

MEETING AGENDA

LEWISTON PLANNING AND ZONING COMMISSION

OCTOBER 27, 2021 AT 5:30 P.M.

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

*Due to COVID-19 and the Governor's Stage 4 Order (issued May 11, 2021), the number of persons allowed to physically attend this meeting will be based upon room capacity for **6-foot social distancing**. Seating will be available on a first come first serve basis. Persons attending this meeting are **strongly encouraged to wear a face covering**.*

People interested in observing this meeting may watch and listen to the livestream on their own device(s) online at the City of Lewiston's Livestream Platform: <https://livestream.com/lewiston/events/7428184> or the City of Lewiston's Facebook page: <https://www.facebook.com/CityofLewistonIdaho>

Citizen comments and testimony for public hearings may be made: in-person, by emailing Tanya Brocke at tbrocke@cityoflewiston.org, or by calling (208)798-2570 and leaving a message. Citizen comments and testimony for public hearings submitted by email or phone will be forwarded to the Planning & Zoning Commission. If you would like your citizen comment to be read out loud during the meeting, please so indicate in your message. Testimony for public hearings that was submitted by email or phone and unable to be forwarded to the Planning & Zoning Commission prior to the meeting will be read out loud during the public hearing. Members of the public who wish to provide in-person comment or testimony, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space, such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org

COMMISSION MEMBERS: Chair, Hannah Liedkie; Vice Chair, Rick Tousley; Richard Kremer; Joan Hunter; Michael Busch, Kathy Branson, Cynthia Ball

~~~~~  
**AS A MATTER OF PUBLIC SERVICE AND GOVERNMENTAL TRANSPARENCY, THIS MEETING MAY BE RECORDED, STREAMED LIVE AND/OR ACCESSED AT A LATER TIME. NOTE THAT THIS MAY INCLUDE VIDEO AND AUDIO OF ALL PERSONS PRESENT.**  
~~~~~

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.

- III. **APPROVAL OF OCTOBER 13, 2021 MEETING MINUTES (ACTION ITEM)**
- IV. **CONSIDERATION FOR APPROVAL OF REASON STATEMENT OF RELEVANT CRITERIA AND STANDARDS (WRITTEN DECISION) FOR CONDITIONAL USE PERMIT CUP21-000007 TO ALLOW CABINET MANUFACTURING AS A GENERAL COMMERCIAL USE NOT ALLOWED BY RIGHT IN THE C4 ZONE AT 3010 E. MAIN ST (ACTION ITEM)**
- V. **STAFF-COMMISSION COMMUNICATIONS**
 - A. Query of Commissioners to attend the regularly scheduled meeting of 11/10/21 (4 public hearings on Zoning Code amendments)
 - B. Both Commissioner vacancies have been filled
 - C. Other
- VI. **ADJOURN**

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access to the facility within which this meeting is being held, please contact City Planner, Joel D. Plaskon at least forty-eight hours in advance of the meeting at (208) 746-1318 extension 7202 or jplaskon@cityoflewiston.org.

October 13, 2021

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

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

I. CALL TO ORDER

COMMISSIONERS PRESENT: Hannah Liedkie, Chair; Richard Kremer, Vice Chair; Michael Busch; Joan Hunter;

COMMISSIONERS EXCUSED: Rick Tousley.

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Joel Plaskon, City Planner; Kayla Hermann, Assistant City Attorney; Tanya Brocke, Community Development Specialist; Aaron Butler, IT; Pat Severance, Development Engineer;

II. CITIZEN COMMENTS

None.

III. APPROVAL OF SEPTEMBER 8, 2021 MEETING MINUTES

Commissioner Hunter moved approval of the September 8, 2021 meeting minutes as presented. Commissioner Kremer seconded the motion with the explanation that, while he was not at the September 8, 2021 meeting, he read the minutes, watched the recording, and felt comfortable voting on the motion. The motion carried 4-0.

