

MEETING AGENDA

LEWISTON PLANNING AND ZONING COMMISSION

MARCH 23, 2022 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 Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208)798-2570 and leaving a message. Citizen comments and testimony for public hearings submitted by email or phone will be forwarded to the Planning & Zoning Commission. If you would like your citizen comment to be read out loud during the meeting, please so indicate in your message. Testimony for public hearings that was submitted by email or phone and unable to be forwarded to the Planning & Zoning Commission prior to the meeting will be read out loud during the public hearing. Members of the public who wish to provide in-person comment or testimony, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space, such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org

COMMISSION MEMBERS: Chair; Richard Kremer, Vice Chair; Michael Busch, Kathy Branson, Cynthia Ball, Kevin Kelly, Gabriel Iacoboni, Vacant position

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**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.**  
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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 MARCH 9, 2022 MEETING MINUTES (ACTION ITEM)
- IV. APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS (WRITTEN DECISION) FOR ZNC22-000001, NORTHVIEW LEGACY PUD (ACTION ITEM)
- V. REVIEW OF DRAFT REWRITE OF LEWISTON CITY CODE CHAPTER 23, MOBILE HOME PARKS AND R.V. PARKS AND DRAFT CHAPTER 23 ADDITION OF ARTICLES TO ALLOW TINY HOUSE VILLAGES AND TRANSITIONAL HOUSING VILLAGES
- VI. STAFF-COMMISSION COMMUNICATIONS
 - A. Query of Commissioners to attend the regularly scheduled meeting of 4/13/22.
 - B. Chantelle Souther has accepted the offer to fill Commissioner David Irish's Planning and Zoning Commission position and is expected to be appointed by the City Council at their 3/28/22 meeting.
 - C. Other
- VII. 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.

March 9, 2022

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Department Second Floor Conference Room at 215 "D" Street. Chair Kremer 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: Richard Kremer, Chair; Michael Busch, Vice Chair; Cynthia Ball; Kathy Branson; Kevin Kelly; Gabriel Iacoboni via Zoom

STAFF MEMBERS PRESENT: Joel Plaskon, City Planner via Zoom; Katie Hollingshead, Assistant Planner; Jana Gomez, City Attorney; Shelby Sieracki, Assistant City Attorney; Aaron Butler, IT; Dawn Ortiz, Community Development Specialist; Pat Severance, Development Review Supervisor

II. CITIZEN COMMENTS

None

III. APPROVAL OF FEBRUARY 23, 2022 MEETING MINUTES (ACTION ITEM)

Commissioners Ball and Busch moved and seconded, respectively, approval of the February 23, 2022 meeting minutes. The motion carried 6-0.

IV. PUBLIC HEARING FOR ANX22-000001, CP22-000001, ZNC22-000001 BY HOWARD LEGACY, LLC (ACTION ITEM)

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

Assistant Planner Katie Hollingshead provided the staff report with maps and photos so the commission could get geographically familiar with the area. This Planned Unit Development will echo the Northeast Crossing Planned Unit Development continuing the same neighborhood feel. The developer will construct an east-west corridor connection for future connectivity, but not part of this proposed development.

Chair Kremer asked about the grade percentage of the other roads in the subdivision. Staff Hollingshead stated they are around 7%. Staff Hollingshead stated Engineering commented that this annexation is not part of the existing East Orchards traffic impact study and an additional traffic impact analysis will be required.

Commissioner Kelly asked about the ratio of acreage available to the total number of lots with single-family dwellings in this PUD.

Staff Hollingshead confirmed that the proposed lots exceed the minimum standards for width, depth and square footage.

Commissioner Branson asked for staff opinion on grade percentage versus snow removal and extreme road conditions.

Staff Hollingshead stated 11% is the max for city standards; reducing total lots may prevent developers from moving forward with the project.

Commissioner Kelly asked how new lot owners would be notified of grade percentage and possible hazardous road conditions.

Staff Hollingshead stated it could be added as a plat note.

Chair Kremer asked if it would be wise to preclude small lot development as an outright use in the Planned Unit Development.

Staff Hollingshead stated the commission could ask to move it to a conditional use.

City Planner Joel Plaskon stated the commission could keep small lot development in PUD, but place a cap on the total number of dwelling units not to exceed 104 units. The commission can make a recommendation to add an addition of a provision that the developer work with the school district for bus turn out or other options.

There being no further questions Chair Kremer asked the applicant's engineer for comments.

Applicant's engineer, Jack Hammond of Hedco Engineering, stated they don't have a sufficient amount of material needed to lower the 11% grade.

Chair Kremer asked if the two storm ponds will be adequate for the spring runoff due to the slopes of the plat.

Mr. Hammond stated yes there is a system in place to move water away from the houses into the storm ponds.

There being no further public comment, Chair Kremer closed the public hearing.

Commissioners deliberated and discussed the required zoning criteria.

Development Review Supervisor Pat Severance stated there is still a lot of design work to be completed and he also provided standards and safety precaution options to commissioners.

Chair Kremer re-opened the public hearing, allowing Mr. Hammond to respond to Staff Severance's statements and information provided. Mr. Hammond stated the distance of road at 11% grade is about a football field in length.

Vice Chair Busch asked for the staff's recommendation.

Staff Hollingshead stated that staff recommends approval.

There being no further questions or comments, Chair Kremer closed the public hearing.

After deliberating and articulating the reasons for the proposed recommendations, commissioners Ball and Kelly moved and seconded, respectively, to recommend the approval of ANX22-000001 to City Council. Motion passed 6-0.

Commissioners Branson and Busch moved and seconded, respectively, to recommend the approval of CPA22-000001 to City Council. Motion passed 6-0.

After deliberation and discussion of the required relevant criteria and standards for a rezone, Commissioners, Kelly and Ball moved and seconded, respectively, to direct staff to draft a Reasoned Statement recommending approval of ZNC22-000001, set forth by the commission to City Council including the following provisions, dwelling units will not

exceed 104 dwellings units and developer will work with the school district in regards to a school bus pull out or other provisions for school bus service satisfactory to the school district. Motion passed 6-0.

Commissioner Branson and Ball moved and seconded, respectively, to recommend approval of the associated Area of City Impact map amendment. Motion passed 6-0.

V. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners to attend the regularly scheduled meeting of 3/23/22

All Commissioners present planned to attend.

B. Other

The new commissioner who had been appointed has chosen to not join the commission. Staff reached out to another candidate and they accepted the position and we should have a full commission in April.

VI. ADJOURN

There being no further business, Commissioner Branson and Busch moved and seconded, respectively to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 6:40 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2022.

**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:
ZNC22-000001

II. APPLICANT'S NAME AND ADDRESS:
Howard Legacy, LLC
c/o Rusty McGuire, Representative
P.O. Box 1187
Davenport, WA 99122

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
The undeveloped southerly 35.19 acres of tax parcel RP35N05W104504A and generally located to the north of Frontier Drive.

IV. DATE OF PUBLIC HEARING:
March 9, 2022

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

VI. NATURE OF APPLICATION:
Rezone subject property from Area of City Impact R-1A to City of Lewiston Planned Unit Development (PUD) Zone.

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of **ZNC22-000001** to the Lewiston City Council, subject to two provisions being added to the Planned Unit Development Agreement between the City of Lewiston and Howard Legacy, LLC, as follows:

1. The number of dwelling units within the PUD shall not exceed one hundred four (104), and
2. The developer shall coordinate with the Lewiston Independent School District regarding a possible bus stop/turn out to ensure school buses are not required to

navigate the steep eleven and one-half percent (11.5%) street grade toward the end of the subdivision or to establish some other school bus service option, as acceptable to the Lewiston Independent School District.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

IX. RELEVANT CRITERIA AND STANDARDS:

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

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

The subject property is in Comprehensive Plan (the Plan) Neighborhood Eight, Area of City Impact and recognized as being appropriate for annexation into the City of Lewiston for urban development. The subject property is proposed to be located in Neighborhood Six (Central Orchards), as a northerly extension of that Neighborhood. The proposed Comprehensive Plan Land Use Designation of the subject property on the Future Desired Land Use Map is Low Density Residential, which is consistent with the adjacent Northeast Crossing PUD to the south and compatible with the adjacent Suburban Comprehensive Plan Future Land Use Map Designation. The proposed Low Density Residential Designation calls for maximum development density in the 5-8 dwelling units per acre range.

The Plan for this neighborhood identifies the fact that it is primarily built out and that there is limited infill development opportunity. It calls for protection of drainage ways, open space preservation, upgraded stormwater infrastructure, upgraded streets and high quality new development around existing and future public parks. Objective LU-14.4 calls for development of lands in excess of 5 acres to be done by PUD.

The Plan states: "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;"

Other provisions in the Plan that support this application include:

GOAL (LU-15.0): Maintain the design and functional character of each neighborhood. OBJECTIVES: LU-15.1: Review and revise development standards, as appropriate, to assure that new development, additions, and remodels will maintain the design characteristics prevalent in the neighborhood.

GOAL (LU-17.0): Manage traffic in residential areas to meet the needs of local residents, as well as City-wide needs, while minimizing disruption to neighborhoods. OBJECTIVES: LU-17.2: Facilitate pedestrian and bike use in neighborhoods. LU-

17.3 Create pedestrian connections to other uses within and between neighborhoods, where feasible.

GOAL (LU-18.0): Provide and maintain public services, utilities, and associated infrastructure in a cost-effective manner, by encouraging compact and contiguous growth. OBJECTIVES: LU-18.1: Establish and adopt a revised Comprehensive Land Use Map. Establish land use zones such that growth is directed to areas that are contiguous with existing development, and where services are readily available.

2. The subject property **is** at least as well suited or is better suited for the proposed zoning district than the existing zoning district. Applicable commentary:

The subject property is better suited for the proposed zoning district than the existing one because the subject property is being annexed into the City of Lewiston from Nez Perce County. The existing zoning district is no longer applicable or appropriate upon annexation of the subject property. The subject property is currently vacant farmland and developing into single family residential through a PUD will increase the housing stock in a very tight housing market.

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

The concept development plan presents a continuation of the existing neighborhood, with similar uses and development standards being proposed. The Comprehensive Plan, GOAL LU-15.0 states: Maintain the design and functional character of each neighborhood. Objective LU-15.1 states: Review and revise development standards, as appropriate, to assure that new development, additions and remodels will maintain the design characteristics prevalent in the neighborhood. The concept development plan and the proposed Northview Legacy Addition PUD both follow the standards and design already established in the neighborhood and will be a continuation of the existing development. This will include such characteristics as building height and massing, setbacks, lot coverage, lot size, and other characteristics that define this neighborhood.

The subject property is located directly north of the existing Northeast Crossing Planned Unit Development (PUD). The proposed Northview Legacy Addition PUD Zoning District uses the Northeast Crossing PUD as a template. This continues the consistency in design of the existing neighborhood.

4. The effects of the proposed rezone **are not** anticipated to place undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction, including school districts. Applicable commentary:

Political subdivisions were included in the application process with both water and sewer purveyors stating that they would be providing services to the development. The City Engineering and Fire Departments are working with the developer to make sure all

applicable City codes will be met. The developer has agreed to work with the Lewiston Independent School District to determine an appropriate location for school bus service.

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

The proposed development is a continuation of the existing low density housing development prominent in the neighborhood, and the developer has extensive public infrastructure planned for both this development and future development to the west. The Comprehensive Plan GOAL LU-18.0 states: "Provide and maintain public services, utilities, and associated infrastructure in a cost-effective manner, by encouraging compact and contiguous growth." The proposed development is consistent with that goal.

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

Not applicable.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could take actions to obtain approval, such actions might include:

Not applicable.

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

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

Signature page to follow

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist