer service to the Property.

7. In the event that Developer subdivides the Property, Developer shall provide City with a certification signed by Developer's engineer, who shall be licensed in Idaho, verifying that the public improvements installed on the Property were constructed in accordance with the detailed construction plans and specifications approved by the City Engineer or his or her designee. Such certification shall be in substantially the form set forth in Exhibit C to this Agreement, attached hereto and incorporated herein. Such certification shall include a cover letter with the engineer's professional stamp and copies of all inspection records, test results, and construction quality control data.

8. In the event that Developer subdivides the Property, Developer shall cause a traffic impact study to be conducted to evaluate the cumulative impacts of all phases (developed and future) of the Skyview Estates subdivision on traffic patterns and infrastructure within the City of Lewiston. Developer shall be responsible for the installation of the on-site and off-site improvements recommended in said study.

Alternatively, Developer may pay to have the existing "Lewiston East Orchards Master Traffic Impact Study" updated to include cumulative impacts from all phases (developed and future) of the Skyview Estates subdivision. Developer shall be responsible for the installation of the on-site improvements recommended by such updated study. Additionally, at the time of application for a building permit, Developer or its successors in interest shall pay City the fee(s) determined to be appropriate through the updated study for installation of the off-site improvements.

9. Developer or its successors in interest shall not apply for a building permit for any structure to be constructed on any portion of the Property until: (a) the Property is annexed into the City of Lewiston, or (b) three (3) months from the date the Board of Nez Perce County Commissioners approves a final plat for the Property or any portion thereof, whichever occurs first.

10. This Agreement shall be binding upon and inure to the benefit of the Parties' respective heirs, successors, assigns, and personal representatives. Nothing herein shall in any way prevent sale or alienation of the Property or portions thereof, except that any sale or alienation shall be subject to the provisions of this Agreement, and any successor owner or owners shall be both benefitted and bound by the conditions and restrictions herein expressed.

11. Developer shall include the following language in all deeds transferring the Property, any portion thereof, or any interest therein:

By acceptance of this deed, Grantee and Grantee's heirs, successors, and assigns acknowledge that said property is subject to an **IRREVOCABLE CONSENT TO ANNEXATION**, whereby: (a) said property may be annexed into the City of Lewiston, Idaho; and (b) no building permit may be issued for any structure to be constructed on said property until said property is annexed into the City of Lewiston or three (3) months from the date the Board of Nez Perce County Commissioners approves a final plat for Skyview Estates Phase III, whichever occurs first. Said Irrevocable Consent to Annexation is a covenant that runs with the land.

Said Irrevocable Consent to Annexation Agreement was recorded on the _____ day of _____, 20____ as Instrument No. _____ in the official records of the Nez Perce County Recorder, Nez Perce County, Idaho.

12. This Agreement shall be recorded in the office of the Nez Perce County Recorder, Lewiston, Idaho.

13. The Parties agree that if any additional documents are necessary for annexation of the Property, the Parties shall execute such documents to accomplish the purpose of this Agreement.

14. The Parties warrant that those signatory to this Agreement have the authority to enter into and be obligated to perform the duties set forth herein.

15. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Idaho, with venue for any action brought pursuant to this Agreement to be in the Second Judicial District, State of Idaho.

16. In the event that any provision of this Agreement is found for any reason to be unenforceable, the remainder of this Agreement shall remain in full force and effect and shall be binding upon the Parties.

17. This Agreement may be modified or amended only by a writing duly executed by both Parties.

18. In the event a controversy, claim, or action arises between the Parties to this Agreement regarding the enforcement of its terms and conditions, or the breach of any of its provisions, the prevailing Party shall be entitled to recover from the other Party all costs and expenses incurred by the prevailing Party, including reasonable attorney fees.

19. All covenants, conditions, indemnifications, and other elements in this Agreement shall survive any and all subsequent conveyances.

20. This writing embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained in this Agreement. All previous and contemporaneous communications, representations, or agreements, either verbal or written, between the Parties are superseded by this Agreement.

Intentionally left blank - Signature page to follow

IN WITNESS WHEREOF, the Parties have executed this Agreement on the last day and year written below ("Effective Date").

DATED this 14th day of March 2022.



CITY OF LEWISTON

By:

[Signature]
Daniel G. Johnson, Mayor

ATTEST:

[Signature]
Kari J. Ravencroft, City Clerk

DATED this 14th day of February 2022.

GRECO LAND DEVELOPMENT, LLC

[Signature]
Joseph C. Greco, Member

[Signature]
Traci Greco, Member

STATE OF IDAHO)
) ss.
 County of Nez Perce)

On this 14th day of March 2022, before me, a Notary Public, personally appeared Daniel G. Johnson and Kari J. Ravencroft, known or identified to me as the Mayor and City Clerk, respectively, of the City of Lewiston, and stated that they have the authority to execute this instrument on behalf of the City of Lewiston, and did execute this instrument on behalf of the City of Lewiston.



Tanya M. Brocke
 Notary Public for the State of Idaho

Commission Expires 3/11/2027

ARIZONA
 STATE OF IDAHO)
) ss.
 County of Maricopa)
 County of Nez Perce)

On this 14th day of February 2022, before me, a Notary Public, personally appeared Joseph C. Greco, known or identified to me as a Member of Greco Land Development, LLC, and stated he has the authority to execute this instrument on behalf of Greco Land Development, LLC, and did execute this instrument on behalf of Greco Land Development, LLC.



Kristen M. Taylor
 Notary Public for the State of Idaho ARIZONA

Commission Expires 03/15/2024

STATE OF IDAHO)
) ss.
 County of Nez Perce)

On this 18th day of February 2022, before me, a Notary Public, personally appeared Traci Greco, known or identified to me as a Member of Greco Land Development, LLC, and stated she has the authority to execute this instrument on behalf of Greco Land Development, LLC, and did execute this instrument on behalf of Greco Land Development, LLC.



Paula Thomas
 Notary Public for the State of Idaho

Commission Expires 11/10/2022

EXHIBIT A

**LEGAL DESCRIPTION
OF PROPERTY**

1-20-2022

**Legal Description by Hodge & Associates
For Skyview Estates, Phase III**

A parcel of land located in the Northwest Quarter of Section 24, Township 35 North, Range 5 West, Boise Meridian, Nez Perce County, Idaho, described as follows:

Commencing at the northwest corner of Section 24, Thence along the north line of the Northwest Quarter of the Northwest Quarter of Section 24 and along the centerline of Powers Avenue, S88°30'03"E, 1319.94 feet to the centerline of 23rd Street; Thence leaving said north line and the centerline of Powers Avenue, along the centerline of 23rd Street, S01°29'57"W, 309.00 feet to a point on the south boundary of Skyview Estates, Phase I, Instrument #839025, Nez Perce County Records, and the Point of Beginning.

