



**Lewiston City Council
SPECIAL MEETING AGENDA
August 21, 2023 - 6:00 PM
Lewiston City Library – Second Floor Event Space – 411 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 Facebook page or the City's website at cityoflewiston.org.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZENS COMMENTS

This is an opportunity for citizens to address the Council on agenda items or other items they wish to bring to the attention of the Council. Citizens are encouraged to discuss operational issues in advance with the Mayor. In consideration of others wishing to speak, please limit your remarks to three minutes.

IV. PUBLIC HEARINGS AND RELATED ACTION ITEMS

- A. PUBLIC HEARING: ZNC23-5:** Accepting testimony on a proposal to rezone an undeveloped tax parcel RPL 355W0059000 (excepting that portion lying east of Gun Club Road) containing approximately 18 acres of land generally located west of Gun Club Road and north and south (bisected by Nez Perce Drive) of Nez Perce Drive from Agricultural Transitional (F-2) Zone to Regional Commercial (C-6) Zone (Katie Hollingshead)
- B. ORDINANCE 4893 - FIRST READING:** Considering implementing the City Council's decision in ZNC23-5, declaring that certain real property be removed from the Agricultural Transitional (F-2) Zone and included in the Regional Commercial (C-6) Zone and amending the official zoning map of the City of Lewiston - Action Item (Katie Hollingshead)

V. ACTIVE AGENDA

- A. RESOLUTION 2023-50:** Considering amending Resolution 2023-43 to reduce the monthly user fee for residential properties described as "Service Area 2 fee per ERU - Utility Assistance Program" from \$4.05 to \$4.04 in order to comply with the City's utility billing software requirements - Action Item (Dustin Johnson)
- B. ORDINANCES**
 - 1. SECOND READING:**
 - a. ORDINANCE 4892:** Considering amending Ordinance 4858, the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023, appropriating additional monies that are to be received by the

City of Lewiston, Idaho in the sum of twenty-five million five hundred twenty-one thousand eight hundred ten dollars (\$25,521,810) - Action Item (Aimee Gordon)

- b. **ORDINANCE 4894:** To be termed the "2024 Annual Appropriation Ordinance," considering appropriating sums of money authorized by law and deemed necessary for all general and special municipal purposes of the City of Lewiston for the fiscal year commencing October 1, 2023 and ending September 30, 2024 - Action Item (Aimee Gordon)
- c. **ORDINANCE 4895:** Considering fixing and establishing the tax certification on all taxable properties situated within the corporate limits of the City of Lewiston for the fiscal year commencing October 1, 2023, and ending September 30, 2024, for the purpose of providing and raising monies for municipal and corporate purposes; providing for the tax certification to the Board of County Commissioners of Nez Perce County, Idaho in the amount of \$23,476,970; providing a certified copy of the 2024 Annual Appropriation Ordinance to the Board of County Commissioners of Nez Perce County, Idaho, as adopted by the City of Lewiston for the 2023-2024 Fiscal Year - Action Item (Aimee Gordon)

2. FIRST, SECOND, AND THIRD READINGS:

- a. **ORDINANCE 4897:** Considering amending Section 2-12(a) of the Lewiston City Code regarding the Mayor's compensation, amending Section 2-22(a) regarding City Council and Council President compensation - Action Item (Aimee Gordon)

3. ADOPTION AND APPROVAL OF ORDINANCE SUMMARIES:

- a. **ORDINANCE 4897:** - Action Item (Aimee Gordon)

VI. ITEMS MOVED FROM THE CONSENT AGENDA - Action Item

VII. 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 .

- B. **MAYOR COMMENTS**

VIII. ADJOURNMENT - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact the City Clerk's Office at least forty-eight (48) hours in advance of the meeting at 208-746-3671, ext. 6202.

CITY COUNCIL MEETING

AGENDA ITEM HISTORY/COMMENTARY

ITEM TITLE Zone Change Application, ZNC23-5 (Ordinance 4893) by Joe & Frances McCann Family Limited Partnership		AGENDA NO. _____ AGENDA DATE <u>8/21/23</u> CONSENT: ☐ ACTIVE: ☐	1ST READING _____ 2ND READING _____ 3RD/ADOPTION _____
ORIGINATING SOURCE Planning and Zoning Commission Date: July 12, 2023		FUNDING CERTIFICATION (IF APPLICABLE) Date: _____	
DIVISION MANAGER REVIEW (If applicable) Date: _____		DEPARTMENT MANAGER REVIEW (If applicable) Date: _____	
RECOMMENDED FOR COUNCIL ACTION	MAYOR _____ Date: _____		
ITEM HISTORY (PREVIOUS COUNCIL REVIEWS, ACTION RELATED TO THIS ITEM, OTHER PERTINENT HISTORY) The Planning and Zoning Commission conducted a public hearing on this matter on July 12, 2023 to consider an application to rezone 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. The subject property is proposed to be rezoned from Agricultural Transitional, F2, Zone to Regional Commercial, C6, Zone. The Planning and Zoning Commission voted unanimously to recommend approval to City Council, after having received a single public testimony, in support of, the application.			
ITEM COMMENTARY (BACKGROUND, DISCUSSION, KEY POINTS, RECOMMENDATIONS, ETC.) Please identify any or all impacts this proposed action would have on the City budget and/or personnel resources. The subject property is approximately 18 acres of vacant land that is adjacent to the Nez Perce Terrace Planned Unit Development on the west side and the city/county boundary on the east side. Surrounding properties are Commercial uses such as a movie theater, motel and retail stores to the west and Schweitzer Engineering Laboratories to the southwest, vacant land (within city limits) to the north and vacant land (outside of city limits in the county, zone F1 Farm) to the east across Gun Club Road. The subject property is located in Neighborhood 3, East Lewiston and has a future land use designation of Commercial. Following the public hearing, the Planning and Zoning Commission voted 6-0 to direct staff to draft the Reasoned Statement recommending approval of ZNC23-5 to Council. On July 26, 2023, the Planning and Zoning Commission approved its Reasoned Statement – formally recommending approval of ZNC23-5 to Council at that time.			
ACTION PROPOSED The Planning and Zoning Commission recommends that the Council approve ZNC23-5 via Ordinance 4893.			

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

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

The current comprehensive plan designation of this property is F2. The adjoining properties are Planned Unit Development (PUD) and Nez Perce County. This parcel seeks to be

converted from Agricultural Transitional (F2) to Regional Commercial (C6). It is in close proximity to Nez Perce Drive and Gun Club Road and developing commercial properties in

the Nez Perce Terrace area. *The Comprehensive Plan future land use designation is Commercial and a rezone from Agricultural Transitional to Commercial is in conformance with the plan.*

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

The property is currently bare land that is not being farmed. Since the parcel is in close proximity to Nez Perce Drive, Gun Club Road, and developing commercial properties, it is well suited to be considered for the Regional Commercial Zone (C6). It has appropriate access being on a corner lot.

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

The proposed rezone from F2 to C6 is compatible with other development in this area because it borders the Nez Perce PUD zone, which fosters commercial development. Nez Perce Drive Extension would be the primary access, which was developed with the intent of commercial properties.

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

Undue burden will not impose upon established taxing entities. Commercial development on this property will ease the transition for traffic flow and distribute greater commercial development in an area already slated for expansion.

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

The size, type, intensity and densit of this development will fit within the confines of the zoning code for C6. Nez Perce Drive and all public infrastructure in the Nez Perce PUD were designed and built to city standards to not unduly burden the neighborhood, city public infrastructure or environmental resources.

