



**Lewiston Planning & Zoning Commission
REGULAR MEETING **AMENDED** AGENDA**

October 25, 2023 - 5:30 PM

**Bell Building – Second Floor Conference Room – 215 D Street
Lewiston, Idaho 83501**

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

I. CALL TO ORDER

II. CITIZENS COMMENTS

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

III. ACTIVE AGENDA

A. APPROVAL OF OCTOBER 11, 2023 MEETING MINUTES (ACTION ITEM)

B. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR APPLICATIONS ANX23-2, CPA23-3, ZNC23-4 BY GLEN SEEKINS (ACTION ITEM): : It is requested that approximately 42 acres of the undeveloped tax parcel RP35N06W130601 generally located north and west of O'Connor Road, west of the Bryden Canyon Golf Course, and east of Reservoir Drive, be: 1) removed from the Lewiston Area of City Impact and annexed into Lewiston city limits; 2) that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential; and 3) placed in the Suburban Residential, R1, Zoning District. - Action Item

C. CONSIDER A RECOMMENDATION OF REMOVAL (ACTION ITEM): : Consider a recommendation for removal of Commissioner Justin Merwin from the Lewiston Planning & Zoning Commission, to the Mayor and City Council, pursuant to Lewiston City Code Section 2-45 – Absenteeism. - Action Item

IV. STAFF-COMMISSION COMMUNICATIONS

**A. QUERY OF COMMISSIONERS FOR THE NOVEMBER 8, 2023 MEETING
(CONDITIONAL USE PERMIT APPLICATION HEARING ANTICIPATED).**

V. 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.

October 11, 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.

I. CALL TO ORDER

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

COMMISSIONERS EXCUSED: None

COMMISSIONERS ABSENT: Justin Merwin

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

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF SEPTEMBER 27, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Branson and Iacoboni moved and seconded, respectively, approval of the September 27, 2023 meeting minutes with conditions. The motion carried 6-0.

B. APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS (WRITTEN DECISION) FOR APPLICATION ZNC23-6 TO REZONE APPROXIMATELY 47 ACRES ON THE WEST SIDE OF 18TH STREET NORTH OF AIRWAY AVENUE FROM F1 AND R1 TO R2 (ACTION ITEM):

Commissioners Anderson and Iacoboni moved and seconded, respectively, approval of the Reasoned Statement for ZNC23-6 with an amendment in section 6 to include the third parcel from an R1 to an R2. Motion carried 6-0.

C. PUBLIC HEARING ON ZONING CODE AMENDMENT, ZA-01-23 (ACTION ITEM)

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

Staff Hollingshead provided a verbal summary of the history of this code amendment in front of the Planning and Zoning Commission.

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

Commissioners Kelly and Branson moved and seconded, respectively, to recommend approval of ZNA-01-23, as set forth in Ordinance No. 4891, to the City Council. Motioned passed 6-0.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for October 25, 2023 meeting.

All current commissioners plan to be in attendance besides Commissioner Kelly is not sure if he will be in attendance at the October 25, 2023.

Staff Hollingshead stated on October 18, 2023 there will be an open house for the Comprehensive Plan and they will be focusing on the Land Use Map.

Staff Tengono stated the Commissioners will need to provide more detail and facts for the reason for their decision on public hearings regarding reasoned statements. Staff will provide an advice letter regarding the details of the case provoking this change.

V. ADJOURN

There being no further business, Commissioners Kelly and Branson moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 5:50 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 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 on

Wednesday October 25, 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 YouTube page or the City's website at cityoflewiston.org.

Testimony for public hearings may be made: in-person at the meeting, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208) 746-1318 ext 7265 and leaving a message.

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

LAND USE APPLICATIONS ANX23-2, CPA23-3, ZNC23-4 BY GLEN SEEKINS: It is requested that approximately 42 acres of the undeveloped tax parcel RP35N06W130601 generally located north and west of O'Connor Road, west of the Bryden Canyon Golf Course, and east of Reservoir Drive, be: 1) removed from the Lewiston Area of City Impact and annexed into Lewiston city limits; 2) that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential; and 3) placed in the Suburban Residential, R1, Zoning District.

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

Hearing notice publication date: October 8, 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 OCTOBER 25, 2023 at 5:30 P.M.
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) 746-1318 ext 7265 and leaving a message.

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

LAND USE APPLICATIONS ANX23-2, CPA23-3, ZNC23-4 BY GLEN SEEKINS: It is requested that approximately 42 acres of the undeveloped tax parcel RP35N06W130601 generally located north and west of O'Connor Road, west of the Bryden Canyon Golf Course, and east of Reservoir Drive, be: 1) removed from the Lewiston Area of City Impact and annexed into Lewiston city limits; 2) that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential; and 3) placed in the Suburban Residential, R1, Zoning District.

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. 7202 or jplaskon@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 October 2, 2023, and 62 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.



STAFF USE ONLY

Case Number:

ANY23-2

PJZC

Hearing Date:

7-12-23

10/25/23

APPLICATION FOR
VOLUNTARY ANNEXATION

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, or the Lewiston City Council, before or outside of the public hearing at which this matter will be heard.

PROPERTY OWNER/APPLICANT INFORMATION

Property

Owner

Name:

Seekins

Glen

Last

First

M.I.

Address:

159 American Way

Street Address

Lewiston, Idaho, 83501

City

State

ZIP Code

Phone:

(208) 743-3400

Email: glen.seekins@seekinsprecision.com

***IF ADDITIONAL PROPERTY OWNERS, THEN PROVIDE THEIR INFORMATION ON THE
ADDITIONAL PROPERTY OWNER INFORMATION PAGE (PAGE 3)***

PROPERTY INFORMATION

Tax Parcel
Number(s):

10528 Parcel C 13 35 6W

Subdivision Name:
(if applicable)

N/A

Block:

N/A

Lot: N/A

OR attach a metes and bounds description if the subject property cannot be completely described by Lot and Block of a subdivision.

Property Acreage: 39.95 Acres

Agriculture

NATURE OF YOUR REQUEST

The current Comprehensive Plan Designation of this property is: ~~Special Airport Planning Zone~~ ~~Rural Residential~~The **proposed** Comprehensive Plan Designation of this property is: ~~Same~~ Low Density Residential

The current zoning of this property is: F2

The **proposed** zoning of this property is: R11
Revised 2018

Annexation is requested in order to/because (describe the reason/purpose):

For Future Development of the Subject property for a residential subdivision within the Lewiston
city limits .

PROPERTY OWNER CERTIFICATION AND CONSENT TO VOLUNTARY ANNEXATION

The property owner(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge and agrees to enter into an "Irrevocable Consent to Annexation Agreement" (separate document to be produced by the City for the applicant to sign) for the annexation of the subject property to the City of Lewiston, whereby such annexation shall be binding upon subsequent purchasers, heirs, or assigns of lands addressed in this consent, to wit:

Property owner(s): 1) Glen Seekins

Printed Name

Signature

Date

2) Sarah Seekins

Printed Name

Signature

Date

3)

Printed Name

Signature

Date

4)

Printed Name

Signature

Date

ADDITIONAL PROPERTY OWNER INFORMATION

Provide Information of Any Owner of the Subject Property to be Annexed Not Already Listed on Page 1.

Property

Owner

Name:

Seekins Glen D

Last

First

M.I.

Address:

1719 Ripon ave

Street Address

Lewiston idaho 83501

City

State

ZIP Code

Phone:

208-791-3914

Email: sgseekins@gmail.com

Property

Owner

Name:

Seekins Sarah T

Last

First

M.I.

Address:

1719 Ripon Ave

Street Address

Lewiston idaho 83501

City

State

ZIP Code

Phone:

208-305-9611

Email: sgseekins@gmail.com

Property

Owner

Name:

Last

First

M.I.

Address:

Street Address

City

State

ZIP Code

Phone:

Email:

APPLICATION SUBMITTAL CHECKLIST

- | | | |
|--------------------------|--------------------------|---|
| YES | NO | <p>1) Two copies of the completed, signed paper application form each with the following attachments:</p> <p>A) A correct legal description of the property to be annexed, including its acreage;</p> <p>B) A vicinity map identifying the subject property in relation to the existing city limit line and streets within one quarter mile (1,320 feet) of the subject property;</p> <p>C) A detailed map identifying the subject parcel(s) requested for annexation, including property line dimensions, adjoining streets and the existing city limit line;</p> <p>D) Supplemental property owner information sheet, if applicable</p> |
| ☐ | ☐ | |
| YES | NO | |
| ☐ | ☐ | |
| YES | NO | |
| ☐ | ☐ | |
| YES | NO | <p>2) Filing Fee payable to CITY OF LEWISTON. This fee will also pay for comprehensive plan land use designation and zoning associated with and necessary for annexation.</p> |
| ☐ | ☐ | |
| YES | NO | |
| ☐ | ☐ | |
| YES | NO | |
| ☐ | ☐ | |

ANNEXATION AUTHORITY:
STATE OF IDAHO CODE AND LEWISTON ANNEXATION POLICY

Idaho Code Section 50-222 et seq. gives cities the authority to "annex lands which are reasonably necessary to assure the orderly development of Idaho's cities." It also states "annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section."

A private landowner may petition for annexation under Idaho Code Section 50-222(3)(a) entitled "Category A: Annexations wherein:

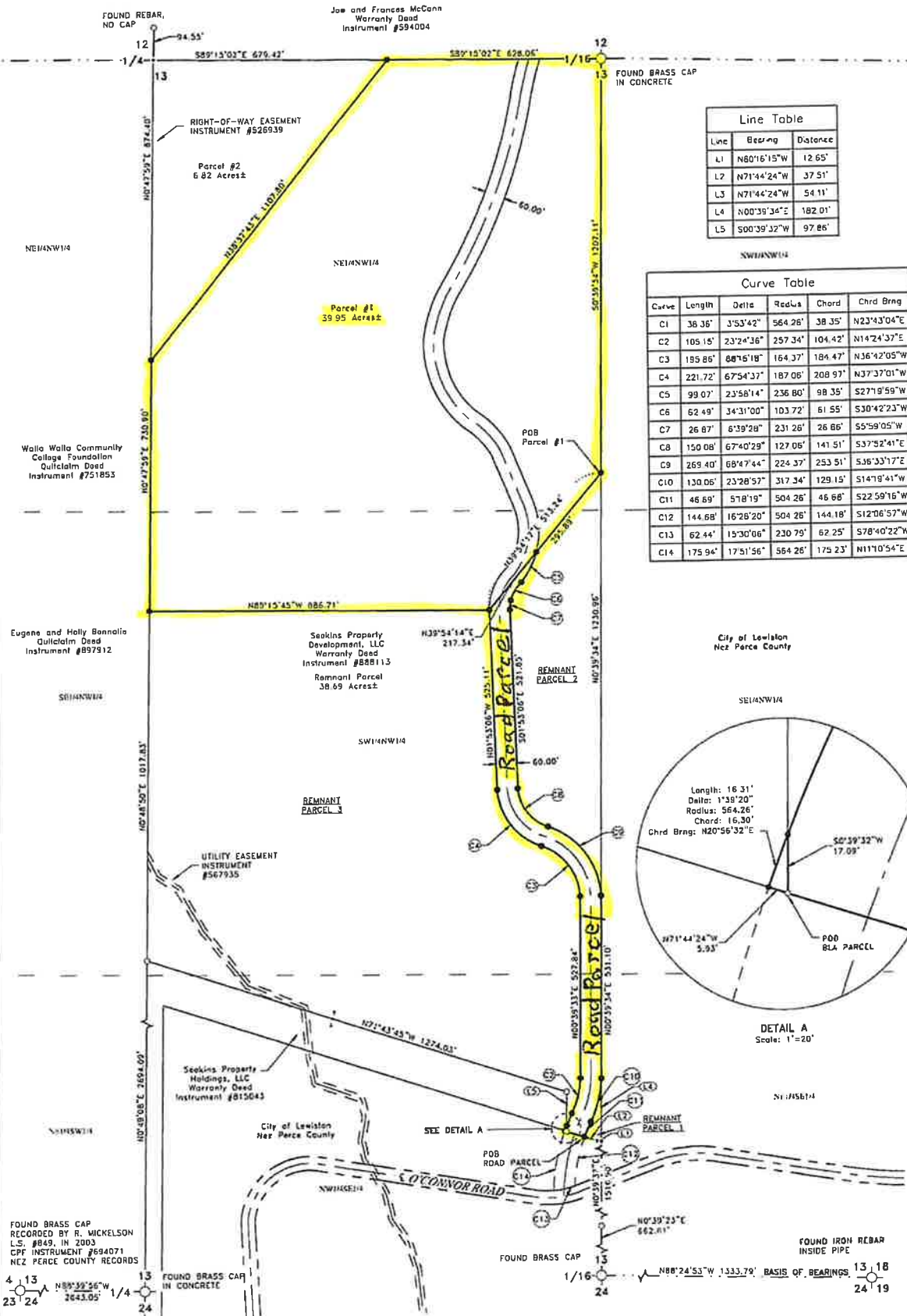
- (i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;
- (ii) Any residential enclaved lands of less than one hundred (100) privately-owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city's area of impact; or
- (iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section."

Idaho Code Section 50-222(5)(a): "Procedures for Category A Annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in Chapter 65, Title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed."

ANNEXATION APPLICATION PROCESS

1. Pre-application meeting to determine feasibility and desirability of annexation, as well as related comprehensive plan, zoning, public infrastructure, emergency service, and property development issues.
2. The applicant submits a completed application on the form provided to the Community Development Department requesting the annexation to the City of Lewiston. **All material included in the application must be provided at this time.** The representative of the Department reviews the application for completeness prior to further processing.
3. 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 Wednesdays of each month. Completed applications must be submitted at least twenty (20) working days prior to the public hearing date. You will be notified of the hearing date when you submit your application.
4. The Community Development Department notifies by mail all residents within 300 feet of the property for which you are requesting annexation. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
5. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
6. The Community Development Department reviews the request for compliance with Idaho Code and prepares a recommendation for the Planning and Zoning Commission. The applicant will receive a copy of this report and recommendation in advance of the meeting.
7. A public hearing date is set before the Planning and Zoning Commission and a public hearing notice is published in the newspaper. Neighboring property owners are sent notice of the public hearing and the property is posted with a public hearing notice.

8. 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 opposition to the request. **It is strongly recommended that the applicant be in attendance at this meeting.**
9. The Planning and Zoning Commission will make a recommendation to the City Council.
10. The City Council holds a public hearing on the request subject to the same notice requirements as done at the Planning and Zoning Commission level. **It is strongly recommended that the applicant be in attendance at this meeting.**
11. If the City Council approves the annexation request, the City Attorney prepares an ordinance for annexation, a resolution for comprehensive plan land use designation, and an ordinance for zoning for the Council.
12. At subsequent public meetings, the City Council holds the first, second, and third readings of the ordinances and approves the resolution. Following the third reading and adoption of the ordinances, the ordinances are published in the newspaper after which the decisions become final.



Survey References:

1. Record of Survey, Instrument #B15031, by J. Hammond, L.S. #2302.
2. Wornacutt Living Trust to Airport Property, LLC, Nez Perce County Records.
3. Warrantly Deed, Instrument #B15043, Airport Property, LLC, to Seeking Precision, LLC, Nez Perce County Records.
4. Warrantly Deed, Instrument #B88113, Airport Property, LLC to Seeking Precision Holdings, LLC.

Surveyor's Certificate

I, Michael I. Dantin, PLS #17534, State of Idaho, do hereby certify that this survey represented by this map was performed by me or under my supervision in accordance with the laws of the State of Idaho and at the request of Seekins Property Holdings, LLC, in June, 2023.

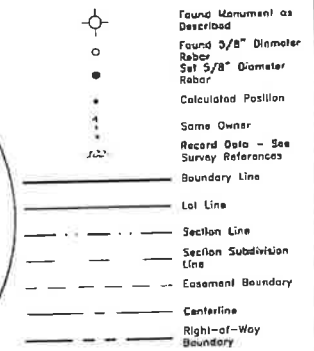
Basis of Bearings

The Basis of Bearings for this survey is identical to the Idaho Coordinate System, West Zone, NAD 83 as shown between the found southwest corner of Section 13 and the found east 1/16 corner of Section 13, said bearing being $S88^{\circ}24'53"E$.

Surveyor Narrative

1. The purpose of this survey was to locate, monument and map the boundaries of the parcel described in Warranty Deed, Instrument #836113, and to divide said parcel into 3 new parcels, as shown herein.
2. The south line of the Southeast Quarter of the Southeast Quarter was located to establish the basis of Bearings and primary boundary control. The Parcel described in Warranty Deed, Instrument #898113, was related to project basis and located accordingly.