IV. CONSIDERATION FOR APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS (WRITTEN DECISION) FOR CONDITIONAL USE PERMIT CUP21-000006 TO ADD TWO ADDITIONAL MULTI-FAMILY DWELLING UNITS TO 508 SOUTHWAY DRIVE

Commissioners Hunter and Busch moved and seconded, respectively, approval of the reasoned statement for CUP21-000006. Commissioner Kremer noted that, while he was not at the September 8, 2021 meeting, he read the minutes, watched the recording and felt comfortable voting on the motion. The motion carried 4-0.

V. **PUBLIC HEARING: APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT, PUDA21-01 AKA PUD21-000001, CANYON CREST ESTATES: The applicant requests amendment to the PUD agreement to increase the allowable number of dwelling units; add a new housing type allowance; allow small lot development; add a minimum number of dwelling units to be constructed that are not detached single family homes; add a mixed use development requirement; clarify certain development standards; amend certain development standards; clarify and revise the timing of completion of 18th Street construction to Lindsay Creek Road; and to make minor adjustment to future street layout, lot configuration and open space and trail improvements.**

Chair Liedkie stated the public hearing process, opened the public hearing and asked for the staff report.

City Planner Joel Plaskon provided a presentation of visuals for the Commission and summarized the staff report. The most significant changes proposed include:

- 1) The maximum number of dwelling units allowed increases from 375 to 545, subject to findings of and potential traffic mitigation from an upcoming traffic impact analysis.
- 2) An additional type of housing called “cluster housing” would be allowed.
- 3) The distinction between commercial and residential, non-single family areas is omitted from the Concept Development Plan in favor of having a more generally descriptive “non-single family residential” areas that would allow both mixed use and non-single family residential housing units. This adds greater flexibility of smaller phases of development to meet changing market demand and developer financial circumstances/capabilities.
- 4) Small lot development would be allowed.
- 5) A minimum of 40 multi-family dwelling units would be required.
- 6) A minimum of 5,000 square feet and a maximum of 10,000 square feet of local commercial use would be required.
- 7) The completion of 18th Street to Lindsay Creek Road would be required when 18th Street reaches the top of the hill or after the building permit for the 300th dwelling unit has been issued, whichever comes first.
- 8) Identification of specific development phase areas and specific street and lot layout is omitted from future development phase areas, in favor of a more general, flexible future phase areas depiction on the Concept Development Plan.
- 9) Several additional walking trail (future) access points are added on the Open Space and Trail Master Plan.

Mr. Plaskon concluded his staff report by pointing out that the Parks and Fire Departments had no comments, while Public Works requires a Traffic Impact Analysis

concerning the increase in development of single-family homes from 375 to 545 be submitted for City review.

After questions from Commissioners, Chair Liedkie asked the applicant to come forward.

Mike Terrell, 1421 N Meadowwood Lane in Liberty Lake, provided a detailed presentation outlining the proposed updates to the PUD agreement on behalf of the applicant, Dan Mader.

Dan Mader 13506 Hillside Road in Genesee highlighted two points for the Commission regarding the application and the changes. 1) The change to the map regarding less detail would make the development of the area much more flexible and 2) developers want smaller lots due to cost and increased demand for homes with smaller footprints.

After questions from the Commission, Chair Liedkie asked for public comment.

Kerry Mills, 1717 Pioneer Drive expressed concerns regarding traffic and there being no speed limit signs in the area. Ms. Mills also questioned how the HOA applies.

Kevin Winger, 3213 Hidden Valley Loop, questioned what type of affect rentals would have on the HOA.

Josh Berry, 3220 Parkridge Way expressed concern with the increase from 375 to 545 and questioned why it needed to happen. Mr. Berry also questioned how parking would be controlled to meet the HOA parking requirements and restrictions, how townhomes and rentals would be managed with HOA, and how they would prevent dilapidation. Mr. Berry also expressed concern regarding traffic, high rates of speed, use of the fire access road and how there needs to be some sort of traffic control on the gravel road.

Travis Bartschi, 3315 Sunrise Terrace, said that adding more units would cause more traffic and visibility issues. Mr. Bartschi agreed with Mr. Berry's concerns and mentioned that some of the changes would devalue the efforts of the citizens in the area to keep it nice. Mr. Bartschi said Mr. Mader is wonderful to work with but he has concerns about the changes.

Dave Doeringsfeld, 1010 Hemlock Avenue, is in the process of purchasing a lot in the area and supports the proposed changes.

Patricia Smith, 1723 Appaloosa Drive, informed the Commission that she had submitted letters to be read into record but has additional questions. Ms. Smith questioned if the City rule trumps residential rule because they were told to put in lawn instead of river rock. Ms. Smith also noted that when they built their house in 2018 the plat was

completely different. Ms. Smith stated she has had trouble contacting the developer to get questions answers.

Mike Mills 1717 Pioneer Drive, expressed that the road is going to need to be addressed before it snows, as the snow will cause problems. Mr. Mills explained that Lindsay Creek is not a good road and it needs to be addressed and done right.

Gail Favor 1804 Innaha Lane expressed concern with traffic and does not want to see the same thing on 18th Street as 18th Avenue.

Community Development Specialist Tanya Brocke read the emails received into record (see Attachment 1).

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

Applicant Dan Mader addressed the concerns regarding traffic control and parking. Mr. Mader apologized for not being available to discuss the concerns with homeowners and explained that development cannot be foreseen years in advance. In regards to the HOA questions, Mr. Mader mentioned that anyone who owns the home would have to abide by the HOA. Multi-family will have different guidelines and a governing body, as it is not a good fit with the residential HOA.

Commissioner Kremer expressed concern regarding the lack of transparency provided to the homeowners purchasing properties in the area.

Chair Liedkie questioned if staff could address the park situation. Mr. Plaskon responded he could not speak for the Parks and Recreation Department. Concerns on development are addressed at the subdivision process and need to be brought to the Public Works or Parks and Recreation Departments. Mr. Plaskon reminded the Commission that they are considering a land use application.

A citizen asked to speak and, after Chair Liedkie consulted with the Assistant City Attorney Kayla Hermann, was granted permission.

Josh Berry, 3220 Parkridge Way made the observation that houses did have front doors on 18th Street and the statement that larger lots being hard to sell was a misconception.

Applicant Dan Mader stated that Mr. Berry was right about there being front doors on 18th Street and that he misspoke. There is no access in terms of parking and garages so the access is off 18th Street.

There being no further questions or comments, Chair Liedkie closed the public hearing and asked for staff recommendation.

City Planner Joel Plaskon recommended approval to City Council subject to satisfaction of concerns and mitigation as may be found in the upcoming traffic impact study and any conditions deemed appropriate by the Commission.

After discussion, Commissioner Kremer moved to recommend approval of PUD amendment PUDA21-01 AKA PUD21-000001 to City Council with the caveat that it include a maximum of 72 multi-family dwelling units and a maximum density of 15 units per acre. Commissioner Hunter seconded the motion. Upon roll call, the vote was as follows:

Commissioner Kremer	Aye
Chair Liedkie	Aye
Commissioner Hunter	Aye
Commissioner Busch	Aye

The motion carried 4-0.

- VI. **INITIATION OF ZONING CODE AMENDMENT: REMOVAL OF ARTICLE XVI, INOPERABLE VEHICLE STORAGE, FROM THE ZONING CODE - The removal of inoperable vehicle storage regulations from the Zoning Code and related amendments to the definitions of "junk and "junkyard" are proposed in favor of establishing new such regulations in a new City Code Chapter 43, Nuisances. Junkyards will still be regulated as a land use in City Code Chapter 37, Zoning, but inoperable vehicles that are not part of a junkyard/auto-wrecking yard are not a land use to be regulated through the Zoning Code.**

Commissioners Kremer and Hunter moved and seconded, respectively, to initiate Zoning Code amendments related to inoperable vehicle storage. The motion carried 4-0.