Thence leaving said centerline, along said south boundary, S88°30'03"E, 188.31 feet to the southeast corner of Skyview Estates, Phase I;

Thence leaving said south boundary, S01°29'57"W, 331.00 feet;

Thence N88°30'03"W, 938.46 feet;

Thence S00°41'12"W, 499.38 feet to the northeast corner of Skyview Estates, Phase II, Instrument #880645, Nez Perce County Records;

Thence along the north line thereof, N89°18'48"W, 372.27 feet to the northwest corner of Skyview Estates, Phase II and to a point on the east boundary of Skyview Estates Phase I;

Thence along said east boundary, N00°41'12"E, 835.69 feet to the southwest corner of Lot 9, Block 2 of Skyview Estates Phase I;

Thence along the south line of Skyview Estates Phase I, S88°30'03"E, 1127.15 feet to the Point of Beginning.

Parcel contains 14.27 Acres, more or less.



EXHIBIT B

ILLUSTRATION OF PROPERTY

City of Lewiston

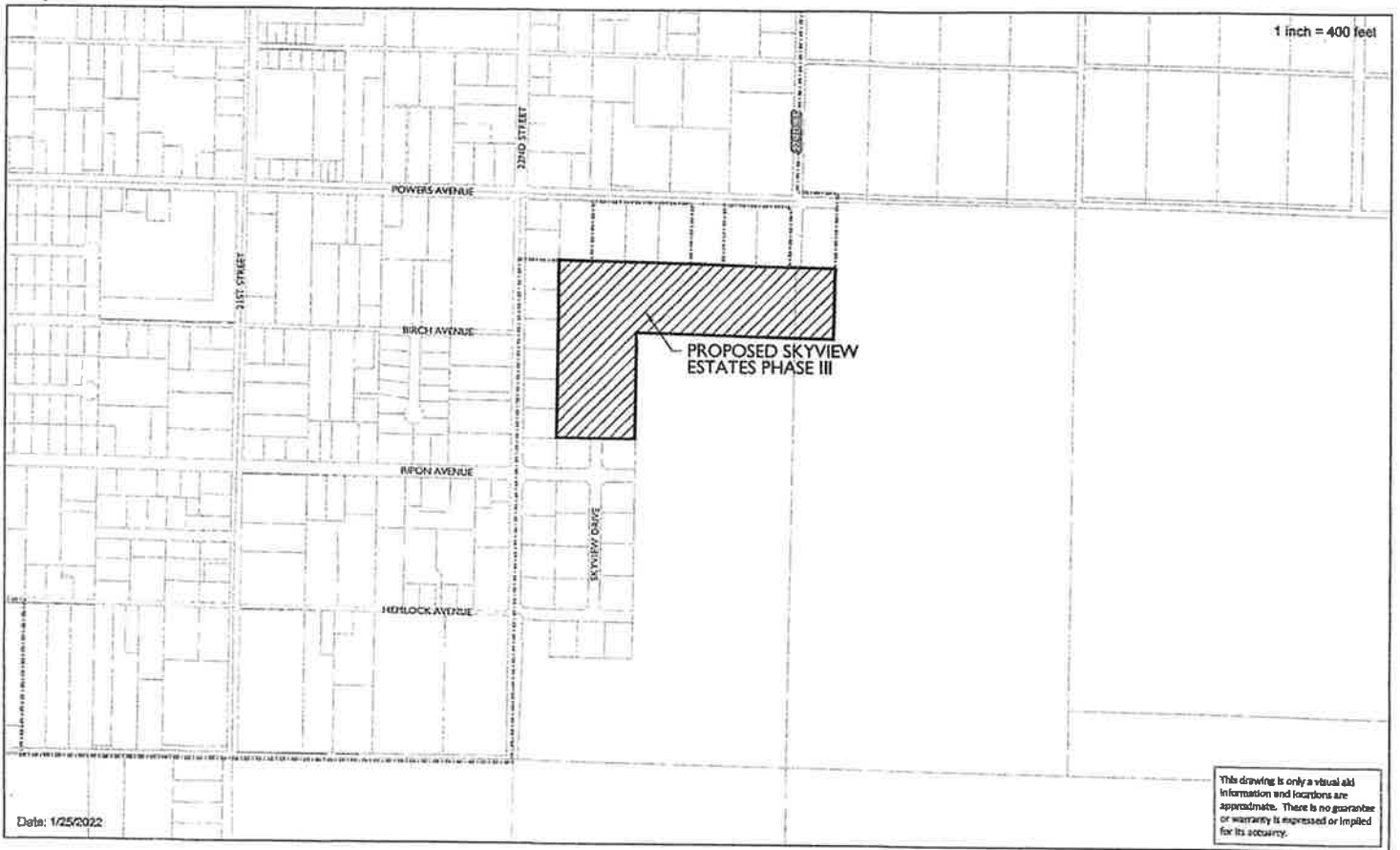


EXHIBIT C

ENGINEER CERTIFICATION

ENGINEER CERTIFICATION STATEMENT

I, _____, certify that construction observation and quality control for [project, plans with approval date] was performed under my responsible charge. It is my professional opinion that the public improvements for this project were constructed in accordance with the detailed construction plans and specifications approved by the City Engineer for the City of Lewiston or his or her designee. The submittal of as-built drawings and the attached documentation within the certification packet provide evidence to support a recommendation of acceptance of the public improvements associated with the referenced project plans and specifications.

(Engineer's Seal)

Engineer's signature

Date

12/12



CITY COUNCIL MEETING AGENDA ITEM HISTORY/COMMENTARY

ITEM TITLE Greco Annexation Agreement		AGENDA NO. _____ AGENDA DATE 3/14/22 CONSENT: ☐ ACTIVE: ☐	1ST READING _____ 2ND READING _____ 3RD/ADOPTION _____
ORIGINATING SOURCE Community Development Director <i>CM</i> March 14, 2022 Date: _____		FUNDING CERTIFICATION (IF APPLICABLE) Date: _____	
DIVISION MANAGER REVIEW (If applicable) Date: _____		DEPARTMENT MANAGER REVIEW (If applicable) Date: _____	
RECOMMENDED FOR COUNCIL ACTION	CITY MANAGER Date: _____		
ITEM HISTORY (PREVIOUS COUNCIL REVIEWS, ACTION RELATED TO THIS ITEM, OTHER PERTINENT HISTORY) Greco Land Development, LLC purchased 160 acres located at the southeast corner of Powers Avenue and 22nd Street. Over the years, the City expressed interest in annexing the two parcels, and concern over water quality impacts caused by septic systems on 1/2 acre lots. 2016- The owner expressed interest in annexing the properties and contributing to the cost of extending municipal sewer. Sewer would allow for more lots and development. 2017- Staff requested that the City Attorney draft an annexation agreement. 2017- The City Council adopted Resolution 2017-20 authorizing the preparation of an urban renewal plan to address unsanitary conditions caused by septic systems in the East Orchards. 2017- The URA closed on a 1.98 million dollar bond to construct two miles of sewer trunk main and service laterals from the east end of Clearview Pointe Drive to Powers Avenue and 23rd Street. 2017-2021 Staff and Mr. Greco and/or Mr. Greco's attorney negotiated the terms of the agreement going through a few dozen drafts. 2018- Construction of the sewer trunk main began.			



