

October 25, 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, Maureen Anderson; Cynthia Ball; Kathy Branson

COMMISSIONERS EXCUSED: Vice Chair; Kevin Kelly;

COMMISSIONERS ABSENT: Justin Merwin

STAFF MEMBERS PRESENT: Joel Plaskon, City Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney; Pat Severance, Engineering Development Supervisor; Mark Weigand, City Surveyor

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

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

Commissioners Branson and Anderson moved and seconded, respectively, approval of the October 11, 2023 meeting minutes with conditions. The motion carried 5-0.

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)

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

Staff Plaskon provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area. The Fire Department provided comments for the staff report that stated the response time for this site is estimated to be 10 minutes and the average response time goal to 2-5 minutes. Nez Perce County provided comment for the staff report that stated this not an ideal situation from a parcel configuration point and a 911 emergency addressing point.

City Surveyor, Mark Weigand, provided a verbal summary of the comments he submitted for the staff report.

Commissioner Branson asked if the entire parcel was annexed would it erase any concerns.

Staff Plaskon stated probably not, though it would address the county island situation and illegal lot left over in the county, but it doesn't solve the problem of the lots not having access to sewer.

Commissioner Branson asked if there was any way a city sewer line could be installed.

Staff Plaskon stated if there was enough money it could.

Commissioner Ball asked if City properties are trying to move away from septic systems per the current comprehensive plan.

Staff Plaskon stated that is correct and any property annexed into the city should be connected to all City services.

Vice Chairperson Iacoboni asked who would respond if there would be a fire.

Staff Plaskon stated his understanding is not the City.

Commissioner Ball asked who O'Connor Road belongs to. Who would maintain the private road for the potential annexed property.

Staff Weigand stated it is listed as a private road with a prescriptive public easement. There are agreements between the City and the County for the maintenance of the road. The private road on the potential annexed property would need to have a homeowner association for maintenance.

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

Scott Becker with Hodge and Associates out of Moscow Idaho is representing the applicant. The reason the road way has a jog is due to the contour of the land and just follows the current access road. The small triangle piece of land that is being left out of this annexation is being left out because it sits 150 below the proposed annexed property. The lots will be connected to the City's water, but

sewer will be a septic system due to not have access to the City sewer main. They do plan to build that road to City standards or better.

Commissioner Branson asked how many homes they are proposing for home sites.

Mr. Becker stated they are not sure, but estimated and discussed possibly 20 lots.

Commissioner Ball asked how they would access their water and power.

Mr. Becker stated that the north portion of the parcel is where the water line would come in and they would be working with Avista for underground power.

Commissioner Branson asked about the south portion being annexed in as well.

Mr. Becker stated that the southern portion wasn't as usable and the applicant would like to keep it in the county to maintain the animal rights and keep some cows on that portion of the property.

Staff Plaskon stated the south parcel is the property owner's and if the parcel is zoned R1, this zone does have animal rights.

Commissioner Branson asked if the applicant would annex the entire track of land since they would still have animal rights, and just not develop the southern portion of the property.

Mr. Becker stated the owner is not interested in annexing the entire track of land.

Staff Tengono reminded the Commission of the City regulations for what a variance covers and the section of City code it applies to. So a variance would not be appropriate for other sections to City code, unless it was specifically provided for in city code that alterations to those requirements could be made.

Commissioner Anderson asked with the topography and this area, would the storm water runoff onto the lots below.

Mr. Becker stated the lots will be large enough to retain the storm water on it.

Commissioner Ball asked if the storm water could be retained on the small triangle of land at the north side.

Mr. Becker stated that would not be the best use for that parcel.

Commissioner Branson asked if there was any way around the time frame it would take the Fire Department to respond.

Mr. Becker stated he not aware of another way.

Staff Plaskon provided information from the Smart Growth America, Rationale for Smart Growth Fiscal Impact Analysis dated June 2022. Research shows that as residential density decreases the cost per residential unit increases regarding roads, sanitation, sewer, police and fire protection. When homes are built far away from fire stations and on dead-end roads or cul-de-sacs the cost rises. The reason is the community must provide additional costs such as new fire stations and employees to keep response time down. A table (1.3) illustrates capital costs per housing unit by development pattern. For example, for 1 dwelling unit per acre, the capital cost per housing unit is 8.36. For 1 dwelling unit per 5-acre lot, which is what development in an R1 would be is 4.27. This type of development is twice the cost as compared to urban development.

Commissioner Branson asked if the R1 would be able to have animal rights and would they be using City water for the 2-acre plot.

Staff Plaskon stated yes that an R1 has animal rights and water rights would be dependent upon the development, the owners might be able to drill a well.

Commissioner Ball asked if the property owner could have the county reconfigure the lot before coming to the city for annexation would that change anything in this process.

Staff Plaskon stated no, not unless the applicant pursued a subdivision plat in the county to legally divide the property and not a tax parcel adjustment.

Mr. Becker stated most of the cost regarding large lots vs small lots is paid by the developer.

Chair Busch asked if there was a developer in mind.

Mr. Becker stated the owner is planning on developing.

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

Staff Ortiz played a voicemail from Tiger Crenshaw in opposition to the land use change, including concern about increased traffic.

Staff Plaskon stated traffic is addressed at the development stage not at the annexation stage.

Commissioner Branson stated that parts of O'Connor Road is not in good condition, would the road be repaired and who is responsible?

Staff Weigand stated that the county and city have an agreement on who maintains certain sections of the road, so it is a shared responsibility.

There being no further public comment, Chair Busch asked the applicant's representative for a rebuttal.

Mr. Becker stated that the taxes made from the annexed lot could be used to help with the repair of O'Conner Rd.

Chair Busch closed the public hearing.

During deliberation, Commissioners determined the development is not fully served with utilities and infrastructure, based on the lots not having services to city sewer and on a private road. Future uses of this land use will have higher costs to the taxpayer. This development does not encourage urban development due to the lots not being hooked up to city utilities and service is a private road.

After deliberation, Vice Chairperson Iacoboni and Commissioner Branson moved and seconded, respectively, to recommend to the City Council the request for ANX23-2, to be denied. Motioned passed 4-1.

Commissioner Branson and Vice Chairperson Iacoboni moved and seconded, respectively, to recommend to the City Council the request for CPA23-3, ZNC23-4 and comprehensive map amendment, to be denied. Motion passed 5-0.

IV. **CONSIDER A RECOMMENDATION OF REMOVAL (ACTION ITEM):**

Chairperson Busch and Commissioner Ball moved and seconded, respectively, to recommend the removal of Justin Merwin from the Lewiston Planning & Zoning Commission to the Mayor and City Council. Motioned passed 5-0.

V. **STAFF-COMMISSION COMMUNICATIONS:**

A. **Query of Commissioners for November 8, 2023 meeting.**

Staff Plaskon stated the Comprehensive Plan open house provided a good amount of public input. The consultant will start drafting goals and policies next and they should be brought before the commission in December.

All current commissioners plan to be in attendance for the November 8, 2023 meeting.

Staff Plaskon asked if Commission if they could attend the November 22, 2023 meeting. Commissioners Branson and Chairperson Busch would not be able to attend. Commissioners Anderson and Ball are unsure if they would be able to attend.

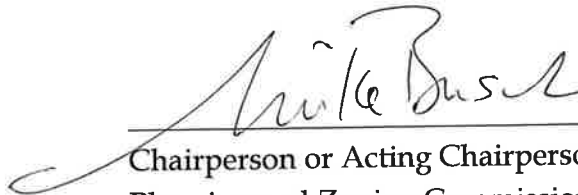
VI. ADJOURN

There being no further business, Commissioner Anderson and Chairperson Busch moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 7:16 p.m.

RESPECTFULLY SUBMITTED,



Dawn Ortiz,
Recording Secretary



Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this 13 day of December, 2023.