

January 22, 2020

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The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Upstairs Conference Room at 215 “D” Street. Chair Sandstrom called the meeting to order at 5:30 p.m.

Commissioners Kremer and Hunter moved and seconded, respectively to amend the agenda by moving Item VI, a public hearing regarding ZNC19-000001, to Item IV, following approval of the January 8, 2020 meeting minutes. The motion carried 5-0.

Commissioner Menegas cured an Open Meetings Law violation by self-recognizing the violation of an e-mail sent out to the rest of the Commission in response to an advice letter received from the City Attorney’s office.

**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;

*COMMISSIONERS EXCUSED:* Rick Tousley

*STAFF MEMBERS PRESENT:* Joel Plaskon, Planner – Local Initiatives; Jacqui Gilbert, Planner – Regional Initiatives; Kayla Hermann, Assistant City Attorney; Tanya Brocke, Community Development Specialist; Aaron Butler, IT;

**II. CITIZEN COMMENTS**

None.

**III. APPROVAL OF JANUARY 8, 2020 MEETING MINUTES**

Commissioners Hunter and Kremer moved and seconded, respectively, approval of the January 8, 2020 minutes. The motion carried 5-0.

**IV. PUBLIC HEARING - APPLICATION FOR ZONE CHANGE, ZNC19-000001: A zone change application by Ruvim and Irina Kuznetsov for 2.39 acres of undeveloped land southeast of the intersection of Quail Run Drive and 16<sup>th</sup> Street and also known as RPL00930020060 from F2, Agricultural Transitional, to R2A, Low Density Residential.**

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

Regional Initiatives Planner Jacqui Gilbert informed the Commission that the subject property is surrounded by agricultural transitional zoning and low-density residential zoning which are generally single-family homes. The subject property is located in neighborhood #7 – East Orchards on the Comprehensive Plan Land Use Map where residents of this neighborhood have strongly expressed a desire for the retention of animal rights. In an R2A zone, animal rights with a conditional use permit is allowed per city code 37-195.

Continuing, Ms. Gilbert noted the Comprehensive Plan Land Use Goals advises orderly development and arrangement of land uses throughout the community, an appropriate mix of housing types in each of the city's eight planning neighborhoods and, where appropriate, maintain the rural character of the neighborhoods in the East Orchards and the Area of City Impact. Further, it also states to evaluate effectiveness of the zoning ordinance and revise as necessary.

Ms. Gilbert then showed the Commission a presentation providing a quick visual of the subject property and surrounding area. This property was the subject of a subdivision pre-application meeting on February 2, 2019 where the applicant was advised that the lot had been illegally split leaving the property non-conforming for its current zoning. At this meeting, the applicant was advised that a zone change and subdivision are required to allow future development of the parcel. Ms. Gilbert explained the applicant incorrectly stated in the rezone application that the proposed rezone is not a jump in zoning steps and that R2A is the immediately subsequent zone following F2. The R1 zone is the next zone after F2 as the purpose is for agricultural or transitional area for suburban residential uses. To note, there is a property north of the subject property that was rezoned at some point to R2A and the properties across 16<sup>th</sup> Street are within an R2A zone.

Ms. Gilbert concluded the staff presentation by explaining that staff contacted LOID and COSD to find out about utilities to the property whereby LOID provided that there was sufficient water supply. COSD stated that the subject property would need to be annexed into their sewer district. As far as service, there is capability for a single-family residence. For a subdivision, a COSD engineer would need to see if there is adequate capacity. Feedback from city departments that was received, included in the staff report, and referred to earlier in the presentation. The fire department has no objections to this zone change. The proposed use is not inconsistent with the Comprehensive Plan and no plans have been received by the applicant at this point, as to what may be developed on the subject property. A telephone conversation between staff and the applicant provided that the subject property may be subdivided in the future and that the applicant intends to build a single-family dwelling. No written public testimony has been received.

Commissioner Kremer asked if the applicant is the owner of the other properties near the subject property. Ms. Gilbert responded no.

There being no other questions from Commissioners, Chair Sandstrom asked for the applicant's input.

Ravim Kuznetsov, 900 25<sup>th</sup> Ave joined the meeting via conference call and apologized to the Commission for the mistake on the application. Mr. Kuznetsov noted everything else was as per the application and he would be happy to answer any questions.

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

Gary Groff of 1532 Quail Run Drive stated he was not opposed to the application but wanted to know what the building plans were.

Planner – Local Initiatives Joel Plaskon reiterated to the Commission that building plans were not required for rezone applications so the question is not directly relevant to the application.

Vice Chair Menegas pointed out that the properties look out of compliance with the zone and questioned how that happens and how to remedy it. Mr. Plaskon explained that the Commission could initiate a rezone of the area. In the case of this application though, it would have been delayed and staff did not want to do that.

Chair Sandstrom asked for applicant rebuttal. Mr. Kuznetsov said he did not have much to add but his plan is to live on the property and not build any major apartments.

Commissioner Kremer observed that there seemed to be an issue with the North property line. Mr. Kuznetsov noted that he had worked the issue out with the owner of that property.

There being no further questions or testimony, Chair Sandstrom closed the public hearing for Commission deliberation.

Commissioners Menegas and Liedkie moved and seconded, respectively, to direct staff to draft a reasoned statement recommending approval of ZNC19-000001 to the City Council. The motion carried 5-0.

V. **EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 74-206(1)(d)**

Commissioners Kremer and Liedkie moved and seconded, respectively, to go into executive session regarding records exempt from disclosure, pursuant to Idaho Code Section 74-206(1)(d).

Upon roll call, the vote was as follows:

Commissioner Liedkie	aye
Commissioner Kremer	aye
Chair Sandstrom	aye
Commissioner Hunter	aye
Vice Chair Menegas	aye

The motion carried and the Commission entered executive session at approximately 6:01 p.m.

At approximately 6:35 p.m., the Commission exited executive session.

VI. **APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS (WRITTEN DECISION) FOR CUP19-000012, MULTI-FAMILY RESIDENTIAL AT 1003 ALDER AVE**

Commissioners Menegas and Kremer moved and seconded, respectively, to approve the written decision for CUP19-000012 **that approves the conditional use permit application.**

Commissioner Liedkie noted she had originally voted against the Conditional Use Permit but had changed her vote at the January 8, 2020 meeting and explained that after further review, she would be going back to her original vote of denial of CUP19-000012.

That being said, the motion failed 2-3 with Commissioners Liedkie, Sandstrom and Hunter voting against.

Commissioners Menegas and Kremer then moved to table approval of the written decision for up to 60 days in order to allow for a full Commission to vote. The motion carried 5-0.

Assistant City Attorney Kayla Hermann informed the Commission that the bylaws state the reasoned statement needs to be approved within 45 days.

Commissioner Menegas moved to table approval of the written decision for CUP19-000012 until the next meeting. Commissioner Liedkie seconded and the motion carried 5-0.

**VII. STAFF-COMMISSION COMMUNICATIONS:**

**A. Solicitation of Commission member attendance for the regularly scheduled Planning and Zoning Commission meeting of February 12, 2020**

Commissioner Hunter noted she would be absent. All others planned to attend.

**B. Other**

A consensus was received from the Commission to initiate zone change for properties near Quail Run Drive and 16<sup>th</sup> Street.

**VIII. ADJOURN**

There being no further business, Commissioners Menegas and Kremer moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 6:54 p.m.

RESPECTFULLY SUBMITTED,

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Tanya M. Brocke  
Recording Secretary

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Chairperson or Acting Chairperson  
Planning and Zoning Commission

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.