

August 11, 2021

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Department Second Floor Conference Room at 215 “D” Street. Vice Chair Tousley 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: Rick Tousley, Vice Chair; Michael Busch; Joan Hunter; Richard Kremer; Mike Menegas (5:32 p.m.);

COMMISSIONERS EXCUSED: Hannah Liedkie, Chair.

STAFF MEMBERS PRESENT: Joel Plaskon, Planner – Local Initiatives; Kayla Hermann, Assistant City Attorney; Tanya Brocke, Community Development Specialist; Aaron Butler, IT; Pat Severance, Development Review Supervisor

II. **CITIZEN COMMENTS**

None.

III. **APPROVAL OF JULY 28, 2021 MEETING MINUTES**

Commissioners Hunter and Busch moved and seconded, respectively, approval of the July 28, 2021 meeting minutes. The motion carried 4-0.

IV. **PUBLIC HEARING, CONDITIONAL USE PERMIT CUP21-000004, AN APPLICATION BY CHRISTINA LAKE: The applicant requests conditional use permit approval to allow a Daycare Center, thirteen (13) children or more, at 2102 2nd Street, within the Low Density Residential R2 Zoning District. In an R2 Zone, a Daycare Center, subject to the special conditions of section 37-20.1 (5) of Lewiston City Code is permitted when authorized in accordance with the standards and requirements in Article IV and IX.**

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

City Planner Joel Plaskon provided the Commission with GIS photos and aerial maps of the subject property and summarized the staff report. After the summary, Mr. Plaskon read into the record the following relevant criteria and standards:

1. The proposed use (will/will not) result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated.
2. The proposed use (is/is not) a public necessity (and/but) (is/is not) 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/will not) be in harmony with the area in which it is to be located.
4. The proposed use (will/will not) endanger the environment or the public health or safety.

5. The proposed use (will/will not) be in substantial conformance with the Comprehensive Plan.
6. Pursuant to Idaho Code 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use.

Commissioner Menegas questioned the point system for daycares and if it is based off the number of kids. Mr. Plaskon responded it is standardized in Idaho Code and Lewiston City Code. The point system is addressed by the Fire Department or Building Official through the Business Licensing process.

There being no other questions from Commissioners, Vice Chair Tousley called the applicant forward.

Christina Lake, 2102 2nd Street, informed the Commission that she lives in the upstairs and is asking to use the basement for the daycare. Ms. Lake expressed preference of 7-12 children but can handle up to 15.

After questions from the Commissioners, Vice Chair Tousley asked for public comment. An email received from Victoria Rodriguez was read into record and is attached as Exhibit A.

There being no further public comment, Vice Chair Tousley asked for staff recommendation and closed the public hearing. Mr. Plaskon recommended approval of the Daycare subject to the special conditions listed in Section 37-20.1 and that extra parking be used to accommodate clients and not recreational vehicles.

After discussion, Commissioner Menegas moved to direct staff to draft the Reasoned Statement approving CUP21-000004 with a maximum of 15 children and parking retained for customers as opposed to recreational vehicles. Commissioner Kremer seconded the motion. The motion carried 5-0.

V. **PUBLIC HEARING, CONDITIONAL USE PERMIT CUP21-000005, AN APPLICATION BY KELTIC ENGINEERING ON BEHALF OF ROB MIESEN - The Applicant requests conditional use permit approval to allow for a Small Lot Development of twenty-four (24) lots on approximately 4.13 acres, located north of the east end of Bryden Ave, west of the 3300 block of 13th Street, also known as tax parcels RPL01460070012, RPL01460080020, RPL01460070301, and RPL01460080700, within the Low Density Residential R2A Zoning District. In a R2A Zone, Small Lot Development may be allowed subject to Conditional Use Permit approval and the standards of section 37-33 for small lot development of Lewiston City Code.**

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

City Planner Joel Plaskon provided the Commission with GIS photos and aerial maps of the subject property and summarized the staff report. After the summary, Mr. Plaskon read into the record the following relevant criteria and standards:

1. The proposed use (will/will not) result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated.

2. The proposed use (is/is not) a public necessity (and/but) (is/is not) 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/will not) be in harmony with the area in which it is to be located.
4. The proposed use (will/will not) endanger the environment or the public health or safety.
5. The proposed use (will/will not) be in substantial conformance with the Comprehensive Plan.
6. Pursuant to Idaho Code 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use.

Vice Chair Tousley called the applicant forward.

Eric Hasenoehrl with Keltic Engineering attended on behalf of Rob Miesen. Mr. Hasenoehrl explained that they worked hard with City staff on the infill development and noted the small lot is not drastically different from other lot development.

After questions from Commissioners, Vice Chair Tousley asked for public comment.

David Sauder, 1229 Bryden Avenue, had not anticipated attending and had submitted an email. Mr. Sauder read his email into record and passed out documents relating to a petition that was signed by 31 persons in the area (included with Exhibit A). Mr. Sauder mentioned there was confusion as the staff report says high density but the notice says low density.

Vice Chair Tousley called for a 5-minute recess in order for the Commission and Applicant to review the documents passed out by Mr. Sauder. The Commission reconvened at 6:48 p.m.

Jeff Sayer, 1232 Bryden Avenue, stated he has lived in the area long enough to watch the property go from a nice field of alfalfa to cheek grass and the proposed change does not fit with the integrity of the neighborhood. Mr. Sayer questioned what the city plans for 13th, as it is extremely busy on Saturday with mass and a racetrack on Sundays for those late to church. Mr. Sayer concluded that the density would be like sardines and he could see 5 or 6 lots but not 24.

Kim Martin, 1217 Bryden Avenue, agrees with her neighbors and notes that traffic is a major concern. Ms. Martin is not opposed to development but the plan for the number of lots is tight.

Emails received prior to the public hearing were read into record and are included with Exhibit A.

There being no other public comment, Vice Chair Tousley asked for staff recommendation and closed the public hearing. Staff recommended approval subject to the following conditions:

1. The minimum front and street side yard setbacks for any garage or carport shall be twenty feet; and
2. Each non-flag lot have one drip-irrigated street tree at least 1.5-inch caliper at the time of planting planted between the sidewalk and street for each street frontage.

After discussion, Commissioners Kremer moved to direct staff to draft the Reasoned Statement approving CUP21-000005 with the conditions set by staff and the condition that the maximum

allowable lot coverage be fifty percent. Commissioner Hunter seconded and the motion carried 4-1 with Commissioner Menegas opposed.

VI. PUBLIC HEARING - ANNEXATION, ANX21-000001, COMP PLAN MAP AMENDMENT, CPA21-000003, ZONE CHANGE, ZNC21-000005 AND RELATED AREA OF CITY IMPACT MAP AMENDMENT: for approximately 40.5 acres owned by Seekins Precision, LLC, located on the west side of O'Connor Road north of the west end of Southport Avenue, known as tax parcels RP35N06W137900 and RP35N06W138850, and addressed as 159 American Way. The subject lands are currently located in Nez Perce County, Lewiston Area of City Impact with a Comprehensive Land Use Designation of Industrial in the Airport Zoning District. The proposal is to annex the subject lands into Lewiston city limits, assign a Comprehensive Land Use Designation of Industrial and zone the subject lands Heavy Industrial.

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

City Planner Joel Plaskon provided the Commission with GIS and aerial photographs of the subject property. Mr. Plaskon then summarized the subject property is adjacent to city limits on all sides, although not entirely enclaved/surrounded by city limits because there are some gaps in said adjacency. It is accessed directly by O'Connor Road, via 4th Street and/or Southport Avenue, and located in a fairly isolated, mixed-use area. The property owner was in the process of purchasing the subject property in 2013, prior to owning and having developed his rifle manufacturing business there (Seekins Precision). The property owner wanted the business to have access to city water and city sewer. Such utility services, by city code, could not be made available outside city limits except at the discretion of City Council and in consideration of annexation of the subject property. The utility services access and annexation consideration was accounted for and approved by City Council in a Development Agreement and Consent to Annexation on September 16, 2013 and modified on October 8, 2013 to extend the required annexation date to on or after October 1, 2021.

Commissioner Menegas questioned if they needed to run the information by the Federal Aviation Administration (FAA) or get the Airport Attorney approval so as not to affect 14 CFR Part 139 since the subject property was near the airport.

Vice Chair Tousley asked if there were any public comments.

Charmaine Allen, 165 Southport, owns property south of the subject party and expressed concern because they have been very bad neighbors. Fans, odors and noise has affected her property and requested the noise, fans and odors be directed to the north. Ms. Allen also complimented PKay Metals and Seekins for putting up low lights.

There being no further public comment, Vice Chair Tousley asked for staff recommendation and closed the public hearing. Mr. Plaskon recommended approval to all four actions.

After discussion, Commissioners Kremer and Busch moved and seconded, respectively, to recommend approval of ANX21-000001 to City Council. The motion carried 5-0.

Commissioners Busch and Hunter moved and seconded, respectively, to recommend approval of CPA21-000003 to City Council. The motion carried 5-0.

Commissioners Kremer and Busch moved and seconded, respectively, to direct staff to draft a reasoned statement recommending approval of ZNC21-000005 to City Council. The motion carried 5-0.

Commissioners Hunter and Kremer moved and seconded, respectively to recommend approval of the associated Area of City Impact map amendment. The motion carried 5-0.

VII. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners to attend the regularly scheduled meeting of 8/25/21 (Airport Overlay Zone and Reasoned Statement approvals).

Commissioners Menegas and Tousley were unsure if they would attend, while all other Commissioners present indicated they planned to attend.

B. Other

Commissioner Kremer questioned the possibility of Chromebook for Commissioners.

Mr. Plaskon informed the Commission that an application had been received for the vacant position.

VIII. ADJOURN

There being no further business, Commissioners Sandstrom and Hunter moved and seconded, respectively to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 6:47 p.m.

RESPECTFULLY SUBMITTED,

Tanya M. Brocke
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2021.

**EXHIBIT A:
EMAILS/LETTERS RECEIVED**

CUP21-000004

1. Victoria Rodriguez

CUP21-000005

1. David Sauder
2. Roger Parker
3. Ken and Kim Martin
4. Kenneth and Kattie Baldwin
5. Richard Brantner