April, 2018– Phase I Skyview Estates was recorded creating 9 lots of one acre and 8 lots of approximately ½ acre in unincorporated Nez Perce County. The plat was recorded with a note as follows: *At such time as the Lewiston sanitary sewer mainline is installed in a public street adjacent to any lot, that lot owner shall be required at its own expense to (i) connect its home to the city sanitary sewage mainline and pay all applicable fees and costs including any equity buy-in or latecomer fees charged by the city, (ii) decommission its septic tank and (iii) consent to annex to the city of Lewiston.*

In early 2019, city staff called a community meeting with the Phase I property owners. They indicated they were not told they were obligated to connect to the sewer when it became available. Further, County staff did not enforce a second note on the plat that required: *The outlet of sewer lines originating at each home shall be configured horizontally and vertically so as to accommodate future connection of each lot with any future mainline sanitary sewer installed within the public street adjacent to that lot.* Septic tanks were installed in backyards to maintain a large separation from an open drainage ditch along Powers Avenue. Connection to sewer after the fact would be very disruptive and would likely impact landscaping and other surface features. The city chose to annex those properties fronting on Powers Avenue that were vacant or otherwise did not contain an approved septic system.

September, 2020- Skyview Estates Phase II was recorded creating 16 ½ acre lots in unincorporated Nez Perce County intended to be served by septic systems.

April 5, 2021–Councilman Bradbury requested that the Greco development and sewer line project be placed on an upcoming work session.

April 21, 2021- The city council discussed the matter with Mr. Greco, representatives of the County Commission and staff. At that meeting Mr. Greco indicated he would sign an agreement on Phase III only and would not contribute to the cost of the sewer mainline construction.

February 25, 2022- A signed agreement was delivered to the City Attorney.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, KEY POINTS, RECOMMENDATIONS, ETC.) Please identify any or all impacts this proposed action would have on the City budget and/or personnel resources.

Approval of this agreement will allow Mr. Greco to proceed with Phase III creating 35 lots of various sizes from 10,000 square feet to 17,000 square feet. Annexation will occur after the Board of County Commission approves the final plat or one year from the Mayor's signature on this agreement, whichever comes first. Approval of the plat would follow construction and acceptance of all public improvements (roads, water, sewer, power, storm drainage, fiber etc). Exhibit C of the agreement provides for an engineer to certify that



the public improvements comply with the construction drawings approved by the City Engineer. Extension of the sewer line into Skyview Estates is at the developer's expense.

As part of the annexation process, the Planning and Zoning Commission will recommend a comprehensive plan land use designation and city zoning district for the property. These matters will be finalized by the City Council following a noticed public hearing.

ACTION PROPOSED: Approve the Irrevocable Consent to Annexation and Utility Service Agreement between Greco Land Development LLC and the City of Lewiston, and authorize the Mayor to sign.

