



January 28, 2025

The **Lewiston Comprehensive Plan Work Plan Development Committee** met in the Bell Building First Floor Conference Room at 215 “D” Street. Chair Iacoboni called the meeting to order at 12:01 p.m.

I. CALL TO ORDER

COMMITTEE MEMBERS PRESENT: Committee Chair, Gabe Iacoboni (Planning & Zoning Commission); Maureen Anderson (Planning & Zoning Commission)
Mayor Dan Johnson; Kathy Schroeder (City Council);

COMMITTEE MEMBERS EXCUSED: Emily Wolf, Committee Vice Chair; Jessica Klein (City Council)

STAFF MEMBERS PRESENT: Joel Plaskon, City Planner; Katie Hollingshead, Assistant Planner

GUESTS: Shawn Wentworth, Lewiston Moscow Landscaping; Brian McKarcher, Living Waters Landscaping; Shirley Phillips, Urban Forestry and Cemetery Commission

II. DISCUSSION ABOUT POTENTIAL AMENDMENTS TO LEWISTON LANDSCAPING CODE REQUIREMENTS

Planner Plaskon reviewed that at a previous Committee meeting discussing parking code amendments, that the landscaping code also came up as a section needing possible amendments. Planner Plaskon invited a number of landscaping contractors and members of the Urban Forestry Commission to participate in drafting those amendments. Planner Plaskon introduced Shawn Wentworth from Lewiston Moscow Landscaping, Brian McKarcher from Living Waters Landscaping, and Shirley Phillips from the Urban Forestry Commission and thanked them for attending the meeting.

Ms. Phillips stated that the Urban Forestry Commission had previously worked on a number of amendments to the landscaping code that had not been codified and provided Planner Plaskon with a copy of the proposed amendments. Planner Plaskon asked Mr. Wentworth and Mr. McKarcher how they felt the current code requirement of 1 shade tree and 5 shrubs every 35 feet for perimeter landscaping was working. Did they think the requirement was sufficient, did it need to be increased or decreased. Mr. McKarcher said that he thought the requirement was pretty standard in comparison to other jurisdictions he works in and that it really depended on the client. Some clients don't care about

landscaping and are only willing to do the bare minimum and some clients really want to enhance the look of their property and want much more landscaping than what is required by code. Mr. Wentworth agreed and stated that if you don't have some sort of standard set in code then people will do nothing if they can get away with it. He continued that he didn't think the 5 foot perimeter planting strip was sufficient because many shade trees need more room than that and end up destroying the surrounding pavement and sidewalks. He also brought up that more attention should be given to perimeter landscaping around entrances and exits to businesses because trees, and even some bushes and grasses, cause line of sight problems when pulling into traffic.

The Committee then discussed how landscape plans are reviewed, when site visits are conducted and how to keep conflicts between trees and line of sight managed.

Mr. Wentworth said that the Tree Selection Guide separates trees into three (3) classes and that the width of the planter strip should match the class of tree to ensure enough room is given for future growth.

The Committee discussed the Tree Selection Guide and the Urban Forestry Commission updating the Guide to include fewer tree species, and trees that would be most appropriate in the climate of Lewiston. The discussion continued to include various ideas about how to tie the perimeter planter strip width in the Zoning Code to the class of tree in the Tree Selection Guide and the intended shade coverage area.

Planner Plaskon then moved the conversation to interior parking lot landscape plantings.

The Committee discussed the goal of the section being shade coverage in parking lots and positioning of landscaping and enforcement when landscaping is removed.

III. NEXT STEP(S)

Staff will prepare draft code amendments based on the discussions in this meeting and will schedule another meeting for the Committee to review.

IV. ADJOURNMENT

There being no further business, Chair Iacoboni adjourned the meeting at 1:06 p.m.

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 City Clerk Kari Ravencroft at least forty-eight (48) hours in advance of the meeting at 208-746-3671, ext. 6203.

Sec. 37-3. Definitions.

As used in this chapter:

Parking lot means ~~a parcel of land~~ devoted to the off-street parking spaces for of more than four (4) motor vehicles, contiguously.

Sec. 37-153. Landscaping.

- (a) Purpose: Landscaping requirements are to be an integral part of ~~a site and parking lot~~ development and redevelopment. The intent is to create shade and reduce heat buildup, reduce the barren appearance of parking lots, create aesthetic environments, buffer adjoining land uses, slow stormwater runoff, and mitigate pollution; buffer incompatible uses, reduce the barren appearance of parking lots, create aesthetic environments, create shade and reduce heat buildup while maintaining design flexibility.
- (b) Landscaping shall be required for all ~~off-street parking areas~~ lots for more than five (5) vehicles, except for those uses enumerated unless otherwise exempted in subsection (j) of this section ~~and to provide landscaped buffers between public rights-of-way and parking lot areas~~, subject to the following provisions:
 - (1) A five-foot wide minimum buffer/landscape strip is required between the parking lot and a public right-of-way with a minimum of one (1) one and one-half-inch caliper shade tree and five (5) shrubs every thirty-five (35) linear feet. The plantings therein shall not interfere with motorist sight distance within a clear vision area, as defined in Section 32-1 of this Code.
 - (2) All parking lots under ten thousand (10,000) square feet of vehicular surface area shall have a minimum of ~~two~~ three (3)-foot wide perimeter ~~planting area~~ landscape strip around that portion of the parking ~~area~~ lot not adjacent to ~~the~~ public right-of-way. All lots over ten thousand (10,000) square feet are to have a minimum of five-foot perimeter ~~planting~~ landscape strip around that portion of the parking ~~area~~ lot not adjacent to ~~the~~ public right-of-way. All perimeter planting strips are to have a minimum of one (1) shade street of one and one-half-inch caliper and five (5) shrubs every thirty-five (35) linear feet.
 - (3) All landscaping required by this section shall be in healthy condition at the time of planting and maintained to an extent that it furthers the stated purpose of this section. The topping, heading, or stubbing of trees required by this section is prohibited, unless authorized by the City Forester or deemed necessary in writing by a certified arborist.
 - (4) All landscape areas required by this section shall contain groundcover appropriate for the continued health of the plantings therein and for the prevention of erosion.
 - (3) Interior landscaping is to be a percentage of the total vehicular surface area and is in addition to the perimeter and right-of-way landscaping requirements.

Vehicular surface area	Percent of interior landscaping
2,500—6,999 square feet	3%
7,000—49,999 square feet	5%
50,000—149,000 square feet	8%
150,000 or larger	10%

Interior plantings are to include trees with a minimum size of one and one-half-inch caliper. To ensure proper growth of vegetation, all interior planting beds shall have a minimum dimension of six (6) feet at the narrowest point with a soil depth appropriate for the trees selected. See City of Lewiston tree

Commented [JP1]: We discussed tying this width to the tree species classification in the Tree Selection Guide, but that guide doesn't identify what classification the species are. Even if the guide was amended to do that, tying the landscape strip width to the tree species classification in the guide would preclude having mixtures of trees of classifications that would require a wider landscape strip in them because that takes more property that would otherwise be available for parking lot & building area.

Commented [JP2]: Should this be decreased to 5' to match the landscape strip width required for parking lot perimeters, or should the width of the landscape strips for parking lot perimeters be increased to 6' to match this?

planting standards and techniques for proper tree planting procedures. No shrub landscaping is required for interior planting.

Required shade trees will be of such species and canopy shape to provide a predicted fifty (50) percent canopy cover of the parking lot area after a ten-year growth period.

All tree species shall be classified by the City Tree Selection Guide as drought, insect and disease resistant. Exceptions may be approved by the community development director upon the recommendation of the city forester. Preservation of healthy trees existing on the site before construction may be used to satisfy species and landscaping requirements.

(4) An irrigation system shall be provided for all required landscaping.

(c) In the commercial (C), manufacturing (M) zones, airport (A) and port (P) zone, all required front yard setbacks shall be landscaped. Landscaping shall consist of a minimum of one (1) tree of one-and-one-half-inch caliper and five (5) shrubs per thirty-five (35) linear feet.

~~(d) In the commercial (C), manufacturing (M), airport (A), and port (P) zones, when abutting a residential zone, the required side and rear yards, which share a common property line with the residential zone, shall be landscaped or fenced except as provided for in this section. Landscaping shall consist of a minimum of sixty (60) percent coniferous plants, a minimum of six (6) feet in height at the time of planting, spaced in a manner to create a complete visual screen between the abutting land uses within three (3) years from time of planting. Fencing shall consist of six foot tall wood, slatted chained link or masonry panels. Prior to installation of the landscaping or fencing, the adjacent residential property owner shall be contacted and asked for input whether the buffer will be landscaping or fencing. The adjacent residential owner may also waive the buffer. The adjacent residential property owner shall be given fifteen (15) days to indicate their preference. If no response is provided within fifteen (15) days, the nonresidential property owner may install fencing or landscaping as described above.~~

~~(e)~~ Trees and shrubs may be arranged to achieve the desired effect provided the required number is provided.

~~(f)~~ A performance bond may be required to ensure compliance with this section and to cover maintenance for a period not to exceed one (1) year after time of planting.

~~(g)~~ An occupancy permit shall not be issued by the community development department until the required landscaping is completed. Occupancy of a building is not allowed unless the following condition applies:

(1) If, due to seasonal weather considerations, it is not feasible to install required landscaping, a temporary certificate of occupancy may be issued ~~after a performance bond or other security instrument acceptable to the city attorney has been posted with the city in the amount of one hundred twenty five (125) percent of the value of the required improvements upon showing by the property owner of a written commitment to install the required landscaping by a date certain and calling the Community Development Department for inspection thereof.~~

~~(h)~~ It is not the intent of this chapter to inhibit creative solutions to land use problems. An alternative design or modification of these requirements may be allowed with the approval of the community development director. This is not a variance of or waiver of existing standards and the proposed alternative must meet or exceed existing requirements. Requirements may be modified when:

- (1) Soil or slope limitations make strict adherence impractical;
- (2) Safety considerations are involved, especially in the clear vision triangles;
- (3) Due to a change of use of an existing site, the required buffer yard is larger than can be provided.

~~(i) In all manufacturing and commercial zones, all undeveloped land areas that were disturbed during the construction phase, excluding the building footprints and parking areas, shall be leveled to grade, removing all surface irregularities, weed growth and construction debris in preparation for installation of approved~~

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~~erosion control measures. All areas that were previously disturbed during the construction phase and subsequently prepared for seeding, must be properly planted with specified grass during the first seasonally appropriate planting period. All areas which will not be seeded with grasses shall be stabilized with approved erosion control measures prior to issuance of a certificate of occupancy for the primary structure.~~

(ih) Exemptions:

- (1) Single-family residential off-street parking areas;
- (2) Properly licensed auto and vehicle dealers are exempt from providing landscaping within the interior of the sales and display area;

(3) Parking areas of less than five (5) contiguous parking spaces.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4400, § 1, 7-11-05)

Chapter 26
PARKS AND RECREATION¹
ARTICLE IV. STREET TREES³

Sec. 26-39. Statement of purpose.

~~The city of Lewiston hereby declares that it shall be the policy of the city to protect trees planted and growing within the public right-of-way. It shall also be the policy of the city to prohibit the planting and growing of types or kinds of trees that may be hazardous, susceptible to injurious pest and/or disease or damaging to streets, sidewalks and curbs. Further, the city finds and declares that providing an aesthetically attractive plan to planting and growth of trees for the beautification of the streets of the city is in the best interests of the city.~~

The City of Lewiston is committed to maintaining, preserving, and improving the city's Urban Tree Canopy. A healthy Urban Tree Canopy reduces heating and cooling costs, lowers air temperatures, and increases property values, among other benefits.

This ordinance is intended to encourage the preservation, expansion, protection, and proper maintenance of the community forest of the City. Enhancing the beauty of the City, stimulating the planting and growing of desirable trees, and educating the public about the community forest are the primary goals of this ordinance.

(Ord. No. 3776, § 1, 7-1-85)

Sec. 26-40. Definitions.

For the purposes of this article, the following words shall have the following meanings:

~~*Diseased tree:* Any tree which has become blighted, defaced, infected or has acquired a disease not capable of care through treatment or the use of any acceptable form of spray material.~~

~~*Forester:* The person responsible for administering the city's street tree program as provided for in this article.~~

~~*Injurious pest or disease:* An organism capable of seriously damaging the form or structural integrity of a tree.~~

~~*Owner:* Every person including an owner, agent, tenant, occupant or lessee who exercises care, custody and control of real property within the city of Lewiston.~~

~~*Person:* Any person, firm, partnership, corporation, association, company, municipal corporation, or other governmental entity or organization of any kind.~~

ANSI A300: The American National Standard for Tree Care Operations – Tree, Shrub, and other woody plant maintenance – standard practices. This is a document offering basic performance standards for tree pruning, published in 1995 by the American National Standards Institute (ANSI) or the same as amended from time to time.

Arborist: A professional in the practice of arboriculture, which is the cultivation, management, and study of individual trees, shrubs, and vines other perennial woody plants. Arborists generally focus on the health and safety of individual plants and trees, rather than managing forests or harvesting wood.

Crown Reduction: Used to reduce the height and/or spread of a tree. Thinning cuts are most effective in maintaining the structural integrity and natural form of a tree and in delaying the time when it will need to be pruned again.

Crown Restoration: Improves the structure and appearance of trees that have been topped or severely pruned using heading cuts.

Lions Tailing: The undesirable result of removing too many inside lateral branches and too much inside foliage.

Park Tree: All public trees in public parks and in all areas owned by the City or to which the public has free access, but excluding those trees in the public right-of-way.

Private Tree: Tree or shrub that is not a public tree or shrub.

Pruning: Means the removal of plant parts, dead or alive, in a careful and systematic manner so as to not damage other parts of a plant or the tree as a whole.

Public right-of-way: Improved or unimproved public property owned by, dedicated to, or deeded to the city public or for the public's use for the purpose of providing vehicular, pedestrian and public use. Such public property provides circulation and travel to abutting properties and includes, but is not limited to streets, alleys, sidewalks, tree lawn, provisions for public utilities, cut and fill slopes and open spaces.

Street tree list: The list of acceptable trees and acceptable planting practices for trees located within the public right-of-way.

Tree pruning practices: Rules and regulations adopted for purposes of describing appropriate tree pruning practices and procedures for trees located in, upon and over the public right-of-way.

Trees: Any woody plant materials which is fifteen (15) feet or more in height at maturity, with a single or multiple trunk, often unbranched for several feet above the ground and having a definite crown, would exceed a height of more than thirty (30) inches.

Topping: "Rounding", "heading back", or any other term that can be described as severe cutting back of limbs within a tree crown to buds, stubs, or laterals not large enough to assume a terminal role or as defined in ANSI A300.

Urban Forest: The population of trees and shrubs growing within the City of Lewiston over which the City has jurisdiction.

Urban Forestry Commission: The urban forestry advisory commissioners, appointed by the City Council, are charged with making recommendations to the city council on issues regarding the management of trees in its community forest and the development, conservation, and care of the urban forest resources in the City.

Urban Tree Canopy: The layer of tree leaves, branches, and stems that provide tree coverage of the ground when viewed from above.

(Ord. No. 3776, § 1, 7-1-85)

Sec. 26-41. Authority of forester. Establishment and duties of the city forester.

The forester, subject to the provisions of this article, is hereby authorized to:

- (1) Plant, prune, spray, preserve and remove trees in the public right-of-way or preserve the symmetry and beauty of trees located within the public right-of-way.
- (2) Order the pruning, spraying, preservation or removal of trees upon private property when he shall find such action necessary to prevent the spread of injurious pest or disease to trees located within the public right-of-way.
- (3) Supervise all work done under a permit issued in accordance with the terms of this article.
- (4) Prepare a street tree list consisting of acceptable trees, size and variety, proper planting instructions, and tree spacing of trees located within the right-of-way which shall be approved by the urban forestry advisory commission.

~~(5) Prepare rules and regulations containing guidelines for the pruning of trees located within the right-of-way, to be known as the tree pruning practices.~~

~~(6) Provide a form for applying for the planting, pruning, or removal of trees located within the public right-of-way.~~

The director of the Parks and Recreation Department shall designate an individual as the City Forester and authorize such person to perform the duties imposed and exercise the powers granted by this chapter. For the purposes identified in Sec. 26-39, the City Forester, subject to the provisions of this Chapter and available resources, is hereby authorized to carry out the following duties:

- (a) Develop, administer, and maintain a Community Forestry Management Plan
- (b) Administer a program of public outreach and education relating to Community Forestry and the planting and care of trees
- (c) Establish and maintain an inventory of all public trees
- (d) Maintain a licensing program as set forth in Article X.
- (e) To facilitate the proper selection, planting, and maintenance of trees in residential, commercial, and industrial developments within City limits and the Lewiston City area of City impact, the City Forester shall review and provide comment on development applications when such applications are submitted to the City Planning and Development Services Department.
- (f) The Forester is authorized to declare trees in the City public nuisances, as defined in this chapter
- (g) The Forester is authorized to approve, deny, suspend, or revoke tree work licenses, certifications, or permits issued by the City, in accordance with this chapter
- (h) The Forester is authorized to inspect and approve any public tree/shrub work done in the City

(Ord. No. 3776, § 1, 7-1-85; Ord. No. 4008, § 4, 7-22-91)

Sec. 26-42. Urban forestry advisory commission.

(This section is handled under "Definitions")

Pursuant to section 2-180 of this code there is established and created a commission to be known as the urban forestry advisory commission. The urban forestry advisory commission shall have the duties as provided for in sections 2-180 through 2-186 of this code. (Ord. No. 3776, § 1, 7-1-85; Ord. No. 3966, § 5, 7-23-90)

Sec. 26-43. Permit required.

No person or owner shall plant any tree within the public right-of-way until a permit shall have been issued by the forester. Applications for tree planting shall be filed with the forester. Such tree must be the type and variety permitted by the street tree list. The forester shall approve each tree for appropriateness and ensure freedom from injurious pest or disease. Any application denied by the forester shall be returned to the applicant with the reasons for the refusal noted thereon. The applicant may file a new application or an amended application at any time thereafter.

Public right-of-way trees are sometimes referred to as Street Trees or Shade Trees. They benefit the adjacent property the most, improving value by adding appeal, as well as providing shade, oxygen, coolness and many more positives.

- (a) On property that is public right-of-way, the person responsible for the abutting private or commercial property shall obtain a permit from the City Forester before planting or removing trees or shrubs, on the public property (street trees). The permit application shall indicate what action is to be taken.

If a request is denied, the Forester will return the application with an explanation as to why it was denied. Then the applicant may at any time submit an amended application.

The application shall include:

- (1) Location of the planting or removal
- (2) Name, address, and contact information of the responsible person or company
- (3) Name, address, and contact information of the person or company to perform the work
- (4) If the work is to be performed by a person or company for hire, proof of the completion of an International Society of Arboriculture class and approval from the City of Lewiston by the City Forester, by at least one member of the work crew on site, must be provided to work on public property
- (5) Proof of liability insurance of the person or company for hire

(6) Describe the work that is to be done

(7) Describe the repair of the property required to complete the project

(8) For removal of a tree, the City Forester will verify the justification for removal. Before removing a tree or shrub, a new tree or shrub, approved by the City Forester, shall be planned. If a tree is removed it must be replaced: emphasizing shade and aesthetics and resistance to disease and pests

(9) Following a tree removal, the new tree or shrub shall be planted and cared for, and the property returned to a reasonable condition, unless an exemption is granted by the City Forester

(10) The city shall provide a list of approved tree species, including species that are not allowed, and appropriate spacing and tree well size

(11) Trees or shrubs planted in paved areas shall be provided approved tree wells and irrigation

(Ord. No. 3776, § 1, 7-1-85)

Sec. 26-44. Contents of permit; variances from tree list-Variance.

(a) Each permit issued for tree planting shall designate the type and variety of tree permitted. The forester shall designate the appropriate location of the tree on the permit.

(b) Approved species, species not permitted, authorized spacing information and minimal tree well sizes for trees planted in paved areas shall be obtained from the street tree list.

(c) Permission for variance from the street tree list may be granted by the forester when said variance will be in the best interests of the city.

A variance in the requirement to replant after removal, or in the tree variety to be selected, may be granted by the City Forester if it is in the best interest of the urban forest.

-(Ord. No. 3776, § 1, 7-1-85)

Sec. 26-45. ~~Street tree removal.~~ Maintaining trees and shrubs – Pruning, Treating for pests or disease

~~(a) It shall be unlawful for an owner to remove any tree from the public right-of-way until a permit shall have first been issued by the forester. Applications for such tree removal shall be filed with the forester and if in the judgment of the forester such removal is desirable a permit shall be issued. All work of removal shall be under the supervision of the forester but shall be at the sole expense of the applicant.~~

~~(b) Any removal of trees for emergency or public safety reasons shall be supervised by the forester.~~

(a) The owner or person responsible for the abutting property to a public right-of-way shall maintain the public trees and shrubs at their expense. The responsible person may call the City Forester or Parks and Recreation Department for advice and information.

(b) Trees and shrubs that obstruct pedestrian or vehicular traffic shall be a public nuisance.

(c) Trees and shrubs that are overgrown, damaged, diseased, or infested by an injurious pest shall be a public nuisance.

(d) For pruning of trees or shrubs on public right-of-way, the person responsible may do the work or hire a licensed arborist who is certified by International Society of Arboriculture (ISA) and the City Forester.

(1) Pruning of right-of-way trees shall comply with Chapter 35.5 Article 2 and proper pruning practices.

(Ord. No. 3776, § 1, 7-1-85)

Sec. 26-46. Forester to revoke permit.

The forester is authorized and directed to stop work being performed contrary to the tree pruning practices or under a permit issued by the forester. An aggrieved person may appeal the action of the forester as provided for in section [26-52](#). (Ord. No. 3776, § 1, 7-1-85)

Sec. 26-47. Street tree pruning.

All trees located within the public right-of-way shall be pruned by the owner of the abutting property as provided for in Chapter [35.5](#) of this code and the tree pruning practices. (Ord. No. 3776, § 1, 7-1-85)

Sec. 26-48. Injurious pests or diseases are a public nuisance.

(a) All injurious pests and diseases infecting any tree within the city are hereby declared to be public nuisances. Public right-of-way trees or shrubs that are infected by disease or infested by injurious pests shall be a public nuisance.

(b) It shall be the duty of the owner of any abutting private property ~~within the city~~ to take all proper measures approved by the City Forester for the eradication of the pest or disease, at their expense, any injurious disease or pest infecting or infesting any tree and to cause the same to be sprayed with an effective formula approved by the forester.

(c) The owner of property abutting ~~the public~~ right-of-way who is experiencing any infestation or disease shall be responsible for prohibiting the infestation, or to prevent the spread of any disease or pest to the public property, on their expense, or continued existence of injurious pests or disease, and their eggs or larvae, to any tree located within the public right-of-way. (Ord. No. 3776, § 1, 7-1-85)

Sec. 26-49. Collection of costs.

In the event the owner of property abutting the right-of-way fails to eradicate injurious pests or diseases, or their eggs or larvae, the same shall be done by the city under the supervision of the forester and the costs and charges incurred thereby are declared to be a lien upon the real property owned by such person and collected as provided for in Idaho Code, Section 50-1008. (Ord. No. 3776, § 1, 7-1-85)

Sec. 26-50. Authority of the city. City authority.

~~Nothing in this article shall prohibit the city, without charge to the owners of the abutting property, from eradicating injurious pests and diseases or pruning trees located within the public right-of-way.~~

(a) Nothing shall prevent the City from deciding to treat for injurious pests or diseases or to remove or prune trees in the public right-of-way with or without charge to the owner. If the City needs to remove trees or shrubs, they will consult with the abutting property owner. Ultimately, the decision of the City Forester will direct the course of action.

(b) If expenses are incurred for the removal, planting, pruning or treatment for diseases or pests, the City may be granted a lien against the property and collect expenses as provided in Idaho Code 50-1008.

(c) The City Forester is authorized to stop any public right-of-way removal, planting, pruning, or other tree or shrub work that is being done contrary to the standards of the City, which has adopted the International

Society of Arboriculture (ISA) standards. If the work is being done by people for hire, who are not certified by the ISA or the City of Lewiston, the City Forester or other City official may refer them to the Code Enforcement Officer for violation of these ordinances.

(Ord. No. 3776, § 1, 7-1-85)

Sec. 26-51. Penalties.

Any violation of the provisions of this article is declared a misdemeanor punishable by a fine not to exceed ~~three hundred dollars (\$300.00)~~ one thousand dollars (\$1,000) and imprisonment not to exceed six (6) months.

(Ord. No. 3776, § 1, 7-1-85)

Sec. 26-52. Appeal of forester action.

Any person aggrieved by the action of the forester may appeal to the urban forestry advisory commission by delivering written notice to the director of parks and recreation. The urban forestry advisory commission shall hold a hearing upon a notice being given to the appellant. Notice of the hearing shall be given indicating the time and place of the hearing at least five (5) days prior to the hearing. The decision of the urban forestry advisory commission may be appealed to the city council upon delivery of written notice to the city clerk. Written notice of appeal shall be delivered to the city clerk within fourteen (14) days of the decision of the urban forestry advisory commission. The city clerk shall file the notice of appeal with the council. The council may decide to hear or not hear the appeal. If the council decides to hear the appeal, notice of the hearing shall be given indicating the time and place of the hearing at least five (5) days prior to the hearing. If the council decides not to hear the appeal, the decision of the urban forestry advisory commission will be final. (Ord. No. 3776, § 1, 7-1-85; Ord. No. 4008, § 5, 7-22-91)

Chapter 21 LICENSES¹

ARTICLE X. TREE PRUNERS⁴

Sec. 21-199. Tree pruner's license.

It shall be unlawful for any person to engage in the commercial business, trade or for hire of cutting, trimming, pruning or removing trees located within the public right-of-way without first procuring a tree pruner's license and complying with the provisions of Chapter [21](#), Article II of this code. (Ord. No. 3776, § 2, 7-1-85)

Sec. 21-200. Tree pruner's License requirements.

Each applicant for a license or renewal of a license shall make application to the city upon a form provided by the city. Such application shall show:

- (1) The name, business address, home address of the applicant, if the applicant is an individual or a sole proprietor;
- (2) The business address and home address of each person employed in tree pruning, if the applicant be a firm, association or corporation;
- (3) A statement of the qualifications of each person to be employed as a tree pruner to include length of time employed as a tree trimmer, training and experience as a tree pruner; and
- (4) A certificate of issuance.

A certificate showing completion of the International Society of Arboriculture's certified arborist exam shall also be included with the application.

Each business license shall be issued for a period of three (3) years. All licensees shall satisfactorily pass the certified arborist exam every three (3) years or maintain their certification through continuing education credits.

Each business that performs tree pruning services shall have at least one (1) employee who is licensed in accordance with this section. A person licensed in accordance with this section must be physically present at the work site and either be performing the pruning work himself/herself, or direct and supervise the pruning work at all times.

(Ord. No. 3776, § 2, 7-1-85; Ord. No. 3889, § 40, 12-7-87)

Sec. 21-201. Tree pruner's examination.

(Delete this section)

(a) The commercial tree pruner's application shall be approved and the license issued upon successful completion of the International Society of Arboriculture's certified arborist exam by the licensee. The licensee shall provide proof to the forester of successful completion of the certified arborist exam and certification by the International Society of Arboriculture before performing any work within the public right-of-way.

~~(b) In regards to a business that performs tree pruning services, at least one (1) employee of such business is required to be licensed in accordance with this section in order for the business to be authorized to prune trees within the public right of way. In all cases, a person licensed in accordance with this section must be physically present at the work site and either perform the pruning work himself/herself, or direct and supervise the pruning work at all times.~~

~~(c) Each license shall be issued for a period of three (3) years.~~

~~(d) All licensees shall satisfactorily pass the certified arborist exam every three (3) years or maintain their certification through continuing education credits, as required by the International Society of Arboriculture. (Ord. No. 3776, § 2, 7-1-85; Ord. No. 4339, § 3, 9-22-03; Ord. No. 4634, § 1, 7-13-15)~~

Sec. 21-202. Certificate of liability and property damage insurance.

There shall be on file with the city a certificate of liability and property damage insurance executed by a surety authorized to transact business within the state of Idaho. Minimum limits shall be three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury and one hundred thousand dollars (\$100,000.00) per occurrence for property damage or three hundred thousand dollars (\$300,000.00) combined single occurrence limits for both bodily injury and property damage. ~~(ensure these amounts are correct)~~ (Ord. No. 3776, § 2, 7-1-85)

Sec. 21-203. Appeals.

Any person aggrieved by the action of the forester or city in the denial of a license shall have the right to appeal to the city council. Such appeal shall be taken by filing with the city, within fourteen (14) days after notice of the action complained of has been mailed to such persons' last known address, a written statement setting forth fully the grounds of appeal. The council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive. (Ord. No. 3776, § 2, 7-1-85; Ord. No. 3889, § 31, 12-7-87)

Sec. 21-204. Revocation of license.

(a) A tree pruner's license may be revoked by the council upon recommendation of the forester for any of the following causes:

(1) ~~Failure to obey direction of forester;~~

~~(2) Improper pruning practices;~~

(2) Failure to obey direction of forester;

(3) Failure to perform conditions of a permit issued under Chapter 26;

(4) Any violation of this article or Chapter 26.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Notice of the hearing shall be mailed postage prepaid to the licensee at his last known address at least ten (10) days prior to the date set for the hearing. (Ord. No. 3776, § 2, 7-1-85)

Sec. 21-205. Violation made a misdemeanor.

Any violation of the provisions of this article is declared to be a misdemeanor punishable by a fine not to exceed ~~three hundred dollars (\$300.00)~~ one thousand dollars (\$1,000), imprisonment not to exceed six (6) months, or both. (Ord. No. 3776, § 2, 7-1-85)

Chapter 37 **ZONING¹**

Sec. 37-153. Landscaping.

(a) *Purpose:* Landscaping requirements are to be an integral part of all development. The intent is to create shade, mitigate pollution, buffer incompatible uses, reduce the barren appearance of parking lots, create aesthetic environments, ~~create shade~~ and reduce heat buildup while maintaining design flexibility.

(b) Landscaping shall be required for all off-street parking areas for more than five (5) vehicles, except for those uses enumerated in subsection (j) of this section and to provide landscaped buffers between public rights-of-way and parking lot areas, subject to the following provisions:

(1) A five (5) foot minimum buffer strip is required between the parking lot and public rights-of-way with a minimum of one (1) one-and-one-half-inch caliper shade tree and five (5) shrubs every thirty-five (35) linear feet.

(2) All parking lots under ten thousand (10,000) square feet of vehicular surface area shall have a minimum of two (2) foot wide perimeter planting area around that portion of the parking area not adjacent to the public rights-of-way. All lots over ten thousand (10,000) square feet are to have a minimum of five (5) foot perimeter planting strip around that portion of the parking area not adjacent to

the public right-of-way. All perimeter planting strips are to have a minimum of one (1) shade street of one-and-one-half-inch caliper and five (5) shrubs every thirty-five (35) linear feet.

(3) Interior landscaping is to be a percentage of the total vehicular surface area and is in addition to the perimeter and right-of-way landscaping requirements.

<i>Vehicular surface area</i>	<i>Percent of interior landscaping</i>
2,500 – 6,999 square feet	3%
7,000 – 49,999 square feet	5%

<i>Vehicular surface area</i>	<i>Percent of interior landscaping</i>
50,000 – 149,000 square feet	8%
150,000 or larger	10%

Interior plantings are to include trees with a minimum size of one-and-one-half-inch caliper. To ensure proper growth of vegetation, all interior planting beds shall have a minimum dimension of six (6) feet at the narrowest point with a soil depth appropriate for the trees selected. See city of Lewiston tree planting standards and techniques for proper tree planting procedures. No shrub landscaping is required for interior planting.

Required shade trees will be of such species and canopy shape to provide a predicted fifty (50) percent canopy cover of the parking lot area after a ten (10) year growth period.

All tree species shall be classified by the City Tree Selection Guide as drought, insect and disease resistant. Exceptions may be approved by the community development director upon the recommendation of the city forester. Preservation of healthy trees existing on the site before construction may be used to satisfy species and landscaping requirements.

(4) An appropriate, functioning, maintained irrigation system shall be provided for all required landscaping, based on the type of landscaping.

(c) In the Commercial (C), Manufacturing (M) zones, Airport (A) and Port (P) zone, all required front yard setbacks shall be landscaped. Landscaping shall consist of a minimum of one (1) approved tree of one-and-one-half-inch caliper and five (5) shrubs per thirty-five (35) linear feet.

(d) In the Commercial (C), Manufacturing (M), Airport (A), and Port (P) zones, when abutting a residential zone, the required side and rear yards, which share a common property line with the residential zone, shall be landscaped or fenced except as provided for in this section. Landscaping shall consist of a minimum of sixty (60) percent coniferous plants, a minimum of six (6) feet in height at the time of planting, spaced in a manner to create a complete visual screen between the abutting land uses within three (3) years from time of planting. Fencing shall consist of six (6) foot tall wood, slatted chained link or masonry panels. Prior to installation of the landscaping or fencing, the adjacent residential property owner shall be contacted and asked for input whether the buffer will be landscaping or fencing. The adjacent residential owner may also waive the buffer. The adjacent residential property owner shall be given fifteen (15) days to indicate their preference. If no response is provided within fifteen (15) days, the nonresidential property owner may install fencing or landscaping as described above.

(e) Trees and shrubs may be arranged to achieve the desired effect provided the required number is provided.

(f) A performance bond may be required to ensure compliance with this section and to cover maintenance for a period not to exceed one (1) year after time of planting.

(g) An occupancy permit shall not be issued by the community development department until the required landscaping is completed. Occupancy of a building is not allowed unless the following condition applies:

- (1) If, due to seasonal weather considerations, it is not feasible to install required landscaping, a temporary certificate of occupancy may be issued after a performance bond or other security instrument acceptable to the city attorney has been posted with the city in the amount of one hundred twenty-five (125) percent of the value of the required improvements.

(h) It is not the intent of this chapter to inhibit creative solutions to land use problems. An alternative design or modification of these requirements may be allowed with the approval of the community development director. This is not a variance of or waiver of existing standards and the proposed alternative must meet or exceed existing requirements. Requirements may be modified when:

- (1) Soil or slope limitations make strict adherence impractical;

(2) Safety considerations are involved, especially in the clear vision triangles;

(3) Due to a change of use of an existing site, the required buffer yard is larger than can be provided.

(i) In all manufacturing and commercial zones, all undeveloped land areas that were disturbed during the construction phase, excluding the building footprints and parking areas, shall be leveled to grade, removing all surface irregularities, weed growth and construction debris in preparation for installation of approved erosion control measures. All areas that were previously disturbed during the construction phase and subsequently prepared for seeding, must be properly planted with specified grass during the first seasonally appropriate planting period. All areas which will not be seeded with grasses shall be stabilized with approved erosion control measures prior to issuance of a certificate of occupancy for the primary structure.

(j) Exemptions:

(1) Single-family residential off-street parking areas;

(2) Properly licensed auto and vehicle dealers are exempt from providing landscaping within the interior of the sales and display area. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4400, § 1, 7-11-05)

Sec. 37-154. Incentives for landscaping.

(a) The community development director may reduce the parking requirements by up to five (5) percent of the required number of spaces if the proposed landscape plan incorporates the retention of significant trees, particularly in the interior of the site, or if the proposed landscaping area exceeds the requirements of this chapter by fifteen (15) percent or more. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-155. Parking and landscape plan requirements.

(a) A plan, drawn to scale, indicating how the off-street parking and loading requirements and landscaping requirements will be met shall be submitted to the community development director for review and approval at the time of application for a building permit. The plan shall show all elements necessary to indicate that the requirements are being met, including the following:

(1) Develop a plan for shade trees;

(12) Individual parking and loading spaces showing parking space striping and capacity calculations;

(23) Circulation area necessary to serve spaces;

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- (34) Access to off-street and property to be served;
- (45) Curb cuts;
- (56) Dimensions, continuity, and substance of screening, if any;
- (67) Grading, surfacing, drainage, and subgrading details;
- (78) Obstacles, if any, to parking and traffic circulation in finished parking area;
- (89) Specifications for signs and bumper guards;
- (910) Footprint and dimensions of all existing and proposed structures;
- (110) All sidewalks and pedestrian ways;
- (121) Location, height and materials for all fences and walls;
- (132) Boundaries and dimensions of the site;
- (143) Location and spacing of all plant material;
- (154) Common and scientific names of all plant materials;
- (165) Size of plants at time of planting;
- (176) Type and depth of mulch;
- (187) Required irrigation systems;
- (198) Other pertinent details.

(b) All tree planting shall conform to procedures contained in the most recent edition of "Tree and Shrub Transplanting Manual", distributed by International Society of Arboriculturalists, a copy of which is maintained in the office of the city forester. (Ord. No. 4108, § 2, 8-15-94)

Chapter 35.5 VEGETATION

Art. I. In General, §§ 35.5-1 – 35.5-15

Art. II. Trees and Shrubbery, §§ 35.5-16 – 35.5-27

ARTICLE I. IN GENERAL

Sec. 35.5-1. Compliance with tree pruning practices.

All action ordered to be taken by the director of public works under this chapter shall conform with the tree pruning practices approved by the city. (Ord. No. 3776, § 3, 7-1-85)

Cross references – Tree pruner's license, § [21-199](#) et seq.; street trees, § [26-39](#) et seq.

Secs. 35.5-2 – 35.5-15. Reserved.

ARTICLE II. TREES AND SHRUBBERY¹

Sec. 35.5-16. Purview of the city; responsibility for maintenance.

The city council of the city of Lewiston, Idaho, hereby finds and declares that the maintenance of trees and shrubs within the city and the removal of dangerous trees affects the public safety and welfare and is therefore a proper subject of regulation by the city. The city council further finds and declares that trees and shrubs which are located within street parking, alleys and other public rights-of-way primarily benefit the abutting properties and the responsibility for maintenance of such trees and shrubs should properly be upon the owners of such abutting properties. (Ord. No. 3280, § 1, 9-15-75)

Sec. 35.5-17. Definitions.

For the purposes of this chapter, the term "owner" shall include every person, including lessees, agents and representatives, in possession, charge, custody or control of any real property within the city of Lewiston.

"Director" means the public works director of the city of Lewiston or his designated employees. (Ord. No. 3280, § 2, 9-15-75)

Sec. 35.5-18. Trimming at property owner's expense; specifications.

All brush, landscaping and trees, including dead trees and branches or limbs thereof, which are in, adjacent to or overhang the public right-of-way of any street, roadway, alley, sidewalk, or other public right-of-way, shall be kept trimmed by the owner of the adjacent property, at the owner's expense, in a neat and orderly manner, all pursuant to the authority provided in section [31-33](#) of this code.

List appropriate clearance level, height, and distance from walkway.

(Ord. No. 3280, § 3, 9-15-75; Ord. No. 3588, § 2, 8-17-81; Ord. No. 4019, § 1, 10-7-91)

Sec. 35.5-19. Reserved.

Editor's note – Ord. No. 3776, § 4, adopted July 1, 1985, repealed § 35.5-19 pertaining to removal of trees and shrubs on public rights-of-way by the abutting property owners, and derived from Ord. No. 3280, § 4, enacted Sep. 15, 1975.

Sec. 35.5-20. Notice to property owner to correct condition; abatement by city at cost of owner; lien for nonpayment.

Whenever the director shall determine that conditions in violation of section [35.5-18](#) of this article exist, or that any tree located within or overhanging any public right-of-way is top-heavy, split, shattered, broken, dead or diseased so as to require removal for the protection of the public safety, he shall cause written notice to be served upon the owner of the abutting property to correct such condition or to remove said tree within fifteen (15) days. Service of notice in person or by mail to the person in whose name the property stands according to the records of the assessor of Nez Perce County shall be sufficient service. If the required work is not substantially completed within said fifteen (15) days or within such extension of time as the director, in the reasonable exercise of his discretion, may allow, then the director may cause the work to be performed and the cost thereof to be assessed against the owner of the abutting property. Said cost shall be a lien against the abutting property, fileable within the time and enforceable in the manner provided for liens of laborers and materialmen under the laws of the state of Idaho. (Ord. No. 3280, § 5, 9-15-75)

Sec. 35.5-21. Emergency removal due to immediate danger; cost to be incurred by property owner.

Nothing contained in the foregoing sections of this article shall prevent the city from removing any tree, brush or landscaping or portions of trees, brush or landscaping in or overhanging any public right-of-way without notice to the owner of the abutting property where, in the sound discretion of the director, there exists an immediate danger to life or property due to the condition of said trees, brush or landscaping or for the necessary operation of a fire hydrant. Such action shall not relieve the owner of the abutting property from responsibility for the costs of removal which costs shall be a lien on the abutting property enforceable in the manner set forth in section [35.5-20](#) of this article. (Ord. No. 3280, § 6, 9-15-75; Ord. No. 4019, § 2, 10-7-91)

Secs. 35.5-22 – 35.5-25. Reserved.

Editor's note – Ord. No. 3776, § 4, adopted July 1, 1985, repealed §§ 35.5-22 – 35.5-25 in their entirety. Said former sections, detailing the responsibilities of property owners to disinfect trees harboring pests and diseases, were derived from Ord. No. 3280, §§ 7 – 10, enacted Sep. 15, 1975.

Sec. 35.5-26. Administration of provisions.

The administration of the provisions of this chapter shall be the responsibility of the director of public works or his designated employees. (Ord. No. 3280, § 11, 9-15-75)

Sec. 35.5-27. Appeal.

Any order of the director may be appealed by the owner to whom the order is directed. The appeal shall be in writing and addressed to the city council, and shall be filed with the city clerk within ten (10) days of receipt of the written notice or order. The council shall afford such appellant a reasonable opportunity to be heard, but the decision of the city council shall be final. (Ord. No. 3280, § 12, 9-15-75)