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

The subject property is not within a designated historic district.

APPLICANT'S CERTIFICATION

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

Signature: Christopher P. McCann Date: 6/15/23

The Property Owner hereby authorizes this application:

Signature: Christopher P. McCann Date: 6/15/23

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

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

APPLICATION PROCESS

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

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

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

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

APPLICANT'S CHECKLIST

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

Introduction

Assessor & Treasurer

Welcome to the Nez Perce County Property Information web apping application. This page gives an overview of Nez Perce county property appraisal information. The application does it display all aspects of information that is used to determine values; however, it provides a general overview of at data.

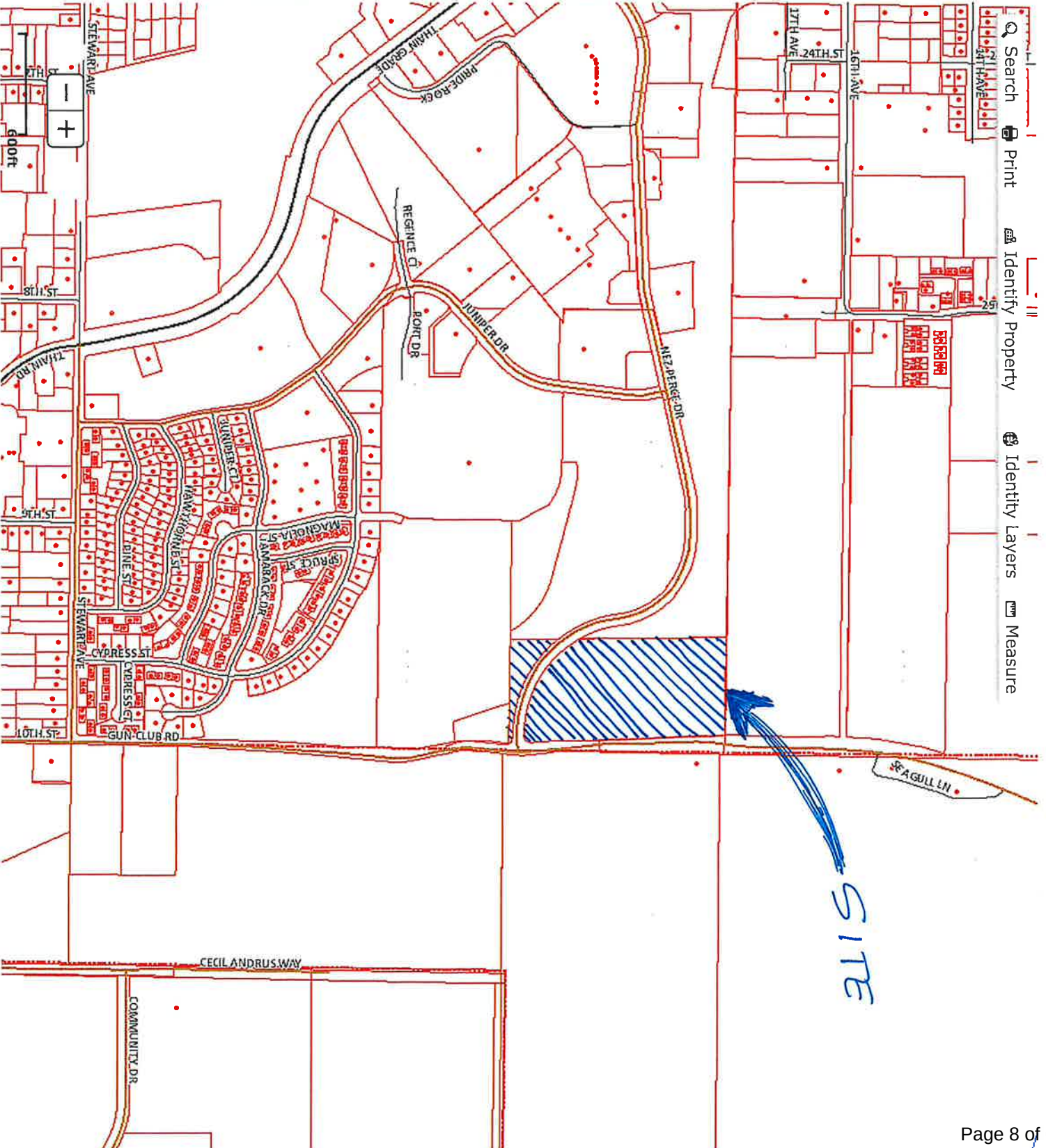
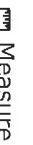
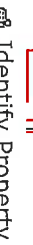
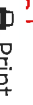
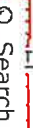
forts are made to display irrent and correct information, there are questions or ncerns please call 208-799-110 or email: [Assessor](#).

ix information is for the current ar and 3 years previous. This plication does not show status any tax exemptions. If you ave questions please call 208-99-3030 or email: [Treasurer](#).

or information about appraisal tegeries: [Categories](#)

or information on deeds or uments of record please ntact the [Nez Perce County recorder](#)

ayers
legend



The East Half of the Southeast Quarter of the Southeast Quarter of Section Five (5), Township Thirty-five (35) North, Range Five (5) West, Boise Meridian, City of Lewiston, Nez Perce County, Idaho.

Excepting that portion lying East of Gun Club Road.

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 July 12, 2023 at 5:30 pm.

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

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

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

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

ZONE CHANGE PROPOSAL ZNC23-5 BY JOE & FRANCES MCCANN FAMILY LIMITED PARTNERSHIP: It is proposed that an undeveloped tax parcel RPL 355W0059000 (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, as depicted on the attached map, be rezoned from Agricultural Transitional, F2, Zone to Regional Commercial, C6, Zone.

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

Hearing notice publication date: June 25, 2023.

NOTICE OF PUBLIC HEARING

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

WEDNESDAY JULY 12, 2023 at 5:30 P.M.
COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501

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

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

Notice of this public hearing was mailed on June 26, 2023 and 3 persons were noticed.

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact the meeting coordinator at least forty-eight (48) hours in advance of the meeting at (208) 746-1318, ext. 7202.

ZNC23-000005

Properties within 330' Boundary

OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
Central Idaho Land Llc		24676 GARDEN GULCH RD	Culdesac	ID	83524
RKB STILLMAN LLC		1521 29TH ST	LEWISTON	ID	83501
EAT NINETEEN LLC		621 W MALLON AVE STE 509	SPOKANE	WA	99201

City of Lewiston



NOTICE OF PUBLIC HEARING

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

MONDAY AUGUST 21, 2023 at 6:00 P.M.

**LEWISTON CITY LIBRARY
2ND FLOOR MEETING ROOM,
411 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 Tanya Brocke at tbrocke@cityoflewiston.org, or by calling (208) 746-3671 ext. 6202.

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

ZONE CHANGE PROPOSAL ZNC23-5 BY JOE & FRANCES MCCANN FAMILY LIMITED PARTNERSHIP: It is proposed that an undeveloped tax parcel RPL 355W0059000 (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, as depicted on the attached map, be rezoned from Agricultural Transitional, F2, Zone to Regional Commercial, C6, Zone. The Planning and Zoning Commission recommended that the City Council approve this proposal after their public hearing conducted on July 12, 2023.

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

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

Notice of this public hearing was mailed on 8/3/2023 and 11 persons were noticed.

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

ZNC23-000005

Properties within 330' Boundary

OWNER	ADDRESS	CITY	STATE	ZIP
CENTRAL IDAHO LAND LLC	246 76 GARDEN GULCH RD	CULDESAC	ID	83524
RKB STILLMAN LLC	1521 29TH ST	LEWISTON	ID	83501
EAT NINETEEN LLC	621 W MALLON AVE STE 509	SPOKANE	WA	99201

3 Properties

8 Entities

11 TOTAL NOTICED

**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.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC23-5
Page 1 of 4

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

IX. RELEVANT CRITERIA AND STANDARDS:

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

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

The subject property is 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

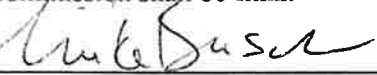
REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC23-5

Page 3 of 4

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

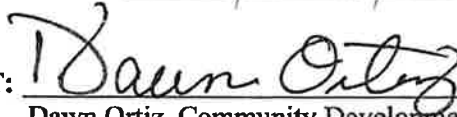
Printed:

Mike Busch

Date of Signature:

7/26/23

ATTEST:


Dawn Ortiz, Community Development Specialist

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.

PLANNING AND ZONING COMMISSION MINUTES

July 12, 2023

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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.

A & A CONSTRUCTION & DEVELOPMENT, INC.

621 W. Mallon Ave., Suite 509, Spokane, WA 99201

Phone (509) 624-1170 Fax (509) 624-1255

July 7, 2023

Lewiston Planning & Zoning Commission
Bell Building – Second Floor Conference Room
215 D Street
Lewiston, Idaho 83501

Subject: Letter of Support for Zone Change from F-2 Farming to C-6 Commercial – ZNC23-5

Dear Commission:

I am writing this letter to express my strong support for the proposed zone change from F-2 Farming to C-6 Commercial, as requested by Joe & Frances McCann Family Limited Partnership. As a developer in the local community and a believer in responsible economic development, I firmly believe that this change will bring numerous benefits to our area.

First, the proposed zone change aligns with the evolving needs and aspirations of the Lewiston community. Over the years, Lewiston has experienced significant growth, both in terms of population and economic activity. As a result, there is a pressing need for commercial development that can cater to the growing demands of our residents. The C-6 Commercial zoning designation will allow for the construction of modern commercial facilities, which will enhance the quality of life for our community members.

The proposed zone change presents an opportunity for increased job creation and economic prosperity. By encouraging commercial development in the area, we can attract new businesses, thereby stimulating local employment opportunities. This will bolster our local economy, generate tax revenue, and contribute to the overall growth and vitality of our city. The infusion of new businesses will also lead to increased competition, potentially resulting in improved services and lower prices for consumers.

I have full confidence in the abilities and track record of Joe & Frances McCann Family Limited Partnership. They have demonstrated their commitment to responsible development in our community, having successfully completed several notable projects in the past. Their projects have always been characterized by high-quality design, adherence to environmental standards, and thoughtful integration with the surrounding area. I have no doubt that they will bring the same level of professionalism and attention to detail to this proposed development, ensuring that it is a valuable addition to our community.

I understand that concerns may arise regarding potential impacts on traffic, infrastructure, and the environment. However, I believe that these concerns can be effectively addressed through careful planning and collaboration between the local authorities and the developer. By implementing appropriate mitigation measures, such as traffic management strategies, infrastructure improvements, and sustainable design practices, we can ensure that the proposed commercial development harmoniously coexists with the existing community.

In conclusion, I urge the City Planning Department to seriously consider the zone change from F-2 Farming to C-6 Commercial as proposed by Joe & Frances McCann Family Limited Partnership. This change aligns with the evolving needs of our community and will contribute to our economic growth and vitality. With responsible planning and collaboration, we can address any concerns and create a development that enhances our community's well-being.

Thank you for your time and consideration. Please feel free to contact me if you require any additional information or if I can be of further assistance.

Sincerely,



Bill Lawson

July 26, 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.

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I. CALL TO ORDER

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

COMMISSIONERS EXCUSED: Kevin Kelly;

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 JULY 12, 2023 MEETING MINUTES (ACTION ITEM)

Commissioner Branson and Anderson moved and seconded, respectively, approval of the July 12, 2023 meeting minutes. The motion carried 6-0.

IV. APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR LAND USE APPLICATION ZNC23-000005 BY JOE & FRANCES MCCANN FAMILY LIMITED PARTNERSHIP (ACTION ITEM):

Vice Chairperson Iacoboni and Commissioner Merwin moved and seconded, respectively, the approval of reasoned statement for ZNC23-000005. Motion passed 6-0.

V. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for August 9, 2023 meeting.

Due to no land use application submitted August 9th, 2023 meeting will be canceled.

Staff Plaskon stated Comprehensive Plan rewrite is still moving along and has asked Logan Simpson to present in front of the City Council in August. Steering Committee will hopefully be able to have a booth at the local food truck event coming up in August and September.

VI. ADJOURN

There being no further business, Commissioners Ball and Branson moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 5:37 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 6/27/2023

Case File Number: ZNC23-5

Applicant:

Joe & Frances McCann Family Limited Partnership
202 26th Ave
Lewiston, ID 83501

Property Owner:

Joe & Frances McCann Family Limited Partnership
202 26th Ave
Lewiston, ID 83501

Site Location:

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. Map is attached to this report.

Request/Proposal:

The applicant proposes that an undeveloped tax parcel RPL 355W0059000 (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, C6, Zone.

Subject Property and Surrounding Land Uses:

The subject property is approximately 18 acres of vacant land that is adjacent to the Nez Perce Terrace Planned Unit Development on the west side and the city/county boundary on the east side. Surrounding properties are Commercial ZNC23-5

uses such as a movie theater, motel and retail stores to the west and Schweitzer Engineering Laboratories to the southwest, vacant land (within city limits) to the north and south, and vacant land (outside of city limits in the county, zoned F1 Farm) to the east across Gun Club Road. The land to the east is primarily vacant, but does have a house on it and that part of it adjacent to Gun Club Road is a creek or drainage. The property is bisected by Nez Perce Drive on the southern end and bordered by Gun Club Road on the east side.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

ARTICLE XII. AMENDMENTS

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

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

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

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

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

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

ZNC23-5

documentation to be stamped and signed by professionals deemed qualified by the commission.

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

ARTICLE XIII. ADMINISTRATIVE PROCEDURE

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

 SHARE

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

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

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

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

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

DIVISION 1. - AGRICULTURAL TRANSITIONAL ZONE F-2

Sec. 37-11. - F-2 agricultural transitional zone.

- (a) *Purpose.* To provide a transition zone from agricultural land uses to residential land use within the city limits where centralized water and sewer are not available.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 2, 10-25-99)

Sec. 37-12. - Uses permitted outright.

In an F-2 zone, the following uses and their accessory uses are permitted outright subject to the provisions of article IV:

- (1) Class A manufactured home;
- (2) General farming, except feedlots;
- (3) Single-family dwelling;
- (4) Bed and breakfast facilities, subject to special conditions of section 37-13.1(1) of this Code;
- (5) Family day care, subject to special conditions of section 37-13.1(2) of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 3, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4742, § 2B, 8-19-19)

Sec. 37-13. - Conditional uses permitted.

In an F-2 zone, the following uses are permitted when authorized in accordance with the standards and requirements in article IX:

- (1) Class B manufactured home;
- (2) Commercial kennels;
- (3) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
- (4) Quarrying when the outer boundary is not located within one thousand (1,000) feet of a dwelling unit other than that of the operator;
- (5) Recreational vehicle park, subject to the provisions of chapter 23, article II of this Code;
- (6) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;

(7) Group day care, subject to special conditions of section 37-13.1(3) of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 4, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4698, § 15, 10-30-17; Ord. No. 4742, § 2C, 8-19-19; Ord. No. 4799, § 1, 3-8-21)

Sec. 37-13.1. - Special conditions.

(1) *Bed and breakfast facilities.*

- (a) The use shall not change the residential character of the dwelling, shall be conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term, shall be conducted so that the average neighbor under normal circumstances would not be aware of its existence, and shall not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.
- (b) No more than one (1) person, other than members of the family residing on the premises, shall be engaged in the occupation.
- (c) Only resident guests of bed and breakfast facilities shall be served meals.
- (d) Bed and breakfast facilities shall be limited to five (5) or fewer guestrooms.
- (e) One (1) off-street parking space is required for each guestroom of a bed and breakfast facility.
- (f) A bed and breakfast facility shall be allowed one (1) sign, no more than four (4) square feet and non-illuminated.
- (g) The size of the site is shown to be reasonable for the intended use.
- (h) Access to the site meets all applicable ordinances.
- (i) The surrounding properties will not otherwise be adversely affected.

(2) *Family day care, one (1) to six (6) children.*

- (a) A business license is required in accordance with chapter 21 of this Code.
- (b) The size of the site is shown to be reasonable for the intended use.
- (c) Access to the site meets all applicable ordinances.
- (d) The surrounding properties will not otherwise be adversely affected.

(3) *Group day care, seven (7) to twelve (12) children.*

- (a) A business license is required in accordance with chapter 21 of this Code.
- (b) The size of the site is shown to be reasonable for the intended use.
- (c) Access to the site meets all applicable ordinances.
- (d) The surrounding property will not otherwise be adversely affected.

(Ord. No. 4249, § 5, 10-25-99; Ord. No. 4322, § 2, 12-9-02; Ord. No. 4351, § 2, 3-15-04; Ord. No. 4742, § 2D, 8-19-19; Ord. No. 4753, § 2, 12-14-19)

Sec. 37-14. - Lot size.

The lot size shall be as follows:

- (1) For a single-family dwelling, the minimum lot area shall be five (5) acres;
- (2) Minimum lot width shall be two hundred (200) feet.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-15. - Yards.

Except as provided in article VIII, yards shall be as follows:

- (1) A front yard shall be a minimum of twenty (20) feet;
- (2) A side yard shall be a minimum of ten (10) feet, except that on a corner lot, the side yard shall be a minimum of fifteen (15) feet from the property line or thirty (30) feet from the centerline of the street, whichever is greater;
- (3) A rear yard shall be a minimum of twenty (20) feet.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-16. - Height of buildings.

Buildings shall not exceed a height of thirty-five (35) feet.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-17. - Lot coverage.

Buildings shall not cover more than forty (40) percent of the lot.

(Ord. No. 4108, § 2, 8-15-94)

DIVISION 17. - REGIONAL COMMERCIAL ZONE C-6

Sec. 37-80. - Regional commercial zone C-6.

Purpose. To encourage the establishment of areas for varied types of commercial uses and to meet the needs of the regional market area. Such uses shall be readily accessible from streets designated as principal or minor arterials as shown in the Lewiston Comprehensive Transportation Plan.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 40, 10-25-99)

Sec. 37-81. - Uses permitted outright.

In a C-6 zone, the following uses and their accessory uses are permitted outright subject to the provisions of article IV:

- (1) Auto, boat, manufactured home, recreational vehicle sales and service;
- (2) Eating and drinking establishments;
- (3) Financial institutions;
- (4) Hotel/motel;
- (5) Car wash, subject to the special conditions of section 37-60.1(1) of this Code;
- (6) Commercial entertainment facility, subject to the special conditions of section 37-69.1(3) of this Code;
- (7) Day care center, subject to the special conditions of section 37-20.1(5) of this Code;
- (8) Mini-storage, subject to the special conditions of section 37-69.1(1) of this Code;
- (9) Personal services;
- (10) Preschool, subject to the special conditions of section 37-20.1(6) of this Code;
- (11) Professional and business offices;
- (12) Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this zone;
- (13) Residential uses legally established as of December 31, 2004;
- (14) Retail sales and services;
- (15) Service station, subject to the special conditions of section 37-60.1(2) of this Code;
- (16) Small animal hospital, clinic or kennel, subject to the special conditions of section 37-69.1(2) of this Code;
- (17) Repealed by Ord. No. 4742.
- (18) Repealed by Ord. No. 4742.

(19) Repealed by Ord. No. 4753.

(20) Recreational vehicle park, subject to the standards of chapter 23 of this Code;

(21) Church.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 41, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4390, § 6, 2-14-05; Ord. No. 4398, § 14, 1-9-06; Ord. No. 4531, § 8, 7-13-09; Ord. No. 4742, § 2R, 8-19-19; Ord. No. 4753, § 9, 12-14-19)

Sec. 37-82. - Conditional uses permitted.

In a C-6 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of articles IV and IX:

- (1) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
- (2) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;
- (3) Other limited arterial commercial uses which are not permitted outright but which are consistent with the purpose of the C-6 Zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses;
- (4) Homeless shelter, subject to the standards of section 37-125 of this Code;
- (5) Bridge housing shelter, subject to the standards of section 37-125 of this Code;
- (6) Transitional housing village, subject to the provisions of chapter 42 of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 42, 10-25-99; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4689, § 5, 4-24-17; Ord. No. 4753, § 10, 12-14-19; Ord. No. 4799, § 16, 3-8-21; Ord. No. 4838, § 3, 12-13-21; Ord. No. 4841, § 14, 11-14-22)

Sec. 37-83. - Development standards.

In a C-6 zone, the following development standards shall apply and be in force:

- (1) *Maximum height for buildings.* None except forty-five (45) feet when a building on a lot abuts a residential zone.
- (2) *Maximum lot coverage.* None.
- (3) *Minimum lot size.* None.
- (4)

Minimum front yard. When fronting on an urban arterial street as defined by the general street plan of the city, the minimum front yard shall be a minimum of forty (40) feet if the adjoining right-of-way is less than eighty (80) feet wide and a minimum of twenty (20) feet if the adjoining right-of-way is eighty (80) or more feet wide. When fronting on other streets shall be a minimum of twenty (20) feet measured from the front of the property line or forty-five (45) feet from the center line of the street, whichever is greater.

(5) *Minimum side yard.* None except fifteen (15) feet when a property abuts a residential zone.

(6) *Minimum rear yard.* None except fifteen (15) feet when a property abuts a residential zone.

(7) *Signs.* Signs shall be subject to the restrictions enumerated in the sign ordinance of the city.

(8) *Off-street parking.* Off-street parking shall be subject to the requirements enumerated in article VII.

(9) *Minimum screening.* Side or rear yards abutting residential zones shall be screened by means of a sight-obscuring fence or approved landscaping materials. Such screening shall be installed prior to the issuance of a certificate of occupancy.

(10) *Sidewalks.* Portland cement concrete sidewalks shall be required in all commercial zones. See section 32-45(c) of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4531, § 9, 7-13-09)

Comprehensive Plan:

The subject property is located in Neighborhood Number 3, East Lewiston and has a future land use designation of Commercial. Relevant statements from the Comprehensive Plan include the following:

CHAPTER 1. A VISION FOR LEWISTON IN 2020

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.

Neighborhood Number Three – East Lewiston

e. Vacant Lands There remain substantial tracts of vacant land in this neighborhood. Following are descriptions of the larger tracts of land:

South of 18th Avenue is land owned by the heirs of Joseph McCann. After rising fairly steeply from 18th Avenue, the land becomes relatively flat and could be developed with reasonable ease. The transportation plan shows an extension of 16th Avenue traversing this land; Nez Perce Drive is under phased construction with this goal in mind.

Chapter 10, Transportation.

Nez Perce Drive has been developed since the 1999 Comprehensive Plan and is classified as a collector street. The 2020 Transportation Plan identified a “future connections beyond planning horizon” in the further extension of Nez Perce Drive from the intersection of Gun Club Road east to Lindsay Creek Road. Nez Perce Drive does have sidewalk and a bike lane. The East Route of the transit system does travel along a section of Nez Perce Drive until it intersects with Juniper Drive and there is a bus stop along Nez Perce Drive.

Gun Club Road is classified as a minor arterial street.

Input From Other Departments/Agencies:

The Fire Department had no comments on the application.

The Engineering Division of the Public Works Department commented, “Engineering has no objections to zone change.”

ZNC23-5

Analysis:

The subject property is currently vacant, bare land that is not being farmed. It is bisected by Nez Perce Drive with a majority of the property on the north side of the road and a small triangle on the south side of the road. The property abuts the Nez Perce Terrace Planned Unit Development (PUD) which has a development master plan of a mix of both commercial and residential uses. The subject property is adjacent to the portion of the Nez Perce Terrace PUD that is designated for local commercial development (copy of the local commercial purpose and uses permitted is attached to this report). West of the Nez Perce Terrace PUD (beginning approximately at the Hampton Inn) is zoned Regional Commercial, C6, Zone, the same as the requested zone in the application.

The Comprehensive Plan map has a future land use designation of Commercial for the subject property and a rezone from Agricultural Transitional, F2, Zone to Regional Commercial, C-6, Zone would be in conformance with the plan.

The permitted uses in the Regional Commercial, C-6, Zone are similar in intensity and density to those listed in the Nez Perce Terrace PUD and are complimentary to the existing businesses along Nez Perce Drive. While the intensity of the allowed uses in the Agricultural Transitional, F2, Zone may be less than those in the Regional Commercial, C-6, Zone, the types of uses that are allowed could be considered less compatible to the uses allowed in the Nez Perce Terrace PUD Local Commercial designation. F2 zone uses could also be considered less compatible with the High Density Residential area that is south of the Local Commercial area in the Nez Perce Terrace PUD.

Commercial development of the subject property is unlikely to result in any negative impact to the residents in the home across Gun Club Road because the east side of Gun Club Road is too steep to allow access to Gun Club Road, and the subject property is at least 30 feet higher in elevation than said home. There are also tall, dense trees between the home and Gun Club Road. It is expected that residents of the home will not be able to see any of the commercial development on the subject property.

Relevant Criteria and Standards:

See attached worksheet.

Prepared By:

Katie Hollingshead
(208) 746-1318, ext. 7261
khollingshead@cityoflewiston.org
P.O.Box 617
Lewiston, ID 83501

ZNC23-5



inch = 37.6 feet

SUBJECT PROPERTY

NEZ PERCE DR

Author: City of Lewiston
Date: 6/20/2023

Sources: ESRI, HERE, Garmin, Intermap, increment P Corp., GEBCO, GeoBasis, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, OpenStreetMap contributors, and the GIS User Community

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

City of Lewiston



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

City of Lewiston



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information and locations are
approximate. There is no guarantee
or warranty is expressed or implied
for its accuracy.



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

CITY ORDINANCE NO. 4893

AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC23-5, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE AGRICULTURAL TRANSITIONAL (F-2) ZONE TO THE REGIONAL COMMERCIAL (C-6) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the real property described in Section 1 is within the Agricultural Transitional (F-2) Zone, and consists of an approximately 18.74-acre parcel of land generally located on the west side of Gun Club Road, and north and south (bisected by Nez Perce Drive) of the east end of Nez Perce Drive, commonly known as Tax Parcel RPL355W0059000;

WHEREAS, on July 12, 2023, the Lewiston Planning and Zoning Commission held a duly noticed public hearing to consider ZNC23-5, an application to rezone the above-described real property to the Regional Commercial (C-6) Zone, and recommended approval of ZNC23-5 to the Lewiston City Council on July 26, 2023; and

WHEREAS, on August 21, 2023, the Lewiston City Council held a duly noticed public hearing to consider ZNC23-5, and subsequently completed a written Reasoned Statement, all in accordance with Idaho Code §§ 67-6509, 67-6511 and 67-6535.

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

SECTION 1: The following described real property situated within the City of Lewiston, Idaho is hereby removed from the Agricultural Transitional (F-2) Zone, and included in the Regional Commercial (C-6) Zone, as defined by the Zoning Ordinance of the City of Lewiston, Idaho:

The East Half of the Southeast Quarter of the Southeast Quarter of Section Five (5), Township Thirty-Five (35) North, Range (5) West, Boise Meridian, City of Lewiston, Nez Perce County, Idaho.

Excepting that portion lying East of Gun Club Road.

SECTION 2: The Zoning Map of the City of Lewiston is hereby amended to remove said real property described above from the Agricultural Transitional (F-2) Zone and include said real property in the Regional Commercial (C-6) Zone.

SECTION 3: The real property being rezoned is depicted in Exhibit A, attached hereto and incorporated herein.

SECTION 4: This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED this _____ day of _____, 2023.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

_____, City Clerk

Exhibit A





CITY COUNCIL MEETING AGENDA ITEM HISTORY/COMMENTARY

ITEM TITLE RESOLUTION 2023-50	AGENDA NO. V. A. AGENDA DATE: August 21, 2023
ITEM HISTORY (PREVIOUS COUNCIL REVIEWS, ACTION RELATED TO THIS ITEM, OTHER PERTINENT HISTORY) City Council held a Public Hearing to receive testimony on Resolution 2023-43, which established fees for stormwater drainage system services, on August 14, 2023. During this meeting, City Council decided to amend the proposed user fees for a reduced rate. As this amendment was made in real time, Utility Billing staff were not able to provide feedback on the feasibility of the adjusted rates prior to the resolution's adoption. Resolution 2023-50 reduces the "Service Area 2 Fee per ERU - Utility Assistance Program" monthly user fee by \$0.01 in order to comply with the City's utility billing software requirements.	
ITEM COMMENTARY (BACKGROUND, DISCUSSION, KEY POINTS, RECOMMENDATIONS, ETC.) Please identify any or all impacts this proposed action would have on the City budget and/or personnel resources. The City's utility billing software (known as Munis) requires all fees to be even numbers as the system does not have the capability to calculate non-integers. Resolution 2023-50 reduces the "Service Area 2 Fee per ERU - Utility Assistance Program" monthly user fee from \$4.05 to \$4.04 to resolve this issue. All other provisions of Resolution 2023-43 remain in place and have not been adjusted.	
BUDGET IMPACT	
ACTION PROPOSED Staff recommends that City Council approves Resolution 2023-50 with an effective date of January 1, 2024.	

RESOLUTION 2023-50

A RESOLUTION AMENDING RESOLUTION 2023-43 TO REDUCE THE MONTHLY USER FEE FOR RESIDENTIAL PROPERTIES DESCRIBED AS “SERVICE AREA 2 FEE PER ERU – UTILITY ASSISTANCE PROGRAM” FROM FOUR DOLLARS AND FIVE CENTS (\$4.05) TO FOUR DOLLARS AND FOUR CENTS (\$4.04) IN ORDER TO COMPLY WITH THE CITY’S UTILITY BILLING SOFTWARE REQUIREMENTS

WHEREAS, on August 14, 2023, the Lewiston City Council approved Resolution 2023-43 with amendments to the monthly user fees for stormwater drainage system services for residential and commercial properties, a copy of which is attached hereto and incorporated herein as Exhibit A;

WHEREAS, the City’s utility billing software (known as Munis) requires all fees to be even numbers so that such fees can be equally divided, if needed; and

WHEREAS, this Resolution 2023-50 amends Resolution 2023-43 to reduce the monthly user fee for residential properties described as “Service Area 2 fee per ERU – Utility Assistance Program” from Four Dollars and Five Cents (\$4.05) to Four Dollars and Four Cents (\$4.04) in order to comply with Munis requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: The foregoing recitals are hereby incorporated into and made part of this Resolution 2023-50.

SECTION 2: The Lewiston City Council hereby amends Resolution 2023-43 to reduce the monthly user fee for residential properties described as “Service Area 2 fee per ERU – Utility Assistance Program” from Four Dollars and Five Cents (\$4.05) to Four Dollars and Four Cents (\$4.04) in order to comply with Munis requirements.

SECTION 3: All other provisions of Resolution 2023-43 shall remain in full force and effect as if set forth fully herein.

SECTION 4: This resolution shall take effect on January 1, 2024.

PASSED this _____ day of _____ 2023.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

_____, City Clerk

EXHIBIT A
TO RESOLUTION 2023-50

RESOLUTION 2023-43

A RESOLUTION ESTABLISHING FEES FOR STORMWATER DRAINAGE SYSTEM SERVICES, EFFECTIVE JANUARY 1, 2024

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

SECTION 1: User fees for stormwater drainage system services shall be as follows:

(1) Residential properties, per month:

Description	New Fee
Service Area 1 fee per ERU ¹	\$7.40
Service Area 1 fee per ERU – Utility Assistance Program	\$5.54
Service Area 2 fee per ERU	\$5.70
Service Area 2 fee per ERU – Utility Assistance Program	\$4.05

(2) Commercial properties, per month:

Description	New Fee
Service Area 1 fee per ERU	\$7.40
Service Area 2 fee per ERU	\$5.70

The City of Lewiston is separated into two Service Areas: Service Area 1 is predominantly piped areas, and Service Area 2 is predominantly surface drainage/infiltration areas. A map delineating such Service Areas is set forth in the “Stormwater User Fee Basis, Rate Structure, and Policy Memorandum” prepared by Aspect Consulting, LLC and adopted by the City Council through Resolution 2022-17.

The “Stormwater Drainage System Utility Fee Structure & Credit Policy,” as established by the Stormwater Coordinator pursuant to Ordinance No. 4882, defines residential properties, commercial properties, the fee structure, and credit eligibility criteria to further individualize user fees.

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¹ One (1) Equivalent Residential Unit (ERU) is equal to four thousand five hundred (4,500) square feet of Impervious Surface Area (ISA), which is defined in Ordinance No. 4882 as material that resists or blocks the passage of water into soils as would occur under natural conditions (e.g., rooftops, roads, alleys, parking lots, sidewalks, patios, decks, graveled areas, and swimming pools). The monthly user fee is determined by the number of ERUs per property.

SECTION 2: Other fees associated with stormwater drainage system services shall be as follows:

Description	New Fee
Late fee for unpaid bills - single family	\$15.00
Late fee for unpaid bills - all others	\$25.00

Such fees shall apply to both Service Area 1 and Service Area 2.

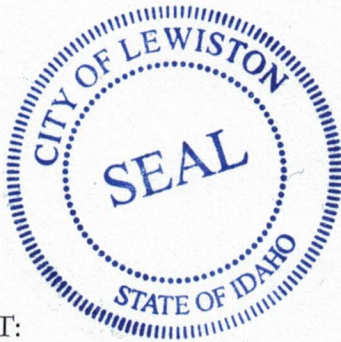
SECTION 3: A customer who thinks that their monthly user fee is based on an incorrect calculation of ISA; that the subject property, or portions thereof, does not receive any drainage services from the City's Stormwater Drainage System; or that their user fee is otherwise incorrect shall submit a written recalculation application to the Stormwater Coordinator, as described in Ordinance No. 4882.

SECTION 4: The fee to appeal a written decision by the Stormwater Coordinator regarding credit eligibility or user fee corrections, as described in Ordinance No. 4882, shall be Two Hundred Dollars (\$200).

SECTION 5: All fees established by this resolution shall remain in effect until modified by resolution of the City Council.

SECTION 6: This resolution shall take effect on January 1, 2024.

PASSED this 14th day of August 2023.



CITY OF LEWISTON

By: _____

Daniel G. Johnson, Mayor

ATTEST:

Tanya M. Brocke
Tanya M. Brocke, Dep., City Clerk

CITY ORDINANCE NO. 4892

AN ORDINANCE OF THE CITY OF LEWISTON AMENDING ORDINANCE NO. 4858, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023, APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF LEWISTON, IDAHO IN THE SUM OF TWENTY-FIVE MILLION FIVE HUNDRED TWENTY-ONE THOUSAND EIGHT HUNDRED TEN DOLLARS (\$25,521,810); AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: Ordinance No. 4858, the Annual Appropriation Ordinance of the City of Lewiston, Idaho for the fiscal year commencing October 1, 2022 and ending September 30, 2023, is hereby amended as follows:

The additional sum of Twenty-Five Million Five Hundred Twenty-One Thousand Eight Hundred Ten Dollars (\$25,521,810) shall be appropriated out of the following revenues:

Proposed Revenues

General Fund - Contributions	31,000
General Fund - Reserves - Golf Course Improvements	119,000
General Fund - Reserves - Golf Course Equipment Purchase	250,000
General Fund - Reserves - Golf Fund Closure	279,140
General Fund - Contributions - Golf Fund Closure	558,610
General Fund - Police Dept - Reserves - FY22 Carryforward	4,800
General Fund - Police Dept - AIC ODP Grant - Radio Ads	2,000
General Fund - Police Dept - K-9 Donation	4,600
General Fund - Police Dept - Reimbursements	24,770
General Fund - Police Dept - STEP Grant	40,000
General Fund - Police Dept – Federal Grant	43,880
General Fund - Fire Dept - State EMS Grant	19,550
General Fund - Fire Dept - Donations	1,200
General Fund - Fire Dept - Reserves - FY22 Carryforward	14,720
General Fund - Opioid Settlement Funds	10,000
Capital Fund - Parks - Donations	710,000
Capital Fund - Airport Improvements	2,500,000
Capital Fund - Transportation - 2022 HB354	613,090
Capital Fund - Transportation - Street Preservation Reserves	1,114,660
Capital Fund - Transportation - ADA/FILO Reserves	40,000
Capital Fund - Transportation - 2022 Children Pedestrian Safety Program	285,250

ORDINANCE NO. 4892

Page 1 of 4

Capital Fund - Transportation - Contributions	22,750
Capital Fund - Transportation - Stormwater Reserves	22,750
Workers Comp Fund - Reserves	200,000
Water Fund - Federal Grant - Idaho DEQ ARPA - WTP Design & Construction	300,000
Water Fund - SRF Financing - WTP Design & Construction	9,333,970
Water Fund - Reserves - Carryforward FY22 Vehicles	55,970
Water Fund – Contributions Pub Sources - WR100 ITD Waterline	1,450,000
Water Fund - IDEQ - Emergency Funding Assistance	225,000
Water Fund - Reserves - High Reservoir Emergency	2,775,000
Water Fund - Reserves - SRF Interest	285,000
Wastewater Fund – SRF Financing – WWTP Upgrade	3,284,920
Golf Fund - CourseCo Contract	68,000
Golf Fund - Reserves - Golf Fund Closure	549,730
Transportation Fund- Contributions - Blue Cross Grants	9,520
Transportation Fund - Reimbursements	59,750
Library Fund - State Grants	7,000
Library Fund - Federal Grants	4,000
Library Fund - Reserves - CARES Funds	27,300
Fleet Services Fund – Reimbursements - Insurance Patrol SUV	19,580
Fleet Services Fund - Reserves - Patrol SUV	29,760
Fleet Services Fund - Reserves - Floor and Hoist	32,810
Fleet Services Fund - Reserves – FY 22 Carryforward	79,390
Fleet Services Fund - Reserves - Water Dist. Pickup	8,500
Information System Fund - Reserves - FY22 Carryforward	4,840

Total Revenues \$25,521,810

The expenditures to be paid by these funds are as follows:

Proposed Expenditures

General Fund - Community Development - Comprehensive Plan Design	30,000
General Fund - Contributions - Parks ADA Equip	1,000
General Fund - Police Dept - PO 22201559 Patrol Tablets	4,800
General Fund - Police Dept - AIC ODP Grant - Radio Ads	2,000
General Fund - Police Dept - K-9	4,600
General Fund - Police Dept - Training	7,630
General Fund - Police Dept - Radio Repeaters	17,140
General Fund - Police Dept - Seekins Rifles	40,000
General Fund - Police Dept –Tower Combiner	43,880
General Fund - Fire Dept – Gurney & EMS Supplies	19,750
General Fund - Fire Dept - Fire Stn 4 Equipment	1,000
General Fund - Fire Dept - FY22 Carryforward	14,720
General Fund - Golf Course Improvements	119,000

General Fund - Golf Course Equipment Purchase	250,000
General Fund - Golf Fund Closure	837,750
General Fund - Opioid Funds - Police Cordico Wellness App	10,000
Capital Fund - Parks - Canyon Crest Park & Line Painting Robot	710,000
Capital Fund - Airport Improvements	2,500,000
Capital Fund - Transportation - 21st St Fiber Preservation Project	1,263,000
Capital Fund - Transportation - Emergency Street Repairs	500,000
Capital Fund - Transportation - 2022 Children Pedestrian Safety Program	290,000
Capital Fund - Transportation - SM008 Hall Ford Stormwater	45,500
Workers Comp Fund - Self Insurance Claims	200,000
Water Fund – WTP Design & Construction	9,633,970
Water Fund – FY22 Vehicle Replacements	55,970
Water Fund - WR100 ITD Waterline	1,450,000
Water Fund - High Reservoir Emergency	3,000,000
Water Fund - SRF Interest	285,000
Wastewater Fund - WWTP Upgrade WW044	3,284,920
Golf Fund - CourseCo Contract	42,000
Golf Fund - Golf Fund Closure	575,730
Transportation Fund - Pedestrian Crossing Improvements	9,520
Transportation Fund – Repair Damaged Light Poles/Signal Base	59,750
Library Fund - Grant Expenditures	38,300
Fleet Services Fund - Floor and Hoist Repair	32,810
Fleet Services Fund - FY22 Vehicle Replacements	79,390
Fleet Services Fund - Patrol SUV Replacement	49,340
Fleet - Purchase Pickup from Water	8,500
Information System Fund – Patrol Tablets	4,840

Total Expenditures.....\$25,521,810

Expenditures of monies will be in accordance with the provisions of Idaho Code § 50-1006.

SECTION 2: All of the above sums are revenues from sources not anticipated at the time of adoption of Ordinance No. 4858 and are not from *ad valorem* tax revenues.

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

Signature page to follow

PASSED this _____ day of _____ 2023.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

_____, City Clerk

CITY ORDINANCE NO. 4894

AN ORDINANCE OF THE CITY OF LEWISTON, TO BE TERMED THE “2024 ANNUAL APPROPRIATION ORDINANCE,” APPROPRIATING SUMS OF MONEY AUTHORIZED BY LAW AND DEEMED NECESSARY FOR ALL GENERAL AND SPECIAL MUNICIPAL PURPOSES OF THE CITY OF LEWISTON, IDAHO, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Idaho Code § 50-1002, the City Council of the City of Lewiston, Idaho has prepared and tentatively approved an annual budget, including an estimate of total revenues anticipated and expenditures necessary for the fiscal year commencing October 1, 2023 and ending September 30, 2024;

WHEREAS, pursuant to public notice, as required by law, a public hearing on the aforesaid proposed budget was held on August 14, 2023; and

WHEREAS, pursuant to Idaho Code § 50-1003, the City of Lewiston is required to pass an annual appropriation ordinance prior to the commencement of the ensuing fiscal year.

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

SECTION 1: This ordinance shall be known as the 2024 Annual Appropriation Ordinance.

SECTION 2: The following sums of money, or as much thereof as may be authorized by law, needed or deemed necessary to defray all expenses and liabilities of the City of Lewiston, Idaho, are hereby appropriated for the general and special municipal and corporate purposes of the City of Lewiston as hereinafter specified for the fiscal year commencing October 1, 2023 and ending September 30, 2024.

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For general and special municipal and corporate purposes:

A. <u>GENERAL GOVERNMENT FUNDS</u>	<u>AMOUNT APPROPRIATED</u>
GENERAL FUND	
Legislative	\$ 1,056,270
Executive	527,120
Human Resources	570,710
Legal Services	674,430
Parks & Facilities	3,491,710
Police Protection	9,827,470
Fire Protection	9,893,290
Community Development	1,813,930
Recreation	734,400
Finance	1,585,320
Contingency	150,000
Public Safety	50,000
Property Preservation Account	470,000
Golf	588,130
Uncollectible Account	200,000
Building Reserve Fund	6,400,000
Settlement	175,000
Insurance Trust	<u>406,820</u>
TOTAL GENERAL FUND	\$ 38,614,600
OTHER GOVERNMENT FUNDS	
Worker's Compensation Fund	\$ 601,000
Cemetery Fund	335,670
Transportation Fund	4,475,280
Library Fund	1,609,270
Fleet Maintenance Fund	1,742,940
Information Systems Fund	1,176,850
Police Retirement Fund	1,288,000
Public Transportation	2,480,060
Perpetual Care Fund	<u>54,000</u>
TOTAL OTHER GOVERNMENT FUNDS	\$ 13,763,070
TOTAL GOVERNMENT FUNDS	<u>\$ 52,377,670</u>

B. ENTERPRISE FUNDS

Water Fund	\$ 6,244,180
Wastewater Fund	6,676,890
Stormwater Fund	1,248,890
Sanitation Fund	6,973,770
TOTAL ENTERPRISE FUNDS	<u>\$ 21,143,730</u>

C. CAPITAL FUNDS

Capital Projects Fund	\$ 4,343,030
Water Fund	11,233,000
Wastewater Fund	10,875,820
Stormwater	670,000
Sanitation Fund	317,500
Economic Development Fund	3,888,190
Fleet Maintenance Fund	2,144,000
Information Systems Fund	200,000
TOTAL CAPITAL FUNDS	<u>\$ 33,671,540</u>

D. SPECIAL ASSESSMENT FUND

Business Improvement District	\$ 200,000
SUBTOTAL	<u>\$ 107,392,940</u>
DOUBLE BUDGETING	
Less Transfers	(50,000)
Less Depreciation	<u>(5,770,190)</u>
GRAND TOTAL	<u><u>\$ 101,572,750</u></u>

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

PASSED this _____ day of _____ 2023.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

_____, City Clerk

CITY ORDINANCE NO. 4895

AN ORDINANCE OF THE CITY OF LEWISTON FIXING AND ESTABLISHING THE TAX CERTIFICATION ON ALL TAXABLE PROPERTIES SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF LEWISTON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, FOR THE PURPOSE OF PROVIDING AND RAISING MONIES FOR MUNICIPAL AND CORPORATE PURPOSES; PROVIDING FOR THE TAX CERTIFICATION TO THE BOARD OF COUNTY COMMISSIONERS OF NEZ PERCE COUNTY, IDAHO IN THE AMOUNT OF TWENTY-THREE MILLION FOUR HUNDRED SEVENTY-SIX THOUSAND NINE HUNDRED SEVENTY DOLLARS (\$23,476,970); PROVIDING A CERTIFIED COPY OF THE 2024 ANNUAL APPROPRIATION ORDINANCE TO THE BOARD OF COUNTY COMMISSIONERS OF NEZ PERCE COUNTY, IDAHO, AS ADOPTED BY THE CITY OF LEWISTON FOR THE 2023-2024 FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 4894, passed by the Lewiston City Council on August 28, 2023, the City of Lewiston, in the manner provided by law, adopted a budget and appropriated sums of money to defray expenses and liabilities of the City of Lewiston, Idaho for the fiscal year commencing October 1, 2023 and ending September 30, 2024, for general and special municipal and corporate purposes; and

WHEREAS, pursuant to Idaho Code §§ 50-1007 and 63-803(3), not later than the Thursday prior to the second Monday in September of each year, the City Council is required to certify to the Board of Commissioners of Nez Perce County, Idaho the total amount of money in dollars required to be raised from a property tax on property situated within the corporate limits of the City of Lewiston for all municipal and corporate purposes in accordance with and in order to raise the amount of money fixed by Ordinance No. 4894.

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

SECTION 1: A tax levy, or as much thereof as may be authorized by law, is hereby fixed and established in dollar amounts for the purpose of providing monies for general and special corporate purposes by which to meet and defray all expenses and liabilities of the City of Lewiston for the fiscal

year commencing October 1, 2023 and ending September 30, 2024, as authorized by Idaho Code §§ 50-1007 and 63-803, in the amount of Twenty-Three Million Four Hundred Seventy-Six Thousand Nine Hundred Seventy Dollars (\$23,476,970).

A.	GENERAL FUND (Idaho Code § 50-235)	\$18,039,290
	PUBLIC TRANSPORTATION	\$460,180
B.	SPECIAL FUNDS:	
	LIBRARY (Idaho Code § 33-2603)	\$1,473,500
	STREETS (Transportation Fund) (Idaho Code § 50-312)	\$3,254,000
	CEMETERY (Idaho Code § 50-320)	\$150,000
	CAPITAL PROJECTS FUND (Idaho Code § 50-236) (for Park capital improvements)	\$100,000
	TOTAL:	\$23,476,970

In addition to the tax levy described above, the City of Lewiston anticipates receiving personal property tax replacement funds from the State of Idaho in the amount of Two Hundred Ninety-Eight Thousand Seven Hundred Sixty-Seven Dollars (\$298,767).

SECTION 2: No later than September 10, 2023, the City Clerk is hereby authorized and directed to certify to the Board of County Commissioners of Nez Perce County, Idaho the monies required to be raised from a property tax upon property situated within the corporate limits of the City of Lewiston in dollar amounts and for the purposes provided in Section 1 of this Ordinance, in order to raise the amount of money fixed by the budget and 2024 Annual Appropriation Ordinance (Ordinance No. 4894), passed by the Lewiston City Council on August 28, 2023.

SECTION 3: No later than September 10, 2023, the City Clerk is hereby authorized and directed to certify to the Board of Commissioners of Nez Perce County, Idaho a certified copy of the 2024 Annual Appropriation Ordinance (Ordinance No. 4894) adopted by the City Council of the City of Lewiston for the 2024 fiscal year, as required by Idaho Code §§ 50-1007 and 63-803.

SECTION 4: This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED this _____ day of _____ 2023.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

_____, City Clerk

CITY ORDINANCE NO. 4897

AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 2-12(a) OF THE LEWISTON CITY CODE REGARDING THE MAYOR'S COMPENSATION, AMENDING SECTION 2-22(a) REGARDING CITY COUNCIL AND COUNCIL PRESIDENT COMPENSATION, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: Lewiston City Code § 2-12(a) is hereby amended as follows:

Sec. 2-12. Compensation.

(a) *Compensation and benefits.* Compensation of the mayor shall be fixed in accordance with Idaho Code § 50-203. The mayor shall receive an annual salary of eighty-four thousand dollars (~~\$80,000.00~~ \$84,000), payable monthly. Additionally, the mayor shall receive, at his or her option, the same employee benefits as any full-time city employee, except for accrual of vacation and sick leave.

...

SECTION 2: Lewiston City Code § 2-22(a) is hereby amended as follows:

Sec. 2-22. Compensation.

(a) *Compensation.* City council compensation shall be fixed in accordance with Idaho Code § 50-203. City councilors shall receive as compensation seven hundred seventy dollars (~~\$700.00~~ \$770) per month; provided, however, that the council president shall receive as compensation eight hundred fifty dollars (\$850) per month.

...

SECTION 3: In accordance with Idaho Code § 50-203, this ordinance shall take effect on

January 1, 2024.

PASSED this _____ day of _____ 2023.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

_____, City Clerk

**CITY OF LEWISTON
SUMMARY OF ORDINANCE NO. 4897**

ORDINANCE NO. 4897: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 2-12(a) OF THE LEWISTON CITY CODE REGARDING THE MAYOR'S COMPENSATION, AMENDING SECTION 2-22(a) REGARDING CITY COUNCIL AND COUNCIL PRESIDENT COMPENSATION, AND PROVIDING AN EFFECTIVE DATE.

Section 1 amends Lewiston City Code § 2-12(a) to increase the Mayor's annual salary from Eighty-Thousand Dollars (\$80,000) to Eighty-Four Thousand Dollars (\$84,000). Section 2 amends Lewiston City Code § 2-22(a) to: (1) increase the City Council's monthly compensation from Seven Hundred Dollars (\$700) to Seven Hundred Seventy Dollars (\$770), and (2) fix the Council President's monthly compensation at Eight Hundred Fifty Dollars (\$850). Section 3 provides an effective date of January 1, 2024, in accordance with Idaho Code § 50-203.

Ordinance No. 4897 shall take effect on January 1, 2024.

CITY OF LEWISTON

By: Daniel G. Johnson
Mayor

Attest: _____
City Clerk

The full text of this ordinance is available at the City Clerk's office, Lewiston City Hall, 1134 F Street, Lewiston, during regular business hours.

I, KAYLA HERMANN, City Attorney, reviewed the foregoing Summary of Ordinance No. 4897. The summary is true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A.

Dated this _____ day of _____ 2023.

Kayla Hermann
City Attorney