- VII. **PUBLIC HEARING: CONDITIONAL USE PERMIT APPLICATION, CUP21-000007, BY JAKE GRECO: The applicant requests conditional use permit approval for the manufacturing of custom kitchen cabinets at 3010 E. Main Street, as a general commercial use not allowed by right in the C4 zone but which is consistent with the purpose of the C4 zone, and are not detrimental to any of the outright uses or other existing conditional uses or to nearby residential uses per Lewiston City Code 37-72.**

Chair Liedkie explained the public hearing process, opened the public hearing and asked for staff report.

Assistant City Planner Katie Hollingshead provided a presentation to the Commission and summarized the staff report. The subject property is approximately 3.71 acres located in the C4 General Commercial Zone. The property is currently being used as a wholesale beverage distribution warehouse and as an electrical contractor office. The applicant

proposed using a portion of the existing building for the construction and assembly of custom kitchen cabinets to be used for new home builds by his family's construction company with potential expansion to other homebuilders in the area.

Ms. Hollingshead noted that the C4 Zone has a section for a Temporary Conditional Use that allows for short-term use for fabricating and assembly operations. Although the Temporary Conditional Use could potentially fit the proposed use and this particular application, the applicant is applying for a standard CUP as to not place a time limit on the use in this structure.

There being no questions from the Commission, Chair Liedkie asked if the applicant wanted to add anything. Applicant Jake Greco did not.

As there were no public comments received in person, email or phone, Chair Liedkie closed the public hearing.

After discussion, Commissioners Hunter and Kremer moved and seconded, respectively to direct staff to draft a reasoned statement approving CUP21-000007. The motion carried 4-0.

VIII. INITIATION OF ZONING CODE AMENDMENT: ADDITION OF BASEMENT EGRESS WINDOWS TO LIST OF EXEMPTED ITEMS FROM CERTIFICATE OF APPROPRIATENESS IN THE NORMAL HILL HERITAGE OVERLAY ZONE: The Historic Preservation Commission recommends to the Planning and Zoning Commission initiation of a Zoning Code Amendment to add basement egress windows to the list of exempted items from a Certificate of Appropriateness in the Normal Hill Heritage Overlay Zone.

Commissioners Kremer and Busch moved and seconded, respectively, to initiate zoning code amendments related to basement egress windows and certificates of appropriateness. The motion carried 4-0.

IX. STAFF-COMMISSION COMMUNICATIONS:

- A. Query of Commissioners to attend the regularly scheduled meeting of 10/27/21**
All Commissioners present planned to attend.
- B. We have two commission member vacancies and four applications for membership. Interviews have been conducted and recommendations for appointment have been forwarded to the City Manager. Appointments of two new commissioners are hoped to occur at the October 25 City Council meeting. City Council appointed Kathy Branson and Cynthia Ball to the Planning & Zoning Commission at the October 11, 2021 meeting.**
- C. Other**

X. ADJOURN

There being no further business, Commissioners Kremer and Busch moved and seconded, respectively to adjourn. The motion carried 4-0 and the Planning and Zoning Commission adjourned at approximately 8:00 p.m.

RESPECTFULLY SUBMITTED,

Tanya M. Brocke
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2021.

