



Lewiston Planning & Zoning Commission
AMENDED REGULAR MEETING AGENDA
September 13, 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 Facebook page or the City's website at cityoflewiston.org

III. APPROVAL OF MINUTES

A. APPROVAL OF AUGUST 23, 2023 MEETING MINUTES (ACTION ITEM)

IV. APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

- A. APPROVAL OF THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-3 BY TOBE FINCH OF HAPPY DAY CORPORATION TO INSTALL A BILLBOARD AT 1840 19 TH AVENUE (ACTION ITEM)::** THE APPLICANT REQUESTS CONDITIONAL USE PERMIT APPROVAL, FOR A DIGITAL BILLBOARD IN THE REGIONAL COMMERCIAL, C6, ZONE AND THE BILLBOARD, BB, OVERLAY ZONE. THE PROPOSED BILLBOARD LOCATION IS ON THE SOUTH SIDE OF THE LEWISTON CENTER MALL AND ON THE EAST SIDE OF 17TH STREET, ACROSS FROM THE REGENCE BLUE SHIELD CAMPUS. BILLBOARDS ARE ALLOWED BY CONDITIONAL USE PERMIT IN THE BILLBOARD OVERLAY ZONE PER LEWISTON CITY CODE CHAPTER 30, SIGN

CODE.

V. PRELIMINARY PLAT

- A. **PRELIMINARY PLAT - CANYON CREST SOUTH ADDITION (ACTION ITEM):** The Canyon Crest South Addition preliminary plat proposes to plat approximately 9.4 acres of undeveloped property located on the east side of 18th Street, and north of Airway Avenue, into 56 lots. - Action Item ()

VI. REVIEW OF ZONING CODE AMENDMENT ZA-01-23 TO AMEND PROVISIONS REGARDING PUBLIC HEARINGS, FINAL DECISIONS, AND APPEALS (ACTION ITEM)

- A. **REVIEW OF ZONING CODE AMENDMENT ZA-01-23 TO AMEND PROVISIONS REGARDING PUBLIC HEARINGS, FINAL DECISIONS, AND APPEALS (ACTION ITEM):** - Action Item ()

VII. COMPREHENSIVE PLAN PHASE II SURVEY:

Discussion and completion by Commissioners

- A. **COMPREHENSIVE PLAN PHASE II SURVEY: DISCUSSION AND COMPLETION BY COMMISSIONERS:** - Presentation ()

VIII. STAFF-COMMISSION COMMUNICATIONS

- A. **QUERY OF COMMISSIONERS FOR THE SEPTEMBER 27, 2023 MEETING (PUBLIC HEARINGS SCHEDULED).**

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

August 23, 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 cityoflewiston.org.

I. CALL TO ORDER

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

COMMISSIONERS EXCUSED: Justin Merwin

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; 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 26, 2023 meeting minutes. The motion carried 5-0-1, with Commissioner Kelly abstaining.

IV. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-3 BY TOBE FINCH OF HAPPY DAY CORPORATION TO INSTALL A BILLBOARD AT 1840 19TH AVENUE (ACTION ITEM):

Staff Hollingshead provided a verbal summary of the staff report and presented maps and photos of the subject property and location of the proposed billboard. Commissioner Branson asked if another billboard could be placed in this billboard overlay zone, Staff answered yes, that there is enough space to meet the 500 feet spacing requirement, so another property owner could apply for a separate Conditional Use Permit for a billboard in this billboard overlay zone. Commissioner Anderson asked about the elevation difference from the proposed billboard location and the single family dwellings further south. Staff Hollingshead used the City’s Geographical Information Systems maps to show the topography differences between the subject property and the single family dwellings to the south. There is approximately 120 feet in elevation difference. There being no other questions for staff, Chair Busch asked if the applicant was present. Mike Cooper, 2023 13th Street, Clarkston, spoke as a representative for the applicant. He stated that the property is owned by TA Finch and not Happy Day Corporation, but that Bruce

and Tobe Finch own both. The Commission did not have any questions for the applicant. There being no other testimony, Chair Busch closed the public hearing. The Commission discussed the relevant criteria and standards, and acknowledged for the record, as included in the staff report, that the proposed billboard should be located 10 feet further to the east than currently proposed to avoid having to move it at such time as the westerly 10 feet of the applicants property has to be dedicated for additional 17th Street right of way. . Commissioner's Anderson and Iacoboni, moved and seconded, respectively, to direct staff to draft the Reasoned Statement to approve Conditional Use Permit application CUP23-3. Motion passed 5-1, with Commissioner Ball against.

V. PRELIMINARY PLAT - SOUTHERN HILLS ADDITION #1 (ACTION ITEM):

City Surveyor, Mark Weigand, presented the preliminary plat and showed the Commission photos of the subject property. Mr. Weigand reviewed the requirements for lot sizes, right of way frontage improvements and installation of utilities and noted that the preliminary plat complies with all the application requirements of the City of Lewiston Subdivision Ordinance, City Code Chapter 32. Commissioner's Ball and Branson, moved and seconded, respectively, to recommend approval of the Southern Hills Addition #1 preliminary plat to City Council. Motion passed 6-0.

VI. INITIATION OF ZONING CODE AMENDMENT ZA-01-23 TO AMEND PROVISIONS REGARDING PUBLIC HEARINGS, FINAL DECISIONS, AND APPEALS (ACTION ITEM):

Staff Hollingshead presented information on the proposed amendments to City Code Sections 37-183, 37-184. 37-185, 37-192. Staff Hollingshead let the Commission know that Assistant City Attorney Tengono was available for questions. Commissioner Kelly asked about the language in Sec 37-184 (c) (2) regarding disruption. Attorney Tengono presented on the legal background on the proposed changes to that section.

The Commission discussed the matter of disruptive behavior at a meeting and other phrasing that might be more appropriate. Commissioner Kelly asked if the rules for conduct were somewhere that could be reviewed. Staff Hollingshead reviewed Section 2-26(d) and suggested to the Commission that the rules of conduct and decorum under this section might provide the language that the Commission was looking for and that the code amendment could have that section linked so that a citizen could easily access it. Commissioner's discussed the changes they would like for Attorney Tengono to make to the code amendment.

Commissioners Branson and Iacoboni, moved and seconded, respectively, to initiate zoning code amendment ZA-01-23 with the proposed amendments regarding disruptive behavior to be prepared by Attorney Tengono and brought back as an agenda item before scheduling for public hearing. Motion passed 6-0.

VII. INITIATION OF ZONING CODE AMENDMENT ZA-02-23 TO DELETE SECTION 37-159.1 (ACTION ITEM):

Staff Hollingshead reviewed the existing Zoning Code section which references the setback from overhead transmission lines and easements and informed the Commission that International Fire Code also has a setback requirement, making the zoning code redundant. Commissioners Kelly and Anderson, moved and seconded respectively to initiate zoning code amendment ZA-02-23. Motion passed 6-0.

VIII. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for September 13, 2023 meeting.

All Commissioners in attendance indicated they are available to attend.

IX. ADJOURN

There being no further business, Chair Busch and Commissioner Kelly moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 6:43 p.m.

RESPECTFULLY SUBMITTED,

Katie Hollingshead,
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 CONDITIONAL USE PERMIT**

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

I. APPLICATION NUMBER:
CUP23-3

II. APPLICANT'S NAME AND ADDRESS:
Tobe Finch
703 Main Street
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
1840 19th Avenue
Lewiston, ID 83501

IV. DATE OF PUBLIC HEARING:
August 23, 2023

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

VI. NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:
The applicant requests conditional use permit approval to install a digital billboard in the Regional Commercial, C-6, Zone and the Billboard, BB, Overlay Zone, pursuant to Lewiston City Code Chapter 30, Sign Code, and Lewiston City Code § 37-114. The proposed billboard location is on the south side of the Lewiston Center Mall and on the east side of 17th Street, across from the Regence Blue Shield Campus. The proposed billboard is 40 feet tall and 15 feet by 25 feet (375 square feet) in size.

VII. DECISION:
The Lewiston Planning and Zoning Commission **APPROVES CUP23-3.**

VIII. CONDITIONS OF APPROVAL:
Pursuant to Lewiston City Code § 37-160, the Planning and Zoning Commission may impose conditions upon approval of a conditional use permit. This conditional use permit is subject to the following conditions:

None.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

Pursuant to Lewiston City Code § 37-160, authorization of a conditional use permit shall be void after twelve (12) months unless:

- (1) A building permit pursuant thereto has been applied for;
- (2) Where no building permit is required, the intent of the conditional use has been fulfilled; or
- (3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

XI. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this conditional use permit:

1. The proposed use **will not** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary:

The Commission discussed the possibility of glare from the electronic message center on the proposed billboard being generated but agreed that the illumination standards set forth in Lewiston City Code, Chapter 30, Sign Code, would mitigate that potential nuisance. The Commission also noted that because of the significant difference in elevation between the subject property and residential properties to the southwest, the proposed billboard would not likely be in the line of sight of those residential properties. The proposed billboard will not generate other nuisances.

2. The proposed use **is not** a public necessity **but is** justified by the applicant and deemed to be of benefit to the public. Applicable commentary:

The Commission agreed that a billboard sign is not a public necessity but found that the use is justified to promote businesses, events, and generally encourage commerce.

3. The character of the proposed use, if developed according to the plan as submitted, **will** be in harmony with the area in which it is to be located. Applicable commentary:

The subject property is located in the Regional Commercial, C-6, Zone and is within the Billboard, BB, Overlay Zone – the geographic location of which was chosen by the City based upon its appropriateness in character for billboards. The proposed billboard is 15 feet by 25 feet or 375 square feet, which is under the maximum 378 square feet that is allowed. The proposed billboard is 40 feet tall, which is the maximum height allowed. The proposed billboard will be an electronic

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP23-3

message center, which is allowed as long as the illumination standards set forth in Chapter 30, Sign Code, are followed (as determined as part of the sign permit process).

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

The Commission agreed that the general construction standards required for the proposed billboard, its location at least one hundred fifty (150) feet from an intersection, and that the electronic message center will not change its display more than once every nine (9) seconds, would ensure the public safety in regards to the proposed billboard.

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

The subject property is located in Neighborhood Number Two – Normal Hill, of the Comprehensive Plan and is located within both the Regional Commercial, C-6, Zone and the Billboard, BB, Overlay Zone, which is the designated area for signs of this type. The subject property has a future land use designation of Commercial. Comprehensive Plan Chapter 1, A Vision for Lewiston in 2020, encourages that commercial uses be contained to traditional commercial nodes. The subject property is located in a commercially zoned area and abuts a major grocery retailer and shopping center.

6. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider compliance with the standards contained in Chapter 30 of this code. Applicable commentary:

The proposed billboard is 15 feet by 25 feet for a total square footage of 375 square feet, which is under the 378 square feet maximum that is allowed. The proposed billboard is 40 feet tall which is the maximum height allowed. The proposed billboard will be an electronic message center, which is allowed as long as the illumination standards set forth in Chapter 30, Sign Code, are followed (as determined as part of the sign permit process). The proposed billboard is at least one hundred fifty (150) feet from the intersection of 17th Street and 21st Avenue (approximately 300 feet away) and is at least one hundred and fifty (150) feet from the intersection of 17th Street and 23rd Avenue (approximately 250 feet) as required and will be located entirely on private property. The proposed billboard is located more than 500 feet from the next closest existing billboard, which is located in the 100 block of Thain Road. Thus, the proposed billboard complies with all of the minimum standards of Chapter 30, Sign Code, of the Lewiston City Code.

7. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider whether the billboard would substantially block the view of any existing sign from the public right-of-way. Applicable commentary:

The Commission agreed that the proposed billboard would not substantially block the view of any existing sign from the public right-of-way. As shown in the staff presentation, there are no other billboards in this particular stretch of billboard overlay zone. There is a monument sign at Fairview Dental, located on the west side of 17th Street, but it's visibility would not be compromised. The next

closest signs would be monument signs in the 1600 block of 17th Street, almost 2000 linear feet from the proposed sign.

8. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider if the billboard is an illuminated sign, whether the billboard complies with industry practices for eliminating or reducing up –lighting and light trespass. Applicable commentary:

The electronic message center on the proposed billboard will be required to meet the illumination standards as set forth in Lewiston City Code, Chapter 30, Sign Code, which will be reviewed at time of permit application. The Commission agreed that the illumination standards established by City Code would meet or exceed industry practices.

9. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use. Applicable commentary:

Political subdivisions were notified of the application and only those City departments, noted in the staff report, provided comments. The Engineering Division of the Public Works Department commented that “Future road widening will require 10 feet of right of way dedication along 17th Street. Winco dedicated 10 feet with their property development just north of the project site. Recommend that the western edge of the sign be placed at least 10 feet from the existing western property line to prevent having to relocate the sign in the future.” The Commission noted that Public Works did not indicate services would be affected, but that if the applicant did not setback the billboard an additional 10 feet the applicant may be required to relocate the billboard in the future due to road widening. Applicant was present during the Commission’s discussion about Public Works’ recommendation. Additionally, the applicant received a copy of the staff report containing Public Works’ recommendation prior to the meeting. The Commission is not requiring an additional setback at this time. Applicant indicated the proposed billboard will require electrical service, which will be provided by Avista.

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

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

NOTICE TO APPLICANT: Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. The mailing of a signed and dated copy of this document by the City to the applicant shall constitute compliance with such notice requirement. An applicant denied an application or an affected person aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist



September 6, 2023

To: Lewiston Planning and Zoning Commission

Re: Canyon Crest South Addition - Preliminary Plat (SUB23-000004)

Commissioners:

The Canyon Crest South Addition preliminary plat proposes to plat approximately 9.4 acres of undeveloped property located east side of 18th Street, and north of Airway Avenue, into 56 lots. In accordance with Section 32-19(4) of the Subdivision Code, the development is proposed to be constructed in two phases as indicated on the preliminary plat drawing. All of the proposed lots in the subdivision will be “standard” lots which have frontage on an improved public street that exceeds the minimum required lot width for the zone. The current R-3 zoning designation allows lots to be developed utilizing the Small Lot Development Standard per LCC Sec. 37-33, which contains provisions for zero lot line common-wall dwellings (commonly called townhouses). The developer has also applied for a vacation of the existing undeveloped right-of-way of Bryden Avenue, which is located at the north end of the proposed development. The proposed subdivision area includes property currently within the southern half of the proposed Bryden Avenue vacation area. Although vacation actions are not reviewed by the Planning and Zoning Commission, final approval of this preliminary plat by the Lewiston City Council will be dependent upon a conditional approval of the related Bryden Avenue vacation petition. The proposed vacation and new subdivision configuration will correct the “double-frontage” issue (per Section 32-35(c)) with several of the existing lots currently located between Clearview Point Drive and undeveloped Bryden Avenue, while providing an alternate street continuation pattern for Bryden Avenue, in accordance with Section 32-32(b) of City Code, via connections provided by Gallatin Way and Glacier Drive. The proposed development will require dedication of public right-of-way and construction of public improvements for approximately 1,853 lineal feet of new public streets. The proposed new streets within the subdivision will be constructed to the Local Residential Street standard. Frontage improvements along approximately 1,321 lineal feet of existing public streets south and west of the proposed subdivision will also be required. In addition to the required frontage improvements along 18th Street and Airway Avenue, the City sewer main will also be extended along the frontages of 18th Avenue and Airway Avenue to provide sewer service to the proposed subdivision. L.O.I.D. water mains already exist in 18th Street and Airway Avenue, and can be utilized to provide water service along those frontages. Avista Utilities, CenturyLink/Lumen Technologies, and Sparklight have also confirmed their intent to provide utility service to the development.

The subject property was recently re-zoned from R-1 to R-3, and the proposed lot configurations adhere to the requirements of the R-3 zone, as outlined in the City of Lewiston Zoning Ordinance, City Code Chapter 37.

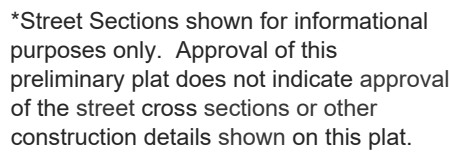
The preliminary plat complies with the applicable requirements of the City of Lewiston Subdivision Ordinance, City Code Chapter 32.

City Staff recommends that the Lewiston Planning and Zoning Commission recommend to the Lewiston City Council approval of the Canyon Crest South Addition, preliminary plat contingent upon an approval of the Bryden Avenue vacation petition.

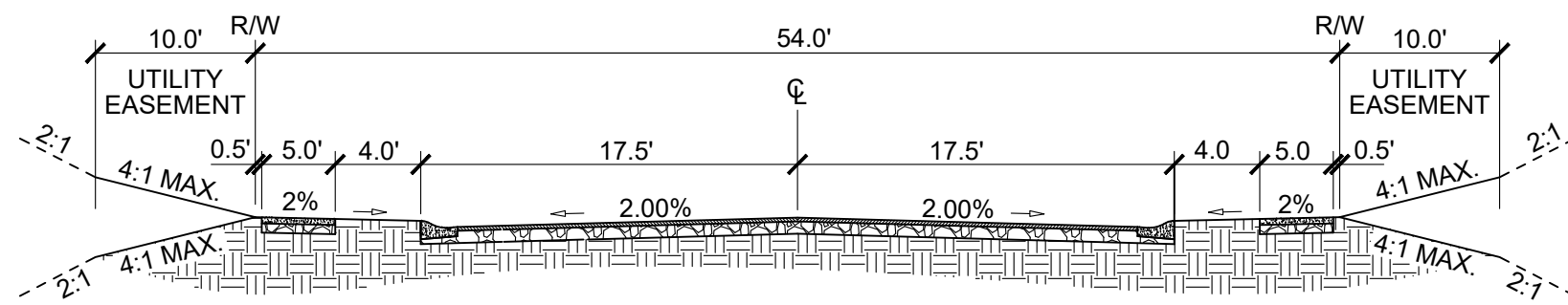
Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Weigand", with a stylized flourish at the end.

Mark Weigand, PLS
City Surveyor



STD DWG 3-4
[GALLATIN WAY, CLARK FORK LANE, GLA
AIRWAY AVENUE (North half)]

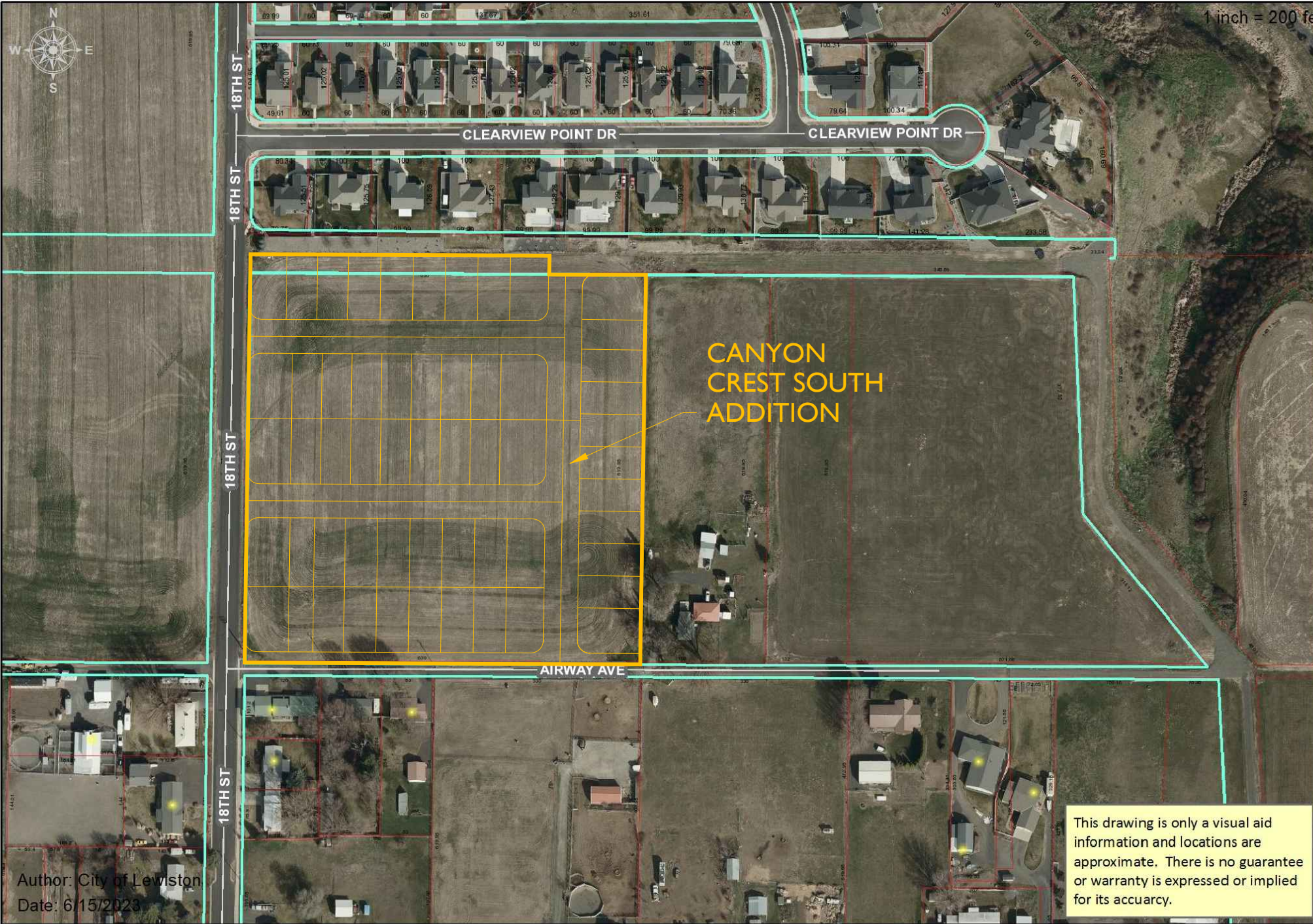


STD DWG 3-4
[GALLATIN WAY, CLARK FORK LANE, GLA
AIRWAY AVENUE (North half)]



HAMMOND ENGINEERING & DEVELOPMENT CO.
23020 Penny Lane, Juliaetta, Idaho 83535

City of Lewiston



1 inch = 200 feet

Author: City of Lewiston
Date: 6/15/2023

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.











PLANNING & ZONING COMMISSION MEETING AGENDA ITEM HISTORY/COMMENTARY

ITEM TITLE REVIEW OF ZONING CODE AMENDMENT ZA-01-23 TO AMEND PROVISIONS REGARDING PUBLIC HEARINGS, FINAL DECISIONS, AND APPEALS (ACTION ITEM)	AGENDA NO. AGENDA DATE: September 13, 2023
ITEM HISTORY (PREVIOUS COUNCIL REVIEWS, ACTION RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)	
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.	
BUDGET IMPACT	
ACTION PROPOSED	

CITY ORDINANCE NO. 4891

AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 37-183 RELATED TO THE DUTIES OF THE PLANNING AND ZONING COMMISSION; AMENDING SECTION 37-184 REGARDING THE CONDUCT OF PUBLIC HEARINGS; REPEALING AND REPLACING SECTION 37-185 REGARDING ACTIONS AFTER FINAL DECISIONS OF THE PLANNING AND ZONING COMMISSION AND/OR THE CITY COUNCIL; AMENDING THE DEADLINE TO FILE AN APPEAL IN SECTION 37-192; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: Lewiston City Code § 37-183 is hereby amended as follows:

Sec. 37-183. Duties of the planning and zoning commission.

The planning and zoning commission shall have jurisdiction and authority as follows:

...

- (7) To hear appeals from rulings of the community development department related to its administration and enforcement of this chapter.

...

SECTION 2: Lewiston City Code § 37-184 is hereby amended as follows:

Sec. 37-184. Rules for conduct of public hearings and subsequent decisions.

...

- (c) Conduct of public hearings. A public hearing shall be held to determine whether the application is consistent with the policies and goals enumerated in this chapter. The procedure for such public hearings shall be as set forth in Section 2-26(n) of this Code, in addition to the following:

~~(1) No person shall be permitted to testify at such a hearing until the person has been recognized and called upon by the chairman or the mayor.~~

~~(2)~~(1) All public hearings shall be recorded and all persons speaking at such hearings shall speak in such a manner as to ensure the accuracy of the recorded testimony and remarks. ~~A person desiring to testify may also submit written testimony at any time prior to the conclusion of the public hearing.~~

~~(3) At the commencement of the public hearing, the chairman may establish a time limit to be observed by all speakers.~~

~~(4) Each commission member or council member, when recognized by the mayor, shall be allowed to question the speaker, and the speaker shall be limited to answers to the questions asked. The question and answer period shall not be included in the speaker's time limit that might be established by the chairman. The speaker shall not be~~

~~interrupted by the planning and zoning commission or the city council until his time has been expended or until he has finished his statement.~~

- ~~(5)(2) Any person who disrupts a public hearing by making impertinent, slanderous, or threatening comments or gestures, unauthorized remarks, or who becomes disruptive, or who fails to remain on-topic (during a public hearing) while addressing the commission or attending a public hearing shall first be warned by the chairman that he or she is out of order and that further disruption shall be cause to remove the person from the hearing. If the person continues to cause a disruption after being warned, the person may be removed by order of the chairman. not conforming to the above rules may be prohibited from speaking during the public hearing. Should such person refuse to comply with such prohibition, he may be removed from the room by order of the chairman or mayor.~~
- ~~(6) Prior to closing the public hearing, the public hearing may be continued or recessed to a date certain, or indefinitely, upon a majority vote of the city councilors or commissioners present.~~
- ~~(7) Cross-examination of persons testifying at the public hearing shall not be permitted. An applicant shall have an opportunity to rebut any testimony submitted.~~
- ~~(8) Any exhibit introduced by any person shall be retained and made a part of the record.~~

...

SECTION 3: Lewiston City Code § 37-185, titled “Appeal from action or ruling of planning and zoning commission,” is hereby repealed in its entirety.

SECTION 4: A new § 37-185 of the Lewiston City Code is hereby enacted as follows:

Sec. 37-185. Actions after a final decision of the planning and zoning commission and/or city council.

- (a) *Final decisions.* A decision is not considered final, and no petition for judicial review of the decision may be filed, until the provisions of this Section have been completed and the provisions below have been exhausted as provided by this section and Idaho Code § 67-6535(2)(b), as may be amended from time-to-time.

- (1) A final decision of the commission is not a final decision for the purposes of judicial review until the commission has issued a final decision upon reconsideration and the city council has issued a final decision on appeal.

a. Commission recommendations to city council are not final decisions and, thus, shall not be subject to reconsideration or appeal.

- (b) *Request for reconsideration of a final decision by the commission or by the city council.*

- (1) Procedure: An applicant or affected person may file a written request for reconsideration with the city clerk to request that the commission or the city council reconsider a final decision within fourteen (14) calendar days by 5:00 p.m. on the fourteenth (14th) day after the commission or city council has adopted its

written reasoned statement of relevant criteria and standards. The written request for reconsideration shall include, at a minimum, the following information: (i) the name and address of the applicant or affected person requesting reconsideration, (ii) the specific deficiencies in the decision for which reconsideration is sought, and (iii) a description of any procedural injury or substantial harm to real property interest(s) suffered as a result of the decision.

a. A request for reconsideration shall be a mandatory exhaustion of an applicant or affected person's administrative remedies prior to the filing of an appeal of a commission decision to the city council or petition for judicial review of a final decision by the city council.

(2) Stay of action: The filing of a request for reconsideration stays further action on the project, including recording of any related ordinances or resolutions.

(3) Reconsideration.

a. Upon receipt of a request for reconsideration that complies with the requirements of this section, the matter shall be scheduled for reconsideration by the commission or city council, as applicable, no later than the second regularly scheduled meeting after the filing of the request for reconsideration.

b. Upon reconsideration, the decision may be affirmed, reversed, or modified, pursuant to Idaho Code § 67-6535, as may be amended from time-to-time. A written decision shall be provided to the applicant or affected person within thirty (30) days of reconsideration, in accordance with Idaho Code § 67-6535, as may be amended from time-to-time.

c. A decision on reconsideration of a final decision made by the city council is not eligible for reconsideration under the provisions of this section.

(c) Appeal of a final decision of planning and zoning commission.

(1) Procedure: Within fourteen (14) calendar days after the commission has adopted its written decision on reconsideration, an applicant or affected person may file with the city clerk a written notice of appeal to the city council. The written notice of appeal shall include, at a minimum, the following information: (i) the name and address of the applicant or affected person, (ii) identification of the section(s) of this Code or applicable state or federal law(s) that has been incorrectly applied or violated and a description of how they have been incorrectly applied or violated, and (iii) a description of the real or potential prejudice to a substantial right of the applicant or affected person. Written notice of the appeal shall be filed with the city clerk and the fee required by section 37-188 of this Code shall be deposited with the city clerk within the fourteen (14)-day period. If an appeal is not filed and/or the fee required by section 37-188 of this Code is not deposited with the city clerk within the fourteen (14)-day period, then the decision of the commission shall be final. If an appeal is filed and the required fee is deposited within the required time, the commission shall make a written report of the case to the council.

- a. The council may, in its sole discretion and without hearing or notice, either refuse to accept jurisdiction of such appeal, in which case the decision of the commission shall be final, and any appeal fees shall be refunded; or it may provide that such appeal shall be heard at a public hearing before the city council at such time and pursuant to such rules as the council may determine.
- (2) Stay of proceedings: The filing of an appeal of a commission decision stays further approvals and/or actions on the project.
- (3) Conduct of appeal hearing.
 - a. The city council shall hear an appeal of a final decision of the commission de novo, and is not required to rely upon or be bound by the reasoning or conclusions made by the commission.
 - b. In the event the council decides to hold a public hearing regarding an appeal, the city clerk shall publish notice of a public hearing on the matter as required by section 37-184(b) of this Code.
 - c. During the public hearing, testimony shall be limited to those issues that were set forth in the written appeal. The city council may ask about or request information regarding aspects of the project that were not included in the written appeal, if they desire, but shall not supplement or alter the specific grounds upon which the appeal is made.

(d) Criteria on which decision may be based.

- (1) After hearing a request for reconsideration or an appeal, the commission or city council may affirm, reverse, or modify any final decision, or the city council may order the case back to the commission for further proceedings. The commission's or city council's decision to affirm, reverse, or modify a final decision shall be based on one or more of the following criteria:
 - a. The decision violates state or federal law.
 - b. The decision exceeds the statutory or delegated authority of the commission or city council.
 - c. The decision was made through procedures that were unlawful or inconsistent with this Code.
 - d. The decision is not supported by substantial evidence.
 - e. The decision is arbitrary, capricious, or an abuse of discretion in that it was made without rational basis, or in disregard of the facts and circumstances presented. Even if the record would support two different interpretations of what this Code and applicable state and federal law requires, the action is not arbitrary, capricious, or an abuse of discretion if exercised honestly and after due consideration upon review.
- (2) If error is found, the commission or city council may reverse or modify the decision.

- (3) If no error is found, the commission or city council shall deny the request for reconsideration or appeal, and the decision shall be upheld.
- (4) The city clerk shall mail to the applicant and the appellant notice of the decision together with the reasoned statement and a notification of the right to seek further review, including judicial review.

SECTION 5: Lewiston City Code § 37-192(c) is hereby amended as follows:

Sec. 37-192. – Duties of the community development department.

...

(c) An appeal from a ruling of the community development department may be made in writing to the commission by an affected person, within ~~fifteen (15)~~fourteen (14) days of the ruling. Notices of the appeal shall be sent to all adjacent property owners, giving the date and time the commission will consider the appeal.

SECTION 6: 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:

Tanya M. Brocke, City Clerk



Envision Lewiston 2044 Vision, Themes and Opportunities

Welcome to the Envision Lewiston 2044 Vision, Themes and Opportunities Questionnaire

This questionnaire builds on the feedback received on the earlier survey, and will help shape the vision for Lewiston. This vision will be the overarching idea that the new Plan will work toward. This is a plan for Lewiston, and that can't be done without the people of Lewiston. We appreciate your participation!

1) Which of these words or phrases describes Lewiston right now? Select up to five.

- ☐ Thriving
- ☐ Small town-feel
- ☐ Access to outdoor recreation
- ☐ Walkable downtown
- ☐ Safe and welcoming
- ☐ Family-friendly
- ☐ Strong sense of community
- ☐ Strong and diverse economy
- ☐ Diverse housing options
- ☐ Sustainable
- ☐ High quality of life
- ☐ Promotes health and wellbeing
- ☐ Collaborative and empowering atmosphere



- ☐ Smart infrastructure investments

2) Which of these words or phrases should describe Lewiston in 2044? Select up to five.

- ☐ Thriving
- ☐ Small town-feel
- ☐ Access to outdoor recreation
- ☐ Walkable downtown
- ☐ Safe and welcoming
- ☐ Family-friendly
- ☐ Strong sense of community
- ☐ Strong and diverse economy
- ☐ Diverse housing options
- ☐ Sustainable
- ☐ High quality of life
- ☐ Promotes health and wellbeing
- ☐ Collaborative and empowering atmosphere
- ☐ Smart infrastructure investments

3) A vision statement should be in keeping with the values and things people love about the community. Consider this possible vision statement:

"In 2044, Lewiston is a prosperous City with a strong sense of community, small-town feel, thriving and historic downtown, resilient and diverse economy, smart infrastructure investments, a collaborative and innovative community, and high quality of life"

Rate how well you think the above draft statement reflects what people love about Lewiston. Ten being the most reflective, one being the least.

1 2 3 4 5 6 7 8 9 10



4) Are there any parts of the statement is not in keeping with the values of Lewiston? Select all that apply.

- ☐ Lewiston is a prosperous City
- ☐ with a strong sense of community
- ☐ small-town feel
- ☐ thriving and historic downtown
- ☐ resilient and diverse economy
- ☐ smart infrastructure investments
- ☐ collaborative and innovative community
- ☐ high-quality of life

What part(s) of the draft vision statement are the most reflective of Lewiston's values? Select up to 3.

- ☐ Lewiston is a prosperous City
- ☐ with a strong sense of community
- ☐ small-town feel
- ☐ thriving and historic downtown
- ☐ resilient and diverse economy
- ☐ smart infrastructure investments
- ☐ collaborative and innovative community
- ☐ high-quality of life



Themes

Themes are key ideals that will run throughout the plan and help show what types of actions may be taken to support the vision.

5) Consider the following draft theme:

"Collaboration, Facilitation and Investment: Lewiston makes strategic investments while building community trust and connections with and between stakeholders."

Does the above draft theme align with the values of Lewiston? Ten being the most aligned, one being the least.

1 2 3 4 5 6 7 8 9 10

6) Consider the following draft theme:

"Collaboration, Facilitation and Investment: Lewiston makes strategic investments while building community trust and connections with and between stakeholders."

Rank the following actions for how well you think they would fulfill the theme statement. 1 being most effective and 5 being least effective.

Active collaboration with residents, businesses, and partner organizations

Streamlining regulations and processes

Supporting business development

Ensuring that taxpayer dollars are used efficiently

Consistent implementation of smart infrastructure investments

7) Consider the following draft theme:



"Economic Resilience and Diversification: Lewiston prospers as a regional economic hub."

Does the above draft theme align with the values of Lewiston? Ten being the most aligned, one being the least.

1 2 3 4 5 6 7 8 9 10

8) Consider the following draft theme:

"Economic Resilience and Diversification: Lewiston prospers as a regional economic hub."

Rank the following actions for how well you think they would fulfill the theme statement. 1 being most effective and 5 being least effective.

Leveraging economic development opportunities

Capitalizing on the Port of Lewiston, Idaho's only seaport

Developing a and retaining skilled workforce

Fostering a business-friendly atmosphere for a diverse range of industries, services and businesses

Creating a resilient and pro-growth business climate that attracts employers and employees

9) Consider the following draft theme:

"High Quality of Life: Lewiston provides a high quality of life."

Does the above draft theme align with the values of Lewiston? Ten being the most aligned, one being the least.

1 2 3 4 5 6 7 8 9 10

10) Copy of Consider the following draft theme:

"High Quality of Life: Lewiston provides a high quality of life."

Rank the following actions for how well you think they would fulfill the theme statement. 1 being most effective and 7 being least effective.

Sustainable stewardship of natural resources,

Providing access to a wide array of recreational opportunities especially along the waterfront

Enhancing health and social services

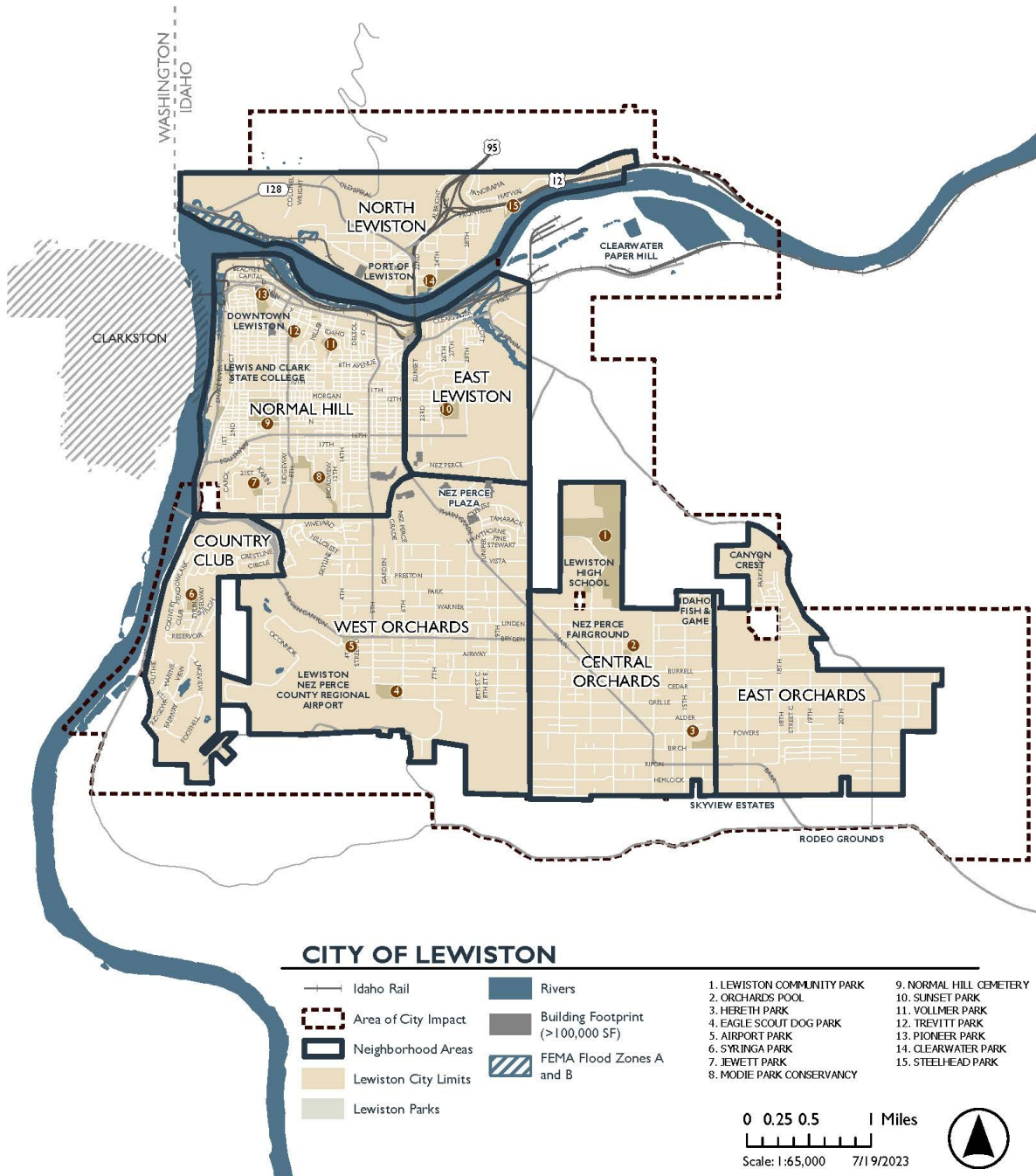


- ☐ Expanding housing options
- ☐ Developing quality employment and educational opportunities
- ☐ Maintaining and enhancing efficient transportation systems
- ☐ Creating inclusive community-oriented spaces with a vast array of entertainment options



Opportunities

Opportunities are places where the vision meets reality. Consider what places in Lewiston could change in the future to help realize the vision. The identified opportunities listed in this section are a reflection of community input received to date. The map below is for your reference.





11) What opportunities are present in **Downtown Lewiston / Normal Hill / East Lewiston** that you would like to see realized by 2044? Select all that apply.

- ☐ Improve access and connectivity for pedestrian and bikes
- ☐ Transition Snake River Avenue to more residential and commercial uses
- ☐ Make downtown more vibrant with additional activities, shopping and entertainment options
- ☐ Develop the former Twin City Foods Site (between downtown and the confluence of the rivers)
- ☐ Create additional recreational open space along riverfront
- ☐ Invest in updated utilities
- ☐ Develop a convention or event space
- ☐ Create a business incubator to help small businesses thrive
- ☐ Develop additional housing options
- ☐ Other - Write In:

12) What opportunities are present in **North Lewiston** that you would like to see realized by 2044? Select all that apply.

- ☐ Develop a cruise ship dock to support tourism
- ☐ Create a business and technology park
- ☐ Create additional recreational open space along riverfront
- ☐ Other - Write In:



13) What opportunities are present in the **Orchards/ Country Club** areas that you would like to see realized by 2044? Select all that apply.

- ☐ Redevelop underutilized retail spaces
- ☐ Create additional housing options
- ☐ Create additional recreational open space along riverfront
- ☐ Improve street connectivity
- ☐ Develop additional commercial corners to serve residential areas
- ☐ Create conservation areas where appropriate
- ☐ Invest in utility upgrades to support growth
- ☐ Complete Community Park
- ☐ Widen and add sidewalks to narrow, substandard streets
- ☐ Other - Write In:



Reaching the Lewiston Community

We are working hard to ensure all voices in Lewiston are heard. The intent of these questions is to understand whether we are engaging all parts of the Lewiston community and where further outreach efforts may be needed. All answers will be kept confidential and will not be shared with third parties. You may mark "Prefer not to say" for any questions you do not feel comfortable answering, or just leave it blank.

14) Please chose your neighborhood:

- ☐ North Lewiston
- ☐ Normal Hill
- ☐ East Lewiston
- ☐ Country Club / Elks
- ☐ West Orchards
- ☐ Central Orchards
- ☐ East Orchards
- ☐ Downtown
- ☐ Other - Write In:

15) What is your age?

- ☐ 19 years or younger
- ☐ 20-29
- ☐ 30-39
- ☐ 40-49
- ☐ 50-59
- ☐ 60-69
- ☐ 70-79



- ☐ 80 years or more
- ☐ Prefer not to answer

16) What is your current housing status?

- ☐ Homeowner
- ☐ Renter
- ☐ Homeless
- ☐ Live with friend or relative
- ☐ Live in a hotel or motel
- ☐ Prefer not to say
- ☐ Other - Write In:

17) What is your race / ethnicity?
(check any that apply)

- ☐ White
- ☐ African American or Black
- ☐ Hispanic or Latino
- ☐ Asian or Pacific Islander
- ☐ Native American or Alaska Native
- ☐ Multiple races
- ☐ Prefer not to say
- ☐ Other - Write In:



18) What is your total annual household income?

- ☐ Less than \$25,00
- ☐ \$25,000-\$34,999
- ☐ \$35,000-\$49,999
- ☐ \$50,000-\$74,999
- ☐ \$75,000-\$99,999
- ☐ \$100,000 or more
- ☐ Prefer not to say

Thank You!

Your participation will help shape the future of Lewiston!
To learn more, visit:
www.cityoflewiston.org/EnvisionLewiston2044