City of Lewiston

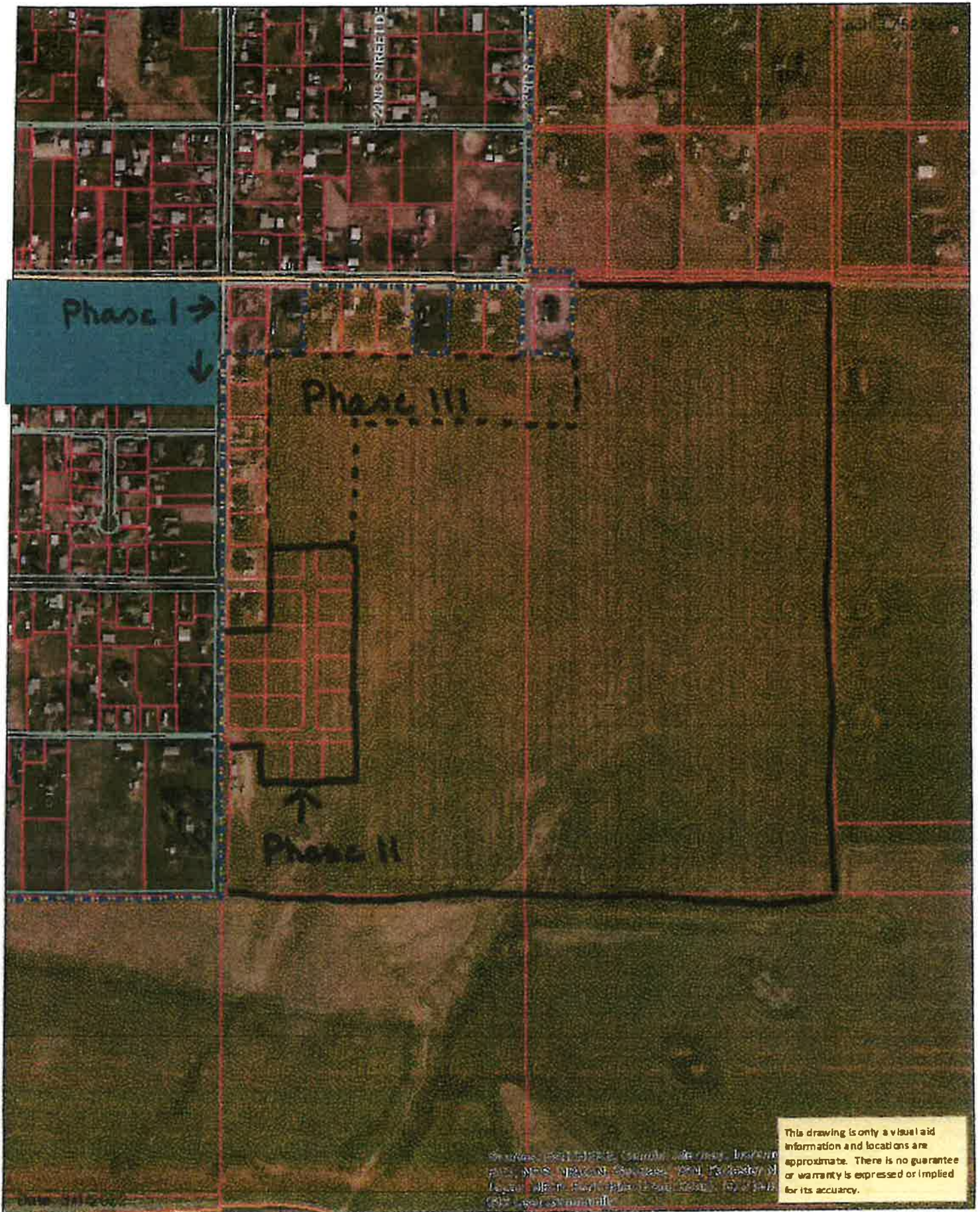


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, AeroGRID, IGN, Esri, Swatch-North America, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri China (Hong Kong), Swatch-North America, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

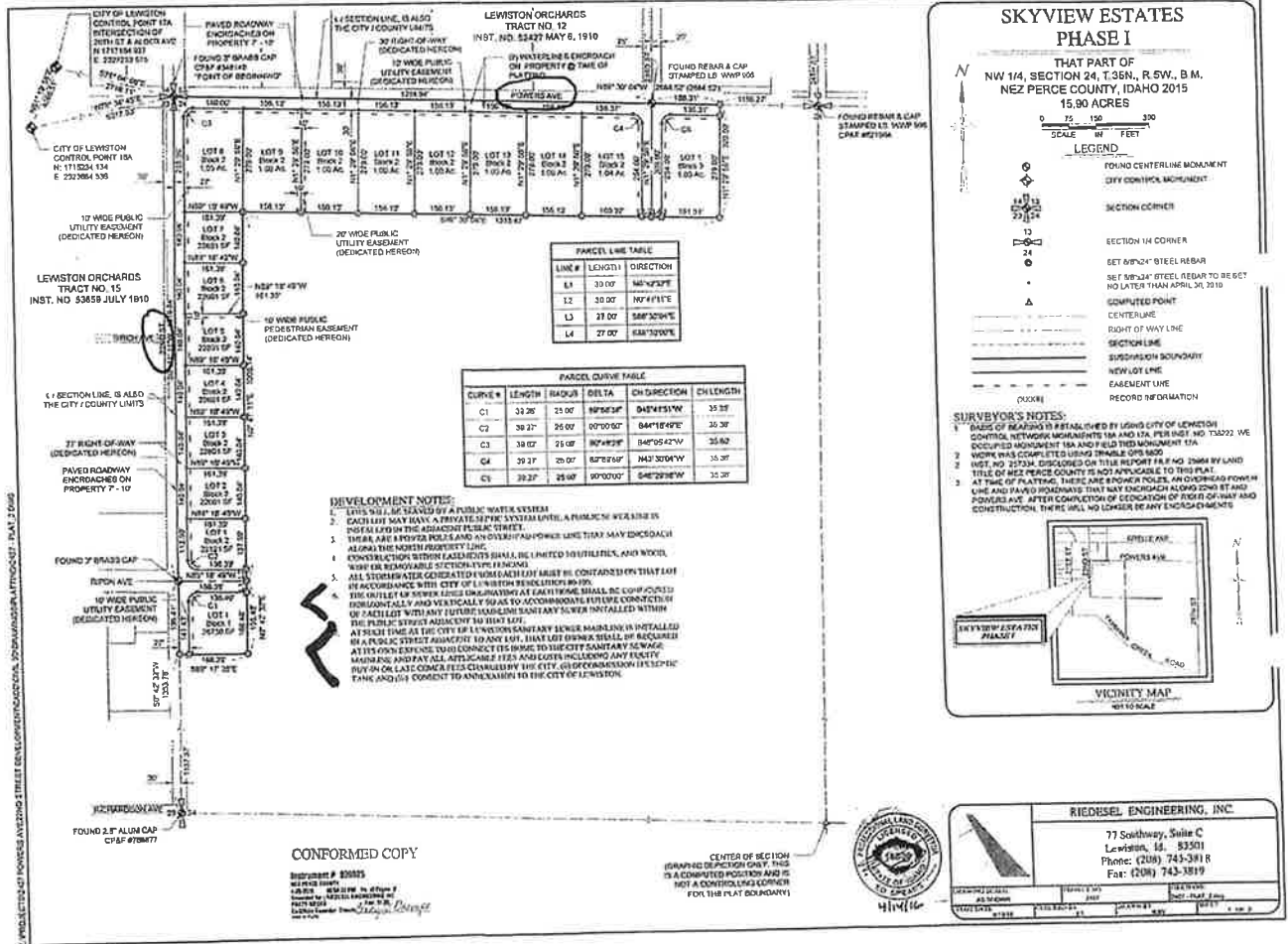
This drawing is only a visual aid. Information and locations are approximate. There is no guarantee or warranty is expressed or implied for its accuracy.

Date: 3/1/2022

City of Lewiston



Skyview Estates Phase I

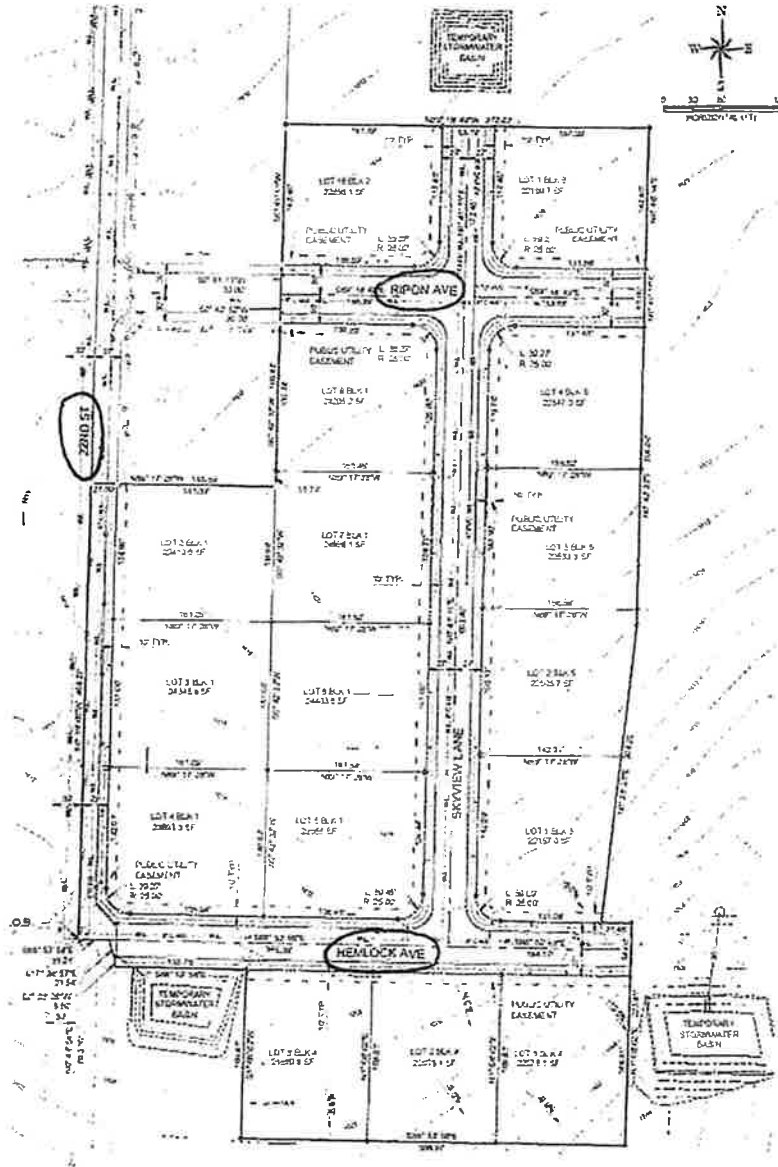


Skyview Estates Phase II

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Nez Perce County Planning and Zoning Commission will hold a public hearing on Tuesday, June 27, 2017, at 6:00 p.m. in the Brammer Building Conference Room, 1225 Idaho Street, Lewiston, Idaho concerning the following:

SUB2017-2 Skyview Estates Phase II – A subdivision creating 16 half-acre lots. All lots will be served by Lewiston Orchards Irrigation District domestic water, with wastewater treatment by private septic systems. Developer will construct 2500 feet of public roadway with curb, gutter, and sidewalk constructed to City of Lewiston standards. Developer will construct underground power, phone, TV, and gas to each lot. Tax Parcel RP35N05W243001. Greco Land Development, LLC, Property Owner.



The action above is part of a quasi-judicial process. As such, with the exception of the public hearing at which this matter will be heard, discussing an application with any member of the Nez Perce County Planning and Zoning Commission may create a conflict of interest for the member, rendering him/her ineligible to vote on the issue.

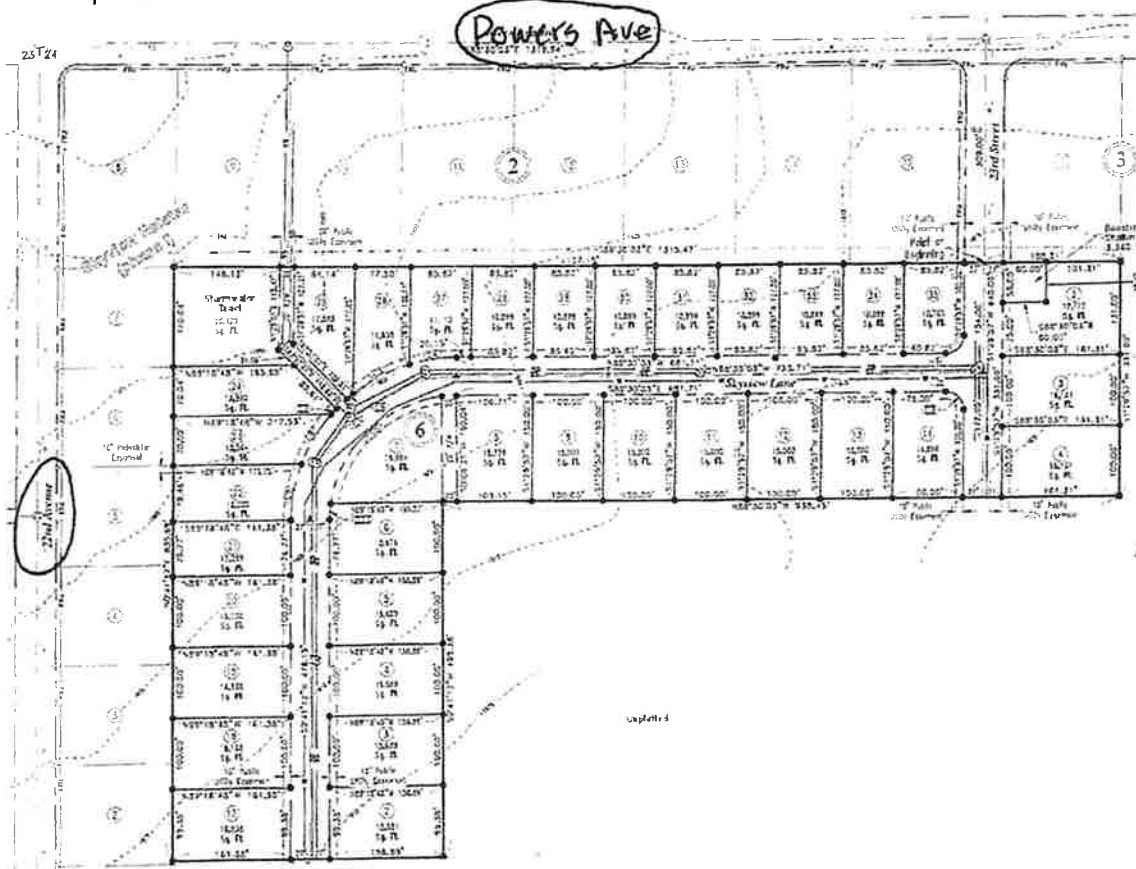
Any person or persons wishing to testify at said hearing shall appear at the date and time mentioned above. For further information, please contact Planning and Building Services at (208) 799-3197, PO Box 896, 1225 Idaho Street, Lewiston, Idaho 83501-0896.

Skyview Estates Phase III

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Nez Perce County Planning and Zoning Commission will hold a public hearing on Monday, December 17, 2018, at 3:00 p.m. in the Brammer Building Conference Room, 1225 Idaho Street, Lewiston, Idaho concerning the following:

SUB2018-2 Skyview Estates Phase III – A subdivision proposal for 35 residential lots with sewer, water, and public streets, located off of Powers Avenue, Lewiston; tax parcels RP35N05W243001 & RP35N05W242402. Joe Greco, Applicant.



The action above is part of a quasi-judicial process. As such, with the exception of the public hearing at which this matter will be heard, discussing an application with any member of the Nez Perce County Planning and Zoning Commission may create a conflict of interest for the member, rendering him/her ineligible to vote on the issue.

Any person or persons wishing to testify at said hearing shall appear at the date and time mentioned above. For further information, please contact Planning and Building Services at (208) 799-3197, PO Box 896, 1225 Idaho Street, Lewiston, Idaho 83501-0896.



PLANNER'S STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT

Date: 1/30/2023

Case File Number: ANX23-000001, CPA23-000001, ZNC23-000001Gre

Applicant:

Greco Land Development, LLC
2206 Hemlock Avenue
Lewiston, ID 83501

Property Owner:

Greco Land Development, LLC
2206 Hemlock Avenue
Lewiston, ID 83501

Site Location:

14.27 acres known as Skyview Estates Phase III plat, as filed with Nez Perce County, and located generally south of Powers Avenue and east of 22nd Street. Map is attached to this report.

Request/Proposal: The applicant requests that the undeveloped 14.27 acres known as Skyview Estates Phase III plat, as filed with Nez Perce County, and located generally south of Powers Avenue and east of 22nd Street, as depicted on the attached map, be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential and placed in the Suburban Residential, R1, Zoning District and amending the Lewiston Area of City Impact Map accordingly.

Subject Property and Surrounding Land Uses: The subject property is 14.27 acres of vacant land that is proposed to be subdivided into 36 building lots.

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Properties to the north, west and south are also single family dwellings and property to the east is vacant land.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 2

GENERAL PROVISIONS — GOVERNMENT — TERRITORY

50-222. ANNEXATION BY CITIES. (1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

(2) General authority. Cities have the authority to annex land into a city upon compliance with the procedures required in this section. In any annexation proceeding, all portions of highways lying wholly or partially within an area to be annexed shall be included within the area annexed unless expressly agreed between the annexing city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided further, that said city council shall not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which comprises a railroad or highway right-of-way.

(3) Annexation classifications. Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

(a) Category A: Annexations wherein:

(i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;

(ii) Any residential enclaved lands of less than one hundred (100) privately owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city's area of impact; or

(iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section.

(5) Annexation procedures. Annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation proposal wherein the city council determines that

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annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

(a) Procedures for category A annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.

(b) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.

(c) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

(d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time, unless the governing board

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has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six (6) months. The commission may recommend amendments to the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.

History:

[67-6509, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 3, p. 832; am. 1999, ch. 396, sec. 5, p. 1103; am. 2010, ch. 253, sec. 1, p. 643; am. 2014, ch. 93, sec. 5, p. 256.]

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

(a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.

(b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

(2) Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

(b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of

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posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

History:

[67-6511, added 1975, ch. 188, sec. 2, p. 515; am. 1983, ch. 121, sec. 1, p. 314; am. 1985, ch. 141, sec. 1, p. 384; am. 1987, ch. 329, sec. 1, p. 688; am. 1992, ch. 269, sec. 4, p. 833; am. 1999, ch. 396, sec. 8, p. 1105; am. 2003, ch. 142, sec. 1, p. 411; am. 2011, ch. 89, sec. 3, p. 194; am. 2013, ch. 216, sec. 1, p. 507.]

SUBURBAN RESIDENTIAL ZONE R-1

Sec. 37-18. R-1 Suburban Residential Zone. SHARE

(a) *Purpose:* To provide for agricultural or transitional area for suburban residential uses.
(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 6, 10-25-99)

Sec. 37-19. Uses permitted outright. SHARE

In an R-1 Zone, the following uses and their accessory uses are permitted outright, subject to the provisions of Article IV:

(1) Bed and breakfast facilities, subject to the special conditions of section [37-13.1\(1\)](#) of this code;

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- (2) Church, subject to the special conditions of section [37-20.1\(2\)](#) of this code;
- (3) Class A manufactured home;
- (4) Commercial uses legally established as of December 31, 2004, and which have maintained a valid business and occupation permit;
- (5) Family day care, subject to the special conditions of section [37-13.1\(2\)](#) of this code;
- (6) General farming, except feedlots;
- (7) Mortuary, subject to the special conditions of section [37-20.1\(1\)](#) of this code;
- (8) Park, subject to the special conditions of section [37-20.1\(4\)](#) of this code;
- (9) School, subject to the special conditions of section [37-20.1\(3\)](#) of this code;
- (10) Single-family dwelling;
- (11) Two-family dwelling. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 7, 10-25-99; Ord. No. 4385, § 1, 2-14-05; Ord. No. 4398, § 6, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 1, 11-28-16)

Sec. 37-20. Conditional uses permitted. [SHARE](#)

In an R-1 Zone the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in Articles IV and IX:

- (1) *Repealed by Ord. No. 4742.*
- (2) Class B manufactured home;
- (3) Day care center, subject to the special conditions of section [37-20.1\(5\)](#) of this code;
- (4) Group day care, subject to the special conditions of section [37-13.1\(3\)](#) of this code;
- (5) Intensification, or expansion of commercial uses of ten (10) percent of the building area or more which were legally established and licensed for business and occupation;
- (6) Manufactured home park, subject to the requirements of Chapter [23](#) of this code, with a minimum area of two (2) acres and a maximum density of five and eight-tenths (5.8) units per acre;
- (7) Noncommercial kennel, subject to commercial kennel standards of section [37-163\(15\)](#) of this code;
- (8) Preschool, subject to the special conditions of section [37-20.1\(6\)](#) of this code;

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(9) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;

(10) Re-establishment of a commercial use which was legally established but where the business and occupation license has lapsed for a period not to exceed one (1) year;

(11) Replacement of a nonconforming commercial use located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to standards of section [37-163](#)(17) of this code;

(12) Replacement of a nonconforming residential use not located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to setback and yard requirements of the R-2 Zone;

(13) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 8, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 2, 2-14-05; Ord. No. 4398, § 7, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 2, 11-28-16; Ord. No. 4742, § 2E, 8-19-19; Ord. No. 4799, § 2, 3-8-21)

Sec. 37-20.1. Special conditions. SHARE

(1) Mortuary.

(a) The size of the site is shown to be reasonable for the intended use.

(b) Access to the site meets all applicable ordinances.

(c) The abutting/adjacent properties will not otherwise be adversely affected.

(d) A site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.

(e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(2) Church.

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- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all the applicable ordinances.
- (c) The abutting/adjacent properties will not otherwise be adversely affected.
- (d) A church may exceed the height limitations of the zone in which it is located to a maximum of fifty (50) feet, if the total floor area of the building does not exceed one and one-half (1-1/2) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure.
- (e) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (f) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(3) *School.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all applicable ordinances.
- (c) The surrounding property will not otherwise be adversely affected.
- (d) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

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(4) *Park.*

(a) Site development plan is submitted for review and approval to the Lewiston parks and recreation manager; subsequent development shall be in substantial conformance with the approved development plan.

(b) The site development plan shall be shown to be in substantial compliance with the park and open space master plan.

(5) *Day care center, thirteen (13) children or over.*

(a) A business license is required in accordance with Chapter [21](#) of this code.

(b) The size of the site is shown to be reasonable for the intended use.

(c) Access to the site meets all applicable ordinances.

(d) The surrounding property will not otherwise be adversely affected.

(e) Off-street parking and pick-up/drop-off area shall be provided.

(6) *Preschool.*

(a) Approval of a conditional use permit from the planning and zoning commission is required. This requires a public hearing before the planning and zoning commission.

(b) A business license is required, including a criminal history check for all employees, volunteers and people over twelve (12) years of age living on the premises.

(c) Compliance with state regulations, Uniform Building Codes and city standards is required.

(d) The size of the site is shown to be reasonable for the intended use.

(e) Parking and access to the site meet all applicable ordinances.

(f) The surrounding property will not otherwise be adversely affected. (Ord. No. 4249, § 9, 10-25-99; Ord. No. 4351, § 3, 3-15-04; Ord. No. 4692, § 11, 10-30-17)

Sec. 37-21. Lot size.

 SHARE

In an R-1 Zone, the lot size shall be as follows:

(1) For a single-family dwelling, the minimum lot area shall be ten thousand (10,000) square feet, subject to sections [32-45\(f\)\(1\)](#) and [36-103](#) of this code.

(2) For a two-family dwelling, the minimum lot area shall be fifteen thousand (15,000) square feet, subject to sections [32-45\(f\)\(1\)](#) and [36-103](#) of this code.

(3) Lot width shall be a minimum of seventy (70) feet.

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(4) Lot depth shall be a minimum of one hundred (100) feet. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4381, § 1, 1-24-05; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4676, § 2, 11-28-16)

Sec. 37-22. Yards. SHARE

Except as provided in Article VIII, in an R-1 Zone yards shall be as follows:

- (1) A front yard shall be a minimum of twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.
- (2) A side yard shall be a minimum of ten (10) feet, except that on a corner lot the side yard on the street side shall be a minimum of fifteen (15) feet from the property line or thirty (30) feet from the centerline of the street, whichever is greater.
- (3) A rear yard shall be a minimum of twenty (20) feet.
- (4) Duplex dwelling units constructed as a use permitted outright in this zone and constructed so as to share a common or adjoining side wall shall be allowed to legally split into two (2) minimum seven thousand five hundred (7,500) square foot lots provided the front and rear setbacks are in compliance with this chapter and the side yard opposite the zero lot line shall be a minimum of twenty (20) feet. In no case shall the minimum width of the zero lot line lot be less than sixty (60) feet nor the depth less than one hundred (100) feet. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-23. Lot coverage. SHARE

Buildings shall not cover more than forty (40) percent of the lot. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-24. Height of buildings. SHARE

In an R-1 Zone, the buildings shall not exceed a height of thirty-five (35) feet. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-25. Reserved. SHARE

Editor's note – Ord. No. 4216, § 1, adopted Aug. 10, 1998, repealed § 37-25, relative to signs permitted in the R-1 Zone, which derived from Ord. No. 4108, § 2, adopted Aug. 15, 1994.

ARTICLE XII. AMENDMENTS

Sec. 37-178. Authorization to initiate amendments. SHARE

An amendment to the text of this chapter or to the official zoning map may be initiated by the council, by the commission, or by the property owner. A property owner may initiate a request for an amendment by filing an application with the community development department using forms prescribed in Article XIII. The application shall be submitted at least twenty (20) working days prior to the meeting of the planning and zoning commission at which it will be considered. (Ord. No. 4108, § 2, 8-15-94)

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Sec. 37-179. Public hearing and records of amendments. SHARE

The commission shall hold a public hearing on every requested change in zoning district boundaries in accordance with section [37-184](#) of this chapter. Its recommendations on each request zone change shall be transmitted to the city council. No zone change shall be accomplished other than by ordinance duly passed by the city council. The city clerk shall maintain records of amendments to this chapter in a form convenient for use by the public. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-180. Accordance with adopted comprehensive plan. SHARE

The commission shall evaluate a requested amendment to a zoning district to determine the nature and extent of the requested change. If it is in accord with the adopted comprehensive plan, the commission may recommend and the council may adopt or reject the requested change. The commission may request documentation of land use impacts, both existing and proposed, through studies, presentations, or other documents, and may require said documentation to be stamped and signed by professionals deemed qualified by the commission.

If the commission determines the requested change is not in accord with the adopted comprehensive plan, the commission may either deny the request or recommend to the council an appropriate amendment to the plan. The council may adopt or reject the amendment under the procedures provided in Idaho Code, Section [67-6509](#). After the plan is amended, the zoning map may be amended in conformity therewith. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4344, § 4, 11-17-03)

ARTICLE XIII. ADMINISTRATIVE PROCEDURE

Sec. 37-181. Composition of planning and zoning commission; appointments, term of members; filling of vacancies; removal of members, officers, committees; meetings; rules. SHARE

The planning and zoning commission shall consist of seven (7) members. The term of office for members shall be four (4) years. All members shall be residents of the city; provided, however, one (1) member may be a resident of the area of city impact. All members shall be appointed by the mayor and confirmed by majority vote of the council. Those members currently serving on the commission shall have their terms adjusted by the council so that the terms shall be balanced over the succeeding calendar years. Vacancies occurring through expiration of terms or otherwise shall be filled in the same manner as original appointments, said appointments being for the unexpired portion of that term. A member whose term has expired may serve until reappointed or until a qualified replacement has been appointed.

Members may be removed for cause by a majority vote of the council. Members shall be selected without respect to political affiliation and may receive reimbursement for actual expenses as provided in section [2-185](#) of this code. Members shall be deemed to be officials within the meaning of sections [2-156](#) through [2-160](#) of this code.

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The commission shall elect its own chairperson and create and fill other offices as it may determine necessary, and may establish and appoint from among its members such subcommittees as it may determine necessary to carry out its responsibilities.

At least one (1) regular meeting shall be held each month for not less than eleven (11) months in each year. A majority of the members of the commission shall be necessary to constitute a quorum at any meeting.

Written rules or bylaws consistent with Title 67, Chapter 65, Idaho Code, and other laws of this state for the transaction of business of the commission, shall be adopted with the approval of the council and a written record of meetings, hearings, resolutions, studies, findings, permits and actions taken shall be maintained. All meetings shall be open to the public pursuant to the Idaho Open Meetings Law, Title 74, Chapter 2, Idaho Code. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4502, § 1, 2-11-08; Ord. No. 4716, § 1, 6-11-18)

Comprehensive Plan:

The subject property is located in the Area of City Impact (ACI) and if annexed will be added to Neighborhood 7, East Orchards.

Relevant statements from the Comprehensive Plan include the following:

CHAPTER 6.8 AREA OF CITY IMPACT AND ANNEXED AREAS PURPOSE OF AREAS OF CITY IMPACT ACI's are transition areas between each city and the county and act as place holders for future annexation and eventual urban development. They are important because they help cities and counties carry out the purposes of planning, which include protecting property rights, ensuring that adequate public facilities and services are provided at reasonable cost, and encouraging urban type development within cities. ACIS are important tools that help coordinate growth with the availability of services. ACIs also help to concentrate density to those areas best prepared to receive new developments. This is referred to as managed growth and rules that govern it are described in §67-6526 of Idaho Code. Lewiston and Nez Perce County first adopted an ACI in 1982. The Lewiston ACI has been renegotiated since that time, most recently in 2014. The boundary is depicted on the Lewiston Area of City Impact Zoning Map.

Nez Perce County has adopted City of Lewiston zoning and development standards within the ACI boundary. For subdivision developments, three options for construction of improvements are available. Areas of City Impact Goal and Policies Goal Statement: To plan for and manage growth that protects private property rights, ensures adequate public facilities and services are provided at reasonable costs, encourage urban development within cities, and ensures that land is developed commensurate with its physical characteristics. Policies: 1. Nez Perce County should consider and weigh the needs of residents of Areas of City Impact in land use and land management decisions. 2. Nez Perce County recognizes that ACI's provide a way for cities and counties to grow in a way that maintains the quality of life for its current and future residents, prevents urban sprawl, protects critical lands, and anticipates future public service and facility needs. 3. Nez Perce County should encourage moderate to high-density

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residential and/or commercial development to locate in or adjacent to incorporated cities and communities where adequate public services are available. 4. Nez Perce County should require construction of rights-of-way and utilities when adjacent to city limits or existing public services. 5. Nez Perce County should provide reasonable alternatives to construction of rights-of-way and utilities when connections to existing public services are not available. 6. In the Lewiston ACI, Nez Perce County will require construction of all platted rights of way with adjacent development.

e. Vacant Lands Vacant lands in this neighborhood consist of lands used for pasture, land otherwise unsuitable for residential development and land awaiting development. Lands used for pasture is considered as a form of land banking for future development. The Orchards was originally platted in five acre lots. Over time, these lots began developing along the street side, leaving the centers undeveloped for use as pasture or gardens. This subdivision has continued but in many cases, the property on the interior of the large parcels is now landlocked, thus providing a resource for future development should access requirements be amended to allow full development.

h Desired Futures of Neighborhood Number Seven – East Orchards

2. Public utilities are not present in all parts of this neighborhood. Code limitations preclude significant development of lands not served. a. The serving utilities should extend public utilities to the city limits to allow proper development of the vacant lands remaining.

4. Residents of this neighborhood have strongly expressed a desire for the retention of animal rights. Whenever possible, preservation of animal rights should be retained especially along the extremities of the urban boundary. More intense agricultural uses and active farming within the city limits should be phased out over time to more urban uses.

12. In general, streets and drainage systems in this neighborhood do not meet current standards for local or collector streets. a. Site access must be improved with streets upgraded to current city standards, appropriate to the classification of the street. b. Area drainage throughout the area must be upgraded with curb, gutter and sidewalk installed and surface or underground stormwater collection systems installed.

CHAPTER 1. A VISION FOR LEWISTON IN 2020

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.

Fourth, we respect the environment in which we live, protecting our air and water quality and the lands more suited for wildlife than for urban development. We will

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site new business and industry in those areas where they will have the least impact on our quality of life.

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.

Powers Avenue is considered a collector street and 22nd Street is considered a local road. The sections of Powers Avenue and 22nd Street that are adjacent to the subject property were not evaluated for levels of service in the 2020 Transportation Plan, they also do not have pedestrian improvements currently and are not located on the existing transit routes.

CHAPTER 16. IMPLEMENTATION "An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan."

COMMUNITY GROWTH One way the community can grow is through annexation of additional territory. This provides additional land for the community to grow; in addition, the community gains control over the surrounding lands that will affect its ability determine future uses in the area. Throughout this plan, recommended annexations have been identified. The City should take steps to begin the process of annexation of these, and other, parcels.

Input From Other Departments/Agencies:

The Fire Department commented; "Access and water supply to comply with the IFC (International Fire Code)."

The Engineering Division of the Public Works Department commented; "No objections to the planned annexation, zone change and comprehensive map update."

Analysis:

The subject property is located south of the existing Skyview Estates Phase I subdivision and to the north and east of Skyview Estates Phase II subdivision. The subdivision proposal is for 36 residential lots ranging in size from 10,813 square feet to 21,629 square feet, making all proposed lots meet the lot size standard of the Suburban Residential, R1, Zone. Two of the proposed lots are classified as flag lots and meet the standards required for that lot configuration. The Suburban Residential, R1, Zone allows single family dwellings on lots of 10,000 square feet and duplexes on lots of 15,000 square feet. The R1 Zone also allows animal rights by right, so long as the lot has at least half an acre of land to dedicate to pasture area.

The applicant signed an irrevocable consent to annexation and utility service agreement with the City of Lewiston on March 15, 2022 and subject to that

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agreement has applied for annexation into the City limits. This annexation agreement was entered into because the developer owns land located outside of City limits and within the City's area of city impact and the developer desires to connect to the City's wastewater utility (sewer system). The City agrees to provide wastewater services to the Developer for the property, provided the Developer consents to annexation into the City of Lewiston. City sewer will be extended from Powers Avenue to serve the new phase of the development and water will be provided by Lewiston Orchards Irrigation District. The subdivision for the subject property is currently under review by the Nez Perce County Board of County Commissioners (BOCC) for approval and will be finalized by the BOCC under their jurisdiction and authority prior to finalization of annexation by the City Council in accordance with the Annexation Agreement.

Relevant Criteria and Standards:

See attached worksheet.

Staff Recommendation:

Staff recommends approval of ANC23-000001, CPA23-000001, and ZNC23-000001.

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