

March 10, 2021

The LEWISTON PLANNING AND ZONING COMMISSION met in a hybrid meeting in person and remotely via the Zoom Meeting (video conferencing) Service (app). 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; Michael Busch (Zoom); Joan Hunter (Zoom); Richard Kremer (Zoom); Rick Tousley, Vice Chair; Corey Sandstrom

COMMISSIONERS EXCUSED: Michael Menegas;

STAFF MEMBERS PRESENT: Joel Plaskon, Planner – Local Initiatives; Katie Hollingshead, Assistant Planner; Tanya Brocke, Community Development Specialist; Aaron Butler, IT; Mark Weigand, City Surveyor; Jana Gomez, City Attorney;

II. CITIZEN COMMENTS

Maxine Miller 321 Skyline Drive wanted to bring to attention what she learned on requesting information for the CUP21-000002. Ms. Miller explained that per her inquiry there was a CUP for animal rights granted in 2019 for Skyline and the permit was not acted on and to date there are no livestock on the property and therefore the CUP is void. Ms. Miller feels the Community Development Department did not know the current property status and the City's responsibility begins at the granting of the CUP and does not end until the CUP is void and notify the property. Currently, there is no further accountability required by the City, which needs to be corrected.

III. APPROVAL OF FEBRUARY 24, 2021 MEETING MINUTES

Commissioners Hunter and Kremer moved and seconded, respectively, approval of the February 24, 2021 meeting minutes. Upon roll call, the vote was as follows:

Commissioner Kremer	Aye
Commissioner Busch	Aye
Commissioner Sandstrom	Aye
Commissioner Tousley	Abstain
Commissioner Hunter	Aye
Chair Liedkie	Aye

The motion carried 5-0-1 with Commissioner Tousley abstaining.

IV. APPROVAL OF REASONED STATEMENT (WRITTEN DECISION) RECOMMENDING APPROVAL OF REZONE APPLICATION ZNC21-000001, KEVIN BOSWELL - The applicant requests to rezone the western 62.83 feet of 3120 9th Street, 3122 9th Street and 3126 9th Street from R2A Low Density Residential to C3 Community Commercial

Commissioners Busch and Hunter moved and seconded, respectively, approval of the reasoned statement for ZNC21-000001. Upon roll call, the votes were as follows:

Commissioner Busch	Aye
Commissioner Kremer	Aye
Commissioner Tousley	Abstain
Commissioner Sandstrom	Aye
Commissioner Hunter	Aye
Chair Liedkie	Aye

The motion carried 5-0-1 with Commissioner Tousley abstaining.

- V. **CONSIDERATION OF PRELIMINARY SUBDIVISION PLAT, SUB20-000010, NORTHEAST CROSSING PHASES IVA AND IVB: An application by DK Holdings, LLC (Dan Yonge) to subdivide approximately 15 acres located north of Warner Avenue and the first three phases of the Northeast Crossing Subdivisions into 46 residential building lots in the Northeast Crossing Planned Unit Development Zoning District. The Planning and Zoning Commission shall make a recommendation to City Council to approve or deny the preliminary plat. Any recommendation for approval shall be conditioned upon the applicant successfully completing annexation of the subject property.**

City Surveyor Mark Weigand provided a short presentation to the Commission regarding the preliminary subdivision plat. The applicant intends to complete phase IVA this year and IVB in 2022. Mr. Weigand concluded his report with the recommendation that the Commission recommend approval of the plat to City Council.

Commissioners Tousley and Sandstrom moved and seconded, respectively, to recommend approval of the preliminary plat phases IVA and IVB to City Council. Upon roll call, the vote was as follows:

Commissioner Busch	Aye
Commissioner Tousley	Aye
Commissioner Kremer	Aye
Commissioner Sandstrom	Aye
Commissioner Hunter	Aye
Chair Liedkie	Aye

The motion carried 6-0.

- ~~VI. **PUBLIC HEARING – CONSIDERATION OF A NEW URBAN RENEWAL PLAN REVENUE ALLOCATION AREA #7, DOWNTOWN/NORMAL HILL AREA: The Urban Renewal Agency Board conducted a public hearing on this matter on February 8, 2021 and after deliberation, passed Resolution 2021-1 to proceed with its adoption. Pursuant to Idaho Code 50-2008(b), the Planning and Zoning Commission shall make its recommendation to the City Council as to the conformity of the proposal to the Comprehensive Plan.**~~

~~This item was removed due to a location error on the public hearing notice advertised in the Lewiston Morning Tribune.~~

- VII. **PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION, CUP21-000002, BY KEVIN MALLORY: The applicant requests conditional use permit approval to allow for animal rights (keeping of livestock) at 315 Skyline Drive on a 2.63-acre parcel in the R2A Low Density Zoning District.**

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

Assistant Planner Katie Hollingshead summarized the staff report from the packet and presented the Commission with a PowerPoint showing GIS maps and photos of the subject property. There being no questions from the Commission, Chair Liedkie called the applicant forward.

Applicant Kevin Mallory, 315 Skyline Drive, informed the Commission that he is applying for animal rights because he wanted to be on the mounted posse and one of the requirements is to have a horse. Mr. Mallory explained that it would be good to have another horse as backup and because they do well in pairs. The first step is to get the conditional use permit approved and then he can get the fences, water, food and shelter taken care of.

Commissioner Kremer questioned if there would be a way to fence the horses out of the ravine or if the ravine is part of the pasture area. Mr. Mallory responded that he had planned to clean the weeds out and reseed it.

There being no other questions from the Commissioners, Chair Liedkie asked for public comment.

Maxine Miller at 321 Skyline Drive submitted a letter in opposition to the conditional use permit based on concerns. See Exhibit A for a copy of the letter.

There being no other public comment, Chair Liedkie asked if the applicant would like to provide rebuttal.

Mr. Mallory responded that it would be better to have two horses, rather than only one, since they do better in pairs.

There being no further comments, Chair Liedkie closed the public hearing and asked for staff recommendation. Ms. Hollingshead recommended approval of CUP21-000002 for animal rights to allow the keeping of any/all types of livestock permitted subject to the limitations set forth in Lewiston City Code 37-197. Allowing for the keeping of any/all type of livestock permitted would reduce the need for an additional Conditional Use Permit in the event the property no longer keeps horses or sells the property to someone who wishes to keep other types of animals.

After discussion, Commissioners Kremer and Tousley moved and seconded, respectively, to direct staff to draft the reasoned statement accepting CUP21-000002 with the limits in LCC 37-197 for no additional animals. Upon roll call, the vote was as follows:

Commissioner Hunter	Aye
Commissioner Busch	Aye
Commissioner Kremer	Aye
Commissioner Tousley	Aye
Commissioner Sandstrom	Aye
Chair Liedkie	Aye

The motion carried 6-0.

VIII. PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION, CUP21-000003 BY LARRY KOPCZYNSKI: The applicant requests conditional use permit approval to allow for an expansion of an existing commercial use (office building) at 2501 17th Street in the R3 Medium Density Residential Zoning District.

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

Assistant Planner Katie Hollingshead summarized the staff report from the packet and presented the Commission with a PowerPoint showing GIS maps and photos of the subject property. There being no questions from the Commission,

Commissioner Kremer asked how many parking spots would be required. Ms. Hollingshead responded 12. There being no further questions, Chair Liedkie called the applicant forward.

Applicant Larry Kopczynski, 2501 17th Street Lewiston ID, informed the Commission that the building agrees to house another company that only requires the upstairs and they wanted the ability to use the downstairs. There are only eight employees and he could put in the parking spaces if needed.

Commissioner Kremer asked the applicant if they are amenable to moving the parking lot to the location. Steve Nash and applicant have worked to an agreement where he pays for the maintenance for snow removal, pavement and everything else. Can provide that information if needed.

There being no public comments received, Chair Liedkie asked for staff recommendation.

Ms. Hollingshead recommended approval of CUP21-000003 with the following conditions:

1. Limit building occupancy to professional offices.
2. Prior to issuance of a building permit, the applicant shall submit a landscaping plan for approval by the Community Development Department showing compliance with the parking lot landscaping standards required by the zoning code and replacement of any trees needing to be removed for construction of the new building. Said tree replacement(s) shall be shade trees and locations of those plantings shall be either between the existing office building and 17th Street or in or around the existing or new parking lot, in addition to the trees already required for the parking lot by the zoning code.
3. Prior to issuance of a building permit, applicant shall submit a parking lot plan meeting current parking lot standards per LCC 37-145.
4. Any new signage shall be limited to that allowed within the Local Commercial, C-1 Zone, except that no sign shall be an electronic message center or billboard.
5. At the time the building changes ownership, or its use changes or expands, the applicant shall provide the remainder of the required paved parking area (condition from the original variance V-8-86).

After discussion, Commissioners Tousley and Sandstrom moved and seconded, respectively, to direct staff to draft the reasoned statement approving CUP21-000003 with the conditions 1-5 listed on the staff report. Upon roll call, the vote was as follows:

Commissioner Sandstrom	Aye
Commissioner Kremer	Aye
Commissioner Tousley	Aye
Commissioner Busch	Aye
Commissioner Hunter	Aye
Chair Liedkie	Aye

The motion carried 6-0.

IX. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners to attend the regularly scheduled meeting of 3/24/21 (public hearing zone change).

All Commissioners present indicated they planned to attend. Commissioner Kremer would not be at the April meeting.

B. Other

X. ADJOURN

There being no further business, Commissioners Hunter and Sandstrom moved and seconded, respectively to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 6:42 p.m.

RESPECTFULLY SUBMITTED,

Tanya M. Brocke
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2021.

Maxine Miller

321 Skyline Drive

March 9, 2021

Regarding application by Kevin Mallory for conditional use permit to allow for animal rights at 315 Skyline Drive. The applicant has requested two horses in his letter of intent.

I am opposed to the granting of the conditional use for 2 horses based on the following information.

- 1) The livestock area barely meets the minimum standard as set in the code to allow 2 horses. Livestock Area 1 is a little more than half an acre (0.58). Livestock Area 2 is less than one third of an acre (0.30). When combined the 2 livestock Areas are less than one acre (0.88).
- 2) There is not suitable pasture, as defined by code, in Area 1 due to the deep contour of the area. Currently there is vegetation in Area 1, however, due to the steep terrain the area does not comply with the definition of "pasture ... forage for the type of livestock being grazed...".
- 3) The request to allow 2 horses would place undue stress on the livestock Areas to support 2 horses. A more reasonable request would be to restrict the conditional use permit to one horse.