**ATTACHMENT 1:
PUBLIC TESTIMONY RECEIVED**

PUDA21-01 AKA PUD21-000001

- 1. Clinton Bennard**
- 2. Leta Baker**
- 3. Mary Evans**
- 4. Patti Smith (3)**
- 5. Phyllis Evans**
- 6. David Urban**
- 7. Gayle Favor**
- 8. Christi Meyer**

**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR GRANTING OR DENIAL OF CONDITIONAL USE PERMIT**

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

I. APPLICATION NUMBER:

CUP21-000007

II. APPLICANT'S NAME AND ADDRESS:

Jake Greco
2206 Hemlock Avenue
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

3010 E. Main Street
Lewiston, ID 83501

IV. DATE OF PUBLIC HEARING:

October 13, 2021

V. NAME OF HEARING BODY:

Lewiston Planning and Zoning Commission

VI. NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:

The applicant requests conditional use permit approval for the manufacturing of custom kitchen cabinets, as a general commercial use not allowed by right in the C4 zone but which is consistent with the purpose of the C4 zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses or to nearby residential uses, per Lewiston City Code 37-72.

VII. DECISION:

The Lewiston Planning and Zoning Commission **APPROVES CUP21-000007.**

VIII. CONDITIONS OF APPROVAL:

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

None.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP21-000007

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

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

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

XI. RELEVANT CRITERIA AND STANDARDS:

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

1. The proposed use **will not** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary: The property is located on an arterial street with frequent truck traffic in a largely commercial and manufacturing zoned area. The subject property is made up of several parcels with four of those parcels dedicated to trucking parking and loading areas. There are currently 32 paved and striped parking stalls in addition to the overflow truck parking. The proposed cabinetry shop could be considered similar in operation to the surrounding businesses such as the auto body shop and the concrete and paving company to the west and has the potential to contribute far less traffic than the existing use of a wholesale beverage distributor.
2. The proposed use **is** a public necessity **and is** justified by the applicant and deemed to be of benefit to the public. Applicable commentary: The applicant's proposed business is the construction and assembly of custom kitchen cabinets to be used in new home builds by the applicant's family construction business. The Planning & Zoning Commission has heard from community members regarding the need for additional housing in our community and the difficulty of procuring the needed building supplies due to supply chain issues caused by the Covid pandemic. The applicant is seeking to remedy this supply problem by constructing the needed cabinetry himself.
3. The character of the proposed use, if developed according to the plan as submitted, **will** be in harmony with the area in which it is to be located. Applicable commentary: The property is currently being used as a wholesale beverage distribution warehouse and as an electrical contractor office. The proposed cabinetry shop could be considered similar in nature to these commercial uses, as well as the surrounding businesses, namely an auto body repair shop and a concrete and paving

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP21-000007

Page 2 of 4

company. The applicant proposes no changes to the outside of the building and the subject property is located on an arterial street and has sufficient parking for both employees and truck deliveries.

4. The proposed use **will not** endanger the environment or the public health or safety. Applicable commentary: The subject property has City utilities already provided and all construction of cabinetry will be done inside the building. Any interior changes made to the building will require permitting and inspections from the appropriate City departments.

5. The proposed use **will be** in substantial conformance with the Comprehensive Plan. Applicable commentary: Subject property is located in Neighborhood Number Three and has a future land use designation of Neighborhood Commercial. The Comprehensive Plan calls out a general goal (LU-2.0) "Assure that there is sufficient commercially zoned land available in the City." and objective (LU 2.2) "Review the zoning ordinance to assure that commercial zoning designations accommodate varied commercial activities sufficiently, while protecting adjacent land uses. Assure that commercial zoning designations have distinct and meaningful differences that fulfill a planning purpose.". Allowing the manufacturing of custom kitchen cabinetry follows this goal of allowing a variety of commercial uses that will not negatively impact the surrounding neighborhood.

6. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use. Applicable commentary: Political subdivisions were notified of the application and no comments were received.

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: N/A

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: N/A

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)

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP21-000007

days after the Planning and Zoning Commission has adopted its Reasoned Statement of Relevant Criteria and Standards and its decision. Written notice of the appeal must be filed with the City Clerk within such fifteen (15) day period. If an appeal is not filed and the fee required by section 37-188 of the City of Lewiston Zoning Code is not deposited with the City Clerk within such fifteen (15) day period, the decision of the Planning and Zoning Commission shall be final.

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist