

Nez Perce County Planning & Zoning Commission
Minutes – Tuesday, June 16, 2015
Lewiston, Idaho

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m. with Chairman Wentworth presiding. He said the meeting will be run a little differently tonight due to a prior commitment he has tonight. He said he will Chair the first public hearing and will hear the Greco zone change first.

COMMISSION MEMBERS PRESENT: Joe Greco, Frank Dillon, Terry Kristof, Kristin Gibson, Randy Arnold, and Shawn Wentworth.

COMMISSION MEMBERS ABSENT: Jim O'Connell, Excused.

PROFESSIONAL STAFF PRESENT: Alison Tompkins, Planner; Connie Bell, Planning & Building Specialist.

II. APPROVAL OF MINUTES

Commission Member Kristof made a motion to approve the April 21, 2015 minutes as written; seconded by Commission Member Greco. Motion passed unanimously by Members present at the April Meeting. Commission Members Dillon and Gibson did not vote being they were not present in April.

Commission Member Greco recused himself from the Commission for the public hearing regarding ZC2015-4.

III. PUBLIC HEARING

ZC2015-4 Greco Land Development, LLC ~ A request to change the zoning of 160 acres on Powers Avenue, Lewiston Area of City Impact, from Farm (F-1) and Agricultural Transitional (F-2) to Suburban Residential (R-1); Parcels RP35N05W243000 and RP35N05W242401; Greco Land Development, LLC, Applicant.

Chairman Wentworth asked the Applicant to present his testimony.

JOE GRECO, GRECO LAND DEVELOPMENT, 2316 GRELLE AVE, LEWISTON, testified they own 160 acres on the corner of 22nd and Powers. He said they want to develop it into 86 - 1 acre lots, 46 - ½ acre lots and 7 - 5 acres lots. He said they are working with LOID right now on servicing it with water.

Chairman Wentworth asked if there were any questions.

Being none, Chairman Wentworth asked for the staff report.

Alison Tompkins, Planner started by entering the entire file and its contents into the record. She said she solicited comments as usual. She said Barney Metz is present from LOID so she will let him speak regarding the water. She said she received a Memo dated June 11, 2015

from Laura Von Tersch, Community Development Director for the City of Lewiston. She read the letter into the record and a copy of the letter was part of the P&Z packets. The letter stated it was not a public hearing but a work session, and discussed Greco's intent and lot sizes. It also questioned how sanitary sewer service could be extended to the property and the funding that would be needed to for major trunk lines to the east orchards to facilitate annexation and development. It also discussed road connectivity. Alison read that the letter states the City P&Z Commission recommend approval of the zone change, provided the city subdivision requirements are met. The memo also stated following the motion there was a comment from the public about the concern of nitrates in that area.

Alison said an email was received from Public Health that said they didn't have any comments. She said the NPC Road Dept did not have any comments and Ron Hall, Volunteer Fire Chief stated he did not have a problem and the area is covered with fire protection.

Alison said the Applicant already stated his intentions and had also submitted a draft development plan, which is not final. She said they would look at more detailed things at the time a subdivision application is submitted. She said there is no public water or sewer currently. She said the proposed subdivision would be subject to the road development standards of the NPC Subdivision Ordinance #92 and the Lewiston ACI Zoning Ordinance #93. She said as the Applicant stated the intent is for the parcels to be serviced for water by LOID, with private wastewater treatment systems and public roads.

Alison said the property is currently 2 parcels that are each about 80 acres with the west half being the F-1 zone and the east half being F-2. She discussed the allowed uses in each of the zones and what is allowed with a conditional use permit.

Alison stated the purpose of the R-1 zone is to provide for agricultural or transitional area for suburban residential uses. She also discussed the uses allowed in that zone.

Alison stated that Idaho Code states that consideration shall be given to any public services, including school districts that the proposed zone change might affect. She said there was no comment received from the school district. She also said the ACI Zoning Ordinance #93 states the commission shall evaluate a requested amendment to a zoning district and if it is in accord with the adopted comprehensive plan, they may recommend to the Board and the Board may adopt or reject it.

Alison stated per the Comp Plan, the Future Land Use designation of the property is Urban Land: City Impact Area and said Urban Land is currently used or projected for intensive development. She said it is expected that ACI's will be annexed in to the city with the planning period. She said the planning period being roughly 20 years. She said that zoning, subdivision, and design standards should be compatible with those of the adjoining city.

Alison said any residential subdivision application the County receives will be subject to the County Subdivision Ordinance. She said there are multiple Goal Statements and Policies that support the zone change. She stated they are all in the staff report but she will go over just a few.

Land Use Section:

Goal Statement #1 to arrange land uses so they are orderly, convenient and suitably related to each other and the natural settings. She said a subdivision plat would be required and that would provide for orderly development of the property.

Goal Statement #3 providing areas for human habitation and commercial activity in ways to restrain from urban sprawl, protect human and natural environment and to insure adequate support by public facilities. She said the property is next to the Lewiston City Limits so it would support growth near a population center instead of sprawling growth away from the cities.

Alison said the proposed zone change is consistent with the policies and intent of the Comp Plan as well as the ACI Zoning Ordinance so her recommendation is for approval. She asked if there were any questions.

Commission Member Kristof asked if Alison would repeat the comment from the City about the septic systems.

Alison read the last paragraph on the Memo from the City regarding a comment from a concerned citizen at the end of the City meeting about the high levels of nitrates in that area, and septic tanks being a source of nitrates and being a pollutant linked to blue baby syndrome.

Commission Member Dillon confirmed with Alison that the Health Dept did not have any comments.

Alison stated the County Subdivision Ordinance allows for a minimum ½ acre lot when central water is supplied. She said the proposal is consistent with the County Subdivision Ordinance.

Chairman Wentworth asked if there was anyone that hadn't signed in that they do so.

Being no further questions for Alison, Chairman Wentworth asked for testimony in favor.

Being none, Chairman Wentworth asked for testimony in opposition.

BERT HENRIKSEN, 2810 POWERS, LEWISTON, testified he is not necessarily in opposition. He said he spoke with the assessor's office and was told there were 80 new houses put on the tax roll last year. He said there were about 50 in the city and 30 in the county. He talked about how many years it would be before all the 100 lots would be sold. He said he recommend there be 20 acres off Powers and 22nd and leave the rest of the property to farm until all the lots on the 20 acres is sold and then do another 20 acres. He said he doesn't think there needs to be houses spread out over the 160 acres and destroy the farm ground. He said that ground has one of the highest ag use classifications in all of Nez Perce County. He also said water is not going to get any cheaper and after getting a lot and watering it, he thinks people will find they can't afford to keep watering. He said he thinks this needs to be looked at as a long term project.

Commission Member Kristof asked what soil classification it is.

Mr. Henriksen said he is not sure but the Orchards is high use being it is flat and productive. He said most of that ground has been put into houses and farm ground is not being created. He said we are creating more people and they have to eat.

Commission Member Kristof said she is not sure that the prime land designation applies to the private property owners.

BARNEY METZ, GENERAL MANAGER FOR LOID, 1520 POWERS AVE, testified he was not there to support or oppose the decision. He said he is there to bring any water facts he can to the meeting. He stated that the land is not eligible for irrigation water but only domestic water. He said there will need to be upgrades to their own system and that cost will be the responsibility of the Applicant. He said this land is on the high side which makes it difficult in that it will need to be pumped up to the property. He said they do this in other areas and it is totally doable but will require infrastructure paid for by the Applicant to make that happen. Mr. Metz explained that the Lewiston Ground Water Management Area was instituted by the state Department of Water Resources and one of their goals is to try and limit the number of

domestic wells in the Ground Water Management area. He said they want to move to community water systems as much as possible in these areas. He said this way they are not taking water from the more shallow aquifers. He said the water is available but does come with a cost. He said there have been many discussions with Mr. Greco on options available.

Commission Member Arnold asked Mr. Metz about if or when irrigation water might become available in that area.

Mr. Metz explained there is a continuing law suit and it involves the endangered species act. He said it has been going on for about 20 years and expects it to be another 10-20 years more. He said at that point there will be a different source of water than the watershed on Craig Mountain as it is now. He said at that time there will be a title transfer from the Federal Government to the Irrigation District. He said if the sitting board then wants to expand the irrigation boundaries, they could but said it is locked tight under the endangered species act.

ROY WEBER, 2327 POWERS AVE, LEWISTON, testified he lives just north of the Greco land development. He said he finds it ironic that the health department was not interested in having over 100 septic systems put in out there in the Lindsey Creek Drainage area. He said he was the citizen the other night at the City P&Z meeting who was addressed in the memo. He said the Lindsey Creek drainage has the highest nitrate level in the state of Idaho. He said it should be a concern of everyone's and Central Orchards Sewer District should be pumped out there to contain that sewage with that many homes.

Mr. Weber asked if Mr. Greco being on the board is a conflict of interest being a developer on the Planning and Zoning board.

Chairman Wentworth said Mr. Greco is out in the audience and the commission's decision tonight is a recommendation to the Board and any question can be taken up with the Board.

Commission Member Dillon said Mr. Greco adds a lot to the Commission being he can answer a lot of questions about subdivisions and he was appointed by the County Commissioners. He said they must not have had a problem with him being in conflict. He also stated it is not easy to get people to volunteer to be on the Commission. He said that each one on the P&Z Commission is very opinionated and Mr. Greco being on the Commission has no bearing on the decision that will be made tonight.

Chairman Wentworth said the variety on the Commission is a good thing so there is a well rounded point of view and not a group that all thinks the same. He said he does not think it is a conflict of interest and this is only a recommendation to the Board from the Commission.

Mr. Weber said he had a few questions for the Commission. He said after reading the reg's, he wanted to know who the Administrator is. He also asked who would pay for all the infrastructure.

Mr. Weber was told Alison is the Administrator. He was also told the Developer is responsible for paying for the infrastructure and if he can't pay for it, he won't be able to develop. He also asked about city expansion towards east and said he thinks that development will probably be the last due to property owners he feels won't sell property. He said he thinks development should be to the north side of the Lewiston Orchards. He said the development by 15th Street already has the infrastructure in. He also talked about Barney Metz talking about Mr. Greco having to pump water uphill.

Chairman Wentworth said that is up to the developer where they want to develop and what they have to do to make that happen. He said the Commission deals with whatever someone brings to the County and it is not up to them to tell someone what they should do.

There was discussion about what was discussed during the ACI negotiations about expansion directions. It was also stated people want to build on flatter ground and not on a hillside. Mr. Weber also asked if the property has been perc tested.

There was discussion that each parcel would be perc tested prior to any plat being signed off by Public Health. Commission Member Kristof stated that any septic system should work like a mini water treatment system and should not discharge raw sewage and there should not be any nitrate added to the ground water if they are functioning properly. There was discussion that septic requirements are not part of the zone change as what might be done in the zone is not before the Commission yet. Chairman Wentworth said if a plat is submitted and parcels don't perc, there wouldn't be any development as the health department would not sign off on a plat. He also said the comments they receive or don't receive is all they have to go off of.

There was discussion about starting with a smaller parcel and see how it goes but it was stated that the zone change applied for is for 160 acres and that is what they have to discuss.

Being no further testimony, Chairman Wentworth asked for the Applicants rebuttal.

Mr. Greco said he would start with Bert's concerns. He said this project is not a quick turn around project and he is well aware of this. He said he has been in this business for many years. He stated the subdivision will be built in phases and the rest will remain in farm ground and will continue to be farmed as it is now.

Mr. Greco said any irrigation will be with domestic water as it is on many other lots in the City. He said there are other 1 acre lots and people realize what the cost is for that.

Mr. Greco said they have done a number of perc tests in different locations out there and they all percked well. He said that each parcel created will have to have its own perc test and if any did not percolate, they would not be a buildable lot.

Mr. Greco addressed the nitrate concern and said they should look at an aerial map. He said there are acres of farm ground that drain from there and the fertilizer and pesticides run down. He said that is probably where the nitrates are coming from as there are not many septic systems there now. He said there are feed lots by Lindsey Creek with horses and cows that are in the creek. He said septic systems do not flow away but go into a drainfield system. He said a lot of that water evaporates. He said some of that water irrigates plants around it.

Commission Member Kristof asked why he picked this size of lots and asked if most people want that size.

Mr. Greco stated that the subdivision he did on Club Drive sold out before they could finish developing it. He said those were half acre lots and he has already had a lot of calls regarding the potential half to one acre lots. He said it is supply and demand. He said if the City would run sewer out there he might look at 3-4 homes per acre that he said Laura Von Tersch told him she would like to see, but it is not cost effective for him otherwise.

Being no further questions for Mr. Greco, Chairman Wentworth asked for any discussion amongst the members.

Alison said she wanted to confirm what was said by Chairman Wentworth and Commission Member Dillon about the conflict of interest by Mr. Greco. She said it is a rural community and all 7 members were appointed by all 3 County Commissioners. She said each member has his or her own expertise whether it be fire safety, real estate or subdivision development so together all of those individual strengths help, being there is such a wide range of zoning issues. She said in this case, Commission Member Greco acted exactly as he should have. She said he recused himself from the hearing being he is the applicant. She said if a Commission Member stands to gain from the outcome of any application that comes before the P&Z, then they are to recuse them self and not participate in the process.

Commission Member Kristof said the farm ground is a natural resource that is useful to preserve but the law allows private property owners to do as they choose with their property. She said she cannot see funding for a major trunk line out there coming from anywhere. She said she is not sure about the septic systems.

Chairman Wentworth said he is not the expert on that and goes along with whatever the State determines. He said if the testing is done later and does not pass, then the lots won't be created.

Chairman Wentworth closed the public hearing and asked for deliberation.

Commission Member Arnold said this is about a zone change and the subdivision will come later under the rules of the ACI.

Commission Member Kristof made a motion to recommend approval to the Board of County Commissioners of ZC 2015-4; motion was seconded by Commission Member Gibson. Motion passed unanimously.

Chairman Wentworth said that Commission Member Greco will take over as Chairman and reopen the public hearing for ZC 2015-3 – Beckvold.

Vice-Chairman Greco reopened the public hearing.

ZC2015-3 Beckvold ~ A request to change the zoning of 4.7 acres at 1616 42nd Street North, Lewiston Area of City Impact, from Agricultural Transitional (F-2) to Suburban Residential (R-1); Parcel RP36N05W281070; Bruce & Sandra Beckvold, Applicants.

Vice-Chairman Greco asked the Applicant to present testimony.

SANDRA BECKVOLD, 1616 42ND STREET NORTH, LEWISTON, testified they have 4.7 acres off Hatwai Rd. that consists of their home and a 5 space manufactured home park (MFH park) on one piece of property. She said they are asking for this zone change so they can separate their home from the MFH park and sell their home. She said they do not want to make any other changes and the services are all there and have been for 30-60 years. She said the zone change would benefit them so a buyer of their home could get financing easier with just the home on the parcel. She said right now it is mixed use property.

Vice-Chairman Greco asked if there were any questions.

Being none, Vice-Chairman Greco asked for the staff report.

Alison Tompkins, Planner started by entering the entire file and the contents into the record. She said she will go over the comments she received. She read into the record the Memo from the City of Lewiston dated 6/11/2015 from Laura Von Tersch, Community Development Director. She said the memo states the City P&Z did not have enough information to recommend approval and if there was further residential development on smaller lots it would not be compatible with surrounding land use patterns. Alison said after she received this, she forwarded additional information to Laura. She said being the City only received the brief information that is given to the newspaper and had not requested any part of the file; this is why they did not have anymore information. She said she sent Laura the applicant's narrative that explains there is no intention of further development. She said she had a reply from Laura that asked if the MFH park could meet the current zoning ordinance requirements

including parking. Alison said if a new MFH park were to go in, they would be required to meet the zoning standards but this has been in existence since 1982 so it is a legal non-conforming use. She said this is just a zone change and there will be a subdivision application that will be submitted and those issues will be looked at during that process. She said the other comment was about the Applicant having enough property being the zoning ordinance requires a minimum of 2 acres for a MFH park, but the Applicant has sufficient property to meet that anyway. She said she does not see any real issues or concerns with any of that.

Alison said she received an email from public health that said they did not have any comments. She said she requested comments but did not receive any reply from Hatwai Utilities Association nor Red Rock Water.

Alison said the Applicants just want to convey their property separately to sell the residence separately from the business. She went over the R-1 zoning uses again, along with the outright uses and the conditional uses allowed with a permit. She said there is no additional impact on any services.

Alison said per the Comp Plan, the NPC Comp Plan would be used and any subdivision application would be according to the County subdivision Ordinance. She said there are a number of Policy and Goal Statements in the Comp Plan would support this zone change and they are detailed in the staff report.

Alison said she recommends approval due to it meeting criteria under the zoning and comp plan ordinances.

Vice-Chairman Greco asked if there were any questions.

Being none, Vice-Chairman Greco asked for testimony in favor.

Being none, Vice-Chairman Greco asked for testimony in opposition.

Being none, Vice-Chairman Greco asked if there was any rebuttal from the Applicant.

Being none, Vice-Chairman Greco asked for discussion amongst the Commission.

Commission Member Dillon said he is familiar with the property and said it is not like a trailer park in that each home has access to the road and it is really a nice place. He said there is a nice home and shop up at the top. He said he can understand why they would want to rezone it so they can separate it to sell it.

Commission Member Kristof said she can see how it would help with selling it and make for a bigger pool of buyers with the trailer park and the home separated.

Commission Member Gibson said it would help with a buyer getting financing also.

Vice-Chairman Greco closed the public hearing.

Commission Member Dillon made a motion to recommend approval to the Board of County Commissioners for ZC 2015-3; seconded by Commission Member Arnold. Motion passed unanimously.

Vice-Chairman Greco reopened the public hearing.

ZC2015-5 Benedict ACI ~ A request to change the zoning of 60 acres at 29261 U.S. Highway 95, Lewiston Area of City Impact, from Agricultural Transitional (F-2) to Heavy Industrial (M-2); Parcel RP36N05W290001; Brian Benedict, Applicant.

Vice-Chairman Greco asked the Applicant to present his testimony.

DIANE STEPHENS, 2916 SE 153rd AVE., VANCOUVER, WA, testified she and her brother's, Don & Brian Benedict, own Benedict Enterprises and the land in question. She said they found a high concentration of rock on both of the parcels. She said their intent is to mine the rock and crush it for gravel. She said the map in the staff report shows the surrounding parcels are used for commercial use which includes Poe Asphalt, another gravel operation and their own solid waste facility. She said they are asking for this zone change so their use would be consistent with their operation and to also do the mining and crushing. She said they are leasing the land to Knife River who got the bid on the highway work on the Lewiston Hill and are mining and crushing the rock for that work. She said they have also sold some of the crushed rock and have never had a complaint from anyone about noise or dust while they were operating in March through May. Ms. Stephens said they are then going to follow this up with operations that will minimize impact to any of their neighbors. She said if any issue comes up, they will address it properly.

Ms. Stephens said that ITD has a concern with them entering onto and exiting from Hwy 95. She said that is also a concern of their own and they intend to go through the southern access that crosses Poe Asphalt land and down an easement to Hatwai Rd. She said this would take the heavy truck traffic into the industrial area. She said they will work with ITD if this does not work to make sure they have a safe access to Hwy 95 and they would not do any mining or crushing until that is figured out.

Ms. Stephens said this is poor crop land and they would probably lose money if they were to farm it. She said the gullies and draws make it not very good range land either. She said the value of the land is under the ground in the rock, and not on the top. She said providing local materials, with the growth of the valley, makes it less expensive than having to go outside the area for the same materials. She said she feels this would be good for the community as well as themselves.

Vice-Chairman Greco asked if there were any questions.

Vice-Chairman Greco asked about not using Hwy 95 but instead going through Poe and also asked if there is an easement.

Ms. Stephens said it was just the corner of Poe's property and there is an easement.

Being no further questions, Vice-Chairman Greco asked for the staff report.

Alison Tompkins, Planner said she will start by entering the entire file and its contents into the record. She said most of the comments she received were regarding the access to the property. She said she will go over those at the end of her report and will read into the record the Memo dated June 11, 2015 from Laura Von Tersch, Community Development Director for the City of Lewiston. The City stated it was supportive of the proposed zone change providing there was a buffer adjacent to residential uses and industrial wastes should not be buried in the designated buffer from south of an existing road extending from the mid-line of the west property line to the southwest property corner. The Memo also stated there was a member of their Planning Commission who was familiar with the parcel and the surrounding properties. He said it is a waste site where material is buried in contained cells and it is also a source of gravel for Knife River asphalt plant.

Alison said she was not sure there is a way to condition the zone change with where they bury their waste. She said there are conditions in the ACI Ordinance that apply when industrial zones abut residential zones.

Alison said she is going to let ITD discuss their comments being that the majority of the comments were emails between ITD and herself.

Alison said regarding the staff report, the reason for the 2 separate applications was because one of the properties is in the ACI and the other is County, so each is under different zoning ordinances, one being the ACI Zoning Ordinance and the other being the NPC Zoning Ordinance. She said although there are similarities in the issues for both zone changes, each ordinance does have different zones being dealt with.

Alison said this zone change is for the parcel ending in 0001. She said Valley Waste Disposal is currently operating here and has been in operation for about 20 years. She said they have not operated on the northern parcel outside the ACI. She said both parcels are under current operation by Knife River Corporation. She said they did get the proper Conditional Use Permit to operate the crusher at this location. She said there is no water or sewer there now but said the owner does want to obtain water and provide sewer to the site. She said Avista provides electricity and natural gas.

Alison said there is legal access from Hwy 95. She said there is also an easement that can be seen on the map that goes through a corner of the Poe Asphalt parcel, with an outlet on Hatwai Rd. She said she is still working with the applicant and ITD to verify there is a legal easement all the way through to Hatwai Rd. She said there is a parcel owned by McCall that is below the Poe parcel. She said if an easement across McCall's can't be verified, they would be looking at using Hwy 95 for the access. She said Hwy 95 is designated as an Expressway, which means the access is controlled and speeds are high. She said the speed limits being 60 MPH southbound and 65 MPH northbound are a cause of concern for safety issues, with slow truck traffic exiting and entering of the highway. She said that ITD has requested more information regarding the use and traffic counts for the current use.

Alison stated the zoning of the southern parcel is F-2 Ag Transitional and the request is to rezone to M-2 Heavy Industrial in the ACI. She said the heavy industrial zone is to provide for general manufacturing and is the least restrictive zone. She said the zone's limitations are to protect the other zones. She said the multiple outright allowed uses are listed in the staff report along with the uses allowed with a conditional use permit. She said the zoning ordinance prohibits any uses that cause any nuisances being noise, smoke, odor, dust or gas.

Alison said they did not receive any comments from the school district.

Alison said the Comp Plan designation is urban land and its intent is to be used for intensive development. She said the intent of any ACI property is to eventually be annexed into the city within the planning period. She said the planning period is about 20 years. She said the landfill is a legal non-conforming use being the ACI areas are intended for rural residential and neighborhood uses in this F-2 zone. She said there are a number of the Comp Plan Goal Statements and Policies that support and are consistent with the zone change. She read over a couple of the policy statements. She said they are all part of the staff report.

Alison said the zone change is consistent with the policies and intent of the comp plan in the ACI Zoning Ordinance, but being there are a couple outstanding issues and safety concerns with access, she is not recommending approval at this time. She said she would recommend approval if those issues are resolved. She asked if there were any questions.

Vice-Chairman Greco asked if the zone change was granted, is the access grandfathered in.

Alison said she would let ITD answer that question. She said she does not know how different approaches are permitted by ITD.

Commission Member Gibson asked if the surrounding properties were M-2.

Alison said Poe Asphalt to the SE is, and McCall's property is in the City Limits.

Commission Member Dillon asked what difference it makes what the zone is, regarding the access.

Alison said it does matter in that there are additional uses if the zone is changed; that if the use changed from what it is now, it could have more traffic impact. She said increased traffic is the safety concern. She also said if Hatwai Road does become the access point of ingress and egress, and being it is in the city limits, the City Public Works will probably have comments on that. She said conditions can be imposed on CUP's but not on a use that is allowed outright in a zone. She said there are some conditions that are already part of the zoning ordinance, as in a screening fence and the parking requirements for example.

Being no further questions for Alison, Vice-Chairman Greco asked for testimony in favor.

Being none, Vice-Chairman Greco asked for testimony in opposition.

KEN MORRISON, 1134 RIVER VIEW ST N, LEWISTON, testified his question is whether there could be anything put in like a crusher or asphalt plant, and said there are already enough crushers in the valley. He said they have their share of dust. He said he was against putting in any industrial on that piece of property. He said there is a gas line up there and it blows off every now and then. He said they evacuate them when that happens. He stated with all the truck traffic, the next thing they will want is a road down through River View, Short St. or Harvest Rd., and they would go right by his house. He said he would not be in favor of that.

JARED HOPKINS, ENGINEER WITH ITD, 2600 FRONTAGE RD, LEWISTON, testified they are neither in favor nor against but anytime there is development along the highway it is an opportunity for ITD to review what would be going in. He said they have a concern when vehicles might be entering and exiting a high speed highway. He said they were glad to hear from Diane the intent was to use Hatwai Road. He stated that it is a slower speed and a flat grade as well as good sight distance. He said he believes the approach off Hwy 95 is not approved for commercial access but ITD is still reviewing that.

Mr. Hopkins said a traffic impact study might be required, depending on the traffic that is expected. He said depending on a study, a right turn bay and an acceleration lane could be required.

Commission Member Dillon asked about the trucks from the landfill going in and out of that road now. He also asked if POE was using that access now.

Mr. Hopkins said he is not sure as they have not been able to find a permit for them and they do not show it [Hwy 95] is approved for commercial access. He said his understanding is that POE is coming out of Hatwai Road.

SHANE NIEMELA, 2600 FRONTAGE ROAD, LEWISTON, testified for ITD that POE does use Hatwai Road and as far as they know, no one else has a formal access through this property. He said they do not seem to have any history or records of when the landfill started or how much traffic it generates. He said Knife River is operating under temporary use under controlled conditions.

Commission Member Dillon asked no matter what the zone, any business would go through the same review with ITD and Mr. Niemela said that was true.

Vice-Chairman Greco asked about there being no record of the access for the landfill.

Mr. Niemela said they do not show any records on the landfill itself. He said they have the warranty deeds from the 70's project when they did the Lewiston Hill. He said at that time, the access was purchased except for the points that are out there today. He said they were restricted in the warranty deed and the confusing thing is they were listed as public approaches. He said to have a public road approach would imply there would have been a public entity like a highway district, county or maybe the city, or even something historical that didn't come through in a traditional way. He said they are still trying to determine what the access is good for, and what restrictions there might be pertaining to commercial use.

Vice-Chairman Greco asked if Knife River was using the Hwy 95 access with their approval due to the reduced speeds and the flagman being used and was told it was more controlled.

Mr. Morrison asked about the easement and Vice-Chairman Greco said they do not know at this point.

Vice-Chairman Greco asked if there was any other testimony.

Being none, Vice-Chairman Greco asked if there was any rebuttal from the Applicant.

Ms. Stephens said the landfill is restricted to a 40 acre area of the 60 acre parcel. She said the operation is very detailed with public health in where they can operate. She said they are not allowed to expand the dump without changing the operation plan with the County. She said it is just to the left of the white area on the map that the crushing is being done. She talked about the vehicles and equipment that are parked there by Knife River but said those will all be gone when the project is finished.

Ms. Stephens said they talk with POE every couple of years about the easement and if there needs to be a fence put up. She said there is also an area that POE parks vehicles and they use it as long as Benedicts don't need the area.

Ms. Stephens said there are 3 property owners along with POE that border that common road and they all thought it was a public access road and that includes the previous owner that they bought the property from this year. She said she just found out about the question of this easement today. She said she has a lot of old documents and paperwork from her father's estate but they are all over in Vancouver, WA so she has not had time to research this out. She said she is pretty confident she will find something but said even if they don't; the road has been used by 3 companies for 20 years. She said she thinks it would become common access because of the land use.

Vice-Chairman Greco asked if there were any questions.

Being none, Vice-Chairman Greco asked for discussion amongst the board.

Vice-Chairman Greco said his concern is if the access is grandfathered or not and if the zone change is granted, if that would change the access if it was grandfathered being there is a safety concern.

Alison said everyone, including the Applicant and ITD, are doing their best to find the information needed so the issue can be resolved. She said she is optimistic that some sort of approved access can be used. She said regarding any buffer, residential buffers are a zoning requirement in the M-1 zone, and not the M-2 zone.

Commission Member Dillon asked what bearing the zone change has on the access. He said no matter what the zone, if they need an access permit, they would have to get it.

There was discussion about the access being grandfathered and the zone change not affecting the access. It was also discussed about the need for it to be zoned industrial due to the uses in the area. It was discussed if that access has been used for that many years and by a number of people, that it would not be taken away.

Commission Member Kristof said she feels it is a well-managed site. She said it is also a good plan to use the rock and then use the space that is created to use as landfill area. She said landfill space in Idaho is limited.

Being no further discussion, Vice-Chairman Greco closed the public hearing and asked for deliberation from the Commission.

Commission Member Dillon said the last several years the operation was non-compliant [non-conforming] with zoning and the zone change would make them compliant. He said POE next to them is already in the correct zone. Commission Member Kristof agreed with Commission Member Dillon about the zone change making the area more conforming.

Commission Member Dillon made a motion to recommend approval to the Board of County Commissioners for ZC 2015-5; seconded by Commission Member Kristof. Motion passed unanimously.

Vice-Chairman Greco said there would be a 5 minute break at 7:35 p.m.
Vice-Chairman Greco reopened the public hearing at 7:43 p.m.

ZC2015-6 Benedict ~ A request to change the zoning of 11.6 acres at 29261 U.S. Highway 95, Lewiston, from Agricultural Residential (AR) to Light Industrial (I1); Parcel RP36N05W209050; Brian Benedict, Applicant.

Vice-Chairman Greco asked the Applicant to present his testimony.

DIANE STEPHENS, 2916 SE 153rd AVE., VANCOUVER, WA, testified their intent is the same for this as she testified regarding the lower parcel. She said they have found a high concentration of rock on the boundary by the Impact Zone. She said this is just north of the light colored area on the map. She said the rock concentration extends into this upper parcel. She said this is the same in that the extraction of the rock will create dump sites. She said they get calls from Orofino and all over. She said there is an elementary school being torn down and they are desperate to find a place to dump the material. She said they would haul it here if they accept their bid and otherwise, it would have to be hauled to Missoula. She said she will be working with public health about extending the dump area.

Vice-Chairman Greco asked if there were any questions.

Being none, Vice-Chairman Greco asked for the staff report.

Alison Tompkins, Planner said she will begin by entering the entire file and its contents into the record. She said this zone change is not located in the ACI. She said it is directly associated with the last zone change. She said the parcel is in the Ag Residential zone and is being requested to be changed to the Light Industrial zone which is the only industrial zoning designation in the County.

Alison said there is access off Hwy 95 and there are separate access points for each parcel. She said they are both onto Hwy 95. She said due to the safety concerns; she imagines the Applicant will be working with ITD to consolidate a single access point for both parcels. She

said the concerns by ITD are due to Hwy 95 being designated as an expressway with high traffic speeds.

Alison discussed the purpose and uses allowed in the light industrial zone which include outright and conditional uses and those are listed in the staff report. She said there are minimal standards for parking, loading and unloading and said the applicant has plenty of room so that would not present any problem. She said there is minimal screening required for a buffer between residential and industrial uses.

Alison said there were no comments other than those from ITD. She said the only real issue again is the approach from Hwy 95 and if an alternative access can be used by Benedicts. She said all concerned are willing to work together to resolve the safety issue regarding the highway.

Alison said the Comp Plan designates the property as Rural Land: Transitional Lands. She said the zone change would not support residential use but said it is consistent with the historical use of the property for over 2 decades and does play a major role in waste management for the County. She said there are Policies and Goal statements that support this and discussed the Economic Development Section and the Land Use Section.

Alison said the zone change is consistent with the policies and intent of the County Comp Plan and Zoning Ordinance but said she would reserve recommendation of approval until the safety and access concerns raised by ITD are resolved.

Vice-Chairman Greco asked for testimony in favor.

Vice-Chairman Greco asked for testimony in opposition.

Vice-Chairman Greco said Mr. Hopkins can speak either way being ITD is not really in favor or opposition.

JARED HOPKINS, ITD, 2600 FRONTAGE RD, LEWISTON, testified the concerns for this zone change are the same as the last one in regards to Hwy 95 and potential impacts to the highway, doing a traffic impact study and doing potential improvements to the highway. He said they also need verification of what access they actually have to the highway. He said they would encourage the southern access onto Hatwai Rd.

Vice-Chairman Greco asked if there were any questions.

Vice-Chairman Greco asked if there was any rebuttal by the Applicant.

Being none, Vice-Chairman Greco asked for discussion amongst the Commission.

Being none, Vice-Chairman Greco closed the public hearing.

Commission Member Dillon made a motion to recommend approval to the Board of County Commissioners for ZC 2015-6; seconded by Commission Member Kristof. Motion passed unanimously.

Alison asked what the reasoning was for the decision being there was very little discussion.

Commission Member Kristof said her reasoning was that it meets all the criteria and policies and is a needed use. She said they seem to be working out the problems with the access.

IV. OTHER BUSINESS OR CONCERNS

Vice-Chairman Greco asked if there was any other business.

Being none, Vice-Chairman Greco adjourned the meeting.

V. ADJOURN

Being no further discussion to come before the Commission, the meeting was adjourned at 7:55 P.M.

Respectfully Submitted,

Connie Bell, Planning & Building
Senior Customer Service Specialist

APPROVED:

Chairman/Vice Chairman
Nez Perce County Planning and Zoning Commission