

August 10, 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; Kathy Branson; Gabriel Iacoboni; Kevin Kelly; Cynthia Ball;

COMMISSIONERS EXCUSED: None

COMMISSIONERS ABSENT: Chantelle Souther;

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Shelby Sieracki, Assistant City Attorney; Aaron Butler, IT; Mark Weigand, City Surveyor (remote)

II. SELF-RECOGNITION AND CURE OF OPEN MEETINGS LAW VIOLATION REGARDINGIN COMMISSIONER BALL 7/28/22 EMAIL.

III. CITIZEN COMMENTS

None.

IV. APPROVAL OF JULY 27, 2022 MEETING MINUTES (ACTION ITEM)

Commissioners Branson and Kelly moved and seconded, respectively, approval of the July 27, 2022 meeting minutes. The motion carried 6-0.

V. APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR SUB22-000010, SUBDIVISION PROPOSAL IN THE NORMAL HILL NORTH ZONE BY JON RUARK AND ROBERT RUARK (ACTION ITEM):

Commissioner Kelly and Iacoboni moved and seconded, respectively, with commissioner Ball abstaining, the approval or reasoned statement SUB22-000010. Motion passed 5-0-1.

VI. PRELIMINARY PLAT FOR RAINWOOD WEST - WEIGAND (ACTION ITEM):

City Surveyor, Mark Weigand, presented maps, photos and a staff memo outlining the preliminary plat for the Rainwood West subdivision. Staff Weigand reviewed the existing structures and the proposed shared driveway access to access the two (2) proposed flag lots. The developer will be required install curb, gutter and sidewalk along the 7th street frontage of the property. The proposed lots are located in the Low Density Residential,

R2A, zone and meet the lot width and lot depth dimension standards of that zone. Staff Weigand concluded his report and asked for questions.

Chair Kremer asked about the requirement to pave the flag lot driveways. Staff Weigand stated that there is an allowed City standard for a shared access driveway that allows for the flag poles to be a smaller width of fifteen (15) feet per flag pole but that the shared access of twenty feet must be paved.

Commissioner Branson asked about fire truck access and fire truck turn around. Staff Weigand stated that because of the depth of the lots, a full turn-around is not required because the distance from the public right of way to the property is such that the fire apparatus can back out instead of turn around. Staff Weigand stated that Fire Department staff has reviewed the application and plans.

There being no further questions, Commissioners Busch and Branson moved and seconded, respectively, to recommend approval of the Rainwood West Preliminary Plat to City Council. Motion passed 6-0.

VII. PUBLIC HEARING FOR CONDITIONAL USE PERMIT APPLICATION CUP22-000006, BY SHANNON PALMER, FOR MULTI-FAMILY DWELLING IN THE R2A ZONE, LOCATED (ACTION ITEM):

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

Assistant Planner Katie Hollingshead provided a staff report with maps and photos so the commission can get geographically familiar with the area. Staff Hollingshead provided a detailed summary of the staff report and highlighted that the Commission should discuss and consider adding a condition of approval that the property remains under single ownership until such time that code allows for a subdivision. Staff Hollingshead reviewed for the Commission that the applicant had chosen to pursue a Conditional Use Permit after exploring subdividing the property, but that the property is not wide enough to meet the dimensional standards of the zone for width for two (2) separate lots. Staff Hollingshead concluded her oral presentation and asked for questions.

Commissioner Iacoboni asked if there was a way for the Conditional Use Permit to go away. Staff Hollingshead stated that Conditional Use Permits do have to be vested within a 12-month period, but are otherwise recorded against the property and carry with the land.

Commissioner Ball asked if there would be anything stopping the applicant from removing the single wide trailer and only having the double wide manufactured home on the lot. Staff Hollingshead answered no, that was an allowable situation.

Commissioner Iacoboni asked what would happen if a future property owner tried to sell the properties separately. Staff Hollingshead stated that since the Conditional Use Permit is recorded on the property, it should show up when a title search is done and a potential buyer could see that it is one property with two houses. Staff Hollingshead reiterated that she would recommend that the Commission discuss having a condition of approval that the property remains under single ownership to help avoid the problem of someone trying to selling the homes separately and potentially creating a large problem for a future homeowner or future city staff.

Chair Kremer asked about someone applying for a variance from the lot standards so that they could subdivide the property into two separate lots. Staff Hollingshead stated that the criteria for variances are very strict and the Commissioner reviewing that application would have to decide if an applicant met those criteria. Chair Kremer asked that if the Conditional Use Permit was approved that there would then be three (3) residences on the property. Staff Hollingshead corrected him and stated no, just two residences are proposed, the existing single wide manufactured home, and a proposed double wide manufactured home. The other building on the property is a shop with no one living in it.

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

Applicant Shannon Palmer, Lewiston resident. I have no comments unless there are questions.

Commissioner Ball: My perception is that you are looking for a larger, newer living space. Am I correct in that assumption?

Applicant Palmer: Yes, the single wide was previously my mothers and she passed away about 12 years ago and left the home pretty run down. I've fixed it up the best I could and I would like a new home of my own.

There being no questions Chair Kremer asked for public comment.

There being no comment, Chair Kremer closed the public hearing and asked for discussion on the criteria and standards.

After deliberation and discussion of the relevant criteria and standards, Commissioner Ball motioned to approve CUP22-000006 with the condition that the property remains under single ownership until such time that code allows for a subdivision of the property, Commissioner Busch seconded. Motion passed 5-1. Commissioner Iacoboni spoke to his

no vote that he supports the application but doesn't agree with putting restrictions on property.

- VIII. **INITIATION OF ZONING CODE AMENDMENT, ZA-05-22, ZONING CODE SECTION 37-181, COMPOSITION OF THE PLANNING & ZONING COMMISSION (ACTION ITEM):** Staff reviewed the changes that are being proposed for Chapter 2 of City Code and how those relate to Section 37-181 and that the proposed amendment would remove the redundant sections currently in code.
Commissioner Ball asked about the Area of City Impact and staff relayed that code had previously required a member of the Commission live in the Area of City Impact but that code was previously changed to state that a Commissioner can, but is not required to.
Commissioner Iacoboni asked about how the procedure to appoint a new Commissioner would work and staff answered that it would be the same as current, interested parties would apply, interviews would be held and a recommendation would be made to Council for them to choose to appoint or not.
Commissioners Branson and Busch moved and seconded, respectively, to initiate Zoning Code amendment ZA-05-22. Motion passed 6-0.
- IX. **INITIATION OF ZONING CODE AMENDMENT, ZA-02-22, ZONING CODE SECTION 37-124 STANDARDS FOR FLAG LOT DEVELOPMENT (ACTION ITEM):** Staff Hollingshead introduced the amendment and showed some photo examples of flag lots and how the amendment would benefit development by allowing the limit of three (3) flag lots to be per subdivision.
Chair Kremer asked if there would be a physical barrier between abutting flag poles. Staff stated that it would not be a requirement but would be allowed
Commissioners Busch and Kelly moved and seconded, respectively, to initiate Zoning Code amendment ZA-02-22. Motion passed 6-0.
- X. **INITIATION OF ZONING CODE AMENDMENT, ZA-06-22, ZONING CODE SECTION 37-184 RULES FOR PUBLIC HEARINGS, REQUIRED HEARING NOTICE MAILING (ACTION ITEM):** Staff Hollingshead introduced the amendment and presented some maps showing what the different distances would encompass when doing a hearing notice. Staff stated that Idaho Code requires all properties a distance of 300 feet from the boundaries of a subject property be noticed for a land action and current practice by staff is all properties within 330 feet.
Commissioner Kelly asked if the public who do not receive a mailed notice are still allowed to provide testimony at a public hearing and staff confirmed that they are.
Commissioner Ball asked about the other methods of noticing a public hearing and staff reviewed the different avenues of publication and site posting that are required by code.
Commissioners Kelly and Busch motioned and seconded, respectively to initiate the Zoning Code Amendment ZA-06-22 to increase the mailing distance to 330 feet. Motion passed 6-0.

XI. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners to attend the regularly scheduled meeting of 8/24/22

Commissioner Busch stated that he would not be in attendance due to harvest. All other Commissioners present plan to attend the 8/24/2022 scheduled meeting.

Other

Staff Hollingshead let the Commission know that Commissioner Souther had tendered her resignation from the Commission and that her spot would be advertised for applications.

Assistant City Attorney Sieracki let the Commission know that she had accepted an offer of employment elsewhere and would be with the Commission for two more meetings.

XII. ADJOURN

There being no further business, Commissioners Branson and Iacoboni 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,



Dawn Ortiz
Recording Secretary



Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this 28 day of September, 2022.

