



Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
July 26, 2023 - 5:30 PM
Bell Building – Second Floor Conference Room – 215 D Street
Lewiston, Idaho 83501

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

I. CALL TO ORDER

II. CITIZENS COMMENTS

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

III. APPROVAL OF MINUTES

A. APPROVAL OF JULY 12, 2023 MEETING MINUTES (ACTION ITEM)

IV. APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

A. APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR LAND USE APPLICATION ZNC23-5 BY JOE & FRANCES MCCANN FAMILY LIMITED PARTNERSHIP (ACTION ITEM)
THE APPLICANT PROPOSES THAT AN UNDEVELOPED TAX PARCEL RPL355W0059000 (EXCEPTING THAT PORTION LYING EAST OF GUN CLUB ROAD), CONTAINING APPROXIMATELY 18 ACRES OF LAND, AND GENERALLY LOCATED WEST OF GUN CLUB ROAD AND NORTH AND SOUTH (BISECTED BY NEZ PERCE DRIVE) OF NEZ PERCE DRIVE, BE REZONED FROM AGRICULTURAL TRANSITIONAL, F2, ZONE TO REGIONAL COMMERCIAL, C-6, ZONE.

V. STAFF-COMMISSION COMMUNICATIONS

A. QUERY OF COMMISSIONERS FOR THE AUGUST 9, 2023 MEETING.

VI. 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 Community Development Specialist at least forty-eight (48) hours in advance of the meeting at 208-746-1318, ext. 7265.

July 12, 2023

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

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

I. CALL TO ORDER

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

COMMISSIONERS EXCUSED: Justin Merwin

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

II. CITIZEN COMMENTS

None

III. APPROVAL OF MAY 24, 2023 MEETING MINUTES (ACTION ITEM)

Commissioner Branson and Vice Chairperson Iacoboni moved and seconded, respectively, approval of the May 24, 2023 meeting minutes. The motion carried 6-0.

IV. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR LAND USE APPLICATION ZNC23-000005 BY JOE & FRANCES MCCANN FAMILY LIMITED PARTNERSHIP (ACTION ITEM):

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

City Planner Joel Plaskon provided a verbal summary of the staff report with maps and photos so the commission can get geographically familiar with the area.

Commissioner Branson asked staff Plaskon to point out the residential structures in reference to the Nez Perce Terrace PUD. Staff Plaskon pointed out the locations on the maps from his presentation and stated there are currently no residential structures in the Nez Perce Terrace PUD, rather they are south of that PUD.

Commissioner Kelly asked staff Plaskon if he knew how far the parcel in review is from the residential structures to the South. Staff stated the applicant's representative stated 800 feet.

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

Applicant's representative Eric Hasenoehrl with Keltic Engineering, 315 Adams Lane in Lewiston, ID stated that Nez Perce Terrace PUD has multiple zones that started in 1999. The material on the parcel is from when Nez Perce Drive was constructed. PUD is set up to create a transition of high to low residential zoning from north to south. The parcel fits nicely into the Nez Perce Terrace PUD. He requests approval of this land use change.

Commissioner Ball asked if there is any room or long term plans to make Gun Club Rd more traffic worthy, in terms of safety improvements.

Mr. Haesenoeherl stated Gun Club Road is owned by the City and the County and there should be some discussion between the two entities to discuss the improvement of the road and orderly development.

Commissioner Ball asked if the county was aware of the land use change.

Staff Plaskon stated the county is notified about all land use applications and there was no comment provided by them on this application.

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

Staff Plaskon stated the City received a letter dated July 7th, 2023 in strong support from Bill Lawson. See Appendix A.

There being no further public comment, Chair Busch closed the public hearing

After deliberation and discussion of relevant criteria, commissioners Kelly and Branson moved and seconded, respectively, to direct staff to draft a Reasoned Statement approving ZNC23-000005. Motion passed 6-0.

V. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for July 26, 2023 meeting.

All current commissioners besides Commissioners Kelly will be in attendance at the next meeting on July 26, 2023.

Staff Plaskon stated Comprehensive Plan rewrite is still moving along and has asked Logan Simpson to present in front of the City Council. The July 26th, 2023 Planning and Zoning Commission meeting does not have any public hearings at this time, but there will be a reasoned statement for review from tonight's hearing.

Assistant City Attorney Jennifer Tengono provide a handout to the commission for their binders on the changes to state statute, relative to records retention.

VI. ADJOURN

There being no further business, Chair Busch and Commissioner Anderson moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 6:13 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.

**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND
STANDARDS FOR GRANTING OR DENIAL OF
ZONING DISTRICT BOUNDARY CHANGE/REZONE**

This document shall serve as memorialization of the rationale for the granting or denial of a zoning district boundary change/rezone, which shall be based upon relevant criteria and standards, including the Lewiston Comprehensive Plan, Lewiston City Code, and Idaho Code. See I.C. § 67-6535.

I. APPLICATION NUMBER:
ZNC23-5

II. APPLICANT'S NAME AND ADDRESS:
Joe and Frances McCann Family Limited Partnership
202 26th Ave
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
Tax parcel RPL355W0059000 (excepting that portion lying east of Gun Club Road), containing approximately 18.74 acres, and generally located on the west side of Gun Club Road and north and south (bisected by Nez Perce Drive) the east end of Nez Perce Drive.

IV. DATE OF PUBLIC HEARING:
July 12, 2023

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

VI. NATURE OF APPLICATION:
Rezone subject property from Agricultural Transitional, F-2, Zone to Regional Commercial, C-6, Zone.

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of ZNC23-5 to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

IX. RELEVANT CRITERIA AND STANDARDS:

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

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

The subject property is located in Neighborhood Number 3 – East Lewiston, along the city/county boundary on the east side, and is adjacent to the Nez Perce Terrace Planned Unit Development (PUD) on the west side. The Comprehensive Plan’s desired future land use designation for the subject property is for Commercial uses. The current F-2 zoning of the property is not consistent with this Commercial designation contemplated by the Comprehensive Plan’s Desired Future Land Use Map; however, the proposed Regional Commercial, C-6, zoning is. The subject property is adjacent to the portion of the Nez Perce Terrace PUD that is designated for local commercial development, and the area west of Nez Perce Drive is zoned Regional Commercial, C-6, Zone, the same as requested for the subject property. Therefore, a rezone from Agricultural Transitional, F-2, Zone to Regional Commercial, C-6, Zone would be in conformance with the City’s Comprehensive Plan.

Statements from the Comprehensive Plan which support approval of this application include the following:

From Chapter 1. A Vision for Lewiston:

Fourth, we respect the environment in which we live, protecting our air and water quality and the lands more suited for wildlife than for urban development. We will site new business and industry in those areas where they will have the least impact on our quality of life.

Sixth, we are a compact urban community, preventing sprawl and efficiently using our land resources and infrastructure, understanding that the random spread of a community wastes valuable resources while adding little to the tax base. Development will be occurring next to already developed areas, rather than in a random, leapfrog pattern and will be developed to city standards.

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

The Commission discussed how the current F-2 zoning subject property is primarily intended for farming, but a combination of the topography of the site and the large rock piles and fill dirt that have been on the property for many years have made it unsuitable for farming. Farming is a low intensity land use. The proposed C-6 zoning is the highest intensity commercial use the City of Lewiston has. High intensity land uses are generally most appropriate located along arterial and collector streets. The subject property is adjacent to a minor arterial (Gun Club Road) and a collector street (Nez Perce Drive). While the subject

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC23-5

Page 2 of 4

property is not adjacent to any residential zoning, it is adjacent to commercial zoning on two sides (west and south).

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

The subject property is not adjacent to any residential zoning and is adjacent to commercial zoning on two sides (west and south). There is a single family home to the east, but it is buffered substantially from the subject property by very thick vegetation, Gun Club Road, and a steep hillside (the home is on the downhill side). Additionally, there is tiered zoning within the Nez Perce Terrace PUD that permits higher intensity commercial development adjacent to the subject property and lesser intensity commercial development abutting the residential areas.

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

Notice of this rezone application was provided to all political subdivisions in the jurisdiction, and no objections to it were submitted by any of them.

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

The subject property is adjacent to a minor arterial (Gun Club Road) and a collector street (Nez Perce Drive). The uses permitted in the proposed C-6 zone are especially well suited to property so situated. There is a single family home to the east, but it is buffered substantially from the subject property by very thick vegetation, Gun Club Rd, and a steep hillside (the home is on the downhill side). Municipal water, sanitary sewer, storm sewer, police, and fire services are available to the subject property.

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

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

NOTICE TO APPLICANT: Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. The mailing of a signed and dated copy of this document by the City to the applicant shall constitute compliance with such notice requirement. An applicant denied an application or an affected person aggrieved by a final decision concerning matters

identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist