

January 8, 2020

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Upstairs Conference Room at 215 "D" Street. Vice Chair Sandstrom 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: Corey Sandstrom, Chair; Mike Menegas, Vice Chair; Joan Hunter; Richard Kremer; Hannah Liedkie; Rick Tousley

STAFF MEMBERS PRESENT: Joel Plaskon, Planner - Local Initiatives; Kayla Hermann, Assistant City Attorney; Aaron Butler, II;

II. CITIZEN COMMENTS

None.

III. ELECTION OF CHAIRPERSON FOR 2020

Commissioner Tousley nominated Commissioner Sandstrom for Chairperson. Commissioner Menegas nominated himself for Chairperson. Upon roll call, the vote was as follows:

Commissioner Liedkie voted for Commissioner Sandstrom
Commissioner Kremer voted for Commissioner Sandstrom
Commissioner Sandstrom voted for himself
Commissioner Tousley voted for Commissioner Sandstrom
Commissioner Hunter voted for Commissioner Sandstrom
Commissioner Menegas voted for Commissioner Sandstrom

Commissioner Sandstrom was elected Chairperson by majority of votes.

IV. ELECTION OF VICE CHAIRPERSON FOR 2020

Commissioner Kremer nominated Commissioner Menegas for Vice Chairperson. Commissioner Tousley nominated Commissioner Liedkie for Vice Chairperson. Upon roll call, the vote was as follows:

Commissioner Liedkie voted for Commissioner Menegas
Commissioner Kremer voted for Commissioner Menegas
Commissioner Sandstrom voted for Commissioner Menegas
Commissioner Tousley voted for Commissioner Liedkie
Commissioner Hunter voted for Commissioner Menegas
Commissioner Menegas voted for himself

Commissioner Menegas was elected Vice Chairperson by majority of votes.

V. **APPROVAL OF DECEMBER 11, 2019 MEETING MINUTES**

Commissioners Hunter and Tousley moved and seconded, respectively, approval of the December 11, 2019 minutes. The motion carried 6-0.

VI. **APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS (WRITTEN DECISION) FOR CUP19-000011 TO ALLOW A CLASS B MANUFACTURED HOME WITH AN EXCEPTION TO ALLOW IT TO BE CLASS A INSTEAD AT 1707 RICHARDSON AVENUE**

Commissioners Kremer and Menegas moved and seconded, respectively, approval of the written decision for CUP19-000011. The motion carried 5-0-1 with Commissioner Liedkie abstaining.

VII. **PUBLIC HEARING - APPLICATION FOR CONDITIONAL USE PERMIT, CUP19-000012: A conditional use permit application by Gordon Zimmer to allow multi-family residential land use at 1003 Alder Avenue in the Low Density Residential, R2A Zoning District**

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

Local Initiatives Planner, Joel Plaskon, presented photographs of the subject property and his staff report for CUP19-000012, which is a request for a conditional use permit to allow multi-family residential land use on the subject property within the Low Density Residential, R2A, Zoning District. The proposed multi-family residential land use consists of an existing duplex and a third dwelling unit within what was permitted as a detached garage. The garage apartment has yet to receive the necessary permit and inspections for occupancy as a residence.

The subject property is approximately 10,260 square feet. CUP19-000012 is an application for multi-family residential, for which the minimum lot area in the applicable R2A Zone is 10,000 square feet, plus 4,000 square feet for each dwelling unit over two. To meet the standard, the subject property would have to be at least 14,000 square feet. The Commission may waive that standard as part of the conditional use permit process, if deemed appropriate. However, the Commission shall also consider the Comprehensive Plan, which suggests a density range of five to eight dwelling units per acre for the subject property. CUP19-000012 requests a density of 13.0 dwelling units per acre.

Mr. Plaskon continued that the Comprehensive Plan states, among other things, that infill development will continue as the predominant source of new housing development within this neighborhood. There are some areas of potential development remaining within this neighborhood, however. This development should be of a density consistent with this Plan. The subject neighborhood is predominantly an established single-family neighborhood. The Comprehensive Plan states, among other things, within individual neighborhoods, discourage multi-family development within established single-family developments.

The Zoning Code requires six off-street parking spaces for the three dwelling units on the subject property. The Zoning Code also requires that the parking not back out on to the street and be striped and landscaped and include an ADA compliant parking stall. There is room in the paved parking area on the south end of the duplex to meet the six parking stall requirement. However,

all the parking has to back out on to Alder Avenue, and the striping, landscaping and ADA parking requirements are not met.

Mr. Plaskon informed the Commission that they are authorized to waive the parking standards as part of the conditional use permit, if deemed appropriate. However, ADA parking is a federal requirement and not able to be waived by the Commission. The parking striping is intended to ensure that the parking area is used efficiently/effectively such that cars are not parked randomly, resulting in cars being parked on the street. Alder Avenue is a substandard, two-way street approximately fifteen feet wide. The parking lot landscaping requirement is to provide aesthetics for and to buffer the surrounding properties from parking lots and to provide shade for benefit of the users of the parking lot.

The Zoning Code requires that the minimum rear yard setback for a dwelling in the R2A Zone is twenty feet. The third dwelling unit requested with CUP19-000012 has a rear yard setback of seven or eight feet. The Commission is authorized to waive the rear yard setback standard as part of the conditional use permit, if deemed appropriate. One of the reasons for the twenty-foot minimum rear yard setback for dwellings is the matter of privacy, relative to the use of the rear yard by the property owner of the residents of the adjacent lot, particularly if the dwelling unit in question is a second story unit. The applicant's dwelling unit in question is not a second story dwelling unit and because of the way the property adjacent to the north is developed, does not appear to present a privacy problem.

Mr. Plaskon concluded his staff report noting that the Public Works & Fire Departments commented "no objection" to CUP19-000012. The Fire Department also submitted the following comment, "While the Fire Dept. has no objection to the CUP; conditions should be placed on the CUP to ensure compliance with all code requirements for constructing a new living unit as determined by the Building Official and City Planner".

Commissioner Liedkie questioned the location of the space beyond the ADA parking spot. Mr. Plaskon stated that theoretically, the applicant could retain those spaces as two parking spaces, as extra, that no one would be able to get in to or out of if the ADA parking stall was occupied.

Commissioner Kremer questioned the red lines on the map of one of the photos. Mr. Plaskon informed Commissioner Kremer that those are the street right of way lines and explained the blue lines are a more accurate depiction of location than the red lines.

Commissioner Menegas asked if it would be possible for the landowner to retake that portion of the property.

Chair Sandstrom asked the applicant to come forward.

Gordon Zimmer, 2238 Grelle Avenue and owner of 1003 Alder Avenue, provided the Commission with background information on the property. Mr. Zimmer purchased the property, which was a bare lot, in 2004. From 1998 to mid-2006, he was living in the Middle East and working for the military. In 2004, he hired a contractor to build a duplex. The following year he emailed them asking if they could build a small house, never intending it to be a garage, for him to stay in while he was home. Mr. Zimmer explained that he noticed the staff recommendation

is to be denied but would be trying to plead his case. As far as the recommendations, Mr. Zimmer stated he has no problem complying with them and can do what he needs to do to make it work.

Commissioner Menegas asked if the property was occupied and for how long it has been occupied. Mr. Zimmer responded yes the property is occupied and it has been for about 2 years by his retired mother-in-law.

Commissioner Tousley asked who signed off on the permit while he was away. Mr. Zimmer explained that he was overseas and it was signed off by his father and the contractor. Commissioner Tousley clarified that it was presented to the city as a garage but Mr. Zimmer's intentions was for it to be a house. Mr. Zimmer responded yes.

Chair Sandstrom invited public testimony.

Patrick Fridley, 1005 Alder Avenue, stated he owns the property right next and he would like to see a reverse to the decision of his CUP because he is in the same situation. Mr. Fridley noted he has had a lot of money into that he could lose because of the decision.

Chair Sandstrom asked if the applicant would like to provide a rebuttal. Mr. Zimmer responded no.

Chair Sandstrom asked for staff recommendation. Mr. Plaskon recommended that CUP19-000012 be denied.

Chair Sandstrom closed the public hearing and opened the floor for deliberation.

Commissioner Menegas explained that his first thoughts were in favor of the CUP, same as the previous application for the property next door, and the CUP should be permitted since the lot size is larger and potential of the city getting back its easement.

Commissioner Kremer pointed out that the two applications are very much "apples and oranges". The current application and parking are contained in the lot, while the application discussed a month ago did not have access and used the neighbor's driveway.

Commissioner Tousley expressed his appreciation to staff's recommendation outlining the six conditions for approval and that the applicant has addressed the six recommendations.

Planner Plaskon clarified recommendation number two (2) should read, "That the property owner provides an ADA compliant parking space".

Commissioner Menegas commented that recommendation number one (1) is applicable, as it seems to be cumbersome with such a small density.

Planner Plaskon clarified that the standard required by zoning code is one shade tree and five shrubs for each 35 linear square feet and, in this case it would be one shade tree and five shrubs on the east side and west side between the parking and property line.

The Relevant Criteria and Standards were discussed as follows:

1. The proposed use **will not** result in conditions that will tend to generate nuisances (including, but not limited to, noise, dust, glare, vibrations, odors and the like) or, if so, that any anticipated nuisances will be appropriately mitigated.
2. The proposed use **is** a public necessity **and is** justified by the applicant and deemed to be of benefit to the public.
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.
4. The proposed use **will not** endanger the environment or the public health or safety.
5. The proposed use **will not** be in substantial conformance with the comprehensive plan. There are several parts in the Comprehensive Plan that the application does not meet.

Commissioner Menegas moved to direct staff to draft the reasoned statement of relevant criteria and standards approving CUP19-000012 with the conditions that staff recommends, also waiving the lot size standard. Commissioner Kremer seconded the motion. The motion failed 3-3 with Commissioners Liedkie, Sandstrom and Hunter voting nay.

Commissioner Menegas moved to direct staff to draft the reasoned statement of relevant criteria and standards approving CUP19-000012 with the following conditions:

1. That the property owner provides the required five-foot-wide, irrigated landscape strips with one shade tree and five shrubs between the parking area and 10th Street and between the parking area and the east property line;
2. That the property owner provides an ADA compliant parking space;
3. That no deck, balcony, outdoor stairway, or patio cover be allowed to the rear or north of the garage apartment building;
4. That the necessary building and related permits, inspections and certificate of occupancy for the dwelling unit within the detached garage be obtained;
5. That no more bedrooms beyond the existing five (for all three dwelling units combined) to any of the three dwelling units;
6. That not more than three dwelling units are permitted; and
7. The requirements for lot size and setback be waived.

Commissioner Tousley seconded the motion. The motion carried 4-2 with Commissioners Sandstrom and Hunter voting nay.

VIII. STAFF-COMMISSION COMMUNICATIONS:

A. Solicitation of Commission member attendance for the regularly scheduled Planning and Zoning Commission meeting of January 22, 2020

Commissioner Tousley noted he would be absent. All other Commissioners plan to attend.

B. Other

IX. ADJOURN

There being no further business, Commissioners Kremer and Menegas moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 7:30 p.m.

RESPECTFULLY SUBMITTED,

Tanya M. Brocke
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2020.