



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
February 12, 2025 - 5:30 PM
Bell Building – Second Floor Conference Room – 215 D Street
Lewiston, Idaho 83501**

Seating will be available on a first-come, first-served basis.

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 (3) minutes each.

III. ACTIVE AGENDA

A. APPROVAL OF JANUARY 22, 2025 MEETING MINUTES (ACTION ITEM)

- B. PUBLIC HEARING AND RECOMMENDATION TO COUNCIL ON ZONING CODE AMENDMENT, ZA-02-24 (ACTION ITEM):** The Commission will consider recommending to the City Council approval or denial of Zoning Code amendments to remove the prohibition of the use of shipping containers as buildings. The Planning and Zoning Commission previously held a public hearing on this matter on June 26, 2024 and had recommended approval to City Council. City Council, after considering and then reconsidering the proposal, is returning it to the Planning and Zoning Commission. - Action Item

IV. STAFF-COMMISSION COMMUNICATIONS

- A. SOLICITING COMMISSIONER ATTENDANCE FOR THE NEXT REGULARLY SCHEDULED MEETING OF FEBRUARY 26, 2025.**

V. ADJOURNMENT - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact Nikki Province, ADA Coordinator, at least forty-eight (48) hours in advance of the meeting at 208-746-3671 x 6211.

January 22, 2025

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

I. CALL TO ORDER

COMMISSIONERS PRESENT: Gabriel Iacoboni, Chair; Maureen Anderson; Kevin Kelly; Shaunita Cable; Cynthia Ball

COMMISSIONERS EXCUSED: Emily Wolf, Vice Chair; Kathy Branson

STAFF MEMBERS PRESENT: Joel Plaskon, City Planner; Dawn Ortiz, Community Development Office Supervisor

II. CITIZENS COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF JANUARY 08, 2025 MEETING MINUTES (ACTION ITEM)

Commissioners Ball and Anderson moved and seconded, respectively, approval of the January 08, 2025 meeting minutes with corrections. The motion carried 5-0.

B. CITY OF LEWISTON ENVISION LEWISTON 2044 (COMPREHENSIVE PLAN) IMPLEMENTATION WORK PLAN FOR 2024-2025 (ACTION ITEM):

Staff Plaskon provided a verbal summary of the Implementation Work Plan for 2024-2025 created from the Comprehensive Plan Work Plan Development Committee and noted that it is called for by and modeled from Chapter 11, Implementation, of the new Comprehensive Plan.

Commissioners discussed at length the advantages of reducing the current parking requirements, upzoning advantages and that the items mentioned in the Implementation Work Plan have a low cost to the city and its citizens but is expected to see immediate benefit for the community. Planner Plaskon pointed out how this Implementation Work Plan will change over time, as will the members of the related Committee and that city appointed commissions involved will ultimately be more than just the Planning and Zoning Commission and that, at some point, there will be initiatives placed into the Implementation Work Plan that likely won't even involve the Planning and Zoning Commission.

The Commission praised the hard work of the Committee that drafted the Implementation Work Plan, as well as the work of city staff and noted that several

of the initiatives contained therein are already well underway. The proposed Implementation Work Plan was discussed as being a 2 year plan.

After discussion Commissioners Kelly and Ball moved and seconded, respectively, to recommend approval of the Implementation Work Plan proposed by the Comprehensive Plan Work Development Committee and forward to City Council for consideration. Motion passed 5-0.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for February 12, 2025 meeting.

All current commissioners present plan to be in attendance for the February 12, 2025 meeting. Planner Plaskon noted that there will be a public hearing on a Zoning Code amendment to allow shipping containers to be as accessory buildings.

V. ADJOURN

There being no further business, Commissioner Anderson and Chair Iacoboni moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 6:09 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2025.

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 comments/testimony on

Wednesday February 12, 2025 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.

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

ZONING CODE AMENDMENT, ZA-02-24 (ACTION ITEM): The Commission will consider recommending to the City Council approval or denial of Zoning Code amendments to repeal and reserve Lewiston City Code section 37-129, and to amend Lewiston City Code section 37-131 to include shipping containers, sea cargo, and dry freight containers used as buildings, to be subject to the general provisions and standards for accessory buildings.

FOR FURTHER INFORMATION ABOUT THIS PROPOSAL contact Katie Hollingshead at the Community Development Department at khollingshead@cityoflewiston.org or (208) 746-1318, ext. 7261.

Submission of Written Comments/Testimony: To ensure that written comments can be forwarded to the Planning and Zoning Commission and relevant city staff prior to the hearing, please submit comments/testimony no later than **5:00 p.m. on Tuesday February 11, 2025** by: Emailing dortiz@cityoflewiston.org or mailing to: Dawn Ortiz, Community Development Department, PO Box 617, Lewiston, ID 83501.

Comments/Testimony for public hearings may also be given in-person at the meeting, during the public hearing.

Public Hearing notice publication date: Sunday January 26, 2024.

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, Dawn Ortiz, at least forty-eight (48) hours in advance of the meeting at dortiz@cityoflewiston.org or (208) 746-1318, ext. 7265.

CITY ORDINANCE NO. 4921

AN ORDINANCE OF THE CITY OF LEWISTON REPEALING AND RESERVING SECTION 37-129 OF THE LEWISTON CITY CODE ENTITLED "USE OF PREFABRICATED CONTAINERIZED TRANSPORT UNITS AS ACCESSORY BUILDINGS OR STORAGE UNITS"; AND AMENDING SECTION 37-131 OF THE LEWISTON CITY CODE ALLOWING USE OF SHIPPING CONTAINERS AS AN ACCESSORY BUILDING; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: Lewiston City Code § 37-129, "Use of prefabricated containerized transport units as accessory buildings or storage units," is hereby repealed in its entirety and reserved for future use.

SECTION 2: Lewiston City Code § 37-131 is hereby amended as follows:

Sec. 37-131. – General provisions, accessory buildings.

Purpose and applicability. To establish standards for accessory buildings. These provisions shall not apply to garden or gateway features, such as trellises, pergolas, arbors, or other features, which are erected for no purpose other than decoration or to make a visual statement and that do so using posts, poles, columns, lattice, fencing, or shade cloth, and do not include a bona fide roof and walls. These provisions shall apply to all accessory buildings, including shipping containers, sea cargo, and dry freight containers used as buildings, unless otherwise specified herein, by the underlying zoning district, or otherwise by a conditional use permit. These provisions shall not apply to buildings accessory to a commercial use or other nonresidential use, unless located in a residential zoning district. These provisions shall not apply to buildings exempt from building permits, such as agricultural buildings, and that are documented as such, except that such buildings shall meet the required minimum front and street side yard setbacks of the applicable zoning district and shall maintain five-foot minimum side and rear yard setbacks.

...

SECTION 3: This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED this _____ day of _____ 2024.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

Tanya M. Brocke, City Clerk

ORDINANCE NO. 4921

**THIS SECTION, 37-129, OF THE LEWISTON ZONING CODE IS PROPOSED FOR
DELETION AS PART OF ORDINANCE 4921**

Sec. 37-129. Use of prefabricated containerized transport units as accessory buildings or storage units.

- (a) The use of prefabricated containerized transport containers or dry freight containers as accessory buildings or storage buildings shall not be permitted in the City of Lewiston on property with residential (R), local commercial (C-1), tourist commercial (C-2) or central commercial (C-5) Zones. Said units may be placed on other property zoned commercially (C-3, C-4 or C-6) on a temporary basis subject to the following limitations:
- (1) The unit may not be placed on the property for longer than a period of ninety (90) days in any calendar year;
 - (2) The unit shall not be located in any setback required in the zone nor may it be placed in any clear vision area or required landscaping area;
 - (3) The unit shall not be located so as to reduce the number of parking or loading spaces below the minimum required for the use of the property;
 - (4) Any such unit placed with ancillary compressors, chillers or other similar devices which produce audible noise shall be so placed and located so that the noise generated by said device shall be inaudible from any adjacent residential uses.

Said temporary uses shall be subject to the approval of the community development department upon receipt of a site plan clearly showing the following information:

- (1) The location of the existing buildings, structures, parking and loading areas, required landscaping and setbacks, signs and other physical features of the site;
- (2) Use of adjacent properties;
- (3) Size and location of the unit proposed to be located on the site and the proposed use of said unit;
- (4) Other information as may be reasonably required by the community development department in order to properly evaluate the request.

A building permit shall be required for the placement of these structures; said permit shall be in conformance with the requirements for said permits under the Lewiston City Code.

- (b) Said units may be placed on any property zoned port (P), airport (A) or manufacturing (M) subject to the receipt of a building permit and conformance to the setback requirements of the zone in which the unit is to be located.

This prohibition does not preclude their use in conjunction with bona-fide shipping and transport activities.

(Ord. No. 4108, § 2, 8-15-94)

Memo



TO: Mayor and City Council
FROM: Joel D. Plaskon, City Planner, AICP
CC: Shannon Grow, Community Development Director
DATE: May 10, 2024
RE: Shipping Containers

In 1994 Lewiston City Code (LCC) was amended to prohibit the use of prefabricated containerized transport units (shipping containers) as “accessory buildings or storage buildings” in all zoning districts, except the Industrial, Port, and Airport Zones. This prohibition continues today, pursuant to LCC Sec. 37-129. The related code provisions were established primarily due to the “unsightliness” of these units. Over time, the demand for shipping container use as detached accessory buildings for storage purposes has increased. Many residents and businesses have placed them on their properties, despite their prohibition by LCC.

As with most of our code enforcement, the remediation of these violations is reactive, i.e. by response to complaints. Although this particular code enforcement matter is a very minor part of the current workload, the proliferation of shipping containers as storage buildings deserves attention. Code Enforcement staff estimates the number of shipping containers being used for storage buildings in the city to be well into the hundreds, and they have been observed in virtually every zoning district in the city. When a prominent code violation circumstance has been observed, proactive enforcement should be considered. However, such enforcement has significant implications.

As a matter of policy, it is good practice to reconsider code provisions that prohibit or prevent community members from doing something that is in high demand, especially when they do it despite prohibition. Out of interest, Community Development staff has polled the cities of Clarkston, Post Falls, Eagle, Moscow, Boise, Pullman, Kuna, and Ammon, and only Eagle prohibits the use of shipping containers as detached accessory buildings.

In light of these circumstances, Community Development staff is asking the City Council for direction on the possibility of either:

- 1) leaving these circumstances as they are, i.e. keep the prohibition in place and enforce violations on a reactive (in response to complaint) basis;
- 2) proactively enforcing the prohibition;

- 3) amending LCC to allow the use of shipping containers as detached accessory buildings by removing the prohibition provisions from the Zoning Code.

Should the Council choose option 3, then then it needs to direct staff to begin the public hearing process to amend the Zoning Code. The Planning and Zoning Commission will conduct a public hearing and make a recommendation on the matter, then the City Council will conduct a public hearing and render a decision to approve or reject the code amendment.

VI. DISCUSSION ITEMS

Please note that identifying an item as an "Action Item" does not require the City Council to vote on that item.

- A. **MAIN STREET CORRIDOR IMPROVEMENTS PROJECT:** Update from Welch Comer & Associates, Inc. regarding the planned process for public engagement related to the preliminary design for the Main Street Corridor Improvements project - Action Item

City Engineer Antonich introduced Phil Boyd and Adam Ratliff of Welch Comer & Associates. A general overview of the process was provided, along with the goals and intent of the project.

Councilor Forsmann arrived at 3:26 p.m.

- B. **SHIPPING CONTAINERS:** Providing direction to the City Staff on how to proceed related to code enforcement of zoning code provisions prohibiting shipping/sea cargo containers - Action Item (City Planner Plaskon)

City Planner Plaskon requested direction from City Council on the possibility of either 1) leaving the City Code as is and enforcing violations on a reactive basis, 2) proactively enforcing the prohibition, or 3) amending the City Code to allow the use of shipping containers by removing the prohibition provisions from the Zoning Code.

After discussion, Councilors Liedkie and Spickelmire moved and seconded, respectively, to direct staff to begin the public hearing process, specifically under Option 3 (amending Lewiston City Code to allow the use of shipping containers as detached accessory buildings by removing the prohibition provisions from the Zoning Code) and move forward with the Planning & Zoning process. The motion passed 6-0.

- C. **FIRE STATION HAZARD MITIGATION PLAN UPDATE:** Receiving an update on the Fire Station Hazard Mitigation Plan and providing direction to the Fire Chief and City Staff on next steps to remove other hazards at the City's fire station facilities - Action Item (Fire Chief Rightmier)

Fire Chief Rightmier provided the City Council with an update on the progress of the Fire Station Hazard Mitigation project, along with the proposed solutions and recommendations for Fire Stations 1, 2, and 4.

- D. **BERT LIPPS POOL:** Review and discussion of the Bert Lipps Pool study by Counsilman/Hunsaker & Associates, Inc. - Action Item (Councilor Spickelmire)

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Work Session Minutes

June 3, 2024 – 3:00 p.m. – Page 2 of 4

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 June 26, 2024 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 Youtube 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) 746-1318 ext 7265 and leaving a message.

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

ZONING CODE AMENDMENT, ZA-02-24, SHIPPING CONTAINERS: Lewiston City Code, Sec. 37-129 prohibits the use of shipping containers as storage buildings in all zoning districts except the Industrial, Port, and Airport Zoning Districts. Lewiston City Council, at their work session meeting on June 3, 2024, directed staff to begin the public hearing process to remove this prohibition from city code. A related amendment to the definition of "building" in city code is also proposed. The Planning and Zoning Commission will consider this matter and make a recommendation to City Council to approve or deny this proposal.

FOR FURTHER INFORMATION contact the Community Development Department at (208) 746-1318, Planning and Zoning Extension.

Hearing notice publication date: Sunday June 9, 2024.

ZA-02-24, SHIPPING CONTAINERS

Sec. 37-129. Use of prefabricated containerized transport units as accessory buildings or storage units.

~~(a) — The use of prefabricated containerized transport containers or dry freight containers as accessory buildings or storage buildings shall not be permitted in the City of Lewiston on property with residential (R), local commercial (C-1), tourist commercial (C-2) or central commercial (C-5) Zones. Said units may be placed on other property zoned commercially (C-3, C-4 or C-6) on a temporary basis subject to the following limitations:~~

~~(1) — The unit may not be placed on the property for longer than a period of ninety (90) days in any calendar year;~~

~~(2) — The unit shall not be located in any setback required in the zone nor may it be placed in any clear vision area or required landscaping area;~~

~~(3) — The unit shall not be located so as to reduce the number of parking or loading spaces below the minimum required for the use of the property;~~

~~(4) — Any such unit placed with ancillary compressors, chillers or other similar devices which produce audible noise shall be so placed and located so that the noise generated by said device shall be inaudible from any adjacent residential uses.~~

~~Said temporary uses shall be subject to the approval of the community development department upon receipt of a site plan clearly showing the following information:~~

~~(1) — The location of the existing buildings, structures, parking and loading areas, required landscaping and setbacks, signs and other physical features of the site;~~

~~(2) — Use of adjacent properties;~~

~~(3) — Size and location of the unit proposed to be located on the site and the proposed use of said unit;~~

~~(4) — Other information as may be reasonably required by the community development department in order to properly evaluate the request.~~

~~A building permit shall be required for the placement of these structures; said permit shall be in conformance with the requirements for said permits under the Lewiston City Code.~~

~~(b) — Said units may be placed on any property zoned port (P), airport (A) or manufacturing (M) subject to the receipt of a building permit and conformance to the setback requirements of the zone in which the unit is to be located.~~

~~This prohibition does not preclude their use in conjunction with bona-fide shipping and transport activities.~~

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-3. Definitions.

As used in this chapter:

Building means any structure having a roof supported by walls, posts, or columns and built for the shelter of persons, animals, or property of any kind. This term shall include shipping, ocean, intermodal, and sea cargo containers and prefabricated containerized transport units.

June 26, 2024

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

I. **CALL TO ORDER**

COMMISSIONERS PRESENT: Cynthia Ball, Chair; Gabriel Iacoboni, Vice Chair; Kevin Kelly; Kathy Branson; Shaunita Cable; Emily Wolf;

COMMISSIONERS EXCUSED: Maureen Anderson;

STAFF MEMBERS PRESENT: Joel Plaskon, City Planner; Dawn Ortiz, Community Development Office Supervisor; Jennifer Tengono, City Attorney;

II. **CITIZEN COMMENTS**

None

III. **APPROVAL OF JUNE 12, 2024 MEETING MINUTES (ACTION ITEM)**

Vice Chair Iacoboni and Commissioner Branson moved and seconded, respectively, approval of the June 12, 2024 meeting minutes. The motion carried 6-0.

IV. **PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND RECOMMENDATION TO CITY COUNCIL ON ZONING CODE AMENDMENT, ZA-02-24, SHIPPING CONTAINERS (ACTION ITEM)**

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

Staff Plaskon provided a verbal summary of the zoning code changes for placement of shipping containers within City limits. Staff Plaskon stated that this was brought to City Council's attention and they direct staff to start the public hearing process and that is why it is in front of the commission tonight.

Commissioner Kelly asked if staff knew why they prohibited storage containers in the first place.

Staff Plaskon stated that storage containers were not considered pleasant to look at, so they were not allowed in City Limits.

Chair Ball asked if there had been any action to the violations and are the existing containers grandfathered in.

Staff Plaskon stated that no action has been taken, as it is on a complaint basis and the existing containers are not legal so they cannot be grandfathered in.

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Commissioner Cable expressed concerned that there is no action taken now for the illegal structures how will the City mitigate if moving forward.

Staff Plaskon stated that is a policy that would be set forth by City Council and there has not been given any information on that policy yet. When there is a prohibition against something in City Code and the community continues to do it, that is a sign that there is a demand and the community has a want the City is not meeting. One of the primary purposes of doing this is that at least it gives them the option to do it legally.

Commissioner Cable states she sees it as they are doing it because it is not enforced and they can get away with it.

Vice Chair Iacoboni stated that there is an aspect of self-regulation of having it in code, instead of just everyone is in violation.

Commissioner Wolf asked if it complaint driven then what is the follow up.

Staff Plaskon stated that the Community Resource Officer would be sent out, to verify the violation and the homeowner would be notified of the violation and they would have either to remove the structure or acquire a building permit.

Chair Ball asked staff if the City Council requested this be removed from code.

Staff Plaskon stated yes.

Commissioner Wolf asked if any additional land use applications would be required for placement of a storage container such as a conditional use application.

Staff Plaskon stated no, just a building permit unless they use the storage container for something besides storage.

There being no public comment Chair Ball closed the public hearing.

→ After deliberation and discussion, Commissioner Branson and Vice Chair Iacoboni moved and seconded, respectively, to recommend approval of ZA-02-24 to the City Council. Motion passed 6-0.

V. STAFF-COMMISSION COMMUNICATIONS

A. Query of Commissioners for the July 10, 2024 meeting (public hearing on ZA-01-24, removal of Public Works Requirements from the Zoning Code)

All Commissioners present stated they shall be in attendance at the July 10, 2024 meeting, beside Commissioner Kelly who will not be present.



CITY COUNCIL MEETING AGENDA ITEM SUMMARY

ITEM TITLE 1ST READING: ORDINANCE 4921	AGENDA NO. VI.D AGENDA DATE: August 12, 2024
ITEM SUMMARY (Background, Discussion, Key Points, Recommendations, etc.) Ordinance 4921 proposes to remove from the Zoning Code the prohibition of the use of shipping containers as buildings on residentially and commercially zoned properties, as further described in agenda item VI.C.	
BUDGET IMPACT (Identify any or all impacts this proposed action would have on the City budget and/or personnel resources) As described in agenda item VI.C	
ACTION PROPOSED Approve Ordinance 4921.	

CITY ORDINANCE NO. 4921

AN ORDINANCE OF THE CITY OF LEWISTON REPEALING AND RESERVING SECTION 37-129 OF THE LEWISTON CITY CODE RELATED TO THE USE OF PREFABRICATED CONTAINERIZED TRANSPORT UNITS AS ACCESSORY BUILDINGS OR STORAGE UNITS; AND AMENDING SECTION 37-3 TO AMEND THE DEFINITION OF "BUILDING" TO INCLUDE SHIPPING CONTAINERS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: Lewiston City Code § 37-129, "Use of prefabricated containerized transport units as accessory buildings or storage units," is hereby repealed in its entirety and reserved for future use.

SECTION 2: Lewiston City Code § 37-3 is hereby amended as follows:

Sec. 37-3. – Definitions.

As used in this chapter:

...

Building means any structure having a roof supported by walls, posts, or columns and built for the shelter of persons, animals, or property of any kind. This term shall include shipping, ocean, intermodal, and sea cargo containers and other similar prefabricated containerized transport units.

...

SECTION 3: This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED this _____ day of _____ 2024.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

Tanya M. Brocke, City Clerk

ORDINANCE NO. 4921

THE REQUIREMENT THAT STORMWATER CONTROLS BE INCORPORATED INTO LANDSCAPE BUFFERS AND STATEMENTS OF ANTICIPATED TRAFFIC GENERATION; AMENDING SECTION 37-93.8 TO ADD THE CITY ENGINEER AS ADMINISTRATOR AND REMOVE SIDEWALK STANDARDS; AND PROVIDING AN EFFECTIVE DATE.

- C. **PUBLIC HEARING: ZA-02-24:** Accepting testimony on Zoning Code Amendment ZA-02-24 to remove the prohibition against the use of shipping containers as buildings on residential and commercial properties and to amend the definition of "building" to include shipping containers in Chapter 37 of Lewiston City Code - Action Item (City Planner Plaskon)

Mayor Johnson announced the subject of the public hearing, explained the public hearing process and opened the public hearing.

City Planner Plaskon explained Zoning Amendment ZA-02-24 proposes to remove the prohibition against the use of shipping containers as buildings on residential and commercial properties, as well as amend the definition of "building" to include shipping containers in Chapter 37 of the Lewiston City Code.

Mayor Johnson asked for public testimony.

Bill Furstenau, a resident of Lewiston, voiced his opposition to the zoning amendment.

Two emails were received: Pat Hansen opposed the amendment, while Darlene Lambert supported the amendment but opposed the permit fee requirements. There being no further testimony, Mayor Johnson closed the public hearing.

- D. **FIRST READING: ORDINANCE 4921:** Considering repealing and reserving Section 37-129 of the Lewiston City Code related to the use of prefabricated containerized transport units as accessory buildings or storage units, and amending Section 37-3 to amend the definition of "building" to include shipping containers - Action Item (City Planner Plaskon)

Councilor Schroeder moved and Council President Kleeburg seconded to approve the first reading of Ordinance 4921.

Councilor Liedkie explained that she would be abstaining from the vote, as her employer, Opportunities Unlimited Inc., has two shipping containers on its lot.

The motion passed 4-1-1, with Councilor Spickelmire opposed and Councilor Liedkie abstaining.

ORDINANCE 4921: AN ORDINANCE OF THE CITY OF LEWISTON

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REPEALING AND RESERVING SECTION 37-129 OF THE LEWISTON CITY CODE RELATED TO THE USE OF PREFABRICATED CONTAINERIZED TRANSPORT UNITS AS ACCESSORY BUILDINGS OR STORAGE UNITS; AND AMENDING SECTION 37-3 TO AMEND THE DEFINITION OF "BUILDING" TO INCLUDE SHIPPING CONTAINERS; AND PROVIDING AN EFFECTIVE DATE.

E. PUBLIC HEARING: FISCAL YEAR 2024 BUDGET AMENDMENTS:

Accepting testimony on a proposed amendment to the Fiscal Year 2024 budget to receive unanticipated revenues received during the fiscal year and authorizing their expenditure - Action Item (Finance Director Gordon)

Mayor Johnson announced the subject of the public hearing, explained the public hearing process, opened the public hearing and asked for the staff presentation.

Finance Director/City Treasurer Gordon provided a presentation and reviewed the fiscal year 2024 budget amendments.

There being no public testimony, Mayor Johnson closed the public hearing.

F. FIRST READING: ORDINANCE 4926: Considering amending Ordinance 4894, the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, appropriating additional monies that are to be received by the City of Lewiston, Idaho in the sum of fifteen million five hundred eighteen thousand six hundred thirty dollars (\$15,518,630) - Action Item (Finance Director Gordon)

Councilor Schroeder moved to approve the first reading of Ordinance 4926. Council President Kleeburg seconded and the motion passed 6-0.

ORDINANCE 4926: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING ORDINANCE NO. 4894, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF LEWISTON, IDAHO IN THE SUM OF FIFTEEN MILLION FIVE HUNDRED EIGHTEEN THOUSAND SIX HUNDRED THIRTY DOLLARS (\$15,518,630); AND PROVIDING AN EFFECTIVE DATE.

G. PUBLIC HEARING: FISCAL YEAR 2025 BUDGET: Accepting testimony on the proposed budget for the fiscal year commencing October 1, 2024 and ending September 30, 2025 - Action Item (Finance Director Gordon)

Mayor Johnson announced the subject of the public hearing, explained the public hearing process, opened the public hearing and asked for the staff presentation.

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Memo



To: Dan Johnson, Mayor
Lewiston City Council

From: Shannon Grow, Community Development Director

Date: October 25, 2024

RE: Shipping Containers

At the June 3, 2024 worksession, staff gave background information regarding the prohibition of shipping containers in LCC Section 37-129. At that time, staff approached Council for direction on whether to leave the prohibition in place, or explore code changes, which would allow shipping containers as detached accessory buildings. Leaving the prohibition in place would result in significant enforcement as Code Enforcement staff estimates that there are hundreds of these containers throughout the City. Removing them from the Code would allow shipping containers in the City, which would be in line with cities in Idaho including Post Falls, Moscow, Boise, Kuna, and Ammon as well as nearby cities in Washington including Pullman and Clarkston. City Council directed staff to draft language and work with the Planning and Zoning Commission to remove the restriction of shipping containers from the zoning code.

On June 26, 2024, the Planning and Zoning Commission held a public hearing and reviewed the recommended code changes from staff, which included removing the prohibition in LCC Section 37-129, and added shipping containers in the definition of a building in LCC Section 37-3. There was no testimony at the hearing and after deliberation, the Planning and Zoning Commission recommended approval of the code changes.

On August 12, 2024, the Council held a public hearing on the recommended zone changes. During that meeting, one citizen from the public was present that was opposed to the changes, one letter received from a citizen opposed to the changes, and one letter received in favor of the change, and recommended that there be no permit fee requirements. The corresponding ordinance, Ordinance 4921, was read for the first time on that date. There were questions from Council at that time about permits and fees associated with shipping containers.

At the August 26, 2024 meeting, Council received testimony during citizen comments asking the Council to consider not charging permit fees for storage containers. Staff requested to delay the second reading of Ordinance 4921 so staff could adjust the Ordinance and present it to Council at a future date. Council again had feedback regarding permits and fees.

Staff looked into the issue of permits and fees for shipping containers. LCC Sec. 37-131 is general provisions for accessory buildings. There are accessory buildings, such as agricultural buildings, that are exempt from building permits, but they do have to maintain setbacks within the zones in which they are located. These are processed with a form at Community Development to document them and to provide

the property owner the setback requirements. This process could also be done with shipping containers with the attached draft form. At this time, there is no fee established in the fee resolution for shipping containers. If Council desired to require a fee for this process, the appropriate time would be during the annual fee resolution adoption.

Community Development staff has received public feedback that shipping containers should not be allowed in all zones, and more specifically, Normal Hill zones. Currently, the Normal Hill zones do not allow accessory buildings in front of, or projecting beyond, the front wall of the dwelling unit unless it meets one of two exceptions:

- 1) The lot is less than 50 feet in width and there is no abutting alley, or 50% of the dwelling is constructed within the rear half of the depth of the lot and there is no abutting alley or
- 2) The detached accessory building is on the street side of a corner lot and it meets the minimum required street side yard setback and does not project beyond the front wall of the dwelling on the front yard side.

However, the Council could find that it is appropriate to continue to prohibit shipping containers in the zones because lots tend to be smaller, and there are historic properties where a shipping container may not compliment certain aesthetics. Given this, Council could consider continuing the prohibition of shipping containers in Normal Hill zones.

Recommendation: Review options given and give direction to staff.



CITY COUNCIL MEETING AGENDA ITEM SUMMARY

ITEM TITLE SHIPPING CONTAINERS	AGENDA NO. IV. B. AGENDA DATE: December 2, 2024
ITEM SUMMARY (Background, Discussion, Key Points, Recommendations, etc.) City staff presented city code and related enforcement matters regarding the prohibition of the use of shipping containers as buildings in the City of Lewiston in most zoning districts on June 3, 2024, at which time staff asked the Council for direction on how to proceed. Since that time, the Council has considered these matters several more times, including the conducting of a public hearing on potential city code amendments on August 12 th and its last review at work session on November 4th, and has been unable to determine the direction it would like to take.	
BUDGET IMPACT (Identify any or all impacts this proposed action would have on the City budget and/or personnel resources) There is no budget impact at this time.	
ACTION PROPOSED Review options given by staff in the attached memo. Give direction on how to proceed.	

Memo



TO: Mayor and City Council
FROM: Shannon Grow, Community Development Director
CC: Joel D. Plaskon, City Planner, AICP
DATE: November 21, 2024
RE: Shipping Containers

City staff presented city code and related enforcement matters regarding the prohibition of the use of shipping containers as buildings in the City of Lewiston in most zoning districts on June 3, 2024, at which time staff asked the Council for direction on how to proceed. Since that time, the Council has considered these matters several more times, including the conducting of a public hearing on potential city code amendments on August 12th and its last review at work session on November 4th, and has been unable to determine the direction it would like to take.

In continuance of these considerations, staff offers the following options to City Council, listed in no order of priority:

- 1) Take no action. This option would leave city code, as is, continuing the prohibition of the use of shipping containers for use as buildings in most zoning districts. Currently, they are allowed only in the Industrial, Port, and Airport Zoning Districts. They are currently prohibited in all 17 other zoning districts, except for temporary use only (90 days) in the C-3, C-4, and C-6 Zoning Districts. If this option is chosen, staff will draft a strategy for enforcement and present it to Council at a future meeting.
- 2) Amend city code to allow the use of shipping containers in all zoning districts. This option would be fair and consistent across the board. It would satisfy the desire of those property and business owners who desire the take advantage of the related benefits, especially those that already have them but are out of compliance, but would upset those who believe that the presence of shipping containers is out of character with the community and reduces neighboring property values.

This option would also require a decision by the Council, as it had expressed interest in prior, whether or not to require associated building permits and, if so, whether such permits should require related fees and whether or not special placement standards should apply, i.e. setbacks, visibility, height, cosmetic treatment(s).

- 3) Amend city code to allow the use of shipping containers in not in all zoning districts, but in more than what is currently allowed. This option is a tricky one, because the Council would have to decide in which zoning districts they are appropriate to be located in vs. not. The difficulty here lies in the fact that zoning districts are not “cut and dry,” in terms of what land use types are allowed to exist and what land use types actually exist (vs what is allowed, i.e. “grandfathered” uses). In other words, if the Council decides it is appropriate to allow shipping containers for use as buildings in all commercial and industrial zoning districts, but not in any residential zoning districts, it must consider the fact that we have multiple “mixed use” zoning districts where both residential and commercial uses are allowed. Additionally, several zoning districts allow commercial uses by right, but also allow residential uses by conditional use permit, and vice versa.

Additionally, this option would appear to require the addition of a definition of shipping containers to city code to be able to authoritatively differentiate them from “buildings” and then amend the various zoning districts where they will not be allowed to expressly prohibit them. That presents its own difficulty.

If they are prohibited, for example in the Normal Hill zoning districts in order to protect the historic character of those neighborhoods but allowed in other residential zoning districts then that seems to presume that they are and will only be used for storage and that they are all more unsightly than other types of storage structures and conditions.

For example, a property owner in Normal Hill may want to convert one or more shipping containers (attached to one another) into an accessory dwelling unit or even for use as a small, primary dwelling. In that case, the shipping container(s) would could be expected not to be “unsightly” and would have nice paint, or even siding and/or roofing added to it and have windows and doors.

However, if we simply say that shipping containers are prohibited from being used in the Normal Hill Zoning Districts, the aforementioned example would not be allowed, unless we say in the definition (that would need to be added to city code) that one or multiple shipping containers converted to habitable space excludes them from being a shipping container and that they then qualify as a “building” so they can be used as a dwelling.

This option would also require a decision by the Council, as it had expressed interest in prior, whether or not to require associated building permits and, if so, whether such permits should require related fees and whether or not special placement standards should apply, i.e. setbacks, visibility, height, cosmetic treatment(s).

- 4) Amend city code to prohibit the use of shipping containers as buildings in all zoning districts. This option is technically simple but appears to be unrealistic in terms of the overall desire and the reality of what is actually happening in the community.

property taxes. Next steps include confirming the project scope and developing a funding plan, with the goal of finalizing these ahead of a bond election in May.

- B. SHIPPING CONTAINERS:** Continued discussion and possible direction regarding city code enforcement and potential amendments to Lewiston City Code related to the prohibition of shipping containers as buildings in most zoning districts - Action Item (Community Development Director Grow)

Community Development Director Grow provided a summary of the background on shipping containers and reviewed four options for Council consideration:

1. Take no action and enforce current regulations.
2. Amend city code to allow shipping containers in all zones.
3. Amend city code to allow them in additional, but not all, zones.
4. Amend city code to prohibit them in all zones.

After reviewing the options, Councilor Klein moved, with a second from Council President Kleeburg, to select option 2, to amend City Code to allow shipping containers in all zoning districts. The motion carried 4-1 with Councilor Schroeder opposed.

- C. OPIOID SETTLEMENT FUNDING TASK FORCE:** A presentation on the establishment of a Task Force and Grant Program for Opioid Settlement fund allocation - Action Item (Grant Manager Rose)

Grant Manager Rose provided an update on opioid funding and the establishment of a task force. She reported \$484,000 is currently available for the program, with an additional \$1.2 million to be received over the next 18 years. The program has been identified as the most effective approach, and a task force has been assembled, including representatives from CHAS Health, Idaho Department of Corrections, St. Joseph's Regional Medical Center, Union Gospel Mission (UGM), and Public Health - Idaho North Central District.

The task force will evaluate applications, with the following proposed timeline:

- January 2025: Application period opens.
- February 28, 2025: Application period concludes.
- March 30, 2025: Project selections are announced.

- D. ENGINEERING DEVELOPMENT CODE UPDATES:** An overview of proposed revisions to Lewiston City Code Sections 31-47 and 31-51 to align with the ADA Transition Plan, enhance development processes, and prioritize strategic frontage improvements - Action Item (Public Works Director Johnson)

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Memo



TO: Mayor and City Council
FROM: Shannon Grow, Community Development Director
CC: Joel D. Plaskon, City Planner, AICP
DATE: December 18, 2024
RE: Shipping Containers

City staff presented a list of options to City Council regarding the use of shipping containers as buildings at the December 2, 2024 Council work session. Those options were:

- 1) Continue the current prohibition of the use of shipping containers for use as buildings in most zoning districts.
- 2) Amend city code to allow the use of shipping containers as buildings in all zoning districts.
- 3) Amend city code to allow the use of shipping containers as buildings in not in all zoning districts, but in more than what is currently allowed.
- 4) Amend city code to prohibit the use of shipping containers as buildings in all zoning districts.

The City Council agreed to pursue option #2 to allow the use of shipping containers as buildings in all zoning districts. City staff met to confirm our understanding of the City Council's direction, which was understood to be our preparation of an ordinance to bring back to City Council for the Council to see exactly what that would look like and to confirm what would be considered at public hearing for related City Code amendment.

Staff has drafted Ordinance #(Fill in Ord # here when known) for City Council's review to confirm that it provides for City Code amendment allowing the use of shipping containers in all zoning districts, to the satisfaction of the Council. Ordinance #(Fill in Ord # here when known) proposes to eliminate Lewiston City Code Section 37-129, the section that currently contains the prohibition on the use of shipping containers as buildings and proposes to add language to Lewiston City Code Section 37-131 to expressly permit the use of shipping containers as accessory buildings.

This proposal, by default, will result certain shipping containers needing building permit approvals and others not needing building permit approvals, in accordance with Building Code regulations. City Council should note that, regardless of need for building permit approval, all shipping containers used as buildings will be subject to Zoning Code regulations, such as allowable land use, allowable lot coverage, and minimum required setbacks from property lines.

V. DISCUSSION ITEMS

Please note that identifying an item as an "Action Item" does not require the City Council to vote on that item.

- A. AMENDED ORDINANCE 4921:** Discussion and direction to staff on the proposed amended shipping container ordinance before referring it to the Planning and Zoning Commission for its recommendation - Action Item

No discussion.

- B. ANNEXATION OF CCI/SPEER PROPERTIES ON SNAKE RIVER AVENUE AND SOUTHPORT AVENUE:** Discussion led by Councilor Klein on potential annexation of CCI/SPEER properties, including tax revenue and budget impacts to the City of Lewiston - Action Item

Councilor Klein spoke to her request to consider annexing the CCI/SPEER properties into the City. The Council discussed the potential impact on the budget and general fund, with some questioning the advantages of annexation.

- C. 5TH STREET AND BRYDEN AVENUE PROPERTY:** Discussion led by Councilor Klein on whether to auction city property at 5th Street and Bryden Avenue - Action Item

Councilor Klein expressed concerns about the underutilized property at 5th Street and Bryden Avenue and inquired whether the Council wished to explore potential options. Originally intended for a fire station, the project was delayed due to rising costs. After discussion, the Council agreed to keep the matter on a future agenda for further consideration.

VI. UNFINISHED AND NEW BUSINESS

- A. CITY COUNCILOR COMMENTS:** Comments shall not be related to an item currently before the City Council or an item that may come before the City Council in the foreseeable future, and shall be limited to comments, not discussion.

Councilor Klein suggested that people consider using dash cams to address aggressive driving, as they help hold individuals accountable.

Councilor Forsmann thanked the candidates who attended and encouraged them to run in the upcoming election.

- B. CITY BOARDS AND COMMISSIONS LIAISON UPDATES**

Mayor Johnson explained his process for meeting with Board and Commission

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