Legend



DETAIL A
Scale: 1"=20'

Si 14561A

SCALE: 1"=200'

NO. _____ AT THE REQUEST OF: _____

DATE & HOUR:

NEZ PERCE COUNTY RECORDER

FEE \$ _____ BY _____

Preliminary Record of Survey for:

Seekins Property Holdings
Nez Perce County, Idaho

PRELIMINARY
NOT FOR
RECORDING

Handy & Associates, Inc.
 Engineers • Planners • Environmental Scientists

 P.O. Box 8738
 825 E. Washington Street
 Vancouver, WA 98661
 (206) 841-3700


RRM ROCK CONSULTING, INC.
 Land Surveying •
 Site Planning •
 Mapping •



STAFF USE ONLY	
Case Number:	CPA23-3
Hearing Date:	7-12-23

10/25/23

APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

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, OR THE LEWISTON CITY COUNCIL, OUTSIDE OF THE PUBLIC HEARING AT WHICH THIS MATTER WILL BE HEARD.

****NOTE: INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED****

APPLICANT INFORMATION

Full Name: Seekins Glen D Date: 6-15-23
Last First M.I.

Address: 1719 R. par Lewiston ME 03501
Street Address City State ZIP Code

Phone: 208 791 3914 Email: SG Seekins@gmail.com

Property Owner Name: Glen Seekins Phone: 208 791 3914

Mailing Address: _____

PROPERTY INFORMATION

Street Address of Subject Property: See attached legal description

Subdivision Name: _____ Block: _____ Lot: _____

OR attach a metes and bounds description if not part of a subdivision.

NATURE OF YOUR REQUEST

The current Comprehensive Plan Designation of this property is: Agriculture
~~Rural Residential~~

The **proposed** Comprehensive Plan Designation of this property is: Low Density Residential

Please provide a statement fully describing your request for a Comprehensive Plan Amendment. What conditions have changed in the area to cause the need to amend the Comprehensive Plan? How will the requested amendment address those changes?

Annexation into city limits, current Comprehensive Plan future land use designation is Rural Residential, proposed amendment would be to Low Density Residential, which would allow for a zoning designation of R1, Suburban Residential, which has a minimum lot size of 10,000 when hooked up to sanitary sewer, or a 1 acre lot minimum when utilizing septic systems.

APPLICANT'S CHECKLIST

In order to properly process your request for a Comprehensive Plan Amendment, please be sure to include the following material with your completed application:

- ☐ Completed and signed application, including supporting documents;
- ☐ Site Plan (11 x 17) or 8 ½ x 11) to scale;
- ☐ A correct legal description of the property;
- ☐ Filing fee payable to the City of Lewiston

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 of Applicant: _____

Date: 6-15-23

The Property Owner hereby authorizes this application:

Signature of Owner: _____

Date: 6-15-23

COMPREHENSIVE PLAN AMENDMENT APPLICATION PROCESS

1. The applicant submits the completed application form to the Community Development Department requesting the amendment to the Comprehensive Plan. **All materials included in the application must be provided at this time.** The representative of the Department reviews the application for completeness prior to further processing.

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, 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 Wednesdays of each month. Completed applications must be submitted approximately four (4) weeks prior to the public hearing date. You will be notified of the hearing date when you submit your application. Because the State of Idaho limits the number of times each year a municipality may amend the comprehensive plan, your hearing dates may be delayed.
3. The Community Development Department notifies all residents, by mail, within 300 feet of the property for which you are requesting the Comprehensive Plan Amendment. 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 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. You are invited to speak as well as others who wish to provide testimony whether in support or opposition of 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.
10. If the City Council approves the Comprehensive Plan Amendment request, the City Attorney prepares an Ordinance for the Council.

11. 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 Comprehensive Plan Amendment becomes final.



STAFF USE ONLY

Case Number: **ZNC23-4**
PJZC
Hearing Date: **7-12-23**

10/25/23

**APPLICATION FOR ZONE
CHANGE**

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, or the Lewiston City Council, outside of the public hearing at which this matter will be heard.

APPLICANT INFORMATION

Full Name: Seekins Glen Date: 6-7-2023
Last First M.I.

Address: 159 American Way Street Address Apartment/Unit #
Lewiston Idaho 83501
City State ZIP Code

Phone: (208) 743-3400 Email glen.seekins@seekinsprecision.com

Property Owner: Same Phone: Same

Property Owner Mailing Address: Same

DESCRIPTION OF PROPERTY

Street Address of Subject Property: 801 Oconner Road

Subdivision Name: N/A

Block: N/A Lot: N/A

OR, if not part of a subdivision, attach a metes and bounds description See attached description

NATURE OF REQUEST

Change **FROM** Zone District: County F2 **TO** Zone District: R1 (City)

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

~~1-15-33~~
~~51052-4~~

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 is "Lewiston Nez Perce County Regional Airport Planning Area". The "Neighborhood No. 4 - Country Club" is directly to the west and the "Future Neighborhood No. 5 - West Orchards" is south of the subject property

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 the current AOZ zone is similar to R-1 zone. AOZ is a County zone and the proposed R-1 is a City zone. Both zone are additionally overseen by FAA requirements but are are similar is in other restrictions.

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 is complimentary to the adjacent golf courses and will be compatible with the other subdivision in the area. Residential lots in an airport zone do come with inherent risk of sounds and additional lights but, these risks are common in this area.

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.

Available utilities have capacity to serve the parcel and potential subdivision.

Other services such as mail, EMS, fire, road maintenance, etc have been reviewed with no capacity concerns being raised.

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 proposed residential development will be low density with lot sizes varying from 1.2 acres to 5.5 acres. The land drops off rapidly on two sides of the parcel making this an ideal neighborhood development.

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).

N/A

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: _____

Date: 6-15-23

The Property Owner hereby authorizes this application:

Signature: _____

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

4109 Annex

554.50 Zone

554.50 Comp

\$2218.⁰⁰

City of Lewiston

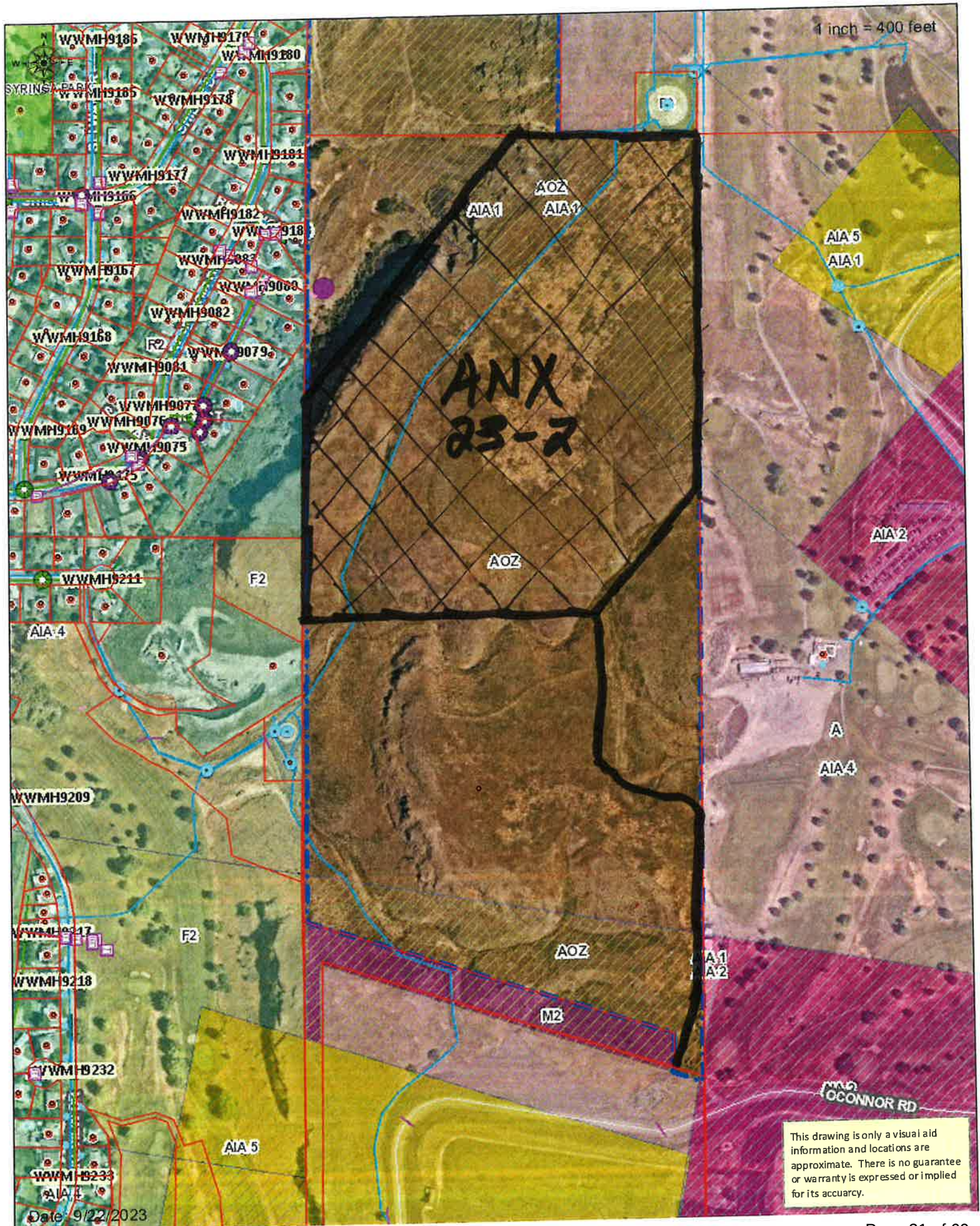


This drawing is only a visual aid information and locations are approximate. There is no guarantee or warranty is expressed or implied for its accuracy.

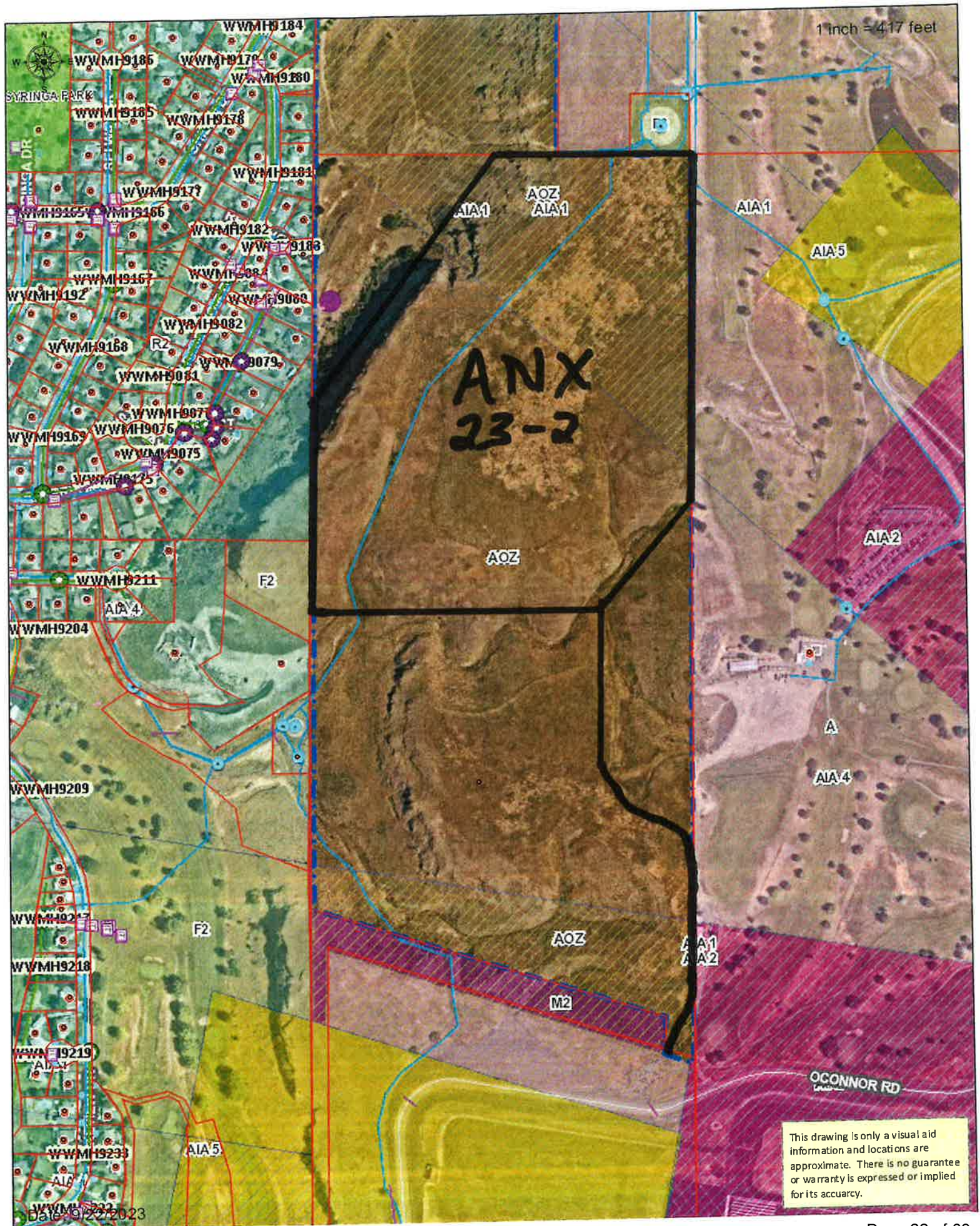
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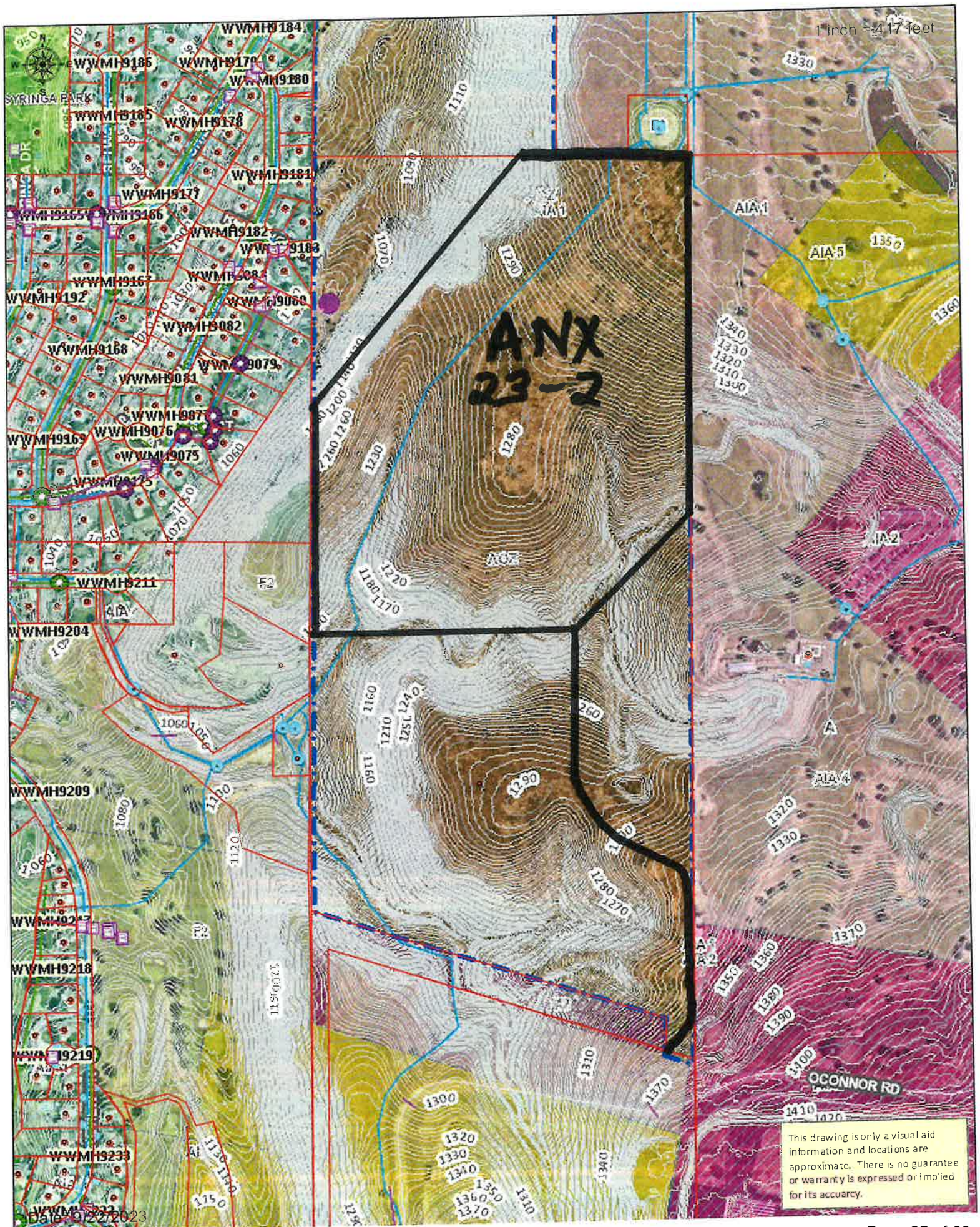
City of Lewiston



City of Lewiston



City of Lewiston





PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date:

October 17, 2023

Case File Number:

ANX23-2, CPA23-3, ZNC24

Property Owner:

Glen Seekins

Site Location:

Approximately 42 acres of the undeveloped tax parcel RP35N06W130601 generally located north and west of O'Connor Road, west of the Bryden Canyon Golf Course, and east of Reservoir Drive (see associated maps).

Request/Proposal:

The request is that the subject property be: 1) removed from the Lewiston Area of City Impact and annexed into Lewiston city limits; 2) that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential; and 3) placed in the Suburban Residential, R1, Zoning District.

Subject Property and Surrounding Land Uses:

The subject property is undeveloped, as are the lands immediately to the north (with the exception of a city water storage tank and related storage building). That part of the subject tax parcel to the south of the subject property that is not requested for annexation has a gravel road and a large shop/pole building constructed in advance of a single family residence that is not yet constructed and will be the applicant's home (which will remain outside of city limits). Immediately to the east is the Bryden Canyon Golf Course, followed by the Lewiston-Nez Perce County Regional Airport. To the west, down an approximate 100' cliff is a barren and rocky 200' wide strip of ground, followed by detached single family homes in the Country Club neighborhood.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

N.A.

Code References:

Idaho Code 50-222. 1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

(2) General authority. Cities have the authority to annex land into a city upon compliance with the procedures required in this section. In any annexation proceeding, all portions of highways lying wholly or partially within an area to be annexed shall be included within the area annexed unless expressly agreed between the annexing city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided further, that said city council shall not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which comprises a railroad or highway right-of-way.

(3) Annexation classifications. Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

(a) Category A: Annexations wherein:

(i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;

(5) Annexation procedures. Annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

(a) Procedures for category A annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

Idaho Code 67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of

intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.

(b) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.

(c) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

(d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time, unless the governing board has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six (6) months. The commission may recommend amendments to the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.

Idaho Code 67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

(a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.

(b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

(2) Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any

proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

(b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

Lewiston City Code Sec. 37-178. Authorization to initiate amendments.

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)

Lewiston City Code Sec. 37-179. Public hearing and records of amendments.

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)

Lewiston City Code Sec. 37-180. Accordance with adopted comprehensive plan.

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 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)

Lewiston City Code Sec. 37-180.1. Relevant criteria and standards when considering zone changes.⁴

The commission shall consider the following relevant criteria and standards when considering a request for a change in zoning:

- (1) The proposed rezone (is/is not) in general conformance with the comprehensive plan.
- (2) The subject land (is/is not) at least as well suited or is better suited for the proposed zoning district than the existing zoning district.
- (3) The proposed rezone (does/does not) present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity.
- (4) The effects of the proposed rezone (are/are not) anticipated to place undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction, including school districts.
- (5) The size, type, intensity and density of development expected to occur on the subject property as a result of this rezoning (is/is not) suitable for the area and (will/will not) unduly burden the neighborhood, public infrastructure or environmental resources. (Ord. No. 4631, § 3, 7-13-15)

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

(a) *Public hearing required.* Upon the receipt of an application for a conditional use pursuant to section 37-161 of this chapter, a variance pursuant to section 37-175 of this chapter, a change of use of nonconforming use pursuant to section 37-168 of this chapter, or planned unit development pursuant to section 37-97 of this chapter, or an application for a zone change, comprehensive plan amendment, or an amendment to the text of this chapter, a public hearing shall be scheduled.

(b) *Notifications.*

(1) Each notice of public hearing on an amendment to the text of this chapter shall contain the date, time, and place of the hearing, a summary of the proposed amendment, and any other information considered pertinent; and shall be published at least once in a newspaper of general circulation in the city at least fifteen (15) days prior to the hearing.

(2) Each notice of public hearing on a conditional use, change of use of a nonconforming use or a variance request or on an amendment to change the zoning map or comprehensive plan shall include as a minimum the date, time, and place of the hearing and summary of the proposal. The notice shall be published in a newspaper of general circulation in the city at least fifteen (15) days prior to the hearing and shall, in addition, be mailed to the owners of all properties within three hundred (300) feet of the exterior boundary of the property for which the application is made, except in variance cases notices shall be mailed only to owners of adjoining properties, including properties across streets, alleys and rights-of-way. All notices shall be mailed at least eight (8) calendar days prior to the hearing.

(3) When notice is required to two hundred (200) or more property owners or residents, mailed notice may be omitted. In lieu thereof, public announcements of the hearing shall be made on local radio and television stations at least five (5), but not more than fifteen (15) days before the hearing.

(4) Failure of any person to receive the notice prescribed in this section shall not impair the validity of the hearing.

(5) The commission or city council may recess a hearing to serve further notice upon other property owners or persons it determines may be interested in the proposal being considered.

(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.

(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) 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) Any person 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.

(d) *Recommendations and decisions.* All recommendations and decisions of the commission and all decisions of the city council made pursuant to this chapter and Idaho Code Title 67, Chapter 65, shall be made within forty-five (45) calendar days of the public hearing at which the application was considered, unless: (1) the public hearing is continued, (2) the applicant withdraws the application, or (3) the city council holds an additional public hearing or remands consideration of the application back to the commission. Any subsequent recommendation(s) and decision(s) after consideration at the initial public hearing shall be made within forty-five (45) calendar days of the subsequent consideration.

When required by Idaho Code Title 67, Chapter 65, the decision of the commission or the city council shall be set forth in a written reasoned statement of relevant criteria and standards that satisfies the requirements of Idaho Code Title 67, Chapter 65.

(e) *Copy of decision and appeal.* Within five (5) business days after the commission or city council has adopted its written reasoned statement of relevant criteria and standards with its decision regarding an application, the applicant shall be provided a copy of such written reasoned statement of relevant criteria and standards by the community development department. The decision is final unless appealed pursuant to section 37-185 of this code. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4531, § 20, 7-13-09; Ord. No. 4801, § 1, 4-12-21)

Current Zoning of the Subject Property:

Nez Perce County Code Sec. 112.08.150. - Agricultural Transitional Zone (F-2) purpose.

To provide a transition zone from agricultural land uses to residential land use where centralized water and sewer are not available.

(Ord. No. 96a, § 3.2, 8-15-2016)

Sec. 112.08.160. - Uses permitted outright.

In an F-2 zone, the following uses and their accessory uses are permitted outright subject to the provisions of chapter 112.12:

(1)Alternative farm enterprises for the sale of agricultural products produced on the premises, except livestock, provided there is sufficient area to allow automobiles to park safely off the road right-of-way, and to re-enter the traffic in a forward direction; subject to section 112.12.120; including wineries, subject to section 112.12.160(h);(2)Alternative telecommunications towers, subject to the standards of section 112.20.040(1);(3)Class A manufactured homes;(4)Bed and breakfast facilities, subject to special conditions of section 112.08.180(a);(5)Family day care facilities, subject to special conditions of section 112.08.180(b);(6)General farming, except feedlots;(7)Single-family dwellings;(8)Telecommunications towers, subject to the standards of section 112.08.180(c).

(Ord. No. 96a, § 3.2.1, 8-15-2016)

Sec. 112.08.170. - Conditional uses permitted.

The following uses are permitted when authorized in accordance with standards and requirements in chapter 112.20:

(1)Alternative telecommunications towers not to exceed 70 feet in height and shall comply with standards of section 112.20.040(1);(2)Breweries, subject to section 112.12.160(h);(3)Class B manufactured homes;(4)Commercial entertainment facilities;(5)Commercial kennels;(6)Commercial riding arenas, subject to section 112.20.040(15);(7)Commercial special events;(8)Group day care facilities, subject to special conditions of sections 112.08.180(b);(9)Public uses;(10)Quarrying, when the outer boundary is not located within 1,000 feet of a dwelling unit other than that of the operator;(11)Semi-public uses.

(Ord. No. 96a, § 3.2.3, 8-15-2016)

Sec. 112.08.180. - Special conditions.

(a)Bed and breakfast facilities.(1)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.(2)No more than one person, other than members of the family residing on the premises, shall be engaged in the occupation.(3)Only resident guests of bed and breakfast facilities shall be served meals.(4)Bed and breakfast facilities shall be limited to five or fewer guestrooms.(5)One off-street parking space is required for each guestroom of a bed and breakfast facility.(6)A bed and breakfast facility shall be allowed one sign, no more than four square feet and non-illuminated.(7)The size of the site is shown to be reasonable for the intended use.(8)Access to the site meets all applicable ordinances.(9)The surrounding properties will not otherwise be adversely affected.(b)Family or group day care.(1)The size of the site is shown to be reasonable for the intended use.(2)Access to the site meets all applicable ordinances.(3)The surrounding properties will not otherwise be adversely affected.(c)Telecommunications towers standards.(1)The following telecommunications towers shall be allowed as uses permitted

outright: a. Towers designed and constructed for placement of a single telecommunications service provider, not to exceed 90 feet. b. Towers designed and constructed for placement of two telecommunications service providers, not to exceed 120 feet. c. Towers designed and constructed for placement of three or more telecommunications service providers, not to exceed 150 feet. d. Antennas attached to pre-existing structures. (2) Applicants for construction permits for telecommunications towers allowed as uses permitted outright and designed and constructed for use of two or more service providers shall provide the zoning official proof of agreements between the service providers for co-location on the tower. (3) No telecommunications tower shall be constructed where any portion of the upper one-third of the tower, as measured from grade, is at the same elevation of any residentially zoned lot within 1,000 feet of the tower. (4) Telecommunications towers shall comply with setback and yard requirements of the underlying zone. (5) Telecommunications towers shall conform to the requirements of section 112.08.420, Transitional Surface and Horizontal Surface Height Limitation. Applicants for a construction permit for telecommunications towers shall provide written confirmation from the Federal Aviation Administration (FAA) that the intended tower will not create a hazard to air navigation. Such written confirmation shall be provided prior to authorization of a construction permit. (6) Telecommunications towers shall conform to FAA Advisory Circular AC 70/7460-1K as may be amended or revised. Where a telecommunications tower is required to be lit, strobe lights shall not be permitted unless required by the FAA. When strobe lights are required on telecommunications towers, a dual lighting system of white strobes for daytime lighting and a red flashing light atop the tower for nighttime lighting shall be used. (7) A telecommunications tower shall be determined to be abandoned if, for a period of 18 consecutive months, the owner or his lessee do not use the tower for telecommunications services. All abandoned telecommunications towers shall be removed, and the site returned to its natural state 18 inches below grade, within six months of abandonment. (8) Prior to approval of a building permit, the applicant for construction of a telecommunications tower shall provide proof of liability insurance of \$1,000,000.00 or more to the planning and building services department. (9) Telecommunications towers shall not display signage, logos, symbols, or any messages of a commercial or noncommercial nature on towers, support structures or the fence securing the tower, except where a sign is required for life and safety issues. A sign, not to exceed 1½ square feet, shall be posted on the fence or gate identifying the current owner of the tower, emergency contact or agency, and applicable contact numbers.

(Ord. No. 96a, § 3.2.4, 8-15-2016)

Sec. 112.08.190. - Lot size.

The lot size shall be as follows:

(1) The minimum lot area shall be five acres; (2) Minimum lot width shall be 200 feet.

(Ord. No. 96a, § 3.2.5, 8-15-2016)

Sec. 112.08.200. - Yards.

Except as provided in chapter 112.16, yards shall be as follows:

(1) Residential structures. a. A front yard shall be a minimum of 20 feet from the property line or 30 feet from the centerline of the street, whichever is greater. b. A side yard shall be a minimum of five feet, except that on a corner lot the side yard on the street side shall be a minimum of 15 feet from the property line. c. A rear yard shall be a minimum of 20 feet. (2) Accessory structures

not exempt from a building permit.a.A front yard shall be a minimum of 20 feet from the property line or 30 feet from the centerline of the street, whichever is greater.b.A side and rear yard shall be a minimum of five feet, except that on a corner lot the side yard on the street side shall be a minimum of 15 feet from the property line and meet clear vision area requirements of sections 101.01.030 and 112.12.020.

(Ord. No. 96a, § 3.2.6, 8-15-2016; Res. No. 2019-02-019 , § 1(Att.), 2-11-2019; Ord. No. 96d , § 1, 3-4-2019)

Sec. 112.08.210. - Height of buildings.

Buildings shall not exceed a height of 35 feet.

(Ord. No. 96a, § 3.2.7, 8-15-2016)

Sec. 112.08.220. - Lot coverage.

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

(Ord. No. 96a, § 3.2.8, 8-15-2016)

Proposed Zoning of the Subject Property:

Lewiston City Code Sec. 37-18. - R-1 Suburban Residential zone.

(a)Purpose. To provide for agricultural or transitional area for suburban residential uses.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 6, 10-25-99)

Sec. 37-19. - Uses permitted outright.

In an R-1 zone, the following uses and their accessory uses are permitted outright, subject to the provisions of article IV:

(1)Bed and breakfast facilities, subject to the special conditions of section 37-13.1(1) of this Code;

(2)Church, subject to the special conditions of section 37-20.1(2) of this Code;

(3)Class A manufactured home;

(4)Commercial uses legally established as of December 31, 2004, and which have maintained a valid business and occupation permit;

(5)Family day care, subject to the special conditions of section 37-13.1(2) of this Code;

(6)General farming, except feedlots;

(7)Mortuary, subject to the special conditions of section 37-20.1(1) of this Code;

(8)Park, subject to the special conditions of section 37-20.1(4) of this Code;

(9) School, subject to the special conditions of section 37-20.1(3) of this Code;

(10) Single-family dwelling;

(11) Two-family dwelling.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 7, 10-25-99; Ord. No. 4385, § 1, 2-14-05; Ord. No. 4398, § 6, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 1, 11-28-16)

Sec. 37-20. - Conditional uses permitted.

In an R-1 zone the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in articles IV and IX:

(1) Repealed by Ord. No. 4742.

(2) Class B manufactured home;

(3) Day care center, subject to the special conditions of section 37-20.1(5) of this Code;

(4) Group day care, subject to the special conditions of section 37-13.1(3) of this Code;

(5) Intensification, or expansion of commercial uses of ten (10) percent of the building area or more which were legally established and licensed for business and occupation;

(6) Manufactured home park, subject to the provisions of chapter 23 of this Code, with a maximum density of six (6) dwelling units per acre;

(7) Noncommercial kennel, subject to commercial kennel standards of section 37-163(15) of this Code;

(8) Preschool, subject to the special conditions of section 37-20.1(6) of this Code;

(9) 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;

(10) Re-establishment of a commercial use which was legally established but where the business and occupation license has lapsed for a period not to exceed one (1) year;

(11) Replacement of a nonconforming commercial use located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to standards of section 37-163(17) of this Code;

(12) Replacement of a nonconforming residential use not located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to setback and yard requirements of the R-2 Zone;

(13)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;

(14)Tiny house village, subject to the provisions of chapter 23 of this Code, with a maximum density of six (6) dwelling units per acre.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 8, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 2, 2-14-05; Ord. No. 4398, § 7, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 2, 11-28-16; Ord. No. 4742, § 2E, 8-19-19; Ord. No. 4799, § 2, 3-8-21; Ord. No. 4841, § 4, 11-14-22)

Sec. 37-20.1. - Special conditions.

(1)Mortuary.

(a)The size of the site is shown to be reasonable for the intended use.

(b)Access to the site meets all applicable ordinances.

(c)The abutting/adjacent properties will not otherwise be adversely affected.

(d)A site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.

(e)The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in article IX of this chapter.

(2)Church.

(a)The size of the site is shown to be reasonable for the intended use.

(b)Access to the site meets all the applicable ordinances.

(c)The abutting/adjacent properties will not otherwise be adversely affected.

(d)A church may exceed the height limitations of the zone in which it is located to a maximum of fifty (50) feet, if the total floor area of the building does not exceed one and one-half (1½) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds ($\frac{2}{3}$) of the height of the principal structure.

(e) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.

(f) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in article IX of this chapter.

(3) School.

(a) The size of the site is shown to be reasonable for the intended use.

(b) Access to the site meets all applicable ordinances.

(c) The surrounding property will not otherwise be adversely affected.

(d) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.

(e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in article IX of this chapter.

(4) Park.

(a) Site development plan is submitted for review and approval to the Lewiston parks and recreation manager; subsequent development shall be in substantial conformance with the approved development plan.

(b) The site development plan shall be shown to be in substantial compliance with the park and open space master plan.

(5) Day care center, thirteen (13) children or over.

- (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.
 - (e) Off-street parking and pick-up/drop-off area shall be provided.
 - (6) Preschool.
 - (a) Approval of a conditional use permit from the planning and zoning commission is required. This requires a public hearing before the planning and zoning commission.
 - (b) A business license is required, including a criminal history check for all employees, volunteers and people over twelve (12) years of age living on the premises.
 - (c) Compliance with state regulations, Uniform Building Codes and city standards is required.
 - (d) The size of the site is shown to be reasonable for the intended use.
 - (e) Parking and access to the site meet all applicable ordinances.
 - (f) The surrounding property will not otherwise be adversely affected.
- (Ord. No. 4249, § 9, 10-25-99; Ord. No. 4351, § 3, 3-15-04; Ord. No. 4692, § 11, 10-30-17)

Sec. 37-21. - Lot size.

In an R-1 zone, the lot size shall be as follows:

- (1) For a single-family dwelling, the minimum lot area shall be ten thousand (10,000) square feet, subject to sections 32-45(f)(1) and 36-103 of this Code.
- (2) For a two-family dwelling, the minimum lot area shall be fifteen thousand (15,000) square feet, subject to sections 32-45(f)(1) and 36-103 of this Code.
- (3) Lot width shall be a minimum of seventy (70) feet.
- (4) Lot depth shall be a minimum of one hundred (100) feet.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4381, § 1, 1-24-05; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4676, § 2, 11-28-16)

Sec. 37-22. - Yards.

Except as provided in article VIII, in an R-1 zone yards shall be as follows:

(1)A front yard shall be a minimum of twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.

(2)A side yard shall be a minimum of ten (10) feet, except that on a corner lot the side yard on the street side 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.

(4)Duplex dwelling units constructed as a use permitted outright in this zone and constructed so as to share a common or adjoining side wall shall be allowed to legally split into two (2) minimum seven thousand five hundred (7,500) square foot lots provided the front and rear setbacks are in compliance with this chapter and the side yard opposite the zero-lot line shall be a minimum of twenty (20) feet. In no case shall the minimum width of the zero-lot line lot be less than sixty (60) feet nor the depth less than one hundred (100) feet.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-23. - Lot coverage.

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

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-24. - Height of buildings.

In an R-1 zone, the buildings shall not exceed a height of thirty-five (35) feet.

(Ord. No. 4108, § 2, 8-15-94)

Lewiston City Code Sec. 36-2. Utility service outside city limits.

(a) The city council may allow connections to city water and wastewater utilities for real property located outside the city limits. An applicant shall submit a written application to the public works director describing the location of the private property outside of the city limits proposed to be serviced by a city water or wastewater utility service. Said application shall include a vicinity map and the proposed water and/or wastewater capacity needed. A technical evaluation of the application shall be done by the city staff and a recommendation made to the city council. Said technical evaluation shall include an evaluation of the city's annexation policy and a recommendation on annexation of the real property.

(b) In the event the city council approves connections to city water and wastewater utilities for real property located outside the city limits, all utility main line extensions shall be up to and beyond the private property being developed for loop closures and/or future development. Owners of real property located outside the city limits and adjacent to the city limits shall apply for annexation into the city prior to extension of utility service. Owners of real property located outside the city limits, not adjacent to the city limits and connecting to city water and/or wastewater utilities shall agree to apply for annexation into the city of Lewiston of the real property connected to city water and/or wastewater utilities when said real property becomes

adjacent to the city limits and eligible for annexation. Said agreement shall provide that the city may annex the real property being served by the city water and/or wastewater utility service at any time, in the city council's sole discretion, after said real property becomes adjacent to the city limits and eligible for annexation. In the event the city council chooses to annex said real property and the owner of said real property does not agree to said annexation, then water and/or wastewater utility service shall be terminated. Said agreement shall be in writing, in a form acceptable to the city, executed by all legal owners of the real property and recorded with the Nez Perce County recorder as an encumbrance on the real property serviced by city water and/or wastewater utilities. (Ord. No. 4207, § 1, 2-2-98; Ord. No. 4485, § 1, 6-23-08; Ord. No. 4603, § 3, 9-23-13)

Comprehensive Plan:

The subject property is currently designated by the Nez Perce County Comprehensive Plan as "Agriculture." It is proposed to be designated by the City of Lewiston Comprehensive Plan as "Low Density Residential" and included in Comprehensive Plan Neighborhood #5, West Orchards. The proposed Suburban, R-1, Zone for the subject property is consistent with the related, proposed Low Density Residential Comprehensive Plan Land Use Designation. Statements from the Comprehensive Plan which may be considered relevant to this proposal include the following:

From Chapter 1, A Vision for Lewiston in 2020

I. Assumptions concerning the future:

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.

From Chapter 6, Land Use:

GOAL (LU-1.0): To promote orderly development and arrangement of land uses throughout the community; provide ample space for future growth, ensure the compatibility of adjacent land uses and follow sound environmental planning principals.

GOAL (LU-15.0): Maintain the design and functional character of each neighborhood.

GOAL (LU-16.0): Provide passive and active recreational opportunities in each neighborhood.

GOAL (LU-18.0): Provide and maintain public services, utilities, and associated infrastructure in a cost-effective manner, by encouraging compact and contiguous growth.

From the West Orchards Neighborhood section of Chapter 6, Land use:

6. In general, streets and drainage systems in this neighborhood do not meet current standards for local or collector streets.

a. Site access must be improved with streets upgraded to current city standards, appropriate to the classification of the street.

b. Area drainage throughout the area must be upgraded with curb, gutter and sidewalk installed and surface or underground stormwater collection systems installed.

From the Area of City Impact (ACI) section of Chapter 6, Land Use:

ACI's are transition areas between each city and the county and act as place holders for future annexation and eventual urban development. They are important because they help cities and counties carry out the purposes of planning, which include protecting property rights, ensuring that adequate public facilities and services are provided at reasonable cost, and encouraging urban type development within cities. ACIS are important tools that help coordinate growth with the availability of services. ACIs also help to concentrate density to those areas best prepared to receive new developments. This is referred to as managed growth and rules that govern it are described in §67-6526 of Idaho Code.

Goal Statement: To plan for and manage growth that protects private property rights, ensures adequate public facilities and services are provided at reasonable costs, encourage urban development within cities, and ensures that land is developed commensurate with its physical characteristics.

Upon annexation, the City envisions a future where:

1. Development is fully served with utilities and infrastructure;
2. Densities are sufficient to make efficient use of the limited ACI, spread utility costs and appeal to market conditions;
3. Where terrain permits, the existing road grid and circulation system is extended, including implementation of the Long Range Transportation Plan;
4. Residential areas will be walkable;
8. Ravines will be preserved by transferring densities to the most developable portions of the land. (Ordinance 4624, February 23, 2015)

From Chapter 10, Transportation:

O'Connor Road, the public road access to the subject property, is identified as a Local Road in the city's surface transportation roadway classification system. It is identified as having a 25 mile per hour speed limit. It was not analyzed for traffic volume and capacity. Various sections of the roadway are identified as having different pavement conditions, including routine maintenance, preventive maintenance, structural improvements, and "let go until reconstructed." It has no curb, gutter or sidewalk but is identified as a bike route on the Bicycle Network Map. It is not part of the public transit (bus) system network and has "sparse" crash density.

Input From Other Departments/Agencies:

The Lewiston Fire Marshal submitted the following comment on these applications:
Access and water supply requirements to be determined upon receipt of design drawings.

Nez Perce County staff have submitted the following comments on these applications:

This isn't an ideal situation, from a parcel configuration or addressing/E911 standpoint.

We really do not want Remnant Parcel 1, it would be useless for anything other than mailboxes or a subdivision sign. If there is any way that could be part of the road parcel, that would be ideal. There are a couple of different approaches to deal with the rest of the property that will be left in the county. We would need to sit down and talk to Glen about his future plans before I can advise further on them.

Mr. Seekins (future home) is addressed off of O'Connor Road, he will be readdressed to the new road.

County "donut" polygons surrounded by the City makes it difficult for addressing and 911 response – and elections.

Remnant Parcel 1 is approximately .008 acres. This should be included as part of the annexation, probably as part of the road parcel. It is not a useful piece of property otherwise and is the kind of thing that ends up at a tax deed sale.

Remnant Parcel 2 is a steep hillside and this configuration either creates a new parcel that does not meet the minimum lot size of 5 acres or creates a parcel split by a road, which requires P&Z approval. Staff would recommend including this parcel with the annexation.

Parcel 2, this triangular parcel will touch county land, so an island will not be created if it is not annexed. The development of this property is dependent on the McCann's and would most likely need City services to be developed. The applicant is aware that this parcel will not be of any use, until it is annexed or they have an approved subdivision plat with the County. Staff is neutral on this piece of land.

While Remnant Parcel 3 is not currently part of the annexation application, staff would note that the applicant currently has open building permits for an accessory structure and a single-family dwelling on this parcel. Not annexing this parcel will create another county island, but it would be preferable to the logistical difficulties of switching building permits, building inspection, and CO issuance jurisdiction halfway through the process.

The Lewiston Public Works Department submitted the following comments on these applications:

The provided legal description for the proposed roadway corridor notes several of the curves as tangent. If the noted tangent curves are used when running the legal description, the parcel mis-closes by over 22 feet. If the long chord bearings are held. The parcel closes, but none of the curves are tangent. At a minimum, the legal description needs to be corrected by eliminating the tangent references. The preferred course of action would be to reconfigure the proposed road parcel to utilize tangent curves so future road plans and construction would adhere to industry standards.

Due to the applicant's configuration the currently proposed annexation would create 3 additional parcels in the County(ACI). This would effectively become an illegal division of land in the County.

If the proposed annexation is completed, remnant parcel #1 would not comply with the County(ACI) F-2 minimum lot size of 5.0 Acres.

If the proposed annexation is completed, parcel #2 would not comply with Section 112.12.010 of County Code (ACI) requiring all lots to have approved access.

If the proposed annexation is completed, remnant parcels #2 and 3 would not comply with Section 112.12.010 of County Code (ACI) requiring all lots to have approved access. If these 2 remnant parcels are not in the City limits and not included in the proposed subdivision, I question whether they could legally benefit from the proposed private road created in the proposed City subdivision, even if it is ultimately approved, because the County parcels could not be referenced on the future City subdivision plat without being annexed.

If the proposed annexation is completed, three additional enclaved County Parcels will be created. The inevitable future annexation of these three parcels will result in additional unnecessary expenditures of time and expense by the City to complete the additional annexation action(s). Since it appears that the applicant's entire County parcel is already subject to category A annexation due to being fully enclaved within the Lewiston City limits, if the applicant modifies the request to include the entire parcel, it would save the City and its taxpayers time and expense.

Analysis:

The subject property is adjacent to city limits on its east and west sides, as well as the east portion of the north side. It must be noted that the subject property is only a portion of the tax parcel involved with the applicant's request. The subject property consists of approximately 40 acres, while the total tax parcel is approximately 86 acres. This is significant because if ANX23-2 is approved, the applicant's intent is to then file a subdivision application to plat and develop

the subject property with single family homes. However, the Subdivision Code specifies in Sec. 32-31(b) that applications for subdivision "...shall include the entire tract of land unless an approved preliminary plat, planned unit development or approved development master plan shows development in phases."

The applicant has indicated no desire or intent to plat the entire "tract of land," in phases or otherwise. Therefore, it is anticipated that the subdivision plat application anticipated to be filed subsequent to annexation, if approved, cannot be approved. Additionally, the applicant has stated intent, if ANX23-2 is approved, to propose a private road to serve the anticipated subdivision. The Zoning Code requires in Sec. 37-123.2 that all lots front a public street, unless otherwise approved at the discretion of City Council. It is questionable as to whether such approval is justified and would be granted.

Another matter of consideration in ANX23-2 is that it would add to a currently undesirable condition. The subject property is part of a "county island," i.e. land that is surrounded by city limits (enclaved). Approval of ANX23-2 would create three additional county islands (remnant parcels 1, 2, and 3). County islands are undesirable for a number of reasons, one of which is lost tax base from properties outside the jurisdiction of the city but which benefit from city street infrastructure and systems (pedestrian, bicycle, transit) because that's what surrounds them and what persons living on or working at must use to get "to" and around town. County islands also tend to create jurisdictional confusion and problems including fire protection, police protection, ambulance service, and street addressing.

As stated prior herein, the applicant's end goal is to develop the subject property for subdivision and detached single family home construction. While city water is readily available, city sanitary sewer and storm sewer are not, so the applicant has indicated intent to have the future homes served by individual septic systems and would have to rely on something other than the city storm sewer system for stormwater control. While they can be allowed, septic systems are not a preferred sewerage method within city limits. One requirement for individual septic systems within city limits is a 1 acre minimum lot size.

Should the Planning and Zoning Commission find it appropriate to recommend that City Council approve ANX23-2, the associated Comprehensive Plan (the Plan) Map amendment, CPA23-3 proposes and Future Land Use Map designation of Low Density Residential, LDR, for the subject property. The LDR Designation suggests a residential development density of five to eight dwelling units per acre, which is much higher than the one acre (or greater) lot size anticipated for development of the subject property. However, the subject property could not be developed to the LDR density level because of the limitation of not having public sewer available. It is generally applied that an actual land use may be less intense than called for by the Comprehensive Plan, but not more intense, so the aforementioned situation would not be inappropriate.

Should the Planning and Zoning Commission find it appropriate to recommend that City Council approve CPA23-3, the associated zone change application, ZNC23-4, would place the subject property in the Suburban Residential, R-1, Zoning District, which is appropriate for the LDR Comprehensive Plan Future Land Use Map designation.

Relevant Criteria and Standards:

Of the four actions proposed (annexation, comprehensive plan amendment, zone change, and by default- removal from the ACI map), adoption of a Reasoned Statement of Relevant Criteria

and Standards is required by Idaho Code only for the zone change. The required standards to be considered for decision on the zone change are:

- (1) The proposed rezone (is/is not) in general conformance with the comprehensive plan.
- (2) The subject land (is/is not) at least as well suited or is better suited for the proposed zoning district than the existing zoning district.
- (3) The proposed rezone (does/does not) present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity.
- (4) The effects of the proposed rezone (are/are not) anticipated to place undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction, including school districts.
- (5) The size, type, intensity and density of development expected to occur on the subject property as a result of this rezoning (is/is not) suitable for the area and (will/will not) unduly burden the neighborhood, public infrastructure or environmental resources.

Prepared By:

Joel D. Plaskon, City Planner, AICP
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jplaskon@cityoflewiston.org
P.O.B 617
Lewiston, ID 83501

**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:

II. APPLICANT'S NAME AND ADDRESS:

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

IV. DATE OF PUBLIC HEARING:

V. NAME OF HEARING BODY:

VI. NATURE OF APPLICATION:

VII. DECISION:

The Lewiston Planning and Zoning Commission recommends **APPROVAL/DENIAL** of **XXX** to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

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/is not** in general conformance with the Lewiston Comprehensive Plan. Applicable commentary:

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC**XXX**

Page 1 of 2

4. The effects of the proposed rezone **are/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:

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/will not** unduly burden the neighborhood, public infrastructure, or environmental resources. Applicable commentary:

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:

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:

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 Name: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist



Lewiston

No response received.

Joel Plaskon <jplaskon@cityoflewiston.org>

Your P&ZC meeting attendance

1 message

Joel Plaskon <jplaskon@cityoflewiston.org>

Thu, Sep 28, 2023 at 8:52 AM

To: Justin Merwin <jmerwin@cityoflewiston.org>

Cc: Michael Busch <mbusch@cityoflewiston.org>, Gabriel Iacoboni <giacoboni@cityoflewiston.org>, Katie Hollingshead <khollingshead@cityoflewiston.org>, Jennifer Tengono <jtengono@cityoflewiston.org>, Dawn Ortiz <dortiz@cityoflewiston.org>

Hi, Justin. We've been missing your participation in our P&ZC meetings. As a reminder, we need as much of your participation as possible in order to ensure that we have meeting quorums and to strengthen the commission's decision-making. Pursuant to Lewiston City Code Section 2-45, each member of an advisory board or commission shall not be absent from any three (3) consecutive advisory board or commission meetings without an excuse acceptable to such advisory board or commission, and shall attend at least seven (7) of the advisory board or commission's preceding twelve (12) regular meetings. In the event a member fails to attend advisory board or commission meetings as required, the advisory board or commission may vote to recommend removal of such member from the advisory board or commission to the mayor and city council.

Please respond to this email and advise as to your commitment to the Planning & Zoning Commission and ability to attend future meetings.

Thank you.

Joel D. Plaskon, AICP

City Planner

T 208.746.1318 x 7202

"Planning isn't everything. It isn't the only thing, either. It's just the beginning." (Me)

215 "D" St.
P.O. Box 617
Lewiston, ID 83501
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Sec. 2-45. - Absenteeism.

Except for members of the library board of trustees, each member of an advisory board or commission shall not be absent from any three (3) consecutive advisory board or commission meetings without an excuse acceptable to such advisory board or commission, and shall attend at least seven (7) of the advisory board or commission's preceding twelve (12) regular meetings. In the event a member fails to attend advisory board or commission meetings as required, the advisory board or commission may vote to recommend removal of such member from the advisory board or commission to the mayor and city council.

(Ord. No. 4842, § 2, 1-10-22; Ord. No. 4850, § 1, 6